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Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed six dollars per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses. Compensation. *Proviso.* Treasury member.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof, shall be immediately available. Expenses.

So much of said appropriation as may be necessary for the preparation of sketch plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site. Plans, etc.

No money appropriated by this Act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Maryland shall have ceded to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof for all purposes except the administration of the criminal laws of said State and the service of civil process therein. Title, etc.

After the said site shall have been paid for, and the sketch plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches. Construction.

The building shall be unexposed to danger from fire by an open space of at least forty feet on each side, including streets and alleys. Open space.

Approved, February 20, 1895.

CHAP. 113.—An Act To disapprove the treaty heretofore made with the Southern Ute Indians to be removed to the Territory of Utah, and providing for settling them down in severalty where they may so elect and are qualified, and to settle all those not electing to take lands in severalty on the west forty miles of present reservation and in portions of New Mexico, and for other purposes, and to carry out the provisions of the treaty with said Indians June fifteenth, eighteen hundred and eighty February 20, 1895.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the agreement made by J. Montgomery Smith, Thomas S. Childs, and R. B. Weaver, commissioners on the part of the United States, with the Southern Ute Indians of Colorado, bearing date November thirteenth, eighteen hundred and eighty-eight, be, and the same is hereby, annulled, and the treaty made with said Indians June fifteenth, eighteen hundred and eighty, be carried out as herein provided, and as further provided by general law for settling Indians in severalty. Southern Ute Indians, Colo. Lands in severalty to, etc. Vol. 25, p. 133. Vol. 21, p. 199.

SEC. 2. That within six months after the passage of this Act the Secretary of the Interior shall cause allotment of land, in severalty, to be made to such of the Southern Ute Indians in Colorado as may elect and be considered by him qualified to take the same out of the agricultural lands embraced in their present reservation in Colorado, such allotments to be made in accordance with the provisions of the Act of Congress approved June fifteenth, eighteen hundred and eighty, entitled "An Act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary Allotment to Indians. *Post*, p. 891. Vol. 21, p. 199.

appropriations for carrying out the same," and the amendments thereto, as far as applicable hereto, and the treaties heretofore made with said Indians: *Provided*, That Indians taking allotments as herein provided shall retain their interest in all tribal property.

Proviso. Tribal rights.

Reservation for Indians not taking allotments.

SEC. 3. That for the sole and exclusive use and occupancy of such of said Indians as may not elect or be deemed qualified to take allotments of land in severalty, as provided in the preceding section, there shall be, and is hereby, set apart and reserved all that portion of their present reservation lying west of the range line between ranges thirteen and fourteen west of the New Mexico principal meridian, and also all of townships thirty-one and thirty-two of ranges fourteen, fifteen, and sixteen west of the New Mexico principal meridian and lying in the Territory of New Mexico, subject, however, to the right of the Government to erect and maintain agency buildings thereon and to grant rights of way through the same for railroads, irrigation ditches, highways, and other necessary purposes; and the Government shall maintain an agency at some suitable place on said lands so reserved.

Agency.

Surplus lands open to settlement.

SEC. 4. That at the expiration of six months from the passage of this Act the President of the United States shall issue his proclamation declaring the lands embraced within the present reservation of said Indians except such portions as may have been allotted or reserved under the provisions of the preceding sections of this Act, open to occupancy and settlement, and thereupon said lands shall be and become a part of the public domain of the United States, and shall be subject to entry under the desert, homestead, and town-site laws and the laws governing the disposal of coal, mineral, stone, and timber lands; but no homestead settler shall receive a title to any portion of such lands at less than one dollar and twenty-five cents per acre, and shall be required to make a cash payment of fifty cents per acre at the time filing is made upon any of said lands: *Provided*, That before said lands shall be open to public settlement the Secretary of the Interior shall cause the improvements belonging to the Indians on the lands now occupied by them to be appraised and sold at public sale to the highest bidder, except improvements on lands allotted to the Indians in accordance with the provisions of this Act. No sale of such improvements shall be made for less than the appraised value, and the several purchasers of said improvements shall, for thirty days after the issuance of the President's proclamation, have the preference right of entry of the lands upon which the improvements purchased by him are situated: *Provided further*, That the said purchase shall not exceed one hundred and sixty acres: *And provided further*, That the proceeds of the sale of such improvements shall be paid to the Indians owning the same.

Provisos. Appraisal, etc., of improvements.

Maximum.

Proceeds.

Disposal of receipts from sales.

SEC. 5. That out of the moneys first realized from the sale of said lands so opened up to public settlement there shall be paid to said Indians the sum of fifty thousand dollars, as follows: Five thousand dollars annually for ten years, and, when paid, the money to be equally divided among all of said Indians per capita, irrespective of age or sex; also the sum of twenty thousand dollars of said proceeds shall be paid to the Secretary of the Interior, who shall invest the same in sheep and divide the said sheep among the said Indians per capita equally, irrespective of age or sex; also to Ignacio, head chief; to Buckskin Charlie, as chief of the Moaches, and Mariano, as chief of the Weeminuches, the sum of five hundred dollars each; also to Tapucke and Tabewatch, as chiefs of the Capotes, the sum of two hundred and fifty dollars each; that the balance of the money realized from the sale of lands, after deducting expenses of sale and survey, shall be held in the Treasury of the United States in trust for the sole use and benefit of said Southern Ute Indians. That nothing herein provided shall in any manner be construed to change or interfere with the rights of said Indians under any other existing treaty regarding any annuities or trust funds or the interest thereon.

Per capita.

Sheep.

Chiefs.

Balance to be held in trust.

SEC. 6. That the foregoing provisions of this Act shall take effect only upon the acceptance thereof and consent thereto by a majority of all the male adult Indians now located or residing upon the reservation, which acceptance shall be at once obtained under such regulations as the Secretary of the Interior may prescribe. Consent of Indians.

Approved, February 20, 1895.

CHAP. 114.—An Act For the relief of certain Winnebago Indians in Minnesota. February 20, 1895.

Whereas by the fourth section of an Act entitled "An Act for the removal of the Winnebago Indians, and for the sale of their reservation in Minnesota for their benefit," approved February twenty-first, eighteen hundred and sixty-three, it was made the duty of the Secretary of the Interior to allot to said Indians in severalty "lands which they may respectively cultivate and improve, not exceeding eighty acres to each head of a family other than to the chiefs to whom larger allotments may be made, which lands, when so allotted, shall be vested in said Indian and his heirs, without the right of alienation, and shall be evidenced by patent;" and Preamble. Vol. 12, p. 659.

Whereas by the ninth section of the Indian appropriation Act approved July fifteenth, eighteen hundred and seventy, the Secretary of the Interior was "directed to cause to be investigated and to determine the claims of certain Indians of the Winnebago tribe now lawfully residing in the State of Minnesota; to issue patents, without the right of alienation, to those of them whom he shall find to be entitled thereto for the lands heretofore allotted to them in severalty," and so forth; and Vol. 16, p. 361.

Whereas by the Indian appropriation Act approved May twenty-ninth, eighteen hundred and seventy-two, it was declared to be the intention and meaning of said ninth and tenth sections of the Act of eighteen hundred and seventy "to authorize and direct the Secretary of the Interior to cause to be patented to each and every Winnebago Indian lawfully resident in the State of Minnesota at the date of this Act, in accordance with the conditions of said two sections, an allotment of land," and so forth; and Vol. 17, p. 185.

Whereas such a restriction for all time, without the right of alienation, by anyone, under any circumstances, is an entailment upon the land, which it is not deemed to be desirable: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth and ninth sections of the Acts of eighteen hundred and sixty-three and eighteen hundred and seventy, respectively, so far as they relate to the lands of the Winnebago Indians in Minnesota, be, and the same are hereby, modified so as to permit the alienation and conveyance of said lands, with the consent and approval of the Secretary of the Interior. Winnebago Indians, Minn. Permitted to alien lands.

Approved, February 20, 1895.

CHAP. 115.—An Act Granting cannon to the historical museum, Des Moines, Iowa. February 21, 1895.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and is hereby, authorized and directed to supply the Iowa Historical Museum, Des Moines, Iowa, on the request of the governor, with two condemned cannon and one condemned seacoast mortar from the Portsmouth Navy-Yard, New Hampshire, the State of Iowa to pay all the expenses of transportation, and so forth. Condemned naval cannon to Des Moines, Iowa.

Approved, February 21, 1895.