

**THE MINING CODE  
OF THE REPUBLIC  
OF MEXICO**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649341061

The mining code of the republic of Mexico by Richard E. Chism

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**RICHARD E. CHISM**

**THE MINING CODE  
OF THE REPUBLIC  
OF MEXICO**



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June 30  
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# THE MINING CODE

OF THE

REPUBLIC OF MEXICO.

*Mexico. Laws, statutes, etc. Codes, Mining*

# THE MINING CODE

OF THE

REPUBLIC OF MEXICO.

WITH THE

REGULATIONS FOR THE ORGANIZATION OF THE MINING DEPUTATIONS AND  
THE SCHEDULE FOR THE LEVYING OF FEES AND DUES, WITH ALL THE  
LATEST OFFICIAL CIRCULARS AND DECISIONS OF THE MINING SEC-  
TION OF THE MINISTRY OF PUBLIC WORKS AND WITH THE  
LAWS OF JUNE 6TH, 1887, UPON THE TAXATION OF  
MINES AND THEIR PRODUCTS, THE CONCESSION OF  
MINING TERRITORY AND THE PURCHASE OF A  
PROCESS FOR THE TREATMENT OF ORES.

Translated from the Official Editions in the Original Spanish.

BY

RICHARD E. CHISM,  
MINING ENGINEER,

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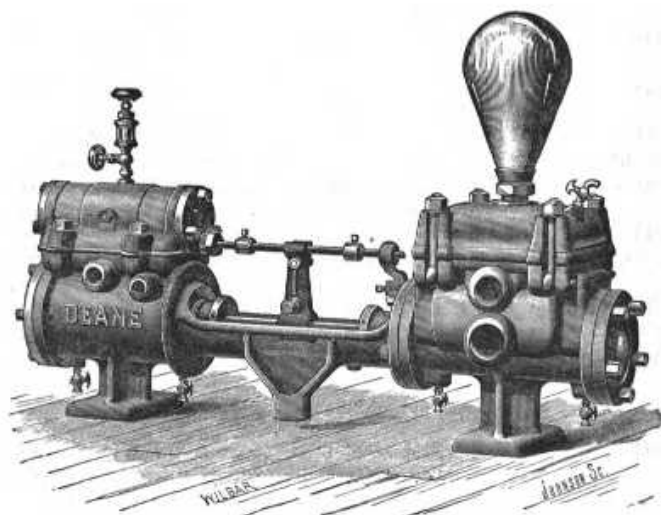
MEXICO:  
PUBLISHED BY THE TRANSLATOR,  
CALLEJON DEL ESPERITU SANTO, No. 4.  
1888.

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# THE MINING CODE.

MINISTRY OF STATE AND OF THE DISPATCH OF PUBLIC WORKS,  
COLONIZATION, INDUSTRY AND COMMERCE  
OF THE MEXICAN REPUBLIC. }

## SECTION FOURTH.

The President of the Republic has been pleased to direct to me the following decree :

*MANUEL GONZALEZ, Constitutional President of the United States of Mexico, to all those to whom these presents may come.*

KNOW YE,

That, using the authority conceded to the Executive by the law of 15th of December, 1883, I have found it good to establish the following Code of Mines of the United States of Mexico.

### TITLE I.—Of Mines and Mining Property.

ART. 1st.—Subject to this code are :

I. Mines and deposits of all those inorganic substances, as gold, silver, copper, iron, manganese, lead, mercury, tin, antimony, zinc, sulphur, rock-salt, and all analogous substances, whose utilization necessitates mining work, and which, in beds, veins, or in masses of any form, constitute deposits whose composition is distinct from that of the rocks in place.

II. Placers of gold and of platinum with their accompanying metals, and of the precious stones used in jewelry.

III. Metallurgical works and sites for their erection, including under the first designation all industrial establishments of mining in which by any kind of process are extracted some of the substances contained in the materials obtained from the mines or placers referred to in the two foregoing sections of this article.

IV. The waters extracted from the mines and those that may be needed for drinking by workmen and animals, for motive power or for any other use in mines or metallurgical works.

ART. 2d.—The mines and placers treated of in the preceding article form a real property, distinct from that of the ground in which or below

whose surface they are found, even though both should come to belong to the same owner.

ART. 3d.—The ownership of the mines, placers, metallurgical works and waters referred to in article first, shall be acquired by virtue of discovery and denouncement, by means of a concession made by the proper authorities, according to the rules and under the conditions which are hereafter laid down in this present code.\*

ART. 4th.—The law concedes to private persons, according to the preceding article, the ownership of mines for an unlimited time under the condition of working and developing the same according to the precepts of this code and to the regulations which will be laid down for the execution thereof, for the purpose of providing for the preservation of the mines and the security of the workmen.

ART. 5th.—All persons who can legally acquire real estate in the Republic of Mexico may acquire the mines, placers, metallurgical works and waters comprehended under the first article.

ART. 6th.—Foreigners can acquire mining property on the same terms and with the restrictions with which the laws of the Republic consider them capable of acquiring, possessing and transferring common property; submitting themselves, like Mexicans, to the prescriptions of this law and to any others which may be made relating to the industry of mining.

ART. 7th.—The mining property acquired according to this code can be transferred freely, like any other real property, with subjection to the prescriptions of the laws in force relative thereto.

ART. 8th.—Mining property shall not lapse except in the cases expressly determined in this code.

ART. 9th.—The title to the ownership of the property referred to in the four sections of the first article, shall be a transcript of the proceedings of record as to the denouncement and of the act of possession, which shall be given by the authorities or functionaries in the manner established in this code.

ART. 10th.—The owner of the soil shall have exclusive property in and may by this right, exploit and utilize, without necessity of denouncement or of special adjudications:

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\* To denounce, in the Mining Code of Mexico, means that proceeding by which a legal right of possession is obtained to a particular portion of any vein, worked or unworked, known or unknown, which a miner chooses to select for his operations. [H. G. Ward, 1828.] This word has no equivalent in English, but is used in its Anglicized form by all English-speaking foreigners who are in the mining business in Mexico.—*Trans.*

I. Deposits of the various varieties of mineral coal.

II. Rocks in place and materials of the soil, such as limestones, slates, porphyries, basalts, building stones, earths, clays, sands and other analogous substances.

III. Substances not specified in section II. of the first article which may be encountered in placers, such as iron, tin, and other derived minerals.

IV. Salts existing on the surface, pure or salt waters, either superficial or subterranean, petroleum and outlets of gas or of warm or medicinal waters.

In the exploitation of all these substances the owner of the soil shall, nevertheless, be subject in his workings to the rules and regulations of the police; and the winning of mineral coal and of other substances which require the opening of excavations is subject to the provisions of this code relating to the preservation of the mines and to the security of the workmen.

ART. 11th.—The exploitation of mines and placers, the establishment and working of metallurgical plants, and the utilization of waters, all of which form the objects of the present law, according to Article 1st, are hereby declared to be of public utility.

ART. 12th.—Mining claims and sites for metallurgical works can be denounced and acquired in any part of the Republic, whether in vacant lands or in those of public or private property, indemnification being first made, in the last two cases, for the surface occupied.

ART. 13th.—The possession and property acquired in mines is to be understood to be only as relates to all that may be beneath the surface and not to be that of the surface itself. The latter continues under the dominion of its owner, except as to the part which the miner may occupy according to the two preceding articles.

ART. 14th.—Whenever the existence of a mine or deposit shall be recognized, the lands, even if of private property, become subject to be occupied by the miner or metallurgist in all the extension necessary for the opening of mine-entrances or for the construction of edifices, habitations, warehouses, metallurgical works, washers, dams, aqueducts and roads, after indemnification, according to valuation by experts, for the surface occupied or for the right of use which may be acquired in other property.

ART. 15th.—All the superficial area comprehended within the limits of the claims of mines and placers, and also the areas adjoining, shall be subject to a right of way for workmen, carts and animals necessary to the exploitation, and to the right of use of the waters which may