

Washington, D. C.,

March 20, 1886.

*The Honorable First Comptroller :*

SIR: I respectfully call attention to article 2 of the treaty with the Osage Indian nation, (14 Stats., 688,) which states :

"The said tribe of Indians also hereby cede to the United States a tract of land twenty miles in width from north to south, off the north side of the remainder of their present reservation, and extending its entire length from east to west, which land is to be held *in trust* for said Indians, and to be surveyed and sold for *their benefit* by the Secretary of the Interior, under such rules and regulations as he may from time to time prescribe, under the direction of the Commissioner of the General Land Office, as other lands are surveyed and sold."

This shows conclusively—

1st. That the Osage lands are and were to be held "*in trust*" for the Indians.

2d. That the lands are and were to be sold under the direction of the Commissioner of the General Land Office, for their exclusive benefit.

The Commissioner had, therefore, abundant authority for directing that the filing fee be covered in for the benefit of the Indians.

3d. The treaty states that these lands are to be sold for *the benefit of the Indians*. If the *filing fees* are covered in as receipts from miscellaneous sources while the Indians are also charged with the expenses of selling their lands, then the United States derives a revenue from the sale of such lands. This is not the meaning nor intent of the law. All the laws bearing on this subject are explicit on the one point, that the United States is to be reimbursed for