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Letter from the Secretary of the Interior, to the Chairman of the Committee on Indian Affairs, transmitting correspondence in relation to a bill for the relief of Joseph Dunlap.

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LETTER
FROM THE
SECRETARY OF THE INTERIOR,

TO

The chairman of the Committee on Indian Affairs, transmitting correspondence in relation to a bill for the relief of Joseph Dunlap.

MARCH 30, 1874.—Referred to the Committee on Indian Affairs and ordered to be printed, to accompany bill S. 638.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 27, 1874.

SIR: I have the honor to transmit herewith a copy of a report dated the 25th instant, from the Commissioner of Indian Affairs, together with the draught of a bill therein referred to, for the relief of Joseph Dunlap, a settler on the Kansas Indian diminished reserve lands, in the State of Kansas.

The report of the commissioners and the accompanying papers present a history of the case, which is respectfully presented for the consideration of Congress.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

HON. WM. A. BUCKINGHAM,
Chairman Committee on Indian Affairs, United States Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
March 25, 1874.

SIR: I have the honor to acknowledge the receipt of your letter dated the 6th instant, directing this Office to submit a draught of a bill which will provide for the equities in the case of Joseph Dunlap, a settler on the Kansas Indian diminished reserve lands, in the State of Kansas.

It appears from the papers on file in this Office that, on the 1st day of April, 1867, it became necessary for Tool Chief, one of the principal chiefs of the Kansas tribe of Indians, to obtain money to ransom his life, under the custom of his tribe, for a murder he had committed while under the influence of liquor, and Mr. Dunlap, acting with the

advice and consent of the Indians and the then United States agent for said Indians, E. S. Stover, purchased of said Tool Chief the lands which Tool Chief claimed as his "head-right" or allotment.

Papers on file set forth that the southeast quarter of section 14, township 17, range 9 east, was the land purchased by said Dunlap, at that time, and eleven hundred dollars the amount paid therefor. Copies of these papers are inclosed herewith, viz :

1st. Affidavit of Joseph Dunlap.

2d. Certificate of the head chief and councilmen of the Kansas tribe of Indians.

3d. Letter from late agent Stover, dated February 21, 1874.

4th. Letter from Senator Harvey and Representative Phillips, dated the 11th instant.

The following extract is made from the report of the commission appointed to appraise said lands, viz :

We found Joseph Dunlap, a deputy United States marshal, residing on the diminished reserve. He had a permit from a former agent in 1866, to move on and occupy the land where he now resides. He has made *bona-fide* improvements, as shown in the report of the diminished reserve. He has also been of real service to the Indians in keeping trespassers from their lands, and in bringing to justice persons violating the United States intercourse laws between Indians and whites. He has paid, according to his statement, and corroborated by the Indians, eleven hundred dollars for the benefit of the tribe on the land he now occupies. We append herewith a statement of the head chief and councilmen addressed to the Indian Department, giving their wishes in the premises, and leave the subject for its decision.

When the lands embraced in the diminished reserve were advertised for sale under the act of May 8, 1872, (See U. S. Stat. at Large, vol. 17, page 85,) Mr. Dunlap bid the appraised value of the same, which, according to the report of the appraisers, was as follows, viz :

Southeast quarter of section 14, township 17, range 9 east, 160 acres, appraised at \$12 per acre.....	\$1,920
Improvements thereon made by the Government for the Indians, for which purchaser is required to pay.....	430
Total.....	2,350

Mr. Dunlap states in his affidavit that, on the first day of April, 1867, he paid Tool Chief eleven hundred dollars for said land. The head chief and councilmen recommend that Joseph Dunlap be permitted to purchase said land, and that the Government give him a credit of eleven hundred dollars on the appraised value of the same, he having paid that amount on said land. Hon. E. S. Stover states that Mr. Dunlap purchased the land in question by and with the advice and consent of the Indians and Government agent; that he paid a fair price for the same, and in justice to all parties ought to have a title to said land, and Senator Harvey and Representative Phillips state that eleven hundred dollars was a fair price for the land including the improvements at the time of purchase and that the improvements have little if any commercial value.

I inclose draught of bill for the relief of Mr. Dunlap.

Very respectfully, your obedient servant,

EDW'D P. SMITH,

Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

I, Joseph Dunlap, a resident of Morris County, Kansas, do hereby certify that, on the first day of April, one thousand eight hundred and sixty-seven, I purchased from

Tool Chief, one of the principal chiefs of the Kansas (Kaw) tribe of Indians, his head-right or allotment of land, consisting of one hundred and sixty acres, located on the Kansas Indian lands, in the State of Kansas, and that I paid for said head-right the sum of eleven hundred dollars.

JOSEPH DUNLAP.

Subscribed and sworn before me at the city of Washington, District of Columbia, this 23d day of March, 1874.

[SEAL.]

THOMAS C. CONNOLLY,
Notary Public.

To ENOCH HOAG,
Superintendent Indian Affairs:

We, the chief and councilmen of the Kansas tribe of Indians, desire the Indian Department to allow Joseph Dunlap to purchase the southeast quarter of section 14, township 17, range 9, in Kaw diminished reserve, and that the Government deduct (\$1,100) eleven hundred dollars from the appraised value, he having paid our tribe that amount on said land.

Done in council this the 15th day of December, 1872, and signed by us of our own voluntary will, the said Joseph Dunlap having rendered our tribe valuable service in the part as a deputy United States marshal.

ALLEGOWAH, his x mark,
Head Chief.

WAH-PAW-GEE, his x mark,
SIMI-JACCAH, his x mark,
CHA-GI-INKEE, his x mark,
NO-PAWIA, his x mark,
ISSAWIA, his x mark,
BILL JOHNSON, his x mark,
Councilmen.

A. W. STUBBS,
United States Interpreter.

I certify the foregoing statement was made in my presence, this the 15th day of December, 1872.

MAHLON STUBBS,
United States Indian Agent.

Witness:
J. M. BYERS.

STATE OF KANSAS,
OFFICE OF EXECUTIVE DEPARTMENT,
Topeka, February 21, 1874.

SIR: During the year of 1868, while I was agent for the Kaw Indians, Tool Chief, one of the principal chiefs of the tribe, killed one of the young chiefs while under the influence of whisky, and according to the Indian custom, the friends of the murdered man decided to kill Tool Chief on sight, and were only prevented from doing so by a compromise in which Tool Chief agreed to pay the relations of his victim \$500 and resign his position as chief. Tool Chief was poor at the time, but under the then pending treaty he was allowed a "head-right" of 160 acres of land, and as he had no other means of raising money, with my consent, he sold Mr. Joseph Dunlap his head-right for \$1,200, and Mr. Dunlap paid him at that time and during the year some \$1,100 for the place, being the south half southeast quarter 14, 17, 9, and south half southwest quarter 14, 17, 9, containing 160 acres, which amount is acknowledged by Tool Chief, who now desires that Mr. Dunlap shall receive a title to the land, as the Indians received full value for said tract of land, and as Mr. Dunlap purchased it in good faith, and paid a good round sum for it, by and with the advice and consent of the Indians and the Government agent, and as he has been in full possession since that time, it would seem to be no more than justice to all parties for him to receive a patent for the land in question. I have no pecuniary interest whatever in this case, but only make this statement in justice to all parties.

Very respectfully,

F. S. STOVER,
Late Kaw Indian Agent.

Hon. EDWARD P. SMITH,
Commissioner of Indian Affairs, Washington, D. C.

WASHINGTON, March 11, 1874.

SIR: The undersigned having knowledge of the value of the land occupied by Joseph Dunlap, on the Kansas diminished reserve, believe that the sum of eleven hundred dollars paid by him in 1867, was a fair price for the land at that time, including the value of the improvements, and that said improvements have little, if any, commercial value.

Very respectfully, your obedient servants,

JAMES M. HARVEY.
WILLIAM A. PHILLIPS.

Hon. E. P. SMITH,
Commissioner of Indian Affairs.