

DEATH OF FIVE BABIES IN HOSPITAL PROBED

WORN BUT GRIM, REED CONTINUES SENATE BATTLE

All-Night Session Runs Through Day in Fight Over Election Probes.

WASHINGTON, March 3.—Worn to exhaustion from twenty-four hours continuous session, but still obdurate, Senator James A. Reed (Dem., Missouri), successfully repelled attacks in the Senate today to displace his resolution authorizing investigation of Republican elections.

Senator David A. Reed (Rep., Pennsylvania), today threw the Senate into consternation with presentation of the credentials of Senator-elect William S. Vare (Rep., Pennsylvania).

Reed played the trump card in his fighting game against the Democrats by offering new credentials of Vare issued several days ago by Governor John S. Fisher of Pennsylvania. He admitted he had buried in his desk drawer credentials issued several weeks ago by former Governor Pinchot of Pennsylvania, suggesting Vare had been only "apparently" elected. The intimation was that the election was fraudulent.

The presentation offered a new dilemma for Senators in the most complicated and dramatic legislative battle of recent years—a battle raging uninterrupted since 11 a. m. yesterday.

Senator Reed, Democrat, refused to permit reading of the credentials, and intimated he might move to refer them to the Privileges and Elections Committee. If he made this motion, however, it might lead to debate which would in the end enable Republican filibusters to kill his resolution and all pending legislation.

Sleepy-eyed Senators voted at 9:30 a. m., 33 to 24, to continue to consider the Reed resolution rather than take up the deficiency appropriation bill, although final adjournment of Congress was only twenty-six hours away from the deadlocked Senate.

The battle proper started at 6:30 last night, when the Senate passed the Andrews prohibition reorganization bill by a vote of 71 to 6, thereby killing the wet filibuster against that measure.

Upon Senator James Reed's motion the Senate then took up the primary resolution by a vote of 53 to 24.

Motions to adjourn and quorum calls were frequent up to just before midnight, when Senator Cameron (Rep., Arizona), obtained the floor and delivered a three-hour oration on various subjects, including almost everything but the Reed resolution. He was the first of the Reed resolution filibusters to make a long speech in the attempt to kill time to prevent a vote on the plan.

Cameron's voice gave out at 1:30 a. m., and Senator Wadsworth (Rep., New York), another of the filibusters, then took the floor and held it sporadically until 5 a. m.

At 6 a. m. Senator Cole L. Blease (Dem., South Carolina), who furnished comedy relief from the grim all-night battle, held the floor and read the sleepy Senate an extraordinary lecture on parliamentary law.

DEARTH HIRES ATTORNEY HERE

(Continued From Page 1)

will consider the legal phases further, but will take no action until the impeachment charges are presented to the Senate.

Following the conference to Dearth party returned to Muncie. No judge in Indiana has been impeached since 1835 and the board of managers will study the proceedings at that time as precedents for the course of action.

The vote to impeach Judge Dearth for suppression of the press and the irregularity of jury panels was so emphatic that the board of managers will use unusual zeal and care in the preparation of the articles of impeachment, so that no technicality may block a complete trial before the Senate on the truth or falsity of the charges.

No trial can be held before ten days' notice. If the articles are filed Thursday, it is not probable that trial will be fixed before March 15, with the Senate recessing until that time to resume as a trial court.

The board of managers of the impeachment is also impressed by the fact that this is the first time any judge has been impeached on the direct charge that he had used his power to set aside the bill of rights.

Broad Question Arises

Other impeachments, in State Legislatures and before Congress, have been based upon charges of personal gain from official acts or upon personal conduct incompatible with the dignity of courts. The Dearth impeachment re-raises the broad issue of the inviolability of the Constitution and the power of the people, through the Legislature, to safeguard the Constitutional guarantee of free speech.

The report of Judiciary A Committee to the House upon which Dearth was impeached follows:

This committee held a public hearing the chamber of the House of Representatives Monday evening, Feb. 28, 1927, and considered the petition introduced by Representative John W. Scott on behalf of certain citizens of Delaware County, Indiana.

Many witnesses came before this committee and presented statements in support of the charges made in this petition. Clell Maple, a manufacturer of Muncie, Ind., stated that Circuit Judge Clarence W. Dearth had told him personally that he would procure a grand jury which would report to him on such facts

Made Speech for Impeachment



Representative John W. Scott, (Rep.), Gary attorney, whose one-sentence speech Wednesday before the Indiana House of Representatives was the only argument upon the impeachment of Circuit Judge Clarence Dearth of Muncie. The House voted, 93 to 1, to impeach Dearth. Scott presented the petitions from Muncie citizens which brought the impeachment.

which he wished. He stated that this conversation took place in a discussion of an announcement by Judge Dearth that he would secure the impeachment of the sheriff of Delaware County because of the latter's failure to enforce the laws, and that a jury thereafter was called which did return fourteen grounds of impeachment which were later discarded by the said Judge Dearth.

Francis A. Shaw, president of the Muncie Bar Association, read to this committee his own written notes of an incident in the courtroom of Judge Dearth when a large number of newboys were taken from the streets and brought before the judge. The judge at that time told these boys that the papers taken from them would not be returned to them. He ordered each boy to give his name and address to the sheriff and release them with the threat that any further sale of the particular newspaper would result in their being brought before him as juvenile judge and placed upon probation. The only reason given by the judge for the arrest of these boys and for the confiscation of those newspapers was that the papers so confiscated contained a slanderous article concerning himself and one John Hampton, mayor of Muncie.

Police Used That these boys had been arrested upon the streets by policemen acting under the orders of the said Judge Dearth and that their papers were confiscated by the sheriff acting upon the judicial order of said Judge Dearth.

Mr. Shaw further testified concerning irregularity in the drawing of juries which had resulted in miscarriage of justice. He stated that he had seen the said Judge Dearth prepare lists of names from a telephone directory and hand them to a jury commissioner whom he had appointed to office.

Lon A. Gaurie, an attorney of Muncie, who had been called as often a special judge by Judge Dearth, stated that he had objected to Judge Dearth as to the manner in which juries had been drawn and that the fact that many persons were repeatedly called for jury service within the same year.

Prosecutor's Story Joe H. Davis, prosecutor at the trial for Delaware County, stated that he had objected to Judge Dearth concerning a jury commissioner appointed by Judge Dearth and had charged that he could prove at least twenty-five illegal acts by this commissioner since Jan. 1, 1927. He also stated that it was a matter of common rumor that at the time of the appointment of this jury commissioner by Judge Dearth, the said commissioner was not qualified freeholder under the law and that later did qualify as a freeholder through a deed to a small lot from said Judge Dearth.

Your committee also heard Johnny Raines, a newsboy, who described in detail his arrest by a policeman, the confiscation of his newspapers and his appearance before Judge Dearth. The story told by this boy is convincing as to the charges above and by other witnesses that the charge relating to the irregular appointment of a jury commissioner and the irregular impaneling of juries in the court of the said Judge Clarence W. Dearth are true and that they amount to corruption in office in that it is now impossible for many citizens of Delaware County to secure fair and impartial trials in either civil or criminal proceedings. Your committee, therefore, begs to submit the following resolution:

DEARTH BACK HOME

Return to Muncie After Hiring Indianapolis Lawyers.

MUNCIE, Ind., March 3.—Judge Clarence W. Dearth, impeached by the House of Representatives Wednesday, returned home this afternoon from a flying trip to Indianapolis, where he employed the law firm of Ralston, Gates, Lairy, Van Nuys & Barnard to represent him.

46 ENDANGERED AS CRAFT DRIFT

Barges and Light Ships Helpless in Atlantic Storm.

NORFOLK, Va., March 3.—Two barges, two lightships and the steamer City of St. Louis with forty-six men are adrift near the Hatteras shoals as the result of the fierce northeaster which swept the Atlantic coast yesterday, according to reports reaching here today. The British steamer King David last night went aground off Cape Henry. Later she was floated under her own power.

The firmore, bound for Baltimore from Daquiri, reported by radio that she was ashore and asked for assistance, but her position was not given and has not been reported.

Other vessels sending distress signals were the Sulaniero, out of San Pedro for Newark, N. J., and the Maracaibo, for New York from Curaco. At noon today coast guard headquarters had no reports as to safety of the vessels.

HAMPTON BEACH, N. H., March 3.—A small hotel and one cottage were swept into the sea shortly before noon today by an abnormally high tide that swept over the sea front boulevard.

SNOW COVERS NORFOLK

Virginia City Visited by Heaviest Fall in Twenty-Two Years.

NORFOLK, Va., March 3.—Norfolk was snow-buried today. The fall was unparalleled in twenty-two years and traffic was disturbed.

High tides sweeping in before a forty-mile gale flooded low sections of the city. Schools and department stores were closed yesterday afternoon.

'IMPEACH'—PLEA; 'YEA,' THE ANSWER

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impartial trial because of the "queer" complexion of grand and petit juries in his court.

Within one week after The Indianapolis Times printed its demand, "Impeach this Mussolini of Muncie," and described the seizure of newsboys and their papers by Judge Dearth because he did not like an article the newspaper printed about him, he faced trial before the Senate on the impeachment charges of the House.

He'd Show 'Em Dearth sat smugly on the throne. He sent word to the editor of The Times that he had better look out. He put down in a notebook the names of Times reporters sent to Muncie, of Roy W. Howard and Robert P. Scripps, heads of the Scripps-Howard newspapers. He'd show anybody who dared question his authority to threaten little newsboys who sold papers on the street.

The impeachment resolution was referred to Judiciary A Committee. A public hearing was held Monday evening. The committee, agast at some of the testimony as to the manner of choosing juries and the treatment of the newsboys as Prosecutor Joe H. Davis, who had come to tell what he had observed, to send official data substantiating what he said.

The Last Straw This data arrived on Wednesday morning. Chairman J. Glenn Harris called the committee together. The committee had been told by Attorney General Arthur L. Gilliom that it had no authority to impeach a judge. Ralph Kane, attorney for The Indianapolis Times, had given an opinion that such authority did exist. The Davis data was the last straw. Among other things it cited thirty instances where jurors drawn for Dearth's court since Jan. 1, 1927, did not appear on the tax duplicates. The committee unanimously voted to ask Dearth's impeachment. This word reached Muncie about noon Wednesday.

Compromise Attempted Dearth, for the first time, gave evidence of realizing that he was up

Freckles and His Friends

—By Blosser

WHAT'S THAT YOU GOT THERE, OSSIE? A STONE LID?

I SHOULD SAY NOT!! THAT'S A SUN DIAL MASTER BOSS! THAT JUNK MAN GAVE TO ME—I'M GONNA PUT IT IN OUR BACK YARD AND TELL WHAT TIME IT IS!!

THAT'S ALL RIGHT IN THE DAY TIME BUT IT'S NO GOOD AFTER DARK!

HOW CAN YOU TELL WHAT TIME IT IS AT NIGHT? THAT THING'S NO GOOD IN THE DARK!

G'WAH!! AT'S HOW MUCH YOU KNOW ABOUT IT—

CAN'T I SEE IT WITH A FLASH LIGHT??

REPRESENTATIVES WHO WILL PRESS IMPEACHMENT CHARGES IN SENATE



Representative on the board of managers, who will prosecute before the Senate the charges on which the Indiana House impeached Circuit Judge Clarence W. Dearth of Muncie: Above (left to right), J. Glenn Harris (Rep.), Gary; Delph L. McKesson (Dem.), Plymouth; David H. Byers (Dem.), Vincennes. Below, (left to right), William Henry Harrison (Rep.), Indianapolis; Milton J. Sallwasser (Dem.), La Porte; Lawrence E. Right (Rep.), Huntington. All except Sallwasser are members of the House Judiciary A committee which drew up and recommended the impeachment charges against Dearth.

The Resolution

The resolution for impeachment of Judge Dearth, adopted by the House:

Whereas, it has been called to the attention of this body that Clarence W. Dearth, judge of the Delaware Circuit Court, the same being the forty-sixth judicial circuit of the State of Indiana, has been guilty of certain crimes and misdemeanors in office amounting to corruption and other high crime, and

Whereas, an investigation of such crimes and misdemeanors has been made by this body and evidence relating thereto has been heard and it is the sense of this body that the said Clarence W. Dearth should be impeached.

Be it therefore resolved by the House of Representatives of the State of Indiana, that the said Clarence W. Dearth, judge of the forty-sixth judicial circuit of the State of Indiana, be and is hereby impeached.

Be it further resolved that six managers be elected by the House immediately, to prepare articles of impeachment, present them at the bar of the Senate, and prosecute the same and do all necessary and proper acts in relation to the prosecution thereof.

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against a body of men he could not intimidate. A conference of friendly lawyers was called.

An appeal for a compromise was telephoned to Indianapolis. Friends of Dearth proposed that the committee refrain from asking impeachment upon the promise that Dearth would discharge his jury commissioner and indulge in no more unacceptance actions.

Quit or Take Medicine The committee sent back to Dearth this ultimatum:

"Resign within one hour or we will ask for your impeachment."

Dearth's friends replied that he would not resign.

Within half an hour the committee presented its report, summarizing the testimony of Muncie citizens against Dearth and recommending impeachment.

The entire debate upon the impeachment resolution consisted of the single sentence by Representative Scott, quoting The Times editorial.

Every Representative present except Ira Mendenhall of Washington, who was the Ku-Klux Klan candidate for Speaker of the House at the opening of the Assembly, voted for impeachment.

In Muncie, the dumbfounded judge, who must lay aside his robes and become a citizen, just like the little newsboys, told newspaper men:

"I have nothing to say."

Read Got Watson "Comin' and Goin'"

WASHINGTON, March 3.—Senator Watson (Rep., Indiana), was drawn into the Senate controversy over Senator James A. Reed's election probe resolution early today, when Senator Gooding (Rep., Idaho), charged that the Reed committee had attempted to show Watson was a member of the Ku-Klux Klan.

Watson recalled that Reed had seen him in Indianapolis before the Indiana primary, and, according to Watson, Reed said:

"Senator, you said in your statement one thing I had not expected—that you were not a member of the Ku-Klux Klan. I understand there are between 350,000 and 400,000 of the Klan in Indiana, and I had always thought you were a pretty shifty politician."

Watson said that the unfounded testimony before the Reed committee, charging that he was a Klan member had lost him the votes of the Klan and "those of the Catholics, Jews and Negroes."

CONDEMN OUSTER MOVE Indianapolis Bar Association Adopts Resolution at Meeting

Members of the Indianapolis Bar Association at their meeting Wednesday night at the Columbia Club adopted a resolution condemning the action of Otto Gresham, an attorney, in presenting a complaint to the Indiana House of Representatives, asking the ouster from the bench of Judge James A. Collins, Marion County Criminal Court, and Judge Lynn D. Hay, Superior Court Room 2.

The complaint was presented several weeks ago by Representative James B. Brewster (Dem.), Corydon. Speaker of the House Harry G. Leslie ruled the matter out and no action was taken. It was contended that Gresham is a resident of Chicago.

Leslie, Governor Jackson, Attorney General Gilliom and others were guests of the bar at the meeting.

TO STOP A COLD IN ONE DAY Take Laxative BROMO QUININE Tablets. The Safe and Proven Remedy. (The First and Original Cold and Grip Tablet.) Signature of E. W. Grove on the box, 30c.—Advertisement.

Chicago Authorities Incline to Theory of Accidental Poisoning.

BORIC ACID SUSPECTED

Possible Error Due to Nurses' Mistake Cited.

CHICAGO, March 3.—Post-mortem examinations will be held today into the deaths of five infants in a hospital yesterday from what health authorities believe to have been accidentally administered poison. Five nurses who were in attendance at the infants' ward of the hospital are to be asked to testify.

Dr. Herman Bundersen, city health commissioner, said a number of hours elapsed before reports of the deaths were made by the hospital. Four of the babies were buried, but Coroner Oscar Wolff issued an order preventing burial of the fifth and the other four probably will be exhumed.

After a short investigation Dr. Bundersen issued the following statement:

"After a most careful investigation of the records we can only conclude that probably solution of boric acid was given in drinking water to the five children who died. Every effort is being made to verify this conclusion."

The five infants ranged in age from 7 to 14 days old. They were listed as: Joan Frane Barhili, 8 days old; Evelyn Kathryn Anaglos-topoulos, 7 days old; Baby Galanis, 9 days old; Lillian Estella Steele Cohn, 14 days old, and Baby Galitz, 14 days old.

The five were in the same ward and died within a few minutes of each other. Each became ill, had convulsions and died within a few minutes, doctors say.

It was pointed out that the boric acid solution kept in a bottle somewhat similar to that containing distilled water, which is given babies. It is believed that perhaps a nurse gave the babies the boric acid instead of the distilled water. Some doctors doubt this theory, saying that the boric acid solution, which is used for washing the infants' eyes, was too weak to cause death.

OPPOSED ARMIES CLASH IN CHINA

Forces Skirmish at Sun Kiang, Key to Shanghai.

SHANGHAI, March 3.—The Cantonese armies at Sun Kiang skirmished with Northern troops today as Chang Chung-chang completed preparations for an offensive against the Southerners.

Chang, tired of waiting for a Cantonese attack, planned an attempt to recapture territory relinquished by troops of Marshal Sun, whom he replaced, the United Press was informed.

Chang's army in the Shanghai vicinity is large enough to crush the Cantonese forces in a purely military engagement, but politics rather than arms controls the situation now.

It was reported by British sources, who were the Ku-Klux Klan candidate for Speaker of the House at the opening of the Assembly, voted for impeachment.

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McGRAY IS SEEN BY KOKOMO MAN

Ex-Governor Entertains Blind Banker, He Says.

KOKOMO, Ind., March 3.—Duties of Warren T. McCray, former Governor, now serving a sentence at the Federal prison at Atlanta, Ga., include reading for and entertaining a blind banker from New England, according to Walter J. Dixon, general manager of the Kokomo Asphalt Paving Company, who visited the former Governor upon his return from Florida recently.

Dixon spent an hour and half with the former State executive. In conversation, he learned that McCray feels he has not been given a square deal, but is not inclined to be resentful.

Pardoning a former State official, the former Governor feels would lead to the belief that public officials can always work a "pull." That is the reason, McCray believes he is being kept behind the prison walls.

McCray's wife and daughter have never visited him in prison, it being his wish that they never see him behind prison walls.

To the Kokomo man, the former Governor expressed his desire to return to Indiana, re-establish his fortune and pay off his creditors.

CITY MARKET HAS NEW FOODSTUFFS

Peaches and Asparagus Are Late Arrivals.

This week affords unusual opportunities to shoppers at the city market. In addition to the new foodstuffs offered for the first time on Tuesday, five more were received today.

Argentine peaches, selling at 15 cents each or two for 25 cents, were new. Standholders said that at no time in a number of years has this imported fruit been in the city so early in the season. Asparagus, one of the new arrivals Tuesday, was much earlier than usual. It sold for 25 cents a bunch. Fresh mint was offered at 10 cents a bunch at the same time.

A second commodity was from Argentine. Honeydew melons, at \$1.25 each. The other new offerings were curly German endive, 20 to 25 cents a head; pineapples, 50 cents each, and sassafras, 5 cents a bunch.

The only price changes recorded were tomatoes, which dropped to 30 cents a pound, and pear, which advanced to 20 cents a pound. Spinach sold at 15 cents a pound, artichokes 15 cents each, and Spanish Bermuda onions 5 to 10 cents each.

LOAN MEASURE READY

Bill Regulating Building Associations Goes to Governor

The Blackburn Senate bill regulating building and loan associations in the State and preventing exorbitant "fee-grabbing" is ready for the Governor's signature after successful negotiations in the House Wednesday. The vote was 80 to 7.

The bill modifies the present law so that organizers of building and loan associations can take a 50-cent fee on every \$100 worth of stock sold. The present law enables 50 cents to be taken out for every \$10 worth of stock.

FATAL SHOOTING PROBED

Coroner Investigates Death of Woman; Accident, Says Husband.

Coroner Paul F. Robinson today investigated the fatal shooting of May Bartlett, 30, Negro, 1434 Mill St., Wednesday night. John Bartlett, 36, Negro, the husband, is held pending an inquest. The husband declared shooting was accidental.

George Travis, Jr.

—Photo by Mudge.

"Dr. Pierce's Favorite Prescription" was very beneficial to me. I had been suffering from a very bad case of leucorrhea for several months. I had tried many other remedies, but they did not do me any good. I had practically no suffering and had a very healthy baby. "Favorite Prescription" is a real help."

All Dealers, tablets and liquid. Send 10c to Dr. Pierce's Invalid's Hotel, Buffalo, N. Y., if you desire a trial package of tablets.—Advertisement.

GROTTOS INVITED HERE

An invitation to Indiana Grottos to attend a State ceremonial and banquet, March 29 in Indianapolis, honoring Frank P. Walther, grand monarch, has been extended by Lawrence W. Drapier, monarch of Sahara Grotto.

Monarchs of ten Indiana Grottos comprising the State council probably will accept the invitation, Raymond F. Murray, past monarch of Sahara and president of the Indiana body, declared. The council meets soon.

About 500 candidates are expected for the ceremonial class, Charles G. Walsh, Sahara chief justice in charge of the program, said.

PLAN FIREMEN TESTS

Owing to the large number of applicants for position in the police department who failed in the mental examinations after passing the physical examinations, the mental examinations for firemen will be held first, next Saturday at Shortridge High School, A. J. Allen, secretary of the civil service commission, announced today.

About two hundred are expected to take the examination, Allen said. A police examination for the promotion from patrolman to sergeant, the second of its kind, will be held Sunday.