

JACK DEMPSEY WINS FIGHT

USERS ASSOCIATION ASKS RECEIVER FOR THE CITIZENS GAS CO.

Another Suit Seeks to Set Aside 90-Cent Rate Fixed by Order of Public Service Commission.

ACTIONS FILED IN TWO COURTS

Two suits, one seeking the appointment of a receiver for the Citizens Gas Company, and both seeking to set aside the 90-cent gas order of the public service commission and to declare sections of the public service commission act unconstitutional, were filed in the Marion County courts today.

One suit was filed by the Gas Users Protective Association and Ira Chase Kohne, attorney for the association, against the gas company and the public service commission.

This suit asks the following: That the 90-cent gas order be set aside; that the public service commission act be set aside as unconstitutional; that the gas company be enjoined from carrying out the provisions of the order; that a receiver be appointed for the gas company, making all patrons creditors; that an accounting of the books of the gas company be ordered; that the city be given an opportunity to take over the property of the company and that if it fails to do so that the patrons be given the same opportunity. This suit was filed in Circuit Court.

SUIT ENTERED AGAINST SERVICE COMMISSION.

The other suit was filed in Superior Court by Orville P. Foreman against the public service commission, the gas company not being named as a defendant. The suit asks that the rate order be set aside and that sections of the utility act be declared void.

The gas users association in their suit set out that the rates to be charged by the gas company are fixed both by franchise and by legislative enactment. They contend that the rate order is an act for an increase in rates, and further, that the standard fixed by law has not been maintained by the company.

Mr. Foreman in his suit stated that he was taking the action in behalf of himself and all other residents of the city and patrons of the gas company. He states that he has demanded that the city take action in the matter and that the city has refused to do so. He said the gas company has not and cannot surrender its franchise under the utility act.

SAYS PROFITS WOULD BE 11 PER CENT.

The complaint in addition alleges that the public service commission has estimated the value of the property of the company at \$2,000,000 and that the rates now being charged would mean a profit of 11 per cent on this valuation.

In setting out the reasons why the order be set aside and the rate order be declared unconstitutional, Woodburn Masson, Mr. Foreman's attorney, says:

"Plaintiff alleges that no emergency existed in the case of the Citizens Gas Company or of the city of Indianapolis or of the residents and citizens thereof making desirable or necessary or lawful any change in the rate for gas permitted to be charged by the Citizens Gas Company under its contract with the city of Indianapolis, and that no injury to the business or interests of said company will or can result from the requirement that the company charge a rate for gas as set forth in this contract.

CHARGES ORDER IS UNLAWFUL.

"Plaintiff avers that the order of the defendant is in violation of the constitution of the State of Indiana, and is unlawful and unreasonable, and should be set aside for the following reasons:

"1. It impairs the obligation of the contract between the city of Indianapolis and the Citizens Gas Company.

"2. It suspends the operation of the provisions of the constitution of the State of Indiana, and the State of Indiana, during the time the defendant deems to be an emergency, as described in said order.

"3. It grants to the Citizens Gas Company privileges and immunities which upon the same terms do not equally belong to all citizens.

"4. The Shively-Spencer utility commission act in so far as it attempts to empower the defendant to deprive the plaintiff and other citizens of the city of Indianapolis similarly situated of the right to purchase gas at the rate specified in the contract between said city and the Citizens Gas Company is contrary to Article 14 in amendment of the Constitution of the United States and Section 21 of Article 1 of the constitution of the State of Indiana.

"5. The Shively-Spencer utility commission act in so far as it attempts to authorize the defendant to permit the Citizens Gas Company temporarily during a period of what the defendant

INDIANA WILL CELEBRATE 4TH IN MANY EVENTS

American Legion Exercises at State Fairground to Be Prominent.

CONCERTS IN PARKS

The Nation's birthday will be extensively celebrated in Indiana Monday, many cities and towns planning elaborate events, ranging from picnics and outings to civic assemblies, athletic and sporting contests and in some instances the old-fashioned pyrotechnic displays that bring joy to the hearts of all boys.

Probably the most elaborate observance will be in Indianapolis where the Marion County Council of the American Legion has taken charge of the program to be given at the State fairground. It will be in the nature of a State celebration, as invitations have been sent throughout Indiana for the public to be present.

Speakers of national note will be on the program here, including Admiral Robert E. Coates of the United States Navy, Col. Alvin M. Owsley, a member of the American Legion, and former United States Senator Luke Lea of Tennessee. Frederick Van Noy, United States District Attorney, will preside at the meeting.

The day will start with a great parade of former service men, representing not alone the World War, but the Spanish-American War and Civil War. In addition to the speaking at the fairground, there will be athletic exhibitions, horse racing, fire works displays, musical numbers and dancing.

LEGION TO MARK 4TH ANNIVERSARY INFORMATION BOUTH.

Among the numerous minor features to be maintained on the fairground throughout the day are a booth where the American Legion will dispense information about the organization, aims and accomplishments and solicit memberships. Each post in the county will have a representative on duty. A display of relics of the World War also is expected to attract much attention. The Rainbow Division (Continued on Page Two.)

MANSLAUGHTER CASE QUASHED

Judge Collins Throws Out of Court Indictment Following Building Accident.

Judge James A. Collins of Criminal Court today quashed an indictment against the defendant charging John M. McElvin, 944 Lexington avenue, with involuntary manslaughter for the death of Ezra Tabor who was killed when the frame work of the new building at 944 Lexington collapsed last November. Tabor was one of the workmen employed on the building.

Mr. McElvin was superintendent of the Hetherington & Berger Iron Works, which was doing the construction work. He was indicted by the Marion county grand jury early in the year. On April 4, the date set for the arraignment of Mr. McElvin, counsel filed a motion attacking the theory of the indictment and asked that it be quashed.

The indictment was based upon the so-called building code of the City of Indianapolis, as pertaining to steel construction. The State in its indictment based its allegations of responsibility for the collapse of the steel structure on the theory that the building code was violated. The defense in its motion asked that the indictment be quashed, attacking the validity of the theory of the State.

Counsel for the defense and Prosecutor William P. Evans argued the various legal points before Judge Collins some weeks ago. The court has had the motion under advisement since then.

A "Tutewiler for Schratz" committee has been formed by residents of the south side, with a membership of seven hundred and fifty persons. The club is under the supervision of S. Simon, and has established headquarters at 824 South Meridian street. Its purpose is to support the candidacy of Mrs. Julia Belle Tutewiler for re-election to the school board.

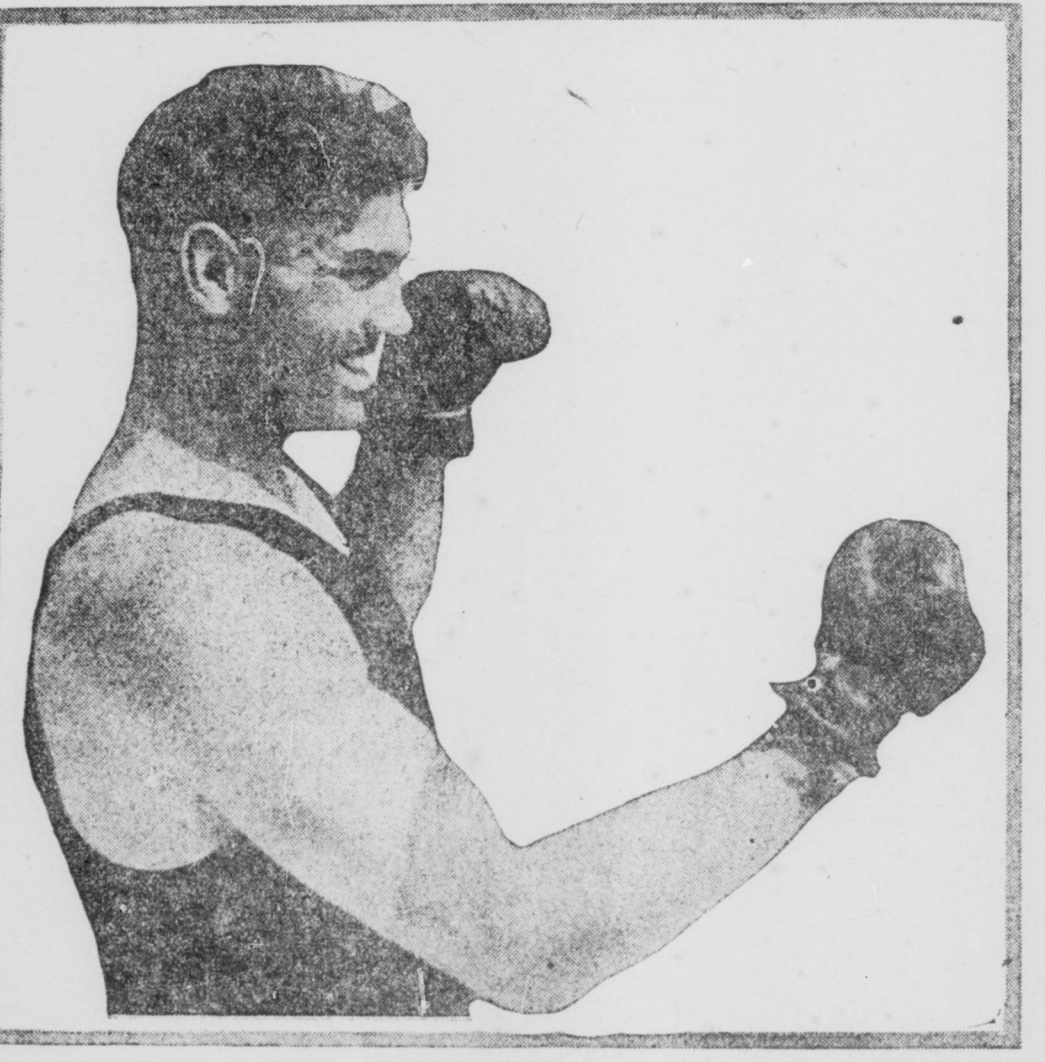
CUPID A LA CARTE

By O. HENRY

THE dispositions of woman," said Jeff Peters, after various opinions on the subject had been advanced, "run, regular, to diversions. What a woman wants is what you're out of. She wants more of a thing when it's scarce, and she likes to have souvenirs of things that never happened. She likes to be reminded of things she never heard of. A one-sided view of objects is disjunctive to the female composition.

"It is a misfortune of mine, begotten by nature and travel," continued Jeff, looking thoughtfully between his elevated feet at the grocery store, "to look deeper into some subjects than most people do. I've breathed gasoline smoke talking to street crowds in nearly every town in the United States. I've held 'em spell-bound with music, oratory, sleight-of-hand and prevarications, while I've sold 'em jewelry, medicine, soap, hair tonic and junk of other kind. I've been during my travels, as a matter of recreation and exploitation. I've taken cognizance of some women. It takes a man a lifetime to find out about one particular woman; but if he puts in, say, ten years, industrious and curious, he can acquire the general run of the sex. One

Retains Championship



JACK DEMPSEY.

HEAT IS CAUSE OF MAN'S DEATH

William Mitchell Found Dead After Day's Work on Roof.

Although the thermometer did not mount to the dizzy heights of yesterday, one death attributed to the heat and a prostration were recorded in Indianapolis today. The mercury, according to the government weather observer, registered 92 degrees at 1 o'clock this afternoon. Yesterday afternoon was the hottest time of the year, the thermometer hitting 94 degrees.

William Mitchell, 44, 1711 Madison avenue, died today as a result of a heart attack brought on by the severe heat. Mr. Mitchell was found dead in bed at his home this morning and his wife called a physician. Dr. W. S. Gibson, deponent who was called to the scene, reported that the man had been working on the roof of a building yesterday and complained of feeling ill as a result of the extreme heat. Dr. Gibson gave it as his opinion that the death was due to heart trouble brought on by the extreme heat.

DIPS OPERATE WITH SUCCESS

Evidence of Pickpockets in City Reported.

From police reports today it was evident that "dips," as the police call pickpockets, were operating in the city.

P. M. McRae of Chicago was the first man to report that he had been robbed. Mr. McRae was relieved of a purse containing \$75 while he was in a crowd at the Union depot.

Another man robbed at the Union depot was John A. Walker, 1524 Brookside avenue. Mr. Walker's billfold containing lodge receipts and some other papers was taken from his pocket. Mr. Walker told the police that there was no money in the billfold.

C. E. Freeman, 808 State Life building, was relieved of a \$500 diamond stick pin. Mr. Freeman said that he believed he was robbed in the elevator of the State Life building. A large crowd packed the elevator when Freeman went to his office today.

DRAFT CASE GOES TO FEDERAL JURY

Tipton Farmer Bound Over by Commissioner Moores.

After a hearing that lasted the greater part of the morning, Newton Magnett, a young farmer living about seven miles from Tipton, charged with having run away to Canada during the World War to avoid registering for military service, was bound over under \$2,000 bond to await the action of the Federal grand jury by Charles W. Moores, United States Commissioner today.

About a dozen residents of Tipton county including members of the local draft board, a representative of the American Legion, Magnett's parents and a number of neighbors were called as witnesses.

The defense did not deny that Magnett had run away but contended that he was below normal in mentality. Magnett was given a very interesting series of tests by Dr. Arthur E. Estabrook of the research department of Carnegie Foundation, Washington, D. C. At the conclusion of the tests Dr. Estabrook said that Magnett's mentality was that of a normal 9-year-old child, but that he unquestionably knew what he was about when he ran away, and that he probably would have been accepted by the Army for front line service.

He was released on bond.

Dies at Age of 128; Boult Shortens Life?

MOUTRIE, Ga., July 2.—Moses Walker, negro, said to be 128 years old, is dead. He often stated he came to this country in 1800 in a slave ship with his father and mother. He was fond of corn whiskey.

Great Lakes Band Will Give Concert

The Great Lakes Naval Training station band, which will participate in the Fourth of July celebration here Monday, will arrive in Indianapolis tomorrow afternoon at 3 o'clock. At 8 o'clock in the evening the noted band will give a special concert on Monument Circle.

Thwart the Jinx

JERSEY CITY, July 2.—Old Man Superstition was thwarted in his attempt to take a fall out of Jack Dempsey here last night.

Twelve others gathered around the table with the champion and refused to believe that the plaintiff was maliciously prosecuted for lashing alleged fraudulent checks.

William Heppenheim, Jr., son of Jack's host, saved the day and Jack's meal by making it fourteen.

CHAMP FLOORS CARPENTIER IN FOURTH ROUND

By HENRY FARRELL, United Press Sports Editor.

RINGSIDE, JERSEY CITY, July 2.—Jack Dempsey proved himself the greatest fist fighting machine in the world this afternoon when he knocked out Georges Carpentier, the idol of France, in the fourth round.

Two vicious rights to the jaw ended the Frenchman and brought the fight to a dramatic climax, when it looked it might go many more rounds.

BY ROUNDS

ROUND ONE.

Carp led with left. They clinched. Carpentier started to fight by carrying it to Dempsey. He planted a solid left against the champion's chest. They went into a clinch. Carpentier landed right. Dempsey broke clinch with disgusted look on his face. Carpentier landed right hand on the champion's jaw. Dempsey countered with left to the stomach. Dempsey suddenly opened and caught Carpentier on chin with left. He cut Carpentier's nose. Carpentier walked away from Dempsey and the champion followed him and hit him again with left. Clinch. Exchanged rights and

Ruthometer

LAST YEAR

Sept. 25-34	July 2
Sept. 27-33	June 29
Sept. 28-32	June 28
Sept. 29-31	June 27
Sept. 30-30	June 26
Oct. 1-29	June 25
Oct. 2-28	June 24
Oct. 3-27	June 23
Oct. 4-26	June 22
Oct. 5-25	June 21
Oct. 6-24	June 20
Oct. 7-23	June 19
Oct. 8-22	June 18
Oct. 9-21	June 17
Oct. 10-20	June 16
Oct. 11-19	June 15
Oct. 12-18	June 14
Oct. 13-17	June 13
Oct. 14-16	June 12
Oct. 15-15	June 11
Oct. 16-14	June 10
Oct. 17-13	June 9
Oct. 18-12	June 8
Oct. 19-11	June 7
Oct. 20-10	June 6
Oct. 21-9	June 5
Oct. 22-8	June 4
Oct. 23-7	June 3
Oct. 24-6	June 2
Oct. 25-5	June 1
Oct. 26-4	May 31
Oct. 27-3	May 30
Oct. 28-2	May 29
Oct. 29-1	May 28
Oct. 30-0	May 27
Nov. 1-0	May 26
Nov. 2-0	May 25
Nov. 3-0	May 24
Nov. 4-0	May 23
Nov. 5-0	May 22
Nov. 6-0	May 21
Nov. 7-0	May 20
Nov. 8-0	May 19
Nov. 9-0	May 18
Nov. 10-0	May 17
Nov. 11-0	May 16
Nov. 12-0	May 15
Nov. 13-0	May 14
Nov. 14-0	May 13
Nov. 15-0	May 12
Nov. 16-0	May 11
Nov. 17-0	May 10
Nov. 18-0	May 9
Nov. 19-0	May 8
Nov. 20-0	May 7
Nov. 21-0	May 6
Nov. 22-0	May 5
Nov. 23-0	May 4
Nov. 24-0	May 3
Nov. 25-0	May 2
Nov. 26-0	May 1

FOR LIVE SPORTS WATCH THE TIMES

NEW YORK, July 2.—Duke Ruth, home run king, today drove out two home runs in the game against Boston. The drives brought his total up to thirty for the season.

Lefts to body. Carpentier swung, missed and fell, but was up in a minute. Dempsey landed a right hand to the right side of Carpentier's head. Carpentier landed a right hand to the left side of Dempsey's head. Carpentier landed a right hand to the left side of Dempsey's head. Carpentier landed a right hand to the left side of Dempsey's head.

ROUND TWO.

Dempsey came out crutching. Clinch. Dempsey chasing Carpentier around. Carpentier landed a right hand to the jaw with right. It did not stir the champion. He is backing away from Dempsey. Clinched again, and exchanged right taps. Dempsey struck three rights into Carp's stomach. Carp staggered. Dempsey with right hand to jaw. Carp uppers him and they exchange blows in neutral corner. Dempsey knocked back of his heels by Carp's blows. Dempsey landed another right, but it merely grazed the champion's jaw. Carpentier's face bruised and bleeding. Carp missed a wild swing. Dempsey countered with light swing to the head. Carpentier started right, but Dempsey blocked, and they clinched as round ended. Carp's round.

ROUND THREE.

Dempsey started after the challenger. Who ducked him and went clear around the ring. Dempsey landed light right to jaw. Carpentier landed light right and they exchanged body punches. Carp shook Dempsey's head with right uppercut. Clinched. Dempsey punched Carp hard to head and body. Dempsey hit Carp a rabbit punch. Carpentier clinched as Dempsey cuffed him with his left. Carp missed another right and Dempsey sunk two wicked lefts in his stomach. Dempsey hit Carp in mouth and the challenger licked the blood from his lips. Carp's right is sliding off Dempsey's shoulder. Carp is running away again. He missed a right and left. They clinched and were immediately broken by Ertle. Dempsey apparently has Carp groggy as the bell ended the round. Corbett says: "Dempsey is wearing a smile now. His weight is beginning to tell."

ROUND FOUR.

Dempsey went after Carpentier and the challenger walked away. Dempsey punished Carp severely with terrific punches along under the heart and to jaw. Carp appeared wobbly. Dempsey floored Carpentier with right to the jaw. Dempsey floored him again and the bout was over. It was not necessary for Dempsey to count ten, the Frenchman was prostrate.

Notice to Agents and Carriers of the Indiana Daily Times

On Monday, July 4th, all editions of THE INDIANA DAILY TIMES, except the noon edition, will be published early in accordance with our holiday custom. Out-of-town agents who receive papers on Interurban cars leaving Indianapolis between 1:30 and 2:30 p. m., may expect their bundles to contain one or two hours' earlier than usual. The fourth edition will leave at the regular time and there will be no LATE FINANCIAL EDITION.

The Indiana Daily Times Circulation Department.