

PROCEEDINGS

—OF—

THE COMMON COUNCIL,

OF THE

CITY OF ROCHESTER,

For 1870-71.

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ROCHESTER, N. Y.:

DAILY DEMOCRAT BOOK AND JOB PRINTING HOUSE, NO. 3 BUFFALO STREET.

1871.

**Eighth**—The City of Rochester against John H. Martindale and others. This is an action to restrain the defendants from draining or permitting to be drained into Maple street sewer, certain waters from lands in the town of Gates. The action is still pending, and may be tried in April.

**Ninth**—James Brackett and others against the city of Rochester and the Erie Railway Company. This is an action to prevent the sale and transfer by the city of its Genesee Valley Railway stock to the E. R. W. Co. Complaint was served in November, 1871. The defendant, the city of Rochester, demurred to the complaint. The demurrer has been argued and the papers are now in the hands of the Court, no decision having yet been rendered.

All the causes tried or argued this year, with one exception, have been tried or argued by the City Attorney, and the Committee have found it unnecessary to employ additional counsel.—Very many prosecutions for violation of penal ordinances, have been carried on before the Police Justice with quite general success on the part of the city. March 27th, 1871.

F. S. STEBBINS,  
M. M. SMITH,  
C. R. PARSONS,  
E. R. ANDREWS,  
Law Committee.

Ordered received, filed and published.

Ald. Dage, from the Committee on Maps, Surveys and Records, reported in favor of the bill of Lindley L. Barrett. Referred to Finance Committee.

**ANNUAL REPORT OF DR. J. F. REICHENBACH.**

Ald. Gerling presented the following:

*To the Honorable the Common Council of the City of Rochester:*

**GENTLEMEN:**—I beg leave to present the following annual report as physician to the German poor on the west side:

Whole number of visits made from April 1st, 1870, up to date 785. Medical attentions at office, 150.

Very respectfully,

J. F. REICHENBACH, M. D.

Rochester, March 28th, 1871.

Ordered received, filed and published.

By Ald. Gerling—Resolved, That the owners of property on the south side of Campbell street, from Grape street to Saxton street, be and are hereby granted permission to construct their walks in front of their premises (on the south side of Campbell street) under the supervision of the Improvement Committee and City Surveyor. Adopted.

By Ald. Kelly—Petition of John Kelly for permission to construct an addition to his house, No. 145, situate on Jones street. Referred to Wood Building Committee with power to act.

Petition of George Myerhoff for permission to erect a wood building on his lot Nos. 19 and 20, situate on Lyell street. Referred to Wood Building Committee, with power to act.

By Ald. Kelly—Whereas, A bill has been introduced into the Assembly of this State, by the member from this city, entitled "An act to supply the city of Rochester with pure and wholesome water," and proposing to constitute Edward M. Smith, John McConville, A. Carter Wilder, Wm. Mudgett and Mortimer F. Reynolds a "Board of Water Commissioners of the city of Rochester," with power and authority to employ engineers, surveyors, and such other per-

sons as they may think proper, "to ascertain the best and most expedient plan for procuring such supply of water; and make surveys, maps and plans, together with an estimate of the cost of the same," &c.; and in the event of the approval of their plan by a majority of votes to be cast at a charter election, to borrow money on the credit of the city, to carry out such plan, to an unlimited amount; and requiring the Common Council to pay all expenses of said Commission, incurred for such surveys, maps, plans, traveling expenses, &c., to the extent of seven thousand dollars;

And, whereas, said bill has been introduced into the Legislature, without any petition therefor on the part of our citizens, and without the knowledge of any except the proposed Commission and their immediate friends, and is in fact a surprise upon the great body of our people; is not called for and is not desired by our citizens; is crude and ill digested in its provisions, and confers very dangerous powers upon the proposed Commission, whose term of office is made perpetual by the act itself, with no provisions for removal for any cause whatever, and with no limitation as to the time of holding; and if passed into a law will put it into the power of these Commissioners, by a little adroit management, to add millions to our city debt, without conferring any adequate benefit; therefore,

Resolved, That this Common Council protests against the passage of this bill by the Legislature; and we call upon the representative of this city in the Assembly, and the representatives of the two other districts of the county of Monroe, and our Senator, the Hon. Jarvis Lord, to discountenance said bill, and to take immediate and efficient measures to prevent its passage.

Resolved, That a copy of this resolution be sent by the Clerk to our Senator and Representatives without delay.

Adopted by the following vote:

**Ayes**—Ald. Briggs, Whitcomb, Wait, Andrews, Rogers, Remington, Herzberger, Caring, Smith, Relyea, Connolly, Meyer, Glover, Craig, Stone, Kelly, Woodruff, Mandeville, Gerling, Charters, Dage, Stebbins, Nagle, Mauder, Aikenhead, Parsons—26.

By Ald. Kelly—Whereas, Reports having been circulated that the Bonds of the city have been forged and that such bonds have been redeemed and paid by the city and by a Resolution of this Board calling upon the City Treasurer for a list of the bonds owing by the city, and his failure and neglect in complying therewith. Therefore:

Resolved, That John Williams, Treasurer elect is hereby requested to furnish this Board with the information in regard to the above, according to resolutions passed by this Board at a meeting held February 14th, 1871, and that the Clerk of this board attach to this a copy of said resolutions, and furnish the same to the said John Williams and that he report thereon at the first regular meeting, in April next.

Ald. Relyea moved that Ald Kelly be granted permission to withdraw his resolution (he having made such request, and objection being made). Lost.

Ald. Remington moved to amend the resolution by striking out the words "John Williams, Treasurer elect, and John Williams," and insert therefor the words "Finance Committee;" also further amend the balance of the resolution to conform to the above amendments. Carried.