

Freedom won, settlers leased land from Catawbas

By LOUISE PETTUS
 Winthrop College School of Education
 After the Revolutionary War ended in 1781, settlers began to pour into the Catawba Indian Land.

Smallpox and the ravages of war had further reduced the number of Catawbas. Their resistance to white settlement received less support from the new state government than it had from the English crown. Almost all of the good land in the 15-mile square Catawba Indian Land tract was leased by white men by 1790.

There were disputes among the leaseholders over the leases. Some of the boundary lines overlapped. Leaseholders were not able to record their leases in the courthouse in the fashion that regular land deeds were handled.

The early settlers who held grants from North Carolina counties contended that they had prior rights to newcomers, who only dealt with the Indians.

Thomas Dryden Spratt, a descendant of one of the first leaseholders, described a fist fight between Thomas Spratt and Samuel Knox over "the Mulberry Fields," an area near Fort Mill each thought he had right to.

In 1786 the state of South Carolina ordered that the leased land be surveyed and recorded in a leasebook to

be kept by state-appointed agents (called commissioners after 1808). From three to five of these agents were to sign each lease and to witness the transfer of leases. One of the agents was designated to keep a rent book, which would serve to record the names of the Indians who received rents and how much.

Charles Miller, the father of Stephen Decatur Miller, a South Carolina governor, was one of the first agents and kept the first leasebook. That first book is known to have been lost or destroyed before 1830.

Other agents whose signatures are found on the old leases: Thomas Spratt, John Foster, Thomas Roberson, William Pettus, George Massey, Hugh White, Benjamin Massey, Benjamin Harper, Charles Roberson, James M. Harris, Josinah Garrison, Joseph Davie and William Elliott, among others.

Samuel Knox's lease was the first recorded in the lost leasebook. That lease, written before the state ordered the recording, is a good example of leases written before the state furnished a standard contract form.

After the Nation Ford Treaty of 1840 secured the Catawba tract, leaseholders were ordered to turn in their old leases to the state in exchange for

state grants for their land. The old leases lay in boxes, unaccessioned, in the South Carolina State Archives until just a few years ago when the Catawba Indians brought suit for the land.

Increased interest in the leases caused the archives to laminate the old documents. Most were written on fine grade rag paper and are in surprisingly good condition. Some of the leases were ornamented in pastel colored inks and most show numerous endorsements front and back that indicate change of leaseholders.

The archives has placed them in an alphabetical arrangement according to the last leaseholder so that they correspond to the state grants that replaced them. This is convenient but does not begin to account for those who held the leases before 1841.

Out of various early sources we find that names of some of the pre-1800 leaseholders: Benedict Alderson, Moses Bigger, Alexander Candlish, Elisha Davis, John Dinkins, Hugh Harris, Alexander Ervin, Samuel Knox, Robert McCaa, Samuel McCleary, John McCoy, William McKinny, George Pettus, William Pettus, John Polk, Abraham Roach, Francis Smartt, Thomas Spratt, Isaac Weathers, and Theodorick Webb.

The State Archives has about 130

Indians were regular army officers and quite wrong in its assessment of profit, for it treats the leasing system in the same terms as buying land and later selling it for a net profit.

What happened in most cases was that the initial leasor paid a bounty and then paid a yearly rent; the leaseholders from reasonable for the times to ridiculously low.

In 1808, the leaseholders of the Catawba tract elected William Pettus to represent them in the South Carolina Assembly. Pettus was first denied a seat on the basis that he was not a freeholder (did not hold the required acreage of land for office-holding by state grant). There was such an uproar from the other leaseholders, who insisted it was another case of taxation without representation, that Pettus was seated in 1810. He continued to serve in that office until his death in 1818.

In 1808, another leasebook was opened with new entries of plats and leases being made. The York County Public Library has a copy of this old leasebook. The book also contains the names of the Indians who received the rents.

In 1826 the last remnant of Catawba Indian lands, the famed Kings Bottoms, the spiritual home of the Catawbas, was rented to John Doby in

Lancaster District. The Indians, for the most part, were poverty-stricken. The whites also were unhappy. Without land title they were denied some of the privileges of citizenship. In the late 1820s and early 1830s, the legislature was beset with petitions to alter the situation.

A treaty was signed on July 31, 1840. "At the Cross Roads, Nation Ford," South Carolina agreed to purchase the 15-mile square tract from the Catawba Indians.

Terms were set down, and the five Indian Commissioners (John Springs, David Hutcheson, Edward Avery, Benjamin S. Massey, and Allen Morrow) signed the document along with the Catawba Indians (Gen. James Kege, Col. David Harris, Maj. John Joe, Maj. William George, Capt. Philip Kegg, Col. Sam Scott and Lieut. Allen Harris.)

The modern-day contesting of the Nation Ford Treaty is in the higher courts of the United States and is another story too lengthy to be told here. In 1946, Douglas Summers Brown wrote: "Little is heard today of the Treaty of 1840."

Mrs. Brown could not make that statement in 1946.

Recommended reading on this subject: "The Catawba Indians: The People of the River" by Douglas Summers Brown and "The Catawba Nation" by Charles M. Hudson.