

The Story of Claims of the Tuscarroras.

(Continued From Page Nine.) The general assembly of 1802 (Martin's Laws, chapter 4, page 194) passed "An act for the relief of the Tuscarrora nation of Indians." This act authorized the chiefs to lease the lands and extend leases already made, which leases were to be confirmed by an act of the general assembly in such manner that the whole of the leases on said land should terminate at the same period. (After the Jones-Williams-Pugh lease for 150 years, subsequent leases had been made for 99 years.) The act authorized the governor to appoint commissioners for carrying the act into effect. The act further recites that "Whereas the chiefs, Sacarus and Longboard, and Samuel Smith, being duly and severally authorized and empowered by said Tuscarrora nation, have consented that the Indian claim to the use, possession, and occupancy of said lands shall cease and be extinguished when the said lease made in the year 1766 to Robert Jones and others shall expire; Be it further enacted, That from and after the 12th day of July which shall fall in the year 1916, the whole of the lands allotted to the said Tuscarrora Indians by an act of the general assembly passed at New Bern on the 15th day of October in the year of our Lord, one thousand seven hundred and forty-eight, shall revert to and become the property of the state, and the Indian claim thereto, shall from that time be held and deemed forever extinguished." Section six of this act relates to entries and rights of individuals. Under this act the governor appointed commissioners to lease and sell these lands. On the part of these commissioners, Jeremiah Slade and William Hawkins made a report to Governor James Turner, dated June 20, 1893. This report can be found in the governor's letter book, for that year at page 80, and is too long to copy here. The commissioners acted in co-operation with Chiefs Sacarus and Longboard. They sold the lands, or the undivided portions of them, which amounted to less than 4,000 acres, for \$21,146.23. Settlement for these lands was made with the secretary of war.

A map of the Indian land, dated June 17, 1803, was made by these commissioners, showing an area of 41,113 acres, and showing the various leases, with lengths of term and filed in this office, which can be exhibited to interested parties. The metes and bounds of the map are as follows:

"Beginning on Roneoke River at the mouth of Quitsney Swamp, thence up the various courses of the said swamp to an oak near the head at the great spring; thence N. 10 E 904 poles to a posseman on Rock-quiss Swamp, thence N. 57 W. 2888 poles to a hickory at the head of Falling Run or Deep Creek, thence down the various courses of said creek to Roneoke River, thence down the river to the first station, containing forty-one thousand one hundred and thirteen acres."

The report, map, and papers accompanying them are unique and interesting documents.

All the acts in reference to the Tuscarrora Indian lands provided that the reversions after the expiration of the leases in 1916 should be vested in the state.

In 1816 the supreme court of North Carolina held in the case of Sacarus and Longboard against William King's heirs, that the grant made by Governor Eden in 1717 to the Tuscarrora tribe of Indians was absolute and unconditional, and that the Indians had a fee-simple right to the lands, and not an "Indian title." (See supreme court reports of North Carolina, vol. 4, p. 316.)

In 1825 the general assembly passed an act, chapter 13, page 13, entitled "An act concerning the lands held in leases from the Tuscarrora tribe of Indians." The preamble of the act stated that persons holding these leases were subject to great inconvenience from their estates "being mere chattel interest," and for the remedy thereof the general assembly enacted a law declaring that the land should be considered as real estate in fee simple for the term of their leases, but "Provided, that nothing in this act shall be so construed as to give to the individuals holding the said terms of years a right to enjoy the same for a longer period than is designated in the leases executed by the Tuscarrora Indians."

On November 12, 1828, P. B. Porter, secretary of war, notified Governor James Iredell that Sacarus and Longboard, two principal Tuscarrora chiefs, with the grandson of the former, were on their way to North Carolina "for the purpose of adjusting some claim which that nation supposes itself to have on lands within your state, from which they formerly emigrated." He further says: "I feel confident they will receive from your excellency and the other constituted authorities of North Carolina that consideration which is due to a people who have no other means of enforcing their rights, than the moral obligations which such rights upon established impose." See gov-

ernor's Letter Book, 1828, page 160.)

On November 26, 1828, Governor Iredell transmitted to the general assembly a memorial from the chiefs of the Tuscarrora nation. This memorial was referred to a special committee of the house and senate, and the report of that committee, signed by George E. Spruill, chairman, is to be found in the journal of the general assembly of North Carolina, beginning at page 275. Acting upon that memorial and report the general assembly (see Laws of N. C., session 1828-29, chapter 19, page 11) passed "An act concerning the lands formerly occupied by the Tuscarrora tribe of Indians lying in Bertie on the south side of Roanoke River." This act recited that "Whereas the Tuscarrora Indians have for more than a century been the firm and undeviating friends of the white people of this country, inasmuch that the State of North Carolina is disposed not only to render to them full and complete justice, but also to exercise towards them that spirit of generosity which their conduct has merited, therefore, etc." In this act William R. Smith, of Halifax, Simmons J. Baker of Martin, and William Brittain of Bertie, were appointed commissioners for the purpose of advertising and selling these lands. "The title so sold by the said commissioners shall be understood to extend only to the reversion of the state in said lands after the expiration of the leases of the Indians from which they are now held." The public treasurer was to collect the money due on the lands and to pay the money over to the tribe or nation of Indians, or other property authorized agent or agents; upon which the Indians surrendered and made a full and complete release of all such claim or pretense of title as they now make or ever may have to aforesaid tract of land." Under this act these lands were sold, and the treasurer in 1832 paid to Bates Cook, he being appointed agent of the Tuscarrora Indians, the sum of \$3,220.71. The record of this voucher, No. 258, is to be seen in the treasurer's office, book of 1832, page 377.

The treasurer's reports show two other small items paid to the Tuscarrora Indians about this time, the reason for which payments I have not looked into.

On the 19th day of November, 1831, William Chew, Nicholas Cusie, George Warchief, Jonathan Printup, Mathew Jack, William Johnson, and Isaac Miller, chiefs of the Tuscarrora nation of Indians, of the first part, in consideration of \$3,250 lawful money of the United States in hand paid, executed to the State of North Carolina a deed by which they granted, bargained, sold, remised, released, aliened, and confirmed unto the people of the State of North Carolina, "in their actual possession now being and to their assigns forever, all their lands, tenements, and hereditaments situate, lying, and being in the county of Bertie in the said State of North Carolina, together with all and singular the appurtenances thereunto belonging or in any wise appertaining, and the revision and reversions, remainder and remainders thereof, and the estate, right, title, interest, claim and demand whatsoever of the said parties of the first part, either in law or equity, of, in, and to the above bargained premises, with the hereditaments and appurtenances." This deed was properly witnessed by the Indians in person coming before Robert Fleming, first judge of the Niagara county court of common pleas of New York. The signature of Judge Fleming was authenticated by Enos T. Throop, governor of the State of New York.

These are all the leases and papers that I find that I think will be of use to you in determining the status of your claim for the reversionary interest in the Tuscarrora lands in Bertie county.

If you desire an investigation of this matter by an attorney representing the Indians, it seems to me that it would be wise for you to select some man of standing in this state who can go into the details of the matter very carefully for you. I shall be glad to assist him in finding all records connected with this transaction. I understand from Chief Mount Pleasant that an attorney at Washington City has been employed, which probably means useless expense to you all in the prosecution of an untenable claim.

Respectfully,
J. BRYAN GRIMES,
Secretary of State.

OVERTAXED

Hundreds of Raleigh Readers Know What It Means. The kidneys are overtaxed; Have too much to do. They tell about it in many aches and pains—Backache, dizziness, headache, Early symptoms of kidney ills. Urinary troubles, diabetes, Bright's disease follow. A Raleigh citizen tells here the way to keep the kidneys well. Joseph E. Pool, 323 S. Person St., Raleigh, N. C., says: "The public endorsement I gave Doan's Kidney Pills almost three years ago was correct in every particular. I cannot speak too strongly of this remedy in view of what it has done for me. It is the best preparation to be had for lame and weak back and I would not be without a supply on hand. I have procured Doan's Kidney Pills from the Bobbitt-Wynne Drug Co., and have taken them whenever my back or kidneys have bothered me. Relief has always followed in a short time and at the present I am in good health. I have often recommended Doan's Kidney Pills to my friends."

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Here is the perfect type of Southern beauty—Harrison Fisher says, and his artist's eye seldom deceives him. Terry Cotton, from "the land of cotton"—Houston, Texas, is Fisher's ideal of the Southern beauty. He has engaged Miss Cotton as model for his works to be produced in the near future.

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NOTICE BY ADMINISTRATOR. Having qualified as administrator C. T. A. upon the estate of Giles Edgar Leach, deceased, late of Raleigh, Wake County, North Carolina, this is to notify all persons having claims against the estate of said Leach to exhibit the same to me on or before the 4th day of April, 1912, or this notice will be pleaded in bar of their recovery. All persons indebted to said Leach are hereby notified to make prompt payment to me. This April 1st, 1911. LEO D. HEARTT, Administrator C. T. A. of Giles Edgar Leach, deceased. ERNEST HAYWOOD, Attorney. o. s. w. 67.

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ANNOUNCEMENTS (NOTE. NO political matter will be charged to any one. Every announcement, communication, etc., must be CASH WITH ORDER. Don't ask us to charge, as it is embarrassing to both of us.) FOR MAYOR I am in the race for mayor of Raleigh, subject to the Democratic primary. The assurances of my friends compel me to believe that I will be overwhelmingly nominated. I wish to thank them from my heart for their enthusiastic pledges of loyal support. I stand on my record. I have sought at all times to do my duty and my constant aim has been to carry Raleigh forward. I rejoice in the new progressive spirit of the city, and I believe that the next two years will be great years in Raleigh's history. J. S. WYNNE. At the solicitation of friends, I have consented to become a candidate for the office of Mayor. In asking the support of my fellow citizens, I will say that if elected I shall enter upon the discharge of the duties of the office untrammelled and with the purpose of serving, to the best of my ability the interest of all the people and the upbuilding of Raleigh. JAS. I. JOHNSON. CITY TAX COLLECTOR I hereby announce myself candidate for re-election as City Tax Collector, subject to the Democratic Primary to be held April 17th. JOHN S. JONES. I hereby announce myself a candidate for the office of City Tax Collector, subject to the action of the democratic primary of April 17th. WILLARD L. DOWELL. FOR POLICE JUSTICE. To the Voters of Raleigh. I hereby announce myself a candidate for Police Justice of the City of Raleigh, subject to the Democratic Primaries to be held on the 17th day of April. THOMAS BADGER. I am a candidate for the Board of Aldermen from the First Division of the Second Ward, subject to the Democratic Primary on April 17th. STONEWALL J. ADAMS. I announce myself as a candidate for Alderman of Second Division of Second Ward, subject to the Democratic primary on the 17th of April. I refer the people to my record of six years as an Alderman. FRANK STRONACH. I hereby announce myself a candidate for re-election for Alderman from the Third Ward, Second Division, subject to the Democratic Primary, April 17th. GEORGE M. HARDEN. I hereby announce myself a candidate for re-election for Alderman from the Second Ward, Second Division, subject to the Democratic Primary, April 17th. E. D. PEEBLES. I hereby announce myself as a candidate for the board of aldermen from the third Ward, First Division, subject to democratic primary April 17th. EDGAR J. WICKER.

FOR CITY CLERK I hereby announce myself a candidate for re-election to the office of City Clerk, subject to the action of the Democratic Primary on April 17, 1911. WILLIAM W. WILLSON. I hereby announce myself as a candidate for the office of City Clerk, subject to the action of the primaries to be held on the 17th day of April. HARLIE E. GLENN. FOR ALDERMAN I hereby announce myself as a candidate for Alderman from Second Division of the Fourth Ward, subject to the primary April 17. GEO. A. OLDHAM. I herewith withdraw my candidacy for membership of the Board of Aldermen from the Second Division of the First Ward, and ask the support of my friends for Mr. Jos. D. Riddle. HAYWOOD BELL. I hereby announce myself as a candidate for Alderman from the First Ward, subject to the Democratic Primary of the 17th. CLARENCE A. JOHNSON.

MECHANICS SAVINGS BANK Concrete Paving Concrete Floors, Concrete Steps built as they should be and guaranteed. Prices the lowest considering the quality of work. Let me figure your heavy construction; can save money for you. W. J. GRANTHAM, Phone 950R. Electric Bitters Succeed when everything else fails. In nervous prostration and female weakness they are the supreme remedy, as thousands have testified. FOR KIDNEY, LIVER AND STOMACH TROUBLE it is the best medicine ever sold over a druggist's counter. Removal Notice I have moved my office from 209 1/2 Fayetteville Street to the new Shepherd building, opposite Dobbin & Ferrall. Dr. E. J. PEGRAM, Dentist. Phone 411. North Carolina, Wake County. SALE OF VALUABLE TRACT OF LAND. By virtue of a decree of the Superior Court of Wake County, N. C., entered on the 30th day of March, 1911, in the special proceeding pending in said Court entitled "Corinna Perry and her husband, G. W. Perry and others vs. Lucy F. O'Neal and her husband, and others", it being No. 1718 on the Special Proceeding Docket of said Court, I will offer for sale at public outcry, to the highest bidder for cash, at the Court House door in the City of Raleigh, N. C., on Monday, the 1st day of May, 1911, at twelve o'clock M., the following described tract of land (subject to the dower of L. A. Smith, widow), to wit: Situated in New Light Township, Wake County, said State, adjoining the lands of R. N. Griffin, B. W. Pearce, W. N. O'Neal and others and bounded as follows: On the north by the lands of W. N. O'Neal on the east by the lands of R. N. Griffin, B. W. Pearce, and J. W. Smith, on the south by the lands belonging to the heirs of G. W. Smith and on the west by the lands of W. N. O'Neal, containing eighty-four (84) acres. This sale is made for partition between the heirs at law of T. F. Smith and in subject to the dower interest of L. A. Smith, the widow of T. F. Smith, the said dower having been set off in this special proceeding and fully described herein, containing twenty-three (23) acres. ERNEST D. JONES, Clerk of Court.

I hereby announce my candidacy for Alderman for First Ward, Second Division, subject to the action of the Democratic Primaries to be held April 17, 1911. I will appreciate the support of my friends. W. H. LYON, JR.

By the solicitations of friends I have consented to be a candidate for Alderman from the First Division of the Third Ward, and if elected I shall use every effort for the upbuilding of the city of Raleigh. Subject to the Democratic Primary, April 17. L. A. EMORY.

I am a candidate for the Board of Aldermen from the First Division of the Fourth Ward, subject to the Democratic Primary on April 17th. Wm. BOYLAN.

I hereby announce myself as a candidate for the Board of Aldermen from the First Division of the First Ward. BEN. N. WALTERS.

I hereby announce that I will be a candidate for election to the Board of Aldermen of the city of Raleigh from the Second Division of the First Ward, subject to the Democratic Primary to be held on April 17th. JOS. D. RIDDLE.

"Little and Often is What Fills the Purse. Anyone with the inclination to save should come to this Bank and start an account. We Teach You to Save. We Make it Easy to Save. We Lend Encouragement. We Pay You to Save. We allow 4% interest on savings and compute the interest four times a year. Money deposited on or before the 3rd day of the month is entitled to the full month's interest. MECHANICS SAVINGS BANK