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HISTORICAL SKETCH

OF

ESOPUS, WILTYWYCK AND KINGSTON, AND THEIR RELATIONS WITH OLD FORT ORANGE, BEVERWYCK AND ALBANY

A complete and continuous index of the records, ancient and modern, of Albany county had been recognized as an absolute necessity many years prior to 1893, in which year a special act of the Legislature (chap. 429, Laws of 1893) was passed authorizing the compiling and printing of an index which should cover the whole period from the first settlement of the white man in this section to and including the year 1894. Under this law the present Superintendent was placed in charge of the work, which is still being carried forward.

A later amendment to the law made it optional with the Superintendent to include within the scope of the work an index of the early Dutch records of Kingston, Ulster County. This he decided to do, for the early records of Fort Orange, Beverwyck and Rennselaerwyck are closely interwoven with those of Esopus, Wiltwyck and Kingston. Many of the early Dutch families maintained residences and owned property in both places. In some cases their real place of habitation was Kingston, but, by maintaining a residence in Albany, they were invested with burgher's rights and were thus able to participate in the rich fur trade which came to Albany alone. In this way deeds of property, mortgages, etc., were sometimes recorded in the one place and sometimes in the other. It was not until 1683, when the twelve original counties (of which Ulster was one) were erected, that Ulster's records were kept separate and distinct as a political division of the province. Prior to this time the three principal places - Albany, Kingston and New York - were merely municipalities, with local courts and local powers, under the authority of the Colonial Governor and Council. The interests of the three places were close and intimate, depending, as they did, upon each other for assistance in times of danger, and from the further fact (unintelligible here)

intermarriages many of the inhabitants of the other two places.

Under these circumstances it was deemed proper to include these records among those to be indexed. The Superintendent naturally desired to include *all* of the Kingston records, both English and Dutch, covering the colonial period. He was allowed to copy a translated abstract of the early Dutch records, but was refused permission to remove the English records long enough to make an abstract of their contents. Not caring to enter into a legal controversy in order to obtain possession of the English records, he determined to limit the index of Kingston records to the Dutch portion mentioned.

This translated abstract of the Dutch records was prepared through the efforts of Hon. A. T. Clearwater, of Kingston, and others, who recognized in them a prolific source of reliable information concerning the trials and tribulations, habits and customs, of the hardy Dutch settlers of old Esopus. The Superintendent of this work is indebted to Judge Clearwater for his assistance in obtaining access to the records here indexed.

DISAPPEARANCE AND RECOVERY OF CERTAIN KINGSTON RECORDS

The reluctance of the Ulster County officials to part with their old records, even for the short time necessary to prepare an abstract, is perhaps natural in view of an incident which occurred many years ago in connection with the Dutch portion of the Kingston Records. These records, which had been in the possession of the county from the time they were written, and had been fortunately preserved in spite of generations of careless officials, were found to be missing. Efforts were made to find them, but without success, and they were given up for lost. Several years passed, and finally one day a box was delivered at the Ulster County Clerk's office, expressage prepaid, which was found to contain all of the long-lost Dutch records, which had been carefully packed, evidently by some one who appreciated their value. No information could be obtained concerning the name of the shipper, but it was found that the box had been shipped from some point on Long Island. The facts of the removal and unexpected return of these records has up to the present time remained a mystery. As a matter of history, the Superintendent [Wheeler B. Melius] desires to make the following statement, which would seem to clear up the mysterious features of the incident:

A few years ago the compiler of this work became acquainted with a gentleman named Van Alstyne, a resident of Brooklyn, and the descendant of an old Dutch family, of which he was very proud. He was engaged in tracing his family genealogy, and in the course of his researches called at the Albany County Clerk's office, where he met the late Thomas J. Van Alstyne, former Mayor of Albany and ex-Congressman, who at once became interested in the work. In the course of their discussions of family matters, Mr. Van Alstyne, of Brooklyn, alluded to certain Kingston relatives, and incidentally mentioned the disappearance and return of the Kingston records. His language seemed to indicate that he knew something of the matter, and upon being pressed for an explanation said:

"Years ago I, with a few others, became interested in these old Dutch records

at Kingston. There was very little interest displayed in their preservation, and, being written more or less illegibly in the old Dutch of that early period, they were as a sealed book to most people. No translation had ever been attempted, officially or otherwise, and as there seemed to be no prospects of a translation, the records were removed to Brooklyn, where arrangements had been made for a complete translation by an old Dutch scholar. The work was scarcely started when the translator was taken ill and died. Owing to the press of other business, I lost track of the records, but it seems that when the effects of the deceased translator were disposed of, his executors, knowing nothing of the ownership of the records, but being satisfied that they were of a public character, had them packed in a box and removed to the old city hall, where they were left undisturbed for a long time. I was one of the commissioners having in charge the building of the new city hall, and when that edifice was completed and the work of transferring the books and papers was under way, this old box of Kingston records came to light. While the officials, to whom the records were as Greek, were discussing the advisability of consigning the box of 'rubbish' to the junk pile, I happened to come into the room, and at once recognized the records. I had them carefully boxed and shipped to the Ulster County Clerk's office in Kingston. No word was sent with them, because those who had brought them to Brooklyn were unable to complete the work and thought they might be open to censure for removing them from Kingston and then allowing them to lay so long neglected and in danger of destruction. These are the facts of the disappearance and return of the Kingston records, and the mystery is a mystery no longer".

It is sincerely to be hoped that these old records (unintelligible here) the near future, fully and completely printed by the county, thus preserving for all time the history of these early times when our hardy Dutch forefathers took up land on the banks of the beautiful Hudson, and maintained their homes and firesides in spite of savage beasts and still more savage men. In no more worthy manner could the memory of the "ouders" be kept green than by the preservation and publication of the Dutch records, which give much light upon the daily life, habits and customs of the early settlers.

FIRST SETTLEMENT OF ESOPUS

Within six years after Hudson's voyage of discovery in 1609, the United New Netherland Company was granted by the States General of Holland the "exclusive right to visit and navigate the lands situate in America, between New France and Virginia, the sea coast of which lies between the fortieth and forty-fifth degree of latitude, and which are named the New Netherlands." Under the authority thus granted the company took possession of the Hudson river, and built three forts or redoubts thereon - one on Castle island, just below Albany; one on the Battery at New York, and one at the mouth of Rondout creek. These forts were not intended as settlements, but merely for the protection of the agents of the company while carrying on an extensive fur trade with the Indians. While Albany and New York were settled, at least by

a score of families each, as early as 1623, it was not until 1652 that a permanent settlement was established at Kingston (or Esopus as it was called). Prior to this date difficulties arose in the Colony of Rensselaerwyck in regard to title and occupancy of land, caused by the patent of the Patroon Van Rensselaer overlapping the occupancy of some of the settlers. The parties became very violent in their quarrels, which, in a number of cases, led to personal conflicts. Finally a dozen or more of those who had settled on the disputed territory, "desiring peace and comfort," removed to Esopus, then known by its Indian name of Atkarkarton, and formed a settlement. Others came in, and the infant settlement grew rapidly.

In May, 1661, Governor Peter Stuyvesant granted a village charter to Esopus, but changed its name to "Wiltwyck," in commemoration of the fact that the soil was a free gift from the Indians, the Dutch word "t Wilt," meaning "the wild," or savage. In 1663 occurred the famous "Esopus massacre," in which twenty-one persons were killed, many wounded, and one man, twelve women and thirty children taken prisoners. Most of the houses were burned. This disaster caused consternation throughout the colony, and for a time retarded the growth of the settlement.

In surrendering New York to the English in 1664, Governor Stuyvesant practically included both Fort Orange and Esopus in the capitulation, and in the latter part of September of that year Colonel Cartwright, the English commander, after securing the surrender of Fort Orange, landed at Esopus, which also surrendered without resistance, Cartwright taking the same precaution, as at Albany, to conciliate the inhabitants.

In 1669, the Governor, Francis Lovelace, and his council, sitting at New York, appointed a commission of seven to go up to Esopus to regulate the affairs of that place and of the 'New Dorp'. After formulating ordinances for the civil and military government of the place, they changed the name of Esopus and Wildwyck to Kingston. This change was in compliment to Governor Lovelace, whose mother's family had a seat at Kingston L'Isle, near Wantage, Berkshire.

Upon the Dutch restoration in 1673 the change in government was received by the inhabitants of Kingston with the same equanimity that characterized their acceptance of the change in 1664. The Dutch council of the colony at once changed the names of Kingston to Swanenburgh and Albany to Willemstadt, but neither of these new names lasted longer than the next year, when, upon the English reoccupation in accordance with the terms of the Treaty of Breda, the old names were restored.

In spite of Indian depredations in earlier days, and the torch of the British in 1777, the inhabitants of Kingston, with true Dutch perseverance and grit, have made their impress upon the pages of history, and performed their whole duty in the upbuilding of American institutions.

PROGRESS OF REPRESENTATIVE GOVERNMENT IN THE COLONY OF NEW YORK

New York was originally a Dutch colony. The Roman-Dutch law was supreme, and all powers, executive, legislative and judicial, were vested in and exercised by a Governor and council. This arbitrary system had excited dissatisfaction as early as 1653, when a convention of delegates assembled

in New Amsterdam (New York) and declared it to be contrary to first intentions and general principles of every well-regulated government that one or more men should arrogate to themselves the exclusive power to dispose at will of the life and property of any individual, and this by virtue, or under pretense, of a law or order which he might fabricate, without the consent, knowledge or approbation of the whole body, their agents or representatives, hence the enactment in manner aforesaid of new laws affecting the commonalty, their lives and property which is contrary to the granted privileges of the Netherland government, and odious to every free-born man, and principally so to those whom God has placed under a free state, in newly settled lands, and who are entitled to claim laws not transcending, but resembling, as near as possible, those of the Netherland. (See Callaghan's History of New Netherland, vol. 2, pages 244 and 245.)

These feelings did not die away, and when the English fleet made its appearance eleven years afterwards one of the first steps taken by the Royal Commissioners was to issue a proclamation promising the people protection "and all other privileges with his Majesty's subjects." Among these privileges, none was so highly prized as that of representation. New York was, so to speak, surrounded by colonies whose inhabitants had a voice in the making of their own laws, and it is not surprising that the Dutch looked on an assembly as the first fruits of exchange of rulers. This was in August, 1664. The language of the proclamation fostered their hopes, and a letter from Governor Nicolls, August 20, 1664, to be communicated to those who took up arms under the command of King and country "and to eminently expressed their affection" further encouraged it. In this letter he promised that deputies should at convenient time and place be summoned to propose and give their advice in all matters tending to peace. And he also assured the colonists of "equal (if not greater) freedoms & immunities, than any of his [Majesty's] Colonies in New England."

This promise was again renewed in December and the Governor sent out another proclamation in which he announced to the Colonists that his Majesty had invested his Royal Highness the Duke of York with full and absolute power over the Colonies, and which power the Duke of York had deputed to him, the Governor, and in discharge thereof he would call a General Meeting of Deputies chosen by the freemen, whether Dutch or English, to settle "good and knowne lawes."

The code prepared and promulgated at this meeting is known as "The Duke's Laws," a number of additions and amendments were made in October, 1665, by the Court of Assizes, after which it was transmitted to England for confirmation. A copy with the Duke of York's signature is in the office of the Secretary of State, Albany. The meeting could hardly be called a General Assembly, as deputies were chosen only from Long Island and Westchester, and none were elected to represent New York, Esopus (Kingston) or Albany. The many promises made were not fulfilled - in fact, the people were allowed no share in the legislation: the instruction of the Duke of York was the supreme law and they were practically convened to receive it. The Governor's tact and diplomacy kept things quiet for some time, but renewed demands for an Assembly took the form of a petition, in November, 1669, to Governor Nicolls, as commissioner under the Duke of York, that the promises to the Colonists on their taking up arms for "King and country" be fulfilled. The prayers of the petition were rejected with cool effrontery and the reply was, that was required of them was obedience and submission to the laws of "ye Governmt" as it appears by his Royal Highness' commission which had often been read unto them. This did not satisfy the people, who embraced an early opportunity to manifest their temper, they being

deprived of their rights and taxed beyond endurance.

In 1673, war between England and Holland having broken out, the country returned to the hands of the Dutch, and was governed absolutely by them: it was not restored to England until 1674. Major Edmund Andros, who was then appointed Governor, was instructed to put in execution the laws already established by Colonels Nicolls and Lovelace, and not to vary from them except by advice of council, these instructions carried with them what ultimately proved to be the destruction of the whole system of the absolute government now re-established. An "Instruction," to all purposes a Law, enacted by the mere motion of his Royal Highness, entitled "Rates Established for the Customes of New York," was to continue for three years. This expires by limitation in the month of November, 1680, and as a consequence the merchants refused to pay any more duty.

"The Pink," from London, unloaded her goods and carried them to the warehouse without taking any notice of the custom house or officers, and absolutely refused to pay any customs. The council met and advised, but found no power or authority to continue the collection of customs without an order from home. The legality of the collections having thus been denied, suits were instituted against the collector, and judgment rendered against him charging him with having been "a false Traytour," having insidiously and advisedly used and exercised regal power over the King's subjects, and he was forthwith arraigned before the court, charged with high treason, and shipped to England with copies of the proceedings. This spirited measure had the effect of laying in ruins that system of despotism. The Duke of York for the first time entertained a doubt as to his power to impose customs; it was then that the Duke, March 28, 1682, in an autograph letter, announced his intention to establish such a form of government as would establish all the privileges of the inhabitants and traders, especially in the choosing of an assembly. The Assembly was termed "General Assembly of the Colony of New York and its Dependencies." (See N.Y. Col. Doc. 3, pages 331, 332.)

Governor Dongan, being in authority, ordered (the 13th day of September, 1683) that the freeholders of Albany, Rensselaerwyck, Schenectady, Esopus, Long Island, Staten Island, Pemaquid, Martha' Vineyard and Nantucket were to meet at this General Assembly. The representatives thus elected or selected met of the first time October 17, 1683, at Fort James, in the city of New York. The journals of both houses being lost it is impossible to supply the names of the members of the Assembly. Some of the men who composed it were the Governor, Anthony Brockholls, Frederick Flypeen, Stephen Van Courtland, [unintelligible] and John Young. Mathias Nicolls was elected speaker and John Sprague was appointed clerk. At this session the charter of liberties and privileges granted by his Royal Highness were vetoed. Esopus was represented by Henry Beekman and William Ashford.

The Duke of York never willingly consented to the concession of a representative assembly. When the supplies were stopped and no revenue paid, his private purse was called upon; with such a drain already existing the danger of a further encroachment on his resources will explain his willingness to concede the Assembly to the Province, but when, by the death of Charles II, the property of the province devolved wholly upon the crown, such personal considerations were no longer a bar to this return to his first principles. He immediately abolished the Assembly (1687), gave the Governor full power and authority, with the consent of his council, to make laws and statutes for the welfare and good government of the province, such laws to be transmitted to England within three months after their enactment.

But the inhabitants having been once represented in a popular assembly, could not long be denied the rights of free people. "Taxation without representation," with regard to local affairs, was as distasteful to the colonists at that time as it became later, when the British crown, by means of the Stamp Act and other laws, sought to levy taxes upon the colonies for the benefit of the crown without the consent of the colonists. Upon the accession of William and Mary to the throne of Great Britain, no time was lost in granting to New York colony the right of popular representation in a Colonial Assembly, and this right was never again denied the colonists, who were represented in the Provincial Assembly from its first meeting on April 9, 1691, to its final dissolution on April 3, 1775, when British rule in the colony came to an end through the strong, vigorous Americanism of the Revolution.