

# THE MAKING OF FULTON MARKET

*a test of public property in the City of New York*

Of all the public markets established in the Seaport in its four centuries as a Market District, the original Fulton Market – whose vendors sold meat, game, vegetables, dairy, and prepared foods as well as fish – provides a fascinating insight to the early development of New York City and a reminder of how public action is crucial to securing and maintaining public space.

In 1815, long before the “Seaport” would be called as such, its residents requested that the city build a public market hall in their vicinity. Their former marketplace, at Peck Slip, had declined along with the neighborhood during the Revolutionary War and British Occupation, and closed for good in 1793. But now that households were being reestablished in this area, they preferred – like true New Yorkers – to do their marketing as close as possible to home, rather than walking to the so-called *Fly Market* at the foot of Maiden Lane; besides, the Fly Market had fallen into a state of filth and disrepair, and was commonly decried as a nuisance and eyesore which the city appeared unwilling to remedy. The Fly Market was also inconvenient to Brooklyn farmers, who arrived by ferry at the foot of Fulton Street and had to pay to cart their goods to Maiden Lane, passing this cost to their customers.

Backed by popular support, the City devised a plan to close the Fly Market and build a new market at the Fulton Ferry landing, on the block bounded by Fulton, Beekman, South, and Front Streets. This block had already been developed, and its lots and buildings were all privately

owned; to take the property, the City would need permission from the State Legislature, which had the sole authority to grant the use of Eminent Domain. The Common Council submitted its request in January of 1816, and in March of that same year the Thirty-Ninth session of the Legislature passed a Law allowing the City the right to condemn and take the properties – with fair-market compensation to each owner – for the purpose “of erecting thereon an extensive and commodious public market.”

To read the careful language of the legislators in granting the City such approval is to feel the hesitant confidence of our nation in its earliest days, as it struggled with the challenge imposed by Liberty: to respect the rights of individuals while providing equally for the common good, knowing that without both rights in balance, society cannot flourish. And so they instructed the City to appoint special Commissioners, each to be paid no more than four dollars daily (plus expenses) to survey the intended market site, assess the value of each property, and follow a rigorous system of checks and balances - *including full public disclosure* - to assure that their final valuation was objective and impartial. After following these procedures, the properties could be taken.

The Legislature re-confirmed the City’s right to build the market in March of 1817 by passing an expanded and even more explicit version of the original Law. It nonetheless took four more years of public requests for the City to finally seize the properties,



**FULTON FERRY** The first steamboat commuter route in New York was inaugurated in 1814. It provided regular service between Fulton Landing in Brooklyn and Fulton Slip in what we know today as the Seaport District. The presence of the ferry greatly increased the real estate value of properties in the vicinity. After Fulton Market was constructed at the ferry landing in 1822, the neighborhood became the City’s primary hub of commerce, whose merchants made New York into the center of world trade.

which were legally acquired on January 12, 1821. Twelve days later, a mysterious fire spread from a tavern on Front Street to the rest of the block. Though the fire fortunately claimed no lives, every building on the market site was destroyed. Yet even with the land conveniently cleared, the Common Council showed no movement on building the intended public market hall.

On February 5, two petitions in favor of the market were delivered to the City; one, submitted by hundreds of residents, the other by “Market-Men and Farmers in the vicinity of New York” who were eager for the business this new market would be sure to bring. The parchment sheets of signatures were fastened, end to end, with sealing wax and made into scrolls, some of them more than a dozen feet in length and containing hundreds of signatures. These documents were clearly accorded some importance, as the originals were carefully preserved and can still be seen at the Municipal Archives on Chambers Street. But it was soon learned that the Common Council had reversed its course entirely. It would not build the long requested market on property made public for this purpose, but instead put up the entire block for sale.

The reason for this change in policy, after so many years of promises and planning, may well be lost to history, but the motivation prompting it can be guessed. The adjacent Schermerhorn Row, opened in 1812 as an early “world trade center” for merchants, had proved a huge financial success. And the Fulton Ferry steamboat service, inaugurated in 1814 and operating under a State monopoly, had triggered a construction boom in Brooklyn Heights, creating New York’s first commuting class and further increasing property values on the Manhattan side of the service. The prospect of acquiring an entire

city block, already cleared of buildings, at the foot of the landing itself must have piqued the interest of more than one developer, perhaps eager to create competition with Schermerhorn Row. With future profits in mind, such parties would have made their interest known to city leaders. The Common Council, for its part, only stated that it “no longer had the funds” to construct the promised market hall, even though monies had actually been appropriated and pledged for this project.



**BY PETITION** Throughout history, municipal governments have recognized the need for public markets but have been reluctant to construct them without popular support. Nearly every public market in the Seaport District, and many others elsewhere in New York were created in response to resident petitions. Petitioners for Fulton Market included prominent New Yorkers as well as farmers from outside the city.

The City’s disregard for this newly acquired public property prompted one citizen - who signed his name as *Franklin* - to expose this breach of trust in a letter to the *New York Evening Post* on February 17, 1821. As he expressed in the ornate language of that time, interlaced with biblical passages, the City’s right to use Eminent Domain had been granted with a singular, specific purpose: to build a *public market*. He argued that

by ignoring this mandate and giving over public land to private interests, the city government

*as individuals ... must and shall answer for it to the public – that public whose highest interest you will have neglected, whose feelings outraged & whose power, defied.*

Perhaps in response to this published letter, the Common Council solicited the opinion of Wm. Slosson and Ogden Edwards, Esq. “On the Subject of the ground near Fulton-Slip, intended to be taken for a market.” Their findings, published by order of the Council on February 19, 1821, concluded that the City was under no obligation to use seized for the intended purpose – though to prove their case, they resorted to several English cases as legal precedent. A second, scathing letter from Franklin was published by the *Evening Post* on February 24th; on February 26th the Council voted to cease printing its legal notices and advertisements in that paper, in obvious retribution for its role in bringing this matter to light. But there was no turning back. On March 12 of that same year, in response to overwhelming public sentiment, the Council voted to build the market as intended.

*Fulton Market* finally opened its doors to the public on January 22, 1822. It went on to become New York City’s premier destination market for several generations, then gradually transformed into the Fulton Fish Market - one of the largest and most renowned wholesale markets in the world, which continues generating business and employment for the city after 185 years of active trade.

