

construction industry, he spent the next four years researching the 110-year history of the Lone Jack Mine and the Mount Baker Mining District. *Lone Jack* is his first book.

Mining historians are not to be blamed if they overlooked the 1897 discovery of gold in the rugged, isolated mountains of Washington State. That historic event was completely overshadowed by the major gold rushes in the Klondike and Cripple Creek that occurred concurrently. Fortunately, however, an amateur historian has picked up the pieces and tuned them into the enjoyable and picturesque story of the discovery of the Lone Jack Mine and the little-known gold rush that followed.

The Lone Jack gold vein was discovered on 23 August 1897, on a steep, avalanche-cleared face of Bear Mountain. A very seasoned prospector, Jack Post, made the discovery while his two partners, Russ Lambert, a lawyer, and Luman Van Valkenburg, a logger, prospected the adjacent slopes of Red Mountain. Lambert proved to be a fortunate choice for the partnership because of the legal complications that followed Post's rich gold discovery. Post, the prototypical prospector, sold his share early and spent the rest of his life looking for another bonanza.

Because of the Lone Jack's isolation and difficult access, it took an abnormal amount of time and money to develop. Other adverse factors included a short work season, deep snows, and an extreme avalanche danger. Today, this part of the North Cascade Range is still largely undeveloped and probably traversed more by hikers, skiers, and fishermen than by prospectors or miners.

The book does not contain the extensive notes or a bibliography typically used by professional historians. However, the reader has little reason to doubt the authenticity of the information, compiled from newspaper accounts and oral histories. The book is profusely illustrated with 175 photographs, plus maps and drawings. The author not only covers the history of the Lone Jack Mine, but also mentions other mines and

prospects in the Mount Baker Mining District. He describes some of the principal mining people of that time period, especially a colorful character by the name of Jerry Bourn. The book is a good read and a contribution to the history of mining.

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Gordon Morris Bakken. *The Mining Law of 1872: Past, Politics, and Prospects*. Albuquerque: University of New Mexico Press, 2008; 238 pp., 24 halftones, 2 maps, notes, bib., ind., cloth, \$45. ISBN: 0826343562.

Western legal historian Gordon Morris Bakken has produced a new treatment of the 1872 Mining Law, a body of law—statutes, regulations, case law, and customs and practices—that has fostered a successful U.S. national mining industry, while at the same time generating much controversy. He includes some history of the law, but Bakken's principal focus is upon the land-use conflicts and environmental issues that can arise out of hard rock mining, and on the on-going battle over whether to revise the law.

Hard rock mining in the West started with the California gold rush of 1848–1849. Neither Congress nor the new state of California acted quickly to try to control the tenure of the 49ers. Miners soon acted on their own to adopt district mining-claim regulations, which were simply meant to define and protect a brief possessory ownership. In a remarkable display of frontier constitutionalism, these pioneers made their own mining-claim laws, and lived by them.

Congress eventually enacted federal statutes in 1866, 1870, and 1872. Contrary to notions that these laws were written to serve the needs of a bunch of rustic pick-and-shovel prospectors, Congress enacted the 1872 Mining Law to provide westerners with secure title to large, prolific mines that were already developed, and that were the economic underpinnings of Nevada, Califor-

nia, and Colorado.

The 1872 Mining Law adopted and codified what miners themselves had developed as a workable body of law. It permitted free mining and allowed states a say in how mining was conducted. It was hailed, at the time, as a miner's Magna Carta.

Despite the success of the 1872 Mining Law, changes in land-use priorities and greater public concern about the environmental impacts associated with mining have created a call for changes in the legal framework of mining. This call has been largely directed at the 1872 Mining Law; it demands some kind of payment to the government for the right to mine, tougher environment performance requirements, and a right of government—including local governments, and tribes—to veto development of a mine even after a deposit has been discovered and a mining claim perfected.

The attack on mining has been pretty much non-stop since the Public Land Review Commission recommended continuation of the basic features of the 1872 Mining Law in 1970. It has taken the form of reform proposals in Congress, imposition of regulations like the Forest Service's surface management regulations adopted in 1974, and prolonged permitting battles over individual mine proposals.

Bakken describes the early development of mining district law, and the basic statutes, section by section, in a workmanlike way. He uses excerpts from letters from miners to bring color and emphasis to his description of district laws and federal statutes. Bakken also devotes attention to the case law that makes the 1872 Mining Law highly predictable in its application. In a somewhat disjointed manner, he describes cases dealing with "claim jumping," and the "law of the apex," or "extra lateral rights"—the right of a miner to pursue the down dip extension of a lode or vein beyond the sidelines of a mining claim.

Bakken captures some of the drama and importance of the big apex litigations, but does not

focus much attention on the economic and legal issues involved. He also ignores the many papers written by mining engineers who served as expert witnesses in the big cases, and who railed against cases of shakedown and jury nullification.

The author has compiled much information about reform efforts in Congress and in the administrative agencies, and about the many battles over sites of mines that have played out across the country. He describes the struggles over the New World gold property near Yellowstone Park, the Mount Emmons molybdenum project at Crested Butte, Colorado, and over base metal mines in Wisconsin not covered under the 1872 Mining Law. But Bakken does not provide a framework for understanding how these actions have impacted mining practice, or how change may eventually be achieved through legislation to modify the 1872 Mining Law. Veterans of the mining law reform battles of the past forty years will recognize the incidents described, but general readers will find the story hard to follow.

It is the law's success that brings out Bakken's biggest contribution to the current discussion of possible changes to the 1872 Mining Law. The law works well for explorers and miners, and big new mines are still being discovered and developed all over the western United States. He uses the phrase "unintended consequences" to describe the land-use conflicts and environmental degradation that sometimes arise from miners successfully exercising their rights under the 1872 Mining Law. These conflicts and environmental problems reflect a national policy favoring resource extraction over most other uses, and an early-day reliance on the ineffective law of nuisance to restrain pollution.

Bakken's "unintended consequences" construct is a very useful way to think about the problems associated with mining, and makes more sense than the usual pejoratives thrown at individuals and corporations trying in good faith to develop mines, and to do so in ways that are acceptable to the community. Miners do not intend

to harm others when they exercise their rights, but there is no doubt that mines can have major consequences on land use and the environment.

Presumably the public wants abundant, low-cost minerals, but it also wants a balanced approach to land use choices and better environmental outcomes. Bakken's characterization may help both sides come up with reasonable changes to the 1872 Mining Law, and better solutions than we are seeing in most disputes about mining projects. One hopes that the contending parties can come up with an approach that retains the best features of the 1872 Mining Law, while doing something to mitigate those "unintended consequences."

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John Mason Hart. *The Silver of the Sierra Madre: John Robinson, Boss Shepherd, and the People of the Canyons*. Tucson: University of Arizona Press, 2008; 256 pp., 24 b&w photos, 1 map, notes, bib., ind., cloth, \$45. ISBN: 0816527045

Professor John Mason Hart of the University of Houston has done admirable research in original sources to tell and update the legend of the fabulous Batopilas Mine in Chihuahua, Mexico. *Silver of the Sierra Madre* views this nineteenth-century mining enterprise with a twentieth-first-century sensitivity to the exploitation of people and resources. Lamenting and censuring the past as seen through the lens of the present is a tricky business, however, and this account does not make its own best case.

The story is a colorful one, and the introduction promises "a tale of adventure, tragedy, triumph, and survival" in "the eternal search for wealth and power." The account begins in 1861, when John Riley Robinson, fifty-one years old, "a doctor, railroad superintendent, gristmill operator, [and] inventor" left Mansfield, Ohio, and traveled by carriage, stagecoach, and horseback to

the canyons of Chihuahua, Mexico.

Hart's fine description of this journey combines Robinson's recorded impressions and other background information. This section, entitled "Robinson's Quest," sets the tone for the rest of the book, and concludes: "In his search for wealth, John Robinson entered an isolated place rich in mineral wealth and cultural diversity. He had initiated what would become a historic and revealing encounter of nineteenth-century American capitalism and culture with the people of the Third World." Hart's work includes a sympathetic explication of the culture of the indigenous Tarahumara-Raramuri people, and foreshadows the twenty-first century problems with drug trafficking in the area.

The story also has its poignant personal aspects. Robinson's two adult sons, acting successively as managers of the property, died, probably of typhoid fever, as did two of his grandchildren. His friendship with General Luis Terrazas, "the patriarch of the most important family in the Chihuahua oligarchy," was cemented by the marriage of his sole surviving grandson, Charles, to the General's only granddaughter. In 1879, "tired and aging," he and his partners sold the property to Alexander Shepherd, former governor of the District of Columbia.

The last and by far the longest chapter of the book is entitled "The Patron Grande, Community, and Corrupt Practices." According to Hart, "Alexander Robey Shepherd, the new managing partner of the Batopilas Mining Company, was a prime example of the elite American entrepreneurs interacting with [President Porfirio] Diaz and Mexico's elites. His strategies for gaining power in Chihuahua changed the social dynamics of the region and duplicated those he had used in Washington, D.C."

In 1887, Shepherd's Batopilas Consolidated Mining Company combined separate mine workings and local companies. The company expanded mining, and renamed the extended haulage tunnel, reputed to be the longest in the world, the