

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 seeks the following: That the 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 receiver be appointed for the gas company, making all patrons freeholders; that the gas company be prohibited from holding 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 company are fixed both by franchise and by legislative enactment. They contend further that no emergency exists 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 the other citizens of the city and patrons of the gas company. He stated 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 UNLAWFUL.

The complainant 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 should be set aside and the so-called emergency sections of the utility act be declared unconstitutional, Mr. Foreman says:

"Plaintiff alleges that no emergency exists in the affairs or condition of said 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 company's interests or said company will or can result from the requirement that such company charge the rate for gas as set forth in such contract."

CHARGES ORDER IS UNLAWFUL.

"Plaintiff avers that the order of the defendant public service commission of Indiana, so made as aforesaid, 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 United States and the State of Indiana during what the defendant deems to be an emergency, as described in said order.

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

"4. The Shively-Spencer utility commission act in so far as it attempts to grant power to the defendant to change the rate fixed by the contract between the city of Indianapolis and the Citizens Gas Company contravenes section 10 of article 1 of the constitution of the United States, and section 21, article 1, of the constitution of the State of Indiana.

"5. The Shively-Spencer utility commission act in so far as it attempts to grant power to the defendant to take from the citizens of Indianapolis the right to local self-government in contravention of the constitution of the State of Indiana.

OTHER VIOLATIONS OF CONSTITUTION.

"6. 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 or 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.

"7. The Shively-Spencer utility commission act in so far as it attempts to authorize the defendant to 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 assemblages, 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 observation 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. Coontz 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 Nuyts, 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, etc.

LEGION TO MAINTAIN INFORMATION BOOTH.

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 its 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 sustained a motion to quash the indictment charging John M. Melvin, 944 Lexington avenue, with involuntary manslaughter for the death of Ezra Tabor who was killed when the frame work of the Emericer Manual Training High School collapsed last November. Tabor was one of the workmen employed on the building.

Tabor's widow was superintendent of the Hetherington & Birner 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. Melvin, 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 defense contended that the theory that the city building code was violated. The defense in its motion asking that the indictment be quashed, attacked the validity of the theory of the State.

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

The theory of the indictment is not in accord with the one advanced by County Coroner Dr. Paul F. Robinson who bound over several others connected with the construction of the school annex after a coroner's inquest.

LIBRARY CLOSES MONDAY.

The central library and all branch libraries will be closed all day Monday, July 4, in observance of Independence Day.

CUPID A LA CARTE

By O. HENRY

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THE dispositions of woman," said

T. J. Peters, after various opinions on the subject had been ad-

vanced, "run regular, to diversions. What a woman wants is what you're out of.

She wants more of a thing when it

comes to the house than she has had

things that never happened. She likes to

be reminded of things she never heard of.

The one fixed view of objects is disjointed.

The performance of mine, begot

ten by nature and travel, continued Jeff

looking thoughtfully between his elevated

place at the grocery store, a look deep

into some of them, then most of the

I've breathed gasoline smoke talking to

street crowds in nearly every town in

the United States. I've held em' plumb

bouts with a partner, a right, a left

and a prevaricator, a son, a dad and

an' jewelry, medicine, soap, hair tonic

and junk of other 'nominations. And

during my travels, as a matter of re-

recreation and relaxation, I've taken

a few turns of mine, begot

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