

REGULAR MEETING

Monday, April 4, 1938  
7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, April 5, 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: Theodore Cable, Silas J. Carr, Nannette Dowd, Edward R. Kealing, William A. Oren, John A. Schumacher, Ross H. Wallace.

Absent: Adolph J. Fritz.

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

COMMUNICATIONS FROM THE MAYOR

March 22, 1938

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

Gentlemen:

I have today approved with my signature and delivered to the Honorable Daniel J. O' Neill, Jr., City Clerk, the following ordinance:

GENERAL ORDINANCE NO. 23, 1938

AN ORDINANCE prohibiting the parking of vehicles upon certain streets of the City of Indianapolis, providing a penalty for the

violation thereof, and fixing a time when the same shall take effect.

Respectfully,

WALTER C. BOETCHER,  
Mayor.

## COMMUNICATIONS FROM CITY OFFICIALS

April 4, 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. 3, 1938, appropriating and allocating the Sum of One Hundred Seventy-seven Thousand Eight Hundred Twenty-nine Dollars and Forty-nine Cents (\$177,829.49) received on April 2, 1938, from the State of Indiana as revenue under the Gasoline Tax.

I respectfully recommend the passage of this ordinance.

Yours very truly,

H. NATHAN SWAIM,  
Acting City Controller

March 30, 1938

Mr. Daniel J. O'Neill  
City Clerk  
City of Indianapolis

Dear Sir:

I am enclosing herewith copies of Special Ordinance No. 3, 1938, providing for the alienation of a small triangular piece of ground on the south side of Prospect Street approximately 150 ft. east of Madison Avenue, which you are requested to present to the Common Council at its next meeting with the recommendation from the Board of Public Works and Sanitation that the same be passed.

For the information of yourself and the members of the Common Council I desire to advise that this small triangle was acquired

when the city condemned the property necessary for the opening and extension of Prospect Street, and will be the remainder of the property acquired under the new re-alignment. This triangle abutts the property owned by the Shell on the west, and the Board is now negotiating an exchange of property with the Shell Petroleum Corporation whereby they will give to the city the necessary right-of-way from their property for this triangle and a portion of present Prospect Street which will be vacated.

Very truly yours,

BOARD OF PUBLIC WORKS AND SANITATION,  
/s/ Ernest F. Frick,  
Executive Secretary.

April 4, 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. 30, 1938, authorizing the Acting City Controller for and on behalf of the City of Indianapolis, Indiana, to borrow the sum of Seventy Thousand (\$70,000.00) Dollars and to issue for this purpose and sell seventy (70) bonds of One Thousand (\$1,000.00) Dollars each, to be designated as "City of Indianapolis Airport Development Bonds of 1938—First Issue."

I take this action by virtue of a certified resolution addressed to me from the Board of Public Works and Sanitation requesting me to borrow the above sum of money to be used as follows: \$65,000.00 for an additional hanger and shop building to be used as a testing station by the Bureau of Air Commerce, Department of Commerce, U. S. A. and \$5,000.00 to apply on the purchase of 57.1 acres of land adjacent to the present Airport.

The passage of this ordinance is respectfully recommended by me.

Yours very truly,

H. NATHAN SWAIM  
Acting City Controller

April 4, 1938

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

Gentlemen:

Submitted herewith is General Ordinance No. 32, 1938, prohibiting parking on both sides of North Davidson Street from Washington Street to Market Street.

We respectfully recommend the passage of this ordinance.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,

By T. H. Dammeyer,  
President.

April 4, 1938

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

Gentlemen:

Submitted herewith is General Ordinance No. 33, 1938, amending Paragraph No. 66 of General Ordinance No. 96, 1928, as amended, to read "REPORTING AT THE CLERK'S OFFICE"—"NOTICE—EFFECT"—and we respectfully recommend its passage.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,

By THEO. H. DAMMEYER,  
President

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April 4, 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. 34, 1938, approving the action of the Board of Public Safety with reference to the transfer of certain taxicab licenses for the year 1938-1939 (Nos. 110 and 111) from the owner thereof to a certain other person.

I respectfully recommend the passage of this ordinance.

Yours very truly,

H. NATHAN SWAIM,  
Acting City Controller

March 30, 1938

Mr. Daniel J. O'Neill,  
City Clerk

r

Dear Sir:

I am enclosing herewith copies of a proposed switch contract, with the request that you cause the same to be submitted to the Common Council at its next meeting with the recommendation from the Board of Public Works and Sanitation that the same be passed.

Very truly yours,

BOARD OF PUBLIC WORKS AND SANITATION  
ERNEST F. FRICK  
Executive Secretary

April 4, 1938

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

Gentlemen:

Submitted herewith is General Ordinance No. 36, 1938, an ordinance prohibiting the sale of baby chickens, birds, ducks, dogs, rabbits, etc., that has been artificially colored, sprayed or painted.

This ordinance has the hearty indorsement of the Indianapolis

Humane Society, Akron and Dayton Ohio, Milwaukee, Wis., and Chicago Ill. and other cities have similar ordinances.

As this practice is generally used around the Easter time, and that this Council does not meet again till after Easter Sunday, I recommend that this ordinance, General Ordinance No. 36, 1938, be passed under suspension of rules to-nite, April 4, 1938.

Respectfully Submitted,

JOHN A. SCHUMACHER  
Councilman

## OTHER COMMUNICATIONS

### Filing of Petitions

Petitions bearing the signatures of more than fifty (50) persons purporting to own taxable real estate in the City of Indianapolis were filed, which petitions requested the Common Council to cause to be issued bonds of the City of Indianapolis in a total sum not exceeding seventy thousand dollars (\$70,000.00), for the purpose of providing funds to be used to construct an additional building and hangar and all appurtenances thereto to be used as a testing station by the Federal Government at the Indianapolis Municipal Airport, and also for the acquisition of additional land for airport purposes; and for the construction of runway extensions, taxi strip, apron pavements and grading, and all work incidental thereto at said Municipal Airport. Said petitions were verified by more than one of the signers thereof and there was attached to said petitions a certificate of the Auditor of Marion County, Indiana, to the effect that all such petitioners are owners of taxable real estate in the City of Indianapolis.

Said petitions, omitting the signatures thereon, were in the following words and figures:

“PETITION FOR THE ISSUANCE OF BONDS  
FOR AIRPORT IMPROVEMENTS AT THE IN-  
DIANAPOLIS MUNICIPAL AIRPORT

“We, the undersigned, hereby state that we are owners of taxable real estate situated in the city of Indianapolis, Indiana, and hereby petition the Common Council of the City of Indianapolis, Indiana, that bonds be issued in the amount of \$70,000.00, in order to provide the necessary funds to be used as a testing station by the Federal Government at the Indianapolis Municipal Airport, and also for the acquisition of additional land for airport purposes; and for the construction of runway extensions, taxi strip and apron pavements and grading, and all work incidental thereto at said Municipal Airport.”

The form of verifications on said petitions was as follows:

“STATE OF INDIANA,  
COUNTY OF MARION  
SS:

“.....being first duly sworn upon his oath deposes and says that he knows of his own knowledge that the signers of the foregoing petition for the issuance of bonds for the improvements at the Municipal Airport, and for the acquisition of additional land at the said Municipal Airport, are all owners of taxable real estate in the City of Indianapolis or that they have so stated to this deponent and that he himself is such an owner and for and on behalf of himself and the other owners of taxable real estate, filed this petition and makes this affidavit for the purpose of inducing the Common Council

to authorize the issuance of bonds to provide such necessary funds.

-----  
 "Subscribed and sworn to before me this  
 ----- day of -----, 1938.

-----  
 Notary Public

My commission expires:  
 -----"

A copy of the certificate of the Auditor of Marion County attached thereto is as follows:

"STATE OF INDIANA,  
 COUNTY OF MARION  
 SS:

"I, Charles A. Grossart, Auditor of Marion County, Indiana, hereby certify that the attached list of persons are property owners in Marion County, Indiana.

"Witness my hand this 1st day of April, 1938.

(Signed) Chas. A. Grossart,  
 Auditor Marion County, Indiana.

By

(Signed) Joe Grossart,  
 Chief Deputy Transfer Clerk."

Mr. Schumacher asked for a recess. The motion was seconded by Mr. Cable and the Council recessed at 8:05 p. m.

The council reconvened at 8:25 p. m. with the same members present as before.



COMMITTEE REPORTS

Indianapolis, Ind., April 4, 1938.

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

Gentlemen:

We, your Committee on Public Works, to whom was referred  
General Ordinance No. 24, 1938, entitled:

Switch Contract—27th Street

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

THEODORE CABLE, Chairman  
ROSS H. WALLACE  
SILAS J. CARR  
WM. A. OREN  
JOHN A. SCHUMACHER

Indianapolis, Ind., April 4, 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 Gen-  
eral Ordinance No. 25, 1938, entitled:

College Avenue sewer bonds

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

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

Indianapolis, Ind., April 4, 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. 27, 1938, entitled:

Loading zone—105 N. Pennsylvania St.

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

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

Indianapolis, Ind., April 4, 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. 28, 1938, entitled:

Prohibiting parking on West 18th Street

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

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

INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Controller:

APPROPRIATION ORDINANCE No. 3, 1938

AN ORDINANCE appropriating and allocating the sum of One Hundred Seventy-seven Thousand Eight Hundred Twenty-nine Dollars and Forty-nine Cents (\$177,829.49), received on April 2, 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 Seventy-seven Thousand Eight Hundred Twenty-nine Dollars and Forty-nine Cents (\$177,829.49), received on April 2, 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%	\$27,421.31
Municipal Garage .....	1.57%	2,791.92
City Civil Engineer .....	29.48%	52,424.14
Street Commissioner .....	39.99%	71,114.01
Gamewell Division .....	2.90%	5,157.05
Park Department .....	10.64%	18,921.06
		<hr/>
Total .....	100.00%	\$177,829.49

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 the Board of Public Works and Sanitation:

### SPECIAL ORDINANCE No. 3, 1938

AN ORDINANCE authorizing the sale, alienation and conveyance of certain land of the City of Indianapolis, and fixing a time when the same shall take effect.

WHEREAS, The Board of Public Works and Sanitation of the City of Indianapolis has determined that certain land, hereinafter described, is no longer necessary for the public use and that it would be to the best interests of said City of Indianapolis to dispose of said land by sale;

NOW, THEREFORE,

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

Section 1. That the Board of Public Works and Sanitation is hereby authorized to sell, alienate and convey for cash, at public or private sale, for not less than the appraised value thereof, which value is to be hereafter determined by appraisers appointed by the judge of the Circuit Court of Marion County, Indiana, as required by law, the following described real estate, belonging to the City of Indianapolis and situated in the City of Indianapolis, Marion County, Indiana, to-wit:

#### PARCEL "B"

A Parcel of Land being part of Lot No. 14 in Frank & Ryan's Subdivision, as recorded in Plat Book 4, at page 169, in the Office of the Recorder of Marion County, Indiana, being more particularly described as follows:

Beginning at a point, said point being on the south property line of Prospect Street, ninety-two (92') feet east of the intersection of the south property line of Prospect Street and the east property line of Madison Avenue; thence east on and along the south property line of Prospect Street, a distance of twenty-one and twenty-nine hundredths (21.29') feet more or less to a point, said point being fourteen and seventy-one hundredths (14.71') feet more or less west of the northeast corner of the afore-described Lot No. 14; thence in a southwestwardly direction

on a curve to the left, said curve having a radius of three hundred sixteen and fifty-seven hundredths (316.57') feet, a distance of fifteen and sixty-seven hundredths (15.67') feet more or less to a point; thence continuing southwestwardly on the tangent to the last described curve, a distance of three and eighty-nine hundredths (3.89') feet more or less to a point; thence northwestwardly a distance of twelve and eighteen hundredths (12.18') feet more or less to the point or place of beginning.

That said real estate shall be sold at public or private sale, upon such notice, or notices, as the Board of Public Works and Sanitation may determine. The conveyance of the above described real estate shall be by the Mayor in the name of the City of Indianapolis, and attested by the City Clerk and with the sale of the city.

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 Public Works.

By the City Controller:

GENERAL ORDINANCE NO. 30, 1938

AN ORDINANCE authorizing the acting City Controller to borrow the sum of Seventy Thousand Dollars (\$70,000.00,) and to issue bonds for said purpose, appropriating the money derived therefrom to the Municipal Airport budget for certain airport improvements, and fixing an effective date.

WHEREAS, on March 16, 1938, the Board of Public Works and Sanitation of the City of Indianapolis adopted a resolution providing for the purchase of 57.1 acres of land adjacent to the Municipal Airport at a purchase price of \$5, 800.00, \$800.00 of which is now available for such purposes and 5,000.00 of which is not now available or appropriated for such purpose; and

WHEREAS, said board, on the 18th day of March, 1938, passed a resolution providing for the construction of an additional building and a hangar, to be used as a testing station by the Bureau of Air Commerce, Department of Commerce of the United States of America, together with the construction of runway extensions, taxi strips, concrete aprons, pavement, and drainage,

together with all appurtenances thereto, all as set out in said resolution of said board, at a cost of \$65,000.00; and

WHEREAS, the total cost of such airport development will be the total sum of \$70,000.00; and

WHEREAS, there are not now and there will not be sufficient funds in the treasury of said city with which to provide the amount required herein, and it will be necessary for the City of Indianapolis to borrow the sum of \$70,000.00 in order to procure a fund to be devoted for the purposes set out herein, and to provide for and to secure the repayment hereof, and to evidence said indebtedness by the issuance and sale of its bonds in said amounts payable from the general fund or as may otherwise now or hereafter be authorized or required by law; and

WHEREAS, on the 4th day of April, 1938, there were filed with the Common Council of the City of Indianapolis, Indiana petitions bearing the signatures of more than fifty (50) persons purporting to be owners of taxable real estate in the City of Indianapolis, and duly verified as such by one of the signers of each petition, and also certified as such by the Auditor of Marion County, Indiana, petitioning that the Common Council authorize the issuance of bonds for the airport development hereinbefore set out; and

WHEREAS, it is, by this Common Council deemed wise and proper for the best present and future interest of the City of Indianapolis, Indiana, and its inhabitants to develop and improve its Municipal Airport;

NOW, THEREFORE,

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

Section 1. That there shall be issued and sold, for the purpose of obtaining funds to build an additional building and a hangar to be used as a testing station by the Bureau of Air Commerce, Department of Commerce of the United States of America, at the Indianapolis Municipal Airport, together with the construction of runway extensions, taxi strips, apron pavements, grading, and all that is incidental thereto, together with the acquisition of additional land for airport development, seventy (70) direct, general obligation bonds of the City of Indianapolis, in the amount of One Thousand Dollars (\$1,000) each, numbered from (1) to seventy (70,) both inclusive, and designated as "City of Indianapolis Municipal Airport Develop-

ment Bonds of 1938—First Issue.” All of said bonds shall be dated as of May 20, 1938. Said bonds shall mature as follows: ten (10) bonds on July 1, 1940, and ten (10) bonds on July 1st of each succeeding year to and including July 1st, 1946.

Said bonds shall bear interest at a rate not exceeding five per cent (5%) per annum, the exact rate to be determined by bidding as hereinafter more particularly provided. The first interest shall be payable July 1st, 1939, and thereafter on the first days of January and July each year for the period of the bond, as evidenced by interest coupons attached to each bond, and upon surrender thereof.

Section 2. Said bonds and the interest coupons attached thereto shall be payable at the office of the Treasurer of the City of Indianapolis, in said city, in lawful money of the United States of America. Said bonds shall be signed in the name of the City of Indianapolis, by Walter C. Boetcher, the Acting Mayor of said city, countersigned by H. Nathan Swaim, the Acting City Controller, and attested by the City Clerk, who shall affix to each of said bonds the corporate seal of the city. The interest coupons attached to said bonds shall be excuted by placing thereon the facsimile signatures of the said Acting Mayor and the said Acting City Controller, who, by the signing of said bonds, shall adopt as and for their own proper signatures their facsimile signatures appearing on said coupons. Said bonds shall, in the hands of the bona fide holders, have all the qualities of negotiable instruments under the law merchant.

Section 3. The form and tenor of said bonds and the interest coupons to be attached thereto shall be substantially as follows, all blanks to be filled in properly prior to delivery:

UNITED STATES OF AMERICA

STATE OF INDIANA COUNTY OF MARION  
No..... \$1,000.00

CITY OF INDIANAPOLIS

MUNICIPAL AIRPORT DEVELOPMENT BONDS OF 1938  
FIRST ISSUE

The City of Indianapolis, in Marion County, State of Indiana, for value received, hereby acknowledges itself indebted and promises to pay to the bearer hereof the principal amount of

ONE THOUSAND DOLLARS

on the first day of....., 19....., and to pay interest thereon from the date hereof until the principal is paid, at the rate

of..... percent (....%) per annum, payable on July 1, 1939, and semi-annually thereafter on the first days of January and July in each year, which interest to maturity is evidenced by and payable upon presentation and surrender of the annexed interest coupons as they severally become due.

Both principal and interest of this bond are payable at the office of the Treasurer of the City of Indianapolis, in said city, in lawful money of the United States of America.

This bond is one of an issue aggregating Seventy Thousand Dollars (\$70,000.00), numbered from 1 to 70, inclusive, of like date, tenor and effect as this bond, except as to dates of maturity, issued by the City of Indianapolis, pursuant to an ordinance entitled "An Ordinance authorizing the Acting City Controller to borrow the sum of Seventy Thousand Dollars (\$70,000.00), and to issue bonds for said purpose, appropriating the money derived therefrom to the Municipal Airport budget for certain airport improvements, and fixing an effective date," duly adopted by the Common Council of said city on the.....day of....., 1938, and in compliance with an act of the General Assembly of the State of Indiana, entitled, "An Act concerning municipal corporations," approved March 6, 1905, and all laws amendatory thereof and supplemental thereto, and particularly all acts concerning aviation fields or airports pertaining to cities of the first class.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form, as provided by law, and that this bond and said total issue of bonds is within every limit of indebtedness prescribed by the Constitution and laws of the State of Indiana. The full faith and credit of the City of Indianapolis are hereby irrevocably pledged to the punctual payment of the principal and interest of this bond according to its terms.

IN WITNESS WHEREOF the City of Indianapolis, in Marion County, State of Indiana, has caused this bond to be signed in its corporate name by its duly qualified Acting Mayor, countersigned by its duly qualified and Acting City Controller, its corporate seal to be hereunto affixed and attested by its City Clerk, and the interest coupons hereto attached to be executed by placing thereon the fac-



simile signatures of said Acting Mayor and said Acting City Controller, as of May....., 1938.

CITY OF INDIANAPOLIS

By.....  
Its Duly Qualified and Acting Mayor

Countersigned:

.....  
Its Duly Qualified and Acting City Controller

Attest:

.....  
City Clerk

(Form of Interest Coupon)

No..... \$.....

On the.....day of....., 19...., the City of Indianapolis, in Marion County, Indiana, will pay to bearer at the office of the City Treasurer in said city, ..... Dollars, being the interest due on said date on its Municipal Airport Development Bond of 1938, First Issue No.....

CITY OF INDIANAPOLIS

By ..... (Facsimile)  
Acting Mayor

..... (Facsimile)  
Acting City Controller

Section 4. On final adoption of this ordinance, the City Clerk shall immediately cause to be published and posted, in the manner required by law, a notice of the determination of the city to issue all of the bonds authorized by this ordinance and to incur the debt evidenced thereby, and shall also cause to be announced therein information of the filing with the Common Council of the City of Indianapolis prior to the passage of this ordinance of petitions by more than fifty (50) owners of taxable real estate in the City of Indianapolis requesting said Common Council to cause to be issued bonds of the City of Indianapolis in a total sum not exceeding Seventy Thousand Dollars (\$70,000.00) for the purpose as expressed herein in Section 1 hereof and of the determination of said council, by the passage of this ordinance, to issue the bonds so petitioned for in an amount of Seventy Thousand Dollars (\$70,000.00). Said notice shall be published once each week for two (2) consecutive weeks in two (2) newspapers of opposite political parties published

in the City of Indianapolis and said notice shall be posted in three (3) public places in said City.

Section 5. Said bonds shall be offered for sale by the Acting City Controller as soon as may be done after the passage of this ordinance and the expiration of the time provided by law in which remonstrances may be filed by the owners of taxable real estate with said common council praying that the bonds herein authorized be not issued. Prior to the sale of any of said bonds, the Acting City Controller shall cause to be published a notice of the sale of said bonds, once each week for two (2) consecutive weeks in two (2) local newspapers. The date fixed for the sale of said bonds shall be not earlier than five (5) days after the last of said publications. Said bond sale notice shall state the time and place of sale, the purpose for which the bonds are issued, the amounts thereof, the maximum rate of interest thereon, the time of payment, and the terms and conditions upon which bids will be received and the sale made, and such other information as the Acting City Controller shall deem necessary.

Among other things, such notice shall advise the bidders that all bids for said bonds shall be filed with the Acting City Controller in his office in said city, in sealed envelopes marked "Bid for Municipal Airport Development Bonds of 1938—First Issue;" that each bid shall be accompanied by a certified check payable to the City of Indianapolis in an amount equal to two and one-half per cent of the amount of said bonds to guarantee the good faith of the bidder, and that in the event the bidder to whom the bonds are awarded shall fail or refuse to comply with the provisions of its bid, then said check and the proceeds thereof shall be and become the property of the City of Indianapolis and shall be taken and considered as the liquidated damages of the city on account of such failure or refusal. Said notice shall also provide that bidders for said bonds shall be required to name the rate of interest which said bonds are to bear, not exceeding the maximum rate herein provided, and that such interest must be in multiples of one-fourth of one per cent, and not more than one interest rate shall be named by each bidder; that the Acting City Controller will award said bonds to the highest qualified bidder who has submitted his bid in accordance with the notice of the sale, and that the highest bidder shall be the one who offers the lowest net interest cost to the city, determined by computing the total interest on all the bonds to their maturities and deducting therefrom the premium bid, if any.

Section 6. No bid for less than the par value of said bonds, including the accrued interest from the date of said bonds to the date of delivery thereof, at the rate named in the bid, shall be considered.

The Acting City Controller shall have the right to reject any and all bids. In the event the Acting City Controller shall receive no satisfactory bid for said bonds at the time fixed in said notice of sale, he shall be authorized to continue to receive bids thereafter from day to day until a satisfactory bid has been received, and in the event the continuation of sale, the Acting City Controller shall open all bids filed at the same hour each day as stated in the bond sale notice.

Section 7. The Acting City Controller is hereby authorized and directed to have said bonds and coupons prepared, and the Acting Mayor, Acting City Controller and City Clerk are hereby authorized and directed to execute said bonds and the interest coupons to be attached thereto in the form and manner herein provided, and the Acting City Controller shall, after the execution of said bonds, deliver the same to the Treasurer. The Treasurer is hereby authorized and directed to deliver the said bonds to the purchaser thereof upon receipt from the purchaser of the amount bid for said bonds, as certified to the Treasurer by the Acting City Controller.

Section 8. The bonds taken and paid for to the satisfaction of the Acting City Controller shall be a binding obligation on the City of Indianapolis, Indiana, according to their tenor and effect, and the proceeds derived from such sale, as herein authorized, shall be and hereby are appropriated to the budget of the Municipal Airport for the purpose of developing the airport in accordance with the plans and specifications and resolutions of the Board of Public Works and Sanitation pertaining thereto, and the same shall continue and constitute an appropriation for such purpose until all of said development has been made and paid for.

Section 9. Immediately upon adoption of this ordinance, the City Clerk and the Acting City Controller shall deliver a certified copy of this ordinance to the Auditor of Marion County, with the request that the same be forwarded to the State Board of Tax Commissioners.

Section 10. This ordinance shall be in full force and effect immediately upon its passage, approval and signing by the Acting Mayor.

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

By Mr. Oren:

## GENERAL ORDINANCE No. 31, 1938

AN ORDINANCE prohibiting any circus, exhibition of animals or of abnormal creatures, racing of men, animals or machines, being held in the city of Indianapolis on Good Friday or Easter Sunday, providing a penalty for the violation thereof, 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. It shall be unlawful for any person or corporation to hold any circus, exhibition of animals or of abnormal creatures, racing of men, animals or machines, to which more than one hundred (100) people may be admitted on the one day, within the corporate limits of the City of Indianapolis on Good Friday, or Easter Sunday, or during any part of any such days.

Section 2. Any person, who violates, and any officer of any corporation which violates this ordinance, who could have prevented such violations, shall be fined in any sum of not less than \$100 nor more than \$500, to which may be added imprisonment for any period not exceeding one hundred eighty (180) days.

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.

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

By the Board of Public Safety:

## GENERAL ORDINANCE No. 32, 1938

AN ORDINANCE prohibiting parking of vehicles on certain streets of the City of Indianapolis, providing a penalty for the violation thereof, 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. It shall be unlawful for the operator of any vehicle to park the same, or suffer, permit or allow the same to be parked on either side of North Davidson Street, from Washington Street to Market Street.

Section 2. Any person violating any of the provisions of this ordinance shall, upon conviction, be fined in any sum not exceeding Three Hundred Dollars (\$300.00), to which may be added imprisonment not exceeding one hundred eighty (180) days.

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.

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

By the Board of Public Safety:

GENERAL ORDINANCE No. 33, 1938

AN ORDINANCE amending Section 1 of General Ordinance No. 11, 1938, 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 Section 1 of General Ordinance No. 11, 1938, be amended to read as follows:

Section 1. That Section 66 of Article IX of General Ordinance No. 96, 1928, be amended to read as follows:

Section 66. Reporting at City Clerk's Office; Notice Effect: (a) The provisions of this and the two succeeding sections of this ordinance shall apply only to the violation of the provisions contained in Sections 25 to 34, inclusive, of Article VI.

(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 of such violation and order him to report

at the City Clerk's office, in the City Hall Building, within seventy-two hours of such notice or immediate arrest may be made. Such notice shall be made in triplicate 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 or rank. One copy of such notice shall be presented to the operator or owner of such vehicle or his representative when found in charge or in possession thereof, and in case such owner or his representative be not found in possession or in charge thereof, the posting of such traffic violation notice in a conspicuous place upon 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 a copy of such traffic violation to the City Clerk and one to the Traffic Bureau Record 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 (72) hours after having been so notified, present himself, with the notice, at the City Clerk's Office in the City Hall Building, and for the 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).

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 City Controller:

GENERAL ORDINANCE No. 34, 1938

AN ORDINANCE approving the action of the Board of Public Safety with reference to the transfer of certain taxicab licenses for the year 1938-1939 (Nos. 110 and 111) from the owner thereof to a certain other person, and fixing a time when the same shall take effect.

WHEREAS, the Board of Public Safety of the City of Indianapolis, on the 22nd day of March, 1938, did approve the transfer of two taxicab licenses for the year 1938-1939, Nos. 110 and 111, from Ella Goodwin to Ernest Johnson;

NOW, THEREFORE,

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

Section 1. That the Common Council of the City of Indianapolis, acting under the provisions of Section 6 of General Ordinance No. 87, 1935 (as amended by General Ordinance No. 41, 1936), does hereby approve, ratify and confirm said action of the Board of Public Safety as set out in the preamble of this ordinance.

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 Public Safety.

By the Board of Public Works and Sanitation:

SWITCH PERMIT

GENERAL ORDINANCE No. 35, 1938

AN ORDINANCE approving a certain agreement and permit granting the Cincinnati, Indianapolis & Western Railroad Company and the Baltimore and Ohio Railroad Company, operating the property of the Cincinnati, Indianapolis & Western Railroad Company, their successors and assigns, the right to lay and maintain a sidetrack or switch across Richland Street and Market Street, from a point ninety-five (95) feet north of

Market Street to a point one hundred and fifty-five (155) feet east of Richland Street, according to blue print attached, in the City of Indianapolis, Indiana.

Whereas, heretofore, to-wit: on the 28th day of March, 1938, the Cincinnati, Indianapolis and Western Railroad Company and the Baltimore and Ohio Railroad Company filed their petition before the Board of Public Works of the City of Indianapolis, as follows:

#### PETITION

To the Board of Public Works,  
City of Indianapolis.

Gentlemen:

In order to provide proper shipping facilities for the immediate benefit of the Lindeman Wood-Finish Company, whose plant is located between Market Street and Washington Street, immediately south of the proposed location of side track, the Cincinnati, Indianapolis and Western Railroad Company and the Baltimore and Ohio Railroad Company do hereby petition the Honorable Board of Public Works for permission to lay a single line of railway track across the following streets, as shown on the blue print hereto attached and hereby made a part hereof: Richland Street—Market Street.

Respectfully submitted,

The Cincinnati, Indianapolis and Western  
Railroad Company,

By H. F. Passel, Assistant Div. Engr.  
The Baltimore and Ohio Railroad Company,

By H. F. Passel, Assistant Div. Engr.

Now, Therefore, This agreement made and entered into this .....day of....., 193., by and between the Cincinnati, Indianapolis and Western Railroad Company and the Baltimore and Ohio Railroad Company, operating the properties of the Cincinnati, Indianapolis and Western Railroad Company, hereinafter collectively referred to as the party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part.



Witnesseth: That the party of the first part, being desirous of securing a permit for a right of way for a sidetrack or switch across Richland Street and Market Street from a point ninety-five (95) feet north of Market Street to a point one hundred and fifty-five (155) feet east of Richland Street, in the City of Indianapolis, which is more specifically described as follows:

Beginning at a point in the west line of Richland Street ninety-five (95) feet north of the north line of Market Street, and extending in a southeasterly direction two hundred and sixty (260) feet, more or less, to a point in the south line of Market Street, one hundred and fifty-five (155) feet east of the east line of Richland Street.

hereby covenants and fully bind themselves, their successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, they will lay, construct, maintain and pay all costs and expenses either now or hereafter connected with said track upon the terms and conditions hereinafter set forth, to-wit:

(1) They shall be so laid, maintained, improved and kept in repair as to be safe for persons on foot, in vehicles or otherwise, and shall, at all times, be subject to the orders of the Board of Public Works of the City of Indianapolis, and to all laws and ordinances, adopted and enacted pursuant to the police powers of said city.

(2) Said track and switch shall be laid upon such grade as shall be established by said board, and shall be put down under its supervision and to its satisfaction and approval. Said track shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established, whenever so ordered, in writing, by said board, and shall be made to conform in all respects with any ordinance passed by the Common Council, or with any resolution or resolutions made by said board, for the elevation or depression of said track, or tracks; provided further that all the costs thereof shall be paid by the said party of the first part, who hereby waives any division of such costs as now or hereafter provided by any statute, or otherwise.

(3) The crossing where said track intersects, shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, upon the written order of said board, made for any cause affecting the interest of the city or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said board shall in no wise become a trespasser. Said notice shall fix a day for hearing before said board where objections to such removal may be heard; but the decision of said board shall be final and conclusive on the party of the first part who hereby expressly waives any right to have such exercise of discretion reviewed by any court.

(5) The party of the first part agrees to pave between the rails of said track and for eighteen inches on both sides thereof, to the entire satisfaction of the second party, and in case said tracks and pavement or either thereof shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact the said board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair, reconstruct, or remove same, failing in which, after notification in writing of ten (10) days, said board may do or cause the same to be done at the expense of the said party of the first part and for which expense and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance, or use of said track, and to pay any judgment, with costs, that may on that account be rendered against the said party or said city, and also to pay all necessary expenses that may be incurred by said city in defending against any such claims.

(7) Any violation of any of the provisions of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this permit, provided, however, that the same may be terminated by said board as hereinbefore set forth.

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled, "An act concerning municipal corporations," approved March 6, 1905, and of all acts amendatory thereof or supplemental thereto, and in consideration of the things hereinbefore set forth and upon the terms

and provisions stipulated, hereby grants and duly permits said party of the first part to exercise the right, privilege and authority to lay and maintain an additional sidetrack or switch across

in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

In Witness Whereof, We have hereunto set our hands this

.....day of....., 193...

The Cincinnati, Indianapolis and Western  
Railroad Company,

By.....  
Party of the First Part.

The Baltimore and Ohio Railroad Company,

By.....  
Party of the First Part.

Witness:

CITY OF INDIANAPOLIS

By

Louis C. Brandt, President  
Robert K. Eby  
M. E. Tennant  
As Board of Public Works,  
Party of the Second Part.

Approved by me

WALTER C. BOETCHER,  
as Mayor.

And, Whereas, Said agreement and permit has been submitted by the Board of Public Works to the Common Council of the City of Indianapolis, for its consideration and action, now, therefore,

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

Section 1. That such agreement and permit above set forth be, and the same is hereby in all things confirmed and approved.

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

Attest:

.....

Clerk of the Common Council

.....

President of the Common Council..

Approved by me, this.....day of....., 193.....

.....

Mayor

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

By Councilman Schumacher:

GENERAL ORDINANCE No. 36, 1938

AN ORDINANCE regulating sale of chickens, animals, etc.

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

Section 1. No person, partnership, firm, or corporation shall sell, offer for sale, or otherwise dispose of, any baby chick or chicken, fowl, bird, duck, goose, turkey, guinea, or other feathered biped which has been artificially colored, sprayed, or painted.

Section 2. No person shall sell, offer for sale, or otherwise dispose of any dog, cat, pup, kitten, rabbit, or guinea pig that has been artificially colored, sprayed, or painted.

Section 3. Any person violating any of the provisions of the two preceding sections shall on conviction be fined in any sum not more than \$100.00.

Section 4. This ordinance shall be in full force and effect after its passage and approval by the Mayor when published according to law.

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

## ORDINANCES ON SECOND READING

Mr. Wallace called for General Ordinance No. 25, 1938, for second reading. It was read a second time.

On motion of Mr. Wallace, seconded by Mr. Carr, General Ordinance No. 25, 1938, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 25, 1938, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Mr. Cable called for General Ordinance No. 24, 1938, for second reading. It was read a second time.

On motion of Mr. Cable, seconded by Mr. Wallace, General Ordinance No. 24, 1938, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 24, 1938, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Mr. Carr called for General Ordinance No. 27, 1938, for second reading. It was read a second time.

On motion of Mr. Carr, seconded by Mr. Kealing, General Ordinance No. 27, 1938, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 27, 1938, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Mr. Carr called for General Ordinance No. 28, 1938, for second reading. It was read a second time.

On motion of Mr. Carr, seconded by Mrs. Dowd, General Ordinance No. 28, 1938, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 28, 1938, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Mr. Schumacher asked that the rules be suspended for further consideration and passage of General Ordinance No. 36, 1938. The motion was seconded by Mr. Oren and passed by the following roll call vote:

Ayes, 8, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, 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., April 4, 1938.

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

Gentlemen:

We, your Committee on City Welfare, to whom was referred General Ordinance No. 36, 1938, entitled:

Regulating sale of artificially colored chicks,  
rabbits, etc.

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

JOHN A. SCHUMACHER, Chairman  
EDWARD R. KEALING  
THEODORE CABLE  
ROSS H. WALLACE

### ORDINANCES ON SECOND READING

Mr. Schumacher called for General Ordinance No. 36, 1938, for second reading. It was read a second time.

On motion of Mr. Schumacher, seconded by Mr. Oren, General Ordinance No. 36, 1938, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 36, 1938, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Mr. Oren asked for suspension of the rules for further consideration and passage of General Ordinance No. 31, 1938. The motion was seconded by Mr. Kealing, but failed of passage as shown by the following roll call vote:

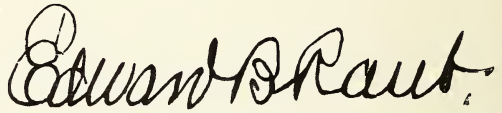
Ayes, 3, viz: Mr. Kealing, Mr. Oren, Mr. Schumacher.

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

On motion of Mr. Schumacher, seconded by Mr. Wallace, the Common Council adjourned at 8:45 p. m.

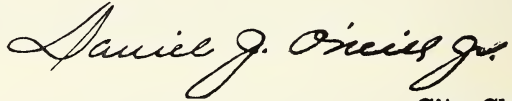
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the Common Council of the City of Indianapolis, held on the 4th day of April, 1938, at 7:30 p. m.

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



President.

Attest:



City Clerk.

(SEAL)