

## REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.,

MONDAY, September 21, 1914.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, September 21, 1914, at 7:30 o'clock, in regular session, President John F. Connor in the chair.

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

Absent: One member, viz.: Mr. Porter.

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

## COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., September 14, 1914.

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

GENTLEMEN—I have approved and signed Appropriation Ordinance No. 26, 1914, the same being an ordinance entitled:

"An ordinance appropriating \$10,000 to the Department of Public Works

for street cleaning accounts, and fixing a time when the same shall take effect.”

I return the said ordinance herewith.

Yours very truly,  
J. E. BELL,  
Mayor.

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., September 14, 1914.

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

GENTLEMEN—I have approved and signed Appropriation Ordinance No. 28, 1914 the same being an ordinance entitled:

“An ordinance appropriating \$18,200 to the Department of Public Works for boilers for City Hospital, and fixing a time when the same shall take effect.”

I return the said ordinance herewith.

Yours very truly,  
J. E. BELL,  
Mayor.

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., September 14, 1914.

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

GENTLEMEN—I have approved and signed Appropriation Ordinance No. 29, 1914, the same being an ordinance entitled:

“An ordinance appropriating \$5,000 to the Department of Public Safety for emergency automobile fund, and fixing the time when the same shall take effect.”

I return the said ordinance herewith.

Yours very truly,  
J. E. BELL,  
Mayor.

CITY OF INDIANAPOLIS.

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, IND., September 14, 1914.

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

GENTLEMEN—I have approved and signed Appropriation Ordinance No. 30, 1914, the same being an ordinance entitled:

“An ordinance making deficiency appropriations for the use of the De-

partment of Public Safety, and providing when the same shall take effect.”

I return the said ordinance herewith.

Yours very truly,

J. E. BELL,  
Mayor.

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., September 14, 1914.

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

GENTLEMEN—I have approved and signed Appropriation Ordinance No. 33, 1914, the same being an ordinance entitled:

“An ordinance appropriating \$15,000 to the Department of Public Works for sweeping and cleaning streets and alleys, salaries and wages, and fixing a time when the same shall take effect.”

I return the said ordinance herewith.

Yours very truly,

J. E. BELL,  
Mayor.

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., September 21, 1914.

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

GENTLEMEN—I return without my approval Appropriation Ordinance No. 31, 1914, the same being an ordinance entitled:

“An ordinance appropriating moneys for the purpose of defraying current expenses of the city government of the City of Indianapolis, Indiana, and for the use of the several executive departments thereof for the fiscal year beginning January 1, 1915, and ending December 31, 1915, including all outstanding claims and obligations, and fixing a time when the same shall take effect.”

I also return without my approval General Ordinance No. 53, 1914, the same being an ordinance entitled:

“An ordinance ordering and directing the levy of an annual tax and fixing the rate of levy, or levies, and taxation for the City of Indianapolis for the year 1915, and fixing a time when the same shall take effect.”

I regret exceedingly that I am compelled to withhold my approval of the above named ordinances, but owing to the fact that they were not passed in the manner prescribed by the City Charter for the passage of city ordinances, they are, therefore, illegal and void.

Section 52 of the City Charter, in defining the powers of the Common Council concerning the passage of ordinances, provides among other things, as follows:

“No ordinance shall be passed on the same day or at the same meeting

that it is introduced except by *unanimous consent*, and then only in case there are present and voting at least two-thirds of all the members-elect of the council."

The purpose of the foregoing provision is to prevent the hasty passage of ordinances without the full knowledge and affirmative consent of every member present. According to this express provision of the City Charter, no ordinance can be passed upon the same day it is introduced unless every member present in the council meeting votes for the ordinance when placed upon its passage.

The official record as shown by the minutes of the meeting at which the majority of your body attempted to pass the ordinances shows that there were six votes in favor of the passage of the ordinances and three against their passage. These ordinances having been introduced in the Council on September 7, 1914, and the action of the Council in attempting to pass them having been upon the same day, Monday, September 7, therefore, they are illegal and void because of not having received the unanimous vote of the members of the Council.

Even independent of the question of the legality of the ordinances, I could not approve the Appropriation Ordinance for the reason that the majority of the Council struck out the appropriation for sprinkling and oiling the streets next year; and also the appropriations for cleaning the streets of the city during the coming year. The appropriation for water as provided in the ordinance is \$14,000 less than the actual amount the city is required to pay under the terms of its contract with the water company. I, therefore, cannot approve an ordinance which fails to make appropriations for these necessary city expenditures.

The action of the majority of the Council concerning these ordinances is also to be regretted because under the recommendations of the City Controller and myself, as set forth in the ordinances presented to the Council for appropriations and tax levy, the total tax rate of the city for the coming year would have been reduced to the extent of two and one-half cents upon each one hundred dollars of the taxable property of the city. The recommendation of the City Controller was that the rate should be fixed at one hundred cents upon each one hundred dollars. The failure of the majority of the Council to accept these recommendations will result in the old tax rate of one hundred and two and one-half cents upon each one hundred dollars, being continued under the law as the tax rate for next year.

It cannot be claimed that the members of the Council were not familiar with the items contained in the budget submitted to the Council upon Monday, September 7, because each member was furnished with an exact copy of the items of the budget several days prior to the meeting of the Council to enable them to become familiar therewith; and each member was requested to recommend any changes thought proper or necessary not later than Saturday morning, September 5. No changes were recommended by any member of the Council.

I, therefore, return both of the above described ordinances without my approval.

Yours very truly,

J. E. BELL,  
Mayor.

## REPORTS FROM CITY OFFICERS.

From City Controller :

CITY OF INDIANAPOLIS,  
FINANCE DEPARTMENT.

INDIANAPOLIS, IND., September 21, 1914.

*To the Honorable, the President and Members of the Common Council:*

GENTLEMEN—I beg to call your attention to the necessity for a temporary loan in anticipation of the fall payment of taxes. The payrolls for October 1 and October 15, together with the weekly payrolls, will approximate \$110,000 in addition to current bills. The available cash at this date is \$8,203.96, and we cannot expect any large amount from taxes until November 1. Of the total needed for October, \$67,000 is necessary for pay of the police and fire departments, which cannot be met unless this provision is made. In order to negotiate the loan in time, it should be authorized at your meeting of this date. The request for the loan was prepared for the called meeting of last week, which was not held; and there has been no opportunity to submit it until now. I recommend the loan, and inclose ordinance providing for it, on which I urge your prompt action.

Respectfully submitted,

J. P. DUNN,  
City Controller.

From Board of Public Works :

DEPARTMENT OF PUBLIC WORKS,  
OFFICE OF THE BOARD.

INDIANAPOLIS, IND., September 21, 1914.

*Hon. Common Council, City:*

GENTLEMEN—We herewith submit for your consideration and action thereon, an ordinance ordering the improvement of New York street from C., C., C. & St. L. Ry. tracks to Dorman street, with permanent improved roadway, as provided for under Improvement Resolution No. 7472.

Yours very truly,

JAS. E. TROY,  
GEO. B. GASTON,  
Board of Public Works.



## REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

INDIANAPOLIS, IND., September 21, 1914.

*To the President and Members of the Common Council:*

GENTLEMEN—We, your Committee on Finance, to whom was referred General Ordinance No. 52, 1914, entitled, "An ordinance for the transfer of certain appropriations heretofore made to the Department of Public Works and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration and recommend that the same be passed.

Respectfully submitted,

EDWARD P. BARRY,  
EDWARD R. MILLER,  
ED MCGUFF,  
THOS. C. LEE.

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

From the Committee on Finance:

INDIANAPOLIS, IND., September 7, 1914.

*To the President and Members of the Common Council:*

GENTLEMEN—We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 27, 1914, entitled, "An ordinance making deficiency appropriations to the Department of Public Works and providing when the same shall take effect," beg leave to report that we have had said ordinance under consideration and recommend that the same be passed.

Respectfully submitted,

EDWARD P. BARRY,  
EDWARD R. MILLER,  
ED MCGUFF,  
THOS. C. LEE.

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

From the Committee on Finance:

INDIANAPOLIS, IND., September 21, 1914.

*To the President and Members of the Common Council:*

GENTLEMEN—We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 32, 1914, entitled, "An ordinance appropriating eight thousand seven hundred (\$8,700.00) dollars to the Department of Law for the payment of judgment of Estella Stokes against the city, and fixing the time when the same shall take effect," beg leave to report that we have had said ordinance under consideration and recommend that the same be passed.

Respectfully submitted,  
EDWARD P. BARRY,  
EDWARD R. MILLER,  
ED MCGUFF,  
THOS. C. LEE.

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

From the Committee on Public Safety:

INDIANANAPOLIS, IND.

*To the President and Members of the Common Council of the City of Indianapolis:*

GENTLEMEN—We, your Committee on Public Safety to whom was referred General Ordinance No. 47, 1914, being "An ordinance approving a certain contract granting Kirtley & Koch the right to lay and maintain a sidetrack or switch across Van Buren street, as shown on blue print attached," beg leave to report that we have had said ordinance under consideration and would recommend that same do pass.

Respectfully submitted,  
THOS. C. LEE,  
ED MCGUFF,  
W. T. YOUNG,  
EDWARD R. MILLER,  
MICHAEL J. SHEA.

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

From the Committee on City's Welfare:

INDIANAPOLIS, IND., September 21, 1914.

*To the President and Members of the Common Council of the City of Indianapolis:*

GENTLEMEN—We, your Committee on City Welfare, to whom was re-

ferred General Ordinance No. 41, 1914, being an ordinance prohibiting automobiles and other motor vehicles from using blinding lights or searchlights without dimmers or dimming veils while within the corporate limits of the city of Indianapolis, fixing the penalty for the violation thereof, and fixing a time when same shall take effect, beg leave to report that we have had said ordinance under consideration and would recommend that the same do pass.

Respectfully submitted,  
W. T. YOUNG,  
E. R. MILLER,  
ED MCGUFF,  
MICHAEL J. SHEA.

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

#### INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the City Controller:

General Ordinance No. 54, 1914: An ordinance authorizing the City Controller to make temporary loans in anticipation of revenue for the current year, and fixing the time when same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that the City Controller be and is hereby authorized and empowered to negotiate temporary loans in anticipation of the revenues of said city for the current year, not exceeding one hundred thousand dollars (\$100,000.00) for a period of not exceeding three months, and at the rate of interest not exceeding six (6) per cent. per annum. The said loans may be contracted for at one time, but shall be made on competitive bidding after at least three (3) days' notice in two daily papers of the City of Indianapolis, the bidding to be on the rate of interest to be paid, and the loan to be made from the lowest bidders under such other conditions as may be directed by the City Controller. The Mayor and City Controller are hereby authorized and directed to execute the proper obligations of said city for the payments of the amounts so borrowed; and for the payment of the said obligations the faith of said city is hereby irrevocably pledged and the sum of \$101,500.00 is hereby appropriated to the Department of Finance for payment of same.

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

Mr. Barry moved that the rules be suspended and General Ordinance No. 54, 1914, be placed upon its passage.



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

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

Mr. Barry called for General Ordinance No. 54, 1914, for second reading. It was read a second time.

Mr. Barry moved that General Ordinance No. 54, 1914, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 54, 1914, was read a third time and passed by the following vote:

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

By the Board of Public Works:

General Ordinance No. 55, 1914: An ordinance ordering the Board of Public Works of the City of Indianapolis, Indiana, to improve New York street from C., C., C. & St. L. Ry. tracks to Dorman street with wooden block, asphalt, bituminous concrete, or brick, under Improvement Resolution No. 7472, adopted August 3, 1914.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did, on the 3d day of August, 1914, adopt Improvement Resolution No. 7472 for the improvement of New York street from C., C., C. & St. L. Ry. tracks to Dorman street with wooden block, asphalt, bituminous concrete or brick pavement; and

WHEREAS, The said Board of Public Works did at the same time fix September 2, 1914, at 10 o'clock a. m., as the time to hear all persons interested, or whose property is affected by said proposed improvement; and the notice of the passage of said resolution and of the said time for hearing was published August 7 and August 14, 1914, in the Indianapolis Commercial, a daily newspaper of general circulation, printed and published in the City of Indianapolis, and notices by mail duly forwarded as provided by law; and

WHEREAS, On the 3d day of September, 1914, hearing having been continued to this date, the board met in regular session and took final action on said improvement resolution, the same being confirmed without modification; and

WHEREAS, On the 3d day of September, 1914, a written remonstrance of

a majority of the resident property owners was filed with the Board of Public Works against said improvement; and

WHEREAS, The Board of Public Works has submitted to the Common Council of the City of Indianapolis, for their consideration and action thereon, an ordinance ordering the Board of Public Works to proceed with the improvement of said street under said resolution; now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, that the Board of Public Works of the City of Indianapolis be and are hereby ordered to improve New York street, from C., C., C. & St. L. tracks to Dorman street, with wooden block, asphalt, bituminous concrete or brick pavement, under Improvement Resolution No. 7472, adopted by the Board of Public Works August 3, 1914.

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

Which was read the first time and referred to the Committee on Public Works.

By Mr. Lee:

General Ordinance No. 56, 1914: An ordinance to regulate the running of street and interurban railway cars within the corporate limits of the City of Indianapolis.

SECTION 1. It shall be unlawful for any street or electric railway company operating street or interurban railway cars within or upon the streets of the City of Indianapolis, in the State of Indiana, to cause or to permit any motorman or conductor to operate any street or interurban electric car upon or within any of the streets of said city unless such motorman or conductor shall have had at least thirty days' experience and instruction in such work. Such instruction and experience shall be received by such motorman or conductor, respectively, under the immediate tutoring of an efficient motorman or conductor, as the case may be, of not less than one year's actual experience upon the cars so run in said city.

SECTION 2. The corporation, as well as its manager, superintendent, and person that has control thereof, that has charge of or permits the operation of any car or cars in violation of this ordinance, or that shall cause or permit any motorman or conductor to operate any car or cars in violation thereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed three hundred dollars. Each day's violation hereof shall constitute a separate offense.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and publication once each week for two consecutive weeks in the ....., a daily newspaper in general circulation, printed and published in the City of Indianapolis.

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

By Mr. Miller :

Resolution No. 8, 1914:

WHEREAS, We seldom hear the national airs of the United States except in times of political excitement; and

WHEREAS, We believe the spirit of patriotism should be cultivated and expressed more frequently in the course of our everyday affairs, when the minds of the people are freer from prejudice and are more ready to realize the blessings of our democratic institutions; and

WHEREAS, We believe the playing of "The Star-Spangled Banner," "America," and other airs of our country by theater orchestras, bands and other sources of music excites patriotic emotions and incites to nobler and more unselfish living; therefore, be it

*Resolved*, by the Common Council of the City of Indianapolis, assembled in regular session this 21st day of September, 1914, That a request be sent to each theater and place of public amusement in Indianapolis where music is part of the program that their musicians, orchestras or bands be instructed to play the national airs at each performance, preferably at the end of the entertainment, or, in moving picture shows, between the exhibitions, and that this request be extended to cover cafes which have orchestras. Be it further

*Resolved*, That the publications of the city be requested to give publicity to this resolution.

Mr. Miller moved that the rules be suspended and Resolution No. 8, 1914, be placed upon its passage.

The roll was called and the rules were suspended by the following vote:

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

Mr. Miller moved that Resolution No. 8, 1914, be adopted.

The roll was called and Resolution No. 8, 1914, was adopted by the following vote:

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

Communication from Mr. Gideon W. Blain:

August 24, 1914.

*To the Common Council, Indianapolis, Ind.:*

GENTLEMEN—There is now pending for your consideration and vote Ordinance No. 6, which provides for the annexation of what is known as Broad Ripple to the City of Indianapolis.

As a holder of considerable real estate that should be included in this annexation—but is not—we respectfully call your attention to the fact that this ordinance, should it pass your honorable body as it is now drafted, will work a decided hardship on a large number of holders of real estate immediately adjoining a large portion of the western boundary line as described in said ordinance.

The amount of money invested by prominent parties in the parcel of ground herein referred to is but a forerunner of what is to be expended in the development of this part of the city. Any such development must necessarily have the proper city facilities to assist such development, and you will readily understand our position when we call your attention to the fact that the present ordinance entirely eliminates all possible assistance we might hope to derive from being in the city limits.

Annexations are not made every day. It may be years before the owners of the real estate herein referred to, and which should be included in the annexation, will again have an opportunity of being annexed. Our property is not isolated from that described in the annexation ordinance, and there is no reason why it could not be included. In fact, there is every reasonable argument in favor of it being included.

We therefore respectfully petition your honorable body to amend said ordinance to include all that portion lying along the western boundary of the proposed annexation up to and including Senate avenue.

Thanking you for a favorable consideration of the above, assuring you it will be duly appreciated, we remain,

Respectfully yours,

GIDEON W. BLAIN.

#### ORDINANCES ON SECOND READING.

Mr. Barry called for Appropriation Ordinance No. 27, 1914, for second reading. It was read a second time.

Mr. Barry Moved that Appropriation Ordinance No. 27, 1914, be ordered engrossed, read a third time and placed upon its passage. Carried.



Appropriation Ordinance No. 27, 1914, was read a third time and passed by the following vote :

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

Mr. Barry called for Appropriation Ordinance No. 32, 1914, for second reading. It was read a second time.

Mr. Barry moved that Appropriation Ordinance No. 32, 1914, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 32, 1914, was read a third time and passed by the following vote :

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

Mr. Barry called for General Ordinance No. 52, 1914, for second reading. It was read a second time.

Mr. Barry moved that General Ordinance No. 52, 1914, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 52, 1914, was read a third time and passed by the following vote :

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

Mr. Lee called for General Ordinance No. 47, 1914, for second reading. It was read a second time.



Mr. Lee moved that General Ordinance No. 47, 1914, be ordered engrossed, read a third time and place upon its passage. Carried.

General Ordinance No. 47, 1914, was read a third time and passed by the following vote:

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

Mr. Young called for General Ordinance No. 41, 1914, for second reading. It was read a second time.

Mr. Young moved that General Ordinance No. 41, 1914, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 41, 1914, was read a third time and passed by the following vote:

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

On motion of Mr. Young, the Common Council, at 8:30 o'clock P. M., adjourned.

*John F. Connor*  
.....  
President.

ATTEST:

*Thomas A. Riley*  
.....  
City Clerk.