



PITTS TOWN HISTORICAL SOCIETY

NEWSLETTER

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In Plain Sight All Along

Revelations from the Simon Vandercook Estate Settlement Papers

By Ronald D. Bachman

Family historians occasionally are lucky enough to discover a rich primary source in a great-aunt's attic or in an obscure, remote archive. But sometimes such treasures have been in public view for years, even centuries, waiting for the researcher who would invest the requisite time and effort to reveal their secrets. The estate settlement papers of Simon Vandercook (August 6, 1749-November 28, 1829) are a classic example. The papers have been available for public scrutiny since 1833 at the Rensselaer County Surrogate Court in Troy, and anyone can order the microfilm through his/her nearest LDS Family History Center. And yet all evidence suggests that the resource has gone unnoticed – until now. This researcher has produced and donated to the Pittstown and Rensselaer County historical societies a 84-page transcription of the papers,



Farmstead on Fogarty Road, formerly owned by Simon Vandercook, 1962. Photo courtesy of current owner, Phillip Blanchard.

were arranged chronologically and accompanied with an index of 189 names of individuals and institutions who had claims against or debts to the estate, persons who had worked for or resided with Simon Vandercook, and neighbors and relatives who testified during the prolonged settlement hearings at the Surrogate Court. Researchers with early Pittstown roots may find it worthwhile to browse the index and the transcribed papers themselves.

Simon was a son of Michael Vandercook the Elder, founder of the hamlet of Cooksborough in southwestern Pittstown. The 1799 Pittstown Tax List(1) shows that his real estate holdings were the largest of any of the 418 landowners in the town and were assessed at that time at \$7,865. With his death in late 1829, the settlement of his considerable estate fell upon the shoulders of his sons Michael S. and Peter. This was a daunting challenge, as Simon's financial affairs were complicated by numerous outstanding loans and debts, many of which involved his 24 beneficiaries. His dealings with the primary executor, his eldest son, Michael S., were particularly complex.

In 1820, two years after the death of his first wife, Levina Vanderhoof, Simon remarried. For nearly two centuries, this important genealogical fact had escaped Vandercook researchers, including the prolific family historian Wesley Vandercook, who conducted extensive research on location in the late 1800s. Genealogists who had read only Simon's will were unaware of the marriage because (Continued on page 2)

that document does not mention his second wife, a woman by the name of Harriet. Although she figures prominently in the settlement papers, which include her courtroom testimony, Harriet's surname is not provided. The papers, however, do identify her sister, Pamela Green, who was called to testify. Additional research has revealed that Pamela never married. Thus Simon's second wife was Harriet Green.

The estate settlement papers yielded a second genealogical breakthrough – the existence and names of John Vandercook's children (Sally Ann, Henry H., John D., Peter J., and Michael J.). John, who was Simon's sixth child, died just as the executors were about to present their account of the settlement before the Surrogate Court in December, 1831. Upon John's death, his five children, who were not named in Simon's will, became beneficiaries and were summoned to appear at the court hearing. A copy of the summons is included in the settlement papers. A review of the many published and unpublished Vandercook genealogies, including 1,725 Vandercook family trees posted on Rootsweb.com, shows that no researcher had discovered the existence of these five children, who probably have living descendants with little or no knowledge of their Vandercook heritage. A few researchers found two of John's children, Susan and George W., who had died years before their father; their tombstones in Old Cooksborough Cemetery confirm their parentage. The estate papers also provide important additional evidence as to the identity of John's wife, Sally Ann Perry, and of Catherine Overacker, probably a sister of Simon's wife Levina Vanderhoof.

By New York state law, Simon's widow claimed dower right to one-third of the revenue from his real property during her lifetime. But the will called for the sale of the real and personal property to pay out fifteen distributive shares to Simon's beneficiaries. To resolve the dilemma, the executors set up an annuity, using part of the proceeds from the land sale, to pay Harriet the income she would have received had the farm not been sold.

Contributing to the three-year delay in the final settlement of the estate were three claims filed by beneficiaries – Hester Snyder, Peter Vandercook, and John Vandercook's widow, Sarah. At the petition of Simon's daughter Hester and her husband, Jacob Snyder, Rensselaer County Surrogate Judge Philip Viele issued citations to the executors, ordering them to appear before him and provide a full account of their performance and explain their failure to provide Hester her share. The case dragged on in the Surrogate Court for a year and must have done considerable damage to family ties. Hester and Jacob, with their seven children, had been living in Simon's household for ten or eleven years before his death, and their living expenses roughly offset Hester's share of the inheritance. Although Simon had kept meticulous records of the expenses (shown in fascinating detail) and had told several witnesses that he planned to hold Hester accountable, the will itself made no mention of any such intent. The executors contended that Simon's records and voiced intentions trumped the letter of his will. It seems unlikely that Simon had temporary amnesia while composing his will when Hester's large family was still living under his roof, especially since he did make such deductions from other beneficiaries' shares. Perhaps Hester, the baby of the family, was Simon's favorite, and he decided to forgive her debts. But, as testimony showed, there was friction between Simon and Jacob, who began looking in earnest for a farm of his own when he learned his father-in-law was keeping records of the Snyders' expenses.

A second complication was a claim filed by Peter Vandercook, one of the executors. Testimony by several witnesses confirmed that Simon had relied heavily on Peter to keep his saw and grist mills in good working order and to oversee their operation. Peter even rebuilt one of the mills in 1825-26. There also is a hint that Peter had helped Simon to build a new house sometime in the 1820s.⁽²⁾ He never was paid for his many years of labor for his father, although he was remunerated partially in kind, e.g., free grazing for his livestock.

Finally, as noted above, Simon's son John died before the estate was settled, and his widow engaged an attorney to resolve the matter of his large debt to the estate and to his brothers Michael S. and Simon Jr.

Detailed inventories, account sheets, IOUs, expense lists, bills and receipts make up the bulk of



Undated photo of house on Fogarty Road, currently owned by Phillip Blanchard. The house may have been built by Simon Vandercook. Photo courtesy of the PHS.

the estate papers. Much more than a listing of dry facts and figures, these documents provide a close-up view of daily life in early Pittstown. Hester's account reveals that her family was self-sufficient in most foodstuffs, purchasing only tea, sugar, molasses, and tobacco on a routine basis and luxuries such as raisins only occasionally. While her family was residing in her father's household, the Snyders maintained a distance, not routinely sharing meals with Simon and his wife. Hester may have helped support her family by taking in sewing, for she bought an inordinate amount of pins, thread, calico, batting, carding wool, yarn, and dyes. She purchased more cloth from local weavers Joseph Brown, Mrs. Brust, and Mrs. Chubb than the needs of her family would justify. The only clothing items she seems not to have made herself were hats and shoes.

The account sheets also tell us that Simon's health had deteriorated steadily through the final, eightieth, year of his life, ending with daily visits by Doctor Charles Cole; that he had enjoyed his pipe and tobacco, tea, and spirits purchased at his son Michael's store; that he took his team and wagon to church in Raymertown (he was a founding member of the Presbyterian Society of South Pittstown); that his marble tombstone, made in Shaftsbury, Vermont, cost \$32; that the prominent Presbyterian theologian Mark Tucker came from Troy to speak at his funeral; that the executors incurred considerable expense in getting the land surveyed, the personal property appraised and sold, debts collected and bills paid and in constantly traveling by carriage to and from Troy in response to the demands of the Surrogate Court. Michael S. billed the estate for 75 round trips in a hired carriage between his home in Factory Hollow and the courthouse in Troy. The hours he lost in commuting and sitting through witness testimony must have seemed an unending nightmare.

The courtroom testimony, recorded in "real time,"⁽³⁾ is scrawled and error-ridden, but it brings the proceedings to life in the rustic upstate New York dialect of the early 19th century. As a sample, here is testimony by Hester's son, Simon, named after his grandfather:

Simon Snyder, sworn, says he is 18 years old last July, is a son of Jacob Snyder, remembers when his father moved to his grandfather's, was then very young, that his father lived at his grandfather's about eleven years; that his father had hogs and cows that were called his by dec'd; can't say how many cows there may have been 5; a sow and 4 pigs; they was drove over the River to Half Moon; the sow was bought by his father of Ira Fowler before his grandfather's death; the sow had the pigs after she was bought; his father took away with the horses, a colt, a set of harness, waggon, and 5 or six cows

..... (continued on page 4)

Excerpt from the Inventory of Simon Vandercook's Estate, 1829

(continued from page 3)

Unfortunately, the estate papers do not reveal the details of Judge Viele's ruling on the main points of contention. In general, the decision went in favor of the plaintiffs. At the close of the court proceedings in December 1832, the Surrogate fined the two executors \$100, to be paid to the other beneficiaries, ostensibly because of the delay in distributing the inheritance shares. Michael S. and Peter Vandercook immediately appealed the decision to the Chancellor of New York, but a few weeks later, without explanation, they withdrew the appeal; the Chancery Court of New York has no record of the case.

It is clear that Michael S. Vandercook and his accountant, Charles Ranney, did most of the heavy lifting in the settlement of the estate. There is no indication that Michael S. himself ever took the stand. His testimony was in the form of written statements and detailed spreadsheets with monetary amounts denominated in pounds, shillings, and pence, converted to dollars at the standard rate of \$2.50 to £1.

It was not until the end of 1831 that the executors were able to pay off most of Simon's debts, collect outstanding loans, and file a comprehensive report. The final tally showed that roughly \$15,000 remained in the estate after all the personal and real property had been sold and accounts settled, which divided neatly into fifteen shares, as

<i>Page (1)</i>	
18 Sheep at \$1.50 per head	\$ 27.00
1 Bay Horse	20.00
1 Bay Mare	45.00
1 One year old Colt	25.00
1 yoke of Stags	40.00
2 two year old heifers	20.00
2 Yearlings	10.00
150 Bushels Oats in sheaf at 25 cents per bushel	37.50
6 Tons hay at \$5 per ton	30.00
1 Stack of hay	40.00
<hr/>	
1 Black Horse	70.00
5 Cows at \$12.50	62.50
4 Calves at \$2 per head	8.00
1 Cwt [hundredweight = 100 pounds] Flax at 8 cents per lb	8.00
30 Tons hay at \$6 per ton	<u>180.00</u>
	623.00
7 Bushels Rye in sheaf at 50 cents per bushel	3.50
50 Bushels Wheat in sheaf at \$1 per bushel	50.00
1 Waggon [sic] and hay rack	12.00
1 Ox Sleigh	5.00
1 Fanning Mill	12.50
Pitch forks, rakes & flails	1.00
1 Pleasure Sleigh \$10. 1 Gig \$5	15.00
1 one horse Waggon [sic] & harness	25.00
1 Double Waggon [sic] with pleasure & lumber box	45.00
2 Carts	17.00
1 Truck \$10. 1 Scraper \$2.	12.00
2 Drags or harrows	7.00
3 Ploughs \$7. Old Iron \$1.	<u>8.00</u>
	213.00
2 Cross cut Saws	3.00
1 Hand Saw & Buck Saw	1.00
1 Set plated Harness	18.00
1 set plain Harness	7.00
Old harness \$1. Ox Yokes \$3.	4.00
Carpenter's tools \$4. 1 Shave horse 50 cents.	4.50
4 Scythes & Sticks \$2. 1 Cradle \$3.	5.00
Double & Single Whiffletrees	1.00
1 set of Measures 50 cents 2 scoops \$1	1.50
2 Iron Shovels 2 Dung forks 1 stub hoe	2.00
7 Barrels of Cider & Casks	<u>10.00</u>
	57.00
<i>carried over</i>	<u>\$893.00</u>

directed by the will. Among the creditors paid were: Gilbert Eddy; Daniel Hall; Abraham and Corning Lansing; Michael S., Henry S., and Simon Vandercook, Jr.; Michael Francisco; Charles H. Barry; Catherine Overacker; Lewis Haner; and Andrew Ryan. On the other side of the ledger, debts were collected from Lodowick Stanton; Wilber Sherman; John A. Snyder; John Perry; Abijah Lane; Isaac Milliman; Joseph Freiot; A. W. Whipple; M. Groff; Timothy Allen; S. Germond; Joseph

Brust; Charles Scribner; John Garner; John C. Filkin; and Hiram Fowler.

Simon's land was sold off in parcels at a total price of \$15,742.52, according to the report Michael S. filed on January 16, 1832.(4) The largest of these was *a farm sold to Daniel Pine at public Vendue, estimated to contain 180½ acres at \$40 per Acre* (a relatively high price for the time), on April 15, 1830, for \$7,222.50. The land abutted property Pine had purchased from Simon's brother, Henry, on which stood the inn where the Pittstown draft of 1814 had taken place. At the same public sale, Simon Vandercook Jr. purchased for \$5,752.96 *a Farm . . . estimated to contain 150 acres & 63 Rods, at \$38.00 per acre* adjoining land owned by Daniel Pine. About a year would pass before the next parcel was sold – 76 ¼ acres to Simon's son Gilbert at \$34.25 per acre for a total of \$2,611.56. The land was adjacent to 40 acres Gilbert had already purchased from Simon during his lifetime. Other small parcels were sold to Abijah Lane (\$147); Samuel Lounsbury (\$28.50); William Wing (\$28.58); Austin Waite (\$65.75); and John Lane (\$55).

End Notes

(1) Provided by Constance Kheel of the Pittstown Historical Society.

(2) Pamela Green testified that *when dec'd was building house he said that Peter should be rewarded for his fidelity. . . that dec'd said to his wife and witness that he would reward Peter for helping him build the house.* This testimony is the only evidence ever found that Simon Vandercook built a new house toward the end of his life. William Morris, who has done extensive research into the early property owners of the Cooksborough area, believes the present Blanchard farm includes the homesite of Simon Vandercook. If so, Simon's "new" house probably is still standing and is the home of Phillip Blanchard. Two experts on early New York and New England architecture have confirmed that the Blanchard house could date to the 1820s. The discovery of Simon Vandercook's house would be yet another major revelation from these papers.

(3) The nearly illegible handwriting seems to be that of Surrogate Judge Philip Viele himself.

(4) The prices and acreages in the executors' report vary slightly from the figures recorded in Rensselaer County deed books

Pittstown's Past is Very Present

There has been an unprecedented interest in Pittstown's history in recent months, with a surprising number of people researching a wide range of topics. Listed below is a summary of these exciting projects.

Historic farmsteads in Pittstown: The survey of 25 historic farmsteads is nearing completion. It was funded by the Preservation League of NYS and the Hudson River Valley Greenway with consultant Jessie Ravage of Cooperstown hired to do the survey. We are looking forward to posting the survey on our website in the coming year.

Vandercook research: Ron Bachman of Falls Church, VA, is close to completing a biography on his ancestor, Michael S. Vandercook, one of the most acclaimed early settlers in Pittstown. Ron has generously contributed an article (page 1) in this newsletter on Simon Vandercook (father of Michael S.).

Milk(s) family: Reverend Dr. Linda C. Milks of Hoquiam, WA, is writing a book on her ancestors, who were early settlers in Pittstown. Linda has provided the PHS with a draft of the first three chapters of "*The Jonathan Milk Branch of the Milk/Milks Family with Related Families*".

Stained glass windows of Pittstown: Architectural historian and long time friend of the PHS, Ned Pratt of Albany, has continued his work documenting the stained glass windows of Rensselaer County. He has offered to write an article on his research as it relates to Pittstown for the next issue of our newsletter.

Johnsonville bridge: Walter R. Wheeler, Senior Architectural Historian at Hartgen Archeological Associates in Rensselaer, has completed HABS/HAER Level II documentation of the Johnsonville bridge. The documentation is in anticipation of the replacement of the bridge with one of greater load-carrying capacity. Copies of the report, which include historic written and photographic documentation, will be placed on file at the NYS Museum, the Rensselaer County Historical Society, and the PHS.

Justice Simeon Button: The research on the Button family of Pittstown by PHS' resident scholar, Walter Auclair, has been recognized by the NYS Historical Society. Walter has been asked to participate this summer in the society's *2010 Conference on New York State History*. Walter will *(continued on page 6)*

(continued from page 5) present a paper titled, "*Law and Order in the Early Republic: The Ledgers of Justice Simeon Button, Pittstown, NY*". Walter has also generously contributed an article on the Button ledgers on page 9 in this issue of our newsletter.

Gibbs Cemetery restoration: A restoration of the Gibbs Cemetery was undertaken by 21 descendants of the Gibbs family (early Pittstown settlers). Traveling from far and wide, the participants in the reunion convened in Pittstown for a weekend of work. (See article in our fall newsletter of 2009, Issue XVI).

Transcriptions of early Pittstown assessments: Transcriptions of real estate and personal property assessments of 1779 and 1788 were recently given to the PHS. They are for the District of Schaghticoke, which in those years included Pittstown. The transcriptions were done by Anita Lustenberger and Rodger D. Joslyn from post Revolutionary War records filed in the NYS Library.

Pittstown Baptist Church records: Glenn Rouse of Loma Linde, CA, has completed the transcription of the two volumes of the Pittstown Baptist records (which are now held by the NYS Library). Glenn, who is a descendant of the Rouses, a prominent family that settled in Pittstown in the 1700s, has generously provided the PHS with multiple CD copies of the transcriptions. These CDs can be purchased from the PHS.

Isaac Singer: Angelika Glander of Hamburg, Germany recently published in German the first and only biography of Isaac Singer, called, *Isaac Singer King of the Sewing Machines*. Her research on Singer included a trip to Pittstown. (We reported on this publication in our fall newsletter of 2009, Issue XVI).

Greek Revival homes of Pittstown: Architectural historian, Eric Gradoia presented his second lecture to the PHS on his study of the Greek Revival houses of Pittstown. The most recent lecture focused on the interior spaces of the homes. Eric has been restoring a Greek Revival house in Pittstown, where he lives with his wife and two children.

Captain Cornelius Wiltsie: Renowned genealogist and architectural historian, Abbott Lowell Cummings, published the first installment of an article in the prestigious *American Ancestors Journal; First Annual Supplement to The New England Historical and Genealogical Register* Volume 163, October, 2009 . The article, "*Revolutionary War Captain Cornelius Wiltsie of Pittstown, New York*", traces the genealogy of Abbott's ancestors, who lived in Pittstown in the late 1700s and early 1800s. The second installment of the article will be published in the fall issue.

Pittstown Loyalist Robert William Leake: A fascinating article by David Bosse titled, "*Soldier of the First Civil War*", was recently brought to our attention. The article, which was published in the summer, 2008, issue of *Archives Magazine*, chronicles the life of Robert Leake, who owned 4,000 acres in Pittstown in the late 1700s. Leake's property was subsequently confiscated, as a result of his loyalist activities.

County Legislature Grant: The PHS was the happy recipient of a grant of \$500 from the Rensselaer County Legislature.

County Legislature commendation for Town Historian Ellen Wiley: Ellen Wiley, trustee and charter member of the PHS, received an honor in the form of a resolution from the Rensselaer County Legislature. The resolution commended Ellen for her "outstanding life of service and notable contributions.... at the age of 97 years young. Ellen L. Wiley (locally known as "Aunt Ellen") is still serving as the Pittstown Town Historian; her interest in and dedication to preserving Pittstown's history remains resolute."

Cemetery and War Memorial work: Trustee Joe Ferrannini has continued his cemetery restoration work. He has assisted and advised many people seeking to locate and repair cemetery stones. He also assisted in the restoration of the World War II Honor Roll Memorial Stone in Raymertown, which had been installed circa 1944. The memorial commemorates the men who lived in the 4th Election District of Pittstown and served in WWII. Besides his cemetery work and service to other historical societies, Joe has been serving as the president of the Knickerbocker Historical Society.

Mapping of Cooksborough, as it was in the late 1700s: PHS Trustee Bill Morris has been spending countless hours in the Troy records department researching early deeds from the Cooksborough area. He is assembling a unique, deed-plotted map of the properties owned by Pittstown's earliest settlers (an invaluable resource for recording Pittstown's history).

Gifford genealogical work: Members of the Gifford family, including Margot and Dan Gifford, have been working on the genealogy of the Giffords. The Giffords may be the family that has been lived in Pittstown continuously for the longest period of time (since the late 1700s). Gifford descendant, Jim Guri, loaned the PHS (so we could copy it) a diary written by Ira Gifford dating from 1875 - 1897. The diary documents the work-life and accounts of Ira, who lived on the Gifford farm on Gifford Road.

Quakers and the Underground Railroad: Both PHS Trustee Maren Stein and PHS member Joan Dater have been doing independent research on the Quakers and their involvement with the Underground Railroad.

*It's interesting to note that the transcription below from the Records Book (collection Town of Pittstown) includes several men whose families are currently being researched.

**RECORDS OF SCAGHTIOKE DISTRICT
FOR THE YEAR OF OUR LORD 1783**

**Pittstown was part of Schaghticoke District until 1788*

Supervisor	Casper Rouse
Assessor	John W. Gruisback Samuel Rowland Jacob Overocker Cornelus Wiltsy
Poor Masters	Samuel Rowland John Knickerbacker Junr.
Commissioner for Highways	Israel Thompson John Knickerbacker Junr. Michael Vandercook
Collectors	William W. Clea(??) Thadiaz S.W. Conal
Constables	Aaron Vannamme Nickolas Masters
Fence Vewers	George Wettzell Jacob Overocker
Pound Master	Jacob Overocker
Town Clerk	Evans Humphrey

Reflections on Weather

By Maren Stein

Just before my husband Fred and I left to deal with estate matters in Illinois last summer, we were calling 2009 "the year with no tomatoes." Then it became "the year with four tomatoes," edible in sandwiches on the plane. We knew that the lack of sweetness and the too-soft texture were due to lack of sun and too much rain. Other vegetables are affected, too. Only broccoli and squash were happy. We also knew that there was a race between the rest of the ripening tomatoes and the virulent late blight. We came back and found the blight had won. *(continued on page 8)*

The blight was widespread in the northeastern and mid-Atlantic states and destroyed both plants and fruit. It affected potatoes, as well. People who sell tomatoes were hit hard; if organic farmers turned to fungicides, they could have lost their organic status.

While tomatoes are somewhat of a luxury, the same blight caused devastating famine in Ireland in 1845-1852, when it destroyed the potato crop, the staple of many people's diets. Moisture was a contributing factor to the strength of the blight. A million people died and another million left Ireland, mostly for the United States.

The potato famine showed the danger of reliance on one crop. A few years ago, there was concern about a blight threat to the corn crop in the USA, particularly since the number of varieties of corn planted has been reduced. This means there is less likelihood that there will be a resistant variety. A local historical example of the effect of the weather on all crops is the year of 1816, called "the year with no summer" or "1800 and froze to death". Eruptions of the volcano, Timboro, in the East Indies, apparently cooled the earth's atmosphere by blocking the sun's rays. Don Rittner, in his book, *Troy, NY: A Collar City History*, relates that there was ice in May, June, and July in Rensselaer County and throughout the Northeast. Flour was hard to get and prices, of course, skyrocketed.



Home gardeners, commercial gardeners, and farmers alike are looking to next summer and wondering what it will bring. This winter's lack of snow so far (as of January) reminded one vegetable farmer at the Troy Farmer's Market of what he called the brutal summer droughts of the 1960s.

Many ancient cultures worshiped the sun and/or the sources of water. Our experiences with this year's gardens and a look at history make us see why. Not enough sun - or too much sun and not enough rain - can have devastating results.

Winter vegetables from the Cornell Farm in Pittstown for sale at the Troy Farmer's Market, 2010. Photo courtesy of Maren Stein.

Early Quaker Settlers Promote Freedom of Religion

By Joan and Tom Dater

Tom and I visited the South Street Seaport Museum in Manhattan in early January, when it had a display of important documents relating to New Netherland. Most of them were in Old Dutch with translations in English. We were particularly struck by the *Flushing Remonstrance* since it officially allowed the Quakers to have religious tolerance in the Flushing area of New York. Settlers and advocates in the area supported them and their views. Usually, when we think of religious tolerance, we look to colonists in New England who fought for the privilege. The Quakers eventually came to have a congregation and settle in Pittstown, Troy and Easton. Their views of equality, peace and anti-slavery were ahead of their time.

Remonstrance of the Inhabitants of the Town of Flushing to Governor Stuyvesant, December 27, 1657

Right Honorable: You have been pleased to send unto us a certain prohibition or command that we should not receive or entertain any of those people called Quakers because they are supposed to be, by some, seducers of the people. For our part we cannot condemn them in this case, neither can we stretch out our hands against them, for our of Christ God is a consuming fire, and it is a fearful thing to fall into the hands of the living God.

Wee desire therefore in this case not to judge least we be judged, neither to condemn least we be condemned, but rather let every man stand or fall to his own Master. Wee are bounde by the law to do good unto all men, especially to those of the household of faither. And though for the present we seem to be unsensible for the law and the Law giver, yet when death and the Law assault us, if wee have our advocate to seeke, who shall plead for us in this case of conscience betwixt God and our own souls; the powers of this world can neither attach us, neither excuse us, for if God justifie who can condemn and if God condemn there is none can justifie.

And for those jealousies and suspicions which some have of them, that they are destructive unto Magistracy and Ministrye, that cannot bee, for the Magistrate hath his sword in his hand and the Minister hath the sword in his hand, as witnesse those two great examples, which all Magistrates and Ministers are to follow, Moses and Christ, whom God raised up maintained and defended against all enemies both of flesh and spirit; and therefore that of God will stand, and that which is of man will come to nothing. And as the Lord hath taught Moses or the civil power to give an outward liberty in the state, by the law written in his heart designed for the good of all, and can truly judge who is good, who is evil who is true and who is false, and can pass definitive sentence of life or death against that man which arises up against the fundamental law of the States General; soe he hath made his ministers a savor of life unto life and a savor of death unto death.

The law of love, peace and liberty in the states extending to Jews, Turks and Egyptians, as they are considered sons of Adam, which is the glory of the outward state of Holland, soe love, peace and liberty, extending to all in Christ Jesus, condemns hatred, war and bondage. And because our Saviour sayeth it is impossible but that offences will come, but woe unto him by whom they cometh, our desire is not to offend one of his little ones, in whatsoever form, name or title hee appears in, whether Presbyterian, Independent, Baptist or Quaker, but shall be glad to see anything of God in any of them, desiring to doe unto all men as we desire all men should doe unto us, which is the true law both of Church and State; for our Saviour sayeth this is the law and the prophets.

Therefore if any of these said persons come in love unto us, we cannot in conscience lay violent hands upon them, but give them free egresse and regresse unto our Town, and houses, as God shall persuade our consciences, for we are bounde by the law of God and man to doe good unto all men and evil to noe man. And this is according to the patent and charter of our Towne, given unto us in the name of the States General, which we are not willing to infringe, and violate, but shall houlde to our patent and shall remaine, your humble subjects, the inhabitants of Vlissing.

Written this 27th of December in the year 1657, by mee.

Crime and Punishment in Pittstown: Wife Beating

By Walter Auclair

Simeon Button (1757-1836) served as Rensselaer County Justice of the Peace from 1792 until 1809. During this period he recorded the cases he presided over, giving us today some idea of what life was like back then. Most of the cases were trivial, mainly for non-payment of debts. Of the many trials he conducted, only fourteen were criminal in nature, identified as “People New York versus the accused party.” One of these cases, held on 17 August 1795, was against Samuel Miller of Pittstown for beating his wife Mayna, for which Miller had to pay a substantial fine.

It was unusual until recently for spousal abuse cases to be prosecuted in the United States. In New England, until the 20th century, one of the few ways battered women could escape from their husbands was to go to Shaker colonies for safety, usually with their children. Wives and all of their possessions were, by law, the property of the husband. Should he die all of the family property would revert to the widow’s in-laws, leaving her destitute. For this reason the early 19th century feminist movement in New England concentrated on women attaining property right protection.

As seen in the August 1795 Samuel Miller ruling, New York state law *(continued on page 10)*

(continued from page 9) more protective of women. One major difference between New York and the New England states was the influence of Dutch law, which was included in the several constitutions passed during colonial and post-Revolutionary periods in New York. Dutch jurisprudence was more liberal by including civil rights protecting women than English common law, which was followed exclusively in New England. This may explain why suffrage became the main issue of New York state feminists in the 19th century, property rights not being as relevant as in New England.

These differences may help explain the logic behind Samuel Miller's subsequent legal manipulations in November and December 1795 in suing for compensation from Alexander Bulson for the "labour and work" of Miller's wife after she apparently sought refuge at Bulson's home in Brunswick. Since the end of the Revolutionary War, many New Englanders had migrated to New York, including the judge, Simeon Button, and the constable, Gilbert Eddy, brother-in-law of Button. Miller may have assumed that "New England justice" would more likely prevail in his favor with a jury than a judge who would adhere to Dutch-influenced New York state law. What he may not have known was that one of the jurors, John Francisco, had come from New Jersey over 25 years earlier as part of a large Dutch extended family.

Samuel Miller was either a defendant (17 times) or plaintiff (4 times) before Simeon Button, more than anyone else during his tenure in office. Miller lost 17 of these cases. He also hired Button as his attorney four times to defend him before neighboring judges. He paid Button with "four thousand short shingles, price agreed to at the stump before William Turner at 12 shillings per thousand." Miller signed with an X, to which Button added Miller's name. Button took no chances with this man.

Simeon Button's roots are still a mystery. We don't know who his parents were, in spite of clues that he may have come from one of the small towns along the Thames River in Connecticut, or possibly Taunton, Massachusetts or Warwick, Rhode Island. There are no records of his birth in any of these locations. Nor do we know anything about his legal apprenticeship, which most likely was in colonial Connecticut, based on his use of legal terminology. It is clear from his ledger that Simeon Button was an effective, learned judge.

Excerpt from the Legal Journal of Rensselaer County Justice of the Peace Simeon Button

People Newyorks }
 Samuel Miller } 17 August 1795 Delinquent brought on Mittimus
 from Herman Van Veghten Esq^r for beating Mayna
 his wife —
 Sam^l. Miller principal recognized — £20-0-0
 Neal M^c Neal Security recognized — 10-0-0
 Before Simeon Button Justice of Peace

17 August 1795: People New York v Samuel Miller

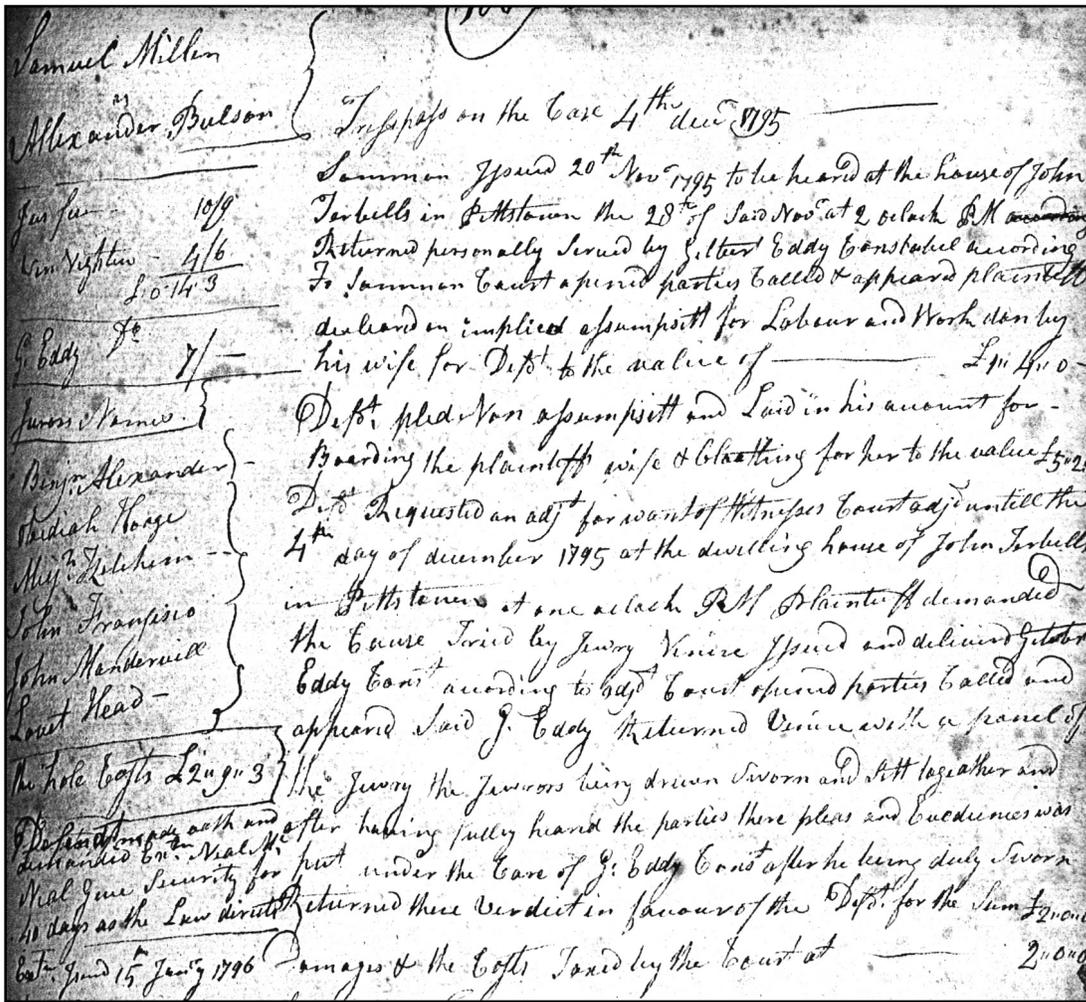
Delinquent brought on Mittimus [old English law term in Latin meaning "we send"] from Herman Van Veghten, Esq. for beating Mayna his wife.

Samuel Miller, principal recognized - twenty pounds [fine]

Neal McNeal, security recognized - ten pounds

Before Simeon Button, Justice of the Peace

Excerpt from the Legal Journal of Rensselaer County Justice of the Peace Simeon Button



4 December 1795: Samuel Miller [plaintiff] v Alexander Bulson [defendant], Trespass [action to recover damages] on the case. Summon issued 20 November to be heard at the house of John Tarbells in Pittstown the 28th of said November at 2 o'clock PM. Returned personally served by Gilbert Eddy, Constable, according to Common Court opened. Parties called and appeared. Plaintiff declared an implied assumpsit [promise of payment] for Labour and Work done by his wife for defendant to the value of - one pound, four shillings. Defendant pleaded non-assumpsit [never promised to pay as alleged] and laid in his amount for boarding the plaintiff's wife and clothing for her to the value of five pounds and two shillings. Defendant requested an adjournment for availability of witnesses. Court adjourned until the 4th day of December 1795 at the dwelling house of John Tarbells in Pittstown at one o'clock PM. Plaintiff demanded case tried by Jewry [interesting way of spelling "jury" by Button]. Venire facias [jury caused to come] and delivered, Gilbert Eddy, Constable.

According today's court opened, parties called and appeared. Said Gilbert Eddy returned with a panel of the jewry, the jewrors being drawn and satt together and after having fully heard there [their] pleas and evidence was put under the care of G. Eddy, Const. After he being duly sworn returned their verdict in favour of the defendant for the sum of two pounds damages and the costs taxed by the court at two pounds. Before Simeon Button, Justice of the Peace.

Jurors: Benjamin Alexander, Obadiah Hoage, Abijah Ketchum, John Francisco, John Mandeville, and Lovett Head.



Unidentified photo labeled Johnsonville, courtesy of the Pittstown Historical Society



PITTSTOWN HISTORICAL SOCIETY

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