

# The Spencers Town Proprietors Book (1757-72)

[Original housed in the Austerlitz History Center, Spencertown]

## Introduction to the transcription and annotation

The author of the transcription, probably done in the 1970s, is not known. It has been lightly revised by Town Historian Tom Moreland.

Where material in the book is illegible or lost this is indicated by [?]. Where an inference can be made concerning the missing material this is indicated within the brackets.

For clarity, a line is drawn across the page at the end of each meeting.

The end of each page of the book is noted.

Spellings and usages in the book have been maintained; sometimes a translation is bracketed.

Entries in the book of special interest are highlighted in **bold**.

To place the book in context, relevant outside events are inserted in **green**.

Commentary by the Town Historian appears in **red**. References to the *Old Houses* book are to Thomas H. Moreland, *The Old Houses of Austerlitz* (AHS 2018).

Tom Moreland, Austerlitz Town Historian, April 1, 2021

## Formation of the Spencers Town Proprietorship

On September 27, 1756, two members of the Mohican tribe deeded to 75 grantees, for a price of 230 New York pounds, a tract of 20,725.5 acres that the parties believed was within the colony of Massachusetts Bay, the governing body of which had granted permission for the deed transaction the month before.

The area became known as Spencers Town; some 12 of the 75 deed grantees were Spencers. Spencers Town occupied most of what is today the Town of Austerlitz, created in 1818. However, Spencers Town was some 7,000 acres smaller than Austerlitz, included the northernmost part of today's Town of Hillsdale and did not include the northernmost portion of Austerlitz, including Macedonia and Fog Hill.

Settlement of Spencers Town started in earnest in 1757, though it appears that some settlers had arrived as early as 1750, before the 1756 Indian deed. The settlers from 1757 included both grantees named in the 1756 deed and others who had purchased the rights of deed grantees.

The settlers formed a proprietorship, a form of governance then often used in Massachusetts and other New England colonies. The Proprietors Book records its meetings from 1757 until its demise in 1772-73, when it became clear that the area was within the New York colony, thus rendering its Massachusetts Bay governing structure of no further validity.

The book also records, though this material is not in this transcript, the boundaries of some 57 "selling lots" allocated to 46 individual settlers from 1758 to 1763, and the routes of some nine roads ("high ways") laid out from 1757 to 1760.

## The Spencers Town Proprietors Book

(1757-1772)

[The Proprietors Book, as it has survived, starts with three partly destroyed pages which index the names appearing in the book as recipients of "selling lots" (pp. 31-56). Some 50 names are listed; any names beginning with the letters A, B, K, N and O were on the destroyed portions of these index pages.

There follows a title page, smaller in size than the pages of the book, which reads:]

The Proprietors Book

For the proprietors of Spencers Township

Seth Powell Clerk [?] Sd. Propriety

Samuel Doty Surveyor  
to Layout Sd Propriety of Spencers Town

[On the next page appears this listing of contents]

The Records of High Ways page 16 and onward

The Records of the Selling Lots page 31 [?]

[Note: there are no pages numbered 21 through 30 in the book. Since the records of the high ways end on page 20, and the records of the selling lots start on page 31, with lots numbered 1 through 5, it may be that the “missing” pages 21 through 30 never existed, and represent page numbers reserved for additional highway records that were never created.

On the other hand, it seems clear that the book we have fails to record many selling lots that were in fact allocated to settlers: in his 1878 History of Columbia County, Franklin Ellis, who may have reviewed a more complete copy of the Proprietors Book, lists 70 settlers who received selling lots while the book we have records lots awarded to only 46 settlers. Possibly there are missing pages that recorded those missing lots. The listing of contents and page numbers in the surviving book could have been created well after the demise of the proprietorship and thus do not necessarily encompass the full content of the original book].

[The records of meetings of the proprietorship]

[Note: the conservation of the book places each page of the book in a separate plastic sleeve. In two instances the pages were inserted backwards: pages 1 and 2 and pages 13 and 14. In the transcription below these pages appear in their correct sequence].

At a Legal Proprietors Meeting held at Spencers Town on May 31, 1757. Then past [passed] the following Votes Viz.

1 ly Mr. John Williams Moderator.

2 ly Seth Powell Proprietor Clerk and Sworn to the faithful discharge of said office.

3 ly **Voted that one Hundred acres be Laid out to Each Selling Lot and So in Proportion.**

4 ly Voted the Sd [said] Hundred Acre Lots be Laid out to Each original Grantee's Right and Not to be Divided.

5 ly Voted that Ensign John Dean James Sexturn [Sexton] Truman Powell Joel Spencer & Ephraim Kidder be the Committee for Laying out the Selling Lots.

**6 ly Voted that it Shall Be Left to the Committee to Lay out the Land and Size it in quantity & quality to the Now Possessors of the place as they shall see fit.**

[Does this resolution refer to settlers who had moved to the area prior to the 1756 Indian deed, whom the proprietors hereby permit to remain, albeit subject to the discretion of this selling lot committee?]

7 ly Voted that meetings of Said Propriety shall be Called for the future by five or more of the proprietors applying under their hands to the Clerk setting forth the Time place and ocaion [occasion] of Said meeting the Said Clerk Notifying said meeting according to Law.

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At a Legal Proprietors Held at Spencers Town on [July ?] 16: 1757 Then past the following Votes Viz.

1 ly John Dean moderator.

2 ly Voted that the Committee that were Chose to Lay out the Selling Lots Shall Be empowered to Lay out the High Ways.

3 ly **Voted that the two main high ways one of which will go East and West and the other North and South shall Be Laid out Eight feet wide through the Township.**

[It is not clear which, if any, of today's roads correspond to these two original "main high ways." Perhaps Routes 22 and 203, which do follow the principal streams with their mill sites].

4 ly Voted that there shall be high ways Laid out through Each Proprietors Lot that shall Be found Necessary [?] making of it good out of the undivided Land.

5 ly Voted that those men that promised to pay [                    ?                    ].

[End of page 1 of the original]

6 ly Voted that two men more Shall Be Chose to Joyn [join] the Committee in Laying out the Selling Lots.

7 ly Voted that Joseph Chittendon and John Halley [Hawley] be Chose to Assist the former Committee in Laying out the Selling Lots.

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At a Legal Proprietors meeting held at Spencers Town  
September 13, 1757 Then past the following Votes Viz.

1 ly Joel Spencer moderator.

2 ly Voted that the Home Lots be laid out to the Setters of the Place & Sized particularly By themselves.

[Is this another reference to the pre-1756 settlers, who now are accorded the right to lay out their own "home lots" rather than be subject to the discretion of the proprietors' selling lot committee.?)

3 ly Voted that there Shall Be a Second Division of Land Laid out.

4 ly **Voted that there Shall Be a hundred acres Land out to a Whole Right in the Second Division and to the Rest in proportion.**

5 ly **Voted that the Second Division Be laid out Immediately after they have Laid out the first.**

6 ly **Voted that the Second Division of Land Shall Be Sized after the Same Manner of the first.**

7 ly **Voted that Each proprietor Shall Draw for his turn to Pitch for the Second Pitches.**

8 ly Voted that the Land Subscribed to Joseph Lawrence By some of the proprietors be Laid out Together.

9 ly **Voted that the proprietors will have a proprietors Book of John Williams.**

10 ly Voted that the Land subscribed to James Mead by Some of the Proprietors Be Laid out to his Land that he bought of Isaac Palmer.

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At a Legal Proprietors meeting Held at Spencers Township  
Novbr 18th Day 1757 Then past the following Votes Viz.

1 ly Voted Mr. Joel Spencer Moderator.

2 ly Voted that Joseph Chittendon Shall Stand in his former [ ? ] of a Committee man.

3 ly Voted that Samuel Doty Shall Be the Surveyer to Lay [out ?] Spencers Township.

4 ly Voted that Ahimaaz Spencers & Edward Richmond [ ? ].

[End of page 2]

Spencers Town Nov. 18 1757

5 ly Voted that and the other Bussiness that were put in the Notification is Thought Not Necessary.

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October 12, 1758 The Notification that was [?] up for a meeting on October 12, 1758 is [void?]  
By Reason of the [non?] appearance of the Proprietors of Sd Spencers Town.

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At a Legal Proprietors meeting Held in Spencers Town  
October 19 1758 Then Past the Following Votes Viz.

1 ly James Sexton Moderator.

2 ly **Voted that the Votes that was past September [13?] 1757 about Sizeing the Selling Lots Shall Be Disanulled.**

[No reason is apparent for this reversal of course with respect to laying out the Second Division of land].

3 ly Voted that Truman Powell Shall Be Dismissed From Being a Committee man.

4 ly Voted that Ephraim Kidder Shall Be Turned out From Being a Commiitee man.

5 ly Voted that Joseph Chittendon Shall Be Turned out From Being a Committee man.

6 ly Voted that Thomas Skinner Shall Be a Committee man in the Room of Truman Powell.

7 ly Voted that there Shall Be But five of the Committee in the stead of seven to Lay out the Setling Lots.

[Does this change in and reduction in the membership of the selling lot committee suggest some dissension within the proprietorship?]

8 ly Voted that Any man that has part of an original [ ? ] of Land in said Propriety Shall Be allowed to Lay together to the Value of one Whole Rite.

9 ly Voted that there Shall Be twenty pound Lawful money Raised to Defray the Charges of Laying the Highways.

10 ly Voted that Nehemiah Spencer Shall Be a Collector to Gather the money that is Raised to Defray the [charges?] of the Highways.

11 ly Voted that Thomas Skinner Shall Be the [Proprietors ?] Treasurer to call the Collector to an account about money for high ways and and pay out to them that [?] of Sd property.

12 ly Voted Seth Powell Shall Be a [assessor?] to make upon every man for the Laying out of the highways.

[End of page 3]

13 ly Voted the Committee that Was to Layout the main Highways Shall Be empowered to Layout the Cross Highways in Sd Propriety.

14 ly **Voted that the Hogs Shall Be allowed to Run at Large in Sd propriety.**

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[By this time John Van Rensellaer, claiming ownership of the Spencers Town area as part of the vast Rensellaerwyck manor, created under patents granted by New York to his ancestors in 1685 and 1717, was asserting that the proprietors were squatters without any right to occupy his land. In addition, New York and Massachusetts Bay were in dispute over the proper location of the boundary between the colonies. Because of these disputes the area became known as the “land of contention,” as one soldier noted in his orderly book recording his 1759 trip from Sheffield to Albany. Curiously, the Proprietors Book gives no hint of these disputes until 1765.]

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November 5, 1759

At a Legal Proprietors meeting held in Spencer Town. Then and There

1ly Voted that there Shall Be a Writing Drawd up for the Proprietors to Sign in order to Maintain a Minister.

2 ly Voted that Joseph Lawrence Shall Draw up Said Writing.

3ly Voted Ensign John Deen [Dean] Simeon Spencer and Ahimaaz Spencer are appointed to Get the Nonsetlers to sign Said Writing According to What they Will Give.

[Does “nonsetlers” refer to the pre-1756 settlers?]

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November. 26 1759

At a legal proprietors Meeting held in Spencers Township Then & There

1 ly Voted Thos Skinner Moderator

2 ly Voted Joseph Prindle Proprietors Clerk March 20th 1760 was sworn for said office

3 ly Voted that any man that shall buy a part of any original Rite of Land Shall have liberty to Lay Sd Land to his mind not Discomoding the Propriety.

[This resolution seems to give a purchaser of a right from a 1756 deed grantee the same right to lay out their land as would be accorded to the deed grantee, provided the layout did not discommode the propriety].

4 ly Voted Thos Skinner [Dismiss?] from Being a Committee man.

5 ly Voted that Joel Spencer is Dismissd from Being a Committee man.

6 ly Voted that John Hawley is Dismissd from being a Committee man.

7 ly Voted that John Deen [Dean] is Dismissed from being a Committee man.

8 ly Voted that James Sexton Is Turnd out from being Committee man.

9 ly Voted that Joel Spencer is the oldest Committee man.

10 ly Voted that Ahimaaz Spencer is the Second Committee man.

11 ly Voted that James Spencer is the third Committee man.

12 ly Voted that Nehemiah Spencer is the fourth Committee man.

13 ly Voted that Thos Skinner is the fifth Committee man.

14 ly Voted that Joseph Prindle is Chose a Surveyor to Lay out said propriety.

15 ly Voted that the Committee Shall Be appointed to [                    ?                    ].

[End of page 4]

[On March 20, 1760, the 1756 Indian deed was finally recorded in Hampden Co. Massachusetts Bay deed registry in Springfield.. Perhaps the proprietors had become concerned about the state of their title].

At a Legal meeting holden at Spencer Town on April 16th  
1760 Then passed the following votes

first voted Mr. Joseph Lawrence moderator

Second voted Joseph Prindle proprietors Clerk

3d voted that he that is highest in nomination shall be Committee man for laying out our first  
and other Division

4 th voted Ensign John Dean the first committee man of the Business aforesaid

5 th voted James Sexton a Committee man for Said Business

6 th voted Joel Spencer a Committee man for Said Business

7 th voted John Hawley a Committee man for Said Business

8 th voted Judah Munis Lawrence a committee man for Said Business

9 th voted that the first day of October next Shall be the extent of time for the Laying out of the  
first Division and all those that Neglect to lay out their lots by that time may not expect  
otherwise than to take up their first Division out of the undivided Land.

10 voted that the Committee appointed for Laying out of land Shall have power to alter or lay  
out the Highways where it will do the Publick most good with the liberty of the proprietor  
Said Committee to make them good out of the undivided Land.

11 th voted that the nonresidence [non-residents ?] land Shall not be Sized the first Division.

**12 th voted that whereas there is a Right and an half in Spencer Township that is without  
Any owners in perticular but is owned by the propriety in general by a grant for  
taking one general Deed of the natives it is now voted that one Right of Said right and  
half Shall be given to the first gospel minister Settled in Said propriety.**

13 th voted Joseph Prindle a Surveyor for Said propriety

14<sup>th</sup> voted that the Committee Called Societies Committee appointed to agree with Mr Clark are impowered to give Mr. Jesse Clark a Deed of a Right of land (that was voted to the first gospel minister as per above) provided he Settles in Said propriety in Said Function.

[Jesse Clark, Yale College class of 1756, did settle and served as the community's pastor from 1761 to 1780.]

15<sup>th</sup> voted this meeting is adjourned to the Eight day of October next at Ten of the Clock in the forenoon

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at an adjoyrned meeting October 8th 1760.

16<sup>th</sup> voted this meeting adjoyrned to Mr. John Spencer's house

[This is the first reference to the venue of a meeting. The location of John Spencer's house, with its lot of 3 acres 3 rods, is not known].

17 voted that the Second Division Shall not be Sized

18 voted that any man in the Second Division Shall have [ Liberty to farm ?] as Large a part or all as he [ ? ]

[End of page 5]

the propriety and but one piece alone or abroad.

[Though much of item 18 is illegible or lost, it appears that the 100 acre limit on the size of a first division lot was not applied to lots allocated in the second division, which could be larger].

19 voted that Mr. Noadiah More Shall be a Committee to Draw lots for our turns to Lay out our Second Division.

20 voted Mr. Joel Spencer a Committee for the Last aforesaid Business

21 voted that the first day of November next is the day to begin to lay out our Second Division

22 voted that any two of the Committee for laying out of our Divisions of land Shall be looked upon Sufficient to sign a survey bill

23 **voted that there shall be allowed two days to a Right for laying out the Second Division.**

24 **voted that if upon some Reasonable excuse the Committee or surveyor not being able or cannot attend the Laying out of a man's lot when his turn comes it shall be sufficient for any man to make application to Mr. Joel Spencer and Joseph Prindle and acquaint them where they make their pitch they make a Record of the same so as it may be known indisputably where it is and where they intend to begin which shall be looked upon lawful till an opportunity Presents itself to Lay out the same**

25 voted this meeting Dissolved

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At a Legal Proprietors meeting holden in Spencer Town october 30th 1760

First voted Mr. Cornelius Hamblin Moderator

Second **voted that we will Purchase the mile and three Quarters of the Indians included in our Grant**

Thirdly **voted Mr. Joel Spencer a Committee to agree with the Indians about the purchase**

Fourthly **voted [Ensign] John Dean a Committee and Mr. John Hawley a Committee for the Business of agreeing with the Indians**

[This reference to a remaining Indian title to some land within the tract sold under the 1756 deed is puzzling since the deed itself contains no such reservation of title. The Proprietors Book does not indicate that this proposed agreement with the Indians was ever consummated].

Sixthly voted that it shall be Left in the Breast of our Committee to say when the Second Division of Land shall stop their Pitching and Laying out by Reason of Bad weather till the first day of [March next?] and then the Proceed as [before?]

[Seventhly ?]

[End of page 6]

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## At an adjourned meeting November 20th 1760

8 thly voted this meeting is adjourned to Ensign John Dean's house in the space of a Quarter of an hour

[John Dean's house is believed to have been on Route 203 at the site of house 83 in the *Old Houses* book, the house now on the site having been built by one of his sons in the early 1800s].

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## At adjourned meeting November 20th 1760 at Ensign John Dean's house

9 th voted that we will proceed in choosing assessors for the year ensuing

10 thly voted Mr. Lawrence an assessor for the year ensuing

11 thly voted Mr. James Spencer an assessor for the year ensuing

12 thly voted Mr. Ahimaaz Spencer an assessor for the year ensuing

13 thly voted Truman Powel an assessor for the year ensuing

14 thly voted Mr. Cornelius Hamblin an assessor for the year ensuing

15 thly voted Nehemiah Spencer a Collector to gather our [Rates]

16 thly voted Mr. Amos Lawrence a Collector to gather our [Rates]

17 thly voted this meeting is Dissolved

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February 16th 1761 To the Clerk of the Proprietors of Spencertownship you are hereby Desired to warn a proprietors meeting to be held on Tuesday the third day of March next at the house of Deacon Simeon Spencer in said propriety at twelve of the clock then and there to consider what they will do with the Remaining part of said Township not Purchased of the Natives Whether they will Lay it out into Lots or any other way thought proper by said meeting and to see whether they will not chuse another Committee & surveyor to Lay out said unpurchased Land and to



**10th voted that each surveyors Destrict shall be as followeth viz Mr. Richmond's the Southwest part of the Township and to take in all that is necessary to be done in the Highways to the gristmill Brook Mr. Whitmore's to take in all in Southeast part of the Township to the gristmill Brook and to the Brook between Mr. John Hawley's and the burying place and Mr. Nehemiah Spencer all the rest.**

[The "gristmill Brook" refers to the Punsit Creek. But where was the "Brook between Mr. John Hawley's and the burying place"? ]

[End of page 8]

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**At a Legal proprietors meeting held at Spencer Town  
March 3[1<sup>st</sup> 1761?]**

1st voted Deacon Joel Spencer moderator

2 d voted that clause in [?] ning concerning pitching the meeting house shall not be acted [upon]

[The meeting house, later St. Peter's church, was not erected until 1771].

**3dly voted that we will give Mr. Jesse Clark fifty pounds Lawfull money for the present year and rise five pounds yearly till it comes to sixty pounds and there stand three year and then rise to sixty five pounds and there to stand yearly during said Mr. Jesse Clark's Regular preaching in Spencer Township**

**4thly voted that we will give said Mr. Jesse Clark sixty pounds Lawfull money towards Building him a house**

5thly voted that Deacon Simeon Spencer shall be our Treasurer for the year ensuing

**6thly voted that any Proprietor shall have liberty to work out his part of [?] or his charge in the Highways**

**7thly voted that [?] surveyors shall order the work to be done on the Highways & no where [else?]**

8thly voted [?] the surveyors shall give a Reasonable time or warning to the proprietors to work in the Highways to the [?] they may inspect the same

9thly voted that the surveyors shall give a True and just account of every man's labour together with a just valuation of every man's labour to the Treasurer

[This system providing for landowners to give their labor toward maintaining the highways, rather than pay a highway tax, was continued in this area right until the early 20<sup>th</sup> century.]

10thly voted that the several Sums granted by the Proprietors shall be paid by the third day of September next

11thly voted that the work done since the warning of this meeting [and] so for the future shall be paid for & none else

12thly voted there shall be a Dollar & an half raised for making good highways

[End of page 9]

[13thly voted Ahimaaz?] Spencer & David Spencer & Truman Powel Collectors to gather the severall sums granted by us for the year ensuing

14thly voted that we will meet on Sundays for Publick worship at Mr. John Spencer's house

15thly voted this meeting Dissolved

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July 21, 1761: John Van Rensselaer demanded that New York authorities give him notice of any petitions seeking land within Rensselaerwyck and the opportunity to object to same.

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Whereas a Number of the Proprietors of Spencer Township five at Least have made application to me the subscriber hereof Clerk of said Proprietors to warn a Proprietors meeting to be held at the house of Mr. Joseph Lawrence in said Proprietors Township at three of The Clock in the afternoon on Thirsday the Eighteenth of Instant February Then and there First to Chuse a Moderator 2dly to Chuse A New Proprietors Clerk - Pursuant thereto I warn all said proprietors to appear at said place as above said for the above said Reasons

Joseph Prindle Clerk

This 2d day of  
February 1762

[The house of Joseph Lawrence is believed to have been on South Street near the site of house 43 in the *Old Houses* book, the house now on that site having been built by his son Judah or grandson George in the early 1800s.]

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at a Legal Proprietors meeting holden in Spencer Town  
February 18th 1762

first voted Esqr Sam'll Hutchinson moderator-

2dly voted Sam'll Hutchinson Junior Clerk of sd propriety of Spencertown

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Oct. 20, 1762: Van Rensselaer prevails in a challenge to his patent rights; case is not related specifically to Spencers Town.

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Whereas a number of Spencertown proprietors five at least have made application to me the subscriber Clerk of sd propriety to warn a proprietors meeting to be held at the House of Abner Hawley in sd Spencertown on thursday the twenty eighth Day of November 1765 to chuse a moderator 2dly to chuse an agent to send to new york and to do what other Business should be thought proper Respecting Land affairs and Defending the Same against other Claimers pursuant thereto I have Legally warned Sd propriety to meet at sd time and place for the above purposes.

November 12 1765

Samuel Hutchinson Clerk

[The over three-year gap between the previous meeting of the proprietorship in February 1762 and this noticed meeting in November 1765 is noticeable. The reason for the gap is not known, but the reason for the 1765 meeting is apparent: the threat of the Van Rensselaer claims to the land was becoming acute].

[End of page 10]

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## At a Legal proprietors meeting held in Spencertown Novemr 28 1765 [at the house of Abner Hawley]

First voted Decon Simeon Spencer moderator

secondly **voted that we will Defend our Land against other claimers.**

[The “other claimers” surely refer to Van Rensselaer, and possibly also to the Westenhook patentees, who claimed the area under a 1705 patent from New York].

thirdly voted that Each proprietor should Do their Equal proportion of Expence in Defending their lands

fourthly **voted and chose Ensign Dean an agent to represent our case at New york or Else Where in defence of our Land**

[The reference to “New York or elsewhere” suggests the proprietors at this time were unsure whether they were subject to the laws of New York or Massachusetts Bay].

fifthly voted that Ithamer Spencer Ezekiel Baker and Edward Richmond be a committee to assess each proprietor and make a Rate and collect money to Defray charges in Defense of our Land

sixthly voted that sd Committee should make a Rate upon Each Right of Land considered in its own Native Circumstances [?] much more on those that have improvements as said committee shall think Reasonable and just

seventhly adjourned sd meeting to the Second Day of January 1766

Samuel Hutchinson Clerk

[The proprietors book contains no record of a meeting held on the adjourned date of January 2, 1766].

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[On August 5, 1766, a force of 50 British soldiers attacked Spencers Town, acting at the request of Philip Schuyer representing the Van Rensselaer interests. The troops harassed local farmers during their harvest season, probably in the southwestern part of today’s Austerlitz, with the aim

of forcing them to abandon their farms or recognizing the Van Rensselaer title. The farmers stayed put, and the troops were withdrawn later in August. It is curious that the Proprietors Book makes no reference to this documented attack.

The August 5 attack was preceded by a more violent one on July 26-28 against the Nobletown [Hillsdale] settlement. Several homes of the settlers were destroyed, and many of the settlers sought refuge in Egremont, Sheffield and Great Barrington.

These incidents were a part of what is known as The Great Rebellion of 1766, a series of uprisings in the Hudson Valley by settlers against the Van Rensselaer and Livingston manors and other manors further south].

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April 24, 1767: Trial ordered in new suit by Crown against Van Rensselaer challenging his patent.

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## May 14th 1767 at a Legal meeting of the Proprietors of Spencertown at the House of Abner Hawley in Sd Spencertown

Decon Simeon Spencer Chosen moderator

Sd meeting adjourned to the 18th of this [month?] at Sd Hawleys at two of the clock afternoon

[The house of Abner Hawley is believed to have stood on Dugway Road on a lot next to the red barn now located at the junction of Dugway and Cross Road. See the 18<sup>th</sup> century artifacts recently recovered from this site displayed in the Austerlitz Archeology wall case in this history center].

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## May 18 at an adjournd meeting of Spencertown proprietors at the house of Abner Hawley

1st Voted that Decon Simeon Spencer and others [who raise?] money for the use of the sd proprietors shall be allowed for their time and expenses out of the payments of their notes or publick Dues.

2d voted that this meeting be adjourned to the 27<sup>th</sup> [of?] this instant at one o'clock in the afternoon at this house

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## May 27. At an adjourned meeting of the proprietors of Spencertown

**1<sup>st</sup> voted that a memorial be forthwith sent to Boston by the committee with Nobletown and tockonock Requesting the protection of the Government of the massachusetts Bay**

[Nobletown, occupying most of today's Town of Hillsdale, and tockonock, occupying today's Town of Mount Washington in Massachusetts, were similarly threatened by the patent claims of Van Rensselaer and Livingston, though the latter did not impact Spencers Town].

2<sup>ly</sup> voted to join with nobletown in sending a man to see Mr. Ingorsal as an attorney

["Mr. Ingorsal", proposed attorney, was almost surely David Ingersoll of Sheffield, an attorney and land speculator often involved in the border disputes between the states and accused of stirring up trouble between the New York settlers and the Van Rensselaer and Livingston interests].

The meeting adjourned to next wednesday the 3d of June at three oclock afternoon at Abner Hawley's

Samuel Hutchinson Clerk

[End of page 11]

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June 3d 1767 A proprietors meeting Opened and adjourned to wednesday the 10 of this Instant June at 3 oclock afternoon at Abner Hawleys

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At a Legal proprietors meeting held at Abner Hawleys  
Spencertown December 10 1767

voted Decon Simeon Spencer moderator

voted William Kellogg an agent to Represent us at Boston with power to Inpower an agent at Boston to send or carry a petition and lay before his majesty

[William Kellogg was a leader of the Nobletown proprietorship and his house was among those sacked in the attack of July 1766. The reference to Boston shows that the proprietors were looking to the Massachusetts Bay government for protection against the New York claims of Van Rensselaer and others. The idea of sending a petition to the King of England was in fact carried out in 1774 by the settlers of the King's District (see Epilogue below)].

voted that Ensign Dean should be paid for a journey to the nine Partners to get money for Wm Kellogg

[The Nine Partners patent was in Dutchess County.]

Samuel Hutchinson Clerk

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## At a Legal proprietors meeting held in Spencertown at the House of Abner Hawley January 25 1768

Decon Simeon Spencer was chosen moderator

The meeting was adjourned to the next monday the first Day of February at the same place of twelve oclock

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## February 1st 1768 at a Legal meeting of the proprietors of Spencertown held by Adjournment at the House of Abner Hawley

Voted that those who have accounts against the propriety shall be allowed so far Back as to include the charge of Esqr. Woodbridg's Journey to New york

Voted that those who joyn with the proprietors of Spencertown in purchasing the Remainder

of the grant shall have as good Right as any proprietor

Voted that those proprietors who shall within one month from this Date pay their Equal part of the Cost from first to Last shall have the privilage of being Equal proprietors in Sd Remainder of the grant.

Voted that Nath'll Colver and Sam'll Hutchinson be a committee to agree with and purchase the said remainder of the Grant of the Indians.

[Again a puzzling reference to the need to purchase some portion of the 1756 deed grant still owned by the Indians].

Meeting Dissolved

Samuel Hutchinson Clerk

[End of page 12]

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April 27, 1768: Petition on behalf of inhabitants of New Canaan and Spencer townships to Governor of New York seeks grant from Crown of lands they have settled if Crown prevails in its pending suit against Van Rensselaer – see April 24, 1767, above -- absent which grants they will suffer “ruin and distress.”

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May 25 1768 at a proprietors meeting At the House of Abner Hawleys in Spencertown Legally warned and assembled.

Decon Joel Spencer was chosen moderator and the meeting was adjourned to wednesday the first of June 1768 at Abner Hawley's in Spencertown

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June 1st A.D. 1768 At a Legal proprietors meeting by adjournment Regularly assembled at the House of Abner Hawley in sd. Spencertown

**Voted that Sam'll Hutchinson go to albanys for advice and get a copy of the names of the**

## jury in Mr. Dean's Case

["Mr. Dean's Case" is a mystery; perhaps this refers to the pending Crown vs Van Rensselaer suit. The need "to go to Albany for advice" probably reflects an increased realization that Spencers Town may well be determined to be in New York, not Massachusetts Bay].

Voted Deacon Joel Spencer and Edward Richmond be committee to warn off those who intrude on our lands

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Chose Ahimaaz Spencer moderator of the meeting in the Room of Decon Joel Spencer. On his request the meeting adjourned to the 8th of June

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June 8 1768 The above mentioned meeting was opened and dissolved

Samuel Hutchinson Clerk

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Nov. 1768: Van Rensselaer prevails in suit by Crown (see April 24, 1767, above).

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April 24, 1771: Petition by 231 settlers from Spencers Town and Nobletown objects to Van Rensselaer's effort to assume command of the local militia.

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[Again a noticeable gap occurs between the proprietors meeting of June 8, 1768 (at which no action was taken), and next meeting some three years later].

A meeting of the proprietors of Spencertown on [16?] of may 1771 Legally warnd and [Convened?]

[Abner?] Spencer was chosen moderator

2dly chose Solomon Hutchinson proprietors clerk and the meeting was dissolved

[?] pr. me

[End of page 13]

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At a Legal proprietors meeting held at the meeting house in  
Spencertown [March?] 30, 1772

1 ly voted Decon Simeon Spencer moderator

2 ly voted to raise money by subscription to defend [our lands ?]

3 ly voted to chuse a committee to [receive [funds and to dispose of the same in Defense of  
our Lands

4 ly voted Noadiah More Leuit. Abner Hawley [Benjamin ?] Chittendon proprietors comtt to  
collect and pay out money [ ? ] raised by subscription

5 ly **voted Capt nathaniel Colver William Calluff [Kellogg ?] agent to go with [ ? ]  
Nobletown agent to New York**

[Again the proprietors now look to New York rather than Massachusetts Bay as the place to  
plead their cause].

6 ly voted to pay Esqrs [?] three pound New york money which are [demand of ?] for [services?]  
for this town

this meeting adjournd until the first monday in May

Solomon Hutchinson Clerk

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At a meeting Legally warned on the 30th of Sept [1772?]  
warnd the proprietors committee for the inhabitance of  
Spencertown meet at the time appointed and afore untill the fifth  
Day of october

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then mett and opend the [?] and chose [Decon] Simeon Spencer  
moderator

2nd voted that Cpt. Solomon Hutchinson be a committee man for the Proprietors to transact in  
the affairs of the lands

3dly voted that David [Pratt?] be a committee man to transact in behalf of the Proprietors the  
affair of their Lands.

4thly voted that Capt. James Spencer Be a committee man for the proprietors to transact in the  
affairs of [their] lands

5thly voted that the non proprietors [come and join?] on reasonable terms to sign a petition for the  
Land

6 ly voted Mr. David Pratt be a Treasurer to Receve the money and species and to be allowed for  
it that shall Brought

7thly voted This meetin is ajournd untill wendsday next at twelve clock at the meeting  
House.

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Meet at Said time place [Oct. 14 ? 1772]

Voted that collectors be chosen to collect [money subscribed]

2 voted that [?] Abner Hawley and [ ? ]

### **[End of page 14 and the record of meetings]**

[There follow in the book pages 16 through 20 describing the layout of high ways and pages 21  
through 56 describing the layout of selling lots. At the bottom of page 56, which appears to  
mark the end of the Proprietors book, appears this inscription:]

Delivered to me by Elisha Williams Esquire  
May 13<sup>th</sup> 1833 A.P. Holdridge

## Mr. Williams died June 1833

[Elisha Williams (1773 -1833), from Pomfret, Connecticut, attained great fame as a lawyer in Hudson and as a local leader of the Federalist party. He had begun his practice of law in Spencertown in 1793, moving to Hudson in 1799. We can speculate that the Proprietors Book had come into his possession during his Spencertown years. Abraham P. Holdridge (1782-1862), who had arrived in Spencertown around the time that Williams had departed, was a prominent Spencertown lawyer and a judge].

[In the restored Proprietors Book here preserved there appear after page 56 four unnumbered pages. The nature of the first three, which are not complete, is unclear. They appear to record various charges or expenses, but some may relate to Holdridge's store rather than the proprietors era. The fourth page contains a list of the 75 grantees on the 1756 deed, listed in the order in which they appear on the deed itself. Next to each name are two numbers, the first of which has been crossed out. These numbers appear to reflect the drawing by lot for the order in which the proprietors were permitted to pitch their selling lots. Perhaps the crossed- out numbers relate to the first division, and the second numbers relate to the drawing for the second division pitches. The book contains no clear reference to the drawing for first division pitches. But with respect to the second division the record of the meeting for Sept. 13, 1757, item 7, states "that each proprietor shall draw for his turn to pitch for the Second Pitches."]

## Epilogue

By 1772 the jurisdiction of New York over Spencers Town had become clear, and thus also the invalidity of the 1756 Indian deed granting title to Spencers Town under the laws of Massachusetts Bay. Accordingly, the Spencers Town proprietorship was discontinued in fact, though the Proprietors Book has no such statement.

On November 24, 1772, the inhabitants of Spencers Town, represented by John Dean, Nathaniel Colver, Solomon Hutchinson, David Pratt and James Spencer, presented a petition to New York Governor Tryon praying that he grant the Spencers Town inhabitants a patent corresponding to the boundaries of the 1756 Indian deed.

No action seems to have been taken in response to this petition. Instead, in January 1773 Tryon and Van Rensselaer entered into a revised patent agreement under which i) Van Rensselaer surrendered his claim to the area extending northward from a line -- the "Van Rensselaer line" -- roughly one-half mile south of the hamlet of Spencertown to the northern border of the King's District (today the northern boundary of Columbia County) and ii) New York confirmed Van Rensselaer's patent from the Van Rensselaer line southward to the Livingston patent.

A further effort to vindicate the title of settlers in the King's District (the southernmost portion of which is within today's Town of Austerlitz) led to proceedings in London in 1774-75 before the King's Privy Council, in which the agents of the settlers, Nathaniel Colver and James Savage, were represented by attorney David Ingersoll (see May 27, 1767, meeting above). Before the Council's decision could be finalized the outbreak of the Revolutionary War aborted the proceedings.

The residents of what today is the Town of Austerlitz did not obtain valid title to their land until i) with respect to land north of the Van Rensselaer line, passage of a New York statute in 1793 granting title to all those in actual possession of the land, and ii) with respect to land south of the Van Rensselaer line, an 1803-04 settlement between the Van Rensselaer heirs and the settlers negotiated by no less than Alexander Hamilton, acting as attorney for the Van Rensselaer heirs.