

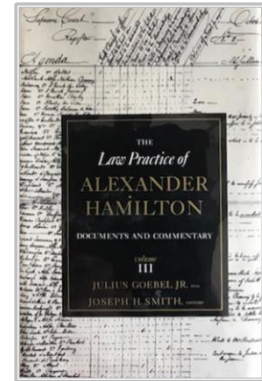
Alexander Hamilton & the Knickerbockers

Highlights from “Law Practice of Alexander Hamilton, Volume 3”

Bryan Knickerbocker
7 April 2019

This report focuses on excerpts from the book *The Law Practice of Alexander Hamilton, Volume 3* (Columbia University Press, 1980), edited by Julius Goebbel Jr. and Joseph H. Smith.

The book summarizes some of Alexander Hamilton’s court cases. The book mentions the Knickerbockers approximately 200 times.



Alexander Hamilton was one of the founding fathers of the United States. He served on George Washington’s staff, fought in the Revolutionary War, helped ratify the Constitution, authored several chapters of the Federalist Papers, and served as the first Treasury Secretary.

In the mid 1780’s, Alexander Hamilton had a law practice in New York State. Two of his cases involved property that had once been owned by Harmen Janse Knickerbocker.

This report is divided into three sections.

Section 1 focuses on genealogical information that is found in the court records. Key facts are:

- In the years around 1708, Harmen Janse was living just to the north of today’s town of Tivoli, in Dutchess County.
- Harmen Janse died in 1714.
- Peter Knickerbocker, son of Harmen Janse, was born in about 1702.
- Harmen Knickerbocker, grandson of Harmen Janse, was born in about 1712.
- Benjamin Knickerbocker, grandson of Harmon Janse, was born in about 1728.
- During his later years, Harmen Janse was known as Harmen Bourtie (Harmen the Farmer).

Section 2 discusses the fact that the court records describe the Knickerbockers as “poor.” We believe that “poor” was a relative term, and was only true when comparing the Knickerbockers to families such as the Livingstons, Schuylers, Rensselaers, and Van Schaicks.

Section 3 focuses on two court cases. During these cases, Alexander Hamilton made a strong case that “Livingston Manor” should never have existed. Hamilton accused Robert Livingston Senior of fraud. It appears that the Knickerbockers were among the victims of Livingston’s fraud.

The appendix of this report includes excerpts from Alexander Hamilton’s legal notes.

Background

Our focus here is on the set of books known as the *Law Practice of Alexander Hamilton*. The full set has 5 volumes totaling about 3,000 pages.

We are concerned with Volume 3, which mentioned the Knickerbockers.

Volume 3 has 843 pages, including the index. It has two main sections:

1. The Colonial Patents in New York
2. The Massachusetts Western Lands

Section 1 of Volume 3 is where the Knickerbockers were discussed.

For the remainder of this report, we will use *LPAH* as shorthand to refer to Volume 3.

LPAH contains background and commentary by the authors, and also contains transcripts of legal documents and lawyer's notes.

The book was written by attorneys, for other attorneys. The book focuses on legal issues.

Since we are not attorneys, we will skip over most of the legal details. Instead, our focus is on some of the court testimony, and on Alexander Hamilton's notes. We will also add genealogical details that were not covered in *LPAH*.

The background for the Colonial Patents section of *LPAH* says:

A major part of the lands involved in Hamilton's patent cases was located in what is today Columbia County in the State of New York. The titles stemmed from grants made early in the colonial period to the "first families" of the Hudson Valley – the Livingstons, the Schuylers, and the Van Rensselaers. [*LPAH* p2] ...

Hamilton's briefs, opinions, and notes reveal that he was concerned with three aspects of this hodgepodge [of vague and overlapping patents].

First was a dispute between the two branches of the Livingston family.

★ { Secondly, a controversy between the Clairmont branch of the Livingston family and its neighbors to the south, claimants under the Schuyler Patent;

Thirdly, a settlement, after many years of controversy, between the heirs of the Van Rensselaers of Claverick and their one-time tenants and the immigrant occupants from Massachusetts. [*LPAH* p6].

Harmen Janse Knickerbocker and his descendants were among the "neighbors to the south."

Overview of the Area

This report includes several maps of the area north of Tivoli, New York. We will start with an overview. We have highlighted a few key items.



- On the west side of the Hudson is the town of Saugerties. Just north of Saugerties is the mouth of the Sawyer's Kill creek. This is point **A**.
- We have added a blue line that runs east/west, across the Hudson River. On the east bank of the Hudson, opposite from the mouth of Sawyer's Creek, is point **B**.
- Point **C** is a bit lower down the Hudson. This was the western end of a surveyor's line that was drawn in 1708. The survey was initiated by Robert Livingston Senior.
- Point **D** is near the town of Mount Ross, several miles off the southeast corner of this map. This was the other end of the surveyor's line, at the southernmost bend of the Roeliff Jansen Kill creek.
- The Livingstons claimed they owned all of the land north of the **red dashed line** connecting point **C** and point **D**, based on a survey done in 1708.
- The **orange dashed line** at **E** represents the approximate location of today's boundary between Dutchess County and Columbia County. Notice that today's boundary (the orange line) does not correspond to the 1708 surveyor's line (the red line).
- The point **F** was the location of a grist mill that was originally built by the Livingston family, on land that the Livingstons claimed to own. After several lawsuits, this land was awarded to the Hoffman family. The mill became known as Hoffman's Mill.

The diagonal red line is critical to our story. The western end of that line (point **C**) was supposed to be opposite from Sawyer's Creek, and was also supposed to be the location of an old canoe landing used by the Native Americans.

There were several lawsuits disputing whether the red dashed line from **C** to **D** was, in fact, the correct boundary of the Livingston's property.

In the end, the Livingston family surrendered the land along the red diagonal line. The settlement of the lawsuits became the basis for the line that now defines the border between Dutchess and Columbia Counties.

Saugerties

Along the western bank of the Hudson is a town called Saugerties. There are two important points related to this town.

The first key point is the existence of the Sawyer's Creek. The Dutch called the creek the Zager Kill.

Sawyer's Creek was the site of one of the earliest sawmills on the Hudson River. The mill provided lumber for the early Dutch settlements. As a result, this small creek was well known to early Dutch settlers. The mouth of Sawyer's Creek was often used as a landmark.

The second key point is the origin of the name Saugerties. This is a unique name, and its origin goes back to the sawmill.

In English, a sawyer is someone who works at a sawmill. The corresponding Dutch word is zager.

The sawmill apparently wasn't very large, so the Dutch added the suffix "-tje." Thus, the Dutch name for the creek and the surrounding area was Zagertje.

Some sources claim that zager-tje meant that the creek was small. Others say the sawmill was small. Still others say that the man who ran the sawmill was small. We don't care which theory was true.

The Dutch pronunciation of zagertje would have been something like zager-tya or sager-tya.

Somehow the Dutch name Zagertje was transformed into the English word Saugertie. A linguist could probably describe the reason for this. For now, we only care that the Dutch suffix "tje" could transform into the English version "tie".

The Alexander Hamilton court records – written entirely in English – frequently mention two strange words: Killtie and Boartie.

We believe that there is an analogy between the origin of the word Saugertie and the words Killtie and Boartie.

	<u>Dutch root</u>	<u>Small (-tje)</u>	<u>Evolved into English?</u>
Sawyer	Zager	Zagertje	Saugertie
Creek	Kill	Killtje	Killtie
Farmer	Boer	Boertje	Boartie

We believe that Killtie referred to a small creek.

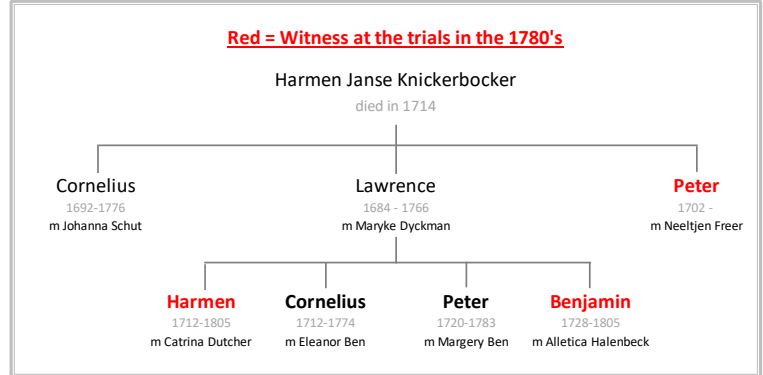
We believe that Boartie referred to a farmer who owned a small farm. (The Dutch word Boer can refer either to a small farm or a large ranch. The suffix -tje makes it clear that either the farm was small, or the farmer was small.)

Section 1: Genealogical Information from Court Testimony

During trials in 1784 and 1785, three of the witnesses were Knickerbockers.

The witnesses are shown in red in this partial family tree.

Their testimony – as summarized in *LPAH* – is shown below.



Before jumping into the Knickerbocker's testimony, we will provide a few pieces of background information. Each of these points is discussed again later:

- Harmen Janse Knickerbocker is also referred to as Harmen Bourtie.
- There are multiple mentions of the Schuylers, who co-owned land with the Knickerbockers.
- There are several references to trees and stumps. These are related to the marks that surveyors might have made.
- There is discussion about the areas where the Native Americans dried and ate their clams and mussels.
- There are several references to landings or clearings along the Hudson (Susquehampa, the Killtie, and so on).

We should also point out that the notes that we are showing were taken by rich and powerful men.

John Lansing and Alexander Hamilton were high-powered lawyers who helped finalize the U.S. Constitution.

Robert Livingston, who also took notes at the trials, was Chancellor of New York, and later gave the oath of office to President George Washington. His full name was Robert Robert Livingston. In most history books, he is called Robert R. Livingston, or Chancellor Livingston. Here, we will call him Robert Livingston 4th, to differentiate him from his great grandfather, Robert Livingston Senior. (Robert Senior founded Livingston Manor, and plays a key role in our story.)

Benjamin Knickerbocker (son of Lawrence)

The key detail about Benjamin Knickerbocker is that he was 56 years old in 1784. This means that he was born about 1718. This matches the tombstone for the Benjamin Knickerbocker who was buried in the Knickerbocker Burial Ground in Pine Plains.

Benjamin's testimony in one trial was summarized in notes taken by two of the lawyers.

John Lansing's notes, 23 Oct 1784 (*LPAH*, page 149)

Benjamin Knickebacker – 56 years of age – lives three Miles from Chancellor – Christiain Dedrick first possession in Albany County – south bounds of Dedrick bounds of Manor – Lived with his father who held under Schuyler's patent – never heard of any dispute till the action commenced – his father never claimed.

Alexander Hamilton and the Knickerbockers

X'd stump shown remains of marked tree last trial on south side of path – heard them talk of muscle shells – but the whole like a dream

Alexander Hamilton's notes, October 1784 (LPAH, page 176)

Benjamin Knickerbacker 56 years old – his father lived about 3 miles from plaintiff's house – was a boy playing about the time of the trials – shewed a stump which had been a marked tree – abt 200 yd – like a dream had then

At the next trial, Benjamin testified again.

Robert Livingston 4th notes, 10 Oct 1785 (LPAH, page 268)

Benj Knickerbocker, 57, was born at Red Hook, is a son of Lawrence a son of Herma Boertie, never heard of claim till Mr L began to build the mill sometime before the last tryal, Mr. Huffman had a mill lower down on the Hudson; he lived with his father

Alexander Hamilton's notes, 7 October 1785 (LPAH, page 277)

Benjamin Knickerbacker, 57 years old. His father Lawrence Knickerbacker, never heard of a claim till Mr Livingston began to build the mills – sometime before the former trial; does not know how long

Harmen Knickerbocker (son of Lawrence)

Lawrence's son Harmen was a witness at the trials in 1784 and 1785:

John Lansing's notes, 23 Oct 1784 (LPAH, page 158)

Harme Knickebacker – Voire dire – in Chief. 71 years of age – first time boards and timbers were brought for mill little brought there which lay and rotted – mill wrights came from Jersey to build mill – his father's name was Lowrence who was son of Harme Boertie – cannot tell how long before trial but heard father uncles & Hoffman talk on the subject – his father sold his share to Hoffman – his father prevented him from purchasing – does not recollect the sum his father sold it for – reason why he did not purchase because it was a risk to go to Law

Robert Livingston 4th notes, 7 Oct 1785 (LPAH, page 285)

Harman Knickebaker – 72 years old – born at RJ; kill manor of L: – as long as he can remember heard claim by Knickebackers – assisted riding timber to 1st mill

Notice that Harmen offered to buy out his father Lawrence, but was turned down. This suggests that neither Lawrence nor his son considered themselves to be poor.

Peter Knickerbocker (son of Harmen Janse)

Peter Knickerbocker was a major witness at the 1784 trial.

Peter provided a sworn affidavit before the trial started. He also testified in person. The LPAH book contains his affidavit, and also includes lawyer's notes from his testimony.

Peter Knickerbocker Affidavit (LPAH, page 179)

James Jackson ex dem:
Robert R. Livingston
vs
Zachariah Hoffman

The examination on oath of Peter Knicke-
backer taken by consent of parties at the re-
quest of the deft: In presence of the Lessor
of the Plf: and Col Anthoy Hoffman on

Alexander Hamilton and the Knickerbockers

Dutchess County ss: the part of the defendant –

Peter Knickebacker being duly sworn saith that he is upwards of 82 years old, and about 57 years ago he was preparing to build on Lot No. 1 in Schuyler's Patent; that he then lived in the house where his father lived, which Mr Nicholas Hoffman Junr now occupies; and that the north boundary of the aforesaid lot was at the Killitie upon the Hudson's River; and that he never heard any name for the Killitie. The Killitie he means is a steep rocky place.

When he sold the Lot No 1, he sold with it his right in the commons, which were the same as now, except that they did not run over the old Manor line; and at that time he knew not that he any further right or claim; that he has known the landing place of Mr Livingston called by the name of Susquehampa ever since he was a boy of thirteen or fourteen years old; that the highland Indians going to Albany to pay their Tribute to the old Mohawks made it their landing place; that Col Schuyler before the Deponent's Father's death run from the southernmost end of Slipsteen's Island east into the woods, and where he run further he knows not; That Nicholas Schuyler was his surveyor, who run the said line East till he came to the south of Captain Klum's, where he stoped as he was informed Livingston [Manor to be], and that the deponent was then twelve of thirteen years old; that he remembers two marked trees at the Killitie before mentioned; that they were marked long before he owned the lot, and were Chesnut oak standing on the bank to the north of the Killitie; and that he remembers no other marked trees upon any other line; and that Gilbert Livingston told him in running from the southernmost bought of Roelf Jansen's Kill they crossed the said Kill seven times.

He being cross examined further said that Betty (the surveyor) laid out several lots for Robert Livingston [*senior*] of the manor; that Dedrick's was the southernmost, Jacob Best's was the next, Snider the next, Isaak Minkler's the next, and several other lots extending to the Camp line; and that they were laid out about sixty years ago, but he does not recollect the exact time.

Betty must have run from the Killitie the manor line three or four times as he judged from the marked trees & from what he hears; and that Col Schuyler had got James Livingston to run out his Patent about sixty years ago; that he then laid out a part of his Patent into lots, and that the northernmost lot [was lot] No. 1, bounded on the Killitie; and the never understood that James Livingston ran across the old Manor line, by which he means the line from the Killitie, and the deponent and his brother were with James Livingston when he made those surveys' and that his father Hermanse Knickebacker died in the year 1714; and that he remembers no marked trees at the landing place of Mr Livingston, although he has been there above one hundred times, but he never examined for them; that he heard at New York (at the time of the last tryal) that a line that a line had been run from the Bought to the aforesaid landing many years before the above mentioned tryal; and that Nicholas Smith & Cornelius Vanwormer were the chain bearers, but does not know by whom this line was run; and that he never heard it before that time at Court; nor did he ever hear of a line being run from the landing to the bought at any time.

Sworn 18 Aug 1784
Before me
– Anthy Hoffman

Rob R Livingston [*the 4th*] Lessor of Plf
Anthy Hoffman

In this affidavit, Peter gave his father's date of death as 1714. This fits with other records. For example, Harman Janse was recorded in the first county census in 1714 but it was Harmen's widow who paid the newly-instituted property tax in January 1718. (See the *History of Dutchess County, 1882*, by J Smith, p.60, and the *Book of the Supervisors of Dutchess County 1718-1722*, p. 3.)

Notice that this affidavit doesn't say anything about the family being "poor." We will return to this topic later in this report.

In October of 1784, Peter testified in person. *LPAH* includes notes from one of the lawyers:

John Lansing's notes, 23 Oct 1784 (*LPAH*, page 156)

Peter Knickerbocker – aged 82 years – his father died in 13 – Livingston asked his father's leave to draw turpentine for the Germans – his father said no, you have the most part of my land already, he shall not have it all – his father said so because he [Livingston] came so far below Suskahampa – his father was poor & had no money, that was the reason he did not go to Law – family made no claim before lands were divided – & before Hoffman ejected – all before that time was peace and quietness

He his brothers and sisters did not go to Law because they had no money – this conversation was in year 1710 – he was then 8 years old

Line was run before year 1710 from dry gully. It was ___ chains from Landing to Sukahampa – he always run from thence to South Bocht – never was at South Bocht

Chesnut oak at gully – trees being to the northward

No 1 bounded by Killetie along Livingston's line – James Livingston laid out lots

He together with his brother Evert & Jan Vosburgh were present – the marked trees on the north side of the gully – gully abt 100 yard to the north of Shavers – Livingston in laying out No 1 stop'd at the south side of the gully

He knows a line run from landing at the time of law suit – he knows of no marked trees along a line but that run by James Livingston

Been 100 times at the landing – never saw any marked trees there

Col Schuyler has frequently been at his house – Schuyler run a line due east from Slipsteen Island 2 or 3 miles then left off – after his father deed

He & Vosburgh & Evert went with Livingston to gully – name of landing Suskahampa – has known it by that name 72 years – the Indians used to resort to it & dry their muscles – Suskamka signifies a canoe place – never saw Indians there himself – knows it by talking with Indians – Landing not cleared when he first knew of it.

These lawyer's notes say that Peter's father died in 1713. We know that this is wrong, because we know that Harmen Janse paid taxes in 1714. The lawyer probably scribbled the wrong date as he was taking notes. (The lawyer's notes say 1713, but the affidavit showed earlier said 1714.)

These lawyer's notes also say that Peter described the Knickerbockers as being poor.

Harmen Janse "Boartie"

The *LPAH* book mentions Harmen Janse Knickerbocker many times, and frequently mentions the fact that he also went by the name Harmen Bourtie.

We have already shown testimony where Harmen Janse was referred to as Boertie. For example:

John Lansing's notes, 23 Oct 1784 (*LPAH*, page 158)

Harme Knickerbocker ... his father's name was Lowrence who was son of Harme Boertie

The court records include many other references to Harmen Boertie. For example, consider the following testimony from a woman who knew the Knickerbockers very well:

John Lansing's notes, 23 Oct 1784 (LPAH, page 149)

Elizabeth Bender – 67 years of age – daughter of Hugh Benn – never heard other name for landing before the action than Hugh Benn's Landing – father lived at landing – never knew a place called Suskamapa till the action brought

Sisters married 2 of the Knickenbakers, Cornelius and Petrus – was intimate in Knickenbacker's family – never heard they had any pretensions – sons of Lowrence Knickenbacker & Grandsons of Harne Bourtie

Lowrence Knickebacker lived next to Loudert – Never knew any Indian settlements in the neighborhood – Dedrick settled under Manor, so did Best – her father was at last trial a witness

Elizabeth Benn was born in about 1717, and therefore never met Harmen Janse. Why would she have referred to Harmen by his nickname of Bourtie? Also, why would she differentiate between the last names of Lawrence Knickerbocker and Harmen Bourtie?

Also consider the testimony of another neighbor, Simon Cole. We suspect that Simon Cole was a distant relative, by marriage, of the Knickerbockers. This was via Johanna Schut, who married Harmen Janse's son Cornelius.

We will only show a few key excerpts from Simon's affidavit:

Simon Cole Affidavit, 5 Aug 1784 (LPAH, page 177)

Simon Cole, duly sworn, saith that he is now ninety two years of age

... his brother in law was William Shut ...

... one of the Indians who was with Col Schuyler [during the surveys] was named Kakaqua ... Kakaqua had his plantation on the White Clay Kill, a little below where the Defendant now lives ...

... the deponent remembers when Herma Knickerbacker came to live there and the he the deponent was then about eight or ten years of age ...

That Cornlius, one of the sons of the said Herma was with Schuyler at the same time Shuyler run the lines of his patent...

That the above Herma Knickerbacker was called Herma Janse Knickerbacker and was also called Herma Boertie...

That he was intimately aqented with the said Herma Knickerbacker and his sons ...

Simon Cole was old enough to know Harmen Janse, and made a clear statement that Harmen Janse went by both Knickerbocker and Boertie.

Why did all of these people remember that Harmen Janse used a nickname?

This might be a clue about Harmen Janse' long-lost tombstone.

We know from land records that Harmen Janse was buried in a small Knickerbocker burial ground set aside by his son Cornelius. We also know that Lawrence Knickerbocker was originally buried in what later became known as the Farmer's Hotel burial ground on a bluff

overlooking the Hudson. It is very likely that Harmen and Lawrence were buried next to each other.

Lawrence's tombstone still exists, and includes his last name, Knickerbacker.

We believe that Harmen Janse' tombstone must have included the word Boartie. This would explain why people who lived near the burial ground, in 1785, would still be referring to Harmen Janse by his nickname.

(In the late 1800's, an elderly man named Andris Knickerbocker dictated his recollections regarding Knickerbocker genealogy. Andris stated that Harmen Janse was known as "Harmen the Farmer." How could Andris have known that Harmen Janse used a nickname? Once again, this is consistent with "Boartie" appearing on Harmen Janse' tombstone.)

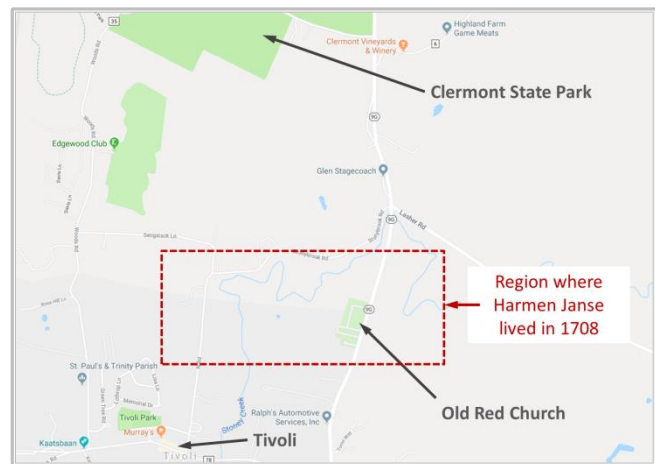
Harmen Janse Knickerbocker's House

There have been various claims over the years that Harmen Janse Knickerbocker eventually moved to Schaghticoke. Those claims are wrong.

The house of Harmen Janse is mentioned multiple times in *LPAH*. Unfortunately, though, the references to his location are vague. For example, the surveyor's notes say that they crossed a path to Harmen Janse's house, and also a "waggon" road to Harmen Janse' house.

Harmen Janse' house was near where the disputed diagonal border (our "dashed red line") crossed the White Clay Kill.

We suspect that Harmen Janse' house was near today's Route 9G. His house was probably about a half-mile southwest of the intersection of Route 9G with Lasher and Stoneybrook roads.



Since Harmen Janse owned a half-interest in the entire area, we know that his farm would have been on a nice piece of land.

There are a handful of nice properties in the vicinity where Harmen Janse might have lived. So far, there is no way to figure out his exact location.

Section 2: Poor and Illiterate?

The *LPAH* book contains several instances where Harmen Janse is described as poor, and one instance where he is described as illiterate.

It is hard to evaluate whether the Knickerbockers were illiterate. We know that some of the Knickerbockers signed their wills and deeds, while others used simple marks such as an "X". For this report, we will skip the debate about literacy.

Instead, our focus here is on whether the Knickerbockers were really poor. Most of the materials in this section are not from the *LPAH* book. However, these materials lay the groundwork for Section 3, which discusses the lawsuits that involved Alexander Hamilton.

After careful consideration, we do not believe that Harmen Janse or his children were poor.

Harmen Janse Land Purchases

We know of three land purchases by Harmen Janse. These land purchases seem to contradict any claim that Harmen Janse was a poor man.

Here, we will focus on two of Harmen Janse's purchases. These illustrate that Harmen Janse's friends and neighbors included three of the richest men in New York State: Anthony Van Schaick, Pieter Schuyler, and Robert Livingston.

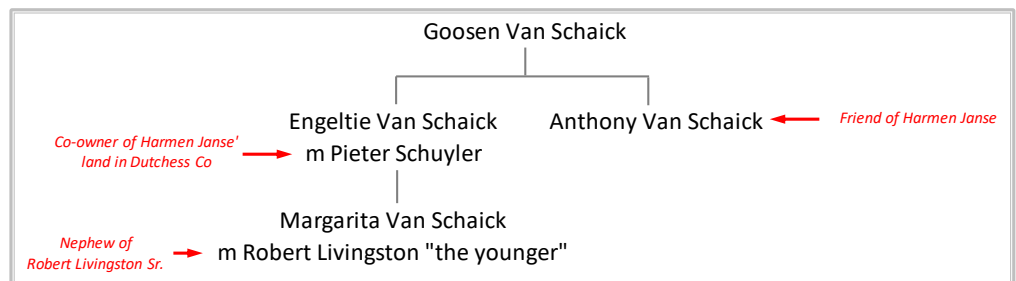
Harmen Janse's first land purchase was in 1686, on the west side of the Hudson, a few miles north of the Mohawk River. He bought the land from Anthony Van Schaick. Ironically, the deed for Harmen Janse's land purchase was written by the clerk of Albany County, Robert Livingston, Senior. This is the same Robert Livingston who later founded and owned Livingston Manor.

Anthony Van Schaick was an acquaintance of Harmen Janse. The two men were probably friends. In 1686, Anthony Van Schaick and his wife were the sponsors at the baptism of Harmen's son Lawrence.

We will pause momentarily to show a partial family tree for Anthony Van Schaick. It is interesting that Anthony Van Schaick had connections to both Peter Schuyler and the Livingston family.

Anthony Van Schaick was the brother-in-law of Pieter Schuyler.

Pieter Schuyler was the first mayor of Albany.

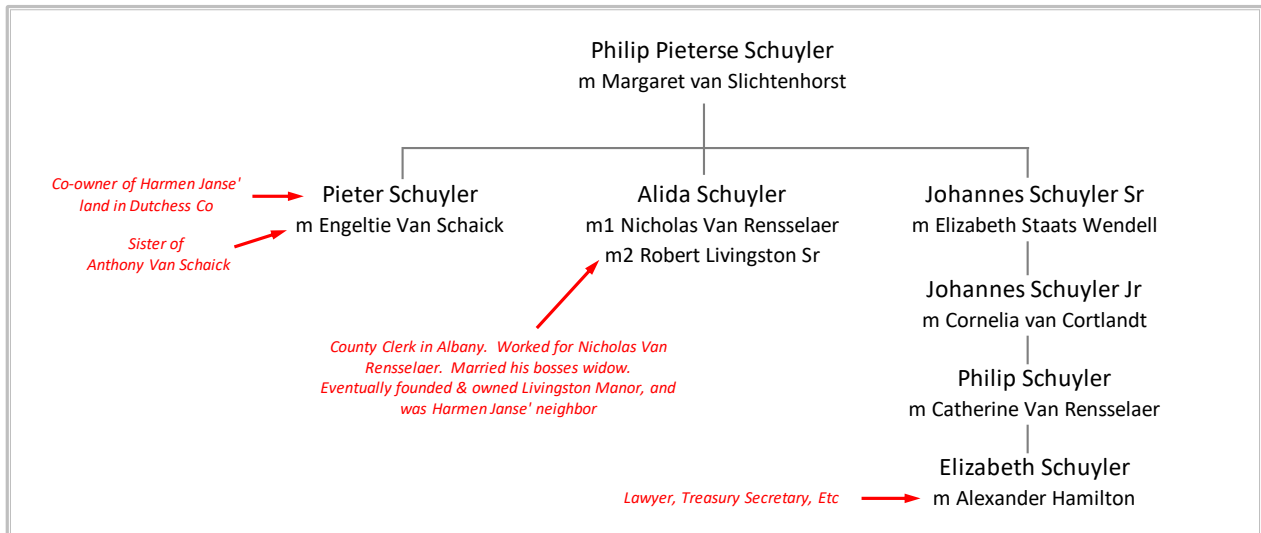


Alexander Hamilton and the Knickerbockers

The Van Schaick and Schuyler families were closely linked. For example, Goosen Van Schaick (Anthony's father) once shared ownership of Half Moon with Philip Schuyler (Pieter's father).

Thus, Harmen Janse Knickerbocker might have known Pieter Schuyler when Anthony, Pieter, and Harmen were all still living in the Rensselaerswyck area.

Shown below is a partial family tree for the Schuylers. The Schuylers were linked, by marriage, to both Anthony Van Schaick and Robert Livingston Senior. Many years later the Schuylers were connected by marriage to Alexander Hamilton.



There were many connections between the people that are mentioned in this report. There were also connections with other well-known people. For example, consider the events in this short timeline:

- 1770's Philip Schuyler (son of Johannes) was a soldier during the Revolutionary War
John Lansing was one of Philip Schuyler's assistants
Alexander Hamilton served on George Washington's staff
Robert Livingston 4th was appointed the first chancellor of NY
- 1780's Alexander Hamilton married Philip Schuyler's daughter
Alexander Hamilton represented the Hoffman family in lawsuits vs. the Livingstons
John Lansing represented the Robert Livingston 4th in the same lawsuits
Hamilton & Lansing helped frame the US Constitution.
Robert Livingston 4th administered oath of office to President George Washington
- 1790's Philip Schuyler retired from the U.S. Senate. He was succeeded by Aaron Burr
- 1800's John Lansing became the second Chancellor of NY, succeeding R. Livingston 4th
Aaron Burr killed Alexander Hamilton in a duel

During roughly this same span of years, Pieter Schuyler, Johannes Schuyler Senior, Johannes Schuyler Junior, and John Lansing all served terms as mayor of Albany.

The close connection between all of these families may have influenced the events we are discussing here. The close link between John Lansing and the Schuylers may also be important.

Harmen Janse' third land purchase was on the east side of the Hudson, and involved Pieter Schuyler.

The sequence of events for Pieter Schuyler is as follows.

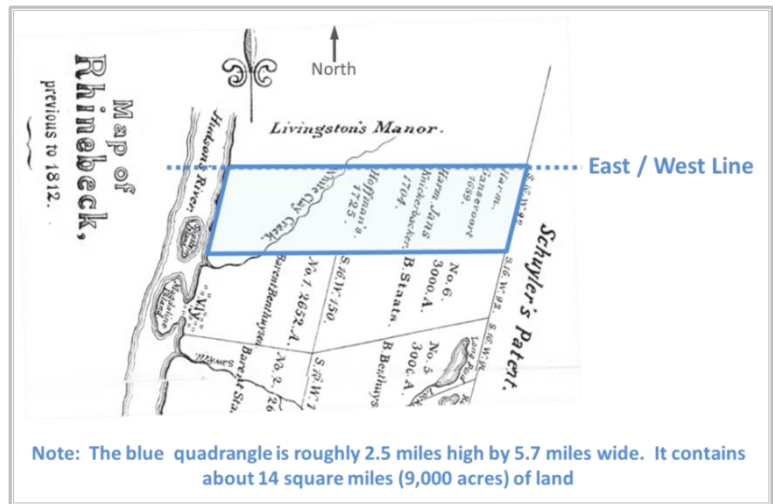
In June of 1688, Pieter Schuyler, the first mayor of Albany, received a large land grant along the Hudson River in the area that we now call Dutchess County. Schuyler never lived on his land, and did not hold on to the full property for very long. He soon sold off the southern pieces outright. He only retained the northern piece.

It is this northern piece of Schuyler's Patent that affects our story.

In 1689, Schuyler sold a half-interest in the northern piece to Harmen Gansevort, who was a wealthy brewer and tavern owner in Albany. In 1704, Harmen Janse bought out Harmen Gansevort. This made Harmen Janse a 50-50 partner with Pieter Schuyler.

A rough map of Schuyler's Patent can be found in the *History of Rhinebeck* (1881) by Edward M. Smith. We are showing a portion of that map here.

In this snapshot, we have focused on the northern piece of Schuyler's patent – the piece eventually co-owned by Harmen Janse.



Notice that the top border of Schuyler's Patent was an east-west line that crossed the Hudson at the point opposite from Sawyer's Creek. This is confirmed by the text of Schuyler's Patent. The patent describes land that runs "northerly so far till upon a due east and west line it reaches over against Sawyer's Creek; from thence due west to the Hudson's River." (*History of Dutchess County* (1882) by James H. Smith, p. 50.)

Based on the original description of this property, the quadrangle of land included roughly 9,000 acres. This estimate of the acreage is new. It appears that prior histories, such as the one by Edward Smith, avoided providing a specific estimate. This might be due to the shenanigans discussed below.

(We do not know how Harmen Janse became involved in this land purchase. At the time, Harmen Janse was living about 65 miles up-river, in Half Moon. It is possible that the Van Schaick / Schuyler and Van Schaick / Knickerbocker connections were the reason that Harmen Janse knew about the availability of the land.)

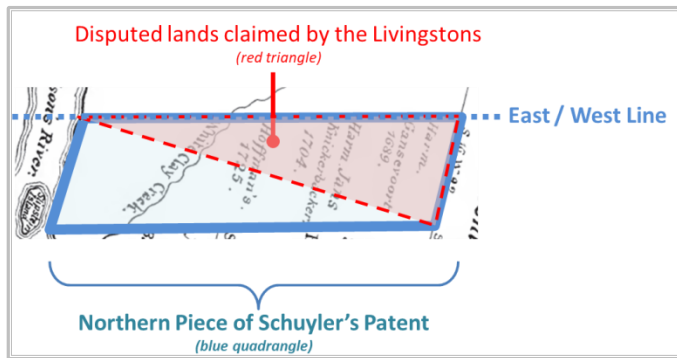
By the 1730's, the Knickerbockers had sold off their land within Schuyler's Patent. The Hoffman family bought most of the land.

The lawsuits over the property lines didn't start until the 1740's. The lawsuits involved in the Hoffmans vs. the Livingstons.

Court records describing the Knickerbockers as "poor"

The *LPAH* book contains multiple instances where the Knickerbockers were described as poor. Most of these instances of the word "poor" were part of lawyer's notes rather than actual court testimony.

It appears that Alexander Hamilton and Hoffman's other lawyers tried to make it appear that the Knickerbockers were poor. This helped the lawyers explain why the Knickerbockers didn't sue when the Livingstons apparently encroached on Knickerbocker land.



Shown here is a highly simplified map that illustrates why the Knickerbockers might have wanted to sue the Livingstons.

The original upper border of Schuyler's patent was supposed to be an east-west line. However, the Livingstons claimed that their property line was diagonal, and that the Livingstons were the true owners of about half of the Knickerbocker / Schuyler quadrangle.

(More details about the disputed lands can be found in Section 3 of this report.)

The Knickerbockers never challenged the Livingstons about the diagonal line. The Knickerbockers sold their lands to the Hoffmans in the 1720's and 1730's. The lawsuits regarding the disputed property (the red triangle) began twelve years later, in 1745.

During the Hoffman vs. Livingston lawsuits, lawyers for the Hoffman family claimed that the Livingstons had encroached on land that the Hoffmans had purchased from the Knickerbockers.

The Hoffman's lawyers had to explain to the jury why the lawsuits were so slow in developing. For example, why didn't the Knickerbockers sue the Livingstons?

Peter Knickerbocker's testimony seemed to be the spark for the claims that the Knickerbockers were poor. When Peter testified, he apparently was questioned about why the Knickerbockers had never sued the Livingstons. Here is what we have, from a lawyer's notes:

John Lansing's notes, 23 Oct 1784 (*LPAH*, page 156)

Peter Knickerbocker: **his father was poor & had no money**, that was the reason he did not go to Law ... **He his brothers and sisters did not go to Law because they had no money** – this conversation was in year 1710 – he was then 8 years old

We don't have a full court transcript, so we also don't know exactly what Peter said.

Alexander Hamilton and the Knickerbockers

In the end, we don't believe that Harmen Janse Knickerbocker was poor.

For example, consider the first Dutchess County property tax assessment, in 1718. There were 64 families in the Upper Ward who paid taxes. Two Knickerbockers were among the top 8 taxpayers.

This seems to refute any claim that the Knickerbockers were poor.

1718 Tax Assessments in Upper Ward of Dutchess County

Rank	Name	£	
1	Jacob Kip	60	
2	Henricus Beekman	40	
3	Wedwen Van [widow of] Harmen Kneckerbaker	20	
	Evert Van Wagenen	20	
5	Mathys Sleght	15	
6	Wellem Trophage	12	
	Hendrick Kip	12	
8	Lowerense Knickerbaker	10	
...	...		
64	Philip Ffeller	1	

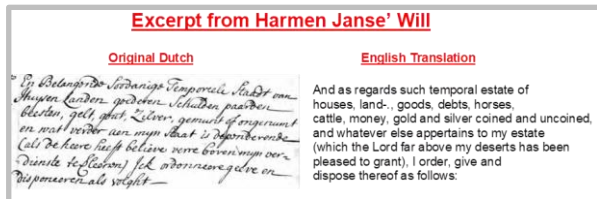
Book of Supervisors of Dutchess County NY, 1718-1722

Also consider what happened after Harmen Janse died. Harmen's heirs eventually sold off the land near Tivoli, and bought land elsewhere. For example, Lawrence Knickerbocker's five sons each bought land over the following years. Lawrence's son John bought properties in Connecticut; Benjamin bought land in Pine Plains; Harmon bought land in Wassaic; Peter bought land in Milan; and Cornelius bought land in Milan and in Pine Plains.

Most immigrant families would be proud if the third generation was able to buy so many pieces of land. This appears to be a success story, rather than the story of a poor family.

There are two possible explanations for why Peter Knickerbocker described his family as being "poor."

The first explanation might be that the Knickerbockers had too many fixed assets (such as land) and not enough disposable assets (such as cash money). Taxes were becoming more common, so cash money was becoming more important.



However, Harmen Janse' will, he mentioned "money" and also "gold and silver coined and uncoined."

This does not sound like the will of a poor man.

We don't know how much money, gold, or silver was involved. Perhaps Peter's recollection stemmed from a shortage of cash that could be used to pay taxes. (An interesting observation: So far, we haven't found any records that show that the Knickerbockers collected rent on the lands that they co-owned with Peter Schuyler. Thus, perhaps the Knickerbockers were not good businessmen, and therefore had a shortage of cash.)

The second – and more likely – explanation is that the Knickerbockers viewed themselves as being poor in comparison to their rich friends and neighbors.

It is interesting that Harmen Janse interacted with so many wealthy people.

Some of this might have been coincidence. There were very few European settlers along the Hudson River. It was inevitable that many of the settlers knew each other, knew their landlords,

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and knew the county clerks. Thus, for example, the Rensselaer family and Robert Livingston probably knew most of the adult men in the areas around Albany and Rensselaerswyck.

<u><i>Rich Friend / Neighbor</i></u>	<u><i>Interactions with Harmen Janse</i></u>	<u><i>How did they meet?</i></u>
<i>Anthony Van Schaick</i>	<ul style="list-style-type: none">• <i>Neighbor of HJK in Rensselaerswyck</i>• <i>Sold land to HJK in Half Moon</i>• <i>Witness for Lawrence Knickerbocker baptism</i>	<i>Unclear</i>
<i>Pieter Schuyler</i>	<ul style="list-style-type: none">• <i>Co-owner of land in Dutchess County</i>• <i>Frequent visitor to HJK's house near Tivoli</i>	<i>Via the Van Schaicks?</i>
<i>Robert Livingston Sr</i>	<ul style="list-style-type: none">• <i>Wrote the deed when HJK bought land from Van Schaicks</i>• <i>Was northern neighbor when HJK lived near Tivoli</i>	<i>Livingston was county clerk in Albany, and thus probably met every landowner</i>

It appears that Harmen Janse was closest to Anthony Van Schaick. We do not know how the two men originally met. The connection between the Van Schaicks and the Knickerbockers is worthy of more research. Were the families somehow related?

The lawyers – particularly Alexander Hamilton – had ulterior motives for referring to the Knickerbockers as poor.

Hamilton claimed that the Livingstons got away with encroaching on land they didn't own for several reasons, including:

- Encroachment easy by reason of Schuyler's distance, public engagements, etc
- Gansewort brewer in Albany
- Knickerbockers poor & illiterate
- Livingstons wealthy & cunning [LPAH, page 219]

Hamilton seemed to believe that the Hoffmans – who were educated and rich – were in better position to realize that the Livingstons had broken the law.

According to Hamilton, the Livingstons were wealthy and cunning. The Knickerbockers were too poor and illiterate to do anything about it. Schuyler, on the other hand, was apparently so busy with his public service that he didn't have time to sue.

By bashing the Knickerbockers, Hamilton was killing two birds with one stone.

Hamilton was putting his clients, the Hoffmans, in the best possible position to win the lawsuits.

Hamilton was also defending his in-laws, the Schuylers, by treating them with kid gloves.

It seems clear in retrospect that the Schuylers were complicit in the land grab by the Livingstons, but you'd never know this from reading the notes of Alexander Hamilton (a Schuyler in-law) or John Lansing (a Schuyler protégé).

Now that we have set the scene, we will return to the works of Alexander Hamilton.

Section 3: Livingston's Fraud

You – the reader of this report – might find the following discussion to be too superficial. You might not be convinced that Robert Livingston committed fraud. That is fair. The LPAH book devoted 257 pages to these court cases. We are only presenting a short summary.

For more details, refer directly to the Law Practice of Alexander Hamilton, Volume 3, and to the other references that are listed at the end of this report.

In court, Alexander Hamilton made a very strong case that Robert Livingston Senior committed fraud, and that Livingston never had a legal right to what became known as “Livingston Manor.”

Thanks to modern technology, we can use color-coded maps to illustrate the key points that are mentioned in Hamilton's notes. This gives us a big advantage over the authors of the *LPAH* book, and over Hamilton himself, who didn't have an easy way to illustrate the various claims about boundaries.

Background, from a Knickerbocker perspective

For the next few paragraphs, we will describe Hamilton's tactics as they would be viewed by a member of the Knickerbocker family. We will explain why it seems like Harmen Janse got the short end of the stick.

We have already shown Peter Knickerbocker's court testimony in full. Here is a brief excerpt, highlighting the most interesting passages:

Livingston asked his father's leave to draw turpentine for the Germans – his father [Harmen Janse] said no, you have the most part of my land already, he shall not have it all – his father said so because he [Livingston] came so far below Suskahampa. He his brothers and sisters did not go to Law because they had no money. This conversation was in year 1710 – he [Peter] was then 8 years old

Peter was only a boy when the key events happened, but remembered his father's strong statement: “You have the **most part** of my land already.” *[Emphasis added.]*

Peter also said that his father was unhappy that Livingston came so far below the landing at Suskahampa.

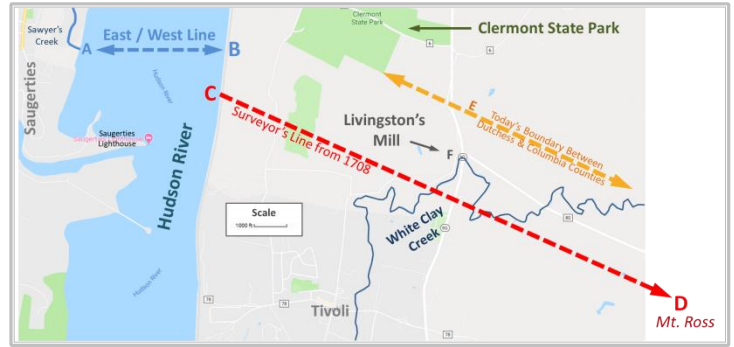
Harmen Janse Knickerbocker bought his land in 1704. As already described, his land was part of Schuyler's Patent. The land ran along the Hudson from the southern end of Slipsteen Island to the landing opposite from Sawyer's Creek. The original boundaries of Schuyler's Patent ran due east-west from the Hudson. There wasn't any diagonal line involved in Schuyler's patent.

Alexander Hamilton and the Knickerbockers

Here is a map that we showed early in this report. We labelled two points along the Hudson (points B and C). The exact location of these points along the Hudson was the focus of the initial court cases.

There are two diagonal lines on this map.

The red diagonal line is from a survey done by the Livingston family. The orange diagonal line is today's boundary between Dutchess and Columbia counties.



As we will show, Alexander Hamilton eventually realized that the diagonal line from the Hudson River to Mount Ross never should have existed.

It wasn't a question of the red diagonal line vs. the orange diagonal line. There never should have been a diagonal line in the first place.

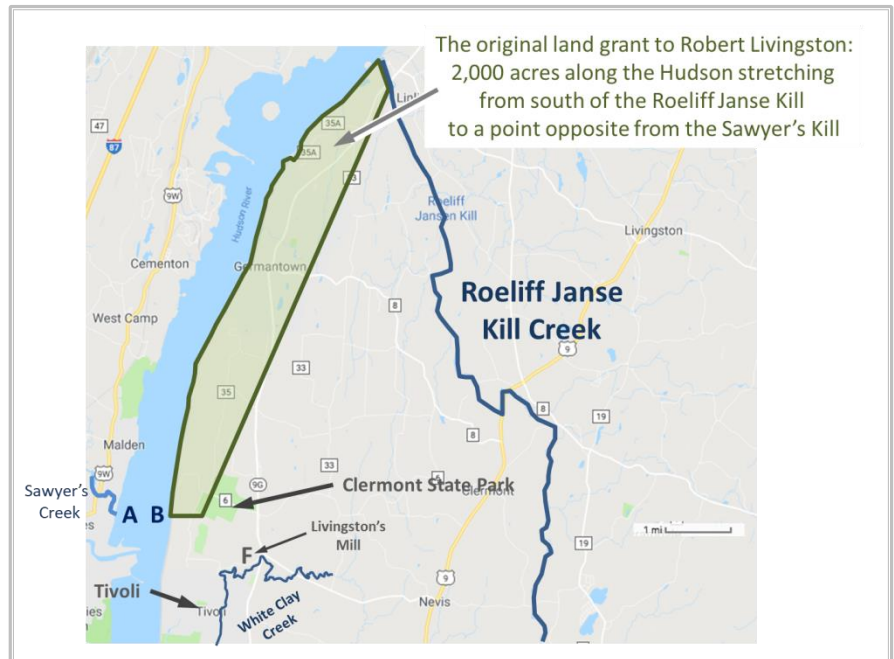
We will illustrate Alexander Hamilton's logic using a sequence of maps. (The details can be found in Hamilton's notes in the appendix of this report.)

Robert Livingston Senior's initial land grant from 1684 contained 2,000 acres of land along the Hudson. The second grant, in 1685, was for 600 acres. The smaller parcel was about 20 miles to the east, near the Massachusetts border.

This map shows the approximate location of Livingston's 2,000 acres along the Hudson.

Notice on this map that the land granted to Robert Livingston came nowhere near the White Clay Creek, and nowhere near the eventual location of Livingston's Mill.

Also notice there is no diagonal line from the Hudson down towards Mount Ross.



Alexander Hamilton and the Knickerbockers

As part of each grant, Livingston was required to pay “quit rent.” This was an annual fee paid to the King. Livingston’s quit-rent was 20 pounds for the larger parcel, and 8 pounds for the smaller parcel. Thus, the total quit-rent was 28 pounds per year.

At the time of this initial grant – 1684 – the area now called Columbia County was a wilderness. Nobody had ever published a map, and nobody knew exactly locations of the various streams.

At some point around 1685, Robert Livingston Senior must have initiated a survey of the area. This must have been an “ex parte” survey, to use the Latin phrase favored by Alexander Hamilton. “Ex parte” refers to an action taken by one party, without any involvement from other interested parties. In this case, Livingston didn’t ask for any help from his neighbors, nor did he ever share the results.

Robert Livingston was a powerful man with strong connections to the Governor of New York. Livingston found a way that he could take advantage of his friendship with the governor, and also take advantage of the general ignorance about the geography of the area.

In 1686, the Governor of New York issued a “confirmation” to Robert Livingston. This was supposedly a simple confirmation of the two original grants. However, the Governor’s “confirmation” in 1686 described a different and much larger property than either of the first two grants.

The quit rent listed for the “confirmation” was 28 pounds per year – exactly the sum that would be expected if the land consisted of 2,000 acres plus 600 acres.

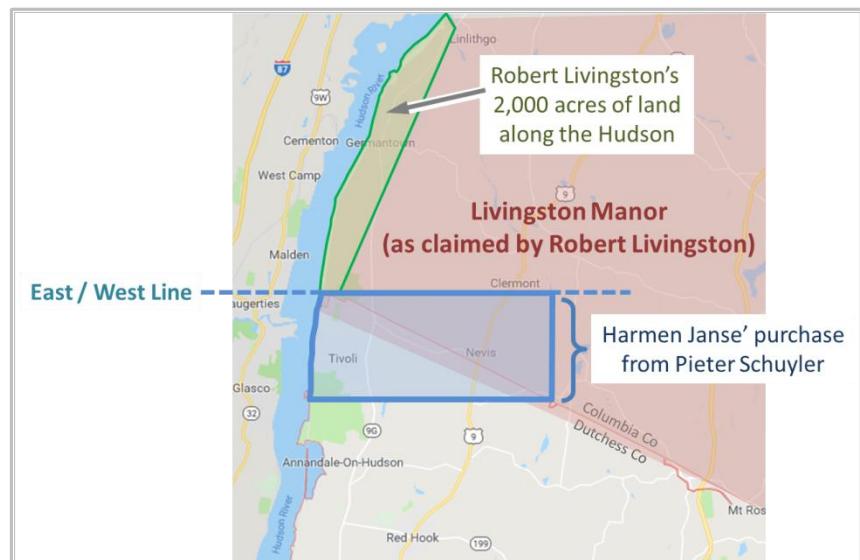
And yet: Robert Livingston Senior now controlled 160,000 acres (250 square miles), instead of the original 2,600 acres.

The map below illustrates what happened.

This map again shows Livingston’s Hudson River grant, in green.

Also shown, in blue, is the adjacent quadrangle of land that was part of Schuyler’s patent. The upper boundary of the quadrangle is the one described in the original Schuyler patent: an east-west line.

The extra land that Robert Livingston acquired as part of the “confirmation” is in pink.



There had never been a diagonal line in the description of the Schuyler Patent. However, there was some language saying that Schuyler's Patent should not interfere with Livingston's Patent. At the time, nobody realized that Robert Livingston claimed that his borders were far larger than those given in his original patent.

There is no record of any complaint from Pieter Schuyler when his brother-in-law, Robert Livingston, changed the boundary between the Schuylers and the Livingstons.

Now we go back to Harmen Janse' view of all of this.

Alexander Hamilton described Harmen Janse as poor and illiterate. Mr. Hamilton implied that Harmen Janse was ignorant of the events around him.

We would prefer to believe that our ancestor was reasonably intelligent, and that he was aware of his own best interests.

According to Peter Knickerbocker, Harmen Janse' claimed that Robert Livingston had taken "**the most part**" of Knickerbocker land. [Emphasis added.] This seems to be a legitimate complaint from a well-informed man.

It appears that Robert Livingston really did take about half of Harmen Janse' land, via the claim that his property extended down the diagonal line from the Hudson to Mount Ross.

Harmen Janse also thought that Robert Livingston had no right to any property below the Suskahampa landing. This might have referred to the fact that Robert Livingston claimed ownership of land all the way down to Mount Ross, which is four miles below the east-west line from Sawyer's Creek.

These court records suggest that Harmen Janse was well aware of what was going on around him.

Background, from a Hoffman perspective

The Hoffman family began buying land from the Schuylers and Knickerbockers in about 1723. The Hoffmans eventually owned most of the Schuyler and Knickerbocker land near Tivoli.

There were many years between Harmen Janse' death and the sale of his lands to the Hoffmans. Harmen Janse died in 1714. Land records suggest that not much happened in the years immediately following his death.

In 1723, Pieter Schuyler – apparently with approval from the Knickerbocker heirs – subdivided their large property. He hired a surveyor to create 13 lots, and awarded seven of those lots to the heirs of Harmen Janse. There was also still some "common land" that was shared 50-50 between the Schuylers and the Knickerbockers.

The Hoffmans then began to acquire the properties one piece at a time.

There is no doubt that the Hoffmans only purchased land in what is now Dutchess County. The deeds acquired by the Hoffman family were specific. The Hoffmans never had any claim to the lands above the diagonal line. The Hoffmans could only argue about the exact location of the diagonal line.

Alexander Hamilton's Arguments Regarding Fraud

The prior sections explained the sequence of events using several maps. Now we will tell the same story, as viewed through the eyes of Alexander Hamilton.

The next three pages present a high-level summary of Hamilton's views. More details can be found in the appendix of this report.

Alexander Hamilton worked for the Hoffman family for about 3 years. He represented them in two court cases involving the Livingstons.

When Hamilton first took the case, the arguments in court focused on the smaller issue of exactly where the diagonal line should be drawn. The early court records include varying opinions about the exact location of landing along the Hudson, the accuracy of using a compass, the change in magnetic north over time, and so on.

Hamilton's initial efforts were unsuccessful. Hamilton lost the first case that he argued against the Livingstons. This first case was decided in 1784.

In 1785, Hamilton filed a motion for a new trial. Hamilton had completely changed his tactics, and launched a full frontal assault against the Livingstons.

Here is how Alexander Hamilton's tactics were described in *LPAH*:

Hamilton's Arguments on a Motion for A New Trial (1785)

[as summarized in LPAH, starting on page 106]

The manuscripts of Hamilton and Livingston in these causes most deserving of comment are those relating to the motion for a new trial. ...

Assuming Hamilton was able to convince the court to accept his major premise – that the court had authority to grant a new trial – he still had to show that the verdict in Hoffman was in fact against the weight of the evidence.

Hamilton attached the verdict with a double-pronged argument.

In the first place, he attempted to discredit the Livingston claim to the lands by virtue of the patents granted to the first lord of the manor. ...

To show that the patents did not contain the land in controversy, Hamilton's assault focused on the "confirmatory" letters of 1686. The first two patents, granted in 1684 and 1685, were for noncontiguous parcels of modest size: one on the Roeloff Jansen Kill at the Hudson River, and the other in the Taghkanick Hills twenty miles to the east.

A prayer for a confirmation of these two grants and for their consolidation into a manor – with boundary descriptions that did not conform to the prior Indian deeds, with no further purchases from the Indians shown, and with the quitrent in the 1686 confirmation set at no more than the combined quitrents of the two prior grants – was a manifest fraud on the King, thus rendering the 1686 patent void.

The patent of 1715 was also void and passed nothing, as it amounted to nothing more than a confirmation of a void patent and had been sought for frivolous reasons.

The other evidence that the boundary contended by Livingston was the correct one was, Hamilton argued, not persuasive. The Act of 1717, making the south bounds of

Alexander Hamilton and the Knickerbockers

Livingston Manor the boundary line between Albany and Dutchess counties and describing Saskahampka as “lying opposite” to the Sawyer’s Creek (the terminus of Albany County on the other side of the Hudson) was of little weight because the act was self-serving, having been introduced by Robert Livingston himself at the very first session of the Provincial Assembly in which he was empowered to sit.

The “ancient surveys” made by or for the Livingstons were also of little weight because they were made ex parte, “without evidence” and “evidently on false principle.” ...

Hamilton questioned the weight to be given to the evidence showing the acquiescence of Schuyler, the Knickerbacker family, and Hoffmann in the possession by the Livingstons for the thirty years from 1714 to 1744. In an old and settled country possession could support a strong presumption in favor of title, but this presumption lost its efficacy in a young, sparsely settled area such as the Hudson Valley. ...

Furthermore, Hamilton argued, Livingston’s evidence to show acquiescence were not convincing; the early conveyances from Schuyler to Gansevoort and from Gansevoort to Knickerbacker in which the lands of Schuyler’s patent were described as running to the south bounds of the manor and not to infringe thereon, were not conclusive evidence. Subsequent deeds had all simply copied these original descriptions.

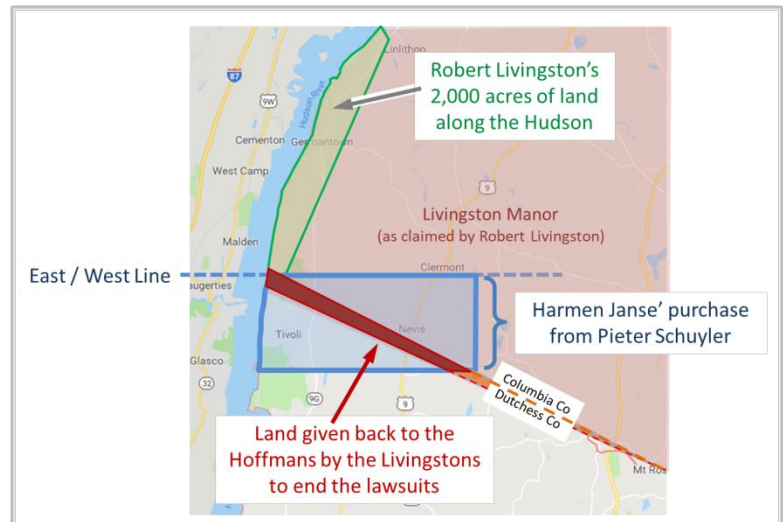
Hamilton’s assault was successful. The Livingstons soon capitulated. The Livingstons gave all of the contested lands to the Hoffmans. (See the appendix for more details about the exact sequence of events.)

Shown here, in dark red, is the slice of land that the Livingstons gave back to the Hoffmans.

From the Livingston’s point of view, this was a wise decision.

The Livingstons gave the Hoffmans about 1,000 acres of land, as shown here by a dark red quadrangle.

(The Livingstons also gave up any claims to the narrower triangle of land, in between our orange and red dashed lines, that stretched from the Hoffman boundary all the way to all the way to Mount Ross.)



By capitulating, the Livingstons headed off any larger attacks on the validity of the entire 160,000 acres of the Livingston patent. Further attacks could have severely damaged the Livingston fortune, given that those attacks were being made by Alexander Hamilton.

The land surrendered by the Livingstons later became part of Dutchess County. Thus, the original border of Dutchess County was a straight diagonal border that stretched all the way to the Hudson River. However, in separate transactions, the Livingstons purchased small parcels around the southernmost Livingston mansion along the Hudson. The state legislature eventually added these Livingston parcels to Columbia County. This is why modern maps show small bumps in the Dutchess County line, at the Hudson River, in the vicinity of Clermont State Park.

Alexander Hamilton and the Knickerbockers

By the summer of 1786, the legal disputes between the Livingstons and Hoffmans were settled. Alexander Hamilton was apparently satisfied with the outcome of these legal disputes. Hamilton moved on to other activities.

In the fall of 1786, Hamilton attended the Annapolis Convention, which helped lay the groundwork for the U.S. Constitution. Leonard Gansevoort, the great grandson of the brewer Harmen Gansevoort, was nominated as a delegate from New York, but did not attend the convention. Robert Livingston 4th was also nominated as a delegate, but did not attend. (See the papers of Alexander Hamilton on the UVA Rotunda website.)

In the fall of 1787, Hamilton and others attended the Philadelphia Convention, which finalized the U.S. Constitution. John Lansing – the Livingston's lawyer – also attended the convention, but eventually refused to sign the final Constitution.

In 1787, Hamilton was also serving in the New York State Assembly. Hamilton helped sponsor legislation that concerned the boundaries of Livingston Manor. Alexander Hamilton stated that the diagonal line to the southern bend of the Roeliff Jansen Kill was the appropriate boundary for Livingston Manor.

Robert Livingston 4th sent a thank-you note to Alexander Hamilton. *[LPAH, page 103. The full letter is available on the UVA website.]*

Thus, Robert Livingston Senior's land grab was a done deal. It had been blessed by the State Assembly. This is why the today's boundary between Dutchess County and Columbia County includes a diagonal line from Mount Ross to the Hudson. (We showed a portion of this line earlier, in orange.)

The land grab had also been blessed by Alexander Hamilton.

By then, the Knickerbockers had moved away. The Knickerbockers had never made any attempt to claim the upper triangle of land (above the diagonal line). The Knickerbockers had sold their remaining land (below the diagonal line) to the Hoffmans.

Native Americans were the worst victims of the Livingston fraud.

It appears that the Livingstons paid the Native Americans for only 2,800 acres of land. This was the land that was in the first two grants.

Summary

We have shown a small sample of the information in *The Law Practice of Alexander Hamilton, Volume 3*.

These legal cases provide some useful genealogical information about the Knickerbockers. We have shown the key information. For example, we have shown that Harmen Janse died in 1714.

The genealogical information was the initial reason for studying the *LPAH* book. In the process of reading the book, it became clear that Robert Livingston's actions had some effect on the Knickerbockers. Thus, this report grew longer.

We have devoted about half of this report to the legal maneuvers related to the borders of Livingston Manor.

As we have shown, Alexander Hamilton believed that the Livingston Manor patents were invalid. Once Mr. Hamilton realized what had happened, he made a full frontal assault on the Livingston's right to their lands.

The Livingston family capitulated shortly after the frontal assault by Mr. Hamilton. They returned a quadrangle of land to the Hoffman family.

In return, Alexander Hamilton and the Hoffman family accepted the Livingston's right to retain the rest of the 160,000 acres in Livingston's Manor.

It appears that the Knickerbockers lost a portion of their lands due to Robert Livingston's land grab. The Knickerbockers apparently did not have the resources and political connections to challenge the Livingstons.

The history of Livingston's Patent might have been very different if the Knickerbockers had been able to afford a lawyer of the same caliber as Alexander Hamilton. However, this is speculation. The Knickerbockers probably would have encountered a major roadblock, because their partner, Pieter Schuyler, was the brother-in-law of Robert Livingston.

In the end, the shenanigans related to Livingston Manor probably had only modest effect on the Knickerbockers. Each of Harmen Janse's children still inherited property from their father.

The Knickerbockers sold their land, dispersed to other locations, and moved on with their lives.

The Livingstons wound up being one of the richest families in the United States.

Appendix

Alexander Hamilton's Notes

On previous pages we have illustrated the sequence of events using several maps.

We have also shown how Alexander Hamilton's legal maneuvers were described by the authors of *LPAH*.

Now, we will show how these events were reflected in the Alexander Hamilton's notes.

The layout of Alexander Hamilton's hand-written notes was complex. The authors of the *LPAH* book described their attempts to replicate Mr. Hamilton's notes, complete with spelling errors and crossed out text.

The *LPAH* book contains numerous pages from Alexander Hamilton's notes. We will show a few key pages.

When preparing to present his claims of fraud, Alexander Hamilton wrote the following words in his notes, apparently as a reminder to himself before he went into court.

Two or three void patents
As many ex parte surveys
One or two acts of usurpation acquiesced
in for a time but afterward proved to be such
Half a dozen scripture allusions
Some ghosts fairies elves & hobgoblins
And a quantum sufficit of eloquence [LPAH, page 233]

This was Hamilton's "recipe" for obtaining a good title during property disputes such as Hoffman vs. Livingston.

At first, this seems like gibberish. However, the *LPAH* authors decided to use this "recipe" as the introduction to the entire first section of Volume 3.

The brilliance of Hamilton's recipe only becomes clear after reading through Hamilton's writings and court presentations.

Hamilton first represented the Hoffmans in a trial in 1784. Hamilton and the Hoffmans lost that case.

Hamilton petitioned the New York courts, claiming that the verdict was wrong. This is when Hamilton changed tactics. The earlier court cases had focused entirely on small details, such as the exact location of the landing on the Hudson. By 1785, Hamilton had taken a broader look at the issues.

Here are some of Hamilton's notes from 1785. These discuss the various Livingston patents in detail. At this point, Hamilton had realized that the diagonal property line should never have existed. Notice that Hamilton states that parts of the patent are "false" and "altogether illegal."

Hamilton's Motion for a New Trial (1785)

Doc. No. 1.15	
[ANALYSIS OF PATENTS OF LIVINGSTON MANOR, by Hamilton, of counsel for defendant; probably made in preparation for argument of defendant's motion for new trial at January term 1785, <i>Jackson ex dem. Livingston v. Hoffman</i> ; undated: AD, Hamilton Papers, Miscellaneous Documents, Library of Congress. See <i>supra</i> pp. 90-93, 94, 106, 110-111.]	
1 Coke 45a 46a 50b 53a 8 d ^e Page 8a 167a & b	Extracts from and observations upon Livingstons Patents
1. Patent November 4. 1684	—Boundary—"A certain tract of land situate lying and being ON a creek on the East side of Hudsons River called or known by the name of Roeloff Jansens Kill: IT being in three plains called <i>Nekankook Kichua Wukquaskaka</i> and two or three other small flats or plains, in all about one hundred morgan or two hundred acres, together with 1800 acres of woodland lying and being between a small Creek or Kill lying over against Kaatskill called <i>Wackabasseck</i> and a place by the Indians called <i>Swaskahamuka</i> to the South of Roeloff Jansens Kill, that is to say TWO HUNDRED ACRES ALONG THE RIVER SIDE and the rest adjoining to the said two hundred acres and so running back into the woods"
This patent appears to have a front of only two hundred acres on the River & lies generally between two træ notorious places <i>Wabanquasseck</i> & <i>Susquehamuka</i> . To suppose its extent from one point to the other would be against the clear expression of the patent & would give a whimsical tract of ab ^t twelve miles by two chains	
2 ^d Patent	

208	COLONIAL PATENTS
Aug 27 th 1685	Boundary "A tract of land called <i>Tachkanick</i> lying and being adjacent unto the <i>aforerecited tract</i> of land beginning behind <i>Patkook</i> on a certain creek runn that runs into the East side of Hudsons River and is known by the name of <i>Roeloff Jansens Kill</i> beginning on the North West side of the said Kill that runs along the flat or plain land at a place at ^{at a} place called by the natives <i>Minissicktanock</i> where two black oak trees are marked with L and from thence along a small hill to a valley that leads to a small creek called by the Indians <i>Quissickcook</i> and over the said creek to a high place to the Westward of the a High Mountains where two black oak trees are marked L and is called by the natives <i>Kachkawamick</i> from thence Westward to a small hill on the side of a Creek called <i>Skaanpook</i> where two white oak trees are marked L: and so runs along the East side of the said Creek, which a little lower is called by the name of <i>Twastawekak</i> AND IS THE WESTERLY BOUNDS, the Southerly bounds beginning on the other side of the Creek that runs along the flat or plain over against <i>Minissicktanock</i> , where two trees are marked and runs along the foot of the High Mountains to the path that goes to <i>Wawijchtanock</i> to a kill called by the Indians <i>Mananosick</i> where two trees are marked L on the South west side of the path from thence Westward to a Creek called by the natives <i>Nachawawachkano</i> where two white oak trees are marked L; which creek comes into the other creek called <i>TWASTAWEKAK</i> WHICH IS THE WEST BOUNDS and so incloses all the land above recited the place where the two creeks meet being called <i>Mawicknanck</i> , the flat or plain land lying on both sides of the said
This tract appears in no place to bound on the River: its western bounds are expressly said to be on the East side of a Creek called <i>Twatawekak</i> —The whole description excludes the idea of bounding on the River; which could not fail to have been expressly mentioned as a remarkable boundary	

Hamilton's Motion for a New Trial (1785)

Continued...

SOUTH BOUNDS OF CLERMONT	209
3 ^d Patent	Creek containing about three hundred Morgan or six hundred acres" &c
July 22 ^d 1686	all which
In the first grant Wahanquasseck & Susquehamuka are mentioned as descriptive—These words are also mentioned here; but no other of the number of Indian names of description here correspond with those in the other grants.	— After reciting at large the tracts comprized in the above patents goes on thus " <i>All which several tracts or parcels of land lying together are bounded are bounded and limited</i> in manner hereafter expressed and mentioned that is to say <i>on the North</i> by a line to be drawn from a certain creek or kill <i>over against the South side of Vastrix Island</i> in Hudsons River called <i>Wachankasigh</i> to a place called by the natives <i>Wawanaquasseck</i> , where <i>THE heaps of stones lie being near the head of a certain Kill or Creek called Nanapenabekan</i> which comes out of a marsh lying near unto the said Hills of the said <i>heaps of stone</i> , upon which the Indians throw upon another as they pass by, from an ancient custom amongst them, and from <i>thence</i> extending to the <i>Northermost end</i> of the Hills that are to the north of <i>Tachkanick</i> , known by the name of <i>Abasbewagbkick</i> and on the East from <i>Abasbewackick</i> aforesaid along the said Hills, to the <i>Southermost end</i> of the same called <i>Wickquapackakat</i> and from thence by a strait line to [the] South East end of a small piece [of] land called <i>Sakabqua</i> and <i>Nakaovaerwick</i> , and on the South by a streight line to the South <i>East end of a small piece of land called Sakabqua</i> and <i>to be drawn from thence</i> to [the] <i>Southermost bounds or bo[ught]</i> of <i>Roeloff Jansens Kill</i> a[nd] from thence by a strait li[ne] to a place <i>on the river side</i> called <i>Sanskahampka</i> whic[h]
Note this grant pretends only to describe the lands in the other grants	
The grants of 84 & 85 contain 17 Indian names of places—of which only two are repeated in the grant of 86—where we find seven new names—	

210	COLONIAL PATENTS
Confirmation	<i>lies over against the Sawyers Creek and on the West by Hudsons River</i>
October 1 st 1715—	Recites first the Patent of 84 next the Patent of 85 and goes on thus "And Whereas upon further application made by the said Robert Livingston ¹⁸⁰ to Col Thomas Dongan the Lieute[nant] Governor of the province of New [York"] setting forth and making it appear that he had been at vast Charge and expences in purchas[ing] <i>the said tracts of land and other lands</i> adjoining to the aforesaid two several tracts or parcel[s] of land comprehended by general boundaries, <i>mentioned and expressed</i> in one third patent thereof under the sea[1] of the said Province of NY bearing date the 22 ^d day of July in the year of our lord 1686 &c here follows the description as in the third patent—and a recital that Thomas Dongan had granted those tracts and erected them into a Manor &c with a variety of privileges &c— Next recites a prayer for a <i>patent of confirmation</i> with some additional privileges—assigning as some of the reasons—a desire " <i>to amend any of the Indian names</i> mentioned in the former patent where they are misspelled, and <i>to make the limits and bounds</i> of the said tract of land and manor <i>more</i>
This recital is false; for there are no such <i>other lands</i> mentioned in the patent of 1786 1686	

180. Hamilton wrote "Rivingston."

Hamilton's Motion for a New Trial (1785)

Continued

<p>SOUTH BOUNDS OF CLERMONT 211</p> <p><i>perfect and particular, by adding to the natural boundaries the courses and distances of the several lines comprehending with Hudson's River the whole of the said Manor</i>" Then goes on the confirmation with this description "All that the <i>before recited tract and tracts of land</i> and premisses within the limits and bounds aforesaid called and known by the name of the Manor of Livingston as hereafter described, that is to say "Beginning on the East side of Hudsons River at a certain place called by the native Indians <i>Wahankasseck</i> from thence running <i>East by South</i> three degrees 45 min: Southerly Nine Miles and one half mile to a certain place called in the Indian Language <i>Marwanapquasseck</i> where the Indians have laid several heaps of stones together by an ancient custom used amongst them, then <i>East</i> and by <i>South</i> 7 deg: 45 Min // Southerly Nine Miles one half Mile and thirty rod to an <i>heap of stones</i> laid together on a certai[n] <i>hill</i> called by the Indians <i>Ahashewaghkainooock</i>, by the North end of <i>Taghkanick Hills</i> or mountains—then <i>South</i> 7 degrees <i>West</i> along said <i>Hills</i> <i>thirteen Miles</i> and one quarter of a Mile to a place called <i>Wichquepuckat</i>// then <i>East</i> two degrees fifty minutes <i>Northerly</i> 3 Miles and 156 rod, to a run of water on the East end of a certain flat</p>	<p>212 COLONIAL PATENTS</p> <p>or piece of land called by the India[ns] <i>Sakackqua</i>, // then S by E eight degrees 30 Minutes—Easterly 140 rod to <i>five lime</i> or <i>lime trees</i> <i>all marked with St Andrews cross</i> standing together where two runs of water meet together on the South side of the said flat, then W S W 6 deg 30 Min: Southerly 1 Mile & one half mile and twelve rod to Hudsons River called <i>Suskahampka</i> —<i>opposite</i> to the <i>Sawyers Creek</i> and from thence up Hudsons River including all the turnings and windings thereof to the first station or place where begun the lines aforesaid"</p> <p>Concluding clause And We do hereby will and grant that these our letters patent be made and that they and the record of them in our Secretary's office of our province of New York shall be good and effectual in the law to <i>all intents constructions and purposes</i>; notwithstanding the not <i>true and well reciting</i> and <i>mentioning of the premisses</i> or any part thereof or of misspelling of any word in the naming of the limits and bounds thereof and if <i>any former or other letters patent or grants</i> for the same made and granted by us [o]r any of our royal ancestors</p> <p>Altogether Illegal</p> <p>181. Hamilton wrote "1786."</p>
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SOUTH BOUNDS OF CLERMONT 213
[to] any other person or persons
[b]ody politic and corporate
[o]r any law or other restraint
uncertainty or imperfection
whatsoever to the contrary
[th]ereof in any wise notwith-
[s]tanding.

In the *LPAH* book, the above brief is followed by Hamilton's notes related to his oral presentation in court. Hamilton's court presentation was very similar to the brief shown above. Thus, we will not show the notes from the court presentation.


In his notes, Hamilton reminded himself to argue that the Knickerbockers were poor. (*LPAH*, p 220.)

Knickerbackers poor

Hamilton's List of Precedents

Hamilton's various notes contain a long list of precedents regarding patents and fraud. These precedents mean nothing to us, but show that Hamilton had done a lot of homework. Here are a few of the precedents.

[Second set of pages.]	
[wrapper]	
[Hamilton's endorse- ments on his brief on relevant cases]	Hoffman Adsm Livingston Brownes Cases in Parliament Page 275 [end of wrapper]
Defects of Deeds Supplied in Equity 9 Mod. Page 63—86. 152	

SOUTH BOUNDS OF CLERMONT		221
Proof of Will		
$\frac{342}{12 \text{ Mod. P. } 343}$		
Judgment entered nunc pro tunc Burrows Vol 2d. P. 722 Strange Interest ut sit finis litium!		
Grants		
1st Mod. } Page 196 }	If the King be deceived in deed or in law his grant is void Brooks Patents 104—Hob: 233. 228. 229. 230 323—243. 170 Dyer 124—2d Roll 186.	
2d Mod.	What falsities will avoid a grant P. 4 —Operation of Non Obstante clause P. 107 cites 4 th Coke 34 Bozuns case—1 Mod: cases in Law & Equity 8.12.19. 105 Moor pl 571	
3 ^d Mod 277 Page 277	—Where one grant is in being another grant must recite the first by the Stat ^l 6 H 8 c 15 and this recital being the suggestion of the party, if false avoids the grant—Cites Dyer 237. 339—6th Rep 556 Cro Car 197—	
1 L ^d Ray P. 50—	Where the matter expressed to be suggested on the part of the Grantee is false and to the prejudice of the King then if the King be deceived that will avoid the grant But where the words are the words of <i>the King</i> and it only appears he has mistaken the law, there he shall not be said to be deceived to the avoidance of the grant	
300	—Where the intent of the King has been to confirm letters patent that were void, yet if his intent has also appeared to grant the thing <i>de novo</i> the letters patent have been adjudged good & the grant also 8 Coke 166 	

The New York State Supreme Court turned down Hamilton's petition for a new trial. We don't know their reasoning. As of mid-1785, it seemed like the Hoffman vs. Livingston battle was over. The Livingstons had won the case in 1784, and the courts had refused to re-try the case.

However, Hamilton was back in court again in October of 1785. This time he was representing a man named Jacob Moore. Moore was a tenant on the disputed lands. Moore had been paying rent to the Hoffmans. The Livingstons must have been feeling over-confident, after winning the 1784 lawsuit. The Livingstons sued Jacob Moore and tried to have him evicted.

Shown below is a portion of Alexander Hamilton's brief for Livingston vs. Moore. Once again, Hamilton staged a full frontal attack on the legality of Livingston's Manor.

Hamilton's Brief in the Moore Trial (1785)

Doc. No. 128

[BRIEF FOR SUMMATION, by Hamilton, of counsel for defendant; *Jackson ex dem. Livingston v. Moore*, tried in October, 1785; undated: AD, New York Public Library, New York City. See *supra* pp. 94-96, 115-117.]

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COLONIAL PATENTS

"A certain tract of land situate lying and being *on a creek* on the East side of Huds: River called or known by the name of Roeloff Johnsons Kill, it being in three plains *Nekankook Kickua Wick-quashaka* and two or three other small flats or plains in all ab^t 100 Morgan or 200 acres *together with* 1800 acres of Woodland lying and being between a small Creek or Kill *lying over against* Kaats Kill called *Wabankasseck* and a place by the Indians called *Swassabamuka to the South of Roeloff Johnsons Kill* that is to say 200 acres *along the River side* and the rest *adjoining to the s^d two hundred acres* and so *running back into the woods.*"

A Title Plaintiffs' deeds do not comprehend the lands—

1—Patent of 1684 has a *front of 200* only *acres on y^e River* —lying between *Wabankasseck & Susquehamp on Roeloff Johnsons Kill. 2000 acres in toto*

That is to say "200 acres along the River side and the rest adjoining to the said 200 acres & so *running back into the woods*"

This tract is clearly only 200 acres on the River

Rent 20/

2^d Patent of 1685 for *Tackanick* adjacent to the aforesaid tract—

1 begins ^{behind} *Patkook on R J Kill* on the NW side of the Kill

2 ^{a place called} *thence along a flat to Minissicktanock* *thence along a small hill to a valley* *that leads to the Creek Quissickcook* *thence over that Creek to a high place*

This tract is not pretended to be bounded by the other which would have been the case if it had been so intended.

SOUTH BOUNDS OF CLERMONT

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4 W^a of a High Montain called *Kackka-wanick* thence *Westward* to a small hill on the
5 side of a Creek called—*Skaanpook* thence along the *EAST SIDE* of that

6 Creek which a little lower down is call^d *Twastawekak*



AND IS THE WESTERLY BOUNDS The *Southerly bounds* beginning on the other side of the Creek that runs along the flat over against—*Minissicktanoc [k]* and runs along the High Mountains to th[e] Path that goes to *Warwischtanock* [to a]

8 Kill called—*Mananosick* thence *Westward* to a Creek call^d

9 called—*Nakarawakano*

the flat lands on both sides of the Creek called

10 "which Creek comes into the other Creek called *Mawiek Twastawekak* which is the *West bounds*"

Rent 8/

11 the place of *Junction* called *Mawicknank*

3^{ds} Patent of 1686 after reciting the tracts comprised in the former grants goes on *with* thus



This grant is professedly only a confirmation of the others with a grant of manorial privileges it only the Crown prays to confirm

or parcels "All which ~~said~~ several tracts ^{of} land, lying together are bounded and limited in manner hereafter expressed that is to say"

On the North by a line from *Wabankassegh* over against the South side of *Vastrix Island* to a place called *Warwanaquassick* near the head of a Creek called *Nanapenabekam* thence extending to the Northernmost end of

Objection where granting & confirming

Principle

Hamilton's Brief in the Moore Trial (1785)

Continued

300	COLONIAL PATENTS
If we even consider it as a new grant it is made on	the Hills North of <i>Taoka Takanic</i> called— <i>Abasewagu</i>
Here is a false suggestion in deception of the Crown & to his prejudice which avoids the grant	On the East from the last mentioned place along the said Hills to the Southernmost end of the same called—Wikapukat & thence by a strait line of land
Objection Where there are granting & confirming words Grantee may make his election	to the South end of a piece [^] called <i>Sakakqua & Nakowawick</i>
Answer—This is where there appears to be an intention to grant as well as confirm; but not contrary to the apparent intention—	On the South by a straight line from thence to the Southernmost bought of R. Jansens Kill—& thence by a straight line to a place on the River called <i>Susquehampka</i> which lies over against the <i>Sawyers Creek</i> .
Observe:	I This Grant evidently contains more land than the other two
The <i>Intention</i> the rule in the Kings grants as well as <i>others</i> —	84—has a front of 200 acres on the River lies on the Kill—
The usual words in confirmations are give grant	This the words of description; the only mode of location—
Blackstones Commentaries	to extend it along the River would be an extent of twelve miles by half a mile—
Objection Ancient grants should be construed with great benignity	contrary to instructions of the Crown const the rule commonly in use in grants of <i>equal breadth & length</i> on Rivers—
Answer—This ought always to be the case where there are no marks of	85—The Western bounds of 85 is junction of Two Creek <i>Twastawekak Nakawawakano</i> —
	lands Northward & Southward of R Jansen Kill on the River not included
	Of seventeen Indian names in 84 & 85 only two in 86

SOUTH BOUNDS OF CLERMONT	301
imposition or deception; but where these exist there should be no indulgence especially if they appear on the face of the grant	† Streight line from the Bought—
The law abhors fraud or deceit	Quit Rent Reserved in 86 is 28/ the two sums in the other grants; proof that no more lands were Included
A fine reversed after five years or one [-----] because fraudulent	

This was a jury trial, and the Livingstons lost. Jacob Moore was allowed to stay on his farm.

More importantly, though, this appears to be the case that frightened the Livingstons. Hamilton had attacked the legality of Livingston's Manor, and had convinced a jury that the Livingston claims were invalid.

As mentioned earlier, the Livingstons soon capitulated. The Hoffman family took over all of the disputed lands along the diagonal line, in exchange for a cash payment of 5 shillings (roughly one dollar, in today's currency). This ended the 40-year string of suits and counter-suits.

This concludes our summary of Alexander Hamilton's notes. We have shown only a small portion of the materials contained in the *LPAH* book. Anyone interested in the details should obtain a complete copy of the *LPAH* book. A list of additional reading material is shown on the next page.

Additional Reading on the Issues around Livingston Manor

The North Border of Dutchess County by Helen Wilkinson Reynolds, from the Year Book of the Dutchess County Historical Society, Volume 21, 1936.

Helen Wilkinson Reynolds was an expert on Dutchess County history. For example, she helped assemble the book *Old Gravestones of Dutchess County* (1924), which is still the best listing for the county.

Ms. Reynolds report on the border of Dutchess County is useful. For example, she included a list of many of the key deeds for the Knickerbockers and the Hoffmans.

However, Ms. Reynolds did not have access to court records, or to the files of Alexander Hamilton. Therefore she didn't fully comprehend the sequence of events that we have described here.

This work mentions some of the early Knickerbockers.

A full PDF of this work is available via Google.

The Breakup of Livingston Manor, by James D. Livingston and Sherry H. Perry, from the Hudson Valley Regional Review, March, 1987.

This is a short study that focuses on the breakup of Livingston Manor in the 1800's. There is some information about the issues in the 1700's.

One of the main sources for this report is the book by Lawrence Leder that is mentioned below.

This study includes a summary of a court action, *The State vs. Herman Livingston*, in the mid 1800's. The full judge's opinion from this case is referenced below.

This work does not mention the Knickerbockers.

A full PDF of this work is available via Google.

The People of the State of New York agt Herman Livingston, from the Supreme Court for the State of New York, 1850.

This is the full judge's decision in a case where the State of New York challenged the validity of the Livingston Patents.

This case took place 60+ years after the Hoffman vs. Livingston lawsuits. However, the case covered much of the same ground.

The judge in this case upheld the validity of the Livingston patents. He gave several reasons.

Some of this judge's reasons do not apply to the Hoffman cases. For example, the judge in the 1840's commented on the statute of limitations, and the fact that so many years had passed since any action had been taken.

The primary issue, for this judge, seemed to be that the New York State Legislature had endorsed the boundaries of Livingston Manor. The judge doubted that he could overturn an action of the Legislature, in a case brought by the representatives of that same state.

This work does not mention the Knickerbockers.

A full PDF of the judge's opinion is available via Google.

Robert Livingston and the Politics of Colonial New York, by Lawrence H. Leder, 1961.

This is a broad overview of the life and accomplishments of Robert Livingston. It repeated most of the same information that Hamilton had discovered regarding the patents and Livingston's "fraud."

This book does not mention the Knickerbockers.

Portions of this book are available electronically.