

REGULAR MEETING

Monday, October 7, 1935

7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, October 7, 1935, at 7:30 p. m., in regular session. Vice-President Silas J. Carr in the chair.

The Clerk called the roll.

Present: Silas J. Carr, Vice-President and six members, viz: Theodore Cable, Nannette Dowd, Edward R. Kealing, William A. Oren, John A. Schumacher, Ross H. Wallace.

Absent: Edward B. Raub, Adolph J. Fritz.

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

COMMUNICATIONS FROM THE MAYOR

September 17, 1935.

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

Gentlemen:

I have this day approved with my signature and delivered to Daniel J. O'Neill, Jr., City Clerk, the following ordinances:

GENERAL ORDINANCE NO. 62, 1935

AN ORDINANCE amending Section F-604—Water Supply to Fixtures, of General Ordinance No. 121-1925, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 64, 1935

AN ORDINANCE changing the name of Court Street which extends from the intersection of Brush Street to the intersection of White River Parkway West Drive in the City of Indianapolis, Indiana, and renaming the same Broom Street in the City of Indianapolis, Indiana.

GENERAL ORDINANCE NO. 65, 1935

AN ORDINANCE transferring moneys from certain funds, reappropriating and reallocating the same to other designated funds, and fixing a time when the same shall take effect.

Very truly yours,

JOHN W. KERN,
Mayor.

COMMUNICATIONS FROM CITY OFFICIALS

October 7, 1935.

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

Gentlemen:

Attached you will find copies of General Ordinance No. 79, 1935, prohibiting parking of any vehicle on West Michigan Street, from Tremont Avenue to the tracks of the Peoria and Eastern Railroad, for a longer period than one and one-half hours. We respectfully recommend the passage of this ordinance.

Respectfully submitted,

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

October 7, 1935]

City of Indianapolis, Ind.

663

October 7, 1935.

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

Gentlemen:

Attached please find copies of General Ordinance No. 80, 1935, transferring moneys from certain funds and reappropriating the same to other designated funds.

I respectfully recommend the passage of this ordinance.

Yours very truly,

WALTER C. BOETCHER,
City Controller.

August 27, 1935.

Walter C. Boetcher,
City Controller,
City of Indianapolis.

Dear Sir:

On the recommendation of Michael F. Morrissey, Chief of Police, we are asking that an ordinance be prepared and presented to the Common Council transferring and reappropriating certain funds in the Police Department budget.

From Fund No. 11—Salaries and Wages, Regular—
Patrolmen First Grade, transfer

Five Hundred (\$500.00) Dollars to Fund No. 25—Repairs,

Two Thousand (\$2,000.00) Dollars to Fund No. 33—
Garage and Motor,

Five Hundred (\$500.00) Dollars to Fund No. 36—
Office Supplies,

Two Thousand (\$2,000.00) Dollars to Fund No. 44—
General Materials,

Seven Hundred (\$700.00) Dollars to Fund No. 45—
Repair Parts.

Also, transfer from the Police Department budget—Fund No. 11—Salaries and Wages, Regular, Patrolmen First Grade—One Thousand (\$1,000.00) Dollars and reappropriate this amount to the Gamewell Division budget, Fund No. 44—General Materials. This money to be used for the purpose of installing stop and go signals.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,

By: THEO. H. DAMMEYER,
President.

August 20, 1935.

Walter C. Boetcher
City Controller,
City of Indianapolis.

Dear Sir:

The Board of Safety has this date approved the recommendation of Fred C. Kennedy, Chief of the Fire Department, for transfers in his departmental budget. We, therefore, ask that you cause to be prepared an ordinance transferring and reappropriating money as follows in the fire department budget:

Three Thousand (\$3,000.00) Dollars from Fund No. 11—
Salaries and Wages, Regular—First Grade Substitutes
—to Fund No. 45—Repair Parts, and

Two Thousand Two Hundred Forty-one Dollars and Eighty-
four Cents (\$2,241.84) from Fund No. 11—Salaries and
Wages, Regular—First Grade Substitutes—to Fund
No. 32—Fuel and Ice.

Very truly yours,

BOARD OF PUBLIC SAFETY,

/s/ BLYTHE Q. HENDRICKS,

Executive Secretary.

October 7, 1935]

City of Indianapolis, Ind.

665

September 27, 1935.

Walter C. Boetcher,
City Controller,
City of Indianapolis, Indiana.

Dear Sir:

Will you kindly arrange to have the sum of \$25.00 transferred from our Fund 21, Communication and Transportation, to our Fund 33, Garage and Motor Supplies, which will enable us to operate our car No. 153 for the remaining months of this year.

Very truly yours,

/s/ V. B. MCLEAY,
Secretary-Engineer,
CITY PLAN COMMISSION.

October 4, 1935.

Mr. Walter C. Boetcher,
City Controller,
City Hall,
Indianapolis, Indiana.

Dear Sir:

You are requested to submit to the Common Council of the City of Indianapolis an ordinance transferring \$400.00 from Fund 53—Refunds, Awards and Indemnities, of Item 5—Current Charges, and reappropriating said amount to Fund 26—Other Contractual, of Item 2—Services, Contractual, in the Department of Law.

Unanticipated expenditures out of Fund 26 have resulted in the fund being exhausted, and there is no money available for the balance of the year 1935 with which to pay the cost of preparing transcripts of records and other necessary expenses in the defense of cases filed against the city and venued to and tried in adjoining counties.

Very respectfully yours,

(signed) JAMES E. DEERY,
Corporation Counsel.

October 2, 1935.

Walter C. Boetcher,
City Controller,
City of Indianapolis.

Dear Sir:

The Board of Safety has this date approved the recommendation of Paul W. Lindeman, Marketmaster, for transfers in his departmental budget. We, therefore, ask that you cause to be prepared and presented to the City Council an ordinance transferring and reappropriating money as follows:

Four Hundred (\$400.00) Dollars from Fund No. 22 to Fund No. 41. For materials for W. P. A. project, to be used to point brick work and repairing heating system.

Six Hundred (\$600.00) Dollars from Fund No. 72 to Fund No. 25. To be used for electric wiring of market stands and to build stands for florists.

Two Hundred (\$200.00) Dollars from Fund No. 11 to Fund No. 12. The funds to be used to hire extra labor for painting, carpenter work and sewer work.

Very truly yours,

BOARD OF PUBLIC SAFETY,
/s/ THEO. H. DAMMEYER,
President.

October 7, 1935.

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

Gentlemen:

Attached please find copies of General Ordinance No. 81, 1935, transferring moneys from certain funds in the City Hospital budget, under the Department of Public Health and Charities, and reappro-

October 7, 1935]

City of Indianapolis, Ind.

667

priating the same to other numbered funds in said City Hospital Budget.

I respectfully recommend the passage of this ordinance.

Yours very truly,

WALTER C. BOETCHER,
City Controller.

October 4, 1935.

Mr. Walter C. Boetcher, Controller,
City of Indianapolis, Indiana.

Dear Sir:

Acting under instructions from the Department of Public Health and Charities, I am directed to request that you submit to the City Council a bill for an ordinance authorizing the transfer of the following funds from the City Hospital budget to certain other numbered funds.

Respectfully submitted,

H. G. MORGAN.

OTHER COMMUNICATIONS

October 7, 1935.

Mr. Dan J. O'Neill, Jr.,
City Clerk,
37 S. Alabama St.,
Indianapolis.

Dear Sir:

We hand you the enclosed copies of a proposed city ordinance on behalf of the Department of Public Utilities, whose counsel we are.

Will you be kind enough to see that this ordinance is introduced at the meeting of the Council tonight with a request that it be adopted under suspension of the rules?

We understand from inquiry at your office that sixteen copies of any proposed ordinance are desired. We shall send you by messenger later in the day the balance of the sixteen copies thus necessary.

Very truly,

THOMPSON, RABB & STEVENSON.

Mr. Cable asked for a recess. The motion was seconded by Mrs. Dowd and the Council recessed at 7:45 p. m.

The Council reconvened at 8:15 p. m. with the same members present as before.

COMMITTEE REPORTS

Indianapolis, Ind., October 7, 1935.

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

Gentlemen:

We, your Committee on Finance, to whom was referred General Ordinance No. 63, 1935, entitled Establishing central storeroom—appropriating the sum of \$15,000.00 as a revolving fund, 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.

Indianapolis, Ind., October 7, 1935.

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

Gentlemen:

We, your Committee on Finance, to whom was referred General Ordinance No. 77, 1935, entitled Amending Appropriation Ordinance No. 26, 1935, 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.

Indianapolis, Ind., October 7, 1935.

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. 71, 1935, entitled Transfer—Street Commissioner's Department—\$1,000, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

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

Indianapolis, Ind., October 7, 1935.

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. 74, 1935, entitled Authorizing purchase of traction-trailer for Board of Public Works and Sanitation, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

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

Indianapolis, Ind., October 7, 1935.

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. 56, 1935, entitled Inspection of motor vehicles, beg leave to report that we have had said ordinance under consideration, and recommend that the same be held for further consideration.

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

Indianapolis, Ind., October 7, 1935.

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. 57, 1935, entitled Repeal of picketing ordinance, beg leave to report that we have had said ordinance under consideration, and recommend that the same be held for further consideration.

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

Indianapolis, Ind., October 7, 1935.

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. 75, 1935, entitled An ordinance amending General Ordinance No. 61, 1935, beg leave to report that we have had said ordinance under consideration, and recommend that the same be stricken from the files.

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

Indianapolis, Ind., October 7, 1935.

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

Gentlemen:

We, your committee on Public Health and Charities, to whom was referred General Ordinance No. 68, 1935, entitled Inspection of Barber Shops, beg leave to report that we have had said ordinance under consideration, and recommend that the same be held for further consideration.

THEODORE CABLE.
NANNETTE DOWD.
WM. A. OREN.
EDWARD R. KEALING.

Indianapolis, Ind., October 7, 1935.

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

Gentlemen:

We, your Committee on Public Parks, to whom was referred Appropriation Ordinance No. 25, 1935, entitled Appropriating \$40,000.00 to Brookside pool, beg leave to report that we have had said ordinance under consideration, and recommend that the same be held for further consideration.

NANNETTE DOWD, Chairman.
SILAS J. CARR.
WM. A. OREN.
EDWARD R. KEALING.

Indianapolis, Ind., October 7, 1935.

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

Gentlemen:

We, your Committee on Public Parks, to whom was referred General Ordinance No. 72, 1935, entitled Transfer—Park Department—\$1,500, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

NANNETTE DOWD, Chairman.
SILAS J. CARR.
WM. A. OREN.
EDWARD R. KEALING.

Indianapolis, Ind., October 7, 1935.

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

Gentlemen:

We, your Committee on Public Parks, to whom was referred General Ordinance No. 73, 1935, entitled Transfer—Park Department—\$3,050.00, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

NANNETTE DOWD, Chairman.
SILAS J. CARR.
WM. A. OREN.
EDWARD R. KEALING.

Indianapolis, Ind., October 7, 1935.

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 General Ordinance No. 78, 1935, entitled Amending Zoning

Ordinance, 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.

Indianapolis, Ind., October 7, 1935.

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 General Ordinance No. 76, 1935, entitled Amending the Building Code—signs, 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.
THEODORE CABLE.
ROSS H. WALLACE.

Indianapolis, Ind., October 7, 1935.

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 Resolution No. 2, 1935, entitled Relocating dog pound, beg leave to report that we have had said ordinance under consideration, and recommend that the same be held for further consideration.

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

INTRODUCTION OF GENERAL ORDINANCES

By the Board of Safety:

GENERAL ORDINANCE NO. 79, 1935

AN ORDINANCE amending Section 9 of General Ordinance 31, 1931, an ordinance amending General Ordinance 96, 1928, and other ordinances amendatory thereof, generally known as the Traffic Code of the City of Indianapolis, and declaring an effective date.

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

Section 1. That Section 9 of General Ordinance 31, 1931, be and the same is hereby amended by adding thereto a new sub-section (e) as follows:

“(e) On the following named street in the City of Indianapolis, outside of the congested district of said city, it shall be unlawful for the operator of any vehicle to park the same or suffer, permit or allow the same to be parked for a longer period than one and one-half hours: West Michigan Street, from Tremont Avenue to the tracks of the Peoria and Eastern Railroad.”

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

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

By the City Controller:

GENERAL ORDINANCE NO. 80, 1935

AN ORDINANCE transferring moneys from certain funds and re-appropriating the same to other designated funds, 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 Six Thousand Seven Hundred Dollars (\$6,700), now in the Police Department of the Department of Public Safety, Item 1—Services, Personal—Fund 11—Salaries and Wages, Regular, Patrolmen First Grade, be and the same is hereby transferred therefrom and reappropriated to the following designated funds in the amounts specified:

- \$ 500.00 to Item 2—Services, Contractual—Fund 25—Repairs.
- 2,000.00 to Item 3—Supplies, Fund 33—Garage and Motor.
- 500.00 to Item 3—Supplies, Fund 36—Office Supplies.
- 2,000.00 to Item 4—Materials, Fund 44—General Materials.
- 700.00 to Item 4—Materials, Fund 45—Repair Parts.
- 1,000.00 to Gamewell Division, Item 4—Materials, Fund 44—General Materials.

Section 2. That the sum of Five Thousand Two Hundred Forty-one Dollars and Eighty-four Cents (\$5,241.84), now in the Fire Department of the Board of Public Safety—Item 1—Services, Personal, Fund 11—Salaries and Wages, Regular, First Grade Substitutes, be and the same is hereby transferred to the following designated funds in the amounts specified:

- \$3,000.00 to Item 4—Materials, Fund 45—Repair Parts.
- 2,241.84 to Item 3—Supplies, Fund 32—Fuel and Ice.

Section 3. That the following transfers of funds be and the same are hereby made in the budget of the City Market under the Department of Safety, to-wit:

\$400.00 from Fund 22—Heat, Light and Power, under Item 2—Services, Contractual, to Fund 41—Building Materials, under Item 4—Materials.

\$600.00 from Fund 72—Equipment, under Item 7—Properties, to Fund 25—Repairs, under Item 2—Services, Contractual.

\$200.00 from Fund 11—Salaries and Wages, Regular, under Item 1—Services, Personal, to Fund 12—Salaries and Wages, Temporary, under said Item 1.

Section 4. That the sum of Twenty-five Dollars (\$25.00) be and the same is hereby transferred from Fund 21—Communication and Transportation, under Item 2—Services, Contractual, of City Plan Commission budget, and reappropriated to Fund 33—Garage and Motor Supplies, under Item 3—Supplies, of City Plan Commission budget.

Section 5. That the sum of One Hundred Dollars (\$100.00) be and the same is hereby transferred from Fund 11—Salaries and Wages, Regular, under Item 1—Services, Personal, of the Department of Public Purchase, and reappropriated to Item 2—Services, Contractual, Fund 21—Communication and Transportation, in said Department of Public Purchase.

Section 6. That the sum of Four Hundred Dollars (\$400.00) be and the same is hereby transferred from Fund 53—Refunds, Awards and Indemnities, of Item 5—Current Charges, in the Department of Law, and reappropriated to Fund 26—Other Contractual, of Item 2—Services, Contractual, in the Department of Law.

Section 7. 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 Finance.

By the City Controller:

GENERAL ORDINANCE NO. 81, 1935

AN ORDINANCE transferring moneys from certain funds in the City Hospital budget, under the Department of Public Health and Charities, reappropriating the same to other numbered funds in said City Hospital budget, 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 sums of money now in the respective numbered funds in the City Hospital budget, under the Department of Public Health and Charities, as follows:

Item 2—Services, Contractual

Fund 211—Freight, Drayage and Express....\$	125.00
Fund 215—Transportation Allowance	25.00
Fund 221—Electric Current	150.00
Fund 224—Water	150.00
Fund 251—Repairs of Buildings	2,500.00
Fund 26—Other Contractual Service	25.00

Item 3—Supplies

Fund 314—Fruits and Vegetables.....	2,500.00
Fund 316—Milk, Cream and Ice Cream.....	5,000.00

Item 4—Materials

Fund 44—General Materials	600.00
---------------------------------	--------

Power Plant Item 2—Services, Contractual

Fund 251—Repair of Buildings.....	200.00
-----------------------------------	--------

Power Plant Item 3—Supplies

Fund 332—Oil	300.00
Fund 37—Water Softener Supplies.....	600.00

Power Plant Item 4—Materials

Fund 451—Parts of Equipment.....	900.00
----------------------------------	--------

Laundry Item 4—Materials

Fund 451—Parts of Equipment.....	150.00
----------------------------------	--------

Laboratory Item 3—Supplies

Fund 344—Other Institutional and Medical...	200.00
---	--------

Laboratory Item 7—Properties

Fund 722—Instruments	100.00
----------------------------	--------

Garage Item 3—Supplies

Fund 333—Tires and Tubes.....	200.00
Fund 334—Other Garage and Motor Supplies..	500.00

Garage Item 7—Properties

Fund 724—Motor Equipment	1,900.00
--------------------------------	----------

Item 1—Services, Personal, Fund 11—Salaries and Wages, Regular

Dispensary	550.00
Offices	570.00
Physical Therapy	100.00
Social Service	740.00
Housekeeping	270.00
Laundry	360.00
Power Plant	790.00
Training School	2,500.00
Dietary	1,200.00
Maintenance and Repairs.....	620.00
Laboratory	450.00
X-Ray	230.00

such funds totaling.....\$24,505.00

be and the same are hereby transferred therefrom and reappropriated to the following designated funds in the budget of the City Hospital in the amounts specified:

Item 2—Services, Contractual

Fund 214—Telephone and Telegraph.....	\$ 400.00
Fund 242—Printing and Advertising.....	75.00
Fund 252—Repair of Equipment.....	500.00

Item 3—Supplies

Fund 312—Butter, Eggs and Cheese.....	3,200.00
Fund 311—Bakery Goods	500.00
Fund 315—Meats	3,500.00
317—Other Food Supplies.....	500.00
Fund 343—Medical	9,000.00
Fund 344—Surgical	3,000.00

Item 4—Materials

Fund 41—Building Materials	1,200.00
Fund 45—Repair Parts	600.00

Item 7—Properties

Fund 726—Other Equipment	150.00
--------------------------------	--------

Laboratory Item 7—Properties

Fund 723—Livestock	100.00
--------------------------	--------

Garage Item 3—Supplies

Fund 331—Gasoline	600.00
-------------------------	--------

Garage Item 4—Materials

Fund 45—Repair Parts	150.00
----------------------------	--------

Item 1—Services, Personal

Fund 11—Salaries and Wages, Regular Maintenance and Repair—General Duty Help	1,030.00
--	----------

Total.....\$24,505.00

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 Finance.

By Councilman Wallace:

GENERAL ORDINANCE NO. 82, 1935

AN ORDINANCE concerning acquisition by the City of Indianapolis of the plant and property of Citizens Gas Company of Indianapolis, Indiana, and matters connected therewith.

WHEREAS, on August 25, 1905, the City of Indianapolis by and through its Board of Public Works entered into a certain franchise contract with Alfred F. Potts, Frank D. Stalnaker and Lorenz Schmidt granting to said parties and their assigns the right, for the term and period of twenty-five years, to use the streets and public places of said city for the distribution and sale of gas to said city and its inhabitants, which contract was on said day ratified, approved and confirmed by the Common Council of said city in General Ordinance No. 72, 1905, and went in force on August 30, 1905, on approval of said ordinance by the Mayor; and

WHEREAS, said franchise contract provided that the grantees thereunder, before exercising any of the rights therein conferred, should organize a corporation to which said franchise contract would be assigned and the Articles of Incorporation of which must among other things provide that the entire capital stock of the corporation would be placed under the control of a board of five trustees, that said trustees should issue to each subscriber to such capital stock a certificate showing the amount of stock held by said trustees in trust for him, and that when said certificate holders have received, by dividends or otherwise, an amount equal to the face value of their certificates, with interest thereon at ten per cent per annum,

“then said certificates issued to said subscribers shall be deemed fully paid and cancelled and it shall be the duty of the Trustees and directors of said Company to convey said gas plant and property belonging to said company to said City to be owned and operated or leased by it * * *”

and

WHEREAS, said franchise contract in Section 22 thereof further provided:

“If the plant and system of mains of said company shall not have become the property of said city by the cancellation of the certificates of subscribers and conveyance of such property to such city by the board of directors and trustees of said company on

or before the expiration of the aforesaid period of said franchise, then said city, by and through its board of public works upon the expiration of said franchise period, shall have the right to pay any balance remaining due said certificate holders and the plant and property of said company shall be conveyed to said city as above provided to be owned and operated, or owned and leased by it;
* * * *"

and

WHEREAS, pursuant to said franchise contract the Citizens Gas Company was organized on May 23, 1906, under Articles of Incorporation containing all provisions required by said franchise contract to be embodied therein; and on May 24, 1906, said franchise contract was assigned to and accepted by said Company, and said Company thereupon entered upon the sale of its capital stock and the issuance of trustees' certificates to the subscribers therefor, and proceeded to acquire plant and property suitable for, and to engage in the business of, furnishing gas to the City of Indianapolis and the inhabitants thereof; and

WHEREAS, thereafter said Citizens Gas Company amended its Articles of Incorporation so as to increase its common capital stock, such additional common stock being subject to the same terms as to payment and cancellation as the common stock provided for in said original Articles; and thereafter said Company further amended its Articles of Incorporation so as to provide for the issuance of preferred stock, which preferred stock was made subject to retirement at the time of payment and cancellation of the certificates representing the common stock of said Company; and

WHEREAS, thereafter in suits brought by certain holders of such trustees' certificates seeking to enjoin the City from asserting any right to acquire the plant and property of Citizens Gas Company under or by virtue of the provisions in said franchise, it was held and adjudged by the United States District Court for the Southern District of Indiana that said plant and property was impressed with a public charitable trust for the benefit of the inhabitants of said city, and that said city was entitled to acquire said property in trust in the manner

provided for in said franchise contract, such right being subject only to a charge in favor of the owners of said trustees' certificates and of said preferred stock, which judgment was affirmed by the United States Circuit Court of Appeals and a petition for certiorari to the United States Supreme Court was denied; and

WHEREAS, on August 30, 1930, that being the date of the expiration of the term and period of said franchise, the outstanding preferred stock of the Citizens Gas Company had not been retired and the holders of the certificates representing the common stock had not received by dividends or otherwise upon said certificates an amount equal to the face value thereof with interest at ten per cent (10%) per annum, and said certificates of common and preferred stock had not been fully paid and cancelled, and the plant and property of said Company had not been conveyed to the City by the Board of Directors and Board of Trustees of said Company; and

WHEREAS, on June 29, 1935, the City, by and through the Board of Directors for Utilities of the Department of Public Utilities of said city advanced and paid to said Citizens Gas Company the sum of \$3,500,000, in trust for the purpose of redeeming and retiring all outstanding preferred stock of said Company and of paying and cancelling the certificates representing all outstanding common stock of the Company as provided in said franchise contract and the amended Articles of Incorporation of said Company, such sum so advanced and paid being sufficient for said purpose, which said fund was provided from the sale by said Board of Directors for Utilities of revenue bonds payable solely and exclusively out of revenues to be derived from the operation of said gas plant and property when acquired by said city, all as authorized by Chapters 77 and 78 of the Acts of 1929, Chapter 67 of the Acts of 1931, and Chapter 125 of the Acts of 1933 as amended by Chapter 311 of the Acts of 1935, of the General Assembly of the State of Indiana; and

WHEREAS, thereafter on September 9, 1935, the plant and property of said Citizens Gas Company, as referred to in and contemplated by said franchise contract of 1905, was, by instruments of conveyance and assignment duly executed by the proper officers of said Company on authority of resolutions adopted by the Board of Directors and Board of Trustees of

said Company, conveyed, assigned, transferred and delivered to the City of Indianapolis, subject to such of the legal obligations of said Company as the City of Indianapolis, under the terms of said franchise contract and of said public charitable trust, was bound to accept or recognize as a charge against such plant and property, (the City of Indianapolis expressly rejecting a tendered assignment of a lease between the Indianapolis Gas Company and said Citizens Gas Company, and refusing to recognize said lease as an obligation binding upon the City) which said instruments of conveyance and assignment were on said date of execution and delivery duly recorded in the office of the Recorder of Marion County, Indiana, in Deed Record 937 and Miscellaneous Record 265, respectively; and

WHEREAS, prior to such conveyance, assignment, transfer and delivery of said plant and property of Citizens Gas Company to the City of Indianapolis, all notices to and demands upon Citizens Gas Company, its directors and trustees, and all other steps, conditions and things necessary or required by said franchise contract, by said public charitable trust or by the statutes of Indiana, to be done precedent to or in connection with the taking over of such plant and property, were, as this Common Council does now find, determine and declare, duly and fully given, made, done, performed and executed for and in behalf of the City of Indianapolis by the Board of Public Works, the Board of Directors for Utilities and other proper officials of said city; and

WHEREAS, the acquisition of said plant and property of the Citizens Gas Company, as contemplated in said franchise contract of 1905 and pursuant to the public charitable trust existing therein, is and will be to the advantage, benefit and welfare of the City of Indianapolis and its inhabitants and the consumers of gas therein;

NOW, THEREFORE,

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

Section 1. That the acquisition and taking over of the plant and property of the Citizens Gas Company of Indianapolis, Indiana, on the 9th day of September, 1935, for and in behalf of the City of Indianapolis, by the Board of Directors for Utilities of said City,

including the acceptance of deed of conveyance of real estate and assignments of personal property, and the rejection of an assignment of the certain lease from the Indianapolis Gas Company, and its refusal to recognize said lease as an obligation binding upon the City, and all acts, steps and proceedings whatsoever relating to such matter as on said date and theretofore done and taken, be and is hereby in all things ratified, approved, adopted and confirmed; and that the public charitable trust in all such plant and property so delivered to and as accepted by said Board of Directors for Utilities be and is hereby received and accepted, and the City of Indianapolis hereby agrees to the conditions and terms accompanying such trust and acknowledges itself bound to carry them out.

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.

ORDINANCES ON SECOND READING

Mr. Wallace called for General Ordinance No. 63, 1935, for second reading. It was read a second time.

On motion of Mr. Wallace, seconded by Mrs. Dowd, General Ordinance No. 63, 1935, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 63, 1935, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Cable, Mrs. Dowd, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, Vice-President Carr.

Mr. Wallace called for General Ordinance No. 77, 1935, for second reading. It was read a second time.

On motion of Mr. Wallace, seconded by Mr. Kealing, General Ordinance No. 77, 1935, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 77, 1935, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Cable, Mrs. Dowd, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, Vice-President Carr.

Mr. Cable called for General Ordinance No. 71, 1935, for second reading. It was read a second time.

On motion of Mr. Cable, seconded by Mrs. Dowd, General Ordinance No. 71, 1935, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 71, 1935, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Cable, Mrs. Dowd, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, Vice-President Carr.

Mr. Cable called for General Ordinance No. 74, 1935, for second reading. It was read a second time.

On motion of Mr. Cable, seconded by Mr. Kealing, General Ordinance No. 74, 1935, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 74, 1935, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Cable, Mrs. Dowd, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, Vice-President Carr.

Mrs. Dowd called for General Ordinance No. 72, 1935, for second reading. It was read a second time.

On motion of Mrs. Dowd, seconded by Mr. Wallace, General Ordinance No. 72, 1935, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 72, 1935, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Cable, Mrs. Dowd, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, Vice-President Carr.

Mrs. Dowd called for General Ordinance No. 73, 1935, for second reading. It was read a second time.

On motion of Mrs. Dowd, seconded by Mr. Oren, General Ordinance No. 73, 1935, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 73, 1935, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Cable, Mrs. Dowd, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, Vice-President Carr.

Mr. Oren called for General Ordinance No. 76, 1935, for second reading. It was read a second time.

On motion of Mr. Oren, seconded by Mr. Kealing, General Ordinance No. 76, 1935, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 76, 1935, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Cable, Mrs. Dowd, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, Vice-President Carr.

Mr. Oren called for General Ordinance No. 78, 1935, for second reading. It was read a second time.

On motion of Mr. Oren, seconded by Mr. Kealing, General Ordinance No. 78, 1935, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 78, 1935, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Cable, Mrs. Dowd, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, Vice-President Carr.

On motion of Mr. Wallace, seconded by Mr. Oren, the Common Council adjourned at 8:30 p. m.

ORDINANCES PUBLISHED IN AUGUST AND SEPTEMBER, 1935

- G. O. 49, 1935, Indianapolis Times and Indianapolis News,
August 9-16.
- G. O. 61, 1935, as amended, Indianapolis Star and Indianapolis
Commercial, August 23-30.
- G. O. 62, 1935, as amended, Indianapolis News and Indianapolis
Commercial, September 20-27.

NOTICES TO TAXPAYERS

- A. O. 25 and 26, 1935, Indianapolis Times and West Side
Messenger, August 9-16.
- A. O. 27, 1935, Indianapolis Times and Indianapolis Com-
mercial, August 23-30.
- G. O. 58 and 59, 1935, Indianapolis Times and West Side
Messenger, August 9-16.

- G. O. 65 and 66, 1935, Indianapolis Times and Indianapolis Commercial, August 23-30.
- G. O. 67, 1935, Indianapolis Times and Indianapolis Commercial, August 24-31.
- G. O. 70, 1935, Indianapolis News and Indianapolis Commercial, August 24-31.
- G. O. 71, 72, 73, 77, 1935, Indianapolis Times and East Side Journal, September 20.
- G. O. 78, 1935, Indianapolis Star and West Side Messenger, September 20.

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 7th day of October, 1935, 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)