

Extraordinary Sessions Held in Fort Orange, August 1st and 20th, 1657.

- New Netherland
- Fur trade
- Gender studies
- Native American history

- Chronological Reasoning and Causation
- Economics and Economic Systems
- Civic Participation

Middle & High School Level

- Details of the fur trade between Native Americans and Dutch settlers of New Netherland
- Women's individual property rights and educational opportunities in New Netherland
- Dutch inheritance practices
- Women's active roles in the Dutch judicial system
- Policing practices in New Netherland
- Everyday life of New Netherlanders and their financial struggles

Essential Question:

What was the judicial system like in New Netherland, and in particular, for women in New Netherland?

Historical Context:

By 1657, New Netherland's economy was defined by a black market in beaver furs traded to colonists by neighboring Native Americans in the region. Dutch West India Company Director-General Pieter Stuyvesant assigned his deputy, Johannes LaMontagne, with policing the fur trade near Fort Orange in the hopes of securing tax revenue from legal fur exports to Europe and to maintain the Company's relationship with neighboring Native American leaders. This extraordinary session, held in Fort Orange, details the arrest of a Dutch couple in the town of Beverwijck who had traded alcohol to a Native American in exchange for beaver furs. The magistrates hearing the case accepted the testimony of the defendant's wife, who contradicted the testimony of her husband and professed guilt for the crime, symbolic of women's unique position of power in Dutch society and of the community's growing dependence on the fur trade for survival in New Netherland.

Document Analysis:

1. Greet students at the door, and distribute the primary documents with accompanying guiding questions and scripts as they enter the room. Inform them today they will be taking part in a court case and that some students will be role-playing as a part of the lesson.
2. Set the stage by reading aloud the marriage contract between Brant Peelen and Marritje Pieters from July 3rd, 1643 and ask students the accompanying guiding questions. Have students answer as a class in the form of a discussion, and inform them that today's lesson will focus on women in New Netherland.
3. Next, ask students to volunteer for the following roles: Kanigeragae, Johannes La Montagne, Philip Pietersen Schuyler, Jan Tommassen, Hendrick Jochimsen, Marten Bierkaecker, Susanna Bierkaecker, Marten Cornelissen, and Seger Cornelissen.
4. Instruct students to briefly read over the Extraordinary Session Held in Fort Orange, August 1st, 1657, especially for those who volunteer for a role. [If possible, hand out a blanket, a water bottle or jug (to represent a kettle), and a small article of clothing (to represent a beaver fur) to Kanigeragae. Explain the importance of each to them and what they represent.]
5. Instruct LaMontagne to read aloud to the class the Extraordinary Session carefully, and instruct the cast to act out their roles as their classmates read along. Help LaMontagne to read the document when necessary and instruct students to complete guiding questions as they follow along.
6. Afterwards, instruct Kanigeragae, Hendrick Jochimsen, Marten Cornelissen, and Seger Cornelissen to take a seat. Instruct Philip Schuyler to read the title paragraph "Interrogatory of Marten Bierkaecker" and the give students a few more minutes to read the transcript of the interrogation and answer guiding questions.
7. After students have had enough time to answer guiding questions, instruct the remaining actors to return to the front of the room and to perform their roles outlined in the "Script for Interrogation." Remind the class that the script is a dramatization of what was written in the primary document, which might have been a simplified version of the actual interrogation if not a verbatim account of the court proceedings.
8. Following a portrayal of the interrogation, reconvene class and review guided question responses. Read aloud the Extraordinary Session from August 20th, 1657 which details the outcome of the court case to the class and instruct your students to complete the accompanying guiding questions.
9. Pose a few concluding questions: "would you find Marten and Susanna guilty?" Take a vote as a class. Call on some of the students who voted and ask them to volunteer some of their answers to the guiding questions in order to help them support their vote. Lastly, ask: "what does this court case tell you about women's roles in New Netherland's society and judicial system?" Have students record their answers in their notebooks for the start of the next lesson.

Optional Extension Activity:

The following activity could be completed in order to extend students' thinking and encourage them to make connections.

Task students with formulating a solution to the conflicts that lead to the Bierkaecker's arrest. Encourage students to incorporate their work from previous lessons on New Netherland. Have students record their responses in 2-3 short paragraphs.

Excerpt from Marriage Contract of Brant Peelen and Marritje Pieters, Widow of Claes Pieterse, July 3rd, 1643 [A.J.F. Van Laer, *New York Historical Manuscripts: Dutch, Vol. II Register of the Provincial Secretary, 1642-1647*, Baltimore: Genealogical Publishing Co., Inc., 1974.]

...She, Marritjen Pieters, present bride, promises to pay and turn over to each of her two children, named Sybrant Claesen and Aeltjen Claes, as their paternal inheritance and estate, the sum of two hundred guilders, once, which aforesaid four hundred guilders he, Brant Pelen, shall be at liberty to use for four consecutive years without interest, and if he, Brant Pelen, use the aforesaid money any longer, he shall annually pay as interest of the hundred guilders five per cent, but with the express condition and stipulation that they, the bridegroom and bride, remain bound to bring up the youngest child, Aeltjen Claes, without touching her property, to clothe her, to send her to school and to let her learn reading, writing and a good handicraft, in such manner as honest parents ought and should do and they are bound to do before God and men...

Who are the people listed in this document and how do they relate to each other? List all those named.

Who is Aeltjen Claes? What is she promised in this document?

What does her story here tell you about the lives of women in New Netherland?

Vocabulary:

Paternal: Having lineage to the father **Guilders:** Dutch dollars

Interest: Additional cost of borrowing at an annual rate of what is borrowed

Handicraft: Artwork done by hand or penmanship

Extraordinary Session Held in Fort Orange August 1st, 1657. [abridged]

Charles T. Gehring, *Fort Orange Court Minutes: 1652-1660*. Syracuse University Press. pp. 323-325, 328.

<https://www.newnetherlandinstitute.org/research/online-publications/volume-xvi-part-2-fort-orange-records-1656-1660/>

<http://digitalcollections.archives.nysed.gov/index.php/Detail/objects/54136>

... Whereas last Sunday, being the 12th of this month of August 1657, during the preaching, some drunken Indians committed many acts of insolence in this place and upon making inquiries a Maquas Indian was found, named Kanigeragae, who declared that he knew a house where the Indians obtained the brandy and offered, if we gave him a beaver, to get brandy in the said house; therefore, we, Johannes La Montagne, officer, Philip Pietersen Schuyler, and Jan Tomassen, magistrates, in view of the seriousness of the matter, on the 13th of the said month, having given a beaver to the aforesaid Indian, followed and accompanied him with Henderick Jochimsen, lieutenant of the burgher guard, which Indian went to the south side of the boundary line, having in his hand an empty kettle, which we had with us, and with this empty kettle, went into the house of Marten Bierkaecker, we together remaining near the said house to watch the result. But as there were strangers in the said house, as we ourselves could hear from the noise, the Indian came back to us with his kettle empty. About three-quarters of an hour later the said Indian again went into the said house and came back to us having in his kettle about three pints of brandy and sugar, which he had obtained for the beaver which we had given him, so that we took the kettle with us and went into the house of the said Bierkaecker, where we found him and his wife quite amazed after we had asked them whether they had sold the brandy that was in the kettle to a Maquaese Indian with a white blanket for one beaver, as we had seen the said Indian go in and out of the house. All of which, we, the undersigned, upon oath declare to be true.

Actum in Fort Orange, the 15th of August 1657.

Was signed:
Johannes La Montagne
Philip Pietersen Schuyler
Jan Tomassen
Henderick Jochimsen.

In your own words, describe what was going on in the Bierkaecker household on the 13th of August, 1657.

How did the magistrates and burgher guards investigate the Bierkaeckers? Who was Kanigeragae and what was his role in all of this?

What does this court case reveal about law and order in New Netherland?

Interrogatory of Marten Bierkaecker, inhabitant and innkeeper here, held at the request of J. Lamontagne, in his capacity as officer of Fort Orange and the village of Beverwijck, before the magistrates of the said court, the 15th of August Anno 1657.

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| <p>1. How old he is and where born?</p> <p>2. Whether he ever sold brandy to the Indians?</p> <p>3. Whether his wife, to his knowledge, ever sold any brandy to the Indians?</p> <p>4. Whether anybody in his house ever sold brandy to the Indians?</p> <p>5. Whether on Monday, the 13th, he did not see or know that an Indian with a white blanket come into his house about nine o'clock in the evening and asked to buy a beaver's worth of brandy?</p> <p>6. Whether the said Indian, about three quarters of an hour later, did not come into his house and again asked to have a beaver's worth of brandy?</p> <p>7. Whether he, himself, or his wife, to his knowledge, did not sell brandy to the said Indian for one beaver?</p> | <p>1. Answers: 30 years, born in Oldenborch. Susanna, his wife, answers: Aged 23, born in New England.</p> <p>2. Marten answers: No. Susanna answers, Yes.</p> <p>3. Answers: No.</p> <p>4. Answers: No.</p> <p>5. Answers: he saw the Indian and threw him out of doors in the presence of Marten Cornelissen and Seger Cornelissen. His wife answers: Yes.</p> <p>6. Answers: He did not see the Indian again. His wife answers: Yes.</p> <p>7. Answers: He does not know. His wife answers: Yes.</p> |
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Who are the defendants in this case? Do they tell the same story of what happened the night of August 12th, 1657?

What does this court case tell you about the legal status of women in New Netherland?

Who else's testimony are we lacking in this interrogation? How might this effect the case?

Role-Playing Activity:

Students will volunteer to perform the following roles in a role-playing exercise (9 students are required):

- Kanigeragae
- Johannes La Montagne
- Philip Pietersen Schuyler
- Jan Tommassen
- Hendrick Jochimsen
- Marten Bierkaecker
- Susanna Bierkaecker
- Marten Cornelissen
- Seger Cornelissen

Script for interrogation:

Johannes LaMontagne [to the Magistrates]– “I have before me Marten and Susanna Bierkaecker, of the village of Beverwijck, located outside the walls of Fort Orange, trading post of the Honorable Dutch West India Company. Magistrates of the Council of New Netherland, Philip Schuyler and Jan Tomassen, do I have your permission to proceed with interrogation?”

Philip Schuyler – “Aye.”

Jan Tomassen – “Aye, you may proceed with interrogation Deputy-Director LaMontagne.”

LaMontagne [to Marten Bierkaecker] – “How old are you and where were you born?”

Marten Bierkaecker – “I am 30 years old, and I was born in Oldenborch, in Holland.”

LaMontagne – “Mr. Bierkaecker, have you ever sold brandy, or any liquor of the sort, to Indians, either of the Maquas nation or of any other indigenous nation residing in the vicinity of Beverwijck or outside of the stockade walls of Fort Orange?”

Marten Bierkaecker – “No, never.”

LaMontagne [to Susanna Bierkaecker] – “And you, Mrs. Bierkaecker, have you ever sold brandy, or any liquor of the sort, to Indians in Beverwijck?”

Susanna Bierkaecker – “Yes sir, I have.”

LaMontagne [to Marten]– “Mr. Bierkaecker, your wife has just testified, under oath to the Honorable West India Company, that she has sold brandy to the Indians, a flagrant violation of Company ordinances dating back to the founding of this colony... were you aware of this illicit behavior?”

Marten Bierkaecker – “No sir, not to my knowledge.”

LaMontagne – “Has any resident or visitor to your household ever sold brandy, or any liquor, to the Indians?”

Marten Bierkaecker – “No sir.”

LaMontagne – “Well, Mr. Bierkaecker, on Monday, the 13th of this month, were you not visited by an Indian, carrying a white blanket, around 9 o’clock at night who was in search of a beaver’s worth of Brandy?”

Marten Bierkaecker – “... well, yes sir, as a matter of fact I was. The Indian stepped into our home while our guests, Marten and Seger Cornelissen, were present. I sent the Indian away immediately back into the night. Marten and Seger were present for this whole event. Perhaps they will testify the same.”

LaMontagne [to Susanna] – “I will ask you the same question, Mrs. Bierkaecker, were you not visited by an Indian at around 9 o’clock at night on Monday, the 13th, who carried a white blanket in search of a beaver’s worth of brandy?”

Susanna Bierkaecker – “Yes sir, we were. While our guests were there.”

LaMontagne – “And for the both of you, did not this Indian return around three quarters of an hour later, again with the same purpose?”

Marten Bierkaecker – “No, I never saw him again! We entertained our guests the rest of the evening.”

Susanna Bierkaecker – “Yes sir, he did return later that night.”

LaMontagne – “And did you, or did you not, sell to this Indian three pints of brandy in a kettle for one merchantable beaver fur pelt at his time of return?”

Marten Bierkaecker – “I... I do not know of this. That is all I have to say.”

Susanna Bierkaecker – “Yes sir, I did sir. [to the class] We needed the furs the Maquas had offered us, they are so hard to come by! I sold him three pints of brandy, beer, and wine... and we sent him away that night...”

LaMontagne [To the Magistrates]– “I believe the interrogation has come to a close. Honorable Magistrates, I differ to you the defendants.”

Jan Tomassen – “Thank you for your services, Director.”

Philip Schuyler – “Yes, thank you Director. After witnessing this testimony we will deliberate with the council here at Fort Orange on August 20th, Anno 1657. The fate of the defendants are at their mercy, your jurisdiction regarding this matter have come to an end Director.”

Extraordinary Session Held in Fort Orange, August 20th, 1657. [Abridged]

Charles T. Gehring, *Fort Orange Court Minutes: 1652-1660*. Syracuse University Press. pp. 323-325, 328.

<https://www.newnetherlandinstitute.org/research/online-publications/volume-xvi-part-2-fort-orange-records-1656-1660/>

...The plaintiff says that on Sunday, being the 12th, he discovered an Indian about ten o'clock in the evening who came from the house of Marten Bierkaecker, having with him a kettle in which was brandy and other strong liquor, as he proves by the testimony of three witnesses, given on the 15th of the aforesaid month, and also by the confession of the defendant herself. And whereas this is a deed of very dangerous consequence, in violation of the placecards issued by the honorable director general and council of New Netherland, and a deed which cannot be tolerated in a place where justice prevails, therefore, the said La Montagne, in his capacity as officer, demands that the said Susanna Janssen [Bierkaecker], in accordance with the said placecards, be condemned to pay a fine of f500: and the costs of the suit and furthermore be banished from this jurisdiction for the term of six years.

The defendant again confesses that she committed the said deed but says that she was moved by extreme poverty, her husband having double hernia and being therefore unable to earn his living and she being burdened with three small children, for whom she can buy no food except with beavers, which she the week before had tried to buy in many places for sewant at f12: apiece, but could not get. That, finally, she was asked [for the liquor] by an Indian who came twice to her house at night with a beaver, for which she gave him three pints of beer, brandy, French and Spanish wine, mixed together, praying of the court forgiveness in consideration of her youth and extreme poverty, promising never to do it again.

The court, considering the dangerous consequences of the case and the severe placecards, condemn Susanna Janssen in accordance with the said placecards, to pay a fine of [left blank]

According to this document, why did Susanna testify against herself and her husband?

Based on your knowledge of both of these documents, what does this court case tell you about the legal status of women in New Netherland?

The fine might have been purposefully left blank. With this knowledge, in your opinion, was justice served in this case? Why or why not?

How would you feel if you were Marten or Susanna's position? Could you justify their actions? Was LaMontagne justified in his pursuit of a strict enforcement of the law?

Vocabulary:

Insolence: rude or disrespectful behavior **Maquas:** The Dutch name for the Mohawk

Magistrate: Colonial judge or law enforcement officer

Burgher: privileged citizen who could take the oath of office if elected

Plaintiff: A person who brings a case to court, the prosecution

Testimony: Formal, written statement made in the court of law

Defendant: Person charged with a crime **Placecards:** laws or regulations

Director General: Chief law enforcement officer and executive in New Netherland

Hernia: Serious injury involving organ displacement