OUR CITY CHARTERS.

How New York Has Been Governed for Two and a Quarter Centuries.

The Original Struggle for Burgher Freedom.

The Two Charters of New Amsterdam—The First English, or "Nicolls," Charter—The "Benckes & Evertsen" and the "Coloe" Charters of New Orange—The "Andros," the "Dongan," the "Queen Anne" and the "Montgomerie" Charters.

THE FIVE AMERICAN CHARTERS.

Charter Conventions of 1829 and 1846.

Popular Votes on the Amendments in 1824, 1829, 1846, 1849 and 1853.

THE REJECTED CHARTER OF 1846

Complete Municipal History of the Empire City.

The new charter, which common consent has almost unanimously decided is a necessity for the Empire City, will form the fifteenth (not counting supplemental enactments) granted to it since it was first permitted to enjoy municipal privileges, just 220 years ago, it being at that time the city of New Amsterdam and under the jurisdiction of the States General of Holland. In the discussion which must now naturally take place over the framing of the new charter it is not only interesting but instructive to review the various Dutch, English and American charters under which we have thus far been governed, in order that we may select the good that can be found in them and discard the regulations that have been proved objectionable, so that we may benefit in the future by the experiences of the past. Beyond this the history of our municipal government is of interest, inasmuch as it shows how, as the population has increased from consiuerably less than one thousand staid and simple-minded souls to one thousand times that number of heterogeneous characters, the provisions of the charters have had to be expanded so as to meet the requirements of the increasing population and the extending area required for their dwellings and places of business.

The Struggle for Municipal Rights.

The charters under which the island of Manhattan as a European settlement was first governed were one granted to the Dutch West India Company in 1621 (twelve years after Hudson's discovery), and the "Charter of Privileges and Exemptions," granted to the colonists in 1629. These, however, in no degree savored of municipal or self-government, and it was not until the colony exhibited signs of prosperity and the European population began to increase that the colonists expressed a desire to enjoy civic rights like those which they had experienced in the Fatherland. The first occasion upon which the people of the colony of New Netherlands were consulted with regard to public affairs was in August, 1641. An Indian Sachem having refused to deliver up one of his tribe who had murdered a harmless Dutchman in retaliation for the death of a relative at the hands of the whites many years before, when the murderer was a small boy, Director General Kieft desired to commence hostilities against the tribe, but was deterred by the objections of the colonists, who threw upon him the entire responsibility of the proposed conflict. In consequence of this Kieft reluctantly sought the counsel of the community, and summoned the masters and heads of families at Manhattan and its vicinity to meet at Fort Amsterdam, "to resolve there on something of the first necessity." And thus, on August 29, 1641, was held the

FIRST REGULAR MEETING EVER HELD IN NEW AMSTERDAM.

The assembly promptly chose "Twelve Select Men" to consider certain propositions submitted by the Director, and who thus became the first representatives of the people of our city. By their advice the war was postponed until the hunting season; and upon their being convoked again, on January 21, 1642, they then assented to the proposed expedition against the Indian tribe who screened the murderer. But being now convoked in a quasi corporate capacity these representatives of the people were unwilling that their action should be limited to the registry of a proposed decree of the dictatorial Director. They began to evince the spirit of freedom which they had imbibed in their native land, and now were intent upon taking the initiative in popular reform. They demanded that the people should have representatives in the Colonial Council, which was, intellect, the Director alone, as he had two votes, while the only nominal Councillor had but one, arguing that, in the Fatherland, the Council of even a small village had five or seven popular representatives. They proposed that the members of the Council should be increased to at least five, of which four should be elected from the commonalty; two of these four Councillors to be annually replaced by two others chosen from the twelve men selected by the people. They further demanded that judicial proceedings should only take place before a full Board, and suggested the organization of a militia force.

CONCESSIONS PROMISED.

Kieft saw that it would be imprudent to refuse any concessions to the popular delegates; he, therefore, informed them that he had already written to Holland, whence he shortly expected "some persons of quality" and "a complete Council;" but the commonalty might now choose persons "to help in maintaining justice for them," two to be changed annually as suggested; and that they should be called into council "when need required;" and certain times in the year should also be appointed for them to assemble together "upon public affairs," and advise upon specific propositions—"thus far their authority should extend." He, however, stated that he was not aware that the twelve men had received from the Commonalty any further powers than that which related to the case of the Indian murderer.

THE "TWELVE SELECT MEN" DISSOLVED.

But Kieft did not desire popular reforms. He had obtained from the representatives of the people all that he wanted—their assent to the hostilities which he longed to commence against the Indians—and in return he gave a reluctant promise for a limited popular representation, which he evidently never intended to fulfil. He found that the twelve men in their corporate capacity were becoming embarrassing to him, and he determined to save himself from any further trouble at their hands. He therefore issued a proclamation on February 28, 1642, in which he thanked them for their advice in respect to the proposed war, which would be adopted "with God's help and in fitting time;" and dissolved their body, and forbade the calling of any assemblies or meetings of the people, on pain of corporeal punishment, without an express order of the Director General, as they "tend to dangerous consequences, and to the great injury of the country and of our authority." And thus was suppressed the first attempt at popular government in what is now the Empire City of the Western World.

THE "EIGHT MEN."

In the following year, 1643, the Indians having attacked the Dutch trading boats in the North River, in the alarming crisis which ensued Kieft was compelled again to summon the people in council in Fort Amsterdam, when they were asked "to elect five or six persons from among themselves" to consider certain propositions he would make to them. The people met, but, nettled at the treatment of the twelve men in the previous year, they determined to leave the responsibility to the Director, subject to their approval; but their scruples being overcome, they eventually (September 13) elected "Eight Men" to confer with the Director. The first act of this second board of popular representatives was to purge their body of one of its members who had been guilty of an objectionable act, and select a substitute, after which they agreed to supply men and means, as far as they were able, to prosecute the war against the River Indians, at the same time preserving peace with the Long Island tribes, who were to be encouraged to bring in "some heads of the murderers;" they also ordained that "all tavorning and all other irregularities" should be forbidden, and prescribed a week's preaching instead; but the order was not carried into execution. The peril to the colonists was so great that the eight men took upon themselves to petition both the Dutch West Indian Company in the Netherlands and the States General—"the Fathers of Fatherland"—to send them aid. This was the first time that the colonists spoke directly to the home government, with which step several Directors, under existing circumstances, did not think it wise to interfere. Though it had been at first decided that they should meet weekly, Kieft only called these eight men together, and sought their aid when he was in difficulties, consequently the West India Company, being bankrupt, and hostilities continuing, we find him on June 18 in the next year convening them for the first time in more than six months, and proposing to them to raise a revenue by an excise duty on wine, beer, brandy and beavers, to which they objected, on the ground that the levying of taxes was a sovereign right which he, merely an official, had no authority to assume. For this opinion he sharply reprimanded the representatives of the people, and three days later issued a proclamation imposing the duties, falsely stating that it was done "by the advice of the eight men." This resulted in the brewers refusing to pay the excise and party spirit dividing, and from this time forward existing in the Commonalty—the eight men representing the democratic sentiment of the majority of the people, while the parasites of arbitrary powers took part with the Director General. After this Kieft exhibited such culpable inactivity in defending the colonists against the attacks of the savages that the eight men determined boldly to demand his recall and to insist upon the introduction into New Netherlands of the

MUNICIPAL SYSTEM OF THE FATHERLAND,

and they memorialized the West India Company to that effect. This led, after due consideration, to the recall of Kieft and to Peter Stuyvesant being appointed Director General of the Netherlands and "redresser general" of all abuses. But it was not until May, 1647, that Peter arrived in the colony, when his coming was "like a peacock's, with great state and pomp." In the inquiry which now took place into the dissensions which had disturbed the peace of the colony, Kieft being formally complained of by Melyn and Kuyter, two of the eight men, accused them with having been instrumental in causing the war with the Indians, with rebellion and with being the authors of the memorial demanding his recall, which he declared to be "calumnious and scandalous." Stuyvesant "chose the side of Kieft," and, after a trial of the prejudged case, both were found guilty, when Stuyvesant wished Melyn to be put to death and his property confiscated, and Kuyter to be subject to an "arbitrary correction" and a fine; but the majority of the Council—which was now increased in numbers—modified this severe punishment, and sentenced the former to seven and the latter to three years' banishment, with fines. They were sent to the Fatherland, "like criminals," in the ship which was to have carried Kieft there, but she was navigated by mistake into the British channel and was wrecked on the coast of Wales, when, as if it were a dispensation of retributive justice, Kieft was drowned and his two victims were saved, and returned from the Fatherland, where their sentences were annulled, to Amsterdam, where Kuyter afterwards became schepen and schout, and was murdered by the Indians shortly after his appointment to the latter office.

THE "NINE CHOSEN MEN."

Stuyvesant had scarcely settled down before he promulgated police regulations for the government of the town, and issued proclamations with a zeal and rapidity that promised to work a "thorough reformation." He found the finances in a very low condition, while Fort Amsterdam sadly needed repairs and seemed totally inadequate to repel a hostile attack of Indians, which was anticipated. For eighty years past the Fatherland had maintained the principle of "taxation only by consent." As assistance was imperative, and it was thought best to let prerogative yield to popular rights, the Director, by the advice of his Council, ordered an election to be held at which the inhabitants of Manhattan, Breuckelen, Amersfort and Pavonia were to choose eighteen of the "most notable, reasonable, honest and respectable" persons from among themselves, from whom, "as is customary in the Fatherland," the Director and Council were to select nine men to advise and assist, when called upon, "as in their tribunes," on all matters pertaining to the welfare of the province at large. This election having been held, the Council of September 25, 1647, issued a proclamation which may be regarded as

A CHARTER OF POPULAR RIGHTS,

and which declared that nothing was more desirable than that New Netherlands, and "principally New Amsterdam, our capital and residence, might continue and increase, in good order, justice, police, population, prosperity and neutral harmony," &c. The powers and duties of these nine men, which were herein defined, were limited and guarded, yet these men were to form an important element in the provincial administration, and thus popular rights gained largely when compared with the influence that had been possessed by the twelve men, or the eight men whom the new Board superseded. Of the eighteen men elected by the Commonalty, three were selected by the Council from the merchants, three from the citizens, and three from the farmers. One of their duties being the "preservation of the pure Reformed religion," they were not to "assist at any private conventicles or meetings;" and they were to meet only when convened "in a legitimate manner," when, after consulting together upon the propositions of the Director and General Council, they might then "bring forward their advice." The Director, as one of the Council, might, at any time, attend and preside over the meetings. Three of the nine men, in rotation, were to have seats in the Council once in each week, "on the usual Court day," to whom, as arbitrators, civil cases must be referred; but an appeal from their award might be made to the Colonial Council, on payment of one pound Flemish. The "numbers of nine chosen men" was to continue until lawfully repealed, but six were to leave their seats annually, and twelve from among the "most notable citizens" to be again nominated, and, with the nine assembled, communicated to the Council, without the latter "being required to call in future the whole Commonalty together." So in the first election alone was the voice of what Stuyvesant called

THE "WAVERING MULTITUDE,"

allowed to be expressed, for the nine men were to select their own successors. In the first change seven of the old Board were retained and only two members admitted. The nine men soon expressed their willingness that taxes should be levied for the completion of the church, the reorganization of the public school, and precautionary measures taken for the prevention of fires; but they stoutly resisted providing money for the repairs of the fort, which the company was bound by its charter to sustain out of the revenue it collected. Early in 1649 a conflict occurred between Stuyvesant and the nine men relative to the latter sending a delegate to Holland to sue for a redress of grievances. The Director forbade the calling of a public meeting, and then, in retaliation for a house to house canvass by the popular representatives, seized their papers and imprisoned Van der Donck, one of the new members of the nine men, and the most energetic of them. These arbitrary measures determined the popular tribunes to prosecute their endeavors to obtain a redress of their grievances. They, therefore, prepared a "remonstrance" against the policy and proceedings of the West India Company and a "memorial" to their "high mightinesses," the States General, praying that they would take the province "under their own gracious safeguard," and that they would establish a

SUITABLE BURGHER GOVERNMENT

that should somewhat resemble "the laudable government of our Fatherland." The memorial also suggested that free trade, colonial commerce and the encouragement of the fisheries would contribute materially to the prosperity of the province, and that the boundaries should be defined. These documents were signed on July 26, "in the name and on behalf of the Commonalty of New Netherlands," by all the members of the existing and former boards of nine men; and in the following month three of the signers (Van der Donck, Couwenhoven and Bout) embarked with them for Holland, to lay them before the government of the Fatherland; but the latter two shortly after returned, leaving Van der Donck to prosecute the cause of the Commonalty with the government.

The Dutch Charters of New Amsterdam.

The States General submitted the memorial and remonstrance to a committee, which, in the following April, reported "a remedy" or provisional order, in which it was advised that a burghers' government, consisting of a schout, two burgomasters and five schepens, should be established in the "city of New Amsterdam;" but that, in the meantime, the nine men should continue three years longer, and should have limited judicial powers in small causes "between man and man." The proposed changes were opposed by the West India Company, and in the delay which occurred the nine men again appealed to the States General for redress on September 13, 1650, and on the 22d of the following December, when they complained that Stuyvesant refused to select from their nominations to fill the vacancies about to occur in their Board, which was thus threatened with dissolution. The Director General, too, continued his arbitrary efforts to repress the growing spirit of freedom, and acted imperiously to the popular representatives and to the Vice Director and others who took their part. After resting dormant for two years, the "Provisional Order" was revived by the States General in 1652, when it was still opposed by the Amsterdam Chamber of the West India Company, who expressed the hope that the complaint of "the pretended and disaffected delegates of a few evil-disposed persons in New Netherlands" would have been disregarded as groundless. The other Chambers of the Company, however, being of a contrary opinion, the Amsterdam Chamber found it necessary to make concessions to the colonists. Consequently on April 4, 1652, the Directors of the West India Company granted a "burgher government" in instructions to the Director General, which formed

THE FIRST MUNICIPAL CHARTER OF NEW AMSTERDAM—1652.

By this the citizens were to be allowed to choose a schout (sheriff), two burgomasters (mayors), and five schepens (aldermen), "as much as possible according to the custom" of the metropolis of the Fatherland. These officers were to form a municipal court of justice, subject to the right of appeal to the Supreme Court of the province; and in their election every attention was to be paid to "honest and respectable individuals," who, it was hoped, could be found among the burghers, as well as, said the Directors of the Company, to the choice of persons of their own nation, who it was judged would give the most satisfaction. Yet this concession of a municipal form of government was made by the Company with the very worst grace; it was stated to be made in order to appease "some restless spirits," whose "impertinences" had already been an annoyance. The Company at this time also dissuaded the States General from recalling Stuyvesant, whom they had ordered to repair to Holland and there give an account of his administration. Along with the charter were given instructions to the schout, which comprised fourteen articles. He was by them constituted "Director General and Council's Guardian of the Law in the district of the city of New Amsterdam;" was to convoke and preside at the meetings of the city government; was to present all offenders, and to enforce all judgments of the city government. He was also to report annually the proceedings of the City Fathers to the Director General and Council of the province. Such was the

ORIGIN OF MUNICIPAL INSTITUTIONS

in the Empire City. It will be noticed that they owed their existence to the perseverance of the people and the patriotic demands of their representatives. The preceding boards of "Twelve Men," "Eight Men" and "Nine Men," were organized to advise the provincial government, and thus were scarcely municipal officers. Still, as their duties referred more especially to the welfare of the town, and as they were mainly instrumental in obtaining a "burgher government" for the thenceforward "city," the history of the rise of local self government in our city is only to be found in the record of their proceedings. The population of the new city was at this time between seven and eight hundred. Four years later, in 1656, a census was taken, when there were then found to be in the city 120 houses and 1,000 inhabitants.

ORGANIZATION OF THE NEW GOVERNMENT.

After this protracted struggle of many years' duration the citizens believed that they had at last obtained municipal privileges; yet they were still denied the power of selecting their own local rulers, while the latter were restricted in their authority. The instructions plainly laid down that the officers should be "elected," and should constitute a Court like that which existed in the city whence it derived its name. Stuyvesant, however, retained their appointment in his own hands, and gave them early to understand that their existence did not in any way diminish his own power and authority to "make ordinances or publish particular interdicts" for the new city. In accordance with these views he issued a proclamation, on February 2, 1653, the feast of Candlemas, in which he appointed the following as the

FIRST MUNICIPAL GOVERNMENT OF NEW AMSTERDAM:

Burgomasters—Arent Van Hattem, Martin Krygier.

Schepens—Paulus Leendertsen Van der Grist, Maximilian Van Gheel, Allard Anthony, Willem beekman, Pieter Wolfertsen Van Couwenhoven.

The city, however, was not allowed a schout of its own till 1660, the Company's schout-fiscal being commissioned to act as the city's sheriff. A similar infraction of the city privileges was also committed on the appointment of secretary, for Jacob Kip was nominated by Stuyvesant at a salary of 250 guilders ($100), instead of the clerk being appointed by the city government, as in the Fatherland. The Board shortly after organized, and afterwards met every alternate Monday morning, at nine o'clock, in the building erected by the government in 1642, hitherto known as the City Tavern, but henceforward to be called the Stadt Huys, or City Hall. Stuyvesant often attended the meetings, which were always preceded by the ringing of a bell and opened with prayers, and in which there was always a recess of an hour at noon. If the business was then unfinished. In the transaction of public business the burgomasters and schepens at first sat together and performed the same duties. They constituted a Court of Session, in which they tried both civil and criminal cases, and had the power of compelling refractory guardians and parents who, without cause, objected to the marriage of their children, to withdraw their opposition. They also granted passports to persons requiring the same. The proceedings before this Court were in writing, witnesses being examined on interrogatories. The infant city did not then embrace the services of a lawyer within its limits—a blessed state of peaceful existence which, however, was removed soon after the establishment of this Court, upon the advent of one Dirck van Schellluyne, a notary, who came hither from Holland, but whose business was not lucrative. We can state, without fear of contradiction, that the number of the legal fraternity has since then increased, and that some members of the profession find better pickings than their Dutch prototype. This Van Schellluyne became High Constable of the city in February, 1655, upon the organization of a new system of police. It was proposed that the

SALARY OF THE CITY FATHERS

should be fixed at 350 guilders ($140) for the burgomasters and 250 guilders ($100) for the schepens, annually; but it does not seem that they ever received the salary; indeed, it would appear that there were no funds from which their pay could be drawn, as the "chest" or treasury was but poorly supplied and the current expenses for other purposes kept its contents very low. In fact, in 1657, the "chest" actually gave out, so that it was found impossible to pay the wages of the town drummer—a state of financial distress not unlike that at present experienced. The City Fathers at first devoted their attention more to the welfare of the city than to their own private gains; yet they, in course of time, thought it well to petition the general government for "the arrears of their salary, so long forgotten, in order that once seeing the fruits of their labors they may be encouraged to still greater zeal." Stuyvesant, however, informed them that he had nothing to do with the matter and referred them to the empty "chest" as the source whence they might draw their salary. But though these officials obtained no pay they were subject to fine for non-attendance to their duties, for if absent on Court days they were fined six stivers for the first half hour, twelve for the second, and forty stivers if absent during the whole meeting—a stiver being about two cents. But though the position of our first civic magistrates was not one of emolument, it was nevertheless deemed

A PLACE OF GREAT HONOR AND RESPECTABILITY.

The City Fathers then enjoyed the title of "my lord," were awarded a prominent place on all ceremonious occasions, and on Sundays occupied a separate place in church, whither their State cushions were carried by the bellman from the City Hall and placed in their pew.

In the manner we have here related the island of Manhattan at last became the city of New Amsterdam. Nearly two centuries and two decades have since passed away, and though the city is of the same territorial extent that it was then, its population has increased, we repeat, just about one thousand fold.

In the present state of our local finances, with our large indebtedness, it is interesting to note the

FIRST PUBLIC DEBT OF THE CITY.

When the burghers' government came into being war had broken out between Holland and England, and it became one of the first duties of the new authorities to place the city in a state of defence against an anticipated attack from the Puritans of New England. To defray the necessary expenses the city government proposed, when they had barely been in office six weeks, to raise about six thousand guilders ($2,400) by a loan from the principal citizens, to be repaid by a tax upon the Commonalty. In two days 5,000 guilders were subscribed, and a contract entered into for erecting palisades on the outskirts of the town (along Wall street), and at which the inhabitants, "without one exception," were required to work, under penalty of fine, loss of citizenship and banishment.

BURGHER RIGHTS—1657.

In 1656 some "conditions" were agreed upon in Holland for the settlement of the province, in which it was provided that the city of New Amsterdam should have three burgomasters, to be "appointed by the common burghers out of the most honest, fit and rich," and "five or seven schepens," which the director may select from a double number nominated by the burghers; added to which there was a provision that when the city increased to 200 families or upwards they should themselves choose a common council of twenty-one persons, to meet the burgomasters and schepens. These "conditions," however, do not appear to have ever been realized. But a further municipal privilege, peculiar to the Fatherland, was granted in the following year. In consequence of the number of "Scotchmen," or pedlers, who came to the city for the purposes of trade, the burgomasters and schepens petitioned the Director General that the citizens should be granted great and small burghers' rights, or municipal freedom, as in the city of Amsterdam, in Europe, and that none should be allowed to carry on business in the capital but "settled residents" who kept "fire and light." It was, therefore, ordained on February 1, 1657, that "the arriving traders," before selling their goods, should "set up and keep an open store within the gates and walls of the city, and obtain from the city government the common or small burghers' right, for which they should pay twenty guilders ($8) for the support of the city. As in its European namesake, a great burgher's right was also established, purchasable at fifty guilders ($20). Such persons as obtained this right were only hereafter to be qualified to fill the city offices and dignities, and they should be exempt for one year and six weeks from city watches and expeditions; and should be free in their proper persons from arrest by any subaltern court or judicial benches of the province. At the request of the municipal authorities, the present and future burgomasters and schepens, and the Director General, councillors, clergymen and military officers, with their male descendants, were declared to belong to the class of great burghers. The class of small burghers was to include all natives and all who had resided in the city a year and six weeks, all who had married or should marry the daughters of burghers, all who kept stores or did business within the city, and all salaried officers of the Company. The grant of these "burgher rights" must be viewed as a second charter giving increased municipal privileges. It introduced into New Amsterdam the invidious system of class distinctions and an aristocracy founded upon wealth, the latter comprising at the time but twenty names. This law has been adverted to by Chancellor Kent, and also in the proceedings of the Charter Convention of 1829, as the earliest Dutch charter. This, as our readers will perceive, is an error; the earliest municipal charter being the West India Company's grant of 1652, five years previous.

CIVIC AUTHORITIES PERMITTED TO NOMINATE THEIR SUCCESSORS.

From the very organization of the civic government in 1653 a continual contest was waged between Stuyvesant and the people, which led to his begrudgingly surrendering to the city certain excise duties and corporate privileges. On December 24, 1653, the city authorities memorialized the Company, entreating that they might enjoy equal municipal privileges with their namesake in Holland, especially demanding that a schout should be elected by the people. This led to Kuyter being appointed City Schout in the following spring; but he was directly afterwards murdered, and then, notwithstanding the urgent remonstrances of the municipal authorities, the Director General persisted in denying a separate schout for the city. But in the beginning of 1658, owing to the unwearied efforts of the burgomasters and schepens to obtain a representative local government, Stuyvesant conceded them the privilege of nominating from the great burghers a double number of persons, from whom he would choose their successors. But now the division of the citizens into two classes was found to be a failure. Few or none would purchase a privilege which was unpopular, and there being an insufficient number of great burghers for the double nomination, it was found necessary to increase the list. A double list of candidates was then made out, and from this, after the correction of what Stuyvesant considered an informality, the new magistrates were selected and confirmed by the Director and Council. Two years later New Amsterdam obtained what she had so long desired—a schout of her own, in the person of Pieter Tonneman, lately of Breuckelen, who returned from Holland with a commission from the Amsterdam Directors, and on August 5, 1660, took his oath of office and his seat in the City Hall, in place of De Sille, the Company's schout-fiscal, whom Stuyvesant had persisted in retaining in the office.

The First English Charter.

On September 8, 1664, New Amsterdam surrendered to the English, when Colonel Richard Nicolls was proclaimed Governor by the burgomasters, and the name of the city, which then had a population of 1,500, was changed to New York. By the sixteenth article of capitulation, in which document the city was designated "the town of Manhattan," it was stipulated that the civil magistrates should, at their own option, remain unchanged till the customary time of new elections, when new ones should be chosen by themselves, such new magistrates to take the oath of allegiance to the King of England previous to entering upon their office. In compliance with this on the 20 of the following February, upon the expiration of their term of office, the burgomasters and schepens named their successors, as they had done under the Dutch government, and the new officers, who were all Dutchmen, were confirmed by Governor Nicolls, who drew up an oath, which was taken by them.

THE "NICOLLS CHARTER"—1665.

As our readers are aware, the province of New York was granted by royal patent of Charles II. to his brother, the Duke of York, who, on the death of the former in 1665, became sovereign under the title of James II. In obedience to the instructions of the patentee to make the city government "conformable to the custom of England," Nicolls, after waiting nine months after the capitulation, so that the sensibilities of the Dutch might not be hurt, on June 12, 1665, issued a proclamation, in which he revoked "the form and ceremony of government of His Majesty's town of New York, under the name of Schout, Burgomasters and Schepens," and declared that its future government should be administered by persons who should be known by "the name and style of Mayor, Aldermen and Sheriff." By a separate instrument of the same date he ordained that "the inhabitants of New York, New Harlem, with all other of His Majesty's subjects, inhabitants upon this island, commonly called and known by the name of Manhattan's Island, are and shall be forever accounted, nominated and established as one body politic and corporate under the government of a Mayor, Aldermen and Sheriff." He at the same time appointed as the first Mayor Captain Thomas Willett, of Plymouth, an Englishman who was highly esteemed by the Dutch; as Aldermen, Thomas Delavall, Oloff Stevenson Van Cortlandt, Johannes Van Brugh, Cornelis Van Ruyven and John Lawrence, and as Sheriff, Allard Anthony. These officers were to hold their places for a year, and any four of them, of whom the Mayor or his Deputy was always to be one, were to have

FULL AUTHORITY TO GOVERN THE CITY

according to the general laws "and such peculiar laws as are or shall be thought convenient and necessary." Of the new Corporation three were Englishmen and four Dutchmen—one of the latter of whom had been prominent in the late government and now assumed the new title of Sheriff for that of schout, which position he had previously held. Still much dissatisfaction was exhibited at the change, especially as under the new charter the magistrates did not retain the power of nominating their successors, who were appointed by the Governor without any restraint. Little change was made in judicial proceedings except the substitution of the English tongue for the Dutch and the introduction of trial by jury, as provided by a new legal code, though suitors had the option of having their causes settled in the summary manner to which they had been accustomed, so that for half a century the forms peculiar to Dutch jurisprudence were recognized in the Mayor's Court of the city of New York. The new charter was a more specific grant of powers than had hitherto been vested in the town magistrates. In 1670 James sent the members seven gowns, to be worn on state occasions, and a silver mace, to be carried by a mace-bearer at the head of their processions. At the same time he presented the Corporation with a new seal. A livery was at this time worn by the beadles and other subordinate officers of the city. Its color was blue, tipped with orange.

The Dutch Charters of New Orange.

In 1673, England and Holland being again at war, Commodores Evertsen and Benckes appeared before New York, with a Dutch fleet, when, owing to the pusillanimity of the English commander, the city became an easy conquest on August 9, and fell once more under the dominion of the Dutch. The province was at once renamed New Netherlands, and Captain Anthony Colve appointed Governor, and the name of the city changed to that of "New Orange," in compliment to the Prince of Orange, then Stadtholder, while its magistrates were released from their oaths to the English government. At the request of the naval commanders six burghers were appointed to confer with them respecting the restoration of the old municipal government, who were directed to convoke the Commonalty and nominate persons "from the wealthiest inhabitants, and those only of the Reformed Christian religion," out of whom the Council might select the magistrates for the city, and from these a schout, three burgomasters and five schepens were appointed to serve "as regents of this city for the term of one current year."

BENCKES AND EVERTSEN'S CHARTER—1673.

The commission which appointed these magistrates bore date August 17, and was signed by the two commodores, the new Governor and two other Dutch officers who formed the council of war. It restored the civic government to its previous character as "practised in the cities of our Fatherland, to the end that justice may be maintained and administered to all good inhabitants without respect or regard to persons." The new magistrates were authorized and empowered to govern the city conformably to the laws and statutes of the Netherlands, and to make such orders as shall be deemed necessary; and the inhabitants were strictly ordered to respect and honor the regents "in their respective qualities, as all loyal and faithful subjects are bound to do." The new magistrates were sworn to administer "good law and justice," promote the welfare of the city, maintain the upright and true Christian religion, agreeably to the Word of God and the order of the Synod of Dordrecht, and to uphold the supremacy of the States General and the Prince of Orange.

COLVE'S CHARTER, 1674.

A more definite charter, however, was executed on January 14, 1674, by Governor General Colve. This instrument, which consisted of fifteen "provisional instructions," directed that the magistrates shall take care that the Reformed Christian religion be maintained "without suffering any other sects attempting anything contrary thereto;" that they shall have powers in all matters pertaining to the policy, security and peace of the city; that the Schout shall be present and preside at all meetings, except when the Governor or some one appointed by him presides, when he shall rank next below the youngest burgomaster; that in all civil cases exceeding "fifty beavers" in amount an appeal may be had to the Governor and Council; that in criminal cases the civic magistrates have power to judge and sentence, even to death included, but that the sanction of the Governor and Council be required for the infliction of corporal punishment. It also regulated the order of procedure at the meetings of the body, of which the burgomasters shall, in turn, be president for six months, except in the current year, when, three being appointed, the presidential term of each shall be only four months. It further ordained that in all judiciary cases the Schout, after making his complaint, should leave the bench and absent himself during the decision; empowered the city government to enact, with the Governor's approval, certain statutes and ordinances; directed that the same and all judgments should be strictly enforced; permitted the government to elect and confirm all inferior officers except secretary, and directed that eight days before the close of the municipal year an Assembly should be convoked, at which a double nomination should be made, from which and from the outgoing magistrates the Governor should select the civic government for the succeeding year.

But this charter, in which the powers and duties of the civic government were for the first time clearly defined, was in force but a very few months; for on February 19 a treaty of peace was signed at Westminster, under which, much to the disgust of the Dutch burghers of New Orange, the province of New Netherlands was restored to the English, authentic intelligence of which was received on the 17th of the following June, but little over ten months after the reconquest; the final surrender, however, not taking place until the 10th of the succeeding November.

Other English Charters.

Major Edmund Andros, the newly appointed Governor of the province, at once restored to it and to the city the name of New York, and directed that the municipal form of government introduced by Governor Richard Nicolls should be re-established.

THE ANDROS CHARTER—1674.

The Governor issued a proclamation, having the effect of a charter, in which he declared that "all former grants, privileges or concessions, and all estates under His Royal Highness," before the late Dutch government, were thereby confirmed. At the same time he commissioned Matthias Nicolls, whom he had reappointed Secretary of the Province, to be Mayor; John Lawrence to be Deputy Mayor, and William Dervall, Frederick Phillipse, Gabriel Minvielle and John Winder to be Aldermen, to hold office until next October, while Thomas Gibbs was named Sheriff. In October, 1675, Andros appointed their successors by proclamation, and in virtue of the Duke's letters patent—a new patent having been granted to him by Charles II. after the restoration of the province to the English. No further change in the form of the municipal government of the city occurred until Andros was succeeded by Colonel Thomas Dongan, who arrived August 25, 1683, and undertook the government, and shortly afterwards was taken one of the

MOST IMPORTANT STEPS IN THE HISTORY OF THE CHARTERS.

One of the special instructions given to him was that he should consider and report the advantages of granting to the city of New York "immunities and privileges" beyond what other parts of the Duke's territories enjoyed. Consequently on November 9 the Mayor and Aldermen petitioned Dongan that the "ancient customs, privileges and immunities" which had been granted to them by Nicolls in 1665 should be confirmed by a charter from the Duke of York, with certain additions, including the division of the corporation into six wards; the annual election of the Aldermen and other officers by the freemen in each ward; the local government of the city to be entrusted to them and to a Mayor and Recorder to be annually appointed by the Governor and Council; that a Sheriff, Coroner and Town Clerk be appointed in the same way; that the Corporation appoint their own Treasurer; and that whatever else was necessary for the welfare of the city should be as fully confirmed to them as similar privileges are to the corporations of England. Though the Governor and Council objected to some of these proposed additional articles, after full explanations they were agreed to in almost every particular. On the 24th of the same month the existing metropolitan officers were reappointed by the Governor, who also commissioned John West, its actual clerk, to be "Clerk of the city of New York, and John Tudor, a lawyer, to be Sheriff." The Corporation then asked that it might choose its own Clerk and have other privileges. Dongan replied that the Clerk's nomination must be referred to the Duke; but he at once granted to the Corporation the ferry, dock and market, and promised a grant of land.

THE CITY DIVIDED INTO WARDS.

The Governor also exhibited a laudable wish that the city should enjoy the substance of its desired extension of privileges as early as possible; he, therefore, ordered the same to be put in practice until the Duke's pleasure could be further known; consequently, on December 8, the Mayor and Aldermen divided the city into six wards, and assigned Nicholas Bayard to be Alderman for the South ward, John Inians for the Dock ward, William Pinhorn for the East ward, Gulian Verplanck for the North ward, John Robinson for the West ward and William Cox for the Out ward. A few days later James Graham, one of the late Aldermen, was commissioned the first Recorder of the city and "took his place on the bench on the right hand of the Mayor." The citizens being empowered annually to elect an Alderman and a Common Councilman in each ward, on the 13th of October in the following year, being the usual time, new Aldermen and Common Councilors were chosen for the six wards, while the Governor made a grateful concession to the old Dutch feeling by allowing seven persons to be named to him, from whom he chose Gabriel Minvielle to be the new Mayor.

THE DONGAN CHARTER—1686.

The application of the civic magistrates was referred to the Duke; but it was not until April 22, 1686, that the complete charter was granted, in consequence of the Corporation again expressing the desire for a new charter confirming their old privileges and granting to them all the vacant land in and about the city. Bayard, who was then Mayor, being also one of the Council, and Recorder Graham, being also Attorney General of the province, a draft of the desired patent was quickly submitted to the municipal authorities, who agreed to give Dongan £300, and Secretary Spragg £20, as their official fees. The engrossed charter having been read and allowed in council, was accordingly signed by the Governor, who caused it to be sealed with the old Provincial seal. By this instrument the ancient municipal rights and privileges of the Corporation of New York were confirmed, and other franchises of an important character were granted to the city, and it still forms the basis of our municipal government. The charter declared that New York city should thenceforth comprise the entire island of Mannattan, extending to the low water mark of the bays and rivers surrounding it. The Governor retained the appointment of the Mayor, Recorder, Sheriff, Coroner, High Constable, Town Clerk and Clerk of the Market in his own hands, leaving the Aldermen, Assistants and petty constables to be chosen by the people, at the annual election on St. Michael's Day. It constituted the Mayor, Recorder, Aldermen and Assistants for the time being and their successors one body corporate and politic, in deed, fact and name; empowered them to make and repair roads, &c.; to hold lands, tenements, franchises, &c. within and without the city, provided the same did not exceed the value of £1,000 per annum, and to make laws to remain in force for three months and no longer, unless confirmed by the Governor. But the Corporation was desirous that this charter should be confirmed by James himself, who was now the sovereign, and accordingly in January, 1687, authorized Mayor Bayard and Recorder Graham to procure the same. James' short reign, however, was too troubled for him to attend to such matters. In fact, such a confirmation appears to have been unnecessary, as it is held that the King was legally bound by Dongan's act. In the third year of the operation of this charter an election of an exceptional character took place, which is worthy of note. After the dethronement of James and before the authority of William and Mary was established in New York, Leisler, whose power was dominant in the city, ordered that on Michaelmas day, 1689, the usual day of election, in addition to the Aldermen and Common Council, the Mayor, Clerk and Sheriff of the city should also be elected instead of being appointed by the Governor and Council, as was required by the charter. This might be said to have been

FIRST CHOICE OF A MAYOR BY THE PEOPLE,

if it had not been that the election was restricted to "Protestant freeholders," and that, consequently, "none but seventy or eighty" persons voted, so that the election cannot be said to have been a popular one.

Any doubt that might have arisen of the validity of the charter, from the effect of the revolution, was removed by an act of the Assembly of New York, passed in April, 1691, similar in nature to one passed in England in the previous year, which provided that all charters, patents and grants executed under the seal of the province, and authorized by the former kings of England, unto the respective corporations or bodies politic, &c., are, and forever shall be, deemed effectual charters, patents and grants, authentic in the law against their majesties, their heirs and successors forever, and were thereby ratified and confirmed. The aid of the Legislature was also often found necessary for the proper enforcement of the powers of the Corporation, which have their source in the charter.

THE QUEEN ANNE CHARTER—1708.

The Corporation of the city having petitioned for a confirmation of their right to the "old ferry" between the city and Long Island, and for some vacant land adjacent thereto, a charter was granted April 19, 1708, in the reign of Queen Anne, by Governor Cornbury, which acceded to the same, and gave the Corporation leave and license to establish and maintain this and other ferries between those points. This charter treated exclusively of this matter.

THE MONTGOMERIE CHARTER—1730.

The last and most important of the charters granted by the British Governors was that which Governor Montgomerie granted in 1730. It is, in fact, the charter upon the foundations of which the city of New York has ever since been governed. The two prior charters of 1686 and 1708 may be considered as merged in this, as they are recited in it at length, and all the grants and franchises they contain are repeated and confirmed and enlarged, with the addition of other powers, rights and privileges. This charter was the result of a petition of the Corporation praying for extended franchises and needed powers and privileges which it was considered the growing wants of the city demanded. This petition, being submitted by the Governor to a committee of his council, it reported favorably upon the greater portion of its clauses, and the Attorney General of the Province was ordered to prepare a charter pursuant to such report.

By this charter it was declared that the city of New York, "from henceforth forever hereafter shall be and remain

A FREE CITY OF ITSELF,"

and be one body corporate and politic, &c.—a vested right the value of which Chancellor Kent considers inestimable—that the corporate limits were extended to 40 feet below low water mark; that the Corporation were granted the sole power of establishing ferries about the island, with rates of ferriage to be fixed by the Governor and Council or by act of the Legislature; also that it might hold and keep market houses, docks, slips and wharves, with all the profits arising from them. Prov