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Robert C. Buchanan

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H.R. Rep. No. 73, 45th Cong., 2nd Sess. (1878)

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ROBERT C. BUCHANAN.

JANUARY 17, 1878.—Laid on the table and ordered to be printed.

Mr. BRAGG, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 623.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 623) for the relief of Robert C. Buchanan, colonel (retired) and brevet major-general United States Army, have considered the same, and report:

The following facts, in reference to the claim covered by this bill, appear in the original petition of the claimant seeking relief:

That Robert C. Buchanan, an officer of the United States Army, in March, 1856, was assigned by Major-General Wool to the command of all the regular troops employed in the suppression of Indian hostilities in the Rogue River district of Southern Oregon and Northern California; that he took the field with six companies of artillery, infantry, and dismounted dragoons against several tribes of Indians; that on reaching the principal scene of hostilities on Rogue River he found his operations seriously embarrassed by the want of means for crossing that and other streams with which the district is intersected, as no boats were to be had which could be transported over the high and rugged mountains of that region; that on the 6th of May following he had succeeded in inventing and constructing a new and useful canvas boat with which to cross rapid streams; that by means of it he was enabled to follow the Indians in any and every direction, crossing rivers in it with his men, provisions, and artillery; in short, *that by means of his invention he was enabled to bring the war to a speedy and effectual close*; that on the 31st of March, 1857, he was granted letters patent from the United States for this portable boat; that the United States Government, in 1853, infringed upon his right secured by such patent by making and using boats in the form invented by him in the campaign of Colonel Wright, of the Ninth Infantry, against the Spokaues and other Indian tribes in Washington Territory; and for this use and infringement of his rights, the patentee, this claimant, seeks relief and indemnity by this bill.

The committee are unable to see any ground upon which this claim can be supported.

Colonel Buchanan was placed in command of troops to pursue, defeat, and capture hostile Indians. The government presumably gave him that command having special confidence in his experience, courage, and capacity to meet any emergency that might arise in the campaign.

It was not expected that the Indians would present themselves at his quarters to be captured and disarmed, but that he would pursue and rout them wherever they might take refuge, and the government was entitled to his entire skill in successfully carrying out the enterprise he was assigned to execute. In doing this he devised means for crossing streams, and would scarcely have maintained his character as a skillful campaigner had he sat himself down on the bank of a stream and reported to his government he could not, as a military officer, devise means to cross, but, as an inventor, he could supply the deficiency.

In the opinion of the committee it was his duty, and strictly within the line of his duty, which he was specially assigned to perform, to adopt the best means his fertility of invention could suggest to accomplish the desired end.

It is respectfully submitted that letters patent ought never to be granted as against the government in cases of invention like the one under consideration; but, having given the letters patent, improvidently, as the committee think, and the patentee having slept upon his rights until the statute of limitation has made a bar against any real or imaginary claim for damages against the government, the committee do not believe that Congress should interfere and open the door again by special act.

The committee therefore recommend that this bill do not pass.