

A Catawba deal that went before

■ The Nation Ford Treaty of 1840 was never ratified by Congress.

The S.C. Legislature recently passed a bill, signed by Gov. Carroll Campbell, that, in effect, revoked the Nation Ford Treaty of 1840 between the Catawba Indians and leaseholders.

Douglas Summers Brown wrote "The Catawba Indians — The People of the River," published in 1966.

Brown fixed the site of the Nation Ford Treaty as on the west side of the Catawba River in York County at a place generally known as the Cross Roads, about 1 mile above the ford. It was close to the spot where many years later Hamilton Carhartt would construct a textile village known as Red River.

In that area in earlier days were an inn and a few houses. Until the railroad was constructed, the Cross Roads was the spot for people to wait until floodwaters subsided and allowed them to cross the river.

It was at the Cross Roads on March 13, 1840, that the Catawba Indians, represented by their chief, Gen. James Kegg, and other "head men" of the tribe, Col. David Harris, Maj. John Joe, Capt. William "Billy" George, and Capt. Philip Kegg placed their marks on the treaty. J.D.P. Currence signed for Col. Samuel Scott, and H.T.



Nearby
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Massey signed for Lt. Allen Harris.

A number of leaseholders were present and were represented by five commissioners appointed by the South Carolina governor, Patrick Noble. The five men, all found to be acceptable to the Indians, each held leases on more than a 1,000 acres of Catawba land. The five commissioners were John Springs (1782-1853), David Hutchison (1767-1845), Edward Avery (1792-1863), Benjamin Massey (1785-1854), and Allen Morrow (1799-1883).

Three of the commissioners were from York District — Springs of the Fort Mill area, Hutchison, who lived close to the Cross Roads and Avery of the village of Ebenzer. Massey and Morrow both had land on Twelve Mile Creek in Lancaster District's Indian Land.

Only the youngest, Morrow, had been born in the Catawba Indian

Land. John Springs was born in the Providence community of Mecklenburg County. Hutchison was born in County Antrim, Ireland and came to the Waxhaws in 1773, moving with his widowed mother to York sometime after the Revolutionary War. Avery, a colonel, was born in Virginia. Massey was born in the Waxhaws, just below the Catawba Indian boundary.

Kegg, chief of the Catawbas, was a full-blooded Indian and nephew of the famed Catawba queen, Sally New River. He asked the commissioners to give him the money to buy the land promised in the treaty and the title in his name, but neither the commissioners nor the other Indians were willing. However, Kegg was willing to be taxed by the state and to be subject to the state laws and "entitled to the privileges and immunities of citizens." Kegg died in 1853, at 68.

In July 1840, four months after the signing of the Nation Ford Treaty, citizens of the Indian Land met again and sent a "memorial" to the state legislature urging the acceptance of the treaty. The committee that wrote the memorial were Rev. Archibald Whyte, who lived at the Cross Roads, J.S. Sitgraves, Richard Austin Springs, A.S. Starr and James Moore. They

included a report of the Indian commissioners on the current status of the Catawbas, then 88 in number.

The state legislature agreed to the terms of the treaty in December 1840. The treaty set aside the Treaty of Augusta of 1763 that had determined the boundary lines of 15 miles square, promised the Indians a tract of land in Haywood County, N.C. valued at \$5,000, and a sum of \$2,500 when they moved to North Carolina, plus \$1,500 each year for nine years.

There were 508 land surveys after the treaty that were necessary for the former leaseholder to get state grants of the land. It took 17 years, at the rate of one-half cent per acre tax, for the former leaseholders to pay off the \$2,500, plus interest, promised to the Indians by the state.

The leaseholders kept their part of the bargain, but the state of South Carolina was not able to get the North Carolina land as promised the Catawbas. Worse, the state never attempted to renegotiate a treaty that could be sent to the U.S. Congress for ratification as required by law.

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