Secrt. I (i)-I—10,006—7-10-70.

(1) Number of pages 14

(2) Date of repair 27.2.72

(3) Initials of the Referencer

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No. / ~~B.P. No.~~	847	Press / ~~Mis.~~
Dated	27.2.1877	~~197~~ .

Not to be folded or roughly handled

REVENUE DEPARTMENT,
FORT ST. GEORGE,
27th February 1877.

No. 835.

No. 847.

To

THE SECRETARY TO THE GOV MENT OF INDIA,
EPARTMENT OF REVENUE,
AGRICULTURE, AND COMMERCE.

Miscellaneous.

Dated 27th February 1877, No. 17-A.

,—I am directed to forward, for
ission to the Secretary of State,
thecompanying despatch from this
G ment, requesting sanction to a
m tion of the indentures for lands
sold under the Waste Land Rules of 7th Ma 363 in force in the Wynaad Taluq
of the Malabar District, in view to securing State's rights to minerals in land
sold under those rules.

nave the honor to be,
Sir,
Your most obedient servant,
(Sd) D. F. CARMICHAEL,
Secretary to Government.

Exd. T. D. Ryan.

Agriculture [1877] Department

From

Government of Fort St. George.

Dated 27th February 1877. No. 847.
Received Enclosures. 5 spare copies.

D. No. Progs.

L. No. No. 847.

Forwarding for submission to Secretary of State a despatch requesting sanction to a modification of the indentures for lands sold under the Wynaad Waste Land Rules.

REVENUE DEPARTMENT.

Miscellaneous. No. 17-A of 1877.

TO THE MOST HONORABLE THE
SECRETARY OF STATE FOR INDIA.

My Lord Marquis,—In forwarding copies of our Proceedings noted in the margin, we have the honor to request that the sanction of Her Majesty's Government may be accorded to the modification of the Indentures for lands sold under the Waste Land Rules of 7th March 1863, in force in the Wynaad Taluq, of the Malabar District—in such manner as may be considered necessary by our legal advisers to secure to Government full and complete right to all minerals known to exist or hereafter discovered in lands sold under these Rules, with power to enter upon or to permit others to enter upon such lands, with a view to prospecting for minerals, or to working mines therein existing. Such modification we propose should be temporary, pending the enunciation by the Supreme Government of the policy to be followed in relation to the State's rights to minerals upon which we have requested their instructions in our letter, 23rd January 1877, No. 320, and the perfection of the measures which may be necessary to give that policy a practical form.

G O., 3rd February 1877, No. 503.
,, 28th August 1876, ,, 1,179.
,, 25th July ,, ,, 1,001.
,, 23rd January 1877, ,, 319.

2. It will be observed from our Proceedings, 3rd February 1877, No. 503, that we thought it desirable to obtain the opinion of our Law-officers, as to our power to add to the conditions laid down in the Waste Land Rules; and also how far a buyer would be bound by such fresh conditions if inserted without your sanction.

3. In accordance with the opinion so elicited, we desire to obtain your approval to the course above proposed. We are anxious that no unnecessary obstacles should be thrown in the way of applicants obtaining land under the Rules, even though the land applied for may contain auriferous or other valuable mineral deposits; but, at the same time, His Grace the Governor in Council considers that, under no circumstances, should such lands be alienated without the State's rights in the minerals being fully secured. It will be observed that the Advocate-General has, on a former occasion, expressed an opinion that the State has no right to minerals found in lands sold under the rules.

4. Where the application has been merely to occupy for a limited time with a view to ascertaining the mineral wealth of a locality, we have, in a few cases, permitted temporary occupation on the projectors binding themselves to abide by

G. O. 27 Feby/77 No. 548

any conditions which may hereafter be imposed by the State in regard to royalty and the working of the mines generally.

We have the honor to be,
My Lord Marquis,
Your Lordship's most obedient,
humble servants,

Fort St. George,
27*th February* 1877.

Exd. F. R. Bantleman.

FORT ST. GEORGE,

REVENUE DEPARTMENT.

Miscellaneous.

Letter to the Most Honorable the Secretary of State for India.

Dated 27th February,
No. 17A of 1877.

REQUESTING sanction to a modification of the Indentures for lands sold under the Waste Land Rules in force in the Wynaad Taluq of Malabar District, in view to securing the State's rights to minerals in lands sold under the Rules, and forwarding Proceedings on the subject.

To the Sec. of State -
~~(Hon'ble the Sec. India)~~

My Lord Marquis

In forwarding copies of our Proceedings noted in the margin we have the honour to request that sanction of Her Majesty's Govt may be accorded to the modification of the Indentures for Lands sold under the Waste Land Rules of 1863, in force in the Wynaad Taluk of the Malabar District - in such manner as may be considered necessary by Her Majesty's Govt to secure full & complete right to all minerals known to exist or hereafter discovered in Lands sold under these Rules, with power to enter upon & permit others to enter upon

Sec. Ty 77 No 503
28 aug 76 No 1179
25 Aug 76 No 1006
23 Jan 77 No 319

such lands; with a view
to the prospecting for minerals
or to working mines therein
existing - Such modification
as proposed should be
temporary pending the
enunciation & the issue
for. of the policy to be
followed in relation
to the State's rights to minerals
upon which we have
requested their instructions
by Our Letter 23rd Jan. 77
No 320, and the perpetuation
of the measures, which may
be necessary to give that
policy a practical form.

It will be observed
from our Proceedings
3rd Feb. 77 No 303, that we
thought it desirable to
obtain the opinion of
our Law Officers, as to
our power to add to
the conditions laid
down in the Waste Land

Note for Despatch
Copy of the proper
to be sent

G.O. 27 Feb 1877 No 84

12

Rules, and also how far any
buyer could be bound
by such fresh conditions
if inserted in the Act of
Transfer.

In accordance with
the opinion so elicited, we
decline to accede to the
course above proposed.
We do not consider that no
unnecessary obstacles should be
thrown in the way of applicants
obtaining land under the
Rules, even tho' the lands
applied for, may contain
auriferous or other valuable
mineral deposits; but at the
same time we feel the Jus-
tice of Council under the
circumstances
that such lands should be alienated
without the State's rights
to the minerals being fully
secured - It will be
observed that the Advocate

Sent P.C. for Govt of India
Bengal with 2 Encls

No. 847 of 27-2-77

To

The Secretary to the Govt of India
Dept of Rev Agrl & Commce

Sir,

I am directed to forward, for submission to the Secy of State, the accompanying despatch from this Govt to the Secy of State, regarding sanction to a modification of the Rules now in force in the Wynad Taluq of the Malabar district, in view to securing the State's rights to minerals in lands sold under those Rules.

Dated 27th February 1877,
No. 17A.

Sold Mining
Allowable
Letter to the Govt of India
regarding the sale of
the lands applied
for Coffee.

No 17A

Dated 27th February 1877

20 Cls.

Requesting sanction to a modification of the Procedure for lands sold under the Waste Land Rules in force in the Wynad Taluk of Malabar &c in view to securing the State's rights to minerals in lands sold under these Rules & forwarding Proceedings on the subject.

general has as a general
reservation appended an
opinion that the State has
no right to minerals found
in lands sold under the
Rules -

Where the applicant
has the means to occupy
for a limited time with a
view to ascertaining the
mineral wealth of a
locality, we have in a
few cases permitted
temporary occupation
on the projection hitherto
thereto to abide
any conditions which
may hereafter be imposed
by the State in regard to
royalty, the working of
the mines generally

24.2.77

24/2/77

Sir Roy Sheldon

Certifying modification of Indentures for land sold under the Wynad Waste land rules.