DEED CONVEYING LANDS TO EASTERN BAND OF CHEROKEES IN NORTH CAROLINA.

This indenture, made and entered into this 26th day March, A. D. 1902, by and between W. A. Jones, Commissioner of Indian Affairs of the United States of America, now residing at Washington, D. C., party of the first part, and the Eastern band of Cherokee Indians, a body politic and corporate, created and existing under the laws of North Carolina, as hereinafter shown, party of the second part, witnesseth:

That whereas a deed was executed by William Johnston et al. to the Commissioner of Indian Affairs conveying to said Commissioner of Indian Affairs as trustee for the use and benefit of the Eastern band of Cherokee Indians the 68 tracts of land therein described, bearing date August 14, 1880, known as the "Sibbald deed," which deed was duly registered in the office of the register of deeds of Swain, Jackson, Graham, and Cherokee counties, N. C., in the records, on the pages, dates, etc., as follows:

In Swain County, N. C., in book B, No. 2, beginning on page 342 and ending on page 375, record of deeds of said county on the 14th day of September, A. D. 1880.

In Jackson County, N. C., in book G, pages 374 to 403, inclusive, record of deeds of said county on October 1, A. D. 1880.

In Graham County, N. C., in book B, commencing on page 1 and ending on page 32, record of deeds of said county on October 29, A. D. 1880.

In Cherokee County, N. C., in book R, beginning on page 28 and ending on page 62, record of deeds of said county on November 1, A. D. 1880.

To which record reference is made for a full and perfect description of the 68 tracts of land conveyed in the said "Sibbald deed."

And whereas since the execution of the "Sibbald deed" aforesaid, the said Eastern band of Cherokee Indians was created a body politic and corporate by the general assembly of North Carolina, Private Laws of 1889, chapter 211, and laws amendatory thereof, to wit: Private Laws of 1895, chapter 166, as amended by Private Laws of 1897, chapter 207, with full power and authority to acquire and hold title to land in fee as such corporation in North Carolina, and especially to land conveyed in the "Sibbald deed" aforesaid, as provided in said acts of incorporation, etc.

See section 25, of the Private Laws of 1897, chapter 207, aforesaid.

And whereas by a decree entered on the 25th day of May, A. D. 1901, in the two suits respectively of the Eastern band of Cherokee Indians *v.* William H. Thomas et al. and the United States *v.* William H. Thomas et al., pending in the circuit court of the United States for the western district of North Carolina, the Commissioner of Indian Affairs was relieved from the duty imposed upon him as trustee of the said band of Indians of the 68 tracts of land conveyed in the Sibbald deed aforesaid, and therein directed to execute a quitclaim deed to the said Eastern band of Cherokee Indians to the 68 tracts of land as a corporation aforesaid, except such tracts as were decreed to belong to other parties, in words as follows:

"It is further considered, adjudged, ordered, and decreed by the court that the Commissioner of Indian Affairs of the United States be, and is hereby, relieved from the duty imposed upon him as trustee for the eastern band of Cherokee Indians for the 68 tracts of land embraced in the deed of conveyance executed by William Johnston et al., to the Commissioner of Indian Affairs as trustee for said band of Indians, bearing date August 14, 1880, known as the 'Sibbald deed,' and the title to the said 68 tracts of land conveyed in the 'Sibbald deed' aforesaid, shall be, and the same hereby is, vested in the eastern band of Cherokee Indians as a corporation aforesaid, except those tracts herein decreed to belong to the defendants, and the said Commissioner of Indian Affairs shall, by a proper deed of conveyance, release and quitclaim to the said band of Indians all the right, title, and interest whatsoever that the Commissioner of Indian Affairs acquired in and to the said 68 tracts of land conveyed in the 'Sibbald deed' as trustee aforesaid or otherwise, not herein decreed to belong to the defendants, but nothing herein contained shall be construed as interfering with the right of the Commissioner of Indian Affairs from exercising such supervisory charge over the persons and property of said band of Indians and members thereof and the contracts of said Indians as that officer now has by virtue of the Constitution of the United States and the treaties and laws made in pursuance thereof."

And whereas the said W. A. Jones, Commissioner of Indian Affairs as aforesaid, did, prior to the entering of the decree of May 25, 1901, aforesaid, voluntarily become a party to said suits in order to abide by the orders and decrees of the court made therein.

Now therefore, the said W. A. Jones, Commissioner of Indian Affairs, as aforesaid, party of the first part, for and in consideration of the premises, and the further consideration of the sum of $1, to him in hand paid by the Eastern band of Cherokee Indians, party of the second part, the receipt whereof is hereby acknowledged, has

given, granted, bargained, sold, conveyed, released, and quitclaimed, and by these presents do give, grant, bargain, sell, convey, release, quitclaim, and confirm unto the said Eastern band of Cherokee Indians as a corporation aforesaid, all right, title, and interest whatsoever that the Commissioner of Indian Affairs and his successors in office acquired in and to the said 68 tracts of land conveyed in the "Sibbald deed," as trustee aforesaid, or otherwise, except such tracts as have heretofore been decreed to belong to other parties by the said decree, entered May 25, 1901, in the two suits aforesaid, and that entered in the said suit of the United States *v.* William H. Thomas et al., on the 15th day of November, 1895.

To have and to hold said 68 tracts of land, subject to the exceptions aforesaid, together with all privileges and appurtenances thereunto belonging unto the said Eastern band of Cherokee Indians in fee as a corporation aforesaid, its successors and assigns forever.

In testimony whereof the said W. A. Jones, Commissioner of Indian Affairs aforesaid, party of the first part, has hereunto set his hand and affixed his seal and the official seal of his office the day and year first above written.

W. A. JONES,
Commissioner of Indian Affairs of the United States.

DISTRICT OF COLUMBIA, *City of Washington:*

I, Laura B. Holderby, a notary public in and for the city of Washington, District of Columbia, do hereby certify that W. A. Jones, to me known to be the Commissioner of Indian Affairs of the United States of America, this day personally appeared before me and acknowledged the due execution by him as such Commissioner of Indian Affairs to the Eastern band of Cherokee Indians, of the foregoing and annexed deed of conveyance for the purposes therein expressed.

Witness my hand and notarial seal this 26th day of March, A. D. 1902.

[SEAL.] LAURA B. HOLDERBY,
Notary Public.

(My commission expires December 1, 1902.)

STATE OF NORTH CAROLINA, *Swain County:*

The foregoing certificate of Laura B. Holderby, notary public in and for the city of Washington and District of Columbia, as attested by her notarial seal, is in due form and according to law, and is adjudged by me to be correct and sufficient.

Therefore, let the said deed of conveyance, together with the certificates, be registered in Swain County, N. C., this 4th day of April, 1902.

A. J. HALL,
Clerk of the Superior Court of Swain County, N. C.

NORTH CAROLINA, *Swain County:*

Filed for registration April 4, 1902, at 4 p. m., and registered in book W, pages 197, 198, 199, 200, record of deeds for said county, April 5, 1902, at 10 a. m.

J. A. WATKINS, *Register of Deeds.*

NORTH CAROLINA, *Jackson County:*

The foregoing certificate of Laura B. Holderby, a notary public of District of Columbia, city of Washington, attested by her notarial seal, is adjudged to be correct and in due form of law; therefore let the instrument and the certificate be registered.

Witness my hand and seal this the 21st day of April, 1902.

FELIX E. ALLEY, *Clerk Superior Court.*

Filed for registration at 9 o'clock a. m. on the 21st day of April, 1902, and registered at 5 o'clock p. m. in book CC, on pages 419, 420, 422, and 423.

T. G. PICKLESIMER,
Register of Deeds of Jackson County, N. C.

NORTH CAROLINA, *Graham County:*

The foregoing certificate of Laura B. Holderby, a notary public of the District of Columbia, city of Washington, attested by her notarial seal, is adjudged to be correct and in due form of law; therefore let the instrument and the certificates be registered.

Witness my hand and official seal this 29th day of April, 1902.

[SEAL.] R. V. MCELROY,
Clerk Superior Court Graham County, N. C.

NORTH CAROLINA, *Graham County:*

The foregoing instrument was this day duly registered in the office of the register of deeds for Graham County, in book K, of deeds, pages 534 to 538, inclusive.

Witness my hand this the 2d day of May, 1902.

ROBT. B. SLAUGHTER,
Register of Deeds, Graham County, N. C.

NORTH CAROLINA, *Cherokee County:*

The foregoing certificate of Laura B. Holderby, a notary public, in and for the District of Columbia and city of Washington, attested by her notarial seal is adjudged to be correct, therefore, let the instrument with the certificate be registered.

This 16th day of May, 1902.

S. W. LOVINGOOD, *County Clerk.*

Registered in the office of the register of deeds for Cherokee County, N. C., in book No. 9, pages 519, 520, 521, 522, 523, 524, May 16, 1902.

THOS. C. MCDONALD,
Register of Deeds.

Recorded in the Office of Indian Affairs, Washington, D. C., in Miscellaneous Record Book, volume 5, pages 189 to 193.