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VOLUME 4**

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**JONATHAN PEARSON & A. J. F. VAN LAER**

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History Bulletin 11

EARLY RECORDS  
OF THE  
CITY AND COUNTY OF ALBANY  
AND  
COLONY OF RENSSELAERSWYCK

Volume 4

(Mortgages 1, 1658-1660, and Wills 1-2, 1681-1765)

TRANSLATED FROM THE ORIGINAL DUTCH

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July 9, 1924

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## PREFACE

The present volume of translations of Dutch records in the Albany county clerk's office consists of two parts: (1) a miscellaneous record of deeds, mortgages, bonds, powers of attorney and depositions running from January 10, 1658, to November 4, 1660; (2) a series of wills, inventories and settlements of estates ranging in date from January 5, 1681, to October 30, 1765. The record of deeds, etc., covers the last 221 pages of a folio volume of 447 pages, of which the first 211 pages consist of minutes of the court of Fort Orange and the village of Beverwyck from January 8, 1658, to December 31, 1659, and the intervening 15 pages are blank. The front cover of this volume bears the title *Fort Orange Proceedings. Deeds. Indian Treaties. Bills of Sale &c. Bonds &c. Powers of Attorney. Jan. 1652 to Nov. 1660*, whereas the back is lettered at the top *Court Minutes 2, 1658-1660*, and below it, in larger type, *Mortgage No. 1, 1652-1660*. The latter title, by which the volume is generally cited, is a misnomer, based on an inscription in an early hand on the last page, which reads: "Mortgages A." The date 1652, which appears both on the back and on the front cover of the volume, is a mistake, due to the appearance of the date April 10, 1652, at the top of the first page of the court minutes, which refers to the time when the court was established. The deeds and other instruments are all acknowledged before Johannes La Montagne, commissary of Fort Orange, and like the court minutes they are in the handwriting of the clerk, Johannes Provoost. The two records are closely related, the information in the court minutes being supplemented by that in the depositions and many of the bonds and mortgages being executed in pursuance of judgments of the court, so that for a complete understanding of the text the two records should be consulted together. Nevertheless, although a full translation of the court minutes for 1658-59 is among Professor Pearson's writings, only the record of deeds, etc., has been printed herewith, it having been thought best to reserve the court minutes till some future time when it may be possible to publish the entire series of minutes from 1652 to 1686 in regular order. Meanwhile, an abstract of the minutes of 1658-59, which appears between similar abstracts of Fort Orange records for 1656-57 and 1660 in the *Calendar of Historical Manuscripts, Dutch*, edited by E. B. O'Callaghan, Albany 1865, pages 317-22, will be found helpful.

As to the record of deeds, etc., an examination of the dates of the documents will show that it consists in reality of a consecutive register running from January 10, 1658, to July 15, 1659, to which have been added three documents dated respectively October 31, 1659, April 10, 1660, and November 4, 1660. The consecutive portion of the record forms the connecting link between two similar records kept by Johannes Provoost that are included in volumes 1 and 2 of *Deeds*, one ending on December 17, 1657, and the other beginning on July 16, 1659, (see *Early Records of Albany*, 1:63 and 248), a fact that appears to have been overlooked by Professor Pearson, who in the preface to the volume just mentioned speaks of this portion of the record as being "unfortunately missing."

Like the other records of earlier and later date, the present record has a practical as well as a historical and genealogical value in that it contains documents needed to complete the chain of title to various pieces of real estate. An interesting feature which distinguishes this record from similar ones of a later period is the large number of public sales of houses and lots. This method of disposing of real estate, which was very common up to about 1664, suggests that there was considerable speculation in such property, but also that among the population of Beverwyck there were many traders who secured only a temporary residence there in order to obtain the right to trade.

As to the wills and inventories and settlements of estates which constitute the second part of this volume, these are taken from a manuscript volume which on the back is labeled *Wills, Part 1 & 2, 1691-1835*. As the title indicates, this volume is made up of two parts, the first of which consists of an index and 370 pages and is entitled "Record of Letters of Administration &c. Begunn y<sup>e</sup>. 6<sup>th</sup>. of Octob<sup>r</sup>. 1691," and the second contains 145 pages and is entitled "Book of Wills N<sup>o</sup>. 2. Began the 8<sup>th</sup>. day of June 1773. By: Step De Lancey Clerk." Though the first entry in the record is dated October 8, 1691, a few of the documents recorded are of earlier date, the earliest one being a will executed on January 5, 1687, before Notary Adriaen van Ilpendam. Most of the documents are in English, but some are recorded in the Dutch language, the original text being in one or two cases accompanied by an English translation. Some of the wills are followed by letters of administration issued by the court of common pleas of Albany county, others have at the end a statement that the will was proved



before the court by the witnesses, and still others have appended to them a certificate of probate granted by the court, all in accordance with the act entitled "An act for the supervising Intestates Estates, and Regulateing the Probate of Wills and granting of Letters of Administracon," passed November 11, 1692, which provides in part as follows:

And be it further Enacted by the authority aforesaid that the Probate of all Wills and Letters of Administration shall be from hence forth granted by the Governour or Such Person as he shall Delegate under the seal of the Prerogative Office for that purpose appointed and that all Wills relating to any Estate within the severall County's of Orange and Richmond West Chester Kings County, shall be proved at New-York before the Governr or such Person, as he shall delegate as aforesayd, but in regard of the remoteness of the other County's from New York, and to Prevent the great charge and Inconveniency's of bringing witnesses so far, the court of Common Ples in each of these remote Counties, are hereby impowred and authorised to take the examination of Witnesses to any will within their respective County's, upon Oath, and the same, with the will to certifiye to the secret'ry's Office at New-York, with all Convenient Speed under the hand of the Judge and Clerk of the said Court that the Probate thereof may be granted accordingly.

AND IT IS FURTHER ENACTED by the authority aforesaid that the severall Judges of the Respective Courts within the said Remote County's in Open Court and on Extraordinary occasions or necessity out of Court assisted with two Justices of the Peac aforesaid may and are hereby authorized and impowred to grant Probates, of any will or Letters of Administration to any Person or Psons where the Estate of the Person making such will or of the Intestate on which Letters of Administration is desired doth not exceed the value of fifty pounds any thing herein contained to the contrary hereof in any ways notwithstanding PROVIDED always that any Person or Persons concerned in the Probate of Such Wills' or Letters of Administration to be granted by the Judge of the said Courts as aforesd may within three Months after the granting thereof bring his or their Appeale or apeales there in before the Governour, or such Person Delegated as aforesaid.

The present volume contains translations of all the documents in the above-mentioned volume of *Wills* that are recorded in the Dutch language, to which, for the sake of greater completeness, have been added copies of the accompanying affidavits of witnesses and certificates of probate, which are invariably written in English. For abstracts of the remaining documents in the volume, which are entirely in English, the reader is referred to the *Calendar of Wills*, compiled by Berthold Fernow, New York 1896.

In the preparation of this volume, which brings to a close the publication of Professor Pearson's translations, the same method has been followed that was employed in the preceding volumes of the series. All translations have been carefully revised by comparison with the originals, the spelling of proper names has been brought into accord with that used in the Dutch text and headings and explanatory footnotes have been added.

A. J. F. VAN LAER

*March 1916*

Part 1

DEEDS, MORTGAGES, CONTRACTS OF SALE, BONDS  
POWERS OF ATTORNEY AND DEPOSITIONS  
JANUARY 10, 1658 — NOVEMBER 4, 1660

RECORDED IN

MORTGAGE NO. 1, 1652-1660

Conditions of public sale of a house and lot of Dirck Jansen  
Croon

[227]<sup>1</sup> Terms and conditions on which Dirck Janssen  
Croon proposes to sell at public sale his house wherein  
Master Jacob<sup>2</sup> dwells.

First, there shall be delivered to the buyer the house and lot, the  
house standing at the outer [end] of his ground, with a leaden gutter  
fastened to both houses, and the lot extending to the kill,<sup>3</sup> with a  
small house behind, the house being bounded on the east side by  
Cornelis de Vos and on the west side by the seller's house and lot.

Delivery shall be made on the first of May 1658.

Payment shall be made in good, whole, merchantable beavers in  
two terms, the first on the first day of July of this year 1658, being  
the just half, and the second on the first day of July 1659, being  
the balance of the same.

The buyer shall be holden to furnish two sufficient sureties, jointly  
and severally [bound] as principals, to the satisfaction of the seller,  
within 24 hours. If the buyer is not able to furnish sufficient  
sureties within said time, then the premises shall be offered for sale  
again at his expense and charge and whatever less they shall bring

<sup>1</sup> Pages 1-211 contain the Proceedings of the Court of Fort Orange, village  
of Beverwyck and the dependencies thereof, from January 8, 1658, to Decem-  
ber 10, 1659, and pages 212-26 are blank, page 225 being marked: "Records  
of Transports, &c., from 1658 to 1659."

<sup>2</sup> Jacob de Hinse, one of the early surgeons at Beverwyck.

<sup>3</sup> The Fuyck or Rutten kill, now Norton street. The house offered for sale  
stood on the lot now occupied by the National Commercial Bank on the  
south side of State street, the property of Cornelis de Vos, which adjoined  
it on the east, being situated west of Green street and not, as shown in the  
Diagrams of Lots in Beverwyck, in Munsell's *Collections*, 4:187, on the east  
side of that street.