

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, November 2, 1914.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, November 2, 1914, at 7:30 o'clock, in regular session, President John F. Connor in the chair.

Present: The Hon. John F. Connor, President of the Common Council, and eight members, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Lee, Graham and Shea.

Mr. Miller moved that the reading of the journal be dispensed with. Carried.

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., October 27, 1914.

To the President and Members of the Common Council, Indianapolis, Indiana:

GENTLEMEN—I have approved and signed General Ordinance No. 46, 1914, the same being an ordinance entitled "An ordinance transferring \$1,316.43 from Special Appropriation Automobile for Assistant Fire Chief

to Appropriation Repairs of Apparatus, and fixing the time when the same shall take effect.

I return the said ordinance herewith.

Yours very truly,

J. E. BELL,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., October 28, 1914.

To the President and Members of the Common Council:

GENTLEMEN—I return herewith without my approval General Ordinance No. 56, 1914, the same being an ordinance entitled:

“An ordinance to regulate the running of street and interurban cars within the corporate limits of the City of Indianapolis.”

I withhold my approval of this ordinance for the reason that it is clearly illegal and void. The City Charter does not confer upon the Common Council the power to prescribe the qualification of employes of railroads. Even if such power was conferred upon the Council this ordinance would go beyond such limit or authority in that it requires motormen and conductors to serve thirty days' instruction and experience within the corporate limits of the City of Indianapolis. This instruction would be necessary, no matter what experience the person might have had in the employ of street or interurban railroads outside of the city. This ordinance would prohibit the interurban railroads from employing any motormen or conductors who had not received thirty days' "instruction and experience" upon cars that were run within the limits of the City of Indianapolis.

Under the terms of this ordinance the person who gives the instruction must have operated a car for one year in the City of Indianapolis, and the person receiving instruction must have continued such instruction for thirty days in the City of Indianapolis. This requirement of the ordinance could scarcely be complied with by interurban cars, because they are operated but a few minutes within the corporate limits of the city, the greater part of the time being engaged beyond the corporate limits.

The ordinance does not take into consideration the question of the man's fitness for the place. An applicant for a position might have had years of experience as a motorman or conductor in other cities, and yet he would be required to work under some motorman or conductor for the purpose of receiving instruction and experience for a period of thirty days before he could be employed. Other men without experience might be able after operating a car for one or two days be thoroughly qualified to take charge of and operate a car. Yet this ordinance would require them to continue receiving instruction for thirty days before being employed. This condition would make it practically impossible for men out of work to obtain employment with any street railway or interurban company because but few men could be able to give up thirty days of their time without compensation, and would make it practically impossible to find men to operate the cars.

Therefore, for the reason that this ordinance imposes an arbitrary re-

striction in the matter of the employment of men that is entirely beyond the powers conferred upon the Common Council by the City Charter, I return the same to you without my approval.

I hand you also for your consideration in connection herewith the opinion of the Corporation Counsel as to the illegality of this ordinance.

Yours very truly,

J. E. BELL,
Mayor.

DEPARTMENT OF LAW,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., October 27, 1914.

Hon. Joseph E. Bell, Mayor, City Hall, Indianapolis.

DEAR SIR:

GENERAL ORDINANCE NO. 56, 1914.

I have examined General Ordinance No. 56, 1914, being an ordinance to regulate the running of street and interurban railway cars within the corporate limits of the City of Indianapolis.

I am of opinion that the Common Council had no authority to pass this ordinance. If it had any such authority, it must be found in the city charter. The nearest approach to authority granted for such a purpose is found in the forty-ninth subdivision of Section 53 of the charter. In that subdivision the Council is authorized "To secure the safety of citizens and other persons in the running of trains or cars in and through any such city, whether propelled by steam, electricity or other motive power."

If the Legislature had intended to give the Council the right to prescribe the qualifications of employees of street railway companies, it would have more clearly expressed its intention when it had the subject under consideration.

If the clause of the charter which I have quoted would authorize the Common Council to prescribe the qualifications of a motorman or conductor, as has been attempted in this ordinance, it would also authorize them to prescribe the manner of the construction of the cars and the qualifications of workmen engaged in such construction, and also the qualifications of linemen and trackmen, who, in the construction of tracks and trolley-lines, might interfere with the safety of "citizens and other persons." It would also authorize the Common Council to prescribe the qualifications of persons engaged in the repair-shops of the company and in the inspection of cars and motors used thereon. It cannot reasonably be said that the Legislature ever intended to give the Common Council of the city any such regulatory power over the affairs of street railway companies.

I am of opinion further that the ordinance is void because it is unreasonable, even though the Council had the power to adopt it. The ordinance does not relate solely to the qualifications of a motorman and conductor and prescribe what the qualifications shall be, but it attempts to require that he shall receive his education for his duties within the City of Indianapolis alone. It would not matter how long and thorough a training a motorman or conductor might have had in exactly the same character of work as is required in Indianapolis, he could not be employed here until he had been trained for thirty days in this city, whereas the only training he would need to fit him for his duties here would be an

acquaintance with the street on which he was operating his car, and which training could be acquired in twenty-four hours' time. It would not matter, therefore, how badly the street railway company might need a motor-man or conductor, or how well equipped or trained a man might offer himself for the place, it could not employ him until after he had been trained in Indianapolis for a period of thirty days, regardless of how much he might be needed to operate the cars for the accommodation of the citizens of Indianapolis.

Yours truly,
WM. A. PICKENS,
Corporation Counsel.

By Mr. Lee.

INDIANAPOLIS, IND., November 2, 1914.

To the Common Council:

I move that General Ordinance No. 56, 1914, be passed over the Mayor's veto.

(Signed) THOS. LEE.

The roll was called and General Ordinance No. 56, 1914, was passed over the Mayor's veto by the following vote:

Ayes, 7, viz.: Messrs. Barry, Young, McGuff, Porter, Lee, Graham and President John F. Connor.

Noes, 2, viz.: Messrs. Miller and Shea.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

INDIANAPOLIS, IND., November 2, 1914.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

GENTLEMEN—We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 34, 1914, entitled "An ordinance appropriating \$6,600 to the Water Fund and \$2,000 to the Blank Book, Printing and Advertising Fund of the Department of Public Works, and fixing a time when the same shall take effect," beg leave to report that we have

had said ordinance under consideration, and recommend that the same be passed.

Respectfully submitted,
EDWARD P. BARRY,
EDWARD R. MILLER,
A. D. PORTER,
THOMAS C. LEE,
ED MCGUFF.

Mr. Barry moved that the report of the committee be concurred in. Carried.

From the Committee on Public Safety:

INDIANAPOLIS, IND., November 2, 1914.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

GENTLEMEN—We, your committee on Public Safety, to whom was referred General Ordinance No. 61, 1914, entitled "An ordinance amending clause B of Section 5 of an ordinance entitled 'Regulation of Street Traffic in the City of Indianapolis,' and repealing all ordinances in conflict therewith, being General Ordinance No. 30, 1914, approved Monday, July 1, 1914," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

THOS. C. LEE,
ED MCGUFF,
E. R. MILLER,
W. T. YOUNG.

Mr. Lee moved that the report of the committee be concurred in. Carried.

From the Committee on City's Welfare:

INDIANAPOLIS, IND., November 2, 1914.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

GENTLEMEN—We, your Committee on City's Welfare, to whom was referred Special Ordinance No. 7, 1914, entitled "An ordinance to change the name of the street now known as Holton Place, between Boulevard Place and Central Canal, to Seventeenth Street," beg leave to report that

we have had said ordinance under consideration, and recommend that the same be passed.

W. T. YOUNG,
A. D. PORTER,
MICHAEL J. SHEA,
ED MCGUFF,
E. R. MILLER,

Mr. Young moved that the report of the committee be concurred in. Carried.

From the Committee on City's Welfare:

INDIANAPOLIS, IND., November 2, 1914.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

GENTLEMEN—We, your Committee on City's Welfare, to whom was referred Special Ordinance No. 8, 1914, entitled "An ordinance to change the name of the first street north of Sixteenth Street, running from Boulevard Place westward to its terminus east of Fall Creek, to Sixteenth Place," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

W. T. YOUNG,
A. D. PORTER,
MICHAEL J. SHEA,
ED MCGUFF,
E. R. MILLER,

Mr. Young moved that the report of the committee be concurred in. Carried.

MISCELLANEOUS BUSINESS.

By Mr. McGuff.

Resolution No. 9, 1914.

WHEREAS, Serious accidents occur on the streets of the City of Indianapolis almost every day; and,

WHEREAS, Said accidents in most cases may be avoided by proper care being exercised on the part of the public; and,

WHEREAS, The moving picture shows of this city are in a position by reason of the public nature of their business, to educate and warn the public against them by showing scenes of accidents that have or may occur; now, therefore, be it

RESOLVED, By the Common Council of the City of Indianapolis, that, in the opinion of this body, the moving picture shows of this city should run a reel once each afternoon and evening showing various kinds of accidents that have or may occur on the streets of the city, and that special attention be given to educating children to use greater care to avoid accidents on the streets.

(Signed) ED MCGUFF.

Mr. McGuff moved that the rules be suspended and Resolution No. 9, 1914, be adopted.

The roll was called and the motion to suspend the rules was carried by the following vote:

Ayes, 9, viz.: Messrs. Barry, Young, Miller, McGuff, Porter, Lee, Graham, Shea and President John F. Connor.

Mr. McGuff moved that Resolution No. 9, 1914, be adopted.

Resolution No. 9, 1914, was adopted by the following vote:

Ayes, 9, viz.: Messrs. Barry, Young, Miller, McGuff, Porter, Lee, Graham, Shea and President John F. Connor.

ORDINANCES ON SECOND READING.

Mr. Barry called for Appropriation Ordinance No. 34, 1914, for second reading. It was read a second time.

Mr. Barry moved that Appropriation Ordinance No. 34, 1914, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 34, 1914, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Barry, Young, Miller, McGuff, Porter, Lee, Graham, Shea and President John F. Connor.

Mr. Lee called for General Ordinance No. 61, 1914, for second reading. It was read a second time.

Mr. Lee moved that General Ordinance No. 61, 1914, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 61, 1914, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Lee, Graham and President John F. Connor.

Noes, 1, viz.: Mr. Shea.

Mr. Young called for Special Ordinance No. 8, 1914, for second reading. It was read a second time.

Mr. Young moved that Special Ordinance No. 8, 1914, be ordered engrossed, read a third time and placed upon its passage. Carried.

Special Ordinance No. 8, 1914, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Barry, Young, Miller, McGuff, Porter, Lee, Graham, Shea and President John F. Connor.

Mr. Young called for Special Ordinance No. 7, 1914, for second reading. It was read a second time.

Mr. Young moved that Special Ordinance No. 7, 1914, be ordered engrossed, read a third time and placed upon its passage. Carried.

Special Ordinance No. 7, 1914, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Barry, Young, Miller, McGuff, Porter, Lee, Graham, Shea and President John F. Connor.

On motion of Mr. Porter, the Common Council, at 8:25 o'clock P. M., adjourned.

John F. Connor
.....
President.

ATTEST:

Thomas A. Rely
.....
City Clerk.

