

De Kalb Government Bicentennial by Bryan Thompson

When the officers of the town of De Kalb are sworn in January 2006 it will mark the 200th year of local government rule in the township of De Kalb. The Town of De Kalb was officially chartered by the NYS legislature on February 22, 1806. The first town meeting was designated to be held on the second Tuesday of March 1806 at the Hotel in the village. Although laid out by the NYS Surveyor General in 1787, from 1803 until March 1805 the township of De Kalb was governed as part of the town of Oswegatchie.

The actual minutes of this meeting do not exist the official town record book begins with the oaths of office of the first elected town officials sworn on March 17, 1806. If our current government officials were to be transported back to that time they would hardly recognize the government officials and their responsibilities.

The structure and function of town governments is governed by the constitution of the state of New York and by additional laws passed by the legislature. The town of De Kalb has been governed by the NYS constitutions of 1777, 1822, 1846, and 1894. Each time a new state constitution was enacted the whole town governmental structure was revamped.

Under the constitution of 1777 and up until the constitution of 1894 annual town meetings were held each year in the township. These meeting were similar to the ones that continue to this day in the New England states. At these early meetings eligible voters met at a designated meeting hall and voted on, town officials for the coming year, the town budget, and any town ordinances. Under the 1777 constitution the town meeting also audited the town books for the previous year.

Those eligible to vote in 1806 were white males over the age of 21 who owned a freehold worth 20 New York Pounds or a rental valued at 40 Shillings (NYS currency). If you wished to vote for Governor or Senator you had to possess a freehold property valued at least at 100 NYS pounds.

The first officials elected to town offices in 1806 were:

Supervisor: Isaac Stacy At this time the Supervisor served as chairman at all town meetings and was responsible for calling special meetings as needed. It was also the Town Supervisor's responsibility to personally hold the town's treasury, pay all bills and loan out any excess funds, as he felt appropriate. This led to some interesting controversies in later years.



Justice of the Peace: James Cooper It was the Justice's responsibility to administer the oaths of office to all elected town officials, perform marriages and to hold town court as needed. Under the 1777 constitution the local choice for this office was only a recommendation given to the NYS Council of Appointments who had the final say on who served as Justice of the Peace.

Town Clerk: Amos Comely It was the Town Clerk's responsibility to keep official records of the minutes for all town meetings, record all oaths of office, record road surveys, record liquor licenses issued, record the annual audit, record the livestock control marks of citizens of the town, keep the towns official set of weights and measures, and collect and send to the county clerk each year a list of all those citizens of the town eligible for county jury service.

Assessors: James Burnett, John Seeley, and Thomas B. Benedict The assessors were responsible for determining the value of each rental and freehold property in the township. Based on this value they then determined how many hours each person had to work on the town highways. Non-resident owners were assessed a minimal dollar amount tax.

Highway Commissioners: Potter Goff, Timothy Utlely, and Elias Alexander. The Highway Commissioners were responsible for determining where roads would be laid out in the town and determining where and how many highway districts there would be in the town. They then determined how many hours would be worked on the roads in each district. They initially designated 8 highway districts in the township.

Path Master (or Superintendent of Highways): Isaac Stacy, James Burnett, Jacob Preston, Daniel Barker, Levi Holt, Solomon Rich, Ichabod Arnold. The Path Masters were responsible for supervising their neighbors assessed days of work on the town highways in their district. If the assessed number of days was not worked it was the Path Master's responsibility to collect a cash

fine from the guilty citizens. In 1806 most districts worked their required days. Isaac Stacy's district worked an extra day. Jacob Preston's district worked 26 extra days. Only Solomon Rich and Levi Holt's districts did not do their required number of days. Levi Holt's district was short four days labor and were assessed a bill of 94 cents for the short fall.

Overseer of the Poor: Esek Whipple, Timothy Utley. The Overseerer's of the Poor were responsible for the care of the needy in the town. They were also responsibility for the care of the town grave cloth.

Constable and Collector: Elijah Farr. These were two separate offices that were combined in De Kalb. The Constable was responsible for removing unruly people from the town to the county jail, serving warrants and court orders etc. The collector was responsible for collecting cash taxes from nonresident landowners and other fees assessed by the town.

Fence Viewer: Solomon Pratt and Esek Whipple. The job of the fence viewers was to make sure that all residents kept their property fenced with a legal fence. They also mediated boundary disputes between neighbors and determined an equitable division of maintenance of boundary line fences. Hence they would decide neighbor X maintains the fence from the river to the oak tree and neighbor Y will maintain the fence from the oak tree to the road. These divisions of fencing responsibility remained in de facto effect in the town until very recently. First elected in 1807.

Pound Master: William Cleghorn. The pound master's job was to feed and care for animals placed in the town pound, find their owners and levy fines to cover the cost of their care. These animals were domestic farm animals not dogs and cats! The pound itself was just a fenced enclosure. First elected in 1807.

Inspectors of Election: The inspectors were the Town Supervisor, Town Clerk and the Assessors. They only inspected State and Federal elections. These elections were held the 4th Tuesday of April and the polls were open from 9 AM until 6 PM for 3 days. This was done to give all voters a chance to get to the polls and vote.

Commissioners of Excise: The commissioners of excise were the Town Supervisor, the Justice of the Peace and the Justice of the Peace from a neighboring township. The first commissioners in De Kalb were; Daniel Church, James Cooper and Isaac Burnham (1807). The duty of the commissioners of excise was to grant liquor licenses to inns and stores in the town.

In 1812 the New York State legislature passed the common schools act making each township responsible for maintaining schools within their boundaries. New offices were added to the town government in 1813 to fulfill these responsibilities.

Commissioners of Schools (1813): Joshua Dewey, Potter Goff, and Elisha Griffin. Inspectors of Schools (1813): Isaac Burnham, William Cleghorn, Timothy Newell, and Richard Merrill.

The first school district list for the town in 1813 listed only four districts in the Township. They were defined as follows: District number one Including all living on Farr tract except John Ross, the Smiths and Jared Durkee are included in district number one. District number two Including all living from Rich's Settlement to Canton line except those in Rich's and Bristol's settlement. District number three Including all Rich's settlement. District number four Including all what is called Bristol's settlement (now Depeyster).

Under the town meeting system town laws could only be passed at a meeting of the town electorate. These meetings were held once a year the first Tuesday in March. If a new law was needed during the year it was necessary to call a special town meeting. The first of many of these special town meetings was called in April 1807. A special town meeting was called to "prevent falling trees on the river without being cut short and trimmed out". It was voted to fine "he she or they" one dollar for ever instance of a tree longer than 14 feet and not trimmed up being left in the river.

In the early years the town budget was very small. The only bill lodged for 1806 was a road survey bill from Potter Goff for surveying eight new roads in the township. He received \$22.50! By 1811 expenses had increased, the town clerk was paid \$6.20/ yr, a new town pound was completed for \$12 and the town spent \$100 on highway improvements.

In 1822 the NYS electorate passed a new constitution. The immediate effect was that state elections were held in November of 1822 on the fourth, fifth, and sixth. The new constitution allowed almost all landowners no matter how miniscule their holdings the right to vote. It still precluded renters from voting in an attempt to squash the increasing power of NYC and the other major urban areas in the state. On the other hand, for the first time local people voted directly for presidential electors rather than having them chosen by the NYS Senate.

In November 1826 the constitution was amended to remove the property ownership from the right of franchise for white males while at the same time doubling the amount of property necessary for a free black man to vote. The voters of De Kalb carried this measure: 99 for 3 against.

A second amendment was passed allowing for the direct election of local Justices of the Peace in each town. There were to be 4 Justices of the Peace in each town to serve 4 year staggered terms. The first Justices were

elected in November 1827 with County and State officials rather than at the annual town meeting.

The constitution of 1822 required each town to elect an official Sealer of Weights and Measures and Commissioners of Public lands. The first person to hold the job of sealer in De Kalb was Lucius Preston. The first Commissioners of Public lands were: Elisha Griffin and Seth Alexander. The 1822 constitution removed the Town Supervisor from the role of annual town meeting moderator; instead a separate moderator was elected at the beginning of each town meeting to serve for that day.

By 1822 with the additional responsibility of the public schools the town budget had grown to \$1239.25. It was now the town clerk's responsibility to publish an audit of town monies at each annual town meeting. In 1825 the town voted to have the Path Masters serve as Fence Viewers in their respective districts to cut town expenses.

In 1839 the annual town meeting date was changed to the second Tuesday in February. At various times very divisive issues were discussed at the town meetings. A division of the house was called on the issue of whether a separate town of Richville should be erected from the towns of De Kalb, Gouverneur, and Hermon. The vote stood at 36 for and 83 against. In 1849 when considering whether to build a bridge over the Oswegatchie at Richville the issue was so contentious that the final vote was taken by the electorate dividing in the street into pro and con groups.

In 1843 state law was changed to require each town to elect three election commissioners for each voting district in the town. The first election commissioners in De Kalb were: District one; Samuel Clark, Asa Sprague, and Dwight Spencer. District two: John C. Rich, E. H. Hopkins, and Roswell White.

In 1845 the issue of temperance, which was to be contentious for over half a century to come, appears in the town records for the first time. Resolution 11 for 1845 stated, "Resolved that the Board of Excise grant no licenses for the ensuing year". A special town meeting was held on the issue in May 1846 and the same resolution was carried 114 to 80. In 1847 at another special poll on this issue 129 voted for granting licenses and 116 against. Thus establishing a pattern where liquor licenses would be issued for some years and not for others at the whim of the voters.

In 1846 NYS saw yet another new constitution. This constitution changed very few local offices. It did however give local towns the options to vary the number of officers of each type that would be elected. The 1846 constitution used the term "Town Board" for the first time, The Town Board could meet to consider payment of bills between town meetings and to audit the town accounts at the end of each year. The board consisted of the Supervisor, two Justices of the Peace and the Assessors.

The most momentous effect the 1846 constitution had on the town was in land ownership. The constitution forbade absentee landowners from leasing agricultural lands for more than 12 years without offering sale to the tenant. In 1846 absentee landlords held more than half the land in the township. By 1860 the number of farms held by absentee landlords was dramatically reduced.

In a cost cutting move the town immediately reduced the number of Overseers of the Poor, and Assessors to one. This did not really reduce the number of town officials as the number of Path Masters had grown to 42! 1847 was the one time in town history when one person was elected to serve as both Town Supervisor and Town Clerk. Orin M. Fisk held both offices in that year.

The business of the town government continued to grow and become more complicated. The official records had grown from only one book to five in just ten years. The town increased the number of town Constables to five in 1861. The Civil War led to many special town meetings about the issuance of bounties to enlistees. Each town administered the draft enacted during the Civil war locally. De Kalb, in an attempt not to use the draft, increased their enlistment bounty repeatedly until it reached \$300 PER VOLUNTEER AT THE END OF THE WAR. This was the largest bounty paid by any municipality in St. Lawrence County. In order to finance the bounties the town of De Kalb issued bonds, going into debt for the first time in its history.

Through out the latter part of the nineteenth century town governance became increasingly more complex. Finally in 1891 at the 85th annual town meeting a citizen's petition was presented to have separate town meetings in each of the four election districts. This effectively ended the era of direct democracy in De Kalb, as spontaneous motions could not be accepted from the floor when four separate meetings were held concurrently.

The New York State constitution of 1894 ended the town meeting system of local government. The date for local elections was changed to odd numbered years leaving even years for state and national elections. In February 1895 the Town Board of our current governmental system met for the first time. However it was composed of the four Justices of the Peace and the Town Supervisor. The Town Board now had the exclusive power to legislate local laws.

The board was made up exclusively of Justices of the Peace and the Supervisor until 1955 when one Justice was dropped in favor of a Town Councilman. A second Justice was dropped in 1958 and a second Councilman added. In January 1980 the Justice of the Peace became a

judicial position only. The town board currently consists of 4 Town Councilmen and the Supervisor.

In 1902 The Town of De Kalb considered whether to adopt the "money system of highway labor"(In other words paying highway tax money instead of working your taxes off on the highways.). The motion lost 216 against to 108 for. The same proposal was defeated in 1905. By 1907 when the money system was adopted there were 65 Overseers of the Highways in the town! In 1905 the town appointed their first truant officer, Horace Hills. The town appointed a truant officer annually until school centralization in the 1950's.

The town continued to be responsible for the care of the poor in the town until the Depression era when the state and national governments gradually took over. During this era the name was changed to Town Welfare Officer. The last welfare officer was appointed in the 1950's.

The duties and responsibilities of the town government have grown and changed over the last two hundred years but its basic functions have remained the same. "To maintain a peaceful and orderly community and promote the common good of its citizens. " To serve as a municipal government official is an act of extreme generosity. In 1806 19 people served their new founded town without remuneration. Our 2006 Town officials have big footsteps to walk in. May they and their successors serve us well for another 200 years!

Sources:

De Kalb Town Clerk Town Meeting Books vol. 1 through 6 De Kalb Town Clerk's Office 1806 to date. Ellis, David M. et al. A History of New York State Cornell University Press, Ithaca, NY 1957.