DUTCH AND SWEDISH SETTLEMENTS ON THE DELAWARE.

A Paper read before the Historical Society of Pennsylvania on November 9, 1908.

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[The purpose of this paper is to give a general view of the settlements on the Delaware River and Bay before the arrival of Penn; considered under Dutch rule, first period, extending from 1609 to 1638; Swedish rule, extending from 1638 to 1655; and Dutch rule, second period, extending from 1655 to 1664.]

DUTCH RULE: FIRST PERIOD.

The earliest European settlers on the shores of the Delaware were the Dutch, whose actual occupancy lasted over fifteen years. Then came the Swedes, who for seventeen years maintained their sway, until the territory was reconquered by the Dutch, who held it for nine years more, when, vanquished in another part of the world by English arms, they relinquished forever their pretensions to American soil, and the government passed to the Duke of York, who yielded his supremacy to Penn in 1682. Hence a history
of the institutional establishments of Pennsylvania would be incomplete without an introductory account of what had been accomplished under Dutch, Swedish, and English rule prior to the actual settlement of the province by William Penn under the charter of Charles II.

The English title, which finally prevailed, has often been the subject of specific judicial determination. It sprang from original discovery. "We derive our rights in America," said Edmund Burke, "from the discovery of Sebastian Cabot, who first made the North American continent in 1497. The fact is sufficiently certain to establish our right to our settlements in America." "To this discovery," says Chief Justice Marshall, "the English trace their title." The same view is presented by Chief Justice Taney: "The English possession in America was not claimed by right of conquest, but by right of discovery." Inaction followed for almost eighty years, and then the scientific interest of Sir Humphrey Gilbert in a Northwest passage, the romantic heroism of Sir Walter Raleigh, and the daring spirit of Capt. John Smith led to further explorations and to some feeble attempts at settlement, but the English claims came into conflict with those of no other nation, until Hudson, an Englishman in the employ of the East India Company, in search of a passage to China, acting on some vague suggestions of the redoubted Smith, tacked about for a few hours in the mouth of Delaware Bay, on the 28th of August, 1609, and then, baffled by shoals and sand bars, put out to sea, and five days later entered the North River, ascending it for over one hundred miles, and thus laid the foundation of a claim which was

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1 Johnson v. MacIntosh, 8 Wheaton, 576.
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sustained by subsequent possession at New Amsterdam, now the City of New York.¹

In 1610, the English navigator, Lord De la War, touched at Delaware Bay on his passage to Virginia, and the credit of its discovery was attributed to him in a letter written by Capt. Argall in 1612, without doubt in ignorance of Hudson's acts.²

Hudson had reported his discoveries on his return to Holland, and the States General had, in 1614, granted a general charter, securing the privilege of trade during four voyages to all those accepting its provisions. Merchants of Amsterdam and Hoorn accordingly fitted out five vessels, which proceeded, under the command of Captains Mey, Block, Cortiansen and Hendrickson, to the mouth of the Manhattan River. Here Block's vessel was destroyed by fire, and its place was supplied by the Onrust, or Restless—the first ship ever built by Europeans on American soil—and Mey sailed with his little fleet to the Delaware, giving his first name "Cornelius" to a cape (now Henlopen) at the mouth of the Bay, and his last name to the opposite cape, which, with a slight change in spelling, preserves the memory of his exploit. Mey made no further exploration, but

¹An Historical Inquiry Concerning Henry Hudson and the Discovery of Delaware Bay, by John Meredith Read, Jr.; an admirable argument based on a careful study of original material. Albany, 1866.


returned with four vessels, and it was left to Capt. Hendrickson, a genuine Dutchman, in the Onrust, to ascend the Delaware almost to the present site of Philadelphia. On this expedition he met three white men who had traversed the wilderness from Fort Orange on the upper Hudson, by way of the valley of the Delaware. On his return to Holland, Hendrickson made a claim for special privileges, which were never granted.

In the meantime, however, two exiled Englishmen, the renowned Elders Robinson and Brewster, in behalf of their Puritan associates at Leyden, applied to the States General for protection in the execution of their wish to emigrate to the country on the Hudson. Had this been granted, it is curious to note that the Pilgrim Fathers would have been New Yorkers, or, possibly, might have established themselves on the Delaware.¹

In December, 1621, the Dutch West India Company was incorporated, and in 1623—three years after the landing of the Pilgrims at Plymouth—the first settlement on the shores of the Delaware was made by Cornelius Mey—described by an Indian Sachem as a "skipper with a film on the eye"—who built Fort Nassau, near Gloucester, on the Eastern bank, but soon afterwards abandoned it. Seven years later, purchases were made of the natives on both sides of the river as far up as Bombay Hook in behalf of Herr Samuel Goodyn, a member of the Amsterdam Association.² An expedition was sent out from the Texel, on December 12,
1630, under the command of the celebrated DeVries, "a bold and skillful seaman" and a "master of artillery in the service of the United Provinces." Just when he arrived in the Delaware is not known, but he built Fort Oplandt, a house surrounded with red cedar pallisadoes, but without parapet, serving at once as fortress, trading post, and place of rendezvous, near the present town of Lewes, in the State of Delaware, and his little settlement assumed the picturesque name of Zwaanendael, or "Valley of the Swans." The arms of Holland, painted on a piece of tin, a glittering object to savage eyes, were erected on a pillar, and the commander departed, happy in the thought that he had erected a permanent lodgment. On his return, two years later, he found his colony exterminated by the Indians. The whitened bones of men and animals, in the midst of charred ruins, greeted his saddened gaze. A chief had wanted an ornament for a pipe, and, in ignorance of the affront, had seized on the emblem of Holland. On complaint by the settlers, the offender had been slain by his own people, but his friends had avenged him by a general massacre.\(^1\)

Ascending the river, through a cheerless solitude, DeVries visited Fort Nassau, but found that the Dutch families had left it, and that it was in the possession of a few savages, who wanted to barter furs.\(^2\) Here he was informed by a friendly squaw of the murder of an English crew which had appeared in a sloop's boat, probably from Virginia, and, in confirmation of the story, he saw Indians dressed in English jackets. DeVries returned to Holland by way of Virginia, where he had occasion to deny the ownership of Delaware Bay by the English, and to relate the story of the murder of the English crew.\(^3\)

The next year Wouter Van Twiller, the famous Knickerbocker Director General of the New Netherlands, restored

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\(^3\) Hazard's Annals of Pennsylvania, pp. 32-33.
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Fort Nassau to a condition of defence, and was charged on this account with extravagance in the expenditure of public funds.

In 1633, the Dutch made another attempt at a settlement, and a purchase was made by Arondt Corssen on the banks of the Schuylkill, where, in the same year, Fort Beversrede was erected, soon to be abandoned. On which Mr. Armstrong remarks: "the readiness which the natives manifested to part with their territory was equalled only by their willingness to sell it again to any who might choose to purchase it."

In 1635, a party of English adventurers from Connecticut, under the command of George Holmes, made an unsuccessful attempt upon the fort, were taken prisoners, and were sent to Manhattan, where they were pardoned, and allowed to settle in the vicinity of Fort Amsterdam—they being the first English to acquire a habitation in the New Netherlands.

Fort Nassau remained with more or less of a garrison until the Dutch themselves destroyed it in 1650, as "being too high up and too much out of the way."

Such were the principal events during the first period of Dutch rule. The attempts to plant colonies proved to be failures, for while Fort Nassau seems to have been irregularly maintained, it was rather as a fortified trading place, than as the nucleus of a colony. The ill-fated effort of DeVries under the Goodyn purchase had been made under the auspices of an assembly of eleven Delegates, to whom was entrusted, by virtue of the charter, the supervision and government of the West Indian Company. Freedom and exemption were offered to all such as should establish any

4 O'Callaghan's Hist. of New Netherlands, i, 90.
colonies. Those who were disposed to avail themselves of these privileges were, under certain restrictions, obliged to "plant a colony of fifty souls," and might occupy a territory of four Dutch miles along a navigable river, and "as far into the country as their situation might permit," and received, among other feudal rights, the power of administering justice. In fact, among the leading features of the chartered privileges of the West India Company were the administration of Justice, the preservation of order, the maintenance of police, and the appointment of judicial and executive officers. There was also an express provision that the Roman law, the imperial statutes of Charles V, and the edicts, resolutions, and customs of the Fatherland were to be received as the paramount rule of action in New Netherland, except in cases specially provided for by the will of the Company, expressed in their instructions, or declared in their military or marine ordinances.

The execution of these ambitious grants of power was brought to naught by the melancholy extinction of Gilles Hossett and his companions, in the blackened and blood-stained Valley of the Swans.

SWEDISH RULE.

In 1638, the Swedes appeared. Their coming was without a shadow of right under the law of nations. It has been asserted that Charles I had, by deed, relinquished to Sweden the English rights upon the Delaware, but the deed has never been found, and no English statesman or historian has ever admitted its existence. The true explanation lies in the conduct of two dissatisfied servants of the Dutch.

1 A Dutch mile was equal to four English miles.
3 O'Callaghan, i, 90.
4 A Short Description of the Province of New Sweden, by Thomas Campanius Holm, Memoirs of Hist. Soc. of Pa., vol. iii, p. 68.
In 1626, William Usselincx, a merchant of Antwerp, a truly remarkable man, and the original projector of the Dutch West India Company,1 growing sour and sullen, threw up his employment, and for the price of one florin per thousand of merchandise to be exported or imported, persuaded Gustavus Adolphus of the advantages of organizing a Swedish West India Company. The ambition of the conqueror of Tilly, who was the first of the Swedish monarchs to play a great rôle in European history, was aroused by the thought of trading with lands in Africa, America, Magellanica or Terra Australis, and of extending the commerce of his realm, while his zeal as a Protestant was fired by the thought of spreading the truths of the Christian religion. In fact, the plan of colonization was spoken of by him as "the jewel of his kingdom." A charter was granted with most elaborate provisions, and vague and extraordinary powers. The company was to constitute a Council, which, with its officers, should attend to the administration of justice, preserve good laws, continue war, appoint soldiers, governors, directors, and judges, build castles and cities, accommodate differences between citizens of the country and the natives, as well as between directors or chambers, and, finally, preserve everything in good condition.2

In the same year, the Dutch West India Company, as a protective measure, determined to establish its authority in New Netherlands by a formal government with greatly enlarged powers. They appointed a Director, assisted by a Council of Five, and a Schout, who combined the duties of Sheriff and Prosecuting Attorney; there were also inferior magistrates called Schepens. Peter Minuit was chosen

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1 An interesting account of this extraordinary organizer is given in G. M. Asher's Bibliographical and Historical Essay on the Dutch Books and Pamphlets Relating to New Netherlands, N. Y., 1856.

2 The full text of the Swedish charter is given on pp. 16–20 of Hazard's Annals of Penna., obtained from a rare source, the Argonautica Gustaviana, published by Usselincx in 1668, of which the only copy supposed to be in this country is in the library of Harvard College.
Director and held the office until 1633, when he quarrelled bitterly with the powerful Patroons, and was superseded by Van Twiller, a near relative to the influential Van Rensselaers. Embittered by his removal, he tendered his services to Sweden, whose Chancellor, Oxenstiern, a man of profound combinations, and quite the equal of Richelieu in statecraft, was anxious to carry out the cherished plan of the great Gustavus, who had fallen on the field of Lützen. Accordingly, after some delays, owing to the unsettled state of the finances following the death of the king, Peter Minuit, with a commission in the name of the infant Queen Christina, brought out an expedition in two vessels, ascended the Delaware, purchased the soil of the western shore from Cape Henlopen to a point north of the site of the future Philadelphia, and erected a fort on a small stream in the neighborhood of the present city of Wilmington, which he named Christina.

Kieft, the successor of Van Twiller, as Director of New Amsterdam, protested vigorously against this invasion of Dutch territory. "This has been our property," said he, "for many years, occupied with forts, and sealed with our blood," and then, with a fine personal thrust at Minuit, added, "which was also done when thou wast in the service of New Netherland, and is, therefore, well known to thee." The protest was disregarded. Minuit, who had brought with him about fifty Swedes, displayed skill and enterprise, succeeding in avoiding encounters with the natives and the Dutch, building up an extensive trade in furs, and governing his little colony with vigor, but he died within three years in the bosom of his settlement.¹

His successor was Peter Hollander, a Swede, commissioned as Governor of New Sweden by the home government. He

had arrived in 1640 with a ship richly laden with cattle and provisions, at a moment so opportune as to save the colony from the humiliation of self-confessed failure. About this time two bold attempts were made by Englishmen, acting without visible governmental authority, to plant themselves upon the Delaware. One party, under the command of Robert Cogswell, from Connecticut, established itself at the mouth of Salem Creek on the eastern shore. Another party from Virginia sailed past Fort Christina and Fort Nassau, and started a settlement on the River Schuykill. They were driven off and their works destroyed by an expedition fitted out from New Amsterdam, the Swedes at Christina acting as allies of the Dutch.\(^1\) The Dutch had been told by their Director General that "it was their duty to drive these English from thence."

In 1643 a new Swedish Governor arrived in the person of John Printz, whose commission was dated at Stockholm. The most minute instructions were given for his guidance. He was to maintain friendly relations with the Indians; to hold their trade; to sow grain for the support of his colonists; to plant tobacco; to breed cattle and sheep of high grade; to raise silk worms; to cultivate grapes; to manufacture salt; to search for metals; and to promote the whale fisheries. He brought with him a strong body of settlers, about one hundred in number. Perceiving with the eye of a military man the weakness of Fort Christina for commanding the navigation of the river, he erected a new fort of great strength on Tenna Kong or Tinicum Island, and called it New Gottenburg, which became "the metropolis of the Swedish American Empire," as it was pleasantly denominated by the learned Mr. Duponceau. Here he built a "Stately Palace" of bricks brought from Stockholm, known as Printz Hall, and with a singular admixture of executive, legislative and judicial powers dis-
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charged all the functions of government. He was an irascible, bluff, but enterprising soldier-governor, and planted another fort, called Elsingborg, manning eight brass pounders, near the mouth of Salem Creek, compelling all ships ascending the river to lower their colors and secure a permit before they could pass. He even brought DeVries, the Dutch "master of artillery," to anchor by a cannon shot.¹

Numerous remonstrances and protests passed between the doughty Printz and the Dutch at Fort Nassau, and for a time a wordy war was waged. DeVries described him as "Captain Printz, who weighs 400 pounds, and drinks three horns at every meal." Judge Grubb adds, "little is known of him in his judicial capacity, but it is probable that he brought more weight than law to the bench."² Mr. Fisher describes him as a man of education and ability.³ Mr. Armor says that he was furious and passionate, difficult of access, and sending home messengers, who brought him intelligence, "bloody and bruised."⁴ Mr. Ferris declares that he was bold, active, persevering, but passionate and rash.⁵ Acrelius admits that he acted haughtily.⁶ Mr. Armstrong argues that he acted with energy and ability, and that the charge of undue violence was made by the rivals of his government.⁷

The English charged him with putting one of their men in irons, plying him with strong drink and then pressing him to admit that they had hired the Indians to cut

¹ Hazard's Annals, p. 72.
² The Colonial and State Judiciary of Delaware, by Hon. Ignatius C. Grubb; Papers of the Historical Soc. of Delaware, xvii.
⁴ Armor's Lives of the Governors, p. 36.
⁶ Acrelius's History of New Sweden, p. 418.
⁷ Introduction to the Record of Upland Court, by Edward Armstrong, Memoirs of the Historical Society of Pennsylvania, vol. vii, p. 17. See also Armstrong's Address at Chester, Nov. 8, 1851, p. 9.
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off the Swedes. Whatever his character, the Swedes thrrove under his rule. Besides the places already named, they had settlements at Swedesboro, Upland (now Chester), Manaiung, a handsome little fort of hickory logs at the mouth of the Schuylkill, Wicacca (late Passyunk), Shackamaxon (late Kensington), and elsewhere. Three Swedes, the sons of Sven, subsequently owned the tract included in the ancient limits of Philadelphia which they exchanged with Penn for a tract in the Liberties, near the City, containing 820 acres.¹

The Dutch grew restive under these aggressions. Peter Stuyvesant, the recently installed Director of New Amsterdam, who stumped about on a silver leg, determined to separate the Swedish forts. He boldly destroyed Fort Nassau, and blockaded the river by the erection of a new fort on the site of the present town of Newcastle, which he called Fort Casimir.² Fort Elsingborg thereupon became untenable, and the Swedes withdrew, excusing their action by the not incredible plea that the place had been made uninhabitable by the repeated and sanguinary attacks of mosquitoes. Printz's spirit, and that of his son-in-law, Pappegoya, suddenly failed, but their places were taken by the defiant John Claude Rysingh, who, disregarding his instructions to employ none but the mildest measures against the Dutch, entered Fort Casimir, some say by storm,³ some say with the aid of the strategy of Lieutenant Swen Schute,⁴ and others say that he forcibly took possession and rifled the garrison even to their side arms.⁵

Affairs had now reached a crisis. The Dutch blood could not brook this atrocious outrage. Holland, for years

¹Sergeant's Land Law of Penna., 18.
²Acrelius's History of New Sweden, 412; Ferris's Original Settlements on the Delaware, 69.
³Rodman's Memoirs of Wicacca.
⁴Proud's History of Penna. vol. i, p. 19.
⁵Hazard's Annals, 149; Ferris, pp. 81–82.
at war with England, and a recent victor over the great navy of Spain, now turned to aid her struggling offspring in America. Swedish military glory had grown dim; the great Oxenstiern was dead; Christina had dropped her heavy sceptre into the feeble hands of Charles Gustavus, and dark clouds gathered over the Delaware. While Rysingh employed the engineer Lindstrom to strengthen the captured Fort Casimir, Stuyvesant retaliated by seizing a Swedish ship—the *Golden Shark*—loaded with merchandise and reinforcements, which by some accident had got into the Raritan river instead of the Delaware. For a year the Dutch military preparations were conducted with secrecy. In the meantime Rysingh, who had himself proclaimed Director General over New Sweden, summoned the Indians to a treaty of friendship at Printz Hall upon Tinicum.

Upon the 31st of August, 1655, the storm burst. Stuyvesant, with a squadron of seven armed ships and transports, containing between six and seven hundred men, appeared before Fort Casimir, and Swen Schute, the Swedish commander, realizing the hopelessness of a defence against such an armament, surrendered without a blow. Stuyvesant then turned to Fort Christina, and conducted a regular siege. Batteries were erected on every side except on the southeast, which was guarded by a low morass which, at high tide, lay five feet under water. Armed ships were anchored near the mouth of the Brandywine, and Rysingh was summoned to surrender.¹ For some time there was an interchange of messages. Then Rysingh, to scale his guns, fired a couple of cannon. The Dutch replied by discharging a number of balls directly over the fort, and by several volleys from their batteries. The Swedes called a council of war. Their weakness was manifest. With but thirty men against seven hundred, with but a scanty stock of pro-

¹An interesting plan of the fort, and of its siege by the Dutch in 1655, copied from Lindstrom's plan, is given in Ferris's *Original Settlements on the Delaware*, p. 92.
visions, and but little ammunition, they faced despair. Rysingh resorted to diplomacy. Stuyvesant met him with dogged stubbornness. Then, without attempting the violence of arms, he killed all the cattle, goats, swine, and poultry in the fields, broke open the houses outside of the fort, and destroyed the town. For sixteen days Rysingh held out; helpless and half starved he uttered his last defiance, declaring that he would defend the fort to the last extremity, and in the event of capture would appeal to the government of Sweden to avenge his wrongs. Stuyvesant, who throughout had borne himself with moderation, fairness, dignity, and patience, brought all his batteries to bear upon the fort, and sternly summoned Rysingh to surrender within twenty-four hours, or suffer the consequences of a capture by force of arms. A council of the whole garrison was called, and it was unanimously concluded that defence was hopeless, and that the fort should be yielded up on the best terms obtainable. The articles of capitulation were honorable to both victors and vanquished. The Swedes were permitted to retain all the cannon, ammunition, provisions, stock, and articles within the fort. The Governor, his officers and men, marched out with all their arms, to the sound of music, and beneath their own colors, under a safe conduct to Sweden. All letters and documents, whether public or private, were retained. No one was deprived of property, and all citizens were allowed a year and six weeks within which to depart, unless before that time they swore allegiance to the Dutch government.

Thus fell New Sweden. The victory of the Dutch, while complete, was unstained by blood, although Rysingh bitterly complained to his king that he and his companions had been "left as sheep doomed to the knife, to receive the wild barbarians." Even the mild Acrelius asserts that the Swedes suffered great hardships from the Dutch; that the flower of their troops were picked out and sent to New Amsterdam; that men were forcibly carried aboard the ships; that women were ill treated in their houses; that
their goods were pillaged, and that their cattle were killed. This judgment appears harsh and overstated. There was much crimination and recrimination in the correspondence between Stuyvesant and Rysingh, and much in the way of rejoinder and sur-rejoinder, but the Dutchman stood firmly on the position that his countrymen had discovered and first occupied the land into which the Swedes had intruded, and that both Printz and Rysingh had been guilty of unprovoked acts of violence.

It is undeniable that it was Rysingh’s act in seizing Fort Casimir that cost the Swedish throne its American colonies, and it was in terms of lamentation that the historian addressed Louisa Ulrica: “Most Gracious Queen! That land upon the river De la Ware which Queen Christina purchased of the wild heathen according to the laws and rights of nations; that land whereon her soldiers built forts and erecte the arms of the Swedish crown; that land which its first colonists brought forth from its solitude—that land was ours.”

Few traces exist of Swedish judicial establishments, but though slight, they are interesting. The ponderous Printz was the first judge upon our shores, and Tinicum Island was the first seat of justice. By the Swedish instructions the administration of law was to be in the name of Her Royal Majesty and the Crown of Sweden. At first the Governor might use his own seal, but in somewhat larger form, in briefs, contracts, correspondence and other written documents of a public character; he was to decide all controversies which might arise according to Swedish law and right; and in all matters, as far as possible, he was to adopt

1 Acrelius’s History of New Sweden, p. 417.
2 See the Correspondence, Hazard’s Annals of Penna., pp. 183–203. The Directors in Holland objected to all this correspondence: “That all which is written and copied is too long preserved, and may sometimes, when it is neither desired nor expected, be brought forward; whereas words not recorded, are by length of time forgotten, or may be explained, construed, or excused as circumstances may require.”
and employ "the laudable customs, habits and usages of this most praiseworthy realm." 1 This, though but a glimpse, is sufficient to show that no special code was prepared for the government of the colony. Although Swedish writers have asserted that trial by jury is of Swedish origin, yet no instance is known of its application in the colony, unless it is to be inferred from the fact that Printz was empowered to punish offenders with imprisonment and even with loss of life, "yet not in any other than the usual manner, and after the proper hearing, and consideration of the case, with the most respectable people and the most prudent associate judges who can be found in this country as his associates." 2 Evidently he found difficulty in discharging his duties, and in finding competent assessors, for as a military man he was not learned in the law, and as the protector of the interests of the West India Company he was embarrassed by acting in a double capacity. On the 20th of February, 1647, he writes: "Again, I have several times solicited to obtain a learned and able man, 1st. To administer justice and attend to the law business; sometimes very intricate cases occurring, in which it is difficult, and never ought to be for one and the same person to appear in Court as plaintiff as well as judge. 2nd. To act as Secretary, especially in the Latin language, for it many times has happened, as is proved by the annexed paper, that I have received Latin letters from all parts." 3

The fiery Rysingh attempted some matters of domestic regulation by drawing an ordinance "concerning the People, Country, Agriculture and Cattle" proclaimed in New Sweden in the year 1654. 4

Mr. Armstrong considers it not improbable that a Swedish court was established at Upland, and we shall very

1 Aerelius, Reynolds' Translation, p. 39; Hazard's Register, vol. iv, 221, sect. xxiv; Introduction to Record of Upland Court, p. 17.

2 Id.

3 Swedish MSS., Archives Hist. Soc. Penna.

4 Id.
shortly see that all of the Justices of the earliest English tribunal on the soil of Pennsylvania were Swedes.¹

**DUTCH RULE: SECOND PERIOD.**

Upon the conquest by the Dutch, affairs assumed a more stable condition. An oath of allegiance to the United Netherlands was prescribed to be taken by the Swedish settlers—most of whom, between four and five hundred in number, preferred to remain. With but few exceptions, they proved tractable, devoting themselves to the peaceful arts of husbandry. The administration of justice was placed on a new basis. New Gottenburg, on Tinicum, now ceased to be the seat of government, which was removed, as a piece of poetic justice, to Casimir, the name being changed to New Amstel. John Paul Jacquet was appointed by the Director and Council at New Amsterdam, Vice Director and Commander upon the Zuydt, or South River,² under a commission "to do justice and administer it, either in civil or military cases."³ In him, and two other persons as a Council, to be increased, in the adjudication of affairs "purely civil between freemen and Company's servants," by the addition of "two most expert freemen," was vested jurisdiction in "all propositions relative to justice,"—extending, as it has been understood, to the establishment of a method of procedure suited to the wants of the colony; the decision in the Council to be by the majority, and the casting vote to be by the Vice Director.

Jacquet soon got into trouble with his accounts, and was arrested by the Attorney General. On demanding a copy

¹ Record of Upland Court, Memoirs of Hist. Soc. of Pa., vol. vii, p. 35. The destruction of the Swedish archives, at Stockholm, by fire, and our own imperfect records, render it improbable that a stronger light can be thrown on this dark passage in our history.

² The Delaware River was called the South River in contrast to the North or Hudson River.

³ Hazard's Annals, 205.
of the petition under which the arrest was made, and a statement of the authority by which he was proceeded against, the Attorney General answered: "as plaintiff, ratione officii," an early instance of proceedings ex officio. On his appearance in Court, he presented a written answer, which was rejected by the Attorney General, who said he must answer "ilice on the accusations, or return to his arrest." He defended himself with spirit, but was relieved of his office.

In 1657, with a view of reducing expenses, occasioned by the cost of acquiring the river, the West India Company transferred New Amstel, with the territory as far North as Christina Creek, and South as far as Bombay Hook, to the Burgomasters of the City of Amsterdam, who appointed Jacob Alricks Director General. A mode was provided for the government of New Amstel by the selection of a Schout, or Sheriff, and Prosecuting Attorney, a Chief Judge and Schepens. The latter had the power to decide suits under 100 guilders ($60.00); but if over that amount, subject to an appeal to the Council at New Amsterdam; and to pronounce sentence in criminal cases, also subject to appeal.

Before the arrival of Alricks the government consisted of a military council over the soldiers, while differences between the settlers were decided by the commander and two persons acting as schepens. After his arrival several city councillors were elected, and from them three new schepens were chosen; another secretary and schout were also appointed, and two elders and two deacons for the management of church affairs.

All necessary means were furnished for the legal guidance of Vice Director Alricks, as appears from a letter written by

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2 Hazard's Annals, 221.
him to his superiors:—"I have received the police and law books which were sent out, consisting of two parts, and duplicates of each; they will be of great convenience to us, and we shall make use of them."

The West India Company, notwithstanding the transfer of New Amstel, retained jurisdiction over the territory not ceded. Hence there was a divided jurisdiction, and it has been conjectured, on somewhat uncertain evidence, that wherever the Swedes had courts or magistrates, they were continued by the Dutch.

Some entertaining glimpses are obtainable of the character of the cases arising. Prices were fixed on deer and beaver skins, and a written pledge was exacted for their maintenance, under penalty of perjury for the first offence, suspension from the privileges of trade for the second, and, if the culprit proved obdurate, expulsion from the colony. Duties were imposed on French wine, brandy, distilled waters and Holland or foreign beer; guards were posted against smuggling, and it was enjoined that no liquor should be sold to an Indian. Frequent controversies arose as to duties, and breaches of the latter regulation called for the action of the schepens. A Swede and a Finn were arrested for selling beer to a savage, but being lately arrived, were discharged because of their ignorance of law. Lots were to be enclosed and goats were to be attended by a keeper. Damages for trespass were awarded, and damages refused for injuries to strays. Swine were to be yoked or killed. A servant charged one Thomas Broen with an assault and battery which disabled him from labor, and the assailant was ordered to supply the servant with victuals until he could work. The same Broen, who seems to have been a turbulent character, was soon after arrested for abuse of the Vice Director. Swen Schute and Jacob Swenske were sent to New Amsterdam, under a guard of twelve soldiers, for

1 Documents relating to Colonial Hist. of N. Y., vol. ii, p. 54.
2 Armstrong's Introduction to the Record of Upland Court, pp. 30–31.
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holding secret interviews with the savages; while a Swedish woman, who had debauched sailors, was given the option of going to Long Island or to the woods on the river. Licenses of marriage were recorded. In 1661 a Swedish clergyman, the Rev. Laurentius Lockinius, or Pastor Lock, as he was also called, his wife having eloped with a low character, broke open her abductor's trunk in search of evidence against her paramour. It was solemnly adjudged, as his punishment, that for his offence he pay all the debts of the absconding wife-stealer. The doubly violent presumption that he both found assets and feloniously appropriated them may be explained, as Judge Grubb remarks, by the fact that the absconding debtor owed the court. The same Pastor Lock married another woman within nine months without securing a divorce. He was rebuked by Stuyvesant at New Amsterdam and obliged to intermit his ministry for some months. Then the governor granted a divorce, confirmed the second marriage, and restored his gown.

In 1658, Vice Director Alrieks wrote to Stuyvesant: "I have also to pay the attorney Schelluyn, for salary earned by him in the suit against the skipper of the ship Printz Mauritiz." It came about in this wise. Shortly after the Dutch conquest, and in ignorance of the change of government, the ship named arrived from Sweden with one hundred and thirty souls—farmers, traders, and mechanics, with their wives and children. They were not permitted to land, and, pending the settlement of their status at New Amsterdam, suffered many privations. A pitiable statement of their plight was made by the Captain, who resisted the effort to collect charges accruing during his detention, and duties on goods damaged by the delay, and this was

1 Hazard's Annals, 207, 221, 249.
the subject of the suit.\textsuperscript{1} It seems to have been finally compromised by the payment of 750 guilders.

Such are the scattered instances of the administration of justice during the second period of Dutch rule, but they serve to give us a vivid though incomplete picture of the times.

I reserve for future consideration the establishment of English rule in 1664—extending to 1673—when, with a slight Dutch resumption of jurisdiction for a single year, English supremacy became permanently established, under the sway of a code known as the Duke of York's laws, which finally gave way to those of Penn in 1682.

\textsuperscript{1} Hazard's Annals, pp. 213–217.