

Bunker Hill & Sullivan Mining & Concentrating Company.

MINES AND WORKS AT WARDNER, IDAHO.

POSTOFFICE ADDRESS, KELLOGG, IDAHO,

Dec. 9, 1899.

CHEYENNE.

F.W. Bradley, Esq., President,
Bunker Hill & Sullivan Mining & Concentrating Company,
Crocker Building, San Francisco, California.

Dear Sir,-

I have had some talk with Folsom in regard to the adverse suit filed by J.M. Porter on behalf of the Cheyenne. He thinks that the fact that the adverse was filed in the Land Office at Coeur d'Alene one day after the expiration of the 60 days period is fatal to it. But we shall not take advantage of that fact, and Miller, as intervenor, cannot get the advantage of it unless he pleads it, which I believe he has not done so far. Folsom thinks that we can relinquish in the Land Office in favor of the Cheyenne, but the suit could not be dismissed unless this intervention can be demurred out. He suggested that Beale could amend his complaint, and set forth the fact that the adverse was filed one day late, and we could then take advantage of it, and have the suit dismissed, and the intervention would fall at the same time. While this would be a judgment in favor of the Hornet as against the Cheyenne, we should not be bound to accept it in that way, but could even after the judgment, relinquish in favor of the Cheyenne. The Cheyenne could then apply for patent, and Miller could adverse if he chose with the Wheelbarrow and New Era. I do not think he would adverse, however, as the Cheyenne is conceded to be an old and valid location. Nothing can be done in this case, however, until the next term of the District Court in February. McBride has a demurrer to Miller's intervention to be argued then, and if it is sustained, the Bunker Hill can confess judgment in favor of Porter, and then relinquish in the Land Office.

Yours truly,

Dict.

Fredk. Burbidge.