

ARMS OF RICHARD SMYTHER, ESQ.

Sable: six fleurs de lis, argent, three, two, one.

Crest: Out of a ducal coronet, or, a demibull salient, argent, armed of the first.

Motto: Nec timeo nec sperno.

THE SMITHS OF SMITHTOWN

AN ADDRESS
READ BEFORE THE NEW YORK BRANCH
OF
THE ORDER OF COLONIAL LORDS
OF MANORS IN AMERICA

APRIL, 1926

BY
MRS. CHARLES HILTON BROWN

BALTIMORE
1927

THE SMITHS OF SMITHTOWN

RICHARD SMITH, THE PATENTEE

What an endless and inexhaustible subject opens to us with the utterance of the name of Smith—*the* Smiths of Smithtown, Long Island!

What an army of honest and God-fearing men and women array themselves before us!

The years 1665—the date of the first Patent to Richard Smith—and 1926—a period of two hundred and sixty-one years—form an almost endless chain, linked together by generations of the descendants of Richard Smith, who have been born and have died, leaving to their progeny lands acquired by their great progenitor in this charming garden spot of Long Island.

There probably is no other place of its size which has been populated by those bearing the same name or connected by marriage with those of the name, hence carrying the inheritance down through their children, as in the case of Smithtown, for at least five generations.

To-day fashion has set the pace for the wealthy home-seeker and the cousinship between residents skips about.

But to be a Smith of Smithtown, what more seems essential to those of us born there?

To be a Smith anywhere, if we follow Chesterton in one of his essays, on the name?

He claims it as one of distinction everywhere, and elevates it from the hitherto common acceptance into one of poetic significance. This name, he says, “of ancient origin, older than the nations,—made from iron and fire,—has in it the spirit of song, brought out from his anvil by the measured strokes of the smithy and has mixed in a million of songs. From the darkest dawn of history his clan has gone forth to battle: its trophies are on every hand: its name is everywhere, and its sign is the Hammer of Thor.”



SAID TO BE A PART OF THE HOUSE OF THE PATENTEE
Now owned by Edmund A. Thomas Smith, Jr.

Two of the Patentees of Long Island bear this historic name—the Hon. William Smith, Chief Justice, of the Manor of St. George, and Richard Smith or Smyth, as he often styled himself, of Smithtown.

The writer, descended from both of the patentees, asks your attention at the present time to the activities of the latter, as deduced from available sources.

Richard Smith appeared at Southampton, Long Island, in 1643. From whence he came is not definitely known,—conjectures and statements to the contrary. A man of his strong personality, a leader soon after he is first noticed in the Southampton records; a man of almost unlimited activities, it seems inexplicable that he left no record of his early beginning.

The tradition that his father, also named Richard, was an officer in Cromwell's army, that he himself had served under him, falls as regards himself before the facts of history, Richard being on Long Island during the beginning and end of Cromwell's career.

An old fowling piece possessed by one of his descendants carries with it the tradition of having been used by his father in the war in England. This gun was exhibited at the Centennial Fair in 1876 in Suffolk County, accompanied by the following description written by J. Lawrence Smith.

"Old Crib, the fowling piece of Richard Smythe, patentee of Smithtown, commonly known as the Bull Rider, the progenitor of the Bull Smiths. It is supposed to have been used by Richard Smythe, father of the patentee, in Cromwell's War. It came to me from my uncle, Woodhull Smith, who received it from his grandfather, a grandson of the Bull Rider. It was in common use as a fowling piece when I was a boy, was well known to sportsmen as Old Crib, and had the reputation of shooting faster and hitting harder than any gun in town. Dated, Smithtown Branch, Oct. 2, 1876."

If used by his father, according to tradition, in Cromwell's War, the father must have been living when our Richard was beginning his purchase of land on Long Island, but we have nothing to sustain the fact.

In our endeavor to trace some of the traditions regarding Richard Smith's connections and first appearance in this country we find ourselves back to our starting-point in Southampton, Long Island, no wiser regarding these than in the beginning. We have been able, however, to lay low many of the attempts to connect him with or prove him one and the same with men bearing the same cognomen.

A Richard Smith, early in the seventeenth century in Boston, by reason of dates could not have been our Richard.

Another Richard Smyth was married to Ruth Bowen, according to the Plymouth, Mass. records, March 27th, 1646, three years after our Richard was in Southampton.¹

An attempt to make him the son of the one John Smith, a lad who came to Watertown, Mass., 1639, with his mother,² is made in a work on Long Island Families.³

As the son of the said John, he is given a first wife, Johanna Quarles: and a second, Sarah Folger, following with an accurate record of the children of our Richard and his wife, Sarah Folger.

Richard, son of John Smith, probably born in Watertown, Mass., was married in Boston, Mass., the 2d of the 6th month, 1654, to Johanna Quarles, by Gov. Bellingham. In this record of his marriage Richard is named "of Lancaster." In the Lancaster, Mass. vital records we find the marriage with the word "widow" prefixed to Johanna's name, and the birth of two sons, John, in 1655, named evidently for his father John, and Francis, 1657, for his brother, named by Bond in his History of Watertown. This was evidently not the first marriage of Richard Smith of Lancaster, as preceding the entry, as given is that of a child—unnamed—to Richard Smith and his wife Marie the 23d of the 3d month, 1654, the death of the wife Marie following three days later. In the same year as above Richard Smith of Lancaster married Joanna Quarles in Boston, when Richard Smith second, son of Richard Smith of Smithtown, born 1647, was nine years old. Thus vanishes a very misleading and erroneous statement.

That there were two Richard Smiths on Long Island at the same time, often confused one for the other, is unquestionable:—Richard the Patentee and Richard of North Sea: the latter undoubtedly the man who was sent by the Magistrates of Boston to his home on Long Island charged with being "one of those emissaries of Satan called Quakers."

Thompson⁴ says that while the latter Richard has been confounded with our Richard, he is an entirely different man and a careful study of the records proves this.

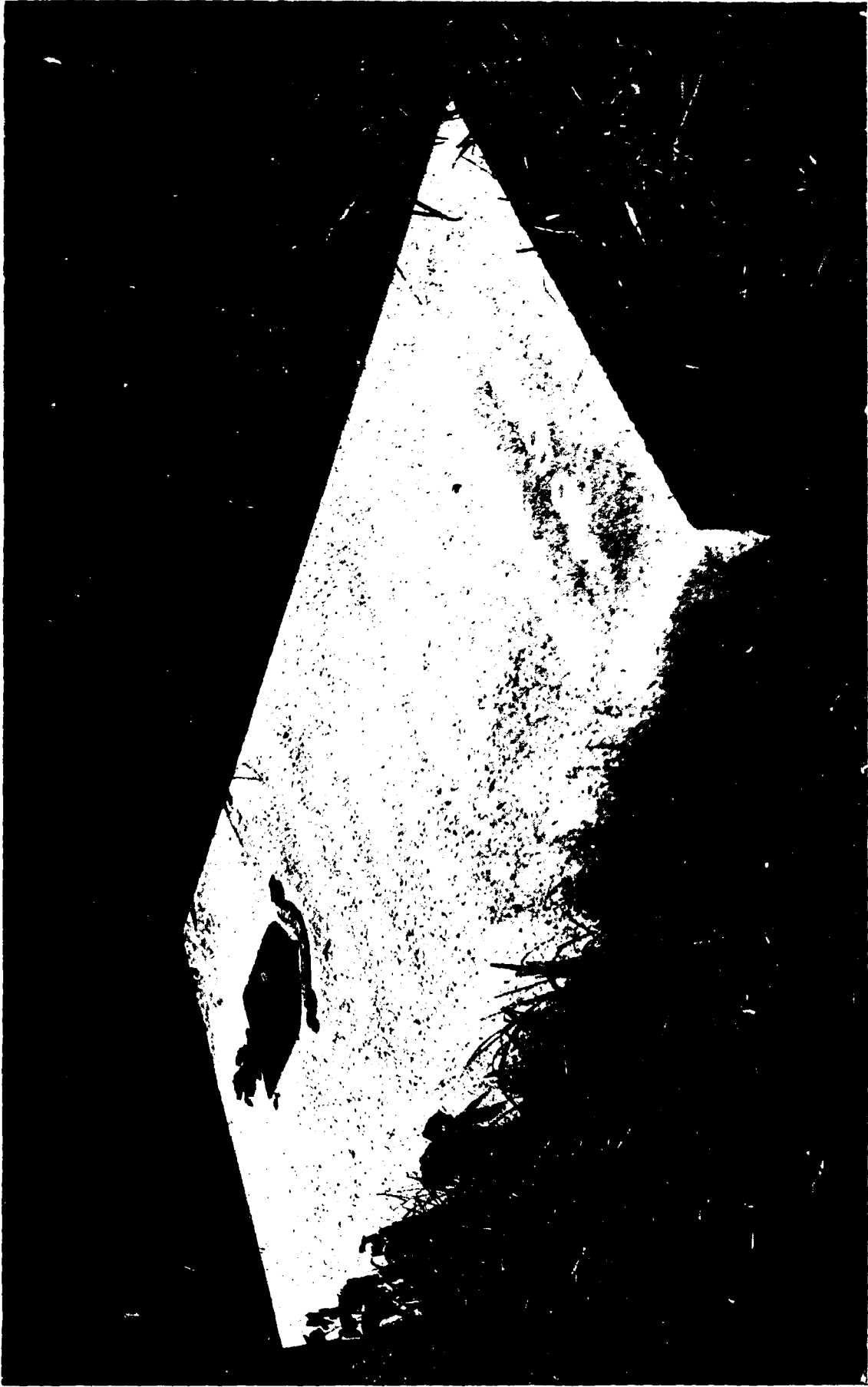
Richard Smith of Smithtown was of too sturdy and pugna-

¹ Mayflower Descendant, Vol. 13, p. 86.

² Bond's Hist. Watertown.

³ Long Island Genealogies.

⁴ Hist. Long Island.



STONE ERECTED IN 1900 TO RICHARD SMITH'S MEMORY BY HIS DESCENDANTS

cious a nature to have linked himself to the peace-loving Quakers. His early experience in Southampton proves this.

Richard Smith of Narragansett, with whom our Richard Smith has been confused, both dying at or near the same time, had wife Esther, and his will, of May 19, 1691, 2, was proved by Governor Phipps and recorded in Boston.

The will of Richard Smith of Smithtown, dated March 5, 1691, 2, was proved before Judge William Smith in Brookhaven, L. I.

The claim that our Richard Smith was the son of Richard Smythe of Myresham, co. York, England, is another one that is dispelled by the records. Foster, in his Yorkshire pedigrees gives to the above Richard Smythe an elder son Richard, who is recorded as having died in 1640, aged eighteen, s.p. The arms supposedly of this Richard Smythe of Yorkshire have been used and were so used by Richard of Smithtown on his seal,—see illustration:—according to Foster these were not those of the above Richard. While the crest, a demi-bull rampant issuing from a ducal coronet, and the motto, as on the seal, are the same, the arms are practically different, viz. “erm. on a bend between 2 unicorns’ heads, erased azure, 3 lozenges or.”

One bit of foundation for a Yorkshire pedigree for Richard, of Smithtown, comes in the fact that Burke, in his General Armory, gives under the name of Smyth of Yorkshire, arms as: “sa 6 fleurs de lis, arg. 3.2.1.”—no crest nor motto,—the same as used on seal.

Thus we have to leave the identity of our Richard Smith of Smithtown to future research.

He, as before stated, is first recorded as being in Southampton in 1643, although he may have been there a few years earlier. Possibly he may have accompanied that band of adventurous young Englishmen—although he is not named as one of them—who came down from Lynn, Mass. to plant this settlement, or he may have followed them.

This first entry in the records shows that he was involved in a transaction which required a decision by the town officers, Oct. 26, 1643.

“Yt is ordered that Thomas Hyldreth shall satisfy unto Mr. Smith to the value of three pounds and twelve shillings and fourpence, to bee payed unto him in Englishe wheate, after the rate of foure shillings by the bushell, betwixt this and the first of March, and that this order shall bee a finall ende of all matters of controversie whatsoever betwixt them.”⁵

⁵ Smithtown Records.

The authorities of Southampton kept a strict watch over the character of its inhabitants. Newcomers were placed on probation for a season to prove their honesty and good behavior before being admitted to the full privilege of freeholders, following the precedent set in some parts of New England of testing out those who were to be given offices of trust or made freemen. If those of Southampton did not measure up to the test, they were rejected as inhabitants and forced to leave the town. Richard Smith was not only permitted to remain, but to purchase land and engage in various enterprises.

In 1644, when the men of Southampton were divided into four wards for the cutting up of whales cast upon the shore, Richard Smith was in the Fourth Ward.

In 1658, when divided into Four Squadrons for the same purpose, he was the leader of the First Squadron.

In March, 1647, he was one of the five men appointed to lay out land and Oct. 7, 1647, he was made Freeman and thus rendered eligible for any office.

October, 1648, by vote of the General Court, he was chosen Constable, then an office of great dignity and honor.

His home lot was at the south end of the village, one of the most eligible sites in the town; his evident means, and the title of "Mr." gave him an enviable social position. Yet a hasty tongue and a hot spirit, as we judge, brought him into trouble, for on Sept. 17th, 1656, appears this entry into the records:

"It is ordered by the Generall Court that Richard Smith for his un-reverend carriage towards the Magistrates contrary to the order, was adjudged to be banished out of the Towne and hee is to have a weeke's liberty to prepare himself to departe, and if at any time hee bee found after this limit weeke within the Towne or the bounds thereof he shall forfeit twenty shillings."

Whether he paid the fine or the magistrates relented we do not know, but he was in the town some time later, engaged in a controversy with Henry Pierson.

From Southampton he went to Setauket, where he began the purchase of tracts of land. His ambition seemed to be to possess a domain of which he might be the sole ruler.

At the time of the settlement of that section of Long Island by the white men in 1650 that part known as Smittown was inhabited by a tribe of Indians, the Nesaquaque, or as now spelled, Nissequogue, who dwelt on both sides of the Nissequogue River, from its mouth in Long Island Sound to its head



A CORNER OF THE OLD BURYING GROUND ON THE HILL AT NISSEQUOQUE, SHOWING GRAVES OF THE EARLY DESCENDANTS
OF THE PATENTEE

in the southern part of Hauppauge, (an Indian name meaning "sweet water").

The first Indian deed was an article of agreement between Nasseconsack, Indian Sachem of Nesequake of the one part and Edmond Wood, Jonas Wood, Jeremy Wood, Timothy Wood and David Whitehead of the other, and Stephen Hudson, by which the said Nasseconsack agreed to make over to the parties named a certaine quantity of land, beginning at a River called and commonly knowne by the name of Nesequake River, and from that river Eastward to a River called Memanusack lying on the north side of Long Island and on the South side from Connecticott four Necks westward. The consideration for the same being Six Coats, Six fathom of Wampum, Six Howes, Six Hatchetts, Six Knives, Six Kettles one Hundred Muxes,⁶ to be paid on or before the 29th September, 1650.

A copie of ye Indian deed of Nesequake lands is entered to ye Records & for Richard Smith the 2nd March, 1666, and recorded in the office of the Secretary of State at Albany.

Wyandance, the Sachem of Montauk, claimed and exercised jurisdiction over the greater part of Long Island.

The Narragansett Indians in one of their incursions seized and carried off the daughter of Wyandance. She was rescued and restored to her father through the influence of Lyon Gardiner, the Lord of the Manor of Gardiner's Island. As a thank-offering the following deed was given to him by Wyandance.

"East Hampton: July 14th, 1659.

Be it known unto all men both English and Indians, especially the inhabitants of Long Island, that I, Wyandance, Sachem of Paumanack, with my wife and son, Wyandanbone, my only son and heir, having deliberately considered, how this twenty-four years we have not been acquainted with Lyon Gardiner, but from time to time and from much kindness from him by counsell and advice in our prosperity, but in our great extremity, when we were almost swallowed up of our enemies, then we say he offeared to us not only as a friend, but as a father in giving us of his money and goods, whereby we defended ourselves and ransomed my daughter, and we say and know that by this means we had great comfort and relief from the most honorable of the English nation here about us, so that, seeing we yet live, and both of us being now old, and not that we at any time have given him anything to gratify his love and care and charge, we have nothing left that is worth his acceptance but a small tract of land left us, we desire him to accept for himself, his heirs, executors and assigns for ever.

Now that it may be known how and where this land lyeth on Long Island, we say it lyeth between Huntington and Setauket, the western bound being Cow Harbor, easterly Acatamunk, and southerly crosse the island to

⁶ Muskets.

the end of the great hollow or valley, or more than half way through the island southerly, and that this is our free gift and deed doth appear by our hand marks under written.

Signed, sealed and delivered in the presence of

Richard Smythe	Wyandance	His marke.
Thomas Chatfield	Wyandbone	His mark.
Thomas Talmadge	The Sachem's Wife	Her mark.

Richard Smith and Lyon Gardiner were close friends and were, as appears later, in consultation about the transfer to the former owner of this tract of land which Wyandance had given to Mr. Gardiner when his death in 1653 left the contract uncompleted. An entry in the East Hampton printed records throws much light upon the purchase:

“Jeremyah Conklinge, Deposed Testifieth, that Mr. Richard Smith of Nessaquauk, came to my mother Gardiner's house and fell into discourse with her about a psell of land which he had bought of Mr. Lyon Gardiner lying beyond Neesaquauk. Mr. Smith said that he thought he should meete with a great Dele of trouble about the land. Mrs. Gardiner made answer this, rather than shee would have any trouble about it shee would let the bargaine bee voide, or to that purpose. Whereupon Mr. Smith said that he would have the bargaine stand, and he would paie according to the agreement with her husband and hee would take all the trouble upon himselfe. Which agreement was that Mr. Gardiner sould to Mr. Smith all his right in that parcel of land.”

This testimony was taken at Easthampton March 21st, 1670/71 before John Mulford, Justice of the Peace, no date being given for the conversation, although it probably took place soon after Lyon Gardiner's death, before the release had been given by David Gardiner, heir-at-law of his father, Lyon Gardiner.

The original deed from Wyandance is in the possession of the Long Island Historical Society,⁷ the following release being recorded in the office of the Secretary of State at Albany, in Long Island Book of Entries, 1659 to 1667.

“MEMORANDUM, That I, David Gardiner of Gardiner's Island, do acknowledge to have received satisfaction of Richard Smythe of Nissaquake for what concerns me in the within written deed.

IN WITNESS WHEREOF I have hereunto set my hand this 15th day of October 1664.

(Signed) David Gardiner.”

A deed from Nassekege, Indian Sachem, nephew of Nasseconset, preceded this declaration of David Gardiner by a few months, covering the half of the neck of land reserved by Nas-

⁷ Presented by the late Caleb Smith Esq. of Comac, L.I.

saconset in the sale made by the latter to Richard Smith, "senyer," in 1650 this half having been reserved "as a place to live and plant on," conveying this half interest to Richard Smith so that he was in possession of the whole tract as described in the previous deed of Nasseconset.

The Patent conveying this tract of land, called Nessequake—the Indian deeds conveying no title, the land being owned by the British government—to Richard Smith of Long Island, was



FLINT LOCK GUN—BELONGED TO "THE BULL RIDER"

signed by Governor Richard Nicolls, as Governor under His Royal Highness, James Duke of Yorke, afterward James the Second, and of all his territories in America; the original condition being that he, Richard Smith, should place twenty families on the land, but the controversy between him and the people of Huntington being unsettled, it was allowed that this should be adjusted he need only place ten families on the tract described. With his family of children and grand-children this was easily accomplished. The Patent was given at Fort James

in New York the 3d day of March, 1665. Copy herewith recorded in office of the Secretary of State, Albany, N. Y.

On the 4th of the following May, Richard Smith secured a deed from Nesatesconsett, Indian Sachem, of the land on the west side of the Nessaquake River,—the previous deed from Nasconset having covered the land on the easterly, northerly and, southerly sides of the river; the consideration being one Gun, one kettle, tenn coats, one Blankett, three hands of powder and three handfulls of Lead, Nesatesconsett reserving the liberty of Matts—the right to gather flags to make mats—Canoos and Eagles and Deare Skins catcht in the water.

Young eagles taken in the nest and the skins of deer and bears while swimming in the water were given to the Sachem who owned the land as his rightful property.

To this deed, in the office of the Secretary of State, there is this memorandum:

“That ye Land afore mentioned was bought and part of the Pay delivered neare a year before the signing thereof.”

Richard Smith had purchased several tracts of land from the Indians in Brookhaven, but the people of Setauket insisted that as he was about to set up a township of his own, he should surrender all of his Indian titles in Brookhaven. The boundaries between the latter place and Smithfield being defined, the matter was adjusted.

In the latter part of July,—on or about the last day—1656, Asharoken, the Matinecock Sachem, sold to Jonas Wood, William Rogers and Thomas Wickes “all of the meadows, fresh and salt, lying and being on the north side of Long Island, from our former bounds, Cow Harbour to Nesaquake River.”

The Patent given by Gov. Richard Nicolls to the township of Huntington Nov. 30, 1666, more than a year after that given to Richard Smith, describes the boundaries to stretch east to the Nesaquake River. These boundaries infringing upon the purchase from Lyon Gardiner, Richard Smith brought suit for trespass against those persons of Huntington who were occupying land at Fresh Pond. Some of these suits were tried at Southampton and finally, about 1670, reached the Court of Assizes.

In 1674 the Dutch recaptured New York and Long Island came under their control.

Richard Smith, with his usual promptitude, presented his

claim to the new government. A summons was served upon the inhabitants of Huntington, probably written in the Dutch language, to which the following reply was sent:

“Neighbor Smith of Nesaquag. By this ye may understand that you Left a paper. for, as you say, the towne, in the hands of Joseph Whitman, written in an unknown tongue to us, from whence it came or what it is we know not, but this we know, yt we shall take no notice of it, neither can do, and if you would have us know your mind, you must speak and write in a known tongue to us. Likewise take notice yt we have and intend to know more fully shortly yt you or yours have acted the part of a currish nabour by usurping with impudence and shameless bouldness, to come upon our ground and to seize upon our grass for your own use, an unheard of practise, and never practised by honest men: therefore, we do by these protest against your course, and we are resolved, first to defend ourselves and our estates from the hands of violent aggressors, which is no more than the law of nature and nations allow. Secondly, when the season comes you may expect to have and reap the due defeat of such documents. From Huntington, July 17, 1674.”

The Dutch government appointed a commission to examine into the case, but before a decision was reached the English were again in power.

At a Term of Court held in New York in 1675 the lands in question were restored to Richard Smith and possession given by Turf and Twig.

It is of interest that, by the declaration of Pauquaitown, formerly Chiefe Counsellor to the old Sachem Wyandance, the lands given by him to Lyon Gardiner had been in the possession of the forefathers of Wyandance and that his grandmother lived on the land formerly, and that those Indians that lived on ye said land owned the said Sachem as “chiefe owner of all that tract of land.”

In 1663 Richard Smith had entered into a contract with an adventurer, one Capt. John Scott, for a transfer of some of the land comprising the Lyon Gardiner tract, but the latter being discovered in fraudulent sales, fled, and the agreement became null and void.

The Second Patent:

The 25th of March, 1677, “Edmund Andros, Esquire, Seigneur of Sausmares, Lieutenant and Governor General under His Royal Highness, James, Duke of York and Albany, of all his territories in America,” ratified, confirmed and granted unto Richard Smith the lands hitherto noted, established as a township and to be called “by the name of Smithfield or Smithtown.” The compensation being, “as an acknowledgment or quit rent”



PATENTEE'S CHAIR

Courtesy of Mrs. Sanderson of Waterbury, Conn., the present owner

unto his Royall Highness, or unto such officer or officers as shall be impowered to receive the same, "one good fatt lamb."

The seal attached to this Patent bears the arms of the Duke of York, afterwards King James the Second. The shield bears quarterly the arms of England, Scotland, France and Ireland, surrounded by the motto of the Order of the Garter, "Honi soit qui mal y pense." The whole bears the legend: "SIGILL PROVINCE NOV. EBORAC."

"The tenure of the said land and premises to bee according to the custom of the Manor of East Greenwich in the County of Kent in England in free and common socage and by fealty only."

By this patent Richard Smith was virtually "Lord of the Manor"—according to the English law—of Smithtown, the boundaries as defined in the various deeds.

By an Act passed by the Legislature of the State of New York, March 7, 1788, for dividing into towns the various counties, the present limits of Smithtown are described:

" . . . and all that part of Suffolk County, bounded southerly by Islip, northerly by the Sound, westerly by Huntington and easterly by the Patent of Brookhaven, including Winne Comick, shall be and hereby is, erected into a town by the name of Smithtown."

And here the descendants of Richard Smith flourish today. A time-honored tradition exists that the said Richard made a pact with the Indians to the effect that he should have all of the land that he could ride around in a day on his trained bull. Starting at sunrise and dashing through swamps and over hill and dale, by sunset he had returned to his setting-out place. Hence the appellation of Bull Smith.

A valley near the Smithtown and Huntington line, adjacent to Fort Salonga is known to this day as "Bread and Cheese Hollow," where, it is said, Richard stopped to eat his lunch in his mad ride for the possession of the desired land.

Richard Smith and his wife, Sarah Folger, had nine children, eight of whom lived to years of maturity and raised large families. These were Jonathan, Richard, Job, Adam, Samuel, Daniel, Obadiah,—who was drowned at twenty,—Elizabeth and Deborah. Deborah, the youngest, married Major William Lawrence of Flushing, and had ten children. Her great-great-grandson, Leonard W. Lawrence, married Phebe Treadwell Smith, descended from Samuel, brother of Deborah. Their

son, William C. Lawrence,—my father,—married Elizabeth Smith, whose mother was a Smith, her grandmother a Smith and her great-grandmother a Smith, tracing back to Daniel, Job, and Richard, brothers of Deborah. So interwoven are the marriages that we are endowed with nine lines of descent from Richard (Bull) Smith.

We wonder, naturally, whether the young men of these generations past found the maidens of their family so much more interesting and attractive than those of the adjacent towns, or whether they preferred to keep within the family circle? Judge Caleb, of the fourth generation, however, ventured forth and married Martha, of the Tangier Smiths.

It is interesting to note that even if those born in Smithtown wandered far from home, they frequently came up with those of their kin and married, as is illustrated in the case of the third Caleb, who went on a mission to China and then to Geneva, Switzerland; there Edward Henry's daughter, Mary Augusta, while on a trip around the world, met him and they were married and returned to Smithtown.

Richard Smith, the Patentee, lived fifteen years after the granting of the Second (or Andros Patent), dying in 1692, during which time he gave to each of his sons a homestead and farm at Nissequogue, near his—the father's home,—and to his son-in-law, William Lawrence, husband of Deborah, 500 acres of land at the common passage over the Nessequogue River. March 3, 1705, Sarah, widow of the said Richard Smith, conveyed a certain tract of land, 100 acres, more or less, on the west side of the Nessequogue River to her daughter, Elizabeth Townley, which Effingham Townley, her son, leased to Daniel Smith, May 12, 1712.

Elizabeth, the elder daughter, became the second wife of William Lawrence, Senior, of Flushing and had seven children.

After the death of William Lawrence, in 1680, she married Governor Philip Carteret of New Jersey. Philip had been appointed Governor by his cousin, Sir George Carteret and John Lord Berkeley, to whom New Jersey had been granted by the Duke of York in 1654. Reaching this country in 1665, he first residing in Amboy and then in Elizabethtown, New Jersey, where he died, a year after his marriage to Elizabeth Smith Lawrence, leaving no issue. Elizabeth soon took a third husband, Col. Richard Townley, eighth son of Nicholas Townley of England, grandson of Charles Townley, who fell at the battle of Marston Moor.

Col. Townley came over in the suite of Lord Effingham Howard, Governor of Virginia, in 1683, and settled in Elizabethtown. He and Elizabeth had two sons, Charles and Effingham Townley, the latter the one named above, who leased the stated tract of land to Daniel Smith.

Richard Smith, the Patentee, and his wife Sarah, made a joint will March 5, 1691/2, in which they bequeath the homestead to their eldest son, Jonathan; to Richard and Job each a negro and an equal share of land; to Adam, Samuel and Daniel; to daughter "Lawrence;" to daughter Elizabeth Townley; Jonathan and Richard, executors.

This was proved May 2, 1693, after the death of Richard the Patentee, and is recorded in Lester Book of Wills, Suffolk County Clerk's Office.

Sarah, the widow of Richard, made her will 20 Jan. 1707/8, bequeathing to her "son Richard all of the houses, orchards, lands that my husband left me in possession of" and "a necke called James Neck to be equally divided amongst my six sons."

Thus by deeds and wills the land comprising the Patents of the "Manor of Smithtown" passed to the children of Richard the Patentee and to their children, who, in turn, retained possession or alienated it to others.

Sarah Smith, in a petition on file in the office of the Secretary of State in Albany, dated Nov. 24, 1702, praying to have a decree of the Court of Equity in relation to her husband's estate, states that she now has "fifty children and grandchildren to provide for." If Sarah had survived to enumerate those of the third and fourth generations of her descendants, she might have rivalled on her tombstone inscription the famous Mary Waters, wife of Robert Honiwood, of Charing, co. Kent, England, upon whose memorial tablet is inscribed the statement that she had 367 children,—16 of her own, 114 grandchildren, 228 of the third generation and 9 of the fourth.

Smiths were on every side. As a distinguishing mark of the families, they were called by the first name of the head of the same,—thus Dan's, Joe's, 'Netus's (Epenetus) and other abbreviations of the Christian name.

The Census of 1790 shows forty heads of families in the list by the name of Smith, and in 1800, four more, forty-four in all, thus involving something of a problem to classify their offspring.

The intermarriages with the Brewsters, Woodhulls, Floyds, Lawrences, Millses, Baileys, Thompsons and others gave them a

vast family connection and a wide-reaching influence, not only on Long Island, but in other parts of the country and in its up-building. A grand-daughter of the Patentee was the mother of General Nathaniel Woodhull and Colonel Jesse Woodhull. A great-grandson,—was a Member of the Constitutional Convention of 1781, as also State Senator, 1827, '28, '29 and first Judge of Suffolk County. A great-great-grand-daughter was the mother of William Floyd, signer of the Declaration of Independence.

In the list of those who signed the Association Test in 1775 in Smithtown there were twenty-nine by the name of Smith. In the first company of Minute Men, assembled from Smithtown and part of Huntington, several of the officers as well as men were of the Smith name.

At the time of the Revolutionary War it was a difficult matter for those at Smithtown who favored the cause to protect their property from the British troops quartered at Huntington: occasionally the more timid weakened; and others who stood firmly suffered from the depredations of the enemy. Richard the 4th and the Rev. Joshua Hart held unalterably to their opinions, were bold in expressing the same and were, in consequence, arrested and thrown into the Sugar House Prison in 1777.

One has but to examine the Smithtown records to understand the part that the descendants of the Patentee took in all matters pertaining to the affairs of the town and what a legacy they have left to their descendants. To my knowledge there has never been a criminal nor a degenerate among them.

The homestead of the Patentee passed by will to his son Jonathan; to-day a depression in the ground, on the farm of the late Edmund Thomas Smith at Nessequogue at the corner of Horse Race Lane, on which an apple-tree buds and blossoms in the spring-time, marks the spot where stood the Patentee's dwelling. A small house, on his estate, which was moved to its present location in 1849, is said to be a part of the original house. The kitchen contains the old fireplace, with a few of the old time cooking utensils.

There are but few of the Patentee's personal effects in existence,—the old fowling piece, before mentioned, which Sarah, in her will, evidently refers to as "my blunderbuss," bequeathing the same "to my son Richard's eldest son." The chair of the Patentee, a pair of cuff links, and his snuff-box, which was in the

possession of the late Hon. Frederick Diodati Thompson, is the most interesting relic of all.

The burial place of the Patentee was for a long time unmarked, but about 1900 a monument was placed there by his descendants.

There, beneath the towering trees, where the boughs bend and the leaves rustle in the breeze, in the cemetery on the hill sleeps the great founder of a prolific race, one who, with energy and perseverance, helped to make the spot where he and many of his blood lie one of unique distinction. Truly may we say of them, in antiphonal tones:

“All these were honored in their generation, and were the glory of their times.”

“There be those who have left a name behind them, that their praises might be reported.”

“With their seed shall continually remain a good inheritance, and their children are with the covenants.”

“Their bodies are buried in peace, but their name liveth ever more.”

APPENDIX

PATENT FROM GOVERNOR RICHARD NICOLLS

A CONFIRMATION of a tract of land called NESE-QUAUKE granted unto Richard Smith of Long Island, Richard Nicolls, Esqr Governor under his Royall highness—James, Duke of Yorke, &c of all his Territories in America,

To all whome these presents shall come sendith greeting,

Whereas there is a certain parcel or tract of land situate lying and being in the East Riding of Yorkshire upon Long Island, commonly called or known by the name of Nesaquauke Land. Bounded Eastward with the line lately runne by the Inhabitants of Seatalcott as the bounds of their town, bearing Southward to a certain fresh Pond called Raconkamuck, from thence south westward to the Head of Nesaquauke River, and on the west side of said River so farr as is at this present in ye possession of Richard Smith as his proper right and not in any ways claymed or in controversy betweene any other persons: which said parcell or tract of land (amongst others) was heretofore given and granted by the Sachems or Indian proprietors to Lyon Gardiner of Gardiner's Island, deceased, and his heirs: whose interest and estate therein hath been sold and conveyed unto Richard Smith and his Heirs, by virtue of which he claymes his propriety: and whereas the Commissioners authorized by a Generall Court held at Hartford in His Majesty's Colony of Conecticott did heretofore, That is to say in ye Month of June, 1664, make an agreement with the said Richard Smith, That upon the conditions therein expressed hee the said Richard Smith should place Twenty families upon the said land, Now know yee that by vertue of the Commission and authority given unto mee by his Royall Highness the Duke of Yorke, I do ratify and confirme the said agreement, and do likewise hereby give confirme and grant unto the said Richard Smith his heirs and assigns the said Parcell or Tract of land, called or knowne by

the name of Nesaquauke Lands bounded as aforesaid together with all the lands, woods, meadows, Pastures, Marshes, Waters, Lakes, fishings, Huntting and fowling, and all other profitts comodities and Emoluments to the said parcell or tract of Land and Premises belonging, with their and every of their appurtenances, and of every part and parcell thereof. To have and to hold the said Parcell or Tract of Land with all and singular the appurtenances, unto the said Richard Smith his Heirs and Assigns, to the proper use and behoofs of the said Richard Smith his Heirs and assigns for ever. Upon the conditions and Terms hereafter exprest That is to say, That in regard there hath arisen some dispute and controversy between the Inhabitants of the town of Hunttington and Captain Robt Ceely of the same place, concerning that Parcell of land lying to ye westward of Nesaquauke River which for the consideracons therein mentioned the said Richard Smith by vertue of the aforementioned Agreement was to enjoy, but now is molested and hindered in the quiet Possession thereof, The said Richard Smith shall be obliged to Settle onely ten families on the lands before mentioned within the space of three years after the date hereof, But if it shall hereafter happen that the said Richard Smith shall cleere his Title and lawfully possessest of the premises as aforesaid that then hee the said Richard Smith shall settle the full number of Twenty families within Five yeares after such Clearing of his Title, and being lawfully Possessed as aforesaid, and shall fulfill whatsoever in the said Agreement is required. And for an encouragement to the said Richard Smith in his settling the families aforementioned, the Plantations upon the said Nesaquauke Lands shall from the first settlement until the expiration of the Terme or Termes of years bee free from all Rates or Taxes, and shall have no dependence upon any other place, but in all respects have like and equall priviledges with any Town within this Government. Provided always, That the said Richard Smith his Heirs and assigns shall render and pay such other acknowledgments and duties as are or shall be Constituted and Ordained, by his Royall Highness the Duke of York and his Heires or such Governor or Governors as shall from time to time be appointed and sett over them.

Given under my hand and seale at Fort James, in New York, this 3rd day of march in the Eighteenth year of the Rayne of our Sovereign Lord Charles the Second by the Grace of God, King

of England, Scotland, France and Ireland, Defender of the Faith, &c. And in the year of our Lord God, 1665.

Richard Nicolls.

Record in the office

of the

Secretary of State, Albany, N. Y.

A NEW PATENT,

as follows:

“Edmund Andros, Esquire, Seigneur of Sausmares, Lieutenant and Governor General under his Royall Highness James Duke of York and Albany, and of all his territories in America, To all to whom these presents shall come sendeth greeting. Whereas there is a certain parcell of land situate, lying and being in the East riding of Yorkshire upon Long Island, commonly called or known by the name of Nesaquake lands, bounded eastward by a certain runn of water called Stony Brook, stretching north to the Sound, and southward bearing to a certaine fresh water pond called Raconkamuck, being Setalcott west bounds, from thence Southwestward to the head of Nesaquake River, and so along the said river as it runs into the Sound; Also another parcell or tract of land on the West side of the said river, extending to the westernmost part of Joseph Whitman's Hollow, as also to the west side of Leading Hollow to the fresh pond Unshemamuck, and the west of that pond att high water mark, and so to the Sound, being Huntington east bounds; which said parcell or tract of land, on the East side of Nesaquake River, was heretofore granted by patent unto Richard Smith, the present possessor by Coll. Richard Nicolls, and to his heyres and assigns forever; as also that on the west side of said river, with some provisoes and restrictions; the which has since, by due course of law, att the General Court of Assizes held in the year 1675, been recovered by the said Richard Smith from the town of Huntington; Know ye that by virtue of his Ma'ties letters patent, and the commission and authority unto me given by his Royall Highness, have rattified, confirmed and granted, and by these presents do ratify, confirm and grant unto the said Richard Smith, his heyres and assigns, the aforesaid parcells or tracts of land on both sides of the Nesaquake River. Together with all the lands, soyles, woods, meadows, pastures, marshes, lakes, waters, fishing, hawking, hunting and fowling, and all other profits commodities and emoluments to the said parcells

of land and premises belonging, with their and every of their appurtenances, and every part and parcel thereof. To have and to hold the sayd parcells or tracts of land and premises, with all and singular the appurtenances, unto the said Richard Smith, his heyres and assigns, to the proper use and behoof of him, the said Richard Smith, his heyres and assigns for ever. The tenure of the said land and premises to bee according to the custom of the manor of East Greenwich, in the County of Kent, in England, in free and common soccage and by fealty only. As also that the said place bee as a township, and bee called and known by the name of Smithfield or Smithtown, by which name to be distinguished in all bargains and sales, deeds, records and writings. The said Richard Smith, his heyres and assigns, making due improvement on the land afore mentioned, and continuing in obedience and conforming himself according to the laws of this government, and yielding and paying therefor yearly and every year unto his Royall Highness's use, as an acknowledgement or quit-rent, one good fatt lamb unto such officer or officers as shall be impowered to receive the same. Given under my hand and sealed with the seal of the province in New York, this 25th day of March in the twenty-ninth year of his Ma'ties reign Anno. Dom. 1677.

“E. ANDROS.”

THE DIVISION OF LANDS BY COMMISSIONERS

The sons of the patentee made numerous exchanges and conveyances between themselves, and in 1735 his grandchildren entered into an agreement appointing three commissioners to divide the unappropriated lands, as follows:

“Articles of Agreement made this 13th day of March Annoq. Dom. 1735 by the Inhabitants, freeholders and commoners of the land in Smithtown att a meting apointed have agreed to nominate and appoint Richard Woodhull, Esq., and John Hallock of Brookhaven, James Dickinson and Richard Willitts of Smithtown, George Townssen, surveyor, to lay out and judge of & equelise all the free holders and commoners in ye undivided lands and thatchbeds according to their just rights therein. wee further agree that every person having a right in ye said lands shall keep his just, lawful and reasonable improvement. now wee also agree that any person having ouer or above his just Right, so that all ye owners or free holders cannot be equal-

lised in land, then and in such cases it is agreed on that the persons so chosen and improved for the equallising and deviding the above sd land and thachbeds shall judge and determine whether such persons haveing such lands shall turn out the lands or pay the valey of itt in money within six months after ye judgment of the said men to the persons to whom itt is Due. wee also agree that good and Lawful deeds made by our grandfather Richard Smith shall stand good. which said men are to have all Deeds to lay out by; & Whereas their is ocqupation Deeds by our grandfather Richard Smith granted to his sons, wee alow them to be good as far as evidence and circumstances shall prove was in each persons possession & improvement att the time when given & granted; & also our grandfather's will and our agreement made in the year 1725 to be good. We also agree that ye six hundred acres which is upon the record should be the whole of Willetts' Right. We also agree that any three of the men above said shall be chosen by the major part of us ye subscribers from time to time till ye whole division be accomplished; which said men so chosen & improved as aforesaid shall have full power to survey, Lay out, Judge of & equelise all the commons Lands and thach beds to every person according to their just Right, and ye same equalising and deviding to be given under their hands in writing to whome itt doth concern. & itt is further agreed on that in case of sickness, Death or refusall of either of ye fore said persons, then and in such cases wee the major part may chuse and improve other men for ye sameservice, they having the same power to servey, judge of and equalise as aforesaid. itt is also agreed by us that such men so chosen and imployed is aforesaid shall judge of and Determine all Diferences and controversies, Disputes which may or shall hereafter arise, conserning Laying out and equalising ye above said Land and thachbeds. it is hereby covenanted & agreed and concluded by all and every of us the subscribers to these presents that wee and every of us doe hereby covenant, grant and agree to and with each other for ourselves our heirs Exr. & Admr. & each of us separately doth covenant and agree to and with ye other of the subscribers, their heirs, executors and Administrators, to pay our full proportion of the charges of Laying out, Deviding & equalising ye land & thach beds according to our rights; & if any person or persons concerned will not agree to a division in manner aforesaid that wee or ye major part of us will use such methods by Law, equity, or other

wise to compell them to a Division of the aforesaid land and thachbeds. for all which every person hereto subscribing shall and will pay to such person or persons as by the major part of us shall be nominated and appointed to Demand and Receive the same our respective equal and proportionable part of all such charges, costs, expenses & Disbursements as shall be occasioned by the premises from time to time untill ye same shall be accomplished, and compleated; and for the true performance of all & every part of ye above written articles, covenants, agreements and conditions all and every of us the subscribers, each for himself and for his heirs, Executors and Administrators, Doth covenant, grant and agree to and with all and every of us the subscribers, our heirs executors, administrators of all and every of them, and Doth bind himself and themselves each to the other Respectfully on the forfeiture of three hundred pounds good money of New York, to be paid by the party failing to observe & comply with all & every part of the above said covenantes, articles, conditions and agreements to ye party or partys performing or willing to performe. in Witness whereof we ye subscribers have put to our seals the day & year above written.

"DANIEL SMITH.	JONATHAN SMITH.
"EDMUND SMITH.	JOB SMITH.
"EBENEZER SMITH.	RICHARD SMITH.
"RICHARD SMITH.	AARON SMITH.
"ZEPHANIAH PLATT.	OBADIAH SMITH.
"JOSEPH SMITH.	DANIEL LAWRENCE
"TIMOTHY SMITH.	

"Sealed in presence of

"SHUBEALE MARCHANT.
 "CHRISTOPHER CROSGROVE.
 "NATHAN CURREN.
 "RUTH SMITH."