

TO ANNUL HIS PENALTY

JAPANESE APPEALS CASE TO UNITED STATES COURT.

Attorney for M. Matoba, a Japanese, who was convicted in the Municipal Court of regnancy and sentenced to pay a fine, and also to serve a term of imprisonment in the City Jail, was heard by Judge Bellinger yesterday.

The point made by the attorneys for the prisoner was that the City Council has no authority to pass an ordinance providing both fine and imprisonment as a penalty for its violation; that the only penalty shall be a fine or imprisonment. This means that a person can only be incarcerated who has been convicted of violation of a city ordinance, who is unable to pay the fine imposed, at the rate of \$2 per day.

Deputy City Attorney Fitzgerald, among other things, argued that the Federal Court has no jurisdiction under the statutes of the United States to determine a question of this kind in a habeas corpus proceeding.

Counsel for the Japanese contended to the contrary, and asserted that the case was properly brought before the Federal Court, and that it was not a citizen of this country. Briefs are to be submitted to the court, and after an examination of the same, a decision will be announced.

IN THE CRIMINAL COURT.

Henry Jones, George Tyler and Mike De Martini Are Arraigned.

Henry Jones, a young man, who passed a forged check for \$75 on Charles F. Wright, was arraigned before Judge Sears yesterday, and was granted until Friday to plead.

George Tyler was arraigned before Judge Sears yesterday on charge of robbery. He entered a plea of not guilty, and his trial was set for September 11.

Mike De Martini, charged with robbery, was arraigned yesterday before Judge Sears and allowed until Friday to plead. Jacob Ober was appointed attorney to defend him.

WIFE CHARGES DESERTION.

Mrs. Alice J. Brice Sues Her Husband for Divorce.

Alice J. Brice has commenced suit for a divorce from George D. Brice for desertion and failure to support. They were married in Kansas in 1883. Mrs. Brice states in her complaint that within the past six years her husband has absented himself from her person for 13 months at a time, and since July, 1901, has not lived with her. In April, 1893, she alleges she conveyed valuable property to him in trust, with the understanding that he would stay at home. She asks the court to restore the title of this property to her.

Estate of Rhoda C. Henderson.

The final account of Francis D. Cunningham and John J. Henderson, executors of the will of Rhoda C. Henderson, deceased, was filed in the County Court yesterday. The receipts were \$200, and the disbursements \$200. The executors are Mary E. Murch, Lucy A. Deady, Frances R. Catlin, Olivia H. Felling, Martha Henderson, Alice H. Strong and John J. Henderson.

Articles of Incorporation.

Articles of Incorporation of the Western Improvement Company of Oregon were filed in the County Clerk's office yesterday by C. O'Neill, E. M. Ruckelshaus and E. R. Schulz. The capital stock is \$200. The objects are to deal in real estate, mines, etc.

Court Notes.

Thomas Nicholas has sued Drucilla Nicholas for a divorce in the State Circuit Court. They were married in 1876, and she complains that he deserted her over a year ago.

Ellis R. Clary was appointed in the County Court yesterday legal guardian of his son, R. Jerome Clary, a minor, who is to receive \$500 on an insurance policy on the life of his grandfather, who died recently in California.

FAVORS CITY VIEW PARK

Where E. W. Bingham Thinks the 1905 Fair Should Be Located.

PORTLAND, Aug. 13.—(To the Editor.) I agree with Mr. Dosh that it is high time the site for the 1905 fair should be selected. But I have my individual preference of proposed sites, which I venture to present, with some of my reasons. It appears the City Park site has about been abandoned because of its elevation and the great difficulty in elevating building materials and exhibits, and visitors, and for some other reasons.

Southwest Park and Willamette Heights would have to be served entirely by street and steam cars, many of the lines yet to be built, and the approaches restricted. That might be a good thing for some street railway companies, but that is not the object of the fair.

We have one of the most beautiful and useful rivers in America, extending through the heart of our city, and already a busy and useful channel for commerce and travel, and the fair site in my judgment should be upon its bank. The University site is nearly five miles below Morrison street and is near 150 feet above the river. It has other objectionable features, and would necessitate many expenditures to utilize it. It is not nearly so desirable as a river site, and my judgment is that the fair should be near Sellwood. I understand the owners of the City View Park tract have made a liberal and satisfactory offer of the premises. The approaches to it from the O. & N. and Southern Pacific tracks are easy and practicable, and also from the river front. Tracks could be easily built and operated from the river front into the main exhibition grounds, and buildings, upon which to transport heavy exhibits which arrive by water, of which there will no doubt be very many from the Orient, and afterwards used for street-cars and passengers. Heavy exhibits arriving by vessel could be swung on the outside of steamers or ships on to barges or river steamers and then cheaply and conveniently transported to the fair site.

Mary heavy Oregon exhibits in the shape of cedar, spruce and fir logs, and many other exhibits might similarly be brought to the fair site by water from up and down the Columbia and the Willamette.

An important point in my judgment is to secure the natural and most admirable water lines of transportation for both exhibits and visitors for the fair site, and not to depend entirely upon railroad transportation.

Guild's Lake, in front of Willamette Heights site, is nothing but a pond, very worthless, except for breeding mosquitoes and Asiatic carp, the foreground or river front filled in with sawdust and refuse from the mills. It is filled by the annual Columbia rise, and is as warm as fresh milk in summer. No Oregonian would give a rap for a ride down upon its waters in summer time, whereas, a ride of three miles up and down the cool and clear Willamette between City View Park and Morrison street, would be a treat for every one.

The steamers operating in concert might start from Alsea and touch at several wharves on both sides of the river, and might thus furnish most agreeable accommodations every 15 minutes, and at the very lowest rates, not over 5 cents each way—may be 5 cents for the round trip.

For those who are in love with Guild's

Lake and its possibilities, I say: "Long's Bottom" or swamp, on the north of City View Park site, has finer possibilities than Guild's Lake. Small canals could be easily dredged through it, and on the banks all sorts of aquatic and other plants might be cultivated, and thus all the agreeable features of traveling by canoe, or skiff, or small gasoline or steam launch, would be secured with the additional attraction of an excursion through either of the three channels around Ross Island and to a staging or wharf anywhere in the city. At least two or three commodious ferries running on cables and operated very cheaply by electricity or sawdust steam-power, would make quick, safe and satisfactory connection with the Southern Pacific Railroad on the west bank and the Macadam road, and the electric cars might thus be ferried across from the west bank and run right into the fair grounds. As every resident knows the Willamette is backed up by the Columbia, and is like a lake of pure, clear water from the Clackamas and Upper Willamette, from April until October. We used to think it was good enough to drink. The city sewers and refuse thrown into the river from wharves and vessels tender the river banks below the city and around the Guild's Lake river front offensive, if not unwholesome, whereas, above the city the water and banks are fresh and clear, and not unsightly. Bull

MORE BARTHOLOIN CLEWS

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Two Laundry Employees Implicated—Thompson Shows Signs of Breaking Down—Other Crime.

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A Noted Medical Specialist

Speaks for the Benefit of Hot Weather Sufferers.

He Maintains That

PAIN'S CELERY COMPOUND

Is a Banisher of Disease and a Restorer of Health.

A noted medical specialist—a physician possessing ample wealth—ever ready to acknowledge worth and merit, speaks of Paine's Celery Compound as follows:

"In summer time, when strength fails, when that tired, listless feeling is experienced from day to day, when the digestive organs are not doing their work properly, when constipation is poisoning the blood, when disease with iron hand takes possession of the body, Paine's Celery Compound will be found a marvelous banisher of disease and a true health restorer."

This strong statement should influence all weak, run-down and half sick men and women during the hot August weather. This remarkable induration of Paine's Celery Compound by an acknowledged specialist should at once convince the suffering and diseased that Dr. Phelps' great medical discovery is what they need to restore perfect health. The thousands of lives fast wearing away can be saved and made happy and useful to families and friends. May Heaven speedily convince the doubting and despondent, and direct them to that unfailing life-giver—Paine's Celery Compound.

FOR SALE

Forest Reserve Land Scrip

16,500 Acres

Ready for Immediate Use

Apply to

JORDAN & LANE

No. 116 Montgomery Street San Francisco, Cal.

DAILY METEOROLOGICAL REPORT.

PORTLAND, Aug. 13.—Maximum temperature, 70 deg.; minimum temperature, 52 deg.; river reading, 11 A. M., 7.1 feet; change in 24 hours, -0.2 foot; total precipitation since September 1, 1901, 40.99 inches; normal precipitation since September 1, 1901, 44.1 inches; deficiency, 3.11 inches; total sunshine August 12, 1902, 6 hours 54 minutes; possible sunshine August 12, 1902, 14 hours 18 minutes.

PACIFIC COAST WEATHER.

STATIONS.	Temp.	Wind.	Weather.
Astoria	68.0/60.0	12 NW	Clear
Baker City	80.0/60.0	SE	Pl. clouds
Bozeman	74.0/60.0	SE	Clear
Butte	80.0/60.0	W	Clear
Calumet	80.0/60.0	W	Clear
Chico	80.0/60.0	W	Clear
Clatskanie	78.0/60.0	8 SW	Pl. clouds
Condon	80.0/60.0	SE	Clear
Corvallis	82.0/62.0	W	Clear
Dayton	80.0/60.0	18 NW	Clear
Estacada	80.0/60.0	SE	Clear
Forest Grove	76.0/60.0	1 NW	Clear
Gresham	80.0/60.0	SE	Cloudy
Heppner	82.0/60.0	SE	Clear
Home	76.0/60.0	10 SE	Pl. clouds
Independence	80.0/60.0	SE	Clear
La Grange	80.0/60.0	SE	Pl. clouds
Madras	80.0/60.0	SE	Pl. clouds
Medford	80.0/60.0	10 SW	Pl. clouds
Seattle	74.0/60.0	18 SE	Clear
Walla Walla	82.0/60.0	18 SW	Pl. clouds

*Light.