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HOUSE JOINT RESOLUTION NO. 171
AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules
on March 5, 2010)

(Patron Prior to Substitute—Delegate Tyler)

Extending state recognition to the Cheroenhaka (Nottoway) Indian Tribe of Southampton County, Virginia.

WHEREAS, the Hand Site Excavation (44SN22) in Southampton County carbon dates the ancestors of the Cheroenhaka (Nottoway) Indians in Southampton County, Virginia, to approximately 1580; and

WHEREAS, many believe that the site existed as early as AD 900; and

WHEREAS, the Cheroenhaka (Nottoway) Indian Tribe first made ethno-historical contact with the English in 1607-1608 in what is now Nottoway County, Virginia, when the English were looking for information regarding the English community on Roanoke Island also known as the "Lost Colony"; and

WHEREAS, in 1607, the tribe was called Man-goak or Men-gwe by the Powhatan Confederation's "Algonquian Speakers" and listed in the upper left quadrant on John Smith's 1607 map of Virginia by the same name in what is now Nottoway County; and

WHEREAS, the English colonists gave names to other Indian tribes based on what the Indians they had first contact with called other tribes, such as, the Algonquian Speakers called the Cheroenhaka "NA-DA-WA," or Nottoway as perceived by the Colonials; and

WHEREAS, in the 17th century, Virginia Indians (Natives) were divided into three language groups: Algonquian Speakers, Siouan Speakers, and Iroquoian Speakers; and

WHEREAS, in the 17th century, the Iroquoian-speaking tribes occupied lands east of the Fall Line on the inner Coastal Plain of Southeastern Virginia and these tribes were the Cheroenhaka (Nottoway), the Meherrin, and the Tuscarora; and

WHEREAS, in 1650, according to the diary entries of James Edward Bland, the Nottoway Indians were called by the Algonquian Speakers as NA-DA-WA, which the Colonials transcribed as Nottoway; and

WHEREAS, in August 1650, Bland encountered two Cheroenhaka (Nottoway) Indian villages. The first town, located in what is now Sussex County near Rowantee Branch/Creek, was "Chounterounte Town." At that time Chounterounte (Cho-un-te-roun-te) was king/chief of the Nottoway. The second town, Tonnatorah, was located on the south side of the Nottoway River where the current Sussex - Greensville County line meets the river; and

WHEREAS, the true name of the tribe is Cheroenhaka (Che-ro-en-ha-ka), meaning "People at the Fork of the Stream"; and

WHEREAS, the tribe's lodging area was where the Nottoway River forked with the Backwater River to form the Chowan River; thus, "People at the Fork of the Stream"; and

WHEREAS, the Cheroenhaka (Nottoway) Indian Tribe signed three treaties: (i) the Treaty of 1646, (ii) the Treaty of 1677, and (iii) the "Stand Alone" Treaty of February 7, 1713; and

WHEREAS, the "Stand Alone" Treaty was signed by Colonial Lt. Governor Alexander Spotswood with the Cheroenhaka (Nottoway) Indian Tribe's Chief "Ouracoorass Teerheer," called William Edmund by the Colonials, and this treaty has a "Successor Clause"; and

WHEREAS, the Cheroenhaka tribal government (Council) contends that the Successor Clause meant that the tribe's recognized relationship with the Colonials from 1713 to 1775 continued with the Commonwealth of Virginia beginning in 1776 to the present time; and

WHEREAS, tribal warriors of the Cheroenhaka (Nottoway) Indian Tribe joined forces with Nathaniel Bacon in what became known as the infamous Bacon's Rebellion of 1676, which resulted in the downfall of Occaneechee Island Indians on the Roanoke River; and

WHEREAS, in the mid-1680s, the Cheroenhaka (Nottoway) Indian Tribe, due to encroachment by the Colonials and to avoid war with other tribes, moved from the Nottoway town of Ta-ma-hit-ton/Tonnatorah in Sussex County to the mouth of the Assamoosick Swamp in what is now Surry County, and moved again in the mid-1690s farther down the Assamoosick toward present-day Courtland and Sebrell in what was then Isle of Wight County, currently Southampton County; and

WHEREAS, in 1705 the House of Burgesses granted two tracts of land to the Cheroenhaka (Nottoway) Indian Tribe, the Circle and Square Tracts consisting of some 41,000 acres of reservation land. The tracts of land fell within the confines of what was then Isle of Wight County, now Southampton County, annexed from Isle of Wight County in 1749, and Sussex County; and

WHEREAS, in 1711, Colonial Lt. Governor Spotswood met with the Cheroenhaka offering "Tribute" forgiveness, referenced in the Treaty of 1677, if the Cheroenhaka would send their sons to the Brafferton, a school for Indians at the College of William and Mary; and

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60 WHEREAS, though the Cheroenhaka feared their sons would be sold into slavery, ethno-historical
61 records document that Spotswood reported on November 17, 1711, that two sons of the Cheroenhaka
62 (Nottoway) Indian Chief's Men were attending the Brafferton; and

63 WHEREAS, Cheroenhaka (Nottoway) Indian surnames continued to appear on the enrollment roster
64 of the Brafferton throughout the 1750s and 1760s; and

65 WHEREAS, in March 1713, the Colonial Council at Williamsburg ordered that the Meherrin Indians
66 be incorporated with the Cheroenhaka (Nottoway) Indians and that the Nansemond Indians be
67 incorporated with the Saponies for the purpose of removing them to a place where they would be less
68 liable to have differences with the English and for the instruction of their children in Christianity by
69 missionaries at the two settlements; and

70 WHEREAS, on August 10, 1715, the Cheroenhaka (Nottoway) king and eight Great Men (Nottoway
71 Chief Men) were invited to the capital in Williamsburg and put in irons and chains for three days until
72 they consented to send 12 of their children to attend school at Fort Christiana; and

73 WHEREAS, on August 13, 1715, the chains were removed and they were ordered released; and

74 WHEREAS, on December 10, 1719, a list of names of eight Nottoway and 12 Meherrin children was
75 given to the Colonial Council in Williamsburg to attend school at Fort Christiana; and

76 WHEREAS, on November 30, 1720, the Colonial Council ordered that a collection of all transactions
77 with Tributary Indians or Foreign Indians be made and that the clerk of the council make a collection of
78 all negotiations with the Indians from first settlement of the Colony; and

79 WHEREAS, on August 7, 1735, Henry Briggs and Thomas Wynn, the Indian interpreters for the
80 Cheroenhaka (Nottoway) Indians, were dismissed by an Act of the Commonwealth and on the same day
81 the "first" of many land transfer deeds for the "Circle Tract of Land" transpired between the Colonials
82 and the Cheroenhaka (Nottoway) Chief's Men; land transfers would continue until November 1953, until
83 both the Circle and Square Tracts of Land (41,000 acres of reservation land) were in the hands of the
84 non-indigenous; and

85 WHEREAS, on December 19, 1756, George Washington submitted a letter to the Honorable Robert
86 Dinwiddie expressing an interest among the Cheroenhaka (Nottoway) Indians to provide assistance to the
87 Colonials; and

88 WHEREAS, on March 8, 1759, a petition for pay to Tom Steph, Billy John(s), School Robin, and
89 Aleck Scholar, all of whom are Cheroenhaka (Nottoway) Indians who served under George Washington
90 in the French and Indian Wars until the reduction of Fort Duquesne; and

91 WHEREAS, in July of 1808, the Governor of the Commonwealth of Virginia mandated a "Special"
92 Nottoway Indian Census be taken of those Indians living on the remaining lands of the Nottoway Indian
93 Reservation in what is now Courtland, Virginia, consisting of 7, 000+ acres; and

94 WHEREAS, the Special Census was conducted by "White" Trustees, Henry Blow, William Blow (a
95 descendant of John Blow), and Samuel Blunt; and

96 WHEREAS, not all Cheroenhaka (Nottoway) Indians living on the Reservation were enumerated; and

97 WHEREAS, in 1816, new trustees were appointed for the Cheroenhaka (Nottoway) Indians,
98 empowered to make reasonable rules and regulations for the government of the tribe and for the
99 expenditure of the money held in trust for them, which was to continue so long as any member of the
100 tribe was living, with any remaining to be paid into the public treasury; and

101 WHEREAS, in 1820, President Thomas Jefferson procured a copy of the language of the
102 Cheroenhaka (Nottoway) Indians as recorded by John Wood, who recorded the language on March 4,
103 1820, from Edie Turner, who lived on the tribe's reservation in Southampton County, Virginia. Jefferson
104 subsequently sent a copy of the language to Peter DuPonceau of Philadelphia, who recognized the
105 language as Iroquoian, and on March 17, 1820, Jefferson was quoted in an article that appeared in the
106 Petersburg newspaper that the only remains in the state of Virginia of the formidable tribes are the
107 Pamunkeys and Nottoways (Cheroenhaka) and a few Mattaponi; and

108 WHEREAS, according to Albert Gallatin (Gallatin 1836:82), the Honorable James Tresevant
109 (Trezevant) compiled a second record of the Cheroenhaka (Nottoway) language in Southampton County,
110 Virginia, between 1831 and 1836. Tresevant reported that the Nottoway name for themselves was
111 Cheroenhaka, sometimes spelled "Cherohakah"; and

112 WHEREAS, in 1823-24 William Bozeman, also known as Billy Woodson, the name listed on the
113 Special Nottoway Indian Census of 1808 (Note: Billy Woodson's father, Michal Boseman, was white),
114 filed a petition with the Court of Southampton County to have the remaining Nottoway Indian
115 Reservation Lands divided "Free and Simple" between the Nottoway Indians; and

116 WHEREAS, on February 5, 1849, the Cheroenhaka (Nottoway) Indian Tribe filed suit in the
117 Commonwealth of Virginia Circuit Superior Court of Law and Chancery for Southampton County
118 against Jeremiah Cobb; and

119 WHEREAS, the suit was filed on behalf of the Cheroenhaka (Nottoway) Indian tribal members by
120 the tribe's trustees, James W. Parker, G.N.W. Newsom, and Jesse S. Parham, all of whom were
121 European; and

WHEREAS, on November 8, 1850, Judge Rich H. Baker, Court of Southampton County, ruled in favor of the Cheroenhaka (Nottoway) Indian Tribe and on March 3, 1851, as witnessed by Littleton R. Edwards, Clerk of said court, awarded them \$818.80 with interest from June 1, 1845; and

WHEREAS, as a result of the successful court case in 1851, the Commonwealth of Virginia in the Circuit Superior Court of Law and Chancery for Southampton County, Virginia, recognized the Cheroenhaka (Nottoway) Indian Tribe of Southampton County, as a Tribe, and has never, since that time, by way of Law, Act, Bill, or Policy negated its tribal status; and

WHEREAS, in the 1850s, as the final bits of reservation land were disappearing into the hands of the Europeans, many Tribal members—Artist, Bozeman, Turners, Rogers, Woodson, and Brown—relocated to what became known as "Artist Town" near what is now Riverdale Road in Southampton County, Virginia. Their descendants continued to live there as a tribal communal group until the late 1990s, sharing their Native American Traditions and Customs of hunting, trapping, tanning hides, fishing, farming, and raising hogs; and

WHEREAS, the Cheroenhaka (Nottoway) Indian Tribe is the only Iroquoian tribe still residing in the Commonwealth of Virginia claiming a documented continual existing "state recognized" status [Cheroenhaka (Nottoway) Indian Tribe vs Jeremiah Cobb, March 3rd, 1851, Circuit Superior Court of Law and Chancery for the County of Southampton]; and

WHEREAS, in 1877, some 575 acres of tribal reservation land in Southampton County was divided between five Cheroenhaka (Nottoway) Indian families whose descendents still reside in Southampton County; and

WHEREAS, in 1965, 1966, and 1969, an excavation of the Hand Site Settlement (44SN22) in Southampton County, Virginia, near Highway 671 was conducted, wherein some 131 documented grave remains of Cheroenhaka (Nottoway) Indian bones were removed and placed on a shelf at the Smithsonian National Museum of Natural History, Washington, D.C. All nonskeletal remains are housed at the Department of Historical Resources, Richmond, Virginia; and

WHEREAS, in February 2002, the historical Cheroenhaka (Nottoway) Indian Tribe reorganized by bringing together family clusters of Cheroenhaka (Nottoway) Indian descendants and families still living in Southampton County, Virginia; and

WHEREAS, in May 2002, a tribal government was established with the election of Chief Walter "Red Hawk" Brown as the first modern-day Chief as well as other Council members; and

WHEREAS, the first Cheroenhaka (Nottoway) Indian Tribe Powwow and Gathering took place on the grounds of the Southampton Agriculture and Forestry Museum, Courtland, Virginia, on July 24, 2002, and has continued annually at the Southampton County Fairgrounds on the fourth weekend of July as a celebration of the "Green Corn Harvest"; and

WHEREAS, on December 7, 2002, the Cheroenhaka (Nottoway) Indian Tribe filed a letter of intent with the Bureau of Indian Affairs (BIA) announcing that it would be filing for Federal Recognition; and

WHEREAS, on July 29, 2003, the Court of Southampton County, Virginia, issued a license to Chief Walter "Red Hawk" Brown of the Cheroenhaka (Nottoway) Indian Tribe, with all rights to perform the rites of matrimony for the Cheroenhaka (Nottoway) Indian Tribe in accordance with the customs and traditions of the tribe. On February 27, 2004, the Cheroenhaka (Nottoway) Indian Tribal Shield and Heraldry was copyrighted with the Library of Congress (VA 1-256-506); and

WHEREAS, on July 23, 2004, Issue I of the Journal of the Cheroenhaka (Nottoway) Indian Tribe, Southampton County, Virginia, the *WASKEHEE*, was published, documenting the ethno-history of the tribe as written and documented by Chief Walter "Red Hawk" Brown under the title "Creator, My Heart Speaks" and has continued annually thereafter. All of the written documentation has been archived at the Library of Virginia and Issue I of the *WASKEHEE* was copyrighted with the U.S. Copyright Office on August 3, 2007, Reg. # TX 6-627-973; and

WHEREAS, on July 24, 2004, the Southampton County Board of Supervisors issued under its seal a Proclamation of Recognition of the Cheroenhaka (Nottoway) Indian Tribe proclaiming July 24 of that year as "Cheroenhaka Day"; and

WHEREAS, on September 21, 2004, the tribe participated, as one of 500 tribes and approximately 20,000 Indians, in the opening of the National Museum of the American Indian in Washington, D.C.; and

WHEREAS, Chief Walter "Red Hawk" Brown was interviewed by ABC News and provided comments as to what it meant as a Native American to be a part of the great celebration; and

WHEREAS, on June 3, 2005, the State Recognized Waccamaw Indian Tribe of South Carolina voted in favor of a Joint Resolution of the Waccamaw Tribal Government, Resolution Number: Joint-HH-06-04-05-001, recognizing the sovereignty of the Cheroenhaka (Nottoway) Indian Tribe, Southampton County, Virginia, as signed by the Honorable Chief Harold D. Hatcher; and

WHEREAS, on June 13, 2005, the Cheroenhaka (Nottoway) Indian Tribal Heritage Foundation was incorporated as the 501(c)(3) tax-exempt, nonprofit entity the Cheroenhaka (Nottoway) Indian Tribe; and

183 WHEREAS, on July 23, 2005, Issue II of the Journal of the Cheroenhaka (Nottoway) Indian Tribe,
184 Southampton County, Virginia, the *WASKEHEE*, was published depicting Spotswood's Treaty with the
185 Cheroenhaka (Nottoway) Indians on February 27, 1713, including a listing of the tribe's vocabulary as
186 recorded by John Wood in 1820. Issue II of the *WASKEHEE* was copyrighted with the U.S. Copyright
187 Office on April 23, 2007, Reg. # TX 6-595-331; and

188 WHEREAS, on October 14, 2005, the Cheroenhaka (Nottoway) Indian Tribe's elected officials, along
189 with other tribal members and educators, visited the Smithsonian National Museum of Natural History,
190 Washington, D.C., at the invitation of Dr. Dorothy Lippert, Case Officer, Repatriation Programs, and
191 viewed, in a special showing, Cheroenhaka (Nottoway) Indian "Skeletal Remains" taken from the Hand
192 Site Excavation dating back to 1580; and

193 WHEREAS, on January 18, 2006, Senate Joint Resolution 152 was introduced during the 2006
194 Session of the General Assembly to extend state recognition to the Cheroenhaka (Nottoway) Indian
195 Tribe; and

196 WHEREAS, on July 22, 2006, Issue III of the Journal of the Cheroenhaka (Nottoway) Indian Tribe,
197 Southampton County, Virginia, the *WASKEHEE*, was published capturing the tribe's visit to the National
198 Museum of Natural History, Washington, D.C., on October 14, 2005, in which the skeletal remains from
199 the Hand Site Excavation were viewed; and

200 WHEREAS, Issue III of the Journal also documents the writing of William Byrd and his visit to the
201 tribe's reservation in what is now Southampton County on April 7, 1728, and was copyrighted with the
202 U.S. Copyright Office on December 11, 2006, Reg. # TX 6-506-719; and

203 WHEREAS, on July 22, 2006, the Cheroenhaka (Nottoway) Indian Tribe launched its website,
204 <http://www.cheroenhaka-nottoway.org>, providing access to the tribe's Constitution and Bylaws,
205 ethno-historical and current history, Powwow events, tribal special census, and educational presentations;
206 and

207 WHEREAS, on September 25, 2006, the Cheroenhaka (Nottoway) Indian Tribe conducted a Peace
208 Belt and Pipe Ceremony by the banks of the Nottoway River on the grounds of the Southampton
209 County Court House that was open to the public; and

210 WHEREAS, the ceremony was attended by elected officials from the Counties of Nottoway, Sussex,
211 Isle of Wight, Surry and Southampton, all of whom shared in the tribe's traditional ceremony of passing
212 the Peace Pipe and accepting a Wampum (Ote-ko-a) Belt from Chief Walter "Red Hawk" Brown; and

213 WHEREAS, all five of the counties that were present at the ceremony presented Proclamations of
214 Recognition from their respective counties; and

215 WHEREAS, the tribe's Sixth Annual Powwow and Gathering took place on July 21 and 22, 2007, at
216 the Southampton County Fairgrounds, Courtland, Virginia, as a celebration of 427 years of documented
217 ethno-history (1580 to 2007); and

218 WHEREAS, the name of the Cheroenhaka (Nottoway) Indian Tribe, Southampton County, Virginia,
219 in recognition is now listed on the Honor Wall of the National Museum of the American Indian in
220 Washington, D.C., effective February 2007; and

221 WHEREAS, on July 21, 2007, Issue IV of the Journal of the Cheroenhaka (Nottoway) Indian Tribe,
222 Southampton County, Virginia, the *WASKEHEE*, was published as a Jamestown 2007 Special Edition
223 recording Colonial Lieutenant Governor Alexander Spotswood's visit to the tribal reservation in 1711
224 with 1,600 armed men inviting the Chief Men to send their sons to the Brafferton, and Issue IV also
225 records the first Land Deed of Sale, on November 24, 1735, between Charles Simmons and the
226 Cheroenhaka (Nottoway) Indians with actual marks of the tribal Chief Men. Issue IV of the *WASKEHEE*
227 was copyrighted with the U.S. Copyright Office on August 16, 2007, Reg. # TX 6-820-738; and

228 WHEREAS, on July 26, 2008, Issue V of the Journal of the Cheroenhaka (Nottoway) Indian Tribe,
229 Southampton County, Virginia, the *WASKEHEE*, was published documenting the tribe's visit to the
230 Library of Virginia to accept an award on behalf of Cheroenhaka (Nottoway) Indian Queen Edith Turner
231 (Wane' Roonseraw), 1734-1838. The Journal also captured Turner's last will and testament; to include a
232 transcribed copy of the 1808 Cheroenhaka (Nottoway) Indian "by name" Special Census; and

233 WHEREAS, on March 20, 2009, the Cheroenhaka (Nottoway) Indian Tribe, Southampton County,
234 Virginia, reclaimed, by purchase, 100 acres of its former 41,000-acre reservation land—formerly the
235 Square Tract—for the purpose of building a combined Tribal Educational Center and Museum;
236 Cattashowrock Town, an Interactive "Palisade" Native American Indian Village with "Longhouses"; a
237 Worship Center; and the tribe's own Powwow Grounds; and

238 WHEREAS, on July 25, 2009, Issue VI of the Journal of the Cheroenhaka (Nottoway) Indian Tribe,
239 Southampton County, Virginia, the *WASKEHEE*, was published with a second listing of the tribal
240 language as recorded by John Wood in 1820, with copies of letters between Thomas Jefferson and Peter
241 DuPonceau certifying that the tribe is Iroquoian speaking; and

242 WHEREAS, on November 20 and 21, 2009, the Cheroenhaka (Nottoway) Indian Tribe entered into a
243 partnership with First Landing Foundation Historical Villages at Cape Henry, Fort Story, Virginia Beach,
244 and the Archeological Society of Virginia, Nansemond Chapter, to conduct a Native History School Day

and a Corn Harvest Fall Festival Powwow; and

WHEREAS, from May 2009 through December 2009, Chief Walter "Red Hawk" Brown, along with the support of other tribal members and the Archeological Society of Virginia, Nansemond Chapter, gave Native American ethno-historical educational presentations to more than 2,500 students from different public schools throughout Hampton Roads, Richmond, Southside, and Western Virginia, including sharing the history, Cheroenhaka (Nottoway) Indian and other prehistoric artifacts, and the spoken language of the Cheroenhaka (Nottoway) Indian Tribe of Southampton County; and

WHEREAS, the Cheroenhaka (Nottoway) Indian Tribe of Southampton County, Virginia, has an ongoing documented ethno-history in Southampton County, by way of the Archeological Excavation 44SN22 that dates to the 1580s and the continual relationship with the Commonwealth of Virginia dating back to first ethno-historical contact with the English settlers in 1608; and

WHEREAS, the 1983 Session of the General Assembly passed House Joint Resolution No. 54 recognizing within the Commonwealth the first six certain-name Indian tribes and acknowledging that members of other Indian Tribes reside within the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That from and after the effective date of this Resolution, the General Assembly of Virginia extend state recognition to the Cheroenhaka (Nottoway) Indian Tribe of Southampton County, Virginia, and with this, grants the Cheroenhaka (Nottoway) Indian Tribe of Southampton County representation on the Virginia Council on Indians; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to Chief Walter "Red Hawk" Brown of the Cheroenhaka (Nottoway) Indian Tribe of Southampton County, Virginia, requesting that he further disseminate copies of this resolution to his constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FURTHER, That the General Assembly of Virginia, by this resolution, does not address the question of whether the tribe has been continuously in existence since 1776; and, be it

RESOLVED FINALLY, That the General Assembly of Virginia, by this resolution, does not confirm, confer, or address in any manner any issues of sovereignty.