

THE HISTORY  
OF  
THE MUNICIPAL CORPORATION  
OF  
THE CITY OF BOMBAY.

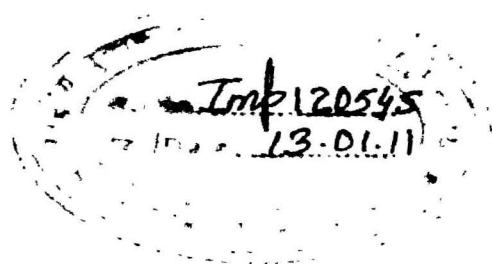
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## THE MUNICIPAL CONSTITUTION.

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The Constitution of the Corporation of to-day materially differs from that of the Bench of Justices which was in existence more than a century ago. In order to give a succinct history of the existence of what may well be called the Board of management, of municipal affairs, it is necessary to trace its history back to the year 1792. In that year by Act of Parliament, Statute 33, Chap. 52, power was given (sec. clii) to the Governor-General in Council of Fort William in Bengal, for the time being, to appoint Justices of the Peace. Such Justices were not empowered to sit in courts of Oyer and Terminer and General Goal delivery unless called upon to do so, and further provision was made in clause clii of this statute, that no person was capable of acting as a Justice of the Peace, till he had taken the requisite oath. The statute although it contained one hundred and sixty three sections, had only about six sections which related to what has been termed the "Constitution of the Corporation." One section authorised the appointment of Justices, another authorised the Justices to appoint scavengers for cleansing the streets of Calcutta, Madras, and Bombay, and to order their being watched and repaired, and further to make assessments for those purposes.

Act of 1792.

In order to give an accurate idea of the intention of the Legislature in this respect, I quote the 158th section in extenso. It says.—"Be it therefore enacted that it shall "and may be lawful to and for the Justices of the Peace "within or for the Presidencies of Fort William, Fort St. "George and Bombay, respectively, for the time being, or "the major part of them from time to time assembled at their "General or Quarter Sessions, to appoint scavengers for "cleansing the streets of the said Towns or factories of "Calcutta, Madras and Bombay, respectively, and to no- "minate and appoint such persons as they shall think fit in "their behalf and also to order the watching and repairing "of the streets therein as they respectively shall judge "necessary, and for the purpose of defraying the expenses "thereof; from time to time to make an equal assessment or

"assessments on the owners or occupiers of houses, buildings  
 "and grounds in the said Towns or factories respectively ac-  
 "cording to the true and real annual values thereof, so  
 "that the whole of such assessment or assessments shall not  
 "exceed in any one year the proportion of one twentieth  
 "part of the gross annual values thereof respectively, unless  
 "any higher rate of assessment shall, in the judgment of the  
 "Governor-General in Council or Governor in Council of  
 "the said respective Presidencies becomes essentially ne-  
 "cessary for the cleansing, watching or repairing thereof,  
 "in which case the said Governor-General in Council or  
 "the Governor in Council, shall, and may in any such  
 "urgent occasion, authorise a further assessment, not ex-  
 "ceeding in any one year the half part of the amount of the  
 "ordinary annual assessment hereinbefore limited, and that  
 "it shall be thereupon lawful for the said Justices to make  
 "a further assessment according to the tenor of such order  
 "and not otherwise or in any other manner; and that all  
 "and every such assessment or assessments shall and may  
 "from time to time be levied and collected by such person  
 "or persons and in such manner as the said Justices by  
 "their order in Session shall direct and appoint in that  
 "behalf, and the money thereby raised shall be employed  
 "and disposed of according to the orders and directions  
 "of the said Justices in Sessions respectively, for and to-  
 "wards the repairing, watching, and cleansing the said  
 "streets and for no other purpose; and that the Assess-  
 "ments being allowed under the hands and seal of such  
 "Justices or any two or more of them shall and may be  
 "levied by warrant under their hands and seals or the hands  
 "and seals of any two of them, by distress and sale of the  
 "goods and chattels of any person or persons not paying  
 "the same within eight days after demand, rendering the  
 "over plus (if any be) to the same person or persons, the  
 "necessary charges of making, keeping and selling such  
 "distress or distresses being first deducted."

Another Section authorised that no spirituous liquors  
 could be sold in Calcutta, Madras or Bombay without  
 a license, and that the Governor-General in Council or the  
 Governor in Council was authorised to prescribe the limits  
 of those places. This statute further contained two or three  
 unimportant clauses which did not really relate to the better  
 management of the town from a municipal point of view.

The power of appointment of Justices was revised in the 13th year of His Majesty George III and again by 7 George IV Chapter XXXVII and then by 2 and 3 William IV Chapter 117, and also by Act XVI of 1841 and Act VI of 1845.

In the early part of the century there were no special rules for the conservancy of the Town and Island of Bombay. Offences were apparently punishable under the ordinary regulations, which were from time to time put in force for the safety and welfare of the entire western Presidency without reference to any particular locality. In 1812 a "Rule Ordinance and Regulation" (in contradistinction to the ordinary Regulations) for the good order and Civil Government of the Island of Bombay passed in Council on the 25th March 1812; which, though very far from being perfect, showed that Police and Sanitary measures were beginning to be appreciated, and formed the germ of all Municipal laws which then existed. The "Rule Ordinance and Regulation" here alluded to, took cognizance of various subjects and consisted of "Titles" and "Articles." "Title First"—treated of Magistrates, who were styled Magistrates of Police and who were to perform the duties and exercise the authorities specified therein.

Rule and  
Ordinance of  
1812.

Article No. 1 ruled that the Hon'ble Governor in Council should select two Justices of the Peace who were styled and acted as above.

Article No. II defined the duty of the Senior Magistrate of Police. He exercised his authority within the Fort and Harbour of Bombay and had to attend at the Office of Police in the Fort from 10 in the forenoon to three in the afternoon every day. He was further required to leave at the said office information where he was to be found at any hour of the day or night. If he was incapacitated by sickness to act and attend, he was *bound* to procure another Justice to act in his stead.

Article No. III provided for a second Magistrate to exercise his authority over the rest of Bombay. He was bound to attend office at same hours as the Senior Magistrate, to give the same information as to his diurnal and nocturnal movements and to provide the same substitute in case of disability.

Article No. IV laid down that each of these Magistrates should ordinarily within his own district, and occasionally

elsewhere in the Island, do all acts that a single Justice of the Peace may by law of England do. The Magistrates of Police were not however the sole Municipal authorities.

"Title second" treated of the "Petty Sessions." Under this title it was laid down that, on every Monday morning at 10 o'clock a court shall be assembled at the Police office within the fort, to be entitled the "Petty Sessions."

Article II provided that this court should consist of 3 members, two of whom were the Magistrates of Police; and the third a Justice of the Peace, who attended by rotation. This "title" laid down rules which to some extent served to guide the Court as to what was considered the proper mode of transacting business, and also provided for appeals, from its decisions to the Grand Jury.

"Title third" provided for the appointment of some respectable European to be High Constable. Article II for a sufficient number of Europeans to be Constables for the preservation of quiet and the execution of the law. These officials were appointed by the Justices at their Quarter Sessions.

"Title Fourth" concerned "offences against the Public Communication." This forbade roads or streets to be encroached upon by buildings, laid down that diggers and owners of wells were required to surround them with a wall of chunam three feet high. Articles IV & V provided for carriages and horsemen going at a moderate pace, and keeping to the proper side of the road, numbering hackneys, committing nuisances, and leaving carts and carriages in the street or road, with or without horses or bullocks.

Article III provided that no owner or occupier of land were to suffer pits to remain uncovered during the night. In case of any infringement of this "Title" the Court of Petty Sessions were empowered to inflict such legal punishments as the danger, audacity or repetition of the offence required.

"Title fifth" prohibited the preparation of oil, spirits, gun powder &c., within the Fort or in the Black Town.

The remaining "Titles" provided against trades which might be made instrumental to the commission of crimes.

They also treated of dangerous weapons, of coining, of religious rites and processions, of a general register annually for births, marriages and deaths; of the slave trade and slavery, and lastly a few general rules.

"Rule Ordinance and Regulation II of 1812" was passed vesting a control in the sale of Arrack and other spirituous liquors beyond the limits of the Town of Bombay and in the Island generally, in the Justices of the Peace.

"Rule and Ordinance III of 1812" was intended to restrain the construction of all buildings within the town walls, and to prevent the introduction of material of a combustible nature within the garrison.

Whether the powers entrusted to the Court of Petty Sessions as laid down in Rule Ordinance and Regulation 1 of 1812 were abused or not, there is nothing to show, but the Government after a time perceived that a road was open to great abuse of power, might be inferred from the fact, that three years after the passing of "Rule Ordinance and Regulation 1 of 1812," they passed another for "Enlarging, Explaining and Amending it." In the new Rule the powers of the executive authorities were limited, and it was no longer left to the Court of Petty Sessions to inflict such legal punishment as the danger, *audacity*, or repetition of the offences justified. Regulation XIX of 1827, prescribed rules for the Assessment and collection of the Land Revenue and for collecting Taxes on shops and stalls; on beating the Battaki; on making Proclamation by the Crier; on Country Music; on wedding sheds and places of public amusements; on Houses; on Carriages; on Horses; for causing individuals who may sell or transfer Houses or tenements subject to quit or ground rent, to give notice of the same to the Collector and also for levying fees in the Court of Petty Sessions and Police Offices. These Regulations caused a great deal of friction between the Bench of Justices and the different authorities.

Regulation  
XIX of 1827.

The Judges considered that they had a voice in all matters, as for instance the Judge of the Supreme Court wrote to the clerk of the Peace (8th October 1838) requesting to be furnished with an account of the Income and Expenditure of the Assessment Funds for one year ending on the day on which the account was made up, and a copy of all orders relating to the Assessment Fund together with a report whether any or what streets were from

Municipal  
affairs inter-  
ference by  
Judges of the  
supreme  
court.

deficiency of funds in want of a firm and well constructed road or path to make them safely and conveniently passable.

The Bench promptly replied expressing their extreme regret that they felt precluded by a sense of public duty from affording the information called for, being of opinion that their compliance with such a requisition would be a virtual recognition, which they were not prepared to admit, on the part of the Honorable the Judges of the Supreme Court to exercise at all times and in any manner they might think fit, a control over the collection and disposal of those funds which had been vested by the legislature in His Majesty's Justices of the Peace and for which they conceived they were answerable to higher authority, to the event only, of complaint being preferred against them by individuals who deemed themselves aggrieved by their acts.

The Bench when assembled in Sessions had the privilege of calling upon the Court of Petty Sessions to furnish them with copies of proceedings in certain cases, but the Court at the same time had the option to refuse to do so, and very often the Bench was informed that their request to be furnished with proceedings could not be complied with.

In 1893, His Excellency the Governor indulged in a little plain speaking with the Chairman of the Bench. The circumstance arose in reference to a letter which the Governor addressed the Bench, stating that it was proposed to adopt to Bombay, the principle of Police reform in Calcutta, by the appointment of a Military Officer to the station of Superintendent of Police who was also to be the Collector of Assessment. At that time, Mr. Notan, was the Collector of Assessment, and the Bench submitted his claim for recognition by Government, as under the new arrangement he would be deprived of his appointment. Government replied that they would consider Mr. Notan's claim without entering into a specific engagement on the subject. The Bench considering the hardship of the case ordered a provision to be made for Mr. Notan by paying him temporarily a compensation of Rs. 200 a month.

His Excellency the Governor then sent for Mr. Bruce who was Chairman of the Bench. The substance of the

Proposed  
appointment  
of Superin-  
tendent of Po-  
lice as con-  
troller of  
assessment.  
His Excel-  
lency the  
Governor's  
criticism  
thereon.

conversation is given in Mr. Bruce's own minute to the Justices as under:—

“I have requested your attendance conceiving it to be due to you as well as to myself to make you acquainted, as early as possible, with the substance of a conversation between the Right Hon'ble the Governor and myself as your chairman on Wednesday last at the Town Hall, upon the subject of the late grant of compensation to Mr. Notan.

“His Lordship commenced by alluding to a former interview at Parell, regarding the arrangement lately carried into effect of uniting the Superintendence of Police with the office of the Collector of the Assessment and went on to say that he had then distinctly stated that in the event of H. M.'s Justices consenting to that arrangement no remuneration was to be granted to Mr. Notan, but that there must be a clear saving in the charges of collecting those funds of 5 per cent, that to his great surprise, however, he had lately learnt that upon a motion by me to that effect compensation had been granted to that gentleman which his Lordship observed he considered as an underhand proceeding, that he could view it in no other light than a job,—and that he had been deceived in the matter as he would rather have continued Mr. Notan in the situation of Collector with a remuneration of 7½ per cent, could he have imagined that the arrangement which transferred that duty to Captain Shortt would have been so vitiated as he now conceives it to be; that it must besides have a most unfavourable appearance to the Hon'ble Court of Directors as his Lordship in reporting to them what had taken place had informed the Hon'ble court that there would be an immediate saving of 5 per cent, in the former charge for collecting the assessment. His Lordship then appealed to me as a man of honor to say whether I had not fully understood from what he had said at the former interview that it was one of the conditions of the arrangement in question—that the Bench of Magistrate was to make no pecuniary grant to Mr. Notan. His Lordship ended by saying that if the proceeding was not annulled, he would take serious notice of it.

“In answer to these observations of his Lordship I stated that the compensation granted to Mr. Notan had not originated in a motion from me but in an application from Mr. Notan himself to the Bench some weeks subsequent to the decision which transferred his appointment to the Superintendent of Police and that I had done no more than a great majority of H. M.'s Justices (who all viewed the case, particularly under the circumstances brought to their notice in Mr. Notan's application, as one of great hardship) except in being the first, from holding the situation of chairman, to give it my support. That the amount of compensation awarded had been on so small a scale, that there would still be an immediate saving of 2½ per cent,

"and that a saving to the full extent contemplated by his Lordship would ultimately be effected. That with respect to its being a job I had no private end to serve by what had been done and as it would appear in the disbursement side of the assessment account periodically published in the Government Gazette, I respectfully submitted that it could not be considered as underhand. To the appeal made to my honor I answered that I perfectly remembered his Lordship arguing that the private interest of individuals ought always to give way where those of the public were concerned and that the Government could grant no immediate compensation, but that I never understood from anything that had fallen from his Lordship that there was any misunderstanding on the part of his Lordship or anything in the shape of a condition that H. M.'s Justices were to be debarred from granting any compensation if they thought proper to do so, otherwise I certainly should have thought it my bounden duty to have communicated it to the Bench, upon the receipt of Mr. Notan's application."

(Sd.) WM. C. BRUCE,  
Chairman of H. M.'s Justices.

"Having thus communicated his Lordship's sentiments, it is of course open to you, should you think proper to revise your decision upon that subject. With respect to myself, I have only to observe that the opinion expressed in my minute upon Mr. Notan's application is unchanged, as I never before heard of an appointment being taken from one person to be given to another, unaccompanied by some compensation, unless it had previously been forfeited by incapacity or misconduct and this in fact is absolutely necessary as I conceive to give proper confidence to public men which they could obviously never have if liable at any time to be turned loose upon the world without some provision."

The granting of the compensation to Mr. Notan was withheld and Mr. Bruce tendered his resignation of the office of chairman.

There were other instances of friction between the several governing bodies as will be seen from the details of the "Lighting" and "Vehar Water Works" project. Coming back to the enactments passed subsequent to 1827, it is recorded that on the 12th August 1836, Mr. Secretary Willoughby, submitted to the Bench a copy of the Amended Regulations which Government intended issuing. The Bench having considered the same, were of opinion

Friction  
between Gov-  
ernment and  
the Bench.

NOTE.—No claim for compensation from the Bench had, it is to be observed been preferred at that time by Mr. Notan nor had the subject come in any way into discussion.

that the amended Regulations would have the effect of transferring from H. M.'s Justices of the Peace, the chief duties now vested in them by Act of Parliament, to the Board to be constituted by the said Regulation and that such a proposal did not meet with their concurrence. Instead of replying to Government, a committee was appointed to consider and report on the same. It has been difficult to trace what this Committee did, but apparently Government without consulting the Bench submitted to the Government of India a draft Act remodelling the functions of the Board. On this action of Government, the Bench recorded the following Resolution:—

"That the Worshipful Bench, record their regret that the Government of Bombay, should have shown so little consideration for, and courtesy towards the Bench of H. M.'s Justices of Bombay, in a matter involving one of the highest privileges conferred on them by Act of Parliament, connected also with some of their Chief duties (that of disbursing the Assessment Fund for the benefit of the inhabitants of the Island) as without any previous communication or intimation of any sort whatever to the Bench, to have sent to Calcutta a draft Act, depriving the Bench of their privilege and duty and leaving H. M.'s Justices to be first made aware of this by the republication in the Government Gazette of the Draft Act, having the above object."

By Act XI of 1845 a Board of Conservancy, composed of seven members, was established in lieu of the Court of Petty Sessions. This latter was formed by the two Police Magistrates in conjunction with a Justice of the Peace who attended by rotation.

Act of 1845.

The object of creating the Board of Conservancy was to form an executive body for administering the Municipal Fund. With this intention it was laid down (Section X) that, "it shall be composed of seven members of whom the senior Magistrate of Police shall be chairman and the Collector of Bombay, *ex officio*, a member, and the other five members shall consist of two Europeans and three native resident Justices, who shall be elected by H. M.'s Justices, or by such persons as the Government of Bombay may appoint to supervise and control the fund. They were elected for three years, being re-eligible at the expiration of that period if thought advisable. This act was passed for the better collection, management and disbursement of certain public funds and monies, for Police and Municipal purposes, throughout the Islands

of Bombay and Colaba. By this Act the jurisdiction of the Justices of the Peace was extended; and all municipal taxes paid into the Government Treasury were formed into the 'Municipal Fund' which was placed under the supervision and control of H. M.'s Justices of the Peace in Session assembled, or such persons as the Government of Bombay appointed.

Police ex-  
pences.

Under the new Municipal regime thus established, though the Justices of the Peace were vested with the supervision and control of the Fund, the Board of conservancy practically administered it as they thought proper. With the exception of Rs. 45,000 ordered to be annually set apart for Police expenses, they had in reality the entire control over the Fund, and were empowered to make such improvements and carry out such public works as in their discretion they deemed necessary. Though it was not distinctly laid down in the Act, it might be assumed that the duties of this Board were perfectly distinct from those of the Petty Sessions; that they had merely the control of the Fund, and the supervision of the sanitary and other measures for improving the health and comfort of the inhabitants; but that no penal powers, to enforce their orders, were entrusted to them as a body.

Act 24 of 1850, was an act for better defining the special duty levied on Tobacco in Bombay.

Act VI of  
1851.

Act VI of 1851, empowered Government to appoint five Commissioners for the purpose of estimating the value of Foras Lands in Bombay, and the improvements thereon &c., and to assess the amount of such estimate in such a way and in such proportion as to them seemed right. The fund to be raised by such assessment was called the "Foras Land Assessment Fund." Unappropriated balances, if any, were paid to the Municipal Fund and any deficit was paid out of the Municipal Fund.

Proposed  
Act of 1858.

In 1856, Government proposed to revise the constitution by placing the management of the Municipal affairs in the hands of three Commissioners. Government accordingly addressed the Bench on the subject. The Bench objected to the proposed amendment of the Law and memorialised the Legislative Council accordingly, but with no result.

Act XXV  
of 1858.

Act XXV of 1858 which came in force on 7th July 1858 altered the constitution of the Board very materially.

The Act was a very comprehensive one, comprising 33 sections. There were three Commissioners for the purpose of carrying out the provisions of the Act and for the conservancy and improvement of the Town and Island of Bombay. The Governor-in-Council appointed one, and the other two Commissioners were elected by Her Majesty's Justices of the Peace in Sessions assembled. These Commissioners were styled Municipal Commissioners for the Town and Island of Bombay and were a body corporate, had perpetual succession, and a common seal.

Those Commissioners who held no other appointment, were to receive Rs. 10,000 per annum, and those who held any other appointment, or occupation, were to receive Rs. 4,000 per annum. The Commissioners were not subject to any check, or control, on the part of the Justices, except in respect of any work for the execution of which the consent or sanction of the local Government was necessary under any previous acts. Salaries above Rs. 200 per mensem, when newly proposed, were submitted for the approval of the Justices before the sanction of Government was applied for; but when the propositions made were disapproved by the justices, the Commissioners, if they thought fit, referred the matter for the decision of the Governor in Council.

The Act provided for "raising a fund for Municipal purposes," which fund, with certain exceptions was placed entirely under the direction and management of the Commissioners.

The Municipal Commissioners were always rightly or wrongly, reproached for alleged sins of omission as well as commission. The chief cause of the triumvirate system not fulfilling the expectation formed of it was by no means want of will, or energy, on the part of many of those who had undertaken the duties. In the words of the Hon'ble Mr. Cassells; "it has been found that three Commissioners with equal powers, but divided responsibility have almost unavoidably obstructed and counteracted each other. Two of these Commissioners were allowed at the time to hold other appointments; devoting only a portion of their time to the onerous duties of their office. The natural result has been, that the mutual obstructiveness has exceeded the co-operation of the executive body." It was in fact, only a prolongation of the old system

of the Board of conservancy. The division of power, the absence of any individual responsibility, the tedious routine of transacting even the most trivial kind of business, the absence of power to enforce obedience to the laws, tended to keep matters much as they were formerly. The only real difference between the Board of Commissioners, and the Board of Conservancy, was that the former drained the Municipal fund to the amount of about Rs. 24,000 annually more than the latter.

In common justice, however, to the Commissioners, it must be pointed out that the causes of failure in carrying out the provisions of the various Acts and Regulations intended for their guidance and support in the prosecution of their duties, was not simply that mutual obstructiveness which exceeded co-operation, nor was it entirely attributable to any or all of the causes alluded to above. There were others at least as potent, and over which the Municipal authorities had no control; such as want of sewage drainage; rapid increase of population, with an inadequate supply of house accommodation; the chief instruments for carrying out the details of the Acts, viz., the Police which was a separate department, and was not in any way under their orders; and lastly, the very deficient supply of Magisterial authority, to take cognizance of breaches of Municipal laws.

Proposed  
amendment  
of the Act of  
1858.

In 1861, a proposal was made to amend the Act of 1858, but nothing definite took place until May 1864 when the amendment of the Act of 1858 was considered section by section. It was originally proposed by the Hon'ble W. R. Cassells seconded by Sir Jamssetji Jeejeebhoy that the entire management of Municipal affairs should be entrusted to one Commissioner who should devote the whole of his time to the work; that he should be appointed by the Governor-in-Council and be removable at pleasure; that his pay be not less than Rs. 2,000 per mensem.

Then there was a proposal by Mr. A. Grant seconded by Mr. A. Cannon that a new Act be passed committing the entire management of Municipal affairs to a Corporation and that this Corporation should consist of Justices of the Town of Bombay.

An amendment by Mr. J. P. Green seconded by Mr. W. Cooper was carried approving of the proposal, that the

powers and duties vested in the present Municipal Commissioners be vested in one Commissioner who should devote his whole time to the work; the Commissioner should be appointed and be removable by the Justices in Sessions assembled.

Towards the end of 1863, Dr. Leith was commissioned by Government to report on the sanitary condition of the city and his report of the 29th February 1864 placed in a most striking and unquestionable light the urgent want of more effective measures for improving the sanitary condition of Bombay. On 2nd May 1864 Government passed a resolution (No. 807) on Dr. Leith's report in which it sketched a comprehensive scheme for Municipal reform. The opinion of the Bench of Justices was invited, and after much discussion the question was earnestly taken up by the Honourable Walter Cassells, then a Member of the Legislative Council, who prepared and introduced into Council a Draft Act embodying the views of Government while it endeavoured to deal with almost every question of Municipal administration.

The Report of the select Committee was made on the 12th January 1865. The Bill was discussed in Council section by section and sent up for sanction of His Excellency the Viceroy, who recorded his sanction on the 10th May 1865. The new Act II of 1865 took effect from the 1st July 1865.

Act II. of  
1865.

Its main features were as follows :—

The Justices of the Peace for the Town and Island of Bombay were created a body corporate with perpetual succession, and a common seal and the power to hold lands.

The Corporation were further empowered to impose taxes and rates, and to borrow money on the security of the same.

The entire executive power and responsibility for the purposes of the Act, was vested in the Commissioner appointed by Government for a term of three years.

He had to lay before the Justices each year a Budget of income and expenditure of the Municipality, which the Justices had the power to revise at a Special General Meeting.

A Controller of Municipal Accounts was also appointed by the Government for a like term, generally to supervise the receipts and disbursements of the Municipal Fund.

A Health officer and an Executive Engineer were likewise appointed by Government to be subordinate to the Commissioner.

The police for the purposes of this Act, were farther placed under the control of the Commissioner.

Thus the Bench of Justices having formerly but a small and that only a nominal voice in Municipal matters became a Corporation with almost supreme control over the affairs of the city and one Commissioner with entire executive power and responsibility, took the place of a Board of Commissioners with equal powers but divided responsibility.

Acts repealed.

By this Act, the following Laws were repealed viz:—

✓ Act XIV of 1856 (for the conservancy and improvement of the Towns of Calcutta, Madras and Bombay.)

✓ Act XXV of 1856 (to comprise in one Act the provision necessary for the assessment and collection of Municipal Rates and Taxes in the Towns of Calcutta, Madras and Bombay &c.)

✓ Act XVI of 1860 (to amend Act XIV of 1856.)

✓ Act XXV of 1858 (for appointment of Municipal Commissioners and for raising a fund for Municipal purposes in the Town of Bombay.)

Act XX of 1861 (to amend Act XXV of 1858.)

Act VIII of 1862 (to abate the nuisance arising from the smoke of furnaces in the town and suburbs of Bombay.)

Act XIII of 1863 (The Vehar Water Works Act.)

Act I of 1864 (to amend sec. VI of Act XXV of 1858.)

By section XII of Act II of 1865 the pay of the Commissioner was fixed at not less than Rs. 3,000 a month.

The Controller of Municipal Accounts countersignature was necessary upon all cheques drawn against the Municipal Fund.

Section XIV fixed the pay of the Executive Engineer at not less than Rs. 2,000 a month.

Section XV fixed the pay of the Health Officer at Rs. 500 a month but did not preclude him from holding any other appointment.

The mode of transacting business was defined in section XXII. Four quarterly meetings were to be held every year.

Upon a requisition signed by five Justices, the Chairman could call a Special General Meeting.

Section 224 provided for the payment of the annual expenses of the Police of the city out of the Municipal Fund; provided that no reduction in the total annual amount required for the maintenance of the force was to be made without the sanction of the Governor-in-Council.

Section XLVII fixed the house rate at 5 per cent which could be raised to 10 per cent per annum. Section LII fixed the lighting rate at 2 per cent in order to provide for the lighting of the public streets by gas. Section 51 authorised the Commissioner to light public streets. Under Section 59 the Vehar Lake and Works vested in the Justices.

In regard to the working of the Municipal Act of 1865 and its introduction into the Legislative Council, the Hon'ble Mr. Lyttleton Bayley, as Chairman of the Bench of Justices delivered the following speech at the meeting held on 26th April 1868:—

“ Mr. Walter Cassels brought the then state of the law and the inefficiency of the then existing arrangements to the attention of the Bench. I recollect that I proposed an amendment, though what it was I cannot for the life of me remember, but the result was that a committee was appointed consisting of Mr. Cassels, Mr. Venayekrao Juggonathjee Sunkerset, Colonel Trevor, recently returned to Bombay, and myself. (Mr. James Taylor — and Mr. Cowasjee Jehanghier.) Well, if Mr. Cowasjee Jehanghier was appointed he certainly did not attend. For a good many meetings we examined personally the late Major Curtis, one of the Commissioners, and also Mr. Forjett. I think Mr. Hutchinson, a third Commissioner, was then in England. We presented a report in which we made various suggestions to the effect, chiefly, that the executive control of the Municipality should be placed in the hands of one individual—and, in fact, we shadowed forth that scheme which eventually, with some alterations and improvements, Mr. Walter Cassels adopted, when on 19th August 1864 he moved in the Legislative Council of Bombay for leave to bring in a bill regarding Municipal arrangements. That bill was referred to a select committee, which made its report, on the 1st February 1865, when Mr. Walter Cassels, to whose exertions in the promoting and passing of that measure I am sure every resident in Bombay in the present and future generation will testify—(applause)—moved the second reading of the bill as amended by the select committee. Discussions on the bill took place during the whole of that month and also up to the 11th March, and I find from the proceedings of the Government of Bombay in the Legislative Department (the authorized publication) that on the 1st February 1865, in moving the second reading of the bill and in alluding to the fact of the Justices being a constituted corporation and to the appointment of

" a Commissioner, Mr. Cassels said :—" The whole executive  
 " power and responsibility for the purposes of the Act, however, are  
 " concentrated in one Commissioner. His office will certainly not  
 " be a sinecure, and the appointment can only be satisfactorily  
 " filled by a man of great energy and administrative ability."  
 " Then he proceeded a little further on to say :—" The Commis-  
 " sioner will annually submit to the Bench a budget of estimated  
 " receipts and disbursements which the Justices will be entitled  
 " to alter or modify as they deem fit, but beyond this complete  
 " control over the finances of the Municipality, the Justices will  
 " have no power to interfere with the executive details of conser-  
 " vancy. They will, it is true, be able virtually to paralyse the  
 " Commissioner by cutting off his supplies, but they will not be  
 " able to relieve him of responsibility without directly assuming  
 " it themselves. I trust that a Commissioner, earnestly desirous  
 " of promoting the health and comfort of the community, may  
 " always meet with consideration from the Justices, and that a  
 " liberal spirit of self-taxation for carrying out the purposes of the  
 " Act may prove the ripeness of the Bench for fuller self-govern-  
 " ment." Now, gentlemen, it was originally intended that the  
 " appointment of Municipal Commissioner should last five years,  
 " but an amendment was introduced at the following meeting of the  
 " Council, and the result was that four votes were recorded in  
 " favour of three years, and four in favour of five, and it is owing  
 " to the casting vote of the Governor, Sir Bartle Frere, who gave  
 " it in favour of three years, that we are now bound after all that  
 " has happened, and when the efficient working of the Municipality  
 " is apparent to everybody, to pass such a resolution as I shall pre-  
 " sently read to you. (Hear, hear.) Now gentlemen, you have  
 " read the report of the Commissioner and the very able report of  
 " Dr. Hewlett, and also the reports published by those officers in  
 " July last year with reference to the working of the Municipality  
 " in 1866, and I think that no one who has lived continuously in  
 " Bombay for several years can fail to see that we are in a very  
 " different position in a sanitary point of view from what we were  
 " in formerly. I think moreover, we must all agree that the large  
 " power given by the Act to the Municipal Commissioner has not  
 " been—I will not say betrayed, but have not been neglected in the  
 " slightest degree. Nay, when in the first instance he found himself  
 " in a great difficulty for want of money, having succeeded to a  
 " bankrupt exchequer, he did what one might have expected of him  
 " —he acted boldly, and he acted effectively. It has been my good  
 " fortune to preside over your meetings now for a little more than a  
 " year, and it has been a pleasure to see that there is a greater  
 " attendance at the meetings of the Bench now than there was  
 " during the first year after the Municipality as at present consti-  
 " tuted was started. Gentlemen, I will not detain you any further.  
 " We all see what we owe to the Municipal Commissioner and to his  
 " colleagues, and it is of the highest importance now, that as all the  
 " Indian railways are converging to Bombay on the one side, and

"as the passenger traffic by sea to this port is increasing on the  
 "other side—I say it is of the utmost importance that it should go  
 "forth to the world that the Bench of the Justices of this city is  
 "perfectly satisfied with the manner in which the duties entrusted  
 "to the Commissioner have been performed, and that the world  
 "should know by our reports that the death-rate amongst the in-  
 "habitants has fallen in a very considerable degree, from 30 or 35  
 "in the thousand, as it was a few years ago, to little more than 18  
 "in the thousand at the present time; and should know, further,  
 "that the discredit cast upon Bombay by the report of the Cholera  
 "Commission in Constantinople is proved now to be no longer  
 "justified by the facts. (Hear, hear.) Living as we do in glass-  
 "houses—as was correctly said by the late Commander-in-Chief in  
 "this Presidency in his speech on the Time Bargains Bill—I think  
 "it is unnecessary for me to detain you any further by descanting on  
 "that which must be apparent to all of us, namely, that we are far  
 "better off now than we were a few years ago, when the Municipa-  
 "lity in its present form was established, and that when the Act is  
 "amended, as it will be in the course of the next few months, we  
 "shall start very differently from what we did on the 1st July 1865.  
 "The Chairman then read the following resolution :—"That the  
 "meeting tenders its cordial thanks to Mr. Crawford and his  
 "colleagues for the able manner in which they have respectively  
 "contributed to the satisfactory working of the Bombay Municipal  
 "Act of 1865, and to whose untiring exertions the marked im-  
 "provement in the sanitary and other arrangements of the city  
 "is mainly to be attributed."

"Mr. Dosabhoj Framjee had great pleasure in seconding the  
 "Chairman's resolution. After the able and eloquent remarks  
 "of the Chairman there was little left to be said by him. The  
 "Chairman had stated that under the new Municipal Act large  
 "powers had been conferred upon the Commissioner. For his part  
 "he had no hesitation in saying that Mr. Crawford had exercised  
 "all those powers with considerable tact and discretion. He was  
 "happy also to say that Mr. Crawford was the most popular Com-  
 "missioner the Municipality had ever had, and he did not doubt  
 "that Mr. Crawford would be re-appointed to his present post.  
 "(Applause.) His labours and their result were clearly described  
 "in the annual reports for the last three years, and he could say  
 "that these three reports taken together would form a good his-  
 "tory of our municipal administration for the last three years,  
 "and would afford much useful and interesting information to the  
 "municipality of any city in the world. (Applause.)

"The resolution was carried.

"Mr. Crawford—Gentlemen, I really find it difficult to respond  
 "to your kindness in the way it deserves. I had looked forward  
 "at the outside to a formal expression of thankfulness at the close  
 "of three years during which I have laboured, with Dr. Hewlett  
 "especially, for the welfare of Bombay; but I never anticipated so  
 "warm a congratulation as I have received at your hands now.

" You little know, gentlemen, how a recognition of this kind sinks  
 " into the hearts of public servants, and how they are stimulated  
 " by such marks of approbation to further successful prosecution  
 " of their duty. One thing, Sir, personal to myself, I should be  
 " glad to say now. I wish to take this opportunity of thanking the  
 " Bench for the consideration it has always shown to me during  
 " the time I have had the honour of being associated with  
 " it. I am conscious myself that I have at times perhaps strained  
 " the consideration which the Bench has shown me. To indivi-  
 " dual members of the Bench I feel conscious that I have been at  
 " times captious. I can only say that when I have been so the  
 " feeling that has prompted me to it was one of earnest anxiety  
 " to benefit this town. There has been no personal feeling and if  
 " I have ever said anything to offend the feelings of any member  
 " of this Bench, I hope he will rest assured that I did not speak  
 " from any personal feeling, and that I did not carry away any  
 " personal resentment at anything said to me. (Hear, hear.) I  
 " will not deny that there have been times when we were perhaps  
 " over-sanguine, and that at other times we have been tempted  
 " even to feel that the task was too much for us ; and this was espe-  
 " cially the case during the earlier part of my administration and  
 " towards the middle of last year. We have been labouring not  
 " only with an Act which, however well designed, was from its  
 " imperfections very difficult to work, but we have been working up  
 " to this time a very up-hill game, during a time when Bombay  
 " has been gradually sinking from one state of depression to a  
 " deeper state of depression, and when people have been wound up  
 " to that condition of wretchedness by the state of their own pri-  
 " vate affairs, that they naturally could not look at any public  
 " questions with very much liberality. I think we have tided  
 " over that time now, and I think I see a future for Bombay of  
 " which none of us have had any conception. (Hear, hear.) I see  
 " a few years hence all the railways of Hindostan converging to-  
 " wards Bombay, I see Bombay the centre of the commerce of  
 " India, and I see with the help of this Bench opportunities of  
 " effecting a vast deal of good and benefitting this large town to an  
 " enormous extent—(hear, hear, and applause)—if we only work  
 " together with a will as we have hitherto done. I do not conceal  
 " from myself that what little success we have had, in the Sanitary  
 " Department, has been mainly, if not entirely, due to my friend,  
 " Dr. Hewlett. Dr. Hewlett has been indeed my right hand,—  
 " more than my right hand—during these three years. It would  
 " be impossible for me to describe to the Bench his untiring  
 " energy, how at any hour of the day or of the night he is always  
 " at his post ; how he has always been ready at any time to make  
 " his opinion if possible work in harmony with mine. I cannot  
 " let this opportunity pass without publicly thanking him for the  
 " good feeling with which he has always worked under me.  
 " (Hear, hear, and applause.) I hope, gentlemen, that the re-  
 " lations existing between us will last, and I can only say on the

"part of my colleagues generally that they will do all in their power to merit still further the Bench's recognition of their services. The association of my name with the new markets is the honour of all others I most desired. Those markets have been, I may say, my hobby, and I hope about the close of this year to see public markets in Bombay which will compete favourably with those to be found in any place in England or elsewhere. As to the question of expenditure we must, of course always be very careful with it, but one thing we must make up our minds to, and that is, that large towns like Bombay cannot be managed without large funds—(hear, hear)—and though year by year we must try in every little detail to economise and cut down, yet, so long as the rates of labour are so high as we find them in Bombay, so long as it costs so much more to live in Bombay than in Calcutta, it will be unfair to compare us in any way with the "Imperial City." We are crushed by the weight of the terrible prices of labour and the prices of material, and I fear it will be many years before we recover from this state of things—even if we ever do. But the railway communication will tend to improve these matters, and I do hope that year by year the Bench will see in our reports, in our budgets, and in our attention to the various rules which have been laid down for the efficient financial control of the Municipality, that we are really endeavouring to administer to the wants of this great city in as economical a manner as possible."

The Act of 1865 was found inexpedient and insufficient for the full and proper management of the City of Bombay, and for the perfect conservancy and improvement thereof, Mr. J. A. Forbes proposed the following alteration in the said Act :—

Proposed  
Reform of the  
Municipality.

"That in lieu and in substitution of clause II of the said Act, whereby the entire executive power and responsibility is vested in one Commissioner appointed by the Governor in Council; in terms of said clause II the following be enacted:—

• "That the said entire executive power and responsibility for the purposes of the new proposed Act be vested in a "Town Council" of sixteen members, six to be nominated and appointed by Government, six by majority of the votes of the Bench of Justices and four to be especially elected by householders (or occupiers to the amount of Rs. 25 per month rent) it not being necessary for the last mentioned class of members to be Justices of the Peace, the Council to be designated the Town Council of Bombay, to be presided over by the Chairman of the Bench of Justices. The said Town Council shall be provided with a Secretary, who shall receive such allowances out of the Municipal funds to be raised under this proposed Act, as shall from time to time be fixed by the Town Council of Bombay, provided that the said salary shall not exceed Rs. 1,500 per month.

2. "That all the powers which by Act II of 1865 are vested in the Municipal Commissioner for the time being be vested in the said Town Council of Bombay, subject as in such cases provided by the said last mentioned Act, to the sanction of the Bench of Justices.

3. "And whereas by the present Bombay Municipal Act of 1865 the power of nominating all subordinate officers and servants for the purposes of the said Act is vested in the said Commissioner with the exception of the Controller of Municipal Accounts, the Executive Engineer and the Health Officer, be it now enacted:—

"That such power be vested in the Town Council of Bombay to the extent of Rs. 500 a month and when the salary of any Assistant or Subordinate Officer shall exceed the sum of Rs. 500 per month in such case the assent of the Bench of Justices shall be obtained.

"That as regards the said Controller of Municipal Accounts, Executive Engineer and Health Officer whose appointments hitherto have been subject to the selection of the Governor in Council.

"That the said officers if found necessary under this revised Act shall henceforth be selected, nominated and appointed by the said Town Council of Bombay subject to the sanction of the Bench of Justices. That as regards their pay and allowances under the new administration of Municipal affairs, it may become necessary to revise their salaries, it is hereby enacted that their remuneration be fixed by the said Town Council of Bombay, subject to the sanction of H. M.'s Bench of Justices of Bombay." To this there was an amendment proposed by Capt. Hancock.

In commenting upon the proposed Municipal Reform, the *Times of India* of June 24th 1871 says:—

"The object that Mr. Forbes and his supporters have in view, in proposing certain resolutions to be laid before the Bench of Justices, is to effect if possible, a complete financial and administrative reform in the Municipality of this city. The reformers wish to reduce expenditure to the lowest point compatible with efficiency, and to arrange for a complete control being exercised over the Executive, which for the last six years has run riot, to an extent unprecedented in the annals of any city in the world. The amendment proposed by Capt. Hancock will lead to no reform at all. The 40 Justices proposed to be appointed to the Town Council by the amendment, will be the 40 persons who usually attend the meetings of the Justices as at present constituted; out of these, committees will be appointed, the Executive Officers naturally taking care that these committees are carefully selected, and then the Executive will reign supreme and do exactly as they please, with or without the consent of the Council, Committees, or any body else.

"The reforms, on the other hand, proposed by Mr. Forbes and his supporters, will lead to very good results; a Council of 16 will be picked men, as it is presumed that the six selected by Government will be from the ablest officials in the place, that the six selected by the Bench will be their very best representatives, and that the four selected by franchise (which should by the bye, be raised to sixty pound householders) will be inhabitants of the place who are interested in its permanent welfare and prosperity. Surely these men aided by a Secretary (call him Municipal Commissioner if you like) on Rs. 1,500 a month, could carry on the business of the Municipality of Bombay. The reduction of salaries of the Executive from Rs. 3,000 to Rs. 1,500 a month, will carry reductions throughout the whole Department, and the grandeur and style of the reign of Louis XIV (who always said "I alone am Government") will sink into the common duties of providing, without waste and bluster, or extravagance, for the necessities of a rising sea port."

The following petition was addressed by the Bombay Association to H. E. the Governor and President in Council Legislative Department, Bombay:—

"That being deeply interested in the promotion of the good and efficient management of the Municipality of Bombay, your petitioners desire to approach Your Excellency's Council for making laws and regulations with the following representation on the subject of Bill No. 3 of 1872, recently introduced into your Excellency's Council with the object of reforming the Municipal constitution, in order to secure a more efficient administration of the Municipal Estate, and to enable the Corporation to exercise a more direct and complete control over its expenditure.

The Municipal Bill of 1872. Petition from the Bombay Association.

2. "That your petitioners have anxiously watched the administration of the affairs of the said Municipality as constituted under the provisions of Act II of 1865, and have carefully noted the causes that have contributed to the utter failure of such administration. The Hon'ble mover of the Bill attributes this failure to all the three powers concerned in the administration of municipal affairs viz., Government, the Bench of Justices, and the unfortunate selection of the Executive Officers, by Government. The Bench of Justices to whom the supervision and control of the affairs of the Municipality have been entrusted under the existing Act has recorded the following resolution:—

"That six years experience of an ever increasing and unchecked expenditure has satisfied the Bench of its own inability, as it is at present constituted, to give to the Municipal finances the constant and effectual supervision contemplated by Act II of 1865.

3. "The Justices have therefore asked Government to relieve them of the duties imposed on them, and to transfer all financial powers vested in the Bench and the Municipal Commissioner to a Town Council of sixteen members.

4. "With a view to provide a remedy for a recurrence of the evils resulting from the past mismanagement of the affairs of the Municipality, Government have proposed a new constitution for the government of the affairs of the city of Bombay to be vested in a corporation consisting of 80 Members, of whom no less than 64 are to be resident Justices of the Peace and 16 rate payers, contributing to the Municipality at least Rs. 50 per annum as Municipal rates and taxes. Of the 64 Justices, 32 are to be nominated by Government and a like number to be elected by the Justices from their own body. Of the 16 rate payers not being Justices, 8 are to be nominated by Government and a like number to be elected by a small constituency of house-owners.

5. "Your petitioners apprehend that the proposed constitution is not calculated to effect the reform which is desired.

6. "No valid grounds can be urged for selecting members of the Municipal Corporation exclusively from the Justices of the Peace. Your petitioners submit that the members of the Corporation should be selected by Government and elected by the ratepayers from a much wider field, comprising different classes of the inhabitants of Bombay and not from the limited class of gentlemen on whom Government have been pleased to confer the Commission of the Peace as a mark of honour and distinction without reference to their qualifications or aptitude for discharging the onerous and responsible duties of municipal managers and supervisors.

7. "Your petitioners venture to point out to your Hon'ble Council one chief cause to which the mismanagement of the municipality is attributable. The ratepayers of Bombay, who annually contribute to the municipality  $\frac{1}{3}$  of a million sterling in rates and taxes, have hitherto had no voice whatever in the selection and appointment of the members of the Corporation. Full power and authority to control and superintend the management of municipal affairs have, during the last 7 years, been vested by the legislature in a large and irresponsible body like the Justices, who have been appointed for life, and are in no way responsible to the tax payers. Their management has resulted in disastrous failure, and a burden of debts amounting to nearly a million sterling. The time has arrived for your Hon'ble Council to consider the advisability of providing a better management and a directly responsible Government, calculated to prevent a recurrence of the evils from which the municipality has suffered so much. The obvious remedy, your petitioners respectfully submit, is to entrust the management of the municipality to the representatives freely chosen and elected by the ratepayers. By this means full responsibility will be secured, and if the elected members of the Corporation neglect their duties, or fail to give satisfaction to their constituents, it will be in the power of the latter to dispense with the services of the former,

and substitute such representatives as would realise their hopes and fulfil their reasonable expectations. With this view your petitioners venture to solicit your Hon'ble Council to substitute a representative constitution in lieu of the proposal contained in sections V, VI, VII, and VIII of the draft bill, which is open to the serious objections urged by your petitioners. The constitution which your petitioners propose, is simply an extension of the representative principle, conceded to an extremely limited extent in section VII of the draft bill, which authorizes Government to nominate eight members of the Corporation, and empowers a particular class of ratepayers to elect a like number. Your petitioners respectfully submit that the number of members of the Corporation proposed to be elected by the ratepayers bears so small a proportion to the number to be appointed by Government and by the whole body of Justices, that the concession will, practically, be of no value or significance whatever. The eight elected members will be a mere nonentity and will not be able to cope with, or exercise any influence over, so large and overwhelming a majority of the members of the Corporation, consisting of 72 persons selected by Government and by the Justices. It will be a mere semblance or shadow of representation instead of a reality. Even as an experimental measure, the small and insignificant representation, which Government propose will be altogether nugatory, in as much as the experiment will not have a fair trial.

8. "The Hon'ble Mr. Tucker, who introduced the bill on behalf of Government, admitted that there was an earnest desire on the part of an influential section of the public for an extension of the elective principle for the Government of the City, and readily acknowledged that he was not adverse to the introduction of self Government of the natives of India. He declared he would be very glad, indeed, to see self Government extended and yet your petitioners regret to find that this Hon'ble Member of Government did not feel disposed to grant anything like a fair extension of the elective principle in the Municipal Government of the City.

9. "The Hon'ble Member did not adduce any facts or reasons in support of his objection but simply declared his belief that this was a matter which, before it could be widely adopted, required the most careful consideration. With reference to the Hon'ble Mr. Tucker's remark that self Government should not be extended "by sudden jumps or leaps in the dark, but by careful progression," your petitioners beg to draw the attention of your Hon'ble Council to the fact that the inhabitants of this great emporium have, for several decades, been trained in the art of self Government, and have been accustomed to the exercise of the privileges of election in regard to the conduct and management of local institutions.

10. "In support of the claim which your petitioners have ventured to prefer on behalf of their fellow citizens, your

petitioners are happy to be able to adduce the testimony of your Excellency's predecessor, Sir Bartle Frere, who has served in some of the highest offices in India. In an able address on public opinion in India, delivered before the East India Association of London, in June last, he has shown that representative Government, far from being contrary to the genius of the natives of India, is in reality a developement of the ancient Indian system. He has advocated the rehabilitation of the existing village councils for the conduct and management of the affairs of their respective villages, with power to send up representatives to the District Council, who should also elect members to serve in the Provincial Councils, which he recommends Government to establish in every province. He further proposes that "if two elected members were sent up from each provincial division—for example, suppose you had 10 in all sent up to the local Legislative Council, they would in every way strengthen the Council, and give additional weight to its proceedings."

And again he says—

"I do not think you need be in the least afraid of having in the Legislative Councils of Calcutta, Bombay and Madras, Lahore and Agra ten or dozen men who have been freely elected by the Provincial Councils, or that you need apprehend their proving disloyal to the English Government."

"If Sir Bartle Frere sees no objection to the principle of representation being applied to the highest Council in this Presidency, your Hon'ble Council will, your petitioners sincerely trust, be favourably inclined towards the moderate demand which they are now making in regard to the management of a concern which affects the pecuniary interests of their fellow citizens.

11. "In corroboration of the claim to adequate representation, which your petitioners beg to urge on behalf of their fellow citizens, they crave leave to cite the high authority of the Supreme Legislature of India, which has recognised and conceded that right to the Municipality of Lucknow by Act XVIII of 1864 and to the municipalities of the North-West-Provinces by (N.-W.-P.) Act VI of 1868. With reference to the Policy adopted by the Government of the North-West-Provinces in carrying out the last mentioned Act, your petitioners quote the following important passages, which occur in the official report of the administration of the N.-W.-Provinces for the year 1868-9:—

"The number of these bodies corporate on the 31st March 1869 was 63. The majority were in existence before the passing of the new Law. (Act VI of 1868.) Some were created after the promulgation of the Act, and in all, steps have been taken to adopt the constitution of the Committee to the law as at present in force, and to regulate the appointment of members on as representative a basis as possible \* \* \* it was thought sufficient to indicate generally, the Lieutenant-Governor's preference to a system of election wherever the arrangement might be unobjectionable, and

to leave the result to the discretion of those best qualified to know and appreciate the requirements of the towns under their charge \* \* \* \* \*."

12. "If the Municipalities established throughout the N.-W.-Provinces, which excepting Meerut, yield an aggregate income of only 13 lacs of rupees per annum, being 40 per cent of the single Municipality of Bombay, are allowed in 48 towns the privilege of electing two thirds, and in some cases a less number of the members of the Municipal Committees, and if a sense of independence and self Government has been generally aroused and good results are expected in that part of India, how much more must the inhabitants of this great emporium far in advance of their fellow countrymen of the North-West and yielding a Municipal revenue of more than double of the whole income of the Municipalities in those provinces, be entitled to have a more extensive share in the administration of their Municipal affairs. Again, Act XVIII of 1864 for the Municipality of the Town of Lucknow provides that the Municipal Committee shall consist of 25 members of whom 6 shall be *ex officio* members, and that the non-official members of the said Committee shall be elected annually by and from amongst the inhabitants of the city.

13. "The above mentioned facts and arguments, which your petitioners have urged, will, your petitioners trust, be deemed sufficient to induce your Hon'ble Council to grant the direct representation which your petitioners have asked on behalf of the rate payers of this city.

14. "With regard to the proposition of members to be selected and nominated by Government, and those elected by the rate payers, your petitioners solicit, your Hon'ble Council to follow the Municipal Improvements, (N.-W.-P.) Act VI of 1865, which directs that the official members shall not be more than one third of the total number of the Municipal Committee. Your petitioners, therefore, propose that sections V, VI and VII, be altered so as to empower Government to appoint 27 members of the Corporation, leaving the remaining 53 members to be elected by the rate payers.

15. "Your petitioners submit that the constituency, on whom by section VII of the new Bill, it is proposed to confer the Municipal franchise, is not only small, but is limited to one fourth of that particular class of rate payers who are owners of landed property. Although your petitioners do not at present consider it advisable to ask your Hon'ble Council to lower the pecuniary value of the franchise, which is fixed at Rs. 50 per annum, yet your petitioners cannot see just or reasonable ground for excluding all other classes of rate payers from participating in the election of representatives. Your petitioners, therefore, solicit your Hon'ble Council to frame the franchise on a fair and just principle, so as to confer on all classes of rate payers the right of voting in the election of members of the Corporation. Unless

this is done the representation will be open to the grave objection of being partial and confined to a small number of landed proprietors, who contribute only a portion of the income of the Municipality, and who cannot be said to be entitled to the monopoly of representation to the exclusion of all other classes of the people who contribute the bulk of the income. Your petitioners therefore solicit your Hon'ble Council to confer the franchise on all classes of rate payers who contribute rates and taxes to the minimum amount of Rs. 50 per annum, and to provide for the division of the city of Bombay into 6 or more wards for the election of members of the Corporation, and for apportioning an adequate number of members to each ward, according to the number of persons rated, and the aggregate amount of the sums contributed by the rate payers residing in each ward.

16. "The objections urged by your petitioners against the constitution of the Corporation apply with greater force to the Town Council proposed to be formed with the object of securing the due administration of the Municipal Fund, consisting of a Chairman and five members to be nominated by Government and six members to be elected by the members of the Corporation. As the Chairman is allowed a second or casting vote, there must be a majority of Government nominees, and the nominees of the Bench and rate payers will be in the minority in such Council. The proviso in section XXIII which directs that two of the members of the Council to be nominated by Government and two to be elected by the Corporation, does not guarantee the appointment of a single member elected by the rate payers. As the Town Council is to serve as a working Committee of the whole Corporation. Your petitioners submit that the right of electing all its members should be vested in the Corporation and the Council should be allowed to appoint its own Chairman.

Clause 17 of the petition suggested that the choice and fixing the remuneration of Officers should be vested in the Corporation.

Clause 18 proposed that a clause be added to section IX of the proposed Bill directing that the executive officers and all other persons, employed in the service of the Municipality should be disqualified for appointment as members of the Corporation.

Clause 19 pointed out that the Bill was objectionable in the following:—(1) by removing the existing exemption of ponies under 12 hands in height; (2) imposing a toll of 2 annas on each labour cart entering Bombay by the Mahim and Sion Causeways; (3) increasing 50 per cent the tax on labour carts plying in the Town and Island of Bombay. The proviso in the Act of 1867 limiting the levy of the lighting and Police rate at 2 and 3 per cent has been expunged from the proposed Bill and no Bill has been assigned to the levy of these rates. By withdrawing their contribution of Rupees one lac, Government have made the Municipality liable for the whole amount of the Police expenditure and have further reserved to themselves the right of fixing

that expenditure from time to time and section LXXXVI makes it obligatory on the Corporation to impose such a rate as may be sufficient to provide the whole amount of such expenditure.

The petition then referred to the obligatory duties of the Corporation; the appointment of Auditors and concluded by pointing out that far from giving fair play to self Government, the new Bill is so framed as to deprive the Corporation of free scope and liberty of action.

The *Bombay Gazette* of December 7th 1870, had the following leaderette regarding the Municipal Commissioner of those days:—

"To-day a portion of that 'Mob of plutocrats—the rate payers of Bombay' will meet under the rule of pure *geist*, and we shall see the Municipal Commissioner wield that 'absolute sceptre of righteousness' 'the inspissated force of a whole city.' In plain language, the Bench of Justices will meet, by virtue of the provisions of the most foolish of Municipal Acts and the Municipal Commissioner will display his 'most splendid *E'tan*' on the occasion. We are not responsible for the grand language we have quoted. Our readers will remember that it shines like oriental gems in the wonderful letter signed 'George Bridwood M. D. Edinborough, late sheriff and J. P. of Bombay.' We are glad to learn from so competent a judge, and the community will also be glad to learn that Bombay is 'more wealthy even than London in effective capital,' but not so glad to learn that 'the whole wealth and motive power' of this wonderful place is 'in the vice like grip of one strong man responsible only to the State, to do with it all that the light of the age imperiously dictates.' Rather a gloomy look out for the said plutocrats who would be better off, perhaps, if the one man were really responsible to the State or to any body or thing. Of course it would be impertinent, not to say irreverent in us to dispute with a man so remarkable for sober judgment and exact expression; but with lamentations over our own blindness, we confess an inability to perceive the correctness of Dr. Birdwood's description of the Municipal Act, the working of that Act, and of the epithets applied to rate payers; while we tremble to think of the vision seen by this seer. 'If I said what I thought the Municipal Act would exactly do, say before the Bicentenary of Plassey,' exclaims our enthusiast, 'I should perhaps be hanged for treason or spat upon as an unmitigated communist. Nevertheless, a clean people never can be slaves.' What dreadful future does this foretell? What do the capitalists think of it? Treason and Commission—large words, my masters, large things and all to flow out of the great Act which should be properly styled Sir Bartle's folly. The success of the Act, 'has been simply stupendous'—measured in lakhs it has, and bids fair to mount up still higher. Since for our sins, the light of Dr. Birdwood's countenance was withdrawn, those effective capitalists who pay Octroi duties have added their rupees to the

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"pile; and none can say whose turn may come next. On the whole  
 "Dr. Birdwood is inimitable. 'A disappointed rival' of Mr. Craw-  
 "ford, yet just to him, the apologist of Yeshwantrao and the Knight  
 "of Mr. Pratt, a profound admirer of Sir Bartle Frere who did not  
 "appoint the scientific doctor Municipal Commissioner; a believer  
 "in the fable that Bombay is richer than London, and an adorer  
 "of the Municipal Act, how, when we put all these things  
 "together, can we help regarding with awe and amazement his  
 "rhapsody in the wonderful letter to the *Overland Mail*.

"But we must not forget the 'mob of plutocrats' who meet  
 "to day. Although, in consequence of a lamentable but not alarm-  
 "ing incident at Vohar, it is quite possible that the loan project will  
 "be withdrawn, yet it is highly desirable that those plutocrats, who  
 "do not relish debt as one of the effects of a rule of pure *geist*,  
 "should assemble, and see that the loan is driven over the Loire.  
 "Perhaps they will remember that, in the opinion of a late brother,  
 "they are a mob, that their place of meeting is likened into the  
 "nursery and the school room, and that the final cause of their  
 "existence is to be strongly governed, which means strongly taxed;  
 "and perhaps they will, 'for one occasion' only, show a little  
 "of that public spirit, so dear to Dr. Birdwood, but which he and  
 "his school will assuredly denounce if it takes the form of insisting  
 "on economy and of demanding relief from grinding taxation.

Indignation still prevailed as will be seen from the following preface of a speech which Mr. Knight was not permitted to deliver at the Bench meeting :—

"The Bench of Justices have at least one man amongst them,  
 "who never addresses them unless he has something to say  
 "that ought to be said and ought to be listened to; who never  
 "twaddles; and who never even attends their meetings, unless  
 "there is important work to be done, finding those meetings into-  
 "lerable from the amount of talk which takes place at them. For  
 "as one man finds, his dissipation in billiards, and another at the  
 "theatre, so there are men in Bombay, it seems who take it out  
 "in the mild way of twaddling at the Bench upon every subject  
 "that comes before it. Instead of its meeting being conducted  
 "conversationally almost indeed in silence, and the work pushed  
 "through in an earnest quiet way, its members are bored to  
 "death by men who will talk, and enquire, and object, and talk,  
 "again and again, upon questions of not the least practical interest to  
 "any one. To listen patiently to these gentlemen, is simply impos-  
 "sible. They talk upon everything, enquire upon everything, object  
 "to everything, and make the meetings simply intolerable to men  
 "who are impatient of such displays. These talking apparatuses  
 "are simply my horror. They are wind bags everyone, and have  
 "about as much real insight into our Municipal difficulties as the  
 "peons who stand gaping at them from the doors. And when  
 "a member of another stamp who would never speak at all, if he  
 "could avoid doing so, rises to address the Bench, these twaddlers

" at once insist that he shall be degraded to the level of themselves.  
 " They have no objection to his pouring a flood of rambling  
 " nonsense upon them for three hours on a stretch so long as it is  
 " poured in the way 'in which other gentlemen speak,' but they  
 " will not hear a carefully prepared speech read on any account.  
 " And yet what can be more preposterous than to require a Justice,  
 " who, like myself, does not speak in public for ten years together,  
 " to attempt to treat a difficult and intricate subject in an ex-  
 " tempore speech? Everybody I suppose can twaddle who tries,  
 " and a great many can never do anything else; but it is a  
 " positive disgrace for a body of men, like the Bench, to come to a  
 " deliberate resolution that will listen to nothing else. For that  
 " is the real effect of this attempt to exclude written speeches  
 " from their debates. The House of Commons, which is full of  
 " practised debaters, may, without disadvantage perhaps follow  
 " a rule of this kind. But for the Bench of Justices to adopt it,  
 " where not one man in six can speak two consecutive sentences  
 " *extempore* in good English, is simply to hand the Bench over  
 " as an exercise ground to the twaddlers. Mr. Justice Bayley  
 " as Chairman of the Bench saw this plainly and ruled the point  
 " against them while the present chairman has played into their  
 " hands. The Bench owe him no thanks for doing so, and I shall  
 " probably move it on an early occasion, to adopt a standing  
 " order that the precedent of 1868 be followed in all cases. For  
 " wiser would it be for the Bench absolutely to refuse to listen to  
 " any speaker whatever, until he gave assurance that he had  
 " carefully prepared his speech beforehand. I publish this  
 " speech, in the *second* place, because of its importance. It matters  
 " little what the men of to-day think about it. I have laid bare  
 " therein the *real* cause of all our embarrassments. The weak  
 " imitation of everything English, as the perfection of wisdom  
 " to which we are so much given in India, was allowed to betray  
 " the council in 1865 into adopting the *direct rule* system of  
 " taxation for this Island, in place of the old indirect way of  
 " Town Duties. The working of the system has resulted in deadly  
 " oppression of the people, and it is now suddenly disclosed that  
 " there are 7,500 distress warrants running against them. I affirm  
 " advisedly, that if the people had any reasonable hope of doing  
 " so successfully, they would be justified in resisting by force  
 " the execution of these warrants. For they are an outrageous  
 " fraud. Were H. E. Sir Seymour Fitzgerald well advised, he  
 " would order the quashing of the whole of these warrants as  
 " a fraud upon their victims. Instead of forcing these 7,000  
 " miserable men to sell their homes and furniture to meet these  
 " warrants, the community owes them restitution of  $\frac{9}{10}$  of what  
 " has been wrung from them in past years. Mr. Crawford, knowing  
 " about as much of the principles of taxation as of the refine-  
 " ments of scholastic theology, thinks to remedy the evil by what  
 " will merely intensify it, namely, letting off the class of

"occupiers altogether, and fastening everything upon the house owner. He is simply proposing to aggravate the fraud we are already committing. Let him stick to the work he does so effectively, and leave the finance part of the business to others. He does not understand it. It is the *poor* house owners of Bombay, not your Munguldas Nathoobhoy of course, who are filling the town with outcries; and what wonder? I mention a single fact. Of the whole 22,000 house owners of Bombay, nearly 16,000 are owners of property that yield less than 40 rupees a month, and it is upon a class like this that we are cruelly fastening all the rates and taxes of the place. It is a gigantic fraud. The result of the debate is satisfactory, only in one respect, that the cries of these men have been so distinctly heard. Mr. Forbes' error is that he has mistaken the real cause of the distress. The constitution may be changed once a week for the next 10 years; Mr. Crawford dismissed, and a dozen after him; and while your fiscal system remains what it now is, the cry of the people will still go up to heaven. You can tax a community like this, only in one way, that is by taxes upon commodities; and the twaddlers will tell you it is 'contrary to the axioms of Political Economy,' and Mr. Forbes believes them. A system of direct taxation based upon the exemption of the many is simply *fraud*, as will by and by be discovered, even in Bombay."

The *Bombay Gazette* of 16th November 1870 in its reference to the proposed Municipal reform stated:—

"We have the honour to suggest that the Justices, at least the European Justices, should take the Municipal Commissioner at his word and retire from the Bench altogether. It would be the more dignified mode of proceeding. A public functionary who considers that six hours is sufficient to dispose of a budget authorising the expenditure of 35 lakhs, plainly regards the Bench as a mere court in which he may register his decrees. Impatient of criticism, he deals with the members of the Bench who either oppose or criticise him as if he were the master and they were the servants. At the meeting last week, after describing the principle speech as a great 'flow of oratory' full of 'general statements and general assertions,' he said the Bench wanted to shift the responsibility of the expenditure on to his shoulders and politely added:— 'you have to take that responsibility upon yourselves, and that responsibility you *shall* take upon yourselves.' Not content with this he subsequently denounced opposition, generally, and said, 'the time of the Bench was taken up by wild and unsupported assertions; while Dr. Hewlett did not think it improper to condemn all remarks not in harmony with his views as 'mere verbiage.' After displaying this tolerant disposition last week, the Commissioner on Monday, finding his patients bore it so well increased the dose, taunted the Bench with lack of public spirit, and suggested that all who would not attend their civic duties should retire from

“ the Bench ; attending their civic duties, meaning, in the opinion of  
 “ the Commissioner voting his estimates munchance. Considering  
 “ how the Bench is without any remedy, we think the best plan  
 “ would be to frame a list of Justices who will entirely agree with the  
 “ Commissioner and allow the rest to take his courteous advice and  
 “ retire altogether ; and that in future Government ; which does  
 “ not care a straw about the Municipality, should, before appointing  
 “ any gentleman a Justice of the Peace, make him sign a declaration  
 “ that he will be faithful and loyal to His Majesty the Commissioner  
 “ and never open his lips to utter a word contrary to the only sacred  
 “ and orthodox opinions on duty taxation, and expenditure, to wit  
 “ the opinions of the Municipal Commissioner.

“ Now we have heard something about ‘ wild and unsupported  
 “ assertions.’ Of course a gentleman like the Commissioner is  
 “ infallible, never deals in assertion of that character. Let us see.  
 “ Dr. Dallas made a strong point in his ‘ flow of oratory,’ ‘ mere  
 “ verbiage,’ and ‘ wild ’ speech, by pointing out that the Muni-  
 “ cipal expenditure of the united Kingdom is under 6,000,000 pounds  
 “ or about 17 times what we spend in Bombay. The comparison is  
 “ not exact, because in an municipal expenditure the amount paid for  
 “ watering the roads and other public purposes is not separated from  
 “ the house supply. But look how the Commissioner deals with the  
 “ statement. He boldly asserts that no water rate, no police rate  
 “ no halalkhor cess, that is, no sewer rate, is paid by the English  
 “ municipalities. The exact contrary of this truly ‘ wild and un-  
 “ supported assertion’ is the case. The house holders and house  
 “ owners, where the rates are compounded for or where  
 “ special covenants are made pay water and police rates,  
 “ sewer rates, lighting rates, and improvement rates. The Commis-  
 “ sioner denies the accuracy of this statement, but when he has  
 “ the happiness to keep his house in England, as he may have before  
 “ this time next year, his cheque book will contain ample evidence  
 “ of the supports on which the assertions exist. This is only an  
 “ incidental point and we only make it to show the superb audacity  
 “ of the Commissioner when he wants to dispose of a tough opponent.

“ There is another point which calls for remark. The Commis-  
 “ sioner is very sublime in the question of duty. He not only  
 “ tells the Bench, they *shall* seat in a particular fashion, but he  
 “ lectures them on their duty and taunts them with a lack of  
 “ public spirit. His speeches, indeed, forcibly recall the tone of  
 “ the famous letters on Bombay to *The Times* and the *Friend of*  
 “ *India*. And here we may remark that the Commissioner’s  
 “ ways of dealing with adversaries are infinite, and that one of  
 “ them is to wit a critic with speaking popularity, and to describe  
 “ himself as fatally bound to be unpopular. We must say that  
 “ for an unpopular man, if he be one, he has had a great deal of  
 “ his own way. No popularity of course, was conferred by the  
 “ roseate and erroneous description of Bombay in the journals to  
 “ which we have referred ! Having established the fact that he  
 “ is not popular, he became tragic. I have to do my duty also

“like Dr. Dallas. I have to tell you a very plain truth. \* \*  
 “\* \* It does not follow because trade is dull that the Corpora-  
 “tion is to fail in doing its duty. \* \* \* \* The Cor-  
 “poration has to do its duty, and that duty has no more to do  
 “with the state of trade of Bombay than Bombay as to do with  
 “Kamschakta—or, he might have added, than economy has  
 “to do with Municipal administration. Surely the Justices must  
 “have trembled and felt themselves to be miserable sinners when  
 “they heard these awful common places ! A Commissioner must  
 “do his duty, like Dr. Dallas, or any other mortal, and a Corpor-  
 “ation must do its duty. These be new truths, with a vengeance.  
 “We have still to learn what is the duty of the Corporation, and  
 “what is the duty of the Commissioner. The first we have seen  
 “counts in the opinion of the Commissioner, in the silent  
 “adoption of his views. The Commissioner’s idea of duty may be  
 “very correctly and compendiously stated, it is to get possession  
 “of the largest sum of money which can be obtained by taxation  
 “and to spend it in all manner of ways. That is plainly the  
 “Commissioner’s idea of duty.

“Even the finance Committee has no legal existence, while in  
 “its composition it is only the municipal administration over  
 “again. But the truth is and is known to be, that the Municipal  
 “Commissioner is responsible for the oppressive taxation and  
 “extravagant expenditure ; that no amount of Bench Meetings  
 “will hide the fact, and that the head and front of the offending is  
 “the Government of Bombay, who cannot or will not control the  
 “officer whom they have appointed. These are the natural conse-  
 “quences of setting up a sham self government which those who  
 “have succeeded to its founders *dare* not make real.

After a few years existence, the Act of 1865 had to be amended, and when the Act of 1872-78 came into existence things had quieted down. This act again altered the Municipal Constitution and for the first time the designation of the “*Municipal Corporation of the City of Bombay*” came into existence and continues till this day. The Corporation under this law consisted of 64 members, elected as under :—

- 32 by Ratepayers.
- 16 by H. M.’s Justices of the Peace.
- 16 were appointed by Government. \*

The mode of holding meetings were also altered, as specific directions were laid down in the new law as to the number of meetings that were to be annually held. The prescribed number was four but power was reserved to call special meetings on a requisition to the chairman signed by 16 members of the Corporation or four members of the

Town Council. Twenty Corporators formed a Quorum at a Quarterly meeting, but in regard to a Special General Meeting, the number was twenty-five.

The formation of a Town Council was introduced by this Act and consisted of 12 members for the purpose of securing the due administration of the Municipal Fund. Eight of these members were elected by the Corporation and four members were appointed by Government. The Town Council met for business every week and each member was paid a fee of Rs. 30 for each weekly attendance.

Formation  
of the Town  
Council.

Provision was made for the appointment of a Secretary on a salary of Rs. 500 a month, which pay was subsequently increased to Rs. 700 a month, with Rs. 500 as a personal allowance.

Section 32 provided for the appointment of Auditors.

The pay of the Commissioner was fixed by this Act at not less than Rs. 2,000 or more than Rs. 2,500 a month. The pay of the Executive Engineer was likewise fixed at not less than Rs. 1,200 or more than Rs. 1,500 a month. The Health officer was precluded from holding any other appointment, but his pay was fixed at not less than Rs. 1,200 or more than Rs. 1,500 a month.

The Municipal Fund was applied towards objects connected with the public safety, health, instruction and convenience, public festivities and rejoicings, and maintenance of the Police. The annual expenses of the Police was determined by Government and any portion thereof, on the requirement of Government had to be paid out of the Municipal Fund.

The tax on fire Insurance Companies was fixed at an annual sum of not less than Rs. 500 or more than Rs. 1,000 as determined by the Town Council.

Section 69 fixed a consolidated rate of not less than 8 per cent or more than 12 per cent per annum.

The water rate was not fixed but left to the discretion of the Corporation.

The Halalkhor rate was fixed at 3 per cent per annum.

Then, finally comes the Bill which subsequently became Act III of 1888 at present in force.

The Corporation went into a committee of the whole house and considered the Bill section by section. Major Selby took a great deal of interest in the proceedings and the Hon'ble Mr. P. M. Mehta C. I. E. very ably represented the interests of the Corporation in the Legislative Council. Sir Charles Ollivant was placed on special duty to frame this Act.

Act III of  
1888.

The Bombay Municipal Act III of 1888, came into force in the second half of that year. The Municipal authorities charged with carrying out the provisions of the Act are (a) the Corporation (b) a Standing Committee and (c) a Municipal Commissioner. On and after the 1st April 1889 the Corporation consisted of 72 members as follows:—

- 36 elected at Ward Elections.
- 16 Do. by Justices.
- 2 do. do. Fellows.
- 2 do. do. Chamber of Commerce.
- 16 appointed by Government.

One ordinary meeting is to be held in each month. The meeting of March is to be held not later than the 20th of that month. Special meetings can be called only on a requisition signed by not less than 16 councillors or by not less than 4 members of the Standing Committee. Twenty members forms a Quorum.

At least 7 clear days notice has to be ordinarily given of every meeting, except in pursuance of a requisition signed by 4 members of the Standing Committee in which case a notice of not less than 3 clear days is sufficient.

The Standing  
Committee.

The Standing Committee (formerly it was called the Town Council) consists of 12 members, eight elected, by ballot, by the Corporation and 4 appointed by the Government. Each member receives a fee of Rs. 30 for each weekly sitting.

A General election of Councillors is held every three years. The designation of the Chairman of the Corporation has been changed to that of President of the Corporation. The designation of the Controller of Municipal Accounts has been changed to that of Chief Accountant. Likewise the designation of the Clerk, Bombay Municipal Corporation and Secretary, Town Council, has been changed to that of Municipal Secretary. The Municipal Commissioner is ap-

pointed by Government for a renewal period of three years. The pay of the Commissioner is fixed at Rs. 2,000 to Rs. 2,500 per month which can be raised after 3 years service to Rs. 3,000 per month.

Subject to confirmation by the Governor in Council, the Corporation can at any time appoint a person to be Deputy Municipal Commissioner on a salary not exceeding Rs. 1,500 or less than Rs. 1,200 per month. The obligatory duties of the Corporation are laid down in section 61 and are as under :—.

(a) The construction, maintenance and cleansing of drains and drainage works, and of public latrines urinals and similar conveniences ;

(b) the construction and maintenance of works and means for providing a supply of water for public and private purposes ;

(c) scavenging and the removal and disposal of excrementitious and other filthy matter, and of all ashes, refuse and rubbish ;

(d) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances ;

(e) the regulation of places for the disposal of the dead and the provision of new places for the said purpose ;

(f) the registration of births and deaths ;

(g) measures for preventing and checking the spread of dangerous diseases ;

(h) the construction and maintenance of public markets and slaughter houses and the regulation of all markets and slaughter houses ;

(j) the regulation of offensive and dangerous trades ;

(k) the entertainment of a Fire Brigade and the protection of life and property in the case of fire ;

(l) the securing or removal of dangerous buildings and places ;

(m) the construction, maintenance, alteration and improvement of public streets, bridges, culverts, causeways and the like ;

(n) the lighting, watering and cleansing of public streets ;

(o) the removal of obstructions and projections, in or upon streets, bridges or other public places ;

(p) the naming of streets and the numbering of premises ;

(q) maintaining, aiding, and suitably accommodating schools for primary education ;

(r) the maintenance of a Municipal Office and of all public monuments and other property vested in the Corporation.

The Corporation may in their discretion provide either wholly or partly for all or any of the following matters (Sec. 63) viz :—

(a) public vaccination ;

(b) educational object other than those set forth in clause (q) of sec. 61 ;

(c) constructing, maintaining or aiding, libraries, museums and art galleries ;

(d) constructing or maintaining public parks and gardens and botanical and zoological collections ;

(e) planting and maintaining trees on road sides and elsewhere ;

(f) survey of buildings or lands ;

(g) registration of marriages ;

(h) taking of a census ;

(i) preparation and presentation of addresses to persons of distinction ;

(k) any measure not hereinbefore specifically named, likely to promote public safety, health, convenience or instruction.

And with the previous sanction of Government the Corporation may make such contribution as they think fit towards any public ceremony or entertainments in the city.

The tax on Fire Insurance Companies has been abolished and in its stead a tax of not less than three quarters per centum is levied in order to provide for the expense necessary for the entertainment of a Fire Brigade and the protection of life and property in the case of fire.

The General tax has by this Act been fixed at not less than 8 per cent or more than 12 per cent of the rateable value of properties in Bombay.

In the same way the Halalkhor tax is not to exceed 3 per cent. There is no limit to the water tax. Sec. 140 (a) says "a water tax of so many per centum of their rateable value as the Corporation shall deem reasonable

with reference to the expense of providing a water supply of the city shall be levied."

Provision is also made for the appointment of Auditors and their remuneration (for two of them) is fixed at Rs. 10,000 per annum.

The pay of the Executive Engineer and that of the Health Officer remain the same as under the Acts of 1872-78, but in regard to the latter a special enactment was passed raising the pay to Rs. 2,000 per mensem.

The Corporation has the power to appoint a Secretary for the Joint Schools' Committee and clerks &c. A School Fund is also established.

It is the duty of the Corporation and Government each to appoint four members on the Joint schools' Committee.

The Corporation can appoint a Committee for other educational purposes and a Hospital Committee.

Provision is made for the appointment of a Deputy Municipal Commissioner.

Section 518 gives power to Government to enforce the carrying out of any of the provisions of sections 61, 62, 134, 225, 434 and 438.

Section 520 empowers Government to enforce recovery of the said expenses.

Section 519 gives power to Government to enforce repairs &c., of Vehar Water Works.

Under section 522 the Police Commissioner is to co-operate, as far as may be, with the Municipal Commissioner for carrying into effect and enforcing the provisions of the Act and for the maintenance of good order in the city.

Sections 471, 472 and 473 lay down the penalties for failure to comply with any of the provisions of the Municipal Act, the lowest penalty is ten rupees and the highest one thousand rupees.

Section 121 provides for special funds to be created with the approval of the Corporation. The borrowing powers of the Corporation are referred to in sections 106 to 110. The Municipal fund is referred to in section 111.

The Municipal Commissioner, the Municipal Secretary and one member of the Standing Committee have to sign

cheques on the Municipal Treasury. In the absence of the Commissioner, two members of the Standing Committee, and the Municipal Secretary sign the cheques.

Act, I of 1894.

Act I of 1894, authorised the deposit of surplus-moneys, at interest at any Bank or Banks, which the Standing Committee subject to the control of the Corporation from time to time select for the purpose.\*

Act, I of 1898.

Act I of 1898, was passed in order to supplement the provision of the City of Bombay Municipal Act 1888 with respect to the investment of sinking funds and surplus moneys and to validate certain debentures.\*

The Epidemic Diseases Act.

The Epidemic Diseases Act I of 1897 was passed in that year.

The Public admitted to the meetings of the Bench.

At an adjourned quarterly meeting of the Justices of the Peace of Bombay, held on the 12th August 1871, in the Durbar Room of the Town Hall, it was proposed that the public be admitted to the meetings of the Bench.

Mr. Muncherjee Nawrojee Banajee seconded the proposition.

After discussion it was agreed that the public should be admitted.

The Chairman (Mr. Cannon) said "Gentlemen it is understood then that the public are to be admitted so far as is not inconvenient for purposes of business. Those who may be admitted are not to speak, or to make any unnecessary noise, or they may find themselves bundled out "neck and heels." (applause.)

Changes in the law.  
The Quarantine Bill.

The Quarantine Bill which was under consideration early in 1867, by the Legislative Council was subsequently passed (Bombay Act VI of 1867).

Establishment of Sanitaria.

Under Act VI of 1867 Government could establish a sanitarium, whether on shore or in the harbour to which all infected persons found in Bombay or in the Port may be consigned and the government was empowered from time to time to make rules and to issue orders in special cases with a view to prevent the spread of contagious diseases. The Act further provides for the inspection of shipping arriving at or leaving the Port by a duly qualified Health Officer who has to give his whole time to his duties.

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\*See Council's opinions thereon.

Act IX of 1867 for the regulation of the sale of spirituous liquors provided as a wholesome check upon the consumption of spirituous liquors and secured for the municipal fund the full money value of the licenses, a large portion of which formerly found its way into other pockets.

\* Act IX of  
1867.

At the meeting of the Corporation held on 4th December 1877 the following resolution was *carried*:—

“Proposed by Nowrojee Furdunji Esquire seconded by Byramji Nusserwanji Servai Esquire :—

“That it appears from the proceedings of the Bombay Government Legislative Department published in the Government Gazette of the 19th October last, that by Bill No. III of 1877 entitled “The Bombay Akbari Act 1877 it is proposed to repeal the whole Bombay Act IX of 1867 by which (Section 14) all moneys realised by the issue of licenses for the sale of liquor in the City of Bombay, or by the imposition of fines and penalties under the said Act, are guaranteed to the municipality of Bombay, and are directed to be carried to the credit of the Municipal Fund of the City of Bombay for municipal purposes and that by Resolution No. 7472 Revenue Department dated 19th December 1876, Government having intimated their desire to grant compensation to the Corporation for any loss which it might sustain in case government think proper to deprive it of that source of income to which the municipality, as government admit is equitably and legally entitled, this meeting resolves, that government be requested to introduce into the said Bill a provision for granting adequate compensation for the loss which might be inflicted on the Corporation by the withdrawal of the said income.

The Akbari  
Act. liquor  
License fees.

Act V of 1878 fixed the liquor license contribution at Rs. 1,43,750 per annum.\*

Act V of  
1878.

Under Act III of 1870, Government provided for the repayment to them of a sum of Rs. 15 lakhs advanced to the Corporation of the Justices of the Peace for the City of Bombay within a period of ten years with interest at 5 per cent. Clause III of this Act also provided for the payment by monthly instalments of the Vehar Water Works Debt.

Act III of  
1870.

Vehar Water  
Works Loan.

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\* For further details see liquor licenses

Act II of  
1872.

Act II of 1872 was passed in order to provide for the repayment of a further sum of Rs. 15 lakhs advanced by government to the Corporation of the Justices of the Peace.

The period of repayment was limited to twenty years with interest at 5 per cent. The amount so advanced was (clause VI) to be applied in payment of (1) the amount due for principal and interest on account of Rs. 2 lakhs advanced by government on 3rd November 1871, (2) for principal and interest in respect of a cash credit advance made to the Justices by the New Bank of Bombay and (3) all sums due for principal and interest to the Sinking Fund &c.

Fixing the  
day of the  
official year.

Bombay Act VI of 1882 was passed substituting the official year as commencing on 1st April in place of the calendar year commencing from 1st January.

Contribution  
towards exhi-  
bitions.

Bombay Act II of 1885 empowered the Municipal Corporation of Bombay to subscribe to the guarantee fund of the Bombay International Exhibition and to enable the Municipal Commissioner of Bombay to be a member of the Executive Committee of management of the said Exhibition.

Town Duties.

Bombay Act II of 1886 enabled the Corporation to raise increased revenue from Town Duties.

Government  
asked to  
attach some  
such title as  
Hon'ble to the  
office of Pre-  
sident of the  
Corporation.

In the year 1888, some of the Councillors thought that the time had arrived when Government might well be asked to attach a title as that of Hon'ble to the office of President of the Corporation.

Major Selby took up the question, and having given previous notice proposed that the following letter be addressed to Government:—

"The Corporation being very desirous that the office of the President should be rendered as full of dignity as possible, desire me to request that some title, such as "Honorable" may be attached to the office. They do not overlook the fact that such a course will probably involve the conferring of a like dignity on the holders of a similar position in Calcutta and Madras. But they think that His Excellency in Council will agree with them that the head of the government of a great city, whether that city be Bombay, or Madras or Calcutta is not undeserving of the honor they now solicit for their President."

Government replied as under

General Department.

Bombay Castle 19th October 1888.

No. 3713 of 1888.

To

THE HON'BLE MR. R. M. SAYANI,

President Bombay Municipal Corporation.

SIR,

In reply to your letter No. 4608 dated 8th Instant, I am directed by His Excellency the Governor in Council to inform you that His Excellency in Council while desiring to recognise and to maintain in every reasonable way the dignity of the office of President of the Municipal Corporation of Bombay is of opinion that that dignity is sufficiently expressed in the official designation of the gentlemen who holds that office and that the addition of any further honorific title is undesirable.

I have &c.,

J. DE C. ATKINS,

Under Secretary to Government.

This letter was recorded.

Then came the question of providing a chain and Badge for the office of President. It was Major Selby who took up this question and in accordance with notice of motion proposed :—" That in the opinion of the Corporation, it is desirable that a chain and badge of office should be provided for the President, and that the Standing Committee are hereby directed, after making such inquiry as they deem fit, to report to the Corporation what the probable cost will be and how the money is to be obtained."

Chain and  
Badge for the  
Office of Pre-  
sident.

The Standing Committee at their meeting held on 17th October 1888, requested the Municipal Commissioner to obtain the Municipal Solicitors opinion as to whether the outlay was one which could be met from the Municipal Fund.

The Solicitors gave the following opinion :—

" In returning the papers forwarded for opinion under your No. 12463 dated 20th ultimo, we have the honor to state that we can find no provision in the City of Bombay Municipal Act 1888, which would justify an outlay from the Municipal Fund for the purpose of providing a chain and badge of office for the President of the Corporation. Sections 61 and 62 define the several matters for which it is incumbent on the Corporation to make adequate provision and we need hardly say that the purpose in question certainly does not come within the terms of any sub-clause of either of those sections. Section 63 on the other

hand purports to state the matters for which the Corporation may in *their discretion* provide and those matters as far as sub-clauses (a) to (j) inclusive and sub-clause (l) are concerned are so specifically defined that it is unnecessary to discuss them in detail; it is sufficient to say that by no possible straining of language could they be held to justify such an outlay; it only remains then to consider whether it could possibly be held to be covered by the more general clause (h) "any measure not hereinbefore specifically named likely to promote public safety, health, convenience or instruction." As to this we can only say that we do not for our part see how the provision of chain and badge of office for the President could be likely to promote either of those objects. It seems to us that municipal moneys cannot be legitimately applied to any other purposes than are comprised in one or other of the sections we have referred to."

CRAWFORD and BUCKLAND

The consideration of this opinion was postponed (S. C. 21st November 1888)

The Standing Committee at their meeting held on 12th December 1888, requested the Municipal Commissioner to obtain the design of a chain and badge for the President.

The Standing Committee at their meeting held on 8th May 1889 *resolved* to inform the Corporation that the probable cost would be from Rs. 6,000 to Rs. 8,000 for the chain and badge but that the cost could not be defrayed from the Municipal Fund.

At the meeting of the Corporation held on 16th May 1889 it was proposed by M. N. Banajee Esquire (in the absence of Major Selby):—

"That with reference to his letter dated 11th instant to the President, Dr. Blanoy be informed that the Corporation will accept the chain and badge for the President."

The motion was seconded by Mr. (Now Sir) Bhalchandra Krishna Bhatvadekar.

*Amendment.*—Proposed by the President (Mr. G. Geary) seconded by Mr. (Now Sir) George Cotton.

"That the thanks of the Corporation be offered to the gentleman who has made the anonymous offer of a gold badge and chain for the President; but that the offer be respectfully declined."

The *Amendment* was carried as substantive proposition by 16 votes *Against* 9 votes.

The following statement gives, the names of President of the Corporation, the Chairman of the Standing Committee and the Municipal Commissioner.

Year.	Chairman or President of the Corporation.	Chairman Town Council or standing Committee.	Municipal Commissioner.	Remarks.
1873	Capt. G. F. Henry (from 4th Sept.)	C. Currey Esq. from 11th September 1873.	W. G. Pedder Esq.*	*From October 1865 to 1872 the following were the Municipal Commissioners.—
1874	Capt. G. F. Henry up to March and J. A. Forbes Esq., for remainder of the year.	Do.	W. G. Pedder Esq., E. W. Ravenscroft Esq., and W. G. Pedder Esq.	October 1865 } A. T. Crawford Esq. to Jany. 1872 } Jany. 1872 to } T. C. Hope Esq. May 1872. }
1875	J. A. Forbes Esq., up to July and Dossabhoy Framjee Esq., for the remainder of the year.	C. Currey Esq. up to May. Captain G. F. Henry for remainder of the year.	W. G. Pedder Esq., I. C. S. from April 1875. H. E. Jacob Esq., from May to December.	May 1872 to } J. B. Peile Esq. Sept. 1872 } Sept. 1872 to } T. G. Hewlett. Esq. Nov. 1872. }
1876	Dossabhoy Framji Esq., C. S. I.	Captain G. F. Henry.	W. G. Pedder Esq. till November, E. W. Ravenscroft Esq., (remainder of the year).	1872 W. G. Pedder. Esq.
1877	Lt. Col. H. F. Hancock.	Captain Henry up to February; J. M. Maclean Esq. for remainder of the year.	E. W. Ravenscroft Esq., up to 28rd January; A. C. Trevor Esq., up to 31st January; J. H. Grant Esq., from February.	
1878	Do.	Dr. T. Blaney C. I. E.	J. H. Grant Esq.	
1879	Rao Sabab V. N. Mandlik C. S. I.	Do.	Do.	

The following statement gives, the names of President of the Corporation, the Chairman of the Standing Committee and the Municipal Commissioner.—*Continued.*

Year.	Chairman or President of the Corporation.	Chairman Town Council or Standing Committee.	Municipal Commissioner.	Remarks.
1880	Rao Sahab V. N. Mandlik C. S. I.	Dr. T. Blaney C. I. E.	J. H. Grant Esq., J. M. Campbell Esq., Dr. T. S. Weir	
1881	Dr. T. Blaney C. I. E.	Do. and Surgeon Major H. Cook M. D.	J. H. Grant Esq., J. Nugent Esq., Dr. T. S. Weir, Mr. (Now Sir) E. C. K. Ollivant.	
1882	Sir Frank Souter Kt. C. S. I.	Surgeon Major H. Cook M. D. up to May. Sir Frank Souter for the remainder of the year.	Mr. (Now Sir) E. C. K. Ollivant.	
1883-4	Sir Frank Souter Kt. C. S. I. up to March Ragunath N. Khote Esq., C. I. E.	Sir Frank Souter.	Do.	
1884-5	The Hon'ble Mr. Pheroze s h a h M. Mehta C. I. E.	Do. up to October: Brigade Surgeon H. Cook (for remainder of the year)	Do.	
1885-6	Do.	Brigade Surgeon H. Cook.	Do.	
1886-7	Deputy Surgeon General H. Cook M. D.	Dossabhai Framji Esq., C. S. I.	Do.	
1887-8	Captain Sir Henry Morland Kt.	Do.	F. L. Charles Esq., I. C. S.	

The following statement gives, the names of President of the Corporation, the Chairman of the Standing Committee and the Municipal Commissioner,—*Continued.*

Year.	Chairman or President of the Corporation.	Chairman Town Council or Standing Committee.	Municipal Commissioner.	Remarks.
1888-9	Rahantoola M. Sayani Esq.	Dossabhai Framji Esq., C. S. I.	Mr. (Now Sir) E. C. K. Ollivant.	
1889-90	Gratten Geary Esq.	Dossabhai Framji Esq., up to 23rd October 1889; Dr. Thomas Blaney for remainder of the year.	Mr. (Now Sir) E. C. K. Ollivant.	
1890-1	Khan Bahadur M. C. Mursban C. I. E.	Sir Henry Morland Kt. (till 29th July 1891). E. B. Carroll Esq., (for remainder of the year).	H. A. Acworth Esq., C. I. E.	
1891-2	Mr. (Now Sir) George Cotton.	E. B. Carroll Esq.,	Do.	
1892-93	Javerilal U. Yajnik Esq.,	Cowasjee Hormusjee Esq., G. G. M. C.	Do.	
1893-94	Dr. Thomas Blaney C. I. E.	Do.	{ Do. Dr. T. S. Weir.	
1894-5	Abdulla M. Dharamsi Esq.,	G. W. Roughton Esq.,	H. A. Acworth Esq. C. I. E. I. C. S.	
1895-6	G. W. Roughton Esq.,	Mr. (Now Sir) Bhalechandra K. Bhatwadekar.	P. C. H. Snow Esq. C. I. E. I. C. S.	
1896-7	Cowasjee Hormusji Esq., G. G. M. C.	Do.	Do.	

The following statement gives, the names of President of the Corporation, the Chairman of the Standing Committee and the Municipal Commissioner.—*Continued.*

Year.	Chairman or President of the Corporation.	Chairman Town Council or Standing Committee.	Municipal Commissioner.	Remarks.
1897-8	Sir G. Cotton Kt.	Mr. (Now Sir) Bhalchandra K. Bhatwadekar.	P. C. H. Snow Esq., C. I. E. I. C. S.	Municipal Secretaries.
1898-99	The Hon'ble Sir. Bhalchandra K. Bhatwadekar.	The Hon'ble Mr. Ibrahim Rahimtoola.	{ P. C. H. Snow Esq. C. I. E. I. C. S. W. L. Harvey Esq., C. I. E. I. C. S.	From 1870 to May 1898 Mr. H. W. Barrow.
1899-1900	The Hon'ble Mr. Ibrahim Rahimtoola	Nanabhai. N. Katrak Esq.,	W. L. Harvey Esq., C. I. E. I. C. S.	From 21st May 1898 Mr. M. N. Wadia.
1900-1901	C. T. Burke Esq., B. E. M. I. C. E.	Mulji B. Barbhaya Esq.	W. L. Harvey Esq., C. I. E. I. C. S.	Mr. L. W. Michael (acting for Mr. Wadya for 2 Months.)
1901-2	Dinsha. E. Wacha Esq.,	T. W. Cuffe Esq.,	W. D. Sheppard Esq., I. C. S.	Mr. M. N. Wadya.
1902-3	Mulji B. Barbhaya Esq.	James MacDonald Esq.,	Do. (acting for W. L. Harvey Esq.)	Do.

## LIGHTING.

The question of lighting of streets was first considered in the year 1833, when the Committee appointed by His Majesty's Justices made the following report :—

“ The Committee is unanimously of opinion that under statute 33 George III, Chapter 52, the Bench possess the authority of lighting, as a means for the effectual watching of the streets of the Town and Island ; as well as for the security, comfort and convenience of the inhabitants, and therefore recommend the Bench, to invite tenders for making lamps and providing and fixing of lamp posts &c. And the Committee are further unanimously of opinion, that as an experiment, the road across the Esplanade from the Church Gate, and as far as the Mumbadevi chowkey on the Parel Road, should be lighted up. The Committee further recommend that the Bench call upon the Superintendent of Roads, for his professional opinion, as to the description of lamps, posts &c., he would recommend, as well as the distances at which the lamps ought to be placed, together with an estimate for making and putting up a lamp complete, as well as for lighting the same for one month.

Lighting  
first considered  
in 1833

J. D. DeVITRE,  
HENRY GRAY,  
R. C. MONEY,  
GEORGE ADAM,  
B. DOVETON,  
CLAUDE S. STEUART,  
ROBERT WALLACE,  
JAMES WALKER.

11th February 1833.

On the motion of Mr. Adam seconded by Mr. DeVitre, the report was adopted.

On the 6th May of the same year Colonel Dickenson submitted a letter from the Chief Engineer stating that the Commander in Chief of the Garrison has precluded the measure proposed by His Majesty's justices viz., fixing lamp posts along the Esplanade Road.

Preclusion  
of lighting the  
Esplanade.

On the same date Colonel Dickenson was requested to place six experimental lamps along the Bhendy Bazaar Road.

Lighting  
of Bombay :—  
opinion of the  
Chief Justice  
thereon.

Subsequently the Honourable the Chief Justice in a conversation informed Colonel Dickenson that the contemplated lighting of the principal roads and streets within the limits, by the Bench was illegal, the same not being provided for by the Act of Parliament. In the same way the watering of roads and streets within the limits was also illegal. That the assessment funds were not available for any other purposes than those provided for by the Act, until the cleansing, watching and repairing of the different public ways, were carried out to the utmost, which was not the case. The lighting of the streets within the limits was therefore stopped temporarily.

On the 9th September following Mr. W. C. Bruce, Chairman of the Bench, Mr. Money and Dr. Wallace made the following minutes on this subject :—

“ The opinion here given with respect to the contemplated lighting up and watering the principal roads and streets, being an extra judicial one,—with every deference and respect for the high authority it comes from,—it appears to me, that it will be time enough to yield obedience to it, when it is delivered *ex cathedra* or from the Bench, and that we should be wanting in self respect, and ill discharge the duty we owe the public ; were we to allow ourselves to be governed in this or any other matters placed by law under our “ orders and directions ” by the sentiments (expressed in a private conversation) of any individual however eminent his station, more especially, when they are so very contrary to what would seem to be the plain meaning of the Act of Parliament.

“ In the words of the Act, the funds under the control of His Majesty's Justices, are to be employed in “ effectually ” cleansing, watching and repairing the streets, as they (the Justices) “ shall judge necessary.” Now, how, I shall be glad to know, can the streets be “ effectually ” watched at night or *warded* either, unless they are lighted ? and at all events, all must agree, that if they *were* lighted, they would be more “ effectually ” watched, than if it were not so, and with respect to watering the roads, I can conceive nothing more essential to their “ effectual ” repair, exposed as they are during all the fair season, to the joint action of a burning sun and of frequent high winds ; the one reducing the materials to an impalpable powder and the other scattering it to the four-quarters of the heavens, both of which effects, are greatly counteracted, and the comfort of the inhabitants promoted in a great degree at the same time by this admirable contrivance. Indeed there can be little doubt, I should think, of its causing an actual saving instead of an additional charge. This, however, can readily be ascertained by calling upon the superin-

tendent of the roads, for a statement of the comparative expense of repairs for a given time, before, and since it was first introduced which I would accordingly recommend being done.

"Upon what may be the legal acceptation of the terms "watching" and "repairing," I do not presume to offer an opinion, but I humbly submit that both "lighting" and "watering" are clearly within the common sense meaning so far as relates to the roads.

"By consenting to surrender its own judgment to a dictum so interposed, the whole authority of the Bench may ere long, be wrested from it—since by a little forced construction—many of its other acts might similarly be pronounced to be contrary at law. What is to prevent other repairs for instance as well as much of what is considered requisite with a view to cleansing the roads, from being declared by the present or future Chief Justice, as not properly coming under those two denominations.

"Under these circumstances, without intending the smallest disrespect to the Honourable the Chief Justice, I propose that directions be given to proceed as usual in the watering of the roads and streets and that the plan of lighting the principal roads and streets, which had been commenced, but was suspended in consequence of what fell from the Chief Justice in conversation with the Senior Magistrate of Police, be resumed."

(sd.) WILLIAM C. BRUCE,

6th September 1838.

Chairman.

"I quite agree with Mr. Bruce in his remarks on the construction, which we have the power of putting on the Act, the only question is, whether the funds at our disposal under such an act, may not be more usefully appropriated. If we agree that they cannot, than in lighting and watering the roads, I vote to proceed as heretofore."

(sd.) R. C. MONEY,

"So do I."

(sd.) H. P. HADOW.

"I concur in opinion with our chairman and cannot forbear expressing my regret that the letter agreed upon at one time by the Bench, as a reply to a former verbal communication from the Chief Justice, was ever sent to him."

(sd.) R. WALLACE.

The Bench agreed to follow out the above suggestions and authorised the work of watering and lighting of streets to proceed.

The question then went before the Supreme Court and the judgment given was that the application of any part of the Assessment Funds to the lighting of streets was contrary to the meaning and intent of the statute 33rd George III.

The lighting was thereupon stopped.

Difference  
of opinion as  
regards the  
legality of  
lighting the  
streets.

Reference to  
the Supreme  
Court.

For a period of ten years nothing was done towards lighting the city. In 1843, a resolution was passed by the Bench, that the first application of the available funds should be devoted to the lighting of the principal streets as a measure tending to the comfort and security of the inhabitants.

Act XI of 1845 had the following proviso:—

“That the residue of the Municipal Fund was to go towards repairing, cleansing and lighting the public roads and streets.”

In 1853 there were 50 lights, these were lighted from dusk to midnight throughout the year except on moonlight nights. Altogether they were lighted for 1680 hours in the year, and the actual cost was Rs. 16-12-9 each per annum or Rs. 1-6-5 per mensem.

Proposal to  
light Bombay  
with gas in  
1853.

In 1853, a proposal to light Bombay with Gas was under contemplation and on a representation from the Bench, the Government placed all their records on this subject at the disposal of the Justices.

On the 15th June 1853, Mr. H. Conybeare, the Superintendent of Repairs made the following report to the Board of Conservancy:—

“With reference to the documents on the subject of gas

illumination noted in the margin, and referred to me for opinion, I have the honour to report as follows:—

1. Prospectus of the Oriental Gas Company.  
Letter from the Directors of said Company to the Board of Conservancy.  
Letter from Mr. Secretary Lunsden, dated 25th May 1853 forwarding for the Board's opinion a letter dated the 9th May from the Provisional Secretary of the proposed Bombay Gas Company.

2. Letter from the Provisional Secretary of the proposed Bombay Gas Company to the Board of Conservancy.

3. Letter from the Directors of Oriental Gas Company to the Board of Conservancy.

4. Copy of a letter dated 4th May 1853 from the Directors of the said Company to the Hon'ble the Court of Directors.

5. Another letter from Directors of the Oriental Gas Company to the Board of Conservancy.

warded to me for report on the 28th September 1852. The second is a wealthy firm of Gas fitters at Manchester, who are already in communication with the Municipal authorities at Calcutta, and have applied to me through a Bombay house of agency for local information previous to making similar overtures at Bombay. The third is the “Oriental Gas Company,” whose prospectus is dated the 9th April 1853, and whose letter to the Board of Conservancy has now been forwarded to me for report. And fourthly there is the proposal for forming a Coal or Oil Gas

Company at Bombay, the Provisional Secretary of which intended Company addressed Government on the 9th and the Board on the 28th May 1853.

4. Each of these Companies or parties would require, before investing capital in such an undertaking, a grant of the exclusive privilege of lighting the Town by Gas for a limited period, say of 30 years, and (due precautions being of course taken for preventing excessive charges) it is in my opinion highly expedient, and even necessary, in order to induce any Company to undertake the risk, that such exclusive privileges should be conceded. Hence arises the necessity of selecting one out of the four parties at present in the field.

5. Without pronouncing an opinion on the comparative claims of each of these to public favour, I shall proceed to consider, with the view of rendering the question before the Government and the public, more precise :—

(1) What concessions any of these companies would probably require from the local authorities ?

(2) What guarantees the authorities and the public would in return expect from the particular company selected ?

(3) What preliminary steps the Government, the Bench and the Board of Conservancy, can take in the present early stage of proceedings, to assist and encourage undertakings of the nature in question ?

(4) What data exist for determining whether such an undertaking would be remunerative, or, in other words, what is the probable gas consuming capabilities of the native population ?

(5) What description of gas, whether coal or oil, would be cheapest for Bombay, and on what scale would it be most prudent to commence the manufacture in the first instance ?

6. Regarding the 1st of these point, I am of opinion that any Joint Stock Company, before incurring the risk inseparable from such an undertaking in India, would require from the authorities :—

(1) A guarantee of the exclusive right of supplying gas to the inhabitants of Bombay for a limited period of years.

(2) A convenient site for their works.

(3) Contracts on reasonable terms for all public lighting required in the streets or public establishments.

(4) That all materials for their works should be allowed to be imported duty free.

7. On the other hand, the authorities would require of the company selected :—

•(1) To be satisfied that it was in all respects fully competent to perform what it undertook.

(2) That it was possessed of sufficient *bona fide* capital, and also of *English connection*, which would prevent its paying double the proper value for everything it ordered out.

(3) That its officers possessed the thorough practical knowledge of all the technical details of the subject essential to the efficient establishment and management of such an undertaking.

8. It would not do to have a second edition of the Bombay Steam Navigation Company. That Company had no exclusive privilege, and the failure of its expectation has therefore occasioned no practical inconvenience; but with a privileged Gas Company the case would be altogether different. The privilege might indeed be withdrawn, but the failure of the first company would discourage others from coming forward, and even could another company be formed under such circumstances, the disposal of the old company's plant (works, piping &c.), would occasion delay and embarrassment in clearing the ground for a new one.

9. 2nd—The authorities would require some security that the public lights should be supplied with gas of good quality, and at a moderate rate. Private consumers would require no protection, for oil is so uncommonly cheap at Bombay (and it is capable of, being rendered still cheaper and better by very simple improvements in its manufacture, the native presses being so bad as to leave nearly half the oil in the cake) that the gas must be very good and excessively cheap to tempt the people to give up their old habits, and to go to the expense of putting up gas fittings gasometers &c., in each house supplied, subjecting themselves at the same time to the regular and *punctually* enforced yearly or half yearly demands of the Gas Company.

10. 3rd—The slight depth beneath the surface at which the drains of a town like Bombay are laid may possibly render it difficult to lay the gas pipes in the streets that are drained with a centre sewer and cross drains, without rendering some alteration of the latter necessary. In such cases, and in all others in which the drainage or road surface is interfered with, the Gas Company should be bound to make good all damages incidental to their operations.

11. I now come to the third point to be considered *viz.*, what *immediate* preliminary steps can the authorities take in so early a stage of proceedings as the present to encourage the undertaking in question?

12. The authorities may in the first place consider and take legal advice regarding the terms of the exclusive 'charter' they would be prepared to concede to the company selected.

As regards a site for the gas works. One intending gas company had fixed on the grounds now occupied by the temporary railway terminus as the site of its proposed works. This site or indeed any other on the Esplanade would I presume, be objected to by the military authorities. But Mody Bay, which it is proposed to fill in for the permanent railway

terminus and other purposes, would afford an equally convenient locality for the gas works, and sufficient additional ground might probably be reclaimed there without any material increase to the length of the sea wall already estimated for. From one to two and a half acres would be all that would be required for the purpose. The latter amount is the space occupied by one of the largest gas works ever designed containing 400 retorts, 12 gasometers capable of storing 10,00,000 cubic feet of gas, having coal stores capable of holding 10,000 tons of coal, and everything else complete, and on a similar scale. Works on a much smaller scale than this would suffice for Bombay.

18. The Board might also cause to be prepared without delay, for the information of intending gas Companies, a classified abstract of the house assessment of each street, showing the number of houses in each assessed at above Rs. 70 per mensem, at between Rs. 70 and Rs. 50, Rs. 50 and Rs. 40 and 30, Rs. 30 and 25, and Rs. 25 and 20 &c. &c., with the length of each street. All intending gas speculators who have written to me on the subject of calculating the probable gas consuming power of the population have urged the importance of such information.

The number of public lights at present maintained is 50; they are lighted from dusk to midnight nightly throughout the four rainy months, and also on all but bright moonlight nights throughout the fair season. Altogether they are lighted 1680 hours in the year, and the actual cost is Rs. 16-12-9 each per annum or Rs. 1-6-5 each per month.

I now come to the 4th point I proposed to discuss. "What data exists for determining the extent to which the introduction of gas illumination at Bombay would be probably remunerative"? English Gas Companies look for remuneration to the income to be derived:—First from public or street lights; second from theatres, manufactories and other large consumers; third from shop lights, and the domestic consumption of gas.

I have already stated that we at present maintain 50 public lights only for 1680 hours each yearly, at an expense of Rs. 16-12-9 per annum or Rs. 1-6-5 per month. The cost of each light may be otherwise stated at Re. 1 per 100 hours illumination. At Calcutta according to the *Friend of India*, there are about 400 public lights maintained by the Municipal authorities and the cost of a street light maintained for the whole of every night (4380 hours per annum) is stated by the same authority at Rs. 8-8-0 per mensem; the cost of each light may be therefore stated at Re. 1 for each 102 hours illumination, a rate not differing materially from that of Bombay. \* \* \*

Mr. Thornton, the Provincial Secretary to the proposed Bombay Gas Company in his letter to Government of the 9th May 1853, paragraph 5, states, as the result of careful calculation that "at present" (i.e., at the present prices of coal, which it is

hoped ultimately to reduce) *leaving an ample margin for contingencies*, it appears it (gas) may be remuneratively supplied to consumers at a cost of Rs. 2½ per 1,000 cubic feet.

But in Mr. Thornton's letter to the Board of the 28th May 1853 this Rs. 2½ per 1,000 cubic feet has already swelled to Rs. 4½ per 1,000 cubic feet. Mr. Thornton says (paragraph 8) "the price of gas will not exceed the London rate of nine shillings, per 1,000 cubic feet. This price is calculated in the event of coal gas being introduced.

The result I have arrived at is that coal gas of good quality cannot certainly be remuneratively supplied at Calcutta or Bombay below Rs. 5 per 1,000 cubic feet. At this rate, the cost of the 22,000 cubic feet required for maintaining each street light, consuming 5 cubic feet per hour, for the *whole of every* night, would be Rs. 110 per annum.

The amount might be diminished by only lighting the lamps for a *portion* of every night, or by using an inferior burner. Moreover gas companies in England generally supply the street lights at a considerably lower rate than private ones. From a letter I received from Captain Barber last mail, I learn that the Oriental Gas Company propose to supply the street lights at Bombay and Calcutta at Rs. 70 per annum each, subject to an annual reduction of Re. 1 during the time of the grant, and this appears to me a very reasonable rate.

It must be remembered, that in the case of street lights, in addition to the consumption of gas, there is the expense of lighting, extinguishing, cleaning and repairing the lamps, and also the first cost of the lamps, posts and piping to be considered.

The street lights supplied by the Oriental Gas Company at Rs. 70 per annum would be of course infinitely superior to the wretched lamps for which we at present pay Rs. 16-12½ yearly; but it must be remembered that these latter are the worst of their kind, and that a well constructed oil lamp is capable of yielding a brighter light than coal gas, and that (as I shall presently show) at a smaller cost than coal gas, where oil is so cheap as in India. \* \* \*

In one of the letters of gas inquiries which have been forwarded to me for answer and opinion, it was stated by an interesting gas speculator, who possessed a thorough practical knowledge of the subject, and had had extended experience in the application of gas to the lighting of English towns, that a very good idea of the probable gas consuming power of a town population might be formed by going through the streets of the town to be supplied between the hours of 9 and 10 and observing the extent to which the houses were lit up: at these hours there are very few lighted houses to be seen in the streets of Bombay except in Duncan Road and Bhendy Bazar.

In fact the Domestic expenditure of the middling and lower classes of Hindoo is proportionally as small in light as in food: they begin to light their lamps at dusk, usually one in the verandah of their houses, one in the hall or general sitting room; and a third in the eating room. In houses of the middling class, the two first are what is called tumbler lights, with a single wick, exactly similar to what Europeans in India use as night lights, the eating room light is a brass lamp, on the principle of the antique Greek and Roman lamps, but with orifices for a larger number of wicks. As the women do not eat till the men have finished, one of these lamps is sufficient for a family of the average number. Each of these lamps consume the same quantity of oil as a single wick tumbler light. In general, all three lights are extinguished by about 10½ o'clock. Besides these larger lights, there are night lights (also lighted from dusk) in every bed room in use, and they are always kept up all night in rooms where there are children. These night lamps are generally of brass, in the houses of the middling classes. In the houses of the richer class, there would be more than one light in the verandah—there would be tumbler lights instead of night lights, and of course more oil consumed; but there is much less difference between the habits and domestic expenditure (except in servants) of the upper and middling classes of Hindu, than is the case in a European population.

It is evident that if the difference of cost between coal gas and oil be in India at all in favor of gas, it will be so to a very much smaller extent than was the case in England when gas was first introduced there; for a voyage of 1,200 miles must of necessity render the coal of which gas is made materially dearer in Bombay than in England, and more than 7 gallons of the best quality of oil used for illumination in India may be purchased for the same money that a single gallon of the best quality of oil used for the same purpose in England would cost, and five gallons of the cheapest quality used here for the price of a single gallon of the most inferior kind used for illumination in England.

\* \* \*

I should recommend to any company undertaking the introduction of gas at Bombay, to commence operations by the erection of experimental works on a small scale in the first instance, but built with a view to future extension, as a demand was created; and I think that such an experiment would be much more likely to succeed as a branch work in the hands of a wealthy company, having extensive works in other parts of India, than in those of a distinct local company, which would have to keep up (for Bombay alone) costly agencies and establishments for a concern on too small a scale to bear their expense.

There would be no difficulty in constructing these works with a view to future extension; for the principle difference between

large and small gas works is simply, that in the former there are greater number of retorts and gasometers than in the latter. But each individual gasometer may be the same size in both works, and each retort must be so, if it is desired to obtain similarly economical result in each case.

The lighting of a few hundred lamps with Gas is by no means an undertaking nor does it require so large a capital as appears to be considered necessary at Bombay. In the northern district of England there is scarcely a manufactory of moderate size and requiring light which does not put up its own gas works if it be out of reach of the mains of any public Company. The cost of such apparatus for a manufactory of moderate size frequently does not exceed 60 pounds and I have known it done for 40 pounds. I have mentioned in a former report on the subject that Axminster, a straggling country town in Devonshire had been lighted by a gas company with a capital of only Rs. 10,000 (1,000 pounds). The experiment whether gas would answer or not in Bombay need not therefore be a very expensive one and it is certainly well worth trying. I believe that works sufficient for supplying all the gas likely to be required in Bombay for some years to come might be completed, with all incidental expenses (by a gas company in a large way and having already a staff in India) for Rs. 15,000 or Rs. 20,000.

I have etc.

(Sd.) H. CONYBEARE,

Superintendent of Repairs.

In July 1859, the Bench recorded their opinion that it was most desirable to light the Town with Gas, but understanding that the Municipal Fund was insufficient to defray the expenses and as they do not consider a special tax advisable, they were of opinion that the Municipality should not pledge itself to the Gas Company for any number of lights.

Two years after this, the Bench cordially approved of the proposal of the Municipal Commissioners to address Government requesting a special enactment to allow a portion of the sum set apart annually for the Drainage of Bombay being appropriated to the lighting of the Town with Gas. Mr. Forgett however prepared a scheme in which he estimated that it would cost Rs. 1½ Lacs to provide Gas works for Bombay.

Government agreed with the suggestion of Mr. Forgett (vide Mr. Under Secretary Stuart's letter No. 1115 of 21-8-61) and asked the Bench to consider the course of raising the loan in preference to the suggestion made by

them. The proposal to raise a loan was agreed to by the Bench, but nothing was done until 1865, when on the 7th October of that year Gas, was first lighted in Bombay. At the end of that year there were 220 lamps, but which number gradually increased year by year.

The introduction of gas in Bombay was much appreciated and during 1866, several native gentlemen presented the Municipality with large ornamental lamps for central positions on the public roads. Thus the Hon. Munguldas Nathubhoy gave one five light lamp to be erected opposite the Money School.

Mr. Ardasier Hormasji Wadia gave five three light lamps.

„ Kesowji Naique gave three of three lights.

„ Kallianji Sewji gave two of three lights.

„ A. D. Sassoon gave one of three lights.

„ Nusserwanji Manekji Petit gave one of three lights.

„ Goculdas Tejpal gave one of three lights.

In his Annual report for 1867 Mr. Arthur Crawford makes the following remark:—“Acting on the suggestion of a well known ‘Tom Cringle’ I am about to light certain parts of the Town with kerosine oil. I have tried it on a small scale and found it a success. If it proves economical on a large scale (and I have no doubt of this) I shall gradually substitute it for Gas.” The lighting of the Town with kerosine oil was tried and eventually stopped in the year 1871.

The lighting of the Town by Gas continued and with a reduction in the rate which in 1871, was Rs. 8-8 per lamp per month. In 1876 there were 3165 lamps lighted. Four years later there were 140 Kerosine Oil lamps lighted in the city.

The Arthur Crawford Markets were lighted by Electricity in 1882. The year following this, the Corporation entered into an agreement with the Eastern Electric Light & Power Co. granting the Company the right to lay, conduct, and maintain and use Electric cables, under, along or over certain of the Public Streets and Roads in the city. This Company was however short lived as in the year following, they went into liquidation. Mr. (Now Sir) E. C. K. Ollivant, who was then Municipal Commissioner asked the Corporation if they would purchase the property and business of the Company. The Corporation decided not to do so.