

(Copy)

EXHIBIT "M"

Rochester, N. Y.
July 13th, 1922.

Hon. Clarence D. Van Zandt,
Mayor of the City of Rochester,
Rochester, N. Y.

Dear Mr. Van Zandt:

The following facts in regard to Durand-Eastman Park are here respectfully presented for your consideration in the hope that a peaceful and satisfactory settlement of the unpleasantness which has arisen between the Park Commissioner and myself may be brought to a speedy termination. I most earnestly assure you that this unpleasantness was not of my seeking.

For years I have planned and studied the creation of the Park and when the beautiful country estate of Miss Alcestor Huntington came upon the market I had made every arrangement to secure it and to add the last essential which would have made our Park by the Lake one of the finest in the World. This estate was offered to the City at a very low price, and Mr. George Eastman told me that it would be bought by the Park in a few days. You can imagine my surprise when I was told a short time ago by Mr. Gorsline that he offered the estate to the City's representative and was told most emphatically that the Park did not want the land and would not accept it as a gift. By this rash statement the Commissioner brought to a rude ending my dream of twenty years, and caused an irreparable loss to Rochester, which will be greatly regretted in the future, if not now. The Huntington property bordered the Durand portion of the Park throughout its whole extent. It contained many acres of solid woodland, which, added to the eighty (80) acres of woods given by me would have formed a noble forest indeed, and only twenty minutes drive from the City Hall. Several trout streams run through the estate and supplied the water for Eastman Lake. Seth Green at one time advised the location of a trout hatchery on these streams.

The loss of this estate, which was offered to the City a year ago at less than \$100.00 an acre and is now selling to private individuals for more than \$1,000.00 an acre, cannot be called anything else than a calamity. Four men stood ready to buy it for the City. It would have been absolutely free and would have cost nothing to maintain, as the only thing necessary would have been to clear out the underbrush as a precaution against fire. This work would have been done by any

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farmer for the wood he would thus obtain.

The Huntington land is lost to the City forever, as is also the Seyerle property, which it was my intention to present to the Park at no distant date. I am thoroughly convinced that the citizens of Rochester have appreciated what I have tried to do for my town, although the Park Commissioners most certainly have not.

When I decided to give more than two hundred and fifty (250) acres of land to Rochester, and had induced Mr. Eastman to purchase over two hundred (200) more for presentation, I at first thought that I would keep the ground, amounting, as I was told by the Park Surveyors, to about twenty (20) acres adjacent to my house, out-buildings, and orchards; I would make a Will leaving this land, with its buildings and orchards, to the City at my death, but realizing that when the Park was fully developed this land would become exceedingly valuable I feared I might, in my old age, be tempted to sell it or leave it to my heirs, or that my estate might become involved, or my Will broken, and determined to place the land beyond the possibility of a peradventure. This plot is bounded on the north by the south shore of the lower artificial lake, on the east by the Wisner Road, on the south by the Seyerle property, and on the west by the east shores of the upper and lower artificial lakes. These lakes I, myself, had made, the upper one entirely and the lower one having an excellent start, at great labor and expense. My deed of gift is perfectly clear. The City received absolute and immediate possession of upwards of two hundred and fifty (250) acres of beautiful fields, woodlands, beach and lakes. My reservation was always kept in good order, and I thought that everything was arranged satisfactorily.

In 1908 I went to Mexico to look after some mining properties, and on account of the revolution which broke out there in 1909 remained there until 1915. When I returned in January, 1915, I found that the City, ignoring all protests of my servants, and without one word of explanation, had appropriated the northern end of my reservation for a Zoo, and had cut down almost all of an apple orchard which I had there. I was greatly amazed and asked for an explanation, but was assured by Mr. Lamberton that the arrangement was only temporary and that everything would be satisfactory. Thinking it best to await developments I returned to Mexico, where I had vital interests. I was taken very ill there, and returning to Rochester in June, 1916, was in very poor health and decided to close my house and go to California for a while. I sold all my farm equipment, discharged all my servants, stored my furniture and closed the house. The buildings were placed in the hands of Mr. Lamberton with the agreement that the City should lease them to responsible people and take care of them, using the income. I have a letter from Mr. Lamberton accepting this proposition. The matter of the Zoo, which I perceived was still flourishing on my property, and the destruction of my northern orchard remained unsettled. Being very ill

I did not wish to enter into a controversy, feeling sure that Mr. Lamberton would eventually do as he promised and make everything satisfactory.

I came back from California in the Winter of 1920 and found, to my consternation, that the Commissioner who had succeeded Mr. Lamberton had not carried out the agreement made by his predecessor. He had not leased my house, the water, gas and heating systems had suffered severely from frost and dampness, and the house was rapidly going to ruin. Furthermore, the Commissioner had torn down my garage and my icehouse and burned down an old log-house which was on the premises, part of which was upwards of a hundred years old. This old house was a land-mark and a great curiosity, and in addition had been a valuable asset to me in that some of my employees had lived in it most contentedly. It had three rooms, a small cellar and an attic. The Commissioner had torn down my iron fence which separated my premises from the road, and taken it away. He had also cut down almost all of another apple orchard and sold the wood.

For the first time a very angry feeling at the injustice and disrespect of all this took possession of me and I told the Commissioner in the lobby of the Powers Hotel where I one day chanced to meet him, that I was greatly displeased at the attitude the City had taken against me. I also called on Mayor Edgerton at his office and told him the same thing, and he assured me that I should be compensated for the damage done.

The Commissioner promised that my house should be repaired and the premises kept in order. Returning to Rochester two years later I found everything in the same condition as before. No recompense was ever offered me and no apology made. My place was uncared for. The broken wind-mill still hung from its fifty-foot tower as a long distance signal of distress to the whole countryside.

I have taken this matter into my own hands and respectfully submit to you, sir, my intentions. I shall try to secure recompense for the destruction of my property, and compensation for the unwarranted and unlawful seizure of my land for the purposes of a Zoo.

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For destruction of my fence	\$200.00
For destruction of my garage	2500.00
For destruction of my ice-house	1000.00
For destruction of my old log-house	3000.00
For destruction of my apple orchards	8000.00
Repairs to my stone house, barns and small house	1500.00
For rent of my property, seized in the Summer of 1910 and since used as Zoo, at \$50.00 per month for twelve years (12)	7200.00

I furthermore give notice that the City must immediately remove all its belongings from the barn near the stone-house, and if they wish to continue to use my property as a site for a Zoo, they must pay as rental \$50.00 per month for the privilege.

In conclusion I desire to inform the City that the road formerly known as the Wisner Road, has been run through a corner of the Seyerle property and that I own the Seyerle property, having bought it as before stated intending to present it to the Park. It is interesting to note by the maps of the Park that the Commissioner has already included this property in it.

Very respectfully yours,

(Signed)

Henry S. Durand.

