



COMMUNICATION

FROM

HIS HONOR THE MAYOR,

FERNANDO WOOD,

TRANSMITTED TO THE COMMON COUNCIL
OF NEW-YORK,

JANUARY 7th, 1856.

NEW-YORK :

1856.

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MAYOR'S OFFICE,

NEW-YORK, Jan. 7th, 1856. }

Gentlemen of the Common Council;

I congratulate you upon the opening of another official year, amidst the general good health and prosperity of the people over whose public welfare it is our duty to preside. Ours is an important trust; let us approach its fulfillment, with a due sense of its magnitude, and a firm determination to discharge it with fidelity and usefulness.

To make laws for and properly govern a city like this, is a duty as responsible and onerous in its performance, as it is high and honorable in character.

The extending area and the increasing population of New-York have already surpassed the ability of the law-making power to provide for their interests. Our prosperity has been so rapid that local legislation has hitherto been unable to keep pace with its progress. The many and varied interests—the vast and complicated connections existing between ourselves, and every other section of our own, as well as of most foreign countries—the peculiar character of the population, and the new resources which are continually developed demand of us to exert every effort to make the provision imperatively demanded by our present position as well as our progressive greatness. I fear, however, we do not realize even our present greatness, much less that so plainly indicated in the future, as the mighty metropolis of a confederation numbering a hundred millions of American Freemen.

Upon a careful review of the municipal history of this city, it does not appear to me that the same energy and intelligent forethought, have been displayed in its public affairs, as have characterized our people in trade and commerce, science and education. Whilst within about a half century, New-York with its immediate dependencies, from a population of 60,000 in 1800, has arisen to be the third city in the world in 1855; and in all the ennobling attributes of religion, private and public benevolence, educational advantages, commercial wealth and enterprise—to a position second to none; yet, in its form of government, its internal regulations, the integrity with which its public affairs are managed, and in the adaptation of its municipal administration to its public wants, it is to day far inferior to a dozen other cities in the Union of half its population and importance. Whilst we have progressed in the accumulation of the elements of prosperity, we have retrograded in the means to preserve our power and provide for the necessities of our condition.

The idea of Government, whether National, State or Municipal, is very simple. It is merely *Government*. It is the care of the public interest—a provision for the general welfare—the enacting and the exacting of such rules and regulations as will best protect the rights and interests of *all*, without discrimination as to class or sect. The Federal Government is restricted to the exercise of such powers as have been directly delegated by the States, and to such subjects of legislation as are specifically enumerated in the Constitution. The powers of the State Government extend to all that appertains to the Commonwealth, not conferred upon the towns, counties, etc.; and of the City Government, to everything connected with local matters under its charter of incorporation. The Government of the city is far more utilitarian and practically perceptible than either of the other Governments. It

directly involves and effects the comfort, interest or health of every citizen. It is a living, ever present fact ; we see and feel it daily. There are none so humble or obscure, or so powerful and rich, as to be exempt from its operations. Every man, woman and child of our resident population is dependent upon government as administered in this city. Nor is its influence confined to the narrow limits of its own jurisdiction. It is wide spread throughout the land. The tens of thousands of visitors from other Cities and States, witness its operation, and carry home its impressions, which in turn affect their own localities for weal or woe. Therefore, New-York and the conduct of our corporate affairs are not alone for ourselves ; and though we cannot say,—and I hope may never be able with truth to say, that, New-York is politically what Paris is to France—still the fact is, that, in the influence of its prosperity or adversity, so much dependent upon its local government, New-York affects a wider extent of territory, involving more vital, social interests and considerations than the capitals of Louis Napoleon and Queen Victoria together.

Am I not therefore justified in declaring, that our local legislation and the management of our executive offices, have not fulfilled the requirements of our present wants, to say nothing of our future destiny? It appears to me that temporary expedients and feeble efforts, seldom successful—schemes of private advantage, as well as of partizan interest, costing millions to the people—comprise about all that has been done for this great city, by its public authorities ; and that with all our reform agitation and assumed close attention to local politics, we are strangely deficient in the grasp of intellect and breadth of comprehension necessary to devise proper provision for New-York as it is, much less for New-York as it will be. The introduction of the waters of the Croton River, and the projection of the Central Park are about all that has been done, in keeping with a liberal policy.

But it may be asked, whether it is too late to recover ourselves in these respects. I think not; though we have attained the dimensions of advanced maturity, we are still young in years. It is not too late to remedy the errors and omissions of the past, by the adoption of measures corresponding with the prospects before us. It is true we cannot, nor is it important, that we should modernize the width and regularity of the Streets of Old New-York, now its extreme Southern border; nor can we now, nor is it desirable, that we should attempt to imitate the great cities of Europe, in the ornamental grandeur of our public buildings, or the magnificence of our public squares and parks; but in all that is essential to the physical well being, to the full development of the trade and commerce, and to the preservation of property and the promotion of the general welfare, it is not too late to devise and adopt permanent measures, in keeping with our present as well as future condition.

Having in view another communication more detailed in its suggestions, and more recommendatory in its character, I do not propose now to go into a discussion of the improvements required to remedy the defects and supply the omissions of the past; it is sufficient for the present occasion to revert to the source whence we have derived prosperity, and generally to the leading measures necessary to preserve, maintain and increase it.

I propose, therefore, to consider now, the questions, *to what is New-York the most indebted? and in what is it that she is most deficient?* If in discussing these questions it seems, that an innovation has been made in the peculiarly local tenor of documents of this kind, by the introduction of National topics, I beg you to remember that our city is of National interest, its success of National importance, and that its rise or down-

fall is inseparably connected with, and more directly dependent upon the legislation and policy of the General Government, than that of any Commonwealth in the Union. Therefore, if for the first time an attempt is made to bring the power of this City through its corporate authorities, to bear upon the General Government by an official demand for a recognition of our weight, let me ask that the magnitude of the interests involved, may be deemed a sufficient warrant for the introduction of topics apparently foreign to this occasion.

FOREIGN COMMERCE,

With its concomitant, DOMESTIC COMMERCE, is the germ whence has sprung our might. To that interest, the first and most lastingly beneficial of all departments of industry—the richest in its results and the most ennobling in its character, as spreading the mantle of civilization, disseminating peace and intelligence, and good will from man to man; as an instrument in the hands of Almighty God, by which his word is carried to the furthestmost ends of the earth; we are indebted for the foundation upon which rests the corner-stone of all our prosperity.

Our power is derived from commerce. Our geographical position, together with the energy, industry, ability, and capital of our people, has enabled us to outstrip our sister cities in the struggle for commercial mastery, and has placed us among the first cities of the world. Without commerce, we could not have accomplished this; it has added to our population a half million in a quarter of a century—has drawn to us the capital and enterprise of every quarter of the earth—has enabled us to lead in works of benevolence, philanthropy and religion; to aid our sister cities and states in building up their own localities, and has developed the agricultural, mineral, and manufacturing resources of the whole

country. Without commerce, the New-York of to-day would have been but little more populous than the New-York of the last century. It is commerce that has made us what we are, and to it we must look to maintain the supremacy we possess. Therefore it is important to retain this great element of power unimpaired. With it we can be everything--without it, nothing. Now, as this interest, like all others, flourishes most when least subjected to governmental interference, undoubtedly, in a full consideration of the question presented, we cannot overlook the restrictions which have been imposed upon it, by the Federal Government.

In my opinion the mode of collecting revenue by imposts, heretofore adopted, has been detrimental not only to our own interests, but to those of the whole country.

The levying of imposts upon importations is to the extent of the impost, a hindrance to commerce, and anything that is a hindrance to commerce is adverse to every other department of industry. To declare that every cargo or article of merchandise brought to our port, from a foreign country, shall be subjected to duty, viz. : tax, before it be allowed to come on shore for sale or consumption, is, to the extent of the sum demanded, together with its mode of collection, an obstruction to importations, and thus far injurious to commercial intercourse with foreign nations.

It matters little to the industry and capital of New-York in what form and by what mode or pretext taxation is exacted. Every operation of government the object of which is to raise revenue, imposes a burden upon the people.

We endure taxation from three several sources to aid in the support of three independent governments. The City Corporation spends its millions per annum, and makes its levies

upon our property for re-imbursement ; the State relies upon us for large contributions to its school and other funds, and the general government looks to New-York for two-thirds of its whole revenue. It is of little concern whether these sums are required in the aggregate, or whether thus separated into three distinct demands. There is no difference in the effect, whether the draught be made by a levy upon our property, as in the case of the City and State, or whether upon our consumption and trade, as in the case of the General Government. The mode varies, but the results are the same.

It is no answer to say that we have prospered, notwithstanding these restrictions. That we have flourished even under these burdens is the greater wonder and the higher compliment to our enterprise. What would New-York not have been if left to the laws of trade and of nature ; free to the interchange of commodities with all other countries ? If our port had been left open to friendly ingress, and if our affairs had been freed from the interference of the thousand agents through whom the government appropriates a portion of the earnings of our trade with which to fill the national coffers, we should have now stood, not the third, but the first city of the world. New-York, and indeed the whole country requires unlimited free trade ; exemption from restrictive or special legislation, and the severe exactions upon the industry of the people which follow in its train. We may not always possess the inherent vigor required to surmount the obstacles in our way arising from this cause. Spain was once foremost among the nations, and Cadiz among the first of European ports. They have fallen a sacrifice to a mistaken commercial policy, not unlike that of our own government. Spain has long since ceased to hold a place among really independent nations, and now lies a victim to her own suicidal system. Her neighbors but await the day for her partition and her island colonies [the dominion of a freer and more enlightened government.

Or look to Mexico! She followed the commercial example of her ancient mother, adhering to error with Spanish tenacity. Upon this rock she too became a wreck.

I know that public opinion in this country traces to other influences her degraded downfall; but whatever the immediate causes may be, it is my conviction that the gold collected by Custom House duties, and used by revolutionary generals and corrupt rulers has been the instrument of destruction by which Mexican liberties and nationalities have been paralyzed and broken down; corrupt rulers, thus obtaining gold, first demoralized and then betrayed that ignorant people; and now the descendents of the haughty Spaniard in North America, are by the beckoning of an unseen but all-powerful hand, following the fading trail of the red man. The influences which control the rise and fall of empires find no truer illustration than in the history of Spanish dominion in America. The end of what is left of it is obvious. It must soon be obliterated. Let us prepare to fill the vacancy, which, in spite of ourselves awaits our occupation. The same destiny which first sent the sons of Spain to debauch and conquer the Indian; and then the more hardy sons of Britain in turn to succeed them, with liberal institutions upon which to erect a mighty self-controlling political power, will direct the further progress of the republican principle under the stars and stripes, until not only Mexico but in the not distant future the whole of Central America, will acknowledge our sway, and become a portion of this confederation of Independent States.

In this march of empire our own emporium is to hold no insignificant position of command. Our capital and navigation, together with the indomitable spirit of adventure, and bold, hardy enterprise of the West and South, will head this army of territorial acquisition. If it is to be a peaceful conquest

the commerce of New-York must lead the van ; if it be by force of arms, New-York must supply the sinews of war. In any form by which this great drama is to be played out, through the inscrutable mystery of destiny we are to be the main actors, and our resources existing only through and by commerce, are to be the immediate agents.

Therefore let it be said to the whole country, that our increase is their gain ; our onward progress, their advancement ; our welfare to be secured by the absence of all governmental restrictions upon the sources of our strength, the security of their own present prosperity, and the means by which their future is to be made more brilliant.

In this advocacy of freedom from governmental restraints, I wish to be understood as declaring a principle equally advantageous to every section of the country and to every branch of industry. I do not recommend this policy for the exclusive benefit of our city, even were it possible to separate its interests from those of the rest of the Union. It requires no argument to prove that just as the prosperity of New-York is of advantage to every State in the Union, so the general internal thrift arising from the successful prosecution of every branch of trade, and manufactures, and of agriculture throughout the length and breadth of the land, is indispensable to the prosperity of New-York. But independent of this connection and identification of interests, the policy I advocate is not adverse to the true policy of any other section. The whole country will advance as government interference with private industry is withdrawn. Freedom is the theory upon which our institutions are founded ; and freedom in the exercise of opinion, whether political or religious, and in the pursuit of gain—whether by manufactures, commerce, or agriculture—freedom in the full development of the immense resources of our noble land, securing to

all the enjoyment of the largest liberty compatible with equal justice, subjected only to the immutable laws of nature, and the preservation of the individual rights of all. Freedom thus illustrated, is the great principal of American progress.

THE CITY GOVERNMENT.

Having thus briefly directed attention to the source of our present strength and future reliance, and pointed out the principal difficulty in the way of a full development of our elements of growth, it is now proper to refer to what in my judgment are the leading internal defects. These I propose to consider in a general manner.

Next to commerce, the principal, and it may be said with truth, the vital, internal element upon which the City of New-York depends, is its government. Its government in form and its government in execution. The form of government is of incalculable moment ; for though it is true that the incumbents of the several offices, constituting as they do the body which is to carry out the government, of whatever kind it may be, can do much to impair its efficacy and subvert its intention, still they are accountable to legal tribunals, and can be periodically changed. Not so with the fundamental charter or law of government itself. This is or should be permanent in its duration, and if possible perfect in its system. It is not extravagant to say that this city, for a century, has not had a charter adapted to its wants, and in all respects adequate to its requirements.

Our corporate history will show that so far as organic law was concerned, the municipal franchise, as well as the rights of the people, were better protected when the form of government was constructed by foreign hands, than since we have been ex-

exercising these functions for ourselves through our State authorities..

It is singular that these charters when emanating from, "the one man power" afforded more security for the corporate rights of the city, and a more certain protection for the property of the citizens, than the popular ones of late years, which have been the creation of the *vox populi*. The Dongan charter of 1686, or that of Montgomery of 1730, would be better adapted to New-York now than the hybrid, incongruous, and inadequate amendments of our own adoption. It is quite certain that although the former furnishes the foundation upon which these amendments have been made, and upon which we have been continually assuming to improve, that the *improvements* are really not improvements in fact. If ever the history of the charters, and of their times, shall be carefully written, it will be seen that with all our advancement, we are behind our ancestors in knowledge of true municipal government.

As New-Amsterdam and as New-York, we have had the Dutch charter; emanating directly from the home government in 1657; the Nicholl, or first English charter, of 1665; the Dongan charter, of 1686; the Montgomery charter, of 1730: the amended charter of 1830, with the recent amendments of 1849, 1851, and 1853. It is true that some of these may be called merely grants from the home government, but they are still interesting from containing the idea of their times, as to what constitute corporate rights and municipal government, and as contrasting very favorably with the supposed superior intelligence of the present day. The chief merit of these ancient constitutions consisted in the *concentration of power*; and as we have strayed from this essential element of municipal government, as applied to this city, with its tens of thousands of the dissolute and lawless, we have, in my judgment, departed from the true path and

introduced fundamental errors productive of the present anarchy which is almost the absence of any government whatever. It is in this great difference between the series of amendments of 1849, 1851, and 1853, and the more compact-solid features of the charter of 1839, that much of the present discontent arises. That there must be power all will admit, and that this power must be sufficient to secure control none can deny, and that executive authority, equally disseminated among several heads, each separate in action and independent in prerogative, with but partial check or hindrance in any quarter, is not such a one as can govern New-York, must be apparant to all. This is not government, it is little better than legalized anarchy. The distribution of equal power in the executive departments, without one head is subversive of true government. This is peculiarly so among a people who have learned to look upon these heads as places of large pecuniary gain, the value of which is increased as the right to control them is decreased. When the law itself frees a public officer, having the disbursement of large sums of money, from accountability, or when accountable, the responsibility is fixed in a vague, inapplicable manner, it is difficult to see how the interests of the treasury are to be protected, in times of such lax integrity as now pervades the office-seeking and the office-holding part of the community; for although there are exceptions, few men of stern integrity and high-toned, honorable principles, are to be found canvassing for the support of the corrupt interests in society, now almost indispensable to secure these places of trust. I look upon the want of concentration of power and absence of sufficient check to the action of the several departments, together with the weak and almost powerless condition of the mis-called Chief Executive Officer, as the main defects in the present government of the city. In my judgment, we can never have improvement without an entire change of the present system in these respects. The adminis-

tration must be a unit. There must be one head to which the other functionaries should be subordinate, all acting in harmony and concert.

The Mayor should be to the city what the President of the United States is to the General Government, and the several heads of the Departments, should be his cabinet, appointed by him, gathering their directions from his will, if needs be after proper consultation, and be liable, for cause, to removal by him. The Mayor having ample power over every municipal wrong, should be held to the most severe and rigid accountability to the people and to the Courts, not only for his own acts, but for the conduct of the subordinates, who hold their places by his appointment; and they in turn should be accountable to him, holding their offices during his own term or for a shorter period, if in his judgment the public interests demand a change. These checks and safeguards would create a solid yet truly Republican Government; the people would know where to go for redress of grievances if, indeed, under this system, any serious grievances would exist; every wrong could be promptly removed, for each official would feel the necessity of compliance and of general good behavior, as the tenure by which his office is held. I do not mean to assert, that even this form of organization would be perfect; for nothing is perfect that the mind of man conceives or the act of man performs, but so far as the wants of the people of this great City are concerned, I mean to assert that without these principles incorporated in our organic law, we shall never have a government, which in its Executive department, can yield present satisfaction, much less prepare the way for that bright future, to which in spite of ourselves we are rapidly tending, as the first of modern cities.

Similar views on this subject were presented by me in a somewhat different form, in my first message to your predecessors. Like the other recommendations made to those bodies they failed to elicit action. Subsequent experience in the office of Mayor, has fully confirmed them, and I repeat them now with less hesitancy, as it is quite improbable they will be adopted and take effect during my term; thus rendering me exempt from the suspicion of a desire to increase the patronage of the office for personal objects.

The want of power has been the main difficulty thus far in the way of my administration. The improvements made by me, if any, have been accomplished more through the exercise of will and energy, than by the legal prerogatives attached to the Mayoralty. The absence of that moral force, which statutory protection will always throw around the doings of a public officer, when acting in pursuance of undoubted legal authority, has weakened my influence and impaired the efficiency of my action. The vicious element in our midst, coalescing with corruptionists who have so long depended upon the treasury, together with antagonistical partizan interests ever ready to decry any public man of opposite political affinities, even though he be unexceptionable in personal character and official action, soon discovered my want of jurisdiction, over many abuses existing among us; and by concert and coalition, sought to subvert and destroy the strength of my position, and render futile my efforts towards reform. It has been the policy of this combination, to declare me responsible for numerous abuses, whilst denying my right to abate them, and as soon as the effort to remove them was made, to denounce me for illegal assumption of authority and the exercise of the "one man power." With these interests and their mercenary designs and subtle devices, I have had to contend; and shall continue to contend to the last. The result

of the contest will decide the vital question to New-York, whether those who are adverse to good government are paramount; and whether the people are worthy of, and capable of appreciating an honest and fearless discharge of official trust.

Whilst thus freely denouncing the interests opposed to the right, and to myself, as its advocate and administrator, let me not be thought unmindful of the noble support which has been given to me, by those who have favored my efforts. All classes, but those referred to, have rallied to the defence of my exertions, and given to me such a support as no other public officer of the present day has received. Surely if encouragement were needed to continued fidelity, public opinion which has been expressed in my behalf with so much enthusiasm and unanimity would keep me steadfast in the course I have pursued. No man could falter, however, arduous the duty or however, perilous the hazard, when backed up so vigorously by all those in our midst whose good opinion is worth having.

I have now discussed briefly and in general terms, the two requirements essential to the present prosperity and continued growth of this metropolis, viz: the preservation and further development of its commerce, and the proper government of its people. It may be said with truth, when these are cared for, New-York is placed upon a basis as firm as the rock upon the borders of her noble Hudson. With these secured she is placed beyond the throes of political revolution in either Hemisphere. Wars upon the continent of Europe, or in the east will but further aid her navigation. Her financial position. will soon command the exchanges of the world and as her Bourse vibrates, the money changers of Europe will respond to the movement. First in arts, as first in commerce and wealth she will then represent American superiority in

every department of knowledge and in all the noble attributes of our nature, so preeminent in the present century. Then will a New-Yorker be proud of his citizenship in this metropolis; it will bear him honorable reception throughout all civilized lands for he can say with Paul of Tarsus " I am a citizen of no mean city."

I shall submit to you soon another message making practical recommendations for your own legislation, and which in advance permit me to express the hope, may command your early attention.

In that communication I shall endeavor to point out many subjects comprehending abuses and wrongs entirely within your power to remedy, and to reform which I cannot doubt, you will heartily co-operate with me in devising suitable measures.

FERNANDO WOOD, *Mayor.*

