

### Case to Reach Jurors Today

Instructions in Drager's Trial to Be Given This Forenoon

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at Drager, W. Y. Richardson, his former deputy, or both Drager and Richardson had taken it.

One or Both Took Money, State Claim

The defendant had denied taking the money, Marsh continued, and so the only conclusion left was that Richardson had appropriated it, unless contrary proof could be adduced.

"If the jury finds that the defendant converted the money to his own use, its labor is over; on the other hand, it finds that the defendant got none of the money, but that Richardson got it and did so with the defendant's knowledge and consent, the defendant is guilty as an aider and abettor."

"If you find that the defendant converted the money to his own use, or if the defendant and Richardson took the money, or if Richardson took the money with Drager's consent, then in all it did so with the defendant's knowledge and consent, the defendant is guilty," the prosecutor declared.

It is not necessary for the jury to find that the treasurer took all of the money charged in the indictment—\$23,520.41—the prosecutor added. "If you find that the treasurer took only \$100, he would still be guilty."

Final determination of guilt rests on the "conversion to private use" of county money, Marsh emphasized. "Converting" in this sense the state defines as the exercise of dominion or control by an individual over funds not his own. Such control need not be to his own benefit, but merely dominion inconsistent at any one time with the right of the county to those funds," he added.

Drawing Unpaid Salary Is Question

Elaborating his idea of conversion, Marsh asked, "Did the defendant have the right to write checks on county funds for his own use? Can the treasurer draw his unearned salary?"

"Office holders ask the voters for jobs, and the public has the right to rely on their honor and trust, and on their implied promise not to write checks for personal use on county funds."

"But what is wrong with this, if the county lost no money?"

"There may be nothing wrong. But here there was a loss of \$23,000. There is no need to show criminal intent to prove guilt, nor will intention to return money taken form a legal defense."

The prosecutor charged an increasing shortage of from \$800 to \$1000 yearly after 1915 in the treasurer's office, and that both Drager and his deputy must have known of it. "Can two men sit in the same room for 22 years and one of them not know of a continual shortage on the books they were both charged to keep?" he asked.

Succeeding rebuttal by the defense emphasized that George Rhoten emphasized the guilt of Richardson and ignorance of the shortage on the part of the county treasurer.

All False Entries Held Richardson's

"The prosecutor has said that the defendant or Richardson took the money," Rhoten declared. "But all false entries in county record books are in Richardson's handwriting. Only the voucher dates were not changed by Richardson, and it is impossible to say who did do this act, since the dates are inscribed by rubber stamp."

"Richardson said that he knew of the shortage, and that he covered it up so as to put off the day when its discovery would be possible. He said this, and then he changed his story and said that he covered up only one year. After saying this he admitted when shown the evidence that he had covered up other years further back. There was evidence to show that Richardson had shown the shortage to Drager, and also that he had not."

"Would all this have happened if Drager took the money? If he took it alone, why were all the false entries in Richardson's handwriting, and why did Richardson say that Drager didn't take it? If both of them took it together, would not some of the ledger entries be in Drager's hand?"

"Finally," he asked, "why did Drager dismiss Richardson? He did so because he and his deputy weren't working together, and because he had no reason to depend on his deputy to conceal improper dealings with county money."

Defendant's Surprise Cited by Attorney

Rhoten emphasized testimony of C. C. Spears, special investigator of the prosecution, which stated that Drager had shown "surprise" and "indignation" which he thought were "genuine" when first told of the shortage.

### Shaw and Actress-Bride at Home



Hollywood still is woozy over the surprise marriage of Artie Shaw, 30, swing band leader, and Lana Turner, 19, one of the most promising of younger actresses. The two eloped to Las Vegas, Nev., and are shown back at home. Shaw was believed romantically inclined toward Betty Grable and Miss Turner had been engaged to an attorney for three years and had been out with him the two previous evenings.

He also cited evidence that John Lichty, Portland attorney for Drager's bonding company, had said that the company would pay on Richardson's bond rather than on that of Drager, thus proving the innocence of the latter.

"All tests show that Drager is innocent beyond a reasonable doubt," he concluded.

Testimony during the morning session by O. D. Bower reported a conversation in which Richardson had allegedly stated that "he was satisfied Dave Drager never took any of the money that belonged to the county."

County Judge Siekmann denied that Richardson had ever discussed with the county court failure of the treasurer to submit monthly reports, and had said in reference to that fact, "You can't get anything out of that fellow."

"You and Mr. Hewlett didn't get along very well, did you?" Marsh inquired. "He didn't like you and you didn't like him, did you?"

"I don't know whether he doesn't like me, but I know I don't like him," the judge replied.

Two Relatives of Defendant Heard

Ray Drager, the defendant's brother, identified checks used for paying paving assessments on property owned in Portland by the two of them for many years until 1938. George Drager, his son, stated that checks sent him while a student at Oregon State college were on funds he had earned himself or had been advanced by his mother.

That Richardson had denied that Drager had ever taken money from the county was stated by John Kirsch, courthouse custodian who was a witness of the deputy's dismissal. He stated that Richardson had never admitted taking money himself in response to Marsh's questioning.

Testimony of D. W. Eyre and H. V. Compton, bankers, was to the effect that Drager had always borne a reputation for probity and trustworthiness in the community.

Concluding statements by State Auditor Starr were to the effect that Drager himself had asked to come to his office to discuss the shortage, and that he had never laid claim to a positive ability to distinguish Drager's handwriting from that of Richardson as claimed by the defendant.

Hotel Is Wrecked By Soldiers; May Have Been Error

TORONTO, Feb. 19—(AP)—One hundred twenty soldiers invaded the Riviera hotel here tonight and wrecked the lower floor, including the lobby, the men's and women's beverage rooms, the serving bar and kitchen.

The small hotel is just outside the main business district.

The only furnishings in the lobby left unscathed were a union jack and a picture of King George VI.

George Fleet, proprietor, said he believed the soldiers had made a mistake and wrecked the wrong hotel.

South River Road Betterment Asked

Delegates from Salem and Independence and districts between the two cities met at the Roberts grange hall Thursday night to discuss improvement of the east side river road between those two points, primary problem of which is to secure a 60 foot right-of-way to make the road eligible for federal market road money.

Encroachment of the Oregon Electric tracks between Salem and Roberts station now prevents the required width.

Will Durant Thinks U S Will Be Drawn Into War If Britain in bad Spot

PORTLAND, Feb. 19—(AP)—Will Durant, political writer, said here yesterday that "if England is in a tight spot a year from now," the United States will be drawn into the war.

"I always bet on the English to win," he said. "They'll make a thousand mistakes, but in the end they will win by being able to bring somebody else into a war to help them."

### City's Project Insures Lights

Improvement at Airport Voted; Lease Bids Are Renewed

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B. Read, radio station operator and frequent dabbler in power matters.

Read, who once before proposed to furnish the city electricity from a private generator, suggested that the council could save money by using rate L-19 of the Portland General Electric company, a rate which applies to purchasers maintaining their own lines. "A survey has convinced me," he wrote, "that at least 20 per cent could be saved on the downtown cluster lights."

Among ordinances passed was one providing for application of rates, rules and regulations to residents outside the city limits who connect to city sewers.

A scheduled condemnation hearing on the Murphy property at State and Commercial streets, known as the Capitol hotel, was deferred when it was brought out that the owners are planning construction of a new building on the site.

Plans for widening of High and Liberty streets between Chemekeita and Ferry in order to provide space for diagonal parking were submitted to the council by the city engineer and referred to the street committee.

Bids were submitted for a street striping machine for the engineering department. Bids were as follows: Farmer Hardware company, \$261.00; Salem Hardware, \$179.50; Sears-Roebuck, \$199.50; Salem Steel and Supply company, \$230; George E. Allen, \$228.20; Ira Jorgenson, \$196.60. The bids were referred to the traffic committee.

Grading and graveling of Fifth street from Spruce to Highland and 22nd street from Ferry to Trade under the blanket WPA project was authorized as was paving of Roosevelt street from 15th to 17th street.

E. H. Bonsall of Pennsylvania, head of the United Christian Youth movement, will be present at the convalesce to give ideas to the delegates from Oregon, Washington and Idaho.

The group also decided to hold four regional meetings in the state next fall as planning conferences, and to have a full assembly at Portland in February, 1941, in cooperation with the National Christian mission.

There were an even 1000 arrests in the traffic division of the state police department. Twenty-nine arrests involved persons driving automobiles while under the influence of liquor.

Arrests in the general law enforcement division numbered 179 with fines of \$1376.80. Eighteen arrests were reported in the commercial fisheries division and 69 arrests in the game division. The state police received 323 complaints and 165 were reported as cleared.

Lumber Schooner Damaged, Storms

OAKLAND, Calif., Feb. 19—(AP)—The lumber schooner W. R. Chamberlain, Jr., lost 25,000 board feet of her lumber cargo and had rear deck gear smashed Friday by a mountainous wave near Astoria, Ore., it was learned when the vessel docked here today.

Captain John Swensen, the schooner master, escaped possible death because he was on the bridge when the wave smashed his cabin.

A life boat, loading gear and booms were wrecked and the lumber piled overboard at the entrance to the Columbia river. Damage to the 264-ton vessel, an exclusive of the cargo loss, was estimated at \$4,000. None of the crew of 40 was injured.

Safe Is Stolen, Moved on Truck

ONTARIO, Feb. 19—(AP)—A small safe containing several hundred dollars was wheeled away from the Big-4 pool hall early today and loaded onto a truck.

State police said it was taken a block and a half down an alley on a two-wheel beer truck. They attributed the theft to burglars who have taken safes from business firms in Payette, New Plymouth and Parma, Idaho, since last November.

Olympia Mayor Doesn't Plan Early Salem Visit

OLYMPIA, Feb. 19—(AP)—Mayor David Gammell said today he does not plan to visit Salem, Ore., in the near future. The reason, he said, is that Olympia patrolmen Sunday arrested Salem's Mayor William W. Chadwick on a charge of speeding. He was released after handling over \$15 bail.

Hogan Has new Job

BOISE, Feb. 19—(AP)—Cicero F. Hogan, Portland, Ore., lawyer and past national senior vice-commander of the World War Veterans of the World War, arrived in Boise today to assume his new duties as attorney for Idaho veterans who have claims for compensation against the United States government.

Lambstongue Blooms

ROSEBURG, Feb. 19—(AP)—The Umpqua valley's annual prophet of spring, the first lambstongue, bloomed today. Last year the first blossom was found on March 14.

HELP FOR DAYS OF CHICHESTERS PILLS

CHICHESTERS PILLS

### 'Back to Apprentices' Is Plea



Secretary of Labor Frances Perkins is pictured at the Burbank, Calif., plant of Lockheed Aircraft company, where recently she inaugurated a group of young men into the first program for indentured apprentices in the history of aircraft manufacturing. Delivering an address before 27 apprentices beginning their trade instruction, she declared: "Skilled workmen are just as valuable to society as is the doctor whom we rely upon to mend a sick body."—IIN photo.

### Altmark Incident May Broaden War

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on the Karelian isthmus seemed to move either the allies or her Scandinavian neighbors to any open act of war against Finland's assailant, Russia.

Nevertheless, the pressure upon both Scandinavian countries to meet at the impending crisis by throwing in their lot with Finland under possible assurances of full military cooperation from London and Paris must be great.

There are obviously politically important elements in both Norway and Sweden pressing for such action. What French or British diplomatic agents may be doing to shape the decision of the two countries is not disclosed.

Regardless of international law considerations, London unquestionably expects to benefit from world sympathy with British action in this case. Norwegian and Swedish public opinion could have a decisive voice in determining what course those two nations take.

Berlin's indignation over British violation of Norwegian sovereignty sounds a bit odd in view of the long list of Norwegian and other neutral ships sunk by German torpedoes, mines or air bombs. Many of those sinkings have been without warning, according to tales of survivors.

Norwegian newspapers said that about 100 Norwegian lives have been lost this far in the war at sea. All the deaths are attributed to German action, not allied.

Shortage of Tax Tokens Reported

SPOKANE, Feb. 19—(AP)—Spokane is facing an acute shortage of sales tax tokens because merchants are failing to turn them in to the commission, C. W. Waters, manager of the Spokane tax office, said today.

Waters said he estimated that more than 4,000,000 of the tokens had been taken temporarily out of circulation because the merchants had failed to turn them in from the Spokane vicinity.

"You know, it's a funny thing, but we still find merchants here who don't know they can get cash for their tokens," he added.

Men With Singed Eyebrows Sought

NEWBERG, Ore., Feb. 19—(AP)—State police were on the lookout today for men with singed hair and eyebrows after investigation showed a \$2500 fire at a gravel pit gasoline plant Sunday had been set by thieves attempting to steal gasoline from a pump.

Several cans were found around the charred pumps and in one of them was the pump hose nozzle. Patrolman James Burns said the fire apparently flared suddenly and probably scorched the culprits.

Consolidation of Schools Defeated

GRANTS PASS, Feb. 19—(AP)—A state-approved school district consolidation was snuffed under in special elections held by three nearby districts, unofficial returns indicated today.

Dryden and White unanimously opposed the plan which would have made one district out of 13 in the Illinois Valley. Dixie opposed another consolidation by an unreported margin.

Portland Traffic Death 1940 Toll Already 15

PORTLAND, Feb. 19—(AP)—Two weekend traffic deaths boosted Portland's death toll for the year to 15.

Harold Baehle, 21, died of injuries suffered February 10 and Walter C. Reed, 38, was killed in a crash on the Ross Island bridge that injured seven others.

### Russian Shells Hit in Viipuri

Finns Claim Division of Force Wiped out With Losses of 18,000

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were reported to have completed the cleanup of the 18th red army division along the twisting north-eastern shore of Lake Ladoga.

Large quantities of war materials were seized.

Battle Is Raging on Eastern Front

A battle was said to be raging around Taipale, on the eastern flank of the Mannerheim line. The Finns placed Russian losses in the isthmus fighting Sunday at the equivalent of a battalion, approximately 1000 men.

The British kept up a chorus of praise for the rescue of more than 300 sailors from the Nazi prison ship Altmark in Norwegian waters—and waited for Norway's answer to a demand that the Altmark be interned.

While the German crew buried six of their seven dead in a rural Norwegian cemetery, a special meeting of the storting (parliament) at Oslo cheered a declaration by Foreign Minister Halvdan Koht that Norway was considering putting the British on trial in the case.

There was a suggestion in the Oslo "Shipping Times" that President Roosevelt be asked to head an investigating committee.

Diplomatic tension between Germany and Norway eased. The French reported their heaviest western front loss in a single engagement since last October. Twenty men were killed and eight were wounded in a German ambush east of the Nied river.

### Job Compensation Delay Is Charged

PORTLAND, Ore., Feb. 19—(AP)—The Portland Central Labor Council protested today "inefficiency" in the manner the state unemployment compensation commission handles claims.

Gust Anderson, council secretary, said a resolution adopted by the council charged delays of several weeks in payments of benefits defeated in part the purpose of the unemployment compensation act.

The resolution was passed after Paul E. Gurake, president of the State Federation of Labor, declared "thousands" of union members have waited two or three times the legal limit without getting acknowledgement of their claims.

### Charles E. Gatke Called at Age 73

Charles Edward Gatke died at his home, 280 Richmond avenue, Monday, at the age of 73 years.

Survivors are sons, Dr. Robert M. Gatke of Salem and Swell C. Gatke of Port Gamble, Wash.; brothers, Thomas L. Gatke of Oak Park, Ill., William Gatke of Chicago, Ill., Edward Gatke of Winona Lake, Ind.; sisters, Mrs. Robert Zoll of Miami, Fla., Mrs. Ella Andrus and Mrs. Dan Russell of California; grandchildren, Robert and Richard Gatke of Salem, Charles and Betty Warren of Santa Cruz, Calif., and Frances Gatke of Port Gamble, Wash.

Announcement of funeral arrangements will be made later by the W. T. Rigdon company.

### Louisiana Vote Has Limelight

Governor Long Declares Guardsmen Watching Jackson Brigade

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of Vice President Garner, refused today to be put in the role of a stalking horse for the third term movement.

Vice President Garner had promised Donahy he would not enter Ohio if the senator was a candidate. Garner's managers were highly pleased at Donahy's decision and began a series of conferences here and by telephone with leaders of the Garner movement in Ohio.

It quickly developed, however, that the Ohio organization group, led by Charles Sawyer, national committeeman, was still determined to go through with its effort to make a pro-third term delegation to the convention. Sawyer announced in Columbus that another "favorite son" candidate would be selected shortly.

But, a third contender for the Ohio delegation appeared almost simultaneously. It developed that Senator Wheeler's friends have designs on the Ohio delegation.

### Rites Wednesday For Lane's Widow

CHARLESTON, Ore., Feb. 19—(AP)—Mrs. Lola Lane, 80, widow of Senator Harry Lane, one of the six senators who voted against the United States' participation in the world war, died here yesterday at the home of a daughter, Mrs. D. P. Faubion.

Her husband was a grandson of General Joseph Lane, Oregon's first territorial governor, first U. S. senator and candidate for the vice-presidency on the Breckenridge-Lane ticket against Abraham Lincoln.

Survivors include three daughters, Mrs. Faubion, Mrs. Harriet Hempstead of Rainier, and Mrs. Marjorie Ramsey of Portland; a half-brother, Fred Bailey of Cannon Beach, and a half-sister, Mrs. Ida Gamble of Portland.

Final rites will be held at Portland Wednesday.

### Marooned Skiers Finally Released

PENDLETON, Ore., Feb. 19—(AP)—A dozen Pendleton and Walla Walla skiers marooned at Tollgate by heavy snows Saturday were safe at home today.

A rotary plow, dispatched by the state highway commission, opened a road into the resort Sunday, but left a flagman to prevent other motorists taking advantage of the opportunity to reach ski areas. The road will not be cleared again, skiers were told.

Those marooned were in no danger and spent the weekend skiing, they said.

### Speed Is Charged

Charges of violation of basic rule were placed by Salem police last night against Patrick J. Hayes, 2045 Virginia, and Eva Bjorn Dahl, 197 1/2 South Commercial.

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