

Bunker Hill & Sullivan Mining & Concentrating Company.

MINES AND WORKS AT WARDNER, IDAHO.

SUMMIT & SHOSHONE.

POSTOFFICE ADDRESS. KELLOGG, IDAHO, Aug. 11th, 1899.

F. W. Bradley, Esq., President,
Bunker Hill & Sullivan M. & C. Co.
San Francisco, California.

Dear Sir,-

I have your letters of the 5th and 7th inst. on above subject. Beale was not responsible for the suggestion to consult with Lindley in the Miles matter,--that came from McBride. As a matter of fact, when your telegram was received by me, Beale was already on the way to look into the status of the matter at the Coeur d'Alene land office, and to confer with McBride. I have already written you from Spokane that no hearing has been set in the matter of our protest against the Shoshone and Summit, and that therefore the papers have not been forwarded to Washington. In the matter of Heyburn's appeal to the General Land Office to have our application for the Miles dismissed. An affidavit has been made by me with a copy of our Shoshone and Summit protest attached, which will be filed today in the local Land Office, and from there be sent to the General Land Office at Washington. I send you a copy of these papers, and will send a copy to Judge Lindley. Beale will file a brief in the matter shortly. Among other things, this brief will cite the Kirby-Shoshone case to show that two applications covering the same ground were received at the Land Office, and that notwithstanding that Heyburn in his complaint made objection thereto, the Court took jurisdiction in the matter. Both McBride and Beale consider that we need not be afraid of Heyburn's efforts in this direction, and that the Land Office will not be likely to take any action in the matter while it is still pending in the Court.

Our protest against the Shoshone and Summit will get before the Commissioner of the Land Office in this ^{Connection} controversy, although I do

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not understand that Heyburn can do anything toward getting the Shoshone and Summit through to patent at this time. The papers in their application are still in the Land Office at Coeur d'Alene, and no entry has been made, or can be made, while the matter is undetermined in the Courts. If they throw off the Shoshone, and try to get the Summit through alone, our protest must first be heard, and must form part of the record which goes to Washington.

As already advised, testimony in the Miles case will be taken before a referee in Spokane sometime after the 21st inst. I have notified J. M. Porter, and have asked him to notify Sonnemann that he will be needed.

The Cuba Fraction was located May 7th, 1898. We did not discover any ore at the northwest corner of the Miles until June. There was ore discovered at the southeast end of the Miles, but by the drawing in of the east side line, this discovery was excluded from the claim. There were also some low assays obtained from samples taken by Sonnemann, as I understood it, at the time, from the original discovery work, and to this I presume he will testify.

The California does not join the Ontario, and the line of the Empire tunnel, as platted on our map, barely touches the northeast corner of the former and the south west corner of the latter.

In regard to the Alford claim. I wrote Larry O'Neil sometime ago, asking him to show me this claim, but he has not turned up. As far as I can gather from other sources, however, the claim does not run as far east as the line of the Empire tunnel, and furthermore, O'Neil does not own it, having sold it to the Spokane Mining Co., a corporation organized last fall, which owns the O.K., Alford, Maggie, and perhaps other claims on ^{Govt} Deadwood Gulch.

Jacovetta, an Italian rancher, whose land lies just south of

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Jacquot's, made an effort to prove up his homestead on 5th inst.. I have reason to believe that he has made some arrangement with the Empire State Co. to sell them the land when he gets title. Part of the land conflicts with one of the claim owned by the Silver King Co., and I had Geo. Gardiner, the Secretary of the Silver King Co., go to Coeur d'Alene to protest against the entry by Jacovetta. I think the outcome of this will be that the southwest quarter of the southeast quarter of section 2, across which the tunnel line runs, will have to be relinquished. Jacovetta himself has had a mining claim on this subdivision, and has been working on it, and I think that if we can get hold of that it would be the best thing for our purpose, provided that we can do anything at all in the way of obstructing the passage of the tunnel through ground which is not patented.

Yours truly,

Fred. Burbidge

or not patented

no difference