

Apr 28, 1778

State of North Carolina

In Senate 20 April 1778

Mr. Speaker & Gent. of the House of Commons

On reading for the third & last time the Bill
for quieting & securing the Tuscarora Indians &c. &c.
we propose the following Amendment be inserted
at the End of the Bill — to wit — "Provided that
no person shall have any preference of Entry to
any of the said Land by Virtue of any lease or
occupancy ~~since~~ whatsoever since Decemr. 1776 whenever
the General Assembly shall declare the said Lands
to be vacant" — If your House agree to this
amendment you will send two of your Members
to see the same made

By order

Wm. W. C.

Wm. C. Hill, S.

Message to Congress
Transmitted the
Tuscarora Bell

Approved April 10 1847

Resolved That the
Secretary of the Interior
be and he is authorized to
procure a bell of the
Tuscarora tribe of Indians
in the State of North Carolina
and to have it placed in
the Capitol at Washington
as a memorial of the
Tuscarora tribe of Indians
and as a monument to
the memory of the
Tuscarora tribe of Indians
and as a monument to
the memory of the
Tuscarora tribe of Indians

Attest
April 10 1847

(1)
H.C. Apr. 22, 1778

A Bill for quieting & securing the Tuscarora Indians, and others, claiming under the Tuscaroras, in the possession of their Lands

Be it enacted by the General Assembly, and it is hereby enacted by the Authority of the same; That Whitmill Tuffdick, Chief or Headman of the Tuscarora Nation, and the Tuscarora Indians, now living in the County of Bertie, shall have, hold, occupy, possess and enjoy all the Lands, ~~lying~~ in the County of Bertie aforesaid, whereof they are now seized and possessed (being part of the Lands heretofore allotted to the Indians aforesaid by solemn Treaty and confirmed to them & their Successors, by Act of Assembly, in the Year one thousand seven hundred and forty eight,) without Let Molestation or Hindrance, clear of all Quit Rents or any publick Demand by way of Tax whatever;— to them the said Tuscarora Indians, and their Heirs and Successors ~~forever~~:— and that they the said Tuscaroras & their Heirs and Successors shall ~~forever~~ be clear & exempt from every kind of poll Tax. —

And whereas the said Tuscarora Indians, by Nature ignorant, and strongly addicted to Drinking, may be easily imposed on by designing persons, and unwarily deprived of their said Lands; Be it enacted, by the Authority aforesaid, that no person, for any Consideration whatever, shall hereafter purchase, buy, or lease any Tract or parcel of Land now claimed by or in possession of the said

Tuscarora

Indians, or any of them, nor shall any person settle on or cultivate the said Lands or any part thereof, in his own Right, or under pretence of acting as Overseer for the Indians. And if any person shall hereafter purchase, buy, or lease any Lands of the said Indians, or settle on or cultivate any part thereof in his own Right or as Overseer for the Indians, all such purchases, sales, Leases and agreements shall be and they are hereby declared null and void, and the person so purchasing, buying or leasing, settling on or cultivating the said Lands, or any part thereof, shall forfeit and pay the sum of three hundred pounds Current Money for every hundred Acres by him so purchased bought or leased, settled on or cultivated as aforesaid, one half to the Use of the said Tuscarora Indians, the other to the use of him or her who shall sue for the same, to be recovered by Action of Debt, Bill, plaint or Information in any Court having Cognizance thereof. Provided that the said Tuscarora Indians may sell or dispose of their said Lands or any part thereof, with Consent of the General assembly first had and obtained.

And whereas the Chieftains & Headmen of the Tuscarora Nation, living in the County of Berke, did, on the twelfth day of July in the Year one thousand seven hundred and Sixty Six, for the Consideration of fifteen hundred pounds to them paid by Robert Jones junr., William Williams, and Thomas Pugh, by Indenture under their Hands and Seals, demise, grant and to farm let unto the said Robert Jones

William

William Williams and Thomas Pugh, a certain Tract of Land lying in the County aforesaid, containing about eight thousand Acres, more or less, bounded as follows, to wit, beginning at the Mouth of Deep Creek, otherwise called Falling Run, thence running up the said Creek to the Indian Head Line, thence by the said Line South seventeen Degrees East twelve hundred and eighty pole; thence, a Course parallel with the general Current of the said Creek to Roanoke River, and then up the River to the Beginning, together with the Appurtenances thereto belonging; to be held and enjoyed by the said Robert Jones, William Williams and Thomas Pugh, their Executors administrators and assigns, in Severalty, for and during the Term of one hundred and fifty years; as may more fully appear by the said Indenture, registered in the County Court of Bertie aforesaid, and ratified by Act of Assembly passed at Newbern in the Year one thousand seven hundred and Sixty Six: Be it therefore enacted, by the Authority aforesaid, that each and every of the persons intitled to claim under the Demise aforementioned, or by Grants from the persons claiming under the same, or either of them, and their Heirs and assigns, shall and may have hold occupy possess and enjoy the several Shares Dividends or parcels of the said Land to them belonging, in as full, free, and absolute Manner, and with the same legal privileges and advantages in every Respect, and subject to the same Taxes, as if the said Land had been originally granted to the said Robert Jones, William Williams & Thomas Pugh by

Lord

(4)

Lord Granville, or by this State. —

And whereas the said Tuscarora Indians, for good and sufficient Reasons, and for valuable Considerations, have ^{the 12th day of July 1766 and previous to the first day of December last} since demised granted and to farm let sundry Tracts or parcels of Land lying in said County of Bertie to sundry persons,

as by Indentures duly executed may more fully appear:

Be it enacted by the Authority aforesaid that all, ^{the lands conveyed in the last mentioned} ~~such~~ Demises, ^{if the said Demises were} fairly, bona fide, and without Fraud, made by

or obtained from the said Tuscarora Indians since the Year one thousand seven hundred and sixty six, and previous to the first — day of December last past, shall be

and they are hereby ratified and ^{dele} confirmed, and the persons intitled to claim under such Demises, and every of them & their Heirs and Assigns, shall and may have, hold, occupy, possess and enjoy the Lands to them so demised, with the appurtenances thereto belonging, agreeable to the Tenor of, and for and during the Terms in such Demises mentioned, in as full and ample Manner, and with the same legal Privileges and Advantages, ^{and subject to the same Taxes,} as if the same had been originally granted to such person or persons by Lord Granville or by this State ^{dele}

And whereas it is suggested by the said Tuscarora Indians that unfair Dealing has been used in obtaining one or more of the Demises aforementioned, and they the said Indians have at present no Mode for obtaining Redress in such Cases: Be it therefore enacted by the Authority aforesaid, that the Commissioners herein after mentioned, or

a Majority of them, shall and may, upon Complaint of the said Tuscarora Indians, in Court or Meeting assembled, that any person or persons has or have unfairly or fraudulently obtained any Grant or Demise for Land to them belonging since the year one thousand seven hundred and sixty six and previous to the first day of December last; summon the person or persons so complained against, or cause him or them to be summoned, to appear before them, on a certain day, on the Land in Dispute, (giving at least ten Days Notice previous to the Day in such Summons appointed) then and there to answer the Complaint of the Indians for having fraudulently or unfairly obtained a Grant or Demise of the Land in Question; - and shall also summon, or cause to be summoned, a Jury of twelve Men, being Freeholders in the said County of Bertie, and not resident on, or Owners of any Lands purchased of the said Tuscarora Indians, and the said Commissioners or a Majority of them shall attend at the time and place appointed, with the Jury aforesaid, and, having first sworn the Jury to try and determine fairly between the said Indians and the person or persons complained against, shall & may cause Witnesses to be examined on both Sides, and receive the Verdict of the Jury, and return the same, with the panel, to the next County Court of the said County of Bertie, to be entered upon Record; and such Verdict shall be as good and effectual as if obtained

in any Court of Record; and if the same be general the said Commissioners or a Majority of them shall & may appoint one or more person or persons to carry the same into Execution; but if Special then the Court shall decide thereon, and cause the Sheriff of the County to carry such Decision into Execution.

And whereas the said Indians are often injured by Horses, Cattle, and Hogs driven on their Lands by the White people, the said Horses, Cattle and Hogs breaking into their Inclosures and destroying their Corn and other Effects;— and are also frequently deprived of their property, and abused by ill disposed persons; for Remedy whereof, and also for Recovery of Debts, ~~now~~ or Demands now due, or which may hereafter become due and owing to the said Invercarora Indians; Be it enacted by the Authority aforesaid that William Williams, Tho. Pugh, Willie Jones, Simon Turner and Tidikiah Stone, ~~be and are~~ and they are hereby appointed Commissioners for the said Indians and they, or any three of them shall and may inquire into Complaints made by the said Indians, summon the persons complained against before them, and award such Restitution and Redress as to them shall seem just and necessary, and may appoint an Officer or Officers to serve Subpoenas & to execute such awards & Determinations as they shall or may make in Regard of the premises. And the Court of the said County of Bertie ~~are~~ hereby authorized & required

(7)

required to fill up, from time to time, by new appointments,
any Vacancies which may happen among the Commissioners
by Death or Resignation; ~~or Misbehaviour~~ and upon Complaint
of the Chief or Headman of the Nation and the Rest of the
Indians, in Court or Meeting properly assembled, against
any of the Commissioners for Misbehaviour, may inquire into
the Conduct of the person or persons complained against, remove
him or them if necessary, and appoint another, or others,
in his or their stead.

And be it further enacted by the Authority aforesaid
that the Lands leased by the said Tuscarora Indians
to Robert Jones jun^r. ^{William} & Thomas Pugh and to
other persons shall revert to and become the property
of the State at the Expiration of the Terms in the
several Leases mentioned, if the said Nation be then
extinct; And the Lands now belonging to & possessed by
the said Tuscaroras shall revert to and become ~~of~~
the property of the State, whenever the said Nation
shall become extinct, or shall entirely abandon &
remove themselves off the said Lands & every part
thereof, ^{with} ~~with~~ ^{Declar} ~~Intention~~ ^{not} to return; - And upon
these Contingencies taking place, the said Lands
may be entered and granted in the same manner
as other or vacant Lands. ~~Dele~~

provided that no person shall have any preference of entry to any
of the said lands by Virtue of any lease or Occupancy ~~or~~
~~Declar~~ ^{whenever} ~~since~~ ^{Decem^r 1776} ~~when~~ ^{the General}
Assembly shall declare the said Lands to be Vacant

In the Senate 25th Apr.
1778 Read the second
time amended & passed
By order W. H. H. C.
Sent by Mr. Junius & Mr. Saunders.

In the House of Commons
27 April 1778 read the
third time & passed
By order John Burt C. H.
Sent by Mr. Isaac & Mr.
Bryan.

In Senate 26 April 1778
Read the third time
amended by Consent of
both Houses passed
ordered to be engrossed
By order W. H. H. C.

A Bill for quieting & securing
the Tuscarora Indians & others claim-
ing under the Tuscaroras, in the
possession of their Lands —

In the House of Commons
22nd April 1778 read the first
time & passed.
By order John Burt C. H.
Sent by Mr. Leach & Mr.
Davidson.

In the Senate 23 April 1778
Read the first time & passed
By order W. H. H. C.
Sent by Mr. Owen & Mr. Rogers

In the House of Commons
24th Apr. 1778 read the
^{amended} second time & passed
By order John Burt C. H.
Sent by Mr. Boyer & Mr.
Lain.