

## REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

Monday, December 19, 1921.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, December 19, 1921, at 7:30 o'clock in regular session, President Russell Willson in the chair.

Present: The Hon. Russell Willson, President of the Common Council, and seven (7) members, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake and Schmidt.

Absent: Mr. Pettijohn.

President Willson announced that Dr. Pettijohn was unable to be present because of injuries he received when struck by an automobile.

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

### COMMUNICATIONS FROM THE MAYOR.

December 13, 1921.

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

Gentlemen—

I have this day signed and delivered to George O. Hutsell, City Clerk, the following ordinances:

- General Ordinance No. 91.
- General Ordinance No. 92.
- General Ordinance No. 93.
- General Ordinance No. 94.
- Appropriation Ordinance No. 35.

Appropriation Ordinance No. 36. ✓

Appropriation Ordinance No. 37. ✓

Yours very truly,

CHARLES W. JEWETT,  
*Mayor.*

December 15, 1921.

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

Gentlemen—

I have this day signed and delivered to George O. Hutsell, City Clerk, the following ordinances:

Special Ordinance No. 13.

Special Ordinance No. 14.

Special Ordinance No. 15.

Yours very truly,

CHARLES W. JEWETT,  
*Mayor.*

#### REPORTS FROM CITY OFFICERS.

From the City Controller:

December 19, 1921.

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

Gentlemen—

Under even date I have submitted a communication to the Mayor giving a review of the financial transactions under the Department of Finance from January 7, 1918, to January 1, 1922. As you well know, when we assumed office on January 7, 1918, the balance in the General Fund was \$83,844.91, and against this balance there were outstanding current bills amounting to \$137,252.15, and outstanding obligations which were later paid by the General Fund amounting to \$68,900, or total claims of \$206,152.15.

You are all familiar with the necessity of increasing the pay of the policemen and firemen during this administration, also the increased cost of all material that was used in the business of the city. These conditions made it necessary for us in September, 1920, to make a temporary loan of \$595,000, \$300,000 of which was paid July 10, 1921, and \$295,000 was paid December 10, 1921. With the payment of this loan all outstanding temporary loans against the City General Fund having been paid. The balance in the General Fund on December 16, 1921, was \$77,111.17.

I estimate the balance due on the final settlement from the City Treasurer as \$504,402.13, making a total amount available of \$581,513.30. Against this amount we will have payrolls and accounts due of about \$408,797.80, which should leave an available cash balance for the new administration of approximately \$173,000. These figures are based on estimates from the county officials, but I do not believe there will be a material difference in the final figures.

All current outstanding obligations, including water and light bills due December 31st, will be paid, and a substantial balance turned over to the new administration with no outstanding obligations.

I consider this a very creditable showing, and wish to assure you that I appreciate the hearty co-operation of each member of the Common Council in bringing about this result. Each and everyone of you have been willing at all times to co-operate in every way possible in the management of the financial affairs of this city.

Yours very truly,

ROBT. H. BRYSON,  
*City Controller.*

December 19, 1921.

*Hon. President and Members of the Common Council,  
Indianapolis, Ind.:*

Gentlemen—

I hand you herewith communication from the Board of Health asking for an appropriation of \$54,000 from the General Fund of the City of Indianapolis to the General Fund of the Board of Health.

I submit ordinance covering same and recommend its passage.

Yours very truly,

ROBT. H. BRYSON,  
*City Controller.*

December 19, 1921.

*Mr. Robert H. Bryson, City Controller,  
Indianapolis, Indiana:*

Dear Sir—

Acting under instructions from the Indianapolis City Board of Health, I am enclosing herewith copy of resolution adopted by the Board of Health at a meeting held December 19, 1921.

Respectfully yours,

H. G. MORGAN.

December 19, 1921.

*To the Hon. President and Members of the Common Council,  
Indianapolis, Ind.:*

Gentlemen—

I hand you herewith communication from the Department of Law requesting an appropriation of \$856.05 to pay judgment and costs in the case of the County Real Estate Company vs. City of Indianapolis.

I submit ordinance covering same and recommend its passage.

Yours very truly,

ROBT. H. BRYSON,  
*City Controller.*

December 19, 1921.

*Mr. Robert H. Bryson, City Controller,  
Indianapolis:*

Dear Sir—

Herewith we hand you an appropriation ordinance appropriating money necessary to pay a judgment recently taken against the city in the case of County Real Estate Company vs. City of Indianapolis.

It is requested that you recommend the passage of this ordinance and that the same be passed under suspension of rules at tonight's Council meeting.

Very truly yours,

THOMAS D. STEVENSON.

December 19, 1921.

*To the Hon. President and Members of the Common Council,  
Indianapolis, Ind.:*

Gentlemen—

I hand you herewith ordinance authorizing the sale of Ten Thousand (\$10,000) Dollars City of Indianapolis Park Purchase Bonds of 1921. This issue of bonds by the city is necessary because of the purchase of certain ground by the Park Board prior to the passage of the Park Law of 1921. The Park Board expected to pay this obligation from the money derived from the payment by the Indianapolis Street Railway Company on their franchise contract, but having surrendered franchise and denying obligation makes it necessary that these bonds be issued.

I recommend the passage of this ordinance.

Yours very truly,

ROBT. H. BRYSON,  
*City Controller.*

December 19, 1921.

*Mr. George O. Hutsel, City Clerk,  
Indianapolis, Indiana:*

Dear Sir—

Enclosed you will find three copies of a General Ordinance providing for the sale of \$10,000.00 bonds payable out of the general funds of city for the purpose of paying the balance due on a contract for the purchase of real estate by the Board of Park Commissioners from George J. Marott. The introductory part of the ordinance explains its purpose.

It is the desire of the Board of Park Commissioners to have this ordinance introduced at the meeting of the Common Council to be held December 19, 1921, and if possible to have the same passed at that meeting. The ordinance does not contemplate the issuance of bonds before January 1, 1922, but the Board of Park Commissioners are anxious to have the ordinance passed at this time.

Yours very truly,

J. CLYDE HOFFMAN,  
*Attorney for Board of Park Commissioners.*

December 19, 1921.

*To the Hon. President and Members of the Common Council,  
Indianapolis, Ind.:*

Gentlemen—

I hand you herewith ordinance transferring the sum of Five Hundred (\$500.00) Dollars from the Change of Venue and Expenses of Legal Business Outside of Marion County, Including Traveling Expenses and Employment of Local Attorney, Fund of the Department of Law to the Miscellaneous Expense Fund of the Department of Law, and recommend its passage.

Yours very truly,

ROBT. H. BRYSON,  
*City Controller.*

REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

Indianapolis, Ind., December 19, 1921.

*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 Appropria-

tion Ordinance No. 32, 1921, entitled An ordinance, appropriating additional funds to the Department of Public Works for use in the year 1921, to its fund for the payment of appraisers, and to its fund for the payment of water rentals and to its fund for the payment of electric, gas and vapor lights and fixing a time when the same shall take effect, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

J. E. MILLER.

J. P. BROWN.

S. A. FURNISS.

LEE J. KIRSCH.

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

From the Committee on Finance:

Indianapolis, Ind., December 19, 1921.

*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. 33, 1921, entitled An ordinance, appropriating the sum of Thirty-five Thousand Two Hundred Forty-five Dollars and Fifty-six Cents (\$35,245.56) to the interest and exchange on city bonds fund of the Department of Finance, and declaring a time when the same shall take effect, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

J. E. MILLER.

J. P. BROWN.

S. A. FURNISS.

LEE J. KIRSCH.

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

From the Committee on Finance:

Indianapolis, Ind., December 19, 1921.

*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. 34, 1921, entitled An ordinance, appropriating the sum of Two Hundred Fifty (\$250.00) Dollars to the Erroneous Assessments Fund of the Department of Public Works, and declaring a time when the same shall take effect, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

J. E. MILLER.  
J. P. BROWN.  
S. A. FURNISS.  
LEE J. KIRSCH.

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

From the Committee on Finance:

Indianapolis, Ind., December 19, 1921.

*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. 80, 1921, entitled An ordinance, amending Section 15 of General Ordinance No. 37, 1919, and regulating parking vehicles, and declaring a time when the same shall take effect, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

J. E. MILLER.

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

INTRODUCTION OF APPROPRIATION ORDINANCES.

By the City Controller:

APPROPRIATION ORDINANCE NO. 38, 1921.

AN ORDINANCE, appropriating the sum of Fifty-four Thousand Dollars (\$54,000.00) to the General Fund of the Board of Health of the City of Indianapolis, Indiana, from the General Fund of the City of Indianapolis, Indiana, and declaring a time when the same shall take effect.

Whereas, the Board of Health of the City of Indianapolis, Indiana, on the 19th day of December, 1921, duly passed a certain resolution, which is in the words and figures as follows, to-wit:

RESOLUTION.

Whereas, the Board of Health of the City of Indianapolis, Indiana, during the year 1921, has had unusual conditions with which it has been compelled to deal and which it was unable to anticipate, such as betterments, additions and permanent equipment at a cost of Thirty-six Thousand Seven Hundred Twenty-two Dollars and Four Cents (\$36,722.04), and the caring for and increased daily average of Thirty (30) patients at the City Hospital, costing approximately Thirty-six Thousand Dollars (\$36,000.00) additional, all of which has caused the necessary increase of expenditures for said Board of Health; and

Whereas, because of the reasons aforesaid, there will be at the close of the fiscal year 1921 a deficit in the General Fund of the Board of Health of the City of Indianapolis which said Board of Health will be unable to pay out of its own funds.

Now, Therefore, Be it Resolved, by the Board of Health of the City of Indianapolis, that an ordinance be prepared and be presented to the Common Council of the City of Indianapolis, Indiana, requesting that the sum of Fifty-four Thousand Dollars (\$54,000.00) be appropriated to the General Fund of the Board of Health of the City of Indianapolis from the General Fund of the City of Indianapolis to apply on said deficit.

Now, Therefore, Be it Ordained By the Common Council of the City of Indianapolis, Indiana:

SECTION 1. That there be, and is hereby appropriated from the General Fund of the City of Indianapolis, Indiana, the sum of Fifty-four Thousand Dollars (\$54,000.00) to the General Fund of the Board of Health of the City of Indianapolis, Indiana, for the purpose of applying the same on said deficit.

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

Which was read a first time.

Mr. Schmidt moved that the rules be suspended and Appropriation Ordinance No. 38, 1921, be placed upon its passage.

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



Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt, and President Russell Willson.

Mr. Schmidt called for Appropriation Ordinance No. 38, 1921, for second reading. It was read a second time.

Mr. Schmidt moved that Appropriation Ordinance No. 38, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 38, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt, and President Russell Willson.

By the City Controller:

APPROPRIATION ORDINANCE NO. 39, 1921.

AN ORDINANCE, appropriating the sum of Eight Hundred Fifty-six Dollars and Five Cents (\$856.05) to the Department of Law for the payment of judgment and costs.

*Be it Ordained By the Common Council of the City of Indianapolis:*

SECTION 1. That there be, and is hereby appropriated to the Department of Law, the sum of Eight Hundred Fifty-six Dollars and Five Cents (\$856.05) for the payment of judgment and costs in the case No. 13712 Superior Court of Marion County, Room 3, County Real Estate Company vs. City of Indianapolis.

Which was read a first time.

Mr. Schmidt moved that the rules be suspended and Appropriation Ordinance No. 39, 1921, be placed upon its passage.

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

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt, and President Russell Willson.

Mr. Schmidt called for Appropriation Ordinance No. 39, 1921, for second reading. It was read a second time.

Mr. Schmidt moved that Appropriation Ordinance No. 39, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 39, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the City Controller:

GENERAL ORDINANCE NO. 95, 1921.

AN ORDINANCE, transferring the sum of Five Hundred Dollars (\$500.00) from the "Change of Venue and Expenses of Legal Business Outside of Marion County, Including Traveling Expenses and Employment of Local Attorneys," Fund, of the Department of Law to the "Miscellaneous Expense" Fund of the Department of Law and declaring a time when the same shall take effect.

SECTION 1. *Be it Ordained By the Common Council of the City of Indianapolis, Indiana:* That there be and is hereby transferred the sum of Five Hundred Dollars (\$500.00) from the "Change of Venue and Expenses of Legal Business Outside of Marion County, Including Traveling Expenses and Employment of Local Attorneys" Fund of the Department of Law and that the same be and is hereby transferred to and appropriated to the "Miscellaneous" Fund of the Department of Law.

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

Which was read a first time.

Mr. Schmidt moved that the rules be suspended and General Ordinance No. 95, 1921, be placed upon its passage.

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

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Mr. Brown called for General Ordinance No. 95, 1921, for second reading. It was read a second time.

Mr. Schmidt moved that General Ordinance No. 95, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 95, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmade and President Russell Willson.

By the City Controller:

GENERAL ORDINANCE NO. 96, 1921.

AN ORDINANCE, authorizing the sale of ten bonds of One Thousand Dollars (\$1,000.00) each of the City of Indianapolis, Indiana, payable from the general revenues and funds of said city, or from the Sinking Fund of said city, or as may be required by law, for the purpose of procuring money to be used for the payment of purchase money for park lands, and providing for the time and manner of advertising the sale of bonds and the receipts of bids for same, the manner and terms of sale of said bonds, the form of bonds to be issued, making an appropriation of said funds and fixing the time when said ordinance shall take effect.

Whereas, the City of Indianapolis heretofore by its Board of Park Commissioners entered into a contract with George J. Marott for the purchase of real estate for park and boulevard described as follows, to-wit: 11 of Lots M and One Hundred and Thirty-seven (137) in Hey-

wood's Second Park Addition to the City of Indianapolis, in the County of Marion and State of Indiana, together with that part of Lots numbered One Hundred and Thirty-four (134), One Hundred and Thirty-five (135), and One Hundred and Thirty-six (136) in said Heywood's Second Park Addition, lying south of a line running from a point in the west line of said Lot numbered One Hundred and Thirty-six (136) which is Eleven (11) feet north of the southwest corner of said Lot to a point in the east line of Lot numbered One Hundred and Forty-five (145) in said Addition, which is Ten (10) feet south of the northeast corner of said Lot numbered One Hundred and Forty-five (145); and

*Whereas*, by the terms of said contract the said purchase price was to be paid in installments from funds to be derived from the payment to the City of Indianapolis of a franchise tax by the Indianapolis Street Railway Company, or other available funds; and

*Whereas*, the Indianapolis Street Railway Company has not paid and refuses to pay the franchise tax due the City of Indianapolis in 1921, and which said payment cannot be made by the Board of Park Commissioners of the City of Indianapolis from any other fund; and

*Whereas*, there is now unpaid, under the terms of said contract, a balance of Ten Thousand Dollars (\$10,000.00) of such purchase money, and there is not now, and will not be, sufficient funds provided from the revenue created by the franchise tax of the Indianapolis Street Railway Company, or from any other available fund with which to meet such payment, and it being necessary for the City of Indianapolis to borrow the sum of Ten Thousand Dollars (\$10,000.00) in order to procure such a fund to be devoted to such purposes, and to issue and sell its bonds in such amount, payable from the general revenues and funds of said city, or from the sinking fund, or as may be required by law: therefore:

SECTION 1. *Be it Ordained By the Common Council of the City of Indianapolis, Indiana*, that the City Controller of said city be, and is hereby authorized, for the purpose of procuring money to be used for the payment of Ten Thousand Dollars (\$10,000.00) to George J. Marrott on the contract for the purchase from him of park lands for said city, to prepare and sell Ten (10) new bonds of the City of Indianapolis, Marion County, Indiana, of the sum of One Thousand Dollars (\$1,000.00) each, said bonds shall be numbered from One (1) to Ten (10) both inclusive; shall be designated as "Park Purchase Bonds of 1922," shall mature on January 1, 1927, and shall bear interest at the rate of five per cent. per annum, payable semi-annually, and said installments of interest shall be evidenced by interest coupons attached to said bonds, and the first coupon attached to each bond shall be for the interest on said bond from date of issue until the 1st day of July, 1923. Said bonds and interest coupons shall be negotiable and payable at the office

of the Treasurer of the City of Indianapolis, Indiana. Said bonds shall be signed by the Mayor and City Controller of said City of Indianapolis, and attested by the City Clerk, who shall affix the seal of said city to each of said bonds, and the interest coupons attached to said bonds shall be authenticated by a lithographic fac-simile of the signatures of the City Controller of said city engraven thereon, which for all purpose be taken and deemed to be equivalent to a manual signing thereof. Said bonds shall be prepared by the City Controller in due form, irrevocably pledging the faith and credit of the City of Indianapolis to the payment of the principal and interest stipulated therein respectively.

It shall be the duty of the City Controller at the time of the issue and negotiation of said bonds to register in a book kept for that purpose all of said bonds issued and negotiated in serial number, beginning with number (1), giving also the date of their issuance, their amount, date of maturity, rate of interest and the time and place where said interest shall be payable; said bonds shall be substantially in the following form, all blanks for numbers, dates and signatures to be properly filled in before the issuance thereof:

No.----- \$1,000.00

UNITED STATES OF AMERICA, CITY OF INDIANAPOLIS,  
MARION COUNTY, STATE OF INDIANA.  
PARK PURCHASE BONDS OF 1921.

For value received, the City of Indianapolis, in Marion County, in the State of Indiana, hereby promises to pay to the bearer, without any relief from valuation and appraisal laws, on January 1, 1927, at the office of the City Treasurer of the City of Indianapolis, Indiana, One Thousand Dollars( \$1,000.00) in lawful money of the United States of America, together with interest thereon at the rate of 5 per cent. per annum from date until paid, the first interest payable on the first day of July, 1923, and the interest thereafter payable semi-annually on the first day of January and July, respectively, upon the presentation and surrender of the proper interest coupons hereunto attached, and which are made a part of this bond.

This bond is one of an issue of Ten (10) bonds, of One Thousand Dollars (\$1,000.00) each, numbered from One (1) to Ten (10), both inclusive, of date \_\_\_\_\_, 1922, issued by said City of Indianapolis, pursuant to an ordinance passed by the Common Council of the City of Indianapolis, Indiana, on \_\_\_\_\_, and an act of the General Assembly of the State of Indiana, entitled "An Act concerning municipal corporations," approved March 6, 1905, and all acts supplemental thereto and amendatory thereof.

It is hereby certified that all conditions, acts and things essential to the validity of this bond exist, have happened and have been done, and that every requirement of law affecting the issuance hereof has

been duly complied with, and that this bond is within every debt and other limit prescribed by the Constitution and Laws of the State of Indiana, and that the faith and credit of the City of Indianapolis, Indiana, are hereby irrevocably pledged to the punctual payment of the principal and interest of this bond according to its terms.

In witness whereof, the Common Council of the City of Indianapolis, Indiana, has caused this bond to be signed by the Mayor and the City Controller, and attested by the City Clerk, and the corporate seal of said City to be hereunto affixed, this, as of the \_\_\_\_\_ day of \_\_\_\_\_

Attest:

-----  
*Mayor.*

-----  
*City Clerk.*

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*City Controller.*

SEC. 2. The City Controller shall, as soon as practicable after the passage of this ordinance, advertise for bids or proposals for said bonds by at least two insertions one week apart in each of two daily newspapers of general circulation of opposite political faith, printed and published in the City of Indianapolis, and may otherwise advertise for such bids, or proposals, as he may deem advisable. Said advertisement shall describe said bonds with such minuteness and particularity as the City Controller may see fit, and shall set forth the amount of the bonds to be sold and the rate of interest they shall bear, that the bidder may bid for all or any part of said bonds, the date of opening bids or proposals therefor, the right of the City Controller to reject any or all bids, the amount of deposit each bidder will be required to make, and when and where the bonds shall be delivered and paid for.

SEC. 3. Each and every bid and proposal shall be presented to the City Controller sealed, and shall be accompanied by a duly certified check, upon some responsible bank of the City of Indianapolis, Indiana, payable to the order of the City Treasurer, for the sum of money which shall equal two and one-half (2½) per centum of the face or par value of the bonds bid for, or proposed to be purchased. The City Controller shall continue to receive bids or proposals therefor at the office of the City Controller until 12 o'clock noon on the day fixed by the City Controller and designated in the advertisement for receiving bids or proposals, at which time and place and between the said hour and 2 p. m. of said day he shall open said bids or proposals. The City Controller shall award said bonds, or, if he shall see fit a part or any number thereof, to the highest and best bidder therefor, but said City Controller shall have full right to reject any and all such bids or proposals, or any part thereof, and shall have the right to accept a part of any bid,

and to award upon any bid the whole or a less number of bonds covered by such bid, he being the sole judge of the sufficiency or insufficiency of any bid. He may also, in his judgment and discretion, award a part of said bonds to one bidder and a part to another. The provisions shall apply to the case of reoffering and readvertising of said bonds as hereinafter provided.

SEC. 4. In case the City Controller shall reject all bids submitted of if he shall award only a part of said bonds, he shall readvertise the bonds remaining unsold in the manner as herein prescribed for the original advertisement, but in such readvertisement he is authorized and directed to fix the date and the time both for receiving and opening the bids or proposals and for the purchasers to take up and pay for the bonds which may be awarded. And he shall continue from time to time, in like manner, to readvertise said bonds for sale until the bonds are sold.

SEC. 5. In case any bid or proposal shall not be accepted and there shall be no award of bonds thereon by the City Controller, he shall there upon return to such unsuccessful bidder the certified check accompanying the same. If the City Controller shall award the whole or any part of the bonds upon any bid or proposal, he shall thereupon deliver the certified check accompanying the same to the City Treasurer, who shall thereupon present the same for payment and shall be entitled to collect the same, and shall hold the proceeds collected thereon until the completion of the purchase and the payment of the bonds so awarded. If for any reason said check shall not be paid upon presentation, such non-payment shall be taken and deemed a breach of the contract for the purchase of said bonds upon the part of the purchaser, and the city, in that event, shall have the right to readvertise said bonds for sale at once, and shall, in such event, retain said check, and shall have the right to collect the same for its own use, and said check and proceeds thereof, when collected, shall be taken and deemed as agreed and liquidated damages for breach of contract and as a payment thereof to the city. In case any successful bidder shall fail to complete the purchase of the bonds so awarded, and to pay for the same within the time and manner herein required, or which may be prescribed by the City Controller, as herein provided, the proceeds of such certified check deposited by such bidder shall be taken, considered and deemed as agreed and liquidated damages for the breach of such bidder's contract of purchase, and shall be taken and deemed as a payment to the city for such damages, and shall be retained and held by said city for its use; but if such successful bidder shall complete the purchase of said bonds awarded to him pursuant to the provisions hereof and his bid and award thereon, said proceeds of said certified

check shall thereupon be returned to such bidder, or, at the option of the City Controller, at the time of the completion of the sale and payment for the bonds, said proceeds of said certified check may be applied and deemed a payment on account of the purchase of said bonds.

SEC. 6. Delivery of any bonds shall be made at the office of the City Treasurer of the City of Indianapolis, Indiana, upon such day or days as may be specified in the advertisement or readvertisement for proposals, or within such time thereafter as may be fixed by the City Controller and the purchaser or purchasers, and the City Controller may extend the time for such delivery not more than ten days after the day or days specified or agreed upon as above provided; and the successful bidder or bidders shall take the bonds awarded to him or them and pay for the same at such place and times, and his or her refusal, neglect or omission to do so shall be a breach of the contract of his bid or proposal on account of which damages shall be retained or recovered as liquidated and provided in this ordinance.

SEC. 7. The bonds taken and paid for to the satisfaction of the City Controller shall be binding obligations upon the said City of Indianapolis according to their tenor and effect.

SEC. 8. The proceeds of the sale of said bonds is hereby appropriated to the Board of Park Commissioners for the purchase of said land.

SEC. 9. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Which was read a first time.

Mr. Schmidt moved that the rules be suspended and General Ordinance No. 96, 1921, be placed upon its passage.

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

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Mr. Schmidt called for General Ordinance No. 96, 1921, for second reading. It was read a second time.



Mr. Schmidt moved that General Ordinance No. 96, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 96, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

By the City Controller:

GENERAL ORDINANCE NO. 97, 1921.

WHEREAS, it is provided by an act of the General Assembly of the State of Indiana, entitled "An act to amend Section Two Hundred and Seven (207) of an act entitled" An act concerning municipal corporations, approved March 6th, 1905," approved March 6th, 1909, and being Acts 1909, page 289, it is provided as follows: The bond of said County Treasurer, ex-officio City Treasurer, shall be in such sum and with such sureties as the Common Council may by ordinance determine, to the approval of such Common Council's and

WHEREAS, Ralph A. Lemcke was at the general election held in the County of Marion, State of Indiana, November 2nd, 1920, duly elected to the office of Treasurer of the County of Marion, Indiana, ex-officio Treasurer of the City of Indianapolis; and

WHEREAS, he has executed a certain bond in favor of the City of Indianapolis, in the penal sum of one hundred thousand (\$100,000.00) dollars with Fred C. Dickson, Louis C. Huesman, H. F. Campbell, Arthur V. Brown and Charles C. Perry as sureties which bond has been approved as to form by Samuel Ashby, Corporation Counsel, and has tendered same to the Common Council of said City for its approval:

Be it ordained by the Common Council of the City of Indianapolis as follows:

CITY OF INDIANAPOLIS, INDIANA.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, that the amount of the bond of the County Treasurer, acting ex-officio in the capacity of the City Treasurer of the City of Indianapolis, is hereby fixed for a period of not to exceed two (2) years from January 1st, 1922, in the penal sum of one hundred thousand (\$100,000.00) dollars payable to the City of Indianapolis.

SEC. 2. Be it ordained by the Common Council of the City of In-

dianapolis that the bond of Ralph A. Lemecke in a penal sum of one hundred thousand (\$100,000.00) dollars as above, with Fred C. Dickson, Louis Huesman, H. F. Campbell, Arthur V. Brown and Charfiles C. Perry as sureties, is hereby in all things confirmed and approved. Said bond shall be filed with the City Controller as provided by law.

Sec. 3. This Ordinance shall take effect and be in force from and after its passage.

Which was read a first time.

Mr. Schmidt moved that the rules be suspended and General Ordinance No. 97, 1921, be placed upon its passage.

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

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Mr. Schmidt called for General Ordinance No. 97, 1921, for second reading. It was read a second time.

Mr. Schmidt moved that General Ordinance No. 97, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 97, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt, and President Russell Willson.

#### ORDINANCES ON SECOND READING.

Mr. Miller called for Appropriation Ordinance No. 32, 1921, for second reading. It was read a second time.

Mr. Miller moved that Appropriation Ordinance No. 32, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 32, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt, and President Russell Willson.

Mr. Miller called for Appropriation Ordinance No. 33, 1921, for second reading. It was read a second time.

Mr. Miller moved that Appropriation Ordinance No. 33, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 33, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Mr. Miller called for Appropriation Ordinance No. 34, 1921, for second reading. It was read a second time.

Mr. Miller moved that Appropriation Ordinance No. 34, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 34, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Mr. Schmidt called for General Ordinance No. 84, 1921, for second reading. It was read a second time.

Mr. Schmidt moved that General Ordinance No. 84, 1921, be stricken from the files.

The roll was called and General Ordinance No. 84, 1921, was stricken from the files by the following vote:

Ayes, 5, viz.: Messrs. Brown, Furniss, Kirsch, Schmidt and President Russell Willson.

Noes, 3, viz.: Messrs. Carnefix, Miller and Peake.

Mr. Miller called for General Ordinance No. 80, 1921, for second reading. It was read a second time.

Mr. Schmidt moved that General Ordinance No. 80, 1921, be stricken from the files.

The roll was called and General Ordinance No. 80, 1921, was stricken from the files by the following vote:

Ayes, 5, viz.: Messrs. Brown, Furniss, Kirsch, Schmidt and President Russell Willson.

Noes, 3, viz.: Messrs. Carnefix, Miller and Peake.

By Mr. Schmidt:

Mr. President—In order that the matter of limitation of heights of buildings surrounding the Soldiers' and Sailors' monument may be systematically and intelligently determined by and through the City Planning Commission when that body is ready to properly function, I move you that General Ordinance No. 90, 1921, be now stricken from the files of this council.

SCHMIDT, *Councilman*.

The roll was called and General Ordinance No. 90, 1921, was stricken from the files by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

On motion of Mr. Schmidt a rising vote of thanks was given President Willson for his fairness and consideration of the members of the Council.

On motion of Mr. Brown the Common Council at 9:07 o'clock P. M. adjourned.

*Russell Willson*

*President.*

Attest:

*G. W. Bell*

*City Clerk.*