Colonial Native Dispossession of North Carolina

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HIST-5005 Lost Indians of NC
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Introduction

This particular study takes for granted that the European took something away from the Native American; Indians were dispossessed. Usually, that term refers to land. In its formative stages, this study assumed that much. The most apparent revelation, a result of my experiences with this study, is that there are many other nuances to simple dispossession. The Indian’s rights to the land were first and foremost an issue, even in the eighteenth century:

[Henry] Knox writes; “the Indians being the prior occupants, possess the right of the soil. It cannot be taken from them unless by their free consent, or by the right of conquest in case of a just war. To dispossess them on any other principle, would be a gross violation of the fundamental laws of nature, and of that distributive justice which is the glory of a nation” (Konkle, 2003, 14).

Henry Knox held, perhaps a singular viewpoint. What resulted by the Revolution was the end result of a process that began even before Amadas and Barlowe reached these shores. The plans had already been laid by Queen Elizabeth, Sir Walter Raleigh, and Humphrey Gilbert to take the New World away from the Spanish and, incidentally, the Native Americans. As Tuscarora Trails author, Stephen Feeley put it, “the colonial period was a world in motion.” Mass migrations of Europeans came to American shores for the opportunity of cheap land, something that promised the average Englishman a chance to finally realize his dream. Africans came as well, mostly by no choice of their own, but still a burden on the already overwhelmed Indian. For the English, this mass migration began primarily with the Roanoke voyages. Also, interpretation of those events has been continuously misunderstood. The science of anthropology has aided us greatly in recent years to better elucidate the misunderstandings and correct them:

**Mattamuskeet Documents by Garrow:**

It is evident from studying the data presented by Mook that the colonists were in contact with six chiefdoms not six tribes as has been traditionally stated. Haag (1958, 130) believed that those chiefdoms were rather recent creations at the time of the Roanoke Island settlement attempts, and that those groups were the products of earlier white contacts. Restudy of the available ethnographic accounts in light of the data developed by Haag’s archaeological survey indicates that that was indeed the case.

What is evident from this passage in Patrick Garrow’s “Historical Background” introduction to the Mattamuskeet Documents is that Native Americans have been misidentified, misrepresented, and generally misunderstood since first contact. That the Indian’s land was taken from him is not disputed. What must be considered, however, are the peripheral effects. Was that all that was taken from the Indian? Was he not demoted from the accepted level of civilization required by European thought? Francis Jennings, in The Invasion of America, stated that the “constant of Indian inferiority implied the rejection of his humanity” (Jennings, 1975, 59). Jennings spoke of a “constant,” implied perhaps to contemporaneous Native
American events, but this idea holds true for modern views as well. Only recently have professional sports teams been demonstrating a greater respect for the Indian by discussing with respective nations, even offering a percentage of the profits from the use of their identity. Before this, however, the Indian was disregarded. Is this not dispossession as well? The identity was confiscated as most assuredly had been the land.

Most certainly, the problem has been cultural. Europeans, like most of us, have no basis for comparison to Native Americans. Europeans and Indians lived for millennia in two unrelated parts of the globe. It would be unreasonable to expect a common definition that would encompass any aspect of their respective cultures, let alone understanding a concept like land ownership. I began this project to describe the methodologies of Indian dispossession, fully believing that “dispossession” referred to taking away someone’s land and that was it. This impression quickly fell apart upon examination of the data. There exists more than one aspect to ownership, rights that go along with it. These can be viewed as hunting rights, mineral rights, water rights, fishing rights, or any combination of these. This is by no means an exhaustive list.

The data certainly had to come from written sources in the colonial period and all of those sources are written by Europeans. Still, some aspects of Indian culture can be gleaned from looking deeper into the meaning of those documents, side-effects of reactions. Almost every legal “Act,” for instance was passed as the result of deliberation over a claim. For instance, an Indian of colonial times would have many choices of locations for hunting and fishing. Why would they choose a piece of property that they had already sold to a white colonist? It seems ridiculous to us because we would know better than to trespass. An evolving impression of Native American culture must begin with something very much like this excerpt from an introductory textbook on Anthropology:

All societies regulate the allocation of land and other valuable resources. In nonindustrial societies, individual ownership of land is rare; generally land is controlled by kinship groups, such as the lineage or band. The band provides flexibility of land use, since the size of a band and its territories can be adjusted according to availability of resources in any particular place (Haviland, Prins, Walrath, and McBride, Essence of Anthropology, 2007, 221).

Renowned Native American scholars, Theda Purdue and Christopher Arris Oakley have recently revised Purdue’s 1985 edition of Native Carolinians. In the 2010 edition, they propose similar anthropological ideas in the context of Native Americans:

Europeans who came to North Carolina were part of a culture characterized by Christianity, constitutional monarchy, a commercial economy, patriarchal (or male-dominated) households, and considerable freedom for and emphasis upon the individual… Indians had little notion of monotheism, or belief in one god. Led rather than ruled, they governed themselves through open councils that arrived at decisions by consensus. Their religious and ethical systems condemned acquisitiveness and reinforced a subsistence-level economy in which people produced only enough for survival. Women had considerable power and influence within the family and, among some native peoples, within the tribe as a whole. Finally, while Carolina Indians had considerable personal freedom, the
well-being of the community normally took precedence over the desires of the individual (Purdue and Oakley, Native Carolinians, 2010, 16).

The Indian way of life required mobility, especially after the arrival of the European. Stephen Feeley argues that movement became synonymous with defeat, “and once defeated a particular Indian group would retreat into the sunset and out of scholarly view” (Feeley, 2007, 5). Indians, in a subsistence culture, only accumulate what material goods they need for survival purposes. A mobile, refugee group like the Indians became after these defeats at the hands of Europeans most definitely fought to survive by whatever means necessary. They were dispossessed of their culture, as well, in the process. It only began with the land.

An Indian who had lived all his life with changing boundaries upon the land would not be able to understand that the property of a neighbor or friend was no longer accessible to him. Invisible and insurmountable boundaries formed around the Creator’s land after selling a colonist “rights” to use a particular property. To an Indian, this was merely a temporary exchange, a trade of goods or services. The Indian might continue to hunt or fish as his hunger and his tradition dictated. To the European colonist, however, used to an intensive agricultural society, the Indian is trespassing upon his rightfully deeded property. This misunderstanding was fundamental. The colonist’s refusal to allow the Indians to hunt on the land was a violation of the Indian’s code of conduct. It was tantamount to war. In her book, Jill Lepore states that “War is perhaps best understood as a violent contest for territory, resources, and political allegiances...” Native Americans viewed it this way as well, however Europeans applied this idea to specific tracts of land as “personal” property, not simply the right to use the Creator’s possessions. Europeans fought over land itself, rarely an Indian spoil of war. An Indian would have considered it silly to fight over land that already belonged to Creator. Europeans viewed this as perhaps a singular reason to go to war. According to economic historian, Edwin J. Perkins, “productive land was the most valuable economic resource in all preindustrial societies.” For the European, land was wealth, something to fight for. The conflict is intimately connected with the property line, a very non-Indian way of looking at it.

Most Indians would not have willfully committed a crime, but they had to know what was and was not a crime. There were new landlords in America and they had written documents that clearly outlined rights of ownership. Indians never “talked in a book.” Colonists, concerned with protecting their families and property, obviously saw crime differently than the Indians. This is not to say that Indians could not learn European mores about land ownership, but it simply took time to effect such a radical change of culture. The Colonial Records reflect struggles over cultural in this vein. The transition can be clearly seen in the fading out of occurrences of “accidental” trespass. Once they understood, they stopped doing the things that caused them undue concern. Unfortunately, arrival at this awareness did not come quick enough for the impatient European. There were specific few Europeans who were even more enthusiastic about gaining land than others and they probably caused the most damage. On the other hand, there were stubborn Indians who refused to accede to the white man’s ways. Then again, North Carolinians specifically had Virginia and South Carolina brow-beating each other over North Carolina and its entire population, including Indians. The situation was mighty complex. Aggravation developed on both sides and increased with time.

After some aggravating and stressful times, with colonists beginning to resent the “ignorant savage’s” intrusions upon their property, what little increased respect North Carolinians had for the Indian eroded. At least, the other colonies (especially South Carolina)
had worse track records. Reservations were attempts to protect/corral the Indian on a piece of land they could call their own, away from indignant whites. Indians knew only that whites deprived them of the Creator’s gifts. They perceived the white man as defying the Creator and divergence grew more and more pronounced. Still, nearness to white colonists provided easy access to rum and firearms, eroding Indian culture dramatically. Once Indians stopped using their specific cultural traits, they died out and were not available to future generations. They were hopelessly dependant on the European, robbed of their identity.

Another vital point to consider is which Native Americans had the authority to trade property rights? Richard Melvoin pondered a possible answer in his treatise on Deerfield, Massachusetts and its early trouble concerning Indian land purchases. Melvoin states:

The surviving deeds are filled with Indian place names rather than English surveying and descriptive terms, so it should be conceded that the English were working with unfamiliar language… different Indians sold the land each time, [and] it appears that not only did the English bargain with whomever they could to secure lands, but that neither they nor the Indians themselves had a clear sense of who owned what (Melvoin, 1989, 57).

Furthermore, how did the Indian perceive the exchange for his property rights? What payment was made? Few, if any record of this nature survives. Why? Colonial officials had scripted these records. What bias might be inherent in them? These questions are difficult, indeed nearly impossible to answer. Documenting the undocumented is a matter of disseminating the information found in the records with the proverbial “fine-toothed comb” for those shadowy clues. This would pose quite a challenge. With any ethnological approach, the best method is the catalogue.

The following excerpts from primary records are occasionally followed or preceded by comments that I have made to clarify certain points, introduce them, or to tie together related points. When these comments, occur, I have put them in italics to distinguish them from the specific records they pertain to.
EARLY COLONIAL PERIOD: 1585-1740

SECTION 1: Indirect Dispossession as a Result of European Contact

A. Freely Giving Land to Europeans

1. Arrow shot into Earth Ritual

*Colonial Records of North Carolina*

Virginia, Linnehaven, 8th May, 1654.
Sir:—

* * * * * * * * * * * * * * * * *

In September last, a young man, a trader for beavers, being bound out to the adjacent parts to trade, by accident his sloop left him; and he, supposing she had been gone to Roanoke, hired a small boat, and, with one of his company left with him, came to crave my license to go to look after his sloop, and sought some relief of provisions of me; the which granting, he set forth with three more in company, one being of my family, the others were my neighbors. They entered in at Caratoke, ten leagues to the southward of Cape Henry, and so went to Rhoanoke Island; where, or near thereabouts they found the great Commander of those parts with his Indians a-hunting, who received them civilly, and showed them the ruins of Sir Walter Raleigh's fort, from whence I received a sure token of their being there.

* * * * * * * * * * * * * * * *

Immediately I dispatched away a boat with six hands, one being a carpenter, to build the King an English house, my promise, at his coming first, being to comply in that matter. I sent £200 sterling in trust to purchase and pay for what land they should like, the which in little time they effected and purchased, and paid for three great rivers, and also all such others as they should like of, southerly; and in solemn manner took possession of the country, in the name, and on the behalf of the Commonwealth of England; and actual possession was solemnly given to them by the great Commander, and all the great men of the rest of the provinces, in delivering them a turf of the earth with an arrow shot into it; and so the Indians totally left the lands and rivers to us, retiring to a new habitation, where our people built the great Commander a fair house, the which I am to furnish with English utensils and chattels.

* * * * * *

Sir, if you think good to acquaint the States with what is done by two Virginians born, you will honor our country. I have at this instant no present worthy your acceptance, but an arrow that came from the Indians inhabiting on the South Sea, the which we purpose, God willing, to see this summer, non obstante periculo.
I humbly take leave, and ever remain, Sir,
Your true honorer and affectionate
Servant to be commanded,
FRANCIS YARDLEY.
For the worshipful John Farrar, Esq.,
at his Manor of Little Gidding, in
Huntingdonshire.\(^4\)

B. Misunderstandings

1. The Creator’s Purpose

When Indians first saw the European in his ships, they undoubtedly wondered whether it was natural or not. They understood construction and what they saw was not a canoe as they knew it. Still, it could be a gift of the Creator. If Europeans were gifted by the Creator, it would have far-reaching consequences, but of course they were not. The next question they might ask themselves could have been: Why did the Creator not give us those things? Once the European hit the beach, that notion may have faded, but the idea might have lingered in the Indians’ minds that the European was somehow special.

Since the initial contact, the European diseases functioned as a sure sign that the Creator favored the European. Wherever he went, Indians succumbed to illness. As Michael Oberg says in The Head in Edward Nugent’s Hand, “... there were no accidents, no random events. Bad things happened for a reason, because of failure of ritual, or the displeasure of Kiwasa [Creator].”\(^5\) We have to remember when we read these records that a European wrote them. An Indian would have realized that the Europeans had some connection to the diseases that were killing them. Being a religious people (like the Europeans), they would seek religious causes and solutions. Below is an example of sheer terror because of an unknown epidemic delivered by the Europeans, the unseen “bullets” of an unseen assassin, not a desire for religious knowledge. The Indians believed Europeans, at least for awhile, to be immortal.

Hariot’s A Brief and True Report

Manie times and in euery towne where I came, according as I was able, I made declaration of the contentes of the Bible; that therein was set foorth the true and onelie GOD, and his mightie woorkes, that therein was contayned the true doctrine of saluation through Christ, with manie particularities of Miracles and chiefe poyntes of religion, as I was able then to vtter, and thought fitte for the time. And although I told them the booke materially & of it self was not of anie such vertue, as I thought they did conceiue, but onely the doctrine therein cõtained; yet would many be glad to touch it, to embrace it, to kisse it, to hold it to their brests and heades, and stroke ouer all their bodie with it; to shewe their hungrie desire of that knowledge which was spoken of.

The Wiroans with whom we dwelt called Wingina, and many of his people would be glad many times to be with vs at our praiers, and many times call vpon vs both in his
owne towne, as also in others whither he sometimes accompanied vs, to pray and sing Psalmes; hoping thereby to bee partaker of the same effectes which wee by that meanes also expected.

Twise this Wiroans was so grieuously sicke that he was like to die, and as hee laie languishing, doubting of anie helpe by his owne priestes, and thinking he was in such daunger for offending vs and thereby our god, sent for some of vs to praiie and bee a meanes to our God that it would please him either that he might liue or after death dwell with him in blisse, so likewise were the requestes of manie others in the like case.

On a time also when their corne began to wither by reason of a drouth which happened extraordinarily, fearing that it had come to passe by reason that in some thing they had displeased vs, many woulde come to vs & desire vs to praiie to our God of England, that he would preserve their corne, promising that when it was ripe we also should be partakers of the fruite.

There could at no time happen any strange sicknesse, losses, hurtes, or any other crosse vnto them, but that they would impute to vs the cause or meanes thereof for offending or not pleasing vs.

One other rare and strange accident, leauing others, will I mention before I ende, which mooued the whole countrey that either knew or hearde of vs, to haue vs in wonderfull admiration.

There was no towne where we had any subtile deuise practised against vs, we leauing it vnpunished or not reuenged (because wee sought by all meanes possible to win them by gentlenesse) but that within a few dayes after our departure from euerie such towne, the people began to die very fast, and many in short space; in some townes about twentie, in some fourtie, in some sixtie, & in one sixe score, which in trueth was very manie in respect of their numbers. This happened in no place that wee coulde learne but where wee had bene, where they vsed some practise against vs, and after such time; The disease also so strange, that they neither knew what it was, nor how to cure it; the like by report of the oldest men in the countrey neuer happened before, time out of minde. A thing specially obserued by vs as also by the naturall inhabitants themselues.

Insomuch that when some of the inhabitants which were our friends & especially the Wiroans Wingina had obserued such effects in foure or fiue towns to follow their wicked practises, they were perswaded that it was the worke of our God through our meanes, and that wee by him might kil and slai whom wee would without weapons and not come neere them.

And thereupon when it had happened that they had vnderstanding that any of their enemies had abused vs in our journeyes, hearing that wee had wrought no reuenge with our weapons, & fearing vpon some cause the matter should so rest: did come and intreate vs that we would bee a meanes to our God that they as others that had dealt ill with vs might in like sort die; alleaging howe much it would be for our credite and profite, as also theirs; and hoping furthermore that we would do so much at their requests in respect of the friendship we professe them.

Whose entreaties although wee shewed that they were vngodlie, affirming that our God would not subiect himselfe to anie such praiers and requestes of me; that in deede all thinges haue beene and were to be done according to his good pleasure as he had ordained: åd that we to shew ourselues his true seruãts ought rather to make petition for the contrarie, that they with them might liue together with vs, bee made partakers of his
truth & serve him in righteousnes; but notwithstanding in such sort, that wee referre that as all other things, to bee done according to his diuine will & pleasure, ãd as by his wisedome he had ordained to be best.

Yet because the effect fell out so sodainly and shortly after according to their desires, they thought neuerthelesse it came to passe by our meanes, and that we in vsing such speeches vnto them did but dissemble the matter, and therefore came vnto vs to giue vs thankes in their manner that although wee satisfied them not in promise, yet in deedes and effect we had fulfilled their desires.

This maruelous accident in all the countrie wrought so strange opinions of vs, that some people could not tel whether to think vs gods or men, and the rather because that all the space of their sicknesse, there was no man of ours knowne to die, or that was specially sicke: they noted also that we had no women amongst vs, neither that we did care for any of theirs.

Some therefore were of opinion that wee were not borne of women, and therefore not mortall, but that wee were men of an old generation many yeeres past then risen againe to immortalitie.6

The people of this cuntrie haue an Idol, which they call KIWASA: yt is carued of woode in lengthe 4. foote whose head is like the heades of the people of Florida, the face is of a flesh colour, the brest white, the rest is all blacke, the thighes are also spotter with whitte. He hath a chavne abowt his necke of white beades, betweene which are other Rownde beades of copper which they esteeme more then golde or siluer. This Idol is placed in the temple of the towne of Secotam, as the keper of the kings dead corpses. Somtyme they haue two of thes idoles in theyr churches, and somtine 3. but neuer aboue, which they place in a darke corner wher they shew tetrible. Thes poore soules haue none other knowledge of god although I thinke them verye Desirous to know the truthe. For when as wee kneeled downe on our knees to make our prayers vnto god, they went abowt to imitate vs, and when they saw we moued our lipps, they also dyd the like. Wherfore that is verye like that they might easelye be brongt to the knowledge of the gospel. God of his mercie grant them this grace.7

2. Ownership versus Possession

A necessary aspect of loosing land requires that you first own it. To the Native American, the land they used ultimately belonged to the Creator. So, a better question might be to ask how the Indians lost the Creator’s land. By their way of thinking, the visiting Europeans had as much right to use the land as Indians and the Indian believed that way as well. One simply had to mark the territory he was using at the time, but that would change with time as well. Consequently, Europeans (especially, North Carolinians) took it upon themselves to legislate and protect Indian right to property. It was not well understood that Indians could not grasp the concept of the value of real property and Europeans had long since viewed land from the perspective of a hunter/gatherer or horticulturist. In many ways, as can be seen from the John White watercolor of Secotan, Native Americans were well established as sedentary horticulturists. They knew of rights regarding the use of land. Perhaps it was not ownership in the European sense of the word, but they likely understood that deeding
property to the Europeans meant that they had to leave that property. The difference was that this transfer, in Native American eyes, was not permanent, nor did it exclude certain subsidiary rights, such as hunting or fishing rights. Eventually, Native Americans would understand better, but the early misunderstanding helped to bias colonist’s views of the Indian as a “wandering savage.” It had long-lasting results. The eagerness of Europeans to possess great quantities of land precluded patient cultivation of a mutual cooperation that would have prevented bloodshed. The seeds of that cooperation had certainly been planted. However, their growth was hindered and soon, they were discarded.

Hathaway’s North Carolina Historical and Genealogical Register, Vol. 1


“Nicholas Dawe says he have paid The Indians for all his land according to contract. Char. Smith says he have pd The Indians for his land and have receipts for the same. King Charles told the sd Smith, that Sheriff and Indian would nock him in ye head & kill him, Keep his gun always Ready, the reason was, because he had told Robert Molynes that he had killed two of his hogs, likewise he found three of his own hogs kill’d In a swamp nere to the Towne of his mark.”

John Easter says that two Indians came into his field and seet there Dogg on his hogs & killed one, because he demanded the reason, beate him and had not been Resqud they had Killd him.”

Henry Hoborn says he owes the Indians for his land and would pay them in Reason, but they will not take less than 7 pounds 13 shillings and 6 pence and noe less.”

“William Lewis says Patrick an Indians designs to kill the Sheriff whenever he sees him in the woods.”

The people are all willing to pay the Indians for the lands, but they demand such great prices, that they cannot buy of them.

Samuel Norton (Presumably Clerk). 8

For the colonists, land transactions were business “as usual,” but for the Indians, the method of buying and selling property was foreign and not well understood. This record clearly shows the communication problem. The records show that by 1704, these differences were reaching the status of a nuisance to the colonists who may have sought retaliation in the form of illegal means to obtain the land to which they felt they had a right by virtue of the Carolina Charter. The Tuscarora War in 1711 may have been the result of the culmination of such hostilities or Europeans taking advantage of these hostilities.

Colonial Records of North Carolina

Letter from Thomas Pollock to [Alexander Spotswood]
Pollock, Thomas, 1654-1722
December 23, 1712
I have ofteu complaints brought to me of the insolency of the Meherrin Indians on this syde Meherrin River, wth a jealousy of their Killing and driveing back the peoples stocks, on John Beverly, who lives near them, againstst whom they have a great hatred, haveing had a mare or twoe shot lately—Also having ordered the Rangers and hunters, for to take upe any Indians they should meet wth on this syde Meherrin River; and haveing taken on of them, brought him in to the for sd Beverlys—in a little time about eighteen of the Meherrin Indians came upe, most of them armed and forced them to lett loose the indians they had taken, giveing them threatening and abusive language—so that besydes their Killing the peoples stocks, supplying the Tuscaroroes wth ammunition, i am in great doubt they may doe further mischeif on this shore, and lay it on other indians—All wch I hope yr: honor will either redress; or not take offence If wee take such measures wth them as wee shall see most for our own safty—Tom Blunt, the indian comeing in befor I had finished hath hindered my sending thes two dayes, so that i beleive if the boat or cannoe for the duffells be at Mr Cottons by Wednesday the last of this month, it may be time enough—Coll: Moore hath promised Tom Blunt, (upon his being true to the English) protection, and to secure him and the people of his Fort from his indians—Tom Blunt is very desirous of having in, his brother (as he cals him) and his cousine now in your prison, whom the Bearer Wm Charleton our interpreter knows—whom if your honor will be so favourable as to let us have them sent to Mr Cottons, to be brought downe in our boat it will be a great Kindness, and may be of great service to us, Blunt accusing us, for giveing him nothing for all he is done only words, as he says—he had intended to have come or sent in now, to yr: honor, But Coll: Moore intending to march in by his towne, he thought it necessary for him to be at his towne; of all wch our interpreter can give you a full account—

[From Pollock's Letter Book.]
May 3d 1718
Hond Sir
I had the favor of your kind letter of April the 9th with the writing enclosed. and to make what discovery I could if their was any evil design of the Tuscaroras or Senecas against us, I sent out Mr [William] Charlton to Blount's town, on another pretense, to make what discovery he could, who returned last week, and says he could not find nor perceive that these Indian had any evil design against the government: and that Blount was very kind, and earnest to send out twelve or thirteen of his men against the Enemy Indians at Neuse. And when Charlton told him that he had not heard any thing yet that the corn was carried to Neuse, or landed there, but Blount told him it was no matter, he would send out his men to Pemptico, and that they might stay hunting about Pamptico, until your Honor had account that the corn was landed at Neuse. Only Blount desired one favor of your Honor: that if his people should have the good fortune to catch or kill these enemy Indians, yet there could not be a slave a head to each of them, but that several of his men who might be there, and as forward and as ready as the other to catch or kill them, yet might not catch any of them, might yet be allowed some gratuity for their trouble, as a blanket or some such matter. This is what account I have had from Charlton.
And as for the Senecas’ rudeness at Wekocanaan: it is either natural to them to be so, or else they have a mind to drive away the people from their settlements their it lying in their way to Blount’s town; and I can not understand that Blount is so desirous of so many of the Seneca’s coming among them and spending up their provision, only can not help it, and is obliged to keep in with them I doubt not but that your Honor remember that about two years since I had a writ of escheat directed to John Palin Esqr escheator General, to enquire by a jury of twelve good and lawful men whether the plantation at Sandy Point were escheatable or not, which I deferred to use on the following reasons: First, because I was willing (if it could have been done) to have had it first determined concerning the validity of the will; secondly, there being other two tracts of land escheatable as well as the plantation at Sandy Point, I was willing to have it all done at once; Lastly and chiefly, was because the Escheator was command to inquire whether the said land was escheatable or not, which in my humble opinion, and so far as I can find, is not right as it ought to be. For all that the escheator is to find (so far as I can understand it) [is] whether the person that died seized had any heirs in the Government or not; for whether a will or no will, is no part of the escheator’s duty to inquire into: and this would give only a handle or pretence to some to amuse the Jury, and may be the judge too, by pretending albeit there was no heirs in the government, yet there being a will the land was not escheatable, and so over rule the Jury to bring in their verdict that the land is not escheatable. To prevent which I have enclosed a form of a write of escheat which I believe may be more proper. For the finding of the Jury, that such persons hath no heirs in the Government, can be no detriment or hindrance to any person that is donee, or devisee of any land by will, nor unto any heir, if he come in and make claim in the time the Law allows.

Also I have included in the form of the writ, to inquire wither Col Wilkison hath any heirs in this Government, which being for the same land, I believe may be included in the same writ, and can be no prejudice to any person, but may obviate some pretensions that may afterwards arise. All which I leave to your Honor’s more mature consideration to do therein as you shall see most convenient; only entreat the favor of your answer by the first opportunity. For I would willingly have this matter brought to an end; and I doubt not by the first letter to some of them from Col Gale there will be some other amusements of new Law books, judges, or Attorney General’s opinions et cet. My son Thomas recieves with his utmost and real acknowledgement your Honor’s favor to him, but pretends himself as yet uncapable of acting in these posts; wherefore he humbly begs your excuse at present. But I am in great hopes he will endeavor to improve himself, and make himself capable of being serviceable to your Honor and the country in some short time.

Having no news here of any moment; only there is a report that some of the pirates have come in and submitted themselves to the government in Verginia, and brought in considerable quantities of money with them. Your news-books, which I recieved by Captn Lovick, after perusal shall return them. Your Honor’s excuse for this long scrawl is humbly begged by him who most sincerely is

Hond sir

Your most obedient
Humble Servant

THOMAS POLLOCK
August 03, 1723
Tom Blount, Chief man of the Tuscarora Indians having represented to this Board that he has certain Intelligence of several of the Northern Indians that design to make him a Visit this fall with an Intent to seduce the young men of his nation from him in order to Comit mischief on him and on the white people begging the assistance of this Governmt That some Englishmen may be sent to his Town to lay them out a fort to prevent the Dangers threatened from the sd Northern Indians which this Board taking into their serious consideration and finding upon the like Complaint during the administracon on of the late Governor assistance was sent to him being agreeable to the treaty with him and his People Do therefore Order that Mr William Charlton have power to procure Six able body’d young men for the service aforesaid and that he forthwith see them at Rasewtokee there to assist the said Indians in laying out and making them a fort and that the sd William Charlton continue with them as Interpreter for which service the Honoble the Presit is desir’d to give each of the men so Imployed a Certificate for the time they are upon the said service on the publick for their wages and to Mr Charleton as Interpreter the Secty indorsing upon the order the names of the persons so Imployed

North Carolina State Archives

Altercation between Christopher Dudley and a Tuscarora Indian
CCR 192 – 13 March 1728

North Carolina. The Deposition of John Gardiner being of full age & sworn on ye holy Evangelist before us Gyles Shute & Joshua porter Esqs Two of his Majesties justices of ye peace of ye precincts of Beafort & hyde, Saith; that Wm Sighaea Blount came up; Mr Dudley askt where he was a goeing and he said to catch Beavers and Mr Dudley said he should not hunt here for it was his land & Mr Dudley asked what is ye matter & replyd, English men here allwayes Scold, then Mr Dudley pushed him against a barril then I hauled ye Indian away, and I told Mr Dudley to let him alone, and Dudley Bid me then to keep off from him; and then ye Indian catcht up ye end of a hoop poll and mad[e] towards him So I desired ye Indian to stand off Soe went & left them and further saith not. John Gardiner. Jurat Corum Nobis Gyles Shute Joshua Porter

North Carolina. The Deposition of Richard Nixson being of full age & Sworn on ye Holy Evangelist before us – Gyles Shute & Joshua Porter Esqs of his Majtes Justices of ye peace of ye precincts of Beaufort & Hyde. Saith that four or five Indians came up to his house & that M’ Dudley was at his house when they came so that when they came up he asked them where are you a going? & ye Indians satt down without giving him any answer; then one old Indian named Sighaeha Blount came up after ye rest & when he came up he asked what is ye matter? & replyd, English men here allways Scold, then M’ Dudley said you shall not hunt here, for this land is all mine, then old Sighacha said, that he would goe hunt & catch Beaver, with that M’ Dudley catcht up a board, and said
will you goe[?] & struck him upon ye head, and caused ye Blood to run and then ye aford[d] aforesaid Sighacha held up his arm to Defend ye Blow: and re[d] ye Blow upon his arm and M'ex John Gardiner stept in between them and parted them and ye Indian satt down on a block, and said that M'ex Dudley had broake his arm and w'th that I went to ye Indian and took hold of his arm & felt on it and to ye best of my understanding that there was one broak between ye elbow and wrist. Two days after I soe ye Indian again and his hand & arm was very much swelld & ye Indian sd to me that ye Bone was broake & nine or ten days after I see ye Indian going home and his arm was splintered; and he said he would goe, and tell King Blount; for King Blount he said would go to Capt West; & peace make it and further saith not. Rich'd (R) Nixson Jurat corum Nobis Gules Shute Joshua Porter.

North Carolina. Whereas Complanint is made unto me Christopher Gale Esq Chief Justice of this province that Christopher Dudley of Beaufort precinct in Bath county hath lately violently assaulted and beaten & broke the arm of an Indian man belonging to the Tuscarora Nation whereby many ill conveniencys are to be feared to the tranquility & pace of this Government. These are Therefore in his majesties name to require & strictly charge you immediately upon receipt hereof to arrest the body of s'd Christopher Dudley & him bring before me to answer the said complaint here in fule not at yr perill as you will answer the contrary and for so doing this shall be sufficient warrant Given under my hand & seale this 13th day of March ano 1728 Gale CJ To the Provost Marshall of Bath County or to his Deputy or to M'ex Edw'd Travise Summon M'ex Richard Nickson and John Gardiner Evidences.

The land specified above may have been the 640 acres that Christopher Dudley received April 5, 1720 upon the north side of Pamlico River and bordering White Church Creek.

This set of documents holds many clues as to the social setting of colonists as they relate to Indians in 1728. Both depositions are nearly identical, indicating that the events almost certainly transpired in the order as indicated. John Gardiner’s deposition abruptly ends without mention of the broken arm whereas Richard Nixson’s continues the tale beyond that point. Gardiner probably did not want any further association in this affair. Just as likely, he may have been a friend of Dudley’s and did not want to cause him any trouble. Either way, he remained silent upon this detail. Nixson’s account, however, reveals the most significant social detail. Nixson states that he saw Sighacha Blount not once, “Two days after....,” but twice, “nine or ten days after [the last time]....,” indicating that Nixson had the opportunity to see Blount on a regular basis. This may have been in town [Bath] or on a path to or from town, but it clearly indicates strong familiarity with each other. This date is fifteen years after the Tuscarora War and the level of familiarity between colonists and Indians may have been rather open by this time, although with perhaps some lingering trepidation.

Chief Justice Christopher Gale did not want to upset the friendly relations that existed with the Tuscarora for the past fifteen years. Therefore, he blamed Dudley for the violent act against Blount. Clearly, he desired to maintain good relations and still treated the Tuscarora in a neighborly fashion, requiring that they have justice when so called for.
Still, what does this say about dispossession? First, Sighacha Blount, nor any of his companions, appeared to want to fight anyone. For all intents and purposes, the Indians simply wanted to hunt Beaver. Clearly, they did not understand Dudley’s refusal of their right to hunt. As they saw it, they had not sold him the hunting rights associated with the property (assuming that the property formerly belonged to the Tuscarora Indians). Regardless of who claimed to own the land, the Creator allowed all men to use it. Even an Indian might try to prevent another Indian from hunting in a specific area, but that act would have been tantamount to war. The colonists and Indians, living in such close quarters, clearly had a “pact” or agreement of friendship. To an Indian, that entitled them to hunt on the properties that all “friends” or family held in common. Contrary to this belief, Christopher Dudley believed he had purchased full rights to the land and the Indians became trespassers if they came upon it. Dudley probably knew that since the Tuscaroras were so depleted and weakened by the recent war that they would not retaliate for this minor indiscretion. If there was an aggressor in this scenario, Dudley qualified. Whereas, this misunderstanding was mostly unintentional, it may have had serious inter-cultural consequences, both immediate and later. The Colonial Assembly would debate this Indian presumption of the right to hunt later in 1740.

North Carolina State Archives
Colonial Court Records, CCR-192
Miscellaneous Papers, 1677-1775
File Named: Indians – 1697-1758

In the name of our Lord God Everlasting Amen We that have under written Viz. James Bennet Thomas Hiter Charles Beasley Jemiah Pushing Send greeting to all Christian People Know ye that for & in Consideration of one hundred pounds Currant Bills of North Carolina to us in hand paid or Secured to be paid by James Hinton the Receipt whereof we the SD Indians do hereby acquitt Exonerate & Discharge the sd James Hinton his heirs and assignes for ever have given granted Bargained & Sold & Do by these presents give grant bargain & Sell all that part and parcel of Land Lying and being in Chowan Precinct Beginning at the fork where Wm Axon Lives and Runing up along Jacob Hintens Line to his Corner Tree& So to the Syrus Tree and from thence to the main Road to the Maple Branch & Down the Maple Branch to the first Station Containing by Estimation five hundred Acres be the same more or less, To have & to hold the sd Land Bargained & Sold as aforesaid unto James Hinton his heirs and assignes forever with all rights & appurtenances thereof with all Clear Land Wood Land & all other Liberties and privileges thereunto or thererom Contained and wee the Sd Indians Viz. James Bennett Thomas Hiter Charles Beasley Jeremiah Pushing all & every of us do promise & warrant that at the Ensealing & Delivery hereof we have a good right Lawful authority to Sell the same to James Hinten as Being given to us by an Instrument of Writing frome the Honourable Govenor & Counsell of the Province aforesd Bearing Date 1734 and we the Indians all & every of us Do warrant the sd premises Bargained and Sold as aforesd to James Hinten his heirs and assignes for ever free from all Claims and Demands of us the Sd Indians our heirs Extors & admrs or any other person or persons Whatsoever Laying Lawfull Claim Thereunto or any part or parcel thereof & for the Acknowledgment of the
Same before the Honourable Governor & Counsel when thereunto Reasonably Req(Torn)
Wee do bind our Selves our heirs Extors admrs in the full Sum of two hundred Pounds
Bill moneys for witness Whereof we have hereunto Sett our hands & Seal this 9th day of
January 1733
Signed Seald & Delivered
In Presents of us
  John Ashton                                                                                  James Bennett
  Thomas Garrett                                                                           Thomas Hiter
  John Thomas                                                                               Charles Beasley
  Thos. Carman                                                                               Jeremiah Pushing
  May ye 20th 1734                                                                             Nuce Will
  This Day Came before James Bennet and acknowledged that he executes the above
deed in due forme of law as did also Thos Carman who made oath that he Said Thosl
Hiter acknowledged the same for me.  Let it be Registered
  Wm. Smith CJ

This deed appears at a time when colonists had learned by their experiences with Indians
and land deeds that they had to get all of the Indians involved that may have any claim
whatsoever to the land and have them all sign the deed.  Still, this may not have been very
effective since the problem was not that Indians were violating the terms of the
agreement, they simply agreed on a different set of terms than the white men.  They
assumed to have hunting and fishing rights to all these lands, as any Indian would under
the same circumstances.  Again, it was a fundamental misunderstanding.

3. Concept of Warfare

Hariot’s A Brief and True Report

Their maner of warres amongst themselfes is either by sudden surprising one an
other most commonly about the dawning of the day, or moone light; or els by
ambushes, or some suttle deuises: Set battels are very rare, except it fall out where
there are many trees, where eyther part may haue some hope of defence, after the
deliuerie of euery arrow, in leaping behind some or other.14

If there fall out any warres betwee vs & them, what their fight is likely to bee, we
hauing aduantages against them so many maner of waies, as by our discipline, our
strange weapons and deuises els; especially by ordinance great and small, it may
be easily imagined; by the experience we haue had in some places, the turning vp
of their heeles against vs in running away was their best defence.

4. Consignment to Reservations resulting from War

TUSCARORA:

1717 - North Carolina ss
Whereas the Tuscarora Indians by their articles of peace with this Governmt were bounded and Limited for their future Settlement to a certain Tract of Land lying between Onion quits-tah Creek on Pampilco River and Nuse river to which settlement they were to repaire so soon as the Warr should be over But for as much as the Indyan Warr is since broken out in South Carolina the aforesaid Tuscarore Indyans have Signified to this Government that they are in Danger of being Attacked and destroyed by those Indyans and therefore has prayed to be allowed a Settlement on Morratock River for their further Security Now be it known that it is hereby mutually agreed on between the Honble Charles Eden Governor Capt Genll and Adml of this Province by and with the Advice and Consent of the Council for and on behalfe of himselfe and the Inhabitants of this Governmt and King Blount for and on behalfe of himselfe and ye rest of the Tuscarora Indyans that for as much as the said Blount and his Indyans have been very Servicable to this Government and still Continues so to be And as a particular mark of Favor from this Government They do hereby Give unto him the said Blount for his further and better support of himselfe and his Indyans all the Land lying between Mr Jones's Lower land on the northside of the Morratock river to Quitmak Swamp And the said King Blount doth hereby agree to remove all his Indyans from off the other Lands down to Roovosskee by Chrismas next And that they shall not molest nor disturb the Inhabitants nor their stocks in Hunting in any of the adjacent Grounds but that they shall take all the due Care therein they can and that they shall not nor will not Claim any Right or property to any Other Lands hereafter on Either side of Morratock River In Witness whereof the said Parties have Interchanably Set their hands and Seals this fifth day of June 171715
Survey of Tuscarora Lands – 1748 - created in 1748 by the General Assembly of North Carolina.

October 1, 1748 - James Blount King of the Tuskarora Nation exhibited a Petition to this Board in behalf of himself and People which being read his Excellency was pleased to recommend the Consideration thereof to the Council who having considered the same, are of Opinion that the said Petition ought to be laid before the General Assembly

Ordered that the same be laid before the General Assembly Accordingly.

Indian Woods Deed - 1766

_The Tuscarora Indian Tribe of Indian Woods, Bertie County, had requested that Governor Tryon appoint 3 trustees to arrange for the sale of their land to pay the tribe's debts and finance their journey to New York to join the Six Nation. The gentlemen Jones, Williams and Pugh had been appointed by Governor Tryon as trustees._
Book L-2 page 56 of Bertie County Deeds. Indian Woods Deed
James Allen
John Wiggins
Billy George
Snifnose George
Bile Cain Charles Cornelius
Thomas Blount
John Rogers
George Blount
Wineoak Charles
Bille Basket
Bile Owens
Lewis Tuffdick
Isaac Miller
Harry Samuel
Bridgers Thomas, Senier
Thomas Howell
Bille Sockey
Bille Carelius John Senier,
Thomas Baskett
John Cain
Billy Blount
Tom Jack
John Litewood
Billy Roberts
James Mitchell
Capt. Joe
William Pugh,
as chieftans of the Tuskarora Indians,
to Robert Jones Jr. attorney of NC province, & William Williams
& Thomas Pugh gent. of same.
12 Jul 1766. 1800 pounds proclamation.
8000 acreas on north side of Roanoke River, joining Deep Creek (Called Falling Run).
Wit. David Standley, Samuel Wynnes, James Bate.
Sept Ct 1767
CC: [county clerk] John Johnston

COREE AND MACHAPUNGA

(from Garrow, Mattamuskeet Documents)
Complete Document; 1 April 1727: North Carolina Secretary of State Office,
Land Grant Library, File #404.)
Know Ye that we do hereby Give & Grant unto King Squiere and the rest of the Indians commonly called the Mattamuskeet Indians, a tract of Land containing by Estimation 10,240 Acres lying at Mattamuskeet on pamplico sound Beginning at the Mouth of old Mattamuskeet creek running up that creek, and the Northermost Branch of it to the head thereof, thence to the Lake S°W° (___gap___) pole, then along the Lake Southerly to Matchapungo Bluff woods, thence N°E° to pamplico sound, thence along pamplico sound to the first Station - To Have and To Hold . . . Given this first day of April 1727 - Witness . . . R. Everard, W. Reed, C. Gale, I. Lovick, E. Moseley, F. Foster, E. Gale, I. Worley ---

Complete Document; 1 April 1727: North Carolina Secretary of State Office, Land Grant Library, File 76.

His Excellency John Lord Carteret Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, to persons to whom these presents shall come Greeting in our Lord God Everlasting - Know ye that we the said Lords and absolute proprietors, for and in consideration of the Sum of two Buck Skins in hand paid to our Reserver General by King Squieres and the rest of the Indians, commonly called the Mattamuskeet Indians, we hereby Give, Grant, Sell, alien, enfeoff and confirm unto the said Squieres and, and the rest of the Indians commonly called the Mattamaskeet Indians, a tract of Land lying and being at Mattamuskeet on Pamplycoe sound, containing by Estimation, Ten Thousand two hundred and forty acres Beginning at the Mouth of old Mattamuskeet creek, running up that creek and the Northern most branch of it to the head thereof, thence to the Lake S°W° (___gap___) pole, then along the Lake Southerly to Matchapungo Bluff woods, then N°E° to Pamlico sound, from thence along Pamlico sound to the first Station -- To Have and to Hold the said Land, with all rights and Privileges of Hunting, Hacoking, Fishing and Fowling, with all woods, waters and rivers, with all profits and commodities and Hereditaments to the same Belonging or appertaining, Except one half of all Gold and Silver Mines unto him the said King Squieres and Mattamuskeet Indians his Heirs and Assigns forever, Yielding and paying unto us and our Heirs and Successors Yearly, every 29th day of September the fee rent of one Shilling, for every hundred acres Hereby Granted to be Holden of us our Heirs and Successors, in free and Common Sochage Given under the Seal of the Colloney, the first day of April, one Thousand seven hundred and twenty seven Witness our Trusty and wall Beloved Sir Richd. Everard, Baron. Governor, and the rest of our Trusty and well Beloved Councillors who have hereunto set their Hands--

C. Gale Tho. Harvey Richd. Everard
I. Worley Franics Forster Wm. Reed
Edmd. Gale E. Mosely I. Lovick

MEHERRIN:
LAWS OF NORTH CAROLINA--1729.
CHAPTER II.
An Act for the More quiet settling the bounds of the Meherrin Indian Lands.
I. Whereas complaint is made by the Meherrin Indians, that the English people disturb them in their settlements, by coming to inhabit and send corn among them; and also, that their bounds allowed by order of council dated October the twenty sixth, one thousand seven hundred and twenty six did not extend high enough up from the fork of Meherrin Neck: for remedy whereof,
II. Be it Enacted, by his Excellency the Palantine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the advice and consent of the rest of the members of the General Assembly now met at Edenton, for the North East Part of the said Province, and by the authority of the same, that the said order of council be vacated, and that the Indian bounds and limits shall be extended as followeth, viz. beginning at the mouth of Meherrin river, and so up the river to the mouth of Horse Pasture Creek formerly called Indian creek; then by the said creek up to the fork of it; then by the North East branch thereof to the head of the same; then by a straight line across to Chowan river, by the upper line of Mulberry old field survey, to Samuel Powers's lands; then along the various courses of the river, to the first station.
III. And be it also enacted, by the authority aforesaid, that all English people, or any other, living in the said bounds, shall move off, and that no persons but the said Indians shall inhabit or cultivate any lands within the limits aforesaid, while the said Indians remain a nation, and live thereon: and if any person shall offend against this act, on complaint made to Mr. John Boude, who is hereby appointed a commissioner for the said Indians, he shall grant his warrant to the constable, requiring him with aid (if need be) to remove such person, at or before the twenty fifth of December next ensuing; and any person refusing to remove, shall be brought before the said Commissioners, and upon his conviction of the same, shall forfeit for the first offence, five pounds: and if he still persist, and refuse to go off from the said lands, after warning from the commissioner, or by his order, for the second offence shall forfeit the sum of ten pounds, and for the third time of his so offending shall forfeit Twenty Pounds, and Two months Imprisonment, and give security for his or their good behaviour: to be recovered by bill, plaint or information, in any court of record in this government; wherein no essoin, protection, or wager of law, shall be allowed or admitted of.
IV. And be it further Enacted, by the authority aforesaid, that the said commissioner is hereby impowered and ordered to reinstate and settle the said Indians, in giving them peacable possession of the said lands, and to turn off any other person or persons inhabiting within the said bounds, unless such person have special leave from the Governor and Council, for continuing thereon; provided that this act shall not invest the fee-simple of the said lands in the Indians, but such as have patents for the same, or any part thereof, their title shall be good and valid; neither shall the said Indians have liberty or leave to rent, sell, or in anyways dispose of the said lands.
Another aspect of European contact with Native Americans is that the lack of immunity to European diseases resulted in tremendous loss of Indian life. Their reduction in numbers easily reduced their ability to conduct wars and defend themselves. First and foremost, this was the primary affect of initial contact on the Indians. Francis Jennings provides the clearest and most direct passage relating to this concept:

Even so, the European immunity was a matter of degree and historical experience rather than of absolute difference. Europeans had been through the plagues sooner and had succumbed earlier. The great folk migrations of Europe’s Middle Ages, with their accompanying perstilences, had left survivors with a genetic inheritance of partial or complete immunity to many diseases that the isolated Indians of the Americas had never encountered until European invasion.18

1. Loss of Indian Life or Land to the Europeans

Hariot’s A Brief and True Report

Insomuch that when some of the inhabitants which were our friends & especially the Wiroans Wingina had obserued such effects [deaths] in foure or fiue towns to follow their wicked practises, they were perswaded that it was the worke of our God through our meanes, and that wee by him might kil and slai whom wee would without weapons and not come neere them…

Yet because the effect fell out so sodainly and shortly after according to their desires, they thought neuerthelesse it came to passe by our meanes, and that we in vsing such speeches vnto them did but dissemble the matter, and therefore came vnto vs to giue vs thankes in their manner that although wee satisfied them not in promise, yet in deedes and effect we had fulfilled their desires.

This maruelous accident in all the countrie wrought so strange opinions of vs, that some people could not tel whether to think vs gods or men, and the rather because that all the space of their sicknesse, there was no man of ours knowne to die, or that was specially sicke: they noted also that we had no women amongst vs, neither that we did care for any of theirs.19

Lawson’s History of North Carolina:

These Sewees have been formerly a large nation, though now very much decreased, since the English hath seated their land, and all other nations of Indians are observed to partake of the same fate, where the Europeans come, the Indian being a people very apt to catch any distemper they are afflicted withal.20
Neither do I know any savages that have traded with the English but what have been great losers by this distemper [smallpox].

2. Loss of Life or Land to other Indians

But for as much as the Indyan Warr is since broken out in South Carolina the aforesaid Tuscarore Indyans have Signified to this Government that they are in Danger of being Attacked and destroyed by those Indyans [Catawba] and therefore has prayed to be allowed a Settlement on Morratock River...

D. European Influence Manifested in Dispossession

*During the eighteenth century, trade with Native Americans was vital to the English. The next document expresses that the tendency began well before 1700. Colonies became jealous of each other in this trade and passed regulations and acts to prevent other colonies from garnering profits from Indians within their territories. This may have been some of the reason for some of the battles over the Virginia-Carolina border that began even before 1710 when Edward Moseley and John Lawson were removed from the North Carolina commission largely because of William Maule and Edward Moseley’s unfair dealings with Indians and bad survey practice. See the Sections on “Acting on Assumption of Right” and “Indian Land Grabbing” of Section I for further details.*

1. Regulating Trade With the Indians

Acts of the Albemarle County General Assembly
Carolina. Albemarle County. General Assembly
January 20, 1670
Volume 01, Pages 183-187

AN ACT PROHIBITING STRANGERS TRADING WITH THE INDIANS.
For as much as there is often recourse of Strangers from other parts into this County to truck and trade with the Indians which is conceived may prove very prejudiciall Wherefore be it enacted by the Pallatine and Lords Proprietors by and with the advice and consent of the Grand Assembly and the authority thereof that if any person or persons of what quality or Condition soever they be shall presume to come into this County to truck or trade with any of our neighbouring Indians belonging to the County or that shall be found to have any Indian trade purchased from them or being found or appearing that they come to trade with any Indians as aforesaid Whether in their Townes or elsewhere within the County which is hereby left for the Magistrate to judge it shall bee lawfull for any person or persons to apprehend any such persons or Forreigners that shall be found amongst the Indians or elsewhere within the limitts of the County and him or them bring before the Governor or any one of the Councell who shall hereby have power to comitt them to prison there to abide till they have paid tenn thousand pounds of tobacco and caske otherwise to stand to the censure of the Vice
Pallatine and Councell And it is further declared that whatsoever Trade is found with the person apprehended One halfe thereof and one halfe of the fine shall belong to the Apprehendor and the other halfe to the Lords Proprietors. The foregoing Acts weare past againe the 15th of October and sent per Mr Nixon.23

1716 – Acts of the North Carolina General Assembly

CHAPTER IV.

An Act prohibiting Strangers Trading with the Indians.

I. Forasmuch as there is often recourse of strangers from other parts into this Country to truck & trade with the Indians which is conceived may prove prejudicial, wherefore,

II. Be it Enacted by the Palatin & Lords Proprietors by & with the advice & consent of the present Grand Assembly & the Authority thereof, that if any person or persons of what Quality or Condition soever they be, shall presume to come into this Country to Truck & Trade with any of our Neighbour Indians belonging to the Country, or shall be found to have any Indian Trade purchased from them, or being found or appearing that they come to trade with any Indians as aforesaid whether in their Town or Elsewhere within the Country, which is hereby left for the Majistrate to judge, It shall be lawful for any person or persons to apprehend any such person or Foreigner that shall be found amongst the Indians or elsewhere within the limits of the Country and him or them bring before the Governor or any one of the Council, who shall hereby have power to commit them to prison there to abide until they have paid Ten thousand pounds of Tobacco & Cask; otherwise to stand to the censure of the Governor.

III. And it is further declared that whatsoever Trade is found with the person apprehended one half thereof & one half of the Fine shall belong to the Apprehender & the other half to the Lords Proprietors.24

2. Problems Over Indian Trade Between Colonies

*Colonial Records of North Carolina*

Letter from the Board of Trade of Great Britain to Thomas Pelham-Holles, Duke of Newcastle

Great Britain. Board of Trade

June 21, 1732

Volume 03, Page 345

[B. P. R. O. Am: & W. Ind: No. 592.]

BOARD OF TRADE TO THE DUKE OF NEWCASTLE

JUNE 21. 1732.

My Lord,

We take leave to enclose to your Grace the Extract of a Letter we have received from Captain Burrington His Majesties Governour of North Carolina by which he
seems to apprehend the Indians of South Carolina were preparing to fall upon those under his Government who hope to be supported by a Party of the five Nations.

As an Indian War may be of the most fatal consequence to both these Colonies, we have wrote both to Coll: Johnson and to Capt Burrington to desire they will take the best Precautions to prevent the same. We have likewise wrote to the Governour of New York to interpose his authority with the five Indian Nations who are said to be concerned in this affair. But as her Majesties Orders to these three Governours upon this subject will be much more effectual, We desire your Grace will please to lay this matter before Her for Her Majesty's Directions therein.

We are my Lord Your Graces most obedient & most humble serts
P. DOCMINIQUE
T. PELHAM
EDW: ASHE
ORLo BRIDGEMAN
M. BLADEN

Whitehall June 21th 1732.25

The response of South Carolina’s governor to the Board of Trade and to the Duke of Newcastle is quite telling, both about whether Burrington was behaving irrationally and about the differing policies of North and South Carolina governments:

*Calendar of State Papers Colonial, America and West Indies*

December 15, 1732
Charles Town.490. Governor Johnson to the Council of Trade and Plantations. I did myself the honour to answer your Lordsp's. letter of the 16th of June relating to laws made, manufactures set up, and trade carried on in Carolina, which may affect the trade of Great Britain; I likewise in Council have acquainted his Grace of Newcastle and your Lordsp's. of my having appointed a Chief Baron of the Exchequer, and desired H.M. further Instructions therein. I have before me your Lordsp's. of June 21st relating to a paragraph of Governor Burrington's letter, intimating apprehensions he is under that our Indians are expected to make some attempt against those of North Carolina; I pretty much wonder he should be uneasy at the thoughts of that happening, because by the copy of his letter, he seems to think they deserve chastisement; and Mr. Watis's Journal, which I inclose, who we sent our agent, to demand justice of the Tuscorora Indians, will fully aprize your Lordsp's. of all that affair. A nation of Indians called the Catabas living within the limits of this Government, have a long time been at war with the Tuscororas of North Carolina, and it is allways the maxim of our Governmts. upon the Continent to promote war between Indians of different nations, with whom we trade, and are at peace with ourselves, for in that consists our safety; being at war with one another prevents their uniting against us. If any material
action had happen'd on this affair, I should have been sure to have given your Lordsp. a particular accot. of it, but the Tuscororas not having since Mr. Watis's parley with them before Mr. Burrington done us any damage, and the Catabas having made no expedition upon the Tuscororas, I thought what your Lordsp. might find mentioned in the journals of Council and Assembly formerly sent your Lordsp. was sufficient. It is true the 5 Nations are in amity with the Tuscororas, and some of them were with the party who carried our slaves and horses away; but we hear only from Mr. Burrington of so furious a war being likely to be carried on; they seldom attack one another in such large bodys; partys of 30 or 40 men go out, and if they can steal anything, and kill 2 or 3 old women or men, they soon return contented. 'Tis only such a war that we hear of yet. Indeed if again the Tuscororas had insulted and robbed our planters, I believe we should have been obliged to have headed their enemys the Catabas against them, and then your Lordsp. should have had an accot. of it.26

December 15, 1732
Charles Town.487. Governor Johnson to the Duke of Newcastle. In my last to your Grace, I had the honour to acquaint you, that I had appointed a Chief Baron of the Exchequer, etc. (v. 21st Nov.). Everything is very quiet upon the borders of North and South Carolina; Governor Burrington was indeed some time ago apprehensive that our Indians would have disturbed those under his government; but it afterwards appear'd there was little room to suspect any commotion of that kind, and if any thing material shall happen on that or any other occasion, your Grace may be persuaded I shall always acquaint you etc.27

Tactics such as the South Carolinians' instigating war to prevent Indian troubles developed from many years of Indian mistreatment. An article by Stephen C. Hahn called “Making a New Order in the Southeast, 1670-1763” in a collection titled The Transformation of the Southeastern Indians, 1540-1760, edited by Robbie Etheridge and Charles Hudson tells of the beginnings of the Yamassee War of 1715. Brave Dog, then a Creek representative sent to the Spanish governor of La Florida stated that their grievances with Carolinians began three years earlier [1712] when [South] Carolinian traders began seizing Indian women and children from their tribe to pay for “muskets, powder, shot, cutlasses, pistols, coats, hats... and brandy” sold to them on credit.28 Furthermore, on pain of further enslavement of their families, they were forced to march into La Florida to obtain Indian captives from there. This apparently was done at the behest of the Carolinian government, influenced on and off by the Indian slavers in Goose Creek. Brave Dog joined forces with the Florida Indians and approached the Spanish governor for help against the Carolinians. So, this policy of which Governor Johnson spoke was mild by comparison with their previous practices.

War between the Indians to intentionally reduce their number had the added benefit of opening lands for settlement. It becomes apparent from Governor Johnson’s letter that what casual policy South Carolina used and was likely in agreement with the Board of Trade, was not the same policy of the North
Carolina government. North Carolina tried to preserve peace between the Indians and themselves as well as between Indians. Apparently, this was contrary to South Carolina’s tendencies, presumably Great Britain’s as well. It is worthy of note, perhaps to mention that Governor Johnson wrote the Southern Secretary, the Duke of Newcastle (who favors North Carolina) on the same day. However, he did not mention this policy of war between the Catawba and Tuscarora to North Carolina’s most recent benefactor and Governor George Burrington’s patron. Was it possible that the Board of Trade also withheld information from Newcastle and quietly worked against the policies of the North Carolina government?

Journals of the Board of Trade and Plantations

June 6, 1737
That in the year 1707 the people of [South] Carolina, not willing that any other colony should share the Indian trade with them, had passed an Act, laying so high a duty upon all goods proper for the said Indian trade imported in that Province, that it amounted to a prohibition; That the Virginia traders complained of this Act, as it entirely interrupted their trade with the said Indians, and that the said Act had been repealed, as prejudicial to the right of the subject, notwithstanding it had been confirmed by the then Lords Proprietors of Carolina. After this, another law was passed in Carolina, by which it was made penal to trade with the said Indians without a licence from the people of Carolina for that purpose; That the people of Virginia again complained of this law as an infringement upon their trade, and the law was accordingly repealed. After this, they never made any other attempt to exclude others of his Majesty's subjects from trading with their Indians, but made several good regulations for carrying on the said trade, binding to none but to the people of their own Province.29

3. Rum Caused Laziness / Unreasonable behavior

Calendar of State Papers Colonial, America and West Indies

Williamsbourgh
April 24, 1703
Complaint being made by the Nattoway Indians that the inhabitants of this Colony carrying rum into their town may prove of very dangerous consequence by reason that many of their men getting drunk therewith may at such times be made an easy prey to any strange Indians who shall invade them, H.E. by advice of the Council doth hereby strictly forbid all persons whatsoever to carry any rum or other strong liquor into the Nattoway Town, upon pain of suffering such punishment as may justly be inflicted on them for their offending in a matter of such pernicious consequence. A copy of this Order to be published by the Sheriffs.30
Lawson’s *New Voyage to Carolina (History of North Carolina):*

Rum, a Liquor now so much in Use with them, that they will part with the dearest Thing they have, to purchase it; and when they have got a little in their Heads, are the impatient Creatures living, 'till they have enough to make 'em quite drunk; and the most miserable Spectacles when they are so, some falling into the Fires, burn their Legs or Arms, contracting the Sinews, and become Cripples all their Life-time; others from Precipices break their Bones and Joints, with abundance of Instances, yet none are so great to deter them from that accurs'd Practice of Drunkenness, though sensible how many of them (are by it) hurry'd into the other World before their Time, as themselves oftentimes will confess. The Indians, I was now speaking of, were not content with the common Enemies that lessen and destroy their Country-men, but invented an infallible Stratagem to purge their Tribe, and reduce their Multitude into far less Numbers. Their Contrivance was thus, as a Trader amongst them inform'd me.\(^{31}\)

*History of the Dividing Line Betwixt Virginia and North Carolina*

These Indians were heretofore very numerous and powerful, making, within time of memory, at least a thousand fighting men. Their habitation, before the war with Carolina, was on the north branch of Neuse river, commonly called Connecta creek, in a pleasant and fruitful country. But now the few that are left of that nation live on the north side of Moratuck, which is all that part of Roanoke below the great falls, towards Albemarle sound. Formerly there were seven towns of these savages, lying not far from each other, but now their number is greatly reduced. The trade they have had the misfortune to drive with the English has furnished them constantly with rum, which they have used so immoderately, that, what with the distempers, and what with the quarrels it begat amongst them, it has proved a double destruction.\(^{32}\)

*Journals of the Board of Trade and Plantations*

June 1737 - That there is no one instance of a licence having been refused in Georgia, to a Carolina Indian trader or a Virginian trading with the Georgia Indians: That the licences had only been granted to the Carolina Indian traders: That the fur trade has considerably increased, ever since the establishment of Georgia, and is now four times as great. That before the regulations had been established in Georgia for carrying on the Indian trade, rum and spirits had been introduced amongst them, and being intoxicated, they were cheated by the traders, and that therefore the Georgia trustees had passed a law to prevent the importation of such spirits: That the Georgia law for regulating the Indian trade, can by no means occasion a monopoly, as is pretended, since every one was free to trade with the Indians, taking out a licence: That it was the interest of Georgia to do the utmost in their power to preserve the friendship of the Indians, and to prevent their falling into the hands of the French and Spaniards: That the Indian trade within the bounds of Georgia, being now under the same regulation, as when under the direction of Carolina, was of the same advantage to this Kingdom: That
there was never so much peace with the Indians as since the establishment of Georgia; And that the Indians were never better pleased, than under the present regulation of trade…

That if it was necessary to shew the custom of the colonies with regard to the Indians, he desired to mention an Act, passed at Virginia in 1734, entitled, *An Act to enable the Nottoway Indians to sell certain lands; and for discharging the Indian interpreters*, in which the consent of the Nottoway Indians was made necessary, even to the passing the Act.

That with regard to it's having been observed by the Counsel for Georgia, that the Carolina Act of 1707 had been repealed, because it affected the trade out of the Province, he said the present law was a parallel case, it not appearing from any thing offered, on the other side, that the Indians in question were actually situate within Georgia: For although it was said in some of the affidavits produced by them, that the Indians traders from Carolina had crossed the river Savannah to go to the said Indians, yet it was not said, that they did not likewise cross the Alatamaha; which he was instructed to say, they were obliged to do, in which case they were in the Province of South Carolina, and not in Georgia.33

E. Dependence upon the European and Resulting Weakness

*There were many things that Europeans had that Indians wanted. Indians desired white contact to obtain those things, much to their own destruction.*

Lawson’s *History of North Carolina:*

… there is a vast tract of rich land betwixt the place we are seated in and Cape Fair, and upon that river, and more southerly which is inhabited by none but a few Indians, who are at this time well affected to the English, and very desirous of their coming to live among them.34

1. Dependence on European Technology – Loss of Traditional Skills / Cultural Identity

*History of the Dividing Line Betwixt Virginia and North Carolina*

[1728] Nor is it ill policy, but on the contrary very prudent, thus to furnish the Indians with fire-arm{s, because it makes them depend entirely upon the English, not only for their trade, but even for their subsistence. Besides, they were really able to do more mischief, while they made use of arrows, of which they would let silently fly several in a minute with wonderful dexterity, whereas now they hardly ever discharge their fire-locks more than once, which they insidiously do from behind a tree, and then retire as nimbly as the Dutch horse used to do now and then formerly in Flanders.35

2. Misccegenation – Loss of Genetic Identity
It was William Byrd’s impression that miscegenation could have de-heathenized the Indian and makes reference to what may have been if done properly. Many consider (Thomas Parramore, for instance) that this did, indeed happen. Parramore states that the earliest white immigrants to the Albemarle had approximately one woman to eight males. He assumes that the seven remaining males would have chosen wives from the very willing native population. 

History of the Dividing Line Betwixt Virginia and North Carolina

[1728] For my part, I must be of opinion, as I hinted before, that there is but one way of converting these poor infidels, and reclaiming them from barbarity, and that is, charitably to intermarry with them, according to the modern policy of the most Christian king in Canada and Louisiana. Had the English done this at the first settlement of the colony, the infidelity of the Indians had been worn out at this day, with their dark complexions, and the country had swarmed with people more than it does with insects. It was certainly an unreasonable nicety, that prevented their entering into so good-natured an alliance. All nations of men have the same natural dignity, and we all know that very bright talents may be lodged under a very dark skin. The principal difference between one people and another proceeds only from the different opportunities of improvement. The Indians by no means want understanding, and are in their figure tall and well-proportioned. Even their copper-coloured complexion would admit of blanching, if not in the first, at the farthest in the second generation. I may safely venture to say, the Indian women would have made altogether as honest wives for the first planters, as the damsels they used to purchase from aboard the ships. It is strange, therefore, that any good Christian should have refused a wholesome, straight bed-fellow, when he might have had so fair a portion with her, as the merit of saving her soul.

3. Beliefs – Loss of Spiritual Identity

“Oddly, though, the most rationalistic and literate of European faiths was also the most literal in its adherence to certain beliefs about the supernatural that accorded closely with Indian conceptions, even as it violently denounced Indian superstition.”

----- Francis Jennings, The Invasion of America

Hariot’s A Brief and True Report

Manie times and in euery towne where I came, according as I was able, I made declaration of the contentes of the Bible; that therein was set foorth the true and onelie GOD, and his mightie woorkes, that therein was contayned the true doctrine of saluation through Christ, with manie particularities of Miracles and chiefe poyntes of religion, as I was able then to vtter, and thought fitte for the time.
Twice this *Wiroans* was so grievously sick that he was like to die, and as he lay languishing, doubting of any help by his own priestes, and thinking he was in such danger for offending vs and thereby our god, sent for some of vs to praise and bee a meanes to our God that it would please him either that he might live or after death dwell with him in bliss, so likewise were the requestes of manie others in the like case.

On a time also when their corne began to wither by reason of a drouth which happened extraordinarily, fearing that it had come to passe by reason that in some thing they had displeased vs, many would come to vs & desire vs to praise to our God of England, that he would preserve their corne, promising that when it was ripe we also should be partakers of the fruite.

There could at no time happen any strange sickness, losses, hurtes, or any other crosse vnto them, but that they would impute to vs the cause or meanes thereof for offending or not pleasing vs…

Insomuch that when some of the inhabitants which were our friends & especially the *Wiroans Wingina* had observed such effects in four or five towns to follow their wicked practises, they were perswaded that it was the worke of our God through our meanes, and that wee by him might kil and slai whom wee would without weapons and not come neere them.

And thereupon when it had happened that they had understanding that any of their enemies had abused vs in our journeyes, hearing that wee had wrought no reuenge with our weapons, & fearing upon some cause the matter should so rest: did come and intreate vs that we would bee a meanes to our God that they as others that had dealt ill with vs might in like sort die; alleaging howe much it would be for our credite and profite, as also theirs; and hoping furthermore that we would do so much at their requests in respect of the friendship we professede them.

Whose entreaties although wee shewed that they were ungodlie, affirming that our God would not subject himselfe to anie such prayers and requestes of më: that in deede all thinges haue beene and were to be done according to his good pleasure as he had ordained: âd that we to shew ourselves his true seruâts ought rather to make petition for the contrarie, that they with them might live together with vs, bee made partakers of his truth & servue him in righteousnes; but notwithstanding in such sort, that wee referre that as all other thinges, to bee done according to his diuine will & pleasure, âd as by his wisedome he had ordained to be best.

Yet because the effect fell out so sodainly and shortly after according to their desires, they thought neuerthelesse it came to passe by our meanes, and that we in vsing such speeches vnto them did but dissemble the matter, and therefore came vnto vs to giue vs thankes in their manner that although wee satisfied them not in promise, yet in deeds and effect we had fulfilled their desires.

This maruelous accident in all the countrie wrought so strange opinions of vs, that some people could not tell whether to think vs gods or men, and the rather because that all the space of their sickness, there was no man of ours knowne to
die, or that was specially sicke: they noted also that we had no women amongst vs, neither that we did care for any of theirs.40

Calendar of State Papers Colonial, America and West Indies

July 1, 1731
As for laws for the conversion of Negroes and Indians, does not expect much will be done, when so little regard is had to promote publick worship. lxxvith Instruction. The Indians of late years are much diminished. There are six nations amongst them, who all live within the English settlements having land assigned them and choosing places most secure from attacks of foreign Indians. These are the Hatteras, Maremuskeets, Potaskites, Chowans, Meherrins and Tuscarora. None exceeds 20 families, except the Tuscaroras who now consist of 200 fighting men etc. There was lately complaints from the Government of S. Carolina of injuries done the white people by the latter, but they denying the facts are threatened by that Government with a war from the Cherokees and Cataubas. The King of the Tuscaroras is now with him to make some proposals, that the white people of S. Carolina may not come against him, because he says it may bring on a war with the English in general.41

SECTION 2: Direct Dispossession

A. English Assumption of Right to Land

“The Englishmen went ashore, somewhere on the Outer Banks, on July 13th [1586]. They took possession of the land ‘in the right of the Queen’s most excellent Majestie,’ performing ‘the ceremonies used in such enterprises.’ The Roanokes may have watched from a distance as the newcomers erected English arms, engraved in lead and posted on a pillar, or took the customary ‘turf and twig’ that signified possession by civilized people who tilled the soil.”42

----- Michael Leroy Oberg, The Head in Edward Nugent’s Hand

One hundred and fifteen years later, Englishmen like John Lawson patrolled the countryside, truly in search of their valuable property. Lawson is well-known for his ethnographic approach to Indians. In these excerpts from his History, without the accompanying ethnographies, can be seen his overriding thought process of suppressing Indian rights to land and exploring the “proprietor’s” new territories to settle. It becomes much clearer that his interest in Indian culture is merely casual while his interest in land was his primary focus. Englishmen assumed the land to be theirs. Indians were merely “playing” upon the soil like children. This thought process, by no means purposely disrespectful, defines the Early Colonial, or colonization sequence of Indian relations. Hariot’s 1590 references illustrate this as well as Lawson’s 1700 mostly ethnographic study.
Hariot’s *A Brief and True Report*

In respect of vs they are a people poore, and for want of skill and judgement in the knowledge and vse of our things, doe esteeme our trifles before thinges of greater value: Notwithstanding in their proper manner considering the want of such meanes as we haue, they seeme very ingenious; For although they haue no such tooles, nor any such craftes, sciences and artes as wee; yet in those thinges they doe, they shewe excellencie of wit. And by howe much they vpon due consideration shall finde our manner of knowledges and craftes to exceede theirs in perfection, and speed for doing or execution, by so much the more is it probable that they shoulde desire our friendships & loue, and haue the greater respect for pleasing and obeying vs. Whereby may bee hoped if meanes of good gouernment bee vsed, that they may in short time be brought to ciuilitie, and the imbracing of true religion.\(^{43}\)

Seing therefore the ayre there is so temperate and holsome, the soyle so fertile and yeelding such commodities as I haue before mentioned, the voyage also thither to and fro beeing sufficiently experimented, to bee perfourmed thrise a yeere with ease and at any season thereof: And the dealing of Sir Water Raleigh so liberall in large giuing and graũting lande there, as is alreadie knowen, with many nelpes and furtherances els: (The least that hee hath granted hath beene fiue hundred acres to a man onely for the adventure of his person:) I hope there remaine no cause wherby the action should be misliked.\(^{44}\)

And other some saide that it was the speciall woorke of God for our sakes, as wee our selues haue cause in some sorte to thinke no lesse, whatsoeuer some doe or maie imagine to the contrarie, specially some Astrologers knowing of the Eclipse of the Sunne which wee saw the same yeere before in our voyage thytherward, which vnto them appeared very terrible. And also of a Comet which beganne to appeare but a few daies before the beginning of the said sicknesse. But to exclude them from being the speciall an accident, there are farther reasons then I thinke fit at this present to bee alleaded. These their opinions I haue set downe the more at large that it may appeare vnto you that there is good hope they may be brought through discreet dealing and gouernement to the imbracing of the trueth, and consequently to honour, obey, feare and loue vs.\(^{45}\)

*Calendar of State Papers Colonial, America and West Indies, Volume 23*

August 1706 - An account of the method of taking up and patenting land in Virginia, with reasons for the continuance thereof. *Quote* Charter of Charles II etc. 50 acres of land to be granted to every settler etc. Thus the method continued till 1699, and then several persons having rights to lands in Pamunky-Neck and on ye South side of the Blackwater Swamp, who could not well procure legal rights for patenting thereof, and the Treasury of the Country for support of the Government being very low, a method was established of selling those rights at a
certain rate for money to be paid to the Receiver of the Revenues for the use of the Crown, to wit, that whosoever would pay 5s., should have the same right to take up 50 acres that he might otherwise have had for the importation of any person into this Colony. But the method of granting lands for importation was never pretended to be taken away but still continues. And at the last session of Assembly, it being observed that that addition to the Revenue of selling rights had been a good help to it, it was thought convenient to limit the taking up land for importation as much as well could be, and to establish the aforementioned method of selling of Rights by Act of Assembly, and thereupon in the Act for settling the titles of lands etc., that matter is settled in such a manner as will be considerably beneficial to ye Crown. When any person had a right to take up and patent any land, the usual way was for him to make the discovery of some ungranted lands, and then to go to ye Surveyor of the County where it lay and make an entry thereof and of his rights for it, and thereupon ye Surveyor laid it out for him, and returned a survey of it with the rights to ye Secretary's Office, upon which a patent was prepared, and signed by the Governor with the advice and consent of the Council, and ye seal of the Colony was then put to it, wch. made the Grant perfect. And if several persons made entries for lands in ye same place, the first entry (being legally made) was preferred according to ye number of rights, and if there was any more land, the other entries in order, according to their number of rights respectively were satisfyed as far as the land would go, so that the bigness of the entry was limited by the number of rights entred. It has been objected (1) that the people are already too much disperst, and it would be better if they were collected within a narrower compass; (2) that it may administer occasion of disputes with the Indians; (3) that entries have been made by some persons for very great quantities of land, wch. they cannot possibly seat and plant as they ought (in reason) to do. But the answers will be obvious. (1) It is a matter of the greatest difficulty to restrain and collect our people into a narrower compass of ground, or even to contain them where they are, for as the country grows more numerous the poorer sort of people will always be desirous to settle further out for the conveniencys of new settlements, as great plenty of game, good range for their stocks, and ye choice of the best of the land to work upon, and daily experience tells us, that if they are restrained here, they will leave the country and go to other places, where they may be indulged in all the priviledges of this nature they can desire. (2) There can be no disputes or controversys with the Indians, for we have no Indians near us but our Tributarys, and they have lands laid out and assured to them by Law, according to ye Articles of Peace made with them. (3) The late Law for settling ye Titles to lands doth lay sufficient restraints to prevent any persons taking up too great quantities for the future; and for the entries already made by persons who have not obtained patents, there are not any of them extraordinary. It has indeed been said that on ye South side of the Blackwater and upon Nottoway River, there are very extravagant entries made, and the lands in those parts not being very well discovered at ye time of making these entries, it is likely that ye bounds of some of these lands entered for, may be so imperfectly sett down as to give colour for this objection: but if enquiry be made into ye number of rights entered, wch. must always limit ye quantity, it cannot be made appear that there is
any one entry in those parts for 3,000 acres in any one tract, or that any of the entrys that have been made for land in those parts since 1700 have amounted to more that that quantity (except one tract of about 4,500 acres, wch. is already patented and seated), tho' it cannot be denied that some few greater entrys were made before that time. Nor is the patenting of great quantitys of land so great a prejudice to ye Crown or the Country as it has been represented, for it is evident that no great tracts can be taken up, but that a considerable quantity of very bad and useless ground will be within that bounds: and if ye taking up of land were solely restrained to small quantitys, people would pick out the best, and leave the interjacent poor land altogether wast, wch. now yields ye same Quit-rents to H.M., tho' perhaps it affords no other benefite to the possessor, or ever will, except only a larger range for his stock. For the continuance of the established method, it is humbly offerred (1) That several people have rights to land by the importation of persons into ye Country according to Law and the Charter. (2) Since the establishment of the method of selling rights for money, several people have expended their moneys to purchase such rights, and now the Government hath received their moneys, to deny them their proportion of land would be to defraud them etc. (3) If people cannot have land here upon reasonable terms, they can easily remove into other Countrys where their labour is not so beneficial to ye Crown, and where all possible encouragement is given them in this particular. This we see verifyed by daily experience in the great numbers of people that have removed lately and are now just upon ye remove into Carolina. (4) H.M. Revenues will be considerably improved both by the money arising upon ye sale of rights, and by the Quitt-rents for the lands after they are patented. (5) Entrys have been made for several parcels of land on ye South side of the Blackwater and upon Nottoway River, and some persons have had their lands surveyed and obtained patents for them, but others that had ye same equitable pretensions have not yet had such surveys and patents, and it seems unequal not to grant ye same liberty to those persons that had ye same right. (6) As to ye lands on ye South side of Nottoway River and on Maherin River, where the bounds of the Countrys are not settled, we see that ye Government of Carolina have already taken upon them to dispose of those lands as their own, and people are now seating there by vertue of those rights, the necessary consequence whereof seems to be that it will create a controversy with that Government and at last perhaps it will be found expedient rather to confirme those lands to the possessors than to drive so many familys as will be seated there from their habitations, and thereby H.M. will lose the money that would arise by ye sale of the rights for taking up those lands, and by the quitt-rents that would be due for them in ye meantime: and in ye end it will (most probably) be ye occasion of much trouble and charge in settling the bounds between these Countrys. All which inconveniencys may now be happily prevented by permitting these lands to be taken up according to ye legal establishment, for people would willingly take grants under this Government, if they might have them. A true copy, Signed, Wil. Robertson, Cl. Con. Endorsed, Recd. Nov. 20, 1706. 3¾ large pp. 

Lawson’s History of North Carolina:
There are several noble rivers, and spacious tracts of rich land in their lordships dominions, lying to the southward, which are yet uninhabited...

This will be a most advantageous settlement, lying so commodiously for ships coming from the Gulf, and the richness of the land, which is reported to be there.

Their [Caffetta's tribe, the Sewees] place hath curious dry marshes and Savannas adjoining to it, and would prove an exceeding thriving range for cattle, and hogs, provided the English are seated thereon. Besides, the land is good for plantations.

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 threatned the Indians for Hunting near their Plantations.

Thursday 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 offered to sell me for a small matter. That piece of ground with a little trouble, would make an Englishman a most curious settlement, containing above a mile square of rich land.

... there is a most pleasant and convenient fork of land betwixt both rivers, lying upon a point where many thousand acres may be fenced in, without much cost or labor.

[Eauwees] 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 expence of the usefulness of those creatures.

It is called Hau river from the Sissipahau Indians, who dwell upon this stream, which is one of the main branches of Cape Fair, there being rich land enough to contain some thousands of families; for which reason I hope, in a short time, it will be planted.

The Virginia men asking our opinion of the country we were then in. We told them it was a very pleasant one. They were all of the same opinion, and affirmed, that they had never seen twenty miles of such extraordinary rich land lying all together like that betwixt Hau river and the Achonechy town.

We went, this day, above thirty miles, over a very level country, and most pine land, yet intermixed with some quantities of marble; a good range for cattle, though very indifferent for swine.
… for, the Indians are not inclinable to settle in the richest land, because the timbers are too large for them to cut down, and too much burthened with wood for their laborers to make plantations of…  

A Description of Carolina: Hilton, Long, and Fabian (included in Lawson’s History).

On Monday, Oct. the 26th, we went down with the yawl to Necoes, an Indian plantation, and viewed the land there.  

On Wednesday, the 4th, we went five or six leagues up the river, to search a branch that run out of the main river towards the N, W., in which we went up five or six leagues; but not liking the land, returned on board that night about midnight and called that place swampy branch.

In our return, we viewed the land on both sides the river, and found as good tract of dry, well wooded, pleasant and delightful ground as we have seen any where in the world…  

We found a very large and good tract of land on the northwest side of the river, thin of timber, except here and there a very great oak, and full of grass, commonly as high as a man’s middle…  

… we viewed the land there and found some tracts of good ground, and high, facing upon the river about one mile inward, but backwards some two miles, all pine land, but good pasture ground.  

… and found it a tract of as good land as any we have seen, and had as good timber on it. The banks on the river being high, therefore we called it highland point.

In the interium, we took a view of the country on both sides of the river, there finding some good land, but more bad, and the best not comparable to that above.

We saw several plots of ground cleared by the Indians after their weak manner, compassed round with great timber trees, which they are no wise able to fell, and so keep the sun from corn fields very much.

B. Acting on Assumption of Right

Colonial Records of North Carolina
His majesty having been graciously pleased, by his charter bearing date the 24th of March, in the 15th year of his reign, out of a pious and good intention for the propagation of the Christian faith amongst the barbarous and ignorant Indians, the enlargement of his empire and dominions, and enriching of his subjects, to grant and confirm to us, Edward, earl of Clarendon, high chancellor of England, George, duke of Albemarle, master of his majesty's horse and captain-general of all his forces, William, Lord Craven, John, Lord Berkeley, Anthony, Lord Ashley, chancellor of his majesty's exchequer, Sir George Carteret, knight and baronet, vice-chamberlain of his majesty's household, William Berkley, knight, and Sir John Colleton, knight and baronet, all that territory or tract of ground with the islands and islets situate, lying, and being in his dominions in America, extending from the north end of the island called Lucke Island, which lieth in the Southern Virginia sea, and within 36 degrees of the northern latitude, and to the west as far as the South seas, and so southwardly as far as the river St. Matthias, which bordereth upon the coast of Florida, and within —— degrees of the northern latitude; in pursuance of which grant, and with a clear and good intention to make those parts useful and advantageous to his majesty and his people: we do hereby declare and propose to all his majesty's loving subjects wheresoever abiding or residing, and do hereby engage inviolably to perform and make good these ensuing proposals in such manner as the first undertakers of the first settlement shall reasonably desire.

At a Grand Assembly Holden at James Citie the fifth day of June, 1676

Act I. [An act for carrying on a warre against the barbarous Indians.]
Act III. [Reserves to the colony as a whole any deserted Indian lands.] 67

A Description of Carolina: Hilton, Long, and Fabian (included in Lawson’s History).

On Tuesday the 1st of December, we made a purchase [what kind of payment?] of the river and land of Cape Fair, of Wat Coosa, and such other Indians as appeared to us to be the chief of those parts. 68

North Carolina Colonial Records

Letter from the North Carolina Governor's Council to the Virginia Governor's Council, including depositions concerning the North Carolina/Virginia boundary
North Carolina. Council
June 17, 1707
Volume 01, Pages 657-663

[B. P. R. O. B. T. Va. 58.]
LETTER TO THE VIRGINIA COUNCIL

North Carolina June 17th 1707
Honble Gent:
We received yours containing the complaints of the Maherine Indians pretending encroachments made on them by the Inhabitants of this Government &c Upon consideration of which we thought we could not better answer yours than by sending you the true state of that matter being always as willing to give all reasonable satisfaction concerning our proceedings as Zealous to assert the undoubted Right of the Lords proprietors and her Majesty's Subjects of this Governments Of a long time before the memory of man the Lands on the Southside of that River which is now called Maherine were in the Rightfull possession of the Chowanoake Indians by Virtue of a Grant from the Yawpin Indians and no other Indians (as plainly appears by successive accounts of that Nation by Original Writings and undoubted evidences) has had any Right to any Land there to this day and when first the Lords Proprietors of Carolina by Virtue of their Charter from his late Majesty King Charles the 2d took possession of this province that nation submitted themselves to the Crown of England under the Dominion of the Lords proprietors and continued peaceably till about the year 1675 about which time by incitements of the Rebelious Indians of Virginia who fled to them they committed hostility upon the Inhabitants of this Government in Violation of their Treaty Whereupon by virtue of the Authority for making peace and Warr granted to the Lords proprietors by their Charter, open war was made upon the said Indians in prosecution whereof (by Gods assistance though not without the loss of many men) they were wholly subdued and had Land for their habitation assigned them where they remained to this day so that all the tract of Land on the Southside of the Maherine River was at that Time resigned into the immediate possession of the Lords Proprietors of Carolina as of their province of Carolina and has been peaceably by them held without any Claime now thirty years during which Time the Maherine Indians removing themselves from their ancient place of habitation (where by Virtue of a Treaty with Commissioners appointed by his late Majesty King Charles 2nd they were settled) placed themselves at the mouth of the Maherine River on the North side and a great part of the Tract of Land on the southside lyeing wast some of their straglers planted corne and built Cabbins on the Chowanacke old fields and continued more and more to make their Incroachments till they became an Intolerable annoyance to her Majesty's subjects Commiting Repeated Injurys upon their stocks and makeing frequent affrays upon their persons as far as Moratuck River for the necessary Redressing of which growing Incroachments and preventing worse mischiefs which is daily threatened and Reasonably feared, the Government here (and which was the least that they in discharge of their duty could do) held a treaty with the Chiefs of the said Indians and instead of insisting upon satisfaction for the wrongs already done were content to make only necessary provision for the security of her Majesty's subjects for the future. In order to which it was concluded that the stragling and vagrant Indians of that Nation should remove to their town on the North side of the River that towne they should peaceably enjoy for a certaine tribute which was as we believe the first title that ever they had to it for their treaty with the Commrs aforementioned gives them no more right to the Land whereon they now dwell than it would do to Land on the Northside Potomack or the southside of Cape Feare if they should remove themselves to either of those places: and it seems to us yet more advisable and would tend more to her Majestys service and present settlement as well of Virga as of this Province that they in force of their said treaty and for preserving of their Right to their Majesty's protection by virtue of it should be
compelled to return to the place of their former habitation, than that they should be
suffered to possess the mouth of a navigable River considering how they have hitherto
behaved themselves which we seriously Recommend to your Consideration noe need to
Relate to you our Reasons for makeing the Maherine River the bounds who are all very
well acquainted with ye Indians planting Corne without fence so that no English can seate
near them without danger of trespassing by their Cattle and Horses and which ye Indians
and especially that Nation are very ready to Revenge without measure, so that the
Question is not between the Right of Lewis Williams and ye Maherine Nation but
whether near a hundred familys of her Majty's subjects of Carolina should be diseased of
their freehold to lett a few vagrant and Insolent Indians rove where they please without
any Right, and Contrary to their Agreement besides we have always thought it necessary
that the Indians should live together in towns where all their young men may be under the
immediate inspection of their own Governrs to prevent their private mischiefs that may
be more easily done and concealed in single and separate familys Your proposition
concerning further settlement We in all friendship recd. but because of the uncertainty we
could not proceed to make any order or proposition in answer to it till by the Copys of the
Depositions to be taken on your behalf which we hoped to receive we might have certain
Information how far the Contraverted Grounds was extended to us ward we knowing no
bounds to Carolina but Weyanoake River till further informed intending no further to
enter into that Controversie but only to Represent the Case to the Lords Proprietors in
order to their laying it before her sacred Majesty Seeing no cause to doubt of the success
in so clear a Case. To this we add that Lewis Williams can't be called any new settlement
for he had Right to that Land some yeares agoe And he has been hindered settleing by
those Indians who have dallyed with this Government from time to time by promise to
Depart and at last being called to shew reason of their Delay they only could alledge that
they had cleared some ground for which they desired satisfaction and Williams being
willing to be in peaceable possession of his Land at any Rate Condisended to pay them a
horse and fifteen bushells of corne which was all they at that time desired & the Greatest
part they have received and ye Remainder has been tendered but upon their Return from
Virginia they have Refused to receive the Remaining part and made a barbarous assault
upon him in his own house so that his Life is doubted of and his family in Danger of
further trouble from which we believe it our Duty to rescue him for we can't interprett
your Propositions to mean that in the mean time any of her Majestys subjects should be
left to the merciless insults of savage people but that every one in the Respective
Governments as they are now deemed should quietly enjoy their propertys till the matter
be determined to which we readily assent and as soon as we know how far you do claime
shall take all necessary order in it
We have sent you inclosed Copys of such Depositions as we have taken relateing to the
bounds and desire you will send us those that have been taken by you according to your
promise. We are
Your humble servants
EDWARD MOSELY
W GLOVER
FRAN: FOSTER
SAMUEL SWANN
North Carolina ss.
Before me Edward Mosely Esqr one of the members of the Council and Authorised to
take the Depositions of certain persons relating to the boundarys of this Government
Personally Came and appeared Charles Merritt aged fifty five years or thereabouts, Who
on his Oath on the Holy Evangelists taken saith that he Came into Virginia in or about the
year 1666. And lived about twenty yeares on the south side James River and then lived
on A Plantation of Collo Benjamin Harrisson on Blackwater and within call of the
Weyanoake Indian Forte and consumed there five yeares during which time this
Deponent had frequent Discourses with the Indians and was by them informed that they
never Claimed to the Southward of the Maherine River But at the time that the
Appachoukanough was Routed and taken for the Massacre he had committed the
Weyanoakes (being his Confederates and fearing the English) removed themselves from
that place which is now called Weyanoake in James River to Warraeekeeks on Weyanoake
River and after when the Poackyacks killed their King they were by the English brought
from thence and placed on the Blackwater aforementioned as Tributarys. where this
Deponent lived by them and this Deponent further saith that he was informed by the
Weyanoaks that the Weyanoke River now Called Nottoway was their bounds and that
they never Seated to the Southward of Warr-a-keeks
the mark of
CHARLES P MERRITT.

Capt at Jurat Duodecimo
die Jany Anno Dom i 1707
Coram me
Edwd Moseley

North Carolina ss.
Before me Edward Moseley Esqr one of the members of the Council and being
authorised to take the Depositions of Certain persons Relating to the boundarys of the
Government personally came and appeared John Smyth aged sixty two yeares or
thereabouts borne in Newport Parish in the Isle of Wight Couty abt fourteen miles from
Blackwater River who on his Oath on the holy evangelists taken saith that he lived in
Newport parish till the year one thousand six hundred seventy three or thereabouts at
which time this Deponent came and lived about five miles off Blackwater and about
thirty miles off Weyanoake River which was always in this Deponents memory Known
to be the first River on the Right hand as you go down Blackwater till within these twenty
years or thereabout the Nottoways coming to live nearer the River than they used to do
and the Weyanoakes being all declined it Gained the name of Nottoway and this
Deponent further saith that he never knew or heard of any other River that was Called
Weyanoak except the above-said by the Virginians lately Called Nottoway
JNO SMYTH

Capt and Jurat Vicessimo
primo die Januar anno 1707
Coram me
Edwd Moseley

North Carolina ss.
Before me Edward Moseley Esqr one of the members of the Council and being Authorized to take the Depositions of Certain persons relateing to the boundarys of this Government, personally Came and appeared Richd Booth aged sixty three years or thereabouts who on his Oath on the Holy Evangelists taken saith that in or about the year 1661 this Deponent came into Virginia and served Major Merritt six years (who then lived about Twenty miles from the Weyanoake Indian Town the Weyanoks living very near a plantation that now belongs to Collo Harrison betwixt Blackwater River & Weyanoake River which Weyanoake River by reason of the Declension of the Weyanoake Indians and the Nottoway Indians removing nigher to it has since in this Deponents memory gained the name of Nottoway River by the Virginians) And this Deponent further saith that in the year 1667 he being employed by one William West to go in a Canoe with Certain goods &c to the Maherine Indian Towns one Jno Browne and a certain Weyanoake Indian called Tom Frusman being in the Canoe with him as they went down Blackwater River this Deponent then being a Stranger in those parts any other than by hearesay enquired what river that was they first mett with on their Right Hand they answered it was Weyanoake and Opposite to the Rivers mouth was a field belonging to the Weyanoakes it being then about one of the Clock in the afternoon this Deponent enquired how far it was to Maherine River they answered they should gett there before sun down which they did accordingly whereby this Deponent Computed it was about thirteen miles by Water and this Deponent further saith that he never understood that the Weyanoake Indians ever lived to the Southward of that River RICHd BOOTH.

Capt et Jurat Decimo
die January Anno 1707
Coram me
Edward Mosely

North Carolina ss.
Before me Edward Moseley Esqr one of the Council and being authorized to take the Depositions of Certain persons relateing to the boundarys of this Government. Personally Came and appeared Jno Browne aged sixty eight yeares or thereabouts who on his Oath on ye holy evangelist taken saith that in the year 1659 or 60 he this Deponent came into Virginia and lived in Henrico County some years and then came to live on Blackwater River and that at that time this Deponent understood and was informed that the first River (as they went down) on the Right hand was Weyanoake River And this Deponent further saith that he never heared it called by any other name till severall years after when the Weyanoakes declining and the Nottoways removing nearer the River, and he this Deponent with severall others usually going to the Nottoways to fish first gave it the Generall name of Nottoway And this Deponent saith that at the mouth of the said river there is an old field Known at this day by the name of Weyanoake neck And this Deponent further saith that he never knew that the Weyanoake Indians ever lived lower than that River.
Before me Edward Moseley Esqr one of the members of the Council and being authorized to take the Deposition of certain persons relating to the boundarys of this Government. Personally came and appeared William Brush aged sixty five years or thereabouts who on his Oath according to the forme of his profession taken saith that in or about the year one thousand six hundred and fifty eight or fifty nine he this Deponent came into Virginia and lived twenty yeares or thereabout within sixteen miles or thereabouts off Weyanoake River and about fifteen years more within twelve miles of Weyanoake River being the first River on the Right hand as you go down Blackwater River and about twelve miles above Maherine River During the Major part of which time the Deponent never heard it go by any other name than Weyanoake and this Deponent further saith that about twelve years agoe (one of this Deponents Neighbours) Nathan King took up a peice of Land lyeing opposite to the mouth of the said River which Land was Commonly said by the neighbours to lye at the mouth of Weyanoake River to distinguish it from other Land the said Nathan had and this Deponent further saith that he never knew or heard of any other Weyanoke River than that aforementioned and which by the Virginians has lately been called Nottoway by Reason the Nottoway Indians having of late been the chief dwellers near it

C. Indian Land Grabbing

1. Causes of Tuscarora War

Calendar of State Papers Colonial, America and West Indies

Williamsbourg
April 24, 1703

Upon reading a letter from Henderson Walker, President of North Carolina, complaining that the Maherine Indians do daily commit great injuries to the inhabitants of that province by destroying their stocks and burning their timber and houses, refusing to pay tribute or render obedience to that Government upon pretence that they are tributaries to this H.M. Colony and Dominion, altho' their living is amongst the inhabitants of North Carolina, it is the opinion of the
Council that it doth not appear that the said Maherine Indians live within the bounds of Carolina, but have always been reputed tributaries and paid tribute to this Government as living under the same, and therefore the Province of North Carolina hath no pretence of demanding tribute of them, but if any injuries or outrages have been or shall be committed by them, upon due proof thereof, H.E. and Council will take suitable measures for furnishing them, and giving all reasonable satisfaction to the inhabitants of North Carolina.

Thomas Wynn was appointed Interpreter to the Nattoway, Maherine and Nansemond Indians in the room of Thomas Blunt, with whom they have expressed dissatisfaction.

Whereas the Nansemond Indians have made application to H.E. that no person may be allowed to take up land below a place called the Bean Swamp adjacent to their land, Ordered that Thomas Wynn enquire what and how much land the said Indians now possess, and what quantity of land there is below the Bean Swamp.

Whereas the Nattoway Indians have made complaint that the English inhabitants daily take up land and seat nigher to their towns, so that in a short time they will have no room either for their stocks or hunting, and praying that none may be permitted to seat nigher to their town than at present, and also complaining that William May of Isle of Wight County hath surveyed a Plantation belonging to them on the Nattoway Swamp, ordered that the Interpreter inquire into the matter.

Complaint being made by the Nattoway Indians that the inhabitants of this Colony carrying rum into their town may prove of very dangerous consequence by reason that many of their men getting drunk therewith may at such times be made an easy prey to any strange Indians who shall invade them, H.E. by advice of the Council doth hereby strictly forbid all persons whatsoever to carry any rum or other strong liquor into the Nattoway Town, upon pain of suffering such punishment as may justly be inflicted on them for their offending in a matter of such pernicious consequence. A copy of this Order to be published by the Sheriffs.\footnote{47}

\begin{center}
\textbf{Because of the political obfuscations involved, the following two documents have been printed in their entirety. The manipulations that become apparent by a few of the players directly involved surveyors and what appears to be an attempt to push Indians off their lands and take advantage of the confusions evolving from the recent wars in Virginia against Native Americans there. This is a subtle effect and must be read carefully, therefore these two excerpts from the Colonial Records is complete. If this assumption is correct, then this would be one of the most direct examples of deliberate dispossession.}
\end{center}
LETTER TO THE VIRGINIA COUNCIL

North Carolina June 17th 1707
Honble Gent:
We received yours containing the complaints of the Maherine Indians pretending encroachments made on them by the Inhabitants of this Government &c Upon consideration of which we thought we could not better answer yours than by sending you the true state of that matter being always as willing to give all reasonable satisfaction concerning our proceedings as Zealous to assert the undoubted Right of the Lords proprietors and her Majestys Subjects of this Governments Of a long time before the memory of man the Lands on the Southside of that River which is now called Maherine were in the Rightfull possession of the Chowanoake Indians by Virtue of a Grant from the Yawpin Indians and no other Indians (as plainly appears by successive accounts of that Nation by Original Writings and undoubted evidences) has had any Right to any Land there to this day and when first the Lords Proprietors of Carolina by Virtue of their Charter from his late Majesty King Charles the 2d took possession of this province that nation submitted themselves to the Crown of England under the Dominion of the Lords proprietors and continued peaceably till about the year 1675 about which time by incitements of the Rebelious Indians of Virginia who fled to them they committed hostility upon the Inhabitants of this Government in Violation of their Treaty Whereupon by virtue of the Authority for making peace and Warr granted to the Lords proprietors by their Charter, open war was made upon the said Indians in prosecution whereof (by Gods assistance though not without the loss of many men) they were wholly subdued and had Land for their habitation assigned them where they remained to this day so that all the tract of Land on the Southside of the Maherine River was at that Time resigned into the immediate possession of the Lords Proprietors of Carolina as of their province of Carolina and has been peaceably by them held without any Claime now thirty years during which Time the Maherine Indians removing themselves from their ancient place of habitation (where by Virtue of a Treaty with Commissioners appointed by his late Majty King Charles 2nd they were settled) placed themselves at the mouth of the Maherine River on the North side and a great part of the Tract of Land on the southside lyeing wast some of their straglers planted corne and built Cabbins on the Chowanacke old fields and continued more and more to make their Incroachments till they became an Intolerable annoyance to her Majestys subjects Commiting Repeated Injurys upon their stocks and makeing
frequent affrays upon their persons as far as Moratuck River for the necessary Redressing of which growing Incroachments and preventing worse mischiefs which is daily threatened and Reasonably feared, the Government here (and which was the least that they in discharge of their duty could do) held a treaty with the Chiefs of the said Indians and instead of insisting upon satisfaction for the wrongs already done were content to make only necessary provision for the security of her Majesty's subjects for the future. In order to which it was concluded that the stragling and vagrant Indians of that Nation should remove to their town on the North side of the River that towne they should peaceably enjoy for a certaine tribute which was as we believe the first title that ever they had to it for their treaty with the Commrs aforementioned gives them no more right to the Land whereon they now dwell than it would do to Land on the Northside Potomack or the southside of Cape Feare if they should remove themselves to either of those places: and it seems to us yet more advisable and would tend more to her Majestys service and present settlement as well of Virga as of this Province that they in force of their said treaty and for preserving of their Right to their Majestys protection by virtue of it should be compelled to return to the place of their former habitation, than that they should be suffered to possess the mouth of a navigable River considering how they have hitherto behaved themselves which we seriously Recommend to your Consideration noe need to Relate to you our Reasons for makeing the Maherine River the bounds who are all very well acquainted with ye Indians planting Corne without fence so that no English can seate near them without danger of trespassing by their Cattle and Horses and which ye Indians and especially that Nation are very ready to Revenge without measure, so that the Question is not between the Right of Lewis Williams and ye Maherine Nation but whether near a hundred familys of her Majtys subjects of Carolina should be diseased of their freehold to lett a few vagrant and Insolent Indians rove where they please without any Right, and Contrary to their Agreement besides we have always thought it necessary that the Indians should live together in towns where all their young men may be under the immediate inspection of their own Governrs to prevent their private mischiefs that may be more easily done and concealed in single and separate familys Your proposition concerning further settlement We in all friendship recd. but because of the uncertainty we could not proceed to make any order or proposition in answer to it till by the Copys of the Depositions to be taken on your behalf which we hoped to receive we might have certain Information how far the Contrverted Grounds was extended to us ward we knowing no bounds to Carolina but Weyanoake River till further informed intending no further to enter into that Controversie but only to Represent the Case to the Lords Proprieters in order to their laying it before her sacred Majesty Seeing no cause to doubt of the success in so clear a Case. To this we add that Lewis Williams can't be called any new settlement for he had Right to that Land some yeares agoe And he has been hindered setttleing by those Indians who have dallyed with this Government from time to time by promise to Depart and at last being called to shew reason of their Delay they only could alledge that they had cleared some ground for which they desired satisfaction and Williams being willing to be in peaceable possession of his Land at any Rate Condisended
to pay them a horse and fifteen bushells of corne which was all they at that time desired & the Greatest part they have received and ye Remainder has been tendered but upon their Return from Virginia they have Refused to receive the Remaining part and made a barbarous assault upon him in his own house so that his Life is doubted of and his family in Danger of further trouble from which we believe it our Duty to rescue him for we can't interprett your Propositions to mean that in the mean time any of her Majestys subjects should be left to the merciless insults of savage people but that every one in the Respective Governments as they are now deemed should quietly enjoy their propertys till the matter be determined to which we readily assent and as soon as we know how far you do claime shall take all necessary order in it
We have sent you inclosed Copys of such Depositions as we have taken relateing to the bounds and desire you will send us those that have been taken by you according to your promise. We are
Your humble servants
EDWARD MOSELY
W GLOVER
FRAN: FOSTER
SAMUEL SWANN

North Carolina ss.
Before me Edward Mosely Esqr one of the members of the Council and Authorised to take the Depositions of certain persons relateing to the boundarys of this Government Personally Came and appeared Charles Merritt aged fifty five years or thereabouts, Who on his Oath on the Holy Evangelists taken saith that he Came into Virginia in or about the year 1666. And lived about twenty yeares on the south side James River and then lived on A Plantation of Collo Benjamin Harrisson on Blackwater and within call of the Weyanoake Indian Forte and consumed there five yeares during which time this Deponent had frequent Discourses with the Indians and was by them informed that they never Claimed to the Southward of the Maherine River But at the time that the Appachoukanough was Routed and taken for the Massacre he had committed the Weyanoakes (being his Confederates and fearing the English) removed themselves from that place which is now called Weyanoake in James River to Warraekeeks on Weyanoake River and after when the Poackyacks killed their King they were by the English brought from thence and placed on the Blackwater aforementioned as Tributarys. where this Deponent lived by them and this Deponent further saith that he was informed by the Weyanoaks that the Weyanoke River now Called Nottoway was their bounds and that they never Seated to the Southward of Warr-a-keeks
the mark of
CHARLES P MERRITT.

Capt at Jurat Duodecimo
die Jany Anno Dom i 1707
Coram me
Edwd Moseley
North Carolina ss.

Before me Edward Moseley Esqr one of the members of the Council and being authorized to take the Depositions of certain persons relating to the boundary of the Government personally came and appeared John Smyth aged sixty two yeares or thereabouts borne in Newport Parish in the Isle of Wight Couty abt fourteen miles from Blackwater River who on his Oath on the holy evangelists taken saith that he lived in Newport parish till the year one thousand six hundred seventy three or thereabouts at which time this Deponent came and lived about five miles off Blackwater and about thirty miles off Weyanoake River which was always in this Deponents memory Known to be the first River on the Right hand as you go down Blackwater till within these twenty years or thereabout the Nottoways coming to live nearer the River than they used to do and the Weyanoakes being all declined it gained the name of Nottoway and this Deponent further saith that he never knew or heard of any other River that was called Weyanoak except the abovesaid by the Virginians lately called Nottoway JNO SMYTH

Capt and Jurat Vicessimo
primo die Januar anno 1707
Coram me
Edwd Moseley

North Carolina ss.

Before me Edward Moseley Esqr one of the members of the Council and being authorized to take the Depositions of certain persons relating to the boundary of the Government personally came and appeared Richd Booth aged sixty three years or thereabouts who on his Oath on the Holy Evangelists taken saith that in or about the year 1661 this Deponent came into Virginia and served Major Merritt six years (who then lived about Twenty miles from the Weyanoake Indian Town the Weyanoks living very near a plantation that now belongs to Collo Harrison betwixt Blackwater River & Weyanoake River which Weyanoake River by reason of the Declension of the Weyanoake Indians and the Nottoway Indians removing nigher to it has since in this Deponents memory gained the name of Nottoway River by the Virginians) And this Deponent further saith that in the year 1667 he being employed by one William West to go in a Canoe with certain goods &c to the Maherine Indian Towns one Jno Browne and a certain Weyanoake Indian called Tom Frusman being in the Canoe with him as they went down Blackwater River this Deponent then being a Stranger in those parts any other than by hearsay enquired what river that was they first mett with on their Right Hand they answered it was Weyanoake and Opposite to the Rivers mouth was a field belonging to the Weyanoakes it being then about one of the Clock in the afternoon this Deponent enquired how far it was to Maherine River they answered they should gett there before sun down which they did accordingly whereby this Deponent Computed it was about thirteen miles by Water and this Deponent
further saith that he never understood that the Weyanoake Indians ever lived to the Southward of that River
RICHd BOOTH.

Capt et Jurat Decimo
die January Anno 1707
Coram me
Edward Mosely

North Carolina ss.
Before me Edward Moseley Esqr one of the Council and being authorized to take the Depositions of Certain persons relating to the boundarys of this Government. Personally came and appeared Jno Browne aged sixty eight yeares or thereabouts who on his Oath on ye holy evangelist taken saith that in the year 1659 or 60 he this Deponent came into Virginia and lived in Henrico County some years and then came to live on Blackwater River and that at that time this Deponent understood and was informed that the first River (as they went down) on the Right hand was Weyanoake River And this Deponent further saith that he never heared it called by any other name till severall years after when the Weyanoakes declining and the Nottoways removing nearer the River, and he this Deponent with severall others usually going to the Nottoways to fish first gave it the Generall name of Nottoway And this Deponent saith that at the mouth of the said river there is an old field Known at this day by the name of Weyanoake neck And this Deponent further saith that he never knew that the Weyanoake Indians ever lived lower than that River.
JNO BROWNE

Capt et Jurat Decimo
die Januar Anno 1707
Coram me
Edwd Moseley

North Carolina ss.
Before me Edward Moseley Esqr one of the members of the Council and being authorized to take the Deposition of certain persons relating to the boundary of this Government. Personally came and appeared William Brush aged sixty five years or thereabouts who on his Oath according to the forme of his profession taken saith that in or about the year one thousand six hundred and fifty eight or fifty nine he this Deponent came into Virginia and lived twenty yeares or thereabout within sixteen miles or thereabouts off Weyanoake River and about fifteen years more within twelve miles of Weyanoake River being the first River on the Right hand as you go down Blackwater River and about twelve miles above Maherine River During the Major part of which time the Deponent never heard it go by any other name than Weyanoake and this Deponent further saith that about twelve years agoe (one of this Deponents Neighbours) Nathan King took up a peice of Land lyeing opposite to the mouth of the said River which
Land was commonly said by the neighbours to lye at the mouth of Weyanoake River to distinguish it from other land the said Nathan had and this deponent further saith that he never knew or heard of any other Weyanoke River than that aforementioned and which by the Virginians has lately been called Nottoway by reason the Nottoway Indians having of late been the chief dwellers near it.

Capt et Jurat Vicesimo

primo die Januar Anno 1707

coram me

Edwd Moseley

September the 15th 1707

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Journal of Philip Ludwell and Nathaniel Harrison during the survey of the North Carolina/Virginia boundary
Ludwell, Philip, 1638?-1723?; Harrison, Nathaniel
April 18, 1710 - November 04, 1710
Volume 01, Pages 735-746

A JOURNAL OF THE PROCEEDINGS OF PHILIP LUDWELL AND NATHANIEL HARRISON COMMISSIONERS APPOINTED FOR SETTLING THE BOUNDARIES BETWEEN HER MAJESTYS COLONY AND DOMINION OF VIRGINIA AND THE PROVINCE OF CAROLINA.

Before we enter upon the Narrative of our proceedings it will be necessary to observe that on the arrival of Her Majestys Letters Mandatory directing the appointment of Commrs for settling the Boundaries between Virginia & Carolina, the President & Councill thought fitt to appoint us on the 18th of April last to be the Commissioners for that purpose, & on the 27th of the same month our Instructions were agreed on in Council. Thereupon Mr President (after having discoursed Mr Lawson one of the Commissioners of Carolina) writt to the sd Commrs on the 5th of May notifying our being ready, & named the 9th of June as a proper time for a meeting of both Commissioners at Williamsburgh to concert & adjust the method of proceeding in this affair, In answer to wch letter, Mr Lawson writt to the President that he had not seen Mr Moseley (the other Commr) that he was then very busy in settling the Palatines (in wch he expected to meet with much difficulty by reason of the distractions of that Government) and that therefore they the Commrs of Carolina could not meet us according to that appointment, but hoped they should be able to do it in July, & Mr Moseley in a letter of the 5th of June excused his attending the Meeting as not having then seen Mr Lawson nor the powers given them by the Lords Proprietors, but that when he had, he would give timely notice when they the Commrs of Carolina could meet. Thus this matter stood at the arrival of the Lieutt Governor who having thought it necessary to have our Instructions re-examined & considered before himself in
Council, was pleased on the sixth of July to sign our Commission, & Instructions according as they had been agreed on.
On the 18th of July we received our Commission at Williamsburgh, & there hearing no farther of the intentions of the Commrs of Carolina, We writt the following Letter to them.

Williamsburgh July 18th 1710.
“Gentlemen
“Having received a Commission from Her Majesty's Lieutenant Governor to Act in conjunction with you for settling the Boundaries between this Her Majestys Colony of Carolina we were in hopes that according to what you were pleased to writt to Mr President Jenings, you would have signified to us when you could conveniently have met us, for adjusting the proper methods of carrying on this work, but having heard nothing from you since Yr Answer to the Presidents Letter, We think ourselves obliged very earnestly to desire you will let us know your last resolution, whether wee may expect to meet you at Williamsburgh any time this month; or if you do not think fitt to meett us there, we desire you to appoint some other place where we may meet you this month because the season of the year will not admitt of any longer delay.
We are
Gent
Your most humble servants
PHIL: LUDWELL
NATT: HARRISON
Superscribe
“To Edwd Moseley & Jno Lawson Esqrs
Commrs appointed by the Lords Proprietors of Carolina, for settling the Limits thereof or either of them in North Carolina.
We communicated this letter to the Governor, who was pleased to desire we would press the Commissioners of Carolina to give the most expeditious dispatch that could be to this affair, whereupon we writt the following postscript to this letter.
“July the 19th 1710. Coll: Spotswood our Governor being very pressing to have this affair expedited as much as possible, we are obliged once more to desire you will please to appoint us the shortest day of meeting that can be, and that you will give this messenger the quickest dispatch with yor Answer, which will very much oblige
Gent
Yr most humble servants
P L
N H
On the 1st of August I (Nath : Harrison) received the following letter from Mr Moseley by the same Messenger that carryed our letter to him.
North Carolina July 25th 1710.

"Gent

"This day I received yours of the 18th instant relating to the Boundarys between this Governmt and Virginia, I think myself obliged to acquaint you that I have taken all the necessary measures I possibly could to bring it to some issue, for immediately after my receipt of Mr President Jening's Letter (which came from Mr Lawson) I dispatched a Letter to Neus desiring Mr Lawson to inform me when he could be at Leasure from his concerns with the Palatines lately arrived, that we might attend this business; Since which on the nineteenth of the last month I pressed him to a speedy Determination, but to this time have received no answer which I ascribe to the great Distance he is from me, at least an hundred miles, and three Large and difficult Ferrys in the way. However I have adventured to appoint the one and twentieth of August next for our meeting you at Williamsburgh agreeable to Mr President Jening's request and yours, being desirous to shew my ready complyance to anything that may make evident my willingness to retrieve the passed time.

I design to-morrow to send a Messenger directly to Mr Lawson to advertise him hereof. In the meantime

I am

Gent

Your most humble servant

EDWd MOSELEY

August 21st We went to Williamsburgh expecting to have meett the Commrs of Carolina, but they did not come. August 25th Being informed that Mr Hyde (Governor of North Carolina) was come to Williamsburgh, and expecting the Commrs were come with him I (Philip Ludwell) went thither where I understood Mr. Lawson had been there, and was gone to Captain Jones' with design to return home speedily there being no news of Mr Moseley. I immediately waited on the Governor to receive the Direc ons how to proceed who was pleased to direct me to dispatch a Messenger early next morning to Mr Mosely to desire his Company as soon as possible at Wmsburgh and in the mean time he was pleased to engage Mr Lawson to stay for the return of the Messenger. August 26th Early in the morning I sent away the following letter to Mr Nathaniel Harrison to be by him sent to Mr Moseley.

Virginia August 25th 1710. Conformable to your appointment in your letter of the 25th of July. We mett at Wmsburgh on the 21st instant where we flattered ourselves we should have had the honour of your Company but being disappointed of it that day without hearing from you and also being informed that several Carolina gentlemen designed to wait on Mr Hyde that very day at Norfolk We concluded we should see you at Williamsburgh in two or three days Our Conjecture proved not altogether wrong for Mr Lawson arrived on Wednesday or Thursday (having been hindered a day or two in his passage) but not finding you here resolved to return home speedily Our Governor Coll. Spotswood being desirous to bring this affair to as speedy a Conclusion as may be (and being
apprehensive that if we fail of a meeting while Mr Lawson is here it will be in vain to expect any further proceedings in Concert with you this year) commands us to desire yr Company at Wmsburgh as soon as possible because Mr Lawson's affairs are very urgent and his Honr has undertaken to engage Mr Lawson to stay three or four days longer
We send this by an Express & hope to have the Honour of your Company at Williamsburgh by Wednesday next where we shall be always ready to do everything that can be expected for expediting this good Work and in the meantime, We are Sr
Your most humble servants
PHILIP LUDWELL
NATH: HARRISON
To Edward Moseley Esqre one of the Commissioners appointed for setting the bounds betwixt Virginia & Carolina, at his house in North Carolina

As soon as this Letter was dispatched I sent a letter to Mr Lawson Inviting him to my house & to inform him that We had sent to Mr Moseley and expected he would come in four or five days, In answer to which he writt that he had already promised the Governor to stay for the return of the Messenger.
Augt 30. We mett the Carolina Commissioners in the Conference room in the Capitol. As soon as our Commissions on both sides were read Mr Moseley objected that we could not treat of this affair because there was a variance in our Commissions. For their Coms impowered them only to Act in Conjunction with us and by the preamble of our Commrs it seemed that the Queen designed no more & yet our Commission impowered us to Act separately. This he insisted on very much questioning the Governors power to give such a Commission. We argued that it could be no objection that a Commission had too full a power given him to treat That our Commission appointed us to Act in in Conjunction if they would, & to that end we were mett and if our Commission did go further to impower us to act seperately in case of disagreement that could be no objection till we had treated & tryed whether we could agree or not besides We thought that what we were appointed to do in case of Disagreement could not properly be called acting seperately since it was nothing but what was necessary for giving Her Majesty a full information of the Case whereby she might be enabled to make a Determination of it & as to the Governors power since he had given it under his hand that it was in pursuance of Her Majestys commands we should not doubt his power nor our own if she did not agree. At last Mr Lawson being satisfied Mr Moseley was forced to quitt the argument and then we proceeded as the Minuts taken by Mr Robertson will shew, but we must remark that Mr Moseley started all the captious Arguments and Exceptions that could be.
This Conference ended without coming to any other agreement than that we would proceed to take more Affidavits on both sides & then make a Tryal of the Latitude at both the contested places. In order to which Mr Moseley agreed to
come to Green Spring the next day, from whence we were to sett out to take the Virginia Affidavits first, but I (Nathaniel Harrison) being taken very ill of an Ague that night, I (Philip Ludwell) went to the Governor's next day to meet Mr Moseley & endeavour to put off our Survey for two days, but I found Mr Moseley very urgent to delay it much longer, for he said his horse was gravelled, & he had such urgent business that he must go home at last (the Governor pressing him very much) he came to this resolution that on Tuesday the 19th he would come to the house of Mr Nath: Harrison to proceed in taking our evidences in Virginia, and from thence we should go with him to Carolina to take their evidences, which we hoped might be done by the 28th, against which time he was to give Mr Lawson (whom he expected to see that night) notice to meet us with his Instruments to go & try the Latitude.

September 21st Having waited in vain these two days for Mr Moseleys coming We proceeded to Coll. Harrison's, where we met with Thomas Cotton & took his Affidavit From thence we went to Henry Brigg's, where we met Richd Washington & took his Affidavit from whence we proceeded in our way to Nottoway.

The 22nd We went to the Nottoway Indian Town, where we had appointed Henry Wych to meet Us to give his Deposition, but he did not come. Here we took the Examinations of three Wyanoake Indian women that live here; having given them strict Charge to tell nothing but the truth. But the Nottoway Indian old men being gone to gather Chinkopens We deferred the taking their Examinac ons till our Return, and went to the Nansemond or Potchiak Indians Town. In our way thither we mett one Richard Bratwell who told us that he had entered for about 1000 acres of land with Mr Moseley and had it surveyed upon Maherine River, being persuaded to it by the sd Moseley, who assured him it was in the Carolina Government and that Nottoway River was Wyanoake and he pretended to read a copy of the Carolina Charter which express'd that they were to begin at the North end of Carotuck Inlett, & to go to Weyanoake River or Creek being in 36½ Deg Lat; & that Mr Moseley did take the Latitude of Nottoway River's mouth, & told him & others then present that it agreed, and from thence he run a due West Course to Maharine River, and we afterwards had ye same accot from others. But Mr Moseley on our asking him, denyed that he had ever tried the lattitude of Nottoway River, tho' he owned he had run a line from the mouth of it due West to Maharine River, web he did by order of their Council.

The 23rd. We took the Examinac ons of Great Peter the Nansemond Indian after his Examination he told us, that sometime before, he was sent for to Coll: Pollocks, where were Governor Hyde, Mr Lawson, Coll : Pollock & others, they examined him concerning the Wyanoake Indians and Weyanoke Creek that he gave them the same relation he has given us, and that thereupon Coll. Pollock was angry with him & said, such storys would do the Proprietors a mischief; he answered that he did not come of himself to tell any storys, but was sent for, & if he desired to hear it, he would tell him the truth, but if that would not please him he would not tell him a lye. That Mr Hyde said he was in the right, he said Coll. Pollock urged him very much to drink, but he thought they had a design upon him & would not.
Then we proceeded to the Maherine Indian Town and took their Examinac on. At this place there was one John Beverley, who reckons himself an inhabitant of Carolina, whom we desired to take notice of the manner of our proceeding in taking the Examinations and of the questions asked them. This man had been all up Wicocon Creek & had taken up some land in the Fork of the Creek where the Weyanoake Town stood and when we made the Indians mark out upon the ground, the Creek & Swamps, & the places where the Weyanoake Indians had Corn fields he confessed the Creek Swamps & old fields were as they described them.

The 24th we set out for Mr Moseley's. The 25th we arrived at Mr Moseleys, who seemed surprized at our coming having as he told us sent a Messenger to excuse his not meeting us at Mr Harrison's and prevent our disappointment, here we stayed this day & the next in expectation of Edward Smethwick & Francis Tomms two witnesses wch Mr Moseley sent for, but they both made excuses that they were not able to come. While we were here Mr Moseley showed us a Letter from Mr Lawson dated from Little River the sixth of September wherein he complains of the shortness of the time for taking the Latitude (tho much later than he had formerly agreed on at our meeting at Wmsburgh his pinnace not being come for him, however he promised to meet or get his Instruments at the place appointed if possible, and recommending to Mr Moseley a brass semi circle that was in that neighborhood in case his did not come—but amongst the rest he writt that he thought it would be of very ill consequence for them to submit to our appointments. This Semi Circle Mr Moseley showed us, but said he did not think fit to carry it to the place appointed to try the Latitude, it being so small that it could not be certainly determined thereby; for the Radius was but 6 inches, & was not capable of being graduated to less than 10 minutes, wherefore he would depend upon Mr Lawson bringing or sending his Instrument.

The 27th. We proposed to Mr Moseley to go to his Evidences but Smethwick living at a great distance up Morattuck River, & Mr Moseley not desiring us to go thither we went to Francis Tomm's house and took his declarac ons being a Quaker, and here we must observe that Mr Moseley acted very disengenuously, for when Thom's answered some of our questions to wch Mr Moseley had made no objection, tho he answered the same things over several times we could not without quarrelling prevail with him to set down the answers in ye same terms that Tomms spoke them, but would be putting other words of a different signification into his mouth, and endeavouring to prevail with him to speak them. The 28th. We went to James Farlows to take his affidavit but Mr Moseley not having given him no notice of our coming, he was gone 12 or 15 mile from home towards Mr Moseleys home, which was directly back again, and Mr Moseley not insisting upon him as a material evidence (for he told us he did not know what he could say, but that having lived in Appomatux he supposed he could say something) We proceeded to Maherine River to meet Mr Beverley & Mr Allen the Surveyors with whom we had appointed to meet Mr Moseley and Mr Lawson the next day at Wicocon or Wyanoake Creek.
The 29th. We went to Wycocon Creek where we met Mr Moseley but Mr Lawson sent an Excuse & and one to act in his room; They had no sort of Instrument with them. He took the Latitude at noon with Mr Beverley's Sea Quadrant, the Radius whereof was two foot 3 inches, & well graduated to two Minutes & a good plumb & fine thread. We found the Zenith distance of the sun to be 43deg: 16m the Declination of the Sun we allowed to be 6d: 33m. The Parallax we allowed to be two min: By which observation the Latitude appeared to be 36d: 41m. The day being very clear, this observation was taken at the window Earlis about 2 miles up the Creek, there being no firm land nearer but all sunken marsh & Pocoson. Our horses getting from us last night, we could not reach this place till a quarter after eleven, so that we had not time to fix the quadrant to stand by itself, but held it by hand rested by a stake of a fence & standing on another stake: To this Mr Moseley objected that it was lyable to error & not so nice & certain as it ought to be, wherefore we resolved to stay till next day and take another observacion on. This day we examined Jno Smith Wm Bush Rich Booth & Charles Merrit.

The 30th. We took the affidavit of William Hooker, and Mr Moseley took the affidavit of Lewis Williams Then we proceeded again to take the latitude at the same place as yesterday having fixed the quadrant very firm & nicely, & used a horse hair to the plumb instead of the thread, and according to the best of our observation we found the zenith distance to be 43d: 29m The Declination we allowed to be 6d. 57m the Paralax 2m. By which observation the latitude appeared to be 36d 40m. But some flying clouds intercepting the sun for some few minutes, this observation could not be depended upon to a minute, yet Mr Beverly was positive he was within 4 or 5 minutes at ye utmost, & we verily believe it was not above 5 or 6 minutes betwixt the last fair observation, & the time we found the sun was considerably fallen: but Mr Moseley being dissatisfied we resolved to stay another day & take a new observation for his satisfaction. This day we went down the Creek by water to the mouth of it, & took ye Courses & Distances of the meanders, & found the Creeks mouth to be 20 Poles to ye southward of the place where we took the observation. Here Chowan River is about a quarter of a mile wide and the Creek near 100 yards. It may not be improper in this place to observe a true reason for Mr Moseleys leaving behind him his Brass Instrument for trying the latitude, that what he was pleased to Give, of its being too small: For he owned he had with the same Instrument taken the latitude of his own house, & afterwards showed us a map of that part of Carolina wch he had made from his own surveys; by wch he must certainly know what course & distance Weyanoake or Wicocon Creek was from his house, and thereby could tell within 10 minutes in what latitude the Creek lay according to that Instrument But if by bringing that Instrument he should have discovered to us that the said Creek was in the latitude of their charter, or perhaps to the Northward of it (as it appeared to be by our Quadrant) it might have been difficult for him with all the subtlety whereof he is Master, to have found a specious excuse against so plain a Demonstration, whereas by bringing no Instrument of his own he left himself at full liberty to find fault with ours.
The 1st of October was very cloudy, so that we could take no observation, and the sky threatening bad weather, we resolved to stay no longer, but to go back to the Maherine Indians to examine them again in Mr Moseley's presence, & in our way thither we took the examination of John Brown.
The 2nd The Maherine Indians not being at home we proceeded to the Nansemond Indian Town, in order to take the latitude at Nottoway Rivers mouth, & to examine those Indians; but when we came there, most of the Indians were gone abroad to get Chincopens & it being a rainy day we could take no observation.
I (Philip Ludwell) came up Chowan River almost from Wicocon Creek by water with Mr Beverley & set the Courses of the River as we came up, & guessed the distances, by wch we might be enabled to compute how near our observations at the two places agreed, & we found them to agree very near.
At the Nansemond Town the Interpreter told us that when he went down to Wicocon Creek with a Nansemond Indian called Robin Tucker who was sent by the Indians to shew us the Creek on wch the Weyanoakes formerly lived, he called at one William Williams's house, where he met with one Mr Maul (who is ye same person appointed by Mr Lawson to supply his place at our taking the Latitude) and that being sometime in the House and the Indian left without, as soon as he (the Interpreter) came out, the Indian told him, That man (meaning Mr Maul) was not good for he had been (persuading) him to deny that the Weyanoakes had lived on Wicocon Creek, & promised him two bottles of powder and a thousand shott to do it. Upon wch we examined the Indian charging him not to tell a ly of the Gentleman, & he assured us it was very ture. This Mr Maul is Mr Lawson's Deputy Surveyor.
The 23rd. We went to the mouth of Nottoway River and in an old field on ye North East side of Chowan just opposite to the Lower side of Nottoway River, called by the people of Carolina Weyonoake Creek, We cutt off the logs of a small tree, and fixed the Quadrant very nicely to the stumps of it, & the day being very clear we had a good observation. We found the zenith distance to be d45: m6. the Declination we allowed for that day to be d8: m4 the Parralax m2 by which observation the latitude of the place appeared to be just 37 Deg: But the Gentlemen were not satisfyed yet, tho they stood continually looking on ye Instrument at Mr Beverleys elbow, the pretence for their cavilling here was on this occasion Mr Beverley while he perceived the sun still rising let the Instrument stay a considerable time, and when he thought the sun at the highest, he then moved it, by which means it altered about 10 min: from what it was before, and we did not perceive the sun to rise any more afterwards. Upon which they agreed it was all uncertain, & that this could not be taken for the sun's true latitude; we endeavoured to continue there, & Mr Beverly desired Mr Moseley to try it himself: but they would allow no Instrument to be fitt for taking the Latitude except Mr Lawson's, wch they design to have some time or other, and then they expect we should meet them again. We think the observacons wery exact, but they cavill at every thing, for no other reason (as we can find) but only to delay for we understand Mr Moseley has pursuaded people to take up & has already survey'd almost all the land in dispute near the mouth of the rivers that is of any
value, telling them that they need be in no doubt, that Nottoway River lay exactly in the Latitude of their Charter & that he ran a West line from thence to Maherine River and the people on this accot believe themselves very safe.

That he has himself taken up a great deal of land there, part of wch he has sold & there are yet no patents issued for any of those lands but he hopes to procure them (as we suppose) upon the arrival of a Governor or other settlement of their Government) yet fears he shall not only lose his own land but be forced to refund what the poor people have paid him if it be determined to belong to Virginia before he can obtain patents in Carolina, so that t'is not to be wondered he has fished for so many pretences to obstruct a work upon the Determination whereof his own Interest is like to suffer.

The 4th After a very hard journey we arrived at Nath1 Harrison's where we found Mr Moseley's letter of excuse dated Sunday September the 17th with a Copy of Smethwicks Affidavit. The messenger that brought this letter returned to Mr Moseleys while we were there. We asked him when he arrived at Mr Harrisons? he answered on the Friday after we set out, and being asked what made him so long on his journey as from Sunday to Friday, he answered he did not set out on his Journey till Tuesday, wch was the day we were to meet.

To the Honble Alexander Spotswood Esqre Her Majestys Lieutenant Governor of Virginia—

May it please yor Honr

Having in the preceding Journal given yor Honr a full account of our proceedings hitherto in this affair. We humbly beg leave to offer yor Honr our thoughts upon the state of the Case, which from the best observations we have made appears to us to stand thus.

On the part of Virginia

1st There are two positive Evidences of good fame to the place & name of Weyano-ake Creek.

2nd Several Evidences corroborating the Indians account of the Weyanoak Indians having bought land & lived upon the said Creek and very near it for several years, not long before the Grant of the Carolina Charter: from whence probably the Creek took its name, having no name before that we heard of.

3rd All our Evidences are unanimous as to the name of Nottoway River which with the Indians account, corroborated by English Evidences of the Weyanoaks paying an acknowledgement to the Nottoways (who lived there long before) for living on that River, makes it seem improbable the name of that River should be changed from their living a few years upon it, at least twenty five miles from the mouth, when they lived much longer upon Blackwater without altering the name of it.

4th The Evidences on the part of Virginia are all men of good Credit and agree very well in their relation.

5th The Latitude of Weyanoak or Weycocon Creek appears to agree very near with the Carolina Grant whereas Nottoway River appears to be thirty minutes to the Northward of it.

On the part of Carolina
1st They have no Evidences that speak to the name of Weyanoak or Weycocon Creek at the time of their Grant.
2nd All their Evidence runs to the name of Weyanoak River & not one calls it a Creek & indeed Nottoway River seems to be the main branch of Chowan River, & it is Navigable (if it were cleared) as high as the head of Blackwater Swamp, whereas there Charter runs expressly to Weyanoak Creek & that is called a Creek to this day.
3rd Their Witnesses are all very ignorant men & most of them men of ill fame that have run away from Virginia & some of them concerned in Interest & we plainly discover several of them did not understand what they swore in their Affidavits & we observe that all of them contradict themselves or one another.
Upon Consideration of the whole Case as the Circumstances have appeared to be in the whole Course of our Progress, we are clearly convinced that the place call'd Weycocon is the place called Weyanoak Creek in the Carolina Charter, & from the backwardness of the Carolina Commrs to meet us & to bring this business to a conclusion, together with the frivolous objections they make upon all occasions to retard our proceedings, & some other Observations we have made, which are too tedious to insert here, we cannot choose but believe that they or one of them at least is convinced of this in his own Judgt (if he would be so ingenuous as to own it) but either for private interest or some other reason to themselves best known they hope to put off the Decision for some time.
Signed.
PHILIP LUDWELL.
N. HARRISON.
Vera Copia
Wil: Robertson St. Com. 72

*Narrative by Christoph von Graffenried concerning his voyage to North Carolina and the founding of New Bern [Translation] (1718?)*

The Council of war delay my execution and send delegates to the Tuscoruros.
Really, the sun was nearly set, when the Council assembled once more, probably to make an end of that fatal, frightful, and mournful ceremony; I turned round some little, though I was bound, knowing that one of them knew English pretty well, and I made a short discourse showing my innocence and insinuating that, if they would not spare me, the great and powerful Queen of England would avenge my blood, as I had brought that colony in those countries by her orders, not to do them any wrong but to live on good terms with them. I further stated whatever I thought fit besides, to induce them to some mitigation, offering them my services, if I were liberated. After I had done speaking, I remarked that one of the notables (who had seemed already disposed to do me some good,—who had even brought me to eat once,—and who was a relation to King Taylor, from whom I had bought the land where New Bern now stands), that that notable spoke earnestly, apparently in my favour, as it came out. Then it was forthwith resolved, to send a few members to their
neighbors, the villages of the Tuscaroros, and to a certain King Tom Blunt, in high repute among them. The result was that I was to live, but that poor Surveyor-General Lawson was to be executed.  

2. Other General Land Grabbing and Harrassment

*North Carolina Colonial Records*

1735 - His Excellency the Governour was pleased to acquaint this Board that he had lately visited the Tuskarooora Indian Town when the said Indians complained of several abuses committed by the white People living near them such as selling rum to their people in the Towns that they were prevented from hunting as usual—And also that they were very much imposed on by the People keeping Ferrys in this Province who exacted more from them for being carriyed over than what was allowed by Law and very often refused carrying them at all. The Council thereon advised His Excellency to Issue his Proclamation regulating the above abuses.

R. FORSTER, D. C. E.  

Tuesday 17th June 1746. The House met according to Adjournment. Read the Petition of the Meherin Indians, setting forth the hardships they labour under by reason of the white people intruding on their Possessions and also that the Commissioners appointed by an Act of the General Assembly to settle the said Indians in the quiet possession of their possessions, and praying relief thereon.

D. War Profiteering

The early settlers to the Albemarle looked upon the right to Indian lands not as an illegality so much as a necessity for the success of their merchant enterprise. The Indian was completely disregarded. Charleston elites became known as extraordinary slave traders in Indian flesh and coastal tribes, especially of eastern North Carolina, slated for removal and enslavement. This left the land undefended and open for European settlement.

1. Directed at Land

*Colonial Records of North Carolina*

*Von Graffenreid reflecting on the Tuscarora War (1711-1715)* – What kindled that Indian or Savages’ war [Tuscarora War] were, above all, the slanders and insinuations of a few rioters against Govr Hyde and against me. They made the savages believe that I had come to expel them from their lands...
Sept. 17.
Carolina.
739. Governor and Council of Carolina to the Council of Trade and Plantations.
Reply to letter of May 7, 1707. The number of ye inhabitants in this province of all sorts are computed to be 9580 souls, of which there are 1360 freemen, 900 free women, 60 white servant men, 60 white servant women, 1700 white free children, 1800 negro men slaves, 1100 negro women slaves, 500 Indian men slaves, 600 Indian women slaves, 1200 negro children slaves, and 300 Indian children slaves. The freemen of this Province, by reason of the late sickness brought here from other parts, tho now very healthy, and small supply from other parts, are within these five years last past dec[r]eased about 100, free women about 40, white servants for the aforesaid reasons and haveing compleated their servitude are dec[r]eas'd 50, white servant women for the same reason 30, white children are encreased 500, negro men slaves by importation 300, negro women slaves 200, Indian men slaves by reason of our late conquest over the French and Spaniards and the success of our forces against the Appallackys and other Indian engagements are within this 5 years encreased to the number of 400, and the Indian woman slaves to 450, negroe children to 600, and Indian children to 200.78

From this British record, it can be seen that England’s view of the Indian was as a resource, perhaps not as an ally. It was difficult to regard one Indian as a slave, with few or no rights and another Indian as a member of a sovereign nation, with all the rights that entails, at least while on the same continent. With Africans, the physical differences were much more apparent and while the English conducted trade relations on the African continent that resembles the American style of trade with Native Americans, this relationship did not directly translate from Africa to America.

Colonial Records of North Carolina

(Presumption of taking slaves) - And albeit Col Barnwells Indians killed 40 or 50 Cores, Bare River, River Neuse and Matamusket Indian men, and took near upon 200 of their women and Children, yet in all the time he was here, not above 30 Tuskarora Indians were killed, that we can hear of: the others being small nations not able of themselves to hurt us.79

Thomas Pollock hinted at the South Carolinian forces having another agenda in this statement. Historians Feeley and McIlveena explore this subject in more detail. Barnwell certainly knew some of the Albemarle residents and Pollock wondered about his agenda involving those residents. Historian William Saunders states:

It seems incredible that Pollock did not know why Barnwell preferred to “clap up a peace” rather than carry the fort by assault; yet he makes no
mention of it. Barnwell was on too good terms with Moseley for him to find favor in Pollock's sight.  

Saunders felt that Pollock believed the factional forces involved might have had official sanction and thus remained quiet about any reservations. The popularity of South Carolina at the Board of Trade, remarks made by them showing that favoritism, and the presence of elite South Carolinians in the Albemarle probably worked against Indians in this respect.

3. Indians Directed at Each Other

*Colonial Records of North Carolina*

Letter from the Board of Trade of Great Britain to Thomas Pelham-Holles, Duke of Newcastle
Great Britain. Board of Trade
June 21, 1732
Volume 03, Page 345

[B. P. R. O. Am: & W. Ind: No. 592.]
BOARD OF TRADE TO THE DUKE OF NEWCASTLE
JUNE 21. 1732.
My Lord,
We take leave to enclose to your Grace the Extract of a Letter we have received from Captain Burrington His Majesties Governour of North Carolina by which he seems to apprehend the Indians of South Carolina were preparing to fall upon those under his Government who hope to be supported by a Party of the five Nations.
As an Indian War may be of the most fatal consequence to both these Colonies, we have wrote both to Coll: Johnson and to Capt Burrington to desire they will take the best Precautions to prevent the same. We have likewise wrote to the Governour of New York to interpose his authority with the five Indian Nations who are said to be concerned in this affair. But as her Majesties Orders to these three Governours upon this subject will be much more effectual, We desire your Grace will please to lay this matter before Her for Her Majesty's Directions therein.
We are my Lord Your Graces most obedient & most humble serts
P. DOCMINIQUE
T. PELHAM
EDW: ASHE
ORLo BRIDGEMAN
M. BLADEN

Whitehall June 21th 1732.  

64
The response of South Carolina's governor to the Board of Trade and to the Duke of Newcastle is quite telling, both about whether Burrington was behaving irrationally and about the differing policies of North and South Carolina governments:

Calendar of State Papers Colonial, America and West Indies

December 15, 1732
Charles Town.490. Governor Johnson to the Council of Trade and Plantations. I did myself the honour to answer your Lordsp.'s letter of the 16th of June relating to laws made, manufactures set up, and trade carried on in Carolina, which may affect the trade of Great Britain; I likewise in Council have acquainted his Grace of Newcastle and your Lordsp.s. of my having appointed a Chief Baron of the Exchequer, and desired H.M. further Instructions therein. I have before me your Lordsp.s. of June 21st relating to a paragraph of Governor Burrington's letter, intimating apprehensions he is under that our Indians are expected to make some attempt against those of North Carolina; I pretty much wonder he should be uneasy at the thoughts of that happening, because by the copy of his letter, he seems to think they deserve chastisement; and Mr. Watis's Journal, which I inclose, who we sent our agent, to demand justice of the Tuscorora Indians, will fully aprize your Lordsp.s. of all that affair. A nation of Indians called the Catabas living within the limits of this Government, have a long time been at war with the Tuscororas of North Carolina, and it is allways the maxim of our Governmts. upon the Continent to promote war between Indians of different nations, with whom we trade, and are at peace with ourselves, for in that consists our safety; being at war with one another prevents their uniting against us. If any material action had happen'd on this affair, I should have been sure to have given your Lordsp.s. a particular accot. of it, but the Tuscororas not having since Mr. Watis's parley with them before Mr. Burrington done us any damage, and the Catabas having made no expedition upon the Tuscororas, I thought what your Lordsp.s. might find mentioned in the journals of Council and Assembly formerly sent your Lordsp.s. was sufficient. It is true the 5 Nations are in amity with the Tuscororas, and some of them were with the party who carried our slaves and horses away; but we hear only from Mr. Burrington of so furious a war being likely to be carried on; they seldom attack one another in such large bodys; partys of 30 or 40 men go out, and if they can steal anything, and kill 2 or 3 old women or men, they soon return contented. 'Tis only such a war that we hear of yet. Indeed if again the Tuscororas had insulted and robbed our planters, I believe we should have been obliged to have headed their enemys the Catabas against them, and then your Lordsp.s. should have had an accot. of it.82

December 15, 1732
Charles Town.487. Governor Johnson to the Duke of Newcastle. In my last to your Grace, I had the honour to acquaint you, that I had appointed a Chief Baron of the Exchequer, etc. (v. 21st Nov.). Everything is very quiet upon the borders of North and South Carolina; Governor Burrington was indeed some time ago
apprehensive that our Indians would have disturbed those under his government; but it afterwards appear'd there was little room to suspect any commotion of that kind, and if any thing material shall happen on that or any other occasion, your Grace may be persuaded I shall always acquaint you etc.83

War between the Indians to intentionally reduce their number had the added benefit of opening lands for settlement. It becomes apparent from Governor Johnson's letter that what casual policy South Carolina used and was likely in agreement with the Board of Trade, was not the same policy of the North Carolina government. North Carolina tried to preserve peace between the Indians and themselves as well as between Indians. Apparently, this was contrary to South Carolina's tendencies, presumably Great Britain's as well. It is worthy of note, perhaps to mention that Governor Johnson wrote the Duke of Newcastle on the same day. However, he did not mention this policy of war between the Catawba and Tuscarora to North Carolina's most recent benefactor and Governor George Burrington's patron. Was it possible that the Board of Trade also withheld information from Newcastle?
What characterizes this period is the legislative attempt to stop Indians from hunting or fishing on patented lands (patented by the colonists). By 1740, colonists had become well aware that Indians viewed these rights differently and they wanted to assert their rights as Englishmen to their titled lands. Indians, as a result, must have regarded this English “selfishness” with land as a nuisance that they were forced to accept. Accept it they did. In one case, they even turned the tables on the English:

At a Council held at Newbern the 4th day of May 1742 ...
Read the petition of Thomas Jonekin, and Sundry other Inhabitants of Meherrin Neck—setting forth that they had been in possession of several small Tracts of Land on the said neck for several years; That they had cultivated the same at great expence, and paid quit rents; That the Indians had lately surveyed the said Lands in order to get a patent for the same, and had Included their Lands in their lines, and threatened to drive them off said Land; and therein prayed relief.

Some Indians, who regarded the “Inhabitants of Meherrin Neck” as interlopers, attempted to obtain clear title to these lands in the English fashion and then strove to drive the settlers off the land in much the same way that they perceived had been done to them. The Governor’s Council put off their decision for a few days, no doubt unsure of what had taken place. They reviewed the act of November 1729 that gave the Meherrin rights to the land as follows:

LAWS OF NORTH CAROLINA--1729.
CHAPTER II.
An Act for the More quiet settling the bounds of the Meherrin Indian Lands.
I. Whereas complaint is made by the Meherrin Indians, that the English people disturb them in their settlements, by coming to inhabit and send corn among them; and also, that their bounds allowed by order of council dated October the twenty sixth, one thousand seven hundred and twenty six did not extend high enough up from the fork of Meherrin Neck: for remedy whereof,
II. Be it Enacted, by his Excellency the Palantine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the advice and consent of the rest of the members of the General Assembly now met at Edenton, for the North East Part of the said Province, and by the authority of the same, that the said order of council be vacated, and that the Indian bounds and limits shall be extended as followeth, viz. beginning at the mouth of Meherrin river, and so up the river to the mouth of Horse Pasture Creek formerly called Indian creek; then by the said creek up to the fork of it; then by the North East branch thereof to the head of the same; then by a straight line across to Chowan river, by the upper line of Mulberry old field survey, to Samuel Powers's lands; then along the various courses of the river, to the first station.
III. And be it also enacted, by the authority aforesaid, that all English people, or any other, living in the said bounds, shall move off, and that no persons but the
said Indians shall inhabit or cultivate any lands within the limits aforesaid, while the said Indians remain a nation, and live thereon: and if any person shall offend against this act, on complaint made to Mr. John Boude, who is hereby appointed a commissioner for the said Indians, he shall grant his warrant to the constable, requiring him with aid (if need be) to remove such person, at or before the twenty fifth of December next ensuing; and any person refusing to remove, shall be brought before the said Commissioners, and upon his conviction of the same, shall forfeit for the first offence, five pounds: and if he still persist, and refuse to go off from the said lands, after warning from the commissioner, or by his order, for the second offence shall forfeit the sum of ten pounds, and for the third time of his so offending shall forfeit Twenty Pounds, and Two months Imprisonment, and give security for his or their good behaviour: to be recovered by bill, plaint or information, in any court of record in this government; wherein no essoin, protection, or wager of law, shall be allowed or admitted of.

IV. And be it further Enacted, by the authority aforesaid, that the said commissioner is hereby impowered and ordered to reinstate and settle the said Indians, in giving them peaceable possession of the said lands, and to turn off any other person or persons inhabiting within the said bounds, unless such person have special leave from the Governor and Council, for continuing thereon; provided that this act shall not invest the fee-simple of the said lands in the Indians, but such as have patents for the same, or any part thereof, their title shall be good and valid; neither shall the said Indians have liberty or leave to rent, sell, or in anyways dispose of the said lands.

By May 7, they reconvened:

Resumed the Consideration of Thomas Jernagoon's Petition of Yesterday. It appearing that the Indians therein complained of were intitled by Virtue of an Act of Assembly past in November 1729 to all the Land lying between the mouth of Meherrin River and so up the River to the mouth of horse pasture Creek formerly called Indian Creek then by the said Creek up to the fork of it then by the North Easterly branch thereof to the head thereof then by a straight line across to Chowan River by the upper line of Mulberry old field a Survey of Samuel Powers Land then along the various courses of the River to the first Station so long as they should continue a nation and Inhabit the same
Ordered that the said Indians may quietly enjoy the Land with the bounds mentioned by the said Act of Assembly not seated by the petitioners or other white persons, but that the said petitioners and others in possession of Lands within the said bounds may hold the said Lands upon payment to the said Indians a sum not exceeding five pounds pr hundred acres Virginia money, if they shall demand the same, And that such persons who have not taken out Warrants for the Lands by them respectively held shall be Intitled to the same upon payment of the said sum or other agreements with the said Indians properly certified
And to the end that Strangers may not be imposed upon by the said Indians by their offering to sale any Lands within the said bounds already patented
Ordered that the said Indians do not presume to sell or dispose of any Lands as aforesaid heretofore pretended by the Petitioners or others his Majestys Subjects within this Province.

Clearly, the Council was surprised. Still, they held to their original agreement with the Meherrin and allowed them rights to the land. The colonists were allowed to keep whatever portion they would be willing to pay the Indians for. Obviously, Indians had learned the ways of the English by the 1740s. By no means was this typical, however. Still, this decade had become a watershed moment for European-Indian relations, prompting the division of this study at the year 1740.

SECTION 1: Dispossession as a Result of Social Divergence

A. Purposeful Avoidance of Indian Right to Land

1. English Assumption of Right to Land

English colonists grew bolder in the Late Colonial Period, with the Indian primarily subdued on various reservations. They also grew more fearful from the cultural divergence inherent in the separation. Casual references to colonists’ perceptions of Indians’ lack of rights, accompanied by mere toleration of their presence, become more pronounced. These references are induced by fear and uncertainty as to the Indians’ intentions so close to white settlement. What is the meaning of a “purchase” from the Indians? What does the European use for payment? Does the Indian now have a better understanding of what is meant by ownership of land?

August Gottlieb Spangenberg’s Diary, 1752

We paid a visit to the Tuscarora Indians who live on the Roanoke. They live upon a tract of very good land secured to them by act of Assembly. I suppose it contains from 20 to 30,000 acres of land. It is 12 miles long, but not broad. The Interpreter Mr. Thomas Whitemeal [Whitmele] was kind enough to go with us showed us all their land and made us acquainted with them. He has been a trader among them, understands their language and speaks it quite fluently. Now he is one of the wealthiest men about here and has an excellent character among all classes. The Indians have no King but a Captain whom the whites select from their midst. There are also some individuals who live among them as chiefs. Their number is small; they side with the Six Nations against the Catawbas, but suffer from this relationship very much. They are very poor and are oppressed by the whites. Mr. Whitemeal is their agent and advocate and is much respected by them. No efforts have as yet been made to christianize them.
They gave us a message to the Catawbas (not knowing that they had made peace with the Six Nations) should we see them, “that there were enough young men among them who knew the way to the Catawba Town. They could come and go there in 20 days; that they had remained very quiet and not molested the Catawbas except to hunt a little and they should remain quiet as long as the Catawbas did. Should they however become troublesome the way to the Catawba Town could soon be found.”

Tis worthy of remark that the conduct of the Indians here is quite different from that in Pennsylvania. There the Indians are not feared at all unless they are drunk. Here they conduct themselves in such a way that the whites are afraid of them. If they enter a house & the man is not at home they become insolent & the poor woman must do as they command.

Sometimes they come in such large Companies that even the man is sorely put to it if compelled to deal with them. Sometimes men do like Andrew Lambert who found traces of Seneca Indians on his land & in his corn & found they had killed & eaten some of his cattle. He called his dogs which he used for bear hunting some 8 or 10 in number & with his rifle in hand, he drove them out like sheep before him & thus rid himself of the nuisance.

This is difficult when people live alone in the woods about here; they are in danger of getting into unpleasant relations with the Indians. North Carolina waged war with the Indians, in time the latter became worsted & in consequence lost their land. This created a bad feeling not only among those tribes immediately concerned but with all the rest. This feeling of animosity will not speedily die out. This asserts itself on all occasions & it has come so far in N. C. that not only did the Indians rob the people of their stock, but in some cases even killed some of them.84

*Benjamin Franklin’s Albany Plan, 1754*

That they make all purchases from Indians for the Crown, of lands not [now] within the bounds of particular Colonies, or that shall not be within their bounds when some of them are reduced to more convenient dimensions.85

*Tuscarora Historian Teresa Morris*

Historian Teresa Morris paraphrases below some of the *Colonial Records* dealing with Tuscarora dispossession of their treaty lands in Bertie County, North Carolina. The actual primary documents follow her entry for corroboration purposes (since the purpose of cataloguing requires the actual documents). Morris’ narrative is helpful in understanding their meaning, however.

By 1759 the land was being grabbed from land hungry whites. Unfortunately for the Tuscaroras they had lost part of it due to their kind had secretly leased it in a "CLANDESTINE" manner to John McGaskey. The NC General Assembly commissioned William Taylor and John Hill to look into it. When the report was in the assembly ordered McGaskey to quit his claim. [See below where twenty years go by while McGasky is fined only £2] Humphrey Bates fought like h_ _ _ to retain 300 acres which was a part of the 600 acre tract given to William
Charlton by King Tom Blunt in 1723. This had been sold to him by Charlton's heirs. November 29, 1758 the attorney general ordered Bates be prosecuted if he did not quit the land. Bates kept hold on but a year later action for expulsion was entered.86

William Charleton was a long time interpreter for Thomas Pollock and the Tuscarora after the Tuscarora War and Tuscarora settlement in Bertie County.

North Carolina Colonial Records (Corroboration purposes)

Newbern March 29th 1753
On considering the Petition of the Tuskarora Indians which was read yesterday It was Ordered that a Commission issue directed to Mr. Thomas Whitmil, Mr. William Taylor and Mr. John Hill to empower and require them to Enquire into the fact Complained of in the said Petition & to hear & determine concerning the same with Liberty of appeal to this Board if any of the Parties shall think him or themselves agreived by the Judgment of the said Commissioners who are to make Report of their Proceedings by Virtue of the said Commission87

At a Council held at Newbern on Wednesday the 26th day of September 1753
The Commissioners on the 28th day of March last to examine hear and Determine concerning the Complaint of the Tuskerora Indians made their Report in the following words,
“Pursuant to the within Warrants the Parties appeared, and John McGasky the Defendant confessing that he held a Tract of Land by Virtue of a Lease from the Indian King ordered and adjudged that the Defendant quit his Claim and all pretention to the said Land by Virtue of the said Lease, from which Judgment the Defendt appeals Given under Our Hands this 21st day of May 1753.
Signed
THOMAS WHITMELL
WILLIAM TAYLOR Comrs
Which return being read and the appellant heard it was Ordered that the Judgment of the said Commissioners be confirmed and that the said John McGasky do remove himself and his effects off and from the said Indians Lands Accordingly88

March 26, 1773
John Rutherford Esquire Receiver General of His Majesty's Revenues of North Carolina appeared this day before me, and being duly sworn on the Holy Evangelists of Almighty God maketh oath, that the Amount above stated is a true charge of His Majesty's Casual Revenues therein mentioned and that the same contains a just and true Account of all the Fines, Forfeitures, Escheats and other Casual Revenues whatsoever by him received during the Time above mentioned.
B. Casual Identity Disassociation in Official Records

Individual tribal affiliation increasingly became blurred. References are less often to “Tuscarora” or “Meherrin” and most often to “Indian.” As can be seen from Part I, the Tuscarora right to their lands was defended by the Assembly, yet in general they were losing their identity as a unique entity. They were officially treated as any other individual with the accompanying set of rights – ironically, as property owners.

Lack of Acculturation to European ways

Also, a subtle distinction can be made between the use of land as perceived to be owned by the Creator and land as perceived owned by an individual. Understandably, it took a long time for the Indian to become aware of what the European meant by “ownership.” Hunting on any land was simply a method of survival, a way of life. Native Americans of the Late Colonial Period still had not fully acclimated to the European’s rules. It resulted in many misunderstandings. Some of these occurrences are certainly due to Indian violations of understood rules, however some are not. The difficulty lies in distinguishing between these records; therefore, they have been grouped together.

North Carolina Colonial Records

1740 - Read the Petition of several Inhabitants of Tyrell County praying several Amendments in the Quit Rent Act: that the Jurisdiction of the County Courts may be enlarged that four Assistant Justices may be appointed to assist the Chief Justice in holding the Genll Court & Circuit Courts & that an Act may pass to prevent the Indians hunting &c on patent Lands. Ordered the same to lye on the Table.90

1740 - Resolved that the Indians ought to have Liberty till next Session of Assembly to hunt on all peoples Lands they keeping out of Inclosures & not burning the Woods near any persons plantations and do no Damages to Peoples stocks & behaving themselves orderly…91

C. Deliberate Harassment of Indians

Treaty between North Carolina and King Hagler and the Catawba Indians
North Carolina; Catawba Indian Nation
August 29, 1754
North Carolina—Rowan & Anson County.

At a Treaty held on Thursday the Twenty Ninth day of August one Thousand Seven Hundred and Fifty four at the house of Mr. Matthew Tool, Between Alexander Osburn & James Carter Esqrs Commissioners, and the Cataba Indians—

Present
King Hagler and sundry of his headmen and Wariors
James Carter Esqr Commissioner &c.
Alexdr Osburn Esqr Commissioner &c.

The Commission which was sent by his Honr the President to the above Commissioners, being Read in the presence of King Hagler and sundry of his headmen and Wariors, after which it was Interpreted by Mr. Matthew Tool, Together with the Letter which was also sent by his Honr to Capt McClenachan Andw Perkins Esqr and Others, as Concerning said Indians

After Each sentence was Distinctly Interpreted by Mr. Tool, who was Sworn for that purpose the King made the following Speech—
Brothers and Wariors
I am Exceeding glad to meet you here this day, and to have the opportunitiy of haveing a talk one with an Other in a Brotherly and Loveing manner, and to Brighten, and Strengthen, that Chain of Friendship which has so long remained between us and the people of those three Provinces, and I am Very Sorry to hear those Complaints that are Laid to our People's Charge, But now will Open our Ears to here those Grievances & Complaints that shall be made by you against our Young men and Others, and we do Heartily Thank our Good Brother the President of North Carolina for his good Talk in his Letter to us, and also for his appointing You to meet us here, to have this Discourse.

Then William Morrison Appeared, to support the Complaint that was by him Made to the Officers at a late Court martial held in Rowan County, Concerning the Indians Insults to him at his own house, some time before, when they Came to him at his mill and Attempted to Frow a pail of water into his Meal Trough, and when he would prevent them they made many attempts to striek him with their guns over his head To which some of the Indians said what they Intended to do with the water was only to put a handful or Two of the meal into it to make a kind of a Drink which is their way and Custom.

The King also Said that it was well that one of them had killed him, for said he had they killed You or anybody Else we would surely have killed him for they would not let him Live above the ground, but would put him under the ground, as Lately we have Done to one of our Young Fellows who got Drunk and in his Liquor met with a little girl on his way below the Waxhaw Settlement and kill'd her we were Imediately aprized of it by one our own People, and we soon Discovered who, it was that Commited the fact whereupon we Directly Caused an Other young man the fellows own Cousin to kill him, which he readily did in the presence of some of our Brothers, the white people in Order to shew our Willingness to punish such offenders.

Then Came James Armstrong William Young and William McNight who Laid sundry things to the Indians Charge, (to wit) Concerning their taking Bread meat meal and Cloaths and also for attempting to Take away a child, and attempting to stab men and
women if opposed by them from Committing those Crimes, To which the King & some of the Headmen, Answered
Brothers as You are Wariors Yourselves, You well know that we oftentimes goe to War against our Enemies and Many Times we are Either making our Escape from our Enemies or in pursuit of them, which prevents us from hunting for meat to Eat when we are in Danger, least our Enemy should Discover us; and as this is our Case many times we are forced to go to Your houses when Hungry, and no sooner we do appear but your Dogs bark and as soon as You Discover Our Coming You Immediately hide Your Bread Meal and Meat or any Other thing that is fit to Eat about your houses, and we being sensible that this is the Case, it is True we search, and if we finde any Eatables in the house we Take some, and Especially from those who behave so Churlish and ungreatfull to us, as they are very well assured, of our great need many times for the Reasons we now give, If we ask a little Victuals you Refuse us & then we Owe we Take a Loaf of bread a little meal or meat to Eat, and then You Complain and say those are Transgressions, it is True there are many in those Settlements that are very kind and Curtious to us when or as often as we come they give us Bread and milk meat or Butter very freely if they have any ready and never Do refuse whether we do ask or no, and if it should happen that they have nothing we goe away Contented with them, for we well know that if they had any thing ready we would have it freely & not Refused by them. One of the Captains named James Bullin Owned that not Long agoe he and his men were in pursuit of the Enemy and then on their Track he Came to James Armstrong's house, the above Complainant, who gave him a small Cake of Bread, and being very hungry he asked more for himself and his men, and being Told by sd Armstrong that there was no more ready in the house One of the Indians Lifted up a bag that lay in the house Under which they Discovered Some Bread which they had Suspected was hid from them, and taking some of it the woman struck one of them Over the head, which is the Cause of our Taking, Those things without law that we would not do to those who are kind to us in our Necessity when we apply to them
King—You I Remember Brothers accuse our People with attempting To take away a Child from one of Your People, but I hope you will not harbour this Thought of us so as to Imagine it was done in Earnest, for I am Informed it was Only done by way of a joke by one of our wild Young men in Order to Surprize the People, that were the parents of the Child, to have a Laugh at the Joke
But as to their Takeing other things such as knives Cloaths or Such Things we own it is not right to do but there are some of our young fellows will do those tricks altho' by us they are oftentimes Cautioned from such ill Doings altho' to no purpose for we Cannot be present at all times to Look after them, and when they goe to war or hunting Among the Inhabitants we generally warn them from being any ways offensive to any white person upon any Consideration whatever,
King—Brothers here is One thing You Yourselves are to Blame very much in, That is You Rot Your grain in Tubs, out of which you take and make Strong Spirits You sell it to our young men and give it them, many times; they get very Drunk with it this is the Very Cause that they oftentimes Commit those Crimes that is offensive to You and us and all thro' the Effect of that Drink it is also very bad for our people, for it Rots their guts and Causes our men to get very sick and many of our people has Lately Died by the Effects of that strong Drink, and I heartily wish You would do something to prevent Your People
from Dareing to Sell or give them any of that Strong Drink, upon any Consideration whatever for that will be a great means of our being free from being accused of those Crimes that is Committed by our young men and will prevent many of the abuses that is done by them thro’ the Effects of that Strong Drink

Commissrs—King Hagler and Brethren here is one thing more that is Laid to your peoples Charge by many of the white people, that is your Comeing into our woods and among our plantations and Steale our horses mares and Young Creaturs from us and Takes them away and sell them to others under a pretence of their being your property if such Things as these were Done by any of our people agst one an other, our Laws and Customs are to put them to Death, or any offender when Discovered or Catch’d in any such heinous fact, or for smaller facts they are punished according to the Nature of the Crime; but when your people do any of these things we have no remedy but are obliged to apply our selves to you, that the Offenders may be punished according to the Nature of the Crime and according to your manner and Customs, and if these Offences are by you permitted to be done it will be a great means to Breake that strong Chain of Friendship that has been so Long made Between as: it will also be a means to rise discentions among you and us and make us act and be hard towards one an other as tho’ we were Entire Enemies to one an other, if this should be our Case the Great king your Father and ours would be much Displeased with you and us, as he looks upon us as his own Children and so doth the president who he sent here in his stead as a guardian over us and you, but on the other hand whilst we behave well to Each Other it will Cause them to Rejoice and they will be ready and willing to protect us from the Impositions of Insults of any other nations or that would attempt to take our properties from us or you

Commissrs—You Remember in the Letter the President wrote to you by Capt McClenachan and the other Gentlemen he told you that he had understood that Mr. Glen the Governor of South Carolina Incouraged you to Drive, all the white people from the Land within thirty miles of Your Nation, if he has told you so you Cannot Expect that this man Loves you or the white people, Because he well knows that the great king your Father & ours gave those Lands to his Children and also he gave it into the Care of the President of North Carolina to Divide according to his Discretion among his people and not to the Governor of South Carolina and it is his desire and pleasure to do Justice Between you and us, for he Looks upon you and us as his own people and would rejoice to here of our Unity and Friendship to Each Other for whilst we behave thus to Each Other and stand by Each other we need not fear any oppressors that should attempt or Come to Dismay us.

King—Brothers and Warriors You Talk very well, and as to your talk about our people takeing your Horses and Mares, it is very True there are a great many of our Creatures that Runs amongst the white peoples and there are also many stole from us by these people for it is not Long ago since we caught a white man with some of our Horses and sent him to Justice, but was not punished as Represented to us while agoe

Commissrs—Who was that Justice you Carried him before Indians.—Before Mr. McGirt in South Carolina below the Waxhaw settlement.

Commissrs—This offence was not in our power to punish for we have no authority in an other Government so that we are Excusable in this Case.

King.—As to our Liveing on those Lands we Expect to live on those Lands we now possess During our Time here for when the Great man above made us he also made this
Island he also made our forefathers and of this Colour and Hue (Showing his hands & Breast) he also fixed our forefathers and us here and to Inherit this Land and Ever since we Lived after our manner and fashion we in those Days, had no Instruments To support our living but Bows which we Compleated with stones, knives we had none, and as it was our Custom in those days to Cut our hair, which we Did by Burning it of our heads and Bodies with Coals of Fire, our Axes we made of stone we bled our selves with fish Teeth our Cloathing were Skins and Furr, instead of which we Enjoy those Cloaths which we got from the white people and Ever since they first Came among us we have Enjoyed all those things that we were then destitute of for which we thank the white people, and to this Day we have Lived in a Brotherly Love & peace with them and more Especially with these Three Governments and it is our Earnest Desire that Love and Friendship which has so Long remain'd should Ever Continue.

King.—Our Brother the Governor of Virginia sent for us not Long agoe, we gladly answered his Call, and he Entertained us and shook hands with us very kindly, and had he indulged us we would have Gone with the white people to war against their Enemies the French, but arms and ammunition being not sufficient to supply the white people who were then going out, we were forced to Return Back to our Nation again untill further Instructions from him.

We understand that our Brothers and the french has had a battle and that several of our friends were kill'd I am heartily sorry for it
We Never had the pleasure of seeing our Good Brother the President of North Carolina as yet, but this Let our Brother know that we want to be brothers and Friends with him & all his people, and with the great king over the water, and all his Children, and to Confirm the same I shall as soon as get home I will Call all our nation Together and charge the young men and Wariors Not to Misbehave on any Consideration whatever to the white people and as we do Expect an Everlasting Friendship between you and us, we Expect your kinds to us for ever as you may depend upon our Friendship and kindness to you.

And Tell our Brother the President of North Carolina that if this war Continues between the white people and the french that I and my people are ready and Willing to Obey his Orders in giving all possible assistance in my power to him when called by him or the Governor of Virginia and as a pledge of the same Take our Brother this letter as a token of Everlasting Friendship and return him Thanks for our good Talk this, Day with Each other.

Then they shook Hands all round.

KING HAGLER
A True Copy as to me Delivered by Mr. Matthew Toole Interpreter at the above Treaty.

Jno Dunn

D.  Growing Mistrust

Trade Problems

1736 - Read the petition of Sr Richard Everard Bart in behalf of Dame Susanna Everard Executrix of Sr Richard Everard Bart Deceased setting forth that the Tuskarrora Indians
are indebted to the said Susanna £203 in Drest Deer Skins and praying that they may be compelled to discharge the same referred to the Indian Commissioners.

Ordered that a Commission issue appointing Robert West Esqr—Speirs Jno Gray and Thos Whitmel Gent Commissioners for Indian Affairs.

Ordered that for the future the Indian Traders do not presume to trust or give any credit to the Indians and that the aforesaid Commissioners take care to see this Order observed.  

1740 - And Whereas it is highly necessary for the Wellfare of Carolina, that a Good Understanding should be maintained with the Indian Nations as well for the promoting of Trade as for the Security of the Frontiers of your Government, you are hereby particularly enjoyn'd to use all possible ways and means for regaining the Affections of the sd Indians & to preserve a good Correspondence with such of them as remain faithfull to our Interest & you are likewise hereby directed to recommend in the Strongest Terms to the Indian Traders to be Just & Reasonable in their dealings with the Native Indians & likewise to propose to the Assembly if you and our Council there shall Judge it necessary to pass one or more laws for the better Regulation of the sd Indian Traders and for the encouragement and protection of such Indians as shall adhere to our Interest.

E. Reduced Population – Inability to Keep Land – Absence of Indian Aid at the Beginning of the Revolution

Colonial Records of North Carolina

Memorandum concerning the North Carolina Militia
No Author
Volume 22, Pages 311-314

BLADEN COUNTY.

Bladen Troop, Will’m Davys, Capt’n, with officers, 33 men. The Troop wants ———, with Blew Caps & mountings, fring’d Pellats, ———, Broad Swords or hangers, with which they want to be furnished. No Indians.

Capt’n Will’m Mackenzie’s Troop in New Hanover County Consists of 27 men & 6 officers, 33. He recommends John Merrick to be Lieut: in room of Coll. Grainger; John Burgwin to be Cornel, Alex’r Duncan, Quarter master; John Poer, Clerk. No Remarks.

Capt’n Fred’ks Troop, Dupplin County, including officers, 39 men. No arms nor ammunition in the store. Pay, he says, is too small in case of a march.

Coll. Robert West’s Regim’t in Bertie County, without officers, 8 Comp’ys, 770; Troop, 44; Tuskaroro Indians, 100 men & 201 women & children, in all 301.

Col: Wm. Dry’s Returns for Coll. G. Innis’ Regim’t in New Hanover County, Total, including officers, in 5 Comp’ys, 508. No Indians in the County; no arms nor ammunition in store, but desire to have some Lodg’d at Cape Fear to protect the shipping. The Major having thrown up, he desires Capt’n John Ashe, the eldest Captain, to be made Major; two Lieuts. to be made Captain & Ensign Lieutenants, who he says are made by the field officers and the Clerks, Sergeants & Corporals by the Capt’ns. His observations
on ye Militia are to have 4 quarterly Masters, and those who don’t appear without reasonable excuses to Each Captain, or if Captains, to the field officers, to be fined, Captains, £20; Lieut’s, £20; Ensigns, £15; Sergeants, Corporals and Private men, £6.8 Each; Sergeant, upon the Captain’s warrant, to Levy the fine, or upon neglect or refusal to pay £20, those who don’t attend the General muster to for feit double; private men who Enlist on the Horse to bring a Certificate from the officers of the Troop. Upon neglect to pay a fine as above no Capt’n of a Troop to Enlist a man out of his County or District on Penalty of £5.

By his List of vessels returned in 8 years, from 1747 to 1754, 686 in number, Tonnage 38,528, Entered as Regullars what is generally made only ½ their burthen; never exceeding 2-3. If he wants blank. Last year’s List, 94 vessels, is not yet Completed. He desires Commissions may be made out for the Militia and be sent to him.

A Petition from Capt’n George Gibbs’ Company, in Black River District, in New Hanover County, setting forth, their Captain does not Reside in the County, but in Bladen, has quit them and was made a Lieut. in the Virginia Regim’t, and since his Return has obtained 2 musters, to desire a Capt’n in their own County. Given in Mr. George.

Coll. Craven’s Regiment, in Chowan, consists of 7 Companies, in all 652 men, besides officers. Capt’n Foushe is dead. Will’m Walton Recommended to Succeed him. He desires to have the Companys more equally divided, and to have 8 Companies, and to alter the districts. There is but one Indian nation, the Chowans, in the County; only 2 men and 5 women and children; ill used by their neighbors. No arms in store; 400 weight of Bullets & Swan Shot. The last County Court made an order to buy 100 weight of Gun powder. Quere: How are the Militia armed? There being no Returns of that. He recommends Joseph Elbeek to be made Register of Edgecomb County. He complains that the officers’ pay is two small and the private men too large.

Coll: Thom’s Lovick, Collector of Beaufort, in Carteret County. His Regiment Consists only of 2 Companies, amounting to 195 men, including officers, Coll., &c., 209. No arms or ammunition in store. No Indians in the County.

Will’m Eaton, Esqr., Coll. of Granville County. His Regim’t consists of 8 Companies, 734, besides officers; 2 Capt’ns, Simms & Jones, one removed and the other resigned. He thinks the fines upon delinquents should be fixed by a Court Martial & mulat. No arms or ammunition in the stores. There are about 12 or 14 Safora men, and as many women & children in the County.

Capt’n Evan Jones returns for Tyrrell County Militia, which consists of 5 Companies, 4 returned, of 337. Capt’n Euerats not return’d. The Coll. dead. Lieut. Coll’l & Major have neglected to act. He, as eldest Capt’n, desires a promotion. No arms or ammunition in store. No Indians in the County.

Coll: John Heywood’s returns for Edgecomb County. 14 Companies. Number of men, Including officers, 1,317; 5 Captains Removed, laid down or dead. No Indians in the County, nor arms in Store. The number of Militia upon a new muster may be above 200 more. It is desired that more Companys be added and these more equally divided. Perquimmans County, Coll: John Riusset’s Regim’t, including officers, 379; 3 (?) Companies. No arms nor ammunition. No Indians; 150 Quakirs in ye Militia. Wants to divide the Eldest Company, and Recommends —— for Capt’n.

Northampton County, John Dawson, Coll: 7 Companys, officers Included, 739. Capt’n Will’m Short recommended for Major as Eldest Capt’n, in Room of Major James Manny, deceased. The return Short by 200. No arms, &c., in Store. No Indians but the Meeharins, about 7 or 8 fighting men.

Granville County, Capt’n Hurst’s Troop, with officers, 32. A few Safora Indians. Alex’r McCullogh gives up his Commission for Orange. Recommends


Hyde County, Coll. Senclair’s Reg’ts, 4 Companies, with officers, 252.

Coll: DeRosset’s Regiment in Johnston County, 10 Companies, officers included & Troop of Horse, 893. No Indians. Indifferently armed; must have Guns. Capt’n Person has resigned; Robt. Cade, his Lieut., to Succeed him.

Onslow County, Coll: John Starky. Regi’mt, 4 Companies, officers included, 352. No Indians. No arms in store.

Coll: Barrows’ Reg’mt, for Beaufort County, 7 Companies, 587. The Coll: gives up; recommends Mr. Boyd, Lieut. Coll., to succeed him; Major Caruthers to be Lieut. Coll.; Capt’n Buck to be Major; Mr. John Handy to be Capt’n, and John Alderson to be a Capt’n in place of Capt’n Newman, who is infirm and desires to be excused. No Indians. No arms in the publick Store. In the County about 50 £weight of powder and 150 £of large Shot.

Col: Rutherford’s Regim’t of Troop in Bladen County, 441; a Troop of horse, 36. A new Company necessary to be made at Waggomas. James Row recommended for Capt’n. Drowner’s (?) Creek on the Head of Little Pedee, 50, furnishes a mixt crew, a lawless people fileth the Lands without patent or paying quit rente. Shot a Survey’r for coming to view ——(?) Lands, being inclosed in great Swamps. Quakers to attend musters or Pay as in the Northern Counties. Fines not high Enough to oblige the Militia to attend musters. No arms, stores or Indians in the County.

Major Payne, by Coll: Eaton, for Granville County, recommends John Martin to be Capt’n over part of Sugar Jones Company, & Will’m Haris Rows Capt’n over the other part above Shaw’s Road, and John Hawkins Capt’n over part of Rich’d Coleman’s Company, & Will’m Johnston over part of Will’m Harris’ Company, & Will’m Porter (?) Capt’n instead of Benjamin Sims, removed, & John Ferohack (?) in room of Osborn Jeffries, & Mr. Robert Hicks to be on the Commission of the Peace.

Currytuck County, Coll. Shingold, 5 Companies, officers Included, 345. Will’m Shingold to be Coll., Stephen Williams Lieut. Coll., Robert Whitehall Major, Tho: Burgess in Room of Capt’n Davys, John Woodhouse in room of Capt’n Caron, Jacob Farrow’s in room of Capt’n Job Carr.
Appendix A

References to “Indian” or “Old Fields” (indicator of previous Indian occupation)

The reference to an “Indian Old Field” or “Old Indian Town” in the records became a recurrent theme that seemed worthy of note. After reading these, an impression of a “forgotten” presence upon the land appears. Dispossession had clearly taken place by this time, references to an “old field” or “formerly belonging to” indicating it clearly. These references come from the North Carolina Colonial Records (volume and page numbers in parentheses).

[June 17, 1707] Whereupon by virtue of the Authority for making peace and Warr granted to the Lords proprietors by their Charter, open war was made upon the said Indians in prosecution whereof (by Gods assistance though not without the loss of many men) they were wholly subdued and had Land for their habitation assigned them where they remained to this day so that all the tract of Land on the Southside of the Maherine River was at that Time resigned into the immediate possession of the Lords Proprietors of Carolina as of their province of Carolina and has been peaceably by them held without any Claime now thirty years during which Time the Maherine Indians removing themselves from their ancient place of habitation (where by Virtue of a Treaty with Commissioners appointed by his late Majty King Charles 2nd they were settled) placed themselves at the mouth of the Maherine River on the North side and a great part of the Tract of Land on the southside lyeing wast some of their straglers planted corne and built Cabbins on the Chowanacke old fields and continued more and more to make their Incroachments till they became an Intolerable annoyance to her Majestys subjects Commiting Repeated Injurys upon their stocks and making frequent affrays upon their persons as far as Moratuck River for the necessary Redressing of which growing Incroachments and preventing worse mischiefs which is daily threatened and Reasonably feared, the Government here (and which was the least that they in discharge of their duty could do) held a treaty with the Chiefs of the said Indians and instead of insisting upon satisfaction for the wrongs already done were content to make only necessary provision for the security of her Majesty's subjects for the future.

[April 22, 1728] This day the line was Run seventy Two Chain & a half to Blackwater River cutting the said River above the mouth of Nottoway & thence run downe according to the Proposalls to the mouth of Nottoway going South on a Streight Line 44 Chain and the Line was continued this day to this upland from Nottoway River to an Indian Old Field It now appeared how the Government of Verginia had been Mistaken and how exceedingly their former Com issioners and Surveyrs had Erred in their Reports & observation from the great swamp or Dismall to Blackwater being Twenty one miles and a half (2: 748).

[April 2, 1728] This River they crost just above the mouth where it turns off to the Northward, and carr'd on the Line about half a mile thro' a deep Pocoson, to an Indian old Field (1: 756).

[October 5, 1728] Saturday the 5th The Line was run four Miles & 312 poles to a Chesnutt Oak having on this Day crossed a Southern Branch of Roanoke four Times it was about the Bigness of Maherrin River above the fording place, but at this time of the Year but little water in it, but
discovered where the Freshes had been very high in it and by the Sand and Flatts and Banks and other Marks it was concluded on to be a Branch of the River which we took to be what is usually called the Southern Branch of Roanoke als Morattock, but as we were informed afterwards by old Capt Hicks and other Traders it is a Branch of the great Southern Branch on which last, far higher up is said to be the old Lawra Indian Town and at a Distance beyond that, the River winding Southerly runs under the Foot of the Mountains and lockes in with the Head of the Yapatto Yatkin or pedee River in South Carolina but the Mountains were judged to be at a great Distance from us in the Course our Line went: The Course of them being about South West or more Westernly (1: 778).

[April 1, 1728] From the west side of Nottoway 13 chains thro' a Pockossen and at 40 chains from Do west side to the high Lands being an Indian old Field 40 chains (1: 807).

[May 5, 1742] Resumed the Consideration of Thomas Jernagoon's Petition of Yesterday. It appearing that the Indians therein complained of were intitled by Virtue of an Act of Assembly past in November 1729 to all the Land lying between the mouth of Meherrin River and so up the River to the mouth of horse pasture Creek formerly called Indian Creek then by the said Creek up to the fork of it then by the North Easterly branch thereof to the head thereof then by a straight line across to Chowan River by the upper line of Mulberry old field [assumed Indian field] a Survey of Samuel Powers Land then along the various courses of the River to the first Station so long as they should continue a nation and Inhabit the same (4: 617).

[October 16, 1749] Read the Petition of Thomas Bell setting forth that he is in possession of a Tract of One hundred and Ten Acres of Land granted by the Late Lords proprietors to Farnifold Green scituate in Carteret County Beginning at a small live Oak in an Indian Old Field running No 58 Wt 160 pole down the streight to a small Creek that divides the said Green and William Williamson and the Bounds whereof not being to be found the Petitioner humbly prays Resurvey in order to ascertain the same. Granted and Ordered that the Surveyor General do resurvey the said Land accordingly and make report of his doings therein to this Board at their next sitting (4: 970).

Nov. 28. 1752. [Journal of August Gottlieb Spangenberg] Old Indian Field N. E. Branch of Middle Little River. We arrived here on the 25th & resolved to take up some land. It is lowland (bottom) lying on two streams—the one larger than the other, & both containing excellent water. These streams are well adapted to mill purposes, & have this additional advantage that they never freeze in winter, being purely spring water (5: 8).

Dec 3. 1752. [Journal of August Gottlieb Spangenberg] From the Camp on a River in an old Indian field, wh. is either the Head, or a branch of New River, wh. flows through N. C. to Va & into the Miss. River. Here we have at length arrived after a very toilsome journey, over fearful mountains & dangerous cliffs. A hunter whom we had taken along to show us the way to the Yadkin, missed the right path, & we came into a region from wh. there was no outlet, except by climbing up an indescribably steep mountain. Part of the way we had to crawl on hands and feet; sometimes we had to take the baggage & saddles & the horses, & drag them up the mountains (for the horses were in danger of falling down backward—as we had once had an experience) & sometimes we had to pull the horses up, while they trembled & quivered like leaves (5: 10).
Dec. 20th 1752. [Journal of August Gottlieb Spangenberg] From the Camp on the Yadkin—near the Mulberry Fields—at Mr. Owen's house. Here by the Grace of God we have all arrived safely, except that H. Antes suffers very much from his arm. He has “Wound Fever,” & yet we are glad he can stay in Mr. Owen's house, & recruit himself somewhat. The rest are busy surveying; for we have found a splendid tract through Mr. Owen's suggestion. It lies on the Yadkin 4 miles below—opposite the Mulberry fields. These are Old Indian Fields—where the Cherokees probably lived once. They have a pleasant situation & remarkable fertility of soil. Morgan Bryant had taken them up but they are uninhabited. Our land, on the opposite side of the Yadkin, is not far from the first piece wh. we surveyed on the Yadkin. Could we buy the Mulberry tract, we would bring the land on both sides of the river together for a space of 10 miles—as we have already a fine tract on the Mulberry Field side—which joins Mr. Owen's land. As regards this tract just surveyed it is much like the other, as to require no further description. The nearest house, except Mr. Owen's is 60 miles distant (5:13).

[November 29, 1758] Mr. Williams Presented a Petition of the Inhabitants of the Parish of St. Mary in the County of Edgcomb thereby showing the great hardships and Inconveniencies attend the said Inhabitants in attending the County Court and General Musters, Praying that the said Parish be Erected into a Distinct and separate County from Edgecomb County that it remain as part of the District for the Supreme Court at Enfield and also that the place for holding the Court for the said County when Enacted be Appointed at Redman's Old Fields on Tyoncoca (5:1046).

[1813 - History of the Baptists] FRENCH BROAD ASSOCIATION - Bears date from 1807; at the time of its formation, the region in which it arose was regarded as the ne plus ultra of the white population in this part of the State. The following description of this fraternity is thus given in my 2d Vol., published in 1812: The French Broad Association is a small body, situated mostly in the county of Buncombe, in a mountainous region in the western part of the State. This county was formerly large enough for a small State, and extended to the Tennessee line. The county of Haywood has not long since been taken from it. It is, however, very large, and encompasses a number of everlasting hills, and some fruitful valleys. Through it runs a river called the French Broad, which gave name to the Association we are about to describe. It was at first composed of six churches, viz.: Little Ivey, Locust, Old Fields, Newfound, Caney River, French Broad, and Cane Creek. The three first were dismissed from the Holston Association in Tennessee, and the others from Broad River, in South Carolina. Four churches have been added to this body since its formation. The ministers which it contained at its beginning, were Thomas Snelson, Thomas Justice, Sion Blithe, Benjamin King, Humphrey Posey, and Stephen Morgan (5:1191).

[1813 - History of the Baptists] TUCKASIEGE ASSOCIATION - Was formed in 1829, and is another branch of the old French Broad. It is about the same size of the Big Ivey; the churches are also small, compared with many in the low counties, where the colored population abounds; very few of them are found in the high lands and mountains. The Minutes of this community are arranged in business-like style, as to dates, counties, pastors, & c. The Locust Old Field Church, 1803, W. Haynes pastor, is the oldest and largest in this body, which is situated mostly in the counties of Haywood and Mason (5:1192).
[November 16, 1762] Mr. Howell presented the petition of several of the Inhabitants of Edgecombe County complaining that the place called Redmans old Field is a very improper place to hold thereat the Court of the said County praying a Law may pass to appoint a Court House to be Built in the Town of Tarborough, for holding thereat the Court for the said County (6: 908).

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Bartram, William, 1739-1823, Travels Through North & South Carolina, Georgia, East & West Florida, the Cherokee Country, the Extensive Territories of the Muscogulges, or Creek Confederacy, and the Country of the Chactaws… (Page 54 - On the east banks of the Oakmulge, this trading road runs nearly two miles through ancient Indian fields, which are called the Oakmulge fields: they are the rich low lands of the river. On the heights of these low grounds are yet visible monuments, or traces, of an ancient town, such as artificial mounts or terraces, squares and banks, encircling considerable areas. Their old fields and planting land extend up and down the river, fifteen or twenty miles from this site.

Page 95 - THE aborigines of America, had a very great town in this place, as appears from the great tumuli, and conical mounts of earth and shells, and other traces of a settlement which yet remain. There grew in the old fields on these heights great quantities of Callicarpa and of the beautiful shrub Annona: the flowers of the latter are large, white and sweet scented.

Page 221 - THERE are to be seen plain marks or vestiges of the old Spanish plantations and dwellings; as fence posts and wooden pillars of their houses, ditches and even Corn ridges and Batata hills. From the Indian accounts, the Spaniards had here a rich, well cultivated and populous settlement, and a strong fortified post, as they likewise had at the savanna and fields of Capola; but either of them far inferior to one they had some miles farther South-West towards the Apalachuchla River, now called the Apalachean Old Fields, where yet remain vast works and buildings, as fortifications, temples, some brass cannon, mortars, heavy church bells, &c.
6 Thomas Hariot, A Briefe and True Report of the New Found Land of Virginia : of the Commodities and of the Nature and Manners of the Naturall Inhabitants : Discouer’d by the English Coloný There Seated by Sir Richard Greinuile Knight In the yeere 1585 : Which Remained Vnder the Gouvernement of Twelue Monethes, At the Speciall Charge and Direction of the Honourable Sir Walter Raleigh Knight Lord Warden of the Stanneries Who therein Hath Beene Favoured and Authorised by Her Maiestie and Her Letters Patents / This Fore Booke Is Made in English by Thomas Hariot seruant to the Aboue-Named Sir Walter, a Member of the Coloný, and There Imploýed in Discouering ; CVM GRATIA ET PRIVILEGIO CÆS. MATIS SPECIALLi. Francoforti ad Moenvm, Typis Loannis Wecheli, Svmtibvs Vero Theodori de Bry anno CIC IC XC. Venales Reperivntvr in Officina Sigismvndi Feirabendii (New York: Dover Publications, 1972), 27-9.
7 Hariot, A Brief and True Report, 71.
11 “Minutes of the North Carolina Governor’s Council” (August 3, 1723), Colonial Records, 2: 496.
12 “Altercation between Christopher Dudley and a Tuscarora Indian” (NC State Archives, CCR 192), John Henry Oden, III, Collection (#1150), Special Collections Department, J. Y. Joyner Library, East Carolina University, Greenville, North Carolina, USA.

Hariot, A Briefe and True Report, 27.

"Minutes of the North Carolina Governor's Council" (June 5, 1717), Colonial Records, 2: 283.


"Minutes of the North Carolina Governor's Council" (June 5, 1717), Colonial Records, 2: 283.


Great Britain, Board of Trade, "Letter from the Board of Trade of Great Britain to Thomas Pelham-Holles, Duke of Newcastle" (June 21, 1732), Colonial Records, 3: 345.


John Lawson, History of North Carolina, 11.


Hariot, A Briefe and True Report, 27.

43 Hariot, A Briefe and True Report, 25.
44 Hariot, A Briefe and True Report, 32.
45 Hariot, A Briefe and True Report, 29.
47 Lawson, History, xvii.
48 Ibid.
49 Ibid, 52.
50 John Lawson, A New Voyage to Carolina; Containing the Exact Description and Natural History of That Country: Together with the Present State Thereof. And A Journal of a Thousand Miles, Travel’d Thro’ Several Nations of Indians. Giving a Particular Account of Their Customs, Manners, &c.. (London, 1709), 58.
54 John Lawson, History of North Carolina, 94-5.
57 John Lawson, History of North Carolina, 140.
61 John Lawson, History of North Carolina, 117.
62 John Lawson, History of North Carolina, 118.
63 John Lawson, History of North Carolina, 118.
64 John Lawson, History of North Carolina, 119.
65 John Lawson, History of North Carolina, 121.
66 Lords Proprietors, “Declaration to encourage settlement in Carolina and setting forth the terms of settlement” (August 25, 1663), Colonial Records, 1: 43-44.
67 A Source Book in American history to 1787, ed. Willis Mason West (Boston, Mass.: Allyn and Bacon, 1913), 325.
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71 “Letter from the North Carolina Governor’s Council to the Virginia Governor’s Council, including depositions concerning the North Carolina/Virginia boundary” (June 17, 1707), Colonial Records, 1: 657-663.
73 Christopher von Graffenried, “Narrative by Christoph von Graffenried concerning his voyage to North Carolina and the founding of New Bern [Translation]” (17[18]), Colonial Records, 1: 931-932.
74 “Minutes of the North Carolina Governor’s Council” (March 22, 1735), Colonial Records, 4: 44.
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Secondary:


