

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.

Angel 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 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 company 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



Mrs. Alvin T. Hert

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.

Gone, but Not Forgotten

Automobiles reported to the police as having been stolen:

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

I. G. Nitchman, 1004 Churchman avenue, Maxwell coach, license 651-94, from Shelby and Harrison streets.

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

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

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 Whiteman, Miss Evan Wiltsee, Miss Louise Carter, Miss Isabell Pleak, Miss Lydia Waring, Miss Opal Robertson, William Godwin, Waldo Mindach, Elmer Paul, Boyd Etts and Miss Gertrude McNeese. Ben Harris will be director, William Jenson, stage manager and Mrs. Lillian Sparks musical director.

Honor Veteran Judge

CRAWFORDSVILLE, Ind., Dec. 31.—Judge Jerry 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."

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.

CLUB TO GIVE PLAY

Leading Roles Filled for Production Scheduled in March.

City council appropriated \$15,000 fees for John W. Holtzman and Fred C. Gause as special counsel to represent the city's interests. Holtzman was 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.

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.

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DAILY SCHEDULE

Indianapolis—Fort Wayne—Detroit	Lv. Indianapolis 8:15	Lv. Det. 12:50 CST
Indianapolis to Detroit Fare \$33.00	Ar. Ft. Wayne 9:40	Ar. Ft. Wayne 2:50 P. M.
Indianapolis to Fort Wayne Fare 13.50	Lv. Ft. Wayne 9:45	Lv. Ft. Wayne 2:55
Fort Wayne to Detr: Fare 19.50	Ar. Det. 11:30 CST	Ar. Indpls. 4:25
Indianapolis—South Bend—Chicago	Lv. Indianapolis 8:15	Lv. S. Bend 9:45
Indianapolis to Chicago Fare \$25.00	Lv. South Bend 9:50	Ar. Chicago 11:05
Indianapolis to South Bend Fare 15.00	Lv. Chicago 1:30	Ar. South Bend 2:30
South Bend to Chicago Fare 10.00	Lv. South Bend 2:35	Ar. Indianapolis 4:20
Indianapolis—W. Baden—Louisville	Lv. Indianapolis 8:15	Lv. West Baden 9:35
Indianapolis to Louisville Fare \$17.00	Lv. West Baden 9:35	Ar. Louisville 10:25
Indianapolis to W. Baden Fare 10.00	Lv. Louisville 1:30	Ar. West Baden 2:50
West Baden to Louisville Fare 7.00	Lv. West Baden 2:55	Ar. Indianapolis 4:15

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THE INDIANAPOLIS TIMES

GOD IS MYTH, SAYS SAVANT, ROUSES CLERGY

Pastors Deny Science Has Shown Need for New Divinity.

NEW YORK, Dec. 31.—With one exception, the Ne 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, rejoicing 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."

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Thus thousands of cities and towns, already within quick and easy reach of Indianapolis, are reached more economically than ever.

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Further announcements giving detailed information will appear shortly



INDIANA BELL TELEPHONE CO.

## 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."

## DUMBBELLS OF ARMY AVIATION ORGANIZE CLUB

Pulling a Boner in Plane Is Qualification of Membership.

By Times special

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

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 to tariffs, but not 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.

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