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UNITED STATES COURT OF CLAIMS DOCKET CARDS FOR CONGRESSIONAL CASE FILES, 1884-1943

Introduction

On the five rolls of this microfilm publication, M2007, are reproduced the U.S. Court of Claims Docket Cards for Congressional Case Files, 1884-1943. These records are a part of Records of the U.S. Court of Claims, Record Group (RG) 123. This publication was funded by The National Institute on Genealogical Research Alumni Association and the National Archives Trust Fund.

Background

Until the establishment of the U.S. Court of Claims in 1855, there was no procedure by which claims arising against the U.S. Government could be adjudicated. Consideration of claims by the Department of the Treasury was provided for when that department was established in 1789 (1 Stat. 65); later acts of Congress authorized the department to settle all claims by or against the government. If a claim was rejected by the Treasury Department, the claimant's only recourse was to appeal directly to Congress. Petitions to that body for relief became so numerous by the middle of the 19th century that Congress was beginning to find it impossible to make the investigations necessary for actions on the claims.

Established by an act of February 24, 1855 (10 Stat. 612), the U.S. Court of Claims heard claims against the U.S. Government, including those referred to the court by Congress or those regarding any act of Congress, any regulation of an Executive department, or any contract with the government. Under this act the court served only as a fact-finding agency, and its conclusions were submitted to Congress for approval and for the granting of awards. In 1863 Congress enlarged the court's jurisdiction and gave it authority to render judgments against the government, with the right of appeal to the Supreme Court. An act of 1925 (43 Stat. 939; 28 U.S.C. 288) abolished appeals from the Court of Claims to the Supreme Court and substituted writs of certiorari. A writ of certiorari is a command by a superior court to an inferior one to certify and send to the superior court the record in a particular case as a means of gaining appellate review. The U.S. Supreme Court has discretionary authority to issue such a writ, but only a limited number are granted by that court annually.

In the early 1880s, numerous claims were still pending in Congress because existing laws did not afford relief through the legal system. The Bowman Act, approved March 3, 1883 (22 Stat. 485), provided that claims then pending before Congress be transferred to the Court of Claims for findings of facts that would then be submitted to Congress for determination of final action. The Tucker Act, approved on March 3, 1887 (24 Stat. 505), enlarged the court's jurisdiction to include all claims founded upon the Constitution of the United States. This act also gave district courts concurrent jurisdiction with the Court of Claims over claims of \$1,000 or less.

Predominant among congressional-jurisdiction cases are those growing out of the Civil War. These concern claims resulting from the seizure of stores, supplies, and cotton by Union forces; claims resulting from the occupation of and damages to real estate by Union forces; differences of pay between that grade

in which service was rendered and that in which pay was received; and for unpaid balances of bounties for military service. Other cases extend to a wide variety of claims, many of which grew out of World War I.

Under an act approved March 3, 1891 (26 Stat. 1445), over 280 cases arising from Civil War-related claims were remanded to the court for further investigation and, if the evidence justified such action, for a new trial. The act provided that no payment was to be made until the Attorney General had *either* certified to the Secretary of the Treasury that he had examined all evidence bearing on the claimant's loyalty and the claim's merits and found no grounds sufficient to support a motion for a new trial, *or* had filed with the Secretary of the Treasury a certified transcript of Court of Claims proceedings that denied the Attorney General's motion for a new trial.

Congressional-reference cases were considerably reduced in number by the passage of an act on March 4, 1915 (38 Stat. 996), known as the Crawford Amendment, which terminated the court's jurisdiction over Civil War-related claims.

Records Description

A microfilm copy of these docket cards was transferred from the Court of Claims to NARA in February 1995. These microfilmed records consist of 3- by 5-inch index cards that are arranged alphabetically by name of the claimant, and then by case file number. The case file number is used to locate the case files which are in NARA custody. The original cards remain (as of 1998) in the custody of that court.

Related Records

The congressional-jurisdiction case files to which these docket cards relate contain some or all of the following documents: letters of reference from congressional committees to the Court of Claims transmitting petitions for investigation and determination of facts, with accompanying copies of congressional bills and resolutions, memorials, and other pertinent papers; orders referring claims to the commissioners; and petitions, answers, and other pleadings, motions, briefs (a great many on loyalty), depositions, affidavits, interrogatories, orders (including those remanding cases), findings on loyalty, findings of facts and opinions of the court, and summary reports of commissioners employed by the Court of Claims. Some of the court papers filed in these cases extend through 1946. There are also evidentiary materials furnished by government departments which include correspondence, contracts, muster rolls, certificates of burial, oaths of allegiance, inventories of captured subsistence stores, detailed statements of military service, courts-martial proceedings, information from Confederate records relating to questions of loyalty and disloyalty, and offers to furnish stores to assist in defense work. Some of the evidentiary documents predate the filing of the petitions by several decades.

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