

stream, and that he is privileged to use it as he may see fit, provided he return it to the stream again uninjured in quality and undiminished in quantity. This is the doctrine of riparian rights, the name of which, if not the significance, is familiar to every one who reads the English language. After a long struggle this doctrine has been completely reversed in the mining regions, and the right to divert water from its natural channel, regardless of the wishes of those living farther down the stream, is now as firmly established by law and custom as is the older doctrine in other localities. The reason for this is obvious, and the development and result of the doctrine constitute some of the most interesting features of the growth and methods of mining.

When mining first began in California, it was confined exclusively to the bars along the various rivers and creeks. Each miner used the water immediately opposite his claim, and the doctrine of riparian rights was in full force. The idea that any one could have the right to go above their claims, draw the water off and leave them without an adequate supply of that necessary liquid, would have been, and in many instances was, combatted at the point of the revolver. There was no occasion for asserting the new doctrine of absolute property in water until dry diggings were discovered, and then sprang up a conflict of interests, which, in those days, could lead to nothing else but violence. At first, miners who located claims on flats, packed the dirt down to the margins of the streams for washing, and though this was a slow and laborious method, it paid in many cases, owing to the richness of the ground; but it was not long before the more enterprising ones began devising methods of bringing water to the claim, instead of carrying the claim piecemeal to the water. Short ditches

were dug, where the topography was favorable, from neighboring streams, and the principle of riparian ownership of water began to be disputed by those whose interests were adverse to the doctrine. These ditches, generally small and short, made scarcely a noticeable difference in the volume of water flowing in the channels during the season of high water, and even during the summer and fall there was no complaint by the miners along the streams where there were but few claims located. In other cases, however, there was not enough water left in the channel for the bar miners, and this was declared a *casus belli*. In some instances ditches were taken out from streams upon which, at the time, there was no mining being done, and subsequently claims were located below the head of the ditch. Here was ground for a dispute, with apparent right on both sides. The ditch owners claimed the water by right of priority, since, when they first located their ditch, it was done to no one's prejudice; and the bar miners rested their case on the old law of riparian ownership, claiming that the water belonged in its natural channel, and that if the ditch owners diverted it therefrom they must return it again above the point where others desired to use it. This was the first and most frequent cause of trouble and litigation.

It was the custom to form mining districts, embracing the locations within a certain area, the miners holding a mass meeting for the purpose of adopting laws for the regulation of the size of claims and the registration of titles. A recorder was elected, whose duty was to keep a record of all claims located, the locator paying a fee of \$5.00 or \$10.00. These records were usually kept in some cheap blank book, and but few of them are now in existence. Quite an amusing incident is related in connection