HISTORICAL SKETCH OF THE MINING LAW IN CALIFORNIA

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BY

JOHN F. DAVIS

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One of the most interesting chapters in Pliny, who wrote his Natural History shortly after the time of Christ, is that in which he describes the different methods of mining operations in vogue in his time.

"Gold is found in our part of the world," says this classical author, "not to mention the gold extracted from the earth in India by the ants, and in Scythia by the griffins. Among us it is procured in three different ways: the first of which is in the shape of dust, found in running streams, the Tagus in Spain, for instance, the Padus in Italy, the Hebrus in Thracia, the Pactolus in Asia, and the Ganges in India. Indeed, there is no gold found in a more perfect state than this, thoroughly polished as it is by the continual attrition of the current.

"A second mode of obtaining gold is by sinking shafts or seeking it among the debris of the mountains, both of which methods it will be well to describe.. The persons in search of gold in the first place remove the 'segutilum,' such being the name of the earth which gives indication of the presence of gold. This done, a bed is made, the sand of which is washed, and according to the residue found after washing, a conjecture is formed as to the richness of the vein. Sometimes, indeed, gold is found at once in the surface earth, a success, however, but rarely experienced. Recently, for instance in the reign of Nero, a vein was discovered in Dal-

matia, which yielded daily as much as fifty pound weight of gold. The gold that is thus found in the surface crust is known as 'talutium,' in cases where there is auriferous earth beneath. The mountains of Spain, in other respects arid and sterile, and productive of nothing whatever, are thus constrained by man to be fertile, in supplying him with this precious commodity.

"The gold that is extracted from shafts is known by some persons as 'canalicium,' and by others 'canaliense.' It is found adhering to the gritty crust of marble, and altogether different from the form in which it sparkles in the sapphirus of the East, and in the stone of Thebais and other gems, it is seen interlaced with the molecules of the marble. The channels of these veins are found running in various directions along the sides of the shafts, and hence the name of the gold they yield, 'canalicium.' In these shafts, too, the superincumbent earth is kept from falling in by means of wooden pillars. The substance that is extracted is first broken up and then washed, after which it is subjected to the action of fire and ground to a fine powder. This powder is known as 'apitascudes,' while the silver which becomes disengaged in the furnace has the name of 'sudor' given to it. The impurities that escape by the chimney, as in the case of all other metals, are known by the name of 'scoria.' In the case of gold, this scoria is broken up a second time and melted over again. The crucibles used for this purpose are made of 'tasconium,' a white earth similar to potter's clay in appearance, there being no other substance capable of withstanding the strong current of air, the action of the fire, and the intense heat of the melted metal.

"The third method of obtaining gold surpasses the labors of the giants even. By the aid of galleries driven to a long distance, mountains are excavated by the light of torches, the duration of which forms the set times for work, the workmen never seeing the light of day for many months together. These mines are known as 'arrugiae,' and not unfrequently the clefts are formed on a sudden, the earth sinks in, and the workmen are crushed beneath; so that it would

really appear less rash to go in search of pearls and purples at the bottom of the sea, so much more dangerous to ourselves have we made the earth than the water. Hence it is that in this kind of mining, arches are left at frequent intervals for the purpose of supporting the weight of the mountain above. In mining either by shaft or by gallery, barriers of silex are met with, which have to be driven asunder by the aid of fire and vinegar, or more frequently, as this method fills the galleries with suffocating vapors and smoke, to be broken to pieces with bruising machines shod with pieces of iron weighing one hundred and fifty pounds; which done, the fragments are carried out on the men's shoulders, night and day, each man passing them on to his neighbor in the dark, it being only those at the pit's mouth that ever see light. In cases where the bed of silex appears too thick to admit of being penetrated, the miner traces along the sides of it, and so turns. And yet, after all, the labor entailed by this silex is looked upon as comparatively easy, there being an earth—a kind of potter's clay mixed with gravel—'gangadia' by name, which is almost impossible to overcome. This earth has to be attacked with iron wedges and hammers, like those previously mentioned, and it is generally considered that there is nothing more stubborn in existence—except, indeed, the greed for gold, which is the most stubborn of all things.

"When these operations are completed, beginning at the last, they cut away the wooden pillars at the point where they support the roof. The coming downfall gives warning, which is instantly perceived by the sentinel, and by him only, who is set to watch upon a peak of the same mountain. By voice as well as by signals, he orders the workmen to be immediately removed from their labors, and at the same moment takes flight himself. The mountain, rent to pieces, is cleft asunder, hurling its debris to a distance with a crash which it is impossible for the human imagination to conceive; and from the midst of a cloud of dust, of a density quite incredible, the victorious miners gaze upon this downfall of nature. Nor yet even then are they sure of gold, nor,

indeed, were they by any means certain that there was any to be found when they first began to excavate, it being quite sufficient, as an inducement to undergo such perils and to incur such vast expense, to entertain the hope that they will obtain what they so eagerly desire.

"Another labor, too, quite equal to this, and one which entails even greater expense, is that of bringing rivers from the more elevated mountain heights, a distance, in many instances, of one hundred miles, perhaps, for the purpose of washing the debris. The channels thus formed are called 'corrugi' from our word 'corrivatio,' I suppose; and even when these are once made they entail a thousand fresh labors. The fall, for instance, must be steep, that the water may be precipitated, so to say, rather than flow; and it is in this manner that it is brought from the most elevated points. Then, too, the valleys and crevasses have to be united by the aid of aqueducts, and in another place impassable rocks have to be hewn away and forced to make room for hollowed troughs of wood, the persons hewing them hanging suspended all the time with ropes, so that to a spectator who views the operations from a distance, the workmen have all the appearance, not so much of wild beasts as of birds upon the wing. Hanging thus suspended in most instances, they take the levels, and trace with lines the course the water is to take; and thus, where there is no room, even for man to plant a footstep, are rivers traced out by the hand of man.

"The water, too, is considered in an unfit state for washing if the current of the river carries any mud along with it. The kind of earth that yields this mud is known as 'wrium,' and hence it is that in tracing out these channels, they carry the water over beds of silex or pebbles, and carefully avoid this wrium. When they have reached the head of the fall, at the very brow of the mountain, reservoirs are hollowed out a couple of hundred feet in length and breadth and some ten feet in depth. In the reservoirs there are generally five sluices left, about three feet square; so that the moment the reservoir is filled, the flood gates are struck away and the torrent bursts forth with such a degree of violence as to roll