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Joseph Dunlap.

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JOSEPH DUNLAP.

JANUARY 8, 1875.—Committed to a Committee of the Whole House and ordered to be printed.

MR. LOWE, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 4211.]

The Committee on Indian Affairs, to whom was referred Executive Document No. 195, a letter from the Secretary of the Interior, transmitting a draught of a bill for the relief of Joseph Dunlap, a settler on the Kansas Indian diminished-reserve lands in Kansas, submit the following report:

Joseph Dunlap, for whom relief is sought by the accompanying bill, was, in 1867, and still is, a resident upon a quarter-section of land of the Kansas Indian diminished reserve, having settled there by the consent of the Indians and upon a permit of a former Indian agent of the tribe. He purchased, or attempted to purchase, under the circumstances hereinafter stated, a quarter-section of the land claimed as a head-right by one of the tribe, paying \$1,100 therefor. Under the act of May 8, 1872, these lands were appraised and offered for sale for the benefit of the tribe, and Mr. Dunlap has bid for the quarter-section—before purchased of the Indian for \$1,100—the sum of \$2,350, the appraised value of the same, and he seeks to have his former payment to the tribe of \$1,100 deducted therefrom or applied in part payment thereof. The facts are fully set forth in a communication from the Commissioner of Indian Affairs, accompanying the letter of the Secretary of the Interior, and is as follows:

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 the 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 United States agent for said Indians, E. C. Stover, purchased of said Tool Chief the lands which Tool Chief claimed as his head-right or allotment.

Papers on file set forth that southeast $\frac{1}{4}$ section 14, township 17, range 9 east, was the land purchased by said Dunlap at that time, and \$1,100 the amount paid therefor. Copies of these papers are inclosed herewith, viz:

First. Affidavit of Joseph Dunlap.

Second. Certificate of the head-chief and councilmen of the Kansas tribe of Indians.

Third. Letter from late agent, Stover, dated February 21, 1874.

Fourth. 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 land, 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 (\$1,100) 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 were advertised for sale under the act of May 8, 1872, (See U. S. Stats. at L., vol. 17, p. 85,) Mr. Dunlap bid the appraised value of the same, which, according to the report of the appraisers, was as follows, viz:

S. E. $\frac{1}{4}$ section, town. 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 1st day of April, 1867, he paid Tool Chief \$1,100 for said land. The head-chief and councilmen recommend that Joseph Dunlap be permitted to purchase said land and the Government give him a credit of \$1,100 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 the 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 \$1,100 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,

E. P. SMITH,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

Your committee are satisfied that the facts thus stated by the Commissioner are the true facts of the case, and that they justly entitle Mr. Dunlap to the relief sought; that he has acted in entire good faith in the matter, and with the intelligent consent of the tribe; and that his former payment upon the land should be applied in part payment of the appraised value of the land which he is compelled to pay to secure his purchase and his home. The committee, therefore, recommend the passage of the accompanying bill.