

SPECIAL MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.
MONDAY, June 26, 1905.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday June 26, 1905, at 8:10 o'clock P. M. in special session, President Billingsley in the chair, pursuant to the following call:

INDIANAPOLIS, IND., June 26, 1905.

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

Gentlemen: I hereby call a special session of your honorable body to meet at the Council Chambers, in the City of Indianapolis, Monday evening, June 26, 1905, at 7:30 o'clock, for the purpose of receiving communications from the city officers and introducing, considering, receiving committee reports upon, and passing an ordinance for the sale of \$45,000 of City Bonds, the same being for the correction of a clerical error in General Ordinance No. 41, 1905, which was passed by the Common Council on June 5, 1905, and approved by me on June 6, 1905.

JOHN W. HOLTZMAN,
Mayor.

I, W. M. Fogarty, Clerk of the Common Council, do hereby certify that I have served the above and foregoing notice upon each and every member of the Common Council prior to the time of meeting, pursuant to the rules.

W. M. FOGARTY,
City Clerk.

Which was read.

The Clerk called the roll:

Present: The Hon. James H. Billingsley, President of the Common Council, and 11 members, viz: Messrs. Cooper, Cottey, Fishback, Gasper, Rhodes, Shea, Sullivan, Uhl, Wahl, Wolsiffer, Wright.

Absent, 9, viz.: Messrs. Crall, Davis, Eppert, Hofmann, Krause, Linus, Moriarity, Murray, Storm.

Mr. Cooper moved that the Council take a recess of fifteen minutes. Carried.

During the recess Messrs. Crall and Hofmann entered the Council Chamber and took seat.

The Chair called the Council to order again at 9 o'clock.

COMMUNICATIONS FROM CITY OFFICERS.

From the City Controller:

INDIANAPOLIS, IND., June 26, 1905.

To the President and Members of the Common Council:

Gentlemen: I regret to call to your notice that by a clerical error in General Ordinance No. 41, providing for the issue of \$45,000 of refunding bonds, the sale of the said bonds is invalidated, and it will be necessary to resell them to accomplish the purposes of the ordinance. It was intended to sell the bonds on June 20th, but through an error in copying, apparently made in my office, the date of sale fixed in the ordinance is June 21st. Owing to the limited time for the issue, the advertisements had been prepared in advance, and were sent out as soon as the ordinance was passed, calling for the sale on the 20th, and the sale was so held.

The error may be readily corrected, however, by the passage of the ordinance submitted herewith, which is identical with General Ordinance No. 41 passed by you on June 5th, except as to the dates of sale, and delivery of the bonds, and a temporary appropriation of \$45,000 from the General Fund until the proceeds of the sale are in hand. This action is the more urgent because the outstanding bonds have been called for July 1, 1905, in accordance with the provisions of General Ordinance No. 41, and the credit of the city would be injured if the money was not on hand to pay them.

Respectfully,

J. P. DUNN,
City Controller.

Which was read.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the City Controller:

General Ordinance No. 54—1905: An ordinance authorizing the issue and sale of forty-five (45) refunding bonds of one thousand dollars (\$1,000.00) each of the City of Indianapolis, in order to raise money to take up and refund certain bonds bearing date of January 1, 1890, and which will become due January 1, 1910, but which, by their terms, are payable on and after January 1, 1900, aggregating forty-five thousand dollars (\$45,000); prescribing the time and manner of advertising the sales of said refunding bonds and of the receipt of the bids for the same, together with the mode and terms of sale; appropriating the proceeds of the sale of said refunding bonds for the payment of the said outstanding bonds, and providing the time and manner of payment of said outstanding bonds, and providing for the refunding of the indebtedness of the said City of Indianapolis represented by said bonds,

and matters connected therewith; and fixing the time when the same shall take effect.

Whereas, Certain bonds of the City of Indianapolis, Indiana, bearing date of January 1, 1890, amounting in the aggregate to the sum of forty-five thousand dollars (\$45,000.00), bearing interest at 4 per cent. per annum, payable semi-annually, issued under and by authority of General Ordinance No. 54, 1889, approved November 11, 1889, which bonds will become due January 1, 1910, but which are payable on and after January 1, 1900, at the option of the city, and

Whereas, It is to the best interest of the City of Indianapolis on account of the low rate of interest at which money can now be obtained, to pay off the said bonds and refund the indebtedness covered thereby, and there are not now and will not be sufficient funds in the treasury of said City with which to pay said bonds; and it is necessary for the City of Indianapolis to borrow said sum of forty-five thousand dollars (\$45,000.00) and issue and sell its bonds in that amount, payable from the general revenues and funds of said city, 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 head of the Department of Finance of said city be and is hereby authorized and directed to refund certain of the indebtedness of the City of Indianapolis, amounting to the sum of forty-five thousand dollars (\$45,000.00), which indebtedness is represented by ninety outstanding bonds of said city, bearing date of January 1, 1890, issued under and by authority of General Ordinance No. 54, 1889, approved November 11, 1889, which bonds will become due January 1, 1910, but which are payable on and after January 1, 1900.

Sec. 2. That the head of the Department of Finance is hereby directed and authorized, for the purpose of refunding the said indebtedness of forty-five thousand dollars (\$45,000.00), to prepare and sell forty-five new bonds of the City of Indianapolis, Marion County, Indiana, of the sum of one thousand dollars (\$1,000.00) each, which bonds shall bear date of July 1, 1905; shall be designated "Indianapolis Refunding Bonds of 1905;" shall bear interest at the rate of three and one-half (3½) per cent. per annum, which interest shall be payable semi-annually on the first day of January and the first day of July of each year, and said installment of interest shall be evidenced by interest coupons attached to said bonds. Said bonds and interest coupons shall be negotiable and payable at the banking house of Winslow, Lanier & Co., of the city, county and State of New York. Said bonds shall run for twenty years from the first day of July, 1905, and shall be signed by the Mayor and City Controller and attested by the City Clerk, who shall affix the seal of said city to each of said bonds, said interest coupons shall bear the lithograph fac simile of the signatures of the Mayor and Controller. Said bonds shall be prepared by the head of the Department of Finance in due form, irrevocably pledging the faith and credit of the City of Indianapolis, Indiana, to the payment of the principal and interest stipulated therein respectively.

It shall be the duty of the head of the Department of Finance at the time of the issuance and negotiation of said bonds to register in a book kept for that purpose all of said bonds so issued and negotiated.

In said register shall be entered in serial number all the bonds so issued and negotiated, beginning with number 1; and there shall also be given the date of their issuance, their amounts, 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 and dates to be properly filled before issuance thereof:

No.

\$1,000.00

UNITED STATES OF AMERICA,
 CITY OF INDIANAPOLIS,
 STATE OF INDIANA, MARION COUNTY.
 INDIANAPOLIS REFUNDING BOND OF 1905. 20 YEARS.

For value received, the City of Indianapolis, Indiana, promises to pay to the bearer one thousand dollars (\$1,000.00) in lawful money of the United States, on the first day of July one thousand nine hundred and twenty-five (1925), with interest thereon at the rate of three and one-half (3½) per cent., payable semi-annually on the first days of January and July of each year upon the surrender and cancelation of the proper coupons hereto attached; both principal and interest being payable at the banking house of Winslow, Lanier & Co., in the City of New York, in the County and State of New York.

This bond is one of a series of forty-five bonds, numbered from 1 to forty-five, each inclusive, each of the same date, amount, maturity, tenor and effect, which bonds have been issued by said city of Indianapolis in order to raise money to take up valid outstanding bonds of the city in pursuance of an ordinance duly and legally passed by the Common Council of said city, in strict conformity with and as authorized by the act of the General Assembly of the State of Indiana entitled, "An act concerning the incorporation and government of cities having more than one hundred thousand population, according to the last preceding United States census, and matters connected therewith, and declaring an emergency," approved March 6, 1891, and acts supplementary thereto and amendatory thereof; and all things and acts required by the laws of the State of Indiana, and by said ordinance, have happened and have been done and performed in and about the authorization, preparation, issue and complete execution of this bond, and this bond and the bonds refunded hereby are certified to be within every limit of indebtedness prescribed by the Constitution and Laws of Indiana.

The faith and credit of the said City of Indianapolis is irrevocably pledged to the payment of the principal and interest of this bond, as herein stipulated.

In witness thereof, The Common Council of the City of Indianapolis, Indiana, has caused this bond to be signed by the Mayor and City Controller, and the seal of said city to be affixed thereto, and attested by the City Clerk, this first day of July, one thousand nine hundred and five (1905).

Attest:Mayor.

.....City Clerk.

.....City Controller.

(Seal.)

The interest warrants or coupons attached to said bonds shall be authenticated by the signature of the Mayor and City Controller engraved thereon, which shall, for all purposes, be taken and deemed to be equivalent to a manual signing thereof.

Sec. 3. That the head of the Department of Finance shall, as soon as practicable after the passage of this ordinance, advertise for bids or proposals for said bonds by at least one insertion in the Indianapolis Sentinel, a daily newspaper of general circulation, printed and published in the City of Indianapolis, and in the Indianapolis Commercial Reporter, a daily newspaper of general circulation, printed and published in the City of Indianapolis, and may otherwise advertise for such bids or proposals as he may deem advisable. Such advertisements shall describe such bonds with such minuteness and particularity as the City Controller shall 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 the opening of bids or proposals therefor, the right of the City Controller to reject

any or all bids, the amount of deposits the bidder will be required to make, and when and where the bonds shall be delivered and paid for.

Sec. 4. Each and every bid or proposal shall be presented to the City Controller sealed, and shall be accompanied by a duly certified check upon some responsible bank, payable to the order of Oliver P. Ensley, City Treasurer, for a sum of money which shall equal two and one-half per centum of the face value or par value of the bonds bid for or proposed to be purchased. The City Controller shall continue to receive all bids or proposals therefor at the office of the City Controller until twelve o'clock noon in the seventh day of July, 1905, at which time and place, and between said hour and two o'clock, 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 the full right to reject any or 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 any less number of the 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. These provisions shall apply in case of reoffering and readvertisement of said bonds, as hereinafter provided.

Sec. 5. In case the City Controller shall reject all bids submitted, or 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 both date and the time for receiving and opening bids or proposals and for 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 said bonds are sold.

Sec. 6. In case any bid or proposal shall not be accepted, and there shall be no award of bonds thereon by the Controller, he shall thereupon return to such unsuccessful bidder the certified check accompanying the same. If the 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 for the bonds so awarded. If, for any reason, said check shall not be paid upon presentation, such nonpayment 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 such breach of contract and as a payment thereof to said 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 said 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 of 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 pro-

ceeds of said certified check may be applied and deemed a payment on account of the purchase of said bonds.

Sec. 7. Delivery of any bonds sold shall be made at the office of the City Controller, on the eighth day of July, 1905, or upon such other 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 Controller, who may extend the time for such delivery not more than ten days after the day or days specified 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 their refusal, neglect or omission so to do 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. 8. The bonds taken and paid for to the satisfaction of the City Controller shall be binding obligations upon the City of Indianapolis according to their tenor and effect; and the proceeds derived from any sale or sales of bonds, as herein authorized, shall be and hereby are appropriated to the use of the Department of Finance to be used and applied as follows: that is to say, to the payment of the principal of the said ninety outstanding bonds hereinbefore described, and to the expense of issuance, sale and delivery of the bonds herein provided for; and in case the proceeds of said bond sale are not received in time for the payment of said outstanding bonds on July 1, 1905, there is hereby appropriated to the Department of Finance from the General Fund, the sum of \$45,000 for taking up said bonds, and \$45,000 of the proceeds of said bond sale shall then be paid into and become a part of the said General Fund to replace the sum so appropriated; and thereupon said bonds so taken up shall be canceled; and the City Controller is hereby authorized to draw all proper and necessary warrants, and to do what ever act may be necessary to carry out the provisions of this ordinance.

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 and referred to Committee on Finance.

Mr. Cooper having retired from the Council Chamber, Mr. Crall moved that the Sergeant-at-Arms be instructed to bring in Mr. Cooper. Carried.

Mr. Gasper moved that the Council thereupon take a recess of one minute. Carried.

Upon reconvening, the Finance Committee submitted the following report:

INDIANAPOLIS, IND., June 26, 1905.

To the President and Members of the Common Council:

Gentlemen: Your Finance Committee, to whom was referred General Ordinance No. 54, 1905, have had same under consideration and would respectfully recommend that the same do pass.

Respectfully submitted,

J. L. GASPER,
LEW W. COOPER,
J. H. CRALL,
W. A. RHODES,
M. J. SHEA,
FRANK S. FISHBACK,

Mr. Gasper moved the adoption of the report. Carried.

Mr. Gasper called for second reading of General Ordinance No. 54, 1905. It was read the second time.

Mr. Gasper moved that the Council take a recess of 10 minutes.

The motion was declared lost.

The Sergeant-at-Arms and Mr. Cooper arrived and took seat.

Mr. Crall moved that the rules be suspended and General Ordinance No. 54, 1905, be placed upon its passage. Carried.

Mr. Gasper moved that General Ordinance No. 54, 1905, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 54, 1905, was read a third time and passed by the following vote:

Ayes, 14, viz.: Messrs. Cooper, Cottey, Crall, Fishback, Gasper, Hofmann, Rhodes, Shea, Sullivan, Uhl, Wahl, Wolsiffer, Wright and President James H. Billingsley.

On motion of Mr. Wahl the Common Council, at 9:30 o'clock, P. M., adjourned.

J. H. Billingsley

President.

ATTEST:
W. M. Fogarty

City Clerk.

