

SENATE SITTING AS COURT TO IMPEACH

Members Unfamiliar With Duties When Judge Archbald's Case Is Called.

GALLINGER WILL PRESIDE

Summons for Jurist Orders Attendance July 19, When It Will Be Decided Whether Trial Will Proceed at Once.

WASHINGTON, July 16.—Judge Robert W. Archbald, of the Supreme Court, the ninth man in the history of the United States to be impeached for "high crimes and misdemeanors," was summoned today before the Senate to stand trial upon charges made by the House.

The fall of the gavel out short other business, as Senator Gallinger, acting president, announced that the hour for the trial had arrived.

Senatorial Precedents Forgotten. There was a moment of confusion as the Senate, unable to interpret rules out of use since 1894, sought a method of administering oaths that changed the body into the high court of impeachment contemplated by the Constitution.

Acting President Gallinger had first to be sworn in as presiding officer, but none could say who should do it. Senator Shelby M. Cullom, the oldest member, finally was designated on motion of Senator Smoot.

Senator Gallinger then swore the Senators to do their duties as Judges. In parties of eight, selected alphabetically, they came forward to the bar and swore to "do impartial justice."

Formal Resolution Presented. As the last man sworn retired to his seat, Senator Clark, of Wyoming, chairman of the judiciary committee, presented the formal resolution to inform the House that the Senate now sat as the "high court of impeachment" and was prepared to receive the House of Representatives and its committee of managers.

When the court of impeachment resumed its session this afternoon a summons for Judge Archbald returnable on July 19, was issued. Whether the trial will immediately go on or be postponed until fall or winter probably will be decided then. The court then adjourned until Friday.

Formalities Quickly Over. An order for the appearance of Judge Archbald Monday was first offered by Senator Clark, chairman of the committee on judiciary, and was objected to by Mr. Clayton and Senator Bacon. Friday then was fixed.

"When the trial is served with the process," said Mr. Clayton, "then he may appear and request a reasonable time to make his answer to the articles of impeachment."

Less than an hour was taken up with the organization of the court of impeachment and the adoption of the formal orders for the appearance of the defendant and witnesses.

The trial of Judge Archbald for alleged connection with business deals in which it is charged he appeared as the beneficiary of favors from railroads having litigation before his court is the first impeachment case before the Senate since Judge Swayne, of Florida, was tried in 1905. Judge Swayne was acquitted.

Two Out of Eight Convicted. Of the eight men who have been impeached and tried before the Senate in the last century and a quarter, including a President of the United States, a Senator, a Secretary of War, an Associate Justice of the Supreme Court and four Federal District Judges, two have been convicted.

Senator Bloomer, of Tennessee, tried in 1788, resigned and the case was dismissed; Judge Pickens, of New Hampshire, was removed in 1804, and Judge Humphreys, of Tennessee, suffered a similar fate in 1862. President Johnson, tried in 1868, Justice Chase in 1804, Judge Peck in 1830, Secretary of War Belknap in 1876 and Judge Swayne in 1905, all were acquitted by the Senate.

POLICE LIST 7 SUSPECTS (Continued from First Page.) cent of the profits. Police Commissioner Waldo and District Attorney Whitman, both of whom were out of town, cut short their vacations to start the inquiry.

Waldo Demands Explanation. Commissioner Waldo yesterday wrote a formal letter to the District Attorney demanding an investigation by that official, rather than through his own department. Whitman announced he would begin a formal investigation today.

The murder of Rosenthal before day-break today brought the situation to a sensational climax.

Rosenthal left his home late last night, telling his wife he had an appointment to meet Police Lieutenant Becker at the Hotel Metropole, Broadway and Forty-third street.

Shortly before 3 o'clock a slate-colored automobile drew up in front of the hotel. One of its six passengers got out and walked into the hotel, beckoning to Rosenthal. Rosenthal, without hesitation, walked out.

He had reached a point not more than a dozen feet from the door when a volley of shots rang out from the slate-colored car. Four of them found their target, and Rosenthal fell dead instantly, with a bullet in his brain.

Almost before the crowd on the sidewalk and in the lobby realized that a shot had been fired, the touring car disappeared in the direction of Fifth avenue.

Police in Taxi Give Chase. Police Lieutenant Fife, of the central office staff, was dining in the Metropolitan when he heard the shots, and ran out. Without waiting for details he jumped into a taxi cab and started in pursuit of the big slate-colored rascal. He gave chase for a mile across town before his slower machine dropped hopelessly behind.

The shots fired at Rosenthal attracted a large crowd, and a few minutes after the incident the street about the hotel was filled with hundreds of persons. Reserves from several of the nearby stations were called out to keep them in order.

James Condon, one of the owners of the hotel, witnessed the shooting from the rear of the lobby. He said: "I saw Rosenthal coming toward the hotel. He started, as though going to Broadway, and then stopped suddenly. Gambler Stops Suddenly. 'I don't know whether he saw the men in the machine or not, but the sudden way in which he stopped convinced me he was afraid something was to happen to him. I know that one of the men in the car was a policeman.' Mrs. Rosenthal, widow of the victim, was almost frantic when a messenger told her that her husband had been killed.

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MARSHALL IS IN DOUBT

Candidate Not Sure Whether He Is "Progressive" or Not.

INDIANAPOLIS, July 16.—Governor Marshall, Democratic candidate for Vice-President, today received at the State Capitol 20 members of the Democratic National Committee who stopped here on their way home from the reorganization meeting at Chicago. Governor Marshall said he "did not know whether he was 'progressive' or not," and continued: "There are many kinds of progressives nowadays. One believes in taking the tariff off Iowa products and the other supports the opposite policy. I am not that kind of a progressive. But if the term means to believe that the Democratic party should meet changing conditions in protecting the people against the special interests, I am progressive."

BURDENS ON SETTLERS

BORAH PROPOSES TO SHIFT COST OF FAILURES. Tax Not Heavy Upon Federal Treasury But Unjustly So Upon Locators Under Projects.

OREGONIAN NEWS BUREAU, Washington, July 16.—Shall settlers on Government irrigation projects pay for the mistakes of the Reclamation Service? That is the question asked by Senator Borah today when he introduced in the Senate a few days ago and will be more extensively presented on behalf of the settlers by Senator Borah, of Idaho, who is now at work upon a speech on the subject.

Under the reclamation act, all private lands within the reclamation fund have to be paid back by