

State Board of Stock Commissioners. Power of. Estrays, on Indian Reservation, Use of. Indians, Use of Estrays on Reservations. Reservation, Use of Estray Horses on.

The law does not confer jurisdiction to arrest and punish Indians for using estray horses on and within the Indian reservation.

February 9th, 1914.

Hon. D. W. Raymond,
Secretary State Board of Stock Commissioners,
Helena, Montana.

Dear Sir:

I am in receipt of your letter of the 31st ultimo, enclosing a letter from Mr. J. W. Podjoin, in which is submitted the question:

"Have the officers of the State of Montana authority to arrest Indians riding stray horses on the Cheyenne Reservation?"

Chap. 126, Laws of 1909, relates to this subject. Whatever may be the meaning of that law within territory, or over persons over which and whom the state has jurisdiction, it cannot have relation to Indians within a reservation.

"A state has no jurisdiction over crimes committed by Indians within a reservation, such jurisdiction being in the United States."

22 Cyc. 147.

In re Blackbird, 109 Fed. 139.

U. S. v. Logan, 105 Fed. 240.

U. S. v. Thomas, 151 U. S. 577.

A general discussion of this subject may be found in

State v. Spotted Hawk, 22 Mont. 33.

State v. Little Whirlwind, 22 Mont. 425.

U. S. v. Sa-Coo-Da-Cat, alias Yellow Sun, 27 Fed. 923.

U. S. v. McBratney, 104 U. S. 621.

Draper v U. S., 164 U. S. 240.

Yours very truly,

D. M. KELLY,

Attorney General.