

Extraordinary session held in Albany, February 18, 1680/1

Present:

Corn. van Dyk

D. Wessells

J. Provoost

J. Bleker

Jan Cornelise van der Hoeve, being summoned by their honors to testify to the truth as to what happened at Kinderhoek to the person of Hend. Gerritse van der Meulen,¹ who is missing, he, being sworn, declares as follows:

[71] Last Sunday afternoon, being the 13th of February, he came from Pompoenik in the sleigh of Groot Andries,² accompanied by Gerrit Jacob, Groot Andries, the little daughter of Dirk, the Swede, and the said Hend. Gerritse. Coming to the kill where Andries Jacobse Gardinier's mill stands and where a tree lay across the kill, they walked across and Hend. Gheritse, straddling the tree, also managed to get across, with the help of Groot Andries, as he was pretty drunk, having brought a bottle of rum with him from Pompoenik. When the deponent entered the house of Andries Jacobse, he asked him whether he was not also going to the Groot Stuck in his sleigh, to which Andries Jacobse replied that he did not mind, saying to the little girl of Dirk, the Swede: "Get the horses!" When they were hitched up, Hend. Gerritse sat down on the sleigh with a small boy and said: "I want to go to the Groot Stuk too." Whereupon the deponent said that if he wanted to ride on the sleigh, the deponent would not go, for he was drunk and would keep tumbling off; moreover, there was no room for him on the sleigh. He also said to Andries Jacobse: "Let us have a smoke." Then, while Andries Jacobse turned the sleigh around, the said Hend. Gerritse and the boy fell off, but the boy again

¹ He was a master tailor at Beverwyck. His name frequently occurs in *Early Records of Albany*, vol. 1, where Jonathan Pearson has erroneously supplied the name "van Wie."

² Big Andries, meaning Andries Hansen.

jumped on the sleigh and after having run after it for a short distance the deponent sat down on the sleigh with the girl and so rode to the Groot Stuk.

The deponent says further that Andries Jacobse said to Hend. Gerritse, before he fell off the sleigh: "What do you want to come along for? You had better go to the house and lie down to sleep;" for he was very drunk, so that the deponent thinks that he would have had to hold him all the time. And so they drove away. The deponent saw Hend. Gerritse get up from the snow where he had fallen, but does not know what became of him, whether he went home, or where he went.

SAT

Extraordinary session held in Albany, February 19, 1680/1

Present:

M. Gerritse
 C. van Dyk
 D. Wessells
 J. Provoost
 J. Bleeker
 Sheriff Pretty

The court having met to further consider the case of Hend. Gerritse, who has been missing since last Sunday, [72] it is resolved to summon here by special warrant the persons who were present, to wit, Groot Andries, Gerrit Jacobse, the daughter of Dirk, the Swede, and Andries Jacobse Gardinier, who as soon as possible after the receipt of the warrant are to repair to this place, without delay, to be examined about the matter.

MON

Extraordinary session held in Albany, February 21, 1680/1

Present:

M. Gerritse
 C. van Dyk
 D. Wessells
 J. Provoost
 P^r Winne

J. Janse Bleker

Hend. van Ness

R. Livingston, secretary

Richard Pretty, sheriff, plaintiff, against Andries Jacobse, Andries Hanse, Gerrit Jacobse, Engel Dirckx, defendants.

The plaintiff states in writing that the defendants were the persons who were last with Hend. Gerritse van der Meulen, who is missing and who undoubtedly perished, as he was very drunk and was left alone in the woods by the defendants without any one being near him. Therefore, he maintains that they must be held to answer for his death and that they must be tried for their lives to see whether they are not guilty of the death of H. Gerritse van der Meule, who is missing.

Whereupon the defendant were separately examined by their honors, as follows:

[73] 1 Andries Hanse, *alias* Groot Andries, is asked whether on Sunday, February 13th, he came with Hend. Gerritse from Pomponik.

Answer: Yes.

Q. Out of which house did he come last?

A. Out of his own house.

Q. Where did the said Hend. Gerritse get the bottle of rum?

A. From Dirk, the Swede. They drank it partly on the way and partly at Andries Jacobse's.

Q. Whether Hend. Gerritse was drunk before he reached the house of Andries Jacobse?

A. Yes.

Q. Whether there is not a tree lying across the kill?

A. Yes.

Q. How did Hend. Gerritse get across the tree?

A. He helped him across, as the tree was very slippery, so that they had to creep over it.

Q. Whether he had not promised Hend. Gerritse to take him back to Pompoenik?

A. No, but Hend. Gerritse wanted to go with Andries Jacobse to the Groot Stuk.

Q. Whether he went along to the G. Stuk?

A. He saw him sitting on the sleigh and Andries said: "Go into the house and lie down to sleep." He drove away and they went back to the tree, as their sleigh stood on the other side of the kill, and so he parted from them.

Q. Whether he met Samuel Jacobse on the way when he went home?

A. He was at the house of his brother, Jan Jacobse, and went back home.

2 Gerrit Jacobse is asked whether on the 13th of this month, being Sunday, he came with Hend. Gerritse from Pompoenik?

Answer: Yes, from Groot Andries' house, in the sleigh.

Q. Where did you go?

A. To Andries Jacobse's house.

Q. What was Hend. Gerritse's condition?

A. He was somewhat intoxicated, but not very drunk, for we helped him over the tree lying across the kill, which was very slippery.

[74] Q. How long did you stay at Andries Jacobse's?

A. About two hours, it being about meal time when they arrived there.

Q. Whether the bottle of rum which H. Gerritse had was still full when they arrived at Andries Jacobse's house?

A. It was half empty, for they sat there for about two hours without having anything to drink.

Q. Did you not ask Hend. Gerritse whether he wanted to go back to Pompoenik?

A. No, as he wanted to drive with Andries Jacobse to the Groot Stuk and sat down on the sleigh.

Q. Did you see him drive away?

A. He drove on behind his house, with Hend. Gerritse sitting on the sleigh, and they went to the tree to get across, as their sleigh and horses stood on the other side of the kill.

Q. Why did you not take Hend. Gerritse back to Pompoenik?

A. Because he did not want to go to Pompoenik and also because Andries Jacobse promised that if Hend. Gerritse would

lie down on his bed and go to sleep, he would take him back to Pompoenik toward evening.

3 Engeltje Dirkx is asked whether on Sunday, the 13th of February, she also sat on the sleigh of Andries Jacobse to drive from his house to the Groot Stuk.

Answer: Yes.

Q. Whether Hend. Gerritse also sat on the sleigh?

A. He sat down on the sleigh, but was not asked whether he wanted to go along.

Q. What did Andries Jacobse say to him?

A. That he should go into the house and lie down on his bed to sleep and in the evening he would take him on his horse to Pompoenik, but he would not do it and remained sitting on the sleigh.

Q. How did H. Gerritse fall off the sleigh?

A. As the sleigh was being turned around behind the house it struck a stump and he fell off. He [Jacobse] stopped and they sat down on the sleigh. They saw H. Gerritse get up and they all shouted to him to go back into the house and to lie down to sleep.

[75] 4 Andries Jacobse Gardinier is asked whether on Sunday, the 13th of this month, he drove from his house to the Groot Stuk.

Answer: Yes, with Jan Cornelise, Engeltje Dirkse and a boy, in the sleigh.

Q. Whether Hend. Gerritse did not also sit down on his sleigh?

A. Yes, but he told him that he could not come along and should go into the house and lie down to sleep, and when he came back from the Groot Stuk he would take him across the kill on a horse, as he had told him before.

Q. Whether Hend. Gerritse got off the sleigh?

A. No, but when the sleigh turned around behind the house Hend. Gerritse and a small boy fell off, as there was no rail or guard around the sleigh.

Q. Whether Hend. Gerritse remained on the ground?

A. No, he got up, and he [the deponent] drove away and said to those who were in the sleigh: "He will doubtless go into the house and lie down to sleep; my brother Samuel, whom I sent to Pompoenik for bread, will come home presently."

Q. When did you get home?

A. About a half hour after sunset.

Q. Whether he found Hend. Gerritse?

A. No, and I asked my brother Samuel whether he had seen him. He also answered no. He further says that he has not seen any tracks leading to the kill, but noticed footprints on some footpaths.

Whereupon their honors have thought fit to call a jury of 12 persons to render their verdict or judgment in the matter aforesaid, namely, how the said persons have conducted themselves in the matter aforesaid, viz:

Adriaen Gerritse

Albert Rykman

Jan Becker

Jan Byvank

Pieter Schuyler

Aernout Cornelise

Jochim Staes

Jan Verbeek

Jan Vinnaegen

Jurian Teunise

Gerrit Hartenbergh

Pieter Meuse

Who, being sworn and having considered the matter aforesaid, bring in their verdict that the aforesaid persons are not guilty of the death of Hend. Gerritse, who is missing.

[76] The honorable court, having deliberated upon the case of the defendants, approve the verdict or decision of the jury, declaring the defendants not guilty of the death of Hend. Gerritse aforesaid, and they therefore nonsuit the plaintiff. The costs are to be paid out of Hend. Gerritse's estate.

Warrant to the constables regarding the estate of
Hend. Gerritse

Whereas the person of Hend. Gerritse van der Meule was lost on the 13th of February, 1680/1, at Kinderhoek, and thus far, notwithstanding all the efforts that have been made, has not been found, whether dead or alive, and consequently has per-

ished, as may be seen at large from the proceedings thereof entered in the record; therefore, you are hereby authorized and ordered in his Majesty's name, with all zeal and diligence to make inquiry regarding the estate of the said Hend. Gerritse and if there are any books to demand them from such person or persons as may have them in their possession; also, to post notices that all persons who have any claim against the said estate, or who may owe anything to it, are to present their account or claim to you, whereof you are to make a report in the form of an inventory on the next court day, in order then to receive further instructions in the matter aforesaid. For the performance of which this will be your sufficient warrant. *Actum* in Albany, at the session of their honors, on the 21st of February, 1680/1.

Was signed: Marte Gerritse

To the Constables of Albany

[90] Extraordinary session held in Albany, March 12, 1680/1

Present:

Marte Gerritse

Corn. van Dyk

D. Wessells

J. Provoost

J. Bleeker

The constable and overseers of Kinderhoek send word by Samuel Jacobse Gardinier that the person of Hend. Gerritse van der Meule has been found dead, lying on his back, in the middle of the great lake, lying about an hour¹ from the house where he was seen last. The first report thereof was brought there by an Indian and an Indian boy, whereupon the constable and several persons of Kinderhoek went to the lake and saw him there.

Whereupon it is decided and resolved that the sheriff and one of the constables are to drive at once to Kinderhoek and there to form a jury of the constable, the overseers and some other good, honest persons to hold an inquest over the body in order to give their opinion and judgment as to how he came to his death. They are to make a report thereof to the court at the first opportunity and, after the inspection has been made, have him buried.

Warrant to the sheriff and the constable

Whereas we are informed that the person of Hend. Gerritse, who was missing, has been found dead in the great lake, lying about an hour from the place where he has been seen last, to wit, from the house of Andries Jacobse, you are hereby ordered in his Majesty's name to go as quickly as possible to Kinderhoek and there to form a jury of the constable and overseers and some honest people, to whom you are authorized to administer the oath, in order that an inquest may be held to decide how he came to his death, and after examination to have him buried, and at the first opportunity to make a report of everything to the court.

¹ Meaning an hour's going, equal to 1/20 degree, or 3.45 statute miles.

[91] Albany, March 15, 1680/1

Mr Rich. Pretty, sheriff, and Robert Sanders, constable, came this day from Kinderhoek, where with the sworn persons mentioned below they examined the body of Hend. Gerritse van der Meule in the lake, to determine how he came to his death:

R. Sanders, aforesaid

Pr Bosie

Jacob Vosburgh

Isaak Vosburgh

Jan Tyse

Albert Jacobse

Jochim Lambertse

Albert Elbertse

Which aforesaid persons upon examination found no mark on his body and are therefore of opinion that he perished, having strayed from his path and thus come to his end.