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FEBRUARY 19th, 1853.

Read and ordered to be printed.

REPORT

OF

The Select Committee

ON THE

CLAIMS OF THE NANTICOKE INDIANS,

MADE TO

THE HOUSE OF DELEGATES.

WM. A. STEWART, Chairman.

ANNAPOLIS:

THOMAS E. MARTIN, PRINTER.

1853.

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REPORT.

The Committee to whom was referred the memorial of the Nanticoke Indians beg leave respectfully to submit the following report:

The petitioners state that they are the descendants of the Indians who formerly inhabited the Eastern Shore of Maryland, and for many years a tradition has existed among them that there was a balance due on account of relinquishing the lands which they once possessed in Maryland to the Proprietary Government, and among the last emigrants, who were few in number, there were no chiefs who had the power to cede their lands, but they were promised that whenever authorised persons should come forward and convey the land, a just compensation should be paid for the same. Three times within the last twenty years have they made strong appeals to the Legislature to render them justice, and in view of the character of the application, and the belief, honestly entertained among the Nanticoke, that we are indebted to them, the committee deem it proper to place upon record, the reasons which influenced them in making their report. One of their friends, in writing to the committee, remarks that they are a poor, helpless, suffering race, and constantly diminishing in numbers, and destined to become extinct. "We are driven back," said one of their aged warriors, "until we can retreat no further. Our hatchets are broken—our bows are snapped—our fires are nearly gone out. A little longer and the white man will cease to pursue us, for we shall cease to exist." To attempt at this day to answer all the demands which might be made by the Indians, in consideration of the sacrifices made by their ancestors, would probably require more means than the State could command; but, by all agreements into which their fathers and ours entered, we feel bound; and, if convinced of their existence, will certainly do all that can be required to fulfil our part of the obligation. The Indians of Maryland were not like those of some other regions, continually at war with the whites, but a friendly intercourse subsisted between the two races, and for kind services rendered the colonists, many favors were granted them. In fact, it appears, from an examination upon this subject, that the policy of Maryland towards our red brethren has always been of the most peaceful and friendly character, and the committee recurring to an early period in the history of the colony, find that at a session of the General Assembly, held at St. Mary's, on the 13th of

April, 1669, the first act passed (1669, chapter 1,) was, as its title indicates, "for the continuation of peace with, and protection of our neighbors and confederates, the Indians on Choptank river;" and by a note of Bacon, in his Laws of Maryland, we are informed that the land therein described, lying on the South side of Choptank river, and several miles in extent, was settled upon the Choptank Indians, and their heirs forever, under the yearly rent of six beaver skins, on account of their fidelity in delivering up some murderers, and others, who had violated the laws. This act was confirmed among the perpetual laws of the province, Charles, Lord Baltimore, being present and assenting thereto, by chapter 2 of the acts of 1676.

The Nanticokes and the Choptanks are believed to have been of the same tribe, and may have been scions of the ancient stock of Cuscarawoocks, mentioned by Captain John Smith in his History of Virginia. The names by which they became distinguished, were given them to mark their respective residences, as is usual among the Indians, and now practised as respects the Senecas of New York, upon whom have been conferred the names of the waters on which they reside; as the Tonawandos, the Alleghanies, and the Cattaraugus Indians. From an act of Assembly (1741, chapter 12,) it would appear that the Choptanks, at that time, located on the river bearing their name in Dorchester county, consisted of three distinct tribes, called the *Ababcoes*, *Hutsawaps* and *Tequassimoes*. It is not known that there are any Indians now called Choptanks. If any descendants of those that once passed under that name remain, they have either become merged in their kindred stock—the Nanticokes, or are scattered abroad and lost.

In the year 1698 an act was passed (chapter 15,) "ascertaining the bounds of a certain tract of land for the use of the Nanticoke Indians, so long as they shall occupy, and live upon the same," but it was subsequently repealed by the general repeal of 1704, chapter 77—a new act, however, in precisely the same words having been passed at the same session, (1704, chap. 58,) and the bounds therein described, confirmed by 1723, chapter 18, the second section of which declares, "that the Nanticoke Indians, and their descendants, shall have, hold, occupy, possess and enjoy a free, peaceable, and uninterrupted possession of all that tract or parcel of land, lying between the North-west fork of the Nanticoke river and Chickucone creek, for and during such space of time, as they, or any of them, shall think fit to use, and shall not wholly and totally desert, and quit-claim to the same, according as the same is butted and bounded by an act of Assembly of this Province, made in the year of our Lord, 1698 entitled, an act for ascertaining the bounds of a certain tract of land, to the use of the Nanticoke Indians, so long as they shall occupy and live upon the same, and that the said Indians shall not, at any

time hereafter sell, dispose of, or lease for term of years, any part or parcel of the aforesaid land, to any person or persons whatsoever." To show the motives, which prompted the passage of the law above mentioned, and the harmonious feelings which existed towards the Indians at that period, it is only necessary to quote the preamble to the original act (1704, chapter 58,) wherein it is recited that, "it was most just that the *Indians*—the ancient inhabitants of this Province, should have a convenient dwelling place in this, their native country, free from the encroachments and oppression of the English; more especially the *Nanticoke* Indians in *Dorchester* county, who for these many years have lived in peace and concord with the *English*, and in all matters in obedience to the Government of this Province."

After the lapse of some years, it having been represented to the General Assembly that the land formerly laid out for the use of the Nanticoke Indians was much worn out, and not sufficient for them and that it was thought advisable that some further provision should be made for them, an act was passed (1711, chapter 1,) to empower commissioners to appoint and cause to be laid out, three thousand acres of land on Broad creek, in Somerset county, for the use of the Nanticoke Indians, and by section four of this act, the land so laid out was guaranteed to the Indians, so long as they shall occupy the same, and afterwards shall be disposed of, as the General Assembly shall direct. In alluding to the last mentioned act, Bozman in his Introduction to the History of Maryland, says, that it is to be inferred that "a part of the Nanticokes were in the possession of this land on Broad creek prior to the passage of the law," and "they were then supposed to lie in Somerset county in Maryland, but when the province line between Maryland, and the three lower counties on Delaware came to be settled, as it was about the year 1762, these lands fell into what is now the Delaware State, which affords a probable reason why we see nothing more on our Provincial Records of the Nanticokes settled on Broad creek."

From the legislation on the subject of Indian lands, it is apparent, that a desire existed on the part of the government to protect the Indians in the enjoyment of their property; but, the increase of the white population prevented that general happiness they longed for, and it was only when the whites began to encroach upon their hunting grounds, and the game upon which they mainly subsisted was either destroyed or driven away, that they determined to remove to a country, where, by adding their numbers to their more powerful neighbors, they might be able to prevent further encroachments. In their memorial referred to the committee, the headmen and chiefs state, "that their numbers were rapidly diminished, and crowded as they were on all sides by a population, whose vices their young people were more prone to adopt, than to imitate their virtues, they saw that their extermina-

tion or removal to a country better adapted to their habits, was inevitable. The emigration of the Nanticokes, forms a matter of history, and Bozman, (in chapter vii,) gives a detailed account of their removal, together with many interesting incidents and customs of the tribe; some of their number settled on the large flats of the Wyoming, others bent their course to the head waters of the Susquehanna, and finally, after the termination of the difficulties between the French and English in 1763, the remaining portion of those living in Maryland, after serious deliberation, concluded to join their brethren, who had preceded them to New York, and associate themselves with the Six Nations. The revolutionary war following soon after, all trace of the Indians was lost—their old warriors died, and until the recent appeal made by their descendants, it was thought by the people of Maryland that the tribe had ceased to exist; but the committee are satisfied from the evidence before them, that one hundred still remain of that once numerous and powerful tribe, collected and settled upon the upper waters of the Grand river, north of Lake Erie. In our own State, not one now remains to tell the tale of their former greatness; but their names still form one of the cherished links to connect their history with our own. In the language of one of America's gifted daughters, it may be said:

"They all have passed away;
That noble race and brave,
And their light canoes have vanished
From off the crested wave.
And 'mid the forests where they roamed,
There rings no hunter's shout;
But their name is on your waters,
Ye cannot wash it out."

The committee, having thus given an account of the history of the Nanticokes, and the nature of their claim, will here present the last act passed upon the subject—(1768, chapter 7)—which closes the Indian chapter of Maryland; remarking, however, that nothing appears to show that their removal was desired by the whites; but, on the contrary, the act was voluntary on the part of our red brethren. The preamble to the act tells its own tale, and the committee have no observations to make upon it, but deem it as settling, conclusively, the question submitted to their examination.

"The greatest part of the tribe of the Nanticoke Indians have some years ago left and deserted the lands in this province, appropriated by former Acts of Assembly for their use, so long as they should occupy the same, and the few that remain have, by their petition to this General Assembly, prayed that they might

have liberty to dispose of their right to the said lands, or that some compensation should be made them for quitting claim thereto, as they are desirous of totally leaving this province, and going to live with their brethren, who have incorporated themselves with the Six Nations, and have given a power of attorney to a certain Amos Ogden to dispose of the said lands for them, and to execute a release and acquittance therefor, which power appears to be confirmed and approved by Sir William Johnson, his Majesty's Superintendent of Indian Affairs for the Northern Department.

"And the said Amos Ogden hath, in behalf of the said Indians, offered to take the sum of six hundred and sixty-six dollars, and two-thirds of a dollar, for a release of right and full acquittal of claim of the said Nanticoke Indians."

The act to which the above was a preamble directed the committee appointed for emitting bills of credit, to pay to the said Amos Ogden the sum above mentioned, for the use of the said Nanticoke Indians, out of the bills of credit then belonging to the country, in full satisfaction for the said tribe of Nanticoke Indians, their claim to the said lands, and to take his receipt for the same.

That the committee performed the duty assigned them will appear from the following receipt, duplicates of which will be found in the books in the office of the Treasurer.

"18th June, 1768. Received from the committee of both Houses of Assembly, the sum of six hundred and sixty-six dollars, and two-thirds of a dollar, for the use of the Nanticoke Indians, and in pursuance of an Act of Assembly, entitled an Act for granting to the Nanticoke Indians, a compensation for the lands therein mentioned.
AMOS OGDEN."

It is probable, that the committee have entered more minutely into the origin and history of the claim of the Nanticokes than might be deemed proper on an ordinary occasion, but they feel justified in their course, when they reflect that the ancestors of the claimants were once the sole possessors of a large portion of the territory of Maryland, and without possessing any written records to which they can refer, they ask us to look to our ancient records, where they hope will be found evidences of the annuities formerly paid their forefathers, and they rely upon our justice to make a reasonable compensation for the lands, which have, according to their traditions, been relinquished by them without any equivalent. To those records we have turned, and with every wish to satisfy their red brethren, the committee have endeavored to ascertain whether there was even the least appearance of a claim on which they could base a favorable report. But they

find that the memorialists are mistaken—honestly, no doubt. Our forefathers dealt justly with the Indians—Maryland never failed in any of her obligations; but, always friendly, shielded under her protecting wing, the red men of the forest; and, finally, when they determined to leave our borders, and remove with the bones of their ancestors to a distant home, paid all that was required, and thus our forefathers and theirs parted friends. The committee ask that the memorialists have leave to withdraw their petition.

WM. A. STEWART, *Chairman.*