

(1) Number of pages 10
(2) Date of repair 11/1/77
(3) Initials of the Referencer 11/1/77

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No.
B.P. No.

503

Press
Mis.

Dated

3. 2. 1877 197

Not to be folded or roughly handled

Proceedings of the *British Government, Revenue Department,*
3rd February 1877

No. 82. Read the following Resolution of the Board of Revenue, dated 23rd January 1877:—

Read the following letter from *LOGAN, Esq., Collector of Malabar.
H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated
Calicut, 5th January 1877, No. 448.

REPLYING to G.O., Revenue Department, No. 448, dated 1st March 1877.
I have the honor to state that on further inspection of one of the blocks of
land applied for by Captain Cox I find it is mistaken in its assumption that there
were no indications of quartz on the 150-acre one. The Ishildan recently reports that
indications of quartz on one of the blocks.

2. The land was to have been sold on the 1st February.
In the circumstances I have directed the postponement of the sale to the 1st February.

3. Meanwhile I solicit the orders of the Board and Government as to
whether the block may be sold on the condition that all mineral rights are reserved
to Government.

COMMITTED for the early orders of Government.

2. The Board support the proposal in paragraph 3.
(A true Copy and Extract.)

(Signed)

H. E. STOKES,
Acting Secretary.

No. 81.

ORDER THEREON, 3rd February 1877, No. 503.

Land Revenue.

His Grace the Governor in Council
is doubtful whether the local Govern-
ment, regarded as Agent of the Secretary
of State, can legally insert a condition, such as that proposed by the Board of
Revenue, in the terms of the sale of land under the Waste Land Rules, without the
sanction of that authority as Principal, the Rules having been enacted by the
Secretary of State. Further, whether a condition inserted, without such sanction,
would be valid and enforceable against a purchaser, even supposing that the pur-
chaser made no protest when concluding the contract.

2. The question will be referred for the opinion of the Advocate-General.
(True Extract.)

(Signed)

D. F. CARMICHAEL,
Secretary to Government.

To the Board of Revenue.
" the Government Solicitor.

Exd. A. F. Goodall.

Cost. of 1877
REVENUE
THE BOARD OF REVENUE
No. 18-81
by Order of the Secretary of State.

Revenue Department

Proceedings of the Board of Revenue
Dated 23^d January 1877

Read the following

No. 150

From

W. Logan Esquire
Collector of Malabar

To

H. C. Stokes Esquire
Secretary to the Board of Revenue
Madras.

Sir Referring to G. O. Revenue
Department No 448 dated 30th
March 1876, I have the honor
to state that on further inspection
of one of the blocks of land applied
for by Captain Cox, I find it was
mistaken

mistaken in my opinion that
there were no indications of quartz on
the land. The Tahildar recently
reports "slight indications of quartz"
in one of the blocks the 150 acre
one.

2. The land was to have been sold
on the 8th instant, but under the
circumstances I have directed
the postponement of the sale till
8th February.

3. Meanwhile I solicit the
orders of the Board and Govern-
ment as to whether the block
may be sold on the condition
that all mineral rights are
reserved to Government.

Malabar Collectors office } I have &c
Calicut 5 January 1877 } (Signed) W. Logan
Collector.
Submitted

Submitted for the Early orders of
Government.

2. The Board support the pro-
posal in para 3

(True Copy and Extract)

W. Logan

Off. Secretary

The Secretary to Government R.D.

E. Kempson

No 848 503

Proc. No. Res. 23 Jan 1877.

The ~~Govt~~ upon a suggestion of
the Col. of Malabar, W. Logan,
recommended, that two

blocks of land, applied for
by Capt. Cox, under the Waste
Land Rules, should be
sold to that Officer, at
the survey cost, if there is a
special case - without
auction - The Col. at
the same time stated that
they contained no indications
of good quality.

The Govt. declined to sanction
this proposal - directing the
lands to be sold under the
Rules - They observed that
3 months notice was
necessary - Act XXVII - 63.

- W. Logan now reports
that one of the pieces has
not been sold, as it is reported

Logan writes to W. H.
that it is clear that in the
case of the ~~land~~ they
had stated the condition
of the land was such
that it could be
sold - I think open
to be taken ~~under~~ 30

Go. 25 July 76 - 1,001
mentioned in W. Logan's letter
No 448 - 30 March 76
in Proc. under review -

No 848
Proceedings of the
Board of Revenue

Vol 65 133/2 November 1877
Page 253-2
Dec 24

Submitting for the order
of Govt. letter from the
Collector of Malabar, in
forming that among the
blocks of land applied for
by Capt. Cox has been
one of the best

to the same right indicating

1. 9. 1907

He suggests that the price
should be sold all
mineral mineral rights

being reserved to Govt.

It is however
submitted that this
course cannot be affirmed
The Rules have been
fixed by the Govt. India
to the Rock of State -

The Rule provide that
"all products both above
and below the surface" shall
be conveyed to the purchaser
of the Adv. Genl. has
recorded his opinion that
this covers Gold - A

Sale with a restriction such
as this, it is submitted,
amounts to a virtual
impairment or encroachment
of the Rules - In their
order 28th Dec. 76th have
only gone so far as to
direct that it should be formally

under the Rules

1. 9. 1907. The Rules were
framed on conditions that
the discovery of gold
was claimed - and new con-
ditions - maintaining the
principle of the rules, so far
as they govern the case,
gold may be discovered
pro la rule - I do not
think on the one hand
support of the Rules

27/11 Ad.

intimate to the purchaser
that the rights as the State
may be claimed in
the way of Royalty from
mines discovered in such
which is private property
is fully intact

That Order only applies to
land which is within
minerals -

For Orders are requested - It
is noted that the Sale
has been postponed to
8th Feb -

26.1.77

Order -

the price the Gov. in
Council is doubtful
whether the ~~Gov.~~ ^{large Gov. agent} can legally
legally insert a
condition such as that
proposed by the Board

in the ~~the~~ ^{sanction}
of that ~~the~~ ^{Gov.} + further
whether such a
condition if inserted, could
be enforced against
the purchaser, or the
rule be valid - even
supposing, when concluding
the contract made no
protest -

The question will be
spurred for the opinion
of the Adv. General

2.3.77

26th 77 Sept 21-1-77

To 143 of Bureau of 12/2/77
4 Civil L. Bureau of 12/2/77

Circular to
all members

Min 503

His P. the Gov. in Council is doubtful whether
the force Gov. regarded as agent of the
Gov. of State, can legally insert a
condition, such as that proposed by the
Board of Rev., in the terms of sale of land
under the Waste Land Rules, without the
sanction of that authority, as provided by
the Rules having been enacted by the
Gov. of State. - Further whether a
condition inserted, without such
sanction, would be valid and enforceable
against a purchaser, even supposing
that purchaser made no protest when
concluding the contract.

The question will be referred for
the opinion of the Adv. Genl. to
3 February 1877

2.3.77