

DEED OF JAMES FARRETT APR. 17, 1640.

Know all men whom this present writing may concerne that I James Farret of Long Island Gent Deputy to the right honrbl the Earle of Starling Secretary for the kingdom of Scotland doe by these presents in the name and behalf of the said Earle and in mine owne name allsoe as his Deputy as it doth or may any way concerne myself, Give and grant free leave and liberty to Daniell How, Job Sayre, George Willby and Willaim Harker together with their associates to sitt downe upon Long Island afforesaide, there to possess improve and enjoy eight miles square of land or soe much as shall containe the said quantity, not only upland but alsoe whatsoever meadow marish ground, harbors Rivrs and creeks lye within the bounds or limitts of the said eight miles, The same and every pt thereof quietly and peaceably to enjoy to them and their heyres forever without any disturbance, lett or mollestation from the said earle or any by his appoyntment or prcurement for him or any of his. And that they are to take their choise to sit down upon as best lyketh them and alsoe that they and their associates shall enjoy as full and free liberty in all matters that doe or may concerne them or theirs or that may conduce to ye good and comfort of them and thieres both in church order and civill Governmt together with all other Easemnts conveniences and accommodations whatsoever which the said place doth or may afford, answerable to what other plantations enjoy in Massachusetts Bay. But in as much as it hath pleased our Royall King to Give and grant the patent of Long Island to the afforesaid Earle: In consideration thereof it is agreed upon that the trade with ye Indians shall remaine to the said Earle of Starling to Dispose of from time to time and at all times as best liketh him. Onely ye aforesaid Daniell How and his co-partners shall have libertie to make choice of one man amongst them that shall freely trade with the Indians in their behalf for any victualls within their owne plantation, but not for wampum. And if any of the afforesaid p'sons any for them shall secretly trade with the Indians for wampum whither directly or indirectly without leave or license from the said Earle or his Assignes the pson or psons soe offending shall pay for every fathom soe traded to the said Earle or his assignes the sum of twenty shillings: ffurther it is Agreed upon that whatsoever shall bee thought meete by the rt Worpl John Winthrop Esq. Governr of the Massachusetts Bay to bee given to the Earl of Starling in way of acknowledgement as the Patenttee of the place shall be duely and truely paid, ffurthermore it is agreed upon that noe man shall by vertue of any gift or purchase lay any claime to any land lying within the compass of the eight miles

before mentioned but onely the afforesaid Inhabitants shall make purchase (in their owne names at their owne leisure from any Indians that Inhabit or have lawfull right to any of the aforesaid land) all or any pt thereof, and thereby assure it to themselves and their heyres as their Inhabitation for ever. In witness whereof wee have hereunto set our hands and seales the 17th day of Aprill, 1640.

Memorandum. That the true meaning of Mr ffarret is that whereas hee hath formerly purchased sertain lands in Long Island for the Earle of Starling or himself, That hee doth by these presents fully release all claime and Interest in the land above mentioned or persons that shall sitt down upon it with all to Governmt whither in church or in commonwealth. All which is to be clearly and fully drawne up according to the true meaning of this agreement when things shall be settled and concluded by the rt worpl John Winthrop above mentioned.

JAMES FFARRETT [SEAL]

Sealed and delivered in the presence of

Theoph : Eaton
John Davenport

Endorsed on the back side of the said writeing under Mr. Winthrop his hand as followith.

I John Winthrop within named having seriously considered of that within this writeing is referred to my determination although I am very unwilling to take it upon mee and as unfit alsoe the rather being to seeke of any rule or approved president to guide mee herein yet being called hereunto: I shall express what I conceive to be Equall upon the considerations here insueing, viz. The land within granted being a meere wilderness and the natives of the place pretending some interest which ye planters must purchase. And they might have had land enough gratis (and as convenient) in ye Massachusetts or other of the Collonies wth libertie to trade with the Indians, (which they are here debarred from) And for that they had possessed and improved this place before any actuall claime made thereto by the rt honrble the Earle of Starling, or had any notice of his Lopps pattent, And whereas his Lopp (for consideration I suppose of the prmises) requires nothing of them but in way of acknowledgement of his Interest, I doe here upon conceive and doe accordingly (soe farre as power is given mee) order and set down that the Inhabitants of the tract of land within mentioned or the plantation now called Southampton upon

Long Island, and their successors for ever shall pay yearly to the said Earle of Starling his heyres or assignes upon the last day of September at Southampton aforesaid four bushells of the best Indian corne there growing or the value of soe much in full satisfaction of all rents and services (the 5th pt of Gold and Silver ore to the Kings Maties reserved allways excepted) In testimony whereof I have hereunto set my hand. Dated 20th (8) 1640.

JOHN WINTHROP.