

Left: the official Seal of the City of New York, as adopted by the Board of Aldermen on April 27, 1915.

Below: the official Seal of the City of New York, as altered by the City Council on December 13, 1977.

PAUL O'DWYER AND CHANGING NEW YORK HISTORY

by Leo Hershkowitz

ON JUNE 16, 1974, Paul O'Dwyer, President of the City Council, presented a bill (Introduction No. 568), to change the year on New York City's official flag and seal from 1664, the year the Dutch surrendered New Netherland to the English, to 1625, the year of the founding of New Amsterdam. The bill further provided that the Latin inscription *Sigillum Civitatus Novi Eboraci* (Seal of the City of New York) be omitted from the seal, *Eboraci* being the Roman name for what became York, England. This was, O'Dwyer said, not an attempt to twist the British Lion's tail but, rather, was intended to recognize the city's

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Dutch heritage and the fact that "the city had then been in existence with a democratic form of government for thirty nine years" before 1664. The Irish-born council member supplied a number of historic examples of prior changes to induce the other forty-three council members to accept and pass his legislation. Among these members were Thomas J. Cuite, majority leader, Matthew J. Troy, David L. Dinkins, City Clerk and Clerk of the Council, Robert Wagner Jr., Henry J. Stern, and Peter F. Vallone.¹

There was precedent for a revision. In 1973, the State Legislature, at the request of Norman Goodman, New York County Clerk, had approved legislation adding to the year 1664 on the county seal the date of November 1, 1683, when the county system of government was established under the Dongan Charter. O'Dwyer, a student of and maker of city history, knew that the city flag and seal had also been altered many times. The first seal was created in 1654 by the Dutch West India Company and the first dated seal under the English rule was created in 1669, followed by one in 1686 and Dongan's issuance of the City Charter. After the Revolutionary War, a new seal was adopted, substituting the American eagle for the English crown but keep-



ing the existing coat-of-arms design, together with the year 1686. Then, in 1915, essentially under the direction of the Art Commission of the City of New York, a group that included Isaac N.P. Stokes, Victor H. Paltsits, and John B. Pine, well-known collectors and historians, recommended a re-design of the "ancient corporate seal," changing 1686 to 1664. The suggestion was quickly adopted by the Board of Aldermen on April 27, 1915, without dissent, and approved by Irish-born Mayor John P. Mitchell on May 1, 1915. This marked the 250th anniversary of the establishment of municipal government (1665) under English rule.² It is possible that the new date reflected public support for England during World War I.

While it had taken the Art Commission only two or three months to effect its recommendation, O'Dwyer, faced with a number of obstacles caused in

¹ See *The New York Times*, June 27, 1974.

² John B. Pine, *Seal and Flag of the City of New York* (New York, 1915), 86-99.



Left: The official seal of the City of New Amsterdam, presented to the city by the West India Company on December 8, 1654.

part by inertia and, perhaps, in part by a lack of information, was forced to wait almost three years for the final approval of the new flag and seal. History would be served, even it were to be a slow process. On July 9, 1974, his bill was referred to the Committee on General Welfare. It was titled, "A Local Law to Amend the Administrative Code of the City of New York, in relation to the official city flag," which, while keeping the traditional orange, white, and blue and coat-of-arms, substituted 1625 for 1664.³

Now O'Dwyer went about the business of convincing his fellow council members. He enlisted the aid of Legislative

Librarian Steven Weissman. In a letter dated September 4, 1974, he asked several questions of the librarian, answers to which would be of "help to the Majority Leader [Cuite] when this legislation comes on for a hearing." O'Dwyer wanted information on the brief 1673 recapture of the colony by the Dutch: for example, if there were laws providing manumission of slaves, if African-Americans were allowed to own land, the nature of local government after and before 1664, the right of appeal, the limitations on the power of officials to inflict punishment, the founding of the West India Company, and the form of government outlined in its charter of 1621.

Surely, O'Dwyer continued, government was established prior to 1664. "I am led to believe that there in the safe of the City Clerk are original minutes of what would correspond to City Council meetings written in Dutch language. Any light you can throw on these matters would I'm sure, be most

helpful."⁴ Weissman had earlier written to Anthony J. Caracciola, counsel to Majority Leader Thomas Cuite, regarding Int. No. 568 and, on September 13, 1974, answered O'Dwyer by elaborating on an earlier letter to Caracciola responding to the new questions. He ended his two-page reply with "From my readings and research, I am of the opinion that there was an active and vibrant government in New York before 1664." A copy was sent to Caracciola.

O'Dwyer, in his letter to Weissman, rejected claims by "noted New York historians" who argued that the first city government was established in 1664. He was surely addressing conclusions reached by Philip Klinge of the New-York Historical Society who noted in *The New York Times* of June 27, 1974, that the "main point is that the Dutch presence here was commercial, not a governmental one." There should be no change made in the year. This finding was questioned by O'Dwyer and Weissman and, perhaps more importantly, by history.

No doubt, trade was at the heart of

³ Minutes of the Common Council, 1974, p. 1364.

⁴ Paul O'Dwyer to Steven Weissman, September 4, 1974, Folder City Flag and Seal, City Hall Library, 31 Chambers Street, New York.

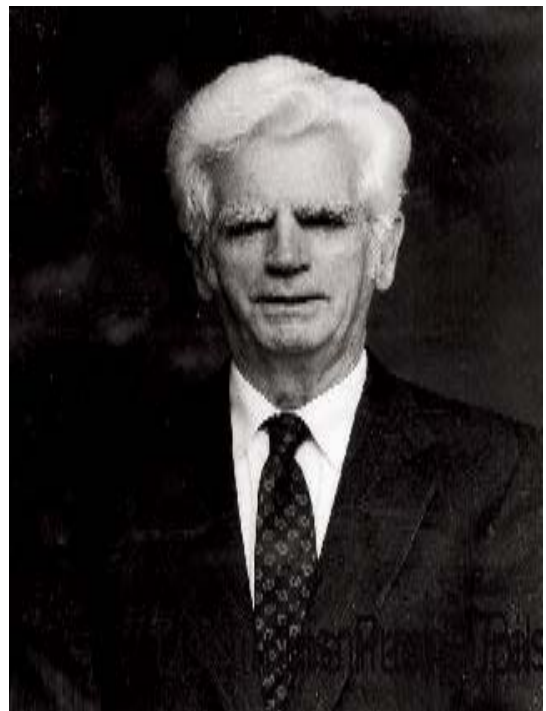
From left to right: Dr. Julius Bloch of Queens College, Dr. Leo Hershkowitz, author of this article, and Paul O'Dwyer discuss the changing of the date on New York City's Seal in O'Dwyer's Manhattan office in 1974.



the colony; a glance at the City Seal with its beaver, flour barrels, Indian, and sailor are testimony to that. But the Dutch had also provided representative government as well as basic concepts of tolerance, including that of religious freedom. Obviously, the existence of a free and open society before 1664 was something O'Dwyer knew about and wanted emphasized. F. C. Wieder's *De Stichting van New York in Juli 1625 (The Founding of New York in July, 1625)*, published in The Hague in 1925, is a basic reference of which, together with others, he was aware. Wieder's book, based on original research in Dutch archives, revealed that 1625 was the year of the planning and building of New Amsterdam. Streets were laid out, a fort was constructed, and a trading post was established. [This valuable text should be translated into English and republished.] O'Dwyer also knew that on February 2, 1653, Director-General Petrus Stuyvesant, on instruction from the Amsterdam Chamber of the West India Company, proclaimed a municipal form of government consisting of two burghers and five schepens. Indeed, the records then in City Clerk David Dinkins's safe, among the earliest municipal records in the country, were proof of early governmental existence.

Caracciola advised Weissman in a letter dated October 11, 1974, that the Committee on General Welfare would hold a public meeting on Thursday, November 15, 1974, regarding the O'Dwyer bill. This was an open meeting highlighted by the report of the Committee that, more or less accurately, summarized early history. In the report, dated December 17, 1974, reference was made to a Resolution No. 285, adopted by the Council on June 20, 1974, that questioned the "appropriateness of the [1664] date on the city flag and seal" and a Resolution No. 284 which stated that the flag and the seal and other official insignia of the City of New York "erroneously bear the date 1664 rather than 1625 as the date of our origin." The resolution continued and stated that in 1625, the creation of New Amsterdam was designated by the West India Company "as the seat of government for all lands held by the Netherlands on this continent." Thus, the flag and seal, for consistency, would bear

(Peter) Paul O'Dwyer (1907-1998), New York City Council President from 1974 to 1977. It was due to O'Dwyer's efforts that the Dutch origins of New York City's municipal founding were finally officially recognized.



the year 1625. The flag did not bear the legend in Latin *Sigillum Civitatus Novi Eboraci*, since the 1915 Committee on Rules had suggested that if "the design for the seal is used on the city flag or for architectural or ornamental purposes, the legend is superfluous and detracts from the design, and might be well omitted."⁵ The General Welfare Committee also recommended the continued omission of the legend on the flag but further held that no flag may be discarded as obsolete because of the new legislation. Members of the Committee, chairperson Aileen B. Ryan, and seven members voted for adoption of Int. No. 258 on December 17, 1974, but it was not until the adoption of Local Law No. 3, 1975 that the change of date was officially recognized for the flag of the city.

Reference specifically to the seal came next. Int. No. 716, presented by O'Dwyer, amending the Administrative Code in regard to the city seal, was referred to the General Welfare Committee on March 13, 1975. As in earlier resolutions, 1625 was to be the year on the seal as well as on the flag. President O'Dwyer urged passage but suggested an amendment to allow for a gradual phasing-in of the new seal, "due to financial considerations." The council voted in favor on December 13, 1977, with thirty-seven for and none against.⁶ However, here O'Dwyer suf-

fered a partial defeat: the Latin inscription, with its reference to *Novi Eboraci*, was retained on the seal. The bill was passed and approved as Local Law No. 98 and signed by Mayor Abraham D. Beame, on December 30, 1977. Now, as a result of Paul O'Dwyer's initiative, New York had a new date on its flag and its seal. He had reemphasized the city's Dutch heritage by including the beginnings of the first city government. He had helped educate fellow City Council members and citizens in general as to the importance of early history.

The O'Dwyer year of 1625 remains a reminder and an encouragement to those seeking to reinterpret—if not change—history. Paul O'Dwyer was a "Liberal Battler for Underdogs and Outsiders" who died on June 23, 1998, at the age of ninety.⁷ His interest in the city's early history, particularly as it furthered concepts of liberty and toleration, were basic to his interest in changing the year on the city seal. He was also, it should be noted, a major force behind the formation of New York City's Municipal Archives, where the city's earliest Dutch records are now located.

⁵ Pine, 93.

⁶ *Proceedings of the Council of the City of New York*, II, July 7, 1977, December 23, 1977, p. 1641.

⁷ *The New York Times*, June 25, 1998.



The twin concepts of Tolerance and Liberty define the juridical and cultural construct to which American freedom refers and on which American success depends. Left: Johannes de Ram, “Belgium Foederatum,” cartouche, 1690. Below: Governors Island.

The Mutually Exclusive Birth Years of the State of New York and the City of New York



by Joep de Koning

IN UNDERSTANDING THE meaning of New Netherland’s history, its inheritance of toleration (religious tolerance), and its cultural contribution of ethnic diversity to America, it is crucial that one distinguishes between (1) the region’s discovery in 1609 and its subsequent fifteen-year use by private commercial interests and traders and (2) the region’s

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conversion to a North American provincial legal entity of the Dutch Republic in 1624 under the patronage of the States General (the governing body of the Dutch Republic) through the delegated authority of the [Dutch] West India Company (WIC).¹

New Netherland’s legal/political and cultural contribution of toleration as the basis for regional pluriformity and as an indispensable component in the concept of American freedom and democracy is based on two dates only:

1624—Birth year of the province of New Netherland with the first settlers to Governors Island—the birthplace of the provincial entity of New Netherland, now the State of New York (i.e., the source of the legal/political condition of toleration), and

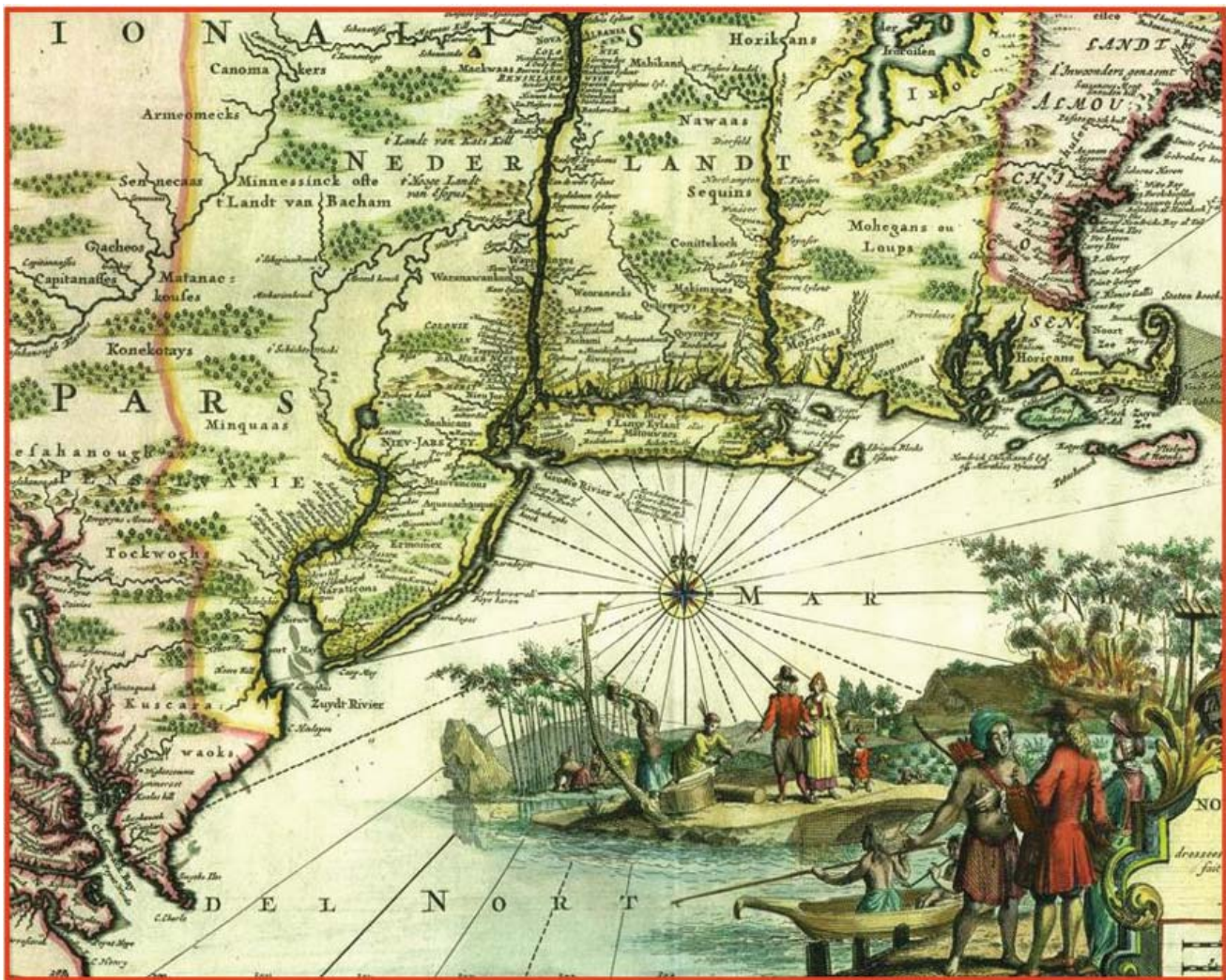
1625—Birth year of the village/town of New Amsterdam, now New York City, on Manhattan Island as the principal place of permanent settlement with the start of construction of Fort Amsterdam, houses, and farms. As the seat of New Netherland’s government from which legal authority sprang, Fort Amsterdam functioned as Capitol and New Amsterdam as the provincial capital (i.e., the locus of the cultural contribution of toleration.) Hence, New

Amsterdam was not set up as a trading post—an official [Dutch] East India Company (V.O.C.) concept in trading with advanced Asiatic cultures in established societies—nor can an entire region the size of the New York tri-state region be viewed or referred to as a trading post.²

The year 1624 is important because the transformation of the New Netherland territory into a North American province of the Dutch Republic took place in May 1624 on Noten Eylant (“Island of Nuts,” renamed Governors Island in 1784) with the landing of the first settlers with the West India Company’s ship

¹ A. J. F. van Laer, trans. and ed., *Documents relating to New Netherland, 1624-1626, in the Henry E. Huntington Library* (San Marino, Cal., 1924); Facsimiles of contemporary Dutch-language documents as addenda to F. C. Wieder, *De Stichting van New York in juli 1625*, ed., Linschoten-Vereeniging 26 (s’Gravenhage, 1925), 17-35; Jaap Jacobs, *New Netherland: A Dutch Colony in Seventeenth-Century America* (Leiden and Boston, 2005), 95-189.

² Jacobs, 188.



Pieter van der Aa, or Pierre vander Aa, *Nouvelle Hollande* (a present NOUVELLE-YORK), from *Galerie Agréable du Monde*, sixty-six volume atlas (Leiden, 1729). This map is a re-issue of the 1671 Montanus copper plate with the title cartouche erased and a new one showing settlers engraved in its place.

New Netherland under the command of Cornelis Jacobsz May—New Netherland’s first director. Most of those first settlers (thirty families) were quickly distributed to an island in the Delaware River, at the top of the Hudson River, and at the mouth of the Connecticut River in order to complete physical possession of what was from then on the province of New Netherland and extending between the 38th and 42nd parallels.³

Only by knowing and understanding the legal implications of what happened on Governors Island in 1624 can the original and enduring cultural contribution of the first (now New York) settlers to American culture be grasped. It requires knowing and understanding the original form of government of New Netherland (later the New York tri-state region)—so named from 1614 through 1674, including a five-year interval under English sov-

ereignty—with its split existence of originally a place for private commercial interests through the issuance of patents issued by various and differing authorities and, since 1624, a North American provincial entity under the auspices of the Dutch parliament, whose authority was vested in the WIC.

Codification of common law in the states of both Holland and Zeeland took place from 1580 through 1624. Because the West India Company was given, in 1621, a dual legal position as trading institute and sovereign under the authority of the States General (i.e., the Dutch Parliament), New Netherland’s colonists had to swear allegiance to both the Company and the States General.⁴ These Holland and Zeeland ordinances, together with civil, maritime, and commercial laws, were placed as legal code onto the New Netherland territory by the West India

Company settlers to Governors Island directly and through incorporation by reference pursuant to the March 1624, January 1625, and April 1625 instructions to the settlers.⁵ These instructions contained the legal/cultural code that lies at the root of the New York tri-state region’s traditions and, ultimately, American pluralism (diversity) and liberty through the active notion of toleration as the basis for ethnic diversity and American freedom. The original instructions are discussed below

³ Provisional Order, March 30, 1624, No. 16; Instruction to Willem Verhulst of January 1625, No. C11 and C18; Wieder, 116, 117, 131; E. B. O’Callahan, *Documentary History of the State of New York*, 4 vols. (Albany, N.Y., 1849-1851), 3: 49-51; Joep de Koning, “From Van der Donck to Visscher,” *Mercator’s World* (July/August 2000): 28-33.

⁴ Provisional Order, March 30, 1624, No. 1 and No. 20; Wieder, 17, 18; Nicolaes van Wassenaer, *Historisch Verhaal*, February 1624.

⁵ Subsequent Instruction to Verhulst, April 25, 1625, No. 20; Wieder, 143, 112, 113, 114; Jacobs, 103.

to support the notion that the founding of the province of New Netherland preceded the founding of its capital, New Amsterdam, and that contrary to the belief of some historians, the chief administrative and judicial authority was and remained in *patria*.

It was those first settlers to Governors Island in 1624 who planted the precept of toleration as a legal right for North Americans, as per explicit orders they had been given on their departure from the Dutch Republic. They had to attract, “through attitude and by example,” the natives and non-believers to God’s word “without, on the other hand, to persecute someone by reason of his religion and to leave everyone the freedom of his conscience.”⁶

These instructions derived from the founding document of the Dutch Republic, the 1579 Union of Utrecht, which states “that everyone shall remain free in religion and that no one may be persecuted or investigated because of religion.” This statement, unique in the world at the time, became, for example, the historic underpinning for the opening of the first synagogue in the Western Hemisphere at Recife in Dutch Brazil (New Holland) in 1642 as well as the “official” granting of full residency for both Ashkenazim and Sephardim at New Amsterdam in New Netherland in 1655.

The natural focal point of the historic message of toleration and the expanded version of religious, ethnic, and racial tolerance as dynamic prerequisites to American liberty is, therefore, Governors Island in New York Harbor. Visualization of this intangible cultural heritage would reveal the island as a national symbol and World Heritage Site, thus extolling America’s vital role in advancing liberty in the world through the moral force of tolerance.

DETAILS: The legendary tale of the Dutch purchase of Manhattan from the Indians in 1626 as America’s best real estate deal is unrelated to the founding of the town of New Amsterdam, or, New York City. Contrary to popular legend, the signing of the deed for Manhattan cannot be considered “New York City’s birth certificate.”⁷ That founding began with the deliberate decision, in 1625, of a governing council led by second director Willem Verhulst—seated in a fort on Governors Island—which selected

Manhattan Island as the permanent, principal place of settlement.⁸ It was Cryn Fredericxsz—land surveyor and fortification engineer—who had disembarked on Governors Island in 1625 with specific instructions to build the fort that was to be named “Amsterdam.”⁹ In July of that year, he began to lay out a citadel/fort and adjoining farms with civic houses for the settlers on Manhattan and started construction. This was the official year of birth of New York City, as imprinted on the City Seal.

Historical facts, moreover, support the year of 1624 as the birth of New York State and the year in which the New York tri-state region (named New Netherland first on a manuscript map of 1614) ceased to be a territory for private traders under patents issued by the States General and where the law of the ship no longer sufficed in matters of justice.¹⁰ Distilled from primary sources, we will see that Governors Island in New York Harbor was the focal point for the transformation of the general New Netherland territory into, specifically, a North American province of the Dutch Republic. This provincial territory—now loosely referred to as the New York tri-state region rather than New Netherland—overlaps partly with what people today popularly denote as New England, now greatly expanded from its original position from the Penobscot River to Cape Cod, as depicted on a 1616 map by Captain John Smith—the self-anointed Admiral of New England.

Prior to becoming the provincial legal entity of New Netherland in 1624, the region had been discovered, explored, surveyed, and mapped by various Dutch expeditions sponsored by assorted companies and private financiers for private trade, beginning with the discovery of the Mauritius, or, North River—now the Hudson River—by the VOC yacht *Half Moon*, captained by Henry Hudson in 1609. As a result, Dutch traders became interested in the newly discovered territory and established resident factors and private trading posts, as noted by the English envoy in The Hague in 1622: “Amsterdam merchants began a trade . . . to fetch furs, for the providing of which they have certaine factors there continually resident trading with savages.”¹¹

The first known factor, Jan Rodrigues, operated from Governors Island in New York Harbor from May through December 1613. He was a Latin-American of Af-

rican ancestry—a free man—employed by the private explorer and fur trader Adriaen Block to trade with the Hudson River natives.¹² Shortly thereafter, in the first half of 1614, the first known fixed trading post was erected as the locus for private trade with the upriver Indians.¹³ As customary with posts from which to explore, survey, and conduct trade, the redoubt was built on a small island in Hudson’s river, Castle Island, now part of Albany. Small islands afforded a measure of protection against attack and, in the absence of ships, the factors’ safety was enhanced and the merchandise secured with fortification. The privately built redoubt was named Fort of Nassouen after William the Silent of Orange Nassau, the founder of the Dutch Republic in 1581.

Patents issued by various authorities for exclusive sailing and trade could easily be infringed upon when not issued by the States General, whose patents had the force and protection of punitive measures. Such a parliamentary patent was given on October 11, 1614, to a group of competing New Netherland traders, including Hendrick Christiaensen and Adriaen Block, who had consolidated into the New Netherland Company for trade between forty and forty-five degrees latitude.¹⁴ The granting of the patent was conditioned

⁶ Provisional Order, March 30, 1624, No. 2; Wieder, 112, translated by Joep de Koning.

⁷ Shorto, Russell, *The Island at the Center of the World: The Epic Story of Dutch Manhattan and the Forgotten Colony that Shaped America* (New York, 2004), 55.

⁸ Subsequent Instruction to Verhulst, April 25, 1625, No. 2; Wieder 136, translated by Joep de Koning.

⁹ Specific Instruction for Cryn Fredericxsz, April 25, 1625, No. E9; Wieder, 155.

¹⁰ Wieder, 17-35.

¹¹ Sir Dudley Carleton to the Privy Council, February 1622, *The State Papers of the Early Stuarts and the Interregnum*, Transactions of the Royal Historical Society (1902), New Series, 16 (Cambridge University Press, 1902).

¹² Records for Jan Rodrigues are in Not. Arch. 269, pp. 201v-202; Not. Arch. 197, pp. 614v-615; Not. Arch. 197, p. 646v; Not. Arch. 132, p.197v; Not. Arch. 133, pp. 30-31; Not. Arch. 198, pp.97, 97v, 98; Not. Arch. 198, pp. 113v-115v; Not. Arch. 198, pp. 99-101v; Not Arch. 198, pp. 116-116v; Not. Arch. 611, p. 45; Not. Arch. 137, pp. 117-118; and Not. Arch. 198, p. 269v, Gemeente Archief, Amsterdam.

¹³ Johannes De Laet, *Nieuwe Wereldt ofte beschrijvinghe van West-Indien* (Leiden, 1625).

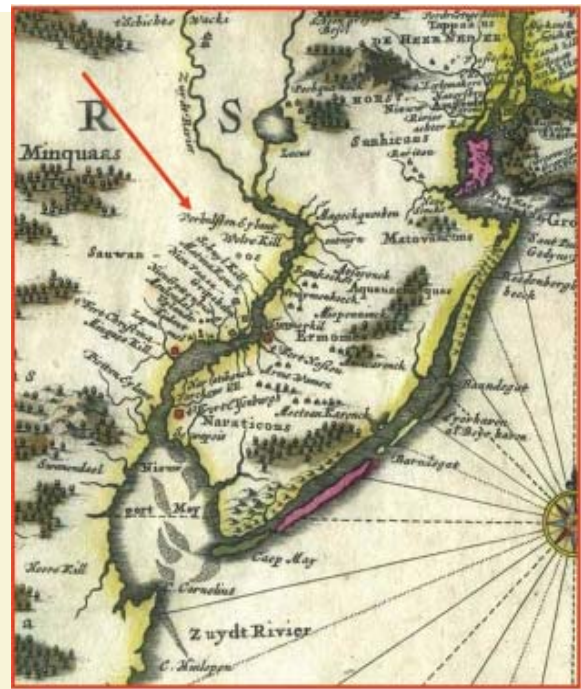
¹⁴ Simon Hart, *The Prehistory of the New Netherland Company. Amsterdam Notarial Records of the First Dutch Voyages to the Hudson* (Amsterdam, 1959), 33.

upon the delivery of a map and a detailed report about the discovery of new countries, harbors, and passages. As Christiaensen and Block had by then already completed four exploratory trips with invaluable cartographic information, one may conclude that the parliament endeavored to consolidate fragmented, priceless, private cartographic knowledge and encourage continued private exploration in order to seek control over the territory at some time in the future. A patent sought by the New Netherland Company in 1616 to trade between thirty-eight and forty degrees was never granted, although exploration and trade with the Delaware River Indians was actively pursued and conducted by Cornelius May under the sponsorship of the rich and powerful Thijmen Jacobsz Hinlopen, a director of the Northern Company, the successor company of the New Netherland Company (hence, Cape Henlopen at thirty-eight degrees and Cape Cornelius and Cape May at the mouth of the Delaware River).

The historical facts are that in that year of 1624, settlements were in existence at a fort on Noten Island (Governors Island), just south of Manhattan; at Fort Orange (Albany), at the top of the Hudson River, situated on its western shore; on Verhulsten Island (Burlington Island) in the Delaware River; and at the mouth of the Connecticut River, thus delineating physical possession of the New Netherland Province, according to the Law of Nations (Hugo Grotius). This approach to a territorial claim in the Western Hemisphere as an extension of the mother country was in contrast to the customary armchair dictates by way of a royal stroke-of-the-pen or royal fiat. Mind you, the Seven United Provinces of the Netherlands—*Belgium Foederatum*—was a republic without the dictatorial powers of a single person or sovereign.

In his 2005 book, *New Netherland: A Dutch Colony in Seventeenth-Century America*, historian Jaap Jacobs states that a WIC ship, *Eendracht*, sent to New Netherland to fetch the last private factors and two sloops, also carried settlers who, “presumably” were dispersed to four locations “to lay claim to the whole area.” Russell Shorto, in his popular 2004 book, *The Island at the Center of the World*, erroneously

***Verhulsten Eylant,
settled in 1624, in
the Delaware River.***



gives Peter Minuit credit for something that was the work of engineer and surveyor Cryn Fredericxsz, together with Willem Verhulst and his council.¹⁵ Minuit was neither the one person who had selected Manhattan as the place for Fort Amsterdam nor was he the one who laid out the citadel/fort or designed, commenced, and named it, as stated in the book. The following details are evidence that (1) it was the WIC ship, *New Netherland*, with Cornelis Jacobsz May as captain and first WIC director of New Netherland, which carried thirty families under parliamentary authority through the WIC to Governors Island—most of whom were divided over four locations to take physical possession of New Netherland as the America-based province of the Dutch Republic and (2) that it should be Willem Verhulst and Cryn Fredericxsz who deserve credit for selecting Manhattan as the permanent place of settlement by laying out farms and starting construction of the fort that had already been named Amsterdam in the WIC’s concept plan prior to the dispatch of the 1625 settlers to the New Netherland province.

A letter from Secretary Isaac De Rasière on September 22, 1626, states that Peter Minuit had returned from New Netherland to the Dutch Republic in late 1625. On January 9, 1626, Minuit left Amsterdam as a “volunteer,” together with second director-to-be Willem Verhulst, on the ship *Meeutje*, to arrive again in New

Netherland on May 4, 1626. De Rasière wrote that he (De Rasière) had arrived in front of “Fort Amsterdam” on July 28, 1626 (“so that we anchored in the river on July 28 in front of the fort Amsterdam with many sick people with scurvy”). On that date, Minuit was at Fort Orange, in present-day Albany.¹⁶ De Rasière’s statement is textual evidence that Fort Amsterdam existed in one way, shape, or form upon his arrival at Manhattan on July 28, 1626.

It is, therefore, not possible that Peter Minuit (who is often erroneously credited with constructing Fort Amsterdam in 1626) could have built Fort Amsterdam during the less than three months between his arrival in New Amsterdam on May 4, 1626, and De Rasière’s arrival in front of Fort Amsterdam on July 28, 1626. Moreover, Minuit was neither authorized nor instructed to build Fort Amsterdam. That task was entrusted to Cryn Fredericxsz, fortification engineer and land surveyor, who had been given specific instructions on April 25, 1625. He was “to build a fortification and housing” immediately upon arrival, “when the best possible place by the Council is selected,” in order to settle “according to our instructions with all the livestock.” Fredericxsz had arrived in June

¹⁵ Jacobs, 42; Shorto, 58-59, 66, 81.

¹⁶ Letter of Secretary Isaac de Rasière, September 22, 1626; Wieder, 161-79.

1625 with the second-largest shipment of colonists, including farmers and livestock, to the fort on Noten Eylant (Governors Island), most of whom were moved with the farm animals to Manhattan within a few days of each other over a period of a few weeks, as there was not enough pasture land on Noten Eylant (i.e., no later than July 1625).¹⁷

July 1625 is the month in which Cryn Fredericxsz began to demarcate a citadel on Manhattan Island wherein was situated Fort Amsterdam, as described in “First, surveyor Cryn Fredericxsz shall mark out the [three-sided] moat and the parapets in size as follows and in the manner as indicated in the concept which is to be square and open on the waterside . . . As soon as the moat is finished, Director Verhulst and the Council shall start the fortification according to concept no. C which shall be named Amsterdam.”¹⁸

The introductory sentence of the Provisional Order of March 30, 1624, reads “Provisional orders upon which the respective colonists have agreed and were dispatched in the service of the West India Company (WIC) to New Netherland in order to take up their residence on the river of the Prince Mauritius or at other such places the people shall be employed by the Commander [director] and his Council.”¹⁹

Those first authorized West India Company settlers were delivered by New Netherland’s first director,

Cornelis Jacobsz May, to Noten (Governors) Island (not Manhattan Island) on the ship *New Netherland* in May 1624. In this Provisional Order they were instructed “to use all means possible to fortify their residence through common effort as well as building the necessary civic housing.” That Provisional Order of March 30, 1624, also contained official language specifically related to the precept of toleration (religious tolerance, as in the 1579 founding document of the Dutch Republic: “that everyone shall remain free in religion and that no one may be persecuted or investigated because of religion” –*dat een yder particulier in sijn religie vrij sal moegen blijven ende dat men nyemant ter cause van de religie sal moegen achterhaelen ofte ondersoucken*), namely, that the settlers should try “to attract the Indians and other nonbelievers to the knowledge of God’s word through their Christian living and walk [i.e., through attitude and by example] without, on the other hand, to persecute anyone for reason of his religion but to leave everyone the freedom of his conscience” (via “*levenshouding en voorbeeld*” *moesten zij “de Indianen ende andere blinde menschen tot de kennisz Godes ende synes woort sien te trecken, sonder nochtans ijemant ter oorsaecke van syne religie te vervolgen, maer een yder de vrijch[eyt] van sijn consciencie te laten*”).²⁰

On that date, the first official settlers swore the oath of allegiance to both the

States General and the West India Company onboard the *New Netherland* prior to departure.

In January 1625, Willem Verhulst received detailed instructions in a letter so dated and worded, “Instruction for Willem van Hulst, Commissioner on the journey to New Netherland and, provisionally, Director of the colonists who are already there and as yet will be shipped to there until the Company is ready to install new government.”²¹ Verhulst was to become New Netherland’s second director and sailed that month from Amsterdam for New Netherland on the ship *Den Orangen Boom* with, among others, a comforter of the sick, Sebastiaen Crol, and “Pierre Minuyt as volunteer,” as well as a few new settlers. They arrived in New Netherland in March 1625. These settlers (not the later ones who arrived with the ships *Cow*, *Horse*, and *Sheep* in June 1625) were to be distributed to existing habitations but especially to the colony in the Zuidt (South or Dela-

¹⁷ Specific Instruction for Cryn Fredericxsz, April 25, 1625, No. E1 and No. E9; Wieder 149, 150, 155, 160, translated by Joep de Koning.

¹⁸ Instruction to Willem Verhulst, January 1625, No. C4; Wieder 123; Specific Instruction for Cryn Fredericxsz, April 25, 1625, No. E1, E9; Wieder, 150, 155, translated by Joep de Koning.

¹⁹ Provisional Order, March 30, 1624, Introduction; Wieder 111, translated by Joep de Koning.

²⁰ Provisional Order, March 30, 1624, No 2; Wieder 112.

²¹ Instruction to Willem Verhulst, January 1625, Introduction, No. 2; Wieder 112, 121.

The 1624 birthplace of the provincial legal entity New Netherland (New York State) with its 1625 Fort Amsterdam (New York City) as its Capitol from which legal authority proceeded.



ware) River (confirming the 1624 settlement of colonists in the Delaware River.) Peter Minuit, together with other selected colonists, was to sail as high as possible up the South and North rivers in order to survey the land and seek trade with the Indians. Verhulst was instructed to survey both rivers and select and recommend the best places for more defensive fortifications for future colonists, other than the ones already made and occupied. If the existing fort (Orange) at the top of the Noord (Hudson) River was at risk of flooding, he was to gather the (1624) settlers at Fort Orange and “transport them ideally to the fort on Noten Eylant (confirming a fort on Governors Island in 1624) and to maintain only quarters for trade with the Indians (a typical trading post) or, upon having found a more favorable place for fortification in the Noord [Hudson] River than Noten Eylant as habitat for the colonists and farmers, to put them there and immediately advise us about the reason for the change.”²²

Furthermore, Verhulst was instructed to “make a provisional fortification on Verhulsten Island [named after him in the Zuidt or Delaware River and validating that he had explored that river prior to 1625] to protect the settlers and their livestock.” In addition, he had to placate any Indians who lived, or pretended to live, on Verhulsten Island or in other places selected by the colonists that could be of service to the Company and “get rid of them not with force or threats but to persuade them with good words or otherwise

appease them to their satisfaction by giving them something or to let them live among us thereby making a contract which they shall sign in their manner and which contracts could be of much service to the Company at other occasions [e.g., an instruction similar to the so-called “purchase” of Manhattan in 1626].”²³

Verhulst was to maintain his chief residence in the South (Delaware) River and his (South River) Council there was to comprise the ship captains at hand. He was to visit the North River frequently to put things in good order and to deliberate and resolve everything with Deputy Director Adriaen Thienpont, Deputy Commissioner Daniel van Cryeckenbeeck, and captains Fezard and Lampo as provisional (North River) Council. Peter Minuit was instructed to research minerals and crystals from the North and South rivers.

The directors of the Amsterdam Chamber of the West India Company sent a subsequent instruction dated April 25, 1625, “for Willem vanderHulst, Commissioner, as well as for those of the resident Councils in the rivers, islands, and the lands of New Netherland, carried by Gerrit Fongersz, Deputy Commissioner and Gerrit Jsbrantsz, captain of the yacht *Macrel*, according to which Vander Hulst and the members of the Councils, as well as the farmers and everybody else who now have been dispatched thither with the ships *Macrel*, *Horse*, *Cow*, and *Sheep* and are now sailing, shall conform with obedience, faithfulness and humility, in order to take their residence on the South or North River or such other places as

shall be of service to the Company.”²⁴ This instruction corroborates that the 1624 settlers had been distributed to Noten (Governors) Island (not Manhattan), Fort Orange, and the Delaware River. The instruction states that upon arrival in the North River (in June 1625) and before the settlers unload their ships and set up a place for the cattle, they had to “summon Director Willem Verhulst or Deputy-Director Adriaen Jorriksz Thienpont in order to chose by mutual agreement, the best places for their houses, pastures, and sowing fields . . . which would be especially advisable to do so at the mouth of the [North] river for which we are recommending first the west side [of the Hudson River] because the couriers pass along that place when going from the North to the South River, the corner of Manattes north of Noten Island, or on another appropriate place which they will find of service after proper investigation.” “In case no appropriate place can be found which has been deserted or not occupied by the Indians and is at least 800 or 1000 morgen large and suitable for sowing and pastures, we find it not advisable to make such a heavy fortification and such a large moat as given in the plans to the surveyor but to settle provisionally.”²⁵

Meanwhile, “if Director Verhulst

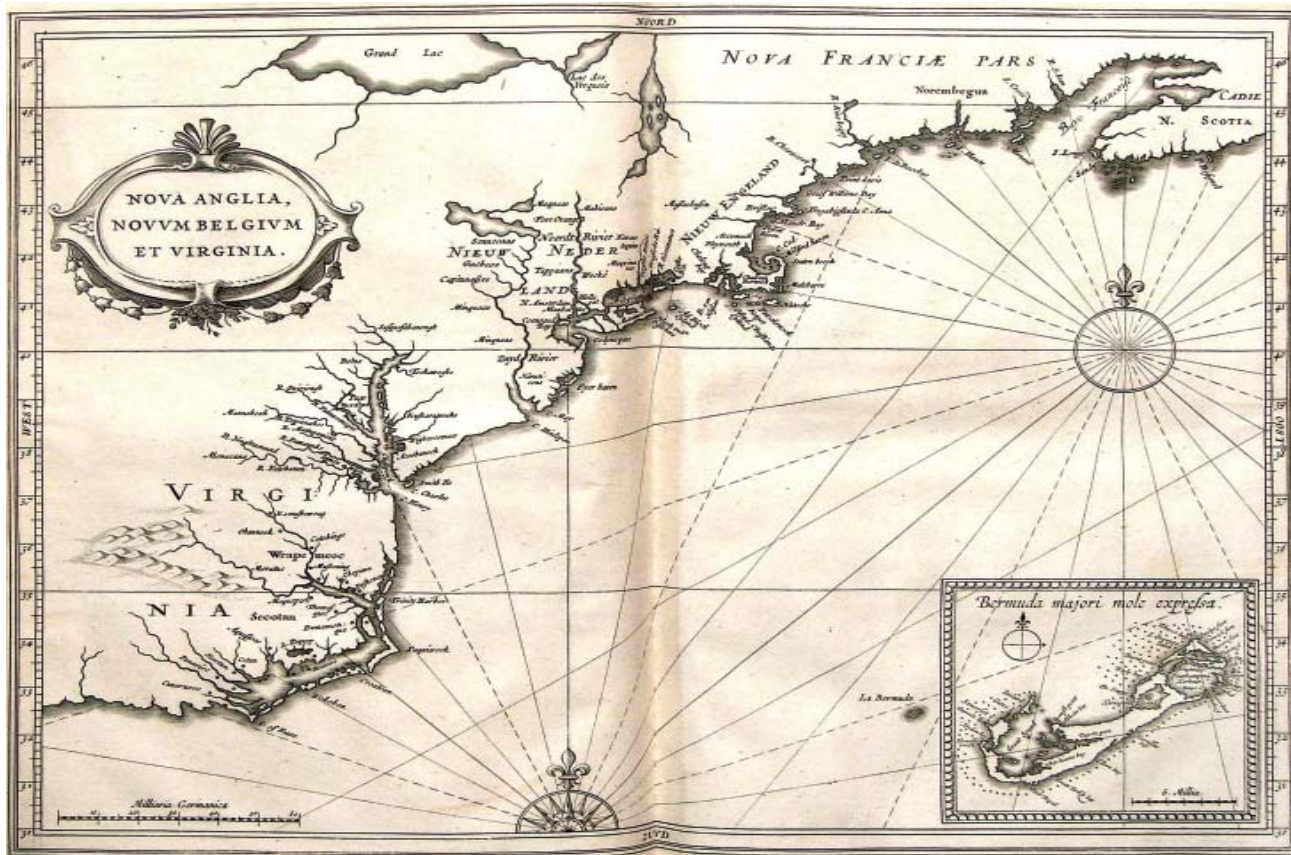
²² Instructions to Willem Verhulst, January 1625, C4, C7; Wieder, 123, 125, translated by Joep de Koning.

²³ Instructions to Willem Verhulst, January 1625, C8; Wieder, 126.

²⁴ Subsequent Instruction to Verhulst, April 25, 1625, Introduction; Wieder 135.



Fort Orange, settled in 1624, as an official WIC trading post on the upper Hudson River. The community that sprang up near the fort grew into Beverwijck, later to become Albany under English authority.



Published in 1630 by Johannes de Laet, these three regions—Virginia, New Netherland, and New England—transmuted ultimately into the original thirteen colonies. It was the distinctive New Netherland legal-political condition and culture of toleration which was the basis for ethnic diversity and the tradition of inclusiveness in the region.

with the help of the surveyor Cryn Fredericxsz . . . finds no [deserted or empty] place in both rivers in order to settle there with livestock, but finds the desired place for fortification already occupied by Indians, he should ponder whether he could negotiate with them for goods or can come to terms by way of other amicable agreements so that they leave us ownership and possession without forcing them to such ends in the least or to obtain the place through cunning or with ease” [i.e., an expanded instruction from the one of January 1625, Instructions for Willem van Hulst, designed to legally protect the WIC’s and colonists’ work/investments—such as Fort Amsterdam and its outlying farms—which, doubtless, was the motivation for the now mythical “purchase” of Manhattan in 1626].²⁶ Cryn Fredericxsz’s undertakings of the years 1625 and 1626 still account for Manhattan’s historical street grid below Wall Street.

Specific instructions (*de Particuliere*

Instructie) were written for engineer and surveyor Cryn Fredericxsz on April 25, 1625, as well as for Director Willem Verhulst and his council “concerning the fortification and the construction of houses upon the Council having found an appropriate location in order to settle with all livestock according to our instruction.” Fredericxsz was instructed that “As soon as the moat has been constructed, Director Verhulst and the Council will immediately start the fortification according to concept No. C which shall be named Amsterdam and which shall be worked on by as many people as can be missed possibly from the farmers, sailors and colonists.”²⁷ Cryn returned to the Dutch Republic from Fort Amsterdam on the *Arms of Amsterdam* on September 23, 1626, never to return to New Netherland. Peter Minuit was appointed as the third director of New Netherland by the council in New Netherland (not by the WIC, as he was a “volunteer”) shortly after his arrival in May 26, 1626, upon

the council having stripped director Verhulst of his function and having banished him from New Netherland.²⁸

It had been Director Verhulst and the council, comprising Willem van der Hulst, Adriaen Jorissz Thienpont, Joost vanden Boogaert, Daniel van Cryeckenbeeck, Gerrit Fongersz, Pierre Minuyt, Cryn Fredericxsz, Franchoyz Fezard, and Johan Lampo, who had chosen Manhattan Island as the place for the construction of Fort Amsterdam in 1625—the birthplace and date of birth of New York City.²⁹ They were the town’s founders on behalf of the States General and under the delegate

²⁵ Subsequent Instruction to Verhulst, April 25, 1625, No. 14, Wieder 141, 24.

²⁶ Subsequent Instruction to Verhulst, April 25, 1625, No. 14, Wieder 141, 142.

²⁷ Specific Instruction for Cryn Fredericxsz, April 25, 1625, No. E9; Wieder 155, translated by Joep de Koning.

²⁸ Letter of Secretary Isaac de Rasière, September 22, 1626, F5, F8, F9, F35; Wieder, 124, 162, 164, 165, 177.

²⁹ Subsequent Instruction to Verhulst, April 25, 1625, No. 3; Wieder 137.

authority and sponsorship of the West India Company.

IN CONCLUSION, the year 1624 was the birth year of the primal North American legal entity that metamorphosed into the State of New York. It is the year in which the New York tri-state region, named in general New Netherland first in 1614, ceased to be a region for private traders under patents issued by the States General and where the law of the ship no longer sufficed in matters of justice.³⁰ The territory was transformed specifically to a province, so constantly referred to in the primary historical records, with the delivery of the laws and ordinances of the Dutch Republic to North American soil. New Netherland's jurisprudence thus became in 1624 an extension of the Dutch Republic's with "the administration of justice as effective in New Netherland as in the fatherland."³¹ These laws and ordinances were delivered to New Netherland in 1624 by the first settlers as a legal-political condition to Governors Island—the birthplace of New York State and the origin of American

toleration—and were administered on Manhattan Island from Fort Amsterdam as of 1625—the birth year of New York City.³² They were responsible for the distinctive culture of toleration as the basis for ethnic diversity and the tradition of inclusiveness in the region. At the time, that toleration was unique upon the founding of the New Netherland province, however nascent, when compared to the adjoining regions on the east coast of North America. These three regions—Virginia, New Netherland, and New England—transmuted ultimately into the original thirteen colonies.

The vibrant precept of Toleration—together with its rather generic twin Liberty—thus defines the juridical and cultural construct to which American freedom refers and on which American success depends. As the nation's ultimate virtue, the broader force of religious, ethnic, and racial tolerance is responsible for defending and defining American freedom dynamically and vital to navigating successfully the Liberty roadmap toward the future. It is the lifeblood of American Liberty.

The year 1625 was the year in which Fort Amsterdam and the village of New Amsterdam on Manhattan Island came into being for the very first time. The name was unilaterally changed in June 1665 to the City of New York upon re-incorporation under English law. Yet, the town's original 1625 personality never changed materially—not with the granting of municipal rights in 1653, not even with the change of sovereignty from New Netherland to English jurisdiction in 1664 provisionally and in 1674 definitively, and not upon the realizing of the original thirteen colonies as an independent nation in 1776. This can still be observed today. It is Governors Island's legacy, New York City's identity, and New York State's patrimony.

³⁰ This was affirmed by New York State Legislative Resolutions No. 5476 and No. 2708 of May 2002.

³¹ Jacobs, 187.

³² New York State Legislative Resolutions No. 5476 and No. 2708 of May 2002; Nicolaes Wassenaer, *Historisch Verhaal*, Nov. 1626, from part 7, Johan Lampo, first *schout-fiscaal* (combination of English sheriff and American public prosecutor) in Fort Amsterdam as New Netherland's capital. As the place from which legal authority proceeded, it functioned as Capitol.



www.NationalHeritageTriangle.com: "As the lifeblood-of-American liberty and as moral dynamic, the primary symbol of Tolerance will extol America's ultimate virtue as an ethical force thus sustaining it for future generations as the defender and definer of Liberty in an ever-changing society. In an intolerant society, Liberty is meaningless—where there is no Liberty there can be no Welcome."