

lots and farms were surveyed and conveyed to them by patents.

The description given in this deed was quite indefinite, and restricted the inhabitants to a comparatively small area.

At this time, and even for many years later, nothing was called *land* except the islands and alluvial flats bordering upon the river. Within ten years after the settlement commenced, all the tillable land was taken up, and it became necessary to look for more farther west. Hence originated another negotiation with the Mohawks, and the following deeds extinguishing the Indian title to the lands along the river to the present westerly limits of the county:

⇒ On this 28th May, 1670, Kennighke and Auroensie, both sakemakers of the Maquase, acknowledge to have thankfully received the remainder of the sewant, tubs [of beer] and gunpowder, according to the tenor of the accompanying contract, and free the aforementioned buyers henceforth from all claims, and promise never more from this date to make any new action.

In witness of the truth of which we have subscribed this with our own hands by our accustomed marks, at Schaneched, on the date as above, in presence of Robbert Sanders and Jacques Cornelise [Van Slyck], both called as interpreters hereto.

This mark  was set by KENNIGHKE.

This mark  was set by DOROWINGOESE.

This mark  was set by AUROENSIE.

Robert Sanders.

These letters were **AGRES** set by Jacques Cornelise.

In my presence,

J. G. V. MARCKEN,
Schout.

On this 3d day of July, A° 1672, appeared before mee John Garretsen Van Marken, admitted publ: nota: by the worshipful court of Albany and the Inhabitants of Schanhectade, together with a sartain Indian called Dohorywachqua and Crage, being the representative of y^r foure Mohockx Castells, who declared and promised to hold firm and stable, and will cause to be held in full force and virtue all and whatsoever hee shall act or doe in y^r sale of y^r Lands Lying Neare The Towne of Schanhectade, Within Three Dutch Myles in compasse on boath sides of y^r River Westwards, which endes at Hinguariones [Towareoune] Where the Last Battell Wass between The Mohoakx and the North Indians; Provided That Jaackes Corne-

lisse [Van Slyck] Shall have the first flatts or playne, —Except y^r Inhabitants of Schanhectade will Restore unto said Jaaques Cornelisse Two Rundlets of Brandy and one hundred hand of Wampum, which being paid unto s^d Jaaques The said first Playne to Remaine to the Towne.

Whereupon Sander Leenders Gelen, being a former magistrate, and John Van Eps, and Sweer Teunisse [Van Velsen], being y^r present magistrates of y^r s^d Towne, did acknowledge and declare That They Weare Agreed with y^r s^d Indians uppon y^r purchase of y^r Land for y^r Summe or quantity of six hundred hands of good Wheyte Wampum, Six koates of Duffels, thirty barres of Lead and nine bagges of Powder, Which They doe promis unto y^r s^d Indians in two Terms, viz.: The first as soon as The Sachems, or any person by Them authorized, shall Comme out of y^r Country and Produce full Power from Theyre Inhabitants according to Theyre usuall manner, and have thereupon delivered unto ye s^d Indian as a present for The old man in the Mohawk Country a Rundlet of brandy,—To the end all Misunderstanding and Complaints May be Washt of and Removed.

To The trew performance of The premises The s^d parties have hereunto Set theire handes, and Wass Interpreted by Cornelis Viele in The Absence of Jaques Cornelisse,—In Schanhectade, the date above written. (Signed)

With the Markes of followeth

The Marke  of DOHORIWACHQUA.

The Marke  of CRAGE.

SANDER LEENDERS GELEN,
JOHN VAN EPS,
SWEER TEUNISSE.

Attested by me,

J. G. V. MARKEN, Notar: publ:

(Copp) This day the 13th of July is pay^d unto the Indians above mentioned in parte of ye purchase foure hundred hands of Wampum, 30 barres of Lead 3 bagges of powder. More for a present, 3 ankers good beere, one koatt of duffells, together with the above mentioned Rundlet of Brandy.

(Copp) Transl:) A° 1672 the 13th day of July, Did the underwritten Indians appeare before us and do declare that They did confirm all and whatsoever the Above written Indians by Name Tohoriowaghque and Crage in the Annexed Instrument have acted, and doo by these presents prommise, with the Last payment to give all further assurances of the s^d Land, and That They and Theyre heires Shall desist from all further Claymes and pretences whatsoever.

In Witness whereof They have hereunto set Theyre handes, In Schanhectade at the house of Gerritt Bancker and in the presence of Severall particular Indians The Day and Yeare Above written.

Signed with ye following markes.

The Marke  of CANACHQUO.

The Marke  of OCQUARRY.

The Marke  of TOHORIOWACHQUE.

Attested by mee,
(Signed) J. G. V. MARCKE, Nota. pub.

Compared and found to agree with the prinsep:
by mee.

LUDOVICUS COBES, secret.

By virtue of the foregoing conveyance from the Indian proprietors, application was then made to the Governor and Council for a patent, which reasonable petition was denied, the reasons for the refusal being that "leave from ye Governor to buy ye same" had not been first obtained, and that "full information of the premises" was not given.

To add to the difficulties of the case, the Mohawks were inclined to repudiate the sale of their lands, or at least demand a double compensation, as shown in the following minute of a council held by the Mohawks, before the Governor:

The Sachem spake for himself, That one Arent Van Corlaer bought all Schannectade and paid for it, but now there be some who have bought only Grasse, and pretend to the land allso; they say allso that they have bought the first flatt, but that is not so, for it belongs to Acques Cornelisse [Van Slyck], who is to have it, and none else, for he is of their [Mohawk] people, and it is his inheritance;—that there are writings made of a sale of land, but it was never sold, but only the grasse, tho' it may be some drunken fellows may have made some writing without their knowledge,—That they have only bought the Grasse and now are going to live upon it, but they ought to pay for the land as well as the Grasse, and that they had given some to that woman Hillah and another Leah, who have the property of it;—the others have only the Grasse;—That now he has declared this matter and desires notice may be taken of it; and says that shame shall never come upon him, or to be found in a lye.

Answer.

That it is the custom of the Government and amongst Christians when they sell the Grass to sell the land allso; and if they be not paid for the land they shall be, and that the people of Schannectade say that they sent Acques to purchase the land in the name of their Town, and that Acques bought in his own name; and they sent allso one Kemel to purchase it for the Towne, the Indyans told him that Acques had bought and paid some part of the payment, and they desired them to pay Acques the money back and the Towne should have it, which

the Towne did and Acques was satisfied; it is the custom of this place to do justice among ourselves and if Acques have a better title than they for it he shall have it.

Whatever may have been the arguments used on this occasion, whether in the shape of "ankers of good beere," or a "rundlet of brandy"—potent reasons ever with the Indian—opposition ceased from this time, and the Governor and Council were brought to grant the inhabitants the following much-needed patent for the ancient township, afterward City of Schenectady.

PATENT OF 1684.

Thomas Dongan, Lieutenant and Governour and Vice-Admirall under his Royall Highnesse, James, Duke of Yorke, &c., of New Yorke and its Dependencies in America, &c.

To all to whom these presents shall come, Sendeth Greeting, Whereas Tohorywachqua and Crage, Representatives of the four Mohake Castles, have for themselves, and Canachquo, Ocquary, and Tohoriowachque, true and Lawfull Owners of the Land within menconed, have by their certaine Writeing, or Deed of Sale, dated the third day of July Anno Dni 1672, Given and Granted unto Sander Lend^m Glenn, John Van Epps, Sweere Teunesse, as being impowered by the Inhabitants of the Towne or Village of Schenectady and Places adjacent, a Certaine Tract or Parcell of Lands, beginning at the Maques River, by the Towne of Schenectade, and from thence Runnes Westerly on both sides up the River to a Certaine Place called by the Indians Canaquarioeny, being Reputed three Dutch Miles or twelve English Miles; and from the said Towne of Schenectade downe the River one Dutch or four English miles to a kill or creeke called the Ael Place, and from the said Maques River into the woods South Towards Albany to the Sandkill one Dutch Mile and as much on the other side of the River North, being one Dutch mile more, there being Excepted in the said Bounds all Corne and Sawmills, that now are or hereafter shall be erected Within the Bounds of the said Towne, that they be lyable to pay a perticular Quitt Rent for their Priviledges, besides what is herein sett forth, as shall hereafter be agreed for by the Inhabitants of the said Places, or owners of such Mills, with such Governour, or Governours as shall be Appointed by his Royall Highnesse; and likewise that noe Timber or Wood be Cutt but within the Bounds aforesaid, the said Excepcion being agreed upon by Myselfe as by a Certaine Writeing bearing date the 7th day of August last Past, doth more perticularly Apppeare:

Now know Yee that by vertu of the Comicon and Authority to me Given; by his Royall Highnesse James Duke of Yorke and Albany, Lord Proprietor of this Province, I have hereby Given, Granted, Ratified and Confirmed and by these Presents doe Give, Grant, Ratify and confirme, unto William Teller, Ryert Schermerhorn, Sweer Teunessen, Jan Van Epps and Myndert Wemp on the Behalfe

A. J. F. Van Laer. *Minutes of the Court of Albany, Rensselaerswyck and Schenectady.*
3 Vols., 1668-1673. Albany: The University of the State of New York, 1926, 1:43-44.

Ordinary session, Thursday, December 10, 1668

[29] Messrs Philip Piteresz and Dirck van Schelluyne, in their capacity of curators of the estate of the late Cornelis Bogardus, plaintiffs, against Aques Cornelisz [Auke Cornelissen van Slyck], defendant.

The plaintiffs demand of the defendant fl. 82 in beavers for goods obtained by him and his brother Martten Cornelisz from the late Bogardus, with costs.

The defendant says that he knows nothing about it.

The plaintiffs, replying, say that as the defendant was the heir of his brother's estate, they maintain that the aforesaid debt must be paid by him.

The defendant promises to pay the said sum of fl. 82 in beavers to the plaintiffs in the space of three months.

The honorable court consequently condemn the defendant to pay the aforesaid sum of fl. 82 in beavers according to his promise, with costs.

[30] Grietie, wife of Aques Cornelisz, plaintiff, against Schout van Marcken, defendant.

The plaintiff demands of the defendant fl. 91:19 stivers in seawan for wine and beer served at a party.

The defendant denies that he owes so much, but admits that he duly owes fl. 60.

The honorable court having heard the parties on both sides order the plaintiff to produce further evidence on the next court day, or otherwise to defer the matter to the oath of one or the other [of the parties].

Aques Cornelisz presents a petition signed by Sander Leenderts, complaining that the community of Schaenhechtede weaken in their religious zeal in view of the fact that the schout [sheriff], Van Marcken, taps on Sunday in the house of God, so that they are deprived of their services.

Van Marcken answers that not more than a half glass (*halfje*) was drunk at his house.

The honorable court order Schout Van Marcken to govern himself according to his previous commission and forbid him to sell liquor by the quart (*by de hael kën*), unless Aques Cornelisz should happen to have no liquor.

[A license to tap was not acquired easily. Aques Cornelisz was apparently the earliest licensed tapster in Schenectady, a privilege which he guarded zealously.]

Chapter 7

TAVERNS, TAPSTERS AND TIPPLERS

From all accounts, our earliest inns or taverns were not so much places of shelter for the weary traveler as a gathering spot for thirsty Dutchmen looking to "whet the whistle" and talk over events of the day. The inns of the carriage trade did not become popular or even necessary until well into the 18th century.

By English law after 1664, barkeepers – or tapsters, as they were known in those days, must apply for a license in order to legally sell the hard stuff. It is from these records that we have the names of those who made their living through the "publick" houses which most set up in the front room of their dwelling. They were not all men, either. In many cases, the widow kept the business after her husband died and proved a natural as an innkeeper.

The two earliest licensed tapsters in Schenectady were (J)Aques Cornelise Gautsh (Van Slyck) and Cornelise Viele, although Douwe Aukes (De Freeze) came over from Holland in 1663 and soon after settled in Schenectady as an innkeeper or victualler (probably in partnership with Viele), acquiring his license a few years later.

Gautsh, who was popularly known as Van Slyck, got his license about a year before Viele – although the latter was the more legitimate innkeeper. Van Slyck, an Indian half-breed whose tribal name was *Itychosaquachha*, was respected by both the Dutch and Indian and not long after Schenectady was settled he set up sort of a "roving shop" both inside and outside the stockade. On the other hand, Viele, who came to Schenectady in 1668, built an inn on the south corner of State Street and Mill Lane near Church Street – almost adjacent to the first edifice built by the Dutch Reformed Church. When Viele applied for a license from the English colonial governor, Francis Lovelace, on Jan. 9, 1671, there was this notification in reference to a "Lycence for Cornelyse Cornelyssen Vielen of Schanechtide to tapp strong Beer & Liquors there &c.":

"Whereas Cornelys Cornelyssen Vielen of Schanechtide haveing made this Address to ye commissarys att Albany, desiring hee may have Liberty to tapp strong Beer & Liquors and to keep an Ordinary, in recompence for several services done by him between us & ye Maques, the wh: they have Recommended to mee for my approbation. But in regard there is a Person already there by name Aques Cornelyssen Gautsh (Van Slyck) an indyan, that doeth ye same by Lycence and Appointm' of my Predecessor, Coll: Richard Nicolls, would give noe Determinacon therein:

"And it being likewise represented that ye said Aques hath not sufficient Accommodacon for

Strangers wh. ye said Cornelys Cornelyssen Vielen doth promise to bee well provided off ye reliefe of Strangers & Travellers, upon consideracon had thereupon I have Thought fitt to graunt ye Request of ye said Cornelys Cornelyssen Vielen & by these Presents doe give him free Lycence and Liberty to tapp or sell by Retayle strong Beere & Liquors to Strangers & Travellers at Schanechtide, with this Proviso, That this Lycence now granted shall not take away ye priviledge of ye former Lycence given by my Predecessor to Acques: And that ye said Cornelys Cornelyssen doe keep fitting Accommodacon for men and horses, but does not presume to sell any strong Liquors to ye Indyans to cause any disturbance that way under ye penalty of forfeiting this Lycence & paying such ffine as ye Law shall Require."

Here, the Governor was dealing with two problems: A lively competitiveness between Schenectady's two legal tapsters and the selling of "fire water" to Indians.

The intense rivalry between Van Slyck and Viele, in fact, was not only in supplying Dutchmen with their schnapps but in trying to convince the authorities that one or the other should be a "confidential" liquor salesman to the Iroquois who frequented the area.

Not a little attention, and apparently concern of officialdom, was given the dispensation of strong drink to the Indians by the colonists. The real worry, if we can read between the lines of orders and/or warnings handed down by authorities, was that an intoxicated Indian could not be trusted.

We must remember that the white man in the colonial days still regarded the red man as a savage, even though he may have traded goods and intermarried within the neighboring tribes for many years after he took over land that he had bought for a pittance or given him many years before. Stockades in the outposts were no guarantee of safety should a band of Indians suddenly decide to become unfriendly. Knowing the effect that any distilled or fermented drink had on some "civilized" persons, causing them to become argumentative, boisterous or belligerent, administrators of the colonies and settlements frowned upon the common practice of many colonists of supplying liquor to Indians often for selfish motives. They might ply an eager but unsuspecting brave with a tankard of rum to "seal a deal" of bartered furs, to try to win a friendship on a personal basis and sometimes even to curry tribal favors where Indian maidens were concerned.

As it turned out, the Governor may have seized upon an opportunity to show a humane gesture toward a prominent and berieved widow in Sche-

HERTEL/HARTELL

The immigrant, Jacques Hertel de La Fresnière, was born in Fécamp, Normandy, France about 1603 and was the son of Nicolas Hertel and Jeanne Miriot.¹ Jacques was one of the teenage young men who accompanied the explorer Champlain to America probably in 1615.² Champlain chose educated young scholars who could be trained as interpreters.³

By 1620 Hertel was following the life of the French woodsman-trader in the Mohawk Valley.⁴ In 1629 the French were forced to flee Quebec when it was captured by the English Kirke Brothers. In the years immediately following Jacques Hertel lived among the Indians.⁵ Perhaps during this time, but probably earlier, purportedly he took a Mohawk/Iroquois woman for a wife and fathered two daughters by her. One historian states the girls were named Ots-toch and Kenutje.⁶ Another author claims Ots-toch ultimately became the wife of the Dutch settler Cornelis Antonissen Van Slyck.⁷ While much of this is legendary, it is undeniable that Cornelis Van Slyck had a part Indian wife and that they named a son "Jacques," traditionally a French name.⁸

In 1633 after Quebec was back in the hands of the French, Jacques Hertel returned there. On 16 December 1633 he became the first landowner in Trois Rivières when he was granted two hundred acres of land and the seigneurie de la Fresnaye/Fresnière by the Compagnie des Cent-Associés.⁹

In 1639 Marie Marguerie, a native of Rouen, had come to New France at the request of her brother François, an explorer and interpreter who was staying in Trois Rivières.¹⁰ On 23 August 1641 Marie and Jacques Hertel were married.¹¹ From this union were born François Joseph, 3 July 1642; Marie Madeline, 2 September 1645; and Marguerite, 26 August 1648.¹²

Jacques Hertel was elected syndic (mayor) of Trois Rivières in 1647.¹³ On 10 August 1651 he died accidentally in the home of Antoine Desrosiers and was buried in the side chapel of the church of the l'Immaculée-Conception-de-Trois-Rivières.¹⁴

¹George W. Brown, ed., *Dictionary of Canadian Biography*, 14 vols. (Toronto: University of Toronto Press, 1966), *Vol. 1, 1000-1700*, p. 368. [This source is incorrect in stating the date of Jacques Hertel's arrival in America as 1626. The records of Champlain refute this.]; Lorine McGinnis Schulze, *The Van Slyke Family in America* (Midland? ON: Author, 1996), p. 43 [ref.: Notarial records Vol. 6, 1980].

²Reuben G. Thwaites, ed., *Jesuit Relations and Allied Documents; Travels and Explorations of the Jesuit Missionaries in North America 1610-1791*, 79 vols. (Cleveland: Burrows Bros., 1896-1900), 9:305.

³Benjamin Sulte, "Annals of the Ottawa," *Ottawa Evening Journal* 12 January 1889. [Source of material for the article: *The History of Brule's Discoveries and Explorations*.]

⁴Nelson Greene, ed., *History of the Mohawk Valley, Gateway to the West, 1614-1925*, 4 vols. (Chicago: S. J. Clarke, 1925), 1:334.

⁵Brown, *Dictionary of Canadian Biography*, 1:368.

⁶Nelson Greene, ed., *History of the Mohawk Valley*, 1:334. [This source states Kenutje married a Bradt.] According to Austin A. Yates, *Schenectady County, New York: Its History to the Close of the Nineteenth Century* (New York: New York History Co., 1902), pp. 6 and 16, the two girls were named Alstock and Kinetis.

⁷Nelson Greene, ed., *History of the Mohawk Valley*, 1:334 and Schulze, *The Van Slyke Family in America*, p. 11 [2 July 1688 deposition of Jean Labate in Albany].

⁸*Livingston Indian Records 1666-1723*, ed. Lawrence H. Leder (Gettysburg, PA: Pennsylvania Historical Association, 1956), p. 146. Jacques Van Slyke's parentage is proved by the Dutch custom of patronymics.

⁹Benjamin Sulte, *History of the Village of Trois-Rivières* (Montreal: Eusebe Senecal, 1870).

¹⁰Raymond Douville and Jacques Donat Casanova, *Daily Life in Early Canada* (New York: Macmillan, 1967), p. 29.

¹¹Schulze, *The Van Slyke Family in America*, p. 43 [ref.: Notarial records Vol. 6, 1980].

¹²*Répertoire des acts de bapteme mariage sépulture et des recensements du Québec ancien*, 45 vols. (Montreal: University of Montreal Press. 1980-1988), 4:127, 130 and 135 [l'Immaculée-conception-des-Trois-Rivieres].

¹³Sulte, *History of the Village of Trois-Rivières*, pp. 105-106.

¹⁴René Jetté, *Dictionnaire généalogique des familles du Québec des origines à 1730* (Montreal: University of Montreal Press for Bibliothèque Nationale du Québec, 1983), p. 566 and *Jesuit Relations and Allied Documents*, 36:137.

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