

THE 1613 TREATY

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NOTE: The source of the 1613 Dutch Treaty is a handwritten copy of the original 1613 treaty, now lost. The handwritten copy covers two pages that were originally in a notebook that dates from the nineteenth or twentieth century. The transcript, in ink, is in seventeenth century Dutch. The two-page transcript was collected and translated by L.G. Van Loon, M.D. Dr. Van Loon first presented the document and his translation in 1968, in the journal *The Indian Historian*, volume one, number one, pages 22-26. In 1974, the treaty was reprinted along with an essay by Dr. Van Loon in "The Treaty of Tawagonshi," in Rupert Costo, ed., *The American Indian Reader: History* (San Francisco, California: The Indian Historian Press, 1974), pages 44 and 38-44. The extensive essay by Dr. Van Loon on pages 38-44 discusses the background of the treaty and its Dutch signers. Dr. Van Loon gave the two-page manuscript to the Onondaga leader Chief Irving Powless, Jr. Each of the two pages is approximately 5.5 x 7.0 inches. The pages are mounted within a wooden frame.

DUTCH VERSION OF THE 1613 TREATY

Hier op Tawagonshi vergaderdt met ons ondergeschrevenen Jacob Eelckens end Hendrick Christiaenssen per breva geauthoriseert ende gelast de handel met de wilden Inwoonders eyghenaers ofte beheerschers van t' landt hierontrent overna te gaen ende insoverre het Compatibel met de hierna volgende sal syn tot besluit te coomen den Royaners der Rotinonghsiyonni Gerhat-Jannie/ Caghneghsattakegh/ Otskwiragerongh/ ende Teyoghswegengh alsmeede andere mindere overste derselve die verClaeren dat sy alles daeraen gaende overeengecoomen syn/ ende wy Participanten belooven: 1. Dat de handel tusschen hun volck ende die van ons sal toegelaeten worden soolangh wy participanten oock weedersydte Saccordert syn ende verder 2: Dat wy participanten de voorReght sullen hebben ons goederen uyt de neeringh weg te brengen midts dat eenighe Coop Verdragh aengaende deselve noch niet afgesproochen wierde; end verder, 3: Grondtstucken sullen connen gecoft worden van t' Landt wy widen Participanten als eygh gebiedt beschouwen midts dat er overgesproocken wordt door de individueelen ende een weedersydts geschickt Coopverdragh opgemaectt wordt: end verder 4: Dat wy Participanten sullen behouden in geval van gebrek aen voed sel die niet en toereycken sal elckander aen den noodigheden te helpen: ende verder 5: In casa van meening verschil betreffende Louter ofte verbeelde onreghtaerdigheden belooven wy Participanten dat dees als *Auspicia melioris aevi* sal blyven staen ende dat eenighe meening verschil van welcke aerdt ofte oorsprongh dan oock voor een vergaderingh Commissarissen sal moeten gebraght worden om het alles to ondersoecken. Dit bovenstaende belooven wy Participanten weedersydts in Amitie ende vrientdschap vol te houden ende te handthaven voor soolang t' gras groen is ende als een bewys van Eere ende Toegeneeghnheydt ver ruylen wy eene silverketting voor een vaedem Seewant: ende kennis der waarheydt deeses onder teekent door den Participanten op deese 21 April 1613.

Jacob Eelckens
Hendrick Christiaenssen.

GerhatJannie (totem) t' merck van
Caghneghsattakegh (totem) t' merck van
Otskwiragerongh (totem) t' merck van
Teyoghswegengh (totem) t' merck van

TWO TRANSLATIONS OF THE 1613 TREATY

BLACK: Van Loon Translation

RED: Translation by Dutch friends of the Onondagas in April 2009

Here at Tawagonshi met with us the undersigned

Here at Tawagonshi, the undersigned have gathered together:

Jacob Eelckens and Hendrick Christiaenssen,
Jacob Eelckens and Hendrick Christiaenssen,

authorized by letter and obligated to examine into the trade

who are authorized in writing to execute the assignment to start trade

with the aboriginal owners or directors of the country hereabouts

with the Indian inhabitants, owner or owners of the surrounding country (land)

and to conclude, as far as it may be compatible with the following chiefs

and will stick to the decisions to be taken when it comes to this and is in line with the following contract with the chiefs

of the Long House, Gerhatjannie, Caghneghsattakegh, Otskwiragerongh, and Teyoghswegeng,
of the Rotinonghisiyonni, Garhat Jannie, Caghneghsattakegh, Otskwiragerongh and Teyoghswegeng,

as well as other lesser chiefs of the same

which also include the lower chiefs of these tribes as applicable.

who declare that they are all in agreement thereupon,

The undersigned declare that all the following has been agreed upon

and we the participants promise:

and promise

1, That trade between their people and ours

1) that the trade between them and our people

shall be permitted as long as we the participants are bilaterally

will be tolerated as long and as far as both parties

agreed, and further;

agree, etc.

2, That we the participants

2) that we as contracting parties,

shall have the privilege of bringing our goods out of trade channels
will have the right to keep our own traded goods

as long as no purchase agreement concerning them has been made:
as long as there is no definite buying contract,

and further;
etc.

3, Parcels of land may be purchased
3) that part of the land can be bought

that we the aboriginal participants
from the Indian contracting parties

consider as our property
who see this as their own country.

so long as it is discussed by the individuals
For this both parties have to negotiate

and a bilaterally agreeable purchase agreement
and a mutually agreed upon contract

concerning them has been made, and further;
has to be written up, etc.

4, That we the participants shall be obliged to help each other
4) That we, as contracting parties, will support each other

to necessities in case of shortage of food that is insufficient,
and in case there is a shortage of food, we will give each other the necessary food supplies

and further;
etc.

5, In case of a difference of opinion concerning real or imaginary injustices we the participants
promise

5) and that we, as contracting parties, promised that in case of dispute regarding real or imagined
injustices and that we, as contracting parties,

that this will stand as an Auspicio Melioris Aevi
and these types of matters, (awaiting better times)

and that any difference from whatever nature or origin
will take these matters whatever they may be,

must be brought before a meeting of Commissaries in order to examine the whole.
and put them forward to a meeting of representatives who will consider everything.

This foregoing we the participants

We, the contracting parties,

promise in love and friendship to continue and to maintain for
promise each other that all of the above will be carried out in affection and friendship and to
carry out this promise

as long as grass is green
as long as the grass is green.

and as evidence of the honor and goodwill

As a sign of respect and affection,

we exchange a silver chain for a fathom of beadwork;
we exchange with each other a silver chain in return for a special piece of rope from a sea vessel
[sea shell; wampun].

and knowledge of the truth of this here undersigned by the participants on this 21st April 1613.

And, as realizing the truth of the above, the contract holders have signed today, on 21 April,
1613.

Full Text of the Van Loon Translation:

Here at Tawagonshi met with us the undersigned Jacob Eelckens and Hendrick Christiaenssen, authorized by letter and obligated to examine into the trade with the aboriginal owners or directors of the country hereabouts and to conclude, as far as it may be compatible with the following chiefs of the Long House, Gerhatjannie, Caghneghsattakegh, Otskwiragerongh, and Teyoghswegengh, as well as other lesser chiefs of the same who declare that they are all in agreement thereupon, and we the participants promise: 1, That trade between their people and ours shall be permitted as long as we the participants are bilaterally agreed, and further; 2, That we the participants shall have the privilege of bringing our goods out of trade channels as long as no purchase agreement concerning them has been made: and further; 3, Parcels of land may be purchased that we the aboriginal participants consider as our property so long as it is discussed by the individuals and a bilaterally agreeable purchase agreement concerning them has been made, and further; 4, That we the participants shall be obliged to help each other to necessities in case of shortage of food that is insufficient, and further; 5, In case of a difference of opinion concerning real or imaginary injustices we the participants promise that this will stand as an *Auspicia Melioris Aevi* and that any difference from whatever nature or origin must be brought before a meeting of Commissaries in order to examine the whole. This foregoing we the participants promise in love and friendship to continue and to maintain for as long as grass is green and as evidence of the honor and goodwill we exchange a silver chain for a fathom of beadwork; and knowledge of the truth of this here undersigned by the participants on this 21st April 1613.

Full Text of the Translation by Dutch friends of the Onodnagas given to Chief Irving Powless, Jr.

Here at Tawagonshi, the undersigned have gathered together: Jacob Eelckens and Hendrick Christiaenssen, who are authorized in writing to execute the assignment to start trade with the Indian inhabitants, owner or owners of the surrounding country (land) and will stick to the decisions to be taken when it comes to this and is in line with the following contract with the chiefs of the Rotinonghisiyonni, Garhat Jannie, Caghneghsattakegh, Otskwiragerongh and Teyoghswegeng, which also include the lower chiefs of these tribes as applicable. The undersigned declare that all the following has been agreed upon and promise 1) that the trade between them and our people will be tolerated as long and as far as both parties agree, etc. 2) that we as contracting parties, will have the right to keep our own traded goods as long as there is no definite buying contract, etc. 3) that part of the land can be bought from the Indian contracting parties who see this as their own country. For this both parties have to negotiate and a mutually agreed upon contract has to be written up, etc. 4) That we, as contracting parties, will support each other and in case there is a shortage of food, we will give each other the necessary food supplies etc. 5) and that we, as contracting parties, promised that in case of dispute regarding real or imagined injustices and these types of matters, (awaiting better times) will take these matters whatever they may be, and put them forward to a meeting of representatives who will consider everything.

We, the contracting parties, promise each other that all of the above will be carried out in affection and friendship and to carry out this promise as long as the grass is green. As a sign of respect and affection, we exchange with each other a silver chain in return for a special piece of rope from a sea vessel [sea shell]. And, as realizing the truth of the above, the contract holders have signed today, on 21 April, 1613.

DOCUMENTARY EVIDENCE OF THE 1613 TREATY

By Robert W. Venables, 2009

The two Dutch signatories to the 1613 treaty were Jacob Eelckens and Hendrick Christiaenssen.

In 1691, a Haudenosaunee speaker referred to the first treaty as being made with a Christian named Jaques. It is very probable that this is "Jacob Eelckens," because Jaques is at least "close" to Jacob, especially in a Haudenosaunee language. And furthermore, the only record of the 1691 treaty is in English, and the translator may have hear "Jaques" instead of "Jacob."

The context of the 1691 memory of the first treaty is in the following excerpt from a speech by Haudenosaunee diplomat (name unknown) in Albany to Governor Henry Slaughter, June 2, 1691:

We have been informed by our Forefathers, that in former times a Ship arrived here in this Country, w^{ch} was [a] matter of Great Admiration to us, especially our desire was to know what should be within her Belly. In that Ship were Christians & amongst the rest One Jaques with whom we made a Covenant of Friendship,

which Covenant hath since been tyed together with a Chain, & always been kept inviolable both by the Brethren & us, in which Covenant it was agreed, that whosoever hurt or prejudice the One, should be guilty of injuring the Other, all us being comprehended in One Common League....

You have made a Covenant with us wherein they of Boston & Virginia are included.

Your Excell^y is the Great Gov^r of this Country, you command the Christians & us too. [meaning that Slaughter was the military commander-coordinator of both the Christians and the Haudenosaunee]

(Peter Wraxall, *An Abridgment of the Indian Affairs Contained in Four Folio Volumes, Transacted in the Colony of New York, from the year 1678 to the Year 1751*, Charles Howard McIlwain, ed. (1754; reprint of the 1915 edition; New York: Benjamin Bloom, 1968), 16.)