

PROCEEDINGS

OF

THE COMMON COUNCIL

OF THE

CITY OF ROCHESTER.

FOR

1871-2.

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ROCHESTER, N. Y.

DAILY EXPRESS BOOK AND JOB PRINTING HOUSE, 23 BUFFALO STREET.

1871.

*The people of the State of New York, represented in Senate and Assembly, do enact as follows:**

SECTION 1. The city of Rochester is hereby authorized and required to issue the corporate bonds of the city, to the amount of one hundred and fifty thousand dollars, for the purpose of aiding the Rochester, Nunda and Pennsylvania Railroad Company in constructing a railroad from the north line of Pennsylvania, through Belvidere, Nunda, Mount Morris and Mumford, to the city of Rochester, as herein-after provided.

§ 2. The said bonds shall be signed by the Mayor of the city and countersigned by the City Treasurer (or such other officer as the Common Council may direct), and shall be payable on the first day of February, in the year one thousand eight hundred and ninety-three, with interest at the rate of seven per cent. per annum, payable on the first day of August and February in each year; principal and interest to be payable at the office of the Treasurer of the city, or at such other place within this State as may be designated therein.

§ 3. The said bonds shall be delivered to the said railroad company, or to such agent or agents as that company may direct, in the manner and upon the terms and conditions following, and not otherwise:

First—Upon the delivery of any of the said bonds the said railroad company shall, at the same time, deliver to the city of Rochester bonds, to an equal amount, of the Rochester, Nunda and Pennsylvania Railroad company, of the class and description known as second mortgage bonds, which shall be payable, principal and interest, at or before the times of payment of the said city bonds, and shall bear semi-annual interest at the same rate. The mortgage security shall be the second lien and incumbrance upon all the corporate real property and the franchises of the said railroad company which it may have at the time of the execution of such mortgage, and all which it may thereafter acquire, subject only to such prior first mortgage thereon as the said railroad company may have previously executed.

Second—The said city bonds shall be exchanged as aforesaid, as follows: Bonds to the amount of fifty thousand dollars, when the right to the entire roadway and track of the said railroad from Rochester to the north line of Pennsylvania shall have been secured by the said railroad company; bonds to the further amount of fifty thousand dollars afterwards, when the whole of said road shall be completely graded; bonds to the further amount of twenty-five thousand dollars, afterwards, when all the iron for the said road from Rochester to Mumford shall have been purchased and delivered along the whole line of the railroad between those two places. And the remaining bonds to the amount of twenty-five thousand dollars when the whole of said railroad is completed and in running order from Rochester to Belvidere.

Third—The said railroad company shall not be entitled to any benefit so far as the said city of Rochester is concerned, of any statute or act or acts of the Legislature, other than this act, authorizing the bonds of the said city to be issued and no bonds of said city shall be issued for the purpose of aiding the construction of the said railroad other than those hereby authorized.

§ 4. All the moneys, principal and interest,

which the city of Rochester shall receive on the said railroad bonds, and also all the proceeds and avails of such bonds, if the Common Council shall sell or dispose of the same, shall be applied to the payment of the interest and principal of the said city bonds, and not otherwise, until such city bonds shall be fully paid. The amount necessary (over and above what may be so received), to pay the interest from time to time and the principal at maturity of such city bonds, shall be raised by the Common Council, with the other general taxes of said city.

§ 5. This act shall take effect immediately.

Ald. Stone moved that the Clerk be and is hereby directed to transmit copies of the above acts to our Senator and Member of Assembly and request them to use their influence in the passage of the same. Carried.

On motion of Ald. Whitmore adjourned.

WILLIAM F. MORRISON,
City Clerk.

In Common Council, March 26, 1872

ADJOURNED REGULAR MEETING.

President Ald. C. R. Parsons presiding.

Present—Ald. Whitcomb, Aldridge, Wait, Gould, Rogers, Pond, Herzberger, Heavey, Fee, Caring, Connolly, Stern, Glover, McConnell, Stone, Craig, Kelly, Mandeville, Stape, Charters, Gerling, Stebbins, Whitmore, Mauder, Stade, Parsons, Aikenhead—27.

Absent—Ald. Selye—1.

MISCELLANEOUS.

Unanimous consent was granted Ald. Stone to present the following:

By Ald. Stone—Resolved, That the Common Council of Rochester do not consent to any alteration whatever of the three Railroad Bills approved by them March 23d.

Resolved, That the Clerk telegraph the above resolution to Hon. Jarvis Lord and Hon. Geo. D. Lord, and the City Attorney be directed to go to Albany and protect the interests of the City.

Ald. Stebbins moved to amend the resolution by inserting the words, "Ald. Stone and Wm. N. Sage," after the word "Attorney."—Carried.

The original resolution as amended was then adopted.

Ald. Pond moved a reconsideration of the vote, on a resolution adopted March 19th, 1872, (at folio 344 of printed proceedings,) to pay A. G. Wheeler \$100.—Carried.

Ald. Pond moved to amend the resolution by inserting the words "in the case of Wm. B. Geddes, and others against the City of Rochester," after the word "services."—Carried.

The original resolution as amended was then adopted by the following vote:

Ayes—Ald. Aldridge, Gould, Rogers, Pond, Herzberger, Heavey, Fee, Caring, Connolly, Stern, Glover, McConnell, Stone, Kelly, Mandeville, Stape, Gerling, Stebbins, Whitmore, Mauder, Stade, Parsons, Aikenhead—23.

Nays—Charters—1.

Ald. Stone presented the following communication.

NEW YORK, March 25, 1872.

The Honorable the Mayor and Common Council of Rochester, N. Y.:

GENTLEMEN—I have had the honor to receive this day through the hands of Jesse Shepherd,

Esq., the City Attorney of your city, a copy of the resolution passed by your honorable body on the 20th instant, by which the engineer or superintendent of the Rochester Water Works Company is requested to communicate to the Common Council, at its next meeting, their plans and purposes in reference to bringing water from Hemlock Lake, and how soon they intend to accomplish the end.

You are doubtless aware that by the foreclosure of the mortgage given by that corporation to the Union Trust Company of this city, and the sale of the mortgaged property thereunder, the corporate existence of the Rochester Water Works Company has substantially ceased; and that there is no engineer or superintendent of the company who is authorized, as such, to give the information desired in the resolution.

The mortgaged property was purchased by Mr. T. B. Rand of this city, at the foreclosure sale on the 9th of January last, and has been conveyed to Mr. Rand. He has employed me as his counsel in reference to the matter; and I beg, on his behalf, to submit the following answer, so far as it is possible to make one, to the inquiries of the resolution.

It is a matter of much regret that the resolution has reached me at so late a period that it is not possible to give a fuller answer to it in season for your meeting at Rochester to-morrow evening. Immediately on purchasing the property, Mr. Rand commenced taking steps to make his purchase available, by associating with himself the necessary capital to complete the introduction of water into your city, and by obtaining necessary information from engineers and others familiar with the construction of water works, so that the work might proceed as soon as the opening of the season would permit. We think these purposes have been kept constantly in view, and that much progress has been made in reference to them. An ample supply of capital is already secured, and whatever amount may be necessary for the completion of the works is ready for use therein, if a just and fair arrangement with your honorable body can be made in reference to the use of water in the city. On this latter point no doubt whatever has been entertained. The great necessity of introducing water, of pure quality and in abundant supply, to your city, is so obvious that it has been assumed that both the city and the citizens would be ready to avail themselves of the benefits of such an enterprise when completed. The only matter which has delayed decisive action up to this time is that a corporate organization seems necessary for the carrying on of so extensive an enterprise, and that organization has not yet been secured, though it is hoped and believed it will be at an early day.

The time for the last two months has been very assiduously devoted (and at no little expense) to a full and complete examination, by engineers and other persons familiar with the construction of other similar works, in reference to the availability of the works of the old company for supplying water to your city. The most eminent hydraulic engineers in the States, upon the Pacific as well as those upon the Atlantic, have been consulted and their views obtained, and their experience availed of in reference to it—not only the project of supplying water from Hemlock Lake, but also that of taking water from the river and from Lake On-

tario. Careful examinations have been made of your city and the surrounding country, and if the amount of water which may be obtained from the different sources, with the expense of supplying the city from them respectively.

I beg to submit that this is all that could or would have been done by the authorities of your city since Mr. Rand's purchase had they then undertaken the work of introducing water into the city. The results of these examinations have proved favorable to the project of supplying water to the city from Hemlock Lake. These results are now being tested and computed, to make sure that the supply will be ample, and that the method of conducting the same, &c., shall be free from all risks of accident or interruption while carefully guarding the purity of the water. It has been, of course, impossible, during the late extremely severe weather, to make proper examination of the wooden pipe already laid. The capitalists who propose to complete the works have, in all their calculations in reference thereto, assumed that the wooden pipe already laid from Smithtown to the city line was in substance worthless, and would need to be wholly relaid with iron pipe. The cost of such relaying, the time in which it can be done, and the result when done, have been carefully investigated, and the results are satisfactory to those who propose to be at the cost thereof. It is quite probable a shorter, more direct and less uneven line for the new pipe to be selected than the old one, and examinations on this subject have also been made. The experience which has been gathered within the last ten or twelve years warrants me in the expression of a most confident hope that even if the whole supply pipe needs to be relaid with iron from Smithtown to the city, the same can be done during the present season, and water can be supplied through the same to the city.

And on behalf of Mr. Rand and his associates I desire to propose the introduction of water into the city during the present year, in ample supply, and unobjectionable quality, if a contract fair and just to both parties can be entered into with the authorities of your city.

It ought to be distinctly stated that many citizens of Rochester have expressed an earnest desire that to the other features for the supply of water to your city, which were embraced in the plan of the works of the Rochester Water Works Company, there should be added a system of engines, propelled either by steam or by water power, substantially like the works constructed by the Holly manufacturing company of Lockport, N. Y. While Mr. Rand and his associates would very greatly prefer works upon the old plan, so that the great and constant expense of engines, whether propelled by steam or by water power, can be dispensed with, yet should your honorable body and your citizens generally prefer the introduction of the Holly system, we are ready to meet your views in that respect, and upon terms just and fair to both parties. It is believed that such engines can be economically and advantageously applied to the delivery of water from Hemlock Lake as well as from the river or Lake Ontario; but what would be a fair price for water delivered by gravitation alone would not be a just figure for delivering by engines on the Holly plan, and so as to dispense with a very large part of the expense of your fire department. It is submitted that your honorable body and the

ROCHESTER, Feb. 10, 1872.

citizens at large ought to determine whether or not the Holly system should be applied by us, so the question of compensation upon one plan or the other may be examined and a result arrived at. I beg leave to suggest that the proper action be taken by your honorable body either by the appointment of a committee or otherwise, as may be most agreeable to you, so that a contract may be entered into by us with the city for the completion of the water works and the delivery of water to your city, at a time to be fixed, and our terms which shall be mutually satisfactory and advantageous.

Very respectfully and truly yours,

LUCIEN BIRDSEYE.

On motion of Ald. Stone—ordered received, filed and published.

By Ald. Rogers—Bills of John Kane, A. Bronson, G. W. & C. T. Crouch, Henry Averill, J. Talman, Smith & Poppy, Looos & Zimmer, B. F. Blackall, H. H. Babcock and J. R. Chamberlain. Fire Department Committee.

Ald. Rogers, from the New City Hall Building Committee, presented elevation plans for the new City Hall drawn by J. R. Thomas and architects and moved the adoption of the plans drawn by J. R. Thomas. Carried.

By Ald. Caring—Bills of A. B. McConnell and McConnell & Co. Sewer Committee.

Ald. Caring, from the Sewer Committee, reported in favor of the bills of A. B. McConnell and McConnell & Co. Finance Committee.

At this stage of the proceedings President Parsons called Ald. Pond to preside.

Ald. Pond presiding.

By Ald. McConnell—Petition of John Hunt for permission to erect a wood building on his lot No. 1 situate on corner West Main and Francis streets. Wood Building Committee with power to act.

Ald. McConnell, from the Committee on Public Parks, presented the following:

ANNUAL REPORT OF THE PARK COMMITTEE.
ROCHESTER, March 26, 1872.

To the Honorable Common Council of the city of Rochester:

GENTLEMEN—We herewith submit the annual report of the Committee on Public Parks:

Amount of appropriation	\$2,200 00
Expended for trees	83 25
Expended for lawn mower	86 00
Repairing lawn mower	19 25
Horse and man on mower	407 50
Repairing gates	28 50
Labor on trees and walks	1,049 91
Gravel at the bank	47 10
Teams drawing gravel and ashes	373 25
Paid last year's bills	52 43
	<hr/> \$2,147 19

Balance in Fund	52 81
Bill of D. R. Barton & Co., audited, not called for	16 25

Amount in hands of Treasurer

ROBERT Y. MCCONNELL,
JAMES H. KELLY,
JOHN MAUDER,

Committee.

Ordered received, filed and published.

By Ald. Stone—Petition of John Cawtra and others for a change of the name of South York street to Briggs street. Table.

Ald. Stone presented the following:

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The Rochester Pipe and Package Company have just made a test of the strength of their pipe in the presence of several citizens of Rochester. The specimen tested was six inches in internal diameter and the aggregate thickness of the lamina was one-half inch. It sustained a pressure of two hundred pounds to the square inch without change.

This pipe is made of lamina of oak or elm timber, coated and filled with melted asphaltum, and can be fully relied upon for strength, durability and tightness.

DANIEL MARSH,

Chief Engineer of Rochester Water Works.

DANIEL RICHMOND,

Division Engineer N. Y. State Canals.

J. NELSON TUBBS,

Division Engineer N. Y. State Canals.

CHEMICAL LABORATORY,
UNIVERSITY OF ROCHESTER,
ROCHESTER, March 20th, 1872.

The demand for a pipe suitable for conveying water and gas, which shall be, at the same time less expensive, and more durable than any in common use, has long been recognized. This demand has stimulated inventive genius to devise numerous improvements. A variety of materials have been employed. Iron, which has been chiefly used hitherto, is costly; it oxidises rapidly, especially when laid in soils containing decomposing organic matter; and it is not easily protected by the application of resinous or bituminous varnishes on account of their imperfect adhesion. Earthenware is brittle and hence constantly liable to injury; the sections are necessarily short and the joints consequently numerous.

The cheapness of wood, its lightness, its elasticity, and the facility with which it may be wrought into pipes of any convenient diameter or length, has often attracted the attention of the inventor. The principal objection to its use are its porosity and its perishable character when subjected to the conditions required. Exposed to the action of air and moisture together or alternately, it undergoes various alterations, terminating in its disintegration. These changes take place more or less rapidly according to the kind of wood employed, and the conditions to which it is exposed. These destructive processes are of two classes. On the one hand, in certain conditions of temperature and moisture, and with a very limited access of air, a series of changes, closely analogous to fermentation, slowly takes place in the albuminous constituents of the woody fiber. On the other hand, when wood is freely exposed to the air in the presence of abundant moisture, a very different destructive process occurs which is a true oxidation or slow combustion. In either case the structure of the wood is broken up, it loses its tenacity and strength and finally crumbles.

The protection of wood from these destructive agencies by means of an impervious film, such as a layer of varnish or paint, which excludes the air and moisture, has been universally practiced. Efficacious as is this protection when applied to all wooden structures above the surface or the earth, it fails when the wood is immersed in the water, or buried in moist earth. Here the conditions of fermentative changes exist. Although the surface may be protected by an impervious coating, the pro-