

97-2-11

PRELIMINARY INVENTORY
of the
RECORDS OF THE HOUSE COMMITTEE ON WAR CLAIMS PERTAINING TO THE
SOUTHERN CLAIMS COMMISSION
1871-1880

(Record Group 233)

Compiled by Jose D. Lizardo

CONTENTS

Introduction	Page
Inventory	1
	7

INTRODUCTION

Legitimate claims of loyal citizens for stores and supplies taken by the Army and Navy during the Civil War were recognized by the Government. There was only the question of the mode of settling these claims. The claims of loyal citizens of the North were settled by an Act of July 4, 1864 (13 Stat 381). By this law "all claims of loyal citizens, in States not in rebellion, for quartermasters' stores actually furnished to the Army" were presented to the commissary and quartermaster departments and they were paid. There was no such recourse available to loyal citizens of the South. Thus, men of the South besieged Washington with claims for goods furnished to, or taken by, the Federal forces during the fighting. With or without vouchers from army officers or treasury agents, they presented their petitions to Congress, the Treasury Department, the Secretary of War, the offices of the Quartermaster and Commissary General, and the Court of Claims.¹

Congress had recognized the claims of loyal citizens of the South since the end of the Civil War. The problem remaining was the mode of settling these claims. The statements below illustrate the problem involved. Senator Garrett Davis of Kentucky, on consideration of H.R. 2816, a bill making appropriation for the support of the army for the year ending June 30, 1872, on March 3, 1871, said:

My honorable friend/Senator Timothy O. Howe of Wisconsin/ and myself have been engaged with other gentlemen for about six long years in devising a mode by which the claims of loyal men of the South for supplies taken by the Government should be paid. We have in a great many instances adopted the old rule of investigating each case by itself and made voluminous reports to the Senate in favor of the payment of particular

¹Frank W. Klingberg, "The Southern Claims Commission: A Postwar Agency in Operation," The Mississippi Valley Historical Review, Vol. XXXII, No. 2, (September, 1945), 195

claims upon what we conceived to be very satisfactory evidence. Those claims have not met with the favor of the Senate.²

Senator Howe, commenting on the same bill, said:

I know that the Committee on Claims have been in travail for a great many years. We have tried all sorts of expedients; we have reported individual claims here...; we have tried several general bills... The Committee on Claims have tried to find some measure which would meet the approbation of the Senate; but we failed; that is to say we failed in finding a measure which would meet the approbation of all the Senators.³

On January 20, 1871, the Committee on Appropriations of the House of Representatives reported H.R. 2816. The House passed it on February 18, 1871. In the Senate an amendment was inserted that would extend the jurisdiction⁴ of the Court of Claims over southern claims relating to stores and supplies taken by the armed forces during the Civil War. In the conference that followed among the conferees of both Houses of Congress, the Conference Committee substituted the Senate amendment with one providing for the appointment by the President of a board of three commissioners to receive, examine, and consider claims presented.⁵ H.R. 2816, including this Conference Committee substitution or insertion, was approved on March 3, 1871. With the passage of this bill, the method of settling the southern claims was finally found.

The Board of Commissioners (designated as Commissioners of Claims), popularly known as the Southern Claims Commission, was created by this Conference Committee insertion. It defines the jurisdiction of the Commission as follows:

²Congressional Globe, 41st Cong., 3rd sess., Pt 3, (1870-71), 1971

³Ibid., 1971

⁴The Act of July 4, 1864 (13 Stat 381) took from the Court of Claims jurisdiction over claims relating to stores taken by the Army from citizens of the North.

⁵This insertion was of House origin according to statement made by Senator John V. Thayer of Nebraska, a member of the Senate conferees on consideration of H.R. 2816. Congressional Globe, 41st Cong., 3rd sess., (1870-71), 1872

... the President of the United States shall be, and he is hereby, authorized to nominate, and, by and with the advice and consent of the Senate, appoint a board of commissioners to be designated as commissioners of claims, to consist of three commissioners, who shall be commissioned for two years, and whose duty it shall be to receive, examine, and consider the justice and validity of such claims as shall be brought before them, of those citizens who remained loyal adherents to the cause and the Government of the United States during the war, for stores or supplies taken or furnished during the rebellion for the use of the Army of the United States in States proclaimed as in insurrection against the United States, including the use and loss of vessels or boats while employed in the military service of the United States (16 Stat 524).

By an Act of May 11, 1872, the jurisdiction of the Commission was extended to "stores or supplies taken or furnished during the rebellion for the use of the Navy of the United States," (17 Stat 97).

On March 8, 1871, President Grant nominated Judge Asa O. Aldis of Vermont, Ex-Senator James B. Howell of Iowa, and Ex-Representative Orange Ferris of New York as members of the Board of Commissioners or Southern Claims Commission. The Senate confirmed them on March 10, 1871.

The work of the Commission started immediately upon receiving their commission and on taking their oaths of office. They appointed Charles F. Benjamin as clerk, James L. Andam as shorthand reporter, and Thomas Phipps as messenger. On March 20, 1871, they published a notice that their sessions for examining claims and hearing the testimony of witnesses were to begin on April 10, 1871 in Washington. They also adopted a set of twenty-one rules and regulations prescribing the form of petitions for the allowance of claims, the necessary averments, and oath of verifications.⁶

The Act of March 3, 1871, did not allow the Commissioners of Claims to go out of Washington to examine claims or hear testimony of witnesses; but

⁶First General Report of the Commissioners of Claims, "House Miscellaneous Documents, No. 16, 42nd Cong., 2nd sess., (December 14, 1871), 1, 17-18

the Act of May 11, 1872 authorized them to appoint special commissioners and three agents to do this work for them in the rebellious States. According to the latter law the Commissioners of Claims were authorized "to appoint special commissioners to take testimony..., to administer oaths and affirmations, and to take the depositions of witnesses." They were also authorized "to appoint and employ agents, but not more than three at any time, whose duty it shall be... to investigate claims, to procure evidence, to secure the attendance of witnesses on behalf of the government, and to examine the same, and to cross-examine the witnesses produced by claimants, and to perform such other duties as may be required of them by said commissioners, who may discharge them at any time." (17 Stat 97). The special commissioners took the testimony of claimants and witnesses on cases involving \$3,000 or less; the agents took testimony on cases involving \$10,000 or less; and beyond the last figure, testimony was taken by the Commissioners of Claims in Washington.

To test the accuracy of all sworn statement, all pertinent papers in the hands of the Government were marshalled. The records of the Secretary of War and the Quartermaster and Commissary offices were consulted. ^{Rebel} ~~The~~ archives ^{in the hands of the Secretary of the Treasury + Secretary of War} ~~of the Confederate Government~~ were opened. They contained "written contemporary evidence of the position of thousands of persons in the service of, or having dealings with, the confederacy." They furnished proof for the rejection of large amount of claims.⁷

The final date for filing petitions for the allowance of claims was set for March 3, 1873. Beyond this date, all claims were "deemed barred." (17 Stat 577). On March 3, 1873 a total of 22, 298 claims were filed.

⁷Second General Report of the Commissioners of Claims", ibid., No. 12, 42nd Cong., 3rd sess., (December 10, 1872), 7

Of this number 16, 991 were either allowed or disallowed, 5, 250 were barred under the Act of June 15, 1878 (20 Stat 566)⁸, and 57 were withdrawn.⁹

The Act of March 3, 1871 required the Commissioners of Claims to "make report of their proceedings, and of each claim considered by them, at the commencement of each session of Congress, to the Speaker of the House of Representatives" (16 Stat 524). Pursuant to this provision of that law, the Commission submitted ten general reports, accompanied by the cases considered, between December 11, 1871 (42nd Cong., 2nd sess.) and March 9, 1830 (46th Cong., 2nd sess.). The Commission either allowed the claims, disallowed them, or barred them.

The ten general reports¹⁰ of the Commissioners of Claims are bound with the various volumes of House Miscellaneous Documents of Record Group 233, Records of the House of Representatives. Record Group 56, General Records of the Department of the Treasury, has the journals, general letters received, letters received from and about special agents, and summary reports of the Commission. Record Group 217, Records of the General Accounting Office, has the cases that were allowed.

The records described in this inventory are the claims that were disallowed or barred by the Commission. These records, like the ten general reports of the Commissioners of Claims, are a part of Record Group 233. They were included in the first transfer of House records into the National Archives in 1946 and constitute a total volume of approximately 80 cubic feet.

⁸The Act of June 15, 1878 "barred forever thereafter those claims in which no evidence has been filed in the Office of the Commissioners of Claims on or before March 10, 1879."

⁹"Tenth General Report of the Commissioners of Claims," House Miscellaneous Documents, 46th Cong., 2nd sess., (March 10, 1830), 2

¹⁰ — adjust space for citation # 10

This inventory is organized according to the Congress during which each general report of the Commission was submitted to the Speaker of the House of Representatives. This organization permits the arrangement of the entries chronologically.

The disallowed claims are filed numerically. Each disallowed claim has a file number or "office No." ^{number} To find a case, use the printed copy of the Consolidated Index of Claims Reported by the Commissioners of Claims to the House of Representatives from 1871 to 1880.¹¹ This index arranges the names of the claimants alphabetically and the file number or "office no." of each is given. The barred cases are filed alphabetically and there should not be any difficulty in servicing them.

H. Alex. D...

¹⁰The ten general reports filed with RG 233 may be located as follows: First General Report (HMisDoc 16, 42nd Cong, 2nd sess), 42A-G5; Second General Report (HMisDoc 12, 42nd Cong, 3rd sess), 42A-G6; Third General Report (HMisDoc 23, 43rd Cong, 1st sess), 43A-G5; Fourth General Report (HMisDoc 18, 43rd Cong, 2nd sess), 43A-G6; Fifth General Report (HMisDoc 30 & Pt 2, 44th Cong, 1st sess), 44A-G3; Sixth General Report (HMisDoc 4, 44th Cong, 2nd sess), 44A-G4; Seventh General Report (HMisDoc 4, 45th Cong, 2nd sess), 45A-G5; Eighth General Report (HMisDoc 6, 45th Cong, 3rd sess), 45A-G6; Ninth General Report (HMisDoc 10, 46th Cong, 2nd sess), 46A-G5; and Tenth General Report (HMisDoc 30, 46th Cong, 2nd sess), 46A-G5.

¹¹This index was compiled under the supervision of J. B. Holloway, clerk to prepare Digest of Claims, and Walter H. French, file clerk of the House of Representatives. It was published by the Government Printing Office in Washington in 1892.

Forty-Second Congress, 1871-73

RECORDS OF DISALLOWED CLAIMS SUBMITTED TO CONGRESS, DECEMBER 11, 1871. 2ft 1

This series consists of disallowed claims submitted to Congress together with the first general report of the Commissioners of Claims on December 11, 1871. A typical case file contains the following records: a filled-out form petition, giving information regarding the claimant himself, the value of each item listed, the circumstances surrounding the purchase or seizure of the goods, etc.; an application to have testimony taken by a special commissioner, if the amount of the claim did not exceed \$3,000; deposition or testimony of claimants or witnesses; summary report by the Commissioners of Claims, giving the reasons for disallowance of each claim. Included are miscellaneous papers relating to the claim, such as memoranda, oaths, and other evidential matters. Arranged by file number, 1 to 256.

RECORDS OF DISALLOWED CLAIMS SUBMITTED TO CONGRESS, DECEMBER 9, 1872. 7ft 2

This series consists of disallowed claims submitted to Congress together with the second general report of the Commissioners of Claims on December 9, 1872. The types of records are the same as in entry 1. Arranged by file number, 1 to 1147.

Forty-Third Congress, 1873-75

RECORDS OF DISALLOWED CLAIMS SUBMITTED TO CONGRESS, DECEMBER 8, 1873. 2ft 3

This series consists of disallowed claims submitted to Congress together with the third general report of the Commissioners of Claims on December 8, 1873. The types of records are the same as in entry 1. Arranged by file number, 1 to 1348.

RECORDS OF DISALLOWED CLAIMS SUBMITTED TO CONGRESS, DECEMBER 14, 1874. 8ft 4

This series consists of disallowed claims submitted to Congress together with the fourth general report of the Commissioners of Claims on December 14, 1874. The types of records are the same as in entry 1. Arranged by file number, 1 to 1192.

Forty-Fourth Congress, 1875-77

RECORDS OF DISALLOWED CLAIMS SUBMITTED TO CONGRESS, DECEMBER 20, 1875. 5ft 5

This series consists of disallowed claims submitted to Congress together with the fifth general report of the Commissioners of Claims on December 20, 1875. The types of records are the same as in entry 1. Arranged by file number, 1 to 754.

RECORDS OF DISALLOWED CLAIMS SUBMITTED TO CONGRESS, DECEMBER 4, 1876. 6ft 6

This series consists of disallowed claims submitted to Congress together with the sixth general report of the Commissioners of Claims on December 4, 1876. The types of records are the same as in entry 1. Arranged by file number, 1 to 334.

Forty-Fifth Congress, 1877-79

RECORDS OF DISALLOWED CLAIMS SUBMITTED TO CONGRESS, DECEMBER 5, 1877. 9ft 7

This series consists of disallowed claims submitted to Congress together with the seventh general report of the Commissioners of Claims on December 5, 1877. The types of records are the same as in entry 1. Arranged by file number, 1 to 396.

RECORDS OF DISALLOWED CLAIMS SUBMITTED TO CONGRESS, DECEMBER 13, 1878. 7ft 3

This series consists of disallowed claims submitted to Congress together with the eighth general report of the Commissioners of Claims on December 13, 1878. The types of records are the same as in entry 1. Arranged by file number, 1 to 380.

Forty-Sixth Congress, 1879-81

RECORDS OF DISALLOWED CLAIMS SUBMITTED TO CONGRESS, DECEMBER 16, 1879. 14ft 9

This series consists of disallowed claims submitted to Congress together with the ninth general report of the Commissioners of Claims on December 16, 1879. The types of records are the same as in entry 1. Arranged by file number, 1 to 1710.

RECORDS OF DISALLOWED CLAIMS SUBMITTED TO CONGRESS, MARCH 9, 1880. 3ft 10

This series consists of disallowed claims submitted to Congress together with the tenth general report of the Commissioners of Claims on March 9, 1880. The types of records are the same as in entry 1. Arranged by file number, 1 to 286.

RECORDS OF BARRED CLAIMS SUBMITTED TO CONGRESS, MARCH 9, 1880. 10ft 11

This series consists of barred claims under the Act of June 15, 1878 submitted to Congress together with the tenth general report of the Commissioners of Claims on March 9, 1880. Each file case contains only petition for the allowance of claims. Included are a number of related papers in many of the cases. Arranged by name of claimant.