

*de Halve Maen, Vol. XXXVII, No. 3, Oct. 1962*  
**How Hendrick Kip Bequeathed His Estate**

by Dr. Simon Hart, Archivist, City of Amsterdam, the Netherlands.

*Aged Dutch colonist here disposed of f7800 estate, fiduciary accounting of 1686 shows, referable to his 1671 will and 1680 codicil.*

*Editor's Note:* Published in full text for the first time are three documents surviving from the 1671-1686 period in New York that appear in parallel columns below, one giving the original Dutch, the other an English translation especially prepared by Dr. Hart for *de Halve Maen*. Part of the "Kip Papers" in the New York Public Library, they disclose a will dated 1671, codicil of 1680, and estate accounting of 1686 that show the care with which the testator, Hendrick Hendricksen Kip, and his representatives disposed of the sizeable estate he left upon his death at the age of 85 in the year 1685.

These papers also illustrate the persistence of Dutch civil law in New York after being displaced by the English common law in 1664. The oral making of wills before a notary, or by written and sealed instrument left in his custody, was in fact practiced long after the seizure of New Netherland. A certain informality evidently attended the settlement of Hendrick Kip's estate, however, because what appear to be the essential papers indubitably came into his descendants' possession.

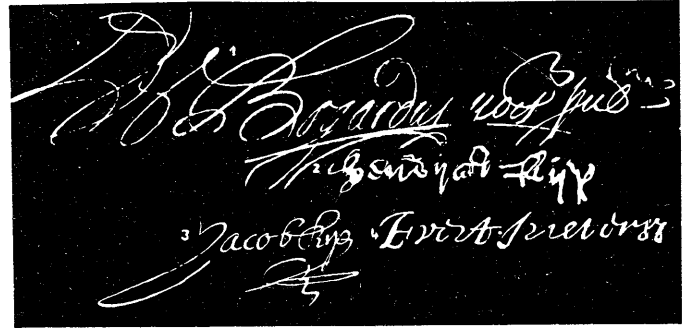
His will, like the other writings apparently never recorded, was drawn by notary Willem Bogardus, eldest of four sons born to Anneke Jans of her second marriage in 1638 to Domine Everardus Bogardus. Since both will and accounting cite the notary, it seems likely that Bogardus, who was city treasurer 1680-85 and later postmaster of New York province, entrusted the papers to Hendrick's son Jacob, especially since Jacob, who had served five terms as city *schep*en, aided in administering the estate.

The accounting establishes the 1685 date of Hendrick's death, a point long obscure to researchers. The family genealogy notes that "Hendrick Hendricksen Kip was last mentioned in the records of 1665 but the date of his death is unknown" (*History of the Kip Family in America*, p. 36, by F. E. Kip, pub. Montclair, N. J., 1928). Other facts about the career of this colonist — a forceful man who did not hesitate to speak out against Company policies he thought inept, and who for years carried on a feud with Kieft — are well documented in the record.

Born in 1600 at Nieuwenhuys, the Netherlands, Hendrick came to America in 1637 with his wife Trijntje Lubberts and their five children: Isaac, Beertje, Jacob, Hendrick, and Trijntje. A tailor by occupation, he prospered and came to own considerable property. In addition he became one of Stuyvesant's advisory council of Nine Men in New Amsterdam, a *schep*en, and "great burgher," and outlived all his sons except Jacob. His 7800-guilder estate was a substantial one for that day. For other details of the family, see "Legal Document of Dutch Colonial Times" (*de Halve Maen*, Vol. 35, No. 4, Jan. 1961, p. 9).

The editor is greatly indebted to Dr. Hart for producing so excellent a translation from photocopies furnished of the well nigh indecipherable specimens of 17th century Dutch handwriting that comprise this record (Bogardus drafted the will and Evert Pietersen, it seems, the codicil, whereas the accounting, except for Jacob Kip's signature, is in an unknown hand). For their keen interest and valued aid, appreciation is also expressed to Louis H. Samuels, Esq., of the New York Bar, long a student of Dutch colonial legal history, and to Mr. Robert W. Hill, of the Manuscripts Division, New York Public Library.

[R. H. A.]



From original documents at New York Public Library  
Signatures appearing on the documents. 1. Willem Bogardus, Anneke Jans' son, New York notary who drew the will. 2. Hendrick Hendricksen Kip, the testator. 3. Jacob Kip, Hendrick's son, who prepared the accounting. 4. Evert Pietersen, who drafted the codicil.

**1. [THE WILL]**

February 2, 1671

In the name of our Lord, amen.  
May it be known to all who shall see this present deed, that in the year of the birth of our Lord and Savior, Jesus Christ, 1671 February 2, about ten o'clock in the morning, appeared before me, Willem Bogardus, notary public, residing in New York, admitted by the honorable Francis Lovelace, governor-general of New York, etc., in the presence of the further mentioned witnesses, Mr. Hendrick Kip, alderman of this city, whom I, the notary, know well and who is in full possession of his senses as it was clear from his appearance, while the opposite could not be noticed.

As he realizes the weakness and mortality of men, the certainty of death and the uncertainty of its time and hour, and does not want to part from this world without having disposed beforehand of his worldly goods, he disposes of them with a free mind and unconstrained will, without being actuated or deceived by anyone and he does so according to his final and last will in ways further mentioned.

First he recommends his immortal soul to the merciful God Almighty and his body to the

1671, February 2.

*In den naeme des Heeren amen.  
Kennelijcke sij enen iglijcken die dit tegenwoordich instrumenten sullen sien, hoe dat in den jare van de geboorte onses Heeren en Salichmaeckers Jesu Christij, 1671 den 2e february, des morgens ontrent 10 uren voor mij, Willem Bogardus, notaris publick in N(ieuw) Yorke residerende, ge-admitteert bij den weledele en recht achtbare heere Francois Lovelace, Gouverneur Generael van N(ieuw) Yorke etc. int bijwesen van de getuijgen naer-genoemt in eigener persoonne is gecompareert en verscheenen Mr. Hendrick Kip, gewesene schepen deser steele, mij notario wel bekend, gaende en staende sijn verstant overall wel machtigh en volcomentlijck gebruijkende alst uyterlijcken bleeck, hetselve niet anders conde bemerkken.*

*Te kennen gevende de swackheijt en sterfelijckheijt des menschen, de seeckerheijt des doots en d'onseckerheijt van de tijt en ure vandien, willende daerom uijt dese werelt niet scheijden sonder aldooren van sijne tijdelijcke goederen gedisponeert te hebben, heeft oversulcx uijt een vrij gemoot en onbedwongen wille sonder opmaeckinge oft misleijdinge van imant, gedisponeert over sijn uijterste en laeste wille in manieren naer beschreven.*

*Eerstelijck sijn onsterfelijcke ziele recommanderende in de barmhartige handen Godes almachtigh ende sijn lichaem de*

THE TRANSLATOR.—Head-archivist of the Municipal Record Office (City Archives) of Amsterdam, Dr. Hart is a native of Zaandam in North Holland. Readers will recall his two-part article, "Dutch Records Tell Story of Hudson's Voyage" (*de Halve Maen*, Apr. and June 1961 issues), which appeared originally under the title "Amsterdam-Hudson, 350 jaar" in *Amstelodamum* for March 1959, monthly magazine of the Amsterdam Society. He wrote the scholarly "Prehistory of the New Netherland Company" (City of Amsterdam Press, 1959; reviewed in *de Halve Maen*, Oct. 1960 issue); and was co-author of "Protocol of the Lutheran Church in New York City, 1702-1750" (pub. New York, 1958). His other publications include many articles on genealogy, demography, mills, and the whale trade.

earth and a Christian burial.

He also revokes, cancels and makes null and void all preceding wills and all other deeds of last will made and passed before to-day, as he does not want any of these to be in force any longer or to take effect but this present one.

He also promises by title of prelegacy to his son Isaac Kip his daily clothes and coat and all his shirts and other linens in his personal use.

In the same way he promises his son Jacob Kip his best black cloth coat and a painting by Leckerbeetje.<sup>1</sup>

Ditto to his daughter Trijntje Kips, who is married to Abraham Janz(oon), the wardrobe, the dresser and the bed he uses now and two pillows, a bolster, two old blankets and the green curtains.

Ditto to each of the eldest daughters of his mentioned children and also to the eldest daughter of his deceased son Hendrick Kip, a silver spoon.

Ditto to the youngest daughter of the mentioned Abraham Janzoon, named Femmetje, a gold bodkin.

Concerning the remaining goods the testator appoints his universal heirs. Namely the children of his son Issac Kip, his daughter Baertje, his son Jacob Kip, his daughter Trijntje and the children of his mentioned deceased son Hendrick Kip, so they can receive all of it immediately after his death and consider it their own and free property.

This on the condition that the part which shall come to the benefit of the mentioned children of his son Isaac and the children of his son Hendrick Kip, shall be accepted by their guardians who have already been chosen and appointed, to be handed over to them when they have reached the age of maturity or when they marry with their guardian's consent, with the special wish that the fruits of it shall be enjoyed by his mentioned son Issac and the widow of his late son Hendrick Kip.

Further it is the testator's wish and desire that the immovable goods he leaves shall not be divided . . .<sup>2</sup> or alienated unless with consent and approval of the majority of his mentioned heirs in order to gain advantage.

*aerde een christelijke begravenis.*

*Ten anderen gerevoceert, gecasseert doot en te niet gedaen, alle voorgaende testamenten ende alle andere actens van uijterste wille voor dato deses eenichsints gemaect en gepasseert, niet willende dat deselve ofte eenige vanden vorder cracht meer hebben en effect sorteren sullen dan dit alleen.*

*Ten anderen bij titule van prelegaet vooraff gemaect en besproocken aen sijn soon Isaacq Kip, sijn dagelijckse clederen en mantel mitsgaders alle sijn hemden en andere linnegoet tot sijn lijve behoorende.*

*Item aen sijn soon Jacob Kip sijn beste swarte laeckense mantel, met een schilderij van Leckerbeetje.<sup>1</sup>*

*Item aen sijn dochter Trijntje Kips, getrouwt met Abraham Janz(oon), de cleercas en trsoor met het bedt, dat hij nu gebruijckt en twee kussens, een peulen, twee oude deeckens en de groene gardijnen.*

*Item aen de outste dochters van sijn voors(chreven) kinderen, mitsgaders aen de outste dochter van sijn overleden soon Hendrick Kip sal(iger), aen ider een silvere lepel.*

*Item aen de jongste dochter van voors(chreven) Abraham Janz(oon) genaemt Femmetje, een goude haernaelt.*

*En in de resterende en andere overschietende goederen soo heeft den testateur tot sijn eenige en universele erfgenaemen genomineert en geinstituteert. Te weten de kinderen van sijn soon Isaacq Kip, Baertje sijn dochter, item Jacob Kip sijn soon, item Trijntje sijn dochter en de kinderen van sijn voornoemden soon Hendrick Kip, omme alle deselve terstont en naer sijn overlijden te moogen aenvaerden en daer meede te doen als met haer eigen en vrije goet.*

*Welverstaende dat de portie die ten behoeve van de voors(chreven) kinderen van sijn soon Isaacq en de kinderen van sijn soon Hendrick Kip sullen comen, bij haere alreets gecoren en gestelde voogden sal aengevaert worden om aen haer uijtgekeert te worden, wanneer tot haer mondige dagen oft met consent van haer voogden sullen comen te trouwen met dese expresse begeerte, dat de vruchten en bladen van dien sullen genoten en getrocken worden bij sijn voorschreven soon Isaacq en de weduwe van sijn overleden soon Hendrick Kip.*

*Wijders is des Testateurs wil en begeerte dat sijn naer te laeten vaste goederen niet gedeelt . . .<sup>2</sup> en gealineeert sullen moeten werden als met consent en toestemminge van de meeste stemmen van sijne voors(chreven) erfgenamen om het meeste profijt daerin te bevorderen.*

The above was read out to the testator and he declares it to be identical with his last will which he wants to take complete and full effect after his death either as a will, codicil or as a gift in case of his death or among the living.<sup>3</sup> Even if not all legal phrases have been observed here, he considers the manner used to be the best and most normal.

It was done this way and was passed in New York in presence of Mr. Coenraet Ten Eyck and Claes Locke, citizens of this city, who signed in protocol the original of this together with the deponent testator and me, the notary, as witness on the day, month and year as before mentioned.

Collation. Which testifies:

[signed]

W. BOGARDUS, Notary Public

## 2. [CODICIL]

August 4, 1680

Today, August 4, 1680, Hendrick Kip who is living with his son Jacob Kip, sent for me, the undersigned. After examination of the above mentioned will, he wished the following to be put in writing. He wants that instead of his son Isaac, who died, his son Jacob shall draw in advance from the joint estate all his personal linen and woollen clothing.

Also all books, chairs, and pillows, the big and the small leaf-table, all paintings, also the jug-rack with all jugs, the lantern, the mirror, both spectacles, the pewter-basin, the pot in the yard and the pewter-jug in the fortress.

But the carpentry, the napkins, plates, silver and the seawan and everything which might be there shall remain in the joint-estate. And he wishes that after a decent burial each of his five children shall receive an equal share.

(Also give) to Jacob the silver drinking-mug (and) to his daughter (Baer)ke a silver spoon.

Declaring the above to be my last will and requesting that this shall go into force fully and that this shall be accomplished by Mr. Evert Pieterss, to whom this is entrusted, I end and commend my soul to God, amen.

HEND(R)YCK KIP

In my presence:

[signed] EVERT PIETERSS.

(Continued on Page 12)

*Alle tgeene voornoemt is den testateur duijdelijck voorgelesen sijnde, verclaerde het selve te wesen, sijn uijterste en laetste wille hetwelcke hij wille en begere dat naer sijn overlijden sijn volcomen effect en voortganch sal sorteren, tsij als testament, codicille, gifte ter saecke des doots off onder de levende<sup>3</sup> en dat niettegenstaende alle maniere naer rechten hierinne niet waren geobserveert, houdende deselve echter voor de beste en gewoonlijckste maniere voor geinsereert.*

*Aldus gedaen en gepasseert in N(ieuw) Yorke ter presentie van Mr. Coenraet ten Eyck en Claes Locke, burgers deser stede dewelcke de minute deses, beneffens den comparant testateur en mij notario als getuijgen, ten prothocolle hebben onderteeckent ten dage, maent en jare als vooren.*

Coll(a)tie. Twelck getuijge:

[was getekend] W. BOGARDUS, not(aris) pub(lic)k

1680, August 4.

*Op datum deses den 4 augustij 1680 heeft Hendrick Kip, woonende bij sijn soon Jacob Kip op sijn versoek mijn onderges(chreven) ontboden en naer dat het bovenstaende testament is doorsocht, gelieve het volgende voor vast te stellen en begeert dat sijn soon Jacob in plaets van sijn soon Isaac die doot is, vooruijt de gemeene staet sal trecken, alle sijn kleeren van linnen, wollen dat tot sijnen lijve behoort.*

*Voorders alle de boecken en stoelen en kussens, de groote ende kleyne trechttafel, alle de schilderije, oock het kanebort met alle de kannetis, de lanteeren, de spiegel, beide brjllen, teijinne becker ende waterpodt op het lant ende de tijnne kan int fort.*

*Maer het timmerwerck ende servetten ende borts oock silver ende zeeuwand datter noch in wesen sal zijn, sullen gemeen blijven ende begeeren dat na een eerlijke begravenis uijt de gemeene staet elck van mijn vijf ersamme kinderen van elckx even diep sullen deijen.*

*Item aen Jacob het sulve(re) kuroese, aen sijn dochter (Baer)ke een sulver lepel.*

*Verclaerende dit bovenstaende te sijn mijn uijterste begeeren, versoecke dat dit sijn volcomen kracht sal sorteren ende door Mr. Evert Pieterss die dit toevertrouwen, sal volbrocht worden, sluijtende, beveele Godt mij ziel amen.*

HEND(R)IYCK KIJP

Mij present:

[was getekend] EVERT PIETERSS

<sup>1</sup>Reference is to the landscape painter, Vincent Leckerbetien, from Antwerp, who painted in Rome and France; died 1650.

<sup>2</sup>Word crossed out.

<sup>3</sup>Gift "ter saecke des doots off onder de levende." Ter saecke des doots — a gift made by a person who is about to die; if the donor should recover, however, it is to be given back to him. Onder de levende — the ordinary kind of gift.

# Hendrick Kip Estate Accounting by His Son Jacob in 1686

(Continued from Page 10)

### 3. [ACCOUNTING]

On September 14, 1685, our father Hendrick Kip died and on September 16, he was buried in the church at the Bowery.

On March 8, 1686, we divided the few pieces of furniture in three portions according to the last will. Because one had obtained more or less than the other we saw to it that each was benefitted equally. We found the only capital to be: [debit]

Two houses sold to:	
Jacob Kip a house for .....	f5000
Trijntje Kip or Abraham Jansz. a house for .....	f2800
	f7800

It appears that as burial and other expenses, Jacob paid .....	f578,10.—
Trijntje paid .....	f245,5.—
	f 823,15.—
	f6976,5.—

[credit]	
Jacob is due f5000 .....	f5000
He paid as burial expenses according to the evidence....	f420
Ditto to Hendrick Kermer according to a debt .....	f100
Ditto to Willem Bogardus for previous expenses f34,10	
Expenses for the last will .....	f24,—
	f 58½
	f 578,10.—

Trijntje is due f2800 .....	f2800
She paid more expenses than due to her together.....	f 88,10
Ditto as burial expenses according to the evidence....	f256,15
	f345,5
Cash-money to be subtracted .....	f100,—
	f 245,5.

Total of the estate.....	f6976,5.—
The estate is now f6976,5.—	
Divided in 5 portions each portion will amount to .....	f1395,5.—
	5
	f6976,5.—

Jacob must pay to the heirs of the late Isaac Kipz.....	f1395,5.—
When divided into 6 portions each portion will amount to.....	f 232,10⅓
	6
	f1395,—

To the heirs of the late Hendrick Kip .....	f1395,5.—
When divided into 5 portions each portion will amount to.....	f 279,1
	5
	f1395,5.—

To the heirs of Beertie Kip.....	f 235,15.—
Trijntje must pay to the heirs of Beertie Kip.....	f1159,10.—
Jacob's portion is.....	f1395,5.—
Trijntje's portion is.....	f1395,5.—
	f6976,5.—

N.B. From this must be subtracted the proportional expenses for each portion for the conveyance of the houses and other things.  
[signature] JACOB KIP

Op den 14 Sept(embri) 1685 is bestevader Hend(rick) Kip zal(iger) overleden ende 16 Sept(embri) aen (de) Bouwery in d(e) kerk begraven.

1686 den 8 Maert hebben volgens testament d(e) geringe meuble goederen gedeelt in 3 staken en(de) dat den een min oft meer hadt molcander goetgedaen, en(de) bevonden (he)t eenige dat capitael was:

De twee vercofte huysen aen:	
Jacob Kip een huys voor.....	f5000
Trijntje Kip of Abr(aham) Jansz. een huys voor.....	f2800
	f7800

tot de begrafenis en(de) anders blijktt, Jacob .....	f578,10.—
Trijntje .....	f245,5
	f 823,15.—
	f6976,5.—

Jacob credit op d(e) f5000.....	f5000
betaelt tot d(e) begrafenis als blijktt bij specificatie.....	f420
item betaelt aen Hendr(ick) Kermer volges obligatie.....	f100
item aen Will(em) Bogardus voor van outs.....	f34,10
voort testam(ent).....	f24,—
	f 58½
	f 578,10.—
	f4421,10.—

Trijntje credit op d(e) f2800.....	f2800
meer betaelt aen d(at) vervallen is doen beliep.....	f88,10
item oockbetaelt tot d(e) begrafenis als bij specificatie	f256,15
	f345,5
daerof gaet dat tot haerers[?] in cas lagh.....	f100
	f245,5

somma d(e) geheele staat is.....	f6976,5.—
Nu f6976,5.—	
In 5 staken comt ider staeck.....	f1395,5.—
	5
	f6976,5.—

Jacob moet uytkeren aen (de) erve van Isack Kipz. zal(iger).....	f1395,5.—
In 6 stacken comt ider.....	f 232,10⅓
	6
	f1395.—

aen (de) erve van Hendr(ick) Kip zal(iger) .....	f1395,5.—
In 5 stacken comt ider staeck.....	f 279,1.—
	5
	f1395,5.—

aen (de) erve van Beertie Kip.....	f 235,15.—
Trijntje moet uytkeren aen (de) erve van Beertie Kip.....	f1159,10.—
Jacob sijn part is.....	f1395,5.—
Trijntje haer part is.....	f1395,5.—
	f6976,5.—

N.B. Hier moet afgaen ider staeck proportioneert d'onkosten van (de) transportie van (de) huijsen en(de) anders etc.  
[zijn handtekening] JACOB KIP