

'OPERATE' DOESN'T MEAN 'DRIVE', PLEA

That Technical Point and Others Brought up in Trial of Kirsch

A surprise objection, sprung immediately after the state's case against Frank Kirsch opened in justice court here yesterday afternoon, hung the case up for an hour while the judge and attorneys sought to determine whether "operate" means "drive" in the charge of "operating a motor vehicle while under the influence of intoxicating liquor."

Defense attorney argued that the words could not be used interchangeably and that the complaint should have charged Kirsch with "driving a motor vehicle while under the influence of intoxicating liquor."

Judge Miller Hayden overruled defense objection but withheld final judgment, requesting that briefs be submitted on that point within 10 days.

The state called three witnesses. State Traffic Officer Ross, who made the arrest and three Woodburn officers, all of whom testified Kirsch was under influence of liquor when arrested; and defense called six witnesses, all but one of whom testified that the defendant had had no alcoholic drink at all.

WHAT WELL-DRESSED MAN WILL WEAR—IF—



What the well-dressed gent of 1932 will wear morning, noon and night is offered here to give the ladies a laugh and the men a pain in the region of the gizzard. The New York Custom Cutters' Men's Style Show sponsors 'em. Left to right, William C. Norris, in a selectible single-breasted sack suit, Glenquhart (bonest!) said; Maurice M. Bennett, in a fetching double-breasted business suit, of navy blue cheviot; Frank C. Nagel, in a darling single-breasted director's suit of oxford gray, with striped worsted trousers; J. A. Milbous, in a dream of a director's suit with double-breasted waistcoat and striped cheviot trousers; Eugene Schanz, in a fashionable oxford gray cutaway; Samuel E. Larsen, in petite light blue cassimere host suit for wear instead of a tuxedo when entertaining in the home, and Andrew Aho, in a modestly simple silk-collared dinner suit. Wear 'em all—if you have time.

Defense set up plea that queer actions of the car on February 15, the day of arrest, were due to heavy load of grain and defective steering apparatus.

A second technicality threatened to postpone hearing of the case when defense asked for dismissal of the case, partly on grounds that the arresting officer had not had the defendant examined by a physician. Defense held the law makes this mandatory. Hayden

also has this question under advisement. The case was brought before Judge Hayden from Woodburn justice of the peace district on affidavit of prejudice.

MORE FILINGS FOR PRIMARY COME IN

Arthur D. Hay of Lakeview Thursday filed in the state department here his declaration of candidacy for the non-partisan nomination for circuit judge of the 14th judicial district, Lake county.

Other candidates who filed declarations Thursday were:

Ralph W. Horan, Klamath Falls, for the republican nomination for the office of representative in the state legislature for the 32nd district, Klamath county.

L. G. English, Toledo, for the republican nomination for district attorney of Lincoln county.

D. R. Parker, Condon, for the nonpartisan nomination for the office of judge of the circuit court of the 11th judicial district, comprising Gilliam, Sherman and Wheeler counties.

Chemeketans to Watch Weather, Decide on Goal

Weather, good or bad, is being taken into consideration for the Chemeketans' hike scheduled for Sunday. "If Old Sol is in a good humor and will smile upon us, we will go up into the snow on High deck. On the other hand, if Juke

is cantankerous and kicks over the water bucket, we will shorten to Knox butte," says The Chemeketan, the organization's bulletin.

The proposed hike is into the Cascade region. The party will leave at 8:30 o'clock Sunday morning for the Senator hotel, where registrations are made. Fees for the trip will be: transportation \$1.50 if the trip is to Cascade; 50 cents if to Knox butte; trail fee including coffee, 10 cents; J. W. Moore will be the leader.

Alternate Route To Falls Talked

A delegation of farmers from the north Silver Creek falls area appeared before the county court Thursday to urge that construction of an improved road in that

territory not be held up by trouble over right-of-way. The delegation proposed the Sam Matheny route as an alternate to the one the court now is considering. This route is said to be shorter for Salem people in reaching the falls but a longer route if a loop trip is made from Silverton. Court members said after the delegation left that in constructing the south road to the falls no right-of-way payments had been necessitated.

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