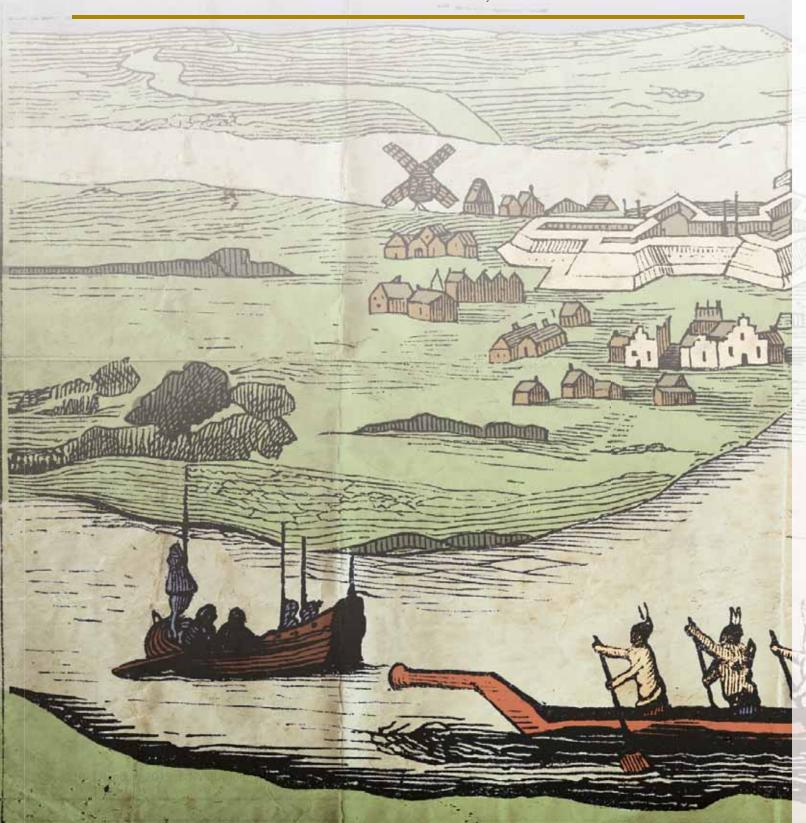
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# The Dutch, Munsees, and the Purchase of Manhattan Island

by Paul Otto

## from Opening Statements – Law, Jurisprudence, and the History of Dutch New York

### Albert M. Rosenblatt and Julia C. Rosenblatt, Eds.

#### From the Introduction to Opening Statements

We may call England our "mother country," but our culture, political system, and jurisprudence have a more varied heritage. Each state with its own settlement history has a unique flavor. Our nation's lineage, and New York's in particular, has an often-overlooked Dutch component. Scholars differ as to how much of New Netherland, or Dutch New York, survived in present-day institutions. Some commentators say that the heterogeneous, commerce-oriented nature of the 40 years or so of Dutch settlement gave New York a character that persists to this day. Others contend that little, if anything, survives.

By the beginning of the 17th century, Western Europe had a long-established trade relationship with the East, from which it desired luxuries such as spices and precious stones. In exchange, the East valued European goods, silver, and manufactured articles.

Europeans had few trade routes. One was across the desert and mountains to the Caspian and Black Seas; another from the Arabian and Red Seas into the Indian Ocean; still another around the Cape of Good Hope. Because these routes were long and controlled by rival countries, each sought alternate passageways to the East, including a "Northeast passage" to Asia.

The Netherlands, at the time a center of trade and commerce, hoped to find such a route. In 1609, the Dutch East India Company engaged Henry Hudson, an Englishman, for the venture. He did not find the route and is best known for exploring the river that now bears his name.

Not long after Hudson's exploration, the Dutch sent others to examine the territory. Adriaen Block explored the coast all the way to Cape Cod and mapped the region. When in 1613 his ship burned near the shore of lower Manhattan, he and his crew built a new one on the spot.

Although the Dutch never found the hoped-for "Northeast passage," they found a land teeming with resources to trade, especially a wealth of beavers, whose pelts found favor in European fashion. From 1624 through 1664, the Dutch colonized and controlled a large area – "New Netherland," including "New Amsterdam" as its

nerve center. For that near half-century, the Dutch established government, trade, and institutions that helped shape the future of what would become New York.

For years, the history of New York under Dutch rule languished in what Washington Irving called "the regions of doubt and fable." He used this phrase in his preface, "an author's apology," to the 1848 edition of his whimsical history of New York as told by an imaginary Diedrich Knickerbocker.

Irving penned his fictional history in 1809, the bicentennial year of Hudson's exploration of the river so vital to New Netherland. Irving never intended his writing to substitute for true historical scholarship, merely using the gap in recorded history to write something entertaining. Indeed, he was one of the citizens who banded together in 1804 to form the New-York Historical Society, which took steps to acquire and preserve New York's historical record. Ironically, his "history" plunged the Dutch epoch even deeper into the shadowy realm of legend.

The Dutch period would have remained in Washington Irving's land of doubt and fable were it not for people who had a passion to preserve and study documents from the era. Many records, letters, diaries, and the like have perished through neglect or disaster. Others have been spared. The saga of the archives is an adventure story in itself.

Much of the contemporary writing about New Netherland shows the place to be rife with drunkenness, brawling, and adultery – truly disorderly. Disorder endows writing with the dramatic tension that makes exciting reading, and many primary sources lead directly to this aspect of life. A significant part of New Netherland documents comes from court records, which by their very nature chronicle crime and conflict.

The recent quadricentennial of Henry Hudson's 1609 exploration has brought renewed interest in the period and new scholarly accounts. The recent flurry of interest comes from more than the current century marker. Several events have brought the study of this period to light:

First, scholars have access to more primary source material than ever before, owing to the work of the New Netherland Project under the direction of Charles Gehring. Second, the best-selling The Island at the Center of the World by Russell Shorto has brought this facet of our history to public attention. Examining Dutch influence on America is too interesting to be a once-a-century phenomenon. Many avenues of research lie before future scholars. Let us hope they maintain a steady stream of new information and further illumination from historians.

In the present volume, a broad spectrum of eminent scholars treat the legal heritage New Netherland bequeathed to New York. This volume covers a number of issues that speak to that heritage, including concepts of governance, liberty, women's rights, and religious freedom. In many ways, those fundamental concepts resonate in today's legal culture. Not all our authors agree with each other about everything, and that is fine. Controversy advances scholarship.

#### Real Estate or Political Sovereignty? The Dutch, Munsees, and the Purchase of Manhattan Island **By Paul Otto**

One legacy of New Netherland is legend. A particularly persistent story is of Peter Minuit's "purchase" of Manhattan from the Native Americans for \$24. In the essay that follows, Paul Otto describes relationships between the Dutch and Native Americans and debunks some of the popular myths about how the Dutch acquired Manhattan.

*A.R.* & *J.R*, eds.

In 1626, Pieter Schagen, representative of the States General in the West India Company, wrote of the arrival in the fatherland of a ship, the Arms of Amsterdam, from New Netherland. He reported news from the colony and listed the goods arriving in the Dutch Republic. He also nonchalantly reported that the Dutch in New Netherland "have purchased the Island Manhattes from the Indians for the value of 60 guilders; 'tis 11,000 morgens in size." A seemingly innocuous statement of fact about a land transfer between Native Americans and the Dutch, the statement is nonetheless of profound significance. For New Yorkers, this letter, the primary documentation of the transfer of Manhattan Island to the hands of Europeans, serves as a kind of birth certificate for New York City.

This is the closest thing we have to a formal notice of this purchase, but it provides little of the information we might hope for from official documents, leaving us many questions. As a birth certificate, the document fails to provide an exact date of the "birth," and it does not identify where the event took place. As documentation for the most infamous land transfer in American history, it also falls short of the mark. Besides not identifying the place and date of this historic transfer, it does not itemize the goods in the exchange or the exact identity of the parties to the exchange. More importantly, it is not an official land deed (nor does one exist). Despite all these imperfections, and in the absence of a true deed, New Yorkers must satisfy themselves with this document, which they have done since it was first uncovered in 1844. But even if a deed did exist, New Yorkers would still be left with some important questions. First, deed or no deed, confusion surrounds the amount paid for Manhattan Island. The Schagen letter records the figure of 60 guilders while American tradition holds that it was \$24. Second, it is not clear why Native Americans would sell or transfer the island for this or any amount of money. Third, and most important, what did the Indians mean by "selling" the land?

In the heart of the territory where New York City and portions of New York and New Jersey would someday be located, lived the Munsee people. These Native Americans had lived in the region for at least hundreds of years. They have also been known as Lenapes and Delawares. No term adequately describes the group, in part because it is not fully accurate to describe them as a single Indian tribe. Instead, the Munsees represented a collection of villages, clans, and larger groupings sharing a common language and cultural practices. The Munsees were also linguistically linked to their southern and western neighbors, the Unami, who have also been known as the Delawares or Lenni Lenape. In the 17th century, these people would find themselves the "hosts" of wave after wave of European "guests." In the earliest years, native people may have welcomed these visitors and the advantages a relationship with them brought in trade, but eventually they found control of their territory challenged and their sovereignty in the land threatened.

Dutch colonization of New Netherland did not begin with settlement or land acquisitions. It began, rather, with a series of trading voyages to the Hudson River valley and elsewhere along the Atlantic coast. By 1611, Dutch captains plied American waters seeking to exchange European wares for North American furs. The Munsees mostly welcomed these voyages and for more than 10 years a thriving fur trade existed in lands occupied by Munsee Indians and labeled on Dutch maps as "Nieu Nederlandt." Most of these trade expeditions consisted of ships traveling the marine and riparian coasts and making exchanges where they could. Certain locales became particularly important, such as the region where Albany now stands. There, in 1614, Dutch traders established an outpost, Fort Nassau, which was abandoned after 1616. But for the most part, in this era of trade, the Indians remained the masters of their lands. Dutch traders did not establish long-term outposts and apparently did not purchase land from the Indians. Certainly no settlers came to live there. As far as the scarce records indicate, this situation was mutually acceptable and beneficial to European and Indian alike. The Indians of the Hudson River valley happily exchanged the products of the forest for goods that they found both exotic and useful.

After 1621, this situation began to change. In the Dutch Republic, the West India Company was created and given a monopoly of Dutch commercial activity throughout the Atlantic world. While the West India Company's earliest activities in New Netherland centered mostly upon trade, the WIC had considered the possibility of settlement almost from the beginning and soon took more concrete steps in that direction. France and England began to challenge the Dutch Republic's claims in the New World based primarily on the right of first discovery. With the States General adding pressure to the West India Company to respond to this crisis, the Company decided to establish a permanent settlement in New Netherland. The availability of several Walloon families (Francophones from the southern Netherlands) willing to immigrate to New Netherland helped finalize their decision.

live among us, a contract being made thereof and signed by them in their manner, since such contracts upon other occasions may be very useful to the Company." Thus, the Company was willing to accommodate Indian claims to the land, but not, in the final analysis, to bow to those claims. In later instructions, Verhulst was ordered to find a place to establish the Company headquarters that was "abandoned by the Indians or unoccupied," and if he could obtain "none but those that are occupied by the Indians, they shall see whether they cannot, either in return for trading-goods or by means of some amicable agreement, induce them to give up ownership and possession to us." Thus, the acquisition of some Indian land would have to be accomplished, but the means would be dictated by concerns of fairness and justice: "without however forcing them thereto in the least or taking possession by craft or fraud."

Verhulst did not accomplish this task of purchasing a site for the administrative headquarters of the colony,

Dutch colonization of New Netherland did not begin with settlement or land acquisitions. It began, rather, with a series of trading voyages to the Hudson River valley and elsewhere along the Atlantic coast.

The result was the establishment of a settlement colony in New Netherland. Thus, with the creation of the West India Company and the choice to establish European settlers in their North American territory, came a significantly different focus in Dutch attitudes toward a region that was also claimed, inhabited, and controlled by the Munsees. The West India Company was still committed to an emphasis on the fur trade and no plans were initially laid for large-scale settlement as was happening in Virginia and would later occur in Massachusetts Bay. But the presence of the Company nevertheless affected Dutch-Indian affairs in a number of ways. Because the West India Company needed to secure a solid legal claim to the territory and defend it against European competitors, it purchased land from the Indians and established settlements there. Furthermore, land exchanges signified presumed Dutch sovereignty over the region and its inhabitants.

In 1625, the Company instructed Director Willem Verhulst to acquire land from the Indians on which to establish a headquarters for the colony. Their instructions demonstrate the Company's approach to the native people – apparently respecting their indigenous rights on the one hand, but also to some degree presuming Dutch sovereignty over the region. In acquiring their land, the Indians were not to "be driven away by force or threats, but by good words be persuaded to leave, or be given something therefor to their satisfaction, or else be allowed to but in the spring of 1626, his successor, Director Peter Minuit purchased Manhattan Island. In addition to Pieter Schagen's reference to the purchase cited at the beginning of this chapter, other records also refer to it. West India Company director Johannes de Laet wrote in 1630 that there was an island at the mouth of the Hudson called "Manhattes or Manhatans Island, because this nation of Indians happened to possess the same, and by them it had been sold to the Company." In 1633 he also stated that "our people have bought from [the Manathans] the island separated from the rest of the land by the Hellgate, and have there laid the foundations of a fort, and of a town called New Amsterdam."

Tradition holds that the island was purchased with "glittering beads and baubles," but the actual nature and content of the goods traded to the Indians for the island is unknown. It can be surmised that the Indians accepted the typical trade items. When the Dutch purchased Staten Island a few years later, they paid the Indians with "Duffels, Kittles, Axes, Hoes, Wampum, Drilling Awls, Jews harps, and diverse other small wares." The value of the goods – 60 guilders – is documented, but here, too, tradition is misleading. Most Americans who have heard the price paid for Manhattan Island cite the figure of \$24. This figure appeared in 1846 when E. B. O'Callaghan, who had access to the recently discovered Schagen letter, published his History of New Netherland. It was there that O'Callaghan introduced the figure of \$24 by using current rates of conversion. Since that time, the story of Manhattan Island being sold for \$24 in trade goods has been retold and republished many, many times, leaving the original Dutch amount of 60 guilders lost in translation, as it were.

But the value of the guilder or dollar in the 19th century tells us little about the actual price the Dutch paid in 1626. Even to calculate the value in dollars today, given inflation, of 60 17th-century guilders misses the point. Sixty guilders was not a large sum at the time, but neither was it minuscule. According to historian A. Th. van Deursen, it equaled three or four months' wages for an average artisan in the province of Holland. . . . Sixty guilders was also the amount the Company paid a colonist (and presumably an Indian as well) for 30 beaver skins or 12 fathoms of wampum.

To the Dutch, the land was certainly valuable at the time (it would be anachronistic to consider its value today as the commercial capital of the world). The 14,000 acre island became the Company's headquarters and the location of the Company's farms and agricultural endeavors. Domine Michaëlius reported that "this island is the key and principal stronghold of the country, and needs to be settled first, as is already done." In fact, since controlling Manhattan Island meant controlling the Hudson River, which reached deep into fur country, the island's value can be understood in terms of the value of the fur trade. It is perhaps not without coincidence that Schagen's letter reporting the purchase of Manhattan Island also reports the importation of 45,000 guilders worth of furs from New Netherland. It is possible that the Dutch attraction to Manhattan Island was also connected to the trade in wampum. The Dutch had early on discovered that wampum, or sewant as it was known among the Indians of Manhattan and vicinity, was highly valued by the lroquoians and other inland tribes. These peoples exchanged various goods to coastal wampum makers for the beads. Although the heart of wampum production lay in eastern Long Island, it was manufactured throughout New York's coastal regions. Whatever the case may have been regarding wampum, the Dutch certainly recognized at the time that they had purchased the Indians' land for a very low price, for Domine Michaëlius also noted, presumably referring to the purchase of Manhattan Island, that "for a small sum of money we can buy from them a large quantity of land," and elsewhere noted that there is land "which can be bought from the savages for a trifle."

From the Indians' perspective, 60 guilders of trade goods was of enormous value to them. At the first, the Munsees may have valued European goods because they assigned spiritual or ceremonial power to items handled by those they animistically perceived as "otherthan-human." But within a relatively short amount of time, this perception would have passed. While the exchange of goods still functioned in a socially cohesive way, the utilitarian function of the goods became important in native demand for certain products. Axes and hoes, for example, quickly became employed by Indians in place of native stone tools even though one oral tradition repeated by the Indians in the 18th century indicates that their forebears first wore axeheads received from Europeans around their necks as tokens of power. For wampum producers, Indians who crafted the shell of the coastal whelk into strings of beads with significant social and religious power, the iron drills and awls they received greatly enhanced their manufacture of this vital artifact. Duffels - a coarse cloth - had become an important item of trade in the 1620s. The Munsees began to substitute duffels for deerskins, using it for clothing during the day and for blankets at night. The native people preferred it in dark colors such as blue, grey, and black, possibly because they believed these would provide them better camouflage while hunting in the woods, but also likely because they attached dark colors to sources of power. Demand for duffels also indicates the Indians' growing dependency upon European goods. As the Munsees increased the time they spent harvesting furs or producing wampum, they would have less time to produce basic necessities such as clothing, forcing them to acquire these items from the Dutch. [Colonial secretary Isaac] de Rasière made clear the importance of duffels to the Indians when he suggested to the Company directors that if they could "supply me continually with duffels, I shall know how to get wampum and stock Fort Orange." de Rasière promised the directors 10,000 furs if they could provide him with sufficient duffels. The Munsees' northern neighbors, the Mohawks, prized it so highly that they announced they should not bother trading with the Dutch if they could not get it. It was so crucial, De Rasiere pointed out, that without it they might lose the trade. "Why should we go hunting?" the Mohawks asked. "Half the time you have no cloth." Thus, the goods offered by the Dutch for Manhattan Island satisfied important Munsee needs.

The transfer of Manhattan Island and other territories from the Munsees to the Dutch signified a great deal about the relationship between them. In the first place, they followed a formal protocol when conducting land transactions. Company regulations required Dutch officials to preside over agreements between Europeans and Indians and to create legal deeds. As historian Patricia Seed has shown, this reflected a long-standing Dutch tradition in which property conveyances took place before a district judge. Consequently, the native representatives were obligated to appear before the council at Fort Amsterdam for land sales. When circumstances prevented them from doing so, such as when the Unamis on Delaware Bay sold land, officials from the fort journeyed to the Indians' territory. The Indians were more than happy to oblige such formalities, since they too regarded these exchanges as significant affairs. Those who sold the land were usually tribal or village leaders or some other group representatives. For example, on July 12, 1630, Arromeauw, Tekwappo, and Sackwomeck, "co-owners of the land named Hobocanhackingh," according to one Dutch deed, appeared before the director and his council when they sold a tract of land to Michael Pauw. The next month, Waerhinnis Couwee (Wieromies), a minor Hackensack sachem, along with Krahorat, Tamekap, Tetemakwemama, Siearewach, Sackwewew, Wissipoock, and Saheinsios also presented themselves to [Director Wouter] van Twiller and his council in order to seal the transfer of Staten Island to Michael Pauw. Similar transactions between Munsee leaders and Dutch officials occurred through the remainder of this period.



Such formality in conducting land sales indicated that neither group saw the transaction as the ordinary exchange of land from one person or group of persons to another. Dutchmen could not simply move to New Netherland and purchase a tract of land from its indigenous owners. This was due, on the Dutch side, to West India Company recognition of Indian occupation of the land (remember Company dictates not to force "them thereto in the least or [take] possession by craft or fraud"), and the Dutch penchant for documenting such transactions. They insisted that colonial officials negotiate formal treaties ceding property rights to the Dutch. Therefore, individual Dutchmen could not purchase land directly from the Indians. The initial transfer of land was restricted to negotiated treaties between the West India Company and Indian representatives.

Munsees who signed documents ceding territory to the Dutch also viewed the transactions as carrying considerable consequence. Like Dutch officials, Indian leaders represented their people; any changes regarding their people's land had to be endorsed by them. However, the Indians' view of land ownership or sovereignty differed radically from that of the Dutch, and they initially understood these land transactions differently than did the Europeans. First, the Munsees did not recognize personal ownership of any particular tract of land. As a group, their band or village used different territories for hunting, fishing, agriculture, and habitation. When Indian leaders signed agreements "selling" their land, they were allowing for its joint use and occupancy by the Dutch and their own people. They did not envision a permanent transfer of land to the Dutch. For example, when Indians of Long Island sold a sizable portion of the island in 1639, they reserved the right to remain upon the land. While other deeds did not always specify such rights, it is clear from Munsee actions that they must have had similar intentions at other times. The Indians who sold Manhattan Island continued to live there, indicating that they assumed that they still retained possession of the land, not to mention sovereignty over it. Similarly, Munsee people also remained on Staten Island after selling it, and over the years, resold it several times.

Furthermore, land transfers in the Munsees' perspective must be understood in terms of the Indians' emphasis upon social cohesion. In the perspective of the Munsees, as with so many other native people of the northeastern woodlands, maintaining social balance was of utmost importance. Establishing and continuing relationships held a greater priority than amassing wealth, but such relationship building usually included the exchange of goods. Colonial secretary de Rasière understood that the Indians always embellished trade with considerable ceremony and was careful to maintain it. "These people must . . . be kept on friendly terms by kindness and occasional small gifts," he wrote, and "one must be familiar with them and allow them to think that one trusts them fully." When a delegation of "thirty or forty" Indians presented de Rasière "with ten beavers," he responded by giving them "in return a fathom of duffel-cloth and a small quantity of beads, two hatchets, and a few other things." De Rasière noted that this "was done reciprocally in token of sworn friendship." Transferring land, including the exchange of goods and attendant ceremonies, was a means to build and reinforce social relations. The Munsees saw the Dutch as more than just trading partners - they were allies and powerful neighbors with whom it was good to establish and maintain strong ties.

Moreover, land transfers served other purposes to the Munsees and did not reflect the natives' intentions to permanently alienate the land from themselves. As the Indians' population declined and their subsistence shifted from wide-ranging hunting to more intensive farming and wampum production, large hunting areas became less valuable. In the sachems' minds, the exchange of land for trade goods seemed reasonable. Such an exchange would also secure an alliance with the Dutch who would live among them and could help the Munsees defend themselves against their enemies. In fact, the same Indians on Long Island who reserved the right of occupancy in their deed of land in 1639, gained from the Dutch an agreement to protect them against their enemies. This pattern was not unusual for the Munsees or other Indian groups. As populations would increase or decrease for whatever reasons, native people would expand or contract their settlements and temporarily transfer unused land in the process. As population shifts again took place, land might be transferred back to the original occupants. In no case were the transfers considered permanent since Indian neighbors tended to recognize that possession or occupation of a territory was dependent upon the good graces of the group who had earlier established sovereignty over the land. Also, with economic changes brought by the presence of the Dutch, the Munsees' growing dependency upon the Dutch may have compelled them to sell their lands, especially if they believed that doing so would ensure them continued access to European goods.

In selling Manhattan Island and other properties, the Munsees did not intend to permanently transfer their land to the Dutch. Instead, they granted the Dutch the privilege of sharing the land with them.

But the exchange of land led to unpredictable changes in Native American relations with the Dutch. While the Munsees did not knowingly relinquish their permanent rights to the land when they sold it, they soon discovered that they had surrendered permanent control over the territory, along with their political sovereignty. Indeed, Dutch colonization brought some presumption that the Dutch were extending their sovereignty over all the lands claimed under the name of "New Netherland." The Company regulations for the colony that most clearly related to the Indians were ambiguous at times and did not clearly define the relationship of the Indians to the colony. On the whole, however, the regulations indicate that the West India Company claimed some political sovereignty over the indigenous inhabitants of the region, but also respected some degree of native autonomy for the sake of maintaining a successful trade relationship. These instructions included guidelines for Dutch interaction with their native hosts and required both settlers and colonial administrators to treat the Indians fairly and maintain peaceful interaction. The Amsterdam chamber commanded the Walloons in 1624 to "take especial care, whether in trading or in other matters, faithfully to fulfill their promises to the Indians or other neighbors and not to give them any offense without cause as regards their persons, wives, or property, on pain of being rigorously punished therefor." The following year, Director Verhulst was similarly instructed to "see that no one do the Indians any harm or violence, deceive, mock, or contemn them in any way, but that in addition to good treatment they be shown honesty, faithfulness, and sincerity in all contracts, dealings, and intercourse, without being deceived by shortage of measure, weight, or number, and that throughout friendly relations with them be maintained."

A second set of instructions to Verhulst a few months later provides a better indication of the relationship which the directors believed should exist between their colony and the Indians who lived within its boundaries. While on the one hand expecting justice accorded to their own people, the Company apparently respected tribal authority. In case any settler "suffer violence or be wronged by any Indian or native either in his person or with regard to the property entrusted to him, they shall notify the tribe to whom such Indian belongs of the wrong done and the person who committed it, demanding that he be punished therefor and that our people be notified of the punishment." Ultimately, though, the Dutch reserved final political authority for themselves.

In selling Manhattan Island and other properties, the Munsees did not intend to permanently transfer their land to the Dutch. Instead, they granted the Dutch the privilege of sharing the land with them. The Munsees could not foresee the future, however. What they did not anticipate was that the Dutch presence corresponded to a conflict of claims over control of the whole region. From the moment that the West India Company established Europeans settlements and sought to purchase land from the Indians, the Munsee people would struggle to maintain their own autonomy while increasingly being forced to recognize Dutch control. Ultimately, the importance of the selling of Manhattan had more to do with the Indians' loss of sovereignty in the long run than their loss of land in the short run. Neither was intended by the Munsee people. However, after decades of contact with Europeans, the Munsees experienced growing dependency upon European goods and suffered increasing population losses through disease and warfare. The effects wrought upon Munsee society as a result of Dutch colonization made the temporary transfer of Manhattan Island and other Munsee lands a permanent one. The Munsees could not have foreseen the permanent loss of their lands to the Dutch. And if the Dutch could have imagined the eventual loss of that same land to the English, none of them could have anticipated that Manhattan Island would become the metropolis that emerged in the 19th and 20th centuries.

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