

MUNICIPAL RESEARCH

Founded By George Eastman in 1915

No. 147

ROCHESTER, NEW YORK

MARCH-APRIL, 1950

ROCHESTER AND ITS WATER WORKS

This is the second part of the story of the Rochester Water Works. It covers the period from 1872 to 1876—five of the stormiest years in the municipal existence of Rochester—hamlet, village and city. The story will be completed in an early issue of MUNICIPAL RESEARCH.

The second phase of Rochester's struggle for a water supply may be dated from April 27, 1872 when the state legislature adopted "An Act to supply the City of Rochester with pure and wholesome water." This law directed the mayor to appoint a board of water commissioners consisting of five residents of the city holding office for five-year overlapping terms. The board in turn was directed "to consider all matters relative to supplying the city . . . with . . . pure and wholesome water . . ." For its purposes, the board was authorized "to employ engineers . . . and such other persons as . . . may be necessary, to ascertain the . . . most expedient plan for procuring such supply of water." When its plans were completed, the board was to submit them, along with a report and estimates, to the mayor. If the plans were accepted by the mayor, the commissioners were further directed to "proceed with their plans" and were empowered "to borrow . . . upon the credit of said City of Rochester, an amount not exceeding the amount named in their estimates of cost of said works." The common council, otherwise ignored in the law, was curtly ordered to pay "all expenses incurred by said commissioners . . . up to the time of submitting their estimate to the mayor" and "to raise . . . by tax . . . the sum or sums of money which may be required to pay the interest on said bonds and to redeem them at maturity."

Jarvis and George Lord

This bill, reputedly drafted by

Assemblyman George D. Lord representing the second assembly district (Rochester) of Monroe County, was introduced by him in the assembly and was actively supported in the senate by Jarvis Lord of Pittsford, sole senator from Monroe County. The Lords were father and son—Jarvis being the father; were Democrats representing a city with a Republican administration; and were contractors. The combination brought unmerciful criticism on their heads, criticism that at times verged on abuse. George Lord, defeated for the assembly in 1873 by Henry L. Fish, one time Democratic mayor of the city, is commonly accepted as the contractor for the conduit from Hemlock Lake to the city. If this is true, he must have acted in the capacity of a sub-contractor as the contractor of record was James McDonald of Essex County. The charge that the Lords promoted the water works for their own pecuniary advantage, based on the foregoing rumor, is probably merely one of the many cross-currents that were running in the middle '70s.

Mayor Wilder

The position of the mayor, A. Carter Wilder, a Republican, must certainly have been embarrassing during the twelve bitter months that followed his inauguration on April 1, 1872. In his introductory message to the common council, Mayor Wilder said "I should deem it a disaster . . . should another year pass without the construction of works necessary for our (water)

supply." He then proceeded to announce his preference for Hemlock Lake as the source of the supply and outlined in considerable detail the plans of Mr. Rand and his associates for the coming construction season. Concluding his comment on the situation, he said, "I cannot doubt that the abundant means, energy and experience of the new owners (of the Rochester Water Works Company), will combine with their interests, to give us, at the earliest date, a bountiful supply of water not inferior in purity to any on this continent." Either the mayor was being somewhat artful or else he had no personal knowledge of the "commission plan" which, even as he was writing his message, must have been nearly in its final form.

Thirty days later, under authority of the law adopted on April 27th, the mayor appointed Roswell Hart, Edward M. Smith, William H. Bowman, Charles C. Morse and Gilman H. Perkins commissioners, charged with the task of bringing a water supply to the City of Rochester. Mr. Hart and Mr. Bowman were lawyers, the former not practicing. Mr. Morse was a boot and shoe manufacturer, Mr. Perkins, a wholesale grocer, and Mr. Smith an insurance agent, later becoming postmaster. Of the five commissioners appointed by Mayor Wilder three, Messrs. Hart, Morse, and Perkins, signed the final report of the board on September 30, 1876. Mr. Smith had resigned early in 1873 and had been succeeded by Pliny M. Bromley, one of the proprietors

of the Osburn House. Mr. Bromley died and was succeeded by Mr. John Bower in 1874, who was in turn succeeded by Mr. M. H. Merriman in 1876. Mr. Bowman's term of office expired in 1875 and he was succeeded by Mr. J. C. Cochrane, also a lawyer. The final report of the board of water commissioners, therefore, was signed by Messrs. Hart, Merriman, Cochrane, Morse and Perkins.

In his second annual message to the common council, read at the meeting of April 7, 1873, the mayor said, "Recent legislation has considerably modified our charter and divested your honorable body of powers heretofore confided to your exercise. Much heated discussion and diversity of opinion have been developed among our citizens by these enactments, and their policy has been fiercely attacked and defended. With regard to the expediency or justice of these changes I cannot with propriety express an opinion here. The decision upon these matters must necessarily be left to another tribunal which has exclusive jurisdiction therein. The simple duty was imposed on me by those laws of selecting the appropriate instruments for carrying their policy into practical effect. In the performance of a trust thus made imperative, I endeavored to make choice of citizens of approved integrity and capacity, who would, in my judgment, best discharge the important duties created by the statutes in question. The exceeding delicacy of this unsought power, rendered its performance in the last degree embarrassing, from which I should have been glad to have been relieved. Having discharged it to the best of my judgment, and with conscientious devotion to the public interests, my further connection with the matter ceased, and I have no other official duty in the premises, than to see that the powers thus delegated by the supreme legislative authority, are fairly and honestly exercised."

There is something rather convincing in these words coming from a very sick man—the mayor resigned on October 28,

1873 because of illness soon to be fatal—and, read in connection with his message of the year before, seem to absolve the city's chief executive from any part in the so-called plot that rocked the city for five years, but did result in the long-sought water supply.

The Common Council

While the position of the mayor in the matter of "the City of Rochester vs. Commissions" was somewhat hazy, the position of the common council was crystal clear. Individually and collectively the aldermen were as sore as the legendary goat over the turn affairs had taken. Only five of the twenty-eight council members were willing to accept the situation as satisfactory or as final. A letter from the owners of the Rochester Water Works Company seemingly revived for a short time the very dead issue of a privately-owned water supply. A special committee was selected by the council on May 28th to present to the council at an early meeting a "draft of the most favorable contract that can be made with the parties." Two months later the committee submitted a contract involving the immediate filling with river water of such mains as had been laid in the city streets. This would have afforded some protection against fire and, what was probably more important in the eyes of the aldermen, would have been a serious legal obstacle in the path of the unwanted water commissioners. On August 6, 1872 the mayor and the city clerk were authorized to execute such a contract, but in the meanwhile an injunction had been secured by the water commissioners temporarily barring any such action.

While the aldermen were fretting over the situation, the board of water commissioners organized and employed J. Nelson Tubbs—delightful name for a water man—as chief engineer and General I. F. Quinby as consulting engineer. Surveys were started only to be stopped by an injunction. This injunction was modified in a few days to permit the surveys to proceed and on July 15, 1872 plans and estimates were presented to and approved by the mayor.

Election of 1872

Before the surveys and plans were completed, shadows of the coming legislative elections fell across the confused picture. The Republican city convention met on October 29th to nominate a candidate for member of assembly from the second (or city) district. Before any nomination could be made by this convention one of the delegates was on his feet denouncing "the legislature of last winter which deprived the people of this district of all voice in the government of their own affairs." At the close of his philippic, the delegate proposed a resolution condemning "the obnoxious and nefarious laws," which resolution was adopted unanimously to the obligato of hearty cheers. The convention then adjourned without naming a candidate, an oversight that, in view of future events, may have been deliberate.

The following morning the *Democrat and Chronicle* formerly leaning toward the "commissions," said editorially, "the spirit, the fervor, the enthusiasm, and above all else the earnest determination, exhibited at the Republican convention last evening gives abundant evidence that any Republican can be elected to the assembly who will stand squarely upon the wise platform adopted by that convention." That same afternoon the *Evening Express* carried a card from Henry L. Fish denying certain implications that he had favored the "commissions" and pledging himself "to aid the good citizens of Rochester to wipe them all out of existence."

In the evening—things were moving rapidly—a "citizens' meeting" assembled in the city hall. This meeting urged city electors to put aside all political differences and to "unite in a joint effort to procure the immediate and unconditional repeal of each and all of said acts," including, of course, the act establishing the board of water commissioners. These recommendations were embodied in a formal resolution which was adopted unanimously after which the meeting proceeded to nominations. At this point, quoting from the record, "great con-

fusion arose from disorderly persons" and the meeting adjourned. The following morning the meeting reconvened and named Henry L. Fish as "the people's candidate." City Republicans did not share the optimism of the editor who believed that "any Republican can be elected" and accepted Mr. Fish as "the people's choice," nominating him as the candidate of the Republican Party. Their wisdom was proven by the election of November 5, 1872, Mr. Fish winning over the reviled Mr. Lord by the scant margin of 173 votes.

Court Actions

As the political aspects of the water supply situation were unfolding, the battle in the courts was moving to a dubious victory for the commission. Injunctions were dismissed and the matter taken into the Supreme Court. Here, it must be assumed—the record being lacking,—the commission was upheld and the case went to the Court of Appeals. Only a brief memorandum of this appeal is available. This memorandum shows that the appeal was argued on December 12, 1872 and was decided, once more in favor of the commission, on January 21, 1873. A list of cases pending on March 31, 1874, shows that the matter of *the City of Rochester vs. Roswell Hart and others* had reached the Supreme Court of the United States. Diligent search has revealed no official clue as to the fate of the case in the land's highest court, but at any rate, the board of water commissioners lived out its allotted span and bowed off the stage on October 3, 1876 with the water works completed.

The utter confusion and the bitterness of the period is clearly indicated by the choppy nature of the preceding paragraphs. Currents and cross-currents were many and deep, and resulted in a surface pattern that defies interpretation at this late date. Logic was definitely abandoned by disputants on both sides of the issue and political lines were crossed and re-crossed for no reasons now apparent. For example, of the five aldermen who accepted the commission idea,

two were Democrats and three were Republicans. When the matter was finally resolved after five and one-half years of open hostilities, the solution must have been—even as it is today—almost laughable to any Rochesterian of the time who had somehow managed to maintain his mental equilibrium.

Tubbs and Kuichling

While these personal, legal and political differences were being resolved, the board of water commissioners proceeded with its appointed task. The first step, the selection of J. Nelson Tubbs as chief engineer, has been noted. Tubbs was something of a character. Born in Schoharie County in 1832, he was educated according to the rather easy standards of the time and at the early age of eighteen was teaching school. Four years later he entered state service as an engineering assistant on the enlargement of the old Erie Canal. Eighteen years of engineering work along the canal qualified him, in the opinion of the water commissioners, for the position of chief engineer on what must have been one of the prize design and construction jobs in the state at the time—the Rochester Water Works. It is significant to read in the final report of the board of water commissioners the following: "While thoroughly versed in the science of his profession he has never hesitated to set formulas and formulated methods at defiance, when his own genius has dictated a better way or larger result." Maybe this was a fair statement back there in "the elder days of art," but today it would cause a skeptical lifting of engineering eyebrows.

Whatever his shortcomings may have been, the new chief engineer possessed the energy and the assurance that were requisites for success in a badly divided community. His flair for showmanship, his willingness to take up verbal cudgels at any time and with anybody, and his rare ability to skirt all embarrassing political salients were very important factors in the planning, construction and early operation of the water works. To his commissioners, Tubbs

was a paragon as the following, culled from the aforementioned final report, will testify: "Genial in intercourse, patient under trials and disappointments, cool and undaunted in the presence of difficulties, clear in judgment, accurate in detail, rarely mistaken in his estimate of results, of strict integrity, firm in purpose and of remarkable executive ability, we are free to confess that the credit of the success of these magnificent water works is in largest measure due to him." That was in 1876. In 1890, Mr. Tubbs was requested to resign because the conduit from Hemlock Lake was not delivering as much water as someone thought it should.

The chief engineer and his employers, the water commissioners, were downright lucky in securing Emil Kuichling as an assistant engineer. Kuichling was born in Germany in 1848 and had been brought to Rochester that same year by his father, a doctor fleeing a death sentence for political activity. Young Kuichling had taken his arts degree in 1868 and his engineering degree in 1869, both from the University of Rochester. In 1872 he had received his civil engineering degree from the Polytechnic School at Karlsruhe in Germany. His employment as assistant engineer on the Rochester water works was the beginning of a distinguished career in the engineering profession. Those who were privileged to know Mr. Kuichling, may see his shadow behind Mr. Tubbs in his defiance of "set formulas and formulated methods."

Although an injunction was pending, a gentlemen's agreement—already noted—permitted Tubbs and Kuichling to proceed with their surveys and their plans with only a slight delay. The plans and a report were presented to the mayor for his approval, as required by the much questioned statute, and were approved by him on July 15, 1872, as previously stated. These plans called for a double-barreled system—one, for fire protection, taking its supply from the river and the other, for domestic and industrial purposes, taking its supply from Hemlock Lake.

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Published by

Rochester Bureau of Municipal Research, Inc.
 1016 Genesee Valley Trust Building
 45 Exchange Street
 Rochester, N. Y.
 HAMILTON 5444

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Once the general plans were approved by the mayor the preparation of working plans and specifications proceeded apace. The contract for furnishing and installing pumping equipment together with water turbines and steam engines for what came to be known as the Holly system was awarded to the Holly Manufacturing Company of Lockport on February 27, 1873. A short time later the contract for the pump and engine house was awarded to George H. Thompson and Company of Rochester. A lot and five water rights on Brown's Race were purchased for \$23,500 and work on the pumping station was soon under way. By January 1, 1874 the Holly Company had been paid \$62,400 and the Thompson Company, \$48,407.40, something over half the final cost of the combined contracts. The contract for the domestic or Hemlock system was awarded to James McDonald of Essex County on April 12, 1873. In spite of some delay in securing title to one of the reservoir sites, the report of the treasurer of the board for January 1, 1874 showed that Mr. McDonald had been paid \$371,390.17 "for trenching and laying pipe for both Holly and Hemlock Lake systems and for construction of reservoirs."

The following year (1874) was busy but fairly quiet. The financial report at the end of the year showed that the commissioners had spent \$1,788,085.21 during the year, nearly three times the amount (\$625,083.16) spent in 1873. According to the chief engineer, construction work had "progressed with remarkable vigor." The pumping machinery had been subjected to a spectacular test in the best Tubbsian manner on February 18th. Even before that date the Holly system, as far as completed, was in service in an area that steadily expanded as mains were laid. Fires in this protected district were easily extinguished

"by streams of great power from hydrants 1,600 to 1,700 feet distant." "On no occasion," once more quoting the chief engineer, "have the works failed to respond to every demand made upon them." It may very well have been that the unwonted spectacle of fires being cut down in the very flower of their young vigor was conquering community animosities. At any rate, the arguments that had kept the city in a near uproar since 1872 were reduced to the whispering stage. The commissioners were probably looking forward to a local "era of good feeling." But then the blow fell.

A correspondent of the *New York Times* drifted into Rochester near the end of March, 1875 on a hunt for scandal. On the basis of his findings the *Rochester Democrat and Chronicle* let loose on Friday, April 2, 1875, with a verbal blast that must have rocked the city right down to its lowest Ordovician stratum. According to the article, the McDonald bid for the work was "unbalanced"—that is to say it contained ridiculously low bids on items which there was reason to believe would be eliminated and preposterously high bids on items which might be expected to be increased. It was—and still is—a game that some contractors delight in playing. The *Democrat* used the issue as ammunition in taking a pot shot at the chief engineer: "It is held that the engineer of the works is a man familiar from long service on the canals with unbalanced bids and that, with his intimate knowledge of the tricks of contractors, he should have so guarded his specifications as to have removed these objections." This was only a passing shot. The real objective was George D. Lord, author and advocate of the unpopular "water commission law." "It is stated that the nominal holder of the contract (McDonald) is but a figure-head for George D. Lord, a noted canal

contractor, . . . and it is feared that the city is at the mercy of George D. Lord, who exacts such prices as seem to him to be due his conspicuous ability as a manipulator of fat jobs and the ruler of contracting boards." From this generalization the paper proceeded to details, details that were repeated and elaborated in subsequent articles.

On Monday, April 5, the *Democrat* printed a letter from the commissioners—one of those gentle letters "that turneth away wrath." It began, "It is our desire to respond to the very proper and courteous appeal which you (the editor) have made to us." After intimating that the "correspondent of the *New York Times*" had been hasty in his inferences, the commissioners proceeded to explode some of the specific charges that had been made against them. For example, the *Democrat* had hinted, rather broadly, that the contractor had made a profit of \$80,000 on oak timber—one of the unbalanced items. The commissioners showed that the total paid for oak timber was "just \$22,230 and no more." This did make the \$80,000 profit look rather absurd. Ultimately the clamor died away and the commissioners were left in uneasy peace to complete an important job.

On September 30, 1876 the board of water commissioners rendered a dignified final report to the common council. Water from Hemlock Lake had been admitted into the distribution system on January 23, 1876. "The time has arrived when, by provision of law, the term of our office expires. The work entrusted to our care is done. . . . Others might have done it better, more wisely, more cheaply, and with fewer mistakes. But we believe the judgment of the people is . . . it has been well done, and there are none who would now have it undone." The project had cost \$3,287,220.82.