

**MINUTES OF THE COURT
OF RENSSELAERSWYCK,
1648-1652**

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Minutes of the court of Rensselaerswyck, 1648-1652 by A. J. F. Van Laer

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A. J. F. VAN LAER

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Rensselaerswyck Court

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Translated and edited

by

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Archivist, Division of Archives and History

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Division of Archives and History

December 21, 1922

Dr. Frank P. Graves
President of the University

DEAR SIR:

I herewith transmit and recommend for publication the volume entitled *Minutes of the Court of Rensselaerswyck*, April 2, 1648 to April 15, 1652, translated and edited by A. J. F. van Laer, Archivist of the Division of Archives and History.

In point of view of date this volume precedes the *Minutes of the Court of Fort Orange and Beverwyck* already published. Reference to the preface by the translator and editor will show the position which these minutes occupy in relation to the previous publication. Their importance in giving a picture of the legal, institutional and economic conditions of the time has already been called to your attention in the volume to which reference has been made.

Very truly yours

JAMES SULLIVAN
State Historian and Director

Approved for publication

FRANK P. GRAVES,
President of the University and
Commissioner of Education

PREFACE

The court of the colony of Rensselaerswyck, whose minutes for 1648-1652 are published herewith, formed from an early date an important part of the judicial organization of the province of New Netherland. The court was erected by Kiliaen van Rensselaer by virtue of the power conferred upon him by the charter of Freedoms and Exemptions of 1629, which provided that members of the Dutch West India Company who within four years after giving notice to the company should plant in New Netherland a colony of fifty adults should be acknowledged as patroons and should hold their land from the company as a perpetual fief of inheritance, with "high, middle and low jurisdiction." By these terms the patroons were authorized to administer civil and criminal justice, in person or by deputy, within the limits of their respective colonies and to erect courts whose jurisdiction should extend to matters affecting life and limb, although article 20 of the charter provided that from all judgments given by the courts of the patroons above 50 guilders there should be appeal to the director general and council of New Netherland.¹

The first step to organize a court in the colony of Rensselaerswyck was taken by the patroon on July 1, 1632, when he appointed Rutger Hendricksz van Soest schout and empowered him to administer the oath of schepen to Roelof Jansz van

¹This appeal applied only to judgments in civil cases. According to the Dutch criminal procedure of that period, conviction was had only upon confession by the criminal, extorted by torture, if necessary. From sentences rendered upon such conviction there was no appeal. The right of appeal was largely nullified by a pledge which the patroon exacted from the colonists not to appeal to the supreme court of New Netherland. Kieft and afterwards also Stuyvesant held that this was an infringement of the charter, but the patroon, in a letter to Kieft, dated May 29, 1640, maintained that a clause to that effect was inserted in the contracts with the colonists merely for the purpose of preventing them from wasting their time and money in needless litigation. See *Van Rensselaer Bowier Mss.*, p. 476, and *Doc. rel. to Col. Hist.* N. Y., 1:423.

Masterland, Gerrit Theusz de Reus, Maryn Adriaensz, Brant Peelen and Laurens Laurensz, all of whom, with the exception of de Reus, were then residing in the colony. The patroon issued instructions for the schout and schepens on July 20, 1632, and sent these to the colony by his nephew Wouter van Twiller, the newly appointed director general of New Netherland, who also took with him a silver plated rapier with baldric and a hat with plumes for the schout, and black hats with silver bands for the schepens.

Van Twiller sailed from the island of Texel, on the ship "Soutberg," shortly after July 27, 1632, and arrived at New Amsterdam in April of the following year. He had with him a power of attorney from Kiliaen van Rensselaer to administer the oath of schout to Rutger Hendricksz van Soest, but as far as can be judged from the meager information that is available did not administer the oath.

Conditions, just then, were not favorable for the erection of a court in the colony. Differences had arisen in the board of directors of the Dutch West India Company in regard to the fur trade and efforts were made by those who were opposed to the agricultural colonization of New Netherland to deprive the patroons of the privileges granted to them by the charter of Freedoms and Exemptions. Van Rensselaer complains of this in a memorial presented by him to the Assembly of the XIX on November 25, 1633,¹ in which he makes the statement that in July, 1632, he had people and animals enough to start five farms, but that his efforts were frustrated because the Company refused to let him have carpenters, smiths and other mechanics and also declined to furnish his people with supplies, in exchange for grain and dairy products.

Taking this statement in connection with the facts that Rutger Hendricksz' term of service as a farmer was about to expire and that his name does not appear in the records of the colony after 1634, it seems safe to conclude that when Van Twiller arrived

¹ *Van Rensselaer Bowier Mss*, p. 235-50.

in New Netherland Rutger Hendricksz had determined to leave the colony and declined to accept the position of schout.

Van Twiller wrote to the patroon and recommended Brant Aertsz van Slichtenhorst for the post,¹ but before his letter was received the patroon had already made other arrangements and entered into a contract with Jacob Albertsz Planck, whereby the latter was engaged as schout for the period of three years. Planck received his instructions on April 27, 1634, and soon after sailed for the colony, where he arrived on or just before the 12th of August. His instructions provided that on his arrival in New Netherland he was to present himself before Director Van Twiller and to request him to administer to him the oath of office "instead of to Rutger Henrickssz, according to previous power of attorney" and, furthermore, that at the first opportunity he was to choose three schepens from among the fittest of the colonists, so that he could hold court if need be. Presumably, therefore, the court of the colony was first organized shortly after August 12, 1634.

The court as then constituted corresponded to the usual courts of schout and schepens as they at that time existed in most of the manors of the Netherlands. It was evidently intended to be a court of limited civil and criminal jurisdiction, for the patroon, in a letter to Wouter van Twiller, dated April 23, 1634, distinctly states that Michiel Pauw, in his colony of Pavonia, calls Cornelis van Vorst his "chief officer," but that for his own reasons he desires that "Jacob Planck shall as yet not be otherwise entitled than as officer," thereby indicating, it seems, that he was not to have the rank of a city schout, or the presiding officer of a superior court having power to inflict capital punishment.²

¹ *Van Rensselaer Bowier Mss*, p. 281.

² Wassenaer, under date of November 1626, speaking of the court at Manhattan as at first established by Minuit, says: "The council there administers justice in criminal matters as far as imposing fines, but not as far as corporal punishment. Should it happen that any one deserves that, he must be sent to Holland with his sentence." J. F. Jameson, *Narratives of New Netherland*, p. 84.

Planck not only held the position of schout, but also that of *commies*, or trading agent and administrative officer of the colony. His services were not satisfactory, so that at the expiration of his term, in August 1637, he was not reappointed. The patroon, however, had difficulty in finding a suitable successor and requested Planck to remain until the arrival of Arent van Curler, who was sent out as his assistant in the latter part of December of that year. Planck was back in Holland in August 1639, and probably left the colony shortly after May 12th, when the patroon wrote to Director General Kieft: "I am negotiating about sending some people of capacity to my colony, but they were not able to make up their minds so quickly and to get ready, and in the former officer, Jacob Planck, I do not find a proper manager. He knows more about trading furs, which have been of greater profit to him than to me; however, I wish to part with him in friendship and not to give the least occasion for dissatisfaction among my people, for they stir one another up." Having failed to find a successor to Planck, the patroon, the same day, entrusted the administration of justice and the general management of the colony to three *gecommitteerden*, or commissioners, namely, Arent van Curler, Pieter Cornelisz van Munnickendam and Cornelis Teunisz van Breuckelen. Of these, the first was made secretary and bookkeeper of the colony and until further order was also to act as officer and *commies*, the second was made receiver of tithes and supercargo of the vessel, and the third was appointed the patroon's *voorspraecke*, or attorney, to defend his interests. These three commissioners managed the affairs of the colony until the arrival of Adriaen van der Donck, who was commissioned officer of justice on May 13, 1641. Just how long Van der Donck held the post of officer is not known. He arrived in the colony in August 1641, and like Planck and other officials of the colony was probably appointed for a period of three years, so that his term of office would seem to have expired in August 1644.¹

¹ Cf. *Doc. rel. to Col. Hist. N. Y.* 1:431, 532-33.

Just about this time word must have reached the colony of the death of the patroon. An entry in the minutes of the director general and council of New Netherland under date of August 8, 1644,¹ in which reference is made to "the heirs of Mr Renselaer, deceased," shows, namely, that Kiliaen van Rensselaer died, not in 1646, as stated by O'Callaghan, Brodhead and all other writers, but some time prior to August 1644, and perhaps as early as the fall of 1643, when the patroon's letters to the colony, published in the *Van Rensselaer Bowier Manuscripts*, ceased.

The patroon's estate and title now descended to his eldest son, Johannes, who, being a minor, was with his property placed under the guardianship of his uncle Johan van Wely and his cousin Wouter van Twiller. Upon these guardians, therefore, devolved the duty of appointing a successor to Van der Donck. The latter had been lax in the performance of his duties, so that many abuses had sprung up in the colony and a firmer hand was needed in dealing with the colonists. The man chosen for this purpose was Brant Aertsz van Slichtenhorst, the same person who in 1633 had been recommended by Van Twiller for the position of schout of the colony.

Van Slichtenhorst was appointed director of the colony on November 10, 1646, but before this appointment was made, Van der Donck had already left the colony and Nicolaes Coorn, the commander of Rensselaers-Steyn, a small fort on Beeren Island, at the southern entrance to the colony, had taken his place. Coorn acted as officer of the colony until Van Slichtenhorst's arrival in March 1648, but was then given the title of *Officier Luytenant*, or deputy sheriff, and made Van Slichtenhorst's assistant, in which capacity he was soon succeeded by the latter's nephew, Gerrit van Wenckum.

Of the records of the court, from its organization in 1634 to the end of Nicolaes Coorn's term as officer, nothing has been preserved and little is known of what actually happened in the

¹ *New York Colonial Mss.*, 4:99.