

Washington, D. C.,

March 30, 1886.

Hon. M. J. Durham, First Comptroller :

SIR: I am in receipt of your letter of 25th inst., relative to the filing fees received from the sale of Osage Indian lands.

This being a matter of considerable importance to the Osage Indians, and involving questions affecting the rights and interests of other Indians as well, I deem it my duty to do all that can reasonably be done to secure a decision in the premises that will be just and equitable to all parties in interest. I would therefore respectfully move for a reconsideration of the case, and a review of the questions involved, and in support of this motion, I respectfully submit the following statement bearing upon the subject:

On page four of your letter, you say:

"The same is paid by the purchaser, not as a part of the price of said lands, but as a fee to those officers [the register and receiver] for certain services they render in the sale of the land."

The declaratory statement is in the nature of a contract to bind the bargain for the sale of a piece of Government or *Indian land*, sold under the pre-emption laws.

The purchaser in that instrument declares his intention to claim certain lands under the pre-emption law, and that alone secures or holds the lands for him for the space of a year. It is the initiatory step toward securing the land and he makes a preliminary payment of two dollars. This money does not go to the register and receiver, because, under section 3617 R. S., all moneys are covered into the Treasury "without deductions on account of salary, fees, costs, charges, expenses, or claim of any description whatever." The register and receiver are paid