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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. <i>Revenue</i>	Press
<i>1263</i>	Mis.
Dated <i>1-10-</i>	<i>1880.</i>

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

1st October 1880, No. 1,263.

READ THE FOLLOWING PAPER:—

No. 3. Proceedings of the Board of Revenue, dated 17th July 1880, No. 977.

ABSTRACT.—Submitting a draft of notification to be issued for general information and of rules for guidance of Collectors in disposing of applications for gold-mining leases for Government waste land in the Wynaad and on the Nilgiris.

No. 4. ORDER THEREON, 1st October 1880, No. 1,263

Miscellaneous.

So much of the Notification submitted by the Board as refers to prospecting leases, which Government see

no reason to provide for, will be omitted, and the following alterations will be made in the conditions as set out in paragraph 3.

2. In the first place the Government, on reconsideration, see reason to doubt whether it was the intention of the Secretary of State to allow an applicant to obtain, for mining purposes, more than 30 acres in all in one or more blocks, and this will be stated in the Notification, in modification of paragraph 1, G.O., 21st June 1880, No. 711. The Collector or Commissioner will also be empowered to accept applications which need not be forwarded for the sanction of Government, but it will be notified that without the written permission of such officer previously obtained, the land applied for is not to be entered on nor operations commenced.

3. *Condition I.*—The lease will be for a term “not exceeding 20 years.”

Condition II.—The rent will be payable half-yearly and in advance.

Condition III.—The words “on each block” will be inserted after “*bond fide* mining operations.”

Condition V.—The words “as soon as such failure * * * six months” will be struck out.

Condition VII.—The term mining community is too vague, and the wording will be somewhat altered so as to provide also for the levy of taxation under the Local Funds Act.

4. In the matter of land required in connection with, but not actually for mining operations, it will be notified that land for such purposes will, on distinct application and if found free from objection, be granted on cowle or lease on the same terms as land for mining, Condition No. 3 as to the employment of a certain number of laborers per acre being excepted.

5. It will also be provided that no water-course shall be diverted from its natural bed beyond the limits of each block, and that all water running waste after any use made of it must be returned to its original channel.

6. With these alterations and additions the Notification, as appended to this order, will be published in the *Fort St. George Gazette*.

7. The questions raised in paragraphs 2—4 of the Board's Proceedings will be separately considered, but the Government observe that the Board have assumed a

point in regard to State right in minerals in land already held on puttah or escheated land sold already which is
 * G.O., 7th October 1879, No. 2,029, and 28th January 1880, No. 101. partly under* inquiry and has, as regards escheats sold, been already decided† to the contrary effect by Government; paragraph 3 should be corrected accordingly.

8. As regards the arrangements to be made for the survey of lands granted for mining, the Board will consult the Officer in charge of the Survey Department. There appear to be already several applications awaiting disposal.

9. The rules drawn up by the Board for the disposal of applications have been revised with reference to the above remarks and to secure the registry on receipt of all applications whether eventually rejected or accepted.

10. The draft form of mining lease called for in G.O., 9th June last, No. 633, should now be completed and forwarded with the least possible delay.

NOTIFICATION.

It is hereby notified for general information in accordance with the decision of the Secretary of State in his despatch, dated 25th March 1880, No. 35, published in the *Fort St. George Gazette*, dated 15th June 1880, that the right of the State to metals and minerals is fully reserved in all waste lands the property of Government. The State asserts no claim to minerals in estates held on Sanad of permanent settlement or in land held on title-deeds hitherto issued under the Waste Land Rules, in which no reservation of the State right in minerals is made, and the Jenm title in Malabar will be held to include the right to minerals. In future sales and leases of waste lands for agricultural purposes, the full right of the State in mines and minerals and the right of access and other reasonable conveniences for working them on behalf of Government or the assignees of Government will be expressly retained.

2. Persons desirous of obtaining permission to mine for gold on Government waste land in the Wynaad or on the Nilgiri Hills should apply for a mining lease to the Collector of Malabar or the Commissioner of the Nilgiris as the case may be, specifying distinctly the situation of the land within which it is proposed to mine, and its boundaries as accurately as can be stated, together with its estimated area. Every application should be accompanied by a rough sketch of the tract applied for, or the approximate position of the lot required be marked on the survey plan. No such lot shall exceed 30 acres in extent, nor will more than 30 acres in all in one or more blocks be given to one and the same applicant; the breadth of each lot shall not be less than 70 yards. Applications will be dealt with in order of receipt by the Collector or Commissioner. On an application being accepted by the Collector or Commissioner the lot or lots will be durably demarcated and surveyed at the cost of the applicant, to whom a lease in the prescribed form will be granted on the following conditions:—

- (1),—that the lease shall be for a term not exceeding twenty years;
- (2),—that an annual rent of Rs. 5 per acre or portion of an acre shall be payable in advance by two half-yearly instalments, on the 1st January and 1st July in each year, the first payment to be made on the date of the execution of the lease for the then current half-year and thereafter on or before the first day of the next half Calendar year;
- (3),—that within three months from the date of the execution of the lease, not less than five laborers, per acre, shall be regularly employed during the ordinary hours of labor on *bona fide* mining operations on each block in such manner as the Government may approve. Returns of the number of laborers employed per diem shall be sent in to the Collector or Commissioner at the expiration of each month;
- (4),—that the lease shall not be sub-let or assigned without the consent of Government being previously obtained;
- (5),—that the lease shall be liable to forfeiture on failure to observe either of the conditions specified in Clauses 2 and 3, or for any breach of Clause 4, the Governor in Council being the final arbiter as to whether the conditions of the lease have been duly observed or not;
- (6),—that the lease shall be renewable at the lessee's option on such terms as the Governor in Council for the time being may settle at the expiration of the original lease;
- (7),—that during the term of the original lease there shall be no liability to any royalty or other tax in addition to the rent specified in Clause 2, except in accordance with the provisions of the Local Fund Act, No. 4, of 1871 (Madras), and with the

RULES FOR THE DISPOSAL OF APPLICATIONS FOR PERMISSION TO MINE FOR GOLD.

IMMEDIATELY on receipt of an application for land for mining purposes it shall be registered and the Collector or Commissioner shall ascertain whether the land is at the disposal of Government, and whether there is any objection to the grant by reason of its being required for public purposes or on any other ground.

2. If no such objection is known to exist, the Collector will accept the application and cause the land to be demarcated and surveyed without delay at the cost of the applicant, unless this has already been done. Rules VI, VII and XI of the Waste Land Rules *mutatis mutandis* will apply. On receipt of the survey plan, the Collector will without loss of time place the land in the possession of the applicant.

3. A lease will then be drawn up in the prescribed form in duplicate, and after being duly stamped under Article 39 (a), Schedule I, of the Stamp Act, and executed by the parties, will be submitted for the signature and seal of Government. When returned one copy will be delivered to the lessee and the other copy kept in the Collector's records. The deeds and plans to accompany them should bear a number corresponding to the number of the grant in the register; the latter should be signed by the Collector and securely attached to the deeds.

4. A register of applications for land for mining purposes will be maintained in the Collector or Commissioner's office in English in accompanying form.

Register of Applications for Land for Mining in the District of

1	2	3	4	5	6	7	8	9	10	11	12	13	14	Remarks.
Number.	Date of Application.	Name and Residence of Applicant.	Situation of the Land, i.e., Village, &c.	Boundaries of the Lots.	Area by Survey.	Date and Number of Order of Government granting the Lease.	Term for which granted.	Amount of Annual Rent.	Date and Number of Deed of Lease.	Special Reservations, if any.	Subsequent Registrations, if any.	Terms of Renewal, if Lease is renewed.		

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380, No. 1,263.

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further exception of any taxation will be provided at the expense of the lessees, for such special police, communications, water-supply, sanitation or other purposes as may be found necessary to be provided in the interests of the local community immediately or directly affected by the results of the lessee's operations.

any hereafter be found necessary to provide of such special police, communications, water-supply, sanitation or other purposes as may be found necessary to be provided in the interests of the local community immediately or directly affected by the results of the lessee's operations.

3. Without the written permission of the Collector or Commissioner previously obtained, the land applied for must not be entered upon, nor operations commenced.

4. Waste land required for purposes connected with mining operations, but not for actual mining, will be granted on cowle or lease at the same rate per acre and under the same conditions as land granted for mining—Clause 3 as regards the employment of laborers excepted.

5. No lessee or grantee of any block leased or granted under these rules for mining or other purposes shall divert any water-course beyond the limits of the block leased or granted to him, and all water running waste on such block shall be returned to its natural channel within the limits of the same block.

Failure to observe this condition will entail forfeiture of the cowle or lease.

(True Extract.)

ed) C. G. MASTER,
Secretary to Government.

To the Board of Revenue.

„ the Superintendent of Revenue Survey.

„ the Superintendent of the Gazette Press.

„ the Collector of the District.

„ the Commissioner of the District.

„ the District Officer.

„ the District Officer.

REVENUE BOARD OFFICE, 15th Madras, 15th Dec 1880.

IMMEDIATELY on receipt of an application for land for prospecting or for mining purposes, the Collector shall ascertain whether the land is at the disposal of Government, and whether there is any objection to the grant by reason of its being required for public purposes or on any other ground.

2. If no such objection is known to exist, the Collector will register the application and cause the land to be roughly demarcated and surveyed without delay at the cost of the applicant, unless this has already been done. Rules VI, VII and XI of the Waste Land Rules *mutatis mutandis* will apply. On receipt of the survey plan the Collector will without loss of time submit the application for the orders of Government through the Board of Revenue, and on the grant being sanctioned will place the land in the possession of the applicant.

3. If the original grant is merely for prospecting purposes, application must be made for a mining lease within one year, otherwise the grant will lapse and the land will be resumed. On receipt of an application to mine the Collector will see that the approximate position of the lots required for mining purposes is distinctly marked on the survey plan, and will at once forward the application for the orders of Government through the Board of Revenue.

4. On a mining lease being sanctioned, the Collector will cause the lots applied for to be durably demarcated and surveyed. On receipt of the survey plan a lease will be drawn up in the prescribed form in duplicate, and after being duly stamped under Article 39 (a), Schedule I, of the Stamp Act, and executed by the parties, will be submitted for the signature and seal of Government. When returned one copy will be delivered to the lessee and the other copy kept in the Collector's records. The deeds and plans to accompany them should bear a number corresponding to the number of the grant in the register; the latter should be signed by the Collector and securely attached to the deeds.

5. Separate registers of all prospecting applications and mining leases granted under these rules shall be maintained in the Collector's Office in English in the following forms:—

MEMORANDUM.

Conferred
1/11/80
Requested for reference a copy of Revised rules regarding

Gold mining leases. referred to in para 9 of
No 27 October 80 dt. 1963. R.B.

REVENUE BOARD OFFICE,

15th Madras,
15th Dec 1880.

To

The Assistant Secretary to Govt.
Public Works Deptt.

By the Secretary
Register.

REGISTER of Applications to prospect in the District of

Number.	Date of Application.	Name and Residence of Applicant.	Situation of the Land i.e., Village, &c.	Boundaries of the Land over which a prospecting Right is applied for.	Area by Survey.	Date and Number of Order sanctioning the Grant.	Date on which possession is given.	Remarks.
1	2	3	4	5	6	7	8	9

NOTE.—If application is made by an Agent the name of the person or Company on whose behalf it is made should also be entered in column 3. In the "Remark" column should be entered the date of application for a mining lease or resumption of the grant for default or other disposal of the case.

REGISTER of Applications to Mine in the District of

Number.	Date of Application.	Name and Residence of Applicant.	Situation of the Land i.e., Village, &c.	Boundaries of the Lots.	Area by Survey.	Date and Number of Order of Government granting the Lease.	Term for which granted.	Amount of Annual Rent.	Date and Number of Deed of Lease.	Special Reservations, if any.	Subsequent Registered Transfers, if any.	Terms of Renewal, if Lease is renewed.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Revised.

DRAFT NOTIFICATION.

It is hereby notified for general information in accordance with the decision of the Secretary of State in his despatch, dated 25th March 1880, No. 35, published in the *Port St. George Gazette*, dated 15th June 1880, that the right of the State to minerals is fully reserved in all waste lands the property of Government and in all occupied land held on Ryotwari tenure. The State will assert no claim to minerals in estates held on Sanad of permanent settlement or in land held on title-deeds issued prior to this date under the Waste Land Rules, and the jenm title in Malabar will be held to include the right to minerals, but the Government reserve to themselves the right to impose such royalty or other tax as they may deem fit. In future sales and leases of waste lands for agricultural purposes the full right of the State in mines and minerals and the right of access and other reasonable conveniences for working them on behalf of Government or the assignees of Government will be expressly retained. Should gold be discovered in any owned or occupied land, the mineral rights in which vest in Government, due regard will be paid to the interests of the cultivating proprietors in assigning mining privileges.

2. Persons desirous of obtaining permission to prospect or mine for gold on Government waste land in the Wynaad or on the Nilgiri Hills should apply to the Collector of Malabar or the Commissioner of the Nilgiris as the case may be, specifying distinctly the situation of the land within which it is proposed to prospect and its boundaries as accurately as can be stated, together with its estimated area. Every application must be accompanied by a rough sketch of the tract applied for. Each block must be compact and its area must not exceed 100 acres, but application may be made for any number of separate blocks at the same time. The first applicant will have the prior claim. If the land should appear to be at the disposal of Government, and no objection to the grant of a mining lease in the locality named is apparent, the block or blocks will be surveyed and roughly demarcated at the cost of the applicant with the least possible delay in accordance with the rules for the sale of waste lands so far as they are applicable, deposit of the estimated cost of such demarcation and survey being required beforehand. On receipt of the survey plan the orders of Government will be taken, and if there is no objection to compliance with the application, possession of the block or blocks will be made over to the applicant for a period of twelve months free of charge for prospecting purposes; if before the expiration of that period application is not made for a mining lease within the limits of the area made over, the right of prospecting will lapse and the land must be relinquished to Government.

3. On a selection being made for mining purposes the approximate position of the lot required must be marked on the survey plan, and application made through the Collector for a mining lease. No such lot shall exceed 30 acres in extent, but application may be made for any number of lots each not exceeding the above limit; the breadth of each lot shall not be less than 70 yards. On permission to mine being granted by Government, the lot or lots must be durably demarcated and surveyed at the cost of the applicant, to whom a lease in the prescribed form will be granted on the following conditions:—

Applications will be dealt with in order of receipt by the Collector or Commissioner.

by two half-yearly statements on the 1st January and 1st July in each year.

- (1),—that the lease shall be for a term of from ten to twenty years;
- (2),—that an annual rent of Rs. 5 per acre or portion of an acre shall be payable in advance, the first payment to be made on the date of the execution of the lease for the then current fiscal or revenue year and thereafter on or before the 1st day of July for each succeeding year; *the next half-year*
- (3),—that within three months from the date of the execution of the lease not less than five laborers per acre shall be regularly employed during the ordinary hours of labor on *bond fide* mining operations in such manner as the Government may approve. Returns of the number of laborers employed per diem shall be sent in to the Collector at the expiration of each month;
- (4),—that the lease shall not be sublet or assigned without the consent of Government being previously obtained;
- (5),—that the lease shall be liable to forfeiture on failure to observe either of the conditions specified in Clauses 2 and 3 *as soon as such failure has continued for a period of six months* or for any breach of Clause 4, the Governor in Council being the final arbiter as to whether the conditions of the lease have been duly observed or not;
- (6),—that the lease shall be renewable at the lessee's option on such terms as the Governor in Council for the time being may settle at the expiration of the original lease;
- (7),—that during the term of the original lease there shall be no liability to any royalty or other tax in addition to the rent specified in Clause 2, with the exception of any taxation which may hereafter be found necessary to provide at the expense of *mining communities* the cost of such special police, communications, water supply, sanitation or other similar administrative arrangements as are *needed for their own protection or convenience* *in the interests of the local community*.

Exception according to the provisions of the Local Tax Act of 1871 (Madras Act).

31. Waste land required for purposes connected with mining operations but not for mining must be applied for under the Waste Land Rules or be made the subject of a special application. *will be granted on lease or lease at the same rate per acre and under the same conditions as land granted for mining purposes.* (3) as regards the employment of labourers specified.

4. No water course shall without the permission of Government previously obtained be diverted from its natural bed beyond the limits of any block of land granted as above described and all water running waste after use on any such block shall be returned to its natural channel. Failure to observe this condition will entail forfeiture of the lease or lease.

Without the written permission of the Collector or Commissioner the lessee shall not be allowed to divert the water from its natural bed or to use it for any purpose other than mining.

DRAFT NOTIFICATION.

It is hereby notified for general information in accordance with the decision of the Secretary of State in his despatch, dated 25th March 1880, No. 35, published in the *Fort St. George Gazette*, dated 15th June 1880, that the right of the State to minerals is fully reserved in all waste lands the property of Government and in all occupied land held on Ryotwari tenure. The State will assert no claim to minerals in estates held on Sanad of permanent settlement or in land held on title-deeds issued prior to this date under the Waste Land Rules, and the jemm title in Malabar will be held to include the right to minerals, but the Government reserve to themselves the right to impose such royalty or other tax as they may deem fit. In future sales and leases of waste lands for agricultural purposes the full right of the State in mines and minerals and the right of access and other reasonable conveniences for working them on behalf of Government or the assignees of Government will be expressly retained. Should gold be discovered in any owned or occupied land, the mineral rights in which vest in Government, due regard will be paid to the interests of the cultivating proprietors in assigning mining privileges.

2. Persons desirous of obtaining permission to prospect or mine for gold on Government waste land in the Wynad or on the Nilgiri Hills should apply to the Collector of Malabar or the Commissioner of the Nilgiris as the case may be, specifying distinctly the situation of the land within which it is proposed to prospect and its boundaries as accurately as can be stated, together with its estimated area. Every application must be accompanied by a rough sketch of the tract applied for. Each block must be compact and its area must not exceed 100 acres, but application may be made for any number of separate blocks at the same time. The first applicant will have the prior claim. If the land should appear to be at the disposal of Government, and no objection to the grant of a mining lease in the locality named is apparent, the block or blocks will be surveyed and roughly demarcated at the cost of the applicant with the least possible delay in accordance with the rules for the sale of waste lands so far as they are applicable, deposit of the estimated cost of such demarcation and survey being required beforehand. On receipt of the survey plan the orders of Government will be taken, and if there is no objection to compliance with the application, possession of the block or blocks will be made over to the applicant for a period of twelve months free of charge for prospecting purposes; if before the expiration of that period application is not made for a mining lease within the limits of the area made over, the right of prospecting will lapse and the land must be relinquished to Government.

3. On a selection being made for mining purposes the approximate position of the lots required must be marked on the survey plan and application made through the Collector for a mining lease. No such lot shall exceed 30 acres in extent, but application may be made for any number of lots each not exceeding the above limit; the breadth of each lot shall not be less than 70 yards. On permission to mine being granted by Government, the lot or lots must be durably demarcated and surveyed at the cost of the applicant, to whom a lease in the prescribed form will be granted on the following conditions:—

- (1),—that lease shall be for a term of from ten to twenty years;
- (2),—that an annual rent of Rs. 5 per acre or portion of an acre shall be payable in advance; the first payment to be made on the date of the execution of the lease for the then current fasli or revenue year and thereafter on or before the 1st day of July for each succeeding year;
- (3),—that within three months from the date of the execution of the lease not less than five laborers per acre shall be regularly employed during the ordinary hours of labor on *bond fide* mining operations in such manner as the Government may approve. Returns of the number of laborers employed per diem shall be sent in to the Collector at the expiration of each month;
- (4),—that the lease shall not be sublet or assigned without the consent of Government being previously obtained;
- (5),—that the lease shall be liable to forfeiture on failure to observe either of the conditions specified in Clauses 2 and 3 as soon as such failure has continued for a period of six months or for any breach of Clause 4, the Governor in Council being the final arbiter as to whether the conditions of the lease have been duly observed or not;
- (6),—that the lease shall be renewable at the lessee's option on such terms as the Governor in Council for the time being may settle at the expiration of the original lease;
- (7),—that during the term of the original lease there shall be no liability to any royalty or other tax in addition to the rent specified in Clause 2, with the exception of any taxation which may hereafter be found necessary to provide at the expense of mining communities the cost of such special police, communications, water supply, sanitation or other similar administrative arrangements as are needful for their own protection or convenience.

4. Waste land required for purposes connected with mining operations but not for mining must be applied for under the Waste Land Rules or be made the subject of a special application.

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RULES FOR THE DISPOSAL OF APPLICATIONS FOR PERMISSION TO
~~PROSPECT OR~~ MINE FOR GOLD.

or Commission IMMEDIATELY on receipt of an application for land ~~for prospecting~~ for mining purposes, *it shall be registered* the Collector shall ascertain whether the land is at the disposal of Government, and whether there is any objection to the grant by reason of its being required for public purposes or on any other ground.

2. If no such objection is known to exist, the Collector will ~~register~~ *all* the application and cause the land to be ~~roughly~~ demarcated and surveyed without delay at the cost of the applicant, unless this has already been done. Rules VI, VII and XI of the Waste Land Rules *mutatis mutandis* will apply. On receipt of the survey plan the Collector will without loss of time submit the application for the orders of Government through the Board of Revenue, and on the grant being sanctioned will place the land in the possession of the applicant.

~~3. If the original grant is merely for prospecting purposes, application must be made for a mining lease within one year, otherwise the grant will lapse and the land will be resumed. On receipt of an application to mine the Collector will see that the approximate position of the lots required for mining purposes is distinctly marked on the survey plan, and will at once forward the application for the orders of Government through the Board of Revenue.~~

then ~~4. On a mining lease being sanctioned, the Collector will cause the lots applied for to be roughly demarcated and surveyed. On receipt of the survey plan a lease will be drawn up in the prescribed form in duplicate, and after being duly stamped under Article 39 (a), Schedule I, of the Stamp Act, and executed by the parties, will be submitted for the signature and seal of Government. When returned one copy will be delivered to the lessee and the other copy kept in the Collector's records. The deeds and plans to accompany them should bear a number corresponding to the number of the grant in the register; the latter should be signed by the Collector and securely attached to the deeds.~~

~~5. Separate registers of all prospecting applications and mining leases granted under the rules shall be maintained in the Collector's Office in English in the following forms:-~~

4. A register of applications for land for mining purposes will be maintained in the collector or Commissioner's office in English in the accompanying form.

Register of Applications to prospect in the District of

Number.	Date of Application.	Name and Residence of Applicant.	Situation of the Land i.e., Village, &c.	Boundaries of the Land over which a prospecting Right is applied for.	Area by Survey.	Date and Number of Order sanctioning the Grant.	Date on which possession is given.	Remarks.
1	2	3	4	5	6	7	8	9

NOTE.—If application is made by an Agent the name of the person or Company on whose behalf it is made should also be entered in column 3. In the "Remark" column should be entered the date of application for a mining lease or resumption of the grant for default or other disposal of the case.

for land for mining

Register of Applications to Mine in the District of

Number.	Date of Application.	Name and Residence of Applicant.	Situation of the Land i.e., Village, &c.	Boundaries of the Lots.	Area by Survey.	Date and Number of Order of Government granting the Lease.	Term for which granted.	Amount of Annual Rent.	Date and Number of Deed of Lease.	Special Reservations, if any.	Subsequent Registrations, if any.	Terms of Renewal, if Lease is renewed.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14

No. 977.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 17th July 1880.

Read the following papers :—

Proceedings of the Madras Government, dated 21st June 1880, No. 711, Revenue Department.

ABSTRACT.—*Indian Gold Mines Company, Limited, at Ellambally, Wynaad.*—Informing, with certain remarks, the — through their Solicitors that Government know nothing of Messrs. Nicol and Co.'s alleged mining rights; communicating these papers to the Board of Revenue, and directing them to prepare a general notification on the terms mentioned, and also to instruct the Commissioner of Nilgiris to open a formal register in order that applications may be duly recorded, and to frame rules for their prompt disposal.

From G. McWATTERS, Esq., Acting Collector of Malabar, to C. A. GALTON, Esq., Secretary to the Board of Revenue, dated Calicut, 7th July 1880, No. 1,787.

As the Board are preparing rules for the disposal of mining leases, I have the honor to submit, for information and orders, copy of a letter from the Wynaad Deputy Collector, dated 30th June 1880, No. 315, raising several points which will require to be determined.

ENCLOSURE No. 1.

From W. E. UNDERWOOD, Esq., Deputy Collector of Wynaad, to G. McWATTERS, Esq., Acting Collector of Malabar, dated Manantoddy, 30th June 1880, No. 315.

I HAVE the honor to bring to your notice that I have up to date received several applications for mining rights, and that the parties applying are quite aware and evidently ready to take them up on the terms imposed by Government and Secretary of State. I have already forwarded two applications from Messrs. A. VanReesma and E. C. Mitchell's, and await their reply in answer to your letter whether they are prepared to subscribe to the terms imposed.

I send you for perusal and return some of the applications, and whilst some distinctly show where they are situated, others give no definite boundaries.

I however expect shortly these applicants will proceed to point out the blocks they have applied for, and I shall be obliged for instructions on the several following points :—

- (1.) If a reef is situated in old putta land either paddy flat or hill and in possession of individuals for a long time before orders were issued as to reservation of Government rights, how is the party in possession affected as to the application for mining rights on the said land?
- (2.) If granted to applicant, how can he enter upon the land in possession and holding and cultivated, and how is compensation to be determined?
- (3.) If occupier of land has been in possession before any reservation, should I consider the right as held by him and at his disposal, and leave applicant to make his own terms?

Note.—A case in point is Mr. J. VanReesma's application. The reef crops up in a paddy flat in possession and cultivation before reservation of rights, and other applications in continuation of this one are held by landholders before the Government reserved their rights. The land is Government jeem and is in Gunapathy Vettom Amshom.

Applicants for land in occupation and cultivation, but the holders have obtained possession of such subsequent to the reservation of the mining rights by Government.

How is the applicant to be treated as to holder in possession, and if the latter declines to form the right, how or by whom is he to be compensated for value spent in land or for portion taken for mining, and by whom is compensation to be determined?

I assume that fairly parties in possession, putta or other, would be permitted to take up before an outsider who applies.

On Government waste there is but little difficulty, I presume, in dealing with the applicant. The only other difficulty that arises is as to how the area is to be determined. The reefs you are aware are not of much width, so that most applicants would try to take in all he could of

the reef; so thus if he made his application (30 acres) 6 chains in breadth, it would be 50 chains in length, or allow only a little more than one-and-a-half applications to a mile in length, or say 48 acres to a mile in length.

Then again if applicant runs, part on Government waste and part through holdings, how are matters to be settled?

You will observe some of these applicants live far away, some may be applying with *bond fide* means to work, others again without means themselves may have backers, many to hold and transfer to a company, whilst others are simply jobbing with a hope that something may turn up if he is only a happy possessor of mining rights. The officer reporting on these applications cannot in most cases determine on what financial prospects the parties have applied, and if reporting against a grant for applicant not having means, he may probably assume what is not correct. As regards any of these, I would recommend that one year's rental of Rs. 5 an acre be paid in advance and then the officer's report as to work or not being done, and thus at the end of the year if Government do not think advisable to extend the holding, if any grant to a person not abiding by the terms of the lease, he could be put out by no putta being granted for the second or any subsequent year. But it should be a rule that every holder should pay his five rupees an acre a year in advance on accepting the terms; the year to be as in land revenue the fasli year, or it will be very difficult to collect arrears if at the end of a second or third year a holder determines not to claim rights longer.

I shall be obliged if you will determine these points as early as possible so that applications may be dealt with whenever the parties are ready to take them up.

I send all applications (twenty-four in number) to date for your perusal and return.

(True Copy.)

(Signed) G. McWATTERS,
Acting Collector.

In accordance with the instructions of Government, the Board submit a draft of the notification to be issued for general information and of rules for guidance of the Collector of Malabar and Commissioner of the Nilgiris in disposing of applications. The notification goes beyond the scope of the instructions contained in paragraph 4 in containing a declaration of the extent to which Government are prepared to recognize the claims of private proprietors to mineral wealth in their properties; the Board submit that such a declaration is a matter of the utmost importance to the proprietors themselves and the public generally, and that there should be no delay in stating what the position of the former, more especially Malabar jennies, is as regards the claims of Government in order to obviate the acceptance of invalid titles and consequent loss of time and money, Companies having already been formed and negotiations entered into with private proprietors with a view to obtaining mining rights; any doubt about their competence to grant them should therefore be removed at once. The Board have also laid down the procedure to be observed in making applications as well as the conditions on which leases will be granted by Government. They have adhered to the exact terms of the conditions as prescribed by the Government of India, but anticipate that considerable difficulty will be experienced in complying with the rule requiring the continuous employment of five laborers per acre on *bond fide* mining operations; at the outset it will be difficult to employ so many hands to advantage, and at certain seasons of the year the requisite amount of labor may not be procurable. The Board think greater latitude should be allowed.

2. The Collector of Malabar submits for orders the following questions raised by the Deputy Collector of the Wynaad in connection with the grant of mining leases:—

- (1),—whether in the case of putta lands in occupation before the declaration of the reservation by Government of minerals the occupant is entitled to dispose of the mining rights and to make his own terms with an applicant?
- (2),—if such mining rights vest in Government, how is the owner of surface rights to be dealt with when a mining lease is granted to another; how is possession to be given and compensation to be determined?
- (3),—are occupants of land under putta to be allowed priority in respect of mining leases over outsiders?

(4),—whether any restriction is to be placed on the dimensions of the blocks in regard to breadth and length.

3. As regards the first question, the reservation applies equally to those who obtained puttas before and after the policy of Government was declared; in escheated lands, moreover, the Board consider that the State has the right to minerals as Jenmi. The second question presents considerable difficulty; the Board do not see how possession of land already in occupation for cultivation can be given to another for mining purposes without the consent of the occupant and do not think that the Land Acquisition Act applies; the land cannot be said to be required for a public purpose in the sense in which the term is evidently used, and Clause 5, Section 49, shows that Part VII does not apply. Unless legislation is resorted to, the only course open is to deal directly with the occupant, who, the Board think, should be allowed priority over an outsider and who would make his own terms with those who find the capital for working the mine. As the lease will provide for forfeiture of the grant in default of punctual payment of the rent and continuous employment of the prescribed amount of labor there is no risk of loss to Government or of the land not being utilized. As regards the last question, the Board think that the breadth of each lot should not be less than 70 yards.

4. The Board would also draw the attention of Government to the necessity for a detailed survey on the 16-inch scale of the whole of the South-East Wynaad, with a view to the preparation of a map showing all auriferous tracts; under existing arrangements the cultivation alone will be mapped on this scale, the 4-inch scale being adopted for the remaining area, but the latter scale will not be sufficiently large to show the reefs. Operations could afterwards be extended to the rest of the Wynaad. A small Survey party will at any rate have to be maintained on the spot if delay in complying with applications for blocks is to be avoided.

(True Copies and Extract.)

Secretary.

To the Secretary to Government, Revenue Department,
with Draft Notification, Rules and Forms.

Copy to the Collector of Malabar.
" " Commissioner of the Nilgiris.

Exd. A. Grubert.

656 copies of draft of

R.D

Orders

C No. 4675

B.T. Pige submitting
Notification as to
State right in
minerals & mining
cases.

The Board were told
to prepare a notification
stating that Govt.
will grant mining
leases for for waste
lands in the Mynad
and on the Nilgiris
in accordance with
that Sec. of States
despatch.

I think that that than
marked in blue pencil. It
be omitted. But I do not return
the declaration as to the
Cotton land & the other
mineral estates.

He retained for him of
para 3. He however had
some change. as it refers
to a survey plan provided
for in connection with the
prospecting leases. B. than
omitted. The land in question
in an applicⁿ for a mining
lease. It was marked on the
ground & perhaps in a
rough sketch appended to
the application. I don't

In place of
confirming themselves
to that duty they
have sent a notification
setting forth what
they consider to be
the States position
generally in the
matter of minerals
& they state that
the right to work

9-6-80- 117-98

Decree 1880

1880.

Board of Revenue,

MADRAS.

To

THE SECRETARY TO GOVT.
REVENUE DEPARTMENT.

Dated July 17th.

Printed by

Received by

PROCEEDINGS, 17th July 1880, No. 977.

July 30/80

JULY.
No. 977.

Gold-mining Leases for Government Waste Land
in the Wynad and on the Nilgiris.—Submitting
a draft of notification to be issued for general
information and of rules for guidance of Col-
lectors in disposing of applications for—

Page 423

Back 123

is reserved in
all occupied land
held on ryotwari
tenure

Now this has
not yet been
settled - awaits
indeed their
report - so it is
premature, not
to say unnecessary
to make any
declaration on the
subject.

It is submitted
that the Sec. States
despatch which
has been published
both in the India
& George Gazette
may be left to speak
for itself on such
points at present.

Now in their
Notification they
state that permission
to prospect over

known to the Govt. in
survey map like almost
of the block being shown
on the map & tract from it.

W. S. L. by road anxious
survey is imagine complete.
Can a 16 inch scale map
be prepared from the field
books?

On the 1st Dec. Govt.
present that they have
accumulated a point in regard
to the right in minerals
in land already held on
public or rehabilitated
land sold already. It
is partly under inquiry
as regards rehabilitated
land. Can already decided
to the contrary effect by
Govt. - This para 3 of
be corrected by them -

See how well I perceive
the width of the lot leased
for mining - J. B. 18/8

areas not exceeding
100 acres will be
granted for one or
more blocks for 12
months free of
charge.

It does not appear
that Govt. have
suggested such
prospecting cases
and they are probably
unnecessary - Why
should not any one
be allowed to prospect
on waste land - They
propose to notify
mineral demarcate
such blocks at the
expense of applicants.

A very unnecessary
step until the
land is known to be
permanently
wanted.

Lastly they propose
to introduce into
the mining cases

a provision that
"the breadth of
each lot shall
not exceed 70
yards".

As the leases are
to be bound to
maintain so many
laborers per acre
it would seem only
fair to let them
choose that acreage
of any shape or
length they like.

Then comes the
question of occupied
lands held on

~~the~~
The ~~present~~ two
points

(a) those of which
lots are not the
Jenunis.

(b) those of which
they are the
Jenunis.

As regards the 1st.
the Gov. of India
have already
made public their

+ separa b. page (4)
fletspatch d. 1/10/79
to Secy. of State India
9th June 1880

view that the
Jenunis of Malabar
are probably entitled
to all mines & minerals
under their holdings.

The 2nd. point
seems as far as the
Government is concerned
to run into that
raised by Mr.
Paddy & others -
namely what
right to minerals
will Govt. assert in
coffee lands of which
Govt. are rightly or
admittedly the
Jenunis?

This is under
consideration in
connection with
other papers which
await information
as to certain
proposals. The Govt. might
be satisfied together herewith.
Lastly the Board
make certain
suggestions as to the
Survey of S. E. Malabar

The question of the
resumption of survey
operations has been
directed by the
Hon. Mr. Hueston
to be brought
forward & the
papers on the
subject will be shortly
circulated.

At present then
to avoid, on the
one hand delay,
on the other
a crude decision
on matters which
require ventilation
& mature consid-
eration, it would
apparently be
best to deal
only with the
surrounding leases
on waste lands
as originally
proposed. Formed of
The Board

Notification as is
underlined with
pencil might be
omitted.

L. J.
J. W.

In order
Notification as to
Gold mining leases

The Honorable C. W. Huddleston -

Aug 10 1899

I should like to see the
 of the on the water

For the interest in the mining of the community by the results of
 the laws of the state

The prospecting leases
 may be ignored
 The important matter to
 settle accurately is the
 conditions -

- I. I think the lease should be for term
 not exceeding 20 years - I think
 it very probable parties may desire
 to have 5 or 7 year leases - & it is
 no injury to feel to grant such -
- II it should run a rent at the rate
 of \$5 per annum payable in
 advance by two
 equal yearly - or quarterly - or
 1st July in each year; the
 first payment to be made on the
 date of the execution of the lease &
 and the following payments on
 next half yearly day
 the 1st Jan - 1st July - 1st Jan - 1st July
 should be made
 unless rent is made payable yearly
 a year must elapse at least before
 any failure of payment would
 occur which is too long -

C13.0
 R 2.9

18-10-99 18-10-99 18-10-99

V. The word "as soon as such further
..... six months" should be
struck out - I should give no margin
but if any is given it should not
exceed one calendar month -

VI. The term Mining Community is too vague
and not recognized by law - I would
suggest - ~~provide~~ to enable the Local
Fund Board of the locality to provide
such special police, communications,
water supply, sanitation, or other similar
administrative arrangements as are
found needed for the protection &
convenience of the dwellers in the
locality and of the mining works
therein -

I think the condition as to "not less
than 70 yards is reasonable - it

in effect is the side of a square acre -
So that if a mine sects a lease
on a quarry ref. & takes 30 acres
He can get $70 \times 30 = 2100$
or more than a mile of reef

Which is quite as much as it would
be expedient to grant in one block -
And the limitation should fix
place among the ~~various~~ conditions

It is also necessary that some
indication should be given of what
land needed for storing water for
instants is to be obtained
The condition for a mining sect would
be frequently inapplicable - e.g.
suppose a reservoir of 50 acres is
needed ~~as a reservoir~~
it would be absurd to restrict on
250 men. (5 per acre) being

Employed in Mining upon it

I think it should be noted that land
for such purposes - may well be granted
on lease or lease - at same rate for same
but without condition 3 -

Then I think it must also be noted
that ~~water~~ no watercourse shall be
diverted from its natural bed - beyond
the limits of the particular block & that
all waste water from any use made of it
on the block must be returned to its
original channel -

By

I accept H. C. proposals except as
regards condition No. 7. The terms of the B.D.
draft are taken verbatim from para 8. of the
Sec. of T. despatch of 25 March 1871 & Local Rules
B.D. have nothing to do with Police. I suggest
after "not specified in Clause 2" - "except in accordance
with the provisions of the Local Rules Act No. 7 of 1871 (hereinafter
referred to as the said Act) - if any, as may be found
in the said Act or in any other law or regulation."

Memo:

I observe that in the amended
Form of the Draft Notification
submitted to Govt. with
Board's Proceedings of 17 July
1880 No. 977 (which amended
form has just been shown
me) Clauses (3) and (4)
of Rule 3 (now Rule 2) are
left as proposed by the

Board:-

Upon these clauses
I would venture to submit
the following suggestions
beginning with Clause (4). -
I do not see how the
interests of Govt. will be
served by Clause (4). True,
the restriction therein con-
tained may be more ap-
parent than real. It is

hardly likely that Govt. would
 raise objections to assignment
 of mining leases, as it
 can be no matter of moment
 to them who the holder of
 the leases may be. A rental
 of £ 5/ per acre is payable
 in advance on penalty of
 forfeiture of the mining
 grant. There is no intention
 of making any selection
 of original applicants
 why any such discretion
 should be reserved in
 the case of subsequent
 assignees is not clear.

If the application for
 permission to sublet or
 assign is to be made as
 a mere matter of form,
 I would respectfully
 submit that this clause
 (4) might be dispensed

with altogether. The only
raison d'être of any restriction
upon the control of the lease
over the land granted is
that it is necessary or de-
sirable in the interests of
Good. I am doubtful if
Clause (4) can be so con-
sidered. -

I would beg leave to
give the following illustra-
tion of cases in which it
seems to me that clause (4)
would operate in the
interests neither of the
Court nor of the public
forming part of the
~~application~~ most of
the applications received
have come from gentle-
men who have in view
to sell to companies who
exist in England and
who are ~~applying~~ on

negotiations with their very
object. It is obvious that
most if not all of these gentle
men have neither the capital
nor the knowledge required
for mining, and yet, as
"middlemen" between the
Govt and those who buy
for the purpose of working
a mine, they will play an
important part in furthering
the interests of Govt by
attracting English capital
to their District. Clause (4)
will, I fear, make them
look shyly on land the
possession of which is
trammelled by such a
condition. They seek to
acquire in the belief that
Govt will impose no
difficulties in their transfer
of their mining
grants. If this provision
is maintained I appre-

kind that some applications
will be thrown up.

I will discuss one
of the cases now before me.
'A' desires a mining
grant which he has
made arrangements to
transfer immediately.
Upon such transfer ^{measures} ~~measures~~
- which have already been
done time in progress -
will be taken to work the
grant by a company
to be raised in England.
No such company will
be formed until the
acquisition of the land
is assured. ~~When~~
~~When~~ Time is of the
greatest importance.
If the land can be obtained
and assigned, A ~~part~~
with his grant & the
company will take his
place. But it is necessary

that early intimation of
this should be received
in England or negotiations
may fall through. Under
Clause (4) is "A" ~~to request~~
~~that he may be per-~~
~~mitted to hold shares~~
share for which he applies
to a company the very
name of which has
perhaps not yet been
settled? —

Clause (3) requires, in my
opinion, some modification.

Suppose an applicant
obtains a mining grant
and makes it over to a
Company in England.
He may do so in one
transaction, as it were,
as in the case noticed
above; or, as will probably

more often happen, some
interval of time may elapse
between ~~the date of~~ his
acquisition and his
assignment. In either
case, and notably in the
latter, it will not, I think,
be possible to get out Ma-
chinery and Plant,
~~Mechanics~~ ^{Mechanics}, Engineer
&c on the spot and to
start the work in 3
months' time. If the
rule is maintained,
laborers would, of course,
have to be employed as
laid down, but, in the
absence of the necessary
preliminaries or skilled
professional & skilled
control, the work done
might be mere waste of
time & money. The original
work is in

applicant, with no mining
knowledge himself and
probably without the means
of obtaining professional
assistance, would have
to spend monthly upon
mining operations con-
ducted upon no principle
a sum of \$ 975/- taking
a month as 26 working
days - on a block of 30
acres. After due prepara-
tion made, it is obviously
to the interest of the
workers of the mine to
put on as many laborers
as can be profitably em-
ployed.

At the scale laid
down the amount of
labor employed will
be very large - 150 men
on each 30 acre block.
The supply may be
found not equal to the

9
demand and all the
lead to it, as has been
suggested, the local labor
is one of sufficiently good
quality. A miner's
work has been done in
recumbent & other
unusual positions &
demands a superior
class of workman. -
Machines & even tools
may have been imported.

X⁹₃⁹.
Clause (4) appears
from para 10 of Despatch
of the Govt of India to
the Secy of State No. 7
dated 1st Sept. 1879, to
have been introduced
upon the strength of
experience gained in
Australia. It is however
fair to remember that
in Australia gold
mining has long been
an established industry.

When gold is discovered ⁽¹⁰⁾
there, capital, machinery
and skilled labor are available
almost on the spot. In India
the industry is in its
infancy, if indeed it can
be said to be born, Capital
is not yet forthcoming
here but will at first
at any rate ^{have to} be procured
from England. The same
may be said of machinery
& skilled supervision
and to a certain extent
of the labor required,
superior workmen &
mechanics not being
found here.

The object of course
is to secure a certain
minimum amount of
bona fide outlay towards
the development of the
mine. The expected
employment of so much

~~laborer~~ laborer within 3 months from the date of publication of the lease with, as above indicated, serve no useful purpose. The objection would seem to be removed if, instead of a pure laboring each month's account was submitted at the commencement of the following month showed a 'bona fide' expenditure of an amount not less than the value of 5 laborers per acre. - This arrangement, however, would not be free from difficulties in the early days of a lease and Govt. have doubtless satisfied themselves of the importance of the employment of a minimum

This condition is also approved by the Secretary of State. An account of labor would therefore suggest that

1/2
The time allowed be extended
from 3 months to 9 months.
I doubt if the arrangements
contemplated can be profit-
ably started in most cases,
in a shorter period.

G. O. R. D. of 21 June
1880 No 711 rules that the
the maximum limit of any
mining block is 30 acres,
any number of such blocks
may be granted. I have
before me an application for
a plot stated after survey &
measurement, to contain
33.85 acres. Under the
rules this area will have to
be demarcated in 2 plots,
one containing 30 acres &
one 3.85 acres. The advantage
secured by this arrangement
is not apparent. It may,
or may not, in the case
quoted involve additional
cost for demarcation & survey.

to be demarcated

and, in the former event, the
account would of course
be insignificant. But if a
block of 300 ~~acres~~ acres were
taken, the work of surveying &
demarking each 30 acre
block of which ~~they~~ ^{it is com-} ~~posed~~ ^{posed} would ~~add~~ ^{be} greatly ~~to~~
~~the total~~ in view of the
cost required for the survey
& demarcation of the entire
holding as one plot, and
may have put an extreme
case, but I think it will
be found that the British
Public are more attracted
by large areas, though, in
view of fact, the block
limit may be adequate
generally for mining
purposes. The view that
each separate block carries
with it separate liability
is capable, I think, of
a perfect application. If,

14

for instance, upon a
90 acre estate - 3 blocks -
only 150 laborers were
employed, some of
whom are at work in
each of the three blocks,
how is it to be determined
upon which two blocks
default is made?
Practically the tendency
would ~~be~~ view the
three blocks, not as
separate and distinct
from each other, but
as comprising one entire
estate - especially if
adjoining one another
& forming one block of
land. - It appears
to me that the whole
estate would have to be
held liable, but, if so,
what can be gained by
the separate survey &
demarcation of each
30-acre block or part of

(15)

Such blocks, where two or
more of these adjoin each
other? As, however, this
bill has been approved
by the Secretary of State,
it cannot now be
modified. -

It has been decided
that the terms of mining
grants shall be "as simple
and liberal as possible".
Believing that clause (3)
is capable of improvement
in these respects and that
clause (4) may be dis-
pensed with, I have ventured
to submit the foregoing
observations.

J. D. M. 11
Ag. Comr.
16.9.80

Index

Mr. Rossell
came to the office
on Monday to
inquire what
had been decided
as to the terms
on which gold
mining leases
would be given.

He received
notification on the
subject was then
in hand & was
shown & explained.

He intimated
he would like
for reconsider
clauses 3, 4, 5 of
the conditions &
was asked to

by
Mr. Rossell
/

sent his reasons
in writing.

This he has
done in the
letters circulated
herewith.

Condition (3)

He wishes to
extend the time
from 3 to six
or 9 months.

It is not clear
why the Board
entered 3
months.

The instructions
on which this
is based are actual
are those in
para. 10 of the
G. G. 2 despatch
to see: State

as ordered by G. G. 2
in para 7 of letter
in G. G. 2 dated
Nov 80.

21 Sept 79 No 7.

This prescribes
no limit in this
matter unless
suggested by saying
that failure for six
months to maintain
5 labourers per
acre should involve
forfeiture of the lease.
It was meant
that the condition
should have effect
from the date on
which the lease
is granted.

Condition (4) four

is also
introduced by
the Board.

This they
probably took
from term 5 of
the lease mining
lease approved in
G. G. 22 Nov 79 No 2195.

Mr. Russell
also urges objection
to the maximum
limit of 30 acres
per black.

This cannot be
altered as the
Sec of State has
approved it but
his remarks
go to show that
the object in
view - which
is apparently

to prevent large
areas falling
into the hands
of "speculators"

will not be
fully secured
unless it is expressly
stated that
though a man
or lady may hold
two or more
contiguous blocks

See para 10
of India despatch
1 Sept 75 No 7 to
Sec of State
(Cf. 7 Dec 74
No 2029.)

he must not
wrap his labour
on one block but
must employ
the required number
of labourers "on
each block".

This might be
effected by the
insertion of the
last three words
after
"bona fide mining
operations" in condition

3.
In accordance
with His Grace the
Governor's note
the words
"as soon as such
failure — to
six months"
have been struck
out of condition V.
but under the
instructions of the

Trordeis
Ludens by N. Corp
Nigris ref. pub?
winning places

1260

2. The draft Case
is being submitted
"for final settlement
by the Law Officers
of the Gov. of India".
(See para 7 letter
in P.O. 9 "June 1930: 63")

The Ag. Com^y Notes

Clause 4 - The condition is an
universal one in Mining Leases
in England - & has been
introduced very generally in
Australia - but I have not
before me sufficient information
to say whether it is the
universal rule there -

It is in fact an almost
union at ~~state~~ ^{condition} with Canada
& occupy the same the
law. i.e. the Govt. to
maintain a proper register
and to prevent a large
area of circumvention
classes being made
up of little...

The benefit of some
would be monopolist -

And I have known refusals
in England to allow stamps
to men pennyless speculators
when a mine partly sunk
needed machinery &c. but
the condition being inserted in
all - refusals are very rare
because parties will not
make unless on proper
applications

as to clause 3 - and the
limit of 3 months - I do not
agree with the "low" argument -
The condition is reasonable when

applied to a discouraged
man or otherwise
when an applicant
will ask for 2 or 3 acres
according to his means -

If an applicant chooses
to apply for many acres
- there is special
he must pay for his
speculation - & will specially
forfeit the greater part -
applying to have his balance
reduced - such would be
good for the district -

If the allowance be 2 or 3
acres. proves profitable the
remainder would be specially
applied for & more capital
applied & brought in the

if the 30 acres were in the
hands of one man with
insufficient capital -

as regards acre. That block
shall not exceed 30 acres
^{the remarks}
but that any number of
such blocks may be granted
I had not seen the G. O.
in draft - I think it
good reconsideration - it
fully depicts the Sec of State
condition - which is I think
a very important one - I doubt
whether it was so intended.

The true intention I take it
of Sec of State condition - & the
working of it would be that
an applicant for such a block
must if not an easy to

grant him the choice - make
his selection of the block & the
taken - & his other applications
drop -

Any other applicant for
any of them or any part
of them - will become a
second applicant -

If no such applications
are made - then the
plots will remain
ungranted -

The strict enforcement of
the conditions of before
- will in time work
their own effect - limit the
applications to those really -
or ~~really~~ genuine ones
or with ability -

The indiscriminate grants
of large areas to men
speculators - the immediate
destruction of surface - &
ground - irrespective of the
fact of minerals being existent
or not - would be a great evil in
the early stage at any rate -

I would make clear that
applicants who have applied
for more than one block ^{of 30 acres} for
mining will have to make their
selection - This is no way
interferes with grants of land
for reservoirs - or other purposes
necessary to mining - or

Suitably considered

May 1/1

I note that nearly 3 weeks
have elapsed since the
lots were made - but no
progress made in submitting
applications to India - or in
making arrangements for

24/9/80

79-2

No license or grantee of any
Work for mining or other
purpose granted under
these rules shall divert
any water course beyond
the limits of the Work
land or granted to him
and all water running
into or such Work
shall be returned to it

Natural channel
within the limits of
the same block —

77
16
Dr. Campbell

The Duke left the
papers to the land disposal
to hunt for the Duke & him
after a lot of 2 points

1st. R.G. thinks that
the relinquish. of minerals
in lands of the prior &
this date under the waste
land rules "goes to
for a time validates

as regards rent sales
the lotified reservation
heads some months ago
then J. J. first comes
to the us. Said about

Whether there had been
any. Whether sales
had not been suspended
but H. G. says they have
of his knowledge been
going on. With you

ascertain how this is.
& What conditions of
sale were advertised
in fact when the head
of minerals was
lotified. & make that
the ~~date~~ date in the
H. G. past the date of
the H. G. itself -

(20/ H. G. thinks the
the last business in
the H. G. at the directing

No.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the

September 1880

Read the following

No 4077

Proceedings of the Board of Revenue dated 17 July 1880, No 977, submitting a draft of notification to be issued for general information and of rules for guidance of collectors in disposing of applications for Gold-mining Leases for Port Waste Land in the Mysoor and on the Nilgiris.

So much of the Notification submitted by the Board as refers to prospecting leases, which Govt. are anxious to provide for, will be omitted and the following alterations will be made in the conditions as set out in para 3.

both columns - is as above.
I propose a modif. of the
Enclos.

Please have the
draft revised in these
2 respects.

J. P. L. S.

A. S. S.

2/9.

2. Condition I.
The lease will be for a term "not exceeding 20 years."

Condition II.
The rent will be payable half yearly and in advance.

* Condition V.
The words "as soon as such failure" will be struck out

Condition VII.
The term Mining is too vague and the word-
ing will be somewhat altered so as to provide also for the levy of taxation under the Local Fund Act.

3. In the matter of land required in connection with, but not for mining operations, it will be notified that land for such purposes will be granted

to be used for
the purpose of
the land
to be used for
the purpose of
the land
to be used for
the purpose of
the land

to be used for
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to be used for
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to be used for
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to be used for
the purpose of
the land
to be used for
the purpose of
the land

The Rules drawn up by the Board for the disposal of the land

* Condition III
The words
to be used for
the purpose of
the land

granted on lease or lease on the same terms as land for mining condition No 3 as to the employment of a certain number of labourers per acre being excepted. It will also be provided that no water course shall be diverted from its natural bed beyond the limits of each block and that all water running waste after any use made of it must be returned to its original channel.

5. With these alterations and additions the Notification as appended to this order will be published in the Fort Saint George Gazette.

b. The questions raised in paragraphs 2-4 of the Board's proceedings will be separately considered but the Government observe that the Board have assumed a point in regard

• *Chlorophyll*

Disposal. 8. The Rules drawn up by the Board for the disposal of applications have been revised with respect to above remarks & to secure the registry of receipt of all applications whether eventually rejected or accepted.

Will not this
cause delay, is it

necessary & was
it intended by
Govt? It is believed
that the object
of the rules etc
now under
consideration was
to enable the
Collector or Commissioner
to receive & dispose
of applications to
mine. The leases
will of course be
signed by a
Secretary.

In this case
the words
"submit the application
to xxx sanctioned
will" may be
struck out of rule
2. & "by Government"
out of para. 2 of the
Notification.

(4) Should it not
be notified that
without the written
permission of the
Collector or Commissioner
the land applied
for is not to be
entered on. or
operations commenced?

(5) The rules
have been altered
so as to have
all applications
registered immediately
on receipt. As
the rules stood
applications were
only to be registered
if accepted but
it is believed that
Govt. wished to
secure immediate
registry so as to
secure these
being no question

as to priority
of application.
Moreover much
trouble has been
caused by the want
of a register of
applications for
land under the
Waste Land Rules.

Applications
rejected by the
Collector or Govt
have been lost
sight of & subsequent
applications for
the same land
have been rec^d
& accepted to the
injury of the
original applicant
& the discredit
of the authorities
& against orders.

(6) Is it safe to
pledge Govt. by
publishing the
terms on which
land will be
granted for "purposes
connected with
mining"?

Para 2 of O. 21 June
So No: 711 told us
Barclay & Gordon
that this land
must be "the
subject of a special
application".

Large tracts of forest-
(See Mr. Prinching's letter
in J.O. 2. Dec 79. No: 2235) will
probably be applied
for & reserved for
timber & fuel & in
view to their probable
abandonment Govt.
will probably
require them to be
replanted as forest.

Lal
Gill

Notification

It is hereby notified for general information in accordance with the decision of the Secretary of State in his despatch, dated 25th March 1880, No 35, published in the Fort St George Gazette, dated 15th June 1880, that the right of the state to minerals is fully reserved in all waste lands the property of Government. The State asserts no claim to minerals in estates held on Sanad of permanent settlement or in land held on title deeds issued prior to this date under the Waste Land Rules.

* in which no reservation of the state right in minerals is made;

and the future title in Malabar will be held to include the right to minerals. In future sales and leases of waste lands for agricultural purposes the full right of the state in minerals and minerals and the right of access and other reasonable conveniences for working the mineral of Government will be expressly retained.

2. Persons desirous of obtaining permission to mine for gold or precious metal waste land in the Wynad or the Nilgiri Hills should apply for a mining lease to the collector of Malabar or the Commissioner of the Nilgiris as the case may be, specifying distinctly the situation of the land within which it is proposed to mine, and its boundaries as accurately as can be stated, together with its estimated area. Every application should be accompanied by a rough sketch of the tract applied for, or the approximate position of the lot required be marked on the Survey plan. No such lot shall exceed 30 acres in extent. Nor will more than 30 acres in all in one or more blocks be given to one and the same applicant. The breadth of each lot shall not be less than 70 yards. Applications will be dealt with in order of receipt by the collector or Commissioner. On an application being accepted by the collector or Commissioner the lot or lots will be durably demarcated and

MA

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and the future title in Malabar will be held to include the right to minerals. In future sales and leases of waste lands for agricultural purposes the full right of the state in minerals and minerals and the right of access and other reasonable conveniences for working the mineral of Government will be expressly retained.

2. Persons desirous of obtaining permission to mine for gold or silver in waste land in the Wynad or the Nilgiri Hills should apply for a mining lease to the collector of Malabar or the Commissioner of the Nilgiris as the case may be, specifying distinctly the situation of the land within which it is proposed to mine, and its boundaries as accurately as can be stated, together with its estimated area. Every application should be accompanied by a rough sketch of the tract applied for, or the approximate position of the lot required be marked on the Survey plan. No such lot shall exceed 30 acres in extent. Nor will more than 30 acres in all in one or more blocks be given to one and the same applicant. The breadth of each lot shall not be less than 70 yards. Applications will be dealt with in order of receipt by the collector or Commissioner. On an application being accepted by the collector or Commissioner the lot or lots will be durably demarcated and

MA

and surveyed at the cost of the applicant, to whom a lease in the prescribed form will be granted on the following conditions:-

- (1) That the lease shall be for a term not exceeding twenty years;
- (2) That an annual rent of Rs 5 per acre of pation of an acre shall be payable in advance by two half-yearly instalments, on the 1st January and 1st July in each year. The first payment to be made on the date of the execution of the lease for the then current half year and thereafter on or before the first day of the next half year.
- (3) That within three months from the date of the execution of the lease not less than five labourers per acre shall be regularly employed during the ordinary hours of labour on bona-fide mining operations "in each block" in such manner as the Government may approve. Returns of the number of labourers employed per acre at the expiration of each month shall be sent in to the Collector at the expiration of each month.
- (4) That the lease shall not be sub-let or assigned without the consent of Government being previously obtained.
- (5) That the lease shall be liable to forfeiture on failure to observe either of the conditions specified in clauses 2 and 3, or on any breach of clause 4, the Governor-in-Council being the final arbiter as to whether the conditions of the lease have been duly observed or not.
- (6) That the lease shall be renewable at the lessee's option on such terms as the Governor-in-Council for the time being may settle at the expiration of the original lease.
- (7) That during the term of the original lease there shall be no liability to any royalty or other tax in addition to the rent specified in clause

clause 2. Except in accordance with the provisions of the Local Fund Act No. 10 of 1917 (Madras) and with the 24th section of any taxation which may hereafter be found necessary to provide at the expense of the lessee, the cost of such special police, communications, water supply, sanitation or other similar administrative arrangements as may, in the opinion of Government, be dictated in the interests of the local community, immediately or directly affected by the results of the lessee's operations.

3. Without the written permission of the Collector or Commissioner previously obtained, the land applied for must not be entered upon, nor operations commenced.

4. Waste land required for purposes connected with mining operations, but not for mining, will be granted on co-lease at the same rate per acre and under the same conditions as land granted for mining - clause 3 here regards the employment of labourers specified.

5. No lessee or grantee of any block leased or granted under the rules for mining or other purposes shall divert any watercourse beyond the limits of the block leased or granted to him, and all water running waste on such block shall be returned to its natural channel within the limits of the same block.

Failure to observe this condition will entail forfeiture of the co-lease or lease.

No. 1263

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the

1st October 1880

READ the following Proceed-

(No 4675/00)

ings of the Board of Revenue,
dated 17th July 1880, No 977, submit-
ting a draft of notification to be
issued for general information
and advice for guidance of
collectors in disposing of ap-
plications for Gold-mining
Leases for Bar: Waste Land
in the Wynnad and on the
Nilgiris.

PRINT

G. C. 1263

So much of the Notifi-
cation submitted by the Board
as refers to prospecting lease,
which Govt. see no reason
to provide for, will be omit-
ted and the following alter-
ations will be made in
the conditions as set out
in paras 2.

In the first place the
Govt.

Enclosure in
Back No 4

C209
E304

And, on reconsideration, no
reason to doubt whether it
was the intention of the Legislature
of State to allow an appli-
cant to obtain, for mining
purposes, more than 30 acres
in all ^{more} or more blocks, and
this will be stated in the
Notification in modification
of para 1 Art. 21 June 1880,
No 711. The collector or commis-
sioner will also be empowered
to accept applications which
need not be forwarded for
the sanction of Govt, but it
will be notified that without
the written permission of ~~the~~
^{the} ~~the~~ previously obtained,
the land applied for is not
to be entered on aor opera-
tion commenced.

Condition

Condition I.

The lease will be for
a term "not exceeding 20 years."

Condition II.

The rent will be paya-
ble half yearly and in
advance.

Condition III.

The words "on each block"
will be inserted after "bore"
in the mining operations."

Condition IV.

The words "as soon as"
each failure *** six months
will be struck out.

Condition V.

The term mining com-
munity is to be vague, and
the wording will be some-
what altered so as to pro-
vide also for the levy of
taxation under the Local
Fund Act.

12/13/80
The Secretary
to the Government
of the Province
of British Columbia
has received from
the Hon. the Attorney
General the following
letter from the Hon.
the Minister of the
Interior, dated 12/13/80
and has the honor to
acknowledge the same.

4. In the matter of land required in connection with, but not actually forming operations, it will be provided that land for such purposes will, on distinct application and found free from objection, be granted on lease or lease for the same term as land for mining, condition No 3 as to the employment of a certain number of laborers per acre being accepted.

5. It will also be provided that no water course shall be diverted from its natural bed beyond the limits of each block, and that all water running waste after any use made of

of it must be returned to its original channel.

6. With these alterations and additions the Notification, as appended to this order, will be published in the Fort Saint George Gazette.

7. The questions raised in para 2-4 of the Board's Proceedings will be separately considered, but the Court observe that the Board have resumed a point in regard to State right in Minerals in land already held on puttah or escheated land sold already which is partly under inquiry and has, as regards escheats sold, been already decided to the contrary effect by Court; para 3 should be corrected accordingly.

8. As regards the arrangements to

7. 60. 7th Oct 77, No 2029.
7. 28 Jan 80 No 104.
11. 60. 15th July 1880 No 809.

to be made for the survey of
lands granted for mining the
Board will consult the officer
in charge of the survey depart-
ment. There appear to be al-
ready several applications
awaiting disposal.

9. The rules drawn up by
the Board for the disposal
of applications have been
revised with reference to the
above remarks and to secure
the registry on receipt of all
applications whether even-
tually rejected or accepted.

10. The draft
form of mining
lease called for in
L.O. 9th June last
No. 833 should now
be completed &
forwarded with
the least possible
delay. L.S. *W*

1 To the Odean day Dec. 24 & 25
1 To the Deputy Dec. 24 & 25
1 To the Deputy of the Gazette Office
1 To the Collector of Malabar
1 To the Commissioner of Kelgum
1 To the Odean day & Mangalore Police
with reference to 1884
21 June 1884 No. 711
21 Dec 1884

Handwritten notes, possibly "1/1/80" and "1/1/80"

PRINT

4.10.80.

Handwritten signature or initials

Handwritten notes, possibly "1/1/80" and "1/1/80"

Handwritten signature or initials

9-4

C20 9
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