

TOWN OF WHITNEY

A limited number of lots will be sold to bona fide building purchasers. No boom. Let your eyes and foresight be your judge. The cars will be running into Whitney by December 10.

Don't overlook a good thing. The coming town at the western terminus of the Sumpter Valley Railroad.

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PHILLIPS VS. GEISER CASE.

Dismissed Without Prejudice on Motion of Plaintiff's Attorney.

The case of H. I. Phillips vs. Albert Geiser and the other members of his family, has been dismissed. This case was for \$100,500, which plaintiff alleged was due him as commission for the sale of the Bonanza mines, which Mr. Geiser formerly owned. This case has attracted much attention, because of the sum asked by Phillips. Mr. Geiser has always expressed himself as absolutely unconcerned regarding the final issue, as he says he was under no further obligation to Phillips. Phillips was represented by C. M. Idleman and Judge Lionel R. Webster, of Portland, while Mr. Geiser's interests were in the hands of C. A. Johns, of this city.

The complaint alleged that a contract was made with C. F. Hyde, of Baker City, by the defendants, arranging for the sale of the Bonanza, by which not less than \$600,000 was to be received for the property. This contract with Hyde, he alleged, was for Phillips' benefit, and that he was to receive \$50,000 as commission in case of sale. Before sale was made he alleged that the time limit of the commission contract expired. The purchasers came later and bought the property. Phillips stated that he was promised a fair commission anyhow, and that he continued assisting in the transfer, but when the property had been transferred, he only received \$500. He asked in his complaint for 10 per cent of \$800,000, which he alleged was the purchase price paid to defendants.

Two weeks ago evidence was taken in the case, under statutory provisions. It appears that this evidence revealed to Phillips and his attorneys that they had no case, and the dismissal today was the result. John C. Leasure, acting for plaintiff's attorneys, moved for dismissal,

and emphasized that in doing so, it was without prejudice. The inference might be drawn that another action was possible, but the general impression here is that the case is permanently out of court.

Mr. Geiser had little to say on the subject. He had felt no concern over the result, as he states that he and his family have done all for Mr. Phillips that justice or reason asked. At the time of sale no contract existed granting a commission, and Mr. Geiser feels that he has paid fully for services rendered.—Press dispatch from Baker City.

Taking Fine Gold From Snake River.

J. C. Oliver, who has been working on a dredge on the Snake river, came in Monday to have his right arm dressed, he having pretty badly shattered it while using a sledge hammer, says the Boise Statesman. He has been employed on one of the dredges worked by Baker City people, and says it is turning out well, giving them a good profit. There is a new feature about the dredger operated by this company, and with which they are making a saving of the quantities of extremely fine gold found always along Snake river, and hitherto impossible to catch. With this dredge they have a continuous sluice, running completely around the boat, at intervals plates, lying on the bottom of the sluice. On these are caught the black sand as well as some of the fine gold. As these plates become filled with material they are taken out and others inserted, the material from the loaded plate going to an arastra at the rear of the boat, which successfully crushes the material and retains the gold. The greater portion of the fine gold is saved in the riffles of the sluice, of course, this process being materially assisted by its length. It is claimed that all the fine gold may be saved, if each particle be covered with water. So, with so long a sluice, with the necessary riffles, there is an agitation sufficient to finally cover very nearly all the particles of gold before it finally gets to the tailings dump.

"FORTY-NINE JIMMY."

Scattered Gold Dust With Prodigality Thirty-Five Years Ago

Many of the pioneers who mined in the Blue Mountains in the placer days, 35 years ago, and who are now scattered over the entire Northwest, remember an always well known character among them who was called "Forty-nine Jimmy."

He was with Joaquin Miller at the Florence diggings and at Canyon City, mined at Susanville and finally settled down at Robinsonville, on the slope of the Greenhorn range toward Heppner. He was there in 1878 and helped stand off the hostile Snake Indians who passed close by and killed a Frenchman, whose grave is on a ridge there in sight of Dixie Butte.

In the flush days of placer mining "Forty-nine Jimmy," whose real name is James Diffin, was quite well off, but scattered his gold dust with a miner's proverbial prodigality. He has for many years clung to some placer ground at Robinsonville, but it has panned out poorly, and age has increased his infirmities. And now at 77 years of age, the sheriff has come for him and taken him to the poorhouse.

For several years he was the only resident of the town of Robinsonville, and when the first spring prospectors and the Heppner sheepmen would go in there as soon as the snow went off, they would expect to find that Jimmy had died alone weeks before.

For several years the neighbor quartz miners have cared for him, but most of them come out of the Greenhorn's deep snow for the winter, and as old Jimmy could no longer care for himself, it was thought best to move him out before the trails become impassable.—Heppner dispatch in Oregonian.

Beware of, but ask for it—Giant Powde

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