

REGULAR MEETING

Monday, January 17, 1938
7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, January 17, 1938, at 7:30 p. m., in regular session. President Edward B. Raub in the chair.

The Clerk called the roll.

Present: Edward B. Raub, President, and seven members, viz: Silas J. Carr, Nannette Dowd, Adolph J. Fritz, Edward R. Kealing, William A. Oren, John A. Schumacher, Ross H. Wallace.

Absent: Theodore Cable.

The reading of the Journal for the previous meeting was dispensed with on motion of Mr. Wallace, seconded by Mrs. Dowd.

COMMUNICATIONS FROM CITY OFFICIALS

January 17, 1938

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

Gentlemen:

In re: A. O. No. 1, 1938

I beg leave to report that pursuant to the laws of the State of Indiana, I caused notice by publication to be inserted in the Indianapolis News and Indianapolis Times on January 6th, 1938, that the taxpayers would have a right to be heard on the above ordinance at the regular meeting of the Common Council, to be held on the 17th day of January, 1938, and by posting a copy of said notice in the following places.

City Hall,
Court House and
Police Station.

Yours very truly,

DANIEL J. O'NEILL, JR.,
City Clerk.

January 17, 1938

To the Honorable President and
Members of the Common Council
of the City of Indianapolis.

Gentlemen:

Attached please find copies of Appropriation Ordinance No. 2, 1938, appropriating and allocating the sum of One Hundred Forty-four Thousand Nine Hundred Eighteen Dollars and Eighty-five Cents (\$144,918.85) received on January 6, 1938, from the State of Indiana as revenue under the Gasoline Tax, in accordance with the provisions of subsections (b) of Sections 2 and 4 of General Ordinance No. 60, 1937.

I respectfully recommend the passage of this ordinance.

Yours very truly,

H. NATHAN SWAIM,
Acting City Controller.

January 17, 1938

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

Gentlemen:

In re: G. O. No. 2, 1938

Submitted herewith is an ordinance requiring the placing of the regulation flasher type signal at the Indianapolis Union Railway crossing over North Rural Street, replacing the bell signal now in use, and we respectfully recommend its passage.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,
BLYTHE Q. HENDRICKS
Executive Secretary.

January 17, 1938]

City of Indianapolis, Ind.

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January 17, 1938

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

Gentlemen:

In re: G. O. No. 3, 1938

Submitted herewith is an ordinance for the ratification of a contract entered into by and between the City of Indianapolis, through its Board of Safety, and Franklin Township, Marion County, for fire protection by the Indianapolis Fire Department for the years 1938 and 1939.

We respectfully recommend the passage of this ordinance.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,
BLYTHE Q. HENDRICKS
Executive Secretary.

January 17, 1938

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

Gentlemen:

In re: G. O. 5, 1938

Submitted herewith is an ordinance amending Sub-section "B" of Paragraph 66—Article No. 9 of General Ordinance No. 96—of 1928—striking out the words "within the calendar year"—and we respectfully recommend its passage.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,
BLYTHE Q. HENDRICKS
Executive Secretary

January 17, 1938

Members of the City Council,
Indianapolis, Indiana.

Gentlemen:

In re: G. O. No. 6, 1938

Acting in cooperation with Mayor Walter Boetcher and Mr. H. Nathan Swaim, City Controller, I wish to recommend an amendment to the ordinance requiring the vaccination of dogs in the City of Indianapolis which would make a certificate of vaccination under six months acceptable for issuing a dog license.

Respectfully submitted,

H. G. MORGAN

January 17, 1938

To the Honorable President and
Members of the Common Council
of the City of Indianapolis.

Gentlemen:

Attached please find copies of General Ordinance No. 7, 1938, allocating the funds of the City of Indianapolis to be derived from the revision of the tax rates levied in the year 1937 and collectible in the year 1938. Said revisions were made in accordance with instructions from the State Board of Tax Commissioners.

I respectfully recommend the passage of this ordinance.

Yours very truly,

H. NATHAN SWAIM
Acting City Controller.

At this time those present were given a chance to speak on matters pending before the Council.

Mrs. Dowd asked for a recess. The motion was seconded by Mr. Schumacher and the Council recessed at 7:35 p. m.

The Council reconvened at 8:10 p. m., with all members present. Mr. Cable having entered during the recess.

COMMITTEE REPORTS

Indianapolis, Ind., January 17, 1938

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

Gentlemen:

We, your Committee on Finance to whom was referred Appropriation Ordinance No. 1, 1938, entitled

Appropriating proceeds of bond sale

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

ROSS H. WALLACE, Chairman.
THEODORE CABLE.
SILAS J. CARR.
NANNETTE DOWD.
ADOLPH J. FRITZ.

Indianapolis, Ind., January 17, 1938

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. 1, 1938, entitled

Amending Section 42 of G. O. 96, 1928

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

SILAS J. CARR, Chairman.
NANNETTE DOWD.
ROSS H. WALLACE.
WM. A. OREN.
JOHN A. SCHUMACHER.

Indianapolis, Ind., January 17, 1938

To the 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 Special Ordinance No. 1, 1938, entitled

Extension of North Street

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

Wm. A. OREN, Chairman.
EDWARD R. KEALING.
ROSS H. WALLACE.
THEODORE CABLE.
ADOLPH J. FRITZ.

INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Controller:

APPROPRIATION ORDINANCE No. 2, 1938

AN ORDINANCE appropriating and allocating the sum of One Hundred Forty-four Thousand Nine Hundred Eighteen Dollars and Eighty-five Cents (\$144,918.85) received on January 6, 1938, from the State of Indiana as revenue under the Gasoline Tax, to the following departments of the City of Indianapolis, in the amounts specified, in accordance with the provisions of subsections (b) of Sections 2 and 4 of General Ordinance No. 60, 1937, and fixing 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 One Hundred and Forty-four Thousand Nine Hundred Eighteen Dollars and Eighty-five Cents (\$144,918.85), received on January 6, 1938, from the State of Indiana as revenue under the Gasoline Tax, be and the same is hereby appropriated, allocated and distributed to the following departments of the City of Indianapolis, in the amounts specified, in accordance with the provisions of subsections (b) of Sections 2 and 4 of General Ordinance No. 60, 1937:

Board of Public Works and Sanitation:

Administration	15.42%	\$22,346.49
Municipal Garage	1.57%	2,275.22
City Civil Engineer.....	29.48%	42,722.08
Street Commissioner	39.99%	57,953.05
Gamewell Division	2.90%	4,202.65
Park Department	10.64%	15,419.36
Total		\$144,918.85

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

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

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES

By Mr. Wallace:

SPECIAL ORDINANCE No. 2, 1938

AN ORDINANCE accepting, subject to all the terms, conditions and provisions in Item IV of the last will of Katheryn Cones Patrick, deceased, and in the offer of Edwin L. Patrick, trustee under said will, a bequest of One Hundred Thousand Dollars for the installation and maintenance of a Cancer Clinic in the City Hospital at Indianapolis, Indiana, according to the terms provided in said will and in an offer to the City of Indianapolis by said trustee, made under date of November 23, 1937, which will named and constituted said Edwin L. Patrick as trustee with power of selection of the beneficiary of said bequest, which said will was duly probated in the Probate Court of Marion County, State of Indiana, on the 9th day of June, 1937, and is of record in Will Record XX, beginning on Page 556, of the records of said court.

PREAMBLE

WHEREAS, the decedent Katheryn Cones Patrick died on the 30th day of May, 1937, and was distinguished for her contribution to and interest in public charities in the City of Indianapolis, Indiana, and

WHEREAS, said Katheryn Cones Patrick was the daughter of Constantine B. Cones and Mary L. Cones, his wife, who were influential and important residents of the City of Indianapolis for many years, contributing to its commercial and civic life and WHEREAS she desired to provide an important and appropriate memorial to their memory, and

WHEREAS, her last will and testament, which was duly admitted to probate in the Probate Court of Marion County, Indiana, on the 9th day of June, 1937, and recorded in Will Record XX, beginning on page 556 of the records of said court, for the purpose of such memorial made a certain bequest to Edwin L. Patrick as trustee thereof in Item IV of said last will and testament and which said bequest is in the words and figures following, to-wit:

“ITEM IV

“I hereby give to my husband, in trust, the sum of One Hundred Thousand Dollars (\$100,000), to be used by him in establishing a memorial in the City of Indianapolis to my father and mother. We have discussed various plans at various times, and my husband is fully familiar with my wishes. I leave it entirely to him to select the object of the memorial, and if need be to supplement from the residue of my estate, which I leave to him, the said sum of One Hundred Thousand Dollars (\$100,000), if he shall find that sum inadequate to provide a suitable memorial.”

and

WHEREAS, in a proceeding afterward brought in the Probate Court of Marion County on the 8th day of October, 1937, upon the complaint of the executor of said last will and testament to construe said Item IV of said will, it was Considered, Ordered and Adjudged by the court that the trust created by said will is a valid, charitable trust and that said decedent bequeathed to said trustee the sum of One Hundred Thousand Dollars (\$100,000.00) to be used by such trustee exclusively for charitable purposes in connection with or as a part of some charitable hospital in Indianapolis, State of Indiana, to be selected by the trustee and for no other purpose whatsoever, and that said Edwin L. Patrick, trustee, be, and he is charged with the due administration of said trust under the provisions of Item IV of said will, as therein construed by the court, and that the executor of said will be, and he hereby is, authorized and directed, upon distribution of said estate, to pay to said Edwin L.

Patrick, as trustee under said Item IV of said will, the sum of One Hundred Thousand Dollars (\$100,000.00) in cash or other form appropriate and acceptable, to be used in carrying out and maintaining such project, and that said Edwin L. Patrick as trustee is charged with the duty of selecting and deciding upon the particular hospital in the City of Indianapolis as a part of or in connection with which such memorial shall be established, and

WHEREAS, under date of November 23, 1937, said Edwin L. Patrick, as trustee, executed, addressed to and delivered to the Mayor, to the City Council and to the Board of Health of the City of Indianapolis an instrument making selection of the object of said trust and stating the conditions under which such selection was made and such fund should be used, which said instrument is in the language following, to-wit:

“November 23, 1937.

“Hon. Walter Boetcher, Mayor,
City Council of the City of Indianapolis,
Board of Health of the City of Indianapolis,
Indianapolis, Indiana.
“Gentlemen:

“This is to confirm the offer recently made through Mayor Kern and afterwards through Mayor Boetcher to select the City Hospital of Indianapolis, Indiana, for the establishment of memorial to the father and mother of Katheryn Cones Patrick, as provided in her last will and testament. Said last will and testament and the order of the Probate Court of Marion County provide that said memorial shall be of a charitable character connected with or a part of some important hospital in the City of Indianapolis, Indiana, and that the selection thereof shall be made by the undersigned as trustee under the trust created by said will, provided acceptance is duly made by the City of Indianapolis by duly enacted ordinance and by executive order accepting, confirming and meeting the following requirements. Therefore, I offer to use and appropriate said sum of \$100,000.00 for a Cancer Clinic in the City Hospital of Indianapolis, Indiana, upon the following terms:

“Said clinic shall be established in a certain pavilion in said hospital which is appropriate and useful for such clinic, with equipment therefor which shall cost not less

than the sum of \$40,000.00 and which equipment, together with the materials necessary for such use, shall be selected by Mr. Clarence Hess of the Methodist Hospital and approved by Dr. Charles W. Myers, Superintendent of the City Hospital, and Miss Loretta Gramling, R. N. I will pay for such equipment, adaptations of said pavilion and material necessary therefor the sum of \$40,000.00 upon receipt of invoices approved by Mr. Hess, Dr. Myers and Miss Gramling, and all of said installation, equipment and materials shall be and become the property of the City of Indianapolis as installed, approved and paid for. I propose, if the terms thereof are acceptable, to pay to the City of Indianapolis or to some proper trustees or foundation selected therefor by you, an additional sum of \$60,000.00, payment of which at the times, in the manner and with the security following shall be treated by you as a complete and entire compliance by me with the provisions of the will of Katheryn Cones Patrick, deceased, as follows, to-wit:

“(1) Upon the installation of the equipment and the preparation of said pavilion in said hospital fully equipped; for such clinic, I will pay the additional sum of \$10,000.00 in cash.

“(2) The remaining \$50,000.00 I will pay at the rate of \$10,000.00 each year for five years beginning March 1, 1940, without interest except after March 1, 1944, the last of which payments will complete the expenditure of said sum of \$100,000.00 constituting the trust funds under said provision of said will.

“(3) Subject to final approval and confirmation by the Judge of the Marion Probate Court as a full compliance with the terms of said will, I propose, in order to secure said deferred payments aggregating \$50,000.00, that Edwin L. Patrick as residuary legatee in said will, will execute to me as trustee a trust deed for the real estate known as No. 421 North Pennsylvania Street in the City of Indianapolis and more particularly described as follows:

“Lots 16, 17 and 18 and nine inches off the north side of Lot 15, all in Henderson's Sub-division of Square 17 in the City of Indianapolis, as per plat thereof recorded in Land

Record S, page 364, in the office of the Recorder of Marion County, Indiana.

which said trust deed shall provide that said real estate shall remain in and be impressed by said trust until all of said deferred payments shall have been paid; that said trust shall be docketed, as required by law, and subject to the supervision of the Judge of the Probate Court until full payment, when said trust shall be terminated and title declared to be in Edwin L. Patrick as residuary legatee, free from said trust.

"It is further understood that Edwin L. Patrick as residuary legatee, shall enjoy the possession of said real estate and any income therefrom without cost to himself, until and unless default should occur in said deferred payments; and in case said real estate, if resorted thereto for such purpose, does not provide sufficient funds to pay said deferred payments, then any such unpaid deficit shall be a charge against the estate of said Edwin L. Patrick individually.

"However, at all times the undersigned trustee and residuary legatee, under the order of the Marion Probate Court, shall have full power to sell said real estate, provided that any unpaid portion of said aggregate sum of \$50,000.00 shall be paid and satisfied from the funds realized for such sale, and the remainder of the purchase price shall be and remain the property of said Edwin L. Patrick, residuary legatee.

"If and when all of the payments herein agreed upon shall have been made by me, then the trust deed with respect to said real estate shall be released and satisfied and title thereto shall revert to and remain in Edwin L. Patrick, residuary legatee, free from said trust.

"It is my intention that the principal of said payments aggregating \$60,000.00 in cash shall be set aside and used exclusively as an endowment fund for the maintenance, care and improvement of the equipment of said pavilion and that no part of the principal thereof be used otherwise for a period of ten years from and after the installation of said equipment and the payment therefor by me, but that the principal and income from said aggregate sum of \$60,000.00 shall never at any time be used for or applied to any purpose whatsoever other than the

upkeep, extension and maintenance of said Cancer Clinic as a free and charitable clinic for the use and treatment of cancer patients and of no patients afflicted with diseases other than cancer. However, during the first ten years accruing interest may be used for upkeep of said equipment.

"It is a condition that the pavilion occupied by such clinic shall be known as Patrick Hall and that an appropriate bronze tablet be installed at or near the entrance thereof stating that said pavilion is a memorial to the father and mother of said Katheryn Cones Patrick, as provided in said will.

"Further working details and the form of ordinance and acceptance shall be arrived at by mutual agreement."

"Edwin L. Patrick

Trustee under the Last Will and Testament
of Katheryn Cones Patrick, deceased."

"I agree to the foregoing
Edwin L. Patrick,
Residuary Legatee."

WHEREAS said Edwin L. Patrick, trustee, is prepared, subject to and upon the approval of the Probate Court of Marion County, to carry out the provisions of said will and of said instrument of November 23, 1937, according to the terms thereof:

Section 1. BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS That the City of Indianapolis does hereby accept, subject to all the terms, conditions and provisions contained in Item IV of said will and in said judgment and order of the Probate Court made and entered on October 8, 1937, respecting the same and subject to the terms, conditions and provisions contained in said instrument of November 23, 1937, executed by said Edwin L. Patrick, trustee, and by said Edwin L. Patrick, residuary legatee of said will, the bequest of \$100,000.00 so made for the purposes therein designated, selected and provided, which said will was duly probated in the Probate Court of Marion County, Indiana, on the 9th day of June, 1937, and is of record in Will Record XX beginning on page 556 of the records of said court and which judgment construing said will was entered on the 8th day of October, 1937, in the Probate Court of Marion County, and which said instrument of November 23, 1937, is set out in the pre-

amble hereto; and the City of Indianapolis does hereby agree to comply with all the terms and conditions of said bequest, of said judgment and of said instrument executed by said trustee under date of November 23, 1937, and agrees that the payment of said bequest according to the terms of said instrument of November 23, 1937, shall be in full satisfaction and discharge of all of the provisions of Item IV of said last will and testament of Katheryn Cones Patrick and does hereby agree and guarantee that said Cancer Clinic as provided in said instrument of November 23, 1937, shall be perpetually maintained and that said Cancer Clinic and the maintenance fund provided therefor, together with the interest and accumulations thereon, shall be preserved and used for said purposes as provided in said instrument, as a memorial to said Constantine B. Cones and Mary L. Cones and shall be diverted to no other purpose; and to the faithful performance of which guaranty the faith and credit of the City of Indianapolis are hereby irrevocably pledged; and the operation and control of said Cancer Clinic, and all expenditures of the funds provided herein, shall be under the sole jurisdiction and direction of the Board of Health of the City of Indianapolis or its legal successor or successors.

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 Finance.

By the Board of Public Safety:

GENERAL ORDINANCE NO. 2, 1938

AN ORDINANCE providing for the installation and maintenance of a railroad crossing danger signal device of four flashing light warning signals by the Indianapolis Union Railway Company at the intersection of North Rural Street with the tracks of the Indianapolis Union Railway Company, providing a penalty for the violation thereof and declaring when the same shall take effect.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That the Indianapolis Union Railway Company shall install, maintain and operate two crossing danger signals devices of four flashing light warning signals at the location where the tracks of the Indianapolis Union Railway Company cross North Rural Street

in the City of Indianapolis, one such device to be placed on the north side of said tracks and one such device to be placed on the south side of said tracks. Said signal devices shall be automatically operated twenty-four (24) hours every day.

Section 2. Any person, firm or corporation who shall fail to comply with any provision of this ordinance shall, upon conviction, be fined in any sum not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00,) and each day's failure so to do shall constitute a separate offense after the taking effect of this ordinance.

Section 3. Any and all ordinances or parts of ordinances, in so far as the same may be in conflict with the provisions of this ordinance, are hereby repealed.

Section 4. This ordinance shall be in full force and effect from and after ninety (90) days from the time of passage and due publication as required by law.

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

By the Board of Public Safety:

GENERAL ORDINANCE NO. 3, 1938

AN ORDINANCE approving a certain contract heretofore entered into by the Board of Public Safety, acting for the City of Indianapolis, with Franklin Township of Marion County, Indiana, and fixing a time when said ordinance shall take effect.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That the action of the Board of Public Safety on the 11th day of January, 1938, in executing, on behalf of the City of Indianapolis a written contract between the City of Indianapolis and Franklin Township of Marion County, State of Indiana, in which the City of Indianapolis agrees to furnish such of its fire apparatus and fire fighting service to said Franklin Township as may be reasonably available for said township, and in which said contract said city agrees to furnish said fire apparatus and fire service for a period of two (2) years from the first day of January, 1938, to the 31st day of December, 1939, for and in consideration of Three Hundred Dollars (\$300.00) to be paid to the City of Indianapolis for each of the years 1938 and 1939, a sum of One Hundred Fifty Dollars (150.00) to be paid semi-annually, on July 1st and December 31st of each year, which

said written contract has been approved by the Mayor and is now on file in the offices of the Board of Public Safety, is hereby ratified, approved and confirmed.

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

C O N T R A C T

between

CITY OF INDIANAPOLIS

and

FRANKLIN TOWNSHIP OF MARION COUNTY

THIS AGREEMENT, made and entered into as of the 4th day of January, 1938, by and between the City of Indianapolis, Marion County, Indiana, by and through its Board of Public Safety, with the approval of its mayor, party of the first part, and Franklin Township of Marion County, State of Indiana, by and through its advisory board and trustee, party of the second part, WITNESSETH THAT

WHEREAS, the party of the first part has and maintains a fire department for fire protection of the person and property of the citizens of said City of Indianapolis, and is desirous of contracting with the party of the second part for the use of the services of said fire department of said party of the first part for fire protection of the property of the citizens of said township situated outside of the corporate limits of all cities and towns in said township, and

WHEREAS, the party of the second part has no fire department or fire-fighting apparatus for the use and benefit and protection of the person and property of its residents as aforesaid; and under section 65-501 to 65-5010 Burns Statutes, 1933, a trustee of a township is authorized to cooperate with the proper authorities of any city, part of which is in said township, in the purchase, maintenance and upkeep of fire-fighting apparatus as may be deemed necessary to afford the requisite fire protection of said township; and a trustee of any township is authorized and empowered by and with the consent of the township advisory board to purchase for such township fire-fighting equipment, and provide for the proper housing, care and maintenance of such equipment; and whenever any township trustee shall purchase any such equipment, such township trustee, by and with the consent of the township advisory board is authorized to enter into an agreement with any volunteer fire-fighting company for the

use and operation of such equipment; and further provides that all expenses which may be incurred by any township in carrying out the provisions of said act shall be paid out of the township general fund, and the township advisory board may increase the general fund levy by sufficient amount, annually, to defray such expenses; and

WHEREAS, second party is of the opinion that it will receive better fire protection at less cost if it contract with first party for fire protection as provided for in this contract than it would if it purchased and maintained its own fire equipment, either alone or with some city, town or other township; and therefore in lieu of purchasing and maintaining its own fire equipment it is desirous of contracting with the first party for the use of the facilities of the fire department belonging to said first party for the purposes aforesaid, said use to be in the nature of said fire department of the first party furnishing such of its apparatus and fire-fighting service as may be reasonably available without endangering its service to be rendered to the people of the City of Indianapolis.

NOW THEREFORE, in consideration of the premises and the mutual benefits of the parties hereto, it is agreed as follows:

The party of the first part hereby agrees to furnish such of its fire apparatus and fire-fighting service as may be reasonably available for the territory and purposes hereinbefore stated without endangering or crippling its service to be rendered to the people of the City of Indianapolis, and said second party agrees to pay to party of the first part for said fire protection rendered the sum of Three Hundred (300.00) Dollars for each of the years 1938 and 1939 as follows: One Hundred Fifty (\$150.00) Dollars to be paid semi-annually July 1st and December 31st of each year.

It is agreed and understood by the parties hereto that this contract shall be in full force and effect for the period of two years, that is, from the 1st day of January 1938 to December 31, 1939.

It is further agreed and understood by the parties hereto that no liability attaches or will attach to the party of the first part on account of the nature of the work and services performed by first party's said fire department for second party, and that said party of the first part will not be liable in damages, either to person or property, to the party of the second part or any of its citizens, or any other person, firm or corporation on account of any act or omission arising out of the performance of the services herein contracted for.

It is further agreed and understood that the party of the second part shall furnish its own water supply at its own expense.

This contract shall be of no force and effect unless its execution is authorized by an ordinance passed by the Common Council of the City of Indianapolis and approved by its mayor

IN WITNESS WHEREOF, the parties have hereunto set their hands this 11th day of January 1938.

CITY OF INDIANAPOLIS

By

THEO. H. DAMMEYER

JAMES P. SCOTT

EDWARD P. FILLION

Its Board of Public Safety

Party of the First Part

Approved:

WALTER C. BOETCHER

Mayor—City of Indianapolis

Franklin Township

of Marion County, Indiana.

By

JOHN LUEBKERMAN

EARL A. SCOTT

WILLIAM C. SCHELLING

Constituting the Advisory Board

ED COOK

Its Trustee

Party of the Second Part

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

By the Purchasing Department:

GENERAL ORDINANCE No. 4, 1938

AN ORDINANCE authorizing certain boards of the City of Indianapolis to purchase certain materials, supplies, merchandise and equipment, and fixing 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 Board of Health of the City of Indianapolis, through its duly authorized purchasing agent, be, and it is, hereby authorized and empowered to purchase the hereinafter specified materials, supplies, merchandise and equipment from the lowest and best bidder or bidders, after receiving bids for the same subsequent to advertisement for such bids. The purchase price shall not exceed the amounts as hereinafter designated:

- (a) Canned Goods No. 10—6 months' Requirements—Req. No. 5253.....\$ 7,800.00
- (b) Milk City Hospital—100 gal. daily @ 34c—Req. No. 5355..... 12,410.00
- (c) ZO Adhesive Tape and Moleskin Req. No. 5389 3,000.00
- (d) Cotton Gauze—Bandages, Cotton Wadding—Req. No. 5388..... 3,000.00

Section 2. That the Board of Public Safety of the City of Indianapolis, through its duly authorized purchasing agent, be, and it is, hereby authorized and empowered to purchase the hereinafter specified materials, supplies, merchandise and equipment from the lowest and best bidder, or bidders, after receiving bids for the same subsequent to advertisement for such bids. The purchase price shall not exceed the amounts as hereinafter designated:

- (a) 3 Standard Coupes with special police equipment—Req. No. 3509.....\$2,300.00
- (b) 50 No. 60 Flashing Stop Signals—Req. No. 3511 2,500.00

Section 3. That the Board of Public Works and Sanitation of the City of Indianapolis, through its duly authorized purchasing agent, be, and it is, hereby authorized and empowered to purchase the hereinafter specified materials, supplies, merchandise and equipment from the lowest and best bidder, or bidders, after receiving bids for the same subsequent to advertisement for such bids. The purchase price shall not exceed the amounts as hereinafter designated:

- (a) 3 Station Wagons—Engineering Department—Req. No. 1619.....\$2,500.00
- (b) 5 Dump Trucks and Chassis—Street Commissioner—Req. No. 1618..... 5,000.00

- (c) 2 Truck Chassis for Mounting
Garbage Collection Bodies—
Req. No. 6964 3,500.00
- (d) 2 Garbage Collection Bodies to be
mounted on chassis—Req. No. 6961..... 3,000.00
- (e) 100,000 gal. Refined Asphalt—
City Specifications—Req. No. 499..... 7,500.00
- (f) 40,000 gals. Fuel Oil—Asphalt
Plant—Req. No. 505..... 2,400.00
- (g) 1,500 tons Lake Cicotte Sand—
Req. No. 500 2,300.00
- (h) 2,000 BBB Common Cement
Req. No. 10070 4,500.00
- (i) 1,000 BBB High Early Strength Cement
Req. No. 504 3,000.00
- (j) 1,000 Tons Limestone Dust—
Req. No. 502..... 6,000.00
- (k) 50,000 cu. ft. River Sand—
Req. No. —— 3,000.00

Section 4. That the purchasing agent of the City of Indianapolis, Indiana, is hereby authorized to purchase incandescent light bulbs for the various departments and subdivisions of the City of Indianapolis for the year 1938, the same to be of the kind and quality and according to the specifications heretofore advertised for and on file in the office of the department of public purchase.

That said purchase shall be made from the lowest and best bidder, or bidders, after advertising for competitive bids thereon according to law, and the total cost thereof shall not exceed Five Thousand One Hundred Dollars (\$5,100.00).

That the purchase price of said incandescent light bulbs shall be paid out of the funds heretofore appropriated to the various departments of the City of Indianapolis for the year 1938.

Light Bulbs—Traffic and all other
departments—Req. XYZ\$5,100.00

Section 5. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Which was read the first time and referred to the Committee on Public Health and Charities:

By the Board of Public Safety:

GENERAL ORDINANCE No. 5, 1938

AN ORDINANCE amending sub-section (b) of Section 66 of General Ordinance No. 96, 1928, and fixing a time when the same shall take effect.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That sub-section (b) of Section 66 of General Ordinance No. 96, 1928, be amended to read as follows:

(b) Whenever a member of the Police Department of the City of Indianapolis or other person charged by ordinance with enforcement of the provisions of the sections of this ordinance as enumerated in the foregoing subsection (a) hereof, shall find that any of the provisions of said sections of this ordinance are being or have been violated by the owner or operator of any vehicle, such officer or person shall notify such owner or operator of such vehicle, in writing of such violation and order him to report at the Traffic Bureau Office of the Police Department within seventy-two hours of such notice. Such notice shall be made in duplicate and be serially numbered, and shall show the specific violation charged, the state license number of such vehicle and the owner's name, if possible to obtain the same, and shall be signed by such officer or person, giving his badge number. One copy of such notice shall be presented to the owner or operator of such vehicle or his representative when found in charge of such vehicle, and in case such owner or his representative be not found in possession of or in charge thereof, the posting of such traffic violation notice in a conspicuous place on such vehicle shall be deemed sufficient notice of such violation. It shall be the duty of such police officer or other person serving such traffic violation notice to turn in the duplicate copy of such traffic violation notice to the Traffic Bureau Office at the end of his day's work. The owner or operator of such vehicle who has been notified of a violation of the specified provisions of this ordinance as herein provided shall, within seventy-two hours after having been so noti-

fied, present himself, with the notice, at the Traffic Bureau Office at Police Headquarters, and for the first violation of any of the specific provisions of this ordinance which he is willing to admit having violated, he shall pay to the City Clerk a fee of two dollars (\$2.00); for the second violation of any of the specified provisions of this ordinance, a fee of three dollars (\$3.00); and for each subsequent violation of the specified provisions of this ordinance, a fee of five dollars (\$5.00).

Section 2. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor and publication according to law.

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

By the Board of Health and Charities:

GENERAL ORDINANCE No. 6, 1938

AN ORDINANCE amending General Ordinance No. 97, 1937, and fixing a time when the same shall take effect.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That General Ordinance No. 97, 1937, be amended to read as follows:

“AN ORDINANCE concerning the issuance of dog licenses and fixing a time when the same shall take effect.

“Section 1. From and after the passage of this ordinance, no license for the owning, keeping or harboring of any dog in the City of Indianapolis shall be issued by the City Controller to any person without and unless such person so desiring such license shall first present to such controller the certificate of a veterinarian licensed under the laws of Indiana, showing that the dog for which a license is sought has been vaccinated against rabies by the administration of an antirabic vaccine within a period of one hundred eighty (180) days prior to the application for such license.

“Section 2. This ordinance shall not repeal any provision of any other ordinance regulating and/or licensing dogs, but is supplemental thereto and in aid thereof.

"Section 3. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor and publication according to law."

Section 2. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor and publication according to law.

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

By the City Controller:

GENERAL ORDINANCE No. 7, 1938

AN ORDINANCE allocating the funds of the City of Indianapolis to be derived in the year 1938 from the tax levy and rate levied in the year 1937, in such a manner that the expenditures of said city for the year 1938 shall remain within the limitations fixed in accordance with Sections Five (5) and Eight (8) of Chapter 119 of the Acts of the Indiana General Assembly, 1937, and fixing a time when the same shall take effect.

WHEREAS, since the passage of General Ordinance No. 60, 1937, an ordinance fixing the rate of the various 1937 tax levies of the City of Indianapolis and establishing the budget of expenditures for said city for the year 1938, certain revisions in the said tax rates levied for the year 1937 and the said budget as the same are therein set out have been made by the proper public authorities requiring a reallocation of the funds to be derived from said revised tax rates and revised budget, NOW, THEREFORE,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That the funds to be derived from the revision of the tax rates levied in the year 1937, are hereby appropriated and allocated as in the manner set out in General Ordinance No. 60, 1937, to the various departments and offices as set out in said ordinance, except as the same are modified or revised by this ordinance in the detailed items herein set out in the following sub-sections:

Sub-Section	Tax Levy
(a) DEPARTMENT OF FINANCE ELECTION AND PRIMARY—1938	
To Election Expenses Primary and Election 1938	
City Share (Statutory)	\$37,500.00
(b) DEPARTMENT OF FINANCE LEGAL	
13—Other Compensations	2,000.00
Total Item 1	25,053.97
(c) BOARD OF PUBLIC WORKS ADMINISTRATION	
26—Other Contractual	4,000.00
Total Item No. 2	757,600.00
(d) BOARD OF PUBLIC WORKS AND SANITATION STREET COMMISSIONER	
38—General Supplies	4,000.00
Total Item 3	5,425.00
(e) BOARD OF PUBLIC SAFETY GAMEWELL DIVISION	
1. SERVICES—PERSONAL	
11—Salaries and Wages, Regular	
1 Traffic Signal Repairman	0,000.00
Total Item No. 1.....	36,368.56
4. MATERIALS	
44—General	6,000.00
Total Item No. 4.....	7,000.00
(f) DEPARTMENT OF PUBLIC SAFETY FIRE DEPARTMENT	
21—Communication and Transportation	8,400.00
22—Heat, Light and Power	7,600.00
26—Other Contractual Service	4,000.00
Total Item No. 2.....	28,050.00
34—Institutional and Medical	2,300.00
38—General Supplies	2,800.00
Total Item No. 3	32,600.00
71—Buildings, Structures and Improvements.	20,000.00

Sub-Section	Tax Levy
(g) DEPARTMENT OF PUBLIC SAFETY	
POLICE DEPARTMENT AND POLICE RADIO	
44—General Materials	10,099.50
72—Equipment (Police Department).....	19,108.25
Total Item No. 72	23,108.25
(h) DEPARTMENT OF PUBLIC HEALTH AND CHARITIES	
ADMINISTRATION	
24—Printing and Advertising.....	900.00
25—Repair of Equipment	200.00
Total Classification No. 2.....	20,225.00
PLUMBING INSPECTION	
33—Garage and Motor	375.00
Total Plumbing	3,910.56
(i) BOARD OF HEALTH AND CHARITIES	
CITY HOSPITAL: GENERAL	
22—Heat, Light, Power and Water.....	3,549.00
25—Repairs	6,800.00
Total Classification No. 2.....	17,364.00
31—Food	115,000.00
Total Classification No. 3.....	197,800.00
44—General Materials	1,500.00
Total Classification No. 4.....	4,900.00
72—Equipment	4,500.00
Total Classification No. 7.....	4,500.00
NURSES' TRAINING SCHOOL	
72—Equipment	1,000.00
Total Classification No. 7	1,000.00
(j) BOARD OF PUBLIC HEALTH	
SCHOOL HEALTH	
1. Services—Personal	
11—Salaries and Wages—Regular	
1 Additional Nurse @ \$1,260.00.....	1,260.00
Total Classification No. 1	80,211.32
24—Printing and Advertising	200.00
25—Repairs to Equipment	000.00
Total Classification No. 2	200.00

Sub- Section		Tax Levy
(k)	BOARD OF PUBLIC WORKS AND SANITATION COLLECTION DEPARTMENT	
	12A—Additional Requests	
	1 Heavy Duty Tractor Driver, 2,496 hrs. @ 55c per hour	000.00
	2 Laborers, 4,992 hrs. @ 45c per hr.	000.00
	1 Teamster, 2,496 hrs. @ 90c per hr.....	000.00
	1 Guard, \$3.20 per week (10 weeks)	32.00
	Total Item No. 12	160,487.36
	72—Equipment	12,500.00
	Total Classification No. 7.....	12,500.00
	GARBAGE REDUCTION PLANT	
	38—General Supplies	3,000.00
	Total Item No. 3	23,875.00
	SEWAGE DISPOSAL PLANT	
	21—Communication and Transportation	1,400.00
	Total Item No. 2.....	9,360.00
	45—Repair Parts	3,000.00
	Total Item No. 4.....	9,550.00
	72—Equipment	4,230.82
	Total Item No. 7.....	4,230.82

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

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

ORDINANCES ON SECOND READING

Mr. Wallace called for Appropriation Ordinance No. 1, 1938, for second reading. It was read a second time.

On motion of Mr. Wallace, seconded by Mr. Carr, Appropriation Ordinance No. 1, 1938, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 1, 1938, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Mr. Oren called for Special Ordinance No. 1, 1938, for second reading. It was read a second time.

On motion of Mr. Oren, seconded by Mr. Kealing, Special Ordinance No. 1, 1938, was ordered engrossed, read a third time and placed upon its passage.

Special Ordinance No. 1, 1938, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Mr. Carr called for General Ordinance No. 1, 1938, for second reading. It was read a second time.

On motion of Mr. Carr, seconded by Mr. Wallace, General Ordinance No. 1, 1938, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 1, 1938, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Mr. Oren presented the following written motion to amend General Ordinance No. 103, 1937, which had been read a second time at the previous meeting:

Indianapolis, Ind., January 17, 1938

Mr. President:

I move that General Ordinance No. 103, 1937 be amended as follows:

By striking out in line 16 of Sec. 1, the word "fifty" and inserting in lieu thereof the words "one hundred."

Wm. A. OREN
Councilman

The motion was seconded by Mr. Kealing, but failed of passage as shown by the following roll call vote:

Ayes, 5, viz: Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, President Raub.

Noes, 4, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Wallace.

On motion of Mr. Oren, seconded by Mr. Kealing, General Ordinance No. 103, 1937, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 103, 1937, was read a third time by the Clerk but failed of passage, as shown by the following roll call vote:

Ayes, 4, viz: Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher.

Noes, 5, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Wallace, President Raub.

Mr. Wallace asked that the rules be suspended for the further consideration and passage of Special Ordinance No. 2, 1938. The motion was seconded by Mr. Fritz, and passed by the following roll call vote:

Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

The rules were suspended.

The Council reverted to a previous order of business.

COMMITTEE REPORT

Indianapolis, Ind., January 17, 1938

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 Special Ordinance No. 2, 1938, entitled

Accepting \$100,000 as gift from Edward L. Patrick for establishment and maintenance of Cancer Clinic at the Indianapolis City Hospital.

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed under suspension of the rules.

ROSS H. WALLACE, Chairman.
THEODORE CABLE.
SILAS J. CARR.
ADOLPH J. FRITZ.
NANNETTE DOWD.

ORDINANCE ON SECOND READING

Mr. Wallace called for Special Ordinance No. 2, 1938, for second reading. It was read a second time.

On motion of Mr. Wallace, seconded by Mr. Carr, Special Ordinance No. 2, 1938, was ordered engrossed, read a third time and placed upon its passage.

Special Ordinance No. 2, 1938, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

On motion of Mr. Schumacher, seconded by Mr. Wallace, the Common Council adjourned at 8:35 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, held on the 17th day of January, 1938, 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.

Edward B. Raub,

President.

Attest:

Samuel J. Oring,

City Clerk.

(SEAL)