

NORTH CAROLINA GENERAL ASSEMBLY  
1965 SESSION

CHAPTER 1007  
HOUSE BILL 458

1 AN ACT TO APPROPRIATE NECESSARY FUNDS FOR PRELIMINARY  
2 ARCHEOLOGICAL AND HISTORICAL RESEARCH AND PLANNING FOR  
3 RESTORATION OF FORT BUTLER IN CHEROKEE COUNTY.  
4

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

11 WHEREAS, in what has been described as one of the blackest chapters in American  
12 history, through the power of armed military might, most of the various segments of the  
13 Cherokee Indian Tribe were forcibly removed from their ancestral country of cool mountains,  
14 forests, and waters, abounding in fish and game, and rich in beauty and tribal tradition, to the  
15 largely hot, flat, arid and barren grass and scrub timberlands of the Western Plains, and Fort  
16 Butler, with Federal forces stationed there, formed the key military base for the initiation,  
17 prosecution and support of this military operation; and

18 WHEREAS, enough is known of the history of Fort Butler to establish that the  
19 Town of Murphy owns in Fort Butler Park the lands and site on which the permanent buildings  
20 making up Fort Butler were located and their foundations may be found; and

21 WHEREAS, the officials and citizens of the Town of Murphy, and the private  
22 owners of property adjoining Fort Butler Park have signified their willingness and interest that  
23 all such lands as may be necessary to the restoration of historic Fort Butler, may be made  
24 available without cost to any appropriate Fort Butler Restoration, such as a lawfully constituted  
25 commission, or to the State of North Carolina, or the United States, for the purpose of making  
26 restored Fort Butler in its historical form available to the general public for recreational and  
27 historical purposes, and as a public service; and

28 WHEREAS, as necessary preliminaries to the discharge, with respect to Fort Butler,  
29 of the duties of the Historical Sites Advisory Committee, the Department of Archives and  
30 History, and any legislative committee under G.S. 121-8.1, G.S. 121-8.2 and G.S. 121-8.3, and  
31 of any department or agency of the State of North Carolina of duty under G.S. 121-7 and G.S.  
32 143-31.2, certain preliminary archeological and historical research, and preliminary site  
33 restoration and operation planning, and compilation of a soundly documented report reflecting  
34 such preliminary research and planning, are all vital; and

35 WHEREAS, the North Carolina Department of Archives and History is the  
36 appropriate State agency to supervise, coordinate and control these preliminary matters; and the  
37 continued cooperation of the Town of Murphy, of Cherokee County, of the Cherokee County  
38 Historical Society, and of the Archibald D. Murphey Chapter of the Daughters of the American  
39 Revolution, and other appropriate local interests, is vitally necessary to these preliminaries, and  
40 such agencies have already advanced the project to the point where professional study and  
41 work with respect to the project is now required: Now, therefore,  
42

43 The General Assembly of North Carolina do enact:

1  
2           **Section 1.** In addition to all other appropriations made by other provision of law,  
3 including the Biennial Budget Appropriation Act for 1965-1967, there is hereby appropriated  
4 from the General Fund of the State to the North Carolina Department of Archives and History  
5 the sum of six thousand dollars (\$6,000.00) for the fiscal years 1965-1967.

6           **Sec. 2.** The funds so appropriated shall be utilized by the North Carolina  
7 Department of Archives and History for accomplishing, with its own personnel or, where  
8 necessary, with the aid of qualified professionals outside of its own staff, the required  
9 preliminary archeological research, historical research, site restorational and operational  
10 planning, and compilation of a sound comprehensive and documented report reflecting the  
11 results of such preliminary research and planning, and coordinating all preliminary research  
12 and planning work by other agencies of State, local and Federal Governments, and of private  
13 individuals or organizations, with respect to Fort Butler in the Town of Murphy in Cherokee  
14 County.

15           **Sec. 3.** In carrying out the above authorized tasks, the North Carolina Department  
16 of Archives and History shall cooperate with the Town of Murphy, Cherokee County, the  
17 Cherokee County Historical Society, the Archibald D. Murphey Chapter of the Daughters of  
18 the American Revolution, and any and all other interested and appropriate private  
19 organizations, and officers and agencies of State, local and Federal Governments concerned.

20           **Sec. 4.** The North Carolina Department of Archives and History is authorized to  
21 expend, for the purposes set forth in this Act, any additional federal funds which may be  
22 available to it, any additional local funds made available to the Department, by the Town of  
23 Murphy, Cherokee County, and by donations of organizations or individuals, for the same or  
24 allied purposes. The Town of Murphy and Cherokee County are further authorized and  
25 empowered to expend, and to transfer to the Department of Archives and History any  
26 additional funds which may be lawfully available for the same purposes, and which may be  
27 received by the town or county, from any source, including, but not restricted to, private  
28 donations and grants or allocations of available federal funds for the same or similar or allied  
29 purposes.

30           **Sec. 5.** The Fort Butler Restoration project being in its infancy, relatively speaking,  
31 and the preliminary researches, plans and reports herein contemplated being vitally necessary  
32 as a precondition to any sound and subsequent step with respect to the project, the restrictions  
33 and limitations in the provisions of G.S. 121-8.2, G.S. 121-8.3 and of G.S. 121-7 and G.S. 143-  
34 31.2 shall not apply. However, nothing herein shall be construed to bar any branch, department  
35 or agency of State government from exercising, with respect to Fort Butler, any and all of the  
36 powers, authority, duties and responsibilities, as provided in Chapter 210, Session Laws of  
37 1963, if the occasion and necessity of exercising any of such powers, authorities, duties and  
38 responsibilities, with respect to Fort Butler, shall arise before the completion of the preliminary  
39 research, planning and report herein contemplated.

40           **Sec. 6.** This Act shall become effective upon its ratification.

41           In the General Assembly read three times and ratified, this the 14th day of June,  
42 1965.