M.R.O. 1—5,006—16-10-50.

(1) Number of pages 28.

(2) Date of repair 18-9-1962

(3) Initials of the Referencer

MADRAS RECORD OFFICE

Government of Madras

Revenue DEPARTMENT

G.O. No.	341	Press
B.P.—No.		Mis.
Dated	25-3-1882	195 .

Not to be folded or roughly handled

25TH MARCH 1882, No. 341, REVENUE.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—again G.Os., dated 1st and 27th February 1882, Nos. 132 and 234, Revenue.

READ—also the following Proceedings of the Board of Revenue, dated 14th March 1882, No. 775:—

Read—the following letter from E. BARCLAY, Esq., Government Solicitor, to the Secretary to the Board of Revenue, dated Madras, 20th February 1882, No. 75:—

With reference to the Proceeding[illegible] the Board of Revenue, under date the 13th instant, No. 471, I forward herew[illegible]orms of leases for gold-mining and for mining for metals other than gold. The[illegible]leases have been drawn in accordance with G.O., Revenue Department, dated 1st instant, No. 132.

2. With reference to paragraph 2 o[illegible]he Board's Proceedings above mentioned, I think a perusal of the two forms of le[illegible]es will show that one form of lease could not be made to serve both purposes, u[illegible]ss in each case the form were altered according as the lease might be grante[illegible]or mining for gold or for metals other than gold.

3. There is one point which has not yet, I think, been disposed of by Government, and that is, what is to be done by a lessee in case of his finding, during the course of his mining operations, diamonds or other precious stones. These stones are excepted from both leases, and apparently the lessee would have no right to any precious stones he might find. In the lease for metals other than gold express provision is made for the case of a lessee finding gold above a certain weight, which will have to be fixed, viz., he is to report the circumstance to Government and take out a gold-mining lease. There is however no provision in either lease as to what the lessee is to do in the event of his finding diamonds or other precious stones. If the lease for mining for metals other than gold is to include authority to mine for diamonds and other precious stones, it will require some slight modification.

ENCLOSURES Nos. 1 and 2.—Draft Leases.

Read—the following G.O., dated 27th February 1882, No. 234, Revenue.

ABSTRACT.—Requesting Board's opinion whether it would not be desirable to insert a condition as to felling timber in the form of indenture for gold-mining, and stating that the precise nature of the existing rules and regulations should be specified.

Resolution—dated 14th March 1882, No. 775.

With the foregoing letter the Government Solicitor submits separate draft forms of leases for gold-mining and for mining for metals other than gold; he states that one form of lease could not be made to serve both purposes unless in each case the form were altered according as the lease might be granted for mining for gold or for metals other than gold. This was what the Board intended; as the conditions are identical and the greater portion of the two forms is word for word the same,

marginal notes showing the alterations to be made according as the form might be used for gold-mining or for mining for metals other than gold would appear sufficient, but the point is not of importance.

2. The instructions of Government in regard to the preparation of the lease have been attended to, but as the labor requirement has now been dispensed with, the clause, which requires submission of full and true returns of the number of laborers employed from day to day, appears unnecessary.

Bottom of page 5 of the gold-mining lease.

3. Neither of the forms contains any stipulation as to the cutting of timber and wood on land leased for mining purposes. The Government inquire, with reference to the remarks of the Board on this subject in paragraph 2 of their Proceedings, dated 13th February, No. 471, whether it would not be desirable to insert a condition as to felling timber in the form of indenture for gold-mining also rather than omit such a provision in the case of the other lease, seeing that the area in the case of gold-mining has now been materially increased. They also ask the precise nature of the "existing rules and regulations" referred to in the existing conditions for mining for metals other than gold. These conditions were prescribed by Government, not by the Board, *vide* G.O., dated 2nd November 1879, No. 2195, and the Board cannot say for certain what rules and regulations the Government had in view, but presume that the rules in regard to the disposal of timber on land granted for cultivation (G.O., dated 14th July 1869, No. 2041, Revenue Department,) were referred to, and that the intention was to levy the value of any timber felled by the lessee. The Board have recently expressed their views on the subject of the grant of forest land for gold-mining on the Nilgiris and the South-East Wynaad and consider that applications should be dealt with on the principles indicated therein. Where the forest is valuable and likely to be required for the general supply of the country, the land should be reserved and mining applications refused. But if there is no objection on this ground to the grant, the value of the timber should be paid by the grantee in accordance with the rules contained in G.O., dated 14th July 1869, No. 2041, Revenue Department.

Board's Proceedings, dated 12th October 1881, No. 2061.

4. The Government Solicitor inquires what is to be done in the event of a lessee finding diamonds or other precious stones which are excepted from both leases. The Board believe that precious stones are not usually found in gold-mining strata, and the localities in which they have hitherto been found in this Presidency are few and well known; the question may therefore be left for settlement when it arises.

G.O., dated 13th December 1881, No. 1925.

5. It has been decided that if the holder of a lease for other metals shall strike gold, he should be required to take out a gold-mining lease; the question arises as to the quantity of gold for precious stones will be granted are so different that they cannot be applied to land leased for mining purposes.

Paragraph 9, G.O., dated 1st February 1882, No. 132, Revenue Department.

which should make it obligatory on the lessee to apply for a gold-mining lease; a blank space has been left in the draft (page 4) for the insertion of the quantity. The Board consider that the obligation must depend on the quantity of gold found per ton of quartz crushed. The proportion which will pay expenses varies with the conditions, such as cost of labor and fuel, the scale on which operations are conducted, and such like considerations; it is difficult therefore to fix a limit, but from Mr. Brough Smyth's report (*vide* page 49 *et seq.*) the Board gather that less than 3 dwts. will hardly pay expenses as a rule. Unless it would pay to work for the gold, the lessee should not be made liable for the higher rate of rent, whilst at the same time the limit must not be fixed too high to guard against applications being put in for a licenae to mine for metals other than gold whilst the intention is to mine for gold. The Board think that 2½ dwts. per ton crushed would be fair.

6. The only other point requiring ent is the time to be allowed for rectifying breaches of the conditions of the act; a blank space has been left in the draft. The Board would insert three from service of notice.

7. The notifications cannot be revised the above points are settled.

(True Copies a act.)

gned) C. A. GALTON,
Secretary.

To the Secretary to Government, Revenue Department, with two draft leases.
To the Government Solicitor.

ORDER—dated 25th March 1882, No. 341, enue.

Miscellaneous.

As the Board do not attach much portance to the point, separate forms l be adopted for the two classes of es.

2. As to returns to be furnished by ssees, the Government are disposed to retain the provisions of the draft lease.

3. As for the cutting of standing t r; it seems to Government sufficient to provide that the lessee shall pay its valu fixed by the Collector or other officer authorised by him in that behalf. Wo and should not, however, be granted, when of a superior description, without sp al sanction.

4. The Government accept the Boar view as expressed in paragraph 4 and approve their suggestions in paragraphs 5 6.

5. The draft forms of indenture, an additional clause as indicated in paragraph 3 *supra*, will be submitted for e final approval of Government, together with draft notifications prepared in ordance with the plan of lease as now finally settled.

(True ract.)

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

To the Board of Revenue, with two draft leases returned.

Exd. W. H. French.

60 Copies

Original

Coll. of 1882 Orders.
REVENUE.

Order, dated 25th March 1882, No. 311.

Leases—for gold-mining and for mining for metals other than gold—Draft forms of—Board's proceedings requested to submit—with an additional clause as indicated for final approval, together with draft instructions prepared in accordance with the plan now finally settled.

No. 775.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 14th March 1882.

Read the following papers:—

From E. BARCLAY, Esq., Government Solicitor, to the Secretary to the Board of Revenue, dated Madras, 20th February 1882, No. 75.

WITH reference to the Proceedings of the Board of Revenue, under date the 13th instant, No. 471, I forward herewith forms of leases for gold-mining and for mining for metals other than gold. These leases have been drawn in accordance with G.O., Revenue Department, dated 1st instant, No. 132.

2. With reference to paragraph 2 of the Board's Proceedings above mentioned, I think a perusal of the two forms of leases will show that one form of lease could not be made to serve both purposes, unless in each case the form were altered according as the lease might be granted for mining for gold or for metals other than gold.

3. There is one point which has not yet, I think, been disposed of by Government, and that is, what is to be done by a lessee in case of his finding, during the course of his mining operations, diamonds or other precious stones. These stones are excepted from both leases, and apparently the lessee would have no right to any precious stones he might find. In the lease for metals other than gold express provision is made for the case of a lessee finding gold above a certain weight, which will have to be fixed, viz., he is to report the circumstance to Government and take out a gold-mining lease. There is however no provision in either lease as to what the lessee is to do in the event of his finding diamonds or other precious stones. If the lease for mining for metals other than gold is to include authority to mine for diamonds and other precious stones, it will require some slight modification.

ENCLOSURES Nos. 1 and 2.—Draft Leases.

Proceedings of the Madras Government, Revenue Department, dated 27th February 1882, No. 234.

ABSTRACT.—Requesting Board's opinion whether it would not be desirable to insert a condition as to felling timber in the form of indenture for gold-mining, and stating that the precise nature of the existing rules and regulations should be specified.

WITH the foregoing letter the Government Solicitor submits separate draft forms of leases for gold-mining and for mining for metals other than gold; he states that one form of lease could not be made to serve both purposes unless in each case the form were altered according as the lease might be granted for mining for gold or for metals other than gold. This was what the Board intended; as the conditions are identical and the greater portion of the two forms is word for word the same, marginal notes showing the alterations to be made according as the form might be used for gold-mining or for mining for metals other than gold would appear sufficient, but the point is not of importance.

2. The instructions of Government in regard to the preparation of the lease have been attended to, but as the labor requirement has now been dispensed with, the clause, which requires submission of full and true returns of the number of laborers employed from day to day, appears unnecessary.

Bottom of page 5 of the gold-mining lease.

3. Neither of the forms contains any stipulation as to the cutting of timber and wood on land leased for mining purposes. The Government inquire, with reference to the remarks of the Board on this subject in paragraph 2 of their Proceedings, dated 13th February, No. 471, whether it would not be desirable to insert a condition as to felling timber in the form of indenture for gold-mining also rather than omit such a provision in the case of the other lease, seeing that the area in the case of gold-

mining has now been materially increased. They also ask the precise nature of the "existing rules and regulations" referred to in the existing conditions for mining for metals other than gold. These conditions were prescribed by Government, not by the Board, *vide* G.O., dated 22nd November 1879, No. 2195, and the Board cannot say for certain what rules and regulations the Government had in view, but presume that the rules in regard to the disposal of timber on land granted for cultivation (G.O., dated 14th July 1869, No. 2041, Revenue Department,) were referred to, and that the intention was to levy the value of any timber felled by the lessee. The Board have recently expressed their views on the subject of the grant of forest land for gold-mining on the Nilgiris and the South-east Wynaad, and consider that applications should be dealt with on the principles indicated therein. Where the forest is valuable and likely to be required for the general supply of the country, the land should be reserved and mining applications refused. But if there is no objection on this ground to the grant, the value of the timber should be paid by the grantee in accordance with the rules contained in G.O., dated 14th July 1869, No. 2041, Revenue Department.

Board's Proceedings, dated 12th October 1881, No. 2061.

4. The Government Solicitor inquires what is to be done in the event of a lessee finding diamonds or other precious stones which are excepted from both leases. The Board believe that precious stones are not usually found in gold-mining strata, and the localities in which they have hitherto been found in this Presidency are few and well known; the question may therefore be left for settlement when it arises. The terms on which permission to work for precious stones will be granted are so different that they cannot be applied to land leased for mining purposes.

G.O., dated 13th December 1881, No. 1925.

5. It has been decided that if the holder of a lease for other metals shall strike gold, he should be required to take out a gold-mining lease; the question arises as to the quantity of gold which should make it obligatory on the lessee to apply for a gold-mining lease; a blank space has been left in the draft (page 4) for the insertion of the quantity. The Board consider that the obligation must depend on the quantity of gold found per ton of quartz crushed. The proportion which will pay expenses varies with the conditions, such as cost of labor and fuel, the scale on which operations are conducted, and such like considerations; it is difficult therefore to fix a limit, but from Mr. Brough Smyth's report (*vide* page 49 *et seq.*) the Board gather that less than 3 dwts. will hardly pay expenses as a rule. Unless it would pay to work for the gold, the lessee should not be made liable for the higher rate of rent, whilst at the same time the limit must not be fixed too high to guard against applications being put in for a license to mine for metals other than gold whilst the intention is to mine for gold. The Board think that $2\frac{1}{2}$ dwts. per ton crushed would be fair.

Paragraph 9, G.O., dated 1st February 1882, No. 132, Revenue Department.

6. The only other point requiring settlement is the time to be allowed for rectifying breaches of the conditions of the contract; a blank space has been left in the draft. The Board would insert three months from service of notice.

7. The notifications cannot be revised until the above points are settled.

(True Copies and Extract.)

Secretary.

To the Secretary to Government, Revenue Department,
" Government Solicitor. with two Draft Leases.

Exd. W. J. Lewis.

11°/1477

1882.

Board of Revenue,

MADRAS.

To

THE SECRETARY TO GOVT.,
REVENUE DEPARTMENT,

&c., &c., &c.

Printed March 30th.

Received 10/4

PROCEEDINGS, 14TH MARCH 1882, No. 775.

Dup 14/3/82

SUBMITTING to Government, with remarks, *draft forms of leases* prepared by Government Solicitor for *gold-mining* and for mining for metals other than gold.

M. & Col. acknowledging
G.O. No. 341 of 25 March 82

9

REVENUE BOARD OFFICE MADRAS

Revd - Mr Barclay

Proceedings of the Board of Revenue,

Dated 14 March 1882.

No. 775 Miscellaneous.

READ the following:-

No 75

From E. Barclay
Government Solicitor
Madras

To The Secretary to the
Board of Revenue
Madras

Sir - With reference to the proceedings of the Board of Revenue under date the 13th instant No 471. I forward herewith forms of leases for gold mining & for mining for metals other than gold - These leases have been drawn up in accordance with G.O. Revenue Department 1st instant No 132 -

With

2. With reference to para 2 of the Boards' proceedings above mentioned I think a perusal of the two forms of leases will show that one form of lease could not be made to serve both purposes, unless in each case the form were altered according as the lease might be granted for mining for gold or for metals other than gold.

3. There is one point which has not yet, I think, been disposed of by Government, and that is, what is to be done by a lessee in case of his finding, during the course of his mining operations, diamonds or other precious stones - These stones are excepted from both leases and apparently

(2)

apparently the lessee would have no right to any precious Stones he might find - In the lease for metals other than gold express provision is made for the case of a lessee finding gold above a certain weight which will have to be fixed: viz. he is to report the circumstance to Government and take out a gold mining lease - There is however no provision in either lease as to what the lessee is to do in the event of his finding diamonds or other precious Stones - If the lease for mining for metals other than gold is to include authority to mine for diamonds & other precious Stones - I think slight modification will require

Madras 20 Feb/82

(Sd) L. Barclay
Govt Solicitor

Read

Read also C.O. R. & 27 Feb: 1882 No 234.

Resolution - Dated

With the foregoing letter the Government Solicitor submits separate draft forms of leases for gold-mining and for mining for metals other than gold - he states that one form of lease could not be made to serve both purposes unless in each case the form were altered according as the lease might be granted for mining for gold or for metals other than gold - this was what the Board intended, as the conditions are identical and the greater portion of the two forms is the same word for word - the marginal notes showing the alterations to be made according as the form might be used for gold mining or for mining for metals other than gold would appear sufficient but the point is not of importance -

2. The instructions of Govern = ment in regard to the prepa = ration of the lease have been attended to but as the labor requirement has now been dis = pensed with the clause which requires submission of full & true returns of the number of Laborers employed from day to day appears unnecessary -

Bottom of page 5 of the gold mining lease -

3. Neither of the forms contain any stipulation as to the cutting of timber & wood on land leased for mining purposes - the Government enquire with reference to the remarks of the Board on the subject in para 2 of their Proceedings & 13 Feb No 471 whether it would not be desirable to

to insert a condition as to felling timber in the form of Indenture for goldmining also rather than omit such a provision in the case of the other lease being that the area in the case of goldmining has now been materially increased - They also ask the precise nature of the existing rules & regulations re= ferred to in the existing conditions for mining for metals other than gold - These conditions were pres= cribed by Government not by the Board, vide G.O. of 22nd Nov/79 No: 2195 and the Board cannot say for certain what rules & regulations the Government had in view but presume that the Rules in regard to the disposal of timber on land granted for cultivation (G.O. 14 July/69 No: 2041 R.D) were referred to & that the intention was to levy the value of any timber felled by the lessee - The Board have recently expressed their views on the subject of the grant of a forest Land for gold mining on the Nilgiris & the South East Wynaad & consider that applications should be dealt with on the principles indi= cated therein - Where the forest is valuable & likely to be required for the general supply of the country the land should be reserved and mining applications refused. But if there is no objection on this ground to the grant the value of the timber should be paid by the grantee in accordance with the rules contained in G.O. of 14th July/69 No: 2041, R.D.

B.P. (Pro: 12 Oct/81 No: 2061.)

4. The Govt. Solicitor enquires what is to be done in the event of

of a lessee finding diamonds or other precious Stones which are excepted from both leases - The Board believe that precious Stones are not usually found in gold bearing Strata & the localities in which they have hitherto been found in this Presidency are few & well known; the question may therefore be left for Settlement when it arises - The terms on which permission to work for precious Stones will be granted are so different that they cannot be applied to lands leased for mining purposes. G.O. 13 Dec/87 No. 1925

5. It has been decided that if the holder of a lease for other metals shall strike gold he should be required to take out a goldmining lease: the question arises Para 9 G.O. 1 Feb/82 No 132 R.D.

arises as to the quantity of gold which should make it obligatory on the lessee to apply for a gold mining lease; a blank space has been left in the draft (page 4) for the insertion of the quantity. The Board consider that the obligatory quantity must depend on the quantity of gold found per ton of quartz crushed - The proportion which will pay expenses varies with the conditions such as cost of labor & fuel, the scale on which operations are conducted & such like considerations: it is difficult therefore to fix a limit but from Mr. Broughton's report (Vide page 49 et seq) the Board gather that less than 3 dwts. will hardly pay expenses as a rule. Unless it would pay to work for the gold the lessee should not be made liable for the higher rate of rent whilst at the same time

the

the limit must not be fixed too high to guard against applications being put in for a license to mine for metals other than gold whilst the intention is to mine for gold. The Board think that 2½ shts per ton crushed would be fair.

6. The only other point requiring settlement is the time to be allowed for rectifying breaches of the conditions of the contract: a blank space has been left in the draft. The Board would insert 3 months from date of notice.

7. The notifications cannot be revised until the above points are settled.

(True Copy or Extract)

C. A. Gilchrist
Secretary

The Secretary to Government R.D
with 2 draft leases.

Memorandum
No Enclosure

Revenue
No. 1477

Rev. 1882. Dept.

Board of Revenue,
MADRAS.

To The Secretary to
Govt. R.D.

Print—

Rec'd 15 March. Sec'd R.D.
Print—

Memorandum, dated 14 March 1882.

No. 775—

Subject.

Submitting remarks
to Govt. on draft forms
of leases prepared by
Govt Solicitor for gold
mining & for mining
for metals other than
gold.

Refd Sec'd
16-3-82
Pub Labour

C 23-3-82 R 24-3-82

(1)

REVENUE DEPARTMENT.

No. 1477 of 1882.

From The Board of Revenue

Dated 14th March 1882. No 775-

FOR ORDERS.

Para 1. As the Board do not attach much importance to their suggestion of a single form of Indenture for both Gold mining and for mining for other metals, it seems the separate forms submitted by the Govt Solicitor may be adopted.

Para 2. Although the labour requirement forms no condition of the lease, it seems necessary to provide for proof being given of actual bona fide operations, when required, and the only lease of a general character that can be provided for in the form of lease seems to be the amount of labour employed on specific descriptions of work such as the Crushing

of quality by machinery or the like, the description of work being of course of greater importance.

Perhaps the wording might be slightly modified so as to specify the latter ~~and the words "more required may be substituted for~~ the obligation imposed upon the lessee, higher up in the third page to keep accounts of the disposal of the produce of the mines seems unnecessary, and lessees may find it inconvenient to comply with it.

The rules in G.O. of 11th July 1864 N° 2041 reserve only to local foresters under the Forest Dept* and were intended apparently to encourage the clearing of jungle for agricultural purposes. Nowadays all forests are reserved and often have a duration

Para 3.

* Rule IX.

generally to refuse applications for mining leases. If, however, it is considered necessary to provide for grants of land ~~with timber~~ where unobjectionable, it seems sufficient to require that the lessee shall pay the value of the standing timber as fixed by the Collector or other Officer authorised by him in that behalf.

Paras 4, 5 & 6.

It is submitted that the Board's suggestions may be adopted.

C N°1477

FOR ORDERS.

Draft Terms of Lease
for Cutting & Carrying away Timber
Cuba

Horatio N. Hudleston

Read 24th day of March 1882

C. 23.3.82 R. 24.3.82

Draft G. O.

(13)

N°341 d/25th March 1882

Read again G. O. dy
1st Feb 1882, N°132 and
27th ideim, N°234.

Read also Prop of the
C N°1477. { Board of Revenue dy 14th
March 1882 N°775

As the Board do
not attach much import-
ance to the point, separate
forms will be adopted
for the two classes of
leases.

2. As to returns to be
furnished by the lessees,
the Govt are disposed
to retain the provisions
of the draft lease.

3. As for the cutting of
standing timber, it seems
to Govt sufficient to provide
that the lessee shall

pay its value as fixed by the Collector or other Officer authorised by him in that behalf. Wood land shall not however be granted, when of a superior description, without special sanction.

4. The Govt accept the Board's view as expressed in para 4 and approve their suggestion in paras 5 and 6.

5. The draft forms of Indenture, with an additional clause as indicated in para 3 Supra, will be submitted for the final approval of Govt, together with draft notifications prepared in accordance with the plan of leases

(11)

as was finally settled.

Govt

Vide formation

M.S.
To The Board of Revenue
with two draft Leases
returned dt 28/3/82
21 Bounded copies dt 17/4/82

bo

Desin. Hospital
2573.

Ricl –
28/83