

TITLES TO LANCASTER COUNTY LANDS.

A unique and enviable distinction stands to the honor of Pennsylvania and its founder, as concerns the land titles of our State and the policy of honesty towards the natives generally on the part of the great Penn. That is, that while Penn might have disregarded the rights of the Indians to the land upon which they lived, and have stood legally upon the title which he bought for what was then an extravagant price, from the English sovereign, he always made it a point to buy from these natives their rights and claims, actual and pretended (the latter of which he did in several instances). And, furthermore, he bought a large part of the land several times. When tribes deceived him as to their right to sell, he bought and paid for the lands; and afterwards when the real owners, in the shape of superior tribes, demanded that he buy from them he did so and in no instance that I can find did he insist that what he had erroneously paid under deception, played upon him, should be paid back. We must also remember that the prices paid were not trivial sums, as is commonly supposed, but that many thousands of pounds were paid, in goods and money, as can amply be proved to any one's satisfaction who will take the time to run through the "Votes of Assembly" and foot up the moneys voted from time to time, to pay to Indians their treaty claims and land considerations.

A part of this interesting subject, namely that part which concerns the passing of the lands now constituting Lancaster county from the Indians to the whites, is to be the subject of this paper.

The Earliest Purchase by Swedes.

The earliest "white man's" title to Lancaster county, of which we have any knowledge or record, is that narrated to us by Campanius and Acrelius, the early Swedish historians of Pennsylvania.

The latter tells us that when Peter Minnewit, with his colony, came to the Delaware in 1638 (p. 23), "A purchase of land was immediately made from the Indians, and it was determined that all the land on the western side of the river (Delaware) from Cape Henlopen to Trénton Falls," and "all the country inland, as much as was ceded, should belong to the Swedes forever"—and that "posts were driven into the ground as land marks, which were still seen in their places 60 years afterwards." He says a deed was drawn up written in Dutch, subscribed by mark by the Indians, and that the deed is preserved in Sweden. And page 31 he describes the tract further by saying it is 30 German miles from north to south (which is 90 of our miles, says Reynolds) "and in breadth into the interior.....as much as they desire. "The translator says (p.45 note) this contract was made, according to Campanius, by the Minquas, whom the English called Mingoës, and the French Iroquois, who had subdued the Delawares.

A few years later the Dutch, however, bought these lands from the Delawares, but Acrelius doubts that they signed any deed, because they were in subjection, and not true owners (p. 45).

Later under Gov. Printz, who came in 1642 to Pennsylvania, this Indian grant was marked with more precision, and is described as "stretching from Cape Henlopen to the falls of Delaware and thence westward to the great falls in the river Susquehanna at the mouth of Conewaga creek" (p. 47). These Indians, he says, were the Delawares. Lancaster county was clearly part of this grant. He also says other tribes had an interest in the land, among others the Minquas, who "extended 93 miles into the interior of the country on to the Conestoga and the Susquehanna, where they had a fort, etc." He says the road to that fort was difficult and that the gray stones, morasses, brooks and streams can still be very well seen by those who travel between Christiana (near Newcastle) and Lancaster (p. 49).

Thus the land from the southernmost bounds of Pennsylvania (and indeed farther south than that), as far north as Trenton, and extending westward of that width to the Susquehanna, including all of Lancaster county, was by different deeds and treaties, granted and ceded, between 1638 and 1643, by the Delawares—the Iroquois and the Mingoës, or Minquas, to the Swedes in the first instance, and by a conflicting title also to the Dutch. Acrelius tells us, page 51, that this purchase from these Indians "included their whole country."

There can be no doubt that there was such a purchase in 1640, or about that time, for one hundred years later the Iroquois Chief Canasatego, at the Lancaster treaty, in our old Court House in 1744, said when his attention was called to the purchases of these lands from the Indians, "it is true that about one hundred years ago a German ship came hither and brought

articles such as awls, knives, hatchets, guns and many other things which they gave us.....they recognized our rights to the country and urged us to give them portions of our land that they might enter into a treaty with us and be one people with us (Acr. pp. 50 and 51).

Later, when the tribal relations began to be understood, it was found out that this title by the Indians, was that of subordinate and subjugated tribes only; and in the days when the English came into control of Pennsylvania it was found that the Indian titles bought were not binding upon the dominant or ruling Indian tribes who owned the land which is now our county. Therefore, to prevent Indian wars it had to be bought and treated for again by Penn and those he sent before him.

Indian Grants to William Penn.

When William Penn came to his colony he found that the Indians considered the lands which they sold to the Swedes as having reverted to them again, because the Swedes and Dutch themselves were driven from power by the English, and to the Indians that turn of fortune lost these Swedes and others their titles; then, too, the real Indian owners claimed they had never sold. Thus, Penn was compelled to buy all the land from the natives the same as if they had never sold.

Before Penn's arrival the Susquehanna Indians had parted with their lands in Maryland from the Patuxent River, on the west side of Chesapeake Bay, and the Choptank, on the eastern side, up to the Pennsylvania line, or more properly near the head of the Bay. This was about 1654.¹

¹4 Col. Rec., 704.

Penn Begins to Buy Land on Susquehanna.

It seems that Penn at first supposed the petty chiefs about Susquehanna and Conestoga and adjoining parts were severally owners of undivided interests in the lands thereabout, or may be that each was the owner in severalty of the small locality where he was recognized as a king or a chief—and that none of them were tributary to other more powerful tribes or nations of Indians. At any rate, he began purchasing on that theory.

September 10, 1683, Penn bought from Kekkelappan the half of all his lands between Susquehanna and Delaware, on the Susquehanna side, who promised to sell the other half the next spring at as reasonable rates as the other Indians have been used to sell in this river.²

October 18, 1683, a petty king, Mac-haloha, owner of the lands (between) Delaware River (and) Chesapeake Bay and up to the falls of the Susquehanna River, sold to William Penn the said lands on the aforementioned river, acknowledging part of the pay, and was to receive the balance of the pay next spring.³

At this point Penn was halted by Gov. Dongan, of New York, in his land dealings with the Indians, as the latter informs us in a letter dated September 18, 1683.⁴ It was now that Penn learned the Indians about Susquehanna, and about Delaware, were tributary to the Five Nations in New York, and that he must get his title from the New York Indians.

Gov. Keith, explaining this in 1720 to the then Governor of New York, says in a letter, "When Governor Penn first settled this country and con-

²1 Pa. Arch., 67.

³1 Pa. Arch., 67.

⁴1 Pa. Arch., 74.

descended to purchase lands from the Indians, when he came to treat with the Indians settled on River Susquehanna, finding that they had accounted themselves a branch of the Mingoes or Five Nations, he prevailed with Col. Dongan, then Governor of New York, to treat with those nations and to purchase their claims on both sides of the Susquehanna, which he did." ⁵

Thus the next step in Lancaster county's title from the Indians was the transfer by the Five Nations and the Susquehannas to the Governor of New York. In a note to Vol. 2, Smith's Laws, p. 111, it is stated that the deed from the Indians to Col. Dongan "is not known to exist." But there is plenty of evidence that the title did pass from the Susquehannas and others to Dongan. James Logan, in 1720, holding a conference with the Indians at the home of John Cartlidge, in Conestoga, where Conestogas, Ganawese and Shawnese were present, discussed with them how "the Five Nations had long since made over all their right to Susquehanna to the government of New York, and that Penn had purchased that right." ⁶

Dongan himself writes to Penn in 1683 of the Indian owners on Susquehanna, "They have all of them agreed to give Susquehanna River to me and this government; which I have under their hands to show for it." ⁷

October 16, 1683, John West wrote Penn from New York, saying, "Your affair about the Susquehanna land, I understand, is well-effected, though the people of Albany jealous of their trade much opposed your interest therein." ⁸

And October 22, 1683, Dongan himself wrote Penn from New York, "The

⁵ Col. Rec., 101.

⁶ Col. Rec., 97.

⁷ Pa. Arch., 76.

⁸ Pa. Arch., 80.

Susquehanna River is given me by the Indians by a second gift, about which you and I shall not fall out.”⁹

Dongan's Transfer of the Susquehannocks' Lands Over to Penn.

For some reason, which I cannot discover, Governor Dongan, after purchasing these Susquehanna lands (which we shall later show included all the country thirty or more miles on each side of the river), kept them about twelve years before selling them over to William Penn.

The confidence between these two men was strained at one time, as appears in a letter from Dongan to Penn, March 17, 1684, in which Dongan says: “I wonder at your way of return for the esteem I have for you.....I feared your coveting your neighbor's land would do you much prejudice.”¹⁰

However, January 12, 1696, Governor Thomas Dongan leased these Susquehanna lands to Penn “for a thousand years at the rental of one pepper corn annually on the feast day of St. Michael the Archangel, the intent being that Penn may be in actual possession, so as to be able to take a grant or other conveyance of the reversion and inheritance to his heirs and assigns forever.” The deed or lease describes the land as being on both sides of the Susquehanna River, and the lakes adjacent from the head of the river to the Chesapeake Bay, and all islands, etc., setting forth also that it is the same land which Dongan purchased from the Sennica Susquehanna Indians or any of them.¹¹

The next day, January 13, 1696, Dongan gave a deed for the same lands to Penn, reciting that they are the same lands Dongan purchased

⁹1 Pa. Arch., 81.

¹⁰1 Pa. Arch., 84.

¹¹1 Pa. Arch., 121.

from the Indians, and also the same which are in possession of Penn by virtue of the lease of January 12, 1696, for 1,000 years. The consideration or price was one hundred pounds. Thus, January 13, 1696, is the date of the beginning of the Englishman's title to Lancaster county from the Indians.¹²

This title, thus regularly secured, yet left two serious difficulties open: (a) Other tribes and later generations of the original contracting tribes both claimed they still held certain interests which had not been bought by Penn, and (b) the amount of land taken and considered in the deeds and grants—the extent of it—was not definite.

Penn turned his attention to fortifying his title against these two difficulties. He first secured confirmation of the grants.

Confirmatory Grants and Treaties.

On September 13, 1700, Widaagh and Andaggy-junkquagh, the kings of the Susquehanna Indians, and of the river and lands on both sides, made a treaty with Penn, in consideration of a parcel of English goods, and in consideration of Penn's former "much greater cost in purchasing the same, give and grant to Penn all the lands on both sides of the river, and next adjoining it, extending to the utmost confines of the lands which are or formerly were the right of the nation called the Susquehannaugh Indians, by whatever name they were known.....as fully as their ancestors did or could have enjoyed them—and also ratified and confirmed unto William Penn the bargain and sale of the lands made unto Colonel Dongan, now Earl of Limerick, whose deed of sale to Governor Penn

¹²¹ Pa. Arch., 122.

we have seen." Signed for themselves and their nation. This deed is executed and acknowledged, and is recorded at Philadelphia.¹³

On April 23, 1701, a further confirmation of this title was made to Penn by the Indians. On that day a treaty was made between William Penn and Council of one part, and the King of the Susquehanna-Minquas, or Conestogos; Opessah, King of the Shawanese, the Chief of the Ganawese, and the brother of the Emperor of the Onondagoes of the Five Nations, and divers chiefs and subordinates, of the other part, by which, among other things, the Indians ratify and confirm the Dongan title and the deed of September 13, 1700, by the two Susquehanna chiefs. The consideration for this was several parcels of English goods. This treaty is sealed, signed, and delivered in presence of Shippen, Pusey, J. LeTort, Steelman, James Logan, Indian Harry and others.

While these two confirmations seem to be all inclusive, we shall see that many subsequent confirmations were necessary, because of imagined latent claims insisted on by the Indians.

The Successive Confirmations of Our Land Titles by the Indians.

The different tribes of Indians on the Susquehanna, becoming dissatisfied with their land transactions with Dongan and Penn, sent for representatives of the Five Nations—their masters—to come to Conestoga and confer on the matter, and on various other matters besides the land question. They invited Pennsylvania's then Gov. Gookin to meet them at Conestoga and he did so, June 18, 1711 (2 Col. Rec. 533). The record of the conference does not note much about

¹³¹ Pa. Arch., 133.

land, except that Gov. Gookin told them that "Gov. Penn was about to settle some people near the Potomac," which implied his right to land at that place. However, some years later James Logan speaking to the Indians about this conference at Conestoga in 1711 says that fully fifty chiefs and other representatives of the Five Nations met the Governor here at Conestoga and that "Dongan's purchase was mentioned to them, and they not only appeared to be fully satisfied therewith, but proceeded in a formal manner. . . . to confirm all our former treaties with them." Logan may have imagined some of this for the minutes of the treaty and the minutes which the Governor laid before Council, June 23, 1711, are silent as to this (3 Col. Rec. 101 also 2 C. Do. 533).

On 12th of July, 1720, James Logan met the several tribes of Indians of Susquehanna at Conestoga, and Captain Civility, a Conestoga chief, told him that one of the Five Nations, viz., the "Cayugas had at times expressed dissatisfaction at the large settlements on the Susquehanna by the whites, and claimed property or right to those lands." Civility said that all the Indians, however, admitted the sale to Dongan was good (3 Do. 97).

On June 16, 1722, the new Governor of Pennsylvania, Wm. Keith, and his council held a treaty at Conestoga with the Conestogas, Shawanese, and Ganawese Indians, and this claim of the Cayugas was considered (3 Do. 183). At this treaty the Governor said to the Indians, "The last time I was with you at Conestoga you showed me a parchment which you had received from Wm. Penn. . . . That parchment fully declared your consent to Wm. Penn's purchase and right to the lands on both sides of the Susquehanna" (3 Do. 181). This preser-

vation of the land treaty which these Indians made with Penn is another evidence of the love and veneration they bore him.

About 1719 the King and Chiefs of the Delaware Indians sold to Penn all their lands "between the Delaware and Susquehanna rivers" but ten years later they became dissatisfied and James Logan, showing them their old deed, pacified them (3 Do. 320). Their lands scarcely reached into Lancaster county—except perhaps near the head waters of the Schuylkill.

Coming now again to the Susquehanna lands, in September 1722, Governor Keith and some of his council, by arrangement with the Governor of New York, went to Albany and met the Five Nations, to satisfy them as to their Susquehanna claim. All of the Five Nations were present by representatives, and the result was that the Five Nations made the following declaration: "We here now freely surrender to you all those lands about Conestoga which the Five Nations have claimed, and it is our desire that the same may be settled with Christians, in token whereof we give you this string of wampum" (3 Do. 201).

The Governor said, "Brethren, You know very well that the lands about Conestoga upon the river Susquehanna belong to your old friend and kind brother, Wm. Penn; nevertheless I do here, in his name, kindly accept of the offer and surrender which you have now made to me, because it will put an end to all other claims and disputes if any should be made hereafter" (Do. 202).

But the Five Nations were hard to satisfy; and when satisfied found it profitable to become dissatisfied again. And, therefore, July 3, 1727, we find big chiefs of all the five tribes, but an

especially imposing array of Cayuga chiefs, at Philadelphia, as also chiefs of the Conestogas and Ganawese, and many other Indians from the Five Nations and the Susquehannas (3 Do. 271).

When asked to state their errand, they said that the first Governor of this place, Onash (Penn), when he arrived here sent to them to desire them to sell land to him, that they answered, they would not sell it then; but that they might after a while, and that they were here now to know what the Governor was going to offer for those lands. So they were really here now pretending they never had sold.

Then they proceeded to tell what Penn said when in 1683 he found the Susquehannas were subjugated by the Five Nations. They say he said (at Albany, where he went in 1683, to interest Gov. Dongan) to the Five Nations, "Well, my brethren, you have gained the victory—you have overcome the people and their land is yours. We shall buy them of you. How many commanders are among you? And we told him forty. He said if you will come down to me I will give each of you a suit of clothes such as I wear." They said when Penn was at Conestoga he desired these warriors (Five Nations) to speak to the Susquehanna chiefs about buying land, and as he had no wampum he gave them powder instead.

The Governor, now Patrick Gordon, said what they said was true, but also it was true that forty years ago Col. Dongan bought them out, and that none of the Five Nations ever claimed any land since, until now. And that only five years ago, they met Gov. Keith in council and all their chiefs were present and they confirmed the former grants and absolutely released all the Susquehanna lands. The Gov.

ernor then thanked them for offering to sell the lands if they had not sold them before—and that they lie very near our settlements, but he would not buy now (3 Do. 273). The Indians finally agreed that all below Paxtan were ours, but no settlements should be made above that place. (Do.)

And now again the Delaware Indians reassert title to lands lying between Delaware and Susquehanna at what is now our county, and to quiet this matter a deed was made to Penn by the King of Chiefs of the Delawares September 7, 1732 (1 Arch 344).

But the Five Nations and the half-dozen Lancaster county tribes who were under them were not satisfied, and thus, October 11, 1736, the Kings and Chiefs of the Onondagoes, the Senekaes, Cayoogas, the Oneydoes and the Tuskaroros, for consideration of 500 pounds of powder, 600 pounds lead, 45 guns, 60 stroud water match coats, 100 blankets, 100 duffle coats, 200 yards half-thick, 100 shirts, 40 hats, 40 pairs of shoes, 40 pairs of stockings, 100 hatchets, 500 knives, 100 houghs, 60 kettles, 100 tobacco tongs, 100 scissors, 500 blades, 120 combs, 2,000 needles, 1,000 flints, 24 looking glasses, 2 pounds of vermilion, 100 tin pots, 25 gallons of rum, 200 pounds of tobacco, 1,000 pipes and 24 dozen garterings—grant bargain, sell, release and confirm to the Penns, in behalf of themselves and of all the Five Nations, “all the said Susquehanna River with the land lying on both sides thereof, to extend eastward as far as the heads of the branches or springs which run into the Susquehanna, and on the west side, to the setting sun,” and “from the mouth of the river northward up to the hills called the endless hills, and by the Delaware Indians.” And this deed also guaranteed title and quiet possession and promised and coven-

anted to defend the title against any of the Five Nations, "or any other persons claiming or to claim the same by, from or under them, etc." (See I. Arch 494).

On the 25th of the same month these Five Nations, and also the Mohawks—the whole now calling themselves the Six Nations, executed a release, declaring that their intent of the deed of the 11th was to release to the proprietors all their right, claim and pretensions whatever to all lands lying within the bounds of Pennsylvania from the Delaware River westward to the limits of Pennsylvania, and northward to the endless hills and that they would not sell any land to any one but the Penns. (Do. 498).

These deeds include all of what is now Lancaster county, even to the extreme east, for Octoraro itself flows into the Susquehanna.

This quieted Susquehanna titles nearly twenty years—and then the Five Nations stirred up trouble again, though it was not serious this time. However, to set it at rest a treaty was held at Albany, and our Governor and some of the council attended. It was held July 9, 1754 (6 C. R. 124). All that was necessary was to show them the old deed of October 11, 1736, and one of the signers, being yet alive, appeared and said the sale was good and that all the Susquehanna land from the easternmost point of all its branches belonged to the Penns. He said the Penns paid for it three times—to Col. Dongan—to the Susquehanna Indians and to the Six Nations. All claiming tribes present here in 1754 then executed another quit claim. (Do).

There is now no difficulty in arriving at an accurate knowledge of the extent of the territory ceded to us by the Indians—it included the whole Sus-

quehanna valley eastward to the watershed between our river and the Delaware and its branches—that is, the whole of Lancaster county.

Subordinate Tribes and Their Rights in These Lands.

It is to be noticed that the only tribe of Lancaster county Indians that attempted to sell land were the Susquehannas, afterwards called the Conestogoes. The Ganawese and the Shawanese were present at some of the treaties, but they were not there in the capacity of dominant owners, but rather as confirming and acceding tribes and spectators. The Conoys are not considered at all. The Delawares made an attempt to sell some lands, and were severely rebuked by one of the chiefs of the Five Nations.

The confederated tribes of New York and Northwestern Pennsylvania, called by the English the Six Nations, and by the French, who first came into contact with them, as the Iroquois Confederacy, at first consisted of five tribes only, the Mohawks, Oneidas, Senecas, Onondagoes and Cayugas. To these were subsequently, in 1715, admitted the Tuscaroras, a related tribe residing in North Carolina, who were driven out of that State and came North and united their destinies with their kinsmen, the Iroquois Confederacy.

The Susquehanna Indians were the only tribe of our local Indians that were looked upon in an honorable way by the Five Nations, and, indeed, the Five Nations looked with a good deal of pleasure upon many of their acts.

The Shawana or Shawanese Indians came from the southward in 1678, and they were allowed to stay here only on condition that they would submit to the Susquehannas, also called Conestogoes—and, there-

fore, they did not figure in the land purchases. Properly speaking, they had no land—they were tenants at will.

The Ganawese, or Piscataways, in 1705 asked leave to come and settle among the Conestogoes and they were allowed to do so on condition that the latter tribe would be responsible for their behavior. They were a weak, sickly tribe, and came from the Potomac (2 C. R., 191). They had no say in the land titles or land questions in any form.

As to the Conoys, their relation was set forth at a treaty in 1749, at which the Five Nations, or some of them, attended, and also some Conoys—at Philadelphia (5 C. R., 388 and 393). The Conoys claimed their town was not sold to the Penns, but was reserved. The speaker for the Onondagoes said: "As we were coming here the Conoys gave us this string of wampum and put their case in our hands. They told us that their tract on which Conoy Town stood was reserved out of the grant of land between Delaware and Susquehanna, which we sold to the proprietors, on account of those Indians living there, and that when they should quit they were to have money for the tract." The Governor told him he was mistaken; and that the Conoy Indians prevailed with the Six Nations to have them ask the Government to allow them to stay. But the Six Nations told us not to give money for lands to any tributary nations of Indians. So they had no part in the land sales.

It was the same with the Delawares. In 1737 they attempted to interfere in the land sales, and this at once brought Canassatego, one of the Six Nation chiefs, to Philadelphia, who sent for the Delaware chiefs, and

when they appeared he declared to them that they ought to be taken by the hair and shaken; that they knew they were conquered, and were made women, and that the land they tried to sell they had no right to, and he decreed they must move to Shamokin. (2 Smith Laws. 117).

Reservations.

It seems there was one reservation in the sale to the whites, or, more properly, a re-sale to the Red Man. "About 1717 Penn, by some instrument, gave permission for an old Indian, named Johass, and his Indians to live upon a five-hundred-acre tract, called the Indian Town, and the same was allotted to them. About the year 1763 some of old Johass' descendants residing on the tract were killed, and the remainder taken to the work-house at Lancaster." (9 Arch. 49). And, indeed, not over twenty years ago a pretended descendant of Johass claimed the land was still his. A Benjamin Williams, who signed himself the King of the Senecas, from New York, sent a letter to A. R. Witmer, Esq., claiming that tribe is still owner of all Manor township, or nearly all of it, and that Peter Doxtetter, a former claimant, had no rights. The claim made quite a stir in Manor township, for Williams stated that he intended coming on here and putting in his claim; he claimed about 80,000 acres. But the gentleman never appeared.

And this ends our inquiry into "Lancaster County's Land Titles from the Red Men." We do not pretend that the titles of the county rest upon Indian rights, for Penn's grant from England was the best title. Penn's buying from the Indians was a course of justice rather than one of legal necessity.

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