

The *Schout* In Rensselaerswijck: A Conflict Of Interests

Stefan Bielinski

Colonial Albany Social History Project
New York State Museum

The colony of New Netherland was a commercial venture through which the mercantile barons who, as directors of the Dutch West India Company, sought to challenge the French for control of a potentially lucrative North American fur trade. Within three decades of the initial exploration, the company leadership realized that the success of their venture was tied to Dutch ability to settle some of the land with colonists who could grow and otherwise produce goods and services that would support the activities of company fur traders. Among the principal considerations for the successful establishment of European-style civilization in the New World was the necessity of imposing order in the American wilderness. Although they disagreed on most other matters, the company directors collectively understood that the imposition of such order followed the establishment of Roman-Dutch law and the subsequent administration of justice in the colony.¹

In 1626, the directors appointed Jan Lampo to serve in America as *schout fiscal*, or chief officer of the law. This office was to combine the duties of a modern-day sheriff and public prosecutor. Lampo was engaged to oversee the administration of justice for the entire province. But because early New Netherland consisted of just two fortified outposts located over 150 miles apart and inhabited by only a few hundred Europeans, the actual law enforcement at the northern trading post called Fort Orange was left to the fort's commander. As long as the number of settlers remained small, and while these colonists lived in close proximity, order and discipline could be maintained by the West India Company representatives at the fort on the site of today's Albany.²

Although prospects for great success in the North American fur trade were considerable, as late as 1629 the permanent existence of New Netherland still was in doubt. While the European demand for beaver hats and coats continued to increase, pelts became more difficult to obtain once the initial supply in the Hudson and lower Mohawk valleys had been exhausted. Company officials soon understood that to reach more deeply into the American interior for beavers, the frontier would have to

be expanded and permanent settlements offering regular life services and comforts would have to be established. However, few Dutchmen could be persuaded to emigrate to risk their lives in the New World for the sole benefit of the West India Company directors. Inducements would be required.

In 1629, the company issued the Charter of Freedoms and Exemptions which permitted certain responsible individuals to establish personal estates in New Netherland. These so-called "patroons" were authorized to appropriate large acreage plantations, to contract with farmers, agricultural processors, and artisans to become their tenants, and to rule their patroonships with many of the same rights, privileges, and responsibilities that had been bestowed on feudal lords in Europe. The fur trade, however, was to be the exclusive domain of the West India Company. By establishing patroonships, the company hoped to populate the colony with permanent settlers who would concentrate on the development of natural resources other than those of the fur bearing animals.³

Several patroonships were authorized. But the only permanent success was Rensselaerswijck, the 600-square-mile domain of Killiaen van Rensselaer, an Amsterdam diamond magnate and West India Company director. This director was the leader of the company faction that advocated intensive and long-term, internal development of the colony as the best way to achieve permanent success. During the 1630s and 1640s he searched across Holland for able and even-tempered settlers, signed them to service contracts, and sent them (often with their families) across the Atlantic to Rensselaerswijck. At every opportunity, Van Rensselaer reminded them and their overseers of the virtues of tilling the land and of providing the services specified in their contracts.

Among other things, the patroon was charged with the responsibility for implementing and enforcing company ordinances and policies in his domain, particularly those prohibiting tenants from privately engaging in the fur

trade. Practically speaking, Van Rensselaer was expected to take charge of the administration of justice on his patroonship. The patroon approached this responsibility both philosophically and pragmatically. He believed that his plan for development would benefit all concerned, landlord and tenant alike. He also knew that the guiding precepts of his patroonship—namely the terms of tenant contracts and his frequent, more general instructions—must be strictly followed. Thus, it was clear that the term “justice” was synonymous with the maintenance of the patroon’s rights and privileges.⁴

To that end, on July 1, 1632, the patroon appointed Rutger Hendricksen van Soest, a recently arrived Rensselaerswijck farmer, to serve as *schout*. In turn, Rutger Hendricksen was authorized to administer the oath of office to five newly appointed *schepens* or magistrates who also were in residence on his estate. Three weeks later from his Amsterdam counting house Van Rensselaer issued instructions for the *schout* and *schepens*. First, the *schout* was directed to call on the *commis* or West India Company manager at Fort Orange, and to offer service of every favor, assistance, and friendship that could be mutually beneficial. The patroon was anxious for his representative to cultivate the cooperation of the company and especially of its soldiers stationed at the fort. That connection would be critical to the maintenance of his prerogatives.

To solidify his new representative’s position, Van Rensselaer empowered the *schout* to hold the additional position of “officer.” As such, Rutger Hendricksen was designated as the senior member of the governing council of the patroonship. The officer was to make certain that the council met regularly at his house, and that it observed proper Christian procedure in its deliberations. In general, the council was to implement all Dutch laws and customs. As the enforcement arm of this governing body, the *schout* was authorized to admonish those who “should misbehave themselves, especially those who through quarreling or fighting, through laziness or drinking, neglect the profit of their patroon.”⁵ This was Van Rensselaer’s prime directive to Rutger Hendricksen. The patroon also asked the *schout* to submit an annual inventory and account of the state of the patroonship. Kiliaen van Rensselaer was willing to invest considerable trust in his first appointee. He envisioned the *schout*-officer as his personal representative—serving as chief administrative officer of Rensselaerswijck—acquiring property, engaging tenants, and dispensing justice in the name of the patroon. This official clearly was intended

to be the most powerful and important person in the patroonship. However, the patroon’s vision was not shared by his first appointee. When he finally got around to commenting on Van Rensselaer’s commission and directives, Van Soest refused the appointment as *schout*-officer and also decided not to renew his contract as a tenant farmer. Perhaps Rutger Hendricksen was overwhelmed by Van Rensselaer’s opening instructions. He may have been put off by the ambiguous nature of the *schout*’s remuneration; or perhaps Rutger Hendricksen simply had enough of life in America. In any event, the patroon’s first law enforcement officer left the colony in 1634.⁶

Kiliaen van Rensselaer sought to apply what he learned from his dealings with Rutger Hendricksen van Soest to the appointment of the next *schout*. Van Rensselaer contracted with a North Hollander named Jacob Albertsen Planck to serve as *schout* for a period of three years which began with his arrival in the colony in August 1634. Recognizing the importance of maintaining continuity in the *schout*’s office, the patroon had insisted that Planck agree not to leave the position for three years on pain of heavy reparations. Like his predecessor, Jacob Albertsen also was given the position of officer which entitled him to a remuneration of one-third of the fines he collected on ordinance violations, and also to a silver-plated sword and belt, which he was to receive from the company Director-General in New Amsterdam upon taking the oath of office.

Planck’s duties as officer and *schout* were more clearly defined and would be exacting as well as diverse. He was directed to exercise “proper supervision over all the men, farms, animals and everything else that may have to be done” in the name of the patroon. Like his predecessor, he was reminded to keep an exact record and account and was to report on activities in the colony at every opportunity. In that way, the absentee patroon would be informed on the state of his estate to the minutest detail—if the *schout* was following his orders. Planck was instructed to seek the best advantage of the patroon in all his endeavors, to perform the function of reader on Sundays and holidays, and also to offer up the public prayers. Execution of the latter directive entitled Planck to one stiver (five percent) from every guilder of the patroon’s net annual profit.

As with other things, Kiliaen van Rensselaer held strong opinions regarding exactly where in the colony his *schout*-officer should reside. Planck had been directed to

not proper for you and you far exceed your bounden duty in criticizing my administration and this once more on slanderous statements that I am sending informers into the country."²⁵ The patroon then made it clear that he thought that none of his employees, least of all his chief officer, should be "reproaching, hindering, worrying and accusing" his regulation of the patroonship. Reflecting again on the subject of promotions, the patroon reiterated that the proper and indeed only avenue for advancement would be through the faithful observance of the officer's oath and of the patroon's instructions and advisements. Finally, he chided Van der Donck on what had become the chronic problem of the infrequency and brevity of the officer's reports on affairs in the colony.²⁶

Kiliaen van Rensselaer had placed great stock in Adriaen Cornelissen's ability and willingness to serve as his eyes and ears in the New World. Diligent attention to the duties of the positions of *schout* and officer would maintain order and discipline in the colony and would pave the way for the responsible development of the large Hudson Valley estate. But, above all, the administration of justice would protect and further the patroon's own interests.

The patroon's charges against Chief Officer Van der Donck were well founded. Despite subtle reminders that he could replace Adriaen Cornelissen with any of several individuals (and particularly with one Nicholas Coorn whom Van Rensselaer believed understood the duties of the chief officer), the patroon continued to receive reports of Van der Donck's self-seeking life-style. Although the officer did erect a small house on Castle Island to serve as his regular domicile, he had relinquished neither title to nor interest in the tract of land on the *Groote Vlakte* or Great Flat of the Mohawk River west of today's Schenectady. In addition, Adriaen Cornelissen also had expressed interest in patenting and developing the land at the mouth of the Nepperhan (later Sawmill) River. As a postscript to this story, Van der Donck's ambition was fulfilled for the city of Yonkers in Westchester County now stands on the site of the land he established as the estate called Colondonck later in the decade.²⁷

Kiliaen van Rensselaer clearly intended for the holder of the positions of officer and *schout* to be responsible for upholding the patroon's rights and prerogatives in the colony. To that end, he had invested Van der Donck with considerable power and had directed his other administrators to look to the officer for support, advice,

and to prosecute those who were in violations of Rensselaerswijck ordinances and by-laws. In this way, the patroon reasoned, the officer would be prepared to further the principles upon which the colony had been founded a decade and a half earlier. Those precepts were permanent settlement as the basis for the patroon's profit.

But the patroon's agenda was not the development plan followed by his placemen. The case of Adriaen Cornelissen van der Donck provides a prime example. Upon arriving in the colony, Adriaen Cornelissen quickly surmised that the opportunities for accumulating his own fortune were too abundant and too easily realized to resist. From the beginning, he seems to have more or less ignored Van Rensselaer's instructions and admonitions. In fact, the only legal action recorded as initiated by him involved a certain Jannetje Teunisz, a case which came before the Council of New Netherland in November 1643. Van der Donck charged that the young lady had refused to serve the patroon as her contract specified. However, that action was unsuccessful as the case was continued indefinitely when it became known that Vrouw Teunisz was in an advanced state of pregnancy.²⁸

Likewise, Kiliaen van Rensselaer's frequent exhortations to his other administrators to seek the advice and assistance of Van der Donck were returned by reports of the *schout*-officer's uncooperativeness. Arent van Curler, for one, complained to the patroon in June 1643 that he could not forward tenant accounts to his uncle because Van der Donck "does not even speak to them (the tenants) about it, according to his instructions, nor has he done anything about it as long as he has been in the colony." Arent also reported that his efforts to uphold the fixed price of wheat were undercut by the officer who personally had "... paid not attention to it, nor has he tried to prevent such fraud (the free sale of wheat by manor farmers)."²⁹

According to Van Curler, Van der Donck also was negligent in enforcing regulations prohibiting the trading of furs in private. When a sloop appeared in the river near Rensselaerswijck in 1642, the patroon's tenants freely dealt their furs after they had claimed they had no beavers to sell to Van Curler. This was a clear violation of the fur trading ordinance which included a provision for a tax on exported furs. Van Curler called on Van der Donck to search the houses of those suspected of trading in hope of find the goods the suspects had received for their pelts. Adriaen Cornelissen and Hans Vos, his assistant, went to several homes, conversed with the owners, but

searched only the home of Dirck Jansen—who was Van der Donck's enemy. Finding contraband duffles there, the officer seized them. But no other searches were made.³⁰ By that time, Van Curler understood that Van der Donck was determined to ruin him in the colony and to discredit him in the patroon's eyes. In addition to the above incidents, he further denounced officer Van der Donck as "self-seeking and grasping," and as a "dog [who] bite[s] me and daily seek[s] to render me suspected."³¹

The testimony of his kinsman, Van Curler, the equally unflattering remarks of his friend and Rensselaerswijck minister, Johannes Megapolensis, and other reports of Van der Donck's cavalier attitude toward the wishes of his employer, combined to persuade Van Rensselaer to take drastic steps to put an end to the chaos caused by the absence of law enforcement in the colony.

By 1643, French and New England traders were active all over the patroonship and threatened to siphon off all of the wheat and furs and thus the patroon's profits from the labor of his tenants. To check the encroachments of illegal traders as described by Van Curler in 1642, the patroon appointed Nicholas Coorn as commander and *commis* of Rensselaers Steyn on Beeren Island which commanded the southern entrance to the colony. With the appointment of Coorn in late August 1643, the authority of Van der Donck had been superceded. Beeren Island was strategically located so that any ship attempting to enter the colony would have to pass before the guns of Rensselaers Steyn which the patroon had fortified in September. Thus, water-borne attempts by outsiders to poach on the patroon's domain could be nipped in the bud. At the same time, the majority of Van Rensselaer's tenants would fall under the watchful eyes of Nicholas Coorn.³²

Adriaen van der Donck did not appear to be intimidated by the appointment of Coorn and seems to have been preoccupied with his own affairs. Although he technically held the position of chief officer until the death of the patroon later in 1643, Van der Donck long since had ceased any pretense of discharging the respon-

sibilities of his office. Instead he took title to his own plantation of Colendonck and left Rensselaerswijck permanently after his farm on Castle Island burned in January 1646.³³

By the summer of that year, Nicholas Coorn had succeeded to the offices of *schout* and officer. He held those positions until the arrival of the new director, Brant Aertsz van Slichtenhorst, in March 1648. Coorn then was relegated to the position of *Officer Luytenant* (deputy sheriff), and served in that capacity until replaced by Van Slichtenhorst's nephew, Gerrit van Wenckum.³⁴

The administration of justice under the first patroon was really the story of Kiliaen van Rensselaer's efforts to see his rights and investments in the colony managed by a succession of handpicked employees who were given the titles of officers of the law or of justice. But since the law was defined by Van Rensselaer as the rights and privileges granted by the Charter of Freedoms and Exemptions and subsequent documents, it is not surprising that no record exists of tenant rights being upheld. In fact, the subject was not even mentioned in passing in the *Van Rensselaer Bowier Manuscripts*, the most comprehensive source for assessing the patroonship of Kiliaen van Rensselaer.

The first patroon's officers of justice were invested with the authority to safeguard their employer's rights and property in the upper Hudson Valley. Kiliaen van Rensselaer sought to direct and motivate his *schouts* and officers separated by over 3,000 miles of ocean. Meanwhile, the patroon's appointees in America took advantage of their positions for personal aggrandizement. The tenures of Jacob Planck and Adriaen van der Donck have been particularly good examples of the triumph of personal ambition in an arena characterized by tremendous opportunities available to those who came to the New World. While Kiliaen van Rensselaer admonished his officials to hold Rensselaerswijck tenants to the terms of their contracts, his own enforcement officials were too pre-occupied with their own affairs to be concerned with the patroon's pleas for "justice."

Notes

¹The historical debate over the purpose of New Netherland was defined during the 1960s by Thomas Condon and Van Cleef Bachman. See Thomas J. Condon, *New York Beginnings: The Commercial Origins of New Netherland* (New York: New York University Press, 1968), and Bachman's *Peltries or Plantations: The Economic Policies of the Dutch West India Co. in New Netherland, 1623–39* (Baltimore: Johns Hopkins University Press, 1970). The latest and most comprehensive summary and analysis is Oliver A. Rink's *Holland on the Hudson: An Economic and Social History of Dutch New York* (Ithaca: Cornell University Press, 1986).

²For the appointment of Lampo, see Edmund B. O'Callaghan, compiler, *The Register of New Netherland, 1624–1674* (Albany: J. Munsell, 1865), 11. For the duties of the *schout-fiscal*, see O'Callaghan's *History of New Netherland and New York Under the Dutch* (New York: D. Appleton & Co, 1866), 101–03; and O'Callaghan's "Description and First Settlement of New Netherland," in *The Documentary History of the State of New York* (Albany: Weed, Parsons & Co., 1850), III: 25–64, especially page 47.

³The issuance of the Charter of Freedom and Exemptions is considered by Rink, *Holland on the Hudson*, in chapter four. In general, Rink's discussion supercedes Condon in *New York Beginnings*, 123–27. The charter appears in Dutch and in translation in *Van Rensselaer Bowier Manuscripts: Being the Letters of Kiliaen van Rensselaer, 1630–1643, and other Documents Relating to the Colony of Rensselaerswyck*, translated and edited by Arnold J. F. van Laer (Albany: University of the State of New York, 1908), 137–53, and hereafter cited as VRBM. This source also documents the patroon's efforts in contracting tenants to develop his American holdings. Van Rensselaer's intentions regarding the fur trade are described in Rink, *Holland on the Hudson*, 194.

⁴The standard work on Rensselaerswijck during the seventeenth century still is Samuel G. Nissenson, *The Patroon's Domain: The Patroon System as Embodied in Rensselaerswyck New York Through the Dutch and English Periods* (New York: Columbia University Press, 1937). Although Oliver Rink has presented considerable new material on Rensselaerswijck (most impressively on its tenant population), the development of the manor is not the major focus of *Holland on the Hudson*; see especially 144–56, and 194–98 for the ambitions of Kiliaen Van Rensselaer. A more comprehensive study of Rensselaerswyck over time is needed. *Minutes of the Court of Rensselaerswyck, 1648–1652*, translated and edited by Arnold J. F. Van Laer (Albany: Univ. of the State of New York, 1922), 7, and hereafter cited as CMR.

⁵VRBM, 211.

⁶Nissenson, *Patroon's Domain*, 92–93; CMR, 7–9. The patroon's instructions to Van Soest are translated in VRBM, 201–2, 204–5, 208–11.

⁷CMR, 9. "Planck as *schout*, 1634," in Nissenson, *Patroon's Domain*, 97–99. "Contract between Kiliaen van Rensselaer and Jacob Albertsz Planck," March 4, 1634, VRBM, 250–54; "Instructions to Jacob Albertsz Planck, *schout*," April 27, 1634; *ibid.*, 292–96. Planck's biographical notice also is in *ibid.*, 809. Additional information on Jacob Albertsz's activities appears in Ellis L. Raesly, *Portrait of New Netherland* (New York: Columbia University Press, 1945, reprinted Port Washington, 1965), 65.

⁸CMR, 9. J. Franklin Jameson, ed., *Narratives of New Netherland, 1609–1664* (New York: Charles Scribner's Sons, 1909), 84. Philip E. Mackey, "Capital Punishment in New Netherland," *de Halve Maen*, XLVII (1972): 7–8, 14.

⁹CMR, 10. VRBM, 201, 204, 229, 266, and 67n, 300. Planck also held the position of "precenter and distiller of brandy," *ibid.*, 67. Nissenson, *Patroon's Domain*, 98.

¹⁰VRBM, 430.

¹¹Kiliaen van Rensselaer to Willem Kieft, May 12, 1639, quoted in CMR, 10. Van Rensselaer to Planck, May 24, 1635, September 21 and December 25, 1637, VRBM, 313–14, 330, 353, 391, 396–97, 467. Planck's failure to keep the patroon informed disturbed Van Rensselaer to the extent that his stated reason for appointing Van Curler was so that an assistant could "copy everything and write me of all more at length than has been done thus far," *ibid.*, 398. Van Rensselaer to Wouter van Twiller, *ibid.*, 396.

¹²"Arent van Curler," sketch by Richard E. Day, *The Dictionary of American Biography*, edited by Dumas Malone (New York: Charles Scribner's Sons, 1936) XIX: 165–66. Van Curler later was a principal figure in the founding of Schenectady, VRBM, 398, 402, 817. CMR, 10. "Instructions to Cornelis Teunisz van Breuckelen as representative of the patroon," August 4, 1639, VRBM, 459–63. His biographical notice appears in *ibid.*, 139–41.

¹³Van Rensselaer to Van Breuckelen, June 25, 1640, *ibid.*, 495. Biographical notices of Van der Donck appear in *The Dictionary of American Biography*, XIX, 178, and *Documents Relative to the History of the State of New York*, Edmund B. O'Callaghan, editor (Albany: Weed, Parsons & Co., 1856), I: 532n. Van Curler's role in the Schenectady Patent is described in Thomas E. Burke, Jr., "The Extremest Part of All: The Dutch Community of Schenectady, New York, 1661–1720" (Ph.D. dissertation, SUNY Albany, 1984), chapter I. VRBM 824, 524, 527, 534. Van Rensselaer to Van der Donck, May 4,

1641, *ibid.*, 547. CMR, 10. VRBM:534, 543, 547, 549, 557. Van Rensselaer to Van Curler, July 18, 1641, *ibid.*, 58–59. O’Callaghan, *History of New Netherland*, I: 327–28.

¹⁴Van Rensselaer to Van der Donck, July 23, 1641, VRBM, 571–72. Van Laer’s translation of the fifth article of the Charter of Freedoms and Exemptions appears in *ibid.*, 139–41.

¹⁵Van der Donck, “Ordinance of the colony of Rensselaerswyck regulating trade,” August 12, 1641, *ibid.*, 573–74.

¹⁶Van Rensselaer to Van Curler, September 29, 1641, *ibid.*, 577–78. See also *ibid.*, 626–27.

¹⁷Van Rensselaer to Johannes Megapolensis, June 3, 1642, *ibid.*, 616–17, see also 824. I am unclear whether the “Great Flat” referred to at this point during the early 1640s was located on the west bank of the Hudson or the south side of the Mohawk above what became Albany and Schenectady, respectively.

¹⁸Van Rensselaer to Van der Donck, March 9, 1643, *ibid.*, 631.

¹⁹*Ibid.*, 630–644.

²⁰*Ibid.*, 636.

²¹*Ibid.*, 637.

²²*Ibid.*, 640.

²³*Ibid.*, 641.

²⁴*Ibid.*, 642.

²⁵*Ibid.*, 642.

²⁶*Ibid.*, 642–644.

²⁷Van Rensselaer to Megapolensis, March 13, 1643, *ibid.*, 649–50. For the “Great Flat,” see *ibid.*, 616–17.

²⁸*Calendar of Historical Manuscripts in the Office of the Secretary of State: Dutch*, edited by Edmund B. O’Callaghan (Albany: Weed, Parsons & Co., 1865), 83.

²⁹Van Curler to Van Rensselaer, June 16, 1643, translated by Arnold J. F. van Laer and printed in the *Yearbook of the Dutch Settlers Society*, III (1927–28): 18, 23.

³⁰*Ibid.*, 25.

³¹*Ibid.*, 23, 23n.

³²VRBM 649–50, 655; “Commission to Nicolaes Coorn,” August 26, 1643, *ibid.*, 680–82; “Account of ammunition for Rensselaers Steyn,” *ibid.*, 706–7, which included three cannon, shot, powder, firelocks, pistols, spears, and a “silver-plated sword for Coren,” CMR, 11.

³³VRBM, 824. Adriaen van der Donck, *A Description of the New Netherlands* (Syracuse: Syracuse University Press, 1968).

³⁴VRBM, 830; CMR, 11–12.