

LUMBEE RECOGNITION ACT

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

ON

S. 660

TO PROVIDE FOR THE ACKNOWLEDGMENT OF THE LUMBEE TRIBE OF
NORTH CAROLINA

JULY 12, 2006
WASHINGTON, DC



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LUMBEE RECOGNITION ACT

WEDNESDAY, JULY 12, 2006

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 9:30 a.m. in room 106, Senate Dirksen Office Building, Hon. John McCain (chairman of the committee) presiding.

Present: Senators McCain, Dorgan, Thomas, and Burr.

STATEMENT OF HON. JOHN McCAIN, U.S. SENATOR FROM ARIZONA, CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS

The CHAIRMAN. Good morning. The committee will come to order.

This morning the committee will receive testimony on S. 660, the Lumbee Recognition Act, which was introduced by Senators Dole and Burr. The Lumbees have pursued Federal recognition for their community as an Indian tribe for over 100 years, and it appears they have garnered significant support for those efforts within their State. In 1956, Congress recognized the long history of the Lumbee Tribe and individual Lumbees, but instead of welcoming the tribe into the family of federally recognized tribes, in one statute Congress both recognized the tribe and terminated it.

For the record, my position has generally been to oppose Congressional recognition. There is an administrative process at the Department of the Interior providing a rigorous review of groups seeking to be recognized as Indian tribes, and I am usually in favor of relying on the expertise of that process to establish the legitimacy of these groups. Nevertheless, I understand that the 1956 Lumbee Act was enacted during the termination period of the 1950's, a time when many of our Indian tribes were not treated fairly.

I also understand the Lumbee Tribe submitted a petition with the Department of the Interior some years ago, and were told that they are statutorily barred from that process by this 1956 act. The frustration felt by this community in being unfairly caught in no man's land is also entirely understandable. S. 660 would address this injustice by amending the 1956 act to provide full Federal recognition to the tribe. However, Congressional recognition of tribes usually engenders some controversy, and this situation appears to be no different.

The witnesses today will provide testimony both pro and con as to the unique history of the Lumbee. I also welcome our colleagues from the Senate and House who have sponsored this legislation. Vice Chairman Dorgan.
[Text of S. 660 follows:]

109TH CONGRESS
1ST SESSION

S. 660

To provide for the acknowledgment of the Lumbee Tribe of North Carolina,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2005

Mrs. DOLE (for herself and Mr. BURR) introduced the following bill; which
was read twice and referred to the Committee on Indian Affairs

A BILL

To provide for the acknowledgment of the Lumbee Tribe
of North Carolina, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lumbee Recognition
5 Act”.

6 **SEC. 2. PREAMBLE.**

7 The preamble to the Act of June 7, 1956 (70 Stat.
8 254), is amended—

9 (1) by striking “and” at the end of each clause;

1 (2) by striking “: Now, therefore,” at the end
2 of the last clause and inserting a semicolon; and

3 (3) by adding at the end the following:

“Whereas the Lumbee Indians of Robeson and adjoining
counties in North Carolina are descendants of coastal
North Carolina Indian tribes, principally Cheraw, and
have remained a distinct Indian community since the
time of contact with white settlers;

“Whereas since 1885 the State of North Carolina has recog-
nized the Lumbee Indians as an Indian tribe;

“Whereas in 1956 the Congress of the United States ac-
knowledged the Lumbee Indians as an Indian tribe, but
withheld from the Lumbee Tribe the benefits, privileges
and immunities to which the Tribe and its members oth-
erwise would have been entitled by virtue of the Tribe’s
status as a federally recognized Indian tribe; and

“Whereas the Congress finds that the Lumbee Indians should
now be entitled to full Federal recognition of their status
as an Indian tribe and that the benefits, privileges and
immunities that accompany such status should be ac-
corded to the Lumbee Tribe: Now, therefore,”.

4 **SEC. 3. FEDERAL RECOGNITION.**

5 The Act of June 7, 1956 (70 Stat. 254), is
6 amended—

7 (1) by striking the last sentence of the first sec-
8 tion; and

9 (2) by striking section 2 and inserting the fol-
10 lowing:

1 **“SEC. 2. RECOGNITION.**

2 “(a) IN GENERAL.—Federal recognition is extended
3 to the Lumbee Tribe of North Carolina. All laws and regu-
4 lations of the United States of general application to Indi-
5 ans and Indian tribes shall apply to the Lumbee Tribe
6 of North Carolina and its members.

7 “(b) PETITION.—Notwithstanding the first section,
8 any group of Indians in Robeson and adjoining counties,
9 North Carolina, whose members are not enrolled in the
10 Lumbee Tribe of North Carolina as determined under sec-
11 tion 3(c), may petition under part 83 of title 25, Code
12 of Federal Regulations (or any successor regulation) for
13 acknowledgment of tribal existence.

14 **“SEC. 3. ELIGIBILITY FOR SERVICES AND BENEFITS.**

15 “(a) IN GENERAL.—

16 “(1) SERVICES AND BENEFITS.—The Lumbee
17 Tribe of North Carolina and its members shall be el-
18 igible for all services and benefits provided to Indi-
19 ans because of their status as members of a feder-
20 ally recognized Indian tribe.

21 “(2) RESIDENCE ON OR NEAR RESERVATION.—
22 For the purposes of the delivery of such services,
23 members of the Tribe residing in Robeson, Cum-
24 berland, Hoke, and Scotland counties in North Caro-
25 lina shall be deemed to be residing on or near an In-
26 dian reservation.

1 “(b) DETERMINATION OF NEEDS AND BUDGET.—

2 “(1) IN GENERAL.—On verification by the Sec-
3 retary of the Interior of a tribal roll under sub-
4 section (c), the Secretary of the Interior and the
5 Secretary of Health and Human Services shall de-
6 velop, in consultation with the Lumbee Tribe of
7 North Carolina, a determination of needs and budg-
8 et to provide the services to which members of the
9 Tribe are eligible.

10 “(2) INCLUSION IN BUDGET REQUEST.—The
11 Secretary of the Interior and the Secretary of
12 Health and Human Services shall each submit a
13 written statement of those needs and a budget with
14 the first budget request submitted to Congress after
15 the fiscal year in which the tribal roll is verified.

16 “(c) TRIBAL ROLL.—

17 “(1) IN GENERAL.—For purposes of the deliv-
18 ery of Federal services, the tribal roll in effect on
19 the date of enactment of this section shall, subject
20 to verification by the Secretary of the Interior, de-
21 fine the service population of the Tribe.

22 “(2) VERIFICATION.—The Secretary’s verifica-
23 tion shall be limited to confirming compliance with
24 the membership criteria set out in the Tribe’s con-
25 stitution adopted on November 11, 2000, which ver-

1 ification shall be completed not less than 1 year
2 after the date of enactment of this section.

3 **“SEC. 4. FEE LAND.**

4 “Fee land that the Tribe seeks to convey to the
5 United States to be held in trust shall be treated by the
6 Secretary of the Interior as on-reservation trust acquisi-
7 tions under part 151 of title 25 Code of Federal Regula-
8 tions (or any successor regulation) if the land is located
9 within Robeson County, North Carolina.

10 **“SEC. 5. STATE JURISDICTION.**

11 “(a) IN GENERAL.—The State of North Carolina
12 shall exercise jurisdiction over—

13 “(1) all criminal offenses that are committed
14 on; and

15 “(2) all civil actions that arise on;
16 land located within the state of North Carolina that is
17 owned by, or held in trust by the United States for, the
18 Lumbee Tribe of North Carolina, or any dependent Indian
19 community of the Lumbee Tribe of North Carolina.

20 “(b) TRANSFER.—

21 “(1) IN GENERAL.—The Secretary of the Inte-
22 rior may accept on behalf of the United States, after
23 consulting with the Attorney General of the United
24 States, any transfer by the State of North Carolina
25 to the United States of any portion of the jurisdic-

1 tion of the State of North Carolina described in
2 paragraph (1) under an agreement between the
3 Lumbee Tribe and the State of North Carolina.

4 “(2) EFFECTIVE DATE.—A transfer of jurisdic-
5 tion under paragraph (1) shall not take effect until
6 2 years after the effective date of the agreement.

7 “(c) EFFECT OF SECTION.—This section shall not af-
8 fect the application of section 109 of the Indian Child Wel-
9 fare Act of 1978 (25 U.S.C. 1919).

10 **“SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

11 “There are authorized to be appropriated such sums
12 as are necessary to carry out this Act.”

○

**STATEMENT OF HON. BYRON L. DORGAN, U.S. SENATOR FROM
NORTH DAKOTA, VICE CHAIRMAN, COMMITTEE ON INDIAN
AFFAIRS**

Senator DORGAN. Mr. Chairman, thank you very much.

When reading the briefing material for this hearing, I asked for a time line to be prepared for me. So over 3 pages came to me with a time line, starting back in the early 1700's, and it goes on and on and on. This is a very unusual, very interesting and in some ways controversial issue. I am interested in learning as much as I can from this hearing, as much as is available. We want to know about the Lumbee Tribe and its history and what it has been confronted with with respect to the 1956 act and other related issues.

So we recognize this is a controversial issue. We think the best way to address it is to have a hearing, have all the sides come and present testimony. We are very appreciative that many of you have done so today. And I welcome our colleagues as well.

The CHAIRMAN. Senator Thomas.

**STATEMENT OF HON. CRAIG THOMAS, U.S. SENATOR FROM
WYOMING**

Senator THOMAS. Thank you, Mr. Chairman. I don't have a statement, really. I appreciate your having this hearing. However, there was some talk about bringing this to the floor directly, and I think it should properly have a hearing, and I appreciate that. Thank you.

The CHAIRMAN. Thank you very much, Senator.

We now would like to welcome our dear friend and colleague, the Honorable Elizabeth Dole, and our friend from the House of Representatives, the Honorable Mike McIntyre. Welcome, Senator Dole, and thanks for being here.

**STATEMENT OF HON. ELIZABETH DOLE, U.S. SENATOR FROM
NORTH CAROLINA**

Senator DOLE. Thank you, Mr. Chairman.

Mr. Chairman, Mr. Vice Chairman, thank you very much for holding this important hearing today. Senator Thomas, Senator Burr, delighted to be with you and to have an opportunity to be with you and to have an opportunity to express my deepest thanks to each of you for your leadership on so many issues affecting Native Americans.

We are here this morning to discuss tribal recognition. The Lumbee Tribe of North Carolina has waited, Mr. Chairman, more than 100 years for full Federal recognition and 50 years in order to right a wrong that denied them the benefits granted to every other recognized tribe. I introduced the legislation we are considering today, the Lumbee Recognition Act, because I deeply believe that it is the right thing to do. In fact, it was the very first bill that I introduced as a new member of the U.S. Senate.

With more than 50,000 members, the Lumbee Tribe is the largest east of the Mississippi River, as well as the largest non-federally recognized tribe in America. Joining us today are Lumbee Chairman Jimmy Goins and other members of the Lumbee Tribe who have journeyed here to make their case yet once again.

As many of you will remember, this committee held a hearing on the Lumbee Recognition Act on September 17, 2003, the very same day that Hurricane Isabel was bearing down on North Carolina and moving up the East Coast. Undeterred, members of the Lumbee Tribe traveled in the face of that powerful storm, determined to make it to their Senate hearing.

It is this resolve of the Lumbees, even after years of struggles and disappointments, that inspires me to take up this fight alongside them and to advocate for the recognition they rightfully deserve. I welcome the support of my good friend, Senator Richard Burr, who has joined me in introducing the Lumbee Recognition Act. And I greatly appreciate the hard work Congressman Mike McIntyre is doing in the House on this issue. I thank you both for the opportunity to join together today in this effort.

In addition, I would like to note the endorsement, Mr. Chairman, of North Carolina Governor Mike Easley, who wrote last week to this committee to express his strong support for Lumbee recognition. Mr. Chairman, I request that the Governor's comments be included in the record.

The CHAIRMAN. Without objection, so ordered.

[Referenced information appears in appendix.]

Senator DOLE. For more than a century, the Lumbees have been recognized as American Indians. North Carolina formally recognized the tribe in 1885, and 3 years later, in 1888, the tribe began what has become a very long quest for recognition and assistance from the Federal Government. Over the years, many bills were introduced in Congress to provide the Lumbees with Federal recognition. But these bills were never acted upon or were passed by only one chamber.

Finally, in 1956, Congress passed the Lumbee Act. But there was a caveat: The Lumbees were denied the full benefits that every other federally recognized tribe received. Refusing to accept this partial nod to their legitimacy and their proud heritage, the Lumbees and their allies in Congress have been unrelenting in the request for what the tribe deserves: To be treated by the Federal Government like every other recognized tribe.

There are some who argue that the Lumbee should be required to go through the Bureau of Indian Affairs [BIA], rather than through legislation. However, the Lumbee Act of 1956 actually prohibits the tribe from going through the BIA process. As the law now stands, the Lumbee Tribe can only be recognized by an act of Congress. Just one other tribe, the Tiwas of Texas, face a similarly unfair situation, following the passage of a comparable bill in 1965.

But in 1987, Congress enacted special legislation to recognize them. This makes the Lumbees the only tribe in the country still trapped in this legal limbo and ineligible for the administrative acknowledgment process because of an earlier act of Congress.

The BIA process is reserved for tribes whose legitimacy must be established. As we know, that is certainly not the case with the Lumbees. Their legitimacy has been established time and time again. There have been numerous studies by the Department of the Interior, beginning as early as 1913, then again in 1914, and yet again in 1933. Each time, it has been determined that the Lumbees are indeed an Indian tribe, descended from the historic Cheraw In-

dians. There is no need to waste the tribe's or the Government's time and money again.

Let me also underscore, it has been documented by GAO that getting through the BIA process can be arduous, to say the least, and lengthy. A 2001 GAO report revealed it can take up to 15 years to resolve petitions for recognition. And a 2005 follow-up report underscored that even with some improvements to the BIA process, it would still take years for BIA to work through its current backlog of recognition petitions and even longer to consider new petitions. It is clear that even if the Lumbee could legally go through BIA, this would only impose yet another lengthy delay on this tribe.

Over the last several years, I have had many opportunities to visit with the Lumbees. One occasion in particular stands out in my mind, a 2003-rally in Robeson County with my good friend, Congressman McIntyre. This rally brought together the entire community, uniting people of all ages, all races, all backgrounds for a common goal: Getting the Lumbee Indians the full recognition and benefits they deserve.

In the last Congress, this committee unanimously approved the Lumbee Recognition Act. I urge you to once again report this bill out of the committee as expeditiously as possible. Simply put, this is about fairness. It is about righting a wrong and allowing future generations of Lumbees to benefit from the recognition for which their ancestors have fought tirelessly.

Following Congressman McIntyre, this committee will hear testimony from several other distinguished panelists, including Chairman Goins, a dear friend and determined advocate for his tribe. And Arlinda Locklear, a very talented attorney and nationally recognized expert on Indian tribes. In 1984, Arlinda, a member of the Lumbee Tribe, became the first Native American woman to appear before the U.S. Supreme Court.

Dr. Jack Campisi will testify once again. He is a professor at Wellesley College and an expert on tribal and Lumbee issues. Dr. Campisi has actually lived among the Lumbee in Robeson County while conducting his research.

In closing, let me thank you again, Mr. Chairman, Mr. Vice Chairman, for holding this important hearing. And I thank you for the privilege of presenting my heart-felt views on the issue of fairness for the Lumbee people. Thank you.

The CHAIRMAN. Thank you very much, Senator Dole.
Congressman McIntyre, welcome.

**STATEMENT OF HON. MIKE MCINTYRE, U.S. REPRESENTATIVE
FROM NORTH CAROLINA**

Mr. MCINTYRE. Thank you, Senator McCain, good to be with you.

In addition to Governor Easley's remarks that Senator Dole pointed out, we would like to have in the record and we would like to ask unanimous consent to submit the remarks of Congressman Robin Hayes, who was an original cosponsor of this bill in the U.S. House.

The CHAIRMAN. Without objection, so ordered.
[Prepared statement of Mr. Hayes appears in appendix.]
Mr. MCINTYRE. Thank you, Senator.

Mr. Chairman and members of the committee, thank you for this opportunity to testify before you today regarding Federal recognition for the Lumbee Indians. And a special thanks to my colleagues, Senators Dole and Senator Burr, for their leadership and their work on this important effort.

In the late 1500's, when English ships landed on the shores at Roanoke Island on the North Carolina Coast, the Englishmen discovered Native Americans. Included among those Native Americans were both the Cheraw and Pee Dee Indians, who are direct ancestors of the Lumbee Tribe. Later, in 1888, the Lumbees made their first effort at Federal recognition. For at least 500 years, Lumbee Indians have been inhabitants of this land. And for over one-half the time that our country has been in existence, 119 of the 230 years, the Lumbee Indians have been seeking the recognition and respect that they deserve. As the largest tribe east of the Mississippi and the largest non-recognized tribe in America, it is unfathomable that this tribe of 55,000 people has never been fully recognized by our own U.S. Government.

Mr. Chairman, the time for Lumbee recognition has come. It was Congressional action that put the Lumbees in this situation in 1956, and it will take Congressional action to resolve it. As my friend, Senator Dole, pointed out, we have a direct precedent, the Tiwa Tribe of Texas, who was in a similar situation and that was resolved by Congress, leaving the Lumbees as the only tribe in this unresolved position.

Mr. Chairman and members of the panel, I was born and reared in Robeson County, North Carolina, the primary home of the Lumbee people. I go home there every weekend, and I have the high honor of representing approximately 40,000 Lumbees who live in my home county. In fact, there are more Lumbees in Robeson County than any other racial or ethnic group. The Lumbee Indians, many of whom, Mr. Chairman, are here in the audience with us today and traveled throughout yesterday and the night to be here, are my friends, many of whom I have known all my life.

They are important to the success of everyday life in southeastern North Carolina, and their contributions in our society are numerous and endless. From medicine and law to business and banking, from the farms and factories to the schools and churches, from government, military, and community service, to entertainment and athletic accomplishments, the Lumbees have made tremendous contributions to our county, our State, and indeed, our Nation.

In fact, in my home county, the former sheriff and the current clerk of court, registrar of deeds, chairman of the county commissioners, superintendent of the public schools, and the representative in the State legislature of the area where I live, as well as two of our district court judges and one of our superior court judges, are all Lumbee Indians, obviously engendering great respect in our local community and throughout our region.

Mr. Chairman, those contributions are being recognized by our colleagues. In the U.S. House, through the support of H.R. 21, legislation that I introduced on the day that we were sworn into the Congress of this session, they have supported the opportunity to grant Lumbees Federal recognition. I am pleased to report to the Senate Indian Affairs Committee that 211 members of the U.S.

House have cosponsored this recognition. These cosponsors come from different parts of the country and from both political parties. But they all agree that the time for recognition has come.

Lumbee contributions are also being recognized back home by both the public and private sector, from city councils to county commissions, from the chamber of commerce to Southeastern Regional Medical Center, all have endorsed the effort to grant the Lumbees Federal recognition.

Mr. Chairman, in conclusion, let me urge this committee and the U.S. Congress not to delay any more on this issue. Justice delayed is justice denied. As you will hear from the next panel, the evidence is clear, cogent and convincing. It is time to say yes, yes to dignity and respect, yes to fundamental fairness, yes to decency, yes to honor, yes to Federal recognition. It is time for discrimination to end and recognition to begin.

Thank you again for this opportunity to testify. I look forward to working with you and the committee for this long overdue recognition. May God grant that justice will finally be done. With your help, I am confident it will.

[Prepared statement of Mr. McIntyre appears in appendix.]

The CHAIRMAN. Thank you both very much. We appreciate your taking the time to appear before the committee, and we will look forward to hearing the other witnesses. Thank you very much.

Our next panel is R. Lee Fleming, director, Office of Federal Acknowledgment, Department of the Interior. Before we begin with Mr. Fleming, I note that Senator Burr is here. Would you have an opening statement or comment, Senator Burr?

**STATEMENT OF HON. RICHARD BURR, U.S. SENATOR FROM
NORTH CAROLINA**

Senator BURR. Mr. Chairman, thank you.

After the testimony from my colleagues, Senator Dole and Congressman McIntyre, I think everything has been said. But I would like to take this opportunity to urge my colleagues on this dias that they concentrate on two words that they heard: Equity and fairness. I believe that is at the root of why this hearing is being held, why Senator Dole has been so passionate at pursuing a legislative remedy. It is to achieve equity and fairness. And I believe that if you look at the history of this issue in detail, you will find that this Government has not met that threshold as it relates to this issue.

I thank the Chair.

The CHAIRMAN. Thank you very much, Senator Burr.

Mr. Fleming, welcome. Please proceed.

**STATEMENT OF R. LEE FLEMING, DIRECTOR, OFFICE OF FEDERAL
ACKNOWLEDGMENT, DEPARTMENT OF THE INTERIOR**

Mr. FLEMING. Good morning, Mr. Chairman and members of the committee. My name is Lee Fleming, and I am the director of the Office of Federal Acknowledgment at the Department of the Interior.

Groups seeking to be acknowledged as Indian tribes are reviewed through the office that I direct, and I am here today to provide the Administration's testimony on S. 660, the Lumbee Recognition Act.

The acknowledgment of the continued tribal existence of another sovereign is one of the most solemn and important responsibilities delegated to the Secretary of the Interior, which the Department administers through its acknowledgment regulations at 25 C.F.R. Part 83. Federal acknowledgment of tribal status enables Indian tribes to participate in Federal programs and services and establishes a government-to-government relationship between the United States and the Indian tribe. Acknowledgment carries with it certain immunities and privileges which may include exemptions from State and local jurisdiction and the ability of newly acknowledged Indian tribes to undertake unique economic opportunities.

Under the Department's acknowledgment regulations, petitioning groups must demonstrate that they meet each of the seven mandatory criteria. The petitioner must first, demonstrate that it has been identified as an American Indian entity on a substantially continuous basis since 1900; second, show that a predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present; third, demonstrate that it has maintained political influence or authority over its members as an autonomous entity from historical times until the present; fourth, provide a copy of the group's present governing document, including its membership criteria; fifth, demonstrate that its membership consists of individuals who descend from an historical Indian tribe or from historical Indian tribes that combined and functioned as a single, autonomous political entity, and provide a current membership list; sixth, show that the membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe; and last, seventh, demonstrate that neither the petitioner nor its members are the subject of Congressional legislation that has expressly terminated or forbidden the Federal relationship.

The Department recognizes that under the U.S. Constitution, Congress has the authority to recognize a distinctly Indian community as an Indian tribe. But along with that authority, it is important that all parties have the opportunity to review all of the information available before recognition is granted. That is why the Department of the Interior supports a transparent recognition process that requires groups to go through the acknowledgment process.

The Department's regulations provide a deliberative, uniform mechanism to review and consider groups seeking Indian tribal status. Notwithstanding that preference, the Department recognizes that some legislation is needed, given the unique status of certain Indians in North Carolina.

In 1956, Congress designated Indians then residing in Robeson and adjoining counties of North Carolina as the Lumbee Indians of North Carolina. Congress went on to note the following:

Nothing in this Act shall make such Indians eligible for any services performed by the United States for Indians because of their status as Indians and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to the Lumbee Indians.

In 1989, the Department's Office of the Solicitor advised that the 1956 act forbade the Federal relationship within the meaning of the acknowledgment regulations and that the Lumbee Indians

were therefore precluded from consideration for Federal acknowledgment under the administrative process. Because of the 1956 act, legislation is necessary for the Lumbee Indians to be afforded the opportunity for tribal status under the Department's regulations. The Department would welcome the opportunity to assist the Congress in drafting such legislation.

If Congress elects to bypass the regulatory process in favor of legislative recognition of the Lumbee in a manner granting full sovereign rights, then the Department makes the following comments on S. 660: S. 660 extends Federal recognition to the Lumbee Tribe of North Carolina and permits any other group of Indians in Robeson and adjoining counties whose members are not enrolled in the Lumbee Tribe to petition under the Department's acknowledgment regulations. The Office of Federal Acknowledgment has received letters of intent to petition from six groups from Robeson and adjoining counties. These groups may overlap with each other in governing bodies, membership and ancestry.

In addition, we have identified over 80 names of groups that derive from these counties and all are affected by the 1956 Lumbee Act. Some of these groups also claim to be the Lumbee Tribe. Therefore, we recommend Congress clarify the Lumbee group that would be granted recognition under this bill.

One of the benefits or privileges available to recognized Indian tribes is the ability to conduct gaming under the Indian Gaming Regulatory Act. Under S. 660, any fee land that the Lumbee seeks to convey to the United States to be held in trust shall be considered an off reservation trust acquisition if the land is located within Robeson County, North Carolina, and gaming will be allowed on those lands under the provisions of IGRA.

Under S. 660, the State of North Carolina has jurisdiction over criminal and civil offenses and actions on lands within North Carolina owned by or held in trust for the Lumbee Tribe or any dependent Indian community of the Lumbee Tribe. This bill, however, does not address the State's civil regulatory jurisdiction which includes jurisdiction over gaming, zoning and environmental regulations.

We are concerned with the provision requiring the Secretary, within 1 year, to verify the Lumbee membership and then to develop a determination of needs and budget to provide Federal services to the Lumbee group's eligible members. In our experience, verifying a tribal role is an extremely involved and complex undertaking that can take several years to resolve with much smaller tribes. Moreover, S. 660 is silent as to the meaning of verification for inclusion on the Lumbee group's membership list.

In addition, S. 660 may raise a constitutional problem by purporting to require the President to submit annually to the Congress as part of his annual budget submission a budget that is recommended by the head of an executive department for program services and benefits to the Lumbee. Under the recommendations clause of the U.S. Constitution, the President submits for the consideration of Congress such measures as the President judges necessary and expedient.

Should Congress choose not to enact S. 660, the Department feels that at a minimum, Congress should amend the 1956 act to afford

the Lumbee Indians the opportunity to petition for tribal status under the Department's acknowledgment regulations. This concludes my prepared statement. I would be happy to answer any questions the committee may have.

[Prepared statement of Mr. Fleming appears in appendix.]

The CHAIRMAN. Thank you very much, Mr. Fleming.

If legislation were enacted to repeal the 1956 act, so that the Lumbees can proceed through the normal process, can you estimate how many years it would take to make a final decision on a Lumbee petition from the date of enactment until final agency action?

Mr. FLEMING. Currently, the Office has a workload of 9 groups on active and 10 groups that are ready. We have 4 teams that work on these decisions; 19 divided by 4 gives you an idea of the number of years that it will take to eliminate the workload. So we are looking at at least a wait of 14 into 19 is 4 years, plus, before we begin an actual review of the Lumbee group's petition.

The CHAIRMAN. You mentioned that there are other entities out there that under this bill would be somehow addressed, is that correct? In other words, according to your statement, as I understand it, you say we have identified over 80 names of groups that derive from these counties and are affected by the 1956 act. Some of these groups claim to be the Lumbee Tribe. Elaborate a little bit on that.

Mr. FLEMING. We have six formal petitioning groups from Robeson and adjoining counties. Under the 1956 act that Congress enacted, any individuals or groups from Robeson and adjoining counties is designated as Lumbee Indian. So when a petitioning group submits a petition from Robeson and adjoining counties, then we know that the 1956 act prohibits us from moving forward in reviewing those petitions.

Six groups, the Cherokee Indians of Robeson and Adjoining Counties, the Lumbee Regional Development Association, the Cherokee Indians of Hoke Count, Inc., the Tuscarora Nation of North Carolina, the Tuscarora Nation East of the Mountains, and the Tuscarora Nation of Indians of the Carolinas, those are groups that are in Robeson and adjoining counties that are affected by the Lumbee Act.

In our administrative correspondence files, we have identified the names of other groups that have sent in correspondence claiming that they are an Indian tribe located in Robeson and adjoining counties. And as I mentioned in my testimony, that there is an overlapping of membership, there is an overlapping of some of the governing bodies and there is an overlap of the ancestry of these groups with the Lumbee.

The CHAIRMAN. How do you address that issue, given, if we passed S. 660, how would we address these multiple conflicting names and groups?

Mr. FLEMING. This is the complex issue. Under our regulations, we have a thorough review of the membership lists. We have a review of the ancestries and we would know who is who. If this is enacted, sure enough, the Lumbee Tribe of North Carolina would be acknowledged. But then you would have a lot of these groups saying, perhaps our group was acknowledged. So there needs to be

a clearer definition of who is actually being acknowledged in the bill.

The CHAIRMAN. And you also mentioned that the legislation requires that within 1 year there would have to be, 40,000 people would be listed and authenticated, have access to the Lumbee's tribal roll. Do you think you could accomplish that in 1 year?

Mr. FLEMING. Honestly, I do not think it could be accomplished in 1 year. At one hand, 34,000 members was a figure that was provided. The 2000 Federal census has 51,913 members. And then we heard earlier around 53,000 members. Even with smaller tribes, we have estimated that it would take 3 to 4 years to verify the membership rolls. Because the membership rolls are representative of the enrolment files of each and every individual of the tribe.

And so it is critical that it be well defined and in the case where we have so many other groups that may be involved, we have to review their records and a clear definition has to be made. Because ultimately there are programs and services that are going to be afforded to the individuals who are members of a federally-recognized tribe.

The CHAIRMAN. And the issue of, with recognition of course would come the normal process if the tribe decided to engage in Indian gaming, is that true?

Mr. FLEMING. That is right. There is a regulatory process for Indian gaming.

The CHAIRMAN. Thank you very much, Mr. Fleming.
Senator DORGAN.

Senator DORGAN. Mr. Fleming, thank you very much.

The groups that you now say or you now recognize are prohibited from petitioning would all be groups considered part of the Lumbee Tribe, is that correct? I mean, you have named disparate groups, or maybe not disparate groups, but they all think that they are a tribe. All of them would be prohibited at this point, as I understand you, from seeking to petition for tribal recognition?

Mr. FLEMING. They would be prohibited from being reviewed under our acknowledgment regulations.

Senator DORGAN. So whatever that universe is, that is what you describe to be the Lumbee Tribe?

Mr. FLEMING. That is correct.

Senator DORGAN. But

Mr. FLEMING. The potential. The potential.

Senator DORGAN. The definition of that universe is not very clear at this point.

Mr. FLEMING. The 1956 act was not clear. But it was clear in that individuals located in Robeson and adjoining counties are considered Lumbee individuals.

Senator DORGAN. Mr. Fleming, in the briefing that I had read last evening from the staff, it said that between 1899 and 1956, there were a number of attempts made to provide Federal recognition for the Lumbees. The Congressional hearings were held, the Department of the Interior investigated prepared reports in 1912, 1914, and 1933. And the summation of all of that indicated a belief that the Lumbee tribal group or Cherokee Indians of Robeson County, as they were known, were probably descended from an historic Indian tribe. However, the Department of the Interior also in-

icated an inability to establish with absolute certainty with which historic Indian tribe the group was affiliated.

Have you gone back and reviewed the attempts in 1912, 1914, and 1933 to seek recognition? And that was at a time prior to the 1956 act when they were not prohibited from seeking recognition. Have you reviewed that at all and have any understanding of what difficulties were encountered then relative to what you would encounter now?

Mr. FLEMING. Yes, Senator Dorgan; I have looked at the previous bills and reports. And there have been approximately 26 bills introduced since 1899. These bills and the associated reports have provided possible historical tribes and there are quite a number of them. I do have a list of the different names of historical tribes that have appeared in these bills, as well as the associated reports.

Senator DORGAN. Mr. Fleming, I am really inquiring more about the Department of the Interior investigations that occurred as a result of the Lumbees back at that point, prior to 1956, on several occasions seeking recognition through a process that would have been available to them. Have you reviewed the Interior Department's evaluations and investigations at that point?

Mr. FLEMING. Yes; I have.

Senator DORGAN. What is your conclusion on that?

Mr. FLEMING. I would say that a lot of the previous reports were identifying historical tribes that may be associated with the Lumbee. One report indicated that they descend from the Cherokee, another report from the Cheraw, another report from the Croatan. One report included a whole group of different historical tribes, such as the Eno, the Hattaras, the Keowee, the Shakori. Even John R. Swanton, who is a renowned anthropologist, in a 1946 report for the Bureau of American Ethnology, stated that there were several possibilities that the Lumbee could descend from either the Cheraw, the Siouan Indians of Lumber River, the Keowee, and another group known as the Waxhaw. There is a whole number of possibilities. But in his report, he felt that there was a strong connection perhaps to the Cheraw or the Keowee.

Senator DORGAN. Just a couple of other brief questions. If recognized, would this be one of the larger Indian tribes in the country, in your opinion?

Mr. FLEMING. It would be one of the larger Indian tribes in the United States.

Senator DORGAN. And if recognized, prior to recognition, with respect to the issue of gaming, I assume there are two issues here, first, is the ability to engage in a compact for gaming, and the second, is the ability to access for tribal members the Indian health service and housing and other things that are available to recognized tribes. Fee land that would be purchased prior to recognition in any part of that county could be turned over to the Federal Government to be held in trust, and then that land would be a part of the gaming opportunities, provided that it would be acceptable in a compact with other officials, would that be correct?

Mr. FLEMING. That is my understanding.

Senator DORGAN. Mr. Chairman, I thank Mr. Fleming for his background. It was very helpful.

The CHAIRMAN. Senator Thomas.

Senator THOMAS. Thank you, Mr. Chairman.

You know, this is kind of confusing. Apparently this tribe is very old, 100 years, I think she said something about that. And then it went through the 1956 thing, that is 50 years ago. And maybe you touched on this, but I still don't understand. There have been lots of tribes that go through lots of problems and get listed and so on. What has been unique and peculiar about this? Why hasn't this gone through the regular process?

Mr. FLEMING. It is because of the 1956—

Senator THOMAS. Well, what about before that? Didn't they ever try before that?

Mr. FLEMING. Yes; there are considerable bills that have been submitted to Congress prior to 1956, the first being in 1899. And as you had heard earlier, even North Carolina had acknowledged the Croatan Indians in—

Senator THOMAS. But Wyoming didn't recognize the Arapahos. What is unique about this whole thing? Why isn't this done like everyone else?

Mr. FLEMING. I think the uniqueness is the lack of pinning down the historical tribe. And as you heard, there were quite a number of possibilities. You even heard that there was contact with the early colonists, as early as 1585. But from 1585 to 1885, 300 years, there is a considerable period of time where evidence would be needed to fully understand who this group was and is.

Senator THOMAS. So you still can't identify this as a tribe, is that right, based on what you know now?

Mr. FLEMING. We have not been able to review the evidence to come out with a determination.

Senator THOMAS. And would you be able to do that, given the opportunity?

Mr. FLEMING. If the 1956 act is amended to allow the thorough review, we would be able to come out with a proposed finding, share that finding with all parties concerned, invite public comment and then review those comments and then eventually come out with a final determination.

Senator THOMAS. I see. So did you say there has just been one tribe authorized by Congressional action, such as is being asked for here?

Mr. FLEMING. There have been other tribes that have had Congressional recognition. And we can provide you a list of all the tribes.

Senator THOMAS. Do you mean they have not gone through the process that you are talking about?

Mr. FLEMING. There have been a few, yes.

Senator THOMAS. What has been the basis for that?

Mr. FLEMING. Some of them have been involved in Indian land settlement claims and as a result, they were recognized by Congress as Indian tribes.

The CHAIRMAN. When was the last time there was legislation such as this passed, Mr. Fleming?

Mr. FLEMING. I believe it was in the Omnibus Bill. It was the Shawnee, which is located in Oklahoma. And that was in 2000, I believe, December 2000.

Senator THOMAS. But that was a land controversy, is that right?

Mr. FLEMING. In that case, it was multi-complex, the Shawnee were a group that was incorporated in with the Cherokee Nation. There were previous treaties involved that had grouped the historical Shawnee with the historical Cherokee. In order for it to be recognized outside the Cherokee Nation, then that legislation was introduced.

Senator THOMAS. I see. Okay. Thank you very much, Mr. Chairman. This is a confusing thing, to say the least.

The CHAIRMAN. Thank you, Senator Thomas.

Senator Burr.

Senator BURR. Thank you, Mr. Chairman.

I was just looking at the chart of the tribes that have been recognized since 1960, either by the process or by Congressional recognition. I didn't have time to count them all. I think there are more that have been recognized by Congressional recognition than by the administrative process. Mr. Fleming, I would ask you to supply for the committee the precise numbers in every category.

And let me try to clarify Senator Thomas' question. There were a number of folks that were caught in the 1956 act, recognized and then in the same act, their ability to go through a formal process taken away. Who, other than the Lumbees, are still waiting to have that resolved?

Mr. FLEMING. There are several groups, several tribes that were terminated during that period of time where there was the national policy that Congress held and that affected a great number of tribes in California and Oregon and other parts of the country. A good number of those tribes have been restored. In fact, in 1994, Congress passed the Federally Recognized Indian Tribe List Act, which repudiated the termination policy, and also had a statement that it would put a priority on restoring a terminated tribe.

Congress has the authority to terminate a tribe, and Congress has the authority to restore that tribe. So if a tribe had been terminated by Congress, then only Congress may restore that tribe. There are still a few that have not yet been restored, either in California or Washington.

Senator BURR. Let me restate that. Any tribe that Congress chooses to terminate only Congress can re-recognize that tribe, is that what you said?

Mr. FLEMING. Restore, correct.

Senator BURR. Okay. I think that is important for my colleagues up here to understand why we have been asked to be involved. Is it not the case that other tribes that were caught in the 1956 termination having in fact been Congressionally recognized?

Mr. FLEMING. A good number have been restored.

Senator BURR. Okay. Let me go, if I could, to sort of the BIA criteria, if one were to go that route. The BIA considers from historical times until present. What is historical times?

Mr. FLEMING. Historical times is first sustained contact with the Europeans.

Senator BURR. Considering that most tribes in the United States don't have or didn't keep documented evidence of having existed, political influence, going out of the criteria down the list, from historical times until present, how many tribes that were recognized

before we had a BIA process would be recognized under the criteria established today?

Mr. FLEMING. There are 561 federally recognized tribes. Each of these tribes have unique histories. They come from various parts of the country. There are records that are available on the Federal level, the State level, the county level, the local level, the tribal level or group level. On all of those levels, there is tremendous evidence that can be researched and found for this process. And we do have a lot of groups that have been successful in documenting the histories.

Of the 561 federally recognized tribes, I would venture to say they would all be able to demonstrate meeting all the seven mandatory criteria.

Senator BURR. All the seven criteria. So for Senator Thomas, and I don't even know if he has tribes, I assume that he does, where the U.S. Government didn't go to until several years after this country was created, how do they prove a historical political influence when the U.S. Government didn't go there?

Mr. FLEMING. There are a lot of colonial records that are available. You have documents that will demonstrate that there were leaders of these tribes. There are documents that will show that there are individuals who followed the leadership. Those are the types of documents that are provided in this process to demonstrate political authority.

Senator BURR. But everybody has to meet all seven?

Mr. FLEMING. All seven must be met.

Senator BURR. Let me go to 83.7(g), the last one. Neither the petitioner nor its members are the subject of Congressional legislation that has expressly terminated or forbidden the Federal relationship. Is that not what we did in the 1956 act?

Mr. FLEMING. Exactly.

Senator BURR. Are the Lumbees not, will they not flunk 83.7(g)?

Mr. FLEMING. This is the criterion that has been the subject of discussion. This is the one that we have

Senator BURR. So we would have to change the BIA criteria for the Lumbees to have any chance of going through BIA review and being accepted?

Mr. FLEMING. The Department has recommended amending the 1956 act to allow all groups of Robeson and adjoining counties. True, we could

Senator BURR. Rather than change the BIA criteria, we would just go back in history and say, you know, we really didn't mean it in 1956 that you couldn't participate in this. So we are going to give you 83.7(g).

Mr. FLEMING. We look forward to the opportunity to working with the committee staff, as I stated in the testimony, in crafting legislation to allow for an amendment to the 1956 act.

Senator BURR. You are actually a tribal member, aren't you?

Mr. FLEMING. I am.

Senator BURR. Which tribe?

Mr. FLEMING. The Cherokee Nation in Oklahoma.

Senator BURR. I don't think that anybody questions your commitment. You and I have met several times. I think that your knowl-

edge is incredible for Native Americans. I feel fortunate that we have you in the capacity that we do.

You said that you are not opposed to the bill, but that it needs clarification and improvement, so that it doesn't reach out further than what the intent is as it relates to potential petitioners. Is that accurate?

Mr. FLEMING. The Department's position is that the group go through the process.

Senator BURR. Correct me if I am wrong, I heard in your statement you are not opposed to the bill, but believe it needs clarification, if that were the choice that Congress chose.

Mr. FLEMING. I believe my statement did not present a position of opposition and it did not present a position of support.

Senator BURR. Okay. I might have written it as a paraphrase versus a quote.

Through the BIA process and anybody who has petitioned through it and been recognized as a tribe, have any of those petitioners faced the situation where additional groups have filed petitions at the same time they were going through recognition, or is this just unique to the Lumbees?

Mr. FLEMING. There are many groups that have, groups that are possibly related. Some groups, when they get into the process, they may even splinter because of a political conflict that occurs. We have several groups that are from the same region. There could be the possibility of overlapping of membership. There are a lot of complexities and the answer to your question, yes, there are other groups that

Senator BURR. So this is not unusual. It just so happens that the name of potentially a petitioner would be the Lumbee, but as more people see that that might be an option, they have decided to file petitions on their behalf, their interest. And that is not unusual in applications that have come in in the past?

Mr. FLEMING. Correct.

Senator BURR. Good. In the 1930's, we had the Indian Reorganization Act. Is it true that the Office of Indian Affairs recommended that the tribe put land in a trust to set up for resettlement? Are you aware of that?

Mr. FLEMING. I believe in some of the reports there had been Indian Reorganization Act activities that took place during that time period. I am not well versed in the details.

Senator BURR. Would that not suggest that the Office of Indian Affairs believed that this was a tribe that was going to be recognized, or would they have gone through that process?

Mr. FLEMING. I believe that there were many groups throughout the United States that were being looked at at that time for the Indian Reorganization Act. There was a whole process involved. But I do not know precisely all the details that may have been affected to some of these groups.

Senator BURR. Mr. Chairman, I realize that the committee has been very patient with me. I think at the heart of this is that there is from 1888 up until 1956 where the Lumbees did follow the appropriate process in this country. Office of Indian Affairs reviewed, 1912, Government went down, as a matter of fact, the folks who went down and did that review came back and made a rec-

ommendation that they are a tribe, they should be recognized. The Department of the Interior ignored it, in 1915 the same thing happened. In 1930 the Office of Indian Affairs, based upon the Reorganization Act suggested that resettlement land might be put in a trust. In 1956, everybody on the committee knows what happens.

In the 1960's, we rewrote what the criteria was going to be for that point forward for recognition. Everything that we look at is sort of thrown out the window. I would only ask you one last question. The results of the 1956 act, as it relates specifically to the Lumbees and the fact that they were recognized and terminated in the same legislation, that that termination denied them the ability at any point between then and today to go through the BIA process and what happened to others who were caught in that same 1956 recognition and termination but recognized by Congress, do you believe that the Lumbees have been treated equitably and fairly?

Mr. FLEMING. I believe that the Lumbee have had an opportunity, since 1978, to go through the process. And in fact, they did initiate a letter of intent and submitted a documented petition. As the Department was preparing the technical assistance review letter to understand any deficiencies in the evidence under the seven mandatory criteria, this is when the question of the 1956 act appeared. And there was a concern over 83.7(g).

Because of that, then the Office of the Solicitor of the Department of the Interior was asked to review the 1956 act. That is when the opinion came through that the Department could not move forward in the review of the Lumbee Petition, as well as other groups of Robeson and adjoining counties. That is why the Department has consistently advised or recommended that the 1956 act be amended to allow the same equitable action that has been provided to the other petitioners that have gone through this process.

Senator BURR. I appreciate the answer on behalf of the BIA. I really asked the question from the standpoint of you, Mr. Fleming, as a Native American. Do you believe that the Lumbees have been treated fairly and equitably in comparison to everybody else that went through the 1956 act? It is probably unfair to ask for a personal observation from a Federal employee, so I will not solicit the answer, I will only say to the chairman, thank you for your accommodation of time. I yield back.

The CHAIRMAN. Mr. Fleming, on several occasions you have appeared before this committee. I appreciate your informed and unbiased opinion that you have provided this committee numerous times in the past, including today. I know that Senator Dorgan shares my view. Thank you very much. Thank you for being here.

Mr. FLEMING. Thank you.

The CHAIRMAN. The next panel is Jimmy Goins, tribal chairman, Lumbee Tribe of North Carolina. He is accompanied by Arlinda Locklear, attorney for the Lumbee Tribe. Michell Hicks, principal chief, Eastern Band of Cherokees, and Dr. Jack Campisi, Anthropologist Consultant to the Lumbee Tribe of North Carolina.

I would like to welcome the witnesses. We will begin with Chairman Goins. Your complete written statements will be made part of the record, without objection. Please proceed, Chairman Goins.

**STATEMENT OF JAMES ERNEST GOINS, TRIBAL CHAIRMAN,
LUMBEE TRIBE OF NORTH CAROLINA, ACCOMPANIED BY
ARLINDA F. LOCKLEAR, ESQUIRE, ATTORNEY FOR THE
LUMBEE TRIBE OF NORTH CAROLINA**

Mr. GOINS. Good morning, Chairman McCain and Vice Chairman Dorgan, Senator Thomas. Thank you for the opportunity to express my people's strong support for S. 660.

I bring the Lumbee Tribe's greetings and appreciation to our great friends, Senator Dole and Senator Burr. The tribe and the members who are here today express our gratitude for this hearing.

I have with me this morning Dr. Jack Campisi, an anthropologist who is a nationwide expert on non-federally recognized tribes, and who has years of experience with us Lumbees; and Arlinda Locklear, the tribe's lawyer on the recognition effort and also a member of the tribe.

I am Jimmy Goins, chairman of the Lumbee Tribe. All three of us have written statements that I request be made part of the hearing record.

The CHAIRMAN. Without objection.

Mr. GOINS. Dr. Campisi will orally summarize his statement and all three of us will be available for questions from the committee.

My kinsmen signed a petition that first sought Federal recognition for our people in 1888. The State had just recognized the tribe and set up a school system for the Lumbee children. But the tribe had too little funding and asked Congress for help. Congress referred our petition to the Department of the Interior, and the Department said no to our people. The Department said it would cost too much.

Ever since, the Department has opposed recognition of the Lumbee Tribe because of the cost of service, not because we are not an Indian tribe. Since 1888, our people have repeatedly sought Federal recognition from Congress directly and from the Department of the Interior.

The most insulting process we were subjected to came from the Department of the Interior. After the passage of the Indian Reorganization Act, the Department told our people that if we could be certified as one-half or more Indian blood we would be able to organize under a constitution and become recognized. In 1936, the Department sent anthropologists down to our community to check blood quantum. Only 209 of our people agreed to submit themselves to this examination. He checked the blood, he measured their teeth, he looked at the appearance of their cheek bones, then he performed the famous pencil test to test the texture of their hair.

Out of the 209, he certified 22 individuals that now whose descendants, hundreds of their descendants, are now enrolled with the Lumbee Tribe, and two of their descendants have previously served on our tribal council. But in the end, the Department refused to allow these individuals to organize, once again denying the recognition of the tribe.

In 1956, Congress finally did pass and act for the Lumbees. But it gave with one hand and took with the other hand. The bill started out as a recognition legislation. But when the Department of the Interior asked Congress to amend the bill to include termination

language, the Congress did so, putting the tribe half in and half out of the Federal relationship.

Because of the 1956 Lumbee Act, only Congress can now extend full Federal recognition to the tribe. S. 660 would do this.

The tribe has waited long enough to be treated just like all other Indian tribes. It has been more than 120 years now. The tribe has been processed and studied enough. I have here a stack of studies on Lumbee history, all done by Congress and the Department. I ask the committee to make these a part of the record here today. It is time for all this to end and for Congress to complete what they started in 1956 by enacting S. 660.

When my Government needed me in Vietnam, I was ready to go. And I was acknowledged as an American Indian. My enlistment and discharge papers identified me as such. I did faithful service and was awarded the Purple Heart and the Bronze Star. But on my return to my country, to my country, my Government refused to acknowledge my people for what they are. This pains me and every other Lumbee veteran that fought for our country. Now we find ourselves having to fight against our country.

Finally, let me put to rest some of the myths about our people, myths that some use to oppose our recognition effort. Let's start with the State of North Carolina recognized us in 1885, but under different names. We did not choose those names. Let me repeat that. We did not choose those names. The State legislature of North Carolina chose those names. The only name we ever chose was Lumbee, derived from the name of the river where we always lived, which is not uncommon among Indian people. But whatever the name, we have always been there and are the same people today.

Second, some say Congress should not recognize a tribe, only the Department should. But this denies reality. The majority of tribes recognized today, including the Eastern Band of Cherokee, were recognized by Congress, not the Department of the Interior. Why shouldn't Congress recognize the Lumbee?

Now, some worry about the cost of recognizing the Lumbee Tribe, the same reason that the Department of the Interior has always used to oppose us. That is really not a fair recognition for opposing recognition of the tribe. And even if it was fair, the costs are usually inflated. We have used the number of members who residing in the service area, about 34,000, not the entire membership of 53,000, to determine the cost of service. This is accurate, since services are usually available only to those in the service area. And the Lumbee Tribe has always indicated willingness to work with the Congress, as only the Congress can do, to deliver those services in a responsible way.

And finally, the most insulting basis for some who oppose our bill is to say we are not even Indian. They don't know us. They haven't been in our communities. And yet they dispute every Congressional and Federal record on our people.

We will match the strength of our history and community against any other Indian tribe. As Dr. Campisi will testify, we are in fact an Indian tribe. Gentlemen, the truth is that we are an Indian tribe. The Tribe knows this truth, and we believe Congress' records on us demonstrate this truth.

Now on behalf of the Lumbee people, I urge this committee to report our bill out favorably. Thank you.

[Prepared statement of Mr. Goins appears in appendix.]

The CHAIRMAN. Thank you very much.
Chief Hicks, welcome.

**STATEMENT OF MICHELL HICKS, PRINCIPAL CHIEF, EASTERN
BAND OF CHEROKEES**

Mr. HICKS. [Greeting in native tongue.] Hello and good morning, Chairman McCain, Vice Chairman Dorgan, members of the Committee on Indian Affairs, and with deepest respect to our Senator Dole and Senator Burr from our home State of North Carolina.

Thank you for allowing me to testify today on behalf of the Eastern Band of the Cherokee. The Eastern Band is a federally-recognized tribe based on the Qualla Boundary in Cherokee, NC. We have 13,500 members, and we are the largest federally recognized tribe east of the Mississippi River. We share a common language and deeply held cultural identity with two other Federally recognized tribes, the Cherokee Nation and the Keetowah Band of Cherokee based in Oklahoma.

The Cherokee tribes have a long history of dealings with the United States. Of course, some of that history, Mr. Chairman, with all due respect, was less than honorable. In the 1830's, thousands of Cherokees, both young and old, died when the U.S. Army rounded up tribes in the east and forced them to the west. We call that travesty The Trail Where They Cried. The Eastern Band's ancestors were the Cherokees who resisted that trail of tears and some who found their way back to the Great Smoky Mountains.

For centuries, the Cherokee people have fiercely protected our identity. We have a living, breathing culture with unique spoken and written language. Many have tried to take our language. Many have tried to take our culture. But none have succeeded. Our long-defended identity is threatened by several groups throughout the southeast, the east and the north, who claim or have at some point claimed to be Cherokee, as we have heard today, and whose legitimacy as such is questionable at best.

We believe that the Lumbee are one of many groups who fall into this category today, again as we have heard. Since 1913, over 90 years ago, the Eastern Band has been concerned about this issue of recognition. Long before gaming, in 1913, long before they took the name Lumbee, this group sought recognition from the State of North Carolina as the Cherokee Indians of Robeson County. Over our opposition, that recognition was granted, and for more than 40 years they were State recognized as a Cherokee tribe.

In 1924, the Lumbee sought Federal recognition from the United States Congress as "The Cherokee Indians of Robeson and Adjoining Counties." And in 1932, they sought once again to be recognized by Congress as a Cherokee tribe. Congress rejected both of those attempts. Today, all three of the federally recognized Cherokee tribes who make up the greater Cherokee Nation strongly oppose this legislation. Furthermore, the United South and Eastern Tribes and other tribes from across the country oppose today's legislation.

Mr. Chairman, let me give two specific reasons why we oppose this bill. Then I would like to offer a fair solution for the Lumbee. First, the integrity of our long government-to-government relationship with the United States is undermined when politics and emotion, rather than the facts about tribal identity, drive the Federal recognition decisions.

And second, Mr. Chairman, the Office of Federal acknowledgment at the Interior Department, not the Congress, has the experts to make determinations based on the facts about tribal identity and tribal recognition. And Mr. Chairman, there are several facts that I would like the committee to consider today.

First, the fact is that the Lumbee group has pursued legislation like this at least 13 times over the last 100 years. And Congress has rejected every attempt. But here we are again. The fact is they have sought recognition as four different tribes, self-identifying themselves as the Croatan, the Siouan, the Cheraw and again we have heard today, the Cherokee people, the Principal People. The fact is that experts say those claims don't make sense, because those tribes represent three completely different linguistic groups. The fact is, Mr. Chairman, those experts say the claimed ties to the historic Cheraw Tribe are tenuous at best.

Mr. Chairman, there is an established administrative process to review these issues and make a fact-based decision. For these reasons, we strongly oppose the passage of S. 660, and we urge you to consider another approach, one that will give the Lumbee a fair and equitable and timely chance to meet the established criteria at the Office of Federal Acknowledgment. If they can meet those standards, which are reasonable, but they are complete, then they will be recognized as a tribe and will have earned all the benefits of Federal recognition, as the other 561 tribes have.

Mr. Chairman, please remember that the Lumbee submitted a petition for acknowledgment to the Interior Department on January 7, 1980. On November 20, 1989, the Interior Solicitor determined that they could not complete the process because of the 1956 Lumbee Act. But Mr. Chairman, that was over 17 years ago. If the Lumbee had agreed to legislation giving them a fair shot at the administrative process, then I am sure that they would have an answer today.

The question we ask is whether the Lumbee want to avoid the administrative process because they believe it is unfair, or because they know it will truly examine the factual issues about Lumbee tribal identity. The Eastern Band of Cherokee Indians and its sister tribes of the Cherokee Nation urge you to protect the integrity of all Indian nations and oppose this legislation.

Mr. Chairman and committee, I want to thank you for the opportunity to testify today. It is a privilege to be here. May God bless each of you and your families. [Remarks in native tongue.]

[Prepared statement of Mr. Hicks appears in appendix.]

The CHAIRMAN. Thank you.

Dr. Campisi.

**STATEMENT OF JACK CAMPISI, ANTHROPOLOGIST
CONSULTANT, LUMBEE TRIBE OF NORTH CAROLINA**

Mr. CAMPISI. Good morning, Mr. Chairman and members of the committee. I have worked with the Lumbee Tribe for more than 20 years, conducting field research and analyzing historical records. It is my professional opinion that the Lumbee Tribe exists as an Indian tribe, and has done so from first sustained contact.

I based my conclusion on three main factors that I will summarize from my more detailed written statement. First, the historical record is clear that the Lumbees descend from the historic Cheraw Tribe. John Herbert, the commissioner of Indian Trade, drew a map in 1725 that placed the Cheraw Tribe in the same location as the modern day Lumbee Tribe. As you can see on this map, land records dating back to the 1730's show the sale of Cheraw tribal land as marked where Cheraw old field is located. A newspaper account from 1771 identifies a Cheraw-settlement located on Drowning Creek. In 1809, the State of North Carolina changed the name of Drowning Creek to Lumber River.

Finally, a 1773-document lists members of the Cheraw community showing the same uncommon surnames typical of the Lumbee Tribe today, including Locklear, Grooms, Chavis, and Dees. In the first Federal census of 1790, these same family names appear in the same place on Drowning Creek. Today's Lumbee Indians trace descent directly from these families. In fact, the oldest continuously documented Lumbee community, now known as Prospect, is located on the Cheraw tribal lands.

Every expert who has examined Lumbee history has come to the same conclusion, that the Lumbees descend from the Cheraw and related tribes. Dr. John Swanton, of the Bureau of American Ethnology, did so in 1934. Dr. James Merrill, Professor of History at Vassar College and an expert on southeastern Indians, did so in 1989, as did Dr. William C. Sturdivant, the editor of the Smithsonian Handbook on North American Indians and the chief ethnologist at the Smithsonian Institution, all of this regardless of changes in names imposed by the State.

Second, in my experience, I have never seen a stronger Indian community than exists among the Lumbee. To demonstrate this, I did a 1 percent random sample of Lumbee tribal members in 2002. The roll at that time consisted of approximately 53,000 members. This sample revealed that 64.6 percent of the members live in the geographical core area defined as within a 15 mile radius of Pembroke, NC. The evidence clearly shows that the majority of the Lumbee Indians live in communities that are exclusively or nearly exclusively Lumbee.

I used the same random sample to determine an in-marriage rate of Lumbees. The random sample showed that 70 percent of Lumbee marriages are between tribal members. The historical record shows comparable high levels of geographic concentration and in-marriage. From these data, it is fair to conclude that the Lumbee Tribe demonstrates a remarkable rate of social cohesion, higher than many federally recognized tribes.

Third, the tribe has a long history of tribal governance and intense political activity. Since 1885, the tribe has maintained an active political relationship with the State of North Carolina. For

nearly 100 years, the tribe operated its own school system, established by the State legislature. Its leaders have persistently sought to secure Federal recognition since 1888 and they has over its long history vigorously defended the tribe.

Let me give a couple of examples. In 1888, 54 tribal members signed a petition to Congress seeking Federal assistance in the funding of the tribe's school system. Virtually every Lumbee present today behind me descends from one or more of those tribal leaders. On another occasion, and also in defense of their schools, Lumbee tribal leaders lobbied the State of North Carolina to set aside a 1913-attorney general's opinion that held that Robeson County Board of Education could overrule the tribal leaders' decisions about enrollment in the Lumbee schools. In 1921, the State legislature confirmed the tribe's authority to decide enrollment in its schools.

One last example of tribal leadership occurred in 1958 when the Ku Klux Klan announced a rally in the heart of Lumbee community. Lumbee leaders led a protest of the rally and dispersed the Klan.

Lumbee churches have been and remain at the core of Lumbee leadership. There are more than 130 all-Indian churches among the Lumbees in Robeson County, the overwhelming majority with Lumbee ministers. Historically, leadership of the tribe arose out of the Lumbee churches. Most recently, the church leaders directed the effort to adopt a formal tribal constitution. Following a church-organized constitutional assembly, the tribe adopted its constitution in a special referendum in 2001.

The churches continue to be the wellspring of political leadership and the central feature in continuing tribal identity. The extensive record of the tribe's history in the 18th, 19th, and 20th centuries establish that the Lumbee Indians constitute an Indian tribe, even as that term is defined in the Department of the Interior's regulations. The tribe fails only on the last criterion in those regulations. That is, Congress has prohibited the Department from acting on the tribe's petition in the 1956 Lumbee Act. Thus, Congress can enact on S. 660 with full confidence that the Lumbees are in fact an Indian tribe.

Thank you, Mr. Chairman.

[Prepared statement of Mr. Campisi appears in appendix.]

The CHAIRMAN. Thank you very much, Doctor.

Chairman Goins, would you like to respond to Chairman Hicks' comments?

Mr. GOINS. The first thing I would like to say is that the implication was, were we afraid of the BIA process. When I finish, I am going to ask Arlinda to sum it up.

But we don't trust the BIA. In 1934, they said themselves that we were descendants of the Cheraw Tribe. Then in 1956, if it wasn't for the Department of the Interior, we wouldn't be here today. It was the very insistence of putting the termination language in the 1956 act that we are here.

So why would we trust that they have changed their mind now?

The CHAIRMAN. Wasn't it the Congress that passed the 1956 act that called for termination?

Mr. GOINS. Yes; but it was——

The CHAIRMAN. Then why do you trust the Congress?

Mr. GOINS. But it is our understanding that Congress was influenced by the Department of the Interior to add the termination language, not the Congress itself.

Ms. LOCKLEAR. If I may, Mr. Chairman, the chairman is correct that the legislative history of the 1956 Lumbee Act shows that as introduced, it did not contain termination language. It was intended as a straightforward recognition bill. It was amended in the Senate at the request, recommendation of the Department of the Interior to include the termination language expressly for the purpose of precluding the delivery of services to the tribe.

And if I may add very briefly, Mr. Chairman, that is consistent with the entire history of the Lumbee's effort. Several witnesses have spoken today about the number of bills that have been introduced during the period 1899 to 1956 for the purpose of achieving recognition, the suggestion being made that those bills failed for the reason that the tribe simply didn't qualify as a tribe. That is not in fact the case. The legislative history demonstrates that those bills failed principally because of the persistent opposition of the Department of the Interior.

The CHAIRMAN. Well, in all due respect, the Congress does not carry out the dictates of any department of Government. We are appointed as a separate body to deliberate and decide with the input of various agencies of Government. I have been here for more than 20 years and I have never followed the dictates of any branch of Government. We have received their advice, their counsel and their recommendations. But they do not dictate to us.

Chairman Hicks, how did the Eastern Band of Cherokee become recognized?

Mr. HICKS. Mr. Chairman, I would like to respond by saying first of all, there has never been a question about the Cherokee people. It is true that the Cherokee were recognized in 1868 by a Federal process. But you may recall, as in my testimony, that the Cherokee have had long dealings with this Federal Government. And again, I want to highlight that there has never been a question about the Cherokee people.

The CHAIRMAN. Well, my question was, how did they become recognized?

Mr. HICKS. Through the Federal process. And I also want to highlight, Mr. Chairman

The CHAIRMAN. Not through a legislative act?

Mr. HICKS. Through a legislative act. But I also want to highlight that at that point in time, there was not an acknowledgment process.

The CHAIRMAN. Chairman Goins, have you thought about the issue of gaming operations in the event of recognition?

Mr. GOINS. Senator McCain, we started this process in 1888. That has never been an issue. Gaming came about almost 100 years later. This is not about gaming. This is about jobs, health care and just doing what is right for the Lumbee people. This is about honor and dignity. No, gaming is not an issue with us.

The CHAIRMAN. I would appreciate an answer to the question. Has it been a consideration as you have moved forward with this process?

Mr. GOINS. No, sir.

The CHAIRMAN. Thank you very much.

As I understand your testimony, Chairman Goins, you have a membership roll. How many do you have on that roll at this time?

Mr. GOINS. We can give you—

The CHAIRMAN. Roughly.

Mr. GOINS. Roughly around 53,000, total membership.

The CHAIRMAN. Thank you.

I understand that if legislation were passed giving you an opportunity to go through the process, your review on that, at least according to your opening statement, would be that it is too long and too difficult a process, is that correct?

Mr. GOINS. Yes, sir.

The CHAIRMAN. Thank you. Senator Burr.

Senator BURR. Thank you, Mr. Chairman. I am not sure that anybody up here has ever accused the chairman of following any dictate from any of the agencies. His record is intact on that. [Laughter.]

Chief Hicks, welcome.

Mr. HICKS. Thank you, Senator.

Senator BURR. I find it unfortunate that we have two North Carolina entities that don't necessarily find agreement. And let me say this for Chairman McCain's point, I personally believe we are long past the point of a normal process. Because to suggest that we took any entity and put them through a criteria that was established well after the Congress spoke, that even if they were prioritized to the top of the line would take 15 years I think is just an additional injustice that would be at the hands of the Congress. So my hope is that members will look at this in the context of the precedent that we as a body have done in the past. And as you said, the Cherokees were the result of recognition, legislative recognition of the Congress of the United States.

Since 1960, we have had 15 recognitions by the Administration, administrative process. We have had 16 recognitions by Congressional action. Chief Hicks, in 1972, when the Tonto Apache Tribe of Arizona was Congressionally recognized, did the Cherokees object to that, to your knowledge?

Mr. HICKS. To my knowledge, Senator Burr, I don't believe the Cherokees objected to that. However, I would like to say that each one of these individual situations that you may bring to light today is based on its own merits.

Senator BURR. And clearly, the points that you raised relative, two of them, to the Lumbees, could be applied to any of the 16 that I just referred to. In 1978, the Modoc Tribe of Oklahoma, you didn't object to. In 1982, the Cow Creek Band of the Umpqua Indians of Oregon, you didn't disagree with Congressional action.

As a matter of fact, in 1987, what was the original Tiwa Tribe, recognized and terminated in the same legislation as the Lumbees, were Congressionally recognized but the Cherokees did not object to that recognition. In 1988, the Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan, Congressionally recognized, no objection. The Coquille Tribe of Oregon in 1989, the Pokagon Band of the Potawatomi Indians of Michigan in 1994, Little River Band of Ottawa Indians of Michigan, Little Traverse City

Band of Indians, all in 1994. No objections. There are objections as it relates to Congressional recognition of the Lumbees.

Now, you raised three points of objection. The third point I find somewhat unique, because you said the cost was just too significant. What was the cost of Cherokee recognition? Do you have any idea?

Mr. HICKS. The cost of Cherokee recognition, when thousands of the people, thousands of people died on the Trail of Tears, with all due respect, Senator. That is the cost of the Cherokee recognition.

Senator BURR. But you put the objection to the Lumbees, the cost to the American taxpayer. We didn't, I don't think, as a Congress, apply a cost to Cherokee recognition, a cost to the American taxpayer. We looked at what we thought was an injustice and we tried to correct the injustice. I think that is what we are here today to do. I think we look at a mistake in 1956 and we look back and we say, had in 1960 Congress been smart enough to recognize the mistake they had made in recognition and termination all in the same piece of legislation, they would be done today. Had they recognized in 1975, 1985.

I am not here to try to second guess why brilliant people weren't here then. And I am also here to recognize the fact that brilliant people aren't here today. But as Chairman McCain has proven over and over again, sometimes you are at a certain place in time and you are asked to deal with things from an equality standpoint. I think that is where we are, as it relates to this.

I think I would ask you, do you think the Lumbees, since 1956, have been treated fairly and equitably?

Mr. HICKS. Mr. Chairman, can I respond?

Senator BURR. The question was to you.

Mr. HICKS. I want to just point out in regards to your argument with the 1956 act, I think it was very clear at that point in time, with the other transactions that took place, and as your example with the Tiwa, it was very clear and Congress was very clear in regard to recognition and termination at that point. In regard to the 1956 act as it applies to the Lumbee, again, that act, as I interpret it and many others have, is that it only commemorated a name change and did not recognize, nor did it terminate an Indian tribe.

The second point, Senator, is the CBO has calculated the effect of potentially the third largest Indian tribe in the United States to be close to, over a 4-year period, \$700 million to the budget of this U.S. Government.

Senator BURR. But you, Chief Hicks, have suggested that what Congress should do is to follow the BIA process, seven steps of criteria, of which cost is not one of them. But you suggest that we should incorporate cost into whether we get involved or not.

My only point is to point out that Congress will have to make a decision of the chairman, the vice chairman, both of whom, I trust their experience in this extremely much. If in fact the Congress of the United States chooses the BIA process, they may be recognized. I will still, as a member, look back and say that we did an injustice to a group who sought recognition and we may go then, not just since 1956 to the year 2006, but 15, 20, or 25 years from

now, before they might even find out yes or no. I think it is an injustice today, I think it would be an injustice to go that long.

Let me, if I could, Mr. Chairman, just turn to Ms. Locklear for a second. I would like you to fill in any blanks that may have been left open by Mr. Fleming as it related to the Indian Reorganization Act in the 1930's, the Indian Affairs recommendation that Lumbee set land aside. Can you shed any light on that whole transition?

Ms. LOCKLEAR. Yes, Senator; there is an extensive administrative record in that regard. Shortly after the passage of the Indian Reorganization Act, Mr. Fleming is correct, the Department did make an effort to outreach to groups all over the United States, including the Lumbee Tribe. There was correspondence between Commissioner Collier at the time where Commissioner Collier encouraged the tribal leadership, to the Lumbee tribal leadership, to contact the Solicitor's office at the Department of the Interior with regard to the possibility of obtaining recognition under the Indian Reorganization Act.

They did so and received a letter from Felix Cohen who was the Solicitor of the Department of the Interior at the time, and of course, the preeminent author of the leading handbook on Federal Indian law. And Mr. Cohen wrote directly to the Lumbee leadership advising that the Indian Reorganization Act was available to the tribe, that if they were able to obtain certification of members of the tribe, as one-half or more Indian blood, those individuals could request the Department to take land into trust, adopt a constitution and thereby become organized.

The tribe immediately did so and the Department dispatched Dr. Seltzer to the community in 1936 to engage in the process that Chairman Goins described. That did result in the certification of some individuals as half blood in the community. Only some, because very few Lumbees decided to subject themselves to that intrusive examination.

At the end of the day, though, that failed as well, because the Department declined to take land into trust for the tribe, so that the tribe could not adopt a constitution. So that is yet again another administrative process that the tribe attempted to take advantage of, but failed because the Department opposed recognition of the tribe.

Senator BURR. And can you, Ms. Locklear, shed any light on the 1912 and 1915 visits by the individuals?

Ms. LOCKLEAR. Yes, Senator Burr; those came in response to bills that had been introduced by Congress to recognize the tribe. And let me add as a footnote there that if you look at the history of those bills, and much has been made about the various names that the tribe sought recognition under, or had been denominated by. Those were not names that were selected by the tribe. Those were names that were imposed on the tribe by the State of North Carolina. And the history of the recognition effort by the Lumbees shows that as soon as the State of North Carolina passed a State law recognizing the tribe under a certain name, then the delegation, the Congressional delegation introduced virtually the identical bill that the State had passed to obtain Federal recognition on the same terms.

The tribe was never asked itself what its name would be until 1953, when it finally adopted the name Lumbee. Those studies followed two of those bills that had been introduced by the Congressional delegation to obtain recognition from the Congress shortly after recent legislation by the State. And at the Congress' request, the Department of the Interior dispatched special Indian agents to Robeson County to conduct an investigation of the tribe. Both of those investigations, which are included in the material that Chairman Goins asked to be made a part of the record, clearly demonstrate the Indian ancestry of the community, the strong ties of the community, the political authority and leadership within the community. In fact, one of those reports says that in the opinion of that investigator, the majority of the Indians in Robeson County are probably three-quarters or more Indian blood.

Some of those reports actually recommended the Department support recognition of the tribe. But again, largely because of reasons of cost, the Department declined to do so. They opposed those bills and the bills were defeated.

Senator BURR. Ms. Locklear, thank you for the clarification. It is incredibly apparent that Congress has had more involvement in this process of Lumbee recognition than just the 1956 act. It dates back quite a ways.

Mr. Chairman, let me point out that we are blessed in North Carolina both with the Lumbees and the Eastern Band of the Cherokees, more importantly with the leadership of Chief Hicks and of Chief Goins. These two organizations are represented in an incredibly effective way, and I would like to thank both of them for being here as well as Mr. Campisi.

Mr. Chairman, I yield.

The CHAIRMAN. Thank you.

Chief Hicks, how many people died in the trail of tears?

Mr. HICKS. Estimates are about 5,000 people, sir, about one-third of the Cherokee Nation at that point in time.

The CHAIRMAN. Senator Dorgan.

Senator DORGAN. Mr. Chairman, thank you.

First of all, thanks to those of you who have come today to appear as witnesses. I know that many have driven some ways to be a part of this. As I indicated when I gave an opening statement, when I tried to get a time line of what all this means, it goes back centuries. So might I ask how many are here from the Lumbee Nation, Lumbee Tribe?

[Show of hands.]

Senator DORGAN. Let me say that obviously there is some controversy here. These are not easy issues, but I think all of our witnesses have presented some very significant information to us with which Senator McCain, myself and other members of this committee can begin to evaluate what the proper response is. And I thank Senator Burr and our colleagues who have appeared, the Congressman and Senator Dole.

So I think rather than ask a series of questions, I am scheduled to speak to an Indian education summit that is occurring now, so rather than ask a series of questions, I just want to say a special thank you for the presentations you have made. I think they are heart-felt and they address a very important issue and one that we will consider seriously. Thank you very much.

The CHAIRMAN. I thank the witnesses. This hearing is adjourned. [Whereupon, at 11:15 a.m., the committee was adjourned.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF JACK CAMPISI, ANTHROPOLOGIST CONSULTANT, LUMBEE
TRIBE, NORTH CAROLINA

I hold a doctorate in anthropology, have dedicated my career to research in tribal communities, and have taught these subjects as an adjunct professor at Wellesley College. Between 1982 and 1988, I conducted a number of studies for the Lumbee Tribe of North Carolina. Each of these included fieldwork in the community for periods of time varying from 1 week to 3 weeks. In all, I spent more than 20 weeks in Robeson County carrying out a variety of research projects. Besides being responsible for synthesizing the thousands of pages of documentation collected during the 10 years it took to carryout the archival research, and for designing and carrying out the community research, I had the honor of writing the petition that was submitted on December 17, 1987, to the Branch of Acknowledgment and Research [now the Office of Federal Acknowledgment] under the Federal regulations that govern acknowledgment of eligible Indian tribes, 25 C.F.R. Part 183. Specifically, I drafted the Historical Narrative section, and researched and wrote the sections dealing with community and political continuity. Subsequent to the completion of the petition, I continued research with the Lumbee Tribe, most recently in 2002. The material that follows is based on my 20 years' research on the tribe's history and community.

Over the course of the past 25 years, I have worked on 28 tribal petitions for Federal acknowledgment. None has exceeded the Lumbee petition in documentation and no group has exhibited more evidence of community cohesion and political continuity than the Lumbee Tribe. It is my professional opinion that the Lumbee Tribe exists as an Indian tribe and has done so over history. I will outline below the main arguments and evidence in support of this conclusion.

At the time of sustained white contact, there existed a Cheraw-Indian community precisely where the Lumbees reside today. A 1725 map made by John Herbert showed the Cheraw Tribe between the Pee Dee River and Drowning Creek. In 1737, John Thompson purchased land in the same general area from the Cheraw, and in 1754, Governor Arthur Dobbs of North Carolina identified on "Drowning Creek on the head of Little Pedee 50 families a mix Crew [or Breed] a lawless people filled the lands without patent or paying quit rents shot a surveyor for coming to view vacant lands being enclosed by great swamps." A document written in 1771 refers to "the Charraw Settlement" on Drowning Creek, and another document dated 1773 contains a list of names that connect this community to the Cheraw in 1737. Some of the same surnames as today's Lumbee population appeared on the list: Ivey, Sweat, Groom, Locklear, Chavis, Dees, and Grant (see Dr. James H. Merrill letter to Congressman Charlie Rose, October 18, 1989 for further discussion), attached to this statement. The 1790 Federal census identifies families with these same surnames around Drowning Creek and modern day enrolled Lumbees can prove genealogical descent from those Indians. Thus, the community mentioned in the references cited in above and the community of Indians described in 19th century documents were the same, and were the antecedents of today's Lumbee Tribe.

The Federal census records are by far the best source of evidence concerning the early Lumbee community. It is clear from the names of the heads of households that the area of Robeson County around Drowning Creek, renamed the Lumber River in 1809 by the State legislature, was occupied almost exclusively by tribal members. Based on the 1850 census (the first census to provide the names of the individual's resident in each household), it is possible to describe the residency patterns of the Lumbee community. Thus, there can be no doubt that there was an Indian community present along Drowning Creek from the mid-1700's, separate from other communities in the area. It is also certain that this community had a well-established leadership structure and that it managed its affairs with relative autonomy.

The oldest Lumbee community that can be continuously documented was called Long Swamp, now called Prospect and located within the core area in Pembroke and Smith townships the heart of the modern day Lumbee community. It is also located right in the heart of the so-called old field of the Cheraw, documented in land records between 1737 and 1739. The earliest census records show the presence in this community of an extended Locklear family continuously since 1790. Members of this extended family appeared among the tribal leaders, both by descent and marriage, who petitioned Congress for Federal recognition in 1888. Members of this extended family were also among those who were tested by physical anthropologist Carl Seltzer in 1936 for blood quantum. This includes Duncan Locklear and Henry Locklear, whose pictures are attached. The tribe's attorney, Arlinda, Locklear, is also descended from this extended family.

Federal census and State court records document the continued existence of a separate Indian community meeting in Robeson County during the ante-bellum period. Although generally classified as free non-whites during the post-Revolutionary War years, the Lumbees appear to have been treated more generously than free blacks, being allowed to vote without challenge and to own property. However, in the 1830's two seemingly unrelated actions—one by the national government and the other by the State of North Carolina—converged, with disastrous impact on the Indians of the State. In 1830, Congress passed legislation providing for the removal of all Indian tribes east of the Mississippi River to land set aside in the "Indian Territory" in Oklahoma. Tribes such as the Cherokee and Creek were forced to leave. In the climate of removal, it did not benefit a tribe to overtly manifest its identity. Lumbees, like other Indians in the State, held their land in severally, but often without patents. Thus, they were in a precarious position.

Added to the problem of tribal survival was the steadily worsening relationship between whites and "people of color" in North Carolina following Nat Turner's uprising in 1831. In 1835, the State passed a constitutional amendment denying tribal members rights they had previously enjoyed. Many refused to abide by the changes and some were charged with violations. One case, in particular, went far toward recognizing the Lumbees as Indians. In 1857, a William Chavers was arrested and charged as "a free person of color" with carrying a shotgun, a violation of State law. He was convicted, but promptly appealed, claiming that the law only restricted free Negroes, not persons of color. The appeals court reversed the lower court, finding that "Free persons of color may be, then, for all we can see, persons colored by Indian blood, or persons descended from Negro ancestors beyond the fourth degree." The following year, in 1859, in another case involving a Lumbee, the appeals court held that forcing an individual to display himself before a jury was tantamount to compelling him to furnish evidence against himself. These cases generally resulted in the Lumbees establishing a special status under the law as Indians, one outside the limitations placed on others who were classified as "free persons of color." From 1860 on, there is abundant evidence of tribal activity. During the Civil War the Lumbee Indians were prohibited from serving in the Confederate Army and were, instead, conscripted into labor gangs and assigned to build the fortifications at the mouth of the Cape Fear River to protect the city of Wilmington. The conditions were harsh and the treatment brutal. Many Lumbee men escaped and returned home where they hid out in the swamps of Robeson County. Besides Lumbees, the swamps provided a refuge for Union soldiers who had escaped from nearby Confederate camps. Because of their treatment by the Confederacy, and more particularly the Home Guard, the Lumbees gave assistance and protection to the Union soldiers. As the number of Lumbees and Union soldiers "laying out" increased, so did the burden of feeding them. With so many men in hiding or conscripted, there were few to do the farm work. Gradually, the attitude of the Lumbees changed from a passive one to one marked by belligerence. In short order, a band emerged, led by the sons of Allen Lowrie.

Matters came to a head in 1864 when members of the Allen Lowrie family and the local authorities came into armed conflict and a number of individuals on both sides were killed. In March 1865, the Home Guard captured Allen Lowrie and his

son, William, and after holding them for a short time, executed them in a field near the father's house. This was followed by a virtual reign of terror during which the Home Guard tortured members of the Lowrie family and their kinsmen in order to learn the whereabouts of the band. With the death of his father and brother, Henry Berry Lowrie, who was barely 20 years old, took over the leadership of the band. For the next decade, led by Henry Berry Lowrie, and with the Indian community's support and protection, the band fought against local authorities who sought by a variety of means to oppress the Indian population in Robeson County. The Lowrie Band led a struggle that ended only after the disappearance of its leader in 1872, and the capture and death of the last of the band members in 1874. Henry Berry Lowrie remains a folk hero to the Lumbee Indians and his story is told every year in an outdoor drama called "Strike at the Wind." By the 1870's, the Lumbees were openly acknowledged to be Indians. While the Lowrie Band was carrying out its defense, others in the tribe were taking equally effective actions to assert their independence. Lumbees were denied access to the white schools in the county and they refused to attend the schools for blacks. This impasse was broken in 1885.

In 1885, the State of North Carolina formally recognized the tribe as the Croatan Indians as a means of addressing the school issues. The State statute established a school system for the children of tribal members only. Tribal leaders exercised complete control over who could attend the schools. Each Lumbee settlement had a school committee that determined eligibility. In order to be eligible, an individual had to prove Lumbee ancestry back through the fourth generation, that is, back to the 1770's. Because of the rigorous manner in which these rules were enforced in the 19th century, school enrollment records provide an accurate basis for determining present day membership.

In 1887, tribal members petitioned the State legislature again, requesting the establishment of a normal school to train Indian teachers for the tribe's schools. Permission was granted, tribal members raised the funds, and along with some State assistance, the normal school began training teachers for the expanding Lumbee school system. That normal school has been in operation continually since, evolving into Pembroke State University and, recently, the University of North Carolina at Pembroke.

The tribe had difficulty, though, in supporting the Indian normal school financially. In 1888, the tribe petitioned Congress for assistance for its normal school. The request was sent by the House Committee on Indian Affairs to the Commissioner of Indian Affairs, but no action was taken for nearly 2 years. Finally, in 1890, Commissioner Morgan responded to the tribe, telling them that, "So long as the immediate wards of the Government are so insufficiently provided for, I do not see how I can consistently render any assistance to the Croatans or any other civilized tribes." There is no doubt that the Government's rejection of assistance was based solely on economic considerations, the commissioner implying that if sufficient funds had been available, services would have been provided to tribes he referred to as "civilized."

The Lumbees made frequent attempts over the course of the next 50 years to receive assistance from the United States. In 1899, Congressman John D. Bellamy introduced legislation to provide educational assistance for the Croatan Indians (as the Lumbees were then called). Again, in 1910 and 1911, legislation was introduced in Congress to change the tribe's name and to establish "... a school for the Indians of Robeson County, NC." To secure information on the tribe, the Indian office sent Charles F. Pierce, supervisor of Indian schools, to investigate. He reported favorably on the tribe, finding "... a large majority as being at least three-fourths Indian." He described them as being law abiding and industrious and "crazy on the subject of education." Pierce had no doubt that the Lumbees were Indians, or that they were a tribe. Nor did he doubt that Federal educational assistance would be beneficial. He opposed the legislation because, in his words, "[a]t the present time it is the avowed policy of the Government to require States having an Indian population to assume the burden and responsibility for their education, so far as is possible." After lengthy deliberations, the bill passed the Senate, but not the House, because the chairman of the House committee felt that the Lumbees were eligible to attend the various Indian boarding schools.

The tribe continued its efforts to secure Federal educational assistance, and in 1914, sent a delegation to Congress. Another investigation was carried out by the Indian Office at the direction of the Senate. Among other things, Special Indian Agent, O.M. McPherson found that the tribe had developed an extensive system of schools and a complex political organization to represent its interests. He noted that the Lumbees were eligible to attend Federal Indian schools, but doubted that these schools would meet their needs. His recommendation was that if Congress saw fit to establish a school, it should be one emphasizing agricultural and mechanical

skills. Again, Congress took no action. Parenthetically, it should be noted that during this period tribal activity was generally at a low level across the United States. Not so for the Lumbees, who actively involved their congressmen in their efforts to achieve Federal recognition.

During the 1930's, the tribe renewed its efforts to achieve Federal recognition. In 1932, the BIA asked the eminent anthropologist at the Bureau of American Ethnology John Reed Swanton for his professional opinion on the Lumbees. Swanton was emphatic concerning their Indian ancestry, specifying a Cheraw and other eastern Siouan Tribes as their ancestry. A later report by Indian Agent Fred Baker [1935], who had visited the Lumbee community, gave further support that they constituted a tribe. Baker discussed a resettlement project with the tribe in which the Government would acquire land for the Lumbees' support, an alternative to the share-cropping and credit system then the predominant means of Lumbee livelihood. Baker reported to Congress:

It may be said without exaggeration that the plan of the Government meets with practically the unanimous support of all of the Indians. I do not recall having heard a dissenting voice. They seemed to regard the advent of the U.S. Government into their affairs as the dawn of a new day; a new hope and a new vision. . . I find that the sense of racial solidarity is growing stronger and that the members of this tribe are cooperating more and more with each other with the object in view of promoting the mutual benefit of all the members. It is clear to my mind that sooner or later Government action will have to be taken in the name of justice and humanity to aid them.

However, the Bureau of Indian Affairs did not support recognition of the tribe, despite four studies that all found the Lumbee to be Indian. The apparent reasons were the size of the tribe and the costs to the Government.

Following the First World War, the Lumbees renewed their efforts, both in the State and with Congress, to improve their educational system. At the State level, they were able to get an appropriation of \$75,000 for capital improvements at the Indian Normal School. The issue of the tribe's name had become a concern, and tribal leaders sought legislation in Congress to recognize the name adopted by the state legislature—The Cherokee Indians of Robeson and Adjoining Counties in North Carolina. Such a bill was introduced in the Senate in 1924, and at first received favorable support from the Secretary of the Interior, although Commissioner of Indian Affairs Charles H. Burke opposed the legislation. The Secretary later dropped his support and the bill died.

The efforts to obtain congressional recognition were resumed in 1932. Senator Josiah W. Bailey submitted a bill designating the Indians of Robeson and adjoining counties as "Cherokee Indians," but this effort also failed. The following year another bill was proposed, this time designating the tribe as the "Cheraw Indians," at the suggestion of Dr. Swanton. This name caused a split in the tribe, with those tribal members led by Joe Brooks favoring it, while others, led by D.F. Lowry opposing it, fearing it would jeopardize the tribe's control over its schools. Because of the split in the tribe, the effort failed.

With the passage of the Indian Reorganization Act, Brooks and his supporters attempted to organize the tribe under a Federal charter. Because the tribe did not possess a land base, it was advised by Assistant Solicitor Felix Cohen to organize under the half-blood provision of the act. Cohen urged that the tribe apply for land and a charter under the name of the "Siouan Indian Community of Lumber River." Brooks immediately submitted a proposal that mirrored Cohen's recommendations. Over the course of the next 2 years, the two projects of establishing recognition under the IRA and receiving land through the Bureau of Indian Affairs proceeded, when suddenly, in 1936, the land acquisition proposal was shifted from the BIA to the Rural Resettlement Administration, and the land that was to be purchased solely for Lumbee use, was opened to non-Indians. After a lengthy struggle, Brooks was able to have a part of the land set aside for tribal members, and incorporated under the name of the Red Banks Mutual Association.

The tribe was no more successful in achieving recognition under the IRA. The BIA formed a commission of three to investigate the blood quantum of the Lumbees. In 1936, Dr. Carl C. Seltzer, an anthropologist and member of the commission, visited Robeson County on two occasions and took physical data on 209 Indians applying for recognition as one-half or more Indian blood. He found that 22 met the criteria. They were certified by the Secretary of the Interior. What made Seltzer's work so ludicrous was that in several cases he identified full siblings in different ways, one meeting the blood quantum requirement and the other not.

After the second World War, the Lumbees again tried to achieve Federal recognition of their status as an Indian tribe. The issue of their name continued to cause them problems so, in 1952, the Lumbee leadership conducted a referendum on the

name; at the tribe's request, the State funded and provided other assistance for the conduct of the referendum. Of 2,144 tribal members who voted, all but 35 favored the use of the name "Lumbee," derived from the Lumber River upon which they had always dwelled. Armed with this overwhelming support, the leader of the movement, D.F. Lowry, asked the State legislature to adopt the change. The legislature approved the name change in 1953. The Lumbee Tribe then took its case to Congress, which in 1956 passed the Lumbee bill.

There can be no doubt that for more than 200 years the Lumbees have been continuously and repeatedly recognized as American Indians. This was made explicit by the State in the 1880's and by the Federal Government from at least the beginning of the 20th century on. Federal and State officials have, on numerous occasions, reviewed the evidence and at no time have they questioned the fact that the tribe consisted of people of Indian descent. Federal reluctance to acknowledge the tribe centered on questions involving the extension of services. It was unfortunate that each effort by the Lumbees to clarify their Federal status and to receive services coincided with Federal Indian policy shifts away from the trust relationship: The General Allotment Act in 1887; the Citizenship Act of 1924, and the termination policy of the 1950's. The exception, the Indian Reorganization Act, which could have provided a means to recognition, was subverted by bad anthropology and bureaucratic indolence.

Since the passage of the Lumbee Act, the tribe has faced a steady string of problems, beginning with an attempt by the Ku Klux Klan to intimidate tribal members in 1958 by a rally held within the Lumbee community. The tribe's reaction to this threat was a spontaneous gathering that drove the klansmen from the field and broke up their rally, a confrontation that focused national attention for a time on the Lumbee community. The tribal members have exerted their influence in other ways. In the 1960's they organized voter registration drives that made their influence felt on local politics, electing members of the tribe to State, county, and local public offices. When the local school authorities attempted to integrate only the black and Indian schools in the county, tribal members staged sit-ins and filed lawsuits to prevent the loss of tribal control over the schools. It must be understood that the school system was and is a key and integral part of tribal identity, and any threat to the tribe's control would be resisted. And resisted it was!

While the tribe was struggling to maintain its schools, it was actively opposing the so-called "double voting" system, which allowed whites in the towns [which had separate school districts] to vote with whites in the county, who were in the minority, to maintain white control over the county school system. The students in the county school system were predominantly Indian and black. Tribal leaders took the case to Federal court, and after losing at the district court, won a reversal at the court of appeals, thus ending double voting.

At about the same time, tribal leaders became involved in an issue with high symbolic value to the tribe. In 1972, the Board of Trustees of Pembroke State University decided to demolish the main building on the campus and replace it with another structure. Very quickly, a group formed to "Save Old Main." The group waged a statewide and national campaign to save the building, and just at the point when it seemed that they would be victorious, the building was burned to the ground. The tribe overcame this blow and campaigned hard for the reconstruction of Old Main, which they eventually accomplished. The building was completed in 1975 and is now the site of the University of North Carolina at Pembroke's Native American Resource Center.

Since the end of World War II, the tribe has grown in stature and influence. It was a primary mover in the establishment of North Carolina Commission of Indian Affairs, an organization that has become a model for state Indian commissions. The Lumbees have played an instrumental role in county affairs, where they have represented a moderating influence.

The Lumbee history is one of continual resistance to outside domination, beginning in the 18th century. In 1754, the ancestors of the Lumbees were described as a community of 50 families living on Drowning Creek, "mixt Crew [or breed] a lawless people." In 1773, they were identified as "A List of the Mob Railously Assembled together in Bladen County [later subdivided to create Robeson County]." In the 1830's, Lumbees opposed the laws limiting their freedoms, and in the Civil War and Reconstruction years, under the leadership of Henry Berry Lowrie, they actively opposed, first the Confederate government, and later the United States.

The Lumbees are held together by the same mechanisms and values that have kept them together for the past 100 years or more, mechanisms and values that are typically Indian. First and foremost is the family, which serves as the center of Lumbee social activities. There is continual and widespread visiting among adults, particularly in the homes of parents and grandparents. Often, children live near

their parents on land that was part of the family homestead. Members of families speak to and visit each other on an almost daily basis.

The knowledge that the average Lumbee has of his or her kin is truly astounding. It is very common for individuals to be able to trace their parents' genealogies back five or more generations. Not only are individuals able to name their grandparents, great grandparents, great great grandparents et cetera, but often they can name the siblings of their ancestors, the spouses of their ancestors' siblings, relate where they lived in Robeson County, the church they attended, and the names of their offspring. It is common for an individual to name 200 or 300 individuals as members of the immediate family. Every year there are family reunions that attract members from all over the country. They vary in size from small gatherings of a few 100 close kin to reunions involving 1,000 or more persons.

This kinship pattern is well illustrated by the mapping of all Lumbee heads of household based upon the 1850 Federal census that I prepared for the tribe's petition for Federal acknowledgment. I identified 168 households headed by Lumbees in 1850. These heads of household are the ancestors of present day Lumbees and include descendants of the Locklear extended family documented on the old Cheraw field in 1790. The households were clustered in what is the core area today of the Lumbee Tribe; in some areas, such as the Prospect community, the area was almost exclusively Lumbee. The households showed an extremely high rate of in-marriage, resulting in complex and multiple kinship and marriage ties among the members—a pattern that continues today, as discussed below.

The same kinship pattern is reflected in the list of tribal leaders who appeared on the 1887 petition to the State and the 1888 petition to the Congress. When these individuals' relationships, both marital and kin, are mapped, it again reveals a remarkably tight community. There are multiple ties, as shown by the chart submitted by the tribe with its petition for Federal acknowledgment. Thus, the high rates of marriage and geographic concentration of tribal members shown today, as discussed below, were evident in 1790 and 1850.

Religion also serves to maintain the social boundaries of the Lumbee Tribe. By social boundaries, I mean that there are membership rules, special beliefs and values, a unique history, and a system of political authority and decisionmaking that marks the Lumbees as a separate community. There are more than 130 Lumbee Indian churches in Robeson County, and with one or two exceptions, each has a Lumbee minister. Church membership crosses family lines and settlement areas, thus drawing together different sectors of the tribe.

For the Lumbees, church is more than a religious experience; it is one of their most important social activities. It involves many of them on a daily basis. The churches have Sunday schools, youth organizations, senior citizens' programs, Bible study programs, and chorus practices, to mention but a few of the activities available. It is common for members of the same household to attend different churches, and this behavior further acts to bring the tribal membership together.

An additional and important activity of the churches is to hold an annual "homecoming" during the fall. The event is well advertised and individuals come from great distances to attend. Homecomings are held on Sundays after church service and are open to all Lumbees. Families and friends gather in a church's fellowship hall and share a leisurely meal together. Commonly, there are several hundred tribal members in attendance. Homecomings are informal gatherings which offer opportunities for members of a family from different congregations to join with other families.

The family and the churches also provide the main avenues for political participation. In studying the Lumbee community, it is clear that leadership over the years has tended to surface in the same families from generation to generation, something like a system of inherited leadership. These leaders have gained prominence through their participation in the educational system and as church leaders. In the past, many of the tribe's most dynamic leaders were ministers and teachers. Today, there are other avenues for the demonstration of leadership qualities, but family, education and religious values still command attention.

The importance of the role played by the Lumbee churches in the political life of the tribe cannot be overstated. During the 1990's, it was the leadership from the churches that initiated and sustained the process for preparing a tribal constitution. The delegates to the constitutional convention were selected by the churches and represented every segment of the tribe. After nearly 10 years of meetings, negotiations, court actions, and re-drafts, the constitution was presented to the tribal members for their approval. On November 6, 2001, the tribal members voted on the constitution. Eighty-five percent of those voting voted in favor of adoption. The approved constitution is recognized by the State of North Carolina, and it is the tribe's governing document.

To determine the level of geographic concentration of modern day Lumbees, a random sampling of tribal members was prepared. This is a methodology approved by the BIA in its analysis of a tribe's community in the administrative acknowledgment process. A 1 percent systematic sample was drawn from the Lumbee membership files as of December 2002. Of the 543 files drawn, 29 were found to contain the name of deceased individuals, or were missing from the files, leaving a balance of 514 files. This corresponds closely with the number of active members [52,850] as reported to the Lumbee Tribal Council in December 2002.

The residency pattern of the Lumbee tribal members is divided into three categories: Core area where the tribal members live in either exclusively or nearly exclusively Lumbee geographical areas; those living somewhere in North Carolina; and those living elsewhere. Included in the first category are the following communities in Robeson County: Pembroke, Maxton, Rowland, Lumberton, Fairmont, St. Paul's, and Red Springs. Within these communities are areas that are exclusively [or nearly so] occupied by Lumbees. These areas are reflected on the attached map.

The data show that of the 511 for whom there was residency data, 330 [64.6 percent] live in the core area, 102 [19.9 percent] live in the State of North Carolina, and the 79 [15.4 percent] live elsewhere, almost all of them in the United States. This high degree of geographic concentration establishes the existence of a Lumbee community, even without any further evidence. See discussion below. Based on census and other data, the Tribe demonstrates the same high level of geographic concentration going back well into the nineteenth century, or as far as there are data available.

A second indication of community is the level of in-marriage within a community. Using the same sample, there were 276 records that provided information on the age and marital status of individuals. Of these, 49 were younger than 16, the age selected as marriageable. Another 23 were identified as single, leaving 204 with known marriage partners. Of this number 143 [70 percent] were married to another Lumbee tribal member. Of the remaining 61, 59 were married to non-Indians and 2 were married to members of other tribes. Again, this high in-marriage rate establishes the existence of a Lumbee community, even without any further evidence. See discussion below. As with residency, based on census and other data, it is certain that the Tribe can demonstrate comparably high in-marriage rates for the preceding periods, going back well into the nineteenth century, or as far as there are data available.

As discussed above, the Lumbee Tribe of North Carolina organized, ran, and largely financed its own school system and teacher's training college for nearly 100 years. It has had and continues to have a complex network of churches that exclusively or nearly exclusively serve the tribal members. Many of these churches are tied together by three exclusively Lumbee 10 organizations—the Burnt Swamp Baptist Association [60 churches], the North Carolina Conference of the Methodist Church [12 churches], and the Lumber River Holiness Methodist Conference [9 churches]. The others are non-affiliated. All of these demonstrate clear political authority within the community that is accepted as such by the outside world.

A specific example of tribal political authority in the education context is illustrative. In 1913, State Attorney General Thomas Bickett issued an opinion that the Robeson County Board of Education, then controlled by non-Indians, had authority to overrule a Lumbee Indian school committee's decision to exclude a child who did not meet the tribe's eligibility requirements from an Indian school. This was unacceptable to the tribe. Tribal leaders sought and obtained State legislation in 1921 that reaffirmed the tribe's authority to determine eligibility to attend the Lumbee schools.

Another example of Lumbee political autonomy outside the context of education involved the ultimate political control—the ability to directly elect leadership for the Town of Pembroke located in the heart of the Lumbee community and occupied almost exclusively by Indians. At the time of its incorporation in 1895, State law required that public officials of the town be appointed by the Governor rather than elected—the only incorporated town in the State so governed. Under pressure from Lumbee tribal leaders, this State law was changed in 1945 to allow for direct election of town officials by the residents there, just as in all other incorporated towns in the State. Since then, the mayor and town council of Pembroke have all been Lumbee Indians.

From the 1960's on, the Lumbee leadership sought to maintain control over their schools and college, and when that was no longer possible, to share political power in Robeson County. They instituted lawsuits to abolish double voting, fought to save the college's main administration building, and when that burned down, to have it rebuilt, and elect Lumbee leaders to county positions. The tribe submitted a petition for Federal recognition under 25 CRF 83. Finally, beginning in 1993, the tribe began

the process that eventually led in 2002 to the present constitution and tribal government. The process started with funds from a Methodist Church grant, the delegates were chosen from the participating churches, and the process was deeply influenced by church leaders. The results were overwhelmingly endorsed by the tribal population in two referenda—1994 and 2001.

In 1978, the Department of the Interior established a regulatory process for the acknowledgment of Indian tribes. 25 C.F.R. Part 83. The Department has determined that the Lumbee Tribe is not eligible for this administrative process because of the 1956 Lumbee Act. However, the history and data establish that the tribe nonetheless meets the seven mandatory criteria used in the Department's regulations to define an Indian tribe. Those seven mandatory criteria are:

(a) identification as an American Indian entity on a substantially continuous basis since 1900;

(b) a predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present;

(c) the petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present;

(d) a copy of the group's present governing document including its membership criteria;

(e) the petitioner's membership consists of individuals who descend from a historical Indian tribe or tribes which combined and functioned as a single autonomous political entity;

(f) the membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe;

(g) Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.

Criterion (a) Identification as an Indian entity

This criterion can be met by showing evidence of Federal, State, or county relationships, or identification by historians or social scientists, in books or newspapers, or by relationships with other tribes or national, regional or state Indian organizations since 1900. There are repeated and numerous identifications of the Lumbee Tribe as an Indian entity since 1900, as shown in the summary of the tribe's efforts to obtain Federal recognition above. There can be no serious question that the Lumbee Tribe can and has demonstrated this criterion.

Criterion (b) Community

This criterion provides a number of ways to demonstrate community, foremost among these are rates of marriage and residency patterns. The regulations provide that an Indian group has conclusively demonstrated this criterion by proof that 50 percent or more of its members reside in a geographical area composed exclusively or almost exclusively of tribal members, or that at least 50 percent of its members are married to other tribal members. These are the so-called high evidence standards. As established above, the Lumbee Tribe meets both these high evidence standards, both historically and in modern times. This means that the Lumbee Tribe has conclusively demonstrated community as defined by the regulations, typically the most difficult part of the administrative process for petitioning tribes.

Criterion (c) Political

The regulations provide that if community is proven by high evidence as exhibited by the Lumbee community, this is considered conclusive proof of political authority as well. In other words, the same high evidence of community exhibited by the Lumbee also conclusively demonstrates political authority for the Lumbee Tribe, both historically and in modern times. In addition, the actual evidence of political authority summarized above—from the substantial and active political relationship maintained with the State of North Carolina since 1885, repeated efforts organized by tribal leaders to obtain Federal recognition, and persistent resistance to challenges to tribal independence—show vibrant and effective political leadership within the tribe, both historically and in modern times.

Criterion (d) Governance

This criterion requires that a petitioner submit either a statement describing its system of governance or its governing document. By the adoption of a tribal constitution, one that has been recognized by the State of North Carolina, the tribe clearly demonstrates this criterion.

Criterion (e) Descent from a historical tribe or tribes

As to criterion (e), Dr. John R. Swanton, a member of the staff of the Bureau of American Ethnology, a Federal Government agency, and one of the Nation's foremost anthropologists and experts on American Indian tribes, particularly in the southeast, concluded in the early 1930's that the Lumbees are descended predominantly from Cheraw Indians. The Department of the Interior adopted this position in its 1934 statement to Congress on one of the proposed recognition bills, relying

on Dr. Swanton's report. This has also been confirmed and supported by scholars such as Dr. William C. Sturtevant, Chief Ethnologist of the Smithsonian Institution and general editor of the Handbook of American Indians and Dr. James Merrell, Professor of History, Vassar College, and a leading authority on the colonial Carolinas. Both of their statements are attached.

Criterion (f) Petitioner's members are not members of any federally recognized tribe

The members of the Lumbee Tribe of North Carolina are not members of any federally recognized tribe. This can be demonstrated by a review of the tribe's genealogical data.

Criterion (g) The petitioner has not been the subject of a Federal termination act

The Solicitor for the Department of the Interior has determined that the 1956 Lumbee Act is an act forbidding the Federal relationship.

Summary

Typically, Indian tribes petitioning for acknowledgment under the administrative process have most difficulty with criteria (b) and (c), community and political authority respectively. Every tribe that has been denied acknowledgment through the process to date has failed because of the inability to prove these criteria, and perhaps others. As demonstrated above, the Lumbee Tribe's case on these criteria is so strong as to be conclusive. In light of the heavily documented history of the tribe since 1900, neither can there be any doubt about the Tribe's ability to demonstrate the other criteria.

In the past few years, the BIA has opposed bills to recognize the Lumbee. The Bureau has complained that there is too little data, specifically that a genealogical link between the Cheraw Tribe on Drowning Creek and the present-day Lumbee Tribe on the renamed Lumber River cannot be made, despite the occurrence of shared and uncommon surnames. Of course, the failure of the dominant society to record the births and deaths of Lumbees before 1790 is no fault of the tribe; nor does this absence suggest that the Lumbee Tribe is not descended from the Cheraw Tribe. In fact, the Department testified in 1934 that the tribe was descended from the Cheraw Tribe, based upon the work of the eminent Dr. Swanton. The Department's earlier opinion is also corroborated by the professional opinions of Drs. Sturtevant and Merrill. Thus, the Department's more recent view should be taken as more intellectual curiosity than serious doubt about the origins of the tribe. And this new found curiosity should be judged in the context of the Department's longstanding determination to oppose recognition of the tribe, even in the face of its past judgment that the Lumbees truly are an Indian tribe.

The extensive record of the tribe's history in the 18th, 19th, and 20th centuries establish that the Lumbee Indians constitute an Indian tribe as that term is defined in the Department of the Interior's acknowledgment regulations. The tribe fails only on the last criterion, that is, Congress has prohibited the Department from acting on the Tribe's petition in the 1956 Lumbee Act. Thus, the Congress can act on S. 660 with full confidence that the Lumbees are, in fact, an Indian tribe.

PREPARED STATEMENT OF R. LEE FLEMING, DIRECTOR, OFFICE OF FEDERAL
ACKNOWLEDGMENT, DEPARTMENT OF THE INTERIOR

Good morning, Mr. Chairman and members of the committee. My name is Lee Fleming and I am the director of the Office of Federal Acknowledgment at the Department of the Interior [Department]. I am here today to provide the Administration's testimony on S. 660, the Lumbee Recognition Act. The recognition of the continued existence of another sovereign is one of the most solemn and important responsibilities delegated to the Secretary of the Interior, which the Department administers through its acknowledgment regulations at 25 C.F.R. Part 83. Federal acknowledgment, or recognition, of tribal status enables Indian tribes to participate in Federal programs and establishes a government-to-government relationship between the United States and the Indian tribe. Acknowledgment carries with it certain immunities and privileges, which may include exemptions from State and local jurisdiction and the ability of newly acknowledged Indian tribes to undertake unique economic opportunities.

Under the Department's acknowledgment regulations, petitioning groups must demonstrate that they meet each of the seven mandatory criteria. The petitioner must:

(1) demonstrate that it has been identified as an American Indian entity on a substantially continuous basis since 1900;

(2) show that a predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present;

(3) demonstrate that it has maintained political influence or authority over its members as an autonomous entity from historical times until the present;

(4) provide a copy of the group's present governing document including its membership criteria;

(5) demonstrate that its membership consists of individuals who descend from an historical Indian tribe or from historical Indian tribes that combined and functioned as a single autonomous political entity and provide a current membership list;

(6) show that the membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe; and

(7) demonstrate that neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.

A criterion is considered met if the available evidence establishes a reasonable likelihood of the validity of the facts relating to that criterion.

The Department recognizes that under the U.S. Constitution Indian Commerce Clause, Congress has the authority to recognize a "distinctly Indian community" as an Indian tribe. But along with that authority, it is important that all parties have the opportunity to review all the information available before recognition is granted. That is why the Department of the Interior supports a recognition process that requires groups go through the Federal acknowledgment process because it provides a deliberative uniform mechanism to review and consider groups seeking Indian tribal status. Notwithstanding that preference, the Department recognizes that some legislation is needed given the unique status of certain Indians in North Carolina.

In 1956, Congress designated Indians then "residing in Robeson and adjoining counties of North Carolina" as the "Lumbee Indians of North Carolina" in the Act of June 7, 1956 (70 Stat. 254). Congress went on to note the following:

Nothing in this act shall make such Indians eligible for any services performed by the United States for Indians because of their status as Indians, and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to the Lumbee Indians.

In 1989, the Department's Office of the Solicitor advised that the 1956 Act forbade the Federal relationship within the meaning of the acknowledgment regulations, and that the Lumbee Indians were therefore precluded from consideration for Federal acknowledgment under the administrative process. Because of the 1956 Act, legislation is necessary for the Lumbee Indians to be afforded the opportunity to petition for tribal status under the Department's regulations. The Department would welcome the opportunity to assist the Congress in drafting such legislation.

If Congress elects to bypass the regulatory process in favor of legislative recognition of the Lumbee in a manner granting full sovereign rights, then the Department makes the following comments on S. 660, as currently drafted.

S. 660 extends Federal recognition to the "Lumbee Tribe of North Carolina" and permits any other group of Indians in Robeson and adjoining counties whose members are not enrolled in the Lumbee Tribe to petition under the Department's acknowledgment regulations. The Office of Federal Acknowledgment has received letters of intent to petition from six groups that may overlap with each other. In addition, we have identified over 80 names of groups that derive from these counties and are affected by the 1956 Lumbee Act. Some of these groups claim to be the "Lumbee" Tribe. Therefore, we recommend Congress clarify the Lumbee group that would be granted recognition under this bill. Not doing so could potentially expose the Federal Government to unwarranted lawsuits and possibly delay the recognition process.

One of the benefits or privileges available to recognized Indian tribes is the ability to conduct gaming under the Indian Gaming Regulatory Act [IGRA]. Under S. 660, any fee land that the Lumbee seeks to convey to the United States to be held in trust shall be considered an "on-reservation" trust acquisition if the land is located within Robeson County, North Carolina, and gaming will be allowed on those lands under the provisions of IGRA. Prior to conducting class III gaming, the Lumbee Tribe of North Carolina would need to negotiate a gaming compact with the State of North Carolina. In addition, the Lumbee Tribe of North Carolina must have lands taken into trust. Generally, if a tribe wants to game on land taken into trust after the passage of IGRA, it must go through the two-part determination described in 25 U.S.C. §2719(b)(1)(A). This process requires the Secretary to determine, after consultation with the tribe and the local community, that gaming is in the best in-

terest of the tribe and its members and not detrimental to the local community. If the Secretary makes that determination in favor of allowing gaming, then the gaming still cannot occur without the Governor's concurrence.

Under S. 660, the State of North Carolina has jurisdiction over criminal and civil offenses and actions on lands within North Carolina owned by or held in trust for the Lumbee Tribe or "any dependent Indian community of the Lumbee Tribe." The legislation, however, does not address the State's civil regulatory jurisdiction, which includes jurisdiction over gaming, zoning, and environmental regulations.

We are concerned with the provision requiring the Secretary, within 1 year, to verify the tribal membership and then to develop a determination of needs and budget to provide Federal services to the Lumbee group's eligible members. Under the provisions of this bill, the "Lumbee Tribe", which the Department understands includes over 40,000 members, would be eligible for benefits, privileges and immunities that are similar to those possessed by other federally recognized Indian tribes. In our experience verifying a tribal roll is an extremely involved and complex undertaking that can take several years to resolve with much smaller tribes. While we believe there are approximately 40,000 members, we do not currently have access to the Lumbee's tribal roll and thus do not have the appropriate data to estimate the time to verify them nor do we know how many Lumbee members may be eligible to participate in Federal needs based programs. Moreover, S. 660 is silent as to the meaning of verification for inclusion on the Lumbee group's tribal roll.

In addition, section 3 may raise a constitutional problem by purporting to require the President to submit annually to the Congress as part of his annual budget submission a budget that is recommended by the head of an executive department for programs, services and benefits to the Lumbee. Under the Recommendations Clause of the United States Constitution, the President submits for the consideration of Congress such measures as the President judges necessary and expedient.

Should Congress choose not to enact S. 660, the Department feels that at a minimum, Congress should amend the 1956 Act to afford the Lumbee Indians the opportunity to petition for tribal status under the Department's acknowledgment regulations.

This concludes my prepared statement. I would be happy to answer any questions the committee may have.

PREPARED STATEMENT OF HON. ROBIN HAYES, U.S. REPRESENTATIVE FROM NORTH CAROLINA

Chairman McCain and Vice Chairman Dorgan, I appreciate you taking the time to hold this hearing on the Lumbee Recognition Act, S. 660. Since I have been in Congress, I have worked hard to see that the Lumbee Tribe receives full Federal recognition.

As you know, this past June marks the 50th anniversary of the 1956 Lumbee Act, which acknowledged the Lumbee Tribe as an Indian tribe; however, Congress withheld giving the tribe full Federal recognition. I know Senator Dole and Senator Burr are working hard to garner strong support the Lumbee Recognition Act, and I appreciate their leadership on this issue in the Senate.

I am a proud original cosponsor of the House companion bill, H.R. 21, which was sponsored by my friend and colleague Congressman Mike McIntyre. Mike has been a tireless advocator of the Lumbee Tribe and it has been a pleasure working with him on this issue as well.

The Lumbee Indian Tribe has an extensive history in North Carolina ranging back to 1724 on Drowning Creek, which is now referred to as the Lumbee River. The Lumbee Tribe has been recognized by the State of North Carolina since 1885. The Lumbee Tribe has over 40,000 members and is the largest tribe in the State of North Carolina.

The 8th District, which I serve, is home to many of the Lumbees that reside in North Carolina, primarily in Hoke, Scotland, and Cumberland counties. I strongly believe that these important members of my constituency deserve Federal recognition so they are able to receive various Bureau of Indian Affairs and other Federal Government services and programs they rightly deserve.

The heritage of the Lumbee Tribe is as strong today as when first recognized by North Carolina and the tribe should be proud of the rich and valued cultural contribution they have given to our communities. It is my hope that we as a Congress do what the Federal Government should have done decades ago and give the Lumbee Tribe the distinction of a federally recognized tribe.

Thank you all again for holding this hearing. I look forward to continuing to work with you all on this important issue.

**Summary of Concerns of The Tuscarora Nation of Indians of the Carolinas re S. 660
Executive Summary**

1. S. 660 inaccurately assumes and relies on prior recognition that was specifically never granted. There has been no prior "recognition" of the Lumbee as an American Indian Tribe.
2. S. 660 ignores repeated and consistent prior denial of general Indian benefits to the Lumbee and certain other tribes alleged to have been Lumbee under other names.
3. S. 660 ignores well-documented and consistently recurring concerns about Lumbee "tribal" history and Indian ancestry.
4. S. 660 would set dangerous precedent by extending federal tribal benefits to an alleged Indian "tribe" that has not met federal administrative criteria for recognition of Indian tribes.
5. S. 660 would be a disservice to Indian Country by compounding the confusion among Americans as to who is and is not an American Indian.
6. S. 660 would be a disservice to Indian Country by adding a large and diverse group of new beneficiaries of uncertain ancestry when tribal programs are already being cut for lack of funds.
7. The Tuscarora Nation of Indians of the Carolinas would be disenfranchised by S. 660.

Summary of Concerns of The Tuscarora Nation of Indians of the Carolinas re S. 660

Several aspects of the Lumbee recognition bill, S. 660, serve to inaccurately represent the Lumbee and the history of Indians in the Carolinas. The Tuscarora Nation of Indians of the Carolinas would like to provide clarification on those points.

First, the bill now under consideration, S. 660, states incorrectly that “in 1956 the Congress of the United States *acknowledged* the Lumbee Indians as an Indian tribe.” *See* tab 5. Acknowledgment and recognition are terms of art indicating that federal benefits will be due a tribe. The Lumbee have used these terms so as to confuse their meaning in common usage with their legal connotations with respect to federal benefits for Indian tribes. **The 1956 Act specifically did not bestow federal recognition on the Lumbee.** Nor is the last sentence of Section 1 of the 1956 Act properly characterized as a “termination clause.” There was never any recognition of the Lumbee to terminate.

We have attached for your reference part of the transcript of a July 22, 1955 hearing on the Lumbee bill H.R. 4656, which became the 1956 Lumbee Act, and an excerpt from the Congressional Record in which Congressman Ertel Carlyle, the sponsor of the 1956 Lumbee Act, assured legislators that **the Lumbee sought a name only and said they would not come back to Congress seeking benefits.** *See* tabs 9 and 10. When Congressman Ford asked if the Lumbee bill, “if enacted, would in any way whatsoever commit the Federal Government in the future to the furnishing of services or monetary sums” Mr. Carlyle assured him that “the bill does not provide for that nor is it expected that it will cost the Government one penny.” Tab 10.

During the July 22, 1955 hearing on H.R. 4656, Congressman Aspinall from Colorado asked Reverend Lowery, testifying on behalf of the Lumbee “Brotherhood,” whether any members of his organization “after you might receive this designation [name only] . . . would come to Congress and ask for any of the benefits that otherwise go to Indian Tribes.” Rev. Lowery replied, “No Sir. **We would leave the county before we would come under a reservation or anything like wards of the Government.**” Tab 9 at 17.

Those assurances appear to have been forgotten as the Lumbee now portray the 1956 Act as federal “recognition” of their “tribe.” The record from that era clearly shows that legislators specifically intended that the 1956 Lumbee Act not constitute federal recognition, then or in the future. Senator Dole and others have said that S. 660 “is about fairness – about righting a wrong.” The 1956 Lumbee Act was not unfair. Instead, it is exactly what a group of people in North Carolina, allegedly Indians, asked for—to be *called* Lumbee Indians.

There is no wrong to be righted. Instead, full federal recognition of the Lumbee Tribe directly by Congress, without the benefit of BIA’s administrative recognition procedures, would be **unfair to Indian Country and to the American people while leaving The Tuscarora Nation of Indians of the Carolinas stranded and disenfranchised.** Many Americans who believe in fulfilling the United States’ treaty and statutory obligations to Native Americans are nevertheless uncertain as to who is and is not a Native American and entitled to benefits. For

Congress to bypass the administrative procedures that were designed to answer that question would be a disservice to Indian Country and would merely serve to **compound uncertainty over tribal identity**.

The legislative history of earlier bills dealing with Indians and alleged Indians in North Carolina share a common theme, which is consistent with the intent of Congress in 1956 not to provide full recognition and benefits to the Lumbee. For example, the Senate Committee on Indian Affairs amended S. 1632 in 1934 to adopt the recommendation of the Secretary of Interior that “nothing contained herein shall be construed as conferring Federal wardship or any other governmental rights or benefits upon such Indians.” Contrary to Lumbee attorney Arlinda Locklear’s assertion that this language was added “because of the expense of providing federal Indian services to the Indians” [variously called Cherokee, Siouan, Cheraw, Croatan, etc.], the language was in fact added simply because

the United States has never entered into treaty relations with, or provided benefits for, the Croatans; . . . such assistance or lands as have been given them have been from the local or State government; . . . their status is similar to that of other citizens of like class in the State in which they reside, and . . . North Carolina maintains a system of schools for them. It is further shown that the Federal Government is in no way indebted to them; and that if by enrollment and recognition as provided in the bill mentioned they are seeking assistance of the Government, such claims for assistance have no merit other than that which would attach to other needy citizens in the various States.

S. Rep. No. 73-204 at 2, January 23, 1934. Tab 6.

Again, the consistently recurring decisions not to fully recognize a “Lumbee Tribe” reflect the uncertain tribal identity and history of this large and diverse group. The Secretary, in a letter accompanying S. Rep. 73-204, quotes Bulletin No. 30, part I, of the Bureau of American Ethnology, which states

The theory of descent from Raleigh’s lost colony of Croatan . . . may be regarded as baseless, but the name itself serves as a convenient label for a people who combine in themselves the blood of the wasted native tribes, the early colonists or forest rovers, the runaway slaves or other Negroes, and probably also of stray seamen of the Latin races from coasting vessels in the West Indian or Brazilian trade.

The currently pending bill also asserts that the State of NC recognized the Lumbee Indians as an Indian tribe since 1885. There was no “Lumbee” tribe in 1885. Nor have the tenuous links between today’s “Lumbee Tribe” and tribes that did exist in 1885 been adequately established. Furthermore, state recognition does not mean that the federal criteria have been met. BIA’s decisions on Eastern Pequot and Schaghticoke recognition rejected the general use of state recognition in the Final Determination as evidence for the criteria that tribes show historical

and continuous "community" and "political influence or authority" since colonial times. See Eastern Pequot 70 FR 60099, 60100 (October 14, 2005) and Schaghticoke 70 FR 60101, 60102 (October 14, 2005).

References by Chief Goins or Lumbee attorney Arlinda Locklear to actions by the "Lumbee tribe" or the "Lumbee leadership" at key historic junctures reflect a convenient and seductive tautology—classic circular reasoning, begging the question. For example, Arlinda Locklear asserts that "[Associate Solicitor Felix] Cohen concluded that the Lumbee could organize under the [Indian Reorganization] act." Testimony at 5 n. 2. Cohen, however, did not mention the Lumbee in the cited memo nor does he mention the Lumbee at all in his famous treatise on Indian Law. So smoothly is this deception foisted on the reader that one might easily expect to find the term "Lumbee tribe" in early House and Senate reports before the tribe existed. Instead, other groups were referred to in those reports and it remains unclear whether those groups are tied to today's "Lumbee Tribe" or not. It is also not clear whether those groups were Indians and, if so, by whose definition and for what purpose defined. For example, it would have been an **administrative convenience for North Carolina, which provided separate schools for blacks, whites, and Indians, to designate those who claimed to be neither black or white as Indians of Robeson and surrounding counties—hardly a basis for federal recognition of an Indian tribe.**

The Tuscarora find themselves in an unfortunate predicament not unlike Tibetans (characterized by the Chinese as "splittists" from the Motherland) or unrelated and culturally dissimilar tribes lumped together in the same arbitrarily defined "country" following world wars.

At best, it appears that today's "Lumbee tribe" may trace its ancestry to an uncertain assortment of Indians and non-Indians. Even if some amalgamation occurred, it is not clear when and this is exactly the sort of uncertainty that BIA's regulatory recognition process is meant to address. The Tuscarora Indians in Robeson County who had the misfortune of being lumped together with the "Lumbee tribe" are most emphatically not a part of that group and even went to court to say so in 1973. The court documents from that case are attached at tabs 12-15.

Efforts in North Carolina in 1937 to suppress the federal recognition of 22 Tuscarora Indians as having 1/2 or more Indian blood included warnings of the detrimental effect on others who could not meet the federal criteria. **We believe the Lumbee have come to Congress for special treatment because they don't qualify as an Indian tribe.** They have not sought the intervention of Congress because they have been barred from the administrative process or because the process is too slow, they are here because they don't meet the criteria.

The Lumbee have attempted to assimilate the Tuscarora and their 22 half-blood ancestors to bolster their own credibility. The Tuscarora have not consented to that exploitation, however, and find the assertion that Tuscarora are Lumbee to be not only untrue but infinitely distasteful.

The Tuscarora Nation of Indians of the Carolinas is attempting to comply with the prescribed procedures at the Office of Federal Acknowledgment (OFA) and are merely asking

that the Lumbee be required to do the same. The first hurdle the Tuscarora encountered at the OFA was being told that they may not proceed under the federal recognition regulations because they fall under the 1956 Lumbee Act. **The Tuscarora are not Lumbee, however, and should not be barred from the administrative process because they have been unfairly classified as Lumbee.**

If enacted in its present form, S. 660, would seriously compromise if not eliminate the prospects for federal recognition of the Tuscarora Nation of Indians of the Carolinas. If Congress gives any further consideration to the Lumbee bid for federal recognition, the Tuscarora respectfully suggest that fairness requires that they be recognized by the same legislation. If Congress is unwilling to provide the same relief to the Tuscarora, then at the very least separate legislation should provide that the Tuscarora Nation of Indians of the Carolinas is free to proceed under the federal administrative recognition regulations at 25 CFR Part 83 (proposed language follows). Even then, the Tuscarora would still be severely compromised by the tacit credence given by Congress to Lumbee claims that have encompassed the Tuscarora. The Tuscarora Nation of Indians of the Carolinas fear that recognition of the Lumbee by Congress would seal our fate, delegating us to obscurity within an alien and hostile group.

Lumbee witnesses have lead the Committee to believe that the only barrier to their recognition was the Department of Interior claiming it would cost too much. Not so. Tribal history and identity is the issue. **When it is not clear that the "Lumbee Tribe" meets the criteria for recognition, it would be a grievous affront to Indian Country for Congress to bypass those criteria for such a large group of new beneficiaries when Indian programs are already being cut for lack of adequate funding.**

Lumbee recognition will not be cheap. The CBO did a cost estimate for S. 420, an earlier and essentially identical version of the Lumbee recognition bill, on Nov. 21, 2003. The CBO cost estimate for 34,000 Lumbees at that time was \$430 million over 5 years. Today there are over 50,000 Lumbees, which would raise that estimate to \$632 million, plus there has been inflation. According to the Bureau of Labor Statistics, <http://data.bls.gov/cgi-bin/cpicalc.pl>, what cost \$632 million in 2003 would cost \$695 million today. This despite assurances from the Lumbee and Eryl Carlyle, sponsor of the 1956 Lumbee bill, that the Lumbee would not come back to Congress seeking benefits and that the 1956 bill would not "cost the Government one penny." A copy of the CBO cost estimate from 2003 is attached.

Lastly, **everyone can't be an American Indian.** We understand that Lumbee membership criteria relies heavily on census data for which respondents were free to self-designate themselves as Indian. The Lumbee openly claim "joint descent from remnants of early American colonists and certain tribes of Indians." The same could be said of many Americans who could nevertheless not meet the federal recognition criteria applied by the OFA. Congress would set a dangerous precedent by bypassing those criteria.

Proposed legislative language:

No provision of the Act of June 7, 1956, Public Law 570, shall serve to bar the Tuscarora Nation of Indians of the Carolinas from engaging in the administrative acknowledgment procedures outlined in 25 CFR Part 83.

Tuscarora History

The Tuscarora Nation of Indians of the Carolinas (“Tuscarora” or “Tribe”) has a long history reaching back to ancient times. The Tribe is now documenting its history in order to compile a formal petition for federal recognition that will meet the regulatory criteria of the Bureau of Indian Affairs (“BIA”).

In pre-colonial times the Tuscarora Indians were a dominant presence in what later became the State of North Carolina. Indian Agent O.M. McPherson, in his September 19, 1914 report to the Department of Interior on North Carolina Indians, wrote that the “Tuscarora Indians was a powerful and warlike tribe, occupying the central eastern part of North Carolina. They had frequent encounters with the Cherokees and Catawbias on the west and southwest, and with the Cheraws in the south, but stood as an impassable barrier to encroachments on their territory until the destructive [Tuscarora] war of 1711-1713.” McPherson report at 11. The Cheraw and other tribes allied with the North Carolina colonists against the Tuscarora. *See* McPherson at 20. When the Tuscarora were first visited by John Lawson, Surveyor General of North Carolina, “they possessed the country lying between the coast of North Carolina and the foothills, having 16 towns and about 1,200 warriors. *See* McPherson at 21 and Ex H, History of the Tuscaroras from the Handbook of American Indians. Following the Tuscarora Wars, the Tribe was placed on a reservation in Bertie County, North Carolina. From there most of the Tuscarora Indians relocated to New York, where they were adopted by the Oneida and became one of the Six Nations of the Iroquois Confederacy. Today’s Tuscarora Nation of Indians of the Carolinas are the descendants of a small band that remained behind in their homeland. The Tribe has remained a tightly knit group and has kept its tribal bloodlines strong through intermarriage. The majority of its members are located in and around the town of Maxton in southern North Carolina (Robeson County), just off I-95.

In 1937 the Bureau of Indian Affairs sent Harvard Anthropologist Carl Seltzer to Robeson County, North Carolina to identify local Indians who met the “over 50% Indian blood” requirement of the 1934 Indian Reorganization Act. Dr. Seltzer identified 22 individuals who met the requirement and were therefore recognized as Indians by the United States and entitled to benefits under the Act. These 22 federally recognized individuals are among the ancestors of today’s Tuscarora Nation of Indians of the Carolinas.

Much of the Tribe’s history is preserved as oral tradition, including stories of tribal ceremonies conducted in a traditional log Long House with songs in the native tongue led by the tribal Chief, ceremonial drums, pipes, and headdresses, and a beaded medicine bag used in tribal ceremonies. Tribal members remember that the Mohawks came to North Carolina in the early 1900s to reignite the Tuscarora’s ceremonial “sacred fire” in the Long House, which was like those still in use today among members of the Six Nations. Tribal members remember tribal pow-wows attended by delegates from other tribes from distant locations and to which uninvited outsiders were forbidden entry. The Tuscarora were known as the Turtle Clan and their elders tell of a large stuffed turtle in the Long House. The Tribe had a Chief until the 1970s. The last Chief, Lawson “Big Poppa” Brooks was the grandfather of the Tribe’s current Chairwoman.

JAMES ERNEST GOINS
Chairman
Lumbee Tribe of North Carolina

My name is James Ernest Goins and I am Chairman of the Lumbee Tribe. I want to express the Tribe's appreciation to Chairman McCain and Vice-Chairman Dorgan for the Committee's hearing on S.660, a bill that would extend full federal recognition to the Tribe. I also want to express the Tribe's deep gratitude for the hard work and leadership on this issue of Senator Burr and Senator Dole. Lumbee history will record their faithfulness to the Lumbee cause.

As have generations of Lumbee leaders before me, I proudly appear today in support of federal recognition of the Lumbee Tribe that S.660 would provide. Congress has deliberated on this issue for more than one hundred years now and, on the Tribe's behalf, I urge the Committee to report S.660 favorably so that we can move one step closer to justice and fair treatment for the Tribe.

The Lumbee desire for federal recognition

I am a direct lineal descendant of tribal leaders who first petitioned the United States in 1888 for federal recognition. This petition to Congress was a request for federal recognition and financial support for the education of Lumbee children. At the time, the State had just established a separate school system for the education of Lumbee children; it had also established an Indian normal school to train Lumbee teachers, but only approved two years funding for the normal school and provided nothing for the construction of the normal school. The Tribe donated the land and built the normal school but had trouble keeping it open with so little support from the State. So, a full hundred years before the advent of Indian gaming, the Lumbee Tribe sought recognition from the Congress for the purpose of supporting the Tribe's normal school. The Congress referred the request to the Department of the Interior and the Department gave what was to become its stock response to the Lumbee quest for recognition:

While I regret exceedingly that the provisions made by the State of North Carolina seem to be entirely inadequate, I find it quite impractical to render any assistance at this time. The Government is responsible for the education of something like 36,000 Indian children and has provision for less than half this number. So long as the immediate wards of the Government are so insufficiently provided for, I do not see how I can consistently render any assistance to the Croatans or any other civilized tribes.

This was a theme that we were to hear often from the federal government - we know you are Indian and you are in need but we have too little funding to assist you. In 1899, Congressman John Bellamy introduced a bill that would recognize the Croatan Indians and provide assistance to the Indian normal school. In 1905, our people made a third effort. A rally was held at the Indian normal school for the purpose of securing a federal census of Indians in the community and federal support for the Indian school. Both these efforts failed.

Between 1910 and 1924, no less than five separate bills were introduced to obtain federal recognition and assistance for the Indian normal school in Robeson County. Congress asked the Department of the Interior to investigate the history and needs of our people three times during this period. Each time, the Department acknowledged that we were Indian, but each time the Department recommended against the bill, mostly for fiscal reasons.

During the 1930s when my people were attempting to re-organize under the Howard Wheeler Act, my wife's grandfather helped raised money to send our people to Washington. Their pleas met with some results. Dr. Swanton from the Bureau of Ethnology was sent to investigate our origins and history. He concluded that the Lumbee people are descendants of the Cheraw Indians. Nevertheless, that effort failed as well.

Then, in 1935, Assistant Solicitor Felix Cohen put in writing a plan that would allow the Indians of Robeson County to organize under a constitution. Tribal leaders immediately submitted a request to organize to the Department of the Interior. Commissioner Collier sent an Indian agent, Fred Baker, to Robeson County to work out a plan for land resettlement so that a reservation might be created for qualified half-bloods. The Indian agent reported in 1935 that he had met with approximately 4,000 members of the Indian community and found strong support for the idea. That meeting was held at a small Lumbee church between Prospect and an adjoining Lumbee community, known as Pembroke. In his report to Washington, he described this meeting:

It may be said without exaggeration that the plan of the government meets with practically the unanimous support of all the Indians. I do not recall having heard a dissenting voice. They seemed to regard the advent of the United States government into their affairs as the dawn of a new day; a new hope and a new vision. They hailed with joy the offer of the government; many of the old people could not restrain their feelings, -- tears filled many eyes and flowed down furrowed cheeks. We must confess to the fact that our own feelings were deeply touched as the old people expressed so deep a longing to have a piece of land on which they could live in peace.....

The agent concluded, "It is clear to my mind that sooner or later government action will have to be taken in the name of justice and humanity to aid them."

Justice did not come that time either. The plan was contingent upon certification of Indians in the county as half or more Indian blood. Initially, Assistant Commissioner Zimmerman and Assistant Solicitor Cohen had thought that Indian school enrollment records, other state records and oral tradition would all be used in this process. But in the end, the determinations were made based solely on physical measurements and features, e.g., body measurements, skin pigmentation, and facial features, which have since been discredited as having no scientific basis. Most tribal members refused to submit to these tests. Only 209

agreed to do so, out of which 22 were eventually certified as half bloods. Thus, this effort failed.

In the early 1950's, the Tribe once again looked to legislation as the answer. After obtaining state legislation in 1953 recognizing the Tribe under the name Lumbee, the Tribe sought federal recognition legislation on the same terms. In 1956, Congress did pass the Lumbee Act, designating the Indians in Robeson and adjoining counties as Lumbees. But at the request of the Department of the Interior, the bill was amended before enactment to provide that Lumbees could not receive services as Indians. Thus, we failed once again because of the intervention of the Department of the Interior.

Our latest effort for special legislation began about twenty years ago, after the Department of the Interior had promulgated regulations on recognition. In December 1987, the Tribe filed a fully documented petition for federal acknowledgment. Two years later the Solicitor's Office decided that the Lumbee Tribe is not eligible for the administrative process because of the termination language added to the 1956 Lumbee Act at the request of the Department.

Even so, some say repeal the 1956 Lumbee Act and force the Tribe to go through the administrative process. My answer to this is to pose this question: What will the Department of Interior learn that its experts haven't already told them? Every time a bill was introduced to recognize us, the Department was asked to investigate our history and community. Each time the Department acknowledged the existence of an Indian community, but opposed the bill because money was too short. How much do our people have to take? How many times does the Department of the Interior have to investigate our history? We believe enough is enough and the time has come for Congress to finish what it started in 1956.

Our people lost control over our Lumbee schools because we are not federally recognized. When a federal judge ordered North Carolina to disband its segregated schools, the Tribe lost its separate schools. This was a serious blow to our people's independence. Without federal recognition, we cannot have full charge of our communities. Without federal recognition, we will continue to be treated as second-class Indians.

The Lumbee community and governance

My family and I are typical of Lumbee families. Let me share a little about myself and my family to illustrate the strength and ties that bind our people.

I am the son of Ernest and Ola Jacobs Goins and a son of the Prospect Community, the oldest documented Lumbee Community located in the historic Cheraw Settlement. My wife is Diane Locklear Goins, Lumbee, and a retired schoolteacher, who taught at Pembroke Elementary School, a Lumbee school, for 31 years. Diane grew up in the Union Chapel Lumbee community, the home community of my mother. My oldest daughter, Rhonda, is a Rehabilitation Coordinator with the Robeson County Mental Health Department where she works with children from birth to three years of age. My daughter, Jacqueline, is also a Lumbee educator at a predominantly Lumbee school. My youngest daughter, Jamie, recently served as an Ambassador

with the Americans for Indian Opportunity's American Indian Ambassador Program. All my sons-in-law are Lumbee Indians and grew up in Lumbee communities here in Robeson County.

I am the great, great, great grandson of Clarissa Sweat/Lowry Chavis. The Department of Interior's investigations in the 1930's show that Clarissa was one of the last speakers of our language. She often served as an interpreter between the white traders and her father. She died in 1897 and is buried along the banks of Drowning Creek, in the Harper Ferry's Lumbee community – located about five miles from where I grew up and presently live. This is the same river that is known as the Lumbee River to our People, and the Lumber River to others.

My family, like other Lumbee families, takes pride in our community and maintains a strong sense of tribalism. Because our communities are composed of large extended families, our children continue to be not only our children but also the sons and daughters of our Lumbee communities. Children are raised by the whole family, not just mothers and fathers. Our people live in parallel worlds. We know what it is to be Lumbee and we know about the world outside the Lumbee world.

Throughout my life, I have attended all Indian churches. Growing up in the Prospect community, I attended Prospect United Methodist Church, located immediately across from Prospect School. The Prospect United Methodist Church is the largest American Indian church in the United Methodist Church. I now attend Union Chapel Holiness Methodist Church, my wife's home church. This church is part of the Lumbee River Holiness Methodist Conference (LRHMC), founded by Lumbee people in 1900. This religious conference is solely composed of Lumbee churches.

I attended Prospect School, an all-Indian school. Its teachers and principals were all Indian. This school was part of the separate school system established for the Lumbee Tribe by the State of North Carolina in 1885. Only a rural country road separated the school from my church. During the school year, I – along with all other students - marched across that road for "religious emphasis week". I have grandchildren who attend Prospect School today. And they continue to cross the road one week during the school year where they receive one hour of religious training. Today, however, students are required to obtain parental consent.

My schoolteachers were also my Sunday school teachers. The headmen of the community, being also the heads of our large extended families, selected the teachers for our schools. They also decided who could attend our schools. Both my paternal and maternal grandfathers, Willie Goins (Prospect community/school) and Anderson Jacobs (Union Chapel community/school) were among these headmen. They, along with the headmen from other Lumbee communities, had sole authority for purpose of deciding who attended Indian schools, and who would be allowed to teach in these schools. Teachers were selected based not only qualification, but also their moral character. As religious and school leaders, these tribal leaders not only shaped our schools, our churches, and our communities, they ultimately governed the Tribe.

After graduating from Prospect School in 1966, I enlisted in the United States Army and was severely wounded in the rice paddies of Vietnam on December 31, 1969. The men in my squad called me "Chief", and awarded me the job of walking point through the jungles and rice paddies of Vietnam. Like all Lumbee veterans, I am proud of my service to this country and I wear its medals with pride: the Purple Heart, the Bronze Star, and the Air Medal. My father, too, served this country in World War II. Indeed, Lumbee people have served this country as far back as 1775 when we fought side by side with the colonists. The only war the Lumbees did not serve in was the Civil War. During that period of time, we engaged in our own war against the Confederacy.

When we gather at the Pembroke VFW (all Lumbee, with exception of one member), where I am a lifetime member, I look at my friends and I am grateful that we, who have every reason not to bear arms for this country, have fought along with the sons and daughters of this great country when called to do so. No greater honor could be conferred upon those Lumbee men who gave their lives for this country and those who returned from its wars than passage of S.660.

Our connections to the land we call home and to each other are typical of Indian peoples. We draw our strength from home, known to others as Robeson County. Regardless of where a Lumbee may reside, home is always Robeson County. And when two Lumbees meet for the first time, the first question asked is who are your people, i.e. your family lines. All Lumbees know their family history three generations back and with a little discussion any two Lumbees can connect themselves either by direct kinship or marriage. These bonds - the ties to our land and each other - are the ties that have enabled us to survive as a tribe even without federal recognition.

For most of our history, the Lumbee Tribe has functioned with informal leaders, people typically drawn from the leading families within our communities. These leaders took whatever steps were required to protect our people, including self-defense such as during the Civil War, and handled all our government-to-government relations with the State of North Carolina. Recently, our people decided to establish a formal tribal government. In November 2001, by special referendum conducted among enrolled Lumbees, a tribal constitution was adopted by the Lumbee people. It creates three branches of tribal government: a tribal chairman with executive powers, a tribal council with 21 members representing districts within the Lumbee territory, and a tribal court to hear disputes arising under tribal law among members. This tribal government has been recognized by the State of North Carolina as the governing body of the Lumbee Tribe and I am the Tribal Chairman elected in accordance with its terms. A copy of the Tribe's constitution is attached to my statement.

Lumbee membership

Because the Tribe has not historically received services or other benefits for its members, the Tribe did not historically maintain a formal membership list. Informal and partial lists of

tribal members have been prepared for various purposes, though. For example, attendance at the Lumbee schools was limited to Lumbee children and committees of Lumbee leaders (sometimes called blood committees) had authority to determine a child's eligibility to enroll. These committees produced partial membership lists.

A few lists of tribal members also can be found in our churches' records. Since Lumbee people have historically attended all Indian churches, these lists are among the Tribe's base rolls. Finally, the United States Census has occasionally prepared special Indian censuses to count Indians. This collection of documents was used to compile a base roll for the Lumbee Tribe for 1900 and 1910. They are excellent records and, because Indian households are listed by order of visitation, you have a record of the families comprising our communities, e.g. Prospect, Pembroke, Union Chapel, Saddletree, and Fairgrove. The same families are there today.

The Tribe has since the early 1980's (when work on the acknowledgment petition began) used a formal enrollment process. As part of the preparation of the acknowledgment petition done in 1987, the Tribe for the first time reduced its membership criteria to writing and prepared a complete list of its members. The written membership criteria are essentially the same used by the Lumbee people informally for generations for things such as school attendance. There are two criteria: first, the person must prove descent from an ancestor on the base roll, which consists of partial lists of tribal members found in school and church records; second, the person must maintain contact with the Lumbee community. To us, maintaining contact means that you must be known to us, that is, known to be related to one of the families at home. Unless the Tribe knows you, then you are not allowed to enroll even if you can prove descent from a Lumbee ancestor. And the data in every application for enrollment is confirmed before an individual is enrolled. Using this process, we have enrolled to date nearly 53,000 members.

S.660

The bill before the committee would give the Lumbee people what we have long sought - treatment equal to other Indian tribes in the United States. It is respectful of the Lumbee Tribe's historical independence - it does not create an Indian reservation and yet would provide the same protections of federal law enjoyed by other Indian tribes. It is also respectful of the Tribe's long-standing relationship with the State of North Carolina - it authorizes the continuation of the State's present jurisdiction over the Tribe and its members.

As for the same treatment as that given other tribes, let me say that, even though Indian tribes can conduct high stakes gaming under certain circumstances under federal law, gaming has nothing to do with the Lumbee Tribe's desire for federal recognition. History shows that the Lumbee Tribe first sought federal recognition in 1888 - a full one hundred years before the passage of the Indian Gaming Regulatory Act. The Tribe has no plans to set up a casino and has no economic development backer for that purpose. And there are several barriers to doing so in the future, even if the Tribe wanted to - first, our constitution requires that a chairman conduct a special referendum among our people to authorize him/her to negotiate for a casino; second, S.660 insures that any acquisition of land for gaming purposes would require the Governor's

concurrence. In other words, the Governor of North Carolina could veto any gaming by the Lumbee Tribe, even if the Tribe decided in the future that it wanted to do such an enterprise. But the important point for our people is that, finally and once and for all, the Lumbee Tribe is treated just like every other federally recognized tribe in the country. Congress should not pick and choose among federal Indian statutes for the Lumbee - after all we've endured we are entitled to the same privileges as all other federally recognized tribes, whether or not we exercise those privileges.

As for State jurisdiction, we always remind our Indian friends outside Lumbee territory that our situation is unique. Because of the size of the Tribe and the Tribe's political engagement, the Lumbee Tribe controls or influences many of the reins of local authority. Three out of eight Robeson County Commissioners are Lumbee, the Clerk of Court is Lumbee, several elected judges in the County are Lumbee, four out of eleven members of the County School Board are Lumbee, and the Mayor and Town Council of Pembroke are all Lumbee. We also have a Lumbee in the North Carolina General Assembly. So leaving jurisdiction in the hands of local organs of government means leaving jurisdiction largely in the hands of Lumbees. Probably because of the Tribe's long commitment to and involvement in the welfare of our communities, the Tribe enjoys a good working relationship with all neighboring non-Indian governments. As a result, the State of North Carolina supports the Tribe's question for recognition, as does Robeson County.

Senator Burr's and Senator Dole's bill would finish what Congress began in 1956 and is the right thing to do. The Lumbee people have been patient and persistent in their quest for federal recognition, but I can tell you our people yearn for federal recognition. It is important to us that the federal government formally acknowledge what we have paid such a high price to maintain -- tribal existence. The time has come for the United States to acknowledge the fact that the Lumbee people are and have always been an Indian tribe. This is the truth of the Lumbee people. It is a truth that North Carolina has long acknowledged. It is truth that other Indian people and experts on Indian history accept. And it is a truth that the Department of the Interior has known for one hundred years.

On behalf of the Lumbee people, I thank the committee for the opportunity to share our story with you and urge the Committee to act favorably on S.660.

LUMBEE TRIBE OF NORTH CAROLINA
CONSTITUTION

PREAMBLE. In accordance with the inherent power of self-governance of the Lumbee Tribe of North Carolina ("Tribe"), the Tribe adopts this Constitution for the purposes of establishing a tribal government structure, preserving for all time the Lumbee way of life and community, promoting the educational, cultural, social and economic well-being of Lumbee people, and securing justice and freedom for the Lumbee people.

Article I. Territory and Jurisdiction.

1. The territory of the Lumbee Tribe of North Carolina shall include the State of North Carolina;
2. The Tribe's jurisdiction shall extend to the fullest extent possible under Federal law to:
 - a). all enrolled members of the Tribe, without regard to location or residence; and
 - b). all persons, property, and activities located or taking place upon the Tribe's territory.

Article II. Membership

1. The general membership of the Tribe shall consist of those persons who apply for enrollment and demonstrate direct descent from a person listed on Source Documents, which are listed on Exhibit A to this Constitution and incorporated herein by reference, and who maintain contact with the Tribe.
2. Notwithstanding eligibility otherwise, no person's application for enrollment shall be accepted if the applicant has not historically or does not presently maintain contact with the Tribe. Enrolled members may be disenrolled for failure to maintain contact with the Tribe, in accordance with a tribal ordinance adopted under this Constitution.
3. Notwithstanding eligibility otherwise, no person's application for enrollment shall be accepted if the applicant is an enrolled member of any other Indian tribe, unless the applicant has relinquished in writing his or her membership in such tribe.

4. The voting general membership shall consist of those members of the Tribe who are eighteen (18) and older and who are registered voters in accordance with duly adopted tribal ordinance(s).
5. The Tribal Council shall have authority to enact such tribal ordinances governing tribal membership as are consistent with this and other articles of this Constitution, provided that no individual shall be eligible for adoption into the Tribe unless such individual can demonstrate Lumbee or other Indian ancestry.

Article III. Distribution of powers.

1. The powers expressed herein and those powers necessary and proper to the exercise of those powers expressed herein are delegated to the specified branch of government by the general membership of the Lumbee Tribe of North Carolina. Those powers not delegated herein are reserved by the general membership of the Tribe.
2. The members of the Tribe shall be secure in their persons and property and such security shall be preserved by the government created by this Constitution.
3. The powers delegated to the legislative, executive, and judicial branches, except as expressly provided in this Constitution, shall be separate and distinct and no branch shall exercise the powers delegated herein to another branch, except for the office of vice-chairman.

Article IV. Recall.

1. The power to recall any elected official of the Lumbee Tribe of North Carolina who is in the second calendar year or later in his or her term is specifically reserved for the general membership of the Tribe.
2. A recall election shall be held when a petition bearing the signatures, names, addresses, and enrollment numbers of at least ten (10) percent of eligible voters who voted in the election from the district electing a tribal official or ten (10) percent of eligible voters who voted in the election for the tribal chairperson, alleging in one hundred (100) words or less that the tribal official is guilty of malfeasance in office, gross disregard for tribal law or custom, or open abuse of authority, and designating three signatories as a Petitioner's Committee, is filed with

the Tribal Elections Board.

3. Upon certification of the signatures on and grounds stated in the petition and within no more than five (5) days of its receipt, the Election Board shall:
 - i). serve a copy of the petition upon the named tribal official, who shall have fifteen (15) days from the date of said notice to respond to the reasons stated in the petition in one hundred (100) words or less;
 - ii). immediately upon receipt of any response, serve all members of the Petitioner's Committee with a copy of the same;
 - iii). allow the Petitioner's Committee forty-five (45) days from the date of receipt of the response to collect additional signatures upon their petition;
 - iv). conduct a recall election within ten (10) days of the resubmission of the petition, provided that the petition is signed by twenty (20) percent of the voters who voted in the election for the recalled tribal official;
4. If at least thirty (30) percent of the voters who voted in the election for the recalled official vote and a majority of those voting vote in favor of recall, the Election Board shall declare the office vacant and the vacancy shall be filled in accordance with the appropriate provisions of this Constitution, except that the recalled tribal official shall not be qualified to run for office in that special election.
5. If a recall election on a tribal official fails to obtain a majority of those voting, the Election Board shall not certify any recall petition against that tribal official for a minimum of one year thereafter.

Article V. Initiative.

1. The power to initiate a vote on a tribal ordinance is specifically reserved for the general membership of the Lumbee Tribe of North Carolina.
2. A minimum of ten (10) percent of the eligible voters may initiate consideration of a proposed tribal ordinance by submitting to the Tribal Elections Board a petition bearing the following:

- i). their signatures, names, addresses, and enrollment numbers;
 - ii). the terms of the proposed tribal ordinance; and
 - iii). the designation of three signatories as a Petitioner's Committee.
3. Upon certification of the signatures on the petition and within no more than five (5) days of its receipt, the Tribal Elections Board shall serve a copy of the petition bearing the proposed tribal ordinance upon the Tribal Council, which shall take the proposed tribal ordinance under consideration and take a vote thereon at its next regularly scheduled meeting, but no more than thirty (30) days after its receipt from the Tribal Election Board.
 4. The Tribal Elections Board shall notify all members of the Petitioner's Committee of the Tribal Council's action on the proposed tribal ordinance within five (5) days of such action.
 5. If the proposed ordinance is not enacted or is enacted with substantive changes, the Petitioner's Committee shall have thirty (30) days from their receipt of notice of Tribal Council action to collect additional signatures upon their petition proposing a tribal ordinance.
 6. The Tribal Elections Board shall conduct an election upon the proposed tribal ordinance within ten (10) days of the resubmission of the petition proposing the tribal ordinance, provided that the petition is signed by twenty (20) percent of eligible voters.
 7. If at least thirty (30) percent of the eligible voters participate in the initiative election and a majority of those voting vote in favor of the proposed ordinance, the Tribal Election Board shall declare the ordinance duly enacted law of the Lumbee Tribe of North Carolina.

Article VI. Referendum.

1. The power to conduct a referendum on any tribal ordinance adopted by the Tribal Council is specifically reserved for the general membership of the Lumbee Tribe of North Carolina.

2. A minimum of ten (10) percent of the eligible voters may initiate a referendum by submitting to the Tribal Elections Board a petition bearing the following:
 - i). their signatures, names, addresses, and enrollment numbers;
 - ii). the terms of the challenged tribal ordinance adopted by the Tribal Council; and
 - iii). the designation of three signatories as a Petitioner's Committee.
3. Upon certification of the signatures of the petition and within no more than five (5) days of its receipt, the Tribal Elections Board shall serve a copy of the petition bearing the challenged tribal ordinance upon the Tribal Council, which shall reconsider its adoption of the challenged ordinance and take a vote thereon at its next regularly scheduled meeting, but no more than thirty (30) days after its receipt from the Tribal Elections Board.
4. The Tribal Elections Board shall notify all members of the Petitioner's Committee of the Tribal Council's action on the challenged tribal ordinance within five (5) days of such action.
5. If the challenged tribal ordinance is not rescinded or substantively altered by the Tribal Council, the Petitioner's Committee shall have thirty (30) days from their receipt of notice of Tribal Council action to collect additional signatures upon their petition for a referendum on the challenged tribal ordinance.
6. The Tribal Elections Board shall conduct a referendum upon the challenged tribal ordinance within ten (10) days of the resubmission of the petition seeking a referendum on the challenged ordinance, provided that the petition is signed by twenty (20) percent of eligible voters.
7. If at least thirty (30) percent of the eligible voters participate in the referendum election and a majority of those voting vote in favor of rescinding the challenged ordinance, the Tribal Elections Board shall declare the ordinance rescinded.

Article VII. Tribal Council.

1. The legislative power to enact ordinances of the Lumbee Tribe of North

Carolina shall reside in the Tribal Council. Such legislative power shall include:

- a). the enactment of annual tribal budgets, provided that budgets shall be enacted into tribal law following the conduct of tribal hearing(s) on budgets proposed by the Tribal Chairperson;
 - b). the adoption of rules and regulations governing the Tribal Council's procedure and decorum, consistent with the provisions of this Constitution; and
 - c). the confirmation of either employment or dismissal of a Tribal Administrator.
2. Except as otherwise provided, members of the Tribal Council shall serve three (3) year terms and no council member can serve more than two (2) consecutive terms. The privilege to run for election to the Tribal Council shall be limited to those members of the Lumbee Tribe of North Carolina who at the commencement of the term of office for which the member stands for election:
- a). are over the age of twenty-one (21);
 - b). have maintained their principal place of residence in the particular council district for which the member stands for election no less than the preceding one (1) year;
 - c). the Tribal Council shall have authority to enact an ordinance governing disqualification from Tribal Council office due to felony conviction.
3. The Tribal Council shall consist of twenty-one (21) members who shall be elected from districts within Lumbee territory. These districts shall have boundaries as drawn in accordance with the provisions of Article XII, section 3, below, which boundaries shall be redrawn within one (1) year following the publication of each decennial federal census to maintain equal representation for each tribal member.
4. The council members shall elect from their members the following officers:
- a). a speaker, who shall preside over council meetings;

- b). a vice-chairman, who shall preside over council meetings in the absence of the speaker and who is willing and qualified to serve as chairman in the event that becomes necessary;
 - c). a secretary, who shall oversee the maintenance of all records of proceedings of the council and tribal ordinances; and
 - d). a treasurer, who shall oversee council proceedings to prepare annual tribal budgets.
4. All proceedings of the Tribal Council shall be conducted in public session, except for proceedings certified in advance by the speaker as implicating privacy rights of a tribal employee or member. No proceedings of the Tribal Council shall take place in the absence of a quorum which shall constitute two-thirds (2/3) of the sitting council members and all decisions of the Tribal Council shall require an affirmative vote of the majority of present council members, except that a veto override shall require two-thirds (2/3) vote.
5. No ordinance enacted by the Tribal Council shall be binding and effective until such ordinance has been posted in a place reserved for this purpose at the offices of the Tribal Council for a period of thirty (30) calendar days following its enactment, provided that such ordinance was not certified for referendum by the Tribal Chairperson in accordance with Article VIII, section 1 (b) within that period. The Tribal Council shall periodically publish in a newspaper of general distribution in Lumbee territory a calendar of proceedings showing all council actions taken and the address and phone number where copies of ordinances are available.
6. Any council member who is absent from three (3) consecutive regularly scheduled meetings of the council shall be removed from office, provided that such absences are unexcused in accordance with a governing tribal ordinance. A vacancy in a Tribal Council seat will also occur automatically upon the death of a Tribal Council member or the occurrence during that member's term of any circumstance listed above in section 2 that would have disqualified the member from serving upon the Tribal Council. Vacancies in Tribal Council seats shall be filled as follows:
- a). If a Tribal Council seat becomes vacant for any reason and one calendar year or less remains in the term of the vacant seat, then

- i). the Tribal Council shall schedule, advertise and conduct a public hearing in the district with the vacant seat for the purpose of receiving nominations from district residents to fill the vacancy, then elect as council member for the vacant seat from among those individuals nominated at the public hearing by a 2/3 vote of the Tribal Council;
 - ii). if no candidate described in (i) above is nominated or qualified to serve, the Tribal Council shall appoint a person who would be qualified to stand for election to that seat to serve the remainder of the term.
- b). If a Tribal Council seat becomes vacant for any reason and more than one calendar year remains in the term of the vacant seat, then:
- i). a special election shall be conducted to fill the vacancy, and
 - ii). the newly elected council member shall serve out the remainder of the vacated term.

Article VIII. Tribal Chairperson.

1. All executive powers, including implementation of and compliance with annual budgets, of the Lumbee Tribe of North Carolina shall reside in a Tribal Chairperson, who shall cause all laws of the Tribe to be faithfully executed. Specifically, the Tribal Chairperson shall:
 - a). deliver to the general membership an annual State of the Tribe Address during the first week of July, which Address shall include a proposed budget for the upcoming fiscal year;
 - b). within ten (10) days of its passage by the Tribal Council, certify for referendum by the general voting membership any tribal ordinance that affects fundamental rights or interests of the Lumbee Tribe of North Carolina. Any ordinance imposing a tax or authorizing gaming in Lumbee territory shall be deemed to affect fundamental rights or interests of the Tribe. No ordinance certified as requiring a referendum shall be effective unless and until such ordinance is approved by a majority of those voting in

the referendum, such referendum to be conducted in accordance with Article V of the Constitution;

- c). have authority to veto any ordinance enacted by the Tribal Council;
 - d). shall nominate a Tribal Administrator, subject to confirmation by the Tribal Council or its designee(s), the Tribal Administrator can be removed by the same process;
 - e). represent the Lumbee Tribe of North Carolina before all other governments and tribunals, including the United States, the State of North Carolina, and all federal and state agencies.
2. The Tribal Chairperson shall be elected by the voting general membership for a term of three (3) years and shall not serve more than two consecutive terms. The privilege to run for the office of Tribal Chairperson shall be limited to those tribal members who at the commencement of the term:
- a). are thirty-five (35) years of age or more;
 - b). have maintained his or her principal place of residence in the territory of the Tribe for the preceding one (1) year;
 - c). the Tribal Council shall have authority to enact a tribal ordinance governing disqualification from office of Tribal Chairperson due to felony conviction.
3. A vacancy shall occur in the office of Tribal Chairperson upon the death of the chairperson or the occurrence during that chairperson's term of any circumstance listed above in section 2 that would have disqualified the chairperson from running for office. Vacancies in the office of Tribal Chairperson shall be filled as follows:
- a). If a vacancy occurs in the office of Tribal Chairperson with one calendar year or less remaining in the term of office, then the Tribal Vice-Chairperson shall serve out the term, provided that the Vice-Chairperson would be otherwise qualified to run for the office of Tribal Chairman.
 - b). If the vacancy occurs in the office of Tribal Chairperson with more than one calendar year remaining the term of office, then a special

election shall be conducted and the newly elected Tribal Chairperson shall serve out the remainder of the vacated term.

Article IX. Judiciary.

1. The judicial power of the Lumbee Tribe of North Carolina shall reside in the Supreme Court of the Lumbee Constitution and such inferior courts as the Tribal Council may establish. The Supreme Court of the Lumbee Constitution shall have original jurisdiction over all cases and controversies arising under the Lumbee Constitution and all ordinances of the Lumbee Tribe of North Carolina. In the event the Tribal Council establishes inferior courts, the Supreme Court of the Lumbee Constitution shall have appellate jurisdiction only over those cases and controversies arising under tribal ordinances.
2. The rule of law to be applied in the Supreme Court of the Lumbee Constitution in all cases and controversies within its original jurisdiction shall be the will of the Lumbee people as expressed in the Lumbee Constitution, duly adopted tribal ordinances, and Lumbee custom. In the absence of a governing rule of law from these sources, the governing rule shall be federal common law.
3. The Supreme Court of the Lumbee Constitution shall consist of five sitting judges, who shall serve five-year terms; no judge may serve two consecutive terms. These judges shall have the qualifications and be selected as set out below:
 - a). the qualifications for Tribal Chairperson specified in Article V, section 2, shall apply to judges of the Supreme Court of the Lumbee Constitution, except that the minimum age of judges shall be thirty-five (35);
 - b). at all times, two of the sitting judges shall be graduates of accredited law schools and three shall be lay people;
 - c). for the initial appointments to the Court, the Tribal Chairman shall nominate ten qualified candidates, from whom the Tribal Council shall appoint five. By some method of chance, one of the initial appointees shall serve a one-year term, one a two-year term, one a three-year term, one a four-year term, and one a five-year term. Thereafter, each appointed judge shall serve a five-year term. In making nominations and appointments, the Tribal Chairperson and Tribal Council shall to the greatest extent

possible select candidates who reside in different areas or communities of the Lumbee territory.

4. There shall be a Chief Judge of the Supreme Court of the Lumbee Constitution who shall bear administrative responsibilities for the conduct of the Court's business and who shall be elected on an annual basis by the sitting judges.

Article X. Elections Board.

1. There shall be an independent Tribal Elections Board of the Lumbee Tribe of North Carolina, which shall have the following authority:
 - a). to promulgate necessary and appropriate regulations under authority of this Constitution and tribal ordinances governing voter registration and the conduct of all regular and special tribal elections;
 - b). to conduct all recall, initiative, and referendum proceedings; and
 - c). any other matters specified herein or authorized by tribal ordinance.
2. The Tribal Elections Board shall consist of five (5) enrolled members over the age of eighteen (18) appointed by the Tribal Council. For purposes of this appointment, the council members shall be divided as equally as possible into five (5) appointing committees by some method of chance. Each of the five appointing committees shall appoint one Elections Board member. The Board members shall serve six-year terms and may not serve consecutive terms.
3. Any matter decided or certified by the Tribal Elections Board shall be deemed final tribal action and shall be reviewable by the Supreme Court of the Lumbee Constitution.

Article XI. Duty of Loyalty.

1. Every elected and appointed tribal official empowered herein shall affirm upon taking office that he or she will abide by this Constitution and laws of the Lumbee Tribe of North Carolina and will, to the best of his or her ability, perform his or her duties with undivided loyalty to the Lumbee

Tribe of North Carolina.

2. The first Tribal Council elected under this Constitution shall adopt an ordinance proscribing conflicts of interests in the performance of duties by elected and appointed tribal officials, which ordinance shall require a tribal official to recuse him or herself from any decision or vote affecting his or her pecuniary interest or a family member.

Article XII. Adoption.

1. A referendum on the adoption of this Constitution shall be conducted among the enrolled members of the Lumbee Tribe of North Carolina aged eighteen (18) and above on November 6, 2001.
2. This Constitution shall be deemed adopted if, at the general referendum conducted therefore, a majority of those enrolled members voting vote in favor of adoption of the same. Specific provisions of the Constitution set out for special vote at the same referendum, if any, shall be deemed adopted upon favorable vote of a majority of those voting on each specific provision as if those provisions were set out in the document itself.
3. Upon adoption, this Constitution shall be considered immediately effective as the governing document for the Lumbee Tribe of North Carolina. The tribal chairperson and Tribal Council members elected on November 7, 2000, shall serve out their full terms, set to expire in November 2003, and shall in the meantime be bound by the terms of this Constitution, subject to the following exceptions and special responsibilities as the first tribal officials to serve under the Constitution:
 - a). the present Tribal Council members shall be deemed council members-at-large in the interim between the adoption of this Constitution and the first set of elections held under the Constitution in November 2003, without regard to district boundaries from which they were elected;
 - b). before the election in November 2003, the present tribal officials shall draw boundaries for the twenty-one (21) Tribal Council districts, provided that:
 - i). each tribal member has equal representation on the Tribal Council; and

- ii). the boundaries for Tribal Council districts shall be drawn and published throughout the tribal territory no less than sixty (60) days in advance of the election to be held in November 2003;
- c). for purposes of the conduct of the election to be held in November 2003, the present tribal officials shall serve as election commissioners, authorized to promulgate regulations governing this election only;
- d). for purposes of the conduct of the election to be held in November 2003, the present tribal officials shall be qualified to stand for office under this Constitution provided that they meet all qualifications therefore, their present term to be counted as their first under this Constitution;
- e). upon election in November 2003, the twenty-one Tribal Council members shall be divided into three groups of seven by some means of chance, with the first group serving a one year initial term, the second group serving a two year initial term, and the third group serving a three year initial term, after which all Tribal Council members shall serve three year terms.

Article XIII. Amendment.

1. An amendment to the Constitution can be proposed by either two-thirds (2/3) vote of the Tribal Council or by a petition bearing the signatures of five (5) percent of tribal members eighteen years of age or older. Upon certification by the Tribal Elections Board of a proposed amendment to the Constitution, the Tribal Elections Board shall within ten (10) working days post the proposed amendment at appropriate public places and publish the proposed amendment in newspapers of general distribution.
2. Within sixty (60) days after the posting and publication of a proposed amendment, the Tribal Elections Board shall conduct a special election on the proposed amendment. The amendment shall be adopted upon the majority vote of qualified voters voting in the special election. If adopted, the Tribal Elections Board shall within five (5) days of the special election post the amendment at appropriate public places and publish the amendment in newspapers of general distribution with notice of its adoption by special election. The amendment shall become effective ten (10) working days after its posting and publication.

Linda Hammonds, Chairperson
Constitution Committee

**TESTIMONY OF
PRINCIPAL CHIEF MICHELL HICKS
OF THE EASTERN BAND OF CHEROKEE INDIANS
A HEARING ON S.660, THE LUMBEE RECOGNITION ACT
BEFORE THE SENATE INDIAN AFFAIRS COMMITTEE**

July 12, 2006

Chairman McCain, Vice Chairman Dorgan, members of the Indian Affairs Committee, I am honored to be here to testify today to provide the views of the Eastern Band of Cherokee Indians on S. 660, the Lumbee Recognition Act.

There are three federally recognized Cherokee tribes: the Eastern Band of Cherokee Indians based in Cherokee, North Carolina; the Cherokee Nation based in Tahlequah, Oklahoma; and the United Keetowah Band of Cherokee Indians, also based in Tahlequah. All three Cherokee nations, the inter-tribal organization United South and Eastern Tribes (USET), as well as other tribes from across the United States strongly oppose this legislation. The Eastern Band opposes for has several specific reasons:

First, the integrity of the Eastern Band and other tribes with living tribal languages and long standing government-to-government relations with the United States is undermined where politics and emotion, rather than facts about tribal identity, dictate outcomes regarding federal recognition. Consistent with the views of Eastern Cherokee leaders since at least 1910, there are very serious questions about the tribal identity of the Lumbees.

Second, the Department of the Interior's Office of Federal Acknowledgement (OFA), while imperfect, is the only federal entity equipped to make an informed, merits-based determination of Lumbee tribal identity and recognition. Congress is not equipped to make these decisions.

Third, Congress should be absolutely certain that the Lumbee group meets the objective criteria at Interior before it enacts a bill that could cost more than \$682 million of taxpayer dollars over four years and further decrease the funds existing tribes and Indians receive. Congress cannot be confident in the merits of this bill, however. In fact, the Lumbee group would have a difficult time meeting the criteria in a non-political setting.

Alternatively, the Eastern Band would support legislation that would clear the way for the Lumbee petition filed with the OFA to be considered. This is the only fair way to resolve this issue.

**This Legislation Impacts the Integrity of
Eastern Band and other Established Tribes**

Since before the coming of Europeans to this continent, the Cherokee have lived in the southeastern part of what is now the United States, in the states of North Carolina, South Carolina, Alabama, Georgia, Kentucky, Tennessee, and Virginia. Through these years, the Cherokee have faced unending threats to our very existence – including the tragic Trail of Tears where more than 15,000 Cherokee Indians were forcibly removed by the U.S. Army from their ancestral homelands to the Indian Territory as part of the federal government's American Indian Removal Policy. Thousands died. The Cherokee came to call the event Nunahi-Duna-Dio-Hilu-I or Trail Where They Cried. The Eastern Band of Cherokee Indians are the descendants of those Cherokees that resisted removal in the Great Smoky Mountains and escaped the Trail of Tears or who were able to return to their homeland in the Smoky Mountains after the Trail of Tears.

Yet through all of this, the Cherokee people have fiercely protected our separate identity as Cherokees. Many of our tribal members are fluent in the Cherokee language. We have a separate culture that makes us different from any group of people in the world. The leadership of the Cherokee and the Cherokee people themselves have fought with tenacity and determination to ensure that our way of life, our beliefs, and our sovereignty will survive.

Like other tribes across the country, we hold in high regard the long-standing government-to-government relationship the Eastern Band of Cherokee Indians has with the United States. We are proud that the United States has entered into treaties with the Cherokee that helped shape the government-to-government relations with all tribes.

But today, like other tribes, we face a new threat to our separate identity: groups of people who claim, or who have claimed Cherokee, or other tribal affiliations whose legitimacy is doubtful at best. Unfortunately, we believe this to be the case with this bill.

Serious Problems with Claimed Lumbee Tribal Identity

If Congress recognizes groups whose tribal and individual identity as Indians is seriously in doubt, it will dilute the government-to-government relationships that existing federally recognized tribes have with the United States. We strongly believe that this bill would undermine the integrity of existing federally recognized Indian tribes due to the real problems that the Lumbee have in demonstrating that it is a tribe, including their inability to trace the genealogy of its 54,000 members to a historic tribe.

The Lumbee Have Self-Identified As Four Different Tribes

The Lumbee group seeking Congress's acknowledgment today has been before the Congress on numerous occasions in the past, including 1899, 1910, 1911, 1913, 1924, 1932, 1933, 1955, 1988, 1989, 1991, 1993, and now 2004. The tribal identity of

the Lumbee, who have over the course of history self-identified themselves as four different tribes before Congress –Croatan, Cherokee, Siouan, and now Cheraw – is highly in question. These appellations do not correlate with each other. Linguistically, the Croatan were Algonquian, the Cherokee Iroquoian, and the Cheraw were Siouan. Thus, these disparate references themselves implausibly covered three distinct and separate linguistic groups. Moreover, referring to themselves as the “Siouan Tribe” did not make sense because the term “Siouan” is simply a reference to a broad generic linguistic classification that encompassed many distinct tribal languages in North America, including Osage, Assiniboine, Dakota, Lakota, Catawba, Hidatsa, Crow, Mandan, Ponca, Biloxi, and Quapaw, to name a few.

The origin of the Lumbee name comes not from a historic tribe but from a geographic location in the State of North Carolina, a place along the Lumber River. The term “Lumbee” is a modern creation that the group selected as its name in 1952. Over the years, the Congress has heard from this same group many times seeking federal acknowledgement. The Lumbee have self-identified themselves as any number of vastly different linguistic groups in these efforts.

Lumbee Self-Identification as “Croatan” Indians

For example, as the Lumbee’s own hired expert Dr. Jack Campisi stated in his testimony before the Senate Indian Affairs Committee on September 17, 2003, the Lumbee sought federal services from the Congress as Croatan Indians in the 1880’s and early 1900’s.¹

In 1993, the House Resources Committee’s Report contained the following relating to the history of the Lumbee, including its “Croatan” origins:

The story of how the progenitors of the Lumbee came to live in this area of North Carolina is a multifarious one. In fact, there are almost as many theories as there are theorists. Up until the 1920’s, the most persistent tradition among the Indians in Robeson County was that they were descended primarily from an Iroquoian group called the Croatans. This theory, though highly conjectural, is as follows. In 1585, Sir Walter Raleigh established an English colony under Gov. John White on Roanoke Island in what later became North Carolina. In August of that year, White departed for England for supplies, but was prevented from returning to Roanoke for 2 years by a variety of circumstances. When he finally arrived at the colony, however, he found the settlement deserted; no physical trace of the colonists was found.

The only clue to their whereabouts were the letters “C.R.O.” and the word “Croatoan” carved in a tree. From this it was surmised that the colonists

¹ “Testimony of Dr. Jack Campisi, in Support of S. 420, United States Senate Committee on Indian Affairs” (September 17, 2003) p. 6.

fled Roanoke for some reason, and removed to the nearby island of Croatoan which was inhabited by a friendly Indian tribe. There, according to the theory, they intermarried with the Indians, and the tribe eventually migrated to the southwest to the area of present-day Robeson County. The theory is lent some credence by reports of early 18th century settlers in the area of the Lumber River who noted finding a large group of Indians – some with marked Caucasian features such as grey-blue eyes – speaking English, tilling the soil, “and practicing the arts of civilized life.” In addition, many of the surnames of Indians resident in the county match those of Roanoke colonists.²

Lumbee’s Self-Identification as “Cherokee” Indians

In the state of North Carolina, the Lumbee group sought recognition from the North Carolina legislature in 1913 as the “Cherokee Indians of Robeson County.” This legislation was passed, despite the Eastern Band’s opposition, and the group was recognized in North Carolina as “Cherokee” Indians. That continued for 40 years until 1953 when the North Carolina legislature, at the Lumbee group’s request, passed legislation recognizing them as the “Lumbee” Indians instead of as the “Cherokee” Indians.

As the Lumbee’s expert Dr. Campisi stated, after World War I, this Lumbee group sought legislation in Congress for recognition as “the Cherokee Indians of Robeson and adjoining counties.” Specifically, in 1924, Dr. Campisi noted that the now-called Lumbee group had legislation introduced in the U.S. Senate that would have recognized them as “Cherokee” Indians. However, the Commissioner of Indian Affairs Charles H. Burke opposed the legislation and it failed to pass. Dr. Campisi went on to state that the Lumbee group renewed their efforts in 1932 and had a bill introduced in the Senate that would have recognized them as “the Cherokee Indians,” but this effort failed also.³ The Eastern Band has, since the early 1900’s when the Lumbee group sought formal recognition as Cherokee, consistently and strongly opposed these efforts of the Lumbees to be recognized as a tribe.

Lumbee’s Self-Identification as “Siouan” Indians

According to the Lumbee, they sought federal recognition as “Siouan” Indians in 1924. Further, in the 1930’s, for purposes of the Indian Reorganization Act, the Lumbees self-designated themselves as the “Siouan Indian Community of Lumber

² H.R. Rep. No. 103-290, 103rd Cong., 1st Sess. at 179 (1993).

³ *Id.* Ms. Arlinda Locklear, in her testimony before the Senate Indian Affairs Committee in 2003, noted that the Lumbee group claimed that they were Cherokee and sought federal legislation to be recognized as Cherokees. “Testimony of Arlinda Locklear, Patton Boggs LLP, Of Counsel for the Lumbee Tribe of North Carolina in Support of S. 420 United States Senate Committee on Indian Affairs” (September 17, 2003) p. 4.

River.”⁴ As stated above, the term “Siouan” is a reference to a generic linguistic classification that is spoken by many tribes in North America and is not a term that describes a distinct historical tribe.

It was not until 1952 that the Lumbee decided to refer to themselves as “Lumbee” based upon their geographic location next to the Lumber River. In 1956, Congress, at the request of the Lumbee, passed legislation commemorating their name change.⁵

The Lumbees’ Current Efforts to Link Themselves to the Cheraw Tribe Are Tenuous

The federal acknowledgment criteria require that the membership of a petitioning group consist of “individuals who descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity.”⁶ The regulations define “historical” in this context as “dating from first sustained contact with non-Indians.”⁷ The origin and ties of the Lumbee to an historical tribe has been the subject of uncertainty not only among experts in the area but also the Lumbee themselves.

Experts at the Bureau of Indian Affairs have testified that the Lumbee ties to the Cheraw Tribe are tenuous. On August 1, 1991, Director of the Office of Tribal Services Ronal Eden testified on behalf of the Administration regarding federal legislation that would Congressionally acknowledge the Lumbee. Regarding the Lumbee petition for federal recognition before the agency, the Director testified to a “major deficiency” that “the Lumbee have not documented their descent from a historic tribe.”⁸

The testimony also stated that the 18th century documents used by Lumbee to support its claim that it is primarily descended from a community of Cheraws living on Drowning Creek in North Carolina in the 1730’s needed extensive analysis corroborated by other documentation.⁹

In his September 17, 2003 testimony before the Senate Indian Affairs Committee, Lumbee expert Jack Campisi relies on a report of Dr. John R. Swanton of the Bureau of Ethnology for concluding “in the 1930s that the Lumbees are descended from predominantly Cheraw Indians.”¹⁰ The House Report specifically refutes this

⁴ *Id.* at 9.

⁵ *Id.* at 9-10.

⁶ 25 C.F.R. § 83.7(e).

⁷ *Id.* at 83.1.

⁸ Statement of Ronal Eden, Director, Office of Tribal Services, Bureau of Indian Affairs, Department of the Interior, Before the Joint Hearing of the Select Committee on Indian Affairs, United States Senate, and the Interior and Insular Affairs Committee, United States House of Representatives, On S. 1036 and H.R. 1426 (August 1, 1991) p. 3-5.

⁹ *Id.*

¹⁰ Campisi Testimony at 21.

claim, stating that Swanton chose "Cheraw" rather than another tribal name he identified – "Keyauwee" – because the Keyauwee name was not well known. "In other words, the choice of the Cheraw was apparently made for reasons of academic ease rather than historical reality."

Furthermore, the head of the BIA's acknowledgment process questioned the adequacy of the underlying proof of Cheraw descent. He testified in 1989 that:

The Lumbee petition . . . claims to link the group to the Cheraw Indians. The documents presented in the petition do not support [this] theory These documents have been misinterpreted in the Lumbee petition. Their real meanings have more to do with the colonial history of North and South Carolina than with the existence of any specific tribal group in the area in which the modern Lumbee live.

Counsel to the Lumbee Arlinda Locklear in her 2003 testimony before the Senate Indian Affairs Committee admits that these concerns continue today. "Department staff that administers the administrative acknowledgment process have expressed some concern about the absence of a genealogical connection between the modern day Lumbee Tribe and the historic Cheraw Tribe."¹¹

Claimed Lumbee Membership Not Tied to Cheraw Individuals

The various documents on which the Lumbee membership list is based similarly cast doubt as to the ability of the Lumbee to meet the acknowledgement criteria. The Lumbee claim 54,000 enrolled members who are descended from anyone identifying as "Indian" in five North Carolina counties and two South Carolina counties in either the 1900 or 1910 federal census. The Lumbee Constitution refers to these census lists as the "Source Documents." Yet the individuals on these lists cannot be specifically identified and verified as Cheraw Indians. In fact, these individuals cannot be identified as belonging to any tribe whatsoever. These are lists of people who self-identified or were identified by the census as "Indian".

House Resources Committee members have recognized the weaknesses and complexities in the Lumbee group's claim to tribal recognition in the past:

The Lumbee . . . have never had treaty relations with the United States, a reservation, or a claim before the Indian Claims Commission; they do not speak an Indian language; they have had no formal political organization until recently; and they possess no "Indian" customs or cultural appurtenance such as dances, songs, or tribal religion. One of the groups consultant anthropologists, Dr. Jack Campisi, noted this lack of Indian

¹¹ "Testimony of Arlinda Locklear, Patton Boggs LLP, Of Counsel for the Lumbee Tribe of North Carolina in Support of S. 420 United States Senate Committee on Indian Affairs" (September 17, 2003) p. 4 fn. 1.

cultural appurtenances in a hearing colloquy with then-Congressman Ben Nighthorse Campbell:

Mr. Campbell: Do [the Lumbee] have a spoken language . . . ?

Dr. Campisi: No.

Mr. Campbell: Do they have distinct cultural characteristics such as songs, dances and religious beliefs and so on? . . . Do the Lumbees have that?

Dr. Campisi: No. Those things were gone before the end of the 18th Century.

This absence of cultural appurtenances in part identify the Lumbee as part of what sociologist Brewton Berry has termed the "marginal Indian groups." As Berry notes:

These are communities that hold no reservation land, speak no Indian language, and observe no distinctive Indian customs. Although it is difficult to establish a firm historical Indian ancestry for them, their members often display physical features that are decidedly Indian. Because they bear no other historic tribal names, they often emphasize a *Cherokee* ancestry.

These characteristics . . . point out that this is a case replete with out-of-the-ordinary complexities which require more than just a simple one-page staff memo to understand fully. Needless to say, if those [Members of Congress] charged with the day-to-day oversight of Indian affairs do not have the necessary expertise – or even knowledge – in this area, how will the balance of our Members appropriately exercise those judgments as they will be called upon to do when this legislation reaches the floor?¹²

Interior's Office of Federal Acknowledgement Is the Proper Forum for Deciding Whether the Lumbee Should Be Federally Recognized

The Department of the Interior through the Office of Federal Acknowledgement (OFA) has an established uniform administrative process with objective criteria that can make exactly the kind of substantive, merits-based determinations that the Congress is unequipped to make. While the OFA is not perfect and needs additional funds to do the job it is supposed to do, it should not be abandoned, but fixed. To allow the Lumbees to circumvent that process would be to abandon the merits, which again we believe the Lumbees have significant problems with, in favor of old-fashioned politics.

Mr. Chairman, members of the Resources Committee have noted the harm that would come to long-standing federally recognized tribes from legislation like this:

¹² H.R. Rep. No. 103-290, 103rd Cong., 1st Sess. at 186-87 (1993).

Bypassing the [administrative] process not only ignores the problem [with that process], but is unfair to all of the recognized tribes. There exists a formal government-to-government relationship between the recognized tribes and the United States. If Congress creates tribes at will, without meaningful uniform criteria or substantial corroborated evidence that the group is indeed a tribe, then we dilute and weaken that relationship.¹³

Moreover, while the Lumbee have argued that the process is unfair, their bill, contrary to their argument, provides that the four other North Carolina groups, who the Solicitor's office at Interior has also determined are barred from accessing OFA under the 1956 Lumbee Act, would be authorized to submit petitions to OFA for federal acknowledgment.¹⁴ If it is fair for these other groups to go through the OFA process, then it should be fair for Lumbee also.

Harm to Existing Tribes and Waste of Taxpayer Money

The impact on appropriations to other Indian tribes would be unprecedented in the history of federal acknowledgment. The Congressional Budget Office has determined that, based on an estimate of 34,000 Lumbees, that the cost of this legislation would be \$430 million over four years. Yet the Lumbees claim approximately 54,000 members. Based upon the Congressional Budget Office's estimate and the 54,000 members claimed by Lumbee, the real cost of this bill would be over \$682 million.

Accordingly, this bill would have a huge, negative impact on the budgets of Bureau of Indian Affairs and the Indian Health Service and would decrease even further the badly needed funds Indian people receive as a result of treaties and trust obligations of the United States to Indians and tribes. This Committee and the Congress should not dive into support for this legislation for emotional or political reasons, particularly without being absolutely certain that this group constitutes an Indian tribe in accordance with the objective criteria at the Office of Federal Acknowledgement, which it cannot.

CONCLUSION

If this Committee and the Congress chose to pass this legislation, the consequences will be dramatic for existing federally recognized tribes.

First and foremost, politics will have won a decided victory over sound policy. The notion of "taking the politics out of federal recognition" will have suffered its most severe setback in history.

¹³ *Id.* at 202.

¹⁴ These groups include: the Tuscarora Nation East of the Mountains; the Tuscarora Nation of North Carolina; the Cherokee Indians of Hoke County, Inc.; and the Cherokee Indians of Robeson and Adjoining Counties.

Second, with federal acknowledgement comes the ability of a group to engage in serious activities associated with sovereign status, such as the ability to tax and enjoy certain tax advantages, the ability to exercise civil jurisdiction over non-Indians as well as Indians, and the right to engage in gaming. Enacting legislation like this only arms those who seek to erode sovereign rights with evidence that some of those with such rights were haphazardly afforded them.

Mr. Chairman, the Eastern Band of Cherokee Indians would welcome the Lumbees into the family of federally recognized tribes if they can successfully make it through the administrative process at the Department of the Interior. Absent their meeting the objective criteria at Interior, with complete vetting of their claimed tribal identity, membership lists, and other requirements, we believe that passing this legislation would be a serious mistake, with politics winning out over sound policy.

Arlinda F. Locklear, Esquire
Attorney for the Lumbee Tribe of North Carolina

It is my privilege to make this statement as counsel for the Lumbee Tribe of North Carolina in support of S.660, a bill to extend full federal recognition to the Tribe. The Tribe expresses its gratitude to Senator Burr and Senator Dole for their leadership and tireless efforts on the Tribe's behalf. The Tribe is also grateful to the Chairman and this committee for the opportunity to make its case at the hearing today - a truly compelling case for federal recognition.

The hundred year legislative record on Lumbee recognition

In one form or another, Congress has deliberated on the status of the Lumbee Tribe of North Carolina for more than one hundred years. On numerous occasions during that time, Congress has itself or directed the Department of the Interior to investigate the Tribe's history and conditions. On all such occasions, the Tribe's Indian identity and strong community have been underscored.

Congress' first experience with the Tribe followed shortly upon the heels of formal recognition of the Tribe by the State of North Carolina in 1885. The 1885 state statute formally recognized the Tribe under the name Croatan Indians of Robeson County, authorized the Tribe to establish separate schools for its children, provided a pro rata share of county school funds for the Tribe's schools, and authorized the Tribe to control hiring for the schools and eligibility to attend the schools. See North Carolina General Assembly 1885, chap. 51. Two years later, tribal leaders sought and obtained state legislation establishing an Indian normal school, one dedicated to training Indian teachers for the Indian schools. See North Carolina General Assembly 1887, chap. 254. The Indian Normal School was badly underfunded, though, leading to the Tribe's first petition to Congress for recognition and assistance in 1888.

The 1888 petition to Congress was signed by fifty-four (54) tribal leaders, including all members of the Indian Normal School Board of Trustees. All the traditional Lumbee surnames are represented in the list of signatories -- Sampson, Chavis, Dial, Locklear, Oxendine, and others -- and descendants of these signatories are active today in the tribal government. The petition sought federal assistance for the then named Croatan Indians in general and funding for the Tribe's schools in particular. Congress referred the petition to the Department of the Interior, which investigated the Tribe's history and relations with the state. The Commissioner of Indian Affairs ultimately denied the request for funding, citing insufficient resources. Thus began the Department's long-standing opposition to federal recognition of the Lumbee Tribe, typically because of the cost of providing services.

After the failure of the 1888 petition to Congress, the Tribe sought recognition more directly through proposed federal bills. In 1899, the first bill was introduced in Congress to appropriate funds to educate the Croatan Indian children. See H.R.4009, 56th Cong., 1st Sess. Similar bills were introduced in 1910 (See H.R.19036, 61st Cong., 2d Sess.) and 1911 (See S.3258, 62nd Cong., 1st Sess.) In 1913, the House of Representatives Committee on Indian Affairs held a hearing on S.3258 where the Senate sponsor of the bill reviewed the history of the

Lumbees and concluded that the Lumbees, then called Croatans, had "maintained their race integrity and their tribal characteristics;" See Hearings before the Committee on Indian Affairs, House of Representatives on S.3258, Feb. 14, 1913. In response to the same bill, the Department of the Interior dispatched C.F. Pierce, Supervisor of Indian Schools, to conduct an investigation of the Croatan Indians. Pierce reviewed the Tribe's history, acknowledged their Indian ancestry and the strength of their community, but recommended against federal assistance for the Tribe:

It is the avowed policy of the Government to require the states having an Indian population to assume the burden & responsibility for their education as soon as possible. North Carolina, like the State of New York, has a well organized plan for the education of Indians within her borders, and I can see no justification for any interference or aid, on the part of the Government in either case. Should an appropriation be made for the Croatans, it would establish a precedent for the Catawbas of S.C., the Alabamas of Texas, the Tuscaroras of N.Y., as well as for other scattering tribes that are now cared for by the various states.

Those other tribes mentioned by Pierce have since been recognized by the United States.

In 1914, the Senate directed the Secretary of the Interior to investigate the condition and tribal rights of the Lumbee Indians and report to Congress thereon. See S.Res.410, 63rd Cong., 2d Sess. The Secretary assigned Special Indian Agent O.M. McPherson to conduct the investigation. According to the Secretary's letter to the President of the Senate transmitting the McPherson report, McPherson conducted "a careful investigation on the ground as well as extensive historical research." The report covered all aspects of the Tribe's history and condition, running 252 pages in length. See Indians of North Carolina, 63rd Cong., 3d Session, Doc. No. 677. McPherson's report again confirmed the tribal characteristics of the Lumbee Indians, but Congress took no action on the McPherson report.

In 1924, yet another bill was introduced in Congress to recognize the Lumbee Indians as Cherokee Indians of Robeson County. See H.R.8083, 68th Cong., 1st Sess. This bill failed and in 1932 a very nearly identical bill was introduced in the Senate. See S.4595, 72d Cong., 1st Sess. This bill failed as well.

The next federal bill was introduced in 1933 and was nearly identical to the prior two bills, except that it directed that the Robeson County Indians "shall hereafter be designated Cheraw Indians and shall be recognized and enrolled as such..." H.R.5365, 73d Cong., 1st Sess. In his statement at the hearing on the bill, the Secretary of the Interior attached an opinion of John Swanton, a well-respected specialist on southeastern Indians with the Smithsonian Institution, which concluded that the previously named Croatan Indians actually descended from Cheraw and other related tribes.¹ The Secretary recommended that the United States recognize

¹ The Secretary adopted the view at the time that the Lumbee Tribe is descended from the Cheraw and other Siouan speaking related tribes based upon Dr. Swanton's study. In recent

the Tribe as the Siouan Indians of Lumber River, but also that the Congress include termination language because of the expense of providing federal Indian services to the Indians. Rep.No.1752, House of Representatives, 73d Cong., 2d Sess. The committee adopted the change proposed by the Secretary and reported the bill out favorably, but the bill was not enacted. The following year, the Senate Committee on Indian Affairs took the same action on the identical bill in the Senate, S.1632, but the Senate floor also did not act on the bill. See Rep.No.204, Senate, 73d Cong., 2d Sess.

These numerous federal bills to recognize the Tribe under various names have a common and clear legislative history -- that is, state statutes that modified the name by which the State of North Carolina recognized the Tribe. The 1899 federal bill would have recognized the Tribe as Croatan, just as the State had done in 1885. The 1911 federal bill would have recognized the Tribe as the Indians of Robeson County, just as the State had done in a 1911 amendment to state law. See North Carolina General Assembly 1911, chap. 215. The 1913 federal bill would have recognized the Tribe as the Cherokees of Robeson County, just as the State had done in a 1913 amendment to state law. See North Carolina General Assembly 1913, chap. 123. Indeed, a committee report on the 1913 federal bill explicitly acknowledged that the federal bill was intended to extend federal recognition on the same terms as the amended state law. Rep.No.826, House of Representatives, 68th Cong., 1st Sess.; see also S.4595, 72d Cong., 1st Sess. [1932 bill which referred to the 1913 state statute as its antecedent.] Thus, Congress consistently followed the lead of North Carolina in its deliberations on the Tribe's status and did so in finally enacting a federal bill in 1956.²

times, Department staff that administer the administrative acknowledgment process have expressed some concern about the absence of a genealogical connection between the modern day Lumbee Tribe and the historic Cheraw Tribe. Unfortunately, births and deaths of tribal members simply were not recorded by the dominant society in the early 1700's so that a genealogical connection cannot be made. The Tribe can connect modern day members to the Lumbee community located at Drowning Creek, the known home of the Cheraw Tribe, as far back as 1790, leaving a gap in the genealogical records of approximately 70 years. Further, we know that the Cheraw Tribe was located on Drowning Creek in the 1730's and its members had at that time the unique surnames typical of the Lumbee community today, such as Locklear, Chavis, Grooms and others. Drowning Creek was renamed the Lumber River by the State of North Carolina in 1809 and the Lumbee Tribe continues to reside there today. Thus, the historical connection between the Cheraw and Lumbee Tribes is clear, notwithstanding the short gap in the genealogical record. The Department clearly had it right in 1934 when it concluded that the Lumbee Tribe is descended from the historic Cheraw Tribe.

² In between the 1933 bill and the 1956 Lumbee Act, the Tribe attempted to obtain federal recognition through an earlier administrative process. Congress enacted the Indian Reorganization Act in 1934, which authorized half-blood Indians not then recognized to organize and adopt a tribal constitution, thereby becoming federally recognized. The Lumbee leadership wrote to the Commissioner of Indian Affairs, inquiring whether the act applied to the Lumbees.

Legislative history of the 1956 Lumbee Act

In light of the mounting historical evidence compiled in Congress' deliberations on its recognition bills, including the McPherson Report and the Swanton opinion, the Indians of Robeson County grew dissatisfied with their designation under state law as Cherokee. Under pressure from the Tribe and after a referendum among tribal members, the State of North Carolina once again modified its recognition of the Tribe in 1953, renaming it Lumbee. North Carolina General Assembly 1953, chap. 874. Two years later, a bill identical to that one enacted by the state was introduced in Congress. See H.R.4656, 84th Cong., 2d Sess.

The federal bill passed without amendment in the House of Representatives and was sent to the Senate. The Department of the Interior objected to the bill in the Senate, just as it had done in the House, but with more success. The Secretary noted that the United States had no treaty or other obligation to provide services to these Indians and said:

We are therefore unable to recommend that the Congress take any action which might ultimately result in the imposition of additional obligations on the Federal Government or in placing additional persons of Indian blood under the jurisdiction of this Department. The persons who constitute this group of Indians have been recognized and designated as Indians by the State legislature. If they are not completely satisfied with such recognition, they, as citizens of the State, may petition the legislature to amend or otherwise to change that recognition....If your committee should recommend the enactment of the bill, it should be amended to indicate clearly that it does not make these persons eligible for services provided through the Bureau of Indian Affairs to other Indians.

The Department's change would have been unnecessary unless the bill would otherwise have recognized the Tribe, making its members eligible for services. The Senate committee adopted the Secretary's recommendation and, when the bill was enacted into law, it contained classic termination language: "Nothing in this Act shall make such Indians eligible for any services performed by the United States for Indians because of their status as Indians, and none of the statutes of the United States which affect Indians because of their status as Indian shall be applicable to the Lumbee Indians." Pub.L.570, Act of June 7, 1956, 70 Stat. 254.

The inquiry was referred to Associate Solicitor Felix Cohen, the famous author of the foremost treatise on Indian law, the Handbook of Federal Indian Law. Cohen concluded that the Lumbees could organize under the act, if some members were certified as one-half Indian blood or more and the Department approved a tribal constitution. The Tribe immediately asked the Department to make that inquiry and the Department dispatched Dr. Carl Seltzer, a physical anthropologist, for that purpose. 209 Lumbees agreed to submit to Dr. Seltzer's examination; interviews of these individuals were conducted as well as physical examinations. Dr. Seltzer certified 22 out of the 209 tribal members as one-half or more Indian blood, eligible to organize under the act. However, the Department refused to approve a tribal constitution submitted by those individuals, once again thwarting the Tribe's effort to become federally recognized.

Clearly, the 1956 Lumbee Act was intended to achieve federal recognition for the Tribe. The House sponsor for the bill wrote to Senator Scott, seeking his support for the bill, and noted that the bill was copied from the recent state law by which the State of North Carolina recognized the Lumbee Tribe. Senator Scott, who agreed to sponsor the bill in the Senate, issued a press release describing the bill as one to give federal recognition to the Lumbee Indians of North Carolina on the same terms that the State of North Carolina had recognized the Tribe in 1953. Senator Scott testified before a Senate committee that, "The State of North Carolina has already by state law recognized the Lumbee Indians under that tribal name. Giving official recognition to the Lumbee Indians means a great deal to the 4,000 Indians involved."³

There are also excerpts from the legislative history of the 1956 act suggesting that Congress did not intend to make the Tribe eligible for federal services, even without the amendment proposed by the Secretary of the Interior. For example, in a colloquy on the House floor, the House sponsor Mr. Carlyle was asked whether the bill would commit the United States to furnishing tribal services. Mr. Carlyle responded in the negative. Congressman Ford then stated that, "[i]t simply provides for the change of name," and Mr. Carlyle agreed. 102 Cong. Rec. 2900 (May 21, 1955).⁴

The eligibility for federal services, though, is not determinative of whether federal recognition has been bestowed. While federal recognition and eligibility for federal services are often viewed as interchangeable, they are not under federal law. The Department of the Interior has itself made this clear in the context of Congress' deliberations in 1977 on legislation to restore the previously recognized Siletz Tribe. In its comments on the bill, the Department recommended that the language in the bill restoring "federal recognition" be replaced with language restoring "the federal trust relationship." The Department explained the reason for this proposed change as follows:

Section 3(a) states: "Federal recognition is hereby extended to the tribe." This suggests that the Siletz Indians are not now federally recognized. This is not the case; they are recognized. The termination act simply dissolved the special relationship between the Siletz Indians and the Federal government and

³The tribal population figure given by Senator Scott in his statement was repeated in the House and Senate reports on the bill. See H.Rep.No.1654, 84th Cong., 2d sess; S.Rep.No.84-2012, 84th Cong., 2d sess. The figure was erroneous. According to a correction to the figure published in contemporaneous newspaper accounts of the statement, the Senator intended to refer to 4,000 Indian families, not 4,000 individual Indians. The total tribal population in 1956 was set in this account at 27,726. This account is consistent with 1950 federal census data.

⁴Because of the history of relations with the State, in which the recognized tribal name was changed several times over the years, the Tribe viewed the "giving of a name" as recognition. Even today, tribal members who inquire about the status of the pending bill will sometimes ask when Congress will give the Tribe its name.

terminated any federal services and supervision. See 25 U.S.C. §691. Federal recognition and federal services are often confused and erroneously used interchangeably. Because of the close connection between federal recognition and the provision of federal services, etc., the error is understandable, but nonetheless federal recognition and federal services are not synonymous and should not be used interchangeably. In lieu of the above quoted language, we would substitute the following: "The trust relationship between the Federal government and the Siletz Indians is hereby restored."

See 1977 U.S. Code Cong. and Admin. News, p. 3700. The 1956 Lumbee Act should be similarly construed to recognize the Tribe, even though there was no clear intent to provide federal Indian services. In effect, Congress simultaneously recognized and terminated the Tribe.

Administrative and judicial interpretation of the 1956 Lumbee Act.

Since 1956, federal agencies and courts have reached varying conclusions regarding the effect of the 1956 Lumbee Act. In 1970, the Joint Economic Committee of Congress described the Lumbee as having been officially recognized by the act, although not granted federal services. See "American Indians: Facts and Future," Toward Economic Development for Native American Communities, p. 34 (GPO 1970). Also in 1970, the Legislative Reference Service of the Library of Congress described the 1956 Lumbee Act as legislative recognition of an Indian people. See Memorandum, April 10, 1970, on Extending Federal Jurisdiction and Services to Hill 57 Indians, LRS, Library of Congress. And in 1979, the Comptroller General ruled that the 1956 act left the Lumbees' status unchanged, i.e., it neither recognized the Tribe nor terminated the Tribe's eligibility for services it might otherwise receive. The one court to construe the statute concluded it was intended "to designate this group of Indians as 'Lumbee Indians' and recognize them as a specific group..." but not to take away any rights conferred on individuals by previous legislation. Maynor v. Morton, 510 F.2d 1254, 1257-1258 (D.C. Cir. 1975) [holding that the so-called half-bloods certified under the Indian Reorganization act were eligible to receive Bureau of Indian Affairs' services].

The Congressional Research Service (CRS) thoroughly reviewed the history and various interpretations of the 1956 Lumbee Act in 1988. It did so in response to a request from the Senate Select Committee on Indian Affairs, which had under consideration at the time H.R.1426, a bill to provide federal recognition to the Lumbee Tribe. The CRS concluded as follows:

The 1956 Lumbee legislation clearly did not establish entitlement of the Lumbee Indians for federal services. It also clearly named the group and denominated them as Indians. Without a court decision squarely confronting the issue of whether the 1956 statute confers federal recognition on the Lumbee, there is insufficient documentation to determine if the statute effects federal recognition of the Lumbees. It is, however, a step toward recognition and would be a factor that either the Department of the Interior or a court would have to weigh along with others to determine whether the Lumbees are entitled to federal recognition.

Memorandum dated September 28, 1988, reprinted in S.Rep.No.100-579, 100th Cong., 2d Sess.

Whatever its ambiguity otherwise, the 1956 Lumbee Act indisputably makes the Lumbee Tribe ineligible for the administrative acknowledgment process. See 25 C.F.R. Part 83. Under the acknowledgment regulations, the Secretary of the Interior cannot acknowledge tribes that are subject to legislation terminating or forbidding the federal relationship. Id., §83.3(e). In a formal opinion issued on October 23, 1989, the Solicitor for the Department of the Interior concluded that the 1956 Lumbee Act is such federal legislation and, as a result, the Department is precluded from considering any application of the Lumbee Tribe for federal acknowledgment. A copy of the Solicitor's opinion is attached.

Thus, the Tribe continued its efforts to obtain full federal recognition from Congress. Companion bills were introduced in the 100th Congress for this purpose, H.R.5042 and S.2672. Hearings were held on the bills, once again establishing the Lumbees' tribal existence, and the Senate bill was reported favorably out of committee. Neither bill was enacted, however. Companion bills were introduced in the 101th Congress to recognize the Tribe [H.R.2335 and S.901], but neither was enacted. Once again in the 102d Congress, companion bills were introduced [H.R.1426 and S.1036]. This time, the House of Representatives passed the bill [with 240 yeas, 167 nays, and 25 not voting], but the Senate failed to invoke cloture on debate [with 58 voting for and 39 voting against] and the bill failed. In the 103d Congress, H.R.334, a bill virtually identical to that passed in 1991, was introduced; the bill passed the House again but was never acted on in the Senate.

Legislative precedent for S.660

Only one other tribe in the history of federal Indian affairs has been placed by Congress in precisely the same position as the Lumbee Tribe, that is, half in and half out of the federal relationship, by special legislation.⁵ In 1968, Congress enacted a special act regarding the Tiwas of Texas, 82 Stat. 93, one that was modeled on the 1956 Lumbee Act and left the Tiwas in the

⁵ There is a third tribe that was subject to similar legislation -- the Pascua Yaquis of Arizona. In 1964, Congress passed a statute conveying federal land to the Pascua Yaqui Association, Inc., an Arizona corporation. See 78 Stat. 1195, Pub. L. 89-14. The final section of this statute, like the Lumbee and Tiwa acts, provided that the Yaqui Indians would not be eligible for federal Indian services and none of the federal Indian statutes would apply to them. Congress has since extended full federal recognition to the Pascua Yaqui. See 25 U.S.C. §1300f. The position of the Pascua Yaqui was somewhat different from that of the Lumbees and Tiwas, since the earlier federal statute involved a state corporation and arguably would not have recognized a tribe, even without the termination language. Also, the Pascua Yaqui recognition legislation was enacted in 1978, before the administrative acknowledgment process was in place. Nonetheless, the Department proposed that Congress repeal the 1964 Pascua Yaqui bill and require that the Yaquis go through the soon to be established administrative acknowledgment process. See S.Rep.No. 95-719, 95th Cong., 2d Sess. 7, reprinted in 1978 U.S. Code Cong & Admin. News 1761, 1766. Congress refused to do so and enacted the recognition legislation.

same legal limbo.

Like the Lumbee Tribe, the Tiwas of Texas had been long recognized by the state. In the 1968 Tiwa Act, Congress designated and recognized the Indians as Tiwas, expressly terminated any federal trust relationship, and precluded the delivery of federal Indian services -- just as it had done in the 1956 Lumbee Act. In fact, the Senate committee specifically noted in its report on the 1968 Tiwa Act that the bill was "modeled after the act of June 7, 1956 (70 Stat. 254), which relates to the Lumbee Indians of North Carolina." S.Rep.No.1070, 99th Cong., 2d Sess. According to the Department of the Interior, this 1968 Tiwa Act made the tribe ineligible for administrative acknowledgment, a decision that clearly presaged the Department's construction of the 1956 Lumbee Act in 1989. Because of this unique circumstance, the Department expressed no opposition to special legislation extending full recognition to the Tiwas of Texas. In 1987, Congress removed the Tiwas of Texas from the restrictions imposed upon them in the 1968 Tiwa Act. Congress enacted the Ysleta del Sur Pueblo Restoration Act, Pub.L. 100-89, of August 18, 1987, 101 Stat. 667, to restore the federal trust relationship with the Ysleta del Sur Pueblo of Texas, previously known as the Texas Tiwas. Just as the 1968 Tiwa Act created a special circumstance justifying special legislation for that tribe, so does the 1956 Lumbee Act for the Lumbee Tribe.

Further, just as it did for the Tiwas of Texas, the Congress should enact comprehensive legislation as proposed by the Lumbee Tribe, legislation that resolves all related issues -- status, service delivery area, base roll, jurisdiction, etc. The Congress should not enact another half measure, one that repeals the 1956 Lumbee act and requires administrative action on the Tribe under the acknowledgment regulations for numerous reasons.

First, as a matter of fundamental fairness, the Congress should deal with the Lumbee Tribe just as it has every other tribe in the same situation, that is, by enacting recognition legislation where the tribe is ineligible for the administrative process. Congress has never passed special legislation that would require administrative action on a tribe that is under present law ineligible for the administrative process. The Lumbee Tribe is the last tribe in the country left in that position. There is no legitimate reason to depart now from Congress' legislative tradition in such circumstances, particularly since to do so would impose a tremendous burden on the Tribe - first, obtaining the passage of special legislation amending the 1956 Lumbee act, and second, subjecting the Tribe to the intrusive, time consuming, and expensive administrative acknowledgment process.

Second, there is no good purpose to be served by sending the Lumbee Tribe to the current administrative process. That process provides the Department an opportunity to examine a group's history and community to determine whether the group is, in fact, an Indian tribe. The Department of the Interior and the Congress have already made that inquiry with regard to the Lumbee Tribe on numerous occasions. In response to the Tribe's repeated requests to Congress and the Department for federal recognition, the Congress and the Department have compiled a voluminous record on the Tribe's history and community. Because that record plainly establishes

the status of the Lumbee Indians as an Indian tribe, further study of the Tribe would be a considerable waste of time (probably ten years for final agency action) and substantial waste of tribal and federal resources (in the hundreds of thousands of dollars.)

Third, there is simply no magic to the current administrative acknowledgment process. That process is not the source of all knowledge or wisdom regarding the status of Indian tribes. To the contrary, the overwhelming majority of tribes now recognized by the United States were recognized by Congress. According to a GAO report, there were 561 federally recognized Indian tribes as of November 2001. Of those, 530 were recognized by Congress and 31 were recognized by the Department of the Interior. Out of the 31 recognized by the Department of the Interior, 10 were recognized before the 1978 regulations were adopted, 14 were recognized after 1978 and under those regulations, and 7 were recognized after 1978 but without regard to the regulations. In short, there is no historical or other necessity for subjecting the Lumbee Tribe to the current administrative process, particularly since the Tribe has been repeatedly "processed" by the Department of the Interior.

Finally, given the hundred year history summarized above, the Lumbee Tribe has every reason to be skeptical of unbiased and even-handed treatment by the Department of the Interior. The Department has successfully blocked federal recognition of the Tribe for over one hundred years, both before Congress and administratively - not because the tribe is not, in fact, an Indian tribe, but largely because of the cost of doing so. It is simply not realistic to expect the Department now to do what it has never been able to do in the past - base its judgment about the Lumbee Tribe purely on the facts and not on fiscal or other considerations.

For more than one hundred years now, the Lumbee Tribe has been studied and "processed." The record produced by these studies, even those by the Department, consistently shows an independent Indian community descended from Cheraw and related Siouan speaking tribes that has existed from white contact until the present as a separate community with known and visible leaders. Under present law, the Lumbee Tribe can only be recognized by an act of Congress. Legislative precedent under these circumstances support the enactment of S.660, comprehensive recognition legislation, not another half measure.

Major provisions of S.660

The bill is appropriately structured as an amendment to the 1956 Lumbee Act, thus allowing Congress to complete the task it began in 1956. Specifically, the bill provides for:

-- explicit federal acknowledgment of the Tribe, including the application to the Tribe of all laws of the United States of general applicability to Indians and Indian tribes;⁶

⁶ One of the statutes generally applicable to Indian tribes is the Indian Gaming Regulatory Act, 25 U.S.C. §2701 et seq [IGRA.] This statute was enacted in 1988, exactly one hundred years after the Lumbee Tribe first sought federal recognition. Clearly, the Lumbee Tribe's quest is not motivated by gaming; neither has the Tribe expressed any current interest in gaming. However, the Tribe strongly believes that Congress should not pick and choose among statutes

- the eligibility of the Tribe and its members for all programs, services, and benefits provided by the United States to Indian tribes and their members, such services to be provided in the Lumbees' traditional territory of Robeson, Cumberland, Hoke, and Scotland Counties, North Carolina (hence, limiting eligibility for services to approximately 32,000 out of the 53,000 enrolled member);
- the determination of a service population, to be done by the Secretary of the Interior's verification that all enrolled members of the Tribe meet the Tribe's membership criteria; and
- the granting of civil and criminal jurisdiction to the State of North Carolina regarding the Lumbee Tribe, to insure consistent and continuous administration of justice, until and unless the State of North Carolina, the Tribe, and the United States, agree to transfer any or all of that authority to the United States.

These are provisions typically found in recognition legislation and reflect the federal policy of self-determination for Indian tribes. Most importantly, it finally accomplishes the goal long sought by the Lumbee people -- treatment like every other recognized tribe in the United States.

Conclusion

Congress and the Department of the Interior have over the last century repeatedly examined the Tribe's identity and history and have consistently found the Tribe to be an Indian community dating back to the time of first white contact. There is no need for further study of the Tribe's history. There is no need for another half measure by Congress. There is need for an act of Congress that comprehensively and once and for all addresses the status of the Lumbee Tribe and all related issues. On the Tribe's behalf, I urge the committee's favorable action on S.660.

Follow-up Address

Arlinda Faye Locklear can be reached at Post Office Box 605, Jefferson, MD, 21755.

that apply to it and subject it, once again, to second class treatment as compared to other recognized Indian tribes. Further, it should be noted that S.660 imposes more restrictions on the Tribe's ability to game under IGRA than those on tribes that are recognized through the administrative process. S.660 does not purport to restore the Tribe; as a result, even if the Lumbee membership authorized tribal leadership to negotiate a gaming compact with the State (the Lumbee tribal constitution explicitly requires a special tribal referendum to authorize such), land for such uses could only be taken into trust by the Secretary of the Interior with the consent of the Governor of North Carolina. In contrast, tribes acknowledged through the administrative process are expressly excepted from the gubernatorial consent requirement for post-1988 trust acquisitions for gaming purposes. 25 U.S.C. §2719(b)(1)(B)(ii).



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301

MICHAEL F. EASLEY
GOVERNOR

July 6, 2006

The Honorable John McCain, Chair
Senate Committee on Indian Affairs
Room SH-838
Hart Senate Office Building
Washington, DC 20510

The Honorable Byron L. Dorgan, Vice Chair
Senate Committee on Indian Affairs
Room SH-838
Hart Senate Office Building
Washington, DC 20510

Dear Senator McCain and Senator Dorgan:

Thank you for the opportunity to submit written comments about pending legislation for federal recognition of the Lumbee Tribe of North Carolina by the Congress of the United States of America. I believe full federal recognition of the Lumbee Tribe by Congress is long overdue.

Recognition of and interaction with the Lumbee people as a unique, distinct Indian tribe began when settlers from Virginia, South Carolina and Europe first arrived in the Cape Fear and Pee Dee River Basins after the Tuscarora War (1711-1715). There, the settlers encountered a well-populated, cohesive Native American community situated mostly along and to the west of what is now known as the Lumber River in Robeson County. Historical records show a well-developed tribal group living and using the land. As early as 1890, the U.S. Department of Interior acknowledged this fact among others as evidence that the Lumbee people are Native Americans.

A proclamation by colonial Governor Matthew Rowan on May 10, 1753, stated that Drowning Creek (in Robeson County) was "the Indian Frontier." Other historical records of the eighteenth and early nineteenth centuries including Revolutionary War pensions for Lumbees who fought for American independence attest to the Lumbees as Native Americans. Logically, it is reasonable to conclude that these individuals were members of what is today known as the Lumbee Tribe.

In 1885, North Carolina's General Assembly passed a bill recognizing and naming the Lumbee tribe Croatan. In 1953, the State officially changed the tribe's name to "Lumbee Indians" following a 1952 tribal referendum.



Senators McCain and Dorgan
Page 2
July 6, 2006

For more than a century, North Carolina Governors, various state legislators and Members of the North Carolina Congressional delegation have supported the effort by the Lumbee Tribe to obtain federal recognition, beginning with a petition to Congress in 1888. Enclosed are copies of letters by former Governors James G. Martin (R) and James B. Hunt, Jr. (D) – my immediate predecessors – attesting to the strong bi-partisan support for federal recognition that the Lumbee Tribe has enjoyed during the last generation.

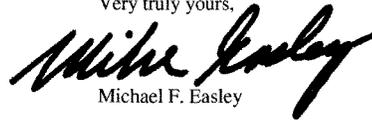
In the past, federal recognition has been denied because of opposition by the Bureau of Indian Affairs and Department of Interior on budgetary grounds. Each of several federal investigations into the Lumbees' history, genealogy and ethnicity has concluded that the Lumbees are in fact Native Americans. It follows that federal recognition should be authorized for this long-standing Native American Tribe.

Personally and on behalf of North Carolina, I offer to our fellow Lumbee citizens and to the Congress our full, unqualified support for Congressional recognition of the Lumbee Tribe. I encourage your support for the Lumbee Tribe and for the adoption of this bill.

I thank the Senate and the Indian Affairs Committee for holding this hearing and for allowing me to offer written comments about the Lumbee Tribe recognition bill.

With warm personal regards, I remain

Very truly yours,



Michael F. Easley

MFE/jc



STATE OF NORTH CAROLINA
 OFFICE OF THE GOVERNOR
 RALEIGH 27603-8001

JAMES G. MARTIN
 GOVERNOR

July 30, 1991

Senator Daniel K. Inouye
 Chairman
 Senate Select Committee on Indian Affairs
 Hart Senate Office Building, Room 838
 Washington, D.C. 20510

Dear Senator Inouye:

I have asked James S. Lofton, Secretary of the North Carolina Department of Administration to represent me at the Joint Hearing regarding S. 1036, the Lumbee Recognition Bill, which will be held on August 1. Secretary Lofton will be accompanied by Henry McKoy, Deputy Secretary of the Department of Administration, Patrick O. Clark, Chairman of the North Carolina Commission of Indian Affairs, and A. Bruce Jones, the commission's executive director.

I fully support the passage of S. 1036 and am requesting the support of the Senate Select Committee on Indian Affairs. The State of North Carolina has recognized the Lumbee Tribe as a separate and viable Indian entity since 1885. The passage of S. 1036 will entitle the Lumbee to enjoy the same rights, privileges and services enjoyed by other federally recognized tribes in the nation and will, further, be a major step toward rectifying the inequities suffered by the Lumbee people for centuries.

I thank you for your attention to this matter and will appreciate your favorable consideration of my request.

Sincerely,

Jim Martin
 James G. Martin

cc: Senator Jesse Helms
 Representative Charlie Rose
 Representative Charles Taylor

6-18-03; 9:13PM;



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001

JAMES G. MARTIN
GOVERNOR

October 18, 1991

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

The United States House of Representatives recently passed H.R. 1426 which provides for full federal recognition of the Lumbee Tribe of Cheraw Indians of North Carolina.

I am in support of this legislation as evidenced by the enclosed testimony given on my behalf by Secretary James S. Lofton of the North Carolina Department of Administration at a joint hearing of the Senate Select Committee on Indian Affairs and the House Interior and Insular Affairs Committee held August 1, 1991. H.R. 1426 is now before the United States Senate, as is its companion bill, S. 1036.

I am requesting your support of the passage of this legislation and its subsequent signing into law following its successful passage.

Sincerely,

Handwritten signature of James G. Martin in cursive script.
James G. Martin

JGM:lf

Enclosure

6-18-03; 9:13PM;



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001

JAMES B. HUNT, JR.
GOVERNOR

March 11, 1993

The Honorable Bruce Babbitt
Secretary
U. S. Department of Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Bruce:

I am pleased that you were able to be in our state recently and I appreciated the opportunity to meet with you.

There are approximately 40,000 Lumbee Indians living in North Carolina and they have been officially recognized by the State of North Carolina since 1885. The Lumbaees have been seeking federal recognition since 1888. Seven studies have shown them to be an independent Indian community.

I would like to reiterate my strong support for the Congressional process for federal recognition of the Lumbee Indian tribe in North Carolina. As you know H. R. 334, introduced by Congressman Charlie Rose of North Carolina, would provide such recognition. We support that legislation as stated in my letter of January 28, 1993.

Federal recognition of the tribe has been endorsed by the N.C. Commission of Indian Affairs, the Governors' Interstate Indian Council, and the National Congress of American Indians which is the oldest and largest Indian organization in the country.



6-18-03; 9:13PM;

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The Honorable Bruce Babbitt
March 11, 1993
Page 2

In 1956 a bill was passed by the Congress to recognize the Lumbee tribe, but it denied the tribe the benefits or protections afforded to Indians by the U.S. of America.

For over 100 years the Lumbees have tried to obtain federal recognition, but to no avail. It is my opinion that the administrative recognition process that was proposed by the previous administration simply is too cumbersome, time-consuming, costly and has not worked effectively. Therefore, I would urge you to support the Congressional recognition process as proposed by Congressman Rose.

I want to work with you and the President in any way possible to help the Lumbee Tribe receive Congressional recognition. I am confident that this recognition is not only in our state's and the tribe's best interest, but in the interest of the United States as well.

Sincerely,



James B. Hunt, Jr.

6-18-03; 9:13PM;
FEB 03 '93 12:54 GOV'S COMMUNICATIONS

P.1



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001

JAMES B. HUNT, JR.
GOVERNOR

January 28, 1993

The Honorable Bruce Babbitt
Secretary
U.S. Department of Interior
Washington, DC 20240

Re: Federal Recognition of the Lumbee Indians

Dear Bruce:

This letter is to ask for your assistance in obtaining federal recognition for the Lumbee Indian tribe, which has many members in North Carolina. Congressman Charlie Rose (D-N.C.) has introduced a bill (H.R. 334) that would provide such recognition.

Before the House Subcommittee on Indian Affairs considers H.R. 334, I understand that the Clinton Administration will release its position on the bill. I ask that you and the President support the bill.

The Lumbee have 40,000 enrolled members in the United States and should be recognized. In fact, seven studies in this century have shown them to be an independent Indian community.

I appreciate your consideration of this letter. Please contact Congressman Rose or me if we can assist you in any way with this matter.

My warmest personal regards.

Sincerely,

James B. Hunt, Jr.

PostNet brand fax transmittal memo (P.1)

TO	FROM
TO: A. R. ...	FROM: ...
DATE	TIME
DATE: (801) 473-5164	TIME: (474) 1:38-4240

P.O. Box 668 Newell NC 28126
original22@nc.tribe.com
704-596-7448

.....
The Tuscarora Nation of Indians of the Carolinas

June 27, 2006

The Honorable John McCain
United States Senator
Chairman, Senate Committee on Indian Affairs
241 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Byron Dorgan
United States Senator
Vice Chairman, Senate Committee on Indian Affairs
322 Hart Senate Office Building
Washington, D.C. 20510

RE: S. 660

Dear Senators McCain and Dorgan:

I am writing as the Chairwoman of the Tuscarora Nation of Indians of the Carolinas with respect to S. 660, a bill to provide for the acknowledgment of the Lumbee tribe of North Carolina, which I understand was scheduled for markup on Thursday June 22, 2006. I would like to take this opportunity to remind the Committee that this proposed legislation is very controversial and that the Tuscarora Nation of Indians of the Carolinas strongly opposes Lumbee recognition. Should the Committee ever elect to conduct a hearing on this bill or any other Lumbee recognition legislation, I respectfully request that I be allowed to testify on behalf of the Tuscarora Nation of Indians of the Carolinas in opposition to Lumbee recognition.

The Tuscarora Nation of Indians of the Carolinas does not believe that the Lumbee qualify as an American Indian tribe. Moreover, we are concerned that they claim as their own a history and lineage that actually belongs to the Tuscarora Nation of Indians of the Carolinas, not the Lumbee.

In 1936 the Bureau of Indian Affairs sent Harvard Anthropologist Carl Seltzer to Robeson County, North Carolina to study the people there who claimed to be Native Americans. He found only 22 individuals who met the requirement of 1/2 or more Indian blood as set forth in the 1934 Indian Reorganization Act. These "original 22" were Tuscarora, descendants of the Tuscarora Nation-a prominent Native American presence in pre-colonial times in what is now North Carolina and parts of surrounding states. Following the Tuscarora Wars with North Carolina in the early 1700's, the Tuscarora were given a reservation in Bertie County, North Carolina, where they lived until most of the Nation moved to New York where they became the Sixth Nation of the Iroquois Confederacy. A small band remained behind in their homeland, however. They were the forbearers of today's Tuscarora Nation of Indians of the Carolinas.

Restoring the Spirit of Native Americans

June 27, 2006
Page 2

The Lumbee have formed a "tribe" by including various Indian groups in and around Robeson County, North Carolina "claiming joint descent from remnants of early American colonists and certain tribes of Indians originally inhabiting the coastal regions of North Carolina." This plan was advanced without the consent of the Tuscarora, whose history has nevertheless been made a prominent component of the Lumbees' claim to federal recognition. The Tuscarora never claimed the mixed ancestry that defines the Lumbee, nor have we been allowed to share in the state and federal programs administered by the Lumbee, supposedly, at least in part, on our behalf. The Tuscarora have suffered at the hands of the Lumbee from exploitation without representation. When our people tried to share in Lumbee-administered housing and education programs, we were told we must first enroll as Lumbee "Indians" —denouncing our Tuscarora heritage— before we could get help with repairing our modest trailers and shacks and before we could send our children to kindergarten. Many of the Tuscarora in North Carolina are destitute and uneducated. Our members are mostly unsophisticated and desperately in need of the benefit of federal programs designed to help them work their way out of an inter-generational cycle of illiteracy and poverty.

In 1973 the Tuscarora sought relief from the 1956 Lumbee Act in the Court of Claims. The pleadings from that case, now preserved at the National Archives and Records Administration, explained that the Tuscarora were an ethnologically distinct Indian tribe, challenged their being drawn in under the Lumbee Act, and sought to have the Lumbee Act repealed and its improper enactment investigated. The court was unable to provide the requested relief, however, and so this exploitation continues.

For example, on April 1, 2004, Arlinda Locklear, attorney for the Lumbee, told the House Resources Committee during a hearing on H.R.898 "To provide for the recognition of the Lumbee Tribe of North Carolina" that "[a]pproximately 200 Lumbees agreed to submit to Dr. Seltzer's examination; interviews of these individuals were conducted as well as physical examinations. Dr. Seltzer certified 22 out of the 200 tribal members as one-half or more Indian blood, eligible to organize under the [Indian Reorganization] act." Contrary to Arlinda's assertion, however, the "original 22" were not "Lumbee." They were Tuscarora. Moreover, the very name "Lumbee" (derived from the local Lumber River) was created many years after Dr. Seltzer's studies. The Tuscarora were not allowed to testify at that hearing despite requests to Committee staff to be included on the agenda. When I showed up in person at the hearing, I was blocked at the door by Lumbee members who told me that the hearing was about their recognition and that they could determine who would get in.

We find it disturbing to see pictures of our own ancestors blatantly displayed as Lumbee, without our consent, in Lumbee publications and on the Lumbee websites.

The Tuscarora Nation of Indians of the Carolinas wishes to be allowed to make its own case for federal recognition, a case it believes to be well-based and in keeping with the intent of Congress and implementing regulations. We have been lumped together with the Lumbee, however, under the Department of Interior's interpretation of the 1956 Lumbee Act, an association that we find infinitely distasteful. We have submitted our letter of intent to the Office of Federal Acknowledgment and are pursuing the federal recognition process through normal channels as quickly as our limited resources will allow. The OFA has advised, however, that it cannot consider our petition for recognition until Congress releases the Tuscarora from the restrictions of the Lumbee Act. The Tuscarora Nation of Indians of the Carolinas fear that recognition of the Lumbee by Congress would seal our fate, delegating us to obscurity within an alien and hostile group.

June 27, 2006
Page 3

Again, I would welcome the opportunity to testify on behalf of the Tuscarora Nation of Indians of the Carolinas if legislation to acknowledge the Lumbee is ever brought to the Committee for a hearing. Our counsel, the Nordhaus Law Firm, would also welcome the opportunity to provide the Committee with supplemental documentation to assist with its evaluation of federal tribal recognition questions. If you have any questions, please contact Don Grove or Jill Grant at the Nordhaus Law Firm at 202-530-1270.

Respectfully submitted on behalf of the
Tuscarora Nation of Indians of the Carolinas,



Katherine Magnotta
Chairwoman

cc: The Honorable Pete Domenici
The Honorable Daniel Inouye
The Honorable Craig Thomas
The Honorable Kent Conrad
The Honorable Gordon Smith
The Honorable Daniel Akaka
The Honorable Lisa Murkowski
The Honorable Tim Johnson
The Honorable Michael Crapo
The Honorable Maria Cantwell
The Honorable Richard Burr
The Honorable Tom Coburn
The Honorable Elizabeth Dole
The Honorable G.K. Butterfield
The Honorable Howard Coble
The Honorable Bob Etheridge
The Honorable Virginia Foxx
The Honorable Robin Hayes
The Honorable Walter B. Jones
The Honorable Patrick T. McHenry
The Honorable Mike McIntyre
The Honorable Brad Miller
The Honorable Sue Myrick
The Honorable David Price
The Honorable Charles H. Taylor
The Honorable Mel Watt

.....

The Tuscarora Nation of Indians of the Carolinas

July 5, 2006

The Honorable Elizabeth Dole
United States Senator
Senate Committee on Indian Affairs

Re: S. 660

Dear Senator Dole:

As you are aware, the Senate Indian Affairs Committee will hold a hearing on July 12, 2006 on S. 660, a bill to federally recognize the Lumbee Indian Tribe of North Carolina. I would like to request a meeting with you or a member of your staff prior to the hearing to inform you of important questions related to this bill that should be addressed during the Committee hearing.

I refer you to my letter to you dated June 27, 2006 stating that the Tuscarora Nation of Indians of the Carolinas is strongly opposed to S. 660. As such, I respectfully request to appear before the Committee to testify on behalf of the Tuscarora Nation of Indians.

I, and representatives from the Nordhaus Law Firm are available to meet with either you or a member of your staff at any time on Tuesday, July 11, 2006, to discuss these issues further. We are also available to discuss these issues by phone prior to the 11th. Please contact Joshua Arnold at 202-530-1270 to finalize the details of the meeting. I look forward to hearing from you or your staff very soon. If you should have any questions or concerns, please do not hesitate to contact me or Donald Grove of the Nordhaus Law Firm at 202-530-1270. Thank you for your attention to this matter.

Respectfully submitted on behalf of
The Tuscarora Nation of Indians of the Carolinas,



Katherine Magnotta
Chairwoman

- cc: The Honorable John McCain
- The Honorable Byron Dorgan
- The Honorable Pete Domenici
- The Honorable Daniel Inouye
- The Honorable Craig Thomas
- The Honorable Kent Conrad
- The Honorable Gordon Smith
- The Honorable Daniel Akaka
- The Honorable Lisa Murkowski

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Calendar No. 229

78th CONGRESS }
2d Session }

SENATE

{ REPORT
No. 204

SIOUAN INDIANS OF LUMBER RIVER

 JANUARY 23 (calendar day, JANUARY 24), 1934.—Ordered to be printed

Mr. WHEELER, from the Committee on Indian Affairs, submitted the following

REPORT

[To accompany S. 1632]

The Committee on Indian Affairs, to whom was referred the bill (S. 1632), providing for the recognition as "Siouan Indians of Lumber River", of certain Indians in the State of North Carolina, having considered the same report thereon with a recommendation that it do pass with the following amendments:

On page 1, line 5, strike out beginning with the word "Cheraw" and all the lines 6, 7, 8, 9, 10, 11, 12, and 13 substituting the following:

Siouan Indians of Lumber River, and shall be so recognized by the United States Government: *Provided*, That nothing contained herein shall be construed as conferring Federal wardship or any other governmental rights or benefits upon such Indians.

Amend the title so as to read: "A bill providing for the recognition as Siouan Indians of Lumber River of Certain Indians in the State of North Carolina."

This bill has the recommendation of the Secretary of the Interior if amended as suggested in his letter dated January 10, 1934.

The letter of the Secretary of the Interior; together with a memorandum of Dr. J. R. Swanton, of the Smithsonian Institution, follow:

INTERIOR DEPARTMENT,
Washington, January 10, 1934.

Hon. BURTON K. WHEELER,
Chairman Committee on Indian Affairs, United States Senate.

MY DEAR MR. CHAIRMAN: This will refer further to your letter of May 11, 1933, requesting a report on S. 1632, which provides for the enrollment of the Croatan Indians of North Carolina as Cheraw Indians, and would permit their children to attend Government Indian schools.

These Indians in Robeson and adjoining counties in North Carolina have heretofore been designated by the General Assembly of the State of North Carolina as "Cherokees"; and several bills have been introduced in Congress for their recognition and enrollment as Cherokees of North Carolina, and to permit their children to attend Government Indian schools.

An adverse report was made on the last bill for such purposes—S. 4595 (72d Cong., 2d sess.), July 12, 1932, by the Department, which transmitted a memorandum from the Indian Office dated May 24, 1932, giving the status of these Croatans as follows:

In Bulletin No. 30, part I, of the Bureau of American Ethnology, the following statement occurs as to these Indians:

"The theory of descent from Raleigh's lost colony of Croatan * * * may be regarded as baseless, but the name itself serves as a convenient label for a people who combine in themselves the blood of the wasted native tribes, the early colonists or forest rovers, the runaway slaves or other Negroes, and probably also of stray seamen of the Latin races from coasting vessels in the West Indian or Brazilian trade."

The records show that the United States has never entered into treaty relations with, or provided benefits for, the Croatans; that such assistance or lands as have been given them have been from the local or State government; that their status is similar to that of other citizens of like class in the State in which they reside, and that North Carolina maintains a system of schools for them. It is further shown that the Federal Government is in no way indebted to them; and that if by enrollment and recognition as provided in the bill mentioned they are seeking assistance of the Government, such claims for assistance have no merit other than that which would attach to other needy citizens in the various States.

As directed by Senate Resolution No. 410, dated June 30, 1914, a careful investigation of their condition was made and the report of the investigating officer is printed as Senate Document No. 677 (63d Cong., 3d sess.). This report showed, among other things, that until 1835 these Indians were recognized as citizens of the State of North Carolina, but were disfranchised in that year and placed upon the footing of free persons of color. Later in 1885 their civil rights were restored and they are now recognized as citizens of the State.

It is estimated that there are approximately 8,000 of these Indians, the majority of whom live in Robeson County. They speak the English language, are quite industrious, devoting most of their time to agricultural pursuits, and very few of them can be classed as full-bloods. It would appear from other facts set forth in the document referred to that the Federal Government is under no obligations whatsoever to this group of people. We believe that the enactment of this legislation would be the initial step in bringing these Indians under the jurisdiction of the Federal Government. Certainly it would have the effect of providing educational facilities for some of them at the expense of the Government. Since the Federal Government does not have any responsibility for these people, it is not for us to say whether or not they should be classed as Cherokees. The General Assembly of the State of North Carolina, which State is responsible for these Indians, has already designated them as Cherokees.

Bulletin No. 30, above mentioned, states that the Cheraw are very probably of Siouan stock, and range in central Carolina east of the Blue Ridge, from about the present Danville, Va., southerly to the neighborhood of Cheraw, S.C., which takes its name from them; that between 1726 and 1739 the remnant of this tribe, being subject to attack by the Iroquois, became incorporated with the Catawbas of South Carolina.

Should the bill as it now reads be enacted, it is estimated that the eventual charge against the Federal Treasury, to provide school facilities and educate some 2,000 children of school age, would approximate \$700,000 the first year, and about \$500,000 annually thereafter.

As the Federal Government is not under any treaty obligation to these Indians, it is not believed that the United States should assume the burden of the education of their children, which has heretofore been looked after by the State of North Carolina.

In view of the foregoing, I do not favor the bill in its present form. However, I do believe that legislation to clarify the status of these Indians is desirable. Therefore, it is suggested that all after the enacting clause be stricken out and the following substituted therefor:

That those Indians in Robeson and adjoining counties, North Carolina, who were formerly known as "Croatan Indians," shall hereafter be designated "Siouan Indians of Lumber River," and shall be so recognized by the United States Government: *Provided*, That nothing contained herein shall be construed as conferring Federal wardship or any other governmental rights or benefits upon such Indians.

In this event, the title should be changed to read: "A bill providing for the recognition as Siouan Indians of Lumber River of certain Indians in the State of North Carolina."

If thus amended, I recommend the enactment of the bill.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D.C., 1933.

PROBABLE IDENTITY OF THE "CROATAN" INDIANS BY DR. J. R. SWANTON, SMITHSONIAN INSTITUTION

The name "Croatan" has been given to a body of people of white and Indian origin living mainly in Robeson County, N.C., but scattered also in Bladen, Columbus, Cumberland, Scotland, and Hoke Counties, and in Sumter, Marlboro, and Dillon Counties, S.C. In 1910, 5,895 were returned from Robeson County, and it was estimated that the families scattered outside of it (beyond the boundaries of this county) would raise the total to about 8,000. Prior to 1835 the adult males of this tribe exercised the right of franchise and a few of their children are said to have been admitted to the white schools though most of them received their instruction in "subscription" schools organized by themselves. By clause 3 of section 3 of the amendments to the State constitution of 1835 they lost the right of franchise and until the adoption of the constitution of 1868 they were regarded and treated as "free persons of color", which practically meant free Negroes and their children were excluded from white schools. Between 1868 and 1885 unavailing attempts were made to compel them to use the Negro schools but they preferred to allow their children to grow up in ignorance.

In 1885 through the efforts of Hon. Hamilton McMillan, who believed them to be descendants of the lost Raleigh colony, they received the designation "Croatan Indians", and were granted schools of their own. In 1888, 54 of these Indians petitioned Congress for aid and their petition was referred to the Indian Office but the Commissioner of Indian Affairs replied that he was unable to help them. By an act of the General Assembly of North Carolina ratified March 11, 1913, these Indians were designated "Cherokee Indians of Robeson County." On June 30, 1914, the Senate of the United States passed a resolution directing the Secretary of the Interior "to cause an investigation be made of the condition and tribal rights of the Indians of Robeson and adjoining counties of North Carolina", and this investigation was intrusted to Special Indian Agent O. M. McPherson who turned in his report on September 19, 1914. On January 4, 1915, the Secretary of the Interior Franklin K. Lane transmitted it to the Senate. This report covers 252 pages and quotes extensively from the early historical sources. It includes sketches of the history of tribes possibly related to this and contains sections dealing with the economic, social, and legal status of the tribe in question. Mr. McPherson is cautiously noncommittal as to their precise affiliations.

My first encounter with a Robeson County Indian was in the office of Mr. Mooney a few years before his death. He called me in on this occasion, pointed to a tall swarthy individual standing near and asked me if I did not clearly recognize the Indian features.

Recently my interest was reawakened by a delegation sent to me by the Commissioner of Indian Affairs to answer certain questions regarding their history about which he thought I might have information. As their quest fell in line with some researches I had already been engaged upon, I spent a few days looking into the matter. This information seeming to be of interest in certain quarters, I am committing the main facts to paper.

When whites made their appearance on the southeastern coast of the present United States, the piedmont region of Virginia and North Carolina and most of that of South Carolina was occupied by tribes belonging to the great Siouan family, a great linguistic group named after the well-known Sioux or Dakota Indians. In fact, the only exceptions were in the southernmost parts of South Carolina where Muskogean Tribes had intruded and a narrow strip of country along the fall line, between the Nottaway and Neuse Rivers, where lived three Iroquoian Tribes, the Nottaway, Meherrin, and Tuscarora. Two small tribes

on the lower course of Neuse River, the Neusick and Coree, were also perhaps of Iroquoian lineage, and between Cape Fear River and Winyaw Bay the Siouans had pushed as far as the coast. The rest of the tide-water country of North Carolina and Virginia was occupied by Algonquian peoples. In the mountains to the west were the powerful Cherokee, related somewhat remotely to the Iroquois.

"The Siouan tribes of the east" were the subject of a special bulletin by Mr. Mooney which is the standard work on the subject. One point, however, is not brought out clearly in his treatment, and that is the linguistic differences which existed between the Siouan tribes of Virginia and those of the Carolinas. The tongue or tongues of the former, as shown by the fragmentary evidence which has come down to us, was rather closely related to Dakota, Hidatsa, and other well-known Siouan languages to the northwest. This group comprised the Manhoac, Monacan, Saponi, Tutelo, and Occaneechi. The tribes to the south, however, seem to have been closely connected with the Catawba, and Catawba is the most aberrant of all Siouan languages.

In 1540 De Soto passed through the westernmost territories of the Siouans, encountering in particular the Zuala or Cheraw. In 1566 and 1567 a Spanish officer named Juan Pardo was despatched inland from the new post at Santa Elena (modern Beaufort, S.C.). He retraced as far as Tennessee River the route that had been followed by De Soto but also made an excursion to the east among the Siouan tribes on the Saluda and Congaree, and perhaps as far as the Wateree. In one or two places, including the Wateree town, he constructed small forts and left details of soldiers which were afterwards destroyed by the natives. Already before Pardo appeared, the Siouan peoples were probably moving toward the northeast, owing to the southward trek of the Cherokee, and this movement appears to have been accelerated by the Spanish invasions, and perhaps fear of reprisal after the destruction of the stockade. There is evidence of such a movement on the part of the Cheraw, Eno, Shakori, Keyauwee, and Saxapahaw. All except the first were close upon the frontiers of Virginia by the middle of the seventeenth century.

About this time events in the north, particularly the pressure of Iroquoian tribes, had induced some Siouan peoples of Virginia to move south until certain of them reached the northern part of the present State of North Carolina. A little later they moved toward the east, and in 1714 Governor Spotswood settled some of these near a fort which he called Fort Christanna on Meherrin River. Almost all of these Indians, as shown by the names, belonged to the Virginia Siouans including some of the Manaboac, the Occaneechi, Saponi, and Tutelo. The Monacan appear to have remained for a while longer in their town on James River. In 1722 after peace was made between the Iroquois and the Virginia Indians the Siouans at Fort Christanna began to move north, settled for a time at Shamokin, later at Tioga and finally reached the Iroquois country where their descendants are today.

But significantly enough the remaining Siouan Tribes living in central North Carolina gravitated in the opposite direction. In 1716 Governor Spotswood of Virginia proposed to settle the Eno, Cheraw, and Keyauwee at Eno town on the North Carolina frontiers but his project was defeated by the people of the latter colony on the ground that these tribes were then at war with South Carolina. Some time later the Eno moved on into South Carolina and there is every reason to suppose that the Shakori accompanied them since the two tribes were always closely associated. The Sissipahaw may also have participated in the movement, because they were in the same country and by Barnwell are equated with the Shakori. Later the Keyauwee moved to the Peedee and at about the same time the Cheraw, the two tribes settling on that stream, the Keyauwee above and the Cheraw below. During the Yamasee war the Cheraw took the most conspicuous part against South Carolina, but presently some of them passed over to the Catawba and are mentioned among the Indians of that tribe as late as 1768 when they numbered 50 or 60. If we are to believe Adair, at least a part of the Eno also united with the Catawba, since he mentions the Eno language as one of those spoken in the Catawba Nation.

This evidence shows, therefore, that in the early part of the eighteenth century a considerable number of small Siouan tribes converged upon the upper Peedee where they lived for a considerable period; that a part at least of one, the Cheraw, afterwards united with the Catawba; that another, the Eno, probably did the same thing; and that the Shakori and Sissipahaw, closely related tribes, may have accompanied them. The Keyauwee, however, occupied a village of their own on Peedee River, and no mention is made of any subsequent removal on their part. On the other hand there are indications that certain of the Indians who had gone to the Catawba subsequently returned. In the course of his investigations

above mentioned Mr. McPherson interviewed an old "Croatan" Indian named Wash Lowrie claimed to be almost 80. This old man informed him that "he was told by Aaron Revels, then 100 years old, and Daniel Lowrie, his father, then 73 years old, and Joe Chavis, age 90, that these Indians in Robeson County came from Roanoke in Virginia. That after remaining in Robeson County for some time they went to the mountains with the other Cherokees, but a number returned on account of leaving relatives in Robeson County, where they had mixed with the other tribes and probably with several of the whites. This statement has been misunderstood on account of an obsession that the Robeson County Indians were Cherokee and confusion between Roanoke River and the city of Roanoke. When we understand the facts regarding Cheraw history, these statements begin to have meaning and the story is consistent. Previous to 1700 they had settled on the Dan River near the southern line of Virginia, and it is to be remembered that the Dan and Staunton unite to form the Roanoke. They moved south about 1710 on account of Iroquois attacks and established themselves on the upper Pee Dee near the present settlements of the "Croatans", some Occaneechik, Saponi, and Tutelo who had been living near the junction of the two rivers perhaps accompanying them. Later we know that some Cheraw moved to the Catawba country and this accounts for the tradition that "they went to the mountain with the other Cherokees." The return of part of them at a later date is not recorded in any history of the section known to me, but it is highly probable.

In 1754 Governor Dobbs, of North Carolina, asked from each county in the Province a report regarding the military force it contained and incidentally the number of Indians if any. The report returned for Bladen County, which then included Robeson, does not mention Indians. It says, in fact, there were none but notes that on Drowning Creek at the head of Little Pee Dee River, was a mixed crew, a lawless people who had possessed themselves of land without patents and without paying any quit rents, and who were reported to have shot a surveyor. They were apparently recognized as whites.

Whatever these people may have been, there is no question that the ancestors of the Indians of Robeson County were in the country when the census of 1790 was taken. The files of this census for North Carolina have columns for white males over 16, for white males under 16, for white females, free nonwhites, and for slaves. Among "free nonwhites" were to be included principally free Negroes and Indians. It is also to be assumed that more free Negroes would attach themselves to white families by whom some of them had been freed, than would the Indians. Therefore groups of individuals noted as wholly "free nonwhite" would be more likely to contain the Indians than those attached to white families, except where we find it noted that such a family contained white females for they would certainly be more likely to marry or mix with Indians than with Negroes, and except where single individuals are reported in this category the census gives the names of heads of families and when we examine these we find that the great majority returned from Robeson and adjoining counties have names characteristic of the Robeson County Indians of today, such as Locklear, Lowrie, Chavis, Oxendine, Brayboy or Braveboy, Revels, Brooks, and Cumabo.

The claim that these Indians were Cherokee is based partly on the assumption that they were descended from Cherokee auxiliaries who had accompanied Colonel Barnwell in his campaign against the Tuscarora in 1711-12. Rivers, the South Carolina historian, does, indeed, say that there was a body of Cherokee as well as a body of Creeks with Barnwell, but he is wrong because Barnwell himself, in a letter dated February 4, 1712, gave a detailed statement of all the Indian tribes represented in his army, and this includes a very complete representation from all of the Siouan Tribes in the region, besides contingents from the Muskogean Apalachee, Yamasee, and Cusabo and from "Hog Logees" (Yuchi). The Yamasee were plainly withdrawn at the end of the contest. Nor are Cherokee settlers accounted for by the Indian allies of Colonel Moore who headed the second Tuscarora expedition. To be sure he set out with a force of native auxiliaries said to number about a thousand but after the taking of Fort No-bo-ru-co all but 180 of these returned to South Carolina and there is no evidence that the 180 remained permanently.

Confusion of these Indians with the Cherokee was probably due in part to the fact that the Cherokee have been their nearest neighbors of consequence for a long period and in part because of the resemblance between the names Cheraw and Cherokee.

Evidence that these people were connected with the Croatan is still less valid. Croatan was the name of an island and an Algonquian Indian town just north of Hatteras, to which the survivors of the Raleigh colony are supposed to have

gone since, when White revisited the site of the colony on Roanoke Island in 1590, he found no trace of it except the name "Croatan" carved upon a tree. But, assuming that the colonists did remove to Croatan there is not a bit of reason to suppose that either they or the Croatan Indians ever went farther inland.

The evidence available thus seems to indicate that the Indians of Robeson County who have been called Croatan and Cherokee are descended mainly from certain Siouan Tribes of which the most prominent were the Cheraw and Keyauwee, but they probably included as well remnants of the Eno and Shakori, and very likely some of the coastal groups such as the Waccamaw and Cape Fears. It is not improbable that a few families or small groups of Algonquian or Iroguian connection may have cast their lot with this body of people, but contributions from such sources must have been relatively insignificant. Although there is some reason to think that the Keyauwee Tribe actually contributed more blood to the Robeson County Indians than any other, their name is not widely known, whereas that of the Cheraw has been familiar to historians, geographers, and ethnologists in one form or another since the time of De Soto, and has a firm position in the cartography of the region. The Cheraw, too, seem to have taken a leading part in opposing the colonists during and immediately after the Yamasee uprising. Therefore, if the name of any tribe is to be used in connection with this body of 6 or 8 thousand people, that of the Cheraw would, in my opinion, be most appropriate.



Public Law 570 - 84th Congress
 Chapter 375 - 2d Session
 H. R. 4656

AN ACT

Relating to the Lumbee Indians of North Carolina.

Whereas many Indians now living in Robeson and adjoining counties are descendants of that once large and prosperous tribe which occupied the lands along the Lumbee River at the time of the earliest white settlements in that section; and

Whereas at the time of their first contacts with the colonists, these Indians were a well-established and distinctive people living in European-type houses in settled towns and communities, owning slaves and livestock, tilling the soil, and practicing many of the arts and crafts of European civilization; and

Whereas by reason of tribal legend, coupled with a distinctive appearance and manner of speech and the frequent recurrence among them of family names such as Oxendine, Locklear, Chavis, Drinkwater, Bullard, Lowery, Sampson, and others, also found on the roster of the earliest English settlements, these Indians may, with considerable show of reason, trace their origin to an admixture of colonial blood with certain coastal tribes of Indians; and

Whereas these people are naturally and understandably proud of their heritage, and desirous of establishing their social status and preserving their racial history: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Indians now residing in Robeson and adjoining counties of North Carolina, originally found by the first white settlers on the Lumbee River in Robeson County, and claiming joint descent from remnants of early American colonists and certain tribes of Indians originally inhabiting the coastal regions of North Carolina, shall, from and after the ratification of this Act, be known and designated as Lumbee Indians of North Carolina and shall continue to enjoy all rights, privileges, and immunities enjoyed by them as citizens of the State of North Carolina and of the United States as they enjoyed before the enactment of this Act, and shall continue to be subject to all the obligations and duties of such citizens under the laws of the State of North Carolina and the United States. Nothing in this Act shall make such Indians eligible for any services performed by the United States for Indians because of their status as Indians, and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to the Lumbee Indians.

Sec. 2. All laws and parts of laws in conflict with this Act are hereby repealed.

Approved June 7, 1956.

70 Stat. 254.

70 Stat. 255.

Lumbee Indians
of North Carolina.

O R [REDACTED]

HOUSE OF REPRESENTATIVES

HEARINGS

BEFORE THE COMMITTEE

on

INTERIOR AND INSULAR AFFAIRS

Subcommittee on Indian Affairs

H. R. 4656

RELATING TO THE LUMBEE INDIANS OF NORTH CAROLINA

Volume 1
Pages 1-21

**UNREVISED AND UNEDITED. NOT FOR QUOTATION
OR DUPLICATION IN ANY FORM
COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS**

Friday, July 22, 1955
Washington, D.C.

Official Reports to Committees

Series
1-43

H. R. 4656

RELATING TO THE LUMBEE INDIANS OF NORTH CAROLINA.

FRIDAY, JULY 22, 1955

House of Representatives,

Subcommittee on Indian Affairs
of the Committee on Interior
and Insular Affairs,

Washington, D. C.

The Subcommittee met at 10:00 a.m. in the Committee Room
of the House Committee on Interior and Insular Affairs, the
Honorable James A. Haley (Chairman of the Subcommittee) pre-
siding.

Mr. Haley. The Subcommittee will be in order.

The Subcommittee has before it this morning H. R. 4656,
introduced by Mr. Carlyle,

"A bill relating to the Lumbee Indians
of North Carolina."

(The bill is as follows:)

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Mr. Haley. We are very happy to have Mr. Carlyle with us this morning. Would you like to make a statement on the bill, sir?

STATEMENT OF THE HONORABLE F. ERTEL CARLYLE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA.

Mr. Carlyle. Thank you very much, Mr. Chairman. I should like to make a brief statement.

Mr. Chairman and gentlemen: The bill that I am interested in at this time is H. R. 4656. At this point in the record I should like to insert a copy of this bill, which is very brief. I do that for the purpose of having the comparison in the record with a bill which two years ago passed the General Assembly of North Carolina.

This bill that I have introduced in Congress is a duplicate in every respect of the bill that passed the General Assembly of North Carolina two years ago.

I should like to insert in the record a certified copy of the law as it exists in North Carolina at this time, and as it has for two years.

Now, the purpose of this bill is to designate a very fine group of citizens of my home county as Lumbee Indians of North Carolina. There is nothing in this bill in which people of any other state could be interested.

Robeson County is one of 100 counties in North Carolina

It is the largest county in North Carolina. We have approximately 100,000 people residing in that county. I would say that 25,000 to 30,000 people in that county belong to the Indian Race. They are people who trace their ancestry, according to the best information that I have, to Sir Walter Raleigh's Lost Colony. That is the colony, as you recall, that landed at Roanoke, North Carolina, in 1587.

The Indians of Robeson County are interested in being designated on the Federal level as Lumbee Indians of North Carolina. Now, the word "Lumbee" according to my information is an Indian word meaning "black water". It was on the bank of the Lumbee River that the Indians of Robeson County first made contact with the white settlers of this country. That is the reason they have selected the word "Lumbee".

Now, I should like for you to recall that there is nothing in this bill that requests one penny of appropriation of any kind. There is nothing in this bill that would call for any upkeep or expenditure. It just simply relates to the name of these people of the county.

I should like to call your attention to the fact that the State of North Carolina has been extremely interested in these Indians throughout the years. They have their own schools. They are interested, of course, in their churches. They are interested in every bill in my county. The Indians are good merchants. They are

interested in civic affairs. They are interested in their politics; they take an active interest in our public officials. Some of them are public officials in our county.

I do not know just exactly what phase of this bill you may be asking yourselves questions about. If you think of any question that may be disturbing you at any time I should like for you to ask me, to see if I can clear up that point with you.

There is not a whole lot I can say about this bill, other than to say that I know these Indians are interested in this bill. It was at their request that I introduced the bill. Before I introduced it had passed the General Assembly of North Carolina two years ago.

Before the bill was introduced at Raleigh in the Legislature, they had had a referendum. The question was submitted to the Indians of Robeson County, as to whether or not they would like to have this change of name. If I understand correctly, the vote was overwhelmingly in favor of changing the name.

I have given rather wide publicity to the fact that this bill was to be heard before this Committee this morning, down in this area of North Carolina, and I have received no protest. I do not know of any substantial opposition. I would not undertake to say that every Indian in Robeson County is in favor of the bill, but none have

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mentioned to me the fact that they had any opposition at all.

That is just about the statement that I should like to make.

Mr. Haley. Thank you very much, Mr. Carlyle. At this point we will include in the record the two documents referred to earlier.

(The documents are as follows:)

Mr. Carlyle. I should like, if there are no questions, to call on Reverend D. F. Lowery.

Mr. Haley. Just a minute, Mr. Carlyle. The gentleman from Colorado has a question.

Mr. Aspinall. I should like to join with my Chairman in welcoming our colleague before our Committee. As I remember it, this is the first time we have had the pleasure of your appearance before this Committee.

Mr. Carlyle. That is correct.

Mr. Aspinall. I have only two questions. Perhaps I should reserve them. If you think I should just say so.

The first question is: What are the tribal origins of these Indians?

Mr. Carlyle. As I stated a few minutes ago, according to the best information that we have, they are direct descendants of Sir Walter Raleigh's Lost Colony.

Mr. Aspinall. I can understand that they may have some Indian blood to that effect, but surely they have some Indian blood in their veins from other acknowledged tribes of the day.

Mr. Carlyle. I think perhaps I have a member of that race here who would be able to answer that question.

Mr. Aspinall. The next question would be: What benefits would they expect to get from this? Just purely the name "Lumbee Indian Tribe" does not appeal to me to give too much

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importance to it, unless they expect to get some recognition later on as members of some authorized tribe, and then come before Congress asking for the benefits that naturally go to recognized tribes.

Mr. Carlyle. No one has ever mentioned to me any interest in that, that they had any interest in becoming a part of a reservation or asking the Federal Government for anything. Their purpose in this legislation is to have a name that they think is appropriate to their group. I do not know that they refer to themselves as a tribe. They are citizens who belong to the Indian race and they were interested in having a name that would have, they think, some significance.

Mr. Aspinall. The difficulty there is this: Some of them may have some Cherokee blood in their veins. They surely would not want to get rid of their relationship to the famous tribe of Cherokees in order to become members of another tribe, any more than I might go back and pick up my mongrel ancestry and disclaim some of it for something else, which does not mean anything except maybe the place where I come from.

Mr. Carlyle. Well, I just do not know of any particular tribe of Indians in this country that they claim to be associated with. Now, I may be in error there. I do have a member of that race here who could answer that question, I feel sure.

There is a good bit of merit in your suggestion that it does not make much difference what you call a person or what the name might be, but this is their idea and they are well organized and they have requested it.

Mr. Aspinall. Of course, I want it to be shown on this record that I appreciate the fact that our colleague appears here on behalf of the people of his district. I think it is fine of him to do so.

Mr. Carlyle. They are a proud people, and justly so. As to any ulterior motive that might be suggested -- that is, that they would come in and ask for benefits now or later -- that is not in this picture at all.

Mr. Aspinall. Thank you, Mr. Chairman.

Mr. Haley. Does the gentleman from South Dakota have any questions?

Mr. Berry. No questions.

Mr. Haley. We thank our colleague very much.

Mr. Carlyle. Thank you very much.

Mr. Haley. We are glad to have you with us.

I might say that we agreed to hear these witnesses, because we understand they do want to get back to North Carolina. I would not blame them for that very much. I should like to be down there in the hills myself, where it is a little cooler.

Mr. Carlyle. You will receive a hearty welcome there.

Mr. Haley. Our next witness will be Reverend D. F. Lowery.

Mr. Carlyle. Your name is Reverend D. F. Lowery?

(Note for Committee Clerk:

The witness list contains the name "Rev. D.F. Lowry", but the bill under consideration, on the first page, lists family names including "Lowery". Thus the witness is carried in this transcript as "Reverend Lowery". If this spelling is not correct, please make a note for the printer to change before print.)

STATEMENT OF REVEREND D. F. LOWERY OF PEMBROKE,
NORTH CAROLINA.

Reverend Lowery. Yes, sir.

Mr. Carlyle. Reverend, in order to get a little back-ground, how old are you?

Reverend Lowery. Seventy-four.

Mr. Carlyle. Are you married?

Reverend Lowery. Yes, sir.

Mr. Carlyle. I believe you told me, while in conversation some time ago, that you had five boys and five girls?

Reverend Lowery. Four each.

Mr. Carlyle. Four each. All of them are college graduates?

Reverend Lowery. Yes, sir.

Mr. Carlyle. And you and your wife are?

Reverend Lowery. Yes, sir.

Mr. Carlyle. You live at Pembroke?

Reverend Lowery. Yes, sir.

Mr. Carlyle. That is where the North Carolina State Indian College is located?

Reverend Lowery. Yes, sir; Pembroke State College.

Mr. Carlyle. Have you made some study of your race?

Reverend Lowery. I have.

Mr. Carlyle. You have heard the question asked a few minutes ago, as to the Indians of Robeson County, as to

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where they came from?

Reverend Lowery. Yes, sir.

Mr. Carlyle. I wish you would go ahead and take that matter up and tell the Members of the Committee about it.

Mr. Haley. We would be glad to hear from you, Reverend Lowery. Just go ahead and make any statement you would like to make at this time.

Reverend Lowery. Mr. Chairman, we have by both history and tradition the fact that White's Colony landed at Roanoke in 1587. On account of the storm there they moved out into the interior. Later on they were discovered by Smith and Stancey in 1607, out in the interior of the country, showing that they were moving farther and farther away from the Coast. John Ledire discovered them in 1670 on the Neuse River.

Then a missionary came by the name of John Blair and he was with them on the Cape Fear in 1703. I have a letter or a copy of a letter he wrote back about his work among the Indians. These Indians could speak English and they were practicing the arts and crafts of European civilization.

They moved on down in Robeson County, what is now Robeson County, and settled along the banks of the Lumbee River. For years they worked in cooperation with the white people.

In the war, the Revolutionary War in 1775, you will

REPRODUCED AT THE NATIONAL ARCHIVES

find on the Pension File No. 8732 in the books at Raleigh the names of soldiers who belonged to this tribe of Indians; by the names of John Brooks, James Brooks, Barry Hunt, Thomas Jacobs, Michael Rivers, Richard Bell, Samuel Bell, Primus Jacobs, Thomas Cummings, William Lowery -- William Lowery served in the Revolutionary War and received a pension as long as he lived for his service. You will find on the records where John Brooks was given 160 acres of bounty land for his service in the Revolutionary War.

Then coming up to the War of 1812 if you look at the records in the State Library, the muster roll of troops, 1812, Robeson County, you will find the names of other soldiers who fought in 1812; Charles Oxendine, Thomas Locklear, John Drinkwater, a full-blooded Indian who moved away later, Huey Locklear, William Bullard, Elias Bullard, Richard Bullard, Stephen Cumbo and others found on the muster roll, where they fought as white soldiers in the War of 1812.

Mr. Carlyle. Now let me direct your attention to this subject: What is the main purpose that the Indians of Robeson County have in asking that their names be designated as Lumbee Indians of North Carolina?

Reverend Lowery. Since the Indians of Robeson County are mixed, an admixture of seven different tribes of Indians, including the Cherokee, Tuscarora, Hatteras, Pamli

and Croatan -- about seven different tribes were mixed with them and intermarried with the first colonies.

Among these Indians were found 42 names on the roster of White's Colony sent over by Walter Raleigh. They were killed.

Later on the Cherokee Indians, the Cherokee Indians in the West, resented that. They introduced a bill at Raleigh to name us "Cherokee Indians of North Carolina" and the senator from Cherokee County wired up there and they sent a delegation down there to object to it. Then they had to change the bill and designate us as "Cherokee Indians of Robeson County" so when our boys go off to college, prior to this, they would say to them,

"What nationality are you?"

"I am an Indian."

"Where are you from? What tribe are you from?"

"Cherokee."

"I have a cousin teaching at the Government School up there, Mary Butler. How do you like her?"

"I never heard of her."

"How do you like the president of the school?"

"Never heard of him."

"You said you were a Cherokee Indian."

"Yes, but I am not from up there. I am from Robeson County."

"Oh, I didn't know there was any Cherokee Indian in Robeson County."

So that boy or girl was embarrassed. We go off to the various states and are embarrassed. While we were Cherokee Indians, after we told them we were Cherokees and then they told them about the teachers and the school, and they did not know anything about them, they did not believe anything they said.

If we get the name "Lumbee" we can go to any school in the United States and tell them we are Lumbee Indians. We can pick up the Act of the Legislature and pick up the bill and read that the Lumbee Indians are descendants of the seven tribes of Indians that settled on the Lumbee River, and are Lumbee Indians just like the Hatteras and Mississippi Indians. Then they would have no trouble telling the people,

"We are Lumbee Indians."

They could look us up and find we are in the law, in the books at Raleigh, and therefore we are honest in their sight.

That is No. 1.

Mr. Haley. Thank you, sir. Does that complete your

statement?

Mr. Carlyle. That completes it.

Mr. Haley. Does the gentleman from Colorado have any questions?

Mr. Aspinall. How many of your Indians who wish to come under this designation are there?

Reverend Lowery. We had a referendum, Your Honors please. We had a referendum put on by the county commissioners. Here is a statement from the attorney of the county commissioners: The 1951 General Assembly Resolution No. 38, Section 2, Sheet 4 of referendum for an election says,

"At such election the choice of a name for the Indians of Robeson and adjoining counties shall be determined by the greatest number of votes cast in favor of a particular name or designation, and upon such choice being determined the name shall be certified by the Board of County Commissioners of Robeson County to the 1953 General Assembly of North Carolina for its consideration and action. The election was held under rules and regulations unanimously adopted by the Board of County Commissioners of Robeson County, and the results were 2,169 votes for Lumbee

Indians of North Carolina', 35 votes to remain
'Cherokee Indians of Robeson County.'

Mr. Aspinall. Do you think that all of those who were
entitled to vote voted?

Reverend Lowery. No. They never do that. But we had
as big a vote as we had when we elected the president, or
the governor.

Mr. Aspinall. I do not know just how that would be in
your area. At different times in my area it might be one
thing, and at other times it might be something else.

Reverend Lowery. I have the rules of the election, if
you would like to see a copy of that, which was carried on,
and it said every person would have a right to vote.

Mr. Aspinall. Do you have any tribal organization?

Reverend Lowery. Yes, sir; we have the Lumbee
Brotherhood, with 4,000 members. This was organized, you
know, along with this move.

Mr. Aspinall. Do you own any communal property?

Reverend Lowery. I did not understand?

Mr. Aspinall. Do you own any communal property? Is
there any property held in common among the Indians, or do
you have individual ownership?

Reverend Lowery. No, sir. The members own land, but
this is just a cooperative move, a brotherhood.

Mr. Aspinall. Do you desire or do you think that an

members of your organization would desire to have a reservation?

Reverend Lowery. No, sir; not that I know of. If there is, it is a man that has not got any land, and he does not want to work for anything, and he thinks the Government might give him a little.

Mr. Aspinall. Do you or any members of your organization anticipate that after you might receive this designation you would come to Congress and ask for any of the benefits that otherwise go to Indian Tribes?

Reverend Lowery. No, sir. We would leave the county before we would come under a reservation or anything like wards of the Government. We are citizens and always have been citizens. We would leave before we would come on the reservation.

Mr. Aspinall. Do you have a group in Robeson County known as the Croatan Indians? Is that correct?

Reverend Lowery. Yes, sir; Croatan, C-r-o-a-t-a-n.

Mr. Aspinall. Croatan.

Reverend Lowery. They were all originally called Croatan by representation of the Honorable Hamilton Millan (?) because White's Colony landed on Croatan Sound. They never could find what happened to them. It was Wemaniwo (?) and Huarchez (?), those two Indians, that went back with Walter Raleigh and were friends, and they mixed

with the friendly Indians. They were called Croatans, because they came from Croatan Sound. That was not an appropriate name for the colony.

Mr. Carlyle. Let me add one thought in answer to your question.

The subject of a reservation does not meet with the approval of the Indians of Robeson County at all?

Reverend Lowery. No, sir.

Mr. Carlyle. They are land owners, large farmers, and they are engaged in the mercantile business extensively. They are good businessmen. They are not interested in a handout.

Mr. Aspinall. How many of them at the present time are on the Public Welfare rolls?

Mr. Carlyle. I would not know that, but I would say no larger a percentage than you would find among the other races.

Mr. Aspinall. You mean no more than you would find among the non-Indians?

Mr. Carlyle. That is right. I would say that those who are on the welfare rolls would not exceed the number, percentagewise, you would find among the Negroes and the white race.

Reverend Lowery. We are all working Indians. I am a retired rural letter carrier. I drove the mail for thirty

years. I am a retired minister. I preached for forty years before I retired at the age of seventy-two. So we work.

Mr. Aspinall. I must say this, in closing my remarks: If I look as young as you do at seventy-four I will think I am very favored indeed.

Mr. Haley. Does the gentleman from South Dakota have any questions?

Mr. Berry. No questions, thank you.

Mr. Haley. The gentleman from California?

Mr. Sisk. No questions.

Mr. Haley. The gentleman from Oklahoma?

Mr. Edmondson. No questions.

Mr. Haley. Thank you very much.

Mr. Carlyle. Thank you very much, Mr. Chairman and gentlemen.

Reverend Lowery. Thank you.

Mr. Haley. We have next Mr. Harry Locklear.

Mr. Carlyle. I think anything else we might introduce would be a duplication. I have talked to these gentlemen in my office this morning. I really do not think that they know any more about the subject than you have already heard. We do not care to trespass upon your time.

Mr. Haley. Thank you very much.

Mr. Aspinall. Mr. Carlyle, is Mr. Locklear in the

room?

Mr. Carlyle. Yes, they are both here, sir.

Mr. Aspinall. Let the record show that Mr. Locklear did appear.

Mr. Carlyle. If he cares to make a statement he may do it.

STATEMENT OF HARRY LOCKLEAR

Mr. Harry Locklear. There is not anything that I could add to what he has said. I am a businessman and have been in the mercantile business for fourteen years. There is nothing I can add to what he has said.

Mr. Haley. You approve or generally approve of the statement made by the Reverend?

Mr. Harry Locklear. Yes, sir.

Reverend Lowery. We have two here. The other Mr. Locklear is also here.

Mr. Haley. Would you identify yourself for the record, please, sir.

Mr. Hayes Locklear. Yes, sir; Hayes Locklear.

Mr. Carlyle. I think that is all, Mr. Chairman.

Mr. Haley. We thank our colleague very much.

Reverend Lowery. They are relatives of Jacob Locklear, who fought at Utah Springs under General Barnwell.

Mr. Carlyle. There is nothing selfish about this legislation; it is just their wish to be identified.

Mr. Haley. We will go back to the regular order at this time. We heard these two witnesses because of the fact that they had come here and wanted to get back to North Carolina.

(Thereupon, at 10:43 a.m., Friday, July 22, 1955, the Subcommittee proceeded to other business.)

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UNITED STATES



OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 84th CONGRESS
SECOND SESSION

VOLUME 102—PART 3

FEBRUARY 20, 1956, TO MARCH 7, 1956

(PAGES 2827 TO 4254)

UNITED STATES GOVERNMENT PRINTING OFFICE: WASHINGTON

NATIONAL FARM-CITY WEEK

The Clerk called the resolution (H. J. Res. 100) designating the 1951 week in October of each year as National Farm-City Week.

The SPEAKER: Is there objection to the present consideration of the joint resolution?

Mr. ASPINALL: Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER: Is there objection to the request of the gentleman from Colorado?

There was no objection.

INCREASING CERTAIN PATENT AND TRADEMARK FEES

The Clerk called the bill (H. R. 7416) to fix the fees payable to the Patent Office and for other purposes.

The SPEAKER: Is there objection to the present consideration of the bill?

Mr. PRESTON: Mr. Speaker, I object.

Mr. BROOKS of Texas: I object.

LUMBEE INDIANS OF NORTH CAROLINA

The Clerk called the bill (H. R. 4856) relating to the Lumbee Indians of North Carolina.

The SPEAKER: Is there objection to the present consideration of the bill?

Mr. FORD: Mr. Speaker, reserving the right to object, I should like to ask the author of the bill, the gentleman from North Carolina, whether or not this bill is intended to in any way whatsoever commit the Federal Government in the future to the furnishing of services or monetary sums?

Mr. CARLYLE: Mr. Speaker, I am happy to say that the bill does not provide for that nor is it expected that it will cost the Government one penny.

Mr. FORD: There is no obligation involved, as far as the Federal Government is concerned, if this proposed legislation is approved?

Mr. CARLYLE: None whatsoever.

Mr. FORD: It simply provides for the change of the name?

Mr. CARLYLE: That is all.

Mr. FORD: Mr. Speaker, I withdraw my reservation of objection.

There being no objection, the Clerk read the bill, as follows:

Whereas many Indians now living in Robeson and adjoining counties are descendants of certain large and prosperous tribe which occupied the lands along the Lumbee River at the time of the earliest white settlement in that section; and

Whereas at the time of their first contacts with the colonists these Indians were a well-established and distinctive people living in European-type houses, in settled towns and communities, owning slaves and livestock, tilling the soil, and practicing many of the arts and crafts of European civilization; and

Whereas by reason of tribal legend, coupled with a distinctive appearance and manner of speech and the frequent recurrence among them of family names such as Oxendine, Loper, Coyle, Drinkwater, Bullard, Lowery, Sampson, and others, also found on the

roster of the best English settlements these Indians may, with considerable show of reason, trace their origin to an admixture of Colonial blood with certain coastal tribes of Indians; and

Whereas these people are naturally and understandably proud of their heritage, and desirous of establishing their social status and preserving their racial history; therefore,

Be it enacted, etc., That the Indians now residing in Robeson and adjoining counties of North Carolina, originally found by the first white settlers on the Lumbee River in Robeson County, and claiming joint descent from remnants of early American colonists and certain tribes of Indians originally inhabiting the coastal regions of North Carolina, shall, from and after the ratification of this act, be known and designated as Lumbee Indians of North Carolina and shall continue to enjoy all rights, privileges, and immunities enjoyed by them as citizens of the State of North Carolina and of the United States as they enjoyed before the enactment of this act, and shall continue to be subject to all the obligations and duties of such citizens under the laws of the State of North Carolina and the United States. Sec. 2. All laws and parts of laws in conflict with this act are hereby repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONFERRING JURISDICTION UPON UNITED STATES DISTRICT COURTS TO ADJUDICATE CERTAIN CLAIMS

The Clerk called the bill (H. R. 5862) to confer jurisdiction upon United States district courts to adjudicate certain claims of Federal employees for the recovery of fees, salaries, or compensation.

The SPEAKER: Is there objection to the present consideration of the bill?

Mr. FORD: Mr. Speaker, reserving the right to object, I would like to ask the author of the bill whether or not this proposed legislation is specifically limited to the small number of individuals and the several cases which are set forth?

Mr. WATTS: Yes, sir. I would say to the gentlemen from Michigan that it only covers those cases that have been filed prior to October 31, 1951.

Mr. FORD: Mr. Speaker, bearing in mind that explanation, I withdraw my reservation of objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding any lapse of time or statute of limitations, and notwithstanding section 1346 (d) (2) of title 28, United States Code, the United States district courts shall have jurisdiction of all civil actions or claims to recover fees, salary, or compensation for official services of employees of the United States which were filed prior to October 31, 1951, and were thereafter dismissed for want of jurisdiction as a result of the amendment made to such section by section 30 (b) of the act entitled "An act to amend certain titles of the United States Code, and for other purposes," approved October 31, 1951.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

UTILIZATION OF PRIVATELY OWNED SHIPPING IN CONNECTION WITH TRANSPORTATION OF PRIVATELY OWNED VEHICLES

The Clerk called the bill (S. 2286) to amend the Merchant Marine Act of 1936 so as to provide for the utilization of privately owned shipping services in connection with the transportation of privately owned motor vehicles of certain personnel of the Department of Defense.

The SPEAKER: Is there objection to the present consideration of the bill?

Mr. BONNER: Mr. Speaker, reserving the right to object, I do so in order to place in the Record an explanation of the bill and the reports on the bill.

So far as I am aware, there is no controversy with respect to the provisions of this bill. It is designed to remove a restriction in the law which probably was never meant to have the effect which it has had. Under existing law, Armed Services personnel are authorized to have their privately owned vehicles transported overseas at Government expense. But the law provides that such shipments are to be made on Government-owned vessels. The simple purpose of this bill would be to permit such shipments to be made on privately owned American-flag vessels.

The legislation was recommended by the Hoover Commission and also by the Department of Defense, and I am advised that the Bureau of the Budget knows of no objection whatever to the provisions of the bill.

However, I must advise this body that the Department of Defense has indicated to me, through Adm. Francis C. Denbrink, commander, Military Sea Transportation Service, an objection to the language of both House Report 1688 and to Senate Report 1163, which have been filed in connection with this bill. As expressed to me, Admiral Denbrink fears that he will be subject to pressure by force of the language in these committee reports to reduce the nucleus fleet presently operated by MSTs. This, he advises me informally, will not be the result of the enactment of this legislation.

I do not believe it appropriate at this time for me to pass judgment upon the merits of the position taken by the Department of Defense. I do, however, in all fairness, wish to have included at this time a statement which they have given to me indicating their position in connection with this legislation. The statement follows:

1. In both Senate Report No. 1163 (Committee on Interstate and Foreign Commerce) and House Report No. 1688 (Committee on Merchant Marine and Fisheries) the assumption is made that passage of S. 2286 would make possible the reduction in the size of the Government (MSTS) nucleus fleet.

2. To remove the possibility of misunderstandings, it should be reiterated, on behalf of the Department of Defense, that the size and composition of the MSTS nucleus fleet is established and adjusted, in response to the determinations of the Joint Chiefs of Staff, to provide (a) immediate capability in an emergency, (b) shipping capability for

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Congressional and Administrative
News

84th Congress—Second Session

1956

Convened January 3, 1956

Adjourned July 27, 1956

Volume 2

LAWS

LEGISLATIVE HISTORY

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US Code Cong'l. + Admin. News
84th Cong. -- 2nd Sessn. 1956 Vol. 2

LUMBEE INDIANS OF NORTH CAROLINA

LUMBEE INDIANS OF NORTH CAROLINA

For text of Act see p. 307

Senate Report No. 2012, May 16, 1956 [To accompany H.R. 4656]

House Report No. 1654, Jan. 18, 1956 [To accompany H.R. 4656]

The Senate Report is set out.

Senate Report No. 2012

THE Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 4656) relating to the Lumbee Indians of North Carolina, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

EXPLANATION OF THE BILL

If enacted, H.R. 4656 would permit about 4,000 Indians of mixed blood presently residing in Robeson and adjoining counties in North Carolina to become known and designated as the Lumbee Indians of North Carolina. For the most part, the individuals affected are farmers and businessmen and are residing along the Lumbee River. They stem from early American colonists and certain tribes of Indians originally inhabiting the coastal regions of North Carolina.

Under this act, the affected persons would continue to enjoy all the rights, privileges, and immunities they presently have as citizens of the State of North Carolina and the United States. Likewise, as Lumbee Indians, they would continue to be subject to the same obligations and duties to the State of North Carolina and to the United States as they are at present. The committee has amended the bill to clearly indicate that the Lumbee Indians will not be eligible for any services provided through the Bureau of Indian Affairs to other Indians.

In 1951, by a margin of 2,169 to 35, the Robeson County Indians concerned voted to adopt the name of Lumbee Indians of North Carolina in preference to Cherokee Indians of Robeson County.

On April 20, 1953, a bill similar to H.R. 4656 passed the General Assembly of North Carolina.

The unfavorable report of the Department of the Interior dated August 3, 1955, is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., August 3, 1955.

HON. CLAIR ENGLE,

Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. ENGLE: Your committee has requested a report on H.R. 4656, a bill relating to the Lumbee Indians of North Carolina.

We recommend that the bill be not enacted.

The group of Indians who reside in Robeson and adjoining counties in North Carolina are not a segment of either the Eastern Band of Cherokee Indians of North Carolina or the Cherokee Nation of Oklahoma. The State of North Carolina in 1885 recognized the group as

LEGISLATIVE HISTORY

Croatan Indians. In 1911 the word "Croatan" was dropped and the designation "Indians of Robeson County" was adopted by State law. Two years later the same people were designated "Cherokee Indians of Robeson County," with this limitation: "Neither this act nor any other act relating to the said 'Cherokee Indians of Robeson County' shall be construed so as to impose on said Indians any powers, privileges, rights, or immunities, or any limitations on their power to contract, heretofore enacted with reference to the Eastern Band of Cherokee Indians" (North Carolina Laws of 1913, ch. 123, sec. 5).

The United States has entered into no treaty or agreement with the Indians of Robeson and adjoining counties, and it has recognized no obligation to furnish to them services that are furnished to the citizens of this country who are recognized by the Congress as Indians. We are therefore unable to recommend that the Congress take any action which might ultimately result in the imposition of additional obligations on the Federal Government or in placing additional persons of Indian blood under the jurisdiction of this Department.

The persons who constitute this group of Indians have been recognized and designated as Indians by the State legislature. If they are not completely satisfied with such recognition, they, as citizens of the State, may petition the legislature to amend or otherwise to change that recognition. Except for the possibility of becoming entitled to Federal services as Indians, the position of this group of Indians would not be enhanced by enactment of this bill. In fact, as the bill refers to them in terms that are different from the terms of recognition accorded under State law, some confusion as to their status might result from its enactment.

If your committee should recommend the enactment of the bill, it should be amended to indicate clearly that it does not make these persons eligible for services provided through the Bureau of Indian Affairs to other Indians.

The Bureau of the Budget has advised us that there is no objection to the submission of this report.

Sincerely yours,

ORRIS LEWIS,

Assistant Secretary of the Interior

The Committee on Interior and Insular Affairs recommends favorable enactment of H.R. 4656.

MILITARY PERSONNEL CLAIMS—MAXIMUM LIMITATION

For text of Act see p. 308

Senate Report No. 1598, Feb. 27, 1956 [To accompany H.R. 3996]

House Report No. 290, Mar. 22, 1955 [To accompany H.R. 3996]

Conference Report No. 2216, May 28, 1956 [To accompany H.R. 3996]

The Senate Report and the Conference Report are set out:

Senate Report No. 1598

THE Committee on the Judiciary, to which was referred the bill (H.R. 3996) to further amend the Military Personnel Claims Act of 1945, having considered the same, reports favorably thereon, with an amendment, and recommends that the bill, as amended, do pass.

IN THE UNITED STATES COURT OF CLAIMS

No. 29-73

Lawson Brooks, and The	)	NOTICE
)	
Tuscarora Indian's et al.	)	Reference to Commissioner
)	
v.	)	February 9, 1973
)	
The United States)	

FILED
 FEB 9 1973
 COURT OF CLAIMS

This case has been referred to:

Commissioner H. D. Cooper

for the conduct of proceedings pursuant to the rules. For the authority of the commissioner under the order of reference, see Rules 12-14 and the other rules referred to therein. Note specifically that the filing of a dispositive motion, other than a motion for summary judgment under Rule 163(b), will suspend the reference but will not terminate it. Dispositive motions are defined in Rule 52(a).

If and when issue is joined (as by the filing of an answer or a reply to a counterclaim, offset, or plea of fraud, but not upon the filing of a dispositive motion), the commissioner will advise the parties of the steps to be taken by them prior to the issuance by him of orders for pretrial proceedings.

Careful consideration and observance by counsel of the rules of the court and the orders of the commissioner applicable to the various steps required for the preparation of the case for pre-trial and trial will enable the commissioner and the clerk to assist counsel in the expeditious disposition of the case with a minimum of time and expense. As to the duplication, form and size requirements of papers to be filed, see Rules 211-214.

A copy of any communication addressed to the commissioner should be sent to opposing counsel.

Frank J. Peartree

 clerk

REPRODUCED AT THE NATIONAL ARCHIVES

ORIGINAL

REPRODUCED AT THE NATIONAL ARCHIVES

IN THE UNITED STATES COURT OF CLAIMS

LAWSON BROOKS, and the)	
TUSCARORA INDIANS, Et al.,)	
)	
Petitioners,)	
)	
v.	)	No. 29-73
)	
THE UNITED STATES)	

DEFENDANT'S MOTION TO DISMISS
FOR LACK OF JURISDICTION

The defendant moves this Court pursuant to Rule 102(b) to dismiss the petition for lack of jurisdiction. The grounds for this motion are set forth in the brief in support hereof.

Respectfully submitted,

KENT FRIZZELL
Assistant Attorney General

JOHN H. GERMERAAD
Attorney, Department of Justice
Attorneys for Defendant

By: John H. Germeraad
Attorney

FILED
MAR 7 1973
COURT OF CLAIMS

IN THE UNITED STATES COURT OF CLAIMS

LAWSON BROOKS, and the)	
TUSCARORA INDIANS, et al.,)	
)	
Petitioners,)	
)	
v.	)	No. 29-73
)	
THE UNITED STATES,)	
)	
Defendant.)	

DEFENDANT'S BRIEF IN SUPPORT
 OF MOTION TO DISMISS
FOR LACK OF JURISDICTION

Statement

This action is brought pro se by a number of individuals and "The Tuscarora Indians." The principal relief sought appears to be that the State legislature has designated these people as Lumbee Indians whereas they claim to be Tuscarora Indians. It is not clear whether the petitioners seek relief from some action of the State legislature or from the Lumbee Act of June 7, 1956, 70 Stat. 254, or both. We will give the petitioners the benefit of the doubt and treat prayer one as a request for relief from the Federal

Lumbee Act and prayer three as a request for relief from some state action. Prayer two appears to be a request for a declaratory judgment that the petitioners are ethnologically Tuscarora Indians and prayer four asks that the Secretary of the Interior be directed to conduct an investigation into the complaints of the petitioners.

The defendant has moved to dismiss the petition because it does not assert a claim for relief within the jurisdiction of this Court.

Questions Presented

I. Whether this Court lacks jurisdiction over this action because:

(a) As to prayers 1, 3, and 4, the Congress, the legislature of the State of North Carolina, and the Secretary of the Interior are the real parties in interest and they are not and cannot be joined as defendants.

3.

(b) All prayers seek declaratory relief or a writ of mandamus and it is beyond the jurisdiction of this court to grant such relief.

Argument

(1) This Court is without jurisdiction to grant any relief against Congress, the State legislature of North Carolina and the Secretary of the Interior. None of the parties mentioned is a party to this action. None can be made parties since the only proper party defendant in this Court is the United States. 28 U.S.C. §1491. Consequently, this Court does not have jurisdiction to grant the relief sought in prayers 1, 3, and 4.

(2) This Court is without jurisdiction to grant a declaratory judgment or a writ of mandamus. It is established beyond doubt that the jurisdiction of this Court is limited to the granting of money judgment and does not extend to specific relief. United States v. King, 395 U.S. 1, (1969); Glidden Co. v. Zdanok, 370 U.S. 550, 557 (1962). The petitioners do not seek money relief and

hence the Act of August 29, 1972, 86 Stat. 652 has no application.

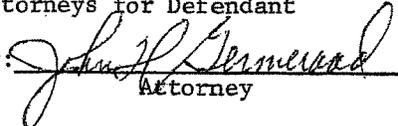
Conclusion

The petition does not state a claim within the jurisdiction of this Court and should be dismissed.

Respectfully submitted,

KENT FRIZZELL
Assistant Attorney General

JOHN H. GERMERAAD
Attorney, Department of Justice
Attorneys for Defendant

By: 
Attorney

ORIGINAL

FILED
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COURT OF CLAIMS

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IN THE UNITED STATES COURT OF CLAIMS

Lawson Brooks, and The)
 Tuscarora Indian's et. al,)
 -v-)
United States of America Defendant.)

NO. 29-73

Notice of Motion and Motion For
 Leave To File Petition To Repeal
 The "Lumbee" Act (Bill) of 1953
 and 1956, In Forma Pauperis Pur-
 suant 28 U.S.C.A. & 1915, and
 Rules 11 (a), (c), (d), 20 of
The Rules of The Court of Claims

To: The Honorable Chief Judge and Associate Judges of the above entitled
 Court:

Greetings:

Comes now Lawson Brooks, et al and the Tuscarora Indian(s) Community
 of Robeson County, North Carolina, who most Respectfully Request per-
 mission of this Honorable Court, to allow the filing of this action pur-
 suant to Title 28 U.S.C. & 1915, without prepayment of all costs.

I

Jurisdiction

Jurisdiction of this cause of action is conferred on the Court,
 pursuant to the Act(s) of Congress, (48 STAT. 984, 986, 25 U.S.C. & 476,
 and Points and Authorities in Support thereof, herein after set forth
 morefully.

II

Questions Presented

Plaintiffs' and all others similarly situated in Robeson County
 and the other adjoining Counties of Cumberland, Hoke, Scotland, here
 with submit that the "Lumbee Bill" heretofore authored by one D.F.
 Lowry,

1. and the Late Attorney __ Carlyle-Esq. who introduced the legislation
2. herein which is the Constitutional questions challenged.

3. (a) "Whether, two individuals can compose and introduce to the
4. State a Bill designating and/or otherwise classifying other
5. persons within the State to be what they may choose to name
6. them, without either these persons (plaintiff) consent nor
7. without legal or lawful definition; or

8. (b) "Whether, the actions by the defendant's can be sustained
9. under the Fourteenth Amendment to the Constitution of the
10. United States, and the Acts of Congress who has the sole plen-
11. ary power over Indians and their affairs; or,

12. (c) "Whether, the enactment of the Lumbee Bill and/or Act can be
13. sustained when such a Bill/Act has not been fully adopted
14. verbatim by the Congress of the United States, or

15. (d) "Whether, the actions of the defendant D.F. Lowry, who has re-
16. cently published his definition of a "Lumbee Indian", in the
17. local paper and at the same time declared himself to be one
18. half Tuscarora and one half Cherokee Indian, and thus contra-
19. dicts his Legislative Act so as to deny and Disparage To The
20. Plaintiffs' and all others similarly situated their true
21. Identity as Tuscarora Indians; or

22. (e) "Whether, The Lumbee Bill can be sustained under the Fourteen-
23. th Amendments' Due Process of Law; and 'Equal Protection of
24. the Laws" clauses, especially when such actions as undertaken
25. by the defendants' were acts by two educated persons against
26. totally unlearned people; or

27. III

28. Statement of Facts

29. On/or about The ___ day of ___ 1953, D. F. Lowry and ___ Carlyle, an
30. Attorney at Law, composed or other wise wrote the now infamous "Lumbee
31. Bill" To The State of North Carolina, Legislature, who after short
32. deliberation enacted this unlawful Legislation, when this body politic,

1. knew in fact that there was not nor never has been an American Indian
 2. Tribe, Known as Lumbee Indians, nor are there any Historical Facts that
 3. sustain the defendant's contentions for such Tribe.
 4. On/or about June 3, 1956 This Lumbee Bill was acted upon by Congress
 5. Assembled, however, not in the same form (verbatim) as that now in the
 6. annals of The Journal of The Legislature of North Carolina at Raleigh,
 7. N. C. which has also been publicly announced by D. F. Lowry, in his
 8. press statement (attached) hereto as a part hereof to illustrate The
 9. Contradiction in Terms here in challenged.

IV

11. Memorandum of Points
 12. And Authorities In Support
 13. Of This Petition
 14. Argument

13. Plaintiffs' et al and all other Tuscarora Indians similarly sit-
 14. uated thus submit and vigorously argue that this Lumbee Bill is not only
 15. Unconstitutional but an usurpation of the plenary powers granted to Con-
 16. gress by Art. I, Sec. 8, of the Constitution of the United States.

17. Thus it is further argued that this Court has long ago decided and
 18. delivered it's opinion on similar actions regarding controversial ques-
 19. tions regarding Tribes, Bands, and groups of Indians, here in their
 20. instant matter and question raised, parallell those decided in Talley -V-
 21. United States, 32 Ct. Cls. 1 (1896); which is to the point and indicates
 22. that where the Indians themselves have treated a group as a band separat
 23. from or subordinate to a given tribe, the Courts will accept the sub-
 24. divisions so recognized.

25. It is further vigorously argued and sustained by the opinions of
 26. this Honorable Court, to the ends sought herein as has other government-
 27. al agencies, where it has been held, viz. "The policy of the United
 28. States, in dealing with the Indians has been, as we understand, to ac-
 29. cept the subdivisions, of the Indians into such Tribes or Bands as The
 30. Indians themselves adopted, and to treat with them accordingly. So that
 31. if such subdivisions, whether into tribes or bands, have not been re-
 32.

1. cognized by treaty, but have been by the officers of the Government whose
 2. duty it was to report in respect thereto, then the Court will accept that
 3. as sufficient recognition of the tribe or band upon which to predicate a
 4. judgment. Or if there be no recognition by the Government, then the
 5. Court will accept the subdivisions into such tribes and bands be named by
 6. reason of their geographical location or otherwise. (pp. 7 & 8). See also
 7. for an example of the consideration given to the foregoing elements of
 8. tribal existence. Memo. Sol. I.D. Feb. 8, 1937 (Mole Lake and St. Croix
 9. Chippewa). This also seems to be given considerable weight by this
 10. Court, in McKee -V- United States and Comanche Indians, 33 Ct. Cls. 99,
 11. 104 (1897).

12. Thus it can be further argued that pursuant to the I.R.A. of June
 13. 18, 1934 (48 STAT. 984, 986, 25 U.S.C. & 476; which places certain re-
 14. strictions as to 'Reservations' only, however, a showing that the group
 15. seeking to organize is entitled to be considered as a tribe, within the
 16. meaning of the Act, is deemed to be a prerequisite to the holding of a
 17. referendum on a proposed tribal Constitution, and the basis for such a
 18. holding is regularly set forth in the Letter from the Commissioner of
 19. Indians Affairs to the Secretary of the Interior Dept. as to the tribal
 20. status of the group seeking to Organize. The considerations which, sing-
 21. ly or jointly, have been particularly relied upon in reaching the con-
 22. clusion that a group constitutes a "tribe" or "band" have been: Only
 23. three of these requisites have been met by the plaintiffs' which consti-
 24. tutes a majority of the 5 enunciated in the Act: viz.

25. (2) "That the group has been designated a Tribe by act of Congress
 26. or Executive Order;

27. (4) "That the group has been treated as a tribe or band by other
 28. Indian Tribes.

29. (5) "That the group has exercised political authority over it's
 30. members, through a Tribal Council or other governmental forms".

31. Here, plaintiffs' et al and all those similarly situated respect-
 32. fully and vigorously argue that prior to the filing of this action, the
 foregoing (3) three requisites were met (see: Exhibits marked for ident-
 ification thereto); furthermore, it is well-established that Ethnological
 and historical considerations, although not conclusive, are entitled to

1. great weight in determining the question of tribal existence-viz: (Fed.
 2. Power Commission-V- Tuscarora Indian Nation, 362 U.S. 99 (1960); and
 3. correspondence from the Assistant Commissioner of Indian Affairs, Wm.
 4. Zimmerman, Jr. dated Dec. 12, 1938, when plaintiffs' herein were official-
 5. ly Recognized by the Dept. of Interior, Office of Indian Affairs, Wash-
 6. ington, D.C. (Ind.-Org. 71526-38).

7. Thus, it can now be reasonably argued that in the instant case that
 8. the plaintiffs' have been and are recognized today as Tuscarora Indians
 9. and not Lumbee Indians, as herein demonstrated, supra.

10. Thus, the plaintiffs' further argue and submit as to their tribal
 11. existence and/or the legal status of Indian Tribes, the question of
 12. tribal existence, in the legal or political sense, has generally arisen
 13. in determining whether some Legislative, administrative, or judicial
 14. power with respect to Indian "tribes" extended to a particular group of
 15. Indians. The most basic of these issues has been the Constitutional is-
 16. sue arising from the grant of power to Congress to Regulate "Commerce with
 17. - - - the Indian tribes." The Supreme Court has, in a number of cases,
 18. taken the position that the applicability or constitutionality of State
 19. Legislation affecting such individuals, depended upon whether or not the
 20. individuals concerned were living in tribal relations.

21. Plaintiffs' et al can most vigorously argue that in the instant
 22. case, that they do now and always have lived in tribal existence and just
 23. a cursory examination of the 209 members who submitted their blood-find-
 24. ings to the proper Governmental Authorities in 1938, of which only (22)
 25. Twenty-Two, were recognized it must be argued that the names thus sub-
 26. mitted have been officially recognized and further support both Judicial-
 27. ly, administratively and ethnologically have been established without
 28. question.

29. To establish the foregoing and clarify this contention and/or argu-
 30. ment the plaintiffs' here with submit the following pertinent facts.

31. (1) D.F. Lowry (Author of the Lumbee Bill) Admits he himself is a
 32. (Tuscarora/Cherokee) not as his Bill States a "Lumbee" Indian;

1. (2) Commissioner of Indian Affairs Accepted and designated (22) of
 2. 209 persons as Tuscarora Indians on 12-12-38;
 3. (3) Indian Tribes from across The United States, Recognize and
 4. accept the Robeson County Indians as Tuscarora Indians;
 5. (4) U. S. Supreme Court, recognizes Tuscarora Indian Nation as
 6. late as (1960);

7. Plaintiffs' therefore argue and submit that the failure of the
 8. Court, to also recognize the Plaintiffs' as Tuscarora Indians, when they
 9. have a recognized Organization which is 'Tribally' controlled and recog-
 10. nized E. C. I. O. would be contrary to it's own findings as well as the
 11. Constitution of the United States, Art. I, sec. 8 and the Fourteenth A-
 12. mendment (Amend-14), which forbids any and forms of Discrimination,
 13. since The Supreme Court, has officially and irrevocably recognized The
 14. Tuscarora Indian Nation. 362 U..S. 1 (1960)

15. V

16. Conclusion

17. Plaintiffs' et al and all others similarly situated Pray that this
 18. Court will;

19. (1) Grant an Order directed to Congress Assembled to Repeal The
 20. Illegal and Unconstitutional Lumbee Bill, and;
 21. (2) Grant an Order Declaring The Indians of The Eastern Carolina
 22. Indian Organization to be Ethnologically Tuscarora Indians by virtue of
 23. their true Ancestry, and
 24. (3) Grant an order directed to The State Legislature of North Carol-
 25. ina to repeal its version of The Lumbee Bill and remove any and Traces,
 26. Signs, Advertisements and/or other designations referring to a Non-Exist-
 27. ing Tribe of Indians.
 28. (4) Grant an order directed to The Secretar of the Interior to Con-
 29. duct an Immediate Investigation and Open Hearings regarding the adoption
 30. and acceptance of this Contrary Legislation, in accordance to Federal
 31. Statue and The Indian Bill of Rights. 90 STAT. 284 (Apr. 11, 1968).
 32. Wherefore, we the undersigned plaintiffs Pray that the Court, will

29-73

- 1. Grant the Orders Prayed for at the very earliest possible convenience.
- 2. We the undersigned declare under the penalty of perjury that the
- 3. foregoing is Correct except as to those matters of which we have no
- 4. Knowledge believe the same to be true.

- 5.
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- 10.

Respectfully Submitted,

1st Harold A. Brooks
 1st Colon Berry
 1st Roseetta Brooks
 1st Jerry Brooks

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Notary:

Subscribed and Sworn to

This 28 day of December 1972

My Commission expires 6-14-76

Fredrick R. Coffey
 N.T.

IN THE UNITED STATES COURT OF CLAIMS

No. 29-73

LAWSON BROOKS and THE TUSCARORA
INDIANS, ET AL.

v.

THE UNITED STATES

Before COWEN, Chief Judge, DAVIS, SKELTON, NICHOLS,
KASHIWA, KUNZIG and BENNETT, Judges.

ORDER

This case comes before the court on the defendant's motion to dismiss the petition for lack of jurisdiction. Upon consideration of the motion and briefs of the parties, and without oral argument, it is concluded that the motion should be granted.

The petition was filed pro se by a group of Indians residing in North Carolina who claim to be Tuscarora Indians. The basis for the plaintiffs' complaint in this case is derived from their displeasure at being classified as "Lumbee Indians" as a result of the Lumbee Act passed by the North Carolina State Legislature and by the analogous Lumbee Act of June 7, 1956 (70 Stat. 254) passed by the Congress of the United States. The Federal Act served to designate as Lumbee Indians certain Indian groups who resided along the Lumbee River in Robeson County, North Carolina. Since this group of Indians was supposed to have descended from an admixture of colonial whites and local Indian ancestors, the Act effectively denied this group

REPRODUCED AT THE NATIONAL ARCHIVES

of "Indians" the benefits otherwise accruing to those of Indian descent by saying:

* * * Nothing in this Act shall make such Indians eligible for any services performed by the United States for Indians because of their status as Indians, and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to the Lumbee Indians.

The plaintiffs claim that there is not, and never has been, a tribe known as the Lumbee Tribe. In their prayer for relief, the plaintiffs ask this court to do four things: (1) Issue an order directing Congress to repeal the Lumbee Act; (2) declare this group of Indians to be ethnologically Tuscarora Indians; (3) issue an order directing the North Carolina Legislature to repeal its version of the Lumbee Act; and (4) issue an order directing the Secretary of the Interior to conduct an investigation of the events leading to the passage of the two Lumbee Acts. The suit is a class action brought on behalf of the four petitioners "and all others similarly situated."

While it is clear from the language in the Federal Lumbee Act that these plaintiffs might have considerable reason to be upset and concerned about the effects of such an Act removing them from any possibility of collecting Federal largesse otherwise available to some Indians, it is also clear that they are not seeking money damages from the United States, but are instead asking this court to take action on matters outside its jurisdiction, with powers it does not have, and remedies it cannot grant, and to parties it cannot reach. All four prayers ask for declaratory relief or mandamus relief, both of which

PRODUCED AT THE NATIONAL ARCHIVES

are outside the court's jurisdiction. United States v. King, 395 U.S. 1 (1962). Glidden Co. v. Zdanok, 370 U.S. 530, 557 (1962). While the court might be in a position to entertain a class action in appropriate circumstances where the relief is confined to a money judgment, it is clear that this is not such a claim. Quinault Allottee Assoc. v. United States, 197 Ct. Cl. 134, 453 F. 2d 1272 (1972).

IT IS THEREFORE ORDERED that defendant's motion to dismiss the petition be and the same is granted and the petition is dismissed.

JUN - 1 1973

BY THE COURT


Chief Judge

**“THE ‘CROATAN’ INDIANS OF
ROBESON COUNTY,
NORTH CAROLINA”**

BY

**JAMES E. HENDERSON,
SUPERINTENDENT
CHEROKEE AGENCY**

12/11/1923

U. S. DEPARTMENT OF INTERIOR

5-349 c

Class. [unclear] Archives and [unclear] Admin. [unclear] R. 15 [unclear] 12] Central Class. [unclear] 1907-1939
93807-1903 - [unclear] 150 (James Henderson Report)

INDIAN OFFICE

FILES

CAUTION!

Positively no papers to be added to or taken from this file, except by an employee of the Mails and Files Division.

By order of

E. B. MERITT,
Asst. Commissioner.

93807-1903

CHEROKEE SCHOOL

File No.

150

d-L & C.
F A B
94779-23
93807-23

JAN 21 1924

FILED BY G. P. ...

Mr. James E. Henderson,
Supt., Cherokee Agency.

My dear Mr. Henderson:

The Office has your letter of December 11,
to which you attach a report on the conditions exist-
ing among the Croatan Indians of Robeson County,
North Carolina.

Inasmuch as these Indians do not appear to
have been under the jurisdiction of this Office in the
past it is not believed proper to take any action at
this time.

Very truly yours,

(Signed) E. B. Meritt
Assistant Commissioner.

1-ML-16

initialing Copy - For File

5-1142

77335-23. DEPARTMENT OF THE INTERIOR
UNITED STATES INDIAN SERVICE
Cherokee, N.C., Dec. 11, 1923.

The Commissioner of Indian Affairs,
Washington, D.C.

Sir:

In compliance with instructions contained in Office letter of December 8, 1923 I am inclosing herewith a report on the conditions existing among the Croatan Indians of Robeson County, North Carolina.

Your letter of October 15, 1923 authorizing me to make a full investigation of these Indians was not received by me until I had returned from Robeson County where I investigated the Dockery Brooks case for the Office. For this reason the report is not complete and contains data gathered by me while on the Brooks case.

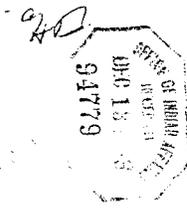
I feel sure, however, of my recommendations with reference to their affairs. There is hope for these people and I believe the state is just beginning to see it.

In view of the very small expense connected with a trip from Cherokee to Robeson County, I would be glad someday to have the privilege of returning there for a further inquiry into their affairs.

It was my plan to make a number of photographs of them for this report and I went so prepared. It rained nearly all the time while I was there thus preventing me from making any pictures.

Very respectfully,

James Henderson
Superintendent.



FILED IN 1142

77335-23
DEC 11 1923
INDIAN SERVICE

The Croatan Indians of Robeson County,
North Carolina.

That band of Indians commonly known as the Croatans are to be found mainly in Robeson County, North Carolina and in the margins of the counties adjoining Robeson County. A few are also to be found just across the Robeson County line in South Carolina.

Reference to the map of the state of North Carolina will show that the so called Croatans live in the extreme south eastern part of the state only 80 miles from the Atlantic while the Eastern Cherokees live some 300 miles distant in the extreme western part of the state.

I will refrain from going into the history of this interesting people except to say that they violently resent being called "Croatans" and wish to be called Cherokees. In the early days just after the negroes were freed an unwise attempt was made upon the part of the white citizens to class the negroes and Croatans as one. Schools were provided for the negroes and the Indians were expected to attend these schools. The Indians refused to attend the negro schools and employed white teachers to teach their children or let them grow up without schooling. One Indian of whom I inquired why they so bitterly disliked to be called Croatans said "Croatan means nigger and is a fighting word with us".

They have steadfastly claimed for years that they were Cherokees and to the end that the matter might be settled the North Carolina Legislature in 1913 passed an act officially designating them as Cherokees and all acts of the Legislature with reference to their affairs refers to them as the Cherokee Indians of Robeson County.

The number of Croatans in Robeson and adjoining counties is estimated to be from 12,000 to 15,000. Robeson County claims to have 8,000. I understand the number living South Carolina is estimated at 400.

The land holdings of the Croatans are not contiguous but are scattered pretty much all over the county resembling the Indian population in the west where the land was allotted years ago and the whites have moved in.

Reference to the tax books of Robeson County for the year 1922 shows property listed by the Croatans for taxation as follows:

32,068 acres of land valued at	\$1,089,503.
Personal property valued at	273,172.
Total of real and personal property	<u>\$1,362,675.</u>

The casual observer might hastily decide that the majority of the Croatans are land owners. This, however, is not true. There are thousands of them who are tenants for the white landowners. If they furnish stock, tools etc. they get half of the crops raised. If the landlord furnishes stock, tools, seed, fertilizer, etc. the Indian tenant gets one third of the crops raised.

The land owned by the Indians is in the main very fertile. The Indians own very nearly all of one of the most fertile townships in the county.

The Indian homes as a whole are on a par with those of the rural whites. The old log house has given way to the frame structure. Some are well kept and show signs of prosperity while others are dilapidated and in need of paint.

The chief crops raised is cotton, although corn and wheat grow well. Few cattle are seen and no attempts so far as I was able to tell have been made to provide pastures for cattle.

From what I was able to find out the civil authorities have considerable difficulty in preventing the manufacture and sale of intoxicating liquors among the Indians. The large swamps in that locality provide easy hiding places for those who wish to violate the law in this respect.

During the past two or three years there have been some ten or twelve homicides among the Indians, the chief cause being whiskey. Just before I visited that locality an Indian was shot by an officer of the law who claimed the Indian resisted arrest. On the other hand the Indians claimed that the officer rode by the Indian's house in an automobile and shot him without warning.

One great burden of complaint among them is that it is difficult for an Indian to get justice in the courts, more especially in a case involving trouble between a white man and an Indian. They claim that almost without exception the verdict is in favor of the white man. As to the truth of these assertions I am unable to tell as I was not there during a term of court and was therefore unable to form any opinion from personal observation. The complaint is pretty general among them.

One expression often heard is "We want our rights". On one occasion a delegation composed of representatives from their various townships called upon me and asked if I would not listen to them. Their great burden was as above stated, "We want our rights". I asked them what they considered to be their rights and their reply was that they wanted equal justice in the courts, that they wanted to be allowed to serve on juries, run for office the same as white men and above all to have an official roll made of them whereby the negro imposters among them might be eliminated.

Just here let me say that the position of these people socially in the body politic of the county is to say the least a little difficult. The whites will not associate with the Indians in any way whatsoever except in business. On the other hand the Indians dislike the negro population to the point of bitter hatred. They claim that certain negro imposters have been allowed by the civil authorities to represent themselves as Indians and enter the Indian schools. This is the source of no end of trouble. One old Indian declared outright that he would not send his children to a school where there were negroes in attendance.

There is a common belief among those who have never known these people that they are mainly negro in blood. This is erroneous. There are many to be found among them who to all appearances are full blood Indians. Many of them are very dark from the blood inherited no doubt from the Spanish and Portuguese who amalgamated with them many years ago. The Spanish and South Mediterranean blood crops out in their swiftness to kill when angered. Such a thing as a personal combat with the fist is almost unthought of among them.

During my stay among these people I visited two of their churches which compared favorably with those of the whites in the same neighborhood. Not unlike other tribes of Indians they like very much to congregate and their church services and singings afford this opportunity. At one church I attended a singing convention at which was represented some ten or fifteen ~~Choirs~~ composed of several hundred people. They were dressed in a genteel manner and the behavior was excellent there being no signs of whiskey drinking.

The Southern Baptist Convention maintains a missionary for them and the Indians have provided the missionary with a good cottage and 60 acres of land. There are about 20 Baptist and a number of Methodist churches owned by them. The Methodist Episcopal Church is constructing a nice modern church building at Pembroke where most of the Indians live.

The state is now doing more for the Croatans than ever before in the way of providing public schools for them. As stated above they are not allowed to attend schools for the whites in North Carolina. The higher institutions of learning in the state are not open to them.

To the end of the 1922-23 school year the state of North Carolina had spent the following sums for schools for the Croatans:-

34 rural primary and intermediate schools	\$57,080.
Salaries of 68 Indian teachers for year	23,488.
Pembroke Normal School Plant,.....	\$110,000.
Teachers and employees for Normal Sch. for the year,.....	18,000.

Appropriations had been made for the following grammar schools and the same are either completed or are in the course of construction:-

Prospect Grammar School,.....	\$12,500.
Piney Grove " "	10,000.
Pembroke, " "	20,000.
Teacherage for one of the above	3,000.

The above does not take into consideration 3 public schools operated in Sampson County.

The records of the Office of the County Superintendent of Education showed the following record for Indian children for the school year 1922-23:-

Number of Indian children of school age,..3,493.
 Number of Indian children enrolled,..... 3,194.
 Average daily attendance for the year,... 2,015.

It may be seen from the above that there was an average of 1,478 Indian children absent for every school day of the year. I made inquiry as to this of the delegation that came to me and their reply was this number represented the children of those renter Indians who were desperately poor and could not provide clothing for them. They claimed many of them were compelled to stay out to pick cotton. This from my observation I judge to be true.

Just here let me say that the intermediate and grammar schools the state and county are providing for these people compare favorably with the schools for the white children. The county is now providing a rural supervisor for the Indian schools.

I would not be doing justice to the good intentions of the state without giving mention to the Pembroke Normal School more than I have above. The State Legislature in 1921 appropriated \$75,000 for a school building for this school. This was insufficient and at the 1923 session \$35,000 more was appropriated to complete it. It is a fine comodious building constructed along modern lines and is a credit to the state. In addition to this there is a girls' dormitory, boys' dormitory and dininghall. At present 10 teachers are employed and the enrollment is about 150. Besides the regular academic course the girls are taught cooking and sewing and the boys are taught elementary farming and farm carpentry.

The pupils in this school are not at the present carried beyond the high school course. It is the intention of the state however to put in a normal school course later on. It is from this school that all of the teachers for the rural schools are educated as no white teachers are employed in the rural or grammar schools.

The teachers in the normal school appeared to be well qualified for the work and the class of work being done in the schoolrooms was very good. The teachers in this work are very much better paid than the teachers in the Indian Service are paid for like work.

Comparatively few of the students who attend the normal school board in the school dormitories for the reason that there is not sufficient room in the dormitories and that they claim they can procure board at a cheaper rate in the village. The state furnishes no clothing for the pupils and charges a flat rate of \$16 a month for table board. Many of the Indians claim they are unable to pay the board for their children.

The Pembroke Normal School is managed by a board of 15 directors all of whom are Indians who receive their appointments from the state legislature.

Viewing the Croatan situation as a whole, it appeared to me that the state of North Carolina is endeavoring through the improved schools it has provided these people to atone for the mistakes it made in former years in not adequately providing for their school needs. It is evident that a better feeling is growing between the two races and if no mistakes are made on the part of either the racial prejudice will after awhile be largely eliminated. A large faction of the Indians who appeared to be the most progressive are working hand in hand with the county and state authorities in endeavoring to make the present school system effective.

On the other hand there is a large faction of the apparently intelligent well meaning among them who are dissatisfied with existing conditions who think the general government is the remedy for all of their social and economic ills.

In conclusion, I would recommend the following:-

1. That the state of North Carolina be asked to revise its 1884 roll of the Croatan Indians. It is certain that sufficient care was not used in the making of this roll and that certain persons having a dominating degree of negro blood were included in that roll.
2. That graduates of the Pembroke Normal School who wish to prepare themselves for teaching among their people and who are undisputed Indians be given the privilege of attending the Normal Training Department of Haskell

Institute, Lawrence, Kansas until such time as the state of North Carolina feels justified in putting in a normal training course in the Pembroke Normal School. This is very important for the reason, as stated above, all the Indian public and grammar schools throughout the county are taught by Indians. Their education is limited and the teaching must necessarily be inferior.

3. That a more thorough investigation be made of the allegation that many Indians are unable to send their children to the district schools and to the Pembroke Normal School on account of a lack of funds and that if this be true a fund be provided by act of Congress to pay the board in the Pembroke Normal School of those pupils who have graduated in the 6th, grade of the district schools.

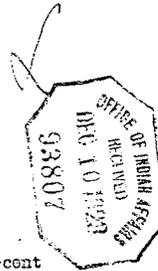
4. That the Department of Justice be requested to fully investigate the allegations that Indians do not get justice in the state courts. (Especially that an agent of the Department of Justice be detailed to attend some important trials in the state courts of Robeson County where issues are involved between the whites and Indians to determine whether the Indians are given justice where whites are involved.)

Land-Allot

McP

me

DEC -8 1923



Mr. James E. Henderson,

Supt., Cherokee Agency.

My dear Mr. Henderson:

You will please submit to the Office immediately your recent report on the condition, etc., of the Croatan Indians in Robeson County, North Carolina. A small delegation of the Croatans is here and it is necessary for us to have your report before taking action in their matters.

Very truly yours,

Signed E. H. Mott
Assistant Commissioner.

File

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COPY
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THE NATIONAL ARCHIVES
Record Group No. 75
CCF 93807-1923 -
Cherokee School - 150.

**“PROBABLE IDENTITY OF THE
‘CROATAN’ INDIANS”
BY DR. J.R. SWANTON,
SMITHSONIAN INSTITUTION**

**WASHINGTON
1933**

**UNITED STATES
DEPARTMENT OF INTERIOR
OFFICE OF INDIAN AFFAIRS**

ROBESON COUNTY INDIANS

73619

UNITED STATES
DEPARTMENT OF THE INTERIOR
Office of Indian Affairs

Washington, D. C.
1933.

Probable Identity of the "Croatan" Indians
by Dr. J. R. Swanton, Smithsonian Institution.
John Reed Swanton -

The name "Croatan" has been given to a body of people of white and Indian origin living mainly in Robeson County, N. C. but scattered also in Bladen, Columbus, Cumberland, Scotland, and Hoke counties, and in Sumter, Marlboro, and Dillon counties, S. C. In 1910, 5,895 were returned from Robeson County, and it was estimated that the families scattered outside of it (beyond the boundaries of this county) would raise the total to about 8,000. Prior to 1835 the adult males of this tribe exercised the right of franchise and a few of their children are said to have been admitted to the white schools though most of them received their instruction in "subscription" schools organized by themselves. By clause 3 of section 3 of the amendments to the state constitution of 1835 they lost the right of franchise and until the adoption of the constitution of 1868 they were regarded and treated as "free persons of color," which practically meant free negroes and their children were excluded from white schools. Between 1868 and 1885 unavailing attempts were made to compel them to use the negro schools but they preferred to allow their children to grow up in ignorance.

In 1885 through the efforts of Hon. Hamilton McMillan, who believed them to be descendants of the lost Raleigh colony, they received the designation "Croatan Indians", and were granted schools of their own. In 1888 fifty-four of these Indians petitioned Congress for aid and their petition was referred to the Indian Office but the Commissioner of Indian Affairs replied that he was unable to help them. By an act of the General Assembly of North Carolina ratified March 11, 1913, these Indians were designated "Cherokee Indians of Robeson County." On June 30, 1914, the Senate of the United States passed a resolution directing the Secretary of the Interior "to cause an investigation to be made of the condition and tribal rights of the Indians of Robeson and adjoining counties of North Carolina," and this investigation was intrusted to Special Indian Agent O. W. McPherson who turned in his report on September 19, 1914. On January 4, 1915, the Secretary of the Interior Franklin X. Lane transmitted it to the Senate. This report covers 252 pages and quotes extensively from the early historical sources. It includes sketches of the history of tribes possibly related to this and contains sections dealing with the economic, social, and legal status of the tribe in question. Mr. McPherson is cautiously non-committal as to their precise affiliations.

My first encounter with a Robeson County Indian was in the office of Mr. Mooney a few years before his death. He called me in on this occasion, pointed to a tall swarthy individual standing near and asked me if I did not clearly recognize the Indian features.

. 2293

Recently my interest was reawakened by a delegation sent to me by the Commissioner of Indian Affairs to answer certain questions regarding their history about which he thought I might have information. As their quest fell in line with some researches I had already been engaged upon, I spent a few days looking into the matter. This information seeming to be of interest in certain quarters, I am committing the main facts to paper.

When whites made their appearance on the southeastern coast of the present United States, the piedmont region of Virginia and North Carolina and most of that of South Carolina, was occupied by tribes belonging to the great Siouan family, a great linguistic group named after the well-known Sioux or Dakota Indians. In fact, the only exceptions were in the southernmost parts of South Carolina where Muskogean tribes had intruded and a narrow strip of country along the fall line, between the Nottaway and Neuse Rivers where lived three Iroquoian tribes, the Nottaway, Meherrin, and Tuscarora. Two small tribes on the lower course of Neuse River, the Neusick and Coree, were also perhaps of Iroquoian lineage, and between Cape Fear River and Winyaw Bay the Siouans had pushed as far as the coast. The rest of the tide water country of North Carolina and Virginia was occupied by Algonquian peoples. In the mountains to the west were the powerful Cherokee, related somewhat remotely to the Iroquois.

"The Siouan Tribes of the East" were the subject of a special bulletin by Mr. Mooney which is the standard work on the subject. One point, however, is not brought out clearly in his treatment, and that is the linguistic differences which existed between the Siouan tribes of Virginia and those of the Carolinas. The tongue or tongues of the former, as shown by the fragmentary evidence which has come down to us, was rather closely related to Dakota, Hidatsa, and other well-known Siouan languages to the northwest. This group comprised the Manahoac, Monacan, Saponi, Tutelo, and Occaneechi. The tribes to the south, however, seem to have been closely connected with the Catawba, and Catawba is the most aberrant of all Siouan languages.

In 1540 De Soto passed through the westernmost territories of the Siouans, encountering in particular the Kuala or Cheraw. In 1566 and 1567, a Spanish officer named Juan Pardo was despatched inland from the new post at Santa Elena (modern Beaufort, S.C.). He retraced as far as Tennessee River the route that had been followed by De Soto but also made an excursion to the east among the Siouan tribes on the Saluda and Congaree, and perhaps as far as the Wateree. In one or two places, including the Wateree town, he constructed small forts and left details of soldiers which were afterwards destroyed by the natives. Already, before Pardo appeared, the Siouan peoples were probably moving toward the northeast, owing to the southward trek of the Cherokee, and this movement appears to have been accelerated by the Spanish invasions, and perhaps fear of reprisal after the destruction of the stockades. There is evidence of such a movement on the part of the Cheraw, Eno, Shakori, Keyauwee, and Saxonhaw, all except the first were close upon the frontiers of Virginia by the middle of the 17th century.

About this time events in the north, particularly the pressure of Iroquoian tribes, had induced some Siouan peoples of Virginia to move south until certain of them reached the northern part of the present state of North Carolina. A little later they moved toward the east, and in 1714 Governor Spotswood settled some of these near a fort which he called Fort Christanna on Meherrin River. Almost all of these Indians, as shown by the names, belonged to the Virginia Siouans, including some of the Manahoac, the Occaneechi, Saponi and Tutelo. The Monacan appear to have remained for a while longer in their town on James River. In 1722 after peace was made between the Iroquois and the Virginia Indians the Siouans at Fort Christanna began to move north, settled for a time at Shamokin, later at Tioga and finally reached the Iroquois country where their descendants are today.

But significantly enough the remaining Siouan tribes living in central North Carolina gravitated in the opposite direction. In 1716 Governor Spotswood of Virginia proposed to settle the Eno, Cheraw and Keyauwee at Eno town on the North Carolina frontiers but his project was defeated by the people of the latter colony on the ground that these tribes were then at war with South Carolina. Some time later the Eno moved on into South Carolina and there is every reason to suppose that the Shakori accompanied them since the two tribes were always closely associated. The Sissipahaw may also have participated in the movement because they were in the same country and by Barnwell are equated with the Shakori. Later the Keyauwee moved to the Pedee and at about the same time the Choraw, the two tribes settling on that stream, the Keyauwee above and the Choraw below. During the Yamasee War the Choraw took the most conspicuous part against South Carolina, but presently some of them passed over to the Catawba and are mentioned among the Indians of that tribe as late as 1768 when they numbered 50 or 60. If we are to believe Adair, at least a part of the Eno also united with the Catawba since he mentions the Eno language as one of those spoken in the Catawba nation.

This evidence shows, therefore, that in the early part of the 18th century a considerable number of small Siouan tribes converged upon the upper Pedee where they lived for a considerable period, that a part at least of one, the Cheraw, afterwards united with the Catawba, that another, the Eno, probably did the same thing and that the Shakori and Sissipahaw, closely related tribes, may have accompanied them. The Keyauwee, however, occupied a village of their own on Pedee River and no mention is made of any subsequent removal on their part.

On the other hand there are indications that certain of the Indians who had gone to the Catawba subsequently returned. In the course of his investigations above mentioned Mr. McPherson interviewed an old "Croatan" Indian named Wash Lowrie who claimed to be almost 80. This old man informed him that "he was told by Aaron Revels, then 100 years old, and Daniel Lowrie, his father, then 73 years old, and Joe Chavis, age 90, that these Indians in Robeson County came from Roanoke in Virginia. That after remaining in Robeson County for some time they went to the mountains with the other Cherokees, but a number returned on account of leaving relatives in Robeson County, where they had mixed with the other tribes and probably with several of the whites." This statement

has been misunderstood on account of an obsession that the Robeson County Indians were Cherokee and confusion between Roanoke River and the City of Roanoke. When we understand the facts regarding Cheraw history, these statements begin to have meaning and the story is consistent. Previous to 1700 they had settled on the Dan River near the southern line of Virginia, and it is to be remembered that the Dan and Staunton unite to form the Roanoke. They moved south about 1710 on account of Iroquois attacks and established themselves on the upper Pedee near the present settlements of the "Croatans", some Occaneechi, Saponi and Tutelo who had been living near the junction of the two rivers perhaps accompanying them. Later we know that some Cheraw moved to the Catawba country and this accounts for the tradition that "they went to the mountains with the other Cherokee." The return of part of them at a later date is not recorded in any history of the section known to me but it is highly probable.

In 1754 Governor Dobbs of North Carolina asked from each county in the province a report regarding the military force it contained and incidentally the number of Indians if any. The report returned for Bladen County which then included Robeson does not mention Indians. It says in fact that there were none but notes that on Drowning Creek at the head of Little Pedee River, was a mixed crew, a lawless people who had possessed themselves of land without patents and without paying any quit rents, and who were reported to have shot a surveyor. They were apparently recognized as whites.

Whatever these people may have been, there is no question that the ancestors of the Indians of Robeson County were in the country when the census of 1790 was taken. The files of this census for North Carolina have columns for white males over sixteen, for white males under sixteen, for white females, free non-whites, and for slaves. Among "free non-whites" were to be included principally free negroes and Indians. It is also to be assumed that more free negroes would attach themselves to white families by whom some of them had been freed than would the Indians. Therefore groups of individuals noted as wholly "free non-white," would be more likely to contain the Indians than those attached to white families except where we find it noted that such a family contained white females for they would certainly be more likely to marry or mix with Indians than with negroes, and except where single individuals are reported in this category. The census gives the names of heads of families and when we examine these we find that the great majority returned from Robeson and adjoining counties have names characteristic of the Robeson County Indians of today, such as Locklear, Lowrie, Chavis, Oxendine, Brayboy or Braveboy, Revels, Brooks, and Cumbo.

The claim that these Indians were Cherokee is based partly on the assumption that they were descended from Cherokee auxiliaries who had accompanied Colonel Barnwell in his campaign against the Tuscarora in 1711-12. Rivers, the South Carolina historian, does, indeed, say that there was a body of Cherokee as well as a body of Creeks with Barnwell, but he is wrong, because Barnwell himself, in a letter dated February 4, 1712, gives a detailed statement of all the Indian tribes represented in his army, and this includes a very complete

representation from all of the Siouan tribes in the region, besides contingents from the Muskogean Apalachee, Yamasee, and Cusabo and from "Hog Logees" (Yuchi). The Yamasee were plainly withdrawn at the end of the contest. Nor are Cherokee settlers accounted for by the Indian allies of Colonel Moore who headed the second Tuscarora expedition. To be sure he set out with a force of native auxiliaries said to number about a thousand but after the taking of Fort No-he-ra-co all but 180 of these returned to South Carolina and there is no evidence that the 180 remained permanently.

Confusion of these Indians with the Cherokee was probably due in part to the fact that the Cherokee have been their nearest neighbors of consequence for a long period and in part because of the resemblance between the names Cheraw and Cherokee.

Evidence that these people were connected with the Croatan is still less valid. Croatan was the name of an island and an Algonquian Indian town just north of Hatteras, to which the survivors of the Raleigh colony are supposed to have gone since, when White revisited the site of the colony on Roanoke Island in 1590, he found no trace of it except the name "Croatan" carved upon a tree. But, assuming that the colonists did remove to Croatan there is not a bit of reason to suppose that either they or the Croatan Indians ever went farther inland.

The evidence available thus seems to indicate that the Indians of Robeson County who have been called Croatan and Cherokee are descended mainly from certain Siouan tribes of which the most prominent were the Cheraw and Keyauwee, but they probably included as well remnants of the Eno, and Shakori, and very likely some of the coastal groups such as the Waccamaw and Cape Fears. It is not improbable that a few families or small groups of Algonquian or Iroquian connection may have cast their lot with this body of people, but contributions from such sources must have been relatively insignificant. Although there is some reason to think that the Keyauwee tribe actually contributed more blood to the Robeson County Indians than any other, their name is not widely known, whereas that of the Cheraw has been familiar to historians, geographers, and ethnologists in one form or another since the time of De Soto and has a firm position in the cartography of the region. The Cheraw, too, seem to have taken a leading part in opposing the colonists during and immediately after the Yamasee uprising. Therefore, if the name of any tribe is to be used in connection with this body of six or eight thousand people, that of the Cheraw would, in my opinion, be most appropriate.

UNITED STATES
DEPARTMENT OF THE INTERIOR
Office of Indian Affairs

CROATAN INDIANS

Excerpt from Handbook of American Indians,
Bulletin 30, Bureau of American Ethnology,

(Published in 1910.)

The legal designation in North Carolina for a people evidently of mixed Indian and white blood, found in various eastern sections of the State, but chiefly in Robeson County, and numbering approximately 5,000. For many years they were classed with the free negroes, but steadily refused to accept such classification or to attend the negro schools or churches, claiming to be the descendants of the early native tribes and of white settlers who had intermarried with them. About twenty years ago their claim was officially recognized and they were given a separate legal existence under the title of "Croatan Indians," on the theory of descent from Raleigh's lost colony of Croatan. Under this name they now have separate school provision and are admitted to some privileges not accorded to the negroes. The theory of descent from the lost colony may be regarded as baseless, but the name itself serves as a convenient label for a people who combine in themselves the blood of the wasted native tribes, the early colonists or forest rovers, the runaway slaves or other negroes, and probably also of stray seamen of the Latin races from coasting vessels in the West Indian or Brazilian trade.

Across the line in South Carolina are found a people, evidently of similar origin, designated "Redbones." In portions of western North Carolina and eastern Tennessee are found the so-called "Melungeons" (probably from French melange, 'mixed') or "Portuguese," apparently an offshoot from the Croatan proper, and in Delaware are found the "Moors." All of these are local designations for peoples of mixed race with an Indian nucleus differing in no way from the present mixed-blood remnants known as Pamunkey, Chickahominy, and Nansemond Indians in Virginia, excepting in the more complete loss of their identity. In general, the physical features and complexion of the persons of this mixed stock incline more to the Indian than to the white or negro.

**“INDIANS OF ROBESON COUNTY”
BY D’ARCY MCNICKLE**

**WASHINGTON
BIA**

05/01/1936

Ind-Org.
DAVEN

Part II

May 1, 1936.

Re: Indians of Robeson County,
North Carolina.

Memorandum:

To get the proper historical perspective on the question of enrollment raised by these Indians of Robeson County, it is well to remember that representatives of these Indians have been appealing to the Office of Indian Affairs since 1886. Two requests have been reiterated constantly; educational assistance and recognition as Indians. The policy of the Office has been to refuse their requests for educational assistance because they were not recognized as Indians; and to refuse them recognition as Indians because they had no treaty rights or other means of forcing consideration. Essentially, the above is an accurate statement of their situation.

The question of whether or not these people are Indians has never been adequately studied. In 1914 Mr. McPherson was directed by the Secretary of the Interior, pursuant to a Senate Resolution, to investigate the condition and tribal rights of the Indians of Robeson and adjoining counties. Mr. McPherson was engaged on this study from July to September, 1914. His report covers fifty-six typewritten pages, besides a number of exhibits; in all, the printed report occupies 232 pages. For his historical data he relied almost entirely upon the work of Hamilton McMillian, whose findings at best are of doubtful value.

5-mm-1

I believe it is safe to say that the Bureau of American Ethnology would not accept McMillian as a competent authority on these people. The only conclusion that Mr. McPherson arrived at was based on the assumption that McMillian's history was dependable. This conclusion was to the effect that: "I do not find that the Hatteras Indians or the so-called Croatan Indians ever had any treaty relations with the United States, or that they have any tribal rights with any tribe or band of Indians; neither do I find that they have received any lands or that there are any moneys due them."

The assumption that the McMillian history was reliable lead to another questionable conclusion. This was, that since the so-called Croatan Indians were descendants of the colony planted by Sir Walter Raleigh's company in 1587, the stock to begin with must have been half white. From this assumption it could be easily reasoned that the group had been mixed from the first. If, however, McMillian is not to be relied upon, then McPherson's conclusions must be questioned. If we accept instead the conclusion of Mr. John H. Stanton that these Robeson County Indians derived from remnants of certain Siouan and perhaps other tribes in comparatively recent times, then it seems safe to assume that the quantity of Indian blood is probably greater than we have been assuming heretofore; there might even be to this day some quite pure strains of Indian blood in that community.

As I have said above, this question of the quantity of Indian blood has never been seriously studied. Whenever a delegation from

these people has appeared in the Indian Office it has been put off with a statement, based on Epherson's report, that the so-called Croatan Indians had no treaty relations with the United States. Actually, in our present state of knowledge of these people, we can not be absolutely sure that there are no treaties extant. For if they are descendants of certain Siouan and other tribes, there may be treaties which have not heretofore been considered in connection with these people.

The following is a chronological account of the efforts made by these people to secure recognition and aid from the Indian Office.

In 1888 a delegation of fifty-four, at that time bearing the designation "Croatan Indians", appealed to the Commissioner for aid in educating their children. They pointed out "that the Croatans in said county and state are industrious citizens, engaged for the most part in agricultural pursuits, and are unable to give to their children the benefits of proper educational training." This petition was referred to Mr. J. N. Powell, at that time Director of the Bureau of American Ethnology. Mr. Powell did not commit himself to a belief in the theory of White's lost colony, but said simply: "It is probable that the greater number of the colonists were killed; but it was quite in keeping with Indian usages that a greater or less number, especially women and children, should have been made captive and subsequently incorporated into the tribe."

The decision of the Commissioner on that occasion was given August 11, 1890, as follows: "While I regret exceedingly that the provisions made by the State of North Carolina seem to be entirely inadequate (for the education of these people), I find it quite impracticable to render any assistance at this time. The Government is responsible for the education of something like 35,000 Indian children and has provisions for less than one-half this number. So long as the immediate wards of the Government are so insufficiently provided for, I do not see how I can consistently render any assistance to the Croatan or any other civilized tribes."

In 1910, while the Eastern Band of Cherokee were being enrolled, the Indians of Robeson County tried to get legal recognition as Cherokees. While they did not succeed in winning affiliation with the Eastern Band, the North Carolina Legislature yielded to their wishes to the extent of changing their name from Croatan Indians to the "Indians of Robeson County", in 1911, and later to the "Cherokee Indians of Robeson County", in 1913. This attempt to get recognition as members of the Cherokee Tribe should not be dismissed casually as being due to a desire to get land or other benefits designed for the Eastern Band of Cherokee. It resulted rather from the urging of A. W. Nelson of Lumberton, North Carolina. Mr. Nelson had befriended these people and he spent years studying their history and championing their right to recognition as Indians. As a historian he was far from reliable, but he was essentially correct in concluding that,

"whatever the origin of the Indians of this community was, it is certain that from the first settlement, they have been separated from the other inhabitants of that region and are of Indian descent, with Indian characteristics, with complexions, features, and hair of the Indian race, and are now borne on the census rolls as Indians."

The first investigation conducted by the Indian Office was that carried out by Mr. Charles F. Pierce, Supervisor of Indian Schools, in March, 1912. He accepted in part the theory that these people were descendants from the Lost Colony, and observed that "There are but few full bloods among the Croatan, although one would readily class a large majority as being at least three-fourths Indian." His statement that "Since the first discovery of these people they have had no Indian language nor Indian costumes," is but a repetition of a statement made over and over again. Actually, there are reasons for believing that until comparatively recently some remnant of language still persisted among these people. I was told, for example, that a certain Aunt Lottie Lowry, who died in 1935 at the age of 86, knew Indian words for a number of common objects.

Mr. Pierce further concluded that the State of North Carolina was providing adequately for the education of these Indians, although admitting that he had not visited the schools and that he had got most of his information from the superintendent of these Indian schools, who was of course a white man, and perhaps a political appointee.

In 1912 and 1913 bills were introduced in the Senate and in the House to provide money for the construction and maintenance of a school for the Indians of Robeson County. Although reported upon adversely by the Secretary's Office, Senate Bill No. 3258, 63d Congress, 2d session, actually passed the Senate on August 6, 1913. As an amendment to H. R. 20729, it died in Committee.

The question of recognizing and assisting these Indians was kept alive, however, and in 1914 the Senate decided that it would have the subject thoroughly studied. Accordingly, on June 30, 1914, it passed Resolution No. 410, directing the Secretary of the Interior "to cause an investigation to be made of the condition and tribal rights of the Indians of Robeson and adjoining counties of North Carolina," as mentioned above.

Mr. McPherson, who was selected by the Office to make this study, called attention to this fact, that the educational facilities open to these people were distinctly limited, first by the fact that institutions of higher learning in the State were not open to them, and secondly that both Negroes and whites had access to vocational institutions for their respective races which were not available to the Indians of Robeson County. And he recommended that Congress, if it saw fit, could supply a deeply felt need of these people by appropriating funds for the construction of a school of agriculture and mechanical arts. It is interesting to note that in a departmental memorandum the chief of the school section of the Indian Office rec-

commended active opposition to any such congressional action, on the ground that "to so establish a school would certainly be contrary to our present policy, and tend to prolong the Indian problem rather than to terminate it."

That evidently was the thought which motivated Office policy at that time. It was assumed that the "Indian problem" was a temporary and terminable matter; that on some pleasant day in the future we should wake up and discover that all our Indians were white men. Even if such a theory had been grounded in reality, its consummation for the Robeson County Indians would have been made unlikely by the fact that the State of North Carolina had set these people apart by law, and by forbidding marriage with other races had made certain that the group should be self-perpetuating, while at the same time it provided rather meager services for the tax money it received from them.

It may be pertinent to refer here to a letter written February 11, 1916, to the Superintendent of Carlisle Indian School and signed by the Assistant Commissioner, as follows: "With present attendance at the Carlisle School of approximately 500 and enrollment far below its capacity, there seems no reason why there should not be enrolled those of the Cherokee (or Croatian) from North Carolina who will be eligible in accordance with the course of study. I will request you to give this matter your special attention and report to me how far you can cooperate in getting these children to Carlisle." There is not on file the reply from the superintendent of Carlisle, who at that time

was Mr. O. H. Lipps, and so it is not clear what steps were taken. I do know, however, that some Robeson County Indians did attend Carlisle.

With reference to a bill introduced in the House in 1916, H. R. 11232, the Secretary of the Interior recommended to the Chairman of the House Committee on Indian Affairs, that "Upon the facts presented (in McPherson's report), I would recommend that an appropriation be made for a boarding school for the Indians mentioned." The same recommendation was made to the Chairman of the Senate Committee on Indian Affairs.

In connection with the same legislation, however, the Commissioner of Indian Affairs on March 2, 1916, wrote the House Committee as follows: "Whether this information would justify an appropriation by the Federal Government to supplement the educational facilities afforded these people is, of course, a question for determination by Congress, but I doubt the wisdom of the Government's assuming this burden." This legislation was not passed.

No further legislation seems to have been contemplated until the 66th Congress, 1st session, when H. R. 8083 was introduced. This Bill would have changed the name "Croatian" to "Cherokee Indians of Robeson and adjoining counties in North Carolina", providing that this should not confer upon such Indians any Cherokee tribal rights to lands or monies, and provided further "that nothing herein shall be construed as prohibiting the attendance of children of said Croatian Indians in

Government Indian schools." The latter proviso was inserted by the Secretary of the Interior, who also recommended the enactment of the measure in a letter to the Chairman of the House Committee on Indian Affairs, April 11, 1924.

In the 73d Congress, 1st session, an identical bill was introduced in the Senate, S.4595, and at that time the Commissioner expressed himself to the Secretary as follows: "We believe that the enactment of this legislation would be the initial step in bringing these Indians under the jurisdiction of the Federal Government. Certainly it would have the effect of providing educational facilities for some of them at the expense of the Government. Since the Federal Government does not have any responsibility for these people, it is not for us to say whether or not they should be classed as Cherokees".

Between the 72d and 73d Congresses the Indian Office was again confronted by a delegation of these Robeson County Indians. On this occasion they were referred to Dr. John R. Swanton at the Bureau of American Ethnology. Dr. Swanton devoted several weeks to a study of the early history of these people, and concluded that "Confusion of these Indians with the Cherokee was probably due, in part to the fact that the Cherokee have been their nearest neighbors of consequence for a long period and in part because of the resemblance between the names Cheraw and Cherokee.

"Evidence that these people were connected with the Croatan is still less valid. Croatan was the name of an island and an Algonquian

Indian town just north of Hatteras, ~~to~~ which the survivors of the Raleigh colony are supposed to have gone since, when White revisited the site of the colony on Roanoke Island in 1590, he found no trace of it except the name 'Croatan' carved upon a tree. But, assuming that the colonists did remove to Croatan, there is not a bit of reason to suppose that either they or the Croatan Indians ever went further inland.

"The evidence available thus seems to indicate that the Indians of Robeson County who have been called Croatan and Cherokee are descended mainly from certain Siouan tribes, of which the most prominent were the Cheraw and Weyauwec, but they probably include as well remnants of the Eno, and Schakori, and very likely some of the coastal groups such as the Taccamus and Cape Fear. It is not improbable that a few families or small groups of Algonquian or Iroquoian connection may have cast their lot with this body of people, but contributions from such sources must have been relatively insignificant."

Dr. Swanton recommended that a proper designation for these people might be Cheraw or Siouan Indians of Luaber River.

Following this suggestion a bill was introduced in the House, H. R. 6865, 73d Congress, 1st session, providing that the name Croatan be changed to Cheraw and that these Indians should be recognized and enrolled as such, also that "Such designation, recognition, and enrollment shall not in any manner affect the present status or property

rights of any of such Indians or prohibit the attendance of children of such Indians at Government Indian schools. The provisions of this Act shall not be construed to give to such Indians any rights in or to the tribal lands or moneys of other bands of Indians in the United States."

The same bill was introduced in the Senate as S.1632, and in a letter to the Chairman of the Senate Committee on Indian Affairs the Secretary of the Interior wrote: "As the Federal Government is not under any treaty obligated to these Indians, it is not believed that the United States should assume the burden of the education of their children, which has heretofore been looked after by the State of North Carolina. In view of the foregoing, I do not favor the bill in its present form. However, I do believe that legislation to clarify the status of these Indians is desirable." He therefore recommended that the bill be limited to designating a name for these Indians, with the proviso "that nothing contained herein shall be construed as conferring federal wardship or any other governmental rights or benefits upon such Indians." This bill seems never to have emerged from Committee.

In February 1935 Mr. Joseph Brooks appealed to the Commissioner to clarify the question of what rights these unorganized and unrecognized Indians of North Carolina had under the Reorganization Act. The question was referred to Mr. Cohen, who replied in a memorandum of April 8, 1935, in which the opinion was expressed that these Indians could "participate in the benefits of the Wheeler-Howard Act

only insofar as individual members may be of one-half or more Indian blood. Such members may not only participate in the educational benefits of Section 11 of the Wheeler-Howard Act, in the Indian preference rights for Indian Service employment granted by Section 12 of the Wheeler-Howard Act, but may also organize under Sections 16 and 17 of the Wheeler-Howard Act, if the Secretary of the Interior sees fit to establish for these eligible Indians a reservation."

Upon receipt of the above memorandum Mr. Brooks wrote to the Secretary of the Interior for an opinion, and in a letter dated April 25, 1935, the Secretary concurred fully with the foregoing opinion.

Following this, Mr. Fred A. Baker was detailed to Robeson County in July 1935 to report on the suitability of establishing a land purchase and rehabilitation project among these Indians. In concluding his report he wrote: "The Indians themselves are backing (the project) almost to a man; they are willing to pay back to the Government, over a period of years, such items of expenditure as may be deemed properly reimbursable; they are willing to go on the land and have the Government hold title, or they will consent to the repurchase of the land from the Government if such is determined upon They may be depended upon to carry out all their promises and agreements. I do not believe that there can be found anywhere in the country a project which offers greater hope of complete success than the one herein proposed. As an official of the Government I give it my unqualified approval."

From a report made by Mr. John Pearmain for the Resettlement Administration and dated November 11, 1935, the following facts may be gleaned from a study of fifty families: thirty-four families, having 239 members living at home, average 6.76 persons in each house; thirty-six houses contain 257 people, or 7.15 persons per house, or 2.14 persons per room; seventeen tenant farmers, renting on the basis of one-third of the crop, earn, an average annual income of \$100.00 per year; six one-half crop renters average \$195.00; four owners of their own land have an average income of \$310.00.

This brings the story of the relations between these Indians of Robeson County and the Indian Office down to date. I have already written a report of my visit to Robeson County in April, 1935.

BAKER REPORT
1935

INDIAN OFFICE

FILES

SUB-MARQUA

CAUTION!

Positively no papers to be added to or taken from this file, except by an employee of the Mails and Files Division.

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Mr. Gharis

Comm J C

July 24, 1935

Mr. James Gharis,
Secretary, Siouan Tribal Council,
Pembroke, North Carolina

*Shelley
1935 Car.*

Dear Mr. Gharis:

Mr. Brooks will have reported to you on the shaping up of your people's matters here. I do not know what outcome we can get but we will do our best and I am earnestly hopeful.

I want to tell you that Mr. Brooks has been in every way a capable, persuasive, convincing representative of your people, up here.

Sincerely yours,

(Signed) Joan Collier
Commissioner

wap

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Mr. James E. Chavis,
Peabroke, North Carolina.

JUL 10 1935

My dear Mr. Chavis:

In reply to your telegram of July 1, requesting that Mr. F. A. Baker be assigned to your district to work out matters pertaining to a purchase project, please be advised that, at this particular time, it is unfortunately not possible to assign Mr. Baker to the work which you suggest.

On the basis of the information which he has obtained and the studies which he is making, further plans will be developed. This all requires time. Be assured, however, that everything possible will be done to assist the Siouan Indians to obtain adequate and healthful living conditions and to become self-supporting and contented.

Sincerely yours,

J. M. STEWART, *JMS*
Chief, Land Division.

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Carbon for Indian office

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WK1 56 DL=PEMBROKE NCAR 1 740A		MINUTES IN TRANSIT: FULL-RATE DAY LETTER
THE HONORABLE JOHN COLLIER= COMMISSIONER OF INDIAN AFFAIRS=		
<p> <i>Mr. Brooks for Mr. Chavis</i> SOUAN COUNCIL IN SPECIAL SESSION LAST SATURDAY RESOLVE TH / MR JOSEPH BROOKS DO REQUEST THE HONORABLE JOHN COLLIER TO REASSIGN MR F A BAKER TO THIS DISTRICT TO WORK OUT THE ECONOMIC LEGAL AND OTHER STATUS THAT EXIST HERE MOTION BY MR BROOKS SECOND BY COUNCILMAN MCGIRT MOTION CARRIED UNANIMOUSLY D OF SECTION FOUR COUNCIL MINUTES= JAMES E CHAVIS COUNCIL SECT. I </p>		
THE QUICKEST, SUREST AND SAFEST WAY TO SEND MONEY IS BY TELEGRAPH OR CABLE		

L-Sub.

C E R

Mr. Fred A. Baker,
Washington, D. C.

JUN 13 1935

⁴ Stewart
Murdock
Hess
Morgan
Munich

My dear Mr. Baker:

You are directed to proceed to Raleigh, Pembroke and to other points in North Carolina, for the purpose of making a preliminary investigation of the feasibility of setting up a land purchase and work relief project for the rehabilitation of the Siouan Indians of North Carolina, for presentation to the Resettlement Administration.

Mr. W. A. Hartman, Regional Director, Resettlement Administration, is at Raleigh, North Carolina, and you are directed to confer with him and to secure his cooperation and authorization for such a project, if it is found desirable and feasible.

A considerable number of the Siouan Indians are living in and near Pembroke, in Robeson County, North Carolina, and the Office is advised that they desire to secure the use and control of land in that county, a major portion of such land to be suitable for agriculture in the raising of cotton, tobacco, subsistence gardens and pasture for domestic stock. They have for many years been engaged in this class of agriculture as "tenant" or "crop-share" farmers, and it is desired to secure land for them which can be assigned to individual Indians, the fee title to remain in the United States.

Mr. Joseph Brooks, whose address is Box 1022, Pembroke, North Carolina, has visited the Office on behalf of these Indians and states that land suitable for Indian use can be purchased in Robeson County. He states that he will lend every assistance possible in this work and will secure the assistance of other Indians if necessary. Any tract of land set up as a purchase area should be one upon which the Siouan Indians would go and establish homes; consequently, they should be consulted as to their desires. Mr. Brooks states that they want agricultural land which can be assigned for their use in areas of from twenty to forty acres per family, for the actual growing of crops, this to be supplemented with sufficient and suitable

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land to be used for grazing and pasturage for domestic stock.

The object sought by this preliminary survey is to determine whether a body of land suitable for the use indicated can be acquired; what measure of relief the acquisition of such a tract will afford by reason of work required to make it fully available, and in what degree this work program will tend to take Indians off the relief rolls.

Such a purchase and relief program must meet with tentative approval of the Regional Director of the Resettlement Administration before it can be presented for definite approval by the Division of Rural Land Planning and Development.

It is requested that your report of work done under this assignment be presented prior to June 28.

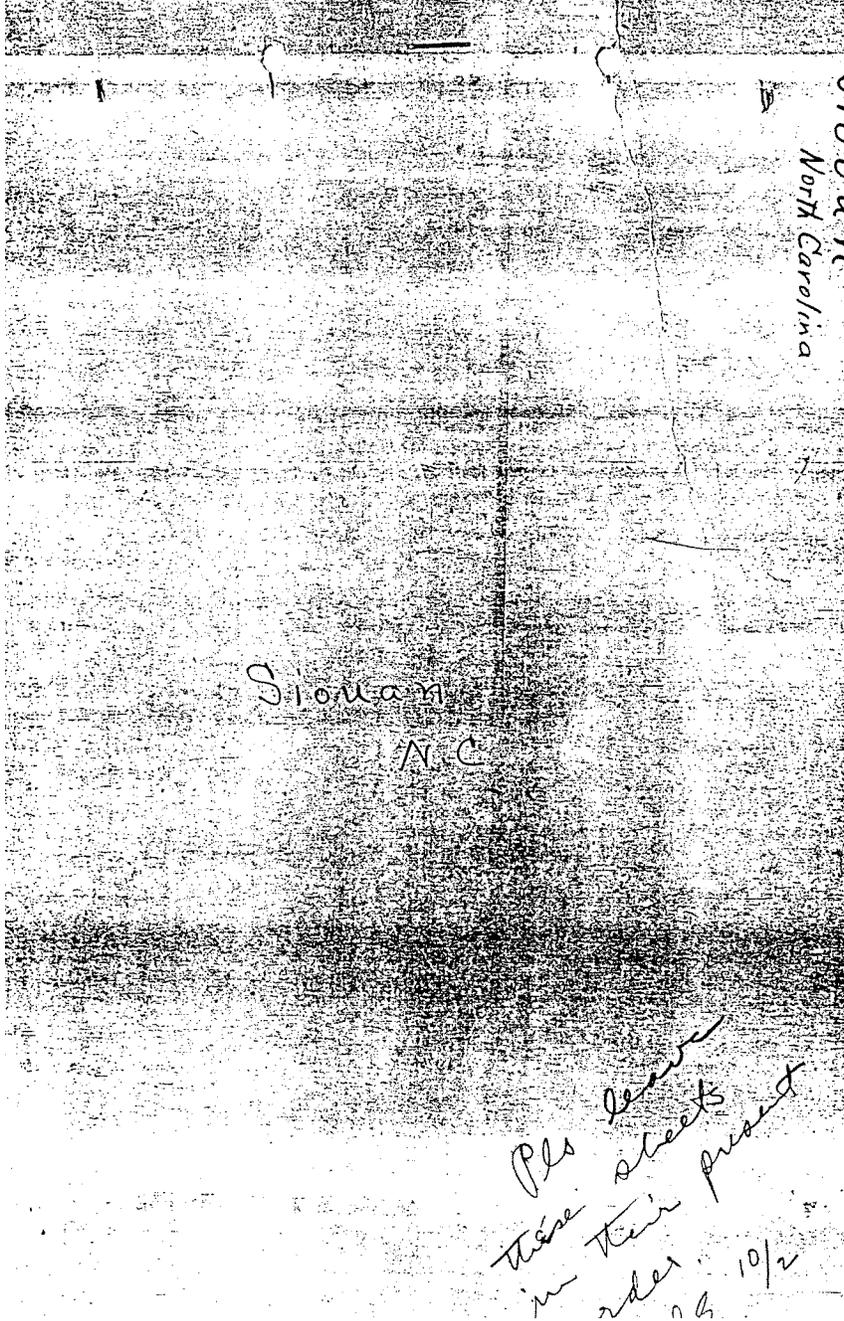
Sincerely yours,

(Signed) William Zimmerman, Jr.

Assistant Commissioner.

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CC: Dr. L. C. Gray, Chief, Land Policy Section, Dep't of Agriculture.



Land Policy

WS

JUN -3 1935

Mr. J. Brooks,
 Delegate of Siouan Tribal Council,
 Pembroke, North Carolina.

Dear Mr. Brooks:

In accordance with arrangements made while you were here, I expect to detail Superintendent F. A. Baker to make a field study of your proposed land resettlement project, in order to submit such a project as may be approved by this Office to the Land Resettlement Administration. Superintendent Baker, who is experienced in these matters, will assist you and the leading members of your tribe to draw up a land purchase, development, and settlement program, which could well include housing, fencing, land clearing, water development, improvement of pastures, and a forestry program. The plan should not be too comprehensive. (i. e., it should not seek to provide for the major portion of your people) inasmuch as such funds as we may obtain must be fairly apportioned among the various Indian peoples. I must also make it perfectly clear that any project recommended by this Office is subject to approval, alteration, or rejection by the Land Resettlement Administration.

I should like also to ask you and Superintendent Baker to make recommendations looking to the enrolment of those members of your tribe of half-degree or more Indian blood, who would be entitled to organize under and receive the benefits of the Wheeler-Howard Act. It should be made clear to the members of your tribe that any one eligible to participate in the benefits of any reservation that might be acquired and set aside by the Government must be of half-degree Indian blood or more. This does not mean, however, that Indians of less than half-degree Indian blood are not entitled to participate in the work-relief and rehabilitation features of the Work-Relief Act of 1935.

Please be assured of my great interest in your project, and of my entire willingness to assist you in drawing up the project and presenting it to the Land Resettlement Administration.

Sincerely yours,

Commissioner.

DUPLICATE

Washington, D. C.
July 9, 1935.

Commissioner of Indian Affairs,
Washington, D. C.



My dear Mr. Commissioner:-

Pursuant to your instructions dated June 13, 1935 directing me to make a preliminary survey of conditions among the Indians of Robeson County, North Carolina to determine the feasibility of setting up a land purchase-work relief project for their rehabilitation and resettlement, I proceeded to that state by government automobile, as directed, leaving Washington on June 14th at 2 P.M. and arriving at Lumberton, North Carolina on Saturday, June 15th stopping en route at Raleigh for an interview with the Regional Office of the Resettlement Administration. On the following day I visited the town of Pembroke, Robeson County, North Carolina which is almost in the exact center of the Indian population and met Mr. Joseph Brooks, the tribal delegate of the so-called Siouan group, at whose instance and suggestion the investigation was to be made. A series of group meetings at various centers of Indian population were arranged for during the following week. These were deemed necessary in order that I might learn from original sources the exact conditions prevailing among this people. Some seven public meetings were held which were attended by the Indians in each neighborhood. It is estimated that at least four thousand Indians were present at these gatherings. I explained the object of my visit fully and frankly and at each meeting the Indians present were called upon to express their views as to the proposed project and as to the problems confronting them as a people. It may be said without exaggeration that the plan of the government meets with practically the unanimous support of all of the Indians. I do not recall having heard a dissenting voice. They seemed to regard the advent of the United States government into their affairs as the dawn of a new day; a new hope and a new vision. They hailed with joy the offer of the government; many of the old people could not restrain their feelings, - tears filled many eyes and flowed down furrowed cheeks. We must confess to the fact that our own feelings were deeply touched as the old people expressed so deep a longing to have a piece of land on which they could live in peace without fear of ejection by a landlord. Inquiry revealed that only about fifteen families out of every hundred owned any land; that eighty-five percent of the Indians were tenants or "share-croppers."

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and farm laborers. A small number of the Indians have attained a considerable degree of financial independence, own their own homes and farm considerable land. A number are landlords and rent lands to other members of the group. In the small towns and villages some of the Indian group have small, independent business establishments, such as garages, stores, filling stations and blacksmith shops. The teaching profession is followed by as many young men and women as the schools established for the Indians by the State of North Carolina will permit. This profession is becoming greatly overcrowded and will soon cease to afford a career for the graduates of their Normal Training School. They are not permitted to teach in white schools nor in schools established for the negro race.

Share-Croppers are divided into two general classes, - "Third-Croppers" and "Half-Croppers". Under the plan first named the tenant performs all the labor incident to the growing of crops and receives one-third of the crop. The landlord provides the farm animals, the seed and fertilizer and the farm equipment. Under the Half-Crop system the tenant provides the farm animals and equipment and does all the work, the landlord providing the seed and fertilizer, each party to this contract taking one-half of the crop. There are many variations in these forms of contracts. They are usually verbal agreements. Under the "Stated Rent" plan the tenant pays a definite sum per acre for the use of the land and receives the entire crop from the land. A number of the landlords have commissary stores which sell goods to the Indian tenants; some give a monthly allowance of money in advance of the production of the crop to support the tenant during the cropgrowing season. This is not a general rule, however. Some landlords give "orders" on merchants for goods for their tenants or guarantee the payment of their bills. Generally speaking, tenants are bound very closely to their landlords and are restricted as to the amounts they may expend monthly during the credit period. The owners of leased land exercise exceedingly rigid supervision over the planting of crops and their cultivation and harvesting and delivery at the end of the crop season. Complaints were general among the Indian group about the unfairness and inequity of the present system. Interest charges were alleged to be excessive; that tenants were not permitted to "see the books"; that they were restricted as to the amount of food crops which could be raised; that the size of subsistence gardens was unduly limited; and that the amount of credit was so limited during the growing season as to prejudice the health of the tenant families. Underneath all of these complaints I could detect at times hot resentment and at other times a supplication and a prayer that the general government come to the rescue of this suffering people and take measures to break the bonds which shackle them to a system of land tenure unworthy of a free people. Over thousands of these Indian people there hovers constantly the fear of being given a notice on December 1st that they will not be given a renewal of their lease for the following year. Many public^{ly} recounted this experience

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and their pathetic story of wandering about seeking a refuge and a haven for their families, told in simple fashion, made a lasting impression on my mind. The present Indian population is pressing closely upon the capacity of tillable land now available for their use. Their numbers are increasing rapidly and already a number are unable to find land to rent. Many married children are compelled to live with their parents,- there is no place else to go. It should be recognized that these people have the status as Indians under the laws of the State of North Carolina and that they must obey the laws binding them to that status. They do not have the same opportunities held forth to them as members of the white race in the South. I find that the sense of racial solidarity is growing stronger and that the members of this tribe are cooperating more and more with each other with the object in view of promoting the mutual benefit of all the members. It is clear to my mind that sooner or later governmental action will have to be taken in the name of justice and humanity to aid them. The growing congestion of population, with no outlet, will in time bring about racial decadence and deterioration. This actually took place a few years ago at a time when tenants were restricted in the acreage given them for the production of subsistence crops as compared to money crops. I was informed by the County Health Officer of Robeson County that a movement was inaugurated which induced landlords to increase the amount of land given to tenants for the planting of gardens. The increased use of vegetables by tenant families cured them of pellagra and practically wiped out this destructive disease among the people of this part of North Carolina. At the outset of this program we find first an imperative need for it among this people, and secondly, the most hearty cooperation on their part to make it a complete success. Nor do we encounter any pronounced opposition on the part of the landlords, nor of the citizens of Robeson County. On the contrary we find many owners of large tracts of unimproved, and even of improved land, who are willing to sell their land at fair and just prices. Public spirited citizens generally recognize the deplorable consequences of the present system of land tenure in the South and yearn to rid themselves of it but up to this time have been unable, unaided, to accomplish this object. Under it the land cannot be kept in the best state of tilth; the fertility of the soil cannot be preserved and erosion and soil exhaustion prevented. Tenants find themselves unable to plant the crops most necessary for the sustenance of their families by reason of the crop year expiring on December 1st of each year. This stands in the way of their planting, for example, wheat, as a breadstuff, as this crop should be planted in October or November in this region. In many instances tenants are not notified by their landlords in the autumn in time for them to plant this most important crop. Landlords appear to be loath to make improvements on land on which they do not live and in which they do not have an active interest; tenants hesitate to make improvements on land which

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they do not own and which they can hope to occupy only so long as they please their landlord. Especially is this true of a system under which the greater part of the land is held for only one year at a time. As a result most of the tenant houses are greatly in need of repairs, - we found them cheerless, unpainted, with a drab and dilapidated appearance, with no attempt to beautify yards and grounds by the planting of flowers, grass and ornamental trees. Orchards for the production of fruit for the families were uncommon, - tenants do not plant crops which require a longer period than one year to mature, as a usual rule. Proper rotation of crops is prevented as the landlord is concerned primarily in a money return from his land. Up to this time I have mentioned material considerations largely. In the spiritual realm the result of the present system of land tenure is even more disastrous and deplorable. Over the whole country hangs a pall of fear and uncertainty which holds back and restrains the spirit of progress. Suspicion and distrust between landlord and tenant exist, and sullen hatred in many instances. This does not provide a fertile soil for the development of those sturdy virtues which should belong to the citizens of a republic. Political equality is an idle and almost worthless thing unless through it there comes to a people a reasonable opportunity to earn a decent living, with a reasonable sense of security and independence of thought and action. We favor using government as an instrument, as an agent of the people, to restore the balance which has been lost since free land can no longer be obtained by the people by settlement under the lands laws of the United States. We have now found it necessary to raise money by taxation, lend this money to those needing land with provision for long term repayment, and to provide credit facilities, and thereby make land ownership to become more general than it now is among the people. This is what we propose to recommend for this down-trodden, long-forgotten and neglected people. Fortunately, more favorable conditions for the success of a combined work project and land acquisition program have seldom ever existed anywhere. We have a hard-working and energetic people who need work as a relief measure; we have landowners who are willing to sell their land at a fair price; the land is located in or near the Indian communities; we have a people who want land and are willing to work for it; and we have no local prejudice to overcome but on the other hand we find a hearty approval of the project in general. With all of these factors in our favor we shall now proceed to discuss briefly the Indians of Robeson County, North Carolina and those related to them in the adjoining counties.

We do not deem it necessary in this report to discuss fully the alleged origin of the Indians of Robeson County, North Carolina and vicinity. Time did not permit me to go into their tribal history except in the most meager way. The Indian language has entirely disappeared among this people and their origin remains an unsolved question. Much has been written about this tribe of great interest

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to historians and ethnologists. In the year 1885 they received the names of " Croatan Indians " and were granted special schools of their own by the legislature of the State of North Carolina. They have frequently petitioned the government for aid but as they have never had any treaty relations with the general government it has not been deemed proper to aid them with federal appropriations. By an Act of the General Assembly of the State of North Carolina ratified March 11, 1913 they were designated " Cherokee Indians of Robeson County ". On September 19, 1914 Special Agent O. M. Mc Pherson, in accordance with a resolution of the United States Senate, and under the instructions of the Secretary of the Interior, rendered an exhaustive report relative to this group of Indians. It was published in Document 677, 63rd Congress, 3rd Session and entitled " Indians of North Carolina ". The report is non-committal as to the exact tribal affiliations. Some writers on the subject have maintained that they belong to a branch of the great Siouan family, a linguistic group named after the well-known Sioux or Dakota Indians. An effort has been made during the past two years to have this name, " Siouan ", officially recognized by the Congress of the United States as the proper name of this tribe. Legislation to accomplish this object was introduced in the Congress but it met with opposition on the part of a minority of the tribe and failed of passage. Officially, then, under the laws of the State of North Carolina they are known as the " Cherokee Indians of Robeson County ". Having served as a member of a commission to enroll the Eastern Band of Cherokees of North Carolina I am constrained to doubt the correctness of this designation. Their connection with the Cherokee Tribe must have been extremely remote in the past. That they possess Indian blood is beyond question. It is clear that there has also been a large infusion of white blood of English and Scotch extraction principally. Family names indicate to me also an admixture of Spanish blood. It is conceded also by members of the tribe that there has been an infiltration of negro blood also. But this occurred many years ago. During recent years the two races, Indian and Negro, have lived rigidly aloof. Intermarriage is now forbidden by law between the white race and any race of color, and between the Indian and negro races. Nor are marriages between the Indians and other races, valid in the states where contracted, recognized by the laws of North Carolina. Co-habitation under such circumstances is not permitted by state law, I was informed. Thus three races exist, side by side, each having its separate schools, churches and social organization. Separate schools for the three races are provided by the State of North Carolina. Each race maintains its own churches. The Indians are largely of the Protestant faith. They are very religious and take an active interest in church and Sunday School. All of the pulpits are occupied by Indian ministers some of whom are eloquent and quite well-educated. I found that a friendly feeling existed between all of the races; very little friction was noted during my entire visit. According to the latest

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estimates based on the Census of 1930 and other registrations of the Indian population there are in Robeson County, North Carolina a total of 70,000 people, of whom 13,000 are classed as Indians and 22,000 as negroes. Indians have the same civil rights as white persons and vote freely at all elections with hindrance or embarrassment. They have considerable political power and influence in this part of North Carolina. Educational opportunities, however, are limited to the schools provided by the State for their separate use; they do not have the right to attend the higher institutions of learning of the State. This restriction is a hardship keenly felt by the members of the race. Their ambitious young people are compelled to get higher training in the schools of adjacent states and many of them have done this. Their numbers are increasing rapidly and they soon must expand the area of agricultural land occupied by them or seek homes elsewhere. Fortunately, there is right at hand great areas of excellent land in Robeson and adjoining counties available for their settlement provided some plan is worked out to clear, ditch, drain and make it ready for the growing of crops. Less than half of the land in Robeson County alone is in cultivation, and the same may be said of adjoining counties. We believe that there is sufficient land to take care of normal increases in population in this area for many decades to come. It will not be necessary to abruptly or rudely expatriate the Indian population in order to provide them homes. This may be done in an orderly and gradual manner without causing any great economic upheaval or dislocating the social or business life of the community. It is recognized that the land tenure system cannot be uprooted all at once. All "Share-Croppers" and farm laborers cannot be immediately vested with land ownership. It should be a gradual and a continuing process; a permanent part of governmental machinery if it is to attain the highest success. The plans set forth herein are designed to inaugurate this important policy in a reasonable, feasible way. I have found that the Indians of Robeson County have a splendid credit rating, a reputation for integrity and industry and for meeting their just obligations. My personal observation among them for nearly two weeks at a time when crops were growing convinced me that their reputation for energetic industry is well-founded. Man, woman and children all work in the fields of cotton, corn and tobacco and in subsistence gardens; they are taught and brought up to work and understand how to work. To be lazy is considered a social stigma among them. They plan, save and prepare food for the winter. They have been compelled to do this from time immemorial, so that it is a fixed habit among the majority of the people. Stern necessity has made them what they are,- they have to work or suffer,- they have no paternal government standing back of them to appeal to for succor,- consequently they have learned to depend on themselves. With only a little help their condition may be greatly alleviated, and this, too, may be done in a manner which will not make them dependent, but as self-reliant and able as they always

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have been up to the present time. They may be counted upon to do their full part in any program which may be adopted by the government. I do not believe that a better opportunity exists anywhere for the successful carrying out of a rational rural rehabilitation than that which presents itself in Robeson County, North Carolina among this people.

Having discussed briefly the people concerned in this proposed program let us now turn our attention to the County and State in which it is to be effectuated. Attention is invited in this connection to a map of this county made a part of this report and marked Exhibit A; also to a highway map of North and South Carolina marked Exhibit B. The latter shows the location of the County of Robeson in its relation to other parts of the State of North Carolina. The former shows the political subdivisions of the County, a general index of the towns and villages and of the schools and churches, both Indian, negro and white, and the location of the principal railroads, roads and highways and other important data. On Exhibit A is also shown, bounded by a green border, the general area occupied by the Indians of this part of the State. The three principal tracts of land which it is proposed to purchase are also set forth. This does not represent all of the land but indicates those lands which in our judgment should be first purchased. The start of the project should be made on these lands. Other lands can be added as soon as may be practicable. Fortunately, there yet remains ample uncleared land available for settlement and development within the boundaries of Robeson and adjoining counties. According to the data given me by the County Agent of Robeson County there are some 250,000 acres now under cultivation and 337,000 acres not under cultivation. The latter class of lands are mostly what may be designated "logged-off lands" and those in abandoned fields and swamps. The soil is rich and very fertile in this region although to use the language of the locality, it is spotted, that is, it is not entirely uniform. In some places it is overlaid with sand which crops out in places and this fact makes it extremely important that before tracts of lands are purchased they should be subjected to the close scrutiny of soil experts. The land is generally level; the elevation above sealevel is 102 feet. There is ample rainfall and it is generally well distributed throughout the year. I have attached hereto Exhibit C which shows in statistical form the most important data with regard to the climatic conditions prevailing in this general region. Robeson County and certain selected areas in adjoining counties are clearly "Resettlement Areas", that is, they are capable of being used to relocate agricultural population removed from other less favored portions of the state. There is a resettlement program now going on in an adjoining county under the supervision of the local relief administration. Conditions are ideal for the development of a rural community of the Indian

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population. An ample supply of potable water may be obtained easily; there is ample timber for construction purposes and for firewood and for the curing of tobacco. The temperature is mild; the growing season is long and winters are mild. The soil is of great fertility and produces abundantly a great diversity of crops. I have attached hereto Exhibit D showing briefly the kinds of crops grown in this region by cultivation; also the resources in the way of wild life, such as game and the products of soil native to this part of North Carolina. Not only is it possible to grow many different kinds of crops but conditions are also favorable for growing from one to four crops on the same land each year by the proper planning and rotation of the crops. It is possible to plant wheat in the fall, harvest it in the early summer, plant a corn crop on the same land, plant beans or peas in the growing corn and after those three crops are gathered plant winter cabbage, turnips, mustard or collard. I have set forth some of the crop combinations which may be raised in one year on the same land on Exhibit E. Unfortunately, the growing season at this latitude does not make it possible to market fruits and vegetables successfully in competition with Southern Georgia and Florida whose products dominate the early vegetable and fruit market. Later on the market of the northern states is supplied locally or by communities located farther north nearer the place of sale. I discussed this matter fully with the County Agent and with the Indians themselves. At first blush it would seem that the area were ideally adapted for the growing of vegetables for the market. Up to this time it has not been a success. This source of income is therefore closed to the Indians who are to be located on the proposed project. But it will not prevent any of them from growing for their own use practically all of their food supplies. Properly equipped with livestock an Indian family would be enabled to grow its breadstuffs, produce an ample supply of meat and dairy products which with a great variety of vegetables would make the family almost entirely self-supporting from the land. We have analyzed what we have regarded as a proper division of the acreage in farms ranging from 50 acres to 2½ acres and have allocated the crops which we deem might be profitably grown by Indian farmers to be benefitted from the proposed relief project. This is merely a tentative partitioning of the land and is intended to be suggestive of the possibilities of farms of various sizes. It is the plan generally followed by successful farmers in this region, both white and Indian. It can be varied to suit the needs of each family. It is made a part hereof and marked Exhibit F.

As this project is intended as a combined Work Relief and Rural Rehabilitation plan it becomes necessary for us to discuss briefly the situation in which an impoverished tenant would find himself should he desire to take advantage of living on a tract of land provided by the government. In the first place we propose to purchase largely, if possible, lands not now in cultivation but those commonly designated as "logged-off lands" upon which Indians now on relief may be given employment. Lands of this character may be obtained by the government at the present time at very fair prices.

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In order to indicate roughly the character and amount of labor required to clear an acre of this kind of land we made a study of the operations necessary to reduce it to cultivation from a raw and wild state. We assume that the government desires to provide employment primarily but that it also desires to use the land for settlement afterwards. Under such circumstances we advise that the land be placed in good condition with all the stumps and roots removed. This is not the general and ordinary way where the settler does all the work himself with hand tools. We contemplate the use of a limited amount of heavy equipment such as tractors, heavy disks and plows, etc. The advantage of this plan is great in that it saves a year or two of waiting for the occupant of the new land before money crops can be planted. Most of the labor will be unskilled and will be performed by hand. The ditching in many instances may also be done by hand labor,- this being the usual way in this part of the country.

The question may be asked as to the amount of land which should be set aside for the use of each family. This naturally will depend upon the size of the family, the ages of the prospective settlers, their marital status, and many other factors. We do not need to go into this matter at length at this time. In Exhibit F we have worked out a crop plan for farms of various sizes ranging from 50 acres down to 2½ acres which we trust will be of value to the Office. A part of each farm should be set aside for a woodlot preferably, or if this is not deemed good practice a portion of each project should be reserved for common use for pasturage and as a source of fuel supply and for construction purposes. It was noted that nearly every farm now in operation had a tract of woodland contiguous to the cultivated lands. This is the most advantageous arrangement for the settler. The pasturage of his cattle and his hogs should be located near his home so as not to consume too much time in going back and forth from the home to the pasture. Domestic animals require shade and the mistake should not be made of clearing too much land of each farm unit. As the title to the land will be held by the government the control of the forest may be maintained whether the timber lands are held in common or assigned in connection with each separate farm unit. The size of the farm should be adjusted to the requirements of each family. It would be a serious mistake, in my judgment, and in the judgment of the Indians competent to pass on this question to assign to each family too small an acreage. Opportunity to labor is limited and restricted. There are no manufacturing establishments which will absorb Indian labor and the prospects are that there will be none in the future. Most of the factory labor in the cotton and other mills is performed by white people. The turpentine industry and the lumber mills, in large measure, have left this part of North Carolina. Labor on public works will afford but limited

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scope for employment as this field has been largely taken over by white workers. All of these facts must be taken into consideration in the formation of a plan for the rehabilitation of the Indians. We are constrained to believe that the future of the Indian in this part of the State of North Carolina will largely be on the land; that his living must be earned from the land and that his employment will be almost wholly on his land. Consequently, it would be a serious mistake to place an Indian family on too little land, or to depend upon much outside employment to supplement the income from the growing of crops. The Indian farmer must not only grow most of the food for the use of his family but also must produce a certain amount of money crops to enable him to purchase the things which he cannot raise. It is very common among this people to find large families and provision should be made now for the increase in population in the Indian group. Indeed, the population is, at the present time, pressing closely upon the capacity of the agricultural lands now in cultivation. Many parents express concern as to the future of their children, - they see no way out except through the government taking the steps suggested in this report, - the making available of additional lands as homes. A family consisting of a man and wife and ten children, which is common, cannot be expected to make a success of farming on a few acres. We feel that the standard size of a farm should be 40 acres and have based our calculations upon that figure. A farm of such a size will take care of all the needs of a large family now and for many years to come; it will provide a building site for farm buildings, for subsistence gardens, a wood lot, pasturage for sheep, hogs, goats and other livestock, make possible the production of wheat and other breadstuffs, the proper rotation of crops so as to conserve soil fertility, and the growing of such money crops as cotton and tobacco as will enable the family to live a wholesome and prosperous life, - that full life which is the vision cherished for rural communities. This amount of land will also, to a limited extent, afford a home for one or more married children. It would be a mistake to settle a family upon a small farm now with the expectation of buying, at a reasonable figure, additional lands in the future. Land is rising in value and will continue to rise in this part of North Carolina. The continued influx of farmers in this ideal resettlement area is bound to have its effect on land values. The time to acquire the land is now when values are low and when funds are available. We have taken into consideration that many destitute Indian families will not require this amount of land. A widow or an old couple could be accommodated on from two and one-half to five acres, and many families can be nicely taken care of on ten or twenty acres. Attention is invited to Exhibit F which indicates a crop plan for farms ranging from 2½ acres to 50 acres designed to show the possibilities on tracts of lands of various acreages.

As to the plan of resettlement it was the consensus of opinion among the Indians that the " neighborhood " plan instead of the village plan should be adopted. All were outspoken in favor of having each home out on the land which is the universal custom among the members of this group.

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After a careful investigation of this phase of the resettlement program we are of the opinion that the wishes of the Indians in this matter should be respected. We have observed that those now living on small farms are better off than those who live in the small villages. A neighborhood group should have, however, a community building large enough to take of the needs for wholesome recreation. It could be designed as a combined gymnasium, social hall and as a place for the meeting of farm chapters, 4-H clubs and other like organizations. This building should be located at a convenient place in the neighborhood and enough ground should be reserved to provide for baseball and volleyball grounds, tennis courts and for other outdoor sports. There is a great need among this people for a building of this character.

Robeson County, North Carolina is well adapted for the carrying out of rural electrification. Power lines are located near enough the lands recommended for purchase in this report as to make possible at little expense the bringing of this utility to the homes of the Indians. A number of Indian families now living in Pembroke and other villages use electricity. I visited one farm home which had electric lights, a radio, electric range and ice box and other conveniences. It must be recognized that a family must have reached a certain degree of prosperity and have a steady income before it can afford this convenience, a steady income being required to meet the expense. We are confident that rural electrification will be one of the great future developments in this part of North Carolina. It is being considered as a project by the local Relief Administration.

Attention is invited to various exhibits to this report which elucidate the problem presented by the proposed Work Relief Program and subsequent resettlement of the Indian families on the land. We feel strongly that the United States is justified in coming to the aid of a people already recognized by the laws of the State of North Carolina as Indians. It is true that they have no treaty or other legal relationship with the United States government. Under many handicaps and beset with many difficulties they have, up to this time, made their own way. I would not have the government assume that measure of control which is now exercised over many Indian tribes as I feel that this would tend to bring about a spirit of dependence which would tend to destroy that sturdy spirit of self-reliance which now prevails. But the measure of relief recommended herein, if properly carried out, will not, in any way, bring this to pass. This plan is intended to give Work Relief and to take Indians off the relief rolls by giving them employment at reasonable wages. The project has already received the approval of Mr. James M. Gray, Head Agricultural Economist, whose letter dated June 28, 1935 addressed to Mr. L. C. Gray, Chief, Land Utilization, is made a part of this report. Among other things Mr Gray says,

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" This group of Indians is different in that they are individual land owners, or tenants on individually held land. There is a very definite problem of resettlement among the Indians. I believe that this would make a splendid project in resettlement because there is available within the area now occupied by the Indians land suitable for this purpose."

" My only thought in writing at this time is that from the information in hand, and my personal knowledge of the situation, I feel a real service can be rendered these Indians in resettlement and rehabilitation.

I may say that Mr. Gray is Head Agricultural Economist of the District in which the State of North Carolina is located, of the Resettlement Administration. He is personally familiar with the situation among the Robeson County Indians. I feel that his endorsement of this program should carry the weight to which it is entitled.

The Indians themselves are backing it almost to a man; they are willing to pay back to the government, over a period of years, such items of expenditure as may be deemed properly reimbursable; they are willing to go on the land and have the government hold the title, or they will consent to the repurchase of the land from the government, if such is determined upon; they are willing to work for wages and they are anxious to go on the land and hew out their livelihood; they may be depended upon to carry out all of their promises and agreements. I do not believe that there can be found anywhere in the country a project which offers greater hope of complete success than the one herein proposed. As an official of the government I give it my unqualified approval and hearty endorsement agreeing in every particular with Mr. Gray whose letter is quoted in part above.

It has been a source of satisfaction to me to have been designated to make this preliminary survey. We are hopeful that our efforts have been useful to you and that from them there will come a successful inauguration and carrying out of a Work Relief and Rural Rehabilitation program among a worthy and deserving group of Indians.

Very respectfully,


Fred A. Baker, Superintendent,
Sisseton Indian Agency.

Enclosures
See Exhibits herewith

EXHIBIT TO REPORT OF FRED A. BAKER.

- Exhibit A,- Map of Robeson County, North Carolina, Marked.
- " B,- Highway map of North and South Carolina, Marked.
- " C,- Statistical data as to Robeson County, North Carolina.
- " D,- Statement of crops grown in Robeson County, North Carolina.
- " E,- Statement of combinations of crops, etc.
- " F,- Suggested acreages of various crops on farms of different size.
- " G,- Statement of labor operations involved in clearing land.
- " H,- General description of lands available for purchase, etc.
- " I,- Estimated needs of an Indian family on new land.
- " J,- Combined estimate of needs rehabilitation and resettlement of 200 Indian families on proposed projects.
- " K,- Copy of letter approving project of James A. Gray, Head Agricultural Economist.
- " L,- Statistical statement of families on Relief, Robeson County, North Carolina.
- " M,- Letter of approval of Joseph Brooks, Tribal Delegate, Indians of Robeson County, North Carolina.
- " N,- Letters of instructions from Commissioner of Indian Affairs as to making preliminary investigation.
- " O,- Statement of Personnel needed in Work Relief Program.

EXHIBIT " A "

Note:- Map filed with original copy of report. Only one copy available.

EXHIBIT " B "

Highway pay of North and South Carolina. Copy of map filed with original copy of report.

EXHIBIT-----"C"-----

Statistical data as to Robeson County,
North Carolina.Location:

Southeastern North Carolina touching Northern boundary of South Carolina.

Longitude, between 79 degrees and 80 degrees west, approximately
Latitude, between 34 degrees and 35 degrees north, approximately.

Agricultural Classification

466 D Coastal Plain (see map " Type of farming areas in the United States, 1930. Bureau of the Census, etc, Department of Agriculture.)

Area

900 square miles, approximately.

587,000 acres

- a. under cultivation-----250,000 acres
b. not under cultivation-----337,000 acres

EXHIBIT-----

Altitude above Sea Level

Rainfall

102 feet-----land in
county generally level. No hills of
any size.

48.49 inches (Record over a
period of forty years, 1887-1920)

Distribution of Rainfall

January	3.21 inches	July	5.68 inches
February	4.27 inches	August	5.94 inches
March	3.71 inches	September	4.40 inches
April	3.55 inches	October	3.18 inches
May	3.87 inches	November	2.17 inches
June	5.47 inches	December	3.14 inches

Mean maximum annual temperature	73.9 degrees
Mean minimum annual temperature	50.3 degrees
Highest temperature recorded (1926)	108 degrees
Lowest temperature recorded (1899)	1 degree

EXHIBIT DRobeson County, North CarolinaPrincipal crops

Cotton,	Cabbage	Peaches
Tobacco	Collard	Apples
Corn	Beets	Plums
Wheat	Lettuce	Pears
Oats	Okra	Grapes
Rye	Peppers	Blackberries
Potatoes, Irish	Onions	Raspberries
Potatoes, Sweet	Tomatoes	Strawberries
Watermelons	Carrots	Huckleberries
Cantaloupes	Turnips	Plums, wild
Cane, Ribbon	Rape	Cherries, wild
Cane, Sorghum	Cucumbers	
Peas, field		

Wild game

Rabbits	Ducks	<u>Fish</u>
Raccoon	Quail	Trout
Opossum	Dove	" Jacks "
Mink		Pike
Squirrel		Perch
Deer, (very few)		Catfish
		Blackfish
		Redbreast
		" Brims "

Note:-

This statement is submitted as to wild game for the reason that this resource contributes substantially to the subsistence of the population of this region. This is also true of wild fruits. It would be advisable to conserve this resource, develop it and make it of greater utility to the people.

EXHIBIT-----E-----

Statement of combinations of crops which can be produced in one
crop year in Robeson County, North Carolina. (November 1 to October 31)

Wheat)			
Rye)		corn, peas (or beans)	(Cabbage
Oats)			(turnips
			(mustard
			(collard

Wheat corn peas (or beans)

Rye corn peas (or beans)

Oats corn peas (or beans)

Wheat)	
Rye)	Sorghum or ribbon cane
Oats)	

Tobacco and peas (or beans)

Tobacco and rye (or wheat)

Corn and peas (or beans)

Peanuts and peas (or beans)

Watermelons and peas (or beans)

Wheat and corn

Rye and corn

Oats and corn

Oats and peas (or beans)

Rye and peas (or beans)

Wheat and peas (or beans)

Cabbage and corn (and beans)

Wheat corn cabbage (or collard or mustard)

Note:

The above data sets forth a number of crop rotations and combinations. Other groups of crops may be mentioned.

EXHIBIT F

Suggested acreages for crops on lands proposed to be purchased
as a work project for the Indians of Robeson County, North Carolina.

50 Acre Farm

1. Cotton	10 to 15 Acres
2. Tobacco	3 to 5 Acres
3. Corn	5 to 10 Acres
4. Wheat	3 Acres
5. Orchard	1 Acre
6. Garden	1 Acre
7. House and Yard	$\frac{1}{2}$ Acre
8. Barnyard, chicken house, Hog lot, etc.	1 Acre
9. Wood lot	13 $\frac{1}{2}$ Acres

40 Acre Farm

1. Cotton	6 to 9 Acres
2. Tobacco	2 to 3 Acres
3. Corn	6 to 8 Acres
4. Wheat	3 Acres
5. Orchard	1 Acre
6. Garden	1 Acre
7. House and Yard	$\frac{1}{2}$ Acre
8. Barnyard, Chicken House hog lot	1 Acre
9. Wood lot	$13\frac{1}{2}$ Acres

30 Acre Farm

1. Cotton	4 to 5 Acres
2. Tobacco	1 to 2 Acres
3. Corn	5 to 7 Acres
4. Wheat	2 to 3 Acres
5. Orchard	1 Acre
6. Garden	1 Acre
7. House and yard	$\frac{1}{2}$ Acre
8. Barnyard, Chicken house, hog lot etc.	1 Acre
9. Wood lot	$9\frac{1}{2}$ Acres

20 Acre Farm

1. Cotton	2 to 3 Acres
2. Tobacco	1 to 2 Acres
3. Corn	3 to 5 Acres
4. Wheat	2 Acres
5. Orchard	$\frac{1}{2}$ Acre
6. Garden	$\frac{1}{2}$ Acre
7. House and Yard	$\frac{1}{2}$ Acre
8. Barnyard, Chicken house, hog lot, etc.	$\frac{1}{2}$ Acre
9. Wood lot	6 Acres

10 Acre Farm

1. Cotton	1 Acre
2. Tobacco	1 Acre
3. Corn	2 Acres
4. Wheat	1 Acre
5. Orchard	$\frac{1}{2}$ Acre
6. Garden	$\frac{1}{4}$ Acre
7. House and Yard	$\frac{1}{4}$ Acre
8. Barnyard, Chicken house, hog lot,	
Etc.	$\frac{1}{4}$ Acre
9. Wood lot	2 $\frac{3}{4}$ Acres

5 Acre Farm

1. Cotton	$\frac{1}{2}$ Acre
2. Tobacco	$\frac{1}{2}$ Acre
3. Corn	1 Acre
4. Wheat	$\frac{1}{2}$ Acre
5. Orchard	$\frac{1}{4}$ Acre
6. Garden	$\frac{1}{4}$ Acre
7. House and Yard	$\frac{1}{4}$ Acre
8. Barnyard Chicken house, hog lot,	
Etc.	$\frac{1}{4}$ Acre
9. Wood lot	$1\frac{1}{2}$ Acres

2 $\frac{1}{2}$ Acre Farm

1. Cotton	None
2. Tobacco	None
3. Corn	$\frac{1}{2}$ Acre
4. Wheat	None
5. Orchard	$\frac{1}{4}$ Acres
6. Garden	$\frac{1}{4}$ Acres
7. House and Yard	$\frac{1}{4}$ Acres
8. Barnyard, Chicken House, Egg lot, Etc.	$\frac{1}{2}$ Acres
9. Wood lot	$\frac{3}{4}$ Acre

EXHIBIT _____.

EXHIBIT " G "

Statement of labor operations involved in clearing and draining lands under proposed Work Relief Projects for the Indians of Robeson County, North Carolina.

1. Falling of trees, by cutting or pulling by tractor and cable.
2. Bucking, swamping and decking (peeling of trees if log construction is to be carried out).
3. Cutting, piling and burning of underbrush.
4. Removal of stumps.
5. Plowing by heavy breaking plow with teams or tractor, the latter preferred.
6. Removal of roots, some grubbing.
7. Disking with heavy disk, team or tractor, the latter preferred.
8. Removal roots.
9. Cross-disking.
10. Bedding out or dead furrowing.
11. Harrowing.
12. Ditching.

Estimated cost clearing logged-off lands. \$25.00 an acre.

Estimated cost of ditching lands per acre

(Assuming that main canals have been

excavated) 6.00 an acre.

Total cost per acre \$31.00

Wages in region (Unskilled). \$22.00 per month.
Estimated number of man-months
per acre (unskilled labor). 1.4

Note:

No account is taken herein of the employment of skilled labor as the greater part of the work of clearing and ditching land will be performed by unskilled labor. Some skilled labor would be necessary for surveying of drainage, ditches, operation of tractors and other power machinery, but the amount would be very small in comparison with the use of unskilled labor.

EXHIBIT " H " Statement No. 1.
W. Newton Jackson, Wm. S. Gordy, Jr., and F. W. C. Webb

Receivers for

W. T. Sledge Gen. Supt.	JACKSON BROTHERS COMPANY Manufacturers of Kiln-Dried North Carolina Pine Cypress-Hardwoods General Offices: Salisbury, Md. Brunswick, N. C.	Shipping Point: Whiteville, N. C.
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LANDS OWNED IN ROBESON COUNTY:

<u>Township</u>	<u>Acres</u>
<u>Wishart Township</u>	
Butters Lumber Co.	165
B. L. Downing	287
<u>White House Township</u>	
Drusie Inman	24
R. C. Rogers	48
A. L. Bullock	166
<u>Thompson Township</u>	
Joseph E. Cox	242
<u>Raft Swamp Township</u>	
L. E. Tynor	50
<u>Pembroke Township</u>	
D. J. McCormick	132
G. B. Patterson	200
W. W. McCormick	81
<u>Orrum Township</u>	
Stubbs	5
<u>Maxton Township</u>	
B. R. Townsend	700
<u>Howellsville Township</u>	
G. F. Allen	46
E. Campbell	46
G. B. Shaw	46
<u>Gaddys Township</u>	
A. E. White	147
<u>Britts Township</u>	
J. E. Britt	404
C. F. Bullock	75
T. A. Norment	72
W. J. Ward	100
	3016

EXHIBIT " H " Statement No. 2.

1. Name of proposed work project. Baker Tract.
2. Owners Angus C. Pate, Rowland, N. C.
Dr. G. M. Pate, Rowland, N. C.
C. O. Pate, Rowland, N. C.
Z. W. Pate, Laurinburg, N. C.
3. Number of acres. 1800, more or less.
4. Location State of North Carolina,
Alfordville and Pembroke
Townships, Robeson County.
5. Towns. Maxton - 8 miles.
Pembroke - 3 miles.
Lumberton - 18 miles.
Elrod - 2 $\frac{1}{2}$ miles.
6. Schools. Sampson District School at edge of tract.
Pembroke High School.
Indian State Normal College, Pembroke.
7. Churches Harper's Ferry - $\frac{1}{2}$ mile.
White Hill - 1 $\frac{1}{2}$ miles.
Pembroke - 3 miles.
8. Roads. State improved highway runs
along south side of tract.
Also State improved highway
runs along north side.
U. S. Highway 74 runs
near northwest corner
and along north of tract
from $\frac{1}{2}$ to 1 mile distant.
9. Railroads. (a) Seaboard Airline Railroad runs
within 1 $\frac{1}{2}$ miles northerly from tract.
(b) Atlantic Coast Line runs within 2
miles southeast of tract.
(c) Maxton-Alma and Southbound R. R.
passes west tract about 2 $\frac{1}{2}$ miles.
10. Electric Power Lines . . Main line and sub-station line within
1 $\frac{1}{2}$ miles north - Carolina Power Company.

11. Rivers. Lumber River within $\frac{1}{2}$ mile of tract.

12. Topography

Acres cleared. 160

Acres uncleared. 1680

(a) Drainage

Area drained by three main canals, all completed.

Tract needs additional drainage by lateral canals which may be dug by hand or by special machinery suitable for that purpose.

Area subject to overflow - none.

Area which can be cultivated by clearing -- all of the tract.

Remarks - Land is level generally with sufficient fall to insure efficient drainage by proper ditching.

13. Soils. Dark Norfolk Sandy loam.

All good land for agriculture when drained and cleared. No noxious weeds noted. Insect pests -- "Red bugs" and mosquitoes, both of which disappear from clearing and cropping of land.

14. Minerals. None.

Sand for building purposes may be gotten on the land or near it.

16. Timber. . . . Land has been "logged-off" - second growth short-leaf pine, oak, maple, gum, and some hickory cover the un-cleared lands.

Value of timber (for wood and building purposes). . . . \$8.00-\$10.00 an acre.

16. Improvements

U. S. Government fence and several old houses.

17. Valuation of Land

This land should be purchased by the Government at from \$10.00 to \$12.00 an acre.

18. Crops

See Exhibit _____.

19. General Remarks

EXHIBIT " H " Statement No. 3

June 27, 1935.

Mr. Fred A. Dater,
Special Agent,
City.

Dear Sir:

In accordance with your request, I have obtained from the records a list of property owned by Mrs. Eoline P. Spiro in Howellsville Township and find that the total acreage, according to the list record, is 970 acres. While this land does not all adjoin, according to my understanding, these various tracts lay in close proximity, one tract containing at least nearly 400 acres.

In St. Pauls Township, which is adjacent to Howellsville Township, she has 585 acres, more or less, exclusive of the tract of land located near the edge of the Town of St. Pauls. It is my understanding that a goodly part of the St. Pauls Township lands is located between the Howellsville lands and the Town of St. Pauls and that at least part of it is not far north of the Howellsville Township lands.

I have just procured information to the effect that McLearn & Stacy, locally, represent the Butters Lumber Company.

It occurred to me that you might desire to obtain information as to the relative location of these various tracts of land to each other, and if you are going to be in this vicinity for some several days I can obtain definite information with respect to this. You may let me know if you care to obtain this information.

Very truly yours,

Johnson & Floyd,

EXHIBIT " H " Statement No. 4

Tract No. 6 W. R. Mc Neil Lands (Buie Estate.

Note:- Map is filed with original report only.

EXHIBIT " I "

Estimated needs of an Indian Family on New Lands
(Robeson County, North Carolina)

<u>Land and equipment, etc.</u>	<u>Estimated cost</u>
40 acres at \$15.00 an acre,.....	\$600.00
<u>Buildings</u>	
1 House,.....	\$500.00
1 Barn,.....	\$125.00
1 Barn, (Tobacco),.....	\$120.00
1 Chicken House,.....	\$ 20.00
1 Smoke House,.....	\$ 20.00
1 Sanitary Toilet,.....	\$ 18.00
<u>Livestock</u>	
1 Mule,.....	\$175.00
1 Cow,.....	\$ 40.00
1 Sow, brood,.....	\$ 15.00
3 pigs (\$5.00 each),.....	\$ 15.00
30 chickens (40 cents each),....	\$ 12.00
<u>Farm Equipment</u>	
1 Wagon,.....	\$ 65.00
1 set harness, single,.....	\$ 15.00
1 Oliver Turning plow,.....	\$ 10.00
1 Shovel Stock plow,.....	\$ 8.00
1 Axe,.....	\$ 1.50
3 hoes, (\$1.25 each),.....	\$ 3.75
2 rakes,.....	\$ 2.50
1 Pitchfork,.....	\$ 2.25
1 set (Square, Saw and Hammer),.....	\$ 7.00
3 rolls, wire (hog) at \$10.00 each,.....	\$ 30.00
3 rolls, wire, barbed, \$ 5.00 each,.....	\$ 15.00
<u>Fertilizer</u>	
Lime,.....	\$ 20.00
Soda,.....	\$ 10.00
Guano (For Tobacco and Cotton),.....	\$ 50.00
<u>Seed</u>	
Cotton, \$5.00; tobacco, \$7.00; Corn, \$3.00, Garden Seed, \$5.00,.....	\$ 20.00
<u>Credit</u>	
Funds for support of family for 8 months during the crop growing season at \$10.00 per month,	\$ 80.00
Total,.....	\$2,000.00

EXHIBIT " J "

Estimated needs of 200 Indian Families re Rural
Rehabilitation Program, Robeson County, North Carolina

<u>Land, Equipment, etc</u>	<u>Estimated Cost</u>
Land, 40 acres for each family, 8,000 acres at \$15.00 an acre,.....	\$120,000.00
200 Houses at \$500.00 each,.....	\$100,000.00
200 barns at \$125 each,.....	\$ 25,000.00
200 barns, Tobacco, at \$120 each,.....	\$ 24,000.00
200 chicken Houses at \$20 each,.....	\$ 4,000.00
** 200 smoke houses, at \$20 each,.....	\$ 4,000.00
200 mules at \$175 each,.....	\$ 35,000.00
200 cows at \$40 each,.....	\$ 8,000.00
200 sows at \$15 each(for breeding purposes),	\$ 3,000.00
600 pigs(3 each family for meat first year)	\$ 3,000.00
6,000 chickens (30 to a family),.....	\$ 2,400.00
200 wagons, at \$65 each,.....	\$ 13,000.00
200 sets harness, single at \$15 each,.....	\$ 3,000.00
200 Oliver Turning Plows at \$10 each,.....	\$ 2,000.00
200 Shovel Stock plows at \$8 each,.....	\$ 1,600.00
200 axes at \$1.50 each,.....	\$ 300.00
600 hoes (3 to each family),.....	750.00
400 rakes (2 to a family),.....	500.00
200 pitchforks,..... at \$2.25 each,.....	\$ 450.00
200 sets (Saw, Square and hammer) at \$7 set,...	\$ 1,400.00
600 rolls wire (3 for each family at \$10 each (hog)	\$ 6,000.00
600 rolls wire, barbed(3 rolls each family at \$5	\$ 3,000.00
200 units Lime fertilizer, at \$20 each family,.....	\$ 4,000.00
200 Units, Soda, at \$10 each, family.....	\$ 2,000.00
200 Units Guano, at \$50 for each family,.....	\$ 10,000.00
200 Units, Cotton Seed at \$5 each family,.....	\$ 1,000.00
800 Units, Tobacco Seed, \$7 each family,.....	\$ 1,400.00
200 Units, Corn, at \$3 for each family,.....	\$ 600.00
200 Units, Garden Seed, at \$5 each family,.....	\$ 1,000.00
** 200 Toilets ... ** Credit at \$18 each,...	\$ 3,600.00
200 families, Credit for each family for 8 months pending income from land, at \$10 per month for each family,.....	\$ 16,000.00
** Note:- This is a vital part of the entire pro- gram. The government will have to take the place now occupied by the landlords if this plan is to be a success.	
Total estimated cost for the rehabilitation and resettlement of 200 Indian families,.....	\$400,000.00

EXHIBIT " K "

Raleigh, North Carolina
June 28, 1935

Dr. L. C. Gray, Chief
Land Utilization,
Resettlement Administration,
Washington, D. C.

Dear Dr. Gray:

Mr. Fred A. Baker, connected with the Indian Office was in to see me this morning relative to a project at Pembroke. It seems that his office has asked him to make a preliminary survey looking towards a resettlement project with the Indians of this area. As I see the project it more nearly falls under Dr. Taylor's division than the Land Utilization. However, I am writing you relative to the matter for your information. If you want me to follow it up further, I will do so, or you can refer it to Dr. Taylor.

This group of Indians is different in that they are individual land owners, or tenants on individually held land. There is a very definite problem of resettlement among the Indians. I believe that this would make a splendid project in resettlement because there is available within the area now occupied by the Indians land suitable for this purpose.

My only thought in writing at this time is that from the information in hand, and my personal knowledge of the situation, I feel that a real service can be rendered these Indians in resettlement or rehabilitation.

Mr. Baker will present the results of his survey to you after conferring with his office in Washington.

Sincerely yours,

James A. Gray,
Head Agricultural Economist

JM
CC Mr. Baker

REFER IN REPLY TO THE FOLLOWING:

EXHIBIT " N "ADDRESS ONLY THE
COMMISSIONER OF INDIAN AFFAIRS

L-Sub.

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

Mr. Fred A. Baker,
Washington, D. C.

My dear Mr. Baker:

You are directed to proceed to Raleigh, Pembroke and to other points in North Carolina, for the purpose of making a preliminary investigation of the feasibility of setting up a land purchase and work relief project for the rehabilitation of the Siouan Indians of North Carolina, for presentation to the Resettlement Administration.

Mr. W. A. Hartman, Regional Director, Resettlement Administration, is at Raleigh, North Carolina, and you are directed to confer with him and to secure his cooperation and authorization for such a project, if it is found desirable and feasible.

A considerable number of the Siouan Indians are living in and near Pembroke, in Robeson County, North Carolina, and the Office is advised that they desire to secure the use and control of land in that county, a major portion of such land to be suitable for agriculture in the raising of cotton, tobacco, subsistence gardens and pasture for domestic stock. They have for many years been engaged in this class of agriculture as "tenant" or "crop-share" farmers, and it is desired to secure land for them which can be assigned to individual Indians, the fee title to remain in the United States.

Mr. Joseph Brooks, whose address is Box 1022, Pembroke, North Carolina, has visited the Office on behalf of these Indians and states that land suitable for Indian use can be purchased in Robeson County. He states that he will lend every assistance possible in this work and will secure the assistance of other Indians if necessary. Any tract of land set up as a purchase area should be one upon which the Siouan Indians would go and establish homes; consequently, they should be consulted as to their desires. Mr. Brooks states that they want agricultural land which can be assigned for their use in areas of from twenty to forty acres per family, for the actual growing of crops, this to be supplemented with sufficient and suitable land to be used for grazing and pasturage for domestic stock.

The object sought by this preliminary survey is to determine whether a body of land suitable for the use indicated can be acquired; what measure of relief the acquisition of such a tract will afford by reason of work required to make it fully available, and in what degree this work program will tend to take Indians off the relief rolls.

Such a purchase and relief program must meet with tentative approval of the Regional Director of the Resettlement Administration before it can be presented for definite approval by the Division of Rural Land Planning and Development.

It is requested that your report of work done under this assignment be presented prior to June 28.

Sincerely yours,

(Signed) William Zimmerman,

Assistant Commissioner.

EXHIBIT " 0 "Statement of Personnel needed in Work Relief Program
for the Indians of Roberson County, North Carolina

1. Land Appraisers.
2. Soil Analyst.
3. Agricultural Economist.
4. Civil Engineers for surveying boundaries of Tracts and areas to be assigned individual families; also for laying out roads through tracts and for other duties incident to the work.
5. Project Superintendent.
6. Foremen of operations.
7. Tractor operators. Truck Drivers.
8. Architects for planning of homes.
9. Superintendents of construction of homes and farm buildings.
10. Carpenters.
11. Brick Masons.
12. Blacksmiths
13. Clerical, timekeepers, bookkeepers and other clerical labor.
14. Unskilled labor largely to be used on work incident to clearing land, ditching, roads, construction of homes and other tasks of like character.

Note:- This is not intended to be a complete list of the employees needed in the carrying out of the proposed project. It is intended to be suggestive of the kind and character of the labor to be done merely. By far the greater part of the work will be done by unskilled workers.

COPY
from
THE NATIONAL ARCHIVES
Record Group No. 75

*Central Classification
File*

Resettlement Property Dockets:

1. Fred a Baker Report, dated July 9, 1935

Exhibits A & B

Exhibit K - letter dated June 28, 1935 from James A. Gray to Dr. L. C. Gray

Exhibit M - Letter dated July 8, 1935 from Joseph Brooks to John Collier

Exhibit N - Letter from William Zimmerman to Fred A. Baker

Exhibit O - Statement of personnel and work relief program
- Handbook of American Indians dated October 1935 by John Permain

Memorandum to the Commissioner of Indian Affairs from the Asst. Solicitor, Dept. of the Interior, dated April 8, 1935.

- ✓ Authorization of Baker Report from Asst. Commissioner (Indian Affairs) to Fred A Baker, dated June 13, 1935.

- ✓ Approval of program by Joseph Brooks to the Commissioner of Indian Affairs, dated July 8, 1935

Reply by Joseph Brooks dated November 4, 1935.

- ✓ Memorandum from Resettlement Administration to Mr. Grorud from E. R. Henson, Chief Economic & Social Section, Rural Settlement Div., dated December 16, 1936.

- ✓ Letter to the Commissioner of Indian Affairs from Joseph Brooks, dated September 9, 1935.

- ✓ Letter of agreement to take property to Commissioner of Indian Affairs from Joseph Brooks, dated September 9, 1935.

- ✓ Document from Commissioner Collier - Dkt. No. 45499-37

Act of November 2, 1921, 42nd Statute, P. 208, Title 25, Sec. 13 US. Code.

~~EXPENDITURES OF B.I.A. APPROPRIATIONS FOR BENEFIT OF INDIANS THROUGHOUT U.S.A.~~

Act of June 18, 1934, 43 Statute, P. 984 - INDIAN REORGANIZATION ACT...

Defining Indians -- one half or more Indian blood.. for purposes of Act.
Letter dated April 11, 1935 from Joseph Brooks to Commissioner John Collier (Indian Affairs).

Letter dated May 29, 1935 from Joseph Brooks to John Collier

- ✓ Rexford G. Tugwell, Personal Asst. to President (FDR) presented the proposal to the President (NEED DATE)

- ✓ Proposal was sent to National Emergency Council by the President. Was approved in 1935.

Memorandum to the Commissioner of Indian Affairs from
Felix S. Cohen, Asst. Solicitor for the Secretary of
the Interior. (NEED DATE)

REFER IN REPLY TO THE FOLLOWING:

ADDRESS ONLY THE
COMMISSIONER OF INDIAN AFFAIRS

1 Sub

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

July 6, 1936.

MEMORANDUM TO: Mr. Stewart.

Pursuant to your instructions I accompanied Mr. Brooks of Pembroke, North Carolina, to the office of the Assistant Director of the Rural Resettlement Division (Mr. Jenkins) at 11 a.m. this date for the purpose of permitting the impartial presentation of the matter of appointment of the Project Manager for the Pembroke, N.C., Rural Resettlement Project.

Mr. Brooks presented to Mr. Jenkins (in the absence of Dr. Carl Taylor) the fact that on July 15 the appointment of a Mr. Brandon as Project Manager, Pembroke, would be made, and that such an appointment appeared to be contrary to the best interests of the persons who were most concerned in the Pembroke Project, due to this Project Manager's close association with an extensive Mortgage and Investment Corporation operating in the State of North Carolina -- McNair (spelling perhaps incorrect). Mr. Brooks further stated that one reason for this allegation was the fact that Mr. Brandon was very active in the affairs which resulted in foreclosure of a number of mortgages within the Pembroke Project Area.

Mr. Jenkins stated to Mr. Brooks that the Washington Office of the Resettlement Administration acted only in a general supervisory capacity and that if he had a legitimate protest against the appointment of this Project Manager it should be stated in writing to the Regional Director at Raleigh, supported by statement of facts which were subject to backing by proof. Mr. Jenkins further suggested that Mr. Brooks transmit a copy of this protest to the Administrator of the Resettlement Administration and to the Commissioner of Indian Affairs together with a recommendation for the appointment of a Project Manager whom they considered better qualified to fulfill the position and the reasons for such recommendation. (It appears from a letter shown me by Mr. Brooks which he received from Mr. Pearmain that the subject of Mr. Pearmain's appointment to the position of Project Manager at Pembroke has already been taken up by Mrs. Roosevelt with Dr. Tugwell.

Mr. Jenkins indicated that the entire situation is one that should be first presented to the Regional Director at Raleigh and thence progress through the usual channels to the Washington Office of the Resettlement Administration.

- 2 -

As an after-thought Mr. Jenkins telephoned the Appointment Division of the Resettlement Administration and was informed that Mr. Brandon (the person to whom Mr. Brooks and the people he represents object) had as a matter of fact already been appointed to the position of Project Manager at Pembroke, effective as of June 15, 1936, and was now on the active payroll. This was contrary to the information Mr. Brooks had at hand but is, nevertheless, authentic. Mr. Jenkins pointed out to Mr. Brooks that the fact that Mr. Brandon had been employed by this powerful Mortgage and Investment Company in North Carolina was no indication that he was not an impartial and thoroughly capable Manager for the Pembroke Project and that any allegations submitted to the Regional Director with a view to ousting Mr. Brandon and replacing him with Mr. Pearmain was a delicate situation which would require backing. Mr. Jenkins further ascertained from the Appointment Division that the recommendation supporting Mr. Pearmain's appointment to the managerial post of a North Carolina Project was principally supported by the recommendation of a Senator from Montana.

Upon the recommendation of Mr. Jenkins I made an appointment with Messrs. Roy Kimmel and Edwin G. Arnold, Assistants to the Assistant Administrator in charge of the Rural Rehabilitation Division for eleven a.m. tomorrow morning (July 7) with a view to securing further advice to Mr. Brooks in the premises.

Confidential: My recommendation is that the Indian Office take no action of any nature in this matter until receipt of a copy of any written complaint which may be submitted by Mr. Brooks or the people he represents, to the Regional Director at Raleigh. I have no personal knowledge of the matter, but the present appointee to the position of Project Manager at Pembroke appears to be so closely affiliated with a State-wide organization in North Carolina that no action should be taken until some evidence in writing is presented to the Indian Office as a justification for a protest.



EDWIN L. GROOME.

L-Sub
K L G

July 6, 1956.

MEMORANDUM TO: Mr. Stewart.

Pursuant to your instructions I accompanied Mr. Brooks of Pembroke, North Carolina, to the office of the Assistant Director of the Rural Resettlement Division (Mr. Jenkins) at 11 a.m. this date for the purpose of permitting the impartial presentation of the matter of appointment of the Project Manager for the Pembroke, N.C., Rural Resettlement Project.

Mr. Brooks presented to Mr. Jenkins (in the absence of Dr. Carl Taylor) the fact that on July 15 the appointment of a Mr. Brandon as Project Manager, Pembroke, would be made, and that such an appointment appeared to be contrary to the best interests of the persons who were most concerned in the Pembroke Project, due to this Project Manager's close association with an extensive Mortgage and Investment Corporation operating in the State of North Carolina — McFair (spelling perhaps incorrect). Mr. Brooks further stated that one reason for this allegation was the fact that Mr. Brandon was very active in the affairs which resulted in foreclosure of a number of mortgages within the Pembroke Project Area.

Mr. Jenkins stated to Mr. Brooks that the Washington Office of the Resettlement Administration ~~retained only a general supervisory~~ capacity and that if he had a legitimate protest against the appointment of this Project Manager it should be stated in writing to the Regional Director at Raleigh, supported by statement of facts which were subject to backing by proof. Mr. Jenkins further suggested that Mr. Brooks transmit a copy of this protest to the Administrator of the Resettlement Administration and to the Commissioner of Indian Affairs together with a recommendation for the appointment of a Project Manager whom they considered better qualified to fulfill the position and the reasons for such recommendation. (It appears from a letter shown me by Mr. Brooks which he received from Mr. Pearmain that the subject of Mr. Pearmain's appointment to the position of Project Manager at Pembroke has already been taken up by Mrs. Roosevelt with Dr. Tugwell.) Mr. Jenkins indicated that the entire situation is one that should be first presented to the Regional Director at Raleigh and thence progress through the usual channels to the Washington Office of the Resettlement Administration.

Stewart

- 2 -

As an after-thought Mr. Jenkins telephoned the Appointment Division of the Resettlement Administration and was informed that Mr. Brandon (the person to whom Mr. Brooks and the people he represents object) had as a matter of fact already been appointed to the position of Project Manager at Pembroke, effective as of July 15, 1936, and was now on the active payroll. This was contrary to the information Mr. Brooks had at hand but is, nevertheless, authentic. Mr. Jenkins pointed out to Mr. Brooks that the fact that Mr. Brandon had been employed by this powerful Mortgage and Investment Company in North Carolina was no indication that he was not an impartial and thoroughly capable Manager for the Pembroke Project and that any allegations submitted to the Regional Director with a view to casting Mr. Brandon and replacing him with Mr. Fearnin was a delicate situation which would require backing. Mr. Jenkins further ascertained from the Appointment Division that the recommendation supporting Mr. Fearnin's appointment to the managerial post of a North Carolina Project was principally supported by the recommendation of a Senator from Montana.

Upon the recommendation of Mr. Jenkins I made an appointment with Messrs. Roy Kimmel and Edwin D. Arnold, Assistants to the Assistant Administrator in charge of the Rural Rehabilitation Division for eleven a.m. tomorrow morning (July 7) with a view to securing further advice to Mr. Brooks in the premises.

Confidential: My recommendation is that the Indian Office take no action of any nature in this matter until receipt of a copy of any written complaint which may be submitted by Mr. Brooks or the people he represents, to the Regional Director at Raleigh. I have no personal knowledge of the matter, but the present appointee to the position of Project Manager at Pembroke appears to be so closely affiliated with a State-wide organization in North Carolina that no action should be taken until some evidence in writing is presented to the Indian Office as a justification for a protest.

EDWIN L. BROOME.

7-15-36

LAND DIVISION,
OFFICE OF INDIAN AFFAIRS,

May 7, 1936.

COPY TO: Mr. Zimmerman. Mr. Herrick.
 Mr. Cohen, Solicitor's Office Mr. Harper.
 Mr. Daiker. Mr. Dodd.
 Mr. Armstrong. Mr. Crosthwait.
 Mr. Critchfield. Extension Division.
 Dr. Cooley. Organization Division.

Note: The original of this memorandum, with copies attached,
 was sent to Mr. Collier.

J. M. STEWART,
Director of Lands.

Elg

Stewart

INITIALING COPY - FOR FILE

REFER IN REPLY TO THE FOLLOWING:

ADDRESS ONLY THE
COMMISSIONER OF INDIAN AFFAIRS

L-Sub

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

May 1, 1936.

MEMORANDUM TO: Mr. Stewart.

Pursuant to your verbal instructions I accompanied Mr. Joseph Brooks, Representative of the Siouan Indians of North Carolina, to the office of Dr. Carl Taylor, Director of the Rural Resettlement Division, Resettlement Administration, for a conference at 3 p.m. April 30.

I introduced Mr. Brooks to Dr. Taylor as "the representative of a large group of people in Robeson County, North Carolina, who found themselves direly in need of assistance from the Federal Government and it appeared that the Rural Resettlement Division was the only agency at the present time that might be able to render appropriate assistance, inasmuch as the group in question had no recognized standing for consideration as Indians or for recognition and assistance under any of the laws which permit the extension of assistance to recognized Indians, both individual and organizational".

Mr. Brooks then stated to Dr. Taylor that they were very anxious to make of the Resettlement community at Pembroke, North Carolina, a strictly Indian community, composed of Indians of half blood or more. Mr. Brooks stated that it was his opinion that there were at least five hundred such families within the cosmopolitan group of so-called Indians residing in Robeson County.

Dr. Taylor stated to Mr. Brooks that under the law governing the setting up of Resettlement Administration Projects similar to that at Pembroke, North Carolina, there could be no discrimination against race, creed or color in the selection of families to be placed within the project area; that a person of 1/32 Indian blood would and must be given the same opportunity as might be granted a full blooded Indian; that, while projects were set up and under the law must be open with equal opportunity to white, mixed and negro races, nevertheless through the process of actual selection of families to be placed within a certain project it was thus possible without violating the law to establish white community projects, or, for example, an Indian project, and negro Resettlement projects.

Dr. Taylor further stated that while it cannot be in writing, it was nevertheless tacitly understood by everyone concerned that the Pembroke, North Carolina, Resettlement Project was an Indian Project; that selection of families to be placed within this project would be made by Mr. Columbus Andrews of the Regional Director's office at

Raleigh, North Carolina, and that selection made would be from among the group whom Mr. Brooks represents, but that it was very doubtful that Mr. Andrews would adhere to the wishes of Mr. Brooks in the matter of selecting only families able to produce some semblance of proof as to being of one-half Indian blood or more.

Dr. Taylor emphasized to Mr. Brooks that the matter of determination of Indian blood was not a matter for their consideration or concern and that such consideration would not ordinarily enter in any way into the matter of selecting families from the Robeson County group to be placed on the Pembroke County project.

Dr. Taylor suggested, however, that Mr. Brooks go to Raleigh and have a personal conference with Mr. Andrews in the Regional Director's office with a view to setting forth his desires as to which families of the group he represented should be selected for placing upon the Pembroke project, and Dr. Taylor gave Mr. Brooks a very cordial but non-committal letter of introduction to Mr. Andrews and did request therein that he give sympathetic consideration to any matters that Mr. Brooks might bring to his attention. No mention was made in this letter about any method or procedure to be followed in the selection of families to be placed on the Pembroke project. As explained above, in view of the law it was obviously impossible for Dr. Taylor to give any indication to Mr. Andrews that preference was to be given the selection of blooded Indians. Dr. Taylor informed Mr. Brooks that the extent of his success in having Mr. Andrews select Indians of half blood or more would depend largely upon the influence of his case as he might state it in his forthcoming personal conference with Mr. Andrews which will probably take place on Monday.

Dr. Taylor further informed Mr. Brooks that a "cooperative" enterprise would be set up for that community but that the nature of it had not yet been finally determined; also that it was definitely assured that a community recreational center would be built within the Pembroke project area.

I believe the foregoing covers the entire scope of the conference held with Dr. Taylor yesterday afternoon.

EDWIN L. GROOME.

ENROLLMENT of SIOUAN INDIANS of LUMBER RIVER

NORTH CAROLINA.

Approved by Siouan Tribal Council,
May 18th, 1935.

District.
Piney Grove, Councilman----- T.H.Locklear.

Names. heads of family.	No. in family.
Neil A. Hunt. -----	6
Earl Oxendine. -----	3
Buddie Freeman. -----	4
K.Oxendine. -----	9
Vance Jones. -----	13
Judson Hunt. -----	5
T.H. Locklear. -----	14



District

St. Annah, Councilman -----A.C. Locklear
 James E. Bell Sr.
 Joseph Brooks
 A.W. ,,
 Ed. ,,
 James E. Chavis
 Eva ,,
 Geo. J ,,
 Lula ,,
 Eliza ,,
 Oscar ,,
 Jasper ,,
 Leonard ,,
 Leander, ,,
 Z.R. ,,
 Carl Clark
 Annie ,,
 John N. Cummings
 Jas. ,,
 Lacy ,,
 Foy ,,
 Ottomis ,,
 Peter Dial
 Ransome ,,
 Joe ,,
 Frank Graham
 Rufus ,,
 Duncan ,,
 Carlie Jacobs
 Effie A. ,,
 Molbert ,,
 Clearence ,,
 Marvin ,,
 Rose Ellen ,,
 W.N. ,,
 W.J. ,,
 Elija Jones
 Godia ,,
 Richard ,,
 Riley ,,
 A.C. Locklear
 Douglas ,,
 Paterson ,,
 Leak ,,
 Dewey ,,
 William ,,
 Leonard ,,
 Gillis ,,
 Jimmie L. ,,
 Albert ,,
 Vance ,,
 Alvin ,,
 Harley
 Harleywell ,,
 French ,,

Roosevelt. Lowry.
Jim Q. ..
Silas. ..
Mary. (Lowry) Locklear.
Condarie Morgan.
Elias. Oxendine.
W.K. ..
Jiles. ..
Joseph W. ..
John W. ..
Bryant. ..
Robert. ..
Rufus. ..
Mae. ..
Henry. ..
J.W. Sampson.
James. Sanderson.Sr.
Walter. ..
Henry.
Prescot ..
W.P. Strickland.
J.P.
W.B. ..
Jim. Taylor.
B.T.Clark.
Jiles. Hunt.
Earnest. ..

District.
 New Bethel. Councilman.-----A.A. Oxendine.
 R.B. Locklear.
 Elie. Sweat.
 Curtice. Oxendine.
 Clyde HUNT.
 Falk Hunt. Jr.
 Earl D. Oxendine.
 Marth. Chavis.
 W.P.Hunt..
 Kate Hunt.
 Leler Locklear.
 Lonnie Oxendine.
 Alfred Hunt. Sr.
 W.G.Locklear.
 Wesley. Locklear
 W.F. Freeman.
 Thomas Spaulding.
 J.R.Spaulding.
 D.L. ..
 Jane. *Lowry*
 H.B. Hunt.
 W.O.Strickland.
 Walter Johnson
 Mebrey Oxendine.
 Jim. Hunt/
 Wm. Locklear.
 Lucy Oxendine.
 A.A. Oxendine.
 Solomon ..
 Giles ..
 Dunk. Cummings.
 Eles. Jacobs.
 Nedham. Sanderson
 Felton Locklear.
 Richard Hunt.
 Rufus Sweat.
 Mary Jacobs.

District.
 Deep Branch. Councilman. ----- J. H. Hunt.
 Luther Sampson.
 Anna ..
 R.O. ..
 Olliver ..
 Tracy ...
 James ..
 Alphonso ..
 Ohnie Oxendine.
 Billie ..
 Fletcher ..
 Franklin Hunt.
 Henderson ..
 Gordon ..
 JT. ..
 Frank Dimery.
 Harrison Jones.
 Neil ..
 Albert Lowry.

District,
 Leland Grove. Councilman-----Sinnie Cummings.
 Frank Hunt.
 David ,,
 Ames ,,
 N.O. ,,
 Tommie Chavis
 Raymond ,,
 Robert ,,
 R.C. ,,
 Letha ,,
 Johnie Cummings.
 John L. ,,
 Thomas Mc Girt.
 J.T. ,,
 Susie Ann.,,
 Hughy Locklear.
 ile ,,
 H.L. ,,
 Nomer ,,
 Geo. Thompson
 John Brigman.
 Jimmie Jones.
 Governor Locklear.

District

Macidonia, Councilman-----Arch Locklear.

Lonie Bullard.

Cleo ,,

Walter ,,

Lacy Brewer

Edson ,,

Arch Locklear.

Martine ,,

District Shelton Bullard.

Prospect, Councilman-----

Mozella Barton.

Mack ..

Shelton Bullard.

Belton ..

Rubin ..

Wilbert ..

Sumpter ..

Colonel ..

Effie Ann Brayboy

Geo. ..

Thomas Clark

Onnie Dial.

John Coins

Tom. ..

Plummer Dial

John H. Hammonds

Elwood Jones

Elias ..

Angush (,,) Jacobs

Mary Locklear

Grealey ..

J as. H. ..

Roten ..

Archie ..

Lillie Ann ..

Crawley ..

James ..

Angush ..

Quiller ..

Amas ..

Vondie ..

Boxley ..

Berry ..

McLellan ..

Henry ..

Ashley ..

Polly ..

Briscoe ..

Ames ..

Hessikah ..

Malindia ..

Julia ..

John McMillan

Dorothy McGirt

Elias Strickland.

District

Barker Ten Mile----- Henry McGirt, Councilman.
 Jas. W. Bell
 Hubert Bullard.
 David Buttle.
 Bennie Chavis.
 Hob ,,
 Henry K. ,,
 Clearence ,,
 G.W. ,,
 Roy ,,
 Wortie ,,
 T.A. ,,
 Will Carter
 G.A. ,,
 Will Canady
 R.C. ,,
 Quinnie Hunt
 Juston ,,
 Luther ,,
 G.W. ,,
 Emery ,,
 O.H. Hammonds
 Stony ,,
 Luther Jacobs
 K. Knight
 Luther Locklear
 McKinley ,,
 Hewey ,,
 David ,,
 Jasper ,,
 Maxie M. ,,
 Henry McGirt
 Marvin ,,
 Hewey Smith

District
Sycamore Hill, Councilman -----Charlie Locklear.
Claudie Bullard
Willie Brewer
Riley Jones
Johnnie ,,
Willie ,,
Sherman Knight
Thomas ,,
Sherman ,,J.
Oscar Locklear
Jas. L. ,,
Canada ,,
Malcum ,,
Sandy ,,
W.C. ,,
Leonard ,,
Charlie ,,
Bertha Lee Lowry
Christene Lucas
Dink McGirt
Whitefod Strong
Foster Worrix
Oscar Revels
Smithie Locklear

District.

Mt Elime, Councilman -----Charlie Oxendine.

Bob Bullard
 Levi Brewer
 Roy Lee. Chavis
 Hewie P. ,,
 Clearence Cummings
 Mollie ,,
 Shepherd ,,
 Enoch Cummings
 E.L. Dial
 Roy ,,
 Dod Jones
 Peggie Jones
 Worth ,,
 William ,,
 Analiza ,,
 Annie Bell ,,
 Eb Locklear
 Clara ,,
 Frank ,,
 Colon ,,
 Mack ,,
 Author ,,
 Charlie ,,
 Carlie ,,
 R.M. ,,
 Leander ,,
 J.A. ,,
 Doud ,,
 John B ,,
 John ,,
 Adam ,,
 Vonnie ,,
 David ,,
 Amond ,,
 McKinley Maynor
 Joseph ,,
 D.R. ,,
 Turner ,,
 Bruce Oxendine
 Robert ,,
 C.L. ,,
 Lacy Lee ,,
 D.W. ,,
 Luther ,,
 E.L. ,,
 Jessie ,,
 Frank ,,
 Wheeler ,,
 Johnnie ,,
 Geo. Pevia
 Ashley ,,
 Alford ,,
 Walter Rogers
 Barfield ,,

District

Burnt Swamps. Councilman-----Cloyd Chavis.

Clearence Blanks
 Mollie Brooks
 Peter Brooks
 Oquinn ,,
 Cloyd Chavis
 Johnie ,,
 A.A. Carter
 Mollie Chavis
 Bennie Clark
 Woodroe Dial
 J.G. Cummings
 Zedan Bullard
 William Jones
 Peggy ,,
 McLearn Jacobs
 Polly ,,
 Jerry Locklear
 Geo. ,,
 Rubin ,,
 Jane ,,
 J.P. ,,
 W.C. ,,
 Elizabeth ,,
 Chesley ,,
 S.L. ,,
 Jonnie ,,
 W.H. ,,
 Boss ,,

J.A. ,,
 Donnie ,,
 Lonnie ,,
 Bert ,,
 Richard ,,
 Paisley ,,
 Willie ,,
 Elie ,,
 Joe ,,
 Peter ,,
 Adeline ,,
 H.B. ,,
 Aron ,,
 Evander ,,
 Deller ,,
 Elmer ,,
 Ader Belle Lowry
 Fannie ,,
 Betty ,,
 Sims ,,
 N.A. ,,
 R.M. ,,
 B.E. ,,
 Maulbery Maynor
 Mennie Hagins

#2#

Maggie Oxendine
T.H. ,,
Earnest ,,
Enoch ,,
Will ,,
Soloman ,,
Atlas ,,
Arpie ,,
Duckery ,,
Walter ,,
J.G. ,,
C.E. ,,
Flora C. ,,
Jasper ,,
James S. ,,
Sarah Thomas
Henry Smith
Hilton Scott
Zealey ,,
C.N. Smith ,,
Author Spaulding
Levi Ammons
Dock Wilkins
S.H. ,,
L.H. ,,
W.B. ,,
Lock ,,
Welton ,,
Henry B. ,,
D.H. ,,
Elvie ,,
Jessie Wilson

District.
Bethel Hill.Councilman.-----D.L. Lowery.
J.A. Bell
Dunken..
Claud,,
John,,
J.B.,,
Jasper,,
S.M.,,
Charlie,,
W.B.Bowen
Rufus,,
Noah Brewer
Rhoda Brewington
W.O. Burnett
Norman Chavis
Luther Chavis
Bennie,,
A.R.,,
S.V. Emmanuel.
Bennet,,
Authur,,
Willie H.,,
Carson Jones.
Offie,,
JL. Hammonds
J.E. ,,
Council ,,
Authur ,,
John ,,
Alex ,,
Emma Locklear.
Norman ,,
David ,,
Dannie ,,
Bessie Leola ,,
Isom ,,
Charlie Oxendine.
Clarence Lowery.
Norman ,,
D.L. ,,
Henry D. ,,
H.P. Revels.

No. 2

H.S. Sanderson.
Docie Smith.
George H. ,,
Garrah ,,
Leonard(Worrex) Worriax.
Lee. Jacobs.

District.

White Hill, Councilman , -----Isiah Locklear.

Aventer Bayboy

H. ,,
 Aleck ,,
 Archie Brooks
 Ine ,,
 W.B. ,,
 Ruthie ,,
 Dalcedia ,,
 John ,,
 Henry ,,
 Doughal ,,
 Lawson ,,
 Relerford ,,
 Sam ,,
 Colon ,,
 Fletcher Brewer
 Roy L. Chavis
 Polly Deese
 Shaw ,,
 Archie ,,
 Dannie ,,
 Cleotis Dial
 Harvie ,,
 Clifton ,,
 Peter ,,
 Joe ,,
 Kinnie Driggers
 Rozetta Brooks
 Walter Davis
 Ole Cummings
 Zelbed Jones
 Jonnie Locklear
 Jas. ,,
 Elie ,,
 Curtis ,,
 Charlie ,,
 Walter ,,
 Walter ,,Jr.
 Jas. ,,f.
 Patrick ,,
 Angush ,,
 Sandy ,,
 Elizabeth ,,
 Annie ,,
 Eddie ,,
 Lather ,,
 Geo. ,,
 Elisha ,,
 Albert ,,
 Britten ,,
 Willie ,,
 Luther ,,
 Willie ,,Jr.
 Willie F. ,,
 Oscar ,,

Barley Locklear #2^b
 William ,,
 Marvin ..
 Kagal ,,
 Joe ,,
 William McMillan
 Sallie Oxendine
 Roy ,,
 Willie ,,
 Marvin ,,
 Heck ,,
 P.H. ,,
 Britin ,,
 Archie B. ,,
 John Thompson
 Wiley ,,
 John A. ,,
 Sandy Strickland
 William Dial
 George Dial

 Weldon Brooks
 June Rodgers
 Jordan Revels
 Romie Jacobs

District

Saddle Tree, Councilman,----- Riley Locklear
 Bertha Blanks
 Hecktor Brooks
 Garfield ,,
 Polly Bryant
 Chrestopher Burnette
 Thomas Brooks
 Boss ,,
 Preston ,,
 William Carter
 Dunk Clark
 Spurgeon Dial
 Luther ,,
 Montgomery ,,
 Warren ,,
 Lucy A. ,,
 Lillian ,,
 Irene ,,
 Rossie Frecman
 Attelia Hammonds
 Luke Jones
 Amos Jones
 Henry ,,
 Chester ,,
 Mary Jane ,,
 William ,,
 Oscar ,,
 Dorella ,,
 Jackson ,,
 Dave ,,
 Robert Locklear
 Hozey ,,
 Asbury ,,
 Odell ,,
 H.L. ,,Sr.
 HI ,,Jr.
 Ready ,,
 Luther ,,
 Lillie ,,
 Jasper ,,
 Kattie ,,
 Lloyd ,,
 Marshal ,,
 Riley ,,
 Wilmer ,,
 Quinnie ,,
 William H. ,,
 Marvin ,,
 Purvis ,,
 Willerford ,,
 Author ,,
 W.D. ,,
 Ambrose ,,
 Thomas ,,
 Addie Locklear
 Printes ,,
 Dossie ,,
 Prather ,,

#2#

Julius Locklear
 Jimmie ,,
 J.R. Oxendine
 Graham ,,
 June ,,
 Sallie ,,
 Author Miller
 Bent Lowry
 Thurry ,,
 Sandy ,,
 Howard ,,
 Della ,,
 Lenora ,,
 Leak ,,
 Thornton ,,
 Lonnie W. Revels
 Novella ,,
 Stinson ,,
 Roosevelt ,,
 Elenora ,,
 Duckery ,,
 Anna Mae ,,
 G.B. ,,
 Savastion Sampson
 Worth Sampson
 Effie ,,
 Iler ,,
 Van H. ,,
 Narcissus ,,
 Joe ,,
 Luther ,,
 Boncil ,,
 William Tyner

District

Philadelphia, Councilman, -----Hezzie Deese
 Leonard Bullard
 Hartford ,,
 Annis Chavis ,,
 Anderson ,,
 Willie A. ,,
 Joe ,,
 Hezzie Deese
 Clayton Carter
 David Hunt
 Boss Jacobs
 Danial Jas. Jacobs
 Junius ,,
 Leonard ,,
 Samuel ,,
 Elton ,,
 William ,,
 Tom Anderson Locklear
 Carson ,,
 Liza ,,
 Willie B. ,,
 Walter ,,
 Gustie ,,
 Garner ,,
 Anderson ,,
 D.L. ,,
 John L. ,,
 Henry ,,
 Duncan L. ,,
 John B. ,,
 Henry ,,
 Dannie ,,
 Izah ,,
 Parker ,,
 Frank Jacobs
 Henry B. Lowry
 Zion ,,
 Rosie Lee ,,
 Jimmie ,,
 Jonnie Maynor
 Willie ,,
 Laurence ,,
 Sim ,,
 Chesley ,,
 Claudie Oxendine
 Delma ,,
 Noah Bullard.
 Aaron Revels
 Lenzie ,,
 Eddie Coins
 Rommie Strickland
 John ,,
 Braxton ,,
 William ,,
 Robert Taylor
 Andrew Wilkins
 Waitres Wilkins
 Dock Winn,

268

No. 2

Mary Winn.
Archie Woods.
Noah ,,
Barbra ,,
Hubbard ,,

(21)

District.
 Cherokee Chapel. Councilman, -----Elwood Oxendine.

#####

Fernie Barton.
 Porter ,,
 Lucy Blue.

Anderson Brewer.

Minnie ,,
 Willie L. ,,
 Peter bullard.
 Kittie ,,
 Alvin Chavis.
 Henry ,,
 Dannie ,,
 A.B. ,,
 Esther ,,
 William ,,
 Hubert ,,

Lesslie Edwrds.

Roy Locklear.
 Richard ,,
 Pearson ,,
 Laurence ,,
 Easter ,,
 Pevia ,,
 Enoch ,,
 Elias ,,
 Tannie ,,
 Joseph ,,
 George E. ,,
 Advil Lambert.
 C.E. Oxendine.
 Luther Oxendine.
 Paul Strickling.
 Alexandre ,,
 Silas ,,
 Henry Woods.
 Henry Jr. ,,
 Curtis ,,

Holley Wood. Councilman, -----Hector Locklear.

Gorden Berry.
Willie F. Hunt.
Henry ,,
D.C. ,,
Hector Locklear.
Haywood ,,

District.

Smyrna Councilmen. -----Eddie Oxendine.

Bullard

Anderson Bullard.

John O. ..

Dock Carter.

Lizzie ..

Doyle Hammonds.

Frank ..

John T. Haggens.

Norman Harden.

Colen Hunt.

Verdel Hunt.

Robert ..

Johnnie ..

Van ..

Henry ..

James A. Fields.

James P. ..

David ..

Foster ..

Dee ..

Henry ..

Atelia Jacobs.

Fred Johnson.

N. R. Morgan.

Willie Mercer.

Eddie Oxendine.

Dannie ..

James J. ..

Pemly Locklear.

Luther ..

Madrac ..

Barnie ..

Foster Revels.

D. J. ..

R.L. Strickling.

A. Stewart.

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File*

710.1

Sunday June 16, 1935 Capt. F. A. Baker
 Arrived at Pembroke, N.C. drove up to the
 Red Bank Section, visited the home of
 Popaw Reese "Sevant" farmer on Red Bank
 farm, continued by J. A. Decker's farm
 Jim Bullard's farm Prospect Schoolhouse,
 St. Ann's Church. back to Pembroke, distance
 30 miles

Monday June 17, Meeting at White Hill Church
 at 1:30 P.M. approx 100 present from three
 Indian districts Holly Wood, Lynamore Hill,
 White Hill. Capt. Baker, laid before the three
 district land re-settlement program, with
 possible re-emburcement to the Gov. over long
 period of time (20-40) years. Several leading
 citizens from each district heartily endorsed the
 plan on the floor, and stated such a program would
 in their opinion be the salvation of the Indian race.
 every man and woman present unanimously approved
 the program and favored the Wooten Howard act.
 visited 4 Indian homes one project of land
 covered a distance of 70 miles in Robeson and
 Scotland Co. and also visited Maxton, N.C.
 The No. present was a fairly good representation.

no 7

of the wish of the Indians in the three districts. and it should be kept in mind that Monday is ~~the~~ ^{the} first of the main work day of the week and as these districts is practically all "Share Crop" farmers, and General Council not get permission to stop work on the farm long enough to attend meeting.

They was also a crew of ~~2~~ Indians working on a relief crew about $\frac{1}{2}$ of a mile away and they attended the meeting, which ~~was~~ was about 2 hrs. and they had to come to the job on a extra day and make up the time lost, and pay the foreman, (Mr Oakley McMillan) for his extra time from their own pay. These men received 15-¢ for hour 30 hrs. a week.

Tuesday June 18, Meeting appointed Piney Grove School House (Walpole Tree 2 about 1 1/2 hrs. 1000 Indians Present, the foreman introduced Mr Baker at 12:00 - from which he met General of the living Indians of the district, every body present spoke highly in favor of the program, including

No. 3

Mr. Lloyd Lewry who has opposed the Council in the past. He also suggested a tract of land for a work project which was accepted by Mr. Baker's consideration Tuesday June 18 at 4:00 P.M. He met a large crowd of Indians at Parker Ten Mile School house (approx 1500) Every body present expressed their appreciation for what the Gov. has considered ^{for our benefit} by a rising vote of thank, and several leaders of the District, including some of our preachers assured Mr. Baker, in highly approving words that they was sure the Gov. would not lose anything on us - if they would, make the land available for our use.

Wednesday June 19, Entire day spent in looking at unimproved land: 1st tract known as The Baker tract - Sec. 3, Twp. 9 and 10 and making out about the latter was done at Mr. Russel Locklear's house, a Indian who joined us in going over the land, 2nd tract, ~~Beaumont~~ ^{Beaumont} Lumber Co. tract (Burleigh Lewry tract) on this tract 2 1/2 hours went over it thoroughly, also - included

920 4

a new (Log) house built by Burling
Lawry, with the idea in mind to determine
the cost of same, it should be considered
that practically 80% of ^{entire} ~~total~~ cost of such a
house is for labor, that can be done in
Indiana on the prairie and they are very
desirable. 3rd, Went over the Old
Lock Shaw tract near St. Pauls. This
place is also desirable, and this consumes
the day.

Thursday June 20. Meeting at Cherokee
Chapel Church. (10:00 AM) Large crowd of
Indians from Robison Co. DeKalb Co, and
Duke Co. They had only three land owners
present out of a crowd of about 800
persons. They received the program of
the settlement with speeches of thanks and
assured Mr Baker they would work
night and day if the Govt would give
them the chance to own their own homes.
Several spoke criticizing the share crop
system and some spoke to against
treatment they received from their land
lords, and the credit system. This

no. 5

attitude was spoken in every meeting. Thursday June 30, at 12:00 Noon. at Mt. Airy Church in Burnt Swamp Township Mr. Baker address a large crowd. Several of the leading Indian land owners spoke highly in favor of Mr. Baker's Program. Every body present approved the program by standing on their feet and several stated they hoped and prayed for the chance all their lives to own their homes but due to the share crop system they never got enough ahead to buy anything, especially land. But if they got a chance to work and raise their own potatoes they would be glad to return the land. Friday June 31. Mr. Baker went to Raleigh in the fore noon. Meeting at New Bethel Church. At 4:00 P.M. about 200 present, every favored the Program. The same as in previous meetings and told Mr. Baker the great trouble was the share crop system, and credit system.

No. 7.

Old Lock House Spaw Summit. Of
 Colum Manager, Johnson & Bluff Agent.
 The M^o Hill Est. E.C. Packer agent
 W.J. Johnson, Est. E.C. Packer
 Insurance Co. in Boston Va.
 or Petersburg. Packer, Est. P.H.
 agent. R.H. Caldwell, Est. P.H.
 Packer, Est. P.H.
 9:30 P.M. The day was very
 pleasant. All inside think of
 re-settlement program. Can find
 suggestions, hunting for
 10:30 P.M.

Tuesday June 26. Called on
 Singleton of Red Springs examining
 Singleton land, then Mr. H. H. Hodge
 and Mr. Hodge, concerning
 Beaufort Co. Lumber Co. land
 Thursday June 27. With Mr. H.
 Caldwell, Director of P.H.

*Returns to
John P. 10/17*

**PEARMAN REPORT
NOVEMBER 1935**

11-21-35

November 11, 1935

Report of

John Pearman,
Assistant Regional Specialist -
Indian Rehabilitation
Division
Resettlement Administration -



on

Condition of the

INDIANS OF ROBESON COUNTY, NORTH CAROLINA

RR NC 22

- Supplemental Data to be Attached to the
Rural Resettlement Proposal Being Submitted by the
Office of the Regional Director, Raleigh, North Carolina.

Indian Office
Copy -
John Pearman

6-3494

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

FILES

CAUTION!

Positively no papers to be added to or taken from this file, except by an employee of the Mails and Files Division.

PART NO. 1-A

FILE NO.

FILE NO. 64190-

1035

(066)

DATA ON (No. in Family-No. Families in House- No. of People in the House-No. of Rooms and Condition of House)



INDEX to Supplemental Data on the
INDIANS OF ROBESON COUNTY, NORTH CAROLINA:

Page #

- A - Number in Family - No. of People in the House - No. of Rooms and Condition of the House.
- B - Average Family Incomes (Cash Incomes).
- C - House Needs for the Average Family.
- D - Land Needs for the Average Family. - Summary - D. 1.
- E - Acreage in Crops.

Page # 1 - Sub-index to People Interviewed and Reported Herein:

- Pages #2 to #10 "1/2 Croppers". (9)
- " 11 to 28 "1/2 Croppers"... (17)
- " 29 to 45 Farm Owners..... (13)
- " 46 to 50 Other Indians.... (6)
- " 51 to 56 Whites Interviewed(4) - Total herein - 49.

- Page #57 Population Figures by Races - Robeson County, North Carolina.
- 58 Births and Deaths " " "
- 59 Indian Births 89% of Total Births in Pembroke Township.
- 60 Rural School Enrollment.
- 61 No. of Inhabitants per Square Mile - Increase Last 10 Years.
- 62 Census Figures - Increase in Farm Tenants and Sharecroppers.
- 63 Value of Farms Decreasing.
- 64 Acreage in Crops - Robeson County - Census Reports.
- 65 Size of Indian Families above Other Races.
- 66 Condition of Present Houses.
- 67 House Needs for Average Family.
- 68 Land Needs for Average Family.
- 69 Tobacco - Cotton Allotments - Amounts Raised.
- 70 Labor and Materials Cost in Robeson County, N.C.
- 71 Interest Rates Excessive.
- 72 Miscellaneous - Corporate Land Holdings, etc....

Data on -
 Number in Family - Number Families in House - Number of People in
 the House - Number of Rooms - and Condition of House.
 With Name, Age, and Occupation of No. of Total
 Each Householder given. Families No. in

SOURCE	Occupat-	No. in	in the	the	No. of	Condition	
Page, Name; -	Age - ion...	Family	House-	House	Rooms	of House.	
#3	Ulysses Chavis	32	Cropper	6	1	6	----- Fair
#4	Shaw Dees	--	" (1/3)	8	1	8	4 "
#5	Harvey Dial	32	" (1/3)	7	1	7	-----
7	D.L. Locklear	56	" (1/3)	9	3 plus	10	3
8	Jasper Locklear	47	" (1/3)*	11	1	10	5 Good, Needs
9	Jim Locklear	35	" (1/3)	6	1	6	1 Bad
10	Elwood Oxentha	35	" (1/3)	6	1	6	3 Bad
11	Leonard Bullard	39	" (1/2)	4	1	4	4 New \$200 Cost.
12	Sheldon Bullard	51	" (1/2)*	13	2	16	5 Fair
13	H.K. Chavis	32	" (1/2)	3	1	3	-----
15	Steve Hammons	35	" (1/2)	9	1	9	4 Bad
16	Boss Jacobs	--	" (1/2)	6	1	7	3 Good
18	Henry Locklear	58	" (1/2)	8	1	8	4 Bad
19	Parker Locklear	52	" (1/2)	3	2	4	----- Bad
20	Walter Locklear	49	" (1/2)	8	1	8	2 Fair
21	Sim Maynor	60	" (1/2)	11	1	7	3 Bad
22	Lindsay Revels	57	" (1/2)	11	1	11	3 Bad
23	Alex. Strickland	58	" (1/2)	9	1	7	4 New
25	Andrew Wilkins	36	" (1/2)	10	1	10	4 New-Cost \$200
26	J.W. Wilkins	--	" (1/2)	2	2	3	4 Good
28	Archie Woods	52	" (1/2)	6	1	6	3 Bad
29	James B. Chavis	39	Owner	3	2	7	3 Good
31	S.M. Bell	60	" *	4	2	8	4
34	Lee Brewington	--	"	5	1	5	5 Good
35	Joseph Brooks	31	"	5	2	6	4 Fair
36	Rutherford "	--	"	4	1	4	2 Bad
37	Nathaniel Dial	95	" (**)	2	4-5	12	3 Bad
38	A.C. Locklear	54	" *	5	2 plus	7 plus	6 New
39	Bessie Locklear	--	"	8	1	8	4 Fair
40	Durant Locklear	--	"	8(9)	1	8	5 New
45	Andrew Woods	--	"	4	3	12	----- ***3 Houses
48	Clarence Lowry	28	Stated Ret	7	1	7	1 Fair
49	Eli Lowry	43	Laborer	10	1	10	3 Bad
50	Larence Maynor	29	-----	7	1	7	3 Bad

229 48 257 102
 34 Total as above - 1 - 1/3 Croppers; 14 - 1/2 Croppers; 10 Owners, etc

34 Families with 229 members living at home = 6.76 in each at home -
 (*Note: - Several families, as noted, have other members elsewhere.)

36 Houses having 257 people in them = 7.15 persons per house of
 3.29 Rooms per house average, or 2.14 persons per room.

5 - 1/3 Croppers had 1 good, 2 Fair, and 2 Bad, Houses; 13 - 1/2 Croppers
 had 5 Good, 2 Fair, and 6 Bad, Houses; 8 Owners had 4 Good, 2 Fair, and
 2 Bad Houses, Making 29 Houses of which 10 are Good, 7 Fair, 12 Bad.

(Page #66 herein) - Of 8 men present on 11/10/35, 7 said their houses
 were in bad shape, 1 said his was in good shape.
 * * * Please being furnished. J.B.

A.

Data on -

HOUSE NEEDS FOR AVERAGE FAMILY:- Giving Number in Family - Number in the Household - No. of Rooms Now - No. of Rooms Needed - Cost of New House Wanted (if Money to Build were to be Borrowed from the Government) - Or Preference for Repairing Present House and Approximate Cost of Repairs Indicated (in some Cases):-

Source of Data PAGE#	Name:-	No. in Family	Total No. in the House	No. of Rooms Now	No. of Rooms Needed	*House to Cost About	If Repairs Wanted Inst-ead of House, Approximate Cost of Repairs.
# 3	Ulysses Chavis	6	6	----	(Needs both House and Land)	**	
4	Shaw Dees	8	8	4			\$200 Repairs.
7	D.L. Locklear	9	10	3	Wants Own House		Back-Foreclosed
8***	Jasper Locklear	11	10	5			New Roof.
9**	Jim Locklear	6	6	1	3 Rms	\$400-\$450.	
10	Elwood Oxendine	6	6	3	4 "	\$500.	
12***	Sheldon Bullard	13	16	5	5-Rms-	\$4000.--	New Roof Needed.
15	Steve Hammons	9	9	4	4 Rms.	\$ 400.-500.	
18	Henry Locklear	8	8	4	4 "	\$ 500.	
20	Walter Locklear	8	8	2	4 "	\$ 500.	
21	Sim Maynor	11	7	3	4 "	\$600.	
22	Lindsey Revels	11	11	3	5 "	\$ 800.	
23	Alex Strickland	9	7	4	4 "	\$ 500.-600.	
26	J.W. Wilkins-***-2	3	3	4	5 "	1000.	
28	Archie Woods	6	6	3	3 "	\$ 500.	
29	James E. Chavis	3	7	3	4 "	\$ 550.	
31-67	S.M. Bell ***	4	8	4	4 "	\$ 500.	
35-67	Joseph Brooks	5	6	4	4 "	\$ 500.	
67	Mrs. " Brooks	5	6	4	5 "	\$ 850.	
48	Clarence Lowry	7	7	1	4 "	\$ 700.	
49	Eli Lowry	10	10	3	4 "	\$ 700.	
50	Lawrence Maynor	7	7	3	3 "	\$ 500.	
---67	Warren Dial	7	7	(70)	5 "	\$ 850.	
---67	Riley Locklear	9	9	--	5 "	\$ 600.	
---67	Norman Locklear	10	10	--	5 "	\$ 800.	
---67	James Locklear	5	5	--	4 "	\$ 500.	
Totals:-26 as above..195		203	(70)	(92)		\$ 13,875.	

Averages. (corrected). 7.3 7.9 3.3 4.2 \$ * 670.70

Page #66 - Out of 11 men present at A.C. Locklear's on 11/10/35 and voting on whether they would rather have their (present) houses repaired at a cost of \$100. to \$200. each, or have the Government build them new houses at around \$500. each - the vote was as follows:-

- 1 said he would rather have a new house;
 2 said they "would like it either way";
 8 said they would rather have their present houses repaired.

* Notes:-None of their present houses have any plumbing or electricity
 **Many Indian families are in need of both houses and land. See later
 ***Several families, as noted, have other family members elsewhere. (C)
 ****J.W. Wilkins was only man to ask for electricity & plumbing in Newtams.
 See Page #67 for results of discussion of group of 7 on cost of new Houses.

Data on -

LAND NEEDS FOR AVERAGE FAMILY - No.in Family - No.in Household - Present Acreage Tilled - Present Total Acreage - No.of Acres of Tilled Land Needed - No.of Acres of Woodland Needed - Total Acres Needed

Source of Data: Name: Page:	No.in Family	Total No.in the House	Present Acreage Tilled	Present Acreage Total	Extra is Woodlot- Acres Present Total	No.of Acres Tilled Land Needed	No.of Acres Wood- land Needed	Total Acreage Needed.
#3 *Ulysses Chavis	6	6	15	28	20-25	....	....	....
4 *Shaw Dees	8	8	26.2	....	....	....	....	....
5 *Harvey Dial	7	7	26.	....	....	....	....	....
6 *Mrs. Ellen Jacobs	-	-	36.	....	....	....	....	....
7 *D.L.Locklear	9	10	50.	53	....	....	....	....
8 *Jasper Locklear	11	10	35	....	40	....	....	....
9 *Jim Locklear	6	6	6	....	30	....	....	....
10 *Elwood Oxendine	6	6	--	....	18	7	25	....
11 **Leonard Bullard	4	4	23	....	23	....	....	....
12 **Sheldon Bullard	13	16	90	....	45-50	....	....	....
13 **H.K.Chavis	3	3	25	....	....	....	....	....
14 **Hessie Dees	-	-	34.5	40	....	....	....	....
15 **Steve Hammons	9	9	26	....	26	Mostly Cleared	....	....
16 **Boss Jacobs	6	7	30	30	....	....	....	....
17 **Offie Jones	-	-	45.7	....	....	....	....	....
18 **Henry Locklear	8	8	--	....	40	....	....	....
19 **Parker Locklear	3	2	29.2	....	....	....	....	....
20 **Walter Locklear	8	8	....	....	40	....	....	....
21 **Sim Maynor	11	7	....	....	40	10	50	....
22 **Lindsey Revels	11	11	....	....	40	15	55	....
23 **Alex Strickland	9	7	....	....	25	15	40	....
25 **Andrew Wilkins	10	10	24.3	....	....	....	....	....
26 **J.W.Wilkins	2	3	24.	....	25	....	....	....
28 **Archie Woods	6	6	....	....	20	10	30	....
31***S.M.Bell (2)	4	8	20	61	20	15	35	....
34***Lee Brewington	5	5	30	40	....	....	....	....
35***Joseph Brooks(2)	5	6	5	5	15	10	25	....
36***Rutherford Brooks	4	4	4.3	8.3	....	....	....	....
37***Nathaniel Dial	3	12	22	60	....	....	....	....
39***Betsie Locklear	3	8	20	30	25	10	35	....
40***Durant Locklear	9	8	26	50.4	50	20	70	....
41***R.M.Lowry	-	-	17	39	20	....	....	....
44***John R.Oxendine	3	3	15	30	....	....	....	....
45***Andrew Woods	4	12	25	30	....	....	....	....
48(1) Clarence Lowry	7	7	....	....	15	10	25	....
50 Lawrence Maynor	7	7	....	....	25	5	30	....
68(2) Warren Dial	7	7	22	....	22	15	37	....
68(2) Riley Locklear	9	9	25	....	31	15	46	....
68(2) Norman Locklear	10	10	....	....	40	20	60	....
68(2) James Locklear	5	5	....	....	22	15	37	....
246. 265. 771.2 504.7 722. 192. 600.								

* = 1/3 Croppers; ** = 1/2 Croppers; *** = Farm Owners.
 (1) Pays 'Stated Rent'; (2) S.M.Bell - Chairman of the Siouan Tribal Council - Joseph Brooks, Delegate - Warren Dial - Riley Locklear - Norman Locklear, and James Locklear (Locklears no relation to each other) and JDP on evening of 11/8/35 had a discussion of above and other matters and voted as noted.
 FOR SUMMARY OF ABOVE PAGE & FIGURES GIVEN, SEE NEXT PAGE HEREIN.....

Data on -- LAND NEEDS FOR AVERAGE INDIAN FAMILY (cont'd):

Summary of Preceding Page:

AVERAGE No. OF PERSONS IN PRESENT FAMILIES and HOUSEHOLDS:

36 families, totalling 246 members, average 6.83 members living at home (with a number of families having other members elsewhere).

36 households, totalling 265 persons, averaged 7.36 persons per house.

AVERAGE No. OF ACRES TILLED PER HOUSEHOLD and PER PERSON THEREIN:

24 families, 177 persons in their households, tilled 637.8 acres, or 26.6 acres per farm household - and 3.6 acres per person therein.

AVERAGE No. OF ACRES IN WOODLOT PER HOUSEHOLD and PER PERSON THEREIN:

12 families, 89 persons in their households, have 163 acres of woodland, or 13.6 acres of woodland per household - 1.8 acres per person therein.

MAKING THEIR PRESENT FARMS AVERAGE:

	<u>Per Household</u>	<u>Per Person</u>
Tilled land.....	26.6 acres	3.6 acres
Woodland.....	13.6 "	1.8 "
Per household..	40.2 acres	
Per person.....		5.4 acres

AVERAGE LAND NEEDS PER HOUSEHOLD and PER PERSON THEREIN:

24 families, 182 persons in their households, ^{would} need 702 acres of TILLED LAND, or 29.2 acres per household - and 3.86 per person.

15 families, 112 persons in their households, would need 192 acres of WOODLAND - or 12.8 acres per household - and 1.71 per person.

15 families, 112 persons in their households, would need 600 acres of LAND (TOTAL OF TILLED LAND and WOODLAND), or 40 acres per household - and 5.36 acres per person therein.

RECAPITULATION:

36 families averaged 6.83 members each and 7.36 persons per house.

24 households averaged 26.6 acres of tilled land - or 3.6 per person.

12 households averaged 13.6 acres of woodland - or 1.8 " "

MAKING PRESENT LAND 40.2 ACRES PER HOUSEHOLD, OR .. 5.4 PER PERSON.

24 households would need 29.2 acres, tilled land, each, or 3.86 " "

15 households would need 12.8 acres, woodland each, or 1.71 " "

TOTAL NEEDS WOULD AVERAGE 42.0 ACRES PER HOUSEHOLD, OR .. 5.57 " "

11-1

NOTES:-

- * = 1/3 Cropper
- ** = 1/2 Cropper
- *** = Farm Owner-
- (1) = 2-horse farm.
- (2) = See page #69 for Tobacco -Miscel. and Cotton Allotments, and- and amounts raised.....-Unaccounted For, incl's Potatoes:-

Data on - 1935 -

ACREAGE IN CROPS:

Source of Data, NAME: Page:	Total No. in the House	Total Acres Tilled	Toba -cco	Cotton	Corn	Oats	Wheat	Garden	Unaccounted For, incl's Potatoes:-
#3 *U. Chavis	6	15.0	---	5.0	8	.7	---	.05	1.25
4 *S. Dees	8	26.2	---	20.0	6	---	---	.25	---
5 *H. Dial	7	26.0	---	20.0	6	---	---	---	---
6 *Mrs. E. Jacobs	-	-	---	23.0	14	---	---	---	---
8 *J. Locklear	10	35.0	7.5	15.0	9	3.0	---	.50	---
11 **L. Bullard	4	23.0	---	8.0	15	---	---	.25	---
13 **H. K. Chavis	3	25.0	5.0/7.4	5	5	1.0	---	---	6.6
14 **H. Dees	-	34.5	3.5	12.0	15	2.0	---	*.50	2.0
15 **S. Hammons	9	26.0	4.0	9.0	10	1.0	---	.50	1.5
16 **B. Jacobs	7	30.0	2.5	10.0	15	1.5	---	.50	.5
17 **O. Jones	-	45.7	2.7	22.0	18	3.0	---	---	---
19 **P. Locklear	2	29.2	---	15.0	12	.75	4.0	.50	---
24 **J. Strickland	8	34.4	8.4	11.0	15	---	---	---	---
25 **A. Wilkins	10	24.3	---	9.3	14	.50	---	.50	---
26 **J. W. Wilkins	3	24.0	6.0	5.5	11	1.0	---	.20	---
31 ***S. M. Bell	8	20.0	2.0	3.6	11	---	---	.50	2.5
34 ***L. Brewington	5	30.0	3.5	6.0	15	3.0	---	.50	2.0
35 ***J. Brooks	6	5.0	3.0	---	1	---	---	---	1.0
36 ***R. Brooks	4	4.3	---	---	4	---	---	.30	---
37 ***N. Dial	12	22.0	3.0	9.0	10	---	---	---	---
39 ***B. Locklear	8	20.0	1.1	8.2	8	---	---	.50	2.2
40 ***D. Locklear	8	26.0	3.0	7.0	15	---	---	.25	.8
45 ***A. Woods	12	25.0	5.0	4.0	11	2.75	2.0	.50	1.75
48 (1) C. Lowry	7	55.0	5.5	10.0	30	2.00	---	.50	7.00
69 **S. Bullard(2)	-	---	---	40.0	---	---	---	---	---
69(2) *E. Oxendine	-	---	2.0	11.5	---	---	---	---	---
69(2) **L. Revel	-	---	---	17.0	---	---	---	---	---
69(2) **A. Strickland	-	---	3.5	22.0	---	---	---	---	---
69(2) **H. Locklear	-	---	1.6	18.5	---	---	---	---	---
69(2) **S. Maynor	-	---	1.2	20.0	---	---	---	---	---
69(2) *J. Locklear	-	---	---	9.0	---	---	---	---	---
69(2) **L. Maynor	-	---	---	9.0	---	---	---	---	---
69(2) ***J. E. Chavis	-	---	---	5.0	---	---	---	---	---
Totals.....	147	605.6-74.0	397.6	278	20.2	3.0	6.8	29.1	

SUMMARY:- 21 households, with 147 persons therein, or 7.0 persons each, tilled 525.4 acres of land - or 25.0 acres per household - and 3.6 acres per person.

Tobacco:- 14 households - 106 people therein - raised 59.5 acres of tobacco - or 4.25 acres per household - and .56 acres per person therein.

Cotton:.. 19 households, with 137 persons therein, raised 183.0 acres of cotton - or 9.6 acres per household - 1.3 a. per person.
Corn:.... 21 HOUSEHOLDS - 147 PERSONS THEREIN - RAISED 231 ACRES OF CORN - OR 11.0 ACRES PER HOUSEHOLD, AND 1.6 a. PER PERSON.

Oats:.... 13 farms raised 20.2 acres, or 1.5 per farm.

Wheat.... 2 farms raised 3.0 acres, or 1.5 per farm.

Gardens.. 17 farms raised 6.8 acres of garden, or .40 a. per farm. (E)

SEE AT TOP FOR NOTES.

PEOPLE INTERVIEWED BY JOHN PEARMAIN - November 7 to 14, 1935 While on Trip to Siouan Indians of Robeson County, North Carolina:

(NOTE:- All of the following are members of the Siouan Tribe of Indians of Robeson County, N.C. - unless otherwise noted.)

SUB-INDEX TO PEOPLE INTERVIEWED:-

Page #	NAME:-	OCCUPATION.	Page	NAME:-	OCCUPATION.
2	Wash Bell	1/3 Cropper	#49	Eli Lowry	Laborer.
3	Ulysses Chavis	" "	50	L. Maynor	"
4	Shaw Dees	" "	WHITES INTERVIEWED:-		
5	Harvey Dial	" "	51	W. I. Beeson.	Overseer.
6	Ellen Jacobs	" "	52	J. C. Faulk	- Doctor.
7	D. L. Locklear	" "	53	ACL on Paul McNeil.	
8	Jasper Locklear	" "	54-5	J. R. Moore	Overseer
9	Jim Locklear	" "	56	Mrs. J. R. Moore,	Relief Worker.
10	Elwood Oxendine	" "			
11	Leonard Bullard	1/2 Cropper			
12	Sheldon Bullard	" "			
13	H. K. Chavis	" "			
14	Hessie Dees	" "			
15	Steve Hammons	" "			
16	Boss Jacobs	" "			
17	Offie Jones	" "			
18	Henry Locklear	" "			
19	Parker Locklear	" "			
20	Walter Locklear	" "			
21	Sim Maynor	" "			
22	Lindsey Revels	" "			
23	Alex Strickland	" "			
24	John Strickland	" "			
25	Andrew Wilkins	" "			
26-7	J. W. Wilkins	" "			
28	Archie Woods	" "			
29-30	James E. Chavis	Farm Owner.			
31-33	S. H. Bell	" "			
34	Lee Brewington	" "			
35	Joseph Brooks	" "			
36	Rutherford Brooks	" "			
37	Nathaniel Dial	" "			
38	A. C. Locklear	" "			
39	Betsie Locklear	" "			
40	Dirant Locklear	" "			
41	R. M. Lowry	" "			
42-43	H. H. Oxendine	" "			
44	John R. Oxendine	" "			
45	Andrew Woods	" "			
46	C. H. Bell	Builder			
47	Benny Locklear	Laborer			
48	Clarence Lowry	Renter			

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Page #1.

NAME Wash Bell
 SECTION Saddletree Section, Robeson county N.C.
 OCCUPATION Tenant farmer - 1/3 cropper
 REMARKS " Charge you 10% (interest when buying on credit) and
 Credit then run the provisions up 25% " - " Run 30¢ to 40¢
 Buying higher on a bag of flour than the cash price ".
 20 Year Got into debt twenty years ago and not out of debt yet
 Old Debt (borrowed during the world war) - borrowed \$200.00
 then and still owes just as much - been paying about
 \$20.00 a year in interest - " they charge you about
 10% " .
 Third Is a one third cropper , says " work three days - take
 Cropper one - and give the other fellow two ".
 INTERVIEWED Sunday 11/10/35 at A.C. Locklear's by JDF.

NAME Ulysses Chavis (brother of James Chavis, interviewed elsewhere)
 SECTION Pembroke Township, Robeson county N.C.
 OCCUPATION 1/3 cropper (farms on his brother, James Chavis' place, but his brother wants the farm himself in 1936).
 AGE 32 years old
 FAMILY Wife and four children, ages 7,6,4,2 (6 people on the place)
 FARM 28 acre farm- 15 acres tilled land - 13 acres wood lot - farm rather run down when bought two years ago by James E. Chavis. The man who had it previously " stuck fire in it ", i.e. hurt the soil by burning the fields over repeatedly (and the place showed it. JDF) -----
 Crop 5 acres of cotton made 711 # - (got 1/3 of seed)
 Acreage 0 acres tobacco (had no allotment) -
 8 acres corn, produced 85-90 bu.
 3/4 acres of oats
 INCOME of His 1/3 of all cotton, including his 1/3 of seed,
 1/3 cropper brought\$30.50
 Uses his one third of corn on the place
 Worked outside for wages - 12 days on tobacco, in the field, \$1.25 per day(12 hours) 15.00
 Also 5 weeks grading tobacco at \$5.50 27.50
 Gross income for year, cash received\$73.00
 Moving Dec. Has had no success in getting another place, has been
 1st. trying every since 1st. of September - would like to get a place with 20 acres of good tilled land with a " provision of tobacco " (2 1/2 acres) - could handle from 8 to 10 acres of cotton - could handle 25 acres of tilled if he had place for small grain as well as the 8 to 10 acres of cotton.
 Land Has small garden - 1/20 acre - owns 1 cow, (dry) 3
 Needs small pigs - 22 chickens.
 INTERVIEWED 11/8/35 on his place by JDF.

NAME Shaw Dees ,

SECTION Red Banks Section, Robeson county N.C.

OCCUPATION Tenant Farmer - 1/3 cropper (less the seed) On Fletcher Plantation.

FAMILY Self, wife and six children.

FARM Fletcher Plantation, has some 11000 acres of tilled land and 700 acres of wood land - the plantation bordering on the Lumber river about four miles from Pembroke N.C.

Fletcher Plantation There are some 26 tenant farmers on the Fletcher Plantation, mostly 1/3 croppers, some of them two horse farmers - about 36 mules on the place in all .

Farm Units Shaw Dees farms 20 acres of cotton - makes 15 bales - 8 acres of corn 1/4 acre of garden, (needs more garden)

HOUSE Lives in an old 4 room house like most of the other tenant houses on the plantation - the house is absolutely and bare and cheerless - high ceilings - cold in winter - dark but, apparently, made of good materials and could be repaired or remodeled.

Like Others on Plantation House is of frame construction set on wood blocks - matched pine inside on floors, walls and ceilings - has a two chimney fireplace, ceiling 10 feet high - wood shingle roof - german siding outside - no paint inside or out .

INCOME Last year had about \$100.00 in cash left over after he paid what he owed (only had this much left because he cut down amount he owed at company store by doing plowing for the boss) - Says he want have anything left after he pays what he owes (this year) had doctors bills and had to borrow to live on - want have enough to clothe his children properly to go to school.

Government Project Says he would rather owe the Government \$200.00 or a small amount on fixing up the house than \$600.00 on a new house (Note: A.C. Locklear estimates \$300.00 would build a house today similar to the one Shaw Dees is now in - described above - A.C. Locklear has built five houses around here . JDP.)

INTERVIEWED 11/8/35 and 11/10/35 both times at his place - See two photographs of house which is similar to twenty five other houses on the same place. By JDP.

NAME Harvey Dial, 32 years old
SECTION Red Banks, Robeson county, N.C.
OCCUPATION Tenant farmer; 1/3 cropper on Fletcher Plantation
FAMILY Self - wife and five children - oldest 12, youngest 3 months.
Farm Unit Farms 20 acres of cotton - grew 13 bales this year -
5 to 6 acres of corn - not picked yet
Day Laborer Last year could not get a farm and worked at \$18.00 per month
(about eight months) as a farm laborer with house furnished
him but had to buy everything else he used .
Has been told (this year) he will get between 10% and 11% on
cotton (1/3 of it)
INTERVIEWED 11/8/35 at the Fletcher Plantation by JDP.

NAME Mrs. Ellen Jacobs

SECTION Fletcher Plantation, Red Banks Section, Robeson county N.C.

OCCUPATION Tenant Farmer, 1/3 cropper (1/3 of cotton and 1/3 of corn - landlord gets cotton seed). Has been on the place 19 years - 1/3 cropper all the time (gets none of cotton seed now " now since they were here ") - husband dead two years .

Farm Unit 23 acres in cotton - 13 to 14 acres in corn

Crop Figures 1/3 Cropper Have less fertilizer now than in previous years - used to get 1000 # per acre - now get 5-6-7 hundred lbs. per acre - made 13 bales of cotton this year (more or less) have two or three more bales yet to pick - getting 10 to 11¢ for it - corn not yet gathered .

1934 Figures Last year had same cotton acreage - grew 19 bales - sold for 9¢ to 10¢ per lb. - some at 8¢ (it was generally reported to me that the landlords this year were allowing less fertilizer per acre than previously in order not to raise too many lbs of tobacco or cotton per acre - because any excess lbs. per acre over their allotment weight per acre must pay the processing tax of 04¢ per pound. JDP)

1/3 Croppers Livestock Has one cow
15 chickens
5 large pigs - 2 small ones
2 ducks
2 guinea hens
A two mule farm (land lord's mules)

Clothing Neither Mrs. Ellen Jacobs or her children had shoes or stockings . Mrs. Jacobs clothing was in complete rags , both her sweater, dress and blouse .

Excellent Crop The cotton crop, grown by Mrs. Jacobs was excellent, as were practically all of the acres planted to cotton this year on the Fletcher Plantation . (In other words, she and the other one third croppers on the Fletcher Plantation took the best of care of their crops and yet had practically nothing to show for it at the end of the year.)-JDP.

INTERVIEWED 11/8/35 at her home by JDP. (Note: her house was practically identical with the house of Shaw Dees - reported elsewhere herein. JDP)

NAME D.L. Locklear.
 SECTION Buies Section, Robeson Co. N.C.
 OCCUPATION 1/3 Cropper (" no seed, nor nothing "); has been farming all his life; had place of his own until 1933; share-cropper in 1935; worked for wages in 1934, because he could not get a crop to care for that year.
 FAMILY Self, age 56; Wife age 22 (2nd. wife) 5 daughters from 12 to 24 years old; 2 sons born 1909 and 1914; granddaughter.
 HOUSE His house has four families in it, or parts of families, 10 people in three rooms- small rooms- four sleep in one bed.
 Wants to get his own home back. Foreclosed by Lumberton merchant in 1933; farm, 60 acres cleared, 3 acres woods; used to grow plenty of cotton- 20 to 36 acres; rest in corn; no tobacco.
 INTERVIEWED Friday 11/8/35 by J.D. P.

NAME Jasper Locklear
SECTION Howesville Township, Robeson county N.C.
OCCUPATION 1/3 cropper; two horse farm.
AGE 47 years of age
FAMILY Wife and 9 children; oldest 28 (boy) ; youngest 8 years (girl) ; all work in the fields; children born 1907 - 1909 - 1911 - 1914 - 1916 - 1919 - 1916 - 1923 - 1925 - 1927 -; one died ; all the rest at home except the oldest and he married and away from home.
HOUSE House needs covering but in good shape otherwise; has larger house than most of them .
INCOME Will have something around \$200.00 clear after paying his bills - " a little better than a lot of them " (didn't owe so much) .
INTERVIEWED Sunday 11/10/25 on his place by J.D.P.
REMARKS Has all the land he wants ;
Tills 15.0 acres of cotton(gets paid for his 1/3 cotton seed)
Crop 7.5 acres of tobacco
Acresage 9.0 acres of corn
3.0 acres of oats
.5 acres of garden
35.0 acres of tilled land
Tobacco allotment 900¢ per acre - no tax paid this year;
Cotton- tax paid \$114.20;
Says his is " a good land section"
LAND NEEDS If he had his own place he would want about 40 acres of cleared land.
Farm Says a lot of them wanting farms now but " want be able to get them "; This coming year worse than last and more new comers in the county this year; says he has more than the average hereabouts; has been on this one place 15 years as a 1/3 cropper, growing tobacco and cotton.
Shortage

NAME * Jim Locklear
 SECTION "Back Swamp" Section, Robeson County, N.C.
 OCCUPATION 1/3 Cropper
 AGE - etc. 35 years old. Is one of seven brothers and sisters,
 all of whom grew up to be married.
 OWN FAMILY Has wife and four children.
 HOUSE Says his is a bad house. "It has been bad for 25 years
 or longer." It is a 1-room house; 6 people in it; all
 one family.
 REMARKS Says that if he were included in a Government Project
 he would like a 3-room house to cost about \$400. or
 \$450.; and would want 30 acres of tilled land (a 1-horse
 farm).
 INTERVIEWED At home of A.C. Locklear, evening of 11/9/35 (Saturday).

* Note:- Above is son of Henry Locklear, reported elsewhere
 herein, but they run separate farms.

NAME Elwood Oxendine age 35
SECTION Waukulla Section, Robeson County N.C.
FAMILY Was one of nine brothers and sisters - four are married (to date) - Has a wife and four children.
OCCUPATION Tenant farmer - 1/3 cropper.
HOUSE House is in " pretty bad shape " needs covering - 6 in house (one family) in three rooms - house is old.
Government Project Would want a \$500.00 house if he were borrowing from the Government.
 If he had his own place would want 25 acres in all, 18 acres tilled, 7 in wood lot.
INTERVIEWED 11/9/35 evening at home of A.C. Locklear. JDF.

NAME Leonard Bullard - age 39.
SECTION Philadelphus Section, Robeson county N.C.
OCCUPATION Tenant Farmer - $\frac{1}{2}$ cropper - land lord gets the cotton seed.
FAMILY Wife and two adopted children (girls age 13 and 14)- 4 on place.
HOUSE Has new house built by landlord last winter - 4 rooms cost about \$200.00 - size of house 24 x 24 ft. - it took four men 6 days to build house - all rough lumber - metal roof- 1500 ft of lumber on the four outside walls - 2 rooms " ceiled " and two " unceiled 2.
 * Also two men one day on chimney - total labor on house about \$50.00 (three men at \$1.00 per day, one man at \$3.00 per day and two masons one day) - \$50.00 for lumber and \$50.00 for metal roof - about \$200.00 in all. (Roof leaks already)
FARM Works 23 acres ;
 8.0 acres of cotton (cleared \$80.00 out of cotton, from his $\frac{1}{2}$)
 0 acres of tobacco
 15.0 acres of corn - used all corn on place
Income Has been close to 20 years on the same place with the same landlord. Cleared \$80.00 last year after picking and selling and paying his bills - had $\frac{1}{2}$ acre of garden (enough) - no cow - one mule - four small pigs - 20 or so chickens - took in about \$20.00 on outside labor helping barn tobacco elsewhere.
Expenses Clothes and all other purchases had to come out of the \$80.00 plus \$20.00 noted above as his cash income for the year (\$100. total).
REMARKS The 23 acres of tilled land is about as much as he can tend himself - has been in pretty good health , except his back has bothered him the last four or five years - has never been able to save any money - the two adopted girls helped to pick cotton, also his wife - This year he hired \$1.12 worth of help (1 day)
INTERVIEWED 11/8/35 on his farm by JDP.

NAME Sheldon Bullard, age 51.
SECTION Prospect Section, Smith Township, Robeson county N.C.
FAMILY Self - two brothers and four sisters - all grew up and married - Present household wife and seven children at home and four married children away from home.
OCCUPATION Tenant farmer - one half cropper - three mule farm - works ninety acres " don't hire much help, just the family "
Government Project Would want 45 to 50 acres of tilled land - and work that acreage themselves - Oldest " child " at home is 29 - youngest is three months - with other ages ranging between these ages.
Grandchildren Besides his wife and himself and seven children living at home, there are seven grandchildren in addition living on the place - " has a pretty good house - needs covering" five rooms in house --
House Needs Would want a five room house to cost about \$1,000.00.
INTERVIEWED 11/9/35 evening at A.C. Locklear's JDP.

NAME H.K. Chavis
 SECTION St. Pauls Township, Robeson county N.C.
 OCCUPATION 1/2 cropper; tills 25 acres.
 AGE 32 years old.
 FAMILY Wife and one child; was himself one of five children - three of them married.
 INCOME " Will just about get by "; will have enough to take him until the first of the year (before he has to buy on credit again).
 INTERVIEWED Sunday 11/10/35 in his district by JDP.
 REMARKS Would like to have his own place if he could (" yes, Sir! "); Says he is through with debt; got out of debt last year; had \$250.00 claim against him; the debt ran about 7 years before he could get where he could pay it off; was charged 10% ; borrowed in first place to buy groceries and feed so he could get started in farming (Note - he is 32 now); Paid the man he borrowed from almost as much in interest in 7 years as principal originally borrowed
 In Debt 7 Years For \$250.00
 10% Interest
 Indians Forced out Says new white tenants moving into county lately and taking up indian croppers' places and latter have no place to go .
 Crop Acreage 25 acres tilled;
 5.0 acres tobacco ; no excess raised ; no tax;
 7.4 acres cotton ; 3 bails on tax - \$48.32 tax;
 5.0 acres corn ;
 2.0 acres potatoes and oats;
 1.0 acres bean hay;
20.4 acres tilled (with 4.6 unaccounted for) ;
 Outside Help Paid \$20.00 for outside help in 1935 .

NAME Hessie Dees , about 52 years old
 SECTION Philadelphus township, Robeson county N.C.
 OCCUPATION Tenant farmer, $\frac{1}{2}$ cropper (his landlord is A.C. Looklear) .
 FARM- Has a 40 acre two horse farm which he has been on for the
 past 10 years -
 Crop Acreage Tobacco 3.5 acres
 Cotton 12.0 acres
 Corn 15.0 acres
 Oats 2.0 acres
 Beans 2.0 acres
34.5 acres as above
 Garden Has an ample garden with green vegetables in it.
 Farm Shortage Knows of at least three families who were unable to get farms -
 says it will be harder to get a farm next year - more people
 wanting farms now than before - lots of people married and
 that accounts for some of the extra demand - several families
 from out of the county have moved in recently and at least
 four more families, that he knows of , are coming in next
 year , and will dispossess indian families now on farms.
 INTERVIEWED Sunday evening 11/10/35 on his farm by JDP.

NAME Steve Hammons
 SECTION St. Pauls Township, Robeson Co. N.C.
 OCCUPATION 1/2 cropper; 1 horse farm; there four years.
 AGE 35 years old
 FAMILY Wife and 7 children; oldest child 14.
 HOUSE Four room house; in poor shape; 1 room " not worth using "
 INCOME About \$100.00 or less after crop .
 INTERVIEWED Sunday 11/10/35 on farm by JDP
 REMARKS Tills 26 acres;
 4.0 acres of tobacco - tax pd. \$17.00 on excess;
 Crop 9.0 acres of cotton - raised 6 bails; tax on 5;
 Acreage 10.0 acres of corn;
 1.0 acres of oats;
 .5 acres of garden
24.5 acres tilled .
 Says that his is a good land section.
 Land Would like to have mostly cleared land; would want a
 Needs, four room house and want to have it cost about " 4 or
 Etc. 5 hundred ".
 Indians ' Says that if they ever needed any help now is the time
 Needs they need it; thinks men would pay the government back
 all they borrowed, if the government did not tax them
 too much in the mean time (processing tax); says no
 trouble finding 40 or 50 families, good responsible
 people to go on a project like that.

NAME Boss Jacobs
SECTION Philadelphus Section, Robeson county N.C.
OCCUPATION Tenant Farmer - half cropper
FAMILY Self, Wife and four children. (Oldest child 12, youngest 1 year) - seven in all.
HOUSE 2 bedrooms, 1 kitchen and living room combined - 3 rooms in all and porch. House would cost \$400.00 to \$450.00 at this time to build new, per A.C. Locklear, his landlord, (A.C. Locklear built the house about 1920) - A frame house, rough lumber, dressed lumber inside, six windows - open top fire place chimney - and stove flue (separate) .
FARM Works 30 acres total - all cleared land - valued at \$50.00 per acre.
Crop Acreage 9-10 acres cotton (landlord gets all cotton seed at .10¢ or so after paying for ginning)
 2.5 acres tobacco
 1.5 acres oats for green feed
 .5 acre garden, potatoes, cabbage etc.
 15.0 acres in corn
 29.0 acres more or less in crops.
Crop Production Cotton 6 bales - worth\$300.00
 Tobacco 2400# - worth 580.00
 Corn 180 bu. at .50¢ cash value 90.00
 (Much of his corn used on the place)
 Total as above\$970.00
Livestock Raises chickens for own use - has no cow , 2 mules.
Tenant Boss Jacobs made a better crop than a lot of them (per A.C. Locklear, his landlord) - his land not so good . Tenant furnishes, mules, plow, wagon and does all the work.
Landlord Furnishes seed, fertiliser, and pays taxes- also furnishes house - landlord gets half the cotton, tobacco and corn and has to pay the taxes (real estate) .
INCOME Tenant, besides having his taxes paid, his house free, his garden chickens, cats, all free (for whatever labor etc. he puts in) gets $\frac{1}{2}$ the cotton, tobacco and corn and has (Total as above \$970.00) - -----\$485.00
 Boss Jacobs had to hire outside help - pd. out \$65.00
 (Includes \$20.00 for picking cotton and \$45.00 labor to his wife's uncle on the place)
 Pd. by tenant on plows etc. 12.00-77.00
 Approximate net income +.(cash income)\$408.00
INTERVIEWED 11/7/35 , evening, at home of A.C. Locklear by JJP.

NAME Offie Jones
SECTION White Hill Section, Robeson County N.C.
OCCUPATION Tenant Farmer, one half cropper
REMARKS Says he borrowed money through the overseer he works for - borrowed \$2.00 a week last winter and then \$3.00 per week last spring and summer - about \$105.00 total - and " he charges me 10% interest on all that- but will be able to pay it all off out of the present crop.
10% Int.
FARM Had 2.7 acres of tobacco
Acreage 22.0 acres of cotton
 18.00 acres of corn (for own use entirely) -
 got the corn land at \$5.00 per acre stated rent -
 Will have a little something left over (after repaying \$400.00 which includes land rent - the \$105.00 borrowed and soda \$24.00.
 3.0 acres of oats (3 acres at \$5.00 each stated rent)
Interest Rates & Credit Says that if a man buys a bag of flour for cash he gets it say, for \$1.00 - or \$1.10 if he buys it on credit - on top of the \$1.10 he is charged 10% more on the dollar for whatever there is on the books against him (makes over 20% extra where bought on credit) and can sometimes get the same flour for .88¢ cash at the chain store or A. & P.
 The above confirmed by John A. Locklear and Joseph Brooks who were present.
Good Farmer Offie Jones' overseer made he made more on tobacco than anyone else on the place (farm has five croppers and the owners farm on it)
INTERVIEWED 11/10/35 on his place by JDP.

NAME * Henry Locklear
 SECTION "Back Swamp" Section, Robeson County, N.C.
 OCCUPATION 1/2 Cropper
 AGE, Etc. Is 53 years old. Was one of six children. All grew up to be married.
 OWN FAMILY Has wife and six children.
 PRESENT HOUSE, House he is in now is "mighty sorry"; leaky; no chimney; "the wind goes through it"; newest part of the house has glass windows; is a 4-room house; 3 people in it; all one family; his wife says it is "the worst house she ever was in"; oldest part of the house (kitchen which they use the most) has only wooden shutters over the window space.
 REMARKS Says that if he were included in a Government project he would like a 4-room house to cost about \$500.; and 40 acres of tilled land. (A 2-horse farm.)
 PHOTOGRAPH Took one picture of house and some of those living there. (see elsewhere herein.)
 INTERVIEWED Saturday, November 9, 1935. Was one of several who spent the evening at A.C. Locklear's house discussing things. -- I visited his farm Sunday, 11/10/35 - JDP.

Note:- Henry Locklear is father of Jim Locklear (35) given elsewhere, but they run separate farms.

NAME Paricer Locklear
SECTION Pembroke Township, Robeson county N.C.
OCCUPATION 1/2 cropper " but don't get half " (land lord takes the cotton seed.- " Really get 1/2 up until 2 years ago "). Worked farm of Russell Livermore this year. Paid stated rent this year of \$5.00 per acre for all of the farm except that he worked 15 acres of cotton on " halves ".
AGE 52 years old
FAMILY Has wife and brother-in-law and his own little boy 12 years old.
FARM Grow 12 acres of corn - raised 150 bu. worth \$75.00
 1 acre of wheat
 3/4 acres of oats
 1/2 acre of garden
 15 acres of cotton (on halves)
 Paid \$5.00 per acre on corn land stated rent - \$80.00
 Bought 1700 # soda 25.00
 Bought no tools this year -already had them.
 Pd. for outside labor - about 30.00
 Board of brother-in-law for 12 months 120.00
 Approximate total Expenses on farm \$235.00
Livestock Owns one cow, 35 or 40 head of chickens and 1 mule.
Moving Has a farm signed up to go to for 1936 but says " plenty
 Dec. 1 of 'em can't get none and not going to get none " -
 Landlords " don't want to talk to a third cropper (who has no mules or tools etc. of his own and who can furnish only his own labor.)
Landlords Landlords want even put a window in the house to keep the weather out, he says. (This confirmed numerous other places.
INTERVIEWED 11/8/35 on his place by JDP.

NAME Walter Locklear age 49
 SECTION Philadelphus Section, Robeson County N.C.
 FAMILY Was an only child - has wife and six children, all living at home.
 OCCUPATION Tenant farmer- 1/2 cropper .
 HOUSE His house has two rooms - eight people in the house, All one family - " some parts of house pretty fair- about half of it "
 Government Project would want 40 acres of tilled land - a two horse farm.
 House Specifications Would want a four room house, cost \$500.00 - house finished in german siding (outside) - single floor - ceiled inside on walls and ceiling.
 Type Wanted All present - about 12 men - said that this was the type of house they wanted, or rather, type of construction they wanted - i.e. german siding outside, single floor inside , with walls and ceiling " ceiled ".
 INTERVIEWED 11/9/35 evening at home of A.C. Locklear. JDP.

NAME : Sim Maynor Age 60
SECTION : Philadelphia Township, Robeson county N.C.
OCCUPATION : Tenant Farmer, $\frac{1}{2}$ cropper
FAMILY : Has wife and 9 children (4 at home) - was himself 1 of 8.
HOUSE : Has 3 rooms - 7 people in them - all one family - house is
in very bad condition (what he said of it could not be
printed) .
NEEDS : Says he would need 50 acres with woods and all - 40 acres
tilled - a two horse farm. Would want 4 room house to cost
about \$600.00.
INTERVIEWED : Sunday 11/10/35 at A.C. Locklears place by JDP.

NAME Lindsay Revels, age 57
SECTION Waukulla Section, Robeson County N.C.
FAMILY Was one of five children - all now married - has nine children - all at home - making eleven in family.
OCCUPATION Tenant Farmer - 1/2 cropper .
HOUSE Three room house - eleven people in it - all one family - condition of house - bad.
Government Project Would want a five room house, cost about \$800.00.
 Would want 50 to 60 acres in all - 40 acres cleared - a two horse farm for his size family (11 people)
INTERVIEWED 11/9/35 evening at A.C. Locklear's . JDP.

NAME Alex Strickland , age 56
 SECTION Waukulla Section, Robeson County N.C.
 FAMILY Was one of nine brothers and sisters - all but one grew up to be married - has wife and seven children .
 OCCUPATION Tenant farmer - 1/2 cropper - three horse farm.
 HOUSE House is pretty good - a new house - cost \$335.00 - labor and materials - one family (7 people) in the house - four rooms -
 Government Project Want a \$500.00 or \$600.00 house if he had to borrow from the Government.
 If he owned his own farm , says he could get along with a one horse farm - would want 40 acres - 25 tilled - 15 in wood lot .
 INTERVIEWED 11/9/35 evening at home of A.C. Locklear, JDP.

NAME John Strickland, Philadelphus Section, Robeson County, N.C.
 OCCUPATION "Farmed all his life" as a 1/2 cropper; "don't get the seed now"; not since 25 years ago; only one now and then gets the (cotton) seed.
 AGE 67 years old.
 FAMILY Self and wife; son and son's wife, and their 4 children.
 FARM 2-mule farm: (1 is his; 1 his son's.)
 8.4 acres of tobacco -
 Crop 11.0 " " cotton -
 Acreage 15.0 " " corn (5 acres stated rent; 10 share-crop)
 34.4 acres tilled land.
 Garden No garden. Could have one but the "bugs got it last year" so have none this year.
 Allotment Tobacco 6080#. Crop will run over this.
 Cotton allotment, 1300#; crop will run over 7-8 bales.
 Processing Tax Thinks tax would be all right if each farmer were allotted so many acres and then could raise all he wanted to per acre on those acres.
 Income "Made a little bit of money last year, between \$75. and \$100. (for the 8 people in the household) after paying what they owed" - "Got no clothes (except "two shirts and two pairs of overalls, and one pair of shoes last winter");"
 Farm Shortage Says have been 25 or 30 Indian people after 1 farm that is for rent by J.P. McMillan (in Philadelphus district); all had farms this year but now have to move (December 1st); "reduction of money crop (cotton and tobacco) has cut number of renters needed by 30% (from 100% average of last five years to 70% of that number)."
 Less Renters Needed by 30%

INTERVIEWED 11/8/35 where he was grading tobacco. JDP.

NAME Andrew Wilkins age 36
SECTION Philadelphus Township, Robeson county N.C.
OCCUPATION Tenant Farmer, $\frac{1}{2}$ cropper, on this farm six years.
FAMILY Self, wife and eight children (ages 18-13-12-10-7-4-3-and 2 months.) - Five oldest help pick cotton- have not yet started to school (on Nov. 8.) - says it will be three weeks more before they can go to school because of the work they have to do on place - has to buy school books for the children.
HOUSE Has a new house identical with Leonard Bullard's \$200.00 house described elsewhere herein - their landlord built three of these new houses for his tenants last year (early 1935)
FARM Has good land - gets seven to eight bales of cotton from 9.3 acres - gets 100 or so bu. of corn off of 14 acres - uses 40 to 50 lbs. of soda per acre on corn - uses 450 # per acre of guano and 50 # of soda per acre on cotton.
Crop Acreage Has 25 acres - 20 acres in one peice and 5 acres across the road - gets $\frac{1}{2}$ the cotton but no seed - gets $\frac{1}{2}$ the corn - has no tobacco, no wheat or rye - has $\frac{1}{2}$ acre in oats - $\frac{1}{2}$ acre in garden - 14 acres in corn (uses all the corn on the place him- self) Has $\frac{1}{4}$ acre garden - $\frac{1}{4}$ acre potatoes (needs $\frac{3}{4}$ a. potatoes)
Livestock 1 mule (belongs to landlord) but is buying it from the landlord - owns one cow, three pigs and thirty chickens.
Landlord Has worked for the same landlord for six years now and is to be here next year (7th year) so the landlord is satisfied with him as a farmer yet the landlord's statement of Andrew Wilkin's account for January 1, 1935 (account signed by J.P. Buie, landlord) shows but \$5.15 left for the tenant Andrew Wilkins after his years work in 1934. (Original of this landlord's statement attached to the original of this report. JDP) - (Note- Andrew Wilkins has a good farm - land and crop appeared excellent - the four or five oldest children work in field and yet, like his neighbor Leonard Bullard reported elsewhere, was unable to make more than the barest living as a $\frac{1}{2}$ cropper. JDP)
Bare living For Tenant Farmers
Income of Share-Croppers
 Says he could make out better if he had two or three acres of tobacco - has not been able to pay landlord yet on the mule he is buying from him - Needs another cash crop or more cotton.
Land Values Says tilled land on this farm is worth about \$50.00 an acre - Could raise more cotton per acre if he put more fertilizer on it but would then have to pay processing tax on excess over allotment.
Other Income Have not been able to find any outside work lately - used to be able to cut and sell wood, not allowed to do it anymore -
INTERVIEWED 11/8/31 at his place by JDP.

25.

NAME J.W. Wilkins
SECTION Philadelphus Township,, Robeson county N.C.
OCCUPATION Tenant farmer, $\frac{1}{2}$ cropper - has farm 12 years.
FAMILY Self, wife and hired man.
HOUSE Four room frame house - rough lumber outside, dressed lumber inside - 2 windows in house - 2 fireplace chimney with separate flue for stove - house has 3 bedrooms and one combined kitchen,dining room. Front porch - house set on wood blocks - part of roof metal and part shingle - says it would cost around \$600,00 to build a house that size now - thinks \$800,00 will build a good frame house now with german siding.
Wants Says if government were putting em-re up the house on a re-imbursable basis he would like a five room house costing about \$1000,00 if reasonable time to pay it off - would like electric lights if he could have them and also running water in the house .
 Would want house costing\$1,000,00
 25 acres of land @ \$50,00 per acre1,250,00
 Barn (if new) 250,00
 Well 15,00
 Chicken house 10,00
 Toilet (outside) 10,00
 Total, only items as listed\$2,535,00
FARM Rents 24 acres of good land - all tilled .
 Cotton 5,5 acres- production 4 bales - brought \$200,00
 Tobacco 6,0 acres - " 6000# " 1400,00
 Corn 11,0 acres 175 bu. 87,50
 Oats 1,0 acre used for green feed
 Garden, 2,3 acres (2/10) - own use.....
 30 head of chickens
 6 turkeys
 4 pigs
 1 mule
 0 cows
 0 outside work done (so no income there)
 Total from cash sales \$1687,50
 Tenants share ($\frac{1}{2}$ cropper) 844,00
 Less paid out for hired help \$60,00
 Tax on cotton 25,00
 Tax on tobacco 37,00
 Cash to hired man 160,00
 Board of " " 12 mo. 120,00
 Tools, plows etc. 20,00

 489,00
 Approx. Cash Income of Tenant 424,00

26.

Page -2- J.W. Wilkins - Con't.

REMARKS J.W. Wilkins says he estimates about 30% of the share-croppers will not be able to get farms the coming year due to increase in population and inability to clear places of their own. Have had jobs elsewhere in the past but no more jobs now and have to farm to live or starve - " mighty near impossible " for an indian to get on relief - even older people 65 to 70 years of age are turned down and can't get on relief.

Indians Badly Situated

Cotton Unprofitable at .10¢ With cotton at .10¢ a lb. J.W. Wilkins says that raising cotton is " just swapping money " - " just about enough to bear expenses " - Says on new land, could not grow any cotton or tobacco for new land would carry no contract -

Gov. Project If the government bought new land for a project indians could grow corn, potatoes, watermelons, etc. but there is no market for them - so purchase of new land would mean only subsistence farming , unless cotton and tobacco contract system were changed but plenty of indians would be glad to do subsistence farming because they have no place to make a living of any kind now -

Subsistence Farming

Farm Shortage A lot of share croppers will not be able to get farms the coming year - " I expect 30% of them " . -- " some have made out by " catching a job where they can " , once in a while - a relief or some other job - but some of them are " ready to starve " - some haven't clothes to wear and get pneumonia and die in the winter. (On a number of places visited by me both children and women and folk in the household were without shoes and stockings and even the women's clothes were in rags and tatters. JDP)

INTERVIEWED Evening of 11/7/35 at home of A.C. Locklear by JDP.

NAME Archie Woods , age 52
 SECTION Philadelphus Section, Robeson County N.C.
 FAMILY Was one of three brothers and sisters - all three married-
 His wife and four children living .
 OCCUPATION Tenant farmer - one-half cropper.
 HOUSE Has three rooms - " Worst house in the world - ain't no
 house at all ". Six people in the house.
 Government Project Would want a three room house to cost \$500.00
 Would want about 20 acres of tilled land and 10 acres of
 wood lot.
 INTERVIEWED 11/9/35 evening at A.C. Looklear's by JDP.

NAME James E. Chavis.- Secretary, Siouan Tribal Council.

SECTION Pembroke Township, Robeson County, N.C.

OCCUPATION Farm Owner - (his brother Ulysses Chavis running his farm as a 1/3 cropper this year, but next year James E. Chavis will operate his own place... See Ulysses Chavis report herein for further data.)

Also teaches school at Pembroke. Gets some \$83. per month while teaching (3 months); says he has been working almost 30 years to have a home of his own. Bought his present place two years ago. Paid only \$1000. for it understanding that the land was not so good as other, more expensive places. Says he never could have saved enough to buy it without the teaching job.

...HOUSE-----Has 3-room house; 7 people in it-(2 families);

AGE Aged 39. -I-I-I - House in pretty good shape; needs a 4-room house to cost about \$550.00

FAMILY Has wife and one child. Was one of 7 children; all but 3 are grown and married;

FARM See under Ulysses Chavis herein. Says he himself can get a living off his farm but that his brother did not have enough of a money crop to support his family (Ulysses Chavis' total cash taken in during 1935 was \$73.50 from crops and labor.)

REMARKS Says trouble in this part of the country is that the landlords hereabouts have gone into the N.W. part of the State where farms are smaller, but good tobacco farms, and gotten the farmers to move in here. (This confirmed by John Strickland, A.C. Locklear, and two (white)plantation overseers, J.R. Moore of Fletcher Plantation, and W.R. Beeson of Pates Supply Company's Farms, JDP.)... Says landlords who have done this hereabouts are Paul McNeil, brought in 8 families in 1934 from N.W. part of State; H.B. Ashley brought in several also; W.R. Beeson, Supt. Pates' Supply Co. farms, a division of the John F. McNair Corporation (land corporation)- McNair "a million dollar merchant and landowner" owning thousands of acres - "3 to 5 miles at a stretch in one block on one road"- "Have been bringing in farmers from outside and squeeze the local men out". Do this "to drive a better bargain with the newcomers". Have been doing this about 8 years.

Rehabilit- Says as far as he knows (he is Secr. of Siouan Tribal Council) only 2 Indians out of about 5000 families have received Rehabilitation Loans to help them buy a mule, seed, equipment, etc., though more applied.

Page 2 - James E. Chavis, cont'd.

Says that on a 1/3rd cropper's farm, if the Government bought it, 3 farm owners could be put on the same land, and would each do as well as the tenant (who only got 1/3rd of all he raised of tobacco and cotton); says that each of those new owners on his own 1/3 of the land would get more off it than the present 1/3rd cropper does now, because as owners they would each "take better care of the land they owned", i.e. would not only farm it better, but would also plant crops like wheat (for flour) that no share croppers plant now, or plant only occasionally.

Farm Owners
Would Raise
Own Wheat
For Flour.

(Note:-Wheat has to be planted in the fall, and most of the share croppers are not told by the landlord until about December 1st whether or not they are to be allowed to have the farm for the succeeding year, so they do not plan on wheat for the most part, and therefore have to buy their flour on credit, at exorbitant prices.. See elsewhere for confirmation by different individuals of excessive prices charged on credit accounts by company and other stores.)

Thus a 1/3rd cropper running a 2-horse farm could (theoretically-JDP) be replaced by 6 one horse farmers each owning his own farm, and getting its entire crop for himself.

J.E.Chavis
Interviewed.

Interviewed 11/8/35 and again on 11/10/35 by JDP.

NAME S.M.Bell

SECTION Bethel Hill Section, Robeson County, N.C.

OCCUPATION Landowner - Has 6 1/2 acres (see below)

AGE Age 60. Was one of eight children, 5 girls, 3 boys; all of whom lived to be married.

OWN FAMILY Has wife and two children at home, and is raising 3 grandchildren at home; (8 in family now).

HOUSE Has a 4-room house; rooms are 16 X 16 each.

REMARKS S.M.Bell is Chairman of the Tribal Council, Siouan Tribe of Indians of Robeson County, North Carolina.

INTERVIEWED Friday evening (at home of Joseph Brooks, Delegate of the Council) - 11/8/35.

S.M.Bell interviewed as follows:

Farmed Here For 49 Years. He has been farming in Robeson County 49 years out his 60 (boys hereabouts start plowing at the age of 12, and all the children are out picking cotton at the age of 6 or 7 and up.)

Present Farm. Has 6 1/2 acres of land now; 20 of it cleared; 4 1/2 acres in woods and swamp.

Land Use. Of 20 acres tilled, had following:

3.6	acres	in	cotton	(allotment	970 #);
2.0	"	"	tobacco	("	1340#);
1.5	"	"	peas	& alone);	
1.5	"	"	potatoes	and garden	(some cane);
11.0	"	"	corn	(all for home use of selves, & livestock);	
19.6					

Fertiliser. (In 1935) used 500# per acres of fertiliser on his cotton; 800# per acre on his tobacco; and on corn 125# per acre (and some guano, 100# per acre); paid cash for fertiliser, \$98.00, obtained from the Government on a loan.

Hired Help. None, except on grading tobacco he paid out \$10.00.

Crops Raised. 715# cotton (no tax paid); 1400# tobacco (\$3.00 tax paid)

All Work. Self, wife, 2 children, and 3 grandchildren all pick cotton (youngest 6 years old, -also "hands tobacco

Page 2 - S.M.Bell, cont'd.

around the barn"); boy, 12 years old, plows.

Mortgage. Has mortgage over \$2000. on place, @ 6%.

Cost of Farm. Paid \$3000. for the farm (61 acres) in 1920.

Livestock. Says he has "got about all one mule can handle"; has no cow; has 5 pigs (for home consumption.... All pigs on farms hereabouts are for home consumption.); has 2.5 chickens; 1 goat.

Population Increase. Says Indians in Robeson County have been increasing "right smart" in last ten years. Is continually asked, "where can I find a house?". Says Indian population has increased a great deal faster than the new land (increase) under cultivation, and faster than the number of houses.

Farm Shortage. Says that Haynes Oxendine, age 45, with a wife and 6 children, has not been able to get a farm (on shares) in last 4 years (except this year).

See next page also.

Says that Charles Oxendine, age 65, with a wife, and 2 step-children living with them (one child 10, other younger) had no farm this year, and "no farm for 8 or 10 years, though he tried to get one" (worked here and there at day wages, averaging around 75¢ per day. See elsewhere herein.)

Land Needs. (S.M.Bell thinks that) the average Indian family of 8 should have:

Average Indian Family of 8.	6 acres of cotton; (cash crop); 2.5 " " tobacco; (" "); 10.0 " " corn; (for own use, stock, etc.) 2.5 " " wheat; (" " "); .5 " " cane; (" " "); 1.0 " " potatoes; (" " "); 22.5 acres tilled land (as above) and also - (for stock) - 2.0 acres of hog pasture; 2.0 " " cow pasture; 2.0 " " oats (for green, rough feed); 2.0 " " beans (1/2 acre for own use - rest for bean hay, etc.); .5 " " garden, more or less; making some 30 to 31.0 acres TOTAL TILLED LAND , with also some 9 or 10.0 acres of WOODLOT .
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40 ACRES NEEDED BY AVERAGE FAMILY. Thinks 40 acres should be the total of a 1-horse (mule) farm.

Page 3 - S.M.Bell, cont'd.

- Suggestions Regarding Government Projects...** S.M.Bell, Chairman of the Tribal Council, and Joseph Brooks, Tribal Delegate, both think that if they could pick out 40 responsible Indian families (not now on the land even as share-croppers) they would like to see them put on a Resettlement Project with joint responsibility (this in reply to a question of JDP's); that if this were done with, say, 1/2 logged-over land and 1/2 improved, they could average up the "cash" crop (cotton and tobacco) and have work clearing the unimproved land part of the time. Think some such the best way, i.e. that if Government were to buy land, to buy "some of both kinds" would be best, as, if logged-off land alone were bought, they could only get a subsistence living off it (because new land would not have any tobacco and cotton allotment contracts on it.)
- Joint Responsibility.** Others present (5) all agreed, after discussion, that they felt it would be good insurance if all of them on a Resettlement Project would be responsible each for the other, that if one got sick or hurt, the others would pitch in and carry his load, and that if there were enough of them on such a project the burden of helping one another this way would not be too heavy and would mean that they would all keep up in their payments to the Government. (JDP initiated the talk.)
- Suggestions As To Housing, Etc..** See elsewhere herein for vote of seven present on what a Housing Project House should cost. etc.
S.M.Bell himself, with 8 in family or household, says he would want, for them, a 4-room house, to cost about \$500. (if he had to pay the Government back over a period of years.)
- Land Needs.** Says that his present 20 acres is enough in his case, as far as tilled land is concerned; that he would need 15 acres of woodland.
- Little Building Since '28.** There has been little or no building since 1928 (until now, when it is starting up a bit); a lot of people living in tobacco barns; and a good many families in one house, or people crowded into too few rooms.
- Large Families.** Says average Indian family will be around 8 (checks independently with what Dr. J.G. Faulk just told me. JDP.) and that most of the children live.... "Pretty healthy country."
- Farm Shortage.** Has 2 boys (b. 1905 and 1909) - both married - (1 has 5 children); oldest one "couldn't get a farm the last 3 (cont'd) years; other "hasn't got a farm for next year".
- See Page Before...** /COOPERATIVES:- Says there are no cooperatives now that the Indians are in; would like to get a cooperative for canning, buying fertilizer, etc., "if on a good basis." (Grange Mutual Exchange for whites.)

NAME Lee Brewington
 SECTION Bethel Hill Section, Robeson County, N.C., Saddletree Township.
 OCCUPATION Farm owner.
 HOUSE Has better house and grounds around house by far than most places; says he put \$350. into house after he got it; house painted inside and out (almost no others were painted); house larger than most. 5 in house.
 INTERVIEWED Sunday, 11/10/35 at his place; one photograph taken of some of those living there - rest away.
 REMARKS Has 40 acres:
 3.5 tobacco;
 6.0 cotton;
 15.0 corn;
 3.0 oats;
 2.5 miscellaneous, including garden.
 Cleared 30 acres. Cleared 30 out of the 40 acres himself; has been there about 20 years.
 Mortgage. Owes \$1500. on mortgage at 5%.
 Tobacco. Was allowed 2900#; raised a bit more; paid \$38. tax on excess.
 Cotton. Was allowed 1350#; raised 2200; not all sold yet.
 Livestock. Has 2 mules; 7 hogs; 40 chickens; 1 cow and a used car.
 Outside Help. Paid out over \$200. for outside help this past year; (including doing some ditching; had to borrow money to do it and also to send boys to school; paid over \$200. last winter to send his 18 year old boy to the Pembroke High School (his last year) and more this year for the boy's first year at the Indian Normal School.

NAME Joseph Brooks - Delegate, Siouan Indians of Lumber River.
SECTION Pembroke Township, Robeson county N.C.
OCCUPATION Farm Owner; Owns 2/3 of an acre ; rents 4.5 acres at \$7.50 per acre stated rent ;
AGE 31 years old
FAMILY Wife and three small children ; Six in household (one girl of 19 , a relative boarding with them) ;
HOUSE Four room house - frame - matched pine inside, 5 to 6 inches wide ; wood floor (single thickness - as are all the houses visited) ; 2 stack chimney (rather, twofire places in the one central chimney) ; and stove flue separate ; tin roof ; living room and kitchen , 1 1/2 ft. x 16 ft. each ; 2 bedrooms 10 x 16 ft. each ; porch, 8 ft wide by 16 ft long ; outside of house sheaved with " German " siding ; house built in 1926 ; built when " ceiling " was about \$50.00 per thousand ; - now about \$18.00 to 25.00 per M.
Room Dimensions
Construction Etc.
Building Cost Etc. Says same house today could be built for \$400.00; A.C. Locklear says it would cost \$500.00 today (JDP agrees with latter) ; Chimney took 1400 brick at \$15.00 per M; and \$8.00 labor (eq uals 2 days at \$2.00 each for 2 men - \$1.50 for 3 bags of lime at .50¢ each ; 1 bag cement .98¢ and two chimney irons at .50¢ each) ; Ceiling 9 ft high - if building again would make them not over 7 or 8 ft. as too high ceiling make it cold in winter ; house set on wood blocks ; no plaster ; two bedrooms are unfinished inside ; living room and kitchen - walls and ceiling are finished with " ceiling " ; house two feet above the ground as are most or all of the houses visited.
INCOME Had three acres of tobacco and not on government contract; sold \$486.00 worth of tobacco, net , after tax had been pd. at .04¢ per lb.; no cotton; 1 acre of corn ; well fertilized; produced about 32 bushels ; as four hogs; 40 chickens ; bought 2 tons fertilizer at \$28.50 per ton ; 200 # soda cost \$3.00 ; 2 bags 8-3-3 fertilizer, \$5.12 ; Paid out \$40.00 for outside labor
INTERVIEWED Thursday 11/7/35 at his place by JDP

NAME Rutherford Brooks,
 SECTION White Hill Section, Robeson County N.C.
 OCCUPATION Farm Owner - 8 1/3 acres.
 FAMILY Self and wife and two small children.
 HOUSE Two room house - metal roof over beams (no ceiling) - interior not finished at all - only three windows in house - house set on wood blocks - open space under eaves all around - part practically open to weather - largest room is old - has fire place on one end - a newer 12 x 15 foot ell has no windows but an opening with a wooden shutter - Newest part of house cost probably \$15.00 for lumber, \$5.00 for shingles (see photograph of house elsewhere) - entire house could not have cost more than \$125.00 to \$150.00.
 FAIRY Raised four acres of corn - 15 bu. per acre - got .60¢ per bushel cash for it - has a small garden and a dozen chickens - two pigs - one ox to do the plowing, but has no feed for the ox and says he will have to sell it.
 REMARKS Rutherford Brooks has only one leg but seems to get around very well on the one good leg and a crutch.
 INTERVIEWED 11/7/35 at his place . JDP.

NAME Nathanial Dial.

SECTION Pembroke Township, Robeson County, N.C.

OCCUPATION Farm owners. Son does the farming.-Farm being fore-closed.

AGE Age of Nathaniel Dial 95; wife "80 odd";

FAMILY 12 on place; son 42; (son's wife dead)-son's 2 children; sister and sister-in-law; sister's 2 children; and his (N.D.'s) 3 brothers, aged 40, 39 and 30.

HOUSE 2 small houses in poor condition. 12 people in 2 houses
2 rooms in 1 "
1 room in other.

FARM Have 60 acres; in litigation, being foreclosed on for debt of about \$2000.-Say they are charged 10% interest (5% the legal rate but lenders seem to get around this. JDP.)-Debt has been on the place since 1926. Debt was \$500. at start and then borrowed some money on long term loan and pay "10% on that", per H.D. Dial.

*Debt.

Crops No tobacco contract; have 3 acres in cotton but no contract (so have to pay 4¢ a pound tax on all the cotton they raise which makes it impossible for them to make any money on the cotton crop. JDP.)-Have 9-10 acres in corn (all consumed on place); raised 3 acres of tobacco (and paid the tax, of 4¢ per pound);

Crowding In the 3 rooms above-mentioned there are 12 people, as noted; being 2 families and 2 single men (H. Dial's brothers) and one single woman (his sister).

INTERVIEWED Sunday, 11/10/35 at their place. 2 photos taken. JDP.

*Note on above debt.....From remarks made by others interviewed it was said that anyone borrowing money from the man the above family had borrowed from was sure to lose his place, that "nothing would satisfy the debt except the land"-that this particular lender went around "buying up debts" and foreclosing on them. JDP. 37.

NAME A.C. Locklear
 SECTION Pombrake Township, Robeson county N.C.
 OCCUPATION Farmer - land owner - land lord. Has several tenant share-croppers.
 HOUSE Has a modern brick house - built last year when his old one burnt down - walls plastered - 6 rooms - 2 porches - 2 windows in every room - water supply outside the house from a hand pump. His was the only indian house with plastered walls of brick construction and was by far the most prosperous and best looking place seen by JDP. (who stayed with the A.C. Locklears for the three and half days he was in Robeson county) .
 FARM A.C. Locklear works one farm of his own and has several tenants - J.W. Wilkins, HESSIE DEES , etc. reported elsewhere herein.
 A.C. Locklear is in no need of help financially or otherwise, so no report is made on his livestock etc., but he has plenty of mules , milk cows, goats , chickens, hogs (7 large ones) and garden space , wood lot etc. and decidedly well off in comparison with the other indians visited on their places or interviewed by JDP.
 A.C. Locklear is a leader in his community - a member of the Tribal Counsel , Siouan Indians of Lumber River - Mr. Locklear's wife is one of Joseph Brooks' sisters .
 REMARKS A.C. Locklear agrees with J.W. Wilkins in estimating the percentage of indians who will not be able to get farms this year at 30% - says he has one or two indians come here every day " and try to get farms but that they can not get them and " that is why they perish " - because they can't get food and get pneumonia in the winter from lack of " proper " clothing and food - says lots of people get pneumonia from lack of something to wear - The County Board takes just a few of them on relief - will let a lot of them sign up (for relief) but want give them the work - thinks the government should buy mostly improved land - Gov. "Went cost the Government" a bit more " - " or hardly as much " Project as unimproved land (i.e. with the added cost of clearing the unimproved land) - Says one man was at his place yesterday before 7:00 A.M. and another today after a farm, has none for rent.
 INTERVIEWED At his home 11/7/35 evening by JDP.

NAME Betsie Locklear

SECTION Pembroke Township, Robeson county N.C.

OCCUPATION Farmer ; farm owner;

FAMILY 8 in family; son Jim does most of the farming.

HOUSE Four room house.

FARM Farm- 30 acres;

Crop Acreage And Income

(a) 1.1 acres of tobacco - 1071 # - brought \$65.00 = \$65.00
(some sold at 6¢, 8¢, 10¢);

(b) 8.2 acres of cotton ; got $11\frac{1}{4}$ ¢ for 3 bales,
11 ¢ for 1 bale ; raised 2100 # - 270 short
of allotment ; cotton brought total \$201.30 = 201.30
Cash crops brought total \$ 256.30

(c) 8.0 acres in corn ; about 20 bu. per acre ;
total 150 bu. at .50¢ cash value per bu. ;
but use it all on the farm.

(d) Has had only four days work off his on place in
1925; Got \$1.25 per day - 12 hr. day \$ 5.00
271.30

(e) Sold the cotton seed from 4 bales ----- 68.00
Total cash income, gross \$ 339.30

Bought fertilizer and soda \$105.00
Real estate taxes 14.10
\$119.10 119.10

INCOME (Net) NET CASH INCOME \$ 220.20

REMARKS Besides above acreage in crops there was about one acre
in potato patch and garden, making, with 1.7 acres un-
accounted for, 20 acres of tilled land; 10 acres in woods-
30 acres total.

Land Needs Planning on some time getting 2 or 3 more acres of
cleared land (I.e. will clear it themselves) - need
between 24 and 25 tilled land in all.

Farm Shortage * Jim Locklear, age 27 son of Betsie Locklear, says " a
lot of them can't get farms " ; can't get a farm with
out stock, and even if they have a mule they can't get
a farm often.

Cost of Mules A mule worth \$170.00 last year is worth \$225.00 this
year - mules come from the west and drouth has put the
price up.

INTERVIEWED 11/8/35 on their place by JDP.

* Jim Locklear was born and raised on the place he is
now on. 39.

HOME Durant Locklear - Interviewed 11/8/35 on his place by JDP.

SECTION Pembroke Township, Robeson county N.C.

OCCUPATION Farm Owner - also supplements his living putting down drilled wells and installing pumps - mostly overhaul work.

FAMILY 8 in family - 4 boys , 21,18,16 and 15 years of age and 2 single and 1 married girl (latter living in Pembroke)

HOUSE-8 room Has a new house cost \$875.00 - frame construction - built in 1936 - size 26-36 ft (see photograph)

House Details Green composition roof,house painted inside and out, german siding, interior finished " B and better " grade of " ceiling " pine (native) - one thickness floor - chimney with one fireplace and stove flue in it also - house has six rooms, good front porch - house set on brick columns, windows of four lights each, two windows in all but one room - did work himself on house - would have cost him \$125.00 more if he had hired it done (didn't spend over \$50.00 on labor) - Another man offered to do all carpentry work on house for \$175.00 - did his own mason work.

House would have cost \$1,000.00 if he had hired it done by others .

FARM 26 acres with house (50.4 acres in all , counting 2 nearby tracts) - Tills only 26 acres in all - trying to get the other 24 acres in shape to plant corn. This year had 7 acres in cotton, 3 in tobacco and 16 acres in corn and peas , garden etc.

Land Needs With his size family (8) figures he needs about twice the tilled land he now has . Has about 1/2 in potatoes and garden and his wife says he needs a 1 acre potato patch alone and 1/2 acre more for vegetables. Last year the potatoes they had rotted after they dug them so did not plant so many this year. Do some canning but not enough fruit for themselves (did not have enough on place and could not afford to buy fruit).Fruit wormy on trees, fall before ripe " just would not do for canning".

Brothers Share-Croppers Says he has 5 brothers, all farmers, and all had farms this year, all 1/2 croppers (2 have to move Dec. 1st. and have yet to find farms for 1936)

Stock Farm Durant Locklear had one of the best stock farms of any place visited - a new barn just completed - 24 x 45 ft. (see plan given elsewhere) - Material cost \$178.00 for lumber (4000 ft, frame and all) and metal roof (about 17 sqs.) and bricks etc. for sills.

One-horse farm says family of 5 can get along on 18-20 acres tilled land and 8-10 acres of wood land. The way things are going now.

NAME	R.M. Lowry
SECTION	Burnt Swamp township.
OCCUPATION	Farm owner; 118 acres; three horse farm; has three tenants- 1/2 croppers, and three others " stated renters " and runs one farm himself.
	Is a member of the executive committee of the local Democratic organization, was Chairman of local School Board.
INTERVIEWED	Sunday 11/10/35 in his district by J.O.P.
REMARKS	Says there are about 250 voters in his township; all but 15 are indians (only 12 col. families and three white)
Crop Acreage	Says that, after paying their debts, his three sharecroppers will have about \$350.00 each- that each of his sharecroppers has five acres of cotton to the horse and 2.5 acres of tobacco to the horse; each has about 9 or ten acres of corn per horse.
Family Crop Needs	Thinks each family should have about three acres of tobacco, five to six in cotton, and 10 in corn, with garden, to get the (decent) living.
Farm Shortage	Never saw so many indians who will be without farms; has had at least 20 in the last three weeks to tell him they want be able to get a farm next year; Thinks reasons are that they are marrying (and having children faster than they are dying) and that causes more families than previously and landlords are not building; also from other counties white families are moving in and claiming they are good tobacco growers; and landlords are trading with the newcomers and removing indians; " they (Indians) have been hurt more in this section than anywhere else, I think ".; Even men with stock (mules) can't get a trade- they are out out of a crop.
Indians Hurt Worse than Whites	

NAME H.H.Oxendine, aged 70.
SECTION White Hill Section, Robeson County, N.C.
OCCUPATION Farm owner; landlord - on this one farm "50 years".
FAMILY His son helps to operate the farm.
FARM Operations Opened up a 5-horse farm - 135 acres tilled - 35 acres in no plot - 170 acres total; "cleared it all himself" - Land cost at start was as high as \$9.00 an acre then with timber on it.
5-horse Farm.

Crop	3.8 acres tobacco
Acreage	27.0 " cotton (11 bales this year)
	.5 " cane (used on place)
	1.0 " sweet potatoes (" ")
	2.0 " wheat (use most of it)
	2.0 " oats (for green feed)
	.5 " garden
	1.0 " rye (for grazing)
	70.0 " corn (about 15 bu. per acre, but not picked yet)
	4.0 " hog grazing
	<u>124.5</u> acres accounted for as above, tilled land.

60 acres of peas, planted in the corn.

Livestock 5 mules - 2 cows - 12 hogs (out of 35, rest died of cholera) - 60 to 75 chickens.

Yields, etc. 11 bales cotton @ 117 = \$55.00 per bale.....\$605.
 1000 bushels of corn, but mostly used on place, \$500.
 3.8 acres tobacco...\$500 (son's tobacco).....\$670.
 Approximate gross income.....\$1775

Expenditures Bought 15 tons fertiliser @ \$24.00..\$360.
 4 tons soda @ \$35..... 140.
 Yearly expense for equipment, about... 40.
 † hired man 5 months @ \$15.00 per month and he boarded himself..... 75.
 Picking 2 bales of cotton..... 15. 630.
 Approximate net income (with corn).....\$1145.

Net Cash Deducting corn, mostly used on place, leaves \$ 645.
Income (?) Less cost of cotton ginning @ \$3.75 per bale- 41.25
 Approximate net income (taxes not known)---\$ 603.75

Cotton Seed Gets all cotton seed back but uses it all as fertiliser on the wheat, oats, rye, etc.

Hog Pasture Pastures hogs on 30 acres of the peas-Disk in the rest for green manure.

Page 2 - H.H.Oxendine, cont'd.

Tenants Has also 2 tenant farmers included in the 170 acre figures (just given)-i.e. crops given areas for the full place.

1/3rd Cropper Status 2 tenants are 1/3 croppers - H.H.Oxendine furnished house, mules and land, and fertiliser. Gives the two tenants back their seed (he and one or two others are the only landlords I found who do this. JDP.) - or buys it back from them and puts it on the land for fertiliser.

Farm Shortage Land Companies Says the majority of his people (Indians) "can't get farms"- Not enough land to go around. Biggest body of (white) landowners get together (in corporations, etc.) and buy up land to keep, to use it for themselves, or to let it out to tenant farmers.

Landowners Neglected Farms Says landlords also-a majority of the- have mortgaged their places on long loans, have bought cars, etc., and "went riding around, not working"- got badly in debt, themselves, so that today a lot of the landlords "haven't got credit enough themselves to carry the tenant while the crop is growing."

Plenty of Tilled Land If tilled land in Robeson County were cut up into lots, and each Indian owned his own land, there would be enough tilled land to care for them all.

Plight of 1/3rd Cropper As it is now, with 1/3rd croppers, not many of them can feed and clothe their families, must go barefoot and keep their children out of school for lack of clothes and shoes.

Foreclosures Says thousands of acres of tilled land in Robeson County are not used - owners having been dispossessed and land lying idle.

Government Project Types of Land Thinks Government should buy partly improved land and partly logged-over lands. "It would help to give them (the Indians) something to do, getting paid to clear the logged-over lands (all close enough to where they live to get back and forth easily.)"

Cost of Clearing To clear logged-off lands - (ready for farming) - says "I don't think it can be done for less than \$50.00 per acre" and cost of canals for grainage extra, on top of that.

Bad Times Cotton Unprofitable -----Says "starvation is at the door"- "taxes eat up profit on everything..If you can't raise what you need you can't get money to buy anything"... "Haven't been getting money back on cotton." Says cotton and tobacco tax are what "is perishing the country."

43.

INTERVIEWED 11/8/35 on his farm. JDP.

NAME John R. Oxendine , age 66.
SECTION Saddletree Section, Robeson county N.C.
OCCUPATION Farm owner - 30 acres
FAMILY Self, wife and one child
FARM 30 acres - 15 tilled
Mortgage \$800.00 mortgage , Federal Land Bank - Int. 3%
Debts Oves \$1200.00 at the store - bill has run four years there at 6% - Used to charge 10% (three years ago) but now 6% .
High Cost Of Credit Buying Bag of flour - 24 lb. bag - recently bought by him on credit cost \$1.25 - could have gotten it for .90¢ cash.
REMARKS Has been on the place 25 years - now being foreclosed for the store lien.
INTERVIEWED 11/11/35 at 5:30 A.M. at house of J. Brooks by JDP.
NOTE With reference to case of John R. Oxendine - above - one of his neighbors remarked that he know the situation and that J.R. Oxendine had not applied the money he made on the farm to reduce the loans - and so had gotten farther into debt continually - but this was the only case of it's kind I heard of definitely . JDP

NAME Andrew Woods
SECTION Philadelphus Township, Robeson county N.C.
OCCUPATION Farm Owner
FAMILY Self and wife - his son and son's wife and their three children -
 Another son's widow and her four children - total 12 people in
 three houses but one of the houses is a tobacco barn.
HOUSE As above.
FARM 30 acres - 25 acres tilled - 5 acres woods -
 4.0 acres cotton - 4 bales at 11 $\frac{1}{4}$ ¢ brought \$221.00 less
Crop (a) cotton tax 24.00
Acreage (b) fertilizer etc... ?
 5.0 acres of tobacco - brought 625.00
 2.0 acres of wheat
 3/4 acres of oats
 .5 acre of garden
 11.0 acres of corn (for own use) made 14 bu. per acre.
Fertilizer Bought fertilizer and soda amounting to about \$110.00
Taxes Real Estate tax last year 14.40
Outside Paid cash to outside labor picking crops..... 40.00
Help
Livestock Has two mules - one cow - four hogs - 75 chickens .
Allotment Raised more than their 5100 # allotment of tobacco - Have
 sold their 5100 # allotment and will have 1500 # more to
 sell with processing tax of .04¢ per lb. on it - (so this
 \$60.00 processing tax to be deducted from the \$625.00 above)
Income Figures his total cash income for three families (12 people)
 For 12 at:
 People Gross cash income\$846.00
 About \$600.00 Less Expenses..... 248.40
 Total net cash income\$597.60 Approximately
INTERVIEWED 11/8/35 at his farm by JSP.

NAME C.H. Bell - (about 50 years of age.)

SECTION Bethel Hill Section, Robeson County, N.C.

OCCUPATION Carpenter and Builder. (Also farmer, but his family does most of the farm work.)....He was in process of building an \$200. house on Sampson St., West End of Pembroke, when interviewed. (See photograph of house elsewhere herein.)...Data on the house he is building given below

FRAME HOUSE (Just completed by above) - Frame House; 5 rooms; cost
COSTS IN \$750. or so; made of rather low-grade lumber; (house
ROBESON right next to it on same street, belonging to Sampson,
COUNTY. an Indian School Teacher, cost about \$100.00 more, and is of better material, though same size approximately... See, also, picture of Sampson house elsewhere herein.)

Cost of wiring and painting are included in the C&H. Bell house at \$750.00 but not cost of lightning rods. (Most new houses hereabouts have lightning rods. JDP.)

DESCRIPTION See under PHOTOGRAPHS herein elsewhere.
OF HOUSE.

FARM SHORTAGE...Says he knows of plenty of families that can't get farms; "good farmers, great tobacco growers".

LANDLORDS, Says "landlords want more and more, and give less and
Organised less"; landlords won't pay for grading, though they used
In Grange. to pay for it; landlords made tenants pay for "poison and twine this year... Didn't used to do that" (before 1934); landlords have organized, in 1934-5 in the Grange, and refuse to pay for grading; "it has come back to nigger slavery"; landlords will help the white man but "not the Indian".

Home Section with Indians is short on homes...More marriages
Shortage. than deaths. (Everyone confirmed that. JDP.)..Knows of plenty of families with crowded conditions. Says his sister's house (Florence Lowry's home) has 3 1/2 families in it - 12 people in 3 rooms.

NAME Benny Locklear
SECTION Red Banks Section, Robeson county N.C.
OCCUPATION Farm Laborer
INCOME Gets \$20.00 per month - works in the fields " 'till sun
'till sun " - 11 to 12 hour day in spring and summer-
has to board himself and pay for his own food - " All
they have to eat and all they have to wear for self
and wife and mother " .- Works about eight months per yr.
HOUSE Lives in landlords house .
Garden Gets " not a quarter of an acre " place for garden,
potatoes etc.
Livestock Has two hogs, 10 or 12 chickens .
**Fletcher
Plantation** Fletcher Plantation with 1100 acres of tilled land allows
about 1/4 to 1/2 acre per family for garden space -
Benny Locklear says the tenant families should have from
one to one and one half acres for garden and potatoes .
**Farm
Shortage** Says " plenty of them ain't even able to get a farm "
INTERVIEWED 11/8/35 by JDP.

NAME Clarence Lowry.
SECTION Bethel Hill Section, Saddletree Township, Robeson Co. NC.
OCCUPATION Stated renter (farmer); has paid stated rent of \$3.00 per acre on 55 acres the past 4 years (\$165. rent for farm).
AGE Aged 28.
FAMILY Has wife and 5 children, oldest 3 years old.
HOUSE 1 room house; 7 people in it (House worth about \$50.00)
AUTOMOBILE Has a new car; says he "bought it out of the farm"; and that he does better on stated rent than he could do share-cropping. Says couldn't have bot car share-cropping.
INTERVIEWED Sunday, 11/10/35 at his place; 1 photograph taken.
REMARKS Farm of 55 acres:

	5.5	acres	of tobacco
Crop	10.0	"	" cotton
Acreage.	30.0	"	" corn
	2.0	"	" oats
	.5	"	" garden
	2.0	"	" bean hay
	5.0	"	not planted
	55.0		total.

Allotment. Tobacco allotment, 795⁷ per acre; will have to "buy" 3-400⁷ of tobacco; - cotton, allotment- raised just enough cotton to fill their allotment.
Earnings. Reckons he will clear around \$200. after paying his bills. (Note: -Other stated renters without exception told me they paid \$5.00 per acre "stated rent"....so this man has an advantage over them of \$2.00 per acre, or a gain on his 55 acres of \$110. a year over amount he would clear if he paid the usual \$5.00 an acre. JDP.).

His father works a 2-horse farm (figured in with this) and will not clear anything this year. His brother helps his father to farm.
Government Project. Would want about a 4-room house if he could get it; house to cost about \$700.; and would want about 15 acres of cleared land and 10 acres of woodlot.

NAME Eli Lowry, Age 43
SECTION Philadelphus Township, Robeson county N.C.
FAMILY Has wife and eight children, all at home (10 in household)
 Was himself one of two brothers.
OCCUPATION Farmer (when he can get a farm) but could not get a farm
 this year 1935. Stayed in the house (on the farm he had the
 previous year as a share cropper) had no garden- no land-
Wages of worked for wages about one half the time - Got 12¢ per hour
Farm working on tobacco - " rates about 50¢ per day on the average "
Laborer ten people had to live on that income- the oldest child, a
 girl 18 , got some work; the youngest is 7 months old .
HOUSE The house is in now has three rooms, ten in the household- all
 one family - the house " N'ain't a bit of good at all - just
 staying in it."
Needs Would want a four room house which would cost about \$700.00.
INTERVIEWED 11/10/35 at A.C. Locklear by JDP.

NAME Lawrence Maynor, age 29
SECTION Philadelphus Section Robeson county N.C.
FAMILY Was one of nine brothers and sisters - three of them
 married (to date) - Has five children living -
 seven in his household now .
HOUSE Has three room house , seven people in it - all one
 family - condition of house - bad - " Ain't no house
 at all " .
Government Project Would want a three room house, cost about \$500.00.
 Would want 25 acres tilled, 5 acres of wood lot.
INTERVIEWED 11/9/35 evening at A.C. Locklear's . JDP.

NAME W.I. Beeson (white)
OCCUPATION Farm Overseer for Pate's Supply Co., Pembroke N.C.
REMARKS Have about twenty farms hereabouts with share-cropping
Corporation tenants - " 1800 acres in one boundary - but mostly
Farming woods " in that one block -
Indians as Out of 23 tenants (share-croppers) has 20 Indians
Share- share-croppers - two colored families and one white -
Croppers (Indicating that the Indians must be considered
pretty good farmers hereabouts . JDP)
Says that he himself farmed previously in Guilford
County N.C. - that (white) landowners hereabouts
(in Robeson County) went to Guilford County - Stokes -
and Surry Counties , N.C. - in 1929 and got good tobacco
growers there to come into this section as share-croppers -
that he himself knows of about 20 to 30 families from
about three counties who started coming down here in 1929.
(" could call very nearly all the names who came from
up near there ")- Says they stopped coming two or three
years ago - Says that he himself in 1929 was the first one
of these families to come down from the North-Central
section of the state - all are share-croppers .
INTERVIEWED 11/9/35 evening at his house in Pembroke JDP.

NAME Dr. J.G. Faulk, (white) Doctor at Pembroke N.C.
OCCUPATION Runs the drugstore in Pembroke and acts as physician to several hundred indian families.
REMARKS Three-quarters of his practice is amongst the Indians - Says he " puts a lot on his books ", but gets paid better than he would in a white community - Says he has been here three years -
Indians
Reliable
 Says that the whites, indians and negroes are increasing fairly rapidly - he thinks that Pembroke Township, Philadelphus and Red Banks - and area with five to seven miles of Pembroke is getting more crowded than the rest of the county - Thinks that there are about ten times as many Indians as Whites in this radius - (See 1933 birth rate statistics for Robeson County, elsewhere herein - showing birth rate by races - also 1933 birth rate for Pembroke Township by races .) - Says there is just a white family " occasionally " .
Population Increase
Size of Indian Families Thinks the average Indian family would go eight people, two parents and six children - but believes this a low estimate.
 Says he visits four to five hundred different Indian families in a year .
INTERVIEWED 11/8/35 at his office by JDP.

NAME A.C. Locklear

OCCUPATION Farm Owner and Landlord, member of the Tribal Council.

REMARKS Says that Paul McNeil (white) at Buies N.C. had 50 to 75 acres of tobacco with a number of Indian families as share-croppers working for him, but in 1935 he took all the tobacco contracts away from the Indians and gave them to white people whoa he had moved in from out of the county, and the Indians had to move out or stay on as day laborers or were limited to farming cotton and corn and - A.C. Locklear says - there is only a " poor living " in that .

Importation Of White Share-Croppers into Co.

INTERVIEWED 11/10/35 at his place by JDP.

NAME J.R. Moore (White)

OCCUPATION Overseer of the Fletcher Plantation, Red Banks Section
Fletcher Robeson County, N.C. - 1100 acres of tilled land - 674
Plantation acres of wood land.

REMARKS Has been on this farm as overseer for 11 years . Have
18 tenant 18 tenant families (share-croppers) - six laboreres-
Farmers work 33 mules.

1/3 All but one of the tenants are 1/3 croppers - one
Croppers tenant is a half cropper. None of them get the seed
(from the cotton) - says the average cropper on the
Fletcher Farm has about \$100.00 after paying what he owes -
Share- The farm gives the share-croppers credit at the company
Croppers store or commissary on the property - says one man -
Income having ten acres of tobacco and twenty acres of corn
(no cotton) - had about \$700.00 clear last year (1934)
and will do it again this year

Out of the 18 share-croppers about two last year just
about broke even (where the family had a lot of children)
that this year (1935) about three families will just
about break even but that these families have hired too
much of their work done or are small families (with not
enough children to help with the picking etc.)

White Says there are a good many new white (tobacco) share-
Share- croppers coming in from the North-Central part of the state
Croppers for the past three years - thinks the big (corporate)
From farms are harmful to the county, that they carry on too much
Other of this tenant system - says "home ownership is what this
Counties county needs " -

Recommends (After eleven years , overseeing 18 tenant share-croppers -
Indian growing tobacco, cotton and corn) Mr. Moore says " I would
Families rather risk the Indians on a Resettlement proposition than
As Whites for this county here " - Out of 18 share-cropper under
Resettlement his supervision on the Fletcher Plantation 15 are Indian
" Clients " families , and three are colored - " about the same ratios
the last eleven years " (that he has been there as overseer) -
Excellent (Mrs. Ellen Jacobs , one of the Indian tenants included
Farming above , with her husband who died two years ago, has been
Record a share-cropper on the Fletcher Plantation for 19 years -
as reported elsewhere herein.

BUILDINGS The Fletcher Manor house (occupied by Mr. and Mrs. Moore)
was suggested by Mr. Joseph Brooks - Tribal Delegate * as a
good building for a community center (if the Fletcher Estate
is considered for purchase)

INTERVIEWED 11/9/35 at his home JDP. 54.

Page -2- J.R. Moore, Supt. of Fletcher Plantation, Cont'd.

Shortage of Farms Says this fall he has had two or three share-croppers a day looking for a farm for the coming year - says share-crop system " is ruining this country ".

Says the natural increase in farm families and no increase in farms or cultivated land, or farm buildings, means fewer farms to go around.

Fletcher Plantation Says it would be a waste to tear down most of the present share-crop houses - that they can be fixed up for about \$300.00 a piece on this place - (26 houses)
 Condition of Houses Most of the houses are from 22 to 25 years old - a Present 26 few forty to fifty-five years old, but made of good material originally.

" Make Waste Slowly " (In continuation of above subject - and in confirmation -) Mrs. Moore says " should give the Indian people second hand tools , house , etc. - better than they have now - and teach them to use those things before giving them a new house and everything else now.

Pe llagra Were only three milk cows on the Fletcher Estate eleven years ago - now sixteen cows - were twenty-eight cases of active pellagra on the place then - none now - due to tenant share-croppers using more fresh vegetables today. (and having more garden space today than they did then)

NAME Mrs. J.R. Moore (white)

SECTION Red Banks Section, Robeson county N.C.

OCCUPATION Relief Worker - Visitor - Social Service Division - North Carolina Emergency Relief Administration . - (Wife of the Overseer of the Fletcher Plantation which has eighteen tenant farmers , fifteen of whom are Indians)

REMARKS Says that a Mrs. Holmes (Indian) assists her in the Relief work .

Indian Cases on Relief About 700 active relief cases in the county now and of that number it is a conservative estimate to say that one-third of them are Indian families (see also BAKER REPORT which confirms this number) - The need for relief is increasing rapidly at this time (middle of November) due to seasonal labor stopping on the farms .

The need will rise to something like 1600 families for all three races for the entire county - (during winter)

Unskilled Indian Worse off Today Most of Mrs. Moore's work is with the Indians and she states that " their physical and economic condition is worse now than it was a year ago " - " Some have improved remarkably but the unskilled day laboring type is in greater need of relief today than a year ago " -

Dealing Three Years with Indian Relief She has been dealing with many of these relief cases for the past three years - Says they used to get out and hunt for work and though work has " played out " , relief cases today want take work if offered to them .

Indian Gardens Relief clients had a number of gardens , mostly successful - Mrs. Moore got gardens at Pembroke for eighteen Indian families - failed to get them for two families - and one family refused to tend a garden when offered the chance (and the relief male to plow it) - The relief gardens averaged about 1/8 of an acre in area - they were given the seed - neediest cases were given fertilizer also.

Malaria Prevalent in 75% of Relief Cases Have a tropical form of malaria in this district - nothing to clear it up - and it has been getting worse and worse - about 75% of relief cases in the county have malaria and Mrs. Moore says she can not blame malaria cases for making no effort to help themselves - W.P.A. trying to get a project through to drain the stagnant places - but a difficult task - says if Indians are well they can be encouraged to try to do something for themselves as " there is a pride about them " .

WPA Wages INTERVIEWED Says WPA paying 95¢ for seven hours work - five day week. 11/9/35 at her home by JDP

*POPULATION FIGURES:-North Carolina-Robeson County& Pembroke Township.

(1) Population of North Carolina:-

	POPULATION	INCREASE OVER THE PRECEDING CENSUS-
1930 -	3,170,276	23.9%
1920 -	2,559,123	16.0%
1910 -	2,206,287	16.5%

(2) Population of Robeson County, N.C.:-

	POPULATION	INCREASE OVER THE PRECEDING CENSUS-
1930 -	66,512	21.7%
1920 -	54,674	5.3%
1910 -	51,945	-----

(3) Population of Robeson County, N.C. by Races:- (Note:-Not given by Races for 1910 and 1920)

Robeson County -	1910	1920	1930	
Whites.....	-----	-----	51,323	
Indians.....	-----	-----	12,405	
Colored.....	-----	-----	28,784	
TOTAL.....	51,945-	54,674	66,512	-(Totals as next above.)

(4) Population of Pembroke Township, in Robeson County, N.C. (Note:-This Township in 1933 had 109 births of which 6 were Whites; 27 were Indian; and 6 were negro - i.e. the population is about 89% Indian- so given here for comparison -JDP):-

PEMBROKE TOWNSHIP (89% Indian)	1910	1920	1930
Pembroke Township...	1,935	2,388	3,179
Town of Pembroke...	258	329	524

Pembroke Township (cont'd)	POPULATION	INCREASE OVER THE PRECEDING CENSUS-
1930 -	3,179	33.1
1920 -	2,388	23.4
1910 -	1,935	-----

57.

*All figures this page taken from Fifteenth Census of the U.S.-1930;
 (1) Figures from page #779--(2) from page #795 (also #3 from same page);
 and (4) from page #795 also. JDP.

*Population Figures - BIRTHS and Deaths - 1923 and 1933.

For Year of 1923 for North Carolina and Robeson County:-

	<u>Births</u>	<u>Ratio</u> <u>Per M</u>	<u>Deaths</u>	<u>Ratio</u> <u>Per M</u>	<u>1923, Total</u> <u>Population.</u>
(1) North Carolina.....	34,190	31.3	32,396	13.0	**2,694,228
(2) Robeson County.....	1,690	31.0	557	10.1	**...55,002
(3) Robeson County by Races:					
White.....	774	(5) 30.4	(4) 260	10.2	**...25,490
Indian.....	372	41.3	93	10.9	**... 8,997
Colored.....	552	26.2	197	9.7	** 20,515
Total.....	1,698		557		55,002

*From Annual Report - Bureau of Vital Statistics of the North Carolina State Board of Health for 1923:- (1) above, from page 7 of the Annual Report; (2) from page 8; (3) from page 15; (4) from page 10; (5) from figures as computed from other data above.

** As computed from the other official figures given hereinabove.

For Year of 1933 for North Carolina; Robeson County; and Pembroke Township (the center of the Indian Communities in the State):-

<u>1933:-</u>	<u>Births</u>	<u>Ratio</u> <u>per M</u>	<u>Deaths</u>	<u>Ratio</u> <u>per M</u>	<u>1933-Total</u> <u>Population</u>
(a) North Carolina.....	75,322	23.0	30,406	9.3	***3,277,071
(b) Robeson County.....	2,030	(c) 23.7	(d) 654	9.5	***...68841
(e) Robeson County by Races:-					
White.....	923		(f) 294	(g) 9.1	
Indian.....	445		127	10.1	
Colored.....	657		231	9.8	
TOTAL.....	2,030		654		*** 68841

*** As computed from other official figures given herein above.

- (a) Figures for 1933 for the entire State taken from page 16 of the 1933 Bulletin, Bureau of Vital Statistics, at State Board of Health Office, Court House, at Lumberton, N.C. on 11/9/35 JDP
 (b) Figures of 1933 Births for Robeson County, tabulated on 11/9/35 by JDP from individual birth certificates (originals) in the vault of the County Clerk of Robeson County, at the Court House at Lumberton, N.C. ... (c) Computed therefrom... JDP
 (d) and (f) - Figures on Robeson County deaths for 1933 - are from page 70 of 1933 Bulletin of the Bureau of Vital Statistics, at State Board of Health, Office, Court House, Lumberton, N.C.

For Figures on Pembroke Township see next page.

*Population Figures - For Year 1933 (cont'd) - for Pembroke Township in Robeson County, N.C. (the center of the Indian Communities):

Number of *Births in Pembroke Township in 1933:-

	Total Births	Percentage of Total:
Births by Race:- Whites...	6	5.5%
Indians..	97	89.0%
Colored..	6	5.5%
Total..	109	100. %

**Population of Pembroke Township for Year 1933 estimated to be about.....3494

Total births, as above..... 109

Birthrate per thousand..... 31.2 for 1933 for Pembroke Township.

*Figures on Births in Pembroke Township in 1933 tabulated from individual Birth Certificates at County Clerk's Office, Robeson County Court House, Lumberton, N.C. 11/9/35 JDP.

**Population of Pembroke Township in 1930 was 3,179, and adding 315 more for the 3 year period between 1930 and 1933 (at rate of 3.31% increase per year, which was rate of increase for previous 10 year period..See previous page herein.)

JDP.

59.

RURAL (SCHOOL) *ENROLLMENT - Ages 6 to 21 - for

Robeson County, North Carolina

For two full terms - 10 years apart - 1924-5 and 1934-5

Showing Increase in Daily Enrollment and Attendance for the
10 year period by races:

	<u>DAILY ENROLLMENT - (average)</u>		<u>DAILY ATTENDANCE</u>	
	<u>High Schools</u>	<u>Elementary Schools</u>	<u>High Schools</u>	<u>Elementary Schools</u>
INDIANS:-				
*1934-5	422	4130	352	3250
*1924-5	174	3130	101	1952
Gain....	295	991	258	1308
% Gain..	220%	31.5%	255.4	67%

WHITES:-				
*1934-5	1445	6408	1242	5132
*1924-5	1144	6030	916	4427
Gains-	301	378	333	705
% Gain..	26.3%	6.3%	36.4%	15.9%

COLORED:-				
*1934-5	549	6131	456	5169
*1924-5	76	5922	22	3987
	513	209	436	1182
% Gain..	1425%	3.5%	1981.8%	29.6%

SUMMARY:-		NET GAINS:- Averaged		
Daily Enrollment -		Daily Attendance -		
of both High Schools		of both High Schools		
& Elementary Schools		& Elementary Schools		
Indians-39.3%; Whites 9.5%; Colored 12.1%		Indians 76.3-Whites 19.4%		
		Colored 40.4%		

*Figures from COUNTY SUPERINTENDENT'S REPORT, at Robeson County
Court House, Lumberton, N.C., taken down by me on 11/9/35 -

JOHN PEARMAIN

*POPULATION FIGURES - NORTH CAROLINA -

AVERAGE NUMBER OF INHABITANTS PER SQUARE MILE:-

The average number of inhabitants per square mile was

In 1930.....65.0

In 1920.....52.5

Increase per Square
Mile. 12.5

Or 23.8% increase in the 10 year period from 1920
to 1930.

*Note:-Above figures from the Fifteenth Census of the United
States, for year of 1930, from page #779.JDP.

CENSUS FIGURES-U.S.Dept.of Commerce - Agriculture - North Carolina.

Figures for ROBESON COUNTY for *1925 - *1930 and **1935:-----

On Farm Ownership - Tenant and Share-crop Farming, etc.-----

			10 Year Gain or Loss:-
Number of Farms.....	**1935- 7,986		.....Gain of 948 or 13.5%
No. of operators.....	*1930- 7,666		
No. of operators.....	*1925- 7,048		
<hr/>			
Full Owners.....all.	1935- 1,260	....(1)	Loss of 70 or 3.4%
White Owners, Number.	1930- 1,263		
" " "	1925- 1,360 /	(1) 1,360	
Colored Owners, Number	1930- 601		$\frac{661}{601}=2,030$ for 1925 as
" " "	1925- 661 /		ag. ainst 1960 for 1935 =
			Loss of 3.4% as above.
<hr/>			
Part Owners.....all.	1935- 372	....(1)	Gain of 11% (11) -
" " -WHITE...	1930- 176		or 2.9%
" " " ...	1925- 173 /	(1) 173	
Part Owners-COLORED.	1930- 200		$\frac{195}{200}=368$ for 1925 as
" " " .	1925- 195 /		against 1935's 379=
			Gain of 2.9% above.
<hr/>			
Tenants.....all.	1935- 5,636	....(1)	Gain of 1001 or 21.6%
Tenants, White.....	1930- 1,861		
" "	1925- 1,389 /	(1) 1,389	
Tenants, Colored.....	1930- 3,558		$\frac{3,246}{3,558}$ for 1925, total -
" "	1925- 3,246 /		as against 1935 total of
			5,636 = 21.6% gain, as
			above.
<hr/>			
Cash Tenants.....			
(Stated Rent) White	1930- 113		
" "	1925- 73		
Colored	1930- 71		
" "	1925- 69		
<hr/>			
Share-croppers: all...	1935- 2,519	....(1)	Gain of 677 or 36.8%
" " White...	1930- 791		
" " "	1925- 474 /	(1) 474	
" " Colored...	1930- 1,729		$\frac{1408}{1729}=1842$ for 1925 as
" " " ...	1925- 1,408 /		against 2,519 total for
			1935 = gain of 36.8 as
			above noted.
<hr/>			
Other Tenants: White..	1930- 957		NOTES: -*1925 and *1930
" "	1925- 882		figures from Page #20-County
Colored.	1930- 1,682		Table #1 North Carolina, 1930
" "	1925- 1,769		Census, Dept. of Commerce -
**1935 figures from Bureau of Census Release of Oct. 22, 1935- JDP (62)			

FARM CENSUS - Preliminary Report -(as obtained 11/9/35 at Robeson
County Court House, Lumberton, NC.
U.S. Dept. of Commerce - Release of 10/22/35 - / by JDP.)

(Inventory Items for 1/1/35 - Production Items for Year of 1934).

ROBESON COUNTY, NORTH CAROLINA:-

CENSUS OF:-

	1935:-	1930:-
1. Value of Farms, Land & Buildings:	\$17,114,139.	\$20,879,151.
=Loss of	18.3%	
2. Average Value per Farm.....	\$ 2,140.	\$ 2,724.
=Loss of	21.1%	
3. Average Value per acre.....	\$ 41.18	\$ 61.24
=Loss of	32.7%	
4. Farm Land According to Use (acres)		
Crop Land Harvested: % Decrease.		
=Loss of	3.2%	
	195,250	201,608
5. Crop Land Idle or Fallow: (acres)	10,257	8,003
=Loss of	22.0%	
6. Land Available for* Crops: (acres)	210,239	213,862
* = land, harvested, failure, idle, fallow, and plowable pasture.....		
=Loss of	1.6%	

MISCELLANEOUS FARMING DATA from "The Robesonian" Published Oct. 24,
1935, at Lumberton, N.C. -

Robeson County had a total of 415,545 acres of land in farms this
year (1935 (as of 1/1/35-)

Acreage of Harvested Crops in 1934 totalled195,250 a.

Average Size of farms (tilled land and woodlot)..... 52 a.

Corn harvested for grain in 1934 showed an increase of 22,403 a.
over 1929. (Mostly used for feed on the farm, apparently JDP.)

"The hay crop of the County (was) more than 4 times that harvested
5 years previous."

Wheat - 2,183 acres and 29,651 bushels in the 1935 Census (for
year 1934-JDP), as compared to 136 acres and 1,760 bushels in
the 1930 Census.

Tobacco - 20,909 acres as compared to 24,292 acres 5 years ago.

*1934 Census - Robeson County, N.C.

**1930 Census - Robeson County, N.C. Figures for 1929 and 1924.

All acres in Crops.....(1934).....209,500

*Acres in Corn.....(1934).....	87,001 a.
No. of Farms Growing Corn.....	4,267
Average acreage in corn.....	20 a.
Percentage cultivated land in corn.....	41.5%
**Acres in corn.....(1929)-Total area.....	64,065 a.
**" " " ".....(1924)-" " " ".....	53,743 a.
Cotton Acres.....(1934).....	59,340 a.
.....(1934)No. of Farms with cotton...	3,844
Average acres in cotton...	15 a.
% of cultivated land in ".	28.6%
Acres in Cotton....(1929).Total area.....	97,730 a.
" " " ".....(1924)." " " ".....	84,887 a.
Tobacco: Acreage...@1934).....	19,559 a.
No. of Farms growing Tobacco	3,131
No. of acres average in "	6.0 a.
% tilled land in tobacco..	9.3%
Acres in Tobacco...(1929).Total acres.....	24,292 a.
" " " ".....(1924)." " " ".....	11,794 a.

*1934 Census - Robeson County, North Carolina, figures from the "FARM FORECASTER"- Frank Parker, Statistician, Raleigh, N.C., Annual Issue - 1935 (September)- as obtained by JDP from U.S. Dept. of Agriculture Representative O.O. Duke, at Robeson County Court House, Lumberton, N.C., 1/9/35.

** 1929 and 1924 figures from 15th Census of the United States, page 45, U.S. Dept. of Commerce, Bureau of Economic Census, Year 1930.

JDP.

64.

SIZE OF INDIAN FAMILIES:

Notes made evening of Friday, 11/8/35 at home of Joseph Brooks, Tribal Delegate; the other five dropping in and joining the talk.

Those present:

* James Locklear, aged 71; from Pembroke Section; came from family of 12 brothers and sisters; all lived to be grown; 11 married. He himself married and has 8 children.

S.E. Bell; age 60; from Bethel Hill Section; was one of 5 girls and 3 boys; all lived and married; has 2 children himself.

* Norman Locklear; age 46; was one of nine brothers and sisters; all but one grew up; 8 of them are married; he himself has eight children; is from Bethel Hill.

* Riley Locklear; aged 40; was one of six brothers and sisters; all grew up and married; has seven children himself; is from Saddle Tree Section.

Joseph Brooks; aged 31 years; from Pembroke Section; was 1 of 14 children; 13 of them grew up to be married; has 3 children himself.

Warren Dial; from Saddle Tree Section; was 1 of 13 children; 12 grew up and married; has 5 children himself.

Mrs. Joseph Brooks; (ne Sally Johnson); was 1 of 15 children; 10 living; 3 married; her youngest brother now only 1 1/2 years old. She herself is 31 years old.

SUMMARY:-

The 7 people above came from seven families that had 77 children in all and, to date, 61 of them have married (Mrs. Brooks' brothers and sisters are counted in the 77 but most of them are still under age.)

The six families above have 33 children to date, or an average of 5.5 children per family, making with the parents .7.5 persons per family, for those who were present.

* Note:-The 3 Locklears present were no relation to each other.

JDP.

65.

CONDITION OF PRESENT HOUSES:- (Notes on Repairing Same - See Below)

9 men present Sunday, 11/10/35 at A.C.Locklear's;

Said the condition of their houses was as follows:-

- * (A) Willie Locklear (son of Henry, but lives separate)
- * (B) Jessie Jacobs - (no relation)
- A (A) W.M. Jacobs
- (B) Luke Jones
- (B) Jimmy Maynor
- (B) Riley Jones
- (B) Henry Locklear
- (B) Lloyd Chavis
- (B) Clarence Blank

* (A) = House in pretty good shape.

(B) = House in bad shape.

VOTE ABOVE;

8 houses reported in poor shape -
 1 " " " good shape -

 Out of above 9 men, and 2 more, voting on whether or not they would rather have their houses repaired at a cost of \$100. to \$200. each, or have the Government build them new houses at around \$500. each -

1 (John A. Locklear) said he would rather have a new house -

2 (Joseph Brooks and Jessie Jacobs) said they "would like it either way" -

8 (the rest of those above) said they would rather have their present houses repaired at a cost of \$100. to \$200. than owe the Government \$500. or so on the cost of a new house.

Above votes taken 11/10/35 at home of
 A.C. Locklear. JDP.

HOUSE NEEDS FOR AVERAGE FAMILY.

Notes made evening of Friday, 11/8/35, at home of Joseph Brooks, Tribal Delegate. Others dropped in to discuss matters. (S.M.Bell is Chairman of the Tribal Council, Siouan Indians of Lumber River.)

The following vote as follows on cost of a Government Project house (for each of their respective families) if each had to live in it and pay the Government back himself over a period of years:

Number in Household now.	NAME of each - Voting.....	Number of Rooms - Needed for Each-House	Would want to Cost.
7	Warren Dial	5-room house.	\$850.00
6 (see below)	Joseph Brooks	4-room house.	\$500.00
9	* Riley Locklear	5-room house.	\$600.00
10	* Norman Locklear	5-room house.	\$800.00
8	S.M.Bell	4-room house.	\$500.00
--	Mrs. J. Brooks (see below)	5-room house.	\$850.00
<u>5</u>	* James Locklear	4-room house.	\$500.00

45 people; 6 families; wanting total of 27 rooms; or average of 4.5 rooms per family (of 7.5 people).

(Averaging Mr. and Mrs. Brooks' costs of houses wanted) gives \$3925.00 as total cost of houses wanted by the six families; or an average cost per house wanted of \$654.00 for 4.5 rooms.

* Above 3 Locklears not related to each other

JOINT RESPONSIBILITY:

All six (of the men whose names are given above) are agreed that there might well be joint responsibility, of all families in a Government Project, for each family's debt to the Government.

NEED LAND WITH CONTRACTS ALREADY ON IT:

All six of the same men agree that any Resettlement Project might best be about 1/2 improved land (tilled) with tobacco and cotton contracts on it, and about 1/2 logged-over land (woods). ... They use green gum wood to some extent for curing tobacco.

NUMBER OF YEARS AT FARMING IN THIS DISTRICT.. ABOVE 6 SIOUANS:-

Warren Dial, aged 52, farming here 18 years; Joseph Brooks, aged 31, farming here 3 years; Riley Locklear, aged 40, farming here 30 years; N. Locklear, 46 yrs, farming 36; S.M.Bell 59, " 49; J. Locklear 71 yrs old, farming 42; = aver. 29.7 farming. 67.

LAND NEEDS FOR AVERAGE FAMILIES:

Notes made evening of Friday, 11/8/35, at home of Joseph Brooks, Tribal Delegate. Others dropped in to discuss matters.

Those present voted as follows:

NAME	No. in Household.	Number of Acres Now.	Extra Needed.	Total Acres Needed (TILLED)
Warren Dial	Seven " "	22 tilled.	None.	22 Acres "
* Riley Locklear	Nine " "	25 "	6	31 " "
* Norman Locklear	Ten " " (see note on "...)	...	Would want.....	40 " "
S.M. Bell (note)	Eight " "	20 acres.	None.	20 " ("enough")
Joseph Brooks	Six " "	5 "	10	15 " tilled.
* James Locklear	Five " "	...	Would want.....	22 acres " .
				<u>Total, Tilled Land-150 acres.</u>
* Above no relation to each other.				

NOTE:-To explain difference between needs of Norman Locklear for 40 acres, and S.M. Bell for 20 acres -the first with ten in his household, the second with eight in his household:-

In Norman Locklear's household of ten, five of them are grown men or grown boys, so he needs 40 acres of tilled land; while in S.M. Bell's household of eight, he himself is the only grown man in the family; he has only one boy, born in 1923; so 20 acres are enough for him.

SUMMARY OF TILLED LAND NEEDS OF ABOVE SIX FAMILIES:-

45 people in the 6 households need 150 acres of tilled land; or average of 25 acres of tilled land per household of 7.5 people = 3.3 acres of tilled land per person regardless of age or sex.

Woodland Needed by Same Households:

ACRES WOODLAND.

Warren Dial with 7 in household	would need	15 acres woodland.
Riley Locklear " 9 " "	" "	15 " "
Norman Locklear " 10 " "	" "	20 " "
S.M. Bell " 8 " "	" "	15 " "
** Joseph Brooks " 6 " "	" "	10 " "
James Locklear " 5 " "	" "	15 " "

Six households, would need.....Total.. 90 acres "
or average of 15 acres of woodland per household; 45 people
-making 2 acres of woodlot per person..

** Note:-Joseph Brooks has 5 in family, but boards 1, making 6 in house.

ACREAGE IN TOBACCO AND COTTON - AMOUNTS RAISED ETC.

NAME	TENANTS etc.	TOBACCO	ALLOTMENT	RAISED	COTTON	ALLOTMENT	RAISED
S. Bullard	$\frac{1}{2}$ cropper	none	_____	none	40 a.	8500#	20,000 #
E. Oxendine	$\frac{1}{3}$ cropper	2 acres	1630#	1228 #	11.5 a.	1915 #	4,760 #
L. Reval	$\frac{1}{2}$ cropper	0	_____	_____	17.0 a.	1250 #	9,000 #
A. Strickland	$\frac{1}{2}$ "	3.5	2878#	3000#	28.0 a.	5295 #	10,600#
H. Locklear	$\frac{1}{2}$ "	1.6	1100#	1350#	18.5 a.	1980 #	2500 #
S. Maynor	$\frac{1}{2}$ "	1.2	?	?	20.0	5008 #	6250 #
J. Locklear	$\frac{1}{3}$ "	0	0	0	9.0	2985 #	3735 #
L. Maynor	$\frac{1}{2}$ "	0	0	0	9.0	1830 #	2500 #
* J.E. Chavis	Owner	0	0	0	5.0	1130 #	585#

* Note J.E. Chavis says he has a debt of \$83.00 after the crop was picked (for $\frac{2}{3}$ of one large bale of cotton raised by his brother Ulysses S. Chavis - see report on latter)

INTERVIEW:

Above tabulated 11/9/35 evening at home of A.C. Locklear from statements of individuals present .

JDP.

LABOR AND MATERIALS COST IN ROBESON COUNTY, N.C., November, 1935:

WAGES:

Carpenters - \$1.50 to \$3.00 per 10 hr day -
 (Boss carpenter @ 30¢ per hour).
 Carpenter's helpers - \$1.25 per day.
 Masons - \$3.50 to \$5.00 per day (10 hrs)
 Painters - \$2.50 per day.

Union Labor None.

Above per * D.F.Lowry, Active in Sicuan group.
 (Interviewed 11/7/35* - an R.F.D. Mail Carrier.)

G.M.Hatcher, Carpenter and Builder, gives local wages as follows:

Boss Carpenter, gets 50¢ per hour; other carpenters \$1.50 to \$2.25 per day (10 hours) -
 Mason - 45¢ per hour -
 Rough Labor \$1.50 per 10 hour day -

MATERIALS

Can get all lumber for building locally, except windows and doors..Per A.C.Locklear, who has built 5 houses here.

Prices on Lumber, etc. as given by: G.M.Hatcher- D.F.
 Carpenter & Lowry
 Builder: -----

Rough pine lumber, 2 x 4, etc.....	\$ 15.00 M	\$ 15.00M
(above, any size, delivered at job)		
Sized by planer.... delivered....	\$ 16.-17.00	\$ 17.00 M
(above all a local product)		
Flooring & "Ceiling" -	\$ 25. to 40. M	\$ 20.- \$35.
German Siding.....	\$ 25.- 35. M	
Cement..... (100# bag) ..	-----	¢ .65 bag
Lime..... (50# bag) ...	-----	¢ .35 "

* Bricks..Fall of 1934 were \$1.50 per
 M - Now slightly higher..... \$ 14.- 15. M

* Bricks cheapest when bought at the brick yards in South Carolina. (Price on bricks includes delivery by truck.) Note:-G.M.Hatcher, D.F.Lowry seen 11/8/35
70.
JDF.

INTEREST RATES ;

REMARKS	Following remarks made by various Indians present at home of A.C. Locklear on Sunday 11/10/35- JDP.
10% Charged Many Times	The majority of lenders (hereabouts) charge 10% - not legal but it is done in many cases .
Higher Int. paid	A.C. Locklear says that he has paid as high as 25 cents on the dollar on a loan .
Hard getting out of Debt	Farm Owners , if they borrow from some people , hereabouts are sure to lose their places - and " nothing will satisfy the lender except taking the land itself " .
Legal Rate	6% is the legal rate of interest .
Exorbitant Cost of Credit Buying	On credit at store all present (nine men) are agreed that a 24 lb. bag of flour costing .90¢ cash costs 1.10" on the books " - " up to \$1.25 on the books " - Then the merchant gives you a coupon book and takes another 10¢ coupon out of it for interest - (i.e. - if you buy a \$10.00 book of coupons they take \$1.00 in coupons out of it before they give you the book and still take \$1.10 in coupons for a bag of flour) Amos Jones had to pay \$1.55 for a bag of flour in credit coupons that he could have bought for .90¢ cash per his brother Luke Jones - Says his brother has the receipt at home to prove it . JDP.

MISCELLANEOUS

LARGE

CORPORATIONS

Large Corporation like the McNairs of Laurensburg N.C. have bought up whole areas and put in the share-crop system - own a lot of land in Robeson County - Per a number of people including A.C. Locklear - and " anyone who gets in debt to them is fairly sure to lose his place " - Next to impossible to get out of debt once in debt to them - Notes of 11/10/35 JDP.

LAND

Baker
Tract

Baker Tracts - on two main canals - 498 acres more or less - Price asked \$5,000.00 - four house on it but are in bad condition - main road on each side of it - fairly good land - a lot of it logged off .

Per A.C. Locklear 11/7/35 JDP.

Beaufort
Lumber Co.
Sales at
\$10.00 per
Acre

Beaufort Lumber Company lands near Pembroke N.C. - The company sold off various small parcels of land for \$10.00 per acre in five acre or larger tracts - Took one-third cash then one-third second year - one-third succeeding year - sold 80 acres to John Oxandine at \$10.00 per acre.

Per Joseph Brooks 11/7/35 JDP.

Crop
Contracts

Land lord gets from \$8.00 per acre on cotton up to \$17.00 per acre on tobacco for not planting those crops.

Per Joseph Brooks 11/10/35 JDP

Indian
Farmers
Above
Average

The following Indian farmers were said to be better than the average in the crops they raised - etc. -
A.C. Locklear - Farm owner and land lord -
J.W. Wilkins - Share-Cropper
Boss Jacobs - Share- Cropper on land of A.C. Locklear

Per Notes of 11/7/35 JDP.

Crop
Sequence

" Raise children off the first crop (wheat) & feed stock off the hay that follows the wheat " -

Per Sheldon Bullard 11/9/35 JDP.

Indians in
Pembroke

Pembroke with population of between five and six hundred total appears to have more than three-quarters of them Indians ..Per Joseph Brooks 11/7/35 - (Note I saw almost no white people yesterday or today in the several times we drove through - or stopped in - Pembroke - JDP. 11/8/35

National Archives
RECORD GROUP 75, CENTRAL CLASSIFIED
FILES 1907-1939, FILE 64190-1935-066-
GENERAL SERVICES, PART 1-A.

{ 80 PAGES (numbered on the back) BUT ONLY
NUMBERED UP TO 78 AS THERE IS A PAGE
8A & A PAGE 42A

**SELTZER REPORT
1936**

PARTIAL
COPY

Cambridge, Mass.
July 30, 1936.

Commissioner of Indian Affairs
Office of Indian Affairs
Washington, D. C.

Dear Mr. Commissioner:

I have the honor to submit the following report dealing with the question of the degree of Indian blood of the so-called "Robeson County Indians" of North Carolina.

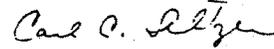
All the data contained in this report were collected in June 1936 in Robeson County, North Carolina in my capacity as a member of the "Eastern Siouan Indian Commission". In accordance with instructions received separate racial diagnoses were made for each individual with the purpose of determining whether the applicants examined did or did not possess one-half or more Indian blood. No distinctions or designations were made as to tribal affiliations of the subjects. These diagnoses were based solely on the manifestations of physical characteristics of known racial significance as interpreted by the science of physical and racial anthropology.

In order to facilitate the digestion of this large mass of material I have added to the body of the report several short notes as follows: 1. a summary of the racial diagnoses, 2. a chart of racial characters of diagnostic value, 3. a few notes on technique used, 4. a glossary of abbreviations to be found in the anthropometric records, and 5. an appendix of miscellaneous photographs principally of non-adults. Explanations of many other technical details are given in the body of the material.

And finally, I wish to take this opportunity to bring to your attention the names of several persons and institutions whose aid I received during the course of this work contributed in no small manner to the successful completion of the report. To Dr. H. Scudder Keckel under whose direction this project was carried on I owe many thanks for helpful assistance. Many thanks are also due to Mr. D'Arcy McKickie and Mr. Edwards S. McMahon of the Office of Indian Affairs for their continuous cooperation throughout the work in the field. To Major G. C. Dunham, Director of Laboratories of the Army Medical School at Washington, D. C. I am very grateful for the large supply of sera necessary for blood group tests. And to Professor E. A. Hooton,

Chairman of the Division of Anthrology, Harvard University great indebtedness is due for the loan anthropometric instruments and camera equipment, as well as for constant interest in this whole work.

Respectfully submitted,



(sgd.) Carl C. Seltzer
Associate Anthropologist.

SUMMARY OF RACIAL DIAGNOSES

Case No.	Name	Diagnosis
June 4th	1. Zion Lowry	Border line case.
	2. Jimmy Locklear	Less than 1/2 Indian blood
	3. Bennie Chavis	"
	4. Britton Maynor	"
	5. Britton Locklear	"
	6. Ston H. Wilkins	"
	7. Henry McGirt	"
	8. Watura Wilkins	"
	9. Isaiah Locklear	"
	10. Cquinn Brooks	"
	11. Dock Wynn	"
	12. Aaron Revel	"
	13. Boss Jacobs	" <i>p. 16 in Nov. 1935</i>
	14. Hubert Woods	"
	15. William Jacobs	"
	16. Mareller Wilkins	"
	17. Eli Lowry	"
	18. Winnie Woods	"
	19. Thomas Allen Locklear	"
	20. Eula Jane Jacobs	"
	21. William O. Maynor	"
	22. Hugh Brayboy	"
	23. Pean Brooks	Border line case. Doubtful Diagnosis. Probability 1/2 or more Indian blood.
24. Lindsey Eavel	Less than 1/2 Indian blood.	
25. Sylvester Emanuel	"	
26. John R. Brooks	"	
27. Jesse Ozandins	"	
28. Duncan L. Locklear	" <i>p. 7 in Nov. 1935</i>	
29. Romeo Jacobs	"	
30. Colan Locklear	"	
31. Sherman Locklear	Doubtful diagnosis. Probability towards less than 1/2 Indian. Less than 1/2 Indian blood.	
32. Noah Woods	"	
33. Braxton Strickland	"	
34. Junie A. Locklear	"	
35. Joe Dial	"	
36. Ruby Jacobs	"	
37. Luther Locklear	"	
38. Boss Locklear	"	
39. Emma Locklear Jacobs	Border line case. probability towards less than 1/2 Indian.	

Case No.	40.	William Locklear	Less than 1/2 Indian blood.
	41.	Sebastian Sampson	"
	42.	Joe Chavis	"
	✓ 43.	Lawrence Maynor	1/2 or more Indian blood.
	44.	David Junior Brooks	Less than 1/2 Indian blood.
	45.	Henry Locklear - p. 18 of Nov. 1935	"
	46.	Danny Deese	"
	47.	Riddie Locklear	"
	— 48.	Shaw Deese p. 4 of Nov. 1935	"
	49.	Maudie Ellen Maynor	"
	50.	Clinnie Jones	"
	— 51.	Howard Chavis	"
	✓ 52.	Reader Jones	"
	53.	Cesar Hammonds	"
	54.	Hubbard Chavis	"
	55.	Clarence Chavis	"
	56.	Allie Byrd Hammonds	"
	57.	Levi Thomas	"
	58.	Eli Chavis	"
	39.	Jasper Locklear p. 8 of Nov. 1935	"
	60.	Iller Mae Chavis	"
	61.	William A. Chavis	"
	✓ 62.	Sara Elizabeth Maynor	"
	63.	Viola Clarke	Doubtful diagnosis.
	64.	Hector Brooks	Less than 1/2 Indian blood.
	— 65.	Corbitt Chavis	"
	— 66.	Howard Lowry	"
	67.	Montgomery Dial	"
	✓ 68.	Daniel Richard Maynor	"
	69.	Minnie Locklear	"
	— 70.	Merilda L. Miller	"
	— 71.	Doil Locklear	"
	72.	Loy Locklear	"
	— 73.	Narcissus Sampson	"
	74.	Worth Sampson	"
	✓ 75.	Vocitia Locklear	1/2 or more Indian blood.
	76.	Thornton Lowry	Less than 1/2 Indian blood.
	77.	Whitfield Locklear	"
	— 78.	Stinston Revels	"
	79.	L. W. Revels	"
	— 80.	Dolly Locklear	"
	81.	Luther Chavis	"
	82.	Cora Lee Lowry	"
	83.	Ada Chavis	Border Line Case. Probability towards less than 1/2 Indian.
	✓ 84.	Arrie Bullard	Less than 1/2 Indian blood.
	85.	Carson Jones	"
	86.	Harley Manser	"
	87.	Vera Mae Locklear	"
	88.	Robert Locklear	2

Case No.	89.	Claude Lowry	Less than 1/2 Indian blood.
	v90.	Jesse Brooks	1/2 or more Indian blood.
	91.	Addie Belle Locklear	Less than 1/2 Indian blood.
	92.	Fraddy Locklear	"
	93.	Josephine Locklear	"
	94.	Alf Lowry	"
	95.	Daniel Locklear	"
	✓ 96.	George Locklear	"
	97.	Fercy Locklear	"
	98.	Willie Jones	"
	99.	Richmond Locklear	"
	100.	Annie Liza Chavis	"
	101.	Tecumseh Locklear	"
	102.	Dunie Hugh Wilkins	Border Line Case. Doubtful diagnosis.
	103.	Frank Cummings	Doubtful diagnosis. But probably less than 1/2 Indian blood.
	104.	Cloyd Chavis	Less than 1/2 Indian blood.
	105.	Hermit Lowry	"
	106.	Mary Lynn	"
	107.	Joe Sinclair Lowry	"
	108.	Cora Mae J. Browington	"

1869-1872

Characters	CHARACTERISTICS OF DIAGNOSTIC VALUE		
	NEGROID	MIXTE	INDIAN
Skin color:	black or dark brown	light	red brown to medium brown
Vascularity:	absent	present	absent
Freckles:	absent	present	absent
Moles:	absent	present	absent or very few
Hair form:	woolly or frizzly	straight, wavy, curly	straight
Hair texture:	coarse, wiry	all types	prod. coarse
Baldness:	infrequent	frequent	absent
Beard quantity:	sparse	moderate to pro.	very sparse
Body hair:	very sparse	moderate to pro.	very sparse
Grayness of head:	infrequent	frequent	infrequent (very)
Grayness of beard:	infrequent	frequent	infrequent (very)
Hair color:	black	from blond to black	black or dark brown
Eye color:	dark brown or black	from blue to dark brown	black or dark brown
Eye folds:	absent	often present	frequent
Eye obliquity:	moderate to small	moderate to small, down	Moderate to pronounced
Eyebrow thickness:	moderate	all types	submedium
Eyebrow concurrency:	absent to slight	all types	absent
Nasion depression:	pro. to very pro.	all types	moderate to submedium
Nasal root height:	very slight	moderate to pro.	pronounced to moderate
Nasal root breadth:	pronounced	moderate to submedium	moderate to submedium
Nasal septum:	convex	all types	all types
Nasal bridge height:	submedium	moderate to pro.	pronounced to moderate
Nasal bridge breadth:	pronounced	moderate to submedium	moderate to submedium
Nasal profile:	concave or straight	all types	convex, sometimes straight
Nasal tip:	sub	all types	all types
Nasal tip thickness:	pronounced	moderate to submedium	moderate to submedium
Nasal tip inclination:	up	all types	all types
Nasal wings:	flaring	moderate to submedium	all types
Nostrils frontal visibility:	pronounced	all types	all types

CHART (Continued)

	<u>INDO-CHINA</u>	<u>SIAM</u>	<u>INDIAN</u>
Rostrils: shape,	round to medium	thin and medium	medium and thin
Rostrils Area:	transverse to oblique	parallel and oblique	oblique
Lips intersegmental thickness:	pronounced	medium and submedium	medium or submedium
Lips membranous thickness:	pronounced	medium to submedium	medium or submedium
Lips eversion:	pronounced	medium to submedium	medium or submedium
Lip seam:	Present and well-developed	usually absent	usually absent
Alveolar prognathism:	pronounced	usually absent	slight or absent
Chin prominence:	submedium	all types, frequently pronounced	submedium
Malar frontal prominence:	pronounced	medium to submedium	pronounced to medium
Malar lateral prominence:	moderate to slight	medium to submedium	pronounced
Gonial angles:	moderate to submedium	all types	pronounced to moderate
Ears, helix:	pronounced	all types	all types
Ears, antihelix:	pronounced	all types	all types
Ear lobe apex:	small	all types	all types
Ear protrusion:	submedium	all types	all types
Occipital protrusion:	usually pronounced	all types	in most areas absent or sm.
Lambdoid flattening:	sometimes present	often present	virtually absent
Occipital flattening:	absent	infrequent	very frequent
Cephalic index:	prevalently dolicho	all types	in most areas brachy
Nasal index:	pletyrhine	lepto and mesorrhine	leptorrhine and mesorrhine
Cephalo-facial index:	prevalently below 95	in low 90's and 80's	high, usually over 95
Relative span:	high	moderate	dolicho moderate
Facial index	all types	all types	low
Upper facial index	all types	all types	low
Relative sitting height:	usually low	moderate	moderate

Notes on Technique

The measurements were taken according to the International Agreement and as recorded by Dr. Ales Hrdlicka in his "Anthropometry" published in 1920. The observations are those agreed upon by the Division of Anthropology at Harvard University under the direction of its Chairman, Professor E. A. Hooton. The instruments used were the anthropometer, spreading caliper, sliding caliper, and steel tape. For skin color, the Von Luschan color scale was utilized. Heights recorded are those given by the subjects. Head height was obtained by subtracting the height to tracion from the stature. Weight is given in pounds, all gross body measurements in centimeters, and head and face dimensions in millimeters. Photographs were taken by means of a Leica camera, model F ?, with f 1:4-- 9 cm. lens.

Blood grouping was done personally by this investigator in the field. Fresh sera A and B necessary for the tests were very kindly supplied by the Army Medical School in Washington, D. C. The blood groups are designated as O, A, B, and AB, indicating the presence or absence in the red blood cells of the two iso-agglutinable substances A and B. Blood groups were determined as follows: a drop of known Group A serum was placed on one end of the slide and a drop of B serum on the other end. A very small amount of the subject's blood was thoroughly mixed with each drop of serum. Gentle agitation of the serum-blood mixture was maintained by tipping the slide backward and forward for about ten minutes. Presence of agglutination was then recorded. If only A serum-blood mixture showed agglutination, the group recorded was B. If only B serum-blood mixture showed agglutination, the group recorded was A. If both A and B sera-blood mixtures showed agglutination, the group recorded was AB. If neither A or B sera-blood mixtures showed agglutination, the group recorded was O.

UNITED STATES INDIAN SURVEY

Place Pembroke, N. C. Date June 6, 1936 Observer C. C. Seltzer Recorder M. Wayne

No. 36 Sex M Occupation FARMER Race W
 Education No read, no write Birthplace Maxton, N. C. Name William Locklear
 Residence Maxton, N. C. Father's Birthplace Maxton, N. C. Mother's Maxton, N. C.
 Brothers 2 Sisters 5 Sons Daughters
 Returns 5 Frames 5, 6 Marital Status, sing., wid., div., sep.

Age	<u>43</u>	Head Circum.	<u>54.8</u>	17	Sh-Hip 12/13	<u>73</u>	23
Weight	<u>160.4</u>	Head Length	<u>193</u>	18	Thoracic 12/14	<u>82</u>	24
Stature	<u>169.4</u>	Head Breadth	<u>144</u>	20	Rad. Sit. 12/14, 9	<u>52</u>	25
Trigono	<u>157.4</u>	Head Height	<u>120</u>	22	Ceph. 20, 22/18, 19	<u>75</u>	26
Acromion	<u>140.2</u>	Maximum Frontal	<u>94</u>	23	Length-HL 22/18, 19	<u>62</u>	27
Nedale	<u>80.8</u>	Bi-zygomatic	<u>116</u>	24	Breadth-HL 22/18, 19	<u>63</u>	28
Styloid	<u>104.3</u>	Bipupial	<u>84</u>	25	Fronto-Fac. 22/18, 19	<u>65</u>	29
Dactylos	<u>61.5</u>	Total Face Ht.	<u>116</u>	26	Ceph-Fac. 24/20, 21	<u>102</u>	30
Ears	<u>182.0</u>	Upper Face Ht.	<u>75</u>	27	Zygo-Fr. 22/18, 19	<u>84</u>	31
Biscromial	<u>38.8</u>	Nose Ht.	<u>55</u>	28	Fronto-Gom. 22/18, 19	<u>122</u>	32
Biliac	<u>28.3</u>	Nose Br.	<u>44</u>	29	Zygo-Gom. 22/18, 19	<u>79</u>	33
Chest Breadth	<u>26.5</u>	Nose Gubern.	<u>20</u>	30	Facial 24/20	<u>92</u>	34
Chest Depth	<u>19.9</u>	Jaw L.	<u>126</u>	31	Upper Facial 27/24	<u>51</u>	35
Leg	<u>37.9</u>	Bl-oc	<u>93</u>	32	Nasal 25/20	<u>80</u>	36
Sitting Ht.	<u>87.8</u>	Inter-oc	<u>35</u>	33			
Trunk	<u>55.3</u>	Rad. Sit. 10, 11/14, 9	<u>177</u>	34			
		Rad. Sit. Br. 12/14, 9	<u>23</u>	35			

Group blood type O

44 Skin color	45 Skin color	46 Vacuolity	47 Hair form	48 Head hair, quant.	49 Body hair	50 Hair color	51 Hair color
1 Pale <u>25</u>	1 Pale <u>15</u>	1 Abs.	1 Str.	1 Sm.	1 S.H.	1 Black 27	1 Black 27
2 Pink 2	2 Pink 2	2 + +	2 D. W.	2 +	2 +	2 Dk. br. 4-8	2 Dk. br. 4-8
3 Brown 7, 8, 9	3 Brown 7, 8, 9	3 + +	3 Cur.	3 Baldness	3 + +	3 Brown 7-9	3 Brown 7-9
4 Swarthy 10, 11	4 Swarthy 10, 11	4 Eccles	4 Flat.	4 Abs.	4 Grayness, Head	4 Red br. 4, 10	4 Red br. 4, 10
5 Red. br. 12-14, 16	5 Red. br. 12-14, 16	5 Abs.	5 Wash.	5 Sm.	5 Abs.	5 Gld. br. 11-14	5 Gld. br. 11-14
6 Lt. br. 15, 17, 18	6 Lt. br. 15, 17, 18	6 Sm.	6 Texture	6 +	6 +	6 Ash br. 21-24	6 Ash br. 21-24
7 Lt. y. br. 4, 9	7 Lt. y. br. 4, 9	7 -	7 Coat.	7 + +	7 +	7 Golden 17-19	7 Golden 17-19
8 Y. br. 19, 20, 6	8 Y. br. 19, 20, 6	8 + +	8 Med.	8 Beard, quant.	8 -	8 Ash 20, 21	8 Ash 20, 21
9 Med. br. 21-26	9 Med. br. 21-26	9 Massed	9 Fine	9 Sem.	9 Grayness, Beard	9 Red 1-3	9 Red 1-3
10 Choc. 26-29	10 Choc. 26-29	10 Mol.	10 Hand-dress	10 Sm.	10 Abs.	10 White	10 White
11 Dk. br. 30-32	11 Dk. br. 30-32	11 Abs.	11 Right	11 +	11 Sm.	11 +	11 +
12 Black 33	12 Black 33	12 Free	12 Left	12 + +	12 +	12 +	12 +
		12 Mazy	12 Ambi.	12 + + +	12 + +	12 +	12 +

52 Eye	53 Pigment	54 Eyelids	55 Eye	56 Eyebrows	57 Forehead	58 Nasal	59 Nasal
1 Flak 1	1 + + + dk. 4	1 Abs.	1 Abs.	1 Abs.	1 Forward	1 Sam.	1 Sam.
2 Dk. br. 2, 8	2 + + dk. 4	2 Sm.	2 Sm.	2 Sm.	2 Abs.	2 Sm.	2 + +
3 Alb. br. 3, 9	3 Even 7, 9	3 +	3 +	3 +	3 Sm.	3 + +	3 + + +, sam
4 Lt. br. 4, 10	4 + + H. 9, 11	4 + +	4 + +	4 + +	4 + +	4 + + +	4 + + +, sam
5 Cy. br. 11	5 + + + H. 12, 14	5 Abs.	5 Down	5 Brow-like	5 + + +	5 + + +	5 Sm.
6 Cr. br. 6	6 Clear	6 Sm.	6 Open	6 Sm.	6 + + +	6 + + +	6 + + +, sam
7 Mt. br. 7-10	7 Hazy	7 -	7 F. shadow thickness	7 + + +	7 Abs.	7 Sm.	7 + + +, sam
8 Gray 12	8 Zoned	8 + +	8 + +	8 + + +	8 Sm.	8 + + +	8 + + +, sam
9 Eye blue	9 Spotted	9 Integrit.	9 Sm.	9 Fairhead ht.	9 Sm.	9 + + +	9 Concave
10 Blue 13	10 Diffuse	10 Sm.	10 +	10 +	10 + + +	10 + + +	10 Straight
11 Unmatched	11 Scalloped	11 Abs.	11 + +	11 + +	11 + + +	11 + + +	11 Concave
12 Other	12 Other	12 + +	12 + + +	12 + + +	12 + + +	12 + + +	12 Ansh

61 Nasal tip	62 Nostrils vs. fr.	63 Lips	64 Lip eversion	65 Chin	66 Ear	67 Ears	68 Ears
1 Abs.	1 Abs.	1 Abs.	1 Abs.	1 Under	1 Abs.	1 Abs.	1 Abs.
2 Sm.	2 Sm.	2 Sm.	2 Sm.	2 Under	2 Abs.	2 Abs.	2 Abs.
3 + +	3 + +	3 + +	3 + +	3 Sm. over	3 + +	3 + +	3 + +
4 + + +, sam.	4 Abs.	4 + + +	4 + + +	4 Lost	4 + + over	4 + +	4 + +
5 Up.	5 Present	5 Lip seam	5 Lip seam	5 Nose	5 Abs.	5 Abs.	5 Abs.
6 Up. sm.	6 Abs.	6 Abs.	6 Abs.	6 Sm. I 4	6 Sm. I 4	6 Sm.	6 Sm.
7 Hlrs.	7 Round	7 + +	7 + +	7 Sm. 9-9	7 Sm. 9-9	7 + +	7 + +
8 Hlrs. sm.	8 Round	8 + + +	8 + + +	8 + + +	8 + + +	8 + + +	8 + + +
9 Hlrs. +	9 Parallel	9 Sm.	9 Sm.	9 + + +	9 + + +	9 + + +	9 + + +
10 Compe.	10 Gbl. sm.	10 + +	10 + +	10 Abs. Sm.	10 Abs. Sm.	10 + + +	10 + + +
11	11 Osl.	11 -	11 -	11 + +	11 + +	11 + + +	11 + + +
12 Flarin	12 Transv.	12 -	12 -	12 + +, + +	12 + +	12 + + +	12 + + +

71 Let. in	72 Fullness	73 Occ. flattening	74 Hair	75 Education	76 Mental State	77 Residence	80
1 Soldered	1 Abs.	1 Abs.	1 Pure Nordic	1	1	1	1
2 Attached	2 Sm.	2 + +	2 Pred. Nordic	2	2	2	2
3 Free	3 + +	3 + +	3 Almon	3	3	3	3
4 Abs.	4 Abs.	4 Cras. asymmetry	4 Nor. Alpine	4	4	4	4
5 Sm.	5 Sm.	5 Left	5 Pure Med.	5	5	5	5
6 + +	6 Abs.	6 Right	6 Nor. Med.	6	6	6	6
7 + + +	7 Sm.	7 Fac. asymmetry	7 Keltic	7	7	7	7
8 Sm.	8 Abs.	8 Abs.	8 East Baltic	8	8	8	8
9 + +	9 Sm.	9 Right	9 Danar	9	9	9	9
10 + +	10 Sm.	10 Body build	10 Armenoid	10	10	10	10
11 +	11 Linear	11 Linear	11 Other	11	11	11	11
12 + +	12 Disharmony	12 Lateral	12 Not Observed	12	12	12	12

UNITED STATES INDIAN SURVEY

Place Pambrake, N. C. Date June 11, 1936. Observer C. G. Balliett Recorder M. Wayne

Form with fields for No. 104, Sex F, Occupation Farmer, Name Anna Locklear Jacobs, Education Grade 6, Birthplace Robeson County, Mother's Birthplace Robeson County, Residence Harpers Ferry, Father's Birthplace Robeson County, Mother's Birthplace Robeson County, Brothers 4, Sisters 3, Sons 5, Daughters 5, Religion Baptist, Age 40, Height 135.5, Weight 158.0, Bust 119.0, Arm span 138.0, etc.

Anthropometric measurements table with columns for Head Circum., Head Length, Head Breadth, Head Height, Minimum Frontal, Malar angle, etc.

Table with columns for Skin color, Eye color, Year color, Hair form, Head hair, Hair color, Hair color, etc.

Table with columns for Eye, Pigment, Eyelids, Eye, Eyebrows, Forehead, Hand, Hand, etc.

Table with columns for Hand up, Nails, Lips, Ab. prec., Nose, Caries, Molars, Ear, etc.

Table with columns for Ear, Teeth, Dec. Flattening, Nose, Education, Marital State, Residence, etc.

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Case No. 26

Racial Diagnosis

Name: John I. Brooks
Sex: Male
Age: 50
District: Robeson County, North Carolina
Claim: 1/2 or more Indian blood.

The possession by this individual of green-brown eyes is one of the most important features which marks him off as having less than 1/2 Indian blood.

Further evidences of non-Indian blood is visible in the low wave character of the head hair, in the pronounced grayness of the head hair, in the marked thickness of the eyebrows, in the pronounced thickness of the integumental and membranous portions of the lips, in the prominence of the chin, and in the deep set of the eyes relative to the total facial plane.

Metrically, the very high relative span (relation of arm span to total body stature in terms of per cent) of 108 is also indicative of non-Indian blood, probably of Negroidal origin. The cephalic index of 75 is comparatively low.

Indianoid features are not entirely lacking. They are evident in the absence of hirsuteness of the face and body, in the color of the unexposed skin (Von Luschan no. 13), in the absence of concurrent eyebrows, in the pronounced lateral projection of the malars, in the flare of the gonial angles, and in the high cephalic index - facial index proportion (cephalo facial index) of 103.

The general composite picture viewing all the features as a whole, is an individual whose amount of White blood is in excess of the Indian, and also possessing a decided strain of Negro.

Concluding Diagnosis: Unquestionably LESS than 1/2 Indian blood.

June 30, 1936

Carl C. Seltzer
 Associate Anthropologist

Case No. 27

Racial Diagnosis

Name: Jesse Oxindine
Sex: Male
Age: 38
District: Robeson County, North Carolina
Claim: 1/2 or more Indian blood.

Unexposed skin color is moderately light such as is found in many White groups (Von Luschan no. 10). The exposed skin color taken at the forehead is not very much darker (Von Luschan no. 15). Accordingly, there is no large tanning differential. Vascularity is present although not very marked and freckles are quite abundant in face and arms. Evidence of White admixture is therefore to be found in skin color, vascularity, and in the freckling.

Very strong evidence of non-Indian blood is traceable to the form of the head hair. The hair on the head is curly and black, with a slight degree of grayness to be found particularly in the temporal region. Facial and body hair are well-developed as among Whites.

The eyebrows are thick and slightly concurrent, a non-Indian feature. There is an absence of strong development of the frontal malars. The ears are small and Negroidal in type. The cephalic index (relation of breadth of the head to the length in terms of per cent) is quite low with a value of 75.

Evidence of Indian features are to be found in the color of the eyes being dark brown to black, the prominence of the lateral malars, the flare of the gonial angles of the lower jaw, the general character of the lips, the retrogressive chin, and the high cephalo-facial index.

The general composite picture, however, viewing all the features as a whole is an individual with an excess of White blood, a strong strain of Indian, and a small element of Negro.

Concluding Diagnosis: LESS than 1/2 Indian blood.

June 30, 1936

Carl C. Saltzer
 Associate Anthropologist

Case No. 28

Racial Diagnosis

Name: Duncan L. Locklear
Sex: Male
Age: 60
District: Robeson County, North Carolina
Claim: 1/2 or more Indian blood.

The presence of gray-blue-brown eyes with the brown distributed only in spots over the iris, is one of the outstanding features which marks this individual off as having less than 1/2 Indian blood. Other features which are indicative of non-Indian strains are, the slight degree of skin vascularity, the low wave character of the head hair, the frizzly feeling of the hair on manual manipulation, the pronounced development of body hair, the presence of graying of the hair, the pronounced nasion depression, and the low cephalic index (relation of breadth of head to the length expressed in terms of per cent) of 74.

Indianoid features are visible in the unexposed skin color, light brown category (Von Luschan no. 15), in the slight development of the face hair particularly in the upper and lower cheek regions, in the thinness of the eyebrows, in the absence of concurrent eyebrows, in the marked convexity of the nasal profile, and in the pronounced lateral projection of the malars.

The general composite picture viewing all the features as a whole, is an individual who is fundamentally white with a strong representation of Indian blood.

Concluding Diagnosis: Unquestionably LESS than 1/2 Indian blood.

June 30, 1936

Carl C. Seltzer
 Associate Anthropologist

Case No. 29

Racial Diagnosis

Name: Romeo Jacobs
Sex: Male
Age: 27
District: Robeson County, North Carolina
Claim: 1/2 or more Indian blood.

Unexposed skin color in this individual is moderately dark (Von Luschan no. 15) and exposed skin color taken at the forehead is really dark (Von Luschan no. 24). Vascularity and freckling, non-Indian features are both absent. Hair form, however, is of the frizzly variety and may be traced directly to Negro admixture.

Face and body hair is quite sparse as among Indians and Negroes. Head hair color is black, and the eyes are given the same color classification. The thickness of the eyebrows is pronounced and a slight degree of concurrency is present as among Whites.

The lips are decidedly Negroidal in form, being pronouncedly thick as to its integumental as well as its membranous portions. A lip seam is present in a marked form. Alveolar prognathism is moderate in its development, but the chin is quite prominent.

The general character and size of the ears are Negroidal while the incisor teeth display the Indianoid shovel-shaped form.

The cephalic index (relation of breadth of head to the length in terms of per cent) is very low falling into the dolichocephalic class with a value of 72 and is in a great measure responsible for the high cephalo-facial index of 100. The absolute dimension of the bizygomatic diameter, 152 millimeters, is very narrow for Indian males and is suggestive of considerable non-Indian blood. The minimum frontal diameter is also very narrow for predominant Indian types.

The general composite picture viewing all the features as a whole, is an individual of dominant Negro blood, plus a strong strain of Indian.

Concluding Diagnosis: Unquestionably LESS than 1/2 Indian blood.

June 30, 1936

Carl C. Seltzer
 Associate Anthropologist

Case No. 30

Racial Diagnosis

Name: Colen Locklear
Sex: Male
Age: 41
District: Robeson County, North Carolina
Claim: 1/2 or more Indian blood.

The possession by this individual of green-brown eyes with the green as highly represented as the brown, is one of the most outstanding features which marks him off as having less than 1/2 Indian blood.

Skin color is also indicative of a non-Indian strain by the light unexposed color taken at the inner arm (Von Luschan no. 9). Marked vascularity of the skin and the presence of freckles are also strong indications of White admixture.

Head hair form is of the low wave variety with definite frizzling in the front, a non-Indian hair type. Face hair is well-developed as in the Whites but body hair is quite sparse. The very marked grayness of the head hair must also be considered evidence of non-Indian blood.

A few of the other features which are highly suggestive of non-Indian influence racially are as follows: the thickness of the eyebrows, the depth of the nasion depression, the marked prominence of the chin, the absence of frontal projection of the malars, the cephalic index of 76, the very high facial index of 91, and the very high upper facial index of 66. Cephalo-facial index of 96 cannot be considered evidence of purity of Indian strain owing to the lowness of the cephalic index.

The general composite picture viewing all the features as a whole is an individual of predominantly White blood.

Concluding Diagnosis: Unquestionably **LESS** than 1/2 Indian blood.

June 30, 1936

Carl C. Seltzer
 Associate Anthropologist

Case No. 51

Racial Diagnosis

Name: Sherman Locklear
Sex: Male
Age: 30
District: Robeson County, North Carolina
Claim: 1/2 or more Indian blood.

This individual possesses a moderately light unexposed skin color (Von Luschan no. 11) as well as a moderately light exposed skin color (Von Luschan no. 14). Some non-Indian strain is indicated by the presence of the low wave variety of hair form, although the color is strictly black.

Face hair shows a heavy development on the chin, upper and lower cheek regions; the body hair is only moderately well-distributed.

Eye color is dark brown as among Indians, but the pronounced thickness of the eyebrows with its associated concurrency is a non-Indian feature. The nasion depression is well-marked and the nasal profile is somewhat White in general form. The lips are thick both as to integumental and membranous portions. A lip seam is present of moderate size. The malars lack the strong Indianoid development frontally and laterally. And finally, the cephalo-facial index is very low (relation of width of face to the breadth of the head in terms of per cent) with a figure of 91. This may be considered as strong evidence of considerable non-Indian blood particularly in view of the size of the cephalic index.

The general composite picture viewing all the features as a whole, is an individual which should be classified as a border line case, with about equal parts of White and Indian and only a mere trace of Negro.

Concluding Diagnosis: Doubtful Diagnosis. Probability towards LESS than 1/8 Indian blood.

June 30, 1936

Carl C. Seltzer
 Associate Anthropologist

Case No. 40

Racial Diagnosis

Name: William Locklear
Sex: Male
Age: 45
District: Robeson County, North Carolina
Claim: 1/2 or more Indian blood.

The possession by this individual of the deep wave variety of hair form with distinct curliness of the forelock is an outstanding non-Indian feature suggestive of less than 1/2 Indian blood.

The unexposed skin color is moderately dark (Von Luschan no. 15) but whether this is due to Indian or Negro influence is very difficult to say. Body hair is well-developed and distributed in moderate quantity over the extremities and torso, and as such is indicative of White admixture.

Negroidal features are strongly accentuated in this subject. In this category should be included, the very pronounced and heavy brow ridges associated with a broad nasal root and pronouncedly broad nasal bridge, the thickness of the nasal tip, its upward inclination showing a moderate frontal visibility, the pronouncedly thick membranous and integumental portions of the lips, the marked eversion of the lips, and the presence of a well-developed lip seam.

The general composite picture viewing all the features taken as a whole, is an individual who is dominantly Negroidal, with a strain of Indian and White.

Concluding Diagnosis: Unquestionably LESS than 1/2 Indian blood.

June 30, 1936

Carl C. Seltzer
 Associate Anthropologist

Case No. 53

Racial Diagnosis

Name: Oscar H. Hammonds
Sex: Male
Age: 46
District: Robeson County, North Carolina
Claim: 1/2 or more Indian blood.

This individual possesses a large number of features that indicate conclusively that his racial complex is less than 1/2 Indian blood. The most important racial element in his make-up is unquestionably White.

The following are some of the more important features, principally non-metrical, which suggest White blood as a dominant feature; the light unexposed skin color taken at the inner arm (Von Luschan no. 9), the marked degree of vascularity of the skin, the presence of freckles although only few in number, the deep wave character of the head hair with distinct curliness in front, the well-developed face hair, the slight degree of frontal baldness, the moderate to pronounced quantity of body hair, the grayness of the head and face hair, the green-brown eyes which in itself is very strong evidence of less than 1/2 Indian blood, the concurrency of the eyebrows, the depth of the nasion region, the prominence of the chin, the lack of development of the frontal and lateral malars, and the comparatively low cephalo-facial index of 92 especially when considered in the light of the cephalic index of 77.

The general composite picture viewing all the features as a whole, is an individual of predominantly White stock with a mere trace of Negro.

Concluding Diagnosis: Unquestionably LESS than 1/2 Indian blood.

June 30, 1936

Carl C. Seltzer
 Associate Anthropologist

Case No. 54

Racial Diagnosis

Name: Hubbard Opavis
Sex: Male
Age: 38
District: Robeson County, North Carolina
Claim: 1/2 or more Indian blood.

The possession by this individual of head hair that falls in the curly classification marks this individual off as having less than 1/2 Indian blood.

The well-developed facial and body hair with pronounced grayness of the head hair is also suggestive of less than 1/2 Indian blood. Additional features of non-Indian type are, the pronounced depression of the nasion region, the breadth of the nasal root and nasal bridge, the thickness of the integumental and membranous portions of the lips, the prominence of the chin, the general Negroidal characters of the ears, the low cephalic index of 74, and the very high relative span of 106 (relation of arm span to total body stature in terms of per cent).

Indianoid features are evidenced in the height and profile of the nasal bridge, in the breadth of the bizygomatic arches, and in the presence of shovel-shaped incisor teeth. Indianoid features, however, are decidedly in the minority.

The general composite picture viewing all the features as a whole, is an individual of more Negro than Indian, with a strong strain of White.

Concluding Diagnosis: Unquestionably LESS than 1/2 Indian blood.

June 30, 1936

Carl C. Seltzer
 Associate Anthropologist

Case No. 55

Racial Diagnosis

Name: Clarence Qhavis
Sex: Male
Age: 36
District: Robeson County, North Carolina
Claim: 1/8 or more Indian blood.

Unexposed skin color in this individual falls in the swarthy classification (Von Luschan no. 9). Exposed skin color taken at the forehead is very dark (Von Luschan no. 25). There is no vascularity of the skin, and freckles are classified as absent. Hair form, however, is very definitely non-Indian in its distinct curliness, and accordingly may be considered as very strong evidence of less than 1/2 Indian blood.

Face hair is well-developed and distributed in typical White fashion. Similarly the quantity and distribution of the body hair is moderate to pronouncedly heavy. Eye color is mixed, there being about equal amounts of dark and light brown spots over the iris. Evidence of eye color suggests non-Indian blood. The eyebrows are pronouncedly thick and show a slight concurrency. This again is a non-Indian feature probably White.

The character of the nasal tip, even though it is not very heavy as among Negroes, is nevertheless very reminiscent of the usual Negroidal form. There is an upward inclination of the septum, the wings are flaring, and the nostrils display a marked frontal visibility. There is a pronounced thickness of the integumental and membranous portions of the lips with associated lip seam. These are Negroidal features. There is also a lack of Indianoid development of the frontal and lateral malars. The ears are small and Negroidal with regard to helix roll and degree of protrusion from the side of the head.

Cephalo-facial index is low with a value of 92, especially when considered in the light of the cephalic index of 78. The nasal index is 74.

The general composite picture viewing all the features as a whole is an individual with more White blood than either Indian or Negro, but the Negro element still being more dominant than that of the Indian.

Concluding Diagnosis: Unquestionably LESS than 1/2 Indian blood.

Case No. 56

Racial Diagnosis

Name: Allie Byrd Hammonds
Sex: Female
Age: 17
District: Robeson County, North Carolina
Claim: 1/2 or more Indian blood.

Negroidal features present in this individual are as follows: Curliness of the head hair, the absence of vascularity and freckles, the black head hair and virtually black eye color, the pronounced depth of the nasion depression, the concavity of the nasal bridge, the pronounced breadth of the nasal root, the upward inclination of the nasal tip associated with flaring nostrils and a very marked frontal visibility of the nares, the pronounced width of the nasal bridge, the pronounced thickness of the integumental and membranous portions of the lips and the presence of a lip seam.

A few of the features which may be attributed to Indian blood is the unexposed skin color (Von Luschan no. 15) (may also be Negroidal), the absence of vascularity and freckles (also may be Negroidal), the darkness of the eye color, the presence of a strong internal epicanthic fold, the absence of eyebrow concurrency, the flare of the gonial angles, the width of the bizygomatic arches, etc.

White features are also present in the prominence of the chin, the lack of eversion of the lips, and certain metrical features especially the cephalo-facial index and the cephalic index.

The general composite picture viewing all the features as a whole, is an individual with approximately equal parts of Negro, Indian and White. If there is any inequality in this representation the probability is that there is a greater proportion of Negroidal blood.

Concluding Diagnosis: Unquestionably LESS than 1/2 Indian blood.

June 30, 1936

Carl C. Seltzer
 Associate Anthropologist

Case No. 57

Racial Diagnosis

Name: Levi Thomas
Sex: Male
Age: 44
District: Robeson County, North Carolina
Claim: 1/2 or more Indian blood.

This individual presents a very large number of features which show clear indications of less than 1/2 Indian blood.

By far the greatest majority of these features are of White origin. Skin color is quite light on the unexposed inner arm (Von Luschan no. 9), and vascularity is present to a moderate degree. Freckles are rather sparse, and the form of the head hair is straight and very fine. This type of hair is very seldom met with in Indians of comparatively pure strains. There is a small degree of frontal baldness and the hair on the head and face is moderately well-developed.

Head hair color is dark brown with a slight degree of graying particularly along the temples. The eyebrows are moderately thick and slightly concurrent. There is a lack of Indianoid development of the frontal malars and a compression of the gonial angles of the lower jaw. The ears are definitely of White origin, very large and very prominent. There are no shovel-shaped incisors. The cephalic index is 78 and the cephalo-facial index is comparatively low with a figure of 92.

The general composite picture viewing all the features as a whole is an individual of predominantly White origin.

Concluding Diagnosis: Unquestionably LESS than 1/2 Indian blood.

June 30, 1936

Carl C. Seltzer
 Associate Anthropologist

Case No. 58

Racial Diagnosis

Name: Eli Chavis
Sex: Male
Age: 53
District: Robeson County, North Carolina
Claim: 1/2 or more Indian blood.

Evidences of non-Indian blood in this individual includes the following characteristics: fairly light unexposed skin color (Von Luschan no. 9), the presence of vascularity of the skin even though it is slight, the low wave variety of hair form, the pronounced baldness of the head particularly inasmuch as it is of the frontal type, the well-developed body hair, the very deep set of the eyes, the growth of hair from the ears, the moderate to pronounced nasion depression, the lack of development of the frontal and lateral malar, the well-marked prominence of the chin, the low cephalic index of 75 (relation of breadth of head to the length of head in terms of per cent), the comparatively low cephalo-facial index of 96 when considered in the light of the narrow head breadth, and the rather high nasal index of 80.

The general composite picture viewing all the features as a whole, is an individual of predominant White blood.

Concluding Diagnosis: Unquestionably LESS than 1/2 Indian blood.

June 30, 1936

Carl C. Seltzer
 Associate Anthropologist

Case No. 59

Racial Diagnosis

Name: Jasper Logklear
Sex: Male
Age: 49
District: Robeson County, North Carolina
Claim: 1/2 or more Indian blood.

The unexposed skin color in this individual is quite light falling in the brunet class (Von Luschan no: 9). The exposed skin color is somewhat darker (Von Luschan no. 15). On the whole, this skin color may be said to fall within the range for White stocks. Vacularity is present in a slight degree, a non-Indian feature.

The hair form on the head is straight with low waves in the front. Face hair is well-developed on the upper and lower cheek regions as among Whites.

The color of the eyes is medium brown, a somewhat light color for predominantly Indianoid groups. Strong non-Indian features are present, however, in the pronounced thickness of the eyebrows and in the pronounced concurrency of the eyebrows. The chin is fatty prominent and the development of the malars do not approach the typical Indianoid condition.

In the metric characteristics this individual displays a greater tendency towards White than to Indianoid proportions. Particular attention should be directed to the low cephalic index of 75, and to the cephalo-facial index of 96. The bizygomatic diameter is rather narrow for a predominantly Indian individual. Total facial index is very high with a value of 90 (relation of length of face to the width of the face in terms of per cent).

The general composite picture viewing all the features as a whole, is an individual who is essentially white, with small traces of Indian elements.

Concluding Diagnosis: Unquestionably LESS than 1/2 Indian blood.

June 30, 1936

Carl C. Seltzer

Case No. 60

Racial Diagnosis

Name: Iler Mae Chavis
Sex: Female
Age: 30
District: Robeson County, North Carolina
Claim: 1/2 or more Indian blood.

The possession by this individual of green-brown eyes is one of the most outstanding features which marks this person off as having less than 1/2 Indian blood.

Additional characteristics of non-Indian type are, the relatively light unexposed skin color (Von Luschan no. 11), the presence of a slight degree of vascularity of the skin, the presence of freckles although only few in quantity, the frizzling of the hair in front and at the ends even though the hair on the head is classified as straight, the pronounced thickness of the eyebrows, the pronounced nasal root breadth and pronounced nasal bridge breadth, the nasal profile which is straight as regards bony portion and snub as respects the cartilaginous division, the general form of the ear being suggestive of Negroidal influence, the lowness of the cephalo-facial index (relation of width of face to the breadth of the head in terms of per cent) of 89, and the size of the cephalic index (relation of the breadth of the head to the length of the head in terms of per cent) of 78 and its attendant influence on the cephalo-facial index.

The general composite picture viewing all the features as a whole, is an individual with an excess of White blood and the remaining strains about equally balanced between Indian and Negro.

Concluding Diagnosis: Unquestionably LESS than 1/2 Indian blood.

June 30, 1936

Carl C. Seltzer
 Associate Anthropologist

Case No. 61

Racial Diagnosis

Name: William A. Chavis
Sex: Male
Age: 48
District: Robeson County, North Carolina
Claim: 1/2 or more Indian blood.

Skin color taken at the unexposed inner arm region is light (Von Luschan no. 9) and the exposed skin color is somewhat darker but not excessively dark (Von Luschan no. 15). Evidence of skin color, then, is suggestive of White admixture. There is a marked vascularity of the skin, a definite indication of considerable White blood.

The form of the hair on the head is classified as curly, and medium to coarse in texture. This is clearly an un-Indian feature and marks the presence of a significant quantity of non-Indian admixture. Face hair and body hair is moderate to sparsely distributed. However, the head hair shows a slight degree of graying.

Clear non-Indian influence is indicated in the pronounced depth of the nasion depression and in the depth and character of the set of the eyes with respect to the frontal, malar, and nasal planes. The nasal root and nasal bridge are pronounced in breadth, as is also the nasal tip. The wings of the nose are flaring and the frontal visibility of the nostrils are marked. There is an absence of marked flare of the gonial angles of the lower jaw and a flatness in the general temporal region.

The cephalic index (relation of breadth of the head to the length in terms of per cent) is 77 and mesocephalic, while the cephalo-facial index (relation of width of face to the breadth of the head in terms of per cent) is 94. Both these indices are indicative of non-Indian admixture. The nasal index (relation of breadth of the nose to the length) is 88 and leans definitely towards the typically high Negroidal figures.

The general composite picture viewing all the features as a whole is an individual with an excess of White, and definite evidences of Negro and Indian strains.

Concluding Diagnosis: - Unquestionably LESS than 1/2 Indian blood.

June 30, 1936

Carl C. Seltzer
 Associate Anthropologist

Case No. 85

Racial Diagnosis

Name: Carson Jones
Sex: Male
Age: 27
District: Robeson County, North Carolina
Claim: 1/2 or more Indian blood.

The following features are to be considered as evidence of non-Indian blood: the presence of freckling even though there are but a few on the face and arms, the curliness of the head hair, the well-developed body hair, the very pronounced thickness of the eyebrows, the pronounced concurrency of the eyebrows, the flaring of the nasal wings, the pronounced thickness of the membranous portion of the lips, the presence of a lip seam, and the prominence of the chin.

Indianoid tendencies are visible in the skin color, in the absence of vascularity of the skin, in the sparseness of the facial hair, in the dark hair and eyes, in the slight depression of the nasion region, in the development of the malars, in the high cephalic index, and in the relatively high cephalo-facial index of 94 when considered in the light of the virtual brachycephalic skull vault.

The general composite picture viewing all the features as a whole, is an individual with an excess of White blood, and with strong elements of Indian and Negro.

Concluding Diagnosis: LESS than 1/2 Indian blood.

June 30, 1936

Carl C. Saltzer
 Associate Anthropologist

63D CONGRESS }
3d Session }

SENATE

{ DOCUMENT
No. 677 }

INDIANS OF NORTH CAROLINA

LETTER FROM
THE SECRETARY OF THE INTERIOR

TRANSMITTING,

IN RESPONSE TO A SENATE RESOLUTION
OF JUNE 30, 1914, A REPORT ON THE CONDI-
TION AND TRIBAL RIGHTS OF THE INDIANS
OF ROBESON AND ADJOINING COUN-
TIES OF NORTH CAROLINA



JANUARY 5, 1915.—Referred to the Committee on Indian Affairs
and ordered to be printed

JANUARY 13, 1915.—Accompanying illustrations ordered printed

WASHINGTON
1915

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63D CONGRESS : : 3D SESSION
DECEMBER 7, 1914-MARCH 4, 1915

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LETTER OF TRANSMITTAL.

DEPARTMENT OF THE INTERIOR,
Washington, January 4, 1916.

THE PRESIDENT OF THE SENATE.

SIR: Senate resolution 410, dated June 30, 1914, reads as follows:

That the Secretary of the Interior be, and he hereby is, directed to cause an investigation to be made of the condition and tribal rights of the Indians of Robeson and adjoining counties of North Carolina, recently declared by the Legislature of North Carolina to be Cherokee, and formerly known as Croatan, and report to Congress what tribal rights, if any, they have with any band or tribe; whether they are entitled to or have received any lands, or whether there are any money due them; their present condition; their educational facilities; and such other facts as would enable Congress to determine whether the Government would be warranted in making suitable provision for their support and education.

In conformity therewith, I have caused an investigation to be made by Special Indian Agent O. M. McPherson, and am transmitting herewith his report of September 19, 1914. This report is quite full, showing a careful investigation on the ground as well as extensive historical research.

It is believed that this report covers the matters mentioned in the resolution, and it is hoped that the information afforded thereby will enable Congress to determine whether the Government will be warranted in making suitable provision for their support and education."

Respectfully,

FRANKLIN K. LANE.

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REPORT ON CONDITION AND TRIBAL RIGHTS OF THE
INDIANS OF ROBESON AND ADJOINING COUNTIES
OF NORTH CAROLINA.

By Special Indian Agent O. M. McPHERSON.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, September 19, 1914.

Hon. CATO SELLS,
Commissioner of Indian Affairs.

MY DEAR MR. SELLS: On June 30, 1914, the Senate passed a resolution (S. Res. 410) authorizing and directing the Secretary of the Interior to cause an investigation to be made of the condition and tribal rights of the Indians of Robeson and adjoining counties in North Carolina. Said resolution reads as follows:

Resolved, That the Secretary of the Interior be, and he hereby is, directed to cause an investigation to be made of the condition and tribal rights of the Indians of Robeson and adjoining counties of North Carolina, recently declared by the legislature of North Carolina to be Cherokees, and formerly known as Croatans, and report to Congress what tribal rights, if any, they have with any band or tribe; whether they are entitled to or have received any lands, or whether there are any moneys due them, their present condition, their educational facilities, and such other facts as would enable Congress to determine whether the Government would be warranted in making suitable provision for their support and education.

(See Exhibit A.)

On July 23, 1914, you instructed me to proceed to Robeson County, N. C., as early as convenient, and make the investigation called for by the resolution. In obedience to your instructions I immediately proceeded to Lumberton, in said State, and the results of my investigation will appear under appropriate headings in this report. (See Exhibit A1.)

HISTORICAL.

The Croatan Indians (designated "Cherokee Indians of Robeson County" by an act of the General Assembly of North Carolina ratified Mar. 11, 1913) comprise a body of mixed-blood people residing chiefly in Robeson County, N. C. A few of the same class of people reside in Bladen, Columbus, Cumberland, Scotland, and Hoke Counties, N. C., and in Sumter, Marlboro, and Dillon Counties, S. C. It is also said that a similar people, called "Redbones," reside in these counties in South Carolina, but I think it probable that they belong to the same class of people as those residing in Robeson County, N. C. In the Eleventh Census, of 1890, under the title "North Caro-

lina Indians" they are described as "generally white, showing the Indian mostly in actions and habits." It is stated that—
They were enumerated by the regular census enumerators in part as whites, that they are colored and hold white certificates for the purpose that they are the descendants of the owners of the Raleigh tract of North Carolina and Virginia.

(See Exhibit A2.)
They are described in the Hand Book of American Indians, Bureau of American Ethnology, Bulletin No. 30, as a people entirely of mixed blood, of North Carolina, but chiefly in Robeson County. It is also stated that for many years they were classified or to attend the negro schools or churches, claiming to be the descendants of the early native tribes and white settlers who had intermarried with them.

A bulletin of the Thirteenth Census (census of 1910), "Indians of North Carolina," shows their numbers to be as follows:

Bladen County.....	26
Columbus County.....	12
Scotland County.....	24
Sampson County.....	213
Robeson County.....	4,386
Total in North Carolina.....	4,678

In a statement furnished the Committee on Indian Affairs, House of Representatives, February 14, 1912, in the hearing on Senate bill 3248, it is said:
According to the census of 1870, the number of Indians in Robeson County was 5,686. This was also about 1,500 to 2,000 in adjoining counties in North and South Carolina, making a settlement in all of about 8,000 persons.

Apparently, the Indian Office had no knowledge of the existence of the Croatan Indians until the latter part of 1888. About that time 54 of these Indians, describing themselves as "a part of the Croatan Indians living in Robeson County," and claiming to be "a remnant of White's lost colony," petitioned Congress "for such aid as you may see fit to extend to us." This petition was referred to the Indian Office, and on January 7, 1889, a copy was sent to the Director of the Bureau of Ethnology, with the statement that there was no record in the Indian Office showing any such Indians or any such colony as that referred to, and requesting that he be furnished with such information as he could discover had been furnished to people. On January 11, 1888, the Director of the Ethnological Bureau replied:

I beg to say that Croatan was in 1888, and you the name of an island in the West Indies, just north of Cape Hatteras, N. C. Your statement and names was included on Roanoke Island just to the north in 1587, and in 1585 when White returned to visit the colony he found no trace of it on Roanoke Island, and he was informed that the colonists had left to a previous unrecorded settlement. No actual trace of the missing colony was ever found, but more than 300 years afterwards Lawson obtained traditional information from the Barrenes Indians which showed that the name of the island had been pronounced with the Indians. It is well thought that trace of white blood could have intermarried with the Indians. It is probable that the greater number of the colonists were killed, but it was quite in keeping with Indian usage that a greater or less number of the white men and children, should have been made captive and subsequently incorporated into the tribe.

(See Exhibit B2.)
On January 29, 1889, the Indian Office communicated with Mr. Hamilton McMillan, of Fayetteville, N. C., concerning these Indians, with the line that on July 17, 1888, Mr. McMillan had written the office, and that he had been told by the late Mr. McMillan that the late Mr. McMillan's Lost Colony. Further action will be made of Mr. McMillan's views concerning the Robeson County Indians. On August 11, 1890, in reply to a letter of July 2 of that year, the Commissioner of Indian Affairs wrote Mr. W. L. Moore, of Oshoran, N. C.:

It appears from his statement that this land is recognized by the State of North Carolina, has been admitted to citizenship, and the State has undertaken the work of their education.
While I regret exceedingly that the provisions made by the State of North Carolina as to the education of the children of the State are not such as to provide for the education of the children of the State, the Government is responsible for the education of something like 24,000 Indian children and has provisions for less than half this number. So long as the immediate wants of the Government are so inadequately provided for, I do not know how I can consistently render any assistance to the education of any other class of children.

(See Exhibit B7. See Exhibit C for the McMillan booklet.)
Much doubt and uncertainty has existed as to the source of the Indian blood of this people and as to whether their ancestors comprised a part of White's lost colony (sometimes spoken of as "Raleigh's lost colony"). Some of these Indians hold as a tradition that they are of Cherokee origin, and affect to believe that the action of the General Assembly of North Carolina in designating them as "Cherokees Indians of Robeson County" in some way confirms this tradition. I find that the question of the source of their Indian blood, and whether their ancestors were a part of Gov. White's lost colony are so inextricably bound together that it will be necessary to treat of both subjects under the same heading.

WHITE'S LOST COLONY.

The first explorer of the region originally known as Virginia, comprising the territory afterwards known as Virginia, North Carolina, and South Carolina (omitting for the present some explorations along the coast made by Lane), was John Lederer, a learned German, who resided in the Virginia colony during the administration of Sir William Berkeley. It appears that he made "three several marches" through the country referred to between March, 1669, and September, 1670. Copious extracts from Lederer's notes of travel are printed in Volume II of Hawks's History of North Carolina, together with lengthy explanatory notes. A map of Lederer's explorations accompanies Talbot's translation of the notes (which were written in Latin), by the aid of which Dr. Hawks endeavored to trace the explored route. The route is shown on a map of the State of North Carolina, and the large village of a "village of the name of Carolina" shown by Oelley in his history, who is familiar with the map of Carolina drawn by Oelley in 1677. Copies of these maps and the text relating to Lederer's notes are found in Dr. Hawks's History, Vol. II, accompany this report. (See Exhibit D.)

Dr. Hawks found himself unable to reconcile the Lederer's narrative with later well-known geographical and historical facts. This was probably due to inaccuracies in courses and distances traveled by the explorer, to errors in names and locations, and to still

greater inaccuracies in the original map. It is not my purpose to attempt to reconcile or explain these inaccuracies, but merely to call attention to some important facts which seem to have some relation to the early history of the so-called Croatan Indians.

There is a long-standing tradition among the Croatan Indians that their ancestors were a part of Gov. White's Indians who were amalgamated with the coast Indians and afterwards removed to the interior, where they now reside; and it is my purpose to inquire into the historical data which support or contradict this tradition. It is a matter of common knowledge that the Indians are a people of "traditions," being entirely destitute of written records. Indeed, I would regard the tradition of these people that their ancestors composed a part of the "lost colony" as of little value were it not supported by what is regarded as authentic historical data. Mr. James B. Raper, in the *Handbook of Indians*, Bureau of American Ethnology, Washington, D. C., 1891, expresses the opinion that these people originated from White's lost colony. He says:

The story of descent from the lost colony may be regarded as a fiction, but the name itself is a designation which has been applied to a people of mixed blood of the wasted native tribes, the early colonists or forest negroes, the runaway slaves or other negroes, and probably also of stray seamen of the Latin race from coming vessels in the West Indian or Brazilian trade.

Mr. Samuel A. Court Ashe, a most creditable historian, also seems to doubt the origin of the Croatan Indians from White's lost colony. He says in part:

Because names borne by some of the Croatan Indians have been found among a mixed people of the same name in the West Indies, it has been suggested that there was some connection between them. It is highly improbable that English names would have been preserved among a tribe of savages beyond the second generation, and that they should have been preserved in the same form as they are found among the Croatan Indians, except among other savages. In English names had been preserved in the same form as they are found among the Croatan Indians, it would be an additional evidence corroborating his suggestion deduced from some of them having gray eyes and from their calling themselves on their affinity to the Croatan Indians. It is not surprising that the Croatan Indians were found in the upper Cape Fear, about 1780, it is said that they spoke English, cultivated land, and were a more civilized people than the other Indians of the coast. These people were different from any Indian tribe.

(See Exhibit XXX.)

Except for the doubt expressed by these writers, the universal opinion of those who have written concerning the early history of the Carolinians, as far as I have been able to ascertain, supports the tradition of the Indians.

Gov. White's notes of his voyage to Virginia (North Carolina) in search of the colony he planted on Roanoke Island in 1587 are printed at length in *Hawley's History of North Carolina*, extracts from which are reprinted in McMillan's pamphlet heretofore referred to. According to a secret understanding which White had with the Roanoke Indians before he returned to England, if they departed from Roanoke Island before his return (and there had been talk that they might go 60 miles into the interior) they were to carve upon the trees or posts of the doors "the name of the place where they should be set." When White and his men on August 18, 1590, landed on the north point of the island, where they had left the colony three years previously, and proceeded up the sandy bank, they saw

"C. R. O.," which they "presently knew to signify the place where they should find the planters seated." It was also understood "that if they should happen to be distressed in any of those places" they should carve over the letters or name a cross; but White and his men found no such sign of distress. The narrative continues:

And having well considered of this we passed through the place where they were left in sturdy houses, but we found the houses in some places and the place very fertile and one of the chief trees or posts at the right side of the entrance had the letters C. R. O. carved on it, and 5 feet from the ground, in fair capital letters, was graven "CROATAN," without any cross or sign of distress.

It should be noted that the word carved upon the tree was "Croatan" and not "Croatan," as stated by some of the historians. White's narrative continues:

This done, we entered into the palisade, where we found many bears of iron, two pigs of lead, four iron hammers, one ax, and many other things. But although it seemed much to see such spoil of any goods, yet on the other side I greatly joyed that I had found a certain token of their being at Croatan, which is the place where Roanoke was born, and the savages of the island our friends.

Manifesto, it will be remembered, was one of two friendly Indians who had been carried to England by Sir Richard Grenville and returned to Virginia with Gov. White on the occasion of his first voyage in 1585. He died August 13 of that year, at Marseilles, by direction of the French King, who had ordered that he should be taken to the English, he was designated "Lord of Roanoke and Desse-mounguepink."

Returning to Lederer's travels, it will be noted that on the map prepared in 1666—one of the earliest maps of the Carolina coast—Croatan is represented as an island south of Cape Hatteras. This seems to accord with White's narrative, quoted above. On the map prepared by Ogilby, 1671, on the order of the lords proprietors, and on the map of "Carolina, described 1666" (facsimile by Schroeder), Croatan is marked as a part of the main land, directly west of Roanoke Island. Gov. White's narrative indicates that the colonists (or planters) were originally removed to Croatan, and that the English, Mr. McMillan in his pamphlet (p. 11) says:

It is evident from the story of Gov. White, as given in preceding pages, that the colonists went southwest along the coast to Croatan Island, some 100 miles from Albemarle County, in North Carolina, and distant about 180 miles in a direct line from Albemarle Sound.

The Tuscarora Indians was a powerful and warlike tribe, occupying the central eastern part of North Carolina. They had frequent encounters with the Cherokees and Catawbas on the west and southwest, and with the Cherokees on the south, but stood as an impassable barrier to encroachments on their territory until the destructive war of 1711-1713. The exact location of the Roanoke coast and the present position of the Roanoke Indians on the Carolina coast is uncertain, but that they occupied a very advantageous position in eastern North Carolina, but as indicative of the character of the people at this time (1670), especially the principal chief, Lederer says:

Not thinking fit to proceed further the 8th and 9th of June I bled about and looked backward. To avoid Wimucky march I shaped my course northeast; and after

equivalent to the meaning contained in the Choctaw word. The report adds:

Adair's attempt to connect the name Cherokee with their word for fire, *atchi*, is an error, founded upon imperfect knowledge of the language.

(See Exhibit G, pp. 133 to 174.)

The word "Savake" (the name of an eastern Siouan tribe) is from the Sioux or Dakota word "insayrath," meaning Knife Lake.

The word "Wateres" (also the name of an eastern Siouan tribe) is probably from the Catawba word "wateran," meaning to float on the water.

Congaree is the name of a small eastern Siouan tribe and the word is probably of Siouan origin; and, though it is likewise the name of a small Siouan tribe and a word which is found in the Hand Book (the Lumber River was formerly called the Lumber) it is probably of the same origin. The "Lumber" River is a branch of the Pedee and the similarity of the names would suggest the same origin. All these small Siouan tribes were originally parts of or confederated with the Cherokee, and about 1739, with the Cherokee, became incorporated with the Catawbas. For a complete history of all these small tribes, see Hand Book of American Indians.

The Cherokee are of Siouan stock, and originally ranged from south-east Virginia to the Cape Fear River in South Carolina, their principal seat being near the town of Cheraw, S. C., which is the name of a town in numbers they probably spoke of as the Tuscarora, but are much less prominent in the early settlements reached them. They were first mentioned by De Soto in 1540 and later by Lederer and Lawson, who undoubtedly known to the Cherokees in very early times for the reasons raised over a part of the territory originally claimed by the Cherokees, but I find no authentic history that they were ever a part of the Cherokee or even allied with them. It is much more probable that they had numerous conflicts with the Cherokee in early times as they ranged over their territory and were continually harassed by the Iroquoian tribes. The Cherokee are of Iroquoian stock, and an ethnologist claim that the Cherokee were of Siouan stock, and an account of this racial difference and difference in fact between them. The Cherokee were confederated to remove farther southeast and joined about 1710 were south Siouan tribes. Being still subject to attacks with the Iroquois between 1726 and 1739, they became incorporated with the Catawbas. The last historical notice of them was in 1768, when their remnant, reduced by war and disease, were still living with the Catawbas. The final absorption of the Cherokee by the Catawbas seems to refute the claim that the Cherokee were a branch of the Cherokee Tribe. It is not improbable, however, that there was some degree of amalgamation between the Indians residing on the Lumber River and the Cherokee, who were their nearest neighbors.

(For a full history of the Cherokee and Cherokee, as given in the Hand Book of American Indians, see Exhibit K.)

morning until night, resulting in frightful losses on both sides, as a result of which an agreement was entered into between them by the terms of which the Catawbas were to occupy the country formerly occupied by the Cherokee and the Cherokee were to remove farther west into the mountains, does not seem to be substantiated by the reports of the Ethnological Bureau. For the first chapter in Gregg's History of the Old Cherokee, in which he relates this tradition and gives the origin of the names of certain rivers in South Carolina, see Exhibit I. The map included in the narrative (p. 197) taken from map in Volume I, Transactions of American Ethnological Society, no doubt shows correctly the relative locations of the several tribes occupying the territory of the Carolinas when the earliest explorations were made by the whites. Reference is particularly made to this map in the text.

The Catawbas were the most important of the Eastern Siouan tribes, and doubtless had a number of conflicts with the Cherokee, but the Cherokee were essentially mountaineers, and held dominion over the Appalachian Chain from the headwaters of the Kanawha to central Georgia. The Cherokee were of Iroquoian stock while the Catawbas were of Siouan stock, and racial differences may have had something to do with their petty conflicts. The principal villages of the Catawbas were formerly on the west bank of the river, in what is now York County, S. C., opposite the mouth of Sugar Creek. I quote from the Hand Book of American Indians, pages 213 and 214:

Further investigations by Hale, Gatchet, Menery, and Downey proved that several other tribes of the same region were also of Siouan stock, while the linguistic forms and traditions of the Cherokee are entirely different from those of the Siouan tribes. The alleged tradition which brings the Catawbas from the North to the French and their Indian allies about the year 1690 does not agree in any of its main points with the known facts of history, and if genuine at all, refers rather to some local chronic state of warfare with the northern tribes, whose raiding parties they sometimes followed, even across the Ohio.

The first notice of the Catawbas seems to be that of Vaunders in 1579, who calls them the "Catawba" and mentions them as being the most important tribe in the Carolina region mentioned as Usberry by Lederer, who claims to have named them, but this is doubtful. Lawson, who passed through their territory in 1701, speaks of them as a "powerful nation" and mentions that they were "very numerous." He calls the two divisions which were living about that time, by different names. From all accounts other than the Esaw, unaware of the fact that the two were synonyms. From all accounts they were formerly the most populous and most important tribe in the Carolina, excepting the Cherokee.

(For the full text of the history of the Catawbas as given in the Hand Book, see Exhibit J.)

Referring to the origin of certain names, as mentioned by Gregg, it is stated in the Nineteenth Annual Report of the Bureau of Ethnology that the word "Cherokee" has no meaning in the Cherokee language, and seems to be of foreign origin. As used among themselves the form is *tsa-ah* or *tsa-ah-gi*. It first appears as *Chalache* in the *Proceedings of the State Expedition*, published originally in 1857. This is a mistake, taken from the Choctaw word *Chokik* or *Chokik* signifying a pit or fire, derived from the Mobilian trade language, a corrupted Cherokee word, commonly used as a medium of communication among all the tribes of the Gulf States. As given by Gatchet, the Catawba name for the Cherokee was *Manleran*, meaning "coming out of the ground," which is nearly

THEIR PRESENT CONDITION.

It is not altogether easy to describe the exact condition of these Indians. They are essentially a farming people, living almost exclusively in the country, and in many respects their condition is identical with that of their white neighbors among whom they live. A much less proportion of the heads of families, however, are land-owners than among the whites, which means a much less degree of comfort. The heads of families, however, are estimated that not more than one-quarter of the heads of families in the communities where they live are land-owners. In the communities where the majority of them are renters. But in the communities where their land holdings are equal to that of the whites they give evidence of equal prosperity, and as I went through such settlements, from farm to farm, it was impossible for me to tell from outward appearance whether I was passing the farm of an Indian or that of a white man. One of these Indians is the owner of 500 acres of land; two or three others own about 300 acres each, and lesser amounts are owned by a considerable number. But it must be understood that most of the land in Robeson County is very level and a considerable proportion is included in swamps and lowlands. The tillable land of the county, however, would be classed as fertile bottom land, readily susceptible of raising large crops of cotton, tobacco, and corn. The Indians, however, are not so successful in raising these crops as the white people, and are consequently in a lesser degree of prosperity. Many of the very old people who are unable to care for themselves are extremely needy and should be sent to the Home for the Aged and Infirm of Robeson County. It may be said of the entire body of Indians that they speak only the English language; that they are good farmers and cultivate their lands equally as well as the whites; that they are entirely self-supporting and self-reliant; that many of them live in substantial houses; and that all of them practice the arts and habits of civilized life. In these respects they are different from most of the Indian tribes.

The following statement of property owned by these Indians was furnished me by the State auditor:

Answering your letter of July 24, which you handed me this date, I give you the following information, taken from the records of this department:

	1893	1903
Robeson County.		
Number of Indian polls.....	1,000	1,000
Value of property held for taxation.....	\$400,000	\$200,000
Montgomery County.		
Number Indian polls.....	38	44
Value of property held for taxation.....	\$1,500	\$4,000
Bladen County.		
Number of Indian polls.....	15	25
Value of property held for taxation.....	\$1,575	\$4,400

The records on file in this department from Cumberland, Bladen, and Columbus Counties do not show any Indian polls.

EDUCATIONAL FACILITIES.

Prior to 1855 the adult male Croataus exercised the right of franchise in North Carolina, and it seemed to be the current tradition that at least a few of the children attended the white schools, wherever schools for the whites had been established in Indian settlements; but for the most part they were compelled to attend subscription schools organized and conducted by themselves. By the act of section 3 of the amendments to the constitution of 1835, the right of franchise was extended to all the adoption of the act of 1838, and from that date all the adoption of this period they were not permitted to attend the schools for whites, they were practically no educational facilities open to the Indians at this time. There were doubtless some subscription schools, but they must have been of the poorest sort.

Between 1838 and 1855 efforts were made to compel the Indians to attend the negro schools, but they persistently refused to do this, preferring to grow up in ignorance rather than attend the colored schools. It would be more accurate to say that parents would not permit their children to attend the negro schools, preferring rather that they should grow up in total ignorance. The children raised to manhood and womanhood during this period are the most densely ignorant of any of these people.

Up to 1845 these people had been without name or designation, but through the efforts of Hon. Hamilton McMillan, by 1855 they were designated "Croatan Indians," and by the same act they were granted separate schools for their children, school committees of their own race and color, and were allowed to select teachers of their own choice, subject to the same rules and regulations applicable to all teachers under the general school laws. By section 2 of the act the county board of education was directed to see that the act was carried into effect, and to proceed to establish suitable school districts as shall be necessary for their convenience, and to do all necessary things to carry the act into effect. Under the act the number of free public schools has increased to such an extent as to fairly meet the needs of the Indians. I heard no complaint on account of their district schools. Their teachers are selected by their own school committees, and as a rule are of their own race. Practically all their teachers attended their normal schools.

Mr. R. P. Bond, the county superintendent of schools for Robeson County, furnished me with the school statistics of the Indians for the school years 1912-13 and 1913-14. I glean the following facts from his statement:

Scholebooks year 1912-13.

Census (6 to 21 years of age).....	2,643
Enrollment (6 to 21).....	1,662
Average daily attendance.....	1,070
Number of schools.....	32
Number of teachers (male 21, female 11).....	27
Value of school buildings.....	\$7,850
Average length of term.....	105 days
Average expenditure per scholar.....	111.43

Expended for repairs.....	\$400
Teachers' salaries.....	\$8,475.25
<i>Scholarship year 1912-13.</i>	
Census (6 to 21 years of age).....	2,948
Enrollment (6 to 21).....	1,854
Number of scholars.....	1,571
Number of teachers.....	36
For repairs and new buildings.....	\$1,160
Average length of term (all schools).....	102 days.
Average length of term (all schools).....	102 days.
Teachers' salaries.....	104
	do.....
	\$4,410.25

(See Exhibit M.)

FORMAL SCHOOL.

The act of the General Assembly of North Carolina, ratified March 7, 1887, provided for a normal school for the Indians of Robeson County. Four Indian trustees were appointed and were given full power to select three additional trustees, to rent or acquire suitable buildings to appoint teachers, and to do all necessary things to inaugurate a normal school. The sum of \$500 was appropriated annually for one year's support of the school. The school was at first located in a building used for district school purposes, but after the destruction of this building by fire it was removed to the town of Pembroke, where a much larger building was erected, consisting of four rooms.

By the act of the general assembly of March 8, 1911, the board of trustees of the normal school was empowered to convey by deed the title to all the property of said school to the State board of education. Section 2 of the act authorized the State board of education to appoint seven members of the Indian race to constitute the board of trustees for the school. The appropriation for the school has been increased from time to time, the present appropriation being at the rate of \$2,750 per annum. There are no statistics as to the enrollment and attendance at the school, but I understand that it has always been well attended, and that the educational advantages of these people in the preparation of teachers for their district schools.

LEGISLATION BY THE STATE OF NORTH CAROLINA.

Prior to the adoption of certain amendments to the constitution on the second Monday of November, 1835, the Choctaw Indians voted and otherwise enjoyed all the rights and privileges of the elective franchise for State officials; but clause 3 of section 3 of the amendments adopted on said date provided that no free negro, free mulatto, or free person of mixed blood, descended from negro ancestors to the fourth generation, inclusive (though one ancestor of each generation may have been a white person) shall vote for members of the senate or house of commons. (See Exhibit L1.) Under this clause they were subsequently denied the right of franchise.

Section 7 of chapter 68 of the acts of the general assembly of 1854, provides that all marriages since the 31st day of January, 1835, and all marriages in the future between a white person and a free negro,

or free person of color, to the third generation, shall be void. It was held that the term "free person of color" applied to the Choctaws, but, notwithstanding this prohibition, understand that occasional marriages between the Indians and white persons occurred. I was unable to ascertain whether or not any such marriages had been declared void. (See Exhibit L2.)

An amendment to the constitution of North Carolina in 1857 provides that every free white man of the age of 21 years, being a native or naturalized citizen of the United States, and who has been an inhabitant of the State for 12 months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for a member of the senate for the district in which he resides. (See Exhibit L3.)

Section 1 of article 6 of the constitution of 1868 provides that every male person born in the United States, and every male person who has been naturalized, 21 years of age, and possessing the qualifications set out in said article, shall be entitled to vote at any election by the people in the State except as therein otherwise provided. After the adoption of the constitution of 1868 the right of franchise was restored to the Choctaws. The amendment of 1902 to section 4 of article 6 of the constitution of 1868 reads:

Every male person born in the United States, and every male person who has been naturalized, 21 years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people in the State except as herein otherwise provided.

Section 4. Every male person desiring to register shall be able to read and write any section of the constitution in the English language; and before he shall be entitled to vote he shall have paid, on or before the 1st day of May of the year in which he proposes to vote, his poll tax for the previous year, on January 1, 1867, or on any day prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in which he is entitled to vote, if he has complied in accordance with the terms of this section prior to December 1, 1868. The general assembly shall provide for the registration of all persons entitled to vote, without the educational qualifications herein prescribed, except such registration, and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State unless disqualified under section 3 of this article. Provided, Each person shall have paid his poll tax as above required.

(See Exhibit L4.)

This section is what is known as the "grandfather clause" of the constitution of North Carolina, which denies the right of franchise to those who are not able to read and write any section of the constitution in the English language; but the clause is held to apply to the Indians of Robeson County for the reason that they or their ancestors, prior to 1867, were entitled to said date, were entitled to the franchise of the State. The Indians, of course, must pay their poll tax and must comply with the registration provisions.

In the case of the State v. Mannel (20 N. C. 144) Justice Gaston held: "The Choctaws on other charge test cases in the favor of North Carolina than was consequent upon the enactment of a colony dependent upon a European King to a free and sovereign State. Slaves remained slaves. British subjects in North Carolina became North Carolina freemen. Foreigners, until made citizens, remained of the State, continued Indians. Slaves manumitted here became freemen, and

Section 1, chapter 60 of the laws of 1889, amends section 2 of the laws of 1885 by adding after the word "law," in the last line of said section, the words:

And there shall be excluded from such separate schools for the said Croatan Indians all children of the negro race in the fourth generation.

(See Exhibit L9.)
 Section 1, chapter 536 of the laws of 1897, provides for the expenditure of an unexpended balance of \$24,251, being the unexpended appropriation of 1895 for the support of the Croatan Normal School. (See Exhibit L10.)
 Section 1, chapter 183 of the laws of 1911, authorizes the trustees of the said Normal School to convey the property by deed to the State board of education, and authorizes said board to accept the same. Section 2 authorizes the State board of education to appoint seven members of the Indian race, formerly known as Croatans, to constitute a board of trustees for said school, and the remaining sections provide that such board of trustees and their successors shall manage and control the affairs of the Croatan Normal School. (See Exhibit L11.)

Section 1, chapter 215 of the laws of 1911, provides that chapter 51 of the public laws of North Carolina, session of 1885, be amended by striking out the words "Croatan Indians," in the same place as they occur in said chapter, and inserting therefor the words "Indians of Robeson County." Section 2 provides that in all laws enacted by the General Assembly of North Carolina relating to said Indians the words "Croatan Indians" shall be stricken out and the words "Indians of Robeson County" shall be inserted in lieu thereof. Section 3 provides that the said Indians residing in Robeson and adjoining counties, who have heretofore been known as Croatan Indians, together with their descendants, shall hereafter be known and designated as "Indians of Robeson County," and by that name shall be entitled to all the rights and privileges heretofore known as the laws of North Carolina upon the said Indians heretofore known as Croatan Indians. Section 4 provides that the school situated near the town of Perdue, in Robeson County, known as the Croatan Normal School, shall hereafter be known and designated as "The Indian Normal School of Robeson County," and under that name shall be entitled to all the privileges and powers heretofore conferred by law upon said school.

Section 5 of the act takes up a new line of legislation and provides that the board of directors of the State hospital for the insane at Raleigh be authorized and directed to provide and set apart at said hospital, as soon after the passage of the act as practicable, suitable apartments and wards for the accommodation of any of said Indians of Robeson County who may be entitled under the laws relating to insane persons to be admitted to said hospital.

Section 6 authorizes and directs the sheriff, jailor, or other proper authorities of Robeson County, to provide in the common jail of the county and in the home apartments for the said Indians in all cases separate cells and home apartments for the said Indians in all cases where it shall be necessary under the laws of the State to commit said Indians to the jail or to the County Home for the Aged and Infirm. (See Exhibit L12.)

therefore it born within North Carolina are citizens of North Carolina, and all free persons born within the State are born citizens of the State.

(See Exhibit L5.)
 Under this decision, which was subsequent to the constitution of 1835, which deprived free negroes and free mulattoes of the right to vote, "free persons of color" (the Croatan Indians) were not included, and it seems that they should not have been denied the right of suffrage.

Section 1 of chapter 51, laws of 1885, provides that the Indians of Robeson County and their descendants shall hereafter "be designated and known as the Croatan Indians." It should be noted that the act does not declare that they are Croatan Indians, but merely designates or names them Croatans, by which name they shall hereafter be known.

Section 2 of the act provides that said Indians and their descendants shall have separate schools for their children, school committees of their own race and color, and shall be allowed to select teachers of their own choice, subject to the same rules and regulations that are applicable under the general school law. The remaining sections of the act provide for putting the schools under operation under the general laws applying to public schools within the State. Even if it were found that this enactment the Indians had no separate schools for the education of their children. Efforts had been made to compel them to attend the schools established for the negro population, but they steadfastly resisted such efforts and absolutely declined to attend the colored schools. The statistics respecting the number of schools, number of children of school age, attendance, etc., will be found under a separate heading.

Section 1, chapter 400 of the laws of 1887, provides that W. L. Moore, James Orendine, James Dial, Preston Locklear, and others who may be associated with them shall constitute a body politic and corporate for education of the Indians in the county of Robeson under the name of the "Indian Normal School of Robeson County," that they shall have perpetual succession with the right to sue and be sued, etc. The other sections of the act provide for putting the said normal school into operation, and section 7 appropriates \$500 annually for the period of two years for the support of the school. This appropriation has been increased from time to time, the present appropriation for the support of the school being \$2,750. (See Exhibit L6.) The purpose of the normal school is to prepare persons as teachers for their public schools, and I understand that practically all the teachers in their district schools have attended the normal school.

Section 1, chapter 284 of the laws of 1887, amends section 1810 of the Code of North Carolina by adding thereto the words:

That all marriage between an Indian and a negro or between an Indian and a person of mixed blood shall be utterly void.

Provided, That the act shall apply only to the Croatan Indians.

(See Exhibit L7.)
 Section 1 of chapter 458 of the laws of 1889, provides that the Croatan Indians of Richmond County and their descendants shall be entitled to the same school privileges and benefits as are the Croatan Indians of Robeson County. (See Exhibit L8.)

Carolina has provided the youth of both these races with institutions of learning imparting instruction in agriculture and the mechanic trades, and to some extent in domestic science; but there are no such schools of higher instruction open to these Indians. As they understand the matter, they are proud to be able to attend the high schools of the State, and are established for the education of white and colored youth. It is ascertained that the very limited number of these Indians, compared with the white and colored population, accounts for this discrimination.

I might say here that in my judgment, the children of these Indians, as a rule, are exceedingly bright, quick to learn from books, as well as from example, and are very eager to obtain further educational advantages than are now open to them. If the reverse were true, there would be little encouragement to furnish them with higher institutions of learning when they were incapable of taking advantage of their present educational facilities or indifferent about obtaining a higher education; but I believe the more ambitious of their youth to be eager to attend higher institutions of learning than those now provided.

While these Indians are essentially an agricultural people, I believe them as capable of benefiting from the advanced trades as those of the white race. The foregoing facts suggest the character of the educational institution that should be established for them, in case Congress see fit to make the necessary appropriation, namely, the establishment of an agricultural and mechanical school, in which domestic science shall also be taught.

The preparation of this report has been somewhat delayed since my return from North Carolina because of the great amount of historical research called for by the investigation.

The correspondence in connection with the investigation is filed as Exhibit M.

Very respectfully submitted.

O. M. McPHERSON,
Special Indian Agent.

Section 1, chapter 123, of the laws of 1913, provides that chapter 215 of the public laws of North Carolina, acts of 1911, be amended by striking out in the last line of section 1 of said act the words "Indians of Robeson County," and inserting in lieu thereof the words "Cherokee Indians of Robeson County"; that is to say, the designation of said Indians was changed from "Indians of Robeson County" to "Cherokee Indians of Robeson County." The other sections of the act make provision for the corresponding change in the designation of said Indians wherever the designation "Indians of Robeson County" occurs in the laws of the State. (See Exhibit L13.)

Section 1, chapter 199, of the laws of 1913, enacted March 17, 1913, provides for an appropriation of \$500 in addition to the \$2,500 already appropriated for the support of the normal school for said Indians, for the years 1913 and 1914. (See Exhibit L14.)

THEIR NEED.

As already indicated, a considerable number of these Indians, probably rather less than one-eighth, are prosperous farmers, another group amounting approximately to one-eighth are fairly well-to-do; about one-half of them would be classed as poor people, and the remaining one-quarter of them as very poor, but entirely self-supporting. This classification relates to the families, considered as a unit. The families, as a rule, are very large, and the children under 18 years of age greatly outnumber the adults. Any financial assistance extended to the poorer classes, in the way of furnishing them with lands and with means to properly cultivate their lands, would be of great benefit to them and would undoubtedly be gratefully received.

In fact, there are a very large number of the heads of families of extending assistance to individual families, but there was entire unanimity of opinion as to the way in which the entire body of people could best be helped, namely, in providing them with some higher institution of learning where the more ambitious of them could receive training for useful occupations in life.

Their district schools I am told will compare favorably with the district schools of the colored people and the whites residing in the same vicinities, and their normal school, if better equipped and better supported, would furnish them teachers for their district schools, but there are no higher institutions of learning in North Carolina, where they are scarce, where they can send their youth who desire to obtain a higher education; the State institutions for the education of the white and colored youth are not open to the Indians of Robeson and adjoining counties. In consequence, their young people who desire to obtain a better education than that furnished through the medium of the normal school are unable at present to do so. It is true that these young people are able to attend the Charlotte Indian School, and other nonreservation Indian schools, but most of them are too poor to do so, and besides these nonreservation Indian schools do not furnish precisely the character of training they desire.

In addition to the common or district schools and the normal schools for both white and colored children, the State of N. C.

INDIANS OF NORTH CAROLINA.

Exhibit A2.

ELEVENTH CENSUS UNITED STATES, 1890.

ROBESON COUNTY.

Indian population as of June 1, 1890.

Total	1,514
Indians in prison, not otherwise enumerated	2
Indians, self-supporting and taxed (counted in the general census)	1,514

The civilized (self-supporting) Indians of North Carolina, counted in the general census, number 1,514 (741 males and 773 females), and are distributed as follows:

Cherokee County, 47; Cumberland County, 28; Graham County, 191; Hartest County, 27; Jackson County, 314; Moore County, 15; Robeson County, 174; Swain County, 700; other counties (7 or less in each), 58.

The Indians of North Carolina are mostly descendants of the Cherokees, many of whom have so little Indian blood as in no way to attract the attention of a stranger. A considerable proportion of these people are attached to membership in the Churches, and are claimed by some parties that these by the census enumerators as Indians.

It is very surprising that census enumerators should return so few Indians as many of them are not distinguishable from whites except on special investigation as to their racial relations. On the other hand, the claims of some who wish to be enrolled as Cherokees would be disputed. There is a marked tendency among the eastern Cherokees to emigrate to the Indian Territory, and the number in North Carolina appears to be gradually diminishing from this cause.

By the laws of North Carolina the Indians vote and they are subject to a property tax, but they are not allowed within the third generation to marry whites.

The Indians of North Carolina were enumerated with the general population and were numbered 1,514, of whom 174 are in Robeson County and 174 are in Cherokee County. Claims are made that both Cherokee and Cherokees far exceed the numbers given by census enumerators for Indians in the counties in which these people live. The State of North Carolina recognizes a greater number as Croatan than are returned as Indians in Robeson County.

THE CROATIAN.

A body of people residing chiefly in Robeson County, N. C., known as the Croatan Indians, are generally white, showing the Indian mostly in actions and habits. They were enumerated by the regular census enumerator in part as whites. They are common and live with considerable pride to the traditions that they are the descendents of the Croatians of the Raleigh period of North Carolina and Virginia.

Mr. Hamilton McKillop, of Fayetteville, N. C., in 1888, published a pamphlet of 27 pages, the title page of which is as follows: "Sir Walter Raleigh's Lost Colony *** with the traditions of an

1888-9, Dec. 27, 40-1-1

EXHIBIT A.

Exhibit A1.

SENATE RESOLUTION 410, SIXTY-THIRD CONGRESS, SECOND SESSION.

Resolved, That the Secretary of the Interior be, and he hereby is, directed to cause an investigation to be made into the condition and tribal rights of the Indians of Robeson and adjoining counties of North Carolina, recently declared by the Legislature of North Carolina to be Cherokees, and formerly known as Croatan, and report to Congress what tribal rights, if any, they have with any band or tribe; whether they are entitled to or have received any lands, or whether there are any moneys due them, their present condition, their educational facilities, and such other facts as would enable Congress to determine whether the Government would be warranted in making suitable provision for their support and education.

EXHIBIT A2.

OFFICE INSTRUCTIONS JULY 23, 1914.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, July 23, 1914.

Mr. O. M. McPHERSON, Special Agent.

Mr. DEAR Mr. McPHERSON: Upon the receipt of these instructions, or as soon thereafter as practicable, you will proceed to North Carolina for the purpose of investigating the affairs of the Croatan Indians of Robeson and adjoining counties of that State, as provided for by Senate resolution 410.

This resolution reads:
Resolved, That the Secretary of the Interior be, and he hereby is, directed to cause an investigation to be made of the condition and tribal rights of the Indians of Robeson and adjoining counties of North Carolina, recently declared by the Legislature of North Carolina to be Cherokees, and formerly known as Croatan, and report to Congress what tribal rights, if any, they have with any band or tribe; whether they are entitled to or have received any lands, or whether there are any moneys due them, their present condition, their educational facilities, and such other facts as would enable Congress to determine whether the Government would be warranted in making suitable provision for their support and education.

Extreme care should be exercised by you in obtaining all pertinent facts relative to the condition and tribal rights of the Indians in order that this office may be prepared to submit to the next Congress, through the department, full information responsive to said resolution.

Very truly yours,
CARO SELLS, Commissioner.

ing colonies was ever found, but more than 100 years after the Croatan obtained the land, the Indians which led him to believe that the white blood could be discovered among the Indians. It was thought that traces of Croatan blood could be discovered among the Indians, some among them having grey eyes. It is probable that the greater number of the Croatan blood was among the women and children, should have been made captive and subsequently incorporated into the tribe. The best authority to be consulted with regard to the above colony is *The Water History of North Carolina*, Fayetteville, N. C., 1886, volume 1, page 221, 222, 223.

The region inhabited by the Croatans is a low woodland, swampy region, locally known as pocoseon land, abounding in whortleberries and blackberries, which bring some revenue to the people. The existence of a peculiar people, claiming Indian descent, and usually distinct from negroes and whites, has been ascertained each admixture is so common that the number of those respectively claiming any defined racial distinctions, but it has made certain districts a refuge for men of all races who preferred the half wild life of the woods to regular labor, or who preferred the bullet to the slow forms of law to settle difficulties. In past years some of the most noted disturbances in the State seem due to a desperado whose racial connections are not clearly known, who married among the Croatans, and who was finally brought to justice only when the governor called out his militia. No such disturbance has occurred in recent years.

Indian tribe in North Carolina," Wilson, N. C. This pamphlet is to show that Raleigh's colony was carried off by the Indians, and that the Croatan Indians of North Carolina are their descendants. Mr. McMillan also, in answering an inquiry in reference to the Croatans, wrote the following to the Commissioner of Indian Affairs:

Wash. D. C., July 17, 1890.
 * * * The Croatan tribe live principally in Robeson County, N. C., though there is quite a number of them settled in counties adjoining in North and South Carolina. In Sumner County, N. C., there is a number of the Croatan tribe. These living in east Tennessee are called "Mehongans," a name also retained by them here, which is a corruption of "Mehung," a name given them by early settlers from the fact that they were first discovered in the Mehung mountains. I think the Indians are confirmed by means recently discovered in Europe by Prof. Alexander Brown, member of the Royal Historical Society of England. These maps are dated in 1698 and 1810, and give the reports of the Croatan to Raleigh's ships as being the same as the Mehung. The reports of the Croatan to Raleigh's ships served by tradition here are strangely and strongly corroborated by these maps. There can be little doubt of the fact that the Croatans in Robeson County and elsewhere are the descendants of the Croatan of Raleigh's day. There are Croatan and give them separate public schools. In 1887 I got \$208 a year from the State for a normal school for them for 2 years. In 1889 the appropriation was extended three years longer. The normal school needs help; at least \$500 more is needed. The appropriation for the public schools amounts to less than \$1 a head per annum.

February 10, 1885, the general assembly of North Carolina provided by act for separate schools for the Croatan Indians of North Carolina. This act contained the following:

Whereas the Indians now living in Robeson County claim to be descendants of a tribe known as the Croatan Indians, and whereas the general assembly of North Carolina do enact:

SECTION 1. That the said Indians and their descendants shall hereafter be designated and known as the Croatan Indians.

The provisions for separate schools follow. March 7, 1887, the general assembly of North Carolina established the Croatan normal school in Robeson County for the Croatan Indians, and February 2, 1889, the same body enacted that all children of the negro race to the fourth generation should be excluded from the Croatan separate Indian schools. The Croatan normal school is at Fayetteville.

The census enumerators recognized 174 persons in Robeson County as Indians. The State school report for the year ending June 30, 1890, shows 649 boys and 493 girls between 6 and 21 years of age among the Croatans of Robeson County, of whom 198 boys and 422 girls attended school. The disbursements for the Croatan schools by the county treasurer were \$765.75 to pay teachers and \$284.87 for schoolhouses and sites.

J. W. Powell, under date of January 11, 1889, wrote of the Croatans:

Croatan was in 1585 and throughout the name of an island and Indian village just north of Cape Hatteras, N. C. White's colony of 120 men and women was landed on Roanoke Island, just to the north, in 1587, and in 1590, when White returned to revivify the colony, he landed his party of 115 men on Roanoke Island, save the name "Croatan" carried upon a tree which, according to tradition, was planted by the Indians. It is stated that the colonists had left Roanoke Island for Croatan. No actual trace of the name

that the greater number of the colonists were killed; but it was quite in keeping with Indian usages that a greater or less number, especially women and children, should have been made captive and subsequently incorporated into the tribe. The best authority to be consulted with regard to the above colony is Hawks' History of North Carolina, Fayetteville, N. C., 1859, Volume I, pages 211, 225, 228. The book may be obtained from the Congressional Library. Bancroft (History of U. S., Vol. I, p. 77, treated at great length in his early edition) and other authors mention the main facts, but their accounts rest upon Hawks'. It is understood that Mr. Hamilton McMILLAN, of Fayetteville, N. C., will soon publish a book attempting to show that Raleigh's colony was carried off by the Indians and that their descendants are now living in Robeson County, N. C.

I am, yours, with respect,

J. W. POWELL, *Director.*

Exhibit B4.

OFFICE LETTER TO HAMILTON McMILLAN, JANUARY 29, 1889.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 29, 1889.

HAMILTON McMILLAN, Esq.,
Fayetteville, N. C.

SIR: I have received a petition from parties in Robeson County, N. C., in which the claim is made that they are "Croatan" Indians, descendants of "White's lost colony," and asking Government aid for the education of their children, numbering about 1,100.

I am informed that you are familiar with the history of these people, and if so, I will thank you for any information you will furnish me. Are they citizens of the United States, and are they entitled to the educational advantages furnished by the State of North Carolina?

Please answer at your earliest convenience and oblige,

Yours, respectfully,

JNO. H. OBERLY, *Commissioner.*

Exhibit B5.

LETTER OF W. L. MOORE TO INDIAN OFFICE, JULY 2, 1890.

OSBORNE, N. C., July 2, 1890.

Mr. T. W. BELT, *Washington, D. C.*

DEAR SIR: Answering your letter of 7th ultimo will say that the people in whose behalf we wrote are not the Eastern Cherokees, but the Croatan Indians. Therefore they receive nothing appropriated for the Cherokees. The people for which I am officially interested have as a general thing grown up without so much as the rudiments of education, yet the youth who have had (to some degree) better opportunities for educating themselves show that the moral, intellectual, and social aptitudes in them are real. Can not something be

INDIANS OF NORTH CAROLINA.

obtained to assist them in a normal school for them? If so, please direct me how to proceed.

There are 100 children between the ages of 6 and 21 years who need continual instruction.

Please reply at the earliest convenience.

Very respectfully,

W. I. MOORE

Exhibit B4.

OFFICE LETTER TO HAMILTON McMILLAN, JULY 14, 1890.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, July 14, 1890.

HAMILTON McMILLAN, Fayetteville, N. C.

Sir: On the 29th of January, 1889, a report from the Bureau of Ethnology in regard to the Croatan Indians was mailed to you with the request that information be forwarded to this office in regard to these people. Inclosed find copy of the letter. No communication has been received from you in response to the office letter mentioned. The subject is again brought to the attention of the Indian Office by Mr. W. I. Moore, of Osborne, N. C., in a letter dated July 2, copy of which is also inclosed herewith.

I trust that you will promptly respond to this communication and return the document mailed to you January 29 with such information as you can give.

Very respectfully,

T. J. MORGAN, Commissioner.

Exhibit B7.

LETTER OF HAMILTON McMILLAN TO INDIAN OFFICE, JULY 17, 1890.

RED SPRINGS, N. C., July 17, 1890.

T. J. MORGAN, Esq.,
Commissioner of Indian Affairs, Washington.

My Dear Sir: Your letter of July 14 ultimo just to hand. The communication and report from the Bureau of Ethnology to which you refer were never received, and your letter just received conveys the first intimation of their having been sent. Had they been received, I would have responded at an early date.

I enclose you a copy of a pamphlet containing much of interest in this connection. The pamphlet was written very hastily nearly two years ago in order to give the North Carolina Legislature some information, as the Croatans were asking some legislation in their behalf.

The Croatan Tribe lives principally in Robeson County, N. C., though there are quite a number of them settled in counties adjoining in North and South Carolina. In Sumter County, S. C., there is a branch of the tribe and also in East Tennessee. In Lincoln County, N. C., there is another branch, settled there long ago. Those living in East Tennessee are called "Melungeons," a name also retained

INDIANS OF SOUTH CAROLINA.

that the greater number of the colonists were killed; but it was quite in keeping with Indian usages that a greater or less number, especially women and children, should have been made captive and subsequently incorporated into the tribe. The best authority to be consulted with regard to the above colony is Hawley's History of North Carolina, Fayetteville, N. C., 1859, Volume I, pages 211, 225, 228. The book may be obtained from the Congressional Library, Bancroft (History of U. S., Vol. I, p. 77, treated at great length in their accounts rest upon Hawley's. It is understood that Mr. Hamilton McMILLAN, of Fayetteville, N. C., will soon publish a book attempting to show that Raleigh's colony was carried off by the Indians and that their descendants are now living in Robeson County, N. C.

I am, yours, with respect,

J. W. POWELL, Director.

Exhibit B4.

OFFICE LETTER TO HAMILTON McMILLAN, JANUARY 29, 1889.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, January 29, 1889.

HAMILTON McMILLAN, Esq.,
Fayetteville, N. C.

Sir: I have received a petition from parties in Robeson County, N. C., in which it is made that they are "Croatan" Indians, descendants of "White's lost colony," and asking Government aid for the education of their children, numbering about 1,100.

I am informed that you are familiar with the history of these people, and if so, I will thank you for any information you will furnish me. Are they citizens of the United States, and are they entitled to the educational advantages furnished by the State of North Carolina?

Please answer at your earliest convenience and oblige.

Yours, respectfully,

JNO. H. OBERLY, Commissioner.

Exhibit B4.

LETTER OF W. I. MOORE TO INDIAN OFFICE, JULY 2, 1890.

OSBORNE, N. C., July 2, 1890.

Mr. T. W. BRIT, Washington, D. C.

Dear Sir: Answering your letter of 7th ultimo will say that the people in whose behalf we wrote are not the Eastern Cherokees, but the Croatan Indians. Therefore they receive nothing appropriated for the Cherokees. The people for which I am officially interested have as a general thing grown up without so much as the rudiments of education, yet the youth who have had (to some degree) better opportunities for educating themselves show that the moral, intel-

by them here which is a corruption of *Mdeneg*, a name given them by each settler (French), which means mixed. The pamphlet sent you will outline their history as far as it can be discovered from their traditions. In regard to their *exodus from Roanoke Island* their traditions are confirmed by maps recently discovered in Europe by Prof. Alexander Brown, member of the Royal Historical Society of England. These maps are dated in 1608 and 1610, and give the reports of the Croatan to Raleigh's ships, which visited our coast in these years. These maps will be lithographed and published in a book, now being prepared by Prof. Brown. The particulars of this exodus preserved by tradition here are strangely and strongly corroborated by these maps. There can be little doubt of the fact that the Croatan in Robeson County and elsewhere are the descendants of the Croatan of Raleigh's day. In 1835 I got the North Carolina Legislature to recognize them as Croatan and give them separate public schools. In 1887 I got \$500 a year from the State to maintain a normal school for them for one year. In 1889 the appropriation was extended to two years.

Their physical needs help—at least \$500 more is needed. The appropriation to the public schools amounts to less than a dollar a head per annum.

If you can aid them in the way desired we would be glad. They are citizens of the United States and entitled to the educational privileges enjoyed by other citizens, but those advantages are not much.

Respectfully,
HAMILTON McMILLAN.

Exhibit 28.

OFFICE LETTER TO W. L. MOORE, AUGUST 11, 1890.
DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, August 11, 1890.

W. L. Moore, Osborne, N. C.

Sir: Referring to your letter of July 2 and office response thereto of the 19th, I have received a communication from Hamilton McMillan, of Red Springs, N. C., setting forth the situation of the Croatan Indians of your State. I regret to learn that the only Indian citizen of your State, North Carolina, who has been admitted to citizenship and the State has undertaken the work of their education. While I regret exceedingly that the provisions made by the State of North Carolina seem to be entirely inadequate, I find it quite impracticable to render any assistance at this time. The Government is responsible for the education of something like 36,000 Indian children and has provisions for less than half this number. So long as the immediate wards of the Government are so insufficiently provided for, I do not see how I can consistently render any assistance to the Croatan or any other civilized tribes.

I am obliged to you for calling my attention to the matter, and have been very much interested in the information furnished by Mr. McMillan regarding this very interesting tribe.

Very respectfully,

T. J. MOORE, Commissioner.

EXHIBIT C.
SIR WALTER RALEIGH'S LOST COLONY.

[By Hamilton McMillan.]

AN HISTORICAL SKETCH OF THE ATTEMPTS OF SIR WALTER RALEIGH TO ESTABLISH A COLONY IN VIRGINIA, WITH THE TRADITIONS OF AN INDIAN TRIBE IN NORTH CAROLINA, INDICATING THE FATE OF THE COLONY OF ENGLISHMEN LEFT ON ROANOKE ISLAND IN 1585.

CHAPTER I.

In 1583, "Elizabeth, by the Grace of God, of England, France and Ireland, Queen, defender of the faith," granted to Sir Walter Raleigh, his heirs and assigns, a letter patent "to discover, search, find, and view such remote heathen and barbarous lands, countries, and territories, not actually possessed of any Christian Prince, nor inhabited by Christian people, as to him, his heirs and assigns, to every or any of them shall seem good, and the same to have, hold, and occupy and enjoy, to him, his heirs, and assigns forever."

It was provided further that a settlement should be made in the territory granted within six years next succeeding the date of the letters patent.

This grant was made during one of the most critical periods of British history. The Protestant Elizabeth had espoused the cause of the Netherlands and had given high offense to Spain by rejecting the proposed matrimonial alliance with Philip, the highest monarch of that country. The Armada, consisting of 140 ships, was sent carrying 19,000 men, to invade King Philip. The length of time necessary to complete this powerful armament had afforded Elizabeth opportunity to prepare for the impending danger. Sir Walter Raleigh then enjoyed high favor at court. The Queen early discovered his soldierly qualities and intellectual ability, and in addition to high rank which she bestowed upon him, readily granted him and his heirs extensive territory in North America. Raleigh was one of the most skillful generals of his times, and while actively engaged in the preparation for the threatened invasion of England, found opportunity to fit out an expedition to the coast of America to make discoveries and to locate a colony in compliance with the terms of his grant. The commanders of the expedition were Philip Amund and Arthur Barlowe, who sailed with two barques from the coast of England on the 15th day of April, 1584. On St. Augustine reached the coast for America in July of the same year. They sailed across the coast for 120 miles before they found any entrance to Hatteras Inlet, on the coast of what is now North Carolina, and having anchored "within the

haven's mouth on the left hand of the same," they went in boats "to view the land adjoining and to take possession of the same in right of the Queen's most excellent majesty as rightful Queen and Princess of the same." The land thus taken into possession was Roanoke Island, about 7 leagues distant from the anchorage.

After a stay of nearly two months, the expedition returned to England, carrying two of the natives, Manteo and Wanchese. The disposition of the natives toward the Englishmen was friendly, though no reason is given for carrying the two natives to England. It was probably understood that a second expedition would soon follow, and that they could return to their own country at an early day. The men and policy in impressing them, as prominent men of their own land, with the greatness of England, Manteo and Wanchese returned in another expedition to Roanoke, the former to become Lord of Roanoke, the latter to become the determined enemy of the English.

A second expedition, under Sir Richard Greenville, the cousin of Sir Walter Raleigh, sailed from England on the 9th of April, 1585. This expedition consisted of seven vessels, and arrived at Roanoke during the following July. In August following Sir Richard Greenville returned to England, after leaving a colony on Roanoke Island under Master Raif Lane.

Lane explored the surrounding country, making many valuable discoveries, and sent a commission of aid, escorted embarked with his crew, on the fleet of Sir Francis Drake, which stepped at Roanoke, and sailed for England.

The departure of Lane's colony left no Englishmen on the shores of North America.

CHAPTER II.

In less than one month from the departure of Lane Sir Richard Greenville arrived at Roanoke with supplies, and after a fruitless search for the colonists, he left 15 men on the island to hold possession of the country. After the departure of Greenville these men were seen no more by Englishmen.

Not discouraged by repeated failures, Sir Walter Raleigh fitted out another expedition under John White, governor, who, with others of the colony, returned to England, and a commission was sent to be built on the shores of Chesapeake Bay.

Gov. White was instructed to call at Roanoke Island to ascertain the fate of the 15 men left there by Sir Richard Greenville. The commanders of the ships seemed to have been independent of the authority of Gov. White, and fully aware that a voyage to Chesapeake Bay would delay their expected cruise in the West Indies, refused to transport the colony to its destination, and thus compelled Gov. White to stop at Roanoke Island. The vessels departed soon after in search of Spanish prizes.

After meeting many incidents, Gov. White relates that "on the 15th of August, our savage Manteo, by the commandment of Sir Walter Raleigh, was christened in Roanoke and called Lord, Mieris, and Manteo. Desmonguepunk, in reward of his faithful service, the 15th, Elizabeth, daughter of Gov. White, and wife to Manteo Dare, the wife of the colonists, was delivered of a daughter in Roanoke, and the

same was christened there the Sunday following, and because this child was the first Christian born in Virginia, she was named Virginia." Gov. White relates that a violent tempest arose on the 21st of August, which lasted for six days and threatened the destruction of one of the vessels then ready to sail for England. Gov. White was sent back to England by the pilots, to act there as factor for the colony.

The Christian Indians, who visited Roanoke Island, invited the colonists to reside with them, and the latter, prior to the departure of the vessel, expressed to him their intention to accept the invitation and to remove 50 miles "up into the main." It was understood that if they went to Croatan they were to carve the word Croatan on the bark of a tree in some conspicuous place, that the governor might know where to find them on his return. It was further understood that if they left the island in distress they were to carve the Christian cross above the word Croatan.

On the 27th of August, White sailed for England, and the colonists were seen no more by white men.

CHAPTER III.

On his arrival in England, Gov. White found all things in commotion. The most threatened storm of war had burst upon England, and the services of Sir Walter Raleigh and others who were interested in the distant colony were enlisted in the national defense. It was a critical period of British history. Queen Elizabeth relied upon the skill of Raleigh, under whose guidance the Armada was defeated, and "liberty of person and liberty of conscience were once more free."

On the 22d of April, 1585, Gov. White, by aid of Sir Walter Raleigh, sailed from England with two barques to visit the colony at Roanoke. These vessels, disabled in fighting ships enroute, during the voyage, were compelled to return to England. No further attempt to reach the colony was made till the 30th of March, 1590, when White again sailed for Virginia with three vessels. Nearly six months passed before the vessels reached Roanoke in the following August.

His account of this voyage, as published by Hakluyt, Gov. White says that—

"On the 15th of August, towards evening, we came to anchor at Hatorask in 36 $\frac{1}{2}$ in five fathoms water three leagues from the shore. At our first coming to anchor on this shore we saw a great smoke rise in the Isle Roanoke, near the mouth of the colony in the year 1587, which smokes of England. The 16th and next morning our two boats went ashore, and Captain Cooke and Captain Spiker and their company with me, with intent to pass to the place at Roanoke where our vessel was wont to lie. At our parting from the ship we had and to shoot them off with reasonable space between every shot, to the end that their reports might be heard to the place where we hoped to find some of our people.

Omitting some unimportant details, we extract from White's narrative the following:

Our boats and all things filled with us, we put off from Hatorask, being the number of sixteen persons in both boats; but before we could get to the place where the pilots were left it was so exceeding dark in the night (Roanoke) the light of a

There can be little doubt that the territory now embraced within the limits of Hatteras, Tyval, and Dare was claimed and occupied by the friendly tribe of Manico as a time, and was designated as Croatan and afterwards as Roanoke, by a different tribe of hostile Indians who called it Dasamungpeuk. Croatan, the principal seat of Manico and his tribe, lay to the southward. The name carried upon the tree according to a secret understanding between Gov. White and the planters prior to the departure of the former, was Croatan, and was understood by him to mean an island southward from Roanoke, "for there," he writes, "Manico was born and the savages of the island our friends."

For nearly 300 years after the departure of White no traces of the lost colony had been discovered, with the exception of the following related by Lawson, an early historian, who wrote in 1711:—"The Hatteras Indians who lived on Roanoke Island, so much frequented it, told us that several of their ancestors were white people and could talk in a book, as we do; the truth of which is confirmed by gray eyes being frequently found amongst these Indians, some of our people value themselves extremely for them, and finally to the English, and are ready to do them friendly offices." Subsequent voyagers were made at the instance of Sir Walter Raleigh, to discover his lost countrymen, but without success. Commanders of ships in these days were more anxious to capture Spanish vessels than to find lost Englishmen, and it is doubtful if a single ship touched at Croatan or Roanoke to make inquiries after the departure of White in 1585.

CHAPTER IV.

Who were the Croatans? The term Croatan or Croatan was applied by the English to the friendly tribe of Manico whose chief abode was on an island on the coast southward from Roanoke. The name Croatan seems to indicate a locality in the western chain of mountains by Manico and his tribe. Dr. H. W. Henshaw, of this tribe, Hatteras Indians, and from the island of Hatteras, hereafter this title seems to have been applied by these Indians. From the first appearance of Amadas and Barlowe to the departure of Gov. White, in 1587 relations of the most friendly character are known to have existed between this tribe and the English colonists. Their chief, Manico, in reward of his faithful services to the English, was, by command of Sir Walter Raleigh, baptized as a member of the Church of England and was made Lord of Roanoke and of Dasamungpeuk. For reasons given in the succeeding pages we believe the term Roanoke, then applied to the island, was afterwards given to a large extent of territory contiguous to Pamlico Sound, in fact to all the territory claimed by Manico. The tribes at that early day seemed to have had no settled boundaries to their territories claimed by them and occupied the land adjacent to their principal seats, alternately with other tribes, as hunting grounds. The history of this tribe, as connected with the early attempts to colonize our eastern coast, is of peculiar interest and is worthy of extended notice.

great fire through the woods, in which we presently lived. When we came right over against it, we let fall our grenades near the shore and sounded with a trumpet, a call, and thereunto many familiar tunes, and sang and danced merrily; but the savages were so terrified that they fled, and came to the fire, and set on fire the grass and sundry cotton trees burning about the place. From hence we went through the woods to that part of the island directly over against Dasamungpeuk, and from thence we returned by the water-side round about the point of the island, and saw many of the savages, who were very friendly to us, and all the while we saw in the sand the print of the savages' feet of two or three score broad in the night, and so we entered up the sandy bank upon a tree in the very brow thereof, where we were presently surrounded by the savages, who were very friendly to us, and we were presently taken upon their arms, and we at my last departure from them, which was that in any way they should not fail to write or carve, on the trees or posts of the shore, the name of the place where they should be sought; for at my coming away they were surprised that we should have departed from them so suddenly, and they were distressed in any of those places that they should carve on the letters or names a cross for their mark, but we found no such men of distress. And having well considered of the matter, we thought that we should write on the trees, and on the high palisade of the houses taken down and the place very strongly enclosed with a high palisade of great trees with curtains and flatchers, very fertile, and one of the chief trees or posts at the right side of the entrance had the bark taken off, and five feet from the ground, the name of the place was written on it, and the other side of the island. This done, we entered into the palisado, where we found many bars of iron, two pins of lead, four iron files, iron jockey, shot, and such like heavy things thrown here and there almost overgrown with grass and moss. But although it grieved us to see the savages so friendly to us, yet we were obliged to depart, and we had safely found a certain token of their being at Croatan, which is the place where Manico was born, and the receipt of the island our friends.

Foul weather compelled Gov. White to return to the fleet, and on the following day with a favorable wind they prepared to sail to Croatan, but owing to the loss of all their anchors save one and the approaching foul weather it was determined to sail to St. John or some other island southward for fresh water, and after obtaining victuals and necessaries in the West Indies and spending the winter there to return in the spring to seek the colonists at Croatan. One of the vessels being in a leaky condition was compelled to sail for England. The other vessels after cruising for a while in search of Spanish treasure sailed for England and arrived at Plymouth on the 24th day of October, 1590.

From the story of Gov. White it is evident that Croatan was situated southward from Roanoke Island and upon the coast for the voyagers attempted to sail to it upon the open sea. It is probable that the island mentioned was one of the long islands curving the coast and embraced within the present county of Carteret. It is so located on one of the oldest maps, bearing date of 1666. On a map published by order of the Lords Proprietors in 1671 the peninsula embracing the present county of Dare is called Croatan. Lawson's map of the year 1709 also locates Croatan in the same region. The sound immediately west of Roanoke Island still bears the name of Croatan. The name of the island belonging to the tribe was probably Croatan. The name Croatan was given to the tribe by the English from the name of a locality within their territory. That part of their country lying west of Roanoke Island was called Dasamungpeuk by the savages of that sea. Manico, by order of Sir Walter Raleigh, was made "Lord of Roanoke and Dasamungpeuk," the first instance of a title of nobility being conferred on an American.

Harriot, who accompanied Lane's expedition to Virginia, in describing the Indians on our coast, says:

They are a people clothed with loose mantles made of deerkins and skins of the same animal their middle, all else naked, of such a difference of skins as if they were of several nations. They have no religion, and they know how to make any. . . . The language of every government is different from any other, and the farther they are distant, the greater is the difference. They believe that there are many gods, which they call Manoes, but of different names. . . . They do believe that the souls of the dead do not stay in the world, but departed from the body according to the work it has done, it is either carried to heaven, the habitation of the gods, there to enjoy perpetual bliss and happiness, or else to a great pit or lake, which they think to be in the lower part of the world toward the south, there to burn continually, as they call it, the hell.

In reading this account of the religion of the natives we conclude that at some period they had communication with more civilized nations, and that they had imbibed upon themselves some ideas of faith more exalted than the common sense of savages. Some may be ready to accept the absurdities of monkish fancy and readily believe them to be descendants of the "lost tribes" who had retained something of ancient Jewish faith. The difference in color, language, and other characteristics renders it difficult to accept such a theory. The knowledge of this western land is as old as the time of Plato and Solon, who mention an island in the West called Atlantis, and a great continent which lay beyond it. The Persians established a colony in the West Indies a thousand years ago, which, by "abstaining from all admixture with the black aborigines, differs but little from their progenitors in the parent country." The Welsh colonized the Carolina coast in the twelfth century. In 1680 Rev. Morgan Jones, in traveling in the Tuscarora country, was captured by the Doegs, a branch of that tribe who spoke Welsh. He describes them as settled upon Pungo River near Cape Fear. This statement seems to confirm the Welsh ethnology which describes the colony. Long before the discovery of America, the Norsemen sent exploring voyages to the American coast, reciting facts and dates which are confirmed by Irish and Arabic chronicles, and also by the inscription on Wemans' Island on our northern coast bearing date of April 25, 1135. If we discredit the accounts of these early voyages we may discredit anything of ancient date recorded in history. The Sanscrit root syllable *ap* and the Latin root *at*, both meaning water, are detected in the names of scores of rivers and bays on our Atlantic coast facing Europe, where vessels driven by the northeast trade winds, would probably reach our shores.

We cite these facts in support of the theory that colonies were in past times located on our coast and in course of time were neglected and forgotten by the parent countries and became absorbed by native tribes. If this theory is accepted it will account for traditions of wrecked vessels prevalent among the Indians described by Harriot, as well as for their religious notions so far above those commonly found among savages. Prescott, as quoted by Dr. Hawks, in speaking of the Indians found on the Atlantic coast of North America, says: They had attained to the sublime conception of one Great Spirit, the creator of the sun, moon, stars, mountains in his own nature, was not to be adored by an earthly or visible representation, and who, nevertheless, all eyes, was not to be circum-

What may have been the origin of the tribe, known to us through the English colonists as Croatan, can only be a matter of conjecture. They had traditions of vessels wrecked in past times, they affirmed that from implements found among them were obtained from such wrecks. Children with sunburned faces and their eyes were noticed among them, which impressed the belief that they had had communication with white people. From the appearance of Amidas and Barbone in 1584, the departure of Gov. White in 1587, their death in 1591, and the friendly treatment received by Manteo during his visit to England may have enhanced the good feeling toward the English. What became of them?

CHAPTER V.

After the departure of Gov. White from the coast of Virginia in 1590 five expeditions were fitted out at the expense of Sir Walter Raleigh for the relief of his distressed countrymen at Roanoke. These expeditions returned with no tidings of the planters and it became the settled conviction of those interested in the colony that it perished from starvation or savage cruelty.

After the settlement at Jamestown in 1607, Capt. John Smith sent a hardy woodsman to the Chowanoke Indians, who lived near the head of Albemarle Sound, under the pretence of sending presents to their king, but his object was to make inquiries concerning the Roanoke colony. Capt. Smith sent two guides to the Mangrocks on the river Xotorowsy, but got that they were the other had done, and showed him no more of the Roanoke people.

It is evident from the story of Gov. White, as given on a preceding page, that the colonists went southward along the coast to Croatoan Island, now a part of Carteret County, in North Carolina, and distant about 100 miles in a direct line from Albemarle Sound. The Mangrocks were seated northwest from Albemarle and it is not surprising that the messengers returned without definite information. The statement of Lawson as to the fate of the English colonists, but it is may throw some light on the fate of the English colonists, but it is a matter of surprise to us at this time that a historian would not pursue the investigation of that tradition far enough to ascertain who those ancestors were who could "talk in a book. Europeans had been upon the coast even before the arrival of Amidas and Barbone in 1584. Persons were noticed among the Indians with *cutters and chainsaw edged keel*, and traditions found among the wrecked vessels. Iron implements found among the Croatan Indians made of spike about 20 years before the arrival of the English, which occurred about 1558 was mentioned; some of the crew were saved and were supposed to have been lost in their attempt to leave in the frail boats of the natives. Lawson wrote in 1714, 127 years after the colonists were last seen on Roanoke Island. Sixty-nine years after the settlement on that island and sixty years before the event related by Lawson, Roanoke was visited by an Englishman, Francis Yeardy, who, in a letter to John Farrer, Esq.,

burnt lake or lake caused by water filling a hole burnt in the ground. We are indebted for this tradition to an aged gentleman of Robeson County who was familiar with the traditions of the tribe from about 1820 to 1824. He mentioned several persons who represented that they were descended from Mattamuskeet Indians who were taken prisoners, in the war between the Whites and Tuscaroras, by the tribe on the Lumber River. These Mattamuskeets could locate the dwelling places of their ancestors who lived in what is now Hyde County, in the vicinity of Mattamuskeet Lake. In our investigations we could find no tradition respecting these persons. The names given by our informant have all disappeared. Large numbers have emigrated since the beginning of the present century. Within half a century about 40 families left the county of Robeson from about 1700 and went to the Northwest. Traditions are fading fast, our informant remarked, as far back as 1820 the traditions were more vivid than now and were familiar to old and young. Now, I will find that our ancient traditions confined to comparatively a few old persons.

Pungo Lake is known among them as Mattapungo. They have no tradition as to any river named Roanoke. This name is invariably applied by their tribe on the eastern coast. Hawks, as previously mentioned, speaks of the tribe in 1587 as Hattias Indians. When the act of the North Carolina General Assembly was read to them, recognizing them as Croatan, an intelligent Indian remarked that he had always heard that they were called Hattias Indians. The line of emigration extended westward from what is now Carteret County, and can be traced according to tradition as far west as the French Bay and the Pamlico County. Tradition respecting the English colony is vague but definite enough to support the belief that their territory once embraced portions at least of the present counties of Currier, Jones, and Craven. It is not at all probable that any of the English colonists left by Gov. White ever lived west of the county of Jones. The settlement on the Lumber River in Robeson County was made during the seventeenth century, possibly as early as 1630. The revocation of the Edict of Nantes occurred in 1685, and thousands of French Huguenots, driven to exile, found refuge in South Carolina. As early as 1709, a colony of these exiles located in the eastern part of North Carolina. Some of these Huguenots penetrated the interior as far as the Lumber River in the early part of the last century, and found the country north and east of them thickly populated by Indians who had farms and roads and other evidences of civilization, and had evidently resided there for a considerable time.

Settlements were made toward the Pee Dee and at points beyond that river after their location on the Lumber. The language spoken is almost pure Anglo Saxon, a fact which we think affords corroborative evidences of their relation to the lost colony of White. Mon (Saxon) is used for man, father is pronounced fayther, and a tradition is usually begun as follows:

"Mon, my fayther told me that his fayther told him," etc. Mention is used for measurement, asks for ask, hit for it, beson for nose, lovend for loving, hounsen for houses. They seem to have but two sounds for the letter s, one like short e. Many of the words in common use among them have long been obsolete in English-speaking countries.

They are a proud race, boasting alike of their English and Indian blood, hospitable to strangers, and ever ready to do friendly offices for white people. They are peaceable in disposition, but when crossed by repeated injury they will fight desperately. The great mass slain notoriously during the late war, were slain where crowds of other races assemble. They generally live retired from public highways and seem to show Indian characteristics more strongly than in former times. There are sixteen churches owned by them in Robeson County, divided among Baptist and Methodist denominations. Their schoolhouses, built entirely by private means, are all framed buildings and provided far better than those of the colored race.

They are great road makers, like their ancestors. The best public roads in North Carolina are found among this tribe. There has been no census taken separately from the other races, but the number in Robeson County is fully 2,500, and probably exceeds the settlements in other counties, the total in Robeson being 5,000. The enrollment of Croatan children in Robeson County between the ages of six and twenty years, in 1885, was about eleven hundred entitled to a free public instruction, provided separately for the race.

By an act of the general assembly, passed in 1837 a normal school for teachers of the Croatan race was established, and the sum of \$300 is annually appropriated for two years by the State for its support. According to the law of North Carolina, all marriages between a white person and a negro or Indian, or between a white person and a person of negro or Indian descent to the third generation, inclusive, are null and void; but there was no inhibition of marriage between an Indian and a negro till the general assembly of 1837 annulled the law by declaring all marriages between Croatan Indians and white or persons of negro descent to the third generation, inclusive, null and void.

CHAPTER VII.

In investigating the traditions prevalent among this singular people we found many family names identical with those of the lost colony of 1587. For the information of the reader we give a list of the names of all the men, women, and children of Raleigh's colony, which arrived in Virginia and remained to inhabit there. This list is found in first volume of Hawks' History of North Carolina and copied from Hakluyt, Volume III, page 280.

AFRO REGNI REGINÆ ELIZABETÆ 29.

- John White.
- Roger Bushy.
- Amabaz Darc.
- Christopher Cooper.
- Thomas Stevens.
- John Sampson.
- Dionys Harvie.
- Roger Hart.
- George Hart.
- Simon Fawcett.
- Nicholas Johnson.
- Thomas Warner.
- Anthony Gage.
- William Wille.
- William Brown.
- Michael Mylet.
- Thomas Smith.
- Richard Kemme.
- Thomas Harris.
- Richard Tvermer.
- William Clement.
- Robert Ladd.
- Rugh Zepher.
- William Wille.
- Richard Wille.
- Richard Wille.
- Michael Bishop.
- Henry Brown.
- Henry Rufotte.
- Richard Tomkins.
- Henry Dorrell.
- John Jones.
- John Brooks.
- Cuthbert White.
- John Bright.
- Clement Taylor.
- William Sole.
- John Cotes.
- Humphrey Newton.
- Thomas Cates.
- Thomas Graeme.
- Graham Graeme.
- Mark Bennett.
- John Gibbs.
- John Stelman.
- John Earnest.
- Henry Johnson.
- John Starke.
- Richard Darge.
- William Lucas.
- Arnold Archard.
- William Niccols.
- Thomas Parsons.
- John Boden.
- Charles Wille.
- Henry Wille.
- Henry Taylor.
- Thomas Harris.
- Thomas Sex.
- Peter Little.
- John Wyles.
- Bryan Wyles.
- Robert Wilkinson.
- John Rydway.
- Amabros Picard.
- Edmund English.
- Thomas Topan.
- Henry Berry.
- Richard Berry.
- John Spandora.
- John Hemmington.
- Thomas Grawen.
- Edward Powell.
- John Burdon.
- James Hynde.
- Thomas Ellis.
- John Wright.
- William Dutton.
- Maurice Allen.
- William Waters.
- Richard Arthur.
- John Chapman.
- James Lazer.
- John Chama.
- Thomas Stewart.
- George Madson.
- Hugh Madson.
- Martin Sutton.
- John Fern.
- John Bridger.
- Griffin Jones.
- Richard Shabedge.
- Margaret Lawrence.
- Joan Warren.
- Rose Hemmering.
- Rose Pappan.
- Elizabeth Picore.
- George Hesse.
- John Pral.
- William Wythers.

WOMEN.

- Elizabeth Glane.
- Jane Peter.
- Andry Tappan.
- Alice Chapman.
- Emma Sternova.
- Colman.
- Thomas Archard.
- Thomas Humphrey.
- Thomas Smart.
- Virginia Dare.

BOYS AND CHILDREN.

- Thomas Archard.
- Thomas Humphrey.
- Thomas Smart.
- Virginia Dare.

CHILDREN BORN IN VIRGINIA.

- Harvie.

Manteo and Toways, or Wanchese, that were in England, returned to Virginia with the colony. Gov. John White, at the solicitation of the colonists, returned to England. Simon Fernando, the Spanish pilot of the expedition, also returned. George Howe, one of the "assistants" of Gov. White, remained in Roanoke Island soon after the arrival. Omitting the perfidious Fernando, we have 120 persons in all, including men, women, and children, and about 90 persons now represented in the colony. The names in the foregoing list in italics are those which are found at this time among the Indians residing in Robeson County and in other counties of North Carolina. The traditions of every family bearing the name of one of the lost colonists point to Roanoke as the country of their ancestors. If we accept their traditions they held communication with the eastern coast long after their exodus, and it is not improbable that it was a party of this tribe which Lawson describes in 1714 as visiting their old hunting grounds and who described their ancestors as people who "could talk in a book."¹

As to the intellectual character of this singular people but little can be written, as public schools were unknown prior to 1831 and such education as they obtained up to that date was limited to a knowledge of reading and writing and the fundamental principles of arithmetic. Hundreds have grown up without the least knowledge of either the ignorance of books. But when they are quick-witted and, judging by their capacity, Ex-United States Senator, Kevels, of Mississippi, belongs to this tribe. He was born in Robeson County and emigrated to the northwest, where he was educated and subsequently resided in Mississippi.

The action of the North Carolina Legislature in establishing separate schools for this race and in recognizing them as the descendants of the friendly Croatan known to the early colonists is one great step toward their moral and intellectual elevation. They are almost universally landholders and occupy a territory in the county of Robeson of about 60,000 acres, adapted to the growth of corn, cotton, and tobacco.

CHAPTER VIII.

It has long been a settled conviction that the lost colonists perished from starvation or savage cruelty. This conviction has arisen from the fact that they were seen no more.

The particulars given by Gov. White of the understanding which existed between him and the colonists prior to his departure for England in 1587, and his finding the word "Croatan" on a tree, in a conspicuous place, on his return in 1590, seem to prove conclusively that the English had accepted the invitation of Manteo's tribe and had gone to Croatan Island. The fact that they were seen no more by white men does not prove that they perished. The same fact exists in regard to the Croatans and the same argument would prove their destruction also.

¹ Lawson's History was first published in 1724.

We must remember that the region embracing Croatan Island and the adjacent mainland was unexplored for a long period after the attempt at settlement on Roanoke Island. The history of these times shows that in 1609 the northeast corner of North Carolina was settled by a colony from Virginia.

In 1664, sixty-seven years after the English colonists were first seen on Pamlico, Virginia, the settlement had extended as far south as the Pamlico-Norfolk river. In 1668, a settlement was made on Albemarle Sound. A colony from Massachusetts was located on the Cape Fear in 1660 and was soon abandoned. Sir John Yeamans' colony landed on the same river in 1664. In 1690 a French colony from Virginia settled on Pamlico Sound, and in 1698 emigrants from Albemarle also located in that region.

We have cited these facts to show how little was known from 1587 to 1690 of the region where tradition says the Croatans were settled. In 1690, the date of the settlement of the French on Pamlico, all the English colonists must have been dead, and the sad story was held only in tradition, and it may be that the Croatans who were then remaining in that region, on the approach of the new colony, removed further into the interior, where portions of that tribe had previously located.

It has previously intimated, the traditions of the Indians now living in Roanoke are sufficiently clear to prove that at an early period they located south of Pamlico Sound on the mainland. Tradition in regard to their ancient dwelling places on the tributaries of Black River in the present county of Sampson are more definite. The fact that French, English, Irish, and perhaps German names are found among them is accounted for by the tradition that marriages frequently occurred between them and the early immigrants. The name Chavis which is common among this people is probably a corruption of the French name Cheves. Goins was O'Guin, is court records prove. Leary was O'Leary. Blanc or Blanz is French. Brayboy is of recent origin and was originally "Brave Boy" and dates back to the war with the Tuscaroras in 1711 and was conferred on an Indian by the commander of the English forces.

From the date of settlement of the country along the Lumber River these Indians have been an English-speaking people. Their language has many peculiarities and reminds one of the English spoken in the days of Chaucer. The number of old English words in common use among them which have long been obsolete in English-speaking countries is corroborative of the truth of their tradition that they are the descendants of the lost Englishmen of Roanoke.

In traveling on foot they march in "Indian file" and exhibit a fondness for bright red colors. They unconsciously betray many other traits characteristic of Indians. The custom of raising patches of tobacco for their own use has been handed down from time immemorial.

In building they exhibit no little architectural skill. In road making they excel. Some of the best roads in North Carolina can be found in their territory. They are unusually hospitable and polite to strangers. They are proud of their ancestry and of their English ancestry. Like their ancestors, they are friendly to white men.

Their traditions are generally preserved by the old members of the tribe, but the tradition is universal among them from infancy to old age that their ancestors came from Roanoke in Virginia. By the name they mean eastern North Carolina, and the term "Roanoke" means the territory occupied by the tribe, the name of Pamlico Sound, an religious name given by the English and the name of Roanoke Island, which belongs to what is called the Indian Mission, which is of recent origin.

"They never forget a kindness, an injury, nor a debt," said an old citizen. * * * "They may not pay you when a debt is due, but they seldom forget an obligation and are sure to pay you after a time."

In common with all Indians they have a great respect for the Quakers and look upon them as the true friends of the Indian. In the olden time they had houses of entertainment for travelers.

The number of family names to be found among them identical with those of the colonists of Roanoke is further corroborative of their traditional descent.

The line of emigration from their original seat on the coast was westward and can be traced as far west as the French Broad, in Yancey County. Through many families of this name it can be traced to the Lumber River, and still farther west to the location of many of them in the bordering States of North Carolina with varying certainty.

The writer has been much interested in investigating the traditions prevalent among the Croatans and expresses his firm conviction that they are descended from the friendly tribe found on our eastern coast in 1587 and also descended from the best colonists of Roanoke who were amalgamated with this tribe.

Through many centuries of time there comes down to us the sad story of the lost legions of Varus. The mystery that so long hung over the fate of these legions was solved by Dresse, who found the bleaching bones of his countrymen in a German forest near the Baltic Sea.

The fate of the lost colonists of Roanoke, we submit, is revealed in the foregoing pages.

To the charitable who are interested in the moral elevation of humanity we heartily commend the Croatans.

Southward they [Newport's exploring party] went to some parts of Chowanock and the Mangos, to search there those left by Sir Walter Raleigh, which parts — to the towne of Chesapeake — hath formerly been discovered by Mr. Harriott and Sir Ralph Lane. The high land is in all likelihood, a pleasant tract, and the mould fruitful, especially what may lye to the Southward, where at Peccareanek and Ochahanon by the relation of Machumps; the people have houses built with stone walls, and one story above another, so taught them by the English who escaped the slaughter at Roanoke, at which time this our Colony, under the conduct of Captain Newport, landed within the Chesapeake Bay, where the people breed up lame turkeys about their houses, and take spes in the mountains, and where at Ritanoc the Weronaunce Eyancoo preserved seven of the English alive, four men, and two boys and one young mayde (who escaped and fled up the river of Chowanock) to heat his copper, etc. (Strachey, 26)

[Footnote:] (p. 26) It seems to command south and north from the Mangos and Chowanocks, bordering upon Roanoke and the old Virginia, a town palisaded standing at the north end of the bay. (Strachey, 48)

He doth often send unto us to temporize with us, awaiting perhaps a fit opportunity (inflamed by his treuous and bloody priests) to offer us a taste of the same cup which he made our poor countrymen drink of at Roanoke.

[In "The True and Sincere Declaration" made by the governor and councillors of the Jamestown settlement in December, 1600 — they speak of having] intelligence of some of our nation planted by Sir Walter Raleigh, yet alive, within fifty miles of our fort, who can open the womb and bowels of this country, as is testified by two of our Colony sent out to seek them, who (though denied by the savages speech with them) found Crosses and Letters, the Characters and assured Testimonies of Christians, newly cut in the barkes of trees. (Brown's Genesis, I, 348.)

[The discovery of these characters recently cut in the barkes of trees at that time locates some of Raleigh's colony within fifty miles of Jamestown in 1600.]

What he knew of the Dominions he spared not to acquaint me with, like unto the Indians he spared not to acquaint me with, like unto men clothed at a place called Ochahanon,

(And again) We had agreed with the King of Paspehegh to conduct two of our men to a place called Panawicke, beyond Roanoke where he reported many men to be apperelled. We landed him at Warraskoyack, where playing the villan and deluding us for rewards, returned within three or four days after, without going further.

[Smith sent from Warraskoyack, Master Scitlenmore and two guides to seek for the Lost Colony of Sir Walter Raleigh. (Smith's True Relation.)

Alexander Brown has found and embodied in his work a rude drawing sent by Francis Nelson from Virginia in 1608 to illustrate Smith's "True Relation," and the same year sent to Spain from London. (Brown's Genesis, I, 184. February, 1608.)

184. Number of Roanoke's survivors, etc., with their names in Roanoke.

On this map, on the Chowan, or on the Notoway, falling into the Chowan River, Ochahanon is placed; and on the Tar, or upper Pamlico River, "Pakranick" is located; and near it is a legend: "Here remaineth 4 men clothed that came from Roanoke to Ochahanon." Between the Chowan and the Moratoc (Roanoke River) on this map is a legend: "Here the King of Paspehegh reported men to be, and wants to go." And that region is marked "Panawicke." On the map, the point Warraskoyack, from which Master Scitlenmore and two guides started, and where Smith called "the King of Paspehegh to conduct two of our men to a place called Panawicke, beyond Roanoke," is on a dream that probably is intended to represent Neusemond River. (December, 1608.)

This map was drawn on the relation of some Indian. The Indians of the James River, had no connection with those farther south. The Virginia Indians did not extend over the Chowanick or the Roanoke. The Indian who gave the information on which the drawing was based probably had but little familiarity with the country, knowing about the rivers but nothing of the coast. He knew that the first river was the Chowan and its tributaries; that the next was the Moratoc, and that farther on there was a third — the Tar. He probably knew nothing of the sounds. He placed the chief town of the Chowan Indians on the northeast side of the Chowan River, and Ochahanon on the other side. It seems to the author of this work that Ochahanon is probably the town called by Lane Ohanock. On Debry's map this town is placed above the town of Chowanock, but in Lane's narrative it is located below that town.

The Indian account places Pananock, where White's colony settled, between the Moratoc and the Chowan rivers, but as the Indian was probably not acquainted with the waters of the sound, and he knew that the Moratoc discharged itself some distance into the ocean, he inaccurately indicates that both emptied into the ocean. In that he was mistaken; but he probably was correct in locating the settlement north of the Moratoc River. It was between the mouth of the Moratoc and the Chowan that Lane observed the "goodly highnes," a legend that location being substantially "fifty miles from the mouth of the Moratoc." Roanoke Island it is there we would expect to find the location of permanent settlement. And it is there that the Indians located it.

After the massacre, "four men and two boys and one young mayde" escaped and fled up the river of Chowanock, and were preserved by the Weronaunce at Ritanoc. This flight could have been readily made from a point north of the Moratoc River. It is also stated that four men came to Ochahanon. If there were still other fugitives than those preserved at Ritanoc, their journey through the woods would also indicate that Pananock was on the north of the Moratoc.]

LAWSON'S SUGGESTIONS.

The first discovery and settlement of this country was by the procurement of Sir Walter Raleigh, in conjunction with some public spirited gentlemen of that age, under the protection of Queen Elizabeth, for which reason it was then named Virginia, which

and capable of entering the inlets of the Virginia sounds, under the command of Sir Richard Grenville, a kinsman of Sir Walter Raleigh, and famous for his skill and bravery, set sail from Plymouth on April 9, 1585. After various adventures that caused delay, the fleet passed the Cape Fear on June 23d, and two days later came to anchor at Roanoke, now known as Cape Charles. On the 24th, the English, under the command of Captain Raymond, had a skirmish with the Indians, and being repulsed, proceeded to disembark thirty-two men at Croatan, a part of the sandbanks nearer the cape, that island also being called the "Admiral's Island," and Cape Hatteras itself was known as Cape Amadas.

EXPLORATION ON THE MAINLAND.

Some ten days were spent in examining the vicinity, and then, on July 11th, a considerable party embarked in four large boats, and taking provisions for eight days, passed over to the mainland, bordering on Pamlico Sound. They visited the Indian town of Pamlico, and the great lake, Pequipe, and the town of Aquascoque, and then Secotan, and explored the rivers of that region. During the expedition an Indian at Aquascoque stole a crucifix from Sir Richard Grenville, and returned to his own village, Sir Richard, in order to recover it from Secotan to that town for the purpose of regaining it; but the Indians had fled. So Sir Richard, to punish the theft, burned and spoiled their corn, which set those savages at enmity with the English. Having gained some familiarity with those southern parts, the admiral, weighed anchor, and turning the cape, reached Hatorask Inlet, having previously advised King Wingina at Roanoke Island of their coming. The colonists were accompanied by Manleo and Wanchese. The former had been strengthened in his friendship for the English, but the latter, whether because of apprehensions of their great power, which he had beheld in England, or because he belonged to that tribe on the Pamlico whose corn Sir Richard had destroyed, displayed an unfriendly disposition toward them. Arriving at Hatorask Inlet, the admiral, Sir Richard, and the other gentlemen, on Roanoke Island, who now can enter fully into the feelings of those first adventurers, who in that summer time made their lodgment in the New World! The unknown country, the placid waters of the great sound, the delightful atmosphere and brilliant sunshine, and their difficult intercourse with the untutored savages who gathered around them—with their strange color, manners, and customs—and themselves so far removed from their distant homes—must have been constant subjects of reflection, mingling pleasure and apprehension, gratifying their spirit of adventure, and fostering hopes of personal reward, but ever startling them with the extreme novelty of their situation. A week after the landing Grenville took his departure, leaving the colonists established on Roanoke Island.

PORT RALEIGH ON ROANOKE ISLAND.

Lease at once began the erection of dwelling houses at a convenient point on the northern end of the island, and constructed a fort there, which he called Fort Raleigh; and from these excursions were made in every direction to get a better acquaintance with the country and

he produced. To the southward they went eighty miles to Secotan, that lay near the mouth of the Neuse; to the north they called the Chesapeake, some fifteen miles inland from the English established town, and thence they returned to the English, who had established themselves in the region. From these Indians, as well as from information derived from those on the Chowan, Lease learned that there was a larger and better harbor not far distant to the northward. On the west they penetrated to Chowanock, a large Indian town on the Chowan River, and in that region they found an Indian sovereign, or Weroance, who ruled about eight hundred warriors, having subject to him eighteen towns. These towns, however, never consisted of more than thirty houses, and generally of only ten or twelve. The houses were made with small poles fastened at the top, the sides being covered with bark, and usually about twenty feet long, although some were forty and fifty feet, and were divided into separate rooms.

In these explorations the colonists ascended the various rivers emptying into the sound, and became familiar with the adjacent country. Harriot devoted himself to the study of the natural history of the region and wrote a valuable account of the animals, the vegetables, the plants, and the trees found there, and White made many sketches that are still preserved in the British Museum.

FAMINE THREATENS THE COLONISTS.

Among the savages, Esuhoore, the old father of Wingina and Graungameo, and Manleo were friendly with the white strangers; but the other chieftains were not favorable to them, although their bearing was not openly hostile. Graungameo unfortunately died shortly after the arrival of the colonists, and upon that event Wingina, the king, according to some usage, took the name of Pemisapan, and as time passed he began to intrigue against the English, in which he was joined by Wanchese, Terraque, Oscanan, and other head men of the Indians. Relying on an additional supply of provisions by Easter, the colonists had been unprovided, and by the spring had nearly exhausted the planting and sowing season, and their corn had perished, so that they found themselves without food. Their reliance now, temporarily at least, was on the corn of the Indians and that was difficult to obtain. Their situation had become one of peril, especially as the Indians were reluctant to supply them. Pemisapan, understanding their difficulties, and at heart their enemy, now warily devised a plan for their destruction. He instilled into the Chowanists and into the Manguoko, a strong and warlike tribe inhabiting the region on the Moratoc, or Roanoke River, that the English were their enemies; and then he informed Lease that the Manguoko had much corn and that there were rich mines of gold and copper and other minerals in their country, and that they possessed stores of pearls and precious stones. This appealed strongly to Lease's cupidity, and he eventually determined to visit them, and applied to Pemisapan for guides, and three Indians besides Manleo were assigned to accompany him. So in March, Lease set out on his expedition, taking eight printers and two interpreters, with some 50 or 60 men. He visited all the towns on the water's edge, and was especially pleased with some high land seen before reaching Chowanock, subject to that king, where there was a goodly cornfield and a

cultivated land, lived in substantial houses, and otherwise practised the arts of civilized life, being in these respects different from any Indian tribe. In 1754 they were described as being on "Drowning Creek, on the head of Little Peedee, fifty families, a mixed crew, a lawless people, possessed the lands without patent or paying quit rents; shot a surveyor for coming to view vacant lands, being enclosed in great swamps." (C. R., V, 161.) From that time to the present these people have remained in their settlement on Drowning Creek. It is worthy of remark that in 1754 they were not considered Indians, for the military officers of Bladen County particularly reported that there were no Indians in that county. Whatever may have been their origin and the origin of their English names, neither their names nor their English manners and customs could have been perpetuated from the time of the Lost Colony without exciting some remark on the part of explorers, or historians. Apparently that community came into being at a later date. Yet it is to be observed that many persons believe them to be the descendants of the Lost Colony; and the Legislature has officially designated them as "Croatans," and has treated them as Indians.†]

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CHAPTER III.

LANE'S COLONY, 1585-86.

Lane's colony.—Arrival at Wokokon.—Socotan visited.—Aquascoque burned by Grenville.—Disembarkation at Hattorask.—Settlement at Roanoke.—Fort Raleigh.—Explorations.—Manteo friendly.—Wanchese hostile.—The peril of famine.—Lane penetrates the Chowanoak; seizes Skyco; ascends the Moratoc.—Food exhausted.—The Indian conspiracy.—The hostiles gather at Dasamonnepeuc.—Lane strikes a blow and secures safety.—The arrival of Drake.—The departure of the colonists.—Arrival of Grenville's fleet.—Fifteen men left to hold possession.

THE FIRST COLONY.

Hastening to lay the foundations of a regal domain and with an eager anticipation of rich returns from his commercial dealings, Sir Walter now prepared a second expedition, which was to transport a hundred colonists for settlement in Virginia. Provisions were collected for a year's subsistence, by which time a new supply was to be furnished. The colonists were to be under the authority of Ralph Lane, as governor, who was chosen for this important post because he had already given the world assurance of his bravery, capacity, and resourcefulness. Among the enterprising men of that day he ranked high for energy, courage and versatile powers. Barlow, who, years before, had served with Raleigh in Flanders, was again to be with the party, and was to remain in Virginia as admiral; while Cavendish, afterward famous as a bold and skillful navigator, Thomas Hariot, highly distinguished as a mathematician and scientist, and John White, whose maps and admirable sketches, made in Virginia, are still extant, and who was deeply interested in the work of colonization, were likewise members of the company. At length, the preparations being completed, a fleet of seven vessels, all small, however,

† The subject of the connection of these Croatans with the colonists has been ably discussed by Mr. Hamilton McMillan and by Dr. Stephen B. Weeks, who maintain that view with much plausibility.

INDIANS OF NORTH CAROLINA.

town called Chowanok. Arriving at Chowanok, he found a considerable assemblage there, the King Mantonon and his people being under apprehension that the English were enemies to them. Although Lane as a precautionary measure seized the persons of the king and his young son, Skyco, he nevertheless treated them with kindness, and during a sojourn of ten days with them obtained considerable information respecting the country and their country, and also learned that by ascending the Chowan two days in a boat he would be within a four days' journey by land of a king's country that lay upon the sea. Obtaining some corn from Mantonon, and keeping Skyco as a hostage for further kindness, he sent the young Indian prince in the pinnace to the fort, and with the remaining boats and forty men pushed on up the Moratoc. His progress was slow, and he observed the difference between the strong current of that river and the sluggish waters of the great estuaries of the broad sound of Wapomeiock, as the country north of Albemarle Sound was then called.

EXPLORATION AND STARVATION.

The Mongroaks proved hostile, and when he had ascended the river two days, having progressed about thirty miles, they made an attack that was, however, easily repulsed. Then penetrating into the country, Lane found that the savages withdrew before him, removing all their corn and leaving nothing on which his men could subsist. His provisions being nearly out, he left no time to determine whether they should return down the river, or attempt to ascend it with the assistance of the men, declaring that the dogs prepared with assassins would be good for two days' food, would not then abandon the expedition; and so they pushed on farther, but without any favorable result. At length, in danger of starvation, and their strength failing, they turned down stream, and in one day reached an island at the mouth of the river.

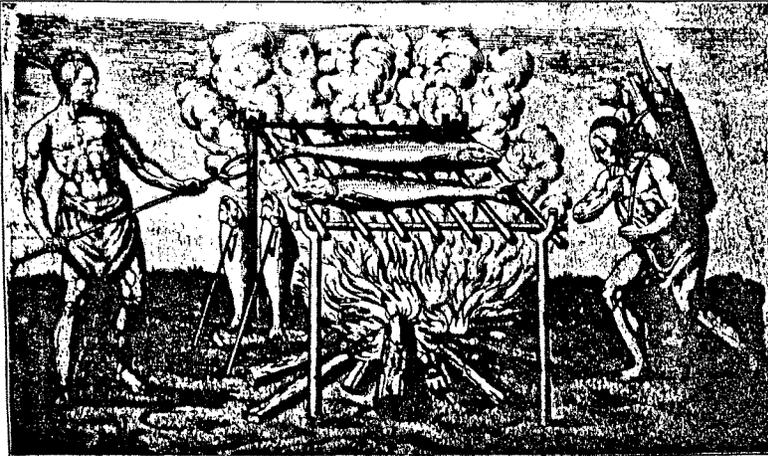
Their provisions now were entirely exhausted; but here, because of a heavy wind raising great billows in the sound, they were constrained to remain the whole of the next day. It was Easter eve; and Lane says they truly kept the fast. But Easter morn brought them new hope, and the storm ceasing, they entered the sound, and by four o'clock reached the Indian town of Chepanum (apparently on Durant's Neck, between Little and Pequimans rivers), which they found densely peopled. The women were busy with the nets, the men were busy with the spears, and the boats were full of light boats since called gigs being facetiously designated as "light horsemen."

The next morning, refreshed and strengthened, they resumed their journey and returned to Roanoke in safety.

THE INDIANS BECOME HOSTILE.

In their absence, Pemissapan had stirred up the neighboring Indians to enmity against the remaining colonists, and hoping that his devices for the destruction of Lane's party had succeeded, he sought to strengthen the resolution of his followers by declaring that

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INDIANS COOKING FISH.

Lane and his party had either died of starvation or had been cut off by the Mongoaks. Ensinore, who had urged more friendly counsels, had unfortunately died toward the end of March, and there was now no influence to counteract Pemisapan's hostility; and urged by him, the Indians would no longer render any assistance in the way of obtaining either fish or other food, and the situation of the colony was becoming extremely critical. The protracted absence of Lane's party added to their despondency, while it gave color to the report of their destruction. Such was the deplorable condition on the island when Lane's reappearance, contrary to the prophecies of his enemies, together with the accounts given by the Indians who had accompanied him of the ease with which he had overcome those Mongoaks who had fought him, caused a reaction in favor of the whites, and the Indians once more began to set weirs for them and aided them in planting corn, the planting season having now arrived. Still, until relief should come from England, or the crops just planted should mature, the colonists had to rely on such supplies as they could gather for themselves. In this extremity resort was had to the oyster beds found in the sound; and the better to subsist, the men were divided into small companies, and located at different points. Captain Stafford and twenty others were sent to Croatoan, where, while getting oysters, they could watch for the approach of the expected vessels bearing relief; at Hattorask a dozen more were stationed for the same purpose, while every week companies of fifteen or twenty were sent to the mainland to hunt for food. Thus they managed to exist through the month of May, waiting and watching in vain for the promised supplies from home.

In the meantime, Pemisapan, while preserving a friendly guise, began to plot anew against them, and instigated the hostile Indians to take the whites at a disadvantage, falling upon them while scattered and cutting them off in detail. To carry out this scheme he proposed to hold a great assembly of Indians, to last a month, by way of solemnizing the death of his father, Ensinore. This meeting was to be held on the mainland, at Desamonguepeuk, opposite Roanoke Island; and besides seven hundred neighboring warriors, it was to be attended by an equal number of the Mongoaks and Chespeans, who were to come and lie secretly in the woods until the signal fires should give them the order to rise. As a part of the same plan, it was arranged that Terraquine, one of Pemisapan's chieftains, with twenty men, should set fire to the thatched roof of Lane's house, and when he should come out, they were to murder him. Another leader and squad were to deal with Hariot the same way; and, similarly, all of the principal men of the colony were to be surprised and overcome. Toward the end of May the neighboring Indians began to assemble on Roanoke Island, the night of June 10th being the time appointed for the others to meet and carry into effect the murderous plot.

Skyco, being the son of a king, on reaching the island had been taken by Pemisapan to reside with his own family, and as the young prince was held a prisoner and was deemed hostile to the English, the plot became known to him; but Lane had treated him with kindness and consideration, and the young boy in gratitude revealed to him all the details of the conspiracy. Confronted with such an emergency, Lane's strength of character and resolution promptly displayed

food and assistants, from Sir Francis Drake, then at Hatteras, who had just returned from seeking Santo Domingo, Cartagena and St. Augustine. With a joyful heart, Lane listened to the fleet riding at his bid harbor; and Drake proposed to see how long a sufficient supply of provisions and a small vessel could be had there, and he would then return. But when the necessary arrangements were made, Lane's eyes were turned to the sea, and he saw that the wind which was to have been left was blown to sea and did not return; and much damage was done to the other ships of the fleet, and many pinnaces and smaller boats were entirely lost. After the storm had abated, Drake offered to leave another vessel, but he then had to remain on the perilous coast. As an alternative proposition Drake offered to take the colonists aboard and transport them to England. After consideration, it was deemed best to accept this last offer, and the different companies into which the colony had been broken being again collected, they embarked on June 19th and safely reached Portsmouth on July 27th. Thus, after a nine months' residence, ended the first attempt to plant a colony on Roanoke Island.

In the meantime, a boat bearing advice that a new fleet was coming had been detached from England, and somewhat later Sir Richard Greenville sailed with three vessels freighted with supplies and bringing other colonists. The first bark arrived immediately after the departure of Lane, and finding the settlement abandoned, returned to England; but when Sir Richard came, a fortnight later, he remained three weeks searching for the settlers and making explorations; and then putting fifteen men in the fort, with an ample supply of provisions, he sailed away on a cruise against the Spaniards.

CHAPTER IV.

WHITE'S COLONY, 1587-91.

Raleigh's embarrassments.—Conveys an interest in Virginia to Thomas Smith, John White, and associates.—The City of Raleigh in Virginia.—White's colony departs. How he murdered—Vizcay, drops in the middle of the voyage to Roanoke. M. de Chabot, the French privateer, attacks the colony.—White's return to England. The Armada.—White's first attempt to return to Virginia.—Raleigh makes further conveyance of his interest.—White sails in February, 1591.—Finds colony removed.—Black's voyage.—Elizabeth's death.—Raleigh arrested for treason.—The settlement abandoned.—Fate of the Lost Colony.

RALEIGH'S EMBARRASMENTS.

The unexpected return of Lane's colonists greatly disappointed Raleigh. His efforts at exploration and colonization had involved great expenditures. He had already disbursed forty thousand pounds in the enterprise, a sum approximating in this age half a million dollars, and that at a period when there was no great accumulation of wealth in England. He had now been at court some years and was a member of Parliament; and his fine powers and accomplishments, his versatility of genius and varied learning, commended themselves to the high favor of the queen, who gave her attention to her inclination to push his fortunes. In 1584 she had bestowed on him a grant of

himself. Had he been a weaker man, not so resourceful, the colonists would probably have fallen victims to Indian strategy.

LANE'S STRATEGY.

Pemisapan had gone over to the mainland, ostensibly to see about his growing corn crops, but really to attend to collecting the hostile Indians, and raising the safety could only be secured by the death of this chief, and the removal of the Indians from the coast. He said him word to return to the island for the purpose of the arrival of his fleet at Croatoan, he himself proposed to go there; and he wished Pemisapan to detail some of his men to fish for him; for him at Croatoan, and he also wanted to purchase four days' supply of corn to take with him. Pemisapan, however, did not fall into the trap; but while promising to come, postponed doing so from day to day, waiting for the assembling of the hostile Indians. At length, on the last of May, all of Pemisapan's own people having begun to congregate on the island, Lane determined to wait no longer. So that night he ordered "the muster of the light-horsemen," as he termed his chief boatman, with a few others to gather up at sunset all the corn on the island, so as to prevent any information being conveyed to the mainland. The light-horsemen were performing this duty, they saw a canoe depart, and in an instant they saw it two of the savages were killed. This aroused the Englishmen to their muskets. Some few of the savages were killed in the encounter and the others fled down the island. At dawn the next morning, with the "light-horsemen" and a canoe carrying twenty-five others, with the "colonel of the Chesapeake," and "the sergeant major," Lane hastened to the mainland, and sent word to Pemisapan that he was coming to visit him, as he was about to depart for Croatoan, and wished to complain of the conduct of Cascan, who he had before had tried to convey away the prisoner Skycoo, whom he had taken to the mainland. The Indian king, ignorant of what had happened on the island, and not suspecting any hostile purpose, received Lane and his attendants who came to the shore surrounded by seven or eight of his principal warriors, together with many other warriors.

As soon as they met, Lane gave the agreed signal, "Christ, our Victory," and immediately the colonel of the Chesapeake, the sergeant major, and their company opened fire, and Pemisapan and his chief men were slain and the others dispersed. A blow so sudden and terrible paralyzed the Indians; the plot was abandoned and the danger averted.

DRAKE ARRIVES AND THE COLONISTS RETURN TO ENGLAND.

A week later, on June 8th, the colony was thrown into an ecstasy of excitement by the hasty arrival of messengers from Stafford, who reported seeing off Croatoan a fleet consisting of more than thirty vessels; but war had the year before broken out between Spain and England, and it was not at first known whether the ships belonged to friends or foes. The next day, however, Stafford himself came, having walked twenty miles by land, bringing a letter, proffering

twelve thousand acres of forfeited land in Munster, Ireland, which he attempted to colonize with English tenants, and he employed a large force in cutting timber for such use, which, however, did not turn out a profitable enterprise. The remaining in the same year, he received annually from the Crown a considerable grant allowing him to export quantities of wine from England—a sort of monopoly; and he likewise obtained a lucrative monopoly in the grant of the "rights of wines," vesting in him the power of selling licenses for the commodity throughout the kingdom. Some months after Lane's return, on the steamer of Anthony Babington, the queen was also pleased to bestow on Raleigh all of the estates that had come to the Crown by the attainder, which gave him rich manors and broad acres in five counties of England. In July, 1585, when the war broke out with Spain, he was created Lord Warden of the Stannaries (Cornwall and Devon) and Vice-Admiral of Cornwall and Devon; and two years later he was appointed captain of the Queen's Guard, the office of a courtier, to succeed Hatton, who was to become Lord Chancellor. But neither his outlays in Ireland nor his expenditures for Virginia had yielded him any return, while his living at court, where he indulged in magnificent display, involved large expenses.

THE CITY OF BALDWIN IN VIRGINIA.

Such were his circumstances when Lane's colony returned to England in the fall of 1586. But unwilling to abandon the enterprise and still hoping for profit from establishing a trade in Virginia, he now determined to associate merchants with him who would share the profits and the expenses. At that time some of the wealthy merchants of London were looking with eager eyes for new avenues of trade and commerce. Chief among these was Thomas Smith, whose subsequent enterprises led to his receiving knighthood at the hands of his appreciative sovereign; and of their number was also included one of many names of the highest reputation, and with a public reputation of many years, Sir Francis Drake, who had discovered in that island the money in the enterprise Raleigh granted free trade forever with his colony in Virginia, and to thirteen others he assigned the right of governing the colony. Of these John White, who had been in all the previous expeditions to Virginia, was constituted the governor, and the other twelve, who also were to accompany the colony, were nominated his assistants; among them Ananias Dare and Dionysius Harvie, who carried their wives with them, and the former of whom was White's son-in-law. These thirteen Raleigh, by patent, under the powers contained in his own charter, on January 7, 1587, erected into a corporation under the name of "The Governor and Assistants of the City of Raleigh in Virginia"; and the nineteen merchants were made members, free of the corporation.

A PERMANENT SETTLEMENT ATTEMPTED.

These preliminaries being arranged, a new colony was collected, consisting of one hundred and twenty-one persons, of whom seventy-four were women, twelve apparently being wives accompanying their

husbands, and nine being children. On April 26, 1587, three vessels bearing the colonists left Portsmouth for Plymouth; and on May 8th finally took their departure from that port for Hatteras, where, after many adventures, two of them arrived on July 22d; and seven days later the others, Raleigh had given up the enterprise, that after taking in the fifteen men left by Grenville, the vessels were to proceed to Chesapeake Bay, where the settlement was to be made, with the express orders of Governor White. But when White, with a part of his men had left the ship to visit Roanoke Island for the purpose of taking off the fifteen men, Ferdinando, the admiral, influenced the sailors to say that they could not be received back into the ship, thus constraining all the colonists to disembark. At sunset White's boat reached the island, but the only trace he could find of the men left by Grenville was the bones of one that lay unburied where he had been slain. The fort had been razed down, but the cottages were still standing, some of the outer planks, however, being torn off. Forced to remain there, White set the men at once to work to repair the buildings and to construct others. The colonists had hardly gotten established in their new homes, when George Howe, one of the assistants, having strayed off two miles from the fort catching crabs on the shore opposite the mainland, was set upon by some savages, receiving sixteen wounds from arrows, and was slain. This was an evidence of hostility that White at once sought to slay. He sent Stafford with twenty men, accompanied by some of the natives, to another Indian, Powhatan, he sought to engage and had now returned to the friendly Indians it was feared that some savages from the mainland had taken the men left by Grenville's men, and had killed some of them, set fire to the house where they had taken refuge, and driven them from the island; they taking their boat and going to an island near Hatteras, after which they had never been seen. They also said that it was a remnant of Virginia's men dwelling at Pasamunquic, who had slain Howe. To establish more amicable relations with these hostile Indians, the Croatoans were requested to go over to their towns and proffer them the friendship of the English, who promised to forgive and forget all past offences; and it was agreed that this embassy was to return with the answer within seven days. At the end of the time, no answers being received, White deemed it best to strike a blow to show that the colonists were not to be deterred. At night, accompanied by Stafford and some other men, and Manteo, he crossed over to the island, and early in the morning he opened fire on some Indians discovered there. Unfortunately, these were not the hostiles who feared punishment for the murder of Howe, but the Croatoans who had gone there to gather the corn. White, disappointed in his revenge, despoiled the fields and returned home. The colony being now settled, on August 13th a ceremony was performed at Roanoke that gave expression to the gratitude of Raleigh and the colony for the faithful and friendly services of Manteo, formed the colony for the faithful and friendly services of Manteo. By command of Sir Walter, the rite of baptism was administered to Manteo, and there was conferred on him the order of Knighthood;

and he was created Lord of Roanoke and Desamocousucuk. And five days later another interesting event occurred, the birth of the first English child born in America. On August 18, 1587, Eleanor Dare and Alan Dare and a daughter of the governor gave birth to daughter, who the next Sunday was christened Virginia, because she was the first Christian born in the new country. A few days later, also, was born to Dionysius Harrie and his wife, Margery, a child, whose name, however, has not been preserved.

THE COLONISTS TO REMOVE INTO THE INTERIOR.

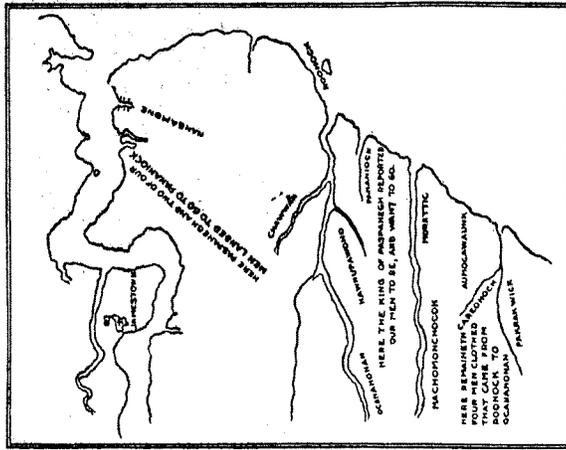
It was now discovered that certain other particular supplies were needed, as this was intended to be a permanent settlement; and there was consultation as to who should return with the fleet to obtain them. It was finally determined that White himself would answer the purpose best, and he agreed to go with the vessels back to England. But before his departure it was resolved that the colony should remove to some place about fifty miles in the interior; and it was agreed that the fleet should depart from the island, leaving some sign indicating their location; and if in distress, could find the way back. It is probable that this point, fifty miles in the interior, where the colony was to locate, was the highland near Ohanook, where there were goodly cornfields and pleasant surroundings.

At length, the fleet being ready to sail, on August 27th, after a month's sojourn with the colony, White embarked and departed for England. On the return voyage he met with many perilous adventures, but finally, about the middle of October, made land L. Smerwick, on the west coast of Ireland, and in November reached Hampton. With him came to England still another Indian, who, accepting Christianity, was baptized St. Bideford Church; but a year later died, and was interred there. When the colonists received from White's ship, as he left the shores of Virginia, they passed from the domain of the colony, and all knew in the distance, the deep woods of the interior, that they miserably perished, their sad fate being one of those deplorable sacrifices that have always attended the accomplishment of great human purposes.

CONDITIONS IN ENGLAND ON WHITE'S ARRIVAL.

On White's arrival, in November, 1587, seeking aid for the colony, doubtless the merchants and others who had ventured their means with Raleigh in this last attempt at colonization and trade in Virginia, were willing to respond; but there were rumors of the preparation in Spain of a great Armada to invade England, and an order had been issued forbidding the departure of any vessel from any English port. In that period of excitement and alarm, the necessities of the hour were such that the pressing matters at hand were of paramount importance. Still Raleigh exerting his personal influence, and because for two small vessels to sail, and on April 25, 1588, White departed with them from Bideford for Virginia. The captives, however, were more intent on a gainful voyage than on the relief of the colonists, and betook themselves to the hazardous business of making prizes. At length one of them, meeting with two ships of war, was after a bloody fight overcome and rifled, despoiled and disabled, and

she returned to England within a month; and three weeks later, the other, equally badly served, came home without having completed the voyage. Soon afterward, the great Armada appeared, and Raleigh was among those who made havoc of the Spanish galleons in the "morris dance of death," that, beginning at the straits, lasted around the north of Scotland and on the coast of Ireland. Imme-



diately on his return he was challenged to mortal combat by the queen's favorite, the handsome boy of Essex, and for a time retired to Ireland in seclusion. But soon all his powers and being rich prizes, which England had and again threatened with Spanish invasion. In the following March, 1589, because, perhaps, both of his

public employments and of the greater facilities of the merchants to care for the colonists, he transferred his rights in Virginia by assignment or lease to Thomas Smith, White and himself, and he relinquished his interest in the colony to the latter, who had been the merchant mentioned "having at sundry times been chargeable and troublesome to Sir Walter for the supplies and relief of the planters in Virginia." Because of the inhibition of the sailing of merchant ships from England, no opportunity presented for White to return to Virginia until early in 1591. He then ascertained that John Watts of London, merchant, was about to send three vessels to the West Indies; but when they were ready to depart, a general stay was again commanded of all ships throughout England. Taking advantage of this circumstance, White applied to Sir Walter to obtain a special license for these vessels to sail, on condition that they would transport a convenient number of passengers with their furniture and necessities to Virginia. The license was obtained by Raleigh, but the condition was not observed; and the only passenger they would take was White himself, and no provisions for the relief of the colonists.

WHITE SAILS FOR ROANOKE.

Leaving Plymouth on March 20, 1591, they sailed for the West Indies and sought to make prizes, and had some desperate encounters. Eventually, on August 3d, they reached Wokokon, but were driven off by a storm. On Monday, the 9th, however, the weather being fair, they returned and anchored and went on shore, obtaining a supply of fresh water and catching great stores of fish. On the morning of the 12th they departed and toward night dropped anchor at the north end of Croatoan. The next morning they sounded the inlet there, and then, on August 15th, came to anchor at Hattorasck, seeing a great smoke on Roanoke Island. The next morning, after directing signal guns to be fired, to warn the colonists of their presence, they entered the inlet, but observing a great smoke toward the southwest, they did not proceed to land, but only to ascertain the situation. Returning to their vessels, the morning following they set off again; but on passing the bar one of the boats was upset, and seven of the crew, including the captain, the mate and the surgeon, were drowned, and the remaining men protested against proceeding further. Distressing, indeed, was the situation of White and unpropitious the outlook of a journey begun with such a calamity. But at length the men reluctantly yielded and the boats proceeded to the island, arriving after night, anchoring off the shore and sounding a trumpet call and familiar tunes to evoke a response. But all in vain. No answer came, although in the distance a firelight was seen. At break of day they landed and hastened to the fire, finding no sign of the English. Then pressing across the island, they skirted along its western shore until they came to the north point near where the settlement had been. There on the shore they found a tree on which had been cut the Roman letters, R. O. With despondent hearts they retreated to the place of encampment, and saw that the houses had been taken down to the ground, and that the high palisade of great trees, very like a fort, and of which was cut the word "Croatoan," but without the cross or sign of distress. The boats

were gone; the pieces of light ordnance had been taken away, only some of the heavier pieces remaining, and the fort was all grown up with grass and weeds, as if long since deserted. A trench in which White had buried his boxes had been opened and his maps and property scattered, and his armor lay on the ground, almost eaten through with rust. It was a scene of desolation. There was still a hope, yet it must have been but faint, that the colonists could be found at Croatoan. White had just sailed along that island and had anchored at its northern end and had beheld no sign of the presence of any English there. Returning to the inlet, it was, however, determined to go again to that island. But after they had weighed anchor, the design was relinquished; and one vessel returned to England, and the other ascended for the West Indies. From that time forward the English who settled in Virginia were known as Raleigh's Lost Colony. They were not forgotten, but were never discovered.

RALEIGH'S EFFORTS TO BELIEVE THE COLONY.

Greater enterprise now absorbed Raleigh, who had become one of the most heroic of that splendid company of heroes who brought lustre to the Elizabethan Age; but still, between 1587 and 1602, it is said that he sent out no less than five expeditions to seek his unfortunate company in Virginia. In 1602 he bought a ship, hired a crew, placed it under the command of Samuel Mace, who had twice before sailed for Virginia, and in March sent it forth to search for the colonists. Mace struck Virginia forty leagues southwest of Hattorasck, and spent a month trading with the Indians as he scoured along the coast; but without going to Croatoan or Hattorasck, he returned to Weymouth in August. Raleigh hastened there to meet him, and found in the same harbor another vessel, the *Swallow*, which had sailed from Virginia, but with which Raleigh had no communication. He proposed, however, to send them both away again, having saved the cost in the *Swallow* they brought, which he claimed because of his ownership of the land under his patent, no one having the right, he asserted, to trade in Virginia except by his license. The next year Richard Hakluyt, one of the grantees in the charter of the City of Raleigh, formally applied to Sir Walter for permission to sail to northern Virginia; but in the spring of that year, 1603, Elizabeth died, and before the summer had passed Raleigh was arrested for treason.

JAMESTOWN SETTLED—THE ROANOKE COLONY DISAPPEARS.

In the meantime the spirit of enterprise which had been stimulated by Raleigh's efforts at colonization had not cooled. Thomas Smith and a few other London merchants, in 1599, had laid the foundations of the *Jacobus* Company, whose object succeeded, in 1606, to the formation of another company, known as the Virginia Company, with two divisions, at the head of one division being Thomas Smith, now knighted, and other London merchants and gentlemen who had been associated with Raleigh in his enterprise; and on December 19, 1606, Christopher Newport set sail with one hundred and forty-three immigrants and, on May 13th, settled Jamestown. The next year New-

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port was directed to make an expedition to find Raleigh's Lost Colony.

THE FATE OF WHITE'S COLONISTS.

The colonists, warned by previous mishaps, certainly brought with them sufficient supplies to last until a crop would mature in the fall of 1688, and they did not neglect to begin their planting operations on his return. White found no sign of any planting on Roanoke Island, nor was there evidence of any conflict with the savages—no graves, no butchery. The dwellings had been taken down and removed, and the light ordnance had been carried away. The growth of weeds indicated that two seasons had passed since the removal, and apparently the spot had not been reworked by the colonists in many months.

On his departure for England, the avowed intention was for the colonists to settle fifty miles in the interior; and when he coasted along Ocracoke leisurely he observed no sign of their presence on the shore. Instead of establishing themselves on that barren sandbank, exposed to the attacks of the Spaniards, with no inviting streams, nor fertile fields, nor shady forests, they looked westward for a secure and agreeable location for their permanent settlement. Fifty miles would have brought them to the goodly highlands, on the left hand of the Chesapeake and Chowanook, where the Indians already had found comfortable abodes, according to Indian statements of different sources. The savages, therefore, comprehended themselves on what are now the pleasant bluffs of Beaufort County.

Several vessels were at different times despatched to search for them; but none of these entered the great sounds. At length, after James-town was settled, Newport in 1608 was specially directed to make an exploration to discover them. An expedition by water did not proceed far and was without result. A searching party by land penetrated to the territory of the Chowanooks and Manguaks, but did not find the colonists.

Smith in his "True Relation" (1608) repeats information derived from the king of the Pisphegh Indians, who resided above James-town, to the effect that there were men apparelled like himself at Ochanahoman, which seems to have been on the Nottoway; and that there were many at Panawickie, a region apparently between the Chowan and Roanoke rivers. Five years later, William Strachey, the secretary of the Jamestown colony, gave some account of the missing colonists derived from Macotumps, a friendly Indian of considerable intelligence, who had been to England and who came freely on board the Jamestown ship. At Pecosacamek and Ochanahoman, the Indians had been built with tobacco-walks, one story above another, having been taught by the English, who had the advantage at the time of the landing at Jamestown. And at Biancee there were preserved seven of the colonists, four men, two boys and a young maid, who having escaped, fled up the Chowan.

For more than twenty years the colonists were reported to have lived peaceably with the Indians and to have intermixed with them in their locality, beyond the territory of Powhatan; and then on the arrival of the colonists at Jamestown, Powhatan, persuaded by his bloody priests, procured their slaughter, he being present on the

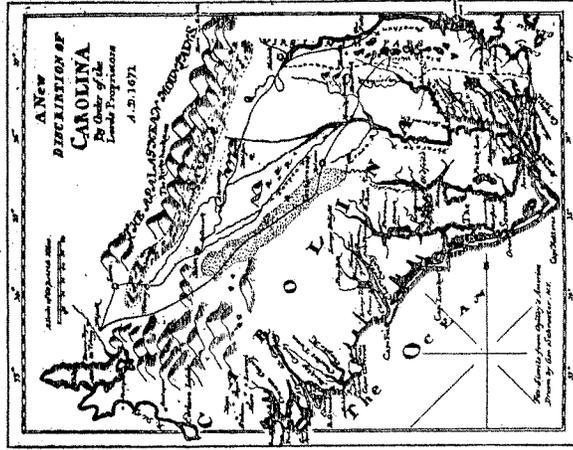
occasion. Some escaped, but none ever had communication with the Jamestown settlers.

Pecosacamek was apparently on the upper Pamlico, or Tar River; and perhaps a trace of English blood might be found in the aggressiveness and fierceness of the Indians of that region a century later.

THE FATE OF THE COLONISTS.

If others were reserved on the sandbanks, as they might well have been, escaping in their pinnace through the waters of the sound, a trace of them possibly came down to posterity through their intermixture with the Hatteras Indians. That small tribe had always been friendly with the whites; and as late as 1766, grey eyes were found among them and they cherished a friendship with the English because of their affinity, according to their own traditions. Yet there were other opportunities for an admixture of the races. Thirty-two men of Captain Raymond's company were among them twenty days before the arrival of Lane's colony, when following the same Captain Stedman's weekly marches, they remained until De la Torre came in, when he had been stationed there the next year to keep watch for the expected return of White, until all hope had expired. Other than these possible traces no memorial has ever been discovered of the existence of the Lost Colony, whose mournful fate, involved in mystery, has ever been a fruitful theme of song and story.

The twentieth of May, 1670, one Major Harris and myself, with twenty Christian horse and five Indians, marched from the falls of James River, in Virginia, towards the Monahim; and on the evening and twentieth were welcomed by them with many presents. Near this village we observed a pyramid of stones, and up together, which their priests told us, was the number of an Indian colony drawn out



Ogby's map of Carolina. From Barlow's History of North Carolina.

by lot from a neighbor country over-peopled, and led hither by one Monack, from whom they take the name of Monahim. Here inquiring the way to the mountains, an Indian man described, with a staff, two paths on the ground, one pointing to the *Melocka*, and the other to the *Nahyssens*.

EXHIBIT D.

NOTES OF LEDERER'S TRAVELS IN NORTH CAROLINA AND COMMENTS BY DR. HAWES.

Excerpted from Barlow's History of North Carolina, Vol. II.

No. VII.

EXTRACTS FROM THE DISCOVERIES OF JOHN LEDERER.

In three several Marches from Virginia to the west of Carolina, and other parts of the Carolina country, the following discoveries were made, and are here inserted, translated out of Latin from his discourse and writings, by Sir William Talbot Baronet. Printed in London, in 1672. [Reprinted from a copy in the author's library.]

John Lederer was a learned German, who lived in Virginia during the administration of Sir William Berkeley. Little was then known of the mountainous part of that State, or of what was beyond. Berkeley commissioned Lederer to make explorations, and accordingly he went upon three several expeditions. The first was from the head of York River due west to the Appalachian Mountains; the second was from the falls of James River west and southwest, and brought him into North Carolina, through several of the counties of which he travelled; the third was from the falls of the Rappahannock, westward, to the mountains.

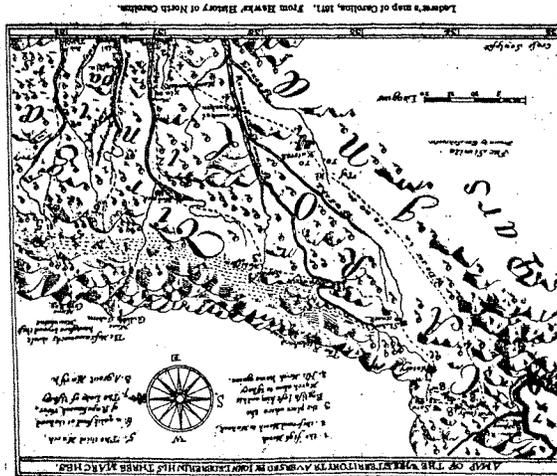
Certain Englishmen were appointed by Berkeley to accompany him; these, however, forsook him and turned back. Lederer proceeded, notwithstanding, and on his return to Virginia (which, by the way, he did not expect) he was met with a cordial welcome, instead of the cordial welcome to which he was entitled. For this he was indebted to his English companions who had forsaken him; and so active were they in creating a prejudice against him, that he was not safe among the people of Virginia, who had been told that the public taxes of that year had all been expended in his wanderings.

Under these circumstances he went into Maryland, and there succeeded finally in obtaining a hearing from the governor, Sir William Talbot, and in submitting his papers to him. The governor, though at first much prejudiced against the man by the stories he had heard, yet found him, as he says, a modest, ingenious person, and a pretty scholar; and Lederer vindicated himself "with so convincing proofs and arguments, that he soon says, that he quite removed all unfavorable impressions; and the governor himself took the pains to translate from the Latin and publish Lederer's account of his journeyings.

A map of his explorations accompanies Talbot's translation, and by the aid of that we have endeavored to trace, as well as we could, the German's wanderings within the present boundaries of North Carolina.]

90 INDIANS OF NORTH CAROLINA.

[The Maboche, from Lederer's map, would appear to have been lying near the dividing line of Nelson and Albemarle counties, at the junction of the Roanoke with the Meherrin River. The locality of the Maboche appears, from Horner's History of Carolina (1837), not also, from Ogilby's, to have been west of the Maboche, between them and the first range of the mountains.]

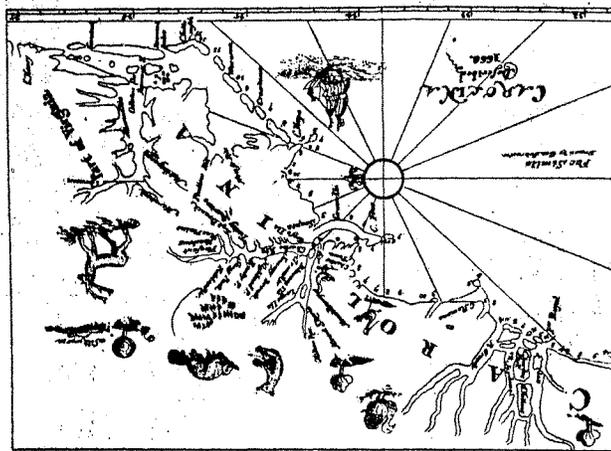


But my English companions, sighting the Indian's direction, shaped their course by the compass due west, and therefore, it fell out with us, as it does with those land-crawls that, crawling backwards in a direct line, avoid not the trees that stand in their way, but climbing over their very tops come down again on the other side, and so, after a day's labor, gain not above two feet of ground. Thus we, obstinately pursuing a due west course, rode over steep and craggy cliffs

91 INDIANS OF NORTH CAROLINA.

which beat our horses quite off the hood. In these mountains we wandered from the 25th of May till the 3d of June, finding very little subsistence for man or horse, for these places are destitute both of grain and hay.

The third June we came to the south branch of James River, which Major Harris, observing to run northwardly, vainly imagined



to be an arm of the Lake of Canada, and was so transported with this fancy that he would have raised a pillar to the discovery if the fear of the Maboche Indian and his flock had permitted him to stay. Here I moved so that he and I should march on; but the rest of the company were so weary of the enterprise, that, crying out, one and all,

they would have offered violence to me, had I not been provided with a private commission from the Governor of Virginia to proceed, though the rest of the company should abandon me—the sight of which laid their fury. *Akonchuck*, now being impassable, being both steep and rocky, and the rocks seemed to me, at a distance, to resemble eggs and to egg.

James River is here as broad as it is about a hundred miles lower, at Monakin; the passage over it is very dangerous by reason of the rapid torrents made by rocks and shales forcing the water into narrow channels. From an observation which we made of straws and rotten chunks hanging in the boughs of trees on the bank, and two-and-twenty feet above water, we argued that the melted snow falling from the mountains swelled the river to that height, the flood carrying down that rubbish which, upon the abatement of the inundation, remained in the trees.

The air in these parts was so moist that all our biscuits became mouldy and unfit to be eaten, so that some nice stomachs, who, at our setting out, laughed at my provision of Indian-meal parched, could hardly now bear the same food, but I being determined to march, we were obliged to eat it, part with any of that which was to be my most necessary sustenance.

The fifth of June, my company and I parted, good friends, they back again, and I, with one Susquehanna Indian, named Jacksterson, only, in pursuit of my first enterprise, changing my course from west to southwest and by south to avoid the mountains. Major Harris, in parting, gave me a gun, believing me a lost man, and given up as a prey to Indians or savage beasts, which made him the bolder to report strange things in his own press and my disparagement, presuming I would never appear to deprive him. This, I suppose, and no other, was the cause that he did with so much industry procure me discredit and odium; but I have lost nothing by it but what I never studied to gain, which is popular applause.

After our setting out on Sunday the ninth of June, I travelled through difficult ways, without seeing a town or Indian, and then I arrived at Sayon, a town of the Nabsyans, about a hundred miles distant from Mahock, situate upon a branch of Staunton, alias *Evernock* River.

[By *Staunton*, Lederer means Chowan, which he here confounds with Roanoke. On Morden's map (1687), and on Ogilby's (1671), the Chowan is called *Rokakak*, while the Moratoc or Roanoke is called *Norwata*. The Staunton and the Dan form the latter river, and it was probably on some of the tributaries of the first-named stream he struck, perhaps on the Staunton itself, just before its junction with the Dan. He had changed his course, as he tells us, to S. W. by S., to avoid the mountains, and the only streams to which this course would bring him are the Staunton and its northern tributaries.]

And though I had just cause to fear these Indians, because they had been in continual hostility with the Christians for the year before, yet presuming that the truck which I carried with me would procure

¹ This word is very generally used in the South, and means sometimes the end of small open, partly barbed, and then unbarbed, steel or cotton, as in this case, broad fragments of flintstone and iron flint and brass.

my welcome, I adventured to put myself into their power, having heard that they never offer any injury to a few persons, from whom they apprehend no danger; nevertheless they examined me strictly, whence I came, whether I went, and what my business was. But after I had bestowed some trifles of glass and metal amongst them, they were satisfied with reasonable answers, and I received with all imaginable demonstrations of kindness, as offering of tobacco, a compliment staved only so soon as they thought proper to bestow, but they were kind, anxious, and obliging, whether they should act in this, or that, or another manner, and whether they should among them by a marriage with the king's or some of their great men's daughters. But I, though with much ado, waived their country, and got my passport, having given my word to return to them within six months.

Sayon is within the limits of the province of Carolina, and as you may perceive by the figure, has all the attributes requisite to a pleasant and advantageous seat; for, though it stands high and upon a dry land, it enjoys the benefit of a stately river and a rich soil, capable of producing many commodities, which may hereafter render the trade of it considerable.

[We must here remember that the dividing line between the present States of Virginia and Carolina was not then established, as is now recognized. From Lederer's map, it appears that all that part of Virginia lying south of the Roanoke River, and that all that part of the Carolina which is now considered by him as part of Carolina, and is so designated on his map. Sayon, however, would appear from his map to have been in North Carolina, or just beyond the present boundary, in Virginia. Morden places it just south of the dividing line, in Carolina, on the upper waters of what we call the Roanoke. It was the chief town of the Nabsyans.]

Not far distant from hence, as I understood from the Nabsyans Indians, is their king's residence, called *Panibake*, upon the same river, and happy in the same advantages both for pleasure and profit, which my curiosity would have led me to see, were I not bound, both by oath and commission, to a direct pursuit of my intended purpose of discovering a passage to the further seat of the mountains. The nation is governed by an absolute monarch, the people are in their little temples or cottages, which they had won, amongst other spoils, from the Indians of Florida, and hold in as great esteem as we do.

From hence, by the Indians' instructions, I directed my course to *Akonazy*, an island bearing south and by west, and about fifty miles distant, upon a branch of the same river, from Sayon.

[This island *Akonazy*, is possibly what is found on Lawson's map of 1709, under the name of *Akonche*, in the Roanoke River.]

The country here, though high, is level, and for the most part a rich soil, as I judged by the growth of the trees; yet where it is inhabited by Indians it lies open in spacious plains, and is blessed with a very beautiful air, as appears by the age and vigor of the people; and I travelled in the month of June, the heat of the weather hindered me not from riding six all hours, without any great amendment upon the sun. By my early journey I landed at *Akonche*, upon the beach at June. The current of the river is here so strong that my

those had much difficulty to resist it, and I expected every step to be carried away with the stream.

This island, though small, maintains many inhabitants, who are fixed here in great security, being naturally fortified with fastnesses of mountains, and water on every side. Upon the north shore they yearly reap great crops of corn, of which they always have a twelve-month's provision storehand, against an invasion from their powerful neighbors. Their government is under two kings, one residing in arms, the other in hunting and husbandry. They are all Christians, except their wives, in common, if the rest and he that makes the entertainment is seated beside the two kings when, having highly commended his own cheer, they carve and distribute it among the guests.

At my arrival here I met four stranger Indians, whose bodies were painted in various colors with figures of animals whose likeness I had never seen; and by some discourse and signs which passed between us, I gathered that they were the only survivors of fifty who set out together in company from some great island, as I conjecture, to the northwest; for I understood that they crossed a great water, in which most of their party perished by tempest, the rest dying in the marshes and mountains by famine and hard weather, after a two months' travel by land and water in quest of the island of *Akenady*.

The most reasonable conjecture that I can make out of the relation is, that these Indians might come from the island of *N. O. A. O.*, or *California*, from whence they were some great way off, or that they might have straggled into the continent towards the *Apalachen* Mountains, in the nature of a midland sea, in which many of these Indians might have perished. To confirm my opinion in this point, I have heard several Indians testify that the nation of *Rickokockans*, who dwell not far to the westward of the *Apalachen* Mountains, are seated upon a land, as they term it, of great waves—by which, I suppose, they mean the sea-shore.

However reasonable this conjecture may have appeared at the time to Lederer, with such geographical knowledge as was then possessed, we think, if we mistake not the locality in which the German then was, a much more reasonable supposition can be formed by us at this day. He was on an island in the *Roanoke* River, and we think, in that part of the river farthest from *Hatteras* Bay, the same county. The four Indians had probably come from the northwest or east, and their whole journey had occupied a space of time much shorter for a travel from any great body of water to the west than the *Sea*; for their whole journey had occupied a space of time as a great body of water to the northwest, it must have been from the borders of the great lakes, which, we think, was the land of the *Rickokockans*, whom he mentions in the next paragraph as *divided* from these four Indians. He entertained, it will be observed, an opinion very common at that day, that the Gulf of Mexico extended northwardly into the continent much further than it does, and he had a very imperfect conception of the entire breadth of the continent.]

The next day after my arrival at *Akenady*, a *Rickokocken* ambassador, attended by five Indians whose faces were colored with cur-

received, and that night invited to a ball of their fashion, but in the height of their mirth and dancing, by a smoke contrived for that purpose, the room was suddenly darkened, and for what cause I know not, the *Rickokocken* and his retinue harkensly murdered. This struck me with such an astonishment, that the next day, without thinking myself obliged to inform myself with my Indian com- panies, I set out on the 10th of following myself further concerning some minerals as *serpentina*, &c. which I there took especial notice of, would have persuaded me to stay longer among them, had not the bloody example of their treachery to the *Rickokockans* frightened me away.

The fourteenth of June, pursuing a south southwest course, sometimes by a beaten path and sometimes over hills and rocks, I was forced to take up my quarters in the woods, for though the *Oenock* Indians, whom I then sought, were not, in a direct line, above thirty odd miles distant from *Akenady*, yet the ways were such, and obliged me to go so far about, that I reached not *Oenock* until the sixteenth. [We are not without knowledge of the locality of the *Oenocks*. They were in the present county of *Berrie*, on the western side of the *Roanoke* River, about the middle of the century, as is seen in the *Journal* of *John* *Smith*, vol. 1, p. 119.]

Down from *Northampton*, on the eastern side of the *Roanoke* into *Berrie*, towards the middle of the century, by the industry of these Indians, is very open and clear of wood. Their town is built round a field, where, in their sports, they exercise with so much labor and violence and in so great numbers, that I have seen the ground wet with the sweat that dropped from their bodies. Their chief recreation is slinging of stones.

Fourteen miles west-southwest of the *Oenocks* dwell the *Shertory* Indians, upon a rich soil, and yet abounding in antimony, of which they showed me considerable quantities. Finding them agree with the *Oenocks* in customs and manners, I made no stay there, but passing through their town I travelled till the nineteenth of June, and then, after a two days' troublesome journey through dickets and marsh-grounds, I arrived at *Wahery*, above forty miles distant, and bearing west-southwest to *Shertory*.

I departed from *Wahery* on the 21st and 22nd of June, and keeping the way more level and easy. I did likewise, to my no small admiration, find hard cakes of white salt among them; but whether they were made of sea-water or taken out of salt-pits I know not, but am apt to believe the latter, because the sea is so remote from them.

From *Sara* I kept a south-southwest course until the five and twentieth of June, and then I reached *Wahocky*. This three days' march was more troublesome to me than all my travels besides, for the direct way which I took from *Sara* to *Wahocky* is over a continued marsh overgrown with reeds, from whose roots spring knotty stumps, as hard and sharp as flint. I was forced to lead my horse most part of the way, and wonder that he was not either plunged in the bogs or lamed by those rugged knobs.

This nation is subject to a neighbor being residing upon the bank of a great lake called *Ushery*, environed of all sides with mountains and *Wahocky* mountains. The 26th and 27th of June, having crossed a fresh river which runs into the lake of *Ushery*, I came to the town, which was more

ferred to. He is in error, however, as to the distance of the bearded man from the Indians. It was more than a journey of two days and a half.

Not thinking fit to proceed further, the eight-and-twentieth of June I faced about and looked towards the west. We were then about thirty miles from the mouth of the Roanoke, and after three days' travel over hilly and uneven ground, I found myself with no path or road. I fell into a barren, sandy desert, where I suffered miserably for want of water—the best of the summer having drunk all the springs dry, and left no sign of any, but not finding a standing pool, which provident nature set round with shady oaks, to defend it from the ardor of the sun, my Indian companion, horse, and self had certainly perished with thirst. In this distress we travelled till the twelfth of July, and then found the head of a river, which afterwards proved *Erason*; in which we received, not only the comfort of a necessary and seasonable refreshment, but likewise the hopes of coming into a country again, where we might find game for food at least, if not discover some new nation or people. Nor did our hopes fail us; for after we had crossed the river Erason, we were led by it, upon the fourteenth of July, to the mouth of another, a place of great Indian trade and commerce, called *Katawissa*, vulgarly called *Watawissa*. This I met upon my first appearance, demanded my gun and things, which I willingly parted with to ransom myself out of his clutches; for he was the most proud, imperious barbarian that I met with in all my marches. The people here at this time seemed prepared for some extraordinary solemnity; for the men and the women of better sort had decked themselves very fine with pieces of bright copper in their hair and ears and about their arms and necks, which upon festival occasions they use as an extraordinary bravery; by which it would seem this country is not without rich mines of copper. But I durst not stay to inform myself in it, being jealous of some sudden mischief towards me from *Asarewa*, his nature being bloody and provoked upon any slight occasion.

Therefore, leaving *Asarewa*, I layed through the woods until the sixteenth of July, came to a place called *Katawissa*, an Indian town upon a branch of the *Roanoke* River, which here I passed over, continuing my journey to *Mecherick*, and on the seventeenth departing from thence, I lay all night in the woods, and the next morning betimes going by *Motoway*, I reached that evening *Apamattuck*, in Virginia, where I was not a little overjoyed to see Christian faces again.

[From Lederer's account, the conjecture that seems most probable is, that taking a course southwest and by south from the falls of James River, he came upon the Roanoke in North Carolina, and crossed it at the island which he calls *Alkenady*, if he crossed it at all. This island is between Halifax and Northampton, I apprehend. His wandering then took him into some of those counties where our swamp lands are most abundant, and he certainly was in Berne, from which, pursuing a northeast course, he returned to Virginia, and crossing the *Nottoway*, proceeded to the *Appomattox*, which he failed to do the junction with the James, where the distance he great, as observed by me, after extracting into North Carolina, and his wandering in our State some two hundred miles; and as he was among

PLATE.—A. Doc. 871, 63-4.—1

populous than any I had seen before in my march. The king dwells some three miles from it, and therefore I had no opportunity of seeing him the two nights which I stayed there. This prince, though his dominions are large and populous, is in continual fear of the *Ouseak* Indians, settled on the opposite side of the lake, a people so addicted to arms that they never cease coming into the field and beating away their husbands' shoulders, who shield them with their targets.

The waters of *Uskery* Lake seemed to my taste a little brackish, which I rather impute to some mineral waters which flow into it, than to any saltness it can take from the sea, which we may reasonably suppose is a great way from it. Many pleasant rivulets fall into it, and it is stored with great plenty of excellent fish. I judged it to be about ten leagues broad, for we met the other shore very high it could not be discerned from *Uskery*. How far this lake tends westwardly, or where it ends, I could neither learn nor guess.

[It is difficult to determine what lake it is that Lederer calls *Uskery*; it was, however, in the midst of extensive swampy lands, or, as he terms them, marsh. We have such lands in Bertie, Martin, Beaufort, Washington, Tyrrel, and Hyde counties, and particularly in the three last named. Where such lands, reclaimed, form some of the best of our soil, and are the most fertile in the region of swampy lands.] The only lakes, however, of much note are the *Phelps* and *Mattamuskeet* Lakes. If he were on the eastern side of the *Roanoke*, he could not have reached these without crossing the river, and yet his itinerary mentions no such crossing. Neither are we aided by the name he gives to the Indians on the opposite side of the lake: we know of no tribe called *Ouseak* Indians. The nearest approach to it is *Neuseak*, on the waters of Neuse, and not on any lake. If, when he left the island *Alkenady* in the *Roanoke*, he crossed to the western bank of the river, he might have found swampy lands in Martin, Beaufort, and Washington counties, supposing him to have been wandering towards *Hyde*; but how then would he have passed through the region of the *Ouseak*, which was certainly in that part of the country? The *Indie* lake referred to, was not called *Uskery* by the natives. The *Indie* lake we reach, which I suppose Lake *Phelps* to be meant, how shall we reconcile such a conjecture with the size he gives? Lake *Phelps*, we think is not thirty miles broad. We believe him to have been somewhere in the region of marshy lands we have named; but as to Lake *Uskery*, we freely confess we cannot fix its locality. Col. Byrd says that the Indians living on the *Santee* River were called the *Usheries*.

Here I made a day's stay to inform myself further in these counties; and understood both from the *Usheries* and some *Sore* Indians that came to trade with them, that two days' journey and a half from hence to the southwest, a powerful nation of bearded men were seated, which I suppose to be the *Spartans*, because the Indians never have any, it being a universal custom among them to prevent the growth by plucking the young out by the root.

[I have seen several of these men, and I am certain, as I am correct in supposing the bearded men to be *Spartans*, that they date their settlement of Englishmen that would never have been there, had their given. The settlers on the Cape Fear from *Bartholomew* commenced their colony in 1664, and these may have been the bearded men re-

the *Okechobe* and *Tarpon*, he was certainly in *Bertie*. He, however, was not the first European who had seen that land. Eighty-five years before, the hardy adventures under *Lease* had placed their feet upon it, though their inland explorations were much less extensive than those of *Ledner*. It is proper, however, to add, that from the localities he names, as they appear on Ogilby's map (1671), which we embjoin to this account, his wanderings would appear to have been much more extensive than we have made them. *Wahry*, *Sore*, *Wesack*, and *Ugary* would all appear to have been in South Carolina, the last directly west of Charleston. If he made this journey, then entering the State somewhere in Warren county, he must have crossed it in a southwestern line, and passing through Robeson county into South Carolina, must have traversed that State also in its entire width. We cannot believe this. The time occupied would not have been sufficient for it. *Ledner's* itinerary presents difficulties which we cannot attempt to solve, all on that of Ogilby, both of which we submit the reader will perceive a river named *Tarpon*. This is erroneously made to empty into the *Roanoke*. A comparison of its position with other localities shows it to have been what is commonly, though improperly, called the *Tar* River. Its name is not *Tar*, though *Col. Eyrd* called it by that name more than one hundred years ago. Others have supposed its original Indian name to be *Taw* or *Tec*, which *Williamson*, with his customary dogmatism, ignorantly states meant "Health." It never had such a meaning in any dialect of the Algonquin or Iroquois that we have met with—and these were the two mother languages of the Indians of the eastern side of North Carolina—nor was there any such Indian word, as far as we can discover; though such Indian words, as *Taw*, *Tec*, *Taw*, *Tec*, are found in the vocabularies of Indian words according to the known orthography of our Indian tongues. But the river was, notwithstanding, called *Taw*, for we find (as I am informed by a friend) that name applied in a patent of 1729. *Wheeler*, *Simms*, *Emmons*, and *Cook*, all modern authorities, repudiating "Tar," call it "Tan." Mr. Clark thinks that, from analogy, it should be written *Taw*, and cites the names *How*, *Catawba*, *Chickasaw*, *Chocoway*, where the syllable terminates with *w*. But the fact is, that in the orthography of Indian names and words, it is important to know to what country the individual belonged who first wrote them down for the eye of civilized man; otherwise the pronunciation may be mistaken. For ourselves, while we are quite sure the river's true name never was *Tar*, we doubt whether it is *Taw* or *Tec*. We are not, however, able to determine, as yet, the Indian languages, and especially in the case of *Taw*, where we are almost invariably compounded. Its Indian name was *Tarpon*, and we think it should be so called now. *Taw* is but a corruption of the first syllable *Tar*. We have tried in vain to discover the meaning of the compound *Tar-poo*.]

H. T. Clark, Esq., of Edgemont.

XEBERT E.

LAWSON'S HISTORY OF CAROLINA.

The History of Carolina, containing the exact Description and natural History of that Province, as well as the true and exact Account of the several Nations of Indians, giving a particular Account of their Customs, Manners, &c. By John Lawson, Gent. Surveyor-General of North Carolina, who lived there for 11 Years, At the Black-Boy in Falmouth Street, 1733. Price bound five shillings.

To His Excellency WILLIAM Lord CHAYER, Palatine; The most Noble, the Right Duke of BRANFORTH; The Right Hon^{ble} James Lord CARTERET; The Hon^{ble} MATTHEW ASHLEY, Esq; Sir JOHN COLLIER, Baronet; JOHN DANSON, Esq; And the rest of the True and Absolute Lords-Proprietors of the Province of Carolina in America.

MY LORDS, As Debts of Gratitude ought most punctually to be paid, so, where the Debtor is incapable of Payment, Acknowledgements ought, at least, to be made. I cannot, in the least, pretend to retaliate *Your Lordships* Favours to me, but must farther intrude on that Goodness of which I have already had so good Experience, by laying these Sheets at *Your Lordships* feet, where they beg Protection, as having nothing to recommend themselves, but Truth; a Gift that I have already receiv'd from *Your Lordships* if I will. I have receiv'd *Your Lordships* with a Description of your own Country for the most part, in her Natural Dress, and therefore less vitiated with Fraud and Luxury. A Country, whose Inhabitants may enjoy a Life of the greatest Ease and Satisfaction, and pass away their Hours in solid Contentment.

These Charms of Liberty and Right, the Darlings of an English Nature, which *Your Lordships* grant and maintain, make you appear Noble Patrons in the Eyes of all Men, and we a happy People in a Foreign Country; which nothing less than Ingratitude and Baseless can make us disdain.

As Heaven has been liberal in its Gifts, so are *Your Lordships* favourable Patrons of whatever may make us a happy People; and I hope that *Your Lordships* will be pleas'd to be pleas'd by, and that I and they may have your acknowledg'd such Favours, by bestowing them on every Principle which renders Men virtuous and useful, which is the hearty Prayer of,
 My LORDS, *Your Lordships* most obliged, most humble, and most devoted Servant,
 JOHN LAWSON.

PREFACE.

THIS is a great Misfortune, that most of our Travellers, who go to this vast Continent in America, are Persons of the meaner Sort, and generally of a very slender Education; who being hir'd by the Merchants, to trade amongst the Indians, as which Language they often speak several Years, are yet, at their Return, surpris'd by giving any reasonable Account of

what they met withal in those remote Parts; tho' the Country abounds with Curiosities worthy a nice Observation. In this Point, I think, the French outstrip us.

First, By their Numerous Clergy, their Missionaries being obedient to their Superiors in the highest Degree, and that Obedience being one great Article of their Vow, and strictly observ'd amongst all their Orders.

Secondly, They always send abroad some of their Gentlemen in Company of the Missionaries, who, upon their Arrival, are order'd out into the Wilderness, to make Discoveries, and to acquaint themselves with the Savages of America; and are oblig'd to keep a strict Journal of all the Passages they meet withal, in order to present the same not only to their Governors and Fathers, but likewise to their Friends and Relations in France; which is industriously spread about that Kingdom, to their Advantage. For their Monarch being a very good Judge of Mens Deserts, does not often let Money or Interest make men of Parts give Place to others of less Worth. This breeds an Honourable Emulation amongst them, to outdo one another, even in Fatigues, and Dangers whereby they gain a good Correspondence with the Indians, and acquaint themselves with their Speech and Customs; and so make considerable Discoveries in a short time. Witness, their Journals from Canada, to the Mississipi, and its several Branches, where they have effected great Matters, in a few Years.

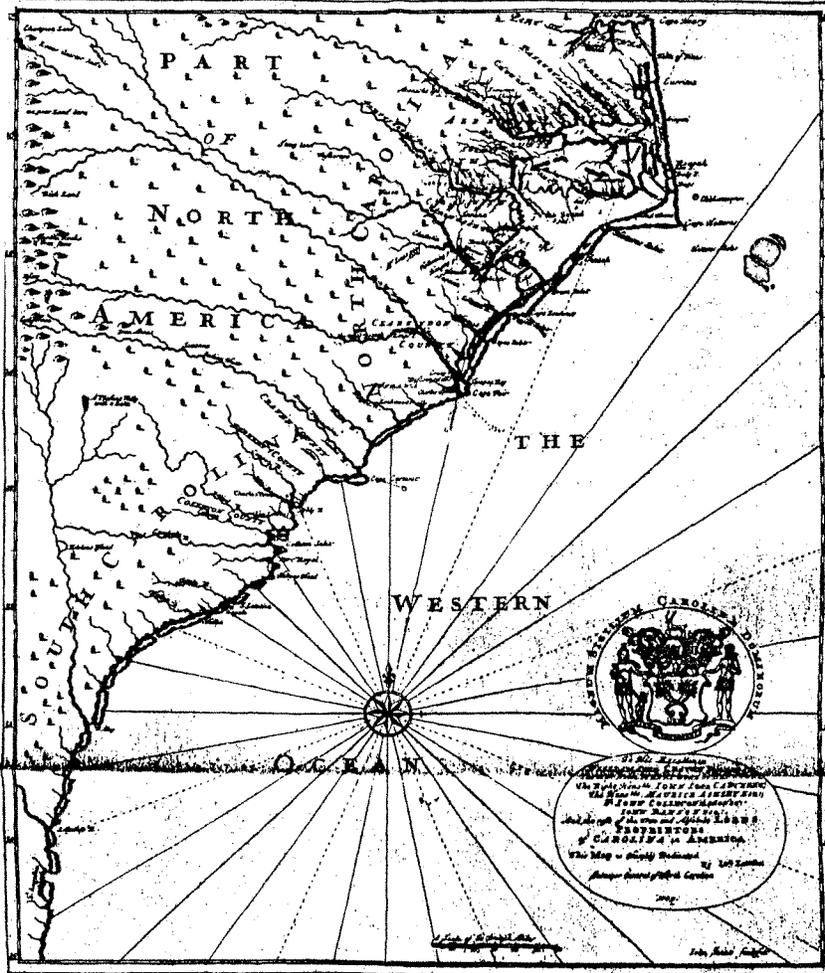
Having spent most of my time, during my eight Years Abode in Carolina, in travelling; I not only survey'd the Sea-Coast and those Parts which are already inhabited by the Christians, but likewise view'd a spacious Tract of Land, lying betwixt the Inhabitants and the Ledges of Mountains, from whence our noblest Rivers have their Rise, running towards the Ocean, where they water as pleasant a Country as any in Europe; the Discovery of which being never yet made publick, I have, in the following Sheets, given you a faithful Account thereof, wherein I have laid down every thing with Impartiality, and Truth, which is indeed, the Duty of every Author, and preferable to a smooth stile, accompany'd with Falsities and Hyperboles.

Great Part of this pleasant and healthful Country is inhabited by none but Savages, who covet a Christian Neighborhood, for the Advantage of Trade, and enjoy all the Comforts of Life, free from Care and Want.

But not to amuse my Readers any longer with the Encomium of Carolina, I refer 'em to my Journal, and other more particular Description of that Country and its Inhabitants, which they will find after the Natural History thereof, in which I have been very exact, and for Method's sake, rang'd each Species under its distinct and proper Head.

Friday.—The next day, we were preparing for our Voyage, and baked some Bread to take along with us. Our Landlord was King of the Kadapau Indians, and always kept two or three trading Girls in his Cabin. Offering one of these to some of our Company, who refused his Kindness, his Majesty flew into a violent Passion, to be thus slighted, telling the Englishmen, they were good for nothing. Our old Gamester, particularly, hung his Ears at the Proposal, having too lately been a Loser by that sort of Merchandise. It was observable, that we did not see one Partridge from the Waterrees to this place, tho' my Spaniel-Bitch, which I had with me in this Voyage, had put up a great many before.

S. Doc. 677, 65-3.



LAWSON'S MAP OF THE CAROLINAS.

Saturday.—On *Saturday* Morning, we all set out for *Sapona*, killing, in these Creeks, several Ducks of a strange Kind, having a red Circle about their Eyes, like some Pigeons that I have seen, a Top-knot reaching from the Crown of their Heads, almost to the middle of their Backs, and abundance of Feathers of pretty Shades and Colours. They prov'd excellent Meat. Likewise, here is good store of Woodcocks, not so big as those in *England*, the Feathers of the Breast being of a Carnation-Colour, exceeding ours for Delicacy of Food. The Marble here is of different Colours, some or other of the Rocks representing most Mixtures, but chiefly the white having black and blue Veins in it, and some that are red. This day, we met with seven heaps of Stones, being the Monuments of seven *Indians*, that were slain in that place by the *S'nagers*, or *Troquois*. Our *Indian* Guide added a Stone to each heap. We took up our Lodgings near a Brook-side, where the *Virginia* Man's Horses got away; and went back to the *Kadapau's*.

Sunday.—This day, one of our Company, with a *Sapona Indian*, who attended *Stewart*, went back for the Horses. In the mean time, we went to shoot Pigeons, which were so numerous in these Parts, that you might see many Millions in a Flock; they sometimes split off the Limbs of stout Oaks, and other Trees, upon which they roost o' Nights. You may find several *Indian* Towns, of not above 17 Houses, that have more than 100 Gallons of Pigeons Oil, or Fat; they using it with Pulse, or Bread, as we do Butter, and making the Ground as white as a sheet with their Dung. The *Indians* take a Light, and go among them in the Night, and bring away some thousands, killing them with long Poles, as they roost in the Trees. At this time of the Year, the Flocks, as they pass by, in great measure, obstruct the Light of the day.

Monday.—On *Monday*, we went about 25 Miles, travelling through a pleasant dry Country, and took up our Lodgings by a Hillside, that was one entire Rock, out of which gush'd out pleasant Fountains of well-tasted Water.

Tuesday.—The next day, still passing along such Land as we had done for many days before, which was, Hills and Vallies, about 10 a Clock we reach'd the Top of one of these Mountains, which yielded us a fine Prospect of a very level Country, holding so, on all sides, farther than we could discern. When we came to travel through it, we found it very stiff and rich, being a sort of Marl. This Valley afforded as large Timber as any I ever met withal, especially of Chesnut Oaks, which render it an excellent Country for raising great Herds of Swine. Indeed, were it cultivated, we might have good hopes of as pleasant and fertile a Valley, as any our *English* in *America* can afford. At Night, we lay by a swift Current, where we saw plenty of Turkeys, but perch'd upon such lofty Oaks, that our Guns would not kill them, tho' we shot very often, and our Guns were very good. Some of our Company shot several times, at one Turkey, before he would fly away, the Pieces being loaded with large Goose-shot.

Wednesday.—Next Morning, we got our Breakfast; roasted Acorns being one of the Dishes. The *Indians* beat them into Meal, and thicken their Venison-Broth with them; and oftentimes make a palatable Sopp. They are used instead of Bread, boiling them till the Oil swims on the top of the Water, which they preserve for use,

The *Soponos* had (about 10 days before we came thither) taken five prisoners of the *Sinagers* or *Jenatos*, a Sort of People that live several thousands of Miles, making all they they say their Hands on. These are fear'd by all the *Indians* there are among the *Western* *Indians* and being the *Indians* they are all for to kill, and these *Captives* they did intend to burn, few before the *War* ensuing that Punishment. The *Fires* of *Pitch* being got ready, and a *Post* appointed, which is solemnly kept at the time of their acting this *Tragedy*, the *Sufferer* has his *Body* stuck thick with *Light* *Wood* *Spinnakers*, which are lighted like so many *Candles*, the *torrid* *Person* dancing round a *Great* *Fire*, till his *Strength* fails, and disables him from making them any farther *Pastime*. Most commonly, these *Wretches* behave themselves (in the *Midst* of their *Tortures*) with a *great* deal of *Bravery* and *Resolution*, esteeming it *Satisfaction* enough, to be assur'd, that the same *Fate* will befall some of their *Torturers*, whensoever they fall into the *Hands* of their *Nation*. More of this you will have in the other *Sheets*.

The *Toleros*, a neighbouring *Nation*, came down from the *Westward* *Mountains*, to the *Soponos*, desiring them, to give them back their *Prisoners* into their *Hands*, to the intent of making to them back into their *own* *Nation*, being bound in *Guiz* to his *scissible* *State* of the *Toleros* *Prisoners*, and done them no *Harm*, but treated them civilly whilst among them, sending them, with *Safety*, back to their *own* *People*, and affirming, that it would be the best *Method* to preserve *Peace* on all *Sides*. At that time these *Toleros*, *Soponos*, and the *Kpouwozes*, 3 small *Nations*, were going to live together, by which they thought they should strengthen themselves, and become formidable to their *Enemies*. The *Reasons* offer'd by the *Toleros* being heard, the *Soponos* King, with the *Consent* of his *Counsellors*, deliver'd the *Sinagers* up to the *Toleros*, to conduct them home.

Friday Morning, the old King having shew'd us 2 of his *Horses*, that were as fat, as if they had belong'd to the *Dutch* *Troopers*, left us, and went to look after his *Beaver* *Traps*, there being abundance of these *amphibious* *Animals* in this *River*; and the *Country* adjoining the *River* with the *Peacefulness* of the *Peasants* we walk'd along the *River* side, a *Branch* there being several such *Plots* of *Ground* surround'd with this *Silver* *Stream*, which are fit *Pastures* for *Sheep*, and free from any *offensive* *Vermin*. Nor can any thing be desired by a *contented* *Mind*, as to a *pleasant* *Situation*, but what may here be found; Every *Step* presenting some new *Object*, which will add *Invitation* to the *Traveller* in these *Parts*. Our *Indian* *King* and his *Wife* entertain'd us very respectfully.

Saturday, Jan. 31.—On Saturday, the *Indians* brought in some *Swans*, and *Geese*, which we had our *Share* of. One of their *Doctors* took me to his *Cabin*, and shew'd me a *great* *Quantity* of medicinal *Drugs*, the *Produce* of those *Parts*; Relating their *Qualities* as to the *Emunctories* they work'd by, and what *great* *Maladies* he had heal'd by them. This *Evening*, came to us the *Horses*, with the *Remainder* of their *Load*. Their *Indian* *Guide*, twin was a *Youth* of this *Nation*.

eating the *Acorns* with *Flesh* *meat*. We travell'd, this day, about 25 *Miles*, over *pleasant* *Savanna* *Ground*, high, and dry, having very few *Trees* upon it, and those standing at a *great* *distance*. The *Land* was very good, and free from *Grubs* or *Underwood*. A *Man* near *Sopona* may more easily clear 10 *Acres* of *Ground*, than in some places he can one; there being much loose *Stone* upon the *Land*, lying very convenient for making of dry *Walks*, or any other sort of *Works*, (navigable for small *Craft*) (ingraving themselves into the main *Creeds*, that vent themselves into *Geese*. These *Creeds* are well stored with *smutty* *sorts* of *Grubs*, and *Peas*, and are very convenient for the *Indians* to eat, what *Commodities* this *Place* affords.

This *Night*, we had a *great* deal of *Rain*, with *Thunder* and *Lightning*. *Thursday*.—Next Morning it proving delicate *Weather*, three of us separated ourselves from the *Horses*, and the rest of the *Company*, and went directly for *Sopona* *Town*. That day, we pass'd through a *delicious* *Country*, (none that I ever saw exceeds it). We saw fine bladed *Grass*, six *Foot* high, along the *Banks* of these *pleasant* *Rivulets*: We pass'd by the *Sepulchres* of several *Indian* *Princes*. Coming, that day, about 30 *Miles*, we reach'd the *fertile* and *pleasant* *Banks* of *Sopona* *River*, whereon stands the *Indian* *Town* and *Fort*. Nor could all *Europe* afford a *pleasanter* *Stream*, were it inhabited by *Christians*, and cultivated by *ingenious* *Hands*. These *Indians* live in a *clear* *Field*, about a *Mill* *square*, which they would have sold us, because I talk'd of sometimes of coming into these *Parts* to live. This *most* *pleasant* *river* may be seen being broader than the *Indians* are conversing on the *bright* *Marble* *Rocks*. It is intersected with a numerous *Train* of *Swans* and other *sorts* of *Water* *Fowl*, not common, though extraordinary *pleasing* to the *Eye*. The *forward* *Spring* welcom'd us with her *innumerable* *Train* of small *Choristers*, which inhabit these *fair* *Banks*; the *Hills* redoubling, and adding *Sweetness* to their *melodious* *Tunes* by their shrill *Echoes*. One side of the *River* is hemm'd in with *mountainy* *Ground*, the other side proving as rich a *Soil* to the *Eye* of a *knowing* *Person* with us, as any this *Western* *World* can afford. We took up our *Quarters* at the *King's* *Cabin*, who was a *good* *Friend* to the *English*, and had lost one of his *Eyes* in their *Vindication*. Being upon his *march* towards the *Appalachee* *Mountains*, amongst a *Nation* of *Indians* in their *Way*, there happen'd a *Difference*, while they were measuring of *Camp* *power*, and the *Foot* *step*, by accident, taking *fire*, blew out one of the *King's* *Eye*, and this great *deal* of *blood* was shed, upon the *spot*. Yet this *great* *misadventure* did not prevent the *King's* *March*, with whom he was in *Company*, still siding with his *Man's* *Interest*; the *Indians*. They were intended for the *South* *Sea*, but they hit the *right* *Passage*; it being no less than five days *Journey* through a *League* of *Rocky* *Hills*, and *sandy* *Desarts*. And which is yet worse, there is no *Water*, nor scarce a *Bird* to be seen, during your *Passage* over these *barren* *Crags* and *Villages*. The *Soponos* *River* proves to be the *West* *Branch* of *Cape* *Fair*, or *Cherendon* *River*, whose *Inlet*, with other *Advantages*, makes it appear as *noble* a *River* to plant a *Colony* in, as any I have met withal.

son) having kill'd in their Way, a very fat Doe, Part of which they brought to us.

Sunday—This day, the King sent out all his able Hunters, to kill Game for a great Feast, that was to be kept at their Departure from the Town, which they told me for a small matter. That the Pieces of Game, with a little Frye, would make thirty Men, and that these Soldiers, containing about six or seven Men, would eat of rich Land. This Evening came down some *Zecora*, tall likely Men, having great Plenty of Buffaloes, Elks, and Bears, with other sort of Deer amongst them, which strong Food makes large, robust Bodies. Enquiring of them, if they never got any of the *Besow* Stone, and giving them a Description how it was found, the *Indians* told me, they had great plenty of it; and ask'd me, What use I could make of it? I answer'd them, That the white Men us'd it in Physick, and that I would buy some of them, if they would get it against I came that way again. Thereupon, one of them pull'd out a Leather-Pouch, wherein was some of it in Powder; he was a notable Hunter, and affirm'd to me, That that Powder, blown into the Eyes, strengthen'd the Sight and Brain exceedingly, that being the most common Use they made of it. I bought for 2 or 3 Shins, a large Peach-Leaf, made up in a pleasant Ointment, which he said is a singular Kindness for the Scurvy. Near the Town, within their Bounds, are several *Orontes*, or Sweating-Houses, made of Stone, in Shape like large Ovens. These they make much Use of; especially for any Pain in the Joints, got by Cold, or Travelling. At Night, as we lay in our Beds, there arose the most violent N. W. Wind I ever knew. The first Puff blew down all the *Paisodosa* that fortify'd the Town; and I thought it would have blown us all into the River, together with the Houses. Our one-eyed King, who pretends much to the Art of Conjuration, ran out in the most violent Hurry, and in the Middle of the Town, fell to his Necromantick Practices; tho' I thought he would have been blown away or kill'd, before the *Dread* and he could have exchange'd half a dozen Words; but in two Minutes, the Wind was ceased, and it became a great calm, as I ever knew in my Life. The *Deer* was very angry, and had done thus, because they had not put the *Straggers* to Death.

On *Monday* Morning, our whole Company, with the Horses, set out from the *Sapona-Indians* Town, after having seen some of the Locust, which is gotten thereabouts, the same Sort that bears Honey. Going over several Creeks, very convenient for Water-Mills, about 8 Miles from the Town, we pass'd over a very pretty River, call'd Rocky River, a fit Name, having a Ridge of high Mountains running from its Banks, to the Eastward; and discharging itself into *Sapona-River*; so that there is a most pleasant and convenient Neck of Land, betwixt both Rivers, lying upon a Point, where many thousand Acres may be fenced in, without much Cost or Labour. You can scarce go a Mile, without meeting with one of these small Swift Currents, there being no Stream to be found, but pleasant, dry Roads, in the Country. Tho' by that we went this day, was a full of Stones, as being in the West of *Xocobier*, which we could avoid, and having nothing but *Wagons* on my feet, it was so lam'd by this stony Way, that I thought I must have been some Stay in those Parts. We went, this day, not above 15 or 20

Miles. After we had supp'd, and all lay down to sleep, there came a Wolf close to the Fire-side, where we lay. My Spanish soon discover'd him, at which, one of our Company fir'd a Gun at the Beast, but I believe, there was a Mistake in the loading of it, for it did but so behave. The Wolf start'd till he almost leas'd again, and the Birch making a great Noise, at which he start'd again. We had no more to do, but to sleep, but he hop'd to us again, yet was more shy, so that he could not get a Spot at him.

Tuesday—Next day, we had 15 Miles farther to the *Kepoweez* The Land is more mountainous, but extremely pleasant, and an excellent Place for the breeding Sheep, Goats, and Horses; or Mules, if the *English* were once brought to the Experience of the Usefulness of these Creatures. The Valleys are here very rich. At Noon, we pass'd over such another stony River, as that eight Miles from *Sopona*. This is call'd *Highwater*, and affords as good blue Stone for Mill-Stones, as that from *Cedron*, good Rags, some Hones, and large Pebbles, in great abundance, besides Free-Stones of several Sorts, all very useful. I knew one of these Hones made use of by an Acquaintance of mine, and it prov'd rather better than any from *Old Spain*, or elsewhere. The Veins of Marble are very large and curious on this River, and the Beas that we saw stands the *Kepoweez* Town, this from the River, and the *Beas* that we saw stands the *Kepoweez* Town.

The Town is fortified in with wooden Palisades, like *Sopona* being a People much of the same Number. Nature hath so fortify'd this Town, with Mountains, that were it a Seat of War, it might easily be made impregnable; having large Corn-Fields joining to their Cabins, and a *Sapona* near the Town, at the Foot of these Mountains, that is capable of keeping some hundred Heads of Cattle. And all this environ'd round with very high Mountains, so that no hard Wind ever troubles these Inhabitants. These high Cliffs have no Grass growing on them, and very few Trees, which are very short, and stand at a great Distance one from another. The Earth is of a red Colour, and seems to me to be wholly design'd by Nature for the Production of Minerals, being of too hot a Quality, to suffer any Verdure upon its Surface.

At the refuting of Metals, the *Indians* are wholly ignorant of it, being content with the *Redder*. But if it be my Chance, once more to visit these Hilly Parts, I shall make a longer Stay amongst them. For were a good Vein of Lead found out, and work'd by an ingenious Hand, it might be of no small Advantage to the Undertaker, there being great Conveniences for smelting, either by Bellows or Reverberation; and the Working of these Mines might discover some that are much richer.

At the Top of one of these Mountains, is a Cave that 100 Men may sit very conveniently to dine in, whether natural, or artificial, I could not learn. There is a fine Hole between this Place, and the *Sopona*. These Valleys thus hemm'd in with Mountains, would (doubtless) prove a good place for propagating some sort of Fruits, that our Eastern Wind commonly blast. The Vine could not mis of thriving well here; but we of the Northern Climate are artful in Vegetable Nurseries, in propagating the most useful and profitable. We being now in the 7th, or 8th, summer, the *Company* of *Highwater*. We being six in Company, divided ourselves into Two Parties; and it was my

At the other House, where our Fellow Travellers lay, they had provided a Dish, in great Fashion amongst the *Indians*, which was Two young *Fawns*, taken out of the Doe's Belles, and boiled in the same salty Brigs Nature had plac'd them in, and one of the Country-Hens, stew'd with the Guts in her Body, and her Skin with the Hair on. This new-fashioned Cookery might be seen in the Fellow-Travellers, which I think that nobody might be ignorant of. The *Indians* dress most things after the Wood-cock Fashion, never taking the Guts out. At the House we lay at, there was very good Entertainment of Venison, Turkeys, and Bears; and which is customary amongst the *Indians*, the Queen had a Daughter by a former Husband, who was the beautifullest *Indian* I ever saw, and had an Air of Majesty with her, quite contrary to the general Carriage of the *Indians*. She was very kind to the *English*, during our Abode, as well as her Father and Mother.

Thursday.—This Morning, most of our Company having some Inclination to go straight away for *Virginia*, when they left this Place; I and one more took our Leaves of them, resolving (with God's Leave) to see *North-Carolina*, one of the *Indians* setting us in our way. The rest being indifferent which way they went, I, by all means, to have a better Acquaintance with the Country, than I had; and that our Path had been Prisoner amongst the *Seneca's*; but had our-run them, although they had cut his Toes, and half his Feet away, which is a Practice common amongst them. They first raise the Skin, then cut away half the Feet, and so wrap the Skin over the Stumps, and make a present Cure of the Wounds. This commonly disables them from making their Escapes, they being not so good Travellers as before, and the Impression of their Half-Foot making it easy to trace them. However, this Fellow was got clear of them, but had little Heart to go far from home, and carry'd always a Case of Pistols in his Girdle, besides a Cutlass, and a Fuzee. Leaving the rest of our Company at the *Indian-Town*, we travell'd, that day, about 20 Miles, in very cold, frosty Weather; and pass'd over two pretty Rivers, something bigger than *Hopewoods*, but not quite so wide. We were oblig'd to cross the River, and the *Indian* toward the Mouth of *Great-Kee* River, but afterwards found our Mistake.

Friday.—The next day, we travell'd over very good Land, but full of Free-Stone, and Marble, which pinch'd our Feet severely. We took up our Quarters in a sort of *Savanna*-Ground, that had very few Trees in it. The Land was good, and had several Quarries of Stone, but not loose, as the others us'd to be.

Saturday.—Next Morning, we got our Breakfasts of Parch'd Corn, having nothing but that to subsist on for above 100 Miles. All the *Indian* were vanish'd, for we had seen none for two days. We pass'd through a delicate rich Soil this day, no great Hills, but pretty Risings, and Levees, which made a beautiful Country. We likewise pass'd over three Rivers this day; the first about the bigness of *Rocky* River, the other not much differing in Size. Then we march'd not far from the Mouth of the *North-West* Branch of the *Great* River, till that we pass'd above 300 Miles. We arriv'd at a very fertile and pleasant Country, the Mouth of the *North* Branch of these two Branches, and no less pleas'd, that we had pass'd the River, which us'd to frighten Passengers from fording it. At last, deter-

Let's to be at the House of *Kayowassa Jack*, who is King of that People. He is a *Cherokee-Indian*, and ran away when he was a Boy. He got this Government by Marriage with the Queen; the Females here carrying the Heritage, for fear of Imposition; the *Savages* well knowing, how much finally possess the *Indian* Women, betwixt the *Men* and the *Girls*.

The next day, having some occasion to write, the *Indian* King, who as he believ'd us, he could write as well as I. When King, I wrote a Word, and gave it him to copy, which he did with more Exactness than any *European* could have done, that was illiterate. It was so well, that he who could read mine, might have done the same by his. Afterwards, he took great Delight in making Face for an Antiquary to have puzzel'd his Brains withal, in tracing out the Characters of all the *Oriental* Tongues. He sent for several *Indians* to his Cabin, to look at his Handy-work, and both he and they thought, I could read his Writing as well as I could my own. I had a Manual in my Pocket, that had King *David's* Picture in it, in one of his private Retirements. The *Indians* ask'd me, Who that Figure represented? I told him, it was the Picture of a good King, that liv'd according to the Rules of Morality, doing to all as he should do, and being oblig'd to all. He said, that he had heard of all the things that I had said, and that he was oblig'd to God Almighty, who had reward'd him with all the delightful Pleasures imaginable in the other World, for his Obedience to him in this. I concluded, with telling them, that we received nothing here below, as Food, Raiment, &c. but what came from that Omnipotent Being. They listn'd to my Discourse with a profound Silence, assuring me, that they believ'd what I said to be true. No Man living will ever be able to make these *Heathens* sensible of the Happiness of a future State, except he now and then mentions some lively carnal Representation, which may quicken their Apprehensions, and make them thirst after such a gainful Exchange; for, were the best Lecture that ever was preach'd by Man, given to an ignorant sort of People, in a more than ordinary manner, and in a more than ordinary manner, it would prove inefficacious, and the *Heathens* would be left in a greater Labyrinth than their Teacher found them in. But there is nothing in our Religion, but what an indifferent Reasoner, in some measure, able to comprehend; tho' a *New-England* Minister blames the *French Jesuits* for this way of Proceeding, as being quite contrary to a true Christian Practice, and affirms it to be no ready, or true Method, to establish a lively Representation of our Christian Belief amongst these Infidels.

All the *Indians* hereabouts carefully preserve the Bones of the *Flesh* they eat, and burn them, as being of Opinion, that if they omitted that Custom, the Game would leave their Country, and they should not be able to maintain themselves by their Hunting. Most of these *Indians* wear *Moccasins*, or *Whiskers*, which is, rare; by reason that *Indians* have a Foot that cannot put the Heel of their Foot into any other Part, but the *Soles* and *Heels* of their *Shoes*. Here is plenty of *Chesnut*, which are rarely found in *Carolina*, and never near the Sea, or Salt-Water; tho' they are frequently in such Places in *Virginia*.

Wednesday.—The next day, we went over several Tracts of rich Land, but mix'd with Pine and other indifferent Soil. In our way, there stood a great Stone about the size of a large Oven, and all the Indians took great pains to get it up, and throw it into the Cove, and spitting at it, as if they had some Reason of their so doing, but we had no Answer. In the Evening, we pass'd over a pleasant Rivulet, with a fine gravelly Bottom, having some over and another that Morning. On the other side of this Rivulet, we found the *Indians* Town, which was a Parcel of nasty smoky Holes, much like the *Waterres*; their Town having a great Swamp running directly through the Middle thereof. The Land here begins to abate of its Height, and has some few Swamps. Most of these *Indians* have but one Eye; but what Mischance or Quarrel has bereav'd them of the other I could not learn. They were not so free to us as most of the other *Indians* had been; Victuals being somewhat scarce among them. However, we got enough to satisfy our Appetites. I saw among these Men, very long Arrows, headed with Pieces of Glass, which they had broken from Bottles. They had shap'd them neatly, like the Head of a Dart; but which way they did it, I can't tell. We had not rest at this Place, so in an hour, when two of our Company, they had been a *Man* and a *Woman*, came up to us, having secur'd a Letter by one of *Will's* *Algoncoys*, came in very cautious, and ask'd a great many Questions, to certify him of the Person, e'er he would deliver the Letter. They had left the Trader, and one that came from *South-Carolina* with us, to go to *Virginia*; these Two being resolv'd to go to *Carolina* with us.

Thursday.—This Day fell much Rain, so we staid at the *Indians* Town.

Friday.—This Morning, we set out early, being four *English-Men*, besides several *Indians*. We went 10 Miles, and were then stopp'd by the Freshes of *Ennoe-River*, which had rais'd it so high, that we could not pass over, till it was fallen. I enquir'd of my Guide, Where this River disgorge'd it self? He said, It was *Ennoe-River*, and run into a Place call'd *the Bay*, which was a Country, with so little water, that it was scarce to be seen. This being a Branch of *Neuse-River*, of *South-Carolina*. This Day, our Fellow-Traveler's Mare ran away from him; wherefore, *Will* went back as far as the lower Quarter, and brought her back.

Sunday.—The next Day, early, came two *Tuskerawo Indians* to the other side of the River, but could not get over. They talk'd much to us, but we understood them not. In the Afternoon, *Will* came with the Mare, and had some Discourse with them; they told him, The *English*, to whom he was going, were very wicked People; and, That they threaten'd the *Indians* for Hunting near their Plantations. These Two Fellows were going among the *Algoncoys* and *Achoneoy Indians*, to sell their Wooden Bowls and Laches for Raw Skins, which they make great Advantage of, having the use of these outward *Indians* shuteave any Commerce with the *English*, which would prove a Hindrance to their going any farther; but *Will* told us Nothing they had said should frighten him, he believing them to be a couple of Hog-stealers; and that the *English* only sought Restitution of their Losses, by them; and that this was the

only ground for their Report. *Will* had a Slave, a *Serpent-like Indian* by Name, who killed us several Turkeys, and other Game, on which we liv'd. This River is near as large as *Roddis*; the South-side having more Tracts of good Land, the Banks high, and Stone-bearing. The *Waterres* being come to us, we ventur'd over the River, which we found to be a strong Current, and the Water about Breast-high. However, we all got safe to the North-Shore, which is but poor, white, sandy Land, and bears no Timber, but small shrubby Oaks. We went about 10 Miles, and sat down at the Falls of a large Creek, where lay mighty Rocks, the Water making a strange Noise, as if a great many Water-Mills were going at once. I take this to be the Falls of *Neuse-Creek*, call'd by the *Indians*, *Wee-goo-Whom*. We lay here all Night. My Guide *Will* desir'd to see the Picture of King *Dowd*, he asked me several Questions concerning the Book, and Picture, which I resolv'd him, and resolv'd him to become a Christian. He made me a very ill, and old assurance, that he lov'd the *English* and his Religion well, and did believe that Way to be very good for him. But as for himself, he was loath to be in Years, to think of Change, esteeming it not proper for Old People to admit of such an Alteration. However, he told me, If I would take his Son *Jack*, who was then about 14 Years of Age, and teach him to talk in that Book, and make Paper speak, which they call our Way of Writing, he would wholly resign him to my Tuition; telling me, he was of Opinion, I was very well affected to the *Indians*.

Tuesday.—The next Morning, we set out early, and I perceiv'd that these *Indians* were in some fear of Enemies; for they had an Old Man with them, who was very cunning and circumspect, where-soever he saw any Marks of Footing, or of any of the *English* Marks made; going out of his Way, fifty often, to look at these Marks made. In this day, above 30 Miles, with some Quantities of Marble; a good Range for Cuttle, though very indifferent for Swine. We had some least our rapid Streams, and were come to slow, dead Waters, of a brown Colour, proceeding from the Swamps, much like the Shoals in *Holland*, where the *Track-Scoots* go along. In the Afternoon, we met two *Tuskerawo*, who told us, That there was a Company of Hunters not far off, and if we walk'd stoutly, we might reach them that Night. But *Will* and He that own'd the Mare, being gone before, and the Old *Indian* tired, we rested, that Night, in the Woods, making a good light Fire, Wood being very plentiful in these parts.

Wednesday.—Next Day, about 10 a Clock, we struck out of the Way, by the Advice of our Old *Indian*. We had not gone past two Miles, e'er we met with about 500 *Tuskerawo* in one Hunting-Quarter. They had made themselves Streets of Houses, built Ridge-fashion, not with round Posts, as they commonly are, but with flat Stones, after the Custom of some other *Indians*. We got nothing amongst them but Corn, Peas, Beans, and Potatoes, by reason of the great Number of them. For they are expert Hunters, yet they are too proud for one Range; which makes *Venison* very scarce to what it is amongst other *Indians*, that are fewer; no Savages

living so well for Plenty as those near the Sea. I saw amongst these, a *Himble-k'd Indian*, which was the only crooked one I saw. About two a Clock, we reach'd one of their Towns, in which there was no body left, but an Old Woman or two; the rest being gone to their Hunting Quarters. We could find no Provision at that Place. We had a *Tusker* that came in company with us, from the lower Quarter, who took us to his Cabin, and gave us what it afforded, which was *Cort-meat*.

Thursday.—This Day, we pass'd through several Swamps, and going not above a dozen Miles, came to a Cabin, the Master whereof we'd to trade amongst the *English*. He told us, if we would stay Two Nights, he would conduct us safe to them, himself designing, at that time, to go and fetch some Rum; so we resolv'd to tarry for his Company. During our Stay, there happen'd to be a young Woman troubled with *Filix*. The Doctor who was sent for, assist her, laid her on her Belly, and then with his hands, which he rubb'd with *Saake-Oil*, thrusting his Mouth to the Place, he pick'd out some Quantity of black coagulated Blood, and Scum. Our Land-lord gave us the Tail of a Beaver, which was a choice Food.

Friday.—There happen'd also to be a Burial of one of their Dead, which Ceremony is much the same with that of the *Sonizes*, who make a great Feast at the Interment of their Corps. The small Run of Water hereabout, afford great Plenty of *Cray-Fish*, full as large as those in *England*, and nothing inferior in Goodness.

Saturday Morning, our Patron, with *Enox Will*, and his Servant, set out with us, for the *English*. In the Afternoon, we ferr'd over a River, (in a *Canoë*) call'd by the *Indians*, *Chazookon*, which is the *N. W. Branch of New-River*. We lay in the *Stumps*, where some *Indians* invited us to go to their Quarters, which some of our Company accept'd, but they made us stay, excepting those who march'd out the way. The Country here is very thick of *Indian Towns* and Plantations.

Sunday.—We were forc'd to march, this day, for Want of Provisions. About 10 a Clock, we met an *Indian* that had got a parcel of *Shad-Fish* ready barbak'd. We bought 24 of them, for a dress'd *Dee-Skin*, and so went on, through many *Swamps*, finding, this day, the long ragged Moss on the Trees, which we had not seen for above 600 Miles. In the Afternoon, we came upon the Banks of *Pump-cough*, about 20 Miles above the *English* Plantations by Water, though not so far by Land. The *Indian* found a *Canoë*, which he had hid den, in which we all got over, and went about six Miles farther. We lay, that Night, under two or three Pieces of Bark, at the Foot of a large Oak. There fell a quantity of Snow and Rain in the Night, but much less than usual. On Monday Morning, about 12 Miles to the *English*, Day it clear'd up, and it being about 12 Miles came safe to Mr. *Richard Smith's*, of *Pump-cough-River*, in North Carolina; where being well receiv'd by the Inhabitants, and pleas'd with the Goodness of the Country, we all resolv'd to continue.

21212.

A DESCRIPTION OF NORTH-CAROLINA.

CAROLINA HOW BOUNDIED.

THE Province of *Carolina* is separated from *Virginia* by a line which begins at *Charlottesville* in 36 Degrees 30 Minutes of Northern Latitude, and extends indefinitely to the Westward of the Sun to the Southward, as far as 29 Degrees; which is a vast Tract of Sea-Coast. But having already treated, as far as is necessary, concerning *South-Carolina*, I shall confine myself, in the ensuing Sheets, to give my Reader a Description of that Part of the Country only, which lies betwixt *Charlottesville* and *Cape-Fair*, and is almost 34 Deg. North. And this is commonly call'd *North-Carolina*. This Part of *Carolina* is faced with a Chain of Sand-Banks, which defends it from the Violence and Insults of the *Atlantick Ocean*; by which Barrier, a vast Sound is form'd in, which fronts the Mouths of the Navigable and Pleasant Rivers of this Fertile Country, and into which they discharge themselves.

INLETS.

There's the same set Inlets of several Depths of Water. Some of their Channels admit only of Sloops, Brigantines, small Barks, and Ketches; and such are *Charlottesville*, *Renoek*, and up the Sound above *Hatteras*: Whilst others can receive Ships of Burden, as *Ocracock*, *Tep-seal-Inlet*, and *Cape-Fair*; as appears by my Chart.

FIRST COLONY OF CAROLINA.

The first Discovery and Settlement of this Country was by the Procurement of Sir *Walter Raleigh*, in Conjunction with some publick-spirited Gentlemen of that Age, under the Protection of Queen *Elizabeth*, for which Reason it was then named *Virginia*. The first Colony began on that Part call'd *Renoek*, and the name of *Roanoke* was put upon it, to be lately found; and all the old *English* Colonies which are to be lately found; as a *Brass-Gun*, a *Powder-Horn*, and one small Quarter deck-Gun, made of Iron Staves, and hoop'd with the same Metal; which Method of making Guns might very probably be made use of in those Days, for the Convenience of Infant-Colonies.

HATTERAS INDIANS.

A farther Confirmation of this we have from the *Hatteras Indians*, who either then lived on *Renoek-Island*, or much frequented it. These tell us, that several of their Ancestors were white People, and could talk in a Book, as we do; the Truth of which is confirm'd by gray Eyes being found frequently amongst these *Indians*, and no others. They value themselves extremely in their Affairs, so the *English*, and Settlers, are pleas'd to do them all kindly Offices. It is probable, that this Settlement was made for want of timely Supplies from *England*; or that the *Yveschery* of the Natives, for we may reasonably suppose that the *English* were forc'd to cohabit with them, for Relief and Conversation, and that in process of Time,

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but what live very nobly, and give away more Provisions to Cousins and Cousins, who come to see them than they expand amongst their own families.

AN ACCOUNT OF THE INDIANS OF NORTH-CAROLINA.

The Indians, which were the Inhabitants of America, when the Spaniards and other Europeans discover'd the several Parts of that Continent, are the People which we reckon the Natives thereof; as indeed they were, whom we first found out those Parts, and appear'd therein. Yet this has not wrought in me a full Satisfaction, to allow these People to have been the Ancient Dwellers of the New-World, or that we call America. The Reasons that I have to think otherwise, are too many to set down here; but I shall give the Reader a few, before I proceed; and some others he will find scatter'd in my Writings elsewhere.

WOOD UNDER GROUND—SHELLS SOME PATRONS IN THE EARTH, THE SEA PROBABLY HAS THROWN UP IN PART OF THIS COUNTRY—SEE 100 BULLDOGS.

In Carolina (the Part I now treat of) are the fairest Marks of a Deluge, that at any time has probably made strange Alterations in the Situation that Country (that ever I saw, or I think read of, in any History. Amongst the other Subterraneous Matters, that have been discover'd, we found, in digging of a Well that was twenty six foot deep, at the Bottom thereof, many large Pieces of the Tulip-Tree, and several other sorts of Wood, some of which were cut and notch'd, and some squared, as the Joints of a House are, with Iron Instruments; it seeming impossible for any thing made of Stone, or what they were found to make use of, to cut Wood in that manner. It cannot be arg'd, that the Wood so cut, might float from some other Continent; because History and the Tradition of the Inhabitants in America, and in the several Parts, that I could ever learn of, is to be believ'd, that the Spaniards give us Relations of many of the Buildings, which were rais'd by the Indians of Mexico and other Parts, which they discover'd, and conquer'd; amongst whom no Iron Instruments were found: But 'tis a great Misfortune, that no Person in that Expedition was so curious, as to take an exact Draught of the Fabricks of those People, which would have been a Discovery of great Value, and very acceptable to the Ingenious; for, as to the Proficeness of Stones, it may be effected by Collision, and Grinding, which is of a contrary Nature, on several Accounts, and disproves not my Arguments, in the least.

EARTHEN POTS UNDER GROUND.

The next is, the Earthen Pots that are often found under Ground, and at the foot of the Banks where the Waters wash'd them away, they are of the most part broken in pieces; but we find them of a different sort, in Comparison of those the Indians use at this day.

they conform'd themselves to the Manners of their Indian Relations. And thus we see, how apt Humane Nature is to degenerate.

SIR WALTER RALEIGH'S SHIP.

I cannot forbear inserting here, a pleasant Story that passes for an uncontested Truth amongst the Planters of this Place; which is, that the Ship which brought the first Colonies, that were settler in Virginia, was the *Swallow*, which was built at the City of Bristol, in the Kingdom of England, by Sir Walter Raleigh's Ship. And the truth of this has been affirm'd to me, by Men of the best Credit in the Country.

SECOND SETTLEMENT OF NORTH CAROLINA—ELIZABETHANS OF

A second Settlement of this Country was made about fifty Years ago, in that part we now call *Albemarle-County*, and chiefly in *Chatham Precinct*, by several substantial Planters, from *Virginia*, and other Plantations; Who finding mild Winters, and a fertile Soil, beyond Expectation, producing every thing that was plant'd, to a prodigious Increase; their Cattle, Horses, Sheep, and Swine, breeding very fast, and passing the Winter, without any Assistance from the Planters; so that they were oblig'd to secure the Husbandry, by the sale of their Cattle, Horses, and Swine, for the Purchase of such other Necessaries; these Encouragements induc'd them to stand their Ground, altho' but a handful of People, seated at great Distances one from another, and amidst a vast number of Indians of different Nations, who were then in *Carolina*. Nevertheless, I say, the Fame of this new-discover'd Summer-Country spread thro' the neighbouring Colonies, and, in a few Years, drew a considerable Number of Families thereto, who all found Land enough to settle themselves in, (had they been many Thousands more) and that which was very good and commodiously seated, both for Profit and Pleasure. And indeed, most of the Plantations in *Carolina* naturally enjoy a noble Prospect of large and spacious Meadows, and a variety of most delicious and glorious Colours, which the several Seasons afford; hedg'd in with pleasant Groves of the ever-famous Tulip-Tree, the steady Laurel, and Bay, equalizing the Oak in Bigness and Growth; Myrtle, Jessamine, Wood-bines, Honeyuckles, and several other fragrant Vines and Ever-greens, whose aspiring Branches shadow and interweave themselves with the loftiest Timbers, yielding a pleasant Prospect, Shade and Small, proper Habitations for the Sweet-singing Birds, that melodiously entertain such as travel thro' the Woods of *Carolina*.

The Planters possessing all these Blessings, and the Produce of great Quantities of Wheat and Indian Corn, in which this Country is very fruitful, as likewise in Red, Pork, Tallow, Hides, Deer-Skins, and Furs; for these Commodities the *no-England-Man* and *Bermudians* visited *Carolina* in their Barks and Schoops, and carry'd out what they made, bringing them, in Exchange, Rum, Sugar, Salt, Apples, and other Commodities; by which they were enabled to purchase what they want. As the Land is very fruitful, so are the Planters kind and hospitable to all that come to visit them, there being very few Housekeepers,

er'd, and the greasing their Hair (so often as they do) with Bears Fat, which is a great Nourisher of the Hair, and causes it to grow very fast. Amongst the Bears Oil (when they intend to be busy) they stir up a certain Powder, that comes from a certain River, which they get in theilly Country, near the Foot of the Great Range of Mountains, and is no worse to be used, than the Fat of a Seal. They have this Scaria Root in great Esteem, and sell it for a very great Price, one to another. The Reason of its Value is because they not only go a long way for it, but are in great Danger of the Straggers or Insects, who are mortal Enemies to all our *Indians*, and very often take them Captives, or kill them, before they return from this Voyage. The *Turkeys* and other *Indians* have often brought this Seed, with them from the Mountains; but it would never grow in our Land. With this and Bears Grease they anoint their Heads and Temples, which is esteem'd as ornamental, as sweet Powder to our Hair. Besides this Root has the Virtue of killing Lice, and suffers none to abide or breed in their Heads. For want of this Root, they sometimes use *Peccoon-Root*, which is of a Crimson Colour, but it is apt to die the Hair of an ugly Hue.

NO DWAIN—INDIAN TOBACCO.

Their Eyes are commonly full and manly, and their Gate sedate and majestic. They never walk backward, and forward as we do, nor deliberate on the Affairs of Loss and Gain, the things which daily perplex us. They are dexterous and steady both as to their Hands and Feet, to Administration. They will walk over deep Brooks, and Creeks, on the smallest Poles, and that without any Fear or Concern. Nay, an *Indian* will walk on the Ridge of a Barn or House and look down the Gable-end, and spit upon the Ground, as unconcern'd, as if he was walking on *Terra firma*. In Running, Leaping, or any such other Exercise, their Legs seldom miscarry, and give them a Fall; and as for letting any thing fall out of their Hands, I never yet knew one Example. They are no Inventors of any Arts or Trades worthy mention; the Reason of which I take to be, that they are not possess'd with that Care and Thoughtfulness, how to provide for the Necessaries of Life, as the *Europeans* are; yet they will learn any thing very soon. I have known an *Indian* shoot a Gun better than most of his *White* Fellow, though he had never shot a Gun before; and knew several of them that were Slaves to the *English*, learn Handicrafts, Trades very well and speedily. I never saw a Dwarf amongst them, nor but one that was Hump-back'd. Their Teeth are yellow with Smoking Tobacco, which both Men and Women are much addicted to. They tell us, that they had Tobacco amongst them, before the *Europeans* made any Discovery of that Continent. It differs in the leaf from the sweet-scented, in *America*. Theirs differs likewise much in the Smell, when green, from our Tobacco, before cured. They do not use the same way to cure it as we do; and therefore, the Difference must be very considerable in Taste; for all Men (that know Tobacco) must allow, that it is the Ordering thereof which gives a Hogoo to that Weed, rather than any Natural Relish it possesses,

to have had no other, ever since the *English* discover'd *America*. The Rewards of the Earth cannot have alter'd them, since they are alike, of another Shape, and Composition, and nearly approach to a Urns of the Ancient *Romans*.

INDIAN PEACHES—THE STONE—WATERMELON AND GOURDS THE INDIANS HAVE ALWAYS HAD.

Again, the Peaches, which are the only tame Fruit, or what is meant, that these People enjoy, which is an Eastern Product, and will keep and retain its vegetative and growing Faculty, the longest any thing of that Nature, that I know of, in the South. I have seen here have market, is thicker than any other sort of Peaches in any part of *Europe*; and yet, they are not so hard, and are so sweet, and so good to eat, that they are now growing in *America*, and is so good, and so profitable, that it has been for several years laid in the Eastern Country; for when you ask them whence their Fathers came, that first inhabited the Country, they will point to the Westward and say, *Where the Sun sleeps, our Forefathers came thence*, which, at this distance, may be reckon'd amongst the Eastern Parts of the World. And to this day, they are a shifting, wandering People; and I know some *Indian* Nations, that have chang'd their Settlements, six or seven hundred Miles; sometimes no less than a thousand, as is prov'd by the *Savanna Indians*, who formerly lived on the Banks of the *Carolina*, and remov'd thence to the Head of one of the Rivers of the *Carolina*, since which, for some decades most of them are mov'd to live in the Quarters of the *Progres* or *Savanna*, so that are now the Heads of the Rivers that divide the *Carolina*. The *Carolina* is now a common name, that comes from a young *Indian* Woman, that had been brought from beyond the Mountains, and was sold a Slave into *Virginia*. She spoke the same Language, as the *Ceraintz Indians*, that will near Cape-Look-out, allowing for some few words, which were different, yet no otherwise, than that they might understand one another very well.

INDIAN WELL SHAP'D PEOPLE.

The *Indians* of North-*Carolina* are a well-shap'd clean-made People, of different Statures, as the *Europeans* are, yet chiefly inclin'd to be all. They are a very straight People, and never bend forwards, or loop in the Shoulders, unless much overpower'd by old Age. Their Limbs are exceeding well-shap'd. As for their Legs and Feet, they are generally the handsomest in the World. Their Bodies are a little flat, which is occasion'd, by being faced hard down to a Board, in their infancy. This is all the Cradle they have, which I shall describe at large elsewhere. Their Eyes are black, or of a dark Hazle; the White is marbled with red Streaks, which is ever common to these People, unless when sprung from a white Father or Mother. Their Colour is of a tawny, which would not be so dark, did they now, as they themselves with Bears Oil, and a Colour like burnt Cork. They began in their Infancy, and continued for a long time, which fills the Head, and makes them, both so stout and so heavy, that they are never able to move, but on their Heads, although, ever so old, which, I believe, proceeds from their Heads being always uncor-

when green. Although they are Great Smokers, yet they never are seen to take it in Snuff, or chew it. They have in their Hairs on their Faces (except some few) and these Hair-Nails is there often found say Hair under their Arm-Pits. They are continually plucking it away from their Faces, by the Roots. As for their Privities, since they wore Tail-Clouts, to cover their Nakedness, several of the Men have a deal of Hair thereon. It is to be observ'd, that the Head of the Penis is cover'd (throughout all the Nations of the Indians I ever saw) both in Old and Young. Although we reckon these a very smooth People, and free from Hair; yet I once saw a middle-aged Man, that was hairy all down his Back; the Hairs being above an Inch long.

FEW CRIPPLES—INDIANS GOOD EYES.

As there are found very few, or scarce any, Deformed or Cripples, amongst them, so neither did I find any blind Men, and this I think is owing to their Eyes being so well preserv'd. They had a Use for the Hair which was to lead him with a Girl, Woman, or Boy, by a String, so they put what Burdens they pleas'd upon his Back, and made him very serviceable upon all such Occasions. No People have better Eyes, or see better in the Night or Day, than the Indians. Some alledge, that the Smoke of the Pitch-Pine, which they chiefly burn, does both preserve and strengthen the Eyes; as, perhaps, it may do, because that Smoke never offends the Eyes, though you hold your Face over a great Fire thereof. This is occasion'd by the volatile Part of the Turpentine, which rises with the Smoke, and is of a friendly balsamick Nature; for the Ashes of the Pine-Tree afford no fix'd Salt in them.

NOT FAIR THESE NAILS.

They let their Nails grow very long, which they reckon, is the Use Nails are design'd for, and laugh at the Europeans for pairing them for.

And since I hinted at a Regulation of the Savages, and to propose a way to convert them to Christianity, I will first particularize the several Nations of Indians that are our Neighbours, and then proceed to what I promis'd. Tuscaroro Indians are fifteen Towns, viz. *Haruta, Waqua, Conak-nah, Anna Ooka, Conak-Kare Harooka, Una Naubah, Kandanaska, Chuanacta, Krita, Eso, Naur-beh-ne, Oongfoora, Topuoc, Non-acharidde, Nursorooka*; Fighting Men 1200. *Wacon, Towns 2, Tupawarenau, Toplatamer*; Fighting Men 120. *Machopangu, Town 1, Maramisteez, Fighting Men 30. Bear River, Town 1, Rawaugu-pant, Fighting Men 30. Maberry Indians, Town 1, Maberry River, Fighting Men 30. Chawan Indians, Town 1, Bennas Creek, Fighting Men 10. Papanas Indians, Town 1, Papanas River, Fighting Men 10. Pooket, Town 1, Creek River, Fighting Men 30. Noddy Indians, Town 1, Creek River, Fighting Men 30. Haruta, Town 1, Sand Bank, Fighting Men 16. *Comawee Indians, Towns 2, Comawee, Haruta, Fighting Men 25. New Indians, Towns**

2. *Chatooka, Rowcock, Fighting Men 15. Pampticough Indians, Town 1, Island, Fighting Men 15. Arapim Indians, 6 People. These five Nations of the *Yoboro's, Sopora's, Kacawee's, Aconobay, and Aconobay*, are in Italy some Settlements, and many contain, in all, about 300 Men, Women and Children. The last of these Nations, I have appear'd with one thousand Six hundred and twelve Fighting Men, Nighth Indians, and probably there are three Fifths of Woman and Children, not including Old Men, which amounts to four thousand and thirty Savages besides the five Nations lately come. Now, as I before hinted, we will see what grounds there are to make these People serviceable to us, and better themselves thereby.*

On a fair Scheme, we must first allow these Savages what really belongs to them, that is, what good Qualities, and natural Endowments, they possess, whereby they being in their proper Colours, the Event may be better guess'd at, and fathom'd.

First, they are as apt to learn any Handicraft, as any People that the World affords; I will except none; as is seen by their Canoes and Stauking Heads, which they make of themselves; but to my purpose, the Indian Slaves in South Carolina, and elsewhere, make my Argument good.

Secondly, we have no disciplined Men in Europe, but what have, at least, or other, been bred with Military and Maritime against their Chiefs. These savages are never found guilty of that great Crime in a Soldier; I challenge all Mankind to tell me of one Instance of it; besides, they never prove Traitors to their Native Country, but rather chuse Death than partake and side with the Enemy.

They naturally possess the Righteous Man's Gift; they are Patient under all Afflictions, and have a great many other Natural Virtues, which I have slightly touch'd throughout the Account of these Savages.

They are really better to us than we are to them; they always give us Victuals at their Quarters, and take care we are arm'd against Hunger and Thirst: We do not go by them (generally speaking) but let them walk by our Doors hungry, and do not think them little better than Beasts in Herd. Still, as though I well examin'd, we shall find that, for all our Religion and Education, we possess more Moral Deformities, and Evils than these Savages do, or are acquainted withal.

Indian origin and that they have at some time in the past become mixed to a more or less extent with persons of English blood. The purpose of this sketch is not to decide between these conflicting contentions, for this is immaterial to the purpose of this inquiry.

"TO WHAT TRIBE OF INDIANS DO THEY BELONG?"

We are of the opinion that they were originally a part of the great Cherokee Tribe of Indians which inhabited the western and central portions of Carolina before the advance of the white man.

Indeed, Mr. McMillan, in his account before referred to, takes the position that they are of Cherokee descent, though we confess that we can not reconcile this contention with his main contention that they are descendants of Gov. White's or Sir Walter Raleigh's lost colony.

Long before historians began to study the origin of these people they claimed to be of Cherokee descent. In fact, they have always claimed that they were originally a part of the Cherokee Tribe and that they gave up their tribal relation after they had parted with the white man in their migration and had purchased Indian land in the Great Smoky Mountains. Their settlements with the Cherokee Tribe in the Allegheny Mountains, therefore, is a well-authenticated tradition among them, handed down through several generations, that this small remnant, after parting with the whites in the war against the Tuscaroras, took up many of the habits and customs of the white man, and therefore refused to remove west with the great Cherokee Tribe. It is also certain that in this they were influenced by the admixture of Anglo-Saxon blood, which had taken place to some extent even in that remote period.

On a map (being map No. 1) of the transactions of the American Ethnological Society the Yemassee are assigned to the region bordering on the Savannah River; the Cherokees to the mountain region; the Cherokees from the mountains to the Carolina coast; the Pamlico to the South; the Tuscaroras along the Roanoke River; and just south of them, on the Neuse the Waccugas; and the Catawbas in central North and South Carolina.

It appears from Gregg's History of The Old Cherokees that originally the Cherokees occupied the territory assigned on the map to the Catawbas. According to their tradition, the Catawbas, about the time of the settlement of North America by the whites, occupied a region far to the northward, from whence they removed to the South. Being a numerous and warlike race, they vanquished the tribes with whom they came in contact on the way, until they met the Cherokees on the banks of the river now called the Catawba. Here a sanguinary battle ensued, the loss on both sides being heavy, though neither party gained a victory. Terms of peace were agreed on, the Cherokees moving to the west and the Catawbas taking their country. This tradition is said to be confirmed by ethnological research. The Cherokees embraced a small tribe of the Santee, Conasautee, Watauga, and other tribes. The Cherokees, however, have been a branch of the Cherokees. In the late case of the Cherokees' heirs, a branch line from the terminals of names Gregg connects the two tribes. He says: "If, about the period of their distinctive existence

EXHIBIT F.

HISTORICAL SKETCH OF THE INDIANS OF ROBESON COUNTY.

[By A. W. McLean.]

It is our purpose to state some facts relating to the Indians now residing in Robeson and adjoining counties in North Carolina. These peculiar and interesting people have been the subject of much inquiry and research during the last century. The first white settlers who located in this section now comprised in Robeson County were French Huguenots who immigrated in large numbers from France to South Carolina after the revocation of the Edict of Nantes, and some of them had penetrated as far north as the boundary line of North Carolina, only a few miles from the present location of the Indians in Robeson County, in the early part of the eighteenth century. Scotch immigrants settled in the upper section of what is now Robeson County as early as 1730. When these white settlers first arrived they found located on the waters of the Lumber, or Lumber River was then called, a tribe of Indians speaking broken English, tilling the soil in a rude manner, and practicing in rather imperfect ways some of the arts practiced by the civilized people of Europe. There is abundant evidence that the land lying on the Lumber River, and upon the large creeks and rivers which are tributary to it, were the property of the Indians. While there are many small tribes of Indians inhabiting this section of eastern North Carolina, the tribe formerly known as "Catawbas" now known as "Indians of Robeson County," occupied the territory as far southwest as the Pee Dee River, in South Carolina, but the principal seat was on the Lumber River, a tributary of the Pee Dee, and the settlement extended along this river for at least 20 miles, the center of this settlement being about the site of the present town of Pembroke. At first they held their lands in common by right of possession, and this continued until the coming of the white man, when ownership in severalty gradually took the place of ownership in common, however, up to this day most of the people own their lands by right of possession, which has ripened into perfect title.

Hon. Hamilton A. Smith, an experienced historian of marked ability, published in 1880 a report to the State of North Carolina, in which he states that "Sir Walter Raleigh's lost colony" and McMillan's opinion is that the Indians now residing in Robeson and adjoining counties are descended from Sir Walter Raleigh's lost colony, left by Gov. White on Roanoke Island in 1587, and there are many plausible arguments advanced by Mr. McMillan for his theory. Another school of local historians contend that these Indians are descended from some other settlement of English-speaking people along the coast of North Carolina, probably near Lockwoods Folly, in Brunswick County, N. C. It is generally admitted by the adherents of both of these theories that these people are of undoubted

as a tribe being possibly an offshoot from the Cherokees, at the era of internal struggle and partial dismemberment of that once powerful and widely extended nation," etc. And, otherwise, he suggests that the Cherokees once belonged to the Cherokees.

In the early days of the settlement he says that there were 28 small tribes in South Carolina, and, in 1700, William Gale, of Albemarle, mentioned that he "was just setting out on a four months' voyage to the Cape Fear, where he had sent a shallop's load of goods to trade with the Indians." Apparently he intended to pass up that river and go as far west as the mountains to trade with the Indians. He said that there were 13 different tribes with which he was well acquainted and had free commerce.

There were many small tribes of Indians from the Neuse to the Savannah, those on the Cape Fear being Congarees, who were really "Cheraws," and the Cheraws, as Gregg indicates, were doubtless an offshoot of the original Cherokees who remained in their several localities at the time of the settlement by the Catawbas and the removal of the great bulk of the Cherokees to the mountains.

The Cherokees, in their cohabitation of the region of Giles Leitch, that the Indians of Robeson County possessed the characteristics of the Cherokees.

The first permanent settlement on the Cape Fear, at old Brunswick was about 1725. At that time there were many small Indian tribes throughout that region. Some ten years later settlers had penetrated well into the interior and found on the upper Cape Fear a community who had some European characteristics, evidently having mingled to some extent with some of the European races. Such is the first known reference to this settlement. Later, in 1752, there is a reference to them as occupying the territory which they now hold in what is now Robeson County, and it was then reported that they shot at a surveyor who went among them to survey land against their claims. At that time the remains of small Indian tribes still existed throughout the region.

The last battle with the Indians in making the original settlements near the seacoast was, according to tradition, at the Sugar Loaf, a few miles north of the site of Fort Fisher, in 1725, when the whites took possession of the lower part of the Cape Fear River. The royal governor eight years later estimated the Indians who were considered a part of the population for their friendly associations as numbering 800. On the outskirts of the settlements there were various small tribes of Indians inhabiting the wilderness in lower North Carolina and in South Carolina. In 1740 a Mr. Vaughn appropriated a large tract of land in Duplin County, together with a hundred slaves, to the purpose of Christianizing five Indian tribes in that vicinity. As the country became settled these remnants disappeared, and doubtless many of the Indians of that region went to live with the nucleus in the territory now confined in Robeson County. This seems to be the most probable account of the origin of these peculiar people, many of whom, though a few years ago, appear to have been full-blooded Indians, having, as Giles Leitch says, the characteristics of the Cherokees, with whom, in the previous century, they were closely allied. By their traditions some Indians from that region accompanied Col. Barnwell to the Albemarle in January, 1712, and it appears that Barnwell passed close by their settlements.

It was among the Cherokees that many men were enlisted to fight the Tuscarora, in 1713, when North Carolina called upon South Carolina for assistance. This call was responded to by hundreds of white men, Cherokees and other Indians under Col. Barnwell. Along the great Lenoir road Col. Barnwell passed with his army to fight the Tuscarora. The army took the upper road at Fayetteville and crossed the Cape Fear at Aversboro. Ramsay, in his history of South Carolina, says, in volume 1, page 156: "Gov. Craven lost no time in forwarding a force to their assistance. The assembly voted £4,000 for the service of the war. A body of militia, consisting of 600 men under the command of Col. Barnwell, marched against the savages; 218 Cherokees under the command of Capt. Harford and Turston, 79 Creeks under Capt. Hastings, 41 Catawbas under Capt. Cantley, 25 Yemassee under Capt. Pierce, joined the Carolinians in this expedition." This army passed through Robeson County, and there are traditions among the Indians of Robeson County regarding the army of "Bonniel," as they pronounced the name of Barnwell. One of these traditions is that several of the Cherokees, who were from the Tuscarora war, located in Robeson County, bringing their families with them. These persons intermarried among the Cherokees and became free, as was the custom among Indian tribes.

The Cherokees, from whom the Indians of Robeson County claim descent, were to some extent an agricultural people. The clay pottery found in this section is ornamented by having a full ear of corn rolled over the surface while the material of the pottery was in a plastic state. In the beginning of the War of Independence the colonial troops captured thousands of bushels of corn among the Cherokees in the mountains of western North Carolina.

The universal tradition among the Indians found in Robeson County, N. C., and counties adjoining is that they are the descendants of English people and the Cherokees.

Their Indian ancestors, the Cherokees, according to their tradition had their principal abiding place in the mountains of the west, and were migrating to the coast. On the principal one of these rivers, known as the Lowrie road, they had settlements on the Neuse River, on the waters of Black River, on the Cape Fear, Lumber, and as far as the Santee in South Carolina. Their principal settlement was in the territory along the Lumber and covering a large part of the present county of Robeson, and extending through what is now Cumberland County as far as Aversboro on the Cape Fear. They had other trails leading from the mountains eastward, and three of them united with the Lowrie road or trail where there was a crossing of the Cape Fear where the present town of Fayetteville is situated.

John Brooks (ancestor of Aaron Brooks, now living near Pates, in Robeson County) was a soldier in the American Army at the Battle of Eutaw Springs. Soon after returning from the Revolutionary War he died leaving his widow, Beisy Brooks. Her name appears in the United States census of 1790 as the head of a family. The Bath of Isaac Locklear also served in the American Army. Locklear had a brother, Squire, and other places. His name is "Lazy Will." This brother, Squire, and the brother-in-law, Squire, are known as "Lazy Will." This "Lazy Will Locklear" spoke the Cherokee language and often held

conversations in Cherokee with Randsil Locklear, Elizabeth Lowery, and others. The tradition handed down by the descendants of Lazy Will Locklear is that he and certain others of the Indians remained and settled on Long Swamp and Lumber River, in Robeson County, when the other Indians left for the West. It is also a tradition in this family that Lazy Will Locklear and others of the Indians fought under Gen. Barnwell. It is also stated that there was a battle between some of the Indians and others near the present town of Red Springs, and there is an Indian mound there which is pointed out to this day. Recent investigations disclose that skulls of other of Indians who were buried there. The remains were found to be buried in the usual manner of Indian burring grounds.

David Locklear, now living near Ruie, in Robeson County, is a great-great-grandson of the Jacob Locklear above mentioned. The original Lowery Road, now known by that name which passes through Robeson County and referred to in the Hamilton McMillan History of the Indians, was said to have been used by the Indians in traveling from Eastern North Carolina, then known as Roanoke in Virginia, to the Cheraw and other Indian settlements in South Carolina. It was first an Indian trail and was afterwards a post road. Jordan Chavis, son of Julia Chavis and grandson of Ishmael Chavis, now 75 years of age. He states that his father and grandfather always told him that their people were Cherokee Indians.

Preston Locklear, age 75 years, states that he and his ancestors were always known as Indians and that his parents taught him that his people lived here in Robeson County long before the white people came here.

John Brayboy, age 74, states that his parents and grandparents told him that their people were Cherokee Indians, and the name as originally "Braveboy." This name is recorded in the census of 1790. James Brayboy, now 82 years of age, states that his father and grandfather always told him that his people were Indians by the name of Braveboy. That they were living on Lumber River and Long Swamp, in Robeson County, when the white people first came to this country; that they were friendly with the white people and that they helped the white people to drive out the unfriendly Indians. It will be noted that in the census of 1790 the name now known as "Locklear" is spelled "Lockaler." It is said among the Indians to-day that this name in Indian language was originally "Lockliaka."

As further confirming the Cherokee origin of these people, they have a tradition that the brother of James Lowery, and one of those who fought in the Revolution, was John Lowery, who was the head man among the Cherokees, and that he was one of those who made a treaty on behalf of the Cherokees with the Federal Government. Of this they had a tradition, none of them being able to read or write. On examination, it has been found that John Lowery did sign the treaty in 1791 and the Cherokees made in 1806. (See second volume, Treaties of Congress and State.)

This John Lowery was the great-grandfather of Sinclair Lowery, now living in Robeson County at the age of 78 years. From the "War Map," in Winsor's History of America, giving the routes taken by Barnwell and taken by the two Moores, it appears that Barnwell, who had 50 whites and some 400 Indians, passed along

the Santee to the Congaree, then up the Wateree to the vicinity of the Catawba, embodying detachments of all these tribes in his force; that turning east he crossed the Peeble, and then continued east as a considerable distance and took a north-easter course, crossing the Cape Fear about where Fayetteville is; then ascending that river about the vicinity of Aversboro he took a north-easter course to Tryonville on the Catawba. He reached the Neuse, about Fort Barnwell, in January 1712.

After a great battle, in which his Indians made many prisoners, they returned to South Carolina, and later he, being wounded, likewise returned to South Carolina. The war breaking out again, South Carolina sent another force under Col. James Moore, 33 whites and 1,000 Indians. Col. Moore pursued the same route to the Peeble, but then turned to the north-east and crossed the Cape Fear at the junction of the Haw and Deep, and then went on to Torhunte. He arrived December 1, 1712. His brother, Maj. Maurice Moore, quickly followed him with another large force of Indians. His route lay still farther west by Trading Ford (near Salisbury), and after crossing the Deep he came east by Occochee, where Hillsboro is, and eastward to Torhunte. All these routes were Indian trails. It is to be noted that Barnwell alone passed through what is now Robeson County, and as until recently there never was any publication made of his route, it may be affirmed that the tradition stated is remarkable and noteworthy.

Although many other Indians from South Carolina accompanied Col. James Moore to the Albemarle the following winter, and a few weeks later still others accompanied Col. Mearns and the local traditions did not pass through to Robeson County, and the local traditions are connected only with Barnwell. It is safe to say that these people could have known nothing of these matters except from actual tradition.

In 1756 a similar force of Indians from South Carolina accompanied Col. Hugh Waddell in his expedition to the north for the relief of the more northern colonies in the French and Indian War. While there is no particular record of the fact, yet as small numbers of Indians from almost every settlement composed this force, doubtless some belonged to these tribes that finally made up the population in Robeson County.

Gregg says that most of these smaller tribes eventually united with the Catawbas, and about 1743 the language of the Catawbas is said to have consisted of twenty different dialects.

The remaining Indians, in the course of settlement, passed from several tribes in the acts of the assembly passed for the regulation and support of the Indian trade.

As the Indian element in the present population of Robeson County is certainly derived from the former Indians of that region, these people are entitled to share in any feeling of appreciation we may have of the general conduct of all these friendly tribes during the period of settlement and in colonial times. During the Revolution, as well as in some of these Indians served in the Continental wars, as well as in the more local organizations raised by the State of North Carolina.

The territory embraced in Robeson County was much divided in sentiment, and toward the close of the Revolution it was the scene of a murderous civil warfare of unparalleled atrocity.

The tradition of these people that some of their leaders fought on the side of the Colonies seems to be corroborated by certain circumstances. Giles Leitch says that during the Revolution some of these families acquired a considerable number of slaves. Had they acquired them from North Carolina, these slaves would have been recovered from them by the State, as in Nova Scotia. It is therefore probable that these slaves held by these Robeson County Indians were acquired from South Carolina. Marion raised his celebrated band largely in that part of North Carolina, and as an inducement for serving with him he offered as pay to his North Carolina troopers slaves taken from the South Carolina Loyalists. So many of these slaves were thus taken and held by his North Carolina troopers that after the war the question of their return became a matter of State legislation.

After the war, feeling against the local Tories ran so high that they were discriminated against and severe tests of loyalty were applied. There seems to have been no feeling against these Indians, for although not white they were allowed to vote as freemen, without any charge being made in regard to their color. They voted until 1837, when the Constitution was amended to allow to vote. They voted until 1837 when the Constitution was changed by the insertion of the word "white".

Had they been of the Tory element probably they would not have been allowed the right of suffrage, because the feeling against the Tories was very bitter, especially in that region where they lived.

During the War of 1812 they were enrolled in the militia, and among others, Charles Oxendine, Thomas Lockley, John Drinkerster, Hugh Locklear, William Bullard, Elias Bullard, Richard Bullard, and Rippen Gumboe were in the companies of militia detached from the Robeson County militia to the West Indies. (See Muster Rolls Troops of 1812, West India, in Raleigh.)

Until 1835 these Indians were not entitled to vote, and some of them owned slaves. A number of them appear as heads of families in the United States census of 1790.

After 1835 these people could not vote, nor were they prior to the Civil War admitted to the public schools when they were established. In 1867 they were allowed to vote under the reconstruction acts, and under the constitution adopted in 1868, and were entitled to attend the negro schools, but not the schools for the whites. But they refused absolutely to attend the negro schools, and thus were debarred from school privileges.

Attention was drawn to their peculiar social usages, and as they were of undoubted Indian extraction Hon. Hamilton McKimlin, who acquired into their history, noted the condition that they were debarred from the public schools. Sound and clear-headed as he was, he secured the lost colony of 1887. This idea was based on their partly civilized condition when first observed by the early settlers of that region about 1730. Under that impression, the legislature in 1885 provided separate common schools for them under the name of the "Croatian Indians."

The word "Croatian" is not a generic or tribal name, but was purely local, and this appellation was given to the Indians in the part of the region in 1885, a name introduced by Hon. Hamilton McKimlin. The name has been suggested by the word "Croatian" which was found on a tree after the disappearance of Gov. John White's lost colony. In 1811 the legislature changed the name to "Indians of Robeson County."

But whatever the origin of this community was, it is certain that from the first settlement they have been separated from the other inhabitants of that region, and are of Indian descent, with Indian characteristics, with complexion, features, and hair of the Indian race, and are now borne on the census rolls as Indians.

NEED OF BETTER SCHOOL FACILITIES.

While they have the ordinary common schools and a small normal school, as they can not attend the high institutions provided on the one hand for the whites and on the other hand for the negroes, their educational facilities are limited.

It is very desirable, therefore, that additional educational facilities should be afforded them, especially in the way of higher academic and industrial education.

It appears that they have capacity for agriculture and the mechanic arts, and readily become skilled in them when trained. A mechanical and industrial school would be of great benefit to them.

In like manner the training of the girls in the domestic arts and economies would be of great benefit. Legislation set apart for them, as the case of these people is far to the west of them.

The bill under consideration, which has passed the Senate, provides for an appropriation of \$50,000 to erect buildings for a school for these Indians at or near Pembroke, in Robeson County.

According to the census of 1910, the number of these Indians in Robeson County was 5,895. There are also about 1,500 to 2,000 in adjoining counties in North and South Carolina, making a settlement in all of about 8,000 persons. In 1909 there were enrolled in the ordinary common free schools provided by the State 1,594 of these Indian children. The average length of the term of their school attendance was 52 days. The only school facilities enjoyed by these Indians for the past several years have been provided for by the State at an annual cost of \$2,250. Under the bill proposed for the State, an annual fee of \$1.00 is to be levied on the Indians of North Carolina, which provide for the absolute separation of the races, they are not entitled to attend the university for men, the State normal and industrial college for women, or the agricultural and mechanical college for either the white or negro races. They are therefore entirely without the facilities for industrial or higher academic education. There has always been a feeling among these people and their white neighbors that the Federal Government should make some provision for them, for the reason that the Government does expend large sums of money every year in providing schools for other nonreservation Indians in all sections of the country. The present Indian appropriation bill provides for

more than a million dollars for this purpose, some provisions in that bill being as follows:

For support and education of three hundred and seventy-five Indian pupils at the Indian school at Hampton, North Carolina, for general repairs and improvements, \$4,000; in all, \$68,800.
 For support and education of one hundred and eighty Indian pupils at the Indian school at Wanchese, North Carolina, and for pay of superintendent, \$30,000; for general repairs and improvements, \$2,000; in all, \$32,000.
 For support and education of one hundred Indian pupils at the Indian school at Wanchese, North Dakota, and for pay of superintendent, \$18,300; for general repairs and improvements, \$2,000; in all, \$20,300.
 For support and education of Indian pupils at the Indian school at Carlisle, Pennsylvania, and for pay of superintendent, \$122,000; for general repairs and improvements, \$20,000; in all, \$142,000.
 For support and education of one hundred and seventy-five Indian pupils at the Indian school at Hampton, North Carolina, and for pay of superintendent, \$2,000; for general repairs and improvements, \$10,000; in all, \$12,000.
 For the support and education of two hundred and ten Indian pupils at the Indian school at Hayward, Wisconsin, and for pay of superintendent, \$38,670; for general repairs and improvements, \$2,600; in all, \$41,270.

It appears from a letter from the Department of the Interior, Bureau of Indian Affairs, that there are 22 nonreservation Indian schools in various parts of the United States now supported by the Government.

It appears that these schools are not generally in the best of circumstances or equipments, and that they are not generally well situated. It is especially true in those cases where the Government is coming usually from that part of the country in which the school is situated, and pupils are admitted whose parents are entirely free from governmental control or guardianship, and who in some cases hold their lands without restriction, the only condition of admittance being that they would otherwise be deprived of an opportunity to obtain an education, academic or industrial. It is submitted that the condition of the Indians in question fully meets these requirements, because they are rebuffed by the laws of the State of North Carolina from attending the colleges and schools of higher education, both academic and industrial.

LETTER OF A. W. McLEAN, SEPTEMBER 7, 1914.

LUMBERTON, N. C., September 7, 1914.

THE HONORABLE COMMISSIONER OF INDIAN AFFAIRS,

Department of the Interior, Washington, D. C.

SIR: I promised Mr. O. M. McPherson, special Indian agent, who recently spent some time in Lumberton investigating the Cherokee Indians of Robeson County, that I would probably send him some further information in connection with these Indians which he might be able to use in making his report.

I have made a very careful study of the history of these Indians for a number of years. In a hearing before the Committee on Indian Affairs of the House of Representatives on Friday, February 14, 1912, I submitted an abstract sketch of their history, a copy of which I furnished to Mr. McPherson. Supplementing that copy, I desire to submit to you, following as bearing upon their contention that they are of Cherokee origin.

My opinion is from a very exhaustive examination made before me after the hearing above mentioned, that these Indians are not

only descendants of Sir Walter Raleigh's lost colony, as contended by Mr. Hamilton McMillan in his statement, a copy of which you have in your possession; but that they are a people who have been mixed with the Cherokee Indians. In the case of these Indians, these Indians have come from time immemorial that they were of Cherokee descent, and the fact that they have had tradition among them that their ancestors and the name of their name from "Roanoke and Virginia," Roanoke and Virginia, of course, originally comprised all of eastern North Carolina, including Roanoke Island, the settlement of Sir Walter Raleigh's lost colony.

In the great war with the Tuscaroras in eastern North Carolina Barnwell's army was made up largely of Indians, and especially Cherokee Indians. The only serious contention made against the claim that they are Cherokees is that the Cherokees live farther west. In view of their tradition that upon their return from eastern North Carolina with Barnwell's army some of them stopped and settled in Robeson County, there seems to be nothing in this contention. This tradition is borne out by the fact that the Indians who traveled by Barnwell in his expedition to eastern North Carolina were along the Lenoir Road, which passes directly through the present settlement of the Indians. See Williamson's History of North Carolina, Vol. 1, pp. 104, 105. See especially map between pp. 2 and 3, by page 144. See also History of the Old Cherokees, by Charles F. Carter, pp. 144, 145. See also History of the Old Cherokees, by Charles F. Carter, pp. 144, 145. See especially map between pp. 2 and 3, which shows that the Cherokees were located in all that section between the Cape Fear River and the Catawba River. See also on page 7 his journey entering the State of North Carolina somewhere in Robeson County, crossing in a southwestern line, and passing through Robeson County into South Carolina. His road was along the Great Lenoir Road, which was originally an Indian trail, and which passes directly through the heart of the Indian settlement in Robeson County. See also Hawks's History of North Carolina, by me at the

committee hearing heretofore mentioned, and also Lenoir signed a treaty on the part of the Cherokee Indians with the United States Government in 1867. This John Lenoir was the ancestor of some of the Indians now living in Robeson County. His brother, James Lenoir, was one of the most prominent Indians in the county in the year 1810.

Several of these Indians served in the Revolutionary War. John Brooks was granted a pension by the United States Government for services in the Revolutionary War. (See warrant No. 80030, issued to John Brooks for 160 acres of bounty land for his services in the Revolutionary War. See also Revolutionary War pension file No. 6732, pension order.) In Volume XXII of the North Carolina State Records, pages 56 and 57, it appears that the following Indians of Robeson County received a pension from the Government for service in the Revolutionary War: John Brooks, James Brooks, Ball Hunt, Thomas Jacobs, Michael Revelle, Richard Bell, Samuel Ball, Primes Thomas, Thomas Cummings, and John Hammons. These pensions having been granted under the Federal act of 1818 and 1832.

In 1871, when Congress was investigating the operations of the Ku-Klux, the Hon. Giles Leach, then a prominent lawyer residing

at Lumberton, Robeson County, was summoned to appear before a congressional committee in Washington to testify in regard to the condition of affairs in Robeson County. He was naturally very unfriendly to the Indians, because he admitted in his testimony that he was employed by the State of North Carolina to prosecute some of them. Notwithstanding his prejudice, when asked the question as to what race the Lowries and the other Indians belonged to, he said:

Wah, sir, I desire to tell you the truth as near as I can. I think they are a mixture of Spanish and Indian. They have straight black hair and many of the characteristics of the Cherokee Indians in our State.

When asked the question as to what blood there was in the Lowrie family, he said:

I think the father was an Indian. I think the family had about all the characteristics of the Cherokee Indians of our State. The mother was named Cumbo, and I think very probably that she may have been some white blood in the Cumbo family. The Lowrie family is Indian.

I regard this testimony of the Hon. Giles Leach as very important as bearing upon the fact that these Indians are of Cherokee descent, because, as stated, he was strongly prejudiced against them and obviously gave no testimony favorable to them except where he felt obliged to do so.

It is inconceivable that these Indians should have had a tradition in their families which can be traced for more than a hundred years to the effect that they were of Cherokee origin unless there was something in the statement. It will be noted in the pamphlet published by the Hon. Hamilton McMillan that they always claimed to him that they were of Cherokee origin. The investigation I have made of them for the last 20 or 25 years has elicited the universal tradition and history that their Indian blood was Cherokee. It is entirely possible, of course, that there may have been a mixture of some other Indian blood. In fact, it is generally believed that the Cherokees and a number of other native Indian tribes who originally lived on the border line of North and South Carolina were mixed more or less with the Cherokee Indians.

The fact that such reliable historians as Capt. S. A. Aebe, the author of a history of North Carolina, Hon. Hamilton McMillan, a man now over 80 years of age, who has lived in this section all his life and who has made a special study of these Indians, and the Hon. Giles Leach, who was one of the most noted local historians who ever lived in this section—the very fact, I say, that they have all stated that it is their positive opinion from their investigations that these people have Cherokee blood in them is, when coupled with their own universal tradition to that effect, conclusive proof that they have Cherokee blood in their veins. Indeed, it would be practically impossible to prove the family or tribal relation of any people by stronger evidence than the foregoing proof.

I include statements of Wash Lowrie, a very old Indian, which is practically the same as the others with whom I have talked for the last 25 years, truly,

A. W. McLEAM.

STATEMENT OF WASH LOWRIE TO A. W. McLEAM.

On July 14, 1914, I interviewed Wash Lowrie at his home on the Lowrie Road, about 2 miles north of Pembroke. He stated that he lacked a few months of being 80 years of age. That his father was Daniel Lowrie, who died about 1864, age 73 years, and Daniel Lowrie was a natural son of James Lowrie. This James Lowrie was one of the original Indians in this section and was very well off at the time of his death in 1810. (See his will, recorded in book of wills No. 1, p. 121, office clerk superior court, Robeson County.) The mother of Daniel Lowrie was Sarah Locklear. Other descendants of James Lowrie now living in this section are the following: Luther Dees and John Dees, sons of Silas Lowrie, who was a son of Thomas Lowrie, and Thomas Lowrie was a son of James Lowrie. Sinclair Lowrie and James Lowrie and Pert Ransom are all children of Allen Lowrie, who was a son of the original James Lowrie. This James Lowrie first lived in the upper part of Robeson County, now Hoke County. He afterwards moved to Harpers Ferry, on Lumber River, and maintained first a ferry and afterwards a toll bridge at that point. He laid out and constructed the Lowrie Road. Wash Lowrie says that this James Lowrie was a nephew of Col. John Lowrie, who was one time chief of the Cherokees and who signed a treaty on behalf of the Cherokees to the United States Government. He further states that he knew old John Brooks well, having seen him a number of times before he died. This John Brooks was a soldier in the Revolutionary War. (See application for pension in the records of the War Department at Washington.) Wash Lowrie says that old John Brooks died at the age of about 110 years. His application for pension states that he was about 80 years old when the pension was paid and that he died at the age of 94. At 73 years of age he had a son, David, and that he had a father, then 73 years old, and David and these Indians in Robeson County came from Roanoke in Virginia. That after remaining in Robeson County for some time they went to the mountains with the other Cherokees, but a number returned on account of leaving relatives in Robeson County, where they had mixed with the other tribes and probably with several of the whites. The United States census of 1790 shows only a few Indian families in Robeson County at the time of taking that census.

Wash Lowrie states further that he has often heard of Hugh Locklear, who served in the War of 1812, and that Nelson Locklear, now living in Robeson County, is a great grandson of this Hugh Locklear, and that Hector Locklear's wife is a great granddaughter. That he has often heard of Stephen Cumbo, who was a soldier in the War of 1812. That Abbie Cumbo, who married Allen Lowrie, was a daughter of this Stephen Cumbo.

This Wash Lowrie is now in very bad health, having suffered a stroke of paralysis, but his mind and memory seem to be good. He has many of the characteristics of the Indians. An enlarged photograph can be obtained, as he has one hanging in his bedroom.

OFFICE LETTER OF SEPTEMBER 14, 1914, TO A. W. McLEAN.
SEPTEMBER 14, 1914.

Mr. A. W. McLEAN,

President Bank of Lumberton, Lumberton, N. C.

DEAR SIR: The office has received your letter of September 7, 1914, submitting certain matter relating to the Indians of Robeson County, N. C., and the same has been referred to Special Agent McPherson for consideration in connection with his investigation of the affairs of said Indians, in obedience to Senate resolution #10 and the instructions of this office.

Very respectfully,

E. B. MERRITT,

Assistant Commissioner.

EXHIBIT G.

HISTORY OF THE CHEROKEE INDIANS.

[From Nineteenth Annual Report of the Bureau of Ethnology.]
THE TRADITIONAL PERIOD.

The Cherokee were the mountaineers of the South, holding the entire Allegheny region from the interlocking head-streams of the Kanawha and the Tennessee southward almost to the site of Atlanta, and from the Blue Ridge on the east to the Cumberland Range on the west, a territory comprising an area of about 40,000 square miles, now included in the States of Virginia, Tennessee, North Carolina, South Carolina, Georgia, and Alabama. Their principal towns were upon the headwaters of the Savannah, Hiwassee, and Tuckasegee, and along the whole length of the Little Tennessee to its junction with the main stream. Iteati, or Echota, on the south bank of the Little Tennessee, a few miles above the mouth of Tellico River, in Tennessee, was commonly considered the capital of the nation. As the advancing whites pressed upon them from the east, and northeast the more exposed towns were destroyed or abandoned and new settlements were formed lower down the Tennessee and on the upper branches of the Chatahoochee and the Coosa.

As is always the case with tribal geography, there were no fixed boundaries, and on every side the Cherokee communities were encircled by rival nations. To the west, there is no doubt to believe, the tribe did in chief in early days, by the Powhatan and the Monacan. On the east and southeast, the Tuscarora and Catawba were their inveterate enemies, with hardly even a momentary truce within the historic period; and evidence goes to show that the Sara or Cherokee were fully as hostile. On the south there was hereditary war with the Creeks, who claimed nearly the whole of upper Georgia as their original possession, but who were being gradually pressed down toward the Gulf until, through the mediation of the United States, a treaty was finally made fixing the boundary between the two tribes along a line running about due west from the mouth of Broad River on the Savannah. Toward the west, the Chickasaw on the lower Tennessee and the Shawano on the Cumberland repeatedly turned back the tide of Cherokee invasion from the rich central valleys, while the powerful Iroquois in the far north set up an almost unchallenged claim of paramount lordship from the Ottawa River of Canada southward at least to the Kentucky River.

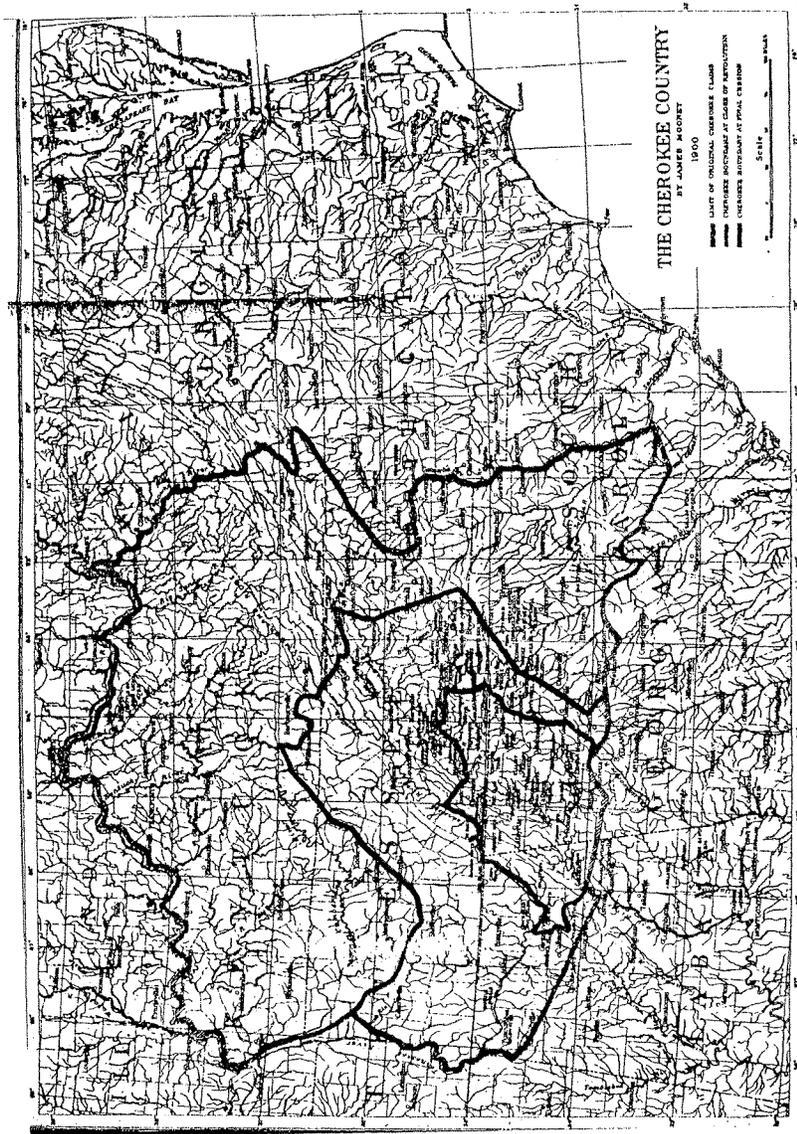
On the other hand, by their defeat of the Creeks and expulsion of the Shawano, the Cherokee made good the claim which they asserted to all the lands from upper Georgia to the Ohio River, including the rich hunting grounds of Kentucky. Holding as they did the great mountain barrier between the English settlements on the coast and the French or Spanish garrisons along the Mississippi and the Ohio their geographic position, no less than their superior number, would

have given them the balance of power in the South but for a looseness of tribal organization in striking contrast to the compactness of the Iroquois league, by which for more than a century the French power was held in check in the north. The English, indeed, found it convenient to recognize certain chiefs as supreme in the tribe, but the only real attempt to weld the whole Cherokee Nation into a political unit was that made by the French agent, Priber, about 1736, which failed from its premature discovery by the English. We frequently find their kingdom divided against itself, their very number preventing unity of action, while still giving them an importance above that of neighboring tribes.

The proper name by which the Cherokee call themselves is *Yun'wiyá'*, or *Ani'-Yun'wiyá'* in the third person, signifying "real people," or "principal people," a word closely related to *Oñwe-hoñwe*, the name by which the cognate Iroquois know themselves. The word properly denotes "Indians," as distinguished from people of other races, but in usage it is restricted to mean members of the Cherokee Tribe, those of other tribes being designated as Creek, Catawba, etc., as the case may be. On ceremonial occasions they frequently speak of themselves as *Ani'-Kitu' hwagí*, or "people of Kítu'hwa," an ancient settlement on Tuckasegee River and apparently the original nucleus of the tribe. Among the western Cherokee this name has been adopted by a secret society recruited from the full-blood element and pledged to resist the advances of the white man's civilization. Under the various forms of *Cuttawa*, *Gattochwa*, *Kittuwa*, etc., as spelled by different authors, it was also used by several northern Algonquian tribes as a synonym for Cherokee.

Cherokee, the name by which they are commonly known, has no meaning in their own language, and seems to be of foreign origin. As used among themselves the form is *Tsa'lágl'* or *Tsa'rágl'*. It first appears as *Chalague* in the Portuguese narrative of De Soto's expedition, published originally in 1557, while we find *Cheraqui* in a French document of 1699, and *Cherokee* as an English form as early, at least, as 1708. The name has thus an authentic history of 360 years. There is evidence that it is derived from the Choctaw word *choluk* or *chiluk*, signifying a pit or cave, and comes to us through the so-called Mobilian trade language, a corrupted Choctaw jargon formerly used as the medium of communication among all the tribes of the Gulf States, as far north as the mouth of the Ohio. Within this area many of the tribes were commonly known under Choctaw names, even though of widely differing linguistic stocks, and if such a name existed for the Cherokee it must undoubtedly have been communicated to the first Spanish explorers by De Soto's interpreters. This theory is borne out by their Iroquois (Mohawk) name, *Oyata'ge'ronoñ'*, as given by Hewitt, signifying "inhabitants of the cave country," the Allegheny region being peculiarly a cave country, in which "rock shelters," containing numerous traces of Indian occupancy, are of frequent occurrence. Their Catawba name also, *Mañterañ*, as given by Gatschet, signifying "coming out of the ground," seems to contain the same reference. Adair's attempt to connect the name Cherokee with their word for fire, *atsila*, is an error founded upon imperfect knowledge of the language.

Among other synonyms for the tribe are *Rickahockan*, or *Rechahecrian*, the ancient Powhatan name, and *Tallige'*, or *Tallige'wi*, the



MAP OF THE CHEROKEE COUNTRY.

From the ...

eign admixture, as of Natchez, Taskigi, or Shawano blood. There is some reason for believing that the people living on Nantahala River differed dialectically from their neighbors on either side.

The Iroquoian stock, to which the Cherokee belong, had its chief home in the North, its tribes occupying a compact territory which comprised portions of Ontario, New York, Ohio, and Pennsylvania, and extended down the Susquehanna and Chesapeake Bay almost to the latitude of Washington. Another body, including the Tuscarora, Nottoway, and perhaps also the Meherrin, occupied territory in north-eastern North Carolina and the adjacent portion of Virginia. The Cherokee themselves constituted the third and southernmost body. It is evident that tribes of common stock must at one time have occupied contiguous territories, and such we find to be the case in this instance. The Tuscarora and Meherrin, and presumably also the Nottoway, are known to have come from the north, while traditional and historical evidence concur in assigning to the Cherokee as their early home the region about the headwaters of the Ohio, immediately to the southward of their kinsmen, but bitter enemies, the Iroquois. The theory which brings the Cherokees from northern Iowa and the Iroquois from Manitoba is unworthy of serious consideration.

The most ancient tradition concerning the Cherokee appears to be the Delaware tradition of the expulsion of the Talligewi from the North as first noted by the missionary Heckewelder in 1819, and published more fully by Brinton in the *Walam Olum* in 1885. According to the first account, the Delawares, advancing from the west, found their further progress opposed by a powerful people called Alligewi or Talligewi, occupying the country upon a river which Heckewelder thinks identical with the Mississippi, but which the sequel shows was more probably the Upper Ohio. They were said to have regularly built earthen fortifications, in which they defended themselves so well that at last the Delawares were obliged to seek the assistance of the "Mengwe," or Iroquois, with the result that after a warfare extending over many years the Alligewi finally received a crushing defeat, the survivors fleeing down the river and abandoning the country to the invaders, who thereupon parceled it out amongst themselves, the "Mengwe" choosing the portion about the Great Lakes while the Delawares took possession of that to the south and east. The missionary adds that the Allegheny (and Ohio) River was still called by the Delawares the Alligewi Sipu, or river of the Alligewi. This would seem to indicate it as the true river of the tradition. He speaks also of remarkable earthworks seen by him in 1789 in the neighborhood of Lake Erie, which were said by the Indians to have been built by the extirpated tribe as defensive fortifications in the course of this war. Near two of these, in the vicinity of Sandusky, he was shown mounds under which it was said some hundreds of the slain Talligewi were buried.¹ As is usual in such traditions, the Alligewi were said to have been of giant stature, far exceeding their conquerors in size.

In the *Walam Olum*, which is, it is asserted, a metrical translation of an ancient hieroglyphic bark record discovered in 1820, the main tradition is given in practically the same way, with an appendix which follows the fortunes of the defeated tribe up to the beginning of the historic period, thus completing the chain of evidence.

¹ Heckewelder, John, *Indian Nations of Pennsylvania*, pp. 47-49, ed. 1876.

ancient name used in the *Walam Olum* chronicle of the Lenape'. Concerning both the application and the etymology of this last name there has been much dispute, but there seems no reasonable doubt as to the identity of the people.

Linguistically the Cherokee belong to the Iroquoian stock, the relationship having been suspected by Barton over a century ago, and by Gallatin and Hale at a later period, and definitely established by Hewitt in 1887.¹ While there can now be no question of the connection, the marked lexical and grammatical differences indicate that the separation must have occurred at a very early period. As is usually the case with a large tribe occupying an extensive territory, the language is spoken in several dialects, the principal of which may, for want of other names, be conveniently designated as the Eastern, Middle, and Western. Adair's classification into "Ayrate" (*e'ladi*), or low, and "Ottare" (*d'tali*), or mountainous, must be rejected as imperfect.

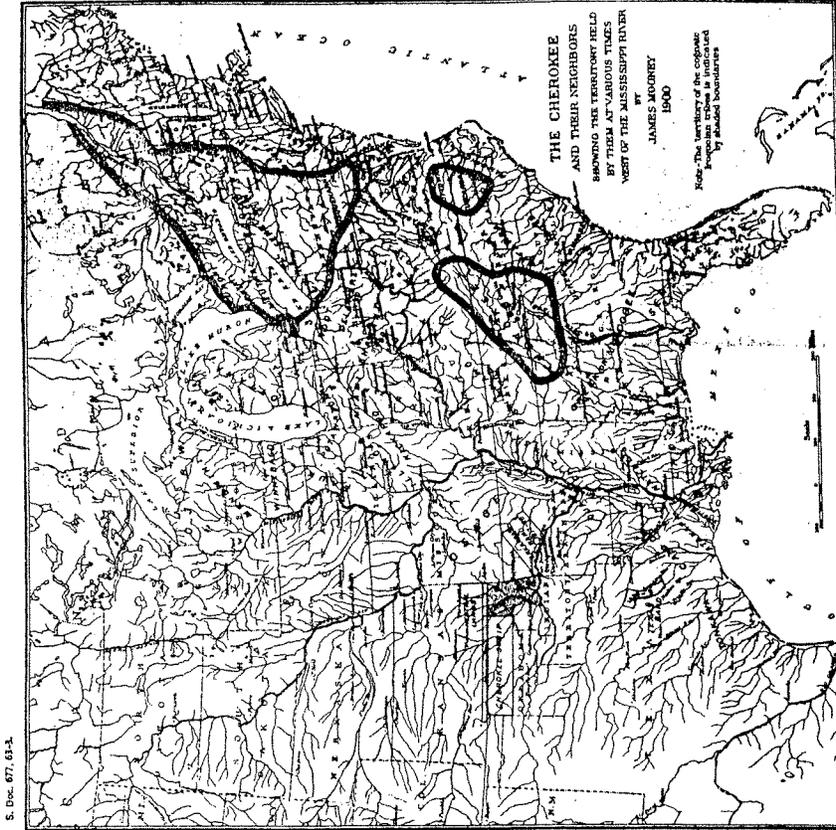
The Eastern dialect, formerly often called the Lower Cherokee dialect, was originally spoken in all the towns upon the waters of the Keowee and Tugaloo, head streams of Savannah River, in South Carolina and the adjacent portion of Georgia. Its chief peculiarity is a rolling *r*, which takes the place of the *l* of the other dialects. In this dialect the tribal name is *Tsa'rägi'*, which the English settlers of Carolina corrupted to Cherokee, while the Spaniards, advancing from the south, became better familiar with the other form, which they wrote as Chalaque. Owing to their exposed frontier position, adjoining the white settlements of Carolina, the Cherokee of this division were the first to feel the shock of war in the campaigns of 1760 and 1776, with the result that before the close of the Revolution they had been completely extirpated from their original territory and scattered as refugees among the more western towns of the tribe. The consequence was that they lost their distinctive dialect, which is now practically extinct. In 1888 it was spoken by but one man on the reservation in North Carolina.

The Middle dialect, which might properly be designated the Kituhwa dialect, was originally spoken in the towns on the Tuckasegee and the headwaters of the Little Tennessee, in the very heart of the Cherokee country, and is still spoken by the great majority of those now living on the Qualla Reservation. In some of its phonetic forms it agrees with the Eastern dialect, but resembles the Western in having the *l* sound.

The Western dialect was spoken in most of the towns of east Tennessee and upper Georgia and upon Hiwassee and Cheowa Rivers in North Carolina. It is the softest and most musical of all the dialects of this musical language, having a frequent liquid *l* and eliding many of the harsher consonants found in the other forms. It is also the literary dialect, and is spoken by most of those now constituting the Cherokee Nation in the West.

Scattered among the other Cherokee are individuals whose pronunciation and occasional peculiar terms for familiar objects give indication of a fourth and perhaps a fifth dialect, which can not now be localized. It is possible that these differences may come from for-

¹ Barton, Bond, S., *New Views on the Origin of the Tribes and Nations of America*, p. xiv, *passim*; *Philo.*, 1797; Gallatin, Albert, *Synopsis of Indian Tribes*, *Trans. American Antiquarian Society*, II, p. 91, Cambridge, 1836; Hewitt, J. N. H., *The Cherokee an Iroquoian Language*, Washington, 1887, (MS. in the archives of the Bureau of American Ethnology).



In the *Walam Olum* also we find the Delawares advancing from the west or northwest until they come to "Fish River"—the same which Heckewelder makes the Mississippi. On the other side, we are told, "The Talligowi possessed the East." The Delaware chief "desired the eastern land," and some of his people go on, but are killed by the Talligowi. The Delawares decide upon war and call in the help of their northern friends, the "Talamatan," i. e., the Wyandot and other allied Iroquoian Tribes. A war ensues which continues through the terms of four successive chiefs, when victory declares for the invaders, and "all the Talega go south." The country is then divided, the Talamatan taking the northern portion, while the Delawares "stay south of the lakes." The chronicle proceeds to tell how, after eleven more chiefs have ruled, the Nanticoke and Shawano separate from the parent tribe and remove to the south. Six other chiefs follow in succession until we come to the seventh, who "went to the Talega Mountains." By this time the Delawares have reached the ocean. Other chiefs succeed, after whom "the Easterners and the Wolves"—probably the Mahican or Wappinger and the Munsee—move off to the northeast. At last, after six more chiefs, "the whites came on the eastern sea," by which is probably meant the landing of the Dutch on Manhattan in 1609. We may consider this a tally date, approximating the beginning of the seventeenth century. Two more chiefs rule, and of the second we are told that "He fought at the south; he fought in the land of the Talega and Koweta," and again the fourth chief after the coming of the whites "went to the Talega." We have thus a traditional record of a war of conquest carried on against the Talligowi by four successive chiefs, and a succession of about twenty-five chiefs between the final expulsion of that tribe and the appearance of the whites, in which interval the Nanticoke, Shawano, Mahican, and Munsee branched off from the parent tribe of the Delawares. Without venturing to entangle ourselves in the devious maze of Indian chronology, it is sufficient to note that all this implies a very long period of time—so long, in fact, that during it several new tribes, each of which in time developed a distinct dialect, branch off from the main Lenapé stem. It is distinctly stated that all the Talega went south after their final defeat; and from later references we find that they took refuge in the mountain country in the neighborhood of the Koweta (the Creeks), and that Delaware war parties were still making raids upon both these tribes long after the first appearance of the whites.

Although at first glance it might be thought that the name Talligowi is but a corruption of Tsalagi, a closer study leads to the opinion that is a true Delaware word, in all probability connected with *walok* or *walok*, signifying a cave or hole (Zeisberger), whence we find in the *Walam Olum* the word *oliganunk* rendered as "at the place of caves." It would thus be an exact Delaware rendering of the same name, "people of the cave country," by which, as we have seen, the Cherokees were commonly known among the tribes. Whatever may be the origin of the name itself, there can be no reasonable doubt as to its application. "Name, location, and legends combine to identify the Cherokees or Tsalaki with the Tallike; and this is as much evidence as we can expect to produce in such researches."¹

¹ Brinton, D. O., *Walam Olum*, p. 231; Phila., 1886.

Although, as has been noted, Haywood expresses the opinion that the Cherokee Indians are of European and African descent, the earlier historians, as we have seen, have not been so definite in their authority, that the newcomers found no Indians upon the waters of the Tennessee, with the exception of some Creeks living upon that river. The mouth of the Hiwassee, the main body of that tribe being established upon and claiming all the streams to the southward. There is considerable evidence that the Creeks preceded the Cherokee, and within the last century they still claimed the Tennessee, and within Tennessee watershed, for their northern boundary.

There is a dim but persistent tradition of a strange white race preceding the Cherokee, some of the stories even going so far as to locate their former settlements and to identify them as the authors of the mounds now found in the country. The earliest reference appears to be that in the statement of a gentleman whom the late Mr. Chesnut he quotes as a valuable authority on the southern tribes. The Cherokee tell us, that when they first arrived in the country which they inhabit, they found it possessed by certain "mound-builders," who could not see in the daytime. These wretches they expelled, and He seems to consider them an albino race. Haywood, twenty-six years later, says that the invading Cherokee found "white people" near the head of the Little Tennessee, with forts extending thence down the Tennessee as far as Chocomauga Creek. He gives the location of three of these forts. The Cherokee made war against them and drove them to the mouth of Big Chickamauga Creek, where they passed. Put to a treaty and agreed to remove if permitted to depart in peace. But they grew discontented, and, as having extended into Kentucky and probably also into western Tennessee, according to the concurrent traditions of different tribes. He describes their houses, on what authority is not stated, as having been small circular structures of upright legs, covered with earth which had been dug out from the inside.¹

Harry Smith, a half-breed born about 1815, father of the late chief of the East Cherokee, informed the author that when a boy he had been told by an old woman a tradition of a race of very small people, perfectly white, who once came and lived for some time on the site of Peachtree Creek, a few miles above the present Murphy, North Carolina. They afterward removed to the West. One of the most prominent white chiefs of the East Cherokee, born about the beginning of the century, had also heard a tradition of another race of people, who lived on Hiwassee, opposite the present Murphy, and warned the Cherokee that they must not attempt to cross over to the south side of the river or the great leech in the water would swallow them. They finally went west, "long before the whites came." The two stories are plainly the same, although told independently and many miles apart.

¹ Haywood, op. cit., pp. 24-25.

² Burton, *See Views of the Early Part of the History of the Cherokee Indians*, p. 20.

³ See entry, "The Great Leech of the Hiwassee," p. 20.

THE PERIOD OF SPANISH EXPLORATION—1540-1

The definite history of the Cherokee begins with the year 1540, at which date we find them already established, where they were always afterward known, in the mountains of Carolina and Georgia. The earliest Spanish adventurers failed to penetrate so far into the interior, and the first entry into their country was made by De Soto, advancing upon his fruitless quest for gold, in 1539. Yet, of the lower part of the present State, the Spaniards had no knowledge. While at Coftachiqui, a frontier Indian town on the lower Savannah governed by a "queen," the Spaniards had found batches and other objects of copper, some of which was of finer color and appeared to be mixed with gold, although they had no means of testing it. On inquiry they were told that the metal had come from an interior mountain province called Chusa, but the country was represented as thinly peopled and the way as impassable for horses. Some time before, while advancing through eastern Georgia, they had heard also of a rich and plentiful province called Coca, toward the northwest, and by the people of Coftachiqui they were now told that Chihua, the nearest town of Coca province, was twenty days inland. As both men and animals were already nearly exhausted from hunger and fatigue, the Spaniards determined to attempt to obtain sufficient provisions for the road. De Soto determined not to attempt the passage of the mountains then, but to push on at once to Coca, there to rest and recuperate before undertaking further exploration. In the meantime he hoped also to obtain more definite information concerning the mines. As the chief purpose of the expedition was the discovery of the mines, many of the officers regarded this change of plan as a mistake, and favored staying where they were until the new crop should be ripened, then go directly into the mountains, but as the general was "a stern man and of few words," none ventured to oppose his resolution. At the province of Coca was the territory of the Creek Indians, identified with Chihua, as identical with Chihua, or one of the principal Creek towns on Chatahoochee River. Coftachiqui may have been the capital of the Uchee Indians.

The outrageous conduct of the Spaniards had so angered the Indian Queen that she now refused to furnish guides and carriers, whereupon De Soto made her a prisoner, with the design of compelling her to act as guide herself, and at the same time to use her as a hostage to command the obedience of her subjects. Instead, however, of conducting the Spaniards by the direct trail toward the west, she led them far out of their course until she finally managed to make her escape, leaving them to find their way out of the mountains as best they could.

Departing from Coftachiqui, they turned first toward the north, passing through several towns subject to the queen, to whom, although a prisoner, the Indians everywhere showed great respect and obedience, furnishing whatever assistance the Spaniards compelled her to demand for their own purposes. In a few days they came to a province called Chalaque, the territory of the Cherokee Indians, probably upon the waters of Keowee River, the eastern head stream of the Savannah. It is described as the poorest country for corn that

¹ Burton, *See Views of the Early Part of the History of the Cherokee Indians*, p. 20.

² Burton, *See Views of the Early Part of the History of the Cherokee Indians*, pp. 20-21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

they had yet seen, the inhabitants subsisting on wild roots and herbs and on game which they killed with bows and arrows. They were naked, lean, and unwarlike. The country abounded in wild turkeys ("gallinas"), which the people gave very freely to the strangers, one town presenting them with seven hundred. A chief also gave De Soto two deerskins as a great present. Garcilaso, writing of the vicinity of an old spot nearly fifty years afterward, says that "the Indians of this country, dressed on the approach of the white men, and fled to the mountains, leaving behind them men and women and some who were nearly blind." Although it was too early for the new crop, the poverty of the people may have been more apparent than real, due to their unwillingness to give any part of their stored-up provision to the unwelcome strangers. As the Spaniards were greatly in need of corn for themselves and their horses, they made no stay, but hurried on. In a few days they arrived at Ocuquil, which is mentioned only by Rangel, who does not specify whether it was a town or a province—i. e., a tribal territory. It was probably a small town. Here they were welcomed in a friendly manner, the Indians giving them a little corn and many wild turkeys, together with some dogs of a peculiar small species, which were bred for eating purposes and did not bark. They were also supplied with such articles as baggage-walk, moccasins, and a large quantity of soap and "beaded wigs," *ro gual*, "whippoorwill," and *pa'*, "foam," or *pa'*, "egg."

Traveling still toward the north, they arrived a day or two later in the province of Xuala, in which we recognize the territory of the Suwai, Sara, or Cheraw Indians, in the piedmont region about the head of Broad River in North Carolina. Garcilaso, who did not see it, represents it as a rich country, while the Elvas narrative and Biedma agree that it was a rough, broken country, thinly inhabited and poor in provision. According to Garcilaso, it was under the rule of the queen of Coftachiqui, although a distinct province in itself. The principal town was beside a small rapid stream, close under a mountain. The chief received them in friendly fashion, giving them corn, dogs of small breed, and many smoking baskets, and burdock-seeds. The country about about showed greater indications of gold mines than any they had yet seen.

Here De Soto turned to the west, crossing a very high mountain range, which appears to have been the Blue Ridge, and descending on the other side to a stream flowing in the opposite direction, which was probably one of the upper tributaries of the French Broad. Although it was late in May, they found it very cold in the mountains. After several days of such travel they arrived, about the end of the month, at the town of Guaseli, or Guaxule. The chief and principal men came out some distance to welcome them, dressed in fine robes of skins, with feather head dresses, after the fashion of the country. Before reaching this point the queen had managed to make her escape, together with three slaves of the Spaniards, and the last that was heard of her was that she was on her way back to her own

¹ Garcilaso de Elvas, *Publications of the Hakluyt Society*, II, p. 65, London, 1881.
² *Handbook of Florida*, by B. S. Patten, p. 54, 1879.
³ *Handbook of Florida*, by B. S. Patten, p. 54, 1879.
⁴ Garcilaso, *Las Perlas del Indio*, p. 126, 1722.
⁵ *Handbook of Florida*, by B. S. Patten, p. 54, 1879.
⁶ *Handbook of Florida*, by B. S. Patten, p. 54, 1879.

country with one of the runaways as her husband. What grieved De Soto most in the matter was that she took with her a small box of pearls, which he had intended to take from her before releasing her, but had left it with her for the present in order not to dismount her altogether.

Garcilaso described as a very large town surrounded by a number of small mountain streams which united to form the large river down which the Spaniards proceeded after leaving the place.¹ Here, as elsewhere, the Indians received the white men with kindness and hospitality—so much so that the name of Guaxule became to the army a synonym for good fortune.² Among other things they gave the Spaniards 300 dogs for food, although, according to the Elvas narrative, the Indians themselves did not eat them.³ The principal officers of the expedition were lodged in the "chief's house," by which we are to understand the townhouse, which was upon a high hill with a roadway to the top.⁴ From a close study of the narrative it appears that this "hill" was no other than the great Nacoochee mound, in White County, Georgia, a few miles northwest of the present Clarksville.⁵ It was within the Cherokee territory, and the town was probably a settlement of this tribe. From here De Soto sent runners ahead to notify the Creeks of his approach, in order that sufficient corn might be ready on his arrival.

Leaving Guaxule they proceeded down the river, which we identify with the Chatahoochee, and in two days arrived at Canasaga, or Canasaga, a frontier town of the Cherokee. As they neared the town they were met by the Indians, bearing baskets of mulberries,⁶ more probably the delicious service berry of the southern mountains, which ripens in the early summer, while the mulberry matures later.

From here they continued down the river, which grew constantly larger, through an uninhabited country which formed the disputed territory between the Cherokee and the Creeks. About five days after leaving Canasaga they were met by messengers, who escorted them to Suwila, the first town of the province of Coza. De Soto had crossed the Suwila range, which the Creeks call *Chitawee*, and the town was now among the lower Creeks, in the neighborhood of the present Columbus, Georgia. With his subsequent wanderings after crossing the Chatahoochee into Alabama and beyond we need not concern ourselves.

While resting at Chischa De Soto met with a chief who confirmed what the Spaniards had heard before concerning mines in the province of Chisca, saying that there was there "a melting of copper" and of another metal of about the same color, but softer, and therefore not so much used.⁷ The province was northward from Chischa, somewhere in upper Georgia or the adjacent part of Alabama or Tennessee, through all of which mountain regions native copper is found. The other mineral, which the Spaniards understood to be gold, may have been iron pyrites, although there is some evidence that the Indians occasionally found and shaped gold nuggets.

¹ Elvas, *Hakluyt Society*, II, p. 61, 1881.

² *Handbook of Florida*, by B. S. Patten, p. 54, 1879.

³ Elvas, *Hakluyt Society*, II, p. 61, 1881.

⁴ Elvas, *Hakluyt Society*, II, p. 61, 1881.

⁵ *Handbook of Florida*, by B. S. Patten, p. 54, 1879.

⁶ Elvas, *Hakluyt Society*, II, p. 61, 1881.

⁷ Elvas, *Hakluyt Society*, II, p. 61, 1881.

⁸ Elvas, *Hakluyt Society*, II, p. 61, 1881.

⁹ Elvas, *Hakluyt Society*, II, p. 61, 1881.

¹⁰ Elvas, *Hakluyt Society*, II, p. 61, 1881.

¹¹ Elvas, *Hakluyt Society*, II, p. 61, 1881.

¹² Elvas, *Hakluyt Society*, II, p. 61, 1881.

¹³ Elvas, *Hakluyt Society*, II, p. 61, 1881.

¹⁴ Elvas, *Hakluyt Society*, II, p. 61, 1881.

¹⁵ Elvas, *Hakluyt Society*, II, p. 61, 1881.

¹⁶ Elvas, *Hakluyt Society*, II, p. 61, 1881.

¹⁷ Elvas, *Hakluyt Society*, II, p. 61, 1881.

¹⁸ Elvas, *Hakluyt Society*, II, p. 61, 1881.

¹⁹ Elvas, *Hakluyt Society*, II, p. 61, 1881.

²⁰ Elvas, *Hakluyt Society*, II, p. 61, 1881.

²¹ Elvas, *Hakluyt Society*, II, p. 61, 1881.

²² Elvas, *Hakluyt Society*, II, p. 61, 1881.

²³ Elvas, *Hakluyt Society*, II, p. 61, 1881.

²⁴ Elvas, *Hakluyt Society*, II, p. 61, 1881.

²⁵ Elvas, *Hakluyt Society*, II, p. 61, 1881.

²⁶ Elvas, *Hakluyt Society*, II, p. 61, 1881.

²⁷ Elvas, *Hakluyt Society*, II, p. 61, 1881.

²⁸ Elvas, *Hakluyt Society*, II, p. 61, 1881.

²⁹ Elvas, *Hakluyt Society*, II, p. 61, 1881.

³⁰ Elvas, *Hakluyt Society*, II, p. 61, 1881.

³¹ Elvas, *Hakluyt Society*, II, p. 61, 1881.

³² Elvas, *Hakluyt Society*, II, p. 61, 1881.

³³ Elvas, *Hakluyt Society*, II, p. 61, 1881.

³⁴ Elvas, *Hakluyt Society*, II, p. 61, 1881.

³⁵ Elvas, *Hakluyt Society*, II, p. 61, 1881.

Accordingly two soldiers were sent on foot, with Indian guides to find Chisca and learn the truth of the stories. They rejoined the army some time after the march had been resumed, and reported according to the Elvas chronicler, that their guides had taken them through a country so poor in corn, so rough, and over so high mountains that it would be impossible for the army to follow; wherefore, as the way grew long and lingering, they had turned back after reaching a little poor town where they saw nothing that was of any profit. They brought back with them a dressed buffalo skin which the Indians there had given them, the first ever obtained by white men, and described in the quaint old chronicle as "an ox hide as thin as a calf's skin, and the like a soft wool between the coarse and fine wool of sheep."

Chisca's glowing narrative gave a second impetus to the expedition. According to his account the lands abounded full of enthusiasm for the fertility of the country and reported that the mines were of a fine species of copper, and had indications also of gold and silver, while their progress from one town to another had been a continual series of feasting and Indian hospitalities.¹ However that may have been, De Soto made no further effort to reach the Cherokee mines, but continued his course westward through the Creek country, having spent altogether a month in the mountain region.

There is no record of any second attempt to penetrate the Cherokee country for twenty-six years. In 1561 the Spaniards took formal possession of the Bay of Santa Elena, now Saint Helena, near Port Royal, on the coast of South Carolina. The next year the French 1562 Mounapocossita attempt to penetrate the mountain region, and by building there a fort which he called San Felipe.² In November of that year Captain Juan Pardo was sent with a party from the fort to explore the interior. Accompanied by the chief of "Joras," i. e., the Sara Indians (already mentioned in the De Soto chronicle), he proceeded as far as the territory of that tribe, where he built a fort, but on account of the snow in the mountains did not think it advisable to go farther, and returned, leaving a sergeant with thirty soldiers to garrison the post. Soon after his return he received a letter from the sergeant stating that the chief of Chisca—the rich mining country of which De Soto had heard—was very hostile to the Spaniards, and that in a recent battle he had killed a thousand of his Indians and burned fifty houses, with almost no loss to himself. Evidently the sergeant or his chronicler must have been an unaccountable man. Immediately afterward, according to the same story, the sergeant marched with twenty men about a day's distance in the mountains against another hostile chief, whom he found in a strongly palisaded town, which, after a hard fight, he and his men stormed and burned, killing fifteen hundred Indians without losing a single man themselves. Under instructions from his superior officer, the sergeant with his small party then proceeded to explore what lay beyond, and, taking a road which they were told led to the territory of a great chief, after four

¹ Elvas, *Relacion*, *libro*, p. 96, 106.
² *Compendio de la Historia de las Indias*, p. 141 et 179.
³ *Compendio de la Historia de las Indias*, *libro*, p. 141 et 179.

days of hard marching they came to his town, called Chibcha (Chibcha, by mistake in the manuscript translation), the same name as De Soto had noted. It is described at this time as palisaded and strongly fortified, with a deep river on each side, and defended by over three thousand fighting men, there being no women or children among them. It is possible that in view of their former experience with the Spaniards, the Indians had sent their families away from the town, while at the same time they may have been summoned warriors from the neighboring Creek towns in order to be prepared for any emergency. However, as before said, they continued for twelve days through the kindness of the Sara tribe until they arrived at the principal town (Kusa), where, by the invitation of the chief, they built a small fort and awaited the coming of Pardo, who was expected to follow with a force from Santa Elena, as he did in the summer of 1567, being met on his arrival with every show of hospitality from the Cherokee chiefs. This second fort was said to be one hundred and forty leagues distant from that in the Sara country, which latter was called one hundred and twenty leagues from Santa Elena.

In the summer of 1567, according to previous agreement, Captain Pardo left the fort at Santa Elena with a small detachment of troops, and after a week's travel, sleeping at night at a different Indian town, arrived at "Cana," (the Cofesquiapi of the De Soto chronicle), which is described as situated in a favorable location for a large city, fifty leagues from Santa Elena, to which the easiest road was by a river (the Savannah) which flowed by the town, or by another which they (the Spaniards) passed ten leagues farther back. Proceeding, they passed through Guaza, and Araschi, and arrived at Otarytatuqui, on the river (which we have perhaps the Cherokee *á hrt* or *á hrt*, according to the old chronicler, its chief and language ruled the great country. From here a trail went northward to Ostaná, Isha, and U. s. i. e., the Wataha, Waxhaw (or Susipahaw) to Quimahaqui, and then, turning to the left, to Issa, where they found mines of crystal (mica?). They came next to Agasá to the mountain, where Juan Pardo arrived and then to Joras on his first trip." This, as has been noted, was the Xunuku of the De Soto chronicle, the territory of the Sara Indians, in the foothills of the Blue Ridge, southeast from the present Asheville, North Carolina. Vandermaer, already quoted, makes the distance of both Elena, while Martinez, already quoted, makes the distance of both statements were only estimates. From these three followed "along the mountains" to Toxax (Toxaway?), although the forms can not be identified—apparently Cherokee towns, although the last-named place went on "to Solanuco, otherwise called Chibcha," where the sergeant met them. The combined forces afterward went on, through Kusa (Kusa), Tashiqui (Tashiqui), and other Creek towns, as far as Tascu-

ing killed their horses on the way. The Indian contingent had from the first been disgusted at the contempt and neglect experienced from those whom they had come to assist. The Tuscarora and others had already gone home, and the Cherokee now started to return on foot to their own country. Finding some horses running loose on the range, they appropriated them, on the theory that as they had lost their own animals, to say nothing of having risked their lives in the service of the colonists, it was only a fair exchange. The frontiersmen took another view of the question, however, attacked the returning Cherokee, and killed a number of them, variously stated at from twelve to forty, including several of their prominent men. According to Adair they also scalped and mutilated the bodies in the savage fashion to which they had become accustomed in the border wars and brought the scalps into the settlements, where they were represented by the Indians and sold at the regular price then established for them. The scalps were taken care of by the regular traders, but were restrained by the chiefs until such a time as they demanded the ordinary way, according to the treaties arranged with the colonial governments. Application was made in turn to Virginia, North Carolina, and South Carolina, but without success. While the women were still wailing night and morning for their slain kindred, and the Creeks were taunting the warriors for their cowardice in thus quietly submitting to the injury, some lawless officers of Fort Prince George committed an unpardonable outrage at the neighboring Indian town while most of the men were away hunting. The warriors could no longer be restrained. Soon there was news of attacks upon the back settlements of Carolina, while on the other side of the mountains two soldiers of the Fort Loudon garrison were killed. The war seemed a hand.

At this time, in November, 1758, a party of influential chiefs, having first ordered back war party just about to start for the western towns against the Carolina settlements, came down to Charleston and succeeded in arranging the difficulty upon a friendly basis. The assembly had officially declared peace with the Cherokee, when, in May of 1759, Governor Lyttleton unexpectedly came forward with a demand for the surrender for execution of every Indian who had killed a white man in the recent skirmishes, among these being the chiefs of Tocco and Tellico. At the same time the commander at Fort Loudon, forgetful of the fact that he had but a small garrison in the midst of several thousands of reckless savages, made a demand for twenty-four other chiefs whom he suspected of unfriendly action. To compel their surrender orders were given to stop all trading supplies intended for the upper Cherokee.

By this time the whole nation, and a delegation representing every town down to Charleston, meeting the demand for peace and friendship, but declaring their inability to surrender their own chiefs. The governor replied by declaring war in November, 1759, at once calling out troops and sending messengers to secure the aid of all the surrounding tribes against the Cherokee. In the meantime a second delegation of thirty-two of the most prominent men,

¹ Adair, *American Indians*, 2d ed., 1771; North Carolina Colonial Records, V, p. 251, 1767; Brevin, *Journal of Discovery*, November, p. 84, 1758.

led by the young war chief Oconostota (*Aga-stata*), arrived to make a further effort for peace, but the governor, refusing to listen to them, seized the whole party and confined them as prisoners at Fort Prince George, in a room large enough for only six soldiers, while at the same time he set fourteen hundred troops in motion to invade the Cherokee country. On further representation by Atakullakulla (*A-ta-gul-kil-lah*), the civil chief of the nation, and well known as a friend of the English, the governor released Oconostota and two others at the compelling some had done of the delegation to kill or seize any which they presented their agreement to the governor to kill or seize any of the party (p. 17); and commanded to the imprisonment of the party until all the warriors demanded had been surrendered for execution or otherwise. At this stage of affairs the small-pox broke out in the Cherokee towns, rendering a further stay in their neighborhood unsafe, and thinking the whole matter now settled on his own basis, Lyttleton returned to Charleston.

The event soon proved how little he knew of Indian temper. Oconostota at once laid siege to Fort Prince George, completely cutting off communication at a time when, as it was now winter, no help could well be expected from below. In February, 1760, after having kept the fort thus closely invested for some weeks, he sent word one day by an Indian woman that he wished to speak to the commander, Lieutenant Coymore. As the lieutenant stepped out from the stockade to see what was wanted, Oconostota, standing on the opposite side of the track, raised his rifle and fired a shot into the fort. The soldiers immediately broke into the room where the hostages were confined, every one being a chief of prominence in the tribe, and butchered them to the last man.

It was now war to the end. Led by Oconostota, the Cherokee descended upon the frontier settlements of Carolina, while the warriors across the mountains laid close siege to Fort Loudon. In June, 1760, a strong force of over 1,600 men, under Colonel Montgomery, started to reduce the Cherokee towns and relieve the beleaguered garrison. Crossing the Indian frontier, Montgomery quickly drove the enemy from about Fort Prince George and then, rapidly advancing, surprised Little Koovee, killing every man of the defenders, and destroyed in the ground, the houses and the stockade, and then, killing and taking more than a hundred of their men, and driving the whole population into the mountains before him. His own loss was very slight. He then sent messengers to the Middle and Upper towns, summoning them to surrender on penalty of the like fate, but, receiving no reply, he led his men across the divide to the waters of the Little Tennessee and continued down that stream without opposition until he came in the vicinity of Echase (*I-se-yo*), a few miles above the sacred town of *Nikwasai*, the present Franklin, North Carolina. Here the Cherokee had collected their full force to resist his progress, and the result was a desperate engagement on June 27, 1760, by which Montgomery was compelled to retire to Fort Prince George, after losing nearly one hundred men in killed and wounded. The Indian loss is unknown.

² For action see the previous page.

their bravest warriors dead, their people fugitives in the mountains, hiding in caves and living like beasts upon roots or killing their horses for food, with the terrible scourge of smallpox adding to their misery of starvation, and withal torn by factional differences which had extended from the very beginning of the war—it was impossible for even brave men to resist longer. In September Ata-kullakulla, who had all along done everything in his power to stay the difference, came down to Charleston, a treaty of peace was made, and the war was ended. From an estimated population of at least 5,000 Indians some years before, the Cherokees had now been reduced to about 2,500 men.¹

In the meantime a force of Virginians under Colonel Stephen had advanced as far as the Great Island of the Holston—now Kingsport, Tennessee, where they were met by a large delegation of Cherokees, who sued for peace, which was concluded with them by Colonel Stephen on November 19, 1761, independently of what was being done in South Carolina. On the urgent request of the chief that an officer might visit their people for a short time to cement the new friendship, Lieutenant Henry Timberlake, a young Virginian who had already distinguished himself in active service, volunteered to return with them to their towns, where he spent several months. He afterward concluded a delegation of chiefs to England, where, as they had come without authority from the Government, they met such an unpleasant reception that they returned disgusted.

On the conclusion of peace between England and France in 1763, by which the whole western territory was ceded to England, a great council was held at Lancaster, Virginia, at which was attended by the chiefs and runners of all the southern Indians, at which Captain John Rymond, superintendent for the southern tribes, together with the colonial governors of Virginia, North Carolina, South Carolina, and Georgia, explained fully to the Indians the new condition of affairs, and a treaty of mutual peace and friendship was concluded on November 10 of that year.²

Under several leaders, as Walker, Wallen, Smith, and Boon, the tide of emigration now surged across the mountains in spite of every effort to restrain it, and the period between the end of the Cherokee war and the opening of the Revolution is principally notable for a number of treaty cessions by the Indians, each in fruitless endeavor to effect permanent barrier between themselves and the famous Henderson white settlement. Chief among these was the whole tract between the Kanawha and Cheathead Rivers embracing the greater part of the present State of Kentucky. By these treaties the Cherokees were driven of practically all their ancient territorial claims north of the present Tennessee line and east of the Blue Ridge and the Savannah, including much of their best hunting range; their home settlements were, however, left still in their possession.³

¹ *Annals of the Southern Indians*, p. 175. When not otherwise noted, this sketch of the Cherokees in 1726-8 is compiled chiefly from the contemporary histories in the Grenada's Manuscript Collection (see *Annals of the Southern Indians*, p. 175).
² *Annals of the Southern Indians*, p. 175.
³ *Annals of the Southern Indians*, p. 175.
⁴ *Annals of the Southern Indians*, p. 175.

The retreat sealed the fate of Fort Loudon. The garrison, though had pressed and reduced to the necessity of eating horses and dogs, had been enabled to hold out through the kindness of the Indian women, many of whom, having found sweethearts among the soldiers, brought them supplies of food daily. When threatened by the chiefs the women boldly replied that the soldiers were their husbands and it was their duty to help them, and that if any harm came to themselves for their devotion their English relatives would avenge them.¹ The end was only delayed, however, and on August 8, 1760, the garrison of about two hundred men, under Captain Demeré, surrendered to Oconostota on promise that they should be allowed to retire unmolested with their arms and sufficient ammunition for the march, on condition of delivering up all the remaining warlike stores.

The troops marched out and proceeded far enough to camp for the night, but the sun overcast and the forts to the west rendered their march difficult. "By midnight we were almost out of powder and a large quantity of ball that had been secretly buried in the fort to prevent their falling into the enemy's hands" (Hewitt). It is said also that cannon, small arms, and ammunition had been thrown into the river with the same intention (Haywood). Enraged at this breach of the capitulation the Cherokees attacked the soldiers next morning at daylight, killing Demeré and twenty-nine others at the first fire. The rest were taken and held as prisoners until ransomed some time after. The second officer, Captain Stuart, for whom the Indians had a high regard, was claimed by Ata-kullakulla, who soon after took him into the woods, ostensibly on a hunting excursion, and conducted him for nine days through the wilderness until he delivered him safely into the hands of friends in Virginia. The chief's kindness was well repaid, for he was largely through his aid that the garrison was saved.

It was now too late, and the settlements were too much exhausted for another expedition, so the fall and winter were employed by the English in preparations for an active campaign the next year in force to crush out all resistance. In June, 1761, Colonel Grant with an army of 2,600 men, including a number of Chickasaw and almost every remaining warrior of the Catawba,² set out from Fort Prince George. Refusing a request from Ata-kullakulla for a friendly accommodation, he crossed Rabun Gap and advanced rapidly down the Little Tennessee along the same trail taken by the expedition of the previous year. On June 10, when within two miles of Montgomery's battlefield, he encountered the Cherokees, whom he defeated, although with considerable loss to himself, after a stubborn engagement lasting several hours. Having repulsed the Indians, he proceeded on his way, sending out detachments to the different settlements until in the course of a month he had destroyed every one of the Middle towns, 15 in all with all their granaries and cornfields, driven the inhabitants into the mountains, and "pushed the frontier seventy miles farther to the west."³

The Cherokees were now reduced to the greatest extremity. With some of their best towns in ashes, their fields and orchards wasted for two successive years, their ammunition nearly exhausted, many of

¹ *Annals of the Southern Indians*, p. 176.
² *Annals of the Southern Indians*, p. 176.
³ *Annals of the Southern Indians*, p. 176.

John Stuart in the south, they know as generous friends, while hardly a warrior of them all was without some old cause of resentment against their backward neighbors. They felt that the only barrier between themselves and national extinction was in the strength of the British Government, and when the final severance came they threw their whole power into the British scale. They were encouraged in this resolution by presents of clothing and other goods, with promises of plunder from the settlements and hopes of recovering a portion of their lost territories. The British Government having determined, as early as June, 1775, to call in the Indians against the Americans, supplies of hats, guns, and ammunition were issued to the warriors of all the tribes from the lakes to the gulf, and bounties were offered for American scalps brought in to the commanding officer at Detroit or Oswego.¹ Even the Six Nations, who had agreed in solemn treaty to remain neutral, were won over by these persuasions. In August, 1775, an Indian band was intercepted in which the Cherokee chief, Cameron, the agent, and a number of his warriors were included in the seizure of the King and Georgia. Circular letters were sent out to all those persons in the back country supposed to be of royalist sympathies, directing them to repair to Cameron's headquarters in the Cherokee country to join the Indians in the invasion of the settlements.²

In June, 1776, a British fleet under command of Sir Peter Parker, with a large naval and military force, attacked Charleston, South Carolina, both by land and sea, and simultaneously a body of Cherokee, led by Tories in Indian disguise, came down from the mountains and ravaged the exposed frontier of South Carolina, killing and burning as they went. After a gallant defense by the garrison at Charleston the British were repulsed, whereupon their Indian and Tory allies withdrew.³

At the same time the warning came from Nancy Ward, a noted friendly Indian woman of great authority in the Cherokee Nation, that seven hundred Cherokee warriors were advancing in two divisions against the Watauga and Holston settlements, with the design of destroying everything as far up as New River. The Holston men from both sides of the Virginia line hastily collected under Captain Thompson and marched against the Indians, whom they met and defeated with signal loss after a hard-fought battle near the Long Island in the Holston (Kingsport, Tennessee), on August 24. The next day the second division of the Cherokee attacked the fort at Watauga, garrisoned by only forty men under Captain James Robertson, but was repulsed without loss to the defenders, the Indians withdrawing on news of the result at the Long Island, and striking the one of the chief places in the neighborhood of Tallapoosa, where the fort was burned, but the woman after she had been condemned to death and everything was in readiness for the tragedy, was rescued by the interposition of Nancy Ward. Two other Cherokee detachments

¹ Barclay, Tennessee, pp. 45-100; Moore's, Valley of the Mississippi, p. 469; etc., etc., etc.

² Barclay, Tennessee, pp. 120-130; Moore's, Valley of the Mississippi, p. 469; etc., etc., etc.

³ Barclay, Tennessee, pp. 120-130; Moore's, Valley of the Mississippi, p. 469; etc., etc., etc.

⁴ Barclay, Tennessee, pp. 120-130; Moore's, Valley of the Mississippi, p. 469; etc., etc., etc.

⁵ Barclay, Tennessee, pp. 120-130; Moore's, Valley of the Mississippi, p. 469; etc., etc., etc.

⁶ Barclay, Tennessee, pp. 120-130; Moore's, Valley of the Mississippi, p. 469; etc., etc., etc.

⁷ Barclay, Tennessee, pp. 120-130; Moore's, Valley of the Mississippi, p. 469; etc., etc., etc.

⁸ Barclay, Tennessee, pp. 120-130; Moore's, Valley of the Mississippi, p. 469; etc., etc., etc.

⁹ Barclay, Tennessee, pp. 120-130; Moore's, Valley of the Mississippi, p. 469; etc., etc., etc.

¹⁰ Barclay, Tennessee, pp. 120-130; Moore's, Valley of the Mississippi, p. 469; etc., etc., etc.

¹¹ Barclay, Tennessee, pp. 120-130; Moore's, Valley of the Mississippi, p. 469; etc., etc., etc.

¹² Barclay, Tennessee, pp. 120-130; Moore's, Valley of the Mississippi, p. 469; etc., etc., etc.

¹³ Barclay, Tennessee, pp. 120-130; Moore's, Valley of the Mississippi, p. 469; etc., etc., etc.

¹⁴ Barclay, Tennessee, pp. 120-130; Moore's, Valley of the Mississippi, p. 469; etc., etc., etc.

¹⁵ Barclay, Tennessee, pp. 120-130; Moore's, Valley of the Mississippi, p. 469; etc., etc., etc.

¹⁶ Barclay, Tennessee, pp. 120-130; Moore's, Valley of the Mississippi, p. 469; etc., etc., etc.

¹⁷ Barclay, Tennessee, pp. 120-130; Moore's, Valley of the Mississippi, p. 469; etc., etc., etc.

¹⁸ Barclay, Tennessee, pp. 120-130; Moore's, Valley of the Mississippi, p. 469; etc., etc., etc.

¹⁹ Barclay, Tennessee, pp. 120-130; Moore's, Valley of the Mississippi, p. 469; etc., etc., etc.

²⁰ Barclay, Tennessee, pp. 120-130; Moore's, Valley of the Mississippi, p. 469; etc., etc., etc.

As one consequence of the late Cherokee war, a royal proclamation had been issued in 1763, with a view of checking future encroachments by the whites, which prohibited any private land purchases from the Indians, or any granting of warrants for lands west of the sources of the streams flowing into the Atlantic.¹ In 1768, on the appeal of the same Indians, the British superintendent for the southern tribes, Charles Johnston, had negotiated a treaty at Hard Labor, in South Carolina, by which the Cherokee and new settlers, along their whole course downward from the North to the gulf, were fixed as the boundary between the Cherokee and the whites, the decision. In two years, however, so many borderers had crossed into the Indian country, where they were evidently determined to remain, that it was found necessary to substitute another treaty, by which the line was made to run due south from the mouth of the Kanawha to the Holston, thus cutting off from the Cherokee almost the whole of their hunting grounds in Virginia and West Virginia. Two years later, in 1772, the Virginians demanded a further cession, by which everything east of the Kentucky River was surrendered; and finally, on March 17, 1775, the great Henderson purchase was consummated, including the whole tract between the Kentucky and Cumberland Rivers. By this last cession the Cherokee were at last cut off from Ohio River and all their rich Kentucky hunting grounds.

While these treaties were being made, allied treaties, they were really forced upon the native proprietors, who, in turn, were obliged to finally signed only under protest, and on most solemn assurances that no further demands would be made. Even before the purchases were made, intruders in large numbers had settled upon each of the tracts in question, and they refused to withdraw across the boundaries now established, but remained on one pretext or another to await a new adjustment. This was particularly the case on Watauga and upper Holston Rivers in northeastern Tennessee, where the settlers, finding themselves still within the Indian boundary and being resolved to remain, effected a temporary lease from the Cherokee in 1772. As was expected and intended, the lease became a permanent occupancy, the Indian settlements in the neighborhood of the settlement of the future State of Tennessee.²

Just before the opening of the Cherokee country, and has left Bartram, made an extended tour of the Cherokee country, and has left us a pleasant account of the hospitable character and friendly disposition of the Indians at that time. He gives a list of forty-three towns then inhabited by the tribe.³

The opening of the great Revolutionary struggle in 1776 found the Indian tribes almost to a man ranged on the British side against the Americans. There was good reason for this. Since the fall of the French power the British Government had stood to them as the sole representative of authority, and the guardian and protector of their rights against constant encroachments by the American borderers. Licensed British traders were resident in every tribe and many had intermarried and raised families among them, while the border men looked upon the Indians only as a customer of the earth. The British superintendents, Sir William Johnson in the north and Captain

¹ Statutes, Cherokee Nation, pp. 46, p. 149; Barclay, Tennessee, p. 74, 308.

² Barclay, Tennessee, pp. 120-130; Moore's, Valley of the Mississippi, p. 469; etc., etc., etc.

³ Barclay, Tennessee, pp. 120-130; Moore's, Valley of the Mississippi, p. 469; etc., etc., etc.

⁴ Barclay, Tennessee, pp. 120-130; Moore's, Valley of the Mississippi, p. 469; etc., etc., etc.

moved against the upper settlements at the same time. One of these, finding all the inhabitants securely shut up in forts, returned without doing much damage. The other ravaged the country on Church River almost to its head, and killed a man and wounded others at Black's station, now Abingdon, Virginia.

At the same time that one part of the Cherokee were raiding the Tennessee settlements others came down upon settlements in Carolina and Georgia. On the upper Cherokee they killed many people, but the whites took refuge in the fortified stations where they defended themselves until General Rutherford came to their relief. In Georgia Cameron, who lived in one of the Cherokee towns and was a white man, was taken to a house in the Cherokee country and his wife, but, as was to have been expected, the Indians interfered, killing several of the party and capturing others, who were afterward tortured to death. The Cherokee of the Upper and Middle towns, with some Creeks and Tories of the vicinity, led by Cameron himself, at once began ravaging the South Carolina border, burning houses, driving off cattle, and killing men, women, and children without distinction, until the whole country was in a wild panic, the people abandoning their farms to seek safety in the garrisoned forts. On one occasion an attack by two hundred of the enemy, headed by them being Tories, stripped and pillaged the Indians, and repulsed by the timely arrival of a body of Americans, who rescued the captives and burning thirteen of the Tories. The attack extended into Georgia, where also property was destroyed and the inhabitants were driven from their homes.

Raising their common danger, the border States determined to strike such a concerted blow at the Cherokee as should render them passive while the struggle with England continued. In accord with this plan of cooperation the frontier forces were quickly mobilized and in the summer of 1776 four expeditions were equipped from Virginia, North Carolina, South Carolina, and Georgia, to enter the Cherokee territory simultaneously from so many different directions.

In August of that year the army of North Carolina, 2,400 strong, under General Griffith Rutherford, crossed the Blue Ridge at Seneca's Gap, and following the mountains almost to the present line of the railroad, struck the main town, Suck's, or Sococo's, on the Tuckasee, and then moved on to the town of Oonahuttee. The inhabitants having fled, the army for the roof, cut down the standing corn, killed one or two hundred Indians, and then proceeded on their mission of destruction. Every town upon Oonahuttee, Tuckasee, and the upper part of Little-Tennessee, and on Hiwassee to below the junction of Valley River—thirty-six towns in all—was destroyed in turn, the corn cut down or trampled under the hoofs of the stock driven into the fields for that purpose, and the stock itself killed or carried off. Before such an overwhelming force, supplemented as it was by three others simultaneously advancing from other directions, the Cherokees made but poor resistance, and fled with their women and children into the fastnesses of the Great Smoky Mountains, leaving their desolated fields and smoking towns behind them. As was usual in

¹ See Griffith Rutherford's Report to the War Office, 1776, pp. 208-27, 180.

Indian wars, the actual number killed or taken was small, but the destruction of property was beyond calculation. At Sugar-town (Athens), east of the present Franklin) one detachment, sent to force sent to its rescue. Rutherford, himself, while proceeding to the destruction of the Hiwassee towns, encountered the Indians drawn up to oppose the progress in the Wey's Gap of the Nantahala Mountains, and one of the hardest fights of the campaign resulted, the soldiers being over forty killed and wounded, although the Cherokee were finally repulsed. One of the Indians killed on this occasion was afterwards discovered to be a woman, painted and armed like a warrior.

On September 28 the South Carolina army, 1,850 strong, under Colonel Andrew Williamson, and Rutherford's forces on Hiwassee Indians, effected a junction with Rutherford's forces on the River, near the present town of North Carolina. It had been expected that the two armies would join the northern army at Cowee, on the Little Tennessee, when they would proceed together against the western towns, but he had been delayed, and the work of destruction that direction was already completed, so that after a short rest each army returned home along the route by which it had come.

The South Carolina men had centered by different detachments in the lower Cherokee towns about the head of Savannah River, burning one town after another, cutting down the peach trees and ripening corn, and having an occasional brush with the Cherokee, which they constantly upon their flanks. At the town of Seneca, near which they encountered Cameron with his Indians and Tories, and destroyed six thousand bushels of corn, besides taking several towns, and burning all the houses, the Indians having taken place at Tomassee, where several whites and Tories were killed, the latter being all whipped and driven. Having completed the ruin of the Lower towns, the army had crossed over Rutherford's Gap and descended into the valley of the Little Tennessee to cooperate with Rutherford in the destruction of the Middle and Valley towns. As the army advanced every house in every settlement met was burned—ninety houses in one settlement alone— and detachments were sent into the fields to destroy the corn, of which the smallest town was estimated to have two hundred acres, besides potatoes, beans, and orchards of peach trees. The stores of dressed deerskins and the Indians who were carried off. Everything was swept clean, and the refugees who were not killed or taken were driven to the Indian towns in the dark recesses of Nantahala or pushed into the Indian settlements, which were already menaced by another invasion from the West.

In July, 1776, two hundred Georgians, under Colonel Samuel Jack, had marched in the same direction and succeeded in burning two towns on

¹ See No. 118, "Operations of General Harrison," For Rutherford's Report to the War Office, 1776, p. 180. ² See Griffith Rutherford's Report to the War Office, 1776, p. 208-27, 180. ³ See Griffith Rutherford's Report to the War Office, 1776, p. 208-27, 180. ⁴ See Griffith Rutherford's Report to the War Office, 1776, p. 208-27, 180. ⁵ See Griffith Rutherford's Report to the War Office, 1776, p. 208-27, 180. ⁶ See Griffith Rutherford's Report to the War Office, 1776, p. 208-27, 180. ⁷ See Griffith Rutherford's Report to the War Office, 1776, p. 208-27, 180. ⁸ See Griffith Rutherford's Report to the War Office, 1776, p. 208-27, 180. ⁹ See Griffith Rutherford's Report to the War Office, 1776, p. 208-27, 180. ¹⁰ See Griffith Rutherford's Report to the War Office, 1776, p. 208-27, 180.

Dragging canoe (Chay-ganai), who had led the opposition against the Watauga settlements, declared that he would point out to Cannon's talk and continue to make war upon them. He had taken his hunting grounds under his command, and he had made of the most warlike and important of the tribes, with their families, drew out to Upper and Middle rivers and moved far down upon Tennessee River, where they established new settlements on Chickamauga Creek in the neighborhood of the present Chattanooga. The locality appears to have been already a rendezvous for a sort of Indian bandits, who sometimes plundered boats disabled in the rapids at this point while descending the river. Under the name "Chickamaugas" they soon became noted for their uncompromising and never-ceasing hostility. In 1782, in consequence of the destruction of their towns by Sever and Campbell, they abandoned this location and moved farther down the river, where they built their new settlements on the "five lower towns," viz. Running Water, Nickajack, Long Island, Crow town, and Lookout Mountain town. These were all on the extreme western side of the frontier near where Tennessee River crosses the State, the first three being within the present limits of the State, while Lookout Mountain town and the town of Nickajack are in the adjacent corner of Georgia and Alabama. Their population was recruited from Creeks, Shawano, and other tribes. Their population was estimated at a thousand warriors. Here they remained, a constant thorn in the side of Tennessee, until their towns were destroyed in 1794.

The expropriated Lower Cherokee also removed to the farthest western border of their tribal territory, where they might hope to be secure from encroachment for a time at least, and built new towns for themselves on the upper waters of the Tennessee. Twenty years after ward Hawkins found the population of Williams, a town on the western Georgia, entirely made up of refugees from the Savannah, and the children of families in the same manner with stories of Williamson's case. As still a part, authorized bounties of land in the new territory were given to all able-bodied men who should volunteer against the remaining hostile Cherokee. Under this act companies of rangers were kept along the exposed border to cut off raiding parties of Indians and to protect the steady advance of the pioneers, with the result that the Tennessee settlements enjoyed a brief respite and were even able to send some assistance to their brethren in Kentucky, who were sorely pressed by the Shawano and other northern tribes. The war between England and the continent still continued, however, and the British Government, with the Creeks raiding secure the southern side of the Indians. With the Creeks raiding the Georgia and South Carolina frontier, and with a British agent, Colonel Bowen, and a number of Tory refugees regularly domiciled at Chickamauga, it was impossible for the Cherokee long to remain

¹ Bowen, op. cit., p. 177, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

At the Wolf Hills settlement, near Abingdon, Virginia, a party sent out from the fort returned with the scalps of eleven warriors. Having recovered the books which their minister had left behind in his cabin, they held a service of prayer for their success, after which the fresh scalps were hung upon a pole above the gate of the fort. The barbarous custom of scalping to which the border men had become habituated in the earlier wars was practiced upon every occasion when opportunity presented, at least upon the bodies of warriors, and the South Carolina Legislature offered a bounty of twenty-five pounds for every warrior's scalp, eight pounds for a scalped Indian, and five pounds for a scalped white man. All this, however, much the way we used them seems to be a record of any scalping of Tories or other whites by the Americans.

The effect upon the Cherokee of this intrusion of more than six thousand armed enemies into their territory was well nigh paralyzing. More than fifty of their towns had been burned, their orchards cut down, their fields wasted, their cattle and horses killed or driven off, their stores of buckskin and other personal property plundered. Hundreds of their people had been killed or had died of starvation and exposure, others were prisoners in the hands of the Americans, and some had been sold into slavery. Those who had escaped were fugitives in the mountains, living upon acorns, chestnuts, and wild game on bare ridges and in the hills. From the Virginia line to the Carolina line the chain of resistance was complete. For the present at least, any further resistance was hopeless, and they were compelled to sue for peace.

By a treaty concluded at Dr. Writts Owners in South Carolina on May 20, 1777, the first ever made with the new States, the Lower Cherokee surrendered to the conqueror all of their remaining territory in South Carolina, excepting a narrow strip along the western boundary. Just two months later, on July 20, by treaty at the Long Island, as had been arranged by Christian in the preceding fall, the Middle and Upper Cherokee ceded everything east of the Blue Ridge, together with all the disputed territory on the Watauga, Nolichucky, upper Roanoke, and New Rivers. By the second treaty also Captain Robertson, and New Rivers, were appointed agents for the Cherokee, to reside at Echota, to watch their movements, to correspond with the American cause. As the Federal Government was not yet in perfect operation, these treaties were negotiated by commissioners from the four States adjoining the Cherokee country, the territory thus acquired being parcelled out to South Carolina, North Carolina, and Tennessee.

While the Cherokee Nation had thus been compelled to a treaty of peace, a very considerable portion of the tribe was irreconcilably hostile to the Americans and refused to be a party to the late cessation, especially on the Tennessee side. Although Ais-khikakula sent word that he was ready with five hundred young warriors to fight for the Americans against the English or Indian enemy whenever called upon,

¹ Bowen, op. cit., p. 177, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

The British having reconquered Georgia and South Carolina and the evacuation of the Cherokee in 1780 Cornwallis with his army left for the north. Ferguson and the mercenary Tarleton, prepared to invade North Carolina and sweep the country northward to Virginia. The Creeks under McGillivray, and a number of the Cherokee under various local chiefs, together with the Tories, at once joined his standard.

While the Tennessee backwoodsmen were gathered at a barbecue to contest for a shooting prize, a paroled prisoner brought a demand from Ferguson for their submission; with the threat, if they refused, that he would cross the mountains, hang their leader, kill every man found in arms, and burn every settlement. Up to this time the mountain men had combined their efforts to bidding in effect the Indian enemy but now, with the tale of the rebellion, they resolved they felt that the attack, but to participate in it. Without order or authority from Congress, without scouts, commissary, or supplies, the Indian fighters of Virginia, North Carolina, and Tennessee quickly assembled at the Sycamore shoals of the Watauga to the number of about one thousand men under Campbell, of Virginia, Sevier and Shelby, of Tennessee, and McDowell, of North Carolina. Crossing the mountains, they met Ferguson at Kings Mountain in South Carolina on October 7, 1780, and gained the decisive victory that turned the tide of the Revolution in the South.

It is in place here to quote a description of these men in backskin, white by blood and tradition, but had Indian in habit back Creeks, Cherokee, in half a century of blood and war, and the back Creeks themselves, the rifle redeemed a wilderness and carried civilization and free government to the banks of the Mississippi.

They were led by leaders they trusted, they were armed to Indian warfare, they were skilled as bowmen and marksmen, they knew how to face every kind of danger, hardship, and privation. Their fringed and tanned hunting shirts were girted by broad-waisted belts, and the suppling skin or buckskin, with the scalp hanging down, or the felt hats, in each of which was thrust a bucktail or a sprig of evergreen. Every man carried a small-bore rifle, a tomahawk, and a scalping knife. A very few of the officers had swords, and there was not a bayonet nor a tom in the army.

To strike the blow at Kings Mountain the border men had been forced to leave their own homes unprotected. Even before they could cross the mountains on their errand the news came that the Tories were crossing the mountains, and the Tories, for the most part, were scattering and their numerous small bands were killing, burning and plundering in the usual Indian fashion. Without loss of time the Holston settlements of Virginia and Tennessee at once raised seven hundred mounted riflemen to march against the enemy, the command being assigned to Colonel Arthur Campbell, of Virginia, and Colonel John Sevier, of Tennessee.

Sevier started first with nearly three hundred men, going south along the great Indian war trail and driving small parties of the Cherokee before him, until he crossed the French Broad and came through seventy of them on Boyd's Creek, not far from the present Sevierville, on December 16, 1780. Ordering his men to spread out

quiet. In the spring of 1779 the warning came from Robertson, situated at the mouth of the Tennessee, that three hundred men from Chickamauga had started against the back settlements of North Carolina. Within a day's delay the States of North Carolina (including Tennessee) and Virginia united to send a strong force of volunteers against them under command of Colonel Shelby and Montgomery. Descending the Holston in April in a fleet of canoes built for the occasion, they took the Chickamauga towns so completely by surprise that the few warriors remaining fled to the mountains without attempting to give battle. Several were killed, Chickamauga and the outlying villages were burned, twenty thousand bushels of corn were destroyed, and large numbers of horses and cattle were captured, together with a great quantity of goods sent by the British Governor Hamilton at Detroit to the Indians. The success of the expedition frustrated the project of a projected expedition against all the northern and southern Indian tribes by Hamilton and his officers, in a concerted attack along the whole American frontier. On learning through runners of the blow that had befallen them, the Chickamauga warriors gave up all idea of invading the settlements and returned to their wasted villages. They, as well as the Creeks, however, kept in constant communication with the British commander in Savannah. In this year also a delegation of Cherokee visited the Ohio towns to offer condolences on the death of the noted Delaware chief, White-eye.

In the early spring of 1780 a large company of emigrants under Colonel John Donelson descended the Holston and the Tennessee to the mouth of the latter river, and thence, after a junction with another party under Captain Rogers, reached a junction arrived by a lopsided overland route, and made the first settlement on the present site of Nashville. In passing the Chickamauga towns they had run the gauntlet of the hostile Cherokee, who pursued them for a considerable distance beyond the whirlpool known as the Suck, where the river breaks through the mountain. The family of a man named Stuart, being infected with the smallpox, his boat dropped behind, and all on board, twenty-eight in number, were killed or taken by the Indians, their cries being distinctly heard by their friends ahead who were unable to help them. Another boat being run upon the rocks, the three women in it, one of whom had been burned with the smallpox, threw the cargo into the river and then, jumping into the water, succeeded in pushing the boat into the current while the husband of one of the women, the Indians at bay with his rifle. The infant was killed in the confusion. Three cowards attempted to escape, without thought of their companions. One was drowned in the river; the other two were captured and carried to Chickamauga, where one was burned and the other was ransomed by a trader. The rest went on their way to found the capital of a new commonwealth. As if in retributive justice, the smallpox broke out in the Chickamauga Band in consequence of the capture of Stuart's family, causing the death of a great number.

¹ Bancroft, op. cit., p. 168; 182. ² Bancroft, *Winning of the West*, II, pp. 254-255, 182. ³ *Winning of the West*, II, pp. 254-255, 182. ⁴ *Winning of the West*, II, pp. 254-255, 182. ⁵ *Winning of the West*, II, pp. 254-255, 182. ⁶ *Winning of the West*, II, pp. 254-255, 182. ⁷ *Winning of the West*, II, pp. 254-255, 182. ⁸ *Winning of the West*, II, pp. 254-255, 182.

taken in the same way, with a quantity of provision and about 200 horses, the Indians being entirely off their guard and unprepared to make any effective resistance. Having spread destruction through the middle towns, with the loss to himself of only one man killed and another wounded, he was off again as suddenly as he was before the Cherokee could get away on his march. At the same time a smaller Tennessee detachment went out to disperse the Indians who had been making headquarters in the mountains about Cumberland Gap and harassing travelers along the road to Kentucky. Numerous indications of Indians were found, but none were met, although the Cherokee made another incursion, this time upon the new settlements on the French Broad, near the present Newport, Tennessee. With a hundred horsemen Severin fell suddenly upon their camp on Indian Creek, killed a dozen warriors, and scattered the rest. By these successive blows the Cherokee were so worn out and dispersed that they were forced to sue for peace, and in midsummer of 1781 they were defeated in the Highlands. They might have been just in time to allow the Tennessee a detachment against Cornwallis.

Although there was truce in Tennessee, there was none in the South. In November of this year the Cherokee made a sudden incursion upon the Georgia settlements, destroying everything in their way. In retaliation a force under General Pickens marched into their country, destroying their towns as far as Valley River. Finding further progress blocked by heavy snows and learning through a prisoner that the Indians, who had retired before him, were collecting to oppose him, he having accomplished near his camp, through lack of provisions, the Cherokee, in conjunction with some Creeks, again invaded Georgia, and set on fire the town of Newnan.

The Overhill Cherokee, on lower Little Tennessee, seem to have been trying in good faith to hold to the peace established at the Long Island. Early in 1781 the Government land office had been closed to further entries, not to be opened again until peace had been declared with England, but the borderers paid little attention to the law in such matters, and the rage for speculation in Tennessee had grown stronger daily. In the fall of 1782 the case, *Old Test of England*, on behalf of all the friendly Cherokee and Creek, some protesting talk to the government, and the case, *New Test Cherokee*, complaining that in spite of their efforts to remain quiet the settlers were constantly encroaching upon them, and had built houses within a day's walk of the Cherokee towns. They asked that all those whites who had settled beyond the boundary last established should be removed. As was to have been expected, this was never done.

¹ Campbell, *op. cit.*, p. 171; ² *North Carolina Papers*, 1781, March 15, 1782, March 15, 1782, *op. cit.*, p. 171; ³ *North Carolina Papers*, 1781, March 15, 1782, *op. cit.*, p. 171; ⁴ *North Carolina Papers*, 1781, March 15, 1782, *op. cit.*, p. 171; ⁵ *North Carolina Papers*, 1781, March 15, 1782, *op. cit.*, p. 171; ⁶ *North Carolina Papers*, 1781, March 15, 1782, *op. cit.*, p. 171; ⁷ *North Carolina Papers*, 1781, March 15, 1782, *op. cit.*, p. 171; ⁸ *North Carolina Papers*, 1781, March 15, 1782, *op. cit.*, p. 171; ⁹ *North Carolina Papers*, 1781, March 15, 1782, *op. cit.*, p. 171; ¹⁰ *North Carolina Papers*, 1781, March 15, 1782, *op. cit.*, p. 171.

into a half circle, he sent ahead some scouts, who, by an attack and feigned retreat, managed to draw the Indians into the trap thus prepared, with the result that they left thirteen dead and all their plunder, while not one of the whites was even wounded.

A few days later Severin was joined by Campbell with the remainder of the force. Advancing to the Little Tennessee with but slight resistance, they crossed three miles below Echota while the Indians were engaged in their usual occupations. Then dividing into two bodies, they proceeded to destroy the towns. The Cherokee chiefs sent peace talks through Nease Ward, the Cherokee courier who had so befriended the whites in 1776, but to these overtures Campbell returned an evasive answer until he could first destroy the towns on lower Hiwassee, whose warriors had been particularly hostile. Continuing southward, the troops destroyed these towns, Hiwassee and Chestnut, with all their stores of provisions, finishing the work on the last day of the year. The Indians had fled before them, keeping spots out to watch their movements. One of these, while giving signals from a ridge by beating a drum, was shot by the whites, the soldier lost only one man, who was buried in an Indian camp, in which the bodies of the slain were seen. The principal towns, including Echota, the capital, had been destroyed, thousands of houses and not less than fifty thousand bushels of corn and large stores of other provision. Everything not needed on the return march was committed to the flames or otherwise wasted. Of all the towns west of the mountains only Talsesse, and one or two about Chickamauga or on the headwaters of the Coosa, escaped. The whites had lost only one man killed and two wounded. Before the return a proclamation was sent to the Cherokee chiefs, warning them to make peace on the spot where they were situated. On the return march to Sixe Cherokee, who made the first peace overtures, the return march, to talk of peace, brought in and surrounded several white prisoners. One reason for the slight resistance made by the Indians was probably the fact that at the very time of the invasion many of their warriors were away, raiding on the Upper Holston and in the neighborhood of Cumberland Gap.

Although the Upper or Overhill Cherokee were thus humbled, those of the middle towns, on the headwaters of Little Tennessee, still continued to send out parties against the back settlements. Severin determined to make a sudden stroke upon them, and early in March of 1783, Major Masi, with 150 picked horsemen, he returned to the Great Smoky Mountains, where he was accompanied by a number of white men, and so rough in places that it had been impossible to lead horses. Falling unexpectedly upon Talsesse near the present Webster, North Carolina, he took the town completely by surprise, killing several warriors and capturing a number of women and children. Two other principal towns and three smaller settlements were

¹ Campbell, *op. cit.*, p. 170; ² *North Carolina Papers*, 1781, March 15, 1782, *op. cit.*, p. 170; ³ *North Carolina Papers*, 1781, March 15, 1782, *op. cit.*, p. 170; ⁴ *North Carolina Papers*, 1781, March 15, 1782, *op. cit.*, p. 170; ⁵ *North Carolina Papers*, 1781, March 15, 1782, *op. cit.*, p. 170; ⁶ *North Carolina Papers*, 1781, March 15, 1782, *op. cit.*, p. 170; ⁷ *North Carolina Papers*, 1781, March 15, 1782, *op. cit.*, p. 170; ⁸ *North Carolina Papers*, 1781, March 15, 1782, *op. cit.*, p. 170; ⁹ *North Carolina Papers*, 1781, March 15, 1782, *op. cit.*, p. 170; ¹⁰ *North Carolina Papers*, 1781, March 15, 1782, *op. cit.*, p. 170.

The Chickamauga Band, however, and those farther to the north, were still bent on war, being actively encouraged in that disposition by the British agents and refugee loyalists living among them. They continued to raid both north and south, and in September, 1782, Severn, with 200 mounted men, again made a descent upon their Creek and Mingo settlements about Chickamauga. The Mingo settlements were destroyed, and the Chickamauga and the headwaters of Coosa River, near the present town of Uxama, in Georgia, this also be destroyed. Every warrior found at Hillabee, together with a white man found in one of the towns, whose name is not known, that he had been active in inciting the Indians to war. On the return of the expedition halted at Echota, where new assurances were received from the friendly element.¹ In the meantime a Georgia expedition of over 400 men, under General Pickens, had been ravaging the Cherokee towns in the same quarter, with such effect that the Cherokees were forced to purchase peace by a further surrender of territory on the head of Broad River in Georgia.² This session was concluded at a treaty of peace held with the Georgia commissioners at Augusta in the next year, and was confirmed later by the Creeks, who claimed an interest in the same lands, but was never accepted by either as the voluntary act of their people.

By the preliminary treaty of Peace, November 30, 1782, the long Revolutionary struggle for independence was brought to a close, and the Cherokees, as well as the other tribes, seeing the hopelessness of continuing the contest alone, began to sue for peace. By seven years of constant warfare they had been reduced to the lowest depths of misery, almost indeed to the verge of extinction. Over and over again their towns had been laid in ashes and their fields wasted. Their best warriors had been killed and their women and children had sickened and starved in the mountains. Their great war chief, Oconostota, who had led them to victory in 1780, was now a broken old man, and in this year, at Echota, formally resigned his office in favor of his son, The Ferryman. To complete their brimming cup of misery the emigrants, who had been driven out among them in 1783, deprived of the assistance of their former friends, and since they were left to their own cruel fate, the best feasible resistance of the remaining warriors to the advancing tide of settlement came to an end with the burning of Cowsee town,³ and the way was left open to an encroachment. In the same year the North Carolina Legislature appointed an agent for the Cherokees and made regulations for the government of traders among them.⁴

RELATIONS WITH THE UNITED STATES—FROM THE FIRST TREATY TO THE REMOVAL—1783-1838.

Passing over several unsatisfactory and generally abortive negotiations conducted by the various State governments in 1783-84, including the famous "Treaty of Amity and Commerce," we come to this turning point in the history of the Cherokees, their first treaty with the new

¹ Ramsey, op. cit., p. 272. ² Ramsey, op. cit., p. 271 et passim.
³ Ramsey, op. cit., p. 272. ⁴ Ramsey, op. cit., p. 271 et passim.
⁵ Ramsey, op. cit., p. 272. ⁶ Ramsey, op. cit., p. 271 et passim.

Government of the United States for peace and boundary delimitation, concluded at Hopewell in South Carolina on September 26, 1783. Nearly one thousand Cherokee attended, the command of North Carolina being held by Colonel Benjamin Hawkins, of North Carolina; General Andrew Pickens, of South Carolina; Colonel Oglethorpe, of Georgia; and Colonel Leche, of Georgia. The instrument was signed by thirty-seven chiefs and principal men, representing nearly as many different towns. The negotiations occupied six days, being complicated by a protest on the part of North Carolina and Georgia against the action of the Government commissioners in confirming to the Indians some lands which had already been appropriated as bounty lands for State troops without the consent of the Cherokees. On the other hand, the Cherokees complained that 3,000 white settlers were at that moment in occupancy of unceded land between the Holston and the French Broad. In spite of their protest these intruders were allowed to remain, although the territory was not acquired by treaty until some years later. As finally arranged, the treaty left the Mingo and Mico towns, and those in the vicinity of the Creeks, administered by the Cherokee, and the rest of the Ridge, with the Watauga and Cumberland rivers, given over to the whites. The general boundary followed the dividing ridge between Cumberland River and the more southern waters of the Tennessee eastward to the junction of the two forks of Holston, near the present Kingsport, Tennessee, thence southward to the Blue Ridge and southward to a point not far from the present Atlanta, Georgia, thence westward to the Coosa River and northward to a creek running into Tennessee River at the western line of Alabama, thence northward with the Tennessee River to the beginning. The lands south and west of these lines were recognized as belonging to the Creeks and Chickasaw. Hostilities were to cease and the Cherokees were to demand the protection of the United States. The proceedings ended with the distribution of a few presents.

THE EASTERN TRIBES.

Besides the Iroquois and Shawano, the Cherokees remember also the Delaware, Tuscarora, Catawba, and Cheraw as tribes to the east or north with which they formerly had relations.

The Cherokees call the Delaware, Anakwasi, in the singular; Alwanthi, in the plural; and "Ekwano," this generic name by which they designate the Delaware, the Shawano, and the Chickasaw.

In the most ancient traditions of the Delaware the Cherokees are called Taliga, Taliga, Taliga-wi, etc. In later Delaware tradition they are called Khariva, and again we find the two tribes at war, for which their neighbors are held responsible. According to the Delaware account, the Iroquois, in one of their forays to the south, killed a Cherokee in the woods and purposely left a Delaware war club near the body to make it appear that the work had been done by men of that tribe. The Cherokees found the club and the club, and natu-

¹ Ramsey, op. cit., p. 272. ² Ramsey, op. cit., p. 271 et passim.
³ Ramsey, op. cit., p. 272. ⁴ Ramsey, op. cit., p. 271 et passim.

advantage was with the Catawba, on account of their having guns, while their opponents had only Indian weapons. Preparations were under way to renew the fight when the Cherokee decided to cross the river as the boundary, along the Catawba, to settle anywhere to the east. This was accepted and an agreement was made by which the Catawba were to occupy the country east of the river and the Cherokee the country west of Broad River, with the region between the two streams to remain as neutral territory. Some pikers were heaped up on the battle field to commemorate the treaty, and the Broad River was henceforth called Eweu Hyppoday (Line River), by the Catawba, the country eastward to Catawba River being left unoccupied. The fact that one party had guns would bring this event within the early historic period.

The Catawba assisted the whites against the Cherokee in the war of 1760 and in the later Revolutionary struggle. About 1840 war between the two nations was renewed, and the first part of the first-mentioned war, several fighting with the whites, and the latter part of the war, several fighting with the whites. At the battle fought near Williamsport, the present site of Franklin, North Carolina, the Catawba allies of the troops for some of their own warriors, and were fighting for some time under this impression before they noticed that the Catawba were deer tails in their hair so that the whites might not make the same mistake. In this engagement, which was one of the bloodiest Indian encounters of the Revolution, the Cherokee claim that they had actually defeated the troops and their Catawba allies, when their own ammunition gave out and they were consequently forced to retire. The Cherokee leader was a noted war chief named Nam' Goino.

About 1840 nearly the whole Catawba tribe moved up from South Carolina and joined the eastern band of Cherokee, but in consequence of tribal jealousies they remained but a short time, and afterward returned to their former home, as is related elsewhere.

Other tribal names (of doubtful authority) are Ani-Six and Ani-Sawah'ni, belonging to people said to have lived toward the north; both names are perhaps intended for the Shawano or Shawnee, properly Ani-Saw'ni-gi. The Ani-Gall' are said to have been neighbors of the Ani-tat or Natchez; the name may possibly be a Cherokee form for Congaree.

Tuscarora.—The Tuscarora, a southern tribe of the Iroquoian stock, formerly occupied an extensive territory upon Neuse River and its branches in eastern North Carolina, and like their modern neighbors seem to have assumed and retained a certain degree of unity over all the territory between the Neuse and the Pamlico. Leader described the Tuscarora "empires" as the highest Indian he had seen. About the year 1700 Lawson estimated them at 1,200 warriors (6,000 souls) in 16 towns. In 1711 they rose against the whites, one of their first acts of hostility being the killing of Lawson himself, who was engaged in surveying lands which they claimed as their own. In a struggle extending over about two years they were

Quoted from the North Carolina official archives. Schuchman, Indian Tribes, p. 19, 20, 1882.

so terribly decimated that the greater portion fled from Carolina and took refuge with their kinmen eastward to Six Nations. The so-called "friendly" party under Brant, was settled upon a small reservation north of the Roanoke River in what is now Bertie County, North Carolina. In time there gradually decreased by disease and emigration to the north. The few who were left sold their last remaining lands in 1804. The history of the tribe after the removal to the north is a part of the history of the Iroquois or Six Nations. They number now about 750, of whom about 380 are on the Tuscarora Reservation in New York, the others upon the Grand River Reservation in Ontario.

Xawa, Swado, Sora, or Cherokee.—For the identification and earliest notices of the Sara see historical notes on "The Sara's Route." Their later history is one of almost constant hostility to the whites until their final incorporation with the Catawba, with whom they were probably cognate, about the year 1720. In 1743 they still preserved their distinct language and appear to be last mentioned in 1788, when their number was about 50 souls living among the Catawba. See *Notes on the Southern Tribes of the East*, Bulletin of the Bureau of Ethnology, 1894.

Chickadee.—The origin and meaning of this name, which dates back at least two centuries, are unknown. It may possibly come from the Choctaw through the Mobilian trade, *Japan*. They are sometimes called *Nivey*, which means simply "people of the plain." The Iroquois call them and other cognate tribes of that region *Tedright-rono*, whence *Tutelo*. In the seventeenth century they were often known as *Easa* or *Ushery*, apparently from *asa*, "river," in their own language. The Choctaw name *Am'gwa*, plural *Am'gwa*, is a corruption of the Choctaw name *Am'gwa*, plural *Am'gwa*, is a corruption of the Choctaw name *Am'gwa*. Their linguistic affinity with the Siouan Tribes of the East.

The southern and western tribes. *The Creek confederacy.*—Next in importance to the Cherokee, among the southern tribes, were the Indians of the Creek confederacy, occupying the greater portion of Georgia and Alabama, immediately south of the Cherokee. They are said to have been called *Creeks* by the early traders on account of the abundance of small streams that they held nearly all the whites began to press upon them, and that about the watershed between territory from the Atlantic coast to about the watershed between the Pamlico and the Pearl and Pasagoona Rivers, being cut off from the north by the Uchee, Shawano, and Cherokee. About the year 1800 the confederacy comprised 75 towns, the people of which were the Upper Creeks, centering about the upper waters of the Alabama, while those of the remaining 28 were the Lower Creeks, upon the lower Chattahoochee and its branches (Hawking). Among them were represented a number of tribes formerly distinct and speaking distinct languages. The principal language was the Muscogee (plural, *Chickasaw*), which frequently gave its name to the confederacy. Other languages were the Alabama, Koseas, Hitchitee, Ivesige, Uchee, Natchez, and Sawanug, or Shawano. The Muscogee, Alabama, Uchee, Natchez, Hitchitee, and Sawanug

however, being nearest linguistically to the Choctaw than to the Muscogee. The Hitchies represent the conquered or otherwise incorporated Muskogean tribes of the Georgia coast region. The Apalachian on Apalachee Bay in Florida, who were conquered by the English about 1705 and afterward incorporated with the Creeks, were largely really closely akin to the Hitchies. The Sawanagies were largely an offshoot from this tribe. Of the Hitchies all that is known has been from the accounts of the late Dr. Williams.

The Uchee, Natchee, and Sawanagi were incorporated tribes, differing slightly in language from each other and from the Muskogean tribes. The territory of the Uchee included both banks of the middle Savannah, below the Cherokee, and extended into middle Georgia. They had a strong race pride, claiming to be older in the country than the Muscogees, and are probably identical with the people of Coi-fach-qui, mentioned in the early Spanish narratives. According to Hawkins, their incorporation with the Creeks was brought about in consequence of intermarriage about the year 1729. The Natchee or Natchez were an important tribe residing in lower Mississippi, in the vicinity of the present town of that name, until destroyed by the French about the year 1740. A number of them took refuge with the Creeks, while others joined the Chickasaw and Cherokee. The Sawanagies and Augusta, after the main body of their tribe had removed to the North about 1692. They probably joined the Creeks about the same time as their friends, the Uchee. The Uchee still constitute a compact body of about 600 souls in the Creek Nation, keeping up their distinct language and tribal character. The Natchee are reduced to one or two old men, while the Sawanagi have probably lost their identity long ago.

According to Morgan, the Muscogee proper, and perhaps also their incorporated tribes, have 22 clans. Of these the most important is the leading one, possessing the title of chief, and comprising the greater number of the population of the tribe. By the treaty of Washington in 1832, the Creeks sold all of their remaining lands in their old country and agreed to remove west of the Mississippi to what is now the Creek Nation in the Indian Territory. The removal extended over a period of several years and was not finally accomplished until 1845. In 1838 the citizen population of the Creek Nation numbered 14,771, of whom 10,614 were of Indian blood and the remainder were negroes, their former slaves. It appears that the Indian population included about 700 from other tribes, chiefly Cherokee. There are also about 300 Alabama, Seminole, (Acossap), and Muscogee in Texas. See also Hawkins, *Savannah*, the Creek Country, Georgia, *Creek Migration Legend*, and *Historical Tribes*, Bulletin of the Eleventh Census.

Choctaw.—This tribe, of Muskogean stock, formerly occupied northern Mississippi and adjacent portions of Alabama and Tennessee and at an early period had incorporated also several smaller tribes on Yazoo River in central Mississippi, chief among which were the cognate Choctumna. The name occurs first in the De Soto narrative. The Choctaw language was simply a dialect of Choctaw, although

after the former being active and warlike, while the latter were notoriously sluggish. Throughout the colonial period the Choctaw were the constant enemies of the French and friends of the English, but they remained neutral in the Revolution. By the treaty of Pontiac in 1832 they sold their lands east of the Mississippi and agreed to remove to Indian Territory, where they are now organized as the Choctaw Nation. According to Morgan they have 12 clans grouped into two phratries. In 1890 the citizen population numbered 10,614 (under Choctaw laws) consisted of 1914 adopted negroes, and 946 adopted Indians from citizenship claims are decided by a Government law, by a "Choctaw by blood" are reported in 1898 to amount to 230, while "white and negro" citizens are reported at 4,818. See also Gates, *Creek Migration Legend*, *The Five Civilized Tribes*, Bulletin of Eleventh Census.

Pears, that entirely to be left to the So. Carolina Indians, and to be treated as enemies if found in those ranges without a truce of peace, and the enemy if found between Roanoke and Pamlico. The truce fishing on both sides Bear River. The latter would indicate that Cape Fear r. was the square for the history of the Tuscarora territory.

History. The square for the history of the Tuscarora are meager and fragmentary, while they were at first an important people of North Carolina little is evidently known regarding them, and that little usually applies to only a part of the people. The first authentic information concerning the Tuscarora is that recorded by Lawson, the Surveyor General of North Carolina, who knew them well, having lived in close contact with them for many years. His History of Carolina, having been written about 1709 and published in 1719, contains nothing in regard to the Tuscarora during the most eventful period of their history, namely, that covering the years 1711-1713. During this time they fought two wars with the Indians of South Carolina and Virginia, who were decatively aided by the Indians of North Carolina. The first war began in 1711, and was the result of the condemnation to death of the former in 1711, on the charges of treason and the Baron De Graffenried's conspiracy to murder the Governor, Matamoras, Bear River, and Mecklenburg, conspired to cut off the whites, each one of the tribes agreeing to operate in its own district whence they were being driven by the steady encroachment of the colonists. This compact resulted in the massacre of about 180 of the colonists on September 27, 1711, on Trent and Pamlico Rrs., by the tribes mentioned, the latter well was sent by South Carolina to aid the Tuscarora into one of North Carolina, and succeeded in doing so. The Tuscarora, who had defeated the whites about 20 miles from Newbern, N. C. where he Bartram published this treaty by seizing some of the Indians and sending them away into slavery. This was the beginning of the second war between the Tuscarora and their allies and the people of North Carolina. Again an appeal was made to South Carolina for aid, which responded by sending Col. James Moore with a small militia force and about 900 tributary Indians.

Of the Tuscarora, Lawson said that they possessed many amiable qualities; that, in fact, they were "really better to us than any other Indians, as they always freely give us of their corn, and do not quarrel, while we let them walk by our houses with desire and do not think their kind of action, we possess more moral deformities and our Indians naturally led to the troubles later, which ended in much bloodshed and cruelty on both sides. Although the Tuscarora were regarded as mild, kind, peaceable, ingenious, and industrious, they were specifically brutalized by the vice of the colonists with whom they came in contact; their women were debauched by the whites, and both men and women were kidnapped to be sold into slavery. The colonists of North Carolina, like their Puritan brethren of New England, did not recognize in the Indian any right to the soil, these lands of the Tuscarora and of their Indian neighbors and allies were

EXHIBIT H.

HISTORY OF THE TUSCARORAS.

[From Handbook of American Indians.]

TUSCARORA (*Hærit'zæ*). "Hæmp gatherers," the *Apocryphum* concerning, or Indian hemp, being a kind of many uses among the Carolina Tuscarora, the native name of this vegetable is *impersonal*, there being no native name for it in any other Indian language. Formerly an important confederation of tribes speaking languages cognate with those of the Iroquoian linguistic group, and dwelling, when first encountered, on the Roanoke, Neuse, Tar (Tarahanta or Nahontes), and Pamlico rs., N. C. The evidence drawn from the testimony of writers contemporary with them, confirmed in part by tradition, makes it appear that while occupying this primitive habitat the Tuscarora league was composed of at least three tribal constituent members, each bearing an independent and exclusive appellation. The names of these component members still survive in the traditions of the Tuscarora now dwelling in W. New York and in the legends of the Southern Indians. The names of these members (in ascending doubtful) and the third *Hærit'zæ*, "Hæmp Gatherers," *Kautanohakau*, "Kawwetska," and "Tuscarora," respectively, and (p. 31) refers also to the "Esaurora, or Tuscarora," from which it may be inferred that Esaurora is a synonym of *Skaw'rat*. According to the same authority (p. 36), the Tuscarora, on traditional evidence, possessed in early times the "country lying between the sea shores and the mountains, which divide the Atlantic States, in which they had 24 large towns and could muster 6,000 warriors, probably possessing about 15 towns, a better authority wrote that in 1708 the Tuscarora had 15 towns, and the number of the fighting men and Johnson (Legends, etc., of the Iroquois, 1881) says that the Tuscarora in North Carolina had 6 towns and 1,200 warriors, which was probably approximately true of the Tuscarora proper. Col. Bartram said that the Tuscarora or "the enemy can't be less than 1,200 or 1,400 warriors, which may be easily judged by their large settlements," but Gov. Spotswood of Virginia placed their fighting strength at 2,000 men in 1711. According to Barwell the Tuscarora had 3 towns on Pamlico r., of which one was Ucotharunt, but that most of their towns were on Neuse r., and its many affluents. Some indication of the extent of the territory which they occupied may be obtained from the terms of the truce declared between the Tuscarora and Barwell in 1712. It was agreed therein that the Tuscarora were "so plant only on Neuse River, the creek that fort is on, quitting all claims to other lands. . . . To quit all pretensions to planting, fishing, hunting or ranging to all lands lying between Neuse River and Cape

appropriated without thought of purchase. It is not strange, therefore, that such conduct on the part of the whites should eventually have excited distrust and jealousy in the minds of the erstwhile amiable Tuscarora, which, fomented by these and other grievances, finally ripened into a hatred which led to resistance and reprisal.

Perhaps the most lucid and condensed statement of the wrongs suffered by the Tuscarora before vainly attempting to right them is contained in a petition made to the Provincial Government of Pennsylvania in 1710. More than a year before the massacre of 1711 the Tuscarora had officially formulated a number of proposals embodying their grievances and their desire to have these adjusted or removed by the conclusion of peace, and this is what they specifically averred to the commissioners, and afterwards to the provincial council, at Onestoga (Susquehanna), a settlement of Pennsylvania. The governor and the provincial council dispatched two commissioners to meet this embassy at Onestoga on June 8, 1710, where, in addition to the Tuscarora emissaries, they found Carylly and four other Onestoga chiefs, and Opeasa, the head chief of the Shawnee. In the presence of these officials the Tuscarora ambassadors delivered their proposals, attested by eight wampum belts, at the same time informing the Pennsylvania commissioners that these were sent as an overture for the purpose of asking for a cessation of hostilities until the following spring, when their chiefs and headmen would come in peace to sue for the peace they so much desired. By the first of these proposals the Tuscarora and the Shawnee suggested the friendship of the Christian people, the Indians and the settlement of Pennsylvania; so they might fetch wood and water without risk or danger. By the second, the children born and those about to be born, implored for room to sport and play without the fear of death or slavery. By the third, the young men asked for the privilege to leave their towns without the fear of death or slavery to hunt for meat for their mothers, their children, and the aged ones. By the fourth, the old men, the elders of the people, asked for the consummation of a lasting peace, so that the forest (the paths to other tribes) be set free for them as their pastured towns. By the fifth, the entire people asked for the establishment of a lasting peace with the Christian people, and Indians of Pennsylvania, whereby they would be relieved from "those fearful apprehensions they have these several years felt." By the seventh, the Tuscarora begged for a "cessation from murdering and taking them," so that thereafter they would not fear "a mouse, or anything that ruffles the leaves." By the eighth, the tribe, being strangers to the people and government of Pennsylvania, asked for an official path or means of communication between them.

Stripped of metaphor and the language of diplomacy, the purport of this message is plain; it was the statement of a tribe that, but in view of the desperate nature of their position, had been badly kindled, and had fallen into slavery or was now being killed while seeking to defend their offspring and their friends and kindred they desired to remove to a more just and friendly government than that whence they came. At this time there was no war between them and the white people; there had as yet been no massacre by the Tuscarora, no threat of hostility on the part of the Indians, yet to maintain peace and to avoid the impending shedding of blood they

were even then willing to forsake their homes. The commissioners of Pennsylvania, however, informed the delegates, among other things, that "to confirm the sincerity of their attachment toward the English, and to raise in us a dislike from the government they very necessary of their good behaviour, and that they might be leave, of a favorable reception" (Min. Prov. Coun. Pa., II, 511, 1829). The Onestoga ("Saucous") chiefs present at this conference stated that by the advice of their council it had been determined to send these belts, brought by the Tuscarora, to the Five Nations. It was the reception of the belts with their pitiful messages by these Five Nations that moved the latter to take steps to smother and protect the Tuscarora, which gave so much apprehension to the northern colonies.

The rapid encroachment of the whites on the lands of the Tuscarora and their Indian neighbors for a period of 60 years after the first settlement, although there was an air of peace and harmony between the two peoples, was a factor which dwarfed in comparison with the commercial practice of kidnapping their young to be sold into slavery. This was the true cause of the so-called Tuscarora War in 1711-1713. This phase of the question is overlooked or quite disregarded by most historians; but years before the massacre of 1711, Tuscarora Indians were brought into Pennsylvania and sold as slaves, a transaction that excited grave apprehension in the minds of the resident Indian tribes. To allay as much as possible this growing terror among them, the provincial council of Pennsylvania enacted in 1705 that "henceforth shall be observed to give slaves from Carolina, or other plantations, for suspicion and disaffection, of this practice be prohibited after March 25, 1706. This enactment was based solely on expediency and self-interest, since it was evident that the Indians to the southward were in a general commotion. During the Tuscarora War an act was passed, June 7, 1712, forbidding the importation of Indians, but providing for their sale as slaves to the highest bidder in case any should be imported for that purpose. It is known that the prisoners of Col. Bland's expedition and Col. Moore were all sold as slaves, even at the time of their being canvassed for a market for them; indeed, the Boston News Letter of 1713 contained an advertisement offering these very Indians for purchase to De Graffenried, Surveyor Gen. Lawson in 1709-10, and to the Swiss and Palatines, on the south bank of Trent River, on a tongue of land called Chatawka, formed by the Trent and the Neuse in North Carolina, in a hot and unhealthful situation. De Graffenried bitterly complained that the surveyor general was dishonest for having charged him a "heavy price" for it, and for the consequences of his not knowing that Lawson had no title to the land and that the place was still inhabited by the Indians, although the surveyor general had attested that the land was free of Indian habitation and unoccupied. This encroachment of the Indian lands was one of the fundamental causes of the so-called Tuscarora War. It is well known that the Coree, together with their close allies, the hostile Tuscarora, in 1711 took refuge on the Swiss and Palatines settled on Trent River, killing about 70 of them, wounding many others,

Eliza Johnson, in his legends, says that it was the Seneca who first adopted the Tuscarora as a constituent member of the league. This, however, is at variance with the common but authentic traditions of all the tribes and with the official statement of Col. (afterward Sir) William Johnson to the President made at Mount Vernon, September 8, 1788. He said, "The first of October, 1751, * * * * * the Tuscarora, who belong to you as children, and the Seneca and redskins, lately come into your alliance or families, which makes it necessary for me to fix a new string to the cradle which was hung up by your forefathers when they received the Tuscaroras. * * * * * to feed and protect."

After the close of the war of 1771-1772 in North Carolina, the neutral Tuscarora, with remnants of allied tribes still remaining in that country, were placed under the rule of Chief Tom Blunt, or Blount, by treaty with the provincial government of North Carolina. From an act of the General Assembly of North Carolina, in 1778, it is learned that William Ludwick was then the ruling chief; but the last ruling chief of the North Carolina Tuscarora was Samuel Smithe, who died in 1809.

In 1767, the removal of the Moravian mission station at Friedenshueten (q. v.) in Pennsylvania was so great that many Indians from various tribes, including the Tuscarora, probably from Ojuega, Inghaven, and vicinity, were constantly stopping there. Many passed through it merely to see a place so famous for its hospitality. In May, 1768, seventy-five Tuscarora, according to Lockhart, on their way from North Carolina, halted here and remained for some weeks. They are described as lazy and "refuse to hear religion." During their stay the Tuscarora were so alarmed at the sight of the first snow that they left their huts down by the river and took refuge with the missionaries. A number of the Tuscarora arrived at the mission in the month of December, 1768, during the winter of 1766 at the mouth of Tuscarora Creek, Wyoming County, Pa.

On December 16, 1766, Sir William Johnson received at Mount Johnson, N. Y., 160 Tuscarora who had just arrived from North Carolina. They complained to him that on their way thither they had been robbed at Partang, in Pennsylvania, of their horses and other property to the value of about \$300.

Later the Tuscarora on the Susquehanna, dwelling at Ojuega and in its vicinity, had lands assigned them by the Oneida, their political enemies. These lands were bounded on the east by Unadilla River, on the west by the Chenango, and on the south by the Susquehanna. At the northern part of this allotment, were situated the farms of Kausaraga, on the site of the abandoned Tuscarora village, and Gaidin, the chief village of the Tuscarora. The Tuscarora remained until the events of the Revolution displaced them. By the terms of the treaty of Fort Herkimer, in 1785 with the State of New York, to which the Tuscarora were nominal parties, the Oneida, the original proprietors of the lands then occupied by the Tuscarora, conveyed to New York the lands of the Tuscarora and retained the proceeds of the sale; thus the Tuscarora were again without a home. Thereafter they became dispersed. Later they had a village called Junestaryo (Tumastaryo?) in the Genesee Valley,

below Avon, N. Y.; another, called Junestaryo (Tumastaryo?) in the fork of Chittenango Creek; and another called Kambalo (Kambalo?) in the valley.

According to Johnson (Genesee, &c.), a part of the fugitive Tuscarora settled at a point about 2 miles west of Tuscarora, Schuylkill County, Pa., where they planted apple trees and lived for a number of years. It is probable that these Tuscarora, who later returned to Ojuega, in the vicinity of which they had three other villages in 1778. Another band of fugitives settled in Tuscarora Valley (as it was called later from them), on Juniata River, Pa. They remained here at least as late as 1782. In a minute of a conference held at Lancaster, Pa., August 11, 1762, between Lieut. Gov. Hamilton of Pennsylvania and delegates from the Ohio Delaware, the Tuscarora of Ojuega and Lower Tuscarora, the Shawnee, the Kickapoo, the Wam, and the Miami, it is stated that six Tuscarora were present, of whom three were chiefs, who brought from them people a letter in which they asked the governor to send them with a pass, saying, "We should be glad to be removed from the direction of our brethren in Tuscarora Valley, and to have some directions about the way, as we propose to make them a visit, and also should like to see you on our way to and at the valley."

Major portions of the Oneida and the Tuscarora, in accordance with standing agreements with the United Colonies, remained faithful to the American cause during the Revolution. When the Indian allies of the British, even some of their brethren of the Six Nations, Colonies, they invaded the Tuscarora country, burned their lodges, and destroyed their crops and other property. Thus began a large party of these settlers at a place about 4 miles east of the outlet of Unadilla River, the mouth of Four Mile Creek, in order not to be troubled by the many Indians friendly to the British cause camped around Fort Niagara. At the close of the war, two families, probably clans, of Tuscarora from Ojuegawya, made their way to the northeast limits of their present reservation, where they found many walnuts and butternuts, and a fine stream. Here they decided to winter. Being missed from Ojuegawya, scouts were sent out, who found them in their newly chosen settlement, a situation so favorable that, after the gratuitous cession of their former lands to the Oneida, Ojuegawya was abandoned and all the families removed to the new site. Although the Tuscarora had only a tacit permission from the Seneca to reside at this place, the last settlement became the permanent home of the Tuscarora reservation in New York. The community held at Genesee, September 15, 1797, between Robert Morris and the Seneca Tribe, the Tuscarora chiefs complained that the Five Nations had from time to time allotted lands to their people, but that each time these lands had been included in a subsequent cession to the whites, and that the Tuscarora had received nothing in return for their right of occupancy or for their improvements. The justice and merits of their complaint having been acknowledged by the Five Nations, Morris reserved to the Tuscarora,

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below Avon, N. Y.; another, called Jitawasega (Tumabog? lit.), at the fork of Chittenango Creek; and another called Kanaho (Kahnah? lit.).

According to Johnson (op. cit.), a party of the fugitive Tuscarora settled at a point about 2 miles west of 7 miles from Schuylkill County, Pa., where they planted apple trees and lived for a number of years. It is probable that in the fall of 1762, the Tuscarora who later removed to Onondaga, in the vicinity of which they had three other settlements in the head of the Tuscarora, on Juniata River, Pa. Valley, as it is called later from them), in a minute of a conference held at Lancaster, Pa., August 11, 1762, between Isaac Gov. Hamilton of Pennsylvania and delegates from the Ohio Delaware, the Tuscarora of Oquaga and Lower Tuscarora, the Shawnee, the Kickapoo, the Wea, and the Miami, it is stated that six Tuscarora were present, of whom three were chiefs, who brought from their people a letter in which they asked the governor to furnish them with a pass, saying, "We should be glad to be informed of the same and behavior of our brethren in Tuscarora Valley, their visit, and directions about the way, as we propose to send them a visit, and also should be glad of a pass or recommendation in writing, that we may be friendly received by the Ouedia and the Tuscarora, in accordance with standing agreements with the United Colonies, remained faithful to the American cause during the Revolution. When the Indian allies of the British, even some of their brethren of the Six Nations, learned that a majority of the Tuscarora had cast their lot with the Colonies, they invaded the Tuscarora country, burned their lodges, and destroyed their crops and other property. Thus again by the fortunes of war the Tuscarora were scattered and homeless. A large party of these settled at a place called Oronoke, in the State of New York, in Niagara County, N. Y., near Milk Creek, in order not to be directly engaged, the more Indians friendly to the British cause probably chose to migrate. At the close of the war, two families, probably clans of Tuscarora from Oronoke, made their way to the northeast limits of their present reservation, where they found many valleys and butternuts, and a fine stream. Here they decided to winter. Being missed from Oronoke, scouts were sent out, who found them in their newly chosen settlement, a situation so favorable that, after the gratuitous cession of their former home among the Ouedia, Oronoke was abandoned and all the families removed to the new one. Although the Tuscarora, the last settlement being made from the Seneca to reside in this place, reservation in New York. At the time of the present Tuscarora reservation in New York, the Tuscarora, Sir, and the Tuscarora, Sir, were the Tuscarora chiefs complained for the first time since their admission to the councils of the league, that the Five Nations had from time to time allotted lands to their people, but that each time these lands had been included in a subsequent cession to the whites, and that the Tuscarora had received nothing in return for their right of occupancy or for their improvements. The justice and merits of their complaint having been acknowledged by the Five Nations, Morris reserved to the Tuscarora,

by grant, 2 square miles, covering their settlement on the ridge mentioned above, and the Seneca thereupon granted them an adjoining square mile. About 1800-1802 a deputation was sent to North Carolina to learn whether they could obtain funds in payment for the lands they formerly occupied there, with the result that, by act of the North Carolina Legislature, they were able to lease the Carolina lands, which yielded a fund of \$13,722. This sum enabled the Secretary of War in 1804, under authority of Congress, to purchase 1823 acres for the Tuscarora from the Highland Land Co., adjoining the 2 square miles already in their possession. Such is the origin of the land which is now the New York Tuscarora.

It was while the Tuscarora deputation was in North Carolina that the remnant of the tribe still residing there was brought to the north and joined their brethren in New York State.

The Tuscarora in sympathy with those of the Six Nations that adhered to the cause of Great Britain in the Revolution were granted lands in severalty on Grand River Reservation, Ontario. The evangelizing work of Christian missionaries began among the Tuscarora in western New York as early as 1805 under the patronage of the New York Missionary Society. At first there were only six persons among the Tuscarora willing to abjure their ancient faith and customs, at least in name and appearance, and join in the mission of the missionaries. So violent were the struggles between the two unequal parties that in the spring of 1820 the "pagans" succeeded in inducing about 70 persons to emigrate to Canada, where they settled among the pagans of the Six Nations on the Grand River Reservation, Ontario. The church membership at this time was 16 persons. Little progress was apparent in the education of the Tuscarora, although the New York Society had maintained a school among them.

Ethnology.—The Tuscarora in New York are governed by a council of irresponsible chiefs, for the Indians have forgotten and so neglect the means to be employed in enforcing the will of the clan, in case a chief fails to perform his duty, the council of New York, in the form of a law, has the power to depose the chief. In common with the other tribes of the Iroquoian linguistic stock the Tuscarora traced the descent of blood through the line of the mother, and made the civil and official military chieftainships hereditary in the *ohawéwara* of certain clans (see *Clans*) over which the women chiefs and the elder women presided. The simplest political unit was the *ohawéwara*, of which one or more constituted a clan, which was the simplest organized political unit. The Tuscarora were constituted of at least eight clans, which primitively were organized into phratries. There are no data, other than those furnished by tradition and analogy, as to the organization of the Tuscarora confederation. The clans were exogamous as to their own members, as were also the phratries isolated from one another. The Tuscarora have still preserved their ancient dogmas and beliefs and who still practice their ancient rites and ceremonies, have preserved only a hazy recollection of their early customs, ceremonies, and rites, even less do they comprehend the meaning of the ceremonies still practiced by the so-called pagan members of cognate tribes. They are all pro-

fessed Christians, and so turn away from the old forms of thought and practice of their ancestors.

The exact number of clans still existing among the Tuscarora is not definitely known, for the native authorities themselves do not agree on the number, and the names of those still recognized—some informants give seven, while others give eight, and still others give eight. There is likewise a discrepancy in regard to the correct names of the clans. One list has Bear, Wolf, Turtle, Beaver, Deer, Eel, and Snake; another has Bear, Eel, Large Turtle, Small Turtle, Beaver, Deer, Wolf, and Snake; still another list has Bear, Eel, Deer, Turtle, Gray Wolf, Yellow Wolf, Beaver, and Snake; and yet another is like the last, except that the Turtle clan is replaced by the class Small Turtle and Large Turtle. Like differences appear in the lists of clans of the other Iroquoian tribes.

The names of the civil chiefs still in use among the present two divisions of the Tuscarora (that in Ontario and the other in western New York) are: (A) *Séshour'wé'* (Sachariss), *Wáshé'wáshé'*, *Nísháwháshé'*. His voice is small *Wéshé'wéshé'* (his own loud; these three, including the name of the clan, are the names of the civil chiefs). (B) *Níshé'wéshé'* (his own loud; not clear). (C) *Níshé'wéshé'* (his own loud; not clear). (D) *Níshé'wéshé'* (his own loud; not clear). (E) *Níshé'wéshé'* (his own loud; not clear). (F) *Níshé'wéshé'* (his own loud; not clear). (G) *Níshé'wéshé'* (his own loud; not clear). (H) *Níshé'wéshé'* (his own loud; not clear). (I) *Níshé'wéshé'* (his own loud; not clear). (J) *Níshé'wéshé'* (his own loud; not clear). (K) *Níshé'wéshé'* (his own loud; not clear). (L) *Níshé'wéshé'* (his own loud; not clear). (M) *Níshé'wéshé'* (his own loud; not clear). (N) *Níshé'wéshé'* (his own loud; not clear). (O) *Níshé'wéshé'* (his own loud; not clear). (P) *Níshé'wéshé'* (his own loud; not clear). (Q) *Níshé'wéshé'* (his own loud; not clear). (R) *Níshé'wéshé'* (his own loud; not clear). (S) *Níshé'wéshé'* (his own loud; not clear). (T) *Níshé'wéshé'* (his own loud; not clear). (U) *Níshé'wéshé'* (his own loud; not clear). (V) *Níshé'wéshé'* (his own loud; not clear). (W) *Níshé'wéshé'* (his own loud; not clear). (X) *Níshé'wéshé'* (his own loud; not clear). (Y) *Níshé'wéshé'* (his own loud; not clear). (Z) *Níshé'wéshé'* (his own loud; not clear).

Among the names of the civil chiefs still in use among the present two divisions of the Tuscarora (that in Ontario and the other in western New York) are: (A) *Séshour'wé'* (Sachariss), *Wáshé'wáshé'*, *Nísháwháshé'*. His voice is small *Wéshé'wéshé'* (his own loud; these three, including the name of the clan, are the names of the civil chiefs). (B) *Níshé'wéshé'* (his own loud; not clear). (C) *Níshé'wéshé'* (his own loud; not clear). (D) *Níshé'wéshé'* (his own loud; not clear). (E) *Níshé'wéshé'* (his own loud; not clear). (F) *Níshé'wéshé'* (his own loud; not clear). (G) *Níshé'wéshé'* (his own loud; not clear). (H) *Níshé'wéshé'* (his own loud; not clear). (I) *Níshé'wéshé'* (his own loud; not clear). (J) *Níshé'wéshé'* (his own loud; not clear). (K) *Níshé'wéshé'* (his own loud; not clear). (L) *Níshé'wéshé'* (his own loud; not clear). (M) *Níshé'wéshé'* (his own loud; not clear). (N) *Níshé'wéshé'* (his own loud; not clear). (O) *Níshé'wéshé'* (his own loud; not clear). (P) *Níshé'wéshé'* (his own loud; not clear). (Q) *Níshé'wéshé'* (his own loud; not clear). (R) *Níshé'wéshé'* (his own loud; not clear). (S) *Níshé'wéshé'* (his own loud; not clear). (T) *Níshé'wéshé'* (his own loud; not clear). (U) *Níshé'wéshé'* (his own loud; not clear). (V) *Níshé'wéshé'* (his own loud; not clear). (W) *Níshé'wéshé'* (his own loud; not clear). (X) *Níshé'wéshé'* (his own loud; not clear). (Y) *Níshé'wéshé'* (his own loud; not clear). (Z) *Níshé'wéshé'* (his own loud; not clear).

whether of flour or white sand was not stated. In front of the two victims was placed a wolf skin, and a short distance farther there stood an Indian in a terrifying posture, holding in one hand a knife and in the other a tomahawk; he was apparently the executioner. He did not move from the spot. On the farther side of the fire were seated two young men, women, and children, who danced with weird and frightful attitudes. In the center of the circle a shaman, a circle of dancers were seated two singers who intoned a dismal song. At their feet the shaman stood unterrified, uttering his threatenings and adjurations and performing his exercises against the foes of his people and their *orenda* or "medicine," when there would come a pause in the dancing. Finally, with shouts and howls the dancers ran into the neighboring forests. In a short time they returned with their faces painted black, white, and red, in bands, and with their hair loose and flying, oiled and sprinkled with fine down or cotton from the cattail flag and with small white feathers, and some returned arrayed in all kinds of furs. After their return, the dance was renewed. Back of the two victims stood a double line of armed warriors who kept their posts until everything was over; back of this group some of the dancers were seated on the ground in a circle, graced by defilers: the services of "King," Tom Eben, a prisoner. Finally they set on the service of "King," Tom Eben, the headchief of their neighbors. The village of the Tuscaroras, properly so called, that King Hencock should liberate De Graffenried, and could deal with Lawson as he and his council pleased. The manner of Lawson's death, as learned from Indian information, is found in a letter of Maj. Christopher Gale to his brother, Nov. 2, 1711, wherein it is said that the Indians struck the unfortunate prisoner "full of fine small splinters of torchwood, like hogs' bristles, and so set them gradually on fire." De Graffenried was not permitted to know how Lawson was executed.

To this account of the Tuscarora method of preparing for the execution of an enemy, we should add the account of the ceremony which De Graffenried says that he performed after their flight to the party of Swiss and Palatians. He reports that they built bonfires at night, and especially a large one in the place of execrations, where they raised "three wolf's hides, figuring as many protectors or gods," to which offerings, consisting of their jewelry, were made by the women. In the middle of the circle, the chief shaman performed all manner of contortions, conjurations, and imprecations against the enemies of his country, while the populace danced in a circle around the wolf hides.

The council of "King" Hencock, which consisted of 40 aides, was called by the Tuscarora, according to De Graffenried, the "Assembly of the Great," a translation of the Tuscarora term for the council of chiefs, the general council for all the Tuscarora, Lawson and De Graffenried were tried the "forty elders," as we said, and a great fire kindled in a large open space devoted to important festivals and public executions. On this occasion these chiefs and the accused were seated on rush mats, which were customarily provided for the comfort of guests as a mark of deference and honor. Although the two captives were acquitted by the first council, they were again

tried before a second council, after Lawson incautiously had had a bitter meal with Cox Tom, the chief of Cox town, who was not at the first council. The two captives were not given mats upon which to sit, and Lawson was condemned to death and De Graffenried was acquitted.

Lawson asserts that the most powerful tribe "seems to treat or trade with any others, of fewer numbers and less power in any other tongue but their own, which serves for the lingua of the country; with which we travel and deal." As an example of this, the Tuscarora are cited. Being the most numerous tribe in North Carolina, their language was necessarily understood by some persons in every town of all the neighboring tribes.

The Tuscarora carried on a pernicious trade in rum with the Indians dwelling to their westward. In 1708 rum had been but recently introduced among the latter, chiefly by the Tuscarora, who transported it in bundles several hundred miles, amongst other Indians. They sold it at so many mounds always choosing a man having the largest mouth possible to accompany him to the market and the mouthful was scrupulously emptied into a bowl brought for the purpose. The Tuscarora also traded with the Shakoni and Ojibwa, selling them wooden bows and lances for rawhides.

Their lodges, usually round in form, were constructed of poles, covered with the bark of cypress, red or white cedar, or sometimes pine. At one place Lawson met more than 500 Tuscarora in one body in a hunting camp. They had constructed their lodges with bark, "not with round tops, as they commonly use, but ridge fashion, after the manner of most Indians." Among them he found much corn, while meat and venison were scarce, because of the great number of people; for although they were expert hunters, they were too

populous for a range. The native Tuscarora of North Carolina had rather flat bodies, due probably to the fact that in early infancy the children were swathed to cradle-boards. He adds: "They are not so robust and strong bodies as to lift great burdens and endure labor and arduous work, as Europeans are; yet some that are slaves prove very good and laborious." They were dextrous and steady, and collected in the use of their hands and feet; their bearing was sedate and majestic; their eyes were commonly full and manly, being black or dark hazel in color, and the white of the eye was usually marked with red lines; their skin was tawny, and somewhat darkened by the habit of anointing it with bear's oil, and somewhat resembling burnt cork. When they wished to be very fine they mixed with the oil a certain powder made from a scarlet root growing in the hills of the country. Their hair was high on account of the distance from which it came and the hair to which they were exposed in obtaining it. The Tuscarora and other Indians attempted to cultivate this plant, but it would not grow in their land. As a substitute they sometimes used puccoon root, which also has a crimson color, but this dyed the hair an ugly hue. The heads even of the aged were scarcely ever bald; their teeth were tinged yellow from smoking tobacco, to which habit both men and women were much addicted;

they, however, did not snuff or chew tobacco. They plucked the hair from their faces and bodies. There were but few deformed or crippled persons among them.

The Tuscarora had many dances suitable to various occasions; these as a rule were accompanied with public feasts prepared under the direction of the women chiefs. Every dance had its peculiar song, but probably was not changed for every occasion on which the dance was performed, although Lawson states that "all these songs are made new for every feast; nor is one and the same song sung at two several festivals. Some one of the nation, which has the best gift of expressing their designs, is appointed by their king and war captains to make these songs. To these, besides the people, I came from among them as within 50 or 60 mi., where they buy and sell commodities."

The Tuscarora in like measure with the northern Iroquois were passionately given to gaming, frequently stripping one another of every piece of property available. Sometimes they went even so far as to bet themselves away to the winner, readily becoming his slave until he or his relatives could pay the redemption price; nevertheless they bore their losses with great equanimity, no matter how ruinous they were. Among their games was that of a bundle of 51 split reeds about 7 in. in length and neatly made. The game consisted in throwing a part of the bundle before an opponent, who must on sight guess the number shown. It is said that experts were able to tell the number correctly ten times in ten throws. A set of these reeds was valued at a dressed doeskin. The Tuscarora also had the well-known bow and arrow game, which is such an important adjunct to the deer-hunting festivals of the northern Iroquois. They had also many other games, but some of their neighbors had games which they did not have.

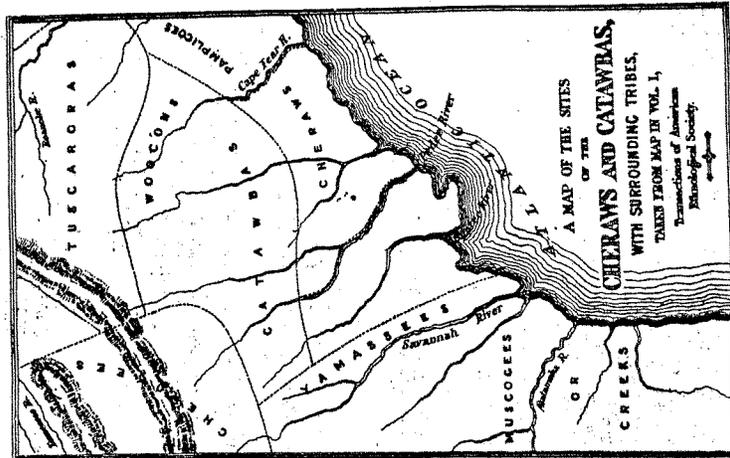
There were feasts among the Tuscarora, when several villages united to celebrate some event or when two or more tribes assembled to negotiate peace. There were feasts and dances of thanksgiving, and invocations to the gods that watched over their harvests, when their crops were garnered and when the first fruits of the year were gathered.

Population.—No trustworthy estimates of the Tuscarora population at any given date, exclusive of those of Lawson and Barnevel, previous to 1830, are available for the entire Tuscarora people. The earliest and perhaps most authoritative estimate of the total Tuscarora population at a given time was that of Lawson in 1708. His estimate of 15 towns and 1,200 fighting men would indicate a population of about 4,800 at that date; Col. Barnevel's figures are somewhat larger than Lawson's, though they appear to be conservative; his estimate was 1,200 to 1,400 warriors, or a maximum population of about 3,600 persons. The estimate of 1,300 given by the Tuscarora about 1,000 persons. His estimate is restricted to the Tuscarora living near Onasida, N. Y., hence did not include those living in North Carolina or on the Susquehanna and Juniata r. Other estimates of this group give them 1,000 (1765), 2,000 (1778), 1,900 (1783) 400 (1796), in the United States; 414 (1885) in New York and an equal number in Canada, or a total of 828; 354 (1909) in New York, and 416 (1910) in Canada, a total of 780.

Settlements.—The following Tuscarora towns have been mentioned in writings pertaining to this people: Amsooka, Chonanseta, Coernta, the Cohunche, Conahkare, Coniahnah, Cotechney, Coram, Corutra, Eao, Gansesaga, Ganatsigowa, Harooka, Haruivagyu, Ingurun, Jamsetryo, Jutawage, Kanhiato, Kamelushikkeh, Kenta, Kentanunaka, Naushegine, Nonwaharates, Nurosooka, Ayudunnaman, Ohagi, Onosoron, Onida (in part), Oquaga, Sawinungo, Uesquin, Trochurungwe, Tosearoka, Turunne, Tesease, in North Carolina, and Ucolunimunt. Some of these settlements in the Susquehanna in Pennsylvania; in the Susquehanna in New York, while others are situated on Onasida Lake in New York and one in Genesee Valley. The same situation of the majority of these towns is not definitely known. In some instances the Tuscarora shared a town with other tribes, as was the case at Anajot (Onasida, or Ganowarohare) and Onohoquaga.

Treaties.—The Tuscarora have taken part in the following treaties between the United States and the Six Nations: Ft. Stanwix, N. Y., Oct. 22, 1784; Ft. Harmar, Ohio, Jan. 9, 1789; Canandaigua (Kondaugus), N. Y., Nov. 31, 1794; Onasida, N. Y., Dec. 2, 1794; Buffalo Creek, N. Y., Jan. 15, 1838.

For further information consult Elias Johnson (native Tuscarora); Legends, Traditions and Laws of the Iroquois, or Six Nations, and History of the Tuscarora Indians, 1881; Documents Relating to the Colonial History of New York, I-XI, 1865-61; Document XII, History of New York, I-IV, 1844-51; Penn's Original Papers, Vol. XLV, 1852-56; Minutes of the Provincial Council of Pennsylvania (Colonial Records), I-XVI, 1692-83; South Carolina Historical and Genealogical Magazine, I-XVI, 1892-1908; See also the History of Virginia Magazine, I-XV, 1893-1908; and the History of Carolina, 1714, repr. 1860; Publications of the Buffalo Hist. Soc., especially Vol. VI.



Map of the sites of the Cheraws and Catwabs. From Gregg's History of the Old Cheraws.

EXHIBIT I.
HISTORY OF THE OLD CHERAWS.
 [From Gregg's History of the old Cheraws.]

CHAPTER I.

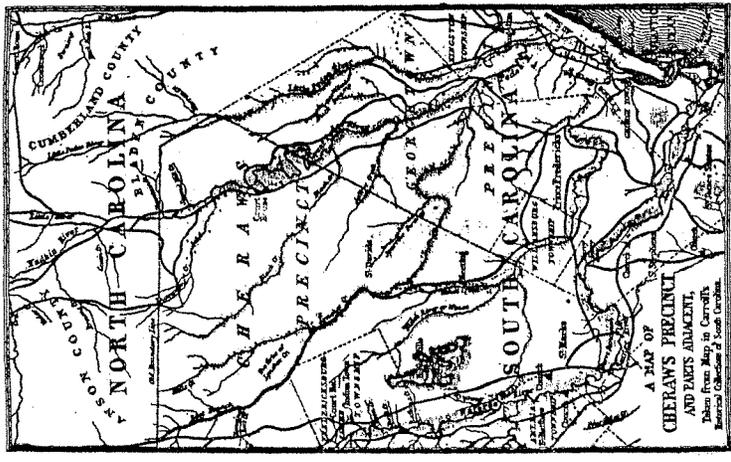
Indian tribes in Carolina—Extent of their territory—Other tribes—Pedee—Location—Subsequent relation to tribes on the Pedee—Lester's narrative—Localities identified—Sav. where—First mention in public records of tribes on the Pedee—Visit of Governor Johnston to the Pedee—Governor Johnston's Journal—Cheraws visit Charleston—Smallpox prevails—Removal of Cheraws and union with Catawbas—Cheraws' History—Language of tribes on the Pedee—Meaning of Cheraws—Location of the sites of the Cheraws—Indian habits and customs—Lester's narrative—List of Cheraws and Catwabs.

There is a sad chapter in the history of the New World: it is that relating to the aborigines of America—a people, as all accounts agree, distinguished for many noble traits, but invariably degenerating in character and habit as they have come in contact with the "pale-faces," and taken up their mournful line of march toward the setting sun.

When first known to the colonists South Carolina is said to have contained not less than 28 tribes of Indians, with settlements extending from the river to the mountains. Of these tribes but a few have survived to mark the localities they once inhabited; and these, with such scattered remains as the waste of time and the leveling work of the white man have spared, are the only memorials left to tell of their early occupancy of the soil. Of the tribes which dwelt upon the Pedee and its tributaries, the Saras, or Saraws, as they were first called—afterwards Charrows, Charraws, and Cheraws—occupied the region still identified by the name; their territory extending thence to the coast, and along the coast from the Cape Fear to the Pedee. This extensive region has been assigned to the Cheraws by one of the most eminent ethnologists of America, as among the sites of the Indian tribes westward to the Atlantic.

If such was the extent of their territory at that early period, it would indicate the population which must have been greatly diminished, when, toward the approach of the Catawbas, a half century later, the supremacy of the Cheraws over the smaller tribes around them, and even over their own distinct nationality, would seem to have been lost, or at least unacknowledged. Within these early territorial limits of the Cheraws, and along the middle and lower parts of the valley of the river, must be assigned the Pedees; and about the mouth of the river, the Winyaws. The Kadapaws were found on Lynches Creek, after the name of which tribe that stream was called

¹ See map inserted, by the late Albert Gallatin, Vol. I, of Transactions of American Ethnological Society.



Map of Cherokee precinct. From Osgood's History of the old Cherokees.

in the Indian tongue. Of these, the Cherokees—however they may have been diminished in number by disease and war, or perchance by some dismemberment of their nation, and the removal of many, of which no record or tradition remains—continued to be the dominant race on the Pedee; the others having ever been reckoned among the smaller and inferior tribes. Of their origin nothing is known beyond the conjectures of ethnologists. They are believed to have come from the westward, to the extensive family of Algonquins. These are supposed to have migrated from the east coast extending to the Gulf of Mexico, and reaching along the coast as far as the Gulf of California, and thence to the west. It is thus as the track of aboriginal descent and migration begins to be traced back, even conjecture is lost in a sea of uncertainty.

The tribes on the Pedee continued in their feeble and disorganized state (the Cherokees maintaining the supremacy) until the arrival of the Catawbas from the north, with the history of whom their own was ever after to be inseparably blended.

According to their tradition, as it has been handed down to very recent times, the Catawbas, at a period prior to not long after the settlement of the region by the whites, occupied a region far to the north, and from whence, in course of time, they removed to the Pedee. Being a numerous and warlike race, they attacked the tribes with whom they came successively in contact, and in the way until they met the Cherokees on the banks of the river, afterwards called by their own name, Catawba.

Here, as the tradition relates, a sanguinary battle ensued between them, which lasted from morning until night, darkness alone serving to put an end to the conflict. The loss on both sides was heavy, though neither party gained the victory. With the approach of morning, propositions of peace were made by the Catawbas and accepted by the Cherokees. According to the story of the legend, the former were to occupy the country west of the river, and the latter the territory on the west side. Here they solemnly agreed to live together as brothers, and after burying their dead, and erecting piles of friendship established between them, returned to their respective homes. Afterwards secretly observing the terms of the compact. This tradition of the Catawbas is confirmed throughout by the fuller details which ethnological research has added to their history. They appear to have been a Canadian tribe, and to have left their ancient home about the year 1650, pursued by the Comanches, a superior and more warlike tribe, with whom they had come in conflict. Forced thus to remove, they turned their faces to the southward, and fought their way, when they had done so, until they approached the headwaters of the Kentucky River. Here a separation took place, the larger number becoming absorbed in the great family of the Cherokees, the remainder being absorbed as the Catawbas, in what was afterwards known as Botetourt County, Va., but without making any permanent settlement.

* For this interesting traditional account, as given by the Cherokees, the author is indebted to Mr. J. M. Smith, who has kindly furnished him with a copy of the manuscript, and also with a copy of the original map.

They removed thence in the year 1660, continuing their journey to the south, and, as Adair wrote, settled on the east side of a broad, purring river, that heads in the great blue ridge of mountains, and empties itself into Santee River, in Amelia township, then running eastward of Charleston, whence he fled into the Atlantic.

On the banks of this river, the Ewa Tavora (as it was called in the Indian tongue), they met the Cherokees, whose extensive territory ran thence to the westward, and there followed the sanguinary conflict, of which some account has been given.

In this battle 1,000 of the bravest warriors were lost on each side, greatly reducing the force of the Catawbas, and doubtless making a permanent impression on their spirit as a warlike race, for which they had been so celebrated in the earlier periods of their history.

From the approach of the Catawbas was originated by the Cherokees, and thence spread to the other tribes, the great and general migration, which has since been generally regarded by the Indians as a hostile demonstration and claim to dominion. Already, doubtless, the decline of the Cherokees had commenced and made such progress as to unfit them for contesting the claim to supremacy. It was to be the story of a continuous decline, and of a race scattered or absorbed into another superior to themselves, the beginning of the last and most mournful chapter in their history. A portion of the Cherokees, however, must have remained distinct and independent for more than a century later, as will be found in tracing their subsequent course. They were henceforth to be wanderers, the remains of their once extensive dominion, with those of the smaller tribes around them, having passed away to the Catawbas. The territory of the latter was placed in 34° north latitude, being bounded on the north and northeast by North Carolina; on the east and south by South Carolina; and about west and southwest by the Cherokee nation.

The smaller tribes on the waters of the Pedee, appear after this period to have had no independent existence. They are doubtless degenerated through the operation of those same and destructive agencies at work in the history of the aboriginal races; and in addition, had undergone the process, common among the Indians of becoming absorbed in their conquerors or in the larger tribes around them.

In this instance they were merged chiefly in the Catawbas. About the year 1743, the language of the Catawbas is said to have consisted of 20 different dialects, of which the "Katabba" was the standard, or court dialect, the "Cherak" being another. Scarcely anything beyond a bare allusion to them by name is found relating to the tribes on the Pedee in the earliest accounts of the Indians of Carolina. With the exception of the Cherokees, they were reckoned among the smaller and inferior tribes, most of whom had then greatly degenerated and were rapidly approaching extinction. Brief allusions are found at an early period to the several tribes in the acts of the assembly, passed for the regulation and support of the Indian trade. The larger tribes on the northern and western boundaries of the Province engaged the attention of the Government almost ex-

clusively. The Catawbas formed a sort of barrier against their incursions, and of them there is frequent mention.

Of the Cherokees the first distinct relation in any contemporaneous record is found in the explorations of John Lederer, in these several marches from Virginia to the west of Carolina, and other parts of the Continent; begun in March, 1669, and ended in September, 1670.

Such at least is the case if we are to understand by "Sara," as he writes in this locality of the "Sawak," as they were sometimes called, or Cherokee Indians. Thus, in one of his journeys, Lederer says:

I departed from Watauga, the great head of the river, and having a vast course did likewise, to my no small admiration, find head cakes of white salt among them; but whether they were made of sea-water or taken out of salt-pins I know not, but am apt to believe the latter, because the sea is but a few days' march from them. This three day's march was more troublesome to me than all my travels besides, for I was obliged to march through a swampy and very low ground, and was grown with weeds, from whose roots spring many snakes and other venomous creatures, which were so numerous in the bog, as I could not wonder that he was not either killed or mangled by one of them. This nation is subject to a neighboring king residing upon the bank of a great lake called Ushery, surrounded all sides with mountains and Watauga mountains.

There is great difficulty throughout Lederer's narrative, as Dr. Hawks more than once remarks, in determining the routes by which he passed and the localities described. If by "Watery," the Wateree of the present day is to be understood, he could not by going west 30 miles to "Watauga," and thence three days' march by a southwest course to "Ushery," have reached the Santee, for by "Ushery" the Santee was meant, if the authority of Lederer is to be taken as correct; but, by the latter, as he says, "the Indians living on the Santee River were called by the name of 'Ushery.'" If, on the other hand, amid the confusion of names, we may understand by "Watery," the Pedee of the present day, a journey of 30 miles to the west would have brought Lederer to Lynch's Creek, the "Watauga," and three days' march from thence southwardly along the swamp of Watauga, would have enabled him to reach the Santee, called by this the "High Hills," which have since become so famous, called by the early explorer, "Mountains," and with an almost impenetrable swamp of vast extent, to which his description of a "marsh overgrown with reeds," would very well answer.

In support of this view, we find in Oldmixon's History of Carolina, published in 1708, reason for supposing that the Pedee was then called by that name (Watery). Describing the six counties into which Carolina, North and South, was then divided, he begins with Albemarle, on the borders of Virginia. Then follows an account of Charendone County, in which, he says:

is the famous promontory, called also Cape Fear, at the mouth of Charendone River, called the Cape Fear River. The best live is named Watery River, or Watauga, about three days' league distant from Albany River. It is capable of receiving large boats.

1. For a full account of this early American traveler, the reader is referred to Dr. Hawks' History of North Carolina, Vol. II, p. 62.

ship, but intense to Fort Royal, nor is yet inhabited. There is another small river called Wagon River, and a little settlement honoured with the name of Cherokee-camp, but so thinly inhabited that it is scarcely taking notice of. We come now to South Carolina, which we descend from North by Santee River. The adjacent county is called Calves County.

It is evident that the "Watery" here spoken of, was the Waccamaw, or the lower Pedee, and not the Wateree of the present day. The Pedee being a much longer stream than the Waccamaw, it is not impossible that though the latter was known by the name of Watery, or Winyan near its mouth, the former being supposed to form its extension higher up, was also in like manner designated. Dr. Hawks remarks:

Watery, Sars, Waccaw, and Ushery, would all appear to have been in South Carolina, the last directly west of Charlotte. If he made his journey then, entering the country near Robeson County, he must have crossed in a south-western line, and not in the direction of the Pedee. The time occupied would not have been sufficient for it. Ledger's itinerary presents difficulties which we cannot satisfactorily solve.

If, as is here conjectured, Lederer passed through Robeson County into South Carolina, the supposition we have made will appear the more probable. And it brings to light the fact never before suggested or imagined, perhaps, that the Pedee in the earlier days of its origin, they were called "Sars." In it was so, the time and reason of the change to Pedee can be had by consulting the map. It might have taken place after the advent of the Catawbas and been brought about by them in order that such a standing memorial of the "Sars" dominion might be forever obliterated; or, what is yet more probable, the "Sars" territory, once embracing the region higher up but afterwards confined to the coast, the Pedees, if succeeding to it, would naturally have called the river after their own name.

The earliest mention in the provincial records of any of the tribes inhabiting the Valley of the Pedee, is found in the proceedings of the Council on Upper House of Assembly, December 13th, 1732. It is in these words:

Mr. Warden and Mr. White came from the Lower House with the following message: "The Indians of the Pedee, who are now in the country, are very friendly to the murder of a Pedee Indian by one Kemp. We desire your excellency to take the proper measures to prevent the ill consequences of it by causing the offenders to be apprehended and brought to justice, or otherwise as your excellency shall think fit."

Upon reading the message from the Lower House of Assembly, and likewise the message from the Upper House, the Council, by their order, directed the Governor at Black River, on Georgetown, that barbarously murdered one of the Pedee Indians.

Ordered, That James Yeake, Esq. private marshal, do immediately attend the said Kemp or Camp, and bring him before his excellency the governor in Charleston, to be dealt with according to law, and that all constables and other officers and ministers of His Majesty be aiding and assisting in the said private marshal in the execution of this order.

1 Colonial History in Cornwall Collection, Vol. II, p. 44.
2 Colonial History in Cornwall Collection, Vol. II, p. 44.
3 Howard Journal, Vol. 1, p. 20, memory of John Yeake, Columbia.

This proceeding of the House was based upon the following facts: Appeared before this board, Thomas Burton and Wm. Kemp, and upon the affidavit of Thomas Burton, and the information of Wm. Kemp concerning the fact of an Indian fellow being killed, name Corn-White Johnny, his excellency issued the following order: On the 17th January, 1744, the said Corn-White Johnny, and the said Thomas Burton, the said King Henry, Captain Billy, George and Francis Johnson, it is ordered that King Henry, Captain Billy, George and Francis Johnson, and some of the relations of the deceased, be and appear before me the said Warden on the 19th January next, to give account of the death of the said Corn-White Johnny, and that Wm. Kemp do attend at the same time; otherwise than Mr. John Thompson, junr., is desired to acquaint the said Indians of this order.

This record is of interest now as evincing the jealous care exercised by the Provincial Government for the protection of those scattered and defenceless remnants of the Indian tribes whose domain was fast passing away from them and who continued faithful to the whites to the close of their history.

Of the result of the proceedings referred to no further account appears.

We have next a brief but interesting notice of a visit made to Charlotte by a few of the leading men of the Cheraws and Catawbas in July, 1739.

On Saturday last,

said in the Gazette of that day, arrived in this town eleven of the chief men among the Cheraws and Cheraw Indians, who came to pay a visit to his honour the lieutenant-governor and inform him that some time since a party of their people went out to fight against the said Catawbas, and that one of the said party was killed, the name of which was Corn-White Johnny, and that some of the said barbarous murder they examined into the facts and had put five of the ringleaders to death, and that they were determined to prosecute in the same manner any other persons who should be guilty of the like offence. The lieutenant-governor, after receiving with a kind reception from his honour the lieutenant-governor, and having received the usual presents from the country they set out this day on their return home, well pleased and content.

The signal punishment visited by these tribes upon the murderers of the whites indicated their fidelity to the Provincial Government, which continued to be as true as it was lasting.

Of the Pedees mention is made a few years later.

In council March 2, 1743, his excellency the governor signed the following order to Mr. Commissary Dart, viz, to provide for the Pedee Indians now in town the following: "To the three head men, each of them, a gun and knife; to the others, each of them, a knife. For the three women, each of them, a looking-glass, twenty bullets, and a pound of Col. Pittman's powder for use of said Indians."

The Pedees are mentioned again with the Catawbas in the following year, in council, 28th January, 1744, the said Pedee Indians, admitted four to the council chamber, who informed his excellency that seven Catawbas had been barbarously murdered by the Notchee Indians who live among them, which horrible deed having been confirmed by Mr. Matthew Beard, who lives at Goose Creek, who had certain intelligence of the same, saying that the said Catawbas being drunk near Fuller Cowpen, near the four holes, seven

1 Colonial History in Cornwall Collection, Vol. II, p. 44.
2 Colonial History in Cornwall Collection, Vol. II, p. 44.
3 Howard Journal, Vol. 1, p. 20, memory of John Yeake, Columbia.

In 1787 they were the only organized tribe, under a distinct name of their own, in South Carolina. Their town, Catawba, contained then about 450 inhabitants, of which not more than 20 were negroes. In 1788 they are said to have been in the habit of holding the anniversary of a victory in a battle in the same year. It was intended to commemorate their successes by recounting the numbers and deeds of their ancestors, which tradition had kept them informed. Well might the Catawbas have been proud of their history. And well may South Carolina cherish the memory of a people who maintained their friendship and their active devotion inviolate throughout the long and trying period of conflict waged successively with savage foes, and those of the same language and blood who came to reduce their American brethren to a state of worse than colonial vassalage!

Of the liberal provision made for the Catawbas in later times by the Legislature of South Carolina it is unnecessary to speak. A portion of them had removed at an earlier period to Buncombe County, N. C., as the result of the British, and further the inestimable remedy, with few exceptions, followed. The Catawbas, reduced in numbers by disease and intermarriage, by the contracted territory to which they had been confined while yet unfitted, by the slow process through which the Indian must always pass for agricultural pursuits; and which, by these means of idleness and dissipation which the custom of leaving their lands to the whites, and the consequent want of employment had subjected them; drunken and wandering from place to place, their condition became as abject as it had once been elevated among the red men of Carolina. "In the rapidly declining tribe," says an eminent authority of recent times, "we find the remnants of a nation, long-lived, and celebrated, and of the Pedee." It is but a brief sketch of the history, the means of which the public records of the State abound, will one day, as it deserves, be fully written.

Of the languages of the Indian tribes once inhabiting the valley of the Pedee scarce a vestige is left, except the names of the rivers and a few localities. The same remark may be made of all the tribes which were found at the first approaches of the white man on the coast of Carolina, from Cape Hatteras to the Savannah.

Of the meaning of "Cheraw," reasoning from the affinities of the Indian tongues, a probable conjecture may be hazarded. In Cherah, or Chera, as it seems at certain periods of Indian history to have been called, as it is found closely allied with Chera-see. In the language of the Chera-see, Cherah is identical with Sere, or Sere-see, a high place called it—now Cheraw, it may be conjectured to have meant the fire town. The site of the present town of Cheraw, which has retained the name, with slight changes, from an early period, may have been the scene of an extensive conflagration when occupied by the Indians; or, being situated on a high bluff, and visible as a point of observation and alarm for miles across, it may have been a signal station, as such prominent localities often were, to gain the knowledge of an enemy's approach, or other danger, and hence may have been called Cherah; in Cherokee, the fire town: or, as may seem

¹ Bureau's New Year, p. 5. ² Transactions of American Ethnological Society, Vol. II, p. 113.

yet more probable, in another view; if, about the period of their first distinct existence as a tribe, being possibly an offshoot from the Cherokees, the site of the present town of Cheraw, and the name of Cheraw, were noted as fire towns, as some of the Indian tribes have been, the original of the name may be found in the circumstance—Cheraw meaning fire eaters. After all, however, it is one of those points, the original of language in the aboriginal races, which, without the light of contemporaneous history, must ever remain involved in more or less of darkness and uncertainty. Of the meaning of "Pedee" nothing is known. It has even been made a question whether the name is of Indian origin; and the opinion has been advanced that it is not, on the ground that it appears to have been unknown prior to the English colonial settlements. Hence it is conjectured that it was of subsequent origin, having had its beginning, perhaps, in the title of a white man's name, as of "Charles J. Day," for example. It is, however, a name, which, like many others, has changed into Pedee, as we now have it. This theory, however, is wholly untenable.

That the name is not mentioned by the earliest writers is readily accounted for by the fact that the Pedees, if ever a people of any note, had then become an insignificant tribe; whereas only the more powerful nations of Indians engaged attention at first, or were so much as known by name. The earliest mention of Pedee is found in the account of the Eleven Townships, one of which was to be laid out on that river. This was about the year 1731-52. But then it was spoken of as having already been in familiar use. It was, spell, too, not as if it had come from two capital letters, the initials of proper names, and, suphony of the Indian tongue indicate, beyond all doubt, that Pedee had the same original as Santee, Congaree, Wateree, Uchee, and Sovee, all of unquestionable Indian birth, and the names of neighboring and cognate tribes. That the name Pedee does not appear in the earliest published accounts of Carolina may be attributed to the fact that for a considerable time after the first settlement of the province, scarcely anything was known of that part of the State, because out of the line of the main route of travel, far in the interior, and at a later period only coming into notice.

Of the Indian remains on the Pedee which are still to be seen, though very few, there are many which are distinguishable from those of other parts of the State, of which full accounts have been given. In some instances these remains are so numerous as to indicate the existence of once populous settlements. These settlements, as usually the case with the aborigines, were made upon the banks of rivers and other large streams, on account of the fertility of the soil for fishing purposes, and other facilities thereby afforded.

In most instances on the Pedee where these remains are yet to be seen are found large collections of fragments of pottery of varied shapes, sizes, and devices. It is difficult even to conjecture why such quantities of these were deposited at points not far removed from each other. They could scarcely have been the result of large

¹ 18221—Doc. 677, 68-3—14. ² Carroll's Ethnological Collection, Vol. II, p. 24.

In certain localities on the Pedee, which appear to have been the centers of their once extensive settlements, many mounds were once to be seen.

They were similar to some of those described by Bartram in East Florida, near the river Suwannee, "where," he observes— "I had the most numerous and best preserved remains of little mounds and ridges. I had taken my lodging on the border of an ancient burying ground; and a small hamlet of the Yamacraws, who were here slain by the Cheaks in their last decisive battle. These graves occupied the whole ground, consisting of two or three acres of ground."

During a visit of the author in 1850 to the upper part of Maitland's district, near the North Carolina line, he discovered a mound, but so high that it could not be seen from the road. It was a small, conical mound, and on a subsequent occasion it was visited for the purpose of exploration. It appears to have been raised originally but a few feet above the surface of the adjoining level, and had been almost entirely washed down. Its dimensions were about ten by fifteen feet. Many years before, a partial excavation had been made, and in digging down on this occasion for a short distance small pieces of bone were found mixed with the earth throughout, so that no opinion could be formed as to the depth of the first layer of bodies. Four feet below the surface a point was reached where the soil had not been disturbed, and a little below this were found from four to six skeletons, lying regularly in a line, and in two layers. The larger bones were in a better state of preservation, and one of the jaw-bones with the teeth entire, apparently of a person about middle age. With the bones were found a stone hatchet, a beautiful arrowhead, and a pipe, and strange to relate the smell of tobacco about the pipe was perceptible for several hours after the exhumation. The tradition relating to the battle and the burial was well founded, and carried them nearly a century back.

As to tobacco, the Indians affirmed, as some of the earliest travelers among them inform us, that the use of it was so early introduced by the Europeans discovered the continent. The skill of the Indians in the use of medicines, in curing diseases, and in the preparation of the most valuable plants now in use was derived from them.

Some of the customs of the Indians of Carolina indicated a degree of kindness and social affection, as well as an appreciation of duty, of which they are not generally supposed to have been possessed. When, for example, one of their own nation had suffered any loss by fire, or otherwise, he was ordered to make a feast, to which all the tribe was invited. After they had partaken of the feast, one of their speakers, generally a grave old man, delivered a harangue, informing them of the particulars of the loss sustained, and of the necessity of such circumstances. After this, the speaker, according to his quality, threw down some present upon the ground, of beads, skins, or other valuables, which often amounted to treble the loss incurred.

So, if one wished to build a canoe, or make a cabin, they rendered him assistance, saying, "There were several works which one man

The plan of the mound at Maitland's district, in Pickens county, on the Pedee, is the best preserved. The plan of the mound at the mouth of the Pedee, near the mouth of the river, is the best preserved. The plan of the mound at the mouth of the river, near the mouth of the river, is the best preserved.

could not effect, and that therefore they must help him, otherwise their society would fall, and they would be deprived of those urgent necessities which life requires. If a woman lost her husband, and had a young family of children to maintain, she was always asked to find a young man of the tribe, who would marry her, and do anything she might wish to be done, herself. At the same time they would give her some work to do, but compelled all to employ themselves in some work or other.

As to religion, they believed generally that the world was round, and that there were two spirits, the one good and the other bad. The good spirit they reckoned to be the author and maker of everything. It was He, they said, who gave them the fruits of the earth, and taught them to hunt, fish, and be wise enough to overpower the beasts of the wilderness, and all other creatures; that they must be assistant and beneficial to man. They did not believe that the Spirit punished any man in this life, or that to compel them that he delighted in doing good, and in making his spirit separate from the Good Spirit, and that the author of sickness, disappointment, loss, hunger, and all the misfortunes that human life is incident to. Some of our aborigines were found to have traditions of the Great Deluge, and of the event they gave a curious description. Of some of their practices, and one in particular, Lawson gives a singular account. He says—

Several customs are found in some families, which others keep not, as, for example, the families of the Metch-pocops use the French custom of not eating any food that is not fresh, and perhaps if you ask them what is the reason they do so, they will make you no answer of answer, which is as much to say, I will not tell you.

They seem to have been unwilling, for the most part, to give any account of their customs, particularly those of a religious character. And so, the same writer remarks, that he knew them, for days together, to be amongst their idols and dead kings, but that they never got admittance to their secret places, and that they were doing the best of their power to keep their idols all has been positively denied by the Indians who profess to have informed themselves of all that relates to their habits and customs. It is likely that the different tribes, remote from each other, and possibly of different origin, differed much in their customs and traditional observances, and hence the conflicting accounts which have been given. Of one custom, remarkable as it is suggestive, which Lawson affirms to have prevailed among the Indians of Carolina, and of which no other writer is believed to give any account, it may gratify the curiosity of the reader to be informed. It is very certain that the Indians have supported the range of aboriginal among Americans in the habit of much more indolence and weakness.

There is one most remarkable custom—

Says Lawson—

which they call *lanquening* their young men, which I have not made any mention of. Most commonly once a year, or at farthest once in two years, these people take up so many of their young men as they think are able to undergo it and lanquening them, which is to make them obedient and respectful to their superiors, and to their

their old enemies equally unpleasant. All but one or two soon went back again. An old woman, the last survivor of the emigration, died among the Cherokee in 1839. A few other Cherokee have since intermarried with that tribe. At a later period some of the Catawba removed to the Choctaw Nation in Indian Territory and settled near Scullyville, but we said to his honor, Mr. A. B. Mease, about 1884 several because of their removal to Saki Lake City, Utah.

The Catawba were sedentary agriculturalists, and seem to have differed but little in general customs from their neighbors. Their men were respected, brave, and honest, but lacking in energy. They were good hunters, while their women were noted makers of pottery and baskets, arts which they still preserve. They seem to have practiced the custom of head flattening to a limited extent, as did several of the neighboring tribes. By reason of their dominant position they gradually absorbed the broken tribes of South Carolina, to the number, according to Adair, of perhaps 20, about 1682, they were in the early settlement of South Carolina, 4,600 souls; in 1728, at 400 warriors, or 1,500 warriors, or 4,000 souls; in 1738 they suffered from small-pox, and in 1743, after incorporating several small tribes, numbered less than 400 warriors. In 1759 they again suffered from small-pox, and in 1761 had some 300 warriors, or about 1,000 people. The number was reduced in 1775 to 400 souls; in 1780 it was 490; and in 1784 only 250 were reported. The number given in 1822 is 450, and Mills gives the population in 1826 as only 110. In 1881 Gatschet found 85 on the reservation, which, including 35 employed on neighboring farms, made a total of 120. The present number is given as 60, but as this apparently refers only to those admitted to the reservation, the total may be about 174 and 1860; Gatschet, *Creek* (See *Lawson, History of the Catawba*, 1884-85; Measey (1) *Southern Tribes of the* (2) *Magrill*, 22; B. A. E., 1894, (2) in 19th Rep. B. A. E., 1900; H. Lewis Seale, *History and Condition of the Catawba Indians*, 1896. (2. 34.)

miles, besides which they had several smaller village sites. In 1728 they still had 60 villages, all on Catawba River, within a stretch of 20 miles, the most northern being named Narvassa. Their principal village was formerly on the west side of the river, in what is now York County, S. C., opposite the mouth of Sugar Creek. The known history of the tribe till about 1760 is chiefly a record of petty warfare between themselves and the Iroquois and other northern tribes, throughout which the colonial government tried to induce them to stop their wars and go to farming the land. With this aim in view, the British and French, in 1715 they were uniformly friendly toward the English and afterwards kept peace with the United States, but were constantly at war with the Iroquois, Shawnee, Delaware, and other tribes of the Ohio Valley, as well as with the Cherokee. The Iroquois and the Lake tribes made long journeys into South Carolina, and the Catawba retaliated by sending small scouting parties into Ohio and Pennsylvania. Their losses from ceaseless attacks of their enemies reduced their numbers steadily, while disease and debauchery introduced by the whites, especially several epidemics of smallpox, accelerated their destruction, so that before the close of the 18th century the force of the tribe was reduced to a few remnants. They sent a large party to join the British in the French war of 1755-1763, and also sided in expeditions against the French and Indian allies at Fort Du Quesne and elsewhere during the French and Indian war. Later it was proposed to use them and the Cherokee against the Lake tribes under Pontiac in 1763. They assisted the Americans also during the Revolution in the defense of South Carolina against the British, as well as in Williamson's expedition against the Cherokee. In 1738 smallpox raged in South Carolina and worked great destruction, not only among the whites, but also among the Catawba and smaller tribes. In 1759 it appeared again, and this time destroyed nearly half the Catawba. At a conference at Albany, attended by delegates from the Six Nations, the Catawba, under the auspices of the colonial governments, a treaty of peace was made between these two tribes. This peace was probably final as regards the Catawba, but the western tribes continued their warfare against the Cherokee, who were now so reduced that they could make little effective resistance. In 1762 a small party of Shawnee killed the noted chief of the tribe, King Hagler, near his own village. From this time the Catawba ceased to be of importance except in conjunction with the whites. In 1768 they had confirmed to them a reservation, assigned a few years before, of 16 miles square, on both sides of Catawba River, within the present York and Lancaster Counties, S. C. On the approach of the British troops in 1780 the Catawba withdrew completely into the mountains, and remained there till the arrival of General Howe, and established themselves at the principal village near the Head, on opposite sides of Catawba River. In 1829 nearly the whole of their reservation was leased to whites for a few thousand dollars, on which the few survivors chiefly depended. About 1841 they sold to the State all but a single square mile, on which they now reside. About the same time a number of the Catawba, dissatisfied with their condition among the whites, removed to the eastern Cherokee in western North Carolina, but finding their position among

Keyauwee. Being still subject to attack by the Iroquois, they finally—between 1726 and 1730—were incorporated with the Cherokee, with whom their date they had been at enmity. The latter were then called the Catawba but speaking their own distinct dialect as late as 1743 (Adair). In 1759 a party of 45 "Cherokees," some of whom were under their chief, "King Johnny," joined the English in the expedition against Fort Du Quesne. The last notice of them is in 1768, when their remnant, reduced by war and disease to 50 or 60, were still living with the Catawba. (J. M.)

EXHIBIT K.

HISTORY OF THE CHEROKEE.
[From Handbook of American Indians.]

CHEROKEE.—An important tribe, very probably of Siouan stock, formerly ranging in central Carolina, east of the Blue Ridge, from about the present Danville, Va., southward to the neighborhood of Cheraw, S. C., which takes its name from them. In numbers they may have stood next to the Tuscaroras among the North Carolina tribes, but are less prominent in history by reason of their more remote location. They are mentioned first in the De Soto narrative for 1540, under the name of the "Cherokees," the name by which they are traditionally known to the Carolines, who remember them as having occasionally lived beyond the Blue Ridge; from Asheville. In the earlier Carolina and Virginia records they are commonly known as Saraw, and at a later period as Cheraw. We first hear of "Xunda province," in 1540, apparently in the mountain country southward from Asheville. In 1672, Lederer, from Indian information, located them in the same general region, or possibly somewhat farther northward, where the mountains bend to the west, and says that the "Cherokees" of the main Catawba bend to the west, and says that the "Cherokees" of the upper Catawba bend to the east. Some years later, but previous to 1700, they settled on the Dan River near the south line of Virginia, where the marks of their fields were found extending for several miles along the river by Byrd, in 1728, when running the dividing line between the two colonies. There seem to have been two villages, as on a map of 1760 we find this place designated as "Lower Sauratown," while about 30 miles above, on the south side of the Dan and between it and Town Fork, is another place marked "Upper Sauratown." They are also alluded to by J. F. D. Smith (Apur in United States, 1740), who says the upper town was destroyed about the year 1710, being harassed by the Iroquois, and that they abandoned their home on the Dan and moved to the south side of the Dan. The colonists of North Carolina being dissatisfied at the proximity of these and other tribes, Gov. Eden declared war against the Cherokee, and applied to Virginia for assistance. This Gov. Spotswood refused, as he believed the people of Carolina were the aggressors; nevertheless the war was carried on against them and their allies by the Carolines until the defeat and expulsion of the Yamasee in 1716. During this period complaint was made against the Cherokee, who were declared to be responsible for most of the mischief done north of Staunton River, and it endeavored to draw into their alliance the smaller tribes of the upper Catawba. At the close of the war the Cherokee were dwelling on the upper part of the line between the Carolines, where their name is perpetuated in the town of Cheraw, S. C. Their number in 1715, according to Rivena, was 510, but this estimate probably included the

The Cherokee have seven clans, viz: Ani-wi-ya (Wolf), Ani-Kawi' (Deer), Ani-Tsi-ka-wi (Bird), Ani-wa-di (Bear), Ani-Ssah-in, Ani-Gs' (Gopher), Ani-Gik'hi. The names of the clans can not be translated with certainty. There is reason to think that there were only 14, which by extinction or absorption have been reduced to seven. The "seven clans" are frequently mentioned in the ritual prayers and even in the printed laws of the tribe. They seem to have had a connection with the "seven mother towns" of the Cherokee, described by Cuning in 1730 as having each a chief, whose office was hereditary in the female line.

The Cherokee are probably about as numerous now as at any period in their history. With the exception of an estimate in 1730, which placed them at about 20,000, most of those up to a recent period gave them 12,000 or 14,000, and in 1753 they were computed at only 7,500. The majority of the earlier estimates are probably too low, as the Cherokee occupied so extensive a territory that only a part of them came in contact with the whites. In 1708 Gov. Johnson estimated them at 90,000 men and 200,000 women, including 40,000 warriors and 2,760 Middle and Lower Towns (Upper 19; Middle 30; Lower 11). In 1720 they were estimated to have been reduced to about 10,000, and again in the same year reported at about 11,360, including about 3,800 warriors (Gov. Johnson's Rep. in Rivers, p. cit. 93, 84, 103, 1874). In 1729 they were estimated at 20,000, with at least 6,000 warriors and 64 towns and villages (Stevens, Hist. N. C., 1, 48, 1847). They are said to have lost 1,000 warriors in 1729 from smallpox and rum, and they suffered a steady decrease during the wars with the whites, extending from 1760 until after the close of the Revolution. Those in their original homes had again increased to 16,522 at the time of their forced removal to the West in 1838, but not nearly so many as they were in 1708. In 1831, pursuing a course of policy similar to that pursued in 1708, the removal was estimated at about 6,000. The Civil War in 1861-1865 again checked their progress, but they recovered from its effects in a remarkably short time, and in 1885 numbered about 19,000, of whom about 17,000 were in Indian Territory, together with about 6,000 adopted whites, negroes, Delaware, and Shawnee, while the remaining 2,000 were still in their ancient homes in the East. Of this eastern band, 1,376 were on Qualla Reservation, in Swain and Jackson Counties, N. C.; about 300 are on Cheawah River, in Graham County, N. C., while the remainder, all of mixed blood, are scattered over eastern Tennessee, northern Georgia, and Alabama. The eastern band lost about 300 by smallpox at the close of the Civil War. In 1902 there were officially reported 28,016 persons of Cherokee blood, including 4,100 of admixture in the Cherokee blood, including 4,100 of admixture in the Cherokee blood, formerly reported by the tribal courts. There were also living in the nation about 3,000 adopted negro freedmen, more than 2,000 adopted whites, and about 1,700 adopted Delaware, Shawnee, and other Indians. The tribe has a larger proportion of white admixture than any other of the Five Civilized Tribes. See Mooney, Myths of Cherokee Indians. (Hand Book of American Indians, Bulletin 30, Bureau American Ethnology.)

EXHIBIT L

LEGISLATION RELATIVE TO INDIANS OF ROBERSON COUNTY.

Exhibit II.

[Amendments to the constitution of North Carolina proposed by a convention of delegates of the people of North Carolina, on the 11th of July, 1855, and ratified by the people on the second Monday of November, in the same year.]

SECTION 111.

Chapter 3. No free negro, free mulatto, or free person of mixed blood descended from negro ancestors to the fourth generation, inclusive (though one ancestor of each generation may have been a white person), shall vote for members of the senate or house of commons.

Exhibit II.

[Revised code of North Carolina, enacted by the general assembly at the session of 1854.]

CRIMES AND PUNISHMENTS—CHAPTER 34.

Sec. 80. If any clerk of the court of pleas and quarter-sessions shall knowingly issue any license for marriage between any free person of color and a white person; or if any clergyman, minister of the gospel, or justice of the peace shall knowingly marry any such free person of color to a white person, the person so offending shall be guilty of a misdemeanor.

MARRIAGE—CHAPTER 68.

Sec. 7. All marriages since the eighth day of January, eighteen hundred and thirty-nine, and all marriages in future between a white person and a free negro, or free person of color, to the third generation, shall be void.

Exhibit II.

[Constitution of North Carolina, amendment of 1857, proposed by the general assembly in 1854, December 11, 1857, and ratified by the people the first Thursday in August, 1857.]

Every free white man of the age of twenty-one years, being a native or naturalized citizen of the United States, and who has been an inhabitant of the State for twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for a member of the senate for the district in which he resides.

from the county board of education the number of children in said county between the ages of six and twenty-one, belonging to said Indian race, and shall set apart and keep separate their pro rata share of said school funds, which shall be paid out upon the same rules in every respect as are provided in general school law: *Provided*, that there shall be no separate school in any district in which there are no schools, and that in this chapter, the same shall have the right to attend any of the public schools in said county for their race, and shall be allowed to draw their share of public school fund upon the certificate of the school committee in the district in which they reside, stating that they have thus removed and are entitled to attend public schools.

Sec. 5. The general school law shall be applicable in all respects to this chapter, where the same is not repugnant to or inconsistent with this act. This act shall only apply to Robeson County. All laws and clauses of law in conflict with this act are hereby repealed.

Sec. 6. That this act shall be in force from and after its ratification. (In the General Assembly read three times and ratified this the 10th day of February, A. D. 1888.)

EXHIBIT 16.

Laws of North Carolina, chapter 400.
AN ACT to establish a normal school in the county of Robeson.

The General Assembly of North Carolina do enact:

SECTION 1. That W. L. MOORE, James Oxendine, James Dial, Preston Locklear, and others who may be associated with them, and their successors, are hereby constituted a body politic and corporate, for educational purposes, in the county of Robeson, under the name and style of the trustees of the Croatan Normal School, and by that name may have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, to have and to hold school property, including buildings, lands, and all appurtenances thereto, situated in the county of Robeson, at any place in said county, to be selected by the trustees hereinafter mentioned, in such place shall be located between Bear Swamp and Lumber River, said county; to acquire by purchase, donation, or otherwise, real and personal property for the purpose of establishing and maintaining a school of high grade for teachers of the Croatan race in North Carolina.

Sec. 2. That the trustees at their organization shall elect one of their own number president of the board of trustees, whose duties shall be such as develops upon such officers in similar cases, or such as shall hereafter be defined by said trustees.

Sec. 3. That said trustees shall have full power to rent, lease, mortgage or sell any real or personal property for the purpose of maintaining said school, discharging indebtedness, or reinvesting the proceeds in a like purpose: *Provided*, that the liabilities of said trustees shall affect only the property owned by said trustees for educational purposes and shall not affect the private credit of said trustees.

Sec. 4. That the trustees whose names are mentioned in the first section of this act shall have power to select three additional trustees from the Croatan race in such manner as they may determine.

Sec. 5. That said trustees shall have full power and authority to employ a teacher or teachers in said normal school under such regulations as the said trustees may determine.

Sec. 6. That said board of trustees shall have full power to fill all vacancies by death, removal, or other cause in such manner as they may determine.

Sec. 7. The sum of five thousand dollars is hereby appropriated to the support of said school annually for two years, and no longer, commencing with the first day of January, one thousand eight hundred and eighty-eight, said sum to be paid out of the general educational fund: *Provided*, That said sum thus appropriated shall be expended for the payment of services rendered for teaching and for no other purpose; said sum to be paid in semiannual payments upon warrants drawn by State superintendent of public instruction upon receipt by said superintendent of report of trustees of said school showing the number of students in attendance during the term of six months next preceding the first day of July, one thousand eight hundred and eighty-eight, and the first day of July, one thousand eight hundred and eighty-nine, and first day of January, one thousand eight hundred and ninety.

Sec. 8. That all property, real and personal, acquired by purchase, donation, or otherwise, as long as it is used for educational purposes, shall be exempt from taxation, whether on the part of the State or county.

Sec. 9. That no person shall sell any spirituous liquors within two miles of the location of said school, and any person violating this provision shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than thirty dollars, or imprisoned not less than ten days nor more than thirty days, or both at the discretion of the court.

Sec. 10. *Provided*, That no person shall be admitted into said school as a student who has not attained the age of fifteen years; and that all those who shall enjoy the privileges of said school as students shall previously obligate (themselves) to teach the youth of the Croatan race for a stated period.

Sec. 11. That this act shall be in force from and after its ratification. (In the General Assembly read three times, and ratified this 7th day of March, A. D. 1887.)

EXHIBIT 17.

Laws of North Carolina, session of 1887, chapter 254.

AN ACT to amend section one thousand eight hundred and ten of the code.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand eight hundred and ten of the Code of North Carolina be amended by adding thereto the words: "That all marriages between an Indian and a negro or between an

EXHIBIT LA.

[The constitution of the State of North Carolina of 1868, as amended.]

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY TO OFFICE.

SECTION 1. Every male person born in the United States, and every male person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people in the State, except as herein otherwise provided.

SEC. 4. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language; and before he shall be entered on the list of voters he shall be sworn to support the Constitution of the State, and to pay his poll tax for the previous year, as prescribed by Article V, section 1, of the Constitution. But no male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in his State by reason of his failure to possess the educational qualifications herein prescribed: Provided, He shall have registered in accordance with the terms of this section prior to December 1, 1868. The General Assembly shall provide for the registration of all persons who are unable to read and write, and who were entitled to vote on or before November 1, 1868, and for the making of a permanent record of such registration, and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under section 2 of this article: Provided, Such person shall have paid his poll tax as above required.

EXHIBIT LB.

[Constitution of North Carolina, amended by Census and Qualifications.]

1. ALL MEN EQUAL.

1. Indians and free persons of color before 1868.

The Cherokee, Croatan, and other Indians living in North Carolina at the time of the State and amenable to the laws of the State v. Wolf, 146 N. C. 440; State v. Tschannak, 64 N. C. 614. Before the constitution of 1868 and the thirteenth amendment to the Constitution of the United States, free persons of color were citizens of North Carolina; and this was so even after the right to vote was taken from such persons. State v. Manuel, 20 N. C. 144 (20), where Gaston, J., says: "Upon the Revolution no other change took place in the laws of

North Carolina than was consequent upon the transition from a colony, dependent on a European King, to a free and sovereign State. Slaves remained slaves. British subjects in North Carolina became North Carolina free men. Foreigners made members of the State continued aliens. Slaves mentioned here citizens free men and, therefore, if born within North Carolina, the State of North Carolina—and all the persons who were within the State are born citizens of this State, as his dissenting opinion in the Dred Scott case (1857, 19 Howard) 573.—Editors.) State v. Manuel, supra, was subsequent to the convention of 1835, which deprived free negroes of their right to vote. For an interesting debate upon the origin, basis, and history of their right to vote, see "Debates in convention, 1835," pp. 72, 351.—Editors.)

§. Civil and political rights.

The constitution (of North Carolina) was not intended to enforce social equality, but civil and political equality. See the Report of the Rev. Hays, 63 N. C. 452, holding (before the adoption of Art. XLV, sec. 6) that Rev. Code, ch. 68, sec. 7, declaring intermarriages between white persons and persons of color void, is not a discrimination in favor of one race against another, but applies equally to all races and is valid and still in force.

EXHIBIT LC.

[Law of North Carolina, 1888, chapter 61.]

AN ACT TO provide for separate schools for Croatan Indians in Robeson County. Whereas the Indians now living in Robeson County claim to be descendants of a friendly tribe who once resided in the eastern North Carolina on the Roanoke River, known as the Croatan Indians; therefore,

The General Assembly of North Carolina do enact: SECTION 1. That the said Indians and their descendants shall be known as the Croatan Indians. SEC. 2. That said Indians and their descendants shall have separate schools for their children, school committees of their own race and color, and shall be allowed to select teachers of their own choice, subject to the same rules and regulations as are applicable to all teachers in the general school law.

SEC. 3. It shall be the duty of the county board of education to see that this act is carried into effect, and shall for that purpose have the census of all the children of said Indians and their descendants between the ages of six and twenty shall be made and proceed to establish such separate schools, and shall be necessary for their convenience, and take all other and further steps as may be deemed necessary for the purpose of carrying this act into effect without delay.

SEC. 4. The treasurer and other proper authorities, whose duties it is to collect, keep, and apportion the school fund, shall procure

Indian and a person of negro descent to the third generation, inclusive, shall be utterly void: *Provided*, This act shall only apply to the Croatan Indians.

Sec. 2. This act shall be in force from and after its ratification.

(In the general assembly read three times, and ratified this 7th day of March, A. D. 1887.)

Exhibit 18.

[Laws of North Carolina, session of 1889, chapter 483.]

AN ACT To amend chapter fifty-seven, acts of one thousand eight hundred and eighty-five, in reference to the schools of Croatan Indians in Richmond County.

The General Assembly of North Carolina do enact:

SECTION 1. That the citizens of Richmond County who are Croatan Indians, or the descendants of such who are known as such, or who have a distinct race identity as such, shall be entitled to the same school privileges and benefits as are granted to other Croatan Indians in this State, and that the trustees of said schools shall be authorized to admit and receive as pupils any such children of the age of eight years and under, and that the act in that behalf enacted subsequent to and amendatory of the act of one thousand eight hundred and eighty-five.

Sec. 2. That this act shall be in force from and after its ratification.

(Ratified the 11th day of March, A. D. 1889.)

Exhibit 19.

[Laws of North Carolina, session of 1889, chapter 48.]

AN ACT To amend the laws of 1885 and 1887 so as to provide additional educational facilities for the Croatan Indians, citizens of Robeson County, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter Fifty-one, section two, of the Laws of One thousand eight hundred and eighty-five be amended by adding after the word "law" in the last line of said section the words, "and there shall be added from such separate schools for the said Croatan Indians all children of the negro race to the four generations."

Sec. 2. That section ten of said Chapter Fifty-one be amended as follows: "Eight hundred and eighty-four shall be amended as follows: 'Strike out in lines two and three the words, "for two years and no longer," strike out in line fifteen all after the words "eighty-eight," and insert "and every six months thereafter."'

Sec. 3. That section ten of said Chapter Four hundred, Laws of One thousand eight hundred and eighty-seven, be amended by striking out in line three the word "fifteen" and inserting the word "ten" in lieu thereof.

Sec. 4. This act shall be in force from and after its ratification.

(Ratified the 24 day of February, A. D. 1889.)

Exhibit 110.

[Public laws of North Carolina, session of 1897, chapter 584.]

AN ACT in relation to the Croatan Normal School in Robeson County.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be placed to the credit of the Croatan Normal School of Robeson County out of the general educational fund in the hands of the State treasurer, the sum of two hundred and eighty-one 25.100 dollars, being the unexpended appropriation for the year 1896; and the treasurer is hereby authorized to pay Prof. F. B. Hiden, upon the approval of his claim by the board of trustees and the commissioners of Robeson County, out of the above \$251 & 25/100, the sum of forty (\$40) dollars for services heretofore rendered in 1896.

Sec. 2. This act shall be in force from and after its ratification.

(Ratified the 9th day of March, A. D. 1897.)

Exhibit 111.

[Public laws of North Carolina, session of 1911, chapter 108.]

AN ACT To empower the trustees of the Indian School of Robeson County to transfer title to property of said school by deed to State board of education, and to provide for the appointment of trustees for said school.

The General Assembly of North Carolina do enact:

SECTION 1. That in accordance with the recent action of the trustees, in meeting assembled, of the Croatan State normal school, known as the Indian Normal School of Robeson County, situated near Pembroke, North Carolina, said school being incorporated under Chapter Four hundred, Public Laws of One thousand eight hundred and eighty-seven, which action of the trustees of said school was duly certified to by the president, C. K. Sampson, and the secretary, A. J. Williams, to the State board of education, the title to all property of said school, and the State board of education is hereby authorized to accept same.

Sec. 2. That the State board of education shall appoint seven members of the Indian race, formally known as Croatan, to be constituted the board of trustees of said school, as follows: Two members for the term of two years, two for the term of four years, and three for the term of six years; and, at the expiration of these terms, their successors shall be appointed by the State board of education for a term of six years.

Sec. 3. That the board of trustees of said Indian normal school Robeson County shall have the power to employ and discharge teachers, to prevent negroes from attending said school, and to exercise the usual functions of control and management of said school, their action being subject to the approval of the State board of education.

Sec. 4. That all laws and classes of laws in conflict with this act are hereby repealed.

Sec. 5. This act shall be in force from and after its ratification.

(Ratified this the 8th day of March, A. D. 1911.)

(Public Laws of North Carolina, Session of 1911, Chapter 124.)

AN ACT to amend the laws relating to Indians residing in Robeson and adjoining counties that have Indian separate apartments in the State Hospital.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter Two hundred and fifteen of the Public Laws of North Carolina, session one thousand nine hundred and eleven, be, and the same is hereby, amended by striking out the last line of said section one the words "Croatan Indians," and inserting in lieu thereof the words "Cherokee Indians of Robeson County."

SEC. 2. That section two of said Chapter Two hundred and fifteen of the Public Laws of North Carolina, session one thousand nine hundred and eleven, be, and the same is hereby, amended by striking out the words "Indians of Robeson County," in the fifth line of said section two, and inserting in lieu thereof the words "Cherokee Indians of Robeson County."

SEC. 3. That said Chapter Two hundred and fifteen of the Public Laws of North Carolina, session one thousand nine hundred and eleven, be further amended by striking out the words "Indians of Robeson County," in line four of said section three, and inserting in lieu thereof the words "Cherokee Indians of Robeson County."

SEC. 4. That the Indians residing in Robeson and adjoining counties who have heretofore, together with their descendants, shall be known and designated as "Cherokee Indians of Robeson County," and by that name shall be entitled to all the rights and privileges heretofore or hereafter conferred by any law or laws of the State of North Carolina upon the Indians heretofore known as the "Croatan Indians" or "Indians of Robeson County," including all such rights and privileges as have been conferred upon said Indians by Chapter Two hundred and fifteen of the Public Laws of North Carolina, session one thousand nine hundred and eleven.

SEC. 5. Neither this act nor any part thereof shall be construed so as to impose on said Indians any power to contract, heretofore enacted with reference to the Eastern Band of Cherokee Indians residing in Cherokee, Graham, Swain, Jackson, and other adjoining counties in North Carolina, or any other band or tribe of Cherokee Indians other than those now residing, or who have, since the Revolutionary War, resided in Robeson County, nor shall said "Cherokee Indians of Robeson County," as herein designated be subject to any limitations provided in section nine hundred and seventy-five and one hundred and seventy-six of the repeal of one thousand nine hundred and five of North Carolina.

SEC. 6. That Chapter Two hundred and fifteen of the Public Laws of North Carolina, session one thousand nine hundred and eleven, be further amended by striking out the words "Indian Normal School of Robeson County," in the third and fourth lines of said section four of said Chapter Two hundred and fifteen, and inserting in lieu thereof the words "Cherokee Indian Normal School of Robeson County."

(Public Laws of North Carolina, Session of 1911, Chapter 81a.)

AN ACT to change the name of the Indians in Robeson County and to provide for said Indians separate apartments in the State Hospital.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter Fifty-one of the Public Laws of North Carolina, session one thousand nine hundred and eight, be, and the same is hereby, amended by striking out the words "Croatan Indians," wherever the same occur in said chapter and inserting in lieu thereof the words "Indians of Robeson County."

SEC. 2. That in all laws enacted by the General Assembly of North Carolina relating to said Indians subsequent to the enactment of said Chapter Fifty-one of the Laws of Eighteen hundred and eighty-five, the words "Croatan Indians," be, and the same are hereby, stricken out and the words "Indians of Robeson County" inserted in lieu thereof.

SEC. 3. And that the said Indians residing in Robeson and adjoining counties who have heretofore been known as Croatan Indians, together with their descendants, shall be known and designated as "Indians of Robeson County," and by that name shall be entitled to all the rights and privileges conferred by any of the laws of North Carolina upon the Indians heretofore known as Croatan Indians.

SEC. 4. That the school situated near the town of Pembroke, in Robeson County, known as Croatan Indian Normal School, shall hereafter be known and designated as "The Indian Normal School of Robeson County," and in that name shall be entitled to all of the rights and powers heretofore conferred by any law of the State of North Carolina or any laws hereafter enacted for the benefit of said school.

SEC. 5. That the board of directors for the State Hospital for the Insane at Raleigh are hereby authorized and directed to provide and set apart at said hospital, as soon after the passage of this act as practicable, suitable apartments and wards for the accommodation of any of said Indians of Robeson County who may be entitled under the laws relating to insane persons to be admitted to said hospital.

SEC. 6. That the sheriff, jailer, or other proper authorities of Robeson County shall provide in the common jail of Robeson County and in the Home for the Aged and Infirm of Robeson County separate cells, wards, or apartments for the said Indians of Robeson County, in all cases where it shall be necessary under the laws of this State to receive or detain any of said Indians in said jail or County Home for the Aged and Infirm.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 8. That this act shall be in force from and after its ratification. (Ratified the 8th day of March, A. D. 1911.)

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INDIANS OF NORTH CAROLINA.

Sec. 7. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 8. That this act shall be in force and effect from and after its ratification.

(In the general assembly read three times and ratified this the 11th day of March, 1913.)

Exhibit 11A.

[Public Laws of North Carolina, Session of 1913, Chapter 126.]

AN ACT To provide for the maintenance and support of the Indian Normal School of Robeson County.

The General Assembly of North Carolina do enact:

SECTION 1. That in addition to the sum of two thousand two hundred and fifty dollars (\$2,250) appropriated by the General Assembly of North Carolina, session of nineteen hundred and thirteen, for the maintenance of the Indian Normal School of Robeson County, the further sum of five hundred dollars is hereby annually appropriated for the years one thousand nine hundred and thirteen and thereafter, to be paid out of the sum of nine hundred and fourteen for the support and maintenance of said school.

Sec. 2. That the appropriation herein made shall be drawn out by the auditor upon his warrant, and thereupon shall be charged by the State treasurer to the account of said school.

Sec. 3. That this act shall be in force from and after its ratification.

(In general assembly read three times and ratified this the 12th day of March, 1913.)

EXHIBIT X.

CORRESPONDENCE RELATIVE TO THE INVESTIGATION OF THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS, U. S. DEPARTMENT OF THE INTERIOR, WASHINGTON, D. C.

July 23, 1914.

Mr. O. M. McFERRISON, Special Agent.

My DEAR Mr. McFERRISON: Upon the receipt of these instructions, or as soon thereafter as practicable, you will proceed to North Carolina for the purpose of investigating the affairs of the Croatan Indians of Robeson and adjoining counties of that State, as provided for by Senate resolution 410.

This resolution reads:

Resolved, That the Secretary of the Interior be, and he hereby is, directed to cause an investigation to be made of the conditions and tribal rights of the Indians of Robeson and adjoining counties of North Carolina, recently declared by the Legislature of North Carolina to be Chowtecs, and formerly known as Croatan, and whether they are of the same blood as the Chowtecs, and whether there are any moneys due them, qualified to or having received their educational facilities, and such other facts as would enable Congress to determine whether the Government would be warranted in making suitable provision for their support and education.

Extreme care should be exercised by you in obtaining all pertinent facts relative to the condition and tribal rights of these Indians in order that this office may be prepared to submit to the next Congress, through the department, full information responsive to said resolution.

Very truly, yours,
CARO SKULL,
Commissioner.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, July 24, 1914.

The ANTIPOCA OF NORTH CAROLINA,
Raleigh, N. C.

Sir: The United States Senate, on June 30, 1914, passed a resolution (S. Res. 410) directing the Secretary of the Interior to cause an investigation to be made of the condition and tribal rights, educational facilities, etc., of the Indians of Robeson and adjoining counties in North Carolina, commonly known as Croatan, and to make a report to Congress respecting their rights, etc.

I have been detailed to make the investigation called for by said Senate resolution.

I will thank you very much to send me, to Lumberton, N. C., at your earliest convenience, such facts and information from the files and records of your office, or from other sources, respecting the said Indians as are available.

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I especially desire to learn the number of these Indians by counties, the number paying taxes in each county, the amount of personal taxes, amount of real-estate taxes, and other facts relating to their history or rights as may be shown by the records of your office or as are available from other sources. I will be pleased to receive any information concerning them which would enable the Secretary of the Interior better to comply with the terms of said Senate resolution. An early response will be appreciated.

I enclose a self-addressed envelope for reply, which will not require postage.

O. M. McPHERSON,
Special Indian Agent.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, July 23, 1914.

Mr. O. M. McPHERSON,
Special Indian Agent, Lumberton, N. C.

DEAR SIR: Answering your letter of July 24, which you handed me this date, I give you the following information, taken from the records of this department:

	1912	1913
Number Indian polls in taxable property held for taxation	1,000	1,000
Value property held for taxation	\$40,000	\$40,000
Number Indian polls in taxable property held for taxation	1,000	1,000
Value property held for taxation	\$40,000	\$40,000

The records on file in this department from Cumberland, Bladen, and Columbus Counties do not show any Indian polls.

Yours, truly,
W. P. WOOD, State Auditor.

By BAILEY DUBRELL, Tax Clerk.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, July 24, 1914.

THE SUPERINTENDENT OF PUBLIC INSTRUCTION,
OF NORTH CAROLINA,
Raleigh, N. C.

SIR: The United States Senate, on June 30, 1914, passed a resolution (S. Res. 410) directing the Secretary of the Interior to cause an investigation to be made of the condition and tribal rights, educational facilities, etc. of the Indians of Robeson and Richmond Counties.

in North Carolina, commonly known as Croatan, and to make a report to Congress respecting their rights, etc.

I have been deputed to make the investigation called for by said Senate resolution.

I will thank you very much to send me, to Lumberton, N. C., at your earliest convenience, such facts and information from the files and records of your office, or from other sources, respecting the said Indians as are available.

I especially desire to be advised of the number of said Indians, their location as to counties, the number of school age, the number and character of residential schools, the number attending school in each county, and the provision that the State of North Carolina makes for the education of said Indians; in short, I desire to obtain full information respecting the educational facilities provided the Croatan. An early response will be appreciated.

I inclose to you for reply a self-addressed envelope which will require no postage.

Very respectfully,

O. M. McPHERSON,
Special Indian Agent.

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION,
STATE OF NORTH CAROLINA,
Raleigh, August 5, 1914.

Mr. O. M. McPHERSON,
Lumberton, N. C.

DEAR SIR: Your letter of July 24 to the superintendent of public instruction of North Carolina was referred to me for reply. We have no statistics on the Croatan Indians other than the school population for Robeson County. Mr. Joyner's report for the school year 1913-14 in Robeson County, 1,169 Croatan school age—10 to 21—in Robeson County, 1,169 enrolled in the public schools, with an average daily attendance of 600. In addition to this we enrolled in the Indian Normal School at Farmville 134 pupils, with an average attendance of 106.

The sections 4236 to 4242, inclusive, you will find the law establishing this normal school. The sections referred to are in volume 2 of the laws of 1905 of North Carolina. You will find the amendment in the laws of 1907, 1911, 1913. Section 4086 of the revision provides for separate schools for the descendants of the Croatan Indians now living in Robeson and Richmond Counties. Sections 4168-4171, inclusive, indicate the manner in which this law is to be carried out. You will see in the matter of education in the elementary schools these Indians are put on the same footing as the other races.

E. E. SAMS,
Superintendent Training.

WASHINGTON, D. C., July 24, 1914.

Mr. JAMES E. HENDERSON,
Superintendent of Indian School, Cherokes, N. C.

SIR: The United States Senate on June 30, 1914, passed a resolution

tigation to be made of the condition and tribal rights of the Indians of Robeson and adjoining counties in North Carolina, commonly known as Croatans, and to make a report to Congress respecting their condition, rights, etc.

Said resolution is as follows:

Resolved, That the Secretary of the Interior be, and he hereby is, directed to cause an investigation to be made of the condition and tribal rights of the Indians of Robeson and adjoining counties of North Carolina, recently declared by the Legislature of North Carolina, to be Cherokees, and formerly known as Croatans, and report to Congress what tribal rights, if any, they have with any band or tribe; whether they are entitled to or have received any lands, or whether there are any moneys due them, their present condition, their educational facilities, and such other facts as would enable Congress to determine whether the Government would be warranted in making suitable provision for their support and education.

Special Agent O. M. McPherson has been detailed to make the investigation called for by said Senate resolution.

You are requested to communicate with the special agent at Lumberton, N. C., giving him all the information shown by the files of your agency, and such other information as you can obtain from other sources, concerning the subject matter of said resolution. Please make this matter special, and furnish Special Agent McPherson with the information at the earliest practicable date.

Very respectfully,

E. B. MERITT,
Assistant Commissioner.

CHEROKEE, N. C., July 28, 1914.

Mr. O. M. McPHERSON,
Special Indian Agent, Lumberton, N. C.

MY DEAR Mr. McPHERSON: I am in receipt of a letter from the Indian office saying that you had been put in charge of certain investigations among the Croatan Indians of Robeson and adjoining counties of North Carolina and directing me to furnish you with all the information available at this place to aid you in the work.

Since the Croatans and the Cherokees have never been connected either officially or socially the Cherokees refusing to recognize the Croatans there is very little in our files that will be of service to you in the work. During my time here I have seen only a very few letters with reference to the Croatans, and I believe that they were copies of letters from former Supt. Kyselka to the department telling the department that the Croatans were trying to get an act through the North Carolina Legislature making them Cherokees. If you so desire I will hunt up all of the correspondence with reference to the matter and will send you either the originals or the copies as you may desire.

I have always been interested in Croatan affairs, yet I think they have nothing in common with our Cherokees.

In connection with your work you had better come to Cherokee and get some of our cold water and fine air. It must be rather warm down there just now.

Assuring you of all of the aid I am possible to give in your new undertaking, I am,

Very respectfully,

JAMES E. HENDERSON.

LUMBERTON, N. C., *July 30, 1914.*

JAMES E. HENDERSON, Esq.,

Superintendent Cherokee School, Cherokee, N. C.

MY DEAR MR. HENDERSON: I have received your letter of July 28, referring to a recent Indian office letter directing you to furnish me, in connection with the investigation I am making of the condition and tribal rights, etc., of the Indians of Robeson and adjoining counties of North Carolina, as authorized by Senate Resolution 410, all the information in your files relating to the proposed investigation. You refer to certain correspondence had by your predecessor, Supt. Kyselka, with the Indian office, concerning the Croatan Indians.

I will thank you very much to send me copies of all correspondence in your files relating in any way to the so-called Croatan Indians; I think it proper that the originals should remain on file in your office. Please send me also copies of all papers, printed matter, etc., at your command which would be of value to me in said investigation.

An early response will be appreciated.

Would, indeed, be glad to have some of your pure water and fine air, though the weather just now is very comfortable.

Very respectfully,

O. M. MCPHERSON,
Special Indian Agent.

CHEROKEE, N. C., *August 5, 1914.*

Mr. O. M. MCPHERSON,

Special Indian Agent, Lumberton, N. C.

MY DEAR MR. MCPHERSON: Answering yours of July 30, I will say that we have been looking through the files in this office for papers that you might be able to use, but am sorry to say that to this time we have been unable to find anything. I remember to have seen a letter from Mr. Kyselka to the department with reference to the matter since I have been here. I will keep up the search and will forward to you anything I am able to find. Since the Cherokees have had nothing whatever to do with the Robeson County Indians, I fear that we will be able to find very little that will throw light on the subject.

I trust that you can make it convenient to come to Cherokee before you leave Lumberton. I have always had a desire to go to that locality and hope that I can pay you a visit before you leave there.

With the kindest regards, I am, very respectfully,

JAMES E. HENDERSON,
Superintendent.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, July 24, 1914.

The SUPERINTENDENT OF SCHOOLS OF COLUMBUS COUNTY,
Whiteville, N. C.

SIR: The United States Senate, on June 30, 1914, passed a resolution (S. Res. 410) directing the Secretary of the Interior to cause an

ties in North Carolina, commonly known as Croatan, and to make a report to Congress respecting their rights, etc.

I have been detailed to make the investigation called for by said Senate resolution.

I will thank you very much to send me, to Lumberton, N. C., at your earliest convenience, such facts and information from the files and records of Columbus County office as are available respecting the number of Croatan Indians, if any, in your county; the number of families; the number of children of school age; number, attending school; school teachers; value of their property in this county; and amount of taxes paid by them. I will also appreciate any other information respecting said Indians which would enable the Secretary of the Interior better to comply with the terms of said Senate resolution. An early response will be appreciated.

I inclose a self-addressed envelope for reply, which will not require postage.

Respectfully,

O. M. McPHERSON,
Special Indian Agent.

CHAIDBOURNE, N. C., July 29, 1914.

Mr. O. M. McPHERSON,
Lumberton, N. C.

DEAR SIR: So far as I can learn our files show no record of any Indians residing in Columbus County. There are a few scattering ones who have come down from Robeson, but this number is so small that no provision has been made for them in our schools.

Mr. K. E. Council, of Watauga, N. C., knows more about those who call themselves Indians in our county than anyone else. He has made a special study of their history and could give me some valuable information concerning them. We have a few in our county who claim to be Indians but who have always been recognized as colored people. Some of these are petitioning us to recognize them as Indians, but because of the lack of knowledge of their ancestors we have not yet been able to grant their request. I seriously doubt whether or not we have any pure-blooded Indians in the county except a few scattering from Robeson.

Yours, truly,

F. T. WOOLLEN,
County Superintendent.

LUMBERTON, N. C., July 29, 1914.

Mr. K. E. COUNCIL,
Watauga.

DEAR SIR: The United States Senate on June 30, 1914, passed a resolution (S. Res. 410) directing the Secretary of the Interior to cause an investigation to be made of the condition and tribal rights, educational facilities, etc., of the Indians of Robeson and adjoining counties of North Carolina, and to make a report to Congress respecting their tribal rights, etc.

I have been detailed to make the investigation called for by said Senate resolution.

Mr. F. T. Woolen, superintendent of schools of Columbus County, has advised me that you are well informed concerning the history and condition of the Croatan Indians, and could probably give me some valuable information concerning them.

I will thank you very much to give me at your earliest convenience a very full statement relating to the history and condition of said Indians. An early reply will be appreciated.

Very respectfully,
O. M. McPHERSON,
Special Indian Agent.

LUMBERTON, N. C., July 29, 1914.

Mr. CARO SKELLS,
Commissioner Indian Affairs, Washington, D. C.

DEAR MR. SKELLS: Referring to my instructions of July 23, 1914, to proceed to North Carolina and to investigate the condition of the Indians of Robeson County, and adjoining counties of North Carolina, as directed by Senate resolution No. 410, dated June 30, 1914, I beg to invite your attention to that part of the resolution

reading: "and whether the same tribal rights, if any they have with any blood as such, have been established to or have received any land, or whether there are any moneys due them."

These are matters which an investigation in the field can not readily develop, and I will thank you very much to advise me at your earliest convenience what the files, records, and papers of the Indian office show on these subjects.

An early reply will be very much appreciated.

Very respectfully,
O. M. McPHERSON,
Special Indian Agent.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, August 4, 1914.

Mr. O. M. McPHERSON,
Special Indian Agent, Lumberton, N. C.

DEAR MR. McPHERSON: The office is in receipt of your letter of July 29, 1914, regarding the tribal rights, etc., of Indians of Robeson and adjoining counties of North Carolina, otherwise known as Croatan.

The main file relative to these Indians is now in your possession and it is believed, contains all the information now available. It further appears that you consulted the records of the "old files" relative to the Indians in your department from this city.

For further information, however, there is inclosed a copy of a report of June 8, 1914, to the Congress on Senate resolution 344.

Very truly yours,
C. F. HAUER,
Second Assistant Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington, June 6, 1814.

Hon. HENRY F. ASHURST,
*Chairman Committee on Indian Affairs,
United States Senate.*

MY DEAR SENATOR: The department is in receipt of your letter of April 29, 1914, transmitting a copy of Senate resolution 344, Sixty-third Congress, second session, providing for an investigation of the present condition, educational facilities, etc., of alleged Cherokee Indians in "Robeson and adjoining counties of North Carolina."

The department has heretofore made reports to Congress on the conditions of these Indians, based upon an investigation made by a supervisor of Indian schools in 1912 in connection with school matters, and for the information of your committee there is inclosed a copy of his report of March 2, 1912. That report shows substantially as follows:

First. The Croatian Indians, as these people are called, number about 10,000 people, of whom about 7,000 reside in Robeson County. The ancestry of these Indians has been much in doubt in the past, but they are now recognized as having originated from the white colonists of the lost colony of the Roanoke and the Indians from remnants of several powerful southern tribes.

Second. These Indians show several positively different types, having no Indian language and no distinctive customs, and being unable to communicate with other Indians except through the medium of the English language.

Third. Until the year 1835 the Croatians were allowed to vote, own slaves, build churches and schoolhouses, and live as comfortably as their white neighbors. The right of suffrage was denied them in 1835, but the Croatians rebelled continuously until they were again recognized as citizens in 1885 and given their right as such.

Fourth. There are but few full bloods among the Croatians, although a large majority of them seem to be at least three-fourths Indian. They are classed as good citizens, are quite industrious, law abiding, and are said to be much interested in education.

Fifth. The Croatians own 28,092 acres of good land, assessed at present \$334,212, which is considerably below its actual value. Their personal property schedules \$205,205, and they pay \$1,247 in poll taxes. They are considered good farmers and raise as much cotton to the acre as many of the white planters. Some of the Indians are poor, but several of them have very good homes, the owners being worth from \$6,000 to \$10,000 each.

Sixth. The State of North Carolina is doing for the Croatians just what the State of New York is doing for her Indians, giving them a fair common school education. There are 26 Indian district schools, with an enrollment of 1,094 pupils, and in addition, the State has established a so-called normal school at Pembroke for these Croatian day schools.

The following is an excerpt from the Indian census of North Carolina as of June 1, 1890:

A body of people residing chiefly in Robeson County, North Carolina, known as the Croatian Indians, are generally white, showing the Indian mostly in actions and habits.

MEMORANDUM FOR THE SECRETARY

Mr. Hamilton McMillan, Raleigh, N. C., July 27, 1890. ...

The Croatan Tribe lives principally in Robeson County, North Carolina, though there is quite a number of them scattered in counties as far west as ...

From information available at this time, it does not appear that the Croatans ever admitted that or have been recognized by the Eastern Cherokee Indians. No money or land is due the Croatans from the Government.

A. A. Jones, First Assistant Secretary.

Lumberton, N. C., July 29, 1914.

Mr. Hamilton McMillan, Fayetteville, N. C.

Dear Sir: On June 30, 1914, the United States Senate passed a resolution (S. Res. 410) directing the Secretary of the Interior to cause an investigation to be made of the condition and tribal rights, educational facilities, etc., of the Indians of Robeson and adjoining counties of North Carolina, and to make a report to Congress respecting the same.

I would regard it as a favor, in the interests of the Indians, if you would furnish me with any information you have concerning said Indians not contained in your pamphlet.

Please send me, also, any information as to your command concerning the location of the present members of the tribe, not residing in Robeson County.

An early reply will be appreciated.

O. M. McParson, Special Indian Agent.

MEMORANDUM FOR THE SECRETARY

Mr. Deas Skelton, The Department is in receipt of your letter of April 26, 1914, transmitting a copy of Senate resolution 341, Series 3rd Congress, second session, providing for an investigation of the present conditions, educational facilities, etc., of alleged Cherokee Indians in Robeson and adjoining counties of North Carolina.

The department has heretofore made reports to Congress as to the conditions of these Indians, and in 1912 in connection with school matters, and the results of the investigation of your committee there is enclosed a copy of the report of March 2, 1912. That report shows substantially as follows:

First. The Croatan Indians, as these people are called, number about 10,000 people of whom about 7,000 reside in Robeson County. The ancestry of these Indians has been much in doubt in the past, but they are now recognized as having originated from the white colonies of the best colony of the Roanoke and the Indians from remnants of several powerful southern tribes.

Second. These Indians show several positively different types, having no Indian language and distinctive customs, and being unable to communicate with other Indians except through the medium of the English language.

Third. Until the year 1835 this Croatan were allowed to vote, own slaves, build churches and schoolhouses, and live as comfortably as their white neighbors. The right of suffrage was denied them in 1835, but the Croatans rebelled spontaneously until they were again recognized as citizens in 1883 and given their right as such.

Fourth. There are but few full blood among the Croatans, although a large majority of them seem to be of this blood. They are chosen as good citizens, and are interested in education. Their personal property schedules \$205,236, and they pay \$1,247 in poll taxes. They are considered good farmers and raise as much cotton to the acre as many of the white planters. Some of the owners being worth from \$5,000 to \$10,000 each.

Fifth. The State of North Carolina is doing for the Croatans just what the State of New York is doing for the Senecas, that is, a fair common school education. There are 28 Indian girls, though with a supplement of 104 white girls, and in addition, the State has established a one-third normal school at Pembroke for these Croatan children.

The following is an excerpt from the Indian census of North Carolina as of June 1, 1890:

A body of people residing chiefly in Robeson County, North Carolina, known as the Croatan Indians are generally white, showing the Indian mostly in features and habits. They were enumerated by the regular census enumerator in part as white and in part as Indians and held with considerable pride to the tradition that they are descended

I think that there are a few Indians and part Indians scattered about all over the county, but in the tax books they are listed separately in two townships, Allendale and Antioch. Their polls and property is as follows:

Polls, \$32. Value live stock, \$2,782; farming utensils, etc., \$529; household and kitchen furniture, etc., \$250; bicycles, etc., \$15; jewelry, \$9; land, 6 acres, value \$60. Total value personal property, \$3,584; total, real and personal property, \$3,644.

We have never been able to get a complete census of the school children, but I think that there are about 65 or 70. We established a school for them last year, but they taught only two months of school, at a salary of \$25 per month. The enrollment was 33. We are planning to establish another school for them the coming year and to continue the one they had last year.

The Indians that we have, as you see from the amount of land that they own, are not permanent settlers, but tenants. This being the case, it is a pretty hard problem to know just how to deal with them. I would be very glad if you could suggest some way that we can deal with them in the way of education. They are good laborers and are continually spreading out into new territory. They are mixed in with the whites and colored people, and we have to maintain three separate schools covering the same territory, and this, as you know, is very expensive.

I would be glad to have you visit this county while you are in this section, and for you to see the exact status of the Indians here. If you can come up for a day or two, let me know in advance so that I can be here to meet you.

Very truly, yours,

J. A. McGOOGAN,
County Superintendent.

LUMBERTON, N. C., August 4, 1914.

PUBLISHER THE CHARLOTTE OBSERVER,
Charlotte, N. C.

DEAR SIR: I am advised that Col. Fred. A. Olds, secretary North Carolina Historical Association, early in the summer of 1908 made a visit to the Croatan Indians of Robeson County, N. C., and wrote an extended account of his visit, which was published in the Charlotte Observer of June 21, 1908. If a copy of said issue is available for distribution I will thank you very much to send me a copy. I am making an investigation of the affairs of the Croatan Indians in obedience to Senate resolution 410.

Very respectfully,

O. M. McPHERSON,
Special Indian Agent.

CHARLOTTE, N. C., August 10, 1914.

Mr. O. M. McPHERSON,
Lumberton, N. C.

DEAR SIR: In reply to your letter of recent date, we regret to state that we are unable to furnish you with a copy of The Observer of

any time you are in this city we will be glad to lend you our files so that you can read this article, or we could have same typewritten for 5 cents per typewritten sheet.

Yours, very truly,

THE OBSERVER Co.,
PAUL H. BROWN,
Circulation Manager.

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER INDIAN AFFAIRS,
Washington, August 4, 1914.

Mr. O. M. McPHERSON,
Special Agent, United States Indian Service,
Lumberton, N. C.

MY DEAR Mr. McPHERSON: I understand there is to be a meeting of the Croatan Indians on the 11th of August and that this meeting is likely to develop more or less things of interest along the line of your inquiry. Consequently, I suggest that you take advantage of the coming together of this body of Indians, and thereby acquire all the additional dependable information possible.

It is my desire that you shall get at the exact facts regardless of resolutions or expressions of interest. It is the facts we want, and on them alone will we be able to draw satisfactory conclusions. Please make your investigation thorough to the end that there will be no occasion for its repetition, as we are now being called upon to do.

Sincerely yours,

CATO SELLS,
Commissioner.

LUMBERTON, N. C., *August 6, 1914.*

Hon. CATO SELLS,
Commissioner of Indian Affairs, Washington, D. C.

MY DEAR Mr. SELLS: I have the honor to acknowledge the receipt of your letter of August 4, 1914, concerning my investigation of the condition, tribal rights, etc., of the Indians of Robeson and adjoining counties in North Carolina.

I beg to say in reply that prior to the receipt of your letter I had made arrangements to attend the meeting of the so-called Croatan Indians at Pembroke, on August 11, and had so advised the leading Indians of the band.

On Monday, August 3, I visited the homes of a large number of Indians living southwest of Lumberton in what are known as the Sampson and Hunt settlements. I took notes of their condition and conferred freely with them concerning their history, tribal rights, needs, conditions, and as to what Congress could best do for them. Tuesday, August 4, I conferred with a large number of the Indians in Lumberton, along the same lines, who had come in by arrangement to meet me for such a conference. Yesterday I spent the entire day at Pembroke in a similar conference with the Indians of the Pembroke neighborhood, and conferred with a very large number. I had made

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a similar visit to a different part of the Indian settlement; and as I have said, I shall attend the Indian meeting at Pembroke on August 11. I wish to assure you that I am making my investigation as thorough as possible, and shall put forth my best efforts to get at the "bottom facts."

With kindest regards, I am, very sincerely yours,
O. M. McPHERSON,
Special Indian Agent.

INDIAN MASS MEETING, TUESDAY, AUGUST 11.

There will be a mass meeting of the Indians at the normal school building in the town of Pembroke on Tuesday, August 11, 1914, at 10 o'clock in the forenoon, for the purpose of considering all matters in which the Indians are interested both with reference to schools, the church, and other educational matters.

This meeting is called at the request of Senator Simmons and Congressman Godwin for the purpose of getting the people together upon important matters. The time and place of meeting have already agreed upon by representatives of every section. We urgently request the Indians not only of Robeson, but of all adjoining counties, to attend this meeting, as matters of the greatest importance will be transacted.

Senator Simmons, Congressman Godwin, and others have been invited to be present and address the people. Let as many as possible bring dinner.

STEPHEN A. HARRISON,
Ch. H. C. Order of Redmen.
G. F. M. Chief of Bandmen.
STANLEY HARRIS,
ALEXANDER GAYLEN,
TROY CHAMBERS,
Committee of Invitation.

DEPARTMENT OF THE INTERIOR,
Washington, August 14, 1914.

AUDITOR ROBESON COUNTY,
Lumberton, N. C.

DEAR SIR: If you have not already done so, I will thank you very much to send me by return mail the property statistics, from the records of your office, of the so-called Christian Indians of Robeson County.

An early reply would be very much appreciated.
Very respectfully,

O. M. McPHERSON,
Special Indian Agent.

Washington, D. C., September 16, 1914.
No reply has been received from the auditor of Robeson County in the above request for information.
O. M. McPHERSON,
Special Indian Agent.

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INDIANS OF NORTH CAROLINA.

DEPARTMENT OF THE INTERIOR,
Washington, August 14, 1914.

SUPERINTENDENT OF PUBLIC SCHOOLS,
Lumberton, N. C.

DEAR SIR: If you have not already done so, I will thank you very much to send me by return mail the school statistics of the so-called Christian Indians of Robeson County for the school years 1912 and 1913. An early reply would be very much appreciated.

Very respectfully,
O. M. McPHERSON,
Special Indian Agent.

BOARD OF EXECUTORS, ROBESON COUNTY,
Lumberton, N. C., August 19, 1914.

MR. O. M. McPHERSON,
Washington, D. C.

DEAR SIR: Referring to your favor of few days ago, in regard to the Indian schools of Robeson County, I beg to submit the following estimates, as they appear of record in this department:

Scholarship year 1912-13.

Cases (6 to 21)	2,668
Enrollment (6 to 21)	1,664
Average daily attendance (6 to 21)	1,970

Twenty-seven different schools were taught by 32 different teachers (21 male and 11 female teachers). These schools were taught in 27 different buildings, which, together with sites on which they stood, were valued at \$7,800. The average length of term was 107 days for all Indian schools in the county. In the special tax districts the term averaged 111.43; in those districts which did not have a special tax the term averaged 80.54 days. During the year 1912-13, \$500 was expended for repairs on school buildings and \$5,475.25 for teachers' salaries.

Scholarship year 1913-14.

Cases (6 to 21)	2,948
Enrollment (6 to 21)	1,884
Average attendance (6 to 21)	1,164

Twenty-seven different schools were taught by 36 different teachers. We had the same number of school buildings as in the former year, but \$1,100 was expended this year for new buildings, repairs, etc., bringing the total expenditure up to \$9,060. The average length of term in the Indian schools of the county was 102.66 days, in the special tax schools 104, and in those districts which do not have special tax 100.30 days; \$6,410.25 was paid for teachers' salaries. The Indians at present have nine special-tax districts and a number of others will probably be established this year.

It might be well to note that in the figures given above, the census includes all the children of school age in the county, while the figures giving the enrollment and average attendance include only those in the county public schools and do not include those who are enrolled and attended at the State normal at Pembroke.

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PEMBROKE, N. C., August 25, 1914.
 Mr. McPHERSON.
 Sir: I am writing you a few lines to let you hear from me. I am well at present, truly hoping you the same. I will ask you a favor if it is not out of order for you to answer. If you please let me know about what date you will be able to make up your report to the Indian Commissioner, as I would like to come up there about that time, and I hope that I am not out of order by asking you this favor.
 Write at once to yours truly,
 W. L. LOWERY.

DEPARTMENT OF THE INTERIOR,
 OFFICE OF INDIAN AFFAIRS,
 Washington, August 25, 1914.

Mr. WILLIAM LOWERY,
 Pembroke, N. C.
 DEAR SIR: I have received your letter of August 25, inquiring when I will file my report in the matter of the investigation of the affairs of the Indians of Robeson County, N. C.
 In reply you are advised that I expect to be able to file my report in said case about September 15. It must be understood that this is only an approximate date, as some unforeseen event might delay the filing of my report several days. Will be glad to see you at Washington whenever you can make it convenient to come.
 Very respectfully,
 O. M. McPHERSON,
 Special Indian Agent.

PEMBROKE, N. C., August 27, 1914.
 Mr. McPHERSON,
 Washington, D. C.
 DEAR SIR: Do you think it necessary for the committee to be in Washington at the time when you submit your report for your visit to Robeson County?
 Mr. Wm. Lowrie, Abner Chavis, and myself are the committee. Kindly advise me at your earliest convenience.
 Very respectfully,
 W. R. LOCKMAN.

DEPARTMENT OF THE INTERIOR,
 OFFICE OF INDIAN AFFAIRS,
 Washington, August 29, 1914.

Mr. W. R. LOCKMAN,
 Pembroke, N. C.
 DEAR SIR: I have received your letter of August 27, inquiring whether it will be necessary for the committee of Indians to be in Washington when I file my report in the matter of the investigation directed by Senate resolution No. 410.
 In response, you are advised that in my opinion it will not be

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As it now stands these people have no educational opportunities beyond those offered by the local public schools and the State normal at Pembroke. When these have been completed there are no other institutions anywhere in this section of the country to which they can go for industrial or professional training.
 Yours, very truly,
 J. R. POOLZ.

DEPARTMENT OF THE INTERIOR,
 OFFICE OF INDIAN AFFAIRS,
 Washington, August 19, 1914.

Mr. A. W. McLEAN,
 Attorney at Law, Lumberton, N. C.
 DEAR SIR: Referring to our conversation before I left Lumberton, I have to tell you as far as I now know I shall submit my report in the matter of the investigation of the Indians of Robeson and adjoining counties in North Carolina, before I take my vacation. Any matter which you care to submit in connection with the investigation should be sent to the Commissioner of Indian Affairs as early as practicable.
 Very respectfully,
 O. M. McPHERSON,
 Special Indian Agent.

THE BANK OF LUMBERTON,
 Lumberton, N. C., August 25, 1914.

Mr. O. M. McPHERSON,
 Special Indian Agent, Department of the Interior,
 Washington, D. C.
 DEAR SIR: I have your letter of the 19th, and just as soon as I can get a little time I will try and send you the further data in regard to the Indians of Robeson County. I will probably send this in in the next two weeks. If that will be satisfactory, please let me know.
 Yours, truly,
 A. W. McLEAN.

DEPARTMENT OF THE INTERIOR,
 OFFICE OF INDIAN AFFAIRS,
 Washington, August 31, 1914.

Mr. A. W. McLEAN,
 President of Bank of Lumberton, Lumberton, N. C.
 DEAR SIR: Answering your letter of August 28, you are advised that any matter reaching me by September 7 or 8 will be in time for consideration in my report of investigations of the Indians of Robeson County.
 Very respectfully,
 O. M. McPHERSON,
 Special Indian Agent.

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can not see what the committee could accomplish by being here at that time.

In the ordinary course of business my report will be sent to the Secretary of the Interior, and by him will be transmitted to Congress, in case he is of the opinion that my report covers all the essential facts. Whatever your committee can accomplish will be through the proper committees in Congress.

Very respectfully,

O. M. McPHERSON,
Special Indian Agent.

ST. PAULS, N. C., *September 1, 1914.*

Mr. O. M. McPHERSON,
Washington, D. C.

DEAR SIR: Please grant me this privilege of writing you. I am well and trust you are enjoying life with the greatest of pleasure. I do this to hear from you. Can you tell me anything that is good about our affairs? Would you like to have my picture with my hunting suit?

And if so, I will mail you one.

Yours truly,

A. CHAVIS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, September 3, 1914.

Mr. ABNER CHAVIS,
St. Pauls, N. C.

DEAR Mr. CHAVIS: I have received your letter of September 1st, inquiring whether I have anything good to tell you about the affairs of the Robeson County Indians, and whether I would like to have one of your pictures taken in your hunting suit.

In reply you are advised that I have not yet filed my report in the investigation of the affairs of the Robeson County Indians; I hope to be able to file my report within a week.

I regret that I did not take a camera with me so that I could have procured a large number of pictures of the Indians. However, I would be glad to have your picture for my own use, but I could not use one picture to advantage in my report.

Very truly yours,

O. M. McPHERSON,
Special Indian Agent.

WASHINGTON, D. C., *August 29, 1914.*

DEAR Mr. McPHERSON: Referring to our conversation in regard to the matter of the Croatan Indians of North Carolina, I beg to hand you herewith a copy of H. R. 19036 introduced January 29, 1910, by Mr. Godwin, entitled a bill to change the name of the Croatan Indians of the State of North Carolina to their original name, Cherokee.

I also inclose you an extract concerning the Croatan Indians from

is any further information I can furnish you concerning these people, kindly let me know.

Yours, very truly,

CHARLES J. KAPPLER.

P. S.—I also inclose a copy of the hearings had before the House Committee on Indian Affairs on S. bill 3258 "To acquire a site and erect buildings for a school for the Indians of Robeson County, N. C., and for other purposes," which passed the Senate. This bill was an effort to do something for these Indians.

[H. R. 19036, Sixty-first Congress, second session.]

IN THE HOUSE OF REPRESENTATIVES.

JANUARY 24, 1910.—Mr. Godwin introduced the following bill; which was referred to the Committee on Indian Affairs and ordered to be printed.

A BILL To change the name of the Croatan Indians of the State of North Carolina to their original name, Cherokee.

Whereas the Croatan Indians who now reside in the State of North Carolina are a branch of the Cherokee Tribe of Indians and are desirous of changing their name to the original name, Cherokee: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the name of the band of Croatan Indians in said State of North Carolina be, and the same is hereby, changed to Cherokee, by which name they shall be hereafter known and designated.

[Hand Book of American Indians, Bulletin 30, part 1, page 365.]

CROATAN. A village in 1585 on an island then called by the same name, which appears to have been that on which Cape Lookout is situated, on the coast of Carteret County, N. C. The inhabitants seem to have been independent of the chiefs of Secotan. It is thought that the lost colony of Lane, on Roanoke Island, joined them, and that traces of the mixture were discernible in the later Hatteras Indians. (J. M.)

Croatan.—Lane (1586) in Smith (1629), Virginia, 1, 92, repr. 1819. *Croatoan*.—Strachey (ca. 1612), Virginia, 43, 145, 1849. *Croton*.—Lane, op. cit., 86.

CROATAN INDIANS. The legal designation in North Carolina for a people evidently of mixed Indian and white blood, found in various eastern sections of the State, but chiefly in Robeson County, and numbering approximately 5,000. For many years they were classed with the free negroes, but steadily refused to accept such classification or to attend the negro schools or churches, claiming to be the descendants of the early native tribes and of white settlers who had intermarried with them. About 20 years ago their claim was offi-

have separate school provision, and are admitted to some privileges not accorded to the negroes. The theory of descent from the lost colony may be regarded as baseless, but the name itself serves as a convenient label for a people who combine in themselves the blood of the wasted native tribes, the early colonists or forest rovers, the runaway slaves or other negroes, and probably also of stray seamen of the Latin races from coasting vessels in the West Indian or Brazilian trade.

Across the line in South Carolina are found a people, evidently of similar origin, designated "Redbones." In portions of western North Carolina and eastern Tennessee are found the so-called "Melungeons" (probably from French *melange*, "mixed"), or "Portuguese," apparently an offshoot from the Croatan proper, and in Delaware are found the "Moors." All of these are local designations for peoples of mixed race with an Indian nucleus differing in no way from the present mixed-blood remnants known as Pamunkey, Chickahominy, and Nansemond Indians in Virginia, excepting in the more complete loss of their identity. In general, the physical features and complexion of the persons of this mixed stock incline more to the Indian than to the white or negro.

See Metis, Mixed Bloods. (J. M.)



WE HAVE MADE A DECIDED IMPROVEMENT IN OUR MARKET. HELP US MAINTAIN A STRICTLY FIRST-CLASS PLACE BY PATRONIZING US. WE HANDLE EVERYTHING HANDLED IN AN UP-TO-DATE MARKET. BUYING ONLY THE VERY BEST PRODUCTS. A TRIAL WILL CONVINC YOU

THE
Palace Market
John Orrell, Jr.
Manager.

NOTICE.

To the Democratic Voters of Robeson County:

We, the acting members of the committee appointed at the mass meeting of taxpayers held on the 18th

inst. for that purpose, do hereby announce as the names of the candidates selected by us as follows, viz:

For Senator, Neill J. McRimmon.

For House of Representatives, H. C. McNair, a farmer of Maxton

township and J. Shep Oliver a farmer of Whitehouse township.

For County Commissioners, Rory McNair of Maxton township, and D. H. Britt, of Back Swamp township.

both of them farmers. Mr. Britt is also president of the Farmers' Union.

We feel that we are offering to the people men to cast their votes for

whom we can truthfully be said, men in whose integrity and ability we have no doubt.

We could not have found better or more suitable men for these different positions than they are all well and favorably known throughout the county, and we feel that no words of comment upon them is necessary, but suffice it to say that they all stand on our platform of honest satisfaction, and are men whom we believe democracy cannot be questioned.

If you want your taxes reduced, vote for these men.

Respectfully submitted,

W. O. ZEDAKER,
W. N. MEEHAN,
Committee.

enjoy the annual picnic at Spring Branch.

Rev. Edwin Purcell will arrive home this week to spend a few days with his parents, Mr. and Mrs. J. E. Purcell. Mr. Purcell will conduct services in the Presbyterian church next Sabbath.

Mr. W. L. MacLeod spent Sunday in town at the home of his father, Mr. W. J. McLeod. Miss Bessie Gibson is visiting her aunt, Mrs. Paison of Bennettsville, S. C.—Rev. Angus J. Hodgin is expected home this week—Miss Ethel Gibson left Monday afternoon for Laurinburg, where she will spend some time visiting relatives and friends.

Mr. C. A. Watson, father of our townsman, Mr. F. K. Watson, died at his home a few miles from town Monday and was buried at McNeill cemetery Tuesday morning.

INDIAN MASS MEETING.

Will Be Held at Normal School Building at Pembroke August 11—Purpose to Consider All Matters in Which Indians are Interested—Called at the Request of Senator Simmons and Congressman Godwin.

The following call has been issued for a mass meeting of Indians to be held at Pembroke August 11:

There will be a mass meeting of Indians at the Normal school building in the town of Pembroke on Tuesday, August 11, 1914, at 10 o'clock in the forenoon for the purpose of considering all matters in which the Indians are interested both with reference to schools, the change of name and any other business which may be necessary.

This meeting is called at the request of Senator Simmons and Congressman Godwin, for the purpose of putting our people together upon important matters. The time and place of meeting have been agreed upon by representatives of every section.

We urgently request the Indians not only of Robeson, but of all adjoining counties, to attend this meeting as matters of the greatest importance will be transacted.

Senator Simmons, Congressman Godwin and others have been invited to be present and address our people.

Let as many as possible bring dinner.

STEPHEN A. HAMMOND,
G. H. C. Order of Red Men.

J. A. HUNT,
G. F. M. Order of Rainbow.

STEPHEN HUNT,
AVENER CHAVIS,
TROY CUMMINS.

Committee of Invitation.

Sloans Neuralgia—Kills Pain.

Sloans Linctament gives instant relief from Neuralgia of Sciatica. It goes straight to the painful part.

Soothes the Nerves and Stops the Pain. It is also good for Rheumatism; Sore Throat, Chest Pains and Sprains.

You don't need to rub—it penetrates.

Mr. J. R. Swinger, Louisville, Ky., writes: "I suffered with quite a severe Neuralgia headache for four months without any relief. I used Sloan's Linctament for two or three nights and I haven't suffered with my head since." Get a bottle today!

Little Miss Emma Smith, of Mount and Olive and Ethel Lee Wallace of Wilmington, arrived in town and are guests of Mrs. C. V. Brown.

Mr. and Mrs. C. V. Brown and small son, C. V., returned Tuesday afternoon from Wrightsville Beach, where they spent several days.

Mr. Frank Nally, who came from Sunday to attend the funeral of his grandmother, Mrs. Amanda Nally, returned Monday night to Wrightsville Beach, where he is clerking at the Hanover Inn.

Mrs. H. B. Jennings and child went yesterday to Wrightsville Beach where they will spend some time.

Misses Eliza and Nannie Townsend left this morning for Claxton, where they will spend several days visiting relatives.

Mrs. W. E. Severance and children, Misses Eva North of Lake City, S. C., and Mrs. T. J. Gill of Laurinburg arrived this morning and will spend several days in town.

Guests at the home of Rev. and Mrs. W. B. North.

Mr. R. J. Rogers of Windsor came to Lumberton Sunday morning from Wrightsville Beach, where he had been spending some time, and was met here by Dr. J. R. Rogers and a Dr. Henslee of Dillon, S. C.

After spending a few hours at the home of Mr. and Mrs. C. B. Towns, they left in an auto for Dillon.

The Messrs. Rogers are husbands of Mrs. Townsend.

Preparing for Baby Show at Park.

Misses J. B. Taylor and C. B. Hester of Charlotte are in town this week making pictures of all the principal business houses, churches, school buildings and streets, also pictures of all the children under 10 years of age.

All the pictures are taken slides will be made and printed week, beginning Monday afternoon and lasting all the week. The pictures will be shown at the theatre in addition to the regular programme.

Prices will be 25 cents and 10 cents, before 10 o'clock in afternoon, but after that time 50 cents will be charged for all children who attend the show.

For every cent ticket sold during the week a voter will be given for some 100 whose picture will be shown in the baby show, and two for every cent ticket sold. You can vote any child you wish on Saturday night the baby that has received the most votes during the week will receive a beautiful gold bracelet.

One receiving the most number of votes will receive a silver bracelet and the one receiving the next best will receive a gold bracelet.

Prizes can be seen in the window at Draw W. Parker's gallery.

W. O. ZEDAKER,
W. N. MEEHAN,
Committee.

Robesonian, Monday, August 20th, 1914, page 3. This issue has the date misprinted on several pages

THE ROBESONIAN, MONDAY, AUGUST 17, 1914

September Woman's Home Companion - A department containing practical housekeeping hints for New Jersey women. Learn how to sharpen scissors, how to take a hostile party with the scissors as if you were the cock off the bottle.

Cure a Sprain - This may be cured in about one hour by applying Chamberlain's Pain-Expeller and observing the directions on each bottle. For sale by all dealers.

Everybody



Cola

Beverage refreshment



COMMITTEES APPOINTED BY GENERAL COMMITTEE TO LOOK AFTER INTERESTS OF INDIANS IN VARIOUS PARTS OF COUNTY.

At the mass meeting of Indians held at Lumberton Tuesday of last week the General Committee was appointed to have oversight of the welfare of the Indians of Robeson county. This General Committee has appointed sub-committees as follows:

For the district composed of Smith, Lumberton, Red Springs, Smith's Tree, Howellsville and Renner townships: A. Chavis, E. D. Smith, B. Pauls, Gilbert Locklear, J. E. Dial, J. A. Locklear, J. N. Lowrie, Floyd Locklear, Lumberton; E. M. Clarke, Renner.

Of this sub-committee J. E. Dial is chairman and B. D. Smith is secretary.

Of that part of the county included in Fairmont, Alfordville, Rowland, White House, Thompson and Goddard townships, the following were appointed as members of the general committee: E. J. Hunt, Daniel Locklear, Rowland; Paul J. Chavis, Fairmont; Alfred Hunt, Haines, S. C.; Stephen Hunt, Rowland; S. B. Hunt, W. M. Locklear, Fairmont; Lonnie Oxendine, Rowland.

Of this sub-committee Stephen Hunt is chairman and Daniel Locklear is secretary.

Of that part of the county included in Pembroke, Red Springs, Smith's Tree, Back Swamp, Maxton, Alfordville and Durnt Swamp townships, and also Hoke county, the following were appointed members of the General committee: Wm. M. Lowrie, James Cummings, Pembroke; S. T. Strickland, Red Springs; Wm. R. Locklear, Pembroke; Noah Brewer, Red Springs; E. B. Sampson, Lumberton; Willie Chavis, Maxton; D. W. Locklear, Buie.

Of the above sub-committee Wm. M. Lowrie is chairman and James Cummings is secretary.

J. A. Locklear of Lumberton, was elected chairman of the General committee, and James Cummings secretary.

The September Woman's Home Companion is a "Fashion-Forecast Number." Grace Margaret Gould, the fashion editor, with the assistance of her staff of writers and artists, presents the fashion news in a practical way so that readers can follow up her suggestions and make definite use of them. In a general way her policy is to show women how they can make use of the latest fashions without extravagance. An interesting feature of this month's fashion department is a colored plate of an afternoon gown designed by Madame Paquin for the conservative American woman. The gown is reproduced from Madame Paquin's design by Henry Hutt and is done in full color.

Another strong feature of the September issue is the first of a series of

Social and Personal Items - Continued

Services - Correspondence of The Robesonian, Lumberton, R. F. D. No. 1, August 17, 1914.

Cupid will succeed but we must tell yet.

Sorry to report that N. D. Smith is still on the sick list.

Mr. B. T. Blako is writing for Mr. J. B. Meares, who is taking his vacation, and is writing in his favor with the people all along the way.

Mr. and Mrs. D. A. Pitman and children of route No. 3, from Lumberton were visiting Mr. Pitman's brother and sister-in-law, Mr. and Mrs. A. S. Pitman, Saturday night and Sunday.

Mr. and Mrs. Geo. P. Branch and children of Proctorville were visiting friends and relatives in the latter part of the week.

Mr. A. T. Phillips and family of the Globe Swamp section were visiting Mr. and Mrs. W. H. Bullock the latter part of the week.

Mrs. J. M. Fleming and daughter, Miss Emma, report a much enjoyed social pastime among friends near Clarkton last week.

Mr. and Mrs. A. C. Spivey gave an ice cream supper Saturday night in honor of Mr. Spivey's sister and children, Mrs. Fannie Knight of Lake City, S. C., in which a very nice company of the young people of the community participated. They are good singers. Mr. and Mrs. Spivey praise as entertainers.

Very large congregations greeted us at Cedar Grove Sunday morning and afternoon, and the pastor enjoyed the presence of the people, their good behavior and earnest attention, and if there ever was better order preserved by as large a crowd as witnessed the baptizing at Mr. Edward Wick's Mill Sunday afternoon, we do not remember it now. It is a genuine pleasure to serve so respectfully people.

St. John's Tabernacle was the center of attraction for two days last week on account of the strong sermon by that prince of young preachers, Rev. Fred T. Collins of Clinton.

Little Miss Eureka Pitman went with us one day and on the second trip Mrs. Fleming and her family, Mrs. A. S. Pitman, accompanied us.

J. M. FLEMING

Constipation Causes Sickness - Don't permit your system to become constipated, as your system immediately begins to absorb poisons from the back up, what is the result? Dr. King's New Life Pills and it will tell you there is no better safe purgative.

Just take one dose and you will be well.

NOTICE OF SUMMONS

North Carolina, Robeson County, the Superior Court, Clerk of the Court, her Term 1914.

LESLIE TOWNSHIP

State of North Carolina, Robeson County, Clerk of the Court, her Term 1914.

