

HISTORY OF THE MUNICIPAL CLERK

EARLY BEGINNINGS

The Municipal Clerk is the oldest of public servants in local government, along with the tax collector. The profession traces back before Biblical times. For example, the modern Hebrew translation of Town Clerk is "Mazkir Ha'ir" which literally translated, means city or town "Reminder". The early keepers of archives were often called "Remembrancers", and before writing came into use, their memory served as the public record.

Ancient Greece had a city secretary who read official documents publicly. At the opening of a meeting, one of his first duties was to decree a curse upon anyone who should seek to deceive the people.

St. Paul and his followers during his missionary work in Persia (now Western Turkey) owed their safety to the action of a town clerk. As related in Acts 19:22-41, written in A.D. 58, the artisans of Ephesus who made the idols of the time, feared the effect of Paul's missionary work on their trade. They incited a mob to seize two of Paul's followers. The town clerk, however, spoke out against this action and insisted that charges laid against these men had to be settled in the proper manner and before the proper authorities. There was no justification for riotous conduct. With that, he dispersed the crowd.

Reportedly, the regency line of France descends from the office of the Clerk! According to James Bryce in his book "The Holy Roman Empire," there is a direct link between the position of Mayor of the Palace, a clerical post created by the Merovingian Kings of France, and all subsequent Kings of France.

In the eighth century, the Frankish Kings of France depended on the Mayor of the Palace to perform all manner of clerical and administrative tasks for the King including collecting taxes and fees, publishing documents, keeping state records and assisting in the enforcement of the King's justice.

In 751, the Merovingian King, Childeric, was deposed and his assistant, Pippin, the Mayor of the Palace, became not only the monarch of France but was simultaneously created a Patrician of Rome by Pope Gregory the Third. Pippin was, in turn, father of the great Charlemagne, the first Holy Roman Emperor and founder of the Carolingian Dynasty of Europe on High, which in successive generations, produced the Kings of France, as well as the Emperors of Germany and Austria.

DEVELOPMENT IN ENGLAND

The title "Clerk" as we know it developed from the Latin "clericus". During the Middle Ages, when scholarship and writing were limited to the clergy, clerk came to mean a scholar, especially one who could read, write, and thus serve as notary, secretary, accountant and recorder.

In ancient England, the township (surrounded by its hedge or "tun") and the borough (an outpost fortified with a wall) developed a strong system of democratic local government. And one of the first officials these freemen elected was the "Clarke", (today known as the "Clerk").

The beginning of the office of city clerk in England can be traced back to 1272 A.D. in the history of the Corporation of Old London. The "Remembrancer" was called upon to remind the councilors (members of the council) what had transpired at their previous meetings, since the meetings of the early councils were not recorded in written minutes.

In 1354, the Mayor of Nottingham appointed the Clarke and provided for his remuneration. In 1439, Symkyn Birches was awarded the office of "Town Clerk" in another community for the rest of his life. In 1477 Thomas Carton, a town clerk, was the first English printer, and served as diplomat for the King. In 1485, Nicholas Lancaster, the Clarke, became Mayor of York.

In the 1500's in England, there were not only the 'Town Clarke" but also the "Clerk Comptroller of the King's Honorable Household. In 1603, there was a "Clarke General of the Armie." Indeed, King Henry the Eighth had a "Clarke of the Spicery" and King Charles had his "Clarke of the Robes."

Perhaps the strongest statement of the unique position occupied by the Municipal Clerk is by an English Court in the Middle Ages ruling in the case, *Hurle-Hobbs ex parte Riley* and another. Concerning this case, Chief Justice Lord Caldecote, observed: "The office of town clerk is an important part of the machinery of local government. He may be said to stand between the local Council and the ratepayers. He is there to assist by his advice and action the conduct of public affairs in the borough and, if there is a disposition on the part of the council, still more on the part of any member of the council, to ride roughshod over his opinions, the question must at once arise as to whether it is not his duty forthwith to resign his office or, at any rate, to do what he thinks right and await the consequences."

COLONIAL DEVELOPMENT

When the early colonists came to America they set up forms of local government to which they had been accustomed, and the office of clerk was one of the first to be established. When the colonists first settled in Plymouth, Massachusetts, they quickly appointed a person to act as recorder. That person kept all the vital records for birth, marriages and deaths for the church, as well as various other records of appointments, deeds, meetings, and the election of officers at the annual town meeting.

Indeed, in Massachusetts, the town clerk was one of the earliest offices established in colonial towns. The settlers were well aware of the importance of keeping accurate written records of their agreements and actions including grants of land, regulations governing animals, the collection of taxes and the expenditure of town funds.

The person given the responsibility for recording these orders was also often given other duties, such as sweeping the meeting-house and selling the seats, ringing the bell, and paying the bounty for jays and blackbirds whose heads were presented to him by the citizens. By the middle of the 17th century, the title town clerk appears in town records and this title has continued to the present.

One of the earliest statutory duties imposed by the Massachusetts General Court on town clerks was recording births, deaths and marriages. Since that time, the General Court has formalized by statute many of the duties first delegated by vote of the town and has added others. By 1692, the town clerk was required to enter and record divisions of land and orders of the selectmen as well as all town votes, orders and grants. Warrants directed to the constable for the collection of taxes were to be signed by the assessors or the town clerk. Between 1742 and 1756, the General Court made the town clerk responsible for maintaining a list showing each inhabitant's property value and for producing it, if necessary, to substantiate a person's voting rights. The town clerk was required to administer and record the oath of office taken by town officials. By 1776, the town clerk was empowered to call town meetings to elect selectmen if a majority of the selectmen had moved from the town or were absent in the service of the country.

The office of town clerk of Wethersfield, Connecticut, was established in 1639 and that person was to "keep a record of every man's house and land," and to present "a fairly written" copy of such to every General Court to be recorded by the secretary of the colony. In the first municipal election in New York City in 1689, the offices of Sheriff, Mayor and City Clerk were on the ballot.

The Puritan town of Woodstock, Massachusetts, appointed a town clerk in 1693 to record deeds and mortgages and to record the books. Because the town's people wanted to keep him on a permanent basis, he was given 20 acres of land and a fee of 12 pence for each town meeting plus 6 pence for each grant filed. The Town Clerk of Middleboro, Mass., on the other hand was compensated with "one load of fish taken at the herring-weir and delivered to his house." Three centuries later, one of his seven-great-grandchildren is serving as City Recorder of the City of Newport, Oregon.