



**F**  
152  
D95

LIBRARY OF CONGRESS.

Clas. 7102

Shelf J195

UNITED STATES OF AMERICA.















*sent to me, by  
with the request of P. S. Du Ponceau*

**A MEMOIR**

ON THE

**HISTORY OF THE CELEBRATED TREATY**

MADE BY

**WILLIAM PENN**

WITH

**THE INDIANS**

**UNDER THE ELM TREE AT SHACKAMAXON,**

IN THE YEAR 1682.

---

BY PETER S. DU PONCEAU

AND

J. FRANCIS FISHER.

---

PRINTED FOR M'CARTY & DAVIS,—NO. 171, MARKET STREET.

PHILADELPHIA:

---

1836.



**A MEMOIR**

ON THE

**HISTORY OF THE CELEBRATED TREATY**

MADE BY

**WILLIAM PENN**

WITH

**THE INDIANS**

**UNDER THE ELM TREE AT SHACKAMAXON,**

IN THE YEAR 1682.

---

BY PETER S. DU PONCEAU

AND

J. FRANCIS FISHER.

---

**PHILADELPHIA:**

PRINTED FOR M'CARTY & DAVIS,—NO. 171, MARKET STREET.

---

1836.

F158  
D95

## INTRODUCTION.

---

THE authors of this Memoir having been appointed by the Council of the Historical Society of Pennsylvania, together with their late lamented Vice President, the Honourable Roberts Vaux, members of a Committee to report on Mr. Watson's communication, entitled, "The Indian Treaty for the lands now the site of Philadelphia and the adjacent country," and published in this volume; they were agreeably surprised, to find in that communication mention made of a conference held at Conestogo, by Governor Gordon, with the Chiefs of several Indian tribes, in the year 1728, in which that Governor related to the Indians in nine articles, what he called the principal links of the chain, that is to say, the principal covenants of the leagues made with the Indians by William Penn and his Governors, which they doubted not had their origin in the great Treaty; but as Mr. Watson had only briefly given the substance of those articles, the survivors of the Committee (Mr. Vaux having died in the interval) requested him to endeavour to obtain for them, from the minutes of the Provincial Council at Harrisburg, a full copy of the whole conference, which he was kind enough to do through his friend, Mr. Toland, who was then at the seat of Government. This copy is now presented, as an appendix to the following Memoir.

Reflecting on this document, the Committee were induced to inquire into the whole history of the great Treaty, which they found involved in much doubt and obscurity, principally from the want of cotemporary records, in consequence of which popular notions have crept in amidst the various traditions that have been received from our ancestors, and the partial efforts that have been made by curious inquirers to remove the doubts, and clear up the obscurity, by means of insulated documents which have been discovered from time to time, have been attended only with partial success, and sometimes have failed of their object, by inducing erroneous notions, arising from the misapplication of those documents, or false inferences drawn from them.

The Committee intended at first to offer the results of their investigation of this subject, in the form of a report on Mr. Watson's communication; but new difficulties arising, and new questions presenting themselves as they advanced in their researches, they determined to take up the matter *ab ovo*, and to discuss it in the form of a Memoir or dissertation, which they now present, and in which they have proceeded by collecting all the evidences and testimonies that they could find relating to the subject; comparing the various relations and opinions of historians and other writers, and from the whole eliciting as much light as it has been in their power to throw upon this important transaction, which, to Pennsylvania and her illustrious Founder, is a crown of glory that will last to the end of time.

## MEMOIR.

---

THE fame of the treaty under the Elm tree, or as it is called, the *Great Treaty*, is coextensive with the civilized world. So early as the middle of the Eighteenth Century, M. de Voltaire spoke of it as an historical fact, well known at that time. "William Penn," says he, "began with making a league with the Americans, his neighbours. It is the only treaty between those nations and the Christians which was never sworn to and never broken."\* Other European writers have spoken of it, in terms of unqualified praise, to the honour of our illustrious Founder, and of the colony which he governed.

Is it not astonishing then, that a transaction which does so much honour to our country, should rest among us on vague and obscure traditions, and should not be known in all its interesting details? The earlier records of the colony give us no information whatever upon the subject. The minutes of Council which have come down to us, begin only with the 10th of March, 1683, and it is admitted on all hands that the great Treaty took place in the preceding year. The records of the proceedings of the Legislature begin at an earlier date, but it is not there that we should expect to find traces of an act

\* Dictionnaire Philosophique, verbo *Quaker*.

which peculiarly belongs to the executive power. The letters of William Penn, as far as they have come to our knowledge, speak of treaties with the Indians, but in general terms; and no where in that correspondence is that celebrated Treaty particularly mentioned. Yet no one can doubt of its having taken place. The tradition on which it at present rests, may be sufficient for the vulgar, but men of enlightened minds will look beyond that, and will wish to satisfy themselves by more tangible evidence. With a view to obtain this, we have searched all the ancient records that have come within our reach; we have collected facts and dates, and have applied the torch of criticism to all the evidences that we have been able to collect respecting this interesting point of our history. We now respectfully submit the results of our inquiries, at the same time holding up to view the steps by which we have been led to our conclusions.

We must observe in the first place that it is not on this treaty that depends the fame of our illustrious founder, nor is it on his having purchased his lands of the Indians, instead of taking them by force. Others, before him, had made treaties of friendship and of alliance with the original possessors of the American soil; others, had obtained their lands from them by fair purchase; in Pennsylvania the Swedes, the Dutch and the English who governed the country during the space of eighteen years under the Duke of York, had pursued the same peaceable system; it is, therefore, not only unjust, but it is extremely injudicious, to endeavour to ascribe to William Penn the exclusive merit of a conduct pointed out, not only by the plainest rules of justice and the example of his predecessors, but also by prudence and the soundest policy, particularly when it is considered how much easier and cheaper it was to purchase the lands of those savage tribes, than to attempt to take them by force, which in the infancy of colonies, would not have been found an easy task. When the European writers praised William



Penn so highly for having purchased his lands of the Indians, they meant to place his conduct in opposition to that of Pizarro and Cortez, and although they attributed to Penn alone a merit to which he was not exclusively entitled, they could not have chosen a fitter personage to make the strongest contrast with those destroyers of their fellow-men.

The true merit of William Penn, that in which he surpasses all the founders of empires whose names are recorded in ancient and modern history, is not in having made treaties with or purchased lands of the Indians, but in the honesty, the integrity, the strict justice with which he constantly treated the Aborigines of the land; in the fairness of all his dealings with them, in his faithful observance of his promises; in the ascendancy which he acquired over their untutored minds; in the feelings of gratitude with which his conduct and his character inspired them, and which they, through successive generations until their final disappearance from our soil, never could nor did forget, and to the last moment kept alive in their memories.

Let us be permitted to quote here what is related to us by an eye witness, a man worthy of the most unqualified credit in what he says of his own knowledge; we mean the venerable Heckewelder, who thus expresses himself in his history of the Indian nations who inhabited Pennsylvania and the neighbouring states.\*

After speaking of the aversion of the Indians to holding treaties elsewhere than in the open air, he proceeds to relate what they told him of the conduct of William Penn in that respect, and to show by a striking example the veneration in which his memory was held among them through successive generations. "William Penn," said they, "when he treated with them, adopted the ancient mode of their ancestors, and convened them under a grove of shady trees, where the little

\* Hist. Trans. A. P. S. p. 176.

birds on their boughs, were warbling their sweet notes. In commemoration of these conferences," continues the historian, ("which are always to the Indians a subject of pleasing remembrance,) they frequently assembled together in the woods, in some shady spot, as nearly as possible similar to those where they used to meet their brother *Miquon*, and there lay all his words or speeches with those of his descendants on a blanket or clean piece of bark, and with great satisfaction go successively over the whole. This practice, *which I have repeatedly witnessed*, continued until the year 1780, when the disturbances which then took place put an end to it, probably for ever."

Thus we find that the lapse of one hundred years had not obliterated in the minds of the Indians, the tender feelings which the kindness and upright conduct of their brother *Miquon*, (so the Delawares called William Penn,) and no doubt, in the dreary solitudes beyond the Mississippi, to which their miserable remnants have been driven by a policy to which history will give its true name, those poor exiles from the land of their ancestors still teach their children to lisp the name of their friend *Miquon*, with far different feelings from those with which they refer to names of more modern date.

Those grateful Indians, says Heckewelder, laid all the *words* (so they called the speeches) of William Penn, on a blanket or clean piece of bark, and with great satisfaction went successively over the whole. Perhaps it will be asked how they could do that, who were entirely ignorant of the art of writing? They had in their strings and belts of wampum an artificial memory, not unlike the *Quipos* of the Peruvians,\* by means of which, with the aid of tradition, fre-

\* Ghesaont, an Indian chief, addressing Governor Keith, in his speech at the treaty held at Conestogoe, on the 5th of July 1721, says: Though the Indians cannot write, yet they retain every thing said in their councils, with all the nations they treat with, and preserve it carefully in their memories, as if it was committed, in your method, to writing. 2 Proud, 132.

quently repeated from one to the other, they could remember the speeches made to them and their own in due succession. If they did not recollect the very words, they remembered the substance, and thus in their subsequent speeches to the successive Governors of Pennsylvania, we find them repeating what had been told them on former occasions, and frequently referring to the promises made to them by their good friend *Onas*,\* which they always delighted to commemorate when speaking to his successors.

Of these treaties of friendship it appears that several took place between William Penn and the different tribes of Indians. Those treaties were held in the form of conferences, in which every thing was transacted by means of speeches on both sides. It must not, therefore, be imagined, that those treaties or leagues as William Penn calls them, were engrossed on parchment and signed by all the parties; all that took place on those occasions was, indeed, recorded, by the Christians in their books of minutes, by the Indians after their own manner, which we have before explained. There is every reason to believe that the treaty or conference under the elm tree was recorded by the whites, and it is certain that the memory of it was preserved by the Indians. Had it been written on a roll of parchment and delivered to them, as is said by Clarkson, that parchment would have been kept by them with care, or we should have heard, through them, at least of its former existence. The counterpart would have been preserved in the archives of the colony, and memorials of it would be found elsewhere than in the descriptions of enthusiastic writers, who either had not the means

\* The name of *Onas* was given to William Penn by the Iroquois, whom the proprietary and generally the English colonial governments supported in their claims of superiority over the other Indian tribes; it seems that the Delawares adopted that name at least in their public speeches; among themselves, they called him, in their own language, *Miquon*. Both these words signify a *quill*, or *pen*.

or the inclination to enter into a critical examination of the subject.

That this treaty was held at Shackamaxon, under the celebrated Elm Tree, shortly after the arrival of William Penn in 1682, we think that the least doubt cannot at present be entertained. The testimony of all the historians concur with uninterrupted tradition in establishing these facts. As to the locality, the veneration with which, the celebrated Elm Tree has been regarded from time immemorial attests it, in our opinion, with sufficient certainty. The venerable Richard Peters who not long since died at a very advanced age, and his friend Mr. David H. Conyngham still living, both have affirmed that in their early youth, sixty or seventy years ago, the fact of the first treaty having been held under the Elm Tree, which, was destroyed by a storm in 1810 was universally admitted, and that Benjamin Lay, who came to Pennsylvania at the age of fifty-four years, in the year 1731, only half a century after the arrival of the founder, showed his veneration for it by paying it frequent visits.\* These testimonies are sufficient to establish this fact beyond the possibility of controversy.

Thus much we think we can assert without the fear of contradiction; we even believe and there is some evidence to prove that Shackamaxon and the Elm Tree, before the arrival of William Penn, were the scene of a former treaty made with the Indians by Markham and the commissioners associated with him, which was afterwards confirmed by the Proprietary on the same spot. If it be so, it adds to the solemnity of the act, and the sacredness of the ground.

With these preliminary observations, we shall now pursue our subject historically, and endeavour to show by means of the evidence within our reach, the nature and objects of the great treaty, and the stipulations it contained; we shall try to

\* *Memoirs Hist. Soc.* Vol. 1, p. 93.

ascertain its date, and to bring to view, as far as will be in our power, all the material circumstances connected with it. Various opinions have hitherto prevailed which require to be carefully examined. The most general is that which connects this treaty with the purchase of lands. We shall consider how far that opinion is founded, and upon the whole, we shall do all that we can to elucidate a subject that has been too long involved in obscurity and doubt.

In the first place we must let William Penn speak for himself; his testimony is the best that we can adduce on the occasion.

The charter by which Pennsylvania was granted to him by Charles II., is dated the 4th of March, 1681. It seems that he lost no time in taking measures to secure the possession of his colony, and to obtain correct information respecting it. In May following, he sent his cousin Markham to take possession in his name, and to make the necessary preparations for his reception, when, no doubt, he invested him with full powers, and gave him detailed instructions to regulate his conduct. It is much to be regretted that we can find no traces of those instructions, nor of the correspondence which must have taken place between him and the Proprietary, during the space of 17 months that elapsed from the time of his departure until the arrival of William Penn. All we know is, that he sailed from England in the month of May, 1681, and for that fact we are indebted to Chalmers,\* who, having had access to the public records in London, is most to be believed, while the historians, Proud and Clarkson, make him sail in company with Penn's commissioners, who left England at a later period. Of Markham's doings in America until William Penn's arrival, we know absolutely nothing,

\* In May, 1681, Penn detached Markham with a small emigration, in order to take possession of the country, and to prepare it for a more numerous colony.—Chalm. 640.

except that he purchased from the Indians, for the Proprietor, an inconsiderable tract of land, of which we shall speak in its place, and began to build on it a dwelling-house, which was afterwards called Pennsbury Manor. We have no authentic evidence of his having done any thing else; we must presume, however, that he acted in concert with the commissioners who were sent after him, as will be mentioned. As to what they did, also, we are entirely in the dark, and left to our conjectures.

It was not until after Markham's departure, that William Penn made known to the adventurers who were disposed to follow his fortunes, the conditions on which he admitted them to become purchasers and settlers of his lands in Pennsylvania. These conditions, or *concessions*, as they are called, bear date the 11th of July, 1681.\* There begins to be developed his admirable plan of conduct respecting the Indians, to which he not only bound himself, but all who chose to follow him, who were not permitted to come as settlers to Pennsylvania, unless they subscribed to those conditions, to which it appears they uniformly agreed. There is not a line in this part of that instrument that does not deserve to be specially recorded; therefore we transcribe it at full length.

XI. There shall be no buying and selling, be it with an *Indian*, or one among another, of any goods to be exported, but what shall be performed in public market, when such places shall be set apart, or erected, where they shall pass the public stamp, or mark. If bad ware, and prized as good, or deceitful in proportion or weight, to forfeit the value, as if good and full weight and proportion, to the public treasury of this province, whether it be the merchandise of the *Indian*, or that of the planters.

XII. And forasmuch, as it is usual with the planters to

\* 2d Proud, Append., No. 1.

overreach the poor natives of the country, in trade, by goods not being good of the kind, or debased with mixtures, with which they are sensibly aggrieved, it is agreed, whatever is sold to the *Indians*, in consideration of their furs, shall be sold in the market-place, and there suffer the test, whether good or bad; if good, to pass; if not good, not to be sold for good, that the natives may not be abused, nor provoked.

XIII. That no man shall, by any ways or means, in word, or deed, affront, or wrong any *Indian*, but shall incur the same penalty of the law, as if he had committed it against his fellow planter, and if any *Indian* shall abuse, in word, or deed, any planter of this province, that he shall not be his own judge upon the Indians, but he shall make his complaint to the Governor of the province, or his lieutenant, or deputy, or some inferior magistrate near him, who shall, to the utmost of his power, take care with the King of the said *Indians* that all reasonable satisfaction be made to the said injured planter.

XIV. That all differences, between the planters and the natives, shall also be ended by *twelve* men, that is, by six planters and six natives; that so we may live friendly together as much as in us lieth, preventing all occasions of heart-burnings and mischief.

XV. That the *Indians* shall have liberty to do all things relating to improvement of their ground, and providing sustenance for their families, that any of the planters shall enjoy.

This document clearly shows that William Penn's mind was bent on doing full justice to the Indians, and seeing it done by others, and that he wished to prevent their being cheated or overreached in their dealings with the whites, or otherwise aggrieved in their persons or their property; the methods that he proposed, however, show that he was then but little acquainted with the state of the colony or the character of the natives; it was soon found that the sales in *market overt*, the previous inspection of goods offered for sale, and, above all, the trial by juries *de medietate linguæ*, could not, in

any manner, be carried into execution; therefore those do not appear in the laws enacted after his arrival: it is nevertheless certain that he protected the Indians to the utmost of his power, of which their respect for his memory gives sufficient evidence.

About two months after the date of this instrument, William Penn sent three commissioners to manage his affairs in his colony, namely William Crispin, John Bezar, and Nathaniel Allen.\* None of our historians appear to have been acquainted with the names or even with the number of these commissioners; they only tell us that he sent his cousin Markham to Pennsylvania with certain commissioners, and make it appear as if they had sailed together for America, while it is now ascertained that Markham departed long before them. These facts would have remained in obscurity, but for the late discovery of the instructions given by William Penn to those commissioners, which have been found among the papers of the Hamilton family, and are printed in the second volume of our memoirs.† This document is of great importance to our early history. It is dated the 30th of September, 1681, and confirms Chalmers' statement of Markham's having left England at an earlier period, for in these instructions, William Penn speaks of his cousin Markham "*now on the spot*;"‡ and, what is of much greater consequence, they give us textually his humane directions respecting the conduct to be held with the Indians: "Be tender," he says, "of offending the Indians—let them know that you are

\* We hear no more of these Commissioners after the arrival of William Penn, except John Bezar, who appears to have been twice returned as a member of Assembly for Chester county.

† Part I., page 215.

‡ A letter from William Penn to the inhabitants of Pennsylvania, dated the 8th of April, 1681, which has lately come to light, and which was sent by Markham, strongly corroborates Chalmers' statement of his having sailed from England in May following.



come to sit down lovingly among them. Let my letter and conditions with my purchasers about just dealing with them be read in their tongue, that they may see we have their good in our eye, equal with our own interest; and after reading my letter and the said conditions, then present their Kings with what I send them, and *make a friendship and league with them* according to those conditions, which carefully observe, and get them to comply with you; be grave, they love not to be smiled on."

The letter which William Penn speaks of in the above document, is his celebrated letter to the Indians, which is inserted at length in Proud's History and in Clarkson's Biography.\* The original is in the possession of Benjamin Chew, Esq., of Germantown. We shall only extract from it what relates to our subject. He says to the Indians: "I shall shortly come to see you myself, at which time we may more largely and freely confer and discourse on these matters. In the mean time, I have sent my commissioners to treat with you about land *and a firm league of peace.*"

This letter is dated the 18th of October, a little more than two weeks after the date of the instructions, which leads us to believe that the commissioners did not sail until the latter end of that month. They probably took their passage in the Bristol Factor, Roger Drew, master, which we are told arrived at Upland, now Chester, and the river having frozen the night that they went on shore, they remained there all the winter.† Although this is of no consequence for the object of this Memoir, it may hereafter elucidate some points of our history. Dates are never to be neglected.

The above is all that we find of William Penn prior to his coming to America. After his arrival, however, but not before the 16th of August, 1683, he wrote a long and very in-

\* 1 Proud, 195. 1 Clarkson, 227.

† 1 Clarkson, 226.

teresting letter to the free Society of Traders in England, which is recorded at large by Proud and Clarkson.\* In that letter, in which he gives a minute description of the state of his province, as it existed at the time, he says a great deal on the subject of the Indians, and undertakes to describe their persons, languages, manners, religion, and government. He speaks of their councils, and their manner of holding treaties, and in so doing, he refers particularly to a treaty which he himself held with them. We shall extract so much of that part of his letter, as is applicable to the subject of this memoir.

“Every king,” says he, “has his council, and that consists of all the old and wise men of his nation, which, perhaps, is two hundred people. Nothing of moment is undertaken, be it war, peace, selling of land or traffick, without advising with them, and, which is more, with the young men too. I have had occasion to be in council with them, upon treaties for land, and to adjust terms of trade.”†

William Penn, then, in order to give an idea of their manner of proceeding when they held conferences or treaties, relates what took place at a treaty which he made with them for the purchase of land. After describing the order of sitting and speaking, and all the usual ceremonies on such occasions, he proceeds thus: “When the purchase was agreed, great promises passed between us, of kindness and good neighbourhood, and that the Indians and English must live in love as long as the sun gave light.” The Indians, of course, reciprocated these sentiments, and there the matter ended.

A question now arises, whether the treaty, the ceremonies of which William Penn, in the letter above cited, has so graphically described, which description, as not relating to our subject, we have not thought necessary to insert here,

\* 1 Proud, 246. 1 Clarks. 292.

† 1 Proud, 257. 1 Clarks. 305.

whether that treaty might not be the one we are inquiring of, the celebrated treaty under the Elm tree? There is nothing in the letter to make us incline to that opinion. It must be recollected that it was written nearly ten months after Penn's arrival, and in that interval of time he tells us himself that he had *more than once* met their kings in council, upon treaties for land and to adjust terms of trade. It is to be observed that he here discriminates between these two kinds of treaties. By "adjusting terms of trade," he undoubtedly meant settling the intercourse between the Indians and the whites, and establishing it on the footing of friendship and good neighbourhood. This is what we conceive the treaty under the Elm tree to have been. The one of which he speaks in his letter to the free traders, appears to have been a negotiation for the purchase of land, and for no other purpose. The mutual promises and expressions of kindness with which the meeting concluded, appear to have been a kind of *protocol* used on all similar occasions, as may be found in many of the modern treaties, in Europe as well as in this country.

Previous to the writing of this letter, and in the same year, two considerable purchases of land were made by William Penn from the natives, the deeds of conveyance of which are on record.\* The first, dated June 23d, 1683, conveys to him and his heirs the land lying between the Neshaminy and Pennypack Creek; the other, which bears date of the 14th of July following, is for lands lying between the Schuylkill and Chester river. It is probably to one of those treaties that he alluded in the letter above mentioned. When we come to inquire into the stipulations of the great treaty, we hope to be able to show that it cannot be that to which William Penn in this letter had reference.

It may be asked, perhaps, how it came to pass that Wil-

\* 2 Smith's Laws of Pennsylvania, 110.

William Penn in his letters, never made mention of this great, this famous, this celebrated treaty, which has already employed the pen of the historian and the pencil of the painter, and is destined to give birth to numerous productions in after ages, in verse and in prose? To this we have to answer, that we are not in possession of all the letters of our great founder, and that we are particularly deficient in those of the year in which the treaty was made. We may add also that he considered this treaty as a matter of course, and that he could not foresee the fame that it would acquire in future times, much less that the sacred Elm tree under which it was made would be held up to the veneration of posterity; and if he had foreseen all these things, the modesty which is known to have been one of his characteristics, would have prevented him from being the first to proclaim it to the world. But we know that that treaty was in his contemplation before he sailed for America—that he ordered his Commissioners to make a *league of friendship* with the Indians, and wrote to the latter to inform them of the fact and prepare them for it; and notwithstanding the obscurity which still rests upon this important transaction, there is every reason to believe that it did take place, and that a treaty of lasting peace and friendship was made by William Penn with the Indians, in the year 1682, at Shackamaxon, under the Elm tree, the memory of which will remain as long as Pennsylvania shall exist, and while her name and that of her patriarch shall be held in remembrance.

We shall next proceed to show what the historians have said on the subject of this treaty.

The first is Mr. Oldmixon, who wrote a book in two volumes, entitled "The British Empire in America."\* This book was printed at London in the year 1708, about twenty-five years after the first arrival of William Penn in this

\* This book is in the Philadelphia Library.

country. It contains an account of all the British colonies then existing on the American continent and in the West Indies. In his description of Pennsylvania he frequently refers to conversations that he had with William Penn, with whom he was personally acquainted. Like all the other historians, he relates that the proprietary, upon his arrival in his colony, entered into treaties with the Indians to buy lands.\* Afterwards, however, speaking of Penn's removal to England, in 1684, he particularly mentions the treaties of friendship that he made with the aborigines. "Mr. Penn," says he,† "stayed in Pennsylvania two years, and having made a *league of amity* with nineteen Indian nations, established good laws, and seen his capital so well inhabited, that there were then near 300 houses and 2500 souls in it, besides 20 other townships, he returned to England, leaving William Markham, Esq. his Secretary, Mr. Thomas Holmes, Surveyor General, and the administration in the hands of the Council, whose President was Thomas Lloyd, Esq." &c.

In another part, speaking of the Indians in Pennsylvania, he says something, which, though it does not relate immediately to our subject, we cannot forbear transcribing.—"They," says he, "have been very civil and friendly to the English, who never lost man, woman, or child by them,‡ which neither the colony of Maryland nor that of Virginia can say, no more than the great colony of New England. This friendship and civility of the Pennsylvania Indians are imputed to Mr. Penn, the Proprietary's extreme humanity

\* 1 Oldmix. 167.

† Ibid. p. 171.

‡ The first Indian who was killed in Pennsylvania by a white man, was murdered with circumstances of great cruelty by one Cartledge. He was arrested and going to be tried; but the Indians interceded for him and he was pardoned. This happened in 1721, forty years after William Penn became proprietor of Pennsylvania, and three years after his spirit had fled to a better world. Gordon, 188.

and bounty to them, he having laid out some thousands of pounds to instruct, support, and oblige them.”\*

Thus we have the testimony of a cotemporary of William Penn, and of one who had the advantage of conversing with him, to prove that during his first visit to this country, he made a *league of amity* with nineteen Indian nations. This number of NATIONS may appear exaggerated, but we must consider that every Indian village formed an Indian tribe, and in that sense we must consider the word *nation*, as employed by this writer. There were not in Pennsylvania at that time nineteen *nations*, properly so called. But that is of little consequence; it is enough for us that he made a league of amity with those Indians contradistinguished from his purchases of land. It seems to be generally believed, that that league was made with all of them together convened on the same spot. We do not concur in that opinion. We believe, as we have already said, that there were several treaties of the same kind between William Penn and the Indians. The one held at Shackamaxon was probably the most numerously attended.

The next historian that we shall refer to is Mr. Proud, whose history of Pennsylvania appeared in the year 1797, posterior to our Revolution. His notions of the great treaty appear to have been very vague: they rested on traditions which became more and more obscure, as generations passed away, and he does not seem to have taken much pains to come at the particulars of that transaction, which, at that time, had not acquired the importance that it has obtained since. He does not say a word about Shackamaxon or the Elm tree, although we have shown that it was held in great veneration at the time when he wrote. Indeed, Mr. Proud has been, not unjustly, reproached for having neglected the earlier part of

\* Ibid, 164.

our history, and having more attended to that of subsequent times. Be that as it may, we shall proceed to state what he relates.

Having brought his narrative to the last month (February) of the year 1682, according to the old style, he continues thus: "The Proprietary, being *now* returned from Maryland to Coaquannock, the place so called by the Indians, where Philadelphia now stands, began to purchase lands of the Indians, whom he treated with justice and kindness," &c.\*

On referring to authentic records, we do not find that William Penn began to purchase lands of the Indians until six or seven months after his arrival. The first account that we have of such transactions, is in his letter to the Lords of Plantations, dated the 14th of August, 1683. In that letter he says, that in the month of May, Lord Baltimore sent three gentlemen to invite him to a meeting at the head of the Chesapeake, but, says he, "I was then in treaty with the kings of the natives for land." Three days afterward, however, he met Lord Baltimore ten miles from New Castle.† What became of that negotiation we do not know, but we presume it was for the lands between the Neshaminy and the Penny-pack, for which he received a deed from the Indians, dated the 23d of June following,‡ which is the first that we find on record, except that for the purchase made by Markham, before the proprietor's arrival.

Mr. Proud, however, although he begins with mentioning the purchases of land made by William Penn, does not seem to confound them with the great treaty, for, after having spoken of these, in a subsequent paragraph he thus proceeds:

"It was at this time (1682,) when he, (William Penn) first entered *personally*§ into that lasting friendship with the

\* 1 Proud, 211.

† Ibid. 271.

‡ 2 Smith's Laws, 110.

§ Here Mr. Proud seems to allude to a previous treaty with Markham and the Commissioners.

Indians, which ever after continued between them. — — — A *firm peace* was thereupon concluded between William Penn and the Indians, and both parties mutually promised to live together as brethren, without doing the least injury to each other. This treaty was solemnly ratified by the usual token of a chain of friendship, a covenant indelible, never to be broken as long as the sun and moon endure.”\* The words “*at this time,*” which this author makes use of, in speaking of the epoch of the great treaty, might, if they stood alone, be understood to refer to the time when William Penn, after his arrival, made his first purchase of land of the Indians, and that he meant to connect with it the treaty of amity and friendship, and intimate that both were made at the same time; but by adding afterwards, between parentheses, (1682) he shows that he has only reference to the year and not to the purchase, which, in fact, as we have already said, did not take place until the year following.

It appears, that Mr. Proud had a correct general idea of the stipulations of this treaty. It is to be regretted that he did not enter into more particulars; but the co-temporary witnesses had died at the time when he wrote, which was during the American revolution, and he did not, probably, think that these particulars would be so much sought after by posterity. We, who believe that they will be still much more interesting to our descendants than they are to the present generation, conceive it to be our duty to throw as much light upon the subject, as our means of information permit us to do.

The next author we shall refer to, is Mr. Clarkson, the Biographer of William Penn. That gentleman is still living in England,† and may he continue to live many years longer. One of us has had the pleasure of his personal acquaint-

\* 1 Proud, 212.

† At Clayford-Hall in the county of Suffolk.



ance, and both admire his untiring zeal in the cause of humanity. He is a true friend to Pennsylvania, and has raised a lasting monument to the fame of her illustrious founder. As relates to the particular subject of our inquiry, it is to be regretted that this benevolent author never was in this country, and had not, therefore, the means of information which were within the reach of Mr. Proud, and of which the historian of Pennsylvania did not make sufficient use. We make no doubt that Mr. Clarkson, had he been in his place, would have given us a more correct account of the great treaty, than that which, indeed, adorns his pages, but does not appear to us to be consistent with the facts as we believe them to have really happened. As he is a lover of truth as much as we are, we make no doubt that he will regard with indulgence the criticism that we are about to make of his relation of that important event.

Mr. Clarkson very justly regrets, that while we have accounts of minor treaties between William Penn and the Indians, he can find in no historian an account of this, though so many mention it, and though all concur in considering it as the most glorious in the annals of the world.\* But he consoles himself with remarking that there are relations in Indian speeches, and traditions in Quaker families descended from those who were present on the occasion, from which, we may learn something concerning it. Those traditions have not taught us much, and Indian speeches, as we shall presently show, are not always to be relied on. Mr. Clarkson has told J. Francis Fisher, that he was indebted for his information on the subject of this treaty to our celebrated painter Benjamin West, who, we are sure, told him nothing else than what he himself believed. But Mr. West left this country at an age when young men are not apt to make profound inquiries into historical facts. In 1760, when he went to Italy,

\* 1 Clarkson, 264.

those who in 1682 were of an age to observe passing events had disappeared from the scene, and he can have had but a general traditional knowledge of the great treaty, which, without the least imputation to his veracity, we suspect his enthusiastic imagination did not contribute a little to embellish; for, to be candid, the description given us by Mr. Clarkson of this treaty, and which, as to externals, agrees with Mr. West's picture, appears to us to savour something more of the brush of the painter than of the pen of the historian.

For instance, when the estimable author says, that William Penn went from Chester to Coaquannock, a distance of fifteen miles, accompanied by his friends, consisting of men, women and young persons of both sexes, where they met armed Indians, so numerous that they were seen in the woods as far as the eye could carry, and looked frightful, both on account of their number and their *arms*, we cannot give credit to this relation, from whatever source the author may have received it. We know that the Indians never carry arms when they go to make treaties, even with their enemies, but on the contrary, says Heckewelder, "they do not even permit any warlike weapon to remain within the limits of their council fire, when assembled about the ordinary business of their government. It might, they say, have a bad effect, and defeat the object for which they had met."\* It is probable that neither Mr. West nor Mr. Clarkson had been informed of this characteristic trait of the Indian nations. It must be also observed that when William Penn first came to Pennsylvania, it was not a newly discovered country; the banks of the Delaware had been settled on by Europeans for more than forty years, and treaties had repeatedly been made before that time with the Indian inhabitants by the Swedes, the Dutch and the English. We have an account given us by Campanius, of a treaty made with them in 1654 by the

\* Hist. Trans. A. P. S. 176.

Swedish Governor Rising, the stipulations of which appear pretty much the same as those of the great treaty.\* Besides, Markham, as we believe, had already treated with them, and prepared them for the arrival of William Penn, and as Mr. Clarkson himself says, it was to *confirm* a former treaty, that the Christians and the Indians were now assembled; and before William Penn arrived, the Quakers at Burlington had made a treaty of amity and friendship with the Indians.† Therefore there could be no danger whatever in meeting them on that occasion, and William Penn and his friends who were present, are in no need of praise for the courage which they exhibited.

Far be it from us to wish to detract in the least from the fame of that great man. We too wish to exalt his name and give to his illustrious character the due meed of praise. But we will do so by confining ourselves strictly to the truth which he loved, and which during the whole of his long and honourable life he was never known to violate.

The great error of Mr. Clarkson, is to have ill chosen the subjects of the praise which he justly bestowed on his hero. He was misled by Voltaire and Raynal, whom he quotes with great complacency, and who placed the greatness of William Penn in not having imitated Cortez and Pizarro; in having purchased his lands of the Indians, and having softened those savages, whom their superficial‡ notions made them believe to have stood ready on the shores of the Delaware to devour him and his followers. This may sound very well in a romance, but history is bound to adhere to the truth, and rejects with disdain all traditions that are found to be inconsistent with it.

\* Campanius, in 3 Memoirs Hist. Soc. Penn. p. 76.

† Good order established in Pennsylvania, by T. Budd, London, 1684. [In the Friends library at Philadelphia.]

‡ So little did M. de Voltaire know respecting this country, that in the article already quoted, he places Pennsylvania to the *south* of Maryland. How aptly we might quote here the words of M. de Voltaire himself. *Et voila justement comme on écrit l'histoire!*

It is in consequence of the false light derived from the writings of these foreign authors, that Mr. Clarkson has connected the great Treaty with the purchase of lands, what no English or American historian had done before him. Hence the great roll of parchment, the payment made in goods to the Indians, all which, in our opinion, detracts a great deal from the solemnity and dignity of the scene.

We must do Mr. Clarkson, however, the justice to say, that what he relates of the speech of William Penn, on that occasion, appears to us conformable to the best traditions, and to agree, in substance, with the information that we have been able to collect elsewhere, from various sources. We are also indebted to him for the interesting circumstance of the blue sash worn by the Proprietor, and now in the possession of Thomas Kett, Esq., of Seething Hall, near Norwich, England. It is much to be wished that this valuable relic were deposited in the cabinet of some public institution in this country, where it would be safe from the dangers attending its possession by a private individual, whose successors in after times may not be impressed with the feelings of its present worthy possessor.

We have said before that Indian speeches were not always to be relied on as evidence of the facts which they contain. We are now going to speak of one of those documents which has not a little contributed to the confusion of ideas which has hitherto prevailed respecting the great Treaty, and which, no doubt, confirmed Mr. Clarkson in his opinion that that treaty was connected with a land purchase. We hope to show, that the ideas of the Indian who made that speech were not less confused, than those which it was the cause of spreading through the country and through the world. But before we proceed to its examination, it is necessary that we should state a few preliminary facts.

At the time of the arrival of William Penn, and probably

long before, the valley of the Susquehannah, on the southern frontier of this Commonwealth, was inhabited by a tribe of Indians of the Iroquois stock.\* They were called by the Dutch *Maquas*, by the Swedes *Minques*, by the English *Mingoes*, and by the Delaware Indians *Mengwes*. They were settled there so early as the time of the Swedes. It will be recollected that a part, if not the whole of the Territory which they inhabited, was claimed by Lord Baltimore, as being within the limits of his province of Maryland. It appears, also, that some of the Delaware tribes, who possessed the banks of the Delaware and the eastern part of Pennsylvania, were settled among them, or in their neighbourhood. Whether it was in consequence of some differences between those tribes, who are known not to have liked each other, or of some persecutions from the agents of Lord Baltimore, it is almost reduced to a certainty that as soon as they heard of the arrival of the commissioners of the new Proprietor, William Penn, they sent a deputation to them and solicited their protection, which was granted. Of the treaty which took place, on that occasion, no trace whatever remains other than a vague tradition; but there can be no doubt that that was the treaty which, according to all the historians, was *confirmed* by William Penn under the great Tree, to which these Susquehannah Indians were parties with the other tribes assembled on the occasion.

Afterwards, in 1698, in the interval between William Penn's first and second visit to Pennsylvania, about sixty families of Shawanese or southern Indians, from what cause is immaterial, came to settle at Conestogo, among those who were al-

\* There can be no doubt that those Indians were Iroquois. Dr. Franklin, in his Narrative of the Massacre of the Conestogo Indians, in December, 1763, tells us expressly that they were a tribe of the Six Nations. And what is still stronger evidence, Campanius gives us a vocabulary of their language, which shows it clearly to be an Iroquois dialect. See Mr. Du Ponceau's translation of his Description of New Sweden, in 3 Mem. Hist. Soc., page 158.

ready established there. These applied to the Proprietary government for permission to admit the new comers, offering to become answerable for their good behaviour; but the Proprietary arriving soon afterwards, the Chiefs of the Shawanese and Susquehannah Indians came to the city, and renewing their application, the Proprietary agreed to their settlement there, whereupon the Shawanese came under the protection of the Government.\*

Mr. Redmond Conyngham, in his valuable notes on our early history, published in the 15th volume of Hazard's Pennsylvania Register, † conceives there is an error in the Report made to the Assembly in 1755, from which we have extracted the above. He thinks that the date of the coming of the Shawanese, and the first application of the Susquehannah Indians, should be 1678 and not 1698, as the report states. His object is evidently to connect that circumstance with the great Treaty. But that can be done without altering dates. The report states, that on the arrival of the Shawanese, the Susquehannah Indians applied to *this government*, praying that the former might be permitted to settle in their neighbourhood. Now *this government* must mean the Proprietary Government, and that did not exist in 1678. At that time the government of the country on the Delaware, was administered by an officer, called the Commander, and magistrates, who had no authority but to keep the peace, and settle private differences; the real government was at New York, and it is there that those Indians should have preferred their petition. Therefore the first application made by those Indians for protection to the Pennsylvania authorities, must have been to Markham and the Commissioners, in 1682, who, there is every reason to believe, made a treaty with them which was afterwards in the same year, confirmed by William Penn him-

\* 4 Votes of Assembly of Pennsylvania, 517.

† Pages 80, 81, 117, 138, 180.

self at Shackamaxon. During his absence, afterwards, it seems that fresh difficulties arose, on which they applied to the Proprietary Government, and those difficulties were settled by a new treaty, which William Penn made with them, as Dr. Franklin informs us, in 1701.\* Thus every thing is reconciled, and additional light is thrown on the history of the Treaty under the Elm Tree.

Having premised thus much, we shall proceed to examine the Indian speech which we have above mentioned. We find it in a well known pamphlet published at London during the French war, in 1759, the author of which is Charles Thomson, who was Secretary to Congress during the war of the Revolution. It is entitled "An inquiry into the causes of the alienation of the Delaware and Shawanese Indians from the British interest." We must acknowledge that the minutes of Council at Harrisburg, for the years 1721 and 1722, have been searched in vain for the treaty or conference related by Mr. Thomson, and the speech of Civility which it contains. Mr. Thomson's character for truth and integrity is, however, too well known, and generally acknowledged, that we doubt not he obtained the whole from some authentic source. It is certain that it has been generally credited, and is, in a great measure, the cause of the confusion that has taken place on the subject of the great Treaty. Mr. Thomson relates this conference as follows :

"Governor *Keith* having, in 1722, received advice that some persons, under pretence of searching for copper mines, intended to take up lands, by virtue of *Maryland* rights on the

\* Dr. Franklin, in his Narrative above cited, speaking of the partial murder of the Indians at Conestogo, which preceded the great massacre in the jail at Lancaster, and mentioning the names of the Indians who were then murdered, says: "Of these Shehaes was a very old man, having assisted at the *second* treaty held with them by William Penn in 1701." This second treaty was the one which followed the application of the Indians in 1698, and the first was the great Treaty.

west side of the River *Susquehannah*, above *Conestogo*, issued a Proclamation to prevent them. Soon after, having advice that some persons were actually gone from *Maryland* to survey the lands, he went thither himself with the Surveyor General of the Province, and arriving first, ordered the Surveyor General, by virtue of Proprietary rights which he had before purchased, to survey for him five hundred and thirty acres of land upon that spot which he perceived was like to prove a bone of contention and the occasion of mischief. Upon his return, being informed that the young men of *Conestogo* were going out to war, he thought it necessary to hold a conference with those *Indians*; and accordingly, going to their town, called a meeting of the Chiefs of the *Mingoes*, the *Shawanese*, and the *Ganaway (Conoy) Indians*, at which he reminded them of the friendship that subsisted between them and the government, of the favours he had done them, how he had gone to *Virginia* to serve them, and at their request removed one *John Crist* from a settlement he had made beyond the *Susquehannah*, and had strictly forbidden any person whatever from taking up lands or settling there without his leave, &c. In the close of his speech, he informed them of the news he had heard of their going to war, and absolutely forbade them to go.

“Hereupon the *Indians* called a Council, and having agreed upon an answer, met the Governor next day; and *Civility*, their Chief, having, in the name of the *Indians*, thanked the Governor for the pains he had taken to serve them, and expressed the confidence they had in the Government, declaring that though their warriors were intended against the *Catawbas*, yet as the Governor disapproved of their going to war, they should be immediately stopped: After which he proceeded to say, ‘That when the Proprietor, *William Penn*, came into this country, *forty years ago*, he got some person at *New York* to purchase the lands on *Susquehannah* from the Five Nations, who pretended a right to them, having conquered the



people formerly settled there : That when *William Penn* came from *New York* he sent for them to hold a Council with him at *Philadelphia*, and showed them a parchment, which he told them was a right to those lands; that he had purchased them from the Five Nations, for which he had sent a great many goods in a vessel to *New York*; that when the *Conestogoes* understood he had bought their land, they were sorry; upon which *William Penn* took the parchment and laid it upon the ground, saying to them, that it should be in common among them, viz.; the *English* and the *Indians*; that when *William Penn* had after that manner given them the same privilege to the land as his own people, he told them he would not do as the *Marylanders* did, by calling them children or brothers only; for often parents would be apt to whip their children too severely, and brothers sometimes would differ; neither would he compare the friendship between him and the *Susquehannah Indians* to a chain, for the rain might sometimes rust it, or a tree fall and break it; but he said the *Indians* should be esteemed by him as his people, as the same flesh and blood with the Christians, and the same as if one man's body was to be divided in two parts.' After they had made so firm a league with *William Penn*, he gave them that parchment, (here *Civility* held a parchment in his hand) and told them to preserve it carefully for three generations, that their children might see and know what then passed in Council, as if he remained himself with them to repeat it, but that the fourth generation would both forget him and it.

“*Civility* presented to the Governor the parchment in his hand, to read; it contained articles of friendship and agreement made between the Proprietary and them, and confirmed the sale of lands made by the Five Nations to the Proprietary.”

The Governor's answer to this is as follows:

“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 *Susquehannah*, is exactly true as you tell it; only I have heard farther, 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, as the parchment you showed me fully declares."

The remainder of these proceedings has no relation whatever to the object of this Memoir.

In the same pamphlet Mr. Thomson relates that at a treaty held at Philadelphia in 1727, between Governor Gordon and the deputies of the Five Nations, the Indian speaker *Tannewhannegah* informed the Governor, "that the first Governor of this place, *Onas* (William Penn) when he first arrived here sent to desire them to sell lands to him;\* that they answered they would not sell it now, but they might do it in time to come; \* \* \* \* that when the Governort was at Albany, he had spoken to them to this purpose: well, my brethren, you have gained the victory, you have overcome these people, and their lands are yours; we shall buy them of you. \* \* \* \* The warriors then delivered their message to the Chiefs, who have now sent us to let the Governor know that they are willing to proceed to a sale."‡

Mr. Smith, in the notes that we have frequently cited, does not make mention of the conference first related by Mr. Thomson, nor have we been able to find the source from whence he obtained it; but we have no doubt it was authentic, for we do not know that it has ever been denied or controverted. However that may be, we are convinced that

\* The lands of the *Susquehannah* Indians, 2 Smith's L. P. 112.

† Gov. Keith in 1722, Smith, *ibid.*

‡ An Inquiry &c., p. 11.

it contributed not a little to the general opinion which connected the great treaty with the purchase of lands. But if we compare the two statements made by the Indians in 1722 and 1727, we must be sure that they cannot both be true; for while *Civility* says, that William Penn purchased the Susquehannah lands of the Five Nations at New York on his first arrival *forty years ago*, which refers precisely to the year 1682, and relates a long story about a large parchment roll containing the evidence of that purchase, *Tannerhannegah*, on the contrary, affirms that those Indians refused to sell the lands at that time, but said they might do it at a future day. It is impossible to reconcile these two statements.

The true history of this transaction is given us by Mr. Smith in his excellent notes above mentioned. It was on the second arrival of William Penn to this country, in 1699, that his friend and agent Colonel Dongan purchased the right of the Five Nations to the Susquehannah lands, and conveyed them to William Penn,\* who obtained a confirmation of that purchase in 1701, as has been above mentioned. *Civility*, therefore, committed an error in point of date, and confounded the purchase in 1701 with William Penn's first arrival here in 1682. When the Proprietor came here for the first time, Colonel Dongan had not arrived at New York, of which he was appointed Governor to succeed Sir Edmund Andros, who had been recalled. Dongan received his appointment on the 20th September, 1682, (after William Penn's departure,) and arrived at New York, Chalmers says, in October, Smith in August following. In the mean time the government was administered by one Brockholst,† of whom nothing is recorded, and with whom William Penn does not appear

\* 2 Smith's L. P. 111.

† Some write his name *Brockhurst*, others *Brockholes*; Chalmers writes it *Brockoles*. His real name was *Brockholst*.

to have had any acquaintance.\* His was a mere temporary administration.

We must then be convinced that the purchase of the Susquehannah lands, and the exhibition of the great roll of parchment, relate to the treaty of 1701, with which we have nothing to do, our object being only the great treaty of 1682, under the Elm Tree. We shall now proceed with the historians.

Mr. Gordon, whose History of Pennsylvania has not been appreciated as it deserves, adopted Clarkson's relation in the text of that valuable book.† But subsequent investigations made him change his opinion, and in a very interesting body of notes, subjoined to his work, he expresses his conviction that the great treaty was *not* connected with any land purchase. "For," says he, "several of these deeds (the deeds evidencing Indian purchases) if not all of them, have been given to us by Mr. Smith, in his excellent treatise on the land laws. He does not mention the treaty under the Elm, and the reason is, obviously, because it was unattended and unconnected with any deed, and no written memorial, other than the minutes of the conference had been taken."‡

Mr. Gordon, however, has not been able to get over the notion of the *great parchment roll*; for he says a little above§ that "the treaty, (the great treaty,) containing covenants of protection and kindness, was executed and delivered to the Indians, and was by them carefully preserved at least forty years before its exhibition to Governor Keith, and may possibly be in the possession of their descendants." This is in direct contradiction with what the author says afterwards, that "no memorial of that treaty was preserved, other than

\* Chalmers, 584; Smith's History of New York, 58; Ebeling's New York, 54.

† Gordon, 74, 75.

‡ Ibid. Append. note O. pp. 602—4.

§ p. 604.

the minutes of the conference." But it is evident that Mr. Gordon had Charles Thomson's relation and the speech of Civility before his eyes, and was not aware that that Indian Chief had committed a mistake in point of date, which a closer investigation has enabled us to point out and to correct. The parchment roll exhibited to Governor Keith, had no connexion with the treaty of 1682.

Ebeling is very cautious on this point. He says that William Penn found means to acquire the favour of the Indians, not only by solemn conferences and treaties, but by friendly visits and conversations in their own language, assisting at their festivals, making them presents, &c.\* He afterwards speaks of his purchasing lands of them, but takes care not to connect those transactions with *treaties*, in which he appears to have been more cautious than most of those who preceded and followed him.

Having now shown the various relations and opinions of the historians on the subject of this treaty, we shall take a view of the land purchases, in order to show that there is none, the memory of which has come down to us, which can by any fair reasoning be connected with the great treaty under the Elm Tree. We trust that we have so disposed of the Susquehannah purchase (which hitherto has been the stumbling-block of our annalists and historians,) as to afford the clearest conviction of its being entirely unconnected with that treaty.

The first treaty† for the purchase of lands that we find on record, is that made by Markham in 1682, before the arrival

\* Ebeling's Pennsylvania, c. 3, see the translation in 1 Hazard's Register of Pennsylvania, p. 353.

† The word *treaty* is used indiscriminately for every transaction with the Indians, whether it relate to amity and friendship, to the regulation of commerce and general intercourse, to land purchases or even to conferences on any subject whatsoever. Hence has arisen much of the confusion and uncertainty which has so long prevailed respecting the *great treaty*.

of William Penn in this country. The deed of conveyance of the land purchased is dated on the 15th of July, and on it is endorsed a confirmation dated the 1st of August following. The substance of these deeds is given to us by Mr. Smith, in his notes above cited,\* and a full copy from the original, which we have seen is in the possession of the President of the Society,† to whom it was sent by Redmond Conyngham, Esq. We would recommend the printing of these documents in our memoirs, as they may serve to illustrate historical facts. We have remarked that in this transaction, William Markham alone appears as acting for the proprietor, and that his commissioners, who must have been in the country at the time, take no part in it. They may, however, have been parties to the negotiation, though not to the deeds.

The tract of land purchased is said by Gordon and by Smith to have been *inconsiderable*,‡ so that it could not have been the object of *confirmation* at the great treaty. Besides, the deeds show that it was paid for by Markham at the time of the purchase, and therefore the transaction was complete. It seems that pains had been taken to obtain the signatures of all those who claimed to be owners of the land. Therefore we may safely say that it had nothing to do with the treaty under the Elm Tree.

The land thus purchased lies on the banks of the Delaware within the great bend of that river, between the falls opposite to Trenton and the Neshaminy. How far it extended in the interior, the description does not enable us to say, as it refers to places the names of which have been long since forgotten. It was there that Markham fixed the dwelling place of the proprietor, which was called *Pennsbury Manor*. The house was begun to be built before William Penn arrived.

It is very probable that William Penn had fixed upon that

\* 2 Smith's L. p. 109.

† The late lamented William Rawle, Esq.

‡ Smith, 110. Gord. 74.

spot himself, and given instructions to Markham to purchase it for him for his residence, and that of the friends by whom he wished to be surrounded. It was opposite to the flourishing settlement of the Quakers at Burlington, and it is known that Quaker families had begun at that time to settle in numbers on both sides of the river in that neighbourhood.\* It was natural, therefore, that our great founder should wish to place himself in the vicinity of his co-religionists. It was a *homestead* for him that Markham was instructed to purchase. And there is reason to believe that it was intended to make it the seat of government.†

William Penn arrived on the 24th of October, 1682. It does not appear that any other purchase had been made for him at that time. Nor does he appear to have entered into a negotiation with the Indians for any purchase until six or seven months afterwards, that is to say, in May, 1683, as we have already mentioned. This is very easy to understand. His first object on his arrival must have been to conciliate the favour of the natives, by friendly conferences, by mutual promises—in short, by treaties of amity and friendship. To have shown immediately an extraordinary avidity for their lands, would, rather than promote, have tended to defeat that most important object.

He, then, waited until May, before he entered into a negotiation with them for that purpose. It was hardly begun, when he was suddenly called away to a conference with Lord Baltimore. It was, therefore, interrupted; so that the deed of his purchase is only dated in June.‡ The lands that he

\* Proud. Smith's New Jersey, &c.

† The venerable Samuel Preston, of Stockport, Wayne county, formerly of the county of Bucks, saw, many years ago, in the Surveyor General's office, in Bucks county, an original draught of the city, to be built at Pennsbury, of an older date than the plan by Holmes, and signed by Phineas Pemberton.—*Barker's Discourse before the Penn Society, p. 30, in note, quotes Preston MS.*

‡ 23d June. 2 Smith, 110.

purchased were contiguous to those acquired by Markham, and lay between the Neshaminy and the Pemmapeck, now Pennypack creek. He wished to draw his possessions nearer to his city of Philadelphia, the building of which had already commenced, and was fast advancing.

As this purchase is posterior to the year 1682, it can have no possible connexion with the great treaty, and in the interval between these two transactions, we not only find no record, but no mention made any where of any other acquisition from the Indians. We must necessarily believe there were none. We, of course, need not look further to subsequent purchases, as they can have no relation to our subject.

It has been supposed that the great treaty under the Elm Tree might have been held for the purchase of the land on which Philadelphia now stands. This is a mere supposition, unsupported by any testimony. It deserves, however, to be considered.

It must be recollected that at the time of the first arrival of William Penn, the country lying on the western banks of the river Delaware had been settled upon by Europeans for more than forty years. The successive governments who had possession of the territory, had purchased lands from the Indians, and granted them to individual settlers. The Swedes had their church at Wicacoa, and were chiefly settled in its vicinity. Their titles to the land they occupied, were of long standing; they had been confirmed by the English Governors under the Duke of York, and were so afterwards by William Penn himself. They were respected by the Indians, who had been accustomed to live with those strangers, between whom and themselves perfect harmony existed. It was a romantic idea of those times, that the whites and the red men might live together like brothers on the same soil. The Indians believed it, because they had no conception of the exclusive possession of more land than one might usefully



occupy, and even that they were much disposed to consider as common.\* Hence, when William Penn arrived, the Indians and the whites lived promiscuously together, the wigwam rose by the side of the Christian's dwelling, and this accounts for what William Penn is said by Civility to have told the Susquehannah Indians, at the treaty of 1701, that they should hold the valley of Susquehannah *in common*, which no doubt William Penn at that time sincerely believed, and, indeed, that state of things was well suited to a sparse population; but as the numbers of the whites increased, its inconvenience was more and more felt, and a new order of things took place, which gradually drove the poor Indians from the land.

It is a well authenticated fact, that William Penn purchased of the three Brothers Swanson,† in exchange for other

\* An anecdote is related by Heckewelder, which shows what were the notions of the Indians at that time in respect to property. "Some travelling Indians," says he, "having in the year 1777, put their horses over night to pasture in my little meadow, at Gnadenhutzen, on the Muskingum, I called on them in the morning to learn why they had done so. I endeavoured to make them sensible of the injury they had done me, especially as I intended to mow in a day or two. Having finished my complaint, one of them replied: "My friend, it seems you lay claim to the grass my horses have eaten, because you had enclosed it with a fence: now tell me, who caused the grass to grow? Can you make the grass grow? I think not, and nobody can, except the great Manitto. He it is who causes it to grow, both for my horses and for yours! See, friend! the grass which grows out of the earth is common to all; the game in the woods is common to all. Say, did you never eat venison and bears' meat?" "Yes, very often." "Well, and did you ever hear me or any other Indian complain about that?" "No." "Then be not disturbed at my horses having only eaten once of what you call *your* grass, though the grass my horses did eat, in like manner as the meat you did eat, was given to the Indians by the Great Spirit. Besides, if you will but consider, you will find that my horse did not eat *all* your grass. For friendship's sake, however, I shall never put my horses in your meadow again."—Heckewelder. *Manners and Customs of the Indians*, in 1 *Histor. Trans. A. P. S.* p. 86.

† The names of these three brothers were Andries (Andrew) Swen and Wolle Swenson, which has been converted into Swanson. Some writers

lands, about 300 acres, *in the place where it was judged most convenient that the city should be built*,\* which is the ground on which it now stands. Acrelius says, that it was 360 acres,† which may be true, including the usual allowance made for roads, &c. Now we calculate that this quantity of land would extend to a mile in length (say on the Delaware) and half a mile in breadth towards Schuylkill, which gives the whole length of the city proper, and a space in breadth, which was not all built upon for more than a century afterwards, and is not even now entirely covered with buildings. There was no need, therefore, of a purchase of this territory from the Indians.

The ground on which the Liberties now stand, was also the property of the Swedes. We have reason to believe that at the time of the arrival of William Penn, the neck of land formed by the confluence of the Delaware and Schuylkill, and that at some distance above and below, was more thickly inhabited than any other part of the province, except, perhaps, the English settlements near the falls opposite Trenton, and those of the Dutch in the lower counties. This part of the country was called the freshes of Delaware, and was inhabited by the Swedes,‡ mixed with some English in the lat-

say Swan's Sons; and Ebeling himself calls them Swens Sœhner, but this is a mistake. In a map of Pennsylvania by John Thornton and Robert Green, published in England before 1718, and dedicated to William Penn, then living, we find the land at Wicacoa marked as the property of these three brothers. So that they had reserved that out of the sale they made to the proprietor. There is a street in Southwark still called by their name, *Swanson Street*.

\* See the Swedes' Petition to the House of Representatives of the Province of Pennsylvania—the Governor's letter thereupon to the Commissioners of property, and their report in answer to the same. Philadelphia, printed by Andrew Bradford, at the Bible, in the Second street, 1722. 8 pp. folio. The Commissioners were Richard Hill, Isaac Norris, and James Logan. [This document is in the possession of J. Francis Fisher.]

† Acrel. 119.

‡ 1 Clarks. 309.

ter times. The Island of Tinicum, the seat of the Swedish government, is at no great distance from this city. It was natural that the Swedish settlers should fix their residence in its vicinity. Campanius informs us, that Passyunk was granted by Queen Christina to Capt. Sven Schute, in consideration of his services;\* and we find in the Swedish records in the possession of the Philosophical Society, a royal grant to the same individual, dated in the year 1653, of Mockorhulhig Kill, Alharokungh, Aronametz Kill, (places the situation of which we cannot now discover) and also *Kinsessing*, which has preserved the same name to this day, and cannot have been far from the other places named.

Of what took place under the Dutch Government we can say nothing, having had no access to their records; but we find much information in the ample extracts from those of the court held at Upland, under the government of the Duke of York's representative at New York, between the years 1676 and 1681, which are in the possession of this Society. They are full of applications to the local authorities for leave to take up lands for settlement in this part of the country, on the west side of the Delaware and east side of the Schuylkill; and there are even suits against those who disturb the possession of the old settlers. There is a petition from Lawrence Cock and 23 others, for leave to build a town somewhere below the falls. Lasse Andries and three others, inhabitants of Moyamensing, ask leave to take up each 25 acres of marsh or meadow land in their neighbourhoods. In 1678 Lawrence Cock acknowledges a deed in open court, by which he conveys to Elizabeth Kinsey 300 acres of land in Shackamaxon.

All those lands had been purchased, either by the successive governments or by the settlers themselves, who appear to have occasionally made purchases of the Indians. Each

\* Campan. N. Sweden, in 3d Mem. Hist. Soc. 80.

successive government claimed the right to confirm the title of the owners and give them new patents. The Governors under the Duke of York claimed and exercised that right, and William Penn and his successors did the same.

Mr. Redmond Conyngham, in one of his interesting notes on the early history of Pennsylvania,\* states that he received from E. C. Reigart, Esq. a member of the House of Representatives of this state, the following information:

"I find," (says Mr. Reigart) "a treaty made on the 15th of *June*, 1682, at the house of Capt. Lasse (Lawrence) Cock, for land on the Delaware, extending westward a considerable distance; beginning at a white oak on land in the tenure of John Wood, and by him called Grey Stones. The Indians were of the Delaware nation. Capt. Lasse Cock resided at Shackamaxon."

Mr. Conyngham adds that he sent a copy of that treaty to William Rawle, Esq. the President of this Society. We have seen that copy, which is no other than the deed of conveyance by certain chiefs of the Delaware nation to William Penn, through his agent Markham, for the Pennsbury tract of land in Bucks county, which we have already mentioned, the substance of which is given in Mr. Smith's note on the Land Laws of Pennsylvania.† It is dated the 15th *July*, (not June) 1682; but no mention is made there of the house of Capt. Lasse Cock, nor is it said where the treaty or conference was held, or the conveyance executed. Mr. Reigart may have found what he states in some loose minutes that we have not seen.

Mr. Conyngham proceeds, on what authority we know not, and says: that in consequence of the heat and number of persons whom the house could not accommodate, the Indian conference was held under the Elm Tree, and the *treaty* signed at the house of Capt. Lasse or Lacy Cock. We pre-

\* 15 Hazard's Register, 139.

† 2 Smith's L. P. 109.

sume it is his own conjecture, in which he falls into the common error of calling by the name of *treaty* the deed of conveyance for the lands sold. That the deed in this, and we believe, in every other case, was executed in a house, for the sake of convenience, we have not the least doubt, and if Mr. Reigart has had good authority for saying that in that case it was done at the house of Lawrence or Lasse Cock, as he was called, it corroborates our statement that the land in the vicinity of Philadelphia, above and below, was held and occupied by the Swedes. Nothing is more probable than that that conveyance was executed at the house of Lawrence Cock, and the conference held at Shackamaxon under the Elm Tree, and perhaps other trees that stood on the same spot. It accounts also for the subsequent treaties, that with William Penn after his first arrival, and that made in 1701, having been held in the same place, which, if we refer to its etymology, appears to have been a spot long before appropriated to such solemnities.

Mr. Heckewelder says that the name of this place, written as we now do *Shackamaxon*, signifies *the place of eels*, from *Schachamek*, the Indian name of that fish.\* We have nothing to say against this etymology, if the first syllable of the word is to be pronounced with *Sh* or *Sch*. But when we turn to ancient records, which did not come to the knowledge of Mr. Heckewelder, we find it written with a single S, thus: *Sachamexing* or *Sachemexing*. This makes an important difference. The word *Sakima*, which we write and pronounce *Sachem*, means in the Delaware language a King or *Chief*; *ing*, is the Indian termination which indicates *locality*, or the place where. Thus *Sakimaxing* may be naturally explained by the place where the Chiefs meet or resort (for holding conferences or treaties.) The *x* before the syllable *ing* is there for euphony's sake, as *s* in Mr. Heckewelder's etymology. The introduc-

\* 4 Trans. A. P. S. new series, 356.

tion of euphonic consonants is very frequent in the composition of Indian words.

This opinion of ours is strengthened by an entry that we find in the records of the local government at Upland, under the Duke of York, from which we extract what follows :

“ At a meeting of the Commander and Justices at Upland, upon the news of the Simeco Indians coming down to fetch the Susquehanno that were among these River Indians, &c.

“ March the 13th. Annoq. Dom. 167 $\frac{5}{7}$ .

CAPT. JOHN COLLIER, Commander.

Mr. JOHN MOLL,

Mr. PETER COCK,

Mr. PETER RAMBO,

Mr. ISRAEL HELM,

Mr. LACE ANDRIES,

Mr. OTTO ERNEST COCK,

} Justices.

“ It was concluded upon the motions of Rinowchan, the Indian Sachomore, for the most quiet of the river, viz :

“ That Captain Collier and Justice Israel Helm, go up to *Sachamexin*, (where at present a great number of Simico and other Indians are) and that they endeavour to persuade the Simicos, the Susquehannas and these River Indians, to send each a Sachomore or Deputy to his Honour the Governor at New York, and that Justice Israel Helm go with them, for to hear and receive his said Honour's resolutions and answer to their demands.”

This shows Shackamaxon to have been a place of resort for the Indians of different Nations, no doubt to consult together and settle their mutual concerns, and while it comes in aid of our etymology of that name, it accounts for its having been chosen by Markham and William Penn after him, as the place for holding their successive treaties. It adds also no little importance to the locality of the great treaty under the Elm Tree.

We think, then, that there is no ground for saying that

the great treaty was made for the purchase of the soil on which Philadelphia now stands, which must long before have ceased to be claimed by the neighbouring Indians. Had there been a necessity for that purchase, William Penn would not have omitted to make it, and the deed of conveyance for it would be found amongst our records as well as that for the purchase of Pennsbury Manor made by Markham. The founder would not surely have built his great city of Philadelphia, in the face of Indian claimants, if he had not been certain that his title to the ground was not in any manner liable to be contested.

If we have satisfactorily proved, or at least shown it to be highly probable, that the great treaty was unconnected with the purchase of lands, it remains for us to show what that treaty was, when and with what tribes it was made, and what were the mutual engagements entered into by the contracting parties. We think it was nothing else than a treaty of amity and friendship, which William Penn on his arrival thought it necessary to make, to conciliate the favour of the Indian Nations. It is also our opinion that a similar treaty was made by Markham and the commissioners before Penn's arrival, at the same place, of which this was a solemn confirmation. We believe so, because the commissioners were expressly instructed to make such a treaty, and because the Historians agree in representing the great treaty as the confirmation of a former one, which could be no other than that made with the commissioners. It appears from Mr. Reigart's information that the deed for Pennsbury Manor was executed at Shackamaxon, at the house of Lawrence Cock. The treaty of friendship probably preceded the negotiation for that purchase, but cannot have been connected with it, because the purchase was made only from the Delawares and River Indians, as they were called, but it appears that other nations and tribes were parties to the treaty of friendship. And as Shackamaxon appears to have been a place of usual

resort for the Indian Chiefs, the probability is that this treaty and the confirmation of it by William Penn were made at the same place.

These treaties of friendship with the Indians, unconnected with land purchases, are not without examples in history. We have shown that before the arrival of William Penn, such a treaty took place between the natives and the Quaker inhabitants of Burlington. We have shown from Campanius that a similar one was made by the Swedish Governor Rising. And in our later annals we find a treaty made at Conestogo in July 1721\* between Governor Keith and the Five Nations, who had sent a Deputation to meet him there, in which there is not the least mention made of the purchase of lands; but, except some trifling complaints of the Indians, as for instance, that some of the English traders had called their young men dogs, the whole treaty consists of mutual assurances and promises of friendship and friendly intercourse between the contracting parties. The Governor also exhorts them not to go to war with other Indians, as they intended.

The treaty is too long to be inserted here, besides that, it can be found at large in Proud's History, but a few lines from one of the speeches of Governor Keith, will give an idea of its character:

“You are in *league* with New York, as your ancient friends and nearest neighbours; and you are *in league with us, by treaties often repeated*, and by a chain, which you have now brightened. As therefore all the English are but one people, you are actually in league with all the English governments, and must equally preserve the peace with all, as with one government.”†

We cannot refrain from adding here some part of what was said by the Indian Chiefs; we give it in the words of the

\* 2 Proud, 159.

† Ibid. 138.



minutes of council from which the treaty was taken, which Proud has faithfully copied.

“They, (the Indians) assured the Governor that they had not forgot William Penn’s *treaties* with them, and that his advice to them was still fresh in their memories. Though they cannot write, yet they retain every thing said in their councils with all the nations they treat with, and preserve it as carefully in their memories, as if it was committed, in our method to writing.”\*

It is much to be regretted, that the minutes of the great treaty and of that made with the commissioners have not been preserved, or if they have, are not at present to be found. We must therefore be contented to gather its contents from the best sources in our power.

We believe Mr. Clarkson’s account of William Penn’s address to the Indians at the great treaty, to be as near to the truth as any that is founded merely upon tradition. We, therefore, shall begin with inserting it.

“The Great Spirit” (said William Penn) “who made him and them, who ruled the Heaven and the Earth, and who knew the innermost thoughts of man, knew that he and his friends had a hearty desire to live in peace and friendship with them, and to serve them to the utmost of their power. It was not their custom to use hostile weapons against their fellow creatures, for which reason they had come unarmed. Their object was not to do injury, and thus provoke the Great Spirit, but to do good. They were then met on the broad pathway of good faith and good will, so that no advantage was to be taken on either side, but all was to be openness, brotherhood, and love. After these and other words, he unrolled the parchment, and by means of the interpreter conveyed to them, article by article, the conditions of purchase, and the words of the compact then made for their eternal

\* 2 Proud, 132.

union. Among other things, they were not to be molested in their lawful pursuits even in the territory they had alienated, for it was to be common to them and the English. They were to have the same liberty to do all things therein relating to the improvement of their grounds, and providing sustenance for their families, which the English had. If any disputes should arise between the two, they should be settled by twelve persons, half of whom should be English and half Indians. He then paid them for the land, and made them many presents besides from the merchandise which had been spread before them. Having done this, he laid the roll of parchment on the ground observing again, that the ground should be common to both people. He then added, that he would not do as the Marylanders did, that is, call them children or brothers only; for often parents were apt to whip their children too severely, and brothers sometimes would differ; neither would he compare the friendship between him and them to a chain, for the rain might sometimes rust it, or a tree might fall and break it; but he should consider them as the same flesh and blood with the Christians, and the same, as if one man's body were to be divided in two parts. He then took up the parchment, and presented it to the Sachem who wore the horn in the chaplet, and desired him and the other Sachems to preserve it carefully for three generations, that their children might know what had passed between them, just as if he had remained himself with them to repeat it."

There is a great deal in this recital that bears internal evidence of truth, although we do not coincide with the writer in every thing that it contains. We reject, particularly, all that connects this transaction with the purchase of lands, for the reasons that we have already explained. The roll of parchment which makes so great a figure in this relation may have been the concessions or conditions, agreed upon in England between William Penn and his associates, which he had expressly directed his commissioners to read and explain to the Indians on treating with them, and which it is natural

to suppose he communicated to them himself, in order to show them in what spirit the friends were migrating to this country; his delivering it, however, to the Sachem to be preserved, we cannot bring ourselves to believe, as it was not natural that he should part with that document. The parchment, besides, according to Mr. Clarkson, contained the articles of their treaty of friendship, of which we shall presently speak, and it would have been strange to mix these with an agreement for the purchase of lands, which, if there were not two counterparts, ought rather to have remained in the possession of the purchaser, than in that of the sellers. We, therefore, entirely disagree on these points from what Mr. Clarkson relates.

But as to the words which he puts in the mouth of the founder, we think they contain a great deal of what we must believe him to have actually said. It was natural that he should explain to the Indians the principles of the society of Friends, on the subject of bearing arms, and we may well suppose that he began his speech as Mr. Clark relates. Also that he should tell them, that the land which they had sold, or should sell to the whites, was to be held in common between them, and that both nations should be at liberty to occupy it for their lawful purposes. It is entirely in accordance with what we have said of the opinions of the Indians respecting property; and that this language was held by the proprietor, is fully ascertained by the speeches of the Governors of the colony, and those of the Indians in subsequent treaties.

What William Penn said, of the manner in which the Marylanders treated the Indians, was well calculated to estrange them from the people and government of that colony. Mr. Conyngham would have it, that he spoke not of the Marylanders, but of the Virginians;\* because he supposes that the Mingoes who lived on the Susquehannah, and who there is

\* 15 Hazard's Register, 139.

reason to believe, were parties to that treaty, had then lately migrated from Virginia, in consequence of some persecutions which they had experienced there. But we think we have sufficiently shown that those Indians had long resided in that part of the country, and besides, as the proprietor of Maryland, Lord Baltimore, claimed, if not the whole, at least a considerable part of the territory they occupied, it was quite natural that William Penn, who was with him on no very friendly terms, should speak of him and his people with some degree of asperity.

Mr. Clarkson says, that William Penn read to the Indians from the roll of parchment *article by article*, what he calls the *conditions of the purchase*. That the stipulations of the treaty were expressed in the form of successive articles, is a fact which cannot now admit of doubt, as we have it in our power to prove it by satisfactory evidence. At a treaty held at Conestogo, on the 26th of May, 1728, between Governor Gordon, and the chiefs of several nations of Indians, who then resided on the Susquehannah, the Governor in his address spoke to them as follows:

“My Brethren! You have been faithful to your leagues with us! \* \* \* \* \* Your leagues with William Penn, and his Governors *are in writing on record*, that our children and our children's children may have them in everlasting remembrance. And we know that you preserve the memory of those things amongst you, by telling them to your children, and they again to the next generation; so that they remain stamped on your minds, never to be forgot. The chief heads or strongest links of this chain, I find are these nine, to wit:

*Art. 1st.* That all William Penn's people or Christians, and all the Indians should be brethren, as the children of one father, joined together as with one heart, one head, and one body.

*2nd.* That all paths should be open and free to both Christians and Indians.

*3rd.* That the Doors of the Christians' houses should be open to the Indians, and the houses of the Indians open to the Christians, and that they should make each other welcome as their friends.

*4th.* That the Christians should not believe any false rumours or reports of the Indians, nor the Indians believe any such rumours or reports of the Christians, but should first come as brethren to inquire of each other; and that both Christians and Indians, when they have any such false reports of their brethren, they should bury them as in a bottomless pit.

*5th.* That if the Christians heard any ill-news, that may be to the hurt of the Indians, or the Indians hear any such ill-news, that may be to the injury of the Christians, they should acquaint each other with it speedily, as true friends and brethren.

*6th.* That the Indians should do no manner of harm to the Christians, nor to their Creatures, nor the Christians do any hurt to the Indians, but each treat the other as brethren.

*7th.* But as there are wicked people in all nations, if either Indians or Christians should do any harm to each other, complaint should be made of it by the persons suffering, that right might be done, and when satisfaction is made, the injury or wrong should be forgot, and be buried as in a bottomless pit.

*8th.* That the Indians should in all things assist the Christians, and the Christians assist the Indians against all wicked people that would disturb them.

*9th.* And lastly, that both Christians and Indians should acquaint their children with this league and firm chain of friendship made between them, and that it should always be made stronger and stronger, and be kept bright and clean without rust or spot, between our children and children's children while the Creeks and Rivers run, and while the Sun, Moon and Stars endure.

This is the only authentic account that we possess of the stipulations of the great treaty, and we are by no means satisfied with it. It appears to us to have been mutilated, as it contains but very general promises of hospitality, kindness and good neighbourhood, between the Indians and whites; we do not find in it the engagement mentioned in Mr. Clarkson's relation, and confirmed by the speech of Civility to Governor Keith, nor the answer to the latter, that the lands should be held *in common* between the two nations, nor, as Mr. Clarkson, relates that the Indians and the whites should have *the same* liberty to do all things relating to the improvement of their grounds, and providing sustenance for their families; this last covenant is vaguely and obscurely expressed by the second article "that all paths shall be open and free to both Christians and Indians." This we have no doubt was explained by the founder, otherwise than by an Indian metaphor, which in our language may receive any interpretation. Indeed Governor Gordon does not pretend that the nine articles contain all the covenants between William Penn and the Indians; he only says they are the *principal ones*. It is much to be regretted that he did not give the whole; but as he did not choose to do so, we are obliged to make up the deficiency from other sources, which we think may be done by taking together these nine articles, with the conference between Civility and Governor Keith, and Mr. Clarkson's relation, from all which we may obtain a pretty correct idea of the stipulations of the great treaty.

The most important part of the speech of Governor Gordon, is his acknowledgment that the *leagues*, as he calls them, between the Governors of Pennsylvania, and the Indians, are *in writing on record*. What has become of those records? They are not to be found in the minutes of the Provincial Council at Harrisburg; yet we know they have existed, and the question recurs, where are they?

It has been suggested, that the last Provincial Governors,

on leaving Pennsylvania, have carried with them a great number of valuable records: we believe this to be a base and unfounded calumny, and the best proof we can give of it, is that several valuable documents, which, under the Colonial government must have made part of the public archives, have been found here in private hands, and there can be no doubt but that much dilapidation did take place, on the change of government, and at the frequent removals of the state authorities. It is possible, however, that the proprietary family may have retained some papers, which they thought interesting only to themselves, as evidences of the noble conduct and admirable life of their great ancestor: if such should be the case, we have no doubt that our venerated friend and philanthropist Granville Penn, Esq.\* will freely communicate those documents to this society, whose views and feelings he well knows to be congenial with his own.

The point that we have found the most difficult to settle in the course of this investigation, is the precise date of the great Treaty; and we are by no means certain that we have succeeded in discovering it; certainly not to a day, or even a week. We will, however, freely communicate the result of our researches.

The ambiguity of the language of Mr. Proud, of which we have above taken notice, has induced a general belief that this treaty was made after the return of William Penn from his visit to Lord Baltimore. But we have many reasons that induce us to believe that the treaty was made before that period. When William Penn came here, he had six objects principally in view, and to which his first attention was to be directed. They were—

1. To organize his Government.

\* Mr. Penn is the only surviving grandson of our illustrious founder. He bears a name not surpassed by any in the British peerage, which that name would grace, if the British nobility understood their true interest.

2. To visit his co-religionists on the shores of the Delaware in Pennsylvania and New Jersey.
3. To conciliate the Indians.
4. To pay his respects to the Governor of New York, who had had the command over Pennsylvania.
5. To fix upon a proper spot to build his capital city.
6. To visit Lord Baltimore, with whom he had differences respecting the limits of his province.

It is to be remarked, and much to the honour of our great Founder, that if the treaty took place before his journey to Baltimore, he accomplished all these things in little more than two months; for in January, he had been at New York and Maryland; had visited his friends on the way; he had organized his Government and held an Assembly at Chester, and his city of Philadelphia was located, and buildings begun to be erected upon it. This is a trait of his character that well deserves to be noticed.

Among those objects, that of conciliating the Indians was by no means the least important; and it is not to be presumed that William Penn postponed it to the last. For, after his return from Maryland, every thing else was done that we have mentioned. He had organized his Government at Chester, in December; he had before that visited New York and New Jersey, and on the way, no doubt, his friends on the Delaware; he had fixed upon the site of his new city, and had it located and surveyed; in short, all that remained was to treat with the Indians, and it would have been bad policy in him to have neglected them to the last moment. We cannot, therefore, suppose that he did so.

Another reason is, that on his return from Maryland, the winter had already set in, and it was a bad season to hold a treaty in the open air. If he could have done otherwise, he would not surely have chosen it. Now, he tells us himself that he met Lord Baltimore at West River, on the 19th of December. We learn from other sources, that after a con-



ference of three days, Lord Baltimore accompanied him on a visit to different parts of Maryland, and particularly to Choptank, on the other side of the Bay, where there was a meeting of the principal persons in the colony. All this must have taken time, and we do not find him returned to Chester, until the 29th of that month, which we learn by a letter which he wrote from thence to a friend under that date. The treaty, then, according to that supposition, must have been held in January, too late in the season, we should think, if it could have been done before. It is true that he describes that winter as pleasant, when compared with the same season in England. With that comparison we have nothing to do, but at the same time he says that it was the coldest winter that was known in this country within the memory of the oldest settlers,\* which must carry us back to a period of at least forty years. The cold must have been, therefore, very intense, and the season not very eligible for holding a treaty in the open air, on the banks of the Delaware, under an Elm tree.

Mr. Gordon, in one of the notes to his history of Pennsylvania,† states “that the Indians, at a conference with Governor Keith, in 1722, exhibited the *roll of parchment* containing the Treaty, (meaning the *great Treaty* of 1682;‡) and it would seem, continues he, that a copy of the conference, at least, held at the making of this treaty, was once in the office of the Secretary of this Commonwealth, since Mr. R. Conyngham assures us that he discovered an envelope in a

\* For the seasons of the year, having, by God's goodness, now lived over the *coldest* and hottest that the oldest liver in the province can remember, I can say something to an English understanding. *Letter to the free society of traders*, in 1 *Proud*, 248, and 1 *Clarkson*, 294.

† Gordon, 603.

‡ And yet Mr. Gordon, in the same note, page 604, gives it as his opinion; (in which we agree with him) “that there was no deed or memorial of the *great Treaty*, except the minutes of the conference.” So difficult it is to give up entirely old and inveterate prejudices.

bundle of papers there, relating to the Shawanese Indians, with the following endorsement: "Minutes of the Indian Conference in relation to the great Treaty made with William Penn, at the Big Tree, Shackamaxon, on the fourteenth of the tenth month, 1682."

We have written to Mr. Conyngham to obtain from him more particular information upon the subject, and here is his answer, dated the 12th of March last:

"The endorsement on the envelope which you found in page 603, of Gordon's History of Pennsylvania, is a faithful copy of the original (I believe) at Harrisburg. I made some inquiry as to the circumstance of its being thus found in the closet, and received the following information. Some years since, the Indian treaties were transcribed in a book for their better preservation, and this envelope of one of them was carefully folded up, and placed in the closet with the historical papers. The Indian treaty said to have been contained in this envelope, is dated June 15th, 1682, and was the result of a conference held under the Elm tree at Shackamaxon, between William Markham, the commissioners of William Penn (William Crispin, John Bezar and Nathaniel Allen) and the Shackamaxine tribes of Indians. The treaty was in the open air, but signed\* in Capt. Lassee Cocke's house, fronting the Delaware, in Shackamaxon. The land granted was to begin at a white oak, on the ground in the tenure of John Wood, called by him Grey Stones.† The minutes of the conference in June, and also those of the conference in December, 1682, are not to be found."

From the facts above stated, Mr. Conyngham has concluded that the great Treaty was held on the 14th of December, 1682, and others have shared in his opinion. We

\* This, we presume, was the language of the clerks at Harrisburg, but it can mean nothing else than that the *deed* for the lands was *executed* at the house of Lassee Cocke, which is very probable.

† This is the description of the Pennsbury tract, and therefore must refer to Markham's purchase.

would not object to that date, if it was not proved by William Penn himself to be impossible. In his letter to the Lords of plantations above cited,\* he tells us that the 19th of December was the day agreed upon between him and Lord Baltimore for their meeting at West river, on the western shore of Maryland. In the same letter, almost in the same breath, he says—"The *eleventh* of the month I *came* to West river, where I met the Proprietor, attended suitably to his character."† This at first appears contradictory, but it may be easily reconciled by supposing that William Penn, who wrote a great deal, and was not very particular in the selection of his words, made use of the word *came* instead of *went* or *set out for*, a grammatical error not uncommon among fast speakers and fast writers. West river, twelve miles below Annapolis, lies at a considerable distance from Philadelphia, and the journey must have been performed by water as well as by land. It is natural to suppose, that anxious to be at the appointed place on the 19th, the day agreed upon, and considering the season, the uncertainty of the winds, the badness of the roads, and all the circumstances that might have impeded his progress, he chose to set out with his retinue in sufficient time to meet and overcome all the impediments that he might find on the road, and a week was not too long a time for that purpose. If, as he tells us, he left Philadelphia on the 11th, he must have been on the 14th on his way to Maryland, and could not have been at Shackamaxon to treat with the Indians. We must, therefore, reject that date, the envelope notwithstanding.

We, then, consider ourselves at liberty to fix the epoch of the great treaty, at such time as we shall think most consistent with probability, and we believe that to be on his return from New York, about the latter end of November. The season was then beautiful, as is generally the fall season in

\* See above page.

† 1 Proud, 268.

our country. His journey lasted about a month, and he had sufficient time to go to New York and Long Island, visit his friends on the way in Pennsylvania and New Jersey, and treat with the Indians on his return. On his departure from New Castle, his friend Markham had full time to give notice to the chiefs to meet him at Shackamaxon; in short, by adopting this period, we find ourselves free from the objections that meet us at every step in choosing any other. It is possible that documents may yet be discovered, which will induce us to alter this opinion; but until then we do not think that we can offer a better.

As to the Indian tribes that met William Penn, at this famous treaty, our opinion is that they were those called the River Indians, chiefly if not all, of the Lenni Lenape or Delaware stock. To these must be added the Mingoës and other Susquehannah tribes, who came to solicit his protection; they must have formed, together, a very respectable assemblage.

Of the ceremonies of the treaty, we have a full and very satisfactory account by William Penn himself, in his letter to the free traders,\* leaving out only what relates to the purchase of lands. It is the form in which the Indians hold their most solemn treaties and conferences. The same is also described by Campanius, and by other writers.

It will be in vain to look for a record of this Treaty and of the stipulations that it contained, elsewhere than in the minutes of that conference, if ever they should chance to be discovered. It is certain that they have existed, and that they were in the possession of Governor Gordon in 1728, otherwise, he could not have cited from them literally nine articles, which it is impossible not to believe to have been a part of the great Treaty.

But no one must expect ever to see a parchment roll signed and executed by all the parties. It was not the way in which

\* 1 Proud, 257.

1 Clarks. 305.

treaties were made at that time, or at any time with the Indians. They could neither read nor write; they trusted to our records and their own strong retentive memories, assisted by means peculiar to them. We regret that we cannot make a more splendid display on this occasion. We leave that to the painter and to the poet, who, no doubt, will for a long time hereafter employ their pencil and their pen to this noble theme. We hope that the memory of the great Treaty, and of our illustrious Founder, will remain engraved on the memory of our children and our children's children to the end of time.

## APPENDIX.

---

AT A COUNCIL HELD AT THE INDIAN TOWN CONESTOGOE,

*May 26th, 1728.*

PRESENT,

The Honourable PATRICK GORDON, Esq. Lieutenant Governor,  
Some Members of Council, and divers other Gentlemen.

PRESENT ALSO,

GANYATAROUGA,  
JAWENNA,  
JANNEATCHEARE,  
IAQUATARENSALY, ALIAS  
CAPTAIN CIVILITY,

}

Chiefs of the Conestogo Indians.

AHOLYKON,  
PEAYEASHICKON,  
WIKIMIKYOUNA,  
ITOWICKYOMA,

}

Chiefs of some of the Delaware  
Indians on Brandywine.

SKAYAUANNEGO,  
ONNEYGHEAT,  
NANAMAKAMEN,  
PEAYHISHINAS,

}

Chiefs of the Ganawiss Indians.

WEYSOW WALOW,  
KEYSEYKAKALOW,  
NIGHTANSKAKOW,

}

Chiefs of the Sawanese.

SHAKAWTAWLIN,	{ Or some Interpreter from the English into the Delaware.
CAPTAIN CIVILITY,	{ Interpreter from the Delaware into the Shawanese and Mingoe, (alias Conestogoe.)
POMAPUHTOA,	{ Interpreter from the Delaware into the Ganawese Language.
MR. NICHOLAS SCULL,	
MR. JOHN SCULL,	
MR. PETER BIZALLION.	

---

THE GOVERNOR SPOKE AS FOLLOWS :

*My Friends and Brethren,*

You are sensible that the Great William Penn, the Father of this country, when he first brought the People with him over the Broad Sea, took all the Indians, the old Inhabitants, by the hand, and because he found them to be a sincere honest People, he took them to his heart, and loved them as his own. He then made a strong League and Chain of Friendship with them, by which it was agreed that the Indians and the English, with all the Christians, should be as one people.

Your Friend and Father William Penn, still retained a warm affection for all the Indians, and strictly commanded those whom he sent to govern this people, to treat the Indians as his children, and continued in this kind love for them until his death.

His Sons have now sent me over in their stead, and they gave me strict charge to love all the Indians as their Brethren, and as their Father. William Penn loved you. I would have seen you before this time, but I fell sick soon after I came over and continued so till the next Spring. I have waited to receive some of the Five Nations, who came to see me at Philadelphia, and last fall heard you were all gone out a hunting.

I am now come to see you, and renew the ancient friendship,

which has been between William Penn's people and you. I was in hopes that Sassoonan and Opekasset with their people, would have been likewise here: they have sent me kind messages, and have a warm love for the Christians. I believe they will come to me at Philadelphia; for since they could not get hither I have desired them to meet me there.

I am now to discourse with my Brethren, the Conestogoes, Delawares, Ganawese, and Shawanese Indians upon the Susquehannah, and to speak to them.

My Brethren,

You have been faithful to your leagues with us, your hearts have been clean, and you have preserved the chain from spots or rust, or if there were any, you have been careful to wipe them away; your leagues with your Father William Penn, and with his Governors, are in writing on record, that our children and our children's children may have them in everlasting remembrance. And we know that you preserve the memory of those things amongst you, by telling them to your children, and they again to the next generations, so that they remain stamped on your minds never to be forgot.

The chief heads or strongest links of this chain, I find are these nine, viz:

*1st.* That all William Penn's people or Christians, and all the Indians should be Brethren, as the children of one Father, joined together as with one Heart, one Head, and one Body.

*2d.* That all Paths should be open and free to both Christians and Indians.

*3d.* That the Doors of the Christians' Houses should be open to the Indians, and the Houses of the Indians open to the Christians, and that they should make each other welcome as their Friends.

*4th.* That the Christians should not believe any false rumours or reports of the Indians, nor the Indians believe any such rumours or reports of Christians, but should first come as Brethren to inquire of each other; and that both Christians and Indians, when they have any such false Reports of their Brethren, they should bury them as in a bottomless pit.



5th. That if the Christians heard any ill news, that may be to the hurt of the Indians, or the Indians hear any such ill news, that may be to the injury of the Christians, they should acquaint each other with it speedily, as true Friends and Brethren.

6th. That the Indians should do no manner of harm to the Christians, nor to their creatures, nor the Christians do any hurt to the Indians, but each treat the other as Brethren.

7th. But as there are wicked people in all nations, if either Indians or Christians should do any harm to each other, complaint should be made of it by the persons suffering, that right may be done, and when satisfaction is made, the injury or wrong should be forgot, and be buried as in a bottomless pit.

8th. That the Indians should in all things assist the Christians, and the Christians assist the Indians against all wicked people that would disturb them.

9th. And lastly, that both Christians and Indians should acquaint their Children with this league and firm chain of friendship made between them, and that it should always be made stronger and stronger, and be kept bright and clean without rust or spot, between our children and children's children, while the Creeks and Rivers run, and while the Sun, Moon and Stars endure.

And for the confirmation on our parts of all these several articles, we bind them with these several parcels of goods, viz:

20 Strowd Match Coats,	1 cwt. Gun Powder,
20 Duffells,	2 cwt. of Lead,
20 Blankets,	500 Flints,
20 Shirts,	50 Knives.



















LIBRARY OF CONGRESS



0 014 209 125 2 ●