

Refer to reply to the following:

Land
22863-1891

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July 2, 1891.

Jay Lynch, Esq.,

U.S. Indian Agent,

Yakama Agency,

Washington.

Sir:

I have received your communication of the 23d ultimo, relative to trespassing cattle and cattlemen upon the reservation under your jurisdiction, and enclosing a copy of an order issued by you to the Captain of your Indian Police directing him to arrest and bring before you any white man found herding cattle, sheep, or horses upon the reservation, and also to take into custody any stock found thereon not the property of the Indians, and report to your office.

You report the names of three persons, whom you state, were brought before you charged with unlawfully holding sheep upon the Indian lands; that they claimed to have been outside of what they believed to be the boundary line of the reservation; and that the Indians admit that the accused parties were outside of the line alleged to be the reservation boundary, but claim that the true boundary line is ten or twelve miles further west.

You state that, under the circumstances, you discharged these parties, and request instructions for your guidance in the future.

With regard to this matter you are advised that the U.S. Attorney General has held that an Indian Agent has no legal authority to seize and hold trespassing stock upon the reservation under his jurisdiction, but parties who drive or otherwise convey stock upon an Indian Reservation without the consent of the tribe, are liable to prosecution under Section 2117, of the Revised Statutes, which is as follows:

" Every person who drives or otherwise conveys any stock of horses, mules, or cattle, to range and feed on any land belonging to any Indian or Indian tribe, without the consent of such tribe, is liable to a penalty of one dollar for each animal of such stock."

If parties shall drive or otherwise convey cattle upon the Indian lands under your charge, which are conceded by all to belong to the reservation, you will communicate with the U.S. Attorney for the State of Washington and furnish him with all necessary facts in the matter, including the names of trespassers, estimated number of cattle held by each, and the names of witnesses likely to be able to testify to the facts in each case. You will also fully report the facts to this office, in order that the Department of Justice may be requested to instruct the U.S. Attorney for Washington to institute proceedings against the parties.

With regard to the trespasses upon the disputed portions of the reservation, it is suggested that you instruct your Indian Police to drive the trespassing cattle from these lands whenever

practicable, and to suspend further action relative thereto pending the final determination of the matter of the reservation boundary.

Very respectfully,

J. J. Morgan

Commissioner.

(Osborne)

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Land

22863-1891-

July 2nd 1891

(Osborne)

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Presspassing &
Cattle men to
Boundary line -

Very respectfully,

R. J. Macdonald

Commissioner.

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