

The Delaware Region
(Below the Schuylkill)

ALL the land in the Delaware region was included in the grant by King Charles I of England to the Virginia Company, in 1606.

Henry Hudson, an Englishman in the service of the Dutch East India Company, in the *Half Moon*, seeking a northwestern passage, seems to have been the first European to discover the Delaware Bay, in which he anchored on August 28, 1609.

He attempted no settlement, but tarried there a few days making observations and soundings, filling his water casks from some Delaware creek, and for food, catching fish, which were plentiful there at that season. Five days after entering the Delaware he sailed into New York harbor.

The Delaware was named for Lord De la Ware, the Virginia governor, by Samuel Argall of Virginia, who dropped anchor in the bay one day the year following the visit of Hudson. There is no evidence that De la Ware ever saw the bay. [16]

No attempt was made by any one to explore the Delaware until five years after Hudson discovered it, when five vessels were fitted out by merchants of Amsterdam, Holland, to make discoveries in America, as related in the chapter on New York. All arrived at Manhattan, whence, in one of the vessels, the "Fortune," Captain Cornelius Jacobson Mey sailed to the Delaware, and gave his name to Cape May. He then returned with the others to Holland, except Captain Hendrickson, who remained to explore the Delaware River. This Hendrickson did in 1615 or 1616, in the boat "Onrest" (Restless), which he built to

replace the one he had lost. It had a keel of 38 feet, length 44-1/2 feet and a beam of 11 feet. He sailed up the river as far as the Schuylkill, and undoubtedly was the first European to sail up the Delaware.

The Dutch West India Company in 1623 sent a vessel, the "New Netherland," with Captain Mey, to the South River (the name the Dutch gave the river subsequently named the Delaware). They arrived in the Delaware and erected Fort Nassau at Timber Creek, on the New Jersey side, about five miles below Camden. This was the first attempt by Europeans at settlement on the Delaware.

When the governor of Virginia, at Jamestown, learned that the Dutch were trading on the Delaware, he sent Captain Jones to "vindicate the exclusive right of the English," but it is recorded that, "by the wickedness of him and his mariners the adventure was lost and the whole project overthrown." The Virginians denounced Jones and asserted that he seemed to have been bribed by the Dutch. As a result serious contention arose between the English and Dutch governments.

Samuel Godyn and Samuel Bloemaert, Amsterdam merchants and directors of the West India Company, through agents sent by them, obtained from the Indians in June, 1629, for "a certain parcel of goods," a tract of land in Delaware, thirty-two English miles along the shore of the Delaware Bay and two miles inland, extending from Cape Henlopen, to Little Creek, opposite Dover. This purchase was ratified by Director Peter Minuet and the Council of New Netherland, at Manhattan, "under the Jurisdiction of their Noble Highnesses, the Lords-States-Generals of the United Netherlands and the Incorporated West India Company, Department of Amsterdam." This gives, the deed read, "Godyn and Bloemaert, or those who may hereafter obtain their interest, full and irrevocable authority and power to hold and possess the land." This was afterwards confirmed by the Chamber of XIX at Amsterdam.

The following year, possession of a tract across the bay, sixteen miles square in Cape May County, New Jersey, was obtained from the Indians for the same patroons.

Immediately upon acquiring the Delaware tract, a syndicate

of several patroons who were favored stockholders of the company was formed in Holland to send a colony to occupy it. They took as a partner and patroon David Pietersen de Vries, "a bold and skilful seaman and master of artillery in the service of the United Provinces," who had two months previously returned from the East Indies.

Among others who joined the syndicate was Kiliaen van Rensselaer, an Amsterdam diamond merchant, and a cormorant for land in America beyond his ability to use.

The colony sailed from the Trexel in December, 1630, in two ships, one of which was captured by pirates. The other one, the "Walvis," with thirty colonists, arrived at the Delaware Capes the following April.

The Dutch fort, Nassau, on the Delaware, erected seven years previously, had been abandoned.

The colonists located a settlement which they named Swaanendael (valley of the swans) inside of Cape Henlopen. They brought cattle, provisions, agricultural implements, merchandise for trading with the Indians, and also brick and other materials for a building which they erected and surrounded by palisades. This is the only specific statement of brick being imported that I have seen in my researches in colonial history.

This was the first white settlement in Delaware but, unfortunately, due to a trifling cause about an Indian tearing down a piece of tin bearing the Coat of Arms of The Netherlands to make a tobacco pipe, the entire colony was murdered. The Indians raised considerable quantities of corn, and, had they not lacked ingenuity, could have made a better pipe of a corn cob, and this massacre might not have occurred.

Some writers have stated that De Vries was in command of the "Walvis," which brought the settlers, but he did not come until twenty months later. Arriving in December, 1632, he found the remains of the murdered colonists. He continued in the Delaware River for some time; went to Fort Nassau, and found it in decay and occupied by some Indians wearing English-made coats. He had the fort repaired.

So uninformed was the governor of Virginia of the geography of "Lord Delaware's Bay," that not until twenty-five years after

the settlement at Jamestown did he dispatch a sloop with seven or eight men "to learn if a river flowed into the bay." This was the first attempt of the English to explore the Delaware. [16] They were killed by Indians, and it was the coats of these which the Indians were wearing.

The deplorable massacre of the colony discouraged the patroons from making further efforts at that time to colonize in Delaware. Henceforth, for many years, the Dutch confined their activities along the Delaware largely to trading with the Indians. But for that purpose it was necessary to locate trading-houses at strategic points, and that meant they must have land on which to locate them. And, quite as important, it was necessary to monopolize the land to prevent other nationalities from likewise establishing trading-posts in competition. This led to continuous fights for monopoly of the land.

Godyn, Bloemaert and van Rensselaer were never in America. They were absentee landholders and their object in acquiring land was to monopolize vast areas and lease it to settlers on a feudal tenure of land rent, payable in money or the produce of the labor of the settlers.

Failing in this at Swaanendael, they sought some method of profitably disposing of their land. Being influential directors of the company, they concluded that the best way out was to unload on the company, which they did six years after acquiring the land, for fifteen thousand guilders (about \$6,240). This was the first land transaction in the Delaware region between white people. In the sale, it was stipulated that the right of neither party in a suit pending between the patroons and the company at Amsterdam was to be impaired.

The Calvert grant of Maryland by Charles I, in 1632, included the present state of Maryland and all of Delaware, all of which was part of the Virginia grant of 1606 and 1609. Granting land in America without regard to any previous grant thereof was a common practice of all the Stuart monarchs. But this grant to Calvert excepted any region which was settled and cultivated. This gave rise to continued strife during the next 130 years, between Calvert and the Dutch on the Delaware, and between Calvert and Penn, and their respective heirs.

The Calvert grant was for land, within the aforesaid bounds, which was *hactenus in culta*—in a country hitherto uncultivated. The contention between Calvert and the Dutch hinged on whether Delaware had been “inhabited and cultivated” prior to the Calvert grant. Inasmuch as the massacre of the Dutch settlers at Swaanendael occurred four years prior to the grant to Calvert, and while the settlers were at work cultivating the land, it is evident that the Dutch had the better of the contention.

Charles I of England in 1633 gave to Captain Thomas Younge, a London grocer and a man of influence, a commission to discover and exploit. In July of that year, Younge explored the Delaware River, searching for a northwestern passage to Asia. He is said to have proclaimed the sovereignty of his Britannic Majesty over the region and to have ordered the departure of a Dutch ship, no doubt that of De Vries, which he found near the present site of Trenton.

Notwithstanding that the Dutch colony on the Delaware had been massacred, and the Dutch had no colony on the Delaware, they began actively to pursue the fur trade with the natives along the river, maintaining trappers and traders. These men were instructed to keep a sharp lookout for, and report at once to headquarters at Manhattan, the arrival of any foreign ship.

Valuable fur-bearing animals then abounded, but the only species now remaining is the muskrat, which is still plentiful. It was a low-priced fur until given the name “Hudson seal.”

The governor of Virginia, in 1635, sent fourteen or fifteen men to the Delaware River. In command of George Holmes, they were to make another attempt to capture the Dutch fort, Nassau, which, however, was then unoccupied. But Thomas Hall deserted the expedition and went to Fort Amsterdam, where he notified the Dutch and entered their employ. One account cites that a file of Dutch soldiers went to Fort Nassau, arrested the English, and turned them back with the command not to repeat the visit. But Fiske [47] said that, as soon as van Twiller at Fort Amsterdam learned of the English attack, he dispatched a warship to the Delaware and captured the English and carried them to New Amsterdam. De Vries then took them to Point Comfort. There, he found another English vessel just starting for the Delaware, but upon his arrival it desisted in the venture.

The Swedes and Dutch

William Usselinx (1567-1647), a native of Antwerp, was a persistent promoter of foreign trading and colonization companies, and the leader in the promotion of the Dutch West India Company in 1621. Presumably because that company became active in piracy, to the comparative neglect of colonization in New Netherland, in which he was more interested, he disassociated himself from the company. In 1624 he betook himself to Sweden, to endeavor to interest King Gustavus Adolphus in organizing a Swedish company for exploration on the South (Delaware) River.

He so convincingly presented his case that a widespread interest was developed in Sweden, which eventuated in a number of charters being granted.

The Swedish West India Company was granted a charter by Gustavus for twelve years, to begin May 1, 1627, with the exclusive right to trade, make settlements, build castles and cities and administer justice in America, Africa and Magellanica, or Terra Australis. The rights, privileges, duties, exactions and emoluments were as clearly and minutely stated as they might be by learned lawyers and financiers in a charter of the present day: "All vessels taken by the company from pirates shall be for the company benefit, except where they are assisted by government vessels, in which case the prizes are to be divided equally." The government was to subscribe four hundred thousand Swedish dollars and to receive 4 per cent duties, 20 per cent of all precious ores discovered, and 10 per cent of the profits.

Among the subscribers were the king's mother; Prince John Casimir, brother-in-law of the king; members of the royal council; and many civil and military officers of high rank, bishops, clergymen, merchants, country gentlemen and farmers.

Before sufficient capital was subscribed, Sweden became involved in the Thirty Years' War. That, and the death of the king in the battle of Lutzen, in 1632, caused a cessation of public interest in the Delaware project.

Queen Christina, who succeeded her father, is said to have

favored the project. In April, 1633, Oxenstierna, the Swedish chancellor, who was regent during the Queen's minority, signed and made public recommendations of the undertaking which had been prepared by, or for, Gustavus. Meanwhile Usselinx traveled through Europe, endeavoring to enlist interest and financial support.

Peter Minuet, a native of Westphalia, had been the Dutch governor of New Netherland, and upon his recall to Holland, in 1632, was dismissed by the Dutch West India Company. Five years afterwards, he went to Sweden to endeavor to revive the interest of the Swedish government and capitalists, by explaining to them the great profits to be made in the peltry trade on the Delaware.

Again subscriptions to the stock were invited, and many of the nobility became subscribers. The hope that such project would open a market for copper, of which Sweden had a large surplus, helped to bring the promotion to fruition.

Admiral Klaus Fleming, of a wealthy Finnish family, and a Swedish admiral, became financially interested in the undertaking and was appointed director-general. Usselinx was engaged as manager and was to receive 1 per cent of the value of all merchandise exported and imported by the company.

Due to delay incident to the unseaworthy condition of one of the ships, which had to put back three times for repairs, the investment in the first voyage increased as preparations proceeded until it had reached thirty-six thousand guilders when the expedition finally sailed from Goteborg, in November, 1637. In partial extenuation of the unexpectedly large initial cost, the remark was made that, "a good rich Spanish prize will reimburse us."

The ships "Kalmar Nyckel" and "Fogel Grip," heavily armed, set sail with merchandise for the Indian trade. There were about fifty persons aboard, including many petty criminals. Some of the criminals are said to have been bandits, sent to Delaware to serve a term in exile and then to be returned to Sweden. The ships sailed the course usual at that early period, via the Canary and West Indies Islands.

Peter Minuet was in command. Most of the sailors and em-

ployees were Dutch. Reaching the American coast, they put in at Jamestown, Virginia, for a few days.

They arrived in the Delaware in the spring of 1638, and settled on Christiana Creek. There they built Fort Christiana, or Christianaham, now Wilmington, the first permanent white settlement along the Delaware.

Arrival of the Swedish expedition was at once reported to Governor William Kieft, director-general of New Netherland at Manhattan, the office which Peter Minuet, the leader of this Swedish expedition, had held only six years previously.

Shortly thereafter, Minuet received a letter from Kieft, in which he said: "The whole South River of New Netherland, both above and below has been for many years our property, occupied by our forts and sealed with our blood [the Swaenendaël massacre] . . . We protest against all the evil consequences of bloodshed and worry which our trading company may thus suffer. We shall protect our rights as we find advisable."

Minuet replied that he had as much right to build a fort as the Dutch, and continued to build. He opened trade with the Indians and arranged with the Indian chief, Mattahoon, for permission to occupy the land, for which Minuet gave a copper kettle and some small articles. The chief subsequently said he was promised, but never received, half of the tobacco grown thereon.

When the Swedes arrived, the Dutch had no settlement on the Delaware and were merely fur traders there, though they had the unoccupied Fort Nassau, below Camden. After arrival of the Swedes, they placed a garrison at Nassau.

From that time on, for seventeen years, until the Dutch expelled the Swedes, there was continual strife between them, each one interfering with the other in the fur trade. The Dutch claimed the Swedes had ruined the trade, by which they probably meant that the competition of the Swedes had obliged the Dutch to increase the volume of goods offered the Indians for their peltries. The Dutch often incited the Indians against the Swedes, and induced the Indians to sell land to the Dutch which the Indians had already sold to the Swedes, a common practice with Indians in their land dealings with the whites.

While the Swedes supposed they had bought land from the

Indians, they had really, as in all purported purchases by Europeans of land from the Indians in the early days of colonization, merely obtained consent of co-occupancy of the land. The territory concerned in the transaction was on the west side of the Delaware River, from Cape Henlopen to Trenton Falls, and inland as far as they might wish. Both the English from Maryland and the Dutch asserted their exclusive right to this land, the Indians having sold it to each one in turn.

The Swedes were anxious to establish the doctrine that a land title from Indians was paramount to any other title. Chief Mattahoon said: "All nations coming to the river are welcome, and we sell land to all who ask for it."^a

Minuet was the first governor of New Sweden, the name the Swedes had given their location. He remained there only three months and departed with the two vessels, leaving twenty-four men on the *Christiana*. History records that, while en route back to Sweden, he lost his life in a storm at St. Christopher Island, in the West Indies; but Acrelius, who later joined the colony, and who drew from reliable sources, stated that Minuet, after three years at Fort *Christiana*, died and was buried there. [16]

Minuet was credited with having sagacity and energy. Except for the persistence of him and Usselinx, and especially of the latter, who was never in America, the Swedes likely would never have become a factor in Delaware.

Peter Hollaendare Ridder, variously stated as being a native Swede, Dutch, or of German origin, succeeded Minuet as the second governor. After delay in his departure, he arrived in Delaware in April, 1640, with a company of involuntary emigrants, and was fired on from the Dutch fort, Nassau.

The first Swedish immigrants were as unfitted for the tasks before them as had been the first English settlers at Jamestown. Ridder wrote to Sweden that there was not a man among the settlers who could build a small cottage, or even saw a board. This year thirty thousand peltries were exported to Sweden.

Various privileges were offered by the Swedish Company for the more extensive settlement of the colony. All Swedish subjects were allowed "to establish on the lands of the company as many

^aN. Y. Col. Doc.

colonies as they may be able, at their own expense, and to use them during certain years of franchise." But, "any one who has purchased land from the savages, or from the company at a just price, and established cultivators, shall possess the same for ever, with all allodial franchises customary. No one, however, can obtain land except by order of the governor."

A Swedish grant was made in 1640 to Henry Hockhammer & Co. (probably shipowners in Sweden or Holland). They were granted as much land as necessary for their purposes, on both sides of the Delaware River, on payment of three florins for each family established in their territory. After ten years, they were to pay in New Sweden, for support of government on the Delaware, 5 per cent on all goods exported or imported. The same year, tracts on the west side of the Delaware, about eighteen English miles above the Christiana, were granted to de Rehden, de Horst and others.

But the promoters of the company found it impossible at that time to induce Swedes to migrate to Delaware. Some Finns were recruited as settlers, and convicts were given the choice of going to Delaware or being hanged. Fortunately for the future well-being of the state, these culprits, though charged with only minor offenses, either died, or were returned to Sweden as soon as their terms of servitude ended. A crime of which many of them were convicted was burnbeating, which seems to have been the burning of grass or other growth to induce greater productivity on land not belonging to them.

The third Swedish expedition arrived in 1641. Colonel Johan Printz, the new Swedish governor to succeed Ridder, arrived in February, 1643, after a six months' voyage over the usual southern course, with the fourth expedition, of two ships—"Renown" and "Fame and Stork."

The instructions given by the regent to Printz before sailing were: "Her Majesty will have the lieutenant-colonel and governor regulate himself upon his voyage and arrival in New Sweden. The Swedish domain extends from Cape Henlopen to Trenton Falls on the west shore, and from Cape May to Raccoon Creek on the east side, which the governor is to keep intact, notwithstanding some English (from Connecticut) have recently settled on the

east side at Varkenskill (Salem Creek). The governor is to seek to bring these English under the government of the Swedish crown, and they might also, with good reason, be driven out and away from such place. Should the Dutch undertake any hostilities or attack, be prepared to repel force by force. To treat the Indians with all humanity and respect; to provide a fortress to close up the river; no other subjects to be permitted to trade with the Indians; to encourage and promote agriculture and tobacco, and cattle breeding."

These instructions were penned in the quiet and security of the office of the chancellor at Stockholm, and at a time when Sweden was well on the way to becoming the great military power of the north of Europe. But such instructions, if put into execution, would inevitably result in war and disaster, if not backed by a stronger armed force than Sweden had ever sent to the Delaware.

It is interesting to note the extent of the population on which Printz had to rely for support in carrying out his orders to "shut up the river, drive out the English from Salem, and repel Dutch attacks by force." In 1644, the year in which Queen Christina came to the throne, and just before arrival of the fifth expedition, which increased the colony to 200, the total number of males in New Sweden on both sides of the river was 93; three years later there were 183 persons including children; and five years after that, just previous to new arrivals, the entire population was only 70. From disease, 26 had died in a year. Most of the others returned to Sweden as fast as new ones arrived.

However, in pursuance of his instructions to fortify all important points and "shut up the river," Printz erected Fort New Goteborg, at Tinicum Island, above Chester, and equipped it with four brass cannon. There also he built a handsome mansion. During the year he built Fort Elfsborg, at Elsingboro Point, on the New Jersey side below Salem Creek, which mounted eight cannon and one potshoof; Fort Nya Korsholm, on the Schuylkill; and Fort Nya Wasa on Mingo Creek, the last named to give a more perfect control of the fur trade with the Indians. These, with Fort Christiana, gave the Swedes five forts along the Delaware.

The main object of Fort Elfsborg, aside from "shutting up the river" against others, was to oblige Dutch ships to salute the Swedish flag, in recognition of Swedish sovereignty, which greatly offended the Dutch.

During the first six years of Swedish occupancy, criminals were sent to serve terms in exile, until Printz determined he would have no more of them, and sent new arrivals back without permitting them to land.

Joran Kyn (Keen), a soldier bodyguard of Printz, was granted a large tract of land at the present site of Chester, part of which he cultivated. [3x] Another Swede had a tobacco plantation thereabouts. Indicating the Swedish trading and agricultural activities on the Delaware, the sixth year of the settlement, two ships returned to Sweden with 2,127 packages of beaver skins and 70,421 pounds of tobacco.

Fort New Goteborg, with all its buildings, was burned the next year, and all the powder and goods in store blown up. A servant had fallen asleep, leaving a candle burning. [16]

Andreas Hudde was in 1645 appointed Dutch governor on the Delaware, to succeed Jan Jansen who was charged with fraud and disloyalty. Hudde proved to be more energetic and faithful than his predecessor, and afterwards became a prominent citizen in New Amsterdam.

The Swedes making settlements on the Schuylkill prompted the Dutch to do likewise. Hudde bought of the Indians, and proceeded to build, on land which Printz claimed the Indians had already sold to him. Whereupon Huyden, the Swedish commissary, with twenty-four men fully armed, with fixed bayonets, arrived on the scene. Hudde wrote Printz, complaining of the insults and many "bloody menaces," and said that he himself had purchased the land from the Indians, the real owners, perhaps before the name of South River was ever heard of in Sweden—adding that "tearing down the Arms of the Netherlands was an infringement on the authority of their High Mightinesses the States General, and that of His Highness the Prince of Orange." The messenger who carried the letter to Printz reported that Printz was insolent, threw him out of doors, and took a gun in hand threatening to shoot him.

Hans Jackson, a Dutchman, began to erect a building, but it was destroyed by a son of Printz, who threatened that if he again attempted to build there he would be given a "good drubbing." Thomas Broen, a Dutchman, started a building, but the Swedes, under Sergeant van Dyck, pulled it down. Broen was told if he did not leave they would beat him. Simon Root, and other Dutchmen who were endeavoring to build, were driven away by Lieutenant Swen Schute, and their building torn down. Thus the strife went on interminably.

The Dutch governor continued to grant land to individuals and in 1646 granted to four persons two hundred acres in Delaware, "over against" Reedy Island, with the stipulation that if not cultivated within one year the land would be forfeited. This tract was afterwards forfeited for non-use.

Printz supplied the Indians with guns, with which to kill game for the Swedes, and at the same time wrote to Sweden: "The Dutch destroy our fur-trade with the Indians, strengthen the savages with guns and ammunition and stir up the savages to attack us. They begin to buy land from the Indians within our boundaries which we had bought eight years ago. They see we are weak. A new gristmill has been built; I have caused waterfalls to be examined for a sawmill. We need vessels to trade with the West Indies. We need unmarried women. The freemen desire to know about their privileges and the criminals ask how long they must serve."

The seventh Swedish expedition arrived in 1647 and, the same year, Peter Stuyvesant arrived at New Amsterdam as governor and director-general, succeeding Kieft. He wrote complimentary letters to the governors of Massachusetts and New Haven, desiring to be on friendly terms with them, but at the same time asserting the right of the Dutch to all the land between and along the Connecticut and Delaware Rivers, "as the indubitable right of the States General and the West India Company."

Fort Beversreede (road of the beavers) was built by Andreas Hudde in 1648, on the east side of the Schuylkill, just above the Swedish fort, Nya Korsholm, to which Printz objected. [115]

By the peace of Westphalia, in 1648, ending the Thirty Years' War, Sweden gained, becoming a power of the first class.

Conferences were held in 1650 between Stuyvesant and Printz, and between Stuyvesant and delegates from the United Colonies of New England, for settlement of boundaries of disputed territories. There was no immediate decision; each maintaining his own right to land occupied and denying any right thereto of the respective claimants.

With less than one hundred men, Printz controlled the Delaware River from the Capes to Trenton Falls, on the west side, and to Fort Nassau on the east side. The Swedes forcibly tore down and totally destroyed the houses, country places and gardens on Dutch land, which the Dutch considered disrespect of the States General and West India Company. Printz forbade the Swedes to trade with the Dutch. [65]

Shortly thereafter, a Dutch armed ship from Manhattan arrived in the Delaware and landed two hundred men. Stuyvesant, with 120 men, came over the wilderness from New Amsterdam. He proceeded again to buy land of the Indians on both sides of the river, which Printz claimed the Swedes had already bought, but which the Indians denied.

Stuyvesant, to prove ownership, erected Fort Casimir, at the present site of New Castle, six miles below Swedish Fort Christina. He equipped Fort Casimir with twelve guns, transferred to it the garrison, and what military equipment remained in Fort Nassau, and abandoned that fort. Thus he practically took control of the entire Delaware region.

The Dutch abandoned Fort Beversreede and concentrated their forces at Fort Casimir, where twenty-two Dutch families located. Printz abandoned Fort Nya Korsholm, the mill and blockhouse at Mondel, and Fort Elfsborg. Great swarms of mosquitoes, which still exist thereabouts, feasted on the garrison day and night.

The "press of business and other obstacles" preventing the government of Sweden from regulating the affairs of New Sweden "as the utility of the company and the interests of the government demanded," the management of affairs on the Delaware was placed in the General College of Commerce in Sweden.

Accordingly, it commissioned John Amundsen Besh, a naval captain, to embark for New Sweden and endeavor to procure

every species of advantage to the benefit of her majesty and the Company of the South. At that time more settlers were offering to go than there were ships available.

The site of present Marcus Hook, below Chester, was for past faithful services granted by Printz to Captain Besh, to keep and possess for ever. Although there was no Swedish settlement on the present site of Philadelphia, Printz granted thousands of acres in various tracts there to different Swedes.

Queen Christina granted Tinicum Island, in the Delaware River above Chester, to Governor Printz and "his lawful heirs as a perpetual possession because of his long and faithful services."

This was as far up the Delaware as the Swedes had then settled. It was here that Governor Printz lived and moored his pleasure yacht. The basin is considered the oldest yacht anchorage in America, and is now owned and occupied by the Philadelphia and the Corinthian Yacht Clubs of Philadelphia.

Queen Christina later granted to her new governor, Risingh, and to "his wife and their legal male heirs and their descendants, as much land in the West Indies and in New Sweden as he shall be able to cultivate with twenty or thirty peasants, ceding to him it and all its dependencies in woods, fields, fisheries, rivers and mill sites, as a perpetual property."

Just who gave her, or how she obtained, in far-away Sweden, the right to alienate all this land from future generations who must occupy it, is a question for further consideration.

The Swedes had spread to the New Jersey side and occupied thin settlements between Maurice River and Burlington, but were mostly in Salem and Gloucester Counties. [94] They traded with the Indians for furs, in exchange for hats, cloth, satin, silk and other merchandise. Trade in peltries was prohibited to others than agents of the Swedish company. [16]

Not getting any dividends, and with Sweden at almost incessant warfare in Europe, the company failed to supply arms, livestock and craftsmen, and the needed provisions and merchandise for trading with the Indians. This forced the colony to shift for itself and the settlers became dissatisfied. [130]

There had been no ship from Sweden in six years. The call of

Printz on the home government for soldiers to protect the colony from the growing power, and possible attack, of the Dutch was ignored. After ten years of battling with the Dutch and English, and now weary and mortified at his weak military position, Printz sailed for Sweden in October, 1653, with his wife, four daughters and twenty-five soldiers and settlers, presumably aboard a Dutch ship. His son-in-law, John Poppegoya, was left in command, being the fourth Swedish governor, who served for about eighteen months. The Swedes then had three hundred acres under cultivation.

The Dutch navigator De Vries, satirized Captain Printz as: "a man of brave size, who weighs four hundred pounds and takes three drinks at every meal."

John Risingh was appointed the fifth governor, to succeed Printz. He was instructed to fortify a harbor already established; to extend the Swedish possessions on both sides of the Delaware, but "without causing any breach of friendship with the English or Dutch"; also, if possible, to induce the Dutch to abandon Fort Casimir. His instructions were to use "arguments and serious remonstrances, but without hostility. It is better to suffer the Dutch to occupy the fortress than it should fall into the hands of the English who are more powerful, and of course more dangerous in that country."

Risingh sailed from Goteborg in the ship, "Aren." With him were military officers and troops, a clergyman and more than two hundred settlers. They arrived in the Delaware in May, 1655. This was the first Swedish ship to arrive in eight years and came a year and a half after the departure of Printz.

The Swedish population on the Delaware had, by deaths, desertions to Maryland and Virginia, and from other causes, decreased to less than a hundred. The fresh arrivals infused new life into the colony.

Upon arriving off the Dutch fort, Casimir, Risingh sent about twenty soldiers ashore in a small boat. They were civilly received by Gerritt Bikker, the Dutch commandant of the fort. Disregarding his instructions to gain the fort only by argument and remonstrances, Risingh demanded surrender, and fired two shots at the fort, whereupon it surrendered. The Swedes confiscated

everything in the fort and renamed it Fort Trinity, for the day on which it was captured. Most of the Dutch, including Bikker, remained and took the oath of allegiance to Sweden. A few who would not do so were expelled.

Shortly after arrival, Risingh reported to the home government that he had again bought of those thrifty Minqua Indian realtors, land which the Indians had repeatedly sold to the Dutch and Swedes; and, that moreover, the Minqua called themselves protectors of the Swedes. He said, "The Lenni Lennape threaten to kill the Swedes and we must daily buy their friendship, for they are more hostile than heretofore. A great part of the people here are lazy and unwilling Finns. There are 368 Swedes and Dutch on the Delaware." This presumably included the Finns, who had come with the Swedes.

He further reported: "At Christiana six or eight houses are now built. The land is practically clear of Hollanders. Would be well if the same could be said of the English. The English in Maryland draw our Swedish people to the Severn River, and ruin our trade. It is necessary that no land be assigned to any one unless he uses it efficiently. Otherwise, land of the company, or land which belongs to the Indians, is given away. I have caused fields adjoining Christiana to be divided into lots. [106] Some Dutch farmers should be sent. Saltpeter could be manufactured, and a powder-mill established." Whether or not Mr. du Pont de Nemours ever heard of this suggestion, Wilmington became the explosive-producing center of America.

Peace between England and Holland was agreed upon in 1655, the same year that the Swedes invaded Poland and Axel Oxenstierna, the Swedish chancellor, died.

Risingh's capture of Fort Casimir aroused the fighting spirit of the directors of the West India Company in Holland and, now that the war between England and Holland was ended, they issued orders to Stuyvesant "to exert every nerve to revenge the injury, and not only to recover the fort but to drive the Swedes from every side of the river. Those Swedes who desire to settle under the Dutch government shall be allowed to do so."

They provided him with vessels, materials and soldiers, and ordered him to "press any vessels into his service that might be

in New Netherland." Stuyvesant went silently though actively to work to prepare a fleet and armaments.

The expedition, consisting of seven warships and six hundred or more men, sailed to the Delaware and anchored above their former Fort Casimir. Stuyvesant, who was with the expedition, announced that the Dutch "claimed the whole river and all Swedish territory thereon"; and Schute was called upon to surrender. Meanwhile all trails leading from the fort were occupied by Dutch soldiers, who raised breastworks. The next morning Schute signed terms of surrender. He and twenty others took the oath of allegiance to Holland and remained in the country.

Having taken this fort, the Dutch then proceeded to attack Fort Christiana. They methodically erected numerous batteries, until they had the fort invested on all sides, and their armed ships anchored in the Christiana at the mouth of the Brandywine. These batteries spread over land in the present Wilmington.

The fort had a force of only thirty men and very little powder. There were many parleys between Stuyvesant and Risingh, but Stuyvesant had his orders to drive the Swedes from the Delaware and he meant to do so. Failing to influence Stuyvesant to desist, Risingh, on September 15, surrendered.

Risingh, in his remonstrance, accused the Dutch of "breaking open our houses; plundering all the settlements on the west side of the river; violently tearing women from their homes, and whole buildings destroyed; killing our cattle, goats, swine and poultry; and plantations destroyed.

"Higher up the river they plundered many, and stripped them to the skin. At New Goteborg they robbed Mrs. Poppegoya (daughter of Printz), and many others who had collected all their property together there. The whole country is left so desolate that scarce any means are remaining for subsistence of the inhabitants."

Swedes who would not take an oath of allegiance to the Dutch were sent to Europe, on the ships "Spotted Cow" and "Bear." For the conquest, Stuyvesant was commended. He was instructed to place Fort Casimir in a state of defense.

The Swedes lost the Delaware. The Dutch thus gained the

monopoly of the land and the fur trade on the Delaware. The Dutch attack was waged by the most powerful fleet and army ever engaged in battle on the North American continent. The terms of surrender are given by Ferris [45] and by Acrelius.

The Dutch, no doubt, would have striven to drive out the Swedes much sooner, except that the Dutch men-of-war had been engaged during the previous two years in a naval war with England over the English navigation act of 1651. Further, the arrogant intrusion of the English on the Dutch settlements in Connecticut, and the unjustifiable massacre of Indians by the Dutch, under Kieft, at Pavonia, New Jersey, and at Esopus, New York, prevented the Dutch at New Amsterdam from giving military attention to the Delaware. And the great distance from St. Mary's (along the Potomac) to the Delaware, together with their own troubles on the Chesapeake, probably accounts for the Calverts in Maryland not making a determined effort to pursue their claim to the Delaware territory.

Shortly after the Swedish surrender, the Swedish ship, "Mercuris," with 130 settlers, the tenth and last Swedish expedition, arrived in the Delaware, causing consternation among the Dutch, as well as the Swedes who were left there. The captain, being forbidden to land the passengers and cargo on the Delaware, proceeded overland to Manhattan to see Stuyvesant. While he was absent, John Poppegoya and Swen Schute, disregarding their recent oath of allegiance to the Dutch, sailed the ship, with a number of Swedes and Indians, past Fort Casimir and landed her passengers and cargo at Marcus Hook, below Chester. The ship returned to Sweden.

Eight years after the Dutch conquest of New Sweden, some Swedes in Sweden fitted out an expedition for the recovery of their former territory on the Delaware. The expedition, commanded by the Swedish Vice-Admiral Lehelm, who had been to New Sweden, consisted of the frigate, "Falcon," of thirty-two guns, and a yacht of eight guns, carrying two hundred or more soldiers in addition to the crew. The expedition ran aground three times at different points in European waters, at the last of which the yacht and all her stores were abandoned and the venture was given up. At that time, both Dutch forts were in a

condition of decay and with but few pieces of cannon. Had the Swedes arrived, the Dutch could not have withstood them. Besides, the disaffected Swedes and Finns then on the river far outnumbered the Dutch and naturally would have sided with their countrymen. Delaware would then again have come under the crown of Sweden.

The Swedish ambassador at The Hague made repeated demands for the restoration of New Sweden and nine years after the conquest, addressed their High Mightinesses at Amsterdam maintaining their rights on the river, and deploring the acts of the Dutch, saying: ". . . His most sacred majesty hopes that the West India Company shall be constrained to render restitution. For, had the crown of Sweden acquired Nova Suecia justly? Was the same in lawful possession thereof?"

The difficulties arising from the seizure were not settled until, twelve years after the conquest, a treaty provided that the controversies between the Swedish Company and the Dutch should be examined and satisfaction given.

Inasmuch as the territory had been before that time wrested from the Dutch by the English, it is unlikely that Sweden, or the Swedish Company, ever received any redress. After making settlements, and gaining a commanding position on the Delaware, as they did, the wonder has been that the colony did not have better support from the company and government in Sweden.

Queen Christina came of age and to the throne in 1644, and abdicated ten years later. This was approximately the period of the Printz administration. During that time very few Swedish ships arrived. For long stretches of time, the colony was left on its own resources. No ship arrived between 1644 and 1647, or again until 1653. One ship reached Manhattan in 1649, but was captured by the Dutch.

This neglect practically killed the potentially lucrative Indian trade, in which the colony had made a good start, and closed the door to any export of furs and tobacco to Sweden, which the colony had depended upon to exchange for European goods and other essentials. Without these it could no longer sustain itself or trade with the Indians; in short, on ships from Europe the colony depended for its actual existence.

The lack of support from the home country seems to have been caused by the military aggressions of Sweden in Europe, and by financial prostration resulting from militarism.

When Christina began to reign, 56 per cent of the public revenue was being used for war and military preparation. In that year Sweden began a war on Denmark, which ended the following year with a victory over the Danes, and the treaty of Bromsebro. Immediately thereafter, Sweden re-entered the war in Germany and made a drive on Vienna, which was terminated by the outbreak of an epidemic which drove them back. But the aggression continued until the treaty of peace at Westphalia, in 1648, at the end of the Thirty Years' War.

The loss of men and wealth had been enormous for those times, and was followed by the usual post-war depression and social unrest. Class antagonism became acute in 1650, when the small landholders in Sweden arose and assailed bureaucracy, the aristocracy and the nobility.

Christina was extravagant, spectacular and depraved. Under her government, state lands were allotted to favorites among the nobility and annual rents receivable were hypothecated for quick revenue.

When Gustavus Adolphus died, in 1632, the nobility held one-quarter of the land. When Christina abdicated they held one-half; and public expenditures for the royal court alone were four times what they had been when she came to the throne.

Further, Sweden was surrounded by enemies; all the neighboring countries, Russia, Poland, Denmark and the Germans, were jealous of, and feared, the newly acquired military strength of Sweden, but were ready to attack her at the earliest opportunity. The Swedes were aware of this enmity and felt constrained to hold their ships and man power at home, ready for any attack, rather than send them to far-away Delaware.

Swedish success at arms had made her war-minded and, to indulge her ambitions in Europe, she declared war on Poland in 1655. While she was capturing Warsaw and Cracow in Poland, Stuyvesant moved on New Sweden, which ended the Swedish reign on the Delaware. Sweden lost what might have developed into a Swedish empire in the new world.

New Englanders on the Delaware

The same year that the Swedes arrived in the Delaware, a colony of English settled at New Haven, Connecticut, where they acquired land of the natives.

Although there were vast areas of unused land about New Haven, the early settlers had privately appropriated it and later arrivals had to go farther afield to get land.

Learning that there was no settlement along the South (Delaware) River, in what is now southern Jersey, about sixty persons, comprising twenty families, early in 1641 left the English colony at New Haven to make a settlement on the Varkenskill (Salem Creek), on the New Jersey side of the South River or Bay.

They were under the leadership of Captain Nathaniel Turner, sailing in a vessel commanded by Robert Cogswell. Kieft, the Dutch governor at New Amsterdam, had notice of their coming through the East River. When passing Fort Amsterdam in their slow-moving craft, in a light wind against a headtide they were met by a protest from Kieft, which read: "I, William Kieft, director-general, etc., make known to you Robert Cogswell and your associates not to build nor plant on the South River lying within the limits of New Netherland, nor on the lands extending along there as lawfully belonging to us by our possessing the same long years ago, before it was frequented by any Christians, as appears by our forts which we have thereon; and also the mouth of the river sealed with our blood [the massacre of the Dutch there], and the soil thereof, most of which has been purchased from the Indians and paid for by us, unless you will settle under the States General and the noble Dutch West India Company, and swear allegiance and become subject to them. Failing whereof we protest against all damages and losses which may accrue therefrom."

Notwithstanding, the English proceeded to the Delaware, where they negotiated with the Indians for land and erected buildings, including a trading-house for Indian trade.

Dutch fur traders along the Delaware immediately apprised Fort Amsterdam of the settlement. This brought another protest

from Kieft, who claimed it to be within the bounds of New Netherland. It also excited the Swedes and prompted Printz, the Swedish governor on the west side of the river, to buy land of the Indians on the New Jersey side, as far up as Raccoon Creek, below Camden. The Indians, having no conception of what was meant by private ownership of land, sold to Printz the same land which they had sold to the New Haven colonists. Printz sent some armed men to the English settlement with orders to amalgamate the new arrivals with the Swedes or drive them out. He did not, just then, succeed in doing either.

The following year, the New Haven colony extended its operations by building a trading-house on the Schuylkill, a region over which both the Dutch and Swedes had been claiming sovereignty and contending in armed combat. This brought protests against the English from both Printz and Kieft. The latter called a meeting of his council at New Amsterdam which resolved: "Having received unquestionable information that some English had the audacity to begin a settlement on the Schuylkill without any commission of a potentate, which is an affair of ominous consequences, disrespectful of their High Mightinesses the States General, and injurious to the interests of the Dutch West India Company, as by it their commerce on the South River might be eventually ruined; Resolved: That it is our duty to drive these English from thence, in the best manner possible."

Accordingly, Kieft issued instructions to Jan Jansen Van Ilpendam (called by the English John Jansen), head of the Dutch commissary on the South River. As soon as the yacht "Real and St. Martin" from New Amsterdam should arrive in the South River, Jansen was to embark therein with such a body of men as he could collect, proceed towards the Schuylkill, disembark there, and require the English to show by what authority they dared to make such encroachment upon "the Dutch rights and privileges, territory and commerce." Kieft continued, "If they can show no royal commission, then they are to be compelled to depart in peace to prevent effusion of blood. If they will not listen or submit then their persons are to be secured and brought to New Amsterdam. If the English leave the place you are to destroy their improvements and level them on the spot."

Jansen carried out his instructions and expelled the English from the Schuylkill, as later complained of by the English colony at New Haven. They reported to the council at Boston that the Dutch had, in a hostile manner, burnt their trading-house on the Schuylkill, seized their boat and goods, and for a while kept their men prisoners; they also complained of the ill treatment by the Swedes. The damage to the English was estimated at £500 sterling.

In 1644 an English expedition from Boston to the Delaware, in search of a lake supposed to be the source of the beavers, was fired on by the Swedes. To add injury to insult, Governor Printz compelled the English to pay him forty shillings to cover the cost of the shot he fired at them.

To root out the enemy at its source, Printz attacked the settlers at Salem Creek, burnt down their buildings and made prisoner their leader, George Lambertson and some of his men. Printz, with help from the Dutch, expelled all the English who would not take an oath of allegiance to the crown of Sweden.

The English at New Haven evidently concluded, five years later, that any attempt to make a settlement on the Delaware was hazardous, for at a meeting of the commissioners of the United Colonies of New England, at Boston, it was decided, ". . . considering the present state of the colony, the English in most plantations already wanting hands to work, it is thought fit not to send men to possess and plant on South River or to encourage it and, should any go there, the colony will not protect them."

However, the urge for more land was too great to withstand for long. Two years afterwards, a party of fifty English colonists at New Haven hired a vessel and sailed for the South River—to inhabit land which some of them had acquired from the Indians on the previous expedition. En route, around New Amsterdam, Governor Stuyvesant, who had succeeded Kieft, arrested the captain of the vessel and four others, put them in prison and refused to release them until "they pledged themselves under their hands" that they would not go to the South River. He informed them that if any of them were afterwards found there, their goods would be forfeited and themselves

sent to Holland as prisoners. They returned to New Haven at a loss of £300.

Stuyvesant wrote the governor of New Haven, asserting the Dutch right to the South River, and threatened to prevent any English settlement there "with force of arms and martial opposition, even unto bloodshed."

Three years after that episode, still yearning for land on the Delaware, the United Colonies of New England reconsidered their previous decision and became more belligerent. They met at Hartford and wrote Risingh, the new Swedish governor, asserting their ownership and rights to land on the South River.

However, it was decided to take no action at present, but that if within twelve months they sent 150, or at least 100 able-bodied men, with vessels, arms and ammunition "fit for such enterprise," and met with hostile opposition from the Dutch and Swedes, the United Colonies would furnish additional soldiers.

Agitation for making a settlement on the Delaware, to be under the government of New Haven, continued for several years. In 1655 an expedition was proposed, which would take with it two guns, half-a-hundred shot, a proportion of musket bullets, and a barrel of powder.

The increasing strength of the Dutch, who that year drove the Swedes from the Delaware, presumably deterred the sending of the expedition, and that is the last account of any attempt by the English at New Haven to make a settlement on the Delaware.

The Dutch on the Delaware

Stuyvesant, upon obtaining possession of the South River for the West India Company, changed the name of the Swedish Fort Christiana (Wilmington) to Altona. The population was about a dozen families.

He began giving deeds to land about Fort Casimir and by August had given seventy-five. He ordered that convenient streets, four or five roods broad, be laid out and lots fifty feet by a hundred feet be granted to the colonists. This was the beginning of New Amstel, now New Castle.

That year a number of families moved from Manhattan to

New Amstel, and were met by a posted placard, which bore a complaint that: "Lots and plantations in the neighborhood of Fort Casimir lie unused, their proprietors are not residing on the spot; others have taken possession of more land than they can cultivate."

To drive the Swedes from the Delaware, the West India Company had borrowed funds from the burgomasters of the City of Amsterdam in Holland. Being unable to pay the interest on the loan, the company agreed to, and did, in 1657, transfer to that city, in liquidation of the loan, all the land on the west side of South River, from the south side of Christiana Creek to Bombay Hook. This was called the "Colony of the City." All land above the Christiana, to the northern limits of the Dutch settlement, was the "Colony of the Company."

The burgomasters of Amsterdam engaged to be financial fathers to the City Colony for one year and provide everything needed by the settlers going to their colony in Delaware. Every farmer was to have, "in free, fast and durable property," as many morgens of land, both plough land and meadow land, as the family could cultivate in two years; uncultivated lots to be forfeited.

Peter Alrich was appointed to represent the burgomasters and, immediately upon receiving the land from Stuyvesant, Alrich sailed from Manhattan to New Amstel, the future seat of his government. He took with him 60 soldiers and 128 settlers, including 76 women and children, who had recently arrived with him from Holland. Gerritt Van Sweringen, afterwards one of the principal officers in Delaware, was the supercargo of the vessel. Fears were expressed at Manhattan that settlement on the Delaware would be injurious to New Amsterdam.

The burgomasters of the city planned to induce settlement, collect land rents, and develop trade between Delaware and Holland. The annual land rent of one-tenth of the produce was not to begin until the end of the tenth year, when the revenue from the tenths was to be applied to public works and public services.

Public and semi-public buildings were erected within the enclosed square. "At the end of the first year, under the burgo-

masters of Amsterdam, New Amstel was a handsome little town of about a hundred houses."

The authority to lease land and decide terms of rental was with the vice-director at New Amstel. The burgomasters in Holland sent to Delaware a large number of Waldenses and other colonists, including some orphans; and a considerable number of Huguenots arrived. The orphans were bound out among settlers for two to four years, at from forty to eighty guilders (\$16 to \$32) a year.

New settlers arriving included weavers, shoemakers, tailors and buttonmakers. Farming proved too hard for them and Alrich complained of the incompetence of the immigrants. He wanted farmers and said the breed of horses was too small for farming. This may have been the breed introduced from Sweden, which were the progenitors of the noted Chincoteague ponies which today roam wild on the Maryland-Virginia island of that name.

Complaints were made to Stuyvesant that Jacquette, the vice-governor of the company colony at Altona, had taken possession of and cultivated lands which had been granted to others, and otherwise broken the law. He was arrested but later released. William Beekman was appointed to succeed Jacquette. Seventeen years later Jacquette was living at Salem, where Fenwick dispossessed him of land which Governor Andros at New York ordered that he be restored.

Some English from Maryland were in 1659 reported as being at Cape Henlopen. Having visions of encroachments on the Delaware by Marylanders, Beekman and d'Hinoyossa, agreeable to instructions, went there to investigate. Knowing well the natural characteristics of Indian realtors, Beekman, to shut out these Marylanders, went prepared to buy again the land which the Indians had twenty-nine years previously sold to the Dutch patroon, Godyn, and which Godyn subsequently sold to the West India Company. Again, ten years after the Godyn purchase, the Indians had sold the same land to the Swedes. They would not have waited that long to make another sale had a buyer appeared.

Beekman took with him some coats, kettles, duffels, knives, corals, looking-glasses and trumpets. For these articles, the Indian dealer in real estate sold to Beekman all the land along the Dela-

ware Bay, between Cape Henlopen and Bombay Hook, a distance of forty-five miles, or half the distance between the Cape and Philadelphia, the purchase extending indefinitely inland.

The West India Company directors were agreeable to giving up their land on the Delaware to the Amsterdam burgomasters because it "must contribute to our security at Manhattan against the English in Maryland. Besides, we may expect a more powerful intercession of the burgomasters through the Netherlands government to obtain from the crown of England the final settlement of the long disputed boundaries between Delaware and Maryland."

Two years after the burgomasters had taken possession, New Amstel was overwhelmingly in debt for public purposes. These were the dark days of colonization on South River. [111]

After two years of paternalism, the burgomasters announced they would no longer continue supplies to the settlers and that the ten years' exemption from land rent was to cease before the period stipulated. This was denounced by the settlers as "gross slavery, and chain-fettering the free spirit of worthy people."

Settlers grew distrustful of the burgomasters in Holland, and besought Alrich to accept what property they had and allow them to depart, but he replied: "You are bound to remain four years." Nevertheless, many went to Maryland, Virginia and Manhattan. The burgomasters relented to some extent and placed the blame on Alrich. Messengers were sent to reclaim fifty of the Dutch colonists who had left for Maryland and Virginia.

Many Finns had come to the Delaware with the Swedes and settled between Marcus Hook and Chester. The Dutch disliked having them so near and made efforts to move them to the present site of Philadelphia, or to Esopus, New York, but they refused to go.

Alrich wrote that the people of New Amsterdam were jealous of the South River development and resorted to practices injurious to that region.

Josiah Fendell, governor of Maryland under Calvert, ordered Colonel Nathaniel Utie and a squad of soldiers to go to the Delaware, at New Amstel, with "a command to the Dutch governor and his settlers to depart from Delaware immediately

or declare themselves subject to Lord Baltimore." If they refused he would not be accountable for the innocent blood which might be spilled.

Utie was instructed to "insinuate to the Dutch settlers that if they made application to his lordship, the governor of Maryland, they shall find good conditions for granting them land the same as to all comers." Utie said he wanted the Delaware land to dispose of to Maryland tobacco growers.

Alrich replied: "We have been in possession of this land for thirty-six years, as well as by octroy of the States General and directors of the Dutch West India Company. We are in no wise inclined to commit the least injustice but are very willing to yield to those who have the best right."

To which Calvert's officer said that the land was granted to Cecilius Calvert, Lord Baltimore, and was confirmed by the king himself, and sanctioned by parliament to the extent of 40° North latitude (Philadelphia).

Stuyvesant, at Manhattan, when he learned of this, was angry and censured Beekman for not arresting Utie. Shortly thereafter Alrich was succeeded by Alex d'Hinoyossa as governor. The Dutch military forces were so engaged in a self-imposed conflict with the Indians, at Esopus, that they were unable to send a force to protect the settlers on the South River.

Stuyvesant sent Augustine Herman and Resolved Waldron to Maryland as commissioners to confer with Calvert and Fendell. After a disagreeable seventy-five mile journey in a small leaky boat down Elk River and the Chesapeake Bay to Sharp's Island, where they hired a sailboat, they arrived at St. Mary's along the Potomac.

At the conference, in rejoinder to Calvert's claim that the Calvert grant extended along the Delaware to 40° North, the Dutch commissioners presented a blanket claim which was calculated to give Calvert a solar plexus blow: "Notifying first and foremost the ancient original right and title, the subjects of the High and Mighty States General of the United Provinces, under the proprietary of the lords of the West India Company of Amsterdam, in Holland, have unto the province of New

Netherland, latitude between 38° and 42° [Maryland-Virginia line, and Cape Cod]. That their ancient right and title comes first from the King of Spain, whose subjects the Dutch were at the time of the first discovery by Columbus, and who, after the war, Spain gave to the United Dutch Republic of the Seven Provinces all the Spanish rights and title they had conquered and settled in Europe, America and the West Indies, including all the islands and the main continent northerly up to Canada; and on the west, Virginia; Maryland upon the Chesapeake, and New England on the east. Then the French, in 1542, by De Verrazzano, a Florentine, came."

Thinking that broad claim would make Calvert more amenable to rational consideration of the point at issue, Herman continued: "Lord Baltimore had requested of King Charles I a grant of land not yet settled and cultivated, and only inhabited by savages. It included in no way Delaware, and had not even as much reference to it as that which Sir Edmund Ployden formerly subreptively obtained. That river unquestionably was in just and lawful possession of the Dutch, and by them settled full forty years, while Lord Baltimore's patent was not at the farthest more than twenty-four to twenty-seven years old."

Herman traced next the history of the settlement by the Dutch on the South River, from the planting and destruction of Godyn's colony at Horekill (Lewes), to the expulsion of the Swedes in 1655—"against all which no man from Maryland or Virginia ever entered a claim.

"From the discovery of the South and North Rivers by Hendrick Hudson, and first actual possession and settlement by the Dutch in these parts, we have always maintained and defended the river against all usurpers and obstructors and shall do so for ever. Further, any claim by Calvert was disbarred by the thirtieth article of the treaty of peace of Westminster, between Holland and England, by which he was obliged to file before May 18th, 1654, being five years past, any claim he might have had in foreign parts."

Calvert was, of course, cognizant of this fact while urgently contending against it. His claim to the South River was utterly denied.

To give Calvert something more to distract him and still further confuse him, the Dutch commissioners put in a claim for Elk River—because of its flowing from the northeast.

"No man," said O'Callaghan, [111] "can rise from this perusal without being convinced that the independent rank of Delaware in this republic is mainly due, for that good fortune and high honor, to the stand taken by the Dutch in 1659." The State of Delaware should erect a magnificent monument to Herman.

The burgomasters of Amsterdam in September, 1659, appointed a committee in Holland to confer with the West India Company about returning to the company the land the burgomasters had acquired of it, but the company did not want it, saying it had cost them 165,200 guilders (\$66,080).

The estimated population of the Swedes and Finns on the Delaware, in 1660, was seven hundred.

Calvert's attorney in England empowered an agent in Holland to demand that the Dutch deliver its settlement on the Delaware to Calvert, who would reimburse them for all costs already undergone.

The Dutch replied, asserting their "right by grant and possession." They were resolved to remain in possession and defend their rights; if Calvert persevered and used force, they would use all the means God and nature had given them to protect their rights and would be innocent of any bloodshed. They insisted that a boundary line be run between Maryland and Delaware, but Calvert did not want any boundary line to separate him from the coveted domain. [16]

The directors at Amsterdam ordered Stuyvesant to oppose the claim of the Maryland authorities to the South River country, "first warning them in a civil manner not to usurp our territory; but if they despise such kind entreaties, then nothing is left but to drive them from there, as our claims and rights on the lands upon South River are indisputable."

Captain Neale was sent from England to America, authorized to levy men and make war upon the Dutch by land and water. The people of both Virginia and New England disliked having the Dutch claimants so near them, but Calvert, being unable to get their help, concluded it was unwise to risk war with the

West India Company, which might result in war with Holland.
[19]

The claims of the Dutch and Calvert were brought up in a council in Maryland, in 1661, and doubt was then expressed that New Amstel (New Castle) lay below 40°. It was decided that all further efforts for subjugation of the Dutch should be delayed. Conciliation by Herman may have influenced this.

Although the contention between the Dutch and the English over ownership of the land in Delaware continued almost to the point of militant combat, it did not prevent their entering into commercial transactions.

Sailing up Sassafras River, Governor Calvert met with d'Hino-yossa at the head of Appoquinimink Creek, where a treaty was made with the Indians. The English proposed to deliver two or three thousand hogsheads of tobacco annually to the Dutch in return for Negroes and merchandise brought to America in Dutch vessels. [16]

The burgomasters of Amsterdam granted to Pieter Cornelius Plockhoy, as the leader of a colony of Mennonites, a tract of land at Horekill (Lewes), free of tax for twenty years. They also loaned the colony 2,500 guilders. Rigid conditions were adopted by the Mennonites, among them being: "No clergyman . . . to be admitted; all intractable people—such as Papists and usurious Jews; English stiff-necked Quakers; Puritans; fool-hardy believers in the Millenium, and obstinate modern pretenders to revelation"—were excluded. [16]

There was continual dispute between Beekman and d'Hino-yossa, governors of the respective colonies, the former charging the latter with dishonesty.

A grant was made by Stuyvesant to Beekman, in 1663, of fifty-six acres of land now in Wilmington, covering approximately the area from Christiana Creek to Ninth Street, between Church and Walnut Streets, and also of a small valley of sixteen acres with twelve acres woodland, on the west side of the settlement. Beekman advised Stuyvesant that Fort Altona and the palisades were in a state of decay.

In August, Governor Charles Calvert, with a suite of twenty-six persons, visited New Amstel and Altona, where they were

entertained by Beekman. When it was proposed to Calvert to define the boundaries of the two colonies, he replied that he would communicate with Lord Baltimore in England. He desired Beekman to convey his thanks to Stuyvesant for his "offer of convoy and horses" on his proposed visit to Boston by way of Manhattan the following spring.

D'Hinoyossa was then in Holland, where he expressed approval of increased appropriations to stimulate emigration to New Netherland. He reported that the Swedes, Finns and others had 110 bouwries or farms in Delaware, with 2,000 cows, 20 horses, 80 sheep and several thousand swine; that the city already had two or three breweries, and more were wanted to supply the English in Maryland with beer in exchange for tobacco; and that ten thousand furs and other articles could be annually procured from the Indians and exported.

The burgomasters in Amsterdam stated that if more Swedes, Finns and others could be induced to emigrate to South River, the city would advance them the cost of transportation and agricultural implements.

The burgomasters, finding they could not induce the West India Company to take back its colony land, proposed in 1663 (and the proposal was accepted) that the Dutch company transfer to the City of Amsterdam the entire South River area, including both sides of the river.

D'Hinoyossa returned to the South River with 150 colonists and arrangements were made to dispatch another ship. Beekman, in obedience to the company's orders, immediately recognized him as chief of the Dutch in the South River country. In a few days Stuyvesant executed a formal act ceding the land to d'Hinoyossa, as the representative of the burgomasters of Amsterdam.

[16]
Stuyvesant felt so elated that he became extravagant in defining the boundaries: "Peter Stuyvesant, on behalf of their High, Mighty Lords, States General of United Netherlands, and Lord Directors of the Council, attest and declare . . . transfers to Hon. Alexander d'Hinoyossa, in behalf of the noble, great and respected Lords, Burgomasters of the City of Amsterdam . . . from the sea upwards, so far as the river extends itself . . .

on the east side three miles [inland] from the river, and towards [on] the west side . . . till it reaches the English [Maryland] colonies, etc. signed and confirmed with our seal in red wax, in Fort Amsterdam in New Netherland, December 22, 1663."

Following this, the burgomasters of the City of Amsterdam announced it would settle four hundred colonists on the South River and intimated it would send a greater number.

D'Hinoyossa was now governor of the entire South River country. He chose as the location of his own residence a spot on the Appoquinimink Creek, where he proposed to build a metropolis and promote commerce with the English in Maryland and Virginia. [16]

Beekman, now out of employment, appealed to Stuyvesant for some official position under the provisional government on the North River, and he was transferred to the Dutch settlement at Esopus, New York, as sheriff. He afterwards moved to the City of New York, where he became an alderman under the English government. He obtained a large tract of land, now the busy part of the city, on which the people who occupy it continue to pay to his heirs and assigns enormous annual land rents, which all the people themselves have created.

The Plowden Grant

Mention of an ineffective grant of land in America by the Viceroy of Ireland, presumably with the sanction of King Charles I, to Sir Edmund Plowden, of Shropshire, England, in 1634, is inserted here merely as an interesting mingling of legend and romance and to depict further the intense desire of Europeans to indulge in land speculation in America.

Plowden, who had served James I, in Ireland, petitioned his son, Charles I, then reigning, for a grant of land in America, but judging from the impossible boundaries named therein, Charles, in a spirit of jest, had the viceroy make the grant, although the viceroy had no power to make grants in America.

The boundaries of the territory granted, which was to be named the palatine of New Albion, seemed to include parts of the land now in New Jersey, Delaware, Maryland, Pennsyl-

vania and New York. Charles had previously granted all Maryland to Calvert.

Plowden promptly began in England to sell, or lease, land in his supposed palatine and to induce migration thereto. He leased ten thousand acres to Sir Thomas Danby, "who hath undertaken to settle one hundred persons, paying one silver penny sterling annually for ever for every person resident on the premises, upon certain conditions." Leases for land, some in south Jersey, were made to others. [65]

It is known that Captain Thomas Younge, having "a commission of discovery" from the king, arrived in the Delaware River with a company of fourteen persons in 1633—which was twenty-six years after the settlement of Jamestown. With him was a nephew, Robert Evelyn, purportedly representing Plowden. Evelyn made a habitation on either the east side, at Pennsauken Creek, or on the west side, near the Schuylkill, where he and his companions lived four years. From there he sent reports to Plowden on the favorable conditions of the country and the promising prospects.

Eight years later Plowden came to Virginia, where he made his headquarters with sixteen followers, and was befriended by Governor Berkeley. The following year he procured a small vessel and sailed up the Delaware, where he saw the New Haven colony endeavoring to make a settlement at Salem Creek, on land claimed by Plowden, the Dutch and the Swedes.

Plowden remained in the Chesapeake-Delaware region seven years, during all which time he was contending with Printz, the Swedish governor, and with Kieft and Stuyvesant, the Dutch governors—claiming all land west of the Hudson River.

Printz reported that once when Plowden was sailing from Virginia to the Delaware, his crew put him ashore, without food, clothes or gun, on desolate Smith's Island, outside the Chesapeake Capes, and that after four days he was rescued by a passing British vessel and returned to his habitation, presumably at Accomac, Virginia.

By that time, his funds becoming exhausted, and his followers deserting him, Plowden returned to England by way of Boston, hoping there to promote the development of his palatine

and rehabilitate himself. In an endeavor to do so, he circulated pamphlets to induce purchases or leases of land and migration of settlers. "Anyone investing £500 and agreeing to send fifty settlers could have five thousand acres and a manor with royalties, at 5s annual rent; and whoever is willing to transport himself or servants at £10 a man, shall, for each man, have a hundred acres freely granted for ever." [169]

Falling in debt in England, Plowden was imprisoned, and died a few years after returning there. His claim to the palatine came into possession of his grandson, Francis, whose two brothers went to Maryland in 1684.

Just a hundred years later, and 150 years after date of the purported grant, and after the American Revolution, the desire for land in America continuing strong, Charles Varlo, an Englishman, purchased a one-third interest in the palatine and with his family came to America to assert his claim. He traveled through the presumed domain distributing pamphlets giving documentary evidence of his title and conditions for letting and selling land; and issued a warning against any one buying or leasing land of others than himself.

He learned that the land policy in America had become Europeanized, in that no land was too worthless or too remote to be privately owned, though unused; and that all the land in, and far beyond, the inhabited regions had been parceled out.

He brought suit for possession, but in vain; the judge and jury were landholders, holding title through royal crown grants to British lords proprietors.

British Dispossess the Dutch

The Duke of York's expedition having captured New Amsterdam and Orange (Albany) from the Dutch, in 1664, Sir Robert Carr of that expedition was sent from Manhattan to the Delaware with the following instructions to take New Amstel (New Castle): "When you come to what is possessed by the Dutch you shall send your boat on shore to summon the governor and inhabitants to yield obedience to his Britannic Majesty as the rightful sovereign of that tract of land, and let him and them

know that his majesty is graciously pleased that all the planters shall, upon quiet submission, enjoy the peaceable possession of their lands upon the same terms of rent which they do now possess them, only they change their masters, whether they be the Dutch West India Company or the City of Amsterdam."

Upon arrival there, Carr had a parley with Governor d'Hinoyssa and the burghers of New Amstel. After five days' negotiation, the burghers and townsmen agreed to surrender the town, but d'Hinoyssa and the soldiers refused, and went into the fort, Alrich and Van Sweringen going with them. The fort mounted fourteen guns but "was not tenable."

Carr landed his troops and from the ship fired two broadsides into the fort. His troops at the same time made an attack on the fort and took it by storm. The Dutch lost three killed and ten wounded. The British soldiers and sailors then began to plunder.

All the soldiers from the fort, and many of the citizens of New Amstel, were given to a merchantman in payment for services, and were transported to Virginia to be sold as indented servants.

Among the things taken were: all the produce of the land for that year, 100 sheep, 30 or 40 horses, 50 or 60 cows and oxen, a brew house and still, and a sawmill ready to be erected.

One ship was sent to the Horekill (Lewes), seventy miles south of New Amstel, where the crew also plundered the Mennonite settlers of everything.

New Amstel was no sooner surrendered than Robert Carr appropriated to himself the farm and chattels of the governor, much of which he was obliged to give up, while his son, Captain John Carr, took possession of the 150 acre farm of sheriff Gerritt van Sweringen, who had defended the fort. Ensign Stock took all of Peter Alrich's land. Governor Nicolls later made formal grants of these lands to those who had appropriated them, except the Alrich lands, and an island of about sixty acres seven miles below New Castle, which were granted to William Tom "for his good services." They each were to pay to the Duke of York an annual land rent of one bushel of wheat for each hundred acres.

Governor Nicolls confiscated all the land in New Netherland, but allowed land already granted by the Dutch to individuals to be retained by them, upon payment of an annual land rent to the duke. Thus, all land under Dutch jurisdiction came into control of the duke, although the duke never received from the king a grant of land in Delaware.

In 1667 Nicolls was succeeded as governor by Colonel Francis Lovelace, who announced that he would allot land in Delaware, at an annual land rent to the duke of five bushels of wheat per hundred acres.

Captain John Carr was appointed commander at New Castle, assisted by Peter Alrich, with others as councilors. Alrich, the former governor for the City of Amsterdam colony, professed allegiance to the English, was given some authority in the colony, and was granted Burlington Island. D'Hinoyossa and van Sweringen, and many others who had their land confiscated, went to Maryland. William Tom was appointed collector of land rents for the duke.

Swedish and Finnish settlers became dissatisfied with the land regulations and other interferences by the English and started an insurrection, led by Marcus Jacobsen, "the long Finn." He was arrested and whipped, imprisoned in Manhattan for a year, and then sold into slavery in Barbados.

Various grants of land about New Castle were made by Governor Lovelace in 1671 and settlement was rapid about Appoquinimink Creek, at a reduced annual land rent of one or two bushels of wheat per hundred acres, payable to the duke.

Deeds for land that had been granted by the Swedish governors to persons not subjects of Sweden, such as the Dutch, stipulated that they should be held as long as the holders continued subject to the Swedish authority. As the country was now in possession of the English, the non-Swedish holders were obliged to declare allegiance to England, or give up their land. They availed themselves of the opportunity to obtain grants from the Duke of York. All applicants for land were summoned to appear at New York.

A large part of the land on which Wilmington is situated was granted by Lovelace to Johan Anderson, who had come from

Holland as a cook on a Dutch ship, and to Tymen Stidham, probably a Finn. [45]

The settlers in Delaware had to contend with foes, not only from across the Atlantic, but with repeated attacks by Calvert's buccaneers from Maryland, to say nothing of the usurpation at a later period of their government and land rents by Penn.

Governor Lovelace, at New York, wrote the commander at New Castle of a threatened invasion by Calvert forces and said: "Put yourselves in the best posture of defense possible by fitting up the fort, keeping your companies in arms, both there and up the river, and that all soldiers be at an hour's warning." [139]

Captain Jones, with thirty horsemen, under authority of Calvert in Maryland, in 1672 went to Horekill (Lewes), captured and bound the magistrates, intimidated the people, disrespectfully treated them and robbed them of all their furs and other Indian goods, and threatened to proceed to take possession of all the land up to 40° (Philadelphia). That attempt was defeated.

Governor Lovelace, ever grasping for more land, to his own final undoing, possessed himself of a tract in Delaware, which he rented to a tenant. Land grants to others continued to be made, with rents payable to the duke.

New Castle was granted corporate powers by the governor, and a bailiff and six assistants were appointed. When settlers complained about the land rents and taxes, Lovelace gave orders to "lay such taxes on them as might not give them liberty to entertain any other thought but how to discharge them." [45]

England and France entered a war against Holland in which the Dutch, in July, 1673, recaptured New York and again established Dutch sovereignty over New Netherland, including Delaware.

The major part of the English magistrates, constables and inhabitants in New York, New Jersey and Delaware, swore allegiance to the Dutch States General and Prince of Orange. Anthony Colve, a captain of infantry, was appointed governor. Other Dutch officials were appointed, including Peter Alrich. Three courts were established: Upland (Chester), New Amstel (New Castle), and Horekill (Lewes).

A treaty of peace between England and Holland seven months later provided that whatever places had been taken by either during the war should be returned. This again put the English in possession of New York, New Jersey and Delaware.

The Duke of York appointed Major, afterwards Sir, Edmund Andros to govern all his territory between the Connecticut River and the east side of Delaware Bay. However, Andros assumed command in Delaware also, and made land grants there, with land rents payable to the duke.

Andros reappointed all the previous English officials on the Delaware, excepting Alrich and Captain John Carr, the previous English commander on the Delaware. Carr had gone to Maryland and his land was seized by Andros. Cantwell and William Tom were authorized to take possession of the fort and stores at New Castle, for the king's use.

Alrich had served the Dutch during the two Dutch regimes and, in the interim, the English, swearing allegiance to each in turn. He was a versatile politician, with an engaging personality, always ready to accept official appointment from the conqueror, but the English wanted no more of him.

The site of New Castle, Delaware, has been fought over and taken and retaken in armed conflict by different European powers—Swedes, Dutch and British—and its name changed oftener than any other place on the Western Hemisphere. Known successively as Grapevine Point, Sandhoec, and Delawaretown, the town became Fort Casimir when the Dutch in 1651 built their fort there. The Swedes battled for and captured it in 1655, and named it Fort Trinity. The Dutch recaptured it the following year, and named it New Amstel. The English fought for and captured it in 1664, and named it New Castle. Again recaptured by the Dutch in 1673, it was renamed New Amstel. The following year it was restored to the English by treaty and finally became New Castle. It was once more captured by the British during the American Revolution.

All grants of land theretofore made by any of the successive governments were confirmed by Governor Andros, and additional grants were made at an annual land rent to the duke and his heirs for ever of one bushel of wheat per hundred acres.

Andros gave notice that, having in 1675, for encouragement, remitted the land rents for the first three years on all lands to be taken up and occupied, he now found that many had taken up land on speculation to exact an increased price from later arrivals, without occupying it at all. Andros therefore wisely revoked the offer, except where the land had been occupied and improved. This order was published at Upland (Chester), New Castle and Horekill (Lewes). In 1678 the land on which Middletown is situated was surveyed.

Two Labidists—Dankaerts and Schluyster—came from Europe to America in 1679, seeking land for an American branch of that truly peculiar sect. They left a diary in which they said New Castle, Upland, Burlington and Salem were the only villages on the Delaware River. They also made some observations on conditions thereabouts which are not creditable to the fifteen years of English rule.

Social and economic conditions greatly improved during the succeeding eighteen years, as evidenced by a letter from Rev. Eric Biork, the Swedish pastor, who then wrote: "This country is delightful, taxes are light, grain plentiful, fresh meat abundant, and people well clothed. There are no poor in this country, they all provide for themselves; for the land is rich and fruitful." Nevertheless, there was continued opposition to payment of land rent to the duke.

Andros was determined, as were Stuyvesant and Printz before him, to prevent development of land speculation in the colony, as "being a social canker."

The court at St. Jones (Kent) County, made grants of land aggregating 9,500 acres to sixteen persons and give liberty to thirty-three persons to take up 18,663 acres. Failure to occupy or improve the land within one year from date of survey would nullify the grants.

Stirred by the investigation by John Lewin, whom the duke had sent to America to investigate uncollected land rents due him (as related in the chapter on New York), the court at New Castle called upon all landholders to pay their land rents to the duke's collectors.

Planters declared they had no wheat with which to pay. They

found tobacco, which they grew almost to the exclusion of wheat, to be a more profitable crop than wheat. The court requested the governor to accept tobacco in lieu of wheat. However, the planters were not zealous about paying, even in tobacco. The land rents were giving considerable uneasiness; some of the settlers, referring to the Biblical text that "The Earth was created for the equal use of all the children of men," declared that no man has a right to exact a price of another for the use of land.

William Penn Claims Delaware

William Penn received from King Charles II in 1681 a grant of all the land in Pennsylvania. But not satisfied with that large domain, and a partnership in all the land in New Jersey, he also wanted all the land in Delaware.

Before he left England to go to America with his grant of Pennsylvania, Penn began negotiations with James, the Duke of York, for the Delaware territory, then in control of Governor Andros, who represented the duke; this, notwithstanding James had no grant from the king for land beyond the shore of New Jersey.

Penn wrote to Sir John Werden, secretary to the duke, proposing that the duke confer on Penn what the duke's agent, Nicolls, had captured from the Dutch in and about New Castle. He also asked that the islands in the Delaware thereabouts be included in the grant. Werden, who was ever on the alert that Penn did not gain some advantage over the duke, replied: "I never heard the islands mentioned before, and this is quite a new proposal. I have all along believed the west shore of the Delaware to be your eastern boundary. The duke is not pleased to come to any decision on it."

The duke, without having received from the king a grant of any land west of New Jersey, made to Penn two inefficacious grants of the land in Delaware. One, dated August 24, 1682, was for land within a twelve mile circle around New Castle, and the other, dated three days later, was for the land south thereof to Cape Henlopen. By these, Penn was to assume jurisdiction over Delaware, and the duke was to participate equally with Penn

in the profits of land dealing in lower Delaware. But the grants were ineffective because the duke was not in possession of the land which he was presuming to grant to Penn.

Penn, en route up the Delaware to Pennsylvania, went ashore at New Castle in October, 1682, and announced that "the illustrious prince Duke of York, has granted unto me the town of New Castle and the two counties to the south thereof."

Whereupon, John Moll, in charge at New Castle, knowing of the personal intimacy between Penn and the royal family, presented to Penn the key to the fort, and transferred to him the land and jurisdiction thereof. The *modus operandi* was the delivering to Penn of a bit of turf with one twig upon it, representing the land, and a mug of water from the river. Andros, the duke's governor at New York, relying upon Penn's statement, proclaimed that due submission should be made to Penn in Delaware.

At this New Castle meeting, Penn requested those holding land to bring, at the next meeting, all their patents, grants, surveys and claims, so that he might "adjust" them; by which he meant that he would make a list of them and compile a rent roll for payment of land rents to him.

Penn commissioned the justice of the peace at New Castle to receive petitions from persons wanting land, not to exceed three hundred acres to a master of a family, nor one hundred acres to an unmarried person, at an annual land rent of one penny per acre, or value thereof in produce, payable to Penn. It will be noted that this was a marked increase in the land rent over the one bushel of wheat per hundred acres, which the duke's agents had been exacting.

Many grants of land in Delaware had been made by the Dutch, Swedish and English governors prior to the advent of Penn. He renewed them upon request, with the land rents payable to him, but with the provision that all land granted and not occupied within the time limit should be accounted vacant land and let to others. All future grants were to be occupied within one year, or the grant would be void. All grants made successively by the Swedes, Dutch and English, to avoid land monopoly and speculation, had been dependent upon occu-

pancy within a limited time. This provision should have been continued after the formation of the American government, but the spirit of land speculation, grasping for the unearned increment, was too strong to permit it. From this failure comes much of the social distress and unrest which has prompted so many persons, seeking better conditions, to advocate fascism or communism as means of fancied relief.

At the meeting of the first Pennsylvania assembly, at Upland (Chester), in 1682, a petition from Delaware, prompted by Penn's statement that all the land in Delaware had been granted to him, was presented, requesting a union of the three Delaware counties with Pennsylvania, which was granted. Delegates from Delaware, equal in number to those from Pennsylvania, sat in the Pennsylvania assembly for about twenty-one years, after which Delaware had its separate assembly, but the governor was appointed by Penn. However, the crown kept a hold on Delaware by stipulating that the appointee for governor of Delaware by Penn must have royal approbation, and that the appointee should exercise jurisdiction only during the pleasure of the crown, and should not prejudice the right of the crown to the land in Delaware.

Penn required that all inhabitants, including officials and members of the assembly, must first declare fidelity and obedience to him, his heirs and assigns, as the rightful proprietor and governor. To hasten applications for land, Penn stipulated that no inhabitant would be entitled to vote, or be elected to the assembly, unless he had fifty acres of land, of which ten acres was occupied and cleared, or was otherwise worth £50 sterling, clear estate. Through all of these requirements Penn held a firm grip on the people, on legislation, and on the land.

To encourage the duke to urge his brother, the king, to perfect the grant of Delaware, by which Penn and the duke would reap the future unearned increment in land value, Penn wrote the duke's secretary: "I have ordered two manors for the duke of a thousand acres apiece and intend two more. The annual land rent is a penny per acre and their value, besides the land rent, will be great in a few years."

Assuming that from across the ocean all land in Delaware would look alike to the duke, Penn was clever enough, in his own behalf, to allot these promised manors down in uninhabited Kent County, around the Murderkill, where he ordered a survey of ten thousand acres, instead of in the more populous New Castle County.

Penn, in February 1683, wrote to Lord Hyde: "Sir John Werden, I hear, is too Spanish, for my agents can hardly make him understand the duke's commands without a more powerful interpreter." (Werden had been *chargé d'affaires* at the British embassy in Spain). Perhaps Sir John understood full well and was not receptive to the urging of Penn's agents for those islands and other land grants.

Seven months after the inefficacious grant by the duke to Penn, King Charles, on March 22 (o.s.) 1683, had a draft for a grant prepared by which the land about New Castle would be granted to the duke. The terms thereof being unsatisfactory, it was returned to the king for cancellation, with a request for its revision, and it was recorded on April 10, as canceled. Three days afterwards a new grant was drafted, which cited cancellation of the contemplated aforesaid grant.

Charles, having already granted all land to the water's edge in both New Jersey and Pennsylvania, but having overlooked the river itself, proposed in this patent to grant to the duke all the river, and islands therein, and all land on the west side of the river and bay between Cape Henlopen and the Schuylkill, and extending many miles inland. The grant was to be good "notwithstanding any former letters patent or grants for the premises, or any part thereof, granted by our progenitors unto any persons whatsoever." In effect, Charles would have granted to the duke part of the land which his father, Charles I, had granted to Calvert forty-nine years previously, and part of the land in Pennsylvania which Charles himself, only two years previously, had granted to Penn. But such overlapping of boundaries in grants of land in America was a common practice with the different Stuart kings.

But just then the attorney for Calvert, in London, protested

that all the land in Delaware was within the grant to Calvert and petitioned that such patent not pass the great seal until the king was satisfied of the boundary between Maryland and Delaware. This prevented further proceedings towards King Charles' making a grant to the duke, to be passed on by the duke to Penn.

Collectors of land rent in Delaware were appointed by Penn at an early date, but agents of Calvert caused settlers to refuse payment, and a rent strike developed.

Governor Calvert believed that his northern boundary of 40° North, was approximately at Naamen's Creek, above Wilmington. In September 1683 he sent George Talbot, a cousin, with a number of men to Philadelphia to demand possession of the land.

Talbot, who designated himself his lordship's commissioner for disposing of land in New Ireland (being the land in Delaware) was, in the following January, sent to Delaware to persuade settlers to become tenants of Calvert, on a land rent, or to buy land at 2s (50¢) per one hundred acres. To assert his claim to the land, he built on the Christiana, six miles northwest of New Castle, a fort which was afterwards abandoned.

At a conference with Calvert, at Chester, it was found that 40° was even farther north, possibly (as it actually is) as far north as the northern edge of Philadelphia. This frightened Penn and gave him a fresh incentive to obtain from the duke, as quickly as possible, and at all hazards, a grant of the Delaware territory.

After spending a year and ten months in Pennsylvania and Delaware, while the fight between him and Calvert had been transferred to London, Penn hastily sailed for England in August, 1684, to press his claim before the Committee of Trade and Plantations, to which the matter had been referred.

The committee in the following October decided that the land granted by Charles I to Calvert was intended to be only such as at that time was "uncultivated and not inhabited except by savages," and that the west shore of the Delaware Bay had been planted and inhabited by the Dutch. But even at that, the contention between Penn and Calvert, and their respective heirs, continued until the middle of the following century.

Charles II at his death in February, 1685, was succeeded by his brother, the Duke of York, as King James II, who thereby personally inherited the claim to all the land in America which had been claimed by Charles. Penn, therefore, had high hopes that James would now make the proposed royal grant to him. But James procrastinated.

Being spiritually a Roman Catholic, though on a Protestant throne, he was in sympathy with Penn's purpose, as he had been with Calvert's in Maryland, to establish religious toleration in their respective colonies, for Quakers, Puritans and Catholics alike. But he had become disappointed at the outcome of the Calvert effort in Maryland, where the vast majority of the people were Protestants, including the Maryland provincial assembly, which enacted Protestant protective acts against Romanism. He probably feared a similar outcome in Pennsylvania and Delaware, and therefore became less concerned about Penn's efforts for religious toleration.

Then, too, the contention about the Calvert land boundaries, the northern limit of which was defined to be land, "which lieth under 40° North uncultivated and not inhabited except by savages," may have been a restraining influence.

In addition to these reasons, James had received a favorable report by his agent, John Lewin, whom he had sent to America to ascertain who was getting the land rents. James now believed that as landlord of the vast American territory he could reap a large annual income by exacting tribute in the form of land rents from the people in Delaware. He therefore held off making a grant of the land in Delaware to Penn. Penn, then in London, kept after James with a persistency born of despair at the thought that Calvert might, by reason of his grant from Charles I, obtain not only all the land in Delaware but also territory up to the fortieth parallel. This outcome would have taken from Penn a large slice of land now in Pennsylvania; a strip along the entire southern boundary, including the settlement of Philadelphia (which at that time was the fastest growing town on the American continent), and the present locations of York, Chambersburg and Uniontown.

This strip of land was within the area which had been granted

to Calvert, but Penn's position as a royal favorite enabled him to push his entire southern boundary twenty miles south of the fortieth parallel. [48]

The committee of the Privy Council in England, in November, 1685, made a recommendation, which James approved, that the Delaware peninsula be divided between Calvert and Penn by a north and south line, substantially that now existing.

Not until the autumn of 1688 did Penn succeed in circumventing Sir John Werden, who was fully aware of Penn's grasping propensities for land and ever watchful in the protection of his master from Penn's intrigues.

James was at last prevailed upon by Penn and a patent was prepared by Sir William Williams, solicitor-general of England, embodying a proposed grant of Delaware to Penn.

James became apprehensive of the injudicious provisions of the previous inefficacious grant by him to Penn which would have made James, then Duke of York, but now King, co-partner with Penn in the profits of a land deal. This proposed royal grant by King James stated that Penn was relieved from paying to James one-half the rents and profits from the land in lower Delaware, as had been stipulated in the duke's inefficacious grant of August 24, 1682.^o The grant also cited that Penn was pardoned of any felony or treason which might be charged against him for having illegally assumed jurisdiction over Delaware and proposed to grant to Penn all the land in the eastern half of the Delaware peninsula (as now defined within the boundaries of Delaware), the consideration being ten shillings.

This proposed grant was ready for King James' signature, and only the great seal was essential to make it valid. At three o'clock the next morning, receiving an unsatisfactory reply to his overtures to William of Orange, who was coming into England to assume the British crown as William III, James, in a small boat, fled to Gravesend, and on his flight to France threw the great seal in the Thames River. James had abdicated.

Once again, and this time for ever, were Penn's efforts to obtain royal sanction to ownership of the land in Delaware frustrated. After that, the British crown claimed title to all land in

^oPa. Archives.

Delaware and compelled Penn to acknowledge the validity of that claim in the commission of every governor of Delaware he was allowed to appoint.

But Penn was not deterred from continuing boldly to proclaim that he owned all the land in Delaware.

After thirteen years had elapsed, on October 28, 1701, Penn presented to the assembly, composed of Pennsylvania and Delaware delegates, the proclamation: "William Penn, proprietor and governor of Pennsylvania and territories belonging [territories was the term used at that time to designate the Delaware counties], to all to whom these presents shall come, sendeth greetings:

"Whereas, King Charles II gave and granted unto me and my heirs and assigns for ever this province of Pennsylvania, etc.

"And Whereas, the king's dearest brother James, Duke of York and Albany, etc., by his deeds of feoffment under his hand and seal duly perfected, bearing date of the 24th day of August, 1682 [The aforesaid ineffective grant], did grant unto me, my heirs and assigns all that tract of land lying and being from twelve miles north of New Castle, to Cape Henlopen, together with all royalties, franchises, jurisdictions and privileges thereunto belonging. . . ."

This was received in the assembly, and due to the unbounded confidence the people had in statements made by Penn, and also due to lack of knowledge by them of the actual facts, it was approved by the assembly. One year later Governor Hamilton told members from Delaware that the right of Penn to Delaware was disputed in England.

To show how Penn had knowingly deceived the people of Delaware, as well as the Pennsylvania assembly, by falsifying facts when he presented this proclamation, it is only necessary to cite that he, a year and a half afterwards, on May 11, 1703, wrote the Board of Trade in London offering to relinquish the government of Pennsylvania for a consideration. Replying to their inquiry as to his terms, he exacted, among other things, a grant to him of all the land in Delaware. Nothing resulted from the proposal, but it showed that Penn was well aware that the land in Delaware had not been granted to him.

This offer by Penn to relinquish the government (but not the land) of Pennsylvania was, no doubt, prompted by his belief that, inasmuch as the proprietary governments of New Jersey and Carolina had been taken over by the crown, the government of Pennsylvania might be the next to be taken over, and that in the negotiation he might as well bargain for the grant to him of the land in Delaware.

James Logan, a former secretary of Penn, speaking of the Lower Counties (Delaware), said: "From their separation, in 1704, they have always accounted themselves governed only by the king's authority couched in the approbation." [130]

Settlers in Delaware continued to be harassed by buccaneers from Maryland. Calvert asked Queen Anne, in 1707, to confirm his title to Delaware, which she declined to do.

The Earl of Sunderland, who had been an intimate friend of Penn, and had assisted him in getting his grant of Pennsylvania, now that Penn was incapacitated and nearing death, applied in London for a grant of the three lower counties, asserting, in 1717, that he was ready to prove that those counties belonged to the crown. His petition was referred to the attorney-general for an opinion on the crown's title, and the attorney-general issued a summons to William Penn to appear for a hearing. Penn had suffered a stroke of apoplexy five years previously, and was incapable of transacting business and unable to appear. The attorney-general and solicitor-general reported, "No grant of land in Delaware by Charles II to the duke had ever passed the great seal." Penn's actions in regard to Delaware were an attempt by usurpation to lay the settlers in Delaware under contribution for land rents for his personal profit. William Penn died in 1718.

Seven years later the Earl of Sunderland filed a second petition for the land in Delaware, and four other persons filed petitions for grants of islands in the Delaware River.

Calvert and Penn and their heirs had made grants along the boundary lines of Delaware and Maryland, and they agreed that, pending location of definite boundaries, each should collect the land rents from their respective tenants.

The Penn heirs, John, Thomas and Richard Penn, sons of William, though having no ownership of land in Delaware, and

Charles Calvert, fifth Lord Baltimore, agreed fourteen years after the death of Penn that the boundary between Delaware and Maryland should be substantially as at present. This was confirmed twenty-eight years later.

In a suit between the Penn heirs and Calvert, in 1750, Lord Hardwick, Chief Justice of England, decreed Delaware to the Penns, based upon this agreement. Just how that could be, when no grant had ever been made to Penn, is as difficult to understand as is the decision of the United States Supreme Court fixing the boundary between Delaware and New Jersey. Perhaps it was merely an easy way for the British Chief Justice to dispose of a contention that had been plaguing the English courts and officials for more than two-thirds of a century. Since it was, and continues to be, a fixed principle of law, unacceptable to Blackstone, that all land must have an owner, the Penns seemed to be the logical claimants.

Based upon this decree, the Penn heirs in 1757 claimed that Delaware settlers owed them £31,815 land rent. The Penns continued to rent land and collect land rents in Delaware until after the American Revolution.

The Penn heir in England, in 1770, twenty years after the Hardwick decision, wrote his brother, Governor John Penn, in Pennsylvania: "The Lords of Trade made objection to our entitling ourselves 'true and absolute proprietors' of the lower counties. Avoid giving that offense."

A statute of the Delaware assembly in 1793 imposed a fine on any inhabitant accepting a grant of vacant or uncultivated land, except from an official acting under authority of the state, and the following year enacted: "Whereas, the claims of the late and former pretended proprietors of this state, to the soil and land contained within the same, are not founded either in law or equity. . . ."

The Delaware assembly thus divested the Penn heirs of all land and land rents which they claimed in Delaware and paid them nothing. Henceforth, the people of the newly formed state, instead of paying land rents to the Penns in England, began to pay the equivalent as taxes into the public treasury for roads and bridges, and for other public benefits.

Disregarding this proof of Penn never having received an effective grant of land in Delaware, bounded within a twelve mile circle of New Castle, or otherwise, the United States Supreme Court, in 1934, two and a half centuries after the incident, defined the boundary between Delaware and New Jersey as being at low water mark on the eastern side of the Delaware River, within the twelve mile circle around New Castle. This had the ridiculous effect of extending Delaware jurisdiction to include pier-heads in the town of Penns Grove, on the New Jersey side of the river.

The *Newark News* in a leading editorial, January 11, 1944, said of a recent decision: "Bewildering have been the conflicts in judicial reasoning by the present members of the Supreme Court of the United States . . . only to emphasize the unpredictability of decisional law . . . One will have to search far back in the records of the Supreme Court decisions to find a comparable parallel of confusion."