

**FOURTH SERIES, I, DUTCH
VILLAGE COMMUNITIES
ON THE HUDSON RIVER**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649398348

Fourth Series, I, Dutch Village Communities on the Hudson River by Irving Elting

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IRVING ELTING

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US 15468.3
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I

Dutch Village Communities

ON THE

HUDSON RIVER

BY IRVING ELTING, A. B.

BALTIMORE
N. MURRAY, PUBLICATION AGENT, JOHNS HOPKINS UNIVERSITY
JANUARY, 1886

PRICE FIFTY CENTS

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DUTCH VILLAGE COMMUNITIES

ON THE

HUDSON RIVER.¹

No two rivers have been oftener compared than the Rhine and the Hudson, and the latter has sometimes been termed the "Rhine of America." In interest, in importance, and in beautiful scenery, they have much in common. Yet the comparisons between them, likely to be made by travellers, are chiefly of difference rather than of likeness. The Rhine which, rising in the Alps, pushes its way between France and Germany, through the Netherlands and, with divided channel, out into the Northern Sea, is a narrower, swifter running, more tortuous stream than the Hudson, which in fact is, in its later course, not properly a river but a fjord—an inlet of the sea—with one hundred and fifty miles of tide-water ebbing and flowing in a broader bed, and between higher mountains, than the Rhine can boast. The Rhine is famous for its castle-crowned hills, illustrating with their ruins an historical tale begun in the time of Caesar. About the Hudson, our own Washington Irving has thrown a grace-

¹ In the preparation of this paper much of the material has been gleaned from records in County Clerks' offices, but special acknowledgments are due to the writings of Laveleye, Sir Henry Maine, J. R. Green, Dr. O'Callaghan, Mr. Brodhead, and Gen. J. Watts de Peyster; also to the assistance, generously rendered in the loan of books, documents, and MSS., by Mr. Samuel Burhans of New York, by the officers of the Huguenot Bank, the Rev. Ame Vennema, Messrs. Jacob Elting and Edmund Eltinge of New Paltz, and by Messrs. Wallace Bruce, C. B. Herrick, and Frank Hasbrouck of Poughkeepsie.

ful mantle of later romance and legend, and in variety and grandeur of natural scenery, the "Rhine of America" surpasses her foreign sister.

Between these two rivers, there exists, unnoticed by the traveller, and unnoted, for the most part, even by the historian, a bond of union formed by the institutional relationship of the village communities which have had their existence, with similar customs, similar laws, and similar forms of government, upon the banks of each stream.

It is only within a comparatively few years that, by reason of the researches of Von Maurer, Sir Henry Maine, and Laveleye, the term "village community" has gained a special and instructive significance for the student of institutional history. It has come to represent a civil unit, universal to all peoples—at least to those of Aryan stock—at a certain stage of the progress in civilization; with collective property or ownership of land in common, and with a representative governing body chosen by, and from, the co-owners of the domain, to administer the common affairs, as its distinctive characteristics. Absolute and individual rights in land, as we know them, Von Maurer and his followers assert to be of recent origin; separate property, they say, has grown, by a series of changes, out of common or collective ownership.¹

¹ The writer of this paper states this theory of the origin and growth of property rights among the Aryan peoples, because it is held by the majority of students who have given their attention to the subject; but he is not unmindful of the fact that the pains-taking and scholarly researches of his friend Dr. Denman W. Ross in America, and the investigations of others, e. g. Fustel de Coulanges, in Europe, have led them to oppose the view taken by Sir Henry Maine and to maintain that separate individual ownership preceded the various forms of ownership in common. A decision of this question, if it were possible, is not necessary for the present purpose of examining the village communities on the Hudson River. Whether or not the distribution of common lands among the primitive Germanic tribes was originally *per stirpes* and not *per capita*,—was, in short, collective tenure and not communism,—the local institutions of the Dutch villages in New York can hardly fail to impress the disciple of either theory with the closeness, and consequent importance, of the relationship of Old World and New World types of government.

Nowhere does this development of property rights in their successive forms exhibit itself more clearly than among the Germanic tribes which the Romans first met as pastoral groups moving from place to place, and subsisting upon the results of the chase, or upon the cattle which they herded on the common lands where they chanced to be. In this stage of race development there is essentially no holding of landed property, not even in common. That comes when the pastoral period is succeeded by the agricultural. The tillage of the soil brings with it ownership of land, but in the first instance a *common* ownership. The pastoral habits clung to the tribes, and they moved about, cultivating fresh lands of the unoccupied territory each year.¹ As the agricultural system became more important, the village community crystallized. The territory of the tribe was the Mark, in which each family was entitled to the temporary enjoyment of a share.² The woodland and pasturage were entirely common, and so continued even after the arable land had, in the progress towards individual property, been allotted and rendered subject to hereditary rights. Caesar and Tacitus testify to the existence of the peculiar features of the village community among the Germanic tribes of the Rhine countries.³ Laveleye asserts that "the triennial rotation of crops was introduced into Germany, . . . before the time of Charlemagne."⁴ . . . "The parcels in each field had to be tilled at the same time, devoted to the same crops, and abandoned to the common pasture at the same period, according to the rule of *Flurzwang*, or compulsory rotation. The inhabitants assembled to deliberate on all that concerned the cultivation, and to determine the order and time of the various agricultural

¹ Laveleye, *Primitive Property*, p. 102.

² Laveleye, *Primitive Property*, p. 105.

³ Laveleye, *Primitive Property*, p. 105 (Citing *De Bel. Gal. L. VI. c. 29*, and *Tac. Germ. c. VII*).

⁴ Laveleye, *Primitive Property*, p. 110.

operations.¹ The member of the German village community was a *free man* in the best sense of the word; he had a share in the common property, he had a voice in the assembly of his equals, and was subject to no arbitrary ruler. It is not strange that groups of these freemen were able to make themselves masters of the empire of the Cæsars.

Yet their very power had in it the seeds of its own destruction. The force of the combined freemen of the tribe or canton led to conquest over other tribes; conquest led to the acquisition of the territory of the conquered, and this in turn resulted in that unequal division of the acquired territory, the outcome of which was the feudal system. The leader of the band of freemen became the most important personage in the group; equality ceased to exist: the chief took the largest portion of the new land, and gave it out in parcels to his under-companions in arms, thus becoming, in time, the lord of the manor, subject indeed to his king,—the sovereign of the whole territory,—but having within his own manor arbitrary rule, and having under him and subject to his entire control, men who, in early Germanic times, would have been his equals.

Thus at the end of the tenth century in western Europe, but especially in France, the conditions of society were in many respects the very opposite of those by means of which the primitive German village community fostered the principles of freedom, equality, and representative government. The voice of the people in government had practically ceased to be heard. "Land has become the sacramental tie of all public relations; the poor man depends upon the rich, not as his chosen patron, but as the owner of the land he cultivates, the lord of the court to which he does suit and service, the leader whom he is bound to follow to the host."²

The earlier, freer, community-life, however, with the customs of common land tenure and of government by freemen

¹ Laveleye, *Primitive Property*, p. 111.

² Stubbs' *Constitutional History*, I, p. 167.

met in general assembly, survived the changes just described, in some of the more secluded portions of the country, notably in the forest regions of the lower Palatinate east of the Rhine,¹ and in those northern provinces of the Netherlands—Friesland, Groningen and Drenthe—whose free peoples Rome never conquered, and whose right of self-government no haughty baron ever suppressed. Throughout the Netherlands, in fact, the feudal system, though prevailing, never obtained the firm foothold it gained in France, and even in more distant England. The industrial spirit and the growth of the importance of towns among the Dutch had modified the feudal system in Holland in a marked degree.² “Holland was an aggregate of towns each providing for its own defence, administering its own finances, and governing itself by its own laws.”³ Each town was governed by “a ‘Wethouderschap’ or Board of Magistrates, consisting of several burgomasters⁴ and a certain number of Schepens or Aldermen.”⁵ The term of office was usually annual. The burgomasters and schepens were chosen by the eight or nine “goodmen” who were “elected by the ‘Vroedschap,’⁶ or great council of the town, which was itself composed, in most cases, of all the inhabitants who possessed a certain property qualification. There was also another important officer, named the ‘schout,’ who, in early times, was appointed by the Count, out of a triple nomination by the wethouders. The functions of the schout—whose name, according to Grotius, was

¹ Dr. H. B. Adams, in “The Germanic Origin of New England Towns,” Vol. I of this series, pp. 13, 14, describes the primitive character of the villages now to be found in the Odenwald and Black Forest.

² Brodhead’s History of the State of New York, 1609–1664, p. 192.

³ Brodhead’s History of the State of New York, p. 453.

⁴ This privilege of “burgher-recht,” which had to be acquired to entitle a resident to every municipal franchise, introduced some inequality among the people.

⁵ Brodhead’s History of the State of New York, pp. 453–4.

⁶ Motley, Dutch Republic, I, p. 37, mentions the “Vroedschappen” or councillors.