

THE BROWER FAMILY CIRCLE

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This newsletter is published with the hope that with enough interest, someone will send in the necessary information to fill out all the blank spaces in Brower-Brewer-Brouwer lines, clear back to the countries in Europe where we all originated from. At the present time, there are a lot of unanswered questions.

Anyone having Brower lineage may have their lines published here as long as they send in a release authorizing such publication. All queries are welcomed as well. The cost is being born by the undersigned in order to generate interest in the Brower line. Donations welcome.

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IN the year 1630, when Pieter Minuit was Governor or Director-General of New Netherlands, under "the Right Honorable Prudent Lords, the Lords Directors of the Honorable West India Company, of the United Provinces of the Netherlands," there landed at New Amsterdam a sturdy Dutchman named Roeloff Jansen. He had been a man of some position, and even of official standing, in his native town of Maasland.

The spirit of adventure, however, was abroad. Emigrants of high and low degree were leaving old homes for new fields of enterprise and industry. Bold discoverers were revealing new wonders of the sea and land, and bringing to light the hidden mysteries of the geographical world. New maps were planned; new enterprises stimulated the curious or the avaricious.

Hardy mariners were bringing into the Zuyder Zee the spoils of captured galleons, the golden fruits of Mexico and Peru, and adding new domain to the now independent and triumphant United Provinces of the Netherlands. Others cheerily sailed away, sanguine to discover a new passage to China by the northern seas. The household gods were being disturbed from their old nooks. The rich plantations of America, the golden Ind, and the balmy tropical isles were beckoning to the old European to come and rescue them from barbarian hordes. El Dorados and fountains of youth and spice islands and Golcondas glittered through many a dream and stirred many a restless spirit. Colonists were flocking over the Eastern and Western worlds from the crowded European cities, some for spiritual, some for political freedom, most of them for commerce and gain.

Roeloff Jansen caught the spirit of unrest. He had a strong young wife, willing to brave the seas, and a little family, and there was a future to make for them; so they bade farewell to the fatherland and sailed for the Dutchman's new field of adventure and fortune, "Nieuw Nederland."

Jansen procured a position as one of the superintendents at Rensselaerswyck, on the Hudson, the great territory granted as a patroonship to Kilian van Rensselaer, the rich diamond polisher of Amsterdam.

Jansen's name was perpetuated there in that of the kill or creek called "Roeloff Jansen's Kill," which runs into the Hudson River between Red Hook and the present city of Hudson.

After a sojourn of a few years, filling the duties of his post under the patroon's agents at Rensselaerswyck, Jansen seems to have moved with his family to New Amsterdam, having obtained from Director Van Twiller, in 1636, a ground brief or patent for the farm or *Bouvery* of about sixty-two acres which has been for nearly two hundred years a prominent bone of contention.

Roeloff Jansen did not long enjoy his new possessions; he was called to another world about the year 1637 or 1638, leaving behind him five sturdy little children, and a buxom, attractive widow, then and now widely known as Mrs. Annetje or Anneke Jans.

The little colony, where there was a comparative scarcity of the fair sex, could not well afford to let any of its members remain idle. A female, too, in those bustling and dangerous days required protection; besides that, the widow was of a lively and coquettish disposition, and fair to look upon. She required sympathy in those stirring times, when the red man used to make eccentric and sudden visits to the settlement, and no man's life was safe, and no man's property secure.

These inducements, and the gentle pleadings of Hymen, in the person of Domine Everardus Bogardus, soon caused the widow to dry her tears, and within a year of her bereavement the subject of our monograph could boast of being the wife of one of the most prominent and remarkable characters in the early history of our city.

The widow, however, was of a prudent turn of mind, and before her marriage to her new husband she took care to make a proper settlement of her estate. Her marriage settlement is still among our archives. By it she settled 1000 guilders upon her children by the first marriage out of their father's estate. The settlement thus concludes: "She, Anna Jans, and E. Bogardus also promise to bring up the children, with the help of God, decently, provide them necessary clothing and food, keep them at school, let them learn reading, writing, and a

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ANNEKE JANS BOGARDUS AND HER FARM

Harper's New Monthly Magazine, May 1885

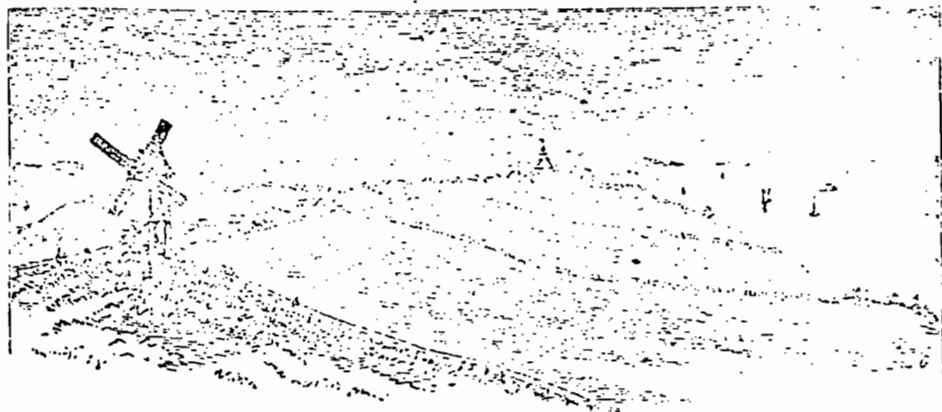
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good trade." The contract is witnessed by Director Kieft, Councillor De la Montagne, and Cornelius van Tienhoven, the most distinguished men of the colony.

Domine Everardus Bogardus, the second husband of Mrs. Anneke Jans, came over from Holland in the year 1633 with Wouter van Twiller, who succeeded Pieter Minuit as Director-General of the little

It was built of stone, about seventy-two feet long by fifty-two feet in breadth, and was erected under contract with John and Richard Ogden, of Stamford, Connecticut.

Director Kieft, lacking money for the purpose of building the church, bethought him of an expedient to have subscriptions taken for the same by taking advantage of the condition of the guests at a certain



LOOKING SOUTH OVER BOGARDUS FARM.

Dutch colony. He was the second established clergyman in the settlement, and was a man of education and intellect, as well as one of a very determined and independent character. His position was an important and distinguished one. He held his trust directly from the directors of the Company in Holland; and when he differed from the local government in matters either of a moral or political nature, he did not hesitate to assert his opinions and enforce his views openly and vigorously.

The primitive church building where he first exercised his functions was a plain barn-like structure on the river-side, situated on what is now known as Pearl Street, between Whitehall and Broad streets. There he enforced the reformed theological views promulgated at the Synod of Dort, until, on account of the edifice being exposed to the attacks of the Indians, it was deemed prudent that a more commodious structure should be erected in the Fort, which was located just south of the present Bowling Green. Within the inclosure of the Fort, therefore, the new building was constructed in the year 1612.

wedding festival given by Domine Bogardus in honor of the marriage of his wife's daughter Sara.

A chronicle of the time thus naively gives us the story of the subscription:

"The Director thought this a good time for his purpose, and set to work after the fourth or fifth drink; and he himself setting a liberal example, let the wedding guests sign whatever they were disposed to give toward the church. Each then with a light head subscribed away at a handsome rate, one competing with the other; and although some heartily repented it when their senses came back, they were obliged to pay; nothing could avail against it."

Although the Domine was a man of intellect, and delivered good sermons, as the chronicles of the day attest, and filled many positions of trust and responsibility for his fellow-townsmen, like all Dutchmen of the day he was not averse to good fellowship and good cheer, as we can imagine from the above occurrence at this marriage of Miss Sara Boelhoff's.

We read also of other incidents illustrating the jovial feature in his character.

When Cornelius van Vorst, who came out as Michael Pau, the Patroon of Pavonia's Intendant, and settled at Ahasimus in a new frame house thatched with *cat-tails*, the dignitaries of church and state came over from New Amsterdam to pay him a visit. There was the Director Wouter van Twiller, who, we are told, was fond of good wines, Domine Bogardus, and Captain De Vries, the bold navigator, who relates the incident.

Van Vorst, it is said, served up a lot of good Bordeaux wines that he had brought over with him to entertain his distinguished guests, who, warming up under their many potations, grew very disputatious with their host with reference to a murder which had just occurred at Pavonia. As the drinking grew deeper, however, the dispute grew less acrimonious, and soon they parted such good friends that as they entered their row-boat to start back over the river, Van Vorst, to show his appreciation of such distinguished visitors, fired for them a salute from a swivel which he had mounted on a pillar in front of his house. De Vries recounts that a spark unfortunately flying on the roof, set it in a blaze, and in half an hour the first house erected in Communipaw was burned to the ground.

As I have before stated, the Domine was also a man of fearless and determined character, perhaps a little too much inclined to assert himself and his spiritual authority in opposition to the local government.

Director Van Twiller's incapacity was a matter of general comment. De Vries, a contemporary, says that the Company had promoted him from a clerkship to a commandership to act "farces" in Nieuw Nederland.

Domine Bogardus was opposed to the policy of Van Twiller in the province, and did not refrain from speaking his mind to him. He is once stated to have sent Van Twiller a message denouncing him as "a child of the Devil," and threatened him with such a shake from the pulpit on the following Sunday as "would make them both shudder."

The Domine was a bold man, too, under Director Kieft, and, we are told, freely expressed himself against the Indian massacres, covetousness, and other excesses of the government, and particularly for the bringing on the terrible Indian war of Pavonia in 1643, which, leading to

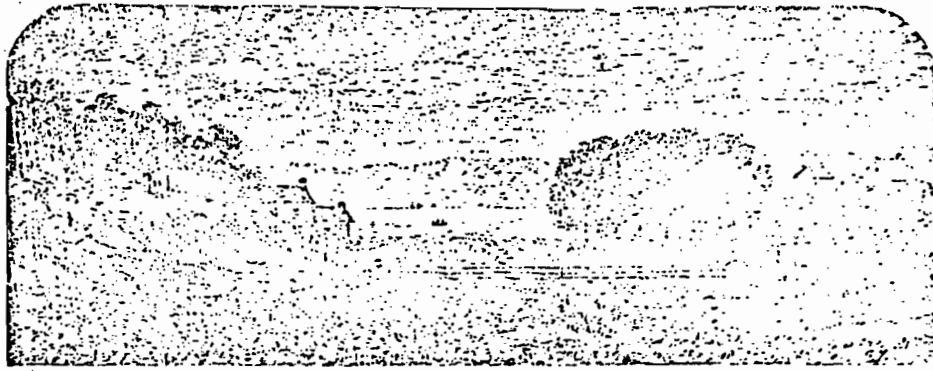
bloody reprisals, nearly extinguished the settlement. The Director, for revenge, charged the Domine with drunkenness, and with dishonoring the pulpit by his passionate behavior, and also that his sermons were nothing but the "rattling of old wives' stories, drawn out from a distaff," and that he was a great cackler, who spoke without tolerating contradiction, and that he was a seditious man who sought nothing else than to excite people and the servants of the Company against him who was their sovereign ruler.

The Domine, in his turn, fulminated against the Director from his pulpit. "What are the great men of the country," said he, in one of his sermons, "but vessels of wrath and fountains of woe and trouble? They think of nothing but to plunder the property of others, to dismiss, to banish, to transport to Holland."

Kieft and his abettors were by these denunciations actually driven from the church; but he caused drums to be beat and even cannon to be discharged during the service, and encouraged nine-pins, leaping, and noisy amusements among the soldiers.

The Domine, however, continued his denunciations of the Director, who finally, finding that the colonists sympathized with the minister, caused the latter to be summoned before a court, and charged him with inciting rioting and rebellion and unbecoming conduct. The Domine refused at first to plead before a court, but finally put in a plea to the jurisdiction. The interference of mutual friends, however, finally settled the matter.

The marriage of Mrs. Anneke Jans to the Domine naturally excited the envy of other ladies of the settlement, and they began, as usual with envious people, to gossip about her. Soon after her marriage she went to visit Jacob van Corlaer's family, and learning that Grietje Reiniers van Salee, a woman of poor reputation, was in the house, she concluded to retire. About the same time the Domine commenced an action for church dues against Anthony Jansen van Salee, the woman's husband. These two matters exasperated Van Salee and his wife. She gave it out through all the neighborhood that the minister's wife, on leaving Van Corlaer's home, when passing a blacksmith's shop, had exposed her ankles more than was necessary to avoid the mud. She also accused the Domine of making a false oath. The



LISPENARD MEADOWS.

Domine, with his usual determination, then began an action of slander against Van Salee and wife, and produced witnesses to show that Mrs. Domine had flourished her petticoat no more than was necessary to clear the mud.

The court pronounced judgment that Grietje Reiniers should make public declaration in the Fort, at the sounding of the bell, that she knew the minister to be an honest and pious man, and that she had lied falsely, and further condemned her for the costs and three guilders for the poor. Van Salee was also condemned in costs and a fine, and adjudged "not to carry any weapons this side of Fresh-water Brook, and not to offend the minister further either in words or acts." Van Salee was also adjudged to declare in open court that he had nothing to say against Mrs. Bogardus, and acknowledged her to be an honest, virtuous woman, and promised that he would never say anything more against her or her husband.

If people of modern days had the moral courage of the good Domine and his wife, there would be less of those two mean and dangerous elements in a community, gossip and slander.

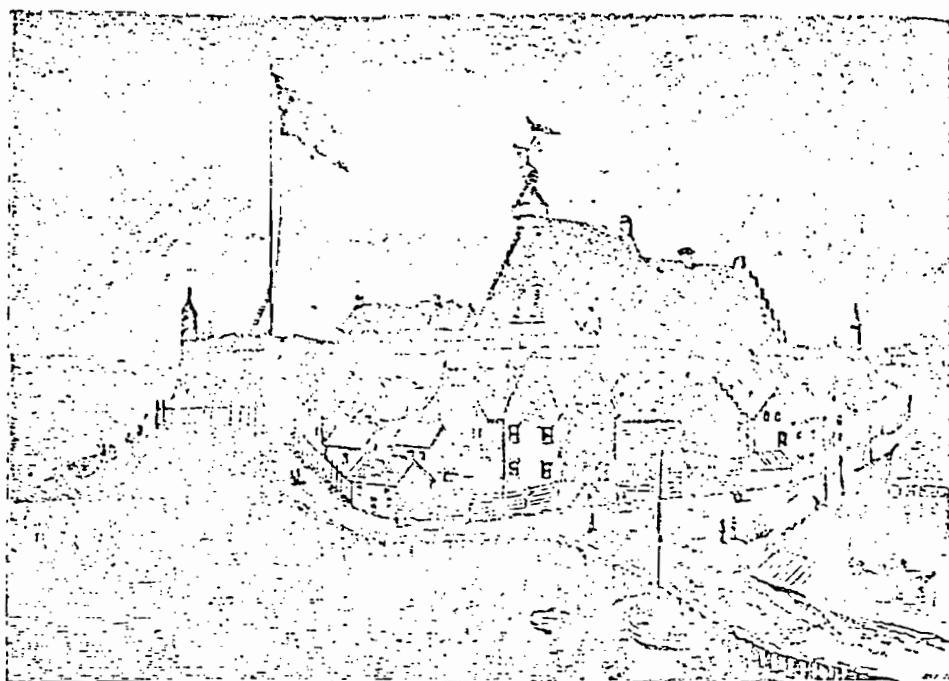
The Domine had another rather disagreeable suit on his hands. One Jacob Govertsen, an admiring friend of Mrs. Bogardus, had presented her with a handsome piece of cloth. It appears that Jacob's admiration was considerably in excess of his pecuniary ability, for we find in 1639, about a year after the marriage, that one Maryn Andriessen sued the Domine for the debt due plaintiff by Jacob Govertsen for the price of the cloth, on the ground, the record reads, "that Go-

vertsen could not make a present till he paid his debts, and whosoever received such presents was bound to pay his debts." The court ordered that the plaintiff be only paid *pro rata* out of Govertsen's estate.

The Domine was also several times sued for slander; once by Thomas Hall, the great tobacco planter, for saying that Hall's tobacco was bad. He was also sued by Deacon Oloff van Cortlandt for saying that he, Van Cortlandt, had enriched himself with the Company's property. The parties, after long arbitration, were reconciled.

The Domine's piety was illustrated in all the details of his business and life. In a lease between him and Robert and Mark Meuloff, the Domine, among other things, is to stock the land with goats and pigs. The lease then reads: "of which animals they shall have the use for four years, provided that half the increase *which God will grant* shall belong to Everardus Bogardus, and the other half to the lessees; and if it happens, *which God forbid*, that one or more of the aforesaid goats or hogs come to die, Domine Bogardus shall have the choice from the increase to his full number."

The Domine's character and attributes are so vividly portrayed through the annals of the ancient colony that one can easily picture him to the eye. We may imagine ourselves seeing him some fine Sunday morning coming out of his house in the Marekvelt, situate in the present Whitehall Street near Stone, on his way to the church. A large, dignified, portly man, with a determined, grave expression on his square Dutch face, relieved by a



THE CHURCH IN THE FORT.

kindly eye and a benignant smile, clad in a long black serge coat with large black buttons running to the bottom; a broad felt hat covers his brow, and black worsted stockings incase his sturdy limbs. His portly figure and somewhat roseate face show that it was no part of the theology of the Synod of Dort that there should be an entire abstinence from the *flesh-pots of Egypt*. On his arm is Mrs. Anneke, in her waist-jacket of dark cloth, with the little pendent tails behind. Her petticoat is of purple cloth; her neat colored stockings, with clocks on the side, are incased in high-heeled shoes, betokening that she was a person of consequence; in her hand is her silver-clasped Bible, brought with her from the old country; and from her girdle on one side depends by silver chain the Psalm-book, and on the other side hangs a purse embroidered by her own skillful hand; over one arm hangs her yellow and red rain-hood, to protect against a possible shower.

Just in front of them is walking gravely Johannes de la Montagne, the Huguenot physician, and a learned and vigilant member of the Council, and the right-hand man of the Director. With him is Cor-

nelis vander Huyghens, the *Schout Fiscaal*, whose office corresponded with our attorney-general and sheriff.

Before the Domine and his wife walks their pretty daughter Fytje, in her striped petticoat and golden head plaques, then a ruddy miss of sixteen, holding by the hand her sturdy little brother Cornelis, then six years of age, in his knee-breeches and silver-buckled shoes; near them are Dr. Hans Kierstede, the leading surgeon of New Amsterdam, and his wife Sara, who is daughter of Mrs. Bogardus by her first husband.

Domine Bogardus met with a sad ending. He bade farewell to his wife and children for a visit to the vaderland, and took passage in the ship *Princess*, in the year 1647. His old antagonist ex-Director Kieft was also a passenger, returning with a fortune of ill-gotten gains extracted from a misgoverned province. The vessel mistook the channel, and both Kieft and the Domine perished by shipwreck on the rocks off the coast of Wales.

Not long after the Domine's decease, Mrs. Bogardus determined to leave New Amsterdam and settle among her early

friends on the Hudson. She accordingly took up her residence at Beverwyck, now the site of part of the present Albany, and sold her house in New Amsterdam. She was at this time, doubtless, a lady in very comfortable circumstances for those times. Besides her farm and her two houses, she was the proprietor of many acres of land near the present village of Newtown, on Long Island, and also at Hell Gate, where she owned eighty acres granted her in 1654. She acquired, also, land at Beverwyck, and from the provisions of her will we may conclude that she was quite well to do in the world.

She must have lived several years at Beverwyck, and died there in the year 1663, about thirty years after her arrival in the province. Her will was made at Beverwyck before Dirck van Schelluyne, the notary, and two of her friends, Rutger Jacobs van Schoonderwert and Everet Wendell, as she lay, according to the recitals in the will, "on her bed in a state of sickness, but perfectly sensible and in the full possession of her mental powers, and capable to testate, and recommending her immortal soul to the Almighty God, her Creator and Redeemer, and consigning her body to Christian burial." Her remains were interred in the yard of the old Dutch church in Hudson Street in Albany, and there they still are.

Mrs. Bogardus had four children by the first and four by her second marriage. There were Jan, Sara, Catrina, and Fytje Jansen by the first, and Jonas, Wilhem, Cornelis, and Pieter Bogardus by the second. There seems to have been also a daughter Annetje by the first marriage, who probably predeceased her mother. Her daughter Catrina married Johannes Pietersen van Brugh; she was widow of Lucas Rodenberg when her mother died.

Sara Roeloffsen, the daughter who married Surgeon Hans Kierstede, lived on the present northeast corner of Pearl and Whitehall streets. She afterward married Cornelis van Borsum, the owner of the ferry to Long Island, and subsequently Elbert Elbertsen. She was a great proficient in the Indian languages, and acted as interpreter between Stuyvesant and the Esopus and the Wappingers, the *Agh-inack*, the Long Island, and the Staten Island Indians, when their treaty was made with Stuyvesant in the spring of 1664.

The great session was held in the council chamber at Fort Amsterdam, where the

various representative chiefs assembled. That was the last treaty of peace between the Hollanders and the Indians, and was signed under a salute from the guns of the Fort. Another daughter, Fytje, died before her mother. Then there was Cornelis Bogardus, who married Helena Teller, of Albany, where he resided till his death in 1666; William Bogardus, who was clerk in the Secretary's office at New Amsterdam, and subsequently postmaster of the English colony there. Pieter was the youngest, born in 1645; he afterward lived at Albany, and in 1673 was a magistrate there.

By the provisions of her will the first four, Roeloff Jansen's children, are to divide among them 1000 guilders, to be realized out of proceeds of the farm on Manhattan Island. She also gives to her son Jan, who is yet unmarried, a bed and a milch cow, and to Jonas and Pieter a lot and house in Beverwyck, besides to each a bed and a milch cow as an equivalent for what her married children had received. She gives to her grandchildren, Roeloff Kierstede, Annatie van Brugh, and Gametje and Rachel Hartgers, and to Fytje Bogardus, a silver mug each. As to the rest of the property, the children and descendants are to share alike by representation.

#### THE FARM.

The farm called the Domine's Bouwery, which has been the subject of much contention, was granted by Governor Van Twiller to Roeloff Jansen and his wife in 1636. It was then in a very rough state, and had never been cultivated.

The grant was confirmed in 1654 by Director Stuyvesant, by a patent to Mrs. Annetje Jans, as widow of Everardus Bogardus.

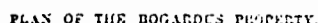
The description in the patent from Stuyvesant is in two portions, bounded together northerly by the partition line of "old Jan's land," east by the Cripple Bush and "the Kalekhoeck," westerly by the river, and southerly by the posts and rails of the Company's land.

On the 27th March, 1667, three years after the occupation by the English, Governor Nichols made a confirmatory patent to the heirs of Mrs. Bogardus, reciting the original grant from Van Twiller. The boundaries in this patent are of two pieces, one bounded on "old Jan's land" and the swamp on the north and east, the river on

The eastern boundary was partially some high ground called the Kalck-Hoeck.

**T O B E S O L D,**  
**A**T Vendue, on Tuesday the 12th inst,  
at the House of Mr John Williams,  
near Mr Lisperard's: A Lease from Tri-  
nity Church, for Old John's Land, for 12  
Years to come.

The deed reads that for a valuable consideration H. Johannes van Brugh, in right of Catrina Roeloff his wife, Wilhelm Bogardus for himself and his brothers Pieter and Jonas Bogardus, and Cornelis van Borsuni, in right of Sara Roeloff his wife, and by assignment of Pieter Bogardus, convey to Colonel Francis





Lovelace the Domine's Bouwery of about sixty-two acres, as described in the deed from Stuyvesant.

This deed from the heirs, it will be observed, did not convey the share of Cornelis Bogardus, who was not mentioned in the deed, and who at that time was deceased.

It will be remembered that in 1673, two years after this deed was given by the heirs to Governor Lovelace, the Dutch recovered possession of New Amsterdam from the English by a sudden attack, and held it about a year. On its restoration to the English in 1674, under the Treaty of Westminster, Governor Andros, representing the Duke of York as proprietor, took possession of the farm in his behalf, and, as it is understood, seized and confiscated, in behalf of the Duke, Governor Lovelace's estates, including this Bouwery.

The fact of this deed having been given by the heirs to Governor Lovelace seems to have been for a long time forgotten. In December, 1735, it was discovered by the Trinity Church trustees, and its contents communicated to some of the heirs as if it was a complete answer to their claims.

It does not appear that Lovelace's title was ever directly conveyed either to the Duke, the crown, or to Trinity Church; but the transfer to him seems to have been treated practically as if it was a deed to the Duke of York, or, what is the same, to the crown.

Various leases had been made of the farm down to the period above last noted. In 1639 it was leased to Richard Brudnell, for a tobacco plantation. It was also leased by the Domine to Richard Fouls, with various cattle. At an early period it was leased to one Jan van Lieden, for the rent of two hogs. In 1638 we find that Mrs. Bogardus, through her son-in-law Van Brugh as her attorney, undertook to collect this rent before the court sitting at New Amsterdam. In the recorded proceedings she demands of Laurens Duyts, as assignee of the lease, the full rent of the Bouwery, which she leased to Jan van Lieden.

The defendant answers that he is not indebted, as Mrs. Anneke had released him from the rent, for which he was to pay two hogs, and that he hath paid one. The court very properly ordered him to pay over the other hog.

In November, 1651, a lease was made by the agents of the widow to Evert Pels,

with divers cattle and horses, showing that the farm was in good keeping. The rent was 225 guilders and thirty pounds of butter.

In 1677 it was leased by Governor Andros to Dirck Secker for sixty bushels of wheat, under the name of the Duke's Bouwery.

In 1697 Governor Fletcher leased "the King's farm" to the corporation of Trinity Church, for a rent of sixty bushels of wheat, for seven years from August 1, 1698.

The lease by Governor Fletcher was deemed by the government an extravagant grant and a breach of his trust, inasmuch as the King's farm was theretofore applied to supply the Governors for the time being with grain, and to provide timber for ships.

The Earl of Bellamont, who succeeded Fletcher, had orders to use all legal means to break up such grants, and by the Colonial Legislature a bill was passed in 1699 vacating the above grant, and forbidding Colonial Governors from making any grants of the King's farm, and certain other public property, for a longer period than his term of office; any other grants of the same were to be null and void. Subsequently, during Lord Cornbury's administration, in 1702, an act was passed repealing the above act for vacating the extravagant grants; but Queen Anne, by an order in June, 1703, confirmed the vacating act of 1699, and not the act repealing it, and resumed possession of all the lands for the crown.

In 1700, Lord Cornbury, who was a zealous protector of the Established Church, leased the Queen's farm to Trinity Church for as long a period as he should be Governor, and in 1704 Trinity Church sublet it to one George Ryerse for five years, at a rent of £30.

We now come down to the grant in fee of the year 1705. We find the church in actual possession, under the lease from Lord Cornbury, of what they claim as not only the old Company's or Duke's farm, extending from Fulton Street north to Warren Street, but also of what was comprehended under the name of the Domine's Bouwery, extending north to Canal Street.

In the year 1705 the grant was made to the church under which they claim to hold adversely and in hostility to all other interests. It was a patent from the Colonial Governor, Cornbury, as acting for

Queen Anne, to the corporation of Trinity Church of the tract known as the Queen's farm, as then in the occupation of George Ryerse, bounded easterly partly by Broadway and partly by the common and partly by the swamp, and westerly by the river. It will be observed that there are no boundaries given on the north or south.

The quitrent received by this grant was three shillings, but was subsequently commuted by a payment in gross to the New York State government in 1786 in full extinguishment.

The validity and effect of the patent by Queen Anne has been a frequent subject of discussion in the courts, and forms the principal feature in the claim of title by Trinity Church. Edward Hyde, Lord Cornbury, the Colonial Governor through whom the above grant was made, was a cousin of Queen Anne, being a son of the second Earl of Clarendon. His term of office lasted six years, and was characterized by high Tory principles, and an inconsiderate zeal for the suppression of religious liberty. He was, besides this, a very eccentric character, and was fond of masquerading in woman's clothes. A portrait of him so taken is still extant. In a communication by Lewis Morris to the Secretary of State at London, he recommends a certain party for Governor in these words: "He is an honest man, and the reverse of my Lord Cornbury, of whom I must say something which, perhaps, nobody will think it worth their while to tell, and that is his dressing publicly in woman's clothes every day, and putting a stop to all public business while he is pleasing himself with that peculiar but detestable magot."

#### THE LAWSUITS.

The history of the various litigations with reference to this valuable territory is interesting both to the antiquarian and the jurist. The heirs seeking "their own again," in their persistent attacks upon the venerable sacerdotal institution now in possession of the debatable land, have presented to the courts for decision abstruse questions on the validity of ancient viceregal patents, of acts of the Colonial Assembly, and of ordinances by the British crown—questions of adverse possession, of possession in common, and of the limitation of real actions, as well as of the direct transmission of the title by conveyance.

The city of New York has also put forward its claim, and the State has not been idle in asserting its rights as owner paramount, succeeding to the rights of the British crown. Time will not admit of more than a hasty glance at some of these historical controversies.

Since the possession by the English of the province of New York, and the introduction there of Episcopacy, there had always been considerable antagonism and jealousy between the followers of the English Church and the Dutch descendants adopting the principles of the Synod of Dort. This feeling manifested itself strongly against the corporation of Trinity Church, which was supposed more particularly to represent British influence and power.

It was charged by their Dissenting opponents that the Trinity Church property was obtained from the crown by misrepresentation and deception; accordingly some of the leading Dissenting citizens, including William Livingston, John Morin Scott, and William Smith, Jun., assisted and perhaps stirred up Cornelius Brouwer, a descendant of Mrs. Bogardus, to assert his claims as part owner of the church lands. The above-named gentlemen appeared as counsel for him on the trial of an action brought in his name to recover his share of the farm, which took place in 1760, before Judge David Jones, of Queens County. After a trial which lasted two days and almost two nights, the jury brought in a verdict for the church.

Relative to this trial we find the following notice in the *New York Mercury* of October 27, 1760: "Last week a remarkable Tryal, which has been in the Law near 20 years, came on in the Supreme Court here between the Rector and Inhabitants of the City of New York of the Church of England, as by law Established, and the family of the Browsers, who sued for 62 acres of the King's farm; when the Jury, after being out for 20 minutes, gave their verdict in favour of the Defendants."

Soon after this trial the church corporation made extensive leasing of the property. We find the following advertisement inserted in 1763: "To be let by the churchwardens of Trinity Church, two hundred lots of ground, joining the stockadoes, and along the North River, for the term of 21, 42, or 63 years."

Another action was brought by one Colonel Malcolm, and tried in the year

1807. Malcolm set up a present possession. He claimed that he took possession soon after the Revolution, the farm being then deserted. In the defense Trinity Church claimed possession for sixty years before that time under a tenant named *Vandenburgh*. The gallant colonel was defeated, and the old adage was again verified of *arma cedent togæ*.

About the year 1830 a suit was brought by Cornelius Bogardus for one-fifth of one-sixth of the proceeds of the land known as the Domine's Bouwery. The bill was based on the claim of Cornelius as heir of his ancestor Cornelis, who died in 1707 seized of one-sixth of the farm, his brothers Jonas and Gans Roeloffsen having died without issue. The plaintiff claimed one-thirtieth by descent from him, and averred that the church entered under Queen Anne's deed, and became tenants in common with said Cornelis. The legal doctrine invoked was the well-known one that no statute of limitations runs as against one tenant in common in favor of his co-tenant in possession, but that the possession of one is the possession of all of them. The plea in bar put in by the church was that in 1705, Queen Anne, being in possession of said Domine's Bouwery, by the patent referred to granted the same to Trinity Church in fee-simple, as above related; under which the church corporation had held *adversely* to all others and not in common; that it did not enter or claim under any deed from Mrs. Anneke Bogardus, or her children or heirs, and never admitted itself to be holding in common with them, and that even if originally they were tenants in common, it did now and for 130 years had held in hostility to the other tenants in common, thus barring their right. On the other hand, the heirs claimed that Queen Anne, if she held any title at all, held it in common with the heirs, as did the Duke of York before her, and that her patent only conveyed what she actually had, *i. e.*, five undivided sixths of the farm. They also contended that Queen Anne's patent was neither signed nor sealed, and that the church was only in possession under a lease given it in 1702, which continued in force. That the church was in possession, therefore, either as tenant for years under its lease, and could not disseize its landlord, or as tenant in common with plaintiff under the deed of transport from the heirs, and that therefore the church's possession

was also plaintiff's possession, and not adverse to him, and consequently that no statute of limitations could invalidate the plaintiff's claim.

The court held that it was not disputed that Governor Lovelace took, in his representative capacity for the Duke of York, and claimed to take, the *whole* title, to which title and claim Queen Anne succeeded, and that leases were made by subsequent Governors and subleases by Trinity Church of the whole tract. That therefore, through the assertion of the title to the *whole*, as well as actual possession through its leases, the title was in the crown absolutely, and not as tenant in common of only a part. The court also held that it made no difference whether the patent from Queen Anne was good or bad; that the church entered and enjoyed possession under it, and not under the deed of transport from the heirs, and consequently its adverse possession, which was proved in fact, was of the *whole*, barring all outstanding interests.

The above case was twice decided, once on a demurrer to the plea of adverse possession interposed, and subsequently on the proofs taken. The case was decided adversely to the plaintiffs on the last raised by the demurrer, and also on the proofs subsequently put in as to an adverse possession by the church.

An action was also brought in 1804 by one Humbert and other heirs, in Chancery, against the church, and decided on demurrer adversely to the complainants, the court holding that the statute of limitations and adverse possession was a bar. This decision was affirmed by the Court of Errors.

In that case the complainants took the new ground that the Domine's Houck or the Bouwery was never part of the Duke's or Queen's farm, and therefore did not pass under the grant from Queen Anne, but that Trinity Church was merely an intruder on the Bogardus region and possession, except that in 1785 it bought out the right of Cornelius Bogardus in the property for £700, and then went into a regular unrestrained possession, but which possession was merely as tenant in common with the other heirs.

It appeared in the evidence that the church had never put on record the above-mentioned deed from Cornelius, and had kept it somewhat secret. The claimants averred that the deed was concealed be-

cause the church feared that its legal effect would be to establish it as tenant in common with the other heirs.

The Cornelius above referred to as selling out was the fighting Cornelius herein-after alluded to.

Nine other suits were brought in 1847 by Cornelius Brouwer in the Supreme Court, in which the plaintiff suffered a nonsuit.

In 1851 another system was tried, and a suit was brought by one of the descendants of old Dr. Kierstede, who married a daughter of Mrs. Bogardus. In this action the State of New York was made a defendant. It was decided in April, 1856, adversely to the plaintiff. The claim of Kierstedt was that there was an obligation, legal and equitable, on the crown to restore the possession to the heirs of his ancestor, and that this obligation had devolved upon the State of New York; that the church was holding under a grant from Governor Cornbury in 1705, which was void under the vacating act of 1699. The plaintiff demanded that the State be required to recover the lands from the church, and then turn them over to the heirs, and that a receiver of the lands be appointed.

The court, on a demurrer to the complaint, held that there was no power in any of the courts of this State to entertain a suit brought against the State, except when specially authorized by statute.

The claims on the part of the State to the property have been on the ground that the church held over as tenant of the crown, and that the State had succeeded to the rights and property of the crown.

A bill was introduced in the Legislature of 1785 authorizing proceedings on the part of the State to recover the property. A remonstrance was thereupon sent to the Legislature by the church, and the bill was never passed. A counter remonstrance on the part of the heirs sent to the Legislature concludes with the forcible remark, that "*when the devil's kingdom is in danger he roars the loudest.*"

Recently, however, in 1856, the State woke up again, and an ejectment suit was brought by the State for a lot on Murray Street, just south of the Domine's Bouwery, but part of the King's farm.

The corporation of Trinity Church set up as a defense its old plea of statute of limitations, and also a seizure in fee by the church. The case was tried before a

jury, and the State was nonsuited, which nonsuit was upheld by the Court of Appeals in 1860.

The State, in a recent case, claimed that the grant from Lord Cornbury in the name of Queen Anne in 1705 was void, because the act of 1702 was then in force, by which no grant could be made by a Colonial Governor for a longer period than his term of office.

The court held that *prima facie* the land had been granted by the crown, and that the evidence of the plaintiff showed it; and that the adverse possession of the church, as against the State, was fully made out; also that the reservation of a quitrent to the crown in the patent was merely a mode of payment of the consideration of the grant.

A claim was also supposed to exist in favor of the city of New York. It was made a matter of research, and in 1867 was submitted to the Corporation Counsel, Mr. O'Gorman, for his opinion. He reported that the city had no claim whatever.

The claim was based upon certain sovereign rights over the trial supposed to have been continued in the State of New York, as successors of the crown of England, which had passed to the city of New York from the State.

It will be observed that by the charter of Governor Dougan to the city in 1686, and of Governor Montgomerie in 1730, the King's farm and the adjoining swamp were expressly reserved from the general grant to the city of all vacant and unappropriated lands.

The last great attack on Trinity Church was in 1871. A suit was brought by Domine David Groesbeck, in his complaint alleging himself to be a Protestant minister of the Gospel, against the officers of the church.

The ground taken by the reverend plaintiff was that he was a successor of some of the original Dutch inhabitants who were corporators on the original establishment of the Episcopal Church in the colony.

He claimed that there had been a perversion and waste of the church property, and charged its corporation with having neglected to provide for the poor of the parish, while pampering the pride of the worldly-minded, and "laying up treasures on earth in bonds and mortgages held over Episcopal churches." He also averred that the purpose of the founders

of Trinity Church was to prevent the increase of vice in the city of New York, and not merely to support the "parasites of any sect," and he claimed a right to preach in Trinity Church as a believer in the doctrines established at the Synod of Dort, but was deprived of that right. He averred also that the corporation had violated its duty in allowing "one Morgan Dix," who was made a defendant, to preach that "Protestantism, as a moral system, was a failure," and also for allowing said Dix to say that "Luther perceived that he had committed a gigantic error in advocating the Scriptures alone as a means of salvation, knowing that the Church was the instrument that should decide controversies of faith." The plaintiff averred also that the officers of the corporation had paid said Dix a salary for uttering such blasphemies, and had allowed the services of the Greek Church to be performed in Trinity Church, and that the said Dix, with the connivance of said officers, advocated the establishment of institutions of able-bodied young women in the parish by means of the surplus revenues of the church. The plaintiff therefore claimed that a receiver of all the property be appointed, subject to the further order of the court.

Other grounds were that the corporation of the church sought to gain political weight, and treated the Legislature with contempt. The defendants to this comical complaint put in a demurrer, that is, put in a defense, that even if the facts alleged were true, the plaintiff could not by law have any recovery. Some of the alleged grounds taken in support of the demurrer were as queer as those of the complaint. Among them were that the Church of England holds the Catholic faith to be necessary; that it does not use the word Protestant; that by its Twenty-first Article it acknowledges the authority of the Church in matters of faith; and that although Luther is esteemed as a saint among Protestants, in the calendar of the English Church he is not so great a worthy as St. Peter or St. Clement, Bishops of Rome, or St. Boniface, St. Sylvester, or St. Gregory, also Bishops of Rome.

Other grounds in support of the demurrer were that the Synod of Dort never pretended really to settle any doctrines of the Christian communion, but only some miserable controversies between Calvinists, Gomarists, and Arminians, and

that although certain representatives from England were present at the Synod, they had no power to commit the Church of England to anything, and that its decrees were never accepted in England. Another answer was that even if heresies had been preached in the church, that was no reason why the salary of the preacher should not be paid.

The learned jurist who pronounced upon all this tangled theological and legal matter sustained the demurrer, and thereby threw the plaintiff out of court.

In the course of its opinion the court profoundly remarks, as to the plaintiff's willingness to preach in Trinity Parish Church, as follows: "I have no doubt whatever in regard to such willingness; nay, more, if such willingness were just cause of complaint, or if such condescension on the part of plaintiff could be made the basis of a good count upon which to sustain an action, that there are many of the clergy in the different Protestant denominations who would most willingly condescend in like manner to preach in Trinity Church. Indeed, I am afraid, if such were the case, and this court had jurisdiction over the subject-matter, there would be no end of actions against the corporation."

Lately an old Dutch Bible, alleged to have belonged formerly to Mrs. Anneke Bogardus, has come to light in the hands of one Miss Harriet Van Atten, of Glenville, Schenectady County, a direct descendant of Pieter Bogardus, a son of the old lady, to whom it is stated to have been given by her. On the strength of this, and a pair of gold ear-rings that once belonged to her venerable ancestor as personal property, application was recently made to the Surrogate of Albany for letters of administration upon the personalty of Mrs. Anneke Bogardus.

The Surrogate of Albany County refused to entertain the application, and the matter is now on appeal to the General Term of the Supreme Court from his decision. If letters of administration are granted, the intention is to open the legal battle again, and to claim an accounting from Trinity Church.

This coveted tract of land has not only been the subject of forensic battle, but bone and sinew have been engaged in the contest; heads have been broken and shots have been fired in support of the claims of the redoubtable and indefatigable heirs.

Mars has been invoked where Mercury has failed, and for years before and after the evacuation of the city by the British forces, in November, 1783, the community was kept in alarm by the contests of the contending factions seeking to obtain and hold an actual possession of the old Bouwery.

Long before the Revolutionary war the Trinity Church physical warfare was begun. We find that in September, 1773, under orders from the authorities of the church, a force of a dozen men armed with broad-axes entered upon the premises where Cornelius E. Brouwer had located himself on the tract, and tore down and burned the fences he had erected to define his possession.

In 1775 they also tore down the fences about one Noblet's house, a tenant of the heirs, and destroyed Noblet's field of rye. The wounds received in this campaign, the chronicle tells us, were, an old woman kicked in the eye, and her husband wounded, who sought to get her out of the way.

During the troubles consequent upon the occupation of the British the old farm had been in a comparatively deserted state. The great contest for national liberty had turned people's minds from private interests. On the return of peace, however, the premonitory rumblings indicating the renewal of the great war for the old Bouwery were heard.

The Council appointed by the new State government for the temporary government of the southern district of the State took possession of the temporalities of Trinity Church, and in January, 1784, issued a proclamation against the conduct of Cornelius Egbert and Everardus Bogardus, Cornelius Cooper and Abraham Brouwer, senior and junior, in intriguing with and menacing the tenants on the land of the church. It may be here remarked that this temporary occupation of the property of the church by the State authorities was afterward made use of as an argument in the various claims made by the State for the ownership of the land. This proclamation was published in the *New York Gazette*. To this the Bogardus heirs responded by another published manifesto claiming the legal title, and that they and their grantors and tenants had had possession until the church, taking advantage of the absence of the Bogardus family during the Revolution, had taken surreptitious possession, and they charge

the church with pilfering their lands, and "with an unconscientious defense at the suit of honest title."

The great champion and leader of the barred-out heirs now appeared in Cornelius B. Bogardus, who had been absent from the city during the war, and returned after the evacuation. He now sounded the trumpet call. A notice was published in the *New York Packet* of May, 1784, calling upon the heirs and representatives of Annie Bogardus, widow, deceased, to meet at Cape's Tavern "on business of high importance relative to the lands called Domine's Hook, which formerly belonged to her."

Bogardus now took practical steps for the resumption of possession by the heirs, so as to avoid the legal effects of an undisturbed possession by the church. He accordingly established himself in a house on the farm on what is now Chambers Street; he put his son Henry on a part of the farm at Reade Street, and his son John in a house at the corner of Reade and Chapel streets; he also located Lewis B. Bogardus in a house near formerly St. John's Square, in Hudson Street, which was known among the heirs as the "possession" house.

Cornelius B. also took possession of a pit of clay near Thomas Street, and daily dealt it out at a shilling a load, and also sold gravel from a pit which he had surrounded by rails.

An old lady claiming to be one of the heirs, named Mrs. Broad, also took possession of an old house called the Fort, near the foot of Reade or North Moore Street, surrounded by a breastwork and trench. Here the old lady intrenched herself, and stoutly maintained her possession from the time the British left, in November, 1783, until 1787. We are told that she drove away people who came to take away any of the earth from her fort by pouring boiling water on them.

The doughty Cornelius also located a dozen more of his retainers on different other portions of the farm as tenants. He menaced and intrigued with the tenants of the church, and defied the temporal and spiritual forces of the church to dispossess him.

In June, 1784, Trinity Church raised an army of men and boys, under the command of one George Trenis, a Hessian, and pulled down and burned the Bogardus fences. The Trinity Church army then



put up its own fences, which were in turn burned by the Bogardus retainers. As a bloody incident of this war, one of the witnesses of the fight under oath stated that one of the church party, John Pertine, "took hold of Hannah Marsh, about 63 years of age, and pulled her down on her knees, and attempted to put her head into a pail of grog, first having dragged her across the street, and gave her very indecent usage otherwise."

There was also a fight in October, 1785. One Joseph Forbes, who had been appointed by Trinity Church as a sort of curator, undertook, with a body of retainers of the church, to pull down certain fences erected by the Bogardus heirs on the land, one of the fences running to the house occupied by one George Higday, who was in possession as *châtelain* in the interest of the claimants. In performance of his duties as keeper of the castle, the doughty Higday fired his shot-gun at Forbes and his men, and wounded Forbes and four others with bird shot. The victory in these contests rested, however, with the church.

In 1788, the church corporation having advertised for sale a number of lots on the tract, with a statement that the title was as good as any in the State, the heirs published the following proclamation:

"TO THE PUBLIC.

"Whereas the corporation of Trinity Church have advertised for sale at the Merchants' Coffee-House, on the 1st of April next, a number of lots of land situate in Chambers Street, Reade Street, and other places within the bounds of Domine's Hook Patent, in the West Ward of this city; the heirs of Annekie Bogardus, and those holding rights under them, in the said Patent, Do *Hereby Give Notice* that they are determined to support their claim to said lands, within the grant formerly made to the said

Annekio Bogardus. And this notice is given to prevent any person hereafter from pretending ignorance of the said claim; which the Heirs and those deriving title from them are determined to support.

"NEW YORK, March 31, 1788."

The result of all these troubles, however, was that all the Bogardus fences were in time taken down or burned.

Lewis Bogardus's wife and children were driven from their house, during his temporary absence, by the Trinity Church forces. The rails around the clay pit were torn down, criminal charges were made of assault and perjury against the Bogardus retainers, the tenants were frightened away or bought off, and, worst of all, the doughty Cornelius himself sold his birth-right to and was bought off by Trinity Church for the paltry sum of £700, and too humiliated to meet his former companions in arms, he therefore abandoned not only the scene of his contests, but the city.

The last one of all the heirs who held out in the war of 1784-5, and who is entitled, on the Bogardus side, to all the honors of war, was old Mrs. Broad, who lived in the stockades of the old fort at the foot of Reade Street. One of the witnesses in the suit brought in 1830 testified in 1842 that he knew the old lady, and that she continued in possession of the old redoubt, refusing to leave until the opposing forces actually dug it away, when she made a fair compromise with parties representing Trinity Church.

The heirs have not yet succumbed. Meetings are still held for the assertion of their claims. The contest will probably continue until through the natural increase of the multitudinous claimants the pecuniary result of even a successful attack would be reduced for each to a minimum.

LOVE.

LOVE was primeval; from forgotten time  
Come hints of common lives by love made great,  
In pastoral song or fragmentary rhyme.  
While fades the fame of many a warlike state.  
Love lives forever, though we pass away;  
Still shall there be hot hearts and longing eyes,  
Hyperion youths, and maids more fair than they,  
Loath lips and lingering hands and parting sighs,  
When we have vanished and our simple doom  
Is blended with the themes of old romance;  
Ay, from our dust young buds and flowers shall bloom  
To deck bright tresses in a spring-tide dance,  
And be the mute sweet signs of love confessed  
To passioned hopes, upon a maiden's breast.