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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. <u>809</u>	Press Mis.
Dated <u>15-7-1880.</u>	

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

15th July 1880, No. 809.

READ THE FOLLOWING PAPER:—

No. 165. Proceedings of the Board of Revenue, dated 7th June 1880, No. 773.

ABSTRACT.—Passing orders on letter from Collector regarding insertion of a condition reserving the rights of Government in respect of minerals, &c., in title-deeds issued to purchasers of escheat lands in Malabar District.

No. 166. ORDER THEREON, 15th July 1880, No. 809.

Miscellaneous.

In the case of escheated lands already sold no reservation can now be added to the terms of sale, but in future sales the reservation of the State right in minerals must be notified and maintained.
(True Extract.)

(Signed) C. G. MASTER,
Secretary to Government.

To the Board of Revenue.

123

Exd. W. H. French.

45 Copies.

13/9/71
 21-4-09 ✓
 24-12-13 ✓
 25-3-14 ✓
 8-12-17 ✓
 14-1-18 ✓
 7/9/21

File to be passed to P. & S. of Malabar District. — Stating that in the case of exhausted lands already sold no reversion can now be asked to the terms of sale but in future sales and also that the revenue of the State is not to be increased by the sale of the land and minerals.

11/11/21
 No. 1033

11/11/21
 No. 1033

THE BOARD OF REVENUE.

REVENUE.

GOVT. OF MADRAS.

original

Malabar Collectors Office
 Calcut 26th April 1880
 Despd 28 — Do —

No 1033

From

G. Mc Watters Esq
 Ag Collector of Malabar.

To

C. A. Galton Esq
 Secretary to the Board of Revenue
 Madras

Sir

With reference to Board Proceedings dated 11th December 1879 No 3309, calling for report on further enquiry as to the past history of the claims or rights of ordinary ryots to mining of metals and minerals found under their holdings, I have the honor to state that the local enquiries instituted by the Divisional Officers and Tahsildars have elicited no new facts beyond what is already known.

2 The Joint Commissioners' report on the Malabar Province in 1892 and 1893 para. 10 states that the Rajahs as royalties gold ore and the things and

the hands of the British, it is well known that a tax of 18 Rs a pattri or cradle was levied from the Kurnumbers for permission to wash for gold on Jemum lands in the Amshoms of Nambolode Minumanad and Cherangode.

3. The tax was levied in the name of the Jemmes of that locality and the Kurnumbers were at the time the Jemmes slaves.

4. There is no doubt that the Government, so far as gold mining is concerned, is entitled to any share in the profits it pleases to impose.

5. The file of Correspondence regarding gold washing in the above mentioned Amshoms was sent in July 1878 to Government and I am unable to refer to it.

(6) The only other which exists is the District Dargah which is now royally seen to have been in because probably

probably in early times the mines were little worth and in fact the proprietors of lands possessing iron mines at the present day, as a rule, neither collect rent, nor share in the profits; a small ground rent only is charged for the fringes.

7. The Head Assistant Collector reports that in his division the workers of stone quarries and brick-fields on private lands, pay 10 per cent of stones cut in kind or money to the landowners.

I have the honor to be

Sir

Your Most Obedt Servant

(Signed) G. Mc. Watters

Ag Collector.

(Enclosure)

W. J. G. G.
Secretary

of my own handwriting
to the House of
Salem.

Superintendent
of the House of
Salem
maintained

Wm

h

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Reservation of
State right to
minerals in escheat
lands sold by Govt
in Malabar

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No. 773.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 7th June 1880.

Read the following letter from G. McWATTERS, Esq., Acting Collector of Malabar, to C. A. GALTON, Esq., Secretary to the Board of Revenue, dated Calicut, 19th May 1880, No. 1,258:—

ADVERTING to the Board's Proceedings, No. 255, of the 19th February last, ordering that a condition should be inserted in all puttass for waste lands reserving the rights of Government in respect of minerals, &c., I have the honor to solicit instructions as to whether similar reservations should be made in title-deeds issued to purchasers of escheat lands.

THE title-deeds issued to purchasers of escheat lands convey the Jennum proprietary right of Government in such lands without reservation—*vide* the forms prepared by the Advocate-General in G.O., dated 13th June 1873, No. 599. The question therefore depends upon whether the right to all mines and minerals under their holdings attaches to Malabar Jenmies. The Government have already expressed the opinion that it would be impolitic, even if it were legally possible, to assert any Government right in the mineral resources of such lands, and the Government of India consider

Despatch, dated 1st September 1879, No. 7.
 Published at page 867, Supplement to the *Gazette of India* of May 22nd.

that the Jenmies of Malabar are probably entitled to such resources. The Secretary of State in his reply, dated 25th March last, does not expressly refer to the case of Jenm

proprietors, but has enunciated the principle of general application that, except in permanently-settled estates, it is to be presumed in the absence of any distinct judicial precedent or proof of established usage that the State has a right to minerals. The papers, recorded in Board's Proceedings, dated 20th December 1875, No. 3,384, and the Collector's letter, dated 26th April 1880, No. 1,033, in reply to paragraph 4,

Copy herewith sent.

G.O., dated 7th October 1879, No. 2,029, show that there is evidence of the continuous exercise by Jenmies of rights in respect of mineral wealth, the State claiming a share of the produce in the shape of a tax or royalty. Under these circumstances, it is presumed that no reservation is necessary in the settlement of escheat property in Malabar now in progress.

(A true Copy and Extract.)

[Signature]
 Secretary.

To the Secretary to Government, Revenue Department,
 with copy of Collector's letter, dated 26th April 1880, No. 1,033.
 Copy to the Collector of Malabar.

Exd. A. Grubert.

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 5-3-90 112-113
 28-1-80 106-107
 7-10-79 107-108
 23-1-79 108-109
 13-6-78 109-110

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1880! Sept
 Board of Revenue,
 MADRAS 1103778

To THE SECRETARY TO GOVT.
 REVENUE DEPARTMENT.

Dated June 7th.
 Printed 18th.
 Received June 23rd

PROCEEDINGS, 7TH JUNE 1880, No. 773.
 24/6/80
 JUNE.
 17. 7. 80 No. 773.

Title-deeds issued to purchasers of Escheat Lands
 -in Malabar District.—Passing orders on letter
 from Collector regarding insertion of a condition
 reserving the rights of Government in respect of
 minerals, &c., in —.

1103778