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## REFLECTIONS ON THE CREATION OF THE GREATER CITY OF NEW YORK AND ITS FIRST CHARTER, 1898

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REFLECTIONS ON THE CREATION OF THE  
GREATER CITY OF NEW YORK AND ITS FIRST CHARTER,  
1898

DAVID C. HAMMACK\*

I. INTRODUCTION

I am delighted to be here to think aloud about the creation of Greater New York. I have written at some length and in some detail about the politics surrounding the creation of Greater New York in my book, *Power and Society: Greater New York at the Turn of the Century*.<sup>1</sup> What I think is most appropriate this afternoon is to highlight some matters that may be related to continuing debates over the governance of New York City and specifically to concerns of the recent Charter commission.

The sheer scale of New York following the consolidation one hundred years ago was very impressive.<sup>2</sup> One measure of the scale is that for almost fifty years after consolidation, almost all of the “suburban” residential and commercial development within the State of New York occurred within the five boroughs of the Greater City.<sup>3</sup> There was some development along the main rail and highway lines beyond the city limits, but Nassau, Suffolk, Orange, and even many parts of Westchester, counties did not begin to fill up until after the Second World War.<sup>4</sup> Consolidation

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\* Professor, Case Western Reserve University. Professor Hammack’s book, *Power and Society: Greater New York at the Turn of the Century*, is widely regarded as the leading authority on New York City politics of this era. For that reason, many of the citations throughout this article are to specific or general points in his book, which would be the best source for a researcher to gather more information.

1. DAVID C. HAMMACK, *POWER AND SOCIETY: GREATER NEW YORK AT THE TURN OF THE CENTURY* (1982).

2. See HAMMACK, *supra* note 1, at 32 (containing a map captioned *The Greater New York Region*, 1898).

3. More than 70% of the population increase between 1900 and 1950 in New York City and the counties of Nassau, Rockland, Suffolk, and Westchester took place in Richmond County and the boroughs of Queens and Brooklyn. See IRA ROSENWAIKE, *POPULATION HISTORY OF NEW YORK CITY* 132-34 (1972).

4. See HAMMACK, *supra* note 1, at 231-35 (discussing the evolution of a transit system for Greater New York).

created a single municipal arena for much of the urban development that would take place around New York harbor for the next two generations.<sup>5</sup>

Having a single municipal arena, instead of a congeries of small and medium-sized towns, made a real difference to the quality of urban development.<sup>6</sup> Commentators often emphasize the disparity between the very rich and very poor in New York City, and disparagement of the City's services is a local art.<sup>7</sup> From the beginning, Greater New York embodied forces that made for considerable uniformity and equity in the development of municipal facilities and services throughout the five boroughs.<sup>8</sup> Although this is not the place to make the argument, the Greater City probably contributed to the growth of the region's middle class by increasing access to public health, education, and jobs.<sup>9</sup>

In fact, it is interesting to compare the development that took place in the five boroughs of New York City with the development on the other side of the Hudson River, where there was no consolidated government, even though the population and economy are very much part of the metropolitan region.<sup>10</sup> New Jersey did not create a "Greater Newark," and the result is a New Jersey urban region that is sometimes compared to southern California for its dispersion, variation in the quality of its public facilities, and lack of civic focus and self-consciousness. The large scale of Greater New York produced significant results.

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5. See JEAN GOTTSMANN, *MEGALOPOLIS: THE URBANIZED NORTHEASTERN SEABOARD OF THE UNITED STATES* 430 (1961); see also RAYMOND VERNON, *METROPOLIS* 1985, at 133-34 (1960).

6. See HAMMACK, *supra* note 1, at 185 ("Touching at once on economic, political, social, and cultural life, consolidation established enduring new boundaries and institutions for the region and affected the relative value of the resources possessed by most of its residents.").

7. See, e.g., JAMES D. MCCABE, JR., *LIGHTS AND SHADOWS OF NEW YORK LIFE* 57 (Farrar, Straus and Giroux 1970) (1872) ("[T]here are but two classes in the city—the poor and the rich. The middle class, which is so numerous in other cities, hardly exists at all here."). See generally HAMMACK, *supra* note 1, at 60-65 (section on *Contemporary Perceptions of New York Society*).

8. See WALLACE S. SAYRE & HERBERT KAUFMAN, *GOVERNING NEW YORK CITY: POLITICS IN THE METROPOLIS* 11-18 (W. W. Norton & Co., 1965) (1960).

9. See David C. Hammack, *Political Participation and Municipal Policy: New York City: 1870-1940*, in *BUDAPEST AND NEW YORK: STUDIES IN METROPOLITAN TRANSFORMATION: 1870-1930*, at 55-80 (Thomas Bender & Carl E. Schorske eds., 1994).

10. See ROBERT C. WOOD, *1400 GOVERNMENTS* 104 (1961).

Consolidation made New York City, which was already the great center for the American investment industry,<sup>11</sup> one of the most important participants in the entire U.S. market for investments.<sup>12</sup> In the early years of the twentieth century, New York City bonds sometimes played a more important role in the financial markets than did the bonds of the United States government.<sup>13</sup> As intended, consolidation created a major financial entity.<sup>14</sup>

Of course, consolidation created a large new political unit, raising fundamental questions about how that unit was to be governed—through what sort of government and with what kinds of elections.<sup>15</sup>

## II. A BRIEF LOOK AT THE PROCESS OF CONSOLIDATION

The consolidation of 1898 culminated a very long process—a process that can be traced far back in the nineteenth century.<sup>16</sup> One part of the process was the creation of larger units of local government, long before the 1898 consolidation.<sup>17</sup> New York City had added a part of the Bronx in 1877;<sup>18</sup> the rest of the Bronx came in 1895.<sup>19</sup> In the 1890s, Brooklyn also added substantial territory, separate from New York City,<sup>20</sup> by merging

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11. See generally HAMMACK, *supra* note 1, at 33-51 (chapter on *Economic Change and Continuity* stating that New York in the nineteenth century, prior to consolidation, drew the largest share of capital seekers in the country).

12. See *id.* at 33 (explaining that “changes kept Greater New York in its dominant position as the . . . most important central business district in the nation’s system of cities”).

13. See Hammack, *Political Participation and Municipal Policy: New York City: 1870-1940*, *supra* note 9, at 75-76.

14. See generally HAMMACK, *supra* note 1, at 31-58 (discussing how consolidation transformed New York City from merely a center of maritime commerce to the center of corporate and financial powerhouses, both in terms of wealthy elite individuals and large investment banks and industrial manufacturers).

15. See *id.* at 185-229 (chapter on *Urbanization Policy* outlining many of the issues considered by City leadership at the time of consolidation).

16. See *id.* at 187 (“The idea that the region surrounding New York harbor ought to have a single municipal government had a long history before 1898.”).

17. See *id.* at 186 (“[O]riginal advocates of Greater New York sought to minimize [the] political implications . . . [but] they could not deny that consolidation would abolish the corporate identity of every constituent municipality and create a new electorate, twice as large, even more diverse, and much more evenly balanced between the two major political parties than in any of the original communities.”).

18. See *id.* at 129.

19. See *id.*

20. See HAROLD COFFIN SYRETT, *THE CITY OF BROOKLYN, 1865-1898*, at 197, 245 (1944).

with the other towns of Kings County.<sup>21</sup> New Yorkers were thus moving to larger government units; Greater New York was the largest and last of these moves.

New Yorkers also engaged in continuing debates over the *forms* of government to use for their cities.<sup>22</sup> One debate concerned the relative powers of mayors and City Councils; by the 1890s, both New York City and Brooklyn had, by some standards, a "strong mayor" form of government.<sup>23</sup> Another debate involved the powers that municipal governments should exercise: although many advocated change, the scope of municipal powers did not change much in the last half of the nineteenth century.<sup>24</sup> Still another debate concerned the use of commissions and other devices: if a municipality lacked the power to address a new concern, perhaps another arrangement could be devised for the purpose.<sup>25</sup> The entire Greater New York area experienced innovation along these lines.<sup>26</sup> Between 1857 and 1870 the State of New York created special commissions to handle the building of Central and Prospect Parks and the general physical development of large areas stretching north into Westchester and east into Long Island.<sup>27</sup> Commissions were also created to control the police and fire departments of the metropolitan area.<sup>28</sup> These commissions were abolished in 1870,<sup>29</sup> but the State turned again to a commission to

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21. *See generally id.* (discussing the expansion of Brooklyn between 1854 and the consolidation).

22. *See generally* HAMMACK, *supra* note 1, at 185-229. "The exact form of the new city's government satisfied no one, but its boundaries, its division into boroughs . . . have all endured." *Id.* at 186.

23. *See id.* at 202 (Albert Shaw, a social reformer and instrumental figure during consolidation, conceded, "[s]o long as nineteen-twentieths of our most active reformers favor the plan of a strong mayor . . . I am not going to be an obstructionist").

24. *See, e.g.*, MEL SCOTT, AMERICAN CITY PLANNING SINCE 1890, at 26-27 (1976) (discussing tension between state and local governments).

25. *See, e.g.*, MARK I. GEFLAND, A NATION OF CITIES: THE FEDERAL GOVERNMENT AND URBAN AMERICA, 1933-1965, at 4-12 (1975) (discussing the legislature's granting of additional authority to municipalities).

26. *See* HAMMACK, *supra* note 1, at 187-95.

27. *See id.* at 188 ("In 1865 and 1866, the state . . . expanded the powers of the Central Park Commission, giving it control over the street plan and most public works from 59th Street to the northern border of Westchester County.").

28. *See id.* In 1857, in order to facilitate the takeover of the New York, Richmond, and Westchester county police departments, the New York State Legislature created the Metropolitan Police Commission. In addition, in 1865, the legislature set up the Metropolitan Fire Commission. *See id.*

29. *See id.* (mentioning the abolition of the commissions by the "Tweed Charter" of 1870).

build the Brooklyn Bridge in the 1880s<sup>30</sup> and to develop parks for upper Manhattan in the 1890s.<sup>31</sup> The State also continued a practice, begun with New York Hospital in the wake of the Revolution, of chartering special corporations to conduct other activities, ranging from the Metropolitan Museum of Art and the Brooklyn Academy of Music to the State Charities Aid Society.<sup>32</sup>

Much of this sounds familiar, but in many ways the past really is another country. When you venture back to see what was happening a hundred years ago, you encounter realities, assumptions, ways of thinking, institutional practices, coalitions, and other matters that are very different from those that prevail at present. I want to emphasize two ways in which the New York of a hundred years ago would seem very strange if we could travel there today. The first concerns its people; the second concerns the role of its city government.

### III. NEW YORK CITY AS A MUNICIPAL CORPORATION

New York City has been famous for ethnic, racial, and religious diversity since the 1660s.<sup>33</sup> Toward the end of the nineteenth century, however, the share of the city's population that might have been described as "nonwhite" was small and declining;<sup>34</sup> the "nonwhite" share of the state's population was even smaller.<sup>35</sup> Only one or two percent of New York and Brooklyn's populations were African American in the 1890s;<sup>36</sup> few New Yorkers were of Hispanic, Caribbean, or Asian descent.<sup>37</sup> Despite their tiny numbers, those who could be placed in these groups faced a harsh color line and increasing discrimination. Their numbers and resources were so small that they were unable to constitute a significant political force, having to respond as individuals, families, and small

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30. *See id.* at 198-99.

31. *See id.*

32. *See* David C. Hammack, *Philanthropy*, in *THE ENCYCLOPEDIA OF NEW YORK*, at 896-98 (Kenneth T. Jackson ed., 1995).

33. *See, e.g.*, PATRICIA BONOMI, *A FACTIOUS PEOPLE: POLITICS AND SOCIETY IN COLONIAL NEW YORK* (1971) (arguing that diversity has been present in New York City since its earliest days).

34. *See* Hammack, *Political Participation and Municipal Policy: New York City: 1870-1940*, *supra* note 9, at 63.

35. *See id.*

36. *See id.*

37. *See id.*

groups.<sup>38</sup> We must also recall that women did not get to vote until 1920; New York's electorate was entirely male. Women, however, exerted considerable influence in public affairs through their families or by working in nonprofit corporations and organizing pressure groups.<sup>39</sup> Many of the debates that dominated public discussion of politics in New York City and New York State in the 1890s were rooted in ethnic and religious conflict.<sup>40</sup> The "Blaine Amendment," which forbade state aid to parochial schools, was a key part of the New York State Constitution approved by voters in 1894.<sup>41</sup> Upstate Evangelicals insisted that Republicans support—and that local officials enforce—liquor control laws that interfered with the customs of New York City's Irish, German, Catholic, and Lutheran immigrant communities.<sup>42</sup>

Municipal government, and New York City's government in particular, was even less like what we might expect. Today, many New Yorkers take great pride in the broad scope of the powers exercised by their City's government;<sup>43</sup> others in New York, and more elsewhere, object to those same powers.<sup>44</sup> The famous Dongan Charter<sup>45</sup> granted New York City's colonial government control over nearly all of the East River and the right to regulate trade.<sup>46</sup> New York's municipal government, however, lost most of its colonial-era commercial authority in the first half of the nineteenth century.<sup>47</sup> New laws and court decisions constrained nineteenth-century municipalities to a narrow range of activities, almost all of which

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38. See, e.g., SETH SCHEINER, *NEGRO MECCA: A HISTORY OF THE NEGRO IN NEW YORK CITY, 1865-1920*, at 8-9 (1965) (giving population figures for the African American community in the late 1800s and early 1900s and putting them in the context of the community's political powerlessness).

39. See HAMMACK, *supra* note 1, at 79 (charitable and religious organizations actually provided women with the one field in which they could actively and directly participate in forming public policy).

40. See *id.* at 60-61.

41. See JOHN WEBB PRATT, *RELIGION, POLITICS, AND DIVERSITY: THE CHURCH STATE THEME IN NEW YORK HISTORY 254-56* (1967); see also HAMMACK, *supra* note 1, at 260.

42. See HAMMACK, *supra* note 1, at 260.

43. See *id.*

44. See E. HAGAMAN HALL, *THE SECOND CITY OF THE WORLD 19* (1898) (discussing discontent with broad powers of the City government, even as it was being proposed and constructed).

45. See *id.*

46. See *id.*; HAMMACK, *supra* note 1, at 186.

47. See HENDRIK HARTOG, *PUBLIC PROPERTY AND PRIVATE POWER: THE CORPORATION OF THE CITY OF NEW YORK IN AMERICAN LAW, 1730-1870*, at 220-39 (1983) (discussing the introduction of judicial intervention into local governmental authority).

concerned physical development and public order.<sup>48</sup> New York expanded its physical development capabilities in the middle third of the century as it gained control over the Croton and other watersheds.<sup>49</sup> Control of watersheds, reservoirs, and aqueducts gave New York City some initiative as population concentrated in the metropolitan area.<sup>50</sup> Nearby communities could not expand without access to a water supply that New York City already controlled.

We would also be surprised today by the limitations imposed on nineteenth century New York City government. The courts enforced a narrow doctrine of "municipal purpose,"<sup>51</sup> as defined, for example, by "Dillon's Rule." This rule stated that if a proposed activity of city government did not concern streets, docks, public health, or public safety, it was not a municipal purpose.<sup>52</sup> If an activity was not a municipal purpose, the courts would rule in favor of a taxpayer who challenged it, whether the activity was carried on by a city government, a special commission, or a special district that relied on taxes.<sup>53</sup> Some activities might have been assigned to nonprofit corporations, but political and legal toleration for the provision of tax funds to such institutions was always limited.<sup>54</sup>

In fact, tax-subsidized nonprofit corporations gave New York much of its nineteenth-century reputation for having an active, wide-ranging

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48. *See id.* at 220-24; *see generally* NELSON MANFRED BLAKE, *WATER FOR THE CITIES: A HISTORY OF THE URBAN WATER SUPPLY PROBLEM IN THE UNITED STATES* (1956) (discussing the development of the water supply companies for New York City and how the City "wrestled" with the "water problem" in the early nineteenth century); CHARLES H. WEIDNER, *WATER FOR A CITY: A HISTORY OF NEW YORK'S PROBLEM FROM THE BEGINNING TO THE DELAWARE RIVER SYSTEM* (1974) (discussing efforts to bring an adequate water supply to the city).

49. *See* BLAKE, *supra* note 48, at 121-30.

50. *See id.*

51. *See generally* CLYDE E. JACOBS, *LAW WRITERS AND THE COURTS* 134 (1973) (expressing the idea that government aid to private business enterprises, except railroads, was not "a public purpose for which the state legislatures could exercise their taxing and spending powers").

52. *See* James W. Lowe, *Examination of Governmental Decentralization in New York City and a New Model for Implementation*, 27 *HARV. J. ON LEGIS.* 173, 184 (1990).

53. *See id.* at 186 (Dillon's Rule is named after John Dillon, whose 1872 treatise on local government law set out the parameters of local authority which, in general, remain the law today.). *See generally* J. DILLON, *A TREATISE ON THE LAW OF MUNICIPAL CORPORATIONS* (1872) (explaining that, under the public purpose rule, a state legislature may only levy a tax to support a public or governmental endeavor); HARTOG, *supra* note 47, at 220-24 (discussing Dillon's Rule and its creation of a "municipal corporation"); JACOBS, *supra* note 51.

54. *See* Lowe, *supra* note 52, at 184.

municipal government.<sup>55</sup> These included many famous institutions: Columbia and New York universities; New York and other hospitals; several Protestant, Catholic, and Jewish orphanages; the Metropolitan Museum of Art; the American Museum of Natural History; the Brooklyn Museum of Art; and the Brooklyn and New York public libraries. Until well into the 1840s, public education in New York City was provided by a private (though largely tax-supported) society called the Public School Society.<sup>56</sup> Although today we think of New York City as remarkable for its commitment to public education, as late as 1900, it was still providing only six years of free public school to most children notwithstanding the fact that it had taken over the public schools before mid-century.<sup>57</sup> (Brooklyn provided more public secondary education toward the end of the century.)<sup>58</sup>

In short, during the last third of the nineteenth century, New York City, like other contemporary municipalities, was primarily a municipal corporation that provided physical facilities and public safety. It existed to establish and maintain a marketplace. It followed that one of its major obligations was to earn a reputation for creditworthiness, so that it could borrow in the bond market the funds needed to build its physical facilities. The courts of the day subordinated concern about voter representation to their concern for the City's management of tax money. In view of later concerns about the implication of consolidation for the representativeness of Greater New York's government, it is relevant to recall that the 1890s and early 1900s saw the legal expulsion of African-American voters from southern electorates and repeated defeats for the cause of women's suffrage.<sup>59</sup>

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55. See Hammack, *Philanthropy*, supra note 32, at 896-97.

56. See CARL F. KAESTLE, *THE EVOLUTION OF AN URBAN SCHOOL SYSTEM, NEW YORK CITY: 1750-1850*, at 80, 87 (1973).

57. See HAMMACK, supra note 1, at 261 (noting that "there were primary schools for children in grades one, two and three; grammar schools for grades four, five and six; night schools that offered grammar and high school instruction to working children and adults").

58. In 1895, Brooklyn had three secondary schools, but New York City had just one. See David Ment, *Public Schools*, in *ENCYCLOPEDIA OF NEW YORK* 957-61 (Kenneth T. Jackson ed., 1995).

59. See J. MORGAN KOUSSER, *THE SHAPING OF SOUTHERN POLITICS: SUFFRAGE RESTRICTION AND THE ESTABLISHMENT OF THE ONE-PARTY SOUTH, 1880-1910*, at 32-33 (1974).

A. *New York City's Quest for a Solid Financial Reputation:  
From Boss Tweed to Tammany Hall*

One place to start a quick review of the incidents that led to the creation of Greater New York is the special state park, fire, and police commissions of the Civil War period.<sup>60</sup> That entire period is usually described as the era of Boss Tweed.<sup>61</sup> In fact, the "Tweed Era" was a period of government by State Commissions whose members were appointed by State authorities. In the face of these commissions, Tweed devoted his entire career to fighting commission government and regaining for the City of New York the power to elect its own officials and control its own destiny.<sup>62</sup> He finally succeeded in getting the state legislature to approve the so-called Tweed Charter, which abolished all commissions.<sup>63</sup> Tweed's enemies responded with the massive assault on his legitimacy that has shaped his reputation to this day.<sup>64</sup> In 1871, Tweed's government was overthrown, and the former controller of Central Park, Andrew H. Green, became the controller of New York City.<sup>65</sup> Green prosecuted Tweed and his associates over the next six years or so.<sup>66</sup>

The movement against Tweed produced a revision of New York City's Charter in 1873.<sup>67</sup> The new Charter included institutional arrangements that would guarantee the fiscal probity of New York City.<sup>68</sup> Three other elements were important in that Charter. One element was to give considerable prominence to the City's mayor, with the idea of focusing public attention on that individual. A second element of the 1873 Charter was the creation of a daily publication, the *City Record*,<sup>69</sup> which provided

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60. See HAMMACK, *supra* note 1, at 188; see also *The New York of Today: A Greater City Comes into Being Without Any Visible Change in Conditions*, N.Y. TIMES, Jan. 1, 1898, at 3.

61. See generally SEYMOUR MANDELBAUM, *BOSS TWEED'S NEW YORK* (John Wiley & Son, Inc. 1965).

62. See HAMMACK, *supra* note 1, at 188; see generally ALEXANDER B. CALLOW, JR., *THE TWEED RING* ch. 15 (1966).

63. See HAMMACK, *supra* note 1, at 188 (discussing the abolition of the commission by the "Tweed Charter" of 1870).

64. See *id.*

65. See *id.* at 190.

66. See *id.*

67. See CALLOW, *supra* note 62, at 224-25.

68. See EDWARD D. DURAND, *THE FINANCES OF NEW YORK CITY* 156 (1898) (discussing the Charter's reinstatement of Council government along with the institution of appropriate checks and balances therein).

69. See, e.g., CITY RECORD (New York, N.Y.), Oct. 2, 1876 at 1.

extremely detailed reports of the actions of City government from the 1870s through the 1890s.<sup>70</sup> The *City Record* printed every appointment: it listed not only policemen and firemen but even the inspectors for every election district for every election.<sup>71</sup> The third element was the creation of a Board of Estimate. The Board was a small group of elected officials, chiefly the mayor and the comptroller, who were responsible for the City's finances.<sup>72</sup> They could not avoid the responsibility; they could not divide it. They could not say, "well, the City Council made us do it." They had considerable responsibility, and that gave the press a focus of attention for monitoring New York's financial affairs.

For twenty years under this Charter, New York was led, not by Tammany Hall, but by business leaders. Most of the mayors during that period were not Tammany nominees but rather businessmen who agreed to run out of civic duty and a desire to maintain the fiscal probity of the City.<sup>73</sup> They were helped in their endeavors by the *City Record* and by the City's eight daily English language newspapers and three daily German language newspapers, which all followed city government affairs closely.<sup>74</sup> The 1873 Charter encouraged full public disclosure in the interest of maintaining an excellent credit rating, and it worked. Under intense daily scrutiny, New York developed a well-earned reputation as a reliable borrower.<sup>75</sup>

Tammany Democrats played their role in the recovery of New York's reputation for creditworthiness.<sup>76</sup> The great Tammany figure in this period was "Honest" John Kelly, leader of Tammany Hall for almost twenty years.<sup>77</sup> Kelly won respect for his fiscal propriety, his modest personal

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70. *See id.*

71. *See id.*

72. *See* Joseph P. Viteritti, *Municipal Home Rule And The Conditions of Justifiable Secession*, 23 *FORDHAM URB. L.J.* 1, 51 (1995).

73. *See generally* HAMMACK, *supra* note 1, ch. 4-6; RICHARD S. WINSLOW, *NEW YORK CITY DEPARTMENT OF INVESTIGATION CORRUPTION PREVENTION AND MANAGEMENT REVIEW BUREAU, ROGUES, RASCALS AND HEROES: A HISTORY OF THE NEW YORK CITY DEPARTMENT OF INVESTIGATION, 1873-1993*, at 4 (1993) (This desire for fiscally-minded executives originated in the tremendous number of nationwide bankrupt businesses and financial failures in 1873.); ROBERT VANWICK ET AL., *BIOGRAPHICAL DICTIONARY OF AMERICAN MAYORS, 1820-1980: BIG CITY MAYORS 136-37* (1981) (discussing William Grace as mayor under the 1873 Charter and his battle against Tammany Hall nominees).

74. *See generally* HAMMACK, *supra* note 1, at 132-33 (discussing how Tweed manipulated public opinion by utilizing the *New York Times*, *Evening Post*, and other publications).

75. *See generally* HAMMACK, *supra* note 1, at 190.

76. *See* HAMMACK, *supra* note 1, at 130-32.

77. *See id.*

life, and his refusal to spend money on anything.<sup>78</sup> Because his definition of a legitimate public purpose was even more conservative than Dillon's,<sup>79</sup> Tammany Hall gradually regained the confidence of New York's investing community.<sup>80</sup> By the late 1880s, Tammany Hall was in a position to actually begin to nominate some mayors and get them elected.<sup>81</sup>

As they began to make a number of appointments and some decisions that were not welcome in the 1890s, the new Tammany leaders faced the glare of the publicity machine that followed the 1873 Charter.<sup>82</sup> It is notable, however, that the famous Lexow and Mazet committee investigations of Tammany leaders during the 1890s focused not on financial mismanagement but on vice and moral corruption.<sup>83</sup> There was no financial corruption, and all the big spenders were found in the Republican Party and among the civic reformers,<sup>84</sup> not in the ranks of Tammany Hall. The Tammany position as late as 1900 was that building high schools in New York City would be a waste of money because ordinary people could not afford to let their teenage children go to high school.<sup>85</sup> A child between the ages of thirteen and fifteen had to be working and earning money for the family budget. Tammany leaders thus asked, why should the general taxpayer subsidize a school for a small proportion of the population?

#### B. *The Final Movement for Consolidation: The Role of the Chamber of Commerce*

The movement for consolidation thus took place against the background of a New York City government that had successfully sought a reputation for economy and reliable financial management.<sup>86</sup> The final consolidation push involved a one-year process led by New York's great

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78. See generally *id.* (discussing attempts made by a faction of Democrats to gain control over the Democratic Party after Tweed left, rallying behind Kelly).

79. See *supra* text accompanying notes 52-54 (discussing Dillon's Rule).

80. See HAMMACK, *supra* note 1, at 164.

81. See *id.* (discussing the nominations of Hugh Grant and Thomas Gilroy between 1884 and 1892).

82. See *id.* at 165-66.

83. See *id.* at 166 (stating that "the Lexow Committee's . . . indiscriminate attacks on Tammany morality were bound to damage the uptown leaders' standing in the business world . . .").

84. See HAMMACK, *supra* note 1, at 140-57.

85. See David C. Hammack, *The Centralization of New York City's School System* (1970) (unpublished M.A. thesis, Columbia University) (on file with author).

86. See HAMMACK, *supra* note 1, at 186-87.

business organization of the period, the Chamber of Commerce of the State of New York.<sup>87</sup> In stark contrast to today, New York City's most important economic leaders in 1890 were import/export wholesale merchants.<sup>88</sup> The Fortune 500 did not yet exist; there was no Dow Jones Industrial Average. Before 1895, the New York Stock Exchange handled railroad stocks and bonds and government bonds but not industrial securities.<sup>89</sup> By 1900, the Dow Jones Industrial Average and the equivalent of the Fortune 500 existed: a business revolution took place just before the turn of the century. The Chamber of Commerce of the State of New York, the most important business organization of the 1880s and 1890s, represented the great merchants who coordinated the economy in the period before the rise of large vertically integrated corporations.<sup>90</sup>

In their last decade of dominance, New York's great merchants had several pressing concerns.<sup>91</sup> They located in New York to take advantage of New York harbor, but the harbor was almost impassible. Garbage, flotsam and jetsam, and the rotting timbers of abandoned wharves clogged the waters and damaged vessels. Nonessential users of the harbor got in the way of essential users.<sup>92</sup> These problems could most effectively be addressed through a consolidated municipal unit. The effort to gain control of the entire harbor led to the inclusion in Greater New York of Queens, east of what is now Kennedy Airport and all the way beyond the Whitestone Bridge, and of the Bronx and Staten Island.<sup>93</sup>

New York City also lacked a direct connection to the national railroad system. The Pennsylvania Railroad eventually built a tunnel for passenger trains under the Hudson River, but not until much later.<sup>94</sup> Meanwhile, rail shipments had to make their way from New Jersey into New York or Brooklyn by means of lighters and barges—or travel many extra miles. At the end of the nineteenth century, international and interstate shippers had

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87. *See id.* at 52, 188.

88. *See id.* at 46-51.

89. *See* Thomas R. Navin & Marian V. Sears, *The Rise of a Market for Industrial Securities, 1887-1902*, 29 BUS. HIST. REV. 105, 106; HAMMACK, *supra* note 1, at 39-44.

90. *See* HAMMACK, *supra* note 1, at 52.

91. *See, e.g., id.* at 65.

92. *See* HAMMACK, *supra* note 1, at 193-94.

93. *See id.* at 185, 194.

94. *See* Mary Betts, *Pennsylvania Station*, in THE ENCYCLOPEDIA OF NEW YORK 890-91 (Kenneth T. Jackson ed., 1995). It is interesting to note that now, 100 years later, government leaders are once again promoting the idea of a freight tunnel from Brooklyn to Staten Island. *See* David C. Hammack, *Developing for Commercial Culture*, in INVENTING TIMES SQUARE: COMMERCE AND CULTURE AT THE CROSSROADS OF THE WORLD 38-42 (William L. Dalton ed., 1991).

to share the waterways with the railroads, adding to the crowding. New York was at the mercy of terminal facilities in New Jersey.

The great merchants were also concerned about lower Manhattan, where most wholesale and financial business was concentrated.<sup>95</sup> Lower Manhattan's streets were enormously crowded with carts, horses, trams, and pushcarts.<sup>96</sup> Goods came into the city by ship, to be moved into warehouses and then into plants and workshops for processing and manufacturing. Dock and factory workers could not afford the money or time required to live away from their work, so they and their families lived near the docks and joined the street crowds. It was so difficult to walk that messengers were delayed in going from one brokerage house to another.<sup>97</sup> Many merchants saw a need to disperse many kinds of economic activity, which was another consideration for the Chamber.<sup>98</sup>

Some merchants also argued that New York had to respond to London, which had just created a County Council and expanded its government, and to Chicago, which had recently annexed large, densely populated areas.<sup>99</sup> Bragging rights were at stake, as was the ability to influence national transportation policy.

Chamber of Commerce leaders also knew that lower Manhattan's crowded, unhealthy slums were filled with miserable people who were often sick.<sup>100</sup> It was not good for business for New York to be known as a place where clothing was made by people who had tuberculosis. Nor would it be good for business if slum conditions encouraged socialist sympathies. In a real sense, one of the purposes of Greater New York was to create "Archie Bunker."<sup>101</sup> Advocates for consolidation argued that new bridges, new water and sewer connections, and a mortgage would allow Lower East Side renters to move into row houses in Brooklyn or Queens, thus warding off potential political problems.

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95. See generally HAMMACK, *supra* note 1, at 31-36 (discussing the lower one-third of Manhattan as the center of commerce until approximately 1910 or 1915).

96. See LUC SANTE, *LOW LIFE, OLD NEW YORK*, 46-47 (1991) ("There was a distinct absence of grand boulevards and parkways, and major thoroughfares were essentially corridors. They were, of course, crowded down the middle and along their walks as well; a heavy concentration of wheeled and pedestrian traffic had been constant for the next 200 years.").

97. See HAMMACK, *supra* note 1, at 31-44, 192-93.

98. See David R. Stabile, *New York Chamber of Commerce and Industry*, in *THE ENCYCLOPEDIA OF NEW YORK* 825-26 (Kenneth T. Jackson ed., 1995).

99. See HAMMACK, *supra* note 1, at 200-02.

100. See *id.*

101. See *id.* at 203.

The Chamber's leaders knew that property owners and developers in Brooklyn and Queens were eager to accommodate refugees from Manhattan.<sup>102</sup> Bridges could be built, with some difficulty, through municipal agreements or special commissions, as in the case of the Brooklyn Bridge.<sup>103</sup> Developers could not, however, build much new housing until Brooklyn, Long Island City, and adjoining municipalities found a way to build new streets, water mains, sewers, and police and fire stations.<sup>104</sup> To do this, these municipalities had to improve their financial standing. In the early 1890s Brooklyn annexed all the surrounding towns and immediately found itself unable to borrow any more money.<sup>105</sup> It had reached the state-defined debt limit, set as a proportion of a municipality's assessed valuation.<sup>106</sup> Brooklyn faced a special problem because much of the central business district that served Brooklyn was in Manhattan and the total value of the property located within Brooklyn was lower than one would expect for a city of its population.<sup>107</sup> The only way Brooklyn could borrow more money would have been to raise its assessments, a move that would have increased the taxes Brooklyn property owners had to pay the State of New York, which relied on local assessments when it levied its own property tax.<sup>108</sup> Brooklyn officials also found the records of the annexed communities in deplorable shape. For years, they literally did not know what obligations their City had assumed through its annexations.<sup>109</sup>

Even if Brooklyn had been able to borrow more money, it would have been forced to turn to New York City for water. Brooklyn relied on shallow wells, which had reached their capacity, while New York City had developed upstate water supplies.<sup>110</sup>

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102. *See id.* at 196, 203.

103. *See The New York of Today*, N.Y. TIMES, Jan. 1, 1898, at A1; DAVID MCCULLOUGH, *THE GREAT BRIDGE* 24 (1972) (discussing how the construction of the "East River bridge," for example, occurred only after a Charter was voted on in Albany by the legislature).

104. For a discussion of the financial problems that plagued Long Island City and other towns in Queens during the 1880s and 1890s, see Paul E. Kerson, *Union of Queens with New York City: What Was Gained and What Was Lost* (Apr. 15, 1998) (unpublished paper presented at the conference on Queens History, 350 Years of Life in Queens, Queens Historical Society) (on file with author).

105. In fact, Brooklyn began annexation in earnest by 1855. The new City of Brooklyn contained Williamsburg and Bushwick. *See* DAVID W. MCCULLOUGH, *BROOKLYN AND HOW IT GOT THAT WAY* 29 (1942).

106. *See* HAMMACK, *supra* note 1, at 198.

107. *See id.* at 199.

108. *See id.* at 198.

109. *See id.* at 198-99.

110. *See id.* at 198.

The Chamber of Commerce and Brooklyn real estate leaders were lured by New York City's water supply and pushed for consolidation on that basis.<sup>111</sup>

Opposition came mainly from three sources. Despite suggestions that consolidation deprived Brooklyn of a chance for democratic self-government,<sup>112</sup> in the 1890s the biggest opposition came from Brooklyn, not from Democrats.<sup>113</sup> Brooklyn opposition came from Protestants who explicitly objected to the likelihood that consolidation would accelerate the movement of Catholic and Jewish immigrants across the East River, disrupting Brooklyn's New England culture of civic engagement, Protestant churches, clubs, libraries, and good schools.<sup>114</sup> This was a rear-guard opposition by self-appointed representatives of perhaps one third of Brooklyn's already quite diverse population.<sup>115</sup> Many Protestant Chamber of Commerce leaders lived in Brooklyn; like the City's Jewish business leaders and many of its Catholics, they strongly favored consolidation.<sup>116</sup>

A second source of opposition to consolidation came from political leaders in Brooklyn and Queens who doubted that they would benefit from a greater city.<sup>117</sup> A greater city would force them to compete in a bigger arena, and they did not like their chances.<sup>118</sup> Contrary to Staten Island's recent strong secession movement, in the 1890s Staten Island's voters and elected leaders strongly favored consolidation with New York as likely to speed economic development.<sup>119</sup>

The third important source of opposition came from developers of real estate and their political allies in upper Manhattan and especially in the Bronx.<sup>120</sup> These individuals listened to the advocates of consolidation and concluded, reasonably enough, that it would divert resources and new residents away from their areas and into Brooklyn and Queens.<sup>121</sup>

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111. *See id.* at 196-98.

112. *See* Richard E. Mooney, *A 300 Year Dress Rehearsal*, N.Y. TIMES, Jan. 25, 1998, § 15, at 2.

113. *See* HAMMACK, *supra* note 1, at 209.

114. *See id.* at 210 ("[The opposition groups] were deeply indebted to Brooklyn's Anglo-American Protestant institutions and the way of life those institutions symbolized and encouraged.").

115. *See id.* at 212-13.

116. *See id.* at 196-97.

117. *See id.* at 217, 222, 224-25.

118. *See id.* at 209.

119. *See id.* at 195 n.36, 206-25.

120. *See id.* at 196 n.52, 214.

121. *See id.* at 199, 220.

## IV. THE ROLE OF STATE GOVERNMENT IN THE CONSOLIDATION

The story of the consolidation campaign is complicated, full of long, complex political jousting. The Chamber of Commerce of the State of New York played a key role in placing the issue on the table, but it did not control the outcome.<sup>122</sup> Ultimately, consolidation was a matter for the state government.<sup>123</sup> Thomas Platt, leader of the state Republican Party at that time, arranged the final deal.<sup>124</sup>

Platt had the notion, realistic at the time, that if things fell the right way, the Republicans could organize the Greater City and control its elected government indefinitely.<sup>125</sup> Like Marcus Alonzo Hanna of Ohio, Platt was a Republican who counted voters and concluded that it was necessary to represent workers, as well as farmers and employers.<sup>126</sup> Platt's was the party of the full dinner pail and the proper representation of ethnic interests.<sup>127</sup> For years Platt had been fighting people he saw as narrow-minded bigots in Brooklyn and upstate.<sup>128</sup> He took considerable pleasure in defeating their resistance to Greater New York.<sup>129</sup>

The Charter that was finally written by a commission appointed by the governor and adopted by the state legislature in 1898, and under which the Greater City started its career in 1898, was shaped by the political debate that I have described here.<sup>130</sup>

To placate Brooklyn, taxes and assessments were to be equalized throughout Greater New York.<sup>131</sup> Brooklyn got equal taxes and assessment and access to the borrowing capacity of the Greater City.<sup>132</sup> Brooklyn also

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122. *See id.* at 214.

123. *See id.* at 214-17.

124. *See id.*

125. That may sound like another way in which the past is strange to us, but, after all, Fiorello H. LaGuardia was a Republican and Platt was thinking in broad terms. Republicans also sought control of local City municipalities and departments in general. *See id.* at 214-19.

126. Platt understood the importance of supporting broad groups within the New York citizenry. *See id.* at 214-18.

127. *See id.*

128. *See id.* at 165 (citing an example of anti-Republican rhetoric among anti-Semitic groups). The classic account of Platt's career is HAROLD C. GOSNELL, *BOSS PLATT AND HIS NEW YORK MACHINE* (1969).

129. *See* HAMMACK, *supra* note 1, at 216.

130. *See id.* at 223-27.

131. *See id.* at 224.

132. *See id.*

got the borough system.<sup>133</sup> The Charter Commission considered as an alternative, local governing units that were smaller, more coherent, and possibly more representative.<sup>134</sup> Brooklyn already existed, however, and its leaders insisted that it retain its identity.<sup>135</sup> Brooklyn leaders succeeded in keeping their prized schools separate from those of Manhattan and the other parts of the new city; full consolidation of the school system took about twenty years.<sup>136</sup>

Brooklyn already had a relatively strong mayor, and New York had a stronger mayor. Strong mayoral leadership, which we could trace back to the logic of the 1873 Charter,<sup>137</sup> was carried over into the Greater City. Again following the logic of the Charter of 1873, the mayor became a member of a small Board of Estimate that included the comptroller and concentrated responsibility for financial decisions.<sup>138</sup> The 1898 Charter also retained 1873's emphasis on full financial disclosure through a detailed *City Record*.<sup>139</sup>

The chief innovation of the 1898 Charter was a new Board of Public Improvements, with a Commissioner of Public Improvements for each of the boroughs as well as some citywide officials.<sup>140</sup> The Commissioner of Public Improvements was the key office in borough government as it was originally created.<sup>141</sup> Seth Low, a former mayor of Brooklyn who later became mayor of New York, was the member of the 1898 Charter Commission who pushed for the Board of Public Improvements.<sup>142</sup> Following the rationale of the Charter of 1873, Low sought to create a body whose powers over public improvements and finances would attract continuous press attention, forcing it to act in the strong light of publicity.<sup>143</sup> Critics warned that the new Board would be a politically

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133. *See id.*

134. *See id.* at 225.

135. *See id.*

136. *See id.*

137. *See generally* N.Y. CITY CHARTER ch. 4 §§ 94-5, 99-100, 109; ch. 5 §§ 115, 117-19 (1897).

138. *See id.* ch. 6 § 226 (illustrating the constitution of the Board of Estimate as well as discussing when the Board meets to create an "estimation of necessary expenditures to pay city debt").

139. *See id.* ch. 22 § 1526; ch. 6 § 161.

140. *See* HAMMACK, *supra* note 1, at 225-26.

141. *See* N.Y. CITY CHARTER art. VIII, § 70 (1873); *see also* N.Y. CITY CHARTER ch. 10 §§ 410-11 (1897) (referring to the Commissioner as president of the Board of Public Improvements).

142. *See* HAMMACK, *supra* note 1, at 226.

143. *See id.* at 226.

unaccountable monstrosity.<sup>144</sup> When Platt's forces split the anti-Tammany vote in the first election for mayor of the Greater City and Tammany's William Van Wyck defeated Low for the office, the critics persuaded a new governor to appoint a Charter Revision Commission, which eliminated the Board of Public Improvements.<sup>145</sup> The Charters for the greater City, however, retained the Board of Estimate and Apportionment, simply expanding its membership to include the borough leaders and the President of the City Council.<sup>146</sup> These arrangements assured the financial community that Greater New York would continue old New York's record of financial responsibility and allowed the consolidated City to borrow enormous sums for public improvements at favorable interest rates.<sup>147</sup>

## V. CONCLUSION

The movement to create Greater New York grew out of the campaign to expand the capacity of American cities to achieve a wider range of purposes. This campaign had many sources.<sup>148</sup> I have noted above a variety of commercial and political concerns. In addition, public health concerns played a central role; the confirmation of the germ theory of disease in the 1880s forced community leaders throughout the world to spend vast sums on new water and sewer facilities.<sup>149</sup> The demand for other services was also rising. Increasing numbers of voters favored public education for their children, for example, and by the 1910s Tammany leaders competed with Republicans to support the expansion of the school system.<sup>150</sup>

As New York City has expanded the definition of municipal purpose, it has become more important that its government not only provide good services efficiently and maintain creditworthiness in the bond markets, but also that it be representative of its population. The "one person-one vote" principle was not a particularly strong consideration at the end of the

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144. *See id.*

145. *See id.* at 151-54.

146. *See* N.Y. CITY CHARTER ch. 6 § 226 (1897).

147. *See* Hammack, *Political Participation and Municipal Policy: New York City: 1870-1940*, *supra* note 9, at 74-76.

148. *See* BLAKE MCKELVEY, *THE URBANIZATION OF AMERICA, 1860-1915*, at 50, 51, 60, 61, 78, 234-35 (1963); *see generally* ERIC H. MONKKONEN, *AMERICA BECOMES URBAN: THE DEVELOPMENT OF CITIES AND TOWNS, 1780-1980*, ch. 9 (1988).

149. *See* MONKKONEN, *supra* note 152, at 192.

150. *See generally* HAMMACK, *supra* note 1, at 259-98 (chapter entitled *Cultural Policy: Centralizing the Public School System*).

nineteenth century.<sup>151</sup> It has become a much stronger consideration in the twentieth century.<sup>152</sup> Hence it is no surprise that representation became a central concern for Charter Revision Commissions in more recent years.

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151. See HAMMACK, *supra* note 1, at 322-26 (section titled *The Increasing Dispersal of Power in the Cities of the United States during the Twentieth Century*).

152. See *id.*

