

STATE OF WASHINGTON, (:
County of Yakima, (: ss.

Omar Hoffer, being first duly sworn, on his oath says: That he acted as interpreter in preparing the foregoing affidavits; that he is acquainted with the Indian language, and truly and correctly interpreted the foregoing affidavit to the Indian who subscribed his name thereto, before the same was signed by him, and truly and correctly interpreted the oath to him as given by the notary signing the same.

Subscribed and sworn to before me,
this 9th day of July, 1895.

Notary Public for the State of Washington,
residing at North yakima, wash.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF
WASHINGTON, SOUTHERN DIVISION.

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UNITED STATES OF AMERICA,
Thomas Simpson and white Swan,
Plaintiffs.

-vs-

John Joe Winans and Richard Joe Winans,
partners doing business under the firm
name of Winans Brothers,
Defendants.

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STATE OF WASHINGTON, (: ss.
County of Yakima, (

This day personally appeared before me the under-
signed Notary public in and for the State of Washington, _____
_____, who having first been duly sworn by me said
upon oath: That he is acquainted with the fishery known and designated
as the "Tum Water fishery", on the north bank of the Columbia river, in
Township two (2) north, range Fourteen (14), East of the Willamette Meridian
that he is an Indian residing upon the Yakima Indian Reservation, and is
under the control of an Indian agent; that he has been acquainted with the
said fishery for a long time prior to the date of the Treaty, to-wit;
June 9, 1855; that he has been acquainted with said fishery since said
date and up to the present time; that the Indians have been accustomed
every year to go there and fish for salmon, in the waters of the said
Columbia River, where the same flows through the township above designated
that said fishery was used without interruption by these Indians up until
the year of about 1888, when the defendants, Winans Brothers took possessi-
on of the land upon which the Indians had pastured their horses while en-
gaged in fishing every year, tore down the houses and sheds used by them
to live in and cure and dry their fish and placed fish wheels in the chan-
nel where the Indians fished with their nets, and thus prevented the In-
dians from fishing therein; that since the said defendants have fenced up
the said fishery and the lands upon which their stock grazed about seven
years ago, the Indians have not been permitted to do any fishing whatever,

on account of the acts of the defendants in preventing them from entering into the enclosures, and the tearing down of the houses formerly occupied by them in cleaning and drying the fish and the placing of the fish wheels in the channel where the Indians were accustomed to fish.

Affiant further says that salmon were caught in great quantities every Spring by the Indians at this fishery, and were dried and cured in the houses which they had constructed, and when dried could be preserved by the Indians for about one year.

Affiant further says that the Indians had constructed a dip stand by the channel where the salmon came up the river where they caught the salmon in their nets; that the defendants have refused them access to the said dip stand and have threatened them with violence in case they attempted to go into the enclosures which they have made upon the lands formerly occupied by the Indians to fish. And further affiant sayeth not.

Witnesses to mark;

~~Witnesses to mark.~~

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this 9th day of July, 1895.

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residing at north Yakima, wash.

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