

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.
MONDAY, January 16, 1905.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, January 16, 1905, at 7:45 o'clock, in regular session, President James H. Billingsley in the chair.

The Clerk called the roll:

Present: The Hon. James H. Billingsley, President of the Common Council, and 19 members, viz: Messrs. Cottey, Crall, Davis, Eppert, Fishback, Gasper, Hofmann, Krause, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wahl, Wolsiffer, Wright.

Absent, 1, viz.: Mr. Cooper.

Mr. Moriarity moved that the reading of the Journal be dispensed with. Carried.

COMMUNICATIONS FROM THE MAYOR.

INDIANAPOLIS, IND., January 16, 1905.

To the President and Members of the Common Council:

Gentlemen: I desire to call your attention to Appropriation Ordinance No. 30, 1904, introduced in your body November 21, 1904, and referred to the Committee on Finance. Since the introduction of such ordinance another life has been lost at a railway crossing and as we all know such crossings are a constant menace to life and limb. Everyone must recognize the importance of the elimination of these dangers and that a beginning must be made sometime and somewhere.

I deem it my duty to urge immediate passage of this ordinance in order that a contract may be made with the railroads for the elimination of the dangerous grade crossing at Massachusetts avenue and that work thereon may be commenced at once.

Respectfully,

JOHN W. HOLTZMAN,
Mayor.

Which was read.

INDIANAPOLIS, IND., December 22, 1904.

To the Honorable, the President and Members of the Common Council:
Gentlemen: I herewith return to you with my signature and approval General Ordinance No. 62, 1904, and Appropriation Ordinance No. 32, 1904.

Respectfully,
JOHN W. HOLTZMAN,
Mayor.

Which was read.

INDIANAPOLIS, IND., January 10, 1905.

To the Honorable, the President and Members of the Common Council:
Gentlemen: I herewith return to you with my signature and approval General Ordinance No. 88, 1904; General Ordinance No. 89, 1904; General Ordinance No. 90, 1904, and General Ordinance No. 91, 1904.

Respectfully,
JOHN W. HOLTZMAN,
Mayor.

Which was read.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Mr. Rhodes:

General Ordinance No. 2—1905: An ordinance requiring the various railroad companies whose tracks cross at East Washington street, at West Washington street west of White River, at Indiana avenue and Michigan street, at Kentucky avenue and Missouri street, at West street, at South street, at Noble street, at Cruse street, at Leota street, at Southeastern avenue and Oriental street, at State avenue, at Shelby street, at English avenue, State avenue and Fletcher avenue, at Sixteenth street, at Nineteenth street, at Martindale avenue, at Palmer street, at Shelby street south of Pleasant Run, at South East street, at South Meridian street, in the City of Indianapolis, to erect and maintain safety gates at each of said crossings, and requiring the various railroad companies whose tracks cross Thirtieth street in North Indianapolis, at St. Clair street, at North street, at Harding street in the City of Indianapolis, to place flagman at each of said crossings, as hereinafter specified for the protection of the public.

Be it ordained by the Common Council of the City of Indianapolis:

Section 1. That the Indianapolis Union Railway Company, the Cleveland, Cincinnati, Chicago and St. Louis Railway Company, and the Lake Erie and Western Railway Company be and they are hereby required to erect and maintain safety gates where their tracks cross East Washington street and Noble street, at the intersection of said streets in the City of Indianapolis. The plans for the erection of said gates shall be submitted to the City Engineer for his approval within twenty days after the taking effect of this ordinance, and when approved, said gates shall be erected within one hundred days from the date of the approval. Said gates shall be operated during the day and night, and all days of the week including Sunday.

Sec. 2. That the Lake Erie and Western Railroad Company and the Chicago, Indianapolis and Louisville Railroad Company, be and they are hereby required to erect and maintain safety gates on each side of

the tracks where the same cross at Sixteenth street, and at Nineteenth street in the city of Indianapolis, within one hundred days from the taking effect of this ordinance. Said gates shall be operated between the hours of six thirty (6:30) A. M. and six thirty (6:30) P. M., each day except Sunday.

Sec. 3. That the Pittsburgh, Cincinnati, Chicago and St. Louis Railroad Company, and the Cincinnati, Hamilton and Dayton Railroad Company, be and they are hereby required to erect and maintain safety gates on each side of the tracks where the same cross at Noble street, at Cruse street, at Leota street, Southeastern avenue and Oriental street, and at State avenue in the City of Indianapolis within one hundred days from the taking effect of this ordinance; said gates shall be operated between the hours of six thirty (6:30) A. M. and six thirty (6:30) P. M. each day except Sunday.

Sec. 4. That the Cleveland, Cincinnati, Chicago and St. Louis Railway Company, be and it is hereby required to erect and maintain safety gates on each side of the tracks where the same cross at Shelby street, and at State, English and Fletcher avenues, in the City of Indianapolis, within one hundred days from the taking effect of this ordinance. Said gates shall be operated between the hours of six thirty (6:30) A. M. and six thirty (6:30) P. M. each day except Sunday.

Sec. 5. That the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, and the Indianapolis Union Railway Company, be and they are hereby required to erect and maintain safety gates on each side of the tracks where the same cross at South street in the City of Indianapolis, within one hundred days from the taking effect of this ordinance. Said gates shall be operated between the hours of six thirty (6:30) A. M. and eleven (11:00) P. M. each day except Sunday.

Sec. 6. That the Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company, be and it is hereby required to erect and maintain safety gates on each side of the tracks where the same cross at Palmer street in the City of Indianapolis, within one hundred days from the taking effect of this ordinance. Said gates shall be operated between the hours of six thirty (6:30) A. M. and six thirty (6:30) P. M. each day except Sunday.

Sec. 7. That the Vandalia Railroad Company, the Cleveland, Cincinnati, Chicago and St. Louis Railway Company, the Peoria and Eastern Railway Company, and the Cincinnati, Hamilton and Dayton Railroad Company, be and they are hereby required to erect and maintain safety gates on each side of the tracks where the same cross Kentucky avenue and Missouri street, at the intersection of said avenue and said street in the City of Indianapolis, within one hundred and twenty days from the taking effect of this ordinance. Said gates shall be operated at all hours of the day and night, each day, including Sundays.

Sec. 8. That the Vandalia Railroad Company, the Cleveland, Cincinnati, Chicago and St. Louis Railway Company, the Peoria and Eastern Railroad Company, and the Cincinnati, Hamilton and Dayton Railroad Company, be and they are hereby required to erect and maintain safety gates on each side of the tracks where the same cross West street (in the vicinity of the intersection of West street and Louisiana street projected West), in the City of Indianapolis, within one hundred and twenty days from the taking effect of this ordinance. Said gates shall be operated between the hours of six thirty (6:30) A. M. and six thirty (6:30) P. M. each day except Sunday.

Sec. 9. That the Cleveland, Cincinnati, Chicago and St. Louis Railway Company, be and it is hereby required to place a flagman at its tracks where the same cross Harding street in the City of Indianapolis, within thirty days from the taking effect of this ordinance; said flagman shall be on duty between the hours of six thirty (6:30) A. M. and six thirty (6:30) P. M.

Sec. 10. That the Peoria and Eastern Railway Company, and the Cincinnati, Hamilton and Dayton Railway Company, be and they are hereby required to erect and maintain safety gates on each side of the tracks where the same cross at West Washington street and Harding street, in the City of Indianapolis, within one hundred and twenty days from the taking effect of this ordinance. Said gates shall be operated between the hours of six thirty (6:30) A. M. and nine (9:00) P. M. each day except Sunday.

Sec. 11. That the Cleveland, Cincinnati, Chicago & St. Louis Railway Company, be and it is hereby required to erect and maintain safety gates on each side of the tracks where the same cross at Indiana avenue and West Michigan street in the City of Indianapolis, within one hundred and twenty days from the taking effect of this ordinance. Said gates shall be operated between the hours of six thirty (6:30) A. M. and nine (9:00) P. M. each day except Sunday.

That said Company be and it is hereby required to place a flagman at North street and a flagman at St. Clair street, in the City of Indianapolis, at the crossing of its tracks over said streets within thirty days from the taking effect of this ordinance; said flagman shall be on duty between the hours of six thirty (6:30) A. M. and six thirty (6:30) P. M.

That the said Company be and it is hereby required to place a flagman at Thirtieth (30th) street, in the City of Indianapolis, where its main track crosses said street; said flagman shall be placed on said crossing during the months of May, June, July, August, September and October each year, and said flagman during said months shall be on duty between the hours of eleven (11:00) A. M. and eleven (11:00) P. M. each day including Sunday.

Sec. 12. That the Indianapolis Union Railway Company, be and it is hereby required to erect and maintain safety gates on each side of the tracks where the same cross at South Meridian street, and at South East street, in the City of Indianapolis, within one hundred and twenty days from the taking effect of this ordinance. Said gates shall be operated between the hours of six thirty (6:30) A. M. and nine (9:00) P. M. each day including Sunday.

That said Company, be and it is hereby required to erect and maintain safety gates on each side of the tracks where the same cross at Shelby street, in the City of Indianapolis, within one hundred and twenty days from the taking effect of this ordinance. Said gates shall be operated between the hours of six (6:00) A. M. and eleven (11:00) P. M. each day including Sunday.

That said Company be and it is hereby required to erect and maintain safety gates on each side of the tracks where the same cross at Martindale avenue, in the City of Indianapolis, within one hundred days from the taking effect of this ordinance. Said gates shall be operated between the hours of six thirty (6:30) A. M. and six thirty (6:30) P. M. each day except Sunday.

Sec. 13. Each and every one of said Companies above named failing to erect and maintain safety gates or towers, or to place flagmen as and within the times as above provided, shall be fined the sum of five (\$5.00) dollars on complaint of any citizen of said city filed before the Mayor, and every day said crossings are allowed to remain unprotected and without said gates properly erected and maintained after the expiration of the times as specified above, shall be deemed a separate offense as to each of said companies required to erect said gates and towers or to place flagmen at the particular crossing about which said complaint is made.

Sec. 14. It shall be the duty of the Board of Public Works to serve personal notice of the passage of this ordinance on some officer or agent

of each of said railroad companies named above as soon as possible, and make return of said service to the City Clerk; but failure to so serve said notice shall not be construed to release said companies from the express provisions hereof, when the same has been published as required by law.

Sec. 15. "And it is hereby further ordained that said railroad companies be required to erect, maintain and operate a watchman's tower, except at Martindale avenue, in conjunction with such safety gates, at each of said crossings, in which a watchman shall be stationed continuously during the hours said gates are to be operated under this ordinance; and such safety gates and tower shall be so constructed that said gates shall be operated from said tower and so that such watchman may have a free and unobstructed view of trains and locomotives approaching such crossing."

Sec. 16. This ordinance shall take effect and be in force from and after its passage and publication one day each week for two consecutive weeks in the Indianapolis Sentinel.

Which was read a first time and referred to Committee on Public Safety and Comfort.

MISCELLANEOUS BUSINESS.

Mr. Krause, in asking for a report from the Committee on Finance on Appropriation Ordinance No. 30, 1904, moved to refer back to that order of business.

Mr. Gasper called for the ayes and noes.

The Clerk called the roll:

Ayes, 8, viz.: Messrs. Cottey, Fishback, Krause, Shea, Sullivan, Wahl, Wright and President James H. Billingsley.

Noes, 12, viz.: Messrs. Crall, Davis, Eppert, Gasper, Hofmann, Linus, Moriarity, Murray, Rhodes, Storm, Uhl, Wolsiffer.

The Chair declared the motion lost.

Mr. Shea called for report from the Judiciary Committee on General Ordinance No. 31, 1904.

Mr. Cottey, chairman of the Committee on Judiciary, stated that the ordinance was now in the hands of the City Attorney for his opinion, and that the committee would report immediately upon receipt of same.

On motion of Mr. Moriarity the Common Council, at 7:55 o'clock, P. M., adjourned.

J. H. Dillingsley

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President.

ATTEST:

W. M. Fogarty.

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City Clerk.

