

1803 Tuscarora Indian Treaty With North Carolina

And whereas the legislature of the State of North Carolina, in directing the use of the said lands, had heretofore permitted certain leases to be made of part thereof, and difficulties have arisen in the payment and receipt of the rents becoming due thereon:

And whereas, for the purpose of preventing any disputes that might arise respecting the future occupancy of said lands, or the direction of the use thereof, and to remove the difficulties aforesaid, the President of the United States, by and with the advice and consent of the Senate thereof, hath appointed William Richardson Davie, of North Carolina, commissioner on the part of the United States, for the purposes aforesaid; and the said William Richardson Davie, on the part of the United States, and the undersigned chiefs, in their own names, and in behalf of the whole Tuscarora nation, have agreed to the following articles, namely:

ARTICLE 1. In consideration of the agreement, on the part of the Legislature of the State of North Carolina, that they will, by certain acts of the General Assembly of said State, facilitate the collection of the rents due, or to become due, on the leases of said lands heretofore made: And on the condition that an act or acts of the General Assembly of the said State shall be passed, authorizing the said Tuscarora nation, or the chiefs thereof, in behalf of said nation, to lease, on such terms as they may deem proper, the undemised part of the lands allotted to them in the county of Bertie, in the said State, as well as other parts thereof, now under lease, or leases, for years, so that the term or terms of the leases made of the whole, or any part thereof, may extend to the 12th day of July, which shall be in the year of our Lord one thousand nine hundred and sixteen:

And upon condition, also, that the Legislature of the said State shall, by an act or acts, for the purpose, remove, as far as the same can be done by legislative interposition, any difficulties or disputes that might arise respecting the future occupancy of said lands, either by the Indians of the said tribe or nation of Tuscaroras, or their lessees and assigns, until the said twelfth day of July, which shall be in the year of our Lord one thousand nine hundred and sixteen; and also declare and enact, that the occupancy and possession of the tenants, under the said leases, heretofore confirmed by act or acts of the General Assembly, and such leases as may be made under the act or acts made in pursuance of this treaty, shall be held and deemed, in all cases whatsoever, the occupancy and possession of the said Tuscarora nation, to all intents and purposes, as if they, the said nation, or the Indians thereof, or any of them, actually resided on said land:

The undersigned chiefs, in their own names, and in behalf of the whole of the Tuscarora nation, hereby stipulate and agree, that, from and after the said twelfth day of July, which shall be in the year of our Lord one thousand nine hundred and sixteen, all the right, interest, and claim, of the said nation, or any of the Indians thereof, by act of the General Assembly of the State of North Carolina, or otherwise, to the use, possession, or occupancy, of a certain tract of land, allotted to them by the Legislature of the said State, situated in the county of Bertie, in the State aforesaid, bounded and described as follows, viz: Beginning at the mouth of Quitsnoy swamp, running up the said swamp four hundred and thirty poles, to a scrubby oak, near the head of said swamp, by a great spring; then north ten degrees, east eight hundred and fifty poles, to a persimmon tree, in Roquis swamp, and along the swamp and pocoson, main course north fifty-seven degrees west, two thousand six hundred and forty poles, to a hickory on the east side of the Falling run or Deep creek, and down the various courses of the said run, to Moratlock, or Roanoke river; then down the river to the first station; shall cease and determine, and shall be held and deemed extinguished for ever.

ARTICLE 2. This treaty shall be considered as a final and permanent adjustment and settlement of all differences, disputes, and claims, between the State of North Carolina and the said Tuscarora nation of Indians, as soon as the conditions stipulated in the foregoing article shall be fulfilled on the part of the State of North Carolina, and the treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate of the United States.

In witness of all and every thing herein contained, the said William Richardson Davie, and the undersigned chiefs, in behalf of themselves and the Tuscarora nation, have hereunto set their hands and seals.

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TREATY WITH THE TUSCARORAS, 1803.

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Done at the city of Raleigh, in the State of North Carolina, on the fourth day of December, in the year one thousand eight hundred and two.

W. R. DAVIE. (L. S.)
And a number of Indians.

HALIFAX, *February 3, 1803.*

SIR: The severity of the season, and the badness of the roads, prevented my return from South Carolina to this place, before the 21st of January; and I have delayed forwarding the treaty made with the chiefs of the Tuscarora nation of Indians, until I should receive the act passed by the Legislature of North Carolina, to carry the treaty into effect. They are both herewith enclosed, and the commissioners have been appointed by the Governor, agreeably to the provisions of the said act of Assembly.

The agents of the State chose the form of the first article, as you will find in the treaty, stipulating for the final extinguishment of the Indian claim, in preference to a cession of the lands, on the ground that the Indians had only a kind of usufructuary possession granted to them, so long as they should live upon the same; and that the legal title was, and had always been, in the State; they were substantially the same in effect, and it seems a matter of no moment to the Government of the United States, which mode was preferred.

By your letter of the 28th of December, 1801, I was informed that the President approved of the arrangement I had made in the business of the Tuscarora lands. I am happy that the benevolent views of the Government, with respect to this nation of Indians, are now completely effected; they will dispose of their lands at their real value, and a little will also operate an extinguishment of their claim, without any expense to the State or the United States.

I have the honor to be, &c.

W. R. DAVIE.

An act for the relief of the Tuscarora nation of Indians.

Whereas the Indians composing the Tuscarora nation, have, by their chief, Sacarusa, and others, regularly deputed and authorized, requested the concurrence of the General Assembly of the State, to enable them to lease or demise, for a number of years, the residue of their lands, situate in the county of Bertie, in such manner that the whole of the leases on said land shall terminate at the same period:

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said chief, Sacarusa, Longboard, and Samuel Smith, or a majority of them, be, and they are hereby, authorized to lease and to farm let the undemised residue of the lands allotted to the Tuscarora nation, in Bertie county, for a term of years, that shall expire and end when the lease made by the Tuscarora nation to Robert Jones and others in the year one thousand seven hundred and sixty-six, shall end and expire; and, also, to extend the term or terms of the leases already made or granted for a shorter term, to a term or terms which shall expire at the same time with said lease, made in the year one thousand seven hundred and sixty-six, in such parcels, and on such rents and conditions, as may be approved by the commissioners appointed in pursuance of this act, and which may best promote the interest and convenience of the said Indian nation.

And whereas some difficulties have arisen, respecting the receipt and payment of the rents, on some of the present leases,

Be it further enacted, That the said chiefs, or a majority of them, be, and they are hereby, authorized to make such alterations, by covenant and agreement, respecting the payment and receipt of any of the rents due, or that may become due, on any of the existing leases, as the commissioners appointed in pursuance of this act, or a majority of them, shall approve.

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Whereas the said Indian chiefs are ignorant of the usual forms of business, and may want advice and assistance, in transacting the business respecting their lands: For remedy whereof, and to prevent their being injured,

Be it further enacted, That the Governor shall appoint three commissioners, for the purpose of carrying the provisions of this act into effect; and no lease, grant, demise, covenant, or agreement, made by said Indian chiefs, as aforesaid, respecting said lands, or the rents thereof, shall be good or valid in law, unless the same shall be approved by said commissioners, or a majority of them; and such approbation shall be expressed in writing, and annexed or endorsed on such lease, covenant or agreement, and registered in the Register's office of the county of Bertie, together with said lease or agreement; and the said commissioners shall receive the sum of twenty-five shillings per day, for their compensation and expenses, to be paid out of the money received by the said chiefs, on leasing said lands.

And be it further enacted, That the occupancy and possession of the tenants, under the said leases, heretofore confirmed by act or acts of the General Assembly, and such leases as may be made under this act, shall be held and deemed, in all cases whatsoever, the occupancy and possession of the said Tuscarora nation, to all intents and purposes, as if the said nation, or the Indians thereof, or any of them, actually resided on said lands.

Whereas the said chiefs, Sacarusa, Longboard, and Samuel Smith, being duly and fully authorized and empowered by the said Tuscarora nation, have consented that the Indian claim, to the use, possession, and occupancy of said land, shall cease to be extinguished, when the said lease, made in the year one thousand seven hundred and sixty-six, to Robert Jones and others, shall expire,

Be it enacted, That, from and after the twelfth day of July, which shall be in the year one thousand nine hundred and sixteen, the whole of the lands allotted to the said Tuscarora Indians, by an act of the General Assembly, passed at Newbern, on the fifteenth day of October, in the year of our Lord one thousand seven hundred and forty-eight, shall revert to, and become the property of, the State, and the Indian claim thereto shall, from that time, be held and deemed forever extinguished.

And be it further enacted, That, after the said lands shall revert to the State, if the same, or any part thereof, shall be vacant, the same shall not be liable to the entries of any person or persons, without an express act of the Legislature to that effect: *Provided, always*, That it shall not be lawful for any person or persons to make any entry or entries on the said lands, after the passing of this act: *Provided, always*, That nothing in this act contained shall be construed so as to affect the title of any individual: *Provided, nevertheless*, That no lot or parcel of lands, laid off under the direction of said commissioners, shall exceed two hundred acres. *And provided further*, That no lease shall be made, but by public auction, of which due notice shall be given in the Halifax and Edenton newspapers.

Read three times, and ratified in General Assembly, the sixteenth day of December, Anno Domini 1802.

JO. RIDDICK, S. S.
S. CABARRUS, S. H. C.

STATE OF NORTH CAROLINA:

SECRETARY'S OFFICE, 6th January, 1803.

This certifies that the foregoing act of the General Assembly, entitled "An act for the relief of the Tuscarora nation of Indians," is a true copy, taken from the original, deposited in this office.

Given under my hand, at Raleigh, the date aforesaid.

WILL. WHITE, Secretary.