

Dongan East Hampton Patent of 1686

May it please your excellency, the Attorney General hath perused this Patent and finds nothing contained therein prejudicial to his Majesty's interest. Examined Dec. 9th, 1686. I. A. Graham, Recorder in the Secretarie's Office for the province of New York. Liber No. 2 Book of Patents, begun 1686. I.H. SWINTON, D Jecny. I certify the within to be correct transcript from the original Patent of this Town. East Hampton, Oct. 13th 1826. EAST HAMPTON PATENT. (Veri Copid.) Thomas Dongan, Captain General, Governor-in-Chief and Vice Admiral of the Province of New York and its dependencies, under His Majesty James the Second, by the grace of God, of England, Scotland, France and Ireland, King, defender of the faith &c. To all to whom this shall come, sendeth greeting:-- Whereas Richard Nicolls, Esq., Governor under his then Royal Majesty, James Duke of York and Albany &c. Now his present Majesty of all his territories in America, did by a certain writing or Patent, under his hand and seal, bearing date the 13th of March, in the 19th year of his late Majesty's Reign, and in the year of our Lord 1666, ratify, confirm and grant unto Mr. John Mulford, Justice of the Peace, Mr. Thomas Baker; Thomas Chatfield, Jeremiah Conklin, Stephen Hedges, Thomas Osborne, Senior, John Osborne, as Patentees for and in behalf of themselves and their associates, the freeholders and inhabitants of the town of East Hampton, situated, lying and being in the East riding of Yorkshire, upon Long Island, in the easternmost part of said Island, and to their heirs, successors and assigns, all that tract of land which already hath been or hereafter shall be purchased for and on behalf of the said town, whether from the Native Indian Proprietors or others within the bounds and limits hereafter set forth and expressed: that is to say there was bounds beginning from the East limits of the bounds of Southampton, as they are now laid out and staked according to agreement and consent; so to stretch East to a certain Pond, which lies within the old bounds of the lands belonging to the Montauk Indians, commonly called Fort Pond; furthermore, to go on still East to the utmost extent of the Island; on the north they are bounded by the Bay, and on the South they are bounded by the Sea or main Ocean.

All which said tract of Land within the bounds and limits before mentioned, and all or any plantation thereupon, from henceforth are to belong and appertain to the said town, and be within the jurisdiction thereof, together with all Havens, Harbors, Creeks, Quarries, Woodlands, Meadows, Pastures, Marshes, Waters, Lakes, Rivers, Fishing, Hawking, Hunting, and Fowling and all other Profits, Commodities, Emoluments and hereaditaments, to the said tract of land and premises within the limits and bounds aforementioned, described, belonging, or in any wise appertaining, TO HAVE AND TO HOLD all singular the said lands, hereditaments and premises there and every of appurtenances and of every part and parcel thereof to the said Patentees, their associates, their heirs, successors and assigns.

Moreover the said Richard Nicholls, Esq., Governor as aforesaid, did thereby ratify, confirm and grant unto the said patentees and their associates and their successors and assigns, all privileges belonging to a town within this Government, and that the place of their present habitation shall continue and retain the name of East Hampton, by which name and style it shall be distinguished and known in all bargains and sales, deeds, records and writings, they the said patentees and their associates, their heirs, successors and assigns rendering and paying such duties and acknowledgements as now are or hereafter shall be constituted and established by the laws of this Government, under the obedience of his Royal Highness, his heirs and successors as by the said writing or patent, recorded in the Secretary's office, relation being thereunto had may more fully appear, and whereas there is a part of a certain tract of land within the bounds aforesaid, commonly called Montauk, which remains yet unpurchased from the Indians: and whereas Samuel Mulford, Thomas James, some of the freeholders of said town of East Hampton, by the request of the rest of the freeholders of said town have made application unto me that I would grant liberty unto the freeholders of said town to purchase said tract of land of the Indians, and the fee and inheritance thereof may only belong unto the free assigns forever, and that I would confine the premises by patent, under the seal of the province.

Now, Knoe Ye, that I, the said Thomas Dongan, by virtue of the power and authority to me derived from his most sacred Majesty aforesaid, and in pursuance of the same, for and in consideration of the Quitrent hereinafter reserved, and other good and lawful considerations me thereunto moving, have granted, ratified, released and confirmed, and by these presents to grant, ratify, release and confirm unto Thomas James, Capt. Josiah Hobart, Capt. Thomas Talmage, Lieut. John Wheeler, Ensign Samuel Mulford, John Mulford, Thomas Chatfield, senior, Jeremiah Conklin, Stephen Hand, Robert Dayton, Mr. Thomas Baker, and Thomas Osborn, freeholders and inhabitants of East Hampton, hereinafter erected and made one body corporated and politic, and willed and determined to be called by the name of the Trustees of freeholders and commonality of the town of East Hampton and their successors, all the aforesaid, together with all and singular the Houses, Messuages, Tenaments, Buildings, Mills, Milldams, Fences, Inclosures, Gardens, Orchards, Fields, Pastures, Woods, Underwoods, Marshes, Swamps, Plains, Rivers, Rivulets, Waters, Lakes, Ponds, Brooks, Streams, Beaches, Quarries, Mines, Minerals, Creeks, Harbors, Highways, and Easements, Fishing, Hawking, Hunting, and Fowling, Silver and Gold Mines Excepted, and all other franchises, profits and Commodities and hereditaments whatsoever, to the said tracts and necks of land and premises belonging or in any wise appertaining or therewithall used, accepted, reputed, or taken, to belong, or in any wise to appertain, to all intents, purposes and constructions whatsoever, as also all and singular the rent, arrearages of rents, issues and profits of the said tract of land and premises heretofore due and payable, as also I do by these presents give and grant full power, license and authority unto the said Trustees of the Freeholders and commonality of the said town of Easthampton, their successors, to purchase the said tract of land of the Native Indians, commonly called Montauk, and if it should so happen that the said Indians should not be willing to make sale of the said tract of land, commonly called Montauk, within the limits aforesaid, then I further will and determine on behalf of his most sacred Majesty, his heirs and successors, that the said Trustees of the freeholders and commonality of the town of East Hampton aforesaid, their successors forever, shall at all times hereafter be the only persons capable in the law for the purchase of said tract of land, commonly called Montauk, and none others; to have and to hold all the before recited tract of land and premises with their and every of their appurtenances unto the said Thomas James, Capt. Josiah Hobart, Capt. Thomas Talmage, Lieutenant John Wheeler, Ensign Samuel Mulford, John Mulford, Thomas Chatfield, senior, Jeremiah Conklin, Stephen Hand, Robert Dayton, Mr. Thomas Baker, Thomas Osborn, Trustees of the freeholders and commonality of the town of East Hampton, and their successors forever, to and for the several and respective uses following, and to no other use, intent and purpose whatsoever: that is to say as for and concerning all and singular the several respective parcels of land and meadow part of the granted premises in any wise taken up and appropriated before the day of the date hereof, unto the several and respective present freeholders or inhabitants of the said Town of East Hampton, by virtue of the before received deed or patent to the only use, benefit and behoof of the said respective present Freeholders and inhabitants and their several and respective heirs and assigns for ever: and as for and concerning all and every such parcel or parcels, tract or tracts of land, remainder of the granted premises not yet taken up or appropriated to any particular person or persons by virtue of the before recited Deed or Patent, to the use, benefit and behoof of such as have been purchasers thereof and their heirs and assigns forever, in proportion to their several and respective purchases there made, as tenants in common, without any let, hinderances or molestation, to be had or preserved upon pretence of joint tenary or survivorships, any thing contained herein to the contrary thereof in any way notwithstanding. And as for and concerning that part of the afore cited tract of land that remains as yet unpurchased of

the Indians, commonly called Montak, together with all and singular the appurtenances thereto belonging unto the only proper use, benefit and behoof of the said Trustees of the Freeholders and Commonality of the town of East Hampton and their successors for ever, to be holden of his said Majesty, his heirs and successors in free and common soccage according to the manor of East Greenwich, in the County of Kent, within his Majesty's Realm of England: yielding, rendering and paying therefor, yearly and every from henceforth, unto our sovereign Lord, the King, his heirs and successors, or to such officer or officers as shall be appointed to receive the same, the sum of one Lamb, or the value thereof in current money of this province, upon the five-and-twentieth day of March, at New York, in full of all rents or former reserved rents, services acknowledgements and demands whatsoever; and further by virtue of the power and authority to me, the said Thomas Dongan, given as aforesaid, in pursuance of the same, and for the reasons and considerations above recited, I have willed and determined, declared and granted, and by these presents do will, declare and determine and grant, that the said inhabitants and freeholders,

the freeman of East Hampton aforesaid, commonly called by the name of the freeholders and inhabitants of the town of Easthampton, or by whatever name or names they are called or named, and their heirs and successors forever henceforth are and shall be one body corporated and politic, in deed and name, by the name of the Trustees of the Freeholders and commonality of the town of East Hampton, and them by the name the Trustees of the freeholders and commonality of the Town of East Hampton, one body corporated and politic, in deed and name.

I have really and fully for his said Majesty, his heirs and successors, executed, made, ordained, constituted and declared by these presents. And that by the same name they have succession forever, and that they and their successors by the name of the Trustees of the Freeholders and commonality of the town of East Hampton be and shall be forever in future times, persons able and capable in law to have, perceive and receive and possess not only all and singular the premises, but other messuages, lands, tenements, privileges, jurisdictions, franchises, hereditaments of whatsoever kind or species, they shall be to them and their successors, in fee forever, or for the term of a year or years or otherwise, whatsoever manner it be; and also, goods, chattels, and all other things of whatsoever name, nature, quality or species they shall be.

And also, to give grant, release, alien, assign and dispose of lands, tenements, hereditaments, acts to do and execute by the name aforesaid. And that by the same name of the Trustees of the Freeholders and commonality of the Town of Easthampton, to plead and be impleaded, answer and be answered unto, defend and be defended, they are and may be capable in whatsoever place and places, and before whatsoever Judges and Justices, or other persons or officials of his said Majesty, his heirs and successors, in all and all manner of actions, complaints, suits, complaints, causes, matters and demands whatsoever, of what kind, quality and species the same be, and shall be in manner and form as any other of his Majesty's liege people within this Province can or are able to have, require, receive possess, enjoy, retain, give, grant, release, alien, assign and dispose, plead and be impleaded, answer and be answered unto, defend and be defended, do, permit or execute.

And for the better enabling the Trustees of the freeholders and commonality of the town of Easthampton aforesaid in doing and executing all and singular the premises, I have willed, granted and determined that from henceforth and forever hereafter the said Trustees of the Freeholders and commonality may have and use a common seal, which shall serve to execute the causes and affairs whatsoever of them and successors that henceforth forever there be and shall be Trustees of the Freeholders and commonality of the town of Easthampton aforesaid, to be chosen and elected as in the presents hereafter mentioned, who shall be and shall be called the Trustees of the freeholders and commonality of the town of Easthampton, and they and their successors shall and may at all convenient times hereafter, upon a public summons, to be obtained at the request of any three of the trustees aforesaid, from any of his Majesty's justices of the peace of the said town, or in default thereof, from any of the justices of the County of Suffolk, for the term being assemble and meet together in the town house of said town, or such other public place as shall from time to time be appointed to make such acts and orders in writing, for the more orderly doing of the premises of the said trustees of the freeholders and commonality of the town of Easthampton and their successors, from time to time shall and may think convenient, so always as the said acts and orders being no ways repugnant to the laws of England and this Province, which now are or hereafter may be established, and that they be not in any wise against the true intent and meaning of these presents, until the time that others be elected and chosen in their stead, according to the manner and form hereinafter expressed.

And moreover, I do by these presents, for and on behalf of his most sacred Majesty aforesaid, his heirs and successors, appoint that the trustees of the freeholders and commonality of the Town of Easthampton, Constables and Assessors within the town of Easthampton aforesaid be yearly chosen, on the first Tuesday of April forever, viz: 12 trustees of the freeholders and commonality of the town of Easthampton, 2 constables and 2 assessors, in such public place as the trustees for the time being shall appoint and direct, and that the trustees, constables and assessors be chosen by the majority of the voices of the freeholders and freeman of the town of Easthampton aforesaid.

And lastly, I give and grant, for, and in behalf of his said Majesty, his heirs and successors, by these presents, to all and every person and persons, and to whatsoever person, subject to his said Majesty, his heirs and successors, free and lawful power, ability and authority, that they, or any of them, any messuages, tenements, lands, meadows, fencings, pastures, woods, underwoods, rents, reversions, services, and other hereditaments whatsoever, within

the said County of Suffolk, which they hold of his said Majesty, his heirs and successors, unto the aforesaid trustees of the freeholders and commonality of the town of Easthampton, and their successors shall and may give and grant, bargain and alien, to have, hold, and enjoy unto the said trustees of the freeholders and commonality of the town of Easthampton said Majesty, his heirs and successors, on the said 25th day of March, yearly, and every year, for ever, the full and just sum of 40 shillings current money of this province of New York, wherefore by virtue of the power and authority aforesaid, I do will and command for and on behalf of his said Majesty, his heirs and successors, that the said trustees of the freeholders and commonality of the town of Easthampton, and their successors, have, hold, and use and enjoy, and that they shall and may forever have, hold use and enjoy, all the liberties, authorities, orders, franchises, ordinances, acquitencies, lands, tenements, hereditaments, goods and chattels aforesaid, according to the tenor and effect of these presents without the let or hinderance of any person or persons whatsoever. In testimony whereof, I caused the seal of the said province to be hereunto affixed, and these presents to be entered in the Secretary's office.

Witness my hand 9th day of December, 1686 and in the 2nd year of the reign of said Sovereign Lord, James 2nd, King of England, Scotland, France, Ireland, defender of the faith, &c.

THOMAS DONGAN By his Excellency's command, First Governor,
I.H. SWINTON At the council at New York, the 9th of December 1686. Present, his Excellency, the Governor,
MAJOR ANTHONY BROSKELLS, MR. FREDERICK PHILIPS MR. STEPHEN VLONTLOW MR. JOHN SPRAGGE
MR. JAMES BAXTER,
This patent as approved of,
I.H. SWINTON, O. Concils.

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