

# TRIBAL HISTORY

## A Piece of Siletz History

by Robert Kentta, Cultural Resources Director

*This is the 14th in a series of articles on our tribal history. Last month's article took us up through October 1892, when our people were (more or less) forced to sign an agreement that ceded all of the reservation lands remaining after allotment (except the five sections of tribal timber reserve). This article is less about an event and more about the two decades immediately following the signing of that agreement.*

### Part XIV – The Years 1893-1912

As soon as the 1892 agreement was signed, an effort to split the western part of Benton County into a new county went into overdrive. This resulted in establishing Lincoln County four months later.

Ever since non-Indians had moved into the Yaquina Bay strip in the 1860s, a certain amount of tension and animosity had existed between the Willamette Valley citizens of Benton County and the county's coastal residents. Politically, the inland population controlled the purse strings and other economic factors important to the coastal white population. Essentially, coastal county residents were treated like poor relations – and to a certain extent, the inlanders tried to make sure they were.

Lee and Ira Wade, B.F. Jones, C.B. Crosno, and other white men who were residents of the reservation area that had been opened to settlement attended the "negotiations" leading up to the signing of the 1892 agreement. They were very interested in forming a new county. Getting the last remaining reservation lands opened to settlement (except for the allotments and five sections of tribal timber reserve) was crucial to the future of this new county they envisioned. In their minds, you couldn't have a 225,000-acre block of untaxable land taking up a good portion of a county and still expect there to be sufficient revenue for roads, schools, etc.

The years immediately leading up to allotment had been tough ones for our people health-wise. Letters of concern even came from the Indian Office in D.C., asking the Siletz agent the reason for the completely off-the-charts death rate among the young people at Siletz.

Special inspectors investigated the conditions at the boarding school and other potential factors contributing to the death rate. Some changes were made at the school, but still a majority of our younger generations slipped away. Many adults who had been assigned allotments died over the next several years, too. This left a good number of allotments without original owners.

Heirship to the allotments came into question in many cases. Sometimes several siblings or other more distant relatives of an allottee would share interest in the estate. Questions about how to handle heirship at Siletz soon resulted in more legislation.

In 1901, Congress passed the Siletz Indian Inherited Lands Act. To my understanding, the act limited Siletz Tribal members to just one allotment in their name. Any other lands in their name had to be deeded (so that county taxes applied) or the Siletz Agency would sell the allotment through advertised sales and divide the proceeds among the heirs.

Most of our tribal people could not begin to pay property taxes. In cases of multiple heirs, the deeding became a complicated matter, so advertised sales became a common practice at the Siletz Agency. Through this streamlined process, many allotments were quickly sold

to non-Indians. Homesteading within the recently opened tracts of the reservation also was very active.

During the 1892 negotiations, the commissioners had promised that no white men would be allowed to settle within the area ceded under that agreement unless they strictly complied with the land laws and in good faith intended to make a permanent home where they homesteaded. Soon, however, it became more than obvious that the opening of the remaining reservation lands to homesteading was bringing in speculators and proxies of the timber companies.

Fraudulent homestead entries eventually ran so rampant that several Toledo-area citizens were charged with land fraud. Also named in the suits were General Land Office officials who had taken bribes and cuts to approve titles to known fraudulent homestead entries. The case was so well known that S.A.D. Puter, who was himself in jail for land fraud, wrote a book called "Looters of the Public Domain." Chapter 30 is specifically about the Siletz Reservation land fraud cases.

While speculators were exercising free reign within our reservation boundaries, state officials began cracking down on our tribal members for fishing and hunting outside of state regulations. Our traditional eel traps were outlawed because state fish and game officials were worried about the number of trout caught with the eels. There was, of course, no recognition of treaty rights, which should have stemmed from the removal, and confederation, of ratified treaty tribes with our other tribes on the Siletz Reservation.

Eventually, the Portland office of the BIA devised a Siletz hunting and fishing policy, which the state more or less respected. This policy did not attempt to consider the possibility of treaty rights at Siletz. It was more like a band-aid on a complicated issue, without looking at the complete legal history. The policy eventually read that Siletz Tribal members could set a net or take a deer outside of state seasons and regulations, as long as they did so on Siletz allotment lands that still remained in trust status (not deeded to the allottee or to heirs).

Meanwhile, our land and resource base shrank. A provision within the 1892 agreement said that Siletz allottees could ask for clear titles to their allotments within five years (instead of the automatic 25-year trust period stipulated under the General Allotment Act) if they could speak English well enough and were considered "competent" by the agent. Here was another glitch that caught our people unaware. Clear title meant that you could mortgage your allotment to purchase food, building materials, farm equipment, etc. and if you couldn't repay the loan, you lost your property.

In 1908, the Siletz Boarding School closed. This meant that the school farm reserve that Agent Buford had fought so hard to keep out of Siletz people's allotments was now considered surplus. In 1910, Congress passed another act that authorized the BIA to sell the five timber reserve tracts. Only one (the Dewey Creek Tract), however, was sold under that act. The act also authorized town lots to be sold out of that 200 acres (now downtown Siletz).

The selling of the school reserve tract, the relaxed policy on deeding allotments, combined with cases of non-payment of property taxes, along with the allotment inheritance law, had devastating effects. By 1912, Siletz Agent Egbert would comment that more than half of the Siletz allotments were already out of Indian ownership.

Next month's article will discuss the years leading up to reforms in federal Indian policy, beginning with the Indian Reorganization Act in 1934.