

REGULAR MEETING

Monday, February 20, 1928

The Common Council of the City of Indianapolis met in the Council Chamber, Monday, February 20, at 7:30 p. m., President Otis E. Bartholomew in the chair.

The Clerk called the roll.

Present: Otis E. Bartholomew, President, and seven members, viz: W. R. Dorsett, M. W. Ferguson, B. J. Moore, Claude E. Negley, Edward B. Raub, Robert E. Springsteen, Dr. A. H. Todd.

Absent: O. Ray Albertson.

On motion of Mr. Ferguson, seconded by Mr. Dorsett, the reading the minutes was dispensed with.

COMMUNICATIONS FROM THE MAYOR

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

February 17, 1928.

Gentlemen—I have this day approved with my signature and delivered to William A. Boyce, Jr., City Clerk, General Ordinance 2, 1928, entitled:

“An Ordinance, appropriating and transferring to the City Civil Engineer Gasoline Fund, Special, the sum of Twenty-five Thousand Seven Hundred Thirty-four Dollars (\$25,734.22) and Twenty-two Cents out of the gasoline tax fund now unappropriated, for the repair and maintenance of the streets and public thoroughfares of the City of Indianapolis, Indiana, and fixing a time when the same shall take effect.”

Very truly yours,

L. ERT. SLACK,

Mayor.

February 6, 1928.

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

Gentlemen—The Statutes of the State of Indiana respecting the duties of the Mayor of this city require that at least once each year the Mayor submit a financial report to the Common Council and I have the honor to herewith respectfully submit in accordance with this Statute and law a financial statement of the General Fund of the City of Indianapolis for the year 1927, ending December 31, 1927, which statement is herewith enclosed.

I wish to further communicate to your honorable body that the Office of City Controller is now engaged in making a complete and fully itemized report of all funds and financial transactions of the year 1927, which is more voluminous than this report and will be submitted to your body later in accordance with the Statutes.

Respectfully,

L. ERT. SLACK,

Mayor.

TABLE NO. 1

GENERAL FUND

Cash Bal. in Gen.		
Fund, Jan. 1, 1927	\$ 13,857.18	
Cash Bal. in Gasoline		
Tax Fund, Jan. 1, '27	76,156.74	
Total Bal., Jan. 1, 1927		\$ 90,013.92
Received from Taxes	3,606,785.14	
Received from Temporary Loans	1,400,027.00	
Receiver from Miscellaneous Sources	425,006.64	5,431,818.78
Received from State Gasoline Tax Fund	133,660.78	133,660.78
		<hr/>
		\$5,655,493.48
Expenditures—		
General Fund	4,005,051.32	
Payment Temporary Loans	1,400,000.00	

Expenditures out of Gasoline Tax Fund	167,926.75	
		5,572,978.07
Bal., Jan. 1, 1928— General Fund	40,624.64	
Bal., Jan. 1, 1928 Gasoline Tax Fund	41,890.77	82,515.41

BOND PROCEEDS ACCOUNT

Cash Balance, Jan. 1, 1927		\$313,805.86
Receipts from Sale of Bonds, Assess- ments and other Sources	\$542,055.70	542,055.70
Total to be Accounted for		855,861.56
Expenditures		787,277.13
Balance Bond Proceeds, Jan. 1, 1928		\$ 68,564.43

February 20, 1928.

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

Gentlemen—I have the honor of submitting herewith to your honorable body the 37th Annual Report of the Department of Finance, City of Indianapolis, for the fiscal year ending December 31, 1927, Sterling R. Holt, City Controller.

Respectfully,

L. ERT. SLACK,

Mayor.

Mr. Raub made a motion that the report of the Department of Finance not be printed in the Council Proceedings, since the Department prepares 500 copies or distribution. The motion was seconded by Mr. Moore, and adopted.

COMMUNICATIONS FROM CITY OFFICIALS

January 31, 1928.

To the Honorable L. Ert. Slack, Mayor, and the Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—I present herewith our report of the audit of the Cornelia Cole Fairbanks Memorial Fund for the calendar year, 1927. Said audit was made on January 25th, 1928, at a meeting with Messrs. Hilton U. Brown, Fred Hoke, Wallace O. Reid, Elmer Stout, and A. B. Good, present. Mr. Good was deputized to act in my place as it was impossible for me to attend.

This fund has its beginning under the will of the late Charles Warren Fairbanks, who left to the City of Indianapolis, Fifty Thousand Dollars (\$50,000) as a memorial to his wife, Cornelia Cole Fairbanks. (See record of Probate Court, of Marion County, Indiana, June 19th, 1918. Will record page 509.) The terms of the bequest, as set out in his will, were accepted in an ordinance of the Common Council of the City of Indianapolis, as recorded in the Journal of the Council for 1920, page 274; and also authorized by the General Assembly of the State of Indiana, March 14th, 1919, page 610, of the Acts of 1919.

The will required that the bequest shall be securely invested at compound interest for a period of five hundred (500) years, interest and income to accumulate for periods of fifty years, with the right to the City of Indianapolis to use, at the end of fifty years, the increase of principal, for the promotion of intellectual, moral, and physical well being of the worthy poor, for the benefit of labor, art, science and public charity, for parks and playgrounds for the use of the public.

The Board has invested the funds of the Memorial in United States Liberty Bonds, and the same are kept in a safety box at the Indiana National Bank, accessible only to two or more members of the Board.

The fund has grown from Fifty Thousand (\$50,000) to Sixty-five Thousand Five Hundred Fifty Dollars (\$65,550), par value in bonds (of which \$61,600 are registered, \$3,950 unregistered bonds, and \$44.87 cash in the bank).

The trustees and officers serve without pay. No expense of administration has been incurred during the year and the transac-

tions relate to collections of interest due on investments and to the purchase of additional securities therewith.

The financial statement of the Memorial Fund is included herewith.

Respectfully submitted,
STERLING R. HOLT,
City Controller.

FINANCIAL STATEMENT OF THE
CORNELIA COLE FAIRBANKS MEMORIAL FUND

(For the year ending December 31, 1927)

Receipts—1927.

Balance in bank January 1, 1927 -----		\$ 325.10
April 15, interest coupons cashed -----	\$ 246.62	
April 15, interest on registered bonds-----	1,062.50	
October 15, interest on registered bonds ----	1,309.00	
November 30, interest coupons cashed -----	72.24	
November 30, received for 1100 2nd 4½ U. S. Bonds. (The second Liberties called in.)	1,100.00	
	<hr/>	
	\$3,790.16	
		\$3,790.16
		<hr/>
		\$4,115.26

Expenditures—1927.

March 4, paid by check for safety box -----	\$ 5.00	
April 22,, for 1100 4th 4¼ U. S. Lib. Bonds --	1,146.29	
(91 cents interest included.)		
October 15, for 1700 4th 4¼ U. S. Lib. Bonds at 104.00 with interest 60 cents -----	1,768.60	
November 30, for 11 4th 4¼ U. S. Lib. Bonds at 104.06 plus interest \$5.84 -----	1,150.50	
	<hr/>	
	\$4,070.39	
		\$4,070.39
		<hr/>
Balance in bank, December 31, 1927 -----		\$ 44.87

STATEMENT OF ASSETS, DEC. 31, 1926

	Par val.	Total pd. in including accrued int.	Market val. Jan. 12, '28 at 103.86
1922			
Jan. 4, U. S. Registered			
Bonds (5) \$10,000	\$50,000.00	\$48,812.23	\$51,930.00
June 16, \$1,000 4th 4¼			
(1) \$1,000	1,000.00	1,099.35	1,038.60
June 19, \$1,250 4th 4¼			
(1) \$1,250	1,250.00	1,264.07	1,298.25
1923.			
Jan. 15, \$1,100 4th 4¼	1,100.00	1,098.50	1,142.46
April 20, \$1,000 4th 4¼	1,000.00	980.24	1,038.60
October 18, \$1,000 4th 4¼	1,000.00	978.45	1,038.60
1924.			
April 16, \$1,000 4th 4¼	1,000.00	1,001.42	1,038.60
October 17, 1,100 2nds exchanged. See below.			
1925.			
Jan. 7, \$600 4th 4¼	600.00	617.21	623.16
April 16, \$1,100 4th 4¼	1,100.00	1,124.33	1,142.46
Oct. 19, \$1,200 4th 4¼	1,200.00	1,229.12	1,246.32
1926.			
April 20, \$1,400 4th 4¼	1,400.00	1,442.41	1,454.04
Oct. 19, \$1,000 4th 4¼	1,000.00	1,024.69	1,038.60
1927.			
April 22, \$1,100 4th 4¼	1,100.00	1,146.29	1,142.46
Oct. 15, \$1,700 4th 4¼	1,700.00	1,768.60	1,765.62
Nov. 30, \$1,100 4th 4¼			
2nds exchanged	1,100.00	1,150.50	1,142.46
	\$65,550.00	\$64,737.41	\$68,080.23

February 20, 1928.

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

Gentlemen—I have been requested by the Board of Public Safety to submit to you the attached General Ordinance transferring the sum of Four Thousand (\$4,000.00) Dollars from Gamewell Di-

vision Fund No. 38 "General Supplies" and reappropriating same to Gamewell Division Fund No. 72 "Equipment."

I respectfully recommend the passage of this ordinance.

Very truly yours,

STERLING R. HOLT,

City Controller.

February 20, 1928.

S. R. Holt, City Controller, City of Indianapolis, Indiana:

Dear Sir—The Board of Safety respectfully requests you to transmit to the Common Council and recommend the passage of the attached ordinance transferring and reappropriating certain funds in the Gamewell Division under the Department of Public Safety.

Yours very truly,

BOARD OF PUBLIC SAFETY, .

H. E. Robertson,

Executive Secretary.

February 20, 1928.

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

Gentlemen—I have been requested by the Board of Public Works to submit the attached General Ordinance transferring and reappropriating the sum of Fifty (\$50.00) Dollars for Municipal Garage Fund No. 24 "Printing and Advertising" to Municipal Garage Fund No. 36 "Office Supplies" for your consideration.

I respectfully recommend the passage of this ordinance.

Very truly yours,

STERLING R. HOLT,

City Controller.

February 16, 1928.

S. R. Holt, City Controller, City of Indianapolis, Indiana:

Dear Sir—The Board requests that you have prepared an Ordinance for the transfer of Fifty Dollars (\$50.00) from Fund No. 24, "Printing and Advertising," to Fund No. 36, "Office Supplies,"

Municipal Garage, and submit same with your recommendation to the Common Council for consideration.

Yours very truly,
ERNEST F. FRICK,
Secretary, Board of Public Works.

February 20, 1928.

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

Gentlemen—I have this day received from Ira M. Holmes, General Ordinance No. 7, 1928, without his signature having been affixed as Mayor, together with the following letter from him stating his reasons therefor.

This ordinance was given to Mr. Holmes in accordance with the instructions contained in Resolution 2, 1928, which ordinance was duly passed by your body. Mr. Holmes in his letter admits his inability to establish his authority as Mayor, at least to the point where he could feel free to sign an ordinance passed by the Common Council. Since this particular ordinance, calling for a temporary loan for the Board of Health is of considerable importance, in fact of vital importance to the Board of Health, I would have preferred seeing it signed by the claimant for Mayor holding possession of the office, but I am unable to deliver it to Acting-Mayor Slack without violating the letter and spirit of Resolution 2, 1928.

The writer suggests, therefore, that the Common Council, in regular meeting tonight, rescind and void Resolution 2, 1928, and instead, direct the Clerk to recognize as Mayor for the purpose of signing ordinances the claimant for Mayor who has actual possession of the office and who therefore beyond any doubt is Mayor de facto, which will make his acts lawful.

Very truly yours,
WILLIAM A. BOYCE, JR.,
City Clerk.

February 20, 1928.

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

Gentlemen—It is my duty to inform you that a voter of the City of Indianapolis, one Charles Koehring, residing at 614 North East Street, has of this day filed with me a sworn statement charging

L. Ert. Slack, as Mayor; Messrs. Fred W. Connell, Robert F. Miller and Ira P. Haymaker, as Members of the Board of Public Safety; and Claude M. Worley, Chief of Police, all officials of the City of Indianapolis, with malfeasance in office, as per copy of statement attached hereto.

It is presumed that the same was filed in accordance with Section 443 of the 1925 Municipal Code and Section 10285 of Burns Revised Statutes, 1926, copies of which are attached hereto and made a part of these proceedings, for your information and guidance.

Under the law, it is the duty of the President of the City Council to refer any and all charges filed against any city official to a Special or Standing Committee which shall examine into the charges and submit its report to the Council.

Very truly yours,

WILLIAM A. BOYCE, JR.,

City Clerk.

OTHER COMMUNICATIONS

Mr. William A. Boyce, Jr., City Clerk, Indianapolis, Indiana:

Dear Sir—I am returning to you without my signature General Ordinance 7, 1928, submitted to me by you under the direction of the Common Council.

I have advised with bankers and their attorneys concerning this ordinance and have come to the conclusion with them that for me to sign this ordinance while Mr. Slack is acting as de facto Mayor would have the effect of hampering the credit of the City of Indianapolis. This ordinance authorizing a temporary loan for \$125,000, which is badly needed by the Board of Health for its expenses, signed by me as Mayor, under the circumstances, would in effect defeat the purpose for which it was passed. I am returning it to you unsigned, that you may present it, together with this letter, to the Common Council at its regular meeting of this date so that the council may have an opportunity to pass this ordinance without the signature of the Mayor the same as if it had been vetoed. The authority for doing this will be found in Section 10283 Burns' Revised Statutes, 1926, in these words:

“If the mayor fails to discharge his duty by approving or disapproving such ordinance within the time named, such failure shall be deemed a disapproval, and in case of disapproval by the mayor

such ordinance shall not become a law unless at its next regular or special meeting after the time named for the mayor's action, the council shall again pass the same by a two-thirds vote of all the members-elect.

In as much as this money is for legitimate expenses of the Board of Health, I have no desire by any act of mine to hamper this department in its operation, and by taking this attitude I want it understood that I am in no sense relinquishing or disclaiming my title to the mayor's office of the City of Indianapolis, and want to assure the members of the Common Council that I am legally the Mayor of the City of Indianapolis.

Respectfully yours,

IRA M. HOLMES.

STATE OF INDIANA

MARION COUNTY

SS:

Charles Koehring, being duly sworn upon his oath, says:

That he is a resident of the City of Indianapolis, residing at 614 North East Street, Indianapolis, Indiana; that he is engaged in business as a Hardware Merchant at 878 Virginia Avenue, Indianapolis, Indiana; that he is over the age of Twenty-one (21) years and now is and has been for Ten (10) years last past a voter of the City of Indianapolis, Marion County and State of Indiana; that as a legal voter and taxpayer of said City of Indianapolis, he herein prefers charges against L. Ert. Slack, Mayor of the City of Indianapolis, Indiana; Fred W. Connell, Robert F. Miller and Ira P. Haymaker, Members of the Board of Safety of the City of Indianapolis, Indiana, and Claude M. Worley, Chief of the Police Department of the City of Indianapolis, Indiana, for acts relating to malfeasance in office, separately and severally, as such officers of the City of Indianapolis, Indiana, which said acts of malfeasance in office were done and committed by said officers in the City of Indianapolis, Marion County, State of Indiana, which acts and deeds were the unlawful imprisonment of innocent persons thrown into the City Prison on charges of vagrancy without cause or any evidence for the conviction of said persons in any Court of competent jurisdiction, which persons were thrown in the City Prison of Indianapolis, Indiana, and slated by the Turnkey on or about Saturday, January 21, 1928, a copy of which Turnkey slate of said City of Indianapolis, exhibits the following, towit:

No.	Name	Residence	Offense	Bond	Off. Disch'g'd
D 0650	Ed Meyers,	1202 S. Meridian	Vag-Vis.	Eisenhut,	1-23, '28
D 0651	Joe Mardot,	1016 Charles	Vag-Vis.	Eisenhut,	1-23, '28
D 0652	Joe Oates,	Grand Hotel	Vag-Vis.	Eisenhut,	1-23, '28
D 0653	Meyer Stein,	Gaylord Hotel	Vag-Vis.	Eisenhut,	1-23, '28
D 0654	Sam Brown,	1830 Bellef'ntaine	Vag-Vis.	Eisenhut,	1-23, '28
D 0655	Leonard Parry,	1559 Central	Vag-Vis.	Eisenhut,	1-23, '28
D 0656	John Jordan,	242 W. Vermont	Vag-Vis.	Eisenhut,	1-31, '28
D 0657	H'ry Leatherman,	1036 N. Sen.	Vag-Vis.	Eisenhut,	1-31, '28
D 0658	Walter Taylor,	223 W. 21st	Vag-Vis.	Eisenhut,	1-31, '28
D 0659	Jas. Jones,	467 ½ Indiana Ave.	Vag-Vis.	Eisenhut,	1-31, '28
D 0660	Earl Sears		K.G.H'se,	Eis'nhut,	1-31, '28
D 0661	Hamm'd Walker,	2250 Kenw'd	Vag-Vis.	Eisenhut,	1-31, '28
D 0662	Wm. Cringle,	725 Lexington	Vag-Vis.	Eisenhut,	1-31, '28
D 0663	Everett Wilson,	209 N. Noble	Vag-Vis.	Eisenhut,	1-31, '28
D 0664	Paul Ferdinand,	2250 Kenwood	Vag-Vis.	Eisenhut,	1-31, '28
D 0665	Don Markowitz,	Spink Hotel	Vag-Vis.	Eisenhut,	1-31, '28
D 0666	Sidney Seligman,	1635 Central	Vag-Vis.	Eisenhut,	1-31, '28
D 0667	Wm. H. Lewis,	1047 W. 27th	Vag-Vis.	Eisenhut,	1-31, '28

Affiant says that the above facts are true.

[Signed] CHARLES KOEHRING.

Subscribed and sworn to before me this 18th day of February, 1928.

[Signed] CARL D. HILL,

Notary Public.

[SEAL]

My commission expires April 29, 1929.

SECTIONS 443, 444, 445 MUNICIPAL CODE, 1925

Sec. 443. CHARGES FILED WITH CITY CLERK. Any voter of the city may prefer charges against any officer or employe of the city, except a member of the Common Council, relating to malfeasance in office, which charges shall be submitted in writing and filed with the City Clerk. If filed by a member of the Council it shall be signed by the member filing it, in his official capacity, and if filed by any other person shall be verified by oath or affirmation of the complainant. Such charges shall, by the President of the Common Council, be referred to such special or standing committee as the

President shall deem best. Such committee shall examine into the charges, and if a majority of its members report to said Council that there be good grounds for the accusations contained in such charges, such charges shall be submitted to the Council for trial. If such committee report as having found such charges without foundation, no further action shall be had thereon unless the Council shall refuse to accept such report, in which event such charges shall be referred for investigation to another committee which shall be designated by the Council, and if such second committee report that such charges should not be further pursued such charges shall be dismissed. If such second committee after investigation reports in favor of a trial the same proceeding shall be followed as if such report had been made by the committee first investigating such charges.

Sec. 444. SUMMONS. Upon the filing of formal charges by the committee of the Council with the Clerk of the Council, a summons shall be issued by the Clerk to the person accused requiring him to appear before the Council to answer to such accusations on a date therein named, not less than ten days from the date of said summons.

Sec. 445. TRIAL. The charges shall be heard by the Council and evidence shall be taken relating to said charges on behalf of the person making the same and the accused, and the latter shall have the right to appear by counsel or personally, to interrogate witnesses in such manner as he would be permitted to do in a court of law. At the conclusion of the evidence arguments of counsel may be heard at the option of the Council, and action shall be thereupon taken by said Council by vote on each specification of such charges. If two-thirds of the whole number of said Council vote to find the accused guilty of any one or more of the specifications of such charges, the defendant shall be removed from office by such vote, the sentence of removal to take effect within three days after the finding of the Council.

SECTION 10285 BURNS R. S. 1926

19285 (8656) DEPARTMENT INVESTIGATIONS. 54. The Common Council of every city shall have the power to supervise and investigate all departments, officers and employees of the government of such city and to examine into any charge preferred against them or any of them and into the affairs of any corporation, firm or persons in which the city may be interested or with which it may have entered into a contract or may be about to do so. Such Common Council shall have power of access to all records pertaining to

any such investigation and power to compel the attendance of witnesses and the production of books, papers and other evidence at any meeting of the Council or of any committee thereof and, for that purpose, such Council or committee may issue subpoenas and attachments in any case of injury, investigation or impeachment and cause the same to be served and executed in any part of the county where such city is located. If any witness shall refuse to testify as to any fact within his knowledge or to produce any books or papers within his possession or under his control, required to be used as evidence in any such case, the clerk of the body by whose authority such witness was subpoenaed, if so directed by the body or committee holding the investigation, shall forthwith report in writing to the circuit court of such county or the judge thereof in vacation the facts relating to such refusal. And all questions arising upon such refusal and also upon any new evidence not included in such first report, which new evidence may be offered in behalf (of) or against such witness, shall be heard by such court or the judge thereof in vacation. If the court determine that the testimony or evidence required of such witness is competent, relevant and material and evidence required of such witness is competent, relevant to be given or produced by the witness, the court or the judge thereof in vacation shall make an order requiring the witness to testify or to produce books and papers or both. In case of a refusal to comply with such order, the court or the judge thereof in vacation shall have the power to commit the witness or otherwise punish him for contempt as provided by law in case of contempt of court. No witness shall be excused from testifying in any criminal proceedings or any investigation or inquiry before the Common Council, or any committee thereof or before any department or office of the city having the right to conduct the investigation, touching his knowledge of any offense committed against the provisions of this act or of any ordinance passed in pursuance thereof or continued in force by this act; but such testimony shall not be used against such witness in any criminal prosecution. Whenever any written charges have been adopted by the Common Council or by any committee thereof, against any officer, employee or department of the corporation, except members of the Council, such charge shall be heard by the Council under such regulations as may be prescribed by ordinance. Should such charge be sustained, the Common Council shall take action thereon and may remove any officer or employee against whom such charges are sustained, subject to the right of appeal hereinafter provided for; but it shall take a two-thirds vote to impeach or remove an officer or employee, and such vote or order of removal shall become effective after three days, provided that any city official or employee against whom the Common Council has made or voted an order of impeachment or removal may, be (by) a petition

filed within three days thereafter, appeal from such order to the Circuit or Superior Court in the county in which such city is located, which appeal shall be granted on filing cost-bond to the approval of such court or the judge thereof in vacation. While such appeal is pending, said order of impeachment or removal shall be suspended. Upon the filing of such bond, the clerk of such court shall immediately issue notice of such appeal to the city clerk and to all members of the Common Council and thereupon the city clerk shall file in said court a certified copy of said written charges against said officer and the proceedings thereunder including the vote and order of impeachment or removal. Such court, or the judge thereof in vacation, shall, within ten days after the granting of such appeal, rehear the matter of the charges against such officer *denovo* and the finding and judgment of such court in sustaining and overruling such charges shall be final and conclusive upon all parties. In case said charges are sustained upon said appeal, said order of impeachment or removal shall at once be in full force and effect. (As amended, Acts 1909, p. 459).

February 8, 1928.

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

WHEREAS, There exists a most deplorable condition of political affairs in the City of Indianapolis, hampering orderly government and exposing the city to ridicule throughout the nation, a condition that has been greatly aggravated by the recent action of the Common Council, dictated by factional party interest, endeavoring to reverse a former action which resulted in the election of L. Ert. Slack as Mayor, and

WHEREAS, political maneuvering by members of various boards and bodies in the city government has sorely hampered the progress of public works in which the people of Southeastern Indianapolis are vitally concerned—specifically the paving of outer Shelby street, the elevation of the tracks of the Indianapolis Union Railway Company, the paving of a section of Prospect street, the

cleaning of the Garfield park lagoon and other projects which have been inaugurated and postponed for many months, and

WHEREAS, the president of the Common Council of the City of Indianapolis has admitted that the recent effort to unseat Mayor Slack was dictated by a county chairman representing a political machine, and

WHEREAS, the present chaotic condition results from the bartering of favors and from the dictation of officials and city employes by the machine. Therefore, Be It

RESOLVED, that it is the sense of this meeting of the people of Southeastern Indianapolis, that we recognize L. Ert. Slack to be legal and rightful Mayor of the City of Indianapolis, because of his having been duly elected to the office by the present Common Council of th City of Indianapolis, in action that has not been questioned in any court as irregular or illegal, and that we hereby pledge our support to the proposals for the improvement of civic, industrial and moral conditions in the city, as announced recently by the Mayor.

That we further endorse his statement made on several occasions before and since his election to the office of Mayor, to the effect that city government should be divorced from politics in preparation for the establishment of the city manager form of municipal government, so overwhelmingly endorsed by the people.

That, we believe, in order to maintain the confidence of the people in his purpose to disregard political affiliations in the appointment of officials and employes, the Mayor should, in the very near future, institute a non-partisan civil service board to select city employes on a basis of merit.

That, we insist that the present Common Council of the City of Indianapolis, being a purely legislative, so designated by laws and elected by the people, cease to interfere with administrative boards, bodies and officials appointed by the executive head of the city government.

That we condemn an existing condition in which elected officials

ignore their duty to the people to whom they are rightfully responsible, and pledge their allegiance to a party machine.

E. E. Heller.
 John F. WHITE.
 F. W. WALDKOETTER.
 BERT S. GADD.
 ROBERT R. SLOAN.
 FRANK L. MOORE.
 OSCAR W. STOEHR.
 HENRY F. KOTTKAMP.
 JOHN E. GRAY.
 L. A. MILLER.
 D. V. GRIFFITH.
 J. E. BRITTENBACH.
 L. C. BRANDT.
 C. C. MILLER.
 J. B. DOWNEY.
 M. D. CUMMINS.
 N. T. CRANE.

Indianapolis, Ind., February 1, 1928.

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

Gentlemen—I read in the papers of your action in declaring the election of Mayor Slack void. This meets with my hearty approval, provided the next Mayor is required to have his subordinates observe the laws, which Mayor Slack has permitted to be so ruthlessly violated.

If, or when impeachment proceedings would be in order, I ask you to consider the following facts as good grounds for the impeachment of Mayor Slack.

Within the last year the police have made more than 15,000 “Not Guilty” arrests, and during Mayor Slack’s term of office the proportion of these arrests has been increased.

The law permits Police Officers to make arrests only when supplied with warrants, or when misdemeanors are committed in their presence, or when they know a felony has been committed, and the

officer has reasonable grounds to believe the prisoner committed it. The great proportion of these "Not Guilty" arrests are made in violation to this law. Large numbers of people are arrested without a pretext of evidence, and the law requiring warrants for arresting people or searching property is often willfully violated.

The exceedingly large numbers of these "Not Guilty" arrests (they out-number the "Guilty" 2 to 1), and the lawlessness of the Police attending them, make the Police Department the most lawless organization in the State. It is safe to say that in no other place in the civilized world is such brutality and lawlessness practiced by the Police, and if these facts were properly reported to our citizens, they would not permit this state of affairs.

Mayor Slack, being a lawyer as well as Mayor, knows the seriousness of making deliberate arrests of innocent people. He knows, judging from the verdicts for large sums of money, how serious the Courts view this matter. If we take into consideration the large sums of money these innocent people pay for bonds, lawyers, loss of time, loss of positions, and the money courts would allow them if they sued these Police Officers, and to which they would be justly entitled, they would amount to much more than all the thieves, robbers, burglars, hold-ups, embezzelers, and other criminals could accumulate in an equal length of time.

Mayor Slack, being a lawyer as well as Mayor, knows that the arresting officers must in all cases make affidavits charging the prisoners with the offense for which they were arrested. It is to be presumed that at the prisoner's trial the Officer would testify that the prisoner was guilty of the offense for which he was arrested. It is easy to see to what gross immorality this leads. In no other place is perjury so prevalent, as in the Indianapolis Police Department. The subordinate officers get their orders from the Chief, and when he requires them to make affidavits to statements wholly and deliberately false, he is guilty of subornation of perjury.

Mayor Slack knows that when he orders or permits these arrests of innocent people, he makes the Police Officers liable for heavy damages. The law not only provides for actual damages for false arrest, but in view of the seriousness of this offense, also provides "exemplary" damages. There are now a number of damage suits pending in the Marion County Courts against Police Officers for making unjustifiable arrests, asking amounts from \$2,000.00 to \$10,000.00.

Mayor Slack knows that for actual offenses the law says: "Excessive bail shall not be required." He should know that in recent

months, bail in amounts of \$1,000.00, \$2,000.00, \$5,000.00 and \$10,000 have been required of people who have been guilty of no offense.

Mayor Slack should know that always when these matters are tried in the Superior Courts, the action of the Police is condemned most severely. In a case not so long ago, the Judge granted an injunction, preventing the Police arresting as vagrants certain men, and said that instead of the men being held as vagrants, the Police should be put under bonds and punished.

The Chief of Police of Cincinnati says, with just pride: "No innocent person is ever intentionally arrested in Cincinnati. No person is ever arrested for vagrancy. No person is ever held by the Police for examination or is ever held as a witness. Every person arrested is tried in court. Ninety-nine per cent. of those arrested are convicted."

In contrast note the words of Mayor Slack, when his Board of Safety and the Chief of Police deliberately arranged to arrest large numbers of people without warrants for the arrest of these people, or warrants for searching the houses they planned to search; a wholly unlawful proceeding: "This is harmonious with administration policies." As a result of this pre-arranged administration program, the City Prison was filled to overflowing, more than 300 people were arrested, wholly without any evidence of any kind against them. Adding insult to injury, they are branded as gamblers, vagrants, etc.

All these violations are deliberate defiance of all court decisions and especially so in the case of Mayor Slack, who was subpoenaed to appear before the last previous Grand Jury to testify to these violations.

Who that is familiar with City affairs does not believe that Chief of Police Worley, who it is reported, holds his position by virtue of a pre-election compact between ex-Mayor Duvall and D. C. Stephenson, can have only a sinister purpose in making the many unlawful arrests of which he is guilty. These are the methods that have been used to compel contributions to secure freedom from Police interference.

I respectfully submit these facts for your consideration, and urge them as good and sufficient grounds for the impeachment of Mayor Slack.

Yours respectfully,
CHARLES KOEHRING.

Mr. Bartholomew appointed the following Special Committee to consider the charges: Mr. Ferguson, Chairman; Mr. Dorsett, Mr. Moore, Mr. Springsteen, Mr. Raub, Dr. Todd, Mr. Negley.

On motion of Mr. Dorsett, seconded by Dr. Todd, the Council recessed at 7:42 p. m.

The Council reconvened from its recess at 8:45 p. m., with the same members present as before.

REPORTS FROM STANDING COMMITTEES

Indianapolis, Ind., February 20, 1928.

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. 10, 1928, entitled "Amend Building Code—Elevators," beg leave to report that we have said ordinance under consideration, and recommend that the same be passed.

M. W. FERGUSON, Chairman.
BOYNTON J. MOORE.
E. B. RAUB.
WALTER R. DORSETT,
AUSTIN H. TODD.
ROBT. E. SPRINGSTEEN.

Indianapolis, Ind., February 20, 1928.

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

Gentlemen—We, your Committee on Public Works, to whom was referred General Ordinance No. 9, 1928, entitled "Amend Municipal Code 2—Sewer Bonds," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

WALTER R. DORSETT, Chairman.
ROBT. E. SPRINGSTEEN.
M. W. FERGUSON.
BOYNTON J. MOORE.

Indianapolis, Ind., February 20, 1928.

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

Gentlemen—We, your Committee on Public Works, to whom was referred General Ordinance No. 4, 1928, entitled “Amend Sec. A, 703 Building Code 2,” beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

WALTER R. DORSETT, Chairman.

BOYNTON J. MOORE.

C. E. NEGLEY.

ROBT. E. SPRINGSTEEN.

M. W. FERGUSON.

Indianapolis, Ind., February 20, 1928.

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

Gentlemen—We, your Committee on Public Works, to whom was referred General Ordinance No. 3, 1928, entitled “Amend Sec. A, 929 Building Code 2,” beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

WALTER R. DORSETT, Chairman.

ROBT. E. SPRINGSTEEN.

C. E. NEGLEY.

C. E. NEGLEY.

M. W. FERGUSON.

Indianapolis, Ind., February 20, 1928.

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 General Ordinance No. 8, 1928, entitled “Transfer Board Safety No. 21,” beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

BOYNTON J. MOORE, Chairman.

E. B. RAUB.

BOYNTON J. MOORE.

A. H. TODD.

WALTER R. DORSETT.

Indianapolis, Ind., February 20, 1928.

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

Gentlemen—We, your Special Committee, to whom was referred Resolution No. 3, 1928, beg leave to report that we have had said under consideration, and recommend that the same be not passed.

WALTER R. DORSETT.

C. E. NEGLEY.

AUSTIN H. TODD.

Indianapolis, Ind., February 20, 1928.

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

Gentlemen—We, your Special Committee, to who was referred Resolution No. 3, 1928, beg leave to report that we have had said resolution under consideration, and recommend that the same be withdrawn.

M. W. FERGUSON, Chairman.

ROBT. E. SPRINGSTEEN.

BOYNTON J. MOORE.

EDWARD B. RAUB.

INTRODUCTION GENERAL AND SPECIAL ORDINANCES

By City Comptroller:

GENERAL ORDINANCE NO. 12, 1928

AN ORDINANCE, transferring and reappropriating certain funds under the Department of Public Safety and declaring a time when same shall take effect.

Be It Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That there be and is hereby transferred from the Gamewell Division Fund No. 38, General Supplies, under the Department of Public Safety, the sum of Four Thousand (\$4,000.00) Dollars, and that the same be and is hereby reappropriated to the Gamewell Division Fund No. 72, Equipment, under the Department of Public Safety.

Section 2. This ordinance shall be in full force and effect from and after its passage.

Which was read a first time and referred to the Committee on Finance.

GENERAL ORDINANCE NO. 13, 1928

AN ORDINANCE, transferring and reappropriating the sum of Fifty (\$50.00) Dollars from Municipal Garage Fund No. 24, "Printing and Advertising," to Municipal Garage Fund No. 36, "Office Supplies," in the Department of Public Works and declaring a time when same shall take effect.

Be It Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That there is hereby transferred and reappropriated the sum of Fifty (\$50.00) Dollars from Municipal Garage Fund No. 24, "Printing and Advertising," to Municipal Garage Fund No. 36, "Office Supplies," in the Department of Public Works.

Section 2. This ordinance shall be in full force and effect from and after its passage.

Which was read a first time and referred to the Committee on Finance.

INTRODUCTION OF RESOLUTIONS

By Mr. Moore:

RESOLUTION 3, 1928

WHEREAS, One Ira M. Holmes, a claimant to the office of Mayor of the City of Indianapolis, has admitted his inability to establish his right to sign ordinances passed by the Common Council, as Mayor, and

WHEREAS, by virtue of the provisions of Resolution 2, 1928, the Clerk is under instructions from your body to recognize no one as Mayor except said Ira M. Holmes, and

WHEREAS, the financial affairs of the City of Indianapolis are

being seriously affected and handicapped by the controversy existing as to the rightful claimant to the title of Mayor. Therefore

Be It Resolved by the Common Council of the City of Indianapolis, Indiana:

That Resolution 2, 1928, be and the same is hereby declared null and void and is hereby repealed; and the Clerk of the Council is hereby instructed to recognize as Mayor for the purpose of signing ordinances and affixing the signature of Mayor to official city documents, the claimant for Mayor who is in actual possession of the office and actually is Mayor de facto.

BOYNTON J. MOORE.

Which was read a first time and referred to a special committee consisting of Mr. Ferguson, Chairman; Mr. Dorsett, Mr. Moore, Mr. Negley, Mr. Springsteen, Mr. Raub, Mr. Todd.

At this time President Pro-Tem Dorsett took the Chair. The Clerk read the following Resolution.

RESOLUTION

WHEREAS, Divine Providence in its infinite wisdom has seen fit to enter the home of our Honorable President and take therefrom his son, Harold, the beloved son of Mr. and Mrs. Otis E. Bartholomew. Therefore

Be It Resolved by the Common Council of the City of Indianapolis, Indiana:

That we do sincerely express in our feeble way the heartfelt sympathy of each member of this body for this irreparable loss suffered by our Honorable President and his good wife, and that we do officially hereby extend to each of them the sympathy and condolences of the City of Indianapolis as represented by this body, and Therefore be it further resolved

That the Clerk of the Council be directed to prepare a suitable

engraved copy of this Resolution to be signed by each member of this body and presented to our Honorable President.

MILLARD W. FERGUSON.
BOYNTON J. MOORE.
WALTER R. DORSETT.
EDWARD B. RAUB.
ROBT. E. SPRINGSTEEN.
AUSTIN H. TODD.
CLAUDE E. NEGLEY.

On motion of Dr. Todd, seconded by Mr. Raub, the Resolution was ordered adopted by the Council. A rising vote was taken, and the Resolution passed unanimously.

President Bartholomew addressed the Council as follows:

Gentlemen of the Council: I appreciate your act of sympathy, and at this time I want to thank you and all of the city officials and all those friends that showed me in my hour of sorrow that they were real friends, true friends. I cannot say how much the beautiful floral offerings and expressions of sympathy meant to me. That good wife of mine extends the same thanks to you all, but we will never be able to tell in words how much we appreciate all that was done for us; and I hope that all who are here will be spared for many years that great sorrow that comes when a loved one passes."

On motion of Dr. Todd, seconded by Mr. Dorsett, the Council recessed at 8:50 p. m.

The Council reconvened at 9:20 p. m., with the same members present as before.

Mr. Moore made a motion to withdraw Resolution 3, 1928. The motion was seconded by Mr. Negley, and passed the following roll-call vote:

Ayes, 8, viz: Mr. Dorsett, Mr. Ferguson, Mr. Moore, Mr. Negley, Mr. Raub, Mr. Springsteen, Dr. Todd, President Bartholomew.

ORDINANCES ON SECOND READING

Mr. Moore called for General Ordinance 3, 1928, for second reading. It was read a second time.

On motion of Mr. Moore, seconded by Mr. Negley, General Ordinance 3, 1928, was ordered engrossed, read a third time, and placed upon its passage.

At this time Mr. Dorsett raised the question as to who would sign the ordinance as Mayor if the Council passed it.

Mr. Moore said: "That's a good question. We don't want to pass any ordinances when we don't know who they will be presented to for signature. Since Ira Holmes refused to sign General Ordinance 7, which is an important ordinance at this time, I move that the Clerk present all future ordinances and resolutions, until the court decides different, to Mr. Slack for signature. I withdraw my motion on General Ordinance 3." Mr. Dorsett then announced that he would withdraw his minority committee report on Resolution 3, 1928.

Mr. Raub seconded Mr. Moore's motion to present future ordinances to Mr. Slack. The motion was passed by the following roll call vote:

Ayes, 5, viz: Mr. Ferguson, Mr. Moore, Mr. Raub, Mr. Springsteen, Mr. Bartholomew.

Noes, 3, viz: Mr. Dorsett, Mr. Negley, Dr. Todd.

ORDINANCES ON SECOND READING

Mr. Moore called for General Ordinance 3, 1928, for second reading. It was read a second time.

On motion of Mr. Moore, seconded by Mr. Raub, General Ordinance 3, 1928, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance 3, 1928, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 5, viz: Mr. Ferguson, Mr. Moore, Mr. Raub, Mr. Springsteen, President Bartholomew.

Noes, 3, viz: Mr. Dorsett, Mr. Negley, Dr. Todd.

Mr. Moore called for General Ordinance 4, 1928, for second reading. It was read a second time.

On motion of Mr. Moore, seconded by Dr. Todd, General Ordinance 4, 1928, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance 4, 1928, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 6, viz: Mr. Ferguson, Mr. Moore, Mr. Raub, Mr. Springsteen, Dr. Todd, President Bartholomew.

Noes, 2, viz: Mr. Dorsett, Mr. Negley.

Mr. Moore called for General Ordinance 9, 1928, for second reading. It was read a second time.

ORDINANCES ON SECOND READING

On motion of Mr. Moore, seconded by Mr. Raub, Gen-

eral Ordinance 9, 1928, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance 9, 1928, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 6, viz: Mr. Ferguson, Mr. Moore, Mr. Raub, Mr. Springsteen, Dr. Todd, President Bartholomew.

Noes, 2, viz: Mr. Dorsett, Mr. Negley.

Mr. Moore called for General Ordinance 8, 1928, for second reading. It was read a second time.

On motion of Mr. Moore, seconded by Mr. Raub, General Ordinance 8, 1928, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance 8, 1928, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 6, viz: Mr. Ferguson, Mr. Moore, Mr. Raub, Mr. Springsteen, Dr. Todd, Pres. Bartholomew.

Noes, 2, viz: Mr. Dorsett, Mr. Negley.

Mr. Moore called for General Ordinance 10, 1928, for second reading. It was read a second time.

On motion of Mr. Moore, seconded by Mr. Raub, General Ordinance 10, 1928, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance 10, 1928, was read a third time by the Clerk, and passed by the following roll call vote:

Ayes, 6, viz: Mr. Ferguson, Mr. Moore, Mr. Raub, Mr. Springsteen, Dr. Todd, President Bartholomew.

Noes, 2, viz: Mr. Dorsett, Mr. Negley.

Mr. Moore called for General Ordinance 76, 1927, for second reading. It was read a second time.

On motion of Mr. Moore, seconded by Mr. Raub, General Ordinance 76, 1927, was ordered stricken from the files.

The motion was passed by the following roll call vote:

Ayes, 6, viz: Mr. Ferguson, Mr. Moore, Mr. Raub, Mr. Springsteen, Dr. Todd, President Bartholomew.

Noes, 2, viz: Mr. Dorsett, Mr. Negley.

On motion of Mr. Raub, seconded by Mr. Moore, the Common Council of the City of Indianapolis adjourned at 9:50 p. m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the Common Council of the City of Indianapolis, Indiana, held on the 20th day of February, 1928., at 7:30 p. m.

In witness whereof, we have hereunto subscribed our signatures and caused the seal of the City of Indianapolis to be affixed.

Otis E. Bartholomew.

Attest:

President

William A. Boyce.

City Clerk

(SEAL)