

BOMBAY IN THE DAYS  
OF GEORGE IV

BOMBAY IN THE DAYS OF  
GEORGE IV

BY THE SAME AUTHOR

THE ROMANCE OF THE APOTHECARIES'  
GARDEN IN CHELSEA

THE LIFE OF EDWARD JENNER

LATIN NAMES OF COMMON PLANTS, THEIR  
HISTORY AND DERIVATION



*Walter L. H. de M. L.*

*Lady West*  
*from a miniature by Lasteroni 1822*

# BOMBAY IN THE DAYS OF GEORGE IV

MEMOIRS OF SIR EDWARD WEST

Chief Justice of the King's Court during its conflict with  
the East India Company

*WITH HITHERTO UNPUBLISHED DOCUMENTS*

BY

F. DAWTREY DREWITT, M.A., M.D., F.R.C.P.

*WITH ILLUSTRATIONS*

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## PREFACE TO SECOND EDITION

THERE is a story of India, now almost forgotten—the story of the long struggle for supremacy between the Crown and the great Chartered Company. Each contest resulted in some fresh fetter for indignant directors and proprietors of India stock, until, at the close of the Sepoy Mutiny, the East India Company was ready to accept euthanasia, and India her Magna Charta.

One of these fetters was the establishment of three King's Courts of Justice—an attempt by Parliament to assert the authority of the Crown over Anglo-India. The Company did all that was possible to limit the power of these courts; and King's Judges found themselves sent on the thankless errand of enforcing justice with no public opinion to support them. Many went; few returned, and what is known of them has been written by opponents.

This book—a necessary vindication of Sir Edward West, one of the ablest of these Judges—contains Lady West's diary, giving a vivid account of the little-known social life of Bombay a century ago; hence there has been a request for a second edition.

The new edition, revised throughout, contains letters from Archdeacon Barnes, who accompanied Bishop Heber in Bombay—kindly lent by Sir George Barnes, K.C.B.—and other additions.

F. D. D.

# CONTENTS

## CHAPTER I

- India a hundred years ago—Suttee—Thuggee—The East India Company's government—The King's Law Courts—Unenviable position of the King's Judges—Sir James Stephen on the "Regulating Act"—The King's Judges of Bombay—Sir James Mackintosh as Recorder: his conflict with the Company—Sir Alexander Anstruther—Sir William Evans—Excessive mortality among the King's Judges: Sir J. W. Kaye's comment . . . . . 1

## CHAPTER II

- Birth and parentage of Sir Edward West—Childhood at Hillington—Harrow—Fellow of University College, Oxford—Writes *A Treatise of the Law and Practice of Extents*—His eminence as an early writer on Political Economy recognised in the United States—Death of Sir Martin folkes—Edward West on Circuit—Family correspondence—A contested election in 1822—Marriage of Edward West and Lucretia folkes—He is appointed Recorder of Bombay—Knighthood . . . . . 16

## CHAPTER III

- Departure for India—Life on an East Indiaman; crew of Lascars; cockroaches; crossing the Line.  
Lady West's *Journal* (Oct. 1822—June 1823):—Incidents of the voyage; rain collected at sea; arrival at the Cape of Good Hope; vineyards at Constantia; Lord Charles Somerset; arrival at Point de Galle; scenery of Ceylon; Calicut sighted; landing at Bombay; official reception; entertainments; Bombay society; alarming fires in the bazaar and fort . . . . . 30

## CHAPTER IV

- Sir Edward West labours to reform the administration of Justice—Misrepresentations in *Glimpses of Old Bombay*—Sir E. West's first Charge to the Grand Jury—Condition of the jails—Case of Parsee rice merchant—Dismissal of William Erskine—Elphinstone's testimonial to Erskine—Libellous "Memorial" from the Bar; Barristers suspended; Attorneys as Advocates—Sir Charles Forbes—Newspaper war on the Erskine case.

Lady West's *Journal* (June—August 1823):—Sir E. West's



viii BOMBAY IN THE DAYS OF GEORGE IV

judicial labours; sudden death frequent; flogging of untried natives; cocoa-nut day . . . . . 50

CHAPTER V

Treatment of untried prisoners and debtors—Sir Edward West's address to the Grand Jury—State of Bombay jail—Transportation to New South Wales desired by European soldiers—Insolvent Laws—Board of Control—Letter from Lady West on expedition to the Deccan, and visit to Sir Lionel Smith.

Lady West's *Journal* (September 1823–April 1824):—Life in Bombay; visit to Poona, Siroor, Karlee; horse races; social slights to Sir Edward West; suspended Barristers return to Court . . . . . 74

CHAPTER VI

The years 1818–1828—Dark years for India as for England: both countries ripening for reform—Over-taxation—The Company's faulty administration—Power in Parliament—Bishop Heber on the Company's administration—Monopolies—Suttee—Press Licensing Laws—Suppression of the *Calcutta Journal*—Liberal-minded Company's servants—Courtenay Smith's defence of Indians—Impending expiration of the Company's Charter—Lord Lansdowne's speech—English merchants prepare for the abolition of the Company's monopoly . . . . . 92

CHAPTER VII

The third Mahratta war and its results—The Pindarees—Mountstuart Elphinstone—His settlement of the Deccan, 1818–19—Governor of Bombay—His great literary and social qualities, diplomatic skill, and Oriental profusion—His fatal love of popularity—Visit to the Deccan—Optimistic report on the condition of the country—Revelations of the official report of the administration of Bombay, 1803—Case of Narroba—His heir's bequest to Bombay—Ceylon a contrast to India—Sir Alexander Johnstone's wise administration: slavery renounced; loyalty of natives—Sir Stamford Raffles in Java—The island ceded to the Dutch—Rise of Singapore—Cession of Sumatra—Sir S. Raffles' brilliant administration: his natural history collections—Burning of the *Fame* . . . . . 106

CHAPTER VIII

Arrival of Sir Charles Chambers at Bombay—Establishment of the Supreme Court of Bombay—Mortality among the King's Judges—Deportation of Mr. Fair; true cause of Elphinstone's action; a side blow at the King's Judges.

Lady West's *Journal* (May 1824–March 1825):—Prevalence of

## CONTENTS

ix

cholera; trials of Europeans; water famine; deaths of Sir Christopher Puller, Sir Willingham Franklin, Sir Francis Bayley, Lady Franklin; arrival of Sir Ralph Rice; murder of Mr. Thackeray; expedition to Goa: return to Bombay . . . 129

### CHAPTER IX

Bishop Heber's four months at Bombay—Expedition to Bassein—Portuguese ruins—Death of Bishop Heber; and of his successor—Letters from Archdeacon Barnes; accompanies Heber; consecration of a church; Guickwar of Baroda's escort; Heber's absence of self-consciousness; his greatness recognised by Indians; his influence on Bombay society . . . . . 155

### CHAPTER X

Lady West's *Journal* (April–October 1825):—Details of Bishop Heber's visit; foundation-stones of Central Schools laid; expedition of the Governor, Hebers, Wests, Chambers, to Salsette; Tannah; Kennery Caves, Bassein; Elphinstone an excellent host; Sir Ralph Rice; murder trials; embarrassing gifts; illegal flogging . . . . . 168

### CHAPTER XI

Sir James Mackintosh on illegal punishments—Sydney Smith's sermon—Sir Edward West's Charge to the Grand Jury on illegal flogging and banishment—illegal confinement in guard rooms—reply of the Grand Jury . . . . . 181

### CHAPTER XII

Lady West's *Journal* (October 18–December 31, 1825):—Death of Mr. Peacock: journey to the Ghauts; tigers; deaths of the Viceroy of Goa, of Mr. Adam, and of Capt. Alexander; Christmas celebration; prisoners as labourers.

Bombay society in quarrelsome mood; libels, assaults, and challenges—Attempt to inveigle the Chief Justice into a duel with the Governor—Correspondence between Sir Edward West and Mr. Elphinstone.

Lady West's *Journal* (January 8–February 2, 1826):—Sir R. Rice; trials for assault and libel; death of Col. Baker; Col. Stannus calls on Sir E. West. Sir Edward West's memorandum on Mr. Warden's conduct . . . . . 207

### CHAPTER XIII

Mr. Elphinstone complains to the Directors of the conduct of the Chief Justice—Sir Edward West's Report to the Board of Control—The Directors forbid servants of the Company to own newspapers—Press Regulation rejected; Silk Buckingham's comment—Sir Edward West consults Indians, and adapts the new Jury Act to Bombay. . . . . 223

CHAPTER XIV

Lady West's *Journal* (Jan. 1826–Oct. 1827):—Death of Hormajee Bomanjee; death of Bishop Heber; mournful cargo of widows returning; arrival of Sir T. Bradford; birth of Lady West's daughter; Sir Hudson Lowe at Bombay; the Deccan case; flogging at Surat; death of Amerchund; frequent deaths; new house at Poona; Sir R. Rice; a nautch; mutiny trial; illness of Lady West; death of Sir T. Munro; the *Courier* attacks the King's Court; newspaper war; arrival of Sir John Malcolm; death of Col. Chambers . . . . . 236

CHAPTER XV

Sir John Malcolm, his career and character; appointed Governor of Bombay; his attack on the King's Court.  
 Lady West's *Journal* (October 1827–February 1828):—Appeal on the Deccan case received by the Privy Council; eclipse of moon; departure of Mr. Elphinstone; farewell entertainments; Sir J. Malcolm as host; his personal courtesy to the Wests . . . . . 251

CHAPTER XVI

Arrival of Sir J. Peter Grant of Rothiemurchus at Bombay; his strong and upright character—*Memoirs of a Highland Lady*.  
 Lady West's *Journal* (Feb.–July 1828):—Pleasant change in Bombay society; burning of the *Tyne*; Sir J. Malcolm; eclipse; murder of native policemen; Duke of Wellington premier; sudden death of Mr. Bridgeman, Advocate-General; journey to Poona in the rains; life at Poona.  
 Sir J. P. Grant's speech at Quarter Sessions on neglect of duty by Company's Magistrates—Sir Edward West's letter to Sir J. Malcolm on police regulations, and on the incapacity of the Magistrates—Sir J. Malcolm begins attack on King's Judges . . . . . 262

CHAPTER XVII

Lady West's *Journal* (Aug.–Sept. 1828):—Death of George Forbes; illness and death of Sir Edward West; funeral; widespread manifestations of regret; conclusion of Lady West's *Journal*.  
 Death of Lady West—Letter from Sir J. P. Grant—General Order by the Bombay Government on Sir E. West's death—Newspaper appreciations—Sir John Malcolm's despatch—Address of condolence from native inhabitants of Bombay; foundation by them of Scholarships in Sir E. West's memory—The strength of English love of justice; its importance to India . . . . . 281

## CONTENTS

xi

### CHAPTER XVIII

- Renewed attack on the King's Court by Sir John Malcolm—  
Death of Sir C. Chambers—Bitter conflict between remain-  
ing Judge Sir J. P. Grant and the Bombay Government—  
Civil War threatened—Court adjourned—Malcolm's overland  
despatch—Reaction in England—Two Judges favourable to  
the Company appointed by Lord Ellenborough—Malcolm  
leaves India—Sir C. Metcalfe's Minute—Comments on the  
situation—Eventual change in system of legislature . . . . 303

### CHAPTER XIX

- 1828, the year of darkness before dawn—Lord William Bentinck;  
fearless reformer; difficulties of his task; experiences of his  
early career—Address of welcome from natives of Madras—  
Widow-burning and organised assassination flourishing and  
increasing—The Thugs—Vigorous measures for their suppres-  
sion—Deaths of Sir E. West and of other King's Judges possibly  
due to *datura* poisoning—India saved from bankruptcy—  
Bentinck's return . . . . . 310
- APPENDIX . . . . . 329

## ILLUSTRATIONS

LADY WEST ( <i>Photogravure</i> ) . . . . .	<i>Frontispiece</i>
<i>From a miniature</i>	
GATEWAY, HILLINGTON HALL . . . . .	<i>To face page 16</i>
<i>From a photograph</i>	
HILLINGTON HALL . . . . .	" " 20
<i>From a photograph</i>	
PART OF A LETTER FROM SIR EDWARD WEST TO HIS SISTER, MRS. LANE	<i>Between pp. 32 and 33</i>
PART OF A "SINGLE SHEET" LETTER OF 1822, BY LADY WEST . . . . .	" 34 and 35
OLD BOMBAY, SHEWING THE FORT IN WHICH SIR EDWARD AND LADY WEST LIVED . . . . .	<i>To face page 50</i>
GENERAL ORDER BY SIR JOHN MALCOLM	<i>Between pp. 288 and 289</i>

## INTRODUCTION

SIR EDWARD WEST lived, and died, a champion of judicial integrity.

He brought to the service of India neither military skill nor subtle diplomacy, but that moral force by which England holds her vast Empire.

An able and just King's Judge sent to India by the Crown, he upheld on behalf of Parliament British honour and fair play against greed and injustice.

His faith, that what was morally wrong could not by any means be politically right, helped to keep the reputation of his country sweet in the rather close atmosphere of the Company's rule at Bombay.

Yet so little has been made public of Sir Edward West's life in India that the *Dictionary of National Biography* knows him only as a political economist, and devotes but a single sentence to his life as an Indian Judge.

The Johns Hopkins University Press at Baltimore, in a reprint of Sir E. West's *Essay on The Application of Capital to Land*, is only able to quote a short notice of its author from the "Annual Biography." Dr. Jacob Hollander in the preface to the *Essay* writes: "Bare details of West's personal life have come down to us . . . it is at least interesting to conjecture that had his life been prolonged,

West's influence upon the development of English economic thought would have been considerable."

A memoir of him—a small pamphlet, signed "Scaevola," and probably written by Sir Charles Chambers—was published in Bombay soon after his death. Of this there is no copy in the British Museum or India Office libraries.

Mention, too, is made of Sir E. West in the biographies of Mountstuart Elphinstone, and of Sir John Malcolm. These notices betray so much bias on the side of the East India Company, and against the King's Judge, as to give false impressions.

An account of Sir Edward West and his times, though with obvious limitations, can be obtained from the newspapers and magazines of the period. Files of Indian journals and magazines furnish much material for a history of the social and political growth of British India. In them—in their daily record of events, letters to the Editor, extracts from Parliamentary and India House debates, in their very advertisements—a dead world of which England knows little, lives again. In the following pages use has been made of these sources of information, as well as of private letters and papers, and above all, of Lady West's diary.

Like other Crown judges sent to India under the Regulating Act to check any irregularities of the Company, Sir Edward West soon died at his task. His death was immediately followed by that of his wife, and of his fellow judge, Sir Charles Chambers. A daughter, aged two years, was the

only member of his family left; and thus opponents and their biographers have—with little fear of contradiction—been enabled to deal as they pleased with the dead judge's memory.

On the death of her parents, Sir Edward and Lady West's infant daughter was brought to England, and afterwards married Colonel R. G. Wale, son of General Sir Charles Wale, K.C.B., Governor of Martinique until its restoration to France in 1815.

Many documents which belonged to the Chief Justice, together with Lady West's Journal, have been lent to the author by Sir Edward West's granddaughters, Mrs. Woods and Miss Mildred Wale. Mrs. Lane, to whom letters from Sir Edward and Lady West are addressed, was Sir E. West's sister, and wife of Major C. Lane. Their only daughter, who married Robert Dawtrey Drewitt, died in 1861. The letters long since passed into the possession of the author—Mrs. Lane's grandson.

Neither letters, diary, nor memoranda have been previously published. They are printed as they were written, and the old spelling of Asiatic names has been retained throughout.

The writing of this short memoir has involved the expenditure of time and trouble, but there must be many, who, like the writer, have discovered that the pleasure of putting handbooks of history aside, and carefully exploring some small spot in the great human past, is in itself compensation for the trouble, and for the consciousness of imperfection in the result.



“Know’st thou well yesterday its aim and reason,  
Work’st thou well to-day for worthy things,  
Then fear thou not to-morrow’s hidden season,  
And care not thou what fate so e’er it brings.”

GOETHE

Lady West’s letters and journal, written hastily, and without thought of publication, contain the usual mingling of events serious and trivial. To omit all the trivial would be to rob the story of some of its pathos, and much of its life.

The author is indebted to the courtesy of the India Office for the use of documents, and also to Mr. Hancock Prenter and other friends who have kindly examined proofs.

## APPENDIX

### NOTES FROM THE COMPANY'S CHARTERS

SIR WILLINGHAM FRANKLIN, brother of the great leader of Arctic exploration, and friend of Sir Edward West, kept a journal during his very short life as a King's Judge at Madras. In this journal, lent to the Author by the judge's grandson, the late Mr. Willingham Rawnsley, there are notes of important points in the Company's Charters. The following extracts are from these notes:

Sir Willingham Franklin says, I find the Charters of Incorporation to be of ye following date—according to ye “collection of Charters & Statutes relating to ye East India Company.”

31 *Dec.* 1600. First Charter. Title “Governor & Company of Merchants of London trading to ye East Indies.”

31 *May* 1609. Second Charter.

3 *April* 1661. Third Charter. In this ye Governors & Council are authorised to exercise Civil & Criminal Jurisdiction in the s<sup>d</sup> Factories according to ye laws of England. May seize & send home Englishmen sailing in Indian or English Vessels in East Indies, or residing there without ye Company's licence.

27 *Mar.* 1669. Grants the Port & Island of Bombay to The East India Company to be held by them as of ye Manor of Greenwich in Perpetuity at a Fee Farm Rent of £10 per Ann. The General Court of Proprietors, or the Governor and Committee may make Laws for ye good Government of ye Island, and its Inhabitants, and impose punishments to taking away Life and Member, so

- that they be *consonant to Reason, & not repugnant but as near as may be agreeable to the Laws of England.* The Governor and Company shall have ye same Powers in ye Island as in ye other Plantations of ye Company.
- 16 Dec. 1674. St. Helena given in Perpetuity to ye Company.
- 5 Oct. 1677. Fourth General Charter. Authorised to coin money, not to be named after coin current in ye King's Dominions.
- 9 Aug. 1683. Power of declaring Peace and War with ye Heathen Nations—*Sovereign Power still reserved to ye King when he shall think fit to interpose*—Power is given to the Company to appoint Judges who are to *determine according to Equity and good Conscience and the Laws and Customs of Merchants.*
- 12 April 1686. Sixth Charter. Powers to appoint Admirals & Captains and raise Seamen and Soldiers to make war on any Indian Prince, and exercise martial law on ye other side of the Cape of Good Hope—Reserving to the King ye Power of revoking ye Grant. Power also given to ye Company to coin money usually coined by ye Princes of India, agreeable to ye standards of those Princes in Weight and Fineness.
- 7 Oct. 1693. Seventh Charter. Ye former Charter having in strictness of Law been forfeited, a new Charter is granted on ye Conditions to adhere to Regulations promulgated under ye Great Seal.
- 5 Sept. 1698. Charter granted to Second East India Company. "English Company trading to ye East Indies" to establish Courts of Justice consisting of a Person skilled in Civil Law and two Merchants.
- 22 July 1702. The union of the Queen Anne Old Company and the New Company. To be completed at the End of 7 years.
- 29 Sept. 1708. The Consolidated Company to be

called "The United Company of Merchants of England trading to the East Indies."

- 24 *Sept.* 1726. Charter of George I. erects Court of Mayor & Aldermen at Madras, Calcutta, and Bombay, for 10 miles round Courts of Record. Mayor's Court had nothing to do with Criminal prosecutions. Governor & Council to hold Quarter Sessions for punishment of Persons accused of Crimes in *ye same manner as in England.*
- 37 George III. c. 142. A New Charter gives Power to His Majesty to establish a Recorder's Court at Madras & Bombay in the place of ye Mayor's Court. *All ye Stat: Law does not extend to ye East Indies. It is difficult to ascertain what Statutes do apply.*
- 8 *Jan.* 1753. Charter Recites Surrender of Charters 1726 & 1727.
- 17 *Sept.* 1757. Charter states ye Commencement of Hostilities ag<sup>t</sup> ye Nabob of Bengal. A Moiety of ye plunder to be given to ye Captors, and ye other Moiety reserved for ye King, who gives it to ye Company.
- 14 *Jan.* 1758. Booty is given to ye East India Company when their Troops or Seamen alone obtain it. If it be got by ye conjoint efforts of ye Company's and His Majesty's Forces, the distribution shall be as his Majesty shall direct.
- 26 *Mar.* 1774. Charter. Recites an Act passed in ye 13th of George III., empowering ye King to create in Bengal a Court of Civil, Criminal, Ecclesiastical, & Admiralty Jurisdiction with 4 judges. May admit advocates, and attorneys without licence. *Persons employed directly or indirectly by ye Company made amenable to Court. Natives also when they have agreed to submit their Contracts to the Supreme Court.* Persons complained against are to be summoned by the Sheriff. I believe an attachment issues if they do not. Afterwards ye Charter says if the

Party so summoned shall not appear, the Court may issue a writ & arrest.

24 George III. c. 25. (The Act which establishes ye Board of Control) declares all British subjects answerable to all Courts of Justice of Competent Jurisdiction to try offences committed in India. Receiving presents to be deemed Extortion, and to be punished as such.

33 George III. c. 52, sec. 151. Governor-General in Council may appoint Justices of the Peace for ye Presidencies.

Sec. 153. Proceedings of Justices of Ye Peace may be removed into ye Supreme Courts of ye Presidencies, under ye same conditions as in England.

37 George III. c. 142. May erect a Recorder's Court at Madras and Bombay. Recorder to be ye President, and 3 Aldermen to sit with him. Court to be a Civil, Criminal, Ecclesiastical, and Admiralty one. Jurisdiction of these Courts not to extend to Revenue matters. In Civil matters between natives to determine as a native Court would do. No action to be brought ag<sup>t</sup> ye judges of ye Provincial Courts for Judicial Acts. May proceed by information after notice. Appeals may be made from the Regulations of the Governors & Councils of Madras & Bombay.

39 & 40 George III. King may erect a Supreme Court and ye powers of the Recorder's Court to be transferred to it. Transportation to be made to New South Wales in cases of Persons not Natives of India.

## INDEX

### A

Act of 1773, 8  
 Adair, Caroline, 260  
 Adam, John, 84; character of, 86, 165; temporary Gov.-Gen., 98  
 "Adawlut, The," native dread of, 8  
 Albemarle, Lord, his *Fifty Years of My Life*, quoted, 88  
 Alexander, Capt., 46, 88 n.; death of, 210  
 Allen, Mr., at Holland House, 326  
 Ambole, 174  
 Ameer Ali, a Thug, 321  
 Amerchund, death of, 244  
 American Missionary Society, 158  
 Amherst, Lord, Gov.-Gen., 98-9, 101 n., 238 n., 313  
 Ana Saab, 281  
 Anderson, Rev. Philip, his *English in Western India*, quoted, 62  
 Anstruther, Sir Alex., succeeds Sir J. Mackintosh, 14; death of, 54 n.  
*Application of Capital to Land*, Sir E. West's treatise on, 18, 19, 91 n.  
 Arnold, W. Delafield, his *Oakfield* quoted, 61  
 Arnot, Mr., sub-editor of *Calcutta Journal*, imprisoned, 98  
 Asiatic names, spelling of, xvii  
 Assassins, 3 n.  
 Attorneys as advocates, 65  
 Aujediva, island of, 31  
 Ayrton, Mr., solicitor, 63, 83; death of, 146

### B

*Babar's memoirs*, 58  
 Bacon, Mr., on flogging of natives, 242  
 Baker, Col., 34, 82; appreciation of, 91  
 — Mrs., 91, 244  
 Balchen, Sir John, Admiral, 16

Ballajee Goclerk, 281  
 Baltimore, Johns Hopkins University of, republishes a pamphlet by Sir E. West, xv, 19  
 Bandora, 174  
 Banishment, illegal, 188 ff.  
 Barnes, Archdeacon, 43 n., 48, 49, 155, 161, 162  
 — Mrs., 43  
 Barr, Major and Mrs., 244  
 Barristers' fees, 63  
 — memorial, 52, 63  
 — suspension of, by Sir E. West, 57, 65, 83  
 Bartley, George, illegal imprisonment of, 196  
 Bassein, ruins at, 173  
 Batt, Lady West's maid, 34, 41, 42, 77, 80, 143, 283  
 Bax, Mr., sudden death of, 179  
 Bayley, Sir Francis, Recorder of Penang, 78 n.; death of, 146  
 Beauclerk, Lady, 24  
 Beckford, William, 25  
 Bellasis, Col., 218  
 — Major and Mrs., 243  
 Bencoolen, Sir S. Raffles in, 125  
*Bengal Hurkaru* quoted, 59, 291, 308, 313, 316  
 Bentinck, Lord William Cavendish, reforms of, 6, 7; difficulties of his task, 313; early career, 313-15; reaches Madras, 314; at Calcutta, 316; his suppression of Sutte, 317; and of Thuggee, 319; his courage and simplicity, 327; Greville's depreciation of, 328; explained, 329  
 Betel nut, use of, 43  
 Bhurtpoor, siege of, 92; treasure of, 237 n.  
 "Billycock hat," 23 n.  
 Blankley, Mr., 47  
 Blosset, Sir Henry, his character and death, 45  
 Board of Control, Pitt's, 76  
 Bomanjee Hormusjeet, 299

Bombay, position of Recorder of, 10; Sir J. Mackintosh on, 12; early history of, 31; harbour, 43; fires at, 46, 47, 141  
*Bombay Courier* quoted, 67, 97, 102 n.  
*Bombay Gazette* quoted, 20, 63, 68, 69, 70, 275, 288, 296, 306,  
 Bombay Literary Society, 58  
 Bombay Presidency, report of Administration of, quoted, 4  
 Boulger, D., his *Bentinck* quoted, 312  
 Bradford, Capt., 220  
 — Sir Thomas, Commander-in-Chief, 230, 239, 243, 258, 269, 271; in conflict with the Governor, 306, 306 n, 307  
 Bribery, Sir J. Mackintosh on, 13  
 Bridgeman, Miss, 266  
 — Orlando, 266 n.; death of, 269, 279 n.  
 Bridport, Lord, 23  
 Brisbane, C., death of, 246  
 British Museum, error in catalogue of, 19  
 Brougham, Mr., 66  
 Browne, Dominick (Lord Oranmore), 23, 24  
 Browne, Mr., challenges Mr. Norton, 212  
 Brownlow, Lady, 26  
 Bryce, Rev. Dr., pluralities of, 98  
 Brydon, Dr., 282-6  
 Buckingham, James Silk, reformer, 5, 59 n.; deported, 98; on the Fair case, 138; edits the *Calcutta Journal*, 98, 104; on M. Elphinstone, 112; on the freedom of the Press, 228-30  
 Buller, Sir Anthony, 43, 55 n., 276  
 — Lady, 43  
 Bunbury, Sir Charles, his Diaries quoted, 67 n., 326  
 Burgon, Dean, his *Lives of Twelve Good Men* quoted, 80 n.  
 Burmese, peace with, 239  
 Burrowes, Capt., 172, 272

## C

*Calcutta Journal* suppressed, 98  
*Calcutta Weekly Messenger* quoted, 140  
 Calicut described, 43  
 Camera, Mme de, 151  
 Canning, Mr., 18, 46

Cape of Good Hope, Lady West's account of, 38-40  
 Caroline, Queen, 22, 25  
 Carr, Rev. Mr., afterwards bishop of Bombay, 168  
 Caste, Hindoo penance to regain, 176  
 Castes, which best qualified for jurymen, 232  
 Castro, Don José de, 150  
 Ceylon, Lady West's account of, 41-2; early good government of, 123-5  
 Chambers, Sir Charles Harcourt, xvi, 11, 17, 78; arrives at Bombay, 130, 138; on native juries, 234; death of, 12, 305  
 — Col. and Mrs., death of, 249  
 — Mr., cousin of Sir C. H. C., 246  
 Chaplin, William, Commissioner of the Deccan, 119, 179  
 Child, Sir Josiah, 24 n.  
 Children, sale of, by natives, 144  
 Cholera, epidemics of, 140, 141, 259  
 Cinchona bark, 4 n.  
 Cinchona, Countess of, 4 n.  
 Claridge, Sir John, 245  
 Clark, Mr., of the *Milford*, 46  
 Cloëte, Mr., 39 n.  
 Cobham, Lord, 17  
 Cockroach introduced into England, 35 n.  
 "Cocoa-nut Day" at Bombay, 73  
 Coke, Thomas William (Earl of Leicester), 23 n., 37  
 Colaba, 207  
 Colebrook, Sir T., his *Life of Elphinstone* quoted, 7, 8, 94, 120, 137-8, 222  
 Colville, Sir Charles, 84; political dinner to, 211, 212  
 — Lady, 43  
 Combermere, Lord, his share of Bhurtpoor treasure, 237 n.  
 Company's rule, failure of, 105  
 Congham Lodge, Lynn, 21, 23, 28  
 Constantia, 35, 39  
 Cooke, Capt., 86  
 Cooper, Sir George, death of, 34 n., 57 n.  
 Cornwallis, Lord, and Sir J. Malcolm, 252  
 Court, Small Cause, alleged illegality of, 63-4

Cowper, Col., death of, 177  
 Crawford, Mr., W. Erskine's At-  
 torney, 68  
 Crawley, Sir Thomas, 27  
 Crossing the Line, 35  
 Cruikshank, Capt., 176  
 Curita, Donna, 151  
 Cursetjee Monackjee, case of, 56-8

## D

Damaun, 286 *n.*  
 Dapooree, 257, 272  
 Darwin, Col., suicide of, 89  
 Datura, 3 *n.*, 325 *n.*  
 Dayidass Hurjeevandass, 175 *n.*;  
 signs petition, 234  
 Davis, Rev. —, 73, 160  
 Death sentence on European for  
 murder of Indian, 82, 83  
 Debt, imprisonment for, 75  
 Deccan, settlement of, 114-8;  
 122-8; pleasant air of, 248  
 De Vitré, Mr., 277  
 Dewar, James, Advocate-General,  
 and later, Chief Justice, 248,  
 266 *n.*, 269, 308  
 Dickson, Capt., 42  
 Ducat, Dr., 47; illness of, 91, 212,  
 286  
 — Mrs., death of, 242  
 Dumderry, the Peishwa's father-  
 in-law, 281  
 Dundas, Henry (Lord Melville),  
 former President of the Board of  
 Control, 93  
 Dunraven Castle, 21  
 Dutch, the, in the East Indies,  
 125-7

## E

Early death of judges, 7, 11, 54 *n.*,  
 57, 130, 140, 308  
 East, Sir Edward, 29  
 East India Company, Courts of  
 Justice under, 7, 8; Sir James  
 Stephen on, 10; accepts Pitt's  
 Board of Control, 76; mal-  
 administration under, 96; extra-  
 vagance of, 99; taxation under,  
 101; fail as rulers, 104  
 Eckford, Dr., 265 *n.*  
 Eclipse of moon, 257  
 — of sun, 268  
 Education for Indians, 86 *n.*

Elephanta, Caves of, 47  
 "Elephanta" (wind), 145  
 Eliot, George, quoted, 302  
 Ellenborough, Lord, 308  
 Elphinstone College, 300  
 — Mountstuart (Governor of  
 Bombay), sides with W. Erskine,  
 58; gives entertainment, 91;  
 resident at Poona, 109; charac-  
 teristics of, 110-12; Governor of  
 Bombay, 112; his report on the  
 Deccan, 113; on the case of the  
 Deccan banker, 120; conduct in  
 the Fair case, 137; thanked by  
 natives, 143 *n.*; sends challenge  
 to Sir E. W., 212; resigns and  
 returns to England, 258 *n.*  
 Elvington, Col., 47th Regt., 87  
 Engano, 127  
*English in Western India*, by P.  
 Anderson, quoted, 62  
 Erskine, William, dismissed, 51-2  
 58; retires to Calcutta, 71;  
 charges against, 62-5; contro-  
 versy concerning, 67-72  
 Evans, Sir William, succeeds Sir  
 A. Anstruther, 14; death of, 14,  
 16, 21, 54 *n.*  
 "Extents," defined, 17; Sir E. W.'s  
 treatise on, 17  
 Execution of English soldier for  
 murder of Indian, 82, 83

## F

Fair, Mr., deportation of, 53;  
 controversy about, 131-40  
 Fame, the, burnt, 98, 127  
 Famine, 13  
 Farish, J., Secretary to Gov., letters  
 from, 133-6  
 Fellow passengers, 34  
 Fenwick, Lieut., tried for murder,  
 142-3  
 — Mr., Master in Equity, 53, 62,  
 171, 243, 269  
 Ferguson, Cutlar, 326  
 Ferrier, Mr., 91  
 folkes, Anna Martina, 20, 25, 35;  
 letter of, 36, 81  
 — Lucretia G. B. See West,  
 Lady  
 — Martin, P.R.S., 17  
 — Sir Martin Browne, F.R.S.,  
 16, 21, 36



### 336 BOMBAY IN THE DAYS OF GEORGE IV

Folkes, Sir William, 21, 287 n.  
 Fireflies, 42  
 Fires at Bombay, 46, 47-8, 141  
 Flamingo, 153  
 Flaxley Abbey, 26; described, 27  
 Flichtam (Norfolk), 287 n.  
 Flogging, illegal, 190-2  
 Flogging of natives, 73, 82, 242  
 Fonthill Abbey, sale at, 22, 25 n.  
 Forbes, Sir Charles, philanthropy of, 5, 56; motion of, in the H. of C., 66; his character, 66; statue of, 66, 80; as reformer, 99, 102  
 — George, 43, 282  
 — Gordon, 102  
 Forrest, G. W., his "Letters and Papers of the Bombay Secretariat" quoted, 83; his *Mountstuart Elphinstone* quoted, 109  
 Fox, Hon. Caroline, 326  
 Franklin, Sir Willingham, 78; Notes by, Appendix; death of, 130, 140 n.  
 "Freetrader" defined, 268 n.  
 Friend, Mr., tutor to E. W., 17  
 Futteh Ali Khan, 88 n.

#### G

"Gallino." See Gallinule  
 Gallinule, Purple, 151  
 Gardiner, Mr., marries Mary Grant, 265 n., 266  
 Gathercole, Drury, sailor, 23  
 Ghauts, scenery of, 77  
 Gibson, Mr., 42  
 Gillespie, Capt., 171  
 "Giovanni" supports Sir E. W., 68, 70; letter of, 249  
*Glimpses of Old Bombay* quoted, 51, 71  
*Globe*, the, letters in, 115  
 Glympton Park, Woodstock, 21, 22 n., 28  
 Goa, description of, 147-50  
 Gocla, 281  
 Goodwin, Mr., 89, 91 n.  
 Gorabunder, 172  
 Government and the Press, 98  
 Graham, Mr., assault by, 210, 212  
 Grand Jury, reply of, to Sir E. W., 205  
 Grant, Commodore, death of, 144  
 — Elizabeth, her account of a monsoon, 270-1

Grant, Sir John Peter, 249 n., 261; his strong character, 262, 263, 267, 268, 269; his address on maladministration, 273-5; letter on Sir E. W.'s death, 287; his conflict with the Company, 305-7  
 — Lady, 263, 264  
 — Mary, marriage of, 266  
 — Mr., on flogging natives, 237  
 — Mrs., death of, 245  
 Greville, Charles, on Lord W. Bentinck, 327  
 Grey, Sir Charles, 47, 78 n., 130  
 "Griffin" explained, 89  
 Griffith, Capt., 86  
 Grooty (?), Mr., 39  
 Guns, execution by being blown from, 109

#### H

*Habeas corpus*, writ of, issued, 303, 305  
 Hadsley, Maria, 25  
 Hailstones, large, in the Deccan, 247  
 Harding's Hotel, 28  
 Hardy, Major and Mrs., 171, 172, 177  
 Hare, Sir Thos., 28  
 Harlesden Green, 80  
 Harrow, 17, 86  
 Hastings, Lord, 37; his action with reference to Singapore, 125-6  
 Hawtaynes, family of, 236  
 Heber, Bishop, on Elphinstone, 110; visits Bombay, 155; at Bassein, 156; death of, 159, 238 (see also pp. 168-77 *passim*); his *Journal* quoted, 156, 157, 159, 164, 165, 166, 167, 173, 174, 176  
 Heber, Mrs., her *Life of Bishop Heber* criticised, 273  
 Hewitson, Dr., 86  
 Hillington Hall, 16, 17; rebuilt, 20  
 Hindoos on juries, 230-4  
 Hippopotamus, chessmen made from bones of, 151  
 Holkar, 109  
 Holland House, Sir J. Mackintosh a guest at, 12; dinner at, 326  
 — Lord, 12, 326  
 Hollander, Dr. Jacob on Sir E. W., xv, 19  
 Hopkins, Mr., death of, 239  
 Horace quoted, 322

Hormajee Bomanjee, wedding at the house of, 45-6, 48, 171; death of, 230, 237 n.  
 Hottentots at the Cape, 39  
 House of Commons, 66  
 Hughes, Capt., on flogging natives, 191  
 Hume, Joseph, philanthropist, 5; as Indian reformer, 100, 102, 104  
 Hunter, Sir W., his *The Indian Empire* quoted, 157, 308 n., 313 n.  
 Hutton, James, his *Thugs and Dacoits* quoted, 321, 323 n.

## I

Ice first brought to Bombay, 5 n.  
 Ilchester, Lord, quoted, 241 n.  
 Illegal punishments, 181  
 — sentences of flogging, 190  
 India, its interest to us, 1; early in the nineteenth century, 3; contrasted with Ceylon, 123; preserved by its sense of English justice, 302; Bentinck's reforms in, 315-28  
 Insolvency Laws, 75  
 Irwin, Mr., assaulted, 91, 210, 212

## J

Jackson, Rev. C., witnesses a flogging, 194-5  
 — Sir Keith, 152, 171  
 Jails, 6, 55, 74  
 Jains, described, 232 n.  
 James, Bp., death of, 159  
 — Capt., 77, 84  
 Java, Sir S. Raffles in, 125  
 Jeffrey, Francis, 12  
 Johanna, King of, at Bombay, 242  
 Johnston, Sir Alexander, C.J. of Ceylon, 123; his measures of reform, 125-6  
 Jones, Sir Harford, 252, 253  
*Journal*, Lady West's:—  
 (Oct. 7, 1822 to May 23, 1823), 37-49  
 (June 12 to Aug. 31, 1823), 71-3  
 (Sept. 1, 1823 to April 25, 1824), 82-91  
 (May 8, 1824, to Mar. 30, 1825), 138-54  
 (April 2 to Oct. 13, 1825), 168-80

(Oct. 18 to Dec. 31, 1825), 207-11  
 (Jan. 8 to Feb. 2, 1826), 220-1  
 (Feb. 14 to Feb. 21, 1826), 223  
 (Jan. 22, 1826 to Oct. 28, 1827), 236-50  
 (Oct. 31 to Feb. 6, 1828), 257-61  
 (Feb. 9 to 11, 1828), 264  
 (Feb. 12 to June 27, 1828), 265-9  
 (July 2 to 28, 1828), 271-3  
 (Aug. 4 to Sept. 4, 1828), 281-305  
 Judges, King's, their thankless task, 7; jurisdiction of, 9; Sir J. Stephens on, 9; high rate of mortality among, 12, 15, 16; attacked by Sir J. Malcolm, 314  
 Juggernaut, 97  
 Jury Act, 230-4  
 — reform, 35  
 Jussien, botanist, quoted, 42  
 Justice, England's love of, 321

## K

Kandalla, 272  
 Karlee, caves at, 77, 87  
 Kaye, Sir John William, his *Life and Correspondence of Sir J. Malcolm* quoted, 4, 14; accounts for high death-rate of King's Judges, 14; quoted, 108, 252, 254-6, 263, 280, 306  
 Keene, H. G., his *History of India* quoted, 316  
 Keith, Capt., 86  
 Kempt, —, death of, 245  
 Kennery caves, 172  
 Kent, the, loss of, 176  
 Keppel, G. T., his *Fifty Years of My Life* quoted, 110. See Albe-marle.  
 Kerr, Mr., 91  
 King's Courts, erection of, 7  
 "King of Clubs," 12  
 King's Lynn. See Lynn  
 Kittoor, 145, 150 n.  
 Knox, Mr. (A.D.C.), 243  
 Kolapore, Rajah of, 249, 250  
 Kundapoor, 85

## L

Lake, Lord, 8  
 Land Taxation, report by W. Chaplin, 119

Lane, Capt., married to Frances West, xvii, 17  
 — Edward, 36  
 — Mrs., letters to, 22, 28, 32, 33, 36, 76, 80. *See* West, Frances  
 Lanowie (Lonowie), 208 n., 211, 272  
 Lansdowne, Lord, on India, 108  
 Lavie, Mr., death of, 238  
 Leckie, John (Mayor of Bombay), 59  
 Leighton, Col., 90  
 Le Mesurier, Mr., 90  
 Lewis, Capt., 34  
 Limjee Cowasjee, entertainment given by, 241  
 Locke, Mr. and Miss, of Norbury Park, 24  
 Lodwick, Col., 237  
 Loonee (Loni?), 85, 86  
 Lowe, Sir Hudson, at Bombay, 240, 241 n.  
 Lushington, Stephen, 254, 258  
 Lynn, contested election at, 22-6  
 Lynn Mart, 20  
 Lyons, Dr., analyst, 324

## M

Macaulay, Lord, on the Supreme Court, 309  
 Macbride, J. D., Principal of Magd. Hall, 80 n., 249  
 Macdonald, Capt., marries Miss Elphinstone, 142  
 — Col. and Mrs., 140  
 — Col., conveys challenge to Sir E. W., 213, 214  
 Mackintosh, Sir James, *Memoirs of*, quoted, 5, 12, 13, 14; resigns his recordership, 11; Sydney Smith on, 12; on the state of Bombay, 12; character of, 12; his difficulties as recorder, 13-14; on illegal punishments, 185-6, 201  
 Madras, opinion at, in Sir E. W.'s favour, 65  
 Mahratta States, 106  
 — War, consequences of, 5 n.  
 Maitland, Sir Thomas, Governor of Ceylon, 123  
 Malabar Point, 91  
 Malcolm, Sir John, arrival of, 251; his career and character, 251-7, 258, 259; Lady West on, 265,

267, 268, 271, 284; resolves to crush the King's Courts, 303-7; returns to England, 308  
 Malthus, 18  
 Mandeville, Lord, 25  
 Mariott, Capt. and Mrs., 88  
 Marjoribanks, Charles, 268 n.  
 Markham, Sir C., 4 n.  
 Master in Equity, 51, 53  
 Mayor's Court, 8  
 Meadows Taylor, his *Confessions of a Thug* quoted, 319-21  
 Mello, Gen. de, 149  
*Memoirs of a Highland Lady* quoted, 208 n., 243 n., 259 n., 263 n., 265 n., 266 n., 268 n., 270 n.  
 Michel, Mr., 47  
 Middleton, Bp., death of, 144, 159 n.  
*Milford*, the, 43 n.  
 Mill, Mr., 243  
 Money, Mr., 257  
 Monsoon described, 270-1  
 Moor, Major, 56  
 Moorhens in India, 151  
 Morgan, W. A., Erskine's solicitor, 68, 136  
 Morris, Mr. and Mrs., 87  
 Morse, Major, 243  
 Munro, Sir Hector, adopts Mahratta form of execution, 109  
 — Sir Thos., assists Lord Amherst, 238 n.; death of, 248, 254  
 Musk rats, 47 n.  
 Mynah, 43 n.

## N

Nagpore, Rajah of, 109  
 Names, Asiatic, spelling of, xvii  
 Narroba, case of, 119-24; judgment in, 243  
 Nautch at wedding festivities, 246, 267  
 Nautilus, 38  
 Nelson and Bronte, Earl, 25, 71, 210 n.  
 Nelson, Horatio, a grandson of Sir C. Turner, 20  
 Newbolt, Sir J., 204 n.  
 Newnham, Mrs., death of, 72  
 New South Wales, transportation to, 75  
 Newspapers, registration of, 226-7  
 Nilgiris, the, 5 n.

Norris, Mr., 212  
 Norton, Mr., Advocate-General,  
 63, 64, 83, 90 n., 91; challenged,  
 168, 211  
 Nott, Capt., his cage, 282  
*Nuncomar*, 10 n.

## O

*Oakfield*, by W. D. Arnold, quoted,  
 61  
 Official Report, 1893, 117  
 Ogilvy, Mrs., death of, 243  
 Ogle, Dr. William, quoted, 21  
 Omens, regard of, by Thugs, 321  
*Oriental Herald* quoted, 63, 65, 67,  
 68, etc.  
 Orissa, Temple of Juggernaut at, 97

## P

Page, Mr., 91  
 Palin, Capt., death of, 239  
 Palmer, Sir Ralph, 175  
 Pangolin, 209  
 Panwell, 87  
 Parbutty Hill, pagodas on, 87  
 Parcell, Governor's residence at, 44,  
 45  
 Parry, Mr., barrister, 91, 248, 271  
 Parsee widow case, the, 69  
 Peacock, Mr., death of, 207  
 Penang, Thugs transported to, 323  
 Pepper, Capt., 151  
 Pepys, Samuel, on Bombay, 31  
 Persia, Sir T. Malcolm's missions  
 to, 253  
 Peshwa, 85, 87, 109; meaning of,  
 77 n.; his palace, 85; his pagodas,  
 87; rout of, 109  
 Petty Sessions, Court of, its powers,  
 184-5  
 Phillimore, Joseph, D.C.L., 208 n.  
 Phylloxera at the Cape, 35 n.  
 Pilot-fish described, 38  
 Pindarees, 106, 108  
 Point de Galle, 41  
 Poisoning, the deaths of West and  
 other King's Judges, possibly due  
 to, 324  
 Police of Bombay, history of, 185  
 Poona, 76, 84, 85  
 Portuguese society at Goa, 156,  
 157-8  
 Pottinger, Miss, 46  
 — Mr., 236

Powell, Capt., 87  
 Press regulations, 226-9  
*Price of Corn and Wages of Labour*,  
 Sir E. W.'s treatise on, 18, 33  
 Prisoners, treatment of untried, 4,  
 74  
 Prother, Col., 121  
 Provincial Courts, 6-7, 325  
 Puller, Sir Christopher, 78 n.; death  
 of, 130, 140

## Q

Quarrels in Bombay social circles,  
 212  
 Quinine, introduction of, 4 n.

## R

Raffles, Sir Thos. Stamford, in  
 Java, 124; Governor of Ben-  
 coolen, 126; secures Singapore  
 for England, 126; shipwrecked,  
 127-8; a founder of the Zoolo-  
 gical Gardens, 128  
 Rajpur, fort of, 121  
 Rangoon, taking of, 141, 246  
 Ravenshaw, Mr., 268  
 Rawnsley, Willingham, 140 n.  
 Reconstruction Act passed, 8  
 Recorder's Court erected, 8  
 Recorders of Bombay, 6  
 Regulations, relating to the Press,  
 239; Reforms delayed by Ben-  
 tinck's, 104  
 Remora. *See* Sucking-fish  
 Renny, Col., 239  
 Ricardo, D., 12; on Sir E. W.'s  
 doctrine of rent, 18, 19  
 "Rice" case, the, 48, 56. *See*  
 Cursetjee  
 Rice, Sir Ralph, 78, 144, 152, 246  
 Rickards, Robert, Indian reformer,  
 101, 104; his *Nature of Life in*  
*India* quoted 95 n., 101, 107  
 Riddell, Capt., 81  
 Rienzi, Col., 172, 173  
 Robertson, Lieut. H. D., his share  
 in Narroba's case, 120-3  
 — T. C., on the King's Courts,  
 309  
 Robinson, Capt., death of, 239  
 Rogers, Samuel, 326  
 Roper, Mr., 269  
 "Round robin" sent to Sir E. W.,  
 63

Runjeet Singh, treaty with, 326  
 Ruskin, J., quoted, 26  
 Ryan, Sir Edw., 246 *n.*, 247

## S

- Sabouqorza, Marquis de, daughter of, 146  
 Salsette, 172 *n.*  
 "Scaevola," memoir of Sir E. W., by, xvi  
 "Scholarship, The West," 296-301  
 Schools, Central, foundation-stones laid, 158  
 Seton, Capt., 152; Mrs., 243  
 — Mr., 172  
 Shaw, Mr., assault by, 131-2, 141, 144  
 Shelford (Cambs), 287 *n.*  
 Sholapore, 286  
 Short, Gen., 152  
 Silver tree, 39  
 Simla, first made a health-resort, 4 *n.*  
 Simson, Mr. and Mrs., 87  
 Singapore, rise of, 124-6  
 Siroor, 76, 77, 79, 85  
 Slaves at the Cape, 40  
 Sleeman, Major Wm., 322  
 Smith, Col., of Baltiboy, 265 *n.*  
 — Courtenay, on Suttee, 101 *n.*; his unpopularity and vindication, 102-3  
 — F. C., 322  
 — Sir Lionel, 46 *n.*, 77, 84, 85; takes Poona, 106, 236, 239, 250  
 — Percy ("Bobus"), 12, 101  
 — Sydney, on Sir J. Mackintosh, 12; assize sermon at York, 182, 326  
 Smytton, Dr., on flogging, 192  
 Snakes, carpet, 249  
 Somerset, Lord Charles, at the Cape, 40  
 Sparrow, Mrs., 241  
 Spelling Indian words, xvii  
 S.P.G., E. W.'s subscriptions, 171  
 Sphinx, the, incorporated with *Spectator* newspaper, quoted, 250 *n.*  
 Squirrel, Flying, 151  
 Stamp Act in Calcutta, 250 *n.*  
 Stanhope, Col., 94 *n.*, 103 *n.*  
 Stannus, Col., and Sir E. W., 221  
 Stark, Mr., his house in Ceylon, 42  
 State Trials, Reports of, quoted, 120-1  
 Steam-packets become general in England, 81  
 Stephen, Sir James, on the King's Judges at Calcutta, 9, 10; his *Story of Nuncomar* quoted, 9  
 Stewart, John, letter of, 295  
 — Mr. and Mrs., 44, 49  
 Stocqueler, his *Handbook of India* in error, 50 *n.*  
 Storm, great (1825), 208 *n.*  
 Strachey, Sir H., his *Judicial Records* quoted, 7  
 — Lady, describes her parents, 264. See also Grant, E.  
 Stratton, Capt., 91  
 Strickland, Edward, of Cokethorpe Park, 27, 36  
 Striking Indians, 141, 170, 203, 237  
 Sucking-fish (Remora), 38  
 Sullivan, Col. and Mrs., 266, 268, 269  
 Sumatra handed over to the Dutch, 126  
 Supreme Court, Calcutta, established, 8  
 Surat, 178 *n.*  
 Suttee, permitted, 3; suppression of, 6; horrors of, 97, 102 *n.*; the custom ceases, 317-18  
 Swaffham Races, 25  
 Syer, Sir William, Recorder of Bombay, 8, 9 *n.*, 11, 55, 64, 168 *n.*

## T

- Table Mountain, 40  
 Tannah, 172, 281 *n.*  
 Taria, Sir Roger de, 179, 237  
 Taxes, oppressive, 4  
 Temple, Maria, sister of Lord Cobham, 17  
 Tenterden, Lord, his decision in Narroba's case, 123  
 Thackeray, Mr., murder of, 145  
 Thomson, Dr., 283  
 Thugs, described, 3; suppression of, 5; meaning of the word, 319 *n.*; their crimes, 319-23; their superstitions, 321; extermination of the bands, 325  
 Thynne, Lord Henry, 46, 47  
 Tigers, 119, 208-9  
 Times, *The*, quoted, 294

Tippoo Sahib, 313  
 Todd, James, Lieut. of Police, 185  
 Toolsey, 171  
 Transportation no punishment, 75  
 Travelling in India, 77  
 Trevelyan, Sir George, on the year  
 1820, 92-4  
 Trimbuckjee, 281 n.  
 Tucker, Capt., 214, 246  
 Turner, Sir Charles, 20 n.  
 — Fanny, marries Sir M. ffolkes,  
 20  
 — Sir John, of Warham, 20  
 Tylor, Dr., 127  
 Tyne, the, burnt, 267

## U

University College, Oxford, 17

## V

Vaccination, 154  
 Vambéry quoted, 157  
 "Verax," letter signed, 70  
 Vessels mentioned:  
*Alligator* (H.M.S.), 46, 88 n.;  
*Almorah*, 46; *Atlas*, 248; *Boyne*,  
 241; *Cambrian*, 260; *Charles Forbes*,  
 71; *Columbine*, 240; *Duke of York*,  
 130; *Dunera*, 148; *Edinburgh*, 268;  
*Enterprise*, s.s., 210 n.; *Exmouth*,  
 239; *Fame*, 98, 127; *Farquharson*,  
 176; *Ganges*, 146; *Katherine Stewart*  
*Forbes*, 84; *Kent*, 176 n.; *Lady*  
*East*, 238; *London*, 133, 136, 142;  
*Milford*, 32, 152; *Mountstuart*  
*Elphinstone*, 261, 287; *Neptune*,  
 250; *Sibbald*, 89; *Triumph*, 248;  
*Tyne*, 267; *Upton Castle*, 211;  
*Victory* (H.M.S.), 16  
*Victory* (H.M.S.), loss of, 16  
 "Vindex" attacks Sir E. W., 67, 70

## W

Wale, Sir Charles, K.C.B., xvii  
 — Miss F. L., xvii  
 — Miss M., xvii  
 — Robert Gregory, Col., xvii,  
 287 n.  
 Wallace, Dr., 89  
 Walpole, Col., candidate for Lynn,  
 28

Walscourt, Lord, 24  
 Wanstead House, Epping, 24 n.  
 Warden, Mr. (M.C.), 46, 88, 113;  
 proprietor of *Gazette and Courier*,  
 222 n., 223, 224, 236  
 Warren, Col., 47th Regt., 84  
 Water, scarcity of, at Bombay, 168  
 Way, Rev. William and Mrs., of  
 Denham and Glympton, 28, 33  
 Webb, Miss, 180  
 Wedderburn, Mr., 68  
 Wedding, Parsee, 45  
 Wellesley, Sir Arthur, 56  
 — Lord, on Bentinck, 312  
 — William Tilney Long (Lord  
 Mornington), 24 n.  
 West, Balchen, father of E. W., 16  
 — Fanny Anna (Mrs. Wale),  
 230, 240, 287 n.  
 — Frances (Mrs. Lane), 17, 27 n.  
 — Sir Edward, birth and parent-  
 age, 16; early days, 16, 17; at  
 Harrow, 17; at Oxford, 17;  
 Fellow of Univ. Coll., 17; called  
 to the Bar, 17; his work on  
*Extents*, 17; his work on *Applica-  
 tion of Capital to Land*, 18;  
 Ricardo's appreciation of this,  
 18; his pamphlet on *Price of Corn*,  
 etc., 18; recent appreciation of  
 Sir E. W. as an economist, 19;  
 personal appearance of, 19;  
 engagement of, 21; practises as  
 barrister, 21; marriage of, 30;  
 appointed Recorder of Bombay,  
 and knighted, 29; leaves for  
 India, 29; reaches Cape of Good  
 Hope, 33; Ceylon, 41; Bombay,  
 43; takes seat as Recorder, 53;  
 first charge to the Grand Jury,  
 53-5; visits the jail, 55; adjudi-  
 cates in the "Rice" case, 56;  
 announces decision of Court in  
 Erskine's case, 61; adjusts fees of  
 barristers, 63; suspends barris-  
 ters, 65; address to Grand Jury,  
 July 14, 1823, 74; proposes  
 Insolvent Laws for India, 75;  
 his action in the Shaw case, 132,  
 144; visits Goa, 146; joins the  
 Governor's excursion, 156; charge  
 to Grand Jury on illegalities,  
 181-206; challenged, 213-15;  
 correspondence with M. Elphinstone,  
 213-18; Report to Board

## 342 BOMBAY IN THE DAYS OF GEORGE IV

- West, Sir Edward—*contd.*  
of Control, 224; adapts Jury Act to Bombay, 230; his letter to Sir J. Malcolm on police incapacity, 276-9; illness and death, 281-3; funeral, 284; appreciations of, in Press, 208-15; address of condolence from natives, 296-9; Sir C. Chambers on, 299; the true worth of his life, 301. *See also* "Scholarship"
- Edward Stamp, sails for India, 30, 32, 240; death of, 268
- Lady (*née* L. G. B. folkes), parentage of, 21; characterised, 21; in London (1822), 22-5; at Flaxley Abbey, 26-8; engagement, 28; describes her voyage to India, 33-6, 38-9; letter to Mrs. Lane, 76; describes visit to Goa, 146-50; her tribute to Elphinstone, 156, 174; birth of a daughter, 230; illness of, 248; death, 286
- Lady Maria, sister-in-law of Sir E. W., 25, 81
- Martin, brother of Sir E. W., 80
- Martin, nephew of Sir E. W., 37, 139, 212, 287
- West, Richard, D.D., Archdeacon, 16
- Temple, Admiral, 16
- Whales seen on voyage, 38
- Whalley, Mr., 246
- Widow-burning, 6
- Widows, a cargo of, 238
- Williams, Col. (Queen's Royals), 178; Mrs., 250
- Wilson, H. H., his *History of British India* quoted, 6, 313
- Mrs., death of, 240
- Mrs. (another), death of, 242
- Wynn, Rt. Hon. Chas. Watkin Williams, President of Board of Control, 76, 79, 84

## Y

- York, Duke of, death of, 240
- Young, Mr., 171

## Z

- Zoological Gardens, London, founded, 124, 128