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F. B. Culver.

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F. B. CULVER.

JUNE 9, 1876.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. LANE, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 3684.]

The Committee on Indian Affairs, to whom was referred the memorial of F. B. Culver, having had the same under consideration, submit the following report:

The memorialist, F. B. Culver, is a physician. In August, 1860, he had a lucrative practice in the city of Washington. He was induced by Hon. A. B. Greenwood, at that time Commissioner of Indian Affairs, to join his party which had in view the negotiation of a treaty with the Arapahoe and Cheyenne Indians, then on the plains at a point known as Fort Bent, near Fort Lyon, Colorado. He was assured that his absence from business would be brief, not exceeding fifty days altogether. With that positive assurance he accompanied Mr. Greenwood, and left Washington City on the 8th day of August, 1860. A large invoice of goods, in value about \$60,000, to be used in securing said treaty, preceded the Commissioner, and said goods were at Fort Bent when he arrived. Negotiations failed and the Commissioner, in consequence of official duties, was required to return. The goods were there; it was not convenient, if practicable, to remove them, and it was difficult to obtain a responsible person to take charge of them. Mr. Greenwood urged Dr. Culver to remain as custodian of them. After much persuasion and greatly against his wish, and certainly at a sacrifice of his business, the memorialist accepted this trust and was appointed special commissioner by Mr. Greenwood. That winter was unusually severe, and his trials, privations, and suffering during the time were extraordinary, in consequence of which his health was much impaired. He was surrounded by hostile Indians, with no adequate, if any available, troops to protect or assist him. The Indians, it seems, were apprised of the civil conflict then impending, and were disposed to take advantage of it. They were turbulent and insolent and inclined to defy the power of the whites. Dr. Culver's efforts, tact, and firmness very materially operated to prevent serious disturbances; although, notwithstanding, a few whites were murdered by the Indians in the immediate vicinity. Certainly to him can be attributed the preservation of the large amount of valuable Government property under his charge.

Dr. Culver was prominently instrumental in negotiating the treaty of February 18, 1861, at Fort Wise with said Arapahoe and Cheyenne Indians. (Stat. at Large, 12th vol., p. 1163.) This treaty he delivered

at Washington for ratification April 19, 1861. In consequence of his employment in the capacities referred to, Dr. Culver was occupied from August 8, 1860, to April 19, 1861, nearly eight months and a half, necessarily greatly to the detriment of his professional business. He received as compensation for his services as commissioner alone only \$1,426.05, scarcely, if enough, to cover his actual expenses. Under the prevailing rule for payment of such commissioners, to wit, \$10 per day and expenses, there is due him equitably at least \$2,000.

For his peculiarly efficient and valuable services in preserving Government property, valued at about \$60,000, upon the doctrine of salvage he is entitled to some compensation. For such services the very least the committee would recommend as actually just is \$3,000, making the total amount \$5,000. The memorial of Dr. Culver is fully sustained by the affidavits of Hon. A. B. Greenwood, Hon. Albert G. Boone, Hon. Wm. P. Dole, and Capt. A. R. Potts, who are more or less personally cognizant of the facts and circumstances upon which Dr. Culver found his claim.

The reason assigned by Dr. Culver for not urging this claim at an earlier day is that he has been, until recently, unable to obtain the testimony he deemed necessary to sustain the same.

The committee, after careful examination of this claim, have arrived at the conclusion that Dr. Culver is entitled to relief, and therefore report the accompanying bill for the same and recommend its passage.