

CEMENT HEARING IS CONTINUED UNTIL THE SESSION ON MONDAY

Attorneys in Aman Moore Injunction Suit Unable to Complete Case. STOCKHOLDERS TO MEET

Affidavit Submitted by Defense, Taking Issue With Statement Made by the Complainant.

After five days of argument, attorneys in the cement injunction case were unable to complete the case before Federal Judge Wolverton this morning, and the case was continued until 9 o'clock Monday morning.

The preliminary injunction asked for by Aman Moore, vice president and treasurer of the Oregon Portland Cement company, is directed against H. P. Butchart, L. C. Newlands, George Macdonald, Clark M. Moore and Charles Boettcher, officers of the company, who are accused of conspiring in restraint of trade and in furtherance of a trust.

Stockholders to Meet. The meeting of stockholders of the company, which was enjoined by Judge Wolverton from meeting until 11 o'clock Monday morning, met at 11 a. m. on that day. Among its items of formally announced business are the removal of Aman Moore as vice-president and treasurer, which would be equivalent to the dismissal of the \$1,500,000 damage suit which Moore has brought in the name of the company against the individuals named, together with a number of cement companies which he alleges are part of the so-called trust.

Beginning the closing argument, Coy Butchart submitted an affidavit, an indexed digest of affidavits, letters and other items of evidence which were submitted by the plaintiff to support his case. To prove that Moore was a party to the cement injunction suit, Moore presented evidence that price lists were interchanged, that trespass on forbidden territory was prevented, and that persistent efforts were made to keep the cement plant at Oswego from successfully operating.

Cotton Outlines Plan. W. W. Cotton said after the court session this morning that undoubtedly the temporary injunction granted by Moore is granted, he will join with a number of other stockholders in a suit of intervention, asking that the injunction be dissolved.

"I desire an opportunity to question personally those who have so far been represented only by affidavits," he said. Mr. Cotton leaves for San Francisco tonight and was excused from appearance in the case Monday.

The principal feature in the cement trust injunction proceedings in federal court yesterday afternoon was the affidavit submitted by W. W. Cotton, attorney for the stockholders, and a stockholder in the Oregon Portland Cement company. No charges of any kind were made by Aman Moore, the complainant in the cement litigation, that there was any restraint of trade, testified Mr. Cotton, until Mr. Moore had failed to secure a majority of proxies necessary to the control of the company. Nor did Mr. Moore ever say in the former days, declared Mr. Cotton, that in consideration of letting the plant at Oswego go to smash, he, Moore, would be indemnified for his investment.

Says Moore Didn't Complain. Nor did the said Aman Moore ever make any statement or presentation to me of any kind, character or description," the affidavit proceeds, "so the effect of indicating that the said R. P. Butchart, L. C. Newlands, George Macdonald, Clark M. Moore, or any or either of them, had agreed among themselves that a cement plant at Oswego, Oregon, or would be competitive to any business in which the said R. P. Butchart and Charles Boettcher, or either of them, were interested in the cement business, is necessary for the said R. P. Butchart and Charles Boettcher, or either of them, ever existed.

Says Proxies Were Solicited. "That in a circular letter addressed to the stockholders of the Oregon Portland Cement company, signed by the said Aman Moore as vice president and treasurer of the Oregon Portland Cement company, and Aman Moore purporting to act in his capacity as vice president and treasurer of the said company, solicited proxies from stockholders for a stockholders' meeting; that in one of the paragraphs of the said circular letter the said Aman Moore stated:

"I have called for proxies in order to avoid litigation which is inevitable unless the stockholders will cooperate in electing a new responsible board by promptly executing their proxies, or unless they prefer to have our company plunged into a bankruptcy, as stated clearly in my previous letters that some definite action was imperative."

"I, IGNORANCE is bliss, 'tis folly to be wise."

INSPECTOR OF SEWERS ASKS THE CITY TO PAY SUM AS BACK SALARY

Michael McCarthy Makes a Claim as Sequel to Recent Montavilla Inquiry. UP TO CITY TO MEET IT

City Attorney LaRoche Renders Opinion to Effect That \$307.74 Will Have to Be Paid.

As an echo of the Montavilla sewer investigation, the city council is now asked to pay the salary of Michael McCarthy, a sewer inspector whom Commissioner Dieck vainly attempted to discharge for the inspector's part in the investigation.

Dieck charged McCarthy with spreading false stories as to the condition of the big conduit. McCarthy was discharged May 10, 1916, and immediately sought a hearing before the civil service board. The same board which had been instrumental in having the council reinstate McCarthy, August 23, 1916, now wants his salary.

Simultaneously General Fox's troops pushed forward to the southeast of Combes, tightening the ring around that town. In this action 40 prisoners were taken. The official estimate says the German losses suffered in the vain counter attacks around Bouchaevines on Wednesday were 30,000.

Stemmen to Perform Wood Contract. The German commander tried vainly to stem the French advance against Combes by a sortie from the trenches south of Rancourt. It was nipped in the bud by the French barrier fire.

The British operating northwest of Combes with the dual aim of breaking through to Bapaume and closing in on Combes in conjunction with the French, registered a further advance on a front of six miles today. Wing lines of German trenches and straightening out their front between the villages of Fiers and Martinpunch. On the latter string of villages, the German front below Arras the British carried out a successful raid, penetrating German trenches and inflicting many casualties.

The French earlier in the day checked a violent counter blow by the Germans between La Priez farm and Rancourt, driving back the Teutons' advance for a mile today. Wing lines next 48 hours are expected to witness a French attack on Combes en masse with British cooperation from the northwest.

The English night report says that General Sir Douglas Haig's troops, during the day, "pushed forward in several directions." More than 55,000 prisoners were taken by the allies on the Somme front. The night of September 18, the French night communique says. This makes an average of nearly 700 prisoners taken daily in 80 days. In total, the French alone took 34,050.

On the Verdun front there was no action of importance yesterday. The German war office reported briefly on the Somme battle yesterday afternoon, stating merely that apart from the artillery and hand grenade engagements, there "is nothing to report."

Another Shakeup Hinted. Berlin, Sept. 23.—(U. P.)—Another shake-up in the Russian war office may result from the failure of the Russo-Romanian campaign in the Dobruja region, reports reaching here from Stockholm.

The Russians are keenly disappointed over their failure to invade Bulgaria immediately after the Roumanian war office reported that they had which the first Russo-Romanian attacks were beaten back and the fact that the Russians have been on the defensive since Field Marshal Mackensen's capture of the Dobruja. The Russian operations, it is reported to have aroused much bitter criticism both at Petrograd and Bucharest.

RECORDS OF SCHOOL ARE QUESTIONED IN CASE OF TEACHER

Mrs. Alexander Asserts That Her Papers Have Been Altered Since Leaving Hands. RECORDS KEPT BY SISTER

Attorney Fulton Tells Court He Expects to Prove That Records Have Been Faded.

Charges that Mrs. Alevia Alexander, who is assisting in the court transfer by the school board from the principalship of the girl's department of the Benson Polytechnic, has falsified her records in order to make a better showing for the school, were made before Circuit Judge Gantenbein today by Attorney C. W. Fulton, representing the school board, and Superintendent Alderman.

On the other hand, Mrs. Alexander charged that her records have been materially altered since she left her home. She denied that she deliberately padded her records and says that any appearances in that direction are the result of the system in vogue in the school.

Mrs. Alexander began the court action as a mandamus proceeding against the school board. In overruling a demurrer to her petition, Judge Gantenbein held that the school board had no authority to transfer a teacher to a lower position without the teacher's consent or by preferring charges against her as must be done in the case of a dismissal.

Argues Admissibility of Evidence. In today's trial, when Attorneys A. E. Clark and Franklin F. Korell, representing Mrs. Alexander, questioned the admissibility of the evidence before the school board. Attorney Fulton declared his theory was that if the board showed that Mrs. Alexander was incompetent to fill the position of principal, that the court would take recognition of that and would not grant her a writ of mandamus, even though the court had already sustained her point of law.

The principal, who was appointed, was recognized as such, and that favorable comment of the school was made in the district's annual reports. He pointed out the reported increase in the number of students in the school and the reduction in cost per pupil.

Mrs. Alexander on the Stand. On the witness stand, Mrs. Alexander said the records in her office were kept by her sister, who was employed as a stenographer in the school. In one or two instances columns of figures had been changed since the books were in her hands.

Attorney Fulton pointed out that her records of the school board, which she attended only on Tuesdays, were present 20 days in the month. He asked for an explanation. Mrs. Alexander said it was due to the system. The school board met on Tuesdays, but she attended only on Tuesdays, and these women were present on the day for which they were enrolled and so were marked present for the full school month.

"I did not know this had been done until September 15," she said, "when I understood the school board was saying that I had padded my records."

Senator Fulton told the court he expected to prove that Mrs. Alexander's reports show in one class an attendance of 1621 days when the actual attendance was only 84 days.

From the records he cited the case of Mrs. Goble, who was marked present in Mrs. Alexander's records for all of November and December, while the teacher's records showed the woman had left school and the city early in November.

Portuguese Report Successful Attacks

Lisbon War Office Says Enemy Has Been Forced to Retreat in German East Africa. BRITISH DRIVE ALONG BAPAUME ROAD WENT FORWARD LAST NIGHT

As an isolated structure at the extreme outskirts of the important German base on the Somme was captured by the French yesterday. The building had been strongly fortified as a defense work. Three officers and 97 men were taken prisoner.

Simultaneously General Fox's troops pushed forward to the southeast of Combes, tightening the ring around that town. In this action 40 prisoners were taken. The official estimate says the German losses suffered in the vain counter attacks around Bouchaevines on Wednesday were 30,000.

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Fish Catchers at Grays Harbor Out For Higher Prices

Aberdeen, Wash., Sept. 23.—All fishermen of the harbor are on strike for an advance in price of the several grades of salmon. The chief fight is being made on silverides, which have sold at 30 cents apiece. The fishermen want 40 cents apiece. About 500 hundred men are out. Increase in the price of all fishing material is given as the cause of demand for higher prices for their catch.

WILSON'S CAMPAIGN FUND IS INCREASING IN STEADY MANNER

Ashland Supporters Make Liberal Contribution in Appreciation of Efforts.

Woodrow Wilson Campaign Fund. Previously reported \$2134.00. Today's contributions: A. A. Bent, Bay City, 2.00. Loyal Wilson Men of Ashland, 50.00. Total—\$2186.00.

Enclosed please find bank draft for \$50.00 to be applied to the Woodrow Wilson national campaign fund. This is from a few of President Wilson's friends at Ashland and is in appreciation of the president's efforts in behalf of the common men of America. It is also a wish to express our appreciation of the support given by The Journal in this same cause and will always remember this one paper as loyal American and loyal to American principles.

This is the message from the southern part of the state with a contribution to the Woodrow Wilson campaign fund. It is a contribution from the common people of the state for the purpose of aiding in the reelection of President Wilson, who has been elected to the office of president. The following coupon points the way by which other friends of the president may aid in the advancement of his cause.

Woodrow Wilson Campaign Fund. To the Oregon Daily Journal. I enclose herewith \$..... for the Woodrow Wilson campaign fund, to be spent in furtherance of the reelection of President Wilson.

Name..... Address..... (Mail this coupon, together with your contribution enclosed, to The Journal, Woodrow Wilson Campaign Fund, 1017 Portland, Oregon. Check should be made payable to The Journal.)

The world's famous champion wrestler, Hutch was arrested last night by Constable Andy Weinberger on a John Doe warrant issued on complaint of George W. Busebe, manager of the circus purposefully Thursday night to see Frank Gotch and Jesse Willard. After buying a ticket for a front seat in the reserve seat section he learned that Gotch was not with the circus. He was disappointed. He looked up the show's advertisements, which said that Willard and Gotch would appear at every performance, and then sought the district attorney's office and said he wanted a fine of \$100 for advertising a charge of false advertising. The complaint was issued by Deputy District Attorney Robison.

Manager Hutch was released under \$500 bonds.

In the Divorce Court. Divorces were granted yesterday as follows: Lillian Busbee vs. W. D. Busbee, married in Multnomah county in 1913; desertion. Priscilla J. Rollins vs. Charles E. Rollins, married in Kansas in 1882, one child, desertion, \$10 a month alimony.

New suits for divorce were filed as follows: Lillian Busbee vs. W. D. Busbee, married in Multnomah county in 1913; desertion. Priscilla J. Rollins vs. Charles E. Rollins, married in Kansas in 1882, one child, desertion, \$10 a month alimony.

Charles Fairbanks Due Here Oct. 6

Republican Vice-Presidential Nominee to Speak at Big Rally, Probably at the Ice Palace.

Charles W. Fairbanks, former vice-president and present Republican vice-presidential nominee, will be in Portland October 6, according to word received at Republican headquarters this morning. Plans are now being made for a big rally, at which Mr. Fairbanks will deliver the principal address. The meeting will probably be held in the Ice Palace.

It is also announced that Henry D. Estabrook of New York will be here in the interest of Mr. Hughes' candidacy during the early part of October.

CAR SHORTAGE NOW ASSUMES A MORE SERIOUS OUTLOOK

Total Shortage Is 1607 Cars According to Figures Submitted at Hearing.

Southern Pacific car shortage conditions were more aggravated today than at any time during the present shortage, according to figures presented this morning before the Public Service commission by the railroad. The total shortage is now 1607 cars in the Oregon district, the report showed.

The highest previous shortage was on September 11 when orders for cars exceeded the cars available by 1544. At local headquarters of the railroad it was explained this morning that the shortage of cars is being aggravated by 475 closed and 213 open cars. Available for loading, 521 cars were reported, making the new orders 166 in excess of the cars available.

Exclusive of today's figures, which had not been received at the general office, the accumulated shortage amounted to 1313. Orders for 1824 cars were filed with 421 cars to fill them. These figures, however, do not include the new orders.

Seventy-three empties were received at Ashland today, 39 the day before and 48 the day before that, so that the average receipts for the three days were 52 cars—fulfilling the promise of the railroad officials.

It appeared today that the same influences that have caused the extreme shortage on the Southern Pacific lines are also manifesting themselves with the other lines. The O-W, R. & N. reported this morning that yesterday's loadings were the largest in the history of the northwest, with 720 cars for local business. There is still plenty of open cars on the Union Pacific system, it was pointed out, but some orders for box cars have not been filled as promptly as shippers wished.

Traffic officials of all lines are apprehensive regarding the situation when the real movement of grain begins. Even the Oregon Electric, which so far has been able to get all the cars needed to fill orders, is beginning to feel a tightening influence as the parent transcontinental lines are being harder put to supply equipment.

On the steps of the capitol building were General Ferguson and his staff with Governor Ferguson and other state and city officials. The guardsmen were in fine condition and equally fine spirits. They were known, but the light that came into their eyes as each regimental star and stripe passed by was evidence that to them there was no longer any "south" and "north," no "east" and "west"—only one great country—America; one great flag, Old Glory.

FAMOUS REBEL YELL GREET'S MILITIAMEN AT END OF LONG HIKE

History-Making 85 Mile Hike of 14,000 Citizen Soldiers Is Completed Today.

Austin, Texas, Sept. 23.—(U. P.)—The sufferer dust pillar that hung in grotesque shapes over the road to the south for an hour or more drew nearer and nearer and finally lifted to reveal a double line of olive-clad horsemen.

It was the cavalry advance guard of the fifth provisional division of the United States army—the 14,000 citizen soldiers, who, today are completing a history-making 85-mile hike from Fort Sam Houston, Tex., to Austin, Tex., on a single line of bent and broken old men, who stood stiffly at attention beside the road, in startling contrast to the animated and colorful thousands of younger folk who had gathered to witness the national guardsmen's arrival.

Salute Is Instantaneous. The quivering greeting rose high above the more sedate applause of the others. Its strangeness startled the troopers from their military bearing. They stared at the old men, whose faded uniforms were as gray as their hair and beards. They smiled at the fact that few of them had ever seen—the stars and bars. Then they knew. They had heard, and been thrilled by, the famous "Rebel yell" against the right hands to their hat brims as they rode by the aged Confederates. It was the tribute of the people to the veteran of the North to the South—these cavaliers were from the other side of the Mason and Dixon line and their fathers and grandfathers had fought every battle against the very gray-clad men in the bloody days of '61.

Boundary Lines are Gone. For hours the little old men, gravely saluted, passing singly, in file, over the hills and valleys, while over them floated the stars and bars and the Lone Star flag of Texas. It was the tribute of the people to the veteran of the North to the South—these cavaliers were from the other side of the Mason and Dixon line and their fathers and grandfathers had fought every battle against the very gray-clad men in the bloody days of '61.

Men in Fine Condition. The militia column, 12 miles long, plodded through the city streets amid a dust of whistles and brasses. Out to Camp Maybry, three miles northwest. On the steps of the capitol building were General Ferguson and his staff with Governor Ferguson and other state and city officials. The guardsmen were in fine condition and equally fine spirits. They were known, but the light that came into their eyes as each regimental star and stripe passed by was evidence that to them there was no longer any "south" and "north," no "east" and "west"—only one great country—America; one great flag, Old Glory.

Dealer Is Fined for Selling "Hard" Cider

The sale of cider that had hardened until it contained more alcohol than is found in beer cost J. E. Hill, proprietor of a soft-drink and confectionery establishment at Second and Burnside streets, a fine of \$100 in the municipal court this morning. He was charged with violating the prohibition law. The complainant was Public Defender Robison, who consumed some of the extremely hard cider and caused it to be analyzed.

Woman's Room Robbed.

Mrs. M. Jackson of the Hay hotel, 28 1/2 North Fourth street, reported to the police that two young men residing in the hotel had entered her room yesterday and stole several articles of jewelry, including two breast pins, three rings and a bracelet. Detectives Tichenor and LaSalle are investigating.

MONDAY IS CHILDREN'S DAY AT FAIR

All the Children of State Invited by Fair Board. Salem, Or., Sept. 23.—Monday will be Children's Day at the Fair here. All children will be admitted free, including program in auditorium in the evening. Many parents will take their children to Monday, and exhibitors will take special pleasure in entertaining their juvenile guests.

Advertisement for The Million Dollar Cigar, featuring the Owl brand and Magunst & Co. Incorporated.

Advertisement for Market Man and Customer in Fight, featuring a story about a fight between a market man and a customer.

Advertisement for Karl Marx's Theory Subject of Debate, featuring a discussion on Karl Marx's theory.

Advertisement for Land and Loan Law Is to Be Discussed, featuring a discussion on land and loan law.

Advertisement for Parade Bomb Case Submitted to Jury, featuring a report on a parade bomb case.

Advertisement for Acceptance Is Filed By Marshall N. Dana, featuring a report on Marshall N. Dana's acceptance.

Advertisement for More Women Needed To Aid War Relief, featuring a call for more women to aid war relief.

Advertisement for House Undamaged But Horse Is Killed, featuring a report on a house fire.

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