By treaty proclaimed January 21st, 1867, (14 Stats., 687,) this common Indian title or right of occupancy was extinguished and provision made by Congress for sale of lands embraced therein to actual settlers, as already shown.

The Miami, Kansas, and other reservations upon which the five per centum is claimed were also held by the common Indian title and disposed of by Congress under similar legislation as that relating to the Osage lands. (See Revised Indian Treaties, pp. 504, 511, 512, 410, 757.)

If anything can be settled by decisions of the Supreme Court and by opinions of Attorney Generals, it is settled that in all such reservations the *fee* is in the United States, and that the United States may dispose of the *fee*, and when the Indian occupancy ceases the entire right vests in the owner of the fee, the United States, or the grantees of the United States.

If such lands are not public lands, pray tell us what they are? The United States has the fee, the Indians the mere right to occupy. They cease to occupy, no matter why. Whether they are killed, driven away, or bought off, is of no consequence; their occupancy is ended, and when ended what are the lands left vacant, if not public lands? They have been surveyed by the United States, made subject to sale or pre-emption by acts of Congress.

It is simply absurd to claim that such lands are not public lands, completely and absolutely within the control of Congress. If not, then why all this legislation by Congress relative to the Osage reservation and other Indian lands herein mentioned?

If there could have been doubt on the subject, it was removed by the Supreme Court in the case of Beecher *vs.* Wetherby (5 Otto, 517.) In that case the United States had agreed that the 16th section of "*public lands*" in each township should be granted to the State of Wisconsin for the use of schools. The land in controversy was the 16th