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PAPERS

RELATING TO

An A C T of the ASSEMBLY

O F T H E

PROVINCE of *NEW-YORK*,

F O R

**Encouragement of the *Indian Trade, &c.* and for prohibiting the selling of *Indian Goods* to the
*French, viz. of CANADA.***

- I. A P E T I T I O N of the Merchants of *London* to His Majesty against the said Act.
- II. H I S M A J E S T Y ' S Order in Council, referring the Petition to the Lords Commissioners of *Trade* and *Plantation*.
- III. E X T R A C T of the Minutes of the said Lords, concerning some Allegations of the Merchants before them.
- IV. The R E P O R T of the said Lords to His Majesty on the Merchants Petition, and other Allegations.
- V. The R E P O R T of the Committee of Council of the Province of *New-York*, in Answer to the said Petition.
- VI. A M E M O R I A L concerning the Furr-Trade of *New-York*, by *C. Colden*, Esq;

T O T H E

KING's Most Excellent Majesty in Council,

The Humble Petition and Representation of *Samuel Baker, Samuel Storke, John Bayeux, Richard Jeneway, Robert Hackshaw, Joseph Low, Joseph Paice, George Streatfield, William Parkin, and John Evered, Merchants of London, trading to New-York, in behalf of themselves, and the rest of the Persons concern'd in the New-York Trade.*

S H E W E T H,

That by an Act passed in *New-York* the 19th of *November, 1720*, entitled, *An Act for Encouragement of the Indian Trade, and rendering it more beneficial to the Inhabitants of this Province, and for prohibiting the selling of Indian Goods to the French*, all Trade whatsoever is prohibited in the strictest Manner, and under the severest Penalties, between the Inhabitants of *New-York* Government, and the *French* of *Canada*, or any Subjects of the *French King*, or any Person whatsoever, for or on the behalf of any such Subjects; and which Act was to continue in force for three Years.

That the Reasons assigned in the Preamble of this Act, for the passing thereof, are, For that the *French* at *Canada*, by means of *Indian* Goods purchased from the Inhabitants of *New-York*, had not only almost wholly engrossed the *Indian Trade* to themselves, but had, in great measure, withdrawn the Affections of the *Five Nations* of *Indians* from the Inhabitants of *New-York*, and render'd them wavering in their Faith and Allegiance to your Majesty; and would, if such Trade was not prevented, wholly alienate the Minds of the said *Indians*, which might prove of dangerous Consequence to the *English Interest* in *America*.

That this Act was sent home for your Majesty's royal Consideration, but your Petitioners do not find that your Majesty ever signified your Allowance or Disallowance thereof; from whence, and from the Act's being to continue but three Years, your Petitioners humbly conceive the same was suffered to lie by probationary, to see whether the said Act, in its Effects, was really advantageous or prejudicial to the *British Trade* and *Interest* in *America*.

That your Petitioners have received Advice, That the Government of *New-York* either have, or are about passing an Act, to revive and continue the said Act for prohibiting all Trade between *New-York* and *Canada*.

Upon which Occasion, your Petitioners humbly beg leave to represent to your Majesty, That the said Act, tho' in the first Intention of it, it might be well designed, yet, in its Effects, it has proved very pernicious to the *British Trade* in general, and to the Interest of *New-York* in particular: For, besides the Nations of *Indians* that are in the *English Interest*, there are very many Nations of *Indians*, who are, at present, in the Interest of the *French*, and who lie between *New-York*, and the Nations of *Indians* in the *English Interest*; and this Act prohibiting all Trade between *New-York* and the *French* of *Canada*, or any of the Subjects of *France*, the *French*, and their *Indians*, would not permit the *English Indians* to pass over by their Forts, so as to carry on a free Trade with *New-York*, but prevented their Passages, as much as possible, whereby that most considerable and only valuable Branch of Trade from *New-York*, hath, ever since the passing the said Act, very much lessened, from the great Difficulties of carrying on any Trade with the *English Indians*, and the Prohibition of all Trade with the *French*; and all the *Indian Goods* have, by this Act, been raised in their Price 25*l.* to 30*l. per Cent.*

Whereas, on the other hand, this Branch of the *New-York Trade*, by the Discouragements brought upon it by this Act, is almost wholly engrossed by the *French*, who have already, by this Act, been encouraged to send proper *European Goods* to *Canada*, to carry on this Trade; so that should this Act be continued, the *New-York Trade*, which is very considerable, must be wholly lost to us, and center in the *French*.

And your Petitioners further beg leave humbly to represent, That as they conceive nothing can tend more to the withdrawing the Affections of the *Five Nations* of *Indians* from the *English Interest*, than the Continuance of the said Act, which, in its Effects, restrains them from a free Commerce with the Inhabitants of *New-York*, and may, too probably, estrange them from the *English Interest*: Whereas by a Freedom of Commerce, and an encourag'd Intercourse of Trade with the *French*, and their *Indians*, the *English Interest* might, in time, be greatly improved and strengthened among the *Indians* in general, who, by such Latitude of Trade, might be link'd to our Friendship in the strongest Ties of their own Interest, as well as Inclinations.

That therefore, and as the said Act was, in its Effects, so plainly destructive and prejudicial to the Trade and Interest of these Kingdoms, and so much for the Interest of the *French*, and greatly promoted that Mischief which it was intended to prevent,

Your Petitioners most humbly pray your Majesty, That you would be graciously pleased to give the necessary Directions to your Governor of *New-York*, not to pass any new Act for the reviving or continuing the said Act prohibiting Trade with the *French* of *Canada*; and that if any such Act, or any Act of the like Tendency, be already passed, that the same may be repealed. *And your Petitioners shall ever pray, &c.*

Samuel Baker,
Rob. Hackshaw,
Jo. Lloyd,
Sam. Storke,
J. Bayeux,
Sam. Fitch,
Rich. Jeneway,
Jos. Lowe,
Asher Levy,
John Paine,
J. Bull,
Fra. Wilks,
Wm. Parkin,
John Gilbert,
Jos. Paice, jun.
Rich. Mico,
Jo. Miranda,
Geo. Streatfield,
John Everet,
Thompson Hayne.

At the Court at St. James's the 30th Day of April, 1724.

P R E S E N T

The KING's Most Excellent Majesty in Council.

Upon Reading this Day at the Board the humble Petition and Representation of *Samuel Baker*, *Samuel Storke*, and several others, Merchants of *London*, trading to *New-York*, in behalf of themselves, and the rest of the Persons concern'd in the *New-York* Trade, which *Petition* sets forth, That great Discouragements have been brought upon the *British Trade*, by an Act passed in the said Colony of *New York*, the 19th of *November*, 1720, entitled, *An Act for the Encouragement of the Indian Trade, and rendering of it more beneficial to the Inhabitants of this Province, and for prohibiting the selling of Indian Goods to the French*. And that as the said Act was to continue in force only for three Years, they are informed the Government of *New-York* either have, or are about passing an Act to revive and continue the same: Wherefore they humbly pray, that the Governor of that Colony may be ordered, not to pass any new Act for that purpose; and if any such Act be already pass'd, that it may be repealed.

It is ordered by his Majesty in Council, That the said Petition (a Copy whereof is hereunto annexed) be, and it is hereby referred to the Lords Commissioners for Trade and Plantations, to examine into the same, and report to his Majesty, at this Board, what they conceive fit to be done therein.

Signed,

Extract of the Minutes of the Right Honourable the Lords Commissioners for Trade and Plantations, the 7th of July, 1724.

Mr. *Sharp* attending, as he had been desired, with several *New-York* Merchants, their Lordships took again into Consideration the Order of Council of the 30th of *April*, mentioned in the Minutes of the first of *May* last, referring to the Board their Petition against the Renewing an Act passed in *New-York*, in *November*, 1720, entitled, *An Act for the Encouragement of the Indian Trade, and rendering of it more effectual to the Inhabitants of this Province, and for prohibiting the selling of Indian Goods to the French*. And Mr. *Sharp*, in behalf of the several Merchants, acquainted their Lordships, That he conceived this Act, tho' its Intention of gaining the *Indians* to the *English* Interest might be good, would have quite a contrary Effect, because, if the Trade with the *French* was prevented, and the Merchants should discontinue that with the *Indians*, (as he was informed they would) the *French* might lay hold of this Opportunity to furnish themselves with Goods from *Europe*, and supply the Five Nations of *Indians*, and thereby gain them to their Interest: And this, by reason of their Situation, would not be in the Power of the *English* to prevent: That they were two or three hundred Leagues distant from *Albany*, and that they could not come to trade with the *English* but by going down the River *St. Laurence*, and from thence through a Lake, which brought them within eighteen Leagues of *Albany*.

And that the *French* having made Settlements along the said River, it would be in their Power, whenever they pleased, to cut off that Communication.

That this Act had been so great a Discouragement to the *British Trade*, in general, that there had not been, by far, so great a Quantity of Beaver, and other Furs, imported into *Great-Britain* since the passing the said Act, as there was before; nor half the Quantity of *European Goods* exported.

That several Merchants who had sent over to *New-York* considerable Quantities of *European Goods*, had received Advice from their Correspondents, That should another Act of the like Nature be passed, they could not find a vent for them, and desired they would send no more.

Upon the whole, Mr. *Sharp* desired, in behalf of the Merchants, that Mr. *Burnet* might be directed not to pass any Act of the like Nature for the future.

To the KING's Most Excellent Majesty.

May it please your Majesty;

In Obedience to your Majesty's Commands, signified to us by your Order in Council of the 30th of *April* last, referring to us the Petition of several Merchants of *London* trading to *New-York*, setting forth "The great Discouragements that have been brought upon the *British Trade* by an Act passed in *New-York* the 19th of *November*, 1720, entitled, *An Act for the Encouragement of the Indian Trade, and rendering of it more beneficial to the Inhabitants of this Province, and for prohibiting the selling of Indian Goods to the French*. And that as the said Act is now expir'd, the said Merchants are informed the Government of *New-York* either have, or are about passing an Act to revive and continue the same; and therefore pray, that a stop may be put thereto." We humbly take leave to represent to your Majesty,

That we have been attended by the Petitioners, who informed us, that they have found this Act, by Experience, to be so great a Discouragement to the *British Trade*, that there has not been, by far, so considerable a Quantity of Beaver, and other Furs, imported into *Great-Britain*, from *New-York*, since the passing the said Act, as heretofore, nor half the Quantity of *European Goods* exported thither; in consequence whereof the Price of Furs is raised *Five and Twenty and Thirty per Cent.* to the great Prejudice of several *British Manufactures*.

They likewise affirmed, That it was impracticable to hinder the *French* from supplying the *Indians* with *European*

Goods: For tho' *New-York* should not furnish them, the *French* would find another way to be supplied therewith, either from some other of his Majesty's Plantations, or, it might be, directly from *Europe*. That it was of dangerous Consequence to force this Trade into a new Channel, many of the Goods which the *Indians* want being as easy to be had directly from *France* or *Holland*, as from *Great-Britain*.

They further added, That it was not likely the Act, in question, should produce the Effects expected from it, more particularly that of securing the Five *Indian* Nations firmly to the *British* Interest; because, if the *French* should once get a Supply of the Goods necessary for the *Indian* Trade, from any other Place, as the Five *Indian* Nations are settled upon the Banks of the River of *St. Lawrence*, directly opposite to *Quebeck*, two or three hundred Leagues distant from the nearest *British* Settlement in *New-York*, the Vicinity of the *French* would furnish them with the Means of supplying even the *Five Nations* with these Goods, and consequently of alienating their Affections from the *British* Interest. And that there was no Prospect of obtaining a Trade with the *French Indians* by this means, because the *French* would always be able to prevent their Passage cross the Lakes and River of *St. Lawrence* to our Settlements.

These were the most material Objections made by the Merchants against the Bill.

On the other hand, the Preamble of the Act sets forth, That it was found by Experience, that the *French* of *Canada*, by means of *Indian* Goods brought from that Province, had not only almost wholly engrossed the *Indian* Trade, but had in great Measure, withdrawn the Affections of the *Five Nations* of *Indians* from the Inhabitants of that Province, and rendered them wavering in their Allegiance to your Majesty; and would, if such Trade were not prevented, altogether alienate the Minds of the said *Indians*, which would prove of dangerous Consequence to the *English* Interest in *America*.

And Mr. *Burnet*, your Majesty's Governor of *New-York*, informs us, That, since the passing of this Act, several of the far *Indians* had come to *Albany* to trade; That some of them came above one thousand Miles, and are now incorporated with the *Five Nations*: That he had likewise Intelligence of more far *Indians* that design'd to come to *Albany*, which he conceives to have been a good Effect proceeding from this Act: And likewise adds, That he did not doubt but the Cheapness of Goods in *Albany* would induce the *Indians* to trade there, rather than with the *French* at *Montreal*; and that the Traders of *Albany* began to be sensible of their Error in sharing a Trade with the *French*, which they now perceive they can keep wholly to themselves.

Upon the whole, being doubtful of some of the Facts alledged by the Merchants, and considering how far the *British Trade* may be affected by this Act, on the one hand; and how much the Security and Interest of your Majesty's Colonies in *America* may be concerned, on the other, we are humbly of Opinion, That no Directions should be sent to *New-York*, upon the Subject-Matter of this Act, till Mr. *Burnet* shall have been acquainted with the Objections of the Merchants thereto, and his Answers and Observations received thereupon. For which end, if your Majesty shall be graciously pleased to approve of this our Proposal, we shall forthwith send him Copies both of the Merchants Memorial, and of what Objections they have made before us to the Subject-Matter of this Bill.

Which is most humbly submitted. Signed,

J. Chetwind,
T. Pelham,
M. Bladen,
R. Plummer,
Ed. Ashe.

Whitehall,
July 14, 1724.

The Report of a Committee of the Council held at New-York, November 6, 1724.

May it please your Excellency,

In Obedience to your Excellency's Commands in Council, the 29th of *October*, referring to us a Petition of several Merchants in *London*, presented to the King's most excellent Majesty, against renewing an Act passed in this Province, entitled, *An Act for Encouragement of the Indian Trade, and rendering it more effectual to the Inhabitants of this Province, and for prohibiting the selling of Indian Goods to the French*; as likewise the several Allegations of the said Merchants before the Right Hon. the Lords of Trade and Plantations, we beg Leave to make the following Remarks.

In order to make our Observations the more distinct and clear, we shall gather together the several Assertions of the said Merchants, both in their Petition, and delivered verbally before the Lords of Trade, as to the Situation of this Province, with respect to the *French* and *Indian Nations*, and observe on them, in the first Place, they being the Foundation on which all their other Allegations are grounded. Afterwards we shall lay before your Excellency, what we think necessary to observe on the other parts of the said Petition, in the Order they are in the Petition, or in the Report of the Lords of Trade.

In their geographical Accounts they say, "Besides the Nations of *Indians* that are in the *English* Interest, there are very many Nations of *Indians*, who are at present in the Interest of the *French*, and who lie between *New-York* and the Nations of *Indians* in the *English* Interest.—The *French* and their *Indians* would not permit the *English Indians* to pass over by their Forts."

The said Act "Restrains them (*the Five Nations*) from a free Commerce with the Inhabitants of *New-York*."

"The *Five Indian Nations* are settled upon the Banks of the River *St. Lawrence*, directly opposite to *Quebeck*, two or three Hundred Leagues distant from the nearest *British* Settlements in *New-York*."

"They (*the Five Nations of Indians*) were two or three Hundred Leagues distant from *Albany*; and that they could not come to trade with the *English* but by going down the River *St. Lawrence*, and from thence through a Lake, which brought them within eighteen Leagues of *Albany*."

These Things the Merchants have thought it safe for them, and consistent with their Duty to his sacred Majesty, to say in his Majesty's Presence, and to repeat them afterwards before the Right Hon. the Lords of Trade, though nothing can be more directly contrary to the Truth. For there are no Nations of *Indians* between *New-York* and the Nations of *Indians* in the *English Interest*, who are now six in Number, by the Addition of the *Tuscaroras*. The *Mohawks* (called *Annies* by the *French*) one of the Five Nations, live on the South-side of a Branch of *Hudson's-River*, (not on the North-side, as they are placed in the *French Maps*) and but forty Miles directly West from *Albany*, and within the *English* Settlements, some of the *English* Farms upon the same River being thirty Miles further West.

The *Oneidas* (the next of the Five Nations) lie likewise West from *Albany*, near the Head of the *Mohawks-River*, about one Hundred Miles from *Albany*.

The *Onondagas* lie about one Hundred and Thirty Miles West from *Albany*. And the *Tuscaroras* live partly with the *Oneidas*, and partly with the *Onondagas*.

The *Cayugas* are about one hundred and sixty Miles from *Albany*.

And the *Sennekas* (the furthest of all these Nations) are not above two hundred and forty Miles from *Albany*, as may appear by Mr. *De L'Isle's* Map of *Louisiane*, who lays down the Five Nations under the Name of *Iroquois*.

And Goods are daily carried from this Province to the *Sennekas*, as well as to those Nations that lie nearer, by Water all the Way, except three Miles, (or in the dry Seasons, five Miles) where the Traders carry over Land between the *Mohawks-River* and the *Wood Creek*, which runs into the *Oneida-Lake*, without going near either *St. Lawrence-River*, or any of the *Lakes* upon which the *French* pass, which are entirely out of their Way.

The nearest *French* Forts or Settlements to *Albany*, are *Chambly* and *Monreal*, both of them lying about North and by East from *Albany*, and are near two hundred Miles distant from it. *Quebeck* lies about three hundred and eighty Miles

North-East from *Albany*. So far is it from being true, that the Five Nations are situated upon the Banks of the *River St. Lawrence*, opposite to *Quebeck*, that *Albany* lies almost directly between *Quebeck* and the *Five Nations*. And to say that these *Indians* cannot come to trade at *Albany*, but by going down the *River St. Lawrence*, and then into a *Lake* eighteen Leagues from *Albany* (we suppose they mean *Lake Champlain*) passing by the *French Forts*, is to the same Purpose as if they should say, that one cannot go from *London* to *Bristol*, but by Way of *Edinburgh*.

Before we go on to observe other Particulars, we beg Leave further to remark, that it is so far from being true, that the *Indians* in the *French Interest*, lie between *New-York* and our *Five Nations of Indians*, that some of our Nations of *Indians* lie between the *French* and the *Indians*, from whence the *French* bring the far greatest Quantity of their *Furs*: For the *Sennekas* (whom the *French* call *Sonontouons*) are situated between *Lake Erie* and *Cataraqui Lake*, (called by the *French Ontario*) near the great Fall of *Jagara*, by which all the *Indians* that live round *Lake Erie*, round the Lake of the *Hurons*, round the Lake of the *Illinois*, or *Michegan*, and round the great *Upper Lake*, generally pass in their Way to *Canada*. All the *Indians* situated upon the Branches of the *Misissippi*, must likewise pass by the same Place, if they go to *Canada*. And all of them likewise in their Way to *Canada*, pass by our Trading-Place upon the *Cataraqui Lake*, at the Mouth of the *Onondaga River*. The nearest and safest Way of carrying Goods upon the *Cataraqui Lake* towards *Canada*, being along the South-side of that Lake, (near where our *Indians* are settled, and our Trade of late is fixed) and not by the North-side and *Cataraqui*, or *Frontinac Fort*, where the *French* are settled.

Now that we have represented to your Excellency, that not one Word of the Geography of these Merchants is true, upon which all their Reasoning is founded, it might seem needless to trouble your Excellency with any further Remarks, were it not to show with what earnestness they are promoting the *French Interest*, to the Prejudice of all his Majesty's Colonies in *North America*, and that they are not ashamed of asserting any Thing for that End, even in the Royal Presence.

First, They say, "That by the Act passed in this Province, entitled, *An Act for Encouragement of the Indian Trade, &c.* All Trade whatsoever is prohibited in the strictest Manner, and under the severest Penalties, between the Inhabitants of *New-York* Government, and the *French* of *Canada*."

This is not true, for only carrying Goods to the *French*, which are proper for the *Indian Trade*, is prohibited. The Trade as to other Things, is left in the same State it was before that Act was made, as it will appear to any Person that shall read it: And there are yearly large Quantities of other Goods openly carried to *Canada*, without any Hindrance from the Government of *New-York*. Whatever may be said of the Severity and Penalties in that Act, they are found insufficient to deter some from carrying Goods clandestinely to the *French*; and the Legislature of this Province are convinced that no Penalties can be too severe, to prevent a Trade which puts the Safety of all his Majesty's Subjects of *North America* in the greatest Danger.

Their next Assertion is, *All the Indian Goods have by this Act, been raised 25 l. to 30 l. per Cent.* This is the only Allegation in the whole Petition, that there is any Ground for. Nevertheless, though the common Channel of Trade cannot be altered without some Detriment to it in the Beginning, we are assured from the Custom-house Books, that there has been every Year, since the passing of this Act, more *Furs* exported from *New-York*, than in the Year immediately before the passing of this Act. It is not probable, that the greatest Difference between the Exportation any Year before this Act, and any Year since, could so much alter the Price of *Beaver*, as it is found to be this last Year. *Beaver* is carried to *Britain* from other Parts besides *New-York*, and it is certain that the Price of *Beaver* is not so much altered here by the Quantity in our Market, as by the Demand for it in *Britain*. But as we cannot be so well informed here, what occasions *Beaver* to be in greater Demand in *Britain*, we must leave that to be enquired after in *England*. However, we are fully satisfied that it will be found to be for very different Reasons from what the Merchants alledge.

The Merchants go on and say, *Whereas on the other Hand, this Branch of the New-York Trade, by the Discouragements brought upon it by this Act, is almost wholly engrossed by the French, who have already by this Act, been encouraged to send proper European Goods to Canada, to carry on this Trade, so that should this Act be continued, the New-York Trade which is very considerable, must be wholly lost to us, and center in the French.*—*Though New-York should not furnish them, the French would find another Way to be supplied therewith, either from some other of his Majesty's Plantations, or it might be directly from Europe.*—*Many of the Goods which the Indians want being as easy to be had directly from France or Holland, as from Great-Britain.*

This is easily answered, by informing your Excellency, that the principal of the Goods proper for the *Indian Market* are only of the Manufactures of *Great-Britain*, or of the *British Plantations*, viz. *Strouds*, or *Stroud-Waters*, and other

Woollens, and Rum. The *French* must be obliged to buy all their Woollens (the Strouds especially) in *England*, and thence carry them to *France*, in order to their Transportation to *Canada*. The Voyage to *Quebeck* through the Bay of *St. Lawrence*, is well known to be the most dangerous of any in the World, and only practicable in the Summer Months. The *French* have no Commodities in *Canada*, by reason of the Cold and Barrenness of the Soil, proper for the *West-India* Markets, and therefore have no Rum but by Vessels from *France*, that touch at their Islands in the *West-Indies*. *New-York* has, by Reason of its Situation, both as to the Sea and the *Indians*, every Way the Advantage of *Canada*. The *New-York* Vessels make always two Voyages in the Year from *England*, one in Summer and another in Winter, and several Voyages in a Year to the *West-Indies*. It is manifest therefore, that it is not in the Power of the *French* to import any Goods near so cheap to *Canada*, as they are imported to *New-York*.

But to put this out of all Controversy, we need only observe to your Excellency, That Strouds (without which no considerable Trade can be carried on with the *Indians*) are sold at *Albany* for 10 *l.* a Piece: They were sold at *Monreal* before this Act took Place, at 13 *l.* 2 *s.* 6 *d.* and now they are sold there for 25 *l.* and upwards: Which is an evident Proof, that the *French* have not, in these four Years Time (during the Continuance of this Act) found out any other Way to supply themselves with Strouds, and likewise that they cannot trade without them, seeing they buy them at so extravagant a Price.

It likewise appears, that none of the neighbouring Colonies have been able to supply the *French* with these Goods; and those that know the Geography of the Country, know it is impracticable to do it at any tolerable Rate, because they must carry their Goods ten Times further by Land than we need to do.

We are likewise assured, that the Merchants of *Monreal* lately told Mr. *Vaudreuil* their Governor, that if the Trade from *Albany* be not by some Means or other encouraged, they must abandon that Settlement. We have Reason therefore to suspect, that these Merchants (at least some of them) have been practised upon by the *French* Agents in *London*; for no doubt, the *French* will leave no Method untried to defeat the present Designs of this Government, seeing they are more afraid of the Consequences of this Trade between *New-York* and the *Indians*, than of all the warlike Expeditions that ever were attempted against *Canada*.

But to return to the Petitioners, *They conceive nothing can tend more to the withdrawing the Affections of the Five Nations of Indians from the English Interest, than the Continuance of the said Act, which in its Effects restrains them from a free Commerce with the Inhabitants of New-York, and may too probably, estrange them from the English Interest, whereas by a Freedom of Commerce, and an encouraged Intercourse of Trade with the French and their Indians, the English Interest might in Time, be greatly improved and strengthened.*

It seems to us a strange Argument to say, that an Act, the whole Purport of which is to encourage our own People to go among the *Indians*, and to draw the far *Indians* through our *Indian Country* to *Albany* (and which has truly produced these Effects) would on the contrary, restrain them from a free Commerce with the Inhabitants of *New-York*, and may too probably estrange them from the *English Interest*, and therefore that it would be much wiser in us to make use of the *French*, to promote the *English Interest*; and for which End, we ought to encourage a free Intercourse between them and our *Indians*. The reverse of this is exactly true, in the Opinion of our *Five Nations*; who in all their publick Treaties with this Government, have represented against this Trade, as *The Building the French Forts with English Strouds*: That the encouraging a Freedom of Commerce with our *Indians*, and the *Indians* round them, who must pass through their Country to *Albany*, would certainly increase both the *English Interest* and theirs, among all the Nations to the Westward of them; and that the carrying the *Indian Market* to *Monreal* in *Canada*, draws all the far *Indians* thither.

The last Thing we have to take Notice, is what the Merchants asserted before the Lords of Trade, *viz. That there has not been half the Quantity of European Goods exported since the passing of this Act, that used to be.*

We are well assured, that this is no better grounded than the other Facts they assert with the same Positiveness. For it is well known almost to every Person in *New-York*, that there has not been a less, but rather a greater Quantity of *European Goods* imported into this Place, since the passing of this Act, than was at any Time before it, in the same Space of Time. As this appears by the Manifests in the Custom-house here, the same may likewise be easily proved by the Custom-house Books in *London*.

As all the Arguments of the Merchants run upon the ill Effects this Act has had upon the Trade and the Minds of the *Indians*, every one of which we have shown to be asserted without the least Foundation to support them, there nothing now remains, but to show the good Effects this Act has produced, which are so notorious in this Province, that we know

not one Person that now opens his Mouth against the Act.

Before this Act passed, none of the People of this Province travelled into the *Indian Countries* to trade: We have now above forty young Men, who have been several Times as far as the Lakes a trading, and thereby become well acquainted, not only with the Trade of the *Indians*, but likewise with their Manners and Languages; and these have returned with such large Quantities of Furs, that greater Numbers are resolved to follow their Example. So that we have good Reason to hope, that in a little Time the *English* will draw the whole *Indian Trade* of the Inland Countries to *Albany*, and into the Country of the *Five Nations*. This Government has built a publick Trading-house upon *Cataraqui Lake*, at *Irondequat* in the *Sennekas Land*, and another is to be built next Spring, at the Mouth or the *Onondagas River*. All the far *Indians* pass by these Places, in their Way to *Canada*; and they are not above half so far from the *English* Settlements, as they are from the *French*.

So far is it from being true what the Merchants say, *That the French Forts interrupt all Communication between the Indians and the English*, that if these Places be well supported, as they easily can be from our Settlements, in case of a Rupture with the *French*, it will be in the Power of this Province, to intercept the greatest Part of the Trade between *Canada* and the *Indians*, round the Lakes and the Branches of the *Misissippi*.

Since this Act passed, many Nations have come to *Albany* to trade, and settle Peace and Friendship, whose Names had not so much as been heard of among us.

In the Beginning of *May 1723*, a Nation of *Indians* came to *Albany* singing and dancing, with their Calumets before them, as they always do when they come to any Place where they have not been before. We do not find that the Commissioners of *Indian Affairs*, were able to inform themselves what Nation this was.

Towards the End of the same Month, eighty Men, besides Women and Children, came to *Albany* in the same Manner. These had one of our Five Nations with them for an Interpreter, by whom they informed the Commissioners, that they were of a great Nation, called *Nehkereages*, consisting of six Castles and Tribes; and that they lived near a Place called by the *French* *Missilimakinak*, between the Upper Lake and the Lake of the *Hurons*. These *Indians* not only desired a free Commerce, but likewise to enter into a strict League of Friendship with us and our *Six Nations*, that they might be accounted the *Seventh Nation* in the League; and being received accordingly, they left their Calumet as a Pledge of their Fidelity.

In *June* another Nation arrived, but from what Part of the Continent we have not learned.

In *July* the *Twightwies* arrived, and brought an *Indian* Interpreter of our Nations with them, who told, that they were called by the *French* *Miamies*, and that they live upon one of the Branches of the River *Misissippi*.

At the same Time some of the *Tahsagrondie Indians*, who live between *Lake Erie* and the Lake of the *Hurons*, near a *French* Settlement, did come and renew their League with the *English*, nor durst the *French* hinder them.

In *July* this Year, another Nation came, whose Situation and Name we know not. And in *August* and *September*, several Parties of the same *Indians* that had been here last Year. But the greatest Numbers of these far *Indians* have been met this Year, in the *Indian Country* by our Traders, every one of them endeavouring to get before another, in order to reap the Profits of so advantageous a Trade, which has all this Summer long, kept about forty Traders constantly employed, in going between our Trading-places in our *Indian Country*, and *Albany*.

All these Nations of *Indians* who came to *Albany* said, that the *French* had told them many strange Stories of the *English*, and did what they could to hinder their coming to *Albany*, but that they had resolved to break through by Force. The Difference on this Score between the *Tahsagrondie Indians* and the *French* (who have a Fort and Settlement there, called by them *Le Detroit*) rose to that Height this Summer, that Mr. *Tonti* who commanded there, thought it proper to retire, and return to *Canada* with many of his Men.

We are for these Reasons well assured, that this Year there will be more Beaver exported for *Great-Britain*, than ever was from this Province in one Year; and that if the Custom-house Books at *London* be looked into, it will be found, that there will be a far greater Quantity of Goods for the *Indians*, (*Strouds* especially) sent over next Spring, than ever was at any one Time to this Province; for the Merchants here tell us, that they have at this Time, ordered more of these Goods, than ever was done at any one Time before.

These Matters of Fact prove beyond Contradiction, that this Act has been of the greatest Service to *New-York*, in making us acquainted with many Nations of *Indians*, formerly entirely unknown and Strangers to us; in withdrawing them from their Dependance upon the *French*, and in uniting them to *us* and *our Indians*, by Means of Trade and mutual Offices of Friendship. Of what great Consequence this may be to the *British Interest* in general, as to Trade, is apparent to any Body. It is no less apparent likewise, that it is of the greatest Consequence to the Safety of all the *British Colonies* in *North-America*. We feel too sensibly, the ill Effects of the *French Interest* in the present War betwixt *New-England*, and only one Nation of *Indians* supported by the *French*. Of what dismal Consequences then might it be, if the *French* should be able to influence in the same Manner, so many and such numerous *Nations*, as lie to the Westward of *this Province, Pensylvania* and *Maryland*? On the other Hand, if all these *Nations* (who assert their own Freedom, and declare themselves Friends to those that supply them best with what they want) be brought to have a Dependance upon the *English* (as we have good Reason to hope, in a short Time they will) the *French* of *Canada*, in case of a War, must be at the Mercy of the *English*.

To these Advantages must be added, that many of our young Men having been induced by this Act to travel among the *Indians*, they learn their Manners, their Languages, and the Situation of all their Countries, and become inured to all Manner of Fatigues and Hardships, and a great many more being resolved to follow their Example; these young Men, in case of a War with the *Indians*, will be of ten Times the Service, that the same Number of the common Militia can be of.

The Effects of this Act have likewise so much quieted the Minds of the People, with Respect to the Security of the Frontiers, that our Settlements are now extended above thirty Miles further West towards the *Indian* Countries, than they were before it passed.

The only Thing that now remains to answer, is an Objection which we suppose may be made, *What can induce the Merchants of London to petition against an Act, which will be really so much for their Interest in the End?* The Reason is in all Probability, because they only consider their present Gain; and that they are not at all concerned for the Safety of this Country, in encouraging the most necessary Undertaking, if they apprehend their Profit for two or three Years may be lessened by it. This Inclination of the Merchants has been so notorious, that few Nations at War with their Neighbours, have been able to restrain them from supplying their Enemies with Ammunition and Arms. The Count *D'Estrade*, in his Letters in 1638 says, That when the *Dutch* were besieging *Antwerp*, one *Beiland*, who had loaded four Fly-boats with Arms and Powder for *Antwerp*, being taken up by the Prince of *Orange's* Order, and examined at *Amsterdam*, said boldly, *That the Burghers of Amsterdam had a Right to trade every where: That he could name a Hundred that were Factors for the Merchants at Antwerp, and that he was one. That Trade cannot be interrupted, and that for his Part he was very free to own, that if to get any Thing by Trade it were necessary to pass through Hell, he would venture to burn his Sails.* When this Principle so common to Merchants, is considered, and that some in this Place have got Estates by trading many Years to *Canada*, it is not to be wondered that they have acted as Factors for *Canada* in this Affair, and that they have transmitted such Accounts to their Correspondents in *London*, as are consistent with the Trust reposed in them by the Merchants of *Canada*.

In the last Place, we are humbly of Opinion, that it may be proper to print the Petition of the Merchants of *London*, and their Allegations before the Lords of Trade, together with the Answers your Committee has made thereto, in Vindication of the Legislature of this Province, of which we have the Honour to be a Part, if your Excellency shall approve of our Answers: That what we have said may be exposed to the Examination of every one in this Place, where the Truth of the Matters of Fact is best known; and that the Correspondents of these Merchants may have the most publick Notice to reply, if they shall think it proper, or to disown in a publick Manner, that they are the Authors of such groundless Informations.

All which is unanimously and humbly submitted by

Your Excellency's
Most obedient humble Servants,
R. Walter,
Rip Van Dam,
John Barberie,
Fr. Harrison,
Cadwallader Colden,
Ja. Alexander,

A Memorial concerning the Furr-Trade of the Province of New-York.

Presented to his Excellency William Burnet, Esq; Captain General and Governor, &c. by Cadwallader Colden, Surveyor General of the said Province, the 10th of November 1724.

It has of late been generally believed, that the Inhabitants of the Province of *New-York* are so advantageously situated, with respect to the *Indian Trade*, and enjoy so many Advantages as to Trade in general, that it is in their Power not only to rival the *French* of *Canada*, who have almost entirely engrossed the Furr-Trade of *America*, but that it is impossible for the *French* to carry on that Trade in Competition with the People of this Province. The enquiring into the Truth of this Proposition, may not only be of some Consequence, as to the Riches and Honour of the *British Nation*, (for it is well known how valuable the Furr-Trade of *America* is) but likewise as to the Safety of all the *British Colonies* in *North-America*. *New-France* (as the *French* now claim) extends from the Mouth of the River *Misissippi*, to the Mouth of the River *St. Lawrence*, by which the *French* plainly show their Intention of enclosing the *British Settlements*, and cutting us off from all Commerce with the numerous Nations of *Indians*, that are every where settled over the vast Continent of *North-America*. The *English* in *America* have too good Reason to apprehend such a Design, when they see the *French* King's Geographer publish a Map, by which he has set Bounds to the *British Empire* in *America*, and has taken in many of the *English Settlements* both in *South-Carolina* and *New York*, within these Boundaries of *New-France*. And the good Services they intend us, with the *Indians*, but too plainly appears at this Day, by the *Indian War* now carried on against *New-England*.

I have therefore for some Time past, endeavoured to inform myself, from the Writings of the *French*, and from others who have travelled in *Canada*, or among the *Indians*, how far the People of this Province may carry on the *Indian Trade*, with more Advantage than the *French* can; or what Disadvantages they labour under, more than the *French* do. As all Endeavours for the good of ones Country are excusable, I do not doubt but my Intention in this will be acceptable to your Excellency, though I be not capable of treating the Subject as it deserves.

I shall begin with *Canada*, and consider what Advantages they have either by their Situation, or otherwise. *Canada* is situated upon the River of *St. Lawrence*, by which the five great Lakes (which may properly be called, *The five Inland Seas of North-America*) empty themselves into the Ocean. The Mouth of this great River is in the Lat. of 50 Degrees, overagainst the Body of *Newfoundland*. It rises from the *Cataracui Lake*, (the Eastermost of the five great Lakes) about the Lat. of 44 Degrees, and runs from thence about North-East to the Ocean, and is about nine hundred Miles in Length, from that Lake to the Ocean. The five great Lakes which communicate with each other, and with this River, extend about one thousand Miles Westward, further into the Continent. So far the *French* have already discovered, and their Discoveries make it probable, that an Inland Passage may be found to the *South-Sea*, by the Rivers which run into these Lakes, and Rivers which run into the *South-Sea*.

The Method of carrying Goods upon the Rivers of *North-America*, into all the small Branches, and over Land, from the Branches of one River to the Branches of another, was learned from the *Indians*, and is the only Method practicable through such large Forests and Deserts as the Traders pass thro', in carrying from one Nation to another, it is this; the *Indians* make a long narrow Boat, made of the Bark of the Birch-tree, the Parts of which they join very neatly. One of these Canoes that can carry a Dozen Men, can itself be easily carried upon two Men's Shoulders; so that when they have gone as far by Water as they can (which is further than is easily to be imagined, because their loaded Canoes don't sink six Inches into the Water) they unload their Canoes, and carry both Goods and Canoes upon their Shoulders over Land, into the nearest Branch of the River they intend to follow. Thus, the *French* have an easy Communication with all the Countries bordering upon the River of *St. Lawrence*, and its Branches, with all the Countries bordering upon these Inland Seas, and the Rivers which empty themselves into these Seas, and can thereby carry their Burdens of Merchandize thro' all these large Countries, which could not by any other means than Water-carriage be carried thro' so vast a Tract of Land.

This, however, but half finishes the View the *French* have, as to their Commerce in *North-America*. Many of the

Branches of the River *Misissippi* come so near to the Branches of several of the Rivers which empty themselves into the great Lakes, that in several Places there is but a short Land-Carriage from the one to the other. As soon as they have got into the River *Misissippi*, they open to themselves as large a Field for Traffick in the southern Parts of *North-America*, as was before mentioned with respect to the northern Parts. If one considers the Length of this River, and its numerous Branches, he must say, *That by means of this River, and the Lakes, there is opened to his View such a Scene of inland Navigation as cannot be parallel'd in any other Part of the World.*

The *French* have, with much Industry, settled small Colonies, and built stockaded Forts at all the considerable Passes between the Lakes, except between *Cataracui Lake* (called by the *French Ontario*) and *Lake Erie*, one of our Five Nations of *Indians*, whom we call *Sennekas*, (and the *French Sonontouans*) having hitherto refused them leave to erect any Buildings there.

The *French* have been indefatigable in making Discoveries, and carrying on their Commerce with Nations, of whom the *English* know nothing but what they see in the *French Maps* and Books. The Barrenness of the Soil, and the Coldness of the Climate of *Canada*, obliges the greatest number of the Inhabitants to seek their living by travelling among the *Indians*, or by trading with those that do travel. The Governor, and other Officers, have but a scanty Allowance from the King, and could not subsist were it not by the Perquisites they have from this Trade; neither could their Priests find any means to satisfy their Ambition and Luxury without it: So that all Heads and Hands are employ'd to advance it, and the Men of best Parts think it the surest way to advance themselves by travelling among the *Indians*, and learning their Languages; even the Bigotry and Enthusiasm of some hot Heads has not been a little useful in advancing this Commerce; for that Government having prudently turn'd the Edge of the Zeal of such hot Spirits upon converting the *Indians*, many of them have spent their Lives under the greatest Hardships, in endeavouring to gain the *Indians* to their Religion, and to love the *French Nation*, while, at the same time, they are no less industrious to represent the *English* as the *Enemies of Mankind*. So that the whole Policy of that Government, both civil and religious, is admirably turn'd to the general Advancement of this Trade. Indeed the Art and Industry of the *French*, especially that of their religious Missions, has so far prevail'd upon all the *Indians* in *North-America*, that they are every where directed by *French Councils*. Even our own *Five Nations*, (the *Iroquois*) who formerly were mortal Enemies of the *French*, and have always liv'd in the strictest Amity with the *English*, have, of late, (by the Practices of the *French Priests*) been so far gain'd, that several of the *Mohawks*, who live nearest the *English*, have left their Habitations, and are gone to settle near *Monreal* in *Canada*; and all the rest discover a Dread of the *French Power*. That much of this is truly owing to the *Priests*, appears from many of the Sachems of the *Iroquois* wearing Crucifixes when they come to *Albany*: And those *Mohawk Indians* that are gone to *Canada*, are now commonly known, both to the *French* and *English*, by the Name of *The Praying Indians*, it being customary for them to go through the Streets of *Monreal* with their Beads, praying and begging Alms.

But notwithstanding all these Advantages, the *French* labour under Difficulties that no Art or Industry can remove. The Mouth of the River of *St. Lawrence*, and more especially the Bay of *St. Lawrence*, lies so far North, and is thereby so often subject to tempestuous Weather and thick Fogs, that the Navigation there is very dangerous, and never attempted but during the Summer Months. The Wideness of this Bay, together with the many strong Currents that run in it, the many Shelves, and sunken Rocks that are every where spread over both the Bay and River, and the want of Places for anchoring in the Bay, all increase the Danger of this Navigation; so that a Voyage to *Canada* is justly esteem'd much more dangerous than to any other Part of *America*. The many Shipwrecks that happen in this Navigation, are but too evident Proofs of the Truth of this, particularly the Miscarriage of the last Expedition against *Canada*. The Channel is so difficult, and the Tides so strong, that after their Shipping get into the River, they never attempt to sail in the Night, tho' the Wind be fair, and the Weather good. These Difficulties are so considerable, that the *French* never attempt above one Voyage in a Year to *Europe*, or the *West-Indies*, tho' it be really nearer *Europe* than any of the *English Colonies*, where the Shipping that constantly use the Trade, always make two Voyages in the Year.

The Navigation between *Quebeck* and *Monreal* is likewise very dangerous and difficult: The Tide rises about 18 or 20 Feet at *Quebeck*, which occasions so strong a Stream, that a Boat of six Oars cannot make way against it: The River in many Places very wide, and the Channel at the same time narrow and crooked; there are many Shelves and sunken Rocks, so that the best Pilots have been deceived; for which reason the Vessels that carry Goods to *Monreal* are always obliged to anchor before Night, tho' both Wind and Tide be fair. The Flood goes no further than *Trois Rivieres*, half way to *Monreal*, and about ninety Miles from *Quebeck*: After they pass this Place they have a strong Stream always against them, which requires a fair Wind and a strong Gale to carry the Vessels against the Stream. And they are obliged in this Part of the River, as well as under the *Trois Rivieres*, to come to an anchor at Night, though the Wind be good. These

Difficulties make the common Passages take up three or four Weeks, and sometimes six Weeks; tho' if they have the chance of a Wind to continue so long, they may run it in five or six Days.

After they pass *Monreal* they have a strong Stream against them till they come near the Lakes; so that in all that, which is about one hundred and fifty Miles in Length, they force their Canoes forward with setting Poles, or drag them with Ropes along shoar; and at five or six different Places in that way the River falls over Rocks with such Force, that they are obliged to unload their Canoes, and carry them upon their Shoulders. They never make this Voyage from *Monreal* to *Cataracui* in less than twenty Days, and frequently, twice that Time is necessary.

Now we are come so far as the Lake, my Design leads me no further, for at this Lake all the far *Indians*, that go to *Canada*, must pass by our Traders. And from thence the Road to the *Indian Countries* is the same from *Albany* that it is from *Monreal*.

Besides these Difficulties in the Transportation, the *French* labour under greater in the purchasing of the principal Goods proper for the *Indian Market*; for the most considerable and most valuable Part of their Cargo consists in *Strouds*, *Duffils*, *Blankets*, and other *Woollens*, which are bought at a much cheaper Rate in *England* than in *France*. The *Strouds* (which the *Indians* value more than any other Cloathing) are only made in *England*, and must be transported into *France* before they can be carried to *Canada*. *Rum* is another considerable Branch of the *Indian Trade*, which the *French* have not, by reason they have no Commodities in *Canada* fit for the *West India* Market. This they supply with *Brandy*, at a much dearer Rate than *Rum* can be purchased at *New-York*, tho' of no more Value with the *Indians*. Generally, all the Goods used in the *Indian Trade*, except *Gun-Powder*, and a few Trinkets, are sold at *Monreal* for twice their Value at *Albany*. To this likewise must be added, the necessity they are under of laying the whole Charge of supporting their Government on the *Indian Trade*. I am not particularly informed of their Duties or Imposts, but I am well assured, that they commonly give six or seven hundred Livres for a Licence for one Canoe, in proportion to her Largeness, to go with her Loading into the *Indian Country* to trade.

I shall next consider the Advantages the Inhabitants of *New-York* have in carrying on this Trade. In the *first* place, the Ships that constantly use the Trade to *England*, perform their Voyage to and from *London* twice every Year; and those that go to *Bristol* (the Port from whence the greatest part of the Goods for the *Indian Trade* are exported) frequently return in four Months. These Goods are bought much cheaper in *England* than in *France*: They are transported in less Time, with less Charge, and much less Risque, as appears by the *Premio* for Insurance between *London* and *New-York*, being only *Two per Cent*. Goods are easily carried from *New-York* to *Albany*, up *Hudson's River*, the Distance being only 140 Miles, the River very strait all the way, and bold, and very free from Sandbanks, as well as Rocks; so that the Vessels always sail as well by Night as by Day, and have the Advantage of the Tide upwards as well as downwards, the Flood flowing above *Albany*. It may therefore be safely concluded, that all sorts of Goods can be carried to *Albany* at a cheaper Rate than they can be to *Quebeck*, which is also three times further from the *Indian Country* than *Albany* is. To put the Truth of this out of all dispute, I need only observe what is well known both at *New-York* and *Albany*, *viz*. That almost all the *Strouds* carried by the *French* into the *Indian Countries*, as well as large Quantities of other Goods, for the Use of the *French* themselves, are carried from *Albany* to *Monreal*. There has been an Account kept of nine hundred Pieces of *Strouds* transported thither in one Year, besides other Commodities of very considerable Value. The Distance between *Albany* and *Monreal* is about two hundred Miles, all by Water, except twelve Miles between *Hudson's River* and the *Wood-Creek*, where they carry their Bark Canoes over Land, and about sixteen Miles between *Chambly* and *La Prairie*, overagainst *Monreal*. And tho' the Passage be so short and easy, these Goods are generally sold at double their Value in *Albany*.

But as this Path has been thought extremely prejudicial to the Interest of this Colony, I shall leave it, and go on to another, that leads directly from *Albany* into the *Cataracui* or *Ontario Lake*, without going near any of the *French* Settlements.

From *Albany* the *Indian Traders* commonly carry their Goods sixteen Miles over Land, to the *Mohawks River* at *Schenechtady*, the Charge of which Carriage is *Nine Shillings New-York Money*, or *Five Shillings Sterling* each Waggon-Load. From *Schenechtady* they carry them in Canoes up the *Mohawks River*, to the Carrying-place between the *Mohawks River*, and the River which runs into the *Oneida Lake*; which Carrying-place between is only three Miles long, except in very dry Weather, when they are obliged to carry them two Miles further. From thence they go with the Current down the *Onondaga River* to the *Cataracui Lake*. The Distance between *Albany* and the *Cataracui Lake* (this Way) is nearly the same with that between *Albany* and *Monreal*; and likewise with that between *Monreal* and the *Cataracui Lake*, and the Passage much easier than the last, because the Stream of the *Mohawks River* is not near so

strong as the *Cataracui River* between the *Lake* and *Monreal*, and there is no Fall in the River, save one short one; whereas there are (as I have said) at least five in the *Cataracui River*, where the Canoes must be unloaded. Therefore it plainly follows, that the *Indian Goods* may be carried at as cheap a Rate from *Albany* to the *Cataracui Lake*, as from *Albany* to *Monreal*. So that the People of *Albany* plainly save all the Charge of carrying Goods two hundred Miles from *Monreal* to that Part of the *Cataracui Lake*, which the *French* have to carry before they bring them to the same Place from *Monreal*, besides the Advantage which the *English* have in the Price of their Goods.

I have said, That when we are in the *Cataracui Lake*, we are upon the Level with the *French*, because here we can meet with all the *Indians* that design to go to *Monreal*. But besides this Passage by the *Lakes*, there is a River which comes from the Country of the *Sennekas*, and falls into the *Onondaga River*, by which we have an easy Carriage into that Country, without going near the *Cataracui Lake*. The Head of this River goes near to *Lake Erie*, and probably may give a very near Passage into that Lake, much more advantageous than the Way the *French* are obliged to take by the great Fall of *Jagara*, because narrow Rivers are much safer for Canoes than the Lakes, where they are obliged to go ashore if there be any Wind upon the Water. But as this Passage depends upon a further Discovery, I shall say nothing more of it at this time.

Whoever then considers these Advantages *New-York* has of *Canada*, in the first buying of their Goods, and in the safe, speedy, and cheap Transportation of them from *Britain* to the *Lakes*, free of all manner of Duty or Imposts, will readily agree with me, that the Traders of *New-York* may sell their Goods in the *Indian Countries* at half the Price the People of *Canada* can, and reap twice the Profit they do. This will admit of no Dispute with those that know that Strouds (the Staple *Indian Commodity*) this Year are sold for *Ten Pounds* apiece at *Albany*, and at *Monreal* for *Twenty-five Pounds*, notwithstanding the great Quantity of Strouds said to be brought directly into *Quebeck* from *France*, and the great Quantities that have been clandestinely carried from *Albany*. It cannot therefore be denied that it is only necessary for the Traders of *New-York* to apply themselves heartily to this Trade, in order to bring it wholly into their own Hands; for in every thing besides Diligence, Industry, and enduring Fatigues, the *English* have much the Advantage of the *French*. And all the *Indians* will certainly buy, where they can, at the cheapest Rate.

It must naturally be objected, *That if those things are true, how is it possible that the Traders of New-York should neglect so considerable and beneficial Trade for so long time?*

In answering this Objection, I shall show the Difficulties *New-York* has labour'd under, by giving a short History of the Country, so far as it relates to this Trade. Which Method, I think, can be liable to the least Objection, and put the whole in the truest Light.

When this Country (the Province of *New-York*) came first under the Crown of *Great-Britain*, our *Five Nations* of *Indians* were mortal Enemies of the *French* at *Canada*, and were in a continual War with them, and all the *Nations* of *Indians* round the Lakes; so that then it was not safe for the *English* to travel further than the Countries of the *Five Nations*; nor would our *Indians* permit the far *Indians* (with whom they had constant War) to pass thro' their Countries to *Albany*. Besides, the *Five Nations* of *Indians* were at that time so numerous, (consisting of ten times the Number of fighting Men they now do) that the Trade with them alone was very considerable for so young and small a Colony. In the latter End of King *Charles's* Reign, when the *Duke of York*, and *Popish Councils* prevail'd, the Governor of *New-York* (who was likewise a *Papist*) had Orders to use all his Endeavours to make up a Peace between our Nations (the *Iroquois*) and the *French*; and that he should persuade the *Five Nations* to admit *French Priests* among them, in order to civilize them. The Consequence of which was, that the *French* thereby obtained a free Commerce upon the *Lakes*, and obtain'd leave to build *Cataraqui Fort* upon the North-side of *Cataracui Lake*, and have two Vessels of Force upon the same Lake. From this Time, during all King *James's* Reign, the *French*, whenever they had any Differences with our *Five Nations*, threaten'd, that the *English* of *New-York* would join with them, and destroy the *Five Nations*; by which, and the Practices of the *French Priests*, our *Five Nations* became very much alienated in their Affections from the *English*, and look'd upon them as a People depending upon the *French*. The Consequences of this appeared so dangerous to Colonel *Dungan*, the Governor of *New-York*, (though, as I have said, a *Papist*) that he again and again complain'd to his Master of the ill Offices the *French Priests* did the *English* among our Nations. When the *English* had thus procur'd a Peace for the *French*, they thought they might justly reap some Advantage from it; and it's hardly to be doubted but that they had Promises of that kind. They were therefore encouraged to send forty Men, with great Quantities of Goods, into the *Lakes*, under the Command of Major *M^cGregory*, to trade with the far Nations. At this time Mr. *Denonville*, Governor of *Canada*, was gathering together all the Force of *Canada*, and of the *Indians*, (Enemies of the *Five Nations*) in order to surprize the *Five Nations*, and destroy them, at the Time they thought themselves secure by the Peace so lately

made. Major *M^cGregory*, and his Company, were met by a *French* Officer on *Lake Erie*, coming with a great Number of Men to the general Rendezvous of the *French*, and he, with all the *English*, were made Prisoners. They were used with such Severity as has never been practis'd between *Christian Nations* in open War, tho' the two Crowns, at that time, were not only at Peace, but under the strictest Ties of mutual Friendship; for the *French* used these People as Slaves in building *Cataraqui Fort*, and a poor *Frenchman* that had conducted them, was publickly shot to Death, as if he had brought an Enemy into their Country. Such was their Apprehensions then of the *English* getting any Footing among the *Indians*.

The *French* Governor surprized a Village of the *Five Nations*, who, on the *French* Faith, liv'd in great Security, but seven or eight Leagues from the *French* Fort, and sent these miserable People to the Gallies in *France*. He afterwards fell upon the *Sennekas*, and burnt their Villages, but without any Advantage to the *French*, they having lost more Men than the *Indians* did. This renew'd the War with greater Fury than ever, between the *French* and our *Indians*. For some time afterwards, our *Indians*, in a great Body, fell upon the Island of *Monreal*, while Mr. *Denonville* was in the Town: They burnt and destroy'd all the Villages and Houses round *Monreal*, and kill'd some hundreds of Men, Women, and Children. Afterwards they came into the open Fields before *Monreal*, and there defy'd the *French* Governor, who did not think it proper to fight them. And when they had done all the Mischief they could, they retir'd without any Loss.

About this Time the Revolution happen'd in *Great-Britain*, which was succeeded by a War between *Great-Britain* and *France*. In *February*, 1689/90, a Party of three hundred Men, consisting of equal Numbers of *French* and *Indians*, surprized *Schenechtady* in the Night-time, when the poor People were in their Beds, in the greatest Security, where they barbarously murdered sixty-three Men, Women, and Children, in cold Blood, laid the Village in Ashes, and then retir'd, without reaping any other Advantage besides this cruel Revenge on innocent People, for the Mischief our *Indians* had done them. This rais'd a cruel War between the two Colonies, in which there was much Mischief done, and Blood shed, without any Advantage to either side.

In Time of this War, the most *Christian King's* Governor of *Canada* was so much provoked, that he thought fit to follow the Example of our barbarous *Indians*, and burn his *Indian Prisoners* alive, in the most cruel Manner, in sight of all the Inhabitants of *Quebeck*, and to deliver up the *English Prisoners* to the *French Indians*, who indeed had more Mercy, for they kill'd none of them.

King *William's* Peace put an End to this War; but the Peace lasted so short a while, that the People of this Province hardly had time to re-settle their Farms on the Frontiers, which they had deserted in the Time of the War, much less to adventure trading in the *Indian Countries*, so lately the Scene of so much Cruelty. But both Colonies having now an Abhorrence of the Cruelties of the last War, agreed on a kind of Neutrality for the *Indians*, during *Queen Anne's* War, in which Time we lost much ground with our own *Indians*: For the *French* having learn'd, by dear Experience, that it was not possible for them to conquer our *Five Indian Nations*, resolv'd to try all Means to gain their Affections, and in this Art the *French* are always more successful than in that of War; and the *English* failing in two ill-concerted Expeditions against *Canada*, the *Indians* lost much of the Opinion they had of the *English* Power and Valour.

In Time of this last War, the clandestine Trade to *Monreal* began to be carried on by *Indians*, from *Albany* to *Monreal*. This gave Rise to the *Kahnuaga*, or *Praying Indians*, who are entirely made up of Deserters from the *Mohawks* and *River Indians*, and were either enticed thither by the *French Priests*, or by our Merchants, in order to carry Goods from *Albany* to *Monreal*, or run away for some Mischief done here. These *Indians* now consist of about eighty fighting Men, and live about four Leagues above *Monreal*: They neither plant nor hunt, but depend chiefly upon this private Trade for their Subsistence. These *Indians*, in time of War, gave the *French* Intelligence of all Designs here against them: By them likewise the *French* engaged our *Five Nations* in a War with the *Indians* Friends of *Virginia*, and from them we might expect the greatest Mischief in Time of War, seeing every Part of the Province is as well known to them as to any of the Inhabitants. But if this Trade was entirely at an end, we have reason to believe, that these *Indians* would return to their own Tribes, for they then could not long subsist where they now are.

As soon as the Peace was proclaim'd, an open Trade with *Monreal* was carried on with such Earnestness, that *Monreal* was fill'd with *Indian Goods*, and *Albany* exhausted; by which means *Monreal* became the principal, if not the only *Indian Market*, and the *Indians* depended entirely on the *French* for what they wanted.

Our Merchants were fond of the *Canada* Trade, because they sold large Quantities of Goods without any Trouble, the *French* taking them from their Doors; whereas the Trade with the *Indians* is carried on with a great deal of Toil and

Fatigue; and as to the Interest of the Country, they either never thought any thing about it, or if they did, had no regard to it.

Now I have brought this Account to the Time your Excellency arriv'd; what has happen'd since, your Excellency knows better than I can by any means inform you. From the whole, it seems plain, that any Difficulties and Disadvantages this Province has been under, have only proceeded from the Wars, which have continued since the first settling of the Province, to the beginning of the last general Peace. But now, that not only *this Province*, but likewise our *six Nations* of *Indians* are at Peace, and in Amity, both with the *French*, and all the *Indian Nations* with whom we can have any Commerce, these Difficulties are all remov'd, and we now enjoy the most favourable Time, that at any time can be hoped for, in order to extend the *British Commerce* in *North-America*, while the *French* not only labour under the Difficulties which I have shown to be inseparable from the Situation of their Colony, but likewise under another Disadvantage, (not before taken notice of) by the Furr-Trade of *Canada* being restrain'd to one Company. This Company is obliged to pay heavy Duties in *France* upon the Importation of Beaver, or any other Furr; for which reason they always fix a Price upon Beaver, and their other Furrs, in *Canada*; and the *Indian Traders* of *Canada* being restrain'd from selling to any but the Company's Agents there, they cannot raise the Price of *Indian Goods* as the Price of *European* rise, or as their Profit on the Goods they sell to the *Indians* is lessen'd.

The Merchants of *New-York* allow our *Indian Traders* double the Price for Beaver, that the *French* Company allow their *Indian Traders*, the Price established by the Company for Beaver, in *Canada*, being two Livres, or *eighteen Pence Sterling*, the Pound-weight; and the current Price of Beaver in *New-York* being *five Shillings New-York Money*, or *three Shillings Sterling* the Pound-weight. Therefore it plainly follows, that our *Indian Traders* could under-sell the *French Traders*, tho' they were to give as great a Price for *European Goods* as the *French* do, and did transport them at as great Charge, because of the double Price they have for their Furrs in *New-York*.

But as our *Indian Traders* not only have a double Price for their *Indian Goods*, but likewise buy the Goods they sell to the *Indians*, at half the Price the *French Indian Traders* do, the *French Traders* must be ruin'd by carrying on this Trade, in Competition with the *English* of *New-York*. And the *French Indian Traders* had been ruin'd before now, if they had not found means to carry their Beaver to *Albany*, where they got double the Price they must have sold for in *Canada*.

It may be objected, against this Argument, *That the Canada Company as soon as they find that the Traders cannot sell at their established Price, will allow a greater Price*. But if we consider the Duties the *French Company* is obliged to pay to the King, they cannot allow so great a Price as the *English* can at *New-York*. And if it should be insisted, *That the French Company may obtain a Remission of those*, yet if the clandestine Trade with *Albany* be entirely stopt, the *French Traders* will be ruin'd before such Remission can be obtain'd, and their Trade will be at an end.

My Inclination led me to show what Advantages not only the *Indian Trade* would reap by extending our Frontiers as far as the Lakes, but likewise the *British Trade* in some other Branches, which the Parliament of *Great Britain* seem to have much at heart, *viz. Naval Stores*; for the Soil on both Sides of the *Mohawks River* being as rich as it is possible (I believe) for any Land to be, will be found the most proper for raising of HEMP, of any Part of *America*, and the whole Country round it being full of the largest Pines, the royal Navy is as likely to be well provided with MASTS there, and at as cheap a rate as any where else. But I have already too far presum'd on your Excellency's Patience.

Cadwallader Colden.

To this it may not be improper to add the following Original Letter.

New-York, 1740.

S I R,

If you should be at the Pains to read these printed Papers, it will be a Pleasure to you to hear of the Success of the Measures taken by Governor *Burnet* for redeeming the *Indian* Trade out of the Hands of the *French*. He has succeeded far above our Expectations.

Governor *Burnet*, through his earnest Application, and at first chiefly with his Money, Credit, and Risque, erected a Trading-House and Fortification at the Mouth of the *Onondagues* River, called *Osneigo*, where the Province of *New-York* supports a Garrison of Soldiers, consisting of a Lieutenant and twenty Men, which are yearly relieved.

At this Place a very great Trade is carried on with the remote *Indians*, who formerly used to go down to the *French* at *Monreal*, and there buy our *English* Goods, at second Hand, at above twice the Price they now pay for them at *Osneigo*; whilst, at the same time, the *French* were chiefly supplied by one Gentleman at *New-York*, who almost entirely engrossed the *Indian* Trade of this Province, and thereby acquired a very great Estate and Influence. But the prudent Steps taken by our late worthy Governor, to open a free Trade, was the Cause of the Engrosser's losing his.—The Probability of doing this, was the principal Motive of our applying to the King, which is shown by these printed Papers.

The *Indian* Trade, to the great Advantage of this Province, is now divided into several hundred Hands, and there have been for many Years past upwards of one hundred young Men of this Province, who have gone yearly among the *Indians*, to supply them with our Goods.

By this means, at a modest Estimate, I am assured, that the *Indian* Trade of this Province is now far above five times as much as when Governor *Burnet* began to put his Scheme in execution.

And this is not all the Advantages reaped thereby, but a much more considerable one to this, and all the other *English* Colonies is, that not only our own six Nations, but also many far and remote *Indian* Nations are drawn off from their Dependance on the *French*, and made, by Trade and Intercourse, dependant on the *English*; by this means a great Security and Protection is acquired by the *English*, in case of a War with *France*; and by this Trade our Settlements in this Province are extended up to the *Onondagues* Carrying-place, which is now well attended with Waggons, for the more commodious transporting of Goods to trade in the Lakes.

And they are now settling on the Branches of *Sasquehanah* River; and from the western Branches of this River, there is but a small Land-Carriage to *Allegheny*, a Branch of that great River *Misissippi*; which Branch extending a thousand Miles from its Mouth, where it enters the said River; and which joins so near to our Settlements, as is above taken notice of, opens us a Trade to that vast Country, called by the *French Louisiana*, which they possess on the *Misissippi*.

I am,

S I R,

Your humble Servant,

J. A.



THE

TREATY
HELD WITH THE

INDIANS

OF THE

SIX NATIONS,

AT

PHILADELPHIA,

In JULY, 1742.

THE TREATY, &c.

The Deputies of the six Nations having, at their last Visit, agreed to release their Claim to all the Land on both Sides of the River *Sasquehanah*, as far South as this Province extends, and to the Northward to those called the *Endless Mountains*, or *Kittochtinny Hills*; in Consideration whereof, they then received a large Quantity of valuable *Indian Goods* for the Lands situate on the Eastern Side of the said River, but declined at that Time to receive any for those on the Western Side of the said River, chusing to defer the same till another Visit; a large Number arrived from these Nations at *Philadelphia*, on *Wednesday* the 30th of *June*, with Deputies duly impowered to receive the said Goods; and acquainted the Governor, that being weary from the Fatigue of their long Journey, they should crave three or four Days to rest themselves before they proceeded to their Business: In the mean time they would wait on the Governor to discourse, according to their usual Method, about News and other Occurrences; which the Governor readily agreed to, and ask'd them when they would chuse to pay their first Visit; which they desiring might be on *Friday* the 2^d of *July*, in the Afternoon, the Council was accordingly summon'd, and met at Mr. *Logan's* House, where were

P R E S E N T,

The Honourable *GEORGE THOMAS*, Esq; Lieutenant-Governor.

James Logan, }
Clement Plumsted, }
Samuel Hasell, }
Abraham Taylor, } Esqrs;
Samuel Preston, }
Thomas Lawrence, }
Ralph Asheton, }
Robert Strettell, }

The Chiefs of the *Six Nations*, with the Chiefs of the *Shawanese*.

CANASSATEEGO, the *Onondago* Chief, Speaker.

CONRAD WEISER, Interpreter.

The Governor opened the Conference as follows.

BRETHREN,

'The Proprietor having purchased certain Lands from your Nations about six Years ago, a Moiety of what was agreed to be given in Consideration of that Purchase was at that Time delivered to them, and the other being at their Desire left in the Proprietor's Hands, he pressed you by *Shikalamy* to send last Year for it, and would have been glad to have seen you, and taken you by the Hand before his Departure. But as the Design of this Meeting is to hear your News, and converse together in a free and friendly Manner, I shall say no more about the Goods than that they lie ready at the Proprietor's House, and will be delivered when you shall have sufficiently rested from the Fatigue of your Journey.'

The Chief of the *Onondagoes* spoke.

'*BRETHREN*,

'We propose to rest four Days, and then come to the main Business. At present we are at a private Conference about News, and have something of this sort to mention to our Brother *Onas*.' And on the Governor's signifying they would be glad to know what it was, the Chief proceeded.

BRETHREN,

'It is our Way when we come to our Brethren, or any other Persons, whom we live in strict Friendship with, to remove all Obstructions to a good Understanding; with this View we are to inform you of a Piece of disagreeable News that happen'd in our Journey.—Some White People living at a Place called *Conegocheegoe*, whose Names we cannot tell, nor whether they belong to this or the neighbouring Government, but one of them, as we heard, had his House burnt over his Head some

Years ago, and he was brought down a Prisoner and committed to the Goal of this City: These People lighting of our young Warriors, as they were hunting, made some Proposals about the Purchasing of Land from them, and our young Men being indiscreet, and unacquainted with publick Business, were foolish enough to hearken to them, and to receive five Duffil Strowds for two Plantations on the River *Cohongoronto*. A *Conestogoe Indian*, and a *French Indian*, and some others that were in Company, had three Duffil Strowds, and went away with them; and our young Men carried off the other two. As soon as this came to our Knowledge, we sent for our Warriors, and after examining and rebuking them severely, we took away their two Strowds, and publicly censured them for exposing us to our Brethren of *Pensylvania*, in doing a Thing so inconsistent with our Engagements to them; "You are, said we aloud, that all our People might hear and take Notice, to know and remember, that the Six Nations have obliged themselves to sell none of the Land that falls within the Province of *Pensylvania*, to any other but our Brother *Onas*, and that to sell Lands to any other is an high Breach of the League of Friendship." Brethren, this rash Proceeding of our young men makes us ashamed. We always mean well, and shall perform faithfully what we have promised: And we assure you, this Affair was transacted in the Manner we have related, without our Privity or Consent. And that you may be fully convinced of this, and of the Sincerity of our Intentions, we have brought you these two Strowds [*here he presented two red Strowds to the Governor*] they are the very Strowds our foolish young Men received; we took them from them, and we give them to you to return to those white People who made the Bargain, and desire when the Strowds are returned to them, they may be told what we now say, and that we shall not confirm such Bargains, nor any other that may interfere with our Engagements to our Brother *Onas*.'

The Governor then spoke:

'*BRETHREN*,

'I thank you for this Piece of News; you have taken this Matter perfectly right. All Bargaining for Land within this Province, is, to be sure, a manifest Breach of your Contract with the Proprietors, and what we know you will not countenance. We have hitherto found the *Six Nations* faithful to their Engagements, and this is a fresh Instance of their Punctuality. You could not help these Mistakes of your young Men; they were not done in your Presence: But as several Inconveniencies may arise from these kind of clandestine Sales, or from any such loose Sales of Land by your People, we desire you will, on your Return home, give publick Notice to all your Warriors not to bargain for any Land; or if they do, that you will not confirm such Bargains; and that this very Affair, together with what you have done therein, may be particularly reported to all your Nation assembled in Council.'

The *Onondago* Chief promised to give such publick Notice; and desiring Liberty to mend his former Speech, he proceeded:

'*BRETHREN*,

'I forgot one Circumstance: Our People, who pretended to sell the Land, demanded a Belt of Wampum of the Buyers to carry to their Chiefs; and on their declaring they had no Wampum, our Warriors said, they would not answer that their Chiefs would confirm this Bargain, since they never did any thing of this Nature without Wampum.'

The Governor, after a short Pause, spoke:

'*BRETHREN of the Six Nations*,

'I take this Opportunity to relate to you a Piece of disagreeable News I received some Days ago in a Letter from *Le Tort*, the *Indian* Trader, at *Allegheny*, who says, "That in *May* last some *Indians* of the *Taway* Nation, supposed by us to be the *Twightwees*, in their Return from War, called and staid some Time with the *Shawanese*; who being asked, and denying they had brought either Scalps or Prisoners, the *Shawanese* suspecting them, had the Curiosity to search their Bags, and finding two Scalps in them, that by the Softness of the Hair did not feel like *Indian* Scalps, they wash'd them clean, and found them to be the Scalps of some Christians. On this Discovery, the *Twightwees* were so much ashamed, that

they stole away from their Town in the Night-time; and coming, as they afterwards understood, to a little Village belonging to the *Shawanese*, they told our People that their Hearts were full of Grief; for, as they came along the Road, they found it all bloody; and having good Cause to believe it was made bloody with the Blood of some of the white Brethren, they had very sorrowfully swept the Road; and desired them to inform the Governor of *Pensilvania* of their (the *Twightwees*) Grief; and how they had swept the Road clean." 'Le Tort adds, on Behalf of the *Shawanese*,' "That they were much grieved at this unfortunate Accident; and prayed, as they had no Concern in it, more than by being Instruments to discover it, their Brethren would not blame them, nor suffer a Misunderstanding to arise between them on this Account: They would sweep the Road clean, and wipe all the Blood away; and desired their Brethren would be satisfied with this, and not weep too much for a Misfortune that might not happen again as long as the Sun and Moon shone."

'The Person who delivered me *Le Tort's* Letter, brought this Bundle of Skins as a Present to me; but I told the Messenger, I would not meddle with it; he might leave it if he pleased: The Affair appear'd to me in a bad Light, and I would represent it to the *Six Nations*, who were expected in Town every Day. This is the Fact, as I have it from *Le Tort*: I desire to be inform'd if you know any thing of this Matter; and if you do not, that you will make diligent Enquiry who committed the Murder, and who are the unhappy Sufferers, and assist us to obtain Satisfaction, if it shall appear to be any, of our Fellow-Subjects that have been treated in this Manner.'

To inforce this Request, I present you with this String of Wampum.

The *Onondago* Chief, in Reply, said:

B R E T H R E N,

'We take this Information kindly at your Hands; we will take this String of Wampum home with us to our Lodgings, and there consult about the most regular and proper Steps to be taken by us to answer your Expectations, and when we have duly considered the Matter, we will return you an Answer.'

Upon this the Governor put an End to the Conference; and calling for Wine, and other Liquors, according to the *Indian* Custom, after a decent and chearful Entertainment, the *Indians* withdrew.

At a C O U N C I L held at the Proprietor's House, *July 5, 1742.*

P R E S E N T

The Honourable *G E O R G E T H O M A S*, Esq; Lieutenant-Governor.

James Logan, }
Clement Plumsted, } Esqrs;

With several Gentlemen of the Town.

The Chiefs of the Six Nations.

It being judg'd proper, at this critical Time, when we are in daily Expectation of a *French* War, to sound the *Indians*, and discover what Dependance we might have on them, in case their Aid should be wanted, an handsome Dinner was provided for their Chiefs; and after they had made an hearty Meal, and drank his Majesty's Health, the Proprietors, and the Health of the *Six Nations*, the Chiefs gave the solemn Cry, in Testimony of their Thanks for the Honour done them. And soon after the Governor began, in a free Way, to enquire for what Reason the *Senecas* were not come down, since they had an equal Share of the Goods with the other Nations.—*Canassateego*, their Speaker, said, 'The *Senecas* were in great Distress, on Account of a Famine that raged in their Country, which had reduced them to such Want, that a Father had been obliged to kill two of his Children to preserve his own, and the rest of his Family's Lives; and they could not now come down, but had given Directions about their Share of the Goods.'—The Governor express'd his Concern for the unhappy Circumstances of their Brethren of the *Seneca* Nation; and, after a short Respite, enquired if any of their

Deputies were then at *Canada*, and whether the *French* Governor was making any warlike Preparations. And on their answering *Yes*, the Governor said, with a smiling, pleasant Countenance, 'I suppose, if the *French* should go to War with us, you will join them.' The *Indians* conferr'd together for some Time, and then *Canassateego*, in a chearful lively Manner, made answer.—'We assure you, the Governor of *Canada* pays our Nations great Court at this Time, well knowing of what Consequence we are to the *French* Interest: He has already told us, he was uncovering the Hatchet, and sharpening it, and hoped, if he should be obliged to lift it up against the *English*, our Nations would remain neuter, and assist neither Side.—But we will now speak plainly to our Brethren: Why should we, who are one Flesh with you, refuse to help you, whenever you want our Assistance?—We have continued a long Time in the strictest League of Amity and Friendship with you, and we shall always be faithful and true to you our old and good Allies.—The Governor of *Canada* talks a great deal, but ten of his Words do not go so far as one of yours.—We do not look towards them; we look towards you; and you may depend on our Assistance.' Whilst the *Onondago* Chief made this open and hearty Declaration, all the other *Indians* made frequently that particular Kind of Noise which is known to be a Mark of Approbation.—The Governor bid the Interpreter tell *Canassateego*, 'He did not set on foot this Enquiry from any Suspicion he had of the *Six Nations* wanting a due Regard for the *English*.—Our Experience of their Honour and Faith, said he, would not permit us to think any other of them, than that they would esteem our Friends their Friends, and our Enemies their Enemies, agreeable to the strict Union which had ever subsisted between us.—As to the Governor of *Canada*, he told them they need not mind what he said.—The *English*, on equal Terms, had beat the *French*, and could beat them again: And were they but to consider the Advantages which the *English* have, by possessing so many large and populous Countries, and so many good Ports on the Continent of *America*, they would soon see who had most Reason to fear a War, the *French* or the *English*.'

Here the Conversation dropped; and after another Glass of Wine, the *Indians* resumed the Discourse, by asking whether their Brethren had not been for some Time engaged in a War with the King of *Spain*, and what Successes they had met with.

The Governor told them, the King of *Great-Britain* lived in an Island, and being surrounded with the Sea, his chief Strength lay in his Ships; in which he was so much superior to his Enemies, that they were seldom to be met with on the broad Ocean, but sculk'd and hid themselves, only venturing out now and then; and whenever they did, they were almost sure to be taken; and that the King of *Great-Britain* had with his Ships, beat down, or taken several of the *Spaniards* great Forts in *America*.—The *Indians* said, they were pleased to hear their Brethren were an Over-match for their Enemies, and wish'd them good Success.

The Governor then enquired into the State and Condition of the Nations to the Westward of the Great Lakes, and whether they had any Warriors then in those Countries? Whether they had concluded Peace with the Southern *Indians*? And whether they had heard what their Deputies had done at *Albany*?

They made Answer: That they had always Abundance of their Men out amongst the Nations situate to the West of their Lakes.—That they had kindled a Fire with a vast many Nations, some whereof were Tributaries, and they had a good Understanding with all.—They set out from their own Country in Company with two Sets of Deputies, one going to hold a Treaty with the Southern *Indians*, and they believed a Peace would be concluded: The other going to meet the Governor of *New-York*, at *Albany*; but they could not tell what had been done at either Place.—On their return, they were to hold a General Council, and would inform their Brethren of these Particulars.

Then the Governor put an End to the Conference, by telling the *Indians* the Goods would be delivered to them at a Council to be held To-morrow Afternoon at the Meeting-House.

At a COUNCIL held in the Meeting House, *Philadelphia*, July 6, 1742.

P R E S E N T,

The Honourable *G E O R G E T H O M A S*, Esq; Lieutenant-Governor.

James Logan, }
Clement Plumsted, }
Abraham Taylor, } Esqrs;
Samuel Preston, }
Ralph Asheton, }
Robert Strettell, }

C A N A S S A T E E G O, Chief of the *Onondagoes*, Speaker.

S H I C A L A M Y, and a great Number of *Indians*, whose Names are as follows, *viz.*

ONONTOGOES.

Sawegaty, }
Caxhayion, } Counsellors.
Saguyassatha,
Kayadoghratie, alias *Slanaghquasy*,
Rotier-uwughton,
Tokaughaah,
Tiorughwaghthe,
Tokano-ungoh,
Aronty-oony,
Tohanohawighton,
Tioghwatoony,
Auughrahysey.

CAIYOQUOS.

Sahugh-sowa, }
Tohatgagthus, } Chiefs.
Tokany-esus,
Runho-hihio,
Kanadoghary,
Zior-aghquaty,
Sagu-iughwatha, alias *Cadcaradasey*,
Sca-yenties,
Tats-heghteh,
Alligh-waheis,
Tayo-quario,
Hogh degh runtun,
Rotehn Haghtyackon, Captain.
Sawoalieselhohaa,
Sagughsa-eck,
Uwantakeraa,
Horuhot,
Osoghquaa,
Tuyanoegon.

ANOYIUTS, or ONEIDAS.

Saristaquoh, }

Ungquaterughiathe, alias *Shikelimo*, } Chiefs.

Tottowakerha,

Taraghkoerus,

Onughkallydawwy, a noted young Chief.

Onughnaxqua, Chief.

Tawyiakaarat,

Tohathuyongochtha,

Sughnakaarat,

Taghneghdoerus,

Tokanyiadaroeyon,

Sagogughyatha,

Rahehius,

Tokanusoeogon.

JENONTOWANOS, or SENECA S.

Karugh iagh Raghquy, Captain.

Tahn heentus,

Onontyiack.

TUSCARROROS.

Sawontka, }

Ti-ieroes, } Chiefs.

Cloghsytowax, }

Tokaryhoegon, Captain.

Oghioghseh,

Tieleghweghson,

Tougrotha,

Yorughianego,

Ot-quehig,

Squaghky,

Sayadyio,

Onughsowûghton,

Cherigh wâstho,

Aghsûnteries,

Tion ogh scôghtha,

Saligh wanaghson,

Ohn-wâasey,

Tocar-eher [died since at *Tulpehokin*.]

Tohanatâkqua,

Kanyhâag.

SHAWANOES.

Wehwehlaky, Chief.

Aset teywa,

Asoghqua,

Maya minickysy,

Wawyia Beeseny.

Canestogo *Indians that speak the Onayiut's Language.*

Tior Haasery, Chief.
Tanigh wackerau,
Karha Cawyiat,
Kayen quily quo.

CANOYIAS, or NANTIKOKES, of Canestogo.

Des-seheg,
Ichqua que heck,
Qesamaag,
Ayiok-ius.

DELAWARES of Shamokin.

Olumapies, }
Lingehanoah, } Chiefs.
Kelly macquan,
Quitie-yquont,
Pishquiton,
Nena chy haut.

DELAWARES from the Forks.

Onutpe, }
Lawye quohwon, alias Nutimus, } Chiefs.
Toweghkappy.
Cornel. Spring, and others.

CONRAD WEISER, CORNELIUS SPRING, *Interpreters.*
And a great Number of the Inhabitants of *Philadelphia.*

The Governor having commanded Silence, spoke as follows:

'Friends and Brethren of the Six Nations,

'Six Years ago a Number of your Chiefs obliged us with a Visit, when they agreed on Behalf of your Nations, to the Release of certain Lands on both Sides the River *Sasquehannah*, to the Southward of the *Endless-Mountains*, and within the Limits and Bounds of the King's Grant of this Province. In Consideration of which, a certain Quantity of Goods was agreed on, and delivered as a full Satisfaction for the said Lands, lying on the Eastern Side of the said River: And for the Lands on the Western Side of the said River, you desired the Payment should be deferr'd till another Opportunity. These Goods, which are exactly the same in Quantity, as those you received the last Time the Chiefs of your Nations were here, have been ready a considerable Time, and kept in Expectation of your coming for them: And now you are come down, fully empowered by your respective Councils to receive them, we are well pleased to deliver them; leaving it to you to make a fair and equal Division of them amongst yourselves. We are sorry for the Absence of our Brethren the *Senecas*, and much more so, that it should be owing to their Distress at Home by a Famine that rages in their Country:—A Famine so great, that you tell us a Father has been obliged to sacrifice one Part of his Family, even his own Children, for the Support and Preservation of himself, and the other Part.—We heartily commiserate

their Condition, and do not doubt but you will do them fair and ample Justice in the Disposal of their Part of the Goods, in such Manner as they have instructed you. You shall now hear the List of the Goods read to you.'

Here, by the Governor's Order, the List of the Goods was read over, viz.

500 Pounds of Powder.
600 Pounds of Lead.
45 Guns.
60 Strowd-Matchcoats.
100 Blankets.
100 Duffil Matchcoats.
200 Yards Half-thick.
100 Shirts.
40 Hats.
40 Pair Shoes & Buckles.
40 Pair Stockings.
100 Hatchets.
500 Knives.
100 Hoes.
60 Kettles.
100 Tobacco-Tongs.
100 Scissars.
500 Awl-Blades.
120 Combs.
2000 Needles.
1000 Flints.
24 Looking-Glasses.
2 Pounds of Vermilion.
100 Tin-Pots.
1000 Tobacco-Pipes.
200 Pounds of Tobacco.
24 Dozen of Gartering, and
25 Gallons of Rum.

Then the Governor told them that the Goods, of which the Particulars had been just read to them, were in the Meeting-House, and would be sent to whatever Place they would direct.

The Governor then proceeded:

B R E T H R E N,

'You have often heard of the Care that your great and good Friend and Brother *William Penn*, took at all Times to cultivate a perfect good Harmony with all the *Indians*: Of these your Nations have ever been fully sensible; but more especially a Number of your Chiefs, about ten Years ago, when on the Arrival of a Son of your said great Friend *William Penn*, large and valuable Presents were exchanged by us with you; a new Road was made and clear'd; a new Fire kindled; and the Chain of Friendship made stronger, so as to last while the Sun and Moon endure.

'And now we cannot but congratulate ourselves, that your coming should happen at a Time, when we are in daily Expectation of a War being declared between the King of *England*, and the *French King*, well knowing that should such a War happen, it must very sensibly affect you, considering your Situation in the Neighbourhood of *Canada*. Your coming at this Juncture is particularly fortunate, since it gives us an Opportunity of mentioning several Things that may be necessary to be settled, between People so strictly and closely united as we are.—An Union not to be expressed by any Thing less, than the affectionate Regards which Children of the same Parents bear for each other, as conceiving ourselves to be one Flesh and one People.

'The utmost Care therefore ought mutually to be taken by us on both Sides, that the Road between us be kept perfectly clear and open, and no Lets nor the least Obstruction be suffered to lie in the Way; or if any should by Accident be found, that may hinder our free Intercourse and Correspondence, it must forthwith be removed.

To inforce this, we lay down a String of Wampum.

'In the next Place, we, on our Part, shall enlarge our Fire that burns between us. We shall provide more Fewel to increase it, and make it burn brighter and clearer, and give a stronger and more lasting Light and Warmth.

In Evidence of our sincere Intentions, we lay down this Belt of Wampum.

'In the last Place, considering the Obligations we are mutually under by our several Treaties, "That we should hear with our Ears for you, and you hear with your Ears for us." We shall at Times very willingly give you the earliest and best Intelligence, of any Designs that may be form'd to your Disadvantage.—And if you discover any Preparations that can hurt us, we desire you will immediately dispatch some suitable Person in whom we can place a Confidence, to give us a proper Information.'

To inforce this Request, as well as to brighten the Chain, we lay down this other Belt of Wampum.

On the Governor's concluding the Speech, the solemn Cry by Way of Approbation was repeated by the *Indians*, as many Times as there were Nations present; and then *Canassateego* rose up and spoke.

'*BRETHREN,*

'We thank you for your kind Speech: What you have said is very agreeable to us; and To-morrow when we have deliberated on the several Matters recommended to us, we will give you our Answer. We desire, as our Time will be wholly taken up in Council, you will order the Goods to be carried back to the Proprietaries to prevent their being lost, and that they may continue there till we call for them.'

At a COUNCIL held in the Meeting-House, July 7, 1742.

P R E S E N T,

The Honourable *GEORGE THOMAS* Esq; Lieutenant-Governor.

James Logan, }
Thomas Lawrence, }
Abraham Taylor, } Esqrs;
Samuel Preston, }
Samuel Hasell, }
Robert Strettell, }

CANASSATEEGO's Speech on Behalf of the *Six Nations*.

'*BRETHREN, the Governor and Council, and all present,*

'According to our Promise we now propose to return you an Answer to the several Things mentioned to us Yesterday, and shall beg Leave to speak to publick Affairs first, tho' they were what you spoke to last. On this Head you Yesterday put us in Mind, first, "Of *William Penn*'s early and constant Care to cultivate Friendship with all the *Indians*; of the Treaty we held with one of his Sons, about ten Years ago; and of the Necessity there is at this Time of keeping the Roads between us clear and free from all Obstructions." We are all very sensible of the kind Regard that good Man *William Penn* had for all the *Indians*, and cannot but be pleased to find that his Children have the same. We well remember the

Treaty you mention held with his Son on his Arrival here, by which we confirmed our League of Friendship, that is to last as long as the Sun and Moon endure: In Consequence of this, we, on our Part, shall preserve the Road free from all Incumbrances; in Confirmation whereof we lay down this String of Wampum.

'You in the next Place said you would enlarge the Fire and make it burn brighter, which we are pleased to hear you mention; and assure you, we shall do the same, by adding to it more Fewel, that it may still flame out more strongly than ever: In the last Place, you were pleased to say that we are bound by the strictest Leagues, to watch for each others Preservation; that we should hear with our Ears for you, and you hear with your Ears for us: This is equally agreeable to us; and we shall not fail to give you early Intelligence, whenever any Thing of Consequence comes to our Knowledge: And to encourage you to do the same, and to nourish in your Hearts what you have spoke to us with your Tongues, about the Renewal of our Amity and the Brightening of the Chain of Friendship; we confirm what we have said with another Belt of Wampum.'

BRETHREN,

'We received from the Proprietors Yesterday, some Goods in Consideration of our Release of the Lands on the West-side of *Sasquehannah*. It is true, we have the full Quantity according to Agreement; but if the Proprietor had been here himself, we think, in Regard of our Numbers and Poverty, he would have made an Addition to them.—If the Goods were only to be divided amongst the *Indians* present, a single Person would have but a small Portion; but if you consider what Numbers are left behind, equally entitled with us to a Share, there will be extremely little. We therefore desire, if you have the Keys of the Proprietor's Chest, you will open it, and take out a little more for us.

'We know our Lands are now become more valuable: The white People think we do not know their Value; but we are sensible that the Land is everlasting, and the few Goods we receive for it are soon worn out and gone. For the future, we will sell no Lands but when Brother *Onas* is in the Country; and we will know beforehand, the Quantity of the Goods we are to receive. Besides, we are not well used with respect to the Lands still unsold by us. Your People daily settle on these Lands, and spoil our Hunting.—We must insist on your removing them, as you know they have no Right to settle to the Northward of *Kittochtinny-Hills*.—In particular, we renew our Complaints against some People who are settled at *Juniata*, a Branch of *Sasquahannah*, and all along the Banks of that River, as far as *Mahaniay*; and desire they may be forthwith made to go off the Land, for they do great Damage to our Cousins the *Delawares*.

'We have further to observe, with respect to the Lands lying on the West-side of *Sasquahannah*, that though Brother *Onas* (meaning the Proprietor) has paid us for what his People possess, yet some Parts of that Country have been taken up by Persons, whose Place of Residence is to the South of this Province, from whom we have never received any Consideration. This Affair was recommended to you by our Chiefs at our last Treaty; and you then, at our earnest Desire, promised to write a Letter to that Person who has the Authority over those People, and to procure us his Answer: As we have never heard from you on this Head, we want to know what you have done in it. If you have not done any Thing, we now renew our Request, and desire you will inform the Person whose People are seated on our Lands, that that Country belongs to us, in Right of Conquest; we having bought it with our Blood, and taken it from our Enemies in fair War; and we expect, as Owners of that Land, to receive such a Consideration for it as the Land is worth. We desire you will press him to send a positive Answer: Let him say *Yes* or *No*: If he says *Yes*, we will treat with him; if *No*, we are able to do ourselves Justice; and we will do it, by going to take Payment ourselves.

'It is customary with us to make a Present of Skins, whenever we renew our Treaties. We are ashamed to offer our Brethren so few, but your Horses and Cows have eat the Grass our Deer used to feed on. This has made them scarce, and will, we hope, plead in Excuse for our not bringing a larger Quantity. If we could have spared more, we would have given more; but we are really poor; and desire you'll not consider the Quantity, but few as they are, accept them in Testimony of our Regard.'

Here they gave the Governor a Bundle of Skins.

The Governor immediately replied.

'*BRETHREN*,

'We thank you for the many Declarations of Respect you have given us, in this solemn Renewal of our Treaties: We receive, and shall keep your String and Belts of Wampum, as Pledges of your Sincerity, and desire those we gave you may be carefully preserved, as Testimonies of ours.

'In Answer to what you say about the Proprietaries.—They are all absent, and have taken the Keys of their Chest with them; so that we cannot, on their Behalf, enlarge the Quantity of Goods: Were they here, they might perhaps, be more generous; but we cannot be liberal for them.—The Government will, however, take your Request into Consideration; and in Regard to your Poverty, may perhaps make you a Present. I but just mention this now, intending to refer this Part of your Speech to be answered at our next Meeting.

'The Number of Guns, as well as every Thing else, answers exactly with the Particulars specified in your Deed of Conveyance, which is more than was agreed to be given you. It was your own Sentiments, that the Lands on the West-side of *Sasquahannah*, were not so valuable as those on the East; and an Abatement was to be made, proportionable to the Difference in Value: But the Proprietor overlooked this, and ordered the full Quantity to be delivered, which you will look on as a Favour.

'It is very true, that Lands are of late become more valuable; but what raises their Value? Is it not entirely owing to the Industry and Labour used by the white People, in their Cultivation and Improvement? Had not they come amongst you, these Lands would have been of no Use to you, any further than to maintain you. And is there not, now you have sold so much, enough left for all the Purposes of Living?—What you say of the Goods, that they are soon worn out, is applicable to every Thing; but you know very well, that they cost a great deal of Money; and the Value of Land is no more, than it is worth in Money.

'On your former Complaints against People's settling the Lands on *Juniata*, and from thence all along on the River *Sasquahannah* as far as *Mahaniahy*, some Magistrates were sent expressly to remove them, and we thought no Persons would presume to stay after that.'

Here they interrupted the Governor, and said:—

"These Persons who were sent did not do their Duty: So far from removing the People, they made Surveys for themselves, and they are in League with the Trespassers. We desire more effectual Methods may be used, and honest Persons employed."

Which the Governor promised, and then proceeded:

'*BRETHREN*,

'According to the Promise made at our last Treaty with you, Mr. *Logan*, who was at that Time President, did write to the Governor of *Maryland*, that he might make you Satisfaction for such of your Lands as his People had taken up, but did not receive one Word from him upon that Head. I will write to him again, and endeavour to procure you a satisfactory Answer. We do not doubt but he will do you Justice: But we exhort you to be careful not to exercise any Acts of Violence towards his People, as they likewise are our Brethren, and Subjects of the same great King; and therefore Violence towards them, must be productive of very evil Consequences.

'I shall conclude what I have to say at this Time, with Acknowledgments for your Present; which is very agreeable to us, from the Expressions of Regard used by you in presenting it: Gifts of this Nature receiving their Value from the Affection of the Giver, and not from the Quantity or Price of the Thing given.'

At a C O U N C I L held at *Philadelphia*, July 8, 1742.

P R E S E N T,

The Honourable *G E O R G E T H O M A S*, Esq; Lieutenant-Governor.

James Logan, }
Clement Plumsted, }
Samuel Hasell, }
Abraham Taylor, }
Samuel Preston, } Esqrs;
Thomas Lawrence, }
Ralph Asheton, }
Robert Strettell, }

The Board taking into Consideration, whether it be proper or not at this Time, to make a Present to the *Indians* of the Six Nations now in Town, in Return for their Present to this Government at Yesterday's Treaty;

Resolved,

That it is highly fit and proper that a Present be made to the said *Indians* at this Time.

And it is the Opinion of this Board, that the said Present should be of the Value of 500 *l.* or at least 300 *l.*

And it is recommended to Mr. *Logan*, Mr. *Preston*, and Mr. *Lawrence*, to acquaint Mr. *Kinsey*, the Speaker of the Assembly, with the Opinion of this Board; and that they request him to confer with such other Members of Assembly as are in Town, and report their Sentiments thereupon.

The Board taking into Consideration the Threats expressed by the *Indians*, at the Treaty Yesterday, against the Inhabitants of *Maryland*, settled on certain Lands on the West-side of *Sasquahannah*, which the *Indians* claim, and for which they require Satisfaction; and considering, that should those Threats, in any Sort be put in Execution, not only the Inhabitants of *Maryland*, but of this Government, and all his Majesty's Subjects on the Northern Continent of *America*, may thereby be involved in much Trouble: It is the Opinion of this Board, that the Governor write to the Governor of *Maryland* without Delay, to inform him of the *Indians* Complaints and Threats, and to request a satisfactory Answer; and that his Letter be sent by a special Messenger, at the publick Expence.

At a C O U N C I L held July 9, 1742.

P R E S E N T,

The Honourable *G E O R G E T H O M A S*, Esq; Lieutenant-Governor.

James Logan, Esq;
Clement Plumsted, Esq;
Samuel Hasell, Esq;
Robert Strettell, Esq;
Samuel Preston, Esq;
Ralph Asheton, Esq;
Thomas Lawrence, Esq;
Mr. *Peters*.

The Governor informed the Board, that the *Indian* Chiefs dining with him Yesterday, after Dinner delivered their Answer to two Affairs of Consequence:

The first related to the violent Battery committed on *William Webb*, in the Forks of *Delaware*, whereby his Jaw-bone

was broke, and his Life greatly endangered, by an unknown *Indian*. *Canassatego* repeating the Message delivered to the *Six Nations* by *Shickcalamy*, in the Year 1740, with a String of Wampum, said in Answer: 'The *Six Nations* had made diligent Enquiry into the Affair, and had found out the *Indian* who had committed the Fact; he lived near *Asopus*, and had been examined and severely reprov'd: And they hoped, as *William Webb* was recovered, the Governor would not expect any further Punishment; and therefore they returned the String of Wampum received from their Brethren, by the Hand of *Shickcalamy*, in Token that they had fully complied with their Request.'

I thank'd them, said he, for their Care; but reminded them, that though the Man did not die, yet he lay a long Time in extreme Misery, and would never recover the free Use of his Speech, and was rendered less able to get his Livelihood; and in such Cases the *English* Laws obliged the Assailant to make good all Damages, besides paying for the Pain endured.—But as the *Indian* was, in all Probability, poor and unable to make Satisfaction, I told them, that for their Sake I would forgive him; adding, had *Webb* died, I make no Doubt but you would have put the *Indian* to Death, just as we did two of our People who had killed an *Indian*; we caused them to be hung on a Gallows, in the Presence of many Hundreds of our People, to deter all others from doing the like. *Canassatego* made me this Reply: 'The *Indians* know no Punishment but Death; they have no such Thing as pecuniary Mulcts; if a Man be guilty of a Crime, he is either put to Death, or the Fault is overlook'd. We have often heard of your Hanging-up those two Persons; but as none of our *Indians* saw the Men die, many believe they were not hanged, but transported to some other Colony: And it would be satisfactory to the *Indians*, if, for the future, some of them be sent for, to be Witnesses of such Executions.' I assured them, that whoever gave them that Information, abused them; for the Persons certainly suffered Death, and in the Presence of all the People.

Canassatego then proceeded to give an Answer to what was said to them the 2d Instant, relating to *Le Tort's* Letter: 'That they had, in Council, considered in what Manner the Matter recommended to them ought to be conducted; and they were of Opinion, that as the *Shawanese*, not the *Twightwys* (for they knew so much of it, that the People were of the *Twightwy* Nation in whose Bags the Scalps were found) had sent me a Present of Skins, I should in return, send them a Blanket or a Kettle, and with it a very sharp Message, that tho' they had done well in sweeping the Road from Blood, yet that was but a small Part of their Duty; they ought not to have suffered the *Twightwys*, after their Lye and the Discovery of the Scalps, to have left them, 'till they had given a full and true Account how they came by them, whose Scalps they were, and in what Place, and for what Reason the Men were kill'd; and when they had been fully satisfied of all these Particulars, then it was their Duty to have given Information to the Government where the white People lived, that the Murderers might be complained against, and punished by the Nation they belonged to: And as the *Shawanese* had omitted to perform the Part of Brethren, that I should reprove them for it, and charge them to make Amends for their Neglect, by using all possible Expedition to come at the Knowledge of these Things, and to aid their Brethren the white People in obtaining Justice.'

The Minutes of the preceding Council being read, Mr. *Logan*, in pursuance of the Board's Direction of Yesterday, reported, on behalf of himself, and the other Gentlemen to whom it was recommended, that they had confer'd with Mr. *Kinsey*, and requested him to consult the other Members of the Assembly concerning the making a Present to the *Indians*; and that Mr. *Kinsey* having collected the Sentiments of several Members of the Assembly in Town, whom he had confer'd with on that Subject, found them generally of Opinion, that a Present should at this Time be made; but that they had declined nominating any Sum: However, that Mr. *Kinsey* had given it as his own Opinion, that the Governor and Council might go as far as *three hundred Pounds*.

And accordingly it is refer'd to Mr. *Logan*, Mr. *Preston*, and Mr. *Lawrence*, to consider of, and prepare a proper List of the Goods whereof the Present should be composed, to the Value of *three hundred Pounds*, as aforesaid; advising with the Interpreter as to the Quantity and Quality.

At a C O U N C I L held at the Proprietor's, the 9th of July, P. M. 1742.

P R E S E N T

The Honourable *GEORGE THOMAS*, Esq; Lieutenant-Governor.

James Logan, }
Samuel Preston, } Esqrs;
Robert Strettell, }
Abraham Taylor, }
The C H I E F S of the *Six Nations*.
S A S S O N A N, and the *Delawares*.
N U T I M U S, and the *Fork-Indians*.
C O N R A D W E I S E R, Interpreter.

The Governor spoke to the Chiefs of the *Six Nations*, as follows:

'B R E T H R E N,

'The last Time the Chiefs of the *Six Nations* were here, they were informed, that your Cousins, a Branch of the *Delawares*, gave this Province some Disturbance about the Lands the Proprietor purchased from them, and for which their Ancestors had received a valuable Consideration above *fifty-five* Years ago, as appears by a Deed now lying on the Table.—Sometime after this, *Conrad Weiser* delivered to your Brother *Thomas Penn* your Letter, wherein you request of him, and *James Logan*, that they would not buy Land, &c.—This has been shewn to them and interpreted; notwithstanding which they have continued their former Disturbances, and have had the Insolence to write Letters to some of the Magistrates of this Government, wherein they have abused your good Brethren, our worthy Proprietaries, and treated them with the utmost Rudeness and Ill-Manners. Being loth, from our Regard to you, to punish them as they deserve, I sent two Messengers to inform them that you were expected here, and should be acquainted with their Behaviour.—As you, on all Occasions, apply to us to remove all white People that are settled on Lands before they are purchased from you, and we do our Endeavours to turn such People off; we now expect from you, that you will cause these *Indians* to remove from the Lands in the Forks of Delaware, and not give any further Disturbance to the Persons who are now in Possession.'

To enforce this we lay down a String of Wampum.

Then were read the several Conveyances, the Paragraph of the Letter wrote by the Chiefs of the *Six Nations* relating to the *Delawares*; the Letters of the *Fork-Indians* to the Governor and Mr. *Langhorne*, and a Draught of the Land; these were then delivered to *Conrad Weiser*, who was desired to interpret them to the Chiefs, when they should take this Affair into their Consideration.

At a C O U N C I L held *July 10, 1742*.

P R E S E N T

The Honourable *G E O R G E T H O M A S*, Esq; Lieutenant-Governor.

James Logan, }
Clement Plumsted, }
Thomas Lawrence, }
Abraham Taylor, } Esqrs;
Samuel Preston, }
Samuel Hasell, }
Robert Strettell, }

The Governor laid before the Board an Extract from the Treaty held here the 7th Instant with the *Indians* of the *Six Nations*, so far as it related to the Inhabitants of *Maryland*; as also a Letter he had prepared for the Governor of *Maryland* upon that Subject; both of which being approved, were ordered to be transcribed fair, in order to be dispatch'd the following Morning. The Letter was as follows:

Philadelphia, July 10, 1742.

S I R,

The inclosed Extract of the Speech made by the Chiefs of the Six Nations, before a very numerous Audience, in this Place, with my Answer to it, is of so great Importance to all his Majesty's Colonies in this Part of his Dominions, and to your Government in particular, that I have employ'd a special Messenger to deliver it you. I hope you will enable me to send them a satisfactory Answer. It would be impertinent in me to say more to one so well informed as you are of those Nations, and of their absolute Authority over all the Indians bordering upon us, or of the Advantages of maintaining a strict Friendship with them at all Times, but more especially at this critical Juncture.

I am, Yours, &c.

An Account exhibited by *Conrad Weiser* of his Expences upon the *Indians*, and *Indian Affairs*, from *February* last to *July 1, 1742*, amounting to *36 l. 18 s. 3 d.* was laid before the Board, and examin'd, and allow'd to be a just and very moderate Account.

And the Board taking into Consideration the many signal Services performed by the said *Conrad Weiser* to this Government, his Diligence and Labour in the Service thereof, and his Skill in the *Indian Languages* and Methods of Business, are of Opinion, that the said *Conrad* should be allowed, as a Reward from the Province at this Time, the Sum of *Thirty Pounds*, at least, besides Payment of his said Account.

At a C O U N C I L held at the Great Meeting-House, *July 10. P. M. 1742.*

P R E S E N T

The Honourable *GEORGE THOMAS*, Esq; Lieutenant-Governor.

James Logan, }
Thomas Lawrence, }
Abraham Taylor, } Esqrs;
Samuel Preston, }
Samuel Hasell, }
Robert Strettell, }
CANASSATEGO, }
SHICKCALAMY, } And other *Indian Chiefs*.
CONRAD WEISER, Interpreter.

And a great Number of the Inhabitants of *Philadelphia*.

The Governor spoke to the *Indians* as follows:

'*BRETHREN*,

'This Meeting will be short: It is in order to make you a Present from the Governor, the Council, the Assembly, and all our People. *William Penn* was known to you to be a good and faithful Friend to all the *Indians*: He made a League of Friendship with you, by which we became one People. This League has often since been renew'd by friendly Treaties; and as you have declared that the Friendship shall always last on your Parts, so we would have you believe that it shall remain inviolable on ours while the Sun and Moon endure.

'I gave you some Expectation of a Present, and we have it now ready to deliver to you. This Present is made you by the Governor, Council, Assembly, and all our People, in Consideration of the great Miseries and Distresses which you our good Friends have lately suffered. This will be some Relief to you for the present, and it's to be hoped your own Industry will soon retrieve your Circumstances.

'It has sometimes happened, and may happen again, that idle and untrue Stories are carried to you concerning us your Brethren; but our Desire is, and we expect it from you, that you will give no Credit to them; for we are, and always will be, your steady and sincere Friends.

'It is a Custom when we renew our Treaties with our good Friends the *Indians*, to clear the Road, and make our Fire burn bright: We have done so upon this Occasion; and, in Token of our Sincerity, we deliver you, as a Present from the Governor, the Council, the Assembly, and all the People of *Pensylvania*, the following Goods, viz.

24 *Guns*.
600 *Pounds of Lead*.
600 *Pounds of Powder*.
25 *Strowdes* }
90 *Duffil* } *Match-Coats*.
30 *Blankets*.
62 *Yards of Half-Thicks*.
60 *Ruffled Shirts*.
25 *Hats*.
1000 *Flints*.
50 *Hoes*.
50 *Hatchets*.
5 *Pounds of Vermilion*.
10 *Dozen of Knives*.
8 *Dozen of Gimblets*.
2 *Dozen of Tobacco-Tongs*.
25 *Pair of Shoes*.
25 *Pair of Stockings*.
25 *Pair of Buckles*.

Whereupon the Chiefs, and all the *Indians*, returned their solemn Thanks; and *Canassatego* said, 'They had no more to say as to publick Business at present; but they had somewhat under Deliberation, which, when they had duly considered, they would communicate.'

At a C O U N C I L held at the Proprietor's, *July 12, 1742*.

P R E S E N T

The Honourable *G E O R G E T H O M A S* Esq; Lieutenant-Governor.

James Logan, }
Thomas Lawrence, }
Robert Strettell, } Esqrs;
Clement Plumsted, }
Abraham Taylor, }

Mr. *Richard Peters*.

CANASSATEGO, } And sundry Chiefs of the *Six Nations*.

SHICKCALAMY, }

SASSOONAN, and the *Delawares*.

NUTTIMUS, and the *Fork-Indians*.

CONRAD WEISER Interpreter.

Pisquetoman, }

Cornelius Spring, } Interpreters to the *Fork-Indians*.

CANASSATEGO said:

'BRETHREN, *the Governor and Council,*

'The other Day you informed us of the Misbehaviour of our Cousins the *Delawares*, with respect to their continuing to claim, and refusing to remove from some Land on the River *Delaware*, notwithstanding their Ancestors had sold it by a Deed under their Hands and Seals to the Proprietaries, for a valuable Consideration, upwards of *fifty* Years ago; and notwithstanding that, they themselves had also not many Years ago, after a long and full Examination, ratified that Deed of their Ancestors, and given a fresh one under their Hands and Seals; and then you requested us to remove them, inforcing your Request with a String of Wampum.—Afterwards we laid on the Table our own Letters by *Conrad Weiser*; some of our Cousins Letters, and the several Writings to prove the Charge against our Cousins, with a Draught of the Land in Dispute.—We now tell you, we have perused all these several Papers: We see with our own Eyes, that they have been a very unruly People, and are altogether in the Wrong in their Dealings with you.—We have concluded to remove them, and oblige them to go over the River *Delaware*, and quit all Claim to any Lands on this Side for the future, since they have received Pay for them, and it is gone thro' their Guts long ago.—To confirm to you that we will see your Request executed, we lay down this String of Wampum in return for yours.'

Then turning to the *Delawares*, holding a Belt of Wampum in his Hand, he spoke to them as follows:

'COUSINS,

'Let this Belt of Wampum serve to chastise you. You ought to be taken by the Hair of the Head and shaken severely, till you recover your Senses and become sober. You don't know what Ground you stand on, nor what you are doing. Our Brother *Onas*'s Cause is very just and plain, and his Intentions are to preserve Friendship. On the other Hand, your Cause is bad; your Heart far from being upright; and you are maliciously bent to break the Chain of Friendship with our Brother *Onas*, and his People. We have seen with our Eyes a Deed sign'd by nine of your Ancestors above *fifty* Years ago for this very Land, and a Release sign'd, not many Years since, by some of yourselves and Chiefs now living, to the Number of fifteen or upwards.—But how came you to take upon you to sell Land at all? We conquered you; we made Women of you; you know you are Women, and can no more sell Land than Women; nor is it fit you should have the Power of selling Lands, since you would abuse it. This Land that you claim is gone thro' your Guts; you have been furnished with Cloaths, Meat, and Drink, by the Goods paid you for it, and now you want it again, like Children as you are.—But what makes you sell Land in the Dark? Did you ever tell us that you had sold this Land? Did we ever receive any Part, even the Value of a Pipe-Shank, from you for it? You have told us a blind Story, that you sent a Messenger to us to inform us of the Sale, but he never came amongst us, nor we never heard any thing about it.—This is acting in the Dark, and very different from the Conduct our *Six Nations* observe in the Sales of Land; on such Occasions they give publick Notice, and invite all the *Indians* of their united Nations, and give them all a Share of the Present they receive for their Lands.—This is the Behaviour of the wise united Nations.—But we find you are none of our Blood: You act a dishonest Part, not only in this, but in other Matters: Your Ears are ever open to slanderous Reports about our Brethren; you receive them with as much Greediness as lewd Women receive the Embraces of bad Men. And for all these Reasons we charge you to remove instantly; we don't give you the Liberty to think about it. You are Women. Take the Advice of a wise Man, and remove immediately. You may return to the other Side of *Delaware* where you came from: But we do not know whether, considering how you have demean'd yourselves, you will be permitted to live there; or whether you have not swallowed that Land down your Throats as well as the Land on this Side. We therefore assign you two Places to go, either to *Wyomen* or *Shamokin*. You may go to either of these Places, and then we shall have you more under our Eye, and shall see how you behave. Don't deliberate; but remove away, and take this Belt of Wampum.'

This being interpreted by *Conrad Weiser* into *English*, and by *Cornelius Spring* into the *Delaware* Language,

Canassatego taking a String of Wampum, added further.

'After our just Reproof, and absolute Order to depart from the Land, you are now to take Notice of what we have further to say to you. This String of Wampum serves to forbid you, your Children and Grand-Children, to the latest Posterity for ever, meddling in Land-Affairs; neither you, nor any who shall descend from you, are ever hereafter to presume to sell any Land: For which purpose, you are to preserve this String, in Memory of what your Uncles have this Day given you in Charge.—We have some other Business to transact with our Brethren, and therefore depart the Council, and consider what has been said to you.'

Canassatego then spoke to the Governor and Council:

'*BRETHREN*,

'We called at our old Friend *James Logan's*, in our Way to this City, and to our Grief we found him hid in the Bushes, and retired, thro' Infirmities, from publick Business. We press'd him to leave his Retirement, and prevailed with him to assist once more on our Account at your Councils. We hope, notwithstanding his Age, and the Effects of a Fit of Sickness, which we understand has hurt his Constitution, that he may yet continue a long Time to assist this Province with his Counsels. He is a wise Man, and a fast Friend to the *Indians*. And we desire, when his Soul goes to G O D, you may chuse in his Room just such another Person, of the same Prudence and Ability in counselling, and of the same tender Disposition and Affection for the *Indians*. In Testimony of our Gratitude for all his Services, and because he was so good as to leave his Country-House, and follow us to Town, and be at the Trouble, in this his advanced Age, to attend the Council, we present him with this Bundle of Skins.'

'*BRETHREN*,

'It is always our Way, at the Conclusion of a Treaty, to desire you will use your Endeavours with the Traders, that they may sell their Goods cheaper, and give us a better Price for our Deer-Skins. Whenever any particular Sort of *Indian* Goods is scarce, they constantly make us pay the dearer on that Account. We must now use the same Argument with them: Our Deer are killed in such Quantities, and our Hunting-Countries grown less every Day by the Settlement of white People, that Game is now difficult to find, and we must go a great Way in quest of it; they therefore ought to give us a better Price for our Skins; and we desire you would speak to them to do so. We have been stinted in the Article of Rum in Town. We desire you will open the Rum-Bottle, and give it to us in greater Abundance on the Road.'

To inforce our Request, about the Indian Traders, we present you with this Bundle of Skins.

'*BRETHREN*,

'When we first came to your Houses, we found them clean and in Order; but we have staid so long as to dirty them; which is to be imputed to our different Way of Living from the white People: And therefore, as we cannot but have been disagreeable to you on this Account, we present you with some Skins to make your Houses clean, and put them into the same Condition they were in when we came amongst you.'

'*BRETHREN*,

'The Business the *Five Nations* transact with you is of great Consequence, and requires a skilful and honest Person to go between us; one in whom both you and we can place a Confidence.—We esteem our present Interpreter to be such a Person, equally faithful in the Interpretation of whatever is said to him by either of us, equally allied to both; he is of our Nation, and a Member of our Council, as well as of yours. When we adopted him, we divided him into two equal Parts: One we kept for ourselves, and one we left for you. He has had a great deal of trouble with us, wore out his Shoes in our Messages, and dirty'd his Clothes by being amongst us, so that he is become as nasty as an *Indian*.

'In Return for these Services, we recommend him to your Generosity; and on our own Behalf, we give him *Five Skins* to buy him Clothes and Shoes with.'

'*BRETHREN*,

'We have still one more Favour to ask. Our Treaty, and all we have to say about publick Business, is now over, and to-morrow we design to leave you. We hope, as you have given us Plenty of good Provision whilst in Town, that you will continue your Goodness so far as to supply us with a little more to serve us on the Road. And we likewise desire you will provide us with Waggon, to carry our Goods to the Place where they are to be conveyed by Water.'

To these several Points the Governor made the following Reply.

'*BRETHREN of the Six Nations*,

'The Judgment you have just now pass'd on your Cousins the *Delawares*, confirms the high Opinion we have ever entertained of the Justice of the *Six Nations*. This Part of your Character, for which you are deservedly famed, made us wave doing ourselves Justice, in order to give you another Opportunity of convincing the World of your inviolable Attachment to your Engagements. These unhappy People might have always liv'd easy, having never receiv'd the least Injury from us; but we believe some of our own People were bad enough to impose on their Credulity, and engage them in these wrong Measures, which we wish, for their Sakes, they had avoided.

'We hoped, from what we have constantly given in Charge to the *Indian* Traders, that they would have administred no just Cause of Complaint: If they do you Wrong, it is against our Inclinations, and contrary to our express Directions. As you have exhibited no particular Charge against them, we shall use our best Endeavours to persuade them to give you as much for your Skins as they can possibly afford; and to take Care that their Goods which they give in Exchange for Skins, be of the best Sort. We will likewise order you some Rum to serve you on your journey home, since you desire it.

'We wish there had been more Room and better Houses provided for your Entertainment; but not expecting so many of you, we did the best we could. 'Tis true, there are a great many Houses in Town, but as they are the Property of other People, who have their own Families to take care of, it is difficult to procure Lodgings for a large Number of People, especially if they come unexpectedly.

'We entertain the same Sentiments of the Abilities and Probity of the Interpreter as you have express'd. We were induc'd at first to make use of him in this important Trust, from his being known to be agreeable to you, and one who had lived amongst you for some Years, in good Credit and Esteem with all your Nations; and have ever found him equally faithful to both. We are pleas'd with the Notice you have taken of him, and think he richly deserves it at your Hands. We shall not be wanting to make him a suitable Gratification, for the many good and faithful Services he hath done this Government.

'We have already given Orders for Waggon to carry your Goods, and for a Supply of Provisions to serve you on the Road in your Return home, where we heartily wish you may arrive in good Health.'

After the Governor had concluded, Mr. *Logan* return'd an Answer to that Part of *Canassatego's* Speech which related to him, and said, 'That not only upon the Account of his Lameness, of which the *Indians* themselves were Witnesses; but on Account of another Indisposition, which about three Years since had laid him under an Incapacity of expressing himself with his former usual Freedom, he had been obliged to live retired in the Country. But that our first Proprietor, the Honourable *William Penn*, who had ever been a Father and true Friend to all the *Indians*, having above forty Years since recommended them to his particular Care, he had always, from his own Inclination, as well as from that strict Charge, endeavoured to convince all the *Indians*, that he was their true Friend; and was now well pleased, that after a Tract of so many Years, they were not insensible of it. He thanked them kindly for their Present, and heartily joined with them in their Desires, that this Government may always be furnished with Persons of equally good Inclinations, and not only with such, but also with better Abilities to serve them.'

And then *Canassatego* said, he had forgot to mention, that *Shickcalamy* and *Caxhayn* had been employ'd on several Messages to this Government, and desir'd they might be consider'd on that Account.

At a C O U N C I L held the 12th of *July*, P. M. 1742.

P R E S E N T,

The Honourable *G E O R G E T H O M A S* Esq; Lieutenant-Governor.

James Logan, }
Clement Plumsted, }
Samuel Hasell, }
Robert Strettell, } Esqrs;
Samuel Preston, }
Thomas Lawrence, }
Abraham Taylor, }
Mr. *Richard Peters.*

The Board taking into Consideration the Regulation of the necessary Expences of the *Indians* travelling down hither, and returning; and upon an Estimate made by *Conrad Weiser*, amounting to about *one hundred Pounds*, it appearing that the said Sum of 100 *l.* will be necessary to be advanced to *Conrad Weiser* to defray those Expences, Mr. *Logan*, on the Proprietaries Behalf, proposes to advance 40 *l.* and the Treasurer declaring he had no publick Money in his Hands, and that if he had, he would not advance Money without the Assembly's Order; it is recommended to Mr. *Preston* and Mr. *Lawrence*, to confer with Mr. *Kinsey*, and know whether he, as Speaker of the Assembly, and Trustee of the Loan-Office, will advance the other 60 *l.*

And the *Indians* having requested that they might have a small Quantity of Rum, to be added to their Provisions, to comfort them on the Road: The Board is of Opinion, that there be added to the said Estimate for twenty Gallons of Rum for the aforesaid Use. And in Return for their Present of Skins, at requesting that the *Indian* Traders be enjoin'd to sell their Goods cheaper, the Board directs that two Strouds be presented. And that *five Pounds* be given to *Caxhayn* on the Account of the Province, for his Services; and to *Shickcalamy* the like Sum.

A just Copy, compared by

PATRICK BAIRD, Secr.



TREATY,

Held at the TOWN of

Lancaster, in PENNSYLVANIA,

By the HONOURABLE the

Lieutenant-Governor of the PROVINCE,

And the HONOURABLE the

Commissioners for the PROVINCES

OF

Virginia *and* MARYLAND,

WITH THE

INDIANS

OF THE

SIX NATIONS

In *JUNE*, 1744.

A Treaty with the *INDIANS* of the SIX NATIONS.

In the COURT-HOUSE in the Town of *Lancaster*, on *Friday* the Twenty-second of *June*, 1744,

P R E S E N T,

The Honourable *GEORGE THOMAS* Esq; Lieut. Governor of the Province of *Pensylvania*, and Counties of *Newcastle*, *Kent* and *Sussex*, on *Delaware*.

The Hon^{ble} *Thomas Lee*, Esq; } Commissioners
Colonel *William Beverly*, } of *Virginia*.

The Hon^{ble} *Edm. Jennings*, Esq; }
Philip Thomas, Esq; } Commissioners
Colonel *Robert King*, } of *Maryland*.
Colonel *Thomas Colville*, }

The Deputies of the *Onandagoes*, *Senecas*, *Cayogoes*, *Oneidas* and *Tuscaroraes*.
Conrad Weiser, Interpreter.

The Governor and the Commissioners took some of the *Indian* Chiefs by the Hand, and, after they had seated themselves, the Governor bid them welcome into the Government; and there being Wine and Punch prepared for them, the Governor and the several Commissioners drank Health to the *Six Nations*; and *Canassatego*, *Tachanoontia*, and some other Chiefs, returned the Compliments, drinking the Healths of *Onas*^[1], *Assaragoa*^[2], and the Governor of *Maryland*.

After they were all served with Wine, Punch, Pipes and Tobacco, the Governor told the *Indians*, that as it was customary, and indeed necessary, they should have some Time to rest after so long a Journey, and as he thought three Days would be no more than sufficient for that Purpose, he proposed to speak to them on *Monday* next; after which, the honourable Commissioners would take their own Time to deliver what they had to say.

CANASSATEGO answered the Governor: We thank you for giving us Time to rest; we are come to you, and shall leave it intirely to you to appoint the Time when we shall meet you again. We likewise leave it to the Governor of *Maryland*, by whose Invitation we came here, to appoint a Time when he will please to mention the Reason of his inviting us. As to our Brother *Assaragoa*, we have at this present Time nothing to say to him; not but we have a great deal to say to *Assaragoa*, which must be said at one Time or another; but not being satisfied whether he or we should begin first, we shall leave it wholly to our Brother *Onas* to adjust this between us, and to say which shall begin first.

In the COURT-HOUSE at *Lancaster*, *June 25*, 1744. A. M.

P R E S E N T,

The Honourable *GEORGE THOMAS* Esq; Governor, &c.
The Honourable the Commissioners of *Virginia*.
The Honourable the Commissioners of *Maryland*.
The Deputies of the *Six Nations*.
Conrad Weiser, Interpreter.

The GOVERNOR spoke as follows.

Honourable Gentlemen, Commissioners for the Governments of Virginia and Maryland, and Brethren, Sachims, or Chiefs of the Indians of the Six Nations.

At a Treaty, held by me two Years ago, in Behalf of the Government of *Pensylvania*, with a Number of the Chiefs of the *Indians* of the *Six Nations*, I was desired by them to write to the Governor of *Maryland* concerning some Lands in the back Parts of that Province, which they claim a Right to from their Conquests over the ancient Possessors, and which have been settled by some of the Inhabitants of that Government, without their Consent, or any Purchase made from them. It was at that time understood that the Claim was upon *Maryland* only; but it has since appeared, by some Letters formerly wrote by Mr. President *Logan* to the late Governor of *Maryland*, that it related likewise to some Lands in the back Parts of *Virginia*. The Governors of those Colonies soon manifested a truly equitable Disposition to come to any reasonable Terms with the *Six Nations* on account of those Lands, and desired, that for that End a Time and Place might be fixed for a Treaty with them; but before this could be effected, an unfortunate Skirmish happened in the back Parts of *Virginia*, between some of the Militia there, and a Party of the *Indian* Warriors of the *Six Nations*, with some Loss on both Sides. Who were the Aggressors is not at this time to be discussed, both Parties having agreed to bury that Affair in Oblivion, and the Government of *Virginia* having, in Token of the Continuance of their Friendship, presented the *Six Nations*, through my Hands, with Goods to the Value of One Hundred Pounds Sterling. To prevent further Hostilities, and to heal this Breach, I had, before the Present was given, made a Tender of my good Office; which both Parties accepted, and consented, on my Instances, to lay down their Arms: Since which the Faith pledged to me has been mutually preserved, and a Time and Place has been agreed upon, through my Intervention, for accommodating all Differences, and for settling a firm Peace, Union and Friendship, as well between the Government of *Virginia* as that of *Maryland*, and the *Indians* of the *Six Nations*^[3]. The honourable the Commissioners for these two Governments, and the Deputies of the *Six Nations*, are now met at the Place appointed for the Treaty. It only remains therefore for me to say, that if my further good Offices shall be thought useful for the Accomplishment of this Work, you may rely most assuredly upon them.

But I hope, honourable Gentlemen Commissioners, it will not be taken amiss if I go a little further, and briefly represent to you, how especially necessary it is at this Juncture, for his Majesty's Service, and the Good of all his Colonies in this Part of his Dominions, that Peace and Friendship be established between your Governments and the *Indians* of the *Six Nations*.

These *Indians*, by their Situation, are a Frontier to some of them; and, from thence, if Friends, are capable of defending their Settlements; if Enemies, of making cruel Ravages upon them; if Neuters, they may deny the *French* a Passage through their Country, and give us timely Notice of their Designs. These are but some of the Motives for cultivating a Good Understanding with them; but from hence the Disadvantages of a Rupture are abundantly evident. Every Advantage you gain over them in War will be a weakening of the Barrier of those Colonies, and consequently be, in effect, Victories over yourselves and your Fellow Subjects. Some Allowances for their Prejudices and Passions, and a Present now and then for the Relief of their Necessities, which have, in some Measure, been brought upon them by their Intercourse with us, and by our yearly extending our Settlements, will probably tie them more closely to the *British* Interest. This has been the Method of *New-York* and *Pensylvania*, and will not put you to so much Expence in twenty Years, as the carrying on a War against them will do in one. The *French* very well know the Importance of these Nations to us, and will not fail by Presents, and their other usual Arts, to take Advantage of any Misunderstanding we may have with them^[4]. But I will detain you, Gentlemen, no longer. Your own superior Knowledge will suggest to you more than I can say on this Subject.

Friends and Brethren, Sachems, or Chiefs of the Indians of the Six Nations:

These, your Brethren of *Virginia* and *Maryland*, are come to enlarge the Fire, which was almost gone out, and to make it burn clearer; to brighten the Chain which had contracted some Rust, and to renew their Friendship with you; which it is their Desire may last so long as the Sun, the Moon and the Stars, shall give Light. Their Powers are derived from the *Great King* of ENGLAND, your Father; and whatever Conclusions they shall come to with you, will be as firm and binding as if the Governors of these Provinces were themselves here. I am your Brother, and, which is more, I am your true Friend. As you know, from Experience, that I am so, I will now give you a few Words of Advice. Receive these your Brethren with open Arms; unite yourselves to them in the Covenant Chain, and be you with them as one Body, and one Soul. I make no doubt but the Governor of *Canada* has been taking Pains to widen the Breach between these your Brethren of *Virginia* and you; but as you cannot have forgot the Hatred the *French* have always borne to your Nations, and how kindly, on the contrary, you have been treated, how faithfully you have been protected by the *Great King* of

ENGLAND and his Subjects, you will not be at a Loss to see into the Designs of that Governor. He wants to divide you from us, in order the more easily to destroy you, which he will most certainly do, if you suffer yourselves to be deluded by him.

As to what relates to the Friendship established between the Government of *Pensylvania* and your Nations, I will take another Day to speak to you upon it.

To enforce what had been said, the GOVERNOR laid down a Belt of Wampum; upon which the Indians gave the Yo-hah^[5].

After a short Pause, the Governor ordered the Interpreter to tell the *Indians*, that as they had greatly exceeded their appointed Time for meeting the Commissioners, he recommended to them to use all the Expedition possible in giving their Answer to what had been said, that they might forthwith proceed to treat with the respective Commissioners on the Business they came about.

Then *Canassatego* repeated to the Interpreter the Substance of what the Governor had spoke, in order to know if he had understood him right (a Method generally made use of by the *Indians*) and when the Interpreter told him he had taken the true Sense, *Canassatego* proceeded to return the Thanks of the *Six Nations* for the Governor's kind Advice, promising to follow it as far as lay in their Power; but as it was their Custom when a Belt was given to return another, they would take Time till the Afternoon to provide one, and would then give their Answer.

In the COURT-HOUSE at Lancaster, June 25, 1744. P. M.

P R E S E N T,

The Honourable *GEORGE THOMAS* Esq; Governor, &c.

The Honourable the Commissioners of *Virginia*.

The Honourable the Commissioners of *Maryland*.

The Deputies of the *Six Nations*.

Conrad Weiser, Interpreter.

Canassatego's Answer to the Governor's Speech delivered in the Morning.

Brother Onas,

You spoke in the Presence of *Assaragoa* and the Governor of *Maryland* to us, advising us to receive them as our Brethren, and to unite with them in the Covenant Chain as one Body, and one Soul. We have always considered them as our Brethren, and, as such, shall be willing to brighten the Chain of Friendship with them; but since there are some Disputes between us respecting the Lands possessed by them, which formerly belonged to us, we, according to our Custom, propose to have those Differences first adjusted, and then we shall proceed to confirm the Friendship subsisting between us, which will meet with no Obstruction after these Matters are settled.

Here they presented the GOVERNOR with a Belt of Wampum, in return for the Belt given them in the Morning by the GOVERNOR; and the Interpreter was ordered to return the Yo-hah.

Then the GOVERNOR, in Reply, spoke as follows:

I receive your Belt with great Kindness and Affection; and as to what relates to the Governments of *Virginia* and *Maryland*, the honourable Commissioners, now present, are ready to treat with you. I shall only add, that the Goods for the Hundred Pounds Sterling, put into my Hands by the Governor of *Virginia*, as a Token of his good Dispositions to preserve Friendship with you, are now in Town, and ready to be delivered, in consequence of what was told you by *Conrad Weiser* when he was last at Onandago.

Then the Governor, turning to the Commissioners of *Virginia* and *Maryland*, said, Gentlemen, I have now finished what was incumbent upon me to say by way of Introduction to the *Indians*; and as you have a full Authority from your

respective Governments to treat with them, I shall leave the rest intirely to you, and either stay or withdraw, as you shall think most for your Service.

The Commissioners said, They were all of Opinion, it would be for their Advantage that the Governor should stay with them; and therefore they unanimously desired he would favour them with the Continuance of his Presence whilst they should be in Treaty with the *Indians*: Which his Honour said he would at their Instance very readily do, believing it might expedite their Business, and prevent any Jealousy the *Indians* might conceive at his withdrawing.

The Commissioners of Maryland ordered the Interpreter to acquaint the Indians that the Government of Maryland was going to speak to them, and then spoke as follows:

Friends and Brethren of the united Six Nations,

We, who are deputed from the Government of *Maryland* by a Commission under the Great Seal of that Province, now in our Hands (and which will be interpreted to you) bid you welcome; and in Token that we are very glad to see you here as Brethren, we give you this String of Wampum.

Upon which the Indians gave the Yo-hah.

When the Governor of *Maryland* received the first Notice, about seven Years ago, of your Claim to some Lands in that Province, he thought our good Friends and Brethren of the *Six Nations* had little Reason to complain of any Injury from *Maryland*, and that they would be so well convinced thereof, on farther Deliberation, as he should hear no more of it; but you spoke of that Matter again to the Governor of *Pensylvania*, about two Years since, as if you designed to terrify us.

It was very inconsiderately said by you, that you would do yourselves Justice, by going to take Payment yourselves: Such an Attempt would have intirely dissolved the Chain of Friendship subsisting, not only between us, but perhaps the other *English* and you.

We assure you, our People, who are numerous, courageous, and have Arms ready in their Hands, will not suffer themselves to be hurt in their Lives and Estates.

But, however, the old and wise People of *Maryland* immediately met in Council, and upon considering very coolly your rash Expressions, agreed to invite their Brethren, the *Six Nations*, to this Place, that they might learn of them what Right they have to the Land in *Maryland*, and, if they had any, to make them some reasonable Compensation for it; therefore the Governor of *Maryland* has sent us to meet and treat with you about this Affair, and the brightening and strengthening the Chain which hath long subsisted between us. And as an Earnest of our Sincerity and Good-will towards you, we present you with this Belt of Wampum.

On which the Indians gave the Yo-hah.

Our *Great King of ENGLAND*, and his Subjects, have always possessed the Province of *Maryland* free and undisturbed from any Claim of the *Six Nations* for above one hundred Years past, and your not saying any thing to us before, convinces us you thought you had no Pretence to any Lands in *Maryland*; nor can we yet find out to what Lands, or under what Title you make your Claim: For the *Sasquahannah Indians*, by a Treaty above ninety Years since (which is on the Table, and will be interpreted to you) give, and yield to the *English* Nation, their Heirs and Assigns for ever, the greatest Part (if not all) of the Lands we possess, from *Patuxent* River, on the Western, as well as from *Choptank* River, on the Eastern Side of the Great Bay of *Chessapeak*. And, near Sixty Years ago, you acknowledged to the Governor of *New-York* at *Albany*, "That you had given your Lands, and submitted yourselves to the King of *England*."

We are that Great King's Subjects, and we possess and enjoy the Province of *Maryland* by Virtue of his Right and Sovereignty thereto; why, then, will you stir up any Quarrel between you and ourselves, who are as one Man, under the Protection of that Great King?

We need not put you in mind of the Treaty (which we suppose you have had from your Fathers) made with the Province of *Maryland* near Seventy Years ago, and renewed and confirmed twice since that time.

By these Treaties we became Brethren; we have always lived as such, and hope always to continue so.

We have this further to say, that altho' we are not satisfied of the Justice of your Claim to any Lands in *Maryland*, yet we are desirous of shewing our Brotherly Kindness and Affection, and to prevent (by any reasonable Way) every Misunderstanding between the Province of *Maryland* and you our Brethren of the *Six Nations*.

For this Purpose we have brought hither a Quantity of Goods for our Brethren the *Six Nations*, and which will be delivered you as soon as we shall have received your Answer, and made so bright and large a Fire as may burn pure and clear whilst the Sun and Moon shall shine.

We have now freely and openly laid our Bosoms bare to you; and that you may be the better confirmed of the Truth of our Hearts, we give you this Belt of Wampum.

Which was received with the Yo-hah.

After a little Time Canassatego spoke as follows:

Brother, the Governor of Maryland,

We have heard what you have said to us; and, as you have gone back to old Times, we cannot give you an Answer now, but shall take what you have said into Consideration, and, return you our Answer some Time to Morrow. He then sat down, and after some Time he spoke again.

Brother, the Governor of Maryland,

If you have made any Enquiry into *Indian* Affairs, you will know, that we have always had our Guns, Hatchets and Kettles mended when we came to see our Brethren. Brother *Onas*, and the Governor of *York* always do this for us; and we give you this early Notice, that we may not thereby be delayed, being desirous, as well as you, to give all possible Dispatch to the Business to be transacted between us.

The Commissioners of *Virginia* and *Maryland* said, since it was customary, they would give Orders to have every Thing belonging to them mended that should want it.

In the COURT-HOUSE at Lancaster, June 26, 1744, P. M.

P R E S E N T,

The Honourable *GEORGE THOMAS* Esq; Governor, &c.

The Honourable the Commissioners of *Virginia*.

The Honourable the Commissioners of *Maryland*.

The Deputies of the *Six Nations*.

Conrad Weiser, Interpreter.

CANASSATEGO spoke as follows:

Brother, the Governor of Maryland,

When you invited us to kindle a Council Fire with you, *Conedogwainet* was the Place agreed upon; but afterwards you, by Brother *Onas*, upon second Thoughts, considering that it would be difficult to get Provisions and other Accommodations where there were but few Houses or Inhabitants, desired we would meet our Brethren at *Lancaster*, and at his Instances we very readily agreed to meet you here, and are glad of the Change; for we have found Plenty of every thing; and as Yesterday you bid us welcome, and told us you were glad to see us, we likewise assure you we are as glad to see you; and, in Token of our Satisfaction, we present you with this String of Wampum.

Which was received with the usual Ceremony.

Brother, the Governor of Maryland,

You tell us, that when about Seven Years ago you heard, by our Brother *Onas*, of our Claim to some Lands in your Province, you took no Notice of it, believing, as you say, that when we should come to reconsider that Matter, we should find that we had no Right to make any Complaint of the Governor of *Maryland*, and would drop our Demand. And that when about two Years ago we mentioned it again to our Brother *Onas*, you say we did it in such Terms as looked like a Design to terrify you; and you tell us further, that we must be beside ourselves, in using such a rash Expression as to tell you, We know how to do ourselves Justice if you still refuse. It is true we did say so, but without any ill Design; for we must inform you, that when we first desired our Brother *Onas* to use his Influence with you to procure us Satisfaction for our Lands, We, at the same time, desired him, in case you should disregard our Demand, to write to the Great King beyond the Seas, who would own us for his Children as well as you, to compel you to do us Justice: And, two years ago, when we found that you had paid no Regard to our just Demand, nor that Brother *Onas* had convey'd our Complaint to the Great King over the Seas, we were resolved to use such Expressions as would make the greatest Impressions on your Minds, and we find it had its Effect; for you tell us, "That your wise Men held a Council together, and agreed to invite us, and to enquire of our Right to any of your Lands, and if it should be found that we had a Right, we were to have a Compensation made for them: And likewise you tell us, that our Brother, the Governor of *Maryland*, by the advice of these wise Men, has sent you to brighten the Chain, and to assure us of his Willingness to remove whatever impedes a good Understanding between us." This shews that your wise Men understood our Expressions in their true Sense. We had no Design to terrify you, but to put you on doing us the Justice you had so long delayed. Your wise Men have done well; and as there is no Obstacle to a good Understanding between us, except this Affair of our Land, we, on our Parts, do give you the strongest Assurances of our good Disposition towards you, and that we are as desirous as you to brighten the Chain, and to put away all Hindrances to a perfect good Understanding; and, in Token of our Sincerity, we give you this Belt of Wampum.

Which was received, and the Interpreter ordered to give the Yo-hah.

Brother, the Governor of Maryland,

When you mentioned the Affair of the Land Yesterday, you went back to old Times, and told us, you had been in Possession of the Province of *Maryland* above One Hundred Years; but what is One Hundred Years in Comparison of the Length of Time since our Claim began? since we came out of this Ground? For we must tell you, that long before One Hundred Years our Ancestors came out of this very Ground, and their Children have remained here ever since. You came out of the Ground in a Country that lies beyond the Seas, there you may have a just Claim, but here you must allow us to be your elder Brethren, and the Lands to belong to us long before you knew any thing of them. It is true, that above One Hundred Years ago the *Dutch* came here in a Ship, and brought with them several Goods; such as Awls, Knives, Hatchets, Guns, and many other Particulars, which they gave us; and when they had taught us how to use their Things, and we saw what sort of People they were, we were so well pleased with them, that we tied their Ship to the Bushes on the Shore; and afterwards, liking them still better the longer they staid with us, and thinking the Bushes too slender, we removed the Rope, and tied it to the Trees; and as the Trees were liable to be blown down by high Winds, or to decay of themselves, we, from the Affection we bore them, again removed the Rope, and tied it to a strong and big Rock [*here the Interpreter said, They mean the Oneido Country*] and not content with this, for its further Security we removed the Rope to the big Mountain [*here the Interpreter says they mean the Onandago Country*] and there we tied it very fast, and roll'd Wampum about it; and, to make it still more secure, we stood upon the Wampum, and sat down upon it, to defend it, and to prevent any Hurt coming to it, and did our best Endeavours that it might remain uninjured for ever. During all this Time the New-comers, the *Dutch*, acknowledged our Right to the Lands, and sollicitus us, from Time to Time, to grant them Parts of our Country, and to enter into League and Covenant with us, and to become one people with us.

After this the *English* came into the Country, and, as we were told, became one People with the *Dutch*. About two Years after the Arrival of the *English*, an *English* Governor came to *Albany*, and finding what great Friendship subsisted between us and the *Dutch*, he approved it mightily, and desired to make as strong a League, and to be upon as good Terms with us as the *Dutch* were, with whom he was united, and to become one People with us: And by his further Care in looking into what had passed between us, he found that the Rope which tied the Ship to the great Mountain was only fastened with Wampum, which was liable to break and rot, and to perish in a Course of Years; he therefore told us, he would give us a Silver Chain, which would be much stronger, and would last for ever. This we accepted, and fastened the Ship with it, and it has lasted ever since. Indeed we have had some small Differences with the *English*, and, during these Misunderstandings, some of their young Men would, by way of Reproach, be every now and then telling us, that we

should have perished if they had not come into the Country and furnished us with Strowds and Hatchets, and Guns, and other Things necessary for the Support of Life; but we always gave them to understand that they were mistaken, that we lived before they came amongst us, and as well, or better, if we may believe what our Forefathers have told us. We had then Room enough, and Plenty of Deer, which was easily caught; and tho' we had not Knives, Hatchets, or Guns, such as we have now, yet we had Knives of Stone, and Hatchets of Stone, and Bows and Arrows, and those served our Uses as well then as the *English* ones do now. We are now straitened, and sometimes in want of Deer, and liable to many other Inconveniencies since the *English* came among us, and particularly from that Pen-and-Ink Work that is going on at the Table (*pointing to the Secretary*) and we will give you an Instance of this. Our Brother *Onas*, a great while ago, came to *Albany* to buy the *Sasquahannah* Lands of us, but our Brother the Governor of *New-York*, who, as we suppose, had not a good Understanding with our Brother *Onas*, advised us not to sell him any Land, for he would make an ill Use of it; and, pretending to be our good Friend, he advised us, in order to prevent *Onas's*, or any other Person's imposing upon us, and that we might always have our Land when we should want it, to put it into his Hands; and told us, he would keep it for our Use, and never open his Hands, but keep them close shut, and not part with any of it, but at our Request. Accordingly we trusted him, and put our Land into his Hands, and charged him to keep it safe for our Use; but, some Time after, he went to *England*, and carried our Land with him, and there sold it to our Brother *Onas* for a large Sum of Money; and when, at the Instance of our Brother *Onas*, we were minded to sell him some Lands, he told us we had sold the *Sasquahannah* Lands already to the Governor of *New-York*, and that he had bought them from him in *England*; tho', when he came to understand how the Governor of *New-York* had deceived us, he very generously paid us for our Lands over again.

Tho' we mention this Instance of an Imposition put upon us by the Governor of *New-York*, yet we must do the *English* the Justice to say, we have had their hearty Assistancess in our Wars with the *French*, who were no sooner arrived amongst us than they began to render us uneasy, and to provoke us to War, and we had several Wars with them; during all which we constantly received Assistance from the *English*, and, by their Means, we have always been able to keep up our Heads against their Attacks.

We now come nearer home. We have had your Deeds interpreted to us, and we acknowledge them to be good and valid, and that the *Conestogoe* or *Sasquahannah* Indians had a Right to sell those Lands to you, for they were then theirs; but since that Time we have conquered them, and their Country now belongs to us, and the Lands we demanded Satisfaction for are no Part of the Lands comprized in those Deeds; they are the *Cohongorontas*^[6] Lands; those, we are sure, you have not possessed One Hundred Years, no, nor above Ten Years, and we made our Demands so soon as we knew your People were settled in those Parts. These have never been sold, but remain still to be disposed of; and we are well pleased to hear you are provided with Goods, and do assure you of our Willingness to treat with you for those unpurchased Lands; in Confirmation whereof, we present you with this Belt of Wampum.

Which was received with the usual Ceremonies.

CANASSATEGO added, that as the three Governors of *Virginia*, *Maryland*, and *Pensylvania*, had divided the Lands among them, they could not, for this Reason, tell how much each had got, nor were they concerned about it, so that they were paid by all the Governors for the several Parts each possessed, and this they left to their Honour and Justice.

In the COURT-HOUSE at Lancaster, June 27, 1744, A. M.

P R E S E N T,

The Honourable *GEORGE THOMAS* Esq; Governor, &c.
The Honourable the Commissioners of *Virginia*.
The Honourable the Commissioners of *Maryland*.
The Deputies of the *Six Nations*.
Conrad Weiser, Interpreter.

The Commissioners of Virginia ordered the Interpreter to let the Indians know the Government of Virginia was going to speak to them, and then they spoke as follows:

Sachems and Warriors of the Six United Nations, our Friends and Brethren,

At our Desire the Governor of *Pensylvania* invited you to this Council Fire; we have waited a long Time for you, but now you are come, you are heartily welcome; we are very glad to see you; we give you this String of Wampum.

Which was received with their usual Approbation.

Brethren,

In the Year 1736, four of your Sachems wrote a Letter to *James Logan*, Esq; then President of *Pensylvania*, to let the Governor of *Virginia* know that you expected some Consideration for Lands in the Occupation of some of the People of *Virginia*. Upon seeing a Copy of this Letter, the Governor, with the Council of *Virginia*, took some Time to consider of it. They found, on looking into the old Treaties, that you had given up your Lands to the Great King, who has had Possession of *Virginia* above One Hundred and Sixty Years, and under that Great King the Inhabitants of *Virginia* hold their Land, so they thought there might be some Mistake.

Wherefore they desired the Governor of *New-York* to enquire of you about it. He sent his Interpreter to you in *May*, 1743, who laid this before you at a Council held at *Onandago*, to which you answer, "That if you had any Demand or Pretensions on the Governor of *Virginia* any way, you would have made it known to the Governor of *New-York*." This corresponds with what you have said to Governor *Thomas*, in the Treaty made with him at *Philadelphia* in *July*, 1742; for then you only make your Claim to Lands in the Government of *Maryland*.

We are so well pleased with this good Faith of you our Brethren of the *Six Nations*, and your Regard to the Treaties made with *Virginia*, that we are ready to hear you on the Subject of your Message eight years since.

Tell us what Nations of *Indians* you conquered any Lands from in *Virginia*, how long it is since, and what Possession you have had; and if it does appear, that there is any Land on the Borders of *Virginia* that the *Six Nations* have a Right to, we are willing to make you Satisfaction.

Then laid down a String of Wampum, which was accepted with the usual Ceremony, and then added,

We have a Chest of new Goods, and the Key is in our Pockets. You are our Brethren; the Great King is our common Father, and we will live with you, as Children ought to do, in Peace and Love.

We will brighten the Chain, and strengthen the Union between us; so that we shall never be divided, but remain Friends and Brethren as long as the Sun gives Light; in Confirmation whereof, we give you this Belt of Wampum.

Which was received with the usual Ceremony.

TACHANOONTIA replied:

Brother Assaragoa,

You have made a good Speech to us, which is very agreeable, and for which we return you our Thanks. We shall be able to give you an Answer to every Part of it some Time this Afternoon, and we will let you know when we are ready.

In the COURT-HOUSE at Lancaster, June 27, 1744, P. M.

P R E S E N T,

The Honourable *GEORGE THOMAS* Esq; Governor, &c.

The Honourable the Commissioners of *Virginia*.

The Honourable the Commissioners of *Maryland*.

The Deputies of the *Six Nations*.

Conrad Weiser, Interpreter.

TACHANOONTIA spoke as follows:

Brother Assaragoa,

Since you have joined with the Governor of *Maryland* and Brother *Onas* in kindling this Fire, we gladly acknowledge the Pleasure we have in seeing you here, and observing your good Dispositions as well to confirm the Treaties of Friendship, as to enter into further Contracts about Land with us; and, in Token of our Satisfaction, we present you with this String of Wampum.

Which was received with the usual Ceremonies.

Brother Assaragoa,

In your Speech this Morning you were pleased to say we had wrote a Letter to *James Logan*, about seven Years ago, to demand a Consideration for our Lands in the Possession of some of the *Virginians*; that you held them under the Great King for upwards of One Hundred and Sixty Years, and that we had already given up our Right; and that therefore you had desired the Governor of *New-York* to send his Interpreter to us last Year to *Onandago*, which he did; and, as you say, we in Council at *Onandago* did declare, that we had no Demand upon you for Lands, and that if we had any Pretensions, we should have made them known to the Governor of *New-York*; and likewise you desire to know if we have any Right to the *Virginia* Lands, and that we will make such Right appear, and tell you what Nations of *Indians* we conquered those Lands from.

Now we answer, We have the Right of Conquest, a Right too dearly purchased, and which cost us too much Blood, to give up without any Reason at all, as you say we have done at *Albany*; but we should be obliged to you, if you would let us see the Letter, and inform us who was the Interpreter, and whose Names are put to that Letter; for as the whole Transaction cannot be above a Year's standing, it must be fresh in every Body's Memory, and some of our Council would easily remember it; but we assure you, and are well able to prove, that neither we, nor any Part of us, have ever relinquished our Right, or ever gave such an Answer as you say is mentioned in your Letter. Could we, so few Years ago, make a formal Demand, by *James Logan*, and not be sensible of our Right? And hath any thing happened since that Time to make us less sensible? No; and as this Matter can be easily cleared up, we are anxious it should be done; for we are positive no such thing was ever mentioned to us at *Onandago*, nor any where else. All the World knows we conquered the several Nations living on *Sasquahannah*, *Cohongoronta*, and on the Back of the Great Mountains in *Virginia*; the *Conoy-uch-such-roona*, *Coch-now-was-roonan*, *Tohoa-irough-roonan*, and *Connutskin-ough-roonaw*, feel the Effects of our Conquests, being now a Part of our Nations, and their Lands at our Disposal. We know very well, it hath often been said by the *Virginians*, that the *Great King* of ENGLAND, and the People of that Colony, conquered the *Indians* who lived there, but it is not true. We will allow they have conquered the *Sachdagughroonaw*, and drove back the *Tuscarroraws*, and that they have, on that Account, a Right to some Part of *Virginia*; but as to what lies beyond the Mountains, we conquered the Nations residing there, and that Land, if the *Virginians* ever get a good Right to it, it must be by us; and in Testimony of the Truth of our Answer to this Part of your Speech, we give you this String of Wampum

Which was received with the usual Ceremony.

Brother Assaragoa,

We have given you a full Answer to the first Part of your Speech, which we hope will be satisfactory. We are glad to hear you have brought with you a big Chest of new Goods, and that you have the Key in your Pockets. We do not doubt but we shall have a good Understanding in all Points, and come to an Agreement with you.

We shall open all our Hearts to you, that you may know every thing in them; we will hide nothing from you; and we hope, if there be any thing still remaining in your Breast that may occasion any Dispute between us, you will take the Opportunity to unbosom your Hearts, and lay them open to us, that henceforth there may be no Dirt, nor any other Obstacle in the Road between us; and in Token of our hearty Wishes to bring about so good an Harmony, we present you with this Belt of Wampum.

Which was received with the usual Ceremony.

Brother Assaragoa,

We must now tell you what Mountains we mean that we say are the Boundaries between you and us. You may remember,

that about twenty Years ago you had a Treaty with us at *Albany*, when you took a Belt of Wampum, and made a Fence with it on the Middle of the Hill, and told us, that if any of the Warriors of the *Six Nations* came on your Side of the Middle of the Hill, you would hang them; and you gave us Liberty to do the same with any of your People who should be found on our Side of the Middle of the Hill. This is the Hill we mean; and we desire that Treaty may be now confirmed. After we left *Albany*, we brought our Road a great deal more to the West, that we might comply with your Proposal; but, tho' it was of your own making, your People never observed it, but came and lived on our Side of the Hill, which we don't blame you for, as you live at a great Distance, near the Seas, and cannot be thought to know what your People do in the Back-parts: And on their settling, contrary to your own Proposal, on our new Road, it fell out that our Warriors did some Hurt to your People's Cattle, of which a Complaint was made, and transmitted to us by our Brother *Onas*; and we, at his Request, altered the Road again, and brought it to the Foot of the Great Mountain, where it now is; and it is impossible for us to remove it any further to the West, those Parts of the Country being absolutely impassable by either Man or Beast.

We had not been long in the Use of this new Road before your People came, like Flocks of Birds, and sat down on both Sides of it, and yet we never made a Complaint to you, tho' you must be sensible those Things must have been done by your People in manifest Breach of your own Proposal made at *Albany*; and therefore, as we are now opening our Hearts to you, we cannot avoid complaining, and desire all these Affairs may be settled, and that you may be stronger induced to do us Justice for what is past, and to come to a thorough Settlement for the future, we, in the Presence of the Governor of *Maryland*, and Brother *Onas*, present you with this Belt of Wampum.

Which was received with the usual Ceremony.

Then Tachanoontia added:

That he forgot to say, that the Affair of the Road must be looked upon as a Preliminary to be settled before the Grant of Lands; and, said he, either the *Virginia* People must be obliged to remove more Easterly, or, if they are permitted to stay, our Warriors, marching that Way to the Southward, shall go Sharers with them in what they plant.

In the COURT-HOUSE at Lancaster, June 28, 1744. A. M.

P R E S E N T,

The Honourable *GEORGE THOMAS* Esq; Governor, &c.

The Honourable the Commissioners of *Virginia*.

The Honourable the Commissioners of *Maryland*.

The Deputies of the *Six Nations*.

Conrad Weiser, Interpreter.

The GOVERNOR spoke as follows.

Friends and Brethren of the Six Nations,

I am always sorry when any thing happens that may create the least Uneasiness between us; but as we are mutually engaged to keep the Road between us clear and open, and to remove every Obstruction that may lie in the Way, I must inform you, that three of the *Delaware Indians* lately murdered *John Armstrong*, an *Indian* Trader, and his two Men, in a most barbarous Manner, as he was travelling to *Allegheny*, and stole his Goods of a considerable Value. *Shickcalamy*, and the *Indians* settled at *Shamokin*, did well; they seized two of the Murderers, and sent them down to our Settlements; but the *Indians*, who had the Charge of them, afterwards suffered one of them to escape, on a Pretence that he was not concerned in the bloody Deed; the other is now in *Philadelphia* Goal. By our Law all the Accessaries to a Murder are to be tried, and put to Death, as well as the Person who gave the deadly Wound. If they consented to it, encouraged it, or any ways assisted in it, they are to be put to Death, and it is just it should be so. If, upon Trial, the Persons present at the Murder are found not to have done any of these Things, they are set at Liberty. Two of our People were, not many Years ago, publickly put to Death for killing two *Indians*; we therefore expect you will take the most effectual Measures to

seize and deliver up to us the other two *Indians* present at these Murders, to be tried with the Principal now in Custody. If it shall appear, upon their Trial, that they were not advising, or any way assisting in this horrid Fact, they will be acquitted, and sent home to their Towns. And that you may be satisfied no Injustice will be done to them, I do now invite you to depute three or four *Indians* to be present at their Trials. I do likewise expect that you will order strict Search to be made for the Remainder of the stolen Goods, that they may be restored to the Wife and Children of the Deceased. That what I have said may have its due Weight with you, I give you this String of Wampum.

Which was accepted with the Yo-hah.

The Governor afterwards ordered the Interpreter to tell them, he expected a very full Answer from them, and that they might take their own Time to give it; for he did not desire to interfere with the Business of *Virginia* and *Maryland*.

They said they would take it into Consideration, and give a full Answer.

Then the Commissioners of *Virginia* let them know, by the Interpreter, that they would speak to them in the Afternoon.

In the C O U R T - H O U S E Chamber at Lancaster, June 28, 1744, P. M.

P R E S E N T,

The Honourable the Commissioners of *Maryland*.

The Deputies of the *Six Nations*.

Conrad Weiser, Interpreter.

The Commissioners desired the Interpreter to tell the Indians they were going to speak to them. Mr. Weiser acquainted them herewith. After which the said Commissioners spoke as follows:

Our good Friends and Brethren, the Six united Nations,

I have considered what you said concerning your Title to some Lands now in our Province, and also of the Place where they lie. Altho' we cannot admit your Right, yet we are so resolved to live in Brotherly Love and Affection with the *Six Nations*, that upon your giving us a Release in Writing of all your Claim to any Lands in *Maryland*, we shall make you a Compensation to the Value of Three Hundred Pounds Currency, for the Payment of Part whereof we have brought some Goods, and shall make up the rest in what Manner you think fit.

As we intend to say something to you about our Chain of Friendship after this Affair of the Land is settled, we desire you will now examine the Goods, and make an End of this Matter.

We will not omit acquainting our good Friends the *Six Nations*, that notwithstanding we are likely to come to an Agreement about your Claim of Lands, yet your Brethren of *Maryland* look on you to be as one Soul and one Body with themselves; and as a broad Road will be made between us, we shall always be desirous of keeping it clear, that we may, from Time to Time, take care that the Links of our Friendship be not rusted. In Testimony that our Words and our Hearts agree, we give you this Belt of Wampum.

On presenting of which the Indians gave the usual Cry of Approbation.

Mr. *Weiser* acquainted the *Indians*, they might now look over the several Goods placed on a Table in the Chamber for that Purpose; and the honourable Commissioners bid him tell them, if they disliked any of the Goods, or, if they were damaged, the Commissioners would put a less Price on such as were either disliked or damnified.

The *Indians* having viewed and examined the Goods, and seeming dissatisfied at the Price and Worth of them, required Time to go down into the Court-House, in order for a Consultation to be had by the Chiefs of them concerning the said Goods, and likewise that the Interpreter might retire with them, which he did. Accordingly they went down into the Court-House, and soon after returned again into the Chamber.

Mr. *Weiser* sat down among the *Indians*, and discoursed them about the Goods, and in some short Time after they chose

the following from among the others, and the Price agreed to be given for them by the *Six Nations* was, viz.

	<i>l. s. d.</i>
Four Pieces of Strowds, at 7 <i>l.</i>	28 00 00
Two Pieces Ditto, 5 <i>l.</i>	10 00 00
Two Hundred Shirts,	63 12 00
Three Pieces Half-Thicks,	11 00 00
Three Pieces Duffle Blankets, at 7 <i>l.</i>	21 00 00
One Piece Ditto,	6 10 00
Forty Seven Guns, at 1 <i>l.</i> 6 <i>s.</i>	61 02 00
One Pound of Vermillion,	00 18 00
One Thousand Flints,	00 18 00
Four Dozen Jews Harps,	00 14 00
One Dozen Boxes,	00 1 00
One Hundred Two Quarters Bar-Lead,	3 00 00
Two Quarters Shot,	1 00 00
Two Half-Barreles of Gun-Powder,	13 00 00

220 15 00

Pensylvannia Currency.

When the *Indians* had agreed to take these Goods at the Rates above specified, they informed the Interpreter, that they would give an Answer to the Speech made to them this Morning by the honourable the Commissioners of *Maryland*, but did not express the Time when such Answer should be made. At 12 o'Clock the Commissioners departed the Chamber.

In the COURT-HOUSE at Lancaster, June 28, 1744. P. M.

P R E S E N T,

The Honourable *GEORGE THOMAS* Esq; Governor, &c.

The Honourable the Commissioners of *Virginia*.

The Honourable the Commissioners of *Maryland*.

The Deputies of the *Six Nations*.

Conrad Weiser, Interpreter.

The Commissioners of Virginia desired the Interpreter to let the Indians know, that their Brother Assaragoa was now going to give his Reply to their Answer to his first Speech, delivered them the Day before in the Forenoon.

Sachems and Warriors of the united Six Nations,

We are now come to answer what you said to us Yesterday, since what we said to you before on the Part of the Great King, our Father, has not been satisfactory. You have gone into old Times, and so must we. It is true that the Great King holds *Virginia* by Right of Conquest, and the Bounds of that Conquest to the Westward is the Great Sea.

If the *Six Nations* have made any Conquest over *Indians* that may at any Time have lived on the West-side of the Great Mountains of *Virginia*, yet they never possessed any Lands there that we have ever heard of. That Part was altogether deserted, and free for any People to enter upon, as the People of *Virginia* have done, by Order of the Great King, very justly, as well by ancient Right, as by its being freed from the Possession of any other, and from any Claim even of you the *Six Nations*, our Brethren, until within these eight Years. The first Treaty between the Great King, in Behalf of his Subjects of *Virginia*, and you, that we can find, was made at *Albany*, by Colonel *Henry Coursey*, Seventy Years since;

this was a Treaty of Friendship, when the first Covenant Chain was made, when we and you became Brethren.

The next Treaty was also at *Albany*, above Fifty-eight Years ago, by the Lord *Howard*, Governor of *Virginia*; then you declared yourselves Subjects to the Great King, our Father, and gave up to him all your Lands for his Protection. This you own in a Treaty made by the Governor of *New-York* with you at the same Place in the Year 1687, and you express yourself in these Words, "Brethren, you tell us the King of *England* is a very great King, and why should not you join with us in a very just Cause, when the *French* join with our Enemies in an unjust Cause? O Brethren, we see the Reason of this; for the *French* would fain kill us all, and when that is done, they would carry all the Beaver Trade to *Canada*, and the *Great King of ENGLAND* would lose the Land likewise; and therefore, O Great Sachem, beyond the Great Lakes, awake, and suffer not those poor *Indians*, that have given themselves and their Lands under your Protection, to be destroyed by the *French* without a Cause."

The last Treaty we shall speak to you about is that made at *Albany* by Governor *Spotswood*, which you have not recited as it is: For the white People, your Brethren of *Virginia*, are, in no Article of that Treaty, prohibited to pass, and settle to the Westward of the Great Mountains. It is the *Indians*, tributary to *Virginia*, that are restrained, as you and your tributary *Indians* are from passing to the Eastward of the same Mountains, or to the Southward of *Cohongorooton*, and you agree to this Article in these Words; "That the Great River of *Potowmack*, and the high Ridge of Mountains, which extend all along the Frontiers of *Virginia* to the Westward of the present Settlements of that Colony, shall be for ever the established Boundaries between the *Indians* subject to the Dominions of *Virginia*, and the *Indians* belonging to and depending on the *Five Nations*; so that neither our *Indians* shall on any Pretence whatsoever, pass to Northward or Westward of the said Boundaries, without having to produce a Passport under the Hand and Seal of the Governor or Commander in Chief of *Virginia*; nor your *Indians* to pass to the Southward or Eastward of the said Boundaries, without a Passport in like Manner from the Governor or Commander in Chief of *New-York*."

And what Right can you have to Lands that you have no Right to walk upon, but upon certain Conditions? It is true, you have not observed this Part of the Treaty, and your Brethren of *Virginia* have not insisted upon it with a due Strictness, which has occasioned some Mischief.

This Treaty has been sent to the Governor of *Virginia* by Order of the Great King, and is what we must rely on, and, being in Writing, is more certain than your Memory. That is the Way the white People have of preserving Transactions of every Kind, and transmitting them down to their Childrens Children for ever, and all Disputes among them are settled by this faithful kind of Evidence, and must be the Rule between the Great King and you. This Treaty your Sachems and Warriors signed some Years after the same Governor *Spotswood*, in the Right of the Great King, had been, with some People of *Virginia*, in Possession of these very Lands, which you have set up your late Claim to.

The Commissioners for *Indian Affairs* at *Albany* gave the Account we mentioned to you Yesterday to the Governor of *New-York*, and he sent it to the Governor of *Virginia*; their Names will be given you by the Interpreter.

Brethren,

This Dispute is not between *Virginia* and you; it is setting up your Right against the Great King, under whose Grants the People you complain of are settled. Nothing but a Command from the Great King can remove them; they are too powerful to be removed by any Force of you, our Brethren; and the Great King, as our common Father, will do equal Justice to all his Children; wherefore we do believe they will be confirmed in their Possessions.

As to the Road you mention, we intended to prevent any Occasion for it, by making a Peace between you and the Southern *Indians*, a few Years since, at a considerable Expence to our Great King, which you confirmed at *Albany*. It seems, by your being at War with the *Catawbas*, that it has not been long kept between you.

However, if you desire a Road, we will agree to one on the Terms of the Treaty you made with Colonel *Spotswood*, and your People, behaving themselves orderly like Friends and Brethren, shall be used in their Passage through *Virginia* with the same Kindness as they are when they pass through the Lands of your Brother *Onas*. This we hope, will be agreed to by you our Brethren, and we will abide by the Promise made to you Yesterday.

We may proceed to settle what we are to give you for any Right you may have, or have had to all the Lands to the Southward and Westward of the Lands of your Brother the Governor of *Maryland*, and of your Brother *Onas*; tho' we are informed that the Southern *Indians* claim these very Lands that you do.

We are desirous to live with you, our Brethren, according to the old Chain of Friendship, to settle all these Matters fairly and honestly; and, as a Pledge of our Sincerity, we give you this Belt of Wampum.

Which was received with the usual Ceremony.

In the C O U R T - H O U S E Chamber at Lancaster, June 29, 1744, A. M.

P R E S E N T,

The Honourable the Commissioners of *Maryland*.
The Deputies of the *Six Nations*.
Conrad Weiser, Interpreter.

Mr. Weiser informed the honourable Commissioners, that the Indians were ready to give their Answer to the Speech made to them here Yesterday Morning by the Commissioners; whereupon Canassatego spoke as follows, looking on a Deal-board, where were some black Lines, describing the Courses of Potowmack and Sasquahanna:

Brethren,

Yesterday you spoke to us concerning the Lands on this Side *Potowmack* River, and as we have deliberately considered what you said to us on that Matter, we are now very ready to settle the Bounds of such Lands, and release our Right and Claim thereto.

We are willing to renounce all Right to Lord *Baltimore* of all those Lands lying two Miles above the uppermost Fork of *Potowmack* or *Cohongoruton* River, near which *Thomas Cressap* has a hunting or trading Cabin, by a North-line, to the Bounds of *Pensylvania*. But in case such Limits shall not include every Settlement or Inhabitant of *Maryland*, then such other Lines and Courses, from the said two Miles above the Forks, to the outermost Inhabitants or Settlements, as shall include every Settlement and Inhabitant in *Maryland*, and from thence, by a North-line, to the Bounds of *Pensylvania*, shall be the Limits. And further, If any People already have, or shall settle beyond the Lands now described and bounded, they shall enjoy the same free from any Disturbance whatever, and we do, and shall accept these people for our Brethren, and as such always treat them.

We earnestly desire to live with you as Brethren, and hope you will shew us all Brotherly Kindness; in Token whereof, we present you with a Belt of Wampum.

Which was received with the usual Ceremony.

Soon after the Commissioners and *Indians* departed from the Court-House Chamber.

In the C O U R T - H O U S E Chamber at Lancaster, June 30, 1744, A. M.

P R E S E N T,

The Honourable the Commissioners of *Virginia*.
The Deputies of the *Six Nations*.
Conrad Weiser, Interpreter.

Gachradodow, Speaker for the Indians, in answer to the Commissioners Speech at the last Meeting, with a strong Voice, and proper Action, spoke as follows:

Brother Assaragoa,

The World at the first was made on the other Side of the Great Water different from what it is on this Side, as may be known from the different Colours of our Skin, and of our Flesh, and that which you call Justice may not be so amongst us; you have your Laws and Customs, and so have we. The Great King might send you over to conquer the *Indians*, but it looks to us that God did not approve of it; if he had, he would not have placed the Sea where it is, as the Limits between us and you.

Brother Assaragoa,

Tho' great Things are well remembered among us, yet we don't remember that we were ever conquered by the Great King, or that we have been employed by that Great King to conquer others; if it was so, it is beyond our Memory. We do remember we were employed by *Maryland* to conquer the *Conestogoes*, and that the second time we were at War with them, we carried them all off.

Brother Assaragoa,

You charge us with not acting agreeable to our Peace with the *Catawbas*, we will repeat to you truly what was done. The Governor of *New-York*, at *Albany*, in Behalf of *Assaragoa*, gave us several Belts of Wampum from the *Cherikees* and *Catawbas*, and we agreed to a Peace, if those Nations would send some of their great Men to us to confirm it Face to Face, and that they would trade with us; and desired that they would appoint a Time to meet at *Albany* for that Purpose, but they never came.

Brother Assaragoa,

We then desired a Letter might be sent to the *Catawbas* and *Cherikees*, to desire them to come and confirm the Peace. It was long before an Answer came; but we met the *Cherikees*, and confirmed the Peace, and sent some of our People to take care of them, until they returned to their own Country.

The *Catawbas* refused to come, and sent us word, That we were but Women, that they were Men, and double Men, that they could make Women of us, and would be always at War with us. They are a deceitful People. Our Brother *Assaragoa* is deceived by them; we don't blame him for it, but are sorry he is so deceived.

Brother Assaragoa,

We have confirmed the Peace with the *Cherikees*, but not with the *Catawbas*. They have been treacherous, and know it; so that the War must continue till one of us is destroyed. This we think proper to tell you, that you may not be troubled at what we do to the *Catawbas*.

Brother Assaragoa,

We will now speak to the Point between us. You say you will agree with us as to the Road; we desire that may be the Road which was last made (the Waggon-Road.) It is always, a Custom among Brethren or Strangers to use each other kindly; you have some very ill-natured People living up there; so that we desire the Persons in Power may know that we are to have reasonable Victuals when we are in want.

You know very well, when the white People came first here they were poor; but now they have got our Lands, and are by them become rich, and we are now poor; what little we have had for the Land goes soon away, but the Land lasts for ever. You told us you had brought with you a Chest of Goods, and that you have the Key in your Pockets; but we have never seen the Chest, nor the Goods that are said to be in it; it may be small, and the Goods few; we want to see them, and are desirous to come to some Conclusion. We have been sleeping here these ten Days past, and have not done any thing to the Purpose.

The Commissioners told them they should see the Goods on *Monday*.

P R E S E N T,

The Honourable *G E O R G E T H O M A S*, Esq; Governor, &c.
The Honourable Commissioner of *Virginia*.
The Honourable the Commissioners of *Maryland*.
The Deputies of the *Six Nations*.
Conrad Weiser, Interpreter.

The three Governments entertained the *Indians*, and all the Gentlemen in Town, with a handsome Dinner. The *Six Nations*, in their Order, having returned Thanks with the usual Solemnity of *Yo-ha-han*, the Interpreter informed the Governor and the Commissioners, that as the Lord Proprietor and Governor of *Maryland* was not known to the *Indians* by any particular Name, they had agreed, in Council, to take the first Opportunity of a large Company to present him with one; and as this with them is deemed a Matter of great Consequence, and attended with Abundance of Form, the several Nations had drawn Lots for the Performance of the Ceremony, and the Lot falling on the *Cayogo* Nation, they had chosen *Gachradodow*, one of their Chiefs, to be their Speaker, and he desired Leave to begin; which being given, he, on an elevated Part of the Court-House, with all the Dignity of a Warrior, the Gesture of an Orator, and in a very graceful Posture, said that:

"As the Governor of *Maryland* had invited them here to treat about their Lands, and brighten the Chain of Friendship, the united Nations thought themselves so much obliged to them, that they had come to a Resolution in Council to give to the great Man, who is Proprietor of *Maryland*, a particular Name, by which they might hereafter correspond with him; and as it had fallen to the *Cayogoes* Lot in Council to consider of a proper Name for that chief Man, they had agreed to give him the Name of *Tocarry-hogan*, denoting Precedency, Excellency, or living in the middle or honourable Place betwixt *Assaragoa* and their Brother *Onas*, by whom their Treaties might be better carried on." And then, addressing himself to his Honour the Governor of *Pensylvania*, the honourable the Commissioners of *Virginia* and *Maryland*, and to the Gentlemen then present, he proceeded:

"As there is a Company of great Men now assembled, we take this Time and Opportunity to publish this Matter, that it may be known *Tocarry-hogan* is our Friend, and that we are ready to honour him, and that by such Name he may be always called and known among us. And we hope he will ever act towards us according to the Excellency of the Name we have now given him, and enjoy a long and happy Life."

The honourable the Governor and Commissioners, and all the Company present, returned the Compliment with three Huzza's, and, after drinking Healths to our gracious King and the *Six Nations*, the Commissioners of *Maryland* proceeded to Business in the Court-House Chamber with the *Indians*, where *Conrad Weiser*, the Interpreter, was present.

The honourable the Commissioners ordered Mr. *Weiser* to tell the *Indians*, that a Deed, releasing all their Claim and Title to certain Lands lying in the Province of *Maryland*, which by them was agreed to be given and executed for the Use of the Lord Baron of *Baltimore*, Lord Proprietary of that Province, was now on the Table, and Seals ready fixed thereto. The Interpreter acquainted them therewith as desired, and then gave the Deed to *Canassatego*, the Speaker, who made his Mark, and put his Seal, and delivered it; after which, thirteen other Chiefs or Sachems of the *Six Nations* executed it in the same Manner, in the Presence of the honourable the Commissioners of *Virginia*, and divers other Gentlemen of that Colony, and of the Provinces of *Pensylvania* and *Maryland*.

At the House of Mr. *George Sanderson* in *Lancaster*, *July 2*, 1744, *A. M.*

P R E S E N T,

The Honourable the Commissioners of *Maryland*.
The Deputies of the *Six Nations*.
Conrad Weiser, Interpreter.

The several Chiefs of the *Indians* of the *Six Nations*, who had not signed the Deed of Release of their Claim to some Lands in *Maryland*, tendered to them on *Saturday* last, in the Chamber of the Court-House in this Town, did now readily execute the same, and caused Mr. *Weiser* likewise to sign it, as well with his *Indian*, as with his own proper Name of *Weiser*, as a Witness and Interpreter.

In the COURT-HOUSE at *Lancaster*, July 2, 1744, A. M.

P R E S E N T,

The Honourable *GEORGE THOMAS* Esq; Governor, &c.

The Honourable the Commissioners of *Virginia*.

The Honourable the Commissioners of *Maryland*.

The Deputies of the *Six Nations*.

Conrad Weiser, Interpreter.

CANASSATEGO spoke as follows:

Brother Onas,

The other Day you was pleased to tell us, you were always concerned whenever any thing happened that might give you or us Uneasiness, and that we were mutually engaged to preserve the Road open and clear between us; and you informed us of the Murder of *John Armstrong*, and his two Men, by some of the *Delaware Indians*, and of their stealing his Goods to a considerable Value. The *Delaware Indians*, as you suppose, are under our Power. We join with you in your Concern for such a vile Proceeding; and, to testify that we have the same Inclinations with you to keep the Road clear, free and open, we give you this String of Wampum.

Which was received with the usual Ceremony.

Brother Onas,

These Things happen frequently, and we desire you will consider them well, and not be too much concerned. Three *Indians* have been killed at different Times at *Ohio*, and we never mentioned any of them to you, imagining it might have been occasioned by some unfortunate Quarrels, and being unwilling to create a Disturbance. We therefore desire you will consider these Things well, and, to take the Grief from your Heart, we give you this String of Wampum.

Which was received with the usual Ceremonies.

Brother Onas,

We have heard of the Murder of *John Armstrong*, and, in our Journey here, we had Conference with our Cousins the *Delawares* about it, and reproved them severely for it, and charged them to go down to our Brother *Onas*, and make him Satisfaction, both for the Men that were killed, and for the Goods. We understood, by them, that the principal Actor in these Murders is in your Prison, and that he had done all the Mischief himself; but that besides him, you had required and demanded two others who were in his Company when the Murders were committed. We promise faithfully, in our Return, to renew our Reproofs, and to charge the *Delawares* to send down some of their Chiefs with these two young Men (but not as Prisoners) to be examined by you; and as we think, upon Examination, you will not find them guilty, we rely on your Justice not to do them any Harm, but to permit them to return home in Safety.

We likewise understand, that Search has been made for the Goods belonging to the Deceased, and that some have been already returned to your People, but that some are still missing. You may depend upon our giving the strictest Charge to the *Delawares* to search again with more Diligence for the Goods, and to return them, or the Value of them, in Skins. And, to confirm what we have said, we give you this String of Wampum.

Which was received with the usual Ceremonies.

Brother Onas,

The *Conoy Indians* have informed us, that they sent you a Message, some Time ago, to advise you, that they were ill used by the white People in the Place where they had lived, and that they had come to a Resolution of removing to *Shamokin*, and requested some small Satisfaction for their Land; and as they never have received any Answer from you, they have desired us to speak for them; we heartily recommend their Case to your Generosity. And, to give Weight to our Recommendation, we present you with this String of Wampum.

Which was received with the usual Ceremony.

The Governor having conferred a little Time with the honourable Commissioners of Virginia and Maryland, made the following Reply:

Brethren,

I am glad to find that you agree with me in the Necessity of keeping the Road between us clear and open, and the Concern you have expressed on account of the barbarous Murders mentioned to you, is a Proof of your Brotherly Affection for us. If Crimes of this Nature be not strictly enquired into, and the Criminals severely punished, there will be an End of all Commerce between us and the *Indians*, and then you will be altogether in the Power of the *French*. They will set what Price they please on their own Goods, and give you what they think fit for your Skins; so it is for your own Interest that our Traders should be safe in their Persons and Goods when they travel to your Towns.

Brethren,

I considered this Matter well before I came from *Philadelphia*, and I advised with the Council there upon it, as I have done here with the honourable the Commissioners of *Virginia* and *Maryland*. I never heard before of the Murder of the three *Indians* at *Ohio*; had Complaint been made to me of it, and it had appeared to have been committed by any of the People under my Government, they should have been put to Death, as two of them were, some Years ago, for killing two *Indians*. You are not to take your own Satisfaction, but to apply to me, and I will see that Justice be done you; and should any of the *Indians* rob or murder any of our People, I do expect that you will deliver them up to be tried and punished in the same Manner as white People are. This is the Way to preserve Friendship between us, and will be for your Benefit as well as ours. I am well pleased with the Steps you have already taken, and the Reproofs you have given to your Cousins the *Delawares*, and do expect you will lay your Commands upon some of their Chiefs to bring down the two young Men that were present at the Murders; if they are not brought down, I shall look upon it as a Proof of their Guilt.

If, upon Examination, they shall be found not to have been concerned in the bloody Action, they shall be well used, and sent home in Safety: I will take it upon myself to see that they have no Injustice done them. An Inventory is taken of the Goods already restored, and I expect Satisfaction will be made for such as cannot be found, in Skins, according to Promise.

I well remember the coming down of one of the *Conoy Indians* with a Paper, setting forth, That the *Conoys* had come to a Resolution to leave the Land reserved for them by the Proprietors, but he made no Complaint to me of ill Usage from the white People. The Reason he gave for their Removal was, That the settling of the white People all round them had made Deer scarce, and that therefore they chose to remove to *Juniata* for the Benefit of Hunting. I ordered what they said to be entered in the Council-Book. The old Man's Expences were born, and a Blanket given him at his Return home. I have not yet heard from the Proprietors on this Head; but you may be assured, from the Favour and Justice they have always shewn to the *Indians*, that they will do every thing that may be reasonably expected of them in this Case.

In the COURT-HOUSE Chamber at Lancaster, July 2, 1744, P. M.

P R E S E N T,

The Honourable the Commissioners of *Virginia*.
The Deputies of the *Six Nations*.

Conrad Weiser, Interpreter.

The Indians being told, by the Interpreter, that their Brother Assaragoa was going to speak to them, the Commissioners spoke as follows:

Sachems and Warriors, our Friends and Brethren,

As we have already said enough to you on the Subject of the Title to the Lands you claim from *Virginia*, we have no Occasion to say any thing more to you on that head, but come directly to the Point.

We have opened the Chest, and the Goods are now here before you; they cost Two Hundred Pounds *Pensylvania* Money, and were bought by a Person recommended to us by the Governor of *Pensylvania* with ready Cash. We ordered them to be good in their Kinds, and we believe they are so. These Goods, and Two Hundred Pounds in Gold, which lie on the Table, we will give you, our Brethren of the *Six Nations*, upon Condition that you immediately make a Deed recognizing the King's Right to all the Lands that are, or shall be, by his Majesty's Appointment in the Colony of *Virginia*.

As to the Road, we agree you shall have one, and the Regulation is in Paper, which the Interpreter now has in his Custody to shew you. The People of *Virginia* shall perform their Part, if you and your *Indians* perform theirs; we are your Brethren, and will do no Hardships to you, but, on the contrary, all the Kindness we can."

The *Indians* agreed to what was said, and *Canassatego* desired they would represent their Case to the King, in order to have a further Consideration when the Settlement increased much further back. To which the Commissioners agreed, and promised they would make such a Representation faithfully and honestly; and, for their further Security that they would do so, they would give them a Writing, under their Hands and Seals, to that Purpose.

They desired that some Rum might be given them to drink on their Way home, which the Commissioners agreed to, and paid them in Gold for that Purpose, and the Carriage of their Goods from *Philadelphia*, Nine Pounds Thirteen Shillings, and Three-pence, *Pensylvania* Money.

Canassatego further said, That as their Brother *Tocarry-hogan* sent them provision on the Road here, which kept them from starving, he hoped their Brother *Assaragoa* would do the same for them back, and have the Goods he gave them carried to the usual Place; which the Commissioners agreed to, and ordered Provisions and Carriages to be provided accordingly.

After this Conference the Deed was produced, and the Interpreter explained it to them; and they, according to their Rank and Quality, put their Marks and Seals to it in the Presence of several Gentlemen of *Maryland*, *Pensylvania* and *Virginia*; and when they delivered the Deed, *Canassatego* delivered it for the Use of their Father, the Great King, and hoped he would consider them; on which the Gentlemen and *Indians* then present gave three Shouts.

In the COURT-HOUSE at Lancaster, Tuesday, July 3, 1744, A. M.

P R E S E N T,

The Honourable *GEORGE THOMAS* Esq; Governor, &c.

The Honourable the Commissioners of *Virginia*.

The Honourable the Commissioners of *Maryland*.

The Deputies of the *Six Nations*.

Conrad Weiser, Interpreter.

The GOVERNOR spoke as follows:

Friends and Brethren of the Six Nations,

At a Treaty held with many of the Chiefs of your Nations Two Years ago, the Road between us was made clearer and wider; our Fire was enlarged, and our Friendship confirmed by an Exchange of Presents, and many other mutual

good Offices.

We think ourselves happy in having been instrumental to your meeting with our Brethren of *Virginia* and *Maryland*; and we persuade ourselves, that you, on your Parts, will always remember it as an instance of our Good-will and Affection for you. This has given us an Opportunity of seeing you sooner than perhaps we should otherwise have done; and, as we are under mutual Obligations by Treaties, we to hear with our Ears for you, and you to hear with your Ears for us, we take this Opportunity to inform you of what very nearly concerns us both.

The *great King of ENGLAND* and the *French King* have declared War against each other. Two Battles have been fought, one by Land, and the other by Sea. The *great King of ENGLAND* commanded the Land-Army in Person, and gained a compleat Victory. Numbers of the *French* were killed and taken Prisoners, and the rest were forced to pass a River with Precipitation to save their Lives. The Great God covered the King's Head in that Battle, so that he did not receive the least Hurt; for which you, as well as we, have Reason to be very thankful.

The Engagement at Sea was likewise to the Advantage of the *English*. The *French* and *Spaniards* joined their Ships together, and came out to fight us. The brave *English* Admiral burnt one of their largest Ships, and many others were so shattered, that they were glad to take the Opportunity of a very high Wind, and a dark Night, to run away, and to hide themselves again in their own Harbours. Had the Weather proved fair, he would, in all Probability, have taken or destroyed them all.

I need not put you in mind how much *William Penn* and his Sons have been your Friends, and the Friends of all the *Indians*. You have long and often experienced their Friendship for you; nor need I repeat to you how kindly you were treated, and what valuable Presents were made to you two Years ago by the Governor, the Council, and the Assembly of *Pensylvania*. The Sons of *William Penn* are all now in *England*, and have left me in their Place, well knowing how much I regard you and all the *Indians*. As a fresh Proof of this, I have left my House, and am come thus far to see you, to renew our Treaties, to brighten the Covenant-Chain, and to confirm our Friendship with you. In Testimony whereof, I present you with this Belt of Wampum.

Which was received with the Yo-hah.

As your Nations have engaged themselves by Treaty to assist us, your Brethren of *Pensylvania*, in case of a War with the *French*, we do not doubt but you will punctually perform an Engagement so solemnly entered into. A War is now declared, and we expect that you will not suffer the *French*, or any of the *Indians* in Alliance with them, to march through your Country to disturb any of our Settlements; and that you will give us the earliest and best Intelligence of any Designs that may be formed by them to our Disadvantage, as we promise to do of any that may be to yours. To enforce what I have now said to you in the strongest Manner, I present you with this Belt of Wampum.

Which was received with the Yo-hah.

After a little Pause his Honour, the GOVERNOR, spoke again:

Friends and Brethren of the Six Nations,

WHAT I have now said to you is in Conformity to Treaties subsisting between the Province of which I am Governor and your Nations. I now proceed, with the Consent of the honourable Commissioners for *Virginia* and *Maryland*, to tell you, that all Differences having been adjusted, and the Roads between us and you made quite clear and open, we are ready to confirm our Treaties with your Nations, and establish a Friendship that is not to end, but with the World itself. And, in Behalf of the Province of *Pensylvania*, I do, by this fine Belt of Wampum, and a Present of Goods, to the Value of three hundred Pounds, confirm and establish the said Treaties of Peace, Union and Friendship, you on your Parts doing the same.

Which was received with a loud Yo-hah.

THE Governor further added, The Goods bought with the one hundred Pounds Sterling, put into my Hands by the Governor of *Virginia*, are ready to be delivered when you please. The Goods bought and sent up by the People of the Province of *Pensylvania*, according to the List which the Interpreter will explain, are laid by themselves, and are likewise ready to be delivered to you at your own time.

After a little Pause the Commissioners of Virginia spoke as follows:

Sachems and Warriors of the Six Nations,

THE Way between us being made smooth by what passed Yesterday, we desire now to confirm all former Treaties made between *Virginia* and you, our Brethren of the *Six Nations*, and to make our Chain of Union and Friendship as bright as the Sun, that it may not contract any more Rust for ever; that our Childrens Children may rejoice at, and confirm what we have done; and that you and your Children may not forget it, we give you one hundred Pounds in Gold, and this Belt of Wampum.

Which was received with the usual Ceremony.

Friends and Brethren,

ALTHO' we have been disappointed in our Endeavours to bring about a Peace between you and the *Catawbas*, yet we desire to speak to you something more about them. We believe they have been unfaithful to you, and spoke of you with a foolish Contempt; but this may be only the Rashness of some of their young Men. In this Time of War with our common Enemies the *French* and *Spaniards*, it will be the wisest way to be at Peace among ourselves. They, the *Catawbas*, are also Children of the great King, and therefore we desire you will agree, that we may endeavour to make a Peace between you and them, that we may be all united by one common Chain of Friendship. We give you this String of Wampum.

Which was received with the usual Ceremony.

Brethren,

OUR Friend, *Conrad Weiser*, when he is old, will go into the other World, as our Fathers have done, our Children will then want such a Friend to go between them and your Children, to reconcile any Differences that may happen to arise between them, that, like him, may have the Ears and Tongues of our Children and yours.

THE Way to have such a Friend, is for you to send three or four of your Boys to *Virginia*, where we have a fine House for them to live in, and a Man on purpose to teach the Children of you, our Friends, the Religion, Language and Customs of the white People. To this Place we kindly invite you to send some of your Children; and we promise you they shall have the same Care taken of them, and be instructed in the same Manner as our own Children, and be returned to you again when you please; and, to confirm this, we give you this String of Wampum.

Which was received with the usual Ceremony.

Then the Commissioners of Maryland spoke as follows:

Friends and Brethren, the Chiefs or Sachems of the Six united Nations,

THE Governor of *Maryland* invited you hither, we have treated you as Friends, and agreed with you as Brethren.

As the Treaty now made concerning the Lands in *Maryland* will, we hope, prevent effectually every future Misunderstanding between us on that Account, we will now bind faster the Links of our Chain of Friendship, by a Renewal of all our former Treaties; and that they may still be the better secured, we shall present you with one hundred Pounds in Gold.

What we have further to say to you is, Let not our Chain contract any Rust; whenever you perceive the least Speck, tell us of it, and we will make it clean. This we also expect of you, that it may always continue so bright as our Generations may see their Faces in it; and, in Pledge of the Truth of what we have now spoken, and our Affection to you, we give you this Belt of Wampum.

Which was received with the usual Ceremony.

CANASSATEGO, in return, spoke as follows:

Brother Onas, Assaragoa, and Tocarry-hogan,

WE return you Thanks for your several Speeches, which are very agreeable to us. They contain Matters of such great Moment, that we propose to give them a very serious Consideration, and to answer them suitably to their Worth and Excellence; and this will take till to-morrow Morning, and when we are ready we will give you due Notice.

YOU tell us you beat the *French*; if so, you must have taken a great deal of Rum from them, and can the better spare us some of that Liquor to make us rejoice with you in the Victory.

THE Governor and Commissioners ordered a Dram of Rum to be given to each in a small Glass, calling it, *A French Glass*.

In the COURT-HOUSE at *Lancaster*, July 4, 1744, A. M.

P R E S E N T,

The Honourable *GEORGE THOMAS* Esq; Governor, &c.

The Honourable the Commissioners of *Virginia*.

The Honourable the Commissioners of *Maryland*.

The Deputies of the *Six Nations*.

Conrad Weiser, Interpreter.

CANASSATEGO Speaker.

Brother Onas,

Y esterday you expressed your Satisfaction in having been instrumental to our meeting with our Brethren of *Virginia* and *Maryland*, we, in return, assure you, that we have great Pleasure in this Meeting, and thank you for the Part you have had in bringing us together, in order to create a good Understanding, and to clear the Road; and, in Token of our Gratitude, we present you with this String of Wampum.

Which was received with the usual Ceremony.

Brother Onas,

YOU was pleased Yesterday to inform us, "That War had been declared between *the great King of ENGLAND* and the *French King*; that two great Battles had been fought, one by Land, and the other at Sea; with many other Particulars." We are glad to hear the Arms of the King of *England* were successful, and take part with you in your Joy on this Occasion. You then came nearer Home, and told us, "You had left your House, and were come thus far on Behalf of the whole People of *Pensylvania* to see us; to renew your Treaties, to brighten the Covenant-Chain, and to confirm your Friendship with us." We approve this Proposition, we thank you for it. We own, with Pleasure, that the Covenant-Chain between us and *Pensylvania* is of old Standing, and has never contracted any Rust; we wish it may always continue as bright as it has done hitherto; and, in Token of the Sincerity of our Wishes, we present you with this Belt of Wampum.

Which was received with the Yo-hah.

Brother Onas,

YOU was pleased Yesterday to remind us of our mutual Obligation to assist each other in case of a War with the *French*, and to repeat the Substance of what we ought to do by our Treaties with you; and that as a War had been already entered into with the *French*, you called upon us to assist you, and not to suffer the *French* to march through our Country to disturb any of your Settlements.

IN answer, we assure you we have all these Particulars in our Hearts, they are fresh in our Memory. We shall never forget that you and we have but one Heart, one Head, one Eye, one Ear, and one Hand. We shall have all your Country under our Eye, and take all the Care we can to prevent any Enemy from coming into it; and, in proof of our Care, we must inform you, that before we came here, we told *Onandio*^[7], our Father, as he is called, that neither he, nor any of his People, should come through our Country, to hurt our Brethren the *English*, or any of the Settlements belonging to them; there was Room enough at Sea to fight, there he might do what he pleased, but he should not come upon our Land to do any Damage to our Brethren. And you may depend upon our using our utmost Care to see this effectually done; and, in

Token of our Sincerity, we present you with this Belt of Wampum.

Which was received with the usual Ceremony.

After some little Time the Interpreter said, Canassatego had forgot something material, and desired to mend his Speech, and to do so as often as he should omit any thing of Moment, and thereupon he added:

THE *Six Nations* have a great Authority and Influence over sundry Tribes of *Indians* in Alliance with the *French*, and particularly over the *Praying Indians*, formerly a Part with ourselves, who stand in the very Gates of the *French*; and, to shew our further Care, we have engaged these very *Indians*, and other *Indian* Allies of the *French* for you. They will not join the *French* against you. They have agreed with us before we set out. We have put the Spirit of Antipathy against the *French* in those People. Our Interest is very considerable with them, and many other Nations, and as far as ever it extends, we shall use it for your Service.

THE Governor said, *Canassatego* did well to mend his Speech; he might always do it whenever his Memory should fail him in any Point of Consequence, and he thanked him for the very agreeable Addition.

Brother Assaragoa,

You told us Yesterday, that all Disputes with you being now at an end, you desired to confirm all former Treaties between *Virginia* and us, and to make our Chain of Union as bright as the Sun.

We agree very heartily with you in these Propositions; we thank you for your good Inclinations; we desire you will pay no Regard to any idle Stories that may be told to our Prejudice. And, as the Dispute about the Land is now intirely over, and we perfectly reconciled, we hope, for the future, we shall not act towards each other but as becomes Brethren and hearty Friends.

WE are very willing to renew the Friendship with you, and to make it as firm as possible, for us and our Children with you and your Children to the latest Generation, and we desire you will imprint these Engagements on your Hearts in the strongest Manner; and, in Confirmation that we shall do the same, we give you this Belt of Wampum.

Which was received with Yo-hah from the Interpreter, and all the Nations.

Brother Assaragoa,

YOU did let us know Yesterday, that tho' you had been disappointed in your Endeavours to bring about a Peace between us and the *Catawbas*, yet you would still do the best to bring such a Thing about. We are well pleased with your Design, and the more so, as we hear you know what sort of People the *Catawbas* are, that they are spiteful and offensive, and have treated us contemptuously. We are glad you know these Things of the *Catawbas*; we believe what you say to be true, that there are, notwithstanding, some amongst them who are wiser and better; and, as you say, they are your Brethren, and belong to the great King over the Water, we shall not be against a Peace on reasonable Terms, provided they will come to the Northward to treat about it. In Confirmation of what we say, and to encourage you in your Undertaking, we give you this String of Wampum.

Which was received with the usual Ceremonies.

Brother Assaragoa,

YOU told us likewise, you had a great House provided for the Education of Youth, and that there were several white People and *Indians* Children there to learn Languages, and to write and read, and invited us to send some of our Children amongst you, &c.

WE must let you know we love our Children too well to send them so great a Way, and the *Indians* are not inclined to give their Children Learning. We allow it to be good, and we thank you for your Invitation; but our Customs differing from yours, you will be so good as to excuse us.

WE hope *Tarachawagon*^[8] will be preserved by the good Spirit to a good old Age; when he is gone under Ground, it will be then time enough to look out for another; and no doubt but amongst so many Thousands as there are in the World, one such Man may be found, who will serve both Parties with the same Fidelity as *Tarachawagon* does; while he lives there is no Room to complain. In Token of our Thankfulness for your Invitation, we give you this String of Wampum.

Which was received with the usual Ceremony.

Brother Tocarry-hogan,

YOU told us Yesterday, that since there was now nothing in Controversy between us, and the Affair of the Land was settled to your Satisfaction, you would now brighten the Chain of Friendship which hath subsisted between you and us ever since we became Brethren; we are well pleased with the Proposition, and we thank you for it; we also are inclined to renew all Treaties, and keep a good Correspondence with you. You told us further, if ever we should perceive the Chain had contracted any Rust, to let you know, and you would take care to take the Rust out, and preserve it bright. We agree with you in this, and shall, on our Parts, do every thing to preserve a good Understanding, and to live in the same Friendship with you as with our Brother *Onas* and *Assaragoa*; in Confirmation whereof we give you this Belt of Wampum.

On which the usual Cry of Yo-hah was given.

Brethren,

WE have now finished our Answer to what you said to us Yesterday, and shall now proceed to *Indian* Affairs, that are not of so general a Concern.

Brother Assaragoa,

THERE lives a Nation of *Indians* on the other Side of your Country, the *Tuscaroraes*, who are our Friends, and with whom we hold Correspondence; but the Road between us and them has been stopped for some Time, on account of the Misbehaviour of some of our Warriors. We have opened a new Road for our Warriors, and they shall keep to that; but as that would be inconvenient for Messengers going to the *Tuscaroraes*, we desire they may go the old Road. We frequently send Messengers to one another, and shall have more Occasion to do so now that we have concluded a Peace with the *Cherikees*. To enforce our Request, we give you this String of Wampum.

Which was received with the usual Cry of Approbation.

Brother Assaragoa,

AMONG these *Tuscaroraes* there live a few Families of the *Conoy Indians*, who are desirous to leave them, and to remove to the rest of their Nation among us, and the strait Road from them to us lies through the Middle of your Country. We desire you will give them free Passage through *Virginia*, and furnish them with Passes; and, to enforce our Request, we give you this String of Wampum.

Which was received with the usual Cry of Approbation.

Brother Onas, Assaragoa, and Tocarry-hogan,

AT the Close of your respective Speeches Yesterday, you made us very handsome Presents, and we should return you something suitable to your Generosity; but, alas! we are poor, and shall ever remain so, as long as there are so many *Indian* Traders among us. Theirs and the white Peoples Cattle have eat up all the Grass, and make Deer scarce. However, we have provided a small Present for you, and though some of you gave us more than others, yet, as you are all equally our Brethren, we shall leave it to you to divide it as you please.—And then presented three Bundles of Skins, which were received with the usual Ceremony from the three Governments.

WE have one Thing further to say; and that is, We heartily recommend Union and a good Agreement between you our Brethren. Never disagree, but preserve a strict Friendship for one another, and thereby you, as well as we, will become the stronger.

OUR wise Forefathers established Union and Amity between the *Five Nations*; this has made us formidable; this has given us great Weight and Authority with our neighbouring Nations.

WE are a powerful Confederacy; and, by your observing the same Methods our wise Forefathers have taken, you will acquire fresh Strength and Power; therefore whatever befalls you, never fall out one with another.

The Governor replied:

THE honourable Commissioners of *Virginia* and *Maryland* have desired me to speak for them; therefore I, in Behalf of those Governments, as well as of the Province of *Pensylvania*, return you Thanks for the many Proofs you have given in your Speeches of your Zeal for the Service of your Brethren the *English*, and in particular for your having so early engaged in a Neutrality the several Tribes of *Indians* in the *French* Alliance. We do not doubt but you will faithfully discharge your Promises. As to your Presents, we never estimate these Things by their real Worth, but by the Disposition of the Giver. In this Light we accept them with great Pleasure, and put a high Value upon them. We are obliged to you for recommending Peace and good Agreement amongst ourselves. We are all Subjects, as well as you, of the great King beyond the Water; and, in Duty to his Majesty, and from the good Affection we bear to each other, as well as from a Regard to our own Interest, we shall always be inclined to live in Friendship.

THEN the Commissioners of *Virginia* presented the hundred Pounds in Gold, together with a Paper, containing a Promise to recommend the *Six Nations* for further Favour to the King; which they received with *Yo-hah*, and the Paper was given by them to *Conrad Weiser* to keep for them. The Commissioners likewise promised that their publick Messengers should not be molested in their Passage through *Virginia*, and that they would prepare Passes for such of the *Conoy Indians* as were willing to remove to the Northward.

THEN the Commissioners of *Maryland* presented their hundred Pounds in Gold, which was likewise received with the *Yo-hah*.

Canassatego said, We mentioned to you Yesterday the Booty you had taken from the *French*, and asked you for some of the Rum which we supposed to be Part of it, and you gave us some; but it turned out unfortunately that you gave it in *French* Glasses, we now desire you will give us some in *English* Glasses.

THE Governor made answer, We are glad to hear you have such a Dislike for what is *French*. They cheat you in your Glasses, as well as in every thing else. You must consider we are at a Distance from *Williamsburg*, *Annapolis*, and *Philadelphia*, where our Rum Stores are, and that although we brought up a good Quantity with us, you have almost drunk it out; but, notwithstanding this, we have enough left to fill our *English* Glasses, and will shew the Difference between the Narrowness of the *French*, and the Generosity of your Brethren the *English* towards you.

THE *Indians* gave, in their Order, five *Yo-hahs*; and the honourable Governor and Commissioners calling for some Rum, and some middle-sized Wine-Glasses, drank Health to the *great King of ENGLAND*, and the *Six Nations*, and put an end to the Treaty by three loud Huzza's, in which all the Company joined.

IN the Evening the Governor went to take his Leave of the *Indians*, and, presenting them with a String of Wampum, he told them, that was in return for one he had received of them, with a Message to desire the Governor of *Virginia* to suffer their Warriors to go through *Virginia* unmolested, which was rendered unnecessary by the present Treaty.

THEN, presenting them with another String of Wampum, he told them, that was in return for theirs, praying him, that as they had taken away one Part of *Conrad Weiser's* Beard, which frightened their Children, he would please to take away the other, which he had ordered to be done.

The Indians received these two Strings of Wampum with the usual Yo-hah.

THE Governor then asked them, what was the Reason that more of the *Shawanaes*, from their Town on *Hohio*, were not at the Treaty? But seeing that it would require a Council in Form, and perhaps another Day to give an Answer, he desired they would give an Answer to *Conrad Weiser* upon the Road on their Return home, for he was to set out for *Philadelphia* the next Morning.

CANASSATEGO in Conclusion spoke at follows:

WE have been hindered, by a great deal of Business, from waiting on you, to have some private Conversation with you, chiefly to enquire after the Healths of *Onas* beyond the Water; we desire you will tell them, we have a grateful Sense of all their Kindnesses for the *Indians*. Brother *Onas* told us, when he went away, he would not stay long from us; we think it is a great while, and want to know when we may expect him, and desire, when you write, you will recommend us heartily to him; which the Governor promised to do, and then took his Leave of them.

THE Commissioners of *Virginia* gave *Canassatego* a Scarlet Camblet Coat, and took their Leave of them in Form, and at

the same time delivered the Passes to them, according to their Request.

THE Commissioners of *Maryland* presented *Gachradodow* with a broad Gold-laced Hat, and took their Leave of them in the same Manner.

A true Copy, compared by

RICHARD PETERS, Secr.



A

TREATY

BETWEEN

HIS EXCELLENCY

The Honourable **GEORGE CLINTON**,

Captain-General and Governor in Chief of the Province of *New-York*, and the Territories thereon depending in AMERICA, Vice-Admiral of the same, and Vice-Admiral of the Red Squadron of His Majesty's Fleet.

AND

The Six United *Indian* Nations, and other *Indian* Nations, depending on the PROVINCE of *NEW-YORK*.

Held at *ALBANY* in the Months of *August* and *September*, 1746.

A T R E A T Y between his Excellency the Governor of the Province of *New-York*, and the Six Nations, and other *Indian* Nations, depending on said Province.

It is well known in the Province of *New-York*, that the *Six Nations* of *Indians* depending on this Province, (called *Iroquois* by the *French*) had lately on several Occasions, appear'd dissatisfied and wavering in their Fidelity to the *British* Crown. No doubt, this was principally occasion'd by the Artifices of the *French* of *Canada*, who had constantly Emissaries among them: But at the same Time there is Reason to think, the suspicious Behaviour of these Nations, in Favour of their once inveterate Enemy the *French*, could not have arriv'd to the Pitch it did, otherwise than by some Neglects or Misconduct of those who were entrusted by the Government of *New-York* with the Management of the *Indian* Affairs.

His Excellency the Governor of *New-York*, having received his Majesty's Commands, to engage the *Indian* Nations depending on his Government, to join in the Expedition then intended against *Canada*, and to make them the usual Presents on that Occasion; and being sensible of the great Use these *Nations* might be to the Success of this Enterprize, and likewise of the Difficulties that probably might attend his Endeavours at this Time, was desirous to have had the Assistance of as many of the Members of his Majesty's Council as the Circumstances of Affairs would permit; but they all declined to give their Attendance, except Mr. *Colden* and Mr. *Livingston*. His Excellency was therefore obliged to act with the smallest Number of Members, which by his Majesty's Commission can form a Council, *viz.* Three; the above two Gentlemen and Capt. *Rutherford*, who was then at his Post in *Albany*.

As soon as his Excellency received his Majesty's Commands, he dispatched from *Albany* such Persons as, by the best Information he could receive, had Influence among the *Six Nations*, to invite them severally to meet him at *Albany*, on the 20th of *July*. His Excellency arriv'd at *Albany* the 21st of *July*, where having heard, that, besides the Small-Pox, (which his Excellency never had) many were sick of a contagious malignant Fever, he continued on board the Sloop which carried him up, to consider where to lodge with the least Danger to his Person from the Infection of these Distempers; and the next Morning resolved to go into the Fort. He was received at his Landing with the usual Marks of Respect from the Corporation, the independent Companies of regular Troops then in the Place, and the Militia, under a Discharge of the Cannon of the Fort and Town.

In the Afternoon of the same Day on which his Excellency came on shore, three *Indians*, *viz.* two *Onandagos* and an *Oneydo*, brought two *French* Scalps and presented to his Excellency: At which Time the Leader of the Party made a formal Speech to the following Purpose: 'That having had repeated Accounts of the Mischiefs done by the *French*, and of the frequent Murders committed by them, and that the *Mohawks*, notwithstanding their Professions of Friendship, suffered this Bloodshed to remain unrevenged, his Heart could bear it no longer; he thereupon resolved to open for his Brethren the Path to Revenge: That these two Scalps which he now presented were taken at Noonday in sight of the

French Fort at Crown Point. His Excellency told him how well he took this special Mark of his Fidelity, and assured him, that he would not only now reward him and his Companions, by particular Presents, but would always remember this Act of Friendship. They had already received the Reward given by the Act of Assembly. His Excellency gave each of them four *Spanish Dollars*; to the Leader a fine laced Coat and Hat, and a silver Breast-Plate; and to each of the others a Stroud Blanket and lac'd Hat.

These *Indians* told us, that they lay several Days among the Bushes, from whence they could see every Man that came out of the Fort-Gate. They endeavoured for some time to take a Prisoner, but observing that none went to such a Distance from the Fort that they could hope to carry him off, they resolved to take the first Opportunity for a Scalp: Two Soldiers coming out of the Fort, after the Chapel Bell had rung about Noon, one of the *Indians*, by their Leader's Order, fired with Swan Shot upon them while they were near to each other. It is a constant Rule among these sculking Parties, never to fire without Orders from their Leader. One of the *French Men* was killed upon the Spot, the other wounded, and fled immediately towards the Fort Gate, the *Indian* who had fired, pursu'd, and with his Hatchet brought him down within a hundred Steps of the Fort Gate; and, though the *French* in the Fort rushed out at the Gate, he took his Scalp off; the others had scalped the Man that was first killed, and then they all fled. The *French* in their Hurry had run out without their Arms, and upon recollecting themselves return'd to arm, which facilitated the Escape of the *Indians*.

His Excellency being informed, that the Leader of this Party was desirous to be distinguished by his Excellency's giving him a new Name, and that a Name, which in the Language of the *Six Nations* signified the *Path-opener*, would be most acceptable to him; his Excellency honour'd him with that Title; which he accepted very thankfully, and seem'd exceedingly pleased with it: Whereupon he said, that the other two *Indians* having associated with a *Mehikander*, or *River Indian*, were resolved to go out against the Enemy: But as he thought he might be more useful by staying, to assist at the ensuing Treaty, he was resolved to remain here. He added, that in case the Interpreter, and others sent to invite the *Six Nations* to meet here, fail'd in any Part, he would go among the *Six Nations*, and doubted not to bring many by his Influence, who otherwise might stay.

In a Day or two after, six of seven *Indians*, who had been sent out by the Commissioners for *Indian Affairs* to *Crown-Point*, to take Prisoners, and gain Intelligence, returned and said, That they had gone to that Place, and that in sight of it they had separated, with Design thereby to surprize any Stragler that might have come out of the Fort: That while they were thus separated, two of their Number were suddenly surrounded and taken by the Enemy: One of these two, after having been detained three or four Days, join'd the others at *Saraghtoga*. He said, that he had been threatened with death by the *Adirondacks*^[9]; but that the *Cahnuagas*^[10] interpos'd, and by their Intercession he was set at Liberty; and some of the *Cahnuagas* conducted him through *Lac Sacrement*. He reported, that there was a great Number of Men, *French* and *Indians*, at *Crown-Point*. The other Prisoner, an *Onondaga*, consented to remain with the *French*, and was sent to *Canada*.

Soon after this, sixteen *Mohawk Indians* came to the Town, who had been sent out from the lower *Mohawk Castle* by Mr. *Johnson*, to gain Intelligence near *Crown-Point*, and to take Prisoners. They reported that they had discovered so great a Number of *French* and *Indians* at *Crown-Point*, that they had no Hopes of being able to bring off any Prisoners, and thought it adviseable to return speedily and inform of the great Danger they thought this Place was in. His Excellency invited them to go thither again, in order to descry the Motions of the Enemy: And as a farther Encouragement to them, to either Scalp or take Prisoners, he offered every Person of said Party that should take a Scalp or Prisoner, a Piece of Stroud, and a Suit of laced Clothes, besides the Bounty; but they, being frightened with the Apprehensions of Danger, declined going back, and said, they must return Home and acquaint their Friends and Relations with what they had heard and seen. Several other *Indians* likewise alarmed the *Mohawks*, by telling them that the *French* had a great Force at *Crown-Point*, and that they would certainly attack either *Albany* or *Schenectade*, or the Settlements on the *Mohawks River*, or perhaps several Places at the same Time.

Mr. *Johnson*, and the commanding Officer of the Garrison of regular Troops in the *Mohawks Country*, by their Letters to his Excellency, confirm'd these Reports; and added, the *Mohawks* had entertain'd Apprehensions of the *French* Force at *Crown-Point*, which was like to have a bad Effect. On this his Excellency wrote to Mr. *Johnson*, that all these Stories of the *French* Force at *Crown-Point* were only Artifices of the *French* to intimidate the *Indians*, or to amuse them, with Design to frustrate the Treaty which he intended to have with them; and that he was to assure the *Indians*, that they could be in no Danger from the *French*: However, that they might see that he would omit nothing which they might think necessary for their Security, he had ordered a Lieutenant of Militia, with thirty Men, to reinforce the lower Castle, and had likewise ordered the Captain of Militia near the upper Castle, to assist the *Indians* there in fortifying their Castle,

and to hold himself in Readiness to support them on any Emergency.

One *John Colan*, a *Frenchman*, who some Years since had removed from *Canada*, and settled and married at *Schenectade*, and who has since that Time lived in good Reputation there, was sent by Major *Glen* to inform his Excellency, that one *Aaron*, a noted *Mohawk* Sachem, who with several others of the *Six Nations*, had been last Spring in *Canada* to treat with the Governor there, did then entertain two *Cahnuaga Indians*. This Man, *John Colan*, acquainted his Excellency, that having discovered the *Cahnuaga Indians*, he told them he was a *Frenchman*, and was desirous of returning to his own Country, on which they began presently to propose to him Methods for his Escape; at which Time, this *Aaron* coming near them, he express'd his Fears of being discovered by him. They answered, that he need not fear *Aaron*, for he was their Friend, and designed to go with them. As they proposed to him to escape privately by himself, and to meet them at a Place they named, he told them of his Fears, in that Case, of meeting with the *French Indians* while he was alone. They answered, that if he dress'd himself like an *Indian*, the *French Indians* would do him no Hurt, without first calling to him; upon which, if he stopp'd and call'd out *Maria*, the *French Indians* would be so far from hurting him, that they would immediately come up to him and take him by the Hand. From this, and several other Incidents, which it would be tedious to relate, his Excellency was convinced of some secret Understanding between the *Six Nations* and the *Cahnuagas*, or *French Indians*: And that, however any Party of our *Indians* might be induced to fall upon the *French*, they would not at that Time molest the *French Indians*, nor prevent the Mischiefs which the Inhabitants received from their sculking Parties.

For this Reason, his Excellency endeavoured to send out again the Company of Rangers, which had formerly been employed against the sculking *Indians*: But, as the Assembly had made no Provision for this Expence, they refused to go, unless he gave his personal Bond for their Pay, at *three Shillings* a Day for each private Man, besides their Provision; and would not be satisfied with the Promises that he, by the Advice of the Council, made them of recommending their Service to the General Assembly, and the Assurances he gave them of their being rewarded as they desired.

On their continuing obstinate, his Excellency was of Opinion, that no considerable Service could be expected from Men, who were moved by no other Principle but that of excessive Wages: And he had Reason afterwards to be confirmed in this Opinion, when Captain *Langdon*, and afterwards Captain *Thebout*, voluntarily went with their Companies of the new-levied Troops to scour the Woods, and took some of these *Albany* Men with them as Guides, who whenever they apprehended themselves in Danger, by the Discovery of recent Tracts, some one or other of them could not be kept from firing their Guns, or making some Noise, by which the *French Indians*, if any were near them, must know how to avoid them. Some *Indians*, who were likewise sent out in Company with these Men, complained in like Manner.

The publick Interpreter, whom the Governor (as before observed) had sent with others, to invite the *Six Nations* to meet him at *Albany*, wrote to the Commissioners for *Indian* Affairs, That they met with great Difficulties and Obstructions from the *Sachems*, who had been lately at *Canada*: That the *Oneydoes* refused to give any Answer, tho' they had staid there thirteen Days endeavouring to persuade them; and that the *Cayugas* had absolutely refused to meet the Governor. On which his Excellency desired to be informed by the Commissioners of *Indian* Affairs, whether they knew of any Person of Influence or Interest with the *Indians*, and fit to be sent among them on this Occasion. They answered, that they knew of none; and that the *Indians* were in a very bad Disposition, and much under the Influence of the *French*.

About this time his Excellency being informed, that the Interpreter, and others sent with him, had neglected to send proper Invitations to the *Indians* living on the Branches of *Susquehannah* River; and that Captain *Vroman*, of *Scohary*, was a proper Person to be sent to those *Indians*; he sent him, in Company with Captain *Staats*, with a Belt of *Wampum* to invite them.

While the *Indian* Affairs appear'd in this discouraging State, an Account came to Town, that about twenty young *Chickesaws* were come to the *Senekas*, to desire them to shew them the Way to *Canada*. The *Chickesaws* had always been Enemies to the *French*: A Party of about five hundred Men had, four Years before, been sent out against them from *Canada*, who were so entirely routed by the *Chickesaws*, that few returned. These young *Chickesaws* told the *Senekas*, that the *French* of *Canada* had, about four Years since, made them a Visit, and were so kind to leave them four hundred Guns, which were now wore out; and, since the *French* had not thought fit to bring them any more Guns, they were resolved to go to *Canada* to fetch new ones; and promised, that if the *Senekas* would shew them the Way, they would go Home and return with four hundred stout Fellows. Some other *Indian* Nations who lived to the Westward, discovering their Aversion to the *French* at the same Time, these Incidents assisted the Governor's Messengers in bringing more *Indians* to *Albany* than they expected, when they wrote to the Commissioners for *Indian* Affairs.

While the Interpreter was at the more distant *Indian Castles*, Mr. *William Johnson* was indefatigable among the *Mohawks*; he dressed himself after the *Indian Manner*, made frequent Dances, according to their Custom when they excite to War, and used all the Means he could think of, at a considerable Expence, (which his Excellency had promised to repay him) in order to engage them heartily in the War against *Canada*. Tho' he succeeded, beyond what any Man in *Albany* thought could be done, yet several of the *Sachems* (in the *Conajohary*, or upper *Mohawk Castle*, chiefly) refused to engage in the War; but insisted, that as this War was entered into between the *English* and *French*, in which they had no Interest, they ought to remain neuter. The *English* and *French*, they said, could at any Time make Peace; but if they should enter into the War, *Indians* could not make up the Quarrel among themselves, otherwise than by the Destruction of one or the other. The *French* could have no Hopes of engaging the *Six Nations* on their Side against the *English*, and therefore wisely play'd this Game of endeavouring to make them stand neuter, which they could enforce by strong political Arguments, of which the *Indians* were sensible enough. *It is your Interest*, the *French* Emissaries said, *not to suffer either the French or the English to be absolute Masters; for in that Case you must become Slaves to the one or the other*. From this politic View chiefly, the Interpreter met with so much Opposition everywhere: Tho' it is not to be doubted, but that at the same Time the *French* had gain'd some particular *Sachems* entirely into their Interest; however, many were prevailed on to come to *Albany*, to hear what the Governor of *New-York* had to say to them; tho' several *Sachems* staid behind. When they of the more distant Nations came along with the Interpreter to the lower *Mohawk Castle*, and found that Mr. *Johnson* had already engaged many of the young Men there to join the Army against *Canada*, the others blamed the *Mohawks*; telling them with some Warmth, That they had been very rash in engaging so far. 'They ought, *the others said*, to have considered that they, the *Mohawks*, were the smallest in Number of any of the *Six Nations*, and ought not to have proceeded to so great a Length, without the previous Consent of the others.' To this the *Mohawks* answered, *It is true, we are less considerable as to Number, than any of the other Nations; but our Hearts are truly English, and all of us are Men*^[11]; *so that, if our Force be put to the Trial, perhaps it will be found greater than you imagine*. These Disputes, however, continued so far, that the *Mohawks*, and the other *Five Nations*, could not go in Company to *Albany*; the *Mohawks* marched on one side of the River, while the other Nations went on the other side. [*There are two Roads from the Mohawks Castle to Schenectada, one on each side of the Mohawks River.*]

When the *Indians* came near the Town of *Albany*, on the 8th of *August*, Mr. *Johnson* put himself at the Head of the *Mohawks*, dressed and painted after the Manner of an *Indian War-Captain*; and the *Indians* who followed him, were likewise dressed and painted, as is usual with them when they set out in War. The *Indians* saluted the Governor as they passed the Fort, by a running Fire; which his Excellency ordered to be answered by a Discharge of some Cannon from the Fort: He afterwards received the *Sachems* in the Fort-Hall, bid them Welcome, and treated them with a Glass of Wine.

As, by all Accounts, the Disposition of the *Six Nations* seemed at this Time less in Favour of the *British* Interest than was to be wished, his Excellency thought it necessary to have frequent Conferences, in private, with the principal *Sachems* of each *Nation*; sometimes separately and singly, at other Times with some of each Nation jointly. There were only two of the *Mohawks* *Sachems* (besides *Aaron* before mentioned, who left the Castle at this Time) that could not be prevailed on by Mr. *Johnson* to declare themselves for entering into the War against *Canada*: They were both of the *Conajohary* or Upper-Castle, and one of them the Head of the Tribe called the *Tortoise*; (which, tho' not so numerous as that of the *Bear*, yet is looked on as the first in Rank or Dignity;) and, as he had been with the Governor of *Canada* last Spring, it was thought to be of some Consequence to gain him. Mr. *Colden*, above twenty Years since, had the Complement of being received into that Castle; and, about seven Years since (the last Time he had been with the *Mohawks*) had contracted some more particular Acquaintance with these two *Sachems*: He invited them to a private Conference, at which the Reverend Mr. *Barclay* assisted as Interpreter; they met him, and brought five more with them: After this Conference these *Sachems* appear'd as hearty as any of the others. He that was Head of the Tribe call'd the *Tortoise*, said, 'His Uncle had been the chief War-Captain among the *Mohawks*: That his Uncle had particularly distinguished himself in their Wars against the *French*, and he was resolved to shew himself not unworthy of his Ancestors, nor of his Uncle's Name, which he had obtained after his Death.'

After the principal *Sachems* had, at these Conferences, been brought to a good Disposition, his Excellency advised with the Gentlemen of the Council, and the Commissioners from the *Massachusetts Bay*, on what might be proper to be said to the *Six Nations* in the publick Speech, which he now proposed to make to them. Col. *Wendell* and Mr. *Wells* had arrived from *Boston* about the End of *July*, and soon after they came to Town, his Excellency ordered the Gentlemen of the Council to communicate to them all the Information which had been received, with respect to the *Indian Affairs*: And they had frequent Conferences together from Time to Time, as Occasion required: It was likewise thought proper to

communicate, what his Excellency intended to say to some of the Sachems of each Nation, who were thought most hearty in the *British* Interest; who said, that it was well conceiv'd as could have been done, had they themselves advised upon the Subject; only as it had been advised to observe in the first Draught, That some of his Majesty's Subjects had been instigated by the *French* to rise in Rebellion against the King; that they had been defeated by one of the King's Sons; that these poor People were now utterly ruined, and had nothing left but to bewail their Folly in the Misery that was brought upon them, by suffering themselves to be deluded by the Promises of the *French*; they said, that they did not understand the Affairs on the other Side of the Sea, nor did they trouble their Heads about them; and as they had no Method of retaining what is spoke to them but by their Memories, they were afraid that this might perplex their Memories, and make them less attentive to what was properly their Business; and advised, that it should be left out; which accordingly was done.

Another Difficulty remained; the publick Interpreter had been taken dangerously ill in his Return to *Albany*, and was at this Time confined to his Bed. Tho' several were employed, who had Knowledge sufficient in the Language of the *Six Nations*, to make themselves be understood, and to understand what was spoke to them; yet none of them were so much Masters of the Language, as to speak with that Propriety and Distinctness that is expected, and usual on so solemn an Occasion. It was thought therefore proper, to make one of the Sachems understand the Speech, by the Assistance of the common Interpreters, that he might be able to deliver it Paragraph by Paragraph, as it should be spoke. At first a *Mohawk* Sachem was pitched upon; but the Sachems themselves told us, That for some time past a kind of Party-Division among the *Six Nations* had subsisted: That the *Mohawks*, *Onandagas*, and *Senekas*, form'd one Party; and the *Oneydoes*, *Tuscaroras*, and *Cayugas*, the other: That, as the *Mohawks* might be suspected to be more partial to the *English*, it would be of more Use to employ one of the other Party; and an *Oneydo* Sachem was proposed for that Purpose. This Man was easily enough made to understand the Speech, and he repeated it several Times over in private, and was instructed where to make the proper Stops. After the Speech was delivered, some of the Commissioners for *Indian Affairs*, and other Persons present at the Delivery, who understood both Languages, acknowledged, that this *Indian* had acquitted himself of his Trust faithfully, and had delivered the Sense of the Speech clearly and distinctly.

While these last Preparations were making, his Excellency was taken ill of a Fever, which occasioned some further Delay; and as his Excellency did not recover so soon as was wished, the Sachems were told, that his Excellency being unwilling to detain them without necessity, would, if they desired it, direct Mr. *Colden* to speak to them in his Name, what he designed to say. They answered, that they would be well pleased to hear it from Mr. *Colden's* Mouth.

At *ALBANY* the Nineteenth of *August*, 1746.

P R E S E N T,

The { CADWALLADER COLDEN, } Esqrs; of his Majesty's
Hon^{ble} { PHILIP LIVINGSTON, } Council for the Province
{ JOHN RUTHERFORD, } of *New-York*.

The Commissioners from the Government of the *Massachusetts-Bay*.

The Commissioners of the Province of *New-York* for *Indian Affairs*.

The Mayor and Corporation of *Albany*. The Officers of the Independent Companies, and of the new Levies then at *Albany*. Several Gentlemen of the Province of *New-York*: And Strangers.

Mr. Colden introduced the Speech as follows:

His Excellency our Governor having been taken ill, and as yet not so well recovered as that he can safely come abroad; has ordered me (being the next Person to him in the Administration) to speak to you in his Name, which I shall do in the same Words which he designed to have spoke, had he not been prevented by Sickness.

"Brethren,

"I am glad to see so many of our ancient Friends here, and heartily bid you Welcome. [*Gave three Strings of Wampum.*]

"I have call'd you to this Place for two great Ends, in which the Province of the *Massachusetts-Bay* have sent Commissioners to concur with me, who are here present.

"The *First* is, to renew the Covenant-Chain with you; and I now by this Belt, in your Father the King of *Great-Britain's* Name, in Behalf of his Majesty's Subjects in *North-America*, renew and confirm the Covenant-Chain, and all former Treaties and Engagements entered into with you. This Chain has from the Beginning, remained so firm and strong, that it has never once broke or slipt since it was first made; and we, on our Parts, shall endeavour that it remain so, unshaken, as long as the Sun and Moon shall endure. [*Gave a Belt.*]

"*Brethren*, Last Fall I told you, that his Majesty's Subjects in this Country had, the Summer before, lain still, without attempting any thing against the *French* Settlements: But that the *French* had by Surprize, attacked and destroyed a small Place near *Cape-Breton*, belonging to us.

"That they afterwards laid Siege to *Annapolis-Royal*, and were beat off.

"I likewise told you, That the Governor of the *Massachusetts-Bay*, in Conjunction with *Connecticut* and *New-Hampshire*, had, in Revenge to these Injuries, sent an Army against *Louisburg*, on the Island of *Cape-Breton*; that the Army was joined by a Number of his Majesty's Ships of War, under the Command of your Friend Admiral *Warren*.

"I told you, that the Town of *Louisburg*, which is the strongest the *French* have in *America*, was reduced by this Force; and that the *French* there had surrendered themselves and their Country to the *English*.

"I likewise told you, how we, in this Part of the Country, had lain still, hoping that the *French* in *Canada*, would either be quiet, or carry on the War in a manly Manner, and after the Manner of Christians. And to induce them thereto, a Message had been sent from this Place to the Governor of *Canada*, to tell him, That if he should revive the inhuman Custom of murdering private People, by sculking *Indians*, that the several Governors of his Majesty's Colonies, together with you our Brethren of the *Six Nations*, would join and make Reprisals on them in the like Manner; at which time you publickly declared, that if any of his Majesty's Subjects, in any Part of his Governments, should be killed by any *Indians*, you would immediately join in the War against them, and the *French*.

"And last Fall, when I delivered the Hatchet into your Hands, you told me, and confirm'd it with a Belt, That you would send some of your People (who were then ready) to *Canada*, to demand Satisfaction; and that if Satisfaction was refused, you would use the Hatchet against them, whenever I should order it.

"And you further promised, That if the Enemy should commit any further Hostilities, you would then (upon my Commands) immediately make Use of the Hatchet.

"I need not tell you, how far the *French* have been from giving Satisfaction; on the contrary, you are well acquainted with the cruel and barbarous Murders that have been committed, since that Time, by the *French Indians* at *Saraghtoga*, and in the Neighbourhoods of this Place, and on the Frontiers of *New-England*; as you have not hitherto fulfilled your Promises, I suspect that they did not come from your Hearts: I therefore, by this Belt, demand an immediate Performance of your Promises, to shew that they come from the Bottom of your Hearts; as all the Promises I make come from mine, and ever shall. [*Gave a Belt.*]

"*Brethren*, I now come to the *second* and principal Design of our present Meeting, in which I hope and expect to find you hearty, and united in your Councils and Opinions. [*Gave a Belt.*]

"The King your Father, having been informed of the unmanly Murders committed on the Frontiers of *New-England*, and of this Province, is resolved to subdue the Country of *Canada*, and thereby put an End to all the mischievous Designs of the *French* in these Parts. And for this purpose, he has ordered his Governors of *Virginia*, *Maryland*, *Pensylvania*, and *New-Jersey*, to join their Forces to the Forces of this Province, to attack *Canada* by Land: They are all now upon their March, and you will soon see them here.

"At the same Time the Forces of the *Massachusetts-Bay*, *Connecticut*, *Rhode-Island*, and *New-Hampshire*, are to go in Ships to *Cape-Breton*, and there join with his Majesty's Ships of War, and a great Army of experienc'd Soldiers from *Great-Britain*.

"Many Ships of War are already arrived there, and some thousand of Soldiers; many more Ships and Soldiers are following; and I expect every Hour to hear of their Arrival; after which the Attack upon *Canada* will be made on all Sides, both by Sea and Land.

"You may perceive the King has ordered a Strength sufficient to subdue *Canada*; but at the same Time, the King your Father expects and orders you his Children, to join with your whole Force in this Enterprize; and thereby gives the *Six Nations* a glorious Opportunity of establishing their Fame and Renown over all the *Indian Nations* in *America*, in the Conquest of your inveterate Enemies the *French*; who, however they may dissemble and profess Friendship, can never forget the Slaughter which your Fathers made of them; and for that purpose, caress those Nations who have always been your inveterate Enemies, and who desire nothing so much as to see the Name of the *Six Nations* become obliterate, and forgot for ever. [*Gave a Belt.*]

"*Brethren*, The *French*, on all Occasions, shew, that they act against your Brethren the *English*, like Men that know they dare not look them in the Face in Day-Light; and therefore, like Thieves, steal upon poor People, who do not expect them in the Night, and consequently are not prepared for them: Your Brethren in their Revenge have acted like Men of Courage; they do not attack poor Farmers at their Labour, but boldly attempted the Reduction of *Louisburg*, the strongest Town the *French* had in *America*, in the fortifying of which they had spent above twenty Years: It was surrounded with strong Walls and Forts, in which they had planted their largest Cannon in every Place, where they thought the *English* could come near them; notwithstanding of all these Precautions and Advantages, they were forced to submit to the *English* Valour.

"You must have heard from your Fathers, and I doubt not several of your old Men still remember what the *French* did at *Onondaga*; how they surprised your Countrymen at *Cadarackui*; how they invaded the *Senekas*, and what Mischiefs they did to the *Mohawks*; how many of your Countrymen suffered by the Fire at *Montreal*. Before they entered upon these cruel and mischievous Designs, they sent Priests among you to delude you, and lull you asleep, while they were preparing to knock you on the Head; and I hear they are attempting to do the same now. [*Gave a Belt.*]

"I need not put you in mind what Revenge your Fathers took for these Injuries, when they put all the Island of *Montreal*, and a great Part of *Canada*, to Fire and Sword; can you think that the *French* forget this? No, they have the Ax privately in their Hands against you, and use these deceitful Arts, by which only they have been able to gain Advantage over you, that by your trusting to them, they may at some time or other, at one Blow, remove from the Face of the Earth, the Remembrance of a People that have so often put them to Shame and Flight.

"If your Fathers could now rise out of their Graves, how would their Hearts leap with Joy to see this Day; when so glorious an Opportunity is put into their Hands to revenge all the Injuries their Country has received from the *French*, and be never more exposed to their Treachery and Deceit. I make no doubt you are the true Sons of such renowned and brave Ancestors, animated with the same Spirit for your Country's Glory, and in Revenge of the Injuries your Fathers received, incapable of being deluded by the flattering Speeches of them, who always have been, and always must be, in their Hearts, your Enemies, and who desire nothing more, than the Destruction of your Nations.

"I therefore invite you, *Brethren*, by this Belt, to join with us, and to share with us, in the Honour of the Conquest of our, and your deceitful Enemies; and that you not only join all the Force of the *Six Nations* with us, but likewise invite all the Nations depending on you, to take a Share in this glorious Enterprize: And I will furnish your fighting Men with Arms, Ammunition, Cloathing, Provisions, and every Thing necessary for the War; and in their Absence, take Care of their Wives and Children. [*Gave the War-Belt.*]

"*Brethren*, You have seen how daring and insulting on you, as well as us, the *French Indians* have been, in cruelly murdering several of our People, since you have come to this Place; and therefore, for the many Reasons now laid before you, I make no doubt but your Answer will clearly manifest your Duty to the King your Father, and your Love to your Brethren; and by this Belt I do assure you, that our Intent is, to live and die together." [*Gave a Belt of Friendship.*]

At every Stop where a Belt was given, one of the Sachems call'd out *Yo-hay*, to which all the rest answered in a Sound which cannot be expressed in our Letters, but seem'd to consist of two Words remarkably distinguished in the Cadence; it seem'd to this purpose; the Sachem calls, *Do your hear?* The Answer is, We attend and remember, or understand; or else it is a Kind of Plaudit our Interpreters could not explain. At the Close of the Speech, one Sachem of each Nation call'd out severally the *Yo-hay*, to which the others of the same Nation answer'd severally: But when the War-Belt was thrown down, they gave the War-Shout. We expected but six of these Plauidits, according to the Number of the *Six*

Nations, but eight were distinctly delivered; by which we understood some other Nations were united with them on this Occasion.

After the Speech was delivered, the Sachems of the several Nations had Conferences together; and some time being spent in deliberating, they acquainted his Excellency, 'That they had agreed upon their Answer, which they were ready to give whenever he would appoint a Time to receive it;' and he named the next Day.

Accordingly on the 23^d of *August*, His EXCELLENCY being present; the Gentlemen of the Council; the Commissioners from *Boston*; the Commissioners for *Indian Affairs*; the Corporation of *Albany*; and many Gentlemen, as at the Time when his Excellency's Speech was delivered,

An *Onondaga* Sachem, who had formerly been Speaker for the *Six Nations* on several publick Occasions, rose up and spoke: What he said was publicly interpreted, in the Hearing of several who understood the *Indian Language* well, as follows:

Brethren of *New-York*, and of the *Massachusetts-Bay*,

We the Six Nations are now assembled together as one Man, and we take in the Messesagues for the seventh Nation; and what is now to be spoken by one Mouth, are the joint and sincere Thoughts of every Heart.

We are pleas'd that you follow the Steps of our Fore-fathers, in wiping off the sorrowful Tears from our Eyes, by which the Stoppage of our Throats are opened, and the bloody Bed wash'd clean.
[Gave three Strings of Wampum.]

Brethren, *The first Time we met together, we only saluted each other by shaking of Hands; we afterwards made a Covenant Chain of Silver, which we mutually have held fast to this Day; should it now slip from either of our Hands, it would prove Destruction to both Sides, since our Enemies have drawn the Sword.* [Gave a Belt.]

Brother of *New-York*; *Last Year you gave us the Hatchet to be made Use of against your Enemies, the French, which we accepted and promised to make use of it if they should commit any farther Hostilities upon the English, which they have now done by destroying Saraghtoga, and shedding a great deal of Blood: Hitherto we have made no use of the Hatchet; but as you now call upon us, we are ready, and do declare from the Bottom of our Hearts, that we will from this Day, make use of it against the French, and their Children, (meaning their Indians.)*

[N. B. The Question was asked them by his Excellency, Whether by the Words *their Children*, they meant all the *Indians* in Alliance with the *French*? to which they answered, *Yes*.]

[At the End of the foregoing Paragraph, the Speaker threw down a War-Belt of Wampum on the Ground, it being the *Indian Custom* to deliver War-Belts, or make Declaration of War in this Manner: This he did with a remarkable Shew of Indignation, intending thereby to express their Resentment against the *French* and their Allies, and their Zeal for the *English*.] [Gave a Belt.]

Brother of *New-York*; *According to your Exhortation in your Speech to us, we are firmly united together from this Time, to act as having one Heart; the Messesagues are in the same Manner joined and united with us, likewise the Southern Nations bordering upon us; and we hope that you, and the other Governors on the Continent, will be in the same Manner joined and united together.*
[Gave a Belt.]

[They repeated over his Excellency's Speech in Relation to the Conquest of *Cape-Breton*; and added, *We hope that our Fleet and Army will be also victorious in the present Expedition against Canada; for the French are a mischievous People.*] [Gave a Belt.]

As to your Suspicions of our admitting French Priests among us, they are become groundless, since we have now declared War against them: The admitting of Priests, would only tend to lull us asleep to our Destruction; should any now dare to come, we know no Use for them but to roast them. The Thoughts of the Treatment we formerly received from the French, thro' the Means of their Priests, and which you now seasonably have brought to our Remembrance, makes our Blood to boil.

Brother of New-York; This is the second Time you have put the Hatchet into our Hands, which we accept, and are ready to go upon Service. You may see that we have but a Handful of fighting Men here at present; however, some of them from each Nation shall be left behind us to follow your Orders.

When we return to our respective Castles, we shall send down a great Number of our Warriors, and of those of the Nations in Alliance with us, as soon as possible.

This we assure you of from the Truth and Sincerity of our Hearts; and we receive, and shall preserve this large Belt, [holding it up at the same Time] which you have now given us, as a War-Hatchet.

Brethren, This is the Belt of Union with which we are to go Hand in Hand to the Gate of our Enemies, and by it we declare our Intention to conquer or die in the common Cause.

There is a Nation call'd the Messesagues, whose Delegates are here present: They consist of five Castles, containing eight hundred Men, who are all determin'd, and do agree to join us, in this common Cause, against our Enemies the French, and their Indians; and we hope you, and the Commissioners from Boston, will use them in such a Manner that they will go home content and satisfied.

[Gave a Belt of Union, in which the Figures of several Persons join'd Hand in Hand, was wrought.]

The Person who interpreted, returned the *Yo-hah* at the End of every Paragraph, and having done the same at the Time they declared War, it occasioned Laughter among them; upon which, observing his Mistake, he began the War-Shout, in which all the *Indians* joined.

The *Messesagues* are a Nation of *Indians*, living near the Place called *De Troit* by the *French*, and situate between Lake *Erie* and the *Huron* Lake.

After the Speaker had finished, his Excellency told them by the Interpreter, that the King their Father had ordered him to make them a Present on this Occasion; and that the Government of *Virginia* had on the same Occasion, sent them a Present. The Commissioners from *Boston* at the same Time told them, that they had a Present from their Government; and as they were soon to return Home, desired the *Six Nations* to come to their Lodgings to receive it; on which the *Indians* desired his Excellency to delay his Present to next Day, and they immediately went to receive their Presents from the Commissioners of the *Massachusetts-Bay*.

The next Day, the Presents from the King being exposed on one Part, and those from *Virginia* separately near them, it was agreed by the People of *Albany*, who had seen many publick Presents given to the *Six Nations* on Treaties with them, that this was the most valuable ever given. His Excellency on giving the Presents, said;

"Brethren,

"**Y**ou here see a Token of the Regard the King your Father has for you; and there is a Token of the Friendship of the Government of *Virginia*: But on this Occasion I cannot forbear taking Notice to you, that some of your People being at *Canada*, when the News of the Reduction of *Cape-Breton* came there, and when the *French* expected that *Quebec* would be immediately attacked in Consequence of it, several of them joined with the *French*, and promised them Assistance. This occasioned some Uneasiness to your Brethren, being contrary to the Faith of your Nations, as well as to your Brethren's Expectations; however, you may now, by performing the Promises you Yesterday made in the most solemn Manner, remove all Suspicions; and for ever secure the Friendship of your

Brethren, which hitherto has from the Beginning, remained unviolated on their Parts. The Goods now before you, are Presents to the *Six Nations*; and, as we have received the *Messesagues* into the Covenant between you and us, I expect that they shall share with you. Besides these general Presents now made to your Nations, I have prepared proper Cloathing for your War-Captains, and the Warriors who shall go under their Command; together with Arms, Ammunition and Provisions, which shall be delivered to the several Parties at the Time they shall go out on Service."

What his Excellency said having been interpreted by a *Mohawk* Sachem, the Sachem added of his own Head, *You now see how you are here treated, really like Brethren; the Governor of Canada does not treat his Indians so; they are set on like his Dogs, and they run on without Thought or Consideration: You see what a noble Present is made to you; if the Governor of Canada should seize all the Goods in that Country, it would not be in his Power to make such a Present.*

The *Onondaga* Sachem, Speaker of the *Six Nations*, immediately replied,

Brethren of *New-York, New-England, and Virginia*;

We heard, and observe well, what you now and formerly spoke to us; and we beg no mention may hereafter be made of what passed last Fall, since we are now heartily enter'd into the War with you, and have promised as many fighting Men from each Castle as can be spared; and likewise to engage as great Numbers of every Nation in Alliance with us, as we can, to join immediately with us in the War against the French, and the Nations who adhere to them.

Brethren of *New-York, New-England, and Virginia*,

You must not suspect that it proceeds from any Backwardness in us, that a greater Number of our People do not at this Instant join with you; the Reason is, our Castles have but few fighting Men in them, many are now Abroad, some hunting and trading with far distant Nations, and others out fighting against our Enemies; all these we shall recall Home as soon as possible, in order to enter with all our Force, into the War against your and our common Enemy.

Brother, *We have no more to say at this Time, but only to tell you, we are sorry that we can so little shew our Hearts by the Presents we now offer; our hunting has been so very poor, that we cannot make you Presents suitable to our Inclinations.*

The *Mohawks* added separately: *We have been employed all Summer in your Service as Out-scouts, to gain Intelligence, or in some Manner or other, and thereby kept from hunting: We have no Furr's to offer you, but we here present our Persons, to serve you wherever you shall command.*

That Day was spent in dividing the Presents among themselves. We were told, that these Presents were divided into eight equal Parts, of which they gave two to the *Messesague* Deputies.

The next Day the War-Kettle was set over the Fire, and towards Evening the *Indians* in his Excellency's Presence, where many Gentlemen attended him, began the War-Dance, and continued it till late in the Night: They were painted as when they go to War. The Dance is a slow and solemn Motion, accompanied with a pathetick Song. The *Indians* in their Turns perform this singly, but it is not easy to describe the Particularities of it.

His Excellency call'd several of the chief Sachems who had been useful in the Treaty, to him in private, and gave them Presents severally; neither did he forget the *Messesague* Deputies: He had a particular Conference with one of them in private, the other was sick of the Small-Pox. At this Conference, this Deputy assured his Excellency of the good Inclinations of his Nation to the *English*, and their Aversion to the *French*; he said, 'That many of the Nations to the Westward of them, disliked the *French*;' and as an Instance of it, he told, 'That the *French* lately having pressed a neighbouring Nation to take up the Hatchet against the *English*, they received it; but made Use of it against the *French* themselves, and kill'd all the *French* then with them, being sixty in Number, with the Loss of only one Man of their own Nation.' His Excellency made him handsome Presents, and gave him a Belt to carry to his Nation, with an Invitation to join in the War against the *French*; the *Messesague* received them with a Profession of the most sincere and hearty Friendship; and that he made no doubt of bringing two, three, or four hundred Men of his Nation, to serve this Fall against the *French*. He added, 'That he and several of his Relations would immediately use their best Endeavours, with

several other Nations to the Westward of them, who were numerous, to join against the *French*; in which, *he said*, he had great Hopes of Success, because they were dissatisfied with the *French*.'

His Excellency took all possible Care of the sick *Messesague*, had him brought into a House, and ordered him, to be attended by two Physicians; but the poor Man had the Misfortune to die, after he had been above a Fortnight ill. When he found himself near his End, he sent to the Governor, to desire him as his last Request, that his Excellency would send the first *French* Scalp that should be taken, to his Mother; and when he was told that his Excellency had promised it, he shewed a Contentedness and Resignation to Death. This Misfortune was increased by the Death of the other *Messesague* Deputy likewise, who was taken ill in his Way Home, and died. The *Six Nations* took Care of their Wives and Children, who had come with them; and it was not doubted but that they, and all the Presents given them, would be safely conveyed to their own Homes.

Having so far given an Account of what passed with the *Six Nations*, it may be proper next to relate the Treaty with the *Mehikanders*, or *River Indians*, viz. The several Tribes of *Indians* living at several Places on each Side of *Hudson's* River.

On his Excellency's Arrival at *Albany*, having found that there had been a Neglect in sending for the *Esopus* and *Minissink Indians*, he sent Orders for them to be invited. The *Mehikanders* being convened the 21st, his Excellency directed Mr. *Colden* to speak to them in his Name and Words; which Mr. *Colden* did; the other Gentlemen of the Council, the Commissioners from *Boston*, the Commissioners for *Indian* Affairs, and several other Gentlemen being present, in the Words following:

"*Children*,

I am glad to meet you at this Time, as are likewise the Commissioners from the *Massachusetts-Bay*, who are now come hither to concur with me upon the present Occasion; and I take this Opportunity to renew the ancient Covenant Chain with you, in Behalf of this and all his Majesty's Governments in *America*, which you know has always been kept bright and clean, without any of the least Stain or Rust, and which by this Belt I strengthen. [*Gave a Belt.*]

"*Children*, My meeting you here, besides renewing the Covenant Chain, is with Intention that you should join your Force with ours, by taking up the Hatchet against our and your common Enemies the *French*, and their *Indians*; who have in a very unmanly Manner, by sculking Parties, murdered in cold Blood, many of your Brethren in this and the Province of the *Massachusetts-Bay*.

"This Behaviour lays us under a Necessity of making Reprisals on them in like Manner, in which I make no doubt of your Assistance; and we are resolved to take a thorough Revenge of our and your perpetual Enemies, by reducing the Country of *Canada*, that it may not be in the Power of these perfidious, deceitful, and cruel People, to do you or us any Injury for the future: For which Purpose all the neighbouring Colonies, together with many Ships of War and Soldiers from *Great-Britain*, are resolved to unite their Force, and to attack *Canada* in all Parts, both by Sea and Land; and I make no doubt, you will on this Occasion shew yourselves dutiful Children, in joining heartily with us and the *Six Nations*, in this glorious Enterprize; by which you will not only gain Honour and Renown, but also Safety and Prosperity to yourselves, your Wives, and Children for ever afterwards: And for which End I will furnish your fighting Men with Arms, Ammunition, Cloathing, Provisions, and every Thing necessary for the War." [*Gave a War-Belt.*]

On the 26th they gave their Answer, which was interpreted in the following Words; (the same Persons being present, that were when the Governor's Speech was delivered to them.)

Father,

We are glad to see you; and we are come to renew the Covenant Chain, and make it fast and bright as ever, and free from Rust, and as a Token thereof we give you this Belt. [*Gave a Belt.*]

Father, *You have told us what Mischief the French have done, and what Murders upon the Christians they have committed; therefore we declare from our Hearts, and not from our Lips only, that as you have ordered us to shed the Enemies' Blood in Return for what they have done, we are*

resolved to live and die with you in the common Cause.

When you Christians are at War, you make Peace with one another, but it is not so with us, therefore we depend upon you to take Care of us; in Confidence of which, we now take up the Hatchet, and will make Use of it against the French, and their Indians. [Gave a Belt with a Hatchet.]

After their Answer they began the War-Dance, and his Excellency ordered a considerable Present in Goods to be publicly given them. None of these are suspected to be under *French* Influence.

As there was no Advice of the Arrival of the Fleet, and no Plan of Operations agreed on in Case the Fleet did not arrive, the supporting of about seven hundred *Indians* was a great Expence to his Excellency, for which he had no Allowance from the Province of *New-York*, or for any other Charge attending this Treaty: And as many of the *Indians*, (above twenty) had got the Small-pox, it being impracticable to prevent their going into Town, or conversing with the Town's People, and the *Indians* becoming uneasy by Reason of the Sickness of many, and Death of some; his Excellency thought it most prudent to dismiss them as soon as possible from this Place, and to give Orders to Mr. *Johnson*, to send out several Parties from *Schenectade*, or his own Settlement near the lower *Mohawk* Castle, to harrass the *French* Settlements in *Canada*; and for that Purpose delivered to him Cloathing, Arms and Ammunition, to be given to the fighting Men, as his Excellency had promised them whenever they entered on Service, and impowered him to furnish them with Provisions, and whatever Necessaries they should want.

Before they went, his Excellency sent to them, to desire them to leave their Sick, with a Promise to take all Care possible of them, and that he would order Physicians to attend them. They were very sensible of this Kindness, and acknowledged it; but not above two or three could be prevailed to stay, who were so ill that they could not be removed: All possible Care was taken of the other Sick, in the Waggon which carried them to *Schenectade*.

On the 26th of *September*, the Captains *Staats* and *Vromen*, brought the *Indians* living on the Branches of the *Susquehannah* River; they came in the *Indian* Order, marching in a single Line one after the other, and as they passed the Fort, saluted by a running Fire along the Line; which Salute the Governor ordered to be returned, by a Discharge of some Cannon from the Fort.

On *Monday* the 8th of the same Month his Excellency spoke to them, telling them the Substance of what he had ordered to be said to the *Six Nations*, and their Answer; and as this has been set forth at Length before, it is needless to repeat what was then said. The Reason of his Excellency's speaking to them in this Manner was, because these Nations living on the *Susquehannah* River and its Branches, are known to be Dependents on the *Six Nations*.

The next Day they gave their Answer; the Gentlemen of the Council, the Commissioners for *Indian* Affairs, the Corporation of *Albany*, the Officers of the four Independent Companies, and several Officers of the new Levies, and other Gentlemen being present, as they were when his Excellency spoke to the *Indians*: Their Answer was publicly interpreted as follows;

Brother of *New-York*,

We live at *Ohguago*; what News you send to the *Six Nations* is not truly reported to us, nor what the Governor of *Canada* sends to them; we have not been properly taken Notice of, nor timely acquainted with your Design to treat with the *Six Nations*, till near the Time that your Interview with them was over; otherwise we should have readily come along with them, to hear what our Brother had to propose to us; and if we had received earlier Notice, a much larger Number of our fighting Men would have come along with us: Our Settlements are scattering, and some of them at a great Distance from others, and many of our Men are from Home a hunting; we have, however, sent the Belt of Invitation forward to those who live at a greater Distance, that they may be able at the Time appointed, to come and join us in the War, as by your Belt we were desired.

Brother, You Yesterday informed us of what you had said to the *Six Nations*, and their Answer; we are grieved that the *Six Nations* have not already made use of the Hatchet, but have hitherto kept it by them, and have not sent out their young Men to revenge the Murders which have been committed by the Enemy.

We are resolved to make use of the Hatchet against the French, to revenge the Injuries done to you

and your People, our Brethren.

We have received at Times very different Kind of News from the Six Nations, sometimes it seemed as if the French would be Masters; but it cannot be so, they are a deceitful People, and cannot be trusted; they make fair Promises, and have no Intention to perform them; they flatter themselves with Hopes to be Masters, but they shall be disappointed; for we shall keep the Hatchet firmly in our Hands, and are resolved to make Use of it.

We know several Roads that lead to Canada, we want to see the Hatchet, that we may take it up.

Upon which his Excellency threw down a Hanger, which the Speaker took up and began the War-Dance, and several others danced the same after him.

After which they desired his Excellency to take Care of them, as he had promised.

His Excellency returned them Thanks for their so readily taking up the Hatchet; he said, that he would presently set the War-Kettle over the Fire, and provide them with every Thing necessary for the War. His Excellency gave them a handsome Present in publick for their Nations in general, and private Presents to their principal Sachems; one of which promised, that after his return Home, he would go round all the *Indian* Settlements, to invite them into the War against the *French*, and their *Indians*; and that he did not doubt to be able to bring six hundred Men from the *Indian* Settlements on the *Susquehannah* River and its Branches, to march at any Time, and to any Place, his Excellency should appoint, in order to join the Forces intended against *Canada*; in the mean Time they would cause a Party of their Men to go out with his Men to scour the Woods, and clear them of the *French* sculking *Indians*.

About this Time, a Serjeant of Capt. *Livingston's* Company was surprized and killed by a sculking Party of *French Indians*: In a few Minutes after the Account of this came to his Excellency, who happened to be dining at that Time in Capt. *Wrexall's* Tent, fourteen of the *Susquehannah Indians* were observed running past the Tent, in order to cross the River, and meet the *French Indians*; which his Excellency observing, and being apprehensive that they might meet with some of the Parties of the new Levies that were gone out for the same Purpose, and that they might be in Danger of being attacked through Mistake; he ask'd if any of the Guard which then attended, would voluntarily go along with the *Indians*? Two Men offered themselves, who went with one who understood the *Indian* Language, in order to prevent Mistakes. Happy it was that this Precaution was taken; for Capt. *Fanning* with a great Part of his Company, having gone out with the same Intention of intercepting the *French Indians*, he discovered this Party of our *Indians*, and taking them to be *French Indians*, he kept his Men under the Cover of some Bushes, with their Arms ready to fire, expecting the nearer Approach of the *Indians*; when one of the Christians who were with them, observing Capt. *Fanning's* Men, called out, and came up to Capt. *Fanning* when his Men were ready to fire. None of the Parties that went out were able to discover any of the Enemy.

His Excellency afterwards sent out sixteen of these *Indians*, and cloathed them for that Purpose, together with about sixty Men detached from the Companies levied in the County of *Albany*, in order to scour the Woods, and to advance as far as the Lakes to gain Intelligence, by taking Prisoners or otherwise. While this Party was out, some of the *Indians* fell sick, and the others being apprehensive of the same Misfortune, they return'd, after having been but a few Days in the Woods. His Excellency then perceiving the Uneasiness the *Indians* were under from the Apprehensions of Sickness, found it necessary to dismiss them all, on their Promise to return, whenever his Excellency should order, with all the Force they shall be able to collect; and which, they said, as before observed, might amount to six hundred Men. The Number of *Indians* that came at this Time from the *Susquehannah* River, consisted only of about sixty fighting Men, besides old Men, Women, and Children: More had come near to *Albany*, but having there heard of the Small-pox and Sickness that was at *Albany*, and that many of the *Six Nations* had caught the Infection, and several of them were dead, they returned back.

After the *Six Nations* left *Albany*, many of them were taken sick on their Way Home, before they reached the *Mohawk* Castles, and a considerable Number of the briskest young Men of the *Mohawks* died. This retarded the Execution of the Order given to Mr. *Johnson*, to send out Parties to harrass the *French* Settlements in *Canada*, though he used all the Means in his Power to effect it. While he was pressing them to this Purpose, one of the Sachems who had promised to head a Party from the *Canajohary* Castle, said, *You seem to think that we are Brutes, that we have no Sense of the Loss of our dearest Relations, and some of them the bravest Men we had in our Nation: You must allow us Time to bewail our Misfortune.*

About ten Days before his Excellency left *Albany*, a Party of upwards of seventy Men, consisting of some of each Nation, went against *Canada*: Some Christians were of the Party to assist and direct, and to be Witnesses of the behaviour of the *Indians*. They were to avoid all the Lakes, and the usual Roads and Passes to *Canada*, and were to go thro' the Woods over Mountains, that are seldom passed, to prevent the Enemies discovering them: But after these had been out, Capt. *Butler's* Son, to whom the chief Direction of this Party was committed, was taken ill of the Small-pox, and five of the *Indians* were obliged to return to carry him Home. Another small Party was sent out to take Prisoners, and gain Intelligence at *Crown-Point*. At the writing of this, it is not known what Success they have had.

When the *Six Nations* had come as far as the lower *Mohawk* Castle, in their return Home, they were met by about six Men of their own Nations, who delivered a Message from *Canada*, which had been brought by the *Indian* who was taken by the *French* at *Crown Point*, and carried to *Canada*. The Message was interpreted in the following Words: "The Governor of *Canada* had called the *Cahnuaga Indians* to him, and then complained to them, that some of the *Six Nations*, his Children, had killed some of his People: You all know, *he said*, that I am not hasty or passionate, but will rather bear a great deal than shew Resentment, wherefore I am resolved to pass this over; but in the mean Time I must desire you to go among the *Six Nations*, to find out the Reason of this Proceeding, and to tell them, that is any Thing like it happen again, I will make them smart: You may nevertheless assure my Children^[12] of the *Six Nations*, that I love and esteem them equally with the *Cahnuagas*, or *Shawendadies*^[13], being of the same Blood. And to convince them of my Love, I now send back to them one of their People that was taken at *Crown Point*, without eating his Flesh. And now *Cahnuagas*, my Children, I would not have you spill any more Blood from *Albany* upwards, for I begin to pity their Weakness; but turn your Arms towards *New-England*, against your most inveterate Enemies, there is the Place for you to gain Honour now."

The *Cahnuagas* gave the following Answer to the Governor of *Canada*: Father, *You are in the wrong, to desire us to go among the Six Nations for Intelligence, or with Menaces; for such will only stir them up, and bring them and all their Allies (who are very numerous) upon you, to destroy you at once. We know they are not to be bullied by your Words or ours, wherefore, Father, we must leave you to go through this Work by yourself.*

After having as above, related what had passed between them and the Governor of *Canada*, they sent the following Message from themselves.

Brethren of the Six Nations, "We hear the Governor of *New-York* has invited you to meet him; we intreat you not to mind any Thing he shall say, in order to set you against us; for if you do, you, as well as we, must all die. Wherefore, *Brethren*, we conjure you by all the Ties of Friendship subsisting between us, to inform us of any Design that is plotting against us; and that when any such Thing shall be discovered, you will send an Express to *Cadarackui*^[14], where our Fire always burns.

"*Brethren*, We shall be glad to see you next Spring at *Cahnuaga*, to hold a Council together, where you shall be as safe and welcome as ever.

"*Brethren*, The Governor our Father, being informed, that your Governor is raising Men to come against *Canada*, desires us to tell you, that he has *one thousand eight hundred* Men at *Crown Point*, ready to give them Battle; in which Number, the Men of eight Castles of the *Utawawas* are included.

"*Brethren*, Be not angry at our destroying *Saraghtoga* last Fall; Col. *Schuyler* dar'd us to it, by saying he wished to see a *French* Army there: We gratified him in his Wish."

A *Cahnuaga Indian* was sent along with the Prisoner that was restored; but when he came near the Settlements of the *Six Nations*, his Heart fail'd him, and he sent the Prisoner forward by himself with the Message.

The Readiness with which the *Six Nations* communicated this Message, and the flight they in all Appearance put upon it, is some Proof of their Sincerity in the Promises they made to his Excellency; neither from any Thing which has happened can it be shewn, that they were not sincere. On the contrary, it appears by Mr. *Johnson's* Letter to his Excellency of the 21st of *October*, that several Parties are now out against the *French*; and that Mr. *Johnson* having received Orders from Col. *Roberts*, to send as many *Indians* as possible to join the Army, all the *Mohawks*, even their oldest Men, were fitted out and ready; and having sent to the upper Castles at the same Time, they appeared so hearty, that there would not have remained above three old Men in any of the next Castles: And that Col. *Roberts* afterwards contradicting these Orders, they had appeared very uneasy on their being stopt. It was not expected that they would enter into the War without us, or

by themselves, neither are they a People of so little Thought, as to give any Reason to expect it from them.

When the Companies raised in *Pensylvania* arrived at *Albany*, his Excellency was informed by their Captains, that Mr. *Thomas* Governor of that Province, had sent *Conrad Weiser* their publick Interpreter, among the *Susquehannah Indians*; and that they expected his Arrival at this Place in a little Time, with at least three hundred *Indians*. The Treaties with the *Indians*, which Mr. *Thomas* has published, gave great Hopes of the Success that Interpreter would have; and thereby increased the Disappointment, when Mr. *Weiser* arrived a few Days before his Excellency left *Albany*, and did not bring one *Indian* with him.

His Excellency Governor *Clinton*, had perhaps more Difficulties to struggle with on this Occasion, than any Governor of *New-York* had at any Time: The *Six Nations* had on several Occasions given Grounds of Mistrust; the Governor of *Canada* was attempting all the Means in his Power to divert their Affections from us; the People of the County of *Albany* had for some Time past, entertained a Dissatisfaction in the Conduct of the Commissioners for *Indian Affairs*; the Commissioners themselves were divided in their Sentiments, and several of them refused to attend their Meetings; and they confessed to his Excellency, that they had lost all Influence on the *Indians*; Mr. *Gooch* having declined the Command of the Forces at *Albany*, his Excellency was forced likewise to undertake a new and great Care, which he in no Manner expected when he left the City of *New York*, and which from many Incidents, was attended with many Difficulties. If these Things be duly considered, and the Dangers his Person was in from the Infection of two different Diseases, which at that Time raged in the City of *Albany*, of which great Numbers died during his Residence there of near three Months; none can doubt of his hearty Zeal for the Success of an Affair, in which the Safety and Prosperity of all the Colonies in *North America*, were immediately concerned.

But as every one may not be sufficiently apprized of what Consequence the *Six Nations* being hearty, is to the Interest of *Great-Britain*, it may be proper to observe, That though a Number of *Indians* to march with the Army, which was intended to attack *Canada*, would be of great Use in discovering and defeating the Ambushes of the Enemy's *Indians*, while they were every Day to be guarded against by the Forces which were to march by Land, and would by their Incursions into the Enemy's Country, terribly harass them, and keep them from joining their Forces into any great Body to oppose the Design; these are not the most considerable Advantages might be gained from the Affection of the *Six Nations* at this Time, or any Time of War; for if the inland Extent of the Colonies from *Nova Scotia* to *Georgia* be considered, and at the same Time the numerous *Indian Nations* on the Continent of *America*, who may by the Artifices of the *French* be induced to make Incursions every where; and the cruel Methods by which the *Indians* make Incursions in small Parties, from the vast Forest which every where covers the Continent, and which in many Places is impenetrable; it must evidently appear, that though the *English Colonies* be of much superior Force in Numbers of Men, yet their Number would not be sufficient to protect their Frontiers from the Incursions of the *Indians* in every Place: And, that while their Forces must in this Case be divided and scattered all over their Frontiers, it may be in the Power of the *French* in *Canada*, to invade with Success any Part of the *English Colonies*. On the other Hand, if a proper Attempt were to be made by the Northern Colonies alone, without the Assistance of their Mother Country, but with the Assistance of the *Indians*, it would in all Appearance be sufficient to reduce *Canada*; for if the *Indian Nations* can be persuaded to join heartily, (as from what is above related it seems probable they may) it will be impossible for the Inhabitants of *Canada* to defend themselves from the Incursions of these numerous *Indian Nations*, and from a Body of regular Troops at the same Time. As the *French* are very sensible of these Advantages to be gain'd from the Friendship of the *Indian Nations*, they neglect no Means in their Power to procure them: And it is to be hoped, that the Northern Colonies will be no less assiduous in a Matter on which their Well-being at least depends.

Some People wish that the *Indians* may remain neuter, and think it adviseable to pursue Measures for that Purpose, by which many horrid Barbarities would be prevented. No doubt this is to be wished; but can the *English Colonies* by any Means be assured, that the *French* will be sincere in preserving such a Neutrality? And if they be not sincere, we shall more certainly expose ourselves to all these Calamities, than we are now by *Indians* being engaged on both Sides. The *Six Nations* are by their natural Inclinations, disposed to War-like Enterprizes: They never have been at Peace with all their Neighbours, since they were known to Christians. The Reputation they have gained among all the *Indian Nations* in *North America*, gives them an Influence in the Councils of every Nation. It may then be easy for the *French* to turn this Disposition to War in the *Six Nations*, against us, and by their Influence draw all the *Indian Nations* in *North America* upon us. The Genius of the *Six Nations* will not suffer them to remain inactive, while their Neighbours are at War.

In the last Place, it may not be improper to observe at this Time, that though the Colonies to the Southward (and the Inhabitants of the Parts of the Northern Colonies, which are less exposed to the Incursions of *Indians*) think themselves

little concerned in Interest, or in the Consequences of the present War; yet if they would consider that the Northern Colonies are really their Frontiers, and that they defend the others from all the Calamities of a most barbarous War; the Southern Colonies must think that any Contribution of Men and Money, which is expected from them, is an easy Purchase of the Freedom from such Calamities, to which their Brethren are subjected; and that while they can follow their Occupations at Ease, they are much better enabled to support the Expence of a War than the Northern Colonies are, where the Inhabitants are every Day in Danger of their Lives from a cruel Enemy, while at their daily and innocent Labours. If the Southern Colonies neglect to keep the War at a Distance from them, they may at an improper Time, become sensible of the Evils their Brethren suffer, and of their own Folly at the same Time.

New-York, Dec. 2, 1746.

The Party of seventy *Indians* and Whites mentioned in this Treaty, did not go out together as was at first intended, Sickness and other Incidents made it necessary to alter the Measures at first proposed. One Party of thirty *Indians* and ten Whites went by themselves. These fell upon a *French* Settlement on the North-side of *St. Lawrence* River, about 10 Leagues above *Montreal*, and brought away eight *French* Prisoners, one of them a Captain of Militia, and four Scalps. Another Party of nine *Indians* went to the *Cahnuagas*, under Pretence of continuing the Neutrality with them, they were introduced to the Governor of *Montreal* under the same Pretence, who made them Presents: Their Design was to gain what Intelligence they could, and after they had done this, they acted their Part so well, that they received several Letters, one from the Governor of *Montreal*, and others from considerable Persons to the Commandant of Fort *St. Frederic* at *Crown Point*. In their Way thither, by which they were to return Home, they surprized some *French* in a small Fort, killed five, and brought away one Prisoner and one Scalp. They brought the *French* Prisoner and the Letters to the commanding Officer at *Albany*, and informed him of what they had seen and heard at *Montreal*.



COLLECTION

OF

CHARTERS

AND OTHER PUBLIC ACTS,

RELATING TO THE

Province of *PENNSYLVANIA*,

VIZ.

- I. The ROYAL CHARTER to *WILLIAM PENN*, Esq;
- II. The first FRAME of Government, granted in *England*, in 1682.
- III. LAWS agreed upon in *England*.
- IV. Certain CONDITIONS or CONCESSIONS.
- V. The ACT of SETTLEMENT, made at *Chester*, 1682.
- VI. The second FRAME of Government, granted 1683.
- VII. The CHARTER of the CITY of *PHILADELPHIA*, granted *October 25*, 1701.
- VIII. The New CHARTER of PRIVILEGES to the Province, granted *October 28*, 1701.

The CHARTER of CHARLES II. of England, Scotland, France, and Ireland, KING, Defender of the Faith, &c.

Unto WILLIAM PENN, Proprietary and Governor of the Province of Pennsylvania.

CHARLES, by the Grace of GOD, King of *England, Scotland, France, and Ireland*, Defender of the Faith, &c. To all to whom these Presents shall come, *Greeting*. WHEREAS our trusty and well-beloved Subject *William Penn*, Esq; Son and Heir of Sir *William Penn* deceased, (out of a commendable Desire to enlarge our *English* Empire, and promote such useful Commodities as may be of Benefit to us and our Dominions, as also to reduce the savage Natives by gentle and just Manners, to the love of civil Society and the Christian Religion) hath humbly besought Leave of us, to transport an ample Colony unto a certain Country herein after described, in the Parts of *America*, not yet cultivated and planted; and hath likewise so humbly besought our Royal Majesty to give, grant, and confirm all the said Country, with certain Privileges and Jurisdictions, requisite for the good Government and Safety of the said Country and Colony, to him and his Heirs for ever.

S E C T. I.

KNOW YE THEREFORE That we (favouring the Petition and good Purpose of the said *William Penn*, and having regard to the Memory and Merits of his late Father in divers Services, and particularly to his Conduct, Courage, and Discretion under our dearest Brother *JAMES* Duke of *York*, in that signal Battle and Victory fought and obtained against the *Dutch* Fleet, commanded by the Heer *Van Opdam*, in the Year 1665: In Consideration thereof, of our special Grace, certain Knowledge, and meer Motion) have given and granted, and by this our present Charter, for us, our Heirs and Successors, do give and grant unto the said *William Penn*, his Heirs and Assigns, all that Tract or Part of Land in *America*, with the Islands therein contained, as the same is bounded on the East by *Delawar* River, from twelve Miles Distance Northwards of *Newcastle* Town unto the three and fortieth Degree of Northern Latitude, if the said River doth extend so far Northward: But if the said River shall not extend so far Northward, then by the said River so far as it doth extend, and from the Head of the said River the Eastern Bounds are to be determined by a Meridian Line, to be drawn from the Head of the said River, unto the said forty-third Degree. The said Land to extend Westward five Degrees in Longitude, to be computed from the said Eastern Bounds; and the said Lands to be bounded on the North by the Beginning of the three and fortieth Degree of Northern Latitude, and on the South by a Circle drawn at twelve Miles Distance from *Newcastle* Northward, and Westward unto the Beginning of the fortieth Degree of Northern Latitude, and

then by a strait Line Westwards to the Limits of Longitude above-mentioned.

S E C T. II.

W E do also give and grant unto the said *William Penn*, his Heirs and Assigns, the free and undisturbed Use and Continuance in, and Passage unto, and out of all and singular Ports, Harbours, Bays, Waters, Rivers, Isles, and Inlets, belonging unto, or leading to and from the Country or Islands aforesaid, and all the Soils, Lands, Fields, Woods, Underwoods, Mountains, Hills, Fenns, Isles, Lakes, Rivers, Waters, Rivulets, Bays, and Inlets, situated or being within, or belonging to the Limits or Bounds aforesaid, together with the Fishing of all Sorts of Fish, Whales, Sturgeon, and all royal and other Fishes, in the Seas, Bays, Inlets, Waters, or Rivers within the Premisses, and all the Fish therein taken; and also all Veins, Mines, Minerals, and Quarries, as well discovered as not discovered, of Gold, Silver, Gemms, and precious Stones, and all other whatsoever, be it Stones, Metals, or of any other Thing or Matter whatsoever, found or to be found within the Country, Isles, or Limits aforesaid.

S E C T. III.

A N D him, the said *William Penn*, his Heirs and Assigns, we do by this our Royal Charter, for us, our Heirs and Successors, make, create, and constitute, the true and absolute Proprietary of the Country aforesaid, and of all other the Premisses: Saving always to us, our Heirs and Successors, the Faith and Allegiance of the said *William Penn*, his Heirs and Assigns, and of all other Proprietaries, Tenants, and Inhabitants, that are or shall be within the Territories and Precincts aforesaid; and saving also, unto us, our Heirs and Successors, the Sovereignty of the aforesaid Country, to have, hold, possess, and enjoy the said Tract of Land, Country, Isles, Inlets, and other the Premisses, unto the said *William Penn*, his Heirs and Assigns, to the only proper Use and Behoof of the said *William Penn*, his Heirs and Assigns, for ever, to be holden of us, our Heirs and Successors, Kings of *England*, as of our Castle of *Windsor* in our County of *Berks*, in free and common Soccage, by Fealty only for all Services, and not in Capite or by Knights Service: Yielding and paying therefore to us, our Heirs and Successors, two Beaver-skins, to be delivered at our Castle of *Windsor* on the first Day of *January* in every Year; and also the fifth Part of all Gold and Silver Oar, which shall from Time to Time happen to be found within the Limits aforesaid, clear of all Charges. And of our further Grace, certain Knowledge, and meer Motion, we have thought fit to erect, and we do hereby erect the aforesaid Country and Islands into a Province and Seignorie, and do call it P E N S Y L V A N I A, and so from henceforth will have it called.

S E C T. IV.

A N D forasmuch as we have hereby made and ordained the aforesaid *William Penn*, his Heirs and Assigns, the true and absolute Proprietaries of all the Lands and Dominions aforesaid, K N O W Y E T H E R E F O R E That we (reposing special Trust and Confidence In the Fidelity, Wisdom, Justice, and provident Circumspection of the said *William Penn*) for us, our Heirs and Successors, do grant free, full, and absolute Power (by Virtue of these Presents) to him and his Heirs, to his and their Deputies, and Lieutenants for the good and happy Government of the said Country, to ordain, make, and enact, and under his and their Seals to publish any Laws whatsoever, for the raising of Money for publick Uses of the said Province, or for any other End, appertaining either unto the publick State, Peace, or Safety of the said Country, or unto the private Utility of particular Persons, according unto their best Discretion, by and with the Advice, Assent, and Approbation of the Freemen of the said Country, or the greater Part of them, or of their Delegates or Deputies, whom for the enacting of the said Laws, when, and as often as Need shall require, we will that the said *William Penn* and his Heirs, shall assemble in such Sort and Form, as to him and them shall seem best, and the same Laws duly to execute, unto and upon all People within the said Country and Limits thereof.

S E C T. V.

A N D we do likewise give and grant unto the said *William Penn*, and to his Heirs, and their Deputies and Lieutenants, full Power and Authority, to appoint and establish any Judges and Justices, Magistrates and other Officers whatsoever, for what Causes soever, (for the Probates of Wills, and for the granting of Administrations within the Precincts aforesaid) and with what Power soever, and in such Form, as to the said *William Penn* or his Heirs, shall seem most convenient: Also to remit, release, pardon, and abolish (whether before Judgment or after) all Crimes and Offences

whatsoever, committed within the said Country, against the said Laws, (Treason and wilful and malicious Murder only excepted, and in those Cases to grant Reprieves, until our Pleasure may be known therein) and to do all and every other Thing and Things, which unto the compleat Establishment of Justice unto Courts and Tribunals, Forms of Judicature, and Manner of Proceedings do belong, although in these Presents express Mention be not made thereof; and by Judges by them delegated, to award Process, hold Pleas, and determine in all the said Courts and Tribunals all Actions, Suits, and Causes whatsoever, as well criminal as civil, personal, real, and mixt; which Laws so, as aforesaid, to be published, our Pleasure is, and so we enjoin, require, and command, shall be most absolute and available in Law; and that all the Liege People and Subjects of us, our Heirs and Successors, do observe and keep the same inviolably in those Parts, so far as they concern them, under the Pain therein expressed, or to be expressed. P R O V I D E D nevertheless, That the same Laws be consonant to Reason, and not repugnant or contrary, but (as near as conveniently may be) agreeable to the Laws and Statutes, and Rights of this our Kingdom of *England*, and saving and reserving to us, our Heirs and Successors, the receiving, hearing, and determining of the Appeal and Appeals of all or any Person or Persons, of, in, or belonging to the Territories aforesaid, or touching any Judgment to be there made or given.

S E C T. VI.

A N D forasmuch as in the Government of so great a Country, sudden Accidents do often happen, whereunto it will be necessary to apply Remedy before the Freeholders of the said Province, or their Delegates or Deputies can be assembled to the making of Laws; neither will it be convenient that instantly upon every such emergent Occasion, so great a Multitude should be called together: Therefore (for the better Government of the said Country) we will, and ordain, and by these Presents, for us, our Heirs and Successors, do grant unto the said *William Penn* and his Heirs, by themselves, or by their Magistrates and Officers, in that Behalf duly to be ordained as aforesaid, to make and constitute fit and wholesome Ordinances, from Time to Time, within the said Country to be kept and observed, as well for the Preservation of the Peace, as for the better Government of the People there inhabiting; and publickly to notify the same to all Persons, whom the same doth or may any Ways concern. Which Ordinances our Will and Pleasure is, shall be observed inviolably within the said Province, under the Pains therein to be expressed, so as the said Ordinances be consonant to Reason, and be not repugnant nor contrary, but (so far as conveniently may be) agreeable with the Laws of our Kingdom of *England*, and so as the said Ordinances be not extended in any Sort to bind, change, or take away the Right or Interest of any Person or Persons, for or in their Life, Members, Freehold, Goods, or Chattles. And our farther Will and Pleasure is, That the Laws for regulating and governing of Property within the said Province, as well for the Descent and Enjoyment of Lands, as likewise for the Enjoyment and Succession of Goods and Chattles, and likewise as to Felonies, shall be and continue the same, as they shall be for the Time being, by the general Course of the Law in our Kingdom of *England*, until the said Laws shall be altered by the said *William Penn*, his Heirs or Assigns, and by the Freemen of the said Province, their Delegates or Deputies, or the greater Part of them.

S E C T. VII.

A N D to the End that the said *William Penn*, or his Heirs, or other the Planters, Owners, or Inhabitants of the said Province, may not at any Time hereafter (by Misconstruction of the Power aforesaid) through Inadvertency or Design, depart from that Faith and due Allegiance, which by the Laws of this our Realm of *England*, they and all our Subjects, in our Dominions and Territories, always owe to us, our Heirs and Successors, by Colour of any Extent or Largeness of Powers hereby given, or pretended to be given, or by Force or Colour of any Laws hereafter to be made in the said Province, by Virtue of any such Powers; O U R farther Will and Pleasure is, That a Transcript or Duplicate of all Laws, which shall be so as aforesaid made and published within the said Province, shall within five Years after the making thereof, be transmitted, and delivered to the Privy Council, for the Time being of us, our Heirs and Successors: And if any of the said Laws within the Space of six Months after that they shall be so transmitted and delivered, be declared by us, our Heirs and Successors, in our or their Privy Council, inconsistent with the Sovereignty, or lawful Prerogative of us, our Heirs or Successors, or contrary to the Faith and Allegiance due to the legal Government of this Realm, from the said *William Penn*, or his Heirs, or of the Planters and Inhabitants of the said Province, and that thereupon any of the said Laws shall be adjudged and declared to be void by us, our Heirs and Successors, under our or their Privy Seal, that then and from thenceforth, such Laws, concerning which such Judgment and Declaration shall be made, shall become void: Otherwise the said Laws so transmitted, shall remain, and stand in full Force, according to the true Intent and Meaning thereof.

S E C T. VIII.

FURTHERMORE, that this new Colony may the more happily increase, by the Multitude of People resorting thither; Therefore we, for us, our Heirs and Successors, do give and grant by these Presents, Power, Licence, and Liberty unto all the Liege People and Subjects, both present and future, of us, our Heirs and Successors, (excepting those who shall be especially forbidden) to transport themselves and Families unto the said Country, with such convenient Shipping as by the Laws of this our Kingdom of *England* they ought to use, and with fitting Provision, paying only the Customs therefore due, and there to settle themselves, dwell and inhabit, and plant, for the publick, and their own private Advantage.

S E C T. IX.

AND FURTHERMORE, that our Subjects may be the rather encouraged to undertake this Expedition with ready and chearful Minds, KNOW YE, That we, of our special Grace, certain Knowledge, and mere Motion, do give and grant by virtue of these Presents, as well unto the said *William Penn*, and his Heirs, as to all others, who shall from time to time repair unto the said Country, with a Purpose to inhabit or trade with the Natives of the said Country, full Licence to lade and freight in any Ports whatsoever, of us, our Heirs and Successors, according to the Laws made, or to be made within our Kingdom of *England*, and unto the said Country, by them, their Servants or Assigns, to transport all and singular their Goods, Wares and Merchandizes, as likewise all Sorts of Grain whatsoever, and all other Things whatsoever, necessary for Food or Clothing, not prohibited by the Laws and Statutes of our Kingdom and Dominions to be carried out of the said Kingdom, without any Let or Molestation of us, our Heirs or Successors, or of any of the Officers of us, our Heirs or Successors; saving always to us, our Heirs and Successors, the legal Impositions, Customs, or other Duties and Payments, for the said Wares and Merchandizes, by any Law or Statute due, or to be due to us, our Heirs and Successors.

S E C T. X.

AND we do further, for us, our Heirs and Successors, give and grant unto the said *William Penn*, his Heirs and Assigns, free and absolute Power, to divide the said Country and Islands into Towns, Hundreds and Counties, and to erect and incorporate Towns into Boroughs, and Boroughs into Cities, and to make and constitute Fairs and Markets therein, with all other convenient Privileges and Immunities, according to the Merits of the Inhabitants, and the Fitness of the Places, and to do all and every other Thing and Things touching the Premises, which to him or them shall seem meet and requisite; albeit they be such, as of their own Nature might otherwise require a more special Commandment and Warrant, than in these Presents is expressed.

S E C T. XI.

WE will also, and by these Presents, for us, our Heirs and Successors, we do give and grant Licence by this our Charter, unto the said *William Penn*, his Heirs and Assigns, and to all the Inhabitants and Dwellers in the Province aforesaid, both present and to come, to import or unlade, by themselves or their Servants, Factors, or Assigns, all Merchandizes and Goods whatsoever, that shall arise of the Fruits and Commodities of the said Province, either by Land or Sea, into any of the Ports of us, our Heirs or Successors, in our Kingdom of *England*, and not into any other Country whatsoever: And we give him full Power to dispose of the said Goods, in the said Ports; and if need be, within one Year next after the Unlading of the same, to lade the said Merchandize and Goods again into the same or other Ships, and to transport the same into any other Countries, either of our Dominions or foreign, according to Law; provided always, that they pay such Customs and Impositions, Subsidies and Duties for the same, to us, our Heirs and Successors, as the rest of our Subjects of our Kingdom of *England*, for the Time being, shall be bound to pay, and do observe the Acts of Navigation, and other Laws in that Behalf made.

S E C T. XII.

AND FURTHERMORE, of our ample and special Grace, certain Knowledge, and mere Motion, we do, for us, our Heirs and Successors, grant unto the said *William Penn*, his Heirs and Assigns, full and absolute Power and

Authority, to make, erect, and constitute, within the said Province, and the Isles and Inlets aforesaid, such and so many Sea-ports, Harbours, Creeks, Havens, Keys, and other Places, for Discharging and Unlading of Goods and Merchandizes out of the Ships, Boats, and other Vessels, and landing them unto such and so many Places; and with such Rights, Jurisdictions, Liberties and Privileges unto the said Ports belonging, as to him and them shall seem most expedient; and that all and singular the Ships, Boats, and other Vessels, which shall come for Merchandize and Trade into the said Province, or out of the same, shall be laden or unladen only at such Ports as shall be created and constituted by the said *William Penn*, his Heirs or Assigns, (any Use, Custom, or Thing to the contrary notwithstanding.) Provided, that the said *William Penn*, and his Heirs, and the Lieutenants and Governors for the Time being, shall admit and receive in, and about all such Havens, Ports, Creeks and Keys, all Officers and their Deputies, who shall from Time to Time be appointed for that Purpose by the Farmers or Commissioners of our Customs for the Time being.

S E C T. XIII.

A N D we do further appoint and ordain, and by these Presents, for us, our Heirs and Successors, we do grant unto the said *William Penn*, his Heirs and Assigns, That he, the said *William Penn*, his Heirs and Assigns, may from time to time for ever, have and enjoy the Customs and Subsidies, in the Ports, Harbours, and other Creeks and Places aforesaid, within the Province aforesaid, payable or due for Merchandize and Wares there to be laded and unladed, the said Customs and Subsidies to be reasonably assessed upon any Occasion, by themselves and the People there as aforesaid to be assembled, to whom we give Power by these Presents, for us, our Heirs and Successors, upon just Cause and due Proportion to assess and impose the same; saving unto us, our Heirs and Successors, such Impositions and Customs, as by Act of Parliament are and shall be appointed.

S E C T. XIV.

A N D it is our farther Will and Pleasure, That the said *William Penn*, his Heirs and Assigns, shall from Time to Time constitute and appoint an Attorney or Agent, to reside in or near our City of *London*, who shall make known the Place where he shall dwell, or may be found, unto the Clerks of our Privy-Council for the Time being, or one of them, and shall be ready to appear in any of our Courts at *Westminster*, to answer for any Misdemeanor that shall be committed, or by any wilful Default or Neglect permitted by the said *William Penn*, his Heirs or Assigns, against the Laws of Trade and Navigation; and after it shall be ascertained in any of our said Courts, what Damages we or our Heirs or Successors shall have sustained by such Default or Neglect, the said *William Penn*, his Heirs or Assigns, shall pay the same within one Year after such Taxation, and Demand thereof, from such Attorney; or in case there shall be no such Attorney by the Space of one Year, or such Attorney shall not make Payment of such Damages within the Space of a Year, and answer such other Forfeitures and Penalties within the said Time, as by the Acts of Parliament in *England* are and shall be provided, according to the true Intent and Meaning of these Presents; then it shall be lawful for us, our Heirs and Successors, to seize and resume the Government of the said Province or Country, and the same to retain until Payment shall be made thereof: But notwithstanding any such Seizure or Resumption of the Government, nothing concerning the Propriety or Ownership of any Lands, Tenements, or other Hereditaments, or Goods or Chattles, of any of the Adventurers, Planters, or Owners, other than the respective Offenders there, shall any ways be affected or molested thereby.

S E C T. XV.

P R O V I D E D always, and our Will and Pleasure is, That neither the said *William Penn*, nor his Heirs, or any other the Inhabitants of the said Province, shall at any Time hereafter have or maintain any Correspondence with any other King, Prince, or State, or with any of their Subjects, who shall then be in War against us, our Heirs and Successors; nor shall the said *William Penn*, or his Heirs, or any other Inhabitants of the said Province, make War, or do any Act of Hostility against any other King, Prince, or State, or any of their Subjects, who shall then be in League or Amity with us, our Heirs and Successors.

S E C T. XVI.

A N D, because in so remote a Country, and situate near many barbarous Nations, the Incursions as well of the Savages

themselves, as of other Enemies, Pirates and Robbers, may probably be feared; Therefore we have given, and for us, our Heirs and Successors, do give Power by these Presents to the said *William Penn*, his Heirs and Assigns, by themselves or their Captains, or other their Officers, to levy, muster and train all Sorts of Men, of what Condition soever, or wheresoever born, in the said Province of *Pensilvania* for the Time being, and to make War, and to pursue the Enemies and Robbers aforesaid, as well by Sea as by Land, even without the Limits of the said Province, and by God's Assistance to vanquish and take them, and being taken to put them to Death by the Law of War, or to save them at their Pleasure, and to do all and every other Thing which unto the Charge and Office of a Captain-General of an Army belongeth, or hath accustomed to belong, as fully and freely as any Captain-General of an Army hath ever had the same.

S E C T. XVII.

A N D F U R T H E R M O R E, of our special Grace, and of our certain Knowledge and mere Motion, we have given and granted, and by these Presents, for us, our Heirs and Successors, do give and grant unto the said *William Penn*, his Heirs and Assigns, full and absolute Power, Licence and Authority, that he, the said *William Penn*, his Heirs and Assigns, from time to time hereafter for ever, at his or their own Will and Pleasure may assign, alien, grant, demise, or enfeoff of the Premises so many and such Parts and Parcels to him that shall be willing to purchase the same, as they shall think fit, to have and to hold to them the said Person and Persons willing to take and purchase, their Heirs and Assigns, in Fee-simple or Fee-tail, or for the Term of Life, Lives or Years, to be held of the said *William Penn*, his Heirs or Assigns, as of the said Seigniorie of *Windsor*, by such Services, Customs, or Rents, as shall seem meet to the said *William Penn*, his Heirs or Assigns, and not immediately of us, our Heirs or Successors.

S E C T. XVIII.

A N D to the same Person or Persons, and to all and every of them, we do give and grant by these Presents, for us, our Heirs and Successors, Licence, Authority and Power, that such Person or Persons may take the Premises, or any Parcel thereof, of the aforesaid *William Penn*, his Heirs or Assigns, and the same hold to themselves, their Heirs and Assigns, in what Estate of Inheritance soever, in Fee-simple or in Fee-tail, or otherwise, as to him, the said *William Penn*, his Heirs or Assigns, shall seem expedient: The Statute made in the Parliament of *E D W A R D*, Son of King *H E N R Y*, late King of *England*, our Predecessor, (commonly called *The Statute* QUIA EMPTORES TERRARUM, lately published in our Kingdom of *England*) in any wise notwithstanding.

S E C T. XIX.

A N D by these Presents we give and grant Licence unto the said *William Penn*, and his Heirs, and likewise to all and every such Person or Persons to whom the said *William Penn*, or his Heirs, shall at any Time hereafter grant any Estate or Inheritance as aforesaid, to erect any Parcels of Land within the Province aforesaid into Manors, by and with the Licence to be first had and obtained for that Purpose, under the Hand and Seal of the said *William Penn*, or his Heirs; and in every of the said Manors to have and to hold a Court-Baron, with all things whatsoever which to a Court-Baron do belong, and to have and to hold View of Frank-Pledge for the Conservation of the Peace, and the better Government of those Parts, by themselves or their Stewards, or by the Lords for the Time being of the Manors to be deputed when they shall be erected, and in the same to use all Things belonging to the View of Frank-Pledge. A N D we do further grant Licence and Authority, That every such Person or Persons who shall erect any such Manor or Manors, as aforesaid, shall or may grant all or any Part of his said Land to any Person or Persons, in Fee-simple, or any other Estate of Inheritance to be held of the said Manors respectively, so as no farther Tenure shall be created, but that upon all further or other Alienations thereafter to be made, the said Lands so aliened shall be held of the same Lord and his Heirs, of whom the Aliener did then before hold, and by the like Rents and Services which were before due and accustomed.

S E C T. XX.

A N D F U R T H E R our Pleasure is, and by these Presents, for us, our Heirs and Successors, we do covenant and grant to and with the said *William Penn*, his Heirs and Assigns, That we, our Heirs and Successors, shall at no Time hereafter set or make, or cause to be set or made, any Imposition, Custom, or other Taxation, Rate or Contribution whatsoever, in and upon the Dwellers and Inhabitants of the aforesaid Province, for their Lands, Tenements, Goods or

Chattles within the said Province, or in and upon any Goods or Merchandizes within the Province, or to be laden or unladen within the Ports or Harbours of the said Province, unless the same be with the Consent of the Proprietary, or chief Governor, or Assembly, or by Act of Parliament in *England*.

S E C T. XXI.

A N D our Pleasure is, and for us, our Heirs and Successors, we charge and command, That this our Declaration shall from henceforth from Time to Time be received and allowed in all our Courts, and before all the Judges of us, our Heirs and Successors, for a sufficient lawful Discharge, Payment and Acquittance; commanding all the Officers and Ministers of us, our Heirs and Successors, and enjoining them upon Pain of our highest Displeasure, that they do not presume at any Time to attempt any thing to the contrary of the Premisses, or that do in any sort withstand the same, but that they be at all Times aiding and assisting, as is fitting to the said *William Penn*, and his Heirs, and unto the Inhabitants and Merchants of the Province aforesaid, their Servants, Ministers, Factors, and Assigns, in the full Use and Fruition of the Benefit of this our Charter.

S E C T. XXII.

A N D our farther Pleasure is, and we do hereby, for us, our Heirs and Successors, charge and require, That if any of the Inhabitants of the said Province, to the Number of Twenty, shall at any Time hereafter be desirous, and shall by any Writing, or by any Person deputed by them, signify such their Desire to the Bishop of *London* for the Time being, That any Preacher or Preachers, to be approved of by the said Bishop, may be sent unto them for their Instruction; That then such Preacher or Preachers shall and may reside within the said Province, without any Denial or Molestation whatsoever.

S E C T. XXIII.

A N D if perchance hereafter any Doubt or Question should arise, concerning the true Sense and Meaning of any Word, Clause, or Sentence contained in this our present Charter, we will, ordain, and command, That at all Times, and in all Things, such Interpretation be made thereof, and allowed in any of our Courts whatsoever, as shall be adjudged most advantageous and favourable unto the said *William Penn*, his Heirs and Assigns: Provided always no Interpretation be admitted thereof, by which the Allegiance due unto us, our Heirs and Successors, may suffer any Prejudice or Diminution; although express Mention be not made in these Presents of the true yearly Value, or Certainty of the Premisses, or any Part thereof, or of other Gifts and Grants made by us and our Progenitors or Predecessors unto the said *William Penn*: Any Statute, Act, Ordinance, Provision, Proclamation, or Restraint heretofore had, made, published, ordained, or provided, or any other Thing, Cause or Matter whatsoever, to the contrary thereof in any wise notwithstanding. I N W I T N E S S whereof we have caused these our Letters to be made Patent: Witness O U R S E L F, at *Westminster*, the *Fourth Day of March*, in the *three and thirtieth* Year of our Reign. *Annoque Domini One Thousand Six Hundred and Eighty-one*.

By Writ of Privy Seal,

P I G O T T.

The F R A M E of the Government of the Province of *Pensylvania* in *America*: Together with certain L A W S agreed upon in *England*. By the Governor and divers Freemen of the aforesaid Province. To be further explained and continued there, by the first Provincial Council that shall be held, if they see meet.

The P R E F A C E.

W H E N the great and wise *G O D* had made the World, of all his Creatures it pleased him to chuse Man his Deputy to rule it; and to fit him for so great a Charge and Trust, he did not only qualify him with Skill and

Power, but with Integrity to use them justly. This native Goodness was equally his Honour and his Happiness; and whilst he stood here, all went well; there was no need of coercive or compulsive Means; the Precept of divine Love and Truth in his Bosom was the Guide and Keeper of his Innocency. But Lust prevailing against Duty, made a lamentable Breach upon it; and the Law, that had before no Power over him, took place upon him and his disobedient Posterity, that such as would not live conformable to the holy Law within, should fall under the Reproof and Correction of the just Law without, in a judicial Administration.

T H I S the Apostle teaches in divers of his Epistles: The Law (says he) was added because of Transgression: In another Place, Knowing that the Law was not made for the righteous Man; but for the disobedient and ungodly, for Sinners, for unholy and prophane, for Murderers, for Whoremongers, for them that defile themselves with Mankind, and for Men-stealers, for Liars, for perjured Persons, &c. But this is not all, he opens and carries the Matter of Government a little further: Let every Soul be subject to the higher Powers; for there is no Power but of G O D. The Powers that be are ordained of G O D: Whosoever therefore resisteth the Power, resisteth the Ordinance of G O D. For Rulers are not a Terror to good Works, but to evil: Wilt thou then not be afraid of the Power? do that which is good, and thou shalt have Praise of the same.—He is the Minister of G O D to thee for good.—Wherefore ye must needs be subject, not only for Wrath, but for Conscience sake.

T h i s settles the divine Right of Government beyond Exception, and that for two Ends: First to terrify evil Doers; Secondly to cherish those that do well; which gives Government a Life beyond Corruption, and makes it as durable in the Word, as good Men shall be. So that Government seems to me a Part of Religion itself, a Thing sacred in its Institution and End. For if it does not directly remove the Cause, it crushes the Effects of Evil, and is as such (though a lower yet) an Emanation of the same divine Power, that is both Author and Object of pure Religion; the Difference lying here, that the one is more free and mental, the other more corporal and compulsive in its Operations: But that is only to evil Doers; Government itself being otherwise as capable of Kindness, Goodness, and Charity, as a more private Society. They weakly err, that think there is no other Use of Government than Correction, which is the coarsest Part of it: Daily Experience tells us, that the Care and Regulation of many other Affairs, more soft and daily necessary, make up much the greatest Part of Government; and which must have followed the Peopling of the World, had Adam never fell, and will continue among Men on Earth under the highest Attainments they may arrive at, by the coming of the blessed Second Adam, the L O R D from Heaven. Thus much of Government in general, as to its Rise and End.

F O R particular Frames and Models, it will become me to say little; and comparatively I will say nothing. My Reasons are: First, That the Age is too nice and difficult for it; there being nothing the Wits of Men are more busy and divided upon. 'Tis true, they seem to agree in the End, to wit, Happiness; but in the Means they differ, as to divine, so to this human Felicity; and the Cause is much the same, not always Want of Light and Knowledge, but Want of Using them rightly. Men side with their Passions against their Reason, and their sinister Interests have so strong a Biass upon their Minds, that they lean to them against the good of the things they know.

Secondly, I do not find a Model in the World, that Time, Place, and some singular Emergencies have not necessarily altered; nor is it easy to frame a civil Government, that shall serve all Places alike.

Thirdly, I know what is said by the several Admirers of Monarchy, Aristocracy, and Democracy, which are the Rule of one, a few, and many, and are the three common Ideas of Government, when Men discourse on that Subject. But I chuse to solve the Controversy with this small Distinction, and it belongs to all three: Any Government is free to the People under it (whatever be the Frame) where the Laws rule, and the People are a Party to those Laws; and more than this is Tyranny, Oligarchy, or Confusion.

BUT Lastly, when all is said, there is hardly one Frame of Government in the World so ill designed by its first Founders, that in good Hands would not do well enough; and Story tells us, the best in ill ones can do nothing that is great or good; Witness the Jewish and Roman States. Governments, like Clocks, go from the Motion Men give them; and as Governments are made and moved by Men, so by them they are ruined too. Wherefore Governments rather depend upon Men, than Men upon Governments. Let Men be good, and the Government can't be bad; if it be ill, they will cure it. But if Men be bad, let the Government be never so good, they will endeavour to warp and spoil it to their Turn.

I know some say, Let us have good Laws, and no matter for the Men that execute them: But let them consider, That though good Laws do well, good Men do better: For good Laws may want good Men, and be abolished or evaded by

ill Men; but good Men will never want good Laws, nor suffer ill ones. 'Tis true, good Laws have some awe upon ill Ministers, but that is where they have no Power to escape or abolish them, and the People are generally wise and good: But a loose and depraved People (which is to the Question) love Laws and an Administration like themselves. That therefore which makes a good Constitution, must keep it, viz. Men of Wisdom and Virtue, Qualities, that because they descend not with worldly Inheritances, must be carefully propagated by a virtuous Education of Youth; for which After-Ages will owe more to the Care and Prudence of Founders and the successive Magistracy, than to their Parents for their private Patrimonies.

THESE Considerations of the Weight of Government, and the nice and various Opinions about it, made it uneasy to me to think of publishing the ensuing Frame and conditional Laws, foreseeing, both the Censures they will meet with from Men of differing Humours and Engagements, and the Occasion they may give of Discourse beyond my Design.

BUT next to the Power of Necessity, (which is a Solicitor that will take no Denial) this induced me to a Compliance, that we have (with Reverence to G O D and good Conscience to Men) to the best of our Skill, contrived and composed the F R A M E and L A W S of this Government, to the great End of all Government, viz. To support Power in Reverence with the People, and to secure the People from the Abuse of Power; that they may be free by their just Obedience, and the Magistrates honourable for their just Administration: For Liberty without Obedience is Confusion, and Obedience without Liberty is Slavery. To carry this Evenness is partly owing to the Constitution, and partly to the Magistracy: Where either of these fail, Government will be subject to Convulsions; but where both are wanting, it must be totally subverted: Then where both meet, the Government is like to endure. Which I humbly pray, and hope G O D will please to make the Lot of this of Pensilvania. Amen.

WILLIAM PENN.

The F R A M E, &c.

T O A L L P E O P L E To whom these Presents shall come. W H E R E A S King *C H A R L E S the Second*, by his Letters Patents, under the great Seal of *England*, for the Consideration therein mentioned, hath been graciously pleased to give and grant unto me *William Penn* (by the Name of *William Penn*, Esq; Son and Heir of Sir *William Penn* deceased) and to my Heirs and Assigns for ever, all that Tract of Land, or Province called *Pensilvania*, in *America*, with divers great Powers, Preheminences, Royalties. Jurisdicions, and Authorities, necessary for the Well-being and Government thereof: N O W K N O W Y E That for the Well-being and Government of the said Province, and for the Encouragement of all the Freemen and Planters that may be therein concerned, in Pursuance of the Powers aforementioned, I the said *William Penn* have declared, granted and confirmed, and by these Presents, for me, my Heirs and Assigns, do declare, grant and confirm unto all the Freemen, Planters and Adventurers, of, in and to the said Province, these Liberties, Franchises, and Properties, to be held, enjoyed and kept by the Freemen, Planters and Inhabitants of the said Province of *Pensilvania* for ever.

IMPRIMIS.

T H A T the Government of this Province shall, according the Powers of the Patent, consist of the Governor and Freemen of the said Province, in Form of a Provincial Council and General Assembly, by whom all Laws shall be made, Officers chosen, and publick Affairs transacted, as is hereafter respectively declared. *That is to say,*

II.

T H A T the Freemen of the said Province shall on the twentieth Day of the twelfth Month, which shall be in this present Year *One Thousand Six Hundred Eighty and Two*, meet and assemble in some fit Place, of which timely Notice shall be beforehand given by the Governor or his Deputy, and then and there shall chuse out of themselves SEVENTY-TWO Persons of most Note for their Wisdom, Virtue and Ability, who shall meet on the tenth Day of the first Month next ensuing, and always be called and act as the provincial Council of the said Province.

III.

T H A T at the first Choice of such provincial Council, one third part of the said provincial Council shall be chosen to serve for three Years then next ensuing, one third part for two Years then next ensuing, and one third part for one Year then next following such Election, and no longer; and that the said third part shall go out accordingly: And on the twentieth Day of the twelfth Month as aforesaid, yearly for ever afterward, the Freemen of the said Province shall in like Manner meet and assemble together, and then chuse TWENTY-FOUR Persons, being one third of the said Number, to serve in provincial Council for three Years: It being intended, that one third part of the whole provincial Council (always consisting, and to consist of seventy-two Persons, as aforesaid) falling off yearly, it shall be yearly supplied by such new yearly Elections, as aforesaid; and that no one Person shall continue therein longer than three Years: And in case any Member shall decease before the last Election during his Time, that then at the next Election ensuing his Decease, another shall be chosen to supply his Place for the remaining Time he was to have served, and no longer.

IV.

T H A T after the first seven Years, every one of the said third parts that goeth yearly off, shall be incapable of being chosen again for one whole Year following: That so all may be fitted for Government, and have Experience of the Care and Burden of it.

V.

T H A T the provincial Council in all Cases and Matters of Moment, as their arguing upon Bills to be past into Laws, erecting Courts of Justice, giving Judgment upon Criminals impeached, and Choice of Officers, in such Manner as is herein after-mentioned; not less than two-thirds of the whole provincial Council shall make a *Quorum*; and that the Consent not Approbation of two-thirds of such *Quorum* shall be had in all such Cases and Matters of Moment. And moreover, that in all Cases and Matters of lesser Moment, twenty-four Members of the said provincial Council shall make a *Quorum*, the Majority of which twenty-four shall and may always determine in such Cases and Causes of lesser Moment.

VI.

T H A T in this provincial Council the Governor, or his Deputy, shall or may always preside, and have a treble Voice; and the said provincial Council shall always continue, and sit upon its own Adjournments and Committees.

VII.

T H A T the Governor and provincial Council shall prepare and propose to the general Assembly hereafter mentioned, all Bills, which they shall at any Time think fit to be passed into Laws within the said Province; which Bills shall be published and affixed to the most noted Places in the inhabited Parts thereof, thirty Days before the Meeting of the general Assembly, in order to the passing them into Laws, or rejecting of them, as the general Assembly shall see meet.

VIII.

T H A T the Governor and provincial Council shall take care, that all Laws, Statutes and Ordinances, which shall at any Time be made within the said Province, be duly and diligently executed.

IX.

T H A T the Governor and provincial Council shall at all Times have the Care of the Peace and Safety of the Province, and that nothing be by any Person attempted to the Subversion of this Frame of Government.

X.

T H A T the Governor and provincial Council shall at all Times settle and order the Situation of all Cities, Ports, and Market-Towns in every County, modelling therein all publick Buildings, Streets, and Market-Places, and shall appoint all necessary Roads and Highways in the Province.

XI.

T H A T the Governor and provincial Council shall at all Times have Power to inspect the Management of the publick Treasury, and punish those who shall convert any Part thereof to any other Use, than what hath been agreed upon by the Governor, provincial Council, and general Assembly.

XII.

T H A T the Governor and provincial Council shall erect and order all publick Schools, and encourage and reward the Authors of useful Sciences and laudable Inventions in the said Province.

XIII.

T H A T for the better Management of the Powers and Trust aforesaid, the provincial Council shall from time to time divide itself into four distinct and proper Committees, for the more easy Administration of the Affairs of the Province, which divides the Seventy-two into four Eighteens, every one of which Eighteens shall consist of six out of each of the three Orders or yearly Elections, each of which shall have a distinct Portion of Business, as followeth: *First*, a Committee of Plantations, to situate and settle Cities, Ports, and Market-Towns, and Highways, and to hear and decide all Suits and Controversies relating to Plantations. *Secondly*, a Committee of Justice and Safety, to secure the Peace of the Province, and punish the Male-Administration of those who subvert Justice to the Prejudice of the publick or private Interest. *Thirdly*, a Committee of Trade and Treasury, who shall regulate all Trade and Commerce according to Law, encourage Manufacture and Country-Growth, and defray the publick Charge of the Province. And *Fourthly*, a Committee of Manners, Education, and Arts, that all wicked and scandalous Living may be prevented, and that Youth may be successively trained up in Virtue and useful Knowledge and Arts: The *Quorum* of each of which Committees being six, *that is*, two out of each of the three Orders or yearly Elections, as aforesaid, make a constant and standing Council of TWENTY-FOUR, which will have the Power of the provincial Council, being the *Quorum* of it, in all Cases not excepted in the fifth Article; and in the said Committees and standing Council of the Province, the Governor or his Deputy shall or may preside, as aforesaid; and in the Absence of the Governor or his Deputy, if no one is by either of them appointed, the said Committees or Council shall appoint a President for that Time, and not otherwise; and what shall be resolved at such Committees, shall be reported to the said Council of the Province, and shall be by them resolved and confirmed before the same shall be put in Execution; and that these respective Committees shall not sit at one and the same Time, except in Cases of Necessity.

XIV.

A N D, to the End that all Laws prepared by the Governor and provincial Council aforesaid, may yet have the more full Concurrence of the Freemen of the Province, it is declared, granted, and confirmed, That at the Time and Place or Places for the Choice of a provincial Council as aforesaid, the said Freemen shall yearly chuse Members to serve in a general Assembly as their Representatives, not exceeding two hundred Persons, who shall yearly meet from the twentieth Day of the second Month, which shall be in the Year *One Thousand Six Hundred Eighty and Three* following, in the capital Town or City of the said Province, where during eight Days the several Members may freely confer with one another; and, if any of them see meet, with a Committee of the provincial Council (consisting of three out of each of the four Committees aforesaid, being twelve in all) which shall be at that Time, purposely appointed to receive from any of them Proposals for the Alterations or Amendment of any of the said proposed and promulgated Bills: And on the ninth Day from their so meeting, the said general Assembly, after Reading over the proposed Bills by the Clerk of the provincial Council, and the Occasions and Motives for them being opened by the Governor or his Deputy, shall give their Affirmative or Negative, which to them seemeth best, in such Manner as herein after is express'd. But not less than two-thirds shall make a *Quorum* in the Passing of Laws, and Choice of such Officers as are by them to be chosen.

XV.

T H A T the Laws so prepared and proposed as aforesaid, that are assented to by the general Assembly, shall be enrolled as Laws of the Province, with this Stile: *By the Governor, with the Assent and Approbation of the Freemen in provincial Council and general Assembly.*

XVI.

T H A T, for the better Establishment of the Government and Laws of this Province, and to the End there may be an universal Satisfaction in the Laying of the Fundamentals thereof; the general Assembly shall, or may for the first Year, consist of all the Freemen of and in the said Province, and ever after it shall be yearly chosen as aforesaid; which Number of two hundred shall be enlarged as the Country shall encrease in People, so as it do not exceed five hundred at any Time: The Appointment and Proportioning or which, as also the Laying and Methodizing of the Choice of the provincial Council and general Assembly in future Times, most equally to the Divisions of the Hundreds and Counties, which the Country shall hereafter be divided into, shall be in the Power of the provincial Council to propose, and the general Assembly to resolve.

XVII.

T H A T the Governor and the provincial Council shall erect from time to time standing Courts of Justice, in such Places and Number as they shall judge convenient for the good Government of the said Province. And that the provincial Council shall on the thirteenth Day of the first Month yearly, elect and present to the Governor or his Deputy, a double Number of Persons, to serve for Judges, Treasurers, Masters of Rolls, within the said Province for the Year next ensuing; and the Freemen of the said Province in the County-Courts, when they shall be erected, and till then in the general Assembly, shall on the three and twentieth Day of the second Month yearly, elect and present to the Governor or his Deputy, a double Number of Persons to serve for Sheriffs, Justices of the Peace, and Coroners, for the Year next ensuing; out of which respective Elections and Presentments, the Governor or his Deputy shall nominate and commissionate the proper Number for each Office the third Day after the said Presentments; or else the first named in such Presentment for each Office, shall stand and serve for that Office the Year ensuing.

XVIII.

B U T forasmuch as the present Condition of the Province requires some immediate Settlement, and admits not of so quick a Revolution of Officers; and to the End the said Province may, with all convenient Speed, be well ordered and settled, I *William Penn* do therefore think fit to nominate and appoint such Persons for Judges, Treasurers, Masters of the Rolls, Sheriffs, Justices of the Peace, and Coroners, as are most fitly qualified for those Employments; to whom I shall make and grant Commissions for the said Officers, respectively, to hold to them to whom the same shall be granted, for so long Time as every such Person shall well behave himself in the Office or Place to him respectively granted, and no longer. And upon the Decease or Displacing of any of the said Officers, the succeeding Officer or Officers shall be chosen as aforesaid.

XIX.

T H A T the general Assembly shall continue so long as may be needful to impeach Criminals fit to be there impeached, to pass Bills into Laws that they shall think fit to pass into Laws, and till such Time as the Governor and provincial Council shall declare that they have nothing further to propose unto them for their Assent and Approbation: And that Declaration shall be a Dismiss to the general Assembly for that time; which general Assembly shall be notwithstanding capable of assembling together upon the Summons of the provincial Council, at any Time during that Year, if the said provincial Council shall see Occasion for their so assembling.

XX.

T H A T all the Elections of Members or Representatives of the People to serve in provincial Council and general Assembly, and all Questions to be determined by both or either of them, that relate to passing of Bills into Laws, to the Choice of Officers, to Impeachments made by the general Assembly, and Judgment of Criminals upon such Impeachments by the provincial Council, and to all other Cases by them respectively judged of Importance, shall be resolved and determined by the Ballot; and unless on sudden and indispensable Occasions, no Business in provincial Council, or its respective Committees, shall be finally determined the same Day that it is moved.

XXI.

T H A T at all times, when, and so often as it shall happen that the Governor shall or may be an Infant under the Age of one and twenty Years, and no Guardians or Commissioners are appointed in Writing by the Father of the said Infant, or that such Guardians or Commissioners shall be deceased; that during such Minority, the provincial Council shall from Time to Time, as they shall see meet, constitute and appoint Guardians or Commissioners, not exceeding three; one of which three shall preside as Deputy and chief Guardian, during such Minority, and shall have, and execute, with the Consent of the other two, all the Power of a Governor, in all the publick Affairs and Concerns of the said Province.

XXII.

T H A T as often as any Day of the Month mentioned in any Article of this Charter, shall fall upon the first Day of the Week, commonly called *the Lord's Day*, the Business appointed for that Day shall be deferred till the next Day, unless in case of Emergency.

XXIII.

T H A T no Act, Law, or Ordinance whatsoever, shall at any time hereafter be made or done by the Governor of this Province, his Heirs or Assigns, or by the Freemen in the provincial Council, or the general Assembly, to alter, change or diminish the Form or Effect of this Charter, or any Part or Clause thereof, or contrary to the true Intent and Meaning thereof, without the Consent of the Governor, his Heirs or Assigns, and six Parts of seven of the said Freemen in provincial Council and general Assembly.

XXIV.

A N D L A S T L Y, That I the said *William Penn*, for myself, my Heirs and Assigns, have solemnly declared, granted, and confirmed, and do hereby solemnly declare, grant, and confirm, That neither I, my Heirs nor Assigns, shall procure or do any Thing or Things, whereby the Liberties in this Charter contained and expressed shall be infringed or broken; and if any Thing be procured by any Person or Persons contrary to these Premises, it shall be held of no Force or Effect. I N W I T N E S S whereof, I the said *William Penn* have unto this present Charter of Liberties set my Hand and broad Seal, this *five and twentieth* Day of the second Month, vulgarly called *April*, in the Year of our L O R D *One Thousand Six Hundred and Eighty-two*.

WILLIAM PENN.

L A W S agreed upon in England, &c.

I.

T H A T the Charter of Liberties, declared, granted, and confirmed the *five and twentieth* Day of the second Month, called *April*, 1682, before divers Witnesses, by *William Penn*, Governor and chief Proprietor of *Pensilvania*, to all the Freemen and Planters of the said Province; is hereby declared and approved, and shall be for ever held for Fundamental in the Government thereof, according to the Limitations mentioned in the said Charter.

II.

T H A T every Inhabitant in the said Province, that is or shall be a Purchaser of one hundred Acres of Land, or upwards, his Heirs and Assigns, and every Person who shall have paid his Passage, and taken up one hundred Acres of Land at one Penny an Acre, and have cultivated ten Acres thereof; and every Person that hath been a Servant or Bondsman, and is free by his Service, that shall have taken up his fifty Acres of Land, and cultivated twenty thereof; and every Inhabitant, Artificer, or other Resident in the said Province, that pays Scot and Lot to the Governments shall be deemed and accounted a Freeman of the said Province: And every such Person shall and may be capable of electing, or being elected Representatives of the People in provincial Council or general Assembly in the said Province.

III.

T H A T all Elections of Members, or Representatives of the People and Freemen of the Province of *Pensilvania*, to serve in provincial Council or general Assembly to be held within the said Province, shall be free and voluntary: And that the Elector, that shall receive any Reward or Gift, in Meat, Drink, Monies, or otherwise, shall forfeit his Right to elect; and such Person as shall directly or indirectly give, promise, or bestow any such Reward as aforesaid, to be elected, shall forfeit his Election, and be thereby incapable to serve as aforesaid: And the provincial Council and general Assembly shall be the sole Judges of the Regularity or Irregularity of the Elections of their own respective Members.

IV.

T H A T no Money or Goods shall be raised upon, or paid by any of the People of this Province by way of publick Tax, Custom, or Contribution, but by a Law for that Purpose made; and whosoever shall levy, collect, or pay any Money or Goods contrary thereunto, shall be held a publick Enemy to the Province, and a Betrayer of the Liberties of the People thereof.

V.

T H A T all Courts shall be open, and Justice shall neither be sold, denied, nor delayed.

VI.

T H A T in all Courts, all Persons of all Persuasions may freely appear in their own Way, and according to their own Manner, and there personally plead their own Cause themselves; or if unable, by their Friend: And the first Process shall be the Exhibition of the Complaint in Court, fourteen Days before the Trial; and that the Party complained against may be fitted for the same, he or she shall be summoned, no less than ten Days before, and a Copy of the Complaint delivered him or her, at his or her Dwelling-house. But before the Complaint of any Person be received, he shall solemnly declare in Court, That he believes in his Conscience his Cause is just.

VII.

T H A T all Pleadings, Processes, and Records in Court shall be short, and in *English*, and in an ordinary and plain Character, that they may be understood, and Justice speedily administred.

VIII.

T H A T all Trials shall be by twelve Men, and as near as may be, Peers or Equals, and of the Neighbourhood, and Men without just Exception in Cases of Life, there shall be first twenty-four returned by the Sheriffs for a Grand Inquest, of whom twelve at least shall find the Complaint to be true; and then the twelve Men, or Peers, to be likewise returned by the Sheriff, shall have the final Judgment. But reasonable Challenges shall be always admitted against the said twelve Men, or any of them.

IX.

T H A T all Fees in all Cases shall be moderate, and settled by the provincial Council and general Assembly, and be hung up in a Table in every respective Court; and whosoever shall be convicted of taking more, shall pay two-fold, and be dismissed his Employment, one Moiety of which shall go to the Party wronged.

X.

T H A T all Prisons shall be Work-houses for Felons, Vagrants, and loose and idle Persons; whereof one shall be in every County.

XI.

T H A T all Prisoners shall beailable by sufficient Sureties, unless for capital Offences, where the Proof is evident, or the Presumption great.

XII.

T H A T all Persons wrongfully imprisoned or prosecuted at Law, shall have double Damages against the Informer or Prosecutor.

XIII.

T H A T all Prisons shall be free as to Fees, Food, and Lodging.

XIV.

T H A T all Lands and Goods shall be liable to pay Debts, except where there is legal Issue, and then all the Goods, and one third of the Land only.

XV.

T H A T all Wills in Writing attested by two Witnesses, shall be of the same Force, as to Lands, as other Conveyances, being legally proved within forty Days, either within or without the said Province.

XVI.

T H A T seven Years quiet Possession shall give an unquestionable Right, except in Cases of Infants, Lunaticks, married Women, or Persons beyond the Seas.

XVII.

T H A T all Briberies and Extortions whatsoever, shall be severely punished.

XVIII.

T H A T all Fines shall be moderate, and saving Mens Contenements, Merchandize, or Wainage.

XIX.

T H A T all Marriages (not forbidden by the Law of God, as to Nearness of Blood and Affinity by Marriage) shall be

encouraged; but the Parents or Guardians shall be first consulted, and the Marriage shall be published before it be solemnized; and it shall be solemnized by taking one another as Husband and Wife, before credible Witnesses, and a Certificate of the whole, under the Hands of Parties and Witnesses, shall be brought to the proper Register of that County, and shall be registred in his Office.

XX.

A N D to prevent Frauds and vexatious Suits within the said Province, that all Charters, Gifts, Grants, and Conveyances of Land, (except Leases for a Year or under) and all Bills, Bonds, and Specialties above *five Pounds*, and not under three Months, made in the said Province, shall be enrolled or registred in the publick Enrolment-Office of the said Province, within the Space of two Months next after the Making thereof, else to be void in Law. And all Deeds, Grants, and Conveyances of Land (except as aforesaid) within the said Province, and made out of the said Province, shall be enrolled or registred as aforesaid, within six Months next after the Making thereof, and settling and constituting an Enrolment-Office or Registry within the said Province, else to be void in Law against all Persons whatsoever.

XXI.

T H A T all Defacers or Corrupters of Charters, Gifts, Grants, Bonds, Bills, Wills, Contracts, and Conveyances, or that shall deface or falsify any Enrolment, Registry or Record within this Province, shall make double Satisfaction for the same; half whereof shall go to the Party wronged, and they shall be dismissed of all Places of Trust, and be publicly disgraced as false Men.

XXII.

T H A T there shall be a Register for Births, Marriages, Burials, Wills, and Letters of Administration, distinct from the other Registry.

XXIII.

T H A T there shall be a Register for all Servants, where their Names, Time, Wages, and Days of Payment shall be registred.

XXIV.

T H A T all Lands and Goods of Felons shall be liable to make Satisfaction to the Party wronged twice the Value; and for Want of Lands or Goods, the Felons shall be Bondmen to work in the common Prison or Work-house, or otherwise, till the Party injured be satisfied.

XXV.

T H A T the Estates of capital Offenders, as Traitors and Murderers, shall go one third to the next of kin to the Sufferer, and the Remainder to the next of kin to the Criminal.

XXVI.

T H A T all Witnesses, coming or called to testify their Knowledge in or to any Matter or Thing in any Court, or before any lawful Authority within the said Province, shall there give or deliver in their Evidence or Testimony by solemnly promising to speak the Truth, the whole Truth, and nothing but the Truth, to the Matter or Thing in Question. And in case any Person so called to Evidence, shall be convicted of wilful Falshood, such Person shall suffer and undergo such Damage or Penalty, as the Person or Persons against whom he or she bore false Witness, did or should undergo; and shall also make Satisfaction to the Party wronged, and be publicly exposed as a false Witness, never to be credited in any Court, or before any Magistrate in the said Province.

XXVII.

A N D to the end that all Officers chosen to serve within this Province, may with more Care and Diligence answer the Trust reposed in them, it is agreed, That no such Person shall enjoy more than one publick Office at one Time.

XXVIII.

T H A T all Children within this Province of the Age of twelve Years, shall be taught some useful Trade or Skill, to the end none may be idle, but the Poor may work to live, and the Rich, if they become poor, may not want.

XXIX.

T H A T Servants be not kept longer than their Time, and such as are careful, be both justly and kindly used in their Service, and put in fitting Equipage at the Expiration thereof, according to Custom.

XXX.

T H A T all scandalous and malicious Reporters, Backbiters, Defamers, and Spreaders of false News, whether against Magistrates or private Persons, shall be accordingly severely punished, as Enemies to the Peace and Concord of this Province.

XXXI.

T H A T for the Encouragement of the Planters and Traders in this Province, who are incorporated into a Society, the Patent granted to them by *William Penn*, Governor of the said Province, is hereby ratified and confirmed.

XXXII.

XXXIII.

T H A T all Factors or Correspondents in the said Province, wronging their Employers, shall make Satisfaction and one third over, to their said Employers: And in case of the Death of any such Factor or Correspondent, the Committee of Trade shall take care to secure so much of the deceased Party's Estate, as belongs to his said respective Employers.

XXXIV.

T H A T all Treasurers, Judges, Masters of the Rolls, Sheriffs, Justices of the Peace, and other Officers and Persons whatsoever, relating to Courts or Trials of Causes, or any other Service in the Government; and all Members elected to serve in provincial Council and general Assembly, and all that have Right to elect such Members, shall be such as profess Faith in Jesus Christ, and that are not convicted of ill Fame, or unsober and dishonest Conversation, and that are of *twenty-one* Years of Age at least; and that all such so qualified, shall be capable of the said several Employments and Privileges as aforesaid.

XXXV.

T H A T all Persons living in this Province, who confess and acknowledge the one Almighty and Eternal God, to be the Creator, Upholder and Ruler of the World; and that hold themselves obliged in Conscience to live peaceably and justly in civil Society, shall in no Ways be molested or prejudiced for their religious Persuasion or Practice in Matters of Faith

and Worship, nor shall they be compell'd at any Time to frequent or maintain any religious Worship, Place or Ministry whatever.

XXXVI.

T H A T according to the good Example of the primitive Christians, and the Ease of the Creation, every *first* Day of the Week, called the Lord's Day, People shall abstain from their common daily Labour, that they may the better dispose themselves to worship God according to their Understandings.

XXXVII.

T H A T as a careless and corrupt Administration of Justice draws the Wrath of God upon Magistrates, so the Wildness and Looseness of the People provoke the Indignation of God against a Country: Therefore, That all such Offences against God, as Swearing, Cursing, Lying, prophane Talking, Drunkenness, Drinking of Healths, obscene Words, Incest, Sodomy, Rapes, Whoredom, Fornication, and other Uncleaness (not to be repeated) all Treasons, Misprisions, Murders, Duels, Felony, Sedition, Maims, forcible Entries, and other Violences, to the Persons and Estates of the Inhabitants within this Province. All Prizes, Stage-plays, Cards, Dice, Maygames, Gamesters, Masques, Revels, Bull-baitings, Cock-fightings, Bear-baitings, and the like, which excite the People to Rudeness, Cruelty, Looseness, and Irreligion, shall be respectively discouraged and severely punish'd, according to the Appointment of the Governor and Freemen in provincial Council and general Assembly; as also all Proceedings contrary to these Laws, that are not here made expresly penal.

XXXVIII.

T H A T a Copy of these Laws shall be hung up in the provincial Council, and in publick Courts of Justice: And that they shall be read yearly at the Opening of every provincial Council and general Assembly, and Court of Justice; and their Assent shall be testified, by their standing up after the Reading thereof.

XXXIX.

T H A T there shall be at no time any Alteration of any of these Laws, without the Consent of the Governor, his Heirs or Assigns, and six Parts of seven of the Freemen, met in provincial Council and general Assembly.

XL.

T H A T all other Matters and Things not herein provided for, which shall and may concern the publick Justice, Peace or Safety of the said Province; and the raising and imposing Taxes, Customs, Duties, or other Charges whatsoever, shall be and are hereby referred to the Order, Prudence and Determination of the Governor and Freemen in provincial Council and general Assembly, to be held from time to time in the said Province.

Signed and Sealed by the Governor and Freemen aforesaid, the fifth Day of the third Month, called May, One Thousand Six Hundred and Eighty-Two.

Certain CONDITIONS or CONCESSIONS agreed upon by WILLIAM PENN, Proprietor and Governor of the Province of Pensilvania, and those who are the Adventurers and Purchasers in the same Province, the Eleventh of July, One Thousand Six Hundred and Eighty-one.

F I R S T.

T H A T so soon as it pleaseth God, that the abovesaid Persons arrive there, a certain Quantity of Land or Ground Plat, shall be laid out for a large Town or City, in the most convenient Place upon the River for Health and Navigation; and every Purchaser and Adventurer, shall by Lot have so much Land therein as will answer to the Proportion which he hath bought or taken up upon Rent: But it is to be noted, that the Surveyors shall consider what Roads or Highways will be necessary to the Cities, Towns, or thro' the Lands. Great Roads from City to City shall not contain less than *forty* Foot in Breadth, and shall be first laid out and declared to be for Highways, before the Dividend of Acres be laid out for the Purchaser; and the like Observation to be had for the Streets in the Towns and Cities, that there may be convenient Roads and Streets preserved, not to be incroached upon by any Planter or Builder, that none may build irregularly to the Damage of another. *In this, Custom governs.*

II.

T H A T the Land in the Town be laid out together after the Proportion of *ten thousand* Acres of the whole Country, that is, *two hundred* Acres if the Place will bear it: However, that the Proportion be by Lot, and entire, so as those that desire to be together, especially those that are by the Catalogue laid together, may be so laid together both in the Town and Country.

III.

T H A T when the Country-Lots are laid out, every Purchaser, from *one thousand* to *ten thousand* Acres, or more, not to have above *one thousand* Acres together, unless in *three* Years they plant a Family upon every *thousand* Acres; but that all such as purchase together, lie together; and is as many as comply with this Condition, that the whole be laid out together.

IV.

T H A T where any Number of Purchasers, more or less, whose Number of Acres amounts to *five* or *ten thousand* Acres, desire to sit together in a Lot or Township, they shall have their Lot or Township cast together, in such Places as have convenient Harbours or navigable Rivers attending it, if such can be found; and in case any one or more Purchasers plant not according to Agreement in this Concession, to the Prejudice of others of the same Township, upon Complaint thereof made to the Governor or his Deputy, with Assistance, they may award (if they see Cause) that the complaining Purchaser may, paying the Survey-Money, and Purchase-Money, and Interest thereof, be entitled, inrolled and lawfully invested in the Lands so not seated.

V.

T H A T the Proportion of Lands that shall be laid out in the first great Town or City, for every Purchaser, shall be after the Proportion of *ten* Acres for every *five hundred* Acres purchased, if the Place will allow it.

VI.

T H A T notwithstanding there be no mention made, in the several Deeds made to the Purchasers, yet the said *William Penn* does accord and declare, that all Rivers, Rivulets, Woods and Underwoods, Waters, Water-courses, Quarries, Mines and Minerals (except Mines Royal) shall be freely and fully enjoyed, and wholly by the Purchasers, into whose Lot they fall.

VII.

T H A T for every *fifty* Acres that shall be allotted to a Servant at the End of his Service, his Quit-Rent shall be *two Shillings per Annum*, and the Master or Owner of the Servant, when he shall take up the other *fifty* Acres, his Quit-Rent shall be *four Shillings* by the Year, or if the Master of the Servant (by Reason in the Indentures he is so obliged to do) allot out to the Servant *fifty* Acres in his own Division, the said Master shall have on Demand allotted him, from the

Governor, the *one hundred* Acres at the chief Rent of *six Shillings per Annum*.

VIII.

A N D for the Encouragement of such as are ingenious and willing to search out Gold and Silver Mines in this Province, it is hereby agreed, that they have Liberty to bore and dig in any Man's Property, fully paying the Damage done; and in case a Discovery should be made, that the Discoverer have one *fifth*, the Owner of the Soil (if not the Discoverer) a *tenth* Part, the Governor *two fifths*, and the rest to the publick Treasury, saving to the King the Share reserved by Patent.

IX.

I N every *hundred thousand* Acres, the Governor and Proprietary, by Lot, reserveth *ten* to himself, what shall lie but in one Place.

X.

T H A T every Man shall be bound to plant or man so much of his Share of Land as shall be set out and surveyed, within *three* Years after it is so set out and surveyed, or else it shall be lawful for new Comers to be settled thereupon, paying to them their Survey-Money, and they go up higher for their Shares.

XI.

T H E R E 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 publick Market, when such Places shall be set apart or erected, where they shall pass the publick 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 publick Treasury of the Province, whether it be the Merchandize of the *Indian*, or that of the Planters.

XII.

A N D F O R A S M U C H as it is usual with the Planters, to over-reach 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.

T H A T no Man shall by any Ways or Means, in Word or Deed, affront or wrong any *Indian*, but he 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 *Indian*, 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 *Indian*, that all reasonable Satisfaction be made to the said injured Planter.

XIV.

T H A T 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.

T H A T the *Indians* shall have Liberty to do all Things relating to the Improvement of their Ground, and providing Sustenance for their Families, that any of the Planters shall enjoy.

XVI.

T H A T the Laws as to Slanders, Drunkenness, Swearing, Cursing, Pride in Apparel, Trespasses, Distresses, Replevins, Weights and Measures, shall be the same as in *England*, till altered by Law in this Province.

XVII.

T H A T all shall mark their Hogs, Sheep and other Cattle, and what are not marked within *three* Months after it is in their Possession, be it young or old, it shall be forfeited to the Governor, that so People may be compelled to avoid the Occasions of much Strife between Planters.

XVIII.

T H A T in clearing the Ground, Care be taken to leave one Acre of Trees for every *five* Acres clear'd, especially to preserve Oak and Mulberries for Silk and Shipping.

XIX.

T H A T all Ship-Masters shall give an Account of their Countries, Names, Ships, Owners, Freights and Passengers, to an Officer to be appointed for that Purpose, which shall be registred within *two* Days after their Arrival; and if they shall refuse so to do, that then none presume to trade with them, upon Forfeiture thereof; and that such Masters be looked upon, as having an evil Intention to the Province.

XX.

T H A T no Person leave the Province, without Publication being made thereof, in the Market-Place, *three* Weeks before, and a Certificate from some Justice of the Peace, of his Clearness with his Neighbours, and those he hath dealt withal, so far as such an Assurance can be attained and given: And if any Master of a Ship shall, contrary hereunto, receive and carry away any Person, that hath not given that publick Notice, the said Master shall be liable to all Debts owing by the said Person, so secretly transported from the Province. *Lastly*, that these are to be added to, or corrected, by and with the Consent of the Parties hereunto subscribed.

William Penn;

Sealed and delivered in the Presence of

William Boelham,
Harbert Springet,
Thomas Prudyard.

Sealed and delivered in the Presence of all the Proprietors who have hereunto subscribed, except Thomas Farrinborough and John Goodson, in the Presence of

Hugh Chamberlen,
R. Murray,
Harbert Springet,
Humphry South,
Thomas Barker,
Samuel Jobson,
John-Joseph Moore,

William Powel,
Richard Davie,
Griffith Jones,
Hugh Lambe,
Thomas Farrinborough,
John Goodson.

An A C T of S E T T L E M E N T, made at Chester, 1682.

W H E R E A S William Penn, Proprietary and Governor of the Province of *Pensylvania*, and Territories thereunto belonging, hath, out of his great Kindness and Goodness to the Inhabitants thereof, been favourably pleased to give and grant unto them a Charter of Liberties and Privileges, dated the *twenty-fifth* Day of the *second* Month, *One Thousand Six Hundred and Eighty-two*: By which Charter it is said, the Government shall consist of the Governor and Freemen of the said Province, in the Form of a provincial Council and general Assembly; and that the provincial Council shall consist of *seventy-two* Members, to be chosen by the Freemen; and that the general Assembly may, the *first* Year, consist of the whole Body of the Freeholders, and ever after of an elected Number, not exceeding *two hundred* Persons, without the Consent of the provincial Council and general Assembly: And such Assembly to sit yearly on the *twentieth* Day of the *third* Month, as in the *first, second, third, sixth, fourteenth* and *sixteenth* Articles of the Charter, Reference being thereunto had, doth more at large appear.

A N D F O R A S M U C H as this Charter was the *first* of those probationary Laws, that were agreed to and made by and between the Proprietary, and Governor, and Freemen in *England*, that were Purchasers in this Province, which said Laws, in the whole and in every Part thereof, were to be submitted to the Explanation and Confirmation of the *first* provincial Council and general Assembly that was to be held in this Province, as by the Title and *first* Law of the said Agreement, doth plainly appear.

A N D W H E R E A S, the Proprietary and Governor hath, according to that Charter, issued out Writs to the respective Sheriffs of the *six* Counties of this Province, to summon the Freemen thereof, to chuse in each County *twelve* Persons of most Note for their Sobriety, Wisdom, and Integrity, to serve in provincial Council; and also to inform the Freemen that they might come, for this Time, in their own Persons, to make up a general Assembly, according to Charter. And that the said respective Sheriffs by their Returns, and the Freemen by their Petitions to the Proprietary and Governor, have plainly declared, that the Fewness of the People, their Inability in Estate, and Unskilfulness in Matters of Government, will not permit them to serve in so large a Council and Assembly, as by the Charter is expressed; and therefore do desire, that the Members now chosen to be their Deputies and Representatives, may serve both for provincial Council and general Assembly; that is to say, *three* out of each County for the provincial Council, and the remaining *nine* for the general Assembly, according to Act, as fully and amply as if the said provincial Council and general Assembly had consisted of the said Numbers of Members mentioned in the Charter of Liberties, upon Consideration of the Premises; and that the Proprietary and Governor may testify his great Willingness to comply with that which may be most easy and pleasing, he is willing that it be enacted.

A N D B E I T E N A C T E D by the Proprietary and Governor, by and with the unanimous Advice and Consent of the Freemen of this Province, and Territories thereunto belonging, in provincial Council and general Assembly met, That the Numbers desired by the Inhabitants in their several Petitions, and express'd to be their Desires by the Sheriffs Returns to the Proprietary and Governor, to serve as the provincial Council and general Assembly, be allowed and taken, to all Intents and Purposes, to be the provincial Council and general Assembly of this Province: And that the *Quorum* shall be proportionably settled, according to the Method express'd in the *fifth* Article; that is to say, *two thirds* to make a *Quorum* in extraordinary Cases, and *one third* in ordinary Cases, as is provided in the said *fifth* Article: Which said provincial Council and general Assembly, so already chosen, are and shall be held and reputed the legal provincial Council and general Assembly of the Province and Territories thereof, for this present Year; and that from and after the Expiration of this present Year, the provincial Council shall consist of *three* Persons out of each County, as aforesaid; and the Assembly shall consist of *six* Persons out of each County, which said provincial Council and general Assembly may be hereafter enlarged, as the Governor, and provincial Council and Assembly shall see Cause, so as the

said Number do not, at any time, exceed the Limitations express'd in the *third* and *sixteenth* Article of the Charter, any Thing in this Act, or any other Act, Charter or Law, to the contrary in any wise notwithstanding.

A N D because the Freemen of this Province and Territories thereof, are deeply sensible of the kind and good Intentions of the Proprietary and Governor in this Charter, and of the singular Benefit that redounds to them thereby, and are desirous that it may in all Things best answer the Design of the publick Good, the Freemen of the said provincial Council and general Assembly met, having unanimously requested some Variations, Explanations and Additions, in and to the said Charter, he the Proprietary and Governor, hath therefore yielded that it be enacted:

A N D it is hereby E N A C T E D, That the Time for the Meeting of the Freemen of this Province and Territories thereof, to chuse their Deputies to represent and serve them, in provincial Council and general Assembly, shall be yearly hereafter, on the *tenth* Day of the *first* Month, which Members so chosen for the provincial Council, shall make their Appearance, and give their Attendance, in provincial Council, within *twenty* Days after their Election; and the said Members elected to serve in general Assembly, shall yearly meet and assemble, on the *tenth* Day of the said *third* Month, to the End and Purposes declared in the Charter, at and in such Place as is limited in the said Charter, unless the Governor and provincial Council shall, at any time, see Cause to the contrary.

A N D W H E R E A S it is express'd in the said Charter, That the Governor and provincial Council shall prepare and propose to the general Assembly, all Bills which they shall think fit to pass into Laws, within the said Province: B E I T E N A C T E D by the Authority aforesaid, That the Governor and provincial Council, shall have the Power of preparing and proposing to the general Assembly, all Bills that they shall jointly assent to and think fit to have pass'd into Laws, in the said Province and Territories thereof, that are not inconsistent with, but according to the Powers granted by the King's Letters Patents to the Proprietary and Governor aforesaid; which Bills shall be published in the most noted Towns and Places in the said Province and Territories thereof, *twenty* Days before the Meeting of the general Assembly aforesaid.

A N D for the better Decision and Determination of all Matters and Questions upon Elections of Representatives, and Debates in provincial Council and general Assembly, It is hereby declared and E N A C T E D, &c. That all Questions upon Elections of Representatives, and Debates in provincial Council and general Assembly, in personal Matters, shall be decided by the Ballot; and all Questions about preparing and enacting Laws, shall be determined by the Vote.

A N D that so united an Interest may have an united Term and Stile to be express'd by, It is hereby declared and E N A C T E D, That the general Assembly shall be henceforth termed or called *THE ASSEMBLY*; and the Meeting of the Governor, provincial Council, and Assembly, and their Acts and Proceedings, shall be stiled and called *THE MEETINGS, SESSIONS, ACTS or PROCEEDINGS of the GENERAL ASSEMBLY of the Province of Pensylvania, and the Territories thereunto belonging*. And that the Freemen of this Province, and the Territories thereof, may not on their Part, seem unmindful or ungrateful to their Proprietary and Governor, for the Testimony he hath been pleased to give, of his great Good-Will towards them and theirs, nor be wanting of that Duty they owe to him and themselves, they have prayed Leave hereby to declare their most hearty Acceptance of the said Charter, and their humble Acknowledgments for the same, solemnly promising, that they will inviolably observe and keep the same, except as is therein excepted, and will neither directly nor indirectly contrive, propose, enact, or do any Thing or Things whatsoever, by Virtue of the Power thereby granted unto them, that shall or may redound to the Prejudice or Disadvantage of the Proprietary and Governor, his Heirs and Successors, in their just Rights, Properties and Privileges, granted to him and them by the King's Letters Patents, and Deeds of Release and Feoffment made to him by *J A M E S Duke of Y O R K and A L B A N Y*, &c. and whom they desire may be hereby acknowledged and recognized the true and rightful Proprietaries and Governors of the Province of *Pensylvania*, and Territories annexed, according to the King's Letters Patents, and Deeds of Release and Feoffment from *James, Duke of York and Albany*, unto the said Proprietary and Governor, his Heirs and Successors; any Thing in this Act, or any other Act, Grant, Charter, or Law, to the contrary of these Things herein and hereby explained, altered, limited, promised, declared, and enacted, in any wise notwithstanding.

The F R A M E of the Government of the Province of Pensylvania, and Territories thereunto annexed in America.

T O A L L P E R S O N S To whom these Presents may come. W H E R E A S King *C H A R L E S the Second*, by his

Letters Patents, under the great Seal of *England*, bearing Date the *fourth* Day of *March*, in the *thirty and third* Year of the King, for divers Considerations therein mentioned, hath been graciously pleased to give and grant unto me *William Penn* (by the Name of *William Penn*, Esq; Son and Heir of Sir *William Penn* deceased) and to my Heirs and Assigns for ever, all that Tract of Land, or Province called *Pensylvania*, in *America*, with divers great Powers, Preheminences, Royalties, Jurisdictions, and Authorities, necessary for the Well-being and Government thereof. A N D W H E R E A S the King's dearest Brother, *James* Duke of *York* and *Albany*, &c. by his Deeds of Feoffment, under his Hand and Seal, duly perfected, bearing Date the *four and twentieth* Day of *August*, *One Thousand Six Hundred Eighty and Two*, did grant unto me, my Heirs and Assigns, all that Tract of Land, lying and being from *twelve* Miles Northward of *Newcastle* upon *Delaware* River, in *America*, to *Cape Hinlopen*, upon the said River and Bay of *Delaware* Southward, together with all Royalties, Franchises, Duties, Jurisdictions, Liberties and Privileges thereunto belonging.

N O W K N O W Y E That for the Well-being and good Government of the said Province and Territories thereunto annexed, and for the Encouragement of all the Freemen and Planters, that may be therein concerned, in Pursuance of the Rights and Powers afore-mentioned, I the said *William Penn* have declared, granted and confirmed, and by these Presents, for me, my Heirs and Assigns, do declare, grant and confirm unto all the Freemen, Planters and Adventurers of, in and to the said Province and Territories thereof, these Liberties, Franchises and Properties, so far as in me lieth, to be held, enjoyed and kept by the Freemen, Planters and Adventurers of and in the said Province of *Pensylvania* and Territories thereunto annexed, for ever.

IMPRIMIS.

T H A T the Government of this Province and Territories thereof shall, from Time to Time, according to the Powers of the Patent and Deeds of Feoffment aforesaid, consist of the Proprietary and Governor, and Freemen of the said Province and Territories thereof, in Form of provincial Council and Assembly, which provincial Council shall consist of *eighteen* Persons, being *three* out of each County, and which Assembly shall consist of *thirty-six* Persons, being *six* out of each County, Men of most Note for their Virtue, Wisdom and Ability, by whom all Laws shall be made, Officers chosen, and publick Affairs transacted, as is hereafter limited and declared.

II.

T H E R E being *three* Persons already chosen for every respective County of this Province and Territories thereof, to serve in the provincial Council, *one* of them for *three* Years, *one* for *two* Years, and *one* for *one* Year; and *one* of them being to go off yearly in every County; that on the *tenth* Day of the *first* Month yearly, for ever after, the Freemen of the said Province and Territories thereof shall meet together in the most convenient Place in every County of this Province and Territories thereof, then and there to chuse *one* Person, qualified as aforesaid, in every County, being *one third* of the Number to serve in provincial Council, for *three* Years; it being intended, that *one third* of the whole provincial Council, consisting and to consist of *eighteen* Persons, falling off yearly, it shall be yearly supplied with such yearly Elections, as aforesaid; and that *one* Person shall not continue in longer than *three* Years; and in Case any Member shall decease before the last Election, during his Time, that then at the next Election ensuing his Decease, another shall be chosen to supply his Place for the remaining Time he was to have served, and no longer.

III.

T H A T after the *first seven* Years, every one of the said *third* Parts that goeth yearly off, shall be incapable of being chosen again for one whole Year following, that so all that are capable and qualified as aforesaid, may be fitted for Government, and have a Share of the Care and Burthen of it.

IV.

T H A T the provincial Council in all Cases and Matters of Moment, as their arguing upon Bills to be passed into Laws, or Proceedings about erecting of Courts of Justice, sitting in Judgment upon Criminals impeached, and Choice of Officers in such Manner as is herein after expressed, not less than *two thirds* of the whole shall make a *Quorum*; and that the Consent and Approbation of *two thirds* of that *Quorum* shall be had in all such Cases or Matters of Moment: And

that in all Cases and Matters of lesser Moment, *one third* of the whole shall make a *Quorum*, the Majority of which shall and may always determine in such Cases and Causes of lesser Moment.

V.

T H A T the Governor and provincial Council, shall have the Power of preparing and proposing to the Assembly hereafter mentioned, all Bills which they shall see needful, and that shall at any Time be past into Laws within the said Province and Territories thereof, which Bills shall be published and affixed to the most noted Place in every County of this Province and Territories thereof, *twenty* Days before the Meeting of the Assembly, in order to passing them into Laws.

VI.

T H A T the Governor and provincial Council shall take Care, that all Laws, Statutes, and Ordinances, which shall at any Time be made within the said Province and Territories, be duly and diligently executed.

VII.

T H A T the Governor and provincial Council shall, at all Times, have the Care of the Peace and Safety of this Province and Territories thereof; and that nothing be by any Person attempted to the Subversion of this Frame of Government.

VIII.

T H A T the Governor and provincial Council shall, at all Times, settle and order the Situation of all Cities and Market-towns in every County, modelling therein all publick Buildings, Streets, and Market-places; and shall appoint all necessary Roads and Highways in this Province and Territories thereof.

IX.

T H A T the Governor and provincial Council shall, at all Times, have Power to inspect the Management of the publick Treasury, and punish those who shall convert any Part thereof to any other Use, than what hath been agreed upon by the Governor, provincial Council, and Assembly.

X.

T H A T the Governor and provincial Council, shall erect and order all publick Schools, and encourage and reward the Authors of useful Sciences and laudable Inventions, in the said Province and Territories thereof.

XI.

T H A T *one third* of the provincial Council residing with the Governor, shall with the Governor, from Time to Time, have the Care of the Management of all publick Affairs, relating to the Peace, Justice, Treasury, and Improvement of the Province and Territories, and to the good Education of Youth, and Sobriety of the Manners of the Inhabitants therein, as aforesaid.

XII.

T H A T the Governor or his Deputy, shall always preside in the provincial Council, and that he shall at no Time therein perform any publick Act of State whatsoever, that shall or may relate unto the Justice, Trade, Treasury, or Safety of the Province and Territories aforesaid, but by and with the Advice and Consent of the provincial Council thereof.

XIII.

A N D to the End that all Bills prepared and agreed by the Governor and provincial Council, as aforesaid, may yet have the more full Concurrence of the Freemen of the Province and Territories thereof, it is declared, granted and confirmed, that at the Time and Place in every County, for the Choice of *one* Person to serve in provincial Council, as aforesaid, the respective Members thereof, at their said Meeting, shall yearly chuse out of themselves *six* Persons of most Note, for Virtue, Wisdom, and Ability, to serve in Assembly, as their Representatives, who shall yearly meet on the *tenth* Day of the *third* Month, in the capital Town or City of the said Province, unless the Governor and provincial Council shall think fit to appoint another Place to meet in, where, during *eight* Days, the several Members may confer freely with one another; and if any of them see meet, with a Committe of the provincial Council, which shall be at that Time purposely appointed, to receive from any of them, Proposals for the Alterations or Amendment of any of the said proposed and promulgated Bills; and on the *ninth* Day from their so meeting, the said Assembly, after their reading over of the proposed Bills, by the Clerk of the provincial Council, and the Occasions and Motives for them being opened by the Governor or his Deputy, shall, upon the Question by him put, give their Affirmative or Negative, which to them seemeth best, in such Manner as is hereafter expressed: But not less than *two thirds* shall make a *Quorum* in the passing of all Bills into Laws, and Choice of such Officers as are by them to be chosen.

XIV.

T H A T the Laws so prepared and proposed as aforesaid, that are assented to by the Assembly, shall be enrolled as Laws of this Province and Territories thereof, with this Stile, *By the Governor, with the Assent and Approbation of the Freemen in provincial Council and Assembly met*; and from henceforth, the Meetings, Sessions, Acts, and Proceedings of the Governor, provincial Council and Assembly, shall be stiled and called, *The Meeting, Sessions, and Proceedings, of the general Assembly of the Province of Pensylvania, and the Territories thereunto belonging*.

XV.

A N D that the Representatives of the People in provincial Council and Assembly, may in after Ages bear some Proportion with the Increase and multiplying of the People, the Number of such Representatives of the People, may be from Time to Time increased and enlarged, so as at no Time the Number exceed *seventy-two* for the provincial Council, and *two hundred* for the Assembly; the Appointment and Proportion of which Number, as also the laying and methodizing of the Choice of such Representatives in future Time, most equally to the Division of the Country, or Number of the Inhabitants, is left to the Governor and provincial Council to propose, and the Assembly to resolve, so that the Order of Proportion be strictly observed, both in the Choice of the Council and the respective Committees thereof, *viz. one third* to go off and come in yearly.

XVI.

T H A T from and after the Death of this present Governor, the provincial Council shall, together with the succeeding Governor, erect from Time to Time, standing Courts of Justice, in such Places and Number, as they shall judge convenient for the good Government of the said Province and Territories thereof; and that the provincial Council shall, on the *thirteenth* Day of the *second* Month then next ensuing, elect and present to the Governor or his Deputy, a double Number of Persons, to serve for Judges, Treasurers, and Masters of the Rolls, within the said Province and Territories, to continue so long as they shall well behave themselves in those Capacities respectively; and the Freemen of the said Province, in an Assembly met on the *thirteenth* Day of the *third* Month, yearly, shall elect and then present to the Governor or his Deputy, a double Number of Persons to serve for Sheriffs, Justices of the Peace and Coroners, for the Year next ensuing; out of which respective Elections and Presentments, the Governor or his Deputy, shall nominate and commissionate the proper Number for each Office, the *third* Day after the said respective Presentments; or else the *first* named in such Presentment for each Office as aforesaid, shall stand and serve in that Office, the Time before respectively limited; and in Case of Death or Default, such Vacancy shall be supplied by the Governor and provincial Council in Manner aforesaid.

XVII.

T H A T the Assembly shall continue so long as may be needful, to impeach Criminals fit to be there impeached, to pass such Bills into Laws as are proposed to them, which they shall think fit to pass into Laws; and till such Time as the Governor and provincial Council shall declare, *That they have nothing further to propose unto them for their Assent and Approbation*; and that Declaration shall be a Dismiss to the Assembly for that Time; which Assembly shall be notwithstanding, capable of assembling together, upon the Summons of the Governor and provincial Council, at any Time during that Year, if the Governor and provincial Council shall see Occasion for their so assembling.

XVIII.

T H A T all the Elections of Members or Representatives of the People to serve in provincial Council and Assembly, and all Questions to be determined by both or either of them, that relate to Choice of Officers, and all or any other personal Matters, shall be resolved or determined by the *Ballot*; and all Things relating to the preparing and passing of Bills into Laws, shall be openly declared and resolved by the *Vote*.

XIX.

T H A T at all Times when the Proprietary and Governor shall happen to be an Infant, and under the Age of *one and twenty* Years, and no Guardians or Commissioners are appointed in Writing, by the Father of the said Infant, or that such Guardian shall be deceased, that during such Minority, the provincial Council shall, from Time to Time, as they shall see meet, constitute and appoint Guardians and Commissioners not exceeding *three*, one of which shall preside as Deputy and chief Guardian during such Minority, and shall have and execute, with the Consent of one of the other two, all the Power of a Governor in all publick Affairs and Concerns of the said Province and Territories thereof, according to Charter; which said Guardian so appointed, shall also have the Care and Oversight of the Estate of the said Minor, and be yearly accountable and responsible for the same to the provincial Council, and the provincial Council to the Minor, when of Age, or to the next Heir, in case of the Minor's Death, for the Trust before expressed.

XX.

T H A T as often as any Days of the Month mentioned in any Article of this Charter, shall fall upon the *first* Day of the Week, commonly called the *Lord's-day*, the Business appointed for that Day, shall be deferred until the next Day, unless in Cases of Emergency.

XXI.

A N D for the Satisfaction and Encouragement of all Aliens, I do give and grant, that if any Alien, who is or shall be a Purchaser, or who doth or shall inhabit in this Province or Territories thereof, shall decease at any Time before he can well be naturalized, his Right and Interest therein, shall notwithstanding descend to his Wife and Children, or other his Relations, be he Testate or Intestate, according to the Laws of this Province and Territories thereof in such Cases provided, in as free and ample Manner, to all Intents and Purposes, as if the said Alien had been naturalized.

XXII.

A N D that the Inhabitants of this Province and Territories thereof, may be accommodated with such Food and Sustenance, as God in his Providence hath freely afforded, I do also further grant to the Inhabitants of this Province and Territories thereof, Liberty to fowl and hunt upon the Lands they hold, and all other Lands therein not enclosed; and to fish in all Waters in the said Lands, and in all Rivers and Rivulets in and belonging to this Province and Territories thereof, with Liberty to draw his or their Fish on Shore on any Man's Lands, so as it be not to the Detriment or Annoyance of the Owner thereof, except such Lands as do lie upon Inland Rivulets that are not Boatable, or which are or may be hereafter erected into Manors.

XXIII.

A N D that all the Inhabitants of this Province and Territories thereof, whether Purchasers or others, may have the last worldly Pledge of my good and kind Intentions to them and theirs, I do give, grant, and confirm to all, and every one of them, full and quiet Possession of their respective Lands, to which they have any lawful or equitable Claim, saving only such Rents and Services for the same as are or customarily ought to be reserved to me, my Heirs or Assigns.

XXIV.

T H A T no Act, Law or Ordinance whatsoever, shall at any Time hereafter be made or done by the Proprietary and Governor of this Province and Territories thereunto belonging, his Heirs or Assigns, or by the Freemen in provincial Council or Assembly, to alter, change, or diminish, the Form or Effect of this Charter, or any Part or Clause thereof, contrary to the true Intent and Meaning thereof, without the Consent of the Proprietary and Governor, his Heirs or Assigns, and *six* Parts of *seven* of the said Freemen in provincial Council and Assembly met.

XXV.

A N D L A S T L Y, I the said *William Penn*, Proprietary and Governor of the Province of *Pensylvania* and Territories thereunto belonging, for me, my Heirs and Assigns, have solemnly declared, granted and confirmed, and do hereby solemnly declare, grant and confirm, that neither I, nor my Heirs nor Assigns, shall procure or do any Thing or Things, whereby the Liberties in this Charter contained and expressed, shall be infringed or broken: And if any Thing be procured by any Person or Persons, contrary to these Premises, it shall be held of no Force or Effect. I N W I T N E S S whereof, I the said *William Penn*, at *Philadelphia* in *Pensylvania*, have unto this present Charter of Liberties set my Hand and broad Seal, this *second* Day of the *second* Month, in the Year of our Lord *one Thousand six Hundred Eighty and Three*, being the *five and thirtieth* Year of the King, and the *third* Year of my Government.

WILLIAM PENN

T H I S within C H A R T E R, which we have distinctly heard read and thankfully received, shall be by us inviolably kept; at Philadelphia, the second Day of the second Month, one Thousand six Hundred Eighty and Three.

The Members of the provincial Council present.

William Markham,
John Moll,
William Haige,
Christopher Taylor,
John Simcock,
William Clayton,
Francis Whittwel,
Thomas Holme,
William Clark,
William Biles,
James Harrison,
John Richardson,
Philip-Thomas Lenman, Secr. Gov.
Richard Ingelo, Cl. Coun.

The Members of the Assembly present.

Casparus Harman,
John Darby,
Benjamin Williams,
William Guest,
Valentine Hollingsworth,

*James Boyden,
Bennony Bishop,
John Beazor,
John Harding,
Andrews Bringston,
Simon Irons,
John Wood,
John Curtis,
Daniel Brown,
William Futcher,
John Kipshaven,
Alexander Molestine,
Robert Bracy, sen.
Thomas Bracy,
William Yardly,
John Hastings,
Robert Wade,
Thomas Hassald,
John Hart,
Robert Hall,
Robert Bedwell,
William Simsmore,
Samuel Darke,
Robert Lucas,
James Williams,
John Blunston,
John Songhurst,
John Hill,
Nicholas Waln,
Thomas Fitzwater,
John Clows,
Luke Watson,
Joseph Phipps,
Dennis Rotchford,
John Brinklair,
Henry Bowman,
Cornelius Verhoofe,
John Southworth, Cl. of the Synod.*

Some of the Inhabitants of Philadelphia present.

*William Howel,
Edmund Warner,
Henry Lewis,
Samuel Miles.*

The CHARTER of the City of PHILADELPHIA.

WILLIAM PENN, Proprietary and Governor of the Province of *Pensylvania*, &c. To all to whom these Presents shall come, sends greeting. KNOW YE, That at the humble Request of the Inhabitants and Settlers of this Town of *Philadelphia*, being some of the first Adventurers and Purchasers within this Province, for their Encouragement, and for the more immediate and entire Government of the said Town, and better Regulation of Trade

therein: I have by Virtue of the King's Letters Patent, under the Great Seal of *England*, erected the said Town into a Borough, and by these Presents do erect the said Town and Borough of *Philadelphia* into a C I T Y; which said City shall extend the Limits and Bounds, as it is laid out between *Delaware* and *Skuykill*.

A N D I do for me, my Heirs and Assigns, grant and ordain, that the Streets of the said City, shall for ever continue as they are now laid out and regulated; and that the End of each Street extending into the River *Delaware*, shall be and continue free for the Use and Service of the said City, and the Inhabitants thereof, who may improve the same for the best Advantage of the City, and build Wharfs so far out into the River there, as the Mayor, Aldermen, and Common-council, herein after mentioned, shall see meet.

A N D I do nominate *Edward Shippen* to be the present Mayor, who shall so continue until another be chosen, as is herein after directed.

A N D I do hereby assign and name *Thomas Story* to be present Recorder, to do and execute all Things which unto the Office of Recorder of the said City doth or may belong.

A N D I do appoint *Thomas Farmer* to be the present Sheriff, and *Robert Assheton* to be the present Town-clerk, and Clerk of the Peace, and Clerk of the Court and Courts.

A N D I do hereby name, constitute, and appoint, *Joshua Carpenter, Griffith Jones, Anthony Morris, Joseph Wilcox, Nathan Stanbury, Charles Read, Thomas Masters,* and *William Carter*, Citizens and Inhabitants of the said City, to be the present Aldermen of the said City of *Philadelphia*.

A N D I do also nominate and appoint *John Parsons, William Hudson, William Lee, Nehemiah Allen, Thomas Paschal, John Bud, jun., Edward Smout, Samuel Buckley, James Atkinson, Pentecost Teague, Francis Cook,* and *Henry Badcocke*, to be the *twelve* present Common-council Men of the said City.

A N D I do by these Presents, for me, my Heirs and Successors, give, grant and declare, that the said Mayor, Recorder, Aldermen, and Common-council Men for the Time being, and they which hereafter shall be Mayor, Recorder, Aldermen and Common-council Men within the said City, and their Successors, for ever hereafter be and shall be, by Virtue of these Presents, one Body corporate and politick in Deed, and by the Name of the Mayor and Commonalty of the City of *Philadelphia*, in the Province of *Pensylvania*: And them by the Name of Mayor and Commonalty of the City of *Philadelphia*, one Body politick and corporate in Deed and in Name, I do for me, my Heirs and Successors, fully create, constitute and confirm, by these Presents; and that by the same Name of Mayor and Commonalty of the City of *Philadelphia*, they may have perpetual Succession; and that they and their Successors, by the Name of Mayor and Commonalty of the City of *Philadelphia*, be and at all Times hereafter shall be Persons able and capable in Law, to have, get, receive, and possess, Lands and Tenements, Rents, Liberties, Jurisdictions, Franchises and Hereditaments, to them and their Successors in Fee-simple, or for Term of Life, Lives, Years, or otherwise; and also Goods, Chattels, and other Things, of what Nature, Kind, or Quality soever.

A N D also to give, grant, let, sell and assign the same Lands, Tenements, Hereditaments, Goods, Chattels, and to do and execute all other Things about the same, by the Name aforesaid; and also that they be and shall be for ever hereafter Persons able and capable in Law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all or any the Courts and other Places, and before any Judges, Justices, and other Persons whatsoever within the said Province, in all Manner of Actions, Suits, Complaints, Pleas, Causes and Matters whatsoever, and of what Nature or Kind soever.

A N D that it shall and may be lawful to and for the said Mayor and Commonalty of the said City of *Philadelphia*, and their Successors, for ever hereafter, to have and use one common Seal for the sealing of all Businesses touching the said Corporation, and the same from Time to Time at their Will and Pleasure to change or alter.

A N D I do for me, my Heirs and Successors, give, and by these Presents, grant full Power and Authority unto the Mayor, Recorder and Common-Council of the said City of *Philadelphia*, or any *five* or more of the Aldermen, and *nine* or more of the Common-Council Men, the Mayor and Recorder for the time being, or either of them, being present, on the *first third* Day of the Week, in the *eighth* Month yearly for ever hereafter, publicly to meet at a convenient Room or Place within the said City, to be by them appointed for that Purpose, and then and there nominate, elect and chuse one of the Aldermen to be Mayor for that ensuing Year.

A N D also to add to the Number of Aldermen and Common-Council Men, such and so many of those, that by Virtue of these Presents shall be admitted Freemen of the said City from Time to Time, as they the said Mayor, Aldermen and Common-Council shall see Occasion.

A N D that such Person who shall be so elected Mayor aforesaid, shall within *three* Days next after such Election, be presented before the Governor of this Province, or his Deputy for the time being, and there shall subscribe the Declarations and Profession of his Christian Belief, according to the late Act of Parliament made in the *first* Year of King *William's* Reign, entitled, *An Act for exempting their Majesties Subjects dissenting from the Church of England, from the Penalties of certain Laws*; and then and there the Mayor so presented, shall make his solemn Affirmation and Engagement for the due Execution of his Office.

A N D that the Recorder, Sheriff, Aldermen, and Common-council Men, and all other Officers of the said City, before they or any of them shall be admitted to execute their respective Offices, shall make and subscribe the said Declarations and Profession aforesaid, before the Mayor for the Time being, and at the same Time shall be attested for the due Execution of their Offices respectively; which Declarations, Promises and Attestations, the Mayor of the said City for the Time being, is hereby impowered to take and administer accordingly.

A N D that the Mayor, Recorder and Aldermen of the said City, for the Time being, shall be Justices of the Peace and Justices of Oyer and Terminer; and are hereby impowered to act within the said City and Liberties thereof accordingly, as fully and amply as any Justice or Justices of the Peace or Oyer and Terminer, can or may do within the said Province.

A N D that they or any *four* or more of them (whereof the Mayor and Recorder of the said City for the Time being, shall be *two*) shall and may for ever hereafter have Power and Authority, by Virtue of these Presents, to hear and enquire into all and all Manner of Treasons, Murthers, Manslaughters, and all Manner of Felonies and other Crimes and Offences, Capital and Criminal, whatsoever, according to the Laws of this Province and of the Kingdom of *England*, with Power also to hear and determine all petty Larcenies, Routs, Riots, unlawful Assemblies; and to try and punish all Persons that shall be convicted for Drunkenness, Swearing, Scolding, breaking the Peace, or such like Offences, which are by the Laws of this Province to be punished by Fine, Imprisonment or Whipping; with Power also to award Process against all Rioters and Breakers of the Peace, and to bind them, and all other Offenders and Persons of evil Fame, to the Peace or good Behaviour, as any Justice or Justices of the Peace can do, without being accountable to me or my Heirs, for any Fines or Amerciaments to be imposed for the said Offences or any of them.

A N D I do hereby impower them or any *four* of them (whereof the Mayor and Recorder for the Time being, shall be *two*) with the City Sheriff and Town-clerk, to hold and keep a Court of Record, Quarterly, or oftener, if they see Occasion, for the enquiring, hearing and determining of the Pleas and Matters aforesaid; and upon their own View, or after a legal Procedure in some of those Courts, to cause all Nuisances and Encroachments in the Streets of the said City to be removed, and punish the Parties concerned, as the Law and Usage in such Cases shall require.

A N D I do by these Presents assign and appoint, that the present Mayor, Recorder, and Aldermen herein before-mentioned, be the present Justices of the Peace, and Oyer and Terminer, within the said City; and that they and all others that shall be Mayors, Records and Aldermen of the said City for the Time being, shall have full Power and Authority, and are hereby impowered and authorized, without any further or other Commission, to be Justices of the Peace, and of Oyer and Terminer, within the said City for ever; and shall also be Justices of the Peace, and the Mayor and Recorder shall be of the *Quorum* of the Justices of the County Courts, Quarter-sessions, Oyer and Terminer, and Goal Delivery, in the said County of *Philadelphia*; and shall have full Power to award Process, bind to the Peace or Behaviour, or commit to Prison, for any Matter or Cause, arising without the said City and within the Body of the aforesaid County, as Occasion shall require; and to cause Kalendars to be made of such Prisoners, which, together with all Recognizances and Examinations taken before them, for or concerning any Matter or Cause not determinable by them, shall be duly returned to the Judges or Justices of the said County, in their respective Courts where the same shall be cognizable.

A N D that it may be lawful to and for the said Mayor and Commonalty and their Successors, when they see Occasion, to erect a Goal or Prison and Court-house within the said City.

A N D that the Mayor and Recorder for the Time being, shall have, and by these Presents have Power to take Recognizance of Debts there, according to the Statute of Merchants, and of Action Burnel; and to use and affix the common Seal thereupon, and to all Certificates concerning the same.

A N D that it may be lawful to and for the Mayor of the said City, for the Time being, for ever hereafter to nominate, and from Time to Time appoint the Clerk of the Market, who shall have Assize of Bread, Wine, Beer, Wood, and other Things; and to do, execute and perform all Things belonging to the Clerk of the Market within the said City.

A N D I will that the Coroners to be chosen by the County of *Philadelphia* for the Time being, shall be Coroners of the said City and Liberties thereof; but that the Freemen and Inhabitants of the said City shall from Time to Time, as often as Occasion be, have equal Liberty with the Inhabitants of the said County, to recommend or chuse Persons to serve in the respective Capacities of Coroners and Sheriffs for the County of *Philadelphia*, who shall reside within the said City.

A N D that the Sheriff of the said City and County for the Time being, shall be the Water-Bailiff, who shall and may execute and perform all Things belonging to the Officer of Water-Bailiff, upon *Delaware* River, and all other navigable Rivers and Creeks within the said Province.

A N D in Case the Mayor of the said City for the Time being, shall, during the Time of his Mayoralty, misbehave himself or misgovern in that Office, I do hereby empower the Recorder, Aldermen and Common-council Men, or *five* of the Aldermen and *nine* of the Common-council Men of the said City of *Philadelphia*, for the Time being, to remove such Mayor from his Office of Mayoralty; and in such Case, or in Case of the Death of the said Mayor for the Time being, that then another fit Person shall, within *four* Days next after such Death or Removal, be chosen in Manner as is above directed for electing of Mayors, in the Place of him so dead or removed.

A N D lest there should be a Failure of Justice or Government in the said City, in such Interval, I do hereby appoint, That the eldest Alderman for the Time being, shall take upon him the Office of a Mayor there, and shall exercise the same till another Mayor be chosen as aforesaid; and in Case of the Disability of such eldest Alderman, then the next in Seniority, shall take upon him the said Office of Mayor, to exercise the same as aforesaid.

A N D in Case the Recorder, or any of the Aldermen or Common-council Men of or belonging to the said City, for the Time being, shall misbehave him or themselves in their respective Offices and Places, they shall be removed and others chosen in their Stead, in Manner following, *that is to say*, The Recorder for the Time being, may be removed (for his Misbehaviour) by the Mayor, and *two thirds* of the Aldermen and Common-council Men respectively; and in Case of such Removal or of the Death of the Recorder, then to chuse another fit Person skilled in the Law, to be the Recorder there, and so to continue during Pleasure as aforesaid.

A N D the Alderman so misbehaving himself, may be removed by the Mayor, Recorder and *nine* of the Aldermen and Common-council Men; and in Case of such Removal or Death, then within *four* Days after, to chuse a fit Person or Persons to supply such Vacancies; and the Common-council Men, Constables, and Clerk of the Market, for Misbehaviour, shall be removed and others chosen, as is directed in the Case of Aldermen.

A N D I do also, for me and my Successors, by these Presents, grant to the said Mayor and Commonalty, and their Successors, that if any of the Citizens of the said City, shall be hereafter nominated, elected, and chosen to the Office of Mayor, Aldermen and Common-council Men as aforesaid, and having Notice of his or their Election, shall refuse to undertake and execute that Office to which he is so chosen, that then, and so often it shall and may be lawful for the Mayor and Recorder, Aldermen and Common-council Men, or the major Part of the Aldermen and Common-council Men for the Time being, according to their Discretion, to impose such moderate Fines upon such Refusers, so as the Mayor's Fine exceed not *forty Pounds*, the Alderman's *five and thirty Pounds*, and Common-council Men twenty Pounds, and other Officers proportionably, to be levied by Distress and Sale, by Warrant under the common Seal, or by other lawful Ways, to the Use of the said Corporation.

A N D in such Cases it shall be lawful to chuse others to supply the Defects of such Refusers, in Manner as is as above directed for Elections.

A N D that it shall and may be lawful to and for the Mayor, Recorder, and at least *three* Aldermen for the Time being, from Time to Time, so often as they shall find Occasion, to summon a Common-council of the said City.

A N D that no Assembly or Meeting of the said Citizens, shall be deemed or accounted a Common-council, unless the said Mayor and Recorder, and, at least *three* of the Aldermen for the Time being, and *nine* of the Common-council Men be present.

A N D also that the said Mayor, Recorder, Aldermen and Common-council Men for the Time being, from Time to Time,

at their Common-council, shall have Power to admit such and so many Freemen into their Corporation and Society as they shall think fit.

A N D to make (and they may make, ordain, constitute and establish) such and so many good and reasonable Laws, Ordinances and Constitutions (not repugnant to the Laws of *England* and this Government) as to the greater Part of them at such Common-council assembled (where the Mayor and Recorder for the Time being, are to be always present) shall seem necessary and convenient for the Government of the said City.

A N D the same Laws, Ordinances, Orders and Constitutions so to be made, to put in Use and Execution accordingly, by the proper Officers of the said City; and at their Pleasure to revoke, alter, and make anew, as Occasion shall require.

A N D also impose such Mulcts and Amerciaments upon the Breakers of such Laws and Ordinances, as to them in their Discretion shall be thought reasonable; which Mulcts, as also all other Fines and Amerciaments to be set or imposed by Virtue of the Powers granted, shall be levied as above is directed in Case of Fines, to the Use of the said Corporation, without rendering any Account thereof to me, my Heirs and Successors; with Power to the Common-council aforesaid, to mitigate, remit, or release such Fines and Mulcts, upon the Submission of the Parties. *Provided always*, That no Person or Persons hereafter, shall have Right of electing or being elected, by Virtue of these Presents, to any Office or Place judicial or ministerial, nor shall be admitted Freemen of the said City, unless they be free Denizens of this Province, and are of the Age of *twenty-one* Years or upwards, and are Inhabitants of the said City, and have an Estate of Inheritance or Freehold therein, or are worth *fifty Pounds* in Money, or other Stock, and have been resident in the said City for the Space of *two* Years, or shall purchase their Freedom of the Mayor and Commonalty aforesaid.

A N D I do further grant to the said Mayor and Commonalty of the City of *Philadelphia*, that they and their Successors, shall and may for ever hereafter hold and keep within the said City, in every Week of the Year, *two* Market-days, the one upon the *fourth* Day of the Week, and the other upon the *seventh* Day of the Week, in such Place or Places as is, shall, or may be appointed for that Purpose, by the said Commonalty or their Successors, from Time to Time.

A N D also *two* Fairs therein every Year, the one of them to begin on the *sixteenth* Day of the *third* Month, called *May*, yearly, and so to be held in and about the Market-place, and continue for that Day and *two* Days next following; and the other of the said Fairs to be held in the aforesaid Place on the *sixteenth* Day of the *ninth* Month yearly, and for *two* Days next after.

A N D I do for me, my Heirs and Assigns, by Virtue of the King's Letters Patent, make, erect and constitute the said City of *Philadelphia*, to be a Port or Harbour for discharging and unlading of Goods and Merchandize out of Ships, Boats, and other Vessels; and for landing and shipping them in or upon such and so many Places, Keys and Wharfs there, as by the Mayor, Aldermen, and Common-council of the said City, shall from Time to Time be thought most expedient for the Accommodation and Service of the Officers of the Customs, in the Management of the King's Affairs and Preservation of his Duties, as well as for Conveniency of Trade.

A N D I do ordain and declare, that the said Port or Harbour shall be called the Port of *Philadelphia*, and shall extend and be accounted to extend into all such Creeks, Rivers, and Places within this Province, and shall have so many Wharfs, Keys, Landing-places and Members belonging thereto, for landing and shipping of Goods, as the said Mayor, Aldermen, and Common-council for the Time being, with the Approbation of the chief Officer or Officers of the King's Customs, shall from Time to Time think fit to appoint.

A N D I do also ordain, that the Landing-places now and heretofore used at the *Penny-pot-house* and *Blue-anchor*, saving to all Persons their just and legal Right and Properties in the Lands so to be open; as also the Swamp between *Bud's* Buildings and the *Society-hill*, shall be left open and common for the Use and Service of the said City and all others, with Liberty to dig Docks and make Harbours for Ships and Vessels, in all or any Part of the said Swamp.

A N D I do hereby grant, that all the vacant Land within the Bounds and Limits of the said City, shall remain open as a free Common of Pasture, for the Use of the Inhabitants of the said City, until the same shall be gradually taken in, in order to build or improve thereon, and not otherwise. *Provided always*, That nothing herein contained, shall debar me or my Heirs in Time to come, from fencing in all the vacant Lands that lie between the *Center* Meeting-house and the *Schuylkil*, which I intend shall be divided from the Land by me allotted for *Delaware* Side, by a strait Line along the *Broad-street* from *Edward Shippen's* Land through the *Center* Square by *Daniel Pegg's* Land; nor shall the fencing or taking in any of the Streets, happening to be within that Inclosure on *Schuylkil*, be deemed or adjudged to be an Incroachment, where it

shall not interfere or stop any of the Streets or Passages leading to any of the Houses built or to be built on that Side, any Thing herein contained to the contrary notwithstanding.

A N D I do grant, that this present Charter, shall, in all Courts of Law and Equity, be construed and taken most favourably and beneficially, for the said Corporation.

I N W I T N E S S whereof, I have hereunto set my Hand, and caused my great Seal to be affixed. Dated at *Philadelphia* the *five and twentieth* Day of *October*, Anno Domini *one Thousand seven Hundred and One*, and in the *thirteenth* Year of the Reign of King *WILLIAM the Third*, over *England, &c.* and the *one and twentieth* Year of my Government.

WILLIAM PENN

The CHARTER of PRIVILEGES granted by WILLIAM PENN, Esq; to the Inhabitants of Pennsylvania and Territories.

WILLIAM PENN, Proprietary and Governor of the Province of *Pensylvania*, and Territories thereunto belonging. To all to whom these Presents shall come, sendeth Greeting. W H E R E A S King *CHARLES the Second*, by his Letters Patents, under the Great Seal of *England*, bearing Date the *fourth* Day of *March*, in the Year *one Thousand six Hundred and Eighty*, was graciously pleased to give and grant unto me, and my Heirs and Assigns for ever, this Province of *Pensylvania*, with divers great Powers and Jurisdictions for the well Government thereof.

A N D W H E R E A S the King's dearest Brother, *JAMES Duke of YORK and ALBANY*, &c. by his Deeds of Feoffment, under his Hand and Seal duly perfected, bearing Date the *twenty-fourth* Day of *August*, *one Thousand six Hundred Eighty and Two*, did grant unto me, my Heirs and Assigns, all that Tract of Land, now called the Territories of *Pensylvania*, together with Powers and Jurisdictions for the good Government thereof.

A N D W H E R E A S for the Encouragement of all the Freemen and Planters, that might be concerned in the said Province and Territories, and for the good Government thereof, I the said WILLIAM PENN, in the Year *one Thousand six Hundred Eighty and Three*, for me, my Heirs and Assigns, did grant and confirm unto all the Freemen, Planters and Adventurers therein, divers Liberties, Franchises and Properties, as by the said Grant, entituled, *The FRAME of the Government of the Province of Pensylvania, and Territories thereunto belonging*, in *America*, may appear; which Charter or Frame being found in some Parts of it, not so suitable to the present Circumstances of the Inhabitants, was in the *third* Month, in the Year *one Thousand seven Hundred*, delivered up to me, by *six* Parts of *seven* of the Freemen of this Province and Territories, in general Assembly met, Provision being made in the said Charter, for that End and Purpose.

A N D W H E R E A S I was then pleased to promise, That I would restore the said Charter to them again, with necessary Alterations, or in Lieu thereof, give them another, better adapted to answer the present Circumstances and Conditions of the said Inhabitants; which they have now, by their Representatives in general Assembly, met at *Philadelphia*, requested me to grant.

K N O W Y E T H E R E F O R E; That for the further Well-being and good Government of the said Province, and Territories; and in Pursuance of the Rights and Powers before-mentioned, I the said *William Penn* do declare, grant and confirm, unto all the Freemen, Planters and Adventurers, and other Inhabitants in this Province and Territories, these following Liberties, Franchises and Privileges, so far as in me lieth, to be held, enjoyed and kept, by the Freemen, Planters and Adventurers, and other Inhabitants of and in the said Province and Territories thereunto annexed, for ever.

FIRST.

B E C A U S E no People can be truly happy, though under the greatest Enjoyment of civil Liberties, if abridged of the Freedom of their Consciences, as to their religious Profession and Worship: And Almighty God being the only Lord of Conscience, Father of Lights and Spirits, and the Author as well as Object of all divine Knowledge, Faith and Worship,

who only doth enlighten the Minds, and persuade and convince the Understandings of People, I do hereby grant and declare, That no Person or Persons, inhabiting in this Province or Territories, who shall confess and acknowledge *One Almighty God, the Creator, Upholder and Ruler of the World*; and profess him or themselves obliged to live quietly under the civil Government, shall be in any Case molested or prejudiced, in his or their Person or Estate, because of his or their conscientious Persuasion or Practice, nor be compelled to frequent or maintain any religious Worship, Place or Ministry, contrary to his or their Mind, or to do or suffer any other Act or Thing, contrary to their religious Persuasion.

A N D that all Persons who also profess to believe in *Jesus Christ, the Saviour of the World*, shall be capable (notwithstanding their other Persuasions and Practices in Point of Conscience and Religion) to serve this Government in any Capacity, both legislatively and executively, he or they solemnly promising, when lawfully required, Allegiance to the King as Sovereign, and Fidelity to the Proprietary and Governor, and taking the Attests as now established by the Law made at *Newcastle* in the Year *one Thousand and seven Hundred*, entitled, *An Act directing the Attests of several Officers and Ministers, as now amended and confirmed by this present Assembly*.

II.

F O R the well governing of this Province and Territories, there shall be an Assembly yearly chosen, by the Freemen thereof, to consist of *four* Persons out of each County, of most Note for Virtue, Wisdom and Ability, (or of a greater Number at any Time, as the Governor and Assembly shall agree) upon the *first* Day of *October* for ever; and shall sit on the *fourteenth* Day of the same Month, at *Philadelphia*, unless the Governor and Council for the Time being, shall see Cause to appoint another Place within the said Province or Territories: Which Assembly shall have Power to chuse a Speaker and their other Officers; and shall be Judges of the Qualifications and Elections of their own Members; sit upon their own Adjournments; appoint Committees; prepare Bills in order to pass into Laws; impeach Criminals, and redress Grievances; and shall have all other Powers and Privileges of an Assembly, according to the Rights of the free-born Subjects of *England*, and as is usual in any of the King's Plantations in *America*.

A N D if any County or Counties, shall refuse or neglect to chuse their respective Representatives as aforesaid, or if chosen, do not meet to serve in Assembly, those who are so chosen and met, shall have the full Power of an Assembly, in as ample Manner as if all the Representatives had been chosen and met, provided they are not less than *two Thirds* of the whole Number that ought to meet.

A N D that the Qualifications of Electors and Elected, and all other Matters and Things relating to Elections of Representatives to serve in Assemblies, though not herein particularly expressed, shall be and remain as by a Law of this Government, made at *New-Castle* in the Year *one Thousand seven Hundred*, entitled, *An Act to ascertain the Number of Members of Assembly, and to regulate the Elections*.

III.

T H A T the Freemen in each respective County, at the Time and Place of meeting for electing their Representatives to serve in Assembly, may as often as there shall be Occasion, chuse a double Number of Persons to present to the Governor for Sheriffs and Coroners, to serve for *three* Years, if so long they behave themselves well; out of which respective Elections and Presentments, the Governor shall nominate and commissionate one for each of the said Offices, the *third* Day after such Presentment, or else the *first* named in such Presentment, for each Office as aforesaid, shall stand and serve in that Office for the Time before respectively limited; and in Case of Death or Default, such Vacancies shall be supplied by the Governor, to serve to the End of the said Term.

P R O V I D E D A L W A Y S, That if the said Freemen, shall at any Time neglect or decline to chuse a Person or Persons for either or both the aforesaid Offices, then and in such Case, the Persons that are or shall be in the respective Offices of Sheriffs or Coroners, at the Time of Election, shall remain therein, until they shall be removed by another Election as aforesaid.

A N D that the Justices of the respective Counties, shall or may nominate and present to the Governor *three* Persons, to serve for Clerk of the Peace for the said County, when there is a Vacancy, one of which the Governor shall commissionate, within *ten* Days after such Presentment, or else the *first* nominated, shall serve in the said Office during good Behaviour.

IV.

T H A T the Laws of this Government shall be in this Stile, viz. *By the Governor, with the Consent and Approbation of the Freemen in General Assembly met*; and shall be, after Confirmation by the Governor, forthwith recorded in the Rolls-office, and kept at *Philadelphia*, unless the Governor and Assembly shall agree to appoint another Place.

V.

T H A T all Criminals shall have the same Privileges of Witnesses and Council as their Prosecutors.

VI.

T H A T no Person or Persons shall or may, at any Time hereafter, be obliged to answer any Complaint, Matter or Thing whatsoever, relating to Property, before the Governor and Council, or in any other Place, but in ordinary Course of Justice, unless Appeals thereunto shall be hereafter by Law appointed.

VII.

T H A T no Person within this Government, shall be licensed by the Governor to keep an Ordinary, Tavern, or House of publick Entertainment, but such who are first recommended to him, under the Hands of the Justices of the respective Counties, signed in open Court; which Justices are and shall be hereby impowered, to suppress and forbid any Person, keeping such Publick-house as aforesaid, upon their Misbehaviour, on such Penalties as the Law doth or shall direct; and to recommend others from Time to Time, as they shall see Occasion.

VIII.

I F any Person, through Temptation or Melancholy, shall destroy himself, his Estate, real and personal, shall notwithstanding descend to his Wife and Children, or Relations, as if he had died a natural Death; and if any Person shall be destroyed or killed by Casualty or Accident, there shall be no Forfeiture to the Governor by Reason thereof.

A N D no Act, Law or Ordinance whatsoever, shall at any Time hereafter, be made or done, to alter, change or diminish the Form or Effect of this Charter, or of any Part or Clause therein, contrary to the true Intent and Meaning thereof, without the Consent of the Governor for the Time being, and *six* Parts of *seven* of the Assembly met.

B U T because the Happiness of Mankind depends so much upon the enjoying of Liberty of their Consciences as aforesaid, I do hereby solemnly declare, promise and grant, for me, my Heirs and Assigns, that the *first* Article of this Charter relating to Liberty of Conscience, and every Part and Clause therein, according to the true Intent and Meaning thereof, shall be kept and remain without any Alteration, inviolably for ever.

A N D L A S T L Y, I the said *William Penn*, Proprietary and Governor of the Province of *Pensylvania*, and Territories thereunto belonging, for myself, my Heirs and Assigns, have solemnly declared, granted and confirmed, and do hereby solemnly declare, grant and confirm, That neither I, my Heirs or Assigns, shall procure or do any Thing or Things, whereby the Liberties in this Charter contained and expressed, nor any Part thereof, shall be infringed or broken: And if any Thing shall be procured or done, by any Person or Persons, contrary to these Presents, it shall be held of no Force or Effect.

I N W I T N E S S whereof, I the said *William Penn*, at *Philadelphia* in *Pensylvania*, have unto this present Charter of Liberties, set my Hand and broad Seal, this *twenty-eighth* Day of *October*, in the Year of our Lord, *one Thousand seven Hundred and One*, being the *thirteenth* Year of the Reign of King *W I L L I A M the Third*, over *England, Scotland, France, and Ireland, &c.* and the *twenty-first* Year of my Government.

A N D N O T W I T H S T A N D I N G the Closure and Test of this present Charter as aforesaid, I think fit to add this following Proviso thereunto, as Part of the same, *That is to say*, That notwithstanding any Clause or Clauses in the above-mentioned Charter, obliging the Province and Territories, to join together in Legislation, I am content, and do

hereby declare, That if the Representatives of the Province and Territories shall not hereafter agree to join together in Legislation, and that the same shall be signified unto me, or my Deputy, in open Assembly, or otherwise, from under the Hands and Seals of the Representatives, for the Time being, of the Province and Territories, or the major Part of either of them, at any Time within *three* Years from the Date hereof, that in such Case, the Inhabitants of each of the *three* Counties of this Province, shall not have less than *eight* Persons to represent them in Assembly, for the Province; and the Inhabitants of the Town of *Philadelphia* (when the said Town is incorporated) *two* Persons to represent them in Assembly; and the Inhabitants of each County in the Territories, shall have as many Persons to represent them, in a distinct Assembly for the Territories, as shall be by them requested as aforesaid.

NOTWITHSTANDING which Separation of the Province and Territories, in Respect of Legislation, I do hereby promise, grant and declare, That the Inhabitants of both Province and Territories, shall separately enjoy all other Liberties, Privileges and Benefits, granted jointly to them in this Charter, any Law, Usage, or Custom of this Government heretofore made and practised, or any Law made and passed by this General Assembly, to the contrary hereof notwithstanding.

WILLIAM PENN

THIS CHARTER of PRIVILEGES being distinctly read in Assembly, and the whole and every Part thereof, being approved of and agreed to, by us, we do thankfully receive the same from our Proprietary and Governor, at Philadelphia, this twenty-eighth Day of October, one Thousand seven Hundred and One.

Signed on Behalf, and by Order of the Assembly, per Joseph Growdon, Speaker.

Edward Shippen, }
Phineas Pemberton, }
Samuel Carpenter, } Proprietary and Governor's Council.
Griffith Owen, }
Caleb Pusey, }
Thomas Story, }

FINIS.



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FOOTNOTES:

[1] *Onas*, the Governor of *Pensylvania*.

[2] *Assaragoa*, the Governor of *Virginia*.

[3] This was allowed, at a Conference had by the Governor with the Commissioners, to be a just State of the Transactions preceding the Treaty.

[4] The two preceding Paragraphs were allowed by the Commissioners of *Virginia*, whilst they were at *Philadelphia*, to be very proper to be spoken by the Governor of *Pensylvania* at the Opening of the Treaty; but taking up an Opinion, from what passed at the first friendly Interview with the *Indians*, that they would not make any Claim upon Lands within the Government of *Virginia*, the Governor consented to decline speaking them in the Presence of the *Indians*.

[5] The *Yo-hah* denotes Approbation, being a loud Shout or Cry, consisting of a few Notes pronounced by all the *Indians* in a very musical Manner, in the Nature of our Huzza's.

[6] *Cohongorontas*, i. e. *Potomack*.

[7] *Onandio*, the Governor of *Canada*.

[8] *Tarachawagon*, *Conrad Weiser*.

[9] A Nation of *Indians* living in *Canada*, who have always been firm friends to the *French*, and formerly were at War with the *Six Nations*.

[10] A Number of *Indians* originally of the *Five Nations*, and Deserters from them, now settled near *Montreal*, by whom the illicit Trade between *Albany* and *Montreal* was carried on: They are well acquainted with the Country about *Albany*.

[11] The *Six Nations* reckon all other *Indian Nations* Women, in comparison to themselves.

[12] The governor of *Canada* calls the *Six Nations* (and all the *Indian Nations* depending on him) *Children*, as the Governor of *New-York* calls them *Brethren*.

[13] Another Settlement of Deserters from the *Six Nations*, and dwelling near *Montreal*.

[14] A *French* Fort opposite to *Oswego*, and the East End of *Cadarackui* Lake, or *Lake Frontenac*.

Transcriber's Notes:

hyphenation, spelling and grammar have been preserved as in the original
Governour ==> Governor" [Ed. for consistency]

Page 3, the Inhatants of ==> the Inhabitants of

Page 12, by their Forts. ==> by their Forts."
Page 22, so advantageous a ==> so advantageous a
Page 42, following Original Letter ==> following Original Letter
Page 51, BRETRHEN of the ==> BRETHREN of the
Page 52, Shawanese, "That they ==> Shawanese,' "That they
Page 56, had any Warriours ==> had any Warriors
Page 61, for us.' We ==> for us." We
Page 62, proper Information. ==> proper Information.'
Page 71, in obtaining Justice. ==> in obtaining Justice.'
Page 77, would communicate. ==> would communicate.'
Page 80, Canassetego taking a ==> Canassatego taking a
Page 94, no onger. Your ==> no longer. Your
Page 106, good Undstanding with ==> good Understanding with
Page 110, Conred Weiser ==> Conrad Weiser
Page 112, Lands at at our ==> Lands at our
Page 112, well, it it hath ==> well, it hath
Page 115, Shick Calamy ==> Shickcalamy
Page 127, to have resonable ==> to have reasonable
Page 132, that Seareh has ==> that Search has
Page 135, "As we have already ==> As we have already
Page 146, Design, and and the ==> Design, and the
Page 163, was entred into ==> was entered into
Page 176, a mischievous People. ==> a mischievous People.]
Page 177, was wrought. ==> was wrought.]
Page 182, Massachuset's-Bay ==> Massachusets-Bay
Page 183, the Enemies' Blood ==> the Enemies' Blood
Page 185, interpreted as as follows ==> interpreted as follows
Page 194/195, War-like Enprizes ==> War-like Enterprizes
Page 208, other Country whatsoever ==> other Country whatsoever
Page 215, or Molestation whatsoever ==> or Molestation whatsoever
Page 235, to the Criminial ==> to the Criminal
Page 240, the Porportion which ==> the Proportion which
Page 245, Act ACT of Settlement ==> An ACT of Settlement
Page 264, John Bud, jun. ==> John Bud, jun.,
Page 278, other their Officers ==> their other Officers

[End of *The History of the Five Indian Nations of Canada (Volume 2 of 2)*, by Cadwallader Colden]