

REGULAR MEETING

Monday, April 5, 1926, 7:30 p. m.

The Common Council of the City of Indianapolis met in the Council Chamber, April 5, 1926, at 7:30 p. m., in regular session, President Boynton J. Moore in the chair.

The Clerk called the roll.

Present: Hon. Boynton J. Moore, President, and seven members, viz.: Claude E. Negley, O. Ray Albertson, Edward B. Raub, Otis E. Bartholomew, Walter R. Dorsett, Millard W. Ferguson and Austin H. Todd.

Absent: Robert E. Springsteen.

The reading of the journal was dispensed with on motion of Mr. Bartholomew, seconded by Mr. Negley.

COMMUNICATIONS FROM THE MAYOR

March 23, 1926.

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

Gentlemen—I am returning to you herewith, General Ordinance No. 15, being an Ordinance "relating to the establishment by White persons of a home-residence in a Negro community, and the establishment by Negroes of a home-residence in a White community, providing a penalty for the violation thereof, and declaring a time when the same shall take effect." to which Act I have this day affixed my signature as Mayor of the City of Indianapolis.

I have signed this ordinance after careful study and deliberation and despite the fact that the entire staff of the City legal department, and other able lawyers as well, in written opinions seriously question the constitutionality of the same. Our city government, however, is divided into two distinct branches, the executive and the legislative. It is not the executive duty to pass, or even attempt so to do, upon the validity of any act of the legislative branch.

This Ordinance came before your body at your meeting of March 15, when Councilman Austin H. Todd, the author of the bill, called the measure up for action. It was passed by the votes of your President, Mr. Boynton J. Moore, Mr. Claude E. Negley, Mr. Walter R. Dorsett, Mr. Otis E. Bartholomew and Mr. Todd, all being regular members of the Common Council. There was only one dissenting vote among your body among those present at that meeting. The Ordinance was transmitted to me in the regular form and, as your body is the regularly constituted legislative branch of our city government, I am hereby and within ten days after receiving the same, returning the Ordinance to you with my signature.

This ordinance is in the nature of a zoning measure. The tenor

of the Act seems to be to preclude the possibility of either our White citizens or our Negro citizens obtaining any advantage, each over the other, in the matter of residence. I have discussed the measure with hundreds of our citizens, both White and Negro, and I have found many for the measure among both classes. It is likewise true that I have found much opposition toward it.

I do not believe there is any intention on the part of your honorable body to attempt to discriminate against any class, either White or Negro as such, in the matter of the establishment of a home-residence. It would naturally follow that if the City of Indianapolis is to continue to grow and prosper, that we should have in effect certain zoning ordinances. Our City Plan Commission was established for that very reason, that the City of Indianapolis might be carefully planned so as to assure its future growth and continued prosperity. In this connection I do not believe that it is amiss for me to quote Booker T. Washington, that great leader whose memory is so dear to the hearts and minds of the Negro race, who once said: "In all things that are purely social we can be as separate as the fingers, yet one as the hand in all things essential to mutual progress."

To those good folks and loyal American citizens who oppose this measure, I feel that if they study the Ordinance with an open mind and as the patriotic Americans they are, with an interest in their race, their home, their family and their future, they will hail with delight this step toward the solution of a problem that has long caused deep thought and serious study by members of both our races.

In conclusion, I wish to say that the Mayor is signing this Ordinance, firm in the belief that it meets with the approval of the great mass of our people, in the interest of peace and happiness on earth and good will toward mankind, ever bearing in mind his sacred duty to the people he represents, regardless of race, color or creed, and the supreme obligation that we are under to Almighty God.

Respectfully yours,

JOHN L. DUVALL,
Mayor.

REPORTS FROM CITY OFFICERS

April 5, 1926.

To Mr. William A. Boyce, Jr., Clerk of the Common Council, City of Indianapolis.

Dear Sir—At the request of the City Plan Commission I am forwarding to you thirteen copies of an Ordinance to amend General Ordinance No. 114, 1922, known as the Zoning Ordinance, with the recommendation of the Plan Commission that the same be passed by the Council.

Since the Zoning Ordinance was first passed we have had considerable trouble with the provision with reference to front yard lines and several amendments have been passed changing the same. From practical experience the Commission feels that the Ordinance as originally passed took care of this provision better than is now done under the amendments. Therefore, this amendment merely reinstates the provisions of the original Zoning Ordinance with reference to front yard lines.

This Ordinance also has the endorsement of the Commissioner of Buildings whose department has more to do with the question than any other.

Very truly yours,
CITY PLAN COMMISSION,
MARIE VICTOR,
Secretary.

April 5, 1926.

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

Gentlemen—The Controller must by statute present to the Common Council a financial statement for each preceding year and have same printed in pamphlet form for distribution.

As the fund from which the expense of this work is to be paid is not sufficient to pay for same, I am, therefore, handing you herewith a General Ordinance requesting the transfer of \$500.00 from the City Controller's fund, known as item No. 61, and reappropriating the same to the City Controller's fund No. 241, "Advertising and Publication."

I respectfully recommend the passage of this Ordinance.

Yours,

W. C. BUSER,
City Controller.

April 5, 1926.

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

Gentlemen—I have been requested by Wm. A. Boyce, Jr., City Clerk, to transfer some money into two of his funds, which are practically depleted. Upon investigation I find that City Clerk account No. 212, "Postage, Telegram and Telephone," and also City Clerk account No. 36, "Office Supplies," does not have a sufficient balance to cover the expenses which are necessary to be paid from these accounts.

I, therefore, am handing you herewith a General Ordinance transferring the sum of \$200.00 from the City Controller's fund No. 61 to City Clerk fund account No. 212 and City Clerk account No. 36; \$100.00 to go to each fund.

I respectfully recommend the passage of this Ordinance.

Yours,

W. C. BUSER,
City Controller.

April 5, 1926.

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

Gentlemen—I am handing you herewith a General Ordinance requesting that \$5,000.00 be transferred from the Department of the City Civil Engineer fund No. 21, "Team Hire," and reappropriating same to fund No. 72, "Equipment," in the same department.

I respectfully recommend the passage of this Ordinance.

Yours,

W. C. BUSER,
City Controller.

March 30, 1926.

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

Gentlemen—Your Street Commissioner, apprized that gasoline-tax-allotment for Indianapolis is now available, respectfully petitions to be relieved through that source from the effects of bad "budgeteering."

You are aware that the 1926 budget for our department was cut \$89,599.00 below the budget of 1925, but, permit us to recall that the 1925 budget, which served as a basis, had priorly been cut \$123,000.00 below normal. Thus the 1926 appropriations suffered a cut of \$89,599.00 plus \$123,000.00, a total of \$212,599.00 below the normal.

It is undisputed that long before the close of the road season our predecessors in office, because of lack of funds, were compelled to curtail the activities of the Street and Bridge Departments, and, long before the close of their administrative term work was practically suspended.

We are now suffering from the effects of these enforced in-activities of our predecessors. The total absence of the so essential fall and pre-winter attention to streets and alleys has caused a complete breakdown of from 500 to 800 miles of roadway, nearly all of which will have to be rebuilt from the bottom up. Our present fund, less than \$2.00 per city block will not permit this.

The most effective roadwork is done during the spring of the year. The ground at that time contains sufficient moisture to permit scarifying.

Grading and shaping is likewise much easier and, above all, the roadway will pack under ordinary travel. Such work, however, if to be undertaken on a larger scale than our present budget permits, will have to be planned now. Districts will have to be inspected and conditions noted; additional road machinery and tools will have to be taken from storage and placed in conditions for service; additional trucks will have to be commandeered into service, grader and tractor men will have to be engaged, etc., etc., and a number of time consuming other preliminaries must be taken up at once.

We learn that the allotment for our city is in custody of our City Controller, the discretion, however, which road building or which Bridge building and repair department shall receive the benefit from the funds, lays with the gentlemen of our Common Council. Since this fund can only be used for Bridges and Streets and since, in our city, both of these departments are under the jurisdiction of your Street Commissioner, we respectfully petition that steps be taken to make funds available at the earliest possible moment, to permit the planning of bridge and street activities on a scale commensurate with funds, if any, at our disposal.

Respectfully yours,

GEO. WOODWARD,
Street Commissioner.

BRIDGE REPAIRS

Estimate of work, which, because of lack of appropriations, can not be handled during 1926:

West 10th Street bridge, blocked to traffic since September, 1925.

This bridge, an otherwise substantial structure, which will stand for twenty years if taken under repair now, is rapidly deteriorating. The flooring, nailers and underlays are in such badly rotted condition that the bridge was blocked under last administration and has remained so since. The bridge has not been painted for years and rust is beginning to eat away schew threads of hangers and brace rods, unless attention is given at an early date. Complaints from residents in section served by this bridge are pouring into our office daily.

This bridge is 400 feet long and 30 feet wide, and the entire floor will have to be torn out, including underlays and nailers. Our estimate follows:

11 nail ties 400 ft. long, 3 in. by 10 in. by 20 ft.-----	9,260 ft. Oak
Bottom floor 30 ft. by 400 ft. by 2 ½ in.-----	30,000 ft. Oak
Top floor 24 ft. by 400 ft. by 2 in.-----	19,200 ft. Oak
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Total @ \$46.00 pr.	58,460 ft. Oak
Costs of lumber-----	\$2,689.16
25 kegs nails and spikes-----	110.00
Graphiting and painting-----	1,000.00
Carpenters and laborers-----	3,500.00
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Total Estimated Cost-----\$7,299.16

Harding Street River Bridge, dangerous but still open to traffic.

This bridge which is still open to traffic, despite its dangerous condition, has wood-block travel-floor. Gravel trucks heavily laden cross this bridge continuously with floor waving up and down under loads. This block floor should be removed entirely and replaced by double travel-way. The bridge is 550 feet long and 20 feet wide. We estimate cost as follows:

28,000 feet 2 ½ in. flooring-----	\$2,265.00
20,000 feet 2 in. flooring-----	1,846.00
5,000 feet 3 by 8 joice-----	250.00
20 kegs nails, bolts and rods-----	200.00
Carpenters and laborers-----	3,500.00
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Total-----	\$8,055.00

Raymond Street White River Bridge, open to traffic but badly in need of repairs.

This bridge is 400 feet long and 20 feet wide, is subjected to heavy travel of heavily laden trucks and is rapidly breaking down. Repairs estimated at \$1,500.00 total will place this bridge in serviceable condition.

21st Street and Fall Creek Bridge, open to traffic but travel floor in bad condition.

This bridge is 180 feet long and 16 feet wide. The underfloor is in fair condition but travel floor is worn out and must be replaced at an early date.

Lumber, 180 ft. by 16 ft. by 2 in.—5,860 ft. @ \$45.00---	\$263.70
Nails-----	20.00
Carpenters and laborers-----	300.00
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Total-----\$583.70

West Michigan and Eagle Creek Bridge.

This bridge is open to traffic but floor is in bad state of preservation, and must be relaid to make bridge safe for auto travel. We find that about 50 per cent. of present floor timber can be salvaged and used again, and that the cost of thoroughly overhauling will not exceed \$250.00.

Twenty-fifth Street and Canal Bridge.

This bridge is 75 feet long and 20 feet wide. Flooring of this bridge is in bad condition and needs replacing now. Approximately 4,000 feet of 2 ½ in. Oak lumber are required. We estimate the cost as near \$500.00.

Vermont Street and Pogue Run Bridge.

This bridge is 50 feet long and 27 feet wide and requires 2 ½ in. floor and 50 joice 18 ft. by 10 in. by 2 ½ in. We estimate the total costs of these repairs to be about \$300.00.

Cottage and Pleasant Run Bridge.

Open to traffic. This bridge is 70 ft. by 18 ft. in dimensions and underlays are rotted and bad.

We estimate the costs of repair at \$500.00.

South Meridian Street and Pleasant Run Bridge.

Open to traffic; is 70 feet long and 24 feet wide; double flooring and joice rotted. We estimate the costs of tearing out and replacing double floor and joice at approximately \$800.00.

General repairs needed on the following bridges:

Walnut and Canal	\$200.00
Beecher and Pleasant Run	300.00
Barth Ave. and Pleasant Run	200.00
Shelby St. and Pleasant Run	400.00
Minnesota St. and Pleasant Run	200.00
Spruce St. and Pleasant Run	300.00

1,200 ft. floor for Sidewalks, 8 ft. by 70 ft., for Orphans Home.
1,000 ft. joice for Sidewalks for Orphans Home.

Prospect and Pleasant Run, 2,000 ft. floor, \$300.00.

Bolton Avenue and Pleasant Run—Concrete abutement and general repairs, \$200.00.

Ritter Avenue and Pleasant Run—General repairs, \$200.00.

This is but a part of the work needed on some of the City Bridges. The short space of time and small carpenter force did not permit a minute examination of all bridges.

Part of list of streets and roadways within the city, from which complaints are now on file in Street Commissioner's office, but which we have been unable to relieve because of lack of appropriations. This list does not include the alley complaints, numbering hundreds in addition to the above:

- South Alabama from Louisiana to South St.
- Adams St. at 20th St. and north.
- Allen Ave. at 20th St. and north.
- Arsenal Ave. at 31st St. and north and south.
- Allen Ave. in 2600 block, etc., etc.
- Alton Ave. at Vermont and North Sts., etc.
- Broadway at 56th St., etc.
- 56th St. at College, etc., etc.
- Laverock at College, east and west.

37th St. at Crescent, etc., etc.
California St. at 3000 block, etc., etc. Cruft St. for many blocks.
S. Capitol Ave. for blocks at Morris St.
Congress Ave. and Byram St., etc., etc.
Centennial St. from Michigan St., etc.
Cottage from Olive, etc., etc.
Cornell Ave. in 6100 block, etc., etc.
Cornelius Ave. at 4600 block, etc., etc.
Clifton St. at 37th, etc., etc.
Exeter St. at Michigan, etc., etc.
W. 14th St., many blocks.
50th St. from Monon Tracks west, blocks.
57th St. at Guilford for blocks.
Guilford at 50th St. for blocks.
Golay at 1300 block, etc., etc.
Broadway at 55th St., etc., etc., for blocks.
N. Bolton Ave. at 700 block, etc., etc.
Brouse St. at 28th St., etc., etc.
Bacon St. at 1000 block, etc., etc.
Beechwood at Sheridan, etc., etc.
Beechwood at Arlington, etc., etc.
Bright St. at New York, etc., etc.
Douglas St. at New York, etc., etc.
New York St. at intersections west end.
Boyd Ave. at Kelly St., etc., etc.
Bosart Ave. at 21st St., etc., etc.
Byram and Sunset, etc., etc.
Cruft St. at Shelby for blocks.
S. Capitol from Morris to Arizona.
Harlan St., 200 block, etc., etc.
Hovey St. at 31st St., etc., etc.
Linden St. at Brudbury St., etc., etc.
Orange St. west of Shelby St. for blocks.
Pomander Place in 1100 block, etc., etc.
E. Pratt St. at 3200 block, etc., etc.
Rochester Ave. in 600 block, etc., etc.
W. 17th St. at 1100 block, etc., etc.
E. 17th St. at 4600 block and in both directions.
60th St. in 600 block and in both directions.
Shank St. from Campbell east, etc.
W. Southern Ave. from Meridian St. for blocks.
Batton St., 700 block north, etc.
Brouse St., 2700 block, etc., etc.
Bacon St. at Shelby, etc., etc.
W. 37th St. at Barnes, etc., etc.
13th St. from Belt R. R. west.
Sugar Grove Ave. at 20th St., etc., etc.
31st St. at School St., etc. for blocks.
33rd St. at Martindale St., etc. for blocks.
N. Webster at Lowell, etc., etc.
Draper at Holliday, etc. for blocks.
Deloss St. at State St., etc., etc. for blocks.
Fernway in 2400 block, etc., etc.
Gale St. at English Ave, etc., etc.
Cruft St. in 1200 block, etc., etc.
Koehne St. in 2200 block, etc., etc.

Haugh St. in 1000 block, etc., etc.
S. Holmes in 300 block, etc., etc.
S. Holmes in 700 block, etc., etc.
Holaday St. in 1600 block, etc., etc.
Hoefgen St. in 1500 block, etc., etc.
N. Hawthorne in 500 block, etc.
Ketcham in 1100 block, etc., etc.
Koehne at 2700 block, etc., etc.
Keystone and Belt R. R., etc., etc.
Limestone St. in 300 block, etc.
Linden St. at Cruft St., etc., etc.
Lawrence St. in 1500 block, etc., etc.
N. LaSalle St. in 1900 block, etc., etc.
Linden St. at Kelly, etc., etc.
Blue Ridge Road in 200 block, etc., etc.
Richland Drive, 100 block, etc., etc.
Manlove Ave., 2900 block, etc., etc.
E. Maryland St. in 1900 block, etc., etc.
Morgan St. at Lee St., etc., etc.
E. Michigan St. in 2200 block, etc., etc.
Miller St. at Blaine Ave., etc., etc.
Madeira St. in 1200 block, etc., etc.
Minnesota at Meridian and west.
New Jersey St. at Parkway, etc.
Newton St. at Gray, etc., etc.
W. New York St. at 2000 block, etc., etc.
Olney St. at 3200 block, etc., etc.
W. 18th St. at 2900 block, etc., etc.
Rural and Oxford, etc., etc.
E. Pratt St., 800 block, etc.
Pleasant Run Parkway, 5100 block, etc., etc.
E. Pratt St. in 1000 block, etc., etc.
Palmer St. at State St., etc., etc.
Parry Ave., in 1200 block, etc., etc.
Ritter Ave. in 1000 block, etc., etc.
Rochester St., 500 block and north and south for blocks.
Ray St. at Reisener St., etc., etc.
E. Riverside Drive, 2000 block, etc., etc.
Martindale Ave., 1300 block, etc., etc.
Royal Ave., 4400 block, etc., etc.
Spruce St., 1700 block, etc., etc.
Sunset Ave., 4200 block, etc., etc.
Scofield Ave., 3700 block, etc., etc.
Stanton Ave. at Sherman Drive, etc., etc.
St. Paul St. at Terrace, etc., etc.
Sugar Grove at 1800 block, etc.
Senate Ave. and Morris St., etc.
S. Shepherd St., 1500 block, etc., etc.
Terrace Ave., 1700 block, etc., etc.
W. 21st St., 1400 block, etc., etc.
28th St. at Hillside, etc., etc.
32nd St. at Olney St., etc., etc.
30th St. and Station St., etc., etc.
28th St. at School St., etc., etc.
E. 22nd St. in 3800 block, etc., etc.
Tibbs Ave. at Michigan, etc., etc.
13th St. at Oxford, etc., etc.

13th St. at Parker, etc., etc.
 W. 26th St., 700 block, etc., etc.
 N. Tacoma at 1100 block, etc., etc.
 12th at Keystone, etc., etc.
 E. 32nd at 3400 block, etc., etc.
 13th at Kealing, etc., etc.
 13th at Belt R. R., etc., etc.
 W. 12th St. in 1100 block, etc., etc.
 20th St. at Yandes, etc., etc.
 E. 12th St. in 2600 block, etc., etc.
 Eugene St. in 600 block, etc., etc.
 Dexter St. in 2100 block, etc., etc.
 Warman Ave., 1400 block, etc., etc.
 E. Walnut at Denny, etc., etc.
 E. Walnut at Chester.
 E. Walnut at Wallace, etc., etc.
 S. Belmont from Oliver Ave. to Morris St.
 W. Michigan from Tibbs to Olin Ave.
 N. Warman from 10th to 16th St.
 N. Draper at 1600 block and for blocks.
 Dexter Ave. at 1900 block, etc., etc.
 Draper St. at 1700 block, etc., etc.
 English Ave. at 3800 block, etc., etc.
 Ethel Ave. at 2800 block, etc., etc.
 49th St. at 1100 block, etc., etc.
 59th St. from Monon R. R. west, etc., etc.
 W. 42nd St. from 400 block for blocks.
 Fowler St. from 800 block, etc., etc.

Our appropriation of approximately \$2 per annum per city block of roadway, does not permit us to undertake the repairs of these completely broken down roadways, and we are unable to stem the tide of steadily increasing complaints from other sections where roadways are giving way under travel.

Alley conditions are such that in many sections citizens have to leave their cars on the streets at night and in all sorts of weather. Since our meager appropriation permits no extensive repairs, most of the complaints have to be abandoned.

REPORTS FROM STANDING COMMITTEES

Indianapolis, Ind., April 6, 1926.

To the Honorable 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. 19, 1926, request more time to consider the same.

O. RAY ALBERTSON
 OTIS E. BARTHOLOMEW
 AUSTIN H. TODD
 WALTER R. DORSETT
 CLAUDE E. NEGLEY.

Indianapolis, Ind., April 5, 1926.

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

Gentlemen—We, your Special Committee on Finance to whom

was referred General Ordinance No. 18, 1926, "\$210,000 Bond Issue to pay old debts," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

OTIS E. BARTHOLOMEW
EDWARD B. RAUB
M. W. FERGUSON
WALTER R. DORSETT
AUSTIN H. TODD

Indianapolis, Ind., April 3, 1926.

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

Gentlemen—We your Committee on Law and Judiciary to whom was referred Resolution No. 2, 1926, beg leave to report that we have had said ordinance under consideration, and recommend that the same be adopted.

EDWARD B. RAUB
CLAUDE E. NEGLEY,
Minority Report.

INTRODUCTION OF GENERAL ORDINANCES

By the City Plan Commission:

GENERAL ORDINANCE NO. 20, 1926.

AN ORDINANCE to amend General Ordinance No. 114, 1922.

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

Section 1. That Section 18 of General Ordinance No. 114, 1922, be amended to read as follows:

"Section 18. FRONT YARDS IN RESIDENCE DISTRICTS:

A. Between a front yard line as herein established and the street line no building or portion of a building other than a one-story unenclosed porch or a fence or wall not exceeding 3½ feet in height may be erected.

B. In dwelling house districts and apartment house districts front yard lines are hereby established as follows:

1. On a street frontage on either side of a street where fifty per cent (50%) of such frontage between two intersecting streets, exclusive of that part thereof which is improved with buildings at the street line and exclusive also of the side line of a corner lot, is improved with residence buildings which are set back from the street line, the front yard line shall be the distance back from the street line equal to the average distance of existing residence buildings back from the street line.

2. On a street frontage on either side of a street between two intersecting streets where the front yard line is not established by the provisions of Subdivision B1 of this Section, the distance of the front yard line back from the street line shall be twenty per cent (20%) of the average depth of the lots constituting such street frontage, but such distance back from the street line need not be more than 40 feet.

3. The words 'Existing building' as used in this Section shall be taken to mean any building for residence or business for which a building license has been lawfully issued and on which work has been begun and completed up to the first floor line.

4. The unit for determining the percentage of frontage between two intersecting streets for the purpose of determining the front yard line regulations herein established shall be the lot in a subdivision or addition comprising such frontage or a part thereof, the plat for which has been regularly filed for record in the office of the Recorder of Marion County, Indiana; or if no such plat has been so filed for record then such unit for frontage shall, for the purpose hereof, be considered to be a parcel of ground fifty (50) feet in width in the 'A1' district, and (40) feet in width in all other districts, whether all of said frontage is owned by one or more persons. Only such lots or parcels as are actually occupied by residents buildings shall be considered as improved frontage in determining the front yard line for any block or part thereof."

Section 2. That all ordinances in conflict herewith are hereby repealed.

Section 3. That this ordinance be in full force and effect from and after its passage and approval by the Mayor.

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

By the City Controller:

GENERAL ORDINANCE NO. 21, 1926

AN ORDINANCE, transferring the sum of Five Hundred (\$500.00) Dollars in the department of the City Controller from the fund known as Item No. 61, therein of the Controller's fund, "Interest on Bonded Debt," and reappropriating the same to the fund known as Item No. 241 in the department of the City Controller, Controller's fund, "Advertising and Publication," and declaring a time when the same shall take effect.

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

Section 1. That the sum of Five Hundred (\$500.00) Dollars in the fund known as Item No. 61, of the Controller's fund, "Interest on Bonded Debt," in the department of the City Controller be and the same is hereby transferred and reappropriated to the fund known as Item No. 241, in the department of the City Controller, Controller's fund, "Advertising and Publication."

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.

By the City Controller:

GENERAL ORDINANCE NO. 22, 1926

AN ORDINANCE, transferring the sum of Two Hundred (\$200.00)

Dollars in the department of the City Controller from the fund known as Item No. 61, "Interest on Bonded Debt," Controller's fund, and reappropriating the same to the funds as follows: One Hundred (\$100.00) Dollars of the same to the fund known as Item No. 212, "Postage, Telegraph and Telephone," and One Hundred (\$100.00) Dollars of the same to the fund known as Item No. 36, "Office Supplies," said funds being known as Item No. 212 and Item No. 36 in and of the department of the City Clerk of the City of Indianapolis, and declaring a time when the same shall take effect.

Be it Ordained by the Common Council of the City of Indianapolis, Indianapolis.

Section 1. That the sum of Two Hundred (\$200.00) Dollars in the department of the City Controller from the fund known as Item No. 61, "Interest on Bonded Debt," Controller's fund in the department of the City Controller, be and the same is hereby transferred and reappropriated to the funds as follows: One Hundred (\$100.00) Dollars of the same to the fund known as Item No. 212, "Postage, Telegraph and Telephone," and One Hundred (\$100.00) Dollars of the same to the fund known as Item No. 36, "Office Supplies," said funds being known as Items No. 212 and No. 36, in and of the department of the City Clerk of the City of Indianapolis.

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.

By the City Controller:

GENERAL ORDINANCE NO. 23, 1926

AN ORDINANCE, transferring the sum of Five Thousand (\$5,000.00) Dollars in the Department of the City Civil Engineer from the fund known as Item No. 21, Team Hire, and reappropriating the same to the fund known as Item No. 72, Equipment, in the Department of the City Civil Engineer, and declaring a time when the same shall take effect.

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

Section 1. That the sum of Five Thousand (\$5,000.00) Dollars in the fund known as Item No. 21, Team Hire, in the Department of the City Civil Engineer be and the same is hereby transferred and reappropriated to the fund known as Item No. 72, Equipment, in the Department of the City Civil Engineer.

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.

By Mr. Dorsett:

RESOLUTION NO. 3, 1926

WHEREAS the General Assembly of the State of Indiana in its

regular 74th Session, A. D. 1925, enacted a General Law, amending Sections 1 and 6 of an act entitled:

"An Act imposing a license fee on the use of gasoline in the State of Indiana, providing for the payment, collection and distribution thereof, prescribing certain exemptions therefrom and prescribing penalties for the violation thereof," approved March 9, 1923, and declaring an emergency and,

WHEREAS, Section 2 of said amendment, under caption and title: "Gasoline Fund—Highway Fund—Distribution to Counties, Cities and Towns," allots certain funds for Street and Bridge maintenance and repairs to the corporate City of Indianapolis, and

WHEREAS said act, as amended, vests certain directing powers in the Common Council of the corporate City of Indianapolis, to direct and designate the department or departments to which be intrusted the duty to make such bridge repairs and such street repairs said section of said act providing as follows:

"The remaining one-fourth so credited to the county, cities and gasoline fund shall be distributed to the cities and incorporated towns of the State according to the proportion that each such city or incorporated town bears in point of population, according to the last preceding United States census, to the combined population of all such cities and incorporated towns of the State. All moneys so distributed to the several cities and incorporated towns of the State shall constitute a special street fund of each such city or incorporated town and shall be used as directed by the Common Council of such city or board of trustees of such town in the maintainance and repair of any street or streets or bridges within the corporate limits of such cities or towns, preference being given to those streets connecting with State highways: PROVIDED, That if the State Highway Commission shall establish a State highway in such county, or any city or incorporated town therein be beneficially affected, then in that event, the board of county commissioners of such county or Common Council of such city or board of trustees of such incorporated town may make such contributions to the State Highway Commission to aid in the construction of such State highway as they may deem proper. Such contributions shall be made in the manner provided for in Chapter 122 of the acts of the General Assembly of 1923," and

WHEREAS the street repairs department and the bridge repairs department in the incorporated city of Indianapolis are both under the supervision of the Street Commissioners Department, and

WHEREAS said Street Commissioner's Department has suffered such enormous cuts in the finances of said department as to render it nearly impotent and unable to render any service in the upkeep and repairs of streets and bridges, worth mentioning, therefore be it

RESOLVED, That the City Controller of the City of Indianapolis be, and is hereby directed and authorized to place the funds allotted to the City of Indianapolis from such gasoline tax to the credit of the Street Commissioners Department such fund to be known as "Street and Bridge Repair Fund" and to be drawn against for Road and Bridge maintenance and repairs in amount or amounts as needed, to carry on the work of bridge and street repairs in an economical and workman-like manner. Such expenditures to include the hiring of supervisory and clerical help, if required and any other expenditures for work and labor needed, team hire, as well as materials and sup-

plies necessary to accomplish the purpose of this resolution, and further

PROVIDED, However, that a detailed monthly statement be submitted to the Common Council of the City of Indianapolis, showing in detail the work accomplished at the end of each month, together with a statement of the various expenditures, said report to be signed by the Street Commissioner and attested under oath by the Chief Clerk of the Street Commissioners Department, and

WHEREAS, an emergency exists, that this resolution be in full force and effect upon its passage.

WALTER R. DORSETT.

Which was read a first time and referred to the Committee on Board of Works.

ORDINANCES ON SECOND READING

Mr. Bartholomew called for General Ordinance No. 18, 1926, for second reading. It was read a second time.

On motion of Mr. Bartholomew, seconded by Dr. Todd, General Ordinance No. 18, 1926, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 18 was read a third time and passed by the following vote:

Ayes, 8, viz: Messrs. Negley, Albertson, Raub, Bartholomew, Dorsett, Ferguson, Todd and President Boynton J. Moore.

Mr. Raub called for Resolution No. 2, 1926, for second reading. It was read a second time.

On motion of Mr. Raub, seconded by Mr. Negley, Resolution No. 2 was ordered engrossed, read a third time and placed upon its passage. When the motion was put to a vote the Council was deadlocked in the following roll call vote:

Ayes, 4, viz.: Messrs. Raub, Ferguson, Albertson and Negley.

Noes, 4, viz.: Messrs. Dorsett, Todd, Bartholomew and Moore.

In explanation of his vote Mr. Raub stated that this matter was one he had long given consideration, in fact, he had been interested in the subject since the 1915

Legislature amended the depository law. That he felt that that law was still effective and that the Corporation Counsel should be instructed to take proper legal steps to see that the City Treasurer should conform to the intent of the depository law in regard to all public funds in his custody.

Dr. Todd stated that he was informed that Mr. Orr of the State Board of Accounts was investigating the matter and that any action of the present Council might be embarrassing to the State Board of Accounts and inasmuch as he felt that this was a matter for the Legislature he was not in favor of Mr. Raub's resolution.

Mr. Albertson announced his approval of the Resolution and stated he felt it was a duty of the Councilmen to support the measure out of respect to the interests of the taxpayers.

Mr. Bartholomew said that while he was in hearty accord with any way to save money for the City he felt the Council was without any authority in the matter and it should be left over until Legislature convened.

Mr. Dorsett in a brief talk stated that in his opinion the Resolution was prompted by political motives and if there was no other vote than his it would be cast against the Resolution.

Mr. Negley in a statement issued following the Council meeting stated that "for several years there has been agitation regarding the disposition of Barrett law funds in the custody of the City Treasurer and there seems to have been considerable difference of opinion among the legal fraternity as to the interpretation of the State law on the subject.

"My vote for Mr. Raub's resolution calling upon the Corporation Counsel to investigate the City's interest in the matter was prompted by a sincere desire to stand on the campaign pledges which I made to the public during my campaign for Councilman. Regardless of the fact

that the resolution was introduced by a Democratic member of the Council, I believe that it is a meritorious measure deserving the careful and favorable consideration of the City Council. The fact that the resolution merely refers the matter to the attention of the Corporation Counsel does not indicate that the Common Council is playing partisan politics nor is attempting to usurp the power of the State Legislature.

"Since I am informed that the yearly amount involved in interest exceeds \$50,000 if the Corporation Counsel enter suit in the name of the city of Indianapolis to recover such an amount this year then we could, by our action in the Council, save this sum of money for the taxpayers before the next session of the Legislature, which will not meet until 1927. And to this I believe all taxpayers will approve of my action regardless of political faith or influence."

On motion of Mr. Bartholomew, seconded by Dr. Todd, the Common Council of the City of Indianapolis adjourned at 9:00 o'clock p. m.

Boyeton J. Moore

President.

Attest:

William A. Boyce

City Clerk.