



# Oneida Cultural Heritage Department

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## SUBDIVIDED AND CONQUER: THE DAWES ALLOTMENT ACT

*In 1879 Secretary of Interior Carl Schurz outlined five central goals of the federal government: To help the Indians become self-supporting and to break them of their “savage” habits, he resolved to turn them into farmers. Education programs for the youth of both sexes would introduce the next generation to “civilized ideas, wants, and aspiration.” Individuals would get title to their own farms, thus fostering “pride” of ownership rather than tribal “dependence,” as had been the case when land was held in common. Once individual allotments had been made, the remaining tribal land would be leased or sold; the proceeds would go into a fund set aside to meet Indian needs, thus reducing the government’s obligation to pay for their support. Finally, when all this was done, **Indians** would be treated like all other inhabitants under the laws of the land. In short, they were to be assimilated.*

*“A mighty pulverizing engine to break up the tribal mass”*

President Theodore Roosevelt when describing the General Allotment Act

The Dawes Act, also known as The General Allotment Act, became law on February 8, 1887. Technically, it is referenced as 25 USCA § 331. This act could be applied to every Indian reservation in the United States by discretionary action of the President of the United States.

Allotment of lands in severalty to Indians meant to divide tribal community property into small parcels of 160 acres or less and to designate an individual tribal member to own each and every parcel. By such method, no lands would be held by the tribe as a whole, thereby weakening the tribal political structure.

The Dawes Act was applied to the Oneida Reservation in Wisconsin in 1891. President Benjamin Harrison appointed Special Agent Dana C. Lamb to assist in the partitioning and selection of parcels by tribal members. Allowances in selection were made for those families who already had existing improvements. Most of these were situated

along the First and Second Ridge Roads, now known as Freedom and Seminary Roads respectively. As a result, there are irregularly shaped parcels along the two main ridges which run North and South, parallel to Duck Creek. The Methodist and Episcopal Churches were considered in the division and each received a forty acre wood lot in addition to lands surrounding the parishes for church functions (enough area to park horses and buggies) and farming to provide some support.

Only 90 acres was allotted to each head of household, whether a man or woman. Most heads of households were men, in which case the wife’s name was simply omitted from the allotment listing. Each child over the age of 18 and not married received 45 acres and every eligible child under the age of 18 received 26 acres. The assigned acreages were often fragmented into very small pieces, with one piece being in one section and another being some distance away in another section. This method did not, of course, lend itself to efficient farming practices.

A middle aged couple with a number of children under the age of 18 would have control of several hundreds of acres and could make a

very comfortable living farming, providing they had the necessary resources for implements and draft animals. In most cases, they did not have such resources. Even though the Dawes Act allowed each head of a family 160 acres for farming purposes, or if the land was not suitable for farming, then 320 acres for grazing, the Oneidas received much less. The population had grown naturally since 1838 when 654 members were counted to define the extent of the Oneida Reservation. At that time, one hundred acres was allowed for each person as a subsistence formula. All 65,540 acres were to be held in common.

Secondly, the Homeless Oneidas were now included in the allotment distribution as a solution to their dilemma. The Homeless Band had arrived in Wisconsin after the 1838 boundaries were set by treaty. They had been invited to join their brothers and sisters in Wisconsin by the Chiefs. Now, the population had more than doubled since 1838 and the amount of land had stayed the same. Special Agent Dana Lamb pro-rated the acreages accordingly in 1890-91.

Eighty acres was never allotted, but reserved for school purposes. The United States purchased an additional 38 acres adjoining from allottee George Doxtater.

There were three and sometimes five days schools on the Oneida Reservation before allotment took place, but the Oneidas understood that a government school would much better serve their purposes to educate their children. Often, the children could not get to the day schools because of impassable muddy roads in spring or the high drifts of snow in winter. Some of the day school buildings were abandoned homes which were cold and drafty. Children became ill and did not attend regularly.

The Oneida Boarding School main buildings were built very nicely of brick. The school was basically self-contained and included a farm and hospital.



Henry Laurens Dawes

### **WELL, WHO THE HECK WAS HENRY DAWES?**

Henry Laurens Dawes, the author of the General Allotment Act, was a senator from Massachusetts. The Indian situation (problem) was not the same in Massachusetts as it was throughout the rest of the United States in the late 1800's. England had "taken care of" the Indians there more than one hundred years before. So, the Senator had to deal with a "different kettle of fish" in the West where tribes still held vast acreages of land as reserves from their original far more vast territories.

Senator Dawes chaired the Senate Indian Committee. Some of his contemporaries said that no one knew Indian affairs better than he did at that time. There were several organizations established before 1900 which dealt with the "plight of the Indian". One of them was the Women's National Indian Association (WNIA) and another was the Lake Mohonk Conference. The Indian Rights Association was also organized about this time.

These organization and other groups greatly influenced Congress and Senator Dawes, in particular. They were convinced that the only salvation for the American Indian before the turn of the century was to make each one an individual land owner to save the little land that

was left to them after the great cessions of the treaty making period. These groups worked tirelessly, with the best of intentions, but with no understanding of Tribal communal life and a dim vision of the possible outcome of their efforts.

Senator Dawes was convinced that for every Indian to own property was the answer he and the United States were looking for. He proceeded to incorporate the concept of land allotment into a proposed bill.

### **TIMBER!**

The lands the Oneidas saw in their new home in the West were covered with a white pine forest. Everywhere they looked, pine trees of huge dimensions stood. It was the same great white pine of their creation and their ancestral lands in New York. Sawmills sprung up everywhere just off the Oneida Reservation. Several sawmills were built on the Reservation along Duck Creek.

First, the lands surrounding the Oneidas were cleared for farming purposes. As the state population grew, the demand for lumber grew with it. The White emigrants looked on the pine of the Oneida Reservation similarly to the way others of them had viewed the gold discovered at Dalonehga in the Cherokee Country of Georgia or later the later the gold of the Sioux Black Hills. The politicians (including Indian agents supposedly looking out for Tribal interests) and entrepreneurs wanted Oneida timber any which way they could get it.

The Oneida only wanted to clear enough land to adequately provide food for their families and to use what timber they needed to build comfortable homes and out buildings for their crops and livestock. In addition, they used black ash to make baskets to sell in the surrounding communities. Barrels were the cardboard boxes of the 1800's. Oneida's cut hoop poles from poplar saplings and willow with which to bind the barrels. They sold red and white oak to manufacturers in the area to make barrel staves.

At Christmas time, Oneidas sent off many barrels packed with greens (hemlock and cedar boughs) to the cities to supplement their subsistence living.

The Green Bay and Lake Pepin Railroad crossed the Oneida Reservation in 1871. The Railroad Company needed railroad ties and the Oneidas were eager to supply the need. They were, however, prevented from doing so. Several men cut an order of ties and placed them along the track. The ties were confiscated by the agent and the event was reported to the Commissioner of Indian Affairs in Washington, D.C.



### **WHO OWNS THE TREES?**

The Bureau of Indian Affairs and the Secretary of Interior took the position that since the United States held title to the Oneida Reservation, and trees were part of the resource attached to the surface of the land, that the timber then was owned by the United States. Any minerals below the surface would be similarly held. Under this premise, Oneidas were prevented from cutting any timber for their own benefit. The only way they could gain some income was if the Indian agent had arranged a contract with a local mill. The Oneida man would be paid for his labor and the contract monies would go into the U.S. Treasury.

The Supreme Court of the United States upheld the position of the Bureau of Indian Affairs in the Cook Case of 1873.

Now, Tribal members began to think allotment was better for them because they could then cut and sell the timber on their individual parcels without being charged with federal

offenses. Life would be much easier and they would be happy again as they had been in their old homes in New York.



### WHAT DID THE CHIEFS SAY?

The letter below signed by eight of the chiefs, demonstrates the strong positions taken both for and against the probability of allotment:

*To the Hon. Commissioner of Indian Affairs:*

*We the undersigned who constitute the majority of the chiefs of the Oneida tribe of Indians of Green Bay desire to inform you some of our troubles and the cause of the division of our tribe into two parties. We beg you to consider fully what we have to say in this letter. For we deem it very important and surely a very grave one to us, as it involves the interest of our people, our land and even our own lives. By our reviews of the past and our reflecting upon the routine of the present affairs of our tribe, we are convinced that allotment of lands is best for our people. By reason of our advocating this system our people were divided. We stand in this proportion of the chiefs (legally that is according to the custom of our tribe in setting up a man for a chief) 8 for a 5 against allotment. We have drawn up a petition to this effect to be sent to our Great Father the President. So, for particulars about this we refer you to that petition as that will pass through your hands.*

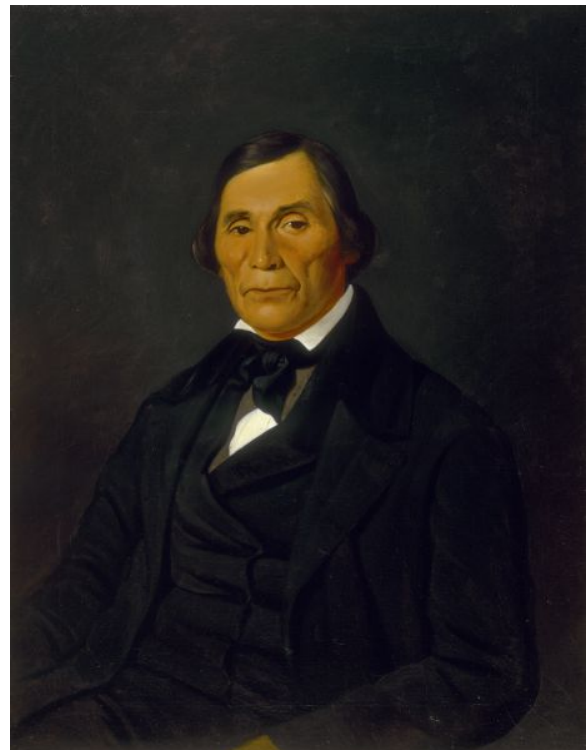
*We showed our petition to our opponents and gave them time to consider it and invited them again to join with us. Last Monday the 28<sup>th</sup> of February was the last council that we held with the other party, In this council they made us to understand that they will never consent to have our land surveyed and allotted*

*and would have nothing to do with the laws of the United States, but they here, only threatened before the council of the whole nation to kill Daniel Bread the oldest chief of the tribe and said that they will do so in case he persists in his endeavors to carry out the design of our petition. In this council they also tried to put him (Chief Bread) down as chief by vote but they were beaten and the majority of the tribe held him or sustained him as chief over them.*

### Witness

H. Cornelius  
Elijah Scanando  
John Cornelius  
Jacob Cornelius  
Daniel Bread  
His Daniel X William Mark  
His Baptist X Scanandoah Mark  
His Adam X Swamp Mark  
His Abram X Scanandoah Mark  
*(Emphasis added)*

**(Note: There is no date on this document. The jacket accompanying it is stamped Mar 12, 1870—Loretta V. Metoxen)**



Daniel Bread: The oldest chief of the tribe



The debate raged on and on for nearly twenty years. Letters were written by the Chiefs who favored allotment to the Indian Agent, the Commissioner of Indian Affairs, the Secretary of Interior and the President of the United States as well as to other politicians and Church dignitaries. Letters were also written to the same persons from the Chiefs who opposed allotment.

Ministers from both churches were very influential in the arguments. The Chiefs who belonged to the Protestant Episcopal Church were against allotment in 1870. Those Chiefs who were members of the Methodist Church took the opposite stance and wanted the Oneida Reservation to be allotted. The majority of the letters written on the subject were crafted by the respective ministers. The Indian agent at the time wrote a letter to the Commissioner stating that the ministers should stay out of the business of the Oneida Nation. He, however, had an opinion in favor of allotment.

#### **IN THE MEAN TIME**

Seventeen years before the act, the Friends (Quakers) had drafted a bill to allot the Oneida Reservation. This church-affiliated group characterized their work among and for Indian Tribes as a priority. The American Indian was perceived as “vanishing” from the face of the earth. They must do something to keep that from happening! The Indian Rights Association of Philadelphia, the Mohonk Conference of New York and the Women’s National Indian Association had similar goals in mind. They all envisioned “an allotment act” to better the Indian’s terrible condition. At the same time, each of these organizations insisted that the United States honor their treaties with Tribes.

#### **DOWN TO THE WIRE**

Opposition to the proposal of allotment was vigorously addressed by a number of Oneidas. On July 1, 1870, 90 Oneida men signed a letter (the majority having signed with their “marks” as they were neither proficient in English nor writing) to a representative of the Protestant Episcopal Church complaining of those Tribal members who were promoting the idea. They were aware that Wisconsin Senator T.O. Howe would be offering a bill looking

towards passing a law that their land should be sold and divided in spite of their protests.

The divisiveness of the proposed allotment brought on the two political groups internally known as the Citizen Party and the Indian Party. The wood-cutting issue was the root cause for the polarization of Tribal leaders and relatives. Those who were illegally cutting timber were reported to the Commissioner of Indian Affairs through the local Indian agent by those who were obeying the law and were subsequently prosecuted. Those who made such reports had large farms. They did not want their land subdivided. They belonged to the Indian Party and they elected their won leaders to oppose allotment.

**Two separate accounts in the History of Outagamie County state:** *Steps to open the Oneida Reservation and make the Indians citizens went to Green Bay and there conferred with leading citizens of Brown County and also with a delegation from the reservation consisting of A.P. Cornelius, Eli Scandinaven (Scanandoah?), Joseph Silas, and E.J. Cornelius. It was determined to communicate with Congress and with the secretary of interior.*

*In September, 1887, a protest signed by 800 Oneida Indians against allotment in severalty of their reservation was sent to Washington; about 400 others were also opposed to the allotment. The protestants represented about two-thirds of the reservation. They claimed that because they were not to have absolute control of the lands allotted nor the rights of citizenship for twenty-five years, their present status would remain unchanged. They were willing to allotment if these objections were removed.*

It would appear, from these numbers that the majority of the Oneida Nation opposed the final bill as proposed, no matter what their previous party affiliation.

Just who and how many Oneida members voted to accept the Dawes Allotment Act is not yet revealed by current research. It is known though that Mrs. Osiah Jane Joslyn Hiles of Milwaukee, a member of the Women’s National Indian Association and an officer of the local Wisconsin chapter, made several visits to

Oneida to influence the vote in favor of allotment of the Oneida Reservation.

The state of Wisconsin memorialized Congress by resolution of the state legislature on February 23, 1877. Provisions of the resolution stated that the Oneida Reservation should be allotted, that Wisconsin laws should apply thereto, except that no Oneida person should be permitted to vote or hold office. The Wisconsin Legislature recommended that a commission would determine, from time to time, which tribal members would have sufficient intelligence and character to such rights. This memorial was paternalistic at best and degrading, condescending and racially based at worst.

The selections were made. Special Agent Dana Lamb submitted his final report listing 1501 allotments made. Two hundred fifty-six acres were reserved for church and school purposes. The Land Management Office records show that 1527 allotments were made, but with cancellations and deaths and other adjustments, the last number was 1496. The census taken in September, 1889 indicated 1728 Oneidas. The difference of two hundred persons may have been due to the wives of the heads of households who were not listed on the final allotment roster.

At first, the Oneida people seemed to be reasonably satisfied with their new status. They could now cut and sell the timber from their individual allotments without the threat of prosecution. Once the timber was logged off, their resources were still minimal to non-existent to purchase equipment, draft animals, seeds and other necessities to make a reasonably good living at farming. Many parcels were low and swampy and not conducive to farming.

#### **THE BEGINNING OF THE END**

The Burke Act, introduced by Representative Charles H. Burke of South Dakota became law on May 1, 1906. It authorized discretion in the length of the trust periods for allotments and citizenship was to be granted at the end, rather than at the beginning of the trust period. Fee patents would be issued to the allottee if he or she were determined to be competent to handle their own affairs as decided by the Indian Agent. The Agent at Oneida was Joseph C. Hart.

The last paragraph of this act was immediately devastating in that it authorized allotments of Indians who died before the expiration of the trust period to be canceled and such lands would revert to the United States. Moreover, the agent could sell such parcels and issue a patent directly to a non-Indian purchaser with the net proceeds to go to the heirs. The determination of the legal heirs by the Secretary would be conclusive and final.

**Indian Commissioner Leupp, on September 30, 1906 praised the Burke Act in his Annual Report. Therein, he also stated "that the country is demanding an end of the Indian question and it is right."**

#### **AND THEN THERE WAS NONE**

A study, done by D. Otis (The Dawes Act and the Allotment of Indian Lands – F. Prucha, ed. 1973) showed that Indian land holdings decreased from 138 million acres in 1887 to 48 million acres or about 65 percent of their previous holdings. On the Oneida Reservation, the result was much worse. Mr. William Skenandore testified before the United States Senate, Committee on Indian Affairs on Monday, August 16, 1937:



**Willie Skenandore, testified before the U. S. Senate Committee on Indian Affairs.**

*They (Oneidas) occupied a tract of land containing 65,540 acres of the finest farming country on this continent. They were self-supporting people and they made their living by farming. They were good farmers and they raised everything that can be raised in that part of the country. They were rich and well-to-do.*

*But, through the administration of the General Allotment Act of 1887, they were reduced from a self-supporting people to destitution and poverty, and made wanderers in their own native land. They were landless and homeless, to the extent of about 95 percent, by mortgage foreclosures and tax deeds.*

The descendants of Henry "Duke" Doxtator say that he and his family were forcibly removed from their home for nonpayment of taxes by the sheriff of Brown County and deputies, and that "Duke" was wounded by an ax that was put through his door at that time.

Another family story tells that Albert and Celicia Metoxen and their family of small children were evicted because even though he had raised the money pay the mortgage by working in the North woods, the mortgage holder would not accept payment. The family had nowhere to go except to start walking down the road with the possessions they could carry while looking for an abandoned building. Their livestock were driven ahead of them.

These are only two stories. Every allotment has a similar tale to be told. Most of these tales remain in clinical, non-emotional files of the land sales records.

This is the second time the Oneidas were dispossessed of their homelands, first in

New York and then of their new found home in Wisconsin; this despite the fact that the Oneidas fought in the Revolutionary War for the Colonists and the Continental Congress promised them security of their lands forever in the Treaty of 1784 as did the fledgling United States in Treaties of Fort Harmar in 1789 and Canandaigua of 1794.

When the Great Depression of 1929 took hold, the Oneidas were worse off than their new neighbors, for now they had no land, and no jobs were to be had. There occurred a great out migration to cities and towns to look for work. Many of those remaining on the Reservation worked for the European farmers who now owned their former lands.

### **IT IS OUR LAND**

In 1997, a little over one hundred years after allotment, the Oneida Nation is rising from the debilitating effects of unwise legislation. The Oneida Nation is again self-sufficient. There are 13,270 members, many who are returning to jobs provided by the Nation after three or four generations away from their homelands. 8,960 acres have been purchased back in the last ten years. Tribal members own an additional 1,627 acres. The Tribal population has increased nearly eight fold. The maintenance, growth and development of the Oneida people demands reacquisition of all 65,540 acres. The Oneida people can look back on a sad time that generated wisdom and look forward to a flourishing future of their own making.

**THE ONEIDA REMAIN UNCONQUERED!**