

## LAND TITLES. – THE ORIGIN OF THE TITLES, AND PENN'S POLICY

It is the editor's desire to lay before the public a\* connected view of the land titles of Pennsylvania from its first settlement to the present time, an attempt of equal difficulty and interest. That it will be free from errors is perhaps rather to be wished than expected, as from the lapse of time some material documents, once known to have existed, can no longer be traced. Fortunately, however, much of what may be now considered as depending upon tradition, is the subject of curiosity that real utility. The public records furnish ample materials of all that is of moment at the present.

The royal charter of Charles the Second to William Penn bears date at Westminster, March 4<sup>th</sup>, 1681, in the thirty-third year of the reign of that king. The extent and limits of the territory of Pennsylvania may be seen in the charter itself, in the appendix of the laws of Pennsylvania, Bioren edition, 1810, and in the course of this article its present boundaries, as settled with the adjoining states, or enlarged by purchase, will distinctly appear.

It were needless, at this time of day, to question the validity of royal charters. The principle had obtained among the European nations that a new discovered country belonged to the nation whose people first discovered it. Eugene the Fourth and Alexander the Sixth successively granted to Portugal and Spain all the countries possessed by Infidels, which should be discovered by the industry of their subjects and subdued by the force of their arms; and we are told that no person in the fifteenth century doubted that the Pope, in the plenitude of his apostolic power, had a right to confer it, and all Christian princes were deterred from intruding into the countries those nations had discovered, or from interrupting the progress of their navigation and conquests. But William Penn, although clothed with powers as full and comprehensive as those possessed by the adventurers from Portugal and Spain, was influenced by a purer morality and sounder policy. His religious principles did not permit him to wrest the soil of Pennsylvania by force from the people to whom God and Nature gave it, nor to establish his title in blood; but under the shade of the lofty trees of the forest, his right was fixed by treaties with the natives, and sanctified, as it were, by incense smoking from the calumet of peace.

## THE SETTLEMENT OF THE SWEDES AND DUTCH

on the lands near the river Delaware, and their subsequent subjection to the English government previous to the royal grant to William Penn, are the subjects of general history. The Indian deed for the purchase made by the Dutch of the lands between Bombay Hook and Cape Henlopen, is now the property, and in Possession of the State of Delaware. The purchases made by William Penn and his successors are of no small importance in the consideration of the land-history of Pennsylvania.

## A PECULIARITY OF THE GRANT OF PENNSYLVANIA

It was a principle adopted in all new settlements that the laws of the mother country, at least so far as they are not inconsistent with the situation and circumstance of the infant colony, should have a binding force until altered by the authority of the new government. But that binding force arises only from the necessity which supposes that they receive those laws under which they lived before their settlements into their new plantations, and agree to be governed by them for want of another law. But in the instance of the grant of Pennsylvania, it was incorporated in the charter. That the laws for regulating and governing property within the said province, as well as for the descent and enjoyment of lands, as likewise for the enjoyment and succession of goods and chattels, &c., shall be and continue the same, as they shall be for the time being, by the general course of the law of England, until the said laws shall be altered by said William Penn, his heirs or assigns, and by the freemen of the said province, their delegates or deputies, or the greater part of them." It is clear, therefore, that from the date of the charter, until acts of assembly were made to alter the same, lands within the province descended according to the course of the common law. Such is still the rule, as will be seen in the course of this work, in cases omitted by the interstate laws of Pennsylvania.†

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\* Laws of Pennsylvania, page 105, note b.

† See 4 Dallas, 64; 2 Binney, 279.

## THE FIRST PURCHASERS.

William Penn, being possessed of the absolute proprietaryship of all the lands in the province, so far as the charter, independent of his Indian purchases, could vest such right, and the consequent right, (defined in the 17<sup>th</sup> section of the charter) to parcel them out among purchasers, to be holden to himself, and his heirs, “by such services, customs and rents as to him or them should seem fit, and not immediately of the crown,” sold large tracts of land to persons who were called *first purchasers*. These sales, it is believed, amounted to considerably more than three hundred thousand acres. The price which these lands were sold, was forty shillings sterling for one hundred acres, and one shilling quit rent. These grants or sales, have been since denominated *old rights*, and had peculiar privileges annexed to them, which will be immediately detailed. They had no location, but were to be surveyed anywhere in the province. There were three lists of original purchasers, but only the two first were filed in the land office; and the authenticity of the third list, by reason of its not having been filed with the public records, was questioned before the revolution, by the proprietary officers.

## THE CONDITIONS AND CONCESSIONS.

In the conditions and concessions agreed upon between the proprietor and first purchasers, (which may be seen in the appendix to the laws of Pennsylvania, edition 1810), it was stipulated that, “as soon as they should arrive, a certain quantity of land or ground plat, should be laid out for a large town or city, in the most convenient place upon the river for health and navigation, and that every purchaser should have, by lot, so much land therein, as should answer the proportion which he had bought, or taken up upon rent. That the proportion of lands that shall be laid out in the first great town or city, should be after the proportion of ten acres for every five hundred acres purchased, *if the place will allow it.*”

Accordingly, when the first colony sailed from England, in October, 1681, certain commissioners were appointed to execute the conditions on the part of Wm. Penn; that is to lay out the great town and proceed to survey the county lands. This commission remains in the office.

## THE PLATTING OF THE CITY.

It is known that difficulties existed with respect to the construction of these conditions and concessions, and the great town was not fixed by these commissioners. No place could be found which would bear a town of six or seven thousand acres, the proportion of the lands already purchased, if such as been the construction of the concessions and conditions; and if the idea of a city of such extent had not been absurd and impracticable. Tradition tells us, therefore, that the commissioners did nothing but explore the country till William Penn’s arrival. What knowledge they had gained of it they laid before him; and after deliberation, and, it must now be presumed, upon consultation with the settlers, he laid out a town of about two square miles, or twelve hundred and eighty acres, nearly as large as the city of Philadelphia now stands.\* The whole construction of the great town was therefore altered. The city was divided into lots of different sizes, and a large tract adjoining it, was surveyed, and called the Liberties; and out of the city and Liberties, the first purchasers were to have their two per cent.

Not a single memorial can be found of this plan, nor any record of the alterations, or any written evidence of the consent of the inhabitants to the new arrangement; but a regular series of uniform facts upon the books of the Land Office, established it beyond a doubt.

## THE LIBERTIES

The river Schuylkill divided the Liberties into two parts; the lot beyond the Schuylkill were of less value than those on the town side; and it is remarkable, that the Liberty lands, without a single exception, laid out on the town side of the Schuylkill, were in proportion of eight acres to five hundred acres, and the warrants are uniformly for 492, as of country land, and eight acres in the Northern Liberties, and in the same proportion for larger purchasers; and those whose Liberty land lay beyond the Schuylkill in the western Liberties had their warrants for 492 acres of country land, and ten acres of liberty land. It is therefore presumed by those whose age and information gave weight to the fact, that one-fifth part taken

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\* Proud’s History – 1810 edition.

from the holders in the Northern Liberties, made up the city plat, and the superiority in value made up for the deficiency on quantity, and time has amply realized their foresight.

#### THE CITY.

The city of Philadelphia was laid out, according to Proud's assertion, in the end of the year 1682. But the most prevalent opinion is that the plan was not completed until the month of June, 1683. As the ground chosen for the "scite" of the city was claimed by the Swedes, the proprietor gave them in exchange for it, a larger quantity of land a small distance from it.

William Penn, in a letter to the society of free traders, dated August 16<sup>th</sup>, 1683, writes thus (see his select works): "Philadelphia, the expectation of those that are concerned in this province, *is at last out* to the content, &c. I say little of the town itself, because a plat from it will be shown you by my agent, in which those who are purchasers of me, will find their names and interests, &c."

"For your particular concern, I might entirely refer you to the letters of the president of the society, but this I will venture to say, your provincial settlement, both within and without the town, for situation and soil, are without exception. Your city lot is a whole street, and one side of the street from river to river, containing near one hundred acres, not easily valued, which is beside your four hundred acres in the city Liberties, part of your twenty thousand acres in the country, &c."

#### "THE PLAN."

When the city plan was made out, two large lots were laid down for two purchasers to twenty thousand acres, others to suit the purchasers of ten thousand, five thousand, one thousand, five hundred, and less, and numbered on the draft, and some mode was devised for drawing the names of the purchasers, with the number of the size belonging to each. Thus William Penn, jr., drew No. 1, and the Societies of Free Traders drew No 5.

There were but three purchasers of twenty thousand acres, viz: the society of Free traders, William Penn, jr., and Letitia Penn. The lots of the two latter were disputed, and after several trials by jury, it is said they have obtained\* but 224 feet in breadth from Delaware front street to Schuylkill. The lots of the purchasers of ten thousand acres, bore no manner of proportion to the foregoing. They had six lots of 102 feet in breadth, from second to third, and from third to fourth street on each front; that is Delaware front, second and third streets, and Schuylkill front, second and third streets, not amounting to more than six acres. Nicholas Moore and John Marsh, two of these great purchasers drew on Delaware front Nos. 6 and 7.

Purchasers of five thousand acres had two lots, one on front street, 102 feet in breadth, extending from front to second street, and one on high street, 132 feet in breadth, and extending half the depth, northward towards Mulberry street, or southward to Chestnut street, or about 300 feet, being less than two acres.

Purchasers of one thousand acres had two lots, one twenty or twenty-one feet in breadth on front street, extending to second street, and the other on high street, believed to be 32 feet, by half the depth to the next street.

Purchasers of five hundred acres had lots on the back streets, as all the streets were called, except front, or high streets, 49 ½ feet in breadth, by half the depth to the next street, or thereabouts.

This is a general outline, as far as it can be ascertained, of the regulation of the city lots. Holmes' printed map, in a very mutilated state, from long use, is yet remaining in the Surveyor-General's office, and there is also there a correct copy on parchment. The names of the first purchasers, annexed to the map, which is the original used, and referred to by the commissioners of property, must soon disappear, if not copied. The editor has taken a correct copy, which was given in the appendix of the volume from which we quote. In this place, it is necessary to refer only to the following parts of the printed list, viz:

"The purchasers from one thousand acres and upwards, are placed in the front and high streets, and begin on Delaware front at the south end, with No. 1, and so proceed with the front to the north end, to No. 43."

Then follows the list of names who drew the 43 lots or numbers.

"The high street lots begin at No. 44, and so proceed on both sides of the high street, upwards the the centre square."

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\* Proud – Edition 1810.

Then follow the names of the persons who drew the lots, amounting to 39 lots.

“Here follow the purchasers under one thousand acres, and placed in the back streets on the front of Delaware, and begin with No. 5, on the southern side, and proceed by numbers, as in the draft.”

Then follow the names of the persons who drew the lots, the number of the lots being 192.

“Here follow the lots of Schuylkill front to the centre of the city, the purchasers from one thousand acres upwards, are placed in the front and high streets, and begin on Schuylkill front at the south end with No. 1, and so proceed with the front to No. 43.”

Here follow the names of the persons who drew the 43 lots, and it is to be remarked, that the first seven names on both lists are the same, viz: William Penn, jr., No 1; William Lowther, No. 2; Lawrence Growdon, No. 3; Philip Ford, No. 4; the society, No. 5; Nicholas Moore, No. 6; John Marsh, No. 7. And it is presumed these were the large lots appropriated to the purchasers of twenty and ten thousand acres.

“The high street lots begin at No. 44, and so proceed on both sides of that street to the centre square.”

“Here follow the purchasers under one thousand acres, placed in the back of the front on Schuylkill, and begin on the southern side with No. 1, and so proceed by the numbers as in the draught.”

Then follow the names annexed to the lots, the lots being 149 in number, but several are blank, without names annexed, and several names are in manuscript where the printed list has been worn. The whole is thus headed: “Directions of reference in the city draught of Philadelphia, to the lots of the purchasers, &c., by way of numbers, being too small to insert their names, so that by the number the lots may be known.”

“It is to be assumed as a principle, of which the evidence is abundant and conclusive.” That liberty lands were always considered as part of the quantity purchased, and were taken out of it when the warrant issued for the country land; but the city lots were considered as *appurtenant* to the purchase, but no part of it; and in the “Lessee of Hill vs. West, and Lessee of Moore vs. West, in Supreme Court, December term. 1804, it was held that the right to city lots was so connected with the first purchase, that by a general deed, made in 1704, by *first purchasers* of 5000 acres, with the *appurtenances*, the city lots, incident thereto, though previously surveyed, will pass together with the liberty lands, unless a contrary intention can be shown.\*

That this is the course of the Land Office, is evident, from innumerable records; but is ascertained only from such evidence and from tradition; as it had been already stated, that no trace can be found of any written documents to show when and in what manner these important transactions were settled between the proprietor and the purchasers.

#### CERTAIN PRIVILEGES CLAIMED, AND PENN’S ANSWER.

After the second coming of William Penn, after Governor Fletcher’s time, Viz: in the year 1701 the assembly, in an address to the proprietor, claimer certain privileges in the city, which, they alleged, had been violated. The eighth and ninth articles are as follows:

“8<sup>th</sup>. That, whereas, the proprietary formerly gave the purchasers an exception of a certain tract of land, which is since laid out, about two miles long and one mile broad, whereon to build the town of *Philadelphia*, and that the same should be a free gift, which since has been clogged with divers rents and reservations, contrary to the first design and grant, and to the great dissatisfaction of the inhabitants. We desire the Governor to take it into consideration, and make them easy therein.”

“9<sup>th</sup>. That the land lying back of that part of the town already built, remain for common, and that no leases be granted for the future to make inclosures to the damage of the public, until such time as the respective owners shall be ready to build or improve thereon.”†

The proprietor, in his answer, ten day afterwards, says: “You are under a mistake in fact; I have tied you to nothing in the allotment of the city, which the *first purchasers*, then present, did not readily seem to comply with, and I am sorry to fine their names to such an address as that presented to you, who have got double lots, by my *re-allotment* of the city, from fifty to one hundred and two feet front lots; and if they are willing to refund the fifty-two feet, I shall, as you desire, be easy in the quit rents; although this matter *solely refers to the first purchasers*, and to me as proprietary.”

“You are under a misapprehension, to think that a fourth part of the land laid out for a city, belongs to any body by myself, it being reserved for such as *were not first purchasers*, who might want to build in future time; and when I reflect on the great abuse done me in my absence, by destroying of my timber and -

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\* MSS reports.

† Votes of Assembly, Vol. 1, Part 1, page 145.

wood, and how the land is overrun with brush, to the injury and discredit of the town, it is small thought most conducting to the end desired; about which I shall consult with those persons chiefly concerned therein.†

The subject has become more a matter of curiosity than utility. Yet it is necessary to observe that under the commonwealth, the state paid great regard to these ancient claims of original purchasers to city lots, and provided a mode to ascertain these claims, and to grant patents for the lots, or an indemnification for them, in case that had been sold or appropriated; but limited the time in which such claims should be made, which is now expired, and the remaining lots appropriated by the state.”§

#### THE INDIAN PURCHASES.

Before we proceed to consider the mode of granting and settling lands in Pennsylvania, it will be useful to ascertain the Indian purchases, and to give a comprehensive and connected view of the deeds, and boundaries, as far as they can be ascertained. The Dutch and Swedes, as has been already observed, were peaceably settled on the Delaware, and after the subjection by the English, were under the government of New York, and had acquired rights under the government. And several instances occur in the minute books, in which the commissioners of property confirmed by patent, lands derived from grants and promises from *Sir Edmund Andross*, the governor of New York.

One of the first acts of William Penn was to naturalize all the settlers who had seated themselves previous to, and had remained after his arrival, and it appears to have been his earnest desire, to extinguish every kind of title, or claim to the lands necessary for the accommodation of his colony, and to live on terms of friendship with the Indian natives.

The early Indian deeds are vague and undefined as to their boundaries, and the stations cannot be precisely ascertained at this day; but these circumstances have been long ceased to be of any importance, and the deed of September 17<sup>th</sup>, 1718, seems to define pretty clearly the extent and limits of the lands acquired by the several purchases, to that period.

#### THE FIRST PURCHASE.

We will begin with the deed of July 15<sup>th</sup>, 1682, procured at a treaty held with the Indians by Wm. Markham, the deputy governor, a short time previous to the first arrival of Wm. Penn, from Idquahon, Iannottowe, Idquoqueywon, Sahoppe, for himself and Okonichon, Merkekown, Oreekton, for Nannamsey, Shaurwacighon, Swanpisse, Nahoosey, Yamaackhickon, Weskekitt, and Talawsis, Indian Shackmakers, for the following lands, for themselves and their people:

“Beginning at a certain white oak, in the land now in the tenure of John Woods, and by him called the Gray stones, over against the falls of Delaware river, and so from thence up the said river side to a corner marked Spruce tree, with the letter P standing by the Indian path that leads to an Indian town called Playwisky, and near the head of a creek called Towissinon, and from thence westward to the creek called Nsehammonys creek unto the river Delaware, alias Makerisk-kitton; and so bounded by the said river to the said first mentioned white oak, in John Wood’s land, and all those islands called or known by the several names of Matiniounsk island, Sapassineks island and Oreskons island, lying or being in the said river Delaware, &c.”

By an indorsement on this deed, dated August 1<sup>st</sup>, 1682, sundry Indian chiefs, not present at the execution of the deed in July, and who styled themselves the right owners of the land called Sapassineks, and the Island of the same name, ratify and approve it; signed, Idquoqueynon, Swanpisse, Filerappomond, Essexamarthake, Nanneshessham, Pyserhay.\* Those deeds are not recorded. The purchase was of inconsiderable extent.

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† Ibid, 148.

§ Vol. 1, Chap. 931, page 533, and the note thereto subjoined of Cooks of Commissiontrs of Property.

\* In a duplicate of this deed, the river Delaware is called Makerisk-Kiskon.

DEED OF JUNE 23D, 1683.

The deed of June 23d, 1683, is in these words: "We, Essepenaïke, Swanpees, Okettarickon and Wessapoak, for us, our heirs and assigns, do dispose of all the lands lying betwixt Pemmapecka and Neshemineh creeks, and all along Neshemineh creek, and backward of the same, and to run two days journey with a horse up into the country, as the said river doth go, to William Penn, proprietor and governor of the province of Pennsylvania, &c., his heirs and assigns forever, for the consideration of so much wampum, and so many guns, shoes, stockings, looking glasses, blankets and other goods, as he, the said William Penn, hath pleased to give unto us, hereby for us, our heirs and assigns, renouncing all claims of demands of anything, in or for the premises, for the future, from him, his heirs or assigns.

By another deed of the same date: Tamanen and Metamequan, release to William Penn the same territory, omitting the two days journey.

The extent of this purchase would be considerable, and greatly beyond the limits of the subsequent deed of September, 1718, Neither of these deeds is recorded.

June 25<sup>th</sup>, 1683. An Indian called Wingebone conveys in the following term, viz: "For me, my heirs and assigns, do freely grant and dispose of all my lands lying on the west side of the Schuylkill river, beginning from the first falls of the same, all along the said river, and backward of the same, as far as my right goeth, to William Penn, &c., for so much wampum and other things as he shall please to give us, &c.

July 14<sup>th</sup>, 1683. Secane and Icqoqushan, Indian Shackamakers and right owners of the lands lying between Manaiunk, alias Schuylkill, and Macopanackhan, alias Chester river, grant and sell all their right and title in the said lands lying between the rivers, beginning on the west side of Manaiunk, [ ] called Consohockan (here an obliteration), and from thence by a westerly line to the said river Macopanackhan.

And, on the same day, Nenshickhen, Malebore, alias Pendanoughhah, Neshanocke [and Oserereon, but not signed by him], Shackamakers and right owners of all the lands lying between Manaiunk, alias Schuylkill, and Pemmapeckha creeks, grant all their right, title and interest, in their lands betwixt Manaiunk and Pemmapeckha, so far as the hill called Consohockan, on the said river Manaiunk, and from thence by a northwest line to the river Pemmapeckha. None of these deeds are recorded.

September 10<sup>th</sup>, 1683. Grant from Keketappan of Opasiskunk, for his half of all his land betwixt Susquehanna and Delaware, which lieth on the Susquehanna side, with a promise to sell at the next spring, on his return from hunting, his right to the other half of said lands. This deed is not recorded.

October 18<sup>th</sup>, 1683. Machahoha, calling himself owner of the lands from Delaware river to Chesapeake bay, and up to the falls of the Susquehanna, conveys his right to William Penn, to said lands, to enjoy them, live upon and quietly. (This deed is signed in the presence of many Indians, whose names are partly eaten off by the mice, as is also a small part of the deed, where the blank is. It is not recorded).

June 3d, 1684. Deed from Manghousin, for all his land upon Pahkehoma. (Perkeomink, now Perkioming. This deed is not recorded.

June 7<sup>th</sup>, 1684. Richard Mettamicon, calling himself owner of the land on both sides of Pemmapeckha creek, on the river Delaware, releases the William Penn. Not recorded.

July 30<sup>th</sup>, 1685. Deed from Shakhoppoh, Secane, Malibore, Tangoras, Indian Shackamakers, and right owners of the lands lying between Macopanackhan, alias Upland, now called Chester creek, and the river or creek called Pemmapeckha, now called Dublin creek (Pennypack), for all the land, beginning at the hill called Conshohocken, on the river Mainaiunk, alias Schuylkill, from thence extending a parallel line to the said Macopanackhan, by a south-westerly course, and from the said Conshohocken hill to the aforesaid Pemmapecka, by the said parallel line north-easterly, and so on along the said Pemmapecka creek, as far as the creek extends, and so from thence north-westerly, back into the woods, to make up two full days journey, as far as a man can go in two days, from the said station of the parallel line, at Pemmapecka; as also beginning at the said parallel line, at Macopanackhan, and so from thence up said creek as it extends, and from thence north-westerly back into the woods to make up two full days' journey as far as a man can go in two days from the said station of the said parallel line, at the said Macopanackhan. (This deed is not recorded.)

October 2d. 1685. Deed from Pare, Packenah, Tareekhan, Lichias, Pitquassit, Towis, Esepeneick, Peskoy, Kekelappaw, Eomus, Machaloha, Meshecongah, Wissapowey, Indian kings, Shackamakers, right owners of all the lands from Quing Quingus, called Duck creek, unto Upland, called Chester creek, all along by the west side of Delaware river, and so between the said creeks, backwards as far as a man could

ride in two days with a horse, which they convey to William Penn. Recorded at Philadelphia, in book F, vol. 8, page 121.

#### THE WALKING PURCHASE OF AUGUST 20<sup>TH</sup>, 1686.

In this place should follow a deed alleged to have existed, dated August 20<sup>th</sup>, 1686, for the walking purchase, and which occasioned much controversy and dissatisfaction among the Indians, it is, however, referred to, included in, and confirmed by the deed of August, 1737. It is certain no such original deed was in existence at the treaty of Easton, in 1757. It will be further noticed at the proper place.

June 15, 1692. King Taminent, King Tangorus, King Swampes and King Hicquoquen, by deed, acknowledge satisfaction for all that tract of land belonging to Taminent and others, “which they parted with unto William Penn, &c., the said tract lying between Neshamena and Poquessing, upon the river Delaware, and extending backwards to the utmost bounds of the province.” This deed is not recorded.

These limits on the Delaware are precisely defined. The Poquessing, a name still retained, (as is Neshaminy), is the original boundary between the counties of Philadelphia and Bucks, as ascertained in April, 1685. And tradition informs us that near the lower side of the Poquessing, on the Delaware, on an elevated piece of ground, the city of Philadelphia was first intended to be built.

#### THE DONGAN PURCHASE.

January 15<sup>th</sup>, 1696. Thomas Dongan, afterward Earl of Limerick, in the kingdom of Ireland, late governor of New York, by deed, conveys to Wm. Penn “all that tract of land lying on both sides of the river Susquehanna and the lakes adjacent, in or near the province of Pennsylvania, in consideration of one hundred pounds sterling, – beginning at the mountains, or head of the said river, and running as far as, and into the bay of Chesapeake, which the said Thomas lately purchased of, or had given hereinby the Susquehanna Indians, with warranty from the Susquehanna Indians.

The Indian deed to Colonel Dongan is not known now to exist, nor is there any trace of it in the public offices. It is known, however, that he was the agent of William Penn, to make the purchase.

This deed was confirmed in 1700, yet we find the Conestogoe Indians complaining of it, at the treaty of Sir William Keith, in 1722, and “alleging that William Penn, forty years before, got some person at New York to purchase the lands on the Susquehanna, from the Five Nations who pretended a right to them, having conquered the people formerly settled there, and when the Conestogoes understood it they were sorry; and that William Penn took the parchment and laid it upon the ground, saying to them, it should be in common amongst them, viz: the English and the Indians, &c.” The governor answered: “I am very glad to find that you remember so perfectly the wise and kind expressions of the great and good William Penn towards you; and I know that the purchase which he made of the lands on both sides of the Susquehanna, is exactly true as you tell it, only I have heard further, that when he was so good to tell your people, that notwithstanding that purchase, the lands should still be in common between his people and them, you answered, that a very little land would serve you, and thereupon you fully confirmed his right by your own consent and good will, &c.”

The curious inquirer who wishes to be further informed of these transactions, now very important, may consult the treaties of 1722 and 1727, in the council books.

July 5<sup>th</sup>, 1697. The deed from the great Sachem Taminy, his brother and sons, is in these words: “We, Taminy, Sathimack and Weheeland, my brother, and Wehequeekhon, alias Andrew, who is to be king after my death, Yaqueekhon, alias Nicholas, and Quenamsckquid, alias Charles, my sons, for us, our heirs and successors, grant, &c., all the lands, woods, meadows, rivers, rivulets, mines, minerals and royalties whatsoever, situate, lying and being between the creek called Pemmopeck, and the creek called Neshaminy, extending in length from the river Delaware, so far as a horse can travel in two summer days and to carry its breadth according as the several courses of the said two creeks will admit, and when the said creeks do so branch, that the main branches, or bodies thereof cannot be discovered, then the tract of land hereby granted, shall stretch forth upon a direct course, on each side, and so carry on the full breadth, to the extent of the length thereof.”

“Acknowledged in open court, at Philadelphia, 6<sup>th</sup> July, 1697, recorded in the Rolls Office, 7<sup>th</sup> of the 12<sup>th</sup> month, 1698, in book E. 3, vol. 5, page 57, &c.”

September 13<sup>th</sup>, 1700. Widgah and Andaggy – Junkquagh, Kings of Sachems of the Susquehanna Indians, and of the river under that name, and lands lying on both sides thereof. “Deed the William Penn,

for all the said river Susquehanna, and all the islands therein, and all the lands situate, lying and being upon both sides of the said river, and *next adjoining to the same*, to the utmost confines of the lands which are, or formerly were, the right of the people or nation, called the Susquehanna Indians, or *by what name soever they are called*, as fully and amply as we, or any of our ancestors, have, could, might, or ought to have had, held or enjoyed, and also *confirm* the bargain and sale of the said lands, made unto *Col. Thomas Dongan*, now Earl of Limerick, and formerly governor of New York, *whose deed of sale* to said Governor Penn, *as have seen*.” Recorded in Book F. Vol. 8, page 242.

The above is the deed referred to by Sir William Keith, at the treaty with the Conestogoes, in 1722. It is remarkable that the Indian deed to Col. Dongan, was not produced, and it seemed to have been conceded, that the purchase was from the Five Nations, who pretended right to the lands by conquest; and the words in italics appear to have been intended to embrace and confirm the title however derived. Nor did the purchase include and extent of land. It is true, it is left indefinite, being for lands on both sides of the river, and next adjoining to the same; but the great object of William Penn, was to secure the river through the whole extent of the province; and although it was not designed for immediate settlement, the great foresight of the proprietor would not permit him to relinquish this important grant, which was to secure the whole of the Susquehanna, from the pretensions of the adjoining colonies, and at this time the charter bounds were not distinctly known, but for a long time afterwards they were considered as extending, at least, to the *Owegy*, and including a considerable part of the river, now unquestionably known to be within the limits of New York. No opportunity was therefore lost to bring this title to the view of the Indians. Accordingly, in articles of agreement between William Penn, and the Susquehanna, Shatwona, Potowmack and Conestoga Indians, dated April 23d, 1701, among other things, they ratify and confirm Governor Dongan’s deed of January, 1696, and the above deed of the Susquehanna Indians, of September, 1700.\*

And notwithstanding the limits defined in the deed of September, 1718, which will shortly follow, we find Dongan’s deed insisted on, and acquiesced in, at Susquehanna, in 1722; and again, at a treaty held at Philadelphia, in July 1727, between Governor Gordon, and the Deputies of the Five Nations; in answer to the deputies, who said the Governor had at divers times sent for them, and they had therefore come to know his pleasure, and make an offer to sell the lands, the governor tells them, “that he is glad to see them, that he takes their visit very kindly at this time, but that they were misinformed when they supposed the Governor had sent for them; that Governor Penn, had by means of Col. Dongan, already brought the Five Nations, the land on Susquehanna; that the chiefs of the Five Nations, when Sir William Keith was at Albany, and of themselves confirmed the former grant, and absolutely released all pretensions to these lands.” The release here stated to have been made at Albany in 1727, is however, not to be now found.

#### PENN’S SYSTEM.

“About this period the Indian purchases became more important, and the boundaries more certain and defined, and principles were established and acquired the force of settled law, of deep interest to land holders, and which have since been uniformly recognized, and at this moment govern and control our judicial tribunals.” To live in peace and friendship with the natives, was a part of the benevolent system of the venerable and virtuous founder of Pennsylvania. To a people averse to warfare, from conscientious motives, everything which would tend to provoke their warlike neighbors and irritate them to lift the tomahawk, was most carefully to be avoided; and we find no common attention bestowed upon this momentous subject by the government. When the natives sold their lands, it was understood distinctly that the white people should not settle nor encroach upon their hunting grounds and lands reserved by them, nor was a single attempt thus to settle unattended by complaints and uneasiness. The Indians observed their treaties with fidelity, and the boundaries appear to have been accurately understood by them.

#### DEED OF RELEASE FROM SUNDRY DELAWARE CHIEFS.

On the 17<sup>th</sup> of September, 1718, there is a deed of release from sundry Delaware Indian chiefs, viz: Sassoonah, Meetashechay, Ghettypeneeman, Pokehais, Ayamackan, Opekasset, and Pepawmamam, for all the lands situate between the two rivers, Delaware and Susquehanna, from Duck creek to the mountains on the side *Lechay*, with an acknowledgement, that they *had seen and heard divers deeds of sale* read unto them, under the hands and seals of former kings and chiefs of the Delaware Indians, their ancestors and

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\* Recorded in Book F. Vol. 8, page 43.

predecessors, who were owners of said lands, by which they had granted the said lands to William Penn, for which they were satisfied and content, which, for further consideration of good delivered them they then confirmed. (This deed is recorded May 13<sup>th</sup>, 1728, in Book A, vol. 6, page 59.)

It is therefore to be observed that the undefined limits of all the preceding deeds, westward, *two days journey* with a horse, &c., which would have extended far beyond the Lehigh hills, are restricted to those hills, which so far as related to the purchased form the Delawares, where the boundaries of the purchased lands.

The settlers, notwithstanding, encroached on the Indian lands beyond this boundary, which occasioned great anxiety and uneasiness among the Delawares. The complaints of the aged Sassoonan were eloquent and pathetic. Violence had ensued and blood had flowed. Preparations had been made, alliances were forming for war, but by prudence and skill the danger was turned aside.

#### TREATY OF 1728.

At the treaty of Philadelphia, in 1728, Sassoonan, addressing himself to Mr. James Logan, the proprietary secretary and principal commissioner for land affairs, said: "That he was grown old and was troubled to see the Christians settle on lands that the Indians had never been paid for; they had settled on his lands, for which he had never received anything; that he was now an old man, and must soon die; that his children may wonder to see their father's lands gone from them, without his receiving anything for them; that the Christians made their settlements very near them, *and they have no place of their own left to live on*; that this might occasion a difference between their children hereafter, and he would willingly prevent any misunderstanding that might happen."

Mr. Logan, with the leave of the governor, answered: "That he was not otherwise concerned in the land of the province than as he was entrusted with other commissioners, by the proprietor, to manage his affairs of property, in his absence; that William Penn *had made it a rule* never to suffer any lands to be settled by his people *till they first purchased from the Indians*; that his commissioners *had followed the same rule*, and how little reason there was for any complaint against him or the commissioners, he would make appear." He then proceeded to relate to them the circumstances connected with the release of 1718, for lands from Buck creek *to near the forks of Delaware*, and that the Indians were then entirely satisfied with it; and the instrument of release was then read to them.

Sassoonan and Opekasset, then acknowledged this deed to be true, and that they had been paid for all the lands therein mentioned, but Sassoonan said the lands beyond these bounds had never been paid for; *that these lands reached no farther than a few miles beyond Oley, but that their lands on Tulpyhockin were seated* by the Christians.

Mr. Logan, answered, "that he understood at the time that deed was drawn, and ever since, that the Lechay, of the forks of the Delaware to those hills on the Susquehanna, that lied about ten miles above Pexton; Mr. Farmer said these hills passed from Lechay, a few miles above Oley, and reached no farther, and that Tulpyhockin land lay beyond them."

"Whether," continued Mr. Logan, "those lands of Tulpyhockin were within or without the bounds mentioned in the deed, he well knew that the Indians some years since were seated on them, and that he, with the other commissioners, would never consent that any settlement should be made on lands where the Indians were seated; that these lands were settled wholly against their minds, and even without their knowledge; but he desired of the Indians, that though these people had seated themselves on the Tulpyhockin lands without the Commissioners leave or consent, yet that they would not offer them any violence, or injure them, but wait till such time that the matter could be adjusted."

In this the Indians acquiesced, and having waited some time without receiving any satisfaction for their land, and the encroachments still increasing, they renewed their complaints. The French at Montreal were likewise endeavoring to gain them over to their interest, and it was seen both by the assembly and governor, that it was but just and reasonable, and that it concerned the peace of the country, that the Indians should be made easy respecting their lands and their complaints removed. This state of affairs gave rise to the treaty of 1732, shortly after the arrival of Thomas Penn, who was present at it.\*

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\* Votes of Assembly, Vol. 3, Page 158.

Previous, however, to this treaty, there appears to have been a release, but not recorded, from sundry Indians, for all the lands on both sides of the Brandywine creek, from the mouth thereof, where it enters the river Delaware up to a certain rock in the said creek, near the upper line of Abraham Marshall's land. It is unimportant to inquire at what point this purchase ended. It could have been intended merely to extinguish some claims, probably not well founded; and the same land was included in the release of 1718. This release is dated May 31<sup>st</sup>, 1726.

September 7<sup>th</sup>, 1732: "Sassoonan, alias Allummapis, Sachem of the Schuylkill Indians, Elalapis, Ohopamen, Pesquetomen, Mayemoe, Partridge, Tepakoaset, alias Joe, grant all those tract of land or lands, lying on or near the river Schuylkill, or any of the branches, streams, fountains, or springs thereof, eastward or westward, and all the lands lying in or near any swamps, marshes, fens or meadows, the waters of streams of which flow into or toward the river Schuylkill, situate, lying and being between those hills called Lechay hills, and those called Kekachtanemin hills, which cross the said river Schuylkill, about thirty miles above the said Lechay hills, and all lands whatsoever lying within the said bounds, and between the branches of the Delaware river on the eastern side of the said lands, and the branches or streams running into the river Susquehanna on the western side of the said land. That is to say, all those lands situate, lying and being on the same river Schuylkill and the branches thereof, between the mountains called Lechay of the south, and the hills of mountains called Kekachtanemin on the north, and between the branches of the Delaware river on the east and the waaters falling into the Susquehanna river on the west."

Ratified by Lingahonoa, a Schuylkill Indian, who was not present at signing the foregoing deed, 12<sup>th</sup> July, 1742.

Confirmed by deed of release, 20<sup>th</sup> of August, 1733, which is in fact a release for the consideration of said land received by them. This release is also confirmed by Lingahonoa, 12<sup>th</sup> July, 1742, acknowledging that he had received his portion of the consideration.\*

#### LOGAN'S LETTER IN RELATION TO THE FORKS OF THE DELAWARE.

The lands at Tulpehocken, were quited by this deed; but as it embraced none of the lands on the Delaware, or branches leading into it, the discontent of the Indians still continued with regard to the settlements of the Minissinks, near forty miles above the Lochay hills, which was the northern boundary, according to the deed of 1718. Although considerable obscurity rests upon the deed of 1686, yet presuming its existence, the purchase had never been *walked out*. And if any reliance can be placed in the authenticity of a letter from James Logan, dated 20<sup>th</sup> November, 1727, and printed in London, in the year 1759, and said to have been compared with the original then in being, any claim under the deed of 1686, would appear to have been abandoned.

The letter is in these words: "Friend Thomas Watson, this morning I wrote to thee by *Joe Taylor*, concerning warrants that may be offered thee to be laid out on the *Minissink* lands, and was then of option, that the bearer hereof, *Joseph Wheeler*, proposed to lay his there. Having since seen him, he tells me he has no such thought, but would have it laid three or four miles above *Durham*, on a spot of pretty good land amongst the hills, and I think, at some distance from the river, proposing, as he says, to live there himself with his kinsman, who was there with him; pray take the first opportunity to mention it to I. Langhorne, for if he has no considerable objection to it, (that is, if he has laid no right on it,) I cannot see that we should make any other than *that it is not purchased of the Indians*, which is so material an one, that without their previous engagement to part with it very reasonably, *it cannot be surveyed there*. But of this, they themselves, I mean Jos. Wheeler, &c., propose to take care. This is what offers on the head, from thy loving friend,

JAMES LOGAN."

The forks of the Delaware, were notwithstanding settled; and to this, among other sources, was attributed by the writers of the day, the alienation of the Delawares and the Shawanese, from the British interests.

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\* These deed and releases have never been recorded.

## THE DEED OF 1733.

After several ineffectual attempts to compose the *clamours* of the Delawares, it is said the proprietor complained of them to the Five Nations. In 1736, the deputies of the Five Nations arrived, and a treaty was held with them, at which *Conrad Weiser* was an important agent. The deed of 1736, is as follows:

“October 11<sup>th</sup>, 1736. Whereas, the late proprietary of the province of Pennsylvania, William Penn, Esq., soon after his first arrival in the said province, took measures to have the river Susquehanna, with all the lands lying on both sides of the same, purchased for him and his heirs, of those Indians of the Five Nations, inhabiting in the province of New York, who claimed the property thereof and accordingly did purchase them of *Col. Thomas Dungan*, formerly Governor of New York, and pay for the same: notwithstanding which the Indians of the Five Nations aforesaid, have continued to claim a right in and to the said river and lands, nor have those claims been hitherto adjusted; whereupon the said sachems or chiefs having, with all the others of said Nations, met the last summer at their great council, held in the country of the said Onondagoes, did resolve and conclude that a final period and conclusion should be put to all disputes that might possibly arise on that occasion, and having appointed the aforesaid sachems or chiefs, as plenipotentiaries of all those nations to repair to Philadelphia, in order to confirm the several treaties of peace, which hath hitherto been concluded between them and the said province, and also to settle and adjust all demands and claims that have been hitherto made, and hereafter may be made, touching and concerning the aforesaid river Susquehanna, and the lands lying on both sides thereof; and the said sachems or chiefs of the Five Nations aforesaid, having for themselves and on behalf of the said nations, renewed and ratified the treaties of friendship and peace subsisting between them and the said province, did afterward proceed to treat and agree with the honorable the proprietaries thereof about the said river and lands. Now know ye, &c., grant, &c., to John Penn, Thomas Penn, and Richard Penn, their heirs, successors and assigns, all the said river Susquehanna, with the lands lying on both sides thereof, to extend eastward as far as the heads of the branches or springs which run into the said Susquehanna, and all the lands lying on the west side of the said river, to the setting sun, and to extend from the mouth of the said river, northward, up the same hills or mountains call in the language of the said nations, *Tayamentasachta*, and by the Delaware Indians, the *Kekachtanamin* hills. Signed by 23 chiefs of the *Onongago*, *Seneca*, *Oneida* and *Tuscarora* nations.\*

## DEED OF OCTOBER 25, 1736.

What is remarkable about this period is that the Indian chiefs on their return, staid several days with *Conrad Weiser*, at *Tulpehocken*, and there executed the following deed, dated October 25<sup>th</sup>, 1736, which is proved and recorded in Book C, vol. 2, page 350, May 22d, 1741.

“We the chiefs of the Six Nations of Indians, the *Onondagoes*, *Isanundowans* or *Sennekas*, *Cayoogoes*, *Oneydas*, *Tuscaroroes* in behalf of the *Canyingoes* or *Mohacks*), who have lately, at Philadelphia, by our deed of writing, dated the 11<sup>th</sup> day of this instant, October, released the John Penn, Thomas Penn, and Richard Penn, proprietors of Pennsylvania, and to their heirs and successors, all our right, claim, and pretensions to all the lands on both sides of the River Susquehanna, from the mouth thereof as far northward, or up the said river as that ridge of hills called the *Tyoninhasachta*, or endless mountains, westward to the setting of the sun, and eastward to the farthest springs of the waters running into the said river, do hereby further declare, that our true intent and meaning by the said writing, was and is to release, and we do hereby more expressly release to the said proprietors, &c., all the lands lying within the bounds and limits of the government of Pennsylvania, beginning eastward on the river Delaware, as far northward as the said ridge, or chain of endless mountains, as the cross the country of Pennsylvania, from the eastward to the west; and they further engage never to sell any of their lands to any but the proprietors, children Of William Penn.”

There is an endorsement of ratification on this deed, dated 9<sup>th</sup> of July, 1754, signed by nine Indians.

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\* Recorded in Book C, vol. 1, page 277, May 7<sup>th</sup> 1741.

## THE WALKING PURCHASE.

But, notwithstanding this latter deed, it was earnestly contended by those who were unfriendly to the proprietary proceedings, and probably from an apprehension or foresight of the disasters which ensued, that the right of the Five Nations lay only on the waters which run into the Susquehanna, and as they claimed no lands on the Delaware, they could by that instrument convey none. However this fact may have been, we find, about eight months afterward, the proprietors procured a release from the Delawares for at least part of these lands, or a confirmation of the supposed deed of 1686, or the *walking purchase*. This singular release is in the following words:

“August 25<sup>th</sup>, 1737. We, *Teshakomen*, alias *Tishekunk*, and *Nootamis*, alias *Nutimus*, two of the sachems, or chiefs of the Delaware Indians, having almost three years ago, at Durham, begun a treaty with our honorable brethren, John and Thomas Penn, and from thence another meeting was appointed to be at Pennsburg, the next spring following, to which we repaired, with *Lappaawinzoe*, and several others of the Delaware Indians, at which treaty several deeds were produced and showed to us by our said brethren, concerning several tracts of land, which our forefathers had more than fifty years ago, bargained and sold unto our good friend and brother, William Penn, the father of the said John and Thomas Penn, and in particular one deed from *Maykeerickkisho*, *Sayhoppy*, and *Taughoughsey*, the chiefs of kings of the Northern Indians, on the Delaware, who for, &c., did grant, &c., all those lands lying and being in the province of Pennsylvania, beginning upon a line formerly laid out from a corner spruce tree by the river Delaware (Makeerikkitton), and from thence running along the ledge or foot of the mountains, west-north-west to a corner white oak, marked with the letter P, standing by the Indian Path that leadeth to an Indian town called Playwickey, and from thence extending westward to Neshameny creek, from which said line, the said tract of tracts thereby granted doth extend itself back into the woods, *as far as a man can go in one day and an half*, and bounded on the westerly side with the creek called Neshamony, or the most westerly branch thereof, and from thence by a line to the utmost extent of the said one day and a half’s journey, and from thence to the aforesaid river Delaware, and from thence down the several courses of the said river to the first mentioned spruce tree, &c.

But some of our old men being absent, we requested more time to consult with our people, which request being granted, we have, after more than two years from the treaty at Pennsburg, now come to Philadelphia, together with our chief sachema, *Monockykichan*, and several of our old men.” They then acknowledge that they were satisfied that the above described tract was granted by the persons above mentioned, and agree to release to the proprietors all right to that tract, and desire it may be walked, travelled or gone over by persons appointed for that purpose.”

[Signed]

MANOCKYKICHON,  
LAPPAWINZOE,  
TESHACOMIN,  
NOOTAMIS.

And witnesses by twelve other Indians, is taken of full and free consent, besides other witnesses.\*

The walk was accordingly made, but it tended only to increase the dissatisfaction of the Indians. In giving this summary of the cause and effects of the Indian treaties, it is not designed nor is it calculated to encroach upon the province of general history, which embraces a broader ground; but merely to connect them together, and show how intimately they depend on each other. Nor will it escape the observation of the reader, how materially the frequent recurrence to, and confirmation of. Col. Dongan’s deed, bears upon the deed of the 11<sup>th</sup> of July, 1854, from the Indians to Connecticut claimants, whether that deed were real or fictitious.†

This walk extended, it is said, about thirty miles beyond the Lehigh hills, over the Kitanning mountains; and a draught of it was made by Surveyor General Eastburn, including the best of the lands in the forks of the Delaware and the Minissinks. The walkers were experts, and the Indians who could not keep up with them, complained that they ran; and moreover it would appear that their expectation was that the walk was to be made up the river by its courses.

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\* Recorded May 8, 1741, in book G, vol. 1, page 282.

† Grosvenor’s Letter.

## TROUBLE WITH THE DELAWARES.

It is not intended to enter further into the controversy that to exhibit the general grounds, which are said to have estrayed the Delawares from their interest, and drove them into that of the French, who were always ready in those times to increase their dissatisfaction with the English. Nutimus and others who signed the release of 1737, were not willing to quit the lands, nor give quiet possession of the people who came to take up the lands and settle in the forks. They remonstrated freely, and declared their resolution of maintaining possession by force of arms. In the year 1741, therefore, a message was sent to the Six nations, who, it was well known, had great authority over the Delawares, to press them to come down and force the Delawares to quit the forks.

They accordingly came in the summer of 1742, to the number of two hundred and thirty. Governor Thomas, in his message to the assembly of the 24<sup>th</sup> of July, in that year, among other things, tells them: "That their coming down was not only necessary for the present peace of the province, in regard to some Indians who had threatened to maintain by force their possession of the lands which had been long ago purchased of them, and since conveyed to the proprietaries to some of our own inhabitants, but for its future security; likewise in case of a rupture with the French, who will leave no methods unestrayed to corrupt their fidelity, and to persuade them to turn their arms against us."

## TREATY WITH THE REPRESENTATIVES OF THE SIX NATIONS – THE GOVERNOR'S ADDRESS.

At this treaty, at Philadelphia, the Governor informed the deputies of the "Conduce of their cousins, a branch of the Delawares, who gave the province some disturbance about the lands the proprietors purchased from them, and for which their ancestors had received a valuable consideration about fifty-five years ago, (alluding to the deed of 1686, confirmed by the deed of 1737). That they continued their former disturbances, and had the insolence to write letters to some of the magistrates of this government, wherein that had abused the worthy proprietaries, and treated them with the utmost rudeness and ill manners; that being both out of regard to the Six Nations, to punish the Delawares as they deserved, he had sent two messages to inform them the Six Nations deputies were expected here, and should be acquainted this their behavior. That as the Six Nations, on all occasions, apply to this government to remove all white people that are settled on lands before they are purchased from them, and as the government use their endeavors to turn such people off, so now he expects from them that they will cause these Indians to remove from the lands in the forks of the Delaware, and not give any further disturbance to the persons who are now in possession."

The deed and letters were then read, and the draught exhibited.

## CANASSATEGO'S REPLY.

Canassatego, in the name of the deputies, told the Governor: "That they saw that the Delawares had been an unruly people, and were altogether in the wrong; that they had concluded to remove them, and oblige them to go over the river Delaware, and quit all claim to any lands on this side for the future, since they had received pay for them, and it is gone through their guts long ago."

Then addressing himself to the Delawares, in a violent and singular strain of invective, he said:

"They deserved to be taken by the hair of the head, and shaken severely, till the recovered their senses and became sober; that he had seen with his eyes, a deed signed by nine of their ancestors, above fifty years ago, for this very land (1686), and a release signed not many years since (1737), by some of themselves, and chiefs, yet living (Sassoonam and Nutimus were present), to the number of fifteen and upwards." "But how come you," he continued to the Delawares, "to take upon you to sell land at all? We conquered you; we made women of you; you know you are women, and can no more sell land than women; nor is it fit you should have the power of selling lands, since you would abuse it. The land you claim, is gone through your guts. You have been furnished with clothes, meat and drink, by the goods paid you for it, and now you want is again, like children, as your are."

But what makes you sell land in the dark? Did you ever tell us that you had sold the land? Did we ever receive any part, even the value of a pipe shank, from you for it? You have told us a blind story, that you sent a messenger to us to inform us of the sale, but he never came amongst us, nor we ever heard anything about it. This is acting in the dark, and very different from the conduct our Six Nations observe in

the sales of land. On such occasions that give public notice, and invite all the Indians to their united nations, and give them all a share of the present they receive for their lands. But we find you are none of our blood; you act a dishonest part, not only in this, but in other matters; your ears are ever open to slanderous reports about your brethren.

For all these reasons, *we charge you to remove instantly; we don't give you any liberty to think about it.* You are women. Take the advice of a wise man, and remove instantly. You may return to the other side of the Delaware, where you came from; but we do not know whether, considering how you have demeaned yourselves, you will be permitted to live there, or whether you have not swallowed that land down your throats, as well as the land on this side. We, therefore, assign you two place to go to, either to *Wyomen* or *Shamoken*. You may go to either of these places, and then we shall have you more under our eye, and shall see how you behave. *Don't deliberate, but remove away, and take this belt of wampum.*"

He then "Forbid them ever to intermeddle in land affairs, or ever hereafter to sell any land, and commanded them, as he had something to transact with the English, immediately to depart the council."

The Delawares dared not to disobey this peremptory command. They immediately left the council, and soon after removed from the forks; some, it is said, went to Wyoming and Shamoken, and some to the Ohio. Thus strangely was terminated the purchase of 1686, admitting the deed to have once existed. But even at this treaty with the Six Nations, it was not admitted that the proprietary right extended beyond the Kittochtinny hills, and the deputies complained that they were not well used with respect to the land still unsold by them.

#### COMPLAINT OF THE DEPUTIES.

"Your people (they said) daily settle on these lands, and spoil our hunting. We must insist on your removing them, *as you know they have no right to settle on the northward of the Kittochtinny hills.* In particular, we renew our complaints against some people who are settled on *Juniata*, a branch of the Susquehanna, and along that river as far as Mahaniay, and desire they may forthwith be made to go off the land, for they do great damage to our cousins, the Delawares."

With respect to the people settled at Juniata, the Governor replied: "That some magistrates were sent expressly to remove them, and he thought no persons would presume to stay after that." Here they interrupted the Governor, and said: "These persons who were sent, do not do their duty; so far from removing the people, they made surveys for themselves, and they are in league with the trespassers. We desire that more effectual measures may be used, and honest men be employed," which the Governor promised should be done.

We shall have occasion again to refer to this point. It is necessary only to add, at this time, the strong expressions of the speaker to the Governor.

We have given the river Juniata for a hunting place to our cousins, the Delaware Indians, and our brethren, the Shawnese, and we ourselves hunt there sometimes. We therefore desire you will immediately, *by force remove all those that live on the river Juniata.*" And what less could be demanded after the expulsion of the Delawares from the forts?

Soon after this, it appeared that the Shawnese were *endeavoring* to draw the Delawres from Shamekin to the Ohio, and that there were some heart-burnings between the Delawares and the Six Nations, and that the former only waited for *favorable* opportunity to throw off the yoke, which they afterwards did, and to revenge the insults that had been offered to them at Philadelphia, in 1742.\*

#### THE TREATY AND PURCHASE OF 1749.

We shall now proceed to the causes and circumstances which produced the treaty and purchase of 1749.

A meeting of the deputies from the Six Nations, had been appointed by the Grand Council at *Onindago*, to go to Philadelphia, on business of importance. The Senecas first arrived there. "One of the most considerable points," (said their speaker to the Governor), "which induced the council to send deputies at this time, was, that they had heard the white people had begun to settle on their side of the *Blue* Mountains. And we, the deputies of the Senecas, staying so long at Wyomen, had an opportunity of enquiring into the truth of this information, and to our surprise found the story confirmed; with the addition

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\* See Votes of Assembly, Vol. 3 page 555.

that even this spring, since the Governor's arrival, numbers of families were beginning to make settlements.

As our boundaries are so well known, and so remarkably distinguished by a range of high mountains, we could not suppose this could be done by mistake, but either it must be done wickedly by bad people, without the knowledge of the Governor, or that the new Governor has brought some instructions from the King of the proprietaries relating to this affair, whereby we are like to be much hurt. The Governor will be pleased to tell us whether he has brought any orders from the King or the proprietaries for these people to settle on our lands, and if not we earnestly desire that they may be made to remove instantly with all their effects, *to prevent the sad consequences which will otherwise ensue.*

The Governor acknowledges, in answer: "That the people's *settling on the Juniata was contrary to the engagements of this government to the Indians*; that he had received no orders in favor of them; that they had no countenance from the government, and that no endeavors should be wanting on his part to bring the offenders to justice, and to prevent all future cause of complaint." Nothing else was done at this meeting, and the Senecas departed; but on their return they met other deputies, and after considerable deliberations, and notwithstanding the opposition of Conrad Weiser, they came to Philadelphia, accompanied by some *Mohickans, Tutelas, Delawares, and Nanticokes*, in number two hundred and eighty, about the 14<sup>th</sup> of August, 1749.

Canassatego was again the speaker. They renewed the complaints about the settlements on the unpurchased lands; *that by treaties all white people were to have been hindered from settling the lands not purchased of them, and if they did, the government engaged to remove them when discovered*; but since it might be attended with a great deal of trouble, and having observed the people's settlements, they were willing to give up the lands on the east side of Susquehanna, from the *Blue* hills to where Thomas Magee, the Indian trader lived, and leave it to the government to assign the worth of them. *But as to the hunting grounds of their cousins the Nantocokes, and other Indians, living on the waters of Juniata, they must use more vigorous measures and forcibly remove them.*

On consultation and their agreement to extend the purchase so as to carry its breadth to the Delaware, the following deed was executed on the 22d day of August, 1749:

"We, Canasatego, Sataganachly, Kanalshyiacayou and Coneshuadeeron, sachems or chiefs of the Indian nation called the Onontagers; Cayanockea, Kanatsany, Agash, Yass, Caruchianachaqui, sachems or chiefs of the Indian nation called the Sinickers; Peter Ontachsax, and Christian Diaryhogan, sachems or chiefs of the Indian nation called the Modocks; Saristagnoah, Watshatuhon and Anuchnaxqua, sachems or chiefs of the Indian nation called the Oneyders; Tawis Tawis, Kachnoaraaseha and Takachquontas, sachems or chiefs of the Indian nation called the Cayiuher; Tyierox, Balichwanonach-shy, Sachems or chiefs of the Indian nation called the Tuscarroron; Iachnechdorus, Sagoguchiathon and Cochnoora-katack-ke, sachems or chiefs of the Indian nation called the Shomoken Indians; Nutimus and Qualpaghach, sachems or chiefs of the Indian nation called the Delawares; and Bachsinosa, sachem or chief of the Indian nation called the Shawanese, in consideration of £500, grant, sell, &c., all that tract or parcel of land lying and being within the following limits and bounds, and thus described:

Beginning at the hills or mountains called in the language of the Five Nation Indians, Tyanuntasachta, or endless hills, and by the Delaware Indians, Kekactany hills, on the east side of the river Susquehanna, being in the northwest line or boundary of the tract of land formerly purchased by the said proprietaries from the said Indian nations, by their deed of the 11<sup>th</sup> of October, 1736; and from thence running up the said river by several courses thereof, to the first or nearest mountain to the north side of the creek, called in the language of the said Five Nations, Cantaguy, and in the language of the Delaware Indians, Moghonioy, and from thence extending by a direct or straight line to be run from the said mountain on the north side of the said creek, to the main branch of the Delaware river, at the north side of the mouth of the creek called Lechawachsein, and from thence to return across Lechawachsein creek aforesaid, down the river Delaware, by several courses thereof, to the Kekactany hills aforesaid, and thence by the range of said hills to the place of beginning, as more fully appears by a map annexed; and also all the parts of the rivers Susquehanna and Delaware from shore to shore, which are opposite to said lands, and all the islands in said rivers, &c."\*

This purchase is distinctly marked by natural boundaries, so not to be mistaken. And at this treaty the engagement was renewed, that the white people should be removed from the Juniata. Proclamations were accordingly issued, but disregarded by the settlers of the unpurchased lands. In May, 1750, Richard Peters, then Secretary of the Land Office, with some magistrates, was sent to remove them, but these proceedings

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\* This deed is recorded May 6<sup>th</sup>, 1753, in book H, vol. 2, p. 204.

appear to have had little effect. Numbers were spirited up to stay and others went and settled by them, so that in a few years, the settlements in the Indian country were more numerous and farther extended than ever.