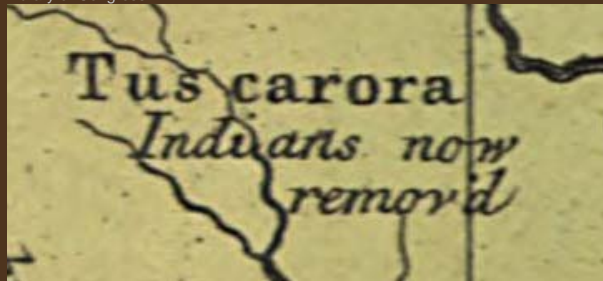


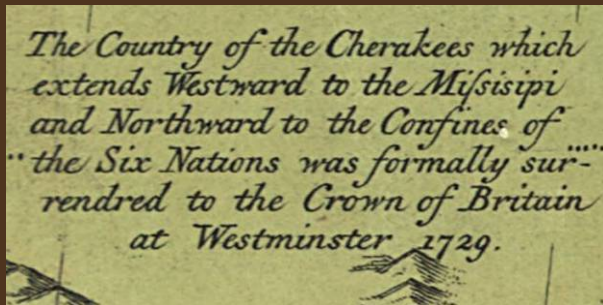
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eastern North Carolina



present-day Georgia



present-day western Tennessee



"Well Settld.": western Virginia

John Mitchell, *A Map of the British and French dominions in North America*, between 1755 and 1761, details

"We have given you a great deal of fine land."

Pouchama, 1765

The Taking of Indian Lands:
 Perspectives of Native Americans
 and European Americans, 1707-1765

Our media-driven image of the white man's conquest of the Indian focuses on the American west of the 1800s, when Indians were forcibly moved to resource-barren reservations, many dying from battle, disease, and harsh conditions. The earlier chapters of this history, however, in the late 1600s through the 1700s, are driven by the less dramatic mechanism of land negotiations between Indians and colonists. Deeds of sale in incomprehensible legal language, plus white-written accounts of days-long conferences — countered by complaints and petitions for redress from tribal leaders — document the loss of Indian land to the colonists, tract by tract, colony by colony, heading west. As clarified by historian Stuart Banner, "at most times, and in most places, the Indians were not exactly conquered, but they did not exactly choose to sell their land either. The truth was somewhere in the middle. . . . every land transfer of any form included elements of *law* and elements of *power*."¹ In this collection of brief selections, analyze the *law* and the *power* struggle underpinning each event.

1707 The governor of North Carolina ascribes the "thinning of Indians" by disease to the "hand of God . . . eminently seen."

. . . And, courteous Readers, I shall give you some farther Eminent Remark hereupon, and especially in the first Settlement of Carolina, where the Hand of God was eminently seen in thinning the Indians to make room for the English. As for Example in Carolina, in which were seated two Potent Nations called the Westoes and Sarannah [Savannah], which contained many Thousands, who broke out into an unusual Civil War and thereby reduced themselves into a small Number, and the Westoes, the more Cruel of the two, were at the last forced quite out of that Province, and the Sarannahs continued good Friends and useful Neighbours to the English. But again, it at other times pleased Almighty God to send unusual

Sicknesses amongst them, as the Smallpox, etc., to lessen their Numbers; so that the English, in Comparison to the Spaniard, have but little Indian Blood to answer for.² Now the English at first settling in small Numbers, there seemed a Necessity of thinning the barbarous Indian Nations; and therefore since our Cruelty is not the Instrument thereof, it pleases God to send, as I may say, an Assyrian Angel to do it himself. Yet will I not totally excuse the English as being wholly clear of the Blood of the Indians in some Respects, which I at present pass over. . . .

I shall farther add one late more immediate Example of God's more immediate Hand, in making a Consumption [lung disease] upon some Indian Nations in North Carolina, and that was in my time at the River Pemlicoe, began about eight Years since. When I was in the North about eleven Years since, I was told then of a great Mortality that fell upon the Coranine, a bloody and barbarous People, were most of them cut off by a neighbouring Nation: Upon which I said that it seemed to me as if God had an Intention speedily to plant an English Settlement thereabouts; which accordingly fell out in two or three Years, although at that time not one Family was there.

—John Archdale, *A New Description of That Fertile and Pleasant Province of Carolina*, London, 1707.³

1722 A Puritan minister in Boston justifies the colonists' acquiring Indian land for little to no payment. "The *Indians* made no use of it," he asserts, "but for Hunting."

Q[uestion] VIII. DID we any wrong to the Indians in buying their Land at a small price?

- A[nswer]. 1. THERE was some part of the Land that was not purchased, neither was there need that it should — it was *vacuum domicilium*;⁴ and so might be possessed by virtue of GOD's grant to Mankind, Gen. I:28. *And God blessed them, and God said unto them, Be fruitful and multiply and replenish the earth, and subdue it: and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth.* The *Indians* made no use of it, but for Hunting. By GOD's first Grant Men were to subdue the Earth. When *Abraham* came into the Land of *Canaan*, he made use of vacant Land as he pleased: so did *Isaac* and *Jacob*.
2. THE *Indians* were well contented that we should sit down [settle] by them. And it would have been for great Advantage, both for this World and the Other; if they had been wise enough to make use of their Opportunities. It has been common with many People, in planting this World since the Flood, to admit Neighbours, to sit down by them.
3. THO' we gave but a small Price for what we bought, we gave them their demands. We came to their Market and gave them their price, and, indeed, it was worth but little. And had it continued in their hands, it would have been of little value. It is our dwelling on it and our Improvements that have made it to be of worth.

—Rev. Samuel Stoddard, *An Answer to Some Cases of Conscience Respecting the Country*, Boston, 1722.⁵



present-day northern Mississippi

Mitchell, *A Map of the British and French dominions . . .*, between 1755 and 1761, detail

²Earlier Archdale writes: "And although I cannot excuse the Barbarity or Cruelty of the Spaniards towards them [Indians], who thereby gave them their own Blood to drink, in lieu of what they had most barbarously shed of their Neighbours. And indeed, Providence seemed wholly to design this Bloody Work for the Spanish Nation, and not for the English, who in their Natures, are not so Cruel as the other . . ." (see footnote 2).

³Alexander S. Salley, Jr., ed., *Narratives of Early Carolina, 1650-1708* (New York: Charles Scribner's Sons, 1911), pp. 282-311.

⁴"The English believed wholeheartedly in the concept of 'vacuum domicilium.' For, 'it is a principle in nature that in a vacant soyle, hee that taketh possession of it and bestoweth culture and husbandry upon it has an inviolable right to the land.'" Susan McGowan, "The Landscape in the Colonial Period," Memorial Hall Museum, Pocumtuck Valley Memorial Association, Deerfield, Massachusetts, at www.memorialhall.mass.edu/home.html.

⁵Accessed through Early American Imprints online, American Antiquarian Society; permission pending.

1736 Mahomet Weyonomon, a leader of the Mohegans (Mohicans] in Connecticut, sailed to England to present a petition to King George II pleading for his royal protection of Indian lands guaranteed by earlier colonial leaders. Mahomet died of smallpox before he could present his petition and was buried in England. The appeals persisted until 1772, when Connecticut's claim to the lands was upheld.

May it please your Majesty to permit your vassal Mahomet, Chief Sachem of the Mohegan Indians, to approach the Throne, imploring your Royal Protection against the injuries and wrongs which he and his people suffer from your Majesty's subjects of the Colony of Connecticut in New England. Vouchsafe him your Gracious ear whilst he informs your Majesty that upon the first arrival of the English in his Ancestor's Territories, in the time of your Majesty's Royal Predecessor King Charles the First, his Great Grandfather Uncas, a Sachem of warlike and famous memory both among the English and Indians, received and entertained them with the highest terms of hospitality and friendship, freely affording them large tracts of land for their new Settlements. . . [Mahomet reviews the aid given by Uncas and the Mohegans to the colonists during the Pequot War of 1636-1637.]

That soon afterwards Sachem Uncas entered into a firm league of Alliance with the English, with whom he and his descendants and his whole Tribe have ever inviolably kept faith, constantly assisting them in their wars against the French and Indians with a hundred and fifty fighting men, and sometimes a far superiour number, doing them many signal services, and from time to time making them free gifts and grants for small considerations, of several tracts of their land, by which the Government of Connecticut now holds twenty-one of their towns, being the greatest part of their Colony. . . .

But at last, may it please your Majesty, a generation arose in the Colony of Connecticut who knew not Uncas and his successors but did, contrary to the faith of their Fathers' Leagues, their Public Records, and the terms [of] the Royal Charter, encroach upon the remainder of the Mohegan lands, which your Petitioner's ancestors had reserved to themselves and their people for their hunting and planting grounds, and by an Act of their Assembly distributed great part of the same among several of their towns, and the Mohegans were threatened to be slain if they came upon those lands.

Notwithstanding these infractions made by your Majesty's Colony upon the ancient friendship and alliance between them and the Mohegans, Sachem Oweneco and your Petitioners' father Mahomet kept faith with the English, continuing their firm adherence and services to them in the time of the French War, nor was ever the blood of one English man spilt by any of their tribe, tho' much injur'd and greatly dissatisfied at their dealings with them, but on the contrary the Mohegans have shed their best blood in defense of the English.

At length being quite tired out with oppression, and despairing of redress from the General Court of the Colony, Sachem Oweneco, your Petitioner's grandfather, remonstrated against these grievances to her late Pious Majesty Queen Anne [1704], . . . [I]t was consider'd and determined that Oweneco and the Mohegan Indians should immediately be put into possession of their lands, and the Governor and Company of Connecticut



were order'd by Her Majesty's said Court to put them into possession accordingly and to pay all costs. But your Majesty's Colony of Connecticut have refused to pay obedience to Her late Majesty's Commission . . . and have not restored . . . [the Mohegans] to any part of their lands of which they had so unjustly deprived them, and have not only amus'd them with fruitless promises for these thirty years past, but in the lifetime of Oweneco proceeded further to deprive the Mohegans of the small remainder of their lands, and your Petitioner and his tribe are now reduced to less than two miles square out of their large territories for their hunting and planting, and that land so rocky that they are not able to subsist upon it.

Wherefore your Petitioner and his tribe, being now reduced to the miserable necessity of leaving their native lands unless your Majesty will extend your Royal Justice and Protection to them . . . ; your supplicant has presum'd to appear personally before your Majesty, praying that he and his people may be restored to and protected in that part of their Ancestors' lands which they had reserved to themselves and their tribe for their hunting and planting . . .

—Petition of the Chief Sachem of the Mohegan Indians to King George II, May 1736, excerpts.⁶

1739 A Baptist minister in Rhode Island explains that, by driving out and killing the Indians as punishment for their sins, “God was pleased to make ready a Place prepared as an Asylum” for the early New England settlers.

The Indians in this Part of *America* appear to have been some of the least improved of the *human Species*, without any Learning or Knowledge in any of the politer Arts of Life, even without *Iron* and the Improvements which depend on that. The strange Destruction of this People, now since the Wars ceased, and within Memory, is very remarkable. Their insuperable Aversion to the English industry and Way of Life, the Alteration from the *Indian* Method of living, their *Laziness*, and their *universal Love of Strong Drink*, have swept them away, in a wonderful Manner. So that there are now above *twenty English* to *one Indian* in the Colony. Their few miserable Remainers are left as Monuments of the Anger of a righteous God, and for our Warning & Instruction. . . .

And this brings me now at last, to the Remarks I promised at the Beginning. And

I. The first is, *The wonderful and unsearchable Providence of GOD in the whole Affair of driving out the Natives and planting Colonies of Europeans, and Churches of Christians, in the Place of Heathenism and Barbarity.* . . .

The Discovery and the Conquest of America, with the amazing Desolations wrought therein, appear a more remarkable Event than any other in all profane History since the universal Deluge. A new World, as it was justly called, discovered to the other, or rather to *Europe*, and all its Riches and Glory overturned, and given away to another People; and the *Aboriginal Natives*, by Famine, Sword and Pestilence, destroyed, and wasted away *by Millions* throughout *all America!* Who can tell how, or how long it had been inhabited; and by what a Series of Iniquity, it was ripe for such a fearful Desolation, such an utter Destruction! . . .

Moreover, as these People came not here for Plunder, which drew over the *Spaniards* to the Southward, neither did they settle themselves *by Force or by their own Might*; but GOD was pleased to make ready a Place prepared as an Asylum for them. And since he has wonderfully driven out and consumed *the Natives* by his devouring Judgments, their Sins have proved their Punishment, and their detestable Vices have drawn on those mortal Sickesses which have wasted away all within the English Pale; but a few embraced *Christianity* or who, by submitting to the *English Power*, remains the Memorials of these wonderful Events.

—Rev. John Callender, *An Historical Discourse on the Civil and Religious Affairs of the Colony of Rhode-Island and Providence Plantations in New-England in America*, 1739, excerpts.⁷

⁶ *Calendar of State Papers Colonial, America and West Indies*, Volume 42: 1735-1736 (1953), pp. 196-207; full text online in British History Online at www.british-history.ac.uk/report.aspx?compid=72844.

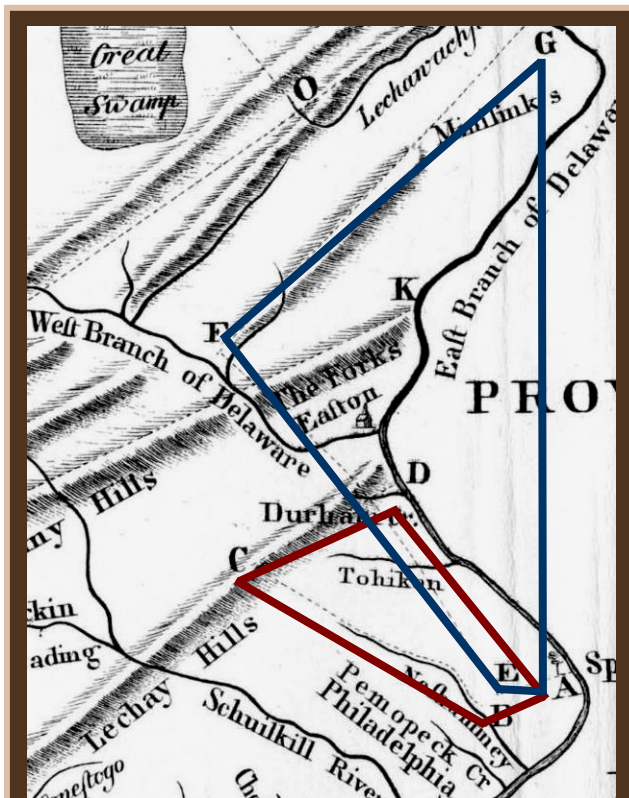
⁷ Accessed through Early American Imprints online, American Antiquarian Society; permission pending.

1740 The Lenape (Delaware) Indians of Pennsylvania signed a treaty in 1736 later known as the “Walking Purchase,” since the western boundary of ceded lands was set “as far as a Man can go in one day and a half.” The Indians assumed *go* to mean *walk*, but the colonial surveyors were ordered to *run* as fast as possible, and they claimed far more land than the Indians anticipated. In 1740 the Lenape submitted the first of several formal complaints, but they never regained the land.

To Mr. Jeremiah Langhorne & all Magistrates of Pennsylvania

We pray that You You would take Notice of the Great Wrong We Receive in Our Lands, here are about 100 families Settled On it for what Reason they Cant tell. They tell them *that Thomas Penn has sold them the Land Which We think must be Very Strange that T. Penn Should Sell him that which was never his for We never Sold him this land.* The Case was this. That When We Were With Penn to treat as usual with his Father, He keep begging & plagueing us to Give him some Land & Never gives us leave to treat upon any thing till he Wearies us Out of Our Lives but What should We give Penn any Land for We

never had any thing from him but honest Dealings & Civility. If he lets us alone We will let him alone. The Lands we do Own to be Ours, Begin, at the Mouth of Tohickon Runs up along the said Branch to the Head Springs thence up With a strait line [to] Patquating thence with a strait Line to the Blew Mountain thence to a Place called Mohaining thence along a Mountain called Neshameek thence along the Great Swamp to a Branch of Delaware River So along Delaware River to the Place where it first began. All this is Our own Land Except Some tracts We have disposed off. The Tract of Durham The tract of Nicholas Depuis The Tract of Old Weiser We have Sold *But for the Rest We have Never sold & We Desire Thomas Penn Would take these People off from their Land in Peace that we May not be at the trouble to drive them off for the Land We Will hold fast With both Our hands not in privately but in Open View of all the Countrey & all Our Friends & Relations That is the Eastern Indians & Our Uncles the five Nations & the Mohikkons & the twitways Shawanahs Shawekelou Tuskeroroes & the Takkesaw the last. These all shall be by & hear us Speak & We Shall Stand at Our Uncles Breast When We Shall Speak.* Now Gentlemen & all others We Desire some of Your Assistance in this Affair for We have lived in Brotherly Friend Ship So We Desire to Continue the same if So be We can be Righted any Manner of Ways So We Remainz
Your Friends



Map in Thomson's *Enquiry*, 1759, to illustrate the Walking Purchase treaty, detail (see 1759 selection). Lines added to mark ABCD and A EFG. Note Philadelphia at bottom of detail.

A B C D describes the Lands granted by the Indians' Walking-Sale, as lately [recently] walked out by W. Pearson, containing 330,000 Acres.

A E F G describes the Land of the same Grant according to the Proprietaries' Claim, containing about 1,000, 000 Acres.

—Petition of the Lenni Lenape to Pennsylvania Chief Justice Jeremiah Langhorne et al., 21 November 1740.⁸

⁸Donald H. Kent, ed., *Pennsylvania Indian Treaties, 1737-1756* (University Publications of America, 1984), pp. 45-46; permission pending. Map detail from Charles Thompson, *An Enquiry into the Causes of the Alienation of the Delaware and Shawanese Indians from the British Interest, And into the Measures taken for Recovering their Friendship . . .*, London, 1759; reprint, Philadelphia: John Campbell, 1867, end-cover folding map.

1750 A Swedish botanist travelling in British and French America comments on the few Indians to be seen in eastern Pennsylvania.

Before I proceed, I must mention one thing about the Indians or old Americans, for this account may find readers who, like many people of my acquaintance [in Europe], have the opinion that North America is almost wholly inhabited by savage or heathen nations; and they may be astonished that I do not mention them more frequently in my account. . . . The country, especially that along the coasts in the English colonies, is inhabited by Europeans who in some places are already so numerous that few parts of Europe are more populous. The Indians have sold the land to the Europeans and have retired [moved] further inland. In most parts you may travel twenty Swedish miles, or about a hundred and twenty English miles, from the coast before you reach the first habitation of the Indians. And it is very possible for a person to have been at Philadelphia and other towns on the seashore for half a year without so much as seeing an Indian.

—Peter Kalm, *Travels into North America* [1750], 1756.⁹

1759 A Pennsylvanian compiles evidence to document the fraudulent terms of the Walking Purchase of 1737, in which the Delaware were tricked into ceding more land than they had planned (see 1740 entry). He concludes with recommendations for "recovering their Friendship."

It may not be amiss to observe here the different Manner in which the *English* and *French* treat the *Indians*. The *English*, in order to get their Lands, drive them as far from them as possible, nor seem to care what becomes of them, provided they can get them removed out of the Way of their present Settlement ; whereas the *French*, considering that they can never want [lack] Land in *America*, who enjoy the Friendship of the *Indians*, use all the Means in their Power to draw as many into their Alliance as possible; and, to secure their Affections, invite as many as can to come and live near them, to make their Towns as near the *French* Settlements as they can. By this Means they have drawn off a great Number of the *Mohocks* and other Six Nation Tribes, and having settled them in Towns along the Banks of the River St. *Lawrence*, have so secured them to their Interest, that, even of these, they can command above six or seven Hundred fighting Men, which is more than Colonel *Johnson* has, with all his Interest, been able to raise in all the northern District [of British America].

Charles Thomson, *An Enquiry into the Causes of the Alienation of the Delaware and Shawanese Indians from the British Interest, And into the Measures Taken for Recovering their Friendship*, London, 1759, excerpts.¹⁰

1763 The Society of Friends urges Quakers to purchase or settle only that Indian land that has been honestly acquired.

It is the solid sense and judgment of this meeting that Friends [Quakers] should not purchase, or remove to settle on such lands as have not been fairly and openly first purchased of the Indians, by those persons who are or may be authorized by the government to make such purchases; and that Monthly Meetings should be careful to excite their members to the strict observance of this advice; and where any so remove contrary to the advice of their brethren, that they should not give certificates [certification of membership in a Quaker meeting] to such persons but persuade them to avoid the danger to which they expose themselves and to convince them of the inconsistency of their conduct with our Christian profession.

Society of Friends, Pennsylvania, Yearly Meeting of 1763.¹¹

⁹Peter Kalm, *Travels into North America, Containing Its Natural History . . .*, 1756; English translation, 1770, Vol. I, p. 119. Full text online as digital images in American Journeys (Wisconsin Historical Society) at www.americanjourneys.org/aj-117a/index.asp and www.americanjourneys.org/aj-117b/index.asp; and in Early Canadiana Online at www.canadiana.org/cgi-bin/ECO/mtq?doc=11915.

¹⁰Facsimile reprint entitled *Causes of the Alienation of the Delaware and Shawanese Indians from the British Interest* (Philadelphia: John Campbell, 1867), pp. 49-50.

¹¹Aborigines' Committee of the Meeting for Sufferings, *Some Account of the Conduct of the Religious Society of Friends towards the Indian Tribes in the Settlement of the Colonies of East and West Jersey and Pennsylvania . . .*, London, 1844, p. 89.

1763 After Britain's victory in the French and Indian War, in which it acquired all French territory in North America, the British king banned all land purchases west of the Appalachian Mountains by individual colonists in order to prevent future "Frauds and Abuses" of the Indians. The ban was generally disregarded and unenforced.

And whereas great Frauds and Abuses have been committed in purchasing Lands of the Indians, to the great Prejudice of our Interests. and to the great Dissatisfaction of the said Indians: In order, therefore, to prevent such Irregularities for the future, and to the end that the Indians may be convinced of our Justice and determined Resolution to remove all reasonable Cause of Discontent, We do. with the Advice of our Privy Council strictly enjoin and require. that no private Person do presume to make any purchase from the said Indians of any Lands reserved to the said Indians, within those parts of our Colonies where, We have thought proper to allow Settlement: but that. if at any Time any of the Said Indians should be inclined to dispose of the said Lands, the same shall be Purchased only for Us, in our Name, at some public Meeting or Assembly of the said Indians, to be held for that Purpose by the Governor or Commander in Chief of our Colony respectively within which they shall lie: and in case they shall

—King George III, Royal Proclamation of 1763, excerpt.¹²

1765 After Britain's victory in the French and Indian War, Choctaw and Chickasaw leaders in the lower Mississippi Valley met with the newly arrived British officials replacing the French as the ruling European presence in their lands.

Superintendent John Stuart: . . . From this day forward you are to look upon yourselves as dependent upon the Generosity and Benevolence of the Great King George. It is by his Permission alone that your wants can be Supplied, that Traders can go amongst you, That you can have Guns, Powder, Ball, Clothes, Knives, Hatchets, Hoes & such other Necessaries as you cannot Subsist without and are totally incapable of making. . . .

It is the Great King's express orders to his Governors and all his Subjects not to encroach on or take possession of any Lands belonging to the Indians without first asking & obtaining the Consent of the [Indian] Nation, to whom Such Land may belong, which is not to be done by any Private Bargain or Talk, but in a Public manner at a General meeting with the Chiefs of Such Nations Whereat the Governors of the Provinces & Superintendent must be present. It is to make you happy that the King permits his White Children to Come & Settle Near you, but they Cannot Come to Live in this Country except you allot them Lands to produce Corn for their Support & Grazing for their Cattle. It will not be in the power of your White Brethren to feed you when you come to See them without they have Lands to plant.

We have no Intention to encroach on or take Possession of any of your Lands without your own Consent. The Heads of your Nation are now altogether. I desire you will Consider this Matter Maturely & point out Clearly the Limits of the Land you shall judge proper to give us, and on our parts we in the most Solemn manner Promise that we will Acquiesce in what you Shall determine, faithfully Observe the Treaty thereof shall be made, and that not one foot of your Land shall be Possessed by any of the King's white Subjects beyond the Boundaries you shall prescribe. . . .

Tomatly Mingo: . . . The Limits of the Land which we give is a Straight Line from Atchaticke on Tombeckbe River to the Source of the Baccatane River which falls in to the Pascagoula.

I hope the Great King will kindly Accept of this Cession and make no use of it to our disadvantage, and though individuals in our Nation may Murmur that should not be thought off as the Lands are granted by those who have a right to make Cession. . . .

¹²Full text online from the Avalon Project, Yale Law School, at avalon.law.yale.edu/18th_century/paris763.asp.

Alibamo Mingo: . . . When I was Young the White Men came amongst us bearing abundance along with them. I took them by the hand & have ever remained firm to my Engagements. In return all my wants & those of my Warriors & Wives & Children have been Bountifully Supplied. I now See another Race of White Men Come amongst us bearing the Same abundance, & I expect they will be equally Bountiful which must be done if they wish equally to gain the affection of my people. . . .

With respect to the Land, I was not Consulted in it. If I was to deliver my Sentiments, evil disposed People might impute it to Motives very different from those which actuate me. It is true the Land belonged chiefly to those who have given it away, that the Words which were Spoken have been written with a Lasting Mark — the Superintendent marks every word after word as one would count Bullets so that no variation can happen, & therefore the words have been Spoken and the eternal marks traced. I will not Say anything to contradict, but, on the Contrary, Confirm the Cession which has been made. What I have now to Say on that head is to wish that all the Land may be Settled in four years that I may See it myself before I die. . . .

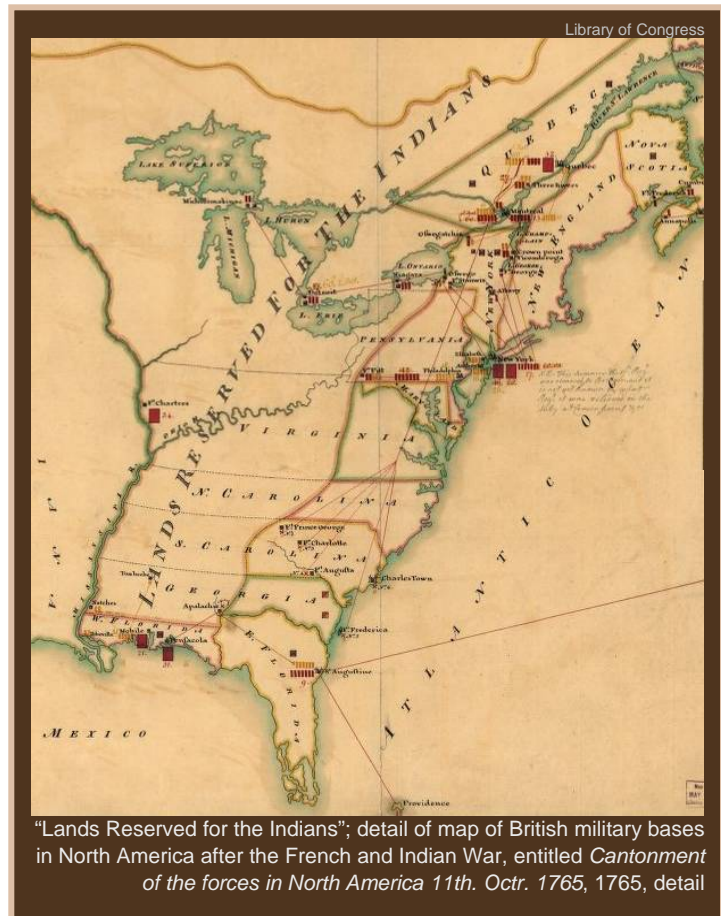
I am not of opinion that in giving Land to the English, we deprive ourselves of the use of it. On the Contrary, I think we shall share it with them, as for Example the House I now Speak in was built by the White people on our Land yet it is divided between the White & the Red people. Therefore we need not be uneasy that the English Settle upon our Lands as by that means they can more easily Supply our wants. . . .

Nassuba Mingo: . . . Some people are angry that we have given So much Land, but for my part I have long thought the nearer we are to the whites the happier we shall be, if they really Come to Supply our wants, which I cannot doubt after so Solemn declarations, which I am Conscious others will be persuaded of as well as I when the Presents Come to be distributed. . . .

Pouchama: . . . As to the Land which has been Ceded, I put my hand to my Heart as a Token of my approbation, and am happy to share it with you, but I hope in return you will Consider the distressed Situation of our Wives & Children, that it may not be Said I saw the English Chiefs & get nothing from them. . . .

I have heard a great deal Said about God Almighty, Heaven & Hell, & it has all entered my Heart, and I believed it to be very true, & I must again repeat to you that we have given you a great deal of fine Land & we expect to be paid for it. I do not repent of what is given, because we expect to reap the benefit of your being so near us.

—Choctaw Congress, Mobile [West Florida, now Alabama], March 26-April 4, 1765, excerpts.¹³



"Lands Reserved for the Indians"; detail of map of British military bases in North America after the French and Indian War, entitled *Cantonment of the forces in North America 11th. Octr. 1765, 1765*, detail

¹³Mississippi Department of Archives and History, *Mississippi Provincial Archives: English Dominion*, ed. Dunbar Rowland (Nashville, Tennessee: Brandon Printing Co., 1911), Vol. 1, 1763-1766, pp. 228, 234-235, 240-242, 248-249.