

first-class citizen and I am a county taxpayer, a county and State taxpayer.

I own an automobile which is assessed by the county assessor for a license to be issued to Indians, and that money goes to the State highway department to upkeep the highways. And also the car owner has to have a driver's license before it is operated on the highways. We start on our car and at the first stop, at the gas station, there is a tax we have to pay.

And in hotels we have to pay taxes. And when we eat we have to pay taxes. And when we go into stores we pay taxes on everything.

So I don't know why you are accusing Indians of not taxpaying, when we are taxpaying.

The only place where we don't pay taxes is on our real property, 80 acres. On these 80 acres, held in trust, we derive good from the same, and this is our own, which means that is the only thing for our appetites we have left, and it seems like somebody wants it at this time.

And to conclude my statement, my position, as a councilman, my time was up last fall, and so my people urged me to run again. So I filed as a candidate for another term of 4 years. My Kootenai people voted, and I was reelected, on account of I opposed this proposed bill, and I still say that I oppose the bill. I am not segregating, when I say the Kootenai people. I am also representing all the fullbloods of the Flathead Reservation, about 400 Indians.

I thank you for this opportunity to expressing my opinion concerning this question. Jerome N. Hewaukan, Dayton, Mont., box 262.

Senator WATKINS. Any questions.

We have no questions. We thank you.

Representative D'EWART. Mr. Chairman, yesterday the question of vested rights in the tribal estate came before the committee.

During the recess, I have gone into that matter with the attorneys for the committee and am advised that there was no such thing as a vested right in the tribal estate by members of the tribe; that it is not a property right, cannot be sold, cannot be traded, and ends at the death of the Indian. There is an inherent right in the tribal estate that is gained when the Indian's name goes on the roll and ends when his name is taken off the roll on death. He cannot sell it. It is not in the true sense a property right.

The second statement I wanted to make was on the matter of Indian water rights. The Indian water rights are largely based on what is known as the Winters decision.

In the case of *Winters v. the United States*, on January 6, 1908, the Supreme Court held that there was an implied reservation in the agreement with the Indians establishing the Fort Belknap Reservation for a sufficient amount of water for the Milk River irrigation purposes, and the water of that river cannot be diverted so as to prejudice the right of the Indian by settlers on the public domain.

Following the Winters decision, the tendency of the courts up to the present time seemingly has been to be more liberal in protecting the Indians in their water rights.

And that is the basis largely of the court's decisions as to water rights.

I thought you would want that as a part of the record at this time.

Senator WATKINS. I think that is good information for the committee to have.