BAS 280 The Apex Law Welcome to Butte, America’s Story. I’m your host, Dick Gibson.

The General Mining Act of 1872, a federal law, established mining practices and rules, many of which are still in force today. In Butte, arguably the most important provision was the Law of the Apex.

The apex is defined as the point at which a mineral vein reaches the surface to form an outcrop. Most mining claims were based on such outcroppings, and prospectors would define a rectangular claim typically 1500 feet long by 600 feet wide, 300 feet on either side of a linear vein on the surface. That’s all well and good, but geology usually throws monkey wrenches into such well-laid concepts. Veins dip into the earth at angles and often do not follow straight lines.

The Law of the Apex said that if a vein reached its apex on the surface within one mining claim, that claim owner could follow the vein into the subsurface anywhere it went, even if it extended beneath adjacent mining claims.

In the incredible complexity of Butte’s boxwork of rich mineral veins, this let almost immediately to conflict, especially as mines went deeper and deeper and encountered new veins and their branches. Who owned them? That question ultimately came down to “Where does it apex?”

When Augustus Heinze came to Butte in 1889, he brought with him considerable knowledge of both mining geology and engineering, and mining law. He used the law of the Apex as part of a multidimensional approach to controlling rich aspects of a mining district that was already largely occupied and claimed.

Imagine rectangular mine claims. They are not stacked up uniformly and parallel to each other, but skew at slight angles depending on the geometry of the surface outcrop on which they were staked. That meant there were many little overlaps and underlaps – underlaps that were unclaimed. Heinze found such tiny triangular locations, staked mining claims on them, then further claimed that various veins apexed within his newly staked claims.

Two such tiny triangular slivers, claimed in the name of Heinze’s Copper Trust Company, served as the basis for Heinze’s audacious claim on the Anaconda vein itself. The slivers were just 75 feet long by 10 feet wide at the widest, adding up to less than 400 square feet, the size of a 20-by-20-foot room. Silver Bow County’s District Court supported Heinze’s claim, but it was ultimately repudiated by the Montana Supreme Court, but Heinze continued similar legal battles. The World Museum of Mining and Montana Tech display spectacular three-dimensional models of Butte’s vein systems, used in court by the contending parties to try to prove the locations of the apexes of various rich ore veins. The wars of the copper kings were mostly fought in the courtrooms of Silver Bow County.

Eventually, the Anaconda Company just bought Heinze out rather than continue the debilitating and expensive court battles.

As writer Edwin Dobb has said, "Like Concord, Gettysburg, and Wounded Knee, Butte is one of the places America came from." Join us next time for more of Butte, America’s Story.