

[COURT RECORD. EDWARD HIGBEE'S ESTATE.]

[1660, May 12.]

the 12 of may it wase agreed by the Corte to demand the will out of Jonas wood his hand which will belonged to Edward higbee it wase allso agreed by the sam corte that Thomas weeke Edward Tredwell John Tilot shall take an inventory of the estate which is eqlent belonging to Edward Higbee which inventory is to be taken the next second day being the 14 of may in the yere 1660. it was allso agreed by the sam cort that thos that are to

[*“Lide” Higbee was the wife of Edward Higbee who then resided at the head of Huntington Harbor near where George W. Scudder now resides.]

This is inserted as a sample of the Court proceedings of the times ; and not as having any special value otherwise. There are in the book entitled “Court Records” the recorded minutes of about thirty trials between 1659 and 1664, before Justices of the Peace. Such as relate to title to land are printed in this volume, but the most of them relate either to civil actions for debt, or contract or criminal prosecutions for assault, slander or other minor offences, of no interest now, except purely in a historical point of view. The Court also exercised power of probate, the proof of wills and settlement of estates.

There is no intimation in the records that the courts of this period were controlled by any written laws unless it might be some town meeting regulations.

They certainly did not recognize the Dutch laws. The magistrates, being Englishmen, recognized the New England jurisdiction, and at this time probably applied the unwritten common laws of England, as far as they understood it, and adopted its methods of procedure. After the conquest in 1664, when Gov. Nichols entered Manhattan Island and promulgated the “Duke’s Laws,”—an elaborate system of jurisprudence, under the authority of the Duke of York,—these laws controlled the courts, and there are a large number of cases of which minutes are found in the volume above referred to, entitled Court records, covering the period between 1664 and 1690. The “Duke’s laws” continued to be the laws here with a few modifications until about 1690. The well thumbed volume containing them in manuscript, is now in the Town Clerk’s Office, and was used in all Courts here for a long period of years.—C. R. S.]

prise the estat of Edward higbee that thay shall leve sufisient unprised as to leve his wife on sent of clothes for evry day and on seute for Lordes dayes and allso that which is convenient to cloth the children that is to say to paralel with thar mothar.

it wase allso ordered by the same corte that Thomas skidmor Junear wase to have the disposing of Edward higbees 4 children tell thay are of age to provide for them sellves in case theyr fater by his coming se not¹ case to allter what the cort hase don.*

(*Court Rec.* p. 16.)

[TOWN MEETING. RICHARD LATTING
BANISHED.]

[1660, June 28.]

the 28 of June 1660

It wase voted and agreed at a town meetin that ould Latent† shalle take away his catell out of this town bounds within a fort night or 14 days or pay to the town 10 shilling a head.

[*Edward Higbee seemed to have been engaged with Capt. Mathews and Jonas Wood in a vessel trading with the West India Islands, carrying barrel staves thither and bringing back rum, sack &c. Probably he was absent on a voyage and was assumed to have died abroad, hence the proof of his will &c. That he did return is shown by the fact that he was afterwards, in the same year, a party to two lawsuits in the town, unless, as is possible, it was his son Edward who was the litigant.—C. R. S.]

[†This is Richard Latting, referred to, who was expelled for refusing to recognize Connecticut's authority over Huntington. The Court at Hartford subsequently made an order expelling him from its jurisdiction on account of "turbulent conduct."—C. R. S.]

All so itt wase ordered at the sam meting that ould lating is to bring his catell and show them to 2 men home the town shall apint be fore he drive them away or to pay 5 poundes.

it was all so voted that Thomas Skidmore and jonas alldar shall make a rate for the skull house† and for wolf‡
* * * and all detes as consarn the town.

(*Town Meetings, Vol. 1, p. 344.*)

[TOWN MEETING.]

[1660, Oct. 15.]

it was a greed at a towne meting the 15 of Ocktober 1660 that goodman* brush shall keepe the ordinary so long as hee do carry on his p * * * as he ought that thar be no just caus for the town to chaing thar mindes likwis——further ordered that no man shall w——this towne drawe any lickars by re * *
* * * * *
salle of it unless it be——and not under upon the forfèt of * * * * * that thay shall so drawe.

Town Meetings Vol. 1, p. 347.

[†This is the first mention of the building of a school-house. It was probably located at "the Old Town Spot" near where "Goose Green" now is.—C. R. S.]

[‡The wolf rate was an annual tax raised out of which to pay rewards for killing wolves, the skins of the animals having to be produced to entitle the party to the reward.—C. R. S.]

[* "Goodman" was a term, or prefix, indicating that the person was of more than ordinary prominence as a citizen and was usually applied to persons of considerable age. Thomas, or Goodman Brush was born about 1610, and came from Southold to Huntington about 1656-7. He left children; Thomas, John, Richard and Rebecca, who all settled in Huntington. Thomas, Sr., is believed to be the ancestor of all the persons of the name of Brush, now in Huntington. The "ordinary" was in those days a public house or hotel. He was the first keeper of the "Ordinary" mentioned and this is the first excise law here of which we have any record.—C. R. S.]

ROBERT SEELYE, THOS. SKIDMOR; this is A true Coppye
 Extracted out of the originall by me. John Core.

Recor^d.

(*Court Rec.*, p. 327.)

[CERTIFICATE THAT A DEED OF EATON'S
 NECK WAS GIVEN TO THEOPHILUS
 EATON IN 1646.]

[1663, Aug. 17.]

This Recorded at y^e Desire of Robart seelie.

We whose names are under written doe afirme & testifie
 that Resorokon sagamore of Ketanomocke of Long Island
 now called by the English Huntington Did give & grant
 to Theophilus Eaton Esq^r and Governor of Newhaven,
 (now deceased) to hime his heirs and assignes forever a
 Neck of land lying on y^e east side of Huntington Harbor
 next y^e sound towards the Mayne, together wth a tract of
 land adjoining to y^e Bay called Cow bay, on the east side
 of it, Reaching Westward to a Runlet of water y^t cometh
 into the same Bay southward, w^{ch} Runlit hath a gr^t Hole
 wth a gr^t Rock in y^e bottom, hard by the path way y^t goes
 from Huntington unto Neseguanke & from the head of y^e
 Runlit south into y^e Island to y^e middle of a gr^t Plaine
 halfe—Breadth of y^e Island, and from y^e s^d Cow Bay
 eastward it lyeth by the sea or sound four or five miles or
 thereabouts reaching to a little river west to Nesseybank
 great River of y^e west side of it called the fishing River.
 and from y^e end of y^t River southward it Runs on y^e point
 soe to y^e Middle of y^e playne toe y^t Line upon the Plaine
 w^{ch} is y^e Reare of the land lieth east & west. We doe
 all affirme that Resorocon above sd. was the sole Propretor
 of it as his owne proper Right, and did freely give it to

This writing above specified & that therein was witnessed by these p^tyees whose names are subscribed & marks, the day & yeare above written.

Before me.

ROBERT SEELY

This is a true Record of the Originall examned p mee
James Bishop

secretary.

Extracted out of New haven towne Records begun Aug^t
1662—page 3 at y^e end of sd. book & agrees there of as
attested.

By me W^m Jones, Recor^d
(*File Eaton's Neck papers, B.*)

[TOWN MEETING.]

[1663, Oct. 2.]

at a towne meting the 2 of ockto. bar 1663.

Calebe Cornell and Tho. Skidmor were chosen to make the
rate for the pay for the house* wase bouthe of M^r Leveridg.†

[*This refers to the house which the people had at a town meeting voted to build for Mr. Wm. Leverich in which "to entertain the ministry."—C. R. S.]

[†The first settlers of Huntington, like those of other towns in Suffolk County, were Puritans, and formed a part of the immigration to New England, impelled chiefly by religious persecution occasioned by acts of conformity enforced by Star Chamber Courts, the Conventicle and Test Acts, and other harrassing acts of Parliament, which continued until the Toleration Act in 1691. They held to the doctrines contained in the Confession of Faith adopted at Westminster, 1642, and were in church government Congregational and so continued until 1747, when there was a change in part to the Presbyterian form. After the English revolution of 1688, the colonial governor, members of his council, and other officers, sent here from England, were members of the established church, Episcopalians, and their

and assignes for ever all my accomedations which Moses Hayte and my selfe bought of Richard ogden in Huntington that is to say my house home lot meadow and hollow Comonage and all previledges belonging to y^t accomodation as alsoe land upon y^e plaines which belonged to Richard ogden when I bought the accomodations of him I y^e afore^{sd} John doe bind my self my heires and assignes to Clear all Rate and taxations that shall bee demanded and found from the beginning of y^e world to this day as wittness my hand this 8th of december 1663.

Witnesses

JOHN WESCOTT

THOMAS SKIDMORE

CALEB WOOD

This is a true Coppy of y^e orriginall deed extracted by
Thomas powell, Recorder.

(*Deeds, Vol. 1, p. 27.*)

[CAPT. JOHN SCOTT'S PRETENSIONS DENOUNCED.]

[1663, Dec. 26.]

Propounded and voted this 26 of the 12 month 1663:

It was propounded that, if Capt. John Scott* should come and command the constable to warn a town-meeting, the said constable should not obey him without he shew

[*Capt. John Scott was a bold and seditious adventurer, whose name appears more or less in the records of all the towns on Long Island at this period. He pretended to have authority to adjust the boundaries of this town in its controversy respecting Lloyd's Neck. He made himself notorious by his denunciation of the King's authority and of the Connecticut government, until he was finally arrested at Setauket and taken to Hartford, tried, and his lands sequestrated. Huntington made short work of him.—C. R. S.]

these p'sents Ingadge my selfe my heires executors administrators and assignes to save harmeles and Indemnified the said balding his heires execut. administrs. and assignes ffrom any person or persons whatsoever whoe maye or shall laye any claime or title to the afore said hous Lands or any part or parsell thereof to the Indemnifieng the said belding or his sucksessors in his or either quiett possession of the aforesaid hous or lands in witnes whereof I have here unto sett my hand this six Day of march in the yeare of our lord 1665.

signed and delivered
in the p'sents of

THOMAS POWELL

the mark of

ALES X BAYLY

Joseph bayly* Rec^r
(*Court Rec.*, p. 320)

[COURT RECORD. JONAS WOOD vs. JAMES
MILLS.]

[1665.]

1665 Mr Jonas Wood plaintie against James Mils def. found upon due examination as is made appear by bill — in James — his own hand of James River Virginia that seaven pound six pence — due to Mr Jonas wood from the said mills for wich wee the said townmen doe grant an attachment upon the any goods or estate that can bee found of the said mills and to men then to prise the said estate which men is Tho. Scudder and Tho. skidmor.

(*Town Meetings*, Vol. 1, p. 7.)

[*Joseph Bayle is supposed to have been the son of John Bayle, who was born in England in 1617. Came from London in the "True Love" to the Bermudas in 1635, and afterwards settled at Southold. Joseph came to Huntington from Southold. He was Captain of the "Train Band" and Town Clerk and Recorder several years.—C. R. S.]

[DEED. GABRELL FINCH TO EPENETUS
PLATT.]

[1666, Feb. 24.]

Know all men by these p'sents that I Gabrell Finch off huntington uppon Long Eiland in yorkesheare weaver, have from mee my heires executors administrators and assignes Bargoned sould and made over unto Epenetus platt off huntington on long Eiland in yorkeshere afore said his heires executors administ^{rs} and assignes all my Rite title and Intrest in all my accommdacon sittuate and lying in huntington afore said formerly in the occupacon of Mr Stiklin together with all houses out housses Barne orchards gardens Lands Meddows or whatsoever there to Belongeth or Appertaineth as alsoe to alotments in the east ffeild off huntington late in the tener or occupacon off thomas skidmore and Samuell wood Containeing seaven Acars and a halfe bee it more or les as alsoe A certain p'sell of Meddow on the south side of the eiland part thereof lyeth on A neck Called nagunttatauge Lying Betweene the Alotment of John Ketcham and william Ludlam Containeing six acars Bee it more or les the other p-porcon of Meddow lying on A necke of Meddow Called By the name of the east necke it Being the halfe p-porcon of a three hundred pound Lott, Too have and to hould for ever all the said houseing Barne orchards home lott Booth Meddow and upland together with all singular the appurtinances, Rits title or intrest that now is or ever here after shall Belong or Appurtaine unto the aforesaid Epenetus Platt his heirs or assignes furthermore I the said Gabrell

among 53 families. By an act of the Legislature of 1799 and later, provision was made whereby slave-owners might voluntarily free their slaves when under fifty years of age and capable of supporting themselves. Under these acts slavery soon disappeared.—C. R. S.]

whereas there is a certain Town within this Government commonly called and known by the name of Huntington; situate and being in Long Island, now in the tenure or occupation of several Freeholders and Inhabitants there residing, who having heretofore made lafull purchase of the lands thereunto belonging, have likewise manured and improved a considerable part thereof and settled a competent number of families thereupon. Now, for a confirmation unto the said Freeholdr's and Inhabitants in their enjойm't and possession of the premises, know y^e that by virtue of y^e commission and authority unto me given by his Royal Highness, I have ratified, confirmed and granted, and by these pr'sts do hereby ratify, confirm and grant unto Jonas Wood, William Leveredge, Robert Seely, John Ketcham, Thomas Scudmore, Isaac Platt, Thomas Joanes, and Thomas Weeks, in the behalfe of them-selvs and their associates, the Freeholders and inhabitants of the s'd Towne, their heires, successors and assigns, all y^t land that already have beene or hereafter shall bee purchased for and in the behalfe of the Towne of Huntington, either from the natives, proprietors or others within the limitts and bounds herein exprest, (vizt) That is to say; from a certaine river or creeke on the West com'only called by the Indyans by the name of Nackaquatok and by the English the Cold spring, to stretch eastward to Nasaquack River; on the North to bee bounded by the Sound running betwixt Long Island and the Maine; and on y^e South by y^e sea, including there nine several necks of Meadow Ground, all which tract of land together with the s'd necks thereunto belonging, within the bounds, limitts aforesaid, and all or any plantacon thereupon are to belong to the said Towne of Huntington, as also all Havens, Harbors, Creekes, Quarries, Woodland, Meadows, Pastures, Marshes, Lakes, Fishing, Hawking, Hunting and Fowling and all other profitts, commodeties, Emolum'ts and Hereditam'ts to the said land and premises within limitts and

[AGREEMENT BETWEEN MARK MEGGS AND
SIMEON LANE.]

[1667, Dec. 24.]

Whereas it was Agreed in the 24th of December 1667 that Marke Meggs should take up six Acars of land on the north side of thomas scudders on the east neck the said meegs giveing Libertie to Simon Lane for make use and improve the said six acars of Land as Long as the said Lane lived provided the said Lane did not Lett it to any or parson to Improve nor give any leave or lysence to any parson or persons whatsoever directly nor indirectly the which made appeare the said Land and every part and parsell thereof to Returne to the said megs or his Assignes without troble or molestacon This marke megs ordered mee to Record soone after the Land was granted.

Joseph Bayly Rec^r

(*Court Rec. p. 190.*)

[ORDERS BY THE CONSTABLE AND
OVERSEERS.]

[1667.]

Orders made By the Constable and Townsmen in 1667.
Constable Thomas powell : oversears, Thomas Skidmore :
Joseph whitman, John Tedd, John Rogers.

first, for the Fireing off the woods.

it is ordered and agreed by the Constable & overseers that thomas wilke sen^r and tho : Jones shall for the next yeare 1668 warne the whole towne Inhabitants at such a season as they doth judg fit to fire and burne the woods and every Inhabitant shall spend the whole Day in that

King and to his inferior offecars in the towne of huntington to anser the Complaints of Thoman wicks Isacke platt Cap^{tn} flecte and Nathaniell ffoster Inhabitants of huntington aforesaid att the next sessions att south hampton which will bee on the ferst wensdaye of March next ensuing then and there too personally appeare and to abide the order of the Courte and not to Depart without Lyceanse given under my hand this 19th of January in the twentieth yere of his Ma^{ties} Raine and in the yeare of our lord 1668.*

(*Court Records p. 185.*)

[TOWN MEETING.]

[1668, July 1.]

per mee Joseph Bayly Re^r

Att a towne Meeting July the first 1668 it was ordered and agreed the same day by and with the Consent off the whole towne that Thomas skidmore shall have the Reed Pond on the south sid of the east field leaving some part of it for watering for Cattell and a Bridg for people to goe to cow harbor for a pathwaye and alsoe his preportion of land adjoining to the pon as convenient as can bee found.

[*Courts of Sessions were at this period held three times in each year in the East Riding—Suffolk County—in March, June and December, not exceeding three days in one term. Courts were required to be opened by a crier “who shall make proclamation and say O, yes! O, yes! O yes!. Silence is commanded in the court while his Majesty’s Government and Justices are sitting, upon peril of imprisonment.” The fee of Jurors was three shillings and six pence per day. Under the Duke’s laws juries consisted of not more than seven, nor less than six men, and, except “in case of life and death” a majority of the jury was sufficient to convict.—C. R. S.]

[A CARTWAY DISCONTINUED AND A WATER-
ING PLACE PROTECTED.]

[1670, March 9.]

At the Complaint of the widdoe Jones unto Mr Wood March the 9th 167⁰ Conserving a peace of Land the widdoe Jones is to take up on the north side of Samuell Titus Lott which John Tedd founde himselfe agrived concerning a waye Betweene the Lot of Samuell Titus and the Lot of the widow Jones. Mr wood Appoynted Thomas Skidmore and Joseph Bayly to vew the Land to see if that place Required a waye which was don accordingly wee finding it soe that that place Required noe Cart way By Reason there was noe Considerable parsell of Land for ffeid for Cattell but what was Appoynted floor a Lotments neither Doe it priduce any watering.*

Joseph Bayly, Re^c.*(Court Rec., p. 180.)*

[*At this period roads and watering places were established and laid out by the constables and overseers, subject to the town meeting, and this continued until 1691, when by a change in the law "Surveyors and Orderors of roads" were elected at town meetings. The principal roads in the town probably followed Indian paths. The road to Lloyd's Neck is called in the records "Horse Neck path;" that running easterly from the "Town spot" "Nassequague path;" The principal road leading to the "Town spot" from the south "Sabbath day path;" The principal road across the south side necks, now through the village of Babylon, "The Indian path;" The road running westerly from the "Town spot" "The Oysterbay path." It is not probable that these, and many others in use at the date of the above paper, were ever formally laid out. They became roads by usage. There were also the "Sumpwams path," the "Neguntetogue path," the "Santepague path," roads leading to the south necks, and "Nichols path," not far from the present boundary line between Huntington and Babylon, and also the "country road" near the centre of the town and the "country road" where "Rogue's path" is located.—C. R. S.]

[TOWN MEETING. VOTE TO PROCURE A
MINISTER.]

[1670, April 4.]

April 4. 1670.

At a town meeting it was voted and agreed this day that if Mr Leverich went from the town, that it was the town's mind that they would have another minister, and that there should be some speedy course taken to seek out for some other to supply us.

Joseph Baiely, Re^r.

1670

Thomas Brush, Constable;

Capt. Thos. Fleet and } Overseers;
Jonathan Rogers }

Thomas Brush deceasing in his room was chosen Sam^l Wood, Constable.

Layers out of land for the town's use:

Thomas Powell } for the east end of the town.
Joseph Bayly }

Richard Williams } for the west part.
Content Titus }

[Copied in the Revision in the year 1873 from the original in No 2. p. 11.]

(*Town Meetings, Vol. 1, p. 31, and Court Rec., p. 183.*)

[ORDER BY CONSTABLE AND OVERSEERS.]

[1670, April 26.]

Ann order Made By the Constable and overseers the 26 Daie off Aprill Anno 1670 it is ordered and agreed the Daie

and yeare above said that Mr Will Leverich shall in some shorte time Deliver in unto us whose names are under writen or unto some on of us all those Rates that hath Been made ffor his paie since the yeare 1665 that wee maie take some speedie cors ffor the parfiting thereof that this Last Rate for the yeare 1669 may bee forth with gathered.

THOMAS BRUSH.

THO. FLEET

THO. SKIDMORE

the marke of

THO: X WILKS

JONATHAN ROGERS.

Joseph Baiely

Rec.

(*Court Rec.*, p. 189.)

[RECEIPT. RICHARD FLOYD TO JOHN JONES.]

[1670, May 12.]

Know all men By these p'sents that I Richard floyd of brookhaven uppon Long eiland in yorkeshere Tayler doe acknowledg to have Received of John Jones of Huntington uppon Long eiland in yorke sheare afore said the some of eleven pounds and on shilling which is in parte of A Bond of twentie three pounds I saye Received by mee the some of eleven pounds on shilling as witnes my hand this twelfe of maye in the yeare of our lord 1670 the mark of

his

RICHARD X FLOYDE.

mark

witnes

JOSEPH BAIELY Rec^r

(*Court Rec.*, p. 317.)

[THOMAS POWELL, GUARDIAN FOR THOMAS
WHITSON.]

[1670, June 17.]

June the 17th 1670.

Whereas henry Whitson off hunting Deseased in the yeare of our Lord 1669 and after the will was proved according to the Law of this Jurydickson the estate Being Devided By order and Consent of the widoe off the said Henry Deseased and thomas whitson son of the said Deseased which said thomas whitson Being under adge hee with the Consent of his granfather flosser and the Rest of his ffrends have thought good to make Choyce of Thomas Powell of huntington to bee the Trustee and Garddian of him the said Thomas whitson : for the care and p-servacon of the estate of him the said thomas until hee Accomplish the adge of on and twentie yeares. Dureing which time the aforesaid thomas whitson Doth promise not too Bargan sell or Impart with any of his estate without the leave and consent of his said gardian but in all things expedient bee searvall too his advise and Counsell as witnes my hand the Daie and yeare above writon.

THOMAS WHITSON

Joseph Baiely, Rec^r
(*Court Rec.*, p. 271.)

[DEED. JOHN MATTHEWS TO MARK MEGGS.]

[1670, September 6.]

This writting witnesseth that I John mathews of huntington have for a valluable Consideration sould and made over all my Right & tittle in y^e farm at Crabmedowe I say all my Right from mee and my heairs to marke meggs his

heairs for ever both my own Right beeing one hundred pound lott : and John Cores beeing A. too hundred pound lotment in all y^e Right of three hundred pound lotment & doe by these presents ingage that y^e fore sd. marke megs his heairs shall Injoy it Peacably free from y^e Claime of any as wittnes my hand this : 6th septembar : 1670

Witnes

the mark of

THO : SCIDMORE

JOHN X MATHERES

the marke of

CHARLES X ABRAHAMS.

(*Deeds Vol. 1, p. 205.*)

Witneseth, These p'sents That I marke meges with in mentioned doe heer by allinate asigne and make over all my Right title intrest and Clame to the within mentioned Bill of saile from mee my heirs executors Administrators and asigens unto Edward Bunce of Crab meddow his heairs executors Administrators or Asignes for ever wittnes my hand at Crab meddowe this thirteenth of Aprill 1674.

MARK X MEGS
his marke

signed and delivered
in presence of SIMAN LANE

1674.

the mark of

JOHN X INKERSON

JOHN PAGE.

(*Deeds Vol. 1, p. 205.*)

[ORDER BY GOV. NICHOLS AND COUNCIL
CONCERNING THE SMITHTOWN
BOUNDARY.]

[1670 Dec. 1.]

At a Counsell held in y^e Fort at New Yorke Decemb^r y^e 1st 1670 :

off Thomas Jones Late Deseased Doth hereby these presents give assignie and make over unto my son Jonathan Scudder that house and lott with all the privilage and appurtinances thereto belonging or ever here after shall belong to the premises: after my Desease but dureing the time of my naturall Life to injoye it and every part and parsell thereof: which Lott was fflormerly Henry Scudder father of the said Jonathan Scudder to remaine to him and his heirs forever for which I the said Jonathan Scudder doth wholly and fflully Resigne up unto my Brother David Scudder all my Righte title and interest that I have in that Alotment or accomidacon which was my grand-fathers Jeffery esties lott and given to mee before his disease I say I make over unto my Brother David Scudder his heires and assignes fflor ever and Doth estrainge it fflrom mee my heires and assignes fflor ever: But this Lot and every parts and parsell thereof to Remaine and bee at the Desposal of my Loveing mother Katteren Jones untill my Brother David coms to adge or shee see cause to Resigne it unto him: fflor the performence of which wee have enterchaingeable sett our hands the Daie and yeare Abovesaid.

Witness

the mark of

JOHN JOHNS

KATEREN X JONES

JOSEPH BAIELY Re^c

Another Record behind this.

(*Deeds Vol. 1, p. 34*)

[TOWN MEETING. THE MILL POND TO BE LET
OUT.]

[1671. Jan. 6.]

At a town Meeting January the 6th 1671 it was voated and agreed the Day and year aforesaid that the Constable and townse men and Mr. Wood and Thomas Skidmore and

It was voted and agreed the same day by and with the consent of the town that the Constable and Towns [men] shall send in writing to the Governor the minds of the town touching the Governor's letter to the town touching Rich^d Smith and the town.

Joseph Bayly Re^r.

It was ordered and agreed the same day that Thomas Brush shall take up six or eight acres of land upon the hill at the rear of Sam^l Titus lot or neare thereabout provided the layers out see it convenient.

Joseph Bayly Re^r.

[Copied in the Revision in the year 1873 from the original in Old Book 2 back p. 30 or 42.]

(*Town Meetings Vol. 1, p. 39.*)

[DEED. THOMAS SKIDMORE TO EOPENETUS
PLATT.]

[1672, Jan. 22.]

Bee it known unto all men by these p^rsents y^t I Thomas Skidmore of Huntington y^e east Riding of yorke share Blacksmith have bargoned & sold alinated & made over unto Epenetus Platt of Huntington one Long Iland in the east Riding of yorke share husbandman I say I have sold from mee & mine my heires, executors administ^{rs} & assignes unto y^e afore sd. Epenetus Platt to him & his heires executor^s administ^{rs} & assignes I say I have sold all my Right and intrust, y^t I have to houseing land & all othere my accomodations in huntington y^t is to say my house and shop my home lott Consisting of six accors bee it more or lees seittuate in huntington bounded on the south by the street one the west by the home lott of Epenetus Platt one

the north by old mile Pond one the east by Jno. wickes his swamp as allsoe all fruite trees & fences as they now are together with 8 accars of meadow bee it more or less lying and beenig one a neck Comonly called and known by y^e name of Santepaug bounded one y^e south by y^e Sound one y^e east by y^e lott of Thomas wickes & one west by y^e lott of Jn^o ffinch one the north by wood land alsoe, all othere lands that doe or at any may here after appertaine or any way belong to a two hundred pound allottment, as alsoe all and every percell or p'ticuler peece or peeces of land y^t have been att any time given to mee by the towne of huntington as disstinte from my p'ticular Right by allottment with all and singuelar appertunances previlidges Rights and Emunities that either hath or at p'sent doe or hereafter shall belong thereto To have and to hold to him the said Epenetus Platt and to his for ever, always excepting and reserveing to my selfe and to my owne p'per use and behoufe my Right of my farme with all the previlidge there unto belonging as at large is exprest in the generall covenant and agreement made by the Inhabitants of Huntington the said farme lieng and being in that land east from Cow harbour alsoe it is to be understood that 3 accars of land in y^e east feild which I formerly sold and y^e two accars of meadow lying att the harbour sold by mee to Tho: scudder is not in this saile intended alsoe I doe by these p'ents Covenant p'mise and engage to deliver unto Epenetus Platt or his assignes free, quiett and peaceable possission free from all Clames or disturbance by any person or persons whomsoe ever the first day of may next ensueing the datt hereof onely reserving the use of the shop to my selfe till the first of octo^{br} next ensueing the date hereof and alsoe the fruite of one apple tree this next ensueing yeare and noe longer, and I doe here by promise and engage my selfe to discharge all Ratts y^t are or will bee due eithere to y^e towne or County att the forementioned time y^t I doe engage to deliver possission unto the

trueth of w^t is here inscribed I doe sett to my hand & seale
this 22th day of Jan : & in y^e yeare of our lord 1672

sealed signed &
delivered in p'sents of

THOMAS SKIDMORE

JONAS WOOD, Jno^r

THOMAS LAWRANCE

This is a true Coppy of the origenall extracted by mee.

Thomas Powell. Re^c

(*Court Rec*, p. 308.)

[DEED OF THE OLD MILL FROM MARK MEGGS
TO THE TOWN.]

[1672, Jan. 23.]

Know all men by these p'sents that I Marke Megs of
huntington upon Long Island in yorkshire, miller, have
Barganed sould and made over unto the Constable and
townsmen of the towne of huntington all my Rite, title and
intrest in and to my mill, mil hous, mil pond, mildam, and
all and singular the sd. nessesaryes that properly Belongs
to the mill, lying and Being in huntington, aforesaid for-
merly in the tonor & occupation of Willam Leverich,
Clerk, thene alinated unto wille Ludlam, thene to Mark
Meggs with milpecks crow or crows of Iron, or any other
nessary, what soever Belonging thereunto as alsoe a high
waye of too Rood wide from the gate that is att the north
west end of the hom Lott of Marke Meggs, unto the brinke
of the water in the mill pond, unto A Crooked white oake,
thence to the mill Dam, with the same Allowance. Derecktlly
provided they stur not an apple tree * * * * *
said marke Megs have excepted who shall * * * * *

neck soe far as belongeth to a five hundred pound allotment as it is agreed one by y^e town I say I doe fully make over from mee my heairs to y^e sd. Edward bunce his heairs with out any nolestation for ever: the sd. Edward bunce cleering all charge as hath been expended as wittnes our hands this second of September 1672.

The Mark of EDWARD X BUNCE
CONTENT TITTUS

Witnes

THOMAS SCIDMORE

The mark of MARK X MEGS

A true Coppy by mee
John core Clerk.
may y^e 27th 1684.

Taken out of an old booke by order from Edward bunce
y^e 25th of octob^r 1686. p mee Isaac Platt. Rec^r
(*Deeds, Vol. 1, p. 205, and Court Rec., p. 266.*)

[DEED. HENRY SOPER TO JONATHAN
ROGERS.]

[1672, Sept. 17.]

this writing testifieth that I henry sooper of huntington
uppon Long Eiland have Bargoned and sould from me my
heirs and assignes unto Jonathan Rogers of huntington
* * * and his heires and assignes all my Right title and
intrest that I have in that farme and between
Cowharbor and nisaquage River that I had of
my mother in law the widdoe wattles to have and too hould
for ever as witnes my hand this 17th of september 1672

the marke of

HENRY X SOOPER

Joseph Bayly. Re

These Two above Entered Book A 71.

(*File, No. 69.*)

[LAYING OUT A HIGHWAY.]

[1671, Sept. 18.]

Septembr y^e 18th 1671.

it is agreed by marke meggs & y^e towne of Huntington that y^e towne should have their first high way between the pond & his lott & soo through over the Dam the towne taking y^e dam for their owne.

(*Court Rec. p. 187.*)

[THE SETTLEMENT OF THE TEN FARMS, WITH-
IN THE DISPUTED TERRITORY.]

[1672, Sept. 23.]

This Writing Witnesseth to every on Before whome these Presents may at any time come that whereas the town of huntington have Bine by Richard Smith, of Nese-puage Molested in their Right of Land Betwixt Cow-harbour & Nesaquage river & have bine by him the sd: Smith forced to Defend our rights from court to Court, both at Southampton and also at high Court of assises, & at Both the said Courts we have Rescaved Both verditt & Judgment for us, and Being by the high Court of assises & their Judgment there Injoyned to settle Families one y^t Land in the space of three years after that Judgment or else to have no Benefit by that verdict, & in order to the fullfilling of that Decree, we the Inhabitants of huntington have thus far Proceeded, first we have Laid out tenn farms, consisting of forty acres of upland to each farm, together with meadow & commonage for Cattle: we have Divided the town into ten parts as they consist of hundreds, according to our manner of Division of Lands & a ptucular men

of each Company of hundreds to Drawe Lotts for which farm each Company should have, Begining with the first at the head of Nesequage River and so going north to the mouth of the river, from thence westward by the sound to Crabmeadow Neck, the particular men to whome these Particular farms are by Lott fallen to are as followeth the first farme next the river head Belongeth to Joseph Whitmen, John Sammis Sam. Ketcham, Richard williams, Timothy Conklin; the second farme, by the river side, Belongeth by Lott to Stephen Jarvis, Tho: Scudder, Robert Cranfield, John Budd henry soper: The third farme Lying on the west side of the little Neck, Belongeth by Lott to Samuel Titus, Jonathan Rogers; the fourth farm Lying at the sunken meadow Belongeth by Lott to John wickes, Epenetus Platt; Jonas wood Juner, Tho: Whitson; the fift farm Lying on the fresh pond Neck Belongs by Lott to Tho. Skidmore, Jonas wood sen^r James Chichester, Thomas powell; sixt farm Lying on the fresh pond Neck Belongeth by Lott to Sam wood Nath. foster, Joseph Baylee, Ben Jones, John teed; y^e 7th farme one Crab Neck Belongeth By Lott to widdow Matthes, Jacob Platt; Tho: wickes John green, M^r Briant, Richard Brush; y^e 8th on Crab Neck Belongeth to widow Jones, Tho: Brush, John Jones; y^e 9th Lyeth on Crab Neck, Belongeth to Capt. fleet, Mark Megges, John ffinch; y^e tenthfarm Lyeth on Crab Neck Belongeth by Lott to Abiel Titus, Content Titus, John Cory, John Matthias; now to the end we may fully & absolutely Performe all that Judgment of the high Court have injoynd, according to the true intent & meaning thereof we the inhabitants of Huntington and every one of the fore mentioned Compney es Partaining to every particular do joyntly and severally By these Prsents Bind our selves each to other our heires, executors and assigns, in the sum of five hundred pounds in currant Pay that we will, our selves, or by some other by & from us, settle every one of the afore said farmes By Building fencing & plant-

ing soo many Portons in each farm as may Properly be a family according to the Courts Judgment, Betwixt this & the 15th of September 1673: and if any of the afore mentioned companyes fail of the true Performance of what is aforementioned so that we come to losse the Benefit of the Courts verditt, they shall pay or cause to be paid to the rest of the Companyes afore mentioned y^e full sum above, request upon demand: and to the full & true performance hereof we jointly and severally subscribe our hands.

CONTENT TITUS	JONATHAN ROGERS	JOHN FFINCH
SAM. WOOD	JOHN TEED	ROBERT CRANFIELD
RICH ^d BRUSH	JOHN MATTHEWS	NATHANIEL FOSTER
THOMAS BRUSH	HENRY SOOPER	EPENETUS PLATT
JOHN GREEN	ABIEL TITUS	STEPHEN JARVIS
THO: WICKES		THO: POWELL
JOHN JONES		JOHN SCUDDER
THO: SKIDMORE		JONAS WOOD
JAMES CHICHESTER		JOSEPH BAILY
SAM. TITUS		ISAAC PLATT
JONAS WOOD		THO: WHITSON
THO: WHITSON		MARK X MEGGS
		THO. SCUDDER.

These also further Witnesseth y^t we y^e Inhabitance of huntington have given and granted to any Person of our town not Been attched nor suspected upon fellonious accounts, to go & settle all or any of these farms, they paying to the rest of the Proprietors Intrusted in such farms, all such charges as have Been expended in or about our Defending of our right to that Land viz Betwixt Cowharbor and Nesequage river, and so Doing, every such Person shall be the true Propriator of such farms to have and to hold to them their heirs and successors forever, they paying all rates and Dutys as men in the town that is or shall be By Law required, and all such Propriators or owners of all and every such farms do hereby engage them selves their

heirs & successors to the town of Huntington, first: that they & every one of them shall make and maintain sufficient fences about all such grounds as any of them shall take in from the Commons, to mannure that so their fruits may be Preserved: 2^{ly} that none of those farmers shall at any time Directly or indirectly, by themselves children, servants or Dogs hurt or chase or Disturb any Beast, either cattle, horses or hoggs, Belonging to any men of the town of huntington, from any place where it may be for the Cattles safty or the owners Profit: 3^{ly} that all such owners shall for all such Land as they shall take in by fence to till for their Profit, we say they shall satesfie the Indians just Demands and so free the Town from all such Demands and Indians Complaints; 4^{ly} that all & every such farmer shall not at any time sell or Lett any part or parcell of any of these farms to any person of a vitious Life or truly of an evil reporte, and if at any time any of the Farmers shall alienate or Dispose of any of those farms to any other it shall in all Particular be according to what is here exprest in the afore mentioned tearms: 5^{ly} that all and every of these Particular farmers shall have a Distinct ear mark for them selves with which ear mark they shall mark all their cattle and Beasts Markable, and that every farmers ear mark shall be recorded in the Town Book: 6^{ly} that all and every of these farmers shall from time to time Duly mark all their calves, Lambs and Piggs within the space of 14 or 20 Days after they be fallen: 7^{ly} and that all those afore mentioned farmers shall not at any time marke any horse kind that runeth wild in the woods untill they have first Brought them into the Town and made appeare to the Constable & overseers that they are there own, or that they have orders from some other so to Do.

September y^e 23. 1672

the mark of GEORGE BALDWIN
is instead of THOMAS BRUSH.

THOMAS SCUDDER
 ABIEL TITUS
 THOMAS BRUSH
 JONATHAN SCUDDER
 THOMAS MARTEN
 hls X mark

JOSEPH BAELEE
 THO SKIDMORE
 THO. SCUDDER
 hls
 THOS. X WHITSON
 mark
 hls

EDWARD X BUNCE
 mark

JOHN ROGERS
 WILLIAM BROTHERTON

A True Copy By mee
 Solomon Ketcham, Clerk.
 (*File No. 64 and Court Rec. p. 274.*)

[ORDER OF COURT OF ASSIZE CONCERNING
 THE HUNTINGTON AND SMITHTOWN
 BOUNDARY.]

[1672, Oct. 7.]

At a Gen^l Court of Asizes held in new Yorke by his
 Mai^{ty} Authoritie beginnig on y^e 2^d and ending on the 7th
 Day of ocktober in y^e 24 yeare of the Raigne of our soverē
 Lord Charles y^e 2 king of great briteane, france and Ireland
 Defendar of the faith Anno: Domini 1672.

uppon the peticon of Richard Smith of nesaquage to y^e
 Goven^r wherein hee alledges that at y^e Tryall had in y^e
 Court of asizes held in Anno: 1670 severall false evedences
 were produced at the Tryall by y^e inhabitants of hunting-
 ton whereby ye Court and jury ware mesled the same be-
 ing debated in Counsell and Referred to this Court to give
 thaire judgment and opinion whether upon the grounds
 afore specified as well as the reasons and suggestions to