

Treasury without deduction on account of salary, fees, costs, &c. To whom, then, do these fees belong since the same are not the property of the Land Officers? Clearly not to the United States, because its office is simply a trust, and after deducting the expenses of survey and sale the moneys received from the disposal of the Osage lands shall, under the treaty, constitute a fund to the credit of the Osages. In support of the fact that the two-dollar filing fee is a part of the purchase price of the lands, we respectfully call attention to the fact that in those cases where the Government has allowed an erroneous entry of the land, and is consequently obliged to refund the purchase-money to the settler, the price per acre ( $\$1\frac{25}{100}$ .) and the filing fee (\$2) is always refunded. If the filing fee is not part of the proceeds of the sale of the Osage lands as Comptroller Durham decided, why, we submit, is it refunded in this class of cases? So much for the filing fees. We feel confident that in the foregoing statement of fact we have demonstrated that no lands of the Osages can be sold without payment of the filing fees, and that therefore it becomes part of the price of the lands; and, secondly, that the Government acts merely as a trustee and has no right to a further recompense in the matter than the actual expense of the sale through its agents.

We desire now to call attention briefly to the expenses chargeable to the Osages for the sale of the lands. Comptroller Lawrence decided (III Lawrence, 365) that the expense of selling such lands was a *pro rata* of the salaries of the register and receiver, clerk hire, office rent, furniture, &c., and the expense of depositing. We held in our brief of March 30th, 1886, that the only real expense of selling the Osage lands was the extra clerk hire involved by reason of the business of selling the Indian lands in addition to the public lands. The Land Offices are kept open for the purpose of selling the public lands, and the officers thereof receive a fixed salary for their services,