

# ATTACK LEGALITY OF COMMISSION AS NOW CONSTITUTED

## Caldwell Takes Action On Behalf of East Ky.

Constitutionality of the state normal school act and of the appointment of the present members of the commission is attacked in two suits filed by Eastern and Western Kentucky taxpayers in Frankfort yesterday. In addition to attacking the membership of the board, both suits ask for an injunction restraining the present members from acting as a state commission.

The suits have been pending for some time and were filed yesterday following a long conference among the various attorneys in Frankfort. The Eastern Kentucky suit was filed by Attorney Robert T. Caldwell on behalf of Ben Williamson of Ashland, Milt Conley of Louisa, J. N. Meek of Paintsville, T. J. May and J. M. Davidson of Prestonsburg, and D. T. Keel, and Rudolph Rutherford of Pikeville. All these men are prominent democrats.

The Eastern Kentucky suit names the eight members of the Normal School Commission individually and collectively as defendants. It does not attack the validity of the act passed by the general assembly in 1922 but it does attack the constitutionality of the manner in which the membership of the commission was appointed by the speaker of the lower house and the president of the upper house.

On the other hand the suit filed by Attorney Selden Wire Tripp is on behalf of John C. Gates, Harry Sites, Western Kentucky taxpayers, names John J. Craig, and the members of the normal school commission, as defendants. It attacks the validity and constitutionality of the act creating the commission and asks for an injunction restraining the commission from acting as such.

Plaintiffs in the suit filed by Attorney Caldwell claim that the eight members of the commission are acting as such without legal rights or authority and ask that they be restrained from spending state funds and conducting state business.