

SUIT FILED TO FORCE ACTION IN GAS CASE

Interpretation of Contract Demanded by Counsel for J. P. Sears.

Court interpretation of the contract under which the city is to acquire the Citizens Gas Company is the object of a suit filed in Marion superior court today by attorneys for John P. Sears, 3556 Guilford avenue, a freeholder, householder, taxpayer and citizen of Indianapolis.

ANCEL P. HARVEY and George A. Sheehan of the law firm of Harvey & Sheehan, 202 Inland Bank building, filed the suit in Sears' behalf. The plaintiff is financial correspondent of the Connecticut Mutual Life Insurance Company and treasurer of the Co-Operative Building and Loan Association. Both the gas company and city are made defendants to the action.

The suit strikes at the employment of special counsel to represent the city and prays the court to make its declaratory judgments and decree pursuant to the "uniform declaratory judgment act of the state of Indiana."

Hits at Stock Buying

"The city is preparing and will spend gross sums of money for legal aid and counsel to enforce said contract," says the complaint.

Since the contract was entered into, shares of gas company stock have been purchased and are now held and owned by speculative investors "who are more interested in cash dividends and money-making than the public welfare," it alleges.

Contending that the utility has grown by "leaps and bounds" and now is worth far more than the par value of its stock, the suit contends that the company "is preparing and will attempt to cheat and defraud the city of Indianapolis and its citizens; and taxpayers of their lawful right of control and ownership as specified in the terms, covenants and conditions of said contract."

The utility and its stockholders are attempting to evade terms of the contract, the suit alleges, continuing that "this plaintiff and all other citizens and taxpayers of the city of Indianapolis, except those citizens and taxpayers that are stockholders of said company, will suffer great loss if said contract is not enforced and if the city of Indianapolis is forced to pay large sums of money for legal aid in enforcing said contract."

Squandering Is Feared

The complaint sets out that "if there is a long legal controversy over said contract, the city of Indianapolis will be forced to expend large sums of money and as a result thereof the taxes of said city will be raised beyond the reach of said citizens, including this plaintiff, and when collected will be dissipated, squandered, and wasted."

Asking court interpretation of the contract, the suit prays the court's judgment "shall be that under the proper construction and interpretation of said contract, the Citizens Gas Company shall be forced to fulfill all the covenants, conditions, and terms of said contract and especially those covenants, conditions, and terms that stipulate the conveyance

Gets Boost for Cabinet



WASHINGTON, Dec. 31.—Mrs. Alvin T. Hert of Kentucky, vice-chairman of the Republican national committee, has been recommended by Kentucky Republicans for the post of secretary of interior, it was learned today.

and assignment of the entire assets of said company, as agreed upon Aug. 30, 1905."

City council appropriated \$15,000 fees for John W. Holtzman and Fred C. Gause as special counsel to represent the city's interests. Holtzman is corporation counsel and was mayor in 1905, when the franchise was granted the utility by the city.

Holtzman will resign, effective Tuesday, and devote his entire time to study of the gas case.

CLUB TO GIVE PLAY

Leading Roles Filled for Production Scheduled in March.

Miss Kathleen Spear and Carl Moore will have the leading roles in "The Road to the City," to be presented by the Anti-Cant players in Indianapolis March 4, 5 and 6.

Others in the cast will include Miss Mary Whitman, Miss Evan Wilsey, Miss Louise Carter, Miss Isabel Pleak, Miss Lydia Warring, Miss Opal Robertson, William Godwin, Waldo Mindach, Elmer Paul, Boyd Betts and Miss Gertrude McNeese. Ben Harris will be director, William Jensen, stage manager and Mrs. Lillian Sparks musical director.

Honor Veteran Judge

CRAWFORDSVILLE, Ind., Dec. 31.—Judge Jerre West who will close thirty-two years service on the Montgomery Circuit court bench Tuesday, was honored at a banquet here Saturday night, attended by seventy-five judges and lawyers. Judge West was presented with a silver cup and a copy of Albert J. Beveridge's "Life of John Marshall."

BACK HOME AGAIN

Stolen automobiles recovered by the police:

O. C. Berry, 48 South Dearborn street, Ford touring, found at the rear of 914 South New Jersey street.

Kenwood Tire Company, 627 North Delaware street, Chevrolet coupe, found at Maryland street and Senate avenue.

Dr. David Ross, Haverstick park, Ford coupe, found at 900 West Michigan street. Two alleged automobile thieves arrested in car.

Christmas Echo

GARY, Ind., Dec. 31.—There was an echo of Christmas in city court here when Harry J. Schneider was fined \$100 and costs for beating his wife because she refused to mail Christmas cards for him.

GOD IS MYTH, SAYS SAVANT, ROUSES CLERGY

Pastors Deny Science Has Shown Need for New Divinity.

NEW YORK, Dec. 31.—With one exception, the New York clergy objects vigorously to the statement made by Professor Harry Elmer Barnes of Smith college that "science has shown it to be difficult to prove the very existence of God."

Barnes made that statement Saturday before the American Association for the Advancement of Science, and many ministers responded Sunday both in and out of their pulpits.

Leading the criticism of Barnes' address was Patrick Cardinal Hayes, head of the New York archdiocese of the Catholic church. Hayes said "it was an outrage and shock to read that our God is a myth."

"It is the fashion of the day," Cardinal Hayes said, "to see conflict and contradiction between science and religion. True religion reverses true science, rejecting in its unfolding of the beauties of nature, because it makes manifest the omnipotent intelligence of God."

"An error today is that the Catholic church is the enemy of science. One thing the church fears least is truth, whether historical, scientific or economic."

Apparently Barnes' only defender among the clergy was the Rev. Dr. John Haynes Holmes, pastor of the Community church.

"I thoroughly agree with Dr. Barnes," Dr. Holmes said, "because it is the very truth that is needed today. He tells us that real substance when he says that our religious life should be founded on the experience of our day and not on old founded codes of religion. It was a necessary utterance, and I agree that we should have a religion to fit our times."

Gone, but Not Forgotten

Automobiles reported to the police as having been stolen:

Audley Dearing, 516 North New Jersey street, Hudson coach, from near Terminal building.

I. G. Nitchman, 1004 Churchman avenue, Maxwell coach, license 651-794, from Shelby and Harrison streets.

Adonis Harrison, 1018 Cornell avenue, Chevrolet roadster, license 666-824, from 1016 Cornell avenue.

John Shimer, Wanamaker, Ind., Oakland two-door sedan, license 120-081, from Bloomfield, Ind.

John Shimer, Wanamaker, Ind., Chevrolet touring, license 666-704, from Ohio and Delaware streets.

Robert Acres, 2437 Massachusetts avenue, license 629-626, from Nineteenth street and Columbia avenue.

Auburn, winter inclosure, license M-1315, from Brazil, Ind.

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In the Air

Weather condition at 9:30 a. m. at Indianapolis airport:

South wind, four miles an hour; barometric pressure, 30.14 at sea level; temperature, 35; ceiling and visibility unlimited.

Takes Solo Flight

William H. Collins, 2017 Dexter street, city fireman, took his solo flight at Hoosier airport Saturday. Collins is the thirty-eighth aviation student to solo at the airport since last spring. At present the airport has nine students, who, undaunted by cold weather flying, enrolled recently to complete their instruction and be ready to fly before warm weather.

Passengers on Plane

Carl H. Mote, 3860 North Delaware street, was a passenger Saturday from Detroit to Indianapolis on the Capitol Airways, Inc. plane. Passengers on Capitol planes today included R. Holder of Detroit, from Indianapolis to French Lick, where he will speak at a bankers' convention, and George M. Moffet, 576 Fa'l Creek boulevard, from Indianapolis to Chicago.

Return From East

President Bob Shank and Chief Mechanic French Livezey of Hoosier airport, returned Saturday from Huntington, W. Va., where they had gone Thursday on business for the airport.

Take Off in 160 Feet

ANDERSON, Ind., Dec. 31.—A monoplane recently completed at the factory of the Orin Welch Aircraft Company near here has left the ground after a run of only 160 feet, Orin Welch announces.

Club Seeks Members

SOUTH BEND, Ind., Dec. 31.—The St. Joseph Valley Aviation Club announces a campaign to bring its membership up to 500.

HULL LAUNCHES BITTER FIGHT TO CUT TARIFF

Declares High Protective Law Means U. S. Economic Disaster.

BY HERBERT LITTLE
United Press Staff Correspondent

WASHINGTON, Dec. 31.—An inter-party tariff battle which will last through most of 1929 was assured today by the action of Representative Cordell Hull of Tennessee, former Democratic national chairman, in calling his party to battle for a downward revision of high protective tariffs.

Hull issued a statement predicting a disastrous economic future, internationally and domestically, for the United States, especially if the Republicans raise tariffs generally as advocated by some leaders. This is a departure from the position taken by Governor Smith in his campaign.

In his position on the ways and means committee, which will start hearings a week from today on tariff schedules, Hull will be in a position to lead the fight against the Republican measure which Chairman Hawley plans to have ready in April for the anticipated Hoover extra session of congress.

Hull struck at the Republicans' chief tariff thesis, in a passage asserting that increased tariffs on farm relief by the majority party, really will injure the farmers more than it will help them.

New and changed post-war conditions demand foreign markets rather than excessive tariff protection, he said, characterizing present rates as too high.

This contradicts the stand made during the campaign by Smith, who advocated what he called a com-

Sh! Mystery!

By United Press

EVANSVILLE, Ind., Dec. 31.—Many citizens here are anxious to know who County Clerk-elect Harry Anderson is going to appoint as his chief deputy. The name of the man who will take the office the first day of the new year, has been a topic of discussion for the past week.

When asked who he would appoint to the post Anderson replied: "I'm not saying. You'll know Jan. 1 when you see him at work in the office."

petitive tariff and promised to give the farmer protection as well as industry.

Hull analyzed the increases in foreign trade since the Republicans enacted the Fordney-McCumber tariff in 1922. The increases have not been as large proportionately as they were before 1922, he said. And the exports have been paid for with great amounts of American money, much of which injudiciously has been loaned, he added.

"American economic policy no longer can ignore the fact that since 1914 we have changed from a debtor and small-surplus nation to the greatest creditor and actual or potential surplus-producing nation in the world; that, due, not to tariffs, but to our superior labor, machinery, horsepower and to mass production, we maintain higher wages and living standards and lower production costs in an increasing number of industries, than any other country," Hull said.

PRESS MEETS MARCH 1-2

The Indiana Weekly Press Association will hold its annual mid-winter meeting in Indianapolis March 1 and 2, it was announced Sunday following the meeting of the executive board at the Claypool.

DUMBBELLS OF ARMY AVIATION ORGANIZE CLUB

Pulling a Boner in Plane Is Qualification of Membership.

WASHINGTON, Dec. 31.—The army has a new organization, extremely exclusive, the "Dumbbell Club," organized among flying corps members at Kelly field, Texas.

To join it one must have committed in the air a deed "so dumb that it goes beyond human conception," and still live. Feats like hitting a mule in the vast air dome of Kelly, taking off north for Dallas, and landing sixty miles southeast of Kelly out of gas, falling out of an airplane at 1,100 feet for no good reason—these are all qualifying "stunts" which actually have been performed.

The neophyte is made custodian of the sacred dumbbell banner, and his name is inscribed upon the banner in the presence of all the officers of the field. He remains custodian of the banner until another member is initiated.

Lieutenant J. B. Burwell is the latest member. He nosed down out of the blue and hit what is described as a "two-mule-powered grass attacker," and the plane went on its side in flames. Burwell escaped with bruises and burns.

Living members of the club are Major R. C. Candee, Captain John I. Moore, Lieutenants R. L. Maughan, Maax F. Schneider, Y. A. Pitts, A. Thomas, B. B. Cassidy, Burwell, and I. S. Jamieson.

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DAILY SCHEDULE

Indianapolis—Fort Wayne—Detroit	Lv. Indpls. 8:15	Lv. Det. 12:50 CST
Indianapolis to Detroit	Ar. Ft. Wayne 9:40	Ar. Ft. Wayne 2:50 P. M.
Indianapolis to Fort Wayne	Lv. Ft. Wayne 9:45	Lv. Ft. Wayne 2:55
Fort Wayne to Detroit	Ar. Det. 11:30 CST	Ar. Indpls. 4:25
Indianapolis—South Bend—Chicago	Lv. Indianapolis 8:15	Ar. S. Bend 9:45
Indianapolis to Chicago	Lv. South Bend 9:50	Ar. Chicago 11:05
Indianapolis to South Bend	Lv. Chicago 1:30	Ar. South Bend 2:30
South Bend to Chicago	Lv. South Bend 2:35	Ar. Indianapolis 4:20
Indianapolis—W. Baden—Louisville	Lv. Indianapolis 8:15	Ar. West Baden 9:25
Indianapolis to Louisville	Lv. Louisville 1:30	Ar. Louisville 10:25
Indianapolis to W. Baden	Lv. West Baden 1:30	Ar. West Baden 2:50
West Baden to Louisville	Lv. West Baden 2:55	Ar. Indianapolis 4:15

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Further announcements giving detailed information will appear shortly

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