

(1) Number of pages 20
(2) Date of repair 21.9.44
(3) Initials of the Referencer cy

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. <u>68</u>	Press Mis.
Dated <u>11th January</u> 18 <u>72</u> .	

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21.9.44

REVENUE DEPARTMENT,
FORT ST. GEORGE,
11th January 1872.

No. 69.

No. 136.

To THE SECRETARY TO THE GOVERNMENT OF INDIA,

DEPARTMENT OF AGRICULTURE,
REVENUE, AND COMMERCE.

Miscellaneous.

SIR,—In reply to your letter No. 40
(Minerals,) dated 14th August 1871, asking
how far this Government has acted

on the principle that all mines belong to the State, and what has been the practice
in regard to access to mines over private land; also whether necessity exists for
altering the existing law and the direction which such change should take; I am
directed to state that this Government has always acted on the principle that,
except in regard to Government waste, the Government does not possess any exclu-
sive right in minerals, and that no reservation of right of way over private lands
as means of access to mines has been at any time made or claimed.

2. This Government is not of opinion that any change is called for in the
law affecting this subject, the Land Acquisition Act appearing to confer all the
powers which it can properly be desired to exercise in the matter.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) W. HUDLESTON,
Secretary to Government.

Agriculture 1872 Department.

From Government of

Fort St. George.

Dated 11th January.

No. 69.

R.

Enclosures.

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INTIMATING that no change is called for in the law affecting mineral rights, as the Land Acquisition Act confers all the powers which it can properly be desired to exercise in connection with it.

Precis of papers regarding leases of the right to collect and work minerals.

LEASES OF MR. HEATH.—In 1833 Government authorized Collectors to receive applications from Mr. Heath for leases of the right of raising Iron and Chrome ores on favourable terms provided they were not inconsistent with the usages and customs of the country and would not interfere with the rights and privileges of the natives.

2. Accordingly applications were submitted by Mr. Heath for leases of the exclusive right to and in all Iron and Chrome ores within the district of Salem and all Iron ores in the districts of Coimbatore, South Arcot, Malabar and Canara, together with the privilege of entering all waste lands within these districts and raising and taking such ores therefrom.

3. In disposing of these applications Government observed that the royalty being in consideration of the paramount and seigniorial rights of Government should be paid on all ores whether raised from Government lands or from lands belonging to Zemindars or other landholders.

4. They further observed that it was to be distinctly understood with respect to all lands not being the property of Government, that the privilege granted by the lease was merely a permission to enter into agreements with the proprietors of such lands for the right to raise and take away ores therefrom and was not to be construed as conferring such right without the consent of the proprietors.

5. In view to guarding the existing rights of natives, it was resolved to secure to them, by a proviso in the lease, the privilege of raising and taking away ores, for the use of their own furnaces within their respective districts, or in any other district where they might carry on the manufacture of iron on their own account. The draft leases were to be modified accordingly.

6. Leases were issued bearing date the 18th April 1834 granting the exclusive right to raise Iron ores in the districts noted in the margin, and Chrome ore in Salem, on Government waste lands, and on the lands of Zemindars, Poligars and other land-holders, on special agreements being entered into with them by the lessee. The leases contained the following among other conditions:—

(1). That all existing rights and privileges enjoyed or used by the natives residing in or holding lands within the said districts, of raising and taking away ores for the use of their own furnaces within such district, or in any other districts where they may have hitherto carried on the manufacture of iron on their own account are reserved and to remain secure to them.

(2). That no land within the said limits which may have been at any former time brought under cultivation is to be entered upon for the purpose of raising the said ores without the written assent of the Merassidars of the village.

(3). The royalty to be paid on the Pig iron produced from the ores raised, whether the same be raised and taken from lands now or hereafter belonging to Government, or from lands belonging to Zemindars, Poligars or other land-holders, on special agreements entered into with them.

7. In respect to lands not being the property of Government, the privilege granted by the lease was merely a permission to enter into such agreements with the proprietors of the lands for the right to raise and take away the ores therefrom and was not to be construed as conferring such right without the consent of the proprietors.

8. All doubts arising as to whether the land belongs to Government or to individuals, and all differences arising between the lessee or those employed by him, and the land-holders or ryots, were to be settled by the Collector, subject to an appeal to the Board of Revenue.

9. INDIAN IRON AND STEEL COMPANY.—A few years afterwards Mr. Heath formed a Company called the Indian Iron and Steel Company, of which Messrs. G. Norton and T. M. Lane

were the Directors in Madras. Certain modifications of the old leases were proposed. In regard to these, the Board, in writing to Government, observed with respect to Clause 1 paragraph 2 of the Ore lease proposed by the Directors that the clause as framed by the Board reserved to natives the right of raising and taking ores for the manufacture of iron *on their own account in their own furnaces* not only where such manufacture has *hitherto* been carried on, but also wherever it may be *hereafter* carried on. The clause as altered by the Directors required the consent of Government for the latter purpose. The Board were of opinion that such restriction would be injurious to the industry of the Salem District.

The Board conceived that the modification proposed by the Directors was founded on the following grounds which they regarded as invalid, viz:—

1st. That as Government retain a right and interest in the ores in lands permanently settled under Regulation XXV. of 1802, natives could not raise and take away the ores without the consent of Government.

2nd.—That the right of natives to take ores for furnaces already established was an *existing* right and therefore reserved under the present leases, the right to take ores for furnaces to be *hereafter* established was *not* an existing right without the express consent of Government and therefore did not come under the rights reserved by the old lease.

With regard to the first point, the Board conceived that if from time immemorial the natives of the country had enjoyed the privilege of raising and taking ores from such lands, the Government could not, without passing a law, interfere to abolish or abridge such privilege.

10. In regard to the second point the Board were of opinion that the customary right in question was, not to raise and take ore to be smelted in any particular furnaces, but for their own use in whatever furnaces it might suit them to smelt it.

11. With regard to the rights conveyed by Clause 1. the Board observed that they were (1) to receive iron and chrome ores from natives having a right to raise and take them for their own use; (2) to enter by their own people and raise and take those ores. The lands on which these rights were to be exercised were of three descriptions, viz:—

(1). Lands the property of Government.

(2). Lands held by proprietors under Regulation XXV. of 1802.

(3). Lands held by private proprietors but not under Regulation XXV. of 1802.

12. In the first description of lands, Government can of itself, and without the concurrence of any other party do whatever is requisite and can lawfully be done to secure the Company the exclusive enjoyment of both the rights in question.

13. In the second description of lands they can do the same as regards the former of the two rights but the concurrence of the proprietors and ryots is necessary in order to the Company entering by themselves or their agents and raising and taking away ores.

14. In the third description of lands, chiefly in Malabar and Canara, but including Inam lands in other districts, if Government have any right or interest in ores at all it must be as Lords paramount of the soil. Under this assumption, Government in lands of the second and third descriptions can of itself do what is required and can legally be done to secure to the Iron Company the exclusive right of receiving iron and chrome ore from natives who have the right to raise and take it for their own use, but the consent of the proprietors is necessary to their entering and taking it by their own people.

Under these views, the Board submitted modified drafts of leases proposed to be granted to the Iron Company.

15. The Directors of the Company having consented to accept the leases as modified Government directed* the issue of new leases on the surrender of those previously granted to Mr. Heath.

* Extract Minutes of Consultation, 31st August 1841.

16. The new leases were issued in the names of Messrs. G. Norton and T. M. Lane and conveyed the exclusive right to receive iron and chrome ores produced in waste lands, the property of Government, and also on lands belonging to Zemindars, Mootahdars, or other land-holders, holding lands under Regulation XXV. of 1802, from such natives as had customarily enjoyed or used the privilege of raising and taking ores therefrom for their own use and to enter by themselves or agents or others employed by them, and raise and take away ores from waste lands the property of Government, and also from lands not the property of Government on special agreements with the proprietors—provided—

1st.—That nothing in the lease should be understood to convey the right of entering and raising ores from any land not the property of Government without the previous written consent of the proprietors of those lands.

2ndly.—That no land cultivated at any former period was to be entered upon for the purpose of raising ores without the written assent of the Merassidars of the village and of other ryots having an interest therein, and in the case of land, the property of Government, without the consent of Government obtained through the Collector.

3rdly.—That nothing in the lease should affect any existing rights and privileges heretofore enjoyed by natives residing in or holding lands within the district, of raising and taking away ores for the use of their own furnaces within the district, or within any other district where they may have hitherto carried on, or may, with the consent of Government, hereafter carry on the manufacture of iron on their own account.

17. The prescribed royalty was to be paid on the iron and chrome ore raised on land belonging to Government and from lands belonging to Zemindars, Mootahdars or other land-holders, holding land under Regulation XXV. of 1802, on agreements entered into with them. In the leases for Canara and Malabar no mention is made of Regulation XXV. of 1802.

18. EAST INDIAN IRON COMPANY.—In 1857 a new Company called the East Indian Iron Company was formed. On the surrender of the former leases and on payment of £10,000 a new lease was issued to the new Company. The lease granted the exclusive right to dig for, seek, win, and work iron ore on all Government waste land in the districts noted in the margin. Also a similar right as to the iron ore in Salem and

Salem.
Malabar.
Canara.

Coimbatore.
South Arcot.

Coimbatore. Also the exclusive right to purchase and receive from such natives as had customarily had, enjoyed, or used the privilege of raising and taking ores for their own use, the iron in the aforesaid districts and the chrome ore in Salem and Coimbatore which might be found on Government waste land. Also a similar right as to the iron and chrome ore formed on lands belonging to Zemindars, Mootahdars or other land-holders holding lands under Regulation XXV. of 1802. Together with full and free liberty, power and authority to enter upon the said waste lands and take the ore therefrom and also from lands not the property of Government upon special agreement with the proprietors of the lands. Provided that nothing in the lease should be construed or taken to grant the right of entering any lands not the property of Government or of raising or taking away ores from such lands without the previous consent in writing of the proprietors of these lands. Provided also that no land which shall have been brought into cultivation or converted to uses connected therewith at any period prior to any entry or intended entry by the said Company shall be entered upon for the purpose of raising ores without the written assent of the Merassidars of the village, and of other ryots having an interest therein, and in the case of land belonging to Government, without the consent of Government obtained through the Collector. Provided also that nothing in the lease shall affect any existing rights and privileges heretofore enjoyed or used by natives residing in or holding lands within the said districts of raising and taking ores for the use of their own furnaces within such districts or within any other district where they may have hitherto carried on or may, with the consent of Government first obtained, hereafter carry on the manufacture of iron or chrome on their own account.

19. The prescribed royalty was to be paid on the ores produced from Government land and lands belonging to other parties.

20. In 1865 Mr. Sterne applied to Government for a monopoly of the right to dig search and mine for gold and other metals within such district as he might select.
Government Order, 17th August 1865, No. 1,920.

Government expressed their willingness to permit Mr. Sterne to search for gold in any Government land in the Presidency and not to grant permission to any other applicant to prosecute any similar search in the same district in which Mr. Sterne might be working. Beyond this they were not prepared to go.

21. The Madras Government in 1865 consulted the Government of India as to Mr. Sterne's application and in regard to the general question of encouraging efforts to find gold in India.
Government Order, 10th November 1865, No. 2,728.

In reply the Government of India said they saw no objection to dealing with Mr. Sterne's application as a special case. As regards the general question the Government of India were of opinion that it would be premature to lay down general rules for dealing with the matter until gold was discovered in such large quantities as to attract a numerous body of foreign gold diggers. Should there be any probability of such a successful result from Mr. Sterne's researches the Madras Government were requested to consider at once what arrangements would be most suitable to the circumstances of this Presidency, and to the position of Government, as the owners of the soil, whenever the property is not vested in private individuals. They observed that the latter circumstance would seem to give Government a complete right either to reserve the right of working gold fields to the State or to permit their working by private parties under such rules as would give the State a reasonable share of the produce.

22. Upon this Government informed Mr. Sterne that they were willing to grant him a monopoly for ten years of the gold and other metals in such area of Government waste land, not exceeding 2,000 Acres, in one or more blocks of not less than 500 Acres each, as he might select, on condition of his paying a royalty of 5 per cent. on the produce.

23. In 1868 Messrs. Dymes and Co., instructed by Mr. Sterne, addressed Government stating that Mr. S. was unable to point out any block of land on which he was likely to succeed and requesting permission to work in the beds and adjacent banks of such rivers as he might select by way of experiment. Messrs. Dymes and Co., offered to guarantee on behalf of Mr. S. that he would in no way interfere with or disturb the irrigation of the country and that in working the adjacent banks, private land would not be entrenched on unless bought by him, or with the permission of the land owner. Government declined to comply with this request.

24. In 1867 Mr. DeClossets applied to Government (1) for a grant, for a certain number of years, of the privilege of working iron ore by the European process, in the district of Madras or at least in the country within a radius of twenty-five miles around Fort Saint George. (2) To allow him in free lease, for mining and smelting operations, some plots of waste lands within the said limits.

25. This application was referred for the opinion of the Board who in reply stated that it would not be advisable to accede to Mr. DeClosset's proposal which was a monopoly of the ore itself and the privilege of working it. Among other things they observed that it was probable that much iron was worked by Natives in the district selected and that it did not appear equitable that these persons should be shut out by the grant of exclusive privileges to one individual. The 3rd Member dissented.
Board's Proceedings, 21st October 1867.

26. Upon this Government informed Mr. DeClossets that they were not prepared to concede to any individual or body of individuals the exclusive privilege of working the iron ores in
Government Order, 13th November 1867.

Government waste within an extended range but that they would be prepared to consider definite applications to raise and smelt ores in a particular limited locality.

Board's Proceedings, 19th May 1868.

27. In 1868, Mr. DeClossets again addressed the Board asking them to re-consider their decision on the following grounds viz.,—

(1). That his undertaking would not interfere with the Native Iron making but on the contrary would benefit the Natives by giving them remunerative work.

(2). That without a privilege it would be impossible to raise the capital or form a Company. He therefore requested

(1). Permission to raise and collect Iron ore on Government waste within the limits of the Madras District.

(2). A privilege of ten years for smelting and working Iron ore by the European process within the same limits.

28. The Board requested Mr. DeClossets to state whether by the use of the words "permission" and "privilege" he contemplated the exclusive permission and privilege; whether he had already collected any ore in Madras and so long had been impeded or taxed.

29. In reply Mr. DeClossets stated that he had already collected ores without impediment or the demand of any tax and that he did not think it necessary to demand any lease or grant for

collecting ores, wishing only to share with others the privilege of collecting ores free of tax. As to the second demand Mr. DeClossets explained that he sought the exclusive privilege for ten years of smelting ores by the European process. With regard to this the Board observed that the Government had no more power to grant the

exclusive right of using the European process of Iron-making than the exclusive right of making cloth by the European process. Government approved of the Board's Proceedings.
Government Order, 10th August 1868.

Government Order, 24 January 1869.

30. The Secretary of State also expressed his approval.

31. In 1861 Mr. Campbell, through Messrs. Parry and Co., applied to Government for the grant of a lease of certain waste lands, in the districts of Cuddapah and Nellore, supposed to

contain Copper, on the terms agreed upon in 1834.
Government Order, 23rd January 1868.

32. Government declined to entertain any application based on terms offered thirty-four years previously and which had been allowed to become inoperative, nor were they disposed to concede to any individual or body of individuals, the exclusive privilege of working the Copper ores in Government waste land throughout an extended range. They would however consider any definite application to raise and smelt the ores in a particular limited locality. It was to be understood that Government would not undertake to oust any occupying ryots to make way for mining operations. Any such removal should be a matter for private arrangement between the parties.

33. Mr. Campbell then applied for a lease, for twenty-one years, of the privilege of working the Copper lands in the district of Nellore on the following among other conditions viz.,—
Government Order, 6th June 1868.

(1). That Government do not undertake to oust any occupying ryots for mining operations, such removal being matter of private arrangement between the parties.

(2). That Government would confirm any leases obtained from Zemindars or others of the right of mining for Copper ores provided the terms thereof be conformable to the Government regulations.

34. Government informed Mr. Campbell that they were not prepared to grant the exclusive privileges desired by him over such an extended area as an entire district, but, recognizing the difficulty of defining these more narrowly the particular locality in which he desired to work, they would allow him a year to "prospect" the ground, after which they would entertain an

application in the terms of his letter for the lease of the mining rights over such reasonable area of land at the disposal of Government as he might then be able to indicate with precision. Government could not however undertake to confirm leases by Zemindars as desired. Such confirmation would have no legal force and was in no way necessary to give validity to transactions otherwise within the competency of the parties.

Government Order, 15th September 1868.

Government Order, 22nd January 1869.

Board's Proceedings, 12th March 1869.

Acres 116 in the Cuddapah District registered in the Pymash account as "Diamond Mines." On enquiry it was found that Acres 47 were held on pattah.

38. The Board saw no objection to grant the lease applied for so far as unoccupied land was concerned but they could not recommend the disturbance of occupation of the land in possession of the ryots. They observed that the fact of these mines having so long remained unworked seemed to remove them from the category of lands referred to by the Secretary of State in his Despatch of the 8th January 1866, No 1, for which leases were not to be granted. They also remarked that Mr. Richardson was at liberty to buy out the Putthdars if he could come to terms with them.

Government Order, 28th April 1869.

Government Order, 4th October 1864.

certain papers obtained from the Bombay Government and requested the Board to frame and submit a set of rules applicable to the circumstances of this Presidency laying down the terms on which grants of lands should be made for mining purposes.

Government Order, 9th October 1865.
Board's Proceedings, 21st October 1865.

ernment of India in regard to suggestions made for modifying the Rules for the sale of waste lands and the redemption of the land revenue.

Among the questions raised was the following, viz., whether in disposing of waste lands, either by sale or by lease Government should or should not reserve a right to minerals that may be subsequently discovered; and if so to what minerals. This question, it was observed, might be regarded under two heads—(1) whether there should be an absolute reservation of *property* in the mineral products of the soil or (2) whether the right of exacting royalty merely should be reserved.

42. In favour of reserving absolutely to Government the entire right to mineral products it was remarked that the following reasons were sometimes urged, viz.:—If the owner of the surface hold also the proprietary right in minerals whether absolutely or subject only to the payment of a royalty, it lies entirely with him whether they shall be worked or not, that is to say that he has the power of preventing the working of minerals, however necessary to the requirements of the State and to the industry and prosperity of the country; and at the same time of withholding from Government the revenue which it would derive if entitled to a royalty on mineral products. And it is argued that this is a question which should not be left to settle itself by the mere force of self-interest, because it may very likely happen that the owner of the soil has no capital or no energy to work the valuable ores which lie dormant beneath its surface and may yet be unwilling to allow them to pass into other hands from prejudice or personal feeling. A long memorandum by the Secretary to the Government of India on the expediency of reserving to the State a right to mineral products accompanied the Resolution of the Government of India.

35. Mr. Campbell accepted the offer of Government but there is nothing to show what was afterwards done in the matter.

36. The Secretary of State intimated his approval of the mode in which Mr. Campbell's application had been dealt with.

37. In 1869 Mr. Richardson applied for a five years' lease at Rupees 100 a year of

39. Government sanctioned the grant of the lease as recommended by the Board.

40. With their Proceedings, dated 4th October 1864, Government sent to the Board

41. In 1865 Government forwarded to the Board for report, after communication with the Collectors, certain observations of the Gov-

43. In reply the Board stated, in regard to the suggested reservation by Government of a right to minerals, that they were decidedly opposed to any such restriction on the rights of property conveyed by the grant of land. They were convinced that it is inexpedient and impolitic. They observed that it is not to be feared that prejudice can long oppose, to the owners' detriment, the working of valuable minerals and that it is certainly only in the case of decidedly valuable ore that Government could desire to interfere; while on the other hand, the reservation must unquestionably lessen the value of property, and introduce an element of uncertainty into landed tenure which it is most desirable to avoid.

44. A light royalty on the net profits of superior mineral workings they regarded as unobjectionable.

45. In disposing of this question the Government of India observed as regards a special reservation by Government of a right to share in the mineral wealth of waste lands which are sold, the Governor-General in Council is of opinion that such a course, with respect to lands sold for the purpose of being brought into cultivation would be inexpedient and impolitic. His Excellency in a Council thinks that such lands, if purporting to be sold in fee simple, should be sold absolutely, with no other reservation of right than that which the State may be able to claim in the way of royalty from mines discovered on land which is private property. Waste lands that have been ascertained before hand or which are strongly believed to contain mineral wealth, should not be either sold or leased as waste land for agricultural purposes but should form the subject of special agreement.

No. 19 of 1867.

46. To this effect Board's Standing Circular No. 151-3 was issued.

47. As to the order of Government calling for a set of rules laying down the terms on which grants of land should be made for mining purposes the Board wrote to say that they presumed that no reply was called for since the Government of India had, in their order, dated 15th March 1867, concurred in the opinion that any reservation by Government of a right to minerals was inexpedient and impolitic.

Board's Proceedings, 15th July 1867.

48. The Board's Proceedings were recorded by Government with the remark that the question had been disposed of by the Government of India in the order quoted by the Board.

Government Order, dated 29th July 1867.

49. In their Proceedings of the 26th September last, the Board asserted the principle which appears to have been followed throughout in these cases viz., that Government would be willing to grant specified blocks of waste land on lease for the purpose of mining speculation but that they could not grant exclusive privileges with regard to large tracts of country or even a whole taluq.

(A true Extract.)

(Signed) J. B. PENNINGTON,
Acting Secretary.

Read the following paper.
11 No. 40.

FROM

A. O. HUME, Esq., C. B.,
Secretary to the Govt. of India,

To The Secretary to the Government of Madras

Dept. of Agriculture,
Revenue, and Commerce.
(Minerals.)

SIMLA, the 14 August 1871.

SIR,

It was proposed in a recent case of the grant of a license to mine for coal, to attach to such grant the condition that the licensee should in no way interfere with any rights in or to the surface of the tract included within his license and should make his own arrangements with the owners and occupiers of the surface soil, in order to obtain access to the coal and facilities for efficiently working it.

2. Upon this, the Secretary of State made the following observations:

4. "From this it would appear that although the Government is exclusive owner of all minerals below the surface, and can convey to whom it will the power of working those minerals, still the right so conveyed can be virtually cancelled wherever the surface is private property, and the owner thereof chooses to deny access to what lies below the surface."
5. "If this be really the present state of the law, it plainly requires to be amended to the extent of making it obligatory to owners of surface land, on receipt of adequate compensation from lessees of the minerals below, to afford them full facilities for getting at the minerals."
6. "What, however, is no less essential is, that a native land-owner should not be left to settle as he best may with an European lessee the terms of compensation for the latter's entrance on his property. In such a transaction natives will be at a great disadvantage, unless some direct Government agency interposed first to ascertain and record, and subsequently to defend their rights, and I am anxious that the expediency of making provision for these purposes should be considered."

3. Search among the records of the Government of India has not discovered sufficient to enable the Governor General in Council to come to a decision on the questions here raised. The cases involving these questions which have actually occurred are few in number and confined to the Central Provinces.

4. I am therefore to request that His Excellency the Govt. in Council will favour the Government of India with information on the following points:

- (a).—How far, in fact, Government has, in Madras acted upon this principle that all mines, when not expressly granted away, belong to the State, and on what grounds Government has so acted?
- (b).—What has been the law or practice in regard to access to mines over land which is private property? Does Government theoretically or practically possess such a right, and can it assign such a right to others?

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(2)

5. The Governor General in Council will also be glad to receive an expression of *His Excellency's* opinion as to the necessity of amending the existing law and the direction which such amendment should take.

I have the honor to be,

SIR,

Your most obedient Servant,

Do Home

Secretary to the Govt. of India.

1871. *Dep.*
From Govt of India
DEPARTMENT OF AGRICULTURE,
REVENUE, AND COMMERCE.

[Minerals.]

No. 40.

Dated 14 August

S.O. do 68 - 11^o Janeiro 1872

REVENUE BOARD OFFICE,
Madras,
24th November 1871.

I have the honour to be,
Sir,
Your most obedient servant,

J. W. Pennington
Acting Secretary.

To the Secretary to Government, Revenue Department,
with precis of leasing out right to collect and work minerals.

Exd. G. A. Turton.

Report to the
Board of Edu. for their
consideration. L.B.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 11th Jan. 1872.

Read the following Proceedings of the Board of Revenue.

Submitting Precise of Correspondence showing Law and practice observed in Madras Presidency as to Mineral rights &c. with reference to letter from Govt. of India on this subject.

(H.C. 24th November 1871 No. 4837).

The above papers will be communicated to the Government of India with reference to Mr. Secretary Hume's letter dated 14 August 1871 No. 40 (Minerals).

The Government concur in the conclusions at which the Board have arrived. except in so far that they are of opinion that any assertion of an exclusive right

Revenue 1871. Oct 18

Board of Revenue,

MADRAS. 8.3862.

LETTER, 24TH NOVEMBER 1871, NO. 4,837.

Recd. 29 Dec 1871. *Recd. 11 Dec 1871. Recd. 11 Dec 1871.*

NOVEMBER. No. 4,837.

Mineral rights, &c.—Precis of correspondence showing law and practice observed in Madras Presidency as to, submitted to Government, with reference to letter from Government of India on this subject.

right by Government, in all minerals below the surface would be ~~an~~ an invasion of private rights ~~by~~ all landholders and would excite much dissatisfaction if it ever was acted on beyond the limits of what is termed Government waste.

Ordered that the following letter be despatched.

7 copies
sent by post
No 69
The Secretary to the
Govt. of India
Agricultural, Rural
& Commerce Dept.

Sir,
In reply to your letter No 40 (minerals) dated 14th August 1871 asking how far this Govt. has acted on the principle that all mines belong to the state and what has been the practice in regard to access to mines over private land

14. To the Secy of Revenue Dept. 12 July 1872

does not possess

Land, also whether necessity exists for altering the existing law and the direction which such change should take. I am directed to state that this Government has always acted on the principle that except in regard to Government waste the Government ~~has not~~ ~~does not possess~~ any exclusive right in minerals, and that no reservation of right of way over private lands as means of access to mines has been at any time made or claimed.

This Government ~~is~~ not of opinion that any change is called for in the law affecting this subject, the Land acquisition act appearing to confer all the powers which it can properly be desired to exercise in the matter.

L.B.

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