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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 589. Press
~~B.P. No.~~ Mis.

Dated 13 - 4 - 1875 ~~196~~ .

Not to be folded or roughly handled

No. 170. Read the following letter from Mr. M. F. LAVELLE, Madras, to D. F. CARMICHAEL, Esq., Secretary to Government, Revenue Department, dated 19th February 1875 :—

I HAVE the honor to acknowledge the receipt of copy of order of Government, No. 159, of 1st February passed by H[illegible] Excellency in Council on my application, through Messrs. Shaw and Tasker, for a [illegible]ning right in the Salem District.

2. I fear that the letter addressed [illegible] the Chief Secretary by Messrs. Shaw and Tasker was not sufficiently explicit, and has led His Excellency the Governor in Council to suppose that I asked for a general mining right over a large tract of country, whereas what I really do solicit is, that I be granted for a limited period exclusive right to prospect for gold and other precious metals, &c., in the Kistnagiri Taluq, with a promise from Government that, should I be successful, they will lease to me for twenty years two square miles of land at one or more spots, not exceeding ten, for mining purposes.

3. I beg to forward (to be kindly returned when no longer required) the copy of a Deed between the Mysore Government and myself, by which I am granted exclusive right to prospect in the Kolar District, with the promise of leases of certain spots hereafter.

4. I hope His Excellency in Council will be pleased to reconsider his decision, and grant me the same terms as the Mysore Government, otherwise I beg most respectfully to urge that the placing on the Editor's table Messrs. Shaw and Tasker's letter, in which full information was given of the place where I am led to believe precious metals exist, was a great hardship to me, and may cause me the loss of the time and money I have spent in prospecting during the last two years.

5. Were I now, on the knowledge of the district I possess, to apply for a spot as suggested in the order of Government, I believe I should be successful in finding precious metals; but I might be unsuccessful when it is more than probable that, owing to the publicity given to my exertions, I should find others in possession of the right piece of land, and all my time and money wasted. This, I am sure, is not the wish of the Governor in Council, and I therefore most earnestly beg that my application may be reconsidered, and that I may be permitted to prospect in the waste lands in the Kistnagiri Taluq on the same terms as those laid down by the Mysore Government with reference to the Kolar District in the Deed, a copy of which I send.

6. I would submit that, when I [illegible]ect any spot for a location, it can then be reported on by the Collector of Salem.

No. 171. MINUTE BY THE H[illegible] R. S. ELLIS, C.B.

MR. LAVELLE has now reduced his application, and requests that—

1st.—He be granted for a limited period (three years) *exclusive* right to prospect for gold and other precious metals in the Kistnagiri T[illegible]q.

2nd.—A promise from Government that, should he be successful, they will lease to him, for twenty years, two square miles of land, at one or more spots, not exceeding ten, for mining purposes.

2. In justification of his claim, he puts in a copy of a Deed executed by the Mysore Government to him, granting him the exclusive right to prospect in the Kolar District, with the promise of certain leases hereafter. He points out that he has received some injury by his previous

application on this subject having been made public, and begs that he may be permitted to prospect in the waste lands of the Kistnagiri Taluq on the same terms as those laid down by the Mysore Government.

These terms, according to the copy of Deed put in, are—

(1.) *Exclusive* right, for three years, to prospect in the Kolar District, and to sink shafts in any place within such district.

(2.) He is, for *three* years, not to be required to pay any rent or royalty for the land entered upon.

(3.) He is not to interfere with existing works of the Native miners within this area.

(4.) He may, during the three years, select land fit for his operations (same extent as proposed for Kistnagiri) not more than ten spots, no spot to exceed two square miles, and receive exclusive mining rights in these spots on a lease of twenty years.

(5.) The lease provides for his taking up arable land, within these tracts, by payment of a fine of thirty times the annual assessment, and, during the term of the lease, the regular assessment.

(6.) The lease further provides for payment of royalties ten per cent. on net sale-proceeds of gold metallic ores and coal, and twenty per cent. on precious stones. Provision is also made for recovery of any arrears of royalty.

3. These are the principal provisions of the Mysore grant. I have gone carefully through the papers circulated with Mr. Lavelle's application, which exhibit the action taken by the Madras Government in the rare cases of applications for mining privileges addressed directly to them, and the correspondence on the general question, which has, from time to time, taken place between the Madras Government, the Secretary of State for India, and the Government of India. For convenience of reference, I annex an abstract of these papers (marked A). It will be observed that the opinions of the Government of India and Secretary of State have, during the last ten years, undergone considerable modification. This has, I suppose, arisen from the greater amount of information acquired regarding the probable mineral riches of India. Thus, in 1866, the Secretary of State laid down that the true policy in regard to the search for gold is "to grant no monopoly or even encouragement to individuals in any shape, to seek no royalty or other direct revenues to Government, but merely to organise a Police, on the arrival of diggers in sufficient numbers, to be paid for by them until the increased wealth of the district rendered ordinary taxation available for the purpose."

4. But, in 1872, the Secretary of State exhibits anxiety lest the rights of the State, as exclusive owner of minerals below the surface of the soil, should be questioned in the case where the surface is cultivated and private property; and he points out that this right should be secured, if necessary, by legislation.

5. The Madras Government very distinctly stated its opinion that the Government had, to all intents and purposes, waived its right to the mineral riches on lands,—the property of private individuals,—and could only deal with the question of minerals found on Government waste lands.

6. The latest instructions from the Government of India on the subject under consideration are of the same year, 1872, with reference to the reputed mineral wealth of the Kistna District. These instructions are to the effect "that in all cases, some royalty, however small, should be levied on minerals or quarries of valuable stone, in order to prevent possible disputes and difficulties hereafter, and that in every case, it should be distinctly laid down that in the absence of any special contract between the Government and any individual, specifying the rate of royalty for a given term, the Government always reserves to itself the right to alter and increase the royalty in any manner it sees fit, on giving six months' previous notice."

7. They add: "The Government thinks it wise to look forward to the possibility that the mineral resources of the country, at present lying in a dormant state, may, at some future time, contribute largely to the finances of the Empire.

"*While, therefore, the most liberal terms may be made with the pioneers of any mineral enterprise*, care should be taken to preserve the Government lien in its fullest vitality, to prevent

Proceedings of the Madras Government, Revenue Department,
13th April 1875.

589
2

monopolies growing up, and to avoid any such permanent engagement as might hereafter prove embarrassing."

8. With these instructions before us, I think Mr. Lavelle's application entitled to consideration. It should not, in my humble judgment, be our policy to discourage private enterprise, directed to the discovery and development of the mineral resources of the country. It will be observed that Mr. Lavelle proposes only to prospect in the waste lands of a single taluq (Kistnagiri) and this for a limited period (three years.)

9. The quantity of land which he requires or may require on twenty years' lease is, I think, somewhat excessive, and it may be desirable to reduce the grant. He wishes to lease two square miles at one or more spots not exceeding ten, so that he might require twenty square miles of waste. For the present, it may be sufficient to limit the total extent of land to be leased to him to ten square miles, or, in other words, to one-half of the quantity for which he applies, and to reserve the right of Government to cancel such leases if the work is not carried on with sufficient activity. I see very little objection to the exclusive right of prospecting for three years, which has been granted to Mr. Lavelle by the Mysore Government; and I think we may, as regards Kistnagiri also, fairly make this concession to him. There is no other candidate in the field. The rights of Native miners, who wash for particles of gold, will, as in Mysore, be protected. Indeed, it is probable that if Mr. Lavelle's anticipations are justified, he will employ, to their advantage, a very large number of natives who are already well acquainted with the work in its minor branch of gold-washing.

10. As Mr. Lavelle's prospecting is limited to one taluq, in which he has, at considerable sacrifice of time and trouble, been engaged in scientific inquiry, I can see no injustice in giving him this privilege for a very limited time. If, however, it is not considered desirable to give *formally* to Mr. Lavelle, the *exclusive* right of prospecting, I think the permission of Government to prospect in the Kistnagiri Taluq should be given to him, and communicated to the local authorities. We should also, I think, be careful not to grant a similar permission on the same area, until Mr. Lavelle has had time to utilise his discoveries. Mr. Lavelle should also be permitted, as indicated above, to lease a considerable portion of such waste land, as he considers will repay the labor of mining.

11. To do less than this would, I think, be to set aside the formal instructions of the Government of India, and to throw impediments in the way of work which may prove of great value to the country.

13th March 1875. (Signed) R. S. ELLIS.

No. 171A. MINUTE BY HIS EXCELLENCY THE GOVERNOR.

I AM disposed to agree with Mr. Ellis; but I think, before deciding, the question should be again considered in Council what permission is required for *non*-exclusive prospecting? And what provision is or ought to be made for protecting any interests of owners or occupiers of cultivated land which may be threatened by the process.

17th March 1875. (Signed) HOBART.

No. 171B. MINUTE BY HIS EXCELLENCY THE GOVERNOR.

THE alternatives which suggest themselves to me are either—

(1.) To wait till we see the result of the Mysore lease; or,

(2.) To say that if, within a reasonable time to be fixed, Mr. Lavelle can show us a *primâ facie* probability of success, we will grant a lease for an area to be hereafter determined; but I think we had better consider this again in Council.

5th April 1875. (Signed) HOBART.

Proceedings of the Madras Government, Revenue Department,
13th April 1875.

No. 172. ORDER THEREON, 13th April 1875, No. 589.

Miscellaneous.

MR. LAVELLE will be informed that he is at liberty to prospect (though the Government do not pledge themselves to exclude others from doing so at the same time) in the Kistnagiri Taluq, Salem District; this permission being limited, of course, to the waste lands of the tract mentioned.

2. Within a reasonable time, say by the end of 1876, he will be expected to show a *prima facie* probability of success in his search for gold; on being assured of which, His Excellency in Council will be prepared to grant Mr. Lavelle a lease of such extent of land and on such terms as may then be determined.

(Signed) D. F. CARMICHAEL,
Secretary to Government.

Exd. F. R. Bantleman.

3

Govt. of Madras.

REVENUE.

To

Mr. M. F. LAVELLE,

&c., &c., &c.

Dated April, 13*th*.

Read.

Encl.

G. O., 13*th April* 1875, *No.* 589.

APRIL.

Nos. 170—172.

Gold and other precious Metals in the Kistnagiri Taluq, Salem District.—Informing Mr. Lavelle that he is at Liberty to prospect for — in the waste lands of the tract mentioned, and that on Government being assured of success in his search for gold within a reasonable time a lease of such extent of land and on such terms as may then be determined will be granted.

Proof for Offg. Chief Secretary's approval.

589/H

REVENUE DEPARTMENT.

MINUTE BY HIS EXCELLENCY THE GOVERNOR.

THE alternatives which suggest themselves to me are either—

(1.) To wait till we see the result of the Mysore lease; or,

(2.) To say that if, within a reasonable time to be fixed, Mr. Lavelle can show us a *primâ facie* probability of success, we will grant a lease for an area to be hereafter determined; but I think we had better consider this again in Council.

5th April 1875.

(Signed) HOBART.

Proof for Offg. Chief Secretary's approval.

58/75

REVENUE DEPARTMENT.

MINUTE BY HIS EXCELLENCY THE GOVERNOR.

I AM disposed to agree with Mr. Ellis; but I think, before deciding, the questions should be again considered in Council what permission is required for *non*-exclusive prospecting? And what provision is or ought to be made for protecting any interests of owners or occupiers of cultivated land which may be threatened by the process.

17*th March* 1875. (Signed) HOBART.

Gaz 13 April/75 No 589.

587/12

I am disposed to agree with Mr Ellis, but I think, before deciding, the question should be again considered in Council what permission is required for non exclusive prospecting? and what provision is or ought to be made for protecting any interests of owners or occupiers of cultivated land which may be threatened by the process.

17: March. /d/ Hobart

The alternatives which suggest themselves to me are either

(1) to wait till we see the result of the Mysore lease

or (2) to say that if, within a reasonable time to be fixed, Mr Lavelle can show us a 'prima facie' probability of success, we will grant a lease for an area to be hereafter determined,

but I think we had better consider this again in Council.

5: April. /d/ Hobart

Subsequent to the Act from
which the Directors
are to derive

GO No. 5898 13th April 1875

I am directed to
acquaint the Hon'ble
Court of Directors,
in reply,
that the matter
should be again
considered in Council.

That permission to
appeal from
Indian
prosecutions and
[illegible]
[illegible]
what provision is
to be made
for protecting the
interests of
owners or occupiers

Proof

588/8

REVENUE DEPARTMENT.

MINUTE BY THE HON. R. S. ELLIS, C.B.

MR. LAVELLE has now reduced his application, and requests that—

1*st*.—He be granted for a limited period (three years) *exclusive* right to prospect for gold and other precious metals in the Kistnagiri Taluq.

2*nd*.—A promise from Government that, should he be successful, they will lease to him, for twenty years, two square miles of land, at one or more spots, not exceeding ten, for mining purposes.

2. In justification of his claim, he puts in copy of a Deed executed by the Mysore Government to him, granting him the exclusive right to prospect in the Kolar District, with the promise of certain leases hereafter. He points out that he has received some injury by his previous application on this subject having been made public, and begs that he may be permitted to prospect in the waste lands of the Kistnagiri Taluq on the same terms as those laid down by the Mysore Government.

These terms, according to the copy of Deed put in, are—

(1.) *Exclusive* right, for three years, to prospect in the Kolar District, and to sink shafts in any place within such district.

(2.) He is, for *three* years, not to be required to pay any rent or royalty for the land entered upon.

(3.) He is not to interfere with existing works of the Native miners within this area.

(4.) He may, during the three years, select land fit for his operations (same extent as proposed for Kistnagiri) not more than ten spots, no spot to exceed two square miles, and receive exclusive mining rights in these spots on a lease of twenty years.

(5.) The lease provides for his taking up arable land, within these tracts, by payment of a fine of thirty times the annual assessment, and, during the term of the lease, the regular assessment.

(6.) The lease further provides for payment of royalties ten per cent. on net sale-proceeds of gold metallic ores and coal, and twenty per cent. on precious stones. Provision is also made for recovery of any arrears of royalty.

3. These are the principal provisions of the Mysore grant. I have gone carefully through the papers circulated with Mr. Lavelle's application, which exhibit the action taken by the Madras Government in the rare cases of applications for mining privileges addressed directly to them, and the correspondence on the general question, which has, from time to time, taken place between the Madras Government, the Secretary of State for India, and the Government of India. For convenience of reference, I annex an abstract of these papers (marked A). It will be observed that the opinions of the Government of India and Secretary of State have, during the last ten years, undergone considerable modification. This has, I suppose, arisen from the greater amount of information acquired regarding the probable mineral riches of India. Thus, in 1866, the Secretary of State laid down that the true policy in regard to the search for gold is "to grant no monopoly or even encouragement to individuals in any shape, to seek no royalty or other direct revenues to Government, but merely to organise a Police, on the arrival of diggers in sufficient numbers, to be paid for by them until the increased wealth of the district rendered ordinary taxation available for the purpose."

4. But, in 1872, the Secretary of State exhibits anxiety lest the rights of the State, as exclusive owner of minerals below the surface of the soil, should be questioned in the case where the surface is cultivated and private property; and he points out that this right should be secured, if necessary, by legislation.

5. The Madras Government very distinctly stated its opinion that the Government had, to all intents and purposes, waived its right to the mineral riches on lands,—the property of private individuals,—and could only deal with the question of minerals found on Government waste lands.

6. The latest instructions from the Government of India on the subject under consideration are of the same year, 1872, with reference to the reputed mineral wealth of the Kistna District. These instructions are to the effect "that in all cases, some royalty, however small,

I cultivated land which may be thrown up by the process?

W

17/3

The alternatives which I suggest terminates Mr Lavelle's letter.

(1) to wait for the result of the Mysore lease

(2) to say that further a reasonable time be fixed

Mineral privileges

Mr Lavelle

can now as a primâ facie probability of success - on which grant a lease for an area to be hereafter determined

I do not wish to make any addition to this Minute. I have ventured to make some marginal pencil notes on Mr Robinson's Minute: Perhaps the question may be discussed at the next Council.

WC

3rd April 75

I think we had better consider the question in Council

W 3/4

should be levied on minerals or quarries of valuable stone, in order to prevent possible disputes and difficulties hereafter, and that in every case, it should be distinctly laid down that in the absence of any special contract between the Government and any individual, specifying the rate of royalty for a given term, the Government always reserves to itself the right to alter and increase the royalty in any manner it sees fit, on giving six months' previous notice."

7. They add: "The Government thinks it wise to look forward to the possibility that the mineral resources of the country, at present lying in a dormant state, may, at some future time, contribute largely to the finances of the Empire.

"*While, therefore, the most liberal terms may be made with the pioneers of any mineral enterprise*, care should be taken to preserve the Government lien in its fullest vitality, to prevent monopolies growing up, and to avoid any such permanent engagement as might hereafter prove embarrassing."

8. With these instructions before us, I think Mr. Lavelle's application entitled to consideration. It should not, in my humble judgment, be our policy to discourage private enterprise, directed to the discovery and development of the mineral resources of the country. It will be observed that Mr. Lavelle proposes only to prospect in the waste lands of a single taluq (Kistnagiri) and this for a limited period (three years.)

9. The quantity of land which he requires or may require on twenty years' lease is, I think, somewhat excessive, and it may be desirable to reduce the grant. He wishes to lease two square miles at one or more spots not exceeding ten, so that he might require twenty square miles of waste. For the present, it may be sufficient to limit the total extent of land to be leased to him to ten square miles, or, in other words, to one-half of the quantity for which he applies, and to reserve the right of Government to cancel such leases if the work is not carried on with sufficient activity. I see very little objection to the exclusive right of prospecting for three years, which has been granted to Mr. Lavelle by the Mysore Government; and I think we may, as regards Kistnagiri also, fairly make this concession to him. There is no other candidate in the field. The rights of Native miners, who wash for particles of gold, will, as in Mysore, be protected. Indeed, it is probable that if Mr. Lavelle's anticipations are justified, he will employ, to their advantage, a very large number of natives who are already well acquainted with the work in its minor branch of gold-washing.

10. As Mr. Lavelle's prospecting is limited to one taluq, in which he has, at considerable sacrifice of time and trouble, been engaged in scientific inquiry, I can see no injustice in giving him this privilege for a very limited time. If, however, it is not considered desirable to give *formally* to Mr. Lavelle, the *exclusive* right of prospecting, I think the permission of Government to prospect in the Kistnagiri Taluq should be given to him, and communicated to the local authorities. We should also, I think, be careful not to grant a similar permission on the same area, until Mr. Lavelle has had time to utilise his discoveries. Mr. Lavelle should also be permitted, as indicated above, to lease a considerable portion of such waste land, as he considers will repay the labor of mining.

11. To do less than this would, I think, be to set aside the formal instructions of the Government of India, and to throw impediments in the way of work which may prove of great value to the country.

13*th March* 1875.

(Signed) R. S. ELLIS.

Mining.

589/10

Minute.

Mr Lawlor has now reduced his application and requests that:-

1st He be granted, for a limited period - 3 years. excluding right to prospect for Gold and other precious Metals in the Kilmaglerry taking:-

2d A promise from Govt that should he be successful, they will lease to him for twenty years, ten square miles of land, at one or more spots, not exceeding ten, for mining purposes.

In justification of his claim, he puts in copy of a Deed executed by the Bryork Govt to him, granting him the exclusive right to prospect

in

in the Kolar district, with the promise of certain leases hereafter. He points out that he has received some injury by his previous application on this subject having been made public, and begs that he may be permitted to prospect in the waste lands of the Kistnagherry Taluq on the same terms as those laid down by the Mysore Government.

These terms, according to the copy of deed put in, are

1 Exclusive right, for three years to prospect in the Kolar district, and to sink shafts in any place within such district.

2. He is for three years, not to be required to pay any rent or royalty for the land entered upon.

3.

3. He is not to interfere with existing works of the Native miners within this area.

4. He may, during the 3 years, select land fit for his operations (same extent as proposed for Kistnagherry) not more than ten spots, no spot to exceed 2 square miles. And receive exclusive mining rights in these spots on a lease of 20 years.

5. The lease provides for his taking up arable land, within these tracts, by payment of a fine of thirty times the annual assessment, and during the term of the lease, the regular assessment.

6. The lease further provides for payment of royalties. 10 per cent on net sale proceeds of gold metallic ores

ores and Coal and 20 per Cent on precious Stones - Pro=vision is also made for recovery of any arrears of royalty.

These are the princi=pal provisions of the Bryson Grant. I have gone care=fully through the papers Circulated with Br. Lavelle's application, which exhibit the action taken by the Madras Govt. in the rare Cases of applications for mining privileges addressed directly to them, and the correspondence on the general question, which has from time to time taken place between the Madras Govt., the Secy of State for India, and the Govt. of India. For convenience of reference, I annex an abstract of these papers (marked A) which it will be observed,

that

that the opinions of the Govt of India and Secretary of State have, during the last few years, undergone Considerable modification. This has, I suppose, arisen from the greater Amount of information acquired regarding the probable mineral riches of India. Thus in 1866, the Secy of State laid down that the true policy in regard to the search for gold is "to grant no monopoly or Even encou=ragement to individuals in any shape, to seek no royalty or other direct revenue to Govt, but merely to or=ganize a Police, on the ar=rival of diggers in sufficient numbers, to be paid for by them until the increased wealth of the District rendered ordinary taxation available

available for the purpose".

But in 1872, the Secretary of State exhibits anxiety lest the rights of the State, as exclusive owner of minerals below the surface of the soil, should be questioned in the case where the surface is cultivated and private property - and he points out that this right should be secured, if necessary by legislation.

The Madras Govt very distinctly stated its opinion that the Govt had to all intents and purposes waived their right to the mineral riches on lands, the property of private individuals and could only deal with the question of minerals found on Govt waste lands.

The

The latest instructions from the Govt of India on the subject under consideration are of the same year - 1872 - with reference to the reputed mineral wealth of the Kistna District. These instructions are to the effect "that in all cases some royalty, however small, should be levied on minerals or quarries of valuable stone, in order to prevent possible disputes and difficulties hereafter, and that in every case, it should be distinctly laid down that in the absence of any special Contract between the Govt and any individual, specifying the rate of royalty for a given term, the Govt always reserves to itself the right to alter and increase the royalty in any manner it sees fit, on giving 6 months previous notice"

They

They add "the Govt thinks it wise to look forward to the possibility that the mineral resources of the Country, at present lying in a dormant state, may at some future time, contribute largely to the finances of the Empire".

While therefore the most liberal terms may be made with the pioneers of any mineral Enterprize care should be taken to preserve the Govt. firm in its fullest vitality, to prevent monopolies growing up and to avoid any such permanent engagements as might there after prove embarrassing?

With these instructions before us, I think Mr. Lavelle's application entitled to Consideration. It should not, in my humble judgment, be our

policy

policy to discourage private enterprize, directed to the discovery and development of the mineral resources of the Country. It will be observed that Mr. Lavelle proposes only to prospect in the waste lands of a single taluq - Kilmaghenny - and this for a limited period - 3 years.

The quantity of land which he requires or may require on twenty years lease, is, I think, somewhat excessive, and it may be desirable to reduce the grant. He wishes to lease two square miles at one or more spots not exceeding ten, so that he might require twenty square miles of waste - For the present, it may be sufficient to limit the total extent of land to be leased to him to ten square miles - or in other words to one half of the quantity for which he

he applies, and to reserve
the right of Govt to cancel
such leases, if the work is
not carried on with sufficient
activity - I see very little
objection to the exclusive
right of prospecting for three
years, ~~which~~ has been granted
to Mr Lavelle by the Mysore
Govt, and I think we may as regards Kishnagherry
also fairly make this
Concession to him - There
is no other Candidate in
the field - The rights of
Native Miners, who wash
for particles of gold, will,
as in Mysore, be protected -
Indeed it is probable that
if Mr Lavelle's anticipations
are justified, he will employ,
to their advantage, a very
large number of natives,
who are already acquainted
with the work in this minor
branch

branch of gold washing -

As Mr Lavelle's pros-
-pecting is limited to one
taluq, in which he has,
at considerable sacrifice
of time and trouble, been
engaged in scientific inquiry
I can see no injustice in
giving him this privilege
for a very limited time -
If however, it is not considered
desirable to give, formally,
to Mr Lavelle, the exclusive
right of prospecting, I think
the permission of Govt to pros-
-pect in the Kishnagherry
Taluq, should be given to
him and communicated
to the Local Authorities -
We should also, I think, be
careful not to grant a similar
permission over the same
area, until Mr Lavelle
has had time to utilize
his discoveries - Mr Lavelle
should also be permitted, as
indicated above, to lease a

Considerable

considerable portion of such waste land, as he considers will repay the labor of mining –

I do less than this, would, I think, be to set aside the formal instructions of the Govt of India and to throw impediments in the way of work which may prove of great value to the Country. –

R. Mc

13. March 75.

G.O. No. 589 of 13th April 1875.

G.O. 13 April 75 No 589

G.O. No. 589 of 13 April 1875.

The question was not closed for W. Lavelle was told to make proposals for any particular tract required by him –

NB. His carriage took us down W. Campbell Bellas solicitor – with its great name – before it at this time. RM

He is not a French gentleman but an Irishman – not at all unfavorably known in Mysore RM

I see no evidence of this – The intention if the prospecting shows favorable results is to form a company – which will be more easily managed than would independent miners RM

I see no reason for reconsidering the recent deliberate decision of Government to reject – what still appears to me an unreasonable and disadvantageous offer – (however reviewed) and I deprecate reopening the matter.

We know nothing of this ~~Gentleman~~ gentleman either as a scientific man or capitalist, and I am satisfied that his offer is one which presents all the features of ordinary Colonial land jobbing and prospecting Company – floating

Concessions

floating in which the advantages are all with the Speculator and the loss and Embarrassment with the Government and public.

Mr King of the Geological Survey spoke to me on this matter and warned me against entertaining this proposal.

Further it seems to me obvious that if the matter is to be again taken into consideration it must be referred to the Geological Dept for careful Examination and to the local Officers through the Board of Revenue for full report.

If it be true that this Speculator has secured privileges of the kind which he now asks this Government to extend over a vast tract in Salem (Krishnagherry Taluq of about 700 Sq. Miles) from the Mysore administration — we have apparently only the Gentleman's own word for it — he clearly has quite Enough to occupy the time and Capital without further Exclusive privileges intended to foreclose further tracts in Madras to British Enterprise & Research

As regards pledging Govt. to exclude all other prospectors for years from large tracts of waste land, I do not believe that it is within the power of Govt to do so, much less to keep up the watch for this effluent Waste land is subject to Easements & popular rights

I do not quite understand what this means — The loss if any will fall on the speculator. If gold is found in sufficient quantity to work the mines the Govt gets its royalty. RK

This is somewhat vague. RK

The time of the Geological Dept is fully occupied as was shown in the abstract to give Mr Kings services for investigations in the Wynaad — I cannot see why we should discourage individual Efforts in the discovery of the precious metals. Indeed we are instructed to encourage all pioneers. RK

We have now the affirmation of the Mysore officials. RK

He ought to be the best judge of this —

He is a pure Irishman.

It will be seen by my Minute that I propose, if exclusive rights to prospect are considered undesirable, — only to give a permission to all Lascelles — & this for a limited period of three years — and to limit his leases to a few square miles of waste Land practically the waste lands will be available very much as they were

rights - amongst them is
Native mining rights and
the requisite prospecting -
which the Govt. cannot
foreclose or curtail and
ought not to attempt to
do so in the interest of
the State and public. -
Practically we cannot
keep up watch & prosecute
the so called trespassers.
I can conceive no measure
more likely to be misunderstood
than the sanction of this
proposal -

If it be entertained
by Govt - pass old be
cancelled

- 22/3 [illegible]

1862

If Mr Saville's request
in respect to exclusive right &
prospect might be urged in fa-
-vor of exclusive right & prospect
of plantation - I would say a

[illegible]

G. O. 13 April 1875 No 589 Rev. Ass.

before as the working site
of a mine is of small
extent.

This will not be
requisite

What about

Have again the News
letter of Mr. Saville
& the Mysore Govt. & see no
reason to alter my view
in the matter

He has obtained
Mysore grants - of a kind
which does not seem to accord
with the views of the
Govt. of India - one 2500 Sq.
miles in the adjacent region of
Mysore - he does not seem
to have broken ground

Mr Jacks & other Europeans & their neighbours taking

[illegible]

18

[illegible] than 500 acres on

Condition

rights - amongst them is before us the working site

Revenue Department.

Soliciting instructions as to whether the enclosed Memo: of the Hon: W. Robinson is to be brought on Proceedings as Minute.

13th April 1875. Noted Skaw
attd Mr Donaldson

Appendix - A.

Mining Privileges

The earliest case in the paper put up is from a Mr. Sterne, 1865, who wished for such a monopoly as would enable him in the event of his discovering a remunerative gold field to exclude others from its immediate neighbourhood for a term of years.

After a reference to the Govt. of India who consented to treat Mr. Sterne's as a special case, the Govt. of Madras consented to grant Mr. Sterne a monopoly for ten years of gold and other metals in such area of Govt. waste land not exceeding 2000 acres in one or more blocks of not less than 500 acres on

Condition

condition of his paying a royalty of 5 per cent on gold or other metals, but they do not seem to have conceded to him any exclusive right of search. The Govt of India declined on this occasion to lay down any rules for dealing with such cases, except suggesting that the Govts, as owners of the soil wherever property was not vested in private individuals, had 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 shall give the State a reasonable share of the produce.

~~The Govt of Madras were at first willing to~~ permit

permit Mr Sterne to search for gold, and agreed not to grant permission to any other applicant to prosecute any similar search in the same district in which Mr Sterne may be working, but would give him no monopoly if he discovered an auriferous area. This naturally did not satisfy Mr Sterne - see later correspondence.

In 1866, the Secretary of State ~~the~~ not interfering in Mr Sterne's case, - but not recognizing it as a precedent, expressed his belief, "that the true policy of the Govt of India in regard to the search for gold is to grant no monopoly or encouragement to individuals in any shape - to seek no royalty or other direct revenues for Govt -

to

to be careful to organize as soon as may be, some thing of a police, but use that Police no further than to prevent clashing of claims — to pay the Police by a tax on diggers after which increased wealth of district will have prevented ordinary taxation available for the purpose".

In 1867, we find in a Resolution of the Govt of India "as regards a special reservation by Govt of a right to a share in the mineral wealth of waste lands which are sold, the Governor General 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 thinks that such

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 suspected of being auriferous or to contain valuable minerals, should not be sold or leased as waste lands for agricultural purposes, but should form the subject of a special agreement."

On an application in 1868 for the sole privilege of working a small auriferous hill in South Canara, the Govt of Madras put in application the principle laid down by the Secretary of State, that the field for operation should be free to all, special police

if necessary, being maintained at the cost of diggers.

The subject was revived in 1872 by the Secretary of State on a proposal, connected with the grant of a license to mine for coal, to attach to such grant a 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 or occupiers of the surface soil in order to obtain access to the coal, and facilities for efficiently working it. The Secretary of State objected to the idea that altho' the Govt. is the exclusive owner of minerals below the surface, and can convey

to whom it will, the power of working the 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.

The Secretary of State said that if this was the Law, it should be amended to the extent of making it obligatory to owners of surface land on receipt of adequate Compensation from lessees of minerals below, to afford them full facilities for getting at the minerals and further the Secretary of State thought that the Govt. should not leave this to be arranged between the lessees and landholders but should interpose directly

directly-

This question was referred to Madras Govt who consulted the Board who pointed out that Govt had always acted upon the principle that except in Govt waste to which no classes of the Community have by custom, or otherwise, any claim, the State has no right whatever to the produce of mines, and that no reservation has ever been made of a right of access to any supposed mines.

The Board gather that the Supreme Govt has come to the Conclusion, (acting of course on proper legal advice) that the Crown is the exclusive owner of all minerals below the surface throughout British India - that

there

there was not hitherto any such understanding in the Presidency, but that owing to the limited extent to which the question has been raised, it cannot be said that a legislative declaration of the Crown's rights in this respect would be attended with any practical inconvenience in Madras. It would be necessary for the Crown to compensate surface owners injured by the grant of licenses to work for minerals, but for this the Land Acquisition Act would probably prove sufficient.

The Govt concurred in the Conclusions of the Board except in so far as they are of opinion that any assertion of an exclusive right by Govt in all minerals below the surface,

would

avoid any such permanent engagement as might here-after prove embarrassing."

In 1873, a Mr. Campbell renewed an application he had formerly made for the concession of 21 years of mining rights (on copper) in three talugs of Cuddapah and four talugs of Kellore district. The Govt. told Mr. Campbell that they could only grant him mining rights over a reasonable area, and only then on his furnishing sufficient evidence in detail to enable them to judge whether or not there is prima-facie probability that the enterprise will succeed, and for this they gave him 18 months time.

Mining

Appendix

A

to Honble R. S. Ellis's
Minute of 13 March /75

Vide G. C. 13 April 1875
No 589 Rev= Dept=

1/

Mining

W. Lavelle has reduced his application, and now to requests that he be granted for a limited period, exclusive right to prospect for gold & other precious metals in the Kistnapherry Taluq. — 3 years. —

2) a promise from Govt that should he be successful they will lease to him for twenty years two square miles of Land, at one or more spots not exceeding ten for mining purposes —

In justification of his claim he puts in copy of a Deed executed by the Mysore Govt to him granting him the exclusive right to prospect in the Kistna

District with the promise of certain leases hereafter - He points out that he has received some injury by his previous application on this subject having been made public - & begs that he may be permitted to prospect in the Waste Lands of the Kistnapherry Taluq on the same terms as those laid down by the Mysore Govt. —

These terms according to the copy of deed put in are.

1) Exclusive right for three years to prospect in the Kolar district & to sink shafts in any place within such district.

2. He is for three years not to be required to pay any rent or royalty for the land entered upon.

3. He is not to interfere with existing works of the native miners within this area.

4. He may during the 3 years select land fit for his operations - (same extent as proposed for Kistnapherry) not more than ten shafts no shaft to exceed 2 square miles - & receive exclusive mining rights in these shafts on a lease of 20 years.

5) The lease provides for his taking up arable land, viz:- in these tracts by payment of a fine of —

thirty times the annual assessment & during the term of the lease the regular assessment.

6. From the lease a further provides for payment of royalties 10 p. cent on net sale proceeds of gold metallic ores & coal & 20 per cent on precious stones. Provision is also made for recovery of any arrears of royalty.

These are the principal provisions of the Mysore Grant.

Before determining the decision to be arrived at by the Madras Govt it may be useful to recall what has been the action of the Govt on similar applications & the correspondence — I have gone carefully through the papers with Mr Lavelle's application circulated & which exhibit the action taken by the Madras Govt in ~~query~~ the rare cases of applications for mining privileges addressed to them, ~~& references~~ closely on the general question ~~made~~

~~by the Govt of India & the Secy of State.~~ 2

~~From these papers it~~ it will be observed that the opinions ~~& action~~ of the Govt of India & Secy of State have during the last ten years undergone considerable modification. This I suppose has probably arisen from the greater amount of information acquired regarding the probable mineral riches of India. Thus in 1866. the Secy of State laid down that the true policy in regard to the search for gold is to grant no monopoly or even encouragement to individuals in any shape

I beg to append a Memo - 28 showing the course pursued.

which has from time to time taken place between the Madras Govt, ~~and~~ the Secretary for India and the Govt of India - For convenience of reference I annex an abstract of these papers (marked A) lately

to seek no royalty or other
direct revenues to Govt
but merely to organise
a Police, on the arrival
of diggers in sufficient
numbers - to be paid
for by them until the
increased wealth of the
district rendered ordinary
taxation available for
the purpose. -
But in 1872. The key
of state exhibits anxiety
lest the rights of the
State ~~in the exclusive~~ exclusive
~~right~~, as owner of minerals
below the surface of
the soil should be

he points out

to all intents & purposes —

questioned in the case of
where the surface is
cultivated & private
property & ~~limited~~ that
this right should be
secured, if necessary, by
legislation -
The Madras Govt very
distinctly stated its
opinion that ~~the Govt~~ we had
waived ~~all~~ their right to
the mineral riches in
lands the property of
private individuals &
could only deal with
the question of minerals
found on Govt waste
Lands. —

The latest instructions from the Govt of India on the subject under consideration ~~was~~ are of the same year 72. with reference to the reputed mineral wealth of the Kistna district These instructions are to the effect "that in all cases some royalty, however small, shd be levied on minerals & quarries of valuable stone in order to prevent possible disputes and difficulties hereafter & that in every case it should be distinctly laid down

that in the absence of any special contract between the Govt & any individual specifying the rate of royalty for a given term the Govt always reserves to itself the right to alter & increase the royalty in any manner it may fit ~~to exact~~ ~~and in any manner~~ on giving six months previous notice."

They added "the Govt thinks it wise to look forward to the possibility that the mineral resources of the country at present lying in a dormant state may at some

future time contribute
largely to the finances
of the Empire -
While therefore the most
liberal terms may be
made with the pioneers
of any mineral enterprize
care should be taken
to preserve the first lien
in its fullest vitality,
to prevent monopolies
growing up and to
avoid any such
permanent engagement
as might hereafter prove
Embarasping."
With these instructions
before us, I think Mr

application
Lavelle is entitled
to consideration. It
is our policy to
discourage private
Enterprize directed to
the discovery & development
of the mineral resources
of the country. Mr Lavelle purposes
only to prospect in the
Waste Lands of the
a right taking & this
for a limited period
three years -
The quantity of land
which he requires
or may require, on twenty
years lease is I think

Should not, in my humble judgment, be

the secretary to release
Liberality towards pioneers

It will be observed that

Kistnagherry

somewhat
expsive, & I would ~~con-~~ it may be desirable
~~-siderably curtail the~~ to reduce the grant
Extent ~~of~~ if he wishes two
square miles - at one
or more spots, not exceeding
ten. so that he might
require twenty square miles
of waste - For the present
it may be sufficient
to limit the total
extent of land to
be leased to him to ten square miles - or in other words -
to one half of the
quantity for which
he applies - and to
reserve the right of
Govt to cancel such

leases if the work of
not carried ~~on with~~
~~bona fide activity~~
with sufficient activity.
I see very ~~little~~ little
objection to the exclusive
right of prospecting, for
three years, ~~such leases~~
been granted to Mr
Lavelle & the Madras
Govt. There is no other
candidate in the field
The rights of native
miners - who wash for
particles of gold with, as
in Mysore, be protected
Indeed - ~~such~~ it is probable

W.L
~~such~~ has been
granted to Mr. Lavelle
by the Mysore Govt
and I think we may
also fairly make this
conception a term

that if Mr. Lavelle's
anticipations are purified
to their advantage
he will employ a very
large number of natives, who are
already well acquainted
with the work in its
minor branch of gold
washing, ~~to their great advantage~~.

as Mr. Lavelle's prospecting
is limited to one Taluq
in which he has, at
considerable sacrifice
of time & wealth, been
engaged ~~for some time~~
in scientific enquiry

I can see no injustice
in giving him this
privilege for a very
limited time —

If however, the exclusive
right of prospecting is
denied him - I think
the ~~formal~~ permission
of Govt should be
given to him & com-
-municated to the
local authorities, &
Mr Lavelle also
he should be permitted.
as indicated above
to leave a considerable
portion of such waste
land as he considers
will repay the labor
of mining -

it is not considered desirable
to give ~~a~~ formally to
Mr Lavelle

a right to prospect in the
Kistnagherry Taluq

We should also I think be
careful not to grant a
similar permission on the
same area - until Mr
Lavelle has had time to
utilize his discoveries.

to do less than this
would I think to
be, ~~setting~~ to set aside
the formal instructions of
the Govt of India
and throw ~~in~~ in the way of
impediments in work
which may prove
of great value to
the counting.—

G. C. 13 April 1875
No 589.

h-171

34

MEMORANDUM OF AGREEMENT

made the twenty second day of February one thousand eight hundred and seventy five BETWEEN THE GOVERNMENT OF MYSORE of the one part and MICHAEL FITZGERALD LAVELLE of Madras in the East Indies Esquire Civil Engineer of the other part

It is agreed as follows

1. The said Michael Fitzgerald Lavelle shall from time to time and at all times during the period of three years commencing from the twenty second day of February now current have exclusive license and liberty to enter into upon and throughout the District of Kolar in the Nundidroog Division of Mysore (and the boundaries of which District are particularly described in the Schedule hereunder written) for the purpose of prospecting and examining for gold metallic ores Precious stones coal and other substances of a merchantable nature the quartz reefs and strata of earth stone or rock running through the said District and also for the like purposes or any of them to drive or sink shafts in any place or places within such District.

2. The said Michael Fitzgerald Lavelle shall find all monies necessary for the purposes of prospecting and examining the said District and also of driving shafts therein; but shall not during such period of three years be required to pay any rent or royalty to the said Government of Mysore in respect of the land so to be entered into and upon by him as aforesaid.

3 The said Michael Fitzgerald Lavelle shall not during his operations for prospecting and examining in the said District the Quartz reefs and strata of earth rock or stone in or in driving shafts in any part of the lands comprised in such District interfere with the works or plant or vested interests of native miners and

Smelters

34/1

34/2

34/3

smelters in any other mines or washings within the limits of the said District of Kolar and which are now in existence or in course of operation.

4. The said Michael Fitzgerald Lavelle shall during the said period of [illegible] years be at liberty to select mark out and survey any one or more pieces of land but not exceeding in the aggregate ten pieces of land and no one piece of land to exceed in extent two square miles, out of any part or parts of the lands comprised within the said District of Kolar and which he the said Michael Fitzgerald Lavelle shall deem suitable for the purposes of mining for Gold metallic ores Precins stones coal or other substances of a merchantable nature and the said Government of Mysore shall within the space of three calender months from the time of receiving from the said Michael Fitzgerald Lavelle notice in writing of any piece of land having been so selected marked out and surveyed by him grant to him his executors administrators or assigns a lease containing the exclusive license and liberty throughout such piece of land to mine and work all quartz reefs and beds or strata of earth stone or rock containing or supposed to contain gold metallic ores precious stones, coal or other substances of a merchantable nature for the term of twenty years from the date of such lease.

5. Every Lease so to be executed by or on behalf of the said Government of Mysore in favor of the said Michael Fitzgerald Lavelle as aforesaid shall contain the terms and conditions following that is to say.

I. Each Lease shall be executed in duplicate as Lease and counterpart and shall be registered in due form of Law.

II. Each Lease shall grant to the said Michael Fitzgerald Lavelle his executors administrators and assigns exclusive license and liberty to search for mine and work all Quartz reefs and beds and strata of earth, stone or rock containing or supposed to contain Gold metallic ores precious stones coal or other substance of a merchantable nature and to wash dress crush and make merchantable all such Gold metallic ores precious stones coal and other substances found therein.

III. Each Lease shall contain power for the said Michael Fitzgerald Lavelle his executors administrators and assigns to sell and dispose of all Gold metallic ores precious stones coal or other substances of a merchantable nature worked or found by him or them.

35

IV Each Lease shall contain a provision prohibiting the said Michael Fitzgerald Lavelle his executors administrators or assigns from interfering with the works plant or vested interests of any of the native miners and smelters which are now in existence or in the course of operation in any part of the land comprised in such Lease.

35/1

V. Each Lease shall be for the term of twenty years commencing from the day of the date thereof.

VI Each Lease shall provide that the said Michael Fitzgerald Lavelle shall upon the execution thereof but in the event only of the land comprised therein being assessed land and not unarable waste, pay a fine or premium thirty times the annual assessment of the land comprised in such Lease at the date thereof and thereafter during the remainder of the term of the lease a pro rata annual assessment or rent to be fixed by the Revenue authorities at the time of the execution of such Lease.

35/2

VII. Each Lease shall provide for the payment by the said Michael Fitzgerald Lavelle his executors administrators or assigns of a Royalty of ten per cent upon the net sale proceeds of all Gold metallic ores coal and other substances of a saleable nature which shall have been dressed crushed and made merchantable by the said Michael Fitzgerald Lavelle his executors administrators or assigns and such Royalty shall be paid clear of all deductions whatever.

VIII. Each Lease shall provide for the payment by the said Michael Fitzgerald Lavelle his executors administrators or assigns of a Royalty of twenty per cent upon the saleable value of all precious stones found on the land comprised in such Lease and such Royalty shall be paid clear of all deductions whatever.

35/3

IX. Each Lease shall contain a provision that if and whenever any of the said rents assessment or Royalties shall be in arrear for the space of ninety days after the commencement of each official year, whether the same shall have been legally demanded or not the said Government of Mysore their successors or assigns shall be at liberty to seize and distrain all Gold metallic ores Precious stones coal and other substances of a saleable nature in or about the mines or pits opened worked or carried on by the said Michael Fitzgerald Lavelle his executors administrators or assigns in the land comprised in such Lease and that the said Government

Government of Mysore their successors or assigns may sell and dispose of every such distress as Landlords may do for rent in arrear under demises of lands and out of such distress or distresses and the monies produced thereby may deduct and retain all arrears of rents or assess=ments and royalties then due under the Lease and all expenses in=curred in or about any such distress.

X. Each Lease shall contain the following covenants on the part of the said Michael Fitzgerald Lavelle his executors administrators and assigns that he and they will throughout the term of the Lease in the best and most effectual manner and without intermission except when prevented by inevitable accident search for all Gold metals & metallic ores precious stones coal and other substances of a saleable character within or upon the lands comprised in such lease and that he and they will also without delay dress crush and make merchantable the same and will also if required and before the sale thereof deliver to or permit to be taken by the said Government of Mysore their successors or assigns or their Agent or Agents a sample or samples of all metals, metallic ores precious stones coal and other substances which shall have been dressed crushed and made merchantable and prepared for sale and also that he and they will immediately after any sale thereof give to the said Government of Mysore their successors or assigns or their Agent or Agents a return of the prices for which the same respectively shall have been sold and the names of the purchasers thereof and also that he and they will within ninety days after any such sale pay to the Lessors their successors or assigns the Royalties hereinbefore reserved and also that he and they will throughout the said term make and keep in some con=venient place within the limits of the lands comprised in the Lease or on lands adjacent or near thereto and so that the said Govern=ment of Mysore their successors or assigns and their Agent or Agents can have at all times free access thereto proper books of account con=taining true and perfect entries of all the Gold metals metallic ores precious stones coal and other substances of a saleable nature gotten from within the limits of the land comprised in the Lease with such particulars of dates weights and other facts and circum=stances as shall be necessary for ascertaining the amount of the Royalties to be paid under the reservations contained in such Lease and that he and they will also indemnify the said Government of Mysore their successors or assigns from all claims demands and expenses which may arise or be made by reason or in consequence of any workings under the license and grant to be granted by such Lease or in relation thereto and also that he and they will at the expiration or sooner determination of the term comprised in such Lease deliver up to the said Government of Mysore their successors or assigns the premises comprised therein and the workings carried on under or by virtue thereof in such working order state and condition as shall be consistant with the due performance of the several covenants contained in such Lease. 36

XI. That each Lease shall contain an express condition to the effect that if and whenever any part of the rents or assessments and royalties thereby reserved shall be in arrear for ninety days after the commence=ment of each official year whether the same shall have been legally demanded or not or if and whenever there shall be a breach of any of the covenants on the part of the Lessee to be observed and performed or if the said Michael Fitzgerald Lavelle his executors administrators or assigns or his or their workmen shall in any way cause obstruction or annoyance to any class of the People or to the Officers of the said Govern=ment of Mysore then and in any such case such Government may re=enter upon any part of the mines or workings carried on under the license thereby granted in the name of the whole or may give to the said Michael Fitzgerald Lavelle his executors administrators or assigns or leave at his or their last known place of abode in Bangalore a notice in writing in that behalf signed on behalf of the said Government of Mysore by the Commissioner for the time being of the said Nundidroog Division of Mysore and thereupon in any of the said cases the term of twenty years to be granted by such lease shall absolutely determine. 36/1

IN WITNESS whereof Lieutenant Colonel James Langford Pearse Com=missioner of the said Nundidroog Division of Mysore acting for & behalf of the said Government of Mysore and the said Michael Fitzgerald Lavelle have hereunto set their respective hands the day and year first above written. 36/2

Schedule to which the above written Indenture refers 36/3

Boundaries of the Kolar District

On the East by the North Arcot District
On the South by the Salem District

On

Government of Mysore their successors or assigns may sell and dispose of every such distress as Landlords may do for rent in arrear under demises of lands and out of such distress or distresses and the monies produced thereby may deduct and retain all arrears of rents or assessments and royalties then due under the Lease and all expenses incurred in or about any such distress.

X. Each Lease shall contain the following covenants on the part of the said Michael Fitzgerald Lavelle his executors administrators and assigns That he and they will throughout the term of the Lease in the best and most effectual manner and without intermission except when prevented by inevitable accident search for all Gold metals metallic ores precious stones coal and other substances of a saleable character within or upon the lands comprised in such lease and that he and they will also without delay dress crush and make merchantable the same and will also if required and before the sale thereof deliver to or permit to be taken by the said Government of Mysore their successors or assigns or their Agent or Agents a sample or samples of all metals, metallic ores precious stones coal and other substances which shall have been dressed crushed and made merchantable and prepared for sale and also that he and they will immediately after any sale thereof give to the said Government of Mysore their successors or assigns or their agent or agents a return of the prices for which the same respectively shall have been sold and the names of the purchasers thereof and also that he and they will within ninety days after any such sale pay to the Lessor their successors or assigns the Royalties hereinbefore reserved and also that he and they will throughout the said term make and keep in some convenient place within the limits of the lands comprised in the Lease or on lands adjacent or near thereto and so that the said Government of Mysore their successors or assigns and their Agent or Agents can have at all times free access thereto proper books of account containing [illegible] perfect entries for all the Gold metals metallic ores precious stones coal and other substances of a saleable nature gotten from within the limits of the land comprised in the Lease with such particulars of dates weights and other facts and circumstances as shall be necessary for ascertaining the amount of the Royalties to be paid under the reservations contained in such Lease and that he and they will also indemnify the said Government of Mysore their successors or assigns from all claims demands and expences which may arise or be made by reason or in consequence of any workings under the license and grant to be created by such Lease or in relation thereto and also that he and they will at the expiration or sooner determination of the term comprised in such Lease deliver up to the said Government of Mysore their successors or assigns the premises comprised therein and the workings carried on under or by virtue thereof in such working order state and condition as shall be consistant with the due performance of the several covenants contained in such Lease. 36

XI. That each Lease shall contain an express condition to the effect that if and whenever any part of the rents or assessments and royalties thereby reserved shall be in arrear for ninety days after the commencement of each official year whether the same shall have been legally demanded or not or if and whenever there shall be a breach of any of the covenants on the part of the Lessee to be observed and performed or if the said Michael Fitzgerald Lavelle his executors administrators or assigns or his or their workmen shall in any way cause obstruction or annoyance to any class of the People or to the Officers of the said Government of Mysore then and in any such case such Government may re-enter upon any part of the mines or workings carried on under the licence thereby granted in the name of the whole or may give to the said Michael Fitzgerald Lavelle his executors administrators or assigns or leave at his or their last known place of abode in Bangalore a notice in writing in that behalf signed on behalf of the said Government of Mysore by the Commissioner for the time being of the said Nundidroog Division of Mysore and thereupon in any of the said cases the term of twenty years to be granted by such lease shall absolutely determine. 36/1

IN WITNESS whereof Lieutenant Colonel James Langford Scarse Commissioner of the said Nundidroog Division of Mysore acting for & behalf of the said Government of Mysore and the said Michael Fitzgerald Lavelle have hereunto set their respective hands the day and year first above written. 36/2

Schedule to which the above written Indenture refers 36/3

Boundaries of the Kolar District

On the East by the North Arcot District
On the South by the Salem District

On the West by the Bangalore and Tumkur districts of the Mysore Province
On the North by the Bellary and Cuddapah Districts
Area of the District

2,500 square miles or thereabouts

WITNESS to the signature of
the above named James Langford Pearse

WITNESS to the signature of
the above named Michael Fitzgerald Saville

Madras, February 19th 1875.

38

From

M. T. Lavelle

To

The Secretary to Government

Revenue Department

Sir

I have the honor to acknowledge the receipt of copy of Order of Government No 159 of 1st February passed by His Excellency in Council on my application through Messrs Shaw and Tasker for a mining right in the Salem District.

II I fear that the Letter addressed to the Chief Secretary by Messrs Shaw and Tasker, was not sufficiently explicit, and has led His Excellency the Governor in Council to suppose that I asked for a General Mining right over a large tract of Country, when what I really do solicit is, that I be granted for a limited period, exclusive right to prospect for Gold and other precious metals &c in the Kistnagherry Taluk, with a promise from Government that should I be successful they will lease to me for twenty years, two square miles of Land, at one or more spots, not exceed a few

for

for mining purposes.

III I beg to forward (to be kindly returned when no longer required) the copy of a Deed between the Mysore Government and myself, by which I am granted exclusive right to prospect in the Kolar District, with the promise of Lease of certain spots hereafter

IV I hope His Excellency in Council will be pleased to reconsider his decision and grant me the same terms as the Mysore Government, otherwise I beg most respectfully to urge, that the placing on the Editors Table, Messrs Shaw and Tookers letter, in which full information was given of the place where I am led to believe precious Metals exist, was a great hardship to me, and may cause me the loss of the time and money I have spent in prospecting during the last two years.

V Were I now in the knowledge of the district I possess, to apply for a spot as suggested in the Order of Government I believe I should be successful in finding precious metals, but I might be unsuccessful when it is more than probable that owing to the publicity given to my ascertaining I should find others in possession of the right piece of Land, and all my time and

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money wasted. This I am sure is not the wish of the Governor in Council and I therefore most earnestly beg that my application may be reconsidered and that I may be permitted to prospect in the waste lands in the Kotnaghurry Taluk on the same terms as those laid down by the Mysore Government with reference to the Kolar District in the Deed a copy of which I send

VI I would submit that when I select any spot for a location it can then be reported on by the Collector of Salem.

39/

I have the honor to be,

Sir

Your Most Obedient Servant.

M. F. Lavelle

39/2

39/

Bangalore
4th September

My dear Mr Carmichael

Referring to your telegram of yesterday which only reached me late last night I enclose a copy of the Secret letter by Mr Lavelle on the matter of his missing report.

No 637.
Revenue 1875 Sept.

From
Mr. A. P. Lavelle
Madras

Dated 19th Sept 1875
Read 20th Sept: 1875

Sir

I have the honor to report for the information of the Government of India that I left Madras on the 9th instant for the purpose of inspecting the Salem District, and that I returned to Madras on the 16th instant.

2. During the time I was absent from Madras I received no letters from the Secretary to the Board of Revenue, and I am unable to account for the non-receipt of the letter alluded to in your letter No 1170 dated 13th September 1875.

I have the honor to be
Sir
Your most obedient servant
A. P. Lavelle

do last not as yet commenced work.

The terms are much more favorable than those allowed by the Govt of India as shown in a draft deed which the Secretary sent us & I am afraid we have made

Rev. 25/3-5.
Sent telegram
thus.
Please send
copy despatch
sent from Calcutta
to-day.
P.P.
Lodge

REVENUE DEPARTMENT.

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No. 637

42

From W. H. F. Lavelle.

Dated 19 February 1875.

FOR ORDERS.

Secretary of State for India in Council

Respectfully solicits the favour of the Secretary of State's orders on the accompanying letter from Mr. W. H. F. Lavelle, dated 19th February 1875, and enclosures.

24/2. Sanctioned.

[illegible] - let him
perfect as much as he
pleases - and if satisfied
come up with a perfect
application for the land
he needs. they should
also then be settled from
perfecting for his
advantage J. D.

We had better defer [illegible]
Council [illegible]
[illegible]
[illegible]
[illegible]

3/5

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FOR ORDERS.

Mr Lavelle 2/11

Council

Rec: Sept

WH No. 589 WH

Read letter from Mr. M. Lavelle

6/19-2-75.

Mr. Lavelle will be informed that he is at liberty to prospect (though the Govt do not pledge themselves to exclude others from doing so at the same time) in the Kistnapiri Taluk, Salem district — the description being limited to ... of course to the Waste lands of the tract mentioned.

2. Within a reasonable time — say by the end of 1876, he will be expected to show a prima facie probability of success in his search for Gold; on being aprised of which the G. will be prepared to grant Mr Lavelle a lease, of such extent of land and on such terms as may then be determined.

D.F. 6/4/5.

13th April 1875.

1 To Mr M. Lavelle with Dft dd 14th
14 " The Board of Revs