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INTRODUCED BY: Representative Brumby

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Referred to:

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1 A BILL TO BE ENTITLED AN ACT TO APPROPRIATE NECESSARY FUNDS  
2 FOR PRELIMINARY ARCHEOLOGICAL AND HISTORICAL RESEARCH AND  
3 PLANNING FOR RESTORATION OF FORT BUTLER IN CHEROKEE COUNTY.

4 WHEREAS, Fort Butler, located in Cherokee County,  
5 was constructed in 1835 by the United States Army and there-  
6 after manned and operated as an important Federal military  
7 facility and one of a chain of military stockades spaced  
8 along the route which history has named the "Trail of Tears"  
9 from the homeland of the Cherokee Indians in Western North  
10 Carolina to their destined land of exile in the "Cherokee  
11 Strip" and Indian Reservation territory in the West; and

12 WHEREAS, in what has been described as one of the  
13 blackest chapters in American history, through the power of  
14 armed military might, most of the various segments of the  
15 Cherokee Indian Tribe were forcibly removed from their an-  
16 cestral country of cool mountains, forests, and waters, abound-  
17 ing in fish and game, and rich in beauty and tribal tradition,  
18 to the largely hot, flat, arid and barren grass and scrub timber  
19 lands of the Western Plains, and Fort Butler, with Federal  
20 forces stationed there, formed the key military base for the  
21 initiation, prosecution and support of this military opera-  
22 tion; and

23 WHEREAS, enough is known of the history of Fort But-  
24 ler to establish that the Town of Murphy owns in Fort Butler

1 Park the lands and site on which the permanent buildings and  
2 on Fort Putler were located and their foundations may be found;  
3 and

4 WHEREAS, the officials and citizens of the Town of  
5 Murphy, and the private owners of property adjoining Fort Putler  
6 Park have signified their willingness and interest that all such  
7 lands as may be necessary to the restoration of historic Fort  
8 Putler, may be made available without cost to any appropriate  
9 Fort Putler Restoration, such as a lawfully constituted commis-  
10 sion, or to the State of North Carolina, or the United States,  
11 for the purpose of making restored Fort Putler in its historical  
12 form available to the general public for recreational and his-  
13 torical purposes, and as a public service: and

14 WHEREAS, as necessary preliminaries to the discharge,  
15 with respect to Fort Putler, of the duties of the Historical  
16 Sites Advisory Committee, the Department of Archives and History,  
17 and any legislative committee under G. S. 121-8.1, G. S. 121-8.2  
18 and G. S. 121-8.3, and of any department or agency of the State  
19 of North Carolina of duty under G. S. 121-7 and G. S. 103-31.2,  
20 certain preliminary archeological and historical research, and  
21 preliminary site restoration and operation planning, and compila-  
22 tion of a soundly documented report reflecting such preliminary  
23 research and planning, are all vital; and

24 WHEREAS, the North Carolina Department of Archives  
25 and History is the appropriate state agency to supervise, co-  
26 ordinate and control these preliminary matters: and the continued  
27 co-operation of the Town of Murphy, of Cherokee County, of the  
28 Cherokee County Historical Society, and of the Archibald B.

1 Murphey Chapter of the Daughters of the American Revolution,  
2 and other appropriate local interests, is vitally necessary  
3 to these preliminaries, and such agencies have already advanced  
4 the project to the point where professional study and work with  
5 respect to the project is now required: NOW, THEREFORE,  
6 The General Assembly of North Carolina do enact:

7           Section 1. In addition to all other appropriations  
8 made by other provision of law, including the Biennial Budget  
9 Appropriation Act for 1965-1967, there is hereby appropriated  
10 from the General Fund of the State to the North Carolina Depart-  
11 ment of Archives and History the sum of \$6,000.00 for the fis-  
12 cal years 1965-1967.

13           Sec. 2. The funds so appropriated shall be utilized  
14 by the North Carolina Department of Archives and History for  
15 accomplishing, with its own personnel or, where necessary, with  
16 the aid of qualified professionals outside of its own staff,  
17 the required preliminary archeological research, historical re-  
18 search, site restorational and operational planning, and compila-  
19 tion of a sound comprehensive and documented report reflecting  
20 the results of such preliminary research and planning, and co-  
21 ordinating all preliminary research and planning work by other  
22 agencies of state, local and Federal Governments, and of private  
23 individuals or organizations, with respect to Fort Butler in the  
24 Town of Murphy in Cherokee County.

25           Sec. 3. In carrying out the above authorized tasks,  
26 the North Carolina Department of Archives and History shall co-  
27 operate with the Town of Murphy, Cherokee County, the Cherokee  
28 County Historical Society, the Archibald D. Murphey Chapter of

1 the Daughters of the American Revolution, and any and all other  
 2 interested and appropriate private organizations, and officers  
 3 and agencies of state, local and Federal governments concerned.

4           Sec. 4. The North Carolina Department of Archives  
 5 and History is authorized to expend, for the purposes set forth  
 6 in this Act, any additional Federal funds which may be available  
 7 to it, any additional local funds made available to the Depart-  
 8 ment, by the Town of Murphy, Cherokee County, and by donations  
 9 of organizations or individuals, for the same or allied purposes.  
 10 The Town of Murphy and Cherokee County are further authorized  
 11 and empowered to expend, and to transfer to the Department of  
 12 Archives and History any additional funds which may be lawfully  
 13 available for the same purposes, and which may be received by  
 14 the Town or County, from any source, including, but not re-  
 15 stricted to, private donations and grants or allocations of  
 16 available Federal funds for the same or similar or allied pur-  
 17 poses.

18           Sec. 5. The Fort Butler restoration project being in  
 19 its infancy, relatively speaking, and the preliminary researches,  
 20 plans and reports herein contemplated being vitally necessary as  
 21 a precondition to any sound and subsequent step with respect to  
 22 the project, the restrictions and limitations in the provisions  
 23 of G. S. 121-8.2, G. S. 121-8.3 and G. S. 121- and G. S.  
 24 143-31.2 shall not apply. However, nothing herein shall be con-  
 25 strued to bar any branch, department or agency of state govern-  
 26 ment from exercising, with respect to Fort Butler, any and all  
 27 of the powers, authority, duties and responsibilities, as pro-  
 28 vided in Chapter 210, Session Laws of 1963, if the occasion and

1 necessity of exercising any of such powers, authorities, duties  
2 and responsibilities, with respect to Fort Butler, shall arise  
3 before the completion of the preliminary research, planning  
4 and report herein contemplated.

5           Sec. 6. This Act shall become effective upon its  
6 ratification.

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