The Quest for a Pension: You Be the Judge

Should Lucy Nichols Receive A Pension?

Objective: This lesson examines the storied history of Lucy Nichols attempt to receive a federal pension for her service as a nurse during the Civil War.

National Council for the Social Studies Curriculum Standards for Social Studies:

II: Time, Continuity, and Change; III: People, Places, and Environments; IV: Individual Development and Identity; X: Civic Ideals and Practices

Indiana Standards for Education:

8th Grade: 8.1.10, 8.1.16, 8.1.21, 8.1.25, 8.1.26, 8.3.2
High School: World History and Civilizations, United States History, Government

Kentucky Core Content Standards:

8th Grade: SS-08-2.1.1, 2.3.1, 4.1.1, 4.2.3, 4.3.2, 5.1.1, 5.1.2, 5.2.4
High School: World History, United States History, Government

Materials: 1.) “You Be the Judge” Worksheet
2.) “Letter to the Editor” Writing Activity
3.) Excerpt from Lucy Nichols Deposition and Transcript, 4/12/1894
4.) Excerpt from Lorenzo Emory Deposition and Transcript, 4/12/1894
5.) Excerpt from Dr. John McPheeters Deposition and Transcript, 4/25/1894
6.) Refusal letters summary
7.) Chalk/White/Smart Board or overhead projector

Introduction: Begin the lesson with this question for student journals or bell-ringer activity:

1.) Should a person be awarded a multi-million dollar lottery prize if they had the number written down at home but forgot to actually buy the ticket?

Responses should clearly support a negative opinion. This is an opportunity to discuss the case of Lucy Nichols in regard to her pension. Lucy was never “officially” added to the roster of the 23rd Indiana, but she served them as a nurse for 3 years according to her sworn testimony and that of many members of the 23rd Indiana. However, the Federal government had no official record of her service, therefore they denied her original request to receive a monetary payment for the rest of her life (similar to a person winning the lottery). This bell-ringer can be modified to ask any question of a similar nature to spark an interest in those who should get something, but are denied on a technicality.
Procedures:

1.) Complete the introductory activity.
2.) Hand out the “You Be the Judge” Worksheet to the class.
3.) Handout copies of letters of support for Lucy’s pension, followed by the Federal refusal summary sheet. Instruct students that the object of the lesson is to read over both sets of information and list arguments for Lucy receiving a pension in the “For” column on the worksheet. Students will do the opposite when they find arguments against Lucy receiving a pension and then write them in the “Against” column.
4.) Once the students have completed both columns, they must summarize the points for and against Lucy and come to a decision as to whether or not Lucy deserved a pension from the Federal government. Students can write a short summation of their decision on the lines provided in the “Conclusion” section.
5.) To extend the lesson into a writing activity, ask the students to complete the “Letter to the Editor” Writing Activity attached to the lesson. Students are required to write a letter to a local newspaper presenting an argument for or against Lucy receiving a pension. Teacher can dictate the length of the writing activity based on the level of student in the classroom.

Evaluation:

1.) The “You Be the Judge” and “Letter to the Editor” worksheets are graded for historical accuracy, content, creativity and following directions.
2.) For an extension, students can gain extra points in class for presenting their “Letter to the Editor” to the class in an oral presentation.
THE QUEST FOR A PENSION: YOU BE THE JUDGE
Lucy Deposition

REMEMBERED
the life of LUCY HIGGS NICHOLS

DEPOSITION

Case of Lucy Nichols, No. 1895-41

On this 21st day of April, 1894, at the
City of New Albany, County of Floyd,
State of Indiana, before me, REECE M. Moore, a
Special Examiner of the Pension Office, personally appeared
Mrs. Lucy Nichols,
who, being by me first duly sworn to answer
tutly all interrogatories propounded to her during this Special Examination of aforesaid pension claim, depose and says: I am about 51 years old; I am a housekeeper,
and my post office address is
New Albany, Floyd Co., Ind. I
am the identical Lucy Nichols
who claims pension as survivor
during the War of the Rebellion
in Indiana, born in Indiana, on the 6th of
August 6, 1842. Dr. Brucker
employed me as nurse at Bolivar,
Tenn. I went to the regiment 23d
Indiana in 1862, and were un
employed by Dr. Brucker to nurse
the sick and wounded soldiers
of that regiment - the 23d Regiment
of Indiana of the United States
Army. Dr. Brucker was the
Surgeon of Surgeons. Dr. Byrnes was
also a Surgeon, he left us after the
surrender at Vicksburg, Miss. The
crew lives at Mercego, Ind. Dr.
Brucker is now dead; he lived at Tell City, Ind. He came from
Bolivar, Iam, to Covington, Miss., and
the regiment moved into Arkansas
there, and then fell back, and we
took our old camp against Bolivar.

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(0003-20/04)

CARNEGIE CENTER FOR ART & HISTORY REMEMBERED: THE LIFE OF LUCY HIGGS NICHOLS
Dear Sirs,

Then we left those armies, and then we went to Kentucky and both Young Harris, then we went to different places in Tennessee, and across to Atlanta, Ga. and to the famous Petersburg, S. C. then through Virginia to Washington City, D. C. We camped those armies, and from there we went to Indianapolis, Ind. and we were arranged out at Indianapolis.

After Richmond surrendered, the regiment was quartered for 60 days, and I can help with them, and went back to them. I was with the regiment during the whole time from Petersburg, Penn. to Indianapolis. And I served as a war nurse about 6 years. I cooked for the soldiers, dressed their wounds, gave them medicine, cared for them, and did anything. I was called on to do. I served in the hospital at Colfax, Tenn. and under the Care of Lucy Higgs, and since the war. I have continued. John Nichols, Mrs. the name of Lucy Nichols. These are documents showing that Lucy employed Dr. M. citizens of Hardin, and Dr. B. H. young, Long Island, by the hospital at Colfax, Tenn. They will remember my service, I have been there since 1863, Charles, and B. F. Miller, some members of the regiment and the Family. Mr. Davis and Mrs. Davis, now CLI 1863, Mrs. and I will remember one John Hoffman, Wabamun. Clark C. He also serves of my nursing. crescent, and we are not able to earn a support.
Deposition A
Case of Lucy Nichols, No. 1130541

On this 12 day of April, 1894, at New Albany, County of Floyd State of Indiana, before me Geo M. Moore, a Special Examiner of the Pension Office, personally appeared Mrs Lucy Nichols, who, being by me first duly sworn to answer truly all interrogatories propounded to her during this Special Examination of aforesaid pension claim, deposes and says: I am about 51 or 52 years old; I am a housekeeper, and my post office address is New Albany, Floyd Co., Ind. I am the identical Lucy Nichols who claims pension as nurse during the War of the Rebellion. I claim pension under the Act of August 5, 1892. Dr. Brucker employed me as nurse at Bolivar, Tenn. I went to the regiment—23 Indiana in 1862, and was employed by Dr. Brucker to nurse the sick and wounded soldiers of that regiment—the 23 Regiment of Ind. Vols of the United States Army. Dr. Brucker was the Regimental Surgeon. Dr. Byrns was also a surgeon; he left us after the surrender at Vicksburg, Miss. He now lives at Marengo, Ind. Dr. Brucker is now dead; he lived at Tell City, Ind. We went from Bolivar, Tenn to Corinth, Miss. and the regiment got into a skirmish there and then fell back, and we took our old camp again at Bolivar, Tenn. Then we staid there awhile, and then we went to Grenada and Holly Springs, Miss., then we went to different places in Mississippi, and across to Atlanta, Ga. and to the Sea—at Beaufort, S.C. then through Virginia to Washington City, D.C. We camped there awhile, and from there we went to Indianapolis, Ind. and we were mustered out at Indianapolis.

After Vicksburg surrendered, the regiment was furloughed for 60 days, and I came home with them, and went back with them. I was with the regiment during the whole time from Bolivar, Tenn. to Indianapolis, Ind. I served as nurse about 3 years. I cooked for the soldiers, dressed their wounds, gave them medicine, and washed for them and did anything I was called on to do. I served in the hospital at Bolivar, Tenn. I served under the name of Lucy Higgs and since the war I have married John Nichols—hence the name of Lucy Nichols. I have no documents showing that I was employed or discharged.

Dr. McPheeters of Hardinsburg, Ind. and Dr Byrn of Marengo, Ind had charge of the hospital at Bolivar, Tenn. They will remember my services. Lorenzo D. Emory, Charlie Villiard and B. F. Welker were members of the regiment and know of my service. Col. Wm. Davis was Col. Of the 23rd Ind. and he will remember me. John Hoffman, Hendersonville, Clark Co. Ind also knows of my serving as nurse.

I am not able to earn a support on account of having bronchitis and quinsy most all the time, and I have been sick and under treatment of a physician all the winter. Dr. Burney has been my physician. I work some but I cannot work much; I am compelled to work to make something to live. My husband served in the army, but he does not receive a pension and has never applied for one. I have no children that served in the army.

I never received a nickel for my services as nurse; Dr. Brucker told me I would get paid, and I worked on in the hope of getting pay after a while. I was not under Miss Dorothea L. Dix. I was never in any hospital but that of the 23 Ind Vols., and was with them till I was relieved at Indianapolis.

Lucy (her mark) Nichols

Attest:
James G. Harrison
Walter Harrison

Sworn to and subscribed before me this 12 day of April 1894, and I certify that the contents were fully made known to deponent before signing.

Geo. M. Moore
Special Examiner
DEPOSITION

Case of Lucy Nichols, No. 11305-41

On this 1st day of April, 1894, at
New Albany, County of Floyd,
State of Indiana, before me, Geo. M. Moore, a
Special Examiner of the Pension Office, personally appeared
Emory D. Emory;
who, being by me first duly sworn to answer
truth all interrogatories propounded to him during this Special Examination of the aforesaid
pension claim, deposes and says:

I am 52 years old;
I am a carpenter by trade;
and my post office address is
New Albany, Floyd Co., Ind. I
was born on Oct. 23, 1841, at New
Albany, Ind., in June, 1861, and
I was married Oct. 22, 1865,
at Indianapolis, Ind. Lucy Higgs
was Lucy Nichols. She was born in
Albany, Ind. About July, 1862, her home
was at Bolivar, Tenn., and that in
my eye were 3 agents of the

The quest for a pension: you be the judge
Emory Deposition

Remembered Lucy Higgs Nichols
Deposition B  
Case of Lucy Nichols, No. 1130541

On this 12 day of April 1894, at New Albany, County of Floyd, State of Indiana, before me, Geo. M. Moore a Special Examiner of the Pension Office, personally appeared Lorenzo D. Emory, who, being by me first duly sworn to answer truly all interrogatories propounded to him during this Special Examination of aforesaid pension claim, deposes and says: I am 52 years old; I am a carpenter by trade; and my post office address is New Albany, Floyd Co, Ind. I enlisted in Co. K, 23 Ind. Vols. at New Albany, Ind. in June 1861, and I was mustered out in July, 1865 at Indianapolis, Ind. Lucy Higgs, now Lucy Nichols came to our regiment about July 1862; her home was at Bolivar, Tenn., and that is where we were camped. Dr. Brucker took her into the hospital there and she washed, cooked for, and nursed the sick soldiers of the 23 Ind. Vols. She staid [sic] with the regiment till we were mustered out at Indianapolis, Ind. She came home here to New Albany, Ind. on a veteran furlough, and went back with the regiment. She was a good nurse, and was with the regiment at Vicksburg, and Atlanta, Savannah, and on to Washington City, and then to Indianapolis, Ind. where she was relieved when we were mustered out. I was Orderly for the Doctor about 8 months, and had

1Second page of deposition not found.
Case of Lucy Nichols, No. 1130541

On this 25th day of April, 1894, at New Albany, County of Clark, before me, R. E. McPheeters, a Special Examiner of the Pension Office, personally appeared Dr. John McPheeters, who, being by me first duly sworn to answer truly all interrogatories propounded to him during this Special Examination of the said pension claim, deposes and says: I am 87 years old; I am a former soldier and was a hospital corpsman in the Civil War. I served in the 33rd Ind. Calvary during the war. I enlisted on the 16th of April, 1863, at Millikin's Bend, Ill., and was mustered out at Louisville, Ky., Aug., 1865. I became acquainted with Clemanent, then Jussey Higgs, at Millikin's Bend, in April, 1863, and she was with the regiment. She was married in the hospital, and I got the impression that she was regularly employed by the surgeon. Maggie Rector, her cook, said she continued to act in that capacity all the time. She was always ready to obey any order given her, and she was very kind, and as an employee, she was always much to the satisfaction of the surgeons and hospital authorities. She had been...
Deposition
Case of Lucy Nichols, No. 1130541

On this 25 day of April 1894, at Hardinsburg, County of Washington, State of Indiana, before me, Geo. M. Moore a Special Examiner of the Pension Office, personally appeared Dr. John S. McPheeters, who, being by me first duly sworn to answer truly all interrogatories propounded to him during this Special Examination of aforesaid pension claim, deposes and says: I am 57 years old; I am a practicing physician … and my post office is as above. I served as assistant surgeon and surgeon in the 23rd Indiana Volunteers during the late war. I enlisted on the 16 of April, 1863, and was mustered out at Louisville, Ky in August 1865. I became acquainted with claimant, then Lucy Higgs, at Millikens Bend in April 1863, and she was with the regiment (the 23rd) as nurse after that every day till she mustered out in 1865. When I joined the regiment she was waiting on the sick in the hospital and I got the impression that she was regularly employed by the surgeon, Magnus Brucker – he is dead, and she continued to act in that capacity all the time. She was always ready to obey an order given her, as far as the sick and was … a faithful nurse. She was as thoroughly under the control of the hospital authorities as if she had been authoritatively employed. I am not interested in this claim.¹

John S. McPheeters

¹Dr. McPheeter's last statement indicates that he has no financial interest in Lucy Nichols receiving a pension. This sentence, “I have no interest in this claim,” is the concluding statement in all of the depositions given on Lucy's behalf.
Refusal Letters Summation

Record and Pension Office,
WAR DEPARTMENT,
Washington, NOV 6 1893

Respectfully returned to the Commissioner of Pensions with the information that the Surgeon General’s Office reports: “By Army Regulations 1863, par. 1293, it was provided that the Senior Medical Officer will select the Cooks, Nurses, and Matrons x x x with the approval of the Commanding Officer.” The records of this office show that Surgeon Magnus Brucker, 23rd Ind. Vol. was the Senior Medical Officer of the hospital of that regiment in 1862, 1863, 1864, to April 1865, and charged with responsibility with Medical Property as such.”

By Authority of the Secretary of War:
(Name Unreadable)
Colonel, U. S. Army, Chief of Office

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Mr. (Name Unreadable)

The Surgeon General has held that G.O.B. of 1861 forbidding the employment of female nurses in regimental or Brigade Hospitals was never abolished, hence claimant has no title to pension.

A. A. (Name Unreadable)
June 1894, Chef Bd. Rev.

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Act of June 27, 1890.
Orig #1130541
INVALID PENSION

Claimant, Lucy Nichols formerly Higgs
Rank, Nurse
New Albany Ind
Rate, $12, per month, commencing September 7, 1892

REJECTED (Originally approved, then resubmitted)

Rejection: Claimant not employed as a nurse by proper authority of the War Dept.
(Legal Reviewer)
Board of Review (Hand Written Letter)
May 19, 1894

The Army Regulations in 1862, did not authorize Reg’l (Regimental) Surgeons to employ Colored females as cooks or nurses, therefore the testimony of Asst. Surgeon Spencer Byron and Lorenzo D. Emery cannot be accepted to show that claimant did serve as nurse during the period claimed. I think claim should be referred to the S. E. Div for a special examination to determine in what capacity and by what authority she was employed while with the regiment.

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Board of Review (Hand Written Letter)

Chief of S. E. Div

By Army Regulations of 1861 and 1863, nurses were required to be taken from the privates. The act of Congress approved August 3, 1861, provided for the employment of female nurses (2) of the Commanding Officer. (See report in case from War Dept dated June 6, 1893). This claimant according to her own statement remained with the 23rd Ind Vol Reg during the whole time in which she claims to have served as nurse from 1862 to 1865. The questions is whether she was employed as authorized by Army Regulations of (3) 1863, referred to … in whether her status was changed subsequently from that of 1862.

(Unreadable name)

May 19 1894

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1 Original copies of refusal letters are difficult to read. These transcriptions are as accurate as possible.
You Be the Judge

In 1892, Lucy Nichols applied for a U.S. pension for her service as a nurse during the Civil War. Several members of the 23rd Indiana Volunteer Infantry supported her application with depositions (sworn statements) that detailed her service as a nurse. Although her request was denied by the Bureau of Pensions, she eventually received a full pension in 1898 through a Special Act of Congress. Read the actual depositions by Lucy, John McPheeters, Lorenzo Emory, and the refusal letters summation and list the reasons for and against Lucy receiving the pension. Summarize your views in the conclusion space and state your verdict.

FOR

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AGAINST

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Conclusion/Verdict:

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Letter to the Editor:

Write an editorial to the local newspaper presenting an argument for or against granting Lucy Nichols a pension. Include specific evidence from You Be the Judge worksheet to support your claim.

Dear Editor,

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Sincerely,

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(Sign your name)