

## INTRODUCTION

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WE MAY CALL ENGLAND OUR “MOTHER COUNTRY,” but our culture, political system, and jurisprudence have a more varied heritage. Each state with its own settlement history has a unique flavor. Our nation’s lineage, and New York’s in particular, has an often-overlooked Dutch component. Scholars differ as to how much of New Netherland, or Dutch New York, survived in present-day institutions. Some commentators say that the heterogeneous, commerce-oriented



FIGURE I.1. “Light on the Past,” postcard from the 1909 Hudson-Fulton Celebration. New York: A. C. Bosseman & Co., c. 1909. New York State Library Postcard Collection QC16510.

nature of the forty years or so of Dutch settlement gave New York a character that persists to this day. Others contend that little, if anything, survives.

By the beginning of the seventeenth century, Western Europe had a long-established trade relationship with the East, from which it desired luxuries such as spices and precious stones. In exchange, the East valued European goods, silver, and manufactured articles.

Europeans had few trade routes. One was across the desert and mountains to the Caspian and Black Seas; another from the Arabian and Red Seas into the Indian Ocean; still another



FIGURE 1.2. “The Entrance of the *Half Moon* into New York Harbor,” postcard ([S. I.: P. Sander], c. 1909). Hudson River Steamboat and Navigation Ephemera Collection, 1866–1964, William S. Clark, collector. New York State Library call number SC23080.

around the Cape of Good Hope. Because these routes were long and controlled by rival countries, each sought alternate passageways to the East, including a “Northeast passage” to Asia.

The Netherlands, at the time a center of trade and commerce, hoped to find such a route. In 1609, the Dutch East India Company engaged Henry Hudson, an Englishman, for the venture. He did not find the route and is best known for exploring the river that now bears his name.

Not long after Hudson’s exploration, the Dutch sent others to examine the territory. Adriaen Block explored the coast all the way to Cape Cod and mapped the region. When in 1613 his ship burned near the shore of lower Manhattan, he and his crew built a new one on the spot.

Although the Dutch never found the hoped-for “Northeast passage,” they found a land teeming with resources to trade, especially a wealth of beavers, whose pelts found favor in



FIGURE 1.3. Figurative Map, by Adriaen Block, the first European to circumnavigate Manhattan and Long Island. Parchment, 1614. Collection Nationaal Archief (National Archives of the Netherlands) 4.VELH 520.

European fashion. From 1624 through 1664, the Dutch colonized and controlled a large area—"New Netherland," including "New Amsterdam" as its nerve center. For that near half-century, the Dutch established government, trade, and institutions that helped shape the future of what would become New York.

For years, the history of New York under Dutch rule languished in what Washington Irving called "the regions of doubt and fable." He used this phrase in his preface, "an author's apology," to the 1848 edition of his whimsical history of New York as told by an imaginary Diedrich Knickerbocker.

Irving penned his fictional history in 1809, the bicentennial year of Hudson's exploration of the river so vital to New Netherland. Irving never intended his writing to substitute for true historical scholarship, merely using the gap in recorded history to write something entertaining. Indeed, he was one of the citizens who banded together in 1804 to form the New-York Historical Society, which took steps to acquire and preserve New York's historical record. Ironically, his "history" plunged the Dutch epoch even deeper into the shadowy realm of legend.



FIGURE I.4. Washington Irving's depiction of Wouter van Twiller's administration is reflected in "Van Twiller and Council Met in Debate," drawn by O. Steeden, published by T. A. Palsen, 67 Fleet Street, London, June 21, 1830. PR 058 Printmaker File, Q-V; negative no. 83110d. Collection of The New-York Historical Society.



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 the Hudson River  
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This is the valley of Hendrik Hudson and Robert Fulton, of Washington and Rochambeau, of Arnold and Andre, of Rip Van

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English navigators, Dutch patriots, Tappan Zee Indians, Colonial troopers, and the heroes of Irving and Cooper—they are still there in the Valley as the Limiteds thunder through.

20th Century Limited . Chicago—New York—New England  
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**New York Central Lines**



Boston & Albany—Michigan Central—Big Four  
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 and Subsidiary Lines

FIGURE I.5. To advertise its Water Route through the Hudson River Valley, the New York Central Line used a romantic view of Dutch New York. New York State Library call number BRO5973+.

The Dutch period would have remained in Washington Irving's land of doubt and fable were it not for people who had a passion to preserve and study documents from the era. Many records, letters, diaries, and the like have perished through neglect or disaster. Others have been spared. The saga of the archives is an adventure story in itself.<sup>1</sup>

The Dutch records, along with British colonial records, had survived years on board ship during the Revolutionary War, followed by multiple moves, mutilation, theft, periods of neglect, and two fires. In the meantime, New York took some positive steps to enlarge and protect its archives. In 1895, it established the Office of the State Historian, and in 1950, it ordered a systematic management of Executive Branch records. In 1975, the state hired its first archivist, and three years later opened its storage and research facility on the eleventh floor of the Cultural Education Center in Albany.

Historians know that record retention is chancy. Documents take up space, and those who covet that space will seek to dispose of the papers. If we are lucky, records will go to a willing archive, but too often end up in the trash. Several contributors to this volume can be numbered among those who cared enough to collect and preserve important materials.

Historian Leo Hershkowitz has rescued many valuable documents, in some cases moments before they were on the way to the shredder. He has climbed into dumpsters to retrieve unappreciated items. He tells of hearing, "You want these things? Take 'em." That is why Queens College, where he is a history professor, held several valuable archives for a time. Hershkowitz has since distributed the Queens archives to the care of various institutions. The City of Kingston wanted the Dutch documents related to Ulster County, and he furnished them. Hershkowitz has sent records of New York's Court of Chancery and Supreme Court of Judicature—a huge collection of pre-1847 court records—to the State Archives, where they are tended carefully under the direction of archivist Christine W. Ward.

Fortunately, the paper of the Dutch colonial era was acid free; unfortunately, the ink was not. Some records suffered from clumsy efforts to reconstruct or preserve them. Today, the State Archives cares for its records in a pristine laboratory. As conservation has become a science, conservators now know exactly what solutions will lessen stains without disturbing the ink or compromising the paper. They know what substances will mend torn paper to prevent further damage without adverse consequences years later.

Storing papers in a library or archive does not always ensure safety. In 1911, fire swept through the New York State Library, destroying much of the state's historical records. The Dutch documents, considered of lesser importance, occupied the bottom shelves. As the English records burned, the debris fell to the bottom, protecting much of what lay below. A photo of the 1911 fire occupies a prominent place on the bulletin board of the conservation laboratory, a cautionary reminder of past disasters.

These records are, of course, in seventeenth-century Dutch, a language difficult even for those who speak modern Dutch. In the early 1970s when four volumes, already translated, remained unpublished, Ralph de Groff Sr., a trustee of the Holland Society of New York, wanted to see these published and have the remaining volumes translated. He contacted his acquaintance, then-vice president Nelson Rockefeller, who got in touch with his successor as governor, Malcolm Wilson, asking him to make money available in his discretionary budget to hire a translator. Wilson agreed. Peter Christoph, Curator of the Manuscripts and History section of the New York State Library, did not have to look far for the right person. Charles Gehring had done research at the library for his PhD dissertation. Gehring started work in

## New York State Capitol Fire.

This is the picture for which the New York American  
paid \$25.00 for the first print.



The only picture in existence showing the whole building in flames. Taken from  
The New Educational Building Steps at 3:30 A. M. by H. R. SWENY, Albany, N. Y.

FIGURE I.6. New York State Capitol Fire, March 29, 1911. New York State Library Photograph Collection.

September 1974. The state funds lasted one year. After that, the New Netherland Project has been kept alive by private funding.

Much of the contemporary writing about New Netherland shows the place to be rife with drunkenness, brawling, and adultery—truly disorderly. Disorder endows writing with the dramatic tension that makes exciting reading, and many primary sources lead directly to this aspect of life. A significant part of New Netherland documents comes from court records, which by their very nature chronicle crime and conflict.

Although we can expect a young frontier community to have a bit of the “wild west” about it, there surely must have been families who lived simple, god-fearing lives, going about their business and family rearing without making trouble. We have little information about them. If diaries ever existed, they have been lost. Few letters home to Holland survived generations of Dutch house cleaning. A new cache, however, has come to the attention of Charles Gehring, from of all places, the British Admiralty. During wartime, ships of opposing nations commonly

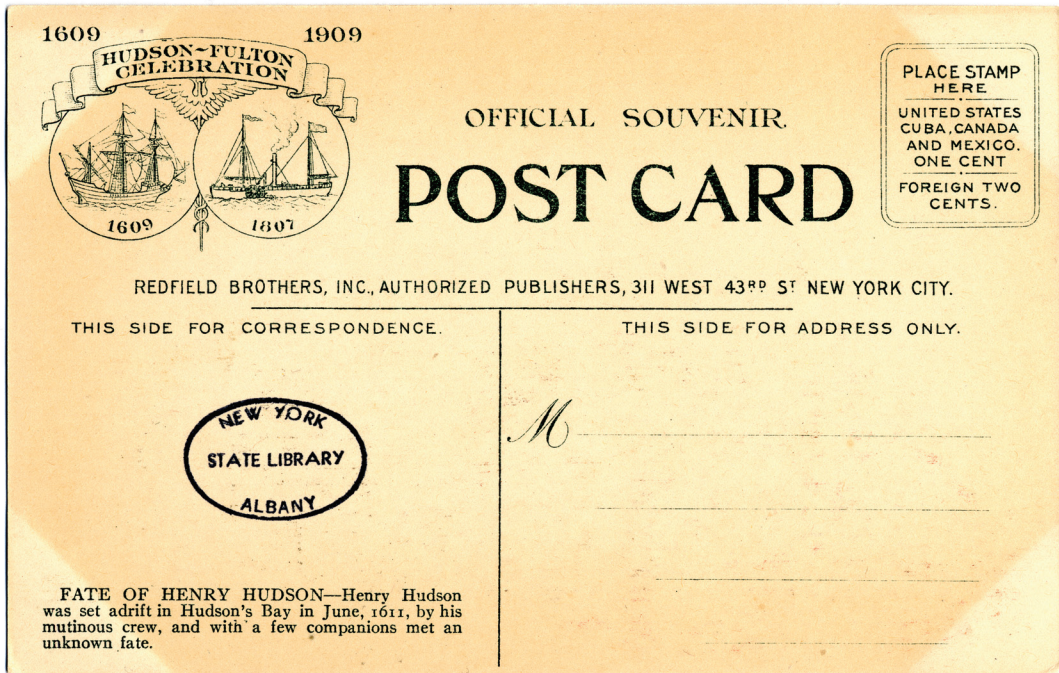
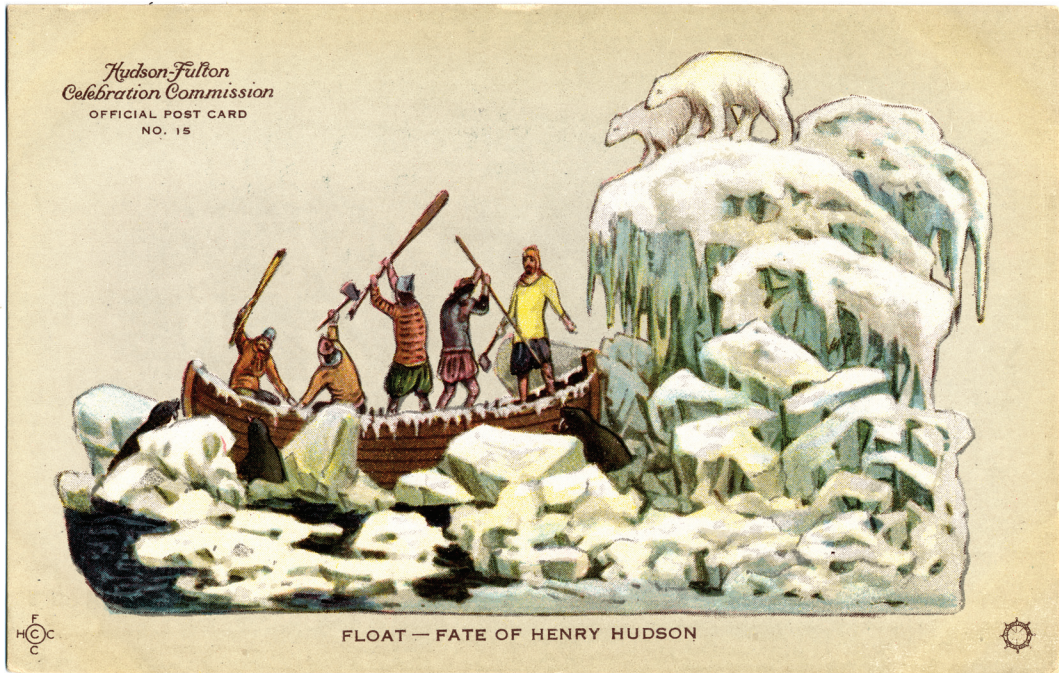


FIGURE I.7. Float—"Fate of Henry Hudson." Hudson-Fulton Celebration Commission Official Post Card no. 15. New York: Redfield Bothers, c. 1909. New York State Library Postcard Collection call number QC16510.



confronted each other and confiscated correspondence entrusted to the ships' captains. Some letters home never reached their intended recipients, but reposed in the Admiralty files all these years—more than three centuries.

Some students at Leiden University have begun a project called *Brieven als Buit*, or letters as loot, drawn from the British Admiralty records, some of which pertain to New Netherland. Each month the students select a letter to post on the project's Web site. A student brought one in particular to Gehring's attention. In 1664, when New Netherland was transferred to the English, Hendrick Meessen Vrooman in Schenectady wrote to his brother Jacob in Leiden. He discussed his crops and his reaction to the English takeover. He did not think it was so bad. With the English soldiers present, the Indians were less of a threat, he believed.<sup>2</sup>

Interest in New Netherland comes in waves. The last peaked a hundred years ago, around 1909, the year of the Hudson-Fulton celebration, which included parades, floats, library and museum displays, and an exhibit at the Metropolitan Museum of Art. A so-called Dutch Mania led up to the Hudson tercentennial and persisted for about a decade or two afterward.

The recent quadricentennial of Henry Hudson's 1609 exploration has brought renewed interest in the period and new scholarly accounts. The recent flurry of interest comes from more than the current century marker. Several events have brought the study of this period to light: First, scholars have access to more primary source material than ever before, owing to the work of the New Netherland Project under the direction of Charles Gehring. Second, the best-selling *The Island at the Center of the World* by Russell Shorto has brought this facet of our history to public attention. Examining Dutch influence on America is too interesting to be a once-a-century phenomenon. Many avenues of research lie before future scholars. Let us hope they maintain a steady stream of new information and further illumination from historians.

In the present volume, a broad spectrum of eminent scholars treat the legal heritage New Netherland bequeathed to New York. This volume covers a number of issues that speak to that heritage, including concepts of governance, liberty, women's rights, and religious freedom. In many ways, those fundamental concepts resonate in today's legal culture. Not all our authors agree with each other about everything, and that is fine. Controversy advances scholarship.

#### NOTES

1. For a full account, see Charles Gehring, "New York's Dutch Records: A Historiographical Note—Updated," *The Hudson River Valley Review* 25, no. 2 (Spring 2009): 12–19; and Christine W. Ward, "The New York State Archives—25 Years Old This Year," *New York Archives* 3, no. 2 (Fall 2003): 34–36.

2. "De Nieuw Nederlanse Marcurius," 25, no. 4 (December 2009): 4. Online at <http://www.nnp.org/nni/Marcurius/marc25-4.pdf>.