

greater, in addition to the said surface rent.

4. The Board approves of the changes in the draft referred to in paras 2 and 5 of the Government Solicitor's letter.

2. Also letter from Ernest Barclay, Government Solicitor, Madras, to the Secretary to the Board of Revenue, Land Revenue, Madras, No. 154, dated 9th March 1898.

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Resolution

With reference to para 5 of Government Order, No. 1000, dated 29th November 1897, the Board submits for the approval of Government the revised draft lease to be executed by Messrs. Arbuthnot & Co. for mining for phosphatic nodules in the Trichinopoly District.

2. The draft follows the standard form prescribed by the Government of India in its letter No. 21-10-3, dated 31st August 1897 subject to the alterations and additions noted below:-

(a) Para 4 of Part III of the Schedule to the Lease

This para has been inserted with a view to guard against any mistakes that may be discovered in the list of fields to be appended to the lease-Vide Collector's marginal note to para 2 of Part I of the Schedule

(b) Paras 1 & 2 of Part V of the Schedule

The paras have been modified with reference to the Board's remarks in paras 2 & 3 of its reference order read above, so as to render them suitable to phosphatic nodules.

(c) Para 4 of Part IX of the Schedule

The concession granted to the lessees in para 4 of Government Order, <sup>No. 1000</sup> dated 29th November 1897 has been embodied in this para.

3. In its Reference order on <sup>General</sup> ~~Government~~ Register No. 5593 of 96, dated 16th November 1896 submitted to Government with Board's Proceedings No. 2373 Misc., dated 30th July 1897, the Board proposed as a temporary measure to levy royalty on the sale proceeds of the crushed product less railway charges to Calicut where the phosphatic nodules were proposed to be carried for crushing. It seems unnecessary to embody this concession in the draft lease as it is liable to be

withdrawn when a demand for the mineral is found to exist East of the Western Ghats and the Nilgiris.

(True Copy & Extract)

*Reed*

Secretary

To

The Secretary to Govt. R.D., with Government Solicitor's letters draft lease in original to be returned.

Ed. R.H.

para 3 (d) in page 3  
No. 1000  
29.11.97

Read again G.O. 1007  
29.11.97

C.No. 2474 of 1898.

B.D. (L.R.) No 856 misc 24.397

For orders.

~~With~~ As directed in para  
5 of G.O. No 1007 dated the 29<sup>th</sup>  
November 1897, the Board of  
Revenue submits for the appro-  
val of Govt the draft of the  
lease to be issued to Messrs  
Arbuthnot & Co for mining  
for phosphatic nodules in the  
Trichinopoly District, as re-  
vised by the Govt Solicitor.

The chief alterations made in the  
draft which was originally drawn  
up by the Collector in the form  
prescribed by the Govt of India  
in 1894, are noticed below:—

1 The Collector having found  
that the printed Registers pre-  
pared by the Survey Department  
showing the nature and extent of  
the fields comprised in the block  
containing phosphatic nodules  
were incorrect in some cases,  
thought it desir.

B in G.O. 1033  
14.3.96

2/5/98

against further mistakes that might be discovered, by adding a second para to part I of the Schedule appended to the lease, reserving power to exclude from the lease any land which may hereafter be discovered not to be a Govt waste or panchake or unenfranchised service man land.

The Govt solicitor has taken over this newly added para to the end of part III of the Schedule as the more appropriate place for it, but adds that he is not sure that it is intended that such a provision should appear in the lease at all for though the provision seems a reasonable one and is in favour of Govt, it does not appear in the Govt of India's form. This last mentioned fact, however, is, it is submitted, no bar to the addition of the provision, as under rule [23] of the Municipalities Act the Local

marginal note in page 4 of the draft lease

para 4 part III in red ink.

page 13 of pamphlet put up.

It is a proper stipulation to stand.

8/2 8/2/8 19

in page 8 of the lease.

in page 3 of the form flagged

Para 14 of Part VII does all that is needed in respect of compensation & indemnity against actions & claims

8/2 19

Rider A in red ink in page 9 of the draft.

8/2

any additional condition or stipulation which it may consider necessary. The Board of Revenue has approved of the addition and it is submitted that it may be accepted.

2. The Govt solicitor has scolded out the latter part of para 1 of Part III of the Schedule in the draft, on the ground that it is inconsistent with the earlier part of the same paragraph and that it has been omitted in the Govt of India's new form in G.O. 4970 dt 21.9.97 which was ordered to be adopted in the present case. The Board of Revenue has approved of this correction.

3. To part para 3 of Part III of the Schedule, the Govt solicitor has added the proviso in the Govt of India's new form.

4. The Govt solicitor has made certain alterations in paras 1, 2 & 3 of Part V of the Schedule which provides for the levy of ~~house~~ rent during the whole

4  
Case, the levy of royalty during the first year and of royalty or dead-rent, whichever is greater, for the succeeding years. The Govt. Solicitor seems to have, however, made a mistake in the matter of dead-rent.

It will be seen from rule [23](iii) of the Mining rules, that the rate of dead-rent which in the case of phosphatic nodules was fixed at 4 as per acre (in G.O. No 991 dated 10. 3. 96) as in the case of Coal in Schedule B. appended to the rules, is a yearly rate and not a half-yearly one; although under the terms of the <sup>model</sup> lease, the amount of dead-rent is made payable in two half-yearly instalments. The Collector accordingly calculated the total rent on the 1734.07 acres included in the lease at  $(1734.07 \times \frac{1}{4})$  433 Rs-8 as per year and entered on this amount is

otherwise no alteration was made  
was right.  
25

in page 13 of the pamphlet.

D also para 3 of the B.P. in the same  
G.O.

\* in page 17 of the pamphlet.

Rule 39(ii) - p 13 of pamphlet - "26. Lessee shall pay every year - a fixed yearly dead rent at a rate not less than that laid down in Sch. B."   
Sch. B (p. 17 of rules) "Coal ... 4 as" 8/4

para 1 of part V of the Schedule appended to the lease.

page 4 of the form filled in G.O. 4970 21. 9. 97

part 1 of the Schedule appended to the lease in page 4

page 10 of the draft lease

page 12 of do.

Rs 216-12-4 in para 1 of part V of the Schedule as the 'Certain half-yearly rent'.

The Govt. Solicitor, however, having apparently misunderstood the Board's remark in para 2 of its reference No 2128 28.2.98 that the rent referred to in para 1 therein is the dead-rent which has been fixed at '4 as per acre,' took the rate of 4 as per acre as the half-yearly rate and <sup>has</sup> according recorded the Collector's figure Rs 216-12-4 and altered para 1 of Part V of the Schedule as follows:-

"The certain half-yearly rent of 4 annas per acre of the said lands ... shall be paid by the lessees."

This would make the lessees liable to pay a dead-rent of Rs 433-8- per half-year, is double the proper amount, but in para 3 of Part V of the Schedule the 'certain half-yearly rent' which was fixed by the Collector as Rs 216-12-4 is left to stand.

Yes: there seems to be a  
mistake

\* page 14 of the draft base.

\* page 4 of the form flagged  
in l.p. no 4970  
I think it may stand. 24.9.97

6. In part IX of the Scheme.  
 as tried the Conce  
 in A

7. There is one other point to be noted. From the marginal remark on page 2 of the draft lease, it will be seen that the lessees ~~has~~ commenced operations on the 15th June 1896. The draft lease as now revised by the Govt. Solicitor, however, seems to contemplate the granting of the lands from the date of its execution, and the levy of royalty, ~~superannuation~~<sup>&</sup> dead-rent, all have reference to the latter date. If as a matter of fact, the lessees have been engaged in the operations since 15th June 1896 and <sup>have</sup> carrying off nodules during the past two years, it is not clear why the royalty, ~~superannuation~~