

Scores? Yes!
The Oregon Statesman leads the field in giving you complete sports news. Get the habit of turning to The Statesman sports page for scores and game details.

Weather
Increasing cloudiness today and Thursday, becoming unsettled; moderate temperature. Max. temp. Tuesday 49, min. 28; river 10.2 ft.; north wind.

EIGHTY-NINTH YEAR

David Drager Declared Guilty of Larceny

In One Ear..

—Paul Hauser's Column

There were three men who aroused our curiosity out in the middle of Commercial street yesterday. They were standing on the sidewalk, looking down the center of the street. Two of them just stood, about 100 yards apart, occasionally rubbing their hands or looking with a little more than casual interest at a passing motorist.

The third one would start next to the man on the south end and look out across the street, writing something down in a little book. Then he would look to the other side of the street and write something down in a little book. Then he would move on about five feet and repeat the same process until he eventually reached the man on the north end.

When that happened they marked the place with chalk and moved on until the man who had been on the south end was standing. From there they started all over again.

We watched this out the window for some time and pretty soon were fit to be tied. So we tied on our muffler and went out in the street.

We sidled up to the man on the south end, noting that he was standing on a tape measure which stretched up to the man on the north end.

We asked the man what they were doing out there, so fearless of automobiles.

"We're taking the topography of the street," the man said. "How the buildings look and all that."

"Oh," we said. Then, after pondering a moment, "Highway department stuff, huh?"

"Yeah," he said. "I suppose they'll turn it over to the traffic division."

"What'll they do with it?" we asked, our nose for news turning cartwheels in the breeze.

"Designed if I know what they'll do with it," he said.

So we walked on, marveling at the wonders of engineering.

The Germans seem to figure it's all right to sink a Norwegian ship in the English channel, but when a British destroyer sinks a German ship in Norwegian waters that's a Nurse of a different color.

A butcher in a certain South Commercial street market was last week presented with a quart of very fine old beverage. He treasured it and had taken but a few sips of its contents when on Saturday he and his family moved to another house.

The butcher's first act in his new house was to find a hiding place for his treasured bottle. He found an admirable cubby hole, where it should be safe from all, in the basement.

Monday the tired meatcutter came wedding home from a hard day among the cutlets and brought himself it would be nice to have a little tonic before dinner.

But, alas and alas, the cubby hole was bare.

Irate, he accused members of his family of dispatching his happy water.

Then his wife told the story. She had that day cleaned the basement, as wives will, and had found the treasured bottle. Thinking it some vile fluid left there by former tenants she had dumped the contents down the drain and sent the bottle off with the junkman.

Yesterday, among his chops and his petroasts, the butcher was not a happy man.

Washington Sees Initiative Okehed

OLYMPIA, Feb. 20.—(AP)—A ruling today by Attorney General Hamilton that the state constitution could be amended by initiative procedure was viewed as of possible far-reaching effect. The opinion was on the filing of an initiative proposing to amend the constitution to provide for a one-house legislature. Secretary of State Belle Reeves had asked for the legal ruling as to whether or not she should accept the unprecedented initiative, filed by three Seattle men.

Political observers immediately saw in the attorney general's ruling the possibility that other revisions of the constitution might be attempted by the direct initiative method, rather than by popular vote after the legislature has approved any proposed amendment.

Male Companion of Girl Accused of Killing Held

WARREN, Ark.—(Wednesday)—Feb. 21.—(AP)—E. L. Richmond, agent in charge of the Little Rock office of the federal bureau of investigation announced early today that Harold Finnon Burkes, 23, jailed at Warren, Ark., had confessed to a scene in which Mrs. Claude D. Henry, when she killed a traveling salesman near Lake Charles, La., last Wednesday.

Soviet Claims Capture Of Vital Finnish Fort

Koivisto City Taken; Planes Spread Raids

Helsinki Silent on Word Key Point Conquered; British Ships Hit

Viipuri by Friday, Reds' Goal; Say 47 Planes Are Shot Down

(By The Associated Press) Soviet Russia's army, fighting at top speed to give itself the Finnish city of Viipuri as a birthday present, today reported the capture of the vital Finnish fort and city of Koivisto and sent 800 planes to raid nearby every community in the southern part of Finland.

The red army communique said its troops occupied the town and fortress of Koivista yesterday and cleared the enemy from the Peninsula. The army also said 47 Finnish planes were downed in air fights.

Finland's military reports, covering mostly the fighting on Monday merely said that enemy attacks in the area between the Gulf of Finland and Lake Mula were repulsed. There was no comment from Helsinki early today.

(Turn to Page 2, Col. 1.)

Manager Petition Filled, Silverton Measure to Go on Ballot in May; Police Will Get Pair of Uniforms

SILVERTON.—Initiative petitions asking that the new city charter providing for a city manager form of government be placed on the May election ballots will be presented to the city recorder Wednesday following the vote of the Silverton planning council last night.

A total of 141 names of legal voters is required to place petition on the ballot. Dr. P. A. Loar explained that 180 names had already been obtained by those circulating the petitions.

Dr. Loar, president of the planning council, spoke enthusiastically concerning the support it was receiving from the community, particularly, he added from people who were not members.

SILVERTON, Feb. 20.—Mayor Zetta Schindler and her six councilmen will own two policemen's uniforms until December 31, 1940, according to vote taken at the special meeting of the city council tonight.

The budget, accepted last autumn, provided for a raise of \$5 a month for each policeman, for which he was to purchase a uniform and the mayor was given authority to order uniforms to her liking. But the police reported that they were unable to purchase uniforms on the installment plan of \$5 a month. The motion passed tonight provides that the city will buy the two uniforms and the extra \$5 a month will be withheld.

(Turn to Page 2, Col. 4.)

Polk Pioneer Dies

MEDFORD, Feb. 20.—(AP)—E. W. Smith, 71, Wagner Creek farmer for 45 years, died here today. He saved lumber with his father in the construction of Medford's first buildings. He was born in Polk county.

Salem Chamber Asks Action, North Santiam Dam Question

The Salem chamber of commerce today urged action on the question of approving or disapproving the construction of the North Santiam river flood control dam below Detroit.

Called into special session, the board was told that the United States army engineers and the US forest service were refusing to carry out a cooperative agreement for relocation of the North Santiam highway to make way for the dam until the fish commission had given its consent to building the dam.

Construction of the new road between Niagara and Detroit was originally scheduled to get under way this spring under an agree-

City and County Offices Sought



Agnes C. Booth, above, who filed for return to the county school superintendent's office yesterday, and Hannah Martin, below, who declared her intention to run for Salem city recorder.



Hannah Martin, below, who declared her intention to run for Salem city recorder.

Two Women File For Offices Here

School Superintendency, City Recordship Are Aspirants' Choices

By STEPHEN C. MERGLER

Women monopolized the political picture here yesterday as two filed for office. Mrs. Agnes C. Booth for her return to the position of Marion county school superintendent, and State Representative Hannah Martin for the \$2400-a-year job of Salem city recorder.

Mrs. Booth, appointed the last year, did not deign to compose a fancy slogan and platform to accompany her declaration of candidacy filed at the county clerk's office, but wrote, only "Present superintendent of Marion county, Oregon."

Teacher and later principal in 15 years' service to the Salem Heights grade school, Mrs. Booth was appointed county superintendent by the county court following the death of Mary L. Fulkerson, who held that office, non-partisan, for more than 20 years. She is a resident of Turner route one.

Mrs. Booth's only opponent to the school superintendent's office is Mrs. Hannah Martin.

(Turn to Page 2, Col. 5.)

Norway Ready To Free Nazi Prison Vessel

Broken Propellers Will Prevent Departure, Captain Says

Chamberlain Raps Little Nation and Defends Recent Raid

OSLO, Feb. 20.—(AP)—Norway appeared ready tonight to permit the stranded German prison ship Altmark to quit Norwegian territorial waters, but prospects of an early departure were dimmed by the disclosure her propellers were broken.

Despite a British demand that the ship be interned, informed Norwegian circles indicated the government would give Capt. Heinrich Dau of the Altmark the go-ahead signal any time he wants to lift anchor.

Morse Aroused at Blows to Shipping

While tension over the three-way wrangle along Norway, Britain and Germany over the Altmark persisted, feelings among Norwegians were stirred further by reports of two more blows to her already hard-hit shipping.

The 2,250-ton steamer Hop was missing with a crew of 18 while enroute from Norway to England and the 7,850-ton motorship Sangstad was mined in the North sea. The Sangstad's crew was saved.

Capt. Dau said that so far as he was informed no official restraint had been placed upon his vessel and he felt free to leave at any time with the good graces of Norwegian authorities.

He said, however, that the Altmark's propellers were broken when she was jammed against the rocky shore of Gjossingford Friday night during the British raid of 299 prisoners aboard, and that he had received no orders to recondition her.

LONDON, Feb. 20.—(AP)—Great Britain today accused worried Norway of "complete indifference" to her obligations as a neutral in her failure to free 299 British prisoners from the German vessel Altmark.

Commons Heats

Raid Commended

While a cheering house of commons for a sounding board, Prime Minister Chamberlain said that Britain could "in no circumstances accept" the Norwegian view that the Altmark had a right to transport prisoners through Norwegian territorial waters. He defended the British navy's raid into Norwegian waters, in which the Destroyer Cossack rescued the prisoners, terming the action "a very gallant affair."

Shortly after Chamberlain spoke, a French government spokesman said that the French and British navies would take "all measures" to make sure that Norwegian waters are not used for belligerent purposes.

Companion Kills Hunter-Surveyor

GOLD BEACH, Ore., Feb. 20.—(AP)—J. M. Pettyjohn, 25, a surveyor on the federal hydro-electric project at Bonneville, was killed by his brother, Robert, 20, late today while they were hunting deer. State Police Corporal Guy Forsythe reported.

Robert Pettyjohn, superintendent of a crew at Bonneville, and Vernon Turner, Gold Beach, hunting companion notified officers of the tragedy and Turner led them to the body.

Young Pettyjohn and Turner told Forsythe they had separated from the crew at Bonneville, who shot a deer and was packing it into camp. Robert saw the animal through the thick underbrush and fired, the bullet striking his brother in the head. Forsythe said the two men confessed to hunting deer out of season.

Coroner W. A. Cartwright placed the body under technical custody, released them on their own recognizance and scheduled an inquest for tomorrow.

Lemck Search Dropped

VICTORIA, B.C., Feb. 20.—(CP)—British Columbia police today abandoned search for Steve Lemcke, one of four crew members still missing from the Tacoma, Wash., seism boat Varsity which was wrecked on the Vancouver Island west coast two weeks ago.

Three other crewmen, including Captain Hubert Ursch, reached shore safely.

Jones Claims Victory Over Long Machine

Administration Trailing by 15,000 Votes at Louisiana Polls

Long Refuses to Concede His Defeat; Rest of Ticket Is Losing

NEW ORLEANS, Feb. 21.—(Wednesday)—(AP)—Sam H. Jones increased his lead for the gubernatorial nomination over Gov. Earl K. Long to nearly 20,000 at 2 a.m. (CST) today with the vote in Tuesday's democratic primary nearing completion.

NEW ORLEANS, Feb. 21.—(Wednesday)—(AP)—Louisiana's democratic voters, aroused by ever-widening state political scandals, Tuesday swept the absolute old Huey P. Long political machine to destruction on the basis of conclusive but unofficial tabulations early today.

Sam Houston Jones, who had pledged himself to rid the state of the machine and prosecute many of its staunchest members, continued to increase his lead over the machine standard-bearer Governor Earl K. Long, who had not however conceded his defeat.

125,000 Votes Remain Uncounted

Jones' lead with about 125,000 votes uncounted had gone up to nearly 15,000 votes after he had trailed by that number in the early counting of New Orleans, where the administration controls the vote.

The returns from 1223 precincts gave Jones 196,197 and Long 183,586.

Jones issued the following statement: "The results conclusively show that I am the next governor of Louisiana. I have written the plan of Louisiana's future in my campaign. God willing and with the help of the people I will achieve its fulfillment."

Jones had apparently carried his entire ticket of lieutenant governor, attorney general and superintendent of public education into office with him, on the basis of the early returns. His slate had a big lead over the Long candidates.

Early returns also showed that members of the supine old state (Turn to Page 2, Col. 5.)

House Told NLRB 'Loaded' Hearings

Board Urged Witnesses not Favoring Change to Testify, Shown

WASHINGTON, Feb. 20.—(AP)—House investigators received evidence today that the labor board had carried on an intensive campaign last year to bring witnesses before congress who would oppose amendments to the labor relations act proposed by the AFL and others.

The house committee investigating the board learned that the agency had detailed eight or ten lawyers to "legislative work" while the senate labor committee was conducting hearings on the proposed amendments.

Letters and other documents introduced by Edmund M. Toland, committee counsel, showed that board members had urged educators, businessmen and others to testify.

Robert Condon and Allan Rosenberg, two of the attorneys detailed to "legislative work," identified scores of letters sent out by board officials in an effort to line up witnesses who would oppose the amendments.

Attempting to show that Condon was prejudiced against the AFL and favored the CIO, Edmund M. Toland, committee counsel, brought out that Condon had labeled one of his files "potential AFL bees" and another "AFL squawks."

McMinnville Votes, Buy Power From Bonneville

McMinnville, Ore., Feb. 20.—(AP)—McMinnville voters approved purchase of 1000 kilowatts per year of Bonneville power in a special election tonight.

The vote was 851 to 15. The contract, which tonight's election makes effective, calls for delivery of the power by October 1, 1940.

"If this silence continues, the democratic nomination will be worthless to any one other than himself including his favorite."

"If the president has a personal choice, there is no reason that he should not take the people into his full confidence now. It is far beneath the dignity of the office of the president of the United States to plan the manipulation of delegates."

Santiam Road's Okeh but Dusty Engineer Finds

The North Santiam highway is in excellent condition, except for dust.

That was the report brought back yesterday by County Commissioner Jim Smith and County Engineer N. C. Hubbs, who drove to Idanha to investigate a piling deal.

Hubbs declared there was dust flying along parts of the road despite recent rains and snows. He said there was no snow from a point 11 miles above Detroit on west. While a heavy blanket of snow covers the summit section along the highway, the road itself is clear and in good traveling condition.

Jurors Find Treasurer Took \$2686 After May 15, 1936; Deliberate for Seven Hours

He Took County Cash, Jury Says

Defendant to Appear Next Tuesday for Sentence; Appeal not Decided; Verdict Reached at 9 o'Clock

Special Instructions Asked and Given on Period of Conversion; Trial of Richardson May Open in March



David G. Drager, Marion county treasurer for 24 years, was found guilty of larceny of \$2686.38 of county funds between May 15, 1936, and October 31, 1938, at 9:10 o'clock last night after jury deliberations extending over a seven-hour period.

David G. Drager, Marion county treasurer for 24 years, was found guilty of larceny of \$2686.38 of county funds between May 15, 1936, and October 31, 1938, at 9:10 o'clock last night after jury deliberations extending over a seven-hour period.

Judge L. H. McMahan, on consultation with Defense Attorney Custer E. Ross and Special Prosecutor Francis E. Marsh, set next Tuesday for passage of sentence.

Statutory penalty for the offense is not less than one nor more than 15 years imprisonment and a fine of not more than twice the amount found to have been illegally converted from public use.

The finding of the jury as to the exact amount taken, a sum considerable less than the \$23,520.41 charged in the indictment returned against Drager and his former deputy, W. Y. Richardson, on May 15, 1939, was dependent on a special instruction given the jury an hour before the verdict was returned.

At that time the jury, through its foreman, Leif Bergsvik, told the court: "Before we can arrive at a decision, the jury wants to know how we can arrive as to the amount of money alleged converted by the said defendant. Should it be between the dates of October 31, 1935, to October 31, 1938, inclusive, or should it cover the entire period?"

Jury Told to Start From May 15, 1936

To this the court responded that the jury should find the amount taken between May 15, 1936, and the date three years immediately prior to Drager's indictment, and October 31, 1938, after which the state does not charge that county money was converted to private use. The original indictment had charged the \$23,520.41 shortage over the entire period of Drager's incumbency as county treasurer, dating back to 1915, but as of October 31, 1938.

Ross indicated last night that the question of appeal of the case had not been decided. The defense has 10 days in which to petition for an appeal to the supreme court.

The defendant, who was present when the jury returned its verdict, evinced no emotion while it was being read and in conversation afterwards repeated his earlier claims of innocence. His resignation from the office which he still holds, while not made last night, is expected to come within a short time.

Trial of Richardson, the former deputy, remained undecided last night as the treasurer's trial came to a conclusion. Richardson trial may begin early next month.

Prosecutor Marsh indicated that he had no desire to delay the Richardson trial, but indicated that Justice McMahan, on whose court docket cases are pending in Albany during the next two weeks, would set the hearing for a date after March 1. Edwin Keech, Richardson's counsel, has favored postponement of the date immediately following the Drager trial which was originally set.

Dismissal of the jury occurred shortly before 2 p. m., and followed the reading of extensive written instructions by the court.

In his instructions by the court, McMahan declared that to find the defendant guilty, the jury must find that he "converted to his own use" funds belonging to the county, and that such conversion meant "exercise of dominion by doing such acts or allowing such acts to be done as to deprive Marion county of the advantage of owning such money or its right to use and enjoy it."

Both Had Access To Funds, Says Court

"Both the defendant and Richardson had access to the county money," the court said, "but the mere fact of opportunity does not prove the crime."

In respect to the relation of Richardson and Drager in the treasurer's office, the court declared:

"No presumption exists in law that the defendant must know of the unlawful acts of his deputy. Yet the law assumes that a person intends the ordinary consequences of his voluntary acts."

After reviewing the statutory requirements relating to the making of reports weekly, monthly and semi-annually by the treasurer, the court told the jury that it was to determine whether or not in the present instance such laws have been complied with.

"If not," the judge said, "the jury may take this evidence for what it is worth in deciding the defendant's guilt."

Final arguments of Ross and McMahan were heard last night. (Turn to Page 2, Col. 4.)

Willie Bioff in Jail, out Again

Film Capital's Union Czar Taken to Chicago to Serve Old Term

CHICAGO, Feb. 20.—(AP)—William Bioff, stocky motion picture labor chief, rode in and out of jail today on a merry-go-round of legal action.

In the midst of the swift sequence of events, he announced he has resigned as chairman of the conference of studio unions, the control center of most of the AFL organizations in the Hollywood industry. He emphasized, however, that he would retain his other position as a representative of the International Alliance of Theatrical and Stage Employees.

Bioff whisked into town on an airliner from California at noon, surrendered to the Bridwell lockup to begin serving an uncompleted six month term imposed here in 1925, when he was convicted of pandering.

He was fingerprinted, given a dinky uniform and assigned number 1238.

But less than an hour later, his counsel rushed before Chief Justice John Prystalski of the criminal court and filed a petition for an appeal as the treasurer's trial came to a conclusion. Richardson trial may begin early next month.

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