

Electric Light Station, 367 square yards; Grant House (now occupied by the Chief of the Fire Brigade), 2,716 square yards; Incinerator, 525 square yards; Health Department Stables and Chawls, 12,453 square yards—total 28,891 square yards.

Dealing first of all with the Workshop question, it is clear that at the higher rate of rent to be levied by Government after the first ten years the site would be a most expensive one, and on the basis of 25 years' purchase or 4 per cent. Interest works out to Rs. 1,62,330 or Rs. 20 per square yard, while the report of the Executive Engineer shows that a site of 12,000 square yards in the Agripada direction, inclusive of the cost of filling in, would not aggregate more than Rs. 60,000. It must, however, be remembered that the expense of a move does not begin and end here. From recent personal inspection with the Executive Engineer, I am convinced that many of the buildings and a quantity of machinery is in a most dilapidated state, as, for instance, the corrugated iron roof of the main building, carpenters' and wheel-wrights' shop and the present brass foundry shed, also the materials of the masonry of the walls and buildings, while the existing boiler foundations were laid at considerable expenses and are irremovable.

The Executive Engineer estimates the cost, therefore, of removing, re-erecting, renewing and fitting up the Workshops on a new site at Rs. 1,21,060, which, with the addition of Rs. 60,000 for the site, makes a grand total of Rs. 1,81,060. I am of opinion that this estimate is under the mark, and that nothing short of two lakhs would cover the outlay.

As regards the Store-yard, the value of the land at the rate claimed by Government comes to Rs. 94,220. A large portion of this area is covered with old and useless drain pipes which may as well be transferred to the drainage Store-yard. If, as estimated by the Executive Engineer, only 2,678 square yards are required for this purpose, and a site in the same direction as that proposed for the Workshops can be obtained for Rs. 13,890, plus the cost of removal, erecting sheds, and fitting up, say, Rs. 11,550, it is obvious that the retention of the Store-yard on its present site possesses no advantages for the Municipality.

Electric Light Installation.—This question is fully discussed in the Executive Engineer's report, and I concur in that officer's opinion that the best and most economical course is to move the engine and plant bodily to the compound of the Arthur Crawford Markets.

Grant House.—I do not recommend the Corporation to retain this somewhat extensive area. The rent for such a large plot of ground must necessarily be high, and the advantages to be obtained by no means correspond. It will be far better to relinquish this house and grounds as soon as the new headquarters are ready for the Chief Officer of Fire Brigade's residence and allow house rent to the Assistant Executive Engineer, Mechanical Branch.

The Incinerator.—The Health Officer proposes to extend the capacity of the existing Incinerator from three cells to twelve cells, and for this purpose and the erection of a new chimney 200 feet high, an area of 2,500 square yards will be required. I am extremely doubtful as to the suitability of the present site for an Incinerator, and it would be necessary to ascertain whether Government, in case of their resuming the major part of the property under discussion, would permit the erection of a large incinerator any-where thereon. This question can be settled as soon as the Corporation have come to a decision on the other points before them.

Health Department Stables and Chawls.—Both the Executive Health Officer and the Executive Engineer are of opinion that the stables and chawls should stay where they are, and looking to the impossibility of finding another site at all, or even then one half as convenient, I concur in that view. To sum up, I consider that the most economical course in the long run would be to remove the Workshops and store-yard to another and less expensive site; (2) to shift the Electric Light engine and plant to the compound of the Crawford Markets; (3) to abandon the site and bungalow known as Grant House as soon as the new Fire Brigade quarters are completed; (4) to retain the site occupied by the Health Department Stables and Chawls; (5) to settle the question of enlarging and keeping the Incinerator on its present site subject to the permission of Government.

I would request the favor of the Standing Committee and the Corporation coming to as speedy a decision as such important matters will allow, and beg to point out that a final reply is due to Government within five months' time.—I have, &c.

P. C. H. SNOW, Acting Commissioner.

Precis prepared by the Secretary of the Papers relating to site of Workshops, Stables, &c., Bori Bunder.

When the work of constructing the eastern boulevard, afterwards known as Rampart Row East, and recently re-named Mint Road, was about to be taken in hand by Government in 1865, the Municipal Commissioner was asked to arrange for the removal of part of the old Fort Market belonging to the Corporation as also certain Municipal Stables, the total area of which was about 500 square yards.*

Just before this, the Commissioner had applied to Government for the grant of land for the site of new markets, and in agreeing to arrange for the removal of the portion of the old market and stables required for the boulevard, stated as follows:—

"Near the old Rifle Lines on the Esplanade is a strip of ground rented to the Municipality from Government as a storage ground. Adjoining it is vacant Government ground occupied by

* Government Resolution No. 6, P. W. D., 29th January 1895 (P. 149), of file forwarded with Mr. Snow's No. 13998 of 7th October 1895.

Mr. Crawford's letter to Government, No. 2385, dated 17th November 1865, (p. 10).

squatters of most filthy habits. Like all Government ground in that part it is insufficiently fenced and is the resort of beggars and tramps of all kinds. It is full of foul and dirty hollows and generally require levelling. 6.—Though it is a rough road to the foot-bridge over the G. I. P. Railway line, a path fenced by railings on each side runs at right angles to the road and the footbridge along the G. I. P. Railway line to the mouth of Dongri Cooly Street. 7.—On the right hand side of this path by the Mutton Market is a siding which we have arranged with the Railway authorities to make a temporary town sweeping siding for the sweepings from the Fort, Colaba, and Mandvi. It is secluded from public view, away from the inhabited town of the main line, from view of which it will be easy to screen it, and in every way most convenient to the Railway authorities and the Municipality. 8.—I propose, therefore, that Government shall rent the ground marked AAAA to the Municipality at a nominal rent on condition of the Municipality levelling the whole of it (which will be very expensive). That I be permitted to set back the palings on the west of the foot-path so as to permit two carts to pass in the passage. That I be permitted to erect on the vacant ground moveable stables of wood and iron with the rough rubble foundations, to be removed at six month's notice on other suitable ground being provided by Government, who are about to take up the present Municipal stables for public purposes. 9.—Mr. Khandas Muncharam, I may state, has visited the spot with me and has no objection to the above arrangement. 10.—I would add that it is proposed to abandon the Chinchbunder siding directly the new arrangement at Bori Bunder and Byoulla can be made. 11.—Both the Railway officials and the Municipality find it very inconvenient and unsuitable, and it was an intolerable nuisance to passengers by the trains and to the inhabitants of that densely populated locality even when only 260 carts of refuse were sent daily. We are now sending 450 carts and shall soon despatch 700 daily. 12.—I venture to solicit the very earliest possible reply to this communication."

On 5th December 1865, Captain Fuller, Secretary to the Architectural Improvement Committee, in his letter No. 704, to the Secretary to Government, P. W. D., wrote: "I am directed to inform you that the Committee see no objection to the ground applied for being rented to the Municipal Commissioner, and suggest that the annual charge of one pie per square yard be levied in consideration of the expense of filling in the ground. 2.—A sketch* showing the site allotted, being part of that originally given for the International Exhibition, is herewith annexed. It contains about 7 acres and the annual rental will, therefore, be Rs. 176 more or less."

* The sketch referred to in this letter is not among these papers.—

Thereupon Government passed the following Resolution, See pages 7-8. No. 1521/2506, of 9th December 1865 :—

" Letter from the Municipal Commissioner, No. 2365, dated 17th November 1865, states that Government having directed the construction of the Eastern Boulevard, he has been requested to remove a portion of the public markets and other buildings, but that the markets being vested in the Corporation, they cannot be removed without their sanction, which he cannot apply for until other markets are provided, and solicits the favour of the earliest possible sanction being given for a site on the Esplanade. Also requests that a strip of land marked AAA on the accompanying plan may be rented at a nominal rent to the Municipality for the erection of stabling on certain conditions."

Report on the above by the Secretary to the Architectural Improvement Committee, No. 704 of the 5th December 1865.

Resolution.—Government are pleased to sanction the application of the Municipal Commissioner for a site for stabling as expressed in paragraph 8 of his letter, on the terms proposed by the Architectural Improvement Committee in paragraph 1 of their letter.

The application for a site for markets will be disposed of hereafter.

T. DOWDEN, Lt., R.E.,
Under-Secretary to Government.

The Executive Engineer has nothing on his records to show
P. 3. distinctly the terms on which the land occupied by
P. 31. the Workshops and Store-yard for Special Drainage Works was settled between Government and the Municipality, but Mr. Walton, late Executive Engineer, in his precis, states that the permission to hold the ground was given by Government without any restriction under its Resolution No. 187/435 C. W., P. W. D., of 9th March 1866. It is observable (1) that
P. 29. by Government Resolution No. 3493, Revenue Department, of 11th October 1867, the sanction to the holding
P. 30. of the land is "on sufferance only," whilst Government Resolution No. 187/435—C. W., of 9th March 1866,
P. 30. relating to the Drainage Works Store-yard, "sanctioned" the arrangement "to occupy," and (2) that in the Valuation Statement of real property belonging to the Corporation prepared by the late Mr. Narayan Vasudev and Mr. Nasarwanji Chandabhoj, dated 20th January 1871, it is stated (page 1) with regard to the Shops and Store-yard that "the land belongs to Government." The statement does not specify whether the ground was held on lease or sufferance, details which the statement does give as to other

Items.* Nor was this particular land entered in Mr. Carwford's list of liabilities on account of Government land appended to the Finance Committee's Report of 11th October 1871, on the strength of which circumstance the executive Engineer, Mr. Walton, surmised that the ground was given to the Municipality free for the carrying out of improvements, a supposition which he considered was justified by the circumstance that the Government of Sir Bartle Frere were always favourably disposed towards the Municipality, an instance of which was shown by the passing of Government Resolution No. 1199, General Department, of 1866, which even went so far as to make over, under certain restrictions, all vacant public lands adjoining the roads and streets. Moreover, it must be borne in mind that, whilst no rent was demanded for the land occupied for the workshops and Stores until 1890, the payment of rent for other lands held from the State was never allowed to fall into arrears.

P. 81. Even in Resolution No. 2365, Revenue Department, of 20th April 1887, Government did not dispute the Corporation's title to the Workshops and Store ground.†

This contention of Mr. Walton's, however, is disputed by the Collector of Bombay, who, in his letter to the Commissioner, No. L. R./24 of 4th January 1893, says: 'So far as my information goes this view (*viz.*, 'that the ground is the absolute property of the Municipality,' subject only to an annual rent charge of one pie the square yard) is not in agreement with the records of the case, which seem to show that the tenancy is a yearly tenancy.' Again in letter No. L. R./88 of 14th idem, he says:

P. 136. "Government received no valuation for the land and gave no permanent title to the Municipality. The sole stipulation was for the payment of an annual rent. As the land is simply rented the tenancy, is of necessity a yearly tenancy, and as such is terminable on 6 months' notice." The papers were placed before the Government Solicitor, who recorded the opinion that the Municipal occupation was on a yearly tenancy, on which advice Government directed the issue of 6 months' notice (Government Resolution No. 376-C. W.—1491 of 16th August 1890).

Again the Secretary to Government, P. W. D., in his letter to the Commissioner, No. 6-R. of 29th January 1895, comments on the facts that the evidence goes to show that the intention of Government was (a) merely to allow the temporary use of the ground, which apparently was mainly required for storage purposes; (b) to permit the erection of temporary stables to the

* Note by the Secretary.—Mr. Walton does not refer to the fact that in this Valuation Statement 10,208 yards of ground, the site of the old mutton, fish and grass markets, were entered as being the absolute property of the Corporation.

† Note by the Secretary.—Although Mr. Walton does not note the circumstance, this Government Resolution quotes the fact that the land was let to the Corporation "on a tenancy-at-will."

extent necessary to replace those which had been given up; (c) the intention to provide other suitable ground for similar stable accommodation in the event of the area granted under the application referred to being resumed. That the power to resume possession and the covenant limiting buildings to "moveable stables of wood and iron with rough rubble foundations" would, the Secretary to Government points out, have been unnecessary if it had been the intention to make over the land on a permanent lease. There are other circumstances, argues the Collector, also, which strongly corroborate the view that the Municipality did not claim any permanent title, for in 1866 and 1878 portions, aggregating nearly 7,000 yards of the area, were relinquished by the Municipality and were made over to the G. I. P. Railway Company by or for Government, and it does not appear that any payments for compensation on this account were claimed by, or made to the Municipality, and the absence of any such payments appears to be only reconcileable with the assumption that the land was Government land, held for temporary use and otherwise required, which seemingly was the view of the Municipal Free Fund Committee in 1875, when Colonel Hancock, a member of the Committee, minuted: "The adjacent land occupied by the Municipal Workshops is not, I believe, Municipal, but Government property resumable at will." Mr. Pedder, the Commissioner, also a member of the Committee, minuted immediately below, and did not dissent from this view.

The plan of the land originally made over, furnished by the Secretary to the Architectural Improvement Committee, under P. 44. date of 12th February 1866, marked AAA, was a sketch or outline plan only. From the letter to the Commissioner Pp. 49 to 55. from the Municipal Solicitors, dated 29th November 1890, letter from the Commissioner, No. 19343 of 6th December following, and other papers, it will be observed that there has been some difficulty in identifying the land, but after P. 156. prolonged correspondence it was found by Mr. J. W. Smith, Acting Executive Engineer, that the area in question is that comprised within plan No. 424, which comprises P. 28. 29,312 yards. This plan, No. 427, shows within green lines the land comprised in the sketch plan AAA and contained within the 29,312 yards. The Acting Executive Engineer, P. 28. in his letter to the Commissioner, No. 871 of 9th April 1892, appended a statement showing the deductions to be made from the total area in order to arrive at the remainder, the 19,687 yards now in question.

This works out as follows :—

Deduct 9,047 yards land obtained from Government, under Resolution, No. 187-C.W./435, dated 9th March 1866, shown in P. 101. The Municipal Register, No. 427 dated 30th March 1892, (acquired for Drainage Stores). The words of the Resolution being "for the purpose of using it as a store ground."

Deduct 403 yards, being plot A, on plan 424 as above, obtained from Government in exchange for plot B, on same plan, under Government Resolution No. 2365 of 20th April 1887; 175 yards, plot C, on No 424, as above, belonging to the Municipality and recently included in the Workshops compound; total area 29,312; deduct as above 9625, total 19,687. This ground is occupied as follows:—Workshops 8,119 yards; Store-yard, 4,711 yards; Electric Light Station, 367 yards; Grant House, 2,716 yards; Incinerator, 525 yards; Stables and Chawls, Health Department, 12,458 yards—total 23,891 yards.

Note.—A part of the ground was occupied in former years in front of the existing Stables as the Beef Markets, until the Crawford Markets were opened (see Executive Engineer's No. 7610 of November 1891, page 88 of the file).

No question of payment of rent for the land occupied by the Shops and Store-yards was raised until 30th July 1889, when the Executive Engineer, Presidency, in his letter No. 3333, to the address of the Chief Accountant and with reference to Government Resolution No. 1521/2506—of 9th December 1865, as above, requested information as “to which office the rent of the ground” had been paid.

The Chief Accountant having no knowledge of any such payment, asked for information as to where the land in question was situated, but on being informed by the Executive Engineer, Presidency, that the land was that occupied by the Shops, Stables &c., the Chief Accountant addressed the Executive Engineer, Municipality, letter No. 1431

of 2nd September following. Meantime the Collector of Bombay, in his letter to the Commissioner, No. L. R./1604

of 21st August 1890, stated that Government, in the P. W. D. had resolved to demand arrears of the same at one pie per yard per annum from 1st December 1868 for the 16,898 yards so occupied, and requesting payment of Rs. 1,843-3-6, being rent for 21 years from 9th December 1868 to 8th December 1889, at the rate Rs. 88-0-2 a year.*

It is not so stated in the papers; but I may add that, on the 4th July 1892 the Corporation, on the application of the Commissioner, sanctioned the payment of Rs. 2460-14-0, in settlement of the arrears of rent demanded by Government to 8th December 1892.

On 5th September 1890, the Collector in his letter to the Commissioner, No. 1700, forwarded a formal notice of the same date of the determination of the tenancy of the land at the expiration of half a year “next after the end of one half-year from the service of this notice.”

* The explanation of the arrears only being claimed from 1868 is found in the Controller's memo. No. 1068 of 26th August of that year, from which it appears that Rs. 499-12-9 for the rent up to 8th December was claimed by Government (and paid.)

It would appear from the Collector of Bombay's letter to the Commissioner, No. 1986 of 10th October 1891, that the rent for subsequent years was neither claimed nor paid until 1891.

The Commissioner on receipt of the notice asked (letter to the Collector, No. 12189 of 11th idem) whether Government intended to put the Municipality to the enormous expense of removing their Workshops, plant and other structures located on the ground in question. To this the Collector answered (letter No. 1779 of 16th of the same) that the notice was not necessarily for the purpose of resuming the land, but to make things clear for a future arrangement.

On 4th April 1893, the Municipal Solicitors advised the Commissioner that the legal position of the Corporation is that of yearly tenants, although this is not in their opinion the natural outcome of the arrangements come to in 1865, but is due to the unfortunate circumstance that no formal lease or other document embodying the terms agreed to was then executed and registered, and that, consequently, the Corporation are not in a position to enforce that arrangement as against Government. The proposal made in 1865 by the Commissioner does not read as a proposal to take on a mere yearly tenancy determinable by Government on six months' notice without giving any compensation or equivalent. "It seems impossible to resist the conclusion that what was in the contemplation of everyone who had to do with the matter was something in the nature of a permanent tenancy, subject to the right of Government to determine such tenancy at six months' notice "on other suitable ground being provided by Government." Notwithstanding the Collector's statement that Government received no valuation for the land and gave no permanent title, it does appear that there was a substantial and valuable consideration for creating the permanent title which, according to the Solicitors' view, was clearly intended, though, unfortunately, never legally perfected; it was clearly on the faith of some permanency of title that the Municipality undertook the expense of filling in and levelling the ground.

Again, in their letter to the Commissioner, of 11th March 1893, the Solicitors remarked that the ground for the site of the stables was given in substitution for the site of other Municipal stables required of Government for public purposes. It does not seem to be suggested that the Municipality failed on their part in filling in the ground, although it is now sought after the lapse of time, to minimize the value of what they did by suggesting (para. 7 of Government letter No. 6 R., P. W. D., of 29th January 1895), "that the necessity for levelling was not in reality a very serious factor." As a matter of fact this was the factor on which the Commissioner ventured to base his application in 1865 and the factor which induced Government to sanction the application. In conclusion, the Solicitors suggested that a further reference might be made to Government for modifying the terms demanded. In the meantime, the Secretary to Government, Public Works Department, in his letter No. 6 R. of 29th January 1895, informed the

Commissioner that Government will be prepared to sanction the grant of a plot for the stables, but that with reference to the whole area, the utmost Government can admit is (a), the intention to allow the Municipality the temporary use of the land which apparently was at the outset mainly required for storage purposes; (b) the intention to permit the erection of temporary stables to the extent necessary to replace those which had been given up; and (c) the intention to provide other suitable ground for similar stable accommodation in the event of the area granted originally being resumed. Government do not consider that even if there had been a formal lease, the terms, thereof, would have done anything more than grant the temporary use of the land. His Excellency in Council cannot allow that the Municipality have any claim for a permanent lease on terms below the market value, except in regard to a site for stable similar in area to the site occupied by the stables removed for road improvement. Government are willing to grant 1,000 square yards, in a position they will select for the purpose on the plot in question, on a renewable lease at the existing ground rent; but in regard to the balance it does not appear to Government that a case has been made out for any special concession. The Corporation have already had the use of the land on most favourable terms for many years, and for purposes not contemplated in the original permissions and it now appears to Government that a fair rent should be charged for as much of the site as the Municipality wish to retain * * and the Collector will be asked to report as to the revised rent to be imposed from 1st April 1896.

On 5th July last, the Commissioner in his letter No. 6995 Page 178. (prepared by the Municipal Solicitors) replied to this letter, stating that the Municipality desire to retain the whole area. But he asked for a further consideration of the question, and urged that some permanency of tenure must have been contemplated. He gratefully acknowledged that Government had practically recognised this principle by now permitting the Corporation to continue in occupation on certain terms. He pointed out that Government remarked that, in 1866 and 1876, the Municipality, at the instance of Government, relinquished for railway purposes about 7,000 yards of the land originally granted without claiming any compensation—a fact which seems to be only reconcilable, with the assumption that the land was Government land, held for temporary use. He had been unable to trace the circumstances under which the 7,000 yards were relinquished, but he might be permitted to point out that, *ex hypothesi*, Government no doubt reserved the right to resume all the land on six months' notice, and that the circumstance that when portions of the land were resumed no claim was made for compensation may well have been due to the circumstance that what remained was sufficient for the Municipality, and to the fact of the absence of any legal instrument under which alone such a claim could be maintained. In conclusion, the Commissioner

asked that some modified terms might be fixed for the continuance of the tenancy. The Secretary to Government in

Page 187. replying stated in his letter to the Commissioner,

No. 105 of 27th August last, that His Excellency in Council will be prepared to grant the Municipality a lease for 99 years with one renewal for a like period, on the condition now adopted for Esplanade leases at a rental of Rs. 24,000 per annum, after deducting the 1,000 yards for stables. This is less than the full estimated rent value, and Government are further willing to remit one-half of the amount for the first ten years of the lease.

Page 204. This offer of Government is open for six months from 27th August.

At the conclusion of this correspondence, the Solicitors, on 6th September last, advised that there is no alternative

Page 194. legally but to submit to the terms of Government or vacate the land.

The question (1) of the probable relative cost of retaining the tenancy of the whole land and (2) of giving up portions of the land and removing the Shops and Stores and Electric Light Station are concisely stated in the opening paragraphs of the Commissioner's letter.

The Standing Committee submitted the following report:—

The Standing Committee beg to state, with reference to the

Letter to the Secretary, No. 13996, dated 7th October 1895, from the Acting Commissioner on the subject of the tenure by the Municipality of Government land forming the site of the Municipal Workshops, store yard, Health Department stables and chawls, and the town sweepings incinerator,

letter from the Acting Municipal Commissioner as per margin and the papers relating thereto, that, after

the land and buildings in question had been inspected, the various points requiring consideration were discussed with Mr. Snow, the Health Officer, and the Executive Engineer, and that the Committee have now to report as follows:—

The area of the ground in question is about 30,000 square yards, and Government state that His Excellency the Governor in Council will be prepared to grant the Municipality a lease of the same for any term not exceeding 99 years, with one renewal for a like period, on the conditions now adopted for Esplanade leases, at a rental of Rs. 24,000 per annum. After deducting 1,000 yards of the area occupied for stables of the Health Department, which, for certain reasons, Government are willing to lease for 99 years at the present rental of one pie per square yard per annum. The rate of Rs. 24,000 is less than the full estimated rent value, and Government are further willing to remit one-half of the amount for the first ten years of the lease.

The Committee are of the following opinion :—

(a) That at the enhanced rental asked by Government it will not pay to retain the following portions of this land, viz. :—

	Area.
	Sq. yds.
Grant House Compound	2,716
Store Yard	4,711
Workshops	8,119
Electric Light Station... ..	867
Total	15,913

(b) That it will suit Municipal requirements to retain the following areas :—

	Area.
	Sq. yds.
Health Department Stables and Chawls &c.	12,453
Incinerator Station	525
Total to be retained	12,978

2. *Grant House* is the residence of the Assistant Engineer, Mechanical Branch, but is at present temporarily occupied by the Chief Officer of the Fire Brigade until the completion of the Fire Station at Sankli Tank, and, if the house is given up to Government, other quarters, or an allowance for house-rent, will have to be provided for the Assistant Engineer.

Grant House was constructed by the Municipality in 1878, and, in handing over the area (2,716 square yards) occupied by the house to Government, it* will be necessary to ask the Commissioner to ascertain on what terms Government will take over the buildings on the site.

3. *The Store Yard* (area 4,711 square yards).—It would seem desirable to dispose of the old useless materials lying on this site instead of having them removed to the new store yard as suggested by the Commissioner in his letter.

4. *The Workshops* (area 8,119 square yards).—It appears from the statement made by the Executive Engineer that the immediate removal of the shops would necessitate considerable expenditure on new buildings not at present absolutely necessary, whereas the buildings, if allowed to stand, would in any case have to be re-roofed in the course of the next two or three years. It is thought that Government should be approached with a view to the gradual removal and reconstruction of the workshops at the new site wherever that may be decided upon.

The Commissioner might be asked to represent to Government the inconvenience and expense which it would be to the Municipality to clear the workshop site and remove everything to a new location, and ask that a period of, say, four or five years may be allowed for acquiring a new site, constructing buildings, erecting plant, &c. The Commissioner would, of course, have

to ascertain on what terms this four or five years' occupancy would be allowed by Government.

The Committee does not consider that the reference made to them covers the need to discuss the wide questions which will have to be settled regarding the new workshops, their site, their extent, the plant—both new and old, &c. All these will doubtless be dealt with by a specially appointed Committee. Pending removal, the repairs to the existing buildings should be limited to works absolutely necessary.

5. *The Electric Light Station (area 367 square yards).*—It is thought that the most desirable course will be that suggested by the Commissioner and the Executive Engineer, viz., to transfer the station to the compound of the Crawford Market.

6. To sum up, as regards the areas to be at once or hereafter to be given up, it is recommended that the following areas should be surrendered to Government at once :—

	Area. Sq. yds.
Grant House...	2,716
Store Yard ...	4,711
Total ...	7,427

and that, subject to the matters being arranged with Government, the following further areas be surrendered to Government within the next four or five years :—

	Area. Sq. yds.
Workshops ...	8,119
Electric Light Station ...	367
Total ...	8,486

7. As regards the areas to be permanently retained by the Municipality, it is proposed by the Executive Engineer to continue the occupancy of the Health Department stables and chawls (12,453 square yards), also the site of the incinerator (525 square yards), and the Health Officer wishes to extend the incinerator from a capacity of three to twelve cells, thus increasing the area of land required from 525 to 2,500 square yards. If this scheme is carried out, the total area of land required will be—

	Area. Sq. yds.
For Health Department Stables, &c. ...	12,453
For Incinerator ...	2,500
Total...	14,953

and instead of the Corporation having to pay a rental of Rs. 24,000 a year for the 30,000 square yards or thereabout, the proportional rental payable for the reduced area will be only about Rs. 11,968.

When settling terms with Government, the Commissioner might be asked to especially press upon Government the fact that the sanitary necessities of the city require that the Corporation

should have ample accommodation for the Health Department in this locality, and that, taking this circumstance into consideration, Government might be requested to accord still more favourable terms as regards the area of land to be retained for these purposes.

8. The Commissioner does not refer to the particular spot he would select for the 1,000 square yards which Government offer on more favourable terms, and it is not easy to settle this point as the areas recommended to be retained comprise only the Health Department stables and chawls and the incinerator, and in any case the 1,000 square yards of ground cannot be made to contain the whole of the buildings of any one particular kind. It is therefore recommended that, after the wishes of the Corporation as to the land to be retained have met with the approval of Government, an area of 1,000 square yards, covering the most important of the Municipal buildings, be selected as that to be held on the more favourable terms.

BHALCHANDRA KRISHNA, Chairman.

19th February 1896.

No. 24719.

28th February 1896.

TO THE MUNICIPAL SECRETARY.

Sir,—In reference to the Standing Committee resolution No. A-18247 of the 12th instant, I have the honor to report that Government were requested to extend the period of reply up to the 1st May next, and in reply the Under Secretary to Government, Public Works Department, states that Government are pleased to accede to my request and that the period for a reply is accordingly extended to the 1st May 1896, the conditions as to rent commencing from 1st April 1895 to still hold good.—I have, &c.,

P. C. H. SNOW, Acting Commissioner.

Proposed by Bhalchandra K. Bhatawadekar, Esq., seconded by R. H. Vincent, Esq., C.I.E.—

“ That the report of the Standing Committee on the subject of Government land occupied by the Municipality for the Workshops, Health Department Stables, &c., be approved.

“ 2. That the Acting Commissioner be authorised to surrender to Government and vacate at as early a date practicable the following portions of the said land :—

	Area Sq. yds.	
Store Yard containing	4,711	or thereabout.
Site of the Electric Light Station	367	do.
Total...	<u>5,078</u>	do.

" 8. That he be requested (1) to ascertain from Government the terms on which they will purchase "Grant House," and to inform Government that the site thereof is not required by the Corporation; (2) to inform Government that the Corporation consider it undesirable to retain the site of the Municipal Workshops at the enhanced rental demanded, but that, as the immediate removal of the shops would necessitate considerable expenditure on new buildings not at present absolutely necessary, the Corporation trust that Government will allow the Corporation to continue occupying the ground occupied by the shops, 8,119 yards or thereabout for a further period of four or five years to allow of a proper settlement of the wide questions connected with the establishment of new shops elsewhere.

" 4. That Government be informed it is necessary in order to provide for the sanitation of the surrounding districts, that the land occupied by the Health Department stables and chawls, 12,453 yards or thereabout, and 2,500 yards or thereabout for the sweepings incineration, should be retained.

" 5. That, in settling the terms on which this area of 14,953 square yards or thereabout shall continue in the occupation of the Municipality, the Acting Commissioner be asked to impress on Government the fact that the proper conservancy of the city requires that there should be ample accommodation on the spot in question for the Health Department and that, taking this circumstance into consideration, Government may fairly be asked to accord still more favourable terms for the renewed occupancy of the ground than those already offered."

Amendment proposed by the Hon'ble Mr. Pheroze Shah M. Melita, C.I.E., seconded by Badrudin bin Abdulla Kur, Esq.—

" That the President be asked to address Government No. 14498. requesting them to extend the time for the consideration of the terms offered by them regarding the land occupied by the Workshops, Health Department Stables, &c., without imposing the conditions laid down in their letter No. R-1/28, P. W. D., of 27th February last.

*2. That the Standing Committee's report of 19th February last, regarding the question and all the papers connected therewith be referred for report to the following Committee with power to take the opinion of Counsel in regard to the whole question:—The President; The Hon'ble Mr. Abdulla M. Dharamsi; Mr. W. R. Hamilton; Mr. Ardesir F. Unwalla; Mr. S. Rebsch; Mr. R. H. Vincent, C.I.E.; Mr. O. V. Muller; The Hon'ble Mr. Pherozeshah M. Mehta, C.I.E.; Mr. Dinsha E. Wacha; The Hon'ble Mr. J. Verilal U. Yajnik."

On a division, the votes were recorded as under:—

Amendment	For	Against.
	20	7

The amendment was carried as a substantive motion by 22 votes against 4 votes. (9-3-96)

Considered the following:—

No. 5944 of 1896-97.

BOMBAY, 1st July 1896.

TO THE MUNICIPAL SECRETARY.

SIR,—I have the honor to report that Government claim as their property the two plots of land coloured red and yellow on the accompanying plan and situated in front of the Custom House.

On the other hand, the Executive Engineer's Department contend that these two plots of land form portions of the public street, called Custom House Road, and, as such, are vested in the Corporation. These plots are watered, drained, lighted, and kept in repair by the Municipality. There is also a public urinal on the portion coloured red and a latrine and dust-bin on that coloured yellow, and the rest of the ground is used as a dépôt for stacking road-metal and other materials required for road repairs. In short, there is no reasonable doubt, as far as the Municipality is concerned, that these plots of land are portions of a public street.

A voluminous correspondence has ensued between Government and the Municipality, and in the end the former have, without prejudice, waived their right over the plot coloured red and have restricted their claim to the smaller plot coloured yellow. But, as far as can be seen at present, there appears to be no justification for surrendering to Government even the smaller of the two plots of land.

It is my intention to ask Government to reconsider their last decision, and to suggest to them the advisability of referring the question to arbitration, as litigation between the Government and the Municipality would be most undesirable. The Municipal Solicitors, who have been consulted in this matter, have suggested the latter course.

The sanction of the Corporation is requested to the adoption of the above suggestion, it being understood that the decision of the arbitrator will be final and binding both on the Government and the Municipality.

I have purposely avoided entering into the merits of the controversy, as it is not advisable to disclose at this stage the whole case for the Municipality.—I have, &c.,

P. C. H. SNOW, Commissioner.

In accordance with notice, it was proposed by the Hon'ble Mr. Pherozechah M. Mehta, C. I. E.—

“That Government be requested to be pleased to consent to refer to the arbitration of a Small No. 4419. Joint Committee the matter referred to in the said item,* as well as the larger question of the claim made by Government to the ground occupied by the Municipal Workshops and Stables, &c., near Crawford Market, as the best and most equitable means of settling these pending disputes between Government and the Corporation.”

The motion was seconded by George Cotton, Esq., and carried. (3-8-1896.)

No. 852 OF 1900.

BOMBAY, 6th June 1900.

FROM F. YORKE SMITH, Esq.,

Acting Solicitor to Government,

TO THE MUNICIPAL CORPORATION,

OF THE CITY OF BOMBAY.

GENTLEMEN,—With reference to the correspondence which has passed between Government in the Public Works and Revenue Departments and your President and the Municipal Commissioner ending with the latter Officer's letter to the Collector of Bombay, No. 2459, dated 5th May one thousand and nine hundred, I have the honour by direction of the Governor of Bombay in Council to hereby demand and require you on the tenth day of December one thousand and nine hundred at 7-30 A. M. to quit and deliver up to the Collector of Bombay (who will receive delivery of them on behalf of Government) possession of all those pieces of land and premises belonging to Government situate and being on the Esplanade, Bombay, near Paltan Road and the Bori Bunder Native Infantry Lines, and also near the Great Indian Peninsula Railway which are now

* Item No. 10 on the Agenda Paper for August Meeting referred to two plots of land in front of the Customs House, claimed by Government as their ground.

in your occupation or possession and used by you for the Municipal Workshops and stables and for stores, other than the land the subject of Government Resolution No. 1521,—O. W.-2506 in the Public Works Department, dated ninth December one thousand eight hundred and sixty-five.

A ground plan of the pieces of land to which this notice refers is attached for your information, such pieces of land being thereon coloured blue, red and yellow, respectively.

I am further directed to demand from you payment of all arrears of rent due in respect of the said premises to Government from the first day of April one thousand eight hundred and ninety-seven.

And you are further hereby required before the said tenth day of December one thousand and nine hundred to remove all the buildings and erections from the said land the subject of this notice and to clear the said land and to hand it over as aforesaid on the said date in good order and condition; and you are hereby warned not to commit any unwarranted waste, spoil or damage in or upon the said premises or any part thereof.

I am further instructed to notify to you that in the event of default being made in complying with the terms of this notice an action for ejectment will be filed against you for the purpose of recovering possession of the land and premises and of enforcing payment of any amount due for damages caused to Government, and that the name of the Plaintiff in such action will be the Secretary of State for India in Council whose abode is in England and that his Attorney for the purpose of such suit will be the Government Solicitor in Bombay for the time being.—I have, &c.,

F. YORKE SMITH,
Acting Solicitor to Government.

No. 853 of 1900.

BOMBAY, 6th June 1900.

FROM F. YORKE SMITH, Esq.,
Acting Solicitor to Government,
TO THE MUNICIPAL CORPORATION,
OF THE CITY OF BOMBAY.

GENTLEMEN,—With reference to the correspondence which has passed between Government in the Public Works and Revenue Departments and your President and the Municipal Commissioner ending with the latter Officer's letter to the Collector of Bombay, No. 2459, dated the 5th May 1900, I have the honour by direction of the Governor of Bombay in Council to notify that your tenancy of the premises described below will expire on the 8th day of December 1900, and to hereby demand and require you

to quit and deliver up on the 10th day of December 1900, at 7-30 A. M. or at the expiration of the current year of your tenancy which shall expire next after the end of one half-year from the service of this notice to the Collector of Bombay who will receive delivery of it on behalf of Government, possession of all that piece of land and premises belonging to Government situate and being on the Esplanade, Bombay, near Paltan Road and the Bori Bunder Native Infantry Lines, and also near the Great Indian Peninsula Railway which is now in your occupation or possession and used by you for Municipal Workshops and stables, a ground plan of which land is attached for your information, such land being surrounded on the said plan by a boundary line coloured green.

I am further directed to demand from you payment of all arrears of rent due in respect of the said premises to Government from the 1st day of April 1897.

And you are further hereby required before the said 10th day of December 1900, to remove all the buildings and erections from the said land, the subject of this notice, and to clear the said land and to hand it over as aforesaid on the said date in good order and condition, and you are hereby warned not to commit any unwarranted waste, spoil or damage in or upon the said premises or any part thereof.

I am further instructed to notify to you that in the event of default being made in complying with the terms of this notice an action will be filed against you for the purpose of recovering possession of the land and premises and of enforcing payment of any arrears of rent and payment of any amount due for damages caused to Government and that the Plaintiff in such action will be the Secretary of State for India in Council whose abode is in England and that his Attorney for the purpose of such suit will be the Government Solicitor, in Bombay, for the time being.—I have, &c.,

F. YORKE SMITH,

Acting Solicitor to Government.

Letter from the Commissioner, No. 17996, dated the 12th October 1900, as under :—

“ With reference to Corporation Resolution No. 6551 of 10th September 1900, communicated to me under your No. 6564 of the same date, regarding the land occupied by the Municipal Workshops, I have the honour to state that the Corporation having in their Resolution No. 8288 of the 18th June 1900, authorized me to protect their rights as indicated in Counsel's opinion and the report of the Committee appointed in that behalf, I referred the matter again for the opinion of our Solicitors, and beg to append a copy of their letter, dated 24th September 1900, for the information of the Corporation. 2. It will be seen that it is now necessary to vacate the plot of ground coloured yellow

and marked B on the accompanying tracing. The only question as regards this plot is with reference to its northern boundary. According to the plans of the Executive Engineer, Municipality, the northern boundary of this plot is as shown by a line scored red, whereas in the Government demand the boundary is in a line coloured green further north. This matter can, I think, only be determined with the Collector of Bombay by actual survey of the ground. I append copy of a letter, which I have addressed to Government, in which I have asked them to be pleased to grant an extension of three months' time to enable me to obtain the sanction of the Corporation to the vacation of the ground coloured yellow and marked B, and also that coloured red and marked C in front of it, to settle the northern boundary of the plot in question and to effect the removal of the buildings. It is not, however, improbable that Government may decline to grant this extension, and I have, therefore, to request that the Corporation will be pleased to take up this matter as an urgent one at their next monthly meeting and pass a Resolution authorizing me to vacate the plots of ground above mentioned, and deliver them up to Government. This will necessitate the removal of the following buildings:—

- (1) "Grant House," occupied by the Assistant Executive Engineer, Mechanical Branch, and outbuildings,
- (2) Electric Light Installation Shed,
- (3) Two Store Rooms,
- (4) Sepoys' Quarters, and
- (5) Log Sawframe and Shed.

As regards "Grant House" I have asked Government whether they will purchase the building at a valuation, and I have to request that the Corporation will authorise me to settle the valuation, if Government are desirous of purchasing the building. If they decline to do so, it will have to be demolished along with the other buildings. The Assistant Executive Engineer, Mechanical Branch, will have to find quarters elsewhere and house-rent will have to be paid to him at the rate of Rs. 100 per mensem as was done before. The Electric Light Installation will have to be removed and re-erected in the compound of the Arthur Crawford Markets. It is absolutely necessary to make temporary arrangements for lighting the Crawford Markets during the progress of the works, as the gas arrangements are inefficient. It would also be necessary to light the Municipal Offices, but that might be avoided if the lighting could be dispensed with for a period of about a fortnight. The store sheds will have to be re-erected on other Municipal ground. The question of the removal of the Workshop shed now used as painters', carriage builders' and pattern makers' shops will depend upon whether the boundary, as laid down by Government or by the Municipality is correct, and a further report will be made on this subject later on. If the boundary fixed

by the Collector is found to be correct, the whole shed will have to be removed and some temporary arrangement will have to be made in the remaining ground occupied by the Workshops, to accommodate the painters', carriage builders' and pattern-makers' shops until a permanent site is fixed for the Workshops. As regards the plot coloured red and marked C, I may state that it was obtained from Government by the Municipal Commissioner, under his letter, No. 7702 of 18th September 1878. In applying for this ground, the Commissioner stated that plots 1, 2 and 3, which formed the ground, "are swampy waste lying between the footpath and the boundary wall of the works and are perfectly useless, causing an intolerable nuisance to the large number of persons daily engaged in the works and rendering the bungalow almost uninhabitable, inasmuch as these plots are converted by passers by into foul and offensive latrines," and asked that he may be allowed to erect a railing or fence along the boundary of the pathway. Government sanctioned the Commissioner's proposal in their Resolution No. 565 C. W.-1598 of 31st October 1878, "on condition that the design of the railing be submitted to the Committee for approval; that the enclosed ground remain the property of Government and that the railing be removed and the ground cleared, whenever called upon to do so." Under these circumstances, we must make over this piece of ground excepting the portion immediately in front of the ground bounded green and which I have scored blue on the accompanying tracing. As regards the plot coloured blue and marked (F) it may be stated that a portion of it forms part of the road and the remainder is included in plot (A) which, according to Counsel's advice, is not to be given up. 3. In accordance with the above remarks, I have to solicit the sanction of the Corporation to vacate the ground coloured yellow and marked (B), the portion coloured red in front of it and marked (C) and to the following expenditure :—

Removing the electric light engine-shed, engine, dynamos and fittings from the Municipal Workshops to the compound of the Crawford Markets and making temporary arrangements for lighting the markets during the progress of the works ...	Rs. 7,600
Working the Municipal Office lights during the removal of the plant ...	1,400
Removing and re-erecting the large store room and Sepoys' quarters ..	4,000
Removing and re-erecting the store room for disinfectants ..	1,000
Removing the Workshops log saw frame with shed and erecting it on another site ..	2,535
A grant of monthly allowance to the Assistant Executive Engineer, Mechanical Branch for house-rent ...	100

I shall address the Corporation hereafter on the question of the future location of the Workshops."

Letter to the Commissioner, dated the 24th September 1900, from the Municipal Solicitors :—

" With reference to your No. 10328 of the 24th July last, we have the honour to state as follows :—

" 2. The two notices from the Government-Solicitor to quit on the 10th December 1900, have reference, we presume, to the property on Paltan Road now occupied by the Municipality, but the two plans which accompanied those notices are not before us. We assume those plans together include the whole of the property so occupied by the Municipality. 3. With regard to what we will term the Northern portion, Mr. Inverarity, when advising the Municipality on the 23rd March 1898, treated such Northern portion as two distinct plots, but contemplated that both plots may be held under one tenure; and, if so, the opinion he formed with regard to plot B applies also to the remainder of the Northern portion (that opinion was that the Municipality being in possession should remain in possession refusing to pay the enhanced rent demanded and leave Government to file a suit to eject them). 4. Mr. Inverarity's doubt whether both these plots were held under the same title was due to the absence of any copy of the plan which (according to Government Resolution of the 9th December 1865) accompanied Mr. Arthur Crawford's letter of the 17th November 1865, to the Secretary to Government, P. W. D., and we understand that it has not since been practicable to obtain sight of that plan. 5. It appears to us, however, that (so far as we can judge from the materials before us) the whole of the Northern portion is in fact held under one title, viz., Government Resolution of the 9th December 1865, though of course, a reference to the plan mentioned should settle the matter beyond dispute. 6. It is true that when Mr. Arthur Crawford wrote his letter, the Municipality were renting from Government a strip of ground near the Old Rifle Lines on the Esplanade as a storage ground, and after referring to this ground his letter mentions adjoining vacant ground occupied by squatters through which there was a rough road. The ground, however, for which that letter applied was " the ground marked A A A A " (doubtless on a plan which accompanied that letter, and which plan is referred to in the recital of that letter in Government Resolution of 9th December 1865 as "the accompanying plan"). The letter further asked permission to erect moveable stables on the vacant ground. 7. The vacant ground on which Mr. Crawford contemplated that these moveable stables would be erected was doubtless the vacant ground of which he had written as adjoining the strip of ground then rented as a storage ground, but that does not seem to be inconsistent with the view which we take that both the storage ground and the vacant ground (then occupied by squatters) were included in the land so applied for. (The recital of this letter in the Government

Resolution of the 9th December 1865 refers to the request made in that letter as for "a strip of land marked A A A. on the accompanying plan. . . for the erection of stabling on certain conditions," but that recital is inaccurate). 8. It is clear that whatever land was applied for was granted by the Government Resolution of the 9th December 1865, and was the subject of Captain Fuller's letter, of the 5th December 1865, to the Secretary to Government, P. W. D., which was accompanied by "a sketch shewing the site allotted, being part of that originally given for the International Exhibition. . . It contains about 7 acres." 9. In the collection of plans now before us is found a copy of a plan signed by Captain Fuller and dated the 4th December 1865, which shows a plot of about 7 acres and through it a rough road, and describes the land on the northern side of such rough road as "storage ground already rented to the Municipality by the Collector" which is included in the 7 acre plot. There can be no doubt that this is a copy of the sketch which accompanied Captain Fuller's letter of the following date, and that it, therefore, shews the land the subject of the Government Resolution of the 9th idem. We will subsequently deal with the question whether the whole of the northern portion of the land now in question falls within the plot shown on Captain Fuller's plan, but though a good deal of the land shown in that plan is not now occupied or claimed by the Municipality, there can be no doubt that the greater part, if not the whole, of the Northern portion lies within the land shewn on Captain Fuller's plan. 10. In the same collection of plans we find a plan signed by Mr. Rienzi Walton (the then Executive Engineer) under date the 28th December 1890, which plan by the note on it, is shewn to be an enlarged plan of a sketch forwarded by the Executive Engineer, Presidency, shewing the site, allotted to the Municipality for stabling, in blue, but corrected by Mr. Rienzi Walton in red to shew the portion actually occupied by the Municipality and the existing Municipal blocks. This plan is, however, finally corrected with an *N. B.* under the signature of Mr. J. M. Campbell, Collector, as shewing the site allotted to the Municipality for stabling under the Government Resolution of the 9th December 1865. 11. It appears to us that, subject to the next following para., this last plan is conclusive that the whole of the northern portion is held under the Government Resolution of the 9th December 1865—a conclusion which is in accordance with the plan signed by Captain Fuller, and that the result is that the storage ground originally rented was included in the land for which Mr. Crawford applied. 12. The exception to which we refer in the preceding para. is that the plan as corrected by Mr. Campbell shews that a three-cornered piece at the northern end of the north portion was not included in the land—the subject of the Government Resolution of the 9th December 1865. This three-cornered piece, however, will, we presume, be treated as a tenant's encroachment and will

follow the fortunes of the land—the subject of, and still occupied under, the Government Resolution of the 9th December 1865. 13. Having arrived at this conclusion, it follows that, in accordance with Mr. Inverarity's opinion, the Municipality must refuse to vacate the northern portion and leave it to Government to file a suit to eject them. 14. With regard to the southern portion of the property (which is referred to in Counsel's opinion as plot C), that opinion is distinct that the Municipality should either vacate it or agree to the enhanced rent demanded by Government. 15. Nothing appears to have since been brought to light, which shows that the Municipality can remain in possession after receipt of a sufficient notice to quit this southern portion—which the Government Solicitors' notice of the 6th June last appears to be—therefore there will be no defence to an action for ejectment if filed for this portion of the property alone, and were the Municipality to fail, by the 9th December 1900, to remove their buildings from the land or agree with Government for their sale their right to do so would probably become forfeited. 16. In reply therefore, to the question submitted, we are of opinion that the buildings on the southern portion should be removed (unless arrangements can be made with Government for their purchase), and that portion vacated as demanded by the Government Solicitor's Notice No. 852 of the 6th June 1900, and with regard to the northern portion, the Municipality should not give up possession and should leave Government to file an ejectment suit. 17. We return herewith your file of papers."

Letter to the Under-Secretary to Government, Public Works Department, No. 17,995, dated the 12th October 1900, from the Municipal Commissioner:—

"I have the honour to state that the Corporation, at their meeting held on the 10th ultimo, resolved that your letter, No. B/446, dated the 28th of July last, to the President of that Body on the subject of the land occupied by the Municipal Workshops, be recorded, and in their previous Resolution, No. 3288 of 18th June 1900, they had already requested me to protect their rights in the matter of this land as indicated in their Counsel's opinion. Government have under the signature of their Solicitor, served the municipality with two separate notices, both dated 6th June 1900. In one of them, No. 853, they notify that the tenancy of the premises described in it, and shown by a green boundary line on the plan accompanying it, will expire on the 8th day of December 1900, and demand that the same be quitted and delivered up, on the 10th day of December 1900, to the Collector of Bombay. In the other notice, viz., No. 852, Government demand and require the Municipality to quit and deliver up to the Collector of Bombay, on the 10th day of December 1900, the piece of land and premises coloured blue, red and yellow, respectively, on the plan attached to the notice.

The Corporation are advised that the portion described in the Notice No. 852, coloured yellow and marked (b), should be vacated, or the enhanced rent demanded by Government should be agreed to. Government having declined to permit the Corporation to remain in possession of this plot, I have no other alternative but to apply to the Corporation to accord their sanction to place the ground at the disposal of Government. I may state, however, that the northern boundary of this plot of ground as fixed by the Municipality does not accord with that determined by the Collector of Bombay, the former being about 15 feet away towards the south from the latter. To enable the Municipal Executive Engineer to settle this boundary with the Collector's Department, and also to enable me to remove, in the event of the Corporation finally deciding upon the vacation of the site, the buildings thereon, I have to request the favour of Government granting an extension of at least three months' more time, within which I hope to be able to settle the question of the boundary and obtain the sanction of the Corporation to the vacation of the site and the demolition of the buildings. If Government insist upon the removal of the buildings within the time mentioned in the notice, the electric lighting of the most important Market of the City, viz., the Arthur Crawford Markets and the Municipal Offices, will be interrupted and the Stores Department will also be seriously interfered with.

2. On the plot of ground coloured yellow, there is a valuable building known as "Grant House," now occupied by the Assistant Executive Engineer, Mechanical Branch, of the Municipality, and I have to request the favour of Government informing me whether they are prepared to purchase this building with its out-offices as they stand at a valuation.

3. As regards the Notice No. 853, in respect of the ground bounded by green line, I have the honour to state that the Corporation decline to give up possession of the same and to pay rent to Government at any higher rate than 1 pie per square yard per annum.

4. As regards plot (c) coloured red I am advising the Corporation to hand over to Government that portion of it which is in front of the plot coloured yellow and marked (b). The rest of the ground coloured red being part of that handed over to the Municipality under Government Resolution No. 1521-C. W.-2506, dated 9th December 1865, it cannot be made over to Government.

5. As regards plot marked (f) and coloured blue, I beg to point out that a portion of it also forms part of the ground made over to the Municipality under their Resolution above quoted and part of the public road. It cannot, therefore, be made over to Government.

6. I have the honour to request the favour of a very early reply."

Resolution of the Standing Committee, No. 3573, dated the 26th October 1900 :—

"That the letter from the Commissioner, No. 17996, dated the 12th October 1900, and its accompaniments, be forwarded

to the Corporation, with reference to their Resolution No. 3286, dated the 18th June 1900, and No. 6551, dated the 10th September 1900, with the recommendation of the Standing Committee that, in the circumstances stated, sanction be given (1) to the vacation of the portion of the ground occupied

	Rs.
* Removing the electric light engine-shed, engine dynamos and fittings from the Municipal Workshops to the compound of the Crawford Markets and making temporary arrangements for lighting the markets during the progress of the Works.	7,600
Working the Municipal Office lights during the removal of the plant . .	1,400
Removing and re-erecting the large store-room and sepoy's quarters . .	4,000
Removing and re-erecting the store-room for disinfectants	1,000
Removing the Workshops log saw frame with shed and erecting it on another site	2,535
A grant of monthly allowance to the Assistant Executive Engineer, Mechanical Branch, for house-rent . .	100

by the Municipal Workshops, coloured yellow and marked (B), and of the portion in front of it, coloured red and marked (C), on the Plan accompanying the Commissioner's letter; and (2) to the expenditure as shown in the margin*, being incurred from Surplus Cash Balance in connection therewith.

"2. That the Corporation be further recommended to authorize the Commissioner to settle the valuation of the building called 'Grant House,' if

Government desire to purchase it, and to approve generally the other proposals mentioned in the Commissioner's letter."

Proposed by Mr. Mulji B. Barbhaya, seconded by Mr. J. Macdonald—

"That, as recommended by the Standing Committee in their Resolution No. 8578, dated the 26th October 1900, sanction be given (1) to the vacation of the portion of the ground occupied by the Municipal Workshops,

	Rs.
† Removing the electric light engine-shed, engine, dynamos and fittings from the Municipal Workshops to the compound of the Crawford Markets and making temporary arrangements for lighting the markets during the progress of the works.	7,600
Working the Municipal office lights during the removal of the plant . .	1,400
Removing and re-erecting the large store-room and sepoy's quarters . .	4,000
Removing and re-erecting the storeroom for disinfectants	1,000
Removing the Workshops log saw frame with shed and erecting it on another site	2,535
Grant of a monthly allowance to the Assistant Executive Engineer, Mechanical Branch, for house-rent. . .	100

coloured yellow and marked (B) and of the portion in front of it, coloured red and marked (C) on the plan accompanying the Commissioner's letter No. 17996, dated the 12th October 1900, and (2) to expenditure as shown in the margin † being incurred from Surplus Cash Balance in connection therewith.

"2. That, as further recommended by the Standing Committee, the Corporation authorize the Commissioner

to settle the valuation of the building called "Grant House" if Government desire to purchase it, and approve generally the other proposals mentioned in the Commissioner's letter."

Amendment—Proposed by the Hon'ble Mr. Pherozechah M. Mehta, C.I.E., seconded by Sir Bhalchandra K. Bhatawadekar, Kt.—

"That the letter from the Commissioner, No. 17996, dated the 12th October 1900 (with accompaniments), applying for sanction to the vacation of a portion of the ground occupied by the Municipal Workshops, and to certain expenditure in connection therewith, and submitting other proposals, together with the Standing Committee's Resolution thereon, No. 8578, dated the 26th October 1900, be referred for consideration and report to a Committee composed of the Councillors named in the margin* with a request that they will submit their report to the Corporation within a week at one of its adjourned meetings for the current month."

* The President.
Mr. Rahimtulla M. Sayani.
Sir Bhalchandra K. Bhatawadekar, Kt.
Mr. Cowasjee Hormusjee.
The Hon'ble Mr. Ibrahim Rahimtoola.
Mr. Dinsha E. Wacha.
" L. B. Ker.
" H. Kennedy.
The Hon'ble Mr. Pherozechah M. Mehta,
C. I. E.

The amendment was *Carried*.

On 13th November 1900 the Corporation considered the report of their Committee which recommended that the sanction of the Corporation may be accorded to the proposals as recommended in Standing Committee Resolution No. 8578, dated the 26th October 1900.

Proposed by Mr. Mulji B. Barbhaya, seconded by Mr. Sundernath D. Khote—

"That the report of the Committee appointed by Corporation Resolution No. 9174, dated the 12th November 1900, to consider and report on the proposals made by the Commissioner in connection with the Municipal Workshop land, be approved and recorded."

"2. That, as recommended in the above report and in Standing Committee Resolution No. 8578, dated the 26th October 1900, (1) sanction be given to the vacation of the portion of the ground occupied by the Municipal

Workshops, coloured yellow and marked (b), and of the portion in front of it, coloured red and marked (c), on the plan accompanying the Commissioner's letter

	Rs.
+ Removing the electric light engine-shed, engine, dynamos and fittings from the Municipal Workshops to the compound of the Crawford Markets and making temporary arrangements for lighting the markets during the progress of the works.. ..	7,600
Working the Municipal office lights during the removal of the plant ..	1,400
Removing and re-erecting the large store-room and sepoy's quarters ..	4,000
Removing and re-erecting the store-room for disinfectants.. ..	1,000
Removing the Workshops' log saw frame with shed and erecting it on another site	2,535
Grant of a monthly allowance to the Assistant Executive Engineer, Mechanical Branch, for house-rent ..	100

No. 17996, dated the 12th October 1900 ; (2) sanction be also given to expenditure as shown in the margin † being incurred from Surplus Cash Balance in connection therewith ; (3) the Commissioner be authorized to settle the the valuation of the building called "Grant House," if Government desire to purchase it; and (4) the other pro-

posals mentioned in the Commissioner's letter, be generally approved."

Carried.

RIOTS IN BOMBAY

A special meeting was held on 7th June 1832 when Mr. DeVitre, the senior Magistrate explained the cause of the tumultuous assemblage of natives in various parts of the Town. He also laid before the meeting a copy of a letter which he had addressed to Government on the subject together with the Advocate General's opinion and stated that since the meeting had been called, His Majesty's Regiment the Queen's Royals had marched into the Fort, by order of Government and had assisted the Magistrates in dispersing the people, but without having had occasion to proceed to extremes. The Government had also ordered the native Regiments and the Artillery to be held in readiness to aid the civil Power if necessary.

On the next day (8th June 1832) Mr. DeVitre informed the Bench that the Town continued perfectly quiet throughout the night and that he had received a letter from Government approving the measures which have been adopted, and sanctioning the offer of a reward of Rs. 500 for the conviction of any of the ringleaders in the Riot. He also informed the Bench that several persons were in custody, and that he had issued warrants to apprehend several others against whom information had been filed, and that he would proceed to deal with them as Police Magistrate as circumstances required.

To CHARLES NORRIS, Esq.,

Chief Secretary to Government.

Sir,—It is with regret I have to bring the following circumstances to the immediate notice of the Right Hon'ble the Governor in Council.

Yesterday, in pursuance of instructions recently issued in form, according to Regulation II of 1813, Article III, one of my European Constables was engaged in killing dogs within the Fort, when, after having destroyed eight or nine, he was in-

formed that it was a Parsi Holiday and that killing dogs amongst them on that day was particularly obnoxious. On this, the said Constable with great prudence immediately desisted and returned to the office. Two, however, of the European Constables who were near at hand to the former at the time he was told of its being a Holiday, but who were not engaged in destroying dogs, were then very seriously assaulted and dreadfully beaten; one in particular as will appear from the accompanying note, marked A; the man was taken to Hospital where he now lies. In about an hour afterwards, the Police Office within the Fort and the Supreme Court House were surrounded by a large and disorderly rabble, principally composed of the lower classes of Parsees, calling out that dogs should not be killed. After very considerable trouble and explanation the crowd was dispersed without resort to coercion being necessary, and things during the night remained peaceable. This morning, however, matters have assumed a more formidable appearance, as will be more particularly seen by reference to the accompanying original correspondence and as crowds of natives are collected both within and without the Fort, in view to disturbance of the public peace and preventing shops being open and supplies had as usual, and the Constabulary and Police establishment being quite incompetent efficiently to oppose such proceedings, I have earnestly to solicit the immediate instructions of Government; and were I allowed to offer an opinion, I would immediately suggest that the Queen's Royals be brought over from Colaba, and that the Artillery and Native Regiments be immediately directed to hold themselves in readiness to act under the Civil power, as circumstances may call for. At the moment of writing this, an immense crowd is most disagreeably collected both in front of my office and before the Court House. I have only further to add that the Mohurram Holidays are now on, and that if strong and decisive measures are not immediately adopted, I apprehend serious consequences to the public peace before the conclusion of that festival on the 10th Inst.

The above facts of riot and disorder, I have laid before the Acting Advocate General, whose opinion I have now likewise the honour to enclose.

Bombay, Fort Police Office, }

I have, &c.,

7th June 1882.

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(Sd.) J. D. DEVITRE,

Senior Magistrate of Police.

To J. D. DEVITRE, Esq.

Senior Magistrate of Police.

Sir,—Under the circumstances which you have laid before me of public excitement and general riots and insurrection among the Parsees and others, inhabitants of this Island, their

disposition to impede the free passage of the streets, and to insult and attack with stones and other missiles, the European inhabitants and servants of Government passing therein, and as you have decidedly formed an opinion that any effort of yours to restore order and tranquillity with the ordinary Civil force under your control would prove inefficient, I feel myself as the adviser of Government authorised in this emergency to intimate to you my opinion, that it becomes your duty as the principal conservator of peace of this Island to call to your aid such a proportion of Military force of the King's and Hon'ble Company's Service as in your discretion may be deemed sufficient to effect the purpose of restoring the Island to its wanted peace and tranquillity and in case of obstinate resistance to your authority in any of the assembled mobs or their preserving in their above riotous and dangerous conduct to use such means of dispersing or coercing them as the emergencies may point out to you necessary and expedient.

G. C. IRVIN,

7th June 1832.

Advocate General, Bombay.

On the 12th June 1832, Mr. DeVitre convened a special meeting of His Majesty's Justices for the purpose of stating to them that he has reason to apprehend that the Town is not in the settled state in which it appears to be and submitted to them the expediency of their individually representing to their respective establishment and others over whom they may have any influence their expectation that they will afford them every information in their power of any circumstances tending to disturb the public peace that may come to their knowledge.

The disturbance then ceased.

The riot of 1874 which broke out on the 13th February of that year was between the Mahomedans and the Parsees. The cause of it was reported to be due to a book published called "Renowned Prophets &c." *

The riot of 1893 was between the Hindus and Mahomedans.

The following report was submitted by the Health Officer :—

" I first heard from the stables at Bori Bunder, Null Bazaar, and Kamathipoora of disturbances, although I knew before of the excitement amongst the people. It was reported that the scavengers and halalkhors had been driven in and the carts driven off, and that an attempt had been made to rush and wreck the Health Department stables in Kamathipura. The Assistant Health Officer and I left the office at once. My first observation of the riots was near the Market. As we came near the Market

* See Bombay Gazette dated 16th February 1874.

we met troops being hurried up and passing by Paidhoni into Bhendi Bazaar, we saw the street covered with stones and many pools of blood and many stains of gore. We now saw many evidences of the struggle—wounded men, injured Police Officers—but not until the next day, did I see any woman hurt. Walking down Bhendi Bazaar, Mr. Leask and I passed up Obelisk Road on to Grant Road through crowds, in much tumult and excitement, which told of incidents in the turbulence. The object of our visit was to keep our Halalkhores within their dwellings. As we came up, we saw excited halalkhors outside the buildings. We took them all inside the buildings and warned them to keep inside. Many of the Halalkhores had been injured, yet in excitement their chief desire was to come forth and take a greater part in the fray. Having looked at those injured, I warned the Halalkhores not to leave the open space between their dwellings. We passed up through Kamathipura, where there were still bands of rioters in the street and we saw the destruction that had been wrought to dwellings and property. Near our stables in Kamathipura we met Inspectors Hallums and Powell. Inspector Powell had defended his stables and he kept back rioters who had tried to enter them. We found nearly 200 carts of C and B Wards, collected around Kamathipura stables for protection. Many of the drivers had been injured. Our first care was to encourage and give heart to the cart drivers and persuade them to drive back the carts through Kamathipura. It was not easy to persuade them, for we had to pass by the Two Tanks—the scene of much strife later in the evening where the rioters had to be fired on. Just before this, the Commissioner of Police—Mr. Vincent—and Mr. Acworth passed me. We took the carts down Duncan Road back to the stables in Null Bazaar. The drivers really acted well, considering the panic and the apprehensions which they not unnaturally felt. The Halalkhors would have fared worse than the Mahars, for they were the only people beaten by both—Muslim and Hindu. As one Halalkhor said he was beaten by Hindoos because he had a long beard, and he was beaten by Mussulman because he was dressed like a Hindu. Immediately after taking the carts by the Two Tanks back to the stables, we hastened to the scene of a conflagration in Byculla, and on the way we heard that our milch cattle stable had been set on fire. We found the stable on fire, but the fire was quickly extinguished. The next day the night branch cart drivers, over 200 in number most of whom are Mussulman, were besieged in the night branch stables in Kamathipura. Inspector Hallums with his staff held the stable during the night and part of the day until Military aid came.*

82 deaths were registered as having been caused by violence through the riots. That other deaths were caused through

* See Annual Report for 1893-94, also Corporation proceedings dated 7th and 11th September 1893, and 1st February 1894.

distress or apprehension, there can be little doubt. This is to be expected when—security and comfort and ease cease to be in a large city. Foolish rumours were circulated as to the number of the dead. The people who believed such rumours were not where disorder and turmoil lasted in the streets. They were safe in their homes or in distant places. To all who were in the midst of the disorder it is known that the difficulty was not to obtain information of the dead, but to remove the dead. The people in the district where disorder kept riot could not be persuaded to remove their dead—even the dead from natural causes. Dead bodies remained unburied for days. Dr. Weir writes.—“I will give one rumour which I was questioned about after the riots; I was asked, if the Health Department had not removed dead bodies in carts—in refuse carts—and hidden the bodies underneath the cultivation of the Flats. It is incredible that such a foolish rumour should be believed, but foolish though the rumour was, it was believed.”

The question of provisioning the troops out of the Municipal Fund was considered by the Corporation in 1893 when on the 11th September of that year they passed the following resolution.

Proposed by the Hon'ble Mr. Pherozeshah M. Mehta,
No. 5499. seconded by the Hon'ble Mr. Javerilal U.
Yajnik—

<p>“That, with reference to the letters as per margin, the</p> <p>No. 10431, dated 21st August 1893.</p> <p>„ 10504, do. do.</p> <p>„ 11016-A, do. 28th do.</p> <p>„ 11529, do. 2nd Sept. 1893.</p> <p>„ 11800, do. 7th do.</p>	<p>Corporation, while fully appreciating the motives which prompted the action of the Municipal Commissioner, consider—</p>
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“1. That the objects for which the payments were ordered to be made by him are not within the purview of the authority vested in the Commissioner by section 64 (3) (c) of the Municipal Act.

“2. That the question of provisioning the troops from the 12th to the 17th August last, conveying them and erecting shelter sheds, as in the letters mentioned, appertained to the responsible officers in charge of the troops.”

The Plague riot took place in connection with the Plague measures of 1896. Details of which will be found at pages 195 to 197 of this book.

LIQUOR LICENSES.

The question of Liquor License fees is explained in the following communication to Government.

No. 9863.

MUNICIPAL CORPORATION OFFICE,

BOMBAY, 18th December 1899.

FROM THE HON'BLE Mr. IBRAHIM RAHIMTULLA,

President, Municipal Corporation, Bombay.

TO THE SECRETARY TO GOVERNMENT,

General Department.

SIR,—I have the honour, by desire of the Municipal Corporation of Bombay, to address to Government the following respectful representation regarding the justice of restoring to the Corporation the full revenue realized from liquor license fees and compensating them for the heavy losses suffered by the inadequacy of the compensation fixed by Section 63 of Act V of 1878.

2. To show that license fees for liquor-shops have from the beginning of the establishment of a regular Municipality in Bombay been admitted as an item of Municipal revenue, reference may be made to Act XI of 1845, which made the Justices of the Peace into a regular Municipal Corporation, established a Board of Conservancy as an executive body, and provided a regular Municipal Fund. One of the items which made up this Fund was "License fees" from liquor-shops. In Section 7 of the Act this item is described as follows:—

"All sums of money which shall be collected under Act No. V of 1842 on the granting of any licenses for the sale of spirituous or other liquors within the town and island of Bombay and Colaba, after payment thereof of the expenses of such office establishment and of such expenses incidental thereto as may be fixed and approved by the Governor in Council of Bombay."

3. Act V of 1842 was repealed by Act IX of 1867, Section 14 of which enacted as follows:—

"All money realized, collected or obtained by the issue of licenses, or by forfeitures, or by imposition or infliction of fines and penalties under this Act, shall be carried to the credit of the Municipal Fund of the City of Bombay for Municipal purposes."

4. Thus, from 1845 to 1878, up to which year Act IX of 1867 was law, the Municipal revenues had the benefit of all moneys collected on the granting of liquor licenses. Act IX of 1867 was repealed by Act V of 1878. When the latter Act in the form of a

Bill was before the Legislative Council, the Corporation, fearing the loss of revenue from liquor license fees, addressed a representation to Government for the grant of "adequate compensation" (Colonel Hancock's letter, No. 1590, dated the 7th December 1877, to Mr. Chief Secretary Ravenscroft), the following quotation from which will not be inapt:—

"Having regard to the last sentence in para. I of Government Resolution

"The Municipal Commissioner may be informed that Government are not aware that the Municipality will in any way be deprived of income to which it is equitably and legally entitled by the mere assimilation of the year for which the retail licenses in Bombay are to run to that for which licences are granted by the Collector of Bombay to toddy drawers and distillers, the object of the change of system merely being to make the revenue year commencing on the 1st August applicable to both. The proportion of fees due for the five months from the 1st August next will, when paid, of course, be credited to the Municipality as usual, if in the meanwhile such a change of system should not be introduced as to entitle it to compensation in another form."

No. 7472 (Revenue Department), dated 19th December 1876, it may appear unnecessary for me to trouble Government with any lengthened arguments in support of the claim of the Municipality to this source of revenue, but I may men-

tion that the revenue from the granting of liquor licenses has belonged to the Municipality for a period of certainly more than thirty years past, it being one of the sources of income expressly transferred to them under the provisions of Act XI of 1845. This Act extended the powers of Her Majesty's Justices of the Peace and delegated to them certain functions theretofore performed by Government itself, such as repairing, cleansing, draining and lighting the public roads, streets, bridges, tanks, market places, and other public places of a like kind, and by Section 2 the Justices were required to contribute Rs. 45,000 annually towards the cost of the Police, to maintain establishments provided for under the Act and so forth. I may further remark that, as pointed out on a previous occasion by Mr. Pedder, the late Commissioner, this is a tax, not directly on liquor, but on the monopoly value of liquor shops arising from the limitation of their numbers for Police purposes and which therefore would seem justly and equitably to belong to the revenue from which the cost of the Police force is defrayed. The tax forms no part of the general Abkari system, and it is in reality a Municipal tax levied on liquors consumed by the population within Municipal limits distinct from, and in addition to, the Imperial Excise or Custom duties levied from the inhabitants of the City in the form of Customs and Abkari."

5. It appears that on receipt of the above letter Government addressed the Municipal Commissioner, asking for a return showing the income for the previous 20 years from license-fees, &c., and inquiring under what circumstances the income was granted to the Municipality, and the grounds, if any, on which the Corporation would claim compensation. Mr. Ravenscroft, then Commissioner, in furnishing to Government certain statements which showed that the receipts from license fees from the wholesale and retail vendors of spirits and the fees for shop licenses for the sale

1864	Ra.	68,211	12	6
1865	"	76,722	13	8
1866	"	1,10,223	11	9
1867	"	1,06,572	3	9
1868	"	1,20,566	0	0
1869	"	2,49,077	1	5
1870	"	1,23,691	12	0
1871	"	1,15,169	15	10
1872	"	59,914	0	0
1873	"	2,70,073	10	4
1874	"	1,24,507	2	10
1875	"	1,58,980	1	0
1876	"	1,41,724	9	0

Rs. 17,34,484 14 1

of toddy for the 13 years ending 1876 were as given in the margin,* stated, in answer to the enquiry as to the grounds for claiming compensation, that in the absence of evidence to the contrary, he did not think that "Government either would or could appropriate this source of Municipal revenue without paying a fair compensation to the Municipality." The result of the correspondence was the insertion in Act V of 1878 of Section 63

which runs as follows, and is the existing law on the subject:—

"Whereas it was provided by Section 14 of Bombay Act IX of 1867 * that all money realized, collected or obtained by the issue of licenses, or by forfeitures or by imposition or infliction of fines and penalties under the said Act should be carried to the credit of the Municipal Fund of the City of Bombay for Municipal purposes, it is hereby enacted that in lieu of the money hitherto so received by the Municipal Corporation of the City of Bombay, a fixed sum of Rs. 1,48,750 shall, from and after the 1st day of August 1878, be annually paid by Government to the said Corporation for the said purposes."

The sum of Rs. 1,48,750 appears to have been fixed on an average of the net revenues derived by the Municipality in the ten years ending with 1876.

6. The Section was not passed without an emphatic protest on behalf of the Municipality in the Legislative Council. The Hon'ble Mr. Sorabjee Shapurjee Bengalee (an ex-member of the Municipal Corporation) expressed dissatisfaction at the amount of compensation fixed by Government in the following words:—

"I think it would have been advisable that the opinion of the Corporation should have been asked. I cannot see that the plan adopted by the honourable mover of taking the aggregate figures of ten years is quite correct. The rate

* Bombay Act IX of 1867 was repealed by Act V of 1878.

of fees during ten years has varied very much, and the aggregate amount per year has also varied—I mean it has increased steadily. When we find that the receipts from liquor licenses and fines have been steadily increasing, I cannot see that it is quite fair that this calculation should be based on an average of ten years. The proper plan would be to take the revenue of last year and add something for prospective increases. I do not think it is right to fix the sum to be paid by Government in future at anything less than the receipts of last year. That is my objection to the amendment."

7. The protest was ineffectual, and the section was passed. That in passing it the Government of the time had not given the least consideration to the rights of the Corporation is evidenced by the reply of the Hon'ble Mr. Ashburner to the Hon'ble Mr. Bengalee, which was in effect that though the revenue was granted to the Municipality, its amount depended on the pleasure of Government, who could at will raise or lower the license fees. His reply, it will be seen, does not attempt to justify in any way the appropriation by Government of any additional receipts from an expansion of the revenue.

8. Such is the legislative history of Section 63 of Act V of 1878. I beg leave now to give a brief resume of the attempts made by the Corporation from time to time to obtain a revision of the arrangement, legalized by Act V of 1878.

9. In 1883, in connection with the local self Government scheme then under consideration, the Government of India expressed the opinion that Municipalities should be relieved of the burden of bearing the cost of the Police since they exercised no control over the force and could not therefore be expected to take any special interest in the efficiency of the force or to look with sympathy on a provision of the law which treated them as a machinery for raising taxes to be spent on a Department over which they had no control. The Government of Bombay thereupon (in Mr. Nugent's letter No. 795, dated the 26th February 1883) proposed to relieve the Bombay Municipality of the Police charges if the Municipality would either take over equivalent burdens devolving on the provincial revenues or give up equivalent items of Municipal revenue. The annual fixed payment of Rs. 1,43,750, under Section 63 of Act V of 1878, was one of the items of revenue which it was suggested the Municipality might give up. The Chairman of the Corporation, in replying to Government, stated as follows :—

" In 1878, Government deprived the Municipality of the right of collecting and receiving Liquor License Fees in the City of Bombay—a right which was guaranteed by Law, and enjoyed by the Corporation for many years. For this source of revenue, which had been steadily increasing for many years, Government granted inadequate compensation to the Municipality by striking an average of

the income realized in seven years up to 1878. This fixed compensation amounts to Rs. 1,43,750 per annum, whereas the average of collections for 3 years up to 1876 amounted to Rs. 1,63,706, and the average of three subsequent years amounted to Rs. 2,02,246-12-0. Some idea of the loss sustained by the Corporation will be formed from the fact that Government realized a profit of Rs. 1,73,242-8-0 in three years ending 1881, or more than Rs. 2,50,000 up to last year.

"Having regard to the inadequacy of the amount of compensation paid to the Municipality under the terms of Section 63 of Bombay Act V of 1878, in lieu of the receipts from the Liquor License Fees enjoyed by the Municipality up to 1878, the Corporation are respectfully of opinion that, in making the adjustment of charges between Government and the Municipality in regard to the new scheme generally, due regard should be had to the heavy loss of revenue suffered by the Corporation consequent on the operation of the said Act, and they therefore beg to ask Government to move the Bombay Legislative Council to sanction such amendments in the said Acts as will ensure to the Municipality the full amount of the revenue realizable from the sale of Liquor Licenses in the City of Bombay, and from the levy of fines and penalties in connection thereto for Municipal purposes, and to vest the entire management and regulation of the Liquor License Department in the Municipal Corporation."

10. To this Government replied that they were not then prepared to express any opinion regarding the proposal to transfer to the Municipality the control of the issue of Liquor Licenses.

11. In writing again to Government on behalf of the Corporation the Chairman recurred to the subject and expressed the hope that, in the final arrangements to be made, Government would be pleased to take such steps as they might think fit for the amendment of Section 63 of Act V of 1878 so as to allow the full control of Liquor Licenses being given to the Municipality and the full proceeds from those licenses being credited to the Municipal Fund—an amendment which, it was pointed out, would be of substantial benefit to the Corporation, having regard to the fact that in 1883-84 the actual receipts by Government were Rupees 35,978 more than the amount paid over to the Municipality.

12. This representation again met with a refusal. The Governor in Council "as at present advised" was not disposed to consider that the Corporation had a right to insist upon an increase in the amount of compensation. It was added, however, that a Bill for the amendment of Act V of 1878 was under consideration and that when that Bill was introduced into the Legislative Council, the Corporation would have every opportunity of giving expression to their views on the subject.

13. This promised opportunity unfortunately never came. No Bill to amend Act V of 1878 appears yet to have reached the Legislative Council, and the Corporation have continued to receive year after year a compensation in no way commensurate to the heavy loss inflicted on them by the enactment of Section 69.

14. The Corporation memorialized Government again in 1890. It was pointed out that whilst the revenue to Government from Liquor Licenses was nearly 3 lakhs a year, Government paid the Corporation less than half that sum, and Government were asked on the following among other grounds to make such equitable alteration of the law as would enable them to concede to the Municipality a yearly sum which would fairly represent the average revenue derived :—

“(1) That consequent on the action of the Government of India in reducing the duration of the Tansa Water Works Loan and all future loans from 60 to 40 years, half a lakh per annum more than was originally agreed to has to be provided for the Sinking Fund of the Tansa Loan and about one half per cent. for the Sinking Fund charges of all future loans.

“(2) That the Town Duty on Petroleum, which was estimated to yield one lakh of rupees, was abolished as a Municipal duty from 1st April 1889.

“(3) That there is a probability of the Municipality being called upon at no distant date to make a large contribution towards additional Police Charges.

“(4) That the drainage, street improvements, market extensions and further improvements of the City are expected to involve a large outlay to the Municipality.

“(5) That the loss to the Municipality from 1878 to end of last year has been nearly 1½ lakhs and will in future involve a loss of more than 11½ lakhs a year.”

To this pressing appeal the answer of Government was that they saw no reason for increasing the compensation fixed by law.

15. The Controversy with Government on the Police charges was renewed in connection with a proposed increase to the force, and the inadequacy of the compensation for liquor license fees was again represented as follows in the Corporation's Memorial to the Government of India, dated the 6th August 1891 :—

“The inequality and injustice of the treatment under which the ratepayers of this City have laboured ever since 1865 has been much aggravated by the arbitrary manner in which the Bombay Government have deprived them of the full proceeds of one of their local sources of revenue, viz., fees for liquor licenses. These fees were a source of Municipal revenue, certainly as far back as 1845 and probably for more than 30 years earlier. But in 1878,

Government passed a Local Act, by a provision in which they ostensibly proposed to give a lump sum as fairly representing the amount of the revenue by taking an average of the seven previous years. In reality, they confiscated a great portion of it. * * * How detrimental to the Corporation this appropriation of an ancient source of revenue on such terms has been may be seen from the following figures extracted from the Bombay Presidency Administration Report:—

Revenue derived from Liquor License Fees by Government.

					Rs.
1878-79	...	...	...	...	1,51,500
1879-80	...	...	...	...	2,16,595
1880-81	...	...	...	...	2,33,797
1881-82	...	...	...	...	2,25,000
1882-83	...	...	...	...	2,25,064
1883-84	...	...	...	...	2,56,000
1884-85	...	...	...	...	2,63,230
1885-86	...	...	...	...	2,55,192
1886-87	...	...	...	...	2,97,801
1887-88	...	...	...	...	2,92,844
1888-89	...	...	...	...	2,92,559
1889-90	...	...	...	..	3,01,838

Rs. 30,11,420 "

The Corporation has more than once appealed to Government, notably in 1884, for redress in respect of so grievous an injustice. The only reply they have ever obtained from Government was to the effect that 'as regards the proposed amendment of Section 63 of Bombay Act V of 1878, the Governor in Council, as at present advised, is not disposed to consider that the Corporation have a right to insist upon an increase in the amount of compensation for the loss of liquor licenses provided in that section. A Bill for the amendment of Bombay Act V of 1878 is, however, at the present moment under the consideration of His Excellency the Governor in Council, and when that Bill is introduced into the Legislative Council the Corporation will have every opportunity of expressing their views on the subject.' That opportunity has, however, never come.

16. Not succeeding with the Government of India either as to the Police charges, the Corporation appealed to Her Majesty's Secretary of State for India in Council and their memorial of 22nd October 1892 referred to Liquor License Fees in the following terms:—

"The Liquor License Fees are a purely local source of revenue. They are in fact a shop tax, levied because a limitation of the number of liquor-shops is required in the interests of the safety and order of the community. That limitation gives the shops which are permitted to exist a

monopoly value and the tax is or ought to be the measure of that value. These Liquor License Fees are a very ancient source of local revenue. They probably existed as such from 1812, certainly from 1845. In 1878 Government under the Abkari Act of that year appropriated them, assigning to the Corporation an annual payment in lieu thereof of Rs. 1,43,750. The yield of the fees has ever since 1878 exceeded this amount and is now more than double. The exact facts and figures are set forth in paragraphs 9 and 10 of the Memorial to the Government of India, dated 6th August 1891. Government say in their letter, No. 4520 of 24th August 1891, to the Government of India, paragraph 8, that they 'see no advantage in going behind the final decision of the Legislature.' To be sure it would not be to the advantage of Government to go behind it, but it would be very greatly to your memorialists' advantage, and considering that the 'final decision of the legislature' is the very thing of which they complain, and considering also that hopes of an opportunity for redress have been held out to them by Government (*vide* concluding part of paragraph 9 of Memorial to Government of India) they humbly trust Your Lordship will institute an inquiry on the subject, and if the facts which your memorialists state are established, that justice may be done to them in the matter."

17. The Secretary of State's reply to the Memorial was that his Lordship was unable to admit the validity of the grounds on which the Corporation claimed to be relieved of *all pecuniary* liability for the City Police. It gave no decision with regard to the Liquor License Fees.

18. In 1891, while the controversy on the subject of Police charges was preceeding, the Corporation had also occasion to address Government on the subject of the cost of primary education and the opportunity was not omitted to again press their long standing grievance in regard to Liquor License Revenue on the attention of Government. For instance, in Mr. President Murzban's letter No. 13111, dated the 14th March 1891, it was urged that if primary education was to be made a local charge, the Corporation should be relieved of all but local burdens and should be reinstated in possession of all local revenues. "In that case the Corporation would ask Government to free them from the cost of the Police and make over to them the full revenues of the liquor and tobacco licenses with the heavy arrears which they have so often claimed in vain from Government." The reply of Government to that letter made no reference to Liquor License Revenue.

19. From the above account, it will be seen by H. E. the Governor in Council that the Corporation has, in the score of years which have elapsed since Act V of 1878 became

law, lost no opportunity of seeking redress for what they genuinely believe to be a serious injustice perpetrated by Section 63 of that enactment. In their Resolution No. 7472, dated the 19th December 1876 (Revenue Department) Government themselves admitted that the revenue from liquor license fees was an income to which this Municipality was equitably and legally entitled, and an assurance was conveyed that this income would not be taken away. This assurance the Government of the time did not fully observe, and the Municipality was deprived of the benefit of all expansion of the revenue that could, in the course of years, have been looked for—to which also it was equitably, and, before the law was altered, legally entitled. As a matter of fact this revenue has very considerably grown since 1878, and the Municipality has lost and continues to lose a large sum annually in the difference between the compensation fixed by Act V of 1878, and the actual sums realized from year to year. The Governor in Council in the course of all the correspondence that has taken place on the subject has, I am asked respectfully to point out, never favoured the Corporation with any explanations, reasons or arguments in justification of the deprivation. So far as the Corporation can judge Government appear never to have given any serious consideration to the merits of their complaint. I am therefore desired to once more press the matter most earnestly on the attention of his Excellency in Council and invite a reconsideration of the representations from time to time made and the arguments advanced in them, and to request that Government may be pleased to take account of, and recoup to the Municipality, the whole of the loss inflicted on it by the inadequate compensation fixed in 1878, and also take the necessary steps for securing to them the full revenues which may be realized in future.

I have the honour to be,

Sir,

Your most obedient servant,
IBRAHIM RAHIMTULA,

President, Bombay Municipal Corporation.

The following was the reply :—

To the President, from the Secretary to Government, Revenue Department, No. 4150, dated the 2nd July 1900 :—

“ I am directed to acknowledge the receipt of your letter No. 9863, dated 18th December 1899, to the address of the Secretary to Government, General Department, containing a representation regarding the justice of restoring to the Bombay Municipal Corporation the full revenue realized from liquor license fees in the City of Bombay, and compensating them for the heavy losses suffered by the inadequacy of the compensation fixed by Section 63 of the Abkari Act, V of 1878.

" 2. In their present application the Bombay Municipality, after mentioning that similar applications have been made to Government in the past, represent that Government have never favoured the Corporation with any explanation, reasons or arguments in justification of their action in depriving the Municipality of the revenue from liquor shop licenses, and in granting as compensation for that revenue a subsidy which the Corporation has never regarded as adequate. The Corporation, however, appear to the Governor in Council to appreciate somewhat imperfectly the consequences of the fact that the revenue in question was transferred to the Imperial exchequer by operation of law, and that the amount of the annual subsidy had been finally fixed by the Legislature when converting the excise revenues in question from a Municipal into an Imperial asset. The attention of the Municipality has already been drawn to the law, and Government have informed the Corporation that the settlement was final, and have expressed their inability to re-open former accounts. No further answer to the complaints of the Corporation seemed to be required. There appeared to be no necessity for Government to argue from first principles whether the action of the Legislature of 1878 was proper or improper. In deference, however, to the evident wish of the Corporation, I am directed to indicate briefly the principles upon which the subsidy was fixed by Government and the Legislature, and the views of the Governor in Council regarding the argument urged in the letter under reply.

" 3. That argument appears to be that because revenues from liquor license fees have increased since the time when those receipts, which were previously credited to the Municipal Fund, were commuted in return for an annual subsidy, therefore the amount of the subsidy should be increased. In relying on this argument the Municipality overlook the fact that the settlement of 1879 was intended to be final, and that indeed, finality is and must necessarily be regarded as an essential feature of any settlement of this nature. The fact that revenue has increased since the time of the settlement would in any case have been irrelevant in considering the fairness of the settlement, but the irrelevancy is in the present case accentuated by the fact that the increase of revenue since the time of the settlement has been obtained under a new system of excise administration.

" 4. If the commutation made by Bombay Act V of 1879 of Municipal receipts from liquor shop licenses in return for an annual subsidy had been made with the consent of the Municipality, it is improbable that doubts regarding its fairness would have subsequently been expressed. But though the consent of the Municipality was not asked for or obtained to the Legislation in question, it cannot be disputed that the Legislature has the right to revise from time to time a Municipal schedule of taxation, and declare which items of revenue shall thereafter be regarded as Imperial and which as Local assets. The Legisla-

ture of 1879, in converting a Municipal asset into an asset of excise revenue, was not overstepping its province, and in point of fact, there was no obligation to give any compensation whatever. Compensation was given as an act of grace, and in fixing it, the problem before the Legislature was to determine on the materials then available what amount of compensation would be adequate to recompense the Corporation for the revenue which they had been receiving up to that time, and under the existing system of administration. The Legislature did not attempt to determine, nor in the opinion of Government was it their business to determine, what additional revenue might perhaps afterwards have accrued under a new system of administration.

" 5. The above explanation of the views of Government has been given in deference, as above stated, to the wishes of the Corporation, and not with the view of provoking further controversy or discussion regarding a settlement which was sanctioned nearly twenty-two years ago, which was adopted by and embodied in an Act, of the Legislature, and which was intended then to be, and must now in the opinion of the Governor in Council be, regarded as final."

This letter was recorded and the consideration thereof postponed *sine die*.

OF HIS ROYAL HIGHNESS, THE
PRINCE OF WALES (NOW KING
OF ENGLAND) TO BOMBAY.

On the 8th November 1875, His Royal Highness, the Prince of Wales (now King of England) arrived in Bombay. The whole City was *En fete*. The address of the Corporation was read by Mr. Dossabhoy Framji. On the 9th November, the anniversary of H. M.'s birthday there was a general and most beautiful illumination of the City. A levee was also held at the Secretariat. There was a school children's treat, Ball at the Byculla Club and numerous other festivities at which His Majesty was present.

REMOVAL OF WATER FROM PUBLIC

In the year 1890, the Corporation considered letter No. 8257 dated 21st May 1890, from the Municipal Commissioner requesting sanction to the levy of fees for permission to remove water from public wells. The following was the opinion of the Municipal Solicitors thereon :—

Letter, dated 7th May 1890, to H. A. Acworth, Esq., C. S., Commissioner as under :—

SIR,—We have the honor to acknowledge the receipt of your letter No. 2101 of the 5th May, in reference to a fee being charged for the right to remove water from dipping wells by Bhisties in masakhs, and to the ruling of the President, upon Mr. Charles' proposal to settle a scale of fees in respect of written permission under section 269 (3). No papers were received with your letter. Section 171, which provides that no tax or charge of any kind shall be levied or demanded for the use of water in or from any drinking fountains, &c., expressly provides that the use of the water shall be limited as prescribed in sub-section 3 of Section 269, after providing the purpose for which only water shall be carried away for "private use and not for sale" makes provision under certain restrictions for its being carried away (presumably otherwise than for private use) in a cask, cart, pakhal, or masakh, viz., with the "written permission" of the Commissioner. It must be presumed that the Legislature were aware when they passed section 171 and 269 (3) that by section 479 (2) a fee might be charged for every "written permission" at such rate as should from time to time be fixed by the Commissioner with the sanction of the Corporation, nor is this inconsistent with section 171 which relates to a *tax for the use of Water* for private purposes, whereas section 479 relates to a fee payable for obtaining a special privilege.

For the reasons above stated we are of opinion that the ruling of the President referred to, in your letter under reply, cannot be sustained.—

We have, &c., CRAWFORD, BURDER & Co.

The fees proposed to be levied were Rs. 2 per masakh per mensem, Rs. 3 per Bullock with pakhals and Rs. 10 per cart. On the motion of the Hon'ble Mr. R. M. Sayani the proposal was negatived.

LICENSE FOR STORAGE OF SPIRITS.

The Government of Bombay under their Resolution No. 8469, General Department dated 30th August 1890 decided that it was undesirable for reasons explained to levy a fee by the Municipality for permission to store spirits.

SECURITIES FURNISHED BY MUNICIPAL EMPLOYEES.

A list of securities to be furnished by Municipal employes will be found in the proceedings of the Corporation of 15th June 1891.

ADULTERATION OF DRUGS, FOOD AND DRINK.

The Committee of the Corporation reported on 20th December 1900, on the subject of adulteration of drugs, food and drink in the City. The suggestions made therein were referred to the Municipal Commissioner for report.*

HYDROPHOBIA.

On 18th June 1900, the Corporation considered the following Letter from the Under-Secretary to Government, in the Judicial Department, No. 317-M., dated the 14th May 1900 :—

“I am directed to acknowledge the receipt of your letter, No. 1153, dated the 28th April 1900, on the subject of legislating with a view to protect the public from the danger of dog bites, and in reply to state that the matter is now engaging the attention of Government in connection with the proposed amendment of the Police law applicable to the Town and Island of Bombay.

“2. I am to add that the preparation of the draft Bill to amend the Bombay City Police Act will be pushed forward with the least possible delay.”

The letter was recorded.

PASTEUR INSTITUTE OF INDIA.

On 6th December 1900, the Corporation on the motion of the Hon'ble Mr. P. M. Mehta, C. I. E., passed the following resolution :—

“That in reply to his letter dated 26th October 1900, applying for an annual subscription, the Honorary Secretary, Pasteur Institute of India, be informed that the Corporation are unable to comply with the request.”

* See Corporation record for 15th February 1901.

THE MUNICIPAL ELECTION.

OPINION OF COUNSEL.

The Corporation having asked for the opinion of Counsel, on the question as to whether the vacancies caused by the setting aside of the elections of Dr. Viegas and Rao Bahadur V. K. Vandekar may be filled before the "new" Council comes into office on the 1st April, or whether the appointments must be made thereafter, Mr. J. D. Inverarity and Mr. Basil Scott jointly submitted the following opinion:—

"We are of opinion that the vacancies, if they are to be filled up by the Corporation, must be filled up within 15 days after receipt of the Commissioner's letter of the 13th day of March 1901 in default thereof a fresh election must be held. The Corporation will have no power to fill up the vacancies after the first April as the 15 days will have elapsed. We are of opinion that he would have been wrong if he had not given information without delay, and we think the Commissioner would have been wrong to wait till the 1st April before he gave information. The Municipal Secretary would have been quite wrong if he had treated the information as information to be acted on by the Corporation after the 1st April. We differ from the opinion of Mr. James Jardine. We have carefully considered the arguments of the supporters of the opposite view to the one we take as reported in the newspaper report furnished to us—and we think that the view and the arguments in support of it are based on the fallacy that there is a Corporation which ceases to exist, and a new Corporation which comes into existence on the 1st April,—a fallacy which is repeated in the form of the questions which are put to us. The truth is that there is no new Corporation, and no old one. The Corporation after the 1st April will be the same legal "persona" as exists now. There is no break whatever in its existence. The Councillors who composed the Corporation, no doubt, will not be the same body of individuals after the 1st April as they were before, but that fact does not cause any change in the legal body "the Municipal Corporation of the City of Bombay" to whom the right of filling these vacancies is entrusted by Section 34. Bearing this in mind the Commissioner's duty is to "without delay" inform the Corporation of the circumstances; he has nothing to do with the question of what individuals that body is composed of. Having performed his duty, the Corporation has 15 days in which to fill up the vacancies, and provided the 15 days had not elapsed they could fill up the vacancies after 1st April if they had not been filled up before that date; *e. g.*, suppose the Commissioner gave information on 28th March and the Corporation had not filled up the vacancies by the 1st April, it

would be open to the Corporation to fill them up after that date within 15 days from the date of receipt of the information.

The words "the Corporation so far as it may be constituted" in Section 84, in our opinion do not support the contention opposed to our view. They are introduced merely to avoid any argument arising on Section 5 of the Act to the effect that unless there are 72 Councillors, there is no properly constituted Corporation; one of such cases would be where no Councillor is elected to fill a casual vacancy. The argument based on these words is that they show that the Corporation means the incomplete Corporation (because there will not be 72 Councillors) which comes into existence on the 1st April. Now if a Councillor had died on the 12th March, then, according to the argument, the letter of the 13th March of the Commissioner would have been addressed to an incomplete Corporation, and the words of the Act would have been satisfied. In our opinion the words quoted merely mean "whether the whole 72 Councillors are in existence or not." The Corporation exists whether the full number of Councillors are there or not—there is no such thing as a new Corporation or an incomplete Corporation. The same Corporation which is in existence now will be in existence after the 1st April, whether there are vacancies among the Councillors or not, and whether the individual Councillors remain the same or change. To that Corporation the Commissioner has to give information "without delay," and any action taken on such information must be taken if at all, within 15 days of its receipt. As regards the argument that a Councillor unseated for some personal malpractice would be able to vote for himself—we think that the legislature probably thought that this would not be a matter of any practical importance as the other 71 Councillors would no doubt vote against him. We have no doubt whatever on any of the points involved in the questions which have been put to us. They seem to us to be unarguable once you get rid of the idea that a new Corporation comes into being on the 1st April."

On the 7th March 1901, Mr. C. W. Chitty, Chief Judge of the Small Causes Court, delivered judgment in the case in which Mr. Karamali Pirbhoy, one of the unsuccessful candidates for the ratepayers elections of the Mandvi Ward, had petitioned for an order to set aside the election of Dr. Accacio G. Viegas and Rao Bahadur Vithalrao Krishnaji Vaudekar, on the ground of personation and corrupt practices.

In a lengthy judgment Mr. Chitty set aside the election of both the gentlemen.*

* For the full text of the judgment, see *Bombay Gazette* dated 8th March 1901.

The Commissioner forwarded for the information of the Corporation a copy of the orders passed by the Acting Chief Judge of the Small Causes Court in the Election appeal filed by Mr. Karmali Peerbhoy against Mr. Abdul Karim Noor Mahomed Sulleman. In the circumstance the Commissioner stated that it was for the Corporation to take such action as they might deem necessary under section 84 of the Act.

The Hon'ble Mr. Mehta in reference to this matter said he would follow the procedure which the Corporation followed on the former occasion so that all parties might have their views represented. He therefore moved that the letter be recorded and the Corporation do proceed to make an appointment under section 84, clause 2 of the Municipal Act. That would in the first place enable the Corporation to decide whether they would proceed with the election or not. On this occasion he contended there could be no two opinions as to the desirability and the propriety of the Corporation proceeding to make the election themselves. He reviewed the history of the case arising out of the general election when on appeal to the small Causes Court two candidates were unseated for misconduct by their agents. When the matter came to the Corporation they practically sent back the candidates to the Mandvi rate-payers as an exceptional and special case. Unfortunately after the contest there was the same resort to the Small Causes Court. He was very glad to know that Dr. Viegas had succeeded in passing, but another gentleman had been unseated because his agent was guilty of misconduct. There could be no difference of opinion that in these circumstances the duty imposed upon the Corporation by the Legislature must be discharged. It would be extraordinary if they were to send men back to the electorate again and again. He understood that some electors of Mandvi Ward had signed a petition asking the Corporation not to discharge the function which had been given them but to return the matter to them. With every respect to the gentlemen who had ventured to sign the petition all he could say was that they at least had no right to ask the Corporation to do anything of the sort. The electors had the opportunity which the Legislature gave them and a second time they had the opportunity and they asked for the third chance. He supposed they would come a fourth time and they might have another petition signed by ratepayers. He did not suppose there had been a meeting of the ratepayers, somebody had written the petition and whoever had written it must have signed it. It was not for the electors of the Mandvi Ward to tell the Corporation to send the matter back to them.

Sir Bhalchandra Krishna seconded the motion.

After discussion the motion was carried by 30 votes against 21 votes.*

The election was proceeded with. There were two candidates *viz.* Professor Muller and Mr. Vandekar. The latter was elected.*

* See Corporation Record for 1900-01.

SPEECHES AT MEETINGS.

At a Corporation meeting held on 19th August 1901, Mr. Kazi Kabiruddin moved: "That no Councillor shall speak for more than ten minutes on the original motion or for more than five minutes on an amendment. That the movers and seconders of the original motion be excepted from the operation of this rule." Mr. Kazi in support of his motion said that the London County Council had got such rules in their bye laws and the Bombay Corporation should also adopt some such rules to expedite their work. They had not yet finished the July Agenda. The single question which they discussed last month, would justify the necessity of such rules being adopted.

Mr. S. D. Khole seconded the motion.

Mr. Aitken said he quite agreed with the mover in giving unlimited time to the proposers, but he did not know why the seconders should be allowed the same privilege.

Mr. Jehanghir B. Petit moved an amendment that in the second line after the word "speak" in the original motion the following words be added:—"except by leave of the majority of the members present."

The amendment not being seconded, fell through.

Mr. Hassambhoy Vigram supported the proposition which, he said, would stop many childish speakers (laughter).

Mr. P. M. Mehta, who opposed the motion, said he hoped Mr. Kazi would exercise common sense. It was unsafe to move a resolution of that sort in view of a recent single instance. Mr. Mehta's experience of the Corporation was that it was a more practical and sober body than any other body of equal importance in the world (Hear, hear). It was said that the Corporation had been talking much and doing no work, but he entirely disagreed with such opinion. On the whole the Corporation was doing much practical work in as short a time as possible. He hoped that Mr. Kazi would see his way to withdraw the motion.

With the permission of the meeting, Mr. Kazi withdrew his motion.

THE TRAINING OF SANITARY SURVEYORS.

A Government resolution in the educational department, dated Bombay Castle, 27th November 1901, notifies that a Class will meet in Bombay early in January next for instruction under the Executive Health Officer, Bombay Municipality, in practical and theoretical sanitation. The class will consist of 12 men, 8 of whom shall have passed the L. C. E. Examination from the College of Science, Poona, and 4 the L. M. & S. Examination from the Grant Medical College, Bombay. The fees for tuition of all the candidate will be paid by Government.

The course of instruction will last for 6 months and will terminate with an examination to be held by the Health Department, Bombay. A diploma in Sanitary Science will be granted to successful candidates in this Examination. For all purposes of instruction and discipline students in the class will be directly under the authority of the Executive Health Officer, Bombay Municipality.

Stipends.—During the course Government will grant stipends of Rs. 25 per mensem to 6 of the students of the class, 4 of these stipends being granted, to L. C. E. and 2 to L. M. & S. candidates. The payment of these stipends will be conditional on satisfactory progress in the course.

Examination Fees.—Each candidate will be required to pay an examination fee of Rs. 25 before being permitted to appear at the final examination.

Selection of candidates will rest with the Principals of the Grant Medical College for L. M. & S. candidates and College of Science, Poona, for L. C. E. candidates subject to the approval of the Surgeon-General and the Director of Public Instruction, respectively. Application for permission to attend the class should be made to the Principals of the Colleges concerned on or before 10th December. The actual date on which the class will meet will then be notified to selected candidates.

The following statement shows the number of buildings rebuilt on sites previously built upon :—

Wards,	No. of buildings rebuilt on sites previously built upon since the passing of the Municipal Act of 1888 till 1899.	No. of buildings in respect of which all or any of the provisions of Section 348 of the Municipal Act could not be enforced.
A	26	18
B	118	47
C	209	103
D	190	58
E	146	95
F	49	49
G	78	10

MARKETS.

On the 5th May 1809, Government gave up the Green Market to the Justices and it was then left open for the free use of all vendors of vegetables, fruit and flowers. The following notice was in consequence issued :—

Vegetable Market.

1809

The Honorable Jonathan Duncan Esqr.,
Governor &c. &c.

NOTICE.

“ This market is appropriated solely for the sale of vegetables, fruits, and flowers, open to all description of persons dealing in those articles free from all tax, fee, dustoor, or other emolument whatever.”

Previous to the year 1865, the Bench of Justices, possessed the following properties which were called markets, but yielded no revenue.

- 1st. The *Green or Duncan Market*, Sheik Memon Street on which stood a few range of low tiled open sheds indifferently paved and drained, very crowded, hot, and dirty, containing about 1300 square yards.
- 2nd. The *Bori Bundar Mutton and Fish Market* about a quarter of a mile from the green market, containing 2480 square yards including a yard belonging to the mutton slaughter house close by. This yard was lined with low tiled pent houses, affording no shelter whatever either to vendor or purchaser, the whole being unpaved.
- 3rd. The *Beef Market* which was in the yard of the slaughter house in Butcher street, about midway between the Green and Mutton Markets. This contained 756 square yards, badly paved, with low tiled pent houses as in the mutton market.

These three places and some dens forming a private market in Syed Abdul Rahman Street, were the first class markets.

The second class markets were the Null Bazaar near the Erskine and Duncan Roads, they comprised :—

(a) The Mutton and Fish Market, containing 1707 square yards.

(b) The Vegetable Market containing 2631½ square yards.

Both markets were unpaved and consisted merely of a few ranges of low narrow sheds surrounded by a rough wooden palisade.

There was a small enclosure of a similar kind in Mody Street for the provision of the Northern Fort, which was constructed in 1847 at a cost of Rs. 1655.

Referring to these markets the Municipal Commissioner in his annual report of 1867 states :—

“ Looking at the first class markets, however (Nos. 1, 2 & 3) I perceived that it was impossible to improve them and to provide adequate accommodation in so crowded a locality. I was aware also that certain public improvements would lead to the speedy abolition of the market No. 2 and I was most anxious to separate the meat markets from the slaughter houses and to remove the latter out of the town. I therefore determined to construct entirely new general markets. That part of the Esplanade lying immediately adjacent to these three markets appeared a most favourable situation, because it was close to all the three existing first class markets and also to the Railway by which the meat, and much of the fruit and vegetables, are brought to Bombay. I accordingly applied for, and obtained from Government the fine site now being built upon, containing about 72,000 square yards. The site was presented by Government to the Municipality on the understanding that general markets should be at once commenced.

“ In planing the new general markets I had the following points to provide for in order that these markets might be generally resorted to by all classes and castes.

“ Fruit and Vegetables &c. must be sold alone under one roof, unpolluted by meat of any kind; and beef must not be sold under the same roof with mutton and fish. Then again the meat and fish markets must of course be to leeward of the fruit and vegetable markets and yet as close as possible to the Railway by which the meat would arrive. Then again the dealers of the fruit and vegetable market (No. 1) being wholesale as well as retail, dealers would require storerooms adjacent to the market.”

Having failed to obtain suitable designs in England, Mr. Emerson was commissioned to prepare one which was adopted.

The fruit and vegetable market was opened on 16th January 1867; the mutton and fish market was completed and opened in 1868; the beef market was opened in 1869.

Associating
Mr Crawford's
name with the
Esplanade
Market.

At a meeting held on 26th April 1868, on the motion of Dossabhoy Framji Esqr., seconded by Captain Hancock, Mr. Crawford's name was associated with the Esplanade Market.

Null Bazaar
Market.

The Null Bazaar Market was completed and opened in November 1867. A similar building was completed and opened in December 1867 over the site of the vegetable market admeasuring $140 \times 120 = 16800$ square feet. It contained 384 stalls.

Fort Market.

The above two buildings at Null Bazaar then cost Rs. 1,36,000. The extension of the Erskine Road Market by the addition of 175 stalls was sanctioned in 1887-88 and the work completed at a heavy outlay. The Fort Market was constructed during 1867 on Municipal ground and contained 100 stalls.

The first levy
of stallage
fees.

Market strike.

The Bhulesh-
war Market.

On the 1st January 1880, the market dealers were called upon to pay rent for their stalls. The Bench had however decided that the right of occupancy for the year was to be sold by auction. This decision gave great offence to the market dealers and they resorted to a strike. In three days however the strike came to an end. The private Vegetable and Fruit Market at Bhuleshwar was burnt down in 1838. With the sanction of the Bench the site was purchased for the erection of a public market. This market has since been improved by the erection of a New Market of larger dimensions.

Extortion by
Market em-
ployes

The system of fraud and extortion carried on by many of the members of the Market and Slaughter House establishment came to light towards the end of 1874. Two men, one a dismissed market peon, the other a meat seller in the Market reported to Mr. Pedder (the then Municipal Commissioner) what they knew of it. The information received from these men, was privately tested by Mr. Sorabji N. Cooper and Mr. Edulji Rustomji. As soon as the Municipal Commissioner was convinced of the facts alleged, the matter was placed in the hands of the Commissioner of Police.

The charges grouped themselves under three heads—
 Illicit exactions from the butchers at the Bandora Slaughter Houses for improperly passing bad meat, or by threats of condemning good meat, similar exactions from the butchers and dealers in the meat markets in Bombay; and exactions from the various costermongers, fish sellers, and other petty dealers in the Bombay Markets who did not hold stalls at fixed rents, by threats of annoyance or under pretence of showing favour.

Although of the existence of a general and organised system of fraud and extortion there was no doubt whatever, yet it was a matter of no small difficulty to bring home to each of the accused the fact necessary for his conviction of his having, at some particular time and place and from some particular person, illicitly exacted a particular sum of money. This being so, the general success of the prosecutions was no doubt very satisfactory, and shows that the cases were got up with much care. Two overseers and five peons were tried before the Full Power Magistrate, Tannah; and of these men, five were convicted and sentenced to various terms of imprisonment and to fine. Two overseers and 26 peons were charged before the senior Magistrate and of these 18 were finally convicted before the High Court. On taking up the enquiry, the Municipal Commissioner suspended both Mr. Higgins (the Superintendent of the Markets) and Mr. Webb (the Slaughter House Superintendent). Nothing whatever came out against them in the course of the Police investigation which would have justified in their being placed before a Magistrate. A special departmental inquiry was however held to ascertain if they were in any way implicated in the misconduct of their subordinates. The result of this inquiry completely, exonerated both the Superintendents from any suspicion of dishonesty or of guilty complicity with their subordinates, nor were they culpably neglectful or careless in the discharge of their duties, but they reposed undue confidence in plausible subordinates, an error for which they were both punished by a long suspension and heavy loss of pay.

On the night of January 28th. 1888, the godowns in the compound of the Arthur Crawford Markets were burnt, the fire being probably due to careless bidi smoking, though the exact cause was not discovered. The dam-

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employees.

Fire at the
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age to the Municipality amounted to about Rs. 31,000 which amount the Corporation sanctioned for the reconstruction of the building.

In regard to the purchase of the site of the Moombadevi Vegetable Market, the following discussion took place :—

Mr. Crawford moved—

Vegetable
Market at
Moombadevi.

“That the Commissioner be authorised to purchase from Venayekrao Juggonathjee Sunkerset, Esq., the site of the Moombadavee Vegetable Market recently destroyed by fire, measuring 588 square yards, at Rs. 75 per square yard, total price Rs. 44,100 and to erect thereon a vegetable market at an estimated cost of Rs. 20,900, in all Rs. 65,000, and that the said sum be raised in addition to the market loan sanctioned at the late Budget Meeting.”

The motion was seconded by Dr. Birdwood and carried (26-4-68.)

The Pedder
Market.

The Mazagon Market was constructed to meet the wants of the residents of that locality. It cost Rs. 37,000 or thereabouts and was named after Mr. Pedder, the then Municipal Commissioner.

The Sheep
Market at
Byculla.

A petition dated 20th January was read by the Clerk of the Peace with regard to sheep-selling in Bombay. The petitioners set forth, that for more than fifty years the Esplanade had been the seat of their sheep market in the city. In 1867 they received an order to remove it to Byculla, and quietly did so; and on receiving a similar order within a year, they removed it to Bandora. But this was so far distant from the city, that the petitioners suffered great loss by the want of customers, and then, too, further loss was occasioned by consumers going to Bandora, and purchasing sheep from those who brought them thither. Therefore, the petitioners made a strong appeal to the Commissioner, that he would protect the business they had enjoyed for the last fifty years, and thus secure to himself the blessings of them and their families for ever and ever.

This had been addressed to the Municipal Commissioner. Dr. Hewlett replied to the following effect :—“That their flock of sheep were found to be a nuisance on the Esplanade, and accordingly the authorities directed that no more sheep should be grazed there. The petitioners were not ordered or told to go to Byculla—they were advised to go to Bandora, or where there was abundance of room for them, and where the butchers, who used to purchase from them, were employed. They chose themselves to stay at Byculla, hoping to sell to many persons who kill privately in their houses and were liable to a heavy punishment for doing so. He hoped they had suffered loss, and that they would yet suffer more loss for encouraging people to break the law. The sheep hokka or market was, as they very well knew, held at Bandora, and they should go there.”

Another petition was read, dated 6th February, addressed to the Bench of Justices, in which the petitioners stated the same case, and added, that they used to sell sheep on the Esplanade, and at Byculla, to private individuals for religious or domestic ceremonies, and not to any butchers. They submitted that no nuisance was thereby produced, nor, as they believed, had any complaint been lodged by the neighbouring inhabitants. They concluded by praying the Bench to allow them to sell sheep at Byculla, on receiving a fee of one anna per sheep, instead of 16 pies for 20 sheep, as formerly.

A report on this petition by Dr. Hewlett to the President of the Finance Committee, was next read. This stated, that the Commissioner, had on his representation discouraged the practice of selling live sheep and goats at Byculla, and that since the removal of the slaughter-houses to Bandora, an immense amount of private slaughtering, which it was impossible to prevent by other measures, had been going on in the town, on the plea that they were to be used in ceremonies. He admitted the loss to the butchers, and stated that the returns showed a falling off of 70,893 sheep during the year ended 31st December 1867, which would represent a sum of Rs. 4,899-15; but he thought this loss should not stand against such a step, for the health of the people, as that taken by the Commissioner. All persons, he added, who wished to buy sheep or goats for religious rites or domestic ceremonies were allowed to do so on the ground at Bandora, on payment of the usual fee.

Another petition had been sent on the 24th of February praying, that as sheep or goats could not be got every day at Bandora, some person should be allowed to keep 300 or 400 at Byculla for sale, for religious and ceremonial purposes only.

A report by Dr. Hewlett, in reply to this, strongly objected to such a privilege, but said that at the great feasts that could as hitherto be allowed, as for instance, at the late Buckri Eed, when 5,000 sheep and goats were brought in with the Commissioner's permission, and sold within the three days of the Eed,

Mr. A. T. Crawford (the Municipal Commissioner) moved.—

“That the petitions, and reports of Dr. Hewlett thereon, complaining of the Municipal Commissioner not allowing the petitioners to sell sheep at Byculla, be recorded.”

The whole matter, he said, had been considered by the Finance Committee of the Bench at great length, and they had resolved—“That the petition be submitted to the Bench with an expression of the concurrence of the Standing Committee in the course adopted by the Municipal Commissioner with a view to discourage the slaughter of sheep in Bombay.” No illegal steps had been taken by Dr. Hewlett or himself in this matter; they had simply insisted that, if people wanted to enjoy the privilege of slaughtering a large number of sheep daily, they

should go out to Bandora and purchase them, where sheep were usually sold to the butchers. There was a certain number of butchers who were even now trying to kick against the pricks, and to overcome the arrangements that had been made. The practice of slaughtering in private houses was a most serious matter, and there was every reason to believe that two, or three, or four hundred were slaughtered nightly in that manner. This really could not be tolerated, and accordingly measures had been taken which would lead to the abolition of this private slaughtering. If anybody thought he was suffering from illegal measures, he had his remedy.

Dr. Birdwood seconded the motion, and expressed a wish that the reading of such petitions in future might be done away with. Nearly an hour had been spent in reading the documents about this matter, and certainly the Justices had derived no edification.

Dr. Hewlett mentioned that during the quarter ending 31st March 1868, 13,620 more sheep were slaughtered at Bandora than during the corresponding period of the previous year. That represented a sum of Rs. 851—or Rs. 3,400 annually—received by the Municipality. At present about a hundred sheep were allowed to be brought in, and slaughtered nightly in the town, and that was quite as many as the Municipality should allow to be slaughtered in private houses, but more than that number would be allowed, if required.

Captain Henry thought it hard that sheep should not be allowed to be purchased in Bombay, but quite agreed that they should not be slaughtered in town.

Mr. Crawford—We don't interfere with them, when they purchase sheep in Bombay, if they can find anybody to sell them.

The motion was here carried.

Captain Henry—Do I understand that there is no objection to selling sheep at Byculla?

Mr. Crawford—We can't prevent it.

Dr. Hewlett—They must first pay their fee at Bandora, and the sheep must be inspected if they wish to slaughter in the town.

Captain Henry—Is there a law that they must pay their fee before they bring them to Bombay?

Dr. Hewlett—That is the question.

Captain Henry—I suppose you are bringing a pressure to bear upon them without any legal power to do it?

Dr. Hewlett—No, I don't say that. (Laughter.)

(26-4-1868.)

The DeLisle Road Sheep Market has now been in existence for many years, and the selling of sheep is permitted thereat.

The Sub Committee of the Standing Committee which was appointed on 25th July 1894, recommended the building of a market adjoining the Parel Station B. B. & C. I. Railway or on a site south of Fergusson Road.

Fergusson
Road Market.

Eventually a market was erected near the Parel Railway Station and is called the Fergusson Road Market.

On the 3rd May 1899, the Committee of the Corporation recommended the building of a market on a suitable site near Elphinstone Road. On the 15th June 1899, the Corporation approved of the report but no market has yet been built on that site.

Supari Bag
Road Market.

A proposal to close the Foras Road Market was rejected by the Corporation on 13th February 1900.

Foras Road
Market.

A proposal to construct a market at Chowpati was considered by the Corporation in 1896 but nothing definite has yet been settled.

Chowpati
Market.

The pay of the Clerk of the Committee of Markets for 21 months i. e. from January 1809 to September 1810 was Rs. 630 or at the rate of Rs. 30 per mensem.

Pay of the
clerk of Mar-
kets.

The pay of the Superintendent of Markets in 1902 is Rs. 600+Rs. 50 as allowance with a personal allowance of Rs. 100 per mensem and free quarters. The present Superintendent is Mr. Douglas Bennett. Mr. H. Holmes and Mr. L. W. Michael have on occasions acted as Superintendent of Markets during the absence of Mr. Bennett on leave.

Under the supervision of Major William Brooks in the year 1794 the erection of a mutton market place in the Town, was sanctioned at a cost of Rs. 2,940-1 quarter and 14 reas.

The old
Mutton Mar-
ket in the
Town.

There are at present a large number of public and private markets in the city, of which the Arthur Crawford Market and the Erskine Road Market are the most important.

The total amount of stallages from the different Municipal markets, recoverable every quarter or half-year under the terms of section 407 (a) and (c) at the opening of the year

1898-9 amounted to Rs. 47,205 against Rs. 47,512 at the closing of that year. The following is the statement :—

Names of Markets.						Rents per quarter as appearing at the opening of the year 1898-99.	Rents per quarter as appearing at the closing of the year 1898-99.
						Rs.	Rs.
Stallage Fees.	Colaba Market..	..	..	..	..	805	805
	Fort do.	..	..	..	..	4,676	4,688
	A. C. Fruit & Vegetable Market	..	..	..	..	14,542	14,542
	Do. Fish and Mutton do.	..	..	..	..	2,614	2,614
	Do. Mutton Market (new)..	..	..	..	..	947	947
	Do. Beef Market	..	..	..	..	2,528	2,624
	Godowns	..	..	..	..	1,628	1,553
	Fowl rooms	..	..	..	..	825	852
	Erskine Road Fruit and Vegetable Market (old)	..	..	..	..	6,283	6,283
	Do. do. do. do. (new)	..	..	..	..	2,503	2,402
	Do. Mutton Market	..	..	..	..	2,530	2,530
	Bhuleshwar do.	..	..	..	..	8,395	3,232
	Pedder do.	..	..	..	..	464	464
	Foras Road do.	..	..	..	..	345	345
	Pork do.	..	..	..	..	100	100
	DeLisle Road Sheep do.	..	..	..	..	3,570	3,570
	Ferguson Road do.	..	..	..	..	....	421
Total ..						47,205	47,512

Names of Markets.					Total number of stalls.	Average number of stalls entirely vacant in each quarter during 1898-99.	Remarks.
Number of Stalls in the Municipal Markets.	Colaba Market	..	..	..	70	31 ²	Rent collected half-yearly.
	Fort Market..	..	..	..	265	61	
	A. C. Fruit and Vegetable Market	..	..	..	563	48	
	Do. Fish and Mutton Market	..	..	..	119	47	
	Do. Mutton Market (new)	..	..	..	68	15	
	Do. Beef Market	..	..	..	77	One stall was vacant in the 1st quarter and one in the last quarter	
	Godowns	..	..	..	29		
	Fowl rooms	..	..	..	29		
	Erskine Road Fruit and Vegetable Market (old)	..	..	..	426		37
	Do. do. (new)	..	..	..	128		61
	Do. Mutton Market	..	..	..	114		51
	Bhooleshwar	do.	..	..	162		54
	Pedder	do.	..	..	40		11
	Foras Road	do.	..	..	68		34
	Pork	do.	..	..	2		....
	DeLisle Road Sheep	do.	..	..	50		....
	Ferguson Road	do.	..	..	28	Only one stall was vacant in last quarter.	

SLAUGHTER HOUSES.

Early in the year 1866, sanction was obtained to the removal of the slaughter houses to Bandora, and to the running of a daily meat train. A measure long needed, and strenuously opposed up to the last by the entire butcher fraternity.

The Municipality had to bear in mind the following among other points :—

“ That the cammatterees and others actually employed in slaughtering must have lines on the ground. That there must be standing room under cover for at least 3 days supply of live cattle for Bombay. That there must be space for the bi-weekly fairs of live stock. That there must be abundance of water. That there must be every convenience for live cattle to reach the ground by rail. That to ensure speedy transit to Bombay the siding for the meat train should be so close to the slaughter houses as to admit of the meat being loaded from them at once into the meat vans. That the prejudices of the Hindu Communities should in no way be offended. These prejudices showed themselves at every step and in most trivial detail. For instance not only was it necessary that the mutton and beef should be slaughtered under separate roofs and in distinct buildings, but the blood and drainage from the beef slaughter house could not be allowed to pass even in an underground sewer past the mutton slaughter house. Again besides a wall dividing the two yards, it was imperative that it should not be possible to see from the mutton yard and building into the beef slaughter house ; and the mutton and beef must go in separate vans, the buffers of which must not even touch each other, (a separate train was even demanded) and on arrival in Bombay, the mutton and beef must not see each other, but carried away to the market by different routes and a separate gang of coolies be employed to cleanse each slaughter house.”

Prejudices
regarding the
Slaughter of
animals.

By adopting the radial plan, Mr. Aitken had been able to meet all these difficulties. A siding which ran in from the Bandora Station, bifurcated in two sidings—one to the west, being the live stock siding and platform, the other to the east the meat siding. In the space bet-

The meat
train service.

ween the two were the mutton and beef and commissariat slaughter houses, built on the line and along the curve, with their respective yards in rear.

Cattle arriving by the main entrance were landed on the live stock platform, passed at once into the large open space used for the hakkas or fairs, and were afterwards passed into the large standing sheds on each side of the central road. The Inspector's sentry box was between the two gates to the slaughter houses and sheep or cattle were there daily inspected and passed for slaughter before entering the slaughter house yards. They were tied up in the yard until required, and the carcasses being prepared were at once carried through the east doorway, and hung up in the meat vans alongside. The train having been once made up was not altered. The mutton vans were separated from the beef vans by three third class carriages, in which only those coolies travelled who were needed for carrying meat to the market after arrival in Bombay. The train left Bandora about 3 A. M. and reached Bori Bunder about 4 A. M. At the temporary siding at Bori Bunder, screens again separated the mutton from the beef vans.

Vehar water had been laid from Mahim over the causeway into the slaughter houses and to the standing sheds. The buildings were designed by Mr. Aitken. They are neat, plain, substantial buildings well suited in every way to the purpose for which they are used. All these buildings were erected by Messrs. Wells and Glover, Contractors.

The slaughter house was first used on the night of the 19th February 1867 and the first meat train reached Bori Bunder the following morning at 4-45 A. M.

The butchers' strike.

The Butchers gave a great deal of trouble on various occasions. In the first place with a view to frighten the Municipality into a change of plan they endeavoured to excite the fears of the Hindus by spreading gross falsehoods regarding the arrangements for the conveyance of the meat. Many ignorant persons actually abstained from eating meat, believing that it had been defiled. Finding their profits affected by this result, the mutton butchers then tried a strike in March 1867; but fortunately the Municipality obtained timely information,

and were almost immediately prepared with butchers and sheep. This strike was thus soon ended, but there was another general strike of the butchers, which resulted in their complete discomfiture and humiliation. The fact is these people had been treated with excessive consideration, their profits were enormous, and the trade being in the hands of a few men, they had a mistaken idea of their power.

The result of the strike was the following petitions from the beef and mutton butchers :—

BEEF BUTCHERS' PETITION.

"We, the beef butchers of Bombay, now humbly beg pardon of the community at large, and of the Municipal authorities, for the recent and former strikes. We hereby, one and all, promise that nothing of the kind shall occur again, and as a material guarantee we hereby deposit with the Municipal Commissioner the sum of 5000 rupees, which we are willing to have forfeited for the benefit of the Municipal Fund, should there ever again be a strike, or any attempt to oppose the decisions of the Worshipful Bench of Justices, or to break through the conditions herein-after agreed to. We beg that this sum may be deposited in the names of Wulla bin Mahomed and Maboob Ruhimon, and Tazoo Kala who on our behalf, will draw the interest at the rate of 5 per cent. per annum. We all agree to the following conditions now imposed by the Municipal Commissioner *viz* :—

"That each butcher shall register his own name and that of each partner in the office of the Health Officer, and shall take out a license for each year on payment to the Municipal Fund of a fee of Rs. 15 for each man.

"That the "Hukh" or market for cattle shall be held at Bandora within the Municipal enclosure, and at no other place.

"That thirty five (35) train tickets only shall be issued free for the Haikuries employed by us. This number to be reduced when the new beef market is completed and the meat siding brought up to it. That butchers and Cammattrees travelling by the meat train shall pay for their own tickets.

"That the following men who had stood by the Municipality during our strike shall obtain a license free, and shall occupy a stall for one year on payment of a nominal fee of one pie only.

"Names :—Lall Hosein, Mahomed Cassim, Haji Habib Shaik Russool, Chan Mahomed Noor Mahomed, Tajoo Hoshein, Currim Mahomed Tajoo and Tajoo Moorad.

"That in the event of disobedience of the orders of the Municipal Commissioner or the Health Officer, the offenders license to slaughter, shall be liable to be cancelled, and he himself ejected from the Municipal Markets, forfeiting all fees or rents paid by him."

MUTTON BUTCHERS' PETITION.

"We the mutton butchers of Bombay, now humbly beg pardon of the community at large, and of the Municipal authorities, for the recent and former strikes. We hereby, one and all, promise that nothing of the kind shall occur again, and as a material guarantee we hereby deposit with the Municipal Commissioner the sum of Rs. 5000, which we are willing to have forfeited for the benefit of the Municipal Fund should there ever again be a strike, or any attempt to oppose the decisions of the Worshipful Bench of Justices, or to break through the conditions hereinafter agreed to. We beg that this sum may be deposited in the names of Nuthoo Soolba Patel, Hoosein Chandaji, Sooban Balaji, and Dorabji Hormusji, who, on our behalf, will draw the interest at the rate of 5 per cent. per annum. We agree to the following conditions now imposed by the Municipal Commissioner *viz* :—

"1. That each butcher shall register his own name and that of each partner in the office of the Health Officer, and shall take out a license for each year on payment to the Municipal Fund of a fee of (5) five rupees for each man.

"2. That the "Hukh" or market for sheep shall be held at Bandora within the Municipal enclosure, and at no other place.

"3. That (75) seventy five train tickets shall be issued free for the Halkaries employed by us. This number to be reduced when the new market is completed and the meat siding brought up to it.

"4. That butchers and cammatteredies travelling by the meat train shall pay for their own tickets.

"5. That the following men who have stood by the Municipality during our strike, shall obtain a license free, and shall occupy a stall for one year on payment of a nominal fee of one pie only; Luximon Muliba, Gunpat Luximon, Pallonji Rustonji, Cowasji Dossabhoy, and Taj Mahomed Pathan.

"6. That in the event of disobedience of the orders of the Municipal Commissioner or of the Health Officer, the offender's license to slaughter shall be liable to be cancelled, and he himself ejected from the Municipal Markets, forfeiting all fees or rents paid by him."

Riots of
1893 & 1898.

On the first night of the riots of 1893, the butchers struck, and refused to kill. Mr. Douglas Bennett the present Superintendent of Markets, on hearing of the strike proceeded to Bandora at about 10 p. m. and with great determination, made them proceed with the work of slaughtering and dressing, with the result that there was no interruption of the meat supply to the City next morning.

Mr. Acworth the then Municipal Commissioner for the City of Bombay has placed on records to the effect that the City was particularly indebted to him (Mr. Douglas Bennett) for the continuance of its food supply during that critical period.

In the riots of 1898 the ingenuity and courage of Mr. Bennett was again conspicuously brought into prominence. Every industry and trade in the City was brought to a dead lock for some days and threats were hourly held out to the dealers of assault unless they closed their stalls. As in the riots of 1893 so in the riots of 1898 on the same night and about the same hour the butchers again struck. On this occasion Mr. Bennett proceeded at about 9 P.M. with a non-commissioned officer and about a dozen men of native infantry, and on his teaching the men a sound lesson the work of slaughtering was again proceeded with and the meat supply arrived in Bombay almost at the usual time. The most trying time was the first and second years of the plague epidemic. The dealers and all the market traders became thoroughly panic stricken, and were wanting to flee from Bombay, and notwithstanding these tremendous odds against which Mr. Bennett had to contend, the dealers and stall holders were persuaded to remain and go on with their calling.

On the land acquired for the Slaughter-houses at Bandora stood the picturesque ruins of the old Jesuit College which was visited by Dr. Fryer in 1672, who thus described the place :—

“ Upon these shores it was not long before I was employed to wait on the Father Superior of the North, a learned man, and a Spaniard by nation, of the order of the Jesuits.

“ The President commanded his own baloon (a barge of state of two and twenty oars) to attend me and one of the Council to compliment the Father on the Island of Canorein, parted from Bombaim by a stream half a mile broad. Near our landing-place stood a College, not inferior to the building, nor much unlike those of our Universities, belonging to the Jesuits here, more commonly called Paulistines (whose visitor was now my patient), who live here very sumptuously, the greatest part of the Island being theirs. Our entertainment was truly noble and becoming the gravity of the society. After I had done my duty the Fathers accompanied us to the barge. Afore the College gate stood a large Cross thwack'd full of young blacks singing vespers. The town is large, the houses tiled; it is called Bandora. At

The History
of the Slaugh-
ter Houses.

our departure they gave us seven guns, which they have planted in front of their College for their own defence; besides they are fitted with good store of small arms.

"In the middle of the river we had a pleasant prospect on both sides. On Bandora side the College, the Town, the Church of St. Andrew a mile beyond, and upon the hill that pointed to the sea the Aquada, Blockhouse, and a Church; on the other side the Church of Maijm with other handsome buildings."

No. of Animals Slaughtered for consumption.

The following table shows for five years the number of animals slaughtered at the Bandora Slaughter-houses and in Bombay for Public and Commissariat consumption exclusive of the local supply to Bandora :—

Year.	Horned Cattle.	Sheep & Goats.	Pigs.
1894-95... ..	35,614	514,753	871
1895-96... ..	38,296	521,731	821
1896-97... ..	39,659	474,469	619
1897-98... ..	33,661	538,860	614
1898-99... ..	42,254	571,023	577

The following statement shows the number of animals taken from the Municipal Slaughter-houses for private slaughter during the past five years :—

Year.	Horned Cattle.	Sheep & Goats.
1894-95... ..	250	32,643
1895-96... ..	323	30,731
1896-97... ..	358	5,406
1897-98... ..	123	6,331
1898-99... ..	395	9,200

On the 8th December 1887, the Butchers petitioned the Corporation that the conveyance of meat by bullock Vans may be abandoned and the former system of meat conveyance by railway be returned to.

The Acting Municipal Commissioner, in his letter No. 2735, of 1889 reported thereon as under :—

SIR,—In reply to the Town Council's Resolution No. 1961, of 4th January 1888, I have the honour to state that there are

great difficulties in the way of a satisfactory solution of the market meat question.

2. A shed for the goats and sheep has been wanting for 8 or 9 years past, and though desirable, there is of course no specially urgent reason for undertaking it at once. I have asked the Engineer to prepare an estimate of the cost, and I choose a site a few days ago in case it were decided to go to the expense of erecting one.

3. The question of bringing in the meat by train is a very difficult one, and has been engaging the attention of both Mr. Ollivant and myself for some years past.

4. The difficulties consist in—

1st.—The expense, as it is probable that carriage by rail will be more expensive than the present system though certainly preferable to it. 2nd.—The necessity for running the train partly on the B. B. & C. I., and partly on the G. I. P. Railway so as to reach Bori Bandar. 3rd.—The difficulty in obtaining a meat siding anywhere near the Arthur Crawford Market and the high price to be paid for it.

5. I am, however, in active correspondence both with the Railway Companies on the subject of the haulage and with Government on the subject of land for a meat train siding.

Till all these points are settled, no scheme can be definitely brought forward, and the butchers should be informed that nothing can be done for some time to come.—I have, &c.,
F. L. CHARLES, Acting Municipal Commissioner.

The Town Council forwarded the Commissioner's letter to the Corporation with the expression of their concurrence therewith.

On the 30th July 1888, the Corporation passed the following resolution thereon :—

Proposed by Colonel Merewether seconded by J. R. Duxbury, Esq.—

“ That, in reply to their petition dated 8th December 1887, Messrs. Noor Mahomed Patel Ebrahim
No. 8523. Mohidin and other butchers and dealers carrying on business at Bandora, be informed that there are difficulties in the way of bringing meat into the Markets from Bandora by Railway as the trains would have to run over both the B. B. & C. I. and the G. I. P. Lines of Railway, and because it would be difficult to obtain a site for a meat siding near the Arthur Crawford Markets.

“ That for some time to come, therefore, in any case nothing can be done in the matter.

"That the question of shed accommodation is under the Town Council's consideration."

Carried.

Considered—Letter from the Commissioner, No. 7136, dated the 26th June 1899:—

Re-leasing of
the grazing
ground.

"I have the honour to state that the Collector of Thana, under his letter No. 5128 of the 15th July 1897, informed me that Government have determined to resume the ground at Bandora leased to the Municipality for grazing cattle brought on the Bandora Fair ground by sheep dealers under a lease dated the 31st January 1873, and that the lease expired with the expiry of the original Survey Settlement of the Salsette Taluka in 1892, and since that date the Bombay Municipality have merely held the land as tenants-at-will of Government, and added: 'I accordingly by direction hereby give notice to the Municipality that its tenancy will cease and the land be resumed by Government on the 31st January 1898; the Bombay Municipality is at liberty to make proposals regarding the rest of the land if it desires to retain any part of it.'

"2. Correspondence has since been going on with the Collector, and it is now ascertained that the area available to be leased is 450 acres or thereabouts, south of the Tulsi Duct and west of the rifle ranges.

"3. As the ground is necessarily required by the Municipality, I propose to re-lease it on the following conditions, and request the necessary sanction of the Corporation:—

"(1). That the lease shall extend to the end of the present settlement.

"(2). That the Municipality shall pay rent to Government at the rate of Re. 1 per acre per annum as before.

"(3). That the Municipality shall at any time give up possession of any portion of the land required for public purposes on a six months' notice being given to them."

Proposed by Nanabhai N. Katrak, Esq., seconded by Haji Yoosof Haji Esmail, Esq.—

"That, as applied for by the Commissioner in his letter No. 7136, dated the 26th June 1899, sanction be given to re-lease, from Government, 450 acres of ground at Bandora at a rent of Re. 1 per annum per acre, the lease extending to the end of the present Survey Settlement of the Salsette Taluka, and the Municipality agreeing to give up at any time possession of any portion of the land required for public purposes on six months' notice being given to them."

Carried. (10th August 1899).