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TENNESSEE GENERAL CLAIMS COMMISSION **1868**

Record Group 247

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INTRODUCTION

Record Group 247 consists of six record books from the Tennessee General Claims Commission. The Commission was formed by an Act of the Tennessee State Legislature on February 19, 1868, in order to compensate those citizens who could prove Union loyalty for property used, consumed, or destroyed by the Union or Rebel forces, and for wages earned and not paid during the Civil War. Up until 1868, some claims were paid through the Federal Quartermasters and Adjutant Generals offices, but only those accompanied by a voucher (receipt) issued by the confiscating officer. In Tennessee, a state with significant Union occupation during the war, there were many cases where vouchers were not issued, or were issued and lost. The intent of the Act was to provide financial recourse for those with claims against the Federal government.

Three commissioners in each county heard proof, audited, and either approved or rejected individual claims. Both the approved and the rejected claims were then forwarded to the General Claims Commission in Nashville and recorded in the books that comprise this record group. The county claims commissioners advertised when they would be in a community to accept claims and hear testimony. A copy of the claims of each county were kept in each county clerk's office, and the information was also transmitted to the General Claims Office and recorded in these books, which were kept in Nashville. Two examples of the county books are also included in the record group: Davidson, and Sumner. The governor was to present the records to the U.S. Government through Tennessee's senators and representatives in Congress for payment.

The Act creating the commission was passed in February, 1868, and the claim entries appear to date predominantly from April through June of that year. The Secretary of State signed his approval in October of 1871. Whether or not these claims were ever actually submitted to the Federal government is not known but they were not paid. It was not until the formation of the Southern Claims Commission on March 3, 1871, by a coalition of Southern states, that claims were not only recorded but finally paid.

The six books that make up the record group were transferred to the State Library and Archives from the State Records Center in 1997. They have been microfilmed, and the originals, following conservation, have been retained by the State Library and Archives. There are no restrictions on its use.

SCOPE AND CONTENT

The six books which comprise this record group fall into three categories that reflect the nature of the claims: "Government Accounts" (Box One) contains claims for property taken by Federal forces; "Rebel Accounts" (boxes two and three) contain claims by proven Unionists whose property was taken or destroyed by Confederate forces; "Wages Accounts" (box four) contains claims for unpaid services performed in the Quartermaster, Commissary, Engineering, or Medical departments.

The book of Government Accounts is missing the first page, but is otherwise complete. Except for the first few pages, the book was kept in alphabetical order by county. On each page is listed the date, the claim number, the name of the claimant, amount (value), town, county, report of County Commissioners, and final dispositions. There is an index to the counties on page 39.

There are two Rebel Account books- the first has counties Anderson through Humphries listed alphabetically on pages sixty three through three hundred and twenty four. Decatur County apparently did not submit all of their information promptly, so the recording clerk continued their claims on page three hundred and twenty eight. The first sixty two pages contain claims from Granger, Sullivan, Sequatchie, and Anderson counties, although all of these counties are represented on later pages as well. The claims on these pages are itemized. The second book of Rebel Accounts contains counties Jackson through Williamson in roughly alphabetical order. None of these claims are itemized.

The Wages Account book is also in alphabetical order by county. An index to the counties is glued to the inside front cover. Only the first 61 pages were used, and they list the date, claim number, name of claimant, and amount owed.

The last two books in the collection appear to be claim books from Davidson and Sumner counties. These may have been the books that were kept by the county claims commissioners in the county clerk's office and submitted to the General Claims Office so that the information could be transferred to the main claims books. There is no explanation why these two have remained with the collection or why none of the other county books are present.

CHAPTER XL.

AN ACT to Secure to the Loyal Citizens of Tennessee, Recompense from the United States Government, for losses incurred by the Rebellion.

Preamble.

WHEREAS, The Government of the United States, in its efforts to suppress the Rebellion, was compelled to send vast armies within the limits of the State of Tennessee, which, to a great degree, subsisted by foraging, and, either used, consumed, or destroyed, immense quantities of the property of loyal citizens of the State, for which property no compensation has ever been made; *And, whereas*, Article 5, of the Amendments to the Constitution of the United States, declares that private property shall not be taken for public use, without just compensation; *Therefore*, In order that justice may be done, in accordance with said provision, and that the loyal citizens of Tennessee may be remunerated for their actual losses;

General
Claim Com-
missioner,
Salary, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Legislature, in joint Convention assembled, to elect a General Claim Commissioner, for the State of Tennessee, who shall hold his office for two years from the date of his election, and who shall receive for his services, the sum of two thousand dollars per annum; and the salary of said Commissioner, and the necessary expenses of the office of said General Claim Commissioner, shall be paid quarterly, by Warrant of the Comptroller upon the Treasurer of the State.

Duty of Gen-
eral Claim
Commissioner

SEC. 2. *Be it further enacted*, That it shall be the duty of the General Claim Commissioner, so elected, to prepare and prescribe separate and distinct forms, or blanks, for each class of Claims hereinafter set forth, and conforming, as far as possible, to the complete classification of Claims, under the existing laws of the United States Government, and the rules and regulations of the various Departments having cognizance of Claims; and all Claims coming within the provisions of this Act shall be made out against the United States, and in favor of the person who was the bona fide owner of the property at the time the loss was incurred; and, in case of the decease of such Claimant, then the Claim shall be in favor of the heir, or heirs of said Claimant; *Provided*, That the loyalty of said heir, or heirs, shall be established in accordance with the provisions of this Act.

SEC. 3. *Be it further enacted*, That the Governor is

hereby authorized and empowered to appoint three Com-
 missioners in each County of the State, upon the nomi-
 nation of the Representative, or Representatives, and
 Senators of such County, whose duty it shall be, to hear
 proof, audit and approve, or reject, all Claims embraced
 in the provisions of this Act; but all Claims, whether
 approved or rejected by said County Commissioners,
 shall be filed with said General Claim Commissioner, at
 Nashville, whose duty it shall be to keep a correct Re-
 cord thereof, as follows:

First. All Claims for property (except slaves,) taken,
 used, destroyed, occupied or injured, by the United States
 forces in this State; and these shall be designated as
 Claims on "Government Account."

Second. All Claims for property (except slaves,) taken,
 used, destroyed, occupied or injured, by the Rebel forces
 in this State; and these shall be known as Claims on
 "Rebel Account."

Third. All Claims of persons for services rendered the
 United States Government, whether in the Quarter-
 master's, Commissary, Engineering or Medical Depart-
 ments. This class of Claims shall be designated as
 "Wages' Account;" and the wages due shall be com-
 puted, in accordance with the rate stipulated by the Gov-
 ernment at the time such service was rendered; and if
 no rate was stipulated at the time such service was ren-
 dered, then the time and the service being proven, the
 amount of wages shall be left blank; to be determined
 by the General Government.

SEC. 4. *Be it further enacted,* That each of the said
 County Claim Commissioners shall receive, as compen-
 sation for his services, the sum of three dollars per day,
 for each day's actual service; and their several accounts
 for service, shall be made under oath, that the service
 has been actually rendered; which accounts, when ap-
 proved by the Governor, shall be presented to the
 Comptroller, who shall issue his Warrant for their pay-
 ment.

SEC. 5. *Be it further enacted,* That the necessary office
 expenses of the County Claim Commissioners, shall also
 be defrayed by the State, when such expense accounts
 are presented in the manner prescribed in the preceding
 section of this Act, for the payment of the accounts of
 the Commissioners, for their services.

SEC. 6. *Be it further enacted,* That, immediately after
 their appointment, and before entering upon the duty of
 their office, the General Claim Commissioner and the
 County Claim Commissioners, shall take the oath pre-
 scribed in the Franchise Law; and to discharge honestly

Same. and faithfully the duties of their office, without favor or affection; which oath shall be filed in the office of the Secretary of State; and the County Claim Commissioners, for each County, shall select one of their number, who shall act as Chairman, and whose certificate shall appear upon all Claims that are audited and approved, or rejected; and said certificate shall be attested by the other two Commissioners.

Claims, how approved. SEC. 7. *Be it further enacted*, That no Claim shall be examined, audited and approved, or rejected, by any one member of the County Claim Commission, alone; and said Commissioners shall not audit any Claim whatever, unless the applicant shall first have taken the oath as prescribed in the Franchise Law, and prove, by two or more disinterested persons, under oath, that said applicant was an unconditional Union man, or woman, during the Rebellion; and that said applicant did not, in any manner, give voluntary aid, comfort, countenance or encouragement, to the enemies of the Government of the United States, and was, during the entire Rebellion, and is now, loyal to said Government.

Testimony. SEC. 8. *Be it further enacted*, That no testimony shall be received by the said County Commissioners, in support of any Claim presented, except the testimony of those whom the Commissioners have good reason to believe to be loyal citizens.

Blanks, forms, etc. SEC. 9. *Be it further enacted*, That the County Claim Commissioners shall be furnished by the General Claim Commissioner, with the proper blanks, or forms, for making out the Claims for applicants; and all Claims embraced in the provisions of this Act, shall be filed with the County Commissioners, on or before the first day of June, 1868; and all Claims approved, or rejected, by the County Claim Commissioners, shall forthwith be transmitted to the office of the General Claim Commissioner, to be properly entered in the books of his office; and all Claims approved for payment, by the County Commissioners, shall be countersigned by the General Claim Commissioner, and the Governor of this State, before being presented to the General Government, and an appropriation asked therefor, on behalf of the State of Tennessee.

By whom countersign'd
Felony by Commissioners. SEC. 10. *Be it further enacted*, That any Commissioner who shall, knowingly or willingly, audit the Claim of any disloyal citizen, or who shall, knowingly or willingly, violate any of the provisions of this Act, shall be deemed guilty of felony; and upon conviction thereof, in any competent Court, shall be imprisoned in the State Penitentiary for a period of not less than three, nor more than ten years.

SEC. 11. *Be it further enacted,* That any person guilty of presenting a Claim before the said County Commissioners, and taking said oath falsely; or any witness swearing falsely to aid a disloyal person in procuring the payment of said Claim; or any person prosecuting or aiding in prosecuting a Claim for such disloyal person, under this Act, shall be deemed guilty of a felony; and upon conviction thereof, shall undergo confinement in the Penitentiary of the State for a period of not less than three, nor more than ten years.

Felony by
other persons

SEC. 12. *Be it further enacted,* That the Governor of the State be authorized and empowered to procure, forthwith, if possible, from the General Government, a return to the General Claim Commissioner, at Nashville, of all the Claims now on file in the Department at Washington, from citizens of Tennessee, (embraced within the provisions of this Act,) which have not thus far been audited and allowed, or approved for payment; and upon return of said Claims, by the General Government, to the General Claim Commissioner, as aforesaid, they shall forthwith be transmitted to the County Claim Commissioners of the respective County in which said Claimant or Claimants reside; to be by said Commissioners, audited and approved, or rejected.

Claims now
on file at
Washington.

SEC. 13. *Be it further enacted,* That all Claims so returned, either with or without a Power of Attorney attached, shall, upon being rejected by the County Claim Commissioners, be filed, and recorded upon the books of the General Claim Commissioner, at Nashville; and said Commissioner shall notify said Claimant, through his Attorney, or otherwise, that said Claim is rejected by the State of Tennessee, and that no payment thereof will be made.

Rejected
Claims.

SEC. 14. *Be it further enacted,* That the power is hereby granted to said County Commissioners to reverse any decision made by them, either of approval or rejection, of any Claim, when, upon additional proof made, it shall appear to said County Commissioners that said decision was not in fulfillment of the oaths taken by them, as prescribed in this Act.

May reverse
decisions.

SEC. 15. *Be it further enacted,* That said Commissioners shall have power to send for any witness, who may have been examined, and compel said witness to attend for re-examination; and they shall have the power to send for any witnesses whose testimony they may deem necessary to arrive at all the facts in the case; and they shall have all the powers of a Court of Record, in similar cases; and it shall be their duty, upon sufficient cause appearing to them, to re-hear any case they may have

Powers of
Commission-
ers.

decided; and upon additional proof, reverse their former decision.

Governor to
present to
General Gov-
ernment.

SEC. 16. *Be it further enacted*, That the Governor of Tennessee shall, upon the auditing and approval of the Claims embraced in the provisions of this Act, forthwith present the same, properly classified, to the General Government, through our Representatives and Senators in Congress, and ask that an appropriation be made, without delay, to the State of Tennessee, to enable the State to liquidate the same.

Appropriation by
General Govern-
ment.

SEC. 17. *Be it further enacted*, That, should an appropriation be made by the General Government to the State of Tennessee, for the payment of any class or classes of Claims, enumerated in the provisions of this Act, then, and in that case, the Comptroller of the State shall issue his Warrant upon the Treasurer, in favor of said Claimant, or his Attorney, for the amount due said Claimant; and that the expenses incurred by the provisions of this Act, be paid out of any moneys in the Treasury, not otherwise appropriated.

County Com-
missioners'
Book.

SEC. 18. *Be it further enacted*, That it shall be the duty of the County Commissioners to keep, in a well-bound book, the name of the Claimant, the number and class of his Claim, and the name of the witnesses on said Claim; and the said book shall be furnished to the County Commissioners by the General Claim Commissioner; and said book is to be deposited in the County Court Clerk's office, for future reference.

Non-residents

SEC. 19. *Be it further enacted*, That loyal citizens of Tennessee, who have removed from the State, who sustained losses by the Rebellion, either in property, (except slaves,) or damages, shall be entitled to the benefits of this Act, by complying with the requirements of this Act; *Provided*, That nothing in this Act shall be so construed as to entitle *Sutlers* and *Speculators* of the armies, to any pay for any losses they may have sustained in their line of business.

County Com-
missioners to
give notice.

SEC. 20. *Be it further enacted*, That said County Claim Commissioners shall, immediately after qualifying for the duties of their office, make known, by written or printed notices, at one or more public places in each Civil District of their respective Counties, giving the day on which said Commissioners will be found at the County site, or other place designated, of their county, for the purposes expressed in this Act.

SEC. 21. *Be it further enacted*, That this Act shall take effect from and after its passage.

F. S. RICHARDS,
Speaker of the House of Representatives.

D. W. C. SENTER,
Speaker of the Senate.

Passed February 19, 1868.

CONTAINER LIST

BOX 1- "Government Accounts" Book

BOX 2- "Rebel Accounts" Book (Anderson through Humphries Counties)

BOX 3- "Rebel Accounts" Book (Jackson through Williamson Counties)

BOX 4- "Wages Account" Book

BOX 5- Davidson County Claim Book
Sumner County Claim Book