

COPY.

Spokane, Wash. Sept. 22nd, 1899.

F. Burbidge, Manager etc.
Kellogg, Idaho.

Dear Sir,-

My telephone this morning was the result of interviews going on between Heyburn and myself for the past two days. The Sweeny interest strenuously objected to any exploration of their works except it was limited in such a way as to be unsatisfactory to us. We have argued the matter pro and con, and Heyburn seeing though he could baffle us for a time, we would eventually get what we wanted, both for Tyler and Stemwinder, and as they dreaded the effect of the Tyler suit on their credit East, finally he tells me got his clients consent to throw open all the works

of both parties, not only in the ground in dispute, but any other ground the works in which might show the strike and dip of the lode.

This, if the facts were not in our favor, would not be policy but if we seek to use evidence of the course and dip of the lode in Bunker Hill and Sullivan at the trial, which I think we must do, while refusing the other side the chance to examine the same facts, we run the risk of having that evidence excluded by the court, or having the court authorize them to make a survey, which we had denied. I grant its inconvenience in exposing our works, and there may be good business reasons for refusing it, but you must understand that the business reasons apply on their side as well as ours, and are just why they have been so reluctant to grant us anything. There is another consideration. If we can avoid a lawsuit on the Tyler and all its expense, by an early examination, or if it will justify us ~~in~~ in going on with it, the sooner we find it out the better. I freely offered them the right to make surveys of all our works in the claims ^{for a like order which includes ground not in dispute} in dispute, viz: the Skookum, but they declined our offer unless we agreed to throw all open. I have telegraphed Lindley today a statement of the situation, and asked his advice. If there are reasons that I don't understand while our whole works should not be exposed, then my own judgment must give way to them, and of these you must judge. Other than this we might gain much and lose nothing so far as I can see.

Yours truly,
Jno. R. McBride.