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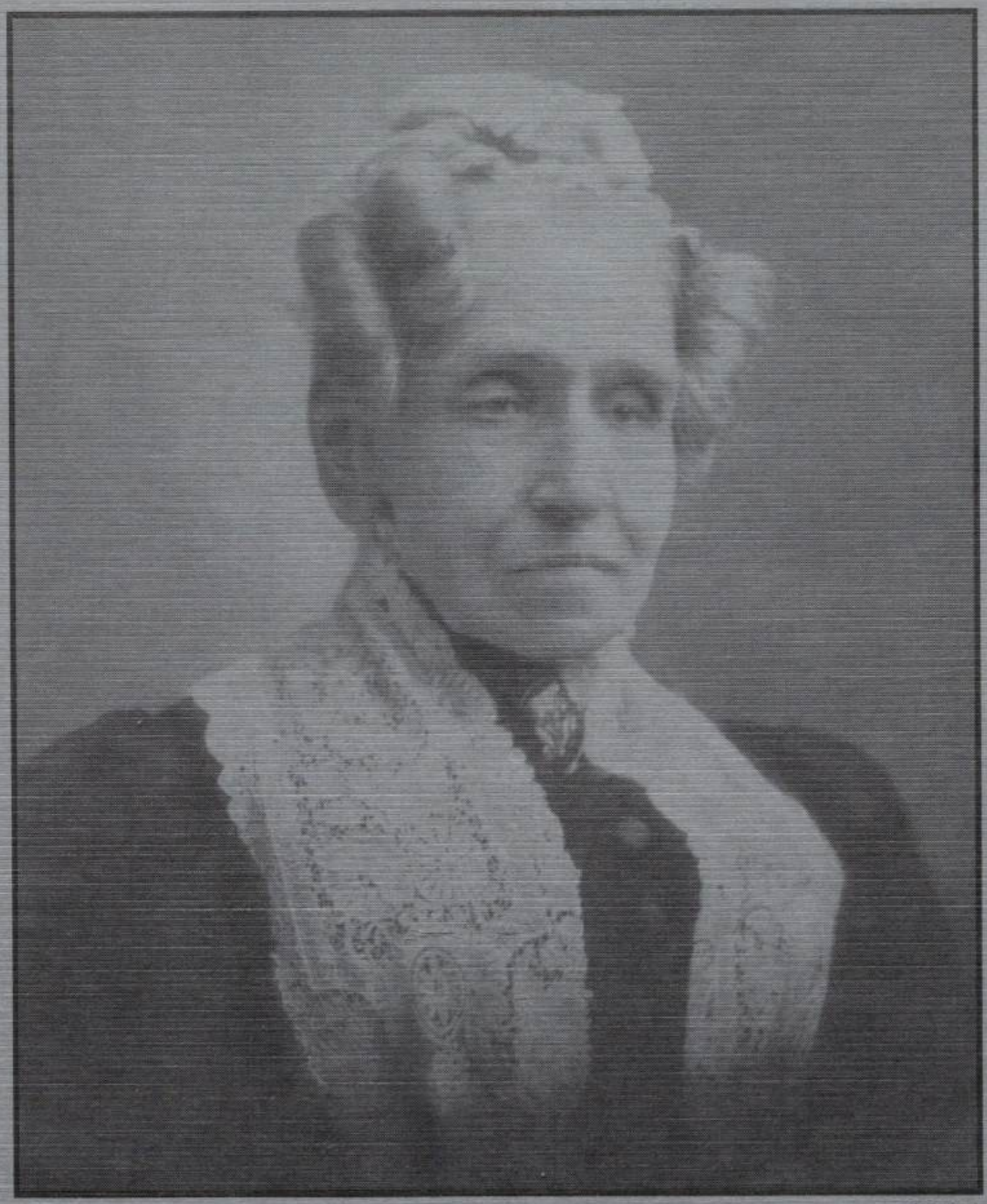

1994

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Mrs. Moss Kent Platt, president of the Home for the Friendless. (Clinton County Historical Museum)

CLINTON COUNTY
HISTORICAL ASSOCIATION
48 Court Street
Plattsburgh, NY 12901

Mark A. McCullough, President
Helen W. Allan, Director/Curator
Allan S. Everest, Editor
Sandra J. Sexton, Graphic Artist

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The First Ausable River Bridge at Carpenter's Flats

by Fuller Allen

Prior to 1912 there was a dirt road extending from Ausable Chasm to the southerly side of the Ausable River. This road ran through what was known as "Carpenter's Flats" (short for "flatlands"), river-bottom land used for cow pasturage. In spring the river overflowed it, leaving huge ice cakes for decoration. There was another dirt road extending from the northerly side of the river to Plattsburgh, running alongside the shore road. There was no bridge across the Ausable River connecting these roads. While the river was fordable by horse-drawn vehicles at this point, frequently after heavy storms it was impassable. Then the road from Keeseville to Peru hamlet (formerly known as the Rogers Road) was used as a detour. This was a condition almost unheard of on any public road in the State at that late date, according to the State's Attorney General.

At a hearing on this unusual case held in Albany, New York on February 9th, 1934, Rufus A. Prescott testified as follows:

Q. Mr. Prescott, where do you reside?
A. Keeseville, NY
Q. How long have you resided there?
A. Forty-six years.
Q. Are you familiar with the bridge referred to in Chapter 368 of the laws of 1933, involving this claim?
A. I am.
Q. What (other) roads were there?
A. There was a dirt road that continued from the Chasm on to the Ausable River.
Q. That road ran approximately north?
A. Approximately north to a point very near where the bridge in question was built. Then across the river a dirt road continued on along the lake shore to Plattsburgh.
Q. Was there any bridge at that point at that time?
A. No, sir.
Q. How was the river passable?
A. It was forded.
Q. By automobiles?
A. No, by carriages, wagons.

In corroboration of this in 1990, Dorothy Freeman Van Avery recounted to me a childhood memory of having seen several men drive to one side of this river, hoist up their automobile on their shoulders, and carry it to the other side. This dramatic event in the early years of the 20th century had made quite an impression on her as a young teenager. These dirt roads and the fording of the river constituted the shortest traveled route to Plattsburgh from Port Kent and Ausable Chasm.

In 1911 an appropriation was made by the State to improve these two unbridged roads, and the work was done. These sections of the highway came to a dead end at the Ausable River and without a bridge they would have been of little or no use for automobile traffic, or indeed to horses during winter travel or spring floods.

In 1913 Edward Rowan, Inc. and the Ausable Chasm Company caused a bridge to be constructed over the Ausable River connecting these sections of the State highway. The bridge was made available for public use. Mr. Rowan's interest that led him to contribute one quarter of the cost was not revealed, but presumably it was rooted in some interest in a project in Port Kent. This port on Lake Champlain was the terminus of both the Keeseville to Port Kent railroad, and the steamboat ferry line to Burlington, both of which Ben-

jamin Allen and his bride, Cornelia Hagar, planned to use on their honeymoon. (They had married in Plattsburgh on June 30, 1913, and were driven by Seth Allen by way of the Lake Shore road and over the new bridge to Hotel Ausable Chasm, where the author's father Ben had reserved a room for the night of June 31. This calendar error persisted as a family joke for the next half-century.)

The actual cost of the construction of the bridge was $9,410.41. After its construction, traffic averaged from 50 to 300 automobiles per hour during the summer months, and the bridge was in constant use by the public.

The south end of the bridge was in the Town of Ausable and the north end, in the Town of Peru, both towns being in Clinton County. The thalweg (the middle of the chief channel of a waterway) of the river over which the bridge was built was the boundary line between the two towns. Here the river was two hundred and sixty seven feet wide as of May 22, 1993, and shallow enough for navigation by canoe. At the time the bridge was constructed and paid for in 1913, the legal duty and obligation of constructing the bridge was on the towns in which it was located. The State at that time had not assumed the duty of building bridges with a span of over five feet. The Ausable Chasm Company, which paid for most of the cost of the bridge, was engaged in developing Ausable Chasm as a tourist attraction and planned to charge a fee for admission to the Chasm.

Prior to 1913, the only improved highway from the south came from Albany through Schroon Lake and Elizabethtown into Keeseville (via present Route 9) and thence extended northerly to Plattsburgh by way of the hamlet of Peru (via our present Route 22). The trip was four miles longer than by way of the Lake Shore Road. This road, which followed the west bank of the Ausable River, crossed the Great Ausable at the aptly named Fordway mountain south of Keeseville. The famed Rogers Road, which ran through the hamlet of Peru by way of the Quaker settlement, was a popular route to Canada for escaping slaves prior to the Great Rebellion which came to be known as the Civil War.

This benevolent bridge philanthropy by local politician Thomas Conway (a local man) came to rankle him, while the fortunes of politics seemed to flow his way. He lived in a mansion at the crest of what was locally known as "Conway's Hill", on the south side of Broad Street in the City of Plattsburgh. Thomas Conway was reputed to own the Ausable Chasm Company. He owned the *Plattsburgh Daily Republican* newspaper, which in a headline reverently referred to him as "Governor Conway", although he had been only the lieutenant governor of New York State.

During the depths of the Depression, Chapter 368 of the Laws of 1933 was enacted authorizing the New York State Court of Claims to hear and determine the worthiness of a claim for reim-

Our North Country Heritage, Everest, 1972

Home of Lt. Gov. Thomas F. Conway, this Broad Street mansion in Plattsburgh was demolished to make way for a convent, now the location of the Northern New York Center.

bursement for this generous gift. The act provided in part as follows:

> "...and if the court finds that the construction of said bridge was at the cost and expense of the claimants and was necessary for the public convenience, the amount so contributed, advanced, laid out or expended for such bridge construction shall constitute legal and valid claims against the state, and the court may make its award on such claims and render judgements against the state therefor such sums as it may determine to be just and equitable notwithstanding the lapse of time..."

The bridge was described as "...a bridge over the Ausable river on the Port Kent-Ausable road at a point about six-tenths of a mile west of the Delaware and Hudson railroad company's bridge over such river, and on the continuance of the route approaching such river from the south, which bridge is a part of route twenty-two of the state highway system...which bridge is now and has been since its construction a part of said route twenty-two."

The members of the Court of Claims have a tendency to be generous, and Honorable James J. Barrett, Presiding Judge of the Court of Claims, saw his duty and ruled in favor of the Ausable Chasm Company. However, the award was without interest. Thomas F. Conway appeared on behalf of the claimants.

The Ausable Chasm Company was dissatisfied since the Court of Claims did not allow it interest from the time it made the payments for the bridge, and appealed to the Appellate Division of the New York Supreme Court. Judges Hill, Crapser and Bliss agreed that the Court of Claims ruling was correct. Judge Heffernan suggested that he would like to go a step further and award interest. Judge Rhodes felt that the judgment should be reversed and the claims dismissed on the ground that the New York State constitution prohibited such use of public funds. The divided court ruling sustaining the Court of Claims ruling, with court costs, was handed down November 2, 1934. Still seeking the extra interest, the Ausable Chasm Company appealed to the Court of Appeals, the highest court in New York State.

The Attorney General has the job of representing the state in all law suits. While he is separately elected, he is somewhat under the thumb of the legislature and the governor since his office is supported by appropriations. The members of the Appellate Division are selected by the governor. The members of the Court of Appeals are elected to 14-year terms. This court over the years has attained a high reputation for judicial rectitude and its legal judgments have been widely cited by other state courts. Many of its members have gone on to serve as justices of the Supreme Court of the United States.

Once more Thomas F. Conway appeared on behalf of the claimant-appellants, while Attorney General John J. Bennett appeared for the state, which also appealed. The unanimous opinion of the court was in part as follows:

> The claimants have recovered judgments in the Court of Claims for the amounts which they expended for the construction of a bridge over the Ausable River. The Legislature by special statute authorized the hearing of the claim. The question presented upon this appeal is whether the statute is a valid exercise of legislative power.
>
> It appears that the Legislature in 1911 appropriated moneys for the construction and improvement of parts of route 22 (now route 9), a state highway. In the years 1912 and 1913 the state highway commission, pursuant to statutory provision, entered into contracts for the construction of two sections of a state highway as part of said route 22 along the lines of dirt roads which extended from Ausable Chasm to the southerly side of Ausable river and from the northerly side of the river along or near Lake Champlain to Plattsburg. The two sections were completed in October, 1913. The legislature had made no provision for the construction of a bridge across the Ausable river at that point. Without a bridge, the sections of the state highway would be of little or no substantial use to the public at large. The claimants in 1913 caused a bridge to be constructed over the Ausable river connecting the two sections of the state highway, and thus rendered available each of the sections for the public at large. The cost of the construction of the bridge was $9,410.41, and the claimants paid that sum. Route 22 is an important highway extending from the city of Troy to Rouses

Point and is used by through traffic to Canada and the Adirondack Mountains. By the construction of the bridge the distance between important points for automobile tourists and others was decreased by four miles.

In 1913 no statute authorized the state highway commission or any other state office or department to construct or pay for the bridge. Highways did not at that time include bridges having a span of more than five feet. The Highway Law then provided: 'The towns of this state, except as otherwise herein provided, shall be liable to pay the expenses for the construction and repair of its public free bridges constructed over the streams or other waters within their bounds.' Thus in 1913, when the claimants constructed the bridge, no legal claim could be made against the state for reimbursement for its cost.

Twenty years thereafter the Legislature attempted to create a legal claim against the state where none had previously existed. By chapter 368 of the Laws of 1933 it conferred upon the Court of Claims jurisdiction to hear, audit, and determine claims of such persons as may have 'contributed, advanced, laid out or expended moneys' for the construction of this bridge, and directed it to render judgment for such sums if it 'finds that the construction of said bridge was at the cost and expenses of the claimants and was necessary for the public convenience.' Such findings have now been made upon ample evidence. The question remains whether the statute was within the constitutional limitations upon the legislative power.

The Constitution provides that: 'Neither the credit nor the money of the State shall be given or loaned to or in aid of any association, corporation or private undertaking...'. The Legislature has a wide discretion as to the conditions upon which it will recognize a claim which is founded in equity and justice. It may not assert that discretionary power as a cloak for the grant of a gratuity or charity...The Constitution does not prohibit the Legislature from doing in behalf of the state what a fine sense of justice and equity would dictate to an honorable individual. It does prohibit the Legislature from doing in behalf of the state what only a sense of gratitude or charity might impel a generous individual to do.

Benefit enjoyed at the expense of another will ordinarily call for compensation...In no case heretofore has the state granted compensation for benefit enjoyed, though at the expense of another, which the benefit has been given voluntarily, without request from the state, and without expectation of compensation from the state or an agency of the state.

Here the state had left to the towns the duty and expense of constructing bridges used in connection with highways. The towns failed to erect the bridge. The Legislature, if it had chosen, might have provided that in the public interest the bridge should be erected at the expense of the state, subject to the provisions of law intended to safeguard the interests of the state.

The Legislature did not choose to do so. Then the claimants stepped in and voluntarily built the bridge at their own expense. It is not shown that they had any expectation that the towns would reimburse them. On the contrary, it fairly appears that the towns were unwilling to incur the expense of constructing the bridge. It is not shown that the claimants expected reimbursement from the state. On the contrary, the legislative policy not to pay for such bridges was embodied in the statutes. The claimants could not have supposed that they were under any compulsion by the state. On the contrary, it appears that they acted for some purpose of their own. We need not speculate as to what that purpose was, though it is fairly inferable that at least the claimant Ausable Chasm Company built the bridge because the bridge would bring more paying visitors to its property on the highway and thus increase the profits they derived through the price of admission. Whatever their purpose, it does not appear that any act of the state caused them to lose the expected benefit from the expense they voluntarily incurred. The Legislature alone has power to determine when the credit of moneys of the state shall be used to promote the public welfare or convenience. It must weigh the importance of competing needs and demands upon the resources of the state. An individual impelled by expectation of personal profit, or by a sense of public spirit or of charity, may step in and provide out of his own resources for a need which the Legislature has

neglected. He may thus earn the gratitude of the people of the state, but there can be no moral obligation upon the state to repay him for the voluntary expenditure of moneys to meet a need for which the Legislature has refused to made provision. That is the case here. A different question might arise if the expenditure had been made to meet a danger or need caused by a sudden emergency which the Legislature had not foreseen.

The Judgment should be reversed and the claims dismissed, with costs in all courts.

This opinion was concurred in by all seven justices.

To summarize, the town boards had decided that they did not want to pay for a bridge over the Ausable River. The Legislature decided that it did not want to build a bridge in this "far off northern land." Mr. Conway then built the bridge, and the later Legislature decided to reward him for second guessing them. This, however, is constitutionally unacceptable.

It is an act of courage for a court to declare a law unconstitutional. For years the inhabitants of the Town of Clinton had equal representation in our county legislature with citizens of the Town of Plattsburgh. Our own state Senator Feinberg–the Majority Leader–had an equal vote with senators from downstate counties. Only a courageous U.S. Supreme Court came to protect us from disproportionate representation.

Author's Note:

This monograph was inspired by reading *Crossing the River: Historical Bridges of the Ausable River,* by Steven Engelhart. I remember when the old "Conway" bridge was being replaced. We drove across the old bridge and saw the newer bridge replacing it to the west. The early bridges on the lake shore road had been minimal. Two cars could pass only if of compact size. A Packard with suitcases stored on its running board was reputed to lose its luggage if it met another car on one of the bridges.

Thomas Conway did not die in poverty. He left a sizable estate with scholarships for students graduating from parochial schools all over the North Country.

And so I hope that this bridge may be known as the Conway Bridge and be added to the list of *Historical Bridges of the Ausable River.* After all, what former resident of Plattsburgh has achieved a higher elective political office than Lt. Gov. Thomas Conway? ■

Born, raised and educated in Plattsburgh, Fuller Allen has had a lifelong interest in local history. His writing credits include winning a DAR prize in 8th grade for writing about the history of the North Country, and compiling a weekly history column for the Plattsburgh Daily Republican. *A retired lawyer, Mr. Allen has researched 18th-century land grants for the County Museum.*

This view of the bridge at Carpenter's Flats was taken during reconstruction of the bridge in 1994.

Clinton County Historical Museum

"...Are There No Benevolent Women In Plattsburgh?"

by Margaret M. Byrne

Clinton County Historical Museum

In 1899 Mrs. Moss Kent Platt celebrated 25 years of service as President of the Home for the Friendless.

When Miss Marcia Brown went off in a carriage to pay a call at the County Poor House early in 1874, she turned over a new leaf in the history of social welfare in the North Country. There in Beekmantown she discovered that this "only refuge for Clinton County paupers was a miserable structure, full to overflowing with men and women, children of all ages, some idiotic and some insane." But she uncovered a final outrage which sent her howling to the newspapers and to her friends in the village of Plattsburgh–"a baby boy, sick, lying in a hard cradle on straw, covered with but a single cotton garment, cared for by gabbling, idiotic women within hearing of the ravings of the insane." Her strident call to arms was published in the paper–"Are there no benevolent women in Plattsburgh to care for such a case?"

Miss Brown, hardly lacking in organizational ability as the Principal for young women at the Plattsburgh Academy, gathered together eight women who might consider the matter of the sick child and the larger problem of homeless women and children in the County. Quickly they swung into high gear and found a woman to take the baby into her own home and care. Then Moss Kent Platt offered the ladies a little house on Rugar Street, rent-free, if Miss Brown and her committee wished to establish a home for needy women and children.

By May 20, 1874 the New York State Legislature had acted on Smith Weed's matter of a

charter, drawn by Judge Peter Palmer, to establish "The Home for the Friendless of Northern New York."

On June 10 the Secretary's Quarterly Report, published in the *Plattsburgh Republican,* announced the organization of the Society for the Home of the Friendless, appointment of Officers and a Managing Committee to be augmented later by County managers.

"The meeting was small...and it was deemed best to proceed very quietly and slowly for the present in order not to draw off the attention of the ladies from the Temperance cause, that being the all-absorbing topic at the time..." A Constitution drafted by Mrs. [M.K.] Platt, Mrs. [George] Bixby and Miss Brown was accepted with some slight alterations.

The formal name first adopted–"Ladies' Association for the Relief of Destitute Women and Children"–was changed to "Home for the Friendless of Northern New York." The Society now numbered thirty unsolicited members with County managers ready to aid the Home in Port Henry, Keeseville, Jay, Chazy, Beekmantown, Ellenburgh, Morrisonville, and Altona.

The report continued,

> "The little one whose woes led us to reach out a helping hand to poor humanity, wears as happy and healthy a face as if he knew that his existence, however uncalled for, is likely to prove a blessing to Northern New York. His appearance attests to the kind care he receives. We have under consideration several other cases that appeal deeply to our sympathies, but which we have not been able to act upon as yet."

The report concludes with a gracious acknowledgement for the kindness and assistance of many citizens, doctors offering medical advice and care, editors freely spreading the news of the new organization, donors of clothes for "Our Baby," and money for the Home.

A Treasurer's Report with the same publication date lists receipts and expenditures for its first quarter of existence. A total of $106.50 had been received from members at home, and $195.00 from members of the Association abroad (County Managers), making a total of $301.50. Expenses in the same period were $44.07 for board (for the baby with Mrs. Sheldon) and printing. A balance of $257.43 remained. Pledges amounting to $300.00 had been received.

Mrs. C.F. Norton, the Secretary, and Mrs. H. Orvis, Treasurer, also requested that furniture for the new Home for the Friendless, be sent to the houses of Mrs. George L. Clark and Mrs. Andrew Williams until further notice.

This report has the same openness of almost every published report from the Home as long as it existed. The Board of Managers from the very beginning was aware that intense community interest and support was the one essential ingredient in the equation which would measure their continuation and success. The other ingredient was their faith in God and in human kindness. Somehow these careful early reports rustle with the sound of the Board members' bombazine skirts as they rose to begin their meetings with the Lord's Prayer. This practice continued throughout the life of the Home.

Minutes of the early meetings and daguerreotypes of the first Board Members would no doubt reveal a remarkably strong group of women, for all their good manners and quiet attention to benevolence. Their husbands' names appear in Duane Hurd's *History of Clinton and Franklin Counties,* as the movers and shakers of the North Country. Moss Kent Platt and Andrew Williams, businessmen and bankers; George C. Clark, a lawyer; Dr. George Bixby and Pastor Edwin Bulkley of the First Presbyterian Church, and a dozen others were the men whose hard work and knowledge were oiling the wheels in the small village, making important things happen–iron mining, prisons, railroads, banks. So their wives shouldered responsibilities as they did–in the churches, in the Temperance movement, and now in their own new Home for the Friendless. They had been educated for responsibility. Now they were ready with energy and resourcefulness to manage the organization.

* * * * *

Before tracing the full history of the Home, a short discussion of the problems of New York State's poor population is in order, if only to imagine the knowledge and foresight this new

Board of Managers needed to face their difficult enterprise.

In 1784 the New York State Legislature addressed these problems for the first time by mandating that Overseers of the Poor be elected at Town Meetings. They were to decide who would receive assistance, and present an annual budget to the Town Boards for support from property taxes. When the costs became higher than the Town Boards could fund, the County Poorhouse Act of 1824 turned the problem over to the County Boards of Supervisors who were then empowered to purchase land and erect Poor Houses. By the mid-1870s, these were being built around the state to meet the demands as the population shifted and grew.

In Clinton County the population had grown from 1,614 in 1790 to 50,252 in 1875. At Beekmantown, the County had built its Poor House in order to accommodate the poor as well as (it was assumed) some of the 130 Unfortunates listed in the Census of 1875 as including blind, deaf, dumb, idiotic, and insane.

Meantime, across the State, city by city and town by town, local charities had also grown to keep pace with the problems, beginning with New York and Buffalo, and spreading to smaller cities and towns. "In Poughkeepsie, the Orphan House and Home for the Friendless was organized in 1847 by local women to provide a temporary home for respectable females without employment or friends, and for destitute and friendless children of both sexes until they could be committed to the guardianship of foster parents or worthy families. Here the causes of charity and morality evidently continued to march in step with each other–popular manifestations of philanthropy which spread to smaller towns across the state," even unto Plattsburgh.

In Buffalo, they called it "Organized Mother Love."

As the state-wide movement spread, the new Board picked up the torch and published the following philippic after their first meeting: "The ladies of Plattsburgh beg leave to present to the benevolent citizens of Northern New York, a subject for which they crave serious consideration, viz: The want of a reliable and properly organized association to care for and aid poor women, and instruct and train children of both sexes, who are growing up among us as vagrants; filling our towns with paupers and our prisons with criminals, thereby increasing our taxes to an almost incredible extent."

The ladies closed by deeming it their duty as Christians and philanthropists to do all they could to lessen every social evil, and so asked that the community respond cheerfully to their call for support.

A year later, in the first Annual Report of March 9, 1875, they could announce that six persons had been received at the home during their first seven months of operation, four of whom were children. At the time of writing, there were four inmates.

The previous December, the Report noted, the Board of Supervisors had resolved that the Superintendent of the Poor, at his discretion, "may place such children of paupers, or other paupers as may come under his charge at the County House, as would be benefitted by being excluded from the influence of County House associations...This action of the Board acknowledges the necessity of an institution like the Home for the Friendless ....[because] there is no possibility of healthy, moral life or thorough education, or formation of industrial habits in the atmosphere of the Poor House, the home of the idle, the immoral and the vicious."

It is hardly surprising that Mrs. Norton's annual report concluded with the good and moral news that the Board voted to hold religious services at the Home on Sunday afternoons, "to the great pleasure of the inmates."

Receipts at the Home for the first year totalled $695.87, the least being a gift of 10 cents, the largest $100.00. The largest expenditures were the Matron's salary ($174.22), and Household Expenses ($88.75). The smallest payments were 25 cents for a lock for the Home, and 60 cents for shoes for "Charley." At year's end, the Treasurer showed a balance on hand of $272.48.

Following this thrifty account came three pages listing articles given the Home for furnishings, provisions, special dinners at Thanksgiving and Christmas, a Bible from Miss Marcia Brown (who discovered the sick baby at the Poor House), butter and maple sugar from Henry Atwood in West Chazy, quilts and a hitching post, a scrubbing brush, a washing machine, and 50 pounds of

pork. Page after page attest to the generosity of the city and county managers, the merchants, the church groups, far and wide, and the doctors.

Eighteen-ninety-nine was the twenty-fifth anniversary of the founding of the Home for the Friendless. Mrs. Moss K. (Margaret Freligh) Platt, who had been its President since its founding in 1874, delivered a Silver Anniversary Address which was a sketch of the origins and history of the institution. Beginning with the sick baby in the County Poor House, she included discussions of the serious diptheria epidemic of 1878 when Dr. Kellogg took care of the inmates, and a similar epidemic in 1888 when Dr. Lyon supervised 40 cases at the Home, with only three deaths.

Continued attempts by the Board to find annual subscribers never proved very successful, but generous contributions of food and clothing continued to pour in year after year from the local Board of Managers as well as the County Managers in many of the towns of Clinton, Franklin and Essex Counties.

Mrs. Platt included in her address a brief recital of the various houses where the Home had been established in its first quarter century:

The first house, on Rugar Street, was outgrown at the end of the second year (1876). The second house, a larger framed building on Oak Street, was purchased for $2,500.00 including a $1,500.00 mortgage plus a later addition costing $750.00.

By 1882, the Home was again too small. The Board became the beneficiary of the gift of a handsome brick house on Broad Street, just east of the present Middle School. It had been bought for $4,000 by Allen M. Moore who handed the deed to the Board because of his confidence in its management of the Home. Subsequently he added a generous legacy to the Board in his will. Within a year after the purchase, an annex was added, and by 1884 a small building on the property was converted into a schoolroom. Total costs for the whole establishment amounted to $10,032.71.

Mrs. Platt concluded with the following surprising statistics. In twenty-five years, thirteen aged and indigent women had been tenderly provided with care and medical attention; five had died at the Home and one, who was totally blind, still lived there in 1899. Altogether 350 people had been treated at the Home since its beginning. There had been adoptions and several success stories of boys and girls leaving the Home for

Clinton County Historical Museum

Donated by a generous supporter of the institution, this brick building on Broad Street became the third Home for the Friendless.

productive futures. She concluded with the story of a marriage performed in her own house for a fine young couple who had both grown up at the Home.

The Annual Report of 1912-1913 announced the sale of the Broad Street house to the Board of Education, and the purchase of the Palmer property at the corner of Bailey Avenue and North Catherine Street. This is the building which would become the permanent home of the institution after extensive remodelling and some additions. It had five acres of land surrounding it, for playgrounds, and was eminently suited for expansion in all directions. In later years it had a gray stucco exterior, although it was probably stone underneath.

By 1913, the remodelling was finished except for the new west wing for the girls. Everyone, the Secretary wrote, was healthy. The Report concluded with a memorial to Frances Delord Hall, a founding member of the Board of Managers who had died on October 4, 1913.

The Treasurer's Report noted receipts of $9,244.78. This included county, city and town payments for board for the inmates, gifts from relatives and friends, voluntary contributions and legacies, interest on investments and all other sources. Disbursements amounted to $7,764.91 for wages, labor, groceries, clothing, fuel and lights, plus $3,050.00 for the Building Fund.

The Matron's Report is a chipper account of the happy times the children enjoyed and the delight they took in the arrival on their doorstep of a "tiny stranger" left there in a box on Christmas Eve. They kept the baby until it was put up for adoption some months later.

During the third quarter century, 1924-1949, the Home was maintained, children kept healthy, happy, and useful by the ever-attendant Board of Managers and their officers, as in the past. In 1939, the Constitution was revised to allow the Home to become non-sectarian, not Protestant as previously. "For many years Catholic children had been sheltered here; now they could legally be placed here by agencies dealing with homeless children."

In 1955, the Board of Managers published a small booklet which gives an entirely different picture of life at the Children's Home of Northern New York, as it had been renamed in 1919. Now the Home contained 57 children. There were 25 girls and 25 boys in the main house, and seven teen-age girls who had graduated to the cottage directly north of the Home, the former infirmary. This was an experiment which lasted about five years, where the girls, under the supervision of a matron, were being taught the glories of cooking and housekeeping, laundry and mending–indeed, taking care of their own meals, bedrooms and clothing, in preparation for their future lives away from the Home.

The same charter which had served the Home since its beginning still ruled the organization. The Board of Managers and the County managers were still in charge, and had acquired a board of business and professional men to advise them on matters pertaining to buildings and finances. The staff now included a Superintendent, an Assistant Superintendent and four group parents. Two of these were group Mothers in the girls' sections, and the other two a married couple in charge of the boys' wing–the first time a man had served in this capacity. A part-time recreation director, a cook, a domestic worker, and a part-time maintenance man filled out the staff.

An elaborate Program for 1955 included reports of the children's health, education, religion and recreation, as well as special times of celebration and entertainment, movies, Boy and Girl Scouts, YMCA, birthdays, dancing lessons, etc.

During the years between 1913 and 1955, the indigent, friendless women who had formerly lived at the Home had been sent elsewhere, and the focus was now entirely on children.

Like all the others, this report contained a plea for continued financial support for the Home, along with clothing, volunteers to free the House Mothers, and help with various programs. The added plea for sports and playground equipment, a drinking fountain, and art supplies, added a new touch.

In 1969, the Managers recognized the new national trend toward foster home care, and considered the possibility of converting the Home to a day-care center. By 1971, the New York State Department of Social Services informed the Board that 1970s standards were not being met at the Home. They recommended the establishment of a treatment center for mentally ill children. Soon afterwards a contract was drawn between the

County and State offices of Mental Health, the St. Lawrence State Hospital at Ogdensburg, and the Children's Home of Northern New York (Project Outreach). The Board of Managers would now operate a day-care treatment center for emotionally disturbed children and adults under the direction of its new clinical administrator, Dante A. Santora. At this time, foster homes were found for inmates who were not mentally disturbed. Presently the Home was able to accept geriatric day-care clients along with children. Now the administration proceeded along the state-directed lines necessary for its new uses, among which were daily and periodic counselling sessions for former patients at the St. Lawrence Hospital, who were now able to return to their community with the new support system in place.

The Board of Managers, hardly missing a step, remained in place, and on May 8, 1974 celebrated the 100th Anniversary of the Home with an Open House for the community whose needs had been met, and whose support had been generous for a full century of service.

This was a text-book case of progress and transition, mandated by the times in which the uses of an old institution needed to be revised and updated. The 19th century orphanage became the 20th century Northern New York Center for the Emotionally Disturbed as it continued to serve a vital, if different, purpose in the community.

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Now, twenty years after this transition, Harry S. Cook, Executive Director of the Northern New York Center for the Emotionally Disturbed, has written his brief history of the organization. It was published in the *Senior Sentinel,* a supplement to *The Plattsburgh Press-Republican,* May 22, 1994. His conclusions:

"With support and treatment based in the community, individuals who have experienced mental illness can now live and often return to work and school in their home communities. In 1974 our agency formally adopted this new mission of providing treatment and support to children, adults and their families with serious emotional disturbances and emotional illness.

"The Northern New York Center is now located at 63 Broad Street and 5 Latour Avenue, both in Plattsburgh. We continue to be supported by charitable gifts and bequests. We are a United Way Agency, charge fees on a sliding scale, receive funds through Medicare, medicaid, insurance, and direct public funding.

"Our services are provided to individuals from three years old to...well, almost as old as we are. We have very active senior groups in our continuing Day treatment and Club programs. One link with our past is our Family Based treatment program for seriously emotionally disturbed children from Clinton, Essex, and Franklin Counties. The children live with carefully chosen and highly trained foster parents while receiving treatment and support services through the staff." ■

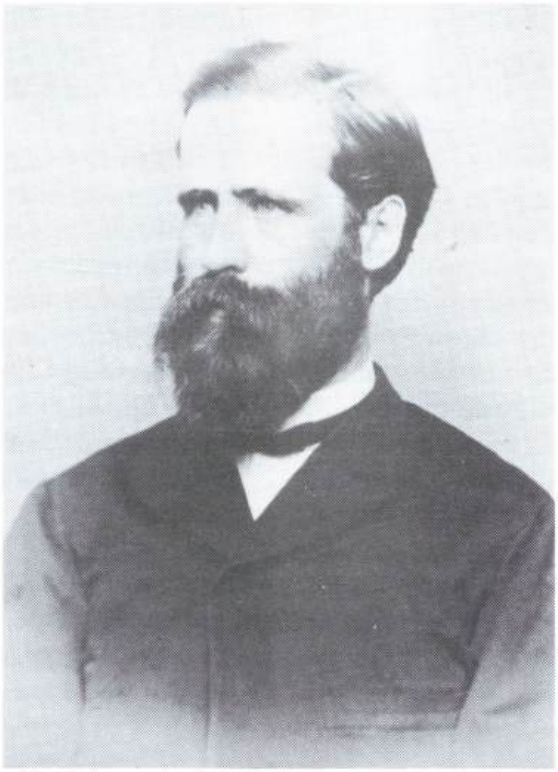
Margaret M. Byrne descends from William Pitt Platt, son of Zephaniah Platt. She is a trustee of the New York State Historical Association and has published many articles. She is the author of The Plattsburgh Platts, *a genealogy of one of the first families to settle Clinton County.*

The Perils of Capitalism

Entrepreneurship in Late19th Century Northern New York

by Altina Waller

A history of Northern New York, published in 1880, lauded Smith M. Weed as the "founding father" of that region's modernization and economic prosperity. Iron manufacturer, railroad builder, and Democratic party leader, Weed had profoundly influenced the economy, politics and social patterns of the entire region. He had created iron mining communities, employed hundreds of workers, and built the first direct rail connection to New York City. Weed was at the height of his power and influence. Twenty years later, however, Weed's mining and railroad companies had been swallowed up by larger corporations–victims of the great business consolidation movement of the late nineteenth century. Smith Weed, like so many other middle-level, regional capitalists, had been merged out of existence by the very success of the corporate capitalism that he and others like him had done so much to promote.



Clinton County Historical Museum

Aided by important political connections, Smith Weed's enterprises made him wealthy in the 1880s.

Born in 1833, Smith Weed belonged to a generation steeped in Republican assumptions about the relationship between enterprise and government–assumptions that emphasized a democracy of opportunity and a freedom from governmental and judicial restraints. This generation, freed (willingly or unwillingly) from the organic communities of the eighteenth century, eagerly pursued entrepreneurial ventures and supported the legislative and judicial decisions that favored capitalist modernization. However, by the time these men reached the peak of their careers and faced old age, they confronted an ironic ending to their endeavors. The politically fostered success of corporate capitalism ensured that entrepreneurs such as themselves were not the economic future of America. The twentieth century was defined by ever larger corporations, ranks of salaried managers, and masses of wage workers. Despite the efforts of Progressives to preserve competition and pluralism, entrepreneurs like Smith Weed belonged to the past.

Professional historians have largely ignored men such as Smith Weed, especially as a category of individuals that might reveal something about the development of capitalism. Perhaps this is because they are not "politically correct" for business historians who stress the positive aspects of ever bigger corporations, nor for social historians interested in those who paid the social costs–immigrants, workers, women, and the impoverished. But men such as Weed were not simply less important versions of the great finance

capitalists of the late nineteenth century, sharing their values and their methods; they occupied a special place in the political economy of capitalist transformation. To ignore or dismiss them as simply miniature versions of wealthier or more powerful industrialists, is to miss their unique role in the transformation. Smith Weed was undoubtedly not typical, but analyzing just how the promise of capitalism was ultimately denied him can reveal much about a whole class of businessmen and politicians in Gilded Age America.

Smith Weed's beginnings were as auspicious as they could have been for someone born and raised in the remoteness of Clinton County, the northernmost county of New York State, tucked securely up against the Canadian border and, at the time of his birth in 1833, little more than a frontier. Settled in the years following the Revolution by a commercial elite with Jeffersonian, then Jacksonian politics, these founders epitomized the anti-capitalist Republicanism described by Michael Merrill. A lifelong adherent of the "Democracy," Weed's father, Roswell Alcott Weed, bought and sold land in the sparsely settled hinterland and invested in a variety of commercial enterprises. Thus, Smith Weed's upbringing provided him with the political ideology, social status and the economic underpinnings for his leading role in the modernization of the region in the years after the Civil War.

During the war years Weed, although only 25 years old, did not serve in the military but stayed in Plattsburgh, practicing in the county seat town's most prominent law firm. At war's end, Weed was ready to pursue his political and business career; he ran for and won a seat in the New York State Assembly in 1864. From the first moment Weed arrived in Albany it was quite clear that his overriding purpose in running for office was to pursue his vision of the economic development of the North Country and along with it, his own business ventures. His first priority was a railroad. Despite an existing railroad connection to Montreal, the markets to the south, primarily Albany and New York City were unavailable to local enterprises and farmers, making the region remote and isolated. Although others before him had attempted to form a company to build the "south link," they had all failed, largely because of the difficulty of raising capital.

Weed attempted to resurrect the plan for a railroad along the west shore of Lake Champlain, holding meetings in Plattsburgh and sponsoring bills in the legislature which would appropriate state funds for it. Although successful in getting several bills passed, a succession of governors vetoed them. In 1866, for example, Governor Reuben Fenton insisted that the state could not afford to raise taxes for such projects in "difficult post-war times" and encouraged "enlightened capitalists" to build the railroad. These vetoes, signalling the end of the massive state aid to railroads which had characterized antebellum New York, sent entrepreneurs scrambling for other, usually local, sources of capital. However, when Weed attempted to raise private capital and pool resources with local businessmen and county officials, he became embroiled in old arguments over the route and control over the company. His railroad project seemed permanently stalled.

In the early 1870s, however, Weed acquired a business connection that shaped his future–he made an alliance with the Delaware and Hudson Canal Company; it was a relationship which would lead Weed to the very brink of corporate success but which also held the seeds of his destruction. The Delaware and Hudson was on the verge of a vast expansionary era of its own, one which would make it one of the largest railroad and mining corporations in the country. From small beginnings in 1820 with a canal transporting coal from the fields of eastern Pennsylvania to the Hudson River and from there to New York City, the company gradually acquired a series of short railroads which were eventually connected to cover much of New York, Pennsylvania and New England. In the 1860s and early 1870s, when Smith Weed was searching for capital, the company was particularly interested in developing a network north and west of Albany.

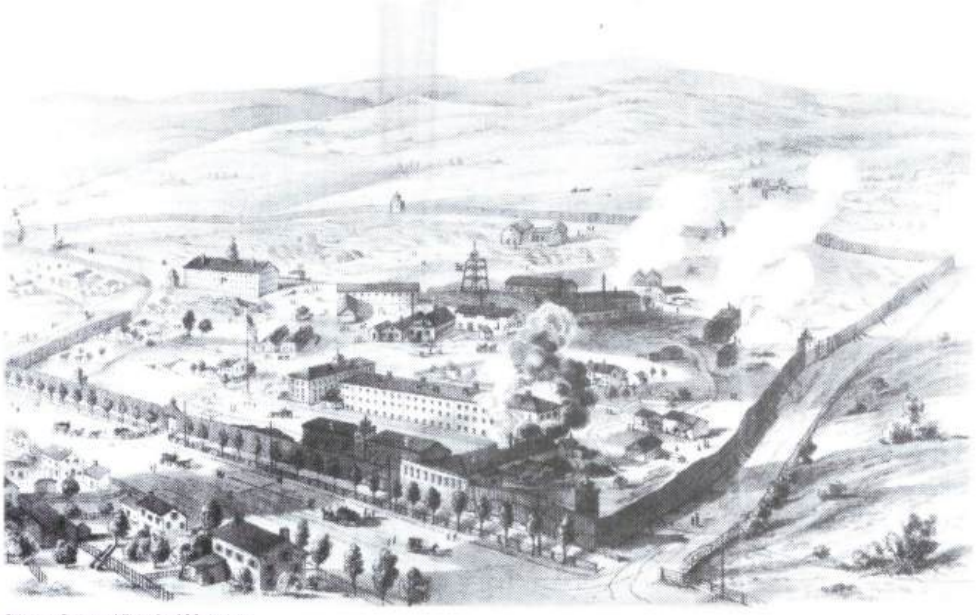
Weed was first introduced to D&H management by a colleague in the New York Assembly. While serving on the Railroad Committee, he met Isaac V. Baker, a Republican from Washington County, just north of Albany. Baker, too, came from a railroading family, his father having been a contractor for the Delaware and Hudson. Through family influence he had obtained his first job as station master. By 1872 when he was serving on the New York State Assembly Railroad

Committee, Baker was President of the Rensselaer & Saratoga Railroad, a company closely allied with and soon to be a part of the D&H system. In fact, he was a stalwart defender of D&H interests in the legislature. Although Baker was a Republican and Weed a Democrat, the two aspiring entrepreneurs had more in common than they had differences; they became fast friends and allies. It was the first of many cross-party alliances Weed was to make in pursuit of his business ventures. Early in 1872 Baker and Weed, together, paid a visit to D&H headquarters and proposed a new railroad to run north along the western shore of Lake Champlain. D&H officials seized the opportunity; they agreed to guarantee a bond issue for Weed's venture and, once built, promised to lease the railroad in perpetuity. It was a critical turning point for Weed because it gave him a powerful edge over his enemies in the North Country, other aspiring local capitalists like himself, who had impeded his earlier plans.

The backing of the D&H was still not enough, by itself, to build the railroad; it did, however, make it easier to persuade officials of the towns and counties along the proposed route to subsidize the railroad. As Harry Pierce has demonstrated, once aid from the state government had been banned, railroad entrepreneurs typically did not turn to private capital but to local governments. Although most communities did welcome railroads, there was also considerable opposition to "bonding," the use of tax moneys to capitalize private companies. Thus, in the postbellum era, corporations like the D&H recognized the need to rely more and more on homegrown entrepreneurial elites like Smith Weed. Without his political and business contacts and exhaustive efforts in the early 1870s, the D&H would have faced a much more difficult task in obtaining town subscriptions or in securing the right of way. At that point, Weed was as indispensable to the D&H as the resources of that company were to him.

For both Weed and the D&H, the partnership was initially highly successful. By 1875 the New York and Canada railroad had been built, at great cost, through some very difficult terrain along the western shore of Lake Champlain. Weed himself presided over the triumphant opening of the railroad as the first train, carrying the President of the D&H and leading politicians, made its inaugural journey from Albany to Montreal. In the aftermath of this great success, the *New York Times* described Weed as "all-powerful" in the North Country region. With his status and power growing rapidly, Smith Weed was now poised for expansion into other capitalist ventures.

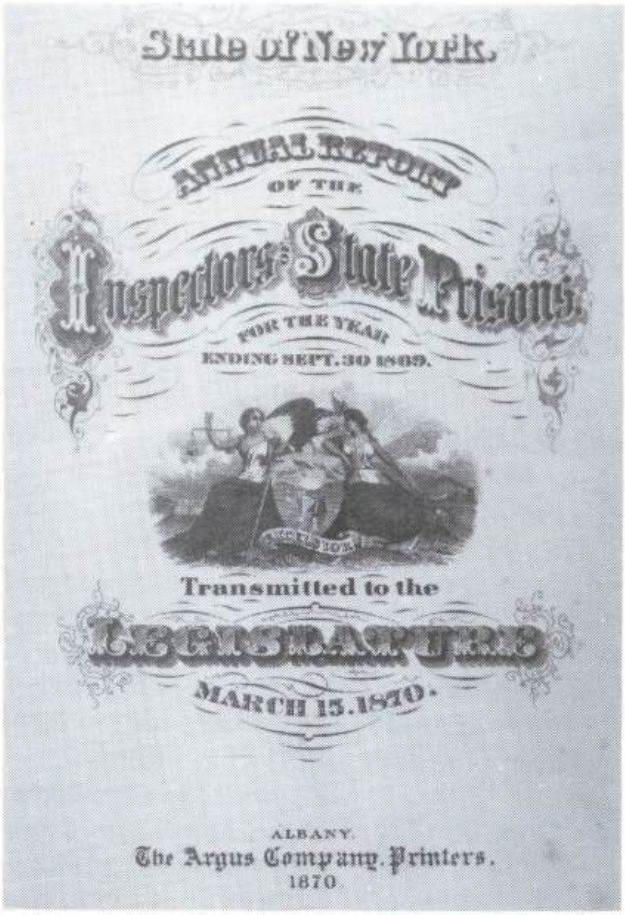
Weed quickly turned his attention to an industry long prominent in the North County, iron mining. Although in 1868 Weed had purchased some iron-rich property located approximately 30 miles west of Plattsburgh in the township of Chateaugay, he had accomplished little toward its development. As late as 1871 when a *New York Times* reporter visited the region to



Clinton County Historical Museum

The key to success in iron mining at Clinton Prison was railroad transportation through the North Country.

write an article on "the forges of northern New York," he made no mention of Weed's involvement in the iron industry. That changed dramatically within the decade as Smith Weed became the most prominent iron entrepreneur in the Adirondacks. Hopeful that his extremely successful management of building the New York and Canada would be an incentive, Weed proposed developing the mines with a mortgage financed by the D&H. However, the economic climate of the late 1870s was not the best for building a new industry or a new railroad, no matter how promising. The company was suffering from strikes and the depression in the coal fields of eastern Pennsylvania, and its president was not willing to invest in the new iron mines, except on some very unusual and demanding terms.


State of New York.

ANNUAL REPORT OF THE

Inspectors of State Prisons

FOR THE YEAR ENDING SEPT. 30 1869.

Transmitted to the

LEGISLATURE

MARCH 15. 1870.

ALBANY.
The Argus Company, Printers.
1870.

The D&H would take a mortgage on the mines, President Thomas Dickson informed Weed, provided that Weed use his political influence to obtain direct financial aid from the State. He suggested that the state of New York could be manipulated into constructing a portion of a railroad connection from Plattsburgh to the iron mines. Weed's original plans had been more honest and straightforward; he had hoped to build a railroad spur northwest from the mines and connect to the Ogdensburg railroad across northern New York. The terrain made this route much less expensive to build than the mountainous route between Plattsburgh and the Chateaugay mines. However, Dickson was determined to have the mines connected to the D&H in Plattsburgh and made it clear that he would refuse to make the loan Weed wanted unless the longer and more expensive route were chosen and the state financed it.

This might be accomplished, Dickson insisted, through the state's prison system. Halfway between the Chateaugay iron property and Plattsburgh was Clinton Prison in the tiny village of Dannemora. Opened in 1845 as the third in New York's prison system, Dannemora had always been the most remote, ramshackle, and costly institution in the system. It had been constructed with the goal of keeping prisoners busy mining iron ore and paying for their own keep, but the reality had never approached expectations; in fact, iron mining had been abandoned and the state was attempting to rent the prisoners to private business as contract labor. In order to streamline administration of the three prisons, the state legislature, in the mid 1870s, passed a bill centralizing control. The new Superintendent of Prisons, Louis Pilsbury, had been chosen not only for his experience in prison administration but for his record in making the Albany penitentiary a model of business efficiency and profitability. Might not the state of New York, urged President Dickson, be induced to build a short railroad from Plattsburgh to Dannemora prison, thereby making the prisoners attractive to businessmen as cheap labor? With a railroad to Dannemora, building another 15 miles to the iron mines would not be such a costly undertaking.

The prospects for such an unprecedented action on the part of the state did not seem promising, however. One of Superintendent Pilsbury's first public utterances upon taking office had been that Dannemora Prison was not only unprofitable but unsafe for prisoners and useless to the state; it should be closed. Weed, who had never before shown any interest in prison or prisoners, had little choice; he instituted a campaign to gain

political control over Superintendent Pilsbury and the prison bureaucracy. As the D&H president was well aware, Weed's chances for accomplishing this were good because of his long-time friendship with Samuel J. Tilden, former Governor of New York and national Democratic party leader. In an emotionally charged letter to his old friend, Weed argued that Dannemora Prison should become a source of political strength for the party. What Weed asked was "influence over...Mr. Pillsbury [sic]." This request, of course, directly undermined the justification given by politicians of both parties for centralizing the prison system and making the superintendency an appointive office; the ostensible purpose was to remove the administration of prisons from politics. Despite this, Tilden proved sympathetic and did, in fact, exert the desired pressure. Not only would Dannemora be kept open but Superintendent Pilsbury soon announced plans to build a railroad from Plattsburgh to Dannemora. Less than six months after the railroad was completed, Pilsbury leased it to Weed's newly-organized Chateaugay Railroad Company for $1.00 a year. Immediately, construction of an extension to Weed's mines was begun by the D&H company. With this railroad link to the iron mines, Weed lost no time in creating a new company town at Lyon Mountain and recruiting a labor force. The growth of the mining operation at Lyon Mountain was phenomenal; in five years' time the town grew to 3000 and produced ore for 60 forges in Clinton and Essex counties.

By the early 1880s Weed's business enterprises, while financially dependent on D&H investment, were still nominally independent and run personally by Weed. He had reason to hope that his political and economic maneuvering between the D&H and the legislature would pay off, not only in profits, but his own increasing business autonomy. For Weed the balance was a delicate one; his known connection to the company enhanced his political power and status but his reputation as an independent entrepreneur was perhaps more essential to the growth of his own companies. Weed's correspondence during these years indicates a wide-ranging effort to pursue business prospects entirely separate from and sometimes deliberately hidden from D&H. For at the very same time Weed was achieving his most impressive successes by collaboration with the D&H, he was well aware that he had, in fact, assisted in the creation of a monster, one that might soon devour him. As early as 1878 Weed, in a letter to a friend, expressed his bitterness at his own lack of control over his situation: "I have learned this, however, with corporations, that the only way is to take what you can get, and if you can't get what is right, take the next best thing that you can get."

Attempting to get what was "right" but having to settle for "the next best," became the pattern of Weed's life over the next dozen years. While continuing to behave in an almost obsequious manner toward officials of the D&H, Weed strengthened his control over the prison system. True, the D&H management had first demonstrated to him just how to milk the prison bureaucracy, but now he put those lessons to good use to do some consolidating of his own, building a countervailing power against his erstwhile benefactor, the D&H. In doing this Weed extended his practice, begun in the New York legislature, of forming political alliances with like-minded businessmen of both parties. Weed allied himself with a leading North Country businessman who controlled the Republican newspaper; while publicly continuing to snipe at each other, both papers actually supported Weed. Widely recognized statewide, the *New York Times* reported that Weed was at the head of a "prison ring."

What was significant about this prison "ring" is that it was focused on the business aspects of prisons, not on reform, rehabilitation, or safekeeping of prisoners. Wardens of prisons were designated "Agent and Warden" and their duties involved more buying, selling, and supervision of work than principles of penology. Indeed, Smith Weed's letters to "Agents" at Dannemora read much like his letters to the General Manager of his mining operation at Lyon Mountain. Not surprisingly, Weed insisted to the now pliant Pilsbury that Clinton Prison be expanded–almost doubled in size. When the prison superintendent presented his request to the legislature in 1879 he argued that the enlargement was needed to relieve overcrowding–clearly false since the new wing, once built, would remain empty for almost a decade. Provision for criminals, however, was not Weed's concern. What was crucial were the

resources he could muster from his power over the prison bureaucracy. Indeed, as his own business fortunes faced increasing difficulties while those of the D&H burgeoned, Weed invested more of his energies in the prison.

Thus, in 1882 when Louis Pilsbury's five-year term of office ended, Weed easily controlled the choice of a new superintendent. Despite the fact that the Republicans had elected a Governor (Alonzo Cornell), Weed's crony, Isaac V. Baker, was appointed Superintendent. Any pretense of selecting someone who was an experienced prison administrator was eliminated by this appointment for Baker, unlike Louis Pilsbury, had no credentials in social reform, police work, or prisons. He, like Weed, was an entrepreneur whose precarious position in the developing capitalist order made him as anxious as Weed to retain control over the prison system. Even the *New York Times,* despite its Republican affiliation, was disgusted with the choice, arguing that Baker was "coarse and unscrupulously partisan" and that "Smith M. Weed of Clinton and ex-Assemblyman Davis of Washington, two of Tilden's most zealous henchmen, are quietly working for the confirmation, and that the appointment was more or less in the interest of certain mining operations in the vicinity of Dannemora Prison, with which Weed and other Democratic and Republican politicians are largely connected..." For Weed, the centralization of government and the expansion of the prison system furnished a counterweight against corporations like the D&H that were beginning to appear more threatening than helpful.

Although Weed's power over the prison system helped shore up his statewide power as well as his status as political and economic "boss" of the North Country, it was not enough of an empire to stave off his escalating economic conflict with the D&H nor the effects of the disastrous depression of 1893. Although the 1880s were considerably more prosperous than the depressed '70s and represented the pinnacle of Weed's power and influence, no amount of energy and ingenuity could compensate for the problems facing Weed's businesses. The New York and Canada Railroad

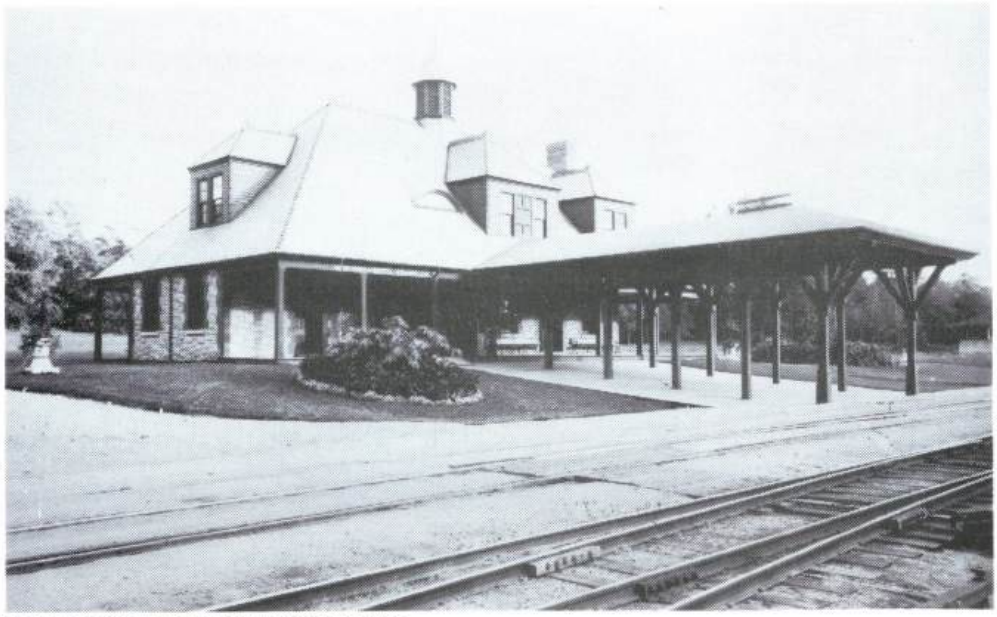
Clinton County Historical Museum

Totally denuded of trees, the land around Dannemora and Lyon Mountain witnessed the vast consumption of wood by charcoal kilns and iron forges.

was in a remote section of the country and extremely expensive to operate; it lost money every year. His iron mines were becoming anachronistic. Their location had been ideal when charcoal was the primary fuel used for forges but coal was rapidly replacing charcoal; his catalan forges were also being superseded by the Bessemer process. The iron and steel industry was moving to Pittsburgh and Chicago, leaving Smith Weed behind. By 1888 and 1889 Weed approached the D&H, as he had many times before, for financial help to keep afloat. Times had changed, however; the power of the corporation was such that it no longer depended on Weed's political or social influence in the North Country. In an insulting rebuff, the President of the D&H refused the loan but offered to use his influence with a New York bank to get Weed the money.

The inequality of Weed's relationship with the D&H became painfully obvious in the matter of free railroad passes. Because Weed's railroads, the New York and Canada and the Chateaugay, were essentially subsidiaries of the D&H and in the 1870s and early 1880s the Company had been eager to win Weed's support and buttress his influence, it had readily granted passes to anyone Weed recommended. This gave Weed enormous credibility in the remote reaches of the North Country; possession of a pass was an indication that one belonged to the elite in that region, recognized far beyond Plattsburgh and its surrounding countryside. By 1889, such passes were hard to pry out of the company. Weed was reduced to begging, arguing, for example, that the local tax assessor "is a very clever man and *always* on the hand when anything is wanted of him," and the representative to the legislature should keep his pass because "he was very useful in Albany." Lest he appear too demanding, Weed concluded the letter by groveling, "Of course, it is for you to say and I only as is my duty give you facts...".

But no amount of groveling could save Weed. The 1890s brought disaster. In 1892, even before the depression, the Chateaugay Iron and Ore Company was in financial trouble. In the aftermath of the Panic of 1893, the D&H did attempt to bail out the company with massive loans but it proved to be a temporary respite for Weed. By 1901 he failed to meet the mortgage payments and the D&H took over completely, ousting Weed as president. This meant the loss of not only the iron mines but the railroad which served them. It was a classic example of the ability of a big, powerful corporation such as the D&H to survive a depression when a smaller one like Weed's could not. Thus, during the 1890s Weed's capitalist dreams collapsed. Retaining a financial interest in the companies he had started and allowed by the D&H to sit on the Board of Directors, Weed still appeared to many in the North Country as a powerful political and economic force. But he knew better. Thus, although Weed never went bankrupt nor did he resort to becoming a salaried manager, he was a casualty in the transition to



Special collections, Feinberg Library, SUNY Plattsburgh

The railroad station at Hotel Champlain was the scene of many illustrious arrivals, including President McKinley and his wife.

corporate capitalism. Retiring to the mansion in Plattsburgh he had built in the heyday of the 1880s, Weed lived in grand style for another thirty years but was unable to leave his son the legacy of railroads and iron mines he had worked so tirelessly to build. George,who had been groomed by his father to take over Weed's enterprises, ended his career as a civil servant in Washington, D.C. Smith Weed could only have considered it "downward mobility."

In the mid 1890s when Weed's businesses were merged into the D&H and his political influence declined, he became vulnerable to attack by local political enemies who had long envied his control over the State Prison system. In 1895, a rival coalition of Republicans and Democrats published charges of corruption and abusive treatment of prisoners, demanding that the Governor hold an investigation. Weed fought back with all the political ammunition he could muster. Fortunately for the aging entrepreneur, he still had far-reaching influence; even the Republican *New York Times* came to his defense, arguing that his enemies were being "one sided and unfair." Yet Weed's hold on the prisons did gradually decline and by the early twentieth century, he had become the "grand old man" of Clinton County but he was a patriarch without power. This was starkly illustrated in 1902 when Weed's newspaper, the *Plattsburgh Republican,* suggested that he be nominated Democratic candidate for Mayor of the newly incorporated city. It sounded very much like an attempted comeback but no one heeded the suggestion–an outcome impossible to imagine just ten years before.

Early in the twentieth century, the Delaware and Hudson Company moved its corporate headquarters from New York City to Albany, constructing a brand new medieval Gothic building of massive dimensions which made the nearby Hudson River appear as its moat. Its grandeur challenged the State capital buildings and physically suggested the railroad corporation's superiority over the government and everything in its domain. The history of the late nineteenth century confirms the truth of this physical evidence. As historians, we may argue over the benefits of big business and the triumph of corporate capitalism but it is undeniable that for men like Smith Weed, the success of corporate capitalism doomed their own enterprises to failure. His ordeal was not as tragic as that of immigrant workers, native Americans, and women, who paid the heaviest social costs of corporate capitalism, but his story brings into stark relief the truth that in the late nineteenth century, capitalism destroyed not only the weak and timid but shrewd, hard-working capitalists.

The ironies of Smith Weed's experiences are many and still need exploration. Weed's contributions to expanding the D&H not only destroyed his own chances for survival but ultimately impoverished the very region he had dreamed of modernizing. Moreover, his efforts to use the political process to promote overall capitalist development so strengthened corporations such as the D&H that they could eventually shut out the Weeds of the world. His defensive use of the prison bureaucracy contributed to centralization and vast enlargement of state power, an outcome directly opposed to Weed's own "laissez-faire" political ideals. Weed's surreptitious formation of cross-party alliances such as the "prison ring" badly undercut the "Democracy," which had claimed Weed's loyalty for most of his life, and in a larger sense weakened the ability of the political system to respond effectively to the political power exerted by the corporations he resented so much. Experiencing this web of unintended consequences from Smith Weed's perspective makes more understandable the widespread appeal of the Progressive movement: government must be removed, as much as possible, from politics and become an impartial mechanism of control over both the working class and big business. Smith Weed had stumbled into such a position unwillingly and unwittingly; the Progressives would legitimize and articulate it as principle. ■

Altina Waller is a Distinguished Teaching Professor at State University, Plattsburgh and chair of the History Department. Author of a book about the Hatfield-McCoy feud, Dr. Waller wrote about the Tabor-Chapleau murder in the 1986 issue of The Antiquarian.

A Garrison Court of Enquiry

by Bernard E. Mullen

On a small peninsula near the southern end of Lake Champlain, midway between New York and Montreal, there is an impressive and romantic ruin. Here a visitor can examine the remains, still in remarkable condition, of what was once the most majestic fortress in North America, His Majesty's Fort of Crown Point.

Erected in 1759 on the site of the French fortification, Fort St. Frederic, and destroyed by fire fourteen years later, the fort of Crown Point and surrounding lands were donated to the State of New York in 1910. Since that time the ruins of the fort have been stabilized and preserved. Today, fine exhibits in a modern visitor center offer an interpretation of the French, British and American chapters of the history of Crown Point.

After the French were forced to abandon Fort St. Frederic, erected in 1734, General Jeffrey Amherst ordered a larger one built in 1759 to replace it. Nineteen other strongholds were strategically placed in the provinces; however, Crown Point was the answer to a critical need. On the day of the disaster, April 21, 1773, the lower Champlain Valley was beautiful, sunny, and peaceful. As the troops and inhabitants went about their daily assignments, none dreamed that in a few hours the fort would be destroyed.

In mid-morning, as the wind increased, a fire of harmless origin occurred that resulted in the destruction of the fort. Like an episodic nightmare, sparks from a chimney ignited the shingled roof over the magazine. High winds quickly spread the flames, which had been undetected for quarter of an hour. Amid shouted orders and swirling smoke, the troops attempted to extinguish the flames. The commanding officer of His Majesty's Fort then issued orders to abandon the site. Forty-five minutes later the roof erupted as the powder kegs exploded.

More than three thousand troops had toiled for three years building the fortress; it burned in three days. The loss serves as a watershed, marking the beginning of the end of the old way of doing things in the colonies. Events after the end of the fort were in some ways as startling as the accident. Damage was not limited to the structure, lives were altered, too. Finger-pointing and recriminations began before the last ember was extinguished, increasing to a crescendo of petitions and a formal trial. In the center of it all was the commanding officer, Captain William Anstruther of the Twenty-Sixth Regiment.

* * * * *

In the first quarter of the eighteenth century, France had recognized the importance of the small peninsula where Lake Champlain briefly changed direction. Here is the narrowest part of the 109-mile-long body of water. This important site guaranteed control of all movement between the Hudson River and Lake Champlain, and here was where Fort St. Frederic was built by France. Because of primitive roads, travel between New York and Montreal depended on this fresh-water artery.

During its fourteen-year existence, Crown Point evolved into more than just a fortress. As England shipped out reinforcements to the provinces, families were permitted to accompany troops. In 1764, a year after they were discharged, each non-commissioned officer received his bounty of 200 acres. A community composed of "reduced" (discharged) soldiers with their families developed outside the walls. Discharging the troops in the colonies after victory over France was a sensible demographic decision, sparing the British government the expense of shipping them home.

It also afforded the Crown an instant, informal militia. After its completion, the exterior maintenance of the fortress was largely neglected. The ramparts and parapets were built of squared log cribs filled with earth; preparing these emplacements left deep deposits of wood chips in front of the stone walls. Over the years, alternate wetting and drying turned these areas into tinder.

On the day of the fire in 1773, a unit was assigned to a fishing detail across the Lake Champlain narrows, to supplement garrison fare. Dietary deficiency had caused many sicknesses on land as well as at sea. In remote garrisons, sometimes three-quarters of the troops were unfit to answer roll call because of illnesses such as scurvy. Tending their nets and lines on a bright, chilly day, the men looked forward to the catch as relief from monotonous winter fare. The day of the fire was another in a series of lovely valley days, "but the wind blew high from the Northwest," in the words of one soldier, and that strong breeze was the catalyst for disaster. A conflagration of such magnitude is a frightening, costly experience. The troops had to work with inoperative equipment, a failed water supply, and a disciplinary breakdown. All hastened the end.

By late afternoon of the second day, still smoldering because of the constant wind, the flames had consumed the entire perimeter of the fort. The fire-fighting pump (minus a wheel) was still unworkable. An arm was broken on the draw well inside the fortress. Barracks Master Alexander McKenzie, a man of uncertain temperament, refused the use of his oxen and cart to draw water from the lake.

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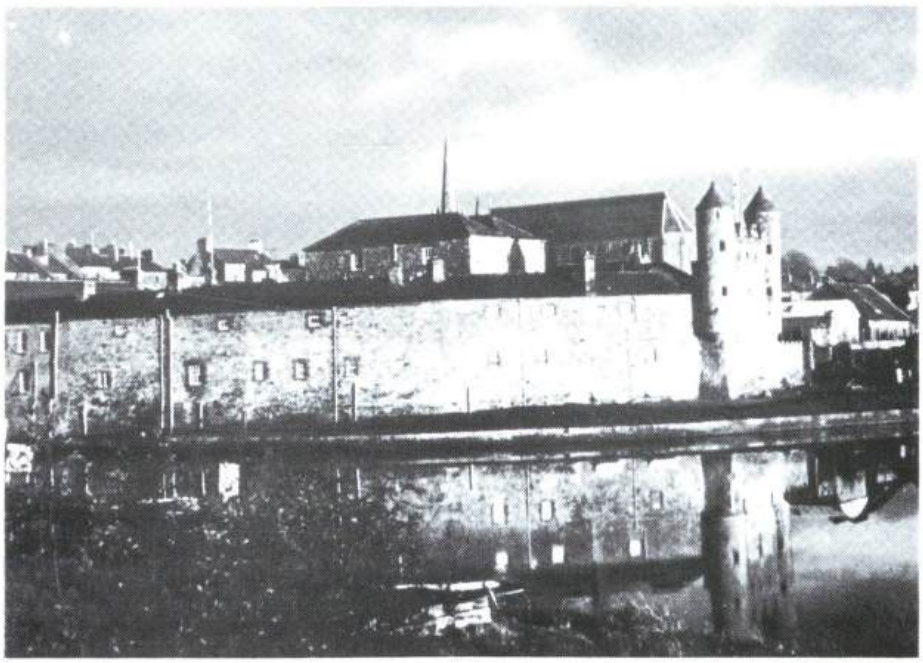
Strict discipline is a fundamental military tenet. The British Army maintained their far-flung operations by firmly adhering to their codes of military conduct. In serious breaches of discipline, the 87th Article of War was invoked. At Crown Point a Court of Enquiry was established to determine whether there were grounds for a trial. As commanding officer, Captain William Anstruther would now receive the first of several impending blows when a Garrison Court of Enquiry was held in Montreal on November 5, 1773.

Before the enquiry, however, Anstruther's problems were augmented by two petitions, dated July 11th and October 1st. The petitions, signed by twelve of the inhabitants, accused Anstruther of oppression, avarice, and profiteering. The peti-



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Enniskillen Castle in County Fermanagh, Northern Ireland was the home of the Twenty-Seventh, or Inniskilling Regiment of Foot, the regiment of Joseph Franklin and Benjamin Porter.

tions were sent to General Frederick Haldimand in Canada and Governor William Tryon in New York City. An invisible barrier, the demarcation of rank between the commanding officer and the inhabitants, had also been consumed in the fire. In spite of tradition, the inhabitants seized the Crown Point fire as an opportunity to lodge their petitions.

Though not part of the enquiry, the news of the petitions hovered over the proceedings like a valley fog. Anstruther learned of the complaints on the eve of the enquiry. He was charged with closing roads; levying high rents for houses built by the tenants themselves; profiteering; seizing livestock; shooting the inhabitants' fowls, dogs and pigs, and charging high rates for pasturage and hay.

Though the responsibility of the fire would have been enough for any man, Anstruther's burdens increased. Relieved of command, facing the enquiry and petitions, he now learned of a new development. In a letter to General Haldimand, Lieutenant Jocelyn Feltham lodged six charges against his superior: five charges of conduct unbecoming an officer and one of conduct unbecoming a gentleman. Anstruther lost no time preparing for his defense. He wrote letters to superiors and canvassed his men to refresh their memories.

* * * * *

Lieutenant Colonel Dudley Templer of the Twenty-Sixth Regiment served as President of the Garrison Court of Enquiry. Twenty-one Evidences (witnesses) were present, along with three captains of the Twenty-Sixth. Waiting for the trial was a bleak experience for Anstruther, who had been relieved of regular duty by Templer, and whose fellow officers "sent him to Coventry," a British expression for disgrace which results in silent treatment of the offender.

While the principals waited, witnesses were transported from Crown Point down Lake Champlain to Montreal by the sloop *Betsey*, under Captain Friend, a pleasant interlude for those involved. Overland movement involved great physical discomfort because of the condition of the roads.

Lieutenant Feltham opened the proceedings with a four and one-half page description of events during and after the fire. Then he lodged the six charges against his commanding officer. Briefly, the first five were essentially an itemized list of Anstruther's failure to obey General Thomas Gage's instructions. The last charge was Anstruther's "asking for the post at Ticonderoga in an underhanded manner, to the detriment of Lieutenant Feltham, then denying it."

The vernacular of an 18th century enquiry proves that slanted interrogation is not peculiar to modern courtroom practices. It is difficult to decide who was the more proficient in this phase of the proceedings. A short look at some of the testimony may help.

Feltham to Alexander McKenzie, barracks master: "Which did you think Captain Anstruther paid the greater attention to on the day of the fire, His Majesty's Stores, or his own baggage?"

"His Majesty's Stores I saw entirely neglected."

Anstruther questioned the whole company: "Is it your opinion that I did my duty during the accident of the fire or not?"

"Yes."

In addition to the charges enumerated at the Court of Enquiry, another serious unspoken problem remained for the former commanding officer. Shortly after taking command, Anstruther had applied to General Haldimand for more men, despite Templer's earlier refusal, and was thereby out of favor with the President of the Court. As an eighteen-year veteran of His Majesty's forces, Anstruther should have been aware of the cardinal principle in military establishments: "Do not go over the head of your superior."

The Court of Enquiry concluded on November 15, 1773. No one involved in the trial was ever satisfied by the judgement. In March, 1774 the King agreed to a court-martial. However, as the months passed, the court-martial became academic in view of ominous developments taking place in Boston, New York and Canada. General Gage had more urgent problems on his mind as rebellion in the provinces increased. The court-martial was permanently shelved as the witnesses reported to active duty and dispersed to other locations. Assembling the many witnesses involved would have been impossible in those precarious times.

Thus, the enquiry concluded without an official

reprimand or reproof. Undoubtedly, Anstruther would have fared better during his remaining time in service without the enquiry on his record. His official correspondence reflects a troubled man, with numerous postscripts requesting consideration for his son's acceptance as ensign.

Everyone involved–accused, accusers, troops, inhabitants–found themselves far removed two years later. Records show that Captain William Delaplace (Anstruther's replacement) and Lieutenant Feltham were captured at Ticonderoga with the garrison and twenty four women and children. They were sent to Hartford as prisoners of war. Captured later in Canada, Anstruther was freed in a prisoner exchange.

* * * * *

What sort of man was Captain William Anstruther? With an impressive ancestry extending back to Dominus de Anstruther (1110-1165), there is a certain rectitude and loftiness of demeanor expected with such lineage. Ironically, here in the New World he was judged by his peers for transgressions peculiar to those of lesser station.

As an officer of a rigidly disciplined 18th-century army, questions arise about Anstruther's personality and qualities. With his illustrious background, it is difficult to reconcile the accusations brought out during the enquiry. Petitions notwithstanding, he had redeeming qualities. Anstruther managed to raise a family consisting of his wife, Isabella, two sons, Philip and Christian, and three daughters, Euphenia, Jane and Margaret; no small feat for any serviceman. To accept the one-dimensional view as presented in the petitions and charges is perhaps to do him less than justice.

From the standpoint of time served, Anstruther had an enviable record. In 1755, at the age of seventeen, he enlisted in the army. His first commission was purchased two years later, as were all subsequent ones. The last twenty-six years of his life were spent in the service of the

Author's collection

His Majesty's Fort at Crown Point was constructed in 1759. A disastrous fire quickly assured its destruction in 1773 and brought about a formal court of enquiry.

Corps of Invalids; fifteen years were served at posts in Bermuda. A word of explanation regarding the use of the word "Invalids" is necessary here. These were honorably discharged veterans, in good health, usually employed in home defense. In 1802, it was decided to abolish the use of the word because it denigrated the troops.

In Guernsey, his last post, Anstruther ascended in rank to full colonel and commandant in 1795. He died on full pay in 1805. Both he and Isabella, who outlived him by thirty-one years, are buried in St. Peter's Port, Guernsey.

Epilogue

Both shores in the vicinity of Crown Point were attractive as sites for potential settlers. Former sergeants Joseph Franklin and Benjamin Porter served with the Twenty-Seventh, or Inniskilling Regiment of Foot, arriving in the colonies in 1757. Barracks Master Alexander McKenzie served with the Forty-Second Regiment. All three men chose adjoining sites as their bounties: Porter (and his mill) on the northernmost 200 acres, followed by Franklin's identical acreage, ending up with 150 acres of bounty for McKenzie.

Undoubtedly, the location of the mill, just up the lake from the King's Bastion, influenced their decision. Access to the lake was coveted at a time when all shipments of goods and material were made by water. The patents of Porter, Franklin and McKenzie composed the entire shoreline of Port Henry.

After Porter's discharge, his business grew by servicing the increasing needs of new settlers in the Champlain Valley. Stone from the ruined fortress was used in building some of the houses in Port Henry. In 1776, the rebels burned Porter's Mill, causing his flight to Vermont. He sold his patent in 1790 to Robert Lewis, another inhabitant, for "the sum of one hundred Pounds (lawful money of the state of New York)."

William McKenzie, Alexander's son, lived in Canada during the Revolution. He returned in 1784 to the McKenzie patent with his wife and daughter, where he spent the rest of his life, an influential voice in village affairs. Frederick McKenzie, a direct descendant and lifetime resident of Port Henry, passed away in the summer of 1993.

Joseph Franklin joined General John Burgoyne's army shortly after the beginning of hostilities. In 1778 he proceeded with the British army to Carleton Island in the St. Lawrence River. Franklin raised his family near Kingston, Ontario, on land he was awarded. He sold his Port Henry property to James Graham in 1792, who devised it to his half-Indian daughter, Anne Eliza. She subsequently turned it over to St. Peter's Catholic Church in New York City.

Franklin is interred in Cataraqui Cemetery in Kingston, the only one of the three Port Henry settlers with a recorded burial site. Alexander McKenzie is buried somewhere, with others, at the site of the Crown Point fortress. The location of Porter's grave is unknown. Informed opinion has Porter buried in a Robert Lewis plot somewhere in an Albany cemetery. This has a ring of plausibility as Lewis took care of Porter in his latter years.

Northbound travelers leaving Port Henry on Route 9N and 22 cross a graceful new bridge over Mill Brook. New York State has erected an historical marker on the lake shore side of the road indicating the site of Porter's Mill. Travelers may recall Great Britain's possession, and loss, of her colonies; it is unlikely, however, that they are familiar with the personalities chronicled here.

This fleeting image tends to convey the fickleness of history that marked those days, exemplified in comparing Anstruther to his troops and inhabitants. Anstruther dedicated his life to army service, with a final, fitting resting place. The others faced the struggle of frontier life, a revolution, the loss and recovery of their property, and finally, a place in local history.

McKenzie, Porter, Franklin and Lewis were prominent in opening up the Lake Champlain Valley and that is a lasting tribute to their memory. ■

Born in Port Henry, New York in 1913, Bernard E. Mullen moved to Albany after grammar school. His interest in Colonial history led him to research the origins of Crown Point and the early history of Port Henry. Mr. Mullen resides in Delmar, New York.

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