

Virginia

110 (1)

Treaty with the Tuscaroro Indians
No 1713.

Treaty of Peace

Concluded on the one part by His
Hon^{ble} Alexander Spotswood His Majesty's Lieutenant Governor
& Commander in Chief of the Colony & Dominion of Virginia for
and in behalf of His Majesty's said Colony And on the other
part by the Deputies under name from that part of the Tuscarora
Nation lately inhabiting Town of Pamunty & Kunta Junonitz
and Tahoogochoo for & in behalf of all the Indians of the said
Towns.

Done at Williamsburgh the 2th day of February 1713

110(1)

Whereas the Indians of the late Tuscarora Town of Pamunty
& Kunta Junonitz & Tahoogochoo & divers others of the same nation
who during the war with the Province of North Carolina departed their settle-
ments on the frontiers of that Province have for some time past continued
dissevered on the north side of Roanoke River within the bounds of Virginia
& after sundry applications for obtaining a Peace with the said Colony & the
liberty of settling themselves within the limits & under the protection thereof
have now deputed & sent Neccoocowighwa, Nyeoanckho & Merrounauk
their great men of the said Town humbly to represent their innocents the
late barbarous Massacres in North Carolina & in the war which ensued
thereupon, for avoiding whereof they voluntarily retired very early from
their ancient settlements & have not since been aiding or assisting to the
host of their Nation engaged the said and the said Deputies having fur-
ther represented that it is impossible for them any longer to subsist in the
Condition they are at present, nor to restrain either their own people or
that ungovernable multitude of other Town which have since resorted to
them from supplying their necessities by buying & selling with some of the
English, & that the said Indians have as an earnest of their
sincere desire to continue in friendship with the English first delivered
up Roanoke the King's leader in the Massacres to the Government of Carolina
and lately said & delivered to this Government of Virginia two Tuscarora
Indians who last summer committed a barbarous murder on Roanoke
River promising to bring in the other as soon as possible, and have now
humbly begged that a Peace may be granted them with the liberty of settling
themselves within the bounds of Virginia offering to become Tributary
and to submit to such Terms as the Governor of Virginia shall think
fit to impose for securing forever hereafter the Inhabitant of the said
Colony & all other His Majesty's subjects in the neighbouring Provinces
against any danger from them & their adherents: The said Governour

Virginia being desirous to settle the peace & tranquillity
of the Province of North Carolina as to terminate the great expense
which the Colony of Virginia hath for some years undergone for the defence
of its frontiers, & more especially with a joyful intention to convert the
Nation of Indians from Paganism & Idolatry to the true Christian
faith to which they have now manifested a good disposition, hath
with the advice of her Majesty's Council concluded this present treaty as
followeth.

I.

It is hereby stipulated & agreed on the part of the said Indians that they
& their posterity shall from henceforth become Tributaries to her Majesty
of Great Britain & her Successors, under the subjection of the Government
of Virginia; and shall submit to such form of Government & be obedient
to such Rules as the Governor of Virginia shall appoint.

II.

The said Indians do consent & agree that as soon as a place shall be set
apart for their habitation by the Minister & School Master established there,
all their Children shall be taught the English Language & educated in
the principles of the Christian Religion; and in the mean time the School
boys of the principal families of their Nation shall be sent to be taught
& educated at the King's School where ever a School Master shall be
established there.

III.

There shall be a firm & amiable friendship forever hereafter between the
said Indians & all others that shall incorporate with them the Government
of Virginia & inhabitants thereof as well English as Tributaries; & if
any murder Robbery Theft or other Capital Crime shall be committed by
any of the Indians aforesaid, the said Nation shall forthwith deliver up the
offender to be tried & punished according to the laws of Virginia, and for
all lesser offences committed by an Indian to any of the English & all
disputes & controversies between them, the same shall be determined
by the proper judges appointed by the Governor for that purpose neither
shall either party be permitted to seek redress by any other means.

IV.

The Governor of Virginia shall use his endeavour to establish as
soon as may be a peace with the Seneca, so as the said Tuscaroro
Indians may securely without danger of being attacked by that Nation
in all the places that shall be assigned them for their abode:
But it is never the less expressly stipulated that the said Tuscaroro
Indians shall neither before or after such peace hold any correspondence
with

with the Seneca or other foreign Indians without the approbation
of the Governor of Virginia for the time being; and more
especially that they shall not harbour or assist any Indians engaged in
war with any of her Majesty's Colonies or plantations.

V.

If the said Tuscaroro shall discover any Conspiracy carrying on by
any of their own Nation or of the other Tributary Indians against her
Majesty's subjects or the other Tributary Nations: or that any strange
Indians are on their march for attacking the Inhabitants or Tribu-
taries of Virginia the said Tuscaroro shall give immediate notice
thereof to the Governor for the time being, and be ready with all their
force to suppress such Conspiracy or foreign Invasion: and shall
whenever required march with the forces sent out by the Governor
of Virginia, against all Enemies whatsoever.

VI.

The Governor of Virginia shall allot & appropriate for the ha-
bitation of the said Tuscaroro Indians between James River & Roanoke
a tract equivalent to six miles square whereon they may
build a fort & town & make improvements for their more
convenient dwelling & subsistence; They shall also have
liberty of hunting on all unoccupied lands between the said two
Rivers without hindrance or molestation; and in case it shall
happen that the lands between the said two Rivers be hereafter
taken up & patented by her Majesty's subjects as high as the said
Indian settlement, so as it may be found convenient to remove
the said Indians to a further distance there shall be of new laid out
& assigned a tract of the like quantity of land equally convenient
for their habitation, & due satisfaction made them for such improve-
ments as they shall have at their removal; But the said Indians
shall not sell or alienate any part of the lands to be assigned for
them; the same being hereby intended to remain in common to them
& their posterity and all sales or leases thereof made by them to any
English man upon what consideration soever are hereby declared
to be in fact void. Nevertheless it is hereby concluded &
agreed that there may be set apart by the Governor of Virginia
out of the land assigned from time to time for the habitation of the said
Indians a tract not exceeding two thousand acres for the better
support of the minister & School Master to be established there & of
the officers & soldiers to be appointed for the Guard of the said Indian
Fort, which tract shall in like manner remain for the use of the

Minister, School Master, Officer & Soldier according to the distribution thereof to be made for each respectively by the Governor of Virginia without being subject to the alienation Mortgage or lease of any of the several in those employments. **Provided** always that if through mortality or Defection the said Nation of Indians shall decrease to an inconsiderable number no greater tract of Land shall be required by them for their habitation than according to the proportion of one hundred acres for each person with the liberty of hunting on all the unpatented lands between the said River as aforesaid.

VII.

The said Tuscarora Indians shall within seven months remove themselves from Roanoke River & from all other places within the bounds of Virginia where they are now dispersed to the Land which shall be assigned them on aforesaid between James River & Pamlico River & shall within ten days after their removal from Roanoke begin to deliver twenty men women or children of the chief of the families of their nation to be kept as hostages at the Town of the Nottoway Indians here to remain until the said Nation have removed to the place assigned them as aforesaid and have given such further security as shall be required for performance of the articles herein stipulated: after the delivery of which hostages living shall be permitted the said Indians to trade & purchase such a quantity of ammunition as shall be necessary for their subsistence.

VIII.

For the better defense of the said Indian Settlement there shall be maintained at the publick charge of the Government of Virginia an Officer & Soldier upon to reside in their Fort, so long as it shall be found necessary to assist them against any strange Indians by whom they may be attacked, & to go out with them in their hunting as there shall be occasion.

IX.

During the continuance of the said Officer & Soldier at the Indian Fort aforesaid none of the said Indians shall depart off the grounds allotted for their habitation, nor repair to the Town of the other Tributary Indians except in company of some of the English residing at their Fort neither shall any of the said Indians depart off their hunting grounds or come among the Substantials without the License of the Governor, or the Captain of the Fort or in company of some English

man

man belonging to their Fort on pain of being punished at the Governor's discretion nor shall it be permitted them to hunt on the Land of any other Tributary Indians without the License of such Tributary.

X.

For the convenience of the said Indians, and for the more regular carrying on the trade there shall be a publick Mart & Fair kept at their Settlement at least six times in a year, where it shall be free for all her Majesty's subjects to resort with their worst & most durable goods, and to exchange the same with the Indians for their Skin, furs & other Commodities, and Magistrates shall be appointed to attend at the said Fair to see the trade justly managed to enquire into any abuse or injury offered to the Indians by any of the English residing amongst them to determine Justice in all controversies that may arise between either party concerning the same.

XI.

Any other of the Tuscarora Nation who shall within twelve months desire to incorporate within the said Town or Settlement of Indians, & submit to the aforesaid Regulation & Articles shall be received to the benefit of this Treaty: Excepting only such of the said Indians as were notoriously guilty of the late murders in North Carolina, or of the late murder on the Frontiers of this Colony, and if any such notorious offender shall resort to the said Settlement the said Indians do solemnly promise to secure & deliver them up to the Government of Virginia to be punished according to the Law thereof.

XII.

Whereas by the first article of this aforesaid Treaty the said Tuscarora Indians have submitted themselves Tributary without any specification of the quality or proportion of Tribute to be paid by them. The Governor of Virginia desiring the safety & benefit of her Majesty's subjects to all equiva advantages which he might receive from the Tribute of Skin which have usually been paid by the Indians to former Governors, and desiring by observing them in that particular to engage them the more to a faithful observance of this aforesaid Treaty doth hereby stipulate & agree with the said Indians that the said Nation shall only pay as an acknowledgment of their dependence on the Crown of Great Britain the yearly Tribute of three Indian arrows to be delivered by the chief men of the said Nation to the Governor, or Commander in chief of Virginia for the time being yearly on St. George's Day at the Palace in Williamburgh.

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Treaty with the Tuscarora
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Grounds or come among the Jurabitants without the leave of the Govern^r, or the Capt^y of the Fort, or in Company with some English man belonging to the Fort on pain of being punished at the Govern^r's Discretion. Nor shall it be permitted to land on the Land of any other Tributary Indian without the leave of such Tributary.

VIII.

For the convenience of the said Indian for the more regular carrying on the Trade, there shall be a publick Mart or Fair kept at their Settlement, at least six times in a year, where it shall be free for all her Maj^{ty}'s Subjects to resort with their wares & Merchandizes and to exchange the same with the Indian for their skin, Furs & other Commodities; and Magistrates shall be appointed to attend at the said fair to see the Trade justly managed to enquire into any abuse or injury offered to the Indian by any of the English residing among them, & to administer Justice in all Controversies that may arise between either party, concerning the same.

IX.

This article of yours made & concluded with the said Nottoway Indian at Middle Plantation the 29th day of May 1677, so far as the same are altered by this present Treaty, are hereby ratified & confirmed, & shall be construed to extend to all the Indian who shall hereafter incorporate with the said Nottoways.

X.

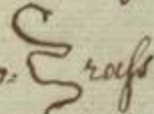
If any Infringements be made of this present Treaty by any other Westst Subjects within the Colony of Virginia; upon a representation made by the said Indian; Due Prosecution & Satisfaction shall be given them therein.

XI.

Whereas the Govern^r of Virginia did some years ago, in order to encourage the said Indian to send some of their Children to be educated at the College of William & Mary, permit the annual Tribute of skin which were payable by the said Indian to the Govern^r for the time being; And it being stipulated by the first article of this present Treaty, that the said Indian shall continue Tributary, without arguing the quality or proportion thereof to be paid by them, the said Govern^r being still desirous to encourage & promote the conversion of the said Indian & by paying them in the said tribute to engage them the more to a faithful

faithful observance of this present Treaty. Doth hereby stipulate & agree with the said Indian that the said Nation shall only pay as an acknowledgment of their Dependence on the Crown of Great Britain the yearly Tribute of three Indian arrows to be delivered by the Chief man of the said Nation to the Govern^r or Commander in Chief of Virginia for the time being yearly on St. George's day at the Palace in Williamsburg.

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