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43
HISTORY

OF

Municipal Ownership of Land

ON

MANHATTAN ISLAND

TO THE BEGINNING OF SALES BY THE COMMISSIONERS
OF THE SINKING FUND IN 1844.

*“Dissertation in part fulfillment of the conditions
necessary for the attainment of the degree of
Doctor of Philosophy.”*

SCHOOL OF POLITICAL SCIENCE,
COLUMBIA COLLEGE.

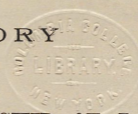
BY

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1889.

HISTORY
OF
MUNICIPAL OWNERSHIP OF LAND
ON
MANHATTAN ISLAND,



THE administrative history of New York City must still in large part be sought for through voluminous original records, and if we begin thus to trace the history of the city's fiscal administration, each important source of revenue whether common lands, water lots, docks, ferries, markets or Croton works, invites a separate inquiry of some extent and interest in addition to a study of Hoffman and Gerard.¹

It is the purpose of the following pages to give the results of an inquiry into the history of the first of these sources of revenue, the city's common lands. An account of every piece of ground which has at any time yielded a revenue will not of course be expected, but the attempt will be made to give with some completeness the history of every large tract as distinct from isolated lots, and to consider the conditions and admini-

1. Hoffman—Estate and rights of the Corporation of the City of New York.

2. Gerard—City water rights, streets, and real estate.

strative policy which determined its disposal. The water lots also will be treated as a part of the subject until the adoption of a distinct policy in regard to them in 1734.

As a corporate body the city dates from the 2 February 1653¹, and starts under the title of schout, burgomasters and schepens of New Amsterdam². The schout or sheriff was for some time also the fiscal of the West India Company which still owned most of the island, and exercised over it and the rest of the New Netherlands complete governmental powers through director general Stuyvesant and his council of five.

The two burgomasters transacted all the financial business of the corporation, and might likewise be members of the council of five. The municipal powers granted to them and the five schepens were extremely limited, and in fiscal matters particularly were conferred grudgingly, and one by one, as the result of oft repeated petitions to the director general and the home company. Nearly a year passed before the burgomasters succeeded in getting any fiscal powers at all, and then the grant of a tavern excise, to which a general burger excise was soon after added, was coupled with the condition never fulfilled, of paying the salaries of the two preachers, the schoolmasters, and the city secretary. These excises, moreover, were revocable at the will of the director general, who at one time sharply rebukes the city authorities for presuming to ask that they be made permanent.

1. The records show that on this day the first city officials received their commissions.

2. Their minutes are preserved. They were translated by Dr. O'Callaghan under a common council resolution of Dec. 20, 1847. The original, the translation and the common council minutes up to 1831, which are also in manuscript only, are in charge of the clerk of the common council at the city hall. With his courteous permission I have examined these records seriatim, and most of the statements of fact herein contained are derived from them, unless another source is cited.

In July 1654 the city obtained its first piece of real estate, on condition that it should not be sold or mortgaged. This was the Company's tavern by the water side, on the present Pearl street, at the head of Coenties slip, to be used as a Stadt Huys or City Hall. Up to this time the most important work performed under the direction of the municipality was the erection of a line of palisades across the island along the line of the present Wall street, north of which were the outlying boweries or farms as distinct from the incorporated town. To pay the debt thus incurred a special tax was levied by authority of the governor general. The tax list numbers 228 names and indicates a population of hardly more than 1,000.

In September 1655 the dreaded Indian outbreak occurred and all outlying settlers left alive were driven for the time being within the wall. Many of the refugees desiring to remain permanently, the burgomasters petitioned the governor general for a survey, in order that the request of these refugees each for a lot on which to build a house, within the city limits, might be complied with. The survey was ordered "without regard to persons, gardens, or places," and the lots valued which trenched on land already disposed of. The distribution of these lots on payment where valued so as to recompense former owners, otherwise only on condition to build, was intrusted to the burgomasters.

A few months later, the director general deeded to them in their official capacity certain lots west of Broadway, as appears from a series of five deeds by the burgomasters, all dated 25 August 1656, in which his deed to them is cited. These lots have been approximately mapped out by Hoffman, as fronting 176 feet on Broadway, beginning about 160 feet south of Rector street and extending west to high water

mark¹. They seem to be the first productive lands held by the Corporation.

The result of leaving the distribution of the vacant lots to the burgomasters was not entirely satisfactory to the director general. He complains of the "spaciousness and great size of the lots which some hold and occupy, the one more than the other." Two years after the survey just mentioned, he caused a new survey of all the vacant lots, and discovered several hundred within the city wall, on which no buildings whatever had been erected. All such lots he ordered to be taxed the fifteenth penny, and the proceeds to be applied to the fortifications. The option was given the owners to pay the tax on a valuation fixed by the burgomasters or surrender the lots at the same valuation. If the proprietor preferred to fix the valuation himself, the burgomasters were to have a corresponding option either to receive the tax, or to take the lots and convey them at the same price to others, "until they or the proprietors shall construct buildings, when the tax shall cease."

Meanwhile the burgomasters, watchful for ways and means to eke out the scanty revenue of the city, and successful in securing some minor privileges², had petitioned for the unceded lots within the city walls. On the 20 January 1658 the desired apostile was signed. To just what extent the city benefited and how large a property it thus secured, I have not

1. It is impossible to reconcile known distances with any fixed number of feet to the Dutch rod as used in the old grants. In some grants the rod is defined as of 12 feet, in some as of 13, in some as a Rhineland rod, and in others it is used without definition. Hoffman Vol. II, p. 167 and 173. By measuring off the distances given by Hoffman and in the deeds, on Lyne's map of 1728, the earliest that is accurate, this and other parcels may be located with some approach to exactness. See Map I.

2, Records of Burgomasters and schepens, Vol. III, p. 38 of the translation.

discovered. Records of the separate proceedings of the burgomasters occur in the same volume with the continuous records of the burgomasters and schepens, but only from March 1657 to January 1661. In these a few sales are noted and then in April 1658, it is resolved to proceed no further with the granting of the lots before a map thereof be made. At this point the entries relative to the sale of lots cease, and the map if it was made is lost. There are also "Records of deeds and conveyances in New Amsterdam from 1654 to 1672" in the office of the city clerk, but only three or four inconsiderable grants by the burgomasters, beyond the grant of the five lots in 1656 are discoverable. The Albany records may contain others.

On the 12 June 1665 the city was incorporated under English rule by governor Nichols. His commission to the Mayor, Aldermen and Sheriff, constitutes the "inhabitants of New York, New Harlem with all other his majesty's subjects upon the island called and known by the name of Manhattans' island one body politique or corporate." Thus the city limits passed Wall street and took in the whole island. One of the "deeds and conveyances" just referred to is interesting because it is expressly stated to be confirmatory of a grant by the former burgomasters, and is made by the deputy mayor "under commission and authority given unto us by the Right Hon. Richard Nichols Esq. Gov."

The inference that the new mayor, aldermen and sheriff stepped immediately into the property rights of the schout, burgomasters and schepens, is confirmed by later proceedings of the "court" as the burgomasters and schepens, and after them the mayor and aldermen were called from the prominence of their judicial functions.

Thus in 1671 the court directs a petitioner to make an inquiry "whether there be any lot undisposed of within the city

which can be no prejudice to the town or the fort"; and the next year allows her "200 gilders" in lieu of the lot they have promised her. Governor Lovelace also writes to the court desiring that a gore of land near the fort be given to him and his neighbors at a proper valuation, and the court appoints three men to adjudge the value. Finally Governor Andros in his proclamation of 1675, shortly after the final surrender to the English, formally confirmed all prior grants, concessions and estates.¹

Still there are no data, unless among the deeds in the office of the Secretary of State at Albany, from which it can be gathered what the city's possessions during this time and until the Dongan charter amounted to, or what benefit the city derived from them. The extent of the original ground briefs below the wall² shows that the estate received in 1658 was not large, and of this, apparently, there remained in 1671 only lots exceptional in their nature or that could not be granted without prejudice to the town or to the fort. Such, for instance, was the first burial ground on Broadway 200 feet south of the five lots and a little north of the present Morris street³, which in 1676 was ordered to be laid out in four lots of 25 feet front each, "the same to be sold at a vandoue or outcry."

Following the example of the Dutch burgomasters twenty-five years back, and with some experience themselves of the convenience of a source of revenue independent of the governor and council, the mayor and aldermen soon after the arrival of governor Dongan petitioned for the unappropriated

1. Gerard, p. 30.

2. The descriptive portions of these ground briefs are quoted by Valentine, City Manual 1857, p. 498. The map he gives is not claimed to be accurate, but the total area can be deduced more exactly.

3. Map I.

lands upon the island to low water mark. Unsuccessful at the time they subsequently secured this and other concessions in the very liberal Dongan Charter of 1686. The only exceptions from the grant to the city of the then unpatented lands, were the following :

Fort James¹.

One messuage or tenement next the city hall.

One messuage by the fort.

The governors garden; later known as the queen's garden¹.

The king's farm².

The swamp next to the king's farm by the fresh water³.

The new charter cost the city £324 in fees to the governor and his secretary. Roberts remarks concerning this and a similar expense incurred the same year by the city of Albany for its charter, that these charges created no scandal and were accounted the proper perquisites of the office⁴. Nevertheless the cost was a matter of some concern to the city whose whole annual expenditure did not then equal this amount⁵. Naturally the most convenient resource was to sell some of the property acquired by the charter, and this the mayor was appointed to do. 16 acres on the Hudson near the present Gansevoort street were sold to a neighboring proprietor for £16⁶. 14 lots fronting Dock street, 80 feet deep into the then dock⁷ brought

1. Map I.

2. Southern portion shown on Map I. The farm and garden were granted to Trinity Church in 1705, by letters patent from Governor Cornbury, in the name of Queen Anne. Hoffman, Vol, II, p. 175 and p. 180.

3. A pond north of the common. Map I.

4. History of New York, Vol. I, p. 195.

5. Valentine's Manual for 1859. Article on the Financial History of New York City, from which a number of statistics hereinafter given, are taken.

6. Book A, of Grants, in Comptrollers office.

7. In Map I, 80 feet in depth of blocks L and M.

£470 as appears from the mayor's report, or something more than £1 the front foot for the space between the bridge into the dock, now Moore street, and the city hall at the head of what is now Coenties slip.

There was at this time a ready market for the lots along the east shore as far as Beekman's slip¹ between the lines of high and low water marked by the present Pearl and Water streets¹, and when the treasurers statement at the beginning of 1687 disclosed a still existing debt of £434 the corporation² did not hesitate to take advantage of the demand.

Eleven of these water lots, extending from the present Coenties slip to Old slip, though not covering the whole space between high and low water³, brought as the mayor reports £294.

No further sales of any account were made till after the regime of Leisler, except in 1690 when the city received £55 for the vacant land in the rear of the city hall. After Leisler's death in the spring of 1691, the buyers of the lots formerly sold were pressed to build the street and wharf agreed upon in front of them, and the extension of Broad street by the city between the two blocks sold in 1686 had therefore to be made. It was determined to build a new market house there, and a new ferry house at Peck slip was to be paid for⁴. The revenue of the city derived chiefly from the ferry and dock⁵, being barely sufficient for its ordinary expenses, any publicenterprises of the nature referred to were sure to result in sales of city land. Resort to taxation was exceptional, the citizens feeling

1. Map I.

2. Named in the new charter The Mayor, Aldermen and Commonalty.

3. Map I, 95 feet in depth of Block N.

4. Cost £297. Treasurer's books.

5. In 1692 the ferry was leased for 7 years at the rate of £148 annually. In 1694 the dock was leased for 7 years at £40 annually. City treasurer's books.

already overburdened by the taxes imposed by the general assembly. These were largely a military necessity due to a frontier open to Canada by easy water communication, and consequent conflicts which checked the growth of the province till after the fall of Quebec. Under such circumstances in the autumn of 1691, the space between the 80 feet lots first sold and Water street¹ was disposed of, the city receiving therefor £397 according to the deeds in the comptroller's office.

At the same time the lots between high and low water from Old slip to Beekman's slip² were exposed to sale. Some of them were claimed by the owners of the adjacent upland, but on summons to produce their patents the claimants could show no right beyond high water mark, and another order of sale was made at the following rates : From Wall street to Maiden Lane³ 25 shilling per front foot ; from Maiden Lane to John street 18 shillings per foot⁴, and from John street to Beekman slip 15 shillings per foot⁵. So at these rates with condition to continue Water street 30 feet wide and keep it in repair the lots were sold to any, after preemption offered to the holders of the adjacent upland.

The amount obtained as shown by the report of 5 August, 1692 was £594. A building lot of 180 feet front on Garden street and 84 feet deep, part of an old city burial ground as old deeds show, which must have been laid out on the abandonment of the first burial ground on lower Broadway as early as 1656, was also sold to the Dutch church subject to be used for a church or houses for pious and charitable uses. The price

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1. The rest of Blocks L and M, on Map I.
 2. Blocks O, P, Q, R. Map I.
 3. Blocks O, and P.
 4. Block Q.
 5. Block R.

agreed upon was 180 pieces of eight to be paid on sealing the patents which were delivered 19 February 1692. Except the gift of a church site to the English church, this is the first transfer of city land to any church or institution¹. The next was in 1703 when the English church received without cost the new burial place fronting 310 feet on Broadway², and on a portion of which its first church had already been erected, conditioned "forever after to be appropriated for part of the public church yard of Trinity church and a burial place for any of the inhabitants of the said city."

With the help of these sales the corporation paid its way till 1694 when it was forced to borrow £200 on a mortgage of the ferry for purposes of defence. The charter gave no right to the corporation to raise money by taxation, and it is not likely the authorities then desired such a power as it would have exposed them to pressure from the royal governors for subsidies. The first legislation conferring the power even to levy an assessment is the act of 1691, allowing any reasonable tax upon all houses within said city, in proportion to the benefit they shall receive "for making, altering, and keeping in repair streets, vaults, drains, sewers and pavements." To levy a general tax the corporation was obliged in every instance to get a special act of Assembly. The first so levied was under the act of 1695.

Though the city was levying no taxes the burden of other taxation was at this time considerable. The act of 1693 for settling a ministry constituted a vestry of ten vestrymen and two churchwardens to be chosen annually by freeholders the same as the aldermen, and required that the English minister be paid £100 which should be raised together with a reasonable

1. C, on Map I indicates the building.

2. Map I.

amount for the maintainance of the poor by a tax levied by the vestry. This was the regular minister's and poor's rate. Of a £6,000 war tax ordered by the assembly in 1693 and collected in two successive years £1,450 fell on the inhabitants of New York city. In 1694 the citizens had to submit on the order of the governor to a special tax of 3*d* on the pound for the construction of a battery on the rocks edging the southern point of the island, in addition to the £200 borrowed by the corporation¹. To pay the latter debt therefore, the mayor proposed to sell lots between Old slip and Wall street. Here again some of the upland owners urged a claim to low water mark but failed to substantiate it. A front of 200 feet² was sold, the price being fixed at 30 shillings the front foot. Only two other lots were sold till 1697 when on petition of the purchasers of the 95 feet lots between Coenties slip and Old slip³ the remaining space to Water street was granted them at 9*d* the square foot.

Between 1696 and 1700 a new ferry house at Brooklyn and a new city hall where the sub-treasury now stands at the head of Broad street⁴ were completed. The cost of the ferry house was £435. The city hall was for the time ambitious and expensive costing from £3,000 to £4,000 as Valentine gives it.

Towards this amount the old city hall brought £920 in 1699, and £1,600 was raised the next year by a direct tax under the act of 1699, which authorized an annual levy for the purpose for three years. Nevertheless in 1701 a debt still remained, and to obtain the money to pay it land sales were resumed. Hitherto no large tract of the commons had been

1. These data are from Valentine's article.

2. Map I, 200 feet front of Block S.

3. Block N.

4. Map I.

parted with except an isolated 16 acres on the Hudson. There was but one other large tract remaining on either river above high water mark. It lay between the Harlem line and the Hudson to the north of Theunis Ides' land extending from the present 107th to 125th street and comprised about 240 acres. It is shown on the map which accompanies Riker's history of Harlem as Jacob De Key's land¹. As far north as 26th street the patents issued prior to the Dongan Charter covered all the land not therefrom excepted save certain swamps and the old Dutch common in the vicinity of the present city hall. Above 26 st. to the Harlem line which ran due north and south across the island from 75th to 130th street as shown on Rikers map¹, a single tier of patents stretched from either river a definite distance back into the woods leaving a large core of unappropriated land in the then wild and inaccessible center of the island, which passed to the city under the Dongan Charter. One gap along the river was left which the city stepped into, the 240 acres already described. This tract was sold at public auction in 1701. The purchaser assigned his title to Jacob DeKay to whom the deed was issued in consideration of £237. The same year and for a like reason the ground belonging to the city from high to low water mark, beginning at Beekman's slip and running along the strand to the ground of Richard Sackett, was exposed to sale and also the upland in part adjoining thereto from Peck's Slip to Sackett's between the road and the river¹. 25 lots of 25 feet front were disposed of at the time for £550, besides the more remote lots fronting Sackett's land 560 feet which were sold to him for £90². In 1699 a grant had been

1. Map II.

2. Map I, Blocks T T T and U.

3. Map I, Block V.

made to the widow of Leisler of the unsold portion of block N., namely, about 225 feet in length eastward from Old slip, "in consideration for two streets run through her ground for which she has had no satisfaction."

After this and the sales of 1701, out of all the space between high and low water from Whitehall to the end of Cherry street as shown on Lyne's map there remained only 257 front feet outside street lines and a corporation lot on the N. W. corner of Peck Slip and Water street, 57 feet front x 50 feet deep.

On the Hudson, water lots were very little in demand prior to 1734, shippers preferring the east river as more free from ice and freshets. Lyne's map of 1728 therefore shows the original line of upland, except for a portion of 550 feet granted to four petitioners in 1699. In three of these grants the only consideration was the leveling banks so as to make the streets accessible and laying a wharf. In the fourth of 300 feet, £20 besides.

The next deficiency of municipal income was met by taxation under the act of 1702. £300 sufficed in 1703 or less than 3 dollars in the thousand of valuation, and this was reduced to £200 the next year, the close of the French war permitting a reduction of the city watch to a peace footing. In this year, 1704, a beginning was made of leasing outlying lands, petitions to purchase having been rejected. 21 years leases were given of Beekman's swamp¹, and of 60 acres which are readily located on Riker's map from the words of the resolution to lease when once the point of beginning is ascertained, as it may be from the data given in Tuttle's work². The 60 acres are thus found to take in nearly all the land included within the extension of

1. Map I.

2. Abstract of Farm Titles in the City of New York.

the line between the Young and Bennew patents the road, and the Harlem line as shown on Riker's map¹. The lease is here particularly noted as the first active assertion of the right of the city against the conflicting right of commonage of the Harlem freeholders.

Their patent issued by Nichols in 1666 fixes the Harlem line with precision, but adds an undefined right of commonage in these words. "It is likewise further confirmed and granted that the inhabitants of the said town shall have liberty for the conveniency of more range of their horses and cattle to go further west into the woods beyond the aforesaid bounds as they shall have occasion, the lands lying within being intended for plowing, home pastures and meadow lands only²."

The lease to Codrington curtailed this liberty, but the New York claim was that such commonage was not a sufficient appropriation to take any land south of the Harlem line out of the Dongan charter, and also that the Dongan patent of March, 1686, confirming the Nichols patent³ expressly cuts off this outside commonage. In spite of repeated opposition on the part of Harlem freeholders this claim was made good till just prior to the revolution. The Codrington lease and subsequent leases of outlying land generally, previous to 1760 seem to have been made rather to protect the commons from encroachment than for revenue. The rent reserved on the 60 acres was 6*d.* per acre.

From 1704 to 1732 there was little of change or interest relative to the subject in hand. The income and expenditure of the corporation show a monotonous moderation and a good

1. Map II.

2. Riker's History of Harlem, p. 252.

3. Ibid 465.

balance on the right side. For ten years ending 1730 the average annual expenditure was £335¹, and the average surplus over £100. No local taxation was necessary, except in 1717 when the legislature authorized a levy of £500 for altering the course of the common sewer at the end of Broad street, and for cleansing and scouring the dock. The ferry, the chief source of revenue was made more productive by securing under the Cornbury charter of 1707, the land between high and low water mark on the Long Island side from Wallabout to Red Hook, a measure by which the competition of individuals was curtailed. It rented in 1710 for £180 and the dock for £30.

In 1719 with an expenditure of £252 a surplus remained of £243. This was partly due to the sale of 230 front feet of water lots between Beekman and Peck slips to the holders of the adjacent upland at their request. The price was £112. Some of the purchasers of former grants now sought of the governor and council the privilege of gaining ground out of the river in their front. The corporation protested and began to press for a grant to itself "of all that may be gained out of the rivers around the island." Efforts to secure this and further concessions were incited by the wiping out of the surplus under expenses of 1723 and 1724, occasioned by "the ruinous condition of the great dock and of all its walls through the storm of July last." Finally in 1730 the Montgomery Charter was secured. It gave the city complete and exclusive right of ferriage and marketage and 400 feet beyond low water mark from Charlton street to the fort and from Whitehall to Corlear's Hook.

1. This expenditure seems remarkably small for a town of from six to eight thousand people. Under the law of 1691 however much could be assessed back on the property benefitted. The mayor and aldermen received no salary though the mayor had the market fees. The treasurer received a commission. The poor were under the care of the church wardens. The only salaries in 1710 were for the town clerk, marshal and bell men or watch which amounted to £66. The remaining expenditure, £191, was chiefly for repairs to corporation property and £42 sundries.

The deliberations over this charter were protracted and the expense to the city of preparing and supporting it considerable. £1,000 for the purpose was secured on a mortgage of the most valuable lots the city possessed, those seven making two small blocks¹ between Moore street and Whitehall, Pearl, Water and Front, where a portion of the old dock had been. To discharge the mortgage it was thought best to sell the lots, and in 1732 they were purchased at auction by the principal merchants of the city for £1,344. This sale was the last of any account under the policy of disposing of the water lots in fee. By it the city parted with the last of its ground, not a public way, between the original high and low water lines, from Whitehall to James street or about the end of Cherry street as shown on Lyne's map, save the lot at Peck slip². Beginning with 1734, the policy was adopted of reserving an annual rent upon the water lots granted, and their history branches off from that of the upland. In granting them a few spaces were reserved, which the corporation afterwards filled up and sold as will be noticed hereinafter.

Lyne's map shows that the city was now extending into the vicinity of the lower commons. Beekman's swamp lay in the way, the lease of it had expired, and the city had already in 1728 sold ten lots of it to Jacobus Roosevelt for £100, the money being appropriated "to the use of building a new powder house and to no other purpose whatsoever." The site selected for the powder house is interesting as it afterwards became valuable for city lots. It is shown on Lyne's map, and was a dry hummock in the swamp edging fresh water. In 1734

1. Map I. Blocks W and X. The frontage of each block on Water street is 100 feet. The depth 108 and 136 respectively. The distances are from the deeds.

2. Map I.

the whole tract of Beekman's swamp, $4\frac{1}{2}$ acres¹, was sold to Mr. Roosevelt for £100 in addition to the £100 already paid for the ten lots. It still goes by the name of the swamp, and has continued the seat of the leather trade since tan pits were dug there early in the last century.

The revenues of the city were now again ample for the expenditures it made, without recourse to taxation, borrowing or sales of land, and so continued till 1751 except for a tax of £250 in 1737, and another in 1741 of £574 for increasing the night watch after the negro riots. In 1741 also a small amount yearly was tacked on the minister's and poor's rate to keep in repair the wells and pumps. By act of 1753 it was not to exceed £120. Meanwhile watch-houses and the first almshouse were built. The latter, on the site of the present city hall, marked a yearly increasing expense for the poor coincident with the war of 1744-48, which in 1747 amounted to £700 or as much as the city revenue from its property, licences and freedoms.

The population increased slowly from 8,622 slave and free in 1731 to 13,040 white and black in 1756. 2,368 were black mostly slaves. During the preceding 35 years it had just about doubled.²

The grant of an isolated ten acres of swamp land fronting on the present Broadway at 18th, 19th and 20th streets³ was made by exception during this period to Admiral Sir Peter Warren in 1744 at £4 annual rent forever "in consideration of his distinguished services in behalf of the kingdom and the city." In 1750 the cost of building a corporation pier at Coenties slip was paid with money borrowed on the credit of the corporation

1. Map I.

2. The figures are taken from O'Callagan's Documentary History of N.Y.

3. The tract is shown on Holmes' map of Sir Peter Warren's estate. It extends 600 feet west from Broadway.

to the extent of £860. This proved to be the beginning of a system of borrowing which in 25 years brought the city into debt £13,000, notwithstanding the growth of water lot rents annually due from £230 in 1761 to £830 in 1775; an average annual tax levy after 1758 of £1,600 in addition to that levied for the ministers and poor's rate; and lotteries by which £1,000 was raised in each of the years 1756, 1757 and 1758, and £3,000 more towards enlarging the city hall in 1762. The important permanent acquisitions were a new gaol in 1756 and 1767; Bedloes Island purchased for a pest house in 1758 for £1,000; barracks on the common for 800 men in 1758, £3,500; 500 stand of arms 1758; public lamps first placed in 1761, £1,800; extension of the city hall 1762, £7,000; a square of 248 feet on Broadway in the midst of the commons, hitherto owned by private individuals, in 1760, £1,713; the Bridewell or city prison 1768—1769, not finally completed till after the revolution¹.

During all this period the policy of holding on to the common lands was continued in spite of the increase of debt and the burden of taxation. An attempt was also made to get a better revenue from them by cutting up portions into building lots. One portion was the old common pasture of New Amsterdam. The Boston post road later Chatham street and now Park Row divided it in two sections, with a third adjacent triangular block now covered by the Times and Potter Buildings.² The eastern section is shown on Lyne's map as a triangular tract, bounded by the post road, the road which continues Queen street, and a connecting road. In 1759 a portion of the west section was surveyed into 59 lots, as shown on map III. The northern boundary of the corporation

1. The gaol, barracks and bridewell were built on the common near the almshouse as shown on maps III and VIII.

2. Map I.

land here was at the time in dispute. It was partially adjusted by an exchange deed in 1768¹, but not finally till 1800, when the corporation received the ground within and to the south of Chambers street to Broadway, and released its remaining lots to the north as far east as Augustus street¹, besides lots 26, 27 28 west of Augustus street, to make up for an irregularity in the rest of the exchange. Meanwhile the lots as first surveyed were offered to lease for 21 years, the first eleven taken renting for between £2 and £4 annually.

With the close of the war in 1760 the city began to grow rapidly, and by 1771 had reached a population of 22,000². Private enterprise opened up new sections to the northwest and northeast of the commons and speculative values developed. In 1762 the commons east of the post road were laid out into lots³, and the city surveyor instructed to offer them for 21 years at £4 each per annum. The following year 150 acres of the upper commons were staked off into lots of approximately five acres each, known as the Inclenberg lots, and most of them leased at auction.

They were bid off for more than some of the purchasers were afterwards willing to pay, and after several concessions, a final deduction was made in 1772 of one-half the rent from the time of leasing, and the term made 35 years "from 1 May next." The lessees set forth that they had cultivated their lands, but being poor soil they could not make the yearly rent out of them. Ten acres of this land was leased for 33 years in 1773, presumably at the reduced rates, for 16 shillings per acre annually. From this uniform policy of leasing for a term of years there were but two or three departures of any account

1. See Map III.

2, Documentary History of New York, O'Callaghan.

3. Map VI.

till after the revolution. One of these was the perpetual lease to the Reformed Protestant Dutch Church for a burial ground in 1786 of a block of 28 lots bounded by Thomas, Queen and King George streets, now Duane and Rose, Pearl and William¹. The rent reserved was £70 annually, about what the lots were worth at the time; and there was a condition not to "convert the same at any time for ever hereafter to private uses." It was released in 1790 when the corporation was hard pressed for money in consideration of £1,000. A similar grant was made the same year to the English Presbyterian Church, which in its petition cited "the distinguished generosity by which our brethren of Trinity Church were supplied with a large and convenient burying ground of the free gift of this honorable board." This church particularly desired the triangle between Beekman street, the post road and Nassau street, already mentioned as to-day occupied by the Times and Potter buildings. After some negotiation in which they were offered the block west of the Dutch Church, but thought it too remote, their petition was granted and a perpetual lease ordered at £40 a year, £18 15s. of which was released on petition in 1784. As usual, there was condition not to be applied to private secular uses,—a reservation that turned out to be of considerable value to the city, which, in 1856, on an agreement to release the condition for one-fourth the proceeds of the sale of the ground at public auction at a minimum price of \$225,000, received as its share \$67,500.

The revolution was now at hand. In the closing days of peace the award of the commissions appointed under the Act of 1772 to settle the interminable dispute over the Harlem commons was announced. It was adverse to New York, and

1. Map IV.

gave the Harlem freeholders in lieu of their indefinite commonage a triangular tract of 290 acres¹ south of the Harlem line, by so much abridging the New York commons. The acquisition proved of little use to Harlem. It lay remote and unimproved, and once out of the city's hands, liable to taxation and assessments. Accumulation of these, especially on the opening of Third avenue, foreshadowed a forced sale of the property, to avoid which an act of the legislature was obtained in 1820 vesting the land in trustees for making sales and applying the proceeds after paying taxes and assessments to the benefit of the town library and certain schools. The trustees, after having once in 1823 offered to sell the whole tract to the city, in 1825 sold almost all the 290 acres, over 5,000 city lots, to Dudley Selden for \$25,500, from whom present titles are traced².

During the revolution the city remained in the hands of the British troops, and there was no regular municipal organization. The old vestry, however, seems to have performed some public functions, and certainly received corporation rents.

In February, 1784, the meetings of the common council were resumed. £5,500 unpaid interest on the city debt had accumulated during the war, the public buildings required overhauling and the bridewell to be finished. There had been, of course, accumulation of unpaid rents, but most of the leases except at Inclenberg had expired during the war, and there was difficulty in adjusting arrears. As a special committee to look into the matter sets forth: "Arrears of rent are due to the corporation from many meritorious persons who have taken an active and

1. Map II.

2. For a very complete account of the controversy over the Harlem Commons, showing the title into Dudley Selden and his conveyances down to 1838, see pamphlet prepared by Isaac Adriaance.

decided part in the cause of their country and suffered all the inconveniences of exile and the loss of all their possessions. Many other persons well affected to the cause of their country, lessees to the corporation, who left the city in the year 1776, have from poverty and other unavoidable causes been obliged to return within the British lines before the peace took place, and have been prevented from occupying their habitations and deriving any advantage from their leased estates because of their attachment to the American cause, but upon condition of their paying rent to the vestry or Mr. Smyth, their treasurer.”

“In the first case it will, in the opinion of the committee, be inconsistent with the rules of equity to expect from such well attached returning exiles the rents which became in arrears from the time of their leaving the city in 1776 to the time of their occupying their respective estates on the 25 of November last.”

“In the second case, the committee are of the opinion that no rent ought in justice to be exacted from the citizens who were and continue well attached to the American cause, and actually paid rent to Mr. Smyth for the period of time they actually paid rent as aforesaid.”

The report was approved, and it was further ordered “that no allowance or abatement to any person or persons whomsoever who are grantees of the corporation be made for any rents which became due prior to the first day of May, 1776, or subsequent to the 25 November last.”

This arrangement was not satisfactory to a number of tenants, but was nevertheless enforced when necessary by sale of the lessees’ improvements. It was amended the next year by a resolution that all dues to the corporation for real estate accruing between 1 May, 1776, and 24 November, 1783, be remitted, provided that the debtors shall swear or prove by some other person that “he, she or they have resided out of the British lines during the late war, and have not directly or

indirectly received any rent or other emolument whatever" from their property during that time. On this basis there were collected up to September, 1785, £7,200, including accruing rent on the new leases, which were generally for 21 years, and at about 50 per cent. advance over rates before the war, £6 being the usual yearly rent for lots east of Chatham street.

Besides enforcing to this extent the collection of rents, a £10,000 tax was raised as against £6,631 the last year before the war, £4,233 of which had been "for cost of the poor"; and after an unsuccessful attempt to secure a part of the proceeds of confiscated estates in the city twelve corporation lots gained from the water were sold in 1785, three made out of the corporation lot on the N. W. corner of Water street and Peck slip, on which there stood one brick building of 25 feet front, for £2,380, and nine near the corporation wharf at the north river for £3,170¹. These sales, however, but met the emergencies of the moment, leaving still the old debt £13,000 and £4,200 still unpaid interest. To pay this off it was proposed to sell outright a portion of the commons, and with some circumspection in breaking a precedent that had kept the commons substantially intact for more than a century, the plan was proceeded with.

In May, 1785, a survey had been ordered "of the vacant land belonging to the corporation situated between the post and Bloomingdale roads into lots as near as may be of five acres each and numbered leaving a middle road between the said two roads."² The following December the city surveyor presented his map, and a committee was appointed to see how the lots could

1. The block of which the nine lots are the western portion is that bounded by Fulton, Vesey, Greenwich and Washington streets. It had been reserved for a market site in granting the water lots, and there was a market house on part of the eastern portion and fronting Greenwich street.

2. These lots are a portion of those shown on Map V.

best be disposed of. In February the committee advised a sale in fee of part of the lots if a reasonable price could be obtained. It was not, however, till the spring of 1789 when the times were more propitious that a sale was ordered. The purchasers were to pay 1-10 within ten days after the sale, and to have five years for the payment of the residue with interest¹ at five per cent, the debts or bonds against the corporation to be discounted in payment. On these terms 200 acres were sold to seven purchasers, partly at auction, and partly at private sale to some who held leases¹. The receipts for 190 acres were £5,400, an average of about £30 or \$75 the acre. 115 acres of the land sold lay within that southern portion of the commons bounded very closely by the present 33d and 42d streets, Broadway and Lexington avenue, leaving there 30 acres still the property of the city though under lease, with 15 acres more known as the powder house lots and adjacent on the south held unoccupied in reserve². Of the remaining 85 acres sold, 10 lay adjacent to the powder house lots on the south, and 75 between 42d and 48th streets, 3d and 5th avenues³. Westward of this portion the commons as surveyed by Goerck in 1796 extended to the present 6th avenue, widening out to near 7th avenue at 64th street, and to 2d avenue at 66th street, and then continuing within the lines of these avenues, until they are cut by the line of the Harlem commons at 93d street and 79th street respectively. The whole commons as thus constituted contained about 1,100 acres.⁴

1. The specific tract sold each individual and the price are shown on Map V, below 48th street which is marked at its intersection with the middle road.

2. Map VII, which shows the original lots with the present streets cut through them.

3. Map V.

4. Maps V, and VI. The key to locations on these maps above 42d street, is found in the figures and lines on the Middle Road which show the intersection of present streets and Fifth avenue.

Hardly more than an eighth of what remained after the sale of 1789 could be divided into five acre lots so as to front on some then existing road. The rest was hemmed in by the land of private owners, and being for the most part rough and rocky had little value until future streets should be at least in sight. This may in part explain an apparently ill-considered private sale of 50 acres in 1792 for less than \$30 an acre. It lay immediately in the rear of the premises of the purchasers, and within the lines of 57th and 65th streets, 3d and 4th avenues¹.

Between 1790 and 1800 the city's growth was phenomenal. The population doubled to 60,000, the assessed valuation nearly quadrupled to 20 millions. It was clear that the city was destined to future greatness and forecasts began to be made as to stages in the advance. A far sighted policy could hardly fail to suggest itself as to the commons. In February, 1796, the committee on common lands reported "that they have had a survey made of the commons contemplating that the same may hereafter be improved as part of the city, to which end they have streets regularly laid down. They are unanimously of opinion that the best mode of improving the same, is to sell at public vendue the one-half, and to lease the other for a term of years. They are induced to recommend this plan from a belief that it will tend to a speedy improvement, and that the one-half which is to be leased will at the end of the term be worth more than the whole now is."

The sale as recommended took place in June with the same conditions as to time of payment as in 1789. 58 alternate lots were disposed of to 41 purchasers, for an aggregate of £17,600, or about £66 or \$165 an acre for 266 acres. There was also a quit rent reserved of four bushels of wheat per lot, and each

1. Maps V, and VI.

purchaser had the option quite generally taken, to lease an adjacent lot for 21 years at £4 per year. The buying was speculative as compared with the rates of 1789, which were based on farm values.

Many of the purchasers seem to have regretted their bargains, and failed to claim no less than 26 of the 58 lots sold. 21 of these were resold in 1801 at a reduction of 40 per cent. from the prices of 1796¹. The lots lying east of 3d avenue and north of the past road were held back at the request of adjacent owners who desired them at private sale, as the lots if sold to others would cut them off from the post road. The board valued these lots at from £160 to £200, and a quit rent of one bushel of wheat per acre. 33¼ acres were taken at the former price by one owner, 3 2-7 acres at the latter price by another, and lots 202 and 204 by a third purchaser for £3,075. These sales made the aggregate area so far disposed of in the upper commons just about one-half the whole.

By the help of receipts from sales of 1789 and 1796, the city was able to close the century with a debt but very little larger than it was in 1775, namely, £13,500 as against £12,800. During the decade it had moreover built a new almshouse on the common in the rear of the old one², defraying the greater part of the cost however, from £10,000 proceeds of a lottery granted by the state; levelled the fort under the act of 1790, though the state still held the site; improved that portion of the present Battery granted by the act aforesaid; purchased land at Bellevue for £3,800, and erected a hospital building there for the commissioner of the state health office which was however disused on the opening soon after of a state establish-

1. Maps V, and VI. The prices obtained in 1796 are marked on each lot in £'s. Those obtained in 1801, in dollars. Lots sold later are dated.

2. Map VIII.

ment on Bedloes Island; also 90 lots for a potters field being the greater part of the present Washington square, at a cost of £1,800.

In pursuance of the policy adopted in 1796 the unsold half of the upper commons was held in reserve. In one or two cases a purchaser was allowed to exchange his lot for another. In one case in 1810 assurance that the lessee of one of the alternate lots should have a renewal at the expiration of his lease was refused on the ground that the alternate lots were "leased with the expectation and on the plan that by their increase in value through the improvements on the lots sold in fee, the corporation should reap substantial advantage, and that to extend the lease and in any way to bind the corporation so it could not take advantage of this increase at the end of the lease, would be to abandon the original plan and establish a precedent that might seriously interfere with the possible revenue of the corporation."

Meanwhile in 1850 the leases of lots on the lower commons began to fall in.¹ The old leases had been for 21 years at from \$10 to \$15 rent. Where they had not been improved and the lease expired the new lease was sold at auction, with condition to build brick buildings at least two stories high and a garret, which improvements should be valued at the end of the term by appraisers reciprocally chosen and a new rent fixed by the corporation, agreed to, or the buildings surrendered at the valuation. With those who had improved their lots private agreements were made on the same basis. But in some cases these

1. Jan. 1803, the corporation had 84 lots on lease besides the alternate lots of common lands. 71 on the lower commons; 7 along the west side of Peck slip to Front street filled out in front of the lots sold in 1785; 6 at Inclenberg, being of the lots reserved below 42d street in the upper commons. Of these leases 3 expired in 1804, 13 in 1805, 30 in 1806, 12 in 1807 and 1808, and the rest between 1813 and 1826.

lots too were offered at auction, the corporation taking the buildings at its own appraisal. Lots 30 feet wide on the north side of Chatham street were rented for \$250. 25 feet lots on the south side for \$200. Lots on Thomas, Augustus and William brought \$90 and \$100; small lots less than 25 feet square at Peck Slip \$125. There was at this time as these increased rents indicate, a prevalent confidence in the future rapid growth of the city. The census of 1805 showed an increase of population of 25 per cent. in five years. It was predicted that the city would contain 700,000 inhabitants in 1855, and over three million in 1890.¹

The conditions favoring, 59 one-half acre lots were laid out at Inclenberg, where there were 30 acres the leases of which had just expired,—with the intention of offering the lots to lease. But the city was now borrowing at the rate of \$40,000 a year since 1803 for the new city hall alone, and the opening of Canal street was in hand. A compromise between selling and leasing was affected by offering the lots at auction on perpetual lease, with a reservation of 20 bushels of wheat or its equivalent in money on each lot per annum. The 59 lots, sold on these terms to about half that number of purchasers, brought \$62,000, or at the rate of over \$2,000 an acre for lands surrounded by those which in 1789 had been sold at \$75. It was more than the lots turned out to be worth, and the purchasers a few years later, when under the act of 1807 the new streets were laid down in such a way as would spoil their property, generally accepted the city's offer to take back the lots and repay the money with interest in bonds running two, three and four years from 1811. A similar disposition was made of the Dove lots, so called, a square of about 20

1. Daily Advertiser, April 1806.

acres, bounded nearly by 4th and 3d avenues, 65th and 69th streets¹, and which, as under lease, had not been sold in 1796. This tract was plotted out by the city, so that a public park, 250 feet wide, should run through its centre and be intersected by a street between the avenues. A square of 125 feet was left for a church and academy. The 28 lots left, most of them 62 x 365 feet, were sold at auction in the spring of 1807 for a total of \$21,000, and a quit rent of 20 bushels of wheat per lot.

Meanwhile a third public work of considerable magnitude was under way, namely, the filling up of the fresh water or collect, as it was now called, a deep pond just north of the lower commons¹. It was connected with either river by swamp land, through which its outlet ran eastward, crossing Pearl street, as may be seen in Lyne's map². The extensive marsh on the west along the line of Canal street had been expressly reserved from the Dongan Charter, and in 1733 was granted to Anthony Rutgers by George II., saving the rights of the city to the pond and the hummock, on which stood the powder house. To secure its title to the pond beyond doubt, the city purchased of Rutgers' heirs in 1791 all their claim or right to the soil under water, paying therefor £150. The following year a strip of the swamp between the collect and Broadway was purchased of the executors of Mary Barlay for £350, making the original cost to the city of its collect property £500. A canal connecting the two rivers had been proposed on the supposition that there might be sufficient difference of tidal level, which subsequent measurements did not confirm. Finally it was determined to drain the swamp by a channel under Canal street, and to fill up the collect. As soon as the strip of swamp towards Broadway was reclaimed, its site value and the same

1. Map VI.

2. Map I.

causes that induced the sales of 1806 and 1807 led to the offering of the new lots at auction. Twenty lots sold to seven different purchasers in 1809 brought \$25,520. They are those marked alphabetically on map VIII. Lot B was bid in by the city for \$3,800, and shortly after sold at private sale for \$4,000.

The old powder magazine was now out of place in the neighborhood of the collect, but as the common council had assented to the keeping the state powder there, the legislature was petitioned to provide another building within the city. Under the act of 1808 the governor purchased two of the five acre common canal lots, numbers 102 and 103¹, and then a State arsenal was erected. One of the lots was under lease from the city, the other private property subject to a quit rent to the city of four bushels of wheat annually. For its interest in the two lots the corporation received \$700. The old powder house site was cut up into seven lots, five of which, with the three lots west of Elm street, were leased for 21 years in 1811 at from \$75 to \$135 each. At the same time six lots at Peck slip, where the city had lately filled in from Front to South street a strip 50 feet wide in front of its other lots, were leased at auction for 21 years, the corner lot at South street, 17 x 50, for \$580, the others at from \$200 to \$415. The lessees, however, found the filling in defective, and after a deduction of one-half the rent had been offered them, the lots were sold in fee for \$21,450, about \$4 per square foot.

By the beginning of the year 1812 the city debt had become a matter of serious concern. Since 1803 the cost of the city hall, \$425,000; advances for property taken for Canal street, \$100,000; land at the foot of Dey street, where the corporation proposed to fill in and sell lots, \$65,000; 6½ acres more at Belle-

1. Map VIII.

vue, to receive the almshouse when removed, \$22,500; and the first year's expenditure on the new almshouse and penitentiary there, \$75,000; in all \$700,000, had been met with bonds or money borrowed on the bonds of the city at six and seven per cent. These bonds were very numerous, constantly falling due, and a source of annoyance and embarrassment. In view of these conditions the common council, by a vote of ten to three, resolved to petition the legislature for leave to create a six per cent. public stock of \$900,000 to fund this debt and to finish the city hall and Bellevue buildings. The cost of taking public squares laid out under the act of 1807 was also pleaded, but in fact was not incurred for some years. The act authorizing the issue was passed in July, 1812.

Meanwhile a sale of the newly filled collect lots was ordered, and 34 of them were disposed of at auction in April, 1812, to 18 purchasers for \$22,000¹. The corner lot at the old city hall, head of Broad street, 25 x 112, was also sold for \$9,500. In June, on the recommendation of the market committee, it was voted to sell seven lots near the Hudson market on Greenwich street, being the rest of the block part of which had been sold in 1785, and to set aside the proceeds to build Washington market on the block newly filled in front.

The report of the comptroller in January, 1813, showing an expenditure on the Bellevue buildings for the year of \$81,000, and of \$90,000 towards the completion of the city hall, was followed by a vote to sell three lots at the old city hall, and five¹ others of which the city had bought in the lease prior to extending Chambers street to Chatham.

The three remaining city hall lots, 23, 26 $\frac{1}{2}$ and 27 feetx112 produced \$25,000; the five Chambers street lots² \$13,800; and

1. ^b Map VIII.

2. 1—5 inclusive on Map III.

the seven Greenwich street lots \$34,050; making the total sales within a year's time over \$100,000. Of the stock, \$600,000 had been at once sold 9 July, 1812, and \$100,000 more in December. The following year the rate of taxation was reduced from \$6.80 to \$3.20 per \$1,000.

In the spring of 1813 a suit to decide whether the lessees should pay any of the assessment for opening Chambers street to Chatham was decided in favor of the corporation. As a portion of some of the lots benefited had been taken for the new street, damages had also to be awarded some tenants. To determine whether the jury had awarded these correctly, a committee of the common council laid down the correct but very abstractly stated principle, "that the damages allowed ought to be such a sum as after deducting the assessment would leave a principal the interest of which added to an apportionment of the principal itself among the years yet to come of the term demised, would so reduce the original rent as to leave a just reservation on those portions of the lots which still remain."

The year 1813 was further marked by the establishment of the sinking fund, with which the after history of the city property in land is so closely connected that a restatement of the views of its founders seems warranted.

The comptroller in a report of 19 April had pointed out that the total amount of the debt or stock outstanding, \$700,000, did not exceed the cost of the city hall and Bellevue buildings¹, and this he regarded as proof that the city's ordinary receipts from taxes and revenue would be sufficient for its ordinary

1. The cost of the present city hall up to 1813 was \$512,000. It was finished in 1813 and 1814 by a further expenditure of \$26,000.

The Bellevue buildings, almshouse, penitentiary, and workshops, begun in 1812 had cost up to 1813, \$126,000. They were finished in 1817 at a total cost of \$421,000.

expenses. The \$100,000 lately obtained from sales of public lands he balanced with the further extraordinary outlay for the Varick basin, opening Chambers street, and other minor improvements. He argued that with the completion of the Bellevue establishment the extraordinary expenditures would cease for some time to come, and that so far as there should be a normal increase in the city expenses, the normal increase in city revenue might be expected to meet it. That therefore the city debt could be wiped out by the establishment of a sinking fund, which he proposed should be administered by the mayor, the chairman of the finance committee, the chamberlain and the comptroller. To this fund he would appropriate :

1. Commutations of quit rents on water grants prior to 1804.
2. Mayoralty fees.
3. Market fees.
4. Cab, vault and pawnbrokers' licenses.
5. Twenty-five per cent. of all proceeds of city property sold in fee.

He estimated that the accumulation of quit rents up to 31 December, 1826, when the stock fell due, would yield a principal and interest of \$75,000; that market and mayor's fees and licenses would yield \$9,000 a year, which, with the interest applied quarterly, would produce \$180,000; and that 25 per cent. of sales of public property up to 1827, with interest, would swell the total to \$400,000, leaving of the \$700,000 then city debt, \$300,000 still unprovided for. To meet this there were 80 five-acre lots of common lands the leases of which would expire in 1824, and which then might be sold to extinguish the rest of the debt, or the balance of the stock might be extended ten or twelve years, by which time the sinking fund would extinguish it. In July the finance committee reported favor-

ably upon the plan, with the amendment that the proceeds of the sale of the government house lots presently to be mentioned should go entirely to the fund. Till a special law establishing the board could be secured, a sinking fund committee as recommended by the comptroller, with the addition of the recorder, was appointed to carry out the plan.

The government house property so called was a part of the fort, which, as excepted from the Dongan Charter and held by the crown, passed to the state at the revolution. The first state or government house was erected between the northern bastions of the fort fronting the Bowling Green. Under the law of 1812, amended by that of 1813, the corporation purchased of the state unconditionally the government house and grounds immediately in the rear. Shortly afterward the state ceded the rest of the square to the United States for defence purposes, but through the exertions of the city comptroller, Thomas Mercein, who proposed and conducted the negotiations, conveyance was made to the city by the state and United States in return for grounds at the Narrows, purchased by the city and transferred to the United States¹. The corporation now having possession of the whole square bounded by the Bowling Green, Whitehall, Bridge and State streets, laid it out into 17 lots², which were sold at auction after the peace of 1815 on terms very advantageous to the city. The comptroller's account epitomizes the result as follows :

ACCOUNT GOVERNMENT HOUSE GROUNDS NEGOTIATIONS.

To cash paid state.....	\$50,000	By cash received for the lots, \$158,200	
Narrows for U. S.....	19,335	Buildings.....	6,287
Int. on first purchase....	2,000	Rent.....	1,463
For the buildings.....	14,245		
Net Gain.....	80,370		
	\$165,950		\$165,950

1. The state's share in this transaction was authorized by law of April 1814, amended by chapter 28, of Laws of 1815.

2. Map IX.

The proceeds were not however paid into the sinking fund but used directly, 80 per cent gross of them, to take up still outstanding city bonds, which were thereby all cancelled except one for 18,500, and the debt of the city reduced to the \$700,000 outstanding stock. The sinking fund received an addition, however, shortly after, of the commutations of wheat quit rents on common lands. This was voted in February, 1816 on the report of the comptroller in which he argued that "to allow commutation would conduce to improvements on the sold lots, and so benefit the alternate leased lots, and that as the common lands embraces a property, which it is presumed will hereafter add much to the resources of the corporation, every encouragement ought to be given to render it more valuable." The quit rents were accordingly allowed to be commuted at six per cent., reckoning wheat at \$2 the bushel. This was in March, 1816. In February 1817 the White street quit rents¹ were allowed to be commuted but at \$2.50 the bushel.

Between May, 1816, and May, 1820, the ordinary receipts fell behind the ordinary expenditures \$210,000, while the extra payments amounted to \$390,000. Neither were any large enterprises on hand during the period like the city hall and Bellevue establishment, except that \$43,000 of the cost of the latter fell in the years 1816 and 1817. \$47,000 was spent in filling the Varick basin and making its bulkheads; \$27,000 in paying the bonds given Mr. Varick; and \$12,000 in filling another block between King and Charlton streets that had been reserved in granting water lots. The total of other valuable acquisitions and improvements, excepting Oliver street, \$18,000, Canal street final awards \$17,000, and the ninth ward avenues and streets, \$76,000, some of which would come back

1. Map VIII, lettered lots.

in assessments, did not much exceed \$100,000 for the four years¹. The deficit must be ascribed to the industrial depression that followed the war, and culminated in the crisis of 1819, and to unwillingness under the circumstances to close the era of low taxation inaugurated in 1813 since which time the tax rate had averaged less than \$4 per \$1,000. During the war also bills of credit had been issued by the corporation, and \$135,000 of these had to be redeemed between 1816 and 1820. To meet the deficit temporary loans were obtained amounting to \$225,000; the reserve of the \$900,000 stock of 1812 was sold, \$100,000 in June, 1817, and \$100,000 in September, 1819; and for the rest, sales of land were made between the two issues of stock as follows: 29 more collect lots were sold at auction in Feb. 1818 for \$25,325, 22 of them to a single purchaser²; 35 out of 45 acres of land at Bloomingdale which had been turned over to the corporation by an official to square his accounts were sold at the same time for \$12,170.33; also the remaining curtailed lots in the angle north of Chambers street and east of Augustus for \$7,185³; 22 lots at the Varick basin, similarly sold in January, 1819, brought \$127,000⁴; and 14 lots at the Albany basin sold in October, \$47,800⁵. The Albany basin lots were the first and southernmost of the blocks¹ reserved by the corporation in granting the water lots on the Hudson river, and filled in for sale. The Varick basin lots had once been granted but had been bought back, and filled in as already noted.

These sales with \$6,520 received for an isolated lot sold in

1. These data are taken from the Comptrollers report entered on the Common Council minutes of April 20, 1820, in which he reviews the fiscal transactions of the 4 years preceding.

2. Map VIII.

3. Map III, lots 6—8 inclusive.

4. Map X.

5. Map XI.

1816 aggregate \$226,000. Deducting 25 per cent., to be paid to the sinking fund under the ordinance of 1813, leaves \$170,000, or sufficient with the \$225,000 temporary loans and \$200,000 stock to make up the four years deficit of \$600,000. Nevertheless the \$225,000 was still a debt, and to buy the ground for Fulton market purchased in June, 1821, as much more was borrowed¹. Increased taxation only met current expenses, although the rate was advanced in 1820 from \$4.30 to \$5.60 on \$1,000, which was the average for the next four years. The time was unfavorable for land sales, and those of 1818–19 had not escaped criticism judging from the elaborate report of the comptroller in 1820, ordered to be printed for distribution and explaining and justifying the financial policy of the preceding four years. Accordingly \$400,000 five per cent. city stock, payable in 1850 and 1851 was issued, \$200,000 in July, 1820, and \$200,000 in May, 1821.

There was now in reserve 484 acres of the common land. Between May, 1823, and January, 1827, 480 acres of this would be available for sale. It had been the expectation, and continued to be as late as 1823, that these lands would so enhance in value by the time the bulk of the six per cent. stock fell due 31 December, 1826, that they might be sold to advantage, and the stock taken up with the proceeds. With this view the stock of 1812 had been made payable just after the bulk of existing leases would expire, and the leases made thereafter had been limited to the same period. The real estate market continued however too depressed between 1823 and 1827 to warrant sales of unimproved land, so that comparatively few of the five-acre lots were at this time parted with. Of the 93 lots shown on Ludlam's atlas of 1821 as then belonging to the city,

1. "Acquired Jan. 12, 1821 Consideration \$216,284.60." Comptroller's real estate index.

52 were leased again but only till 1833 at an average of \$30 each per year, as against \$10 in 1803; three were leased for 21 years; 12 or 13 were held idle; as many more were worked by the Almshouse; and 12 were sold in fee.

These were lots 115, 121, 181 for \$4,000; 85, 89, 77 for \$2,500; lots 107, 109, 183, 101 for \$4,500; lots 67 and 83, \$1,500 each.

In 1827, by exception one of the 52 leased lots, namely, lot 110 "little more than a mass of rock" was also sold for \$2,550.

Since the sales of 1796 and 1801, the only interference with these lands had been by way of resale, exchange or for exceptional purposes as follows:

1804—Lots 54, 55, 60, 61 to Dr. David Hosack for a botanic garden, price \$4,807.36¹.

1804. Lot 168 with the usual reservation of wheat quit rent for \$1,000.

1804. Lot 74 in the same way for \$1,500.

1806. Lot 160 for \$940.

These three lots were of those sold in 1796 but not claimed, and were omitted from the resale of 1801. In 1796 they brought £255, £185 and £240 respectively, £1 being equivalent to \$2.50.

1808. Lots 102 and 103 to the people of the state of New York as already noted, for \$700.

1808. Lot 110 reconveyed to the city for \$2,000, in order that the 250 feet park way through Hamilton square might be

I. Map V. Through the exertions of Dr. Hosack these lots were taken of him by the state in 1812, and in 1814 given to Columbia College. They lie between 47th and 51st streets, 5th avenue and a line about 100 feet east of 6th avenue. The college still owns all the street lots and about one fourth of those on the avenue. It has naturally received the attention of Single Tax advocates, one of whom writing for their organ *The Standard*, estimates the value of the college lots to-day, perhaps too generously, at \$4,000,000.

continued to 5th avenue. In 1796 it sold for £305, was not claimed, and resold in 1801 for \$490.

1810. Lot 138 to James Scott, he paying \$500 and reconveying to the city lot 137.

1810. Lot 84 reconveyed to the city by Dr. Hosack.

1818. Lots 125, 128, 131, to Robert Lennox, he reconveying to the city lots 167 and 169 which he held of the city on lease, and lots 166 and 168 which he owned in fee and paying \$500.

1823. Lots 48 and 96 reconveyed to the city.

A like conservative policy was pursued in regard to the down town lots. Most of them were on leases which expired in 1825, 1826 and 1827, and of all that belonged to the large tracts hitherto considered, only a very few were sold between 1819 and 1840. The only remaining lot of the twenty-two at Varick basin, No. 18, was sold in 1820 for \$7,190. The extension of Anthony street to Little Water cut the largest remaining gore of the collect lots into eligible halves¹, and these were sold in 1825, the one for \$1,350, the other for \$639. These were all the city parted with until 1832, and then only two such lots were sold, namely, lot 4 of the powder house lots for \$2,500 and lot 5 for \$1,740. Another the easternmost and last of the powder house lots was sold in 1838 for \$5,000. This was all again until 1840, although the extension of Collect street as Centre street to Chatham, absorbed a number of corporation lots on Tryon Row, Augustus and Pearl streets, as may be seen from Map VIII.

The great bulk of these lots as the leases fell in were again leased for 21 years. The advance in rents was general, though not quite uniform. The ruling rate for lots on the south side

1. Map VIII.

of Chatham in 1806 was \$250, for those on the north side \$200. In 1827, 116 and 117 on the south side were leased for \$450 each, and 2 and 6 on the north side for \$400 each. Lots on William street which in 1806 rented for \$100, were renewed in 1827 for \$175; Nos. 1 and 2 of the powder house lots which rented in 1811 for \$75 and \$135, were renewed in 1832 for \$175 each, while Nos. 4 and 5 adjacent, were sold the same year as already noted, for \$2,500 and \$1,740. They had rented in 1811 for \$150 and \$100 respectively.

Meanwhile the maturing six per cent. stock had to be provided for. From December, 1822, to December, 1825, the floating debt had been slightly diminished to \$112,000, so that the normal increase of the sinking fund was working an actual decrease of the debt. To swell the fund and so reduce the amount inevitably to be borrowed when the six per cents. fell due, all water lot quit rents, and not merely those from grants prior to January, 1804, were allowed in 1825 to be commuted, and at five per cent. instead of six; and it was voted to carry to the sinking fund all the proceeds of sales of corporation real estate subsequent to January, 1825. Even with these helps the sinking fund on January 1, 1826, was \$225,000 short of the \$700,000 due the following December, though it exceeded by \$75,000 Comptroller Mercein's estimate of 1812, and \$130,000 of it was in fives of 1820 and 1821¹. Resort was therefore had to temporary loans under the act of 1826, and to retire the last of the six per cents, \$200,000 of which fell due in 1829, \$300,000 new fives payable in 1850 were issued at 4½ premium under the act of 1828².

1. I have not found in any one place, a complete set of the Comptroller's reports even for 1830 and after. Earlier reports were not printed as public documents. They occur, but not regularly, in the minutes of the common council. The Comptroller's report for 1826 and with it the report of the Sinking Fund are of those not entered.

2. Comptroller's report 1830.

As early as 1826 the Bellevue establishment, "proud" though it had been termed in 1812, was already outgrown and become cramped and unhealthy. The new state's prison at Sing Sing was then building, and it was thought that the old one at Greenwich, foot of Christopher street, might be made use of by the city. An agreement was therefore made with the state to take it on the completion of Sing Sing for \$100,000. By the time the state was ready to give up possession, Blackwell's Island had been determined upon as the better site, and the purchase made in 1828 for \$32,500. Nevertheless the city held to its bargain for the prison property, borrowed the money to pay for it, and the next year, 1829, divided it into lots. Its extent was about 6 acres, including the wharf, and it made 100 city lots¹. These were sold at auction in April, 1829, to thirty-six purchasers for an aggregate of \$128,000. It was a profitable speculation, like that of the government house lots, rather [than administration of the city's proper estate, but it helped materially in the erection of the new penitentiary at Blackwell's Island, which was pushed with such energy that the removal from Bellevue was made in October, 1829. It was none too soon. An epidemic, in which the eyesight of numbers of children was sacrificed, broke out in the almshouse in 1830 and forced the purchase of Long Island Farms, 250 acres, at Newtown, and the removal of the children thither.

The ten years 1825 to 1835, as subsequent to the opening of the Erie and Champlain Canals, were years of rapid growth in wealth and population. The former increased from 52 to 142 millions², the latter from 166,000 to 270,000. In correspondence with this growth the great public work of the time, par-

1. Map XIII.

2. Proceedings of the Common Council, March 1836.

ticularly after 1830, was the closing of many of the old streets and lanes and the opening of new streets and avenues, as laid down by the commissioners under the law of 1807. After 3d avenue, the first of the new streets to be opened¹ through the upper commons, was 42d street in 1831. In 1835 7th avenue and 6th avenue; in 1836 5th avenue and Madison avenue, both to 42d street; also 89th, 40th, 41st, 50th, from 3d to 6th avenue; 90th and 31st,—39th inclusive. The opening of cross streets through the upper commons was much delayed by controversies which arose on account of the new streets not coinciding with the streets above 42d street on the map by which the common lands were sold in 1796. That map showed streets uniformly of 60 feet wide, but the commissioners' map of 1813 made 42d street, 57th, 72d, 79th and 86th, 100 feet wide, so that there was progressively more and more overlapping of the new streets beyond the lines of the old ones. The difference was slight from 42d to 57th street, as most of the extra width of 42d was taken on the south side and so not in the territory laid out in 1796. Between 57th and 72d it was enough to make the new streets come partly on one lot and partly on the next, instead of on the northern 60 feet of each, as laid down by Goerck. From 72d the new streets took in the southern 60 feet of each lot very nearly, to 79th, above which the old lots were cut fairly in two². With some of the owners the corporation arranged to give and take corresponding slips¹; with others no agreement could be reached until the law of 1836 gave to commissioners the power to determine whether and what pieces should be mutually conveyed by the corporation and individuals, and on what terms. The next year the streets were opened through

1. By opening is here meant the final determination of awards for land taken, not the opening of a street for travel.

2. Maps V and VI.

the commons from 43d to 59th inclusive, and between 3d and 5th avenue from 83d to 87th inclusive.

Probably on account of this uncertainty over boundaries, only five of the 52 lots, the leases of which expired in 1833, were leased again in that year, though meanwhile two others had been leased for 21 years in 1832. After 1833 and until 1842 only six more were leased, none of them longer than to 1846. Beginning with 1842 the lots were let out in bulk from year to year in anticipation of sales on account of the sinking fund. Not one had been sold since 1827.

The sales, on account of the sinking fund, which began on a large scale in the year 1844, were resolved upon in consequence of fiscal conditions hitherto unknown to the city. These again were the outcome of a, for that time, really vast undertaking, the Croton Aqueduct. For 40 years previous to 1835 it had been a mooted question whence a supply of water was to be obtained for the New York of the future. Several large schemes had been brought forward and abandoned. Begun at last in 1835, with the expectation that it would cost five millions, the Croton Aqueduct was not finished till 1845, after an expenditure of thirteen millions. It was accompanied by a series of smaller undertakings, which in themselves were sufficient to absorb the accumulations of the sinking fund and any surplus after other expenses were met. Accordingly the city debt, which in December, 1834, was, all told, \$745,000, by December, 1843, had increased to \$13,675,134. These minor extraordinary expenditures were principally for :

The Tombs, \$59,000 in 1835, \$261,500 in 1837.

Randall's Island, 1835, \$60,000.

Ground for markets, 1835, \$38,950.

Lumber Dock, 1835, \$12,000. 1837, \$60,000.

Lunatic Asylum, 1837, \$60,000.

In addition the city was obliged to pay \$360,000 damages for blowing up buildings to stop the great fire of December, 1835. Other expenditures which swelled the debt but only to furnish later the means to diminish it were :

\$35,000 1834-1835, for filling in 100 lots at Bellevue.

\$27,760, in 1834-1835, for filling in 40 lots at Fort Gansevoort.

The current funds for this outlay were obtained by the issue of \$500,000 building stock in 1837-1838; and of \$360,000 fire indemnity stock; and by temporary loans which, in 1840, were funded to the amount of \$400,000. The water stock outstanding December, 1843, was \$12,200,000. On \$800,000 of it issued in 1842, the city was obliged to pay seven per cent. interest. It was clear that its credit was suffering under the load and needed more adequate provision for paying so great a debt as it should mature. Under these circumstances the ordinance of 1844 was passed. The important 17th section is as follows: The commissioners of the sinking fund are hereby authorized to sell and dispose of all real estate belonging to the corporation, and not in use for or reserved for public purposes¹, "at public auction, at such times and on such terms as they may deem most advantageous for the public interest, provided, however, that no property shall be disposed of for a smaller sum than that affixed to the description of such property, under title fifth of this ordinance, and that at least twenty days' previous notice of the time and place of such sale, including a description of the property to be sold, be published in each of the newspapers employed by the corporation."

1. Real estate for public purposes "has been held to be such as parks, squares, court houses, almshouses, engine houses and other grounds and buildings possessing a general city character, and devoted to general city uses other than for mere revenue; also markets and wharves."

Gera rdCity water rights, streets and real estate, p. 114.

Previous to the ordinance of 1844, the disposition of the city property had rested solely with the common council, which carried its resolves into effect generally through the agency of its finance committee, in routine matters of its treasurer till 1802, and then of its comptroller, in that year first appointed. The comptroller's reports and recommendations were customarily referred to the finance committee, on whose advice, or the comptroller's direct, or its own motion, the board passed its resolves. By the charter of 1831 the assistant aldermen were made a separate chamber, and the mayor given a veto which, however, could be overruled by a majority vote in each chamber. Measures could originate in either chamber, and took effect on a majority vote in each, followed by the mayor's approval or ten days' inaction. There was no restraint on the common law right of alienation in any way the common council might choose. After the ordinance of 1844 the common council confined itself to directing special conveyances, sometimes to individuals or corporate bodies, at prices to be fixed by the commissioners of the sinking fund, sometimes to institutions gratuitously.

The sinking fund commission used its new powers vigorously, and by large sales, principally in 1844, 1845, 1848, 1850, 1851, 1852, 1857, 1866, converted the greater part of the estate intrusted to it into current funds and applied them to reduce the debt. The sales-maps and accounts are on file in the comptroller's office¹, and with the comptroller's reports and contemporaneous records of the common council, constitute the chief material for continuing this account to the present time.

The story of the sales between those already described an

1. To the courtesy of Comptroller Myer, I am indebted for the opportunity of ample access to the maps and records in his office.

those by the commissioners is soon told so far as concerns the larger blocks to which this account is confined. Few and except in one case unimportant, they are here referred to only that a complete view may be had of the disposal of the parcels to which they belong. The special circumstances attending each sale have not been inquired into, so that a tabular statement merely is subjoined. It will at least go to show that the city record of transactions in common land is complete and accounts fully and properly for all there was to dispose of.

1840. A Peck Slip lot, southwest corner Front street, 55 x 25, to then lessee, \$8,000. It had been leased in 1828 for 21 years at \$375 yearly.

1841. At Albany basin, a strip 78 feet deep, in west front of the lots sold in 1819¹, \$46,250.

1842. A collect lot, No. 1¹, 25 x 90, corner Elm and Leonard streets, \$4,800². The lot 50 x 40 on southwest corner opposite sold in 1805 for \$600.

1842. The first of a hitherto intact block of 25 lots bounded by King, Charlton, Washington and West streets. It had been reserved in granting the water lots and was the fifth block along the north river, which the corporation had filled in for sale³. It was leased in 1837 for ten years at \$4050 annually. Price of the one lot, 30 x 70, \$5,600.

1842. Lower commons, lot 20, as on Map XIV, \$3,500.

1843. Lower commons, lot 6, \$8,500. Leased in 1825 for 21 years at \$500 yearly,—which brings us to the sales by the commissioners of the sinking fund.

1. Map XI.

2. Map VIII.

1. Map XIII.

In the history of municipal land ownership generally, as is well known, encroachments are conspicuous. To what extent have they been made on Manhattan Island? The limiting words of the Charter of 1686 are "all vacant, waste and unpatented lands." It was from the start the practice of the common council in any case of suspected encroachment to require a view of the patent under which the land was held, and to claim so much as it did not cover to be the property of the city. Several instances have already been noted where claimants of ground between high and low water were summoned to show title by their patents. So it was with the upland. In the case of a tract at the junction of the Post and Bloomingdale roads, shown on Goerck's map¹ as belonging to Caspar Semler, the patent under which it was held was demanded as late as 1757, and on its appearing that the patent gave 100 rods along the Post road and 50 rods back, while by an error of an early surveyor 50 rods had been taken on the road, and 100 rods back, a settlement was entered on the minutes of the common council whereby the occupant retained his ground as it was, save a gore which he gave up not to overrun the Bloomingdale road, receiving an equivalent gore in return.

By laying down correctly the original patents, then, up to 1686, the lines of the city's property could be accurately determined. This, however, was not practicable below Wall street, as Valentine's attempt has shown. Even as far north as the junction of the Post and Bloomingdale roads, except the shore, the common council seem not to have succeeded in their attempts to reclaim ground already in occupancy, and even that which they gave to Sir Peter Warren on Broadway, though

1. Map V.

unoccupied, was contested by an adjacent owner. Above the junction to the Harlem line the patents are large and well defined, and there can be little doubt what the city ought to have got under the Charter, admitting its right, which does not seem to have been gainsaid, to all unpatented land. On the north the Harlem line as set forth in the Nichols patent of 1666 is a definite boundary. The controversy with Harlem freeholders over their indefinite right of commonage south of it and its outcome have already been noted. Beginning at the Harlem line, the western boundary of the commons is for some distance the eastern line of Theunis Ides' land, run in 1690, the town of Harlem paying part of the survey. This line extended from 106th to 89th street, about half way between 7th and 8th avenues. It does not seem to have been questioned by the city of New York, though I find no mention of the patent under which it was held.

South of Ide's land a single patent extended to 39th street, on the river to 42d, "from the said river stretching in depth and breath 250 rods." A line at all points 250 rods east of Hudson high water mark, as shown on Randall's maps, would fall half a block on an average short of the commons line, as held by the city, from 89th to 71st streets. From 71st to 64th streets the two lines would nearly coincide. From 64th to 55th the discrepancy would be about one block or 800 feet against the city, and a block and a half against the city from 55th to 43d street. Below 43d street the Bloomingdale road is the actual and apparently the true line of the commons. This calculation would show a possible encroachment of say 185 acres into the commons on the west, south of Theunis Ides' land. The common council does not seem to have been aware that two miles and a half along the Hudson and bordering the commons were held under the same patent, but appear to have

taken the old deeds as conclusive¹. Thus there is record of an agreement in 1749 with Oliver De Lancy, holder or coholder under the patent through several mesne conveyances of the tract west of the commons from 57th to 68th streets, whereby he is to have his land surveyed and pay £3 an acre for any he may possess that properly belongs to the commons. A committee made the survey, and the deed was ordered, though it does not seem to have passed, but no mention was made of an original patent.

On the East side, the line of the commons for the greater part of its length was kept quite rigorously up to the true line of the patents. Tuttle's maps show scarcely any discrepancy from 81st street where the commons ranging along the Harlem line would first touch the rear of the East river patents, as far as 67th street. From 66th to 48th street they indicate an encroachment varying from 150 to 500 feet. Below 48th street to the Bloomingdale road, the old post road is either approximately or exactly the limit of the patents, and there is no encroachment beyond it. Minutes of controversies with owners all along the East river side of the commons occur frequently in the records of the common council previous to 1790. In some cases a survey showed that land uninclosed was really within a patent; in others land was given up by private occupants, 10 acres by three different persons in 1773. The six acre lot and the one acre lot shown on Goerck's map were sold to the then holders in 1792. Subtracting these from the amount of possible encroachments as shown by Tuttle's map would leave approximately 35 acres as the probable loss to the city on the east side. 220 acres then is the upward limit of

1. The very early deeds, for instance one in 1713 for 60 rods in width, cite the patent, and give distance from the river 250 rods.

Tuttle's Abstracts of Farm Titles in the City of New York.

encroachments on the whole upper commons or about one-sixth of the unpatented land there.

In the vicinity of the lower commons the city was itself the encroacher, and was obliged to relinquish, as has been noted, portions of the negroes' burying ground and certain lots adjacent¹.

An attempt was made in 1758-60 to assert the city's title to portions of a large tract surrounded by the Bowery lane and Bloomingdale road, the road leading thence to great kills, the road from great kills to Greenwich lane, and the Greenwich lane in its extent from the great kill road to the Bowery lane. Bowery lane is the Bowery; the Bloomingdale road its continuation in Broadway; the creek called great kills was the southern boundary of the 800 rods patent already referred to; the road from great kills to Greenwich lane, known as the Fitzroy road followed approximately the line of 8th avenue from the upper cross road leading to the great kills to Greenwich lane; the Greenwich avenue of to-day which was then continued to the Bowery at Astor Place; the upper cross road met the Bloomingdale road at 39th street, and the Fitzroy road at 42d street. In the common council minutes of July, 1760, there is an elaborate report in regard to the ownership of this tract, and there is described "a large central vacancy," "but how far for want of further discoveries which can only be made by tedious researches after old patents in the secretary's office, or whether the same extends quite to Greenwich lane we cannot as yet say, which vacancy from what we have hitherto discovered is occasioned by two tiers of patents, the rears of which do not meet each other. How this vacancy came to be left out of the adjoining patents we think it easily determinable if it be considered that the aforesaid vacancy is an entire swamp,

1. Map III.

which sort of land it is well known was not anciently esteemed worth patenting." The committee were instructed to sell or lease what encroachments they found on a closer survey, as they should think best. It is likely that patents were found covering the whole of the tract, since there is no further record of conveyances. The incident shows the usual procedure of the corporation in ascertaining what lands it owned under the Dongan charter, which was to claim all uninclosed land until patents were produced for it. Where there was suspicion that inclosed land was so by encroachment, the usual practice was to demand a view of the occupant's patent. What was done in case this was refused does not appear. There is no record of any attempt systematically to ascertain the lands to which the city was entitled by its charter, by compiling the original grants in the secretary's office. Hoffman has done this below the line of Houston street, the Bowery, and Greenwich lane to Wall street and Battery Place. Tuttle and Riker show it from 39th street up. The intervening tract has not been accounted for to the extent of citing and plotting out the original patents.

Another matter like that of encroachments at all times of interest in the history of municipal land ownership is that of grants to institutions and corporations. The list of these in New York City up to 1844 is as follows:

1691. Dutch Church. Lot 180x84 on Garden street now Exchange place for a church or for pious and charitable uses. Consideration 180 pieces of eight.

1703. English or Trinity Church. "The new burying ground," 310 feet front on Broadway, to be used as a church yard and burial place forever. Consideration nominal.

1768. Reformed Protestant Dutch Church. 28 lots of lower commons, the same not to be converted forever after to private uses. Perpetual lease, rent £70 annually. Condition released for £1,000 in 1790.

1768. English Presbyterian Church. Block now occupied by Times and Potter buildings, not to be applied to private or secular uses. Perpetual lease, rent £40 annually, reduced to £21.5s. on petition in 1785. Condition released in 1856, the city receiving \$67,500.

1797. People of State of New York. Two acres at junction of Post and Bloomingdale roads for the use of an arsenal to revert to city when abandoned for said purpose. Consideration nominal. The state made no use of the property. By act of legislature it was restored to the city, and in 1807 granted to the United States on similar terms.

1808. People of the State of New York. Lots 102, 103 common lands. In 102 the city had a right only to a wheat quit rent. 103 was on lease which would expire in 1823. For its whole interest the city received \$700. The arsenal building erected by the state still stands in central park.

1808. Free school society. Free use and occupation of building 40x119, corner Chatham street and Tryon row, and of its site as shown in map VIII. The lot is described as the arsenal site on Tryon row released by the State of New York to the corporation. Condition to occupy the premises for the uses of the institution, and to educate gratuitously the children belonging to the city almshouse.

1808. People of the State of New York. Collect lots north of Sugar Loaf street, and between present Centre and Elm¹, One square and part of another, for arsenal, laboratory, work shops and ordinance yard, so long as the same should be used for military purposes and no longer. Consideration nominal.

1810. Manumission society. Lots 107, 161 William street², in trust for school purposes, with condition to build within a

1. Map VIII.

2. Map IV.

limited time. The lots were on leases which the school bought in, and then the corporation remitted the rent. Consideration nominal.

1810. Trustees brick Presbyterian Church. Lot 21 Augustus street, for charity school, otherwise to revert. The trustees failing to build in three years, as conditioned, were given till after the war. In 1816 their petition "to erect buildings ornamental to the city and profitable to the church" was refused and the lot reentered.

1824. Society for reformation of juvenile delinquents. One acre in front of the United States arsenal grounds, junction of Post and Bloomingdale roads¹, and the city's interest in said grounds, for a house of refuge for juvenile delinquents, on condition that the society obtain a conveyance from the United States of its interest in the premises, both lot and buildings, and that these shall at all times be used for said house of refuge. Fifth avenue was afterwards opened through the premises, on which account, in 1837, the society was given a lease of 500 feet in depth of the block between 23d and 24th streets 1st avenue and Avenue A, with the buildings thereon, being the old fever hospital of the Bellevue establishment, on condition to execute a release to the city of its former premises, and to use the new site for no other purposes than those for which the society was incorporated.

1827. Institution for the instruction of the deaf and dumb. One acre of Lot 59, common lands, in fee, consideration nominal. The institution had received \$10,000 from the state and a lease of the whole of lot 59 from the city, for 21 years, at \$75 for first fifteen years and \$100 thereafter. Under the act granting the \$10,000 the state comptroller refused to accept leased grounds as a site, whence the grant in fee of one acre. The

1. Map VII.

institution held other portions of lot 59 and also part of lot 56 under various leases till 1850, when, by the direction of the common council, the sinking fund commission sold it both lots except the one acre already conveyed for \$28,000¹.

1828. New York Dispensary. Lot 50 x 90 of the state ordinance yard, corner Centre and White streets². The legislature had released this parcel to the city to be so conveyed. The widening of Centre street took twenty feet off one side of the lot, which was added on the other in 1837 by grant of the state and city, as in 1828.

1830. Northern dispensary. Triangle, 51 x 72 x 62, 6th street, near Christopher, so long as used for the purposes of the dispensary. Consideration nominal.

1842. Association for the benefit of colored orphans in New York City, 250 feet in depth from 5th avenue of lot 42, common lands, upon condition to build in three years and to maintain twelve colored pauper children from the city almshouse, if so required; the inmates to be taken from and to belong to the city. Consideration nominal. This grant is made "subject to any lien now existing thereon under any pledge heretofore made of the same as part of the property of the city of New York, for the redemption of any portion of the public stocks or debt of the said city." There was, however no specific pledge of public property for the redemption of the city debt till the ordinance of 1844. The city revenue had been pledged and proceeds of sales, and lands acquired for extending Grand, Essex and Centre street markets, but no more³.

1. Map XV.

2. Map VIII.

3. Gerard, p. 109.

Under the ordinance of 1844 what was left of corporation land not used for public purposes passed into the control of the commissioners of the sinking fund in trust expressly for the payment of the city debt. The bulk of this residue, not counting Long Island Farms, lay in the upper and lower commons and at Bellevue, with smaller but valuable blocks, where there had been reservation of water lot grants, at Duane, King and Gansevoort streets, at the north river and at Peck slip and Munroe market at the east river. Map XV. shows the remaining corporation lots north of 42d street. Below 42d street were still 45 acres of the upper commons, as may be seen on Map V. Of the lower commons there remained more than half the original lots left after the settlement of boundary disputes¹. The Bellevue establishment had been entirely removed to the islands, leaving these 283 eligible city lots, and there were seven still left at Peck Slip. Of the King and West street block only one lot had been sold out of 26. The Duane, Gansevoort and Stanton street or Monroe market lots were not yet productive, and need only be named.

After more than a century and a half, therefore, the city still had left, besides the Bellevue property acquired by purchase, no inconsiderable portion of the estate above high water mark received under the Dongan Charter, which, if the various parcels heretofore referred to and including the Harlem commons, be taken together, will be found to include about one-tenth of the whole upland, including its choicest part.

The reflection is unavoidable whether this vast estate had been administered up to 1844 with a fair regard to the city's interest even from a practical point of view; that is, from the

1. Map XIII.

standpoint not of what would have been best, but what was well. Passing over an apparent apathy as to encroachments on the west side, for lack of data as to what certainly took place there, the most questionable transactions from such a standpoint are the sales of 1789 and 1792¹, when 236 acres of the commons were sold in bulk as farm land to ten purchasers at less than \$65 per acre. These sales were not up to the standard of either earlier or later administrations. To be sure the nearest of this land was three miles from the city, but the city had over 30,000 people, an increase of at least 30 per cent. in three years. The only excuse seems to be a natural anxiety to recoup losses after a long war. After these sales until 1844, with minor exceptions again after war, the administration of this public trust was in general conservative and judicious. The policy adopted in 1796 of selling alternate sections of the commons and holding on to the rest was carried out faithfully, and the rise in value of the unsold lots awaited for 50 years. In selling the collect lots one full square, the site of the Tombs was reserved to the city, and a square and a half granted to the State under such conditions that it is available for municipal purposes to-day, saving the city at least a million of dollars in the cost of its new municipal buildings. The authorities were even sharp speculators for the city's interests in the purchase and sale of the government house and State's prison lots. If the standpoint be changed, and it is asked what disposition of these acres would have been the best possible for the permanent welfare of the city, the question becomes one of theory and there will be various answers. Nothing in the experience of New York city recommends a policy of leasing. Improvements would hardly be undertaken on a shorter lease than 21 years, and on its 21 years leases as sold at auction, the city got

1. These are the dates of the contracts not of the deeds.

no fair return on the average selling value of the property for that time. Neither were the structures put up creditable. Nearly all were but two story and attic brick buildings, the minimum required by the leases.

A chance of profiting by increase in ground values seems to be required to encourage improvement, and so far as it does encourage it benefits the community generally. Were we common owners again of the ground under the Potter and Times buildings, and it stood vacant, it would be better policy to give it to men who would put up those buildings than sell it to others who would improve it in the ordinary way. Every branch of trade and many classes of workers would share in the benefit. Exclusive private ownership has this advantage that under the stress of its competition those who are in general best able to improve the land get it. It is true they often find it more congenial in rapidly growing communities not to use their power, and buy merely to sell again, or from various causes do not half utilize their holdings. This is the vice of the system but it is a curable one. Were the standard of land valuation taken in fact to be capacity for income as shown by selling values in a normal market, the operation of present tax laws would, it seems, suffice. If the view be correct, that as regards land, highest practicable utilization carries with it greatest general benefit, and if the observation can be relied on that ownership by one and utilization by another do not conduce to a high grade of the latter, then both the leasehold and the speculative policy which were prevalent prior to 1844 must be considered less rational than the policy then inaugurated of getting the land into the hands of individuals and recouping through the increase of taxable property. That that increase may have been retarded in ways that are easily preventable, argues nothing against the rationale of the system. It is a familiar con-

ception that nothing economic is so beneficial to a community as to have everyone at work and utilization everywhere. When this conception dominates taxation, so that utilities are encouraged and non-utilization discouraged, the real merits of private ownership of land will be much more apparent, and they are poor defenders of it who stand by the old notion, harmless enough in a new community when land is cheap and everybody has already more than he can do, that because valuable land is held idle is the very reason it should not be taxed at its value, whereas the moment it is improved and so begins to do some good, both it and the improvements may take the maximum valuation from 60 to 100 per cent. of selling value according to local custom.

While with this qualification, individual exclusive ownership seems to be indicated by our municipal experience, as the better disposition of city land, some stock arguments against municipal ownership do not seem to be borne out by that experience. Up to 1844 there had been neither a dishonest nor a fickle administration of the municipal estate. Governments, parties and officials changed, but there is a distinct continuity of fiscal policy so far at least as relates to corporation land. It would seem that underneath the tossing surface of politics there were deep economic interests of which successive political dynasties are the servants and not the masters, and which secure the retention to old age of not a few experienced officials even under a system by which professedly the spoils belong to the victors.

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