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# Mining Law and its Bearing on the Development of Mines and Mining Districts.

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From the earliest historical period to the present day, there has been, and is, universally recognized a distinction between ownership of ordinary realty and that of mining property, especially property in mines of precious metals, copper, tin, lead, etc.

In ancient times the ownership and right to dispose of mines of these metals was vested in the Crown, or was the personal property of the ruler. During the fourth century the laws of the Emperor Gratian especially set forth the right to the Crown in mines of gold and silver and provided that all right to work these mines emanated from him, and that the proper royalties should be paid him in consideration of obtaining these rights.

The ancient laws of Spain recognized the deposits of gold, silver and precious stones as belonging exclusively to the Crown and as the private property of the King. Even though these deposits were discovered on the property of a subject, if the owner of the land upon which they were discovered worked the mine, he paid a royalty of one-tenth to the Crown; if they were worked by another, one-tenth was paid to the Crown and one-tenth to the owner of the land.

In France, from earliest time, all mines were at the disposal of the nation. From the moment a mine was discovered the right to work the mine was distinguished from that of the surface.

When Mexico became a republic in 1821, the Spanish law then in force was adopted by the republic. This provided that the discoverer of a new vein or district was entitled to three pertenencias or claims on the principal vein, a pertenencia being 200 yards along the course of the vein. A discoverer of a new vein in the same district was allowed two pertenencias. A discoverer was required to send a written statement to a tribunal of miners describing the position of the vein or mountain discovered, and to post notices on the doors of churches, government buildings and other public places setting forth his claim. He was