

**Proposed Finding**

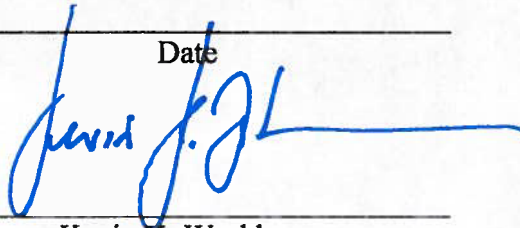
**for Acknowledgment of**

**The Pamunkey Indian Tribe  
(Petitioner #323)**

**Prepared in Response to the Petition Submitted to the Assistant Secretary – Indian Affairs for  
Federal Acknowledgment as an Indian Tribe**

**JAN 16 2014**

Date



**Kevin K. Washburn  
Assistant Secretary – Indian Affairs**

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(Petitioner #323)**

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## ACRONYMS AND ABBREVIATIONS

AS-IA	Assistant Secretary – Indian Affairs
BIA	Bureau of Indian Affairs
CFR	<i>Code of Federal Regulations</i>
DOI	Department of the Interior (Department)
FD	Final Determination
FAIR	Federal Acknowledgment Information Resource
FR	<i>Federal Register</i>
FTM	Family Tree Maker™
GLO	General Land Office
IBIA	Interior Board of Indian Appeals
NARF	Native American Rights Fund
OD	Obvious Deficiency Letter
OFA	Office of Federal Acknowledgment
PF	Proposed Finding
PIT	Pamunkey Indian Tribe
SCC	Southern Claims Commission
TA	Technical Assistance
U. S.	United States
VA	Virginia

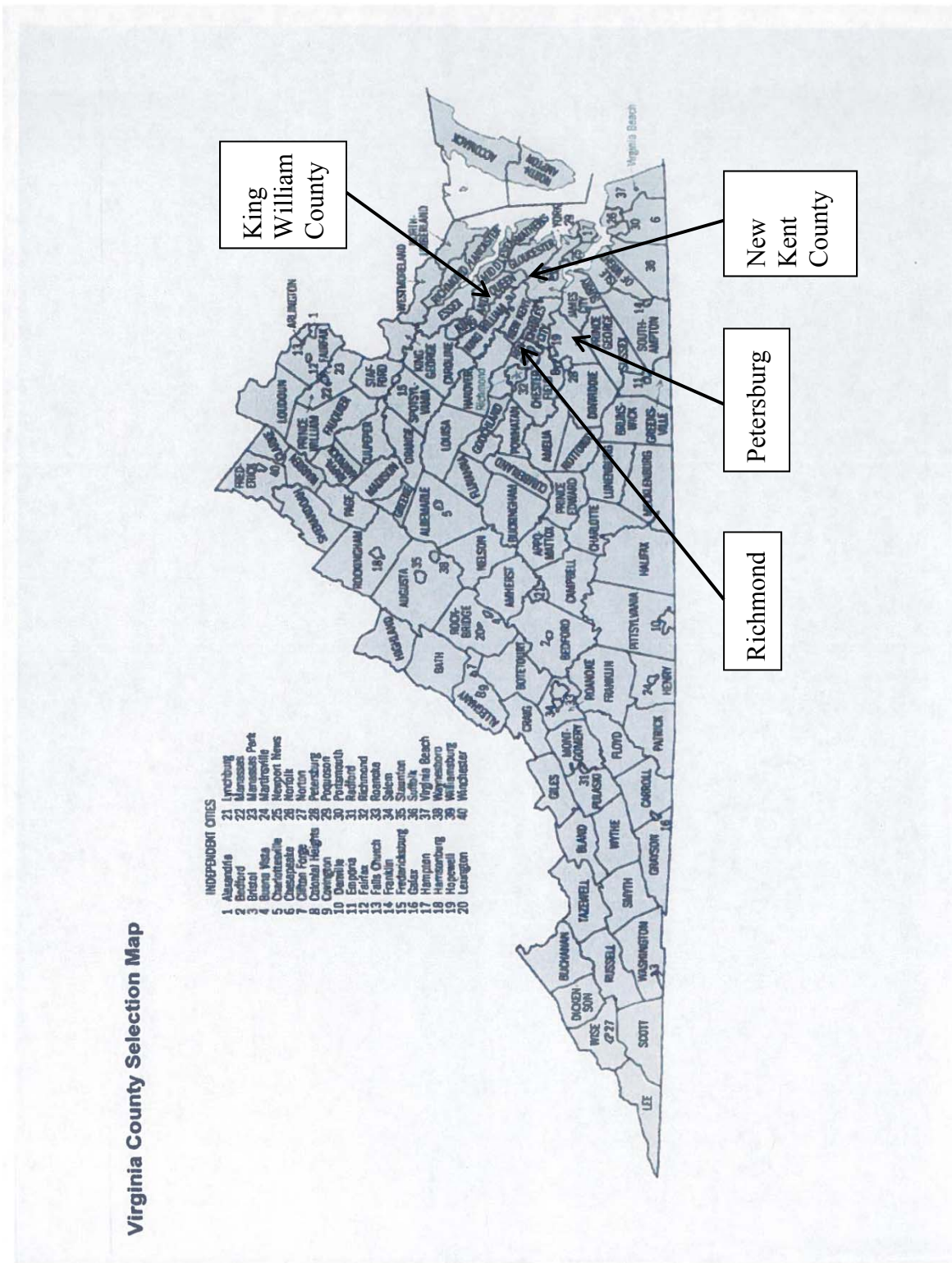
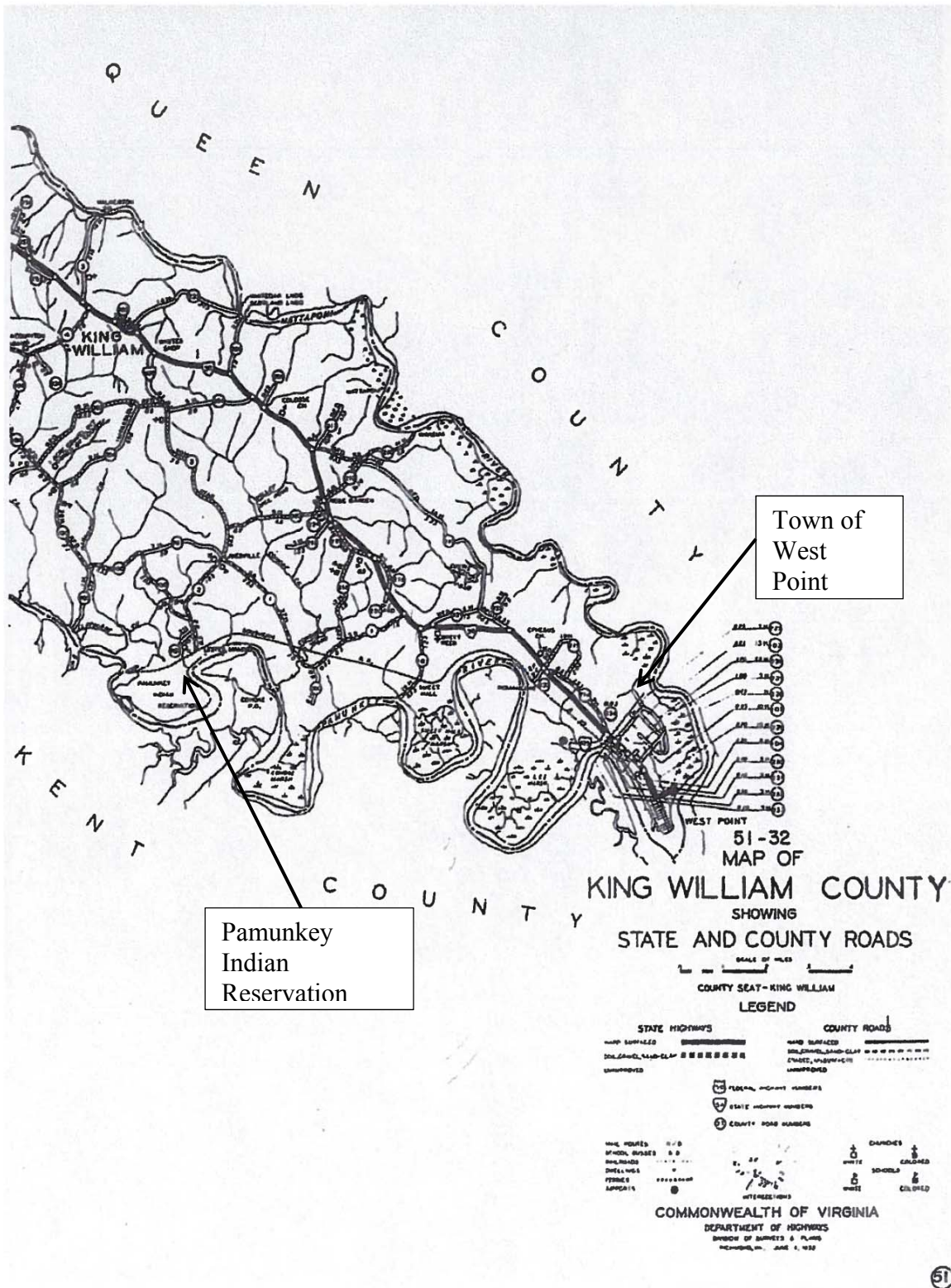


Figure 1: Map of Virginia with Counties. Petitioner is located in King William County.  
 Source: quickfacts.census.gov

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**Figure 2a: Portion of King William County Map Showing Pamunkey Reservation**  
Source: Petitioner Submission 2010, Appendix 1, Part A, Map 39

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## INTRODUCTION

The Office of the Assistant Secretary – Indian Affairs (AS-IA) within the Department of the Interior (Department) issues this proposed finding (PF) in response to the petition the Department received from the group known as the Pamunkey Indian Tribe (PIT), Petitioner #323, headquartered in King William County, Virginia. The petitioner seeks Federal acknowledgment as an Indian tribe under Part 83 of Title 25 of the *Code of Federal Regulations* (25 CFR Part 83), “Procedures for Establishing that an American Indian Group Exists as an Indian Tribe.”

The evidence the petitioner submitted and the Department staff obtained through its review suggests that the petitioner meets all of the seven mandatory criteria for Federal acknowledgment: criteria 83.7(a), 83.7(b), 83.7(c), 83.7(d), 83.7(e), 83.7(f), and 83.7(g). An explanation of the Department’s evaluation of each criterion is presented in full in sections that follow this introduction. In accordance with the regulations set forth in 25 CFR 83.7, meeting all seven criteria requires a determination that the petitioning group is an Indian tribe within the meaning of Federal law. In this case, the petitioner meets all seven mandatory criteria. Therefore, the Department proposes to acknowledge the petitioner as an Indian tribe under Federal law.

### Regulatory Procedures

The acknowledgment regulations under 25 CFR Part 83 establish the procedures by which a group may seek Federal acknowledgment as an Indian tribe, establishing a government-to-government relationship with the United States. To be entitled to such a political relationship with the United States, the petitioner must submit evidence documenting that the group meets the seven mandatory criteria set forth in section 83.7 of the regulations. Failure to meet any one of the mandatory criteria will result in a determination that the group does not exist as an Indian tribe within the meaning of Federal law.

The time periods for the evaluation of documented petitions are set forth in section 83.10. Publication of the notice of the PF in the *Federal Register* (FR) initiates a 180-day comment period during which the petitioner, and interested and informed parties, may submit arguments and evidence to support or rebut the evidence used in the PF. Such comments should be submitted in writing to the Office of the Assistant Secretary-Indian Affairs, 1951 Constitution Avenue, N.W., Mail Stop 34B-SIB, Washington, D.C. 20240, Attention: Office of Federal Acknowledgment. Interested and informed parties must provide copies of their submissions to the petitioner.

The regulations at 25 CFR 83.10(k), provide the petitioner a minimum of 60 days to respond to any comments on the PF submitted during the comment period. At the end of this response period for the PF, the Office of Federal Acknowledgment (OFA) shall consult with the petitioner

and interested parties to determine an equitable time frame for consideration of written arguments and evidence that are submitted during the comment and response periods. OFA shall notify the petitioner and interested parties of the date such consideration begins.

After consideration, the AS-IA shall issue a final determination (FD) regarding the petitioner's status. The Department shall publish a notice of this FD in the FR.

After publication of the notice of the FD, the petitioner or any interested party may file a request for reconsideration with the Interior Board of Indian Appeals (IBIA) under the procedures in section 83.11 of the regulations. A request for reconsideration must be made within 90 days of publication of the notice of the FD. Unless the petitioner or interested party files a request for reconsideration pursuant to section 83.11, the FD will become effective 90 days from its date of publication.

### **Administrative History**

The petitioner submitted a letter of intent to the AS-IA under the name of the Pamunkey Indian Tribe on June 29, 2009, and the Department designated the group as Petitioner #323. The petitioner submitted a narrative as well as some documents outlined in its narrative, which the Department received on October 14, 2010.

The Department conducted an initial review of the petition and provided the petitioner with a technical assistance (TA) review in a letter on April 11, 2011. The petitioner submitted additional materials in response to the TA on December 7, 2011. On July 5, 2011, the petitioner requested consideration for expedited processing under the AS-IA's notice of "guidance direction" of May 23, 2008 (73 FR 30146). The Department determined the petition was ready for consideration and placed the petitioner on the "Ready, Waiting for Active Consideration list" (Ready list) on January 3, 2012.

The Department began review of the petitioner for expedited processing on January 16, 2012, and completed its review on April 20, 2012. Based on this review, OFA found that the petitioner met the requirements for expedited processing and recommended a waiver of the priority provisions of the regulations. On July 20, 2012, the Acting AS-IA found it was in the best interest of the Indians to waive the priority provision as it is anticipated that a waiver under the directive allows more petitioners to be processed during a set time period and ultimately allows the process to move faster for all petitioners. The acting AS-IA waived the priority provision of the regulations and OFA moved the petitioner to the top of the Ready list. The petitioner submitted additional petition documents on March 28, 2012, April 12, 2012, and July 11, 2012.

The Department placed the petitioner on active consideration for the PF on August 21, 2012, and received one submission of additional petition documents from the group during the 60 days following, as allowed by AS-IA's notice of "guidance and direction" of March 31, 2005 (70 FR 16513), and a letter to the petitioner of July 27, 2012. By letter dated August 12, 2013, the petitioner requested the Department to continue its evaluation of the petition under the existing regulations, notwithstanding the Department's discussion draft of contemplated changes to the regulations. By letter dated August 28, 2013, the deadline to issue the PF was extended 90 days

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to November 18, 2013. Due to the Government shutdown, the Department's 16-day furlough, and the preparations and time to re-open the Government, the Department notified the petitioner and interested parties by letter dated November 14, 2013, that the AS-IA approved a 32-day extension to issue the PF on December 20, 2013.

## The Historical Indian Tribe

The petitioner requests to be acknowledged as an Indian tribe, the successor of a historical Pamunkey Indian tribe, claiming that it has been continuously located on a colonial and state Indian reservation in Virginia since the 1600s.<sup>1</sup> This PF considers the “historical Indian tribe” for this petition to be the Pamunkey Indian tribe with a state Indian reservation in Virginia in 1789.<sup>2</sup>

The acknowledgment regulations require the petitioner to demonstrate it meets the requirements of criteria 83.7(b) and 83.7(c) from historical times to the present and criterion 83.7(e) requires petitioner’s membership to descend from the historical Indian tribe. The regulations define that “historical” period as “dating from first sustained contact with non-Indians” (§83.1). However, in 2008 the AS-IA interpreted the regulations as requiring only that the petitioner document its claim of continuous tribal existence from 1789, the year that the Constitution of the United States became effective, establishing the sovereign with which an Indian tribe could carry on a government-to-government relationship.<sup>3</sup>

Notwithstanding the AS-IA’s announced interpretation, the petitioner submitted evidence relating to the period before 1789 in order “to place in context” evidence for the period around 1789 and “to demonstrate the continuity of the evidence” across that starting date for the evaluation of the petition materials.<sup>4</sup> Scholars, historical commenters, and, most importantly, historical documents described a Pamunkey Indian tribe as a remnant of the Powhatan “confederacy” or “chiefdom” that existed at the time of the arrival of non-Indian settlers in 1607 in what is now Virginia. Relying upon historical sources, Thomas Jefferson in a publication in 1787 listed the “Pamunkies” as one of the tribes of the Powhatan Confederacy about 1607 and the Smithsonian Institution’s *Handbook of North American Indians*, Volume 15, in 1978 noted a general “Pamunkey” area on a map representing Indian locations about 1610. The colony of Virginia expressly referred to the Pamunkey in legislative acts as early as 1649, in a treaty of 1677, and in a number of additional legislative acts and colonial documents at sporadic intervals throughout the late 1600s and the 1700s. Some colonial documents, such as the diary of William Byrd in 1712 and the travel account of Andrew Burnaby in 1759, referred to a contemporary

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<sup>1</sup> PIT 2010, Narrative, 1:1.

<sup>2</sup> The petitioner made no claim it had unambiguous previous Federal acknowledgment. Department researchers also found no evidence of such.

<sup>3</sup> AS-IA 5/23/2008 (73 FR 30, 147).

<sup>4</sup> The petitioner submitted an extensive narrative, including a number of chapters on the colonial years that survey the evidence of colonial acts and documents, contemporaneous observations, and historical maps, to attempt to demonstrate the continuity of a Pamunkey settlement in the location of the current state reservation throughout the colonial period of the 1600s and 1700s. The petitioner does not explicitly address the issue of the existence of an Indian tribe in 1789, but does so implicitly by continuing its narrative from the colonial period across the starting date of 1789 and up until the present (PIT 2010, Narrative, Chapters 1-17; PIT 2020, Narrative, 1:1).

Pamunkey “town.” A map of Virginia published in 1770 showed the location of “Indian Town” at the approximate site of the current state reservation. If it is shown that a Pamunkey Indian tribe existed in 1789 it is not necessary to demonstrate tribal continuity before 1789, but various sources, almost all submitted by the petitioner, show that a Pamunkey Indian tribe or settlement continued throughout the colonial period.

The existence of a Pamunkey Indian tribe in 1789 is demonstrated further by contemporaneous observations and historical documents in the 1780s. Thomas Jefferson described the “Pamunkies” as an Indian tribe existing in 1781, at the time he wrote his *Notes on the State of Virginia*, which he published in 1787. Jefferson said that the “Pamunkies are reduced” in number, but “have about 300 acres of very fertile land on Pamunkey River . . . .”<sup>5</sup> The Commonwealth of Virginia acknowledged its responsibility to an existing Pamunkey Indian tribe in 1786 when it appointed 10 non-Indian men as new “trustees for the Pamunkey Indians,” and said it did so in response to a petition from those Indians.<sup>6</sup> King William County, Virginia, noted the existence of a Pamunkey Indian tribe by expressly referring to the tribe’s “Indian Town,” or reservation, in its tax book for the state tax census of 1787. After an alphabetical listing of property owners in the county, this tax census concluded with a separate list of individuals who held “Property in the Indian Town.”<sup>7</sup> This evidence from these various sources, including historical documents, all contemporaneous observations of the 1780s, shows that a Pamunkey Indian tribe existed in 1789.

A combination of scholarly works, contemporaneous observations, and historical documents since 1789 provides further support for the existence of the historical Indian tribe of 1789. A number of scholars and writers have expressed their opinion that a contemporaneous Pamunkey Indian tribe had existed continuously since the colonial period by referring to a Pamunkey group in their own time as a surviving tribe of the Powhatan confederacy, a tribe that remained on its colonial reservation, a tribe that continued a succession of leaders that extended back to Powhatan, or a surviving remnant of the aboriginal Powhatan Indians. Such opinions were expressed by Jedidiah Morse in a government report to the Secretary of War on contemporary Indian tribes in 1822; Dr. Edwin A. Dalrymple of the Maryland Academy of Sciences in 1873; ethnologist James Mooney of the Bureau of American Ethnology in articles in 1890 and 1907, and an entry in the Smithsonian’s *Handbook of American Indians North of Mexico* in 1910; curator John Garland Pollard, who visited the reservation for the Smithsonian, in 1894; and ethnologist Frank Speck in publications in 1928 and 1941.<sup>8</sup> Many other writers asserted that a colonial tribe had continued to their own day.<sup>9</sup> Anthropologist Helen Rountree in 1990 traced

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<sup>5</sup> Jefferson 1787 (1853 ed.), 103. A statement that Jefferson wrote his *Notes* in 1781 is found at p. v.

<sup>6</sup> Virginia 10/-/1786. The petitioner reprints an excerpt from the Pamunkey petition of 1786, but erroneously dates it as 12/7/1786, after the act rather than before the act (PIT Part C, Introduction, 8, Table A-1).

<sup>7</sup> King William County 1787, n.p. [after “W”].

<sup>8</sup> Morse 1822, 31; *Alexandria Gazette* 1873, 4; Mooney 1890, 132; Pollard 1894, 9; Mooney 1907, 147; Hodge 1910, 198; Speck 1928, 302-303; and Speck 1941, 12.

<sup>9</sup> Gordon 1916, 56; Cridlin 1923, 124; WPA 1940, 601; Mook 1943, 376; Coates 1945, 22; Swem 1949, 340; Stern 1951, vii; Robinson 1959, 64; Hudson 1960, 19; Duck 1967, 77; Hurt 1970, 20; Waugaman and Moretti-Langholtz 2000, x; and Egloff and Woodward 2006, 6.

the history of a continuing Pamunkey tribe from the 1600s to the 1900s.<sup>10</sup> These attributions of tribal continuity by scholars or knowledgeable writers implicitly include a conclusion that a Pamunkey Indian tribe existed in 1789.

Based on this evidence in the record, this PF considers the historical Indian tribe for this petition to be the Pamunkey Indian tribe associated with a state Indian reservation, which was called “Indian Town,” on the Pamunkey River in Virginia in 1789.

#### Historical Members of the Historical Indian Tribe

The evidence in the record for this petition includes historical lists of members of the historical Pamunkey Indian tribe. For the petitioner, the extant historical documentation contains historical lists contemporaneous with the start of the evaluation period in 1789. The petition record contains six county tax lists between 1787 and 1802 that listed property owners in the Pamunkey “town,” five petitions presented by Pamunkey Indians between 1798 and 1843 that were signed by presumed group members, and an entry in the records of Colosse Baptist Church in King William County, Virginia, enrolling 32 “descendents [*sic*] of an Indian Tribe on Indian island” circa 1835. The combined county tax lists, historical Pamunkey petitions, and church record specifically identify 81 historical Pamunkey individuals in the half century between 1787 and 1836, for the purposes of demonstrating descent from the historical Indian tribe (see Appendix A).

Tax lists identify 24 individual property owners in “Indian Town” or “the Pamunkey Town” in the years between 1787 and 1802 (see Appendix A). The petitioner, however, appears to count 22 individuals: it considers Sally Sampson and Fanny Sampson to be the same person, and it declines to include William Sweat.<sup>11</sup> The petitioner submitted lists of property owners in Indian Town in King William County for six of the years between 1787 and 1802.<sup>12</sup> At the end of each of these alphabetical lists of taxpayers there is a separate list of property owners in the Pamunkey town or reservation. Other tax lists from the first half of the 19th century that were submitted or examined do not include such separate lists of the Pamunkey town.

The petitioner considers the individuals on the tax lists of Indian Town to be Pamunkey Indians. The Pamunkey identity of some of these individuals, however, has been questioned.<sup>13</sup> It is

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<sup>10</sup> Rountree 1990, 110 and *passim*.

<sup>11</sup> PIT 2010, Narrative, 8:8-9. A William Sweat signed a Pamunkey petition in 1836.

<sup>12</sup> King William County 1787, 1797, 1798, 1799, 1800, 1802 [PIT 2010 App. 3, B-1, for copies of the 1787-1800 lists; and PIT 2010 App. 8, A-1, for abstracts of the 1787-1802 lists in Heinegg 2010].

<sup>13</sup> Anthropologist Helen Rountree contends that some of the men taxed on the 1797, 1798, and 1799 tax lists of the Pamunkey town were “taxed as a [W]hite man” (Rountree 1900, 172-173). Rountree specifically mentions 5 of the 24 individuals (male and female) who were listed on the separate Pamunkey sections of county tax lists between 1787 and 1800. She identifies as “[W]hite” Richard and Patrick Bradby, Edward Brisbon (or Brisby or Busby), Richard Holt, and William Sweat. She accepts Robert Mush (or Mursh), who appeared on each of these tax lists, as a Pamunkey, and raises no questions about the Pamunkey identity of anyone on these tax lists named Gunn, Gurley, Langston, Major, or Sampson. Thus, it does not appear to be Rountree’s contention that only “White” men on the reservation were taxed for personal property. Indeed, Rountree says that “by the 1780s King William County was

possible that some individuals on these tax lists of Indian Town were non-Indian men married to Pamunkey women or renting Pamunkey lands. The Pamunkey reservation lands had tax-exempt status in the Commonwealth of Virginia. However, the county taxed Pamunkey individuals for personal property before 1917. Some individuals on these tax lists, such as Willis Langston and Robert Mursh (or Mush), were identified by contemporaries and have been accepted by scholars as Pamunkey Indians. The fact that 8 of the 16 men enumerated on a tax list in 1797, 1798, or 1799 also signed the Pamunkey petition of 1798 gives support to an interpretation of the tax lists of Indian Town as lists of Pamunkey individuals. Even if some individuals on these tax lists were residing on the reservation as non-Indian men who were married to Pamunkey women, and were, therefore, listed as the head of a Pamunkey household, they were part of the Indian village, the children of such marriages had Pamunkey ancestry and descent can be traced from such marriages.

Petitions submitted by Pamunkey Indians to the state legislature identify 43 individuals between 1798 and 1843 (see Appendix A). The petitioner submitted Pamunkey petitions of 1798, 1812, 1836, 1842, and 1843.<sup>14</sup> The Pamunkey petitions of 1842 and 1843, in contrast to the previous petitions, were signed by only three “chief men.” As these three men had signed an earlier petition, these two petitions in the 1840s identify no additional Pamunkey individuals. The 1798 petition was signed by 11 individuals, the 1812 petition by 14 individuals, and the 1836 petition by 28 individuals, which identifies most of these historical Pamunkey Indians. Ten men signed more than one petition, so that the 53 signatures on these three petitions identify 43 persons, for the purposes of demonstrating descent from the historical Indian tribe.

A Colosse Baptist Church record documents the acceptance into church membership of 32 individuals circa 1835 (see Appendix A). The petitioner submitted images of the original record

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taxing individual Pamunkeys on their personal property, which included horse or mules . . . and a few slaves” (Rountree 1990, 168). In a later publication, Rountree says that King William County required Pamunkey individuals to pay taxes on personal property up until 1917 (Rountree and Turner 2002, 215). In these years, then, the county accepted that Pamunkey reservation land was tax-exempt, but not that the personal property of the reservation’s Pamunkey residents was exempt from taxation.

Rountree does not explain how she determined that these five men were “[W]hite,” or were taxed as if they were “white.” As sources, she cites the county tax lists of 1782 to 1850 and records of the Colosse Baptist Church from 1814 to 1834, and also mentions records of the Lower College Baptist Church (Rountree 1990, 173, 336 n.312 and 337 n.313). The tax lists of 1797 to 1800 did not designate anyone as “[W]hite.” Also, Rountree claims that Richard Bradby was taxed as an “Indian” in 1807. The church records designated the Bradbys, Brisbon, and Sweat as “free Coloured” individuals (Rountree 1990, 172-173). Perhaps Rountree’s point is that various records at various times present conflicting information about a racial designation of these men. Rountree comments about the Bradbys that “the confusion in the records may indicate that they were of mixed Indian-[W]hite ancestry or that their marriage to an Indian had changed their social status in the county” (Rountree 1990, 172). Although Rountree suspects that Bradby, Brisbon, Holt, and Sweat men in the 1790s were non-Indians, there were Bradby, Brisbon, Hoult, and Sweat signers of the Pamunkey petition in 1836. Even if these five men in the 1790s were “[W]hite” or “free persons of color,” they were likely on the reservation because they had a Pamunkey spouse. The children of such a marriage would have Pamunkey ancestry.

<sup>14</sup> PIT 2010, Part C, Introduction, 12, 16, 24, 27, 28 [transcriptions]; Pamunkey 12/7/1798, 12/4/1812, 2/1/1836, 11/26/1842, and 1/12/1843 [images].



and an alphabetized transcription of the names on the list.<sup>15</sup> The 14 “males” and 18 “females” are identified in the record as “descendents [*sic*] of an Indian Tribe on Indian island” and were received into the church. Because the historical Pamunkey Indians were the only tribe residing on an “island” in this area, these individuals are presumed to be Pamunkey Indians. Some of the individuals may have been minors because the church at that time generally required members to be at least eleven or twelve years of age (i.e., age of accountability). Relationships such as spouses, parents or children, or children of parents were not identified. Nine of the “males” on the list are also found among the 28 signers of the 1836 Pamunkey petition, and one of those is seen on the 1812 Pamunkey Petition as well.

In the years between 1787 and 1843, 43 men signed Pamunkey petitions, 24 individuals were taxed for property on the Pamunkey reservation, and 32 individuals were enrolled as Pamunkey descendants in the Colosse Baptist Church. Since nine men are found in both of the petition and tax list categories and nine other men are found in both of the petition and church list categories, the combined total of individuals in these three categories is 81 ( $43 + (24 - 9) + (32 - 9) = 81$ ).<sup>16</sup> This total includes 34 individuals who signed a petition, 15 individuals who appeared on a tax list, 9 individuals who both signed a petition and were taxed, 32 individuals who appeared on a church record, and 9 individuals who both signed a petition and enrolled in the church.

The combined historical Pamunkey petitions, historical county tax lists, and Colosse Baptist Church record identify 81 historical Pamunkey Indians or spouses of Pamunkey Indians (see Appendix A). The petitioner may trace the descent of its current members from the historical Pamunkey Indian tribe by demonstrating its descent from any of these 81 historical individuals or their Pamunkey spouse.

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<sup>15</sup>Colosse Baptist Church Records ca.1835, “Island List.” This church was previously known as the Lower College Baptist Church, established in 1791.

<sup>16</sup> Three men who signed the petition of 1836 and have the same name as men found on earlier petitions or tax lists or might be the sons of those men. These three men would increase the number of individuals, but not add lines of descent.

### **CONCLUSIONS UNDER THE CRITERIA (25 CFR 83.7)**

The petitioner submitted evidence for this PF, and OFA staff conducted limited research to verify and evaluate the evidence, arguments, and interpretation that the petitioner and interested parties submitted. OFA staff collected documentation during field trips. Additionally, OFA conducted research using Federal census records through the Ancestry.com website to verify genealogical claims. Under the regulations, the burden of providing sufficient evidence under the criteria rests with the petitioner.

This PF evaluates the evidence in the record. The petitioner and third parties may submit other evidence during the 180-day comment period following the publication of the notice of the PF and the petitioner may address third parties' comments during the ensuing 60-day response period. Such new evidence may result in a modification of the PF's conclusions. The Department will make a FD and publish notice of it after the receipt of any comments and responses. The Department will base the FD on both the evidence used in formulating the PF and any new evidence the petitioner and third parties submit during the 180-day comment and 60-day response periods.

For the AS-IA to acknowledge a petitioner as an Indian tribe within the meaning of Federal law, a petitioner must meet all seven criteria. The evidence the petitioner submitted, and evidence the OFA staff obtained through its verification research, demonstrates that the petitioner meets all seven mandatory criteria for Federal acknowledgment: criteria 83.7(a), 83.7(b), 83.7(c), 83.7(d), 83.7(e), 83.7(f), and 83.7(g). Therefore, the Department proposes to acknowledge the petitioner.

The proposed finding reaches the following conclusions for each of the mandatory criteria in 25 CFR Part 83.7.

The petitioner meets criterion 83.7(a) because the evidence in the record demonstrates that external observers have identified it as an American Indian entity on a substantially continuous basis since 1900. External observers consistently identified the petitioning group during these years as the "Pamunkey Indian Tribe," or as a "tribe," a "band," a "group," or a "settlement" of Pamunkey Indians. They usually associated the identified group with a state Indian reservation in Virginia. These outside observers identified a collective entity, characterized that entity as Indian, and described that entity in ways which link it to the current petitioner or a predecessor group, thus identifying the petitioner as an "Indian entity." As such identifications of the petitioning group were made in almost all of the years since 1900 they satisfied 83.7(a).

The petitioner meets criterion 83.7(b) because the evidence in the record demonstrates that a predominant portion of the petitioning group has maintained interaction and significant social relationships throughout history. The evidence also establishes that the petitioner's ancestors and current members have maintained significant distinction from non-members in and around the area of the Pamunkey Indian reservation in King William County, Virginia, from historical

times to the present. From 1789 until 1899, the petitioner satisfies the requirements with a combination of evidence under criterion 83.7(b)(1). From 1900 until the present, the petitioner satisfies the requirements via the “cross-over” provision of criterion 83.7(b)(2)(v), as the petitioner demonstrated criterion 83.7(c) using evidence described in 83.7(c)(2).

The petitioner meets criterion 83.7(c) because the evidence in the record demonstrates it maintained political influence or authority over its members as an autonomous entity from 1789 to the present. Further, the evidence in the record from 1900 until the present is evidence listed in 83.7(c)(2), which also satisfies the requirements of 83.7(b) for that time.

The petitioner meets criterion 83.7(d) because it submitted a governing document that describes its governing procedures. Its membership criteria are also defined.

The petitioner meets criterion 83.7(e) because it demonstrated descent from the historical Indian tribe and provided its current membership list of 203 members dated October 18, 2012. The Department accepts that a documentation of descent from any of 81 Indian individuals named on any one of six King William County, Virginia, tax lists of personal property owners at Indian Town between 1787 and 1802, three Pamunkey petitions to the Virginia state legislature between 1798 and 1836, and one Colosse Baptist Church record of descendants of an Indian tribe on Indian Island circa 1835 demonstrates descent from the historical Pamunkey Indian tribe for purposes of criterion 83.7(e). The petitioner documented descent from Indian individuals on these lists for 162 of 203 of its current members, or 80 percent of its membership.

The petitioner meets criterion 83.7(f) because the petition contained no evidence of members enrolled in federally recognized Indian tribes. Evidence in the record indicates that the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribes. Therefore, the petitioner meets the requirements of criterion 83.7(f).

The petitioner meets criterion 83.7(g) because there is no evidence in the record that indicates the petitioner or its members have been the subject of congressional legislation that has expressly terminated or forbidden a relationship with the Federal Government as an Indian tribe.

### **Criterion 83.7(a)**

**83.7(a) The petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900 . . . by other than the petitioner itself or its members.**

#### **Introduction**

Criterion 83.7(a) requires the petitioner to have been “identified as an American Indian entity” by external observers on a “substantially continuous” basis since 1900. Evidence that meets this requirement must identify the petitioner as a group or entity and not refer merely to individuals; and must characterize the identified group or entity as an “Indian entity.” The language of the regulations states an acceptable identification must be made by an individual or organization “other than the petitioner itself or its members.” This criterion further requires that identifications of the petitioner as an “Indian entity” by observers external to the petitioning group must have been made often enough to be characterized as having been made on a “substantially continuous” basis since 1900.

This PF concludes that the evidence in the record is sufficient to demonstrate that the petitioner meets the requirements of criterion 83.7(a). The record contains evidence that external observers have identified the petitioner as an Indian entity on a “substantially continuous” basis since 1900.

The petitioner’s submission expressly identifies its Appendix 2 as containing the evidence it claims satisfies the requirements of criterion 83.7(a). This appendix consists of approximately 764 documents. The OFA researchers also found items in some of the petitioner’s other appendices that also are relevant to this criterion. Because the petitioner’s submission for this criterion is extensive, the OFA researchers acquired only a few additional sources published after 1900. The petitioner’s evidence for this criterion consists mostly of local newspaper articles and published scholarly works or histories written for a general audience. The following evaluation for this criterion considers evidence the petitioner submitted or cited as well as other relevant evidence.

#### **Evaluation**

The evidence in the record shows that a Pamunkey Indian entity was identified by outside observers in almost all of the years since 1900, and often was identified multiple times in those years. These observers identified a Pamunkey group, characterized that group as an Indian group, and identified that Pamunkey Indian group in a consistent manner over time which establishes they identified an entity that was a predecessor of the current petitioning group. Thus, this evidence demonstrates that the petitioner has been identified as an Indian entity on a substantially continuous basis since 1900.

*Evidence of the Identification of the Petitioner Since 1900*

The evidence in the record demonstrates that the petitioner has been identified as an Indian entity on a substantially continuous basis since 1900. This evidence shows that the petitioner was identified as an Indian entity in at least 95 of the 110 years from 1900 to 2009, the year before the submission of its documented petition in 2010. It is not necessary to detail all the evidence in the voluminous record which satisfies this criterion. The following chronological narrative provides examples of the types of evidence that are sufficient to meet the requirements of this criterion at various times.

The petitioner has been consistently identified since 1900 as the “Pamunkey Indian Tribe,” the “Pamunkey tribe,” or as a “tribe” of Pamunkey Indians. Identification as a “tribe” is not required by this criterion, which only requires identification as an “Indian entity.” In this case, however, the available evidence demonstrates the petitioner has been identified as an Indian entity by being identified in various ways as a “tribe.” The record also contains acceptable identifications of the petitioner as a “band” or “group” or “settlement” of Indians, usually in a way that linked such characterizations to the Virginia state reservation.<sup>17</sup> All of these types of identification form a series of identifications that have been substantially continuous since 1900.

1900-1924

The single year of 1900 provides numerous examples of the identification of the petitioner by outside observers. In May, two Richmond newspapers reported that the “Pamunkey Tribe” or “Pamunkey tribe of Indians” had drafted a petition to Congress to request their children be admitted to Hampton Normal School.<sup>18</sup> An out-of-state newspaper published an article on “The Pamunkeys” which said the “remnant of this tribe” lived on the Pamunkey River.<sup>19</sup> A Baltimore newspaper reported that the “Pamunkey tribe of Indians” had scheduled a reunion, and on the appointed day a Richmond newspaper stated a barbecue would be held by the “Pamunkey tribe of Indians.”<sup>20</sup> In June, a Richmond newspaper stated that all of its readers knew “there is a tribe of Indians” in King William County that “is the remnant of the . . . Pamunkey.”<sup>21</sup> In July, the *New York Times* reported that the “Pamunkey Indians, a tribe” on the river of that name, might file a test case against the new Jim Crow railroad car law, and the next month a Virginia newspaper reported that the “Pamunkey Indian Tribe” had sent a committee to the legislature to

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<sup>17</sup> The record also contains a substantially continuous series of references by outside observers to the Pamunkey Indian Reservation in Virginia, but it is not necessary in this case to evaluate these statements to determine if they also reference an Indian entity. It also is not necessary in this case to evaluate assertions of continuity or detailed contextual descriptions to demonstrate that statements by observers implied the identification of an Indian entity, since there is ample evidence in the record of identifications of a Pamunkey group.

<sup>18</sup> *Richmond Times* 5/2/1900; *Richmond Dispatch* 5/2/1900.

<sup>19</sup> *Columbia [S.C.] State* 5/8/1900.

<sup>20</sup> *Baltimore Sun* 5/31/1900; *Richmond Times* 6/5/1900.

<sup>21</sup> *Richmond Dispatch* 6/24/1900.

oppose that law.<sup>22</sup> In August, a Richmond newspaper provided a description of the Pamunkeys at Indian Town and said the reservation land belonged to “the tribe.”<sup>23</sup> In September, that newspaper reported that the reservation schoolteacher had resigned to the regret of “the tribe.”<sup>24</sup>

The evidence in the record shows that the petitioner was identified as an Indian entity in at least 19 of the 25 years from 1900 to 1924. In addition to the identifications made in 1900, local newspapers identified a contemporary “Pamunkey tribe” or “tribe” in 1901, 1902, 1905, and 1908, while reporting on an election held by the group and various activities of its members or chief.<sup>25</sup> In 1906 a book identified the Pamunkey as one of the state’s existing Indian “communities,” and in 1907 and 1908 several publications referred to the Pamunkey as one of the state’s “bands,” an Indian “settlement,” a “remnant” of a tribe, or a group that had “maintained their organization as a tribe.”<sup>26</sup> In 1910, an article by ethnologist James Mooney in a Smithsonian reference work described the Pamunkey as “still keeping up a recognized tribal organization.”<sup>27</sup> Newspapers, a national magazine, and Virginia’s governor identified a contemporary “Pamunkey tribe” or “tribe” by reporting on its annual tribute ceremony or various activities of its representatives or chief in 1910, 1911, 1912, 1913, and 1915.<sup>28</sup>

In 1916, a magazine article identified the Pamunkey as a “small band” residing in an “Indian village,” and a book published that year described a “tribe . . . still in existence” with a “little settlement” on a state reservation.<sup>29</sup> The Virginia Attorney General’s office identified the “Pamunkey tribe” in legal opinions issued in 1916 and 1917 about state taxes, hunting licenses, and the military draft.<sup>30</sup> Newspapers in 1917 identified a “Pamunkey tribe” in reporting on questions about the military draft raised by its chief.<sup>31</sup> In 1918, the governor referred to the recent legal opinions concerning “the Pamunkey tribe.”<sup>32</sup> A book published in 1920 referred to

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<sup>22</sup> *New York Times* 7/29/1900; *Norfolk Virginian-Pilot* 8/18/1900 and 8/21/1900.

<sup>23</sup> *Richmond Dispatch* 8/12/1900.

<sup>24</sup> *Richmond Dispatch* 9/21/1900.

<sup>25</sup> *Richmond Dispatch* 1/18/1901 and 2/13/1902; *Richmond Times* 5/7/1901 and 6/2/1901; *Richmond Times-Dispatch* 10/2/1905 and 2/13/1908.

<sup>26</sup> Dorsey 1906, 58 (communities); Bagby 1907, *i* (remnant); McDonald 1907, 30 (settlement); Mooney 1907, 146-147 (bands, remnant, tribe); Harrington 1908, 406 (remnant). See also: Irvington *Virginia Citizen* 1/25/1907 (as a “small tribe,” apparently summarizing Pollard 1894).

<sup>27</sup> Hodge 1910, 198. See also: Broughton 1911, 296 (apparently repeating Mooney in Hodge 1910).

<sup>28</sup> *Mathews Journal* 2/17/1910; *Richmond News Leader* 11/22/1910 and 11/27/1913; Governor [Mann] 4/22/1911 and 2/21/1912; *Harper’s Weekly* 2/10/1912; *Richmond Times-Dispatch* 11/25/1915.

<sup>29</sup> Gordon 1916, 54, 56 (band); Sams 1916, 327, 336 (tribe). Sams reported on his 1908 visit to the reservation.

<sup>30</sup> Virginia Attorney General 9/15/1916 (Pamunkey Tribe of Indians), 6/26/1917 (tribes of Pamunkey and Mattaponi), and 12/10/1917 (Pamunkey tribe of Indians).

<sup>31</sup> *Richmond News Leader* 8/21/1917; *Richmond Times-Dispatch* 8/21/1917.

<sup>32</sup> Governor [Davis] 1/24/1918.

the Pamunkey as one of the tribal “remnants” now in the state that still occupied a reservation and maintained a “tribal organization.”<sup>33</sup> Newspapers identified the Pamunkey as a “tribe,” or as one of the state’s “tribes” or “bands,” in reporting on an annual fish fry, an intertribal conference, another’s group’s petition about schools, and an annual homecoming gathering in 1922, 1923, and 1924.<sup>34</sup>

### 1925-1949

The evidence in the record shows that the petitioner was identified as an Indian entity in at least 21 of the 25 years from 1925 to 1949. In 1925, a historical article said that a “small settlement of the descendants of the Pamunkey Indians . . . still exists” in King William County.<sup>35</sup> The Virginia State Registrar, while commenting on the presumed Indian blood degree of the Pamunkey, stated in 1925 that the “Pamunkey tribe lives on a reservation.”<sup>36</sup> Newspapers identified a contemporary “Pamunkey tribe” or “tribe” in 1925, 1926, 1927, and 1928 by describing its annual tribute ceremony, its participation in a “Powwow,” its students, or the activities of its chief at the state legislature and dedication ceremonies.<sup>37</sup> In 1928, ethnologist Frank Speck identified the “Pamunkey Tribe” as “the smallest independent nation” in the world.<sup>38</sup> Also in 1928, a legislative report identified the Pamunkey as an existing Indian group and “community” which was recognized by the Commonwealth of Virginia as one of its “Indian tribes.”<sup>39</sup> A book published in 1929 identified a contemporary “remnant of the tribe of Pamunkey Indians” and said they “retain their tribal formation.”<sup>40</sup>

In a letter written in 1930, a teacher on the Pamunkey reservation referred to its chief and “his tribe.”<sup>41</sup> Newspapers identified a “Pamunkey tribe” or “tribe” in articles about racial integrity legislation, the death and election of a chief, and the group’s annual tribute ceremony in 1930,

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<sup>33</sup> Pendleton 1920, 51-52.

<sup>34</sup> *Washington Evening Star* 8/3/1922 (tribe); *New York Times Magazine* 5/13/1923 (bands, tribes); *Roanoke Times* 5/27/1923 (bands, tribes); *Richmond News Leader* 7/16/1923 (Pamunkey tribe) and 8/20/1924 (tribe); *Richmond Times-Dispatch* 9/17/1923 (Pamunkey tribe).

<sup>35</sup> Koontz 1925, 154 n.

<sup>36</sup> Virginia State Registrar 3/16/1925.

<sup>37</sup> *Washington Post* 5/4/1925, 10/20/1926, and 10/18/1928; *Richmond Times-Dispatch* 1/1/1927 and 2/14/1928; *Richmond News Leader* 11/3/1927, 2/-/1928, and 12/24/1928; *Richmond Planet* 2/11/1928; *New York Times* 6/10/1928; *Washington Evening Star* 12/25/1928.

<sup>38</sup> Speck 1928, 307-308.

<sup>39</sup> Ryan 2/11/1928.

<sup>40</sup> Wilstach 1929, 220.

<sup>41</sup> Kyle 1/20/1930.



1931, and 1932.<sup>42</sup> In 1934, an article in a historical journal stated that the Pamunkey had “tribal lands” which they “hold to this day.”<sup>43</sup> Newspapers identified a contemporary “Pamunkey tribe” or “tribe” in 1934, 1935, 1936, and 1937 by reporting on the group’s tribute ceremony, election of a chief, and various activities of its members and chief.<sup>44</sup> In 1939, a reservation non-Indian trustee identified “the Pamunkey Tribe” in a letter on behalf of reservation students.<sup>45</sup> In 1940, Frank Speck referred to the Pamunkey as one of the “tribal units” on reservations and to “the tribe’s tribute,” and a publication of the Work Projects Administration identified the Pamunkey as one of Virginia’s recognized “tribes.”<sup>46</sup> Newspapers identified the Pamunkey as among several “tribes” engaged in various group activities in 1940 and 1941.<sup>47</sup>

In 1942, the governor mentioned the annual tribute of “the Pamunkey Tribe,” and an article on local history said a “remnant” of the Pamunkey “still occupy” their historical site on the river.<sup>48</sup> An article in 1944 referred to the Pamunkey as one of the “groups” still practicing the craft of pottery-making.<sup>49</sup> James R. Coates, in an article published in 1945, identified the Pamunkey as both one of the “groups” and one of the “tribes” in Virginia “[t]oday.” In an exchange of correspondence with Frank Speck later that year, Speck identified the Pamunkey as one of the “bands” with a state reservation and Coates referred to “the Pamunkey tribe.”<sup>50</sup> In 1946, two Federal officials referred to the Pamunkey as one of the “groups” or “tribes” on state reservations whose children might potentially be educated by the Cherokee school in North Carolina.<sup>51</sup> A report published by the Smithsonian Institution in 1948 listed the Pamunkey as a “group” among the surviving Indian groups of the Eastern United States.<sup>52</sup> A newspaper identified “the Pamunkey Indian tribe” as participating in an event in 1949.<sup>53</sup>

### 1950-1974

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<sup>42</sup> *New York Times* 2/16/1930 and 11/26/1931; *Richmond Times-Dispatch* 12/17/1930; *Richmond News Leader* 12/17/1930, 3/20/1931, and 11/23/1932.

<sup>43</sup> Harris 1934, 343.

<sup>44</sup> *Richmond News Leader* 10/27/1934, 5/29/1935, 11/27/1935, 11/30/1935, and 10/19/1937; *Richmond Times-Dispatch* 11/18/1934, 3/9/1936, and 11/13/1936.

<sup>45</sup> Trustees 6/7/1939.

<sup>46</sup> Speck 1940, 8, 15, and Speck’s article in the *Richmond Times-Dispatch* 7/7/1940; WPA 1940, 28.

<sup>47</sup> *Richmond Times-Dispatch* 5/24/1940 and 4/13/1941; *Washington Evening Star* 9/21/1941.

<sup>48</sup> Governor [Price] 1/15/1942; Ryland 1942, 326.

<sup>49</sup> Fewkes 1944, 69.

<sup>50</sup> Coates 1945, 22; Speck 12/9/1945; Coates 12/12/1945.

<sup>51</sup> Beatty 1/16/1946; Jennings 7/29/1946.

<sup>52</sup> Gilbert 1948, 417.

<sup>53</sup> *Washington Post* 10/14/1949.

The evidence in the record shows that the petitioner was identified as an Indian entity in at least 22 of the 25 years from 1950 to 1974. The record contains multiple identifications of the petitioning group in most of these 25 years. In 1950, two local newspapers identified “the Pamunkey tribe” while reporting on its gift to a hospital and its negotiations to accept a consolidated school.<sup>54</sup> Scholarly publications identified “the Pamunkey tribe” in a contemporary reference to its pottery in 1950, “the Pamunkey tribe” in a survey of “[p]resent-day Indians” in 1951, the Pamunkey as a “band” at “the present time” in 1952, and the Pamunkey as one of the tribal “remnants” remaining in 1953.<sup>55</sup> A newspaper identified the Pamunkey as a “tribe” in reporting on its presentation of the annual tribute to the governor in 1952 and 1954.<sup>56</sup> In 1955, a book about Virginia identified the Pamunkey as one of the “groups” of Indians still living in the state and an individual on the governor’s staff said that “the Pamunkey Tribe” made an annual visit to the governor.<sup>57</sup> In 1957, a scholarly publication referred to the Pamunkey as an existing “state within the state” and the Virginia Attorney General issued a legal opinion about current “members of the Pamunkey and Mattaponi Indian tribe[s].”<sup>58</sup>

In 1958, an employee of the State Board of Education identified “the Pamunkey Tribe” in discussing a school building on the reservation and two newspapers profiled a former chief of “the Pamunkey tribe.”<sup>59</sup> A scholarly publication in 1959 referred to the Pamunkey as one of the “tribes” that continued to present the annual tribute to the governor, and a newspaper in 1959 reported that a trading post would open on the reservation to sell items made by members of “the Pamunkey tribe.”<sup>60</sup> The Virginia Attorney General in 1960 again issued a legal opinion concerning the current “members of the Pamunkey and Mattaponi tribes.”<sup>61</sup> Newspapers, in articles in 1962, 1963, 1964, and 1965 about the state’s reservations, annual tribute ceremonies, hunting licenses, and handicrafts, identified a Pamunkey Indian entity by referring to the “Pamunkey tribe” or “tribe,” to the Pamunkey as one of the state’s “tribes,” or to the “tribe’s” chief or trading post.<sup>62</sup> A master’s thesis in 1965 about Virginia’s reservation Indians since the 1890s identified and described existing “Mattaponi and Pamunkey Tribes.”<sup>63</sup>

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<sup>54</sup> *Richmond Times-Dispatch* 5/25/1950; *Richmond News Leader* 10/13/1950.

<sup>55</sup> Speck and Schaeffer 1950, 11; Blume 1951, 4; Swanton 1952, 71; Underhill 1953, 78.

<sup>56</sup> *Richmond News Leader* 12/18/1952 and 11/23/1954.

<sup>57</sup> Gottmann 1955, [p.19]; Lacy 8/11/1955.

<sup>58</sup> Birket-Smith 1957, 177; Virginia Attorney General 6/26/1957.

<sup>59</sup> Quirk 10/16/1958; *Richmond News Leader* 12/16/1958; *Washington Post* 12/19/1958.

<sup>60</sup> Robinson 1959, 64; *Richmond Times-Dispatch* 5/8/1959.

<sup>61</sup> Virginia Attorney General 10/7/1960.

<sup>62</sup> *Washington Evening Star* 2/13/1962 and 11/22/1962; *Norfolk Virginian-Pilot* 3/-/1962 and 8/29/1965; *Richmond Times-Dispatch* 5/5/1963 and 3/15/1964; *Richmond News Leader* 5/29/1963; *Washington Post* 10/24/1965.

<sup>63</sup> Singleton 1965, 11, 18.

Newspapers identified a “Pamunkey tribe,” a “tribe” of Pamunkeys, or the Pamunkey as one of the contemporary “tribes” of Virginia in every year from 1967 to 1974.<sup>64</sup> These articles surveyed the tribes remaining in Virginia, discussed the perceived diminishing population of the reservation, or described visits to the reservation, a new reservation trading post, a proposal to return the remains of Pocahontas to the United States, or various ceremonies to present the annual tribute to the governor. In addition, local history and scholarly publications identified a contemporary Pamunkey entity in these years. In 1967, an archaeologist stated that the Pamunkey had “maintained their tribal organization” to the present.<sup>65</sup> A survey published in 1968 listed the Pamunkey among the existing “Indian communities” in the eastern states.<sup>66</sup> Both a compilation of Virginia place names published in 1969 and an article about Virginia’s Indians published in 1970 identified the Pamunkey as a “tribe” on a state reservation.<sup>67</sup> In a pair of articles in 1972, anthropologist Helen Rountree identified the “Pamunkey tribe” as existing “today” and having a “tribal government” and “tribal council.”<sup>68</sup> A reference work published in 1974 listed the Pamunkey as a “tribe” with a state Indian reservation, and an assistant to the governor identified the Pamunkey as one of the two Indian “tribes” known to the governor’s office in 1974.<sup>69</sup>

### 1975-1999

The evidence in the record shows that the petitioner was identified as an Indian entity in at least 23 of the 25 years from 1975 to 1999. The record contains multiple identifications of the petitioning group in most of these years. In 1975, Rountree again identified the Pamunkey as one of the two “reservation tribes” of Virginia “today,” a newspaper identified the Pamunkey as one of the “Indian nations” that received a Federal grant on “a community” basis, and a newspaper referred to the Pamunkey annual tribute ceremony as “the tribe’s” method of paying taxes.<sup>70</sup> The Virginia Attorney General issued legal opinions in 1977 and 1978 that identified the “Pamunkey and Mattaponi tribes” and “the Pamunkey tribe,” a state official in 1977 identified the “Pamunkey Indian Tribe” as one recognized by the state, and the county attorney in 1980 outlined policies that would be adopted towards members of “the Tribe.”<sup>71</sup> A local historian

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<sup>64</sup> Arlington *Northern Virginia Sun* 1/25/1967; Washington *Evening Star* 11/22/1968 and 12/28/1970; *Richmond Times-Dispatch* 5/25/1969, 5/30/1969, 6/14/1970, 11/22/1972, and 5/12/1974; *Washington Post* 10/23/1969, 11/19/1969, and 11/28/1974; *Richmond News Leader* 11/18/1969, 8/14/1971, and 11/20/1973; *Washington Sunday Star* 6/25/1972; *Newport News Daily Press* 3/10/1973; *Alexandria Gazette* 9/12/1974.

<sup>65</sup> Duck 1967, 77.

<sup>66</sup> Sturtevant and Stanley 1968, 19.

<sup>67</sup> Hanson 1969, 118; Hurt 1970, 20.

<sup>68</sup> Rountree 1972a, 4; Rountree 1972b, 71, 72, 73, 75.

<sup>69</sup> U.S. Department of Commerce 1974, 527-528; Brooks 7/31/1974.

<sup>70</sup> Rountree 1975, 3; *Richmond Times-Dispatch* 7/16/1975; *Alexandria Gazette* 11/25/1975.

<sup>71</sup> Virginia Attorney General 2/7/1977 and 4/14/1978; Christophersen 12/28/1977; Causey 11/5/1980.

identified the petitioning group by referring to the contemporary “Pamunkey Indian Town” in 1977 and a scholar did so by describing an existing relationship between archaeologists and “the Pamunkey Indian Tribe” in 1980.<sup>72</sup> Newspapers identified the petitioning group in every year from 1977 to 1982 as one of the “tribes” of the state, a “tribe” of Pamunkey Indians, the “Pamunkey tribe,” or the “Pamunkey Indian tribe.”<sup>73</sup>

In 1983, a joint subcommittee of the state legislature recommended that the General Assembly of Virginia adopt a joint resolution “officially recognizing certain named Indian tribes.” This committee stated that the status of “the Mattaponi and Pamunkey tribes” was more settled than other groups, as they had long remained on state reservations. It recommended that state recognition of those “two tribes” should be affirmed.<sup>74</sup> A local history in 1984 said that the Pamunkey were one of the “two tribes” that still lived on reservation lands.<sup>75</sup> The U.S. Treasury Department concluded in 1985 that “the Pamunkey Indian Tribe” merited the tax status granted to an Indian tribal government.<sup>76</sup> In 1989, the Virginia Council of Indians listed the “Pamunkey Indian Tribe” as a tribe recognized by the state, and the governor’s office provided information about the “Pamunkey Indian Tribe” in response to an inquiry.<sup>77</sup> Rountree published works in 1990 and 1992 that again identified the petitioning group as a “tribe” that had survived to the present day and was one of the contemporary “tribes” or “Indian groups” in the state with a reservation.<sup>78</sup> Newspapers identified the petitioning group in every year from 1983 to 1992 as one of the state’s “tribal groups,” “tribes,” or state-recognized “tribes”; a “tribe” of Pamunkey Indians; the “Pamunkey tribe”; or the “Pamunkey Indian tribe.”<sup>79</sup>

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<sup>72</sup> Harris 1977 (2006 ed.), 714; Norrisey 1980, 24, 27.

<sup>73</sup> *Richmond News Leader* 1/22/1977, 11/21/1980, 2/25/1982, and 12/15/1982; *Richmond Times-Dispatch* 6/18/1977, 10/2/1977, 3/19/1978, 4/30/1978, 9/20/1979, 4/25/1982, 11/6/1982, 11/19/1982, and 11/24/1982; *West Point Tidewater Review* 11/10/1977; *Norfolk Virginian-Pilot* 11/25/1977; *Fredericksburg Free Lance* 8/29/1979; *Newport News Daily Press* 11/6/1979 and 10/11/1980; *Newport News Times-Herald* 11/7/1979; and *Christian Science Monitor* 10/6/1981. These articles dealt with the death of a former chief, grants for a community center, a settlement with the railroad that crossed the reservation, fishing regulations, surveys of Indians and reservations in the state, pending state recognition legislation, and tribute ceremonies.

<sup>74</sup> Virginia Joint Subcommittee 1983, 3, 4. The petitioner did not submit a joint resolution or act of the legislature.

<sup>75</sup> Houck 1984, 140.

<sup>76</sup> Kennedy 11/20/1985.

<sup>77</sup> Virginia Council on Indians 1989a and 1989b; Dendy 1/16/1989.

<sup>78</sup> Rountree 1990, 110, 172; Rountree 1992a, 10, 24.

<sup>79</sup> *Washington Post* 5/3/1983, 12/4/1984, 12/20/1984, and 11/26/1992; *Richmond Times-Dispatch* 11/24/1983, 1/20/1985, 11/19/1986, 11/18/1987, 11/27/1987, 11/24/1989, 6/24/1990, 4/9/1991, and 1/13/1992; *Richmond News Leader* 5/23/1984, 8/24/1987, 8/25/1987, 11/27/1987, and 9/20/1988; *Lynchburg News* 10/6/1985; *USA Today* 11/23/1988; *Washington Times* 1/13/1989 and 8/30/1990; *New York Times* 1/16/1989; *Arlington Northern Virginia Sun* 12/5/1989; *Baltimore Sun* 11/26/1992. These articles dealt with the state recognition of tribes; the description of the Indians and reservations in the state; the retirement, death, election, and description of chiefs; the status of women; the adoption of fishing regulations; and tribute ceremonies.

An entry about the Pamunkey in a scholarly reference work about American Indians published in 1994 referred to the “Pamunkey Indian tribe’s” existing reservation, “Tribal Council,” and “tribal government.”<sup>80</sup> A reference work about Virginia history published in 1994 referred to the Pamunkey reservation “today” and identified the Pamunkey as one of the “tribal governments” recognized by the Virginia legislature.<sup>81</sup> Newspapers identified the petitioning group as an Indian entity in 1994 and on at least five occasions in every year from 1995 to 1999. They identified the Pamunkey as one of the “tribes” of the state, a “tribe” of Pamunkey Indians, the “Pamunkey tribe,” or the “Pamunkey Indian tribe” in describing the annual tribute presentations,<sup>82</sup> a reservation shad hatchery,<sup>83</sup> opposition to a proposed reservoir,<sup>84</sup> or other issues.<sup>85</sup> In 1997 the Mattaponi chief opposed a plan for the Pamunkey Tribal Government to act as the “lead tribe” in a joint agreement, thus identifying it as an Indian entity.<sup>86</sup> In 1998, the governor wrote to the chief of the “Pamunkey Indian Tribe” to invite him and members of his “tribe” to coffee prior to the annual tribute ceremony.<sup>87</sup> A reference work published in 1998 identified the “Pamunkey Nation” as currently recognized by the Commonwealth of Virginia, and a memorial tribute to a former chief published in 1999 identified the Pamunkey as a contemporary “tribe.”<sup>88</sup>

#### 2000-2009

The evidence in the record shows that the petitioner was identified as an Indian entity on multiple occasions in every one of the years between 2000 and 2009. The petitioning group was identified as one of the “tribes” presenting the annual tribute to the governor in 2000, 2001, 2003, 2005, 2006, 2007, 2008, and 2009.<sup>89</sup> Scholarly publications identified the “Pamunkey” or

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<sup>80</sup> Blumer 1994, 432.

<sup>81</sup> Salmon and Campbell 1994, 9.

<sup>82</sup> *Richmond Times-Dispatch* 11/24/1994, 11/23/1995, and 11/27/1997; *Washington Post* 11/28/1996; *Roanoke Times & World News* 11/28/1996; *Washington Times* 11/27/1997, 11/26/1998, and 11/25/1999; *Charlottesville Daily Progress* 11/27/1997; *Norfolk Virginian-Pilot* 11/26/1998.

<sup>83</sup> *Richmond Times-Dispatch* 5/9/1995, 5/15/1997, and 4/14/1998; *Norfolk Virginian-Pilot* 2/23/1998, 4/14/1998, and 4/9/1999.

<sup>84</sup> *Richmond Times-Dispatch* 5/27/1996, 12/8/1996, 3/23/1997, 3/27/1997, 4/1/1997, 9/1/1997, 1/16/1998, and 3/7/1999; *USA Today* 12/9/1996; *Norfolk Virginian-Pilot* 8/8/1998 and 6/8/1999.

<sup>85</sup> *Newport News Daily Press* 6/17/1994; *Richmond Times-Dispatch* 3/19/1995, 6/1/1995, 10/22/1995, 4/27/1997, 2/12/1998, and 5/12/1999. These articles concerned state-recognized tribes, the Federal acknowledgment process, the film “Pocahontas,” reburial issues, and an obituary for a deceased chief.

<sup>86</sup> Custalow ca. 6/17/1997.

<sup>87</sup> Gilmore 11/16/1998.

<sup>88</sup> Pritzker 1998, 561; Fast and Keroher 1999, 10, 23, 69, 84.

<sup>89</sup> *Newport News Daily Press* 11/23/2000; *Norfolk Virginian-Pilot* 11/23/2000; *Richmond Times-Dispatch* 11/23/2000; *Washington Times* 11/22/2001; *Richmond Times-Dispatch* 11/22/2001 and 11/27/2003; Associated

“Pamunkey Indian Tribe” as among the contemporary “state-recognized tribes” of Virginia in 2000 and 2002.<sup>90</sup> Other scholarly works identified the Pamunkey as a contemporary “tribe” in 2002, 2006, and 2007.<sup>91</sup> The Pamunkey were also identified during this decade as one of the “tribes” withdrawing from a congressional recognition bill,<sup>92</sup> participating in an exhibit at the new National Museum of the American Indian,<sup>93</sup> belonging to an Advisory Board, refusing to sign an archaeological agreement, or making a trip to England.<sup>94</sup> As part of the commemoration in 2007 of the settlement of Jamestown, a newspaper identified the chief of the “Pamunkey nation” as having presented a gift to the visiting Queen of England.<sup>95</sup> In 2003, the Virginia Attorney General ruled that the Pamunkey were one of the “tribes” whose reservation members were not subject to taxation, and in 2004, 2006, 2008, and 2009 the governor issued a certificate recognizing the role of the “Pamunkey tribe” in offering tribute to the state.<sup>96</sup>

### Conclusion

The petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900. External observers consistently identified the petitioning group during these years as the “Pamunkey Indian Tribe,” or as a “tribe,” a “band,” a “group,” or a “settlement” of Pamunkey Indians. They usually associated the identified group with a state Indian reservation in Virginia. As such identifications of the petitioning group were made in almost all of the years since 1900, they were made on a “substantially continuous” basis. For these reasons the petitioner meets the requirements of criterion 83.7(a).

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Press 11/20/2005; *Richmond Times-Dispatch* 11/23/2006; *Washington Post* 4/29/2007; Associated Press 11/27/2008; Kaine 11/25/2009b.

<sup>90</sup> Waugaman and Moretti-Langholtz 2000, i, x, xi, 16; Wilkins 2002, 22. Other identifications of the petitioner as one of the state-recognized tribes of Virginia include: *Richmond Times-Dispatch* 2/25/2002; Kaine 9/25/2008.

<sup>91</sup> Rountree and Turner 2002, 230, 231; Egloff and Woodward 2006, 6, 59; Fisher 2007, 13.

<sup>92</sup> *Richmond Times-Dispatch* 1/29/2001 and 5/5/2002; *Washington Post* 6/4/2009.

<sup>93</sup> *Richmond Times-Dispatch* 7/18/2001; *Washington Post* 9/16/2004.

<sup>94</sup> Associated Press 6/28/2005 and 4/1/2006; *Washington Times* 7/13/2006.

<sup>95</sup> *Washington Post* 5/4/2007.

<sup>96</sup> Virginia Attorney General 5/13/2003; Warner 11/24/2004; Kaine 11/22/2006, 11/26/2008, and 11/25/2009a.

### **Criterion 83.7(b)**

**83.7(b) A predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present.**

#### **Introduction**

Criterion 83.7(b) requires that a “predominant portion of the petitioning group comprises a distinct community.” The term “predominant” establishes the requirement that more than half of the membership maintains significant social contact with each other (59 FR 9287). This provision means that more than half of the membership of the petitioner must participate in the social relationships, interaction, or institutions used to demonstrate community, and the remainder of the membership should be connected to those who participate.

The Federal acknowledgment regulations provide a specific definition of community:

Definition (83.1): Community means any group of people which can demonstrate that consistent interactions and significant social relationships exist within its membership and that its members are differentiated from and identified as distinct from nonmembers. Community must be understood in the context of the history, geography, culture, and social organization of the group.

Sustained interaction and significant social relationships must exist among the members of the group. Petitioners must show interactions have occurred continuously since 1789 or first sustained contact with non-Indians, if such contact occurred after 1789. Interaction should be broadly distributed among the membership. The regulations, in section 83.7(b)(2)(v), describe evidence that is sufficient by itself to meet the requirements of this criterion at a specific time, which includes evidence that satisfies the requirements of 83.7(c)(2) for that same time.

The petitioner presents its argument relating to this criterion in a series of chapters in its Narrative and Parts A and B.<sup>97</sup> The petitioner’s evidence supporting the arguments presented in these chapters is found in an extensive series of nineteen appendices. In addition, OFA researchers have acquired documents cited by the petitioner but not submitted by it, and some other documents relating to the Pamunkey, especially newspapers and court cases from the 19th century.

As the following analysis shows, the available evidence in the record demonstrates that a predominant portion of the petitioner’s members or ancestors have maintained consistent

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<sup>97</sup> PIT 2010, Narrative; 2012, Parts A and B.



interaction and significant social relationships throughout history. The evidence also establishes that the petitioner's ancestors and current members have maintained significant distinction from non-members in and around the area of the Pamunkey Indian reservation (also called Indian Town) in King William County, Virginia, from historical times to the present. From 1789 until 1899, the petitioner satisfied the requirements with a combination of evidence under criterion 83.7(b)(1). From 1900 until the present, the petitioner satisfied the requirements via the "cross-over" provision of criterion 83.7(b)(2)(v), demonstrating historical political influence under criterion 83.7(c)(2).

### *The Historical Pamunkey Indian Tribe*

The following considers the historical Indian tribe for this petition to be the Pamunkey Indian Tribe associated with a state Indian reservation, which was called "Indian Town," on the Pamunkey River in Virginia in 1789 (see discussion in the Introduction under "Historical Indian Tribe").

### **Pamunkey Community, 1789-1819**

The petitioner's evidence during this period includes, but is not limited to, a petition narrative (2010), Parts A and B (2012), historical documents, scholarly monographs, documents from the local and state governments, and correspondence between the Pamunkey leadership and the General Assembly of Virginia.

### *The Pamunkey Geographical Settlement*

The Pamunkey maintained a geographical settlement in the location of their current state reservation continuously since some time prior to 1789. One must understand Pamunkey social interaction in the context of the exclusive settlement at Indian Town, as well as within the context of the rural, isolated character of King William County. In 1790, the Federal census enumerated approximately only 8,100 residents in the whole of King William County, a county of approximately 285 square miles.<sup>98</sup>

Maps and descriptions of the Indian Town settlement from both the years before and after 1789 demonstrate the continuity of the Pamunkey during this time period. The colony of Virginia passed an act in 1748 on behalf of the "Pamunkey Town Indians" which referred to "their said Town."<sup>99</sup> In 1759, Virginia passed another act relating to "the Pamunkey Indians" which referred to the "Indians on Pamunkey river" and the "tract of land whereon they live."<sup>100</sup> In a travel account, Andrew Burnaby described visiting a plantation on "the north side of Pamunkey river" in October 1759 and stated that "[a] little below this place stands the Pamunkey Indian

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<sup>98</sup> King William County remains rural to this day. The Federal census of 2010 enumerated approximately 16,000 residents, meaning it took over 200 years for the county to double in population.

<sup>99</sup> Virginia 10/-/1748.

<sup>100</sup> Virginia 2/-/1759.

town.”<sup>101</sup> A map published in 1770 showed “Indian Town” on the north bank of the “Pamunkey River” upstream from the junction of the Pamunkey and Mattaponi Rivers, a location matching that of the current Pamunkey Indian reservation.<sup>102</sup> Thomas Jefferson, in his *Notes on the State of Virginia* published in 1787, stated that the “Pamunkies” held “land, on Pamunkey River.”<sup>103</sup>

A variety of sources show the continuation of this pre-1789 settlement during the first half of the 19th century. County tax lists between 1787 and 1802 contained separate lists of property “in the Indian town,” with the 1800 tax list specifically referring to “the Pamunkey Town.”<sup>104</sup> County death records from the 1850s recorded a deceased individual as having been born in “Pky. [Pamunkey] Indian Town” about 1809, while other births in “Indian Town” were noted as having occurred about 1821, 1832, 1833, and 1837.<sup>105</sup> An act passed by Virginia in 1812 referred to “the island on which the said [Pamunkey Tribe of] Indians reside.”<sup>106</sup> In 1818, a newspaper article about the Pamunkey said they “live in a species of island, or rather peninsula, upon the King William side of Pamunkey [River] ... which is called the Indian Town.”<sup>107</sup>

The record contains some evidence of the size of the Pamunkey population between 1789 and 1819. Pamunkey petitions to the Virginia legislature did not include any reference to their numbers. The petitions of 1798 and 1812 were signed by 11 and 12 men respectively, a number which suggests a population of fewer than 100 persons,<sup>108</sup> while a Virginia newspaper in 1818 estimated the Pamunkey population at 40 to 50 families and almost 200 people.<sup>109</sup> The evidence in the record also indicates that “Indian Town” was a nearly exclusive Pamunkey settlement, with only group members and their spouses legally residing on the reservation. The exclusive character of the reservation would eventually be reinforced by formal statutes and laws prohibiting outsiders from taking up residence there.<sup>110</sup>

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<sup>101</sup> Burnaby 1759 in Wilson 1904, 61-62.

<sup>102</sup> Henry 1770. “Indian Town” is shown on sheet 4 of PIT’s exhibit.

<sup>103</sup> Jefferson 1787, 103.

<sup>104</sup> King William County 1787, 1797, 1798, 1799, 1800, and 1802.

<sup>105</sup> King William County 1853-1896. This summary excludes births in Mattaponi (or “M.”) Indian town.

<sup>106</sup> Virginia 12/29/1812.

<sup>107</sup> Fredericksburg *Virginia Herald* 9/5/1818.

<sup>108</sup> Pamunkey 12/7/1798 and 12/4/1812. The number of signers of these petitions is consistent with the number of men listed on the personal property tax lists of 1798 and 1799 (11 and 12 men), and with Jefferson’s estimate that the Pamunkey population in the 1780s included about 12 adult men (King William County 1798, 1799; Jefferson 1787, 103).

<sup>109</sup> Fredericksburg *Virginia Herald* 9/5/1818. This estimate implies a population that averaged four or five persons per family. This estimate was unusual in that, in addition to being the highest estimate of the 19th century, it also claimed a population ratio in which females outnumbered males three to one.

<sup>110</sup> The record does contain some references to “squatters” taking up residence on the reservation at different points in time, but there is no indication that these people became part of the Pamunkey community. In fact, the opposite

### *Pamunkey Social Interaction*

Direct information on social interaction is relatively sparse during this 1789-1819 era. No censuses or rolls exist that specifically name all of the residents at a single time, so estimating the population of Indian Town or the total number of Pamunkey living both on and off the reservation undoubtedly misses people, particularly women (who were not signers to petitions, rarely named in legal documents or Federal censuses, and seldom owned enough personal property to tax). The regulations provide that the evaluation of petitions shall take into account historical situations and time periods for which evidence is demonstrably limited or not available, and the limitations inherent in demonstrating the historical existence of community and political influence or authority (see section 83.6(e) of the regulations). However, the fact that the Pamunkey lived in a nearly exclusive settlement assumes informal social interaction among members of the group. The evidence in the record, when taken together, does indicate that social interactions occurred during this era, particularly within the boundaries of Indian Town and in the nearby Lower College Baptist Church.

In 1796, a non-Pamunkey man named Lewis Denry, petitioned the legislature of Virginia on behalf of himself and his Pamunkey wife.<sup>111</sup> According to the petition, Denry had become acquainted with the Pamunkeys in the years after the Revolutionary War, and had married a Pamunkey woman named Susanna before 1795. The couple had taken up residence in Indian Town, but within a year after their marriage an unspecified dispute between Denry and the other residents resulted in the couple being banished from the town. The couple met difficulty in finding a town that would allow them to settle because Susanna had gone blind, and various towns feared she would become a financial burden to them. Denry petitioned the commonwealth to require the Pamunkeys to allow him and Susanna to return to Indian Town. In their response, the non-Indian Pamunkey trustees (charged by the State Assembly with aiding and assisting the Pamunkeys)<sup>112</sup> stated that the banishment of the Denrys had happened due to a “private dispute” between residents, but that the Pamunkeys were willing to take Susanna back if she returned without her husband. There is no further information in the petition describing whether or not Susanna returned to Indian Town without her husband, but these events provide evidence of the community controlling access to the reservation. Most importantly, the Denry case demonstrates also that the Pamunkey accepted responsibility for the infirm Susanna, recognizing her as a member of the community, and were willing to readmit her even after her banishment, as long as she returned without her husband.

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appears to have been the case; the group complained about the squatters to the authorities on multiple occasions, and wanted to be rid of them.

<sup>111</sup> According to the petition, Denry “was by birth of the Indian extraction, being born in Canada under the French government” (Denry 11/25/1795, 3).

<sup>112</sup> The Pamunkey trustees are discussed in more detail under criterion 83.7(c). They were White men, usually of some social standing, who acted as political advocates for the Pamunkey and served as mediators between the Indians and the larger society. Unlike some other guardians or overseers of Indian populations, the Pamunkey trustees appear to have assisted the group effectively in maintaining their land and their distinct status as Indians.

A Pamunkey petition in 1798 described a meeting the group held to consider its “inturnall [*sic*] government.” The issue appeared to be the role of the group’s trustees. The petition to the state legislature was signed by 11 men, who identified themselves as “the indians [*sic*] of the pamonky [*sic*] tribe.”<sup>113</sup> A later petition, submitted in 1812 by “headmen and chiefs of the Pamunkey tribe” was signed by 14 men. These actions, though overtly political, provide an indication of some social interaction occurring during this period (1798-1812) when they met, composed, and signed these documents. Both these documents also provide an early example of the establishment and maintenance of a collective Indian identity, with group members identifying themselves collectively as “the Pamunkey tribe.” Throughout the 19th century (and until the present day), the Indians claiming this identity would consistently identify themselves as belonging to “the Pamunkey tribe” (under a variety of spellings) (see section 83.7(b)(1)(viii)).

In 1818, the *Virginia Herald* wrote a story about the Pamunkey, referencing the group’s concerns over residence on the reservation.<sup>114</sup> This article referred to an issue that had reared its head several years earlier in the Denry case, and was again causing trouble on the reservation: non-Pamunkey spouses taking up residence within Indian Town. According to the article, “. . . their law orders that no individual who is not a descendant of a Pamunkey Indian shall settle among them.” Here, two non-Indian brothers surnamed Bradberry had apparently married Pamunkey women and settled in the town. Willis Langston, whom the article identified as the group’s chief at the time, called a meeting with the trustees in order to discuss the legality of the Bradberry’s residence. No other information in the record discusses the fate of these two Bradberry brothers and their spouses, although there have been numerous Bradberry/Bradby/Bradley (these surnames have sometimes been used interchangeably) descendants among the petitioner’s ancestors, and the name is still well-represented among the petitioner’s members today.<sup>115</sup>

While the fate of the Bradberry brothers (who were identified as “negroes”) or their unnamed Pamunkey wives remains unknown, the concern over their presence in Indian Town appears to have been a result of the desire to maintain an exclusive Pamunkey settlement. The presence of people of African descent may have presented a threat to the group’s identification as an Indian community. Outsiders leveled such accusations at the group at several points in the 19th and 20th centuries, contending that they should have been classified as “mulattoes” rather than as Indians. The record here provides some evidence that the group tried to maintain racial boundaries so as to ensure the continuation of Indian Town.

### *The Lower College Baptist Church*

The petitioner maintains that the members of the Pamunkey helped found the Lower College Baptist Church in 1791<sup>116</sup> and that church documents from the time identified 15 Pamunkey men

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<sup>113</sup> Petition 12/27/1798.

<sup>114</sup> *Virginia Herald* 9/5/1818.

<sup>115</sup> Tax records indicate that the surname “Bradby,” which may have been a variation of “Bradberry,” was already present in church records as early as 1791, and in Indian Town records as early as 1797.

<sup>116</sup> The church changed its name to Colosse Baptist Church in 1835.

as charter members.<sup>117</sup> The Lower College Baptist Church was not a church with an exclusively Pamunkey congregation; records indicate that the church had “White,” “free Colored,” and “slave” members. Many of the individuals identified in the church records as “free Colored” appear in other records as Pamunkey. The petitioner’s 2010 narrative states that “. . . the names of Indian members were entered on special lists by the Lower College Baptist Church congregation, rather than being merged with other members.”<sup>118</sup> The documentation cited to support this proposition, however, is problematic.<sup>119</sup>

OFA conducted verification research at the facility where the relevant documents are archived. The 1791 list is specifically titled “Free Colored Members Names-1791”<sup>120</sup> and included the names of 15 men, 11 of whom are referred to in other documents (such as tax lists or petitions) as “Indian” or “Pamunkey.”<sup>121</sup> Two of the other men (John Collins<sup>122</sup> and James Langston) have surnames shared with other Pamunkey families, but their names do not appear on any other contemporary documents in the record, which would further support the contention that these men were Pamunkey. Of the remaining two men (Philip Scott and William Pearman), the petitioner included Pearman in their original database, but not Scott. No other information in the record identifies either of these men as Pamunkey.

While an overall analysis of the church records indicates that many of the people identified in church records as “free Colored” were recorded on other documents as Pamunkey, not all can be identified as such and, therefore, it is not accurate to identify every “free Colored” person in these records as Pamunkey or as Indian. The list itself contains no additional identification of these members as “Indian” or “Pamunkey.” and there is also no reference in this specific record to any of the men as residents of “Indian Town.” It should also be noted that the original documents do not refer to any of these individuals as “charter members.”

An article by Slabey submitted by the petitioner referred to this 1791 document and stated that there had been 13 Indian members of the church,<sup>123</sup> but there is no indication from this article how the author was able to identify these members as Indians. The article also does not name

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<sup>117</sup> PIT 2010, Narrative, 8:20; PIT 2012, Part B, 13.

<sup>118</sup> PIT 2010, Narrative, 8:20.

<sup>119</sup> The Virginia Baptist Historical Society, which houses the records of the Lower College/Colosse Baptist Church, allows researchers to transcribe, but not photocopy, certain documents. OFA researchers viewed these documents in order to clarify some things that were unclear from the descriptions in the petitioner’s documentation.

<sup>120</sup> Colosse Baptist Church Records 1814-1834, 43.

<sup>121</sup> William Cooper, William Gun, John Langston, Gideon Langston, Past [Patrick] Bradley, Willis Langston, Edward Brisby, William Swett (also spelled Sweat), Richard Bradby, William Sampson, and Arch [Archibald] Langston.

<sup>122</sup> A “John Collens” was identified as an “excluded free member” in the church’s record of September 6, 1812; however, it is not known if “John Colleens” and “John Collins” were the same man. There are no other documents in the record identifying either “John Collins” or “John Collens” as Pamunkey.

<sup>123</sup> Slabey 1965, 6.

the 13 members. Viewing the original document, the first 13 men on the list, in addition to having surnames associated with Pamunkey families, also had small circles written next to them in a different hand. It is unclear who made these notations, or when they had been made. The last two men on the list (the aforementioned Scott and Pearman) both had the abbreviation “NK” following their names. This may stand for “New Kent,” a county adjoining King William where a number of the members of the congregation lived, or may stand for “Not Known.” The petitioner maintains that the true number of Pamunkey members should be 15, rather than the 13 cited by Slabey, which seems to indicate that the petitioner included both Scott and Pearman as Pamunkey. However, the petition does not include any additional information about either Scott or Pearman to support their identification as Pamunkey. It is also not clear whether Slabey eliminated the same two men from his count of “Indian” members (if these were the two men he eliminated from his count) based on the “NK” abbreviation, their non-Pamunkey surnames, the notations next to the first 13 names, or for some other reason. Nevertheless, the number of Pamunkey men joining the church (be it 11, 13 or 15) appears roughly consistent with the number of adult men actually documented in the community at that time, as indicated by the names recorded on tax lists and petitions.

The church record included a list of “excluded”<sup>124</sup> “free Colored members,” both male and female, dated September 6, 1812. Of these eight members, three men (William Sampson, William Cooper, and William Swett) are identified as Pamunkey in other documents. One other man and four women<sup>125</sup> on the list are not identified as Pamunkey in any other documents in the record, although two (John Colleens and Piercy Girley) have surnames similar to those of Pamunkey families but uncommon among the rest of the King William County population.

The church compiled a list of 17 “Free Colored Members” on October 25, 1812. It is not clear whether all 17 joined the church that day (although one person’s name appears both on this list and on the aforementioned September 6 list of excluded members), or if the clerk at the time only recorded those particular members for some other reason. All but two appear to be females, and several have surnames that are associated with Pamunkey families (ex., Bradby, Brisby, Langston, Sampson).<sup>126</sup> However, the record does not contain any other information that would help identify any of these people as Pamunkey, save one male Pamunkey 1836 petition signer (Jesse Bradby). The petitioner seemingly included three of these members (Heziah/Keziah Bradby, June Collens, and Betsey Sampson) in its table of “Pamunkey Individuals, 1810-1819” based only on their appearance on this 1812 list of members. No other documents in the record refer to these women.

The church records also listed nine other “free Colored members” between 1813 and 1816 (possibly 1818), naming them on four other short lists. Of these nine, only “Jessey Bradberry”

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<sup>124</sup> Churches excluded members for a number of reasons, including improper behavior and the holding of heretical doctrines. Members could also be readmitted to church membership if they repented. For example, William Swett/Sweat was excluded in 1812, but readmitted sometime between 1812 and 1834, when he was again excluded (Lower College/Colosse Baptist Church Record Book, 1814-1834, 42, 24).

<sup>125</sup> John Colleens, Piercy Girley, Leah Lazenby, Lize Barston, and Charity Locust.

<sup>126</sup> One, Agnes Custelow, had a name usually associated with the neighboring Mattaponi.

might be identified in other documents as a Pamunkey member, possibly as “Jesse Bradby”; none of the other eight are associated with the group in any other documentation in the record.

A list dated October 7, 1816, included the names of 19 church members, but made no reference to ethnicity or color. Of these, four are the names of men identified in other documents as Pamunkey (Wallace Langston, James Langston, Edward Brisley, and William Gun). This list appears to have recorded the individuals’ financial contributions to the church, and all four of the Pamunkey men contributed the same amount.

The evidence from the Lower College Baptist Church documents during this time period provides little direct evidence of a distinct Pamunkey community. The church was not an Indian church, although it does appear to have had a significant number of Pamunkey members. However, the records for this time period indicate the participation of a number of Pamunkey individuals in this particular church, and provides a foundation for later time periods in which the church and its successor institutions play an important part in the maintenance of a distinct Pamunkey community.

#### *Summary, 1789-1819*

The evidence in the record demonstrates the presence of a number of families ancestral to the petitioner living in and near “Indian Town,” the settlement designated in contemporary records as the nearly-exclusive Pamunkey Indian community. Contemporary church membership documents name a number of individuals, especially adult males, later explicitly identified as Pamunkey, and later documented with their families acting together as Pamunkeys. Petitions made to the Virginia legislature in the Denry case also demonstrate the group’s willingness to readmit one of its infirm members to the reservation, even after having banished Susanna Denry, and the 1818 reference to the Bradberry brothers indicates the group’s concern about maintaining the exclusivity of the settlement. These examples demonstrate the significant social relationships connecting individual members (83.7(b)(1)(ii)) as well as demonstrating significant rates of informal social interaction which exist broadly across the members of a group (83.7(b)(1)(iii)). The petitions to the Virginia Assembly in which the group identified itself as “Pamunkey” also demonstrate the group’s claim to a collective Indian identity that lasts for more than 50 years (83.7(b)(1)(viii)). Therefore, the evidence in the record is sufficient to satisfy criterion 83.7(b) for the 1789-1819 era.

#### **Pamunkey Community 1820-1849**

Documentary evidence of a Pamunkey community between 1820 and 1849 includes, but is not limited to, a petition narrative (2010), Parts A and B (2012), church records, Federal census records, and newspaper accounts.

#### *The Pamunkey Geographical Settlement*

The record contains several references to the continued existence of the Pamunkey settlement at “Indian Town” during these years. A committee of the Virginia legislature in 1827 said that the Pamunkey “occupy” a tract of land “called Indian town,” while the act passed by Virginia in

1828 referred to the “occupied lands of the tribe.”<sup>127</sup> A map of 1828 showed “Indian T.” as an island in the “Pamunkey River,” in the same location as shown on the map of 1770.<sup>128</sup> A petition to the state legislature in 1843 from the “white inhabitants” of King William County complained of the persons “now living” on a tract of land on the “Pamunkey river” which was “known by the name of [I]ndian town.”<sup>129</sup>

### *The Lower College/Colosse Baptist Church*

Between 1820 and 1829, the records of the Lower College Baptist Church do not include any new members with names common among Pamunkey families. On December 11, 1830, February 27, 1831, and June 19, 1831, the church record included lists of members specifically identified in a marginal notation as “Indians.” These combined lists included 30 male and female names (15 male and 15 female),<sup>130</sup> at least 13 (41 percent) of whom were identified in previous or subsequent documents as “Pamunkey.” A number of the other people named on these lists have surnames associated with Pamunkey families (and uncommon among the rest of the population of King William County), although there are no other documents in the record that specifically identify these individuals as Pamunkey. Other people who have names that are not associated with the group may have been from other tribes or, in the case of some women, may have been Pamunkey women with unfamiliar married names. There may also have been some non-Pamunkey women (particularly Mattaponi) married to Pamunkey men, who were included in this enumeration of “Indians.” These documents imply that the Pamunkey continued to attend the church as a group, along with other, non-Indian populations.

In August of 1831, a slave named Nat Turner led a rebellion of “free Blacks” and “slaves” in Southampton County, Virginia, that ultimately ended with the death of more than 60 “Whites,” including women and children. In response, the State legislature enacted laws that made it illegal for “people of color” to hold religious services without the supervision of a “White” minister.<sup>131</sup> This law would affect the Pamunkey until the end of the Civil War, as they were legally prohibited from establishing their own independent congregation.

A church list dated 1834 includes the names of four people (Jessey Bradby, David Miles, William Sweat and James Langston) excluded from the congregation, while referencing, but not naming, a fifth person (the wife of David Miles). Additional documents identified Bradby, Miles, and Sweat (also spelled Swett) as Pamunkey. A marriage record in the petition named

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<sup>127</sup> Virginia House of Delegates 1827-1828, 74; Virginia 2/20/1828.

<sup>128</sup> Boye 1828 [1859 ed.]. “Indian T.” is shown on sheet 2 of PIT’s exhibit.

<sup>129</sup> Citizens of King William County 1/20/1843.

<sup>130</sup> Two additional names on the December 11, 1830, list may also be associated with Pamunkey families, but there is no other information on them in the record (Thomas Brisbun and Caroline Mills), and two other names (Patsy Holt and Patsey Miles) are actually recorded on the church’s circa 1835 list of the “Indian Tribe on Indian Island.” These names appeared prior to the notation specifically identifying members as “Indians,” and thus they are not included in the count of 30 “Indians” recorded in the church book.

<sup>131</sup> Whitt 2011, 2836-2837.



David Miles's wife as "Patsey," and a circa 1835 church list named both Patsey and David as "descendants of the Indian Tribe on Indian Island." James Langston has a name shared by at least two (and possibly three) Pamunkey men alive at the time, and it is unclear to which "James Langston" this entry refers. This list supports the notion that other Pamunkeys attended the church even though they were not specifically identified as Indians on select church lists.

In 1835, the Lower College Baptist Church changed its name to Colosse Baptist Church and moved to a new building. The petitioner submitted an original copy and a transcription of a document referred to as the "Island List of 1835."<sup>132</sup> This church document specifically identified people as Indians. It also specifically referenced the Pamunkey Indian Town as "Indian Island," which matches the physical description of the Pamunkey Indian Town given in any number of other contemporary documents:

After the above names were recorded, a communication was received from the descendants<sup>[133]</sup> of an Indian Tribe on Indian Island, requesting to be received into the Church and the petition being granted the following names were enrolled.<sup>134</sup>

The circa 1835 list included the names of 32 individuals (14 men and 18 women). Of these 32 individuals, 9 men were identified as Pamunkey on earlier tax lists and petitions. Of those nine, five were also identified as "Indians" on the church's lists compiled in 1830 and 1831. Four women on the circa 1835 list had also been named on the earlier "Indian" enumerations of 1830 and 1831. It is not known why these 13 people, who were already members, enrolled again but their inclusion on this list specifically identified them as "Indians" and not just as "Free Colored," as some of the earlier lists had done. Further, although the 1835 list is ambiguously dated,<sup>135</sup> the wording of the documents seems to indicate the group as a whole submitted its members' names for inclusion in the church records, as opposed to a number of individuals applying for church membership separately. This group action supports the contention that the people at "Indian Island" interacted socially and culturally. The record does not include any rolls, reservation censuses, or other documents which name all of the members of the group during this period, so it is not clear just what portion of the group the 32 enumerated "Indian Island" residents represents. However, it does appear that the 32 represented a significant number of the adult members of the community, and does not include any minor children who, presumably, accompanied their parents to church.<sup>136</sup>

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<sup>132</sup> Colosse Baptist Church Records ca.1835, "Island List."

<sup>133</sup> The transcription of the document included in the petitioner's 2010 Narrative transcribed the word "descendants" as "Documents" (PIT 2010, Narrative, 8:30).

<sup>134</sup> Colosse Baptist Church Records ca.1835, "Island List."

<sup>135</sup> The petitioner ascribes the date of November 22, 1835, to the list, based on a notation on the bottom of the page (PIT Narrative 2010, 8-31).

<sup>136</sup> Church custom at the time required members to be old enough to make a statement of faith, so most members would have been no younger than 12 (Herod, Personal communication, 7/12/13) .

The petitioner maintains that “There is a reasonable likelihood that the Tribe held distinct weekly services on the Reservation and only traveled to the main Colosse Baptist Church monthly . . . .”<sup>137</sup> A dissertation referenced by the petitioner identified John “Jack” Langston (1797-aft.1859) as the person who officiated at the services held on the reservation.<sup>138</sup> Documentary evidence from the Lower College/Colosse Baptist Church does indicate that some church meetings and baptisms were held at the Pamunkey Indian Town, though the descriptions are not of services for Indian Town residents only. The descriptions include church business meetings involving the non-Indian leadership.<sup>139</sup> The records also indicate that the leadership held meetings at different locations, including the West Point Church and the Aquinton Church. The baptisms held there gave the names of the individuals baptized, but the names of any ministers or officiants who conducted the services are illegible on the documents. Not all of the people who were baptized at Indian Town were Indian; for example, a woman named Maria Davis (about whom there is no other information in the record) was baptized there on August 25, 1833,<sup>140</sup> and four slaves were baptized there on August 10, 1838.<sup>141</sup> The church record does name John Langston as a deacon of the Colosse Baptist Church on March 2, 1850,<sup>142</sup> but none of the documents in the record give any indication that Langston served as a religious leader before 1850.

The Lower College/Colosse Baptist Church was not an exclusively Indian institution, but the documents in the record indicate that the Pamunkey acted together as a group within the confines of the church organization. Considering that “non-Whites” were legally prohibited from forming churches without White leaders after the 1831 Nat Turner’s Rebellion, the fact that the residents of “Indian Island” acted as a subgroup within the established church provides some corroborating evidence of interaction. The presence of their names on a list the church compiled identified them as “Indian,” geographically located them on “Indian Island,” and also identified them specifically as Pamunkey.

### *Political Petitions*

The petitions that the Pamunkeys signed during the 19th century are discussed in much greater detail under criterion 83.7(c). However, the petition of 1836 is particularly important not only

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<sup>137</sup> PIT 2012, Part B, 49.

<sup>138</sup> Feller 2009, 155.

<sup>139</sup> Colosse Baptist Church Records 1814-1834, Record Book, 8.

<sup>140</sup> Colosse Baptist Church Records 1814-1834, Record Book, 20.

<sup>141</sup> Other documents in the record indicate that some Pamunkeys had owned slaves, but the church records do not name any one Pamunkey as a slaveholder. There is a June 23, 1837, record of the baptism of a woman named “Becca Cole” who was describes as “Belonging to the Indians,” but the notation did not include the name of the owner. The four slaves baptized on August 10, 1838 (Mariah Cole, Betsey, Roger and Billy), belonged to four separate owners, none of whom was identified as Indian in any other records (Colosse Baptist Church Records 1815-1870, Minute Book, 22).

<sup>142</sup> Colosse Baptist Church Records 1815-1870, Minute Book, 14, 27.

because it provides the most names of Pamunkey men of any of the 19th century petitions in the record, but also because the petition itself identifies two important concerns among the group: the desire to maintain their core community in Indian Town, and a continued concern regarding the presence of non-Indians married into the group and living in Indian Town. The petition also provides another example of the group staking its claim to the name “Pamunkey” in reference to their home, “Pamunkey Indian Town.”

The petition reads

We, the inhabitants of said town . . . being much distressed, the reason is, we understood, a part of the county in which we reside, has made a petition to sell our town, and for what cause we cannot tell, we have not trespassed against our county nor country, we do strive to keep our place in as good order . . . if a few among us do wrong, should the innocent suffer for the guilty, we hope not, tho we confess there are several mulattos married amongst us, but if it seems not good in our country in your eyes, aid us we pray you to remove all things that offend, we wish to keep our laws, rules and regulations as we have done heretofore in obedience to our country . . . . (Pamunkey 2/18/1836, 4)

Twenty-eight Pamunkey men signed the 1836 petition. Most were identified on additional lists or other petitions as Pamunkey, but for several it is the only document in the record that identifies them as Pamunkey. At least two signers are not included in the petitioner’s database or its list of “Known Pamunkey Individuals, 1830-1839.”<sup>143</sup> The petition statement indicates that the residents worked together to maintain Indian Town “in good order” as an exclusive Pamunkey settlement. The concern over “Mulattos” living on the reservation, which had been referenced in the newspaper in 1818, continued to vex the group, so much so they offered the legislature or the trustees the power to remove them. No evidence in the record indicates just who these “Mulattos” were or to whom they were married. The petitioner identified only two marriages involving a non-Indian spouse at all during these four decades, even though the 1836 petition itself used the term “several,” and implied that the marriages were current, rather than past, marriages. There is no discussion in the record why the group did not or could not prohibit the spouses themselves from settling on the reservation at that time.<sup>144</sup> The record does indicate that there was a genuine danger to the Pamunkey community if it were classified as “Mulatto” rather than “Indian.” In antebellum Virginia, being classified as “Mulatto” could have jeopardized their claim to Indian Town.

The involuntary sale of the Pamunkey reservation did not happen in 1836, but King William County citizens petitioned for the sale again six years later. This time, the “Chief Men of the Pamunkey Indians” submitted a pre-emptive protest petition in November of 1842, several weeks before the petition from the citizens arrived. The citizens’ petition articulated why those White people who signed the document wanted the Pamunkey Indian Town sold: specifically,

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<sup>143</sup> Hartwell Gurley and Elzey Brisby.

<sup>144</sup> The group did indeed address this issue in its 1886 laws, but it appears that this issue existed for at least the previous 60 years.

because the citizens felt that the Pamunkey all legally should have been defined as “Mulattos” rather than Indians (because the citizens believed, “They all have one fourth or more of Negro blood”) and because their self-governance and independence represented a threat to slave-holding society.<sup>145</sup> The document also characterized the Indian Town and Mattaponi reservations as current or potential “haunts of vice” and “the ready asylum of runaway slaves.”<sup>146</sup>

Even though the 1842 Pamunkey petition predated the actual petition agitating for the sale of the Indian Town, it expressed some of the charges that the White petitions would make.<sup>147</sup> The Pamunkey specifically referred to the issue of blood degree and disputed it, maintaining that “. . . if anything can be proved, there are many here that are more than half-blooded Indian. . . .”<sup>148</sup> They also disputed the characterization of their members as lazy, and further maintained the group took care of its poor or infirm members without any expense to the county, stating:

Now, if our friends are sick, we are near them to relieve them of their many woes and to administer to there many necessities without any expense to the country, if our old men, or young men become crippled and can but paddle there canoes, they can get there living by fishing, and hunting, if our old women become infirm, they can make there wares<sup>[149]</sup> to support them without any expense to the county . . . .  
(Pamunkey 11/26/1842, 1, spelling and punctuation *sic*)

The petition record does not include any specific examples of the group caring for old or infirm members during this time, although some descriptions do occur in post-Civil War and 20th century documents.<sup>150</sup> Considering the isolated nature of the Indian Town settlement, it is

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<sup>145</sup> The “White” or non-Indian King William County citizen petitioners would actually turn out to be correct about this particular allegation; during the Civil War, the Pamunkey were uniformly Union supporters, who helped the Union cause whenever they were able. The petitioners had accurately noted that the Pamunkey “. . . could be readily converted to an instrument of deadly annoyance to the white inhabitants by northern fanaticism” (Citizens 1/20/1843).

<sup>146</sup> Citizens of King William County 1/20/1843, 1-3.

<sup>147</sup> It is unclear whether the Pamunkey or their supporters had seen the petition as it circulated, or if some of the issues discussed had become such routine topics of conversation that the group could predict what was going to be alleged, and already had answers prepared.

<sup>148</sup> Pamunkey 11/26/1842, 1. The group also added that “. . . we regret to say that there are some here that are not of our Tribe,” although the petition stopped short of discussing the removal of these residents.

<sup>149</sup> The text does not specifically state what wares the women made to support themselves, but this reference may be to early pottery manufacture. An 1894 article referenced Pamunkey pottery and said it had been sold until recently, but the arrival of inexpensive earthenware goods destroyed the market for the Pamunkey product (Pollard 1894, 18).

<sup>150</sup> A prime example of the group taking care of an infirm member is the case of Mrs. Elizabeth Bradby, whom the town’s residents cared for during the early part of the 20th century without resorting to the county for financial support (PIT 2010, Pamunkey Meeting Minutes 8/2/1907; 8/29/1907; 10/10/1907; 11/11/1907; 12/18/1907; 4/17/1908; 9/29/1910; 10/21/1910; 11/25/1910; 1/25/1912).

highly likely that they did care for various members and interacted in significant ways, such as those described.

The group again protested the depiction of its members as “hostile, rogues, lazy, drunkards” in a subsequent 1843 petition, and again reiterated that they had no desire to sell their land.<sup>151</sup> In the end, the land was never sold, and there were no other attempts to force the sale of the Indian Town documented in the record.

#### *Summary, 1820-1849*

Taken together, these documents provide evidence of significant social relations connecting individual members of the Pamunkey community activity during these years (83.7(b)(1)(ii)). The Pamunkey worked hard to maintain its exclusive settlement at Indian Town. Pamunkey members joined the Colosse Baptist Church as a group, and were separately identified in the church’s records. The Pamunkey acted together to protest the forced sale of their reservation. Further, its protests over being perceived as “Negro” or “Mulatto” rather than Indian indicates an ongoing concern shared among the group’s members. Its protesting a designation as anything other than Indians successfully maintained its Pamunkey Indian identity and community. This information provides evidence of strong patterns of discrimination or other social distinction by non-members (83.7(b)(1)(viii)). Petitions from this era also demonstrate the group maintaining a collective Indian identity, referring to themselves as members of a “Pamunkey tribe” for more than 50 years (83.7(b)(1)(vii)). This evidence, taken in combination, satisfies criterion 83.7(b) for the 1820-1849 era.

#### **Pamunkey Community 1850-1879**

Documentary evidence of a Pamunkey community between 1850 and 1879 includes, but is not limited to, a petition narrative (2010), a Technical Assistance (TA) response narrative (2012), church records, census records, and newspaper accounts.

#### *The Pamunkey Geographical Settlement*

Descriptions of a Pamunkey settlement in the second half of the 19th century were more numerous and detailed than earlier. In a travel account published in 1854 under a pseudonym, the author said he had entered “the town” of the “Pamunkey Indians” on a peninsula that was “almost an island” on the Pamunkey River.<sup>152</sup> County death records reported that a number of individuals died in “Pamunkey Indian Town” in the late 1850s.<sup>153</sup> Maps produced in the early 1860s by both the Union and Confederate armies show “Indian Town” as located on the Pamunkey River just east of the town of White House.<sup>154</sup> A Union army officer described visiting

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<sup>151</sup> Pamunkey 1/12/1843, 1.

<sup>152</sup> William, Father 1854, 129-130.

<sup>153</sup> King William County 1853-1896. Variants include “Pamunkey Indian Town,” “Pamunkey Indian Town,” “Pky. Indian Town,” and “P. Indian Town” during the years 1857 to 1859. Earlier deaths are noted in “Indian Town.”

<sup>154</sup> U.S. Army 1861 and 1862 (four maps); Blackford 1865. See also: Holchkiss 1866.

“an island” in the Pamunkey River which was “inhabited by a small tribe of Indians” in 1864.<sup>155</sup> A local newspaper in 1873 said that the “Pamunkey tribe of Indians” was “located on Indiantown island, in the Pamunkey river.”<sup>156</sup> Two maps prepared in 1875 by the U.S. Army Corps of Engineers designated “Indian Town” as located on a peninsula on the north bank of the Pamunkey River, separated from the mainland by a railroad line and across the river from the town of White House.<sup>157</sup> The more detailed of these two maps, dated May 1875, while consistent with earlier maps, more clearly than those maps depicted a location of “Indian Town” that visibly matches the current location of the Pamunkey state reservation.

In 1854, a writer using the pseudonym “Father William” published a book in which he described a brief visit to “. . . the remains of an ancient tribe of Indians, called the Pamunkey Indians.”<sup>158</sup> He described the people as living “. . . much on fish, wild fowls, and quadrupeds, though a few raise corn, cotton, etc. In truth, several families among them live in much the style and manner of the lower classes of the Virginians . . . .” Although he referred to the village of more than thirty log huts or cabins “Old Town” rather than “Indian Town,” his description of the town’s location, the geographic features of the area, as well as his description of the Pamunkey themselves, match later descriptions of Indian Town.

### *Church Records*

The petition contains a number of records from the Colosse Baptist Church during the 1850s. These records indicate that a significant number of Pamunkey members joined, and continued to join the church throughout the decade and into the 1860s; these records also provide a number of details regarding the social organization among the group during this time.

Many 19th century churches in Virginia had nominally integrated congregations. However, after Nat Turner’s Rebellion in 1831, Virginia law required a licensed White minister to oversee any congregation of people of color.<sup>159</sup> The power balance in these churches was distinctly uneven – for example, Colosse Baptist Church had, in 1851, 183 members. This membership consisted of 36 “Whites” (12 males, 24 females), 21 “free people of color” (8 males, 13 females), and 126 “slaves” (53 males, 73 females).<sup>160</sup> However, the authority of the church was vested in its “White” male members, who appointed deacons, formed committees, and disciplined members.

The petitioner maintains that the Pamunkey members of the church held separate Sunday services in Indian Town because of the difficulty in traveling the eight miles to and from the

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<sup>155</sup> Hooper 1870, 210.

<sup>156</sup> *Richmond Daily State Journal* 7/15/1873.

<sup>157</sup> Abert 1875 and 5/22/1875.

<sup>158</sup> William, Father 1854;129-30.

<sup>159</sup> Virginia 1832.

<sup>160</sup> Colosse Baptist Church Records 1815-1870, Minute Book, 27.

church on a weekly basis.<sup>161</sup> Records from the Colosse Baptist Church do not specifically mention separate services on the reservation,<sup>162</sup> although on March 2, 1850, they indicate that John “Jack” Langston, was formally appointed by the congregation to serve as a deacon.<sup>163</sup> There is also some support for the notion that the Pamunkey did not regularly attend the church, even though they were members. A March 1, 1851, note stated that a committee was selected “. . . to visit Pomonkey [*sic*] Indians, to know why they did not attend and unite with the Church.”<sup>164</sup> There is no mention of why the Pamunkey stopped attending church at that time, but the record does indicate that the church leaders noted the absence of the entire group, not just individual members, and that their absence was a cause for concern among the White church leaders. Later, on October 13, 1859, the Pamunkey members (who appear to have gone back to church in the intervening years) successfully petitioned to be allowed “. . . to receive the Lords Supper . . . at such times as may be deemed expedient to be administered by the pastor of this church or some ordained minister.”<sup>165</sup> This statement appears to indicate the desire of the Pamunkey to hold services in Indian Town without having to travel to Colosse Baptist Church, as well as the desire of the church to accommodate the Pamunkey request. The leaders of Colosse Baptist Church still seemed to want to exercise some control over the Pamunkey by qualifying their request with the caveat that communion be administered by the church’s minister or another ordained minister. This may have been an effort to adhere to the law regarding White supervision over non-White congregants.

Church records also indicate that the church was a place where Pamunkey people could resolve differences amongst themselves. In 1852, two “White” members of the church, William Smith and Warren Lipscomb, formed a committee to visit the Pamunkey and settle an unspecified “difficulty.” It is unclear if this difficulty was between two individual members, or among a larger number of people, but it was stated that if the difficulty remained unresolved by the individuals, then the entire church would take up the matter.<sup>166</sup> On May 1, 1852, an unspecified quarrel between Ony Langston (the wife of John “Jack” Langston, and one of the women enumerated on the circa 1835 list of “Indian descendants on Indian Island”) and Agnes Sampson (a well-documented Pamunkey) was brought before the church. Smith and Lipscomb continued serving as a committee to help resolve the dispute, which was officially settled on July 3, 1852.<sup>167</sup>

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<sup>161</sup> PIT 2012, Part B, 14.

<sup>162</sup> The petitioner cites a 2009 dissertation by Feller in support of weekly services held on the reservation, but did not include a copy of this dissertation in the record. OFA located the dissertation and the relevant passages, which included a citation to 2003 article in a magazine called *Religious Herald*. The portion of the article cited in the dissertation did not include a citation to the source of this claim.

<sup>163</sup> Colosse Baptist Church Records 1815-1870, Minute Book, 27.

<sup>164</sup> Colosse Baptist Church Records 1815-1870, Minute Book, 17.

<sup>165</sup> Colosse Baptist Church Records 1815-1870, Minute Book, 66.

<sup>166</sup> Colosse Baptist Church Records 1815-1870, Minute Book, 28.

<sup>167</sup> Colosse Baptist Church Records 1815-1870, Minute Book, 28, 29.

The church continued to serve as a location for members to resolve difficulties through the 1860's. In November of 1865, the church sought to discipline Pamunkey Lambeth Page and a number of other Pamunkey men, who had “whipped”<sup>168</sup> fellow church member J. C. Holmes (also Pamunkey) for some unspecified reason. At the next meeting, Pamunkey members Silas Miles, Pleasant Bradby, William Cook, Delaware Bradby, and Edward Bradby were all present, confessed their part in the matter, and received the forgiveness of the church (Page, the seeming ringleader, was not identified as one of those in attendance at that December meeting).

In the aftermath of the Civil War, many “people of color” left to form and control their own churches (Colosse Baptist Church noted 43 Black members had already run away from their owners in 1862 and 1863).<sup>169</sup> In 1866, 33 Pamunkey members asked for, and received, letters of dismissal (dated August 11, 1866) from the Colosse Baptist Church.<sup>170</sup> They left the church mostly as a group, just as they joined the church as a group in 1835. They then established the Pamunkey Baptist Church in Indian Town,<sup>171</sup> but remained associated with the Dover Baptist Association, the umbrella Baptist organization that included (and continues to include) a number of Virginia Indian congregations. The fact that almost all the Pamunkey members left the church as soon as possible and established their own separate church (located in the heart of their settlement) is an indicator of the Pamunkey desire to maintain their own distinct organization, separate from both “Blacks” and “Whites.”

#### *Relations with Off-Reservation Descendants*

The majority of documents in the petition during this time relate to those Pamunkey residing at Indian Town. However, there were at least some individuals who moved away, yet kept their contact with their relatives. They may also have returned to Indian Town occasionally to visit.

OFA researchers located several records from Petersburg, Virginia,<sup>172</sup> that involved a number of Pamunkey individuals. Some have descendants in the current petitioner, others do not. The documents, when taken in combination with other documents in the record, indicate that

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<sup>168</sup> It is unclear if the term “whipped” here literally means striking with a whip, or in the colloquial sense of a beating. In one of the Pamunkey Civil War claims, a witness refers to having heard another man say he would “whip” the claimant (Testimony of William Brisby in SCC Petition of William C. (Cooper) Langston, 13).

<sup>169</sup> Whitt 2011, 2889.

<sup>170</sup> Agnes Sampson, who had quarreled with Ony Langston in 1852, remained a member of Colosse Baptist Church for the rest of her life. Her 1899 obituary stated that she was the only Pamunkey who had remained in the church after the Civil War (*Alexandria Gazette* 7/31/1899, 1).

<sup>171</sup> The Pamunkey did not immediately have their own Indian minister at the time they established the church. The first minister of the church was a “White” man, and the first group that represented the church at the Dover Baptist Association meeting consisted of “White” men. The Pamunkey began representing the church at meetings soon after, and the church had a Pamunkey minister by 1873 (Feller 2009, 157-8).

<sup>172</sup> Petersburg is located approximately 75 miles from King William County. In the 19th century, it had a large “free Black” population, which attracted other “free people of color.” This circumstance may be the reason why several Pamunkey descendants took up residence there.



members still associated with each other when they left the reservation, and those who remained behind still had knowledge of their relatives who left. These records also demonstrate that it was possible for members who left to maintain contact with the core community at Indian Town, and that some of these people continued to maintain and emphasize their Pamunkey identity, even when they were living at a considerable distance from Indian Town.

In the city of Petersburg in 1841, a woman named Lavinia Sampson requested that she and her children (all of whom appear to have been born in Petersburg) be identified as Pamunkey Indians in the city register of “free people of color.”<sup>173</sup> An act passed by the Virginia legislature in 1793<sup>174</sup> had required each county clerk to maintain a record of all “free Blacks and Mulattos” in their counties. Statements made in Lavinia Sampson’s petition indicate that King William County had not required the Pamunkey to be included on these registers; however, Lavinia Sampson lived in Petersburg, where the rights of the Pamunkey were not automatically recognized. The current Pamunkey headmen and the current Pamunkey trustees provided testimony to the City of Petersburg that Lavinia Sampson had been born at Indian Town and was the daughter of Sally Sampson, and the granddaughter of John Sampson, a signer of several Pamunkey petitions. Lavinia Sampson registered her family as was required by law, but did so while maintaining and reinforcing her identity as a Pamunkey.

Lavinia Sampson’s son, Thomas Sampson, (who later used the surname “Dennis”)<sup>175</sup> traveled to King William County to marry Indian Town resident Keziah Langston in 1855. While there is no direct evidence of the Sampsons visiting Indian Town, Thomas Sampson’s marriage to Kesiah Langston indicates that there was some contact between them prior to the 1855 marriage, considering that people usually marry people they know. This marriage also indicates that at least some people who grew up outside the core community at Indian Town could return there to find a marriage partner.

An 1865 Petersburg chancery court case involving the estate of a woman named Jane Updike also provided significant information about the relationship between some of the Pamunkeys residing at Indian Town, and those who moved away. Jane Updike died in Petersburg in 1864.<sup>176</sup> A woman named Martha Bland,<sup>177</sup> among others, sued, claiming she was the heir to her estate.

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<sup>173</sup> Sampson, Lavinia Free Papers 1841, 2-5.

<sup>174</sup> Virginia Statues 12/10/1793.

<sup>175</sup> On the 1850 Federal census, all of Lavinia Sampson’s sons used the surname “Sampson” (her daughters were both married by that time). When Thomas Sampson married Keziah Langston in 1855, he identified his father as “John Dennis” on his marriage record. On the 1860 Federal census, two of Lavinia Sampson’s sons (John and Thomas) used the surname “Dennis.” An additional chancery court case in 1882 identified Lavinia Sampson’s heirs, and gave the surname of her four sons (John, Thomas, Charles, and Henry) as “Dennis” (Petersburg Chancery Case #78, 1882, 24). There is no other information in the record as to the identity of “John Dennis.” Lavinia Sampson is not recorded as having used the Dennis surname herself.

<sup>176</sup> Petersburg Updike Case, 1865, Roll, 11, 860-1.

<sup>177</sup> It is also worth noting that on the 1850 census, Martha Miles lived five households away from Lavinia Sampson; on the 1860 Federal census, Martha Miles Bland and her husband were living next door to Lavinia Sampson.

Edward Bradby, a resident of Indian Town, contested Bland's claim and submitted detailed testimony as to why her claim should be refused.<sup>178</sup> According to Bradby, Jane Updike was his niece, the daughter of his sister Ritta Bradby and a man named John Updike. Jane Updike's parents were both deceased, and she had no children or spouse. Bradby identified Martha Bland, the woman who claimed to be an heir to Jane Updike, as the former Martha Miles, daughter of Edward Bradby's mother's half-brother (Edward's mother being "Suckey Miles Bradby" and her half-brother being "Nat Miles"). Thus, Edward Bradby maintained that he and the other living children and grandchildren of "Suckey Miles Bradby" were Jane Updike's rightful heirs. Edward then went on to name several of these heirs, including one of his brother's granddaughters (Mary Ellen Bradby, who had been enumerated on the 1860 Federal census in the home of a known Pamunkey couple, Thomas Cook and Lavinia (Bradby) Cook); his information identified her as the orphan daughter of Lavinia Bradby Cook's sister Polly. Bradby's testimony also acknowledged that Pamunkey Lavinia Sampson (who still lived in Petersburg) paid for Jane Updike's funeral, and he supported reimbursing her for this expense. Bradby's acknowledgment of Sampson's role in the burial of his niece indicates that some Pamunkey descendants associated with and supported each other outside of Indian Town. It is not clear if the Bradby and Sampson families were related to each other, but Lavinia is recorded as having aided another Pamunkey descendant in receiving a proper burial.<sup>179</sup>

The information from these records, when taken in combination, indicates that some Pamunkey members continued to associate with other members and descendants, both on and off the reservation.<sup>180</sup> Many of these individuals do not have descendants in the current petitioner, but Lavinia Sampson descendants through her son Thomas Sampson Dennis are well-represented in the contemporary group.

#### *Southern Claims Commission Records*

The Civil War dramatically changed the physical and social landscape in Virginia. Many of the records discussed during this period (specifically the Commissioner of Claims records) were generated years after the war, but provide some insight into Pamunkey community during that time. According to National Archives Records Administration:

In 1871, the U.S. government established the Southern Claims Commission to address southerners' petitions for compensation of supplies, livestock, and other

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<sup>178</sup> The petitioner did not identify Lavinia Sampson as one of the "Known Pamunkey Individuals," though it did include her son Thomas (under both the Dennis and Thomas surname) beginning on its 1820-1829 list (PIT 2012, Part B, 32). The petitioner did not identify any of Lavinia Sampson's other children as "Known Pamunkey Individuals," and there is no indication that they have any descendants in the petitioner.

<sup>179</sup> Lavinia Sampson appeared on the 1860 Federal census as the owner of \$3,400 worth of real estate, and as the operator of a small boarding house for sailors.

<sup>180</sup> Ritta Bradby Updike, Lavinia Sampson, Martha Miles and Polly Bradby may have married non-Indian men and left Indian Town (either voluntarily or with encouragement from the residents). The information from this case indicates that even when these women left, they were still able to maintain some ties to the community, and to each other. Sampson is the only one known to have had children, and the only one whose descendants are known to have maintained contact with the core community at Indian Town.

items taken by the Union troops during the Civil War. More than 20,000 claims were filed. These testimonial files include first-person accounts of how civilians survived the war, detailed circumstances regarding loss of property, and accounts of each family history and loyalty to the Union cause.

The Southern Claims Commission (SCC) barred, disallowed, and approved claims. The record contains 13 petitions to the SCC filed by Pamunkey members for property losses at the hands of Union forces.<sup>181</sup> An index prepared by the National Archives also indicates that at least eight other Pamunkey<sup>182</sup> (or the estates of deceased Pamunkey individuals) filed claims for compensation of losses during the war, but these files were not submitted by the petitioner and may be lost or misplaced. The information in the surviving files, particularly the testimony of witnesses,<sup>183</sup> provides information about the social relationships among the Pamunkey, as well as with some of its non-Indian neighbors (both “Black” and “White”).

All of the testimony given by Pamunkey individuals and their neighbors identified the Pamunkey as being Union supporters.<sup>184</sup> This applied not only to the men, who served as riverboat pilots and in other positions in the Union Army, but also to the women, who cooked and washed for the soldiers.<sup>185</sup> Supporting the Union only a short distance from the capitol of the Confederacy was extremely dangerous, but the Pamunkes were not dissuaded. According to Terrill Bradby,<sup>186</sup> who served as a Union pilot:

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<sup>181</sup> PIT 2010, Petition, Appendix 3, Part D contains copies of SCC claims for the estate of Edward Bradley [Bradby] (#14976), Terrill Bradby (#6306), Thomas Bradby (#15142), the estate of Major Cooke [Cook] (#21816), Thomas Cook (#6305), Holt Langston (#15144), the estate of James Langston (#15145), William C. Langston (#21949), Lambert C. Page (#9180), Archie Miles (#21814), Frank Sweat (#18498), and William Wheely (#19202). PIT 2012, Petition, Appendix 12, Part C contains copies of SCC claims for the estate of Matilda Brisby (#14979) and Isaac Miles (#15146).

<sup>182</sup> Evans Bradby (#14752), Pleasant Bradby (#14977), the estate of Sterling Bradby (#15494), James (or John) Langston (#14978), Thomas W. Langston (#14980), William P. Miles (#14981), and Thomas Sampson (#14982) in King William County, and the estate of Lewis Sampson (#21815) in King and Queen County. (Mills 2004).

<sup>183</sup> Each claimant not only had to demonstrate that Union forces confiscated their property, but also had to provide witnesses to swear to the claimant’s fidelity to the Union. Each application contained many questions regarding the claimant’s actions during the war, designed to ensure the claimant had offered no support to the Confederate States of America.

<sup>184</sup> The *Richmond Daily Dispatch*, a staunchly pro-Confederate newspaper, repeatedly noted that the Pamunkey acted on behalf of the Union (*Richmond Daily Dispatch* 7/23/ 1862; 8/1/1862; 7/30/1863; 8/8/1863).

<sup>185</sup> SCC 1871 Testimony of Caroline Cook in SCC claim of Caroline Cook (21816), 1; SCC 1871 Testimony of Nancy Langston in Petition of Nancy Langston (15145), 2.

<sup>186</sup> Multiple records identify Bradby as “Terrill” rather than by his given first name, William. His name is also spelled “Terrell” in some documents, and in one record he is referred to as “B. Terrell Bradby”(Bradby, Terrill 1889).

Out of 25 heads of families in our village, 14 were in the Union service in some capacity. 10 of them were arrested; 8 of them were sent to Castle Thunder<sup>187</sup> and were considered to be shot . . . . The Confederates threatened to arrest the whole village at one time. The women were as strong Union as the men. (Testimony of Terrill Bradby in Petition of Nancy Langston, 13)

The men sent to Castle Thunder had been pressed into service working on the Confederate fortifications, but they sued and won their freedom on the grounds that they were Indians, and, unlike free Negroes, could not legally be pressed into service.<sup>188</sup> Joseph Sharpley, one of the very few White men in the area who supported the Union, testified that Pamunkey Frank Sweat had taken care of some Union officers who had escaped from Richmond and helped them reach the Union Army.<sup>189</sup>

The testimony in the SCC cases also offers some insight into the place of Pamunkey in the general society of antebellum Virginia. Frank Sweat, who had hidden Union soldiers, stated “I had no rights as a citizen. I have some Indian blood in my veins and was not permitted to vote or sit in the jury box. I was but one step from a slave.”<sup>190</sup> William Brisby,<sup>191</sup> testifying on behalf of Pamunkey William Cooper Langston,<sup>192</sup> stated, “(Langston) is a Pamunkey Indian. They were generally treated about the same as the colored people; they had no vote and were but a step from the slave . . . .”<sup>193</sup> Pamunkey Thomas Cook, who also served in the Union Army and had been arrested and imprisoned by Confederate forces, said, “I was always a Union man, tooth and nail, though I was not a citizen and had no vote.”<sup>194</sup> Pamunkey claimants made this claim repeatedly: although they had no vote and were not considered citizens, the entire group did whatever they

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<sup>187</sup> Castle Thunder was a Confederate prison for Union soldiers, spies, and sympathizers, located in a former tobacco barn in Richmond.

<sup>188</sup> *Richmond Daily Dispatch* 3/10/1862, 1.

<sup>189</sup> SCC 1871, Testimony of Joseph Sharpley in Claim of Frank Sweat (18498), 8.

<sup>190</sup> SCC 1871, Testimony of Frank Sweat in Claim of Frank Sweat (18498), 2.

<sup>191</sup> Brisby was identified in several documents by himself and others as a “Colored” man. However, in his own 1873 SCC testimony, he stated that, “My mother was a Pamunkey Indian” (SCC 1871, Claim of William H. Brisby 19204), 443). William’s 1870 Freedman’s Bank record identified his mother as “Marinda Brisby” (Freedman’s Bank Record #1604-W.H. Brisby). Census records located by OFA variously identify her as “Marinda Brisby,” (U.S. Census 1850, New Kent), “Marinda Brisley” (U.S. Census 1860, New Kent), or “Mirinda Brisby” (U.S. Census 1870, New Kent) but no other information in the record links her to the Brisby family identified as part of the Pamunkey community during the 19th century. His SCC testimony indicated that he knew and visited some of the Pamunkey families in New Kent, although there is no indication he visited or associated with the Pamunkey on the reservation.

<sup>192</sup> Langston was often referred by his middle name, Cooper, rather than by his given name, William.

<sup>193</sup> SCC 1871, Testimony of William Brisby in Claim of William C. Langston (81949), 10.

<sup>194</sup> SCC 1871, Testimony of Thomas Bradby in Claim of Thomas Bradby (15142), 2.

could to support the cause of the Union.<sup>195</sup> John Langston, testifying on behalf of his father's claim, stated even more bluntly, "We are Pamunkey Indians . . . . We all thought if the rebellion succeeded they would have turned us all into slaves."<sup>196</sup> These examples also demonstrate the continued claim to a collective Indian identity, the same Pamunkey identity that members had been claiming for more than 70 years.

Members of the group living in Indian Town witnessed each other's claims, and provided eyewitness testimony to the destruction of their property by Union forces. People testified to visiting each other, and spoke knowledgably about the activities of other families during the war. Pamunkey men who enlisted with the Union sometimes served so close to home that they could stop in and visit friends and family, and were kept updated even during the war. Two Pamunkey individuals (Frank Sweat and William Cooper Langston) who lived in New Kent County during the war rather than in Indian Town<sup>197</sup> were the only ones who had non-Pamunkey witnesses, though Terrell Bradby also testified that Frank Sweat had been raised in Indian Town, attended church with the Pamunkeys, and visited Indian Town regularly.<sup>198</sup>

One of the SCC cases in the record also contains information regarding a dispute between two Pamunkey members in the years after the war. William Cooper Langston, a Pamunkey resident of nearby New Kent County, filed a claim regarding his loss of property during the war, and then testified again because his claim was challenged by four men. Two of these men had family connections to him (one was his wife's brother, and the other was his daughter's brother-in-law), and he maintained that family arguments had led to their attempt to discredit his claim. His argument with J.C. Howell, a fellow Pamunkey also living in New Kent County, gives some insight into how issues of race sometimes affected relations between some Pamunkey individuals.

According to Langston, the animosity between himself and Howell developed soon after Virginia was readmitted to the Union in 1870. Langston stated he went to Richmond to seek help in establishing a school in his neighborhood, and was successful in obtaining the materials to construct the building. Other people, including Howell, supported this effort and helped to build the school. When the building was finished, he sent to Richmond for a teacher, and Richmond sent a "colored man well educated." Howell, however, wanted a "White" teacher, and refused to do anything else to support the school. He was further angered by Langston's decision to board the teacher at his home rather than send him back to Richmond, and remained angry with him for years.<sup>199</sup> There is no other information in the record concerning who

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<sup>195</sup> Terrill Bradby and some of the other Pamunkey men would later go on to vote after the war, with Bradby stating that he felt he had earned the right to vote by his military service (SCC 1871, Testimony of Terrill Bradby in Claim of Terrill Bradby (6306), 3).

<sup>196</sup> SCC 1871, Testimony of John Langston in Claim of William C. Langston (21949), 1.

<sup>197</sup> Portions of New Kent County are very close to Indian Town.

<sup>198</sup> SCC 1871, Testimony of Terrill Bradby in Claim of Frank Sweat, 12.

<sup>199</sup> SCC 1871, Testimony of William C. Langston in Claim of William C. Langston (21949), 4.

attended this school, and no other information regarding the reaction of those in Indian Town to this off-reservation argument between members.

The record does not contain Howell's side of the story, but the issue of race was one which had become even more complex since the end of the war. The Pamunkey had for years dealt with the issue of being considered "Black" or "Mulatto" rather than "Indian" by their "White" neighbors, and had relied on a variety of methods already discussed in order to preserve their distinct Indian identity. Howell, who lived outside of the reservation community, may have feared that Langston's actions would further erode the line between being identified as "Indian" or as "Black" or "Mulatto," and that reinforcing that identity outside of Indian Town might be more difficult if some Pamunkey attended or supported a school with a "Black" schoolteacher.

### Records Pertaining to Schools

This disagreement between Howell and Langston over the school occurred in New Kent County, and it is unclear what, if any reaction it caused among the other Pamunkeys living in Indian Town. Federal census records indicate that some children in Indian Town were already attending school in 1870 (although no document in the record identifies what school that would have been, as they were not allowed to attend "White" schools, and refused to attend Black schools). As the years passed and Pamunkeys continued to advocate for more opportunities to educate their children within the segregated school system of Virginia, the community would face similar issues as those faced by Howell and Langston in the early 1870s.

In 1877, the Pamunkey petitioned the Virginia Legislature to provide them a school teacher so long as this action would not "bring us under the head of taxation." The group characterized itself in the petition as ". . . dependent sufferers, one-half of our population consisting of widow women and children . . ." <sup>200</sup> Unlike the petition of 1843, where the group referred to its self-sufficiency and its ability to care for its members without becoming a financial burden to the county, this petition stressed that the group was now in dire straits:

Well, in former times, we had plenty of hunting grounds. Our ponds and rivers contained plenty of fish. Since that time, our population has increased so as to consume more than we accumulate . . . Even places we used to have in our control at one time, we are now dispossessed of at this time by other parties, who have taken up our habits for a living. <sup>201</sup>

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<sup>200</sup> Thomas Cook identified himself as headman of the Pamunkey in his 1871 SCC document (#6305). At that time, he stated that there were "about a hundred of us" (SCC 1871, Testimony of Thomas Cook in Claim of Thomas Cook, 1). As there is no indication that the population dramatically increased in the six years between Cook's 1871 SCC claim and the 1877 petition, there should have been approximately 40-50 people in the "widows and their children" category (the petition specifically references "many fatherless children," but the total may have included all dependent children, regardless of whether they were orphans or not). Presumably, the remaining members included married couples and single adults.

<sup>201</sup> Pamunkey 2/13/1877, Petition, 1.

A newspaper article written a month later seemed to indicate that the governor’s office supported the desire of the Pamunkey (and the neighboring Mattaponi) to have its own school, providing that its members pay school tax, “. . . but without forfeiting their exemption from other taxation, and without impairing or altering their relations as tributary Indians.”<sup>202</sup> State financial support for the school did not materialize until 1882.

#### *Summary, 1850-1879*

The information in the record for the period from 1850 to 1879 demonstrates community among the Pamunkey ancestors of the current petitioner. The continued presence of members in the exclusive settlement of Indian Town and their knowledge of people across kin groups demonstrates community during this time. The membership of a substantial number of Pamunkey individuals in the Colosse Baptist Church and the subsequent establishment of the group’s own Pamunkey Baptist Church after the Civil War, allowed the group to worship within the confines of its own community while reaffirming their separate Indian identity, and demonstrate community during this time. The records of the SCC provide evidence of communication and interaction among members during and after the Civil War, and demonstrate both significant social relationships connecting individual members (83.7(b)(1)(ii) and the existence of a separate and persistent collective Indian identity claimed by Pamunkey members (83.7(b)(1)(viii)). Records from various legal cases in Petersburg provide some information regarding the relationships between those living inside and outside of Indian Town and illustrate some of the social processes at work that helped the group to maintain its social boundaries. Taken in combination, this evidence demonstrates that the petitioner satisfies the requirements of criterion 83.7(b) from 1850 to 1879.

#### **Pamunkey Community 1880-1899**

The information in the record for the 1880-1899 period includes, but is not limited to, the petition narrative, state and local marriage records, newspaper articles, official correspondence, and scholarly monographs.<sup>203</sup>

#### *The Pamunkey Geographical Settlement*

“Ind[ian] Town” was again depicted as an island in the Pamunkey River on a map of 1881.<sup>204</sup> A local newspaper in 1884 reported on “a tribe of *modernized* Indians” that “live upon their

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<sup>202</sup> *Richmond Daily Dispatch*, 3/12/1877.

<sup>203</sup> Three sources of potentially valuable records are unavailable to researchers: (1) the 1880 Federal census takers did not enumerate the area of Indian Town—while the census recorded a few Pamunkey individuals living outside of the area, the enumerator apparently did not include the reservation residents on the general population schedules; (2) most of the Federal census of 1890 was destroyed in a fire, and the area of Indian Town and King William County are unavailable; and (3) the King William County courthouse suffered a fire on January 17, 1885, which destroyed many records prior to 1885, yet some records survived. Many records exist subsequent to the 1885 fire and some of the pre-1885 records can be found in the Virginia state archives.

<sup>204</sup> Smith and Stroup 1881.

reservation” near Richmond, which was “known as Pamunkey Indian Town.”<sup>205</sup> The governor of Virginia in 1886 referred to the Pamunkey “living on their reservation.”<sup>206</sup> An article in a national magazine described “Pamunkey Town” as “a settlement of Indians” in 1888.<sup>207</sup> A number of answers to a circular distributed by ethnologist James Mooney in 1889 mentioned a Pamunkey “settlement” or a “tribe . . . occupying a reservation on the Pamunkey river.”<sup>208</sup> In 1890, the Corps of Engineers prepared a modified version of its map of 1875 that showed the “Pamunkey Indians” still in the same location.<sup>209</sup> Newspapers in the early 1890s stated that a “remnant” of the Pamunkey “tribe” was “occupying” a tract of land or “living on their reservation.”<sup>210</sup> In 1892, a county official referred to the Pamunkey as one of the “little communities of Indians” in King William County.<sup>211</sup> A Richmond newspaper in 1893 referred to “Indian Town” on the Pamunkey River as a “little settlement” of Indians.<sup>212</sup> In 1894, the U.S. Census Office published a report provided by a local resident who referred to the Pamunkey as a “tribe” whose members “live upon a reservation” on the Pamunkey River.<sup>213</sup>

The most detailed description of the Pamunkey Indian tribe and its state reservation, prior to the 20th century, appeared in a 19-page bulletin, entitled *The Pamunkey Indians of Virginia*, published by the Smithsonian Institution in 1894. The author (and later Governor of Virginia), John Garland Pollard, was not a Smithsonian ethnologist, but a Richmond resident and attorney who was described in the preface to the bulletin as an “attaché” of the Smithsonian.<sup>214</sup> Pollard said he was sent by the Smithsonian to visit the Pamunkey to “make a collection of specimens of their arts” to form part of an exhibition at the Columbian Exposition in 1893.<sup>215</sup> Pollard briefly described the Pamunkey’s reservation, population, governance, and arts. He wrote that the Pamunkey “live at what is known as ‘Indian-town,’” and that this “town” was located on a “neck of land, extending into Pamunkey river” that was “connected with the mainland by a narrow strip of land.”<sup>216</sup> A series of newspaper articles in the late 1890s repeated or confirmed Pollard’s

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<sup>205</sup> *Richmond Dispatch* 9/28/1884.

<sup>206</sup> *Richmond Dispatch* 8/29/1886.

<sup>207</sup> Daniel 1888, 520-521.

<sup>208</sup> Mooney ca. 1889. See also: Mooney 1890.

<sup>209</sup> Abert 1890.

<sup>210</sup> *Richmond Times* 11/2/1890; *Richmond Dispatch* 1/25/1891.

<sup>211</sup> Gwathmey 7/21/1892.

<sup>212</sup> *Richmond Times* 10/8/1893.

<sup>213</sup> U.S. Census Office 1894, 602.

<sup>214</sup> Pollard 1894, 6. The preface was written by W.J. McGee. Pollard would serve later as governor of Virginia between 1930 and 1934.

<sup>215</sup> Pollard 1894, 17-18.

<sup>216</sup> Pollard 1894, 10.



description of the Pamunkey and its settlement.<sup>217</sup> In 1896, an act of the Virginia legislature referred to “the Indian reservation of the Pamunkey tribe of Indians,” and local newspapers in the 1890s referred to the state reservation as well.<sup>218</sup>

### Population Estimates of the Pamunkey Geographical Settlement

Population estimates of Indian Town during the 1880s vary somewhat, but indicate the population was around 100 people, which is similar to what was reported in the 1870s. An 1881 letter from the Pamunkey leaders stated there were “. . . 22 familys [sic] in our tribe, and 11 widows, 40 children large enough to go to school every day . . . .”<sup>219</sup>

Ethnographer A. S. Gatschet in 1883 noted that the Pamunkey numbered between 106 and 112 individuals, and that “Those Indians who live outside the settlement are no longer recognized as Indians by them.”<sup>220</sup> It is not clear if or when Gatschet visited the group, or if he obtained his information from a third party; while his population estimate is roughly in keeping with some of the others offered during this decade, his assertion regarding the exclusion of those living outside of Indian Town is not necessarily supported by other documents in the record. Some people did indeed leave Indian Town and live their lives elsewhere, but other Pamunkey lived outside of Indian Town for years and still maintained their relationships with friends and relatives there. Still others resided off-reservation for a period of time, and then returned to it.

An 1884 newspaper article stated there were about 100 people, and further specified 15 “braves” (named in the article) and 32 women, 11 of them widows.<sup>221</sup> An August 23, 1886, letter to Governor Lee from W.A. Bradby stated that the population of the reservation “. . . is about eighty souls, one-half of whom are children. . . .”<sup>222</sup> An 1888 petition from the Pamunkey to President Cleveland and the Congress of the United States stated that the population was 125 “braves, squaws, and papooses.”<sup>223</sup> It is ambiguous whether this total was the number living on the reservation or included off-reservation members, but when considered with other evidence in the record, it appears that this number included members living both on and off the reservation.

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<sup>217</sup> *Washington Evening Star* 4/25/1894; *Richmond Times* 3/26/1895; *Brooklyn Daily Eagle* 5/5/1895; and *Richmond Times* 12/3/1899. For references to the Pamunkey as an existing “tribe,” see: *Alexandria Gazette* 3/15/1895 and 6/14/1899.

<sup>218</sup> *Virginia* 3/4/1896. For references to the Pamunkey state reservation, see: *Richmond Dispatch* 12/28/1894, 12/21/1895, and 3/1/1896; *Richmond Times* 10/21/1898 and 7/30/1899; and Hendren 1895, 53.

<sup>219</sup> Bradby to Armstrong 1881, 1.

<sup>220</sup> Gatschet 1883, 17.

<sup>221</sup> *Richmond Dispatch* 9/28/1884, 1.

<sup>222</sup> *Richmond Dispatch* 8/29/1886, 1.

<sup>223</sup> Bradby *et al*, to Cleveland 3/15/1888, 1.

The petitioner identified a total of 159 Pamunkey individuals recorded at some time between 1880 and 1889, but these individuals do not all appear to have been alive at the same time.<sup>224</sup>

William A. Bradby, the Pamunkey chief for several years, answered an 1889 questionnaire sent out by the Bureau of American Ethnology. In addition to the inclusion of a population estimate of 120 individuals, Bradby also provided some additional information about the group. According to his description, the group supported itself in much the same way it had in previous decades, mostly by hunting and fishing (Bradby did not mention farming, although the SCC reports indicated that many group members had farmed and kept livestock during the Civil War, and were still doing so in the 20th century). Members did not vote or pay taxes, and their chief, council, and trustees enforced the laws within Indian Town.<sup>225</sup> When writing to President Cleveland the previous year, Bradby and the council had also described the group as subsisting “. . . for the most part on the flesh of the muskrat, and fishing for alewives.”<sup>226</sup> Neither document mentioned the service of the men during the Civil War on the side of the Union, though the 1888 petition did stress the Pamunkey’s loyalty to the United States.

Pollard’s 1894 monograph cited Terrill Bradby, William Bradby, and Chief C. S. Bradby as informants, and provided an overview of the entire population. He stated he had taken a census in 1893 and counted 90 people on the reservation, with another 20 living and working at least part of the year in other places; he did not, however, include this census in his published work.<sup>227</sup> This number of 110 members is in keeping with the population numbers given during the previous enumerations.

#### *Pamunkey Social Boundaries*

In 1886, the Pamunkey passed a set of tribal laws, which were committed to writing in 1887 and reprinted in Pollard’s 1894 monograph.<sup>228</sup> These laws involved upkeep of the reservation, including maintaining the roads and limiting how long non-Pamunkey were allowed to stay on the reservation if they had been hired to work for a Pamunkey resident; others outlawed fighting on the roads or other “rude” behavior. The very first law stated, “No member of the Pamunkey Indian Tribe shall intermarry with anny [*sic*] Nation except White or Indian under penalty of forfeiting their rights in Town.”<sup>229</sup> This law appears to have been a specific effort to prohibit members from marrying “Blacks” and taking up residence with their spouses on the reservation. The issue of “Mulattos” marrying Pamunkey members and moving to the reservation had surfaced in years past, specifically in regards to the Bradberry brothers in 1818, and in the 1836

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<sup>224</sup> PIT 2012, Part B, 125.

<sup>225</sup> Bradby in Mooney 1889, Mss 2190, 21.

<sup>226</sup> Bradby *et al.* to Cleveland 3/15/1888, 1.

<sup>227</sup> Pollard 1894, 10.

<sup>228</sup> Pollard 1894, 16-17.

<sup>229</sup> Pollard 1894, 16.

and 1842 petitions, but the group appears to have formally outlawed the practice in 1886.<sup>230</sup> The information in the record indicates that the expulsion or exclusion of members who married “African-Americans” had been the group’s accustomed practice, and that members who remained in Indian Town did not challenge or protest it, even if it affected their own children. The law was applied equally to both males and females, whereas other laws and customs forbade “White” husbands (but not “White” wives) from residing on the reservation. The laws effectively limited reservation residence to Pamunkey women who married Indian men and Pamunkey men who married “Indian” or “White” women, but did not specify whether removal from the reservation also meant loss of membership in the group. These shared beliefs and formalized laws concerning who could reside on the reservation played a large role in maintaining the stable size of the reservation population.

In 1889, a newspaper article described a visit to the governor by a delegation of Pamunkey and Mattaponi, who “. . . complained that persons with [N]egro blood were living on their reservation in violation of law.”<sup>231</sup> There is no mention if these individuals were spouses or squatters, but the Pamunkey did now have the formal power of a law to at least try and compel their removal. No additional documents name any individuals or unauthorized families living on the reservation, and the record contains no descriptions of any evictions of non-Indians from Indian Town.

#### *Participation in Public Events*

Pamunkey members took part in several public events to reinforce their Indian identity in the public’s mind, and particularly as a link to Virginia’s historical past. While it is not clear if the Pamunkey participated in local historical pageants or events before this time, nine members (male and female) were photographed while attending the 1881 Yorktown Centennial, several wearing ceremonial dress.<sup>232</sup> No accounts in the record describe how they participated in the festivities. In 1899, the group sought financial support from the state to travel to the Paris Exposition and put on a play recreating the story of Pocahontas and John Smith.<sup>233</sup> Newspapers from across the state also noted the yearly tribute of game brought to the governor by the Pamunkey leaders,<sup>234</sup> which would become even more elaborate and involve more members of the group in the years to come.

Evidence of participation in symbolic or pan-Indian events is not considered evidence under criterion 83.7(b). Pamunkey participation in these public events, however, was more than

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<sup>230</sup> The record does not include any minutes or other documents indicating what lead the group to formalize what had been an informal (yet socially powerful) social practice.

<sup>231</sup> *Alexandria Gazette* 7/31/1889, 1.

<sup>232</sup> PIT 2010, Appendix 7, Part A, 155.

<sup>233</sup> *Fredericksburg Free Lance*, 7/13/1899, 1. The Pamunkey publicly reenacted the story of the famous “rescue” of Captain John Smith by Pocahontas on other occasions as well (*Richmond Times-Dispatch* 10/02/1905).

<sup>234</sup> *Alexandria Gazette*, 9/28/1887; *Roanoke Times* 3/24/1892; *Alexandria Gazette* 11/25/1899; *Norfolk Virginian-Pilot* 11/23/1899.

symbolic. The purpose of these reenactments was to remind the non-Indian public that the Pamunkey were the descendants of Powhatan, and as such, were heirs to an important place in Virginia's history. These events also specifically referenced Pamunkey Indian history, rather than something else that was part of a larger pan-Indian complex; they could legitimately claim the Pocahontas story as their own, as Pocahontas had been the daughter of their past chief, Powhatan. The participation in these events demonstrates another way in which the group claimed a specifically Pamunkey Indian identity.

### *The Pamunkey Baptist Church*

The Pamunkey Baptist Church had been established after the Civil War, and was an important institution during this period. According to a 1884 newspaper article, the group built a new church building and dedicated it in December of 1883, and was currently in the process of raising funds to have carpeting installed in the building.<sup>235</sup> Pollard noted that “the church receives the hearty support of the whole tribe, the members of the church and that of the tribe being almost coextensive.”<sup>236</sup> Five years later, another newspaper article described the Pamunkey church as “The best building on their reservation . . .” and stated that “. . . nearly every member of the tribe attends service twice on Sunday, under the ministrations of a native minister.”<sup>237</sup>

Pamunkey member Thomas W. Langston, who identified himself in a SCC claim as a “farmer and minister of the Gospel,”<sup>238</sup> was the minister of the church from 1879 until his death in 1885. He was ordained in 1872 and pastored other churches in Hanover and New Kent counties before returning to Pamunkey. His obituary identified him as instrumental in building the new church, which also hosted his funeral on June 1, 1885.<sup>239</sup> Reverend Silas Miles, a fellow ordained Pamunkey, officiated at his service.

### *Education*

As in previous decades, the education of the Pamunkey children remained a prime concern to the leaders of the group, and doubtlessly to the parents of the children. The record contains a number of requests and references, both in official correspondence and newspapers, referring to the desire of the Pamunkey to expand their school or to send their children to Federal Indian schools. The 1877 request for state support for the reservation school finally was fulfilled in 1882, when Virginia began funding the Pamunkey school. The group's leadership did not rest on their laurels; they then petitioned for the right to send their children to Hampton Institute in Hampton, Virginia, a school originally founded for Black students which had begun accepting

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<sup>235</sup> *Richmond Dispatch* 9/28/1884, 1.

<sup>236</sup> Pollard 1894, 12.

<sup>237</sup> *Alexandria Gazette* 6/14/1899, 1.

<sup>238</sup> SCC 1871, Testimony of Thomas Langston in SCC Claim of William Wheely (19202), 1.

<sup>239</sup> *Richmond Dispatch* 6/6/1885, 1.

Indian students in 1878. In 1881, W.A. Bradby, the current chief, visited the school and tried to secure places for “40 children . . . those poor Indian children who are growing up in ignorance for want of schooling. . . .”<sup>240</sup> This request was unsuccessful, but the Pamunkey asked again in 1888. This time, they wrote to President Cleveland, requesting:

. . . that you would enact and pass suitable laws which would allow us, the last remnants of the Great Chief Powhatan, living in the County of King William, Virginia, . . . have educated, free of cost to us, the children of our tribe to the great and good school known as the Hampton Normal School. . . . You have granted the privilege to the Red Men of the West. Grant us the same privilege, the Indians of the East. (Bradby et al. to Cleveland 3/15/1888, 2)

Their entreaties fell on deaf ears.<sup>241</sup> At the same time, the Pamunkey refused to attend Black schools, even if it meant limiting their educational opportunities. In an episode reminiscent of the earlier argument between William Cooper Langston and J.C. Howell, Pollard reported in 1894 that their “feeling toward the [N]egro is well illustrated by their recent indignant refusal to accept a [C]olored teacher, who was sent to them by the superintendent of public instruction to conduct the free school the state furnishes them.”<sup>242</sup> While the group tried many ways to improve educational opportunities for Pamunkey children, they only did so in ways or at places that reinforced their identity as Indians, notwithstanding the state’s insistence that they should be treated as “Negroes” within Virginia’s system of segregation.

#### *Summary 1880-1899*

The evidence in the record demonstrates community among the Pamunkey during this time. Their concentrated residence in Indian Town and their efforts to reinforce their identity throughout the century as Indians, particularly in their continued claim of a collective Indian identity (83.7(b)(1)(viii)), clearly distinguished the Pamunkey from their White and Black neighbors. The state’s eventual support of a separate primary school for the group, as well as the refusal of the state to allow the Pamunkey to attend White schools, provides evidence of strong patterns of discrimination or other social distinction by non-members, and the formalization of rules put forth by the Pamunkey themselves also reinforced the distinction between members of the group and their neighbors, particularly their Black neighbors (83.7(b)(1)(v)). The evidence in the record also indicates that the group, as a whole, supported the Pamunkey Baptist Church after 1866, demonstrating shared sacred activity encompassing most of the group (83.7(b)(1)(vi)). This combination of evidence demonstrates that the petitioner satisfies criterion 83.7(b) from 1880-1899.

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<sup>240</sup> Bradby to Armstrong 1881, 2.

<sup>241</sup> Atkins to Lee 3/26/ 1888.

<sup>242</sup> Pollard 1894, 11.

*Discussion of High Endogamy Rates in Satisfaction of Criterion 83.7(b)(2)-1789-1899*

Criterion 83.7(b)(2)(ii) specifies that a petitioner “. . . shall be considered to have provided sufficient evidence of community at a given point in time if . . . at least 50 percent of the marriages in the group are between members of the group.” Such a high ratio of intra-group marriage would allow the petitioner to satisfy the requirement for the demonstration of community during this time period without providing other evidence. It would also satisfy the requirements of 83.7(c)(2) for the same time period. The petitioner claimed that it met this criterion from 1780-1799, and during every decade of the 19th century.<sup>243</sup> As explained below, the evidence presented is insufficient under 83.7(b)(2)(ii).

Evidence in the petition indicates that the Pamunkey had a significant rate of intra-group marriage during parts of the 19th century, which is evidence under 83.7(b)(1). Some King William County marriage registers specifically identified both members of a couple as “Pamunkey Indians,” and many other entries that identify both members of the couple as “Indian” involve people who are identified in other documents as Pamunkey.<sup>244</sup> The choice of marriage partner played a strong role in influencing reservation residence, as marriage to a non-Indian could result in either expulsion from Indian Town, or even expulsion from the group itself.<sup>245</sup> This outcome is particularly true in the case of Pamunkey women who wanted to marry, but could only remain on the reservation if they married another Pamunkey or another Indian, while Pamunkey men could and did bring White wives to live on the reservation.

Some newspaper articles made references to the Pamunkey desire for other Indian marriage partners due to the fact that the small number of Pamunkey meant that many people were related to each other.<sup>246</sup> One described a meeting with Virginia’s governor, where the Pamunkey representatives “. . . asked him to suggest a remedy for propagating their race and keeping their blood pure. There are 4,000 members of the Cherokee tribe in North Carolina. Chief Bradby thinks of sending down there and importing squaws who are willing to become the brides of Pamunkey braves.”<sup>247</sup> Another article stated that “. . . the head men of the Pamunkey have opened negotiations with the Eastern Band of Cherokee Indians . . . to procure brides for their unmarried sons and husbands for their unmarried daughters . . . and hope for a speedy infusion of new blood into their tribe.”<sup>248</sup>

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<sup>243</sup> PIT 2012, Part B., 8, 16, 19, 33, 41, 56, 74, 86, 112, 126, 143.

<sup>244</sup> Virginia Bureau of Vital Statistics 1853-1935 Marriages; King William County 1885-1940 Marriage Register.

<sup>245</sup> While the record does not contain examples of people being explicitly expelled from the group due to their marriage to a Black person, this prohibition appears to have run so deep within the group that those who did may have just left without argument. Alternatively, if these arguments did take place, they were not recorded in the minutes or other records.

<sup>246</sup> Others stated that the Pamunkey had married non-Indians (*Roanoake Times* 3/24/1892).

<sup>247</sup> *Alexandria Gazette*, 3/15/1895.

<sup>248</sup> *Richmond Times* 3/26/1895, 1.

Ethnologist James Mooney's compiled a census of the group in 1901, and identified a total of 19 extant marriages (all but three documented as occurring prior to 1900)<sup>249</sup> among a population of approximately 150 people acknowledged as Pamunkey. Eleven of these marriages (approximately 58 percent) were between two Pamunkey individuals, while eight (42 percent) were to other Indians or to Whites.<sup>250</sup>

This evidence, however, is incomplete for purposes of analysis under 83.7(b)(2)(ii). Knowledge of the universe of members is fundamental to the performance of a proper marriage analysis. There is no evidence in the record indicating that the Pamunkey or anyone else kept any written censuses of their entire membership until the 20th century (Mooney's was the first), and there are no historical rolls that defined the group's entire membership during the 19th century. Therefore, the universe of members cannot be identified. A marriage analysis does not just involve those marriages for which there is documentation, particularly when there is compelling evidence of a large population of people of marriageable age.<sup>251</sup> An analysis of endogamy rates can only be done when the universe of members is known and there is some indication regarding the identity of the marriage partners discussed.<sup>252</sup> The evidence in the record is insufficient to criterion 83.7(b)(2)(ii). However, the evidence in the record does show a significant number of Pamunkey-Pamunkey marriages, and the efforts to encourage such unions, through the establishment of customs and laws specifying who could reside on the reservation with their spouses, is evidence used in combination with other evidence to satisfy criterion 83.7(b)(1) during the 19th century.

#### *Conclusion for Evidence of Community, 1789-1899*

The available evidence in the record for the period 1789-1899 demonstrates that a predominant portion of the petitioner's ancestors maintained significant social relationships connecting individual members (83.7(b)(1)(ii)), repeatedly distinguishing themselves from their Black and

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<sup>249</sup> Mooney 1907, 147-148.

<sup>250</sup> According to the current record, the marriage of Sterling Sampson occurred in 1900; the marriages of Alfonzo Collins and George Swett are not included in the database, and are thus undated. There is also evidence that Fannie Sampson Miles, the first wife of Jacob Miles, may have been Pamunkey. Fannie died in 1892. According to the 1901 census, Miles had a non-Indian wife.

<sup>251</sup> For example, the petitioner claimed an endogamy rate of 100% for the 1780-1789 decade, based on two recorded marriages. The petitioner's own population estimates during this decade, however, indicate a group with 51 members (PIT 2012, Part B, 5-6), including approximately 30 males who are identified in OFA's verification research as adults. While the other 28 men in the group may have been bachelors, it is more likely that at least some of them had wives. The petitioner's analysis is based on incomplete data.

<sup>252</sup> The petitioner's analyses includes many marriages where a person's parents and siblings are unknown, wives' maiden names are unknown, and where the petitioner's rationale for identifying each spouse specifically as "Pamunkey" (rather than "Indian" or even "Powhatan," which was a term also used to describe the neighboring Mattaponi) is not explained. Additionally, an examination of available records from the era indicates the existence of marriages/relationships that were not included in the petitioner's analyses, as well as the recording of some marriages twice (e.g., once under a partner's given name, and once under a nickname). The petitioner also made erroneous assumptions in some cases, such as identifying a couple as Pamunkey/Pamunkey based only on a child's later identification as Pamunkey; this ignores the fact that the child could have inherited his or her Pamunkey ancestry from only one parent.

White neighbors. The record also contains evidence of strong patterns of discrimination or other social distinctions by non-members (83.7(b)(1)(v)). Evidence also demonstrates that a significant portion of the group attended and supported the group's Pamunkey Baptist Church, demonstrating shared sacred religious activity encompassing most of the group from at least the early 1880s (83.7(b)(1)(vi)). The evidence in the record also provides evidence of a consistent claim to a collective Pamunkey Indian identity from 1789 to 1899 (83.7(b)(1)(viii)). This evidence, in combination with evidence of an exclusive core settlement at Indian Town and significant rates of marriage within the group demonstrates the existence of Pamunkey community throughout the 19th century. Therefore, the petitioner satisfies criterion 83.7(b) from 1789-1899.

### **Community 1900- Present Using Evidence in 83.7(c)(2) to Satisfy 83.7(b)**

The petitioner presented sufficient evidence for meeting the requirements of section 83.7(c)(2) for the period from 1900 to the present (see discussion of criterion 83.7(c)). Under § 83.7(b)(2)(v), a group that meets criterion 83.7(c) by using evidence in 83.7(c)(2), shall be considered to have provided sufficient evidence of community at that same point in time.

Criterion 83.7(c) provides that evidence under 83.7(c)(2)(i) that leaders or other mechanisms “allocate group resources such as land, residence rights, and the like on a consistent basis” is sufficient evidence to demonstrate the exercise of political influence or authority at a given point in time. The petitioner submitted a number of documents for purpose of analysis under 83.7(c)(2)(i). Chief among them is a copy of the Pamunkey meeting minutes from 1901 until the present, which provide support for the petitioner's assertions that for certain periods of time, the evidence is sufficient to demonstrate the allocation of land and determining residence rights in Indian Town (later referred to in many documents as “the reservation”).<sup>253</sup> Additional documents in the record also demonstrate that the group can provide multiple examples of other evidence under 83.7(c)(2) that is sufficient to satisfy the criterion: settling disputes between individuals or subgroups by mediation or other means on a regular basis; exerting strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior; and the ability to organize or influence economic subsistence activities among the members, including shared or cooperative labor. These documents provide sufficient evidence to meet the requirements of section 83.7(c)(2) from 1900 to the present and serve as “cross-over” evidence to satisfy criterion 83.7(b) for this same time period (1900-present).

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<sup>253</sup> The record contains minutes from approximately 94 years of Pamunkey meetings. Earlier books of minutes may have been kept by the group, but they may have been lost or destroyed. The record begins on September 18, 1901, continues until August 18, 1918, and then resumes February 2, 1925 (an evidentiary gap of seven years). There is a March 6, 1925, meeting recorded, and then the record stops again and does not resume until January 15, 1940 (an evidentiary gap of 15 years). With the exception of those two 1925 meetings, the record is basically silent for 22 years, although other documents in the record (particularly newspaper articles) indicate that the processes described both before and afterwards still occurred during the missing 22 years. There are no more gaps after 1940, and the meetings are recorded on a regular basis until June 7, 2012, when the group submitted its petition for Federal Acknowledgment. The gaps in the record appear to be the result of the loss or destruction of the records themselves, not the result of a cessation of activity.



The documents in the record also provide details of significant of social interactions connecting members of the group, both on and off the reservation. They describe, among other things, conflicts among members (and conflict resolution) and informal social interactions that exist among group members. Because the petitioner demonstrates criterion 83.7(b) through evidence under 83.7(c)(2), a separate evaluation of evidence under criterion 83.7(b)(1) is not necessary for this PF. The following short discussion is included to provide additional context and trace the evolution of the Pamunkey community through the 20th century to the present day.

*Pamunkey Community, 1900-Present*

Many of the group's members lived in Indian Town, on the Pamunkey River, at the turn of the century, though some lived off-reservation in cities such as Richmond and Philadelphia. Numerous documents, including ethnographic treatises, Federal censuses, as well as reservation censuses taken by the group itself name the residents of the reservation. Other documents demonstrate that these residents have governed themselves and determined residency and land use rights under rules originally codified in 1886, and managed their group's affairs, essentially without breaks, until the present.

Those who stayed on the reservation hunted, trapped, fished and harvested shad roe, kept small farms, and performed seasonal wage work.<sup>254</sup> The group, with the help of state officials, established a pottery school on the reservation, with a number of Pamunkey women making and selling pottery.<sup>255</sup> Others, as individuals and whole families, left the rural area in order to find work. A number of those who moved to Philadelphia helped other fellow Pamunkeys find good jobs when they moved there, or boarded them in their homes until they found a job on their own.<sup>256</sup> Some people left the community permanently through marriage to a non-Indian spouse, while others maintained their connection to the community and visited the reservation when they could.

The Pamunkey often married within their group, as well as to other Virginia Indians, until the 1930s. As stated earlier, the group's own laws prohibited members from marrying "with any person except those of white or Indian blood" and forbade non-Indian husbands from residing on the reservation. Since the 1930s, almost all new marriages have been between Pamunkeys and non-Indians. There has been the occasional marriage between a Pamunkey and another Virginia Indian (or another Indian from outside of Virginia) but these are also rare.

The reservation continued to lose residents throughout much of the 20th century, as more and more people left rural King William County. For example, in 1954, the group conducted a census of adult male members. Of a total of 70 men, 51 lived off-reservation, while only 19 remained on the reservation.<sup>257</sup> When interviewed in 1964, the former principal of the former Mattaponi-Pamunkey school stated that none of the students he taught over seven years remained

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<sup>254</sup> D. Stewart Brady Interview, 9/3/1983, 21-24.

<sup>255</sup> Richmond *Times-Dispatch*, 11/23/1932, 2.

<sup>256</sup> E. Bradby Interview, 5/11/1985, 5-8.

<sup>257</sup> PIT 2010, Narrative, 14:38-45.

in the area after graduating high school, as young people moved away to find jobs.<sup>258</sup> However, some older residents started moving back in the 1970s and 1980s, particularly those who had retired. The prohibition against White husbands living on the reservation kept many young families from settling there. The group gradually softened these provisions, and eventually voted to allow White husbands to live there in 2012. There is no indication that the group has changed its regulations in regards to its prohibition of marriage between Pamunkey members and African-Americans.

Informal social interaction occurred in the group's one-room schoolhouse (which they had until the 1950s), pottery school, and at the Pamunkey Baptist Church. Men hunted together, particularly to supply the game for the annual "governor's tribute." Members traveled to Richmond to give a gift of wild game to Virginia's governors, fulfilling the terms of the 17th century treaty that granted them their reservation. Events such as picnics and fish fries were and are popular events among members. The small size of the reservation also means that people see each other routinely.

The Pamunkey have maintained a collective Indian identity for more than 300 years, including from 1900 to the present. The Indians claiming this identity have consistently referred to their group as "the Pamunkey Indian tribe," "the Pamunkey," "the Pamunkey Indians" and other similar names incorporating variant spellings of "Pamunkey." Reservation residents continuously asserted a "Pamunkey" identity throughout the 20th century at the annual tribute to the governor, when participating in public festivals and expositions, or when testifying in court. Their church and school both carried the name "Pamunkey," as do the group's museum and pottery guild (which was established in the 1930s). Other than "Powhatans," the group has laid claim to no name or other identity other than "Pamunkey."

There are 203 members on the Pamunkey membership list dated October 12, 2012. OFA identified 60 members (approximately 30 percent of 203) with residential addresses that place them on the reservation. OFA then examined the petitioner's household analysis charts<sup>259</sup> and genealogical information in the record to discern the relationships between those living off the reservation and those living on the reservation. OFA identified 38 off-reservation members (approximately 19 percent of 203) who had at least one "first-degree" relative living on the reservation. OFA precedent holds that first-degree relatives (mothers, fathers, siblings, and children) can be presumed to be in contact with each other without a direct demonstration of communication. OFA also identified 105 people (approximately 52 percent of 203) who have no first degree relatives currently living on the reservation, although a number of these people have more distant relatives (uncles, aunts, cousins, etc.) living there, several had had first-degree relatives living there in the recent past, and 40 (20 percent) have a grandparent currently living on the reservation. Combining those who live on the reservation with their first degree relatives gives a total of 98 members (48 percent of 203) who are presumed to be in contact with each other. While 30 percent (60 of 203) of the group's members currently live on the Pamunkey reservation, other members live in the nearby towns of West Point and Aylette, and still others

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<sup>258</sup> Singleton 1965, 33.

<sup>259</sup> PIT 2010, Petition, Appendix 6, Part C-2

across the country. Those who do not live in the area still visit, or keep up with what is happening at the reservation through communication with relatives who live there.

### **Conclusion- Community 1789-Present**

The available evidence in the record demonstrates that a predominant portion of the petitioner's members or ancestors maintained consistent interaction and significant social relationships throughout history, particularly within the exclusive Pamunkey settlement at Indian Town. The evidence also establishes that the petitioner's ancestors and current members have maintained significant distinction from non-members in and around the area of the Pamunkey Indian reservation in King William County, Virginia, from historical times to the present. From 1789 until 1899, the petitioner satisfies the requirements with a combination of evidence under criterion 83.7(b)(1). From 1900 until the present, the petitioner satisfies the requirements via the "cross-over" provision of criterion 83.7(b)(2)(v), demonstrating political influence or authority using evidence under criterion 83.7(c)(2). Therefore, the petitioner satisfies criterion 83.7(b) and demonstrated it comprises a distinct community that has existed from historical times (1789) to the present.

### Criterion 83.7(c)

- 83.7(c) The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.**
- 83.7(c)(2) A petitioning group shall be considered to have provided sufficient evidence to demonstrate the exercise of political influence or authority at a given point in time by demonstrating that group leaders and/or other mechanisms exist or existed which:**
- (i) Allocate group resources such as land, residence rights and the like on a consistent basis.**
  - (ii) Settle disputes between members or subgroups by mediation or other means on a regular basis;**
  - (iii) Exert strong influence on the behavior of individual members, such as the establishment of norms and the enforcement of sanctions to direct or control behavior;**
  - (iv) Organize or influence economic subsistence activities among the members, including shared or cooperative labor.**

### Introduction

Criterion 83.7(c) requires the petitioner to have maintained political influence or authority over its members from historical times until the present. The Department published a FR notice in 2008 providing guidance and direction to interpret the regulatory definition of “sustained contact,” and therefore the meaning of “from historical times until the present,” so that petitioners generally would need to demonstrate their political influence no earlier than 1789.<sup>260</sup>

The regulations, in section 83.7(c)(2), describe evidence that is sufficient by itself to meet the requirements of this criterion at a specific time. The regulations, in section 83.7(c)(1), provide other examples of specific types of formal or informal political activities that may be used, in combination, to demonstrate the petitioning group meets the requirements of this criterion. In general, the evaluation of the materials in the record looks for evidence the petitioning group has had an internal group political process that involves a bilateral political relationship between leaders and members of the group.

The petitioner presents its argument relating to this criterion in a series of chapters in its Narrative and Part C.<sup>261</sup> The petitioner’s evidence supporting the arguments presented in these

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<sup>260</sup> AS-IA 5/23/2008.

<sup>261</sup> PIT 2010, Narrative; 2012, Part C.

chapters is found in an extensive series of nineteen appendices. In addition, OFA researchers acquired documents cited by the petitioner but not submitted by it, and some other documents relating to the Pamunkey, especially newspapers from the 19th century.

Between 1789 and 1885, the evidence of Pamunkey governance consists mostly of Pamunkey petitions to the Commonwealth of Virginia and brief descriptions of the Pamunkey by outside observers. In 1886 the Pamunkey adopted a system of “laws” to govern their reservation, which were published in a bulletin of the Smithsonian Institution in 1894. For the years since 1900, volumes of minutes survive which provide a detailed account of Pamunkey governance.

The evidence in criterion 83.7(c) must be viewed in the context that contemporaneous observers identified the Pamunkey Indian tribe as a continuously existing tribal entity residing in an exclusive settlement. This PF concludes that the evidence in the record demonstrates the petitioning group maintained political influence or authority over its members from 1789 to the present. Therefore, the petitioner meets the requirements of criterion 83.7(c).

### **Evaluation for the Period 1789-1899**

The existence of a functioning Pamunkey political process about 1789 is revealed by a petition sent by the Pamunkey to the state legislature in 1786 requesting the appointment of non-Indian trustees to fill existing vacancies, and recommending the names of four individuals for those positions.<sup>262</sup> In the years between 1789 and 1899, the evidence of Pamunkey governance consists of some examples of the Pamunkey sending petitions to the state legislature or governor of Virginia, of their leaders representing the group outside of the reservation, of their trustees or the governor or the legislature of Virginia acting on behalf of the group at its request, and of non-Indian observers referring to the group’s “chiefs” or stating that the Pamunkey governed themselves. This evidence is sufficient to meet the requirements of this criterion under section 83.7(c)(1) for the period from 1789 to 1899.

The evidence in the record is not sufficient to meet this criterion for this period with the high level of evidence described in section 83.7(c)(2), although the petitioner argued otherwise. The petitioner submitted no evidence for these years of the Pamunkey allocating group resources among their members, and almost no evidence of the group’s strong influence over the behavior of its members. For the period between 1789 and 1883, the record contains neither Pamunkey records which demonstrate the group’s allocation of its resources among its members nor outsiders describing such practices among them. During the years between 1884 and 1899, some outside observers who commented on Pamunkey governance attributed to the Pamunkey a practice of allocating some of the land of the state reservation among their members. These attributions of a practice of allocating a group resource among group members after 1884 are insufficient to meet the requirements of section 83.7(c)(2) for the period from 1884 to 1899 as no other evidence is in the record supporting the accuracy of these attributions. The petitioner is not required to meet the provisions of 83.7(c)(2), but, by not doing so, it may not benefit from the “carry-over” provisions of the regulations (see 83.7(b)(2)(v)) for the years before 1899.

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<sup>262</sup> Pamunkey 1786.

*1789-1899: Evaluation under Section 83.7(c)(1)*

In 1786, the Pamunkey requested the state legislature to appoint non-Indian trustees to fill existing vacancies, and recommended the names of four individuals for those positions, indicating political processes. In 1795, the Pamunkey non-Indian trustees referred to a group political process among the Pamunkey. An individual raised the issue of his right to reside on the Pamunkey reservation by submitting a petition to the state legislature. Lewis Denry claimed to be a Canadian Indian who was married to Susanna, a Pamunkey woman. He said the couple originally resided in Indian Town with the consent “of her parents and the whole town,” but that after a year the Pamunkey “banished” him from the Town.<sup>263</sup> Another petition submitted by Denry and his wife Susanna claimed they were driven from the Town because its Indians took “umbrage” at Denry’s “conduct.”<sup>264</sup> The trustees submitted a statement to certify the claim that the couple had been banished from the Town by the Indian residents of the town, but did not specify when that had occurred. They also stated that the Pamunkey “have agreed to take her back provided she will go without her husband.”<sup>265</sup> This “banishment” of the couple from the reservation reveals Pamunkey influence over their members and non-members, but this event may have occurred earlier than 1789. The group’s agreement to take back Susanna Denry without her husband, however, demonstrates the existence of a group decision-making process in 1795.

A Pamunkey petition in 1798 described a meeting the group held to consider its “inturnall [*sic*] government.” The issue appeared to be the role of Indians in selecting the non-Indian trustees. The petition to the state legislature, which was signed by 11 men (see Appendix A), ambiguously said both that the majority of the group “concur” that the trustees were “appointed . . . to regulate and to make such laws as seem best” for the group’s “government,” and that the “[I]ndians” themselves “invest these powers in trustees” to make laws for the group’s “happiness.”<sup>266</sup> The Virginia legislature responded to this petition by passing an act in 1799 “concerning the Pamunkey Tribe of Indians.” This act authorized adult Indians “to elect” trustees whenever a vacancy occurred in the future, making the trustees chosen by the Indians rather than appointed by the state. This act also “empowered” the “trustees of the Pamunkey Tribe of Indians” to make “bye laws, rules and regulations, for the government of the said Indians, as may meet with the approbation of a majority of them. . . .”<sup>267</sup> The intent of this act may have been to authorize the trustees to create governing documents for the group. The meeting and petition of 1798 reveal that the Pamunkey had a political process and represented themselves before the state legislature,

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<sup>263</sup> Lewis Denry n.d. [ca. 1795].

<sup>264</sup> Lewis and Susanna Denry 11/25/1795.

<sup>265</sup> Trustees 11/-/1795.

<sup>266</sup> Pamunkey 12/7/1798. The petitioner dates this petition as 12/27/1798 because of the date found on an archival folder, but this is the date a bill was reported from committee. The petitioner’s document cover distinguishes the two dates. A secondary source refers to a Pamunkey petition of 12/27/1790; in the absence of such a 1790 document, it is assumed that this text refers to the 1798 petition (Harris 1977 [2006 ed.], 715).

<sup>267</sup> Virginia 1/19/1799. The petitioner sometimes refers to this act as the Act of 1798. The act was approved during the legislative session that began in December 1798, but it was passed on January 19, 1799.

while the Act of 1799 acknowledged that any actions of the trustees would be subject to the group's approval.

In 1812 the “headmen and chiefs of the Pamunkey tribe” submitted a petition to the state legislature that was signed by 14 men (see Appendix A). They requested that a law be passed giving their trustees the authority to lease a tract of land “with the consent of a majority of the said Indians.”<sup>268</sup> The Pamunkey claimed to own two tracts of land: the reservation or “island” on which they lived, and a 300-acre tract about two miles from the reservation which they were seeking to rent.<sup>269</sup> It appears the Pamunkey held non-contiguous tracts of land because they had sold other intervening tracts of their land. The Pamunkey had received legislative approval to lease the 300-acre tract of land during the Colonial period, that lease had expired, and they believed they again needed a special law authorizing them to lease this land.<sup>270</sup> The state legislature passed the law as requested, giving the trustees the authority to lease the tract of land “with the consent of a majority of the said Indians.”<sup>271</sup> This language of the Pamunkey petition and the Virginia act acknowledged that the Pamunkey had a group decision-making process involving voting, most likely by adult members.

“The government of the Indian Town,” a Virginia newspaper reported in 1818, “is singular and truly republican.” The newspaper stated that the “Pamunkies” were “governed by a chief” whose powers consisted of “putting the laws of the island [reservation] in execution.” The newspaper referred to elections held for “the passing of laws” and “the election of trustees.” It claimed, correctly or not, that “[e]very Indian, male or female, of the age of eighteen, has a vote” in these elections. The newspaper also reported, however, that the Pamunkey were having difficulty in enforcing “[o]ne of their laws” which provided, it said, “that no individual who is not a descendant of a Pamunkey Indian shall settle among them.” Two brothers from Richmond, it stated, had recently married Pamunkey women and “established themselves in the Indian town.” As a result, the “chief has . . . at the desire of the tribe, called a meeting of the trustees to deliberate on the legality of their residence. . . .”<sup>272</sup> How the Pamunkey resolved this issue was not reported, and thus it is not clear in this instance how they enforced their laws. This newspaper account reveals, however, that the Pamunkey had a code of laws, whether formal or informal, and a functioning government. It also indicates that the Pamunkey members had influenced the “chief” to deliberate with the trustees, perhaps seeking aid in enforcing Pamunkey laws on non-Indians.

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<sup>268</sup> Pamunkey 12/4/1812.

<sup>269</sup> In this petition the Pamunkey also did not claim to own the tract of land that constitutes the Mattaponi state Indian reservation. This fact seems to argue against the thesis of scholar Helen Rountree that the Pamunkey and Mattaponi reservations were “officially” considered to be part of “a single tribe” until 1894 (Rountree 1990, 210; see also Rountree 1975, 13, and Rountree 1990, 189, 211). These reservations may have shared trustees. In a more recent work, Rountree claims that the Pamunkey and Mattaponi were “administratively combined” until 1893 (Rountree and Turner 2002, 201).

<sup>270</sup> Pamunkey 12/4/1812.

<sup>271</sup> Virginia 12/29/1812.

<sup>272</sup> Fredericksburg *Virginia Herald* 9/5/1818.

In 1827 the trustees presented a petition to the state legislature that resulted in passage of an Act on behalf of the Pamunkey one year later. The Act of 1828 said that the “trustees of the Pamunkey tribe of Indians” had made a representation to the General Assembly “on behalf of the said tribe, and with the consent of a large majority of the said Indians.”<sup>273</sup> The petition requested that the trustees be authorized to sell a tract of Pamunkey land – a tract of about 270 acres located several miles from Indian Town – and to apply the interest earned from the proceeds of the sale for “the support of the poor and infirm individuals in said Tribe.”<sup>274</sup> The Act of 1828 “empowered” the five trustees to sell the tract, “called the Indian Field,” at a public auction; to place the purchase money “at interest” under the control of the county court, and to annually apply the interest from this fund “for the maintenance and support” for some of the Pamunkey Indians.<sup>275</sup> No evidence was submitted or found demonstrating that such a trust fund was created or describing any actions by the trustees or the group’s leaders to distribute the interest of such a fund to Pamunkey members.<sup>276</sup> The passage of this act by the state legislature, however, does show that the Pamunkey successfully presented their interests to that body through the trustees.

In 1836 the “inhabitants” of the “Pamunkey Indian town” wrote a letter to the governor in response to news that some residents of the county were preparing a petition “to sell our town.” The Pamunkey appealed to the governor to “befriend us,” and declared that “we wish to keep up our laws, rules, and regulations, as we have done heretofore. . . .” They claimed not to know “what cause” was alleged against them to justify a sale of their land, but offered to let the governor “remove all things that offend” so that they could retain “our place.” This petition was signed by 28 Pamunkey men, the largest number of signers of any of the 19th century Pamunkey petitions. The signers were described as the “headmen and the rest of the men that belong to the town.”<sup>277</sup> This document demonstrates that the Pamunkey continued to represent their interests to the state government. The Pamunkey also asserted that they governed themselves with their own “laws, rules, and regulations” at this time.

The Pamunkey again petitioned the state legislature in 1842 and 1843 to oppose a petition from the “white inhabitants” of the county requesting the legislature to authorize the sale of the Pamunkey and Mattaponi lands which were both known as “[I]ndian town.”<sup>278</sup> The two counter petitions from the Pamunkey were dated earlier than the “petition from citizens” they contested,

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<sup>273</sup> Virginia 2/20/1828. The trustee’s petition of 12/11/1827 has not been found, but it is described in the preamble of the Act of 1828 and in the legislative history found in the *Virginia Journal of the House of Delegates* [1827-1828] (Richmond, 1827), 28, 74, and 143.

<sup>274</sup> Virginia House 1827-1828, 28, 74.

<sup>275</sup> Virginia 2/20/1828.

<sup>276</sup> An 1877 letter by Chief Thomas Cook, however, claimed that “in former times we used to get our annuities. . . .” (T. Cook 2/9/1877).

<sup>277</sup> Pamunkey 2/18/1836.

<sup>278</sup> Citizens of King William County 1/20/1843. The fact that this petition was circulating as early as October 7, 1842, was noted by the *Richmond Enquirer* 10/21/1842.



but it is clear that the Pamunkey signers had good information on the white citizens' intent. In a change from previous practice, these two Pamunkey petitions were signed only by three "Chief Men of the Tribe." The Pamunkey 1842 petition stated that "we . . . positively object" to the proposed sale of "the land owned and occupied by us the Pamunkey Tribe of Indians."<sup>279</sup> The Pamunkey 1843 petition claimed that the white citizens' petition "misrepresented" the Pamunkey and "cannot prove nothing against us. . . ." It reaffirmed that "we would not wish to sell our little spot of land."<sup>280</sup> The citizens' petition characterized the residents of the Pamunkey town as "free mulattoes" whose special status posed a threat to a "slave holding community." The residents of the Indian town, the citizens complained, enjoyed a "kind [of] self government, such as the right to choose Trustees and headmen, . . . the right to make laws for their own government, [and] the right to enforce those laws. . . ."<sup>281</sup> Thus, while stating their complaint, the citizens' petition also described the practice of Pamunkey self-governance.

Pamunkey leaders represented the group outside the reservation in ways other than submitting legislative petitions. Another form in which a Pamunkey leader represented the group was to serve as an informant reporting deaths on the reservation to county officials. Records of the Bureau of Vital Statistics show that on three occasions, in 1855, 1856, and 1857, "Jack" Langston provided information on deaths as "headman of [the] tribe," and E. Bradberry did so on three occasions in 1859.<sup>282</sup> Pamunkey leaders may also have lobbied the governor personally. In 1857 the governor provided a letter to an unnamed individual who, "with others of his tribe," had come to him with a complaint that they had been "deprived of their fire arms." The petitioner's transcription of this document does not specifically mention the Pamunkey, but a scholar has treated this letter as referring to them.<sup>283</sup>

In 1862, the governor "nullified" the action of county officials to draft residents of the Indian towns to work on fortifications for the Confederate army on the grounds that Indians were not liable to such a requisition.<sup>284</sup> However, no evidence in the record shows any Pamunkey lobbying to obtain this decision. The governor's action in 1862 observed the existence of a special legal status for the Indians of Indian Town, but did not provide evidence of the group leaders' political influence over its members.

In the early 1850s, Pamunkey Richard Bradby was arrested in Richmond and thought by the authorities to be a "free negro." He produced a certificate which read

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<sup>279</sup> Pamunkey 11/26/1842.

<sup>280</sup> Pamunkey 1/12/1843.

<sup>281</sup> Citizens of King William County 1/20/1843.

<sup>282</sup> King William County 1853-1896 [deaths], reel 16, 1856, p. 2, line 5; also 1855, p.3, line 42; 1857, p.1, line 13; and 1859, p.3, line 7; p.4, line 7; and p.4, line 8.

<sup>283</sup> Rountree 1990, 197-198.

<sup>284</sup> Richmond *Daily Dispatch* 3/10/1862.

We, subscribers, Trustees for the Pamunkey Indians, do hereby certify that the bearer, Richard Bradby, . . . to be one of this tribe, and is entitled to all the privileges, immunities, etc., to said tribe appertaining. Given from under our hands this 17th day of January, 1851.<sup>285</sup>

Such a certificate sounds similar to the certificates that the Commonwealth of Virginia required counties to issue to free Negroes and Mulattos from 1793 to the Civil War.<sup>286</sup> Richmond attorney Herbert A. Claiborne certified in 1838 that King William county had not required the Pamunkey to obtain such certificates because they were not considered to be either free Negroes or Mulattos.<sup>287</sup> There was a law passed in 1833, however, that made it a lawful option to issue certificates to the descendants of Indians or any other people of mixed blood stating that a person was *not* a free Negro or Mulatto.<sup>288</sup> It appears that the trustees issued these certificates under the aegis of that 1833 law.<sup>289</sup>

OFA located two additional references to these certificates in the 1850s. On April 2, 1853, a man named “Eli Bradbe”<sup>290</sup> published a classified advertisement seeking the return of “a cloth pocketbook, large size, containing my Indian certificate of the Pamunkey tribe; issued by King William court.”<sup>291</sup> Two years later, on June 20, 1855, an “Edward Bradley” also published a classified advertisement seeking the return of “a small tin box, containing my FREE PAPERS [*sic*], together with an Indian register, from the trustees of the Pamunkey tribe of Indians.”<sup>292</sup>

The information in the articles is unclear as to whether the trustees or the King William court issued the certificates (both may have been involved). The record also does not indicate whether the Pamunkey asked for these certificates to be issued and the trustees acquiesced, or if the impetus for the certificates came from the trustees first. However they were issued, these certificates provided some legal protection for Pamunkey members when they left the confines of Indian Town.

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<sup>285</sup> Richmond *Daily Dispatch* 12/1/1853, 1.

<sup>286</sup> Virginia Statues 12/10/1793.

<sup>287</sup> Claiborne, Herbert A., 4/5/1838. See the discussion of Lavinia Sampson’s registration as a Pamunkey Indian under criterion 83.7(b).

<sup>288</sup> Virginia Statues 2/25/1833.

<sup>289</sup> The mayor of Richmond, when confronted with the certificate signed by three Pamunkey trustees, also stated that he was unaware of any law authorizing the trustees to offer such certificates (*Daily Dispatch* 12/1/1853, 1); he was apparently unaware of the 1833 law.

<sup>290</sup> The only “Eli” or “Elias” Bradbe/Bradby /Bradley in the petitioner’s database was not born until 1884; however, Pamunkey Lavinia Bradby Cook’s application to the Freedman’s Bank included a brother named Eli who would be approximately the right age to be the Eli who placed the newspaper advertisement (Cook Freedman’s Bank Application, 1).

<sup>291</sup> *Daily Dispatch* 4/2/1853, 1.

<sup>292</sup> *Daily Dispatch* 6/20/1855, 1.

Outside observers provided some brief descriptions of Pamunkey governance in the 1860s and 1870s. An account of a visit to Indian Town on the Pamunkey River in 1864, by a Union army officer who had escaped from a Confederate prison in Richmond, referred to the Town's "small tribe of Indians" who were living independently as "a little nation," and said "the chief" arranged shelter and transportation for the Union fugitives.<sup>293</sup> Although this author provided no description of a Pamunkey political process, his language suggested he considered this "little nation" to be a self-governing entity. A purported newspaper article in 1871 may provide a good description of Pamunkey governance, but the petitioner's transcription of this document does not specifically mention the Pamunkey and the Department has not been able to verify the existence of this article or its date.<sup>294</sup> For the purposes of this PF, this claimed document does not contribute to the evidence sufficient to meet this criterion because of its unknown provenance. A newspaper article in 1873 stated that "Thomas Cook, the chief of the Pamunkey tribe of Indians," who was visiting Richmond, "was chosen by his people chief. . . ."<sup>295</sup> An 1875 letter about the Pamunkey reservation also stated that their "chief and headmen . . . [are] elected by the tribe."<sup>296</sup> These documents from 1873 and 1875 provide some evidence of a Pamunkey political process at that time, specifically that the group members, probably adult males, elected their chief, and leadership depended on their support.

In 1877 the "Pamunkey Tribe of Indians" sent a letter to the governor and a petition to the legislature to request a school teacher for their reservation. These documents were "done by order" of "Chief" Thomas Cook and four councilmen. Cook's letter to the governor stated that one councilman had "just returned from a visit to you" and related "the information he received from you." Cook told the governor that the group would send another councilman who had been "duly appointed [*sic*] to appear [*sic*] before you. . . ."<sup>297</sup> In their petition, the Pamunkey asked the legislature to "grant us a free school teacher" to educate the group's children, but to do so without subjecting them to taxation or altering their tax-exempt status.<sup>298</sup> The governor asked the legislature to give "favorable consideration" to the Pamunkey petition and the Pamunkey request that any action not "impair the rights they claim as a separate and peculiar people." He recommended legislative action to establish a public school for the Pamunkey "upon condition that they become subject to the payment of all lawful school taxes, but without forfeiting their

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<sup>293</sup> Hooper 1870, 210-211.

<sup>294</sup> The petitioner quotes the *Daily Evening Bulletin* 8/26/1871, but has not submitted a copy of this document, identified the city in which this newspaper was published, or identified the archive or library in which a copy may be found. OFA staff was unable to locate this document. It would be in the interest of the petitioner to identify and provide a copy of this document for the FD.

<sup>295</sup> *Richmond Daily State Journal* 7/15/1873.

<sup>296</sup> Gregory 8/24/1875 (quoted by the petitioner). It would be in the interest of the petitioner to provide a copy of this document from the Virginia Historical Society for the FD.

<sup>297</sup> T. Cook 2/9/1877.

<sup>298</sup> T. Cook 2/13/1877. The group also proposed to "apply for our annual annuities as we did in former times," although no available evidence in the record documents any such prior payments.

exemption from other taxation, and without impairing or altering their other relations as tributary Indians.”<sup>299</sup> These documents reveal the Pamunkey using political influence to represent their interests to the Commonwealth of Virginia and the governor acknowledging them as a distinct “people” with rights separate from non-members.

Pamunkey leaders continued to represent the group to outside entities when W. T. Bradby visited the principal of the Hampton Institute in 1881 to determine whether that school might be able “to assist . . . to educate our children. . . .”<sup>300</sup> A retrospective account reported that it was not until 1883 that the state made provisions for “the separate education of the children of the [Pamunkey] tribe.” According to this account, the state in 1883 agreed to provide for the pay of a teacher with “the members of the tribe agreeing to furnish the house and bear all the other expenses of running the school.”<sup>301</sup> This report—of the “tribe agreeing” to act—implied a group decision-making process among the Pamunkey at that time. The petitioner claims that volumes of “minutes of the Pamunkey Tribal Council and Town Meetings” began to be kept in 1884, but the volumes for the period from 1884 to 1900 are missing.<sup>302</sup> A report on “Pamunkey Indian Town” by a local newspaper in 1884 said that the Pamunkey had a “chief” and “second chief,” both of whom were elected for a term of four years. It stated that “differences” within the group, except felonies, were “settled by their chief according to their own laws, or by the tribe in council assembled.” It also noted a practice in which each adult male “has a lot assigned him on the reservation.”<sup>303</sup> This newspaper described an existing Pamunkey political process in 1884.

The “Laws of the Pamunkey Indian Town” were approved by “chief and council men” on February 18, 1886. These laws, as written down on September 25, 1887, were reprinted by John Garland Pollard in a publication of the Smithsonian Institution in 1894.<sup>304</sup> This compilation included 18 numbered laws. The first law stated that “[n]o member of the Pamunkey Indian Tribe shall intermarry with [any] Nation except White or Indian,” and provided a penalty of “forfeiting their rights in Town.” Another law provided that any person who was “rude and corrupt” and refused “to be submissive to the Laws of Indian Town” could “be removed.” Other laws provided fines for slander, stealing, trespassing, swearing, fighting, failing to attend meetings when notified to do so, or hiring non-residents for more than three months. Laws required all “citizens” between the ages of 16 and 60 to work on the roads of the Town, and those citizens “owning” land to make a \$1 annual payment. They provided for annual shore rentals by the Town, for forfeiture to the Town of the land of persons who did not live upon their land, and for selling the property of any person “in debt to the town.” Laws specified the width

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<sup>299</sup> Kemper 3/10/1877. The governor’s letter contains a detailed review of the Pamunkeys’ “legal relations to the Commonwealth” of Virginia. His recommendation did not result in legislation.

<sup>300</sup> W.T. Bradby 10/13/1881.

<sup>301</sup> *Richmond Dispatch* 6/24/1900.

<sup>302</sup> PIT 2010, Narrative, 1:13 n.8.

<sup>303</sup> *Richmond Dispatch* 9/28/1884.

<sup>304</sup> Pollard 1894, 16-17.

of roads and the height of fences. The “Laws” did not specify governmental offices or election practices. Pollard said that unwritten laws related to “the tenure of land.”<sup>305</sup>

In the absence of the volume of “Minutes” from 1884 to 1900, the record does not contain evidence and examples of the Pamunkey chief and council implementing and enforcing these laws during the 19th century. Other sources from the late 1880s and early 1890s, however, mention Pamunkey governance. A local newspaper reported in 1886 that the “acting chief of the Pamunkey tribe of Indians” called on the governor and handed him a letter, “signed by several of the ‘head men’ of the Tribe,” asking him to see that they had teachers to instruct their children.<sup>306</sup> In 1888, the Pamunkey “chief” and “headmen” addressed a letter to President Cleveland which requested that they be allowed to send their children to the Hampton Normal School.<sup>307</sup> A Pamunkey delegation visited the governor in 1889 to complain “that persons with negro blood were living on their reservation.”<sup>308</sup> In 1890, ethnologist James Mooney published a brief note that said the Pamunkey were one of two bands in Virginia “governed by chiefs and councilors, with a board of white trustees chosen by the Indians.”<sup>309</sup> A local newspaper also stated in 1890 that the “tribe . . . still has its chief and head men, who are chosen by the votes of the adult males.”<sup>310</sup> These sources provide continuing reports of Pamunkey leaders representing the group outside the reservation and descriptions of a Pamunkey governmental structure.

During the 1890s, Pamunkey representatives paid several visits to the governor. In 1893 the chief and council of the “Pamunkey tribe of Indians” signed an authorization for member Terrill Bradby to visit the Indian Bureau in Washington and the Columbian Exposition in Chicago.<sup>311</sup> A local newspaper noted that Bradby first called on the governor and obtained from him “a certificate that his tribe held a reservation” in the state.<sup>312</sup> The petitioner speculates that the Pamunkey chief and council were “closely involved in the . . . administration” of a quarantine of the reservation during a smallpox epidemic in the winter of 1894-1895.<sup>313</sup> All the available evidence, however, indicates that the quarantine was imposed and managed by county and state officials with no role played by a Pamunkey government, so this quarantine does not provide

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<sup>305</sup> Pollard 1894, 17.

<sup>306</sup> *Richmond Dispatch* 8/29/1886. This article reprints a portion of the Pamunkey letter of 8/25/1886 to the governor.

<sup>307</sup> W.A. Bradby et al. ca. 3/15/1888. Commissioner of Indian Affairs Atkins replied to Governor Lee, who had forwarded the letter to the President, that the Secretary of the Interior had decided against this request.

<sup>308</sup> *Alexandria Gazette* 7/31/1889.

<sup>309</sup> Mooney 1890, 132.

<sup>310</sup> *Richmond Times* 11/2/1890.

<sup>311</sup> C.S. Bradby et al. 6/20/1893. The petitioner dates this statement as 1898, but the reference to the Columbian Exposition supports a date of 1893, as do other accounts of Bradby’s activities.

<sup>312</sup> *Alexandria Gazette* 7/7/1893.

<sup>313</sup> PIT Part C, 58.

evidence of Pamunkey political influence.<sup>314</sup> Pamunkey representatives visited the governor later in 1895 to discuss obtaining additional marriage partners, and the possibility of “importing brides” from the North Carolina Cherokee, with the goal of “propagating their race.”<sup>315</sup> In 1899, a Pamunkey committee visited the governor to request a subsidy from the state to allow them to perform their Pocahontas play at the Paris Exposition.<sup>316</sup> These examples from 1893, 1895, and 1899 show continuing Pamunkey representation of their interests to the governor.

Also during the 1890s, writers and newspapers published a number of descriptions of Pamunkey governance. An article on “The Pamunkey Indians” published in the *Richmond Times* in 1893 appears to be a synopsis of the report by John Garland Pollard on *The Pamunkey Indians of Virginia* that the Smithsonian published in 1894. The newspaper named the “present officials of the tribe” in 1893 as a “chief,” four “councilmen,” and a “town clerk.”<sup>317</sup> In 1894, Pollard wrote that “[i]n government the tribe is a true democracy. . . .” He said its government consisted of a chief and a council of four men, who “are elected every four years by vote of the male citizens.” He said the chief and council had jurisdiction over cases which concerned residents of the reservation, except for homicide, and acted as judge and jury for those cases. It was in this report that Pollard published the “Laws of the Pamunkey Indian Town” and described the unwritten laws by which the chief and council allotted a parcel of reservation land to the head of each family. He said the occupant was allowed to hold that land “for life,” but that “at his death it goes back to the tribe to be reallocated. . . .”<sup>318</sup> Pollard provided a concise description of the Pamunkey as constituting a distinct governmental entity with a functioning government.

The U.S. Census Office published a volume on Indians in 1894 in which it reported, relying upon information furnished by a local resident, that the Pamunkey had “tribal government.”<sup>319</sup> Other reports during the 1890s largely repeated what Mooney and Pollard had said. In 1894, a Washington, D.C., newspaper referred to the recent Smithsonian bulletin and repeated Pollard’s language about Pamunkey governance.<sup>320</sup> An article in a Richmond newspaper in 1895 relied upon Pollard’s 1893 article and 1894 bulletin, and referred to a Pamunkey “tribal government” which administered “a code of laws framed by the Indians themselves.”<sup>321</sup> A Brooklyn newspaper repeated this phrase, which added information about Pamunkey laws from a visiting

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<sup>314</sup> *Richmond Dispatch* 12/28/1894 and 1/3/1895; *News and Observer* 1/3/1895; *Norfolk Virginian* 1/3/1895; *Richmond Times* 1/4/1895 and 1/9/1895; and *Brooklyn Daily Eagle* 5/5/1895.

<sup>315</sup> *Alexandria Gazette* 3/15/1895.

<sup>316</sup> *Norfolk Virginian-Pilot* 7/6/1899; *Washington Times* 7/6/1899.

<sup>317</sup> *Richmond Times* 10/8/1893.

<sup>318</sup> Pollard 1894, 15-17; see also *Richmond Times* 10/8/1893.

<sup>319</sup> U.S. Census Office 1894, 602.

<sup>320</sup> *Washington Evening Star* 4/25/1894.

<sup>321</sup> *Richmond Times* 3/26/1895. The *Richmond Times* of 12/3/1899 repeated the substance of its 10/8/1893 article.

Pamunkey member and Pollard's bulletin.<sup>322</sup> An 1895 book on Virginia Indians repeated the text of Mooney's brief note published in 1890.<sup>323</sup> The *New York Times* published an article in 1898 derived from Mooney's article and the 1894 census publication.<sup>324</sup> In 1899, a newspaper in Alexandria, Virginia, reported that the Pamunkey "elect their chief and a council of four," and that these "native officials take care of the tribe, [and] punish all offenses except felonies."<sup>325</sup> These accounts, although largely derivative, demonstrate a prevailing opinion among outsiders at the end of the 19th century that the Pamunkey exercised self-government, supporting the evidence of political processes within the Pamunkey.

Certain examples of Pamunkey political influence, which the petitioner contends existed continuously since 1789, are documented in the record only for the last decades of the 19th century. Colonial Virginia treated the Pamunkey as among its "tributary" Indians, and an article of the Treaty of 1677 required an annual presentation of tribute, as a sign of a tribe's "obedience," to the governor at his place of "residence."<sup>326</sup> The first reference to the Pamunkey presentation of such tribute, in the existing record, is a claim by the Pamunkey chief in 1877 that such a "tribute" had been presented to the governor.<sup>327</sup> In 1886, a Richmond newspaper reported that the "acting chief of the Pamunkey tribe of Indians" had, in "accordance with the usual custom of the tribe," presented the governor with "an offering of sora and duck."<sup>328</sup> In 1899, the "annual tribute" was described as consisting of "a deer and a wild turkey."<sup>329</sup> Various reports in these years referred to the existence of an "annual tribute," with one writer referring to tribute as an "old custom" and a newspaper calling it a "time-honored custom."<sup>330</sup> Newspaper accounts which described actual Pamunkey presentation ceremonies have been found in 5 of the 14 years between 1886 and 1899.<sup>331</sup> These tribute ceremonies provide additional evidence of Pamunkey leaders representing the group's interests to the State government after 1886.

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<sup>322</sup> Brooklyn *Daily Eagle* 5/5/1895. This New York newspaper was reporting on Pamunkey fishermen who came seasonally to fish on the Hudson River.

<sup>323</sup> Hendren 1895, 53.

<sup>324</sup> *New York Times* 2/6/1898. This article was reprinted from the *Southern Workman and Hampton School Record*.

<sup>325</sup> *Alexandria Gazette* 6/14/1899.

<sup>326</sup> Virginia 1677, art. 16.

<sup>327</sup> T. Cook 2/9/1877.

<sup>328</sup> *Richmond Dispatch* 8/29/1886.

<sup>329</sup> *Alexandria Gazette* 11/25/1899.

<sup>330</sup> Daniel 1888, 521, for "old custom," and *Baltimore Sun* 12/18/1896, for "time-honored custom." For references to the existence of an annual Pamunkey tribute see: *Alexandria Gazette* 7/5/1887, quoting Governor Lee; *Richmond Times* 11/2/1890 and 10/8/1893; Pollard 1894, 16; U.S. Census Office 1894, 602; *Washington Evening Star* 4/25/1894; and *Richmond Times* 3/26/1895.

<sup>331</sup> *Richmond Dispatch* 8/29/1886; *Alexandria Gazette* 9/28/1887; *Roanoke Times* 3/24/1892; *Baltimore Sun* 12/18/1896; *Norfolk Virginian-Pilot* 11/23/1899; and *Alexandria Gazette* 11/25/1899.

## Elected Leaders

Pamunkey leaders can be identified from time to time during the 19th century, but the evidence in the record does not support the contention of the petitioner that an “unbroken line” of leaders can be named since 1789.<sup>332</sup> It is also not possible to identify when the Pamunkey adopted the practice of electing leaders, or electing them for a fixed four-year term. An 1875 letter referred to elected leaders among the Pamunkey, and after 1884 local newspapers referred to a Pamunkey practice of electing their leaders, but without actually describing specific elections.<sup>333</sup> The first evidence, in the existing record, of actual results of Pamunkey elections is provided by a “Roll of Voters, Officers, 1900,” which reports the names of officers elected in 1896, 1897, 1898, and 1899. In 1900, the Pamunkey had eleven elected officials: a chief, second chief, four councilmen, clerk, treasurer, roadmaster, constable, and janitor.<sup>334</sup> The 1900 “Roll of Voters” noted the election of T. T. Dennis as chief in October 1898, but the 1901 “Roll” reveals that Chief Dennis did not complete his four-year term.<sup>335</sup> The 1902 “Roll” also reveals that one of the two councilmen elected in 1899 did not finish his four-year term.<sup>336</sup> Despite some indications of a lack of consistency or stability of elected positions, the evidence of the 1900 “Roll of Voters” documents a Pamunkey political process at the end of the 19th century.

## Trustees

The Pamunkey reservation has had a variable number of non-Indian “trustees” since 1789, but the available evidence does not show that they played a role in internal Pamunkey governance. The Pamunkey in 1786 characterized their trustees as “friends to apply to in cases of need.”<sup>337</sup> The governor, in an 1811 interpretation of the Act of 1786 which appointed trustees, described their role as the “protection and preservation” of reservation lands.<sup>338</sup> Although an Act of 1799 appeared to grant trustees the power to propose bylaws or rules, no evidence shows the trustees have enacted laws for the Pamunkey.<sup>339</sup> A newspaper in 1818 stated the trustees “are not vested

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<sup>332</sup> PIT 2012, Part C, 4-5. Pamunkey petitions or other Pamunkey records do not provide a substantially continuous list of headmen or chiefs. The ethnologists Albert Gatschet, James Mooney, and Frank Speck collected incomplete lists of leaders based on the memory of a single informant (Gatschet post 1893; Mooney post 1899; Speck 1928, 303). These recollections of who was “chief” at a specific date sometimes conflict with each other or with contemporary documents.

<sup>333</sup> Gregory 8/24/1875 (quoted by petitioner); *Richmond Dispatch* 9/28/1884.

<sup>334</sup> Pamunkey 1900. Almost one-third (11 of 35) of adult male voters held an elected position.

<sup>335</sup> Pamunkey 1901. The 1901 roll was entitled, “Roll of Male Members of the Pamunkey Tribe of Indians.”

<sup>336</sup> Pamunkey 1902. The 1902 “Roll of Voters” also revealed that the council had been expanded from four to seven members and that all officials were elected on the same day, in contrast to what had apparently been the prior practice of staggered terms.

<sup>337</sup> Pamunkey 1786.

<sup>338</sup> Governor [Monroe] ca. 11/11/1802; Virginia 10/-/1786.

<sup>339</sup> Virginia 1/19/1799. The record contains no evidence that the trustees ever submitted reports to the State government or implemented state policy for the reservation.



with the power of proposing or making laws for the Indians.”<sup>340</sup> The Act of 1799 provided that trustees would be elected by the Pamunkey, not appointed by the State to supervise them. The endorsement by the trustees of the Pamunkey petition in 1842 referred to themselves as “chosen by the said Tribe.”<sup>341</sup> Some late-19th century sources referred to the trustees as appointed by the county court or the State, but did not describe actual supervision of the Pamunkey by trustees.<sup>342</sup> Indeed, in 1899 one newspaper referred to the offices of the trustees as “sinecures, as the Indians are perfectly capable of looking after themselves.”<sup>343</sup> This evidence about trustees does not show that their role diminished the exercise of Pamunkey self-government between 1789 and 1899.

### Summary, 1789-1899

The evidence for 1789 to 1899 shows the Pamunkey Indians had a functioning decision-making process. The Pamunkey used this political process to represent their interests to outsiders, who acknowledged and worked with the Pamunkey political leadership. The evidence in criterion (c) for 1789 to 1899 is viewed in the context that contemporaneous observers identified the Pamunkey Indian tribe as a continuously existing tribal entity residing in an exclusive settlement.

The evidence shows the Pamunkey tribe had a political process and represented itself frequently before the State legislature, often in the form of group petitions (83.7(b)(1)(ii) & (iii)). It also demonstrates that any actions taken by the trustees appointed by the state to supervise the tribe were subject to the group’s approval (83.7(b)(1)(ii) & (iii)). The evidence also shows the Pamunkey had a code of laws that dealt with issues of importance to the group such as legal residency on the reservation. Some of the petitions from the Pamunkey sought to prevent outsiders from buying Pamunkey land, which is evidence of the group mobilizing to protect its resources (83.7(b)(1)(i)). The evidence also demonstrates the Commonwealth of Virginia, including the Governor and the legislature, frequently worked with and acknowledged the Pamunkey leadership throughout this period. Evidence also shows the group elected its chief, council members, and other officials during this time (83.7(b)(1)(ii) & (iii)). The Pamunkey also met criterion 83.7(b) at this time at more than a minimal level, which is supporting evidence as well for criterion 83.7(c) for the same period (83.7(c)(iv)). The petitioner meets criterion 83.7(c) from 1789 to 1899.

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<sup>340</sup> Fredericksburg *Virginia Herald* 9/5/1818.

<sup>341</sup> Trustees 11/26/1842.

<sup>342</sup> James Mooney in 1890 stated that the trustees were “chosen by the Indians” (Mooney 1890, 132), but John Garland Pollard and several local newspapers referred to the trustees as appointed by the county court (*Richmond Times* 11/2/1890 and *Richmond Dispatch* 1/25/1891) or the State (Pollard 1894, 15; *Richmond Times* 10/8/1893 and 12/3/1899; and *Alexandria Gazette* 6/14/1899). Virginia legislation appears to support Mooney’s position.

<sup>343</sup> *Alexandria Gazette* 6/14/1899.

## Evaluation for the Period 1900-Present

### *1900-Present: Evaluation under Section 83.7(c)(2)*

The petitioner presented its case for meeting the requirements of section 83.7(c)(2) for the period from 1900 to the present with an explicit analysis and explanation of how specific evidence meets a specific requirement. The regulations provide four examples of forms of evidence sufficient by themselves to meet the requirements of this criterion (83.7(c)(2)(i-iv)). The petitioner submitted a number of documents, chief among them a copy of the meeting minutes from 1901 until the present,<sup>344</sup> which provide support for the petitioner's assertions that the group satisfied the requirements of the criterion for certain periods. The evidence is particularly strong regarding the allocation of land and determining residence rights on the Indian Town reservation (see DOI 2006, Mashpee PF; DOI 2009, Shinnecock PF). While the regulations require only one form of this evidence to satisfy the criterion, the minutes include many examples of all four types of evidence (see below). These documents, in many ways, affirm what was alleged during the 19th century, but the allegations are not supported by contemporary documentation. The evidence is sufficient to meet the requirements of section 83.7(c)(2) for the period 1900 to the present. They also serve to satisfy criterion 83.7(b)(2) for this same time period.

### Meeting Minutes

The minutes for the 20th century describe how the reservation community governed itself, from road maintenance to the management of livestock to issues of domestic violence. The group held regular elections and special elections to fill vacant positions, limiting voting privileges to those males 18 and over who lived on the reservation.<sup>345</sup> Over the years, the group's chief and council addressed a number of issues, from controlling barking dogs to representing the group in legal proceedings. The leadership also collected taxes from residents and allocated funds for various services, from maintenance of the schoolhouse<sup>346</sup> and reservation roads<sup>347</sup> to care of the old and

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<sup>344</sup> The record contains minutes from approximately 94 years of Pamunkey meetings. The group may have kept earlier books of minutes, but they may have been lost or destroyed. The record begins on September 18, 1901, continues until August 18, 1918, and then resumes February 2, 1925 (an evidentiary gap of seven years). There is a March 6, 1925, meeting recorded, and then the record stops again and does not resume until January 15, 1940 (an evidentiary gap of 15 years). With the exception of those two 1925 meetings, the record is basically silent for 22 years, although other documents in the record indicate that the processes described both before and afterwards still occurred during the missing 22 years. There are no more gaps after 1940, and the meetings are recorded on a regular basis until June 7, 2012.

<sup>345</sup> The group's 1954 governing document, which is the earliest governing document in the record for the 20th century, specifies 18 as the voting age (Laws of the Pamunkey Indians 1954, 1). The restriction of voting rights to only those males living on the reservation resulted in a few men making the decisions for the entire group. Not all elections gave a total number of voters, but those that did demonstrated the small size of the voting pool. For example, the October 29, 1981, election involved 14 voters, the November 3, 1988, election involved 16 voters, the November 5, 1992, election involved 15 voters, and the November 6, 2008, election involved 25 voters.

<sup>346</sup> PIT 2010, Pamunkey Meeting Minutes, 10/29/1901.

<sup>347</sup> PIT 2010, Pamunkey Meeting Minutes, 10/29/1901.

infirm.<sup>348</sup> The chief and council also acted as a *de facto* court system for residents in a number of domestic cases, including domestic violence disputes,<sup>349</sup> the distribution of property after a divorce,<sup>350</sup> and establishing guardianship for orphans.<sup>351</sup> The evidence below is not an exhaustive list of the council's actions over the years; rather, it includes several examples of the types of issues members raised and the council addressed.

### *Political Authority, 1900-1939*

#### Resource Allocation

One of the first dated references in the meeting minutes regarding land distribution is on March 17, 1902. On that date, the council addressed land and individual allocations, including notifying Mindora (Cook) Iomah that the council would open her land for the benefit of cattle if she or some other citizen did not cultivate it.<sup>352</sup> J.R. Miles was granted the land known as "Jerries"<sup>353</sup> if he built on it and took up residence within 12 months. S.M Langston moved that E.R. Allmond should have 18 months to return to the reservation, and if he did not, his land should be made available for distribution. In another example from 1913, the council also condemned the "dangerous and dilapidated" property of Riley Bradby and auctioned it off to Walter Miles for \$3.<sup>354</sup> Multiple references to the distribution of land and the collection of fees for the land and/or the improvements exist in the record. The meeting minutes contain multiple references to the allocation of residential and farming land during this period, usually at least once per year.

The council also controlled residency rights and did so while paying particular attention to issues of race. In 1903, the group appears to have written a statement specifically for the signature of their trustees, which stated, "We hereby certify that we have been trustees for the tribe for many years and that we do not know of any negroes who are inhabitants to the tribe or town. . . . Further, we have always a distinct understanding that as soon as a negro is allowed in the Tribe

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<sup>348</sup> PIT 2010, Pamunkey Meeting Minutes, 8/2/1907.

<sup>349</sup> PIT 2010, Pamunkey Meeting Minutes, 4/13/1905.

<sup>350</sup> PIT 2010, Pamunkey Meeting Minutes, 11/24-25/1903.

<sup>351</sup> PIT 2010, Pamunkey Meeting Minutes, 3/21/1904 (Guardianship of Delaware and Eli Bradby); 3/15/1904 (Guardianship of Silas Swett).

<sup>352</sup> PIT 2010, Pamunkey Meeting Minutes, 3/17/1902.

<sup>353</sup> The minutes often refer to pieces of property with the name of the last owner, or even a long-dead owner. This practice indicates the members knew these colloquial names used for these pieces of property, and their location. There is no evidence that a more formal "plat book" or other device was used to record property transfers. It is also unclear at times if a single piece of property is being transferred under several different names over time (ex. if "Jerries" is later referred to by another name).

<sup>354</sup> PIT 2010, Pamunkey Meeting Minutes, 5/1/1913.

we are no longer Trustees.”<sup>355</sup> Men who married a non-White, non-Pamunkey spouse had to provide evidence as to the wife’s ethnicity or else the couple could be removed from the reservation.<sup>356</sup> Pamunkey women could not live on the reservation unless they married a Pamunkey or other Indian (no White husbands were allowed), and if the Indian was not Pamunkey, then he was vetted in the same manner.<sup>357</sup> There are cases in the minutes in which accusations are made challenging the ethnicity of a person’s spouse,<sup>358</sup> or even their spouse’s deceased former spouse,<sup>359</sup> regarding whether or not that spouse may have been “colored” or “negro.” The leadership also fought external legal attempts to challenge the Pamunkey’s Indian identity. In 1900, they successfully fought and won the right to ride in “White” segregated train cars on the Southern Railroad, arguing that, while they were not White, they should not be classified as “colored.”<sup>360</sup>

Indian Town also made provisions for infirm members. Elizabeth Bradby, who had been blind for a number of years, applied for support in 1907 after she had exhausted her own resources. Indian Town community members boarded and cared for her until her death in 1912, and they received payment from the town for looking after her.<sup>361</sup>

### Dispute Resolution

The council resolved numerous disputes, including fistfights.<sup>362</sup> In 1902, the group heard a “seduction” case brought by a father on behalf of his daughter,<sup>363</sup> and in 1904, the group mediated a “breach of promise” suit brought against a young man by a father and his distraught daughter.<sup>364</sup> In 1904, the council mediated a dispute between two brothers, in which Union A. Collins claimed his brother Simmeon owed him one-quarter of the proceeds he received from crops grown on land belonging to another Pamunkey, J. L. Miles. The council agreed, and required Simmeon to pay his brother.<sup>365</sup> The 1913 minutes also record a case in which the

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<sup>355</sup> PIT 2010, Pamunkey Meeting Minutes, 11/12/1903. The statement appears in the minutes, but was unsigned.

<sup>356</sup> PIT 2010, Pamunkey Meeting Minutes 8/3/1906; 2/3/1911.

<sup>357</sup> PIT 2010, Pamunkey Meeting Minutes 2/9/1910.

<sup>358</sup> PIT 2010, Pamunkey Meeting Minutes, 5/28/1906.

<sup>359</sup> PIT 2010, Pamunkey Meeting Minutes 5/30/1906.

<sup>360</sup> *Richmond Times* 8/21/1900.

<sup>361</sup> PIT 2010, Pamunkey Meeting Minutes 8/2/1907; 8/29/1907; 10/10/1907; 11/11/1907; 12/18/1907; 4/17/1908; 9/29/1910; 10/21/1910; 11/25/1910; 1/25/1912.

<sup>362</sup> PIT 2010, Pamunkey Meeting Minutes 10/8/1902.

<sup>363</sup> PIT 2010, Pamunkey Meeting Minutes, 1/20/1902.

<sup>364</sup> PIT 2010, Pamunkey Meeting Minutes, 11/15/1904.

<sup>365</sup> PIT 2010, Pamunkey Meeting Minutes, 11/15/1904.

council fined not only a member for stealing goods from a local non-Indian merchant, but also two other members for lying to the merchant regarding the theft.<sup>366</sup>

The council also investigated and resolved boundary disputes between members. For example, the February 18, 1903, minutes refer to establishing a property line between the land of Elizabeth E. Bradby and Elizabeth S. Bradby; according to the decision, neither party should go “northward of the railroad; the land to the northward shall be confiscated.”<sup>367</sup>

The meeting minutes contain many other examples of the council resolving differences between members. In 1913, the council fined member Simmeon Collins \$5 for threatening the life of Frank Sweat as well as for scaring ducks from his duck blind.<sup>368</sup> In 1916, members Ezekiel Langston and Walter Miles brought the same Frank Sweat before the council and charged him with maliciously shooting two horses; the council fined Sweat \$15 for shooting Langston’s horse, and \$10 for shooting Miles’s horse.<sup>369</sup>

### Sanctions to Direct or Control Behavior

The minutes contain numerous examples of the use of fines to discourage or punish those who acted in an unacceptable manner (ex. swearing and fighting).<sup>370</sup> For certain behaviors, such as theft, the council made the guilty party compensate to the victim as well as paying a council fine.<sup>371</sup> In the case of more serious offenses, the council also notified the guilty party that if they did not pay the fines, the aggrieved party had the right to take the case to state authorities. The council also curbed behavior they considered morally improper or unseemly. In 1903, the council threatened Lizzie (Seymour) Bradby, the non-Indian widow of William Bradby, with disinheritance from the reservation for cohabitating with Pamunkey Sterling J. Sweate without the benefit of marriage.<sup>372</sup> Sterling Sweate and Lizzie Bradby married three months later.

The council also sanctioned members living off the reservation if their behavior seemed unacceptable. In 1908, the council moved to write a letter to Eugene Bradby, a young man living in Norfolk, because “. . . we have been informed that he has associated with a colored man and united with a colored lodge as a colored man.” The council formed a committee of two members to write the letter, and instructed them to notify Bradby that he “. . . must not board in colored

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<sup>366</sup> PIT 2010, Pamunkey Meeting Minutes, 12/3/1913.

<sup>367</sup> PIT 2010, Pamunkey Meeting Minutes, 2/18/1903.

<sup>368</sup> PIT 2010, Pamunkey Meeting Minutes 2/26/1913.

<sup>369</sup> PIT 2010, Pamunkey Meeting Minutes, 11/11/1916.

<sup>370</sup> See, for example, PIT 2010, Pamunkey Meeting Minutes, 9/2/1903.

<sup>371</sup> See, for example, PIT 2010, Pamunkey Meeting Minutes, 4/11/1903.

<sup>372</sup> PIT 2010, Pamunkey Meeting Minutes, 9/8/1903. The non-Indian spouses of Pamunkey men were allowed to remain on the reservation as long as they did not remarry a non-Indian. Sterling J. Sweate’s surname is variously spelled Sweat, Sweate, and Sweatt in Pamunkey, county, and state documents.

boarding houses.”<sup>373</sup> The minutes did not specify any penalty for this behavior, and it is not clear if the letter was ever written. The minutes mentioned Bradby once again in 1925, but the reference did not mention the 1908 issue.<sup>374</sup>

The council also had the option of removing members from the reservation. In 1915, the chief and council voted to ban W. O. Collins from the reservation after a series of thefts and other offenses (from both other Pamunkeys and non-Indian neighbors).<sup>375</sup> Their decision gave Collins 15 days to vacate his home, and banished him from the reservation for 18 years; however, it appears as if he only left the reservation for a short time, because he petitioned to be allowed to return to the reservation after a few months. The leadership granted his request, although they required that he post a bond of \$200 as a guarantee of good behavior, and that his wife sign the bond for a period of five years.<sup>376</sup>

### Economic Subsistence Activities

The council leased marshes to members for hunting and trapping.<sup>377</sup> On October 20, 1902, the council rented four pieces of land to members for fees ranging from 25 cents to \$3.30. The areas had names and descriptions such as, “From Otter Waller to Hogpen Creek” and “From Hogpen Creek to Sweats Landing,” indicating that the members were familiar with the boundaries of each territory.<sup>378</sup> The council leased these same areas and others on a regular basis.<sup>379</sup>

Anthropologist Frank Speck did fieldwork among the Pamunkeys in the late 1920s (his report was published in 1928) and referred to the chief and council renting out hunting marshes to members.<sup>380</sup> Speck named some of the rented marshes specified in the meeting minutes, and named the Pamunkey men who worked on each one. He also described what type of game they found in each marsh. Speck identified Ezekiel Langston as the lessee of “Hanger’s Gut” and Jim Bradby as the lessee from “Joe Gut” to “Williams Creek.” These men had leased these same

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<sup>373</sup> Federal census records indicate that Eugene Brady (b.2/28/1879- d.bef. 1931) was living as a boarder with a Black family as early as 1900 (US Federal Census 1900, Norfolk). If the letter was ever written and received by him, he apparently disregarded it because he was boarding with another Black family in 1910 (US Federal Census 1910, Norfolk).

<sup>374</sup> PIT 2010, Pamunkey Meeting Minutes 2/2/1925.

<sup>375</sup> PIT 2010, Pamunkey Meeting Minutes, 12/2/1915 (theft); 9/28/1914 (unprovoked shooting of the town bull), 2/24/1915 (theft and ultimate decision banning Collins from the reservation).

<sup>376</sup> PIT 2010, Pamunkey Meeting Minutes 9/1/1915.

<sup>377</sup> The meeting minutes of the 1990’s specifically use the term “auction” to describe the mechanism by which the land is leased for that specific period (e.g., PIT 2010, Pamunkey Meeting Minutes 8/14/1990).

<sup>378</sup> PIT 2010, Pamunkey Meeting Minutes, 10/20/1902.

<sup>379</sup> PIT 2010, Pamunkey Meeting Minutes 11/13/1905; 10/18/1911; 10/23/1914. The minutes also contain additional examples.

<sup>380</sup> Speck 1928, 315-317.

areas in 1917. Speck also identified Tecumseh Cook as the lessee of “Wash han,” the area his father George Cook had leased in 1917. Cook also leased the area from “Hanger’s Gut” to “Swett’s Landing,” which Ezekiel Langston rented in 1917.<sup>381</sup>

In 1917, 15 men signed a statement supporting the efforts of the group’s nascent fish hatchery stating that they would limit their fishing to “three nets to a boat.”<sup>382</sup> The group continues to maintain a shad fish hatchery today.

### Political Activities, 1925-1930

While minutes from 1925-1940 are missing, other documents in the record contain other evidence of the continued existence of the council. The chief and council ordered and completed a census of the adult male members of the group in 1925, both those on and off the reservation.<sup>383</sup> The leadership testified against the expansion of Virginia’s 1924 Racial Integrity Law, which sought to classify any person of “non-Caucasic” blood as “colored” (the exception being those with one-sixteenth or less Indian blood, to protect those influential families who claimed descent from Pocahontas). Chief George Major Cook famously testified, “I will tie a stone around my neck and jump into the James River rather than be classed as a Negro.”<sup>384</sup> The leadership continued to fight any other attempts by the state to classify them as anything other than Indians, culminating in a particular “carve out” in a 1930 bill: the Pamunkey and Mattaponi still living on their reservations would be considered “Indians,” as long as they had at least one-quarter Indian blood and no more than one-sixteenth negro blood.<sup>385</sup> While the evidence in the record primarily records the participation of the elected leadership, other evidence in the record indicates that this was an issue of importance to the membership.

During the mid-1930s, several newspaper articles described the efforts of Pamunkey chief Paul Miles and other members of the council to construct an “Indian village” as a tourist attraction.<sup>386</sup> The reservation leadership, along with the non-Indian reservation trustees<sup>387</sup> met with state and local officials to discuss plans for the village.<sup>388</sup> Paul Miles lost the 1937 reservation election, and Walter Bradby, his successor, did not pursue the plans.<sup>389</sup>

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<sup>381</sup> PIT 2010, Pamunkey Meeting Minutes, 9/8/1917.

<sup>382</sup> PIT 2010, Pamunkey Meeting Minutes 5/22/1917.

<sup>383</sup> PIT 1925, Pamunkey Census, 277-278.

<sup>384</sup> *Richmond Times-Dispatch*, 2/4/1928.

<sup>385</sup> *New York Times*, 2/16/1930.

<sup>386</sup> *Richmond Times-Dispatch*, 3/9/1936.

<sup>387</sup> The reservation trustees remained important Pamunkey allies throughout the 20th century, even though the Pamunkeys assumed more and more responsibility for their own affairs as time progressed.

<sup>388</sup> *Richmond Times-Dispatch*, 11/13/1936; *Alexandria Gazette* 12/23/1936.

### Summary, 1900-1939

The available meeting minutes from 1900 through 1939 and supplementary newspaper articles from the mid-1930s demonstrate that the Pamunkey leadership exhibited political influence or authority over its members during this period, and that the leadership was responsive to the needs and concerns of the community. The minutes provide multiple examples of the group's allocation of communally held lands, as well as examples of the limiting of residency rights according to the group's laws. The council also acted as a court system for those members living on the reservation, resolved disputes among residents, and influenced economic subsistence activities among members. This evidence satisfies criterion 83.7(c)(2) for this time period. As per the regulations, it also satisfies criterion 83.7(b).

### *Political Authority, 1940-1980*

The meeting minutes from 1940 pick up where those of 1925 left off.<sup>390</sup> The processes for allocating land continued unchanged although the actual distribution of house lots and farmland happened slightly less frequently than it had in previous years.<sup>391</sup> The council occasionally had to remind residents that they needed to obtain formal permission from the council to live on a particular piece of land, even if they or their family had lived there for years.<sup>392</sup> The same marshes were rented out to members on a regular basis throughout each decade.<sup>393</sup> The council also continued to restrict residency rights and regulate behavior; for example, the council granted resident Paul Miles the right to hire a housekeeper “. . . as long as he has proper conduct in his home.”<sup>394</sup> The council continued to act as a court, fining members for things such as fighting and stealing.<sup>395</sup> In the years before and after the war, many Pamunkey left the reservation to take advantage of job opportunities, particularly in Philadelphia and Richmond. The council

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<sup>389</sup> In the 1970's, the group again pursued the construction and establishment of an “Indian Village,” with aid from experimental archeologist Erret Callahan. Several members of the community worked together to construct a village using only traditional tools and methods (PIT 2010, Pamunkey Meeting Minutes.1/8/1976; 2/5/1976; 6/6/1977; 9/6/1977; 5/28/1978). The group constructed several buildings, but it does not appear that the group was able to sustain the village as a tourist or educational attraction. Minutes from 1980s indicate that there were attempts to clean up and restore the village, but the group eventually returned the land to the original allottee (PIT 2010, Pamunkey Meeting Minutes 5/13/1983; 6/2/1983; 12/17/1984;1/3/1985).

<sup>390</sup> Even though there is a gap in the available minutes, the fact that the same processes of resource allocation happening before the gap were recorded after the gap indicates that the absence of information is due to the loss or destruction of records, not due to an absence of activity.

<sup>391</sup> See, for example, PIT 2010, Pamunkey Meeting Minutes 5/11/1945; 5/12/1948; N.D. 1952; 2/1/1956; 3/24/1960; 1/19/1965; 9/14/1967; 2/7/1972; 4/1/1976; 4/12/1979. There are also other examples in the record.

<sup>392</sup> PIT 2010, Pamunkey Meeting Minutes 8/15/1972.

<sup>393</sup> See, for example, PIT 2010, Pamunkey Meeting Minutes 10/10/1940; 8/15/1946; 11/15/1950; 11/16/1955; 1/8/1960; 10/N.D./1965; 1/30/1970; 1/14/1975; 9/2/1980. There are also many more examples in the record.

<sup>394</sup> PIT 2010, Pamunkey Meeting Minutes 1/16/1951.

<sup>395</sup> PIT 2010, Pamunkey Meeting Minutes 8/1/1940; 7/28/1948.



occasionally contacted those members living off the reservation in Philadelphia and Richmond and asked them to contribute financially to the coffers.<sup>396</sup> The minutes are unclear as to whether the off-reservation residents ultimately contributed to the group, but at this time, there were more Pamunkey members living off-reservation than on it. In 1954, when the group conducted another census of adult male members, only 19 men lived on the reservation, while 51 lived elsewhere.<sup>397</sup>

Leasing marshes and maintaining the reservation roads continued unabated throughout the 1960s. During the 1970s and 1980s, the council also became involved with Federal and state programs that provided the group with funds to pursue a number of different courses. The group utilized funds from CETA (the Comprehensive Employment and Training Act) to support the activities of the reservation pottery school, which had been established in the 1930s.<sup>398</sup> The council also applied for, and obtained, grants from a number of sources, including U.S. Housing and Urban Development (HUD), to make improvements to the reservation and to construct a museum and community center.<sup>399</sup> In between learning how to navigate these various new programs, the leadership continued in its former role allocating marshes, controlling residency rights, and maintaining the reservation roads.<sup>400</sup>

#### Summary, 1940-1980

The available meeting minutes from the years 1940 through 1980 demonstrate that the petitioner exercised political influence or authority over its members. The minutes provide multiple examples of the group's allocation of communally held lands on a regular basis, as well as examples of the limiting of residency rights and punishing improper behavior according to the group's laws. The chief and council also worked through a number of grants and funding programs to access funds to improve the reservation. This evidence satisfies criterion 83.7(c)(2) for this period. As per the regulations, it also satisfies criterion 83.7(b).

#### *Political Authority 1980-Present*

The meeting minutes from 1980 until the present detail the allocation of reservation land by the council, particularly the leasing of game marshes to reservation residents.<sup>401</sup> The council addressed subjects such as dealing with a member who deserted his property and left it in an unsanitary state.<sup>402</sup> The leadership "bent" its residency rules in order to allow the church's non-

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<sup>396</sup> PIT 2010, Pamunkey Meeting Minutes 2/19/1941; 7/27/1942.

<sup>397</sup> PIT 2010, Narrative, 14:38-45.

<sup>398</sup> PIT 2010, Pamunkey Meeting Minutes 2/17/1975.

<sup>399</sup> PIT 2010, Pamunkey Meeting Minutes 6/16/1975; 7/15/1975.

<sup>400</sup> PIT 2010, Pamunkey Meeting Minutes 9/14/1978.

<sup>401</sup> PIT 2010, Pamunkey Meeting Minutes 9/2/1980; 9/5/1985; 6/5/1990; 8/3/1995; 8/3/2000; 8/3/2005; 5/5/2011. The minutes include many other examples.

<sup>402</sup> PIT 2010, Pamunkey Meeting Minutes 2/25/1985; 6/20/1985.

Indian pastor to live in a trailer on the reservation on weekends.<sup>403</sup> The council assisted in maintaining the pottery school, and the fish hatchery as well as overseeing the reservation roads.<sup>404</sup> Additionally, the Pamunkey reached a financial settlement with the railroad over an incursion that occurred in the 19th century, and the entire community contributed their ideas on how to invest the money. The leadership also distributed a portion of that money among the reservation households.<sup>405</sup>

One contentious issue the leadership dealt with over many years was whether Pamunkey women could vote and live on the reservation with their white husbands. This prohibition had been the group's practice for many years and was not challenged until the late 1980s.<sup>406</sup> The first mention in the minutes of a possible change to the practice came in 1969,<sup>407</sup> but was not mentioned again until 1976.<sup>408</sup> By the late 1980s, however, several women had organized a committee to ask for the extension of residency rights to them and their husbands.<sup>409</sup> Two women even went to the newspapers with their grievance about not being allowed to live on the reservation with their husbands, something almost never done when discussing an internal matter.<sup>410</sup> This controversy continued on for years until 2012, when the council voted to amend the constitution and by-laws to allow women not only the right to reside on the reservation with their non-Indian husbands, but also the right to vote and to hold office beginning in 2013.<sup>411</sup>

### Summary 1980-Present

The available meeting minutes from the years 1980 to the present demonstrate political influence or authority held by the Pamunkey council during this period. The minutes provide multiple examples of the group's allocation of communally-held lands, as well as examples of the limiting (and expansion of) residency and voting rights according to the group's own laws. The evidence satisfies the requirements of 83.7(c)(2). As per the regulations, it also satisfies criterion 83.7(b) for this same time.

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<sup>403</sup> PIT 2010, Pamunkey Meeting Minutes 1/14/1980; 1/26/1980.

<sup>404</sup> PIT 2010, Pamunkey Meeting Minutes 3/26/1980 (pottery school); 3/7/1991(fish hatchery), 4/20/1982 (roads).

<sup>405</sup> PIT 2010, Pamunkey Meeting Minutes 7/10/1981; 7/21/1981; 6/20/1985.

<sup>406</sup> For many years, not only could women not vote, but they were also prohibited from attending regular meetings. If they had a specific complaint or concern, they could be invited to address the meeting, but then would be required to leave. Women could and did attend certain special meetings, but these were held on an infrequent basis (Moore 2006, 5,7; Kringsvold 2006, 13-16).

<sup>407</sup> PIT 2010, Pamunkey Meeting Minutes 10/14/1996.

<sup>408</sup> PIT 2010, Pamunkey Meeting Minutes 10/25/1976.

<sup>409</sup> PIT 2010, Pamunkey Meeting Minutes 5/8/1989, 7/13/1989, 8/29/1989, 9/7/1989, 10/1/1989, 10/3/1989, 5/21/1990.

<sup>410</sup> *Washington Post* 1/14/1989.

<sup>411</sup> PIT 2010, Pamunkey Meeting Minutes, 7/12/2012. The group submitted a copy of the page of the meeting minutes which extended these voting rights, but did not submit a copy of the amended governing document to OFA.

**Conclusion Relevant to Political Influence and Authority, 1789-Present**

This PF concludes that the evidence in the record demonstrates the petitioning group maintained political influence or authority over its members from 1789 to the present. Further, the evidence in the record from 1900 until the present also satisfies the requirements for 83.7(c)(2), which also satisfies the requirements of 83.7(b) for that time. Therefore, the petitioner meets the requirements of criterion 83.7(c).

### Criterion 83.7(d)

**83.7(d) A copy of the group’s present governing document including its membership criteria. In the absence of a written document, the petitioner must provide a statement describing in full its membership criteria and current governing procedures.**

#### Introduction

The petitioner submitted governing documents that describe the group’s governing procedures and membership criteria. Thus, the petitioner meets the requirements of criterion 83.7(d).

#### Governing Document

##### *Current Governing Document*

On December 7, 2011, the petitioner submitted a resolution “reaffirming the Tribal Law” and a statement of membership criteria, which OFA received on the same date.<sup>412</sup> This submission included a copy of “Laws of the Pamunkey Indians” (“Laws”) and “Ordinances of the Pamunkey Indian Reservation (“Ordinances”). The “Laws” document contains a preamble and ten articles and is identical to a previous governing document adopted in about 1954. The petitioner points out that proposals to amend Articles I, IV, and IX of the “Laws” are recorded in the group’s council minutes but the proposed amendments were never officially adopted.

The “Ordinances” contain 45 sections. The first 34 sections are the same as those found in the circa 1954 “Ordinances” discussed below, except that sections XI, XII, XXIII, and XXXII have been amended by the petitioner. Section XI, amended on August 7, 2003, addresses the collection of taxes and details the annual amount to be paid, the individuals required to pay taxes, individuals exempted from taxes, penalties for non-payment, social control of minors by parents, and compensation of leaders from fines collected for violations of ordinances and laws. Section XII, amended on September 13, 1960, stipulates the requirement of members to attend any “duly called tribal meeting” and sets forth the fine for unexcused absence. Section XXIII, amended on October 3, 2002, empowers the leader to issue “member or resident identification cards or certificates” with the permission of the governing body. Section XXXII, amended on September 6, 2007, designates the meeting schedules of the governing body and the general membership. Sections XXXV through XLV were adopted by the petitioner between November 6, 1971, and January 7, 2010. They address use of common lands and resources (primarily for recreational purposes), reimbursement for official travel and supplies, guidelines for change of membership status, attendance at general membership meetings, and open air burning on the reservation.

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<sup>412</sup> PIT 2011, Appendix 4, Part A.

### *Previous Governing Documents*

The earliest record of “Laws of the Pamunkey Indian Town” is found in an 1894 Smithsonian Institution publication written by John Garland Pollard.<sup>413</sup> Details of 18 laws as “made and approved by chief and council men Feb. 18th 1886, for the Ruling of the Pamunkey Tribe of Indians” include restrictions on marriage and residency, school enrollment, behavior, participation in community affairs, road and property maintenance, taxation, indebtedness, and penalties for violations. A photocopy of the original record of these “laws” belonging to the Pamunkey was not submitted.

With the petitioner’s submission on October 14, 2010, OFA received a copy and a transcription of an undated five-page governing document entitled “Laws of the Pamunkey Indians” and an undated nine-page document entitled “Ordinances of the Pamunkey Indian Reservation, King William County, Virginia.”<sup>414</sup> According to information given in the “Laws” document, it appears that the Pamunkey adopted the governing document in 1954, possibly in July (referenced in Article III).<sup>415</sup> The petitioner submitted meeting minutes for that date or a later date that reported the ratification vote. The “Laws” document contains a preamble and 10 articles described below. The “Ordinances” document appears to have been adopted at about the same time as the “Laws” and contains 34 ordinances addressing marriage restrictions for membership participation, residency rights and restrictions, behavior on and off the reservation, eligibility restriction for the reservation school, roads, resources permits, taxes, personal property, rights of the Pamunkey Indian Baptist Church, law enforcement, fines, control of livestock, inheritance of personal property and allotments, issuance of identification cards, rental of allotments, official meetings, “tribal roll” (adult males only), and leadership. The petitioner’s 2010 narrative contained a transcription of the 1954 “Laws” and “Ordinances” documents, including a transcription of the 1954 list of all male citizens living on (19) and off (51) the reservation as of July 1, 1954, under Ordinance XXXIII, but the petitioner did not submit a photocopy of the original 1954 “citizens” list.<sup>416</sup>

## **Governance and Membership as Presented in Governing Documents**

### *Governance*

Articles I-X of the petitioner’s 2011 governing document (“Laws”) describes how the group governs itself, the number of council members, and terms of office. Thus, the governing document does describe governance procedures for the group.

The 2011 “Ordinances” the petitioner submitted primarily address marriage and reservation residency restrictions, behavioral restrictions, roads, land and resource usage, annual taxes, property and inheritance rights, fines, the rights of the Pamunkey Indian Baptist Church, issuance

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<sup>413</sup> Pollard 1894, 16-17.

<sup>414</sup> PIT 2010, Narrative 14:38-45.

<sup>415</sup> PIT 2010, Narrative 14:38-45, Article III.

<sup>416</sup> PIT 2010, Narrative 14:38-45; PIT 2010 Appendix 4, Part A.

of identity cards, law enforcement and legal recourse rights, livestock, allotment rentals, schedule and attendance requirements for meetings of the governing body and the general membership, a list of male members on and off the reservation, administration and expenses reimbursement, and penalties imposed for violations of the laws and ordinances.

### *Membership*

The 2011 “Ordinances” the petitioner submitted include age, gender, and marriage restrictions on participation in group activities and benefits (Sections I and XVI), and guidelines for change in membership status (Section XLIII).

The petitioner’s governing documents do not define specific membership criteria but rather the restrictions on current members. A member may only marry a person of “[W]hite or Indian blood” and any member marrying a non-Indian is not permitted to reside on the reservation.<sup>417</sup> However, a resolution by the governing body submitted to OFA on December 7, 2011, specifies that membership requires documentation of ancestry back to specified historical Pamunkey individuals and a social connection to the community and current members residing on the reservation.<sup>418</sup> The petitioner does not describe the group’s full enrollment process or the administration of membership records. The petitioner’s governing documents and resolutions do not forbid membership in any other “tribe, band, or group of Indians.”

Based on information in the governing documents, currently only male members over the age of 18 in “good standing” may speak in meetings or vote in elections, and only male members and their spouses may reside on the reservation. A female member may reside on the reservation only if she marries within the group, that is, marries a male member, is the widow of a deceased male member, or is the unmarried daughter of a deceased male member.<sup>419</sup>

### **Membership Criteria**

#### Membership Eligibility Criteria

As defined in a resolution certified by the petitioner’s governing body on December 5, 2011, the petitioner requires that “tribal membership be verified by sufficient documentation of ancestry back to certain identified historic Tribal members and a social connection to the Tribe and current Tribal members residing on the reservation.”<sup>420</sup> The petitioner’s prior governing documents do not define specific membership criteria other than a member may only marry a

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<sup>417</sup> PIT 2010, Narrative 14:38-45, Ordinance: Section I.

<sup>418</sup> PIT 12/5/2011, Membership Criteria Resolution.

<sup>419</sup> PIT 2012, Appendix 13, Part B. The group voted to change Article I of the petitioner’s governing document regarding women’s membership status on July 12, 2012, to take effect on January 12, 2014. These changes were not memorialized in the revisions to the petitioner’s governing document submitted on October 19, 2012, and had not been implemented at the time of this PF. See discussion under criterion 83.7(c).

<sup>420</sup> PIT 12/5/2011, Membership Criteria Resolution.

person of “[W]hite or Indian blood” and any member marrying a non-Indian is not permitted to reside on the reservation.<sup>421</sup> This 2011 resolution is the first document to specify descent criteria required for membership. The petitioner does not describe the group’s full enrollment process or the administration of membership records.

Criteria for membership, as presented in the petitioner’s 2011 resolution, include only two items:

1. applicants must provide genealogical evidence linking them as a “direct lineal descendant of a Pamunkey Indian” enumerated on one or more lists, specifically
  - a. the Pamunkey Indian Reservation Census of 1908 (October 19, 1908) excepting six specific individuals [identified by the petitioner as non-Pamunkey];
  - b. the Rolls of Voters of the Pamunkey Indian Tribe of Indians dated 1900, 1901, 1902, 1903, 1904, 1906, 1908, and 1910;<sup>422</sup>
  - c. the 1900 U.S. Federal Census, General Population Schedule, for the Pamunkey Indian Reservation, excepting two specific individuals [identified by the petitioner as non-Pamunkey],<sup>423</sup>
  - d. the 1910 U.S. Federal Census, Indian Population Schedule, for the Pamunkey Indian Reservation, excepting seven specific individuals [identified by the petitioner as non-Pamunkey],<sup>424</sup> and
2. applicants must prove “social connection to the Tribe and current Tribal members residing on the Reservation and the Tribe in general,” including
  - a. “a written or oral statement describing all known and remembered contact they have had throughout their lifetime with those Tribal members residing on the Reservation and to include physical visits to the Reservation,” plus “the names of three (3) Reservation resident Tribal members as references”;
  - b. the same information as in 2(a) for minor children, provided by their parents.

The 2011 “Ordinances” submitted by the petitioner and discussed under criterion 83.7(d) include age, gender, and marriage restrictions on participation in group activities and benefits (sections I and XVI), and guidelines for change in membership status (section XLIII).<sup>425</sup>

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<sup>421</sup> PIT 2010, Appendix 4, Part A, Ordinances, section I.

<sup>422</sup> Because the petitioner’s governing document restricts voting rights to adult male members only, these “Rolls of Voters” do not include the names of women or children.

<sup>423</sup> The 1900 Federal census of King William County enumerates claimed members of the petitioner in two districts: E.D. 42 (General Population Schedule) and E.D. 47 (Indian Population Schedule designated “Pamunkey Indian Town”). U.S. Census 1900, King William County.

<sup>424</sup> The 1910 Federal census of King William County enumerates claimed members of the petitioner in two districts: E.D. 46 (General Population Schedule) and E.D. 47 (Indian Population Schedule for “Pamankee Indian Reservation”). U.S. Census 1910, King William County.

<sup>425</sup> PIT 2010, Appendix 4, Part A.

### *Membership Application Process*

The petitioner's governing documents do not address a process for membership application, even for offspring of members. As discussed above, the petitioner's governing documents only specify that applicants must submit genealogical evidence of direct lineal descent from a "Pamunkey Indian" enumerated on at least one specified list,<sup>426</sup> must provide a written or oral statement accounting for "social connection" with members on the reservation and with the general membership, and must provide the names of three individuals residing on the reservation as references. The 2011 resolution does not provide details on the documentation required to demonstrate descent from the specified ancestors.

### *Termination, Severance, or Restoration of Membership*

The circa 1954 governing document titled "Ordinances of the Pamunkey Indian Reservation" specifies in Ordinance I that members may "marry only [W]hite or Indian." It states that the sanction for violating this ordinance, that is if a member marries a non-White or non-Indian or marries a non-resident of the reservation without approval of the Chief and Council, is forfeiture of "their rights as members of the tribe."<sup>427</sup> It is unclear whether forfeiture of membership rights means loss of right to participate as a "citizen" with continued membership or complete disenrollment. In the original 1954 Ordinances, all other penalties for violations were limited to fines of \$5 to \$500.

The petitioner's most recent Laws and Ordinances, certified by the petitioner's governing body on December 5, 2011, included Ordinance XLIII, adopted by the group on September 12, 2007, entitled "Guidelines governing Banishment and Exclusion from Tribal Lands and Termination or Suspension of Tribal Benefits and Privileges."<sup>428</sup> This ordinance addresses causes and procedures for removing or excluding current members from lands controlled by the petitioner and limitations on participation in group activities and benefits.

Section H outlines sanctions for violating laws and ordinances, in increasing order of severity, as

- (1) Loss of voice and vote in tribal meetings and matters for a period of time determined by Chief and Council, to include indefinite and permanent.
- (2) Monetary fines not to exceed \$500 per individual offense.
- (3) Banishment or exclusion from the Tribe and all tribal lands for a period of time as determined by the Chief and Council, to include indefinite and permanent.

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<sup>426</sup> PIT 12/5/2011, Membership Criteria Resolution.

<sup>427</sup> PIT 12/5/2011, Laws and Ordinances Resolution.

<sup>428</sup> PIT 12/5/2011, Laws and Ordinances Resolution.



- (4) Forfeiture of tribal membership and benefits for a period of time as determined by the Chief and Council, to include indefinite and permanent.<sup>429</sup>

Section J describes the “permanent sanction” of enrolled members:

If a member of the Tribe is permanently banished, then the member’s name shall be removed from the membership roll of the Tribe, and all privileges and benefits pertaining thereto shall immediately be suspended indefinitely.<sup>430</sup>

Section L includes conditions and procedure for reinstatement of membership privileges. It is unclear whether a member who has received a decision of “permanent sanction” or permanent banishment or exclusion may be reinstated, that is, whether “suspended indefinitely” as used in Section J is the same as “terminated permanently.”

### **Conclusion**

The petitioner submitted a governing document that describes its governing procedures and its membership criteria. Therefore, the petitioner meets the requirements of criterion 83.7(d).

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<sup>429</sup> PIT 12/5/2011, Laws and Ordinances Resolution.

<sup>430</sup> PIT 12/5/2011, Laws and Ordinances Resolution.

### Criterion 83.7(e)

**83.7(e) The petitioner’s membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity.**

**83.7(e)(2) The petitioner must provide an official membership list, separately certified by the group’s governing body, of all known current members of the group.**

### Introduction

In order to meet criterion 83.7(e), a petitioner must demonstrate that its current members descend from a historical Indian tribe, or tribes that combined and functioned as an autonomous political entity. Thus, the petitioner must (1) identify its current members, (2) document the historical Indian tribe and the individuals in that historical Indian tribe from whom its current members descend, and (3) document that descent.

The petitioner’s most current membership list, certified as of October 18, 2012, identifies 203 members. This list reflects two deaths and the addition of 20 new members since the petitioner’s first comprehensive membership list in 2010.

The petitioner claims descent from the historical Pamunkey Indian tribe residing on a colonial and state Indian reservation in Virginia since the 1600s. The Department finds that the historical Indian tribe is the Pamunkey tribe associated with a state Indian reservation, which was called “Indian Town,” on the Pamunkey River in Virginia in 1789. However, there is not a comprehensive historical list of members of the historical Pamunkey Indian tribe in 1789. For purposes of criterion 83.7(e), current members of the Pamunkey petitioner are deemed to document descent from the historical Indian tribe, as it existed in 1789 and continued to exist through the early 1800s, if they document descent from any of the 81 historical Indian individuals collectively identified on six King William County tax lists from 1787 to 1802, three petitions to the Virginia state legislature from 1798 to 1836, and the Colosse Baptist Church list circa 1835 (see Appendix A).<sup>431</sup> The genealogical evidence reviewed for the PF demonstrates that 80 percent of the petitioner’s current members (162 of 203) have demonstrated descent from

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<sup>431</sup> King William County 1787, 1797, 1798, 1799, 1800, 1802 [copies of 1787-1800 tax lists in PIT 2010, App.3, B-1]; Pamunkey Indians 1798, 1812, 1836, 1842, 1843 [abstracts of petitions in PIT 2012, Part C, Introduction, 12, 16, 24, 27, 28]; Heinegg 2010 [abstracts of 1787-1802 tax lists in PIT 2010, App.8, sec.1]; PIT 2010, Narrative, 8:8 [Table 8-8 of 1787-1800 tax lists]; Colosse Church Records ca.1835 “Island List” [images and transcription in PIT 2010, App. 3, Part E (Doc. 1)]. See section “The Historical Indian Tribe” in this PF for discussion of these documents.

at least one historical Pamunkey Indian individual identified on these lists, petitions, and church record.

## **Membership Lists**

### *Current Membership List*

The current membership list for the petitioner, entitled “Pamunkey Indian Tribe Membership Roll October 18, 2012,” was separately certified by the petitioner’s governing body on the same day.<sup>432</sup> The list identifies 203 members, including both adults and minor children. All entries have a unique membership identification number. The list includes columns for member names, maiden names, birth dates, and residential addresses, as required by criterion 83.7(e), as well as other information, such as gender, parents’ names, and parents’ “tribe.” This 2012 membership list included six individuals not included on the previous membership list dated July 5, 2012 (see table and discussion below). The current membership list and other submissions provided sufficient evidence to evaluate the petitioner under criterion 83.7(e).

### *Previous Membership Lists*

The Pamunkey petitioner submitted governing council meeting minutes which include “voter lists” of male members having voting privileges. Occasionally the petitioner refers to these lists as “censuses” although they name only adult male members and do not name women and minor children.<sup>433</sup> Some women and minor children are mentioned in the minutes, indicating that they are members of the petitioner. Some Federal censuses indicate the residents of Indian Town, but that designation does not enumerate all members of the petitioner as numerous members reside off the reservation.<sup>434</sup>

A “census” of 48 male members appears on two pages of the petitioner’s meeting minutes dated April 11, 1925.<sup>435</sup> The first page lists 22 individuals with one crossed out and one of the names written in by hand.<sup>436</sup> The second page lists 27 individuals. Fifteen of the individuals on this list were enumerated also on the 1920 Federal census of the “Indian Town Reservation.”<sup>437</sup> Seventeen of these individuals, eleven of whom were enumerated on the reservation in 1920, were enumerated on the 1930 Federal census as “Pamunkey,” although the census did not

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<sup>432</sup> PIT 10/19/2012, Petition (App. 17, Pt. M).

<sup>433</sup> PIT 2010, Meeting Minutes (App. 4, Pt. B).

<sup>434</sup> PIT 2010, Narrative 14:38-45 (Transcription).

<sup>435</sup> PIT 2010, App. 4, Pt. B Item 3:16-17 [4/11/1925 Census, Ledger pp.277-278]; 1/31/2012, Email Attachment: 4/11/1925 Tribal Census [pp.277-278].

<sup>436</sup> One name appears to be a duplication but was counted for this PF.

<sup>437</sup> Not all of the remaining 34 (49 - 15 = 34) individuals were located on the 1920 Federal census. However, six were enumerated in Richmond, Virginia, three in Philadelphia, Pennsylvania, and one in New York City, New York, in 1920.

specify that they were residing on the reservation.<sup>438</sup> Thus, the 1925 list includes only males living both on and off the Pamunkey reservation.

The petitioner submitted a photocopy of a circa 1954 governing document, which specifies under Section XXXIII, “a list of all male citizens residing on the reservation as of July 1, 1954, and a list of all male citizens living off the reservation as of that date, which lists shall constitute the tribal roll as of that date.”<sup>439</sup> A copy of this list was not included with this governing document in the petitioner’s 2010 submission. However, in the narrative of the 2010 submission, the petitioner submitted a transcription of the same Laws and Ordinances, which included a transcription of these “citizens lists” identified as a document “currently maintained in the County clerk’s office, King William, Virginia.”<sup>440</sup> The petitioner did not submit a copy of the original and should include a photocopy of this document with its response to the PF.

Neither the 1925 list nor the 1954 list included adult females or minors. These two lists, therefore, did not reflect the actual population of the group. The petitioner did not submit a comprehensive list of all group members prior to 2010, only lists of adult male members.

The petitioner submitted three complete membership lists previous to its current membership list. The first complete membership list, “Pamunkey Indian Tribe Membership Roll,” is dated October 4, 2010, and names 185 individuals.<sup>441</sup> The second membership list the petitioner submitted, entitled “Pamunkey Indian Tribe Membership Roll December 5, 2011,” names 193 individuals.<sup>442</sup> The third membership list the petitioner submitted, entitled “Pamunkey Indian Tribe Membership Roll July 5, 2012,” names 197 individuals.<sup>443</sup> These three membership lists all include each member’s full name (including maiden name of married women), full date of birth, and full residence address for each member as required by criterion 83.7(e). They all also include individual member numbers, gender, place of birth, parents’ full names, and parents’ “tribe.”

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<sup>438</sup> As with the 1920 census, not all of the remaining 32 (49 - 17 = 32) individuals were located on the 1930 Federal census. However, two were enumerated in Richmond, Virginia, and seven in Philadelphia, Pennsylvania, in 1930.

<sup>439</sup> PIT 2010, App. 4, Pt. A, 13 pages (ca. 1954 Laws and Ordinances).

<sup>440</sup> PIT 2010, Narrative 14:38-45 (Transcription).

<sup>441</sup> PIT 10/14/2010, App.6, Pt. D, 16 pages.

<sup>442</sup> PIT 12/5/2011, Focused Response to TA letter. This list specified ten new members, two deceased members, and one change of surname.

<sup>443</sup> PIT 7/11/2012, App. 6, Pt. H, 11 pages, dated 7/5/2012. This list specified four new members.

#### Changes in the Petitioner's Membership Lists

Year	10/4/2010	12/5/2011	7/5/2012	10/18/2012
Prior list total		185	193	197
Less deceased		2		
Plus new		10	4	6
Total members	185	193	197	203

As indicated in the table above, membership increase has been minimal and, as documents in the record reveal, limited to relatives and offspring of members named on the 2010 membership list.

#### Analysis of Current Membership List

The petitioner's current and three previous membership lists all contain complete information and appropriate governing body certifications. Of the 203 individuals named on the petitioner's current (December 2012) membership list and in its electronic database, 41 members (about 20 percent) were not connected, generation by generation, to historical Pamunkey Indian ancestors.<sup>444</sup> In response to the Department's request for additional information for individuals added to the petitioner's membership after the February 2012 audit of the petitioner's membership files, the petitioner provided genealogical information for the 10 new members (193+10 new = 203 total).

Although the petitioner's recent membership list indicates only a very small increase in members (10) between 2011 and 2012, the petitioner's genealogical database and the 1940 Federal census indicate that a number of relatives and offspring of current members may not be currently enrolled.

#### Analysis of Petitioner's Claimed Ancestors

The petitioner claims descent from the historical Pamunkey Indian tribe, located on a colonial and state Indian reservation in Virginia since the 1600s.<sup>445</sup> The petitioner submitted a list of "40 direct lineal ancestors" from whom it claims "all 185 members" [in 2010] descend (Appendix C).<sup>446</sup> The "list of 40" appears to represent an identification of members' ancestors, who the petitioner asserts are Pamunkey Indians. The petitioner submitted numerous historical documents but did not provide an analysis to support its conclusion that these 40 individuals constitute members of the historical Pamunkey Indian tribe. The 40 individuals listed have birth dates spread over almost 70 years, from 1832 to 1910, thus these individuals represent multiple generations, and some were not living during the period of the "historical Pamunkey tribe" (1789-abt.1843). Of the 40 persons on the list, 22 are descendants of the other persons on the list. Thirty have documented descent from historical Pamunkey Indian individuals and ten have

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<sup>444</sup> PIT 10/19/2012, App.17, Pt.M (Membership List); 10/19/2012 Petition: App. 17, Pt. 11 (FTM genealogical database).

<sup>445</sup> PIT 2010, Narrative, 1:1.

<sup>446</sup> PIT 2010, Ch. 7, p.12-13, Table 7-4.

not.<sup>447</sup> Appendix C indicates which individuals are enumerated on the 1908 Pamunkey census, and on the 1900 and 1910 Federal censuses, which are specified in the petitioner's new membership eligibility resolution.<sup>448</sup>

### *The Petitioner's Genealogical Database*

The petitioner submitted four Family Tree Maker™ (FTM) genealogical databases in 2010, 2011, July 2012, and October 2012, which OFA researchers merged into one combined FTM database to be used for this PF.<sup>449</sup> The petitioner also submitted collections of genealogical reports and charts, membership lists, and other documents generated from its FTM genealogical databases.<sup>450</sup> OFA used these resources and other documents the petitioner submitted and OFA researchers located to verify names of parents, spouses, siblings, and offspring. OFA used the most reliable sources or a combination of facts to correct the FTM entries.

OFA researchers found numerous variations in names and spelling, which caused multiple entries that actually represented just one person. Part of OFA's verification process involved resolving the misidentifications and merging separate entries to reflect the actual individuals' identity and family composition.

OFA researchers entered additional information such as whether an individual appeared on current or past membership lists, whether an individual's parentage had been verified, whether an individual's generation-by-generation links were verified back to the 1910 Federal census enumeration of the Pamunkey reservation, and whether an individual's ancestry was verified back to a member of the historical Pamunkey Indian tribe as defined for the PF.

OFA researchers reviewed information the petitioner entered in its genealogical FTM database and entered additional information from the petitioner's membership files, documents the petitioner submitted, and documents OFA researchers located. The data entered focused on the verification of parents, spouses, siblings, and offspring using all available sources. In the event of contradictions in birth, death, and marriages dates, preference was given to information provided by the individual in question (or closest kin) and collected nearest to the date of the event. OFA corrected, annotated, and clarified entries and family connections in this combined FTM database in order to determine members' descent from historical individuals in the

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<sup>447</sup> The parents of 4 individuals (of the 10) are not known: #14 Ellen Collins (1832-1900), #23, Richard L. Obey Holmes (1860-1910), #33 Nannie Fannie C. Miles (1861-1940), and #34 Robert W. Miles (1852-1930). Three individuals are children of Nannie Fannie C. Miles (Junius C. Miles, Mary Alberta Miles, and Walter L. Miles). The parentage of Ezekial Langston (1870-1944) is not verified and one individual on the list is his child (Lillian May Langston).

<sup>448</sup> PIT 2010, App. 4, Pt. B. Sec. 2, Item 3:11-14; U.S. Census 1900, King William (E.D.43 and 44); U.S. Census 1910, King William (E.D. 46 and 47).

<sup>449</sup> FTM genealogical database files in PIT 2010, App. 6, Pt. E; 12/7/2011, Focused Response to TA Letter; 7/11/2012, App. 6, Pt. I; 10/19/2012, App. 17, Pt. 11; Lineage Charts in PIT 2010, App. 6, Pt. A and Pt. B.

<sup>450</sup> Lineage Charts in PIT 2010, App. 6, Pt. A and Pt. B.

historical Pamunkey Indian tribe. The descent conclusions presented in this PF were calculated from the Department's combined FTM genealogical database.

### **Evidence Documenting Descent from the Historical Indian Tribe**

In discussions under criterion 83.7(e), distinctions are made between a petitioner's *claimed* descent and a petitioner's *demonstrated* descent. Claims of descent appear in the petitioner's FTM genealogical database and lineage charts generated from that database.<sup>451</sup> Demonstrated descent represents OFA's evaluation that the evidence documents the child-to-parent relationship in each generation from the member back to his or her claimed ancestor. Such evidence appears in membership files and in other records the petitioner submitted and OFA researchers located.

The regulations describe types of evidence that are acceptable to the AS-IA under §83.7(e)(1)(i-v). However, the acceptable evidence is not limited to the categories listed in the regulations. The OFA researchers reviewed numerous historical documents relating to the Indians residing at Indian Town, King William County, Virginia. OFA researchers also utilized online electronic databases, such as Ancestry.com (U.S. census indices and images; state and county birth, marriage, and death records, Southern Claims Commission records) to verify information or locate additional records.

Individuals found in these records and documented as members of the historical Pamunkey Indian tribe or descendants of that tribe, who are claimed or demonstrated ancestors of the petitioner's members, are listed in Appendix A. The following section outlines the types of records used to verify and evaluate the petitioner's descent from the historical Indian tribe.

#### *Membership Files*

In January 2012, OFA researchers reviewed 193 membership files the petitioner made available at the office of Native American Rights Fund (NARF) in Washington, D.C. These files included genealogical documentation for all 193 current members, including a certified birth record showing the full names of both parents for all except 9 members. The members' files also contained copies of such documents as a consent form for membership, marriage records, U.S. Federal censuses, Pamunkey voter lists, Pamunkey reservation "censuses," family bible records, church records, historical petitions, and school records. OFA researchers and entered into the Department's annotated genealogical database information from the files that verified generation-by-generation descent for current members.<sup>452</sup> These membership files provided highly useful genealogical information for verification of current members' names, birth dates, and parents as shown on the petitioner's current membership list. Each membership file contained:

- (1) A membership consent form with date and signature of the applicant (1 page);

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<sup>451</sup> Lineage Charts in PIT 2010, App. 6, Pt. A and Pt. B.

<sup>452</sup> FTM genealogical database files in PIT 2010, App. 6, Pt. E; 12/7/2011, Focused Response to TA Letter; 7/11/2012, App. 6, Pt. I; 10/19/2012, App. 17, Pt. 11.

- (2) A certified copy of the member's original birth certificate (a few files contained only certified abstract of the birth record) (up to 2 pages);
- (3) Copies of birth certificates, marriage certificates, and death certificates of parents and ancestors.

Some of the files included birth records, marriage records, and death records for parents and forebears of the member. The files did not contain individual statements signed by each member asserting they were not a member of a federally recognized Indian tribe.

### *Government Records*

Numerous Federal, state, and county records the petitioner submitted, and OFA researchers located, provided information on dates of birth, death, and marriage, names of parents, spouses and siblings, residence, and Indian identity. These sources included:

- (1) Federal census records from 1830 through 1940, some of which specifically identify residents of Pamunkey "Indian Town";<sup>453</sup>
- (2) Federal records from the Southern Claims Commission documenting claims for Civil War losses by Pamunkey Indians;<sup>454</sup>
- (3) historical petitions Pamunkey Indians signed and presented to Virginia officials (see discussion under Historical Indian Tribe and Appendix A in this PF);<sup>455</sup>
- (4) marriage records (1853-1935) and death records (1853-1896) from the Virginia State Bureau of Vital Statistics;<sup>456</sup>
- (5) King William County tax records between 1787 and 1802 that list property owners in the Pamunkey "town" and between 1843 and 1853, some of which identify individuals as "Indian";<sup>457</sup>
- (6) King William County marriage records between 1885 and 1943;<sup>458</sup>
- (7) King William County wills and probate records;<sup>459</sup>
- (8) City of Petersburg Circuit Court (Chancery) estate records and "Free Papers";<sup>460</sup> and
- (9) Social Security Death Index.<sup>461</sup>

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<sup>453</sup> U.S. Census 1820-1940 in PIT 2010, App. 3, Pt. C, and [www.ancestry.com](http://www.ancestry.com).

<sup>454</sup> SCC 1871, Claims in PIT 2010, App. 3, Pt. D, and [www.ancestry.com](http://www.ancestry.com).

<sup>455</sup> PIT 2010, App. 3, Pt.G (Petitions).

<sup>456</sup> Virginia Bureau of Vital Statistics 1853-1935, Marriages; 1853-1896, Death Records.

<sup>457</sup> King William County 1787-1802, Tax Lists in PIT 2010, App.3, Part B.

<sup>458</sup> King William County 1885-1940, Marriage Register.

<sup>459</sup> King William County 1884-1911, Will Book #1.

<sup>460</sup> Petersburg Updike Case 1865; Sampson Lavinia Free Papers 1841.

<sup>461</sup> SSCI 1935-Present, Death Records.



### *Other Sources*

Church and school records from Lower College Baptist Church, Colosse Baptist Church, Mattaponi-Pamunkey Indian School, and Carlisle Indian School contained useful descent and identity information.<sup>462</sup> One record in particular, a record of the Colosse Baptist Church, located in King William County, Virginia, near the Pamunkey Indian reservation, states in an entry dated ca. 1835 that “a communication was received from the descendants of an Indian Tribe on Indian Island requesting to be received into the church with the petitions being granted,” and helps to identify 32 individuals (14 males and 18 females) as residents of the Pamunkey reservation, “Indian Island.” A number of histories and commentaries recorded additional information on descent, residence, and Indian identity.<sup>463</sup> Personal information from the petitioner’s oral histories (interviews), cemetery charts, and meeting minutes, which were corroborated by documentary evidence, also provided information helpful for understanding claimed descent.<sup>464</sup>

### **Analysis of Descent from a Historical Indian Tribe**

Based on evidence discussed in the section “The Historical Indian Tribe,” the Department considers the historical Indian tribe for this petition to be the Pamunkey Indian tribe associated with a colonial and state Indian reservation, which was called “Indian Town,” located in King William County on the Pamunkey River in Virginia in 1789.

Eighty-one historical members of the historical Pamunkey Indian tribe are identified on six county tax lists between 1787 and 1802 that listed property owners in the Pamunkey “town,” three petitions presented by Pamunkey Indians between 1798 and 1836 that were signed by presumed group members, and a circa 1835 record of Colosse Baptist Church in King William County, Virginia, identifying 32 newly enrolled members as descendants of “an Indian Tribe on Indian island.”<sup>465</sup> (see Appendix A). All of the documents naming historical Pamunkey Indians were submitted by the petitioner.<sup>466</sup>

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<sup>462</sup> PIT 2010, 2012, App. 3, Parts E (church records) and F (school records); Colosse Church Records ca.1835, “Island List.” [images and transcription in PIT 2010 App. 3, Part E (Doc. 1)].

<sup>463</sup> Mooney 1890; Mooney 1907; Speck 1928; Pollard 1894; Swanton 1952.

<sup>464</sup> PIT 2010, Meeting Minutes (App. 4, Pt. B), Interviews (App. 5), Pamunkey Cemetery Fan Charts (App. 6, Pt. B); 7/11/2012, Petition: Interviews (App. 11).

<sup>465</sup> King William County 1787, 1797, 1798, 1799, 1800, 1802 [copies of 1787-1800 tax lists in PIT 2010, App.3, B-1]; Pamunkey Indians 1798, 1812, 1836, 1842, 1843 [abstracts of petitions in PIT 2012, Part C, Introduction, 12, 16, 24, 27, 28]; Heinegg 2010 [abstracts of 1787-1802 tax lists in PIT 2010, App.8, sec.1]; PIT 2010, Narrative, 8:8 [Table 8-8 of 1787-1800 tax lists]; Colosse Church Records ca.1835, “Island List” [images in PIT 2010, App. 3, Part E (Doc. 1), transcription in PIT 2010 Narrative 8:26 and 30]. See section “The Historical Indian Tribe” in this PF for discussion of these documents. See section “The Historical Indian Tribe” in this PF for discussion of these documents..

<sup>466</sup> King William County 1787, 1797, 1798, 1799, 1800, 1802 [copies of 1787-1800 tax lists in PIT 2010, App.3, B-1]; Pamunkey Indians 1798, 1812, 1836, 1842, 1843 [abstracts of petitions in PIT 2012, Part C, Introduction, 12, 16, 24, 27, 28]; Heinegg 2010 [abstracts of 1787-1802 tax lists in PIT 2010, App.8, sec.1]; PIT 2010, Narrative, 8:8 [Table 8-8 of 1787-1800 tax lists]; Colosse Church Records ca.1835, “Island List” [images in PIT 2010, App. 3, Part E (Doc. 1), transcription in PIT 2010, Narrative 8:26 and 30].

Based on information in the record, 162 of the petitioner's current 203 members (80 percent) have documented their descent, generation by generation, from at least one member of the historical Pamunkey Indian tribe of Virginia as identified in Appendix A. Most members, in fact, claim descent from several members of the historical Pamunkey Indian tribe as indicated in Appendix C. The analysis also revealed that the remaining 20 percent of the petitioner's members (41 of 203) have not yet documented that descent.

*OFA's Analysis of Historical Pamunkey Indians  
with Documented Descendants in the Petitioner's Current Membership*

OFA researchers identified 12 historical documents, created in the years between 1787 and 1843, that identified 81 separate individuals identified as Pamunkey Indians. These documents included six King William County tax lists naming 24 individuals who were taxed for property on the Pamunkey reservation, five Pamunkey petitions to the Virginia legislature signed by 43 men, and an enrollment list for Colosse Baptist Church in King William County naming 32 individuals identified as descendants of Pamunkey Indians (see discussion in The Historical Indian Tribe in this PF).

The combined historical county tax lists, historical Pamunkey petitions, and Colosse Baptist Church record identify 81 historical Pamunkey Indians or family members of Pamunkey Indians from whom the current members of the petitioner may trace their descent. Currently, only six of these 81 individuals have documented descendants in the petitioner: Edward "Ned" Bradby (Sr.), William Bradby, Matilda Brisby, James Langston, Isaac Miles Jr., and John Sampson (Sr.) These six historical Pamunkey Indian individuals are profiled below.

**1. Edward "Ned" Bradby (Sr.) (b.abt.1797-d.aft.1876)**

Edward "Ned" Bradby (Sr.) married Lucy (surname unknown) about 1829 and had seven children: two sons (Pleasant and Edward "Ned" Jr.) and five daughters (Caroline, Lucy Ann, Susan, Mary, and Eliza). Evidence that Edward "Ned" Bradby was a member of the historical Pamunkey Indian tribe is based on the circa 1835 Colosse Baptist Church record, and his identity as a Pamunkey Indian is verified by 1872-1876 testimony for his claim to the Southern Claims Commission.<sup>467</sup> The names of Edward Bradby and Lucy Bradby, his probable spouse, are included on the ca. 1835 Colosse Baptist Church list, described above.<sup>468</sup>

Edward "Ned" Bradby (Sr.) initiated a claim in 1872 to the Southern Claims Commission for property lost to the Union army during the Civil War.<sup>469</sup> In his testimony, he identifies himself

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<sup>467</sup> Colosse Baptist Church Records ca. 1835, "Island List" in PIT 2010, App. 3, Part E (Doc. 1.); SSC 1871, Claim of Edward Bradby (14976).

<sup>468</sup> It is unlikely that the Edward Bradby seeking church membership was Edward "Ned" Bradby Jr. as Ned Jr. was only about 4 years old at the time and too young to be admitted as a member, such membership usually occurring at age 11 or 12 or older (at the age of accountability).

<sup>469</sup> SSC 1871, Claim of Edward Bradby (14976).

as “an Indian belonging to the Pamunkey Tribe” and gives his age as 76. The Court of Claims representative noted on the claim that the “Claimant is a Pamunkey Indian.” On the certification for his testimony, dated July 13, 1872, he gives his age as 75 and his residence as “Pamunkey Island, King William County in the State of Virginia.” He asserted that his youngest son Edward served as a Union river pilot, providing verification that Edward “Ned” Bradby Jr. (b.abt.1830-d.aft.1870) was his son. Witnesses testifying for Edward Bradby included his nephew, William Terrill Bradby (age 38, resident of Pamunkey Island), Betsey Bradby (age 28, and resident of Pamunkey Island),<sup>470</sup> his daughter Caroline Cook (age 30, widow, living with her father), and another daughter Lucy Ann Langston (age 33). The King William County marriage record of Edward Bradby’s elder son, Pleasant, identifies the groom’s parents as Ned and Lucy Bradley [*sic*].<sup>471</sup>

There is no evidence explaining why Edward “Ned” Bradby (Sr.) does not appear on the 1836-1843 Pamunkey petitions, as he would have been an adult by about 1817. He may have been a relative or son of one of the four Bradby men appearing on the 1797-1802 tax lists or the 1836 petition. However, evidence in the record supports his identity as a Pamunkey Indian born about 1797 and, thus, he is considered a historical Pamunkey Indian ancestor for this PF.

Current members of the petitioner claiming descent from Edward “Ned” Bradby (Sr.) total 129, with 112 of those members documenting that descent. All of these 112 members also document descent from other historical Pamunkey Indians (as defined in this PF): William Bradby (5), Matilda Brisby (107), James Langston (85), Isaac Miles Jr. (112), and John Sampson(59).

## **2. William Bradby (b.bef.1805-d.bef.Dec 1865)**

William Bradby married Dicey Sampson about 1829 and had nine children: seven sons (Evans, Sterling, Delaware, William Terrill,<sup>472</sup> John, Walter, and Riley) and two daughters (Polly and Lavinia). Evidence that William Bradby was a member of the historical Pamunkey Indian tribe is based on a ca. 1835 Colosse Baptist Church record (described above), and an 1865 City of Petersburg Circuit Court (Chancery) case record that identifies him as a Pamunkey Indian.<sup>473</sup>

In 1865, Edward “Ned” Bradby (Sr.) testified in a chancery court concerning the estate of his niece, Jane Updike. Ned identified his mother as Sukey Bradby and his mother’s children as Ritta (Bradby) Updike, Pleasant Bradby, Sterling Bradby (deceased), and William Bradby (deceased). William Bradby and Edward “Ned” Bradby (Sr.) are both on the ca. 1835 Colosse

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<sup>470</sup> Betsy Bradby was Betsy Allmond, spouse of William Terrill Bradby, but was otherwise not related to Edward “Ned” Bradby (Sr.).

<sup>471</sup> Virginia Bureau of Vital Statistics 1853-1935, Marriages, King William County: Marriage 2/15/1860 Pleasant Bradley [*sic*], son of Ned and Lucy Bradley [*sic*], to Lucy J. Miles, daughter of Isaac and Jane Miles.

<sup>472</sup> William Terrill Bradby usually used the name “Terrill” and in one record he is referred to as “B. Terrell Bradby” (Bradby, Terrill 1889).

<sup>473</sup> Petersburg City Circuit Court (Chancery) 1865 Estate of Jane Updike: Edward “Ned” Bradby (Sr.), testified that William Bradby was his brother.

Baptist Church record described above. Ned Bradby identifies himself as “an Indian belonging to the Pamunkey Tribe” in his 1872 sworn testimony to the Southern Claims Commission.<sup>474</sup> These documents link Ned to the historical Pamunkey Indian tribe and the 1865 court record confirms William is the brother of Ned and, therefore, also a member of the historical Pamunkey Indian tribe.

Current members of the petitioner claiming descent from William Bradby total 30, with 29 of those members documenting that descent. All of these 29 members also document descent from other historical Pamunkey Indians (as defined in this PF): Edward Bradby (5), Matilda Brisby (29), James Langston (29), and Isaac Miles Jr. (5).

### **3. Matilda Brisby (b.abt.1790-d.aft.1860)**

Matilda Brisby<sup>475</sup> married John Lumpkin (or John Lumpkin Brisby) about 1815 and had one known child, Martha Ann Brisby (b.aft.1816, d.aft.1840). In about 1850, Matilda married secondly Edward Brisby (b.bef.1805-d.aft.1850) and had five children: one son (William A.) and four daughters (Mary A., Lavinia, Susan, and Jane). This couple may be the same as or confused with the Matilda “Brisley” (a.k.a. Bradbury on the 1860 Federal census) married to Edward Brisley, possibly with children named Fielding Bradbury, John Bradbury, and Matilda Brisley. However, in the 1872 SSC claim for Matilda Brisby’s estate, her administrator (son-in-law John Langston, husband of Matilda Brisley) states that Matilda Brisby had four daughters, two of whom died before she did but left grandchildren.<sup>476</sup> Evidence that Matilda Brisby was a member of the historical Pamunkey Indian tribe is based on a ca.1835 Colosse Baptist Church record<sup>477</sup> and her identity as a historical Pamunkey Indian is verified in testimony for an 1872-1877 SSC claim filed on behalf of her estate by her son-in-law, John Langston.<sup>478</sup>

Martha Ann Brisby and Leroy Page (a.k.a. Leroy Sampson and Leroy Sampson Page) had one known child, Lambeth C. Page (a.k.a. Lambert or Lamberth, a.k.a. Longworth G.)(b.abt.1840-d.1898). In 1857, Martha Ann married Thomas Sampson (b.abt.1825-d.aft.1871) and had at least four children (perhaps five): one son (James L. “Buck,” and perhaps an earlier son named James) and three daughters (Martha, Ann Brisby, and Betty).

Lambert C. Page was born after the Pamunkey tax lists during the period 1787-1802, petitions written 1812-1836, and the Colosse Baptist Church record of ca. 1835. Lambert C. Page did initiate a claim in November 1871 to the Southern Claims Commission for property lost to the

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<sup>474</sup> SCC 1871, Claim of Edward Bradby (14976).

<sup>475</sup> Matilda Brisby’s maiden surname may have been “Dickey,” based on her daughter Lavinia’s marriage record in 1856. Virginia Bureau of Vital Statistics 1853-1935, Marriages.

<sup>476</sup> SSC 1871, Claim of John Langston (14979), for estate of Matilda Brisby, deceased.

<sup>477</sup> Colosse Baptist Church Records ca.1835, “Island List.”

<sup>478</sup> SSC 1871, Claim of John Langston (14979), for estate of Matilda Brisby, deceased.

Union army during the Civil War.<sup>479</sup> Although he describes himself, and the Claims Court representative describes him, as belonging “to the Indian Tribe on the reservation in King William County,” this could describe the Mattaponi as well as the Pamunkey. Thomas Cook, however, states in his testimony that Lambert Page “is a member of the tribe of Pamunkey Indians of which I am chief.” Further, in his SCC testimony for the estate of Matilda Brisby, deceased, Lambert Page stated that he is 31 years of age, a resident of Pamunkey Island, and that Matilda Brisby was his grandmother.<sup>480</sup> This statement links him to a historical Pamunkey Indian ancestor. Two children of Lambeth C. Page, Albert Junius Page and Elmyra Page, are included on the petitioner’s list of “40 direct lineal ancestors.”<sup>481</sup>

Current members of the petitioner claiming descent from Matilda Brisby through her daughter Martha Ann (Brisby) Page Sampson total 119, with 110 of these members documenting that descent. Most of these 110 members also document descent from Edward “Ned” Bradby (Sr.) (107), James Langston (80), and Isaac Miles Jr. (11), all historical Pamankey Indians, as defined for this PF.

Current members of the petitioner claiming descent from Matilda Brisby through her daughter Matilda A. (Brisley) Langston total 66, with 65 of those members documenting that descent. Most of these 65 members also document descent from Edward “Ned” Bradby (Sr.) (26), James Langston (65), and Isaac Miles Jr (5), all historical Pamunkey Indians, as defined for this PF.

In total, 164 of the petitioner’s current members claim descent from Matilda Brisby, with 148 of those members documenting that descent. Most of these 148 members also document descent from other historical Pamunkey Indians (as defined for this PF): Edward “Ned” Bradby (Sr.) (107), William Bradby (29), James Langston (124), Isaac Miles Jr. (109), and John Sampson (59). Eight members claiming descent from Matilda Brisby have not submitted the necessary evidence to verify their own parentage and thus cannot document their descent from a member of the historical Pamunkey Indian tribe. None of the petitioner’s current members is known to descend from Matilda Brisby’s other children at this time.

#### **4. James Langston (b.bef.1780-d.1850)**<sup>482</sup>

James Langston married (1) Nancy (surname unknown) before 1809 and had a son (William Cooper)<sup>483</sup> and a daughter (Nancy Ann). He married secondly Nancy W. Winn about 1820 and

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<sup>479</sup> SCC 1871, Claim of Lambert C. Page (9130).

<sup>480</sup> SSC 1871, Claim of John Langston (14979), for Estate of Matilda Brisby, deceased.

<sup>481</sup> “40 Direct Lineal Ancestors” in PIT 2010, Narrative, 7:12-13, Table 7-4.

<sup>482</sup> In its FTM genealogical databases, the petitioner shows James Langston’s name as “James Jimmy John Langston.” James Langston gives his name as “James Langston” on the 1791 Lower College Baptist Church list of Free Colored members (along with a John Langston), the 1812-1843 petitions, the 1816 Lower College Baptist Church members list (and 1834 church minutes), 1845-1849 tax lists, and his 1846 will. His spouse, Nancy, listed his name as James Langston (deceased) on the SCC claim that she filed on behalf of his estate. SCC 1871, Claim of Nancy Langston (15145).

<sup>483</sup> William Cooper Langston usually used the name “Cooper.”

had ten children: six sons (Richard D., James H., John, Holt, Ferdinand, and William A.) and four daughters (Sarah A., Mary, Keziah, and Lucy A.). Evidence that James Langston is a member of the historical Pamunkey Indian tribe is based on four Pamunkey petitions dated 1816, 1836, 1842, and 1843, and a circa 1835 Colosse Baptist Church record.

James Langston signed three petitions Pamunkey Indians submitted to the state legislature of Virginia between 1812 and 1843.<sup>484</sup> He signed the 1842 and 1843 petitions as one of three “chief men.” These petitions provide evidence identifying members of the historical Pamunkey Indian tribe (Appendix A). His eldest son, Cooper Langston, also signed the 1836 petition. The names of both James Langston and his son, Cooper, are included on the ca. 1835 Colosse Baptist Church list, identifying them as “descendants of an Indian Tribe on Indian Island.”<sup>485</sup> The Nancy Langston on the ca. 1835 Colosse Baptist Church list is possibly the wife of either James Langston or his son, Cooper Langston, both of whom married women named Nancy.

Current members of the petitioner claiming descent from James Langston total 133, with 126 of those members documenting that descent. Most of these 133 members also document descent from other historical Pamunkey Indians (as defined for this PF): Edward Bradby (85), William Bradby (29), Matilda Brisby (123), Isaac Miles Jr. (85), and John Sampson (61).

#### **5. Isaac Miles Jr. (b.abt.1800-d.abt.1875)**

Isaac Miles Jr. married Jane Collins about 1832 and had eight children: five sons (William, Silas M., Jacob J., James P., and Bat) and three daughters (Lucy June, Letitia, and Julia A.). Evidence that Isaac Miles Jr. was a member of the historical Pamunkey Indian tribe is based on the ca. 1835 Colosse Baptist Church record described above and a Pamunkey petition dated 1836 which he signed. His identity as a historical Pamunkey Indian is verified by witness testimony for his 1872 SCC claim.

The name of Isaac Miles Jr. is included on the ca. 1835 Colosse Baptist Church record, although his living spouse, Jane (Collins) Miles, is not named on this list, although she was alive at that time. Isaac Miles Jr. signed a petition Pamunkey Indians submitted to the state legislature of Virginia in 1836.

Isaac Miles Jr. initiated a claim in 1872 to the Southern Claims Commission (SCC) for property lost to the Union army during the Civil War.<sup>486</sup> Although he died before his claim was settled, the Court of Claims representative noted that “[t]he Claimant was a Pamunkey Indian but is dead and the claim is prosecuted by his son.” John Langston, in his testimony on behalf of Isaac Miles Jr., states that he is not related to the claimant, that he had “known Isaac Miles all my life,” and Isaac Miles was a Pamunkey Indian who “died in March 1875.” Two of Isaac’s sons, Jacob and James, also gave testimony and reported their residence as “Indian Town.”

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<sup>484</sup> Pamunkey 12/4/1812, Petition; 2/18/1836, Letter; 11/26/1842, Petition; 1/12/1843, Petition.

<sup>485</sup> Colosse Baptist Church Records ca.1835, “Island List.”

<sup>486</sup> SCC 1871, Claim of Isaac Miles (15146).

Current members of the petitioner claiming descent from Isaac Miles Jr. total 136, with 121 of those members documenting that descent. Most of these members also document descent from other historical Pamunkey Indians (as defined for this PF): Edward Bradby (112), William Bradby (5), Matilda Brisby (109), James Langston (85), and John Sampson (59), and Lewis Sampson (9). Seven of these members also claim descent from Lewis Sampson, a historical Pamunkey Indian, but do not document that descent.

**6. John Sampson (Sr.) (b.bef.1765-d.aft.1812)**

John Sampson (Sr.) is known to have had one daughter, Sally Sampson (b.bef.1780-d.bef.1838). The name of Sally's mother is unknown at this time. Evidence that John Sampson was a member of the historical Pamunkey Indian tribe is based on a 1798 petition Pamunkey Indians submitted to the state legislature of Virginia, a 1799 King William County, Virginia, property tax list, and possibly an 1812 Pamunkey petition. His identity as a Pamunkey Indian is verified by an 1838 affidavit by Herbert A. Claiborne, a trustee of the Pamunkey tribe in King William County, stating that John Sampson, "one of the chief men of that tribe," was the father of Sally Sampson and identifying them both as Pamunkey Indians.<sup>487</sup> This same record contains an 1810 affidavit by James Johnson, also a trustee of the Pamunkey tribe, stating that Sally Sampson is the wife of Thomas Major and she is a Pamunkey Indian.

Herbert A. Claiborne, in his 1838 affidavit, identified Sally Sampson as the mother of Lavinia Sampson, aged about 30. Lavinia Sampson (b.abt.1803-d.1875) and John Dennis had 6 children, the first born about 1820: four sons (John T., Charles, Thomas, and Henry) and two daughters (Sarah and Rebecca).

Current members of the petitioner claiming descent from John Sampson total 67, with 61 of those members documenting that descent. Most of these 67 members also document descent from other historical Pamunkey Indians (as defined for this PF): Edward "Ned" Bradby (Sr.) (59), Matilda Brisby (59), and James Langston (61), and Isaac Miles Jr. (59).

*OFA's Analysis of Historical Pamunkey Indians with Claimed, but not Documented,  
Descendants in the Petitioner's Current Membership:*

Two historical individuals, Thomas Major Cook (1791-1832) and Lewis Sampson (1799-1860), are identified as members of the historical Pamunkey Indian tribe (as defined for this PF). The following is an analysis of these two individuals.

**1. Thomas Major Cook[e] (b.bef.1791-d.aft.1832)**

The name of Thomas Cook's spouse is unknown. The petitioner claims he had one son, Major Cook (b.abt.1832-d.1861), but at this time their parent-child relationship is undocumented. Evidence that Thomas Major Cook was a member of the historical Pamunkey Indian tribe is

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<sup>487</sup> Sampson, Lavinia Free Papers 1841, 2-5.

based on a Pamunkey petition submitted to the state legislature of Virginia in 1812, and his identity as a historical Pamunkey Indian is not verified by any other document at this time.

Other Thomas Cooks appear in the historical records. A Thomas Cook initiated a claim in 1871 to the Southern Claims Commission for property lost to the Union army during the Civil War.<sup>488</sup> In his testimony, dated January 17, 1874, he identifies himself as an Indian, gives his age as 43, and gives his residence as Indian Town, King William County, in the State of Virginia. This person cannot be Thomas Major Cook because the SCC claimant would have been born about 1831, not about 1791. Another Thomas Cook is listed in the Colosse Baptist Church minutes on October 12, 1864, as “Colored Free.” This individual could be either Thomas Major Cook born about 1791 or the Thomas Cook born about 1831. Thomas Major Cook’s claimed son, Major Cook, died in 1862, as noted in the Colosse Baptist Church minutes. His widow, Caroline (Bradby) Cook, testified in 1877 before the SCC when applying for compensation for supplies taken from her property in 1864; she is listed on the claim as a widow in 1877.

Current members of the petitioner claiming descent from Thomas Major Cook total 65, with none of those members documenting that descent because his son’s parentage is not verified. Nevertheless, most of the 65 members claiming but not documenting descent from Thomas Major Cook do document descent from other historical Pamunkey Indians (as defined for this PF): Edward “Ned” Bradby (Sr.) (59), Matilda Brisby (59), James Langston (59), Isaac Miles Jr. (59), and John Sampson (59). Six members do not document their descent because they have not submitted documentation verifying their own parentage.

## **2. Lewis Sampson (b.abt.1799-d.1860-1874)**

Lewis Sampson married Agnes “Agie” (surname unknown) about 1833 and had 10 children: five sons (William, Lumpkin, Lewis Jr., Richard L., and Sterling Y.) and five daughters (Henrietta, Lizzie, Bella Maria, and Fannie). Evidence that Lewis Sampson was a member of the historical Pamunkey Indian tribe is based on a Pamunkey petition dated 1836. Lewis also may have signed a petition the Pamunkey Indians submitted to the state legislature of Virginia in 1812.

Lewis Sampson apparently initiated a claim in about 1872 to the Southern Claims Commission for property lost to the Union army during the Civil War.<sup>489</sup> He is deceased by 1874 when his spouse, Agnes, as administratrix of his estate, received the funds for his approved claim. Although this claim is listed in the U.S. Southern Claims Commission Master Index, 1871-1880, on Ancestry.com, the file images are not in the database held by that website and the original file may no longer exist.

Seven current members of the petitioner claim descent from Lewis Sampson; however, none of those members have documented that descent. Nevertheless, all of these members do document descent from Isaac Miles Jr., another historical Pamunkey Indians (as defined for this PF).

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<sup>488</sup> SCC 1871, Claim of Thomas Bradby (#15142).

<sup>489</sup> SCC 1871, Claim of Agnes Sampson (21815) for estate of Lewis Sampson.



*Individuals Claimed as Pamunkey Ancestors by the Petitioner  
but Who are not Verified as Members of the Historical Pamunkey Indian Tribe,  
with Claimed, but not Documented, Descendants in the Petitioner's Current Membership*

Two individuals, Ellen (-?-) Collins (1832-1900) and Richard L. Obey Holmes (1860-1905), and one couple, Nannie (or Fannie) C. (-?-) Miles (1861-1940) and Robert W. Miles (1852-1930), are included on the petitioner's list of "40 Direct Lineal Ancestors" (see Appendix C). The current record indicates that these individuals are probably descendants of the historical Pamunkey Indian tribe and the Department encourages the petitioner to submit documents verifying their descent for the FD.

**1. Ellen (-?-) Collins (b.1832-d.1900)**

Ellen "Collins" (birth surname unknown) married Archie Collins about 1860 and had five children: two sons (John T. and Effendrow) and three daughters (Emma J., Agnes, and Corsilla). Her parents and those of her spouse are unknown at this time.

Ellen "Collins" is identified as a "direct lineal ancestor" on the petitioner's "list of 40."<sup>490</sup> She is enumerated with her husband and children on the 1870 and 1880 Federal censuses of King William County, Virginia, but they are not identified as Indians or as living on the Pamunkey Reservation. She is enumerated on the 1900 Federal Indian Population schedule for West Point, King William County, Virginia, living with her daughter Emma; they are both identified as Indian on that census. There is no evidence at this time to connect her or her spouse as members or descendants of the historical Pamunkey Indian Tribe,<sup>491</sup> although two of her children married descendants of historical Pamunkey Indians as defined for this PF: Emma J. married John T. Dennis, a grandson of James Langston, and John T. married Harriett A. Bradby, a granddaughter of Edward "Ned" Bradby (Sr.).

Five current members of the petitioner claim descent from Ellen Collins, and all five members have documented that descent. All of these members also have documented their descent from Edward "Ned" Bradby (Sr.) and Isaac Miles Jr., both historical Pamunkey Indians as defined for this PF.

**2. Richard L. Obey Holmes (b.Dec 1860-d.bef.1905)**

Richard L. Obey Holmes married Sarah J. Bradby, a granddaughter of Edward "Ned" Bradby (Sr.), in 1883 and had seven children: four sons (Westley, Ashland D., Clarence W., and Howland) and three daughters (Addie M., Cora Lee, and Carrie B.). "Obey" Holmes' parents are unknown at this time. OFA could not locate Obey Holmes as a child with his parents on the

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<sup>490</sup> "40 Direct Lineal Ancestors" in PIT 2010, Narrative, 7:12-13, Table 7-4.

<sup>491</sup> An Archie Collins is listed on the June 9, 1920, "Roll Voters Citizens Pamunkey Res." (Ref 10C-1) and on the 1920 Federal census enumerating the residents of the "Pamunkey River Indian Reservation" (U.S. Census 1920, King William County). This is Ellen's grandson, Archie Temple Collins (b.1895-d.1932).

1870 Federal census or on the 1880 Federal census. His widow Sarah married secondly Silas Montague Langston in 1905 and she was entered in the marriage register as “Mrs. R. L. Holmes, widow;” thus, Obey Holmes is presumed to have died before that date.<sup>492</sup>

Obey Holmes is identified as a “direct lineal ancestor” on the petitioner’s “list of 40.”<sup>493</sup> He is enumerated with his spouse and six of his children on the 1900 Federal census for Pamunkey Indian Town, a document the petitioner specified as enumerating “Pamunkey ancestors” acceptable for membership qualification. There is no evidence to verify him as a historical member of the historical Pamunkey Indian Tribe as defined for this PF. Although demonstration of descent from Obey Holms may show descent from a person who was living on the Pamunkey Indian Reservation in 1900, it would not demonstrate descent from a member of the historical Pamunkey Indian tribe. The petitioner has the opportunity to submit evidence, if found, that demonstrates Obey Holmes’ parentage and descent from a member of the historical Pamunkey Indian tribe.

Eight current members of the petitioner claim descent from Richard L. Obey Holmes, and all of these members have documented their descent from at least one historical Pamunkey Indian (as defined in this PF): Edward “Ned” Bradby (Sr.) (8), William Bradby (5), Matilda Brisby (8), James Langston (5), and Isaac Miles Jr. (8).

### **3. Nannie or Fannie C. (-?-) Miles<sup>494</sup> (b.1861-d.1940) and Robert W. Miles (b.1852-d.1930)**

Nannie or Fannie C. and Robert W. Miles married about 1877 and had six children: five sons (Walter Lilton, James A., Junius Christopher “Dick,” Paul L., and Leo) and one daughter (Mary Alberta). The parents of both Nannie and Robert W. Miles are unknown at this time.

Nannie and Robert Miles both are identified as a “direct lineal ancestor” on the petitioner’s “list of 40.”<sup>495</sup> They are enumerated together on four consecutive Federal censuses for King William County, Virginia: (a) the 1900 Indian Population schedule for West Point with their five sons, (b) the 1910 Pamunkey Reservation census again with their five sons, (c) the 1930 Federal census for Indian Town Reservation as husband and wife, and (d) the 1930 Federal census for West Point Township where both are recorded as “full blood Pamunkey.” They both are identified as Indian on all four censuses. There is no evidence to verify either Nannie or Robert Miles as descendants of a historical member of the historical Pamunkey Indian tribe as defined for this PF. The petitioner has the opportunity to submit evidence, if found, that demonstrates Nannie and Robert Miles’ parentage and descent from a member of the historical Pamunkey Indian tribe, such as the 1930 and 1940 death certificates for this couple which may record the names of their parents.

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<sup>492</sup> King William County 1885-1940, Marriage Register.

<sup>493</sup> “40 Direct Lineal Ancestors” in PIT 2010, Narrative, 7:12-13, Table 7-4.

<sup>494</sup> “Nannie” appears as “Fannie” on various records, but the variations in her name do not indicate two different women, just one woman known variously as Nannie and Fannie.

<sup>495</sup> “40 Direct Lineal Ancestors” in PIT 2010, Narrative, 7:12-13, Table 7-4.

Forty current members of the petitioner claim descent from Nannie and Robert W. Miles. Ten of these members have documented their descent from at least one member of the historical Pamunkey Indian tribe (as defined in the PF): Edward “Ned” Bradby (Sr.) (8), Matilda Brisby (10), and Isaac Miles Jr. (10).

*Summary of the Petitioner’s Descent from the Historical Indian Tribe*

OFA’s analysis of the documents in the record concluded that the evidence documented complete generation-to-generation descent from an individual known to be a members of the historical Pamunkey Indian tribe (Appendix A) for 80 percent (162 of 203) of the petitioner’s current members. OFA’s evaluation indicates that the remaining 20 percent (41 of 203) of the petitioner’s current members have not documented that descent or claim ancestors who are not documented as historical Pamunkey Indians. Of these 41 members, 18 (9 percent of the petitioner’s members) claim descent from a member of the historical Pamunkey Indian tribe but have not documented that descent, and 9 of these 18 have not submitted the necessary evidence to verify their own parentage and thus cannot document their descent from a member of the historical Pamunkey Indian tribe. The residual 23 members claim descent from Robert W. and Nannie C. Miles, whose ancestry has not been traced to a member of the historical Pamunkey Indian tribe as determined by this PF.

Summary of Petitioner’s Members Claiming and Documenting  
 Descent from Historical Pamunkey Indian Ancestors

<b>Historical Pamunkey Indian Ancestor</b>	<b>Members claiming descent from this individual</b>	<b>Members documenting descent from this individual</b>	<b>Members documenting descent from other historical Pamunkey Indian individuals</b>
Edward “Ned” Bradby (Sr.) (b.abt.1797-d.aft.1876)	129	112	5 William Bradby 107 Matilda Brisby 85 James Langston 112 Isaac Miles Jr. 59 James Sampson
William Bradby (b.bef.1805-d.bef.Dec 1865)	30	29	5 Edward “Ned” Bradby (Sr.) 29 Matilda Brisby 29 James Langston 5 Isaac Miles Jr.
Matilda Brisby (b.abt.1790-d.aft.1860)	164	148	107 Edward “Ned” Bradby (Sr.) 29 William Bradby 124 James Langston 109 Isaac Miles Jr. 59 John Sampson
James Langston (b.bef.1780-d.1850)	133	126	85 Edward “Ned” Bradby (Sr.) 29 William Bradby 123 Matilda Brisby 85 Isaac Miles Jr. 61 John Sampson
Isaac Miles Jr. (b.abt.1800-d.abt.1875)	136	121	112 Edward “Ned” Bradby (Sr.) 5 William Bradby 109 Matilda Brisby 85 James Langston 59 John Sampson
John Sampson (b.bef.1765-d.aft.1812)	67	61	59 Edward “Ned” Bradby (Sr.) 59 Matilda Brisby 61 James Langston 59 Isaac Miles Jr.
Thomas Major Cook (b.bef.1791-d.aft.1832)	65	0	59 Edward “Ned” Bradby (Sr.) 59 Matilda Brisby 59 James Langston 59 Isaac Miles Jr. 59 John Sampson
Lewis Sampson (b.abt.1799-d.1860-1874)	7	0	7 Isaac Miles
<b>Total members documenting descent to historical Indian tribe</b> (Total members=203)		162 of 203** (80%)	

\*\* Sums of the number of members claiming and documenting descent from all of the listed historical Pamunkey Indian ancestors total more than the number of members in the petitioner because some members are counted more than once in the table due to descent from more than one historical Pamunkey Indian ancestor.

*Recommendations to the Petitioner and Other Issues*

The comment period provides the petitioner the opportunity to supplement the descent documentation for its 41 members not yet verified as descendants of the historical Pamunkey Indian tribe. The petitioner may wish to provide documents verifying a few 19th century parent-child relationships and nine member-parent relationships, which are needed to complete the documentation of descent for some of the petitioner's members.<sup>496</sup> The petitioner's genealogical database and documents submitted by the petitioner indicate that many of the petitioner's claimed ancestors married each other, thus merging surname lines. If the petitioner is unable to locate information to verify an "undocumented" generation in the ancestral line of one surname, documents may be available to verify every generation in a line of a spouse who married into the line lacking documentation.

For example, parentage evidence for Robert W. Miles and his wife Nannie might be found within King William County chancery causes. Images of such pre-1913 records from many counties are available and searchable at the Library of Virginia's "Chancery Records Index" online website.<sup>497</sup> One such case, discovered too late for full analysis before the PF, appears to identify Nannie's Custalow parents and maternal Allmond grandparents.<sup>498</sup>

**Conclusion**

The petitioner has submitted a current membership list, separately certified by its governing body, containing all information required by the regulations and identifying 203 living members, both adults and minors.

This PF finds that 80 percent (162 of 203) of the petitioner's current members have documented descent from a member of the historical Pamunkey Indian tribe (Appendix A).

For these reasons, the petitioner satisfies the requirements of criterion 83.7(e).

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<sup>496</sup> Genealogical Workpaper #1.

<sup>497</sup> King William Chancery Case #32 1895, Thornton Allman et al. vs. John Langston and wife et al. Library of Virginia. [[www.lva.virginia.gov/chancery/default.asp#res](http://www.lva.virginia.gov/chancery/default.asp#res)].

<sup>498</sup> King William Chancery Case #32 1895, Thornton Allman et al. vs. John Langston and wife et al. Library of Virginia. [[www.lva.virginia.gov/chancery/case\\_detail.asp?DFN=101-1909-003](http://www.lva.virginia.gov/chancery/case_detail.asp?DFN=101-1909-003)].

**Criterion 83.7(f)**

**83.7(f) The membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe.**

In its petition, the petitioner states, “the membership of the Pamunkey Indian Tribe is composed principally of persons who are not members of any acknowledged North American Indian tribe.”<sup>499</sup> However, none of the petitioner’s membership files contained any statement signed by any member asserting that the individual is not a member of any federally recognized Indian tribe.

The petition contained no evidence of members enrolled in federally recognized tribes, and no federally recognized tribes exist in the Commonwealth of Virginia. OFA did not examine any tribal rolls for the names of the petitioner’s members.

**Conclusion**

The evidence in the record shows the petitioner’s membership is composed principally of persons who are not members of any acknowledged North American Indian tribe. Therefore, the petitioner meets the requirements of criterion 83.7(f).

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<sup>499</sup> PIT 2010, Narrative, 17: 17-7.

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### **Criterion 83.7(g)**

**83.7(g) Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.**

In its petition, the petitioner states, “neither the Pamunkey Indian Tribe nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.”<sup>500</sup>

There is no evidence in the record that indicates the petitioner, its members, or their ancestors have been the subject of congressional legislation that has expressly terminated or forbidden a relationship with the Federal Government as Indians or as an Indian tribe.

### **Conclusion**

No evidence has been found to indicate that the petitioner was the subject of congressional legislation to terminate or prohibit a Federal relationship as an Indian tribe. Therefore, the petitioner meets the requirements of criterion 83.7(g).

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<sup>500</sup> PIT 2010, Narrative, 17:17-7.]



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APPENDIX A

HISTORICAL PAMUNKEY INDIANS

	Tax	Tax	Tax	Pet.	Tax	Tax	Tax	Pet.	Ch.	Pet.	Pet.
Name	1787	1797	1798	1798	1799	1800	1802	1812	1835	1836	1842
Arnold, Eliza									X		
Arnold, Joseph										X	X
Arnold, Rhoda									X		
Arnold, Robert									X	X	
Arnold, Virginia									X		
Bradby, Beverley										X	
Bradby, Dinah									X		
Bradby, Edward									X		
Bradby, Jesse									X	X	
Bradby, Lucy									X		
Bradby, Miles									X		
Bradby, Molly									X		
Bradby, Patrick		X	X		X						
Bradby, Polly									X		
Bradby, Richard			X			X	X				
Bradby, Tazwill H.									X		
Bradby, William									X		
Brisbon, Edward [Jr?]									X	X	
Brisbon, Elzey										X	
Brisbon, Nancy									X		
Brisby, Matilda									X		
Busby, Edward [Brisby?]					X						
Carter, William	X										
Cooke, Austin	X										
Cooke, Sarah	X										
Cooke, Thomas								X			
Cooper, William				X				X			
Gunn, John		P	X				X				
Gunn, Lewis		X	X	X	X	X	X	X			
Gunn, William								X			
Gurley, Hartwell										X	
Gurley, Patsey									X		
Gurley, Tazwell										X	
Gurley, Thomas				X	X	X					



Pamunkey Indian Tribe (Petitioner #323) Proposed Finding  
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	Tax	Tax	Tax	Pet.	Tax	Tax	Tax	Pet.	Ch.	Pet.	Pet.
<b>Name</b>	<b>1787</b>	<b>1797</b>	<b>1798</b>	<b>1798</b>	<b>1799</b>	<b>1800</b>	<b>1802</b>	<b>1812</b>	<b>1835</b>	<b>1836</b>	<b>1842</b>
Holt, George	X										
Holt, Molly									X		
Holt, Patsy									X		
Holt, Richard			X								
Hoult, Anderson										X	
Hoult, Ben										X	
Hoult, William									X	X	
Kemp, John	X										
Langston, Archibald								X			
Langston, Caroline									X		
Langston, Cooper									X	X	
Langston, Edmund	X										
Langston, Gideon								X			
Langston, James								X	X	X	X
Langston, John [Sr]	X	X		X	X						
Langston, John Jr				X				?X	?X	?X	
Langston, Louis								X			
Langston, Nancy									X		
Langston, Ony									X		
Langston, Tazewell H.										X	X
Langston, William										X	
Langston, Willis			X	X		X		X		X	
Major, William					X						
Miles, Archie										X	
Miles, David									X		
Miles, Isaac, Jr									X	X	
Miles, Patsey									X		
Miles, Pleasant										X	
Miles, Vanus										X	
Miles, Virginia									X		
Mursh, John								X			
Mursh, Robert	X	X	X	X	X	X					
Sampson, Armstead		X	X	X							
Sampson, Cooper										X	
Sampson, Fanny					0 X						
Sampson, Francis/Frank		X	X	X	X					X	
Sampson, Henry								X			
Sampson, John [Sr]				X	X			?X			
Sampson, Lewis										X	

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	Tax	Tax	Tax	Pet.	Tax	Tax	Tax	Pet.	Ch.	Pet.	Pet.
<b>Name</b>	<b>1787</b>	<b>1797</b>	<b>1798</b>	<b>1798</b>	<b>1799</b>	<b>1800</b>	<b>1802</b>	<b>1812</b>	<b>1835</b>	<b>1836</b>	<b>1842</b>
Sampson, Reuben					X						
Sampson, Sally/Fanny?			X		P						
Sampson, William								X		X	
Sweat, Abram									X	X	
Sweat, Allen										X	
Sweat, Minerva									X		
Sweat, William		0 X	0 X		0 X	0 X				X	
Williams, James				X							

*Key:*

X = named on list

?X = name on list uncertain

0 = not included by PIT

P = included by PIT

*Notes:*

The signers of an 1843 petition are the same as the signers of the 1842 petition.

*Sources:* King William County 1787, 1797, 1798, 1799, 1800, 1802 [copies of 1787-1800 tax lists in PIT 2010, App.3, B-1]; Pamunkey Indians 1798, 1812, 1836, 1842, 1843 [abstracts of petitions in PIT 2012, Part C, Introduction, 12, 16, 24, 27, 28]; Heinegg 2010 [abstracts of 1787-1802 tax lists in PIT 2010, App.8, sec.1]; PIT 2010, Narrative, 8:8 [Table 8-8 of 1787-1800 tax lists]; Colosse Church Records ca.1835 “Island List” [images in PIT 2010, App. 3, Part E (Doc. 1), transcription in PIT 2010, Narrative 8:26 and 30].

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APPENDIX B

1901 PAMUNKEY CENSUS by JAMES MOONEY

Name	Head	Spouse	Child.	Mother	Total	Location
Allmond, E. R.	1	1	6		8	
Bradby, Charles S.	1	1	4		6	
Bradby, Cruzetta	1		5		6	
Bradby, Evans	1		3	1	5	
Bradby, James E.	1	1	2		4	
Bradby, Riley	1		2		3	
Bradby, Roger	1	1			2	
Bradby, W. Terrill	1		6		7	Scattered
Bradby, William S.	1	w*			1	
Collins, Alfonzo	1	m*			1	Philadelphia
Collins, Ellen	1				1	
Collins, Emma J.	1				1	
Collins, John T.	1	1	4		6	
Collins, Simeon	1	1	6		8	
Collins, Union	1	1	4		6	
Cook, George M.	1	1	5	1	8	
Cook, Mindora	1				1	
Cook, Theophilus	1			1	2	
Dennis, Elizabeth	1				1	Philadelphia?
Dennis, John T.	1				1	
Dennis, Thomas	1				1	
Hawkes, Delila	1	a*			1	Petersburg
Holmes, Richard L.	1	1	6		8	
Langston, James H.	1				1	Richmond
Langston, John	1	1	9		11	
Langston, Lucy A.	1		6		7	
Langston, William	1	1			2	
Miles, Jacob	1	w*	5		6	
Miles, James P.	1		3		4	
Miles, Robert W.	1	1	5		7	
Page, A. J.	1	1	1		3	
Page, Ellen	1				1	
Page, James E.	1		1		2	New York
Page, Leroy	1				1	Newport News
Sampson, Richard	1		1		2	New York
Sampson, Sterling Y.	1	w*	1		2	
Swett, Frank	1				1	
Swett, George A.	1	1	1		3	Norfolk Co.
Swett, W. G.	1		4		5	
<b>Total</b>	39	14	90	3	146	14-19 off reservation #
Alternate		[*19]			[*151]	[*16-21]

Notes:

\* Spouse is annotated but not listed in the enumeration (N=5): 3 “white” wives (w); 1 “alien” husband (a);

1 “Mattapony” wife (m) (other “Mattapony” wives are enumerated).

# Location: 14 if in a family with children only the children are away; 19 if the entire family is away.

Source: Mooney 1907, 147-148; see p.146 for the date of this census.



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APPENDIX C

ANALYSIS OF PETITIONER’S “40 DIRECT LINEAL ANCESTORS”<sup>i</sup>

#	Name	DOB ii	DOD iii	Ancestor Relationships	Descent Documented from Hist. Pamunkey Ancestor <sup>iv</sup>	Listed on 1900 Federal Census <sup>v</sup>	Listed on 1908 Pamunkey Census <sup>vi</sup>	Listed on 1910 Federal Census <sup>vii</sup>
1	Bradby, Ada Elizabeth Bradley	1898	1969	dau of #12	Yes William Bradby Matilda Brisby James Langston	Yes West Point Indian Pop.	Yes	Yes West Point Pamunkey Res.
2	Bradby, Bernice Mayflower	1906	2003	dau of #6	Yes Edward Bradby Matilda Brisby Isaac Miles Jr.	No Born in 1906	Yes	Yes West Point Pamunkey Res.
3	Bradby, Caroline	1838	1910	dau of Edward Bradby	Yes Edward Bradby	Yes West Point Pam.Ind.Town	Yes	Yes West Point Pamunkey Res.
4	Bradby, Edward Roland	1901	1989	son of #6	Yes Edward Bradby Matilda Brisby Isaac Miles Jr.	No Born in 1901	Yes	Yes West Point Pamunkey Res.
5	Bradby, Harriet A.	1869	1948	grdau of Edward Bradby	Yes Edward Bradby Isaac Miles Jr.	Yes West Point Indian Pop.	Yes	Yes West Point Pamunkey Res.
6	Bradby, James E., Sr.	1864	1946	son of Edward Bradby	Yes Edward Bradby	Yes West Point Indian Pop.	Yes	Yes West Point Pamunkey Res.
7	Bradby, James Lambert, Jr.	1908	1973	son of #6	Yes Edward Bradby Matilda Brisby Isaac Miles Jr.	No Born in 1908	Yes	Yes West Point Pamunkey Res.

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#	Name	DOB ii	DOD iii	Ancestor Relationships	Descent Documented from Hist. Pamunkey Ancestor <sup>iv</sup>	Listed on 1900 Federal Census <sup>v</sup>	Listed on 1908 Pamunkey Census <sup>vi</sup>	Listed on 1910 Federal Census <sup>vii</sup>
8	Bradby, Juliet	1897	1986	dau of #6	Yes Edward Bradby Matilda Brisby Isaac Miles Jr.	Yes West Point Indian Pop.	Yes	Yes West Point Pamunkey Res.
9	Bradby, Lucy A.	1840	1910	dau of Edward Bradby	Yes Edward Bradby	Yes West Point Indian Pop.	Yes	Yes West Point Pamunkey Res.
10	Bradby, Ruth Estelle	1903	1989	dau of #6	Yes Edward Bradby Matilda Brisby Isaac Miles Jr.	No Born in 1903	Yes	Yes West Point Pamunkey Res.
11	Bradby, Sarah J.	1861	1930	grdau of Edward Bradby	Yes Edward Bradby Isaac Miles Jr.	Yes West Point Pam.Ind.Town	Yes	Yes West Point Pamunkey Res.
12	Bradley, Charles S., Bradby	1859	1927	grson of William Bradby	Yes William Bradby	Yes West Point Indian Pop.	Yes	Yes West Point Pamunkey Res.
13	Bradley, Ivy MC., Bradby	1888	1936	son of #12	Yes William Bradby Matilda Brisby James Langston	Yes West Point Indian Pop.	Yes	Yes West Point Pamunkey Res.
14	Collins, Ellen (-?-)	1832	1900	m.Archie Collins ancestry unknown children married Pamunkey	No	Yes West Point Indian Pop.	No Died in 1900	No Died in 1900
15	Collins, Hattie Mable	1890	1982	dau of #16+#5	Yes Edward Bradby Isaac Miles Jr.	Yes West Point Indian Pop.	Yes	No ?Henrico Co. ?Richmond
16	Collins, John T.	1863	1932	m.#5 son of #14	No	Yes West Point Indian Pop.	Yes	Yes West Point Pamunkey Res.



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#	Name	DOB ii	DOD iii	Ancestor Relationships	Descent Documented from Hist. Pamunkey Ancestor <sup>iv</sup>	Listed on 1900 Federal Census <sup>v</sup>	Listed on 1908 Pamunkey Census <sup>vi</sup>	Listed on 1910 Federal Census <sup>vii</sup>
17	Cook, Dora L. [Theodora]	1903	1994	m.#7 dau of #18	Yes Edward Bradby James Langston John Sampson	No Born in 1903	Yes	Yes West Point Pamunkey Res.
18	Cook, George Major	1860	1930	son of #3 grson of Thomas Cooke?	Yes Edward Bradby	Yes West Point Pam.Ind.Town	Yes	Yes West Point Pamunkey Res.
19	Cook, Tecumseh Deerfoot	1899	2003	son of #18	Yes Edward Bradby James Langston	Yes West Point Pam.Ind.Town	Yes	Yes West Point Pamunkey Res.
20	Dennis, Theodora O.	1863	1954	m.#18 dau of #26	Yes James Langston John Sampson	Yes West Point Pam.Ind.Town	Yes	Yes West Point Pamunkey Res.
21	Dennis, Thomas Sampson, Sr.	1877	1930	son of #26	Yes James Langston John Sampson	Yes West Point Indian Pop.	Yes	No Henrico Co. Richmond
22	Holmes, Cora Lee	1887	1963	dau of #11	Yes Edward Bradby Isaac Miles Jr.	Yes West Point Pam.Ind.Town	Yes	No Mattaponi Res.
23	Holmes, Richard L. Obey	1860	1910	m.#11 ancestry unknown	No	Yes West Point Pam.Ind.Town	No	No Died in 1910
24	Langston, Ezekiel	1870	1944	son of #9	No Edward Bradby	No	No	Yes West Point Pamunkey Res.
25	Langston, James Henry	1872	1917	grson of James Langston	Yes James Langston	No	No	No Henrico Co. Fairfield
26	Langston, Keziah	1833	1917	dau of James Langston	Yes James Langston	Yes West Point Indian Pop.	Yes	No

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#	Name	DOB ii	DOD iii	Ancestor Relationships	Descent Documented from Hist. Pamunkey Ancestor <sup>iv</sup>	Listed on 1900 Federal Census <sup>v</sup>	Listed on 1908 Pamunkey Census <sup>vi</sup>	Listed on 1910 Federal Census <sup>vii</sup>
27	Langston, Lillian May	1910	2006	dau of #24	No Edward Bradby	No Born in 1910	No Born in 1910	Yes West Point Pamunkey Res.
28	Langston, Susan F.	1864	1906	grdau of James Langston	Yes Matilda Brisby James Langston	Yes West Point Indian Pop.	No Died in 1906	No Died in 1906
29	Miles, Jacob J.	1846	1902	son of Isaac Miles Jr.	Yes Isaac Miles Jr.	Yes West Point Indian Pop.	No Died in 1902	No Died in 1902
30	Miles, Junius C. "Dick"	1885	1964	m.#8 son of #34	No	Yes West Point Indian Pop.	Yes	Yes West Point Pamunkey Res.
31	Miles, Lucy J.	1874	1955	grdau of Isaac Miles Jr.	Yes Isaac Miles Jr.	No	No	No Mattaponi Res.
32	Miles, Mary Alberta	1880	1924	dau of #34+#33	No	Yes West Point Indian Pop.	Yes	Yes West Point Pamunkey Res.
33	Miles, Nannie Fannie C.	1861	1940	m.#34 ancestry unknown	No	Yes West Point Indian Pop.	Yes	Yes West Point Pamunkey Res.
34	Miles, Robert W.	1852	1930	m.#33 ancestry unknown	No	Yes West Point Indian Pop.	Yes	Yes West Point Pamunkey Res.
35	Miles, Walter L.	1878	1958	son of #34+#33	No	Yes West Point Indian Pop.	Yes	Yes West Point Pamunkey Res.
36	Miles, William Cam	1885	1962	grson of Isaac Miles Jr. and Lewis Sampson	Yes Isaac Miles Jr.	Yes West Point Indian Pop.	Yes	No NY, NYC
37	Page, Albert J[unius]	1872	1955	m1.#32 m2.#31	Yes Matilda Brisby Isaac Miles Jr.	Yes West Point Indian Pop.	Yes	Yes West Point Pamunkey Res.

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#	Name	DOB <sup>ii</sup>	DOD <sup>iii</sup>	Ancestor Relationships	Descent Documented from Hist. Pamunkey Ancestor <sup>iv</sup>	Listed on 1900 Federal Census <sup>v</sup>	Listed on 1908 Pamunkey Census <sup>vi</sup>	Listed on 1910 Federal Census <sup>vii</sup>
38	Page, Albert, Jr.	1908	1975	son of #37+#32	Yes Matilda Brisby Isaac Miles Jr.	No Born in 1908	Yes	Yes West Point Pamunkey Res.
39	Page, Elmyra	1878	1960	m.#6 sister of #37	Yes Matilda Brisby Isaac Miles Jr.	Yes West Point Indian Pop.	Yes	Yes West Point Pamunkey Res.
40	Page, Fred Emerson	1899	1982	son of #37+#32	Yes Matilda Brisby Isaac Miles	Yes West Point Indian Pop.	Yes	Yes West Point Pamunkey Res.

<sup>i</sup> “40 Direct Lineal Ancestors” in PIT 2010, Narrative, 7:12-13, Table 7-4.

<sup>ii</sup> Date of birth as given on petitioner’s list of “40 direct lineal ancestors.”

<sup>iii</sup> Date of death as given on petitioner’s list of “40 direct lineal ancestors.”

<sup>iv</sup> Historical Pamunkey Indian individuals as defined by the PF (see PF Appendix A).

<sup>v</sup> U.S. Census 1900, VA, King William County, West Point Indian Population (E.D.43) and West Point Pamankee Indian Town (E.D.44). This census is included in the petitioner’s membership criteria for descent.

<sup>vi</sup> Census of 1908 in PIT 2010, Appendix 4, Part B, Section 2, Item 3: 11-14. This census is included in the petitioner’s membership criteria for descent.

<sup>vii</sup> U.S. Census 1910, VA, King William County, West Point Pamunkey Indian Reservation (E.D.46 and E.D.47). This census is included in the petitioner’s membership criteria for descent.