

[Kilby, Allen E.]

A. E. KILBY OF '69 TO THE HIGHER LIFE
WAS ONE OF THE FAST DWINDLING OLDER
GRADUATES OF THE ST. LAWRENCE UNIVERSITY

The Watertown Times carried the following interesting notice of the death of Allen E. Kilby of Carthage, a graduate of St. Lawrence University and later an instructor in that institution:

Allen E. Kilby, Carthage's oldest attorney and one of the leading members of his profession in northern New York, died this morning about 10 following a long period of failing health, aged 80 years. Funeral arrangements are incomplete, although it was announced that Dr. G. D. [George Delbert] Walker will officiate and that burial will be made in Fairview cemetery.

Early in the year, Attorney Kilby began to show signs of failing health, although he refused to give up entirely and went to his office whenever able, he being the senior member of the firm of Kilby, Norris & Smith. He suffered from an asthmatic condition caused by a weakened heart. His condition soon became such that he could not be about. He could not lie down and was forced to sit propped up in bed. His remarkable energy and vitality were of great assistance to him, however, and his mind remained keen and active and he retained his interest in current affairs.

For a time his condition was believed critical and the end not far away. His vitality, however, kept him up and his condition for a time improved. Recently, however, he failed rapidly. He had been confined to the bed since Saturday and unconscious since Monday morning.

Allen E. Kilby was born in Henderson, Aug. 13, 1842, a son of Mr. and Mrs. George Kilby. His father was a native of Connecticut and his mother of New York. Mr. Kilby was always a keen student. He received his early education in the Henderson district school, going from there to Union Academy at Belleville, from which he was graduated with honors in 1866. He taught school winters to pay expenses and for a part of the time boarded himself. From Union Academy he entered St. Lawrence University at Canton. There he also won high honors and was graduated in 1869. He was obliged to work his way through the university as he had done in his earlier school days. His vacations were always given to hard work.

Entering St. Lawrence law school in 1869, he was graduated in the following year. While in college he was appointed tutor in mathematics, history and Latin, and remained a year after graduation as instructor in mathematics. He was then chosen to the chair of pure mathematics but resigned to practice law, coming to Carthage in 1871.

From the first Mr. Kilby made his mark as a student, an excellent legal adviser and a man of high character, which won for him the confidence of his clients. In politics he was a staunch Republican. In 1884 he was elected

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member of assembly from the first district of Jefferson county by the largest majority ever given in that district, and re-elected in November, 1885. He won prominence in the legislature by the same way he had won prominence before. He served on the committees on judiciary, banks, public education, and on two-thirds and three-fifths bills, with great credit and acceptance. During his two years' service he refused all passes on railroads and always paid his full fare wherever he went. His view was that being a public official he should not accept favors from railway corporations, whose interests might be antagonistic to the rights and best interests of the people.

Nothing escaped Mr. Kilby's laborious and faithful examination of bills laid before the legislature, and while he modestly refrained from taking part in debates to any great extent, he was recognized as a leading and safe authority on all matters coming before the legislature.

Mr. Kilby founded his law business in Carthage in 1873. In 1884 he formed a partnership with Attorney Virgil K. Kellogg of Watertown, which continued for several years until Mr. Kellogg was elected district attorney of Jefferson county. In 1901 Charles E. Norris became a partner of Mr. Kilby under the firm name of Kilby & Norris. On Oct. 21, 1921, Fred L. Smith of Harrisville, district attorney of Lewis county, joined the firm, which became known as Kilby, Norris & Smith.

Mr. Kilby won his legal prominence through the famous Salter case which was bitterly fought in the courts for several years between 1870 and 1880. A man named Salter was killed at the Tissue mill crossing by a train operated by the old Utica & Black River Railroad company. Mr. Kilby was hired by the relatives of Salter to appear for them in the damage action which followed.

The railroad put up a bitter fight from the start and contested every move made by the plaintiff. It was not only a case that was fought in the lower courts but it was a case that attracted the attention of the court of appeals time and again. First the railroad would win and then the plaintiff would win. The railroad would lose and would then appeal, when the decision would be reversed. A reversal meant only one thing to Mr. Kilby. It meant to continue the fight harder than ever.

It began to look as though the case would never end until one day Mr. Kilby played his trump card. When the wheezing locomotive pulled into the Carthage yards one day with its load of passengers in the cars trailing behind, a representative of the sheriff's office was waiting. The train stopped and the sheriff climbed on board the engine and notified the engineer not to move the train an inch further as it was in the hands of the law. In other words, the officer had placed a levy upon the locomotive. The engineer notified his superiors and it was necessary to call a meeting of the board of directors, hurriedly assembled. A conference resulted in the

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directors deciding that Mr. Kilby had won out and that it would be useless to continue the fight further. The movement of the trains had virtually been stopped. Mr. Kilby was summoned and the case was settled then and there.

Among those who studied law in the office of Mr. Kilby were County Judge J. F. LaRue and Attorneys W. B. Van Allen, A. F. Mills, C. E. Norris and J. J. Butler of this village.

Mr. Kirby married Miss Alice A. Johnson, daughter of Lynda and Fales Johnson of Henderson, in 1871, the same year in which he settled in Carthage for the practice of his profession. Two children were born to them, Ralph Lawrence and Bertha Alice Kilby.

In 1891 his name was prominently mentioned as candidate for county judge and the strong endorsement he received was proof of the esteem in which he was held in his native county.

Mr. Kilby was a member of the Universalist church. Thirty years ago, however, he was a member of the board of trustees of the Presbyterian church, serving several years. After his return from the assembly he was a member of the board of education for several years. For many years he served on the board of trustees of St. Lawrence University and was the oldest member of that body at the time of his resignation a year or so ago. He was also active in fraternal life, being a member of Carthage Lodge, No. 158, F. & A.M.

Surviving are his widow; one son, Ralph Lawrence Kilby of New York; one daughter, Mrs. Alfred Spadone of Brooklyn; two grandchildren, Betty and Barbara Spadone of Brooklyn.

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Transcribed on 2 Sep 2013 by Karen E. Dau of Rochester, NY