

THE CATAWBA TRIBE OF INDIANS.

FEBRUARY 23, 1897.—Ordered to be printed as Senate document for use of Committee on Indian Affairs.

Mr. PETTIGREW presented the following

MEMORIAL ON BEHALF OF THE INDIVIDUALS FORMERLY COMPRISING AND BELONGING TO THE CATAWBA TRIBE OF INDIANS, AND ACCOMPANYING PAPERS.

DEPARTMENT OF THE INTERIOR,  
*Washington, February 1, 1897.*

SIR: I have the honor to acknowledge the receipt of your communication of 23d ultimo, with the following papers:

\* \* \* \* \*  
A memorial on behalf of the individuals formerly comprising and belonging to the Catawba tribe of Indians.

In response thereto I transmit herewith copy of a communication of 29th instant from Commissioner of Indian Affairs, to whom the matter was referred.

\* \* \* \* \*  
I return herewith the memorial of the Catawbas, and transmit herewith copies of the correspondence referred to in the Commissioner's letter, which contains, it is stated, a full and complete testimony of those Indians as described from the files and records of his office and other sources, with his views concerning the policy to be adopted regarding them.

Very respectfully,

D. R. FRANCIS,  
*Secretary.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, January 29, 1897.*

SIR: I am in receipt, by Department reference, of \* \* \* a memorial in behalf of the individuals formerly comprising and belonging to the Catawba tribe of Indians, with request that the inquiries contained in said memorial be answered and information concerning the statements therein and the appended memorandum be furnished.

\* \* \* \* \*  
The memorial submitted by Senator Pettigrew is signed by James

Bain, president, and George E. Williamson, secretary, of the Catawba Indian Association, and they ask, on behalf of the individuals formerly comprising and belonging to the Catawba tribe of Indians, to be informed "as to the status of the tribal lands of the Catawba Indians formerly occupied by the Catawba tribe of Indians in the Carolinas, and to secure anything that may be due them as accruing from said lands; and also to receive any or further relief, help, or benefits they may be found, upon careful investigation of the facts in their case, to be entitled to receive in right, justice, or equity from the United States or otherwise in the matter of new homes in the West or to their lands in the East."

In answer to this memorial, I respectfully inclose herewith a copy of a letter from this office, dated January 16, 1896, addressed to Hon. H. M. Teller, United States Senate; also a copy of a letter from this office, dated March 28, 1896, addressed to R. V. Belt, esq., of this city. These letters give a full and complete history of these Indians, as disclosed from the files and records of this office, concerning the policy that should be adopted respecting them.

The communication of Senator Pettigrew and the inclosures referred to therein are herewith returned.

Very respectfully, your obedient servant,

D. M. BROWNING,  
*Commissioner.*

The SECRETARY OF THE INTERIOR.

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#### MEMORIAL.

*To the Senate and House of Representatives of the United States of America in Congress assembled:*

Your petitioners come representing that they are the representatives of the individuals and their descendants who were formerly the members of the Catawba tribe of Indians that owned and occupied lands in the States of North Carolina and South Carolina; that in pursuance of the policy of the United States to remove all of the Indian tribes to new homes to be provided for them west of the Mississippi River, Congress passed an act July 29, 1848, appropriating \$5,000 for the removal of the Catawba Indians, with their own consent, to the west of the Mississippi River, and for settling and subsisting them one year in new homes first to be obtained for them (9 Stat. L., 264); that nothing was accomplished under this act; that the provisions and the appropriation thereof were reenacted in the act of July 31, 1854 (10 Stat. L., 316); that some efforts were made to secure for the Catawbas new homes among the Choctaw and Chickasaw Indians of the Indian Territory, and under the encouragement of hopeful results, and of the laws of Congress on the subject, many of the Catawba Indians left their lands and homes in the Carolinas and journeyed at their own expense to the country west of the Mississippi River, hoping and expecting to be there furnished with and located and subsisted for one year upon new homes; that the Department of the Interior has so far failed to accomplish anything toward securing for the Catawbas such new homes or in doing anything in their behalf as was contemplated and expected under the provisions of the laws referred to; that the Catawbas reached the States and Territories bordering on the then Indian Territory, where they expected to be settled in new homes, but have been left stranded in that

Territory and in the 'neighboring States, where they have had to seek a livelihood as best they could, without any land upon which they could build homes for themselves and families; that they are in great need, and are very anxious to be given lands, homes, or allotments in any of the lands that now are or that may hereafter become available for that purpose in the Indian Territory or in Oklahoma Territory; that they desire to be informed as to the status of the tribal lands of the Catawba Indians formerly occupied by the Catawba tribe of Indians in the Carolinas, and to secure anything that may be due them as accruing from said lands; and also to receive any other or further relief, help, or benefits they may be found, upon careful investigation of the facts in their case, to be entitled to receive in right, justice, or equity from the United States or otherwise in the matter of new homes in the West or as to their lands in the East; and they pray that all these matters may be inquired into and such action be taken in their behalf as the facts may warrant, demand, and require.

And your petitioners will ever pray.

Fort Smith, Ark., December 7, 1896.

JAMES BAIN,

*President of Catawba Indian Association.*

GEO. E. WILLIAMSON,

*Secretary Catawba Indian Association.*

#### CATAWBA INDIANS.

The present location and number of those Catawba Indians who went West, expecting to be located on lands west of the Mississippi River by the Department of the Interior, are as follows, as furnished by James Bain, president of the Catawba Indian Association, at Fort Smith, Ark.:

Greenwood, Ark., 44; Barber, Ark., 42; Crow, Ark., 13; Oak Bower, Ark., 3; Enterprise, Ark., 6; Fort Smith, Ark., 17; total Arkansas, 125.

Checotah, Ind. T., 17; Texanna, Ind. T., 15; Jackson, Ind. T., 15; Star, Ind. T., 34; Panther, Ind. T., 22; Oaklodge, Ind. T., 10; Redland, Ind. T., 4; Rainville, Ind. T., 2; Indianola, Ind. T., 3; Center, Ind. T., 4; Ward, Ind. T., 3; Sacred Heart, Okla., 1; Steigler, 2; total, 132.

Grand total, 257.

#### DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,

*Washington, January 16, 1896.*

SIR: I am in receipt of your letter of January 9, 1896, inclosing one from P. H. Head, a Catawba Indian, of Sanford, Colo., submitting a petition purporting to have been signed by himself and twenty-five others, embracing six families, who claim to have once resided in South Carolina but are no longer "recognized" by said State, and asking to be united with the Ute Indians now living on the Uintah Reservation, and to be recognized by the Government as members of said Ute tribe, receiving and enjoying in common with them all rights and privileges and the protection of the Government. Mr. Head, in his letter, intimates that this petition will be followed by one signed by the Ute Indians in Utah.

You ask that the matter may receive my attention, and advice given as to what steps are necessary to have this change made.

In reply I have to say that it is the policy of the Government to abolish the tribal relations of the Indians as fast as possible, and to settle each Indian upon a separate tract of land that he can call his own, to the end that he may become self-supporting and independent of Government bounty. It would not be in keeping with this policy, I think, to gather up people who happen to have more or less Indian blood in their veins and are living among the whites, separate and apart from Indian

communities, and incorporate them into a tribe and place them upon an Indian reservation.

The general allotment act of 1887 wisely provided for Indians who were not living upon any reservation at the date of the passage of said act, or for whose tribe no reservation had been created, by allowing them to apply for and secure to themselves lands upon the public domain whether surveyed or unsurveyed. For the information of your petitioners I inclose herewith a copy of the general allotment act of 1887 and the amendment thereto of 1891, also copy of the rules and regulations indicating the manner of procedure to obtain an allotment of lands upon the public domain.

To answer your question directly as to what steps would be necessary to have these people united to the Indian tribe occupying the Uintah Reservation in Utah, I have to say that where there are no specific treaty stipulations with any given tribe touching such matters, as is the case with these Ute Indians, the usual course pursued is to obtain the consent of the tribe to which an Indian desires adoption and then have such adoption approved by this office and the Secretary of the Interior; any such consent must be procured under the eye of the agent and should bear his certificate to the effect that the action of the Indians in adopting such Indian represented the wishes of the tribe and was taken in open council. This briefly would be the proper course to pursue in order to obtain adoption into an Indian tribe.

The petition, with Mr. Head's letter, is herewith respectfully returned.

Very respectfully,

D. M. BROWNING, *Commissioner*.

Hon. H. M. TELLER, *United States Senate*.

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DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, March 28, 1896.*

SIR: I am in receipt of your letter of February 22, transmitting in pamphlet form a "petition and memorial in the matter of claims and demands of the Catawba Indian Association to the United States," published at Fort Smith, Ark., giving the proceedings of a convention of Catawba Indians held in that city April 15, 1895, called for the purpose of considering the condition, status and welfare of all Catawba and nonreservation Indians, and to take action in procuring an allotment of land under the fourth section of the general allotment act of February 8, 1887 (24 Stat. L., p. 388), as amended by the act of February 28, 1891 (26 Stat. L., p. 795).

This memorial purports to come from the Catawba Indians comprising, they allege, "all persons of Catawba Indian descent, and their descendants, including all persons who have intermarried with Catawba Indians, and all persons of mixed Catawba and white blood and descent, residing in any of the States or Territories of the United States or in the Indian Territory;" claiming further that the United States has never made any provision for them in giving them a grant or title to large tracts of the public domain as it has done with the Cherokees, Creeks, and other tribes, only giving to them a small tract of land in South Carolina, although belonging to the same group of Indians as the Cherokees and Creeks; that the United States has made no provision for them whatever to occupy and use any of the public domain belonging to the United States, except the aforesaid small tract of land in South Carolina, unless it be to take allotments under the aforesaid section 4 of the act of 1887, as amended by the act of 1891, and asking for such Executive action or Congressional legislation as may be necessary to secure to them equal rights with other Indians to share in the public domain belonging to the United States.

In your letter, transmitting this petition and memorial, you state that you are requested to ascertain (1) whether or not the Catawbas have any tribal lands in the States of North or South Carolina to which the tribal title has not been ceded or extinguished; (2) whether there is any reason why these individual Indians may not take up lands in severalty on the public domain as provided in said section 4 of the act of 1887.

You suggest that arrangements might be made whereby they could take land in severalty within the Kiowa and Comanche and Wichita reservations, Oklahoma Territory, when the unallotted lands of said reservation shall be opened to public settlement, or between the time of the ratification of their agreements and the issue of the President's proclamation opening the same to settlement, or even before the ratification of said agreement, etc.

In reply I have to state that the Catawba Indians are a division of North American Indians, which included in the last century about twenty-eight confederated tribes. A few of these were in North Carolina, but most of them were in South Carolina. The principal tribe in the latter State was the "Kataba," and the chief one in the

former was the "Woccon." The few survivors of this people are on the Catawba Reservation in York County, S. C. They do not belong to the Muskogean linguistic stock of North American Indians, as intimated in the memorial, but to the Siouan stock, while the Cherokees belong to the Iroquoian stock.

In a publication entitled *Statistics of South Carolina*, by Robert Mills, published in 1826, in Charleston, S. C., by Hurlbut and Lloyd, pages 104-129, is given a history of the "Indians or aborigines of the country," to the effect that South Carolina, when first settled by the English, was inhabited by numerous tribes of Indians, whose settlements extended from the ocean to the mountains. From documents extant in the Secretary of State's office, and other sources which may be relied on, Mr. Mills concluded that the number of these different nations or tribes exceeded twenty-eight. The Westoes and Savannahs were the two most potent tribes. A right to the soil of the country was grounded upon the acknowledged truth of this doctrine, that the earth was made for man, and was intended by the Creator of all things to be improved for the benefit of mankind. These wild lands, therefore, were not recognized as the separate property of the few savages who hunted over them, but belonged to the common stock of mankind. This doctrine is agreeable to the judicial determination of the courts of South Carolina with respect to rights in land, derived solely from uninterrupted possession for a term formerly of five, now (1826) of ten years.

But most of the first settlers of Carolina, not satisfied to rest their right of soil upon the law of nature and their government, made private purchases from the Indians; and the government (State) itself entered into treaties with the aborigines. The first public deed of conveyance by the Indians found on record is dated March 10, 1675.

In giving a description of the names, location, and number of Indian tribes in Carolina about the year 1700 he gives the following on page 108:

"The Catawbas, Sugaree, on Sugar Creek, Lancaster district, occupied the country above Camden on each side of the river of the same name; a small remnant of this tribe of Indians still occupies a tract of country, laid off 15 miles square, lying partly in York and partly in Lancaster districts, on both sides of the river."

Speaking of the population, he states (p 114):

"The Catawbas are now reduced, from habits of indolence and inebriation, to very few; their number does not exceed 110 of every age. In 1700 (some years after the first settlement of Carolina) they mustered 1,500 fighting men; this would give the population of the nation at that time between 8,000 and 10,000 souls; about the year 1743 the Catawbas could only bring 400 warriors into the field, composed partly of refugees from various smaller tribes, who, about this time, were obliged by the state of affairs to associate with them, on account of their reduced numbers. Among these were the Watteree, Chowan, Congaree, Natchee, Yamasee, and Coosah Indians. At present not 50 men can be numbered in the list of their warriors. \* \* \* The remains of this nation now occupy a territory 15 miles square, laid out on both sides of the Catawba River, and including part of York and Lancaster districts. This tract embraces a body of fine lands, timbered with oak, etc. These lands are almost all leased out to white settlers for ninety-nine years, renewable at the rate of from \$15 to \$20 per annum for each plantation of about 300 acres. The annual income from these lands is estimated to amount to about \$5,000. This sum, prudently managed, would suffice to support the whole nation, now composed of about 30 families, comfortably. Yet these wretched Indians live in a state of abject poverty, the consequence of their indolence and dissipated habits. They dun for their rent before it is due, and the \$10 or \$20 received are frequently spent in a debauch; poverty, beggary, and misery follow for a year. \* \* \*

"The Catawbas have two villages, one on each side of the river. The largest is Newtown, situated immediately on the river bank; to the other, which is upon the opposite side, they have given no name, but it is generally called Turkeyhead.

"Kings Bottom is a very rich tract of land on the river which the Indians have had sense enough to reserve for their children."

In his description of the county of Lancaster, page 595, he states:

"The first settlement was made in this district by emigrants from Pennsylvania and Virginia about the year 1745, and called the Waxhaws, from the name of the creek on which the principal settlements were located (then supposed to be within the bounds of North Carolina). These settlements were made in the neighborhood of the Catawbas, then a powerful and warlike tribe of Indians, whose chief town was situated on the west side of Sugar Creek (more properly Sugawee, that being the ancient Indian name), just opposite to the mouth of Little Sugar Creek. The site of this ancient town is now in York district and under cultivation in the plantation of Mr. Alderson, but not a vestige of it is to be seen.

"About the year 1750 the early settlers of the Waxhaws became in a great measure rid of their powerful and dangerous neighbors, the Indians, as the smallpox broke out among them and carried off, from the best information, three-fourths of the whole tribe. Shortly afterwards they leased most of their lands on Sugar Creek to



some of the emigrants and removed and settled in the towns where they now reside."

In his description of the county of York, page 771, he states:

"This section of country was settled about the year 1760, principally from Pennsylvania and Virginia. Its name may be traced to York, in Pennsylvania, from whence some of the first settlers came. \* \* \* There are no other settlements, as villages, in the district, except the Indian settlements on Catawba River. These Indians have two towns. The most important is called Newtown, situated immediately on the river; the other is on the opposite side, and is called Turkeyhead. The Indian lands occupy an extent of country on both sides of the river equal to 180 square miles or 115,200 square acres. The most of this has been disposed of by them to the whites in leases for ninety-nine years, renewable. The rent of each plantation is from \$10 to \$20 per annum. \* \* \* The Catawba Nation could, at the first settlement of the State, muster 1,500 fighting men; at present their warriors do not exceed 30."

For your information I inclose a sketch of a portion of a map of South Carolina and North Carolina, showing the aforesaid reservation of 180 square miles.

Schoolcraft, in his history of the Indian tribes of the United States, volume 3, page 293, has an article on "Carolina manuscript respecting the origin of the Catawbas." In this paper he states that:

"The Catawbas were a Canadian tribe. The Connewangos were their hereditary enemies, and, with the aid of the French, were likely at last to overwhelm them. The Catawbas, judging correctly of their perilous condition, determined on a removal to the vicinity of the English settlements. They set out from their ancient homes about the year 1650, crossed the St. Lawrence, probably near Detroit, and bore for the headwaters of the Kentucky River. The Connewangos all the time kept in full pursuit. The fugitives, embarrassed with their women and children, saw that their enemies would overtake them, chose a position near the source of the Kentucky, and there awaited the onset of their more powerful adversaries. Turning, therefore, upon their pursuers, with the energy desperation sometimes inspires, they gave them a terrible overthrow. This little nation, after their great victory, without proper regard to policy, divided into two bands. The one remained on the Kentucky, which was called by the hunters the Catawba, and were in time absorbed into the great families of the Chickasaws and Choctaws. The other band settled in Botetourt County, Va., upon a stream afterwards called Catawba Creek. They remained there but a few years; their hunters, pressing on to the south, discovered the Catawba River, in South Carolina (Eswa Tayora), and the entire Virginia band (about 1660) came in a body to effect a permanent settlement on that stream. \* \* \*

"In the year 1735 the nation had in reservation only 30 acres of their large and fertile territory, not a foot of which was in cultivation. In the history of South Carolina, Ramsey solemnly invokes the people of South Carolina to cherish this small remnant of a noble race, always the friends of the Carolinians, and ready to peril all for their safety. They never have shed a drop of American blood, nor stolen property to the value of a cent. They have lost everything but their honesty. Hagler or Haigler was a great man, and the nation still speak of him with much feeling. They have never looked up since his death."\*

Hagler or Haigler was succeeded by King Prow or Frow in 1765, who reigned but a short time. On his death, General Newriver, who had gained a splendid victory on New River in Virginia over the Northern Indians, was called to rule over them, they having determined, in imitation of their white brethren, to repudiate royalty. He was succeeded by General Scott, the grandson of King Hagler or Haigler, and afterwards by Colonel Ayres.

In an appendix to the Laws of the Colonial and State Governments relating to Indians and Indian affairs, from 1633 to 1831, inclusive, published in Washington City in 1832 by Thompson & Homans, is given the "Proceedings of the Congress of the Confederation relating to Indians and Indian Affairs."

On page 15 of said appendix, under date of November 2, 1782, appears the following, viz:

"The committee, consisting of Mr. Duane, Mr. Ramsey, and Mr. Wharton, to whom was referred a letter of the 1st, from the Secretary of War, report:

"That they have had a conference with the two deputies of the Catawba Nation of Indians; that their mission respects certain tracts of lands reserved for their use in the State of South Carolina, which they wish may be so secured to their tribe as not to be intruded into by force, nor alienated even with their own consent; whereupon,

"Resolved, That it be recommended to the legislature of the State of South Carolina to take such measures for the satisfaction and security of the said tribe as the said legislature shall, in their wisdom, think fit."

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\* Assassinated by Shawnees in 1762.

In Brevard's Digest of the Laws of South Carolina, vol. 1, title 96; Indians, among other things appears the following, adopted in 1808, viz:

"SEC. 8. Whereas it is expedient that the Catawba Indians should have the power to grant and make leases for life or lives, as well as for terms of years, of the lands vested in them by the laws of this State:

"SEC. 9. *Be it therefore enacted*, That from and immediately after the passing of this act it shall and may be lawful for the Catawba Indians to grant and make to any person or persons, any lease or leases, for life or lives or term of years, of any of the lands vested in them by the laws of this State: *Provided*, That no lease shall exceed the term of ninety-nine years or three lives in being.

"SEC. 10. *And be it further enacted*, That the governor for the time being shall be authorized, and he is hereby required to appoint five fit and proper persons to superintend the leasing of the lands of the Catawba Indians in manner aforesaid, and no lease of the lands of the Catawba Indians hereafter to be made, whether for life or lives or term of years, shall be held or deemed as valid and good in law unless the same be witnessed by a majority of the said superintendents at the time of making thereof, and signed and sealed by at least four of the head men or chiefs of the said Catawba Indians: *Provided*, That an annual rent be reserved as a compensation for such lease.

"SEC. 11. *And be it enacted*, That the said superintendent shall be commissioned for the purpose aforesaid, for seven years; which commission shall be recorded in the office of secretary of state, and an office copy thereof shall be taken and received as good evidence in any courts of law or equity within this State as the original would be if produced in any case wherein it might be necessary to produce such original commission.

"SEC. 12. *And be it further enacted*, That all acts and clauses of acts or resolutions repugnant hereto be, and the same are hereby, repealed.

"SEC. 13. Whereas many inconveniences have been experienced by the lessees of the Catawba Indians, as well as by the Indians themselves, under the operation of an act passed in the year of our Lord one thousand eight hundred and eight, which act ordains 'That no payments shall at any time be made for such lease, or any part thereof, for more than three years' rent in advance, and that no payments shall be deemed or held to be valid unless the same be made conformably to this act, and receipts therefor given by such of the chiefs of the nation as usually transact their affairs, and by a majority of the said superintendents.

"SEC. 14. *And be it further enacted*, That no payments shall be hereafter made for such lease, or any part thereof, for more than seven years' rent in advance, and that no payments shall be held or deemed valid unless receipts therefor be given and attested by one of the said superintendents.

"SEC. 15. *And be it further enacted*, That a lease for three years or ninety-nine years of the said Catawba lands shall be, and the same is hereby, declared to be a qualification equivalent to a freehold in all cases where a freehold is not required by the constitution of this State or of the United States."

In 1815 an act was passed by the legislature of South Carolina entitled "An act to authorize and empower the superintendent of the Catawba Indians to institute actions for trespasses on their lands, and for other purposes therein mentioned." (Colonial Laws, pp. 181, 182.)

"Whereas certain persons now hold possession of the lands belonging to the Catawba Indians, without obtaining a lease for the same from the head men or chiefs of the nation, agreeably to the act of assembly passed the fifteenth day of December, one thousand eight hundred and eight, empowering the said Indians to lease the lands vested in them, and there is no power or authority in any person or persons to institute an action or actions at law to put such persons as hold their lands without a lease out of the possession thereof: For remedy whereof, *Be it enacted by the honorable the senate and house of representatives, now met and sitting in general assembly, and by the authority of the same*, That from and immediately after the passing of this act the superintendents now appointed, or that may be hereafter appointed, by the governor of this State, or a majority of them shall be, and are hereby authorized and empowered, in their own names, or in the names of a majority of them, as agents, to commence and prosecute an action or actions of trespass to try titles to the lands claimed by and vested in the said Indians, that is now or may hereafter be held in possession by any person or persons, without a lease from the head men or chiefs of the said nation of Indians, in pursuance of the act of the general assembly aforesaid; and also in like manner an action or actions of *quare clausum fregit*, for trespasses committed on the said lands; and also actions for injuries done to the personal property of the said Indians; and the damages recovered in any action to try titles, or in any action *quare clausum fregit*, or action for injury done to the personal property of the said Indians, shall be collected by the said superintendents for the benefit of said Indians.

"*And be it enacted by the authority aforesaid*, That the said superintendents, or a

majority of them, shall have power in the same manner as they are authorized to bring actions, to make distress for arrearages of rent now due, or that may hereafter become due, or bring an action or actions to recover the same in any court having jurisdiction.

*"And be it further enacted by the authority aforesaid, That this shall be deemed and taken as a public act, and judicially noticed as such without special pleading, and liberally construed for carrying the purposes aforesaid into effect."*

In the Indian appropriation act approved July 29, 1848 (9 Stat. L., 264), appears the following:

*"Catawba Indians.*—For the removal of the Catawba tribe of Indians now in the limits of the State of North Carolina to the Indian country west of the Mississippi, with the consent of said tribe, under the direction of the President of the United States, a sum not exceeding five thousand dollars: *Provided,* No portion of this sum shall be expended for the purpose of removing said Indians until the President shall first obtain a home for them among some of the tribes west of the Mississippi River, with their consent, and without any charge upon the Government."

In a letter dated November 13, 1848, John C. Mullan, a clerk in this office, forwarded a letter, dated October 6, 1848, from one George T. Mason, inclosing at request of the chief of the Catawbias, a memorial of said tribe of Indians at Qualla-town, Haywood County, N. C., dated October 4, 1848, on file in this office (Misc. M., 280), addressed to the President, signed by William Morrison, chief, and the following heads of each Catawba family, viz: Philip Kegg, Lewis Stevens, John Heart, John Scott, Franklin Kenty, Antony George, David Harris, Thomas Stevens, John Harris, Jesse Harris, Nancy George, Sally Harris, Polly Readhead, Patsey George, Harriet Stevens, Betsy Heart, Cynthia Kegg, Patsey George, jr., Mary Ayres, Margaret Ayres, Betsey Ayres, Susan Kegg, Eliza Kenty, Franky Brown, Jinny Joe, Jinny Ayres, Rachael Brown, Easther Scott, Katy Joe, Sally Readhead, William George, Peggy Kauty, Rosa Ayres, Becky George, Polly Harris, Elizabeth Brown, Polly Harris, Mary Joe, Allen Harris, Mary Harris, and James Kegg, comprising 42 persons, all of whom signed by mark, in the presence of Abram Sellers, George T. Mason, and John S. Gibson, requesting the appointment of a reliable and trustworthy business man to superintend their removal west.

In transmitting said memorial Mr. Mullan speaks of him, after several personal interviews held with said chiefs, as an intelligent, respectable Catawba, and of the preference of his people to a home with the Chickasaw Indians West, who, he stated, had at one time given the Catawbias an invitation to settle among them.

In the annual report of this office for the year 1849 (Doc. 5, p. 949), it is stated that—*"The Department has not yet succeeded in finding a suitable home west of the Mississippi for the Catawba Indians residing in North Carolina. They prefer a residence among the Chickasaws, to whom application was made to receive them, but to which there has been no final answer. Proper efforts will be made to carry out, next season, if practicable, the law of July 29, 1848, providing for their removal."*

Agent A. M. M. Upshaw was instructed, November 6, 1848 (Chickasaw letter book C, p. 32), to ascertain whether or not the Chickasaw Nation would receive the Catawbias on the terms prescribed by the law.

In said instructions it was intimated that the Department knew very little of the Catawbias, nothing of their origin or of their language and customs, or how they got from their home in South Carolina to Haywood County, in North Carolina. They were believed, however, to be a quiet and well-disposed people, numbering in all about 80 souls. From their location and supposed former alliances with the Cherokees, the impression was entertained that they would prefer a residence with the Cherokees, and steps were taken to ascertain whether or not they would receive the Catawbias on the terms prescribed. Information was subsequently obtained that they would probably object to going to the Cherokees, and expressed a preference to take homes with the Chickasaws. Agent Upshaw responded, on the 8th of January, 1849, that the Chickasaws would probably receive the Catawbias, but that their council must first act on the subject. (Chickasaw U, 55.) It does not appear, however, that the Chickasaw council ever took action on the case.

Subsequently, it appears that the Choctaw council passed an act entitled *"An act naturalizing certain persons therein,"* which was approved November 3, 1853 (Choctaw Laws, 1869, p. 124, as follows, viz:

*"SEC. 11. Be it enacted by the general council of the Choctaw Nation assembled, That William Morrison, Thomas Morrison, Sarah Jane Morrison, Molly Redhead, Betsy Heart, Rebecca Heart, Philip Keggio, and infant child of Philip Keggio, Rosey Ayres, Betsey Ayres, Julian Ayres, Mary Ayres, Soponia Ayres, and Sally Ayres be, and they are hereby declared naturalized citizens of the Choctaw Nation, invested with all the rights, privileges, and immunities of naturalized citizens of the same."*

Although there is nothing in the act to show the nationality of these persons, you will see, by a comparison of the names attached to the aforementioned memorial of the Catawbias, that they are the same persons. This opinion is corroborated by a



subsequent act of said council, approved November 12, 1856 (Choctaw Laws, 1869, p. 153), entitled "An act giving greater privileges to the Catawbas heretofore naturalized."

"SEC. 18. *Be it enacted by the general council of the Choctaw Nation assembled, That the Catawbas who were made citizens of this Nation by a special act of Session XX, section 11, of 1853, be, and they are hereby, jointly entitled to a full participation in all funds arising under the treaty of 1855 between the Choctaws and the Government of the United States.*"

The Hon. James L. Orr, of Anderson, S. C., and Representative in Congress, having called the attention of this office to the fact that a remnant of the Catawba tribe of Indians, numbering about seventy persons, residing within his State, expressed a desire to become affiliated with the Choctaw people; that they possessed a small reservation in South Carolina that they are willing to sell, and that the proceeds in connection with a contemplated appropriation for their benefit of the legislature of the State, would supply them with a fund amounting, it was presumed, to about \$5,000, sufficient, if properly applied, to enable them to make the improvements necessary to a successful commencement of cultivating the soil, and of other pursuits incident to civilized life, this office instructed C. W. Dean, Superintendent of Indian Affairs, in a letter addressed to him at Fort Smith, Ark., dated January 6, 1857, to direct Agent D. H. Cooper to lay the subject before the Choctaw Nation in council assembled, or otherwise, as he might deem most judicious, inviting attention to the generosity and hospitality of the Choctaws manifested in the reception and kind treatment of a small party of their fellow Catawbas, then living among the Choctaws which had inspired them with confidence in that people, and with an anxious desire to enjoy the same privileges with their brethren who had gone before them in the same enterprise.

He was advised that in the Indian appropriation act approved July 31, 1854 (10 Stat. L., p. 316), the following item appears, viz—

"For the reappropriation for expenses of the removal of the Catawba Indians to the west of the Mississippi River, and of settling and subsisting them one year in their new homes, provided that a home shall first be obtained for them, and that they shall be removed only with their own consent, five thousand dollars." And it was hoped that the Choctaws would consent to receive this small band of Catawbas, and would permit them to reside within the limits of their territory.

Superintendent Dean reported on this matter March 20, 1857, as follows:

"It is the opinion of Agent Cooper, in which opinion I concur, that nothing can be effected as to the procurement of homes for these Indians among the Choctaws until the next session of the general council of the nation, and I believe it does not again convene until next autumn."

"I was in hope—indeed, from inquiry, was almost satisfied—that the act of the Choctaw council passed at the session of 1853, conferring the privilege of citizenship upon certain Catawba Indians that emigrated and were permitted to settle in the Choctaw country in that year, was made general and comprehensive in its terms, so as to include all the Catawba Indians that might be disposed to cast their lot with them, as there seemed at the time to be an understanding that the greater portion, if not all, the residue of the tribe were desirous of emigrating to the Choctaw country; but I have recently procured a copy of the act of 1853 (a transcript of which is on file in the Indian Bureau), and perceive it is limited and specific in its terms, including only those that emigrated in that year.

"I am further inclined to the belief that the Choctaws were somewhat disappointed that the Catawbas that emigrated at the time mentioned were unable to turn over to the treasury of the nation a certain sum of money that it was supposed they were to receive from the United States for their removal and temporary subsistence, but which amount, instead of being paid into the treasury of the Choctaws, reverted to the surplus fund of the Treasury of the United States. As these Catawbas were invested with the full privileges of the citizens of the Choctaw Nation and became equal participants in the distribution of their annuities, etc., it seems not unreasonable that any fund set apart for the use of these Catawbas should have become a portion of the common stock for the common good; and such, I learn, was the general expectation of all parties when the act of 1853 was passed.

"Agent Cooper gives it as his opinion that on the assembling of the national councils of the Choctaws and Chickasaws there will be no difficulty in providing homes for the residue of the Catawbas in the country now held in common by the Choctaws and Chickasaws, on the payment of a reasonable sum therefor by the United States or by the State of South Carolina.

"Under these circumstances, and as from the tenor of your letter of January 6 the exact provision that may be made for the removal and settlement of the Catawbas of South Carolina appears as yet to be indefinite and unascertained, I beg permission to suggest that the interim that must occur before further action can be had with the tribes be occupied in adjusting definitely and with precision what amount

will be under control of the Department to secure the purposes indicated, so that a proposition determinate in its character may be ready to be laid before the tribes whose cooperation is asked in the premises.

"From Agent Cooper's letter to me on the subject, I beg leave to offer the following extract, and to ask for it the consideration of the Department:

"I have but little doubt the remnant of the Catawba Indians can be accommodated in the Choctaw and Chickasaw country, upon the payment by the United States, or the State of South Carolina, of a reasonable compensation to the Choctaws and Chickasaws, both of which tribes have an interest direct in all sums of money that may be realized from the use or sale of the country embraced within their boundaries." \* \* \*

No action appears to have been taken by the Government or any of the Indians on the question of their removal to the Choctaw or other Indian country until 1872, when Hon. J. C. Harper, of the House of Representatives, from Georgia, brought to the attention of this office the question of the removal of certain Indians in North Carolina and Georgia. Presuming that they were Cherokees, this office requested him on the 13th of June, 1872, to furnish a list of the names and ages of said Indians. In reporting the names, Mr. Joseph McDowell, of Fairmount, Ga., under date of October, 1872 (Misc. M., 229), stated that the Indians referred to, and asking relief of the Government, were Catawba Indians, and 84 in number, viz:

No.	Name.	Age.	No.	Name.	Age.
1	Buckner Guy.....	80	46	John Guy.....	12
2	Lucinda Anderson, his daughter, wife of Wm. Anderson, a Cherokee.....	60	47	Henrietta Guy.....	8
3	Polly Guy.....	50	48	Mary Guy.....	23
4	James Guy.....	55	49	Newton Guy.....	16
5	Clark Guy.....	53	50	Caroline Guy.....	14
6	Judy or Judith Guy.....	48	51	William Guy.....	12
7	Silvy Guy.....	45	52	Ann Guy.....	10
8	Elizabeth Guy.....	20	53	Daniel Guy.....	35
9	George Guy.....	19	54	Mary Guy.....	45
10	Amanda Anderson.....	25	55	Charles Guy.....	18
11	Nathaniel Anderson.....	23	56	George Guy.....	16
12	Mary Anderson.....	21	57	Adaline Guy.....	14
13	Eliza Anderson.....	21	58	Brag Guy.....	12
14	Nancy Anderson.....	19	59	Judy Guy, daughter of Simon Jeffers.....	80
15	Cornelia Anderson.....	18	60	Edmond Guy.....	80
16	William Washington Guy.....	30	61	Willie Guy.....	61
17	Albert A. Guy.....	28	62	Mahala Guy.....	56
18	Amanda Guy.....	26	63	George W. Guy.....	36
19	Joseph M. Guy.....	24	64	Mary S. Guy.....	33
20	Caroline T. Guy.....	22	65	Andrew T. Guy.....	31
21	Martha Guy.....	25	66	Martha Bingham, married a white man.....	29
22	Alexander Guy.....	21	67	Amanda M. McDowell, married a white man.....	27
23	Sarah Guy.....	18	68	Joshua R. Guy.....	25
24	Garadine Guy.....	12	69	Amanda T. Guy, white wife of Joshua R. Guy.....	24
25	George Guy.....	11	70	Erastus M. Guy.....	3
26	Henrietta Guy.....	9	71	Mary O. Guy, white wife of A. T. Guy.....	28
27	Tennessee Guy.....	7	72	Henry H. Guy.....	4
28	Ann Guy.....	14	73	Emma F. Guy.....	2
29	Rosa Guy.....	12	74	Ruth M. Guy.....	21
30	McClelland Guy.....	8	75	Sarah A. Guy.....	19
31	U. S. Grant Guy or Wolford Grant Guy.....	8	76	Isaac H. Guy.....	17
32	Louisa Guy.....	6	77	Millard F. Guy.....	16
33	John Guy.....	6	78	Lily R. Guy.....	12
34	Johnson Guy.....	11	79	Samuel H. McDowell, son of Amanda M., No. 67.....	5
35	William Guy.....	6	80	Et H. J. McDowell, son of Amanda M., No. 67.....	1
36	Katy Guy.....	2	81	Elizabeth Guy, wife of G. W. Guy (white).....	30
37	Peter Guy.....	40	82	Laurado Guy.....	4
38	Tabithy Steward.....	50	83	Calv Lee Guy.....	2
39	Viney Guy.....	43	84	Charles Bingham, son of Martha, No. 66.....	3
40	Ann Gipson.....	46			
41	Katharine Guy.....	45			
42	Rachel Guy.....	43			
43	June Bingham, married a white man.....	41			
44	George Guy.....	28			
45	Thomas Guy.....	14			

Those italicized desired permission of the President to settle in the Indian Territory, all of whom Mr. McDowell states were good and loyal people, and that if any Indian deserved assistance from the Government these Indians did; that their grandfathers on both sides assisted the Government in the war for Independence, and that their names were on the muster rolls in the War Department.

William Guy, of Granville County, Ga., and Simon Jeffers, of Bellville, Va., Catawba Indians, served five years in the Army and were honorably discharged, and these 84 persons were their descendants.

As these Indians were Catawbas and not Cherokees, Mr. McDowell was informed October 22, 1872, that they could not receive any of the benefits arising from the Cherokee removal fund of 1848.

A schedule of 70 persons very similar to the foregoing list, each containing many of the same names, was forwarded to this office by Mr. McDowell October 19, 1869 (Misc. M., 805), but for the same reasons no relief could be granted them at that time more than in 1872.

Another interval of fifteen years or more elapsed before the subject was again presented to the Department.

On the 21st of November, 1887, James Kegg, of Whittier, N. C., in addressing the Secretary of the Interior (No. 31383), made the following statement, viz:

Many years ago his people, the Catawba Indians, leased the land they owned in South Carolina and became a wandering tribe, without homes for their wives and children. They made application, he states, to the Cherokees, of North Carolina, for homes upon their land and made over to them all of their leased lands in South Carolina in consideration of their adoption into their tribe; that about 500 were so adopted and have been identified as such; that some 300 of them were removed West, under the Cherokee treaty of New Echota, made December 29, 1835, leaving a few living among the Cherokees as Cherokee citizens and a small portion remaining in South Carolina "upon a section of land which they owned and which was not leased out for a term of years, and upon which they now reside." Those Catawbas remaining in South Carolina, Mr. Kegg states, had no interest whatever in the lands which were leased out by those who became Cherokees by adoption, and he wished to ascertain whether or not the United States gave its consent to the Catawbas to lease out their lands to the State of South Carolina or to her citizens, and if so, upon what terms and the length of term said leases ran.

Without indorsing the statements herein made by Mr. Kegg, he was informed on the 7th of April, 1888, that the Catawba Indians held their lands in South Carolina, under agreements or arrangements made with that State over which the Federal Government had no control or jurisdiction. He was then cited to the laws of South Carolina, as set forth in Brevard's Digest, vol. 1, title "Indians," and to the volume of colonial laws herein cited, and for further information respecting the history and the present status of their lands and leases he was referred to the secretary of state of South Carolina.

There have been frequent communications from and concerning the Catawba Indians since 1888, but none involving or furnishing any new facts of information concerning the history or status of these Indians or their lands.

The last communication on the subject was a letter dated January 9, 1896, from Senator H. M. Teller, inclosing one from P. H. Head (who had been furnished a copy of office letter to Senator Teller, dated February 13, 1890, giving the status of their lands in South Carolina as above set forth), a Catawba Indian, of Sanford, Colo., submitting a petition purporting to have been signed by himself and twenty-five others, embracing six families, Catawba Indians, who claimed to have once resided in South Carolina, but who are no longer recognized by said State, and asking to be united with the Ute Indians now living on the Uintah Reservation in Utah, and to be recognized by the Government as members of said Ute tribe, receiving and enjoying in common with them all the rights and privileges of Utes and the protection of the Government. In said letter Mr. Head intimated that this petition would be followed by another signed by the said Ute Indians, which, however, has not yet been received in this office.

Senator Teller, in submitting said petition, requested that it receive due attention and that he be advised as to what steps were necessary to have such change effected.

He was informed on the 16th of January, 1896, on the return of said petition, that it was now the policy of the Government to abolish the tribal relations of the Indians as fast as possible, and to settle each Indian upon a separate tract of land that he can call his own to the end that he may become self-supporting and independent of Government bounty. It would not be in keeping with that policy to gather up people who happened to have more or less Indian blood in their veins and were living among the whites separate and apart from Indian communities and incorporate them into a tribe and place them upon an Indian reservation. A copy of the general allotment act of 1887, and the amendatory act of 1891, with a copy of the rules and regulations indicating the manner of procedure to obtain an allotment of lands upon the public domain under the fourth section of said act were sent to said petitioners for their information as the said section wisely provided for Indians who were not living upon any reservation at the date of the passage of said act, or for whose tribe no reservation of land had been created by allowing them to apply for and secure to themselves lands upon the public domain whether surveyed or unsurveyed.

With respect to incorporation into the Ute tribe of Indians occupying the Uintah Reservation, Senator Teller was advised that where there are no specific treaty stipulations with any given tribe touching such matters, as is the case with these Ute Indians, the usual course pursued is to obtain the consent of the tribe into which an Indian desires adoption, and then have such adoption approved by this office and

the Secretary of the Interior. Any such consent must be procured under the eye of the agent and should bear his certificate to the effect that the action of the Indians in adopting such Indian represented the wishes of the tribe and was taken in open council. This, briefly, would be the proper course to pursue in order to obtain adoption into an Indian tribe.

Having furnished this full and complete history of the Catawbas, so far as the same is disclosed from the files and records of this office and other sources, you will see just what lands these Indians held and now hold in South Carolina. I know of no land that they own in their tribal capacity as Catawbas in North Carolina. I know of no reason why these individual Indians may not take up lands in severalty under the fourth section of the act of 1887 aforesaid. I do not think it would be practicable or wise to ask the President to withhold from public settlement the lands ceded by the Kiowa and Comanche Indians by their last agreement, when that agreement is ratified by Congress, until such Indians had first taken allotments thereon. They should conform to the act of 1887, as all other Indians in like condition have to do.

Your attention is particularly invited to the views of this office in office letter of January 16, 1896, herein referred to, with respect to the policy that should be adopted respecting the Catawba Indians.

The memorial is herewith returned.

Very respectfully,

D. M. BROWNING,  
*Commissioner.*

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