

**THE MINING STATUTES OF THE
UNITED STATES, CALIFORNIA
AND NEVADA. EMBRACING
ALL STATUTES NOW IN FORCE**

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The Mining Statutes of the United States, California and Nevada. Embracing All Statutes Now in Force by Albert Hart

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ALBERT HART

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UNITED STATES, CALIFORNIA
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ALL STATUTES NOW IN FORCE**

THE
MINING STATUTES
OF THE
UNITED STATES,
CALIFORNIA AND NEVADA.

EMBRACING ALL STATUTES NOW IN FORCE;

WITH ALL THE LAWS RELATING TO MINES, MINING, AND MINERAL LANDS,
PASSED BY THE CONGRESS OF THE UNITED STATES, AND THE
LEGISLATURES OF THE STATE OF CALIFORNIA, AND
TERRITORY AND STATE OF NEVADA,

CHRONOLOGICALLY ARRANGED, WITH A FULL COLLECTION
OF FORMS, AND A CAREFULLY PREPARED INDEX.

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By ALBERT HART.

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PREFACE.

The Statutes of the United States relating to Mines, Mining and Mineral Lands, are now embraced in the Revised Statutes of the United States, and such subsequent legislation as may have been had since the first day of December, 1878.

There is a desire among those interested in the pursuit of mining enterprises to possess a work, in compact form, giving a history of all mining legislation. We have endeavored in this little volume to comply with that work. Our arrangement has been to give the law as embraced in the Revised Statutes of the United States, with such subsequent legislation having any reference to the subject, and all general laws passed prior to the adoption of the Statutes, in chronological arrangement. Also, all laws on the same subject passed by the Legislatures of the States of California and Nevada, together with all Mining Forms now in use.

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REVISED STATUTES

OF THE

UNITED STATES

REGARDING

MINING AND MINERAL LANDS.

Sec. 910. Mining Title.

No possessory action between persons, in any court of the United States, for the recovery of any mining title, or for damages to any such title, shall be affected by the fact that the paramount title to the land in which such mines lie is in the United States; but each case shall be adjudged by the law of possession.

Sec. 2238. Register and Receivers.

A fee of five dollars for filing and acting upon each application for patent or adverse claim filed for mineral lands, to be paid by the respective parties.

Sec. 2256. Lands not subject to Pre-emption.

The following classes of lands, unless otherwise specially provided for by law, shall not be subject to the rights of pre-emption, to wit:

1. Lands included in any reservation by any treaty, law, or proclamation of the President, for any purpose.
2. Lands included within the limits of any incorporated town, or selected as the site of a city or town.
3. Lands actually settled and occupied for purposes of trade and business, and not for agriculture.
4. Lands on which are situated any known salines or mines.

Sec. 2318. Mineral Lands Reserved.

In all cases, lands valuable for minerals shall be reserved from sale, except as otherwise expressly directed by law.

Sec. 2319. Mineral Lands open to Purchase by Citizens.

All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners, in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States.

Sec. 1, Act May 10, 1872.

Sec. 2320. Length of Mining Claims upon Veins or Lodes.

Mining claims upon veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, heretofore located, shall be governed as to length along the vein or lode by the customs, regulations, and laws in force at the date of their location. A mining claim located after the tenth of May, eighteen hundred and seventy-two, whether located by one or more persons, may equal, but shall not exceed, one thousand five hundred feet in length along the vein or lode; but no location of a mining claim shall be made until the discovery of the vein or lode within the limits of the claim located. No claim shall extend more than three hundred feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing on the tenth day of May, eighteen hundred and seventy-two, render such limitation necessary. The end-lines of each claim shall be parallel to each other.

Sec. 2, Act May 10, 1872.

Sec. 2321. Proof of Citizenship.

Proof of citizenship, under this chapter, may consist, in the case of an individual, of his own affidavit thereof; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge, or upon information and belief; and in the case of a corporation organized under the laws of the United States, or of any State or Territory thereof, by the filing of a certified copy of their charter or certificate of incorporation.

Taken from latter part of Sec. 7, Act May 10, 1872.

Sec. 2322. Locator's Rights of Possession and Enjoyment.

The locators of all mining locations heretofore made, or which shall hereafter be made, on any mineral vein,

lode, or ledge, situated on the public domain, their heirs and assigns, where no adverse claim exists on the tenth day of May, eighteen hundred and seventy-two, so long as they comply with the laws of the United States, and with State, Territorial and local regulations not in conflict with the laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes, and ledges throughout their entire depth, the top or apex of which lies inside such surface-lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side-lines of such surface locations. But their right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as above described, through the end-lines of their locations, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges. And nothing in this section shall authorize the locator or possessor of a vein or lode which extends in its downward course beyond the vertical lines of his claim to enter upon the surface of a claim owned or possessed by another.

Sec. 3, Act May 10, 1872.

Sec. 2323. Owners of Tunnels, Rights of.

Where a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within three thousand feet from the face of such tunnel on the line thereof, not previously known to exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel, and while the same is being prosecuted with reasonable diligence, shall be invalid; but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins on the line of such tunnel.

Sec. 4, Act May 10, 1872.

Sec. 2324. Regulations made by Miners.

The miners of each mining district may make regulations not in conflict with the laws of the United States, or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining claim, subject to

the following requirements: The location must be distinctly marked on the ground so that its boundaries can be readily traced. All records of mining claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim. On each claim located after the tenth day of May, eighteen hundred and seventy-two, and until a patent has been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year. On all claims located prior to the tenth of May, eighteen hundred and seventy-two, ten dollars' worth of labor shall be performed or improvements made by the tenth day of June, eighteen hundred and seventy-four, and each year thereafter, for each one hundred feet in length along the vein, until a patent has been issued therefor; but where such claims are held in common, such expenditure may be made upon any one claim; and upon a failure to comply with these conditions, the claim or mine upon which such failure occurred shall be open to re-location in the same manner as if no location of the same had ever been made, provided that the original locators, their heirs, assigns, or legal representatives, have not resumed work upon the claim after failure and before such location. Upon the failure of any one of several co-owners to contribute his proportion of the expenditures required hereby, the co-owners who have performed the labor or made the improvements, may, at the expiration of the year, give such delinquent co-owner personal notice in writing, or notice by publication in the newspaper published nearest the claim, for at least once a week for ninety days, and if, at the expiration of ninety days after such notice in writing or by publication, such delinquent should fail or refuse to contribute his proportion of the expenditure required by this section, his interest in the claim shall become the property of his co-owners who have made the required expenditures.

Sec. 5, Act May 10, 1872.

This section was further amended by the following Act: An Act to amend section 2324 of the Revised Statutes, relating to the development of the mining resources of the United States. (Approved February 11, 1875.)

Be it enacted, etc., That section two thousand three hundred and twenty-four of the Revised Statutes be, and is hereby, amended so that where a person or company has or may run a tunnel for the purposes of developing a lode or lodés, owned by said person or company, the money so ex-