

Mining District File Summary Sheet

DISTRICT	Garfield
DIST_NO	1940 6000 0409
COUNTY	Mineral
If different from written on document	
TITLE	Mabel Mine trespass cases: correspondence on trespass
If not obvious	
AUTHOR	W.T. Harris; H. D. Budelman; L. Wilcox; G. Barnett; J. L. Caver; J. F. DeLaMare; F. Buckingham; D. McGuirk; B. Robinson; W. H. Gray; F. C. Nimmis
DATE OF DOC(S)	1929-1947
MULTI_DIST Y / (N?)	
Additional Dist_Nos:	
QUAD_NAME	Mable Mountain 7 1/2'
P_M_C_NAME	Mabel Mine; Tonopah Seventy-Six Consolidated Mining Co.; Lancashire claim; West End Consolidated Mines Co.; U.S. Smelting, Refining, and Mining Co.; Garfield Tunnel; New Eldorado Mining Co.; Garfield-Lancashire Mines; West End Chemical Co.; M. Co.
COMMODITY	N/A
If not obvious	
NOTES	correspondence; mine map sketch; assays; hand written notes

Keep docs at about 250 pages if no oversized maps attached (for every 1 oversized page (>11x17) with text reduce the amount of pages by ~25)

Revised: 1/22/08

SS: DD 2/20/08
Initials Date

DB: _____
Initials Date

SCANNED: T.M. 3/17/09
Initials Date

47

MABEL MINE TRESPASS CASES:
CORRESPONDENCE ON TRESPASS

47

1947

1946

60000409

30

L. R. MUDD, ASS'T CASHIER
L. S. REESE, ASS'T CASHIER

RICHARD KIRMAN, PRESIDENT
W. J. HARRIS, VICE PRES.
A. J. CATON, CASHIER

G. B. HARRIS, ASS'T CASHIER
R. KIRMAN, JR., ASS'T CASHIER

The Farmers and Merchants National Bank

NO 7038

CAPITAL \$200.000.00

Reno, Nevada

April 11, 1929

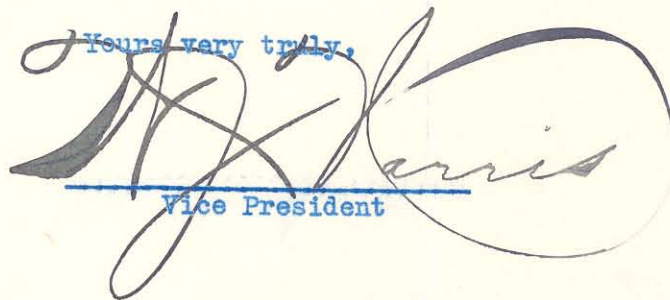
Mr. H. D. Budelman, General Manager,
Tonopah Seventy-six Consolidated Mining Co.,
Tonopah, Nevada.

Dear Mr. Budelman:

I have your report of the 9th inst.
in accordance with Article 15 of lease and
thoroughly appreciate such a comprehensive
report. As you remarked in conclusion,
if this grade holds out, we will have good
shipping ore. I feel quite optimistic that
all concerned will make some good money out
of this lease.

With kind regards to you and Mr.
Ninnis, I remain

Yours very truly,


Vice President

WJH:LS

"76" Lease.

L. R. MUDD, ASS'T CASHIER
L. S. REESE, ASS'T CASHIER

RICHARD KIRMAN, PRESIDENT
W. J. HARRIS, VICE PRES.
A. J. CATON, CASHIER

G. B. HARRIS, ASS'T CASHIER
R. KIRMAN, JR., ASS'T CASHIER

The Farmers and Merchants National Bank

NO 7038

CAPITAL \$200,000.00

Reno, Nevada

May 13, 1929

TONOPAH SEVENTY-SIX CONSOLIDATED MINING CO.

Mr. H. D. Budelman, General Manager,
Tonopah 76 Consolidated Mining Co.,
Tonopah, Nevada.

Dear Mr. Budelman:

Your letter of the 10th inst.
addressed to my Father reporting progress
in the Garfield property was received today
and forwarded to my Father, who is spending
a week or 10 days' time in San Francisco.
I know that he will be pleased with the
report.

With kindest regards to Mr. Ninnis
and yourself, I am

Very sincerely yours,

G. B. Harris

L. R. MUDD, ASS'T CASHIER
L. S. REESE, ASS'T CASHIER

RICHARD KIRMAN, PRESIDENT
W. J. HARRIS, VICE PRES.
A. J. CATON, CASHIER

G. B. HARRIS, ASS'T CASHIER
R. KIRMAN, JR., ASS'T CASHIER

The Farmers and Merchants National Bank
No 7038
CAPITAL \$200,000.00

Reno, Nevada

June 8, 1929

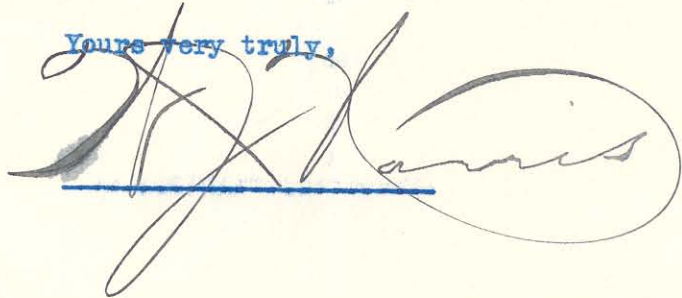
Mr. H. D. Budelman, General Manager,
Tonopah 76 Consolidated Mining Co.,
Tonopah, Nevada.

Dear Mr. Budelman:

I acknowledge receipt of your
report of conditions in the lease workings
on the Lancashire Claim covering the month
of May, 1929. Although the report does not
show ore in commercial quantities so far,
I believe that the work that you contemplate
from a lower level will bring good results.

With best wishes to you and
Mr. Ninnis, I remain

Yours very truly,

A large, stylized handwritten signature in dark ink, likely belonging to W. J. Harris, the Vice President of the bank. The signature is written over a horizontal blue line.

WJH:LS

Tonopah, Nevada,
July 3, 1929.

W. J. Harris, Vice President,
Farmers & Merchants National Bank,
Reno, Nevada.

Dear Mr. Harris:-

The following is a report of conditions in the lease workings on the Lancashire claim covering the month of June 1929.

No progress has been made since the date of my last letter, June 6th, which stated that 6 feet progress had been made in the 337 Winze since June 1st. The remainder of the month was spent in cutting out a winze station, timbering the collar of the winze, setting up an air hoist, and timbering the last 25 feet of the 332 Drift, which had caved badly. Everything is in readiness to resume sinking in the winze, and work should progress very fast during July, after the holidays.

A total of 39 1/2 underground shifts was spent in the Lancashire claim by the Tonopah Seventy-Six Consolidated Mining Company during the month of June.

We have every expectation of opening up some tonnage of good ore in this contemplated winze working. The work from the 500 will not be started until this winze has given some idea of what to expect at lower elevations.

Yours very truly,

General Manager.

HDB:B

14 3 1/2	U.S. shifts to date.
39 1/2	" " June.
<hr/>	" " to June 30th 4 Mo.
183	

Tonopah, Nevada,
August 8, 1929.

W. J. Harris, Vice President,
Farmers & Merchants National Bank,
Reno, Nevada.

Dear Mr. Harris:-

The following is a report of conditions in the lease workings on the Lancashire claim covering the month of July, 1929.

Information relative to footage progress has not yet been received, although more than ordinary was accomplished during July. The 337 Winze was sunk to a depth of around 27 feet, and an east intermediate has been driven approximately 25 feet on the vein. So far no shipping values have shown in this work which has proved very disappointing. In addition to this 300 level work we have driven an intermediate drift east from a stope raise of the West End, about 40 feet above the 500 Level. This work has disclosed a small tonnage of low grade ore in which gold values predominate, with good possibilities as the work advances. We have leased the ground in vicinity of the Venetti shaft and there are two men at work on the 100 Level. They have taken out a few tons of fair ore and are now engaged in doing some development work, in an attempt to solve fault problems.

A total of 95 underground shifts were spent in the Lancashire claim by the Tonopah Seventy-Six Consolidated Mining Company during the month of July.

Yours very truly,

General Manager.

HDB:B

183 shifts to June 30
95 " July.
278 " to July 31, 1929. 5 Mo.

Lease dated.
Feb 4, 1929
work to start and lease
time to start on March 1, 1929.
50 shifts 1st 6 mo. } due to no minerals
75 " 2nd 6 mo. }
100 " thereafter

XXXXXXXXX
 XXXXXXXXX

Tonopah, Nevada,
 September 9, 1929.

W. J. Harris, Vice President,
 Farmers & Merchants National Bank,
 Reno, Nevada.

Dear Mr. Harris:-

The following is a report on lease work
 performed in the Lancashire claim during the month
 of August, 1929.

A total of 97 underground shifts were
 performed in the Lancashire claim during August,
 and progress amounted to about 60 feet. Considerable
 work was done in the way of stoping, more like gopher
 holes than anything else, but very little ore was
 produced.

The work done so far has proved very
 disappointing, the ore bodies are small and grade
 too low to pay for stoping such narrow widths.

We have about 17 tons of ore saved, and plan
 to ship it within the next week or so, sending it out
 in the same car as some Mabel ore in order to avoid
 L.C. freight rate.

Yours very truly,

General Manager.

HDB:B

278 shifts to July 31, 1929.
 93 " August.
 371 " to August 31, 1929. - 6 months.

August.
 2 Mines in "76" lease to 14th - 30 shifts.
 N.O.C.
 5
 35 shifts - Co and
 62 " - James.
 97 " total.

L. R. MUDD, ASS'T CASHIER
L. S. REESE, ASS'T CASHIER

RICHARD KIRMAN, PRESIDENT
W. J. HARRIS, VICE PRES.
A. J. CATON, CASHIER

G. B. HARRIS, ASS'T CASHIER
R. KIRMAN, JR., ASS'T CASHIER

NO. 7038

FIRST NATIONAL BANK

IN RENO

FORMERLY FARMERS & MERCHANTS NATIONAL BANK

RENO, NEVADA

Oct. 11, 1929

Mr. H. D. Budelman, General Manager,
Tonopah 76 Consolidated Mining Company,
Tonopah, Nevada.

Dear Mr. Budelman:

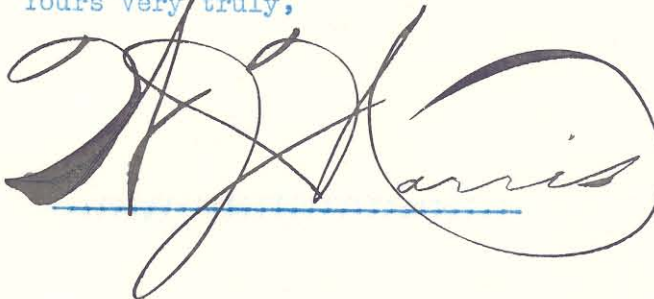
I have your report on lease work performed on the Lancashire claim during the month of Sept., 1929 and note that you expect a small car to be shipped by the sub-leasers about the middle of this month.

Today we received returns from the U. S. Smelting, Refining and Mining Company of Salt Lake and our Cashier will make out the settlement statements to all concerned today.

We have all had hopes of greater returns under the lease, but no one can see in the ground and we will have to hope for a brighter future.

With best wishes, I remain

Yours very truly,

A handwritten signature in dark ink, appearing to read "W. J. Harris", is written over a horizontal blue line. The signature is stylized with large, sweeping loops.

WJH:LS

XXXXXX
XXXXXX

Tonopah, Nevada,
November 9, 1929.

W. J. Harris, Vice President,
First National Bank in Reno,
Reno, Nevada.

Dear Mr. Harris:-

The following is a preliminary report on lease work in the Lancashire claim during the month of October, 1929.

So far as I know there were 90 shifts performed in the Lancashire claim during the month, but just what proportion was performed underground and what on surface I have not ascertained. I expect to find out about this within the next few days and will write you again and give you the correct figures. I shall also give you a better idea about the work being done, showing in the lease etc at that time.

Very truly yours,

General Manager.

HDB:B

XXXXXXX
XXXXXXX

Tonopah, Nevada,
November 11, 1929.

W. J. Harris, Vice President,
First National Bank in Reno,
Reno, Nevada.

Dear Mr. Harris:-

The following information is supplemental to that given you in my letter of the 9th, relative to work performed in the Lancashire claim for account of this company during the month of October.

I visited the property yesterday and find that our sub-lessees performed 90 shifts of underground work in the lease claim during October.

Another 50 ton car of ore, estimated to be of about the same grade as the previous one, is ready to be shipped and will be sent out within the next week.

The ore is bunchy, due to many small faults, and yesterday it looked very weak in the back of the stope. This may be only a temporary condition, however, as the faults appear to post mineral. If this proves to be true the vein, when recovered on the other side of the fault, should contain ore.

Very truly yours,

General Manager.

HDB:B

Second month of Second Period.

Sub Lessees.	—	90 shifts.	
Previous	—	90	
		<u>180</u>	" 2 mo.

XXXXXXX
XXXXXXX

Tonopah, Nevada,
December 9, 1929.

W. J. Harris, Vice President,
First National Bank in Reno,
Reno, Nevada.

Dear Mr. Harris:-

The following is a report on lease work done
in the Lancashire claim during the month of November
1929.

A total of 84 underground shifts were per-
formed in the Lancashire claim during the month of
November, with miscellaneous progress of about 30 feet
in drifts and raises.

Work done during the past month failed to
disclose much ore. A fault was encountered driving
easterly on the vein and after driving on the fault
about 15 feet the leasers abandoned east work and
attempted to follow the vein upward, without much success.
There is a small amount of ore in the bin, probably 3
or 4 tons, toward the next shipment.

With reference to the subject matter in your
letter of the 5th. We shall attempt to have the next
shipments marked in such a way that there can be no
misunderstanding. We originally marked the shipments in
such a way that they would come within our Mabel contract
with the Smelting Company, at least that was our idea.
The car number does not always tell the tale either as
sometimes the sampler or smelter or railroad transfer
the ore from one car to another with no notification
to us until final settlement is made. However, I believe
that if the bill of lading is properly marked there
should be no further trouble.

Yours very truly,

General Manager.

Third month of Second Period.

HDB:B

Sub Lease 84 shifts.

Perman 180
264 " 3 months.

XXXXXXX
XXXXXXX

Tonopah, Nevada,
January 10, 1930.

W. J. Harris, Vice President,
First National Bank in Reno,
Reno, Nevada.

Dear Mr. Harris:

The following report to you, of lease work performed in the Lancashire Claim during the month of December, 1929, is incomplete due to lack of data from the mine. I had intended going down on the 8th or 9th but this snow storm has changed my mind. It would likely be impossible to get there now without considerable shoveling, and conditions have been more or less the same for the past three days.

I estimate the number of shifts underground as 30, subject to revision as soon as I am able to get the correct figures. I have no data on the amount of ore in the bin, or as to what development was performed during the month.

I trust that this incomplete data will serve to give you some idea until we are able to get the correct figures, at which time I shall write you again.

Very truly yours,

General Manager.

HDB:B

XXXXXX

Tonopah, Nevada,
January 24, 1930.

W. J. Harris, Vice President,
First National Bank in Reno,
Reno, Nevada.

Dear Mr. Harris:

Supplementing my letter to you of
the 10th, relative to lease work being carried
on in the Lancashire claim.

I have received a letter from Messrs.
Lappat and Greenwood, who have been working on the
Lancashire, in which they inform us that they have
discontinued work for the time being due to severe
weather conditions around the Garfield and Mabel.
They drove down, and say there was so much snow
that they considered it impossible to return without
a lot of shoveling so have gone on to Rand. They
may return a little later on and continue with the
work.

We hope to begin work again on company
account early in March, which is the fifth month of
this second six months period, and if so we shall
attempt to make up sufficient shifts to hold the
lease. While our development on the 300 Level from
the Mabel shaft was disappointing we still feel that
there is a chance to find ore there and are anxious
to go ahead with the work.

Yours very truly,

HDS

L. R. MUDD, ASS'T CASHIER
L. S. REESE, ASS'T CASHIER

RICHARD KIRMAN, PRESIDENT
W. J. HARRIS, VICE PRES.
A. J. CATON, CASHIER

G. B. HARRIS, ASS'T CASHIER
R. KIRMAN, JR., ASS'T CASHIER

NO. 7038

FIRST NATIONAL BANK

IN RENO

FORMERLY FARMERS & MERCHANTS NATIONAL BANK

RENO, NEVADA

Jan. 27, 1930

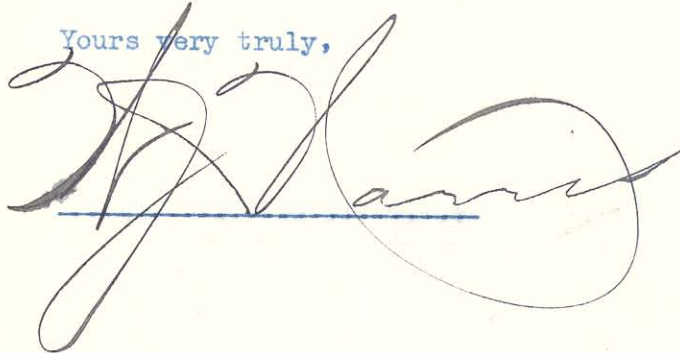
Mr. H. D. Budelman, General Manager,
Tonopah 76 Consolidated Mining Company,
Tonopah, Nevada.

Dear Mr. Budelman:

I have your favor of the 24th inst. regarding the Garfield lease and note that you say that the company expects to commence work early in March and which you also state is the fifth month of the second six months period. In this connection, will state that your lease is dated Feb. 4th and that the lease begins to run the 1st day of March, 1929, so it would be necessary for you to commence work in February rather than March as the second six months period will end March 1st.

Kindly let me hear from you on the subject.

Yours very truly,

A large, stylized handwritten signature in dark ink, likely belonging to W. J. Harris, the Vice President of the bank. The signature is written over a horizontal blue line.

WJH:LS

76

XXXXXXXXXXXXXXXXXXXX
XXXXXXXX

February 8, 1930
Tonopah, Nevada.
February 8, 1930

Mr. W. J. Harris, Vice President,
First National Bank in Reno,
Reno, Nevada.

Dear Sir:

Please be advised that there was no work
performed on the Lancashire Claim during the month
of January 1930.

Yours very truly,

. Chief Clerk

TRM:MT



No. 7038

FIRST NATIONAL BANK

IN RENO

RICHARD KIRMAN, PRESIDENT
W. J. HARRIS, VICE PRESIDENT L. S. REESE, CASHIER
L. R. MUDD G. B. HARRIS R. KIRMAN, JR. H. M. QUILLICI
ASSISTANT CASHIERS

RENO, NEVADA

March 15, 1934

Mr. H. D. Budelman,
Tonopah, Nevada.

Dear Mr. Budelman:

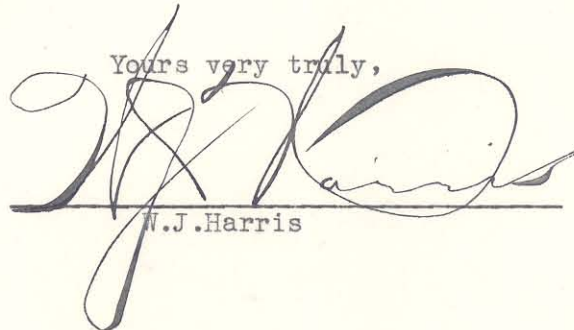
During our recent conversation, you promised to send me a little sketch or map of the underground workings from the Mabel shaft running east towards the Lancashire claim of the Garfield group. What I desire to know is how near your drifts are to the Garfield line.

You stated at the time that you were not returning to Tonopah for a short period of time. I assume that you have forgotten the matter on account of other business. I will appreciate this little favor, at your earliest convenience.

I am inclined to think that one of these days some company will be interested in acquiring and developing the two properties.

Awaiting your reply and with kind regards,
I remain

Yours very truly,



W.J. Harris

WJH:TRG

Mabel

Nevada State Mining Association

ORGANIZED JUNE, 1922



March 16, 1934.

Mr. W. J. Harris,
c/o First National Bank in Reno,
Reno, Nevada.

Dear Mr. Harris:

With regard to sketch map of Mabel
Mine workings near the Garfield line, about which
you wrote me yesterday.

The matter had escaped my attention
entirely but as soon as I received your letter
I made the sketch and am enclosing it herewith.
This shows the faces on all levels with reference
to the property line between the Mabel and
Garfield properties.

The only levels on which we had ore in
these easterly faces, on the line, was the tunnel
level and the 300 Level. You will recall that we
drove the 300 Level Drift out into Garfield ground
at the time the Tonopah "76" had a working lease
on the Lancashire claim. On the 500 Level we had some
low grade ore back a short distance from the face,
but the face shows no values at all.

With kindest regards,

Very truly yours,

HDB:B

HARLEY A. HARMON, President
Las Vegas

H. D. BUDELMAN, Vice-President
Tonopah

E. W. CRAGIN, Sec'y-Treas.
Las Vegas

Nevada State Elks Association

ORGANIZED JUNE, 1925



March 16, 1926

Mr. W. J. Harris,
c/o First National Bank in Reno,
Reno, Nevada.

Dear Mr. Harris:

With regard to sketch map of label
mine workings near the Garfield line, about which
you wrote me yesterday.

The matter had escaped my attention
entirely but as soon as I received your letter
I made the sketch and am enclosing it herewith.
This shows the faces on all levels with reference
to the property line between the label and
Garfield properties.

The only levels on which we had ore in
those westernly faces, on the line, was the tunnel
level and the 500 level. You will recall that we
drove the 500 level right out into Garfield ground
at the time the Tonopah "V" had a working lease
on the same property. On the 500 level we had some
low grade ore but a short distance from the face,
but the face shows no values at all.

With kindest regards,

Very truly yours,

WJB

In line file, correspondence file

No. 7038



FIRST NATIONAL BANK

IN RENO

RICHARD KIRMAN, PRESIDENT
W. J. HARRIS, VICE PRESIDENT L. S. REESE, CASHIER
L. R. MUDD G. B. HARRIS R. KIRMAN, JR. H. M. QUILICI
ASSISTANT CASHIERS

RENO, NEVADA

March 20, 1934

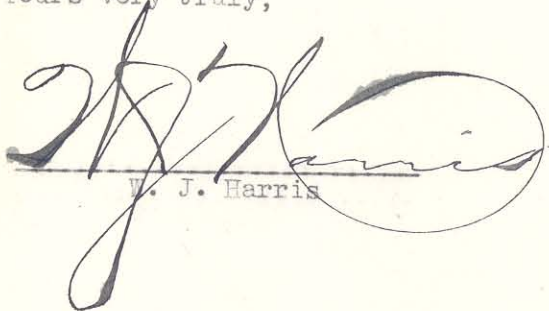
Mr. H. D. Budelman, Vice President and
General Manager,
West End Consolidated Mines Corporation,
Tonopah, Nevada.

Dear Mr. Budelman:

I thank you very much for your favor
of the 16th inst. with inclosure of sketch map
of Mabel Mine workings near the Garfield line.

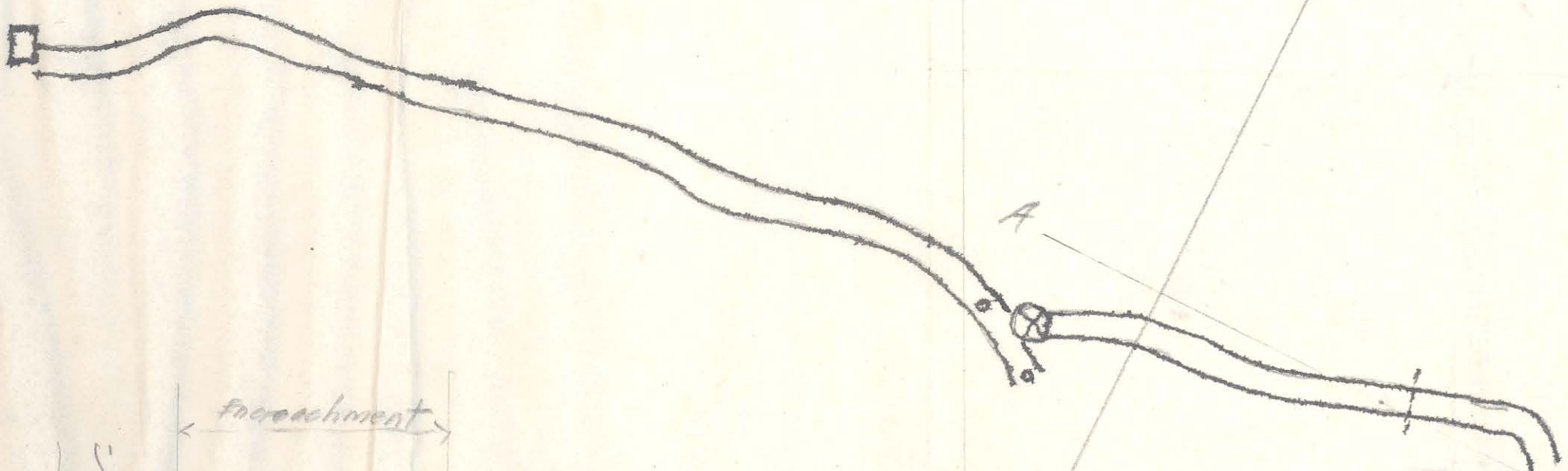
With kindest regards, I remain

Yours very truly,


W. J. Harris

WJH:LS

750 ft.
 13 | 225
 17



Line - Habel
 Garfield

Line

Copy of Spencer's Map. 1" = 20'
 Made in Prof Harris's office 4-17-47
 HST

May 3, 1947.

Dear Lloyd:

According to recent developments in the Garfield, we have an intermediate level from a raise from the east face of the 500 Level East Drift that is over the end line into Garfield ground. Thus far I have been unable to find any reference to this work in any of our survey books, or on any map, hence it appears likely that the work may have been done by a leaser at some time or other and no survey or record made at the time.

Do you recall such work being done at any time you were doing work in the Mabel Mine, and if so what sort of values were in the drift? There does not seem to be any values at all in what is left, and the only work off the drift is in the nature of short shots up above the intermediate drift, so it would appear to me that if any ore was taken out it must have been pretty low grade. Would very much appreciate your giving me any information you may have on this.

Best regards,

Sincerely yours,

Lloyd Wilson,
Hawthorne, Nevada.

May 7, 1947.

Dear George:

Someone told me you were now in Arizona, on a big job of your own making, but I will send this to your Berkeley address as that is the only one available. The letter can be forwarded.

Leasers in the Garfield have broken into some development work and very limited stoping which originated in the Mabel ground; in other words across the end line of the Lancashire Claim. The trespass is from an intermediate east drift about 25 feet above the 500 Level, driven from a raise from the east face of the 500 Level East drift. So far I have been unable to find any record on maps or in survey notes on this work, which appears to extend some 30 feet or so into Garfield ground, and I have been unable so far to find anyone who knows anything about it at all. Character of work done, and timbering, seem to indicate it might have been company work. Do you have any idea about this work, when it was done, by whom, and what sort of ore and amount of may have been taken out of the limited stopes?

Hope the Barnett family are all OK, and we send out very best wishes to you all. Willa Gene is here right now for a short stay, with her son Eric now over 3 years. Idalene is in Los Angeles for a few days and here I am for the moment. Things are kind of quiet around here, about as quiet as I have ever seen it in the old town.

Would appreciate a note on this Mabel trespass, with any information you may recall, if any.

Kindest regards.

As ever,

George I. Barnett,
2724 College Avenue,
Berkeley, California.

Hawthorne Nevada.

May - 12-1947

Dear Mr. Buddeman:

Your letter of May 3rd
in regards to work at the Mabel Mine.

While myself and associates were
leasing the Mabel Mine we never
did any work on the East side
of the shaft with the exceptions
of Mike Smith who sub-leased
from us and worked on the
East side of the Mabel Shaft and
from the three hundred level up.

Of course I have no idea what
the leasers done after we left
as I have never been to the mine since.

Very likely Mike Smith, could
give you the information you desire.

With best wishes, I am,

Sincerely yours,

Loyd Kilham

OPERATIONS, INC.

GEO. I. BARNETT
GENERAL MANAGER

May 13, 1947

SAN JUAN MINE
TOMBSTONE, ARIZONA

Dear Herman:

I am not sure that I can help you regarding the trespass from Mabel into Garfield ground above the 500 level. However, I recall the work we did on the 500 level, east, and shall describe it. I do not recall the position of the face with reference to the property line, at the time I left West End Company.

We drove east and to the left from what was then the bottom of the shaft, on the 500 level -- then turned somewhat right, following about $2\frac{1}{2}$ feet of quartz stained with limonite and dipping about 65 degrees south; value about \$3.50 a ton. At about (a guess) 65 feet from the shaft, high grade gold was encountered which extended about 15 or 20 feet along the drift. The quartz vein continued easterly but the values dropped again to about \$3.50. The high-grade ore extended about two feet below the track and 4 feet above the drift. The quartz faded out, and we followed a small lead carbonate streak up, I think 50 or 60 feet, when a flat fault was encountered. Under the fault, on the east side of the raise, was exposed $2\frac{1}{2}$ or 3 feet of almost solid galena, 4 or 5 feet high. An intermediate drift was started easterly. Within 12 feet the galena ended and vein quartz, similar to the 500 level quartz, came in. Very shortly high grade gold appeared, but this bunch was smaller than the bunch on the 500. A connection from the raise back to some workings west of the raise was made later.

*in a raise
centrally in the
high grade zone*

I doubt if the face of the 500 level was more than 150 feet from the shaft, when I last saw it, and I am sure the intermediate level face was not as far east as the level face. I do not recall another raise being driven at the drift face. The 500 was the bottom level when I was last in the mine. That was in the spring of 1927.

From your description of the workings encountered from the Garfield, I believe some subsequent raising and sub-level drifting must have been done. We may have driven the 500 to the property line -- while I was there, if it is about 150 feet from the shaft.

I have been in Tombstone since February. Some people from Dallas, Texas, and Francis Frederick are with me in this lead-zinc venture. I started working on the thing in 1943, but was unable, until this year, to obtain a working deal.

5/13/47

We are building a 100 ton flotation mill at Tombstone; constructing 3 miles of mountain road, and will haul the ore, which will run 25-35 % zinc, as sulphide, 18 miles to the mill. There is enough ore proved to pay out the investment if metal prices hold. I expect to be milling within 30 days -- so you can imagine things have been flying, and I have been busy.

Burton Charles Allyn IV arrived May 3, and Audrie, who has been with me, had her first plane trip home to be with Mildred. News from home is that everybody is fine. Mildred is occupying our place in Berkeley, and George the floor below. David Ralston Barnett, now almost 3, expects a baby sister in a couple of months. George is with the Oakland Chamber of Commerce -- and according to him, is "right in his groove". He is outside, lots of opportunity to meet people and talk. Anyway he is enjoying life immensely.

We have all been quite well -- as I hope all the Budelman family have. Be sure to extend my kind remembrance to all.

Sincerely,

George Barnett

Mr. H. D. Budelman
Tonopah, Nevada

May 25, 1947.

Mr. J. L. Caver,
Hawthorne, Nevada.

Dear Mr. Caver:

It has been a long time since we saw each other, but I have heard that you are in Hawthorne, hence am addressing this letter to you there, in the hope that it may reach you.

At any time you were leasing in the Mabel Mine did you drive the 500 Level East Drift ahead of the old company operations? And did you drive a raise from the east face of the 500 East Drift, and then an east intermediate drift from the raise, some 35 or 40 feet length, and do some limited stoping from this intermediate? And if you did any such work there can you recall what sort of a vein you followed, what it ran in the drift and in the very limited stoping operations, how much ore you may have taken from it altogether, with particular reference to the small stopes most easterly from the intermediate drift.

I am unable to find any records on this work, either in surveys as appear on the maps, or on assay reports. Please write me on this, as I am most anxious to learn who did the work, and the results so far as ore was concerned, and value of the ore, if any.

Kindest regards to yourself and family, and we trust you are getting along OK.

Sincerely yours,

HDB:B

H. D. Budelman

May 25, 1947.

Mr. J. F. DeLaMare,
1410 N. Virginia Street,
Reno, Nevada.

Dear Mr. DeLaMare:

Am not at all sure of your address, as used in this letter, but it seems to be the last and only address I have on past correspondence with you.

At the time you were leasing in the Mabel Mine did you at any time drive the 500 East Drift ahead of the old company operations? And did you run a raise from the east face of the 500 East Drift, and an east intermediate drift from this raise about 25 feet above the 500 Level, some 35 or 40 feet in length and do some limited stoping therefrom? And if you did do any such work can you recall what sort of a vein you followed, what it ran in the drift and in the very limited stoping operations, how much ore you may have taken out of it altogether, and particularly the most easterly small stopes.

I am unable to find any records on this work, either in surveys as placed on map, or on assay reports. Please write me about this, as I am most anxious to find who did the work, and the results so far as ore was concerned, and value of the ore, if any.

Kindest regards.

Sincerely yours,

HDB:B

H. D. Budelman

May 25, 1947.

Bednar Brothers,
Yerington, Nevada.

Dear Bednars:

At the time you were leasing in the Mabel Mine years ago did you drive the 500 Level East Drift ahead of the old company operations? And did you drive a raise from the east face of the 500 East Drift, and then an intermediate east drift from the raise about 25 feet above the 500 Level, some 35 or 40 feet in length, and do some limited stoping from the intermediate drift? And if you did any such work there can you recall what sort of a vein you followed, what it ran in the intermediate drift and in the limited stoping done? How much ore may have been taken from it altogether, and what it ran, with particular reference to the small easterly stopes, most easterly from the intermediate drift?

I am unable to locate any records on this work, either in surveys as appear on the maps, or on assay reports. Please write me on this as I am most anxious to learn who did the work, and the results so far as ore mined is concerned, and value of the ore if any.

Also how are you boys coming on, what are your plans? I have not been to Mabel Mine for some time but so far as I know you have not resumed work there.

With kindest regards.

Sincerely yours,

HDB:B

H. D. Budelman

Mr Herman Budelman
Tonopah Nevada.

V. Bednar
Box 583
Yerington Nevada

Dear Mr Budelman:

Rec. your Letter from May 25th.
I cant give you no Information on
the 500 Level East Drift. I have not
worked any there and nobody else
as far as I know. I never was up
in the Raise as there are no Timbers
in it. ~~The~~ The ore right at the Raise
is very low Grade and the Ore in
the Garfield on 340 Drift West is
also low Grade.

We are working on our Lease now. Joe
is up there with one Man. We are
driving a new Raise. The Vein has a
downward Pitch as we like to get it
in the lower place yours Truly
Bednar Bros.

May 28, 1947.

Mr. Walter J. Harris,
Reno, Nevada.

Dear Mr. Harris:

The enclosed copy of my letter of this date to Mrs. Buckingham is more or less self explanatory, and is a statement of our ideas and desires, and is addressed to her as a reply to a telephone message she gave me some time ago, and which I discussed with you recently in Reno. You may rest assured that it is our hope to be enabled to trace this work down to its source, so as to have something concrete in the way of information to work with.

With kindest regards.

Sincerely yours,

Copy to F.C.N.
" to Howard Gray

May 28, 1947.

Mrs. Florence Buckingham,
Hawthorne, Nevada.

Dear Florence:

Just returned a few days ago from ten days on the coast. You have noticed - no doubt - that I have not been to the Mabel Mine since our last telephone conversation before I left. As a matter of fact, I really do not quite see how any constructive results can be attained by meeting your boys at the mine. As we understand and accept the situation we are due to explain to the owners of the Garfield Group just how it happens that an intermediate drift from Mabel workings is over the line into Garfield ground.

We are making a determined effort to find out who did the work above referred to, what the values were, how much ore was saved, and when. At the moment we have several unanswered letters out.

The value of the ore taken out is a matter for careful investigation. Naturally a picked sample by one of your leasers could be of little importance. It would have to be checked, proper weight given to width and value represented by sample, and other samples taken. All this provided the ore taken out, if any, was to be evaluated by samples taken along the boundaries of the small stopes; which would not be so good anyway.

We have a suspicion that this work may have been done at the time the Tonopah Seventy-Six Company had a lease on the Lancashire claim, which was operated from Feb. 4, 1929 to March 1, 1930. The Tonopah Seventy-Six Co. gave a sublease to Lappat and Greenwood. They worked most of the time above the 100 level but they may have done some work from the 500 level.

So far we see no reason to believe that any considerable quantity of ore could have been taken from the Lancashire claim. It is possible that ten tons or so may have been sorted out, and from appearance of small stopes and present values now remaining along the stope boundaries any ore saved must have been quite low grade.

The shape and size of the so-called stopes, which are more along the line of gopher-hole work, do not indicate that much ore could have been saved from the limited stoping operations, and it is almost certain that no ore could have been saved from the intermediate drift itself. The fact that no work was done below the floor of the intermediate drift, and only a few rounds put in above the drift, indicate more a prospecting for ore, and without favorable results.

Mrs. Florence Buckingham 2

May 26, 1947.

However, these statements of fact do not excuse the crossing of the end line, unless justification can be provided. If this work was done while the Tonopah Seventy-Six Co. had the lease on the Lancashire claim then the work was perfectly proper. But if done by some leaser prior to or after the termination of the Tonopah Seventy-Six Co. lease then someone is at fault.

As stated above, we are making a determined effort to trace this work, and will advise both you and Mr. Harris of any information obtained. We do not think this is a matter to be settled between us and your leasers; but a matter to be settled between us and the owners of the Lancashire Claim. The whole thing is very embarrassing to us, and we are anxious to get it straightened out.

With kindest regards.

Sincerely yours,

HDB:B

Copy to

Walter J. Harris, Reno. Also to Mr. F. C. Minnie, Oakland.

Howard Gray

Babitt, Nevada
P.O. Box 264
June 3, 1947.

Dear Mr. Buddman,

I recieved your letter yesterday - due to the fact that I live in Babitt (562 Lex. Ave.) and not in Hawthorne.

In regards to the work you asked about - I did not work on the east side of the shaft ^{at} any time.

Rod. De la Mas did some work on the east side of the shaft, but as to exactly where I do not know.

Sorry I can not be of more help, to you. Do drop by and see us any time you are in Hawthorne.

Our best regards to yourself and family.

Sincerely yours

J. L. Carter.

LUCKY BOY CONSOLIDATED MINES COMPANY

HAWTHORNE, - - NEVADA

Box 8-1

6/4/47

Hon. H.D. Budelman,
Tonopah, Nevada

Dear Senator:

Thanks for your letter.

I have not taken the contents of your letter up with our leasers, so I do not know what their reaction will be.

I would like to have you understand that the leasers are to be joined with the New Eldorado Mining Company in suit, if there is to be one. Mr. Harris has turned his entire interest in whatever might be derived to the leasers, but the company has not.

You speak of the samples of ore that is to be checked. I believe you will agree that when a working of that type is made, it is generally done so that no trace of values could be determined by anyone, however, it has to be explained.

When it was discovered that you were over in our ground on approximately the 100 foot level, we were supplied maps, which are in Mr. Harris's office showing the workings of the 76 Company and at no place, as I remember did your own maps show that you came close to our ground, therefore, if the Seventy-Six did sublease, they should have had knowledge of this stope and drift and showed it on your own map.

In the company's estimation, even if it was gopher-hole mining, as you state, whoever did it was certainly after something or they would not have put forth all that effort.

When you have accumulated all your data, please write me and then we can again contact our attorney.

We can well realize that this whole thing is embarrassing to you and very unpleasant to our leasers, who had put in seven months of hard work to run into something like that, when they thought they would be able to realize something.

I hope to have an early reply,

Yours very truly,

NEW ELDORADO MINING COMPANY

W. J. Harris
Secretary

cc W.J. Harris, Reno

June 5, 1947.

Mr. Don McGuirk,
Virginia City, Nevada.

Dear Don:

Have been making an effort to get in touch with J. F. DeLaMare, who used to lease for us in the Mabel Mine out from Mina. I wrote to him at a Reno address I had but the letter came back. It seems to me that he used to live in Virginia City, hence this note to you. Have you any idea where I might contact him, if cso would appreciate your help?

Hope all going OK with you, and with kindest regards.

Sincerely,

Herman D. Budelman,
Tonopah, Nevada.

Tal. Gladstone 6484

June 13, 1947.

Dear Harold:

Some time in the far distant past someone drove a raise on the vein, from the east end of the 500 Level in the Mabel Mine, then at about 25 feet above the 500 Level drove an east intermediate drift some 40 feet or so, and did some small stoping up from this intermediate level. Leasers in the Garfield have holed to this intermediate drift and we have been censured for having the work into Garfield ground some 25 feet or so.

To date I have been unable to find any reference in survey notes, samples or on maps, to this work. In fact, I was just as surprised as they were when I found this work into the Garfield ground. I have already written, and received replies, from several of the leasers, and from George Barnett, who was there some years after you left. So far I have found no one who knows a thing about the work, hence this letter to you. What I am trying to get is some idea about when the work was done, who did it, and what sort of values were encountered and how much ore, if any, was taken out in the work. There are only a couple of small rat hole stopes above the intermediate drift so the ore could not have been either very large or very good grade, but I surely would like to get some real information about it.

This must have been done after 1925, since I talked to Reeves and Betty in Mina and they are pretty sure of that, as they think the 500 Level was not to its limit, of around 20 feet from the Garfield end line, at that time.

This really dipping into ancient history, but I would surely appreciate it if you would give this some thought and write me if you can recall anything about it at all.

Hope you and family are all fine, and I send my very best to you all.

Kindest regards,

Sincerely yours,

HDB:B

Mr. Harold A. Marsh,
5123 Marathyn,
Los Angeles, California. }

As taken from telephone directory.

*Letter returned 6-24-47 - wrong address.
Note: Hask Herd 6-26-47 - asked present address.*

*3927 W. 60th St. Remained 7-1-47
L.O. Calif.*

Box 200, Mina, Nevada

Mina New

Dear Mr Budelman:

June 16-47

Just received some information this
P.M. That raise was made by Ike and
and a Tonopah miner by the name of

Probably the Cowing

George Bubb (BUBB) in 1926-

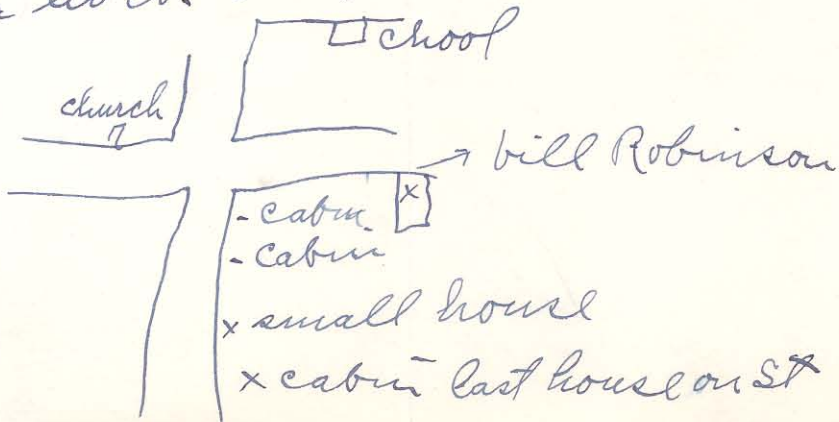
He passed away several years ago. so Mr Robinson says and he believes Mr Bubb passed away also, but Bill is positive the raise was made by the two miners in 1926.

Received my information from
(ROBINSON) L. was running

Bill Robinson who was running
hoist and compressor when I quit.

will give you a map to show you where
Mr Robison lives. on same St. I have
[] school

Yours Truly
W Reeves



the Cowing worked 10 hrs March 1927

Geo. Buff 7 " " " "

H. S. Robertson Worked Eng at time

Arthur Hubach 3-1928

Sam Swift

T. J. Allen

Bert Marling

Paul Berbeck

Owen Clark

Dick Mc ~~Neely~~ Neely

Joe Stanford

Pat Dempsey

Has Olson

Alaf Anne

Leo Mc Mahon

June 26, 1947.

Mrs. Florence Buckingham,
Hawthorne, Nevada.

Dear Florence:

Since writing you on May 28, I have been busy trying to get in letter touch with several of the old leasers on the Mabel Mine, as well as the former Superintendents there. Have been unable so far to contact Harold Marsh who could very well have been at the mine when this work was done from the Raise from our 500 Level, but think I am now on his trail.

Just to keep the record straight. In the fifth paragraph of your letter you mentioned that we were over in your ground on approximately the 100 Level. This was approximately the 200 Level, and below that. As regard s the #6 work. You may recall that we did, that is the 76 Company did, considerable development work in your ground on our 300 Level, none on the 100 Level as that work was all stoping by Lappat & Greenwood on a sublease from the 76 Company to them. Whether any development work was done by the 76 Company below the 300 Level I have not been able to determine for sure as yet. I do know that we started a winze in your ground, that is the 76 Company did, not so v very far east of the common end line, from our 300 Level drift into your ground. It would seem reasonable that if there were a way to come up into the same territory instead of going down, at half the cost, it should have been done that way.

Will keep in touch with you as soon as I find any information what may be of interest will write you again.

Kindest regards.

Sincerely yours,

HDB:B

H. D. Budelman.

July 8, 1947

Dear Herman;

When I came down here I decided in order to make a go of it I would have to forget mining, consequently I quit reading, talking, and thinking about it. Apparently I did a good job because I have been having a hard time trying to remember what the 500 level looked like.

As near as I can remember nothing like the work

discovered was done before I left. I distinctly remember that we were quite conscious of the Garfield line and leaned over backwards not to get too near. We also made it a point to keep sketches of the work fairly up to date, therefore I can give you no slope about that work. I must have been done by some leases probably, as I understand there were several who did some work by lease.

You know with all of this forgetting I still get itchy feet once in awhile to mine again although I find my present work pleasant, attractive, and quite remunerative, in fact I think I have been quite fortunate to have become part of General Petroleum.

We are all in excellent

health, are enjoying life
very much and send
our best to you and
your family.

On one of your trips
here give us ring and
we will try to get together.
I & would be nice to
see you again.

Hope you solve the
mystery and sorry I was
of no help.

Sincerely

Harold

July 10, 1947.

Dear Howard:

Sorry to have missed you yesterday but no harm done, and thanks for calling on telephone this morning. Instead of calling you back I shall give you a short resume of what I wanted to see you about, and which I would prefer not to discuss over the telephone anyway.

Somewhere around 1926 or after someone connected with the Mabel Mine, either as leaser or worker in the mine, ran an intermediate level into Garfield ground, crossing the common endline to do the work, and then took out a small but apparently irregular amount of stoping in the Garfield ground, maybe 10 tons of ore all told, and no evidence of its being good ore either. Maybe I had better state that the Mabel and Garfield are in Mineral County, out from Mina some 20 miles. The Mabel belongs to the West End, and the Garfield belongs to Walter Harris and heirs to Johnnie Millers estate and is being handled from that family end by Florence Buckingham. Walter Harris has told me he will not be a party to a suit but has already agreed to give anything that can be obtained from settlement, by law or otherwise, to the leasers in Garfield who have been working for many months and finally connected to this intermediate working from the Mabel side in Garfield ground. Mrs. Buckingham and her leasers are a little obnoxious on the matter, and insist that the ore was high grade, and that all material taken out was ore, estimated by Spencer of Mina at 123 Tons all told.

The strange thing about this trespass is that I do not know when the work was done, or who did it. I have discussed the working with various men who were around at time it should have been done, but so far have not tied it down. I have written to Harold Marsh, who was in charge for the West End at about that time, but no reply from him as yet.

The unfortunate thing about this is that one of our leasers did, many years ago, cross the line in the same manner, only higher up on the vein, and took out a few tons of good ore, maybe 2 or 3 tons. Nothing was ever done about that. We have known that the Garfield leasers crossed our line still higher up and maybe took out a little ore, but paid no attention to that, inconsequential. Fred has said that we might bring counter suit in case they do sue, but I am not so sure of that yet; as our positive evidence might be lacking.

Anyway this is only a primary discussion. I am confident that the ore extracted was of not actual net value and

appearance of the remaining stope outlines bears out that belief. However, I have practically assured Mrs. Buckingham and Mr. Harris that when we are able to get data together so as to get some idea of the value of ore taken out we will be glad to settle for what it is worth to them. On the other hand I have assured them that we are not going to be rushed into any hasty settlement to avoid a law suit. What is the right thing to do is what we want to do.

I do not know who their attorney is, it used to be Green in Reno, maybe you can find out. It may be that Martin Evensen is, but I doubt it.

If you have any suggestions I shall be glad to have them, and in case I get a reply from Harold Marsh which contains information will send it on to you.

Kindest regards,

Sincerely,

W. Howard Gray,
Ely, Nevada.

W. HOWARD GRAY
LAWYER
ELY, NEVADA

July 14, 1947

Mr. H. D. Budelman,
Vice President and General Manager,
West End Consolidated Mines Corp.,
Tonopah, Nevada.

My dear Herman:

I wish to apologize for not having contacted you before I left Tonopah, however, late in the afternoon I received a telephone message from Ely which rather upset me inasmuch as it was indicated that we were heading in for some very serious labor trouble, consequently, both Helene and I forgot about you until I reached Warm Springs. I decided then that I would try to contact you by telephone and if necessary would come back to Tonopah at some time to you.

Concerning the substance of your letter of July 10th I would say that you are adopting the correct procedure. Mr. Walter Harris is a fine gentleman and one whose word can be relied upon. However, his associates may be inclined to try to pull a fast one, and I would make no commitments until we have all of the facts.

So far as a cross complaint is concerned, that will have to wait until we can determine definitely grounds for such action.

Before we proceed with further discussion, I suggest we wait until we hear from Mr. Marsh. If we do not hear within a reasonable length of time, then I think that we should get together and have a talk about the subject matter.

Very truly yours,

W. Howard Gray
W. Howard Gray *ur*

WHG:mt

HAWTHORNE, NEVADA

July 18, 1947

H.D. Budelman,
%West End Cons. Mines Corp.
Tonopah, Nevada

Dear Senator:

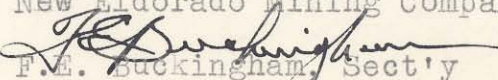
The leasers were here last evening and after discussing the issue before us, we have decided to start suit before the end of the month. They feel and I do too that quite a period of time has elapsed since the encroachment was discovered and something has to be determined.

Referring to your letter of June 26th., paragraph two, when I mentioned approximately the 200 level, I was referring to the encroachment made by your company, discovered by our leasers in 1942, which after correpondence and discussion, we decided to drop because you had crossed the line by some six or seven feet only, at that time. You will recall what I was refering to now? It had nothing to do with the 76 Company lease. Mike Smith was your leaser at that time. I have the letters which you wrote to Buck regarding that transaction.

The company feels that this is the only way we can protect our property and the leasers who have faithfully carried out their lease.

Hoping to hear from you,

Yours very truly,

New Eldorado Mining Company,

F.E. Buckingham, Sect'y

cc: Mr. W.J. Harris,
Reno, Nevada

Copy - to Hmad May 7-20-47

July 20, 1947.

Howard Gray, Attorney at Law,
Ely, Nevada.

Dear Howard:

An enclosing copy of letter just received by Registered Mail from Florence Buckingham, re the so-called Garfield trespass. I hardly think that she and the lessors, who to my mind have no rights in any suit whatever, will go so far actually to bring suit against the West End Company, but they might as they seem quite antagonistic about the whole matter. Mr. Harris has assured me he will not be a party to a suit against us but he did say that he had assigned all his rights in anything which might be recovered to the lessors.

I am leaving for the coast tomorrow morning, and maybe before I get started I might better drop a line to Florence, acknowledging receipt of her letter, telling her you represent the West End Company, and suggest that engineers will have to be hired to make some sort of an estimate in case this thing goes to court, and that costs could rise to quite a figure; on something of very little value to either side.

My address for the next four or five days will be Care West End Chemical Company, Latham Square Building, Oakland, California. Maybe you had better wire me there and tell me whether I should write as above to Florence, or just let things ride until I return. The whole thing is "nuts", and I feel sure that any good engineer would report possibility of very little ore having been taken out. Of course, we must keep in mind that we are in the wrong in this thing.

Marsh knows nothing about it, and so far no one else does. There is every evidence that it was done in 1926, but the evidence is not very conclusive so far as I can tell. I am really at the end of my information rope for the moment.

Kindest regards, and thanks for your letter of the 14th. Hopo labor trouble will be little one.

Sincerely,

HDB:B

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This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN
UNION

1201

SYMBOLS

DL=Day Letter

NL=Night Letter

LC=Deferred Cable

NLT=Cable Night Letter

Ship Radiogram

A. N. WILLIAMS, CHAIRMAN OF THE BOARD

JOSEPH L. EGAN, PRESIDENT

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination

TB04

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1947 JUL 23 AM 10 20

H D BUDELMAN=

WEST END CHEMICAL CO LATHAM SQUARE BLDG OAK=

SUGGEST YOU IGNORE BUCKINGHAM LETTER UNTIL YOUR RETURN=

W HOWARD GRAY.

H. R. COOKE
ATTORNEY AND COUNSELOR AT LAW
FIRST NATIONAL BANK BUILDING
RENO, NEVADA

July 29, 1947

West End Consolidated Mines Corporation
Tonopah, Nevada.

Attention: Mr. H. D. Budelman, General Mgr.

Dear Mr. Budelman:

I have been retained by the parties representing the Garfield-Lancashire Mine interests regarding their claim that underground trespass has occurred from workings on the Mabel lode claim on the 500-foot level and carried across the Mabel endline into the Lancashire ground where approximately 100 tons of ore averaging about \$200.00 to the ton was mined and carried out through the Mabel workings, and the proceeds appropriated by the parties then in possession of the Mabel.

From the correspondence between you and the interests I represent in regard to the subject matter, it would seem that a settlement should be reached reasonably satisfactory to all concerned and without recourse to litigation.

The purpose of this letter is to invite your early consideration of the matter.

According to present advices, if a suit is brought it would be as above indicated, for about \$20,000.00. We feel that it would be to our disadvantage if we delayed bringing the matter to a conclusion either by compromise or by commencement of litigation. Therefore, I would be glad to have a statement from you as to what, if anything, your Company will consider by way of compromise.

Very truly yours,

H. R. Cooke

HRC:BCY

Copy made and sent to

F. C. N.

W. Howard May

August 1, 1947.

Dear Howard:

Just returned last evening from the coast. In Reno I happened to meet H. R. Cooke, and he told me he had just written me about the Garfield trespass, having been engaged by Mrs. Buckingham and the leasers to handle their side. He suggested that we make him an offer, so I said we might be willing to settle for two or three hundred dollars, but that we would feel we were simply giving the money away even if we paid that. He did not think such an offer would merit consideration.

I called on Mr. Harris and he again assured me that he would not be a party to any suit against us, and would sign nothing without advice of the attorney. Mr. Cantwell I believe he said was his attorney. He also intimated that Mrs. Buckingham was quite put out because he would not join in the suit. He also said he advised them to settle, or try to settle it without court action. He also told me again that he had promised the leasers his share of anything that might come out of it, and he would have to stick to that, but said he had not signed anything on it whatever. The information in this paragraph should be considered confidential, as we would not care to do anything to interfere with our friendship with Mr. Harris.

An enclosing copies of letters to Mrs. Buckingham and her replies, so as to bring you up to date. I hope that, in my desire to show her that we were perfectly willing to square up whatever the ore might be worth, if we were found to be in error, I have not said too much. Mr. Cooke said he had the letters which had passed, in his office. I sort of got the idea that they had told him we did not want to settle the trespass, were crooks of the first water and had intentionally taken all the ore out, etc., which has actually been the attitude of Mrs. Buckingham, and was the attitude of her father before her.

As a matter of fact we have some reason to believe that the Garfield leasers crossed the end line into Mabel ground many years ago, and took out some ore, but facts may be lacking on that.

However, I sort of got an impression from talking to Mr. Cooke that they are not quite sure of their position, maybe too long ago or something.

No more letters without your advice, so either you write to Mr. Cooke, or tell me what to write. I did not tell him you were our attorney, in fact did not tell him we had one.

W. Howard Gray, Ely, Nevada.
Copy to F. C. Ninnis.

Very truly yours,

August 4, 1947

Mr. H. R. Cooke
Attorney at Law
First National Bank Building
Reno, Nevada

Re: West End Consolidated Mines Corp.
Garfield-Lancashire Mines

My dear Mr. Cooke:

Mr. Budelman of the West End Consolidated Mines Corporation has forwarded me his file dealing with the alleged trespass on the Lancashire ground.

I would like to give this matter a little study before advising my clients, and have this day written Mr. Budelman for some definite information pertaining to the matter, which I should receive by the first of next week. I think I will then be in a position to advise whether to make a further offer of settlement or not. I would think it wise for both parties to consider a compromise and settlement if there is any basis for the claims made in Mrs. Buckingham's letter.

Assuring you that you will hear from me as soon as I can get in touch with my clients and gain the necessary information, I am

Very truly yours,

GRAY AND HORTON

W. Howard Gray
W. Howard Gray

WHG:mt

cc: Mr. Budelman
Mr. Ninnis

GRAY and HORTON

LAWYERS

ELY NATIONAL BANK BUILDING

ELY, NEVADA

August 4, 1947

Mr. Herman Budelman
Vice President and General Manager
West End Consolidated Mines Corp.
Tonopah, Nevada

My dear Herman:

This will acknowledge the receipt of your letter of August 1st together with the enclosures. I am also enclosing herewith a copy of a letter which I have written today to Mr. H. R. Cooke.

To give you a full understanding of some of the things which I may hereafter refer to in my letter, I wish first to give you the statutory rule for the determination of damages in underground trespass cases. Among other things, the statute states:

"**** the value of all such material (removed in trespass) mined, extracted, excavated or carried away shall be presumed to be twice the amount of the gross value of the same ascertained by an average assay of the excavated material or the ledge from which it was taken; and provided that if such trespass was made in bad faith such damages may be trebled."

You will note in the first place that the value is determined by the average assay of the excavated material or of the ledge from which the material was taken. Since the excavated material is not available for an average assay then we have only one means for determining the value, and that is an assay of the ledge.

The first inquiry I have to make is this: Do we have any assays of the ledge material from which the ore was taken? If we do not, can we obtain such assays and how long will it take you?

Another thing that I would like to know is whether or not you can determine whether the work was performed by the 76 Company. My first impression from the letters of Mrs. Buckingham as well as the letter from H. R. Cooke is that they are trying to push something across in a hurry.

Another question which would help in determining our future course is when did Mrs. Buckingham or her agents first discover or know of the alleged trespass?

Another question that I have in mind is whether or not you are

Mr. Herman Budelman

(2)

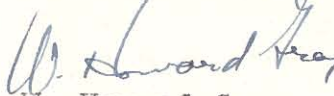
August 4, 1947

sure there has been an actual trespass, and are you and Mrs. Buckingham in agreement as to where the end line is properly situated underground?

I think it would be well worth while for you and I to have a meeting and discuss this matter fully, and consequently you may hear from me in the next few days trying to make an appointment for the latter part of the week. In the meantime, my letter to Cooke will probably stall the matter for a reasonable length of time.

Very truly yours,

GRAY AND HORTON


W. Howard Gray

WHG:mt

Enclosures: Copy of letter to Mr. Cooke
Copy of this letter for Mr. Ninnis

P. S. I am enclosing a copy of this letter for you to forward to Fred if you so desire. Will save you from making a copy.


W.H.G.

August 7, 1947.

W. Howard Gray, Attorney at Law,
Ely National Bank Building,
Ely, Nevada.

Dear Howard:

Was very glad to receive your letter of the 4th, also the enclosed copies of your letter to Mr. Cooke, with duplicates for Fred.

As to your questions. I have no doubt but that we are in Garfield ground. I have never been in the working in question; never knew it was there until the Garfield leasers holed into it, and hence I have taken no samples. I sent a man in from our side and he told me he thought we were into Garfield ground 20 feet or so. The Garfield map, made by Spencer in Mina, shows that we are over more than that. There might be a little discrepancy but I would consider that Spencer is not far from right. We will, of course, have to check the survey, which is not much of a job from our side as it is only 170 feet from our main shaft. As to samples, I had thought that it might be better for an outside engineer to take them rather than myself. If the material runs at all I shall be very much surprised, as both my man, who is quite experienced in that ore, and Spencer, and one of the Garfield leasers who I talked to a long time ago, all said it looked barren. It seems that what finally got them all excited was that one of the Garfield leasers, Mr. Schaff who is Glen Emmingers son-in-law, finally selected a sample which Florence Buckingham told me over the telephone ran over \$100.00 per ton. It must have been a carefully selected picked sample or the fellow on our side who did the trespass made a terrible mistake in leaving such stuff behind. Of course, there can well be suspicion as to where the sample came from if it cannot be checked.

As to when the Garfield people discovered the trespass. Florence Buckingham told me about it just before the last Session of the Legislature closed, and she was very excited about it as the leasers had phoned that they had broken into a big open stope. I have a feeling that at some time in the past Mr. Venetti, one of the Garfield leasers, while wandering around in the Mabel Mine while we were closed down and no one there, which was OK with us, discovered this working and easily figured that it was over in Garfield ground. Maybe he then has a survey made. At a later date the present leasers in the Garfield planned a big piece of work which took months to perform, and which did not net them any ore whatever so far as I know, and which finally connected on grade with the intermediate drift which crossed the line from the Mabel side.

The work was done I feel sure after 1928, and perhaps

W. Howard Gray 2.

August 6, 1947.

before 1930, but the latter date is more uncertain in my mind than the former. I have spent a great deal of time in going over maps and assay records, so far without much success; and I have corresponded with several parties without success. One man in Mina has written me that he knows the hoist engineer who was on at time this work was done, Mr. Robertson, now living in Mina, and Robinson says he knows Ike Cowing and George Bubb worked in the raise. Unfortunately both of these men are reported deceased. I have still some old letters to investigate but am not optimistic about finding anything about this work. It probably was done by some leaser, rather than by a company operations, but just who is a mystery. Leasers were turned loose in the mine at various times, and if they did not find anything in one place they tried another.

We realize the seriousness of crossing an end line into another parties ground, and feel sure that a settlement is due and will have to be made. The thing that gripes me though is that I feel they are trying to slip something over, and quick. I honestly believe that no profitable ore was ever taken out of the working in question, and I feel sure that the Garfield leasers know it too. They, the Garfield leasers, have done a lot of work, costing them quite a bit in labor and supplies, and they want us to pay them for their mistake, if possible to force us to do so.

At any rate we had better get together and talk this over. It might be better to do it here, where all the records are, but if you say the word I will come over there.

About the time necessary to take samples of the ledge remaining. This will require probably two days to take, two days to get assays run after they reach assay office, maybe five or six days in all after the work starts. An engineer and helper would be necessary.

So far I have not been able to prove to my own satisfaction that the work may have been done by the Tonopah 76 Co. as part of its lease development. It is a reasonable supposition but I should know about it.

You understand the Mabel was a comparatively small mine. We operated it from Tonopah, with a man in charge who lived at the mine or in Mina, and I went down now and then to check up on Geology and operating details. Why I never knew about this working is beyond me, but I certainly did not. I think Homer O'Connell was in charge at the mine when this work was done, and Homer is also deceased. This is pretty old stuff you know.

Very truly yours,

HDB:B

Copy to F. C. Ninnis, Oakland.

General Manager

Tonopah, Nevada;
August 10, 1947.

Dear Fred:

An enclosing copy of letter just received from Howard Gray, also copy of his letter to Mr. Cooke, both dated August 4. They are more or less self explanatory.

As to his questions. We have no samples of the material taken out or in the stopes and drift at present time. I have done a lot of research on this and so far have been unable to chase it down. Am still working on it. I am quite sure that the work was done after George Barnette left to go to Tybo, hence it must have been while Homer was there. On the maps prepared by Ferguson he has a note and pencil addition to the east drift on 500 Level, dated 1929, showing a raise started from the east face of the drift. None of our maps show any raise. I have gone over samples carefully and find a Raise 531 noted on the sheets, which is up 28 feet and has an east intermediate drift off it some 12 feet. This is the work I think. Just when the additional work was done I have no idea as yet. At 12 feet the intermediate drift would be just about on the line. If I am right then some party, probably a leaser, went in there and drove it ahead 25 feet or so more and did some very limited stoping above it and near the Mabel. The last samples on this work are dated April 2, 1928. Barnett left the end of Feb. I think and Homer took over after that. I suppose this will end up by my having to go down there, check Spencers survey and take some samples. Am not so crazy about it either. I have never seen the work in question as yet.

As to when the Garfield people found out about this I have no idea right now. I have a feeling that maybe they had Spencer make a survey, after their personal investigation while there was no one in the Mabel Mine, so as to get the right elevation so that by working from the Garfield side they could connect on grade. Otherwise how in hell could it have happened that they did just that?

I shall write to Howard day after tomorrow I think so as to have a little time to think this over, and maybe find out something more. Too bad Homer is not here? We could ask him.

Phil has not shown as yet, nearly five now, but I expect to hear from him tonight and we go out tomorrow if he does show and still wants to go.

Have your letter of the 5th. Flayter has not shown. These smelters? They want your eye teeth and other things.

Will write again in a day or two.

FCN, 491 Crescent St.,
Oakland, California.

As ever,

Copy

August 11, 1947.

Dear Howard:

I think that I have, after diligent search of old records, found some data to help us in this trespass matter.

As I wrote Florence Buckingham on May 28, we had a hunch that this trespass work may have been done by the 76 Co. while it held a lease on the Lancashire claim of the Garfield group. This may have been a good hunch.

The 76 Co. operated a lease on the Lancashire claim, on which claim this disputed work was done, from Feb. 4, 1929 to March 1, 1930.

The disputed work is an intermediate drift off 531 Raise from Mabel 500 Level. A letter from Homer O'Connell, in charge at the Mabel and 76 at this particular time, dated May 1928, says "Raise 531 was put up in March. It is 48 feet from the back of the drift on 500 to the sill of 524 stope. A drift was run to the east 15 ft off 531 Raise at a point 25 ft above 500." This drift can be no other than the one in question, or the start of it. The 15 feet would just about reach the end line between Mabel and Garfield, so could not be considered a trespass.

It was my custom to report progress of 76 lease operations on Garfield ground, to Mr. Harris in Reno, at end of each month on previous months operations. It was his custom to acknowledge receipt of my letter report, but his letter of acknowledgment is lacking for the months of JUNE, JULY AND AUGUST. July is the one we want. Copies, carbon copies I mean, are here for all reports in the 1929 file.

In my letter to Mr. Harris, dated August 8, 1929, I wrote: "We have discovered an intermediate drift east from a raise of the West End, about 40 feet above the 500 Level. This work has disclosed a small tonnage of low grade ore in which gold values predominate, with good possibilities as the work advances." This must refer to the same intermediate as Homer O'Connell, hence was perfectly legal. One says 25 feet above the 500, the other 40 but it must be the same.

Mr. Harris must have in his file my original letter of Aug. 8, 1929. I should see him but will await your advice.

An enclosing sketch of combined West End and Spencer maps showing alleged trespass. We have no reason to think that Spencer's map is not correct. Am awaiting instructions before attacking.

W. Edward Gray, Attorney at Law,
Ely, Nevada.

Very truly yours,

W. E. Gray

Copy to F. C. Winnis, Oakland.

August 21, 1947

Mr. H. R. Cooke
Attorney at Law
First National Bank Building
Reno, Nevada

Re: West End Consolidated Mines Corp. -
Garfield-Lancashire Mines:

My dear Mr. Cooke

In my letter of August 4, 1947 dealing with the above referred to matter I requested sufficient time to go into the facts with my clients. This I have done.

After reviewing the available evidence which my clients have in their possession it is apparent that the work complained of by your clients as an underground trespass was done by the 76 Company during the time that company had a lease upon the Lancashire mining claim. Since the work was done by a lessee having a right to the possession of the premises we can see no ground for complaint.

In behalf of myself and my clients we wish to thank you for your letter of July 29, 1947 which afforded us the opportunity to make a thorough study of the situation.

Very cordially yours,

GRAY AND HORTON

W. Howard Gray

W. Howard Gray

WHG:mt

cc: Mr. Budelman (two)

Cpy to FCN - 8-24-47

August 27, 1947.

W. Howard Gray, Lawyer,
Ely, Nevada.

Dear Howard:

I came through Reno last Saturday afternoon and continued on to Tonopah that same evening. You may recall that I told you there was a possibility I might be in Reno on Monday or Tuesday and, if so would see you at the Riverside. I suppose you are back in Ely today.

Mr. Harris called me on the telephone yesterday and said the leasers had been in his office. He showed them the letter report of August 8, 1929, and they decided we were right in our contention that the work had been done while the Tonopah 76 had a lease on the Lancashire Claim, and said they would see Mr. Cooke and call the proposed suit off. No other word as yet. Maybe you will hear from Mr. Cooke on it?

I feel sure that Mr. Harris was pleased about the situation, and it certainly was very nice of him to telephone me about the latest developments, which are quite satisfactory to us provided they pull in their horns.

Best regards.

Sincerely yours,

HDB:B
Copy to F. C. Ninnis.

September 13, 1947.

W. Howard Gray, Lawyer,
Ely, Nevada.

Dear Howard:

Since writing you on August 27, in which letter I mentioned Mr. Harris's telephone message to me of August 26, no further word has reached me about the matter. I assume that Mr. Cooke has not communicated with you about it, hence his final decision is, or could be uncertain so far as we are concerned.

I am leaving Tonopah for Oakland tomorrow, to be away from here for about ten days. In case you should wish to get in touch with me my address there will be Care West End Chemical Company, Latham Square Building, Oakland California. My mail will be forwarded for a week from this date.

Best regards.

Sincerely,

GRAY and HORTON
LAWYERS
ELY NATIONAL BANK BUILDING
ELY, NEVADA

September 17, 1947

Mr. H. D. Budelman
c/o West End Chemical Co.
Latham Square Building
Oakland, Calif.

My dear Herman:

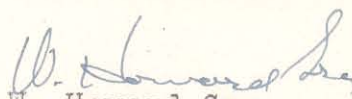
This will acknowledge receipt of your letter of
September 13, 1947.

I returned from Reno the fore part of the week,
and while there I met H. R. Cooke. I asked him if he
and his clients contemplated continuation of the tres-
pass matter, and he stated that as far as he was concern-
ed he was through. He further stated that the letter
that Harris had in his possession firmly convinced him
that his clients had no cause of action. He seemed
somewhat put out for not having been advised of the
existence of the letter at an earlier date.

With kindest personal regards, I am

Very truly yours,

GRAY AND HORTON


W. Howard Gray

WHG:mt

2-4-1929 to 3-1-30 - 76 of water lease on Sandusky

W.E. March - 8-1-1922 to 9-7-1926 - reports.

H. J. Barnett - 9-8-1926 to 2-1926 - reports - Paid for March.

Homer O'Connell - 3-1928 to 10-1929 R. by W.E.

531 R. (Homer letter 5-28) - "531 R. put up in March. 48' from back of
(Reply to mine of 4-28-28) drift to sill of 524 slope. Dr. run
E 15' of 531 R. at point 25' above 500

Raise Sample - 3-9-28 to 4-2-28
Only one sample on 9⁰⁰ - ³⁻¹⁸⁻²⁸ at E end 28' above chute.

Dist E Samples - 5' E of R.S. - 4.34 #2, - 3-30-28
12' E " " - 4.16 " - 3-30-28
4' above Dr. R.S. Fe. 6⁰⁰ - 4-2-28

Dist E - My letter to Harris, dated Aug. 8, 1929.

3-16-34

Map to W.S.H. - showing faces of all lands with reference to
of party line between Mabel & Mansfield (Julian Mabel Rd)

Laffat & Greenwood.

104. —

small chipmunk

$\frac{984}{108} = 90$