

tion. If that control was considered weak, the remedy was to appoint a Controller, but that officer should hold his appointment outside, not within, the Commissioner's office. West also urged that the control of accounts ought necessarily to be vested in a body or an individual standing entirely apart from the establishment. But the most reasoned and effective speech on the subject was that of J. B. Richey.

'The Municipal Commissioner himself,' he observed, 'is the head of the accounts and finance department and is responsible. The officer who works under him in that branch is merely his subordinate, and I can hardly understand the ground taken by the Hon'ble Mr. Telang when he tried to put them on a parity with the two other officers who are retained for strictly professional duties. The Accountant will in every respect be subordinate to the Commissioner. It would upset the basis of authority if he were made an independent officer, owing his nomination or promotion to the Corporation and responsible to them for his position in the world.'

He might have pointed out that if the Commissioner, as the chief executive officer, flouted the advice of the two expert officers, the Health Officer and the Executive Engineer, serious complications would arise, involving possible risk to the health and safety of the public and that, therefore, it was only right that those officers should have a certain degree of independence, enabling them in such cases to approach the Corporation. Moreover, holding short-time, renewable, statutory appointments they stood in a class by themselves, whereas the Chief Accountant was one of the ordinary class of permanent officers, whose advice in financial matters, if disregarded by the Commissioner, was not likely to do irreparable harm to the interests of the City, the Act having already provided sufficient safeguards against irregularities and sufficient checks for the discovery and rectification of any irregularity that might take place in consequence of default,

either on the part of the Commissioner or on the part of the Chief Accountant.

'The Hon'ble Mr. Telang cannot conceive,' added Richey, 'that he (the Chief Accountant) would be tempted to usurp the functions of his superior, but it is constantly assumed that usurpation of authority by the Commissioner must be looked for and guarded against. As the Hon'ble Mr. West has said, not only with people in this country but all over the world in official life intrigues and cabals and personal influences are powerful, and it is not impossible to conceive that he would work into the hands of the Corporation as against the Municipal Commissioner . . . We must legislate with a view to human nature. There should be harmony between the Municipal Commissioner and his chief financial adviser, which is essential to the due working of the Municipal executive machine. This can only be done if the subordinate is in a position to look for countenance and support to no one outside the office.'

The amendment was rejected, and the appointment remained in the gift of the Commissioner. The power of appointing a Chief Accountant, however, now vests in the Corporation under the recently added Section 80A of the Municipal Act, which gives the Corporation the power to make all appointments the minimum salary of which is Rs. 500 or more. Not content with this, a section of councillors now desires to make the Chief Accountant independent of the control of the Commissioner. Forgetting that they have ample powers of control from outside, they seek to control the Commissioner from within in this way. But the proposed reform is incompatible with the existing constitution under which the Chief Accountant is required to keep the accounts for the Commissioner and the Corporation and to advise them in matters of accounts, for the scrutiny of which the Corporation have the power to appoint independent auditors. For the proper disbursement of the funds the Municipal Commissioner is primarily responsible, and

the Standing Committee, aided by the Municipal Secretary, is required to watch the interests of the City and to see that no payments are made except under due authority. No cheque on the Municipal Fund can be drawn unless a member of the Committee and the Secretary sign it. The Committee is also required to conduct, with the assistance of the Secretary and the Municipal auditors, appointed by the Corporation, a weekly scrutiny of the accounts, and to publish a weekly abstract of all receipts and expenditure, signed by not less than two members of the Committee and the Secretary. The accounts are subject, further, to a daily post audit by the Auditors, whose duty is to report forthwith to the Standing Committee any impropriety or irregularity. No better guarantee against irregularity could have been devised. If the system has failed, if the Municipal Commissioner is credited with the sinister design of manipulating accounts and of using the Accountant as his tool in such nefarious transactions, the mere elevation of the Chief Accountant to the position of an officer with independent powers to correspond direct with the Corporation will offer no guarantee against irregularity. It will minimize or perhaps completely shatter the responsibility of the Commissioner for the proper disbursement of funds, and if the elaborate system of audit provided by the Legislature does not work efficiently, worse irregularities perpetrated by the Accountant would pass unnoticed under the proposed arrangement. The real remedy lies not in weakening the control of the Commissioner over the departments, but in tightening the grip of the Corporation over the Commissioner himself and in strengthening the outside audit of the accounts kept by the Chief Accountant. The independence of the Accountant under a system of administration which does not admit of a Chief Executive

Officer is conceivable, but so long as there is one, whom the Accountant is expected to advise and whose accounts he is intended to keep, his independence would be altogether subversive of discipline. As well might the Assessor and Collector or the Store-keeper be made independent of the Commissioner and the Commissioner himself be placed as an exhibit in the archæological section of the Prince of Wales Museum!

CHAPTER XXVIII

THE ACT OF 1888 :

FISCAL PROVISIONS

THE fiscal policy remained practically unchanged under the Act. The same taxes were legalized, except that the tax on Fire Insurance Companies was abolished and in its stead a fire tax of not more than $\frac{3}{4}$ per cent of the rateable value of properties was introduced. The Town Duties on grain, flour, ghi, timber and firewood also remained, much to the chagrin of Lord Reay. The schedule of those duties, he said, constituted a blot which, he hoped, the next amending Bill would remove.

The Municipal Taxes, with these alterations, were defined as follows :—

(1) Property taxes to be levied on buildings and lands in the City—(a) A Water Tax of so many per centum of their rateable value as the Corporation may deem reasonable with reference to the expenses of providing a water supply for the City ; (b) a Halalkhore Tax not exceeding three per centum of their rateable value ; (c) a General Tax of not less than 8 and not more than 12 per centum of their rateable value ; (d) a Fire Tax of not more than $\frac{3}{4}$ per centum of the rateable value.

(2) A tax on vehicles and animals.

(3) A toll on vehicles entering the City from Salsette.

(4) Town Duties.

The following additional items of revenue were provided :—

(1) Liquor License fees.

(2) Receipts from Tobacco Duty and Licenses.

(3) Receipts on account of fees for licenses for Public Conveyances.

(4) License fees for the regulation of certain trades within the City.

(5) Receipts on account of fees for licenses for the playing of music in streets and public places.

(6) Fines levied by any Magistrate in respect of any offence against the provisions of the Municipal Act or of any regulation or by-law made under the Act.

The system of assessment of Government and Port Trust properties formed a highly controversial theme. The Bill originally exempted buildings and lands belonging to the Government and provided that the Secretary of State for India in Council should pay to the Corporation in lieu of the General Tax such annual sum as an officer from time to time appointed by the Governor in Council might determine. Regarding this provision the Corporation proposed that the contribution to be paid should be fixed by agreement between the Corporation and Government, and failing such agreement by arbitration. Mutual agreement in such a matter was, however, next to impossible, and arbitration, as ordinarily conducted, would have been lengthy and costly. The Select Committee, therefore, suggested that the amount should be fixed from time to time by a person appointed, with the concurrence of the Corporation, by the Governor in Council. West accordingly moved an amendment in the Council to the effect that the rateable value of Government properties should be fixed quinquennially by a person appointed by Government with the concurrence of the Corporation and that the sum to be paid annually to the Corporation should be eight-tenths of the amount which would be payable by an ordinary owner of properties in the City, assessed at the same amount. He observed that the interests of the City and citizens of

Bombay were so closely interlocked with the interests of the Presidency and the whole Empire that it was impossible to say when the interests on the one side ceased and on the other came in. It was 'like the analysis of the various shades which overlap and blend to form white.' It was essential, therefore, that some compromise should be arrived at.

The principle propounded was, in brief, that Government properties should be assessed on a special basis, having regard to the fact that several special considerations attached to them which did not apply to ordinary buildings occupied for purposes of profit. When the Act of 1872 was under consideration, the question was raised whether it was within the power of the Corporation to assess for Municipal purposes buildings held by the Secretary of State. That question was never raised on this occasion, so that the only point of difference was whether the proposed reduction was excessive. 'Let us suppose,' interposed the President, 'Bombay had not been made the capital of the Presidency and the question were still open, would not other towns be very pleased to give us a reduction far beyond two-tenths?' This effective home-thrust put a stop to further discussion and the amendment was adopted without a single dissentient voice.

As regards Port Trust properties, it was agreed that they could only be regarded as quasi-public property occupying a position midway between private and public property, and that the Governor in Council being a disinterested person, the valuation of such properties should be fixed by him, and that the sum to be paid annually by the Board should be nine-tenths of the amount payable by an ordinary owner of buildings and lands in the City. By Act II of 1901, however, the amount has been increased to nineteen-twentieths, and

even this concession provokes dissent from members of the Corporation at the time of the annual Budget.

For the preparation of the Budget an elaborate procedure was prescribed, and as it illustrates the power of the purse exercised by the Corporation, it will not be out of place to explain the procedure at some length. The Commissioner must prepare and lay before the Standing Committee, before the 10th day of November, an estimate of the probable expenditure for the ensuing year and of the balances available, and a statement of his proposals for taxation. The Standing Committee should then, with due regard to all requirements of the Act, frame a budget estimate of the income and expenditure of the Corporation for the next official year. In the Budget, a printed copy of which must be sent to each Councillor not later than 15th December, the Standing Committee should propose the levy of taxes and Town Duties at such rates as they think fit, provide for the payment of instalments of principal and interest in respect of Municipal debt, and allow for a cash balance at the end of the year of at least one lakh of rupees.

The Budget estimates must then be considered by the Corporation at their January meeting, which should be held on a day not later than the 10th. Before the 31st January the Corporation must determine the rates and town duties to be levied for the following official year. Subject to the exigency of this provision the Corporation may either refer the estimate back to the Standing Committee, or adopt or alter it as they think fit, provided the Budget estimates finally adopted shall fully provide for payment of instalments of principal and interest in respect of Municipal debt and also for a minimum cash balance of one lakh of rupees.

There was a lively discussion in the Council on the Advocate-General's proposal that the Corporation

should have the right to refer back to the Standing Committee the entire Budget Estimate or any item therein. Pherozechah Mehta deemed it curious that he should have to oppose the proposal, but he felt constrained to inform the Council that his experience of the manner in which alone the Corporation could deal with the Budget had led him to the conclusion that the power to refer back separate items to the Standing Committee could serve no useful purpose, while it was likely to cause unnecessary delay. He apprehended that such a procedure would encourage members of the Corporation to refer items back so as to avoid the effort of grappling with them all at once—a tendency which is not infrequently to be observed in the deliberations of large bodies. The Advocate-General was, however, not convinced. 'The present system seems to me,' said he, 'like burning down the house to make a roast pig.' Telang and Forbes Adam shared his views, but his amendment was defeated.

To proceed with the description of the Budget procedure. After the Budget Estimates are finally passed, the Corporation may during the year increase the amount of the Budget grant or make additional grants on the recommendation of the Standing Committee, and the Standing Committee may reduce or transfer a budget grant, but if the amount of reduction or transfer exceeds Rs. 500, the Corporation may pass any order in regard thereto. If the estimated income does not suffice to cover the estimated expenditure, the Corporation should take measures to proportion the year's income to the expenditure or should have recourse to supplemental taxation as provided in the Act.

Such is the financial scheme of the Municipal Act. It confers on the Corporation full control over the expenditure under a sanctioned Budget as well as the power

to determine the amounts in respect of the items incorporated in the Budget. Possessing thus the power of the purse, the Corporation can have their opinion and wishes respected and carried out by the Standing Committee and the Commissioner.

It is important to observe that Government have no power to approve or modify the Budget. Nor do they control municipal accounts. The Corporation enjoy complete fiscal autonomy. It is assumed that the supervision of the members of the Corporation and the control of public opinion would be efficient enough to check all wasteful expenditure and leakage. In other words, the financial scheme embodied in the Act presupposes that the municipal life of the city will be imbued with a spirit of public economy and financial purity far more effective than any system of control which could be devised by Government. But such local autonomy does not extend to the creation of municipal debt. The borrowing powers of the Corporation are carefully circumscribed by the statute. Without the sanction of Government no loan can be raised. Borrowing is not permissible for the execution of any work other than a permanent work. The sum borrowed should not at any time exceed with the balances of outstanding loans double the rateable value of the premises in the city, assessable to property taxes. Loans must be repaid in instalments spread over a period of years not exceeding sixty and the rate of interest, the period of repayment and the number and amount of instalments are all fixed by Government. In practice, however, the central Government's supervision of the loan transactions of the Municipality has been remarkable for its slackness. The annual loan works budgets have always been veritable Chinese puzzles for the democratic councillors and bureaucratic officers of Government alike and the city's finances have, in consequence,

suffered considerably. Only lately have the Corporation and Government awakened to the unsatisfactory position concerning municipal indebtedness and the irregularities that have prevailed and it may be hoped that the intention of the Legislature to reduce and control municipal borrowing will now be carried out as stringently as it should be.

CHAPTER XXIX

SPECIAL AGENCIES FOR COMBATING PLAGUE

IT is a far cry from 1888 to 1925. During the interval the Municipal Act has been constantly on the anvil. Indeed, it has been so often tinkered with that one wonders whether one should admire or deprecate the readiness of Government to accept and thereby encourage the unmethodical proposals for piecemeal legislation made from time to time by the Corporation. It is not necessary to overload this work with details of all such amending measures. A passing reference to some of those periodic scraps of legislation, with the exception of a few which require detailed examination, will suffice.

Between the years 1888 and 1896 there were only two amending Acts: (1) Act IV of 1888, for the amendment of sections regarding the reservation of control by the Government of India over the loan transactions of the Corporation and the removal of petroleum from the list of dutiable articles; and (2) Act I of 1894 for the amendment of sections regarding the question of repayment by the Corporation of the Vehar Water Works debt and the question of giving power to the Corporation of investing surplus funds. Towards the latter part of 1896, however, a violent catastrophe overtook Bombay, necessitating two special pieces of legislation trenching on the powers of the Corporation and practically superseding that body within specific spheres of local self-government. This crisis, involving cataclysmic changes in the established order of municipal government, was the Bubonic Plague. The first genuine case of the bubonic type, which occurred in Bhandup

Street, appears to have been reported to the Health Officer in August 1896 by a private practitioner, Dr. R. N. Ranina. He could not make out the disease nor was the Health Officer, Dr. Weir, able to diagnose the disease from the symptoms described by Dr. Ranina. The first to suggest that it was plague was Dr. Blaney who had an extensive practice in Mandvi; within a few months it worked havoc among the population. It was no unusual thing for a person to die within a few hours of being attacked; in many cases people walking along the streets fell down dead.

The Health Department did what it could to cope with this scourge. Every room in which a case occurred was thoroughly cleansed and disinfected. The other parts of the infected building were also flushed, the roof opened, and all obstructions to light and air removed, and systematic flushing and disinfection were carried out in the gullies, courtyards and drains. The house connections were overhauled, all rubbish, rags and infected articles of small value were burnt, and the more precious ones thoroughly disinfected. On the 6th October 1896, the Municipal Commissioner issued a notification stating that the ordinary provisions of the Municipal Act of 1888 or of any other laws in force in Bombay were insufficient for the purpose of effectively preventing the spread of the Bubonic Plague, and that he had, therefore, pursuant to the provisions of Section 434 of the Act, prescribed certain temporary regulations to be observed by the public and all persons concerned. These regulations secured for the Municipal executive the power to enter premises for cleansing and disinfecting them and any articles therein, whenever necessary, and to isolate infected houses. They also prescribed that any person suffering from bubonic fever, wheresoever found and whether provided with proper lodging or accommodation

or not, or whether lodged in a building occupied by more than one family or not, should, on a certificate signed by the Health Officer or by any qualified medical practitioner that such person was suffering from the disease, be liable to be removed to any hospital or place at which patients suffering from the disease were received for treatment.

The notification caused great consternation and provoked loud denunciations. The so-called hospitals were believed to be places of torture and centres for obtaining material for ruthless experiments. There was a general *sauve qui peut*; thousands left the city. While the exodus was in full flow, the railway stations were besieged by panic-stricken people clamouring for tickets. Despite the continuous despatch of special trains huge crowds were left behind on the platforms. Business was paralyzed; shops were closed; busy thoroughfares once teeming with life were completely deserted. However, despite the migration of the people and the consequent reduction in the population, despite all the efforts of the Municipality to check the ravages of the disease and to arrest its progress, it spread from east to west and then to the north, raising the daily mortality from three to four times the normal number. In the circumstances the Government of Bombay decided that they should lose no time in assuming control of plague operations. The Epidemic Diseases Act of 1897 was the outcome of this decision.

THE PLAGUE COMMITTEE

On the 5th March 1897, the Governor wrote a very friendly personal letter to the President. 'My Government,' said Lord Sandhurst, 'are about to issue a notification under the Epidemic Diseases Act, appointing an Executive Committee to carry out, under the orders of

the Government, all the measures within the City of Bombay that we consider necessary to check and prevent the spread of the plague. It is my wish that there should be no misunderstanding of the reasons which have led to this course.' He pointed out that the continued prevalence of the epidemic in Bombay was conclusive proof that it could not be kept in check by cleansing and disinfecting and all the other measures that had so far been relied on as sufficient. Other remedies were needed. If they could not summarily kill the plague, they could at least check its spread, reduce its strength and limit and weaken it till it would die a natural death. But they could not do that until special measures, namely the discovery of all cases of plague, the treatment of all patients in hospitals, the surveillance of contacts and the gradual segregation of the infected, were adopted. To carry them out most efficiently, it was necessary to appoint a small committee, not to consult and advise, but to work—a Committee that would divide the whole scheme of work, apportioning certain branches to each member. Government had, therefore, selected General Gatacre as Chairman; P. C. Snow, the Municipal Commissioner; Dr. Dimmock and Carkeet James, one of the Engineers of the Corporation, to be members of the Committee.

'They will be subordinate,' observed the Governor, 'only to Government; this is essential both because it is Government alone, by exercising the powers very recently conferred under the Epidemic Diseases Act, that can call the Committee into being and for another reason that I will now explain. Unhappily, this epidemic has spread beyond Bombay; it has attacked places in Thana District and Poona severely and reached other places Our efforts are required to be widespread, far-reaching and systematic; they must, wherever they may be, be directed, controlled and harmonized. We cannot have one practice pursued in Bombay and a materially different one elsewhere; our methods must be consistent and complete.'

It was thus necessary that all individual efforts, whether of Municipalities, of local boards or of local officers, should be made systematic and co-operative, and this, explained Lord Sandhurst, could only be done by Government. 'They must take the control absolutely into their own hands. To do this is no slur on local bodies; it is no blow to local self-government; it is simply an imperial necessity.' This remarkable letter ended with the earnest hope of the Governor that the co-operation of all the citizens of Bombay might be secured.

On the same day the appointment of the Committee was notified. The Special Committee was invested with all the powers conferred on or vested in the Municipal Commissioner by Sections 422 to 429 of the Municipal Act of 1888 and by other notifications. The most astounding part of the notification was the following clause:—

'The Municipal Commissioner of the City of Bombay and all the officers and servants of the Corporation and all public servants and all persons employed by the Committee shall carry into effect without delay any measures which may be ordered by the Committee.'

Thus were the Corporation enjoined to carry out the behests of two of their subordinates in conjunction with the other two members of the Committee! There was, however, no chance to protest. The conciliatory letter of the Governor was merely meant to reconcile the Corporation to what had become a *fait accompli*. Whenever in doubt or in distress, the Corporation's traditional method of overcoming difficulties is to resort to the counsels of a Committee. On this occasion also they sought solace and inspiration from the same source. They postponed consideration of the Government letter for a week, but recognizing the necessity for instantaneous

measures to suppress the disease, they sanctioned, in the meanwhile, as a matter of urgency, the expenditure of such sums of money as might be applied for by the Municipal Commissioner on behalf of the Special Committee appointed by Government, and appointed a Committee to report on the letter.

The Committee took a very dispassionate view of the whole question and, sinking all differences of opinion concerning the constitutional principles involved, counselled the City's representatives to adopt a sensible and dignified attitude in the face of a visitation that threatened to decimate the population and ruin the city. Of their own free will they had remained a deliberative assembly ; executive responsibility they had scrupulously eschewed ; and now that there was a clarion call for prompt and vigorous action they could not assert that they had either the experience or the agency to embark on the measures suggested for suppressing the scourge.

The following extracts from the draft representation to Government which the Committee submitted with its report show how the questions of legal rights and constitutional principles and prestige were subordinated to the more vital considerations of the health and safety of the people :—

‘ That the Corporation, without discussing the necessity of appointing the Plague Committee for objects which could have been, and were being largely, carried out without such intervention, or the legality of the course adopted by Government, will cordially co-operate and give all such assistance as may be necessary to carry out the measures adopted by the (Special) Committee.

‘ That though the Corporation consider that the language employed in Section 3 of the Government notification is not consistent with the constitutional position and functions of the Corporation, they will content themselves in the present grave crisis by putting on record their objection to such language and

to any inference that may be drawn from it being considered as a precedent, especially as they are persuaded that nothing further is meant than to require their assistance.

'That the Corporation would respectfully submit that in view of the large expenditure now being demanded from the Corporation, Government may be pleased to give some assurance that a fair and reasonable portion of the expenditure will eventually be met from Imperial funds, the efforts towards stamping out the plague being in a great measure an Imperial question quite as much as a local concern.'

This is not the place to examine the achievements of the emergent plague administration. Nor is it necessary for our present purpose to refer to the bitter complaints regarding its unbridled expenditure. We may merely note in passing that the measures adopted by the Plague Committee, specially the regulations for the removal of patients to hospitals and the segregation of contacts, were extremely unpopular. The population fled from the city as much from fear of the inquisitorial tyranny of the authorities as from terror of the disease. The privacy of home life is as jealously guarded in the East as in the West, but the new régime failed to recognize this fact or to make any allowance for the habits and customs and religious usages of the people. The distress, unrest and consternation caused thereby led eventually to riots and bloodshed. Attempts were made to enlist the co-operation of the leaders of different communities, and their intervention and persuasion went far to pacify the population. It was apparent, however, that the measures taken by the Committee, unpopular as they were, had made no impression on the course of the epidemic; and realizing that drastic expedients were both undesirable and inoperative, Government abolished the Committee in the year 1898, and maintained for several years a specially organized plague administration under the Municipal Commissioner,

who was called the Commissioner for Plague Operations and placed under the control of the Government in so far as these operations were concerned.

In the year 1901 the Municipal Commissioner as Plague Commissioner decided to carry on the Plague Administration with the advice and assistance of the Health Officer, under whose immediate orders the special plague establishments were placed. The 'Plague policy' was still continued as laid down by the Government of Bombay, but this arrangement paved the way for the ultimate amalgamation of the Plague and Health Departments. The retention of the Special Plague Administration under the control of the Municipal Commissioner as Chief Plague Authority was intended to obviate the difficulties that would otherwise have been experienced in dealing under the ordinary Municipal law with the numerous insanitary dwellings. The action taken against such houses by the Special House Improvement Staff had resulted in the radical improvement of a very large number of such houses. The Corporation, therefore, asked Government to transfer the Plague Administration to them. Inspired by the Commissioner Government replied on 15th February 1908 that they considered it inadvisable to revoke the powers exercised by the Municipal Commissioner under the Epidemic Diseases Act, until such time as new building by-laws had been framed and the provisions of the Municipal Act regarding overcrowding had been amended, and the superior staff of the Executive Engineer's Department had been strengthened. It took more than three years to comply with these preliminaries. The Corporation then repeated their request, and Government at last issued, on 8th May 1912, a resolution revoking the powers vested in the Municipal Commissioner as Plague Commissioner.

THE BOMBAY IMPROVEMENT TRUST

The other special agency introduced into the sphere of civic government to suppress the outbreak of the plague in Bombay was the City of Bombay Improvement Trust. The havoc wrought by the epidemic brought home to all concerned the urgent need for wholesale reconstruction of the City upon sanitary lines. Filled with people of various castes, creeds and races, most of them wedded to primitive habits, customs and beliefs, which were the despair of the Sanitary Officers, Bombay in respect of population in a given area beat all records of the great cities of the West, including London. It is no matter for surprise that the efforts of the Municipal Executive and of the Plague Committee proved unsuccessful. Obviously it was futile to attempt to treat the symptoms; the real remedy lay in striking at the root of the evil, the congested and insanitary localities and rookeries.

Early in the year 1897 the Government of Bombay devoted much thought to the question. They considered that in looking for a remedy they must seek one that should be permanent and continuous, one which should not apply or be limited in operation merely to Bombay in its stricken condition for the time being, but one which should secure also the future improvement of the City. Accordingly a skeleton improvement scheme was soon formulated, designed particularly to insure the better ventilation of densely-populated areas, the removal of insanitary dwellings and the prevention of overcrowding. In an address to a deputation from the Chamber of Commerce in the month of February in that year, the Governor of Bombay, Lord Sandhurst, referred to the immediate necessity for extensive sanitary improvements and dwelt upon the evil of overcrowding as 'a premium on crime, misery, squalor and

disease' and presaged as the outcome of the measures which were proposed to be taken consequent on the dire outbreak of disease, a healthier, more prosperous and more beautiful city.

On the 28th September of the same year the Government of Bombay laid before the Municipal Corporation and other public bodies definite proposals for the establishment of a special Improvement Trust, constituted on much the same lines as the Bombay Port Trust.

'Any scheme to be effective,' observed Government, 'must be on a thoroughly comprehensive scale and must provide not only for opening up crowded localities by the construction of new streets and acquiring frontages thereon for the erection of improved dwellings and for the levelling up of low-level areas, but also for improving existing insanitary dwellings and housing a very large number of poorer classes in the new sanitary dwellings to be let at an extremely low rate of rent. It must in addition provide room for the accommodation of the population to be displaced in the process of relieving congested areas, and lastly room for the future expansion of the city.'

The cost of a scheme of so comprehensive a character must be very considerable and that aspect of the question would, it was apprehended, be regarded by the Corporation as a very serious one. The balance of their borrowing powers would have barely sufficed to meet the cost of essential drainage works and extension of water-supply and other requirements of a more or less obligatory nature, incidental to the sound municipal administration of a large city. A scheme which would have rendered the city immune, as far as was sanitarily possible, from the devastation of epidemic attacks of diseases was in fact outside the range of duties of the Corporation. The Municipal Executive had, moreover, a sufficiently burdensome task in administering the general affairs of the City, and it was felt, therefore, that

for the measures which Government had then in contemplation it was imperative, both for general management and prompt executive action, that there should be a special agency with a separate staff at liberty to devote their entire energies to the particular task before them.

The Governor in Council fully recognized the success of municipal administration in Bombay, but he was of opinion that a scheme of the character proposed, requiring persistent and long sustained effort on systematic lines involving so many varied purposes with the prospect of an almost infinite number of questions of detail both in management and execution, and in which, moreover, large proprietary interests of Government would be involved, was essentially one that should be entrusted to a small administrative body, with special powers to raise funds, acquire property and execute necessary works. It was, therefore, proposed that a Board of Trustees should be constituted, on which the Corporation should be 'strongly' represented. The idea of such Trust was not, observed Government, a new one, a prominent precedent being the City of Glasgow Improvement Trust, which was constituted for similar purposes and had been successful in its results.

It was estimated that the entire cost of the scheme would not be less than Rs. 5 crores, but the Governor in Council was advised that, managed and financed by a Board of Trustees constituted and endowed as proposed, it would involve an addition to the Municipal rates of not more than 2 per cent on the assessable value of the properties within Municipal limits. The Government of Bombay were prepared to vest in the Trust valuable rights of administering all vacant land belonging to them within Municipal limits in addition to reclamation rights west of Colaba and at Walkeshwar, and the Corporation were asked similarly to make over their interests in vacant

Municipal lands to the Trust. All these proposals the Government were then engaged in formulating in the shape of a legislative enactment, but while thus engaged they desired to have the views and suggestions of the Corporation.

Once more, because it was merely a deliberative body, the Corporation found itself lowered in the estimation of the public. It had already been declared unequal to the task of combating plague, and now Government found it wanting in capacity and resource to cope with the measures necessary for the improvement of the city. Nothing, however, was further from the minds of Government than the idea of belittling the Corporation in any way. It had done excellent work within its recognized sphere of local self-government. But it was not an executive body, nor had it formed its own Executive Committees; nay, the champions of local self-government in Bombay had deliberately declined to undertake or identify themselves with the executive work of the Municipality. The supreme need of the hour was prompt and vigorous action. Bombay was the gateway of India and had business connexions with the whole world. The plague had paralyzed the trade of the port and it was felt that urgent measures for the sanitary regeneration of the city were needed to restore the waning confidence of foreign traders. Once more realizing their limitations, the members of the Corporation refrained from offering any opposition to the constitution of a separate organization to cope with the extensive projects outlined in the Government letter. They merely resolved that Government should be informed that they were of opinion that the object indicated was desirable, but that in the absence of details as to how the matter was to be carried through, to whom the lands which were proposed to be made over to the Trust were eventually to belong, and other

matters, they felt constrained to ask for further and detailed information, before they gave an unqualified adherence to the scheme, especially as a new body was about to be constituted, which 'to some extent' would 'conflict with or take over the powers' vested in the Municipality. A Committee was appointed to formulate the points on which further information was required by the Corporation, and Government were asked to favour the Corporation with a draft of the proposed Bill.

It would be tedious to wade through the proceedings of this Committee or the correspondence that ensued. Let it suffice for our present purpose to note that the main features of the scheme were approved by the Corporation as well as by the Port Trust and the Bombay Chamber of Commerce. The Corporation submitted, however, that their financial liabilities should be clearly defined, and that they should have the right to appoint no less than one-half of the members of the Board of Trustees. To this Lord Sandhurst, who personally introduced the Bill in the Legislative Council and who was in fact the originator of the scheme, had an effective reply.

'We felt in the first place,' he observed, 'that vast as is the sphere of the Municipality, it does not cover all the activities and interests of Bombay. We have been obliged to recognize that, just as the Corporation represents the city as organized for purposes of Municipal administration, so the Chamber of Commerce and Port Trustees represent Bombay as a centre of trade and commerce. We have also borne in mind that the interests of all concerned require that the military defence of the city should not be prejudiced by the operations of the Trust. We have further had to remember that the interests which are deeply concerned in the welfare of the city are widespread, embracing not only the whole Presidency but other parts of India, of which it is the trading centre, and we have, with the sanction of the Government of India and the Secretary of State, recognized this in undertaking to hand over to the Trust on very favourable terms

Government land valued at nearly Rs. 57 lakhs, and reclamation rights valued at 29 lakhs, the usufruct of which represents the contribution made by the general tax-payers to the cost of this great enterprise. It is obvious that in consideration of his large stake in this venture the general tax-payer is entitled to substantial representation on the Board.'

Bearing all these considerations in mind, Government proposed that the Board should consist of thirteen Trustees including the Chairman, of whom four should be appointed by the Corporation.

Pheroza Shah Mehta, who was in England while the scheme was mooted, had returned to Bombay only two days before the day of the meeting of the Council to take part in its proceedings. He did not agree with those who thought that the Bill was an attack upon the constitution of the Municipal Corporation.

'If we consider the present Municipal Act,' he said, 'we shall see that it has always contemplated that there would be special and exceptional occasions on which it might be deemed desirable not to entrust the direct work of carrying out certain duties to a body constituted as the Corporation is, but that it might be necessary to delegate such tasks to a body composed somewhat differently to the Corporation. I need refer to nothing more than to the provision deliberately introduced in the Act for the purpose of the appointment of the Joint Schools Committee Perhaps I should have preferred—and appearances in this world go very far—if this Trust had been called by some name which might have brought it more in harmony with the nomenclature of Committees such as were contemplated in the Act.'

But while he agreed that no serious objection could be raised to the constitution of a separate Board, it appeared to him that there were some sections of the Bill which were 'calculated to make the Trust a department of Government.' The final arbitrament of financial questions was left entirely in the hands of Government.

These and other matters, he hoped, would be carefully considered by the Select Committee.

The Bill, as it emerged from the Select Committee, was, without doubt, greatly improved. But the Corporation's representation on the Board of Trustees remained the same. On the contrary, it was slightly adversely affected by an additional seat allowed to the elected representative of the Bombay Mill-owners' Association. It is, however, hardly necessary for us to follow the history of this legislation any further, as the Trust, after having been in existence for more than twenty-five years, is now on the eve of its exit from the arena of local government. Years ago, Government agreed to make over the affairs of the Trust to the Corporation, but it is the irony of fate that, having obtained what they wanted, the Corporation could not for years make up their mind as to the ways and means of shouldering the executive work to be entrusted to them. A Bill to effect these changes has, however, been recently approved by the Corporation; and when it is passed, another body which will virtually be an Improvement Committee of the Corporation, but will work as a separate entity under a specific statute, will arise, Phoenix-like, from the ashes of the City Improvement Trust.¹

¹ While these sheets were passing through the press, the Bill was passed into law.

CHAPTER XXX

CORDIAL SETTLEMENT OF AN INVETERATE CONTROVERSY—THE POLICE CHARGES ACT

REFERENCE has already been made to the rude Bhandari militia which kept guard at the Governor's door in the early days of British rule. The earliest authentic mention of this police-force is to be found in the accounts of the governorship of Gerald Aungier. It then numbered from 500 to 600, all of whom were landholders of Bombay. Service in the militia was, in fact, compulsory on all owners of land, except the Brahmins and the Baniyas, who were allowed exemption on payment of fixed sums of money. 'It is a reasonable inference,' says Edwardes in his graphic story of *The Bombay City Police*, 'that the duties of the militia were dictated mainly by the military and political exigencies of a period in which the hostility of the neighbouring powers in Western India and serious internal troubles produced a constant series of "alarums and excursions".'

We have seen how this force was subsequently strengthened and how it happened to form part of the Municipal machinery. We have also noticed how the Corporation were gradually divested of all control over the Police. The Municipal Act of 1888 merely provided that the Police Commissioner should, as far as practicable, 'co-operate by himself and through his subordinates,' with the Municipal Commissioner for carrying into effect and enforcing the provisions of the Act and for the maintenance of good order in the city. It retained at

the same time the liability of the Corporation to contribute towards the maintenance of the Police. This liability was a perennial source of friction between Government and the Corporation.

The origin of the feud may be traced to the Act of 1865, which threw the whole cost of the Police upon the Corporation. Constant discussions on the subject took place between Government and the Corporation. Having agreed to contribute towards the expenses Government suddenly stopped payment in the year 1873. The Corporation thereupon asked for the restoration of the grant, but the Government of Bombay expressed its inability to do so without the orders of the Government of India. The contribution was restored at last in 1875—an act of grace which was rendered valueless by the issue of a resolution intimating that the contribution would not be continued beyond the year 1875-76. The Corporation were not, however, in a submissive mood, and replied by sending to the Local Government for transmission to the Secretary of State a draft memorial praying for a continuance of the contribution. This had a very salutary effect. A resolution was issued by Government restoring the contribution for the year 1876 and informing the Corporation that the memorial would not, in the circumstances, be forwarded to the Secretary of State. Undignified as was the part played by Government on this occasion, more amusing incidents were to follow.

In the same year another resolution announced that no contribution would be made for the following year. The Corporation tried the same weapon again—a spirited memorial to the Secretary of State. The effect was instantaneous. A letter was forthwith received from the local Government, once more restoring the contribution! Flushed with victory the City Fathers called upon the authorities to give an undertaking that the

payment would be continued from year to year. It seems that no such assurance was given, and soon afterwards Government arbitrarily deducted from the amount of contribution a sum of Rs. 15,000 for the maintenance of the Lock Hospital in connexion with the re-introduction of the Contagious Diseases Act. This abrupt cut and a proposal to deduct from the contribution certain other charges on account of the Presidency Police kept the embers of the controversy glowing until the issue of Lord Ripon's famous despatch of 1882.

In that despatch it was stated :—

His Excellency in Council observes that at present the annual amount spent on Police by Municipalities in India amounts to about 27½ lakhs of rupees. The only function which the Municipalities discharge in regard to Police is the provision of funds for the purpose of meeting the whole or a portion of the cost of the Municipal Police Force. They practically exercise no control over the Police and cannot, 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 treats them as a machinery for raising taxes to be spent on a department over which they have no control, and in the efficient and economical expenditure of which they have little direct interest and no immediate responsibility. The Governor-General in Council would, therefore, be glad to see Municipal bodies relieved altogether of the charge for Police, an equal amount of expenditure on education, medical charity and, if possible, public works of local interest being transferred to them with as full control as may be expedient over the details of such expenditure.'

We have seen what steps the Corporation took to carry out the principles laid down in this despatch, but how, owing to the vacillation of the Government of Bombay, their efforts proved abortive.

Meanwhile the question of allocation of the Police charges between Government and the Corporation gave rise to perpetual dispute and discussion. Several memorials were sent to the Government of India, who ruled

that three-fourths of the cost should be paid by the Municipality and one-fourth by Government. Against this decision the Corporation sent an appeal to the Secretary of State, in the hope, perhaps, that it would have the same magic effect as the previous memorials to that authority. They were, however, doomed to disappointment on this occasion. The Secretary of State upheld the view taken by the Government of India. After these orders the question was treated as finally settled, and the subsequent contributions of the Corporation were made upon that basis. The truce was, however, short-lived. Government proposed to increase the Police Force, and this question formed another bone of contention. Once more an appeal was made to the Secretary of State, and once more his decision was against the Corporation.

Thus did the controversy drag its weary length until the year 1905, when the Governor of Bombay, Lord Lamington, felt that in the best interests of the city the feud must be ended. He asked his colleague in the Council, Sir James Monteath, whether he could find a solution of the vexed question. Sir James formulated some proposals which, however, did not meet with the approval of the Government of India, and it was left for Sir Steyning Edgerley to evolve a scheme which, after some discussion and modification, was ultimately incorporated in a Bill introduced in the Legislative Council on 4th September 1907.

The Bill was called the Police Charges Bill, but, as remarked by Sir Steyning in introducing it in the Council, it might really have been called 'a Bill to settle the outstanding differences between the Corporation and Government.' In settling the Police charges it settled also the question of responsibility for medical relief, vaccination and primary education and for the maintenance of the Prince of Wales Museum, and also certain

questions regarding music fees and fees for motors and public conveyances. The following extract from the statement of objects and reasons indicates the basis of the felicitous arrangement:

' Government have agreed to relieve the Municipal Corporation of Bombay of the Police Charges of the city on the understanding that the Corporation undertake certain liabilities of corresponding extent now devolving on Government, and the object of this Bill is to give legal sanction to the various rearrangements involved. This Bill accordingly provides that in consideration of the transfer of the City Police Charges to Government, the Corporation should in future give a grant-in-aid to certain existing medical institutions and make full provision for public vaccination, all expansion of medical relief and primary education, and also assist in the maintenance of the Prince of Wales Museum. The Bill also provides for the transfer to Government on the one hand of the interests of the Corporation in the buildings and sites in the use and occupation of the City Police, and for the transfer to the Corporation on the other hand of the interests of Government in the public vaccine-stations in the City and of the interests of Government in the Queen's Statue and in the Victoria and Albert Museum. It is at the same time proposed to take the opportunity to record an agreement arrived at between Government and the Corporation by which the latter will receive the nett proceeds of certain fees under Bombay Act No. VI of 1863 (Public Conveyances), the City of Bombay Police Act 1902, and the Bombay Motor Vehicles Act 1904.'

Certain debatable points still required consideration, and it was agreed that these should be threshed out in the Select Committee. Sweet reasonableness marked the attitude of the representatives of either side in the Committee. They were all determined to see the end of the vexatious controversy, by working on the principle of give and take, and the Bill, as amended by that Committee, was passed by the Council on 1st November 1907 without a single dissentient voice.

It was an occasion on which the mover of the Bill, Sir Steyning Edgerley, and other members of the Council warmly congratulated Pherozechah Mehta, the hero of all the battles fought by the Corporation for an equitable adjustment of the Police charges. 'He has been connected with the question, I think, for very nearly forty years,' observed Sir Steyning, 'and I think it must be a source of great gratification to him to see a conclusion of the matter arrived at which he is enabled to endorse.' In endorsing the arrangement Pherozechah took the opportunity to meet cautiously the objections raised by the critics of the compromise.

'Your Excellency,' said he, 'it is always difficult to say, when exchanges of this sort are effected, who will be the ultimate gainer, because all these duties and functions are capable of indefinite extension and development. It is impossible to say exactly to what extent the cost of the Police may be increased within a certain time, or whether the cost of primary education as developed by the Corporation would keep pace with the Police increase or outrun it. It must be a question of give and take, leaving the exact state of things to the future. It is possible that at one time the cost of the Police might overrun the cost of the increase in that of primary education and medical relief, and it is possible that the exact opposite process might take place. But, on the whole, it is a suitable exchange, and the proper way to look at it is to see that the Government who have to deal with the personnel of the Police should bear its cost, while the Municipality who have to deal with sanitary arrangements, conservancy of the city and primary education should take the leading part in carrying out these important matters For my part I think it is a straightforward and honest arrangement of various liabilities between the Corporation and Government.'

This point was taken up again by Sir Steyning in replying to the debate and he neatly summed up the situation in words which deserve to be remembered in dealing with such controversies: 'With regard to what the Honourable Sir Pherozechah has said, I may say

that I always dislike to be a prophet, but I do not mind on this occasion assuming the rôle for one purpose, and that is to forecast that whether the expenditure of the Government on Police outruns that of the Corporation on education and medical relief, or whether the expenditure of the Corporation outruns that of the Government, there is one thing certain and that is that *the ultimate gainer is the City of Bombay.*'

CHAPTER XXXI

THE STORY OF THE SCHOOL BOARD

IN the beginning of the nineteenth century India was just awakening from the stupor of ignorance. In a few nooks and corners the lamp of knowledge burned dimly, but elsewhere ruled Cimmerian darkness. Government had not then considered it their duty to minister to the intellectual wants of the people. What could have been the reason for such neglect of one of the primary duties of the State?

Was it because British statesmen had been engrossed for years in the work of consolidating the conquered territories and evolving a system of government suited to the conditions which then existed? Was it on that account that they had lost sight of their elementary duty and the simple lesson of history that the perils of ignorance of the multitude were more disastrous than the possibilities of internal rebellions or external aggressions? Surely they did not require to be told that a system of government, however efficient, may collapse like a house of cards if not rooted in popular appreciation and goodwill.

It is astonishing how slow, in some respects, the British nation has been in profiting by the example of others. Even after universal education had made rapid strides in Switzerland, Prussia and the United States of America, its advantages were not brought home to her for a very long time. No grant was made in England from public funds for education until the year 1834, no grant-in-aid towards the maintenance of voluntary

schools until 1846, and no Parliamentary education enactment of any real importance until 1870. Even then she might not have been stirred to action, had not the Prussian victories in the Franco-German war vividly demonstrated to the world the immense advantages of an educated rank and file and the awful handicap of leading an illiterate people to war. 'It was the school-master,' remarked William Stead, when the Germans invaded France, 'as much as the needle-gun which was the source of their victory.' When we take these historic facts into consideration, when we recollect that England's educational policy, even towards her own people, was incredibly backward until the last quarter of the nineteenth century, we feel inclined to refuse to attribute any sinister motives to the British authorities in India for their neglect of the education of the masses.

We cannot, however, altogether ignore a factor which seems to have influenced for a while the policy of absolute inaction pursued in the days of the East India Company—the conflict between self-interest and duty, which is invariably involved in the dealings of advanced nations with the inhabitants of the backward countries in which they establish themselves. On the one hand it would be nothing short of sordid self-interest on their part and wilful disregard of the interests of humanity to withhold from the subject-races the benefits of education; on the other hand, if they once kindled the torch of knowledge in those dark regions, there would unquestionably be from day to day a demand for more light, until the day dawned when the subject people considered themselves to be the equals of their rulers and preceptors and resented the yoke of a foreign ascendancy. It seems these considerations were not altogether absent from the minds of the authorities in the early days of British rule. Be it, however, said to the credit of the British nation

that it did not allow the sirens of self-interest to lure it from the path of duty. The conflict between interest and responsibility raged, no doubt, for some time, retarding the progress of the people for a good many years, but the ideals of British justice prevailed at last. We have it on record that the East India Company looked upon the efforts of the missionaries to open schools in India with grave misgivings. In the days of the Marquis of Hastings there was increased educational activity in the country on the part of the saintly souls who had come to the East to preach the word of God. The Board of Directors, therefore, warned their satrap that such activities were dangerous and might give rise to political aspirations dangerous to the rule of the Company. Lord Hastings, however, manfully replied that it would be a betrayal of national morality to perpetuate ignorance for the sake of sordid political considerations.¹

This was the first official pronouncement in favour of the principle of educating the people of this country. Very little, however, was done by the State itself for the promotion of mass education. There was not a single Government school in the City until the middle of the eighteenth century. The thoughtful and benevolent missionary societies, of whom the pioneers in the field were the American Marathi Missions, and the Bombay Education Society, which was founded in the year 1815 for promoting the education of the poor, conducted a new school on western methods, and their work was supplemented by a few indigenous seminaries run by penurious *Puntojis* who held their classes on the verandahs of houses. Chairs and tables were unknown; slates and pencils were novelties; the student carried with him a portable *patti*, or wooden board, on which he traced the

¹ Joseph Chailley, *Administrative Problems of British India*.

letters of the alphabet and numerals with a reed pen dipped in chalky fluid, and which the teacher re-painted for him once a year during the *Diwali* holidays.

In August 1820, the Society formed a separate branch known as the Elphinstone Native Education Institution, the object of which was to prepare school-books in the vernacular languages and to aid and establish vernacular schools. It, however, found itself unequal to the task and decided, two years later, to confine its activities to the education of European and Eurasian children. The Elphinstone Native Education Institution thenceforth provided for the education of the Indian population, under the name of 'The Bombay Native School Book and School Society.' Although the prevailing official opinion was against western education Mountstuart Elphinstone warmly sympathized with the aspirations of a few enthusiastic Indians for promoting higher education among the people. The Society was established under his patronage and it soon rose to prominence. The first President of the Society was the enlightened Governor himself. The Vice-Presidents were the Chief Justice and three members of the Executive Council of the Governor. The Managing Committee was composed of twelve European and twelve Indian gentlemen, with one European, Captain Jervis, and one Hindu, Sadashiv Chhatre, as Joint Secretaries. No more solid foundation could have been laid for the advancement of learning and for the promotion of cordial understanding and goodwill between the rulers and the ruled.

In 1827 the Society came to be known as The Bombay Native Education Society. In that year Mountstuart Elphinstone relinquished the reins of office, and the princes and people of India raised large sums of money to perpetuate the memory of that distinguished administrator and sincere friend of the people by the

foundation of professorships for the higher education of the youths of the country. The college classes, which were accordingly opened, were amalgamated in the year 1840 with the school classes conducted by the Society, and the combined institution was named the Elphinstone Institution and placed under the control of a Board of Education. This Board consisted of a President, three European members appointed by Government and three Indian members appointed by the Native Education Society, which thenceforth merged its existence in the Board. The first members constituting the Board were J. W. Awdry, Bruce, Morris (Secretary to Government), Dr. J. McLennan (afterwards Physician-General in Bombay), Jagannath Shankarsett, Mahomed Ibrahim Makba and Jamsetjee Jejeebhoy. With the missionaries from Europe and America this Board shared the entire burden of education in the city down to the year 1855, when a separate Education Department was created consequent on the famous educational despatch of Sir Charles Wood.

Before we pass to the next landmark in the history of education in the city, let us grasp the fundamental considerations and principles underlying the educational policy of Mountstuart Elphinstone, considerations and principles which at this distant date appear to have been overlooked both by Government and their critics. In the famous minute which he indited on the reports which he had called for from the Commissioners and Collectors of the different districts and a Special Committee of the Bombay Native Schools and School Book Society he observed :

‘ It may be urged that if we raise the natives to an equality with ourselves by education and at the same time admit them to a share in their own government, it is not likely they will be content with the position assigned to them, or even rest until

they have made good their title to the whole. It cannot be denied that there is much ground for this apprehension, but I do not see that we are at all more secure on any other plan. If we endeavour to depress the natives, our Government may be overthrown by their resistance ; and such a catastrophe would be more disastrous and more disgraceful than that just supposed. Even if we succeeded in the attempt, our empire, being unconnected with the people, would be liable to be subverted either by foreign conquest or by the revolt of our descendants ; and it is better for our honour and interest, as well as for the welfare of mankind, that we should resign our power into the hands of the people for whose benefit it is entrusted, than it should be wrested from us by a rival nation, or claimed as a birth-right by a handful of creoles.'

In a letter written in June 1819 to Sir James Mackintosh, the renowned jurist and scholar, he again spoke out freely :

'I am afraid the belief that our Indian Empire will not be long-lived is reason and not prejudice. It is difficult to guess the death it may die ; but if it escapes the Russians and other foreign attacks, I think the seeds of its ruin will be found in the native army—a delicate and dangerous machine, which a little mismanagement may easily turn against us. The most desirable death for us to die of should be the improvement of the natives reaching such a pitch as would render it impossible for a foreign nation to retain the Government ; but this seems at an immeasurable distance. . . . A time of separation must come ; and it is for our interest to have an early separation from a civilized people, rather than a violent rupture with a barbarous nation, in which it is probable that all our settlers and even our commerce would perish, along with all the institutions we had introduced into the country.'

These were not mere arm-chair speculations. They were convictions based on personal knowledge, insight and experience, which the sagacious statesman strove steadfastly to work up to in practical administration. His educational policy encountered no little opposition from

the members of his Council and from the Directors, but in spite of these difficulties remarkable strides were made in opening educational institutions in the Bombay Presidency. 'It is difficult to imagine,' wrote the Governor, 'an undertaking in which *our duty, our interest and our honour are more immediately concerned.*'

To return now to the memorable despatch of 1854. The principles of this announcement had been in many respects anticipated by the system of education introduced by the Board of Education under the guidance of its erudite and esteemed President, Erskine Perry. We are not for the present concerned with the steps taken by it to prepare the way for the establishment of an University in the City. We are concerned only with its activities for the promotion of primary education. There were at this time only six Government Vernacular schools attended by 560 pupils and costing Rs. 3,900 a year. A good many private schools, however, were maintained by the missionaries and the different communities, including nine vernacular free schools for girls, supported by the Students' Literary and Scientific Society founded in 1848 under the leadership of Professor Patton of the Elphinstone College. In short, under the system of primary education introduced by the Board of Education, the schools were administered by the State, but were mainly supported by the people themselves. Herein lay the germ of the later local-fund school system.

In the Despatch of 1854 the Board of Directors recognized that among the other subjects of importance none could have a stronger claim on their attention than that of education. 'It is one of our most sacred duties,' they observed, 'to be the means, as far as in us lies, of conferring upon the natives of India those vast moral and material blessings which flow from the general diffusion of useful knowledge, and which India may, under

Providence, derive from her connection with England.' For the attainment of this object they prescribed the following measures :—

- (1) The constitution of a Department of Public Instruction ;
- (2) The foundation of Universities at the Presidency Towns ;
- (3) The establishment of training schools for teachers ;
- (4) The maintenance of the existing Government Colleges and Schools of a higher order and the increase of their number when necessary ;
- (5) Increased attention to all forms of vernacular schools ; and
- (6) The introduction of a system of grants-in-aid, which should foster a spirit of reliance upon local taxation, and should, in course of time, render it possible to close or transfer to the management of local bodies many of the existing institutions.

The Despatch thus anticipated the ultimate transference of primary education to local bodies as one of their obligatory duties. In pursuance of the orders passed by the Government of India, the Department of Public Instruction was formed in Bombay in the middle of the year 1855, with C. J. Erskine as its first Director and Dr. Harkness, Principal of the Elphinstone College, as first Educational Inspector of the Presidency. For the inspection of the vernacular schools in the island a Deputy Educational Inspector was appointed, the first incumbent of the office being Vishwanath Mandlik, who subsequently distinguished himself in the service of the city as one of the most prominent members of the Municipal Corporation.

The diffusion of primary education on the partially self-supporting system was continued by the Department of Public Instruction until the middle of the year 1858, when the Government of India called attention to the fact that that practice was inconsistent with the terms of the Despatch of 1854, which required that the educa-

tion of the people should be stimulated by a system of grant-in-aid. In reply the Government of Bombay pointed out that the system of partial self-support was practically the same as the grant-in-aid system, the only difference being that under such an arrangement Government assumed regular control over the appointments and actions of the masters, and thus afforded the public a substantial guarantee that their contributions would be properly utilized. The Supreme Government acquiesced in this view of the question, but ordered nevertheless that no new schools should be launched, without their consent, on the same principles. The result was that the Educational Department confined its activities to the consolidation and improvement of the institutions that already existed and refrained from opening new schools.

Primary education thus sustained a set-back until the year 1865, when the one-anna cess for local education and improvement was first levied. Sir Alexander Grant was then Director of Public Instruction. Local Committees were formed to promote the opening of new schools in various parts of the island¹ and with an increase in the general resources, good progress was made with the work of mass education. The one-anna cess, which was first levied as a voluntary rate, was made compulsory in 1869. The Bombay Municipality contributed Rs. 10,000 towards the expenses of the primary schools in the city in the year 1866. In the following year, however, the contribution had to be withdrawn as the Corporation were advised that the civic revenues could not legally be so applied.

The defect in the law was remedied by subsequent enactments. The Municipal Acts of 1872 and 1878 made it lawful for the Municipality to defray 'such portion of

¹ General Administration Report, 1865-66.

the cost of providing public instruction within the limits of the city,' as the Corporation might think fit, after consideration of the representations of the Director of Public Instruction, by whom estimates were to be submitted annually to the Corporation through the Municipal Commissioner. An annual grant of Rs. 10,000 represents the degree of interest taken by the Corporation in the question of elementary education. Neither the Government nor the Corporation were inclined to accelerate the pace of progress in that direction. The discussion that took place when the Budget Estimates of the Corporation for the year 1878 were under consideration, throws a lurid light on the narrow and bigoted ideas which then prevailed. T. B. Kirkham moved on 9th November 1877, that the usual grant of Rs. 10,000 for primary education be increased to Rs. 15,000. To this the redoubtable Dr. Blaney moved an amendment raising the amount to Rs. 20,000, 'on the distinct understanding that Rs. 5,000 be applied to the object of female education.' The House was not, however, prepared to vote even that modest amount for educating the women of the city, whose condition in those days was little better than that of chattels. The champions of female education demanded a poll, when the numbers were fifteen for and twenty-one against the proposal! Nevertheless, the decade between 1872 and 1882 showed that the progress made in the education of the population was not quite insignificant. The percentage of the male population under instruction had risen from 5.0 to 7.06, and of the female population from 1.8 to 2.8, while the proportion of educated men and women had risen respectively from 17.5 to 24.9 and from 4.0 to 6.3. This result was mainly due to the opening of new schools.

In the year 1882 Government appointed an Education Commission to inquire into the working of the

prevalent system of public instruction and into the further extension of that system on a popular basis. The principal recommendations of the Commission may be summarized as follows: The system of payment by results should not be applied to colleges, which should obtain aid on other considerations; secondary schools should be established by the State on the grant-in-aid system; primary education should have an exclusive claim on Municipal and local funds; the grant by results should be raised for both boys' and girls' schools; the maximum rate of Government aid which they fixed at one-half the entire expenditure of an institution, should be allotted only to primary schools, girls' schools and normal schools.

So far as the City of Bombay was concerned, the most notable result of the Commission's labours was the constitution of a Joint Schools Committee for the management and control of primary education. In pursuance of the Commission's recommendations Government proposed to transfer the charge of primary education to the Corporation. Consistently with their traditional procedure the Corporation referred the proposal to a Committee and this Committee was subsequently requested to submit a detailed scheme for the constitution of a School Board for the administration of primary education in the city. Several reports were submitted by the Committee and several references were made to Government. At last, in the year 1884 Government accepted the views of the Corporation as set forth in their Committee's report. A draft agreement was prepared, transferring from Government to the Corporation the management and administration of primary schools in the city; but when all arrangements were practically complete for the installation of the new School Board, it was discovered that the Municipality

was not legally competent to undertake charge of primary education.

In the circumstances nothing could be done until the Municipal Act was amended. Act III of 1888 made it obligatory on the Corporation to maintain, aid and suitably accommodate schools for primary education, and created a school-fund to which were to be carried every year every grant made by Government for the maintenance or aid of primary education, the fees levied in schools wholly maintained at the cost of the school-fund, and such contribution from the general revenue of the Corporation as they should from time to time determine, the same being not less, in each official year, than a sum of such amount as added to the fees levied as aforesaid in the same year, would be equal to double the Government grant for that year. For the administration of this fund and for giving effect to the clauses relating to primary education, the Act made it obligatory on the Corporation and Government to appoint four members apiece to a Joint Schools Committee. By-laws defining the Committee's duties and powers were framed and sanctioned by Government and on the 1st January 1890 all primary schools in Bombay, together with appliances as well as the balance of the Presidency Education Fund, composed of school-fees, Government grants and Municipal contributions, were handed over by Government to the Corporation. Among the Government schools transferred to them were eleven girls' schools and six second-grade Anglo-vernacular schools, to which they added in 1893-94 an Anglo-Gujarati school at Null Bazar. In consideration of the work of inspection of primary schools, the Committee received from Government the annual sum which Government had budgeted for the purpose, before the transfer took place, and were further allowed to utilize the services of

the two Government officials who had previously acted as Deputy Inspectors of the Marathi and Gujarati schools.

The next landmark in the history of primary education in the city is the Police Charges Act of 1907, to which reference has been made in the preceding chapter. This Act gave full control of primary education to the Corporation. The Joint Schools Committee under the Act of 1888 became the Schools Committee of the Corporation, and the Section relating to the special school fund was deleted. The Schools Committee was required to 'provide out of the sum placed at its disposal by the Corporation for the accommodation and maintenance of primary schools which at any time vest wholly or partly in the Corporation and for otherwise aiding primary education.' A separate arrangement had been entered into with Government in regard to a scheme for the construction of school-buildings, whereby Government had undertaken to contribute half the amount of the cost estimated at ten lakhs of rupees. In order that the provisions of the new Act might not deprive the Corporation of the benefit of the grant-in-aid code for the time being in force, the representatives of the Corporation on the Council secured the insertion of a proviso in Clause (q) of Section 61 of the Act to the effect that the provisions of the Act which made the Corporation solely responsible for maintaining, aiding and accommodating schools for primary education were 'subject always to the grants of building grants by Government in accordance with the Government Grant-in-aid Code for the time being in force.' The following new provisions were also introduced in the Act :—

'If at any time by or at the instance of Government, primary education shall be made free, or free and compulsory, in the city, then a grant amounting to one-third of the difference between the cost thereafter annually incurred by the Corporation

in maintaining and aiding primary schools and the cost so incurred in the period of twelve months immediately preceding the day on which such measure comes into effect shall be paid annually to the Corporation by Government ; provided that should there at any time be a change in the general policy of Government in regard to their liability in respect of primary education, the Corporation shall be entitled to benefit by such change in policy to the same extent as other city Municipalities in regard to any increase in expenditure involved in the adoption of such policy.'

What, made the Legislature anticipate the introduction of free and compulsory primary education in the city? The question was first mooted in the Legislative Council by Sir Ibrahim Rahimtoola in the year 1902. 'The time is coming', he said, 'if it has not come already, when Government will have to seriously think of making primary education free and compulsory'. He suggested that a beginning be made with the City of Bombay. For three successive years he pressed the demand and asked that at least as an experimental measure free and compulsory primary education might be introduced in one of the wards of the city. He also raised a debate on the question in the Municipal Corporation and asked for the appointment of a committee to report on the best means of introducing free and compulsory primary education in the city. As the result of these discussions a strong and representative Committee was appointed by Government in July 1906 to investigate the question of furthering the spread of primary education in Bombay.

After exhaustive inquiry in which Dr. Selby, the Director of Public Instruction, took a leading part, the Committee came to the conclusion that the time had not come for the introduction of compulsory education in the City. It was in its opinion neither necessary nor desirable. The backward state of education among the bulk



SIR IBRAHIM RAHIMTOOLA

Who initiated the question of introduction of free and compulsory education in Bombay.

of the Hindu and Mahomedan population of the city rendered it undesirable that compulsion should be resorted to, and the Committee felt that it would involve numberless prosecutions and cause endless friction between Government and the people. Nor was the Committee in favour of remission of fees. The only exception it made was in the case of the depressed classes, for whom it advocated an increased number of free schools. The Committee believed that there was a strong desire on the part of parents to give some degree of education to their children and a willingness to pay the moderate fees demanded, and that the principal reason why a large number of children did not attend school was want of school accommodation. It was, therefore, necessary to open schools, so far as the Municipal finances permitted, where the Schools Committee found there was a demand. The Committee considered that there was a very great need for additional trained teachers and recommended that a training college might be established in Bombay by Government, the stipends of the students being paid by the Municipality and other expenditure being met from Government funds.

Dr. Selby carried everyone with him except the Chairman of the Schools Committee, Sir Chimanlal Setalvad, who in a minute of dissent urged that the time *had* come for making primary education compulsory in Bombay. He did not see why a measure of compulsion wisely worked should lead to any misunderstanding or friction. Provided the period during which every child must be sent to school was so fixed 'as not to seriously affect his utility as a wage-earning asset of the family,' there was no need to apprehend that compulsion would cause any resentment or opposition.

Owing to absence from India, Sir Ibrahim Rahimtoola, another advocate of free and compulsory education, was

not able to take part in the Committee's proceedings at the final stage, but he had his say when the report was placed before the Corporation in February 1909. To the motion for recording the report proposed by Phero-zeshah Mehta, he moved an amendment to refer the question to a fresh Committee composed of members of the Corporation. In the course of debate Phero-zeshah quickly realized that it would be folly to attempt to stem the tide of popular opinion in favour of the rapid extension of primary education and he modified his proposition to suit the wishes of the younger generation of the members. Thus the question was again referred to a Committee to be considered *de novo*.

Whatever may be urged against the Committees of the Corporation, they may safely claim credit for never being in a hurry to rush to conclusions. The new Committee promptly drew up its questionnaire and asked the Schools Committee to report on the whole question of the extension of primary education in the city, but by the time the report was received, outlining a scheme for accelerating the pace of progress by the adoption of a programme to provide twenty-five new schools per annum, the ardour of the enthusiasts appeared to have cooled down considerably. This report was received in May 1909, but till May 1911 not a single meeting of the Committee was called to consider it.

Thus matters stood when Gopal Krishna Gokhale introduced in the Council of the Governor-General of India his Bill to make better provision for the extension of elementary education in the country. The Bill came before the Corporation for opinion and was referred on 4th May 1911 to the same Committee for report. Now ensued a struggle which threatened to undermine the position of unchallenged supremacy that had been tacitly conceded to Phero-zeshah Mehta whenever the

Corporation had to deal with legislative measures of such far-reaching importance. He was then President of the Corporation and *ex officio* Chairman of the Committee. At his instance the Committee recommended that Government should be informed that the Corporation approved of the principle that primary education should be free and compulsory; that they were in favour of the ultimate introduction of the principle throughout the country but that they did not approve of the proposed methods advanced for carrying out the object in view. The Bill sought to empower every municipality or local government, with the previous sanction of the Local Government, to introduce compulsory and partially free education in its area and to levy a special education rate for that purpose, power being given to the Governor-General in Council to make rules prescribing the proportions in which the cost should be divided between the Municipality and the Local Board and Government. The Corporation were of opinion that such a procedure was not likely to attain the object in view. They considered that the great need of the country then was a strenuous acceleration of the policy of Government to push primary education as rapidly as possible and to adopt a definite policy by which the number of schools could be increased from year to year within a definite period and thus pave the way for the proposed measure. They also disapproved of the way in which it was proposed to distribute the burden of taxation which, they feared, would be unjust and unequal in its incidence on different parts of the country or province. They also feared that the initiative left to the District Local Boards and to some extent to the smaller Municipalities would work spasmodically, unsatisfactorily and unequally, and would in practice be without any real guarantee of the desire and willingness of the people to

be taxed. Further, the system of voluntary notification embodied in the Bill was not likely to be adopted to any very large extent and the Corporation were of opinion that the probable result would be that on the one hand it would not serve to hasten the pace of introduction of compulsory education and on the other Government might be induced to relax their efforts in that direction on the plea that people to whom it was left to take the initiative in the matter did not desire it.

Such were the main objections of Pherozezshah Mehta and the majority of the Committee, who voted with him, to the Bill. There were, however, powerful dissentients, headed by Sir Ibrahim Rahimtoola who declared that he had been for years a strong advocate of the introduction of the principle of compulsion in the matter of elementary education, and that any measure which had for its object the gradual application of that principle had his warmest support. When the report was before the Corporation, he moved an amendment, seconded by Mr. J. B. Petit, a devout disciple of Gokhale, approving of the principle underlying the Bill, subject to certain modifications. The amendment was fought to a division with the result that it was lost, there being 20 votes for it and 28 against it.

The defeat in the Corporation was a prelude to the defeat of the Bill in the Council. In July 1916, however, the question was revived. The Corporation called for proposals from the Schools Committee for the further extension of primary education in the City. The Committee outlined a programme of activities for ten years which was a very sensible and desirable preliminary to the introduction of compulsory education. The scheme was to provide for the progressive expansion and improvement of elementary education for ten years, culminating with the introduction of free and compul-

sory education in the city in the eleventh year. The budgeted estimate for the expenditure on primary education for the year 1917-18 was Rs. 6,58,000. It was proposed under the scheme that there should be a yearly increase over this sum of Rs. 12,500 with an addition of Rs. 5,40,000 in the eleventh year, the total thus reaching in that year (the year of introduction of compulsory education) to Rs. 25,00,000. The scheme was forwarded to Government in December 1917, with the benedictions of the Corporation and their prayer that Government would be pleased to agree to pay one-third of the additional expenditure.

To this communication a very graceful reply was received from Government on 29th November 1918, but by a strange irony of fate it subsequently became a source of contention and led to acrimonious disputes and threats of litigation seldom heard of in the history of the Corporation's relations with Government. The reply pointed out that the Corporation was not entitled to ask Government to contribute towards the enhanced cost.

'Any financial assistance that may be given by Government,' observed the Secretary to Government, 'should rest not so much upon the proposals of the Corporation to apply the principles of free and compulsory primary education in the not very near future as upon the more general ground that a point has been reached at which primary education in the City of Bombay can no longer be developed in a manner befitting the chief City in India without substantial contribution from the Provincial Revenues.'

The proposal, therefore, that I am directed to place before you for consideration is that the Corporation should, as proposed in its representation, continue to bear the whole of the cost of primary education up to the limit of the net budgeted expenditure during the year 1917-18 and that all additional expenditure should be shared equally between Government and Corporation.

Assuming the correctness of the estimate containing the Corporation's representation, the result of this decision would be that while a grant of Rs. 6 lakhs per annum has been asked for

at the end of the ten years' period, the actual grant to be given will amount to Rs. 9 lakhs.'

The Corporation were profuse in their acknowledgment of the 'liberal offer' and acting on that understanding they entered upon an ambitious scheme for extension of education. In view of the Government's altered policy it was unnecessary to retain Section 62B of the Municipal Act introduced by the Police Charges Act. By Section 20 of the City of Bombay Education Act XV of 1920, which was passed to facilitate and accelerate progress towards Free and Compulsory Education, the following section was substituted in lieu of that section: 'If there should be at any time a change in the general policy of Government in regard to their liability in respect of primary education, the Corporation shall be entitled to benefit by such change in policy to the same extent as a City Municipality.' The Act increased the number of members from 12¹ to 16, the additional 4 to be elected from outside the Corporation and 2 of them to be women. It also provided for the introduction of compulsion ward by ward for males only or for both males and females.

The Schools Committee then drew up a programme under the new Act for the introduction of free and compulsory education within 3 years throughout the whole City, commencing with the year 1922-23. This programme was adopted by the Corporation, and they selected F & G wards of the city to launch the scheme.

In accordance with the agreement contributions were received from Government for three years. The Corporation's claim for the year 1922-23 was Rs. 6,43,880. Government, however, paid only Rs. 4,41,833 and stated that the essential basis of the

¹ The number had already been increased from 8 to 12 by Act 6 of 1916.

agreement was the estimate of the scheme submitted to Government under the President's letter of 21st December 1917, so that the Government share was to be a progressively increasing one—half of Rs. 1,25,000 the anticipated annual increase for ten years with Rs. 2,70,000 extra in the eleventh year, total Rs. 6,25,000 plus Rs. 2,70,000 or say, Rs. 9 lakhs and no more. They complained for the first time that the original estimates were being largely exceeded and that the cost at the end of the eleven years' period was calculated to rise to Rs. 55 lakhs. Moreover, they pointed out that whilst the expenditure had grown, the promised extension had not been realized. They did not, however, wish to see a deadlock and invited the Corporation to nominate three representatives to confer with Government on the subject in order to arrive at some working solution.

During the discussions that followed Government firmly maintained the view that they were not liable to contribute beyond the original estimate. As a matter of grace they offered to pay something more, but on the question of contractual liability to pay the amount required by the Corporation they were adamant. Meanwhile Act IV of 1923 to provide for compulsory education and to make better provision for the management and control of primary education in the Bombay Presidency was passed. Section 13 of this Act definitely provided that Government should bear half the additional recurring and non-recurring annual cost on the sanction by Government of a compulsory education scheme, but that the liability of Government *should not exceed in the case of a City Municipality one half of the cost as estimated by the authority*. The Corporation were not, however, content to get a subvention from Government under this Act. The agreement of 1919 placed them in a better position and they were determined to have their pound of flesh.

Although the attitude of the Corporation might have appeared to Government to be unreasonable, they sent a very conciliatory letter to the Corporation on 21st February 1924, breathing paternal regard and evincing earnest anxiety to end the controversy. They pointed out that they had paid Rs. 749,500 in excess of the forecast of 1918, that they were willing to go even further and to bring their total contributions for the preceding five years up to one-half the total admissible expenditure by the Corporation on the original scheme, and to continue to contribute in future on the same basis up to the maximum extent of the liability which they had voluntarily undertaken. They recognized, moreover, that since the date of the original agreement or arrangement there had been further developments in their general policy, regarding their share in the cost of extending primary education, and that the Corporation were entitled to share in the benefits of that development. Despite past arrangements they were prepared to treat the Corporation on exactly the same footing as other City Municipalities, that is to say, they accepted liability in future for contributing up to one-half the additional cost of introducing and maintaining a system of compulsory education in the City. It was obvious, however, that Government must retain, for the protection of the general revenues on which a very heavy liability was thus laid, the right of exercising some amount of supervision and control, similar to that retained by Government in the case of other City Municipalities. 'It is necessary,' they explained, 'for Government to be satisfied in the case of the Corporation and of City Municipalities alike, as to the manner in which grants are being extended, and as to the adequacy of the audit and other account checks imposed.' The offers contained in the letter were, therefore, conditioned upon agreement being arrived at between Government and the Corpora-

tion as to the nature of the control and the manner in which it could best be exercised.

Adequacy of audit and account checks ! It seemed to those who knew how accounts were kept and audited in the Municipality, at least to the writer, that ever since the Act of 1888, Government had been under the blissful illusion that the financial administration of the Municipality left nothing to be desired, and that if any self-governing institution in the world could be trusted to spend the moneys of the local, as well as the general, tax-payer, unrestrained by account checks and outside audit, it was the Corporation of Bombay ! Little did they realize that by such relaxation of control they were putting temptations in the way of their pet child to break through the established methods of accounts. Even when they seemed to have had a rude awakening during this controversy, they remained apparently unaware of the manner in which the Schools Committee had spent the large sums of money at their disposal. Of all the departments of the Municipality the Schools Committee's office was the only one whose accounts were not subjected to the pre-audit of the Chief Accountant or to the daily post-audit of the Municipal Auditors. There was supposed to be an internal audit, but nobody cared to ask what importance could be attached to the audit of a spending department by itself. The Municipal Auditors examined the Schools Committee's accounts once in a year in connexion with their annual report. Even during such cursory scrutinies they discovered much to find fault with, but their objections and suggestions remained unheeded. All this and much more could Government have urged in support of the general powers of supervision and control which they wished to reserve for themselves.

The Government letter was indeed the most gentle

and most conciliatory that any local body could have hoped to receive in the circumstances above stated. But, as in the case of other Municipalities so in the case of Bombay, the relations of Government with the Corporation were in those days considerably strained though not to the same extent as in other parts of the country. When, therefore, this communication came up for consideration, several members released a flood of bitter eloquence and the Corporation declined to accept the olive branch and decided to take legal proceedings for the enforcement of their claims. The opinion of Counsel was in their favour. According to this opinion a binding contract had been arrived at between the Corporation and Government and 'whether or not an obligation initially existed on the part of the Government to make the contribution, the Corporation having acted on the promise of Government, the arrangement became an enforceable contract between the parties.' Counsel, however, called attention to the fact that apart from legal rights Government, when they had made the promise, were acting on certain estimates which had been far exceeded. 'In view of the fact,' they observed, 'that Government acted liberally towards the Corporation in promising them one-half of the additional expenditure when the Corporation had asked only for one-third as well as the attitude of Government as shown by their letter of the 21st February 1924, we think, that the Corporation and the Government ought to come to a reasonable understanding regarding the voice that the Government desire in the regulation of free and compulsory primary education in the City of Bombay.'

Sage advice such as this might have prevented further unpleasantness, but the Corporation preferred to adopt a defiant attitude and informed Government in August 1924, that they had been advised

to institute legal proceedings to enforce their claim, and that they intended to do so unless Government were prepared to undertake their liability under the terms of the agreement of 1919. However, no proceedings have yet been filed and it is hoped that an understanding will now be arrived at whereby the traditional relations of harmony between Government and the Corporation will be restored.¹

¹ A suit has since been filed.

CHAPTER XXXII

DEMOCRATIZING THE CORPORATION

IN our survey of the history of the Municipal Constitution of Bombay, we have rambled far from the landmarks of Act III of 1888. We have passed several milestones and signposts indicating reforms, but the one which, in view of the reputation of Bombay for intelligent and virile citizenship, we should have expected to reach much earlier, namely, the extension of the franchise to householders, has been the last to appear. Not that the principle was new to the people; it had been recognized early enough and the rate-paying interests were enfranchised more than fifty years ago. The rates were then levied direct from the tenants who obtained the right to vote at Municipal elections. The system, however, did not work satisfactorily. The collection of taxes presented countless difficulties; numerous distress warrants had to be issued, and tenants and landlords were alike incensed. The primary responsibility for paying the property taxes was, therefore, transferred to the landlords as we have already seen.¹

Martin Wood stigmatized this procedure as one of the most extraordinary devices that had been resorted to in order to obtain temporary evidence for the fiction that all the burdens of the place had been fastened upon a few thousand shoulders. The fiction, however, filched from the true rate-payer his most precious possession—his vote. The owner was merely the conduit-pipe through which the tenant's contribution towards the municipal revenues passed into the municipal coffers. Neverthe-

¹ Chapter XXIII.