

January 23, 2025

122 King William Estates Ln
King William, VA 23086

Department of the Interior
Office of the Assistant Secretary - Indian Affairs
Attn: Office of Federal Acknowledgment
1849 C Street, NW
Washington, DC 20240

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DOI/OS/AS-IA/OFA
Washington, DC

Subject: Comments on Federal Acknowledgement of Petition #408 – Mattaponi Indian Tribe - Virginia

Dear Director Bass,

I am writing to you today in **STRONG OPPOSITION** of the petition for Federal acknowledgement of the Mattaponi Tribe. My name is Alan Tupponce, MD, an enrolled member of the federally recognized Upper Mattaponi Tribe. I have been away from King William County since graduating from Virginia Tech in 1985 and recently returned to provide pediatric care at the Upper Mattaponi Tribal Health Clinic. In the interim, I served as a Lieutenant in the U. S. Navy (San Diego CA) and recently retired as a Captain with the USPHS Commissioned Corps having been assigned to and provided pediatric care for the Indian Health Service in Phoenix, AZ. Having read through the Petition submitted by the Mattaponi Indian Tribe, I found it troubling. My concerns with the Petition stem primarily from what constitutes a Tribe and whether the Petitioners are descendants of the historical Mattaponi Tribe.

A. Tribal vs Family Unit

1. On Page 28 of their Petition, at the February 27, 1855 Trustee Meeting "called to determine who are Indians or descendants of Indians or legally married to Indians or descendants, it is determined and agreed by us that there is no evidence before us to establish the existence of Indian Blood in but one family now inhabiting the place to with Eliza Allman, who before her marriage was Eliza Major and it appearing that all other persons living upon the land assigned to the Mattaponi Tribe of Indians are not Indians or descendants of Indians or legally married to Indians or descendants of Indians we have determined that the said

Eliza Allman is the only living representative of said tribe so far as we are advised by any evidence before us". This statement alone disqualifies this Petition and any other petition attempts, as Eliza Allmond (Major) being determined "the only living representative of said tribe" and "all other persons living upon the land assigned to the Mattaponi Tribe of Indians are not Indians or descendants of Indians or legally married to Indians or descendants of Indians". **Thus, on February 27, 1855, the Mattaponi as a Tribe ceased to exist.**

2. Table E-1 "Current Membership Descent from Historical Mattaponi Tribal Members", on page (e)-6, is misleading. The table indicates that Eliza Major (Allmond) c. 1811 only has 381 enrolled descendants. How can this be? Eliza Major (Allmond) is the mother to Adaline Nancy Allmond (Custalow) John Baylor Allmond, and Mary Eliza Allmond (Langston) AND the grandmother of Junius Christopher Custalow (mother = Adaline Allmond) and George Forrest Custalow, Sr. (mother = Adaline Allmond). **Based on this information, ALL 737 of the enrolled descendants descend solely from Eliza Major (Allmond).** Additionally, all the people currently enrolled, arose from William "Billy" Major. "Billy" Major. Billy Major was reportedly married to a "white" woman and was living at and taxed at the Pamunkey Indian Town in the late 18th century. William Major was Eliza Major's father. **No other federally acknowledged Virginia Tribe and to my knowledge any federally recognized Tribe has an ancestry that is this linear.** This begs the question: **Can a Tribe arise from the descendants of only one person, or would this simply be considered an extended family unit?** Based on just this factor alone, the Mattaponi Indian Tribe Petition should be rejected.
3. There is no doubt the Mattaponi Tribe is a historical Tribe residing in the Tidewater region of Virginia and having existed before the English arrival in 1607. The Petition submitted by the Mattaponi Indian Tribe claims to be the remnants of this historical Tribe. The second sentence of the introduction paragraph on petition page (e)-1 states that their "current membership descends from Mattaponi Indian Reservation community as documented in historical lists including an 1868 list of reservation residents and the 1870 U.S. census". This is but a half truth, as none of the persons listed as historical Mattaponi Tribal members appears on the 1868 Tribal roll that was requested by the Virginia Governor, including the "only living" Mattaponi Indian resident (Eliza Allmond), as established by the governmental Trustees 13 years earlier. The five names do, however, appear on the 1870 census but only comprise 12.9% of the total Mattaponi reservation residents at the time.

B. Origin of the Surname "Major"

1. I also have skepticism regarding the Petitioner's historical Mattaponi surname of "Major". Are the "Majors" actual descendants of the historical Mattaponi? The provided affidavits (Petition pages 29 and 30) simply state that William Major and his daughter Eliza Major are Mattaponi. Is this solely based on them residing on the Mattaponi Reservation? William "Billy" Major was living at and taxed at the Pamunkey Indian Town in the early 1800s. The fact he was living and taxed on the Pamunkey Reservation, did not make him Pamunkey. My assertions are based on analysis and comparison of Mattaponi Tribal movements in the historical record and the surname "Major" in the early census data, along with, early property tax data within the counties of the historic tributary lands. To support this hypothesis, historical names associated with the other Federally recognized Tribes of the Commonwealth of Virginia were also examined. These names include: Hoomes/Homes/Holmes, Atkins, Fortune, Bass, Weaver, Key and Twopence/Tuppence, Toopence/Tuppance/Tuppins/Tupponce, The historical tributary counties included King William, King & Queen, Caroline and Essex.
2. Before I discuss surnames, it is important to understand the movement of reported Mattaponi village(s) in the historical record.
 - i. The present-day Mattaponi Indian Tribe petitioners contend that the Mattaponi Tribal reservation was established in 1658, and very early historical maps do indicate the presence of the Mattaponi village on the banks of the Mattaponi river. However, the Articles of Peace treaty removed the Mattaponi from this location. According to Articles of Peace treaty of 1646 the Mattaponi along with the Chickahominy were moved to the headwaters of the Mattaponi river, located in present day Upper King William, King and Queen, Caroline and Essex counties. The Pamunkey, being the most influential and predominant "ruling" Tribe were allowed to remain in their lands to serve as a "buffer" between the other Tribes and the English.
 - ii. In 1662 the Mattaponi King filed a legal complaint against Colonel Thomas Goodrich, who reportedly had set his English-style house ablaze to drive him from his land at the head of the Piscataway Creek in present day Essex County. By 1667 the Indians had vacated their town on the Piscataway and moved to the upper side

of the Mattaponi River. Their new village was situated at Hashwamankcott Swamp, below the mouth of Deep Creek, a stream now known as Garnett's Creek in present day King & Queen County. Contemporary patents suggest that the Mattaponi and Chickahominy Indians were living together in one town.

- iii. A 1669 census of Virginia's Natives identified eighteen recognized groups whose 725 warriors were distributed throughout eight Tidewater counties. At that time, the Mattaponi Indians, who were enumerated with 20 warriors, were said to be living in New Kent County, a vast territory subsequently divided into what later became, in part, the counties of King William, King & Queen and Caroline. He indicated that a large Indian settlement was located on the lower side of the Mattaponi River, at a site that appears to have been in the vicinity of contemporary Aylett and Aylett Creek. Herrman's map also reveals that numerous Indians also were living at the head of Dragon Swamp.
- iv. In 1670, when Augustin Herrman toured Tidewater Virginia and Maryland by boat and prepared a detailed map, Natives and planters were distributed along the banks of eastern Virginia's navigable waterways and on the Eastern Shore. He indicated that a large Indian settlement was located on the lower side of the Mattaponi River, at a site that appears to have been in the vicinity of contemporary Aylett and Aylett Creek.
- v. Detail of Augustin Herrman's map of Virginia (1673), showing "The Narrowes of Yorck R[iver]" and the Indian settlements within Pamunkey Neck. The map clearly shows the Pamunkey Neck was inhabited by the Pamunkey and indicates three villages. One is clearly located around Aylett and Aylett Creek. This also supports that the Pamunkey tributary lands stretched from the Pamunkey river to the Mattaponi river (Map 2 page 25 of reference indicated at end of this section).
- vi. Land patents reveal that by the early-to-mid-1680s the Mattaponi Indians were obliged to relocate at least twice. They moved toward the head of the Mattaponi River, in what was known as its "freshes," that is, well above the interface of fresh and salt water. The Mattaponi and the Morratoco Indians, who seem to have banded together for mutual support, were then living on the southeast side of Mattapony Creek Run, or Beverley Run, in the upper part of what became King and Queen County (Nugent II:287; III:108; Patent Book 7:439; 9:736. In 1691 "the Indians' land" on the main branches of the "Mattapony Run" was mentioned in a patent for acreage in King and Queen County, as was "the Indian path" (Nugent II:369; Patent Book 8:190). Similarly, they were not mentioned specifically in an official report of the tribes living in each county in 1702 or in the correspondence of Lieutenant Governor Alexander Spotswood, who rendered an account of the

tributary Indians in 1712 (Beverley 1947:232-233; C.O. 5/714 ff 61v-62r; Spotswood I:167).

- vii. As late as 1703 an Indian town was located in the freshes of the Mattaponi. In 1707 Robert Beverley expressed his concern about hostile Indians invading the upper reaches of King and Queen County and said that he was going to build a fort and invite his neighbors to take refuge with him (Beverley 1947:232-233; Nugent I:70-71; Palmer I:110; Patent Book 9:531).
- viii. The 1705 land patent that referenced the path from Portobago to the "Mattapony Indian towne or Chickahominy" (Nugent III:97), strongly suggests a composite group then living at Herring Creek. The sale of the 3,000-acre Herring Creek reservation was successful, but as of 1711, Perry's "Chicahominy faction had not vacated the tract "where their Town now Stands." Drammaco's (identified as a Chickahominy headman who signed a petition as a Pamunkey "Great Man" "Tra Macco" in 1710) band apparently organized the sale, in exchange for a "Small Tract of Land lying on Mattaponi River," according to deliberations recorded in 1718 (McIlwaine 1925-1945 III:272, 487). There is unproven speculation that this smaller parcel was the tract mentioned by Thomas Jefferson sixty years later as, "about fifty acres of land" who Jefferson called the settlement's residents "Mattaponies" but may have been in fact Drammaco's Chickahominy/Mattaponi band. (1787:154).
- ix. By c.1750 the "Pamunkey" controlled at least three tracts of land, including their main town on a peninsula of about 1,100 acres. A second 2,000-acre parcel was contiguous – a portion today called "Old Town" – at the entrance to the Pamunkey town, and another small tract of 88 acres was four miles away. Old Town abuts Harrison Creek, formerly named Necotowance Creek, the geography of "Pamamomeck Tatapootamoy ye Indian Kings Seat," and may have also been the location of Cockacoesque's residence prior to Bacon's Rebellion (McCartney 1984:16). Other Indian-controlled parcels may have been counted, but records are lacking on specifics, such as one "small," "separate," and "greatly wasted" plot of land used for logging. The specific size and location were not recorded. A 125-acre tract on the Mattaponi River, today the Mattaponi Indian Reservation, is about ten miles distant from the Pamunkey. Thomas Jefferson remarked that the Pamunkey had "about 300 acres of very fertile land, on the Pamunkey river," which may have only referenced the arable land of Pamunkey Town. So too, his comment about the "Mattaponies" who were settled on "about fifty acres of land, which lie on the river of their own name" and "distant but 10 miles" may refer to the arable land of Mattaponi Town. This information supports the contention that the Pamunkey's reservation extended from the Pamunkey river to the Mattaponi river.

When the current Mattaponi Indian Town on the Mattaponi river was reestablished and exactly by whom (Chickahominy, Mattaponi, or some hybrid of Tribes) is speculative but likely occurred between 1710 and 1800 and not 1658 as claimed by the Petitioners. Chickahominy movements during this period correlates with the migration of Chickahominy members migration back towards their homelands in present day Charles City County, VA.

3. An examination of the historical record has identified several Mattaponi people by name. The Treaty of 1657 that took place at the Old Rappahannock Courthouse, referenced in the petition included the names:
 - i. Tupeisens or Tapeisens, the King of the Mattaponi
 - ii. His great men:
 - a. Owmohowtne [or Ownohowtne / Owmohowty],
 - b. Mennenhcom [or Meimeichcom],
 - c. Eriopochke [or Eriopoehek], and
 - d. Peponngeis [or Peponugeis],
 - iii. Additionally, the historical record identifies Toppyninoun, was also listed as a former King of the Mattaponi.
 - iv. Of note, there has been speculation that the modern-day surname of Tupponce is a corruption or English interpretation/simplification/corruption of the historical Mattaponi name Tupeisens/Tapeisens. This name has also been found in the historical record as Twopence, Tuppence, Toopence, Tuppance and Tuppins. No other such suspected corruption of historical Mattaponi names including "Major", can have been identified.
4. US Census Data
 - i. The "Major" surname first appears in the US census in Virginia in 1810 with 13 heads of households. Only one (Josiah Magor in King & Queen) appeared in a historical tributary county (King William, King & Queen, Caroline, and Essex) with the bulk of households with the surname "Major" (61.5%) appear in Charles City (n=4), Accomack (n=3) and Middlesex (n=1). The "Major" surname first appears in King William County in the 1820 census with one head of household (Betsy Major). Again, the bulk of "Major" surnames (47.4%) appear in the counties of Charles City (n=4), Accomack (n=4) and Middlesex (n=1).
 - ii. The "Major" name disappears from King William County in the 1830 US census with one reported head of household in King and Queen County and again the bulk 40% in the counties of Charles City (n=2), Accomack (n=3) and Middlesex (n=3). It reappears in King William County in the 1840 US census as a single head of household (George W. Major).

- iii. A cursory examination of the United States census for 1840 indicates the presence 10 heads-of-household possessing any variation Mattaponi "Tupponce" surname variation living in Virginia. Ninety percent of these families still resided in the Indian preserve land (counties of King William, King and Queen, and Essex) set aside by the Articles of Peace nearly 200 years later. The same search, during the same year, for the "Mattaponi" surname of "Major" reveals only one "Major" (2.9%) household out of 34 resided in the former preserve land. Interestingly no Custalow or spelling variations head-of-households were identified in the area. A search for the historical Chickahominy surname of "Holmes" (Hoomes, Homes) and Upper Mattaponi surname "Adams" (likely of Chickahominy and Mattaponi preserve descent) along with "Tuppence" were located as a community in the historical preserve land. This correlates with 17th and 18th century Chickahominy/Mattaponi movements.

5. Personal Property Tax Data

- i. Personal Property Tax list from the late 1790s through the 1840s show only one "Major" surname in the county of King William. This person was Willam Major in 1806 and 1806. No "Majors" are listed in any of the other counties examined during this period. Multiple "Keys" were found in Essex, Caroline and King & Queen along with multiple persons with the surname "Fortune" that is associated with the Rappahannock Tribe along with "Hoomes (Holmes)" surname associated with the Chickahominy
- ii. Similarly, the 1840 census and property tax lists show the historic Nansemond names of "Bass" and "Weaver" found in the counties of their former reservation land around the Nottaway and Chowan rivers of Virginia and North Carolina respectively. Even the Monacan surnames are scattered about these records in the counties of their homeland among the Piedmont region and parts of the Blue Ridge Mountains.
- iii. I do not claim to have intimate knowledge of the migration patterns of people or families of the era, but the census and tax data, along with common sense and human nature, would dictate that families and extended family units would have tended to reside in the same general vicinity as their ancestors with the occasional "lone wolf" venturing out. The above historical names, regardless of Tribe, support the assertion that the "Major" surname did not originate in the historical tributary lands and thus explains the scarcity of "Major" surname in the region. Additionally, this assertion supports the fact that the "Major" surname may or may not be Indian and almost certainly not of Mattaponi descent. Could William "Billy" Major, the father of Eliza Major, or his forebears set in motion the narrative that has been carried forward through generations for some initial secondary gain.

- iv. This analysis does not exclude William Major having offspring from a women of Chichahominy/Mattaponi descent, however, such a union would again lead to the Mattaponi Petitioners still being the descendants of only one Mattaponi Tribal member.

Based on this analysis it can only be concluded the Mattaponi tribal village movements, and the early locations of the “Major” surname may be interpreted that the Upper Mattaponi and Chickahominy have more in common with and a stronger claim to the historical Mattaponi than the current Mattaponi members.

C. Other Concerns

Lastly and just as concerning is the extremely narrow exclusionary for descendants seeking Tribal membership. Though their proposed criteria are not specifically detailed in their petition, it can be inferred that it will be based solely on tying lineage to descendants of Eliza Major “Allmond”, only three of her children and only two of her grandchildren. Previous enrollment criteria had also been tied to the 1910 census but was limited to only five select heads of households. These included: George F. Custalow, Sr, Junius C Custalow, Solomon Custalow, Mary Eliza (Allmond) Langston and Lee Franklin Major. Apparently, Solomon Custalow (son of Adaline Allmond (Custalow) and Lee Franklin Major (nephew of Eliza Major) were dropped in favor of Adaline Nancy Allmond (Custalow), John Baylor Allmond and the matriarch Eliza Major (Allmond). The problem with this is it only reflects about 1/3 of the household identified as Indian and living on the Mattaponi Indian reservation in 1910. It also neglects those Tribal members off-reservation without lineage to Eliza Major and is a **blatant attempt to erase** the families without direct lineage and some with direct lineage to Eliza Allmond “Majors” from Mattaponi. **The “hand-picked” manner by which the Petitioners have determine who is of Mattaponi descent is highly reminiscent of Water Plecker and no different from the racial integrity laws of the 1920s.**

The Petitioner’s claim to be “descendants” (plural) of the historical Mattaponi Tribe is extremely weak and relies heavily on their place of residence and activities after 1910. Evidence between 1900 and 1910 is sparse and primarily relying on several Tupponces, Allmonds and mentions only in conjunction with the Pamunkey Tribe. The Petition does not attempt to establish a link to any historical Mattaponi Tribal residents with the exception Eliza Major and a select few of her offspring. A deeper dive, as demonstrated by this Letter of Comment, shows that their claim of residence at their present location since 1658 is false and the land they call their reservation belonged to the Pamunkey. It has been established that the Petitioners are purely nothing more than an extended family unit, arising from a single individual, who may not have been of historical Mattaponi descent or

even American Indian. This is supported by the Commonwealth of Virginia Trustees of the Pamunkey/Mattaponi (only one Board of Trustees until the 1880s) determined there was only ONE living Indian residing on the reservation in 1855, that being Eliza Major. The evidence presented above casts enough doubt on the Petitioner's claim to be the descendants the Mattaponi Tribe of the historical Powhatan era. Granting Federal Acknowledgement of Mattaponi Indian Tribe of Virginia (Petition #408) would be remiss and should be dismissed without further or future consideration.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Alan K. Tupponce MD", with a horizontal line underneath.

Alan K. Tupponce, MD
CAPT. (ret) USPHS

References

Woodard, B, Moretti-Langholtz, D. 2017. Mattaponi Indian Reservation, King William County, Virginia Heritage Properties of Indian Town: The Mattaponi Indian Baptist Church, School, and Homes of Chiefly Lineages p. 15-32.

U.S. Census data 1800 – 1840

www.freeafricanamericans.com - Virginia County Personal Property Tax Lists