

FEDERAL COAL TRIAL DATE SET FOR LATE FALL

Anderson Overrules Motion and Orders Defendants in Court Nov. 8.

The trial of bituminous coal operators and miners charged with conspiracy to limit production and distribution of coal will open in federal court Nov. 8.

The date was set following the overruling of a defense motion by Charles D. Hughes, counsel for the miners of the United Mine Workers of America and attorneys for the operators, and the entering of pleas of not guilty by fifty-seven of the miners.

The indictment on which the men will be tried charges the operators and miners with conspiracy to limit production and distribution of coal in order to enhance the price thereof, under section 9 of the Lever law, as alleged by the first, second, third, fourth and seventeenth counts.

The indictment was returned by a special federal grand jury March 11 as a result of an investigation into the mining operations.

HUGHES ATTACKS SECTION 9 OF ACT.

The argument on the demurrer to the indictment was begun immediately after the ruling on the motion to quash.

Mr. Hughes contended that section 9 of the Lever act did not apply, but was superseded by the act of the president in regulating the fuel industry under the powers granted to him in section 25 of the act.

It was held by the defense, Mr. Hughes stated, that during the regulation of the coal industry under section 25, the general statutes, section 9, did not apply, but was overruled by section 25, which provides its own penalties.

He said, "It is impossible to read section 9 into section 25 which, he said, contained a complete penal code in regard to the carrying out of its own rules.

The argument for the government was made by Dan W. Simms, assistant United States attorney general, who said that the act, as it general and specific statutes did not apply in the case in question, because nothing in section 25 or the fuel administration regulations covers or relates to anything to which reference is made in section 9.

In reply to Mr. Simms, Mr. Hughes said that if the motion to quash was sustained, he would then have to proceed under Section 25 they could not be prosecuted under the provisions of Section 9.

In ruling on the demurrer the two principal objections were pointed out by Judge Anderson.

He said that the section said that "When the government" and that, he held, does not mean that it is necessary for the defendant to be engaged in the coal industry.

He held that the indictment does not have to allege that the defendants are engaged in the coal industry and that Section 9 is not superseded, repealed or abrogated by Section 25.

In handing down the ruling Judge Anderson said it was his opinion that the United States said it had a "big job on their hands," when they undertake to convict bituminous coal miners and operators.

Exceptions were taken by the defense when the demurrer was overruled and Mr. Hughes moved that the government be compelled to elect between counts one and seventeen, holding they were the same, but the motion was overruled by the court.

Mr. Hughes again moved that the government be compelled to elect between counts one, two, three and four of the indictment, but the motion was overruled and exceptions were granted.

Charles W. Miller, after two attempts to file a bill of particulars, was granted permission by the court to do so.

Dan W. Simms, counsel for the government, said that it was not the rule of the government to allow the filing of a bill of particulars, but Mr. Miller said that this court had granted that presumption heretofore and that he intended pressing the matter.

Indianapolis Man Picked by G. A. R. Men

BLOOMINGTON, Ind., May 27.—Robert W. McBride of Indianapolis today was selected by the Grand Army of the Republic to be department commander.

Charles W. Shaw of Bloomington was chosen senior vice department commander and James S. Wright of Rockport, junior vice commander.

E. H. Cowan of Crawfordsville was selected medical director and for chaplain the encampment picked Henry Conner of Indianapolis.

They Always Do in Indianapolis!

Editor The Times—I was riding on the rear platform of a northbound Illinois car the other day. Two blind boys were my fellow passengers.

One of the afflicted ones left the car at Ohio street. A stream of automobiles was passing past the blind boy, standing in the safety zone, waiting for a chance to reach the sidewalk. His erstwhile companion, hearing the hum of the motors, asked a man standing beside him:

"Can I get through the automobiles all right?"

Just then a man in the safety zone took the blind boy by the arm and guided him to the sidewalk.

The passenger addressed by the boy on the rear platform answered:

"Yes, a man is helping him cross."

"Yes," the blind boy said, "they always do in Indianapolis."

"The most courteous city in the world!"

Of course.

Sincerely,

INTERESTED CITIZEN.

YOUTH ACCUSED OF BEATING MAN

Thomas Neale, 27, of 3302 East Thirtieth street, is under arrest today charged with assault and battery with intent to kill.

The police locked him up when he was unable to furnish a \$10,000 bond.

Neale, according to the police, is one of the men who beat Roy Smith, 223 North Hamilton avenue, and George H. Stebbins, 2520 Cornell avenue, two railroad men, Tuesday night.

The switchmen's strike, which has resulted over the switchmen's strike.

Tiff Critchfield, 307 East South street, a molder, who, according to the police, has acted as a picket at the Cranefoundry, and Charles Doty, 909 Beveline avenue, a molder arrested at the foundry, were arrested last night on the charge of assault and battery, and Critchfield is also charged with violating the picketing ordinance.

It is not known if the fight between the two men is said to have occurred when Critchfield halted Doty as the latter left the foundry last night.

INDIANA FIGHTS CAR EXODUS

Immediate action by the interstate commerce commission to prevent further shipment of grain cars out of Indiana is requested. A telegram forwarded to Clyde Atchison of the Indiana commerce commission this morning by W. McCardle of the Indiana public service commission.

Mr. McCardle declared to the commission that large amounts of grain stored in elevators in Indiana are being ruined because of germination.

Farmers have made numerous complaints to the public service commission, declaring they can not ship their grain because of the movement of grain cars out of this state, leaving their grain practically stranded in the elevators.

The telegram sent by Mr. McCardle follows:

"Complaints to this commission from grain shippers on account of taking grain cars from here to other states are serious."

"Considerable grain stored ready for movement."

"Grain getting out of condition on account of germinating season."

"Farmer's deliveries are increasing, which under present conditions, will increase."

"This commission urgently recommends that something be done without delay."

"No change in coal situation and conditions are very serious."

The following telegram relative to an increase in freight rates was sent to the interstate commerce commission by J. L. Kimbrough, president of the Indiana Manufacturers association:

"Indiana Manufacturers association favors granting railroads sufficient increase in freight rates to guarantee adequate service to public and to maintain and increase their equipment roads and terminals. Are however opposed to granting rates higher than necessary for these purposes. Believe the roads should exercise strictest economy in management."

Store Pays Tribute in Death of Employee

In respect to the memory of Abraham A. Lowenberg, 2825 Central avenue, for twenty years employed as a department manager of the L. Strauss & Co., the store was closed at 4 o'clock yesterday afternoon during the funeral of Mr. Lowenberg.

Services were held in the chapel of Flanner & Buchanan.

BRITAIN PLANS 'RECONQUEST,' IRISH DECLARE

Puts 100,000 Troops on Island for That Purpose, Republicans Say.

DUBLIN, May 27.—England proposes the occupation of Ireland with 100,000 troops, according to assertions made in republican circles today.

British soldiers and constabulary stationed in Ireland now total almost 100,000 men and reinforcements of troops are coming in constantly.

Col. Winston Churchill, British secretary of war, admits there are about 50,000 British regulars stationed in Ireland, not including the constabulary.

There were 14,000 constables in Ireland in 1916 and it is estimated that this number has been nearly trebled in the meantime.

The constabulary is composed mainly of former English soldiers.

Sun Féin leaders declare that "not even 50,000 soldiers could bring Ireland into subversion."

Great numbers of troop ships, bringing soldiers and munitions are arriving at the British quays, and Sun Féin leaders say there is not a single regiment here that was recruited in Ireland except the Royal Irish rifles, which is made up of unionist followers of Sir Edward Carson, the anti-home rule leader in Ulster province.

The course of revolution never did run smooth, and though this latest development in governmental rotation in Mexico has been characterized by an unexampled sanity, moderation and ordinariness of action, the movement here nevertheless suffered its ups and downs and has caused the United States department of state some anxious moments.

That Carranza, with his alleged anti-American intrigues, had long been a thorn in the flesh of the British government, and that one attempt seriously to deny, and that a sigh of relief went up from official Washington when news came of his flight from Mexico City, is known to all who took the pains to cock their eyes in quick succession.

Ulstermen did themselves that the situation was vastly clarified.

The bewhiskered first chief was a fugitive and rebel leaders intimated everything would be done to get him safely and expeditiously out of the country.

Judge Thornton, of superior court, room 1, today rendered a decision in the case of Rachel Kaufman and Eli B. Kaufman against the Home Brewing Company and held that Mrs. Kaufman was entitled to recover \$1,554 with interest from the brewing company.

The case was brought suit on Oct. 7, 1919, against the brewing company in an effort to collect rent which was said to be due the owners from the brewing company on property at 517 West Washington street which was leased by the brewery and then subleased for saloon purposes.

The brewing company entered into a valid contract with the plaintiffs on June 24, 1914, for a term of years, with the Washington street property, the court held.

The court indicated that the passage and enactment of the prohibition law did not invalidate previously made leases on the part of a brewery.

Judge Thornton's decision is opposite to an opinion rendered by the superior court of Evansville, Ind., which held that Darst

BANDIT VILLA NOW ONLY BARRIER BETWEEN U.S. AND MEXICAN REBELS

WASHINGTON, May 27.—The Mexican revolution has withstood the first severe shocks of the forces of disintegration, in the interpretation of officials here, and formal recognition of the de facto government, is now merely a matter of days.

Informal negotiations with that end in view already have been undertaken, it was learned today, and it is hinted that recognition might now be an accomodation for the uncertainty surrounding the attitude of Francisco Villa.

But for the expenditure of money, "to get the facts to the people, Wood wouldn't have had a chance in West Virginia," Darst said.

Darst estimated \$1,000 a county wasn't an unreasonable sum in the "Wood campaign of education," in West Virginia.

"It cost us \$1,000 a day for high cost of living and of labor to go out and work for a candidate unless you pay them money," said Darst.

He denied any Wood money was used in West Virginia to "buy votes for Wood."

Wood money was used in West Virginia to get men to "organize" and predict, he said.

Darst gave the total of Wood's campaign expenses in West Virginia up to date as \$4,438.36.

"We're really needed more than that, \$50,000 or \$55,000—\$1,000 a county," Darst said.

H. M. Daugherty, manager of the presidential campaign of Senator Harding, republican of Ohio, was called when Darst concluded.

"When Senator Harding's candidacy for the presidency was decided upon he expressed a desire that there should not be a highly financed campaign conducted," Daugherty said.

"It is not expected that there would be any contest in Ohio.

"Later on a contest was brought on.

"We were compelled to make something of a campaign.

"Indiana is a neighbor state.

"Besides, under the laws of Indiana, any candidate receiving a majority of votes at the primary could hold the delegates to vote for him and away from any other candidate until the convention was over.

"It was therefore more or less necessary to get men to organize and predict.

Bornman asserts in his complaint that the Walters were employed to board and protect his two sons, James, 5, and Paul, 4, after the death of the boys' mother.

Bornman alleges that the plaintiffs on July 6 last assaulted his son, James, with a heavy rope, which is said to have resulted in the boy being permanently injured.

Right now you can choose a snappy suit at Menter's and can pay for it in weekly or monthly payments as you desire.

We buy for 42 thriving stores, that's why our prices match those of the fellow who demands spot cash.

Come and look over our classy styles. You are welcome. \$30 to \$60.

MENTER

111 South Illinois Street

Entire First and Second Floors. Open Saturday Night Until 9 o'clock. Accounts with Out-of-Town Customers Gladly Opened.

Ready-to-Wear Section, Second Floor.

WOOD DOESN'T RUN MONEY END?

(Continued From Page One.)

Senator Sutherland has no chance we will all vote for Gen. Wood," Darst said.

"Do you think Senator Sutherland has a chance of being nominated?" asked Reed, democrat, of Missouri.

"Not any more than I have," Darst said.

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