

This we submit, is a positive declaration by Congress, that the proceeds of sales of the Osage lands in Kansas, including the "ceded lands," shall be placed to the credit of said Indians.

These lands belonged to the Osage Indians, and were recognized as their property by the United States, in the first lines of the treaty quoted.

And while the said treaty, which was not understood by the Indians who signed the same, provided that a certain part of the proceeds of such sales should be placed to the credit of the "Civilization Fund," this later law of Congress, expressly provides that the aggregate amount received from the sale of said lands, should be placed to the credit of said Indians, and bear interest at the rate of five per cent.

It is difficult to understand how the intention of Congress could be more clearly expressed. The treaty is a law, but no more so than an act of Congress.

The acts quoted, as already stated, are positive declarations that the aggregate amount received from the sale of all lands ceded by said treaty should be placed to the credit of said Osage Indians.

And there was a reason and a valid reason and consideration for it.

By the said act of 1870, the Osages were ceding the remainder of their lands in Kansas, and by far the greater part thereof, to the United States, and agreeing to remove to the Indian Territory.

And as the said Act says: "The United States, in consideration of the relinquishment by said Indians of their lands in Kansas, *shall pay annually interest on the amount of money received as proceeds of sale of said lands,*" &c.

To this Act, as will be observed, there was attached a proviso as follows:

"That the diminished reserve of said Indians in Kansas shall be surveyed under the direction of the Secretary