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'Removal of Nujif Ali Khan (a Prince of Persia) to Bussorah, in preference to his being tried for murder of which he was accused – His pen[sion] of Rs 400 discontinued from 30th November the allowance of Rs 120 per mo[nth] to the Mother of […] Prince made payable at Bussorah'

Holding Institution	British Library: India Office Records and Private Papers
Reference	IOR/F/4/1266/50907
Date(s)	19 May 1815-1 Jul 1830 (CE, Gregorian)
Written in	English in Latin
Extent and Format	1 item (130 folios)
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About this record

The item consists of copies and extracts of correspondence, minutes and resolutions cited in, or enclosed with, letters to and from the Government of Bombay, the Government of Bengal and the Court of Directors of the East India Company. The item is chiefly concerned with the case of Nujeef Ally Khan [Najaf ʿAlī Khān Zand, Prince of Persia] who was charged with the murder of two sepoys in Paunvell [Panvel, India]. In particular, the item relates to:

- Debates between Sir John Malcolm, Governor of Bombay, and John Romer, Member of the Council in the Government of Bombay, as to whether the Prince should be tried in the Criminal Court in the Northern Concan [Konkan] or whether, in consideration of his rank, alternative measures should be adopted to avoid insulting Persia

- The decision to detain the Prince as a state prisoner in the Fort at Tannah [Thane], before removing him to Bussorah [Basra] where he may continue as a liberated individual, with the condition that if he returns to Bombay he will be tried for the charges against him

- Discussions over whether the pension paid to the Prince by the East India Company should

be continued in light of the charges against him

• Consideration of the primary investigations by the Criminal Judge at Tannah into the charges against the Prince

• Consideration of the merits and limitations of applying absolute English law in India without amending it to fit in with local practices

• Petitions by the mother of Nujeef Ally Khan regarding: his access to visitors whilst detained at Tannah; her request that members of his family and entourage are allowed to travel with him to Bussorah; her request that she will continue to receive an allowance once she arrives at Bussorah.

The principal correspondents in the item are William Newnham, Chief Secretary to the Government of Bombay, and his successor, Charles Norris. Other correspondents include: Sir Thomas Bradford, Commander in Chief, Bombay; William Clerk, Acting Persian Secretary; the General Paymaster and Accountant, Bombay; Edmund Montgomerie, Acting Assistant Criminal Judge, Tannah; the Secretary to the Supreme Government [Government of Bengal]; Major Stratford Powell, Acting Adjutant General of the Army, Bombay; Lieutenant-Colonel David Leighton, Commanding Residency Division of the Army, Bombay; Captain Thomas Stokoe, Commandant at Fort Tannah; James Farish, Civil Auditor, Bombay; the Political Agent at Bussora; and Sir Charles Malcolm, Superintendent of Marine, Bombay.

The title page of the item contains the following references: 'P.C. 980, Draft 38, 1832' and 'Examiner's Office 1830'.

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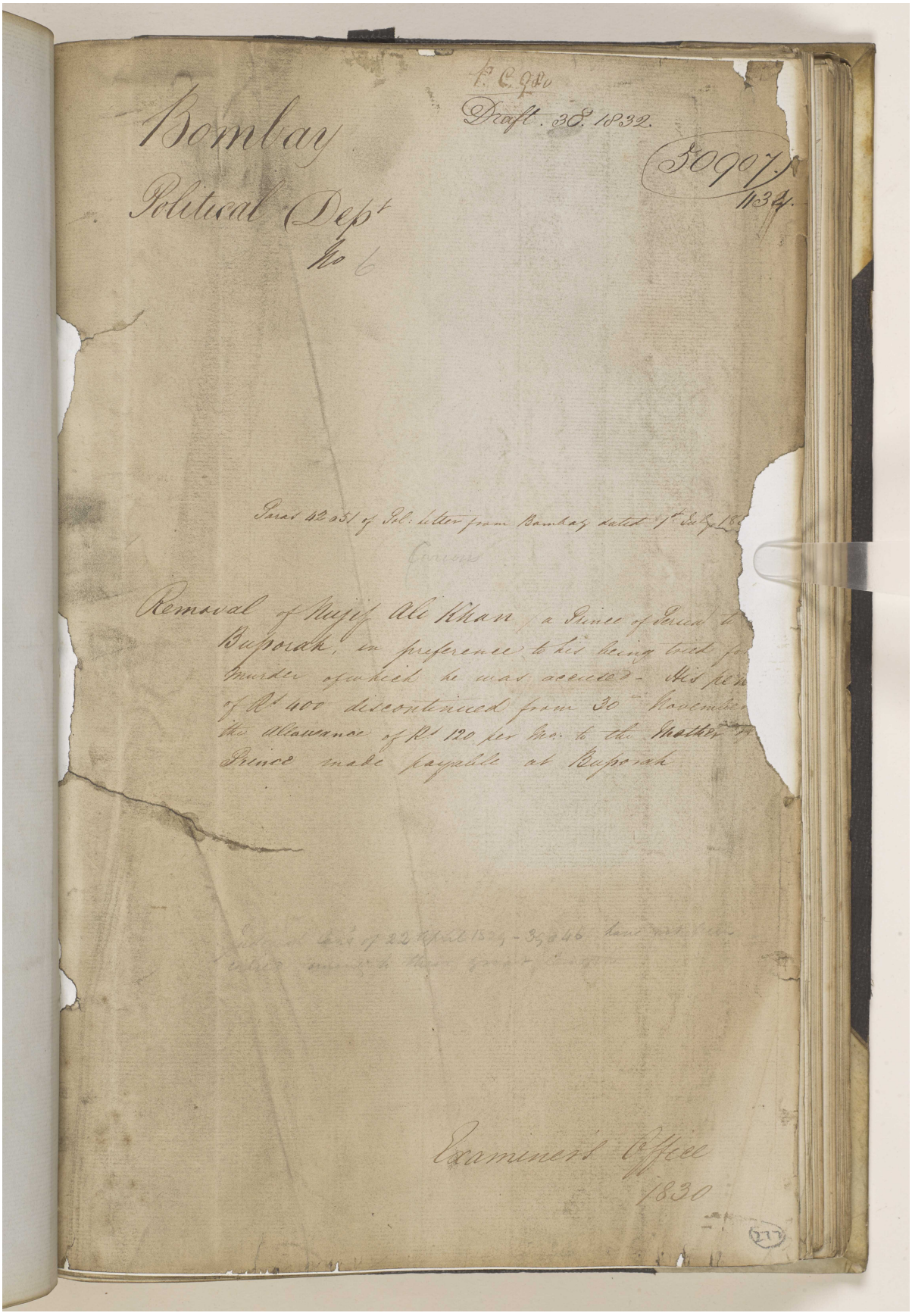

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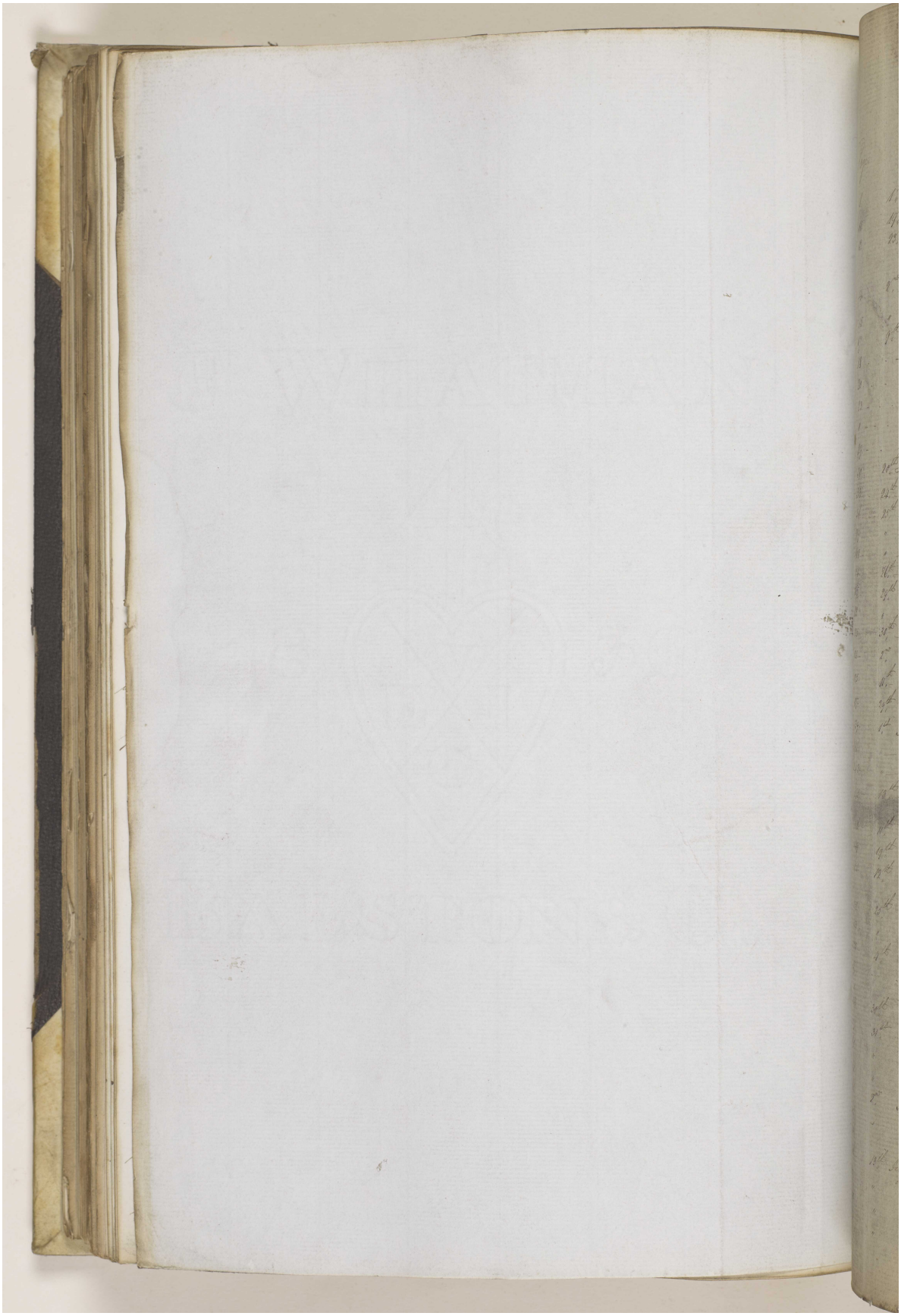

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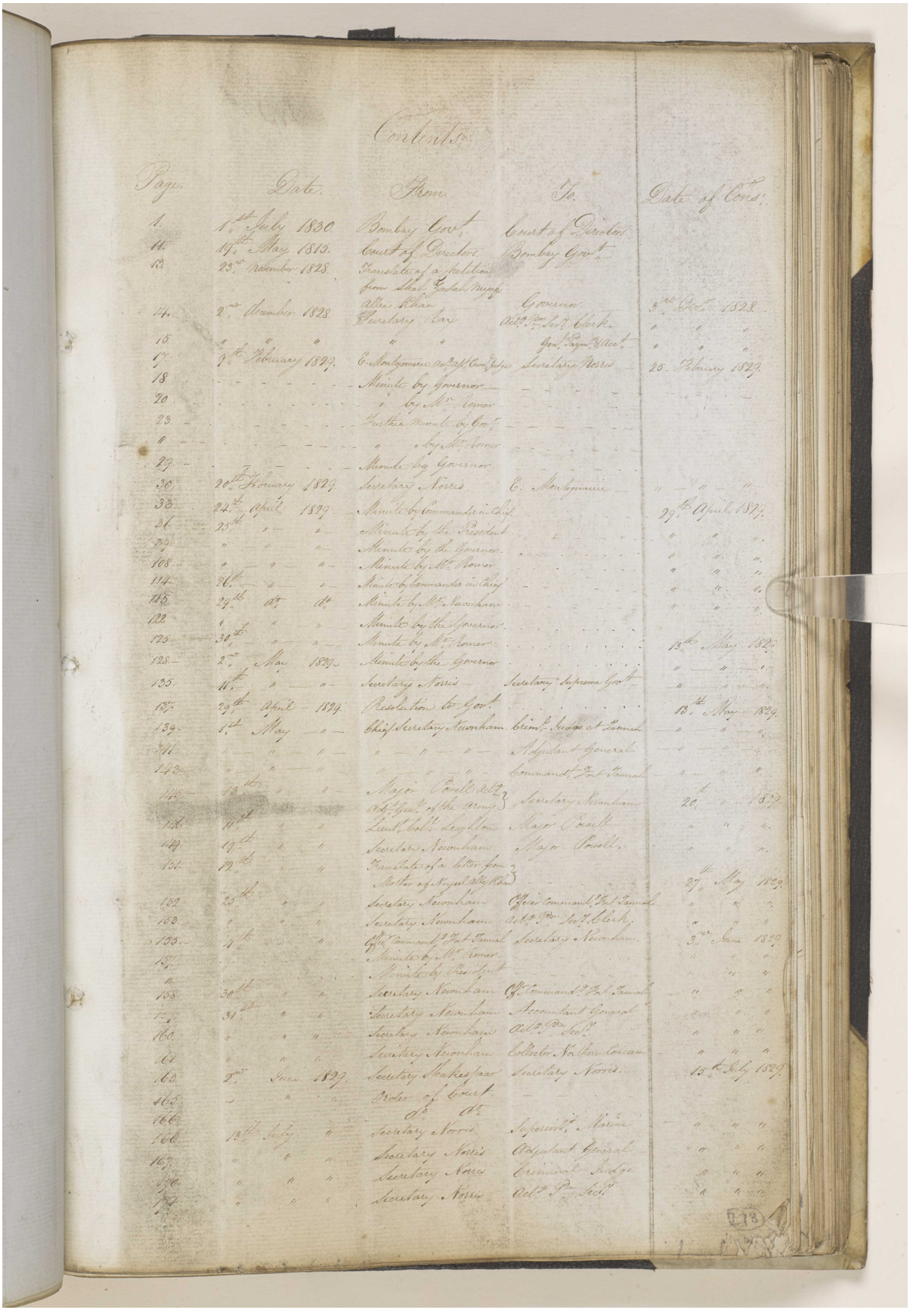

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14.	2nd December 1828.	Secretary Bax	Actg. Pm. Secy. Clerk.	" " "
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17.	9th February 1829.	E. Montgomerie Actg. Asst. Crimd. Judge	Secretary Norris	25 February 1829.
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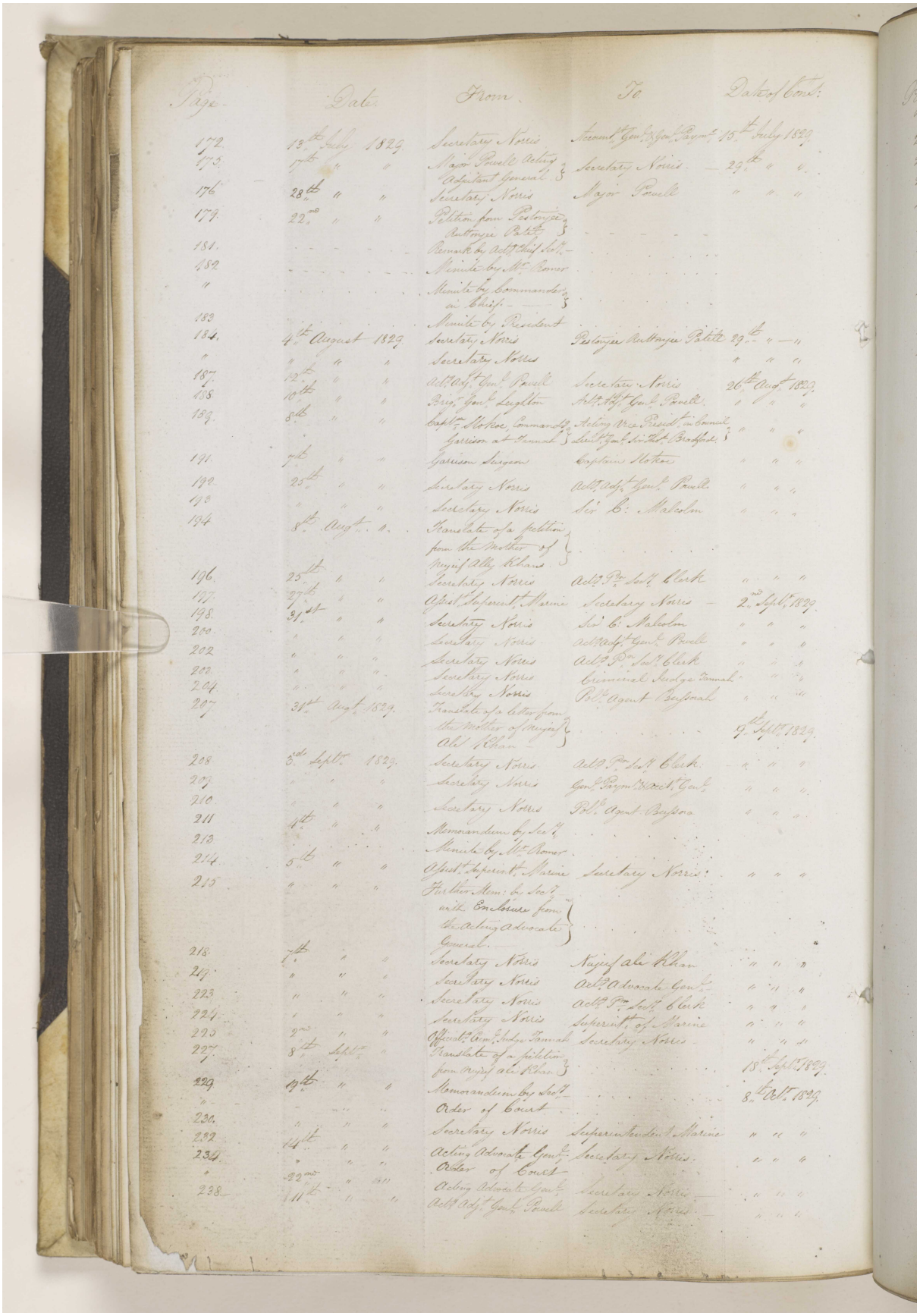

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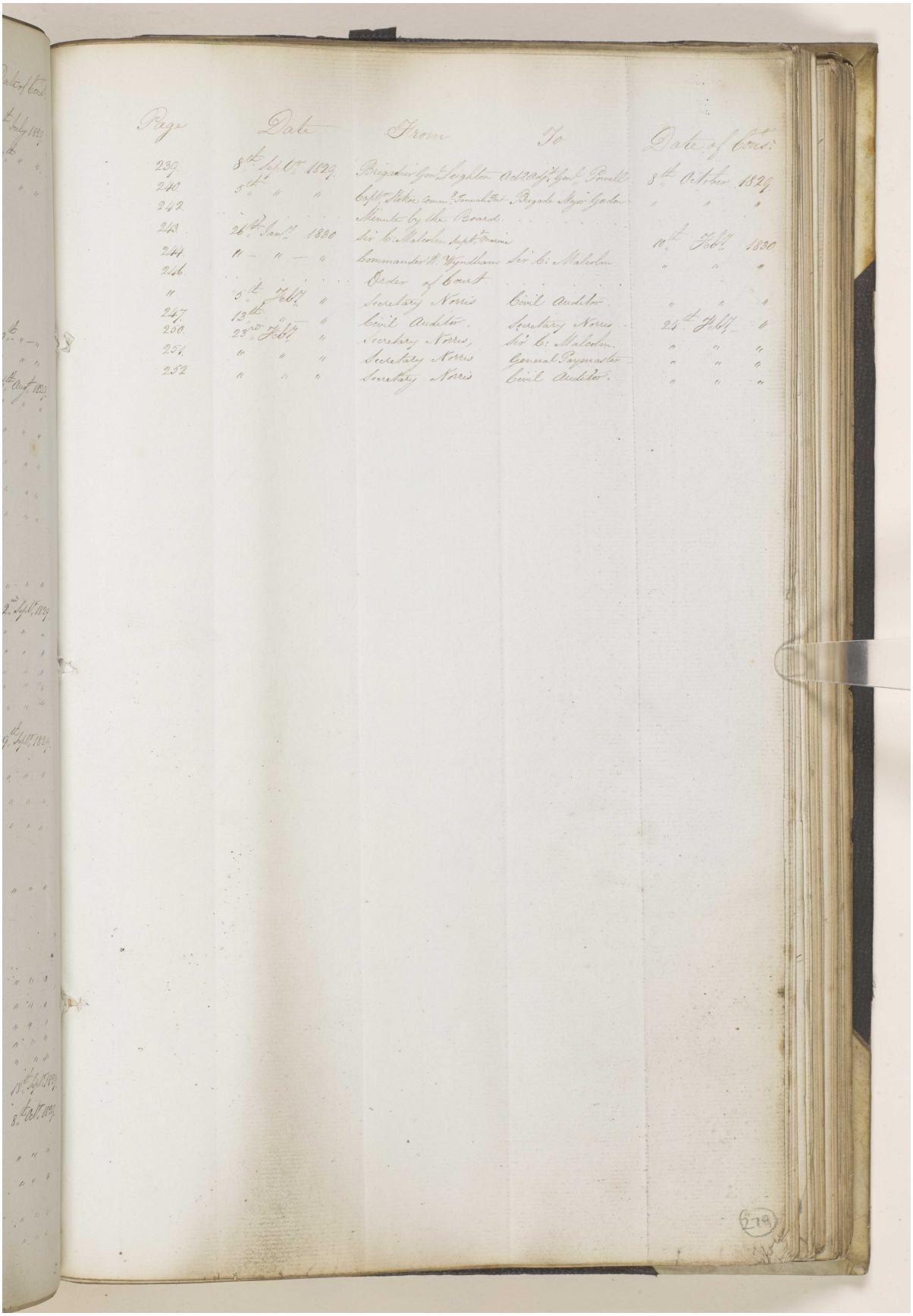

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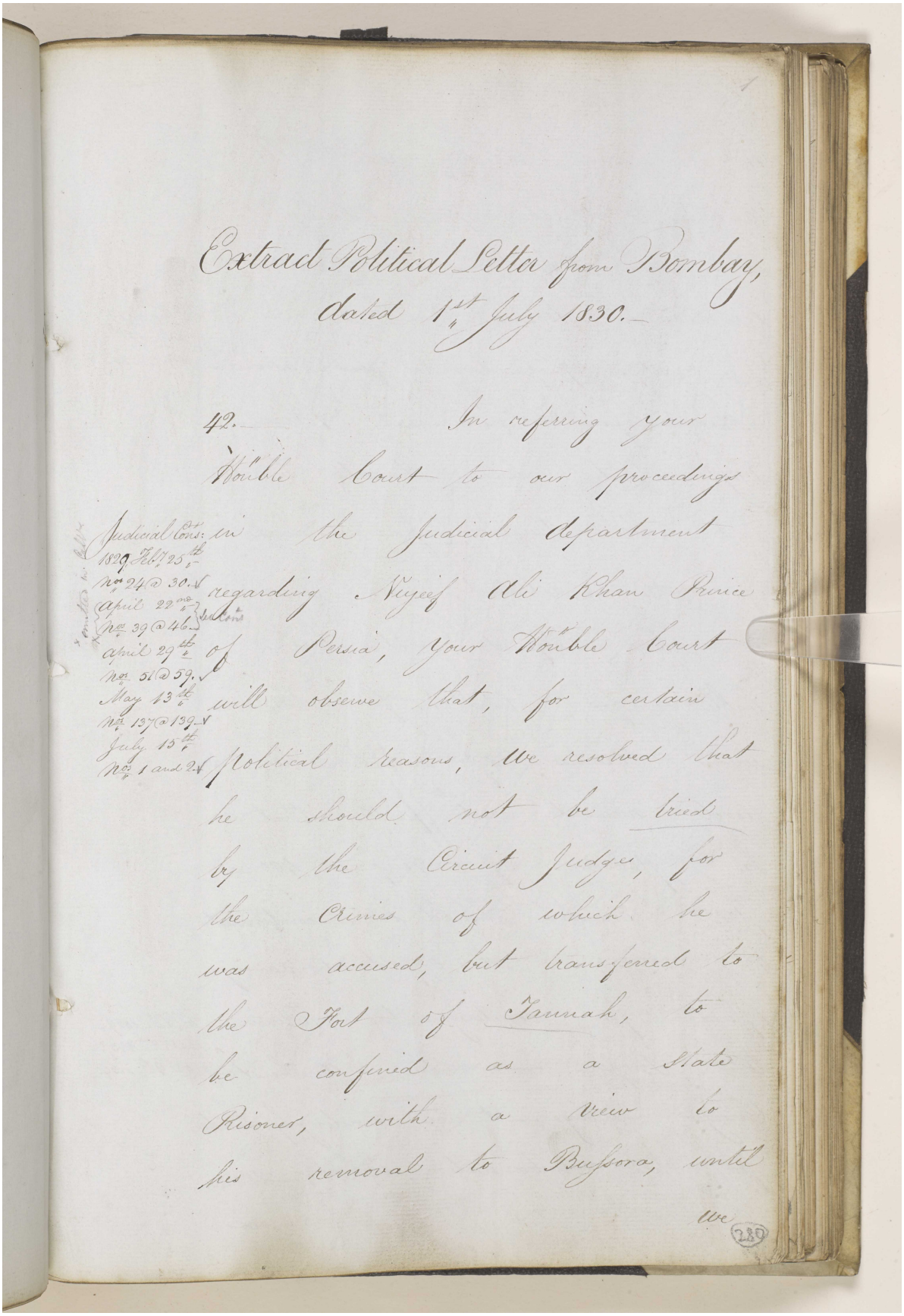

Extract Political Letter from Bombay, dated 1st July 1830.

42. In referring your Hon'ble Court to our proceedings in the Judicial department regarding Nujeef Ali Khan Prince of Persia, your Hon'ble Court will observe that, for certain political reasons, we resolved that he should not be tried by the Circuit Judge, for the Crimes of which he was accused, but transferred to the Fort of Tannah, to be confined as a State Risoner, with a view to his removal to Bussora, until we

Judicial Cons: 1829 Feb 25th No. 24 @ 30. April 22nd No. 39 @ 46. April 29th No. 51 @ 59. May 13th No. 137 @ 139. July 15th No. 1 and 2.

* omitted in Letter

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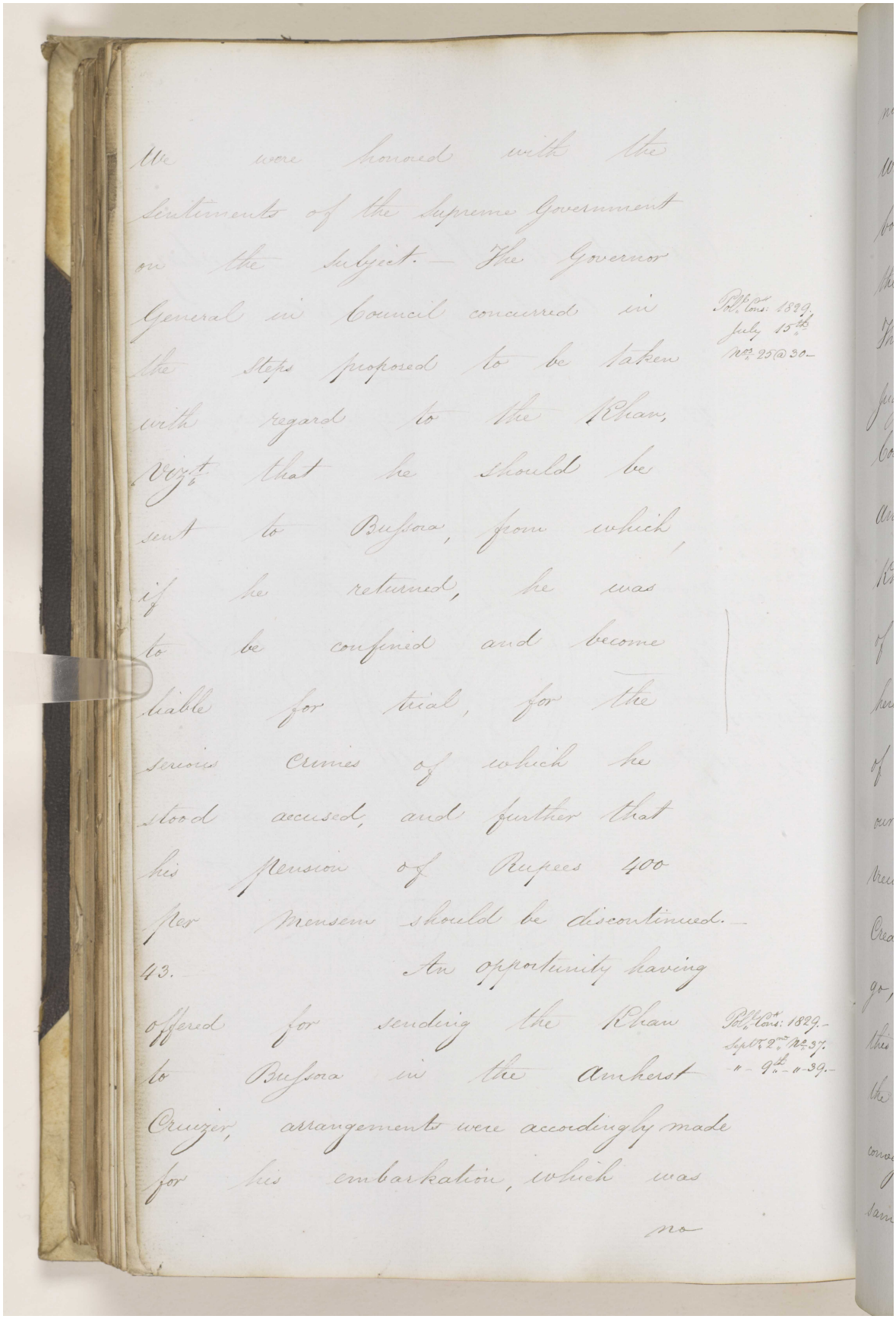

We were honored with the
sentiments of the Supreme Government
on the subject.— The Governor
General in Council concurred in
the steps proposed to be taken
with regard to the Khan,
Viz.t that he should be
sent to Bussora, from which,
if he returned, he was
to be confined and become
liable for trial, for the
serious crimes of which he
stood accused, and further that
his pension of Rupees 400
per mensem should be discontinued.—
43. An opportunity having
offered for sending the Khan
to Bussora in the Amherst
Cruizer, arrangements were accordingly made
for his embarkation, which was
no

Pol.l Cons. 1829.
July 15.th
No.s 25 @ 30—

Pol.l Cons. 1829.—
Sept.r 2.d No.s 37.
" — 9.th — " 39.—

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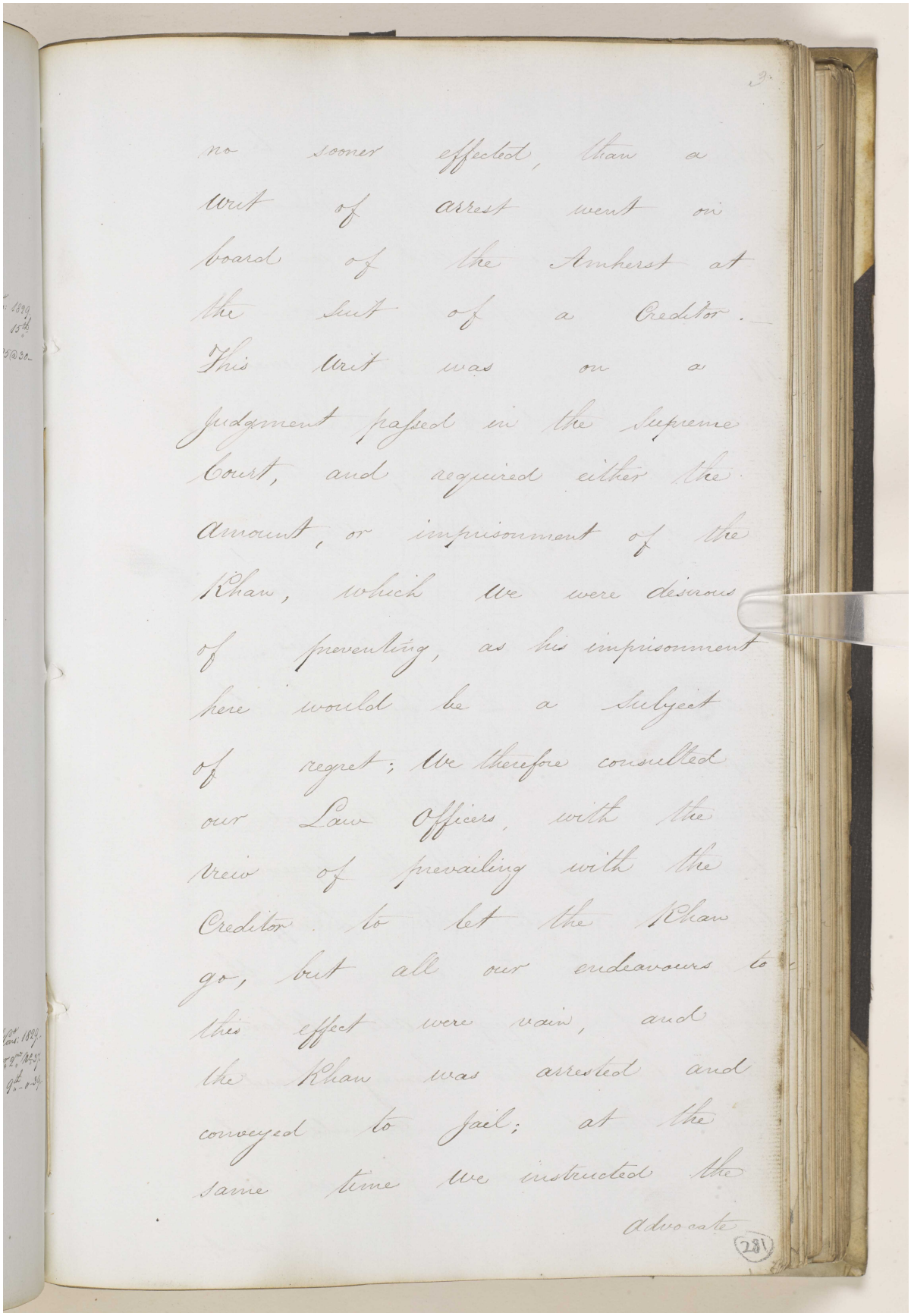

no sooner effected, than a
Writ of arrest went on
board of the Amherst at
the suit of a Creditor.
This Writ was on a
Judgment passed in the Supreme
Court, and required either the
Amount, or imprisonment of the
Khan, which we were desirous
of preventing, as his imprisonment
here would be a Subject
of regret; We therefore consulted
our Law Officers, with the
view of prevailing with the
Creditor to let the Khan
go, but all our endeavours to
this effect were vain, and
the Khan was arrested and
conveyed to Jail; at the
same time we instructed the
Advocate

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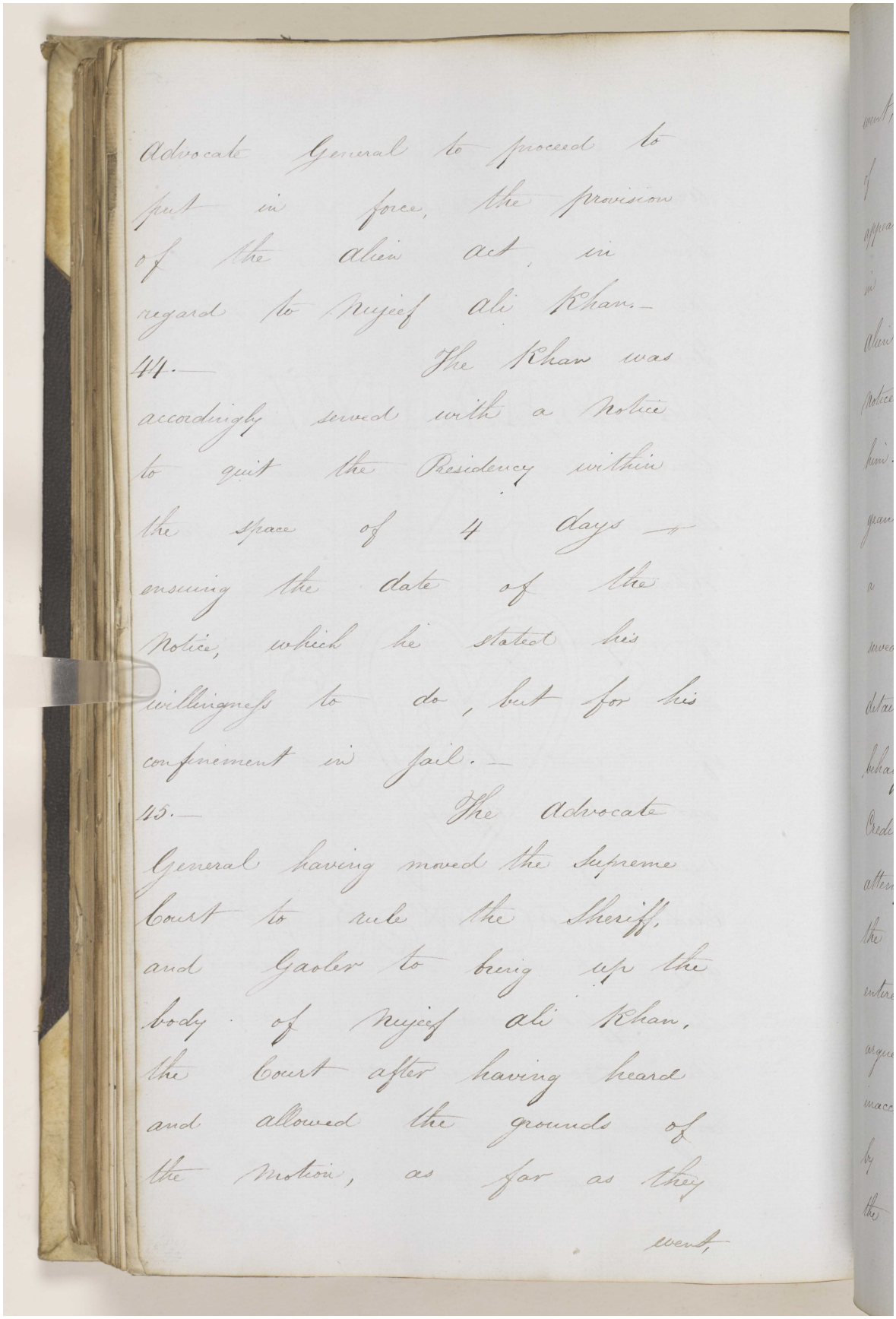

Advocate General to proceed to
put in force the provision
of the Alien act, in
regard to Nujeef Ali Khan.—
44.— The Khan was
accordingly served with a Notice
to quit the Residency within
the space of 4 days —
ensuing the date of the
Notice, which he stated his
willingness to do, but for his
confinement in jail.—
45.— The Advocate
General having moved the Supreme
Court to rule the Sheriff,
and Gaoler to bring up the
body of Nujeef Ali Khan,
the Court after having heard
and allowed the grounds of
the Motion, as far as they
went,

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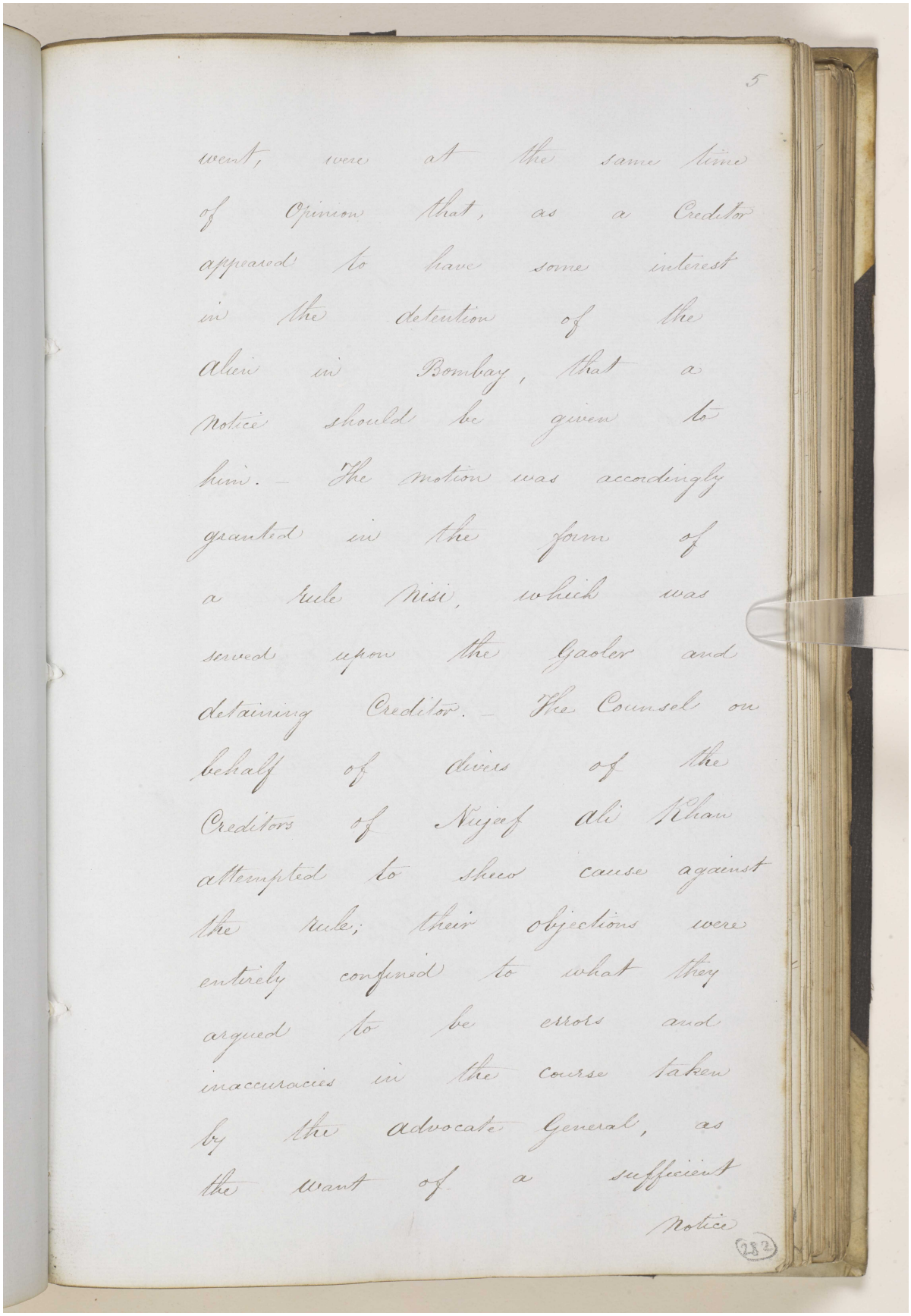

went, were at the same time
of Opinion that, as a Creditor
appeared to have some interest
in the detention of the
Alien in Bombay, that a
Notice should be given to
him. – The motion was accordingly
granted in the form of
a Rule Nisi, which was
served upon the Gaoler and
detaining Creditor. – The Counsel on
behalf of divers of the
Creditors of Nujaf ali Khan
attempted to shew cause against
the Rule; their objections were
entirely confined to what they
argued to be errors and
inaccuracies in the course taken
by the Advocate General, as
the want of a sufficient
Notice

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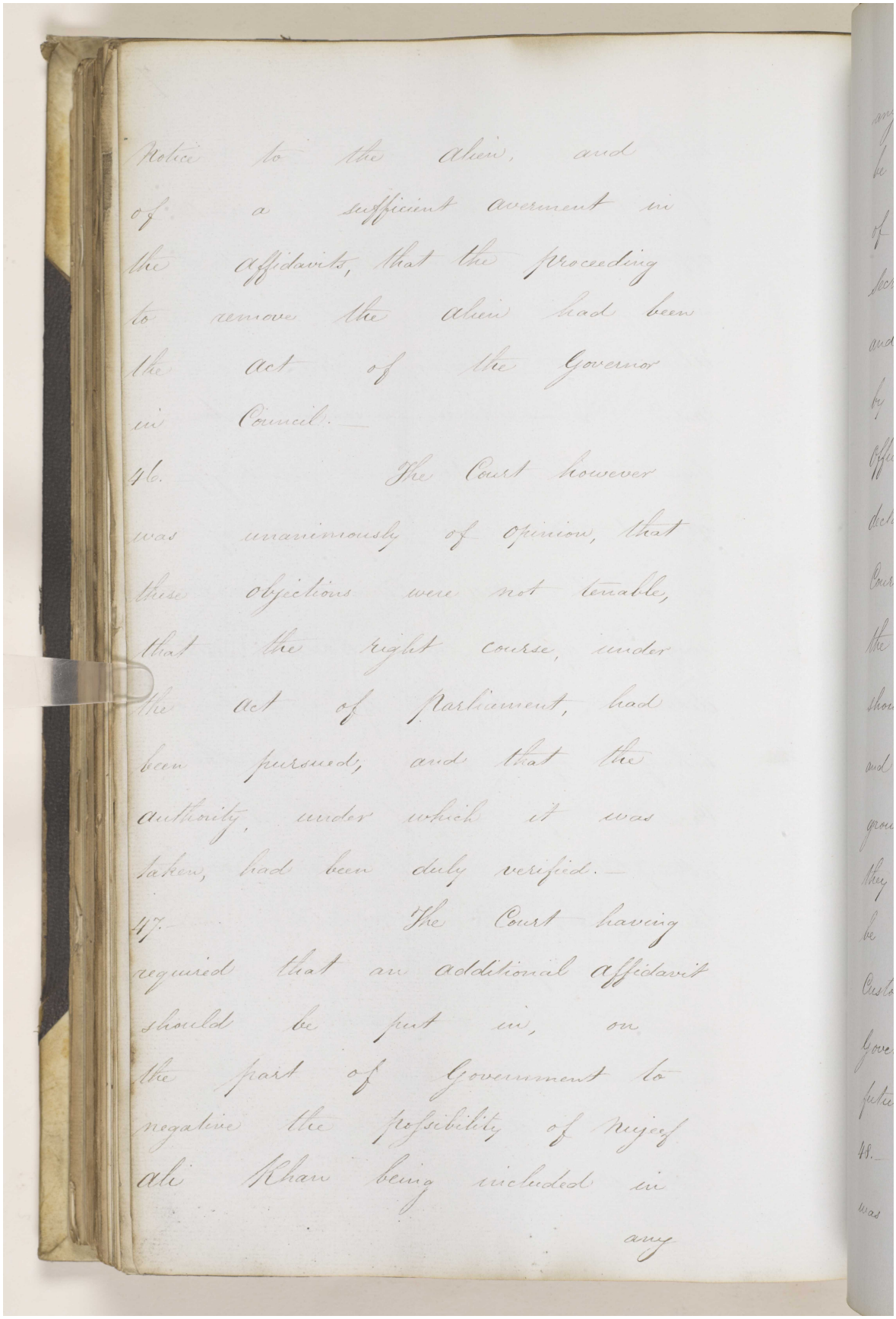

Notice to the Alien, and
of a sufficient averment in
the Affidavits, that the proceeding
to remove the Alien had been
the act of the Governor
in Council.—
46. The Court however
was unanimously of Opinion, that
these objections were not tenable,
that the right course, under
the Act of Parliament, had
been pursued; and that the
authority, under which it was
taken, had been duly verified.—
47. The Court having
required that an additional Affidavit
should be put in, on
the part of Government to
negative the possibility of Nujef
Ali Khan being included in
any

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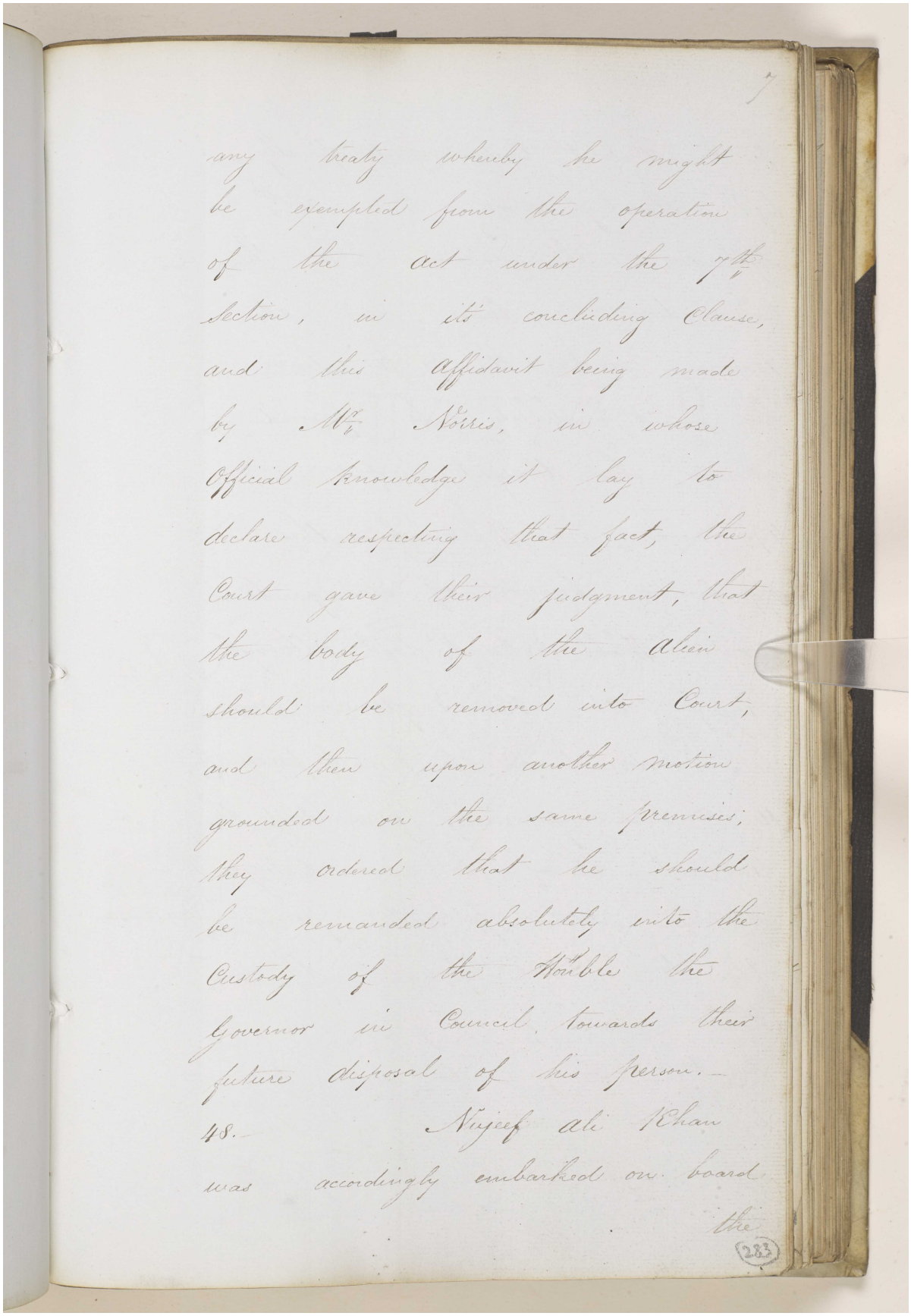

any treaty whereby he might be exempted from the operation of the Act under the 7th Section, in its concluding Clause, and this Affidavit being made by Mr. Norris, in whose Official knowledge it lay to declare respecting that fact, the Court gave their judgment, that the body of the Alien should be removed into Court, and then upon another motion grounded on the same premises, they ordered that he should be remanded absolutely into the Custody of the Honble the Governor in Council, towards their future disposal of his person.—

18. Nujeef ali Khan was accordingly embarked on board the

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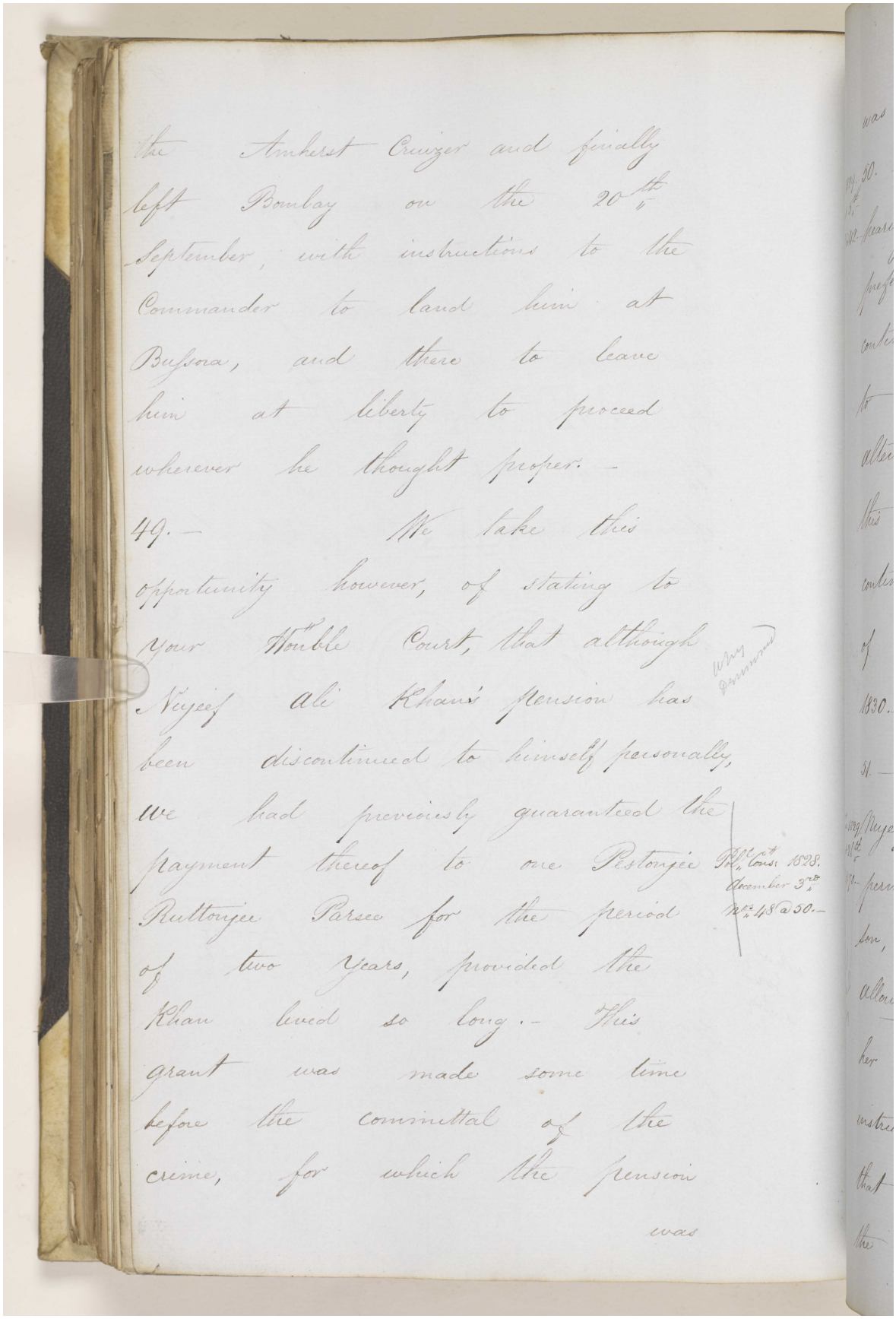

the Amherst Cruizer and finally left Bombay on the 20th September, with instructions to the Commander to land him at Bussora, and there to leave him at liberty to proceed wherever he thought proper. –

49. – We take this opportunity however, of stating to your Honble Court, that although Nujeef Ali Khan's pension has been discontinued to himself personally, we had previously guaranteed the payment thereof to one Pestonjee Ruttonjee Parsee for the period of two years, provided the Khan lived so long. – This grant was made some time before the committal of the crime, for which the pension was

Why Dismissed

Pol^l Cons^t 1828. December 3rd No^s 48 @ 50. –

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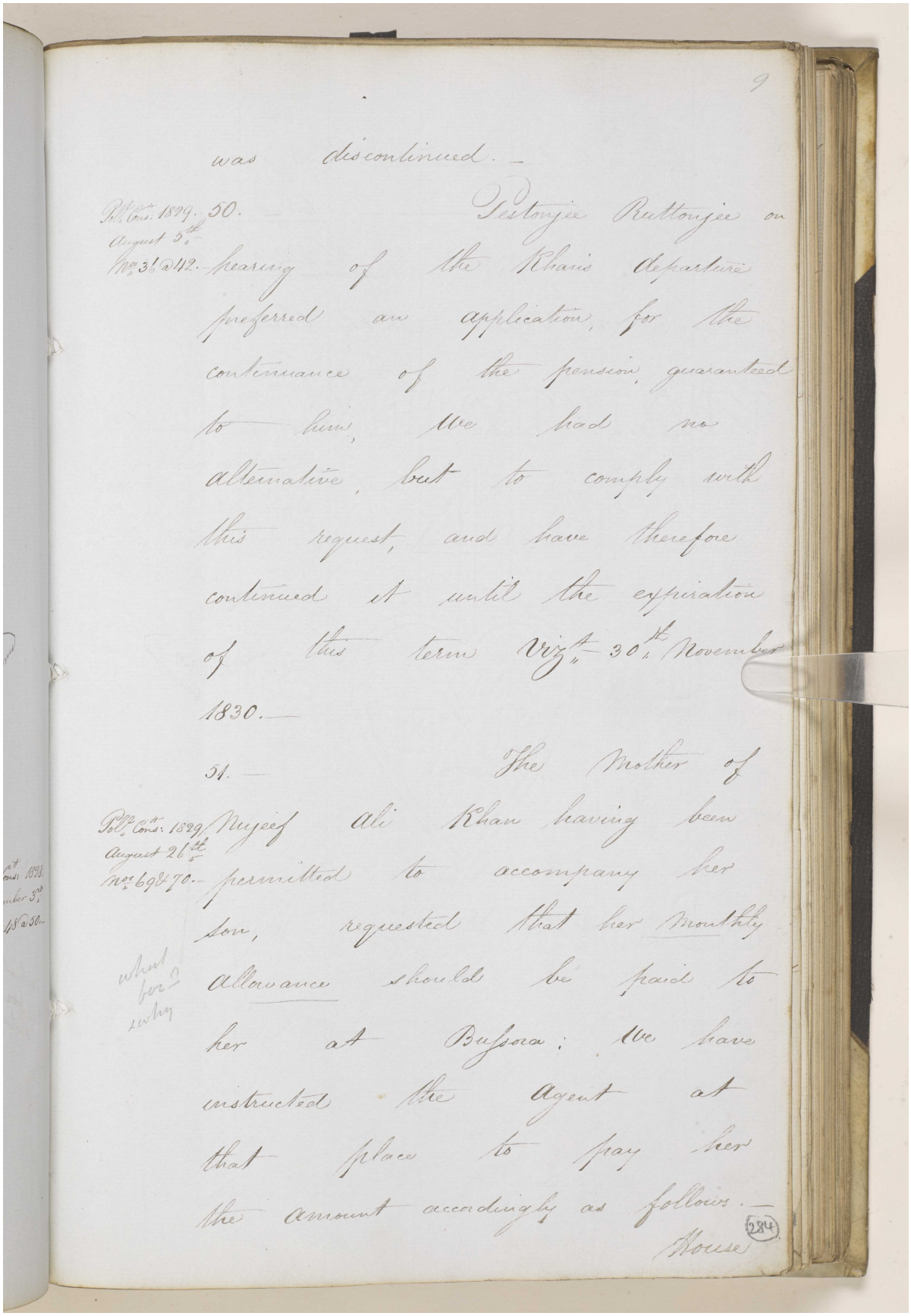

was discontinued. –

Pol. Cons. 1829. August 5th No. 36 @ 42. – 50. – Pestonjee Ruttonjee on hearing of the Khan's departure preferred an application, for the continuance of the pension, guaranteed to him, We had no alternative, but to comply with this request, and have therefore continued it until the expiration of this term Viz.t – 30th November 1830. –

Pol. Cons. 1829. August 26th No. 69 & 70. – 51. – The Mother of Nujeef Ali Khan having been permitted to accompany her son, requested that her monthly allowance should be paid to her at Bussora; We have instructed the Agent at that place to pay her the amount accordingly as follows. –

what for? why

House

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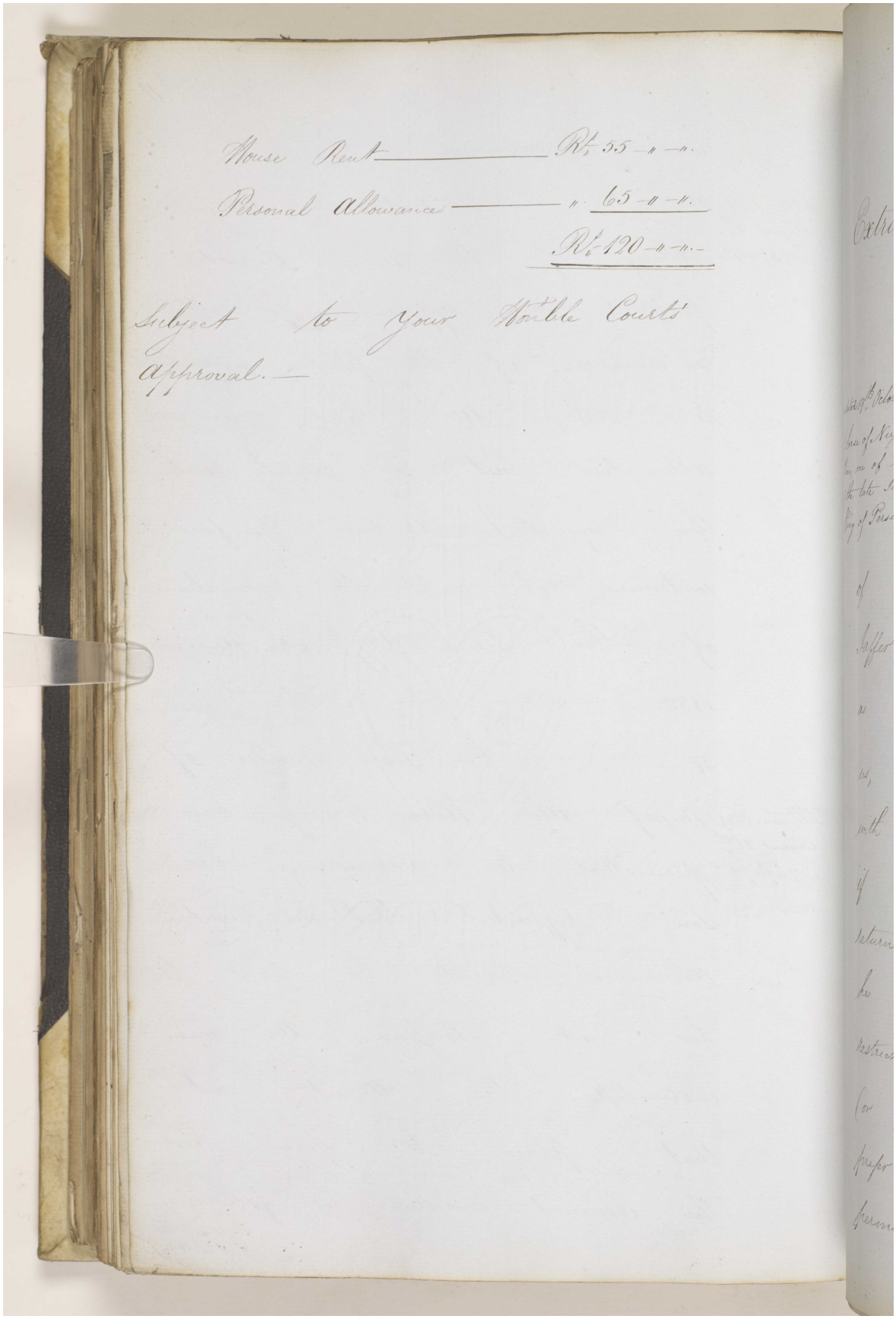

House Rent ——— Rs 55-0-0.

Personal Allowance ——— " 65-0-0.

Rs 120-0-0.

Subject to your Hon'ble Court's Approval.—

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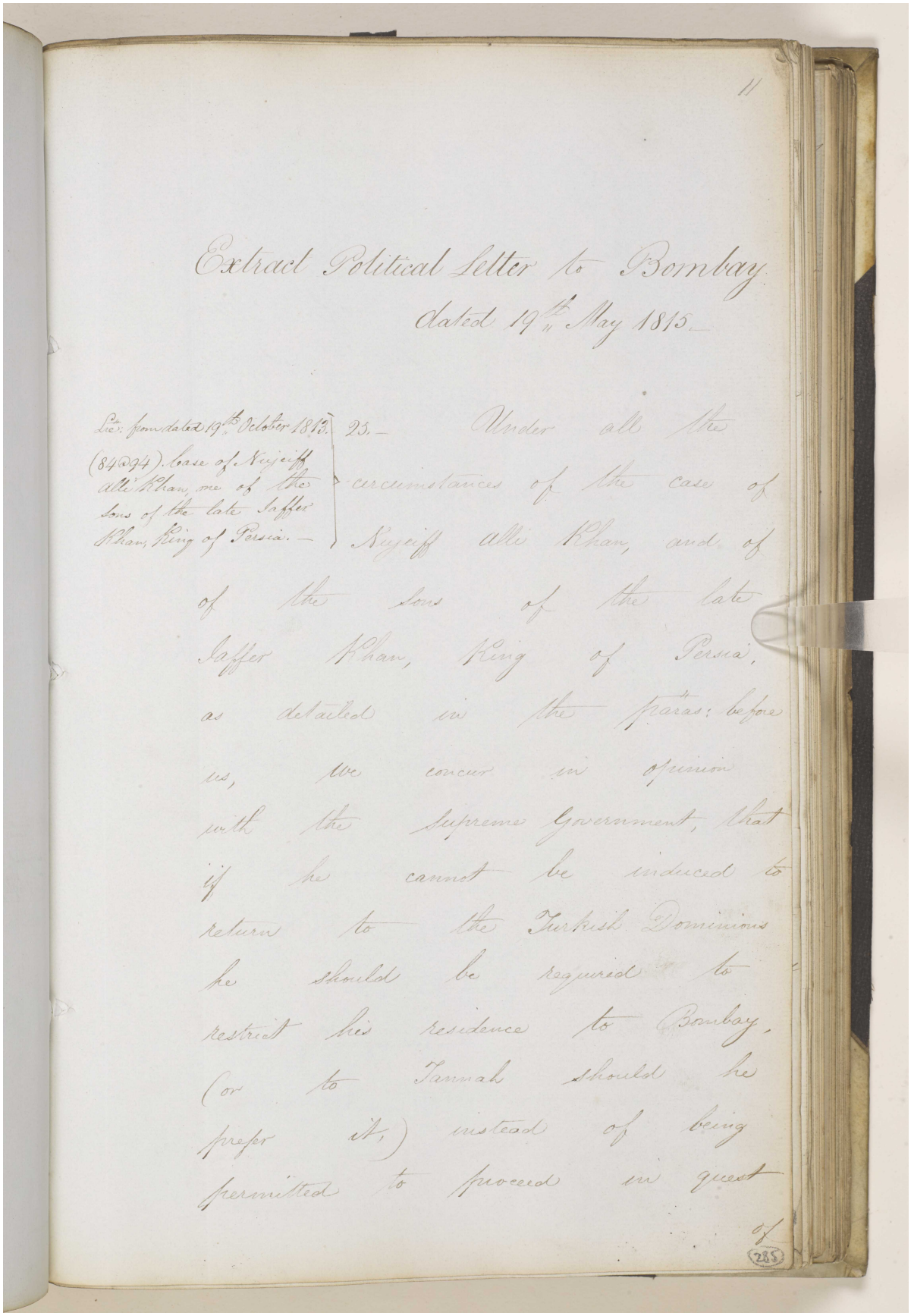
'Removal of Nujif Ali Khan (a Prince of Persia) to Bussorah, in preference to his being tried for murder of which he was accused – His pen[sion] of Rs 400 discontinued from 30th November the allowance of Rs 120 per mo[nth] to the Mother of […] Prince made payable at Bussorah' [285r] (17/260)



Extract Political Letter to Bombay dated 19th May 1815.

Lic: from dated 19th October 1813. (84@94). Case of Nujeiff Alli Khan, one of the Sons of the late Jaffer Khan, King of Persia.

25. Under all the circumstances of the case of Nujeiff Alli Khan, and of of the Sons of the late Jaffer Khan, King of Persia, as detailed in the paras: before us, we concur in opinion with the Supreme Government, that if he cannot be induced to return to the Turkish Dominions he should be required to restrict his residence to Bombay, (or to Tannah should he prefer it,) instead of being permitted to proceed in quest

of

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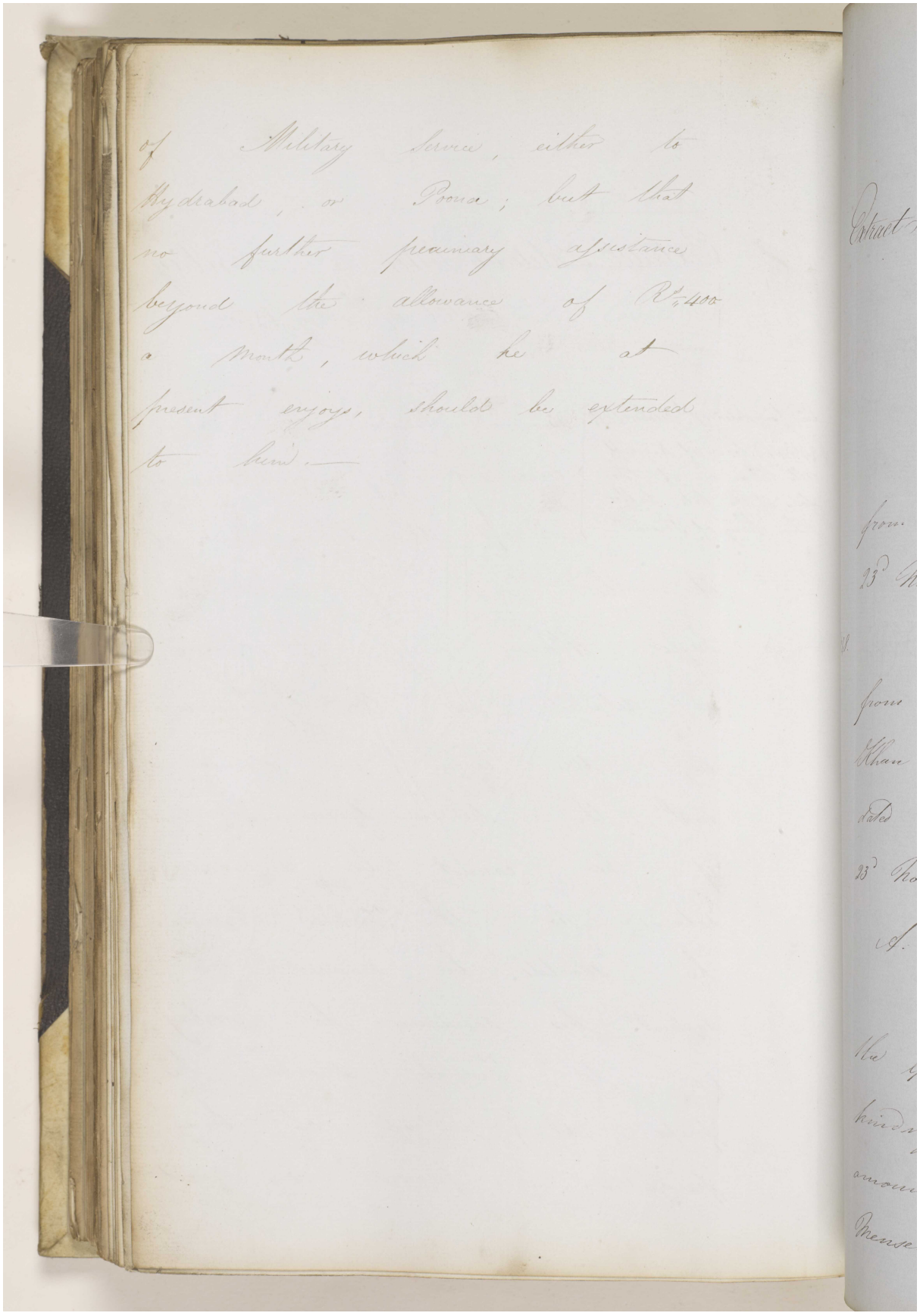

of Military Service, either to Hyderabad, or Poona; but that no further pecuniary assistance beyond the allowance of Rs 400 a Month, which he at present enjoys, should be extended to him.—

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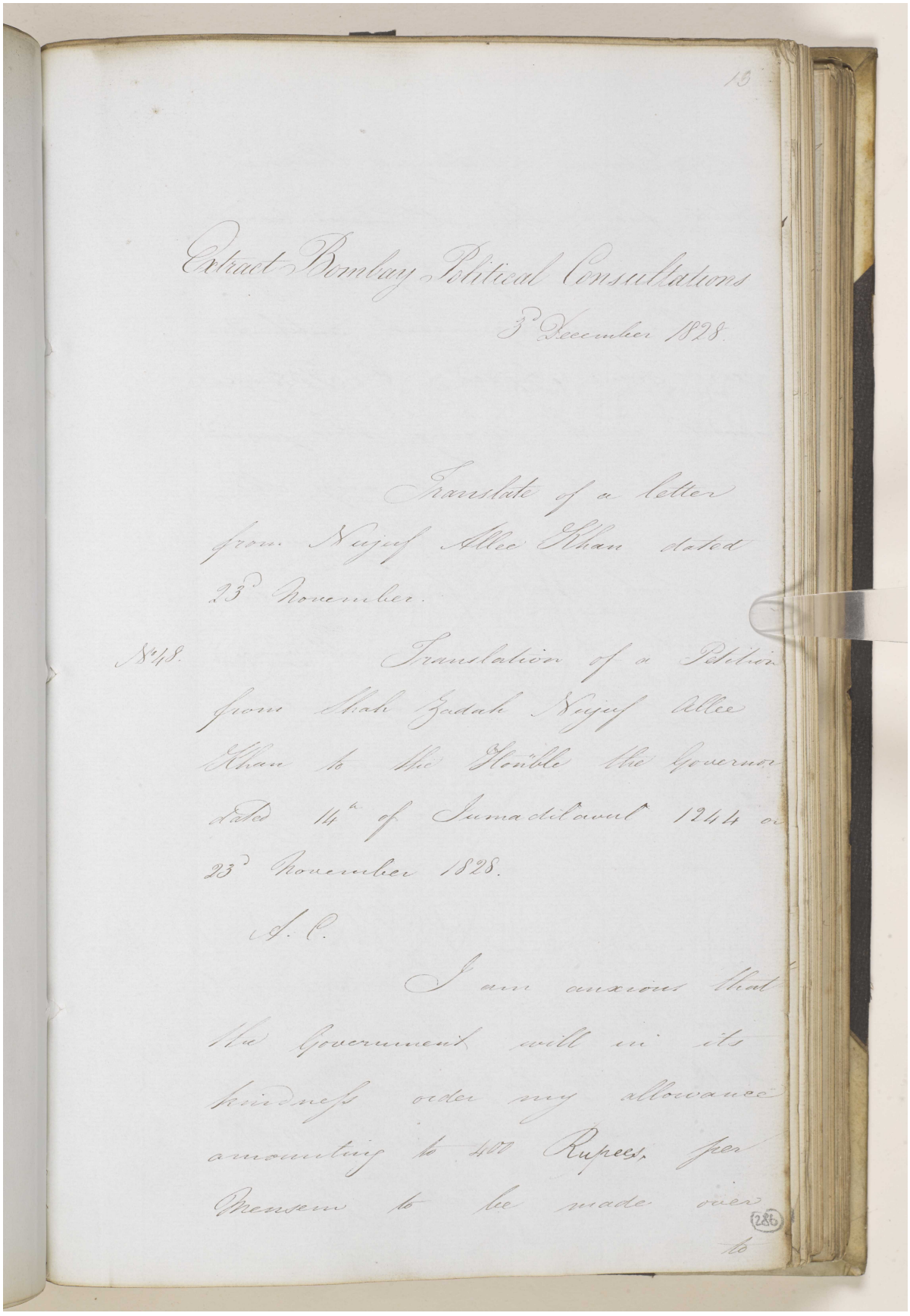

19

Extract Bombay Political Consultations
5 December 1828.

Translate of a letter
from Nujuf Allee Khan dated
23d November.

848. Translation of a Petition
from Shah Zadah Nujuf Allee
Khan to the Honble the Governor
Dated 11th of Jumadilawul 1244 or
23d November 1828.

A. C.

I am anxious that
the Government will in its
kindness order my allowance
amounting to 400 Rupees per
Mensem to be made over
to

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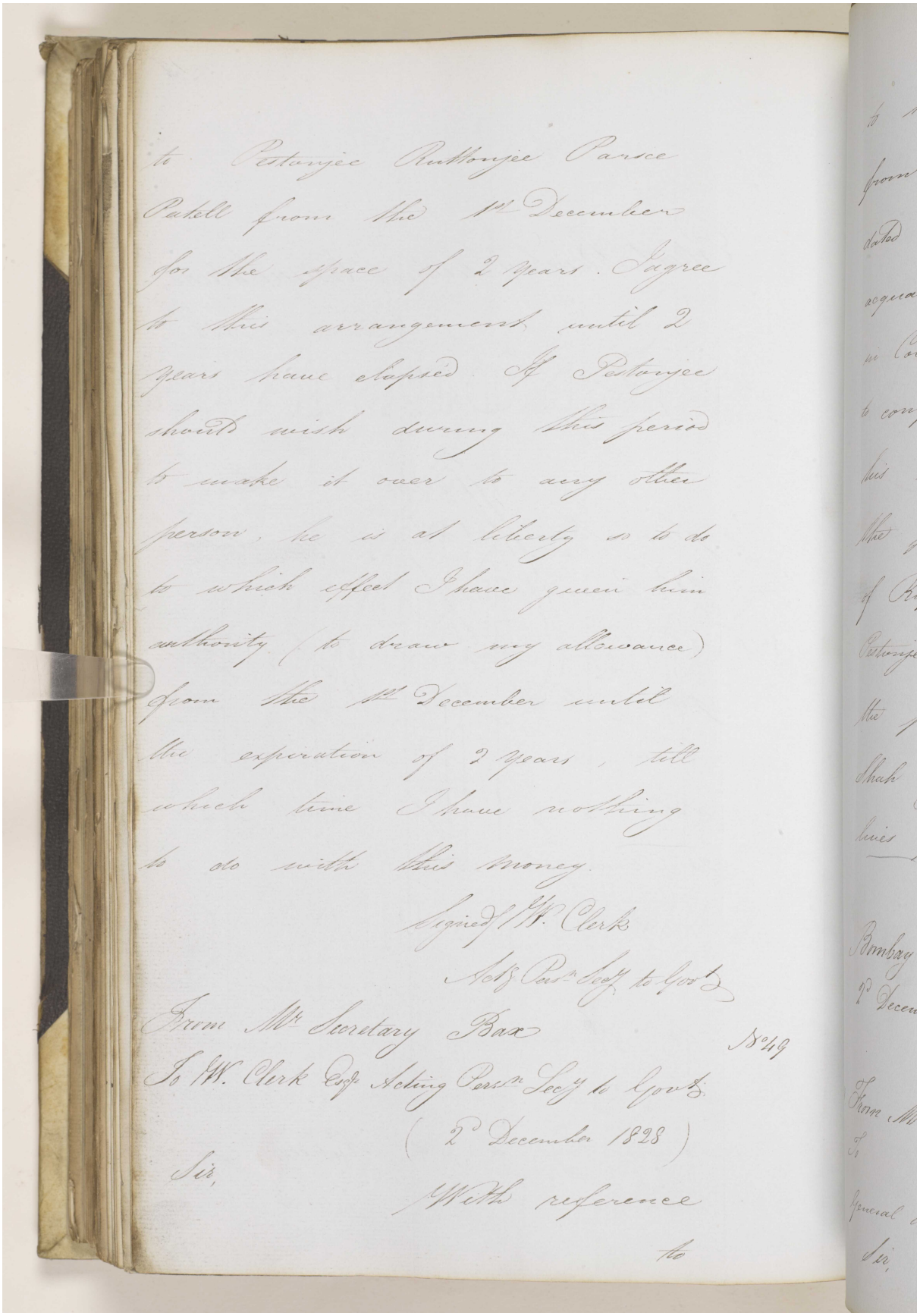

to Pestonjee Ruttonjee Parsee Patell from the 1st December for the space of 2 years. I agree to this arrangement until 2 years have elapsed. If Pestonjee should wish during this period to make it over to any other person, he is at liberty so to do to which effect I have given him authority (to draw my allowance) from the 1st December until the expiration of 2 years, till which time I have nothing to do with this money.

Signed J.W. Clerk
Actg Persn Secy to Govt

From Mr Secretary Bax
To J.W. Clerk Esqr Acting Persn Secy to Govt
(2d December 1828)

No 49

Sir,

With reference to

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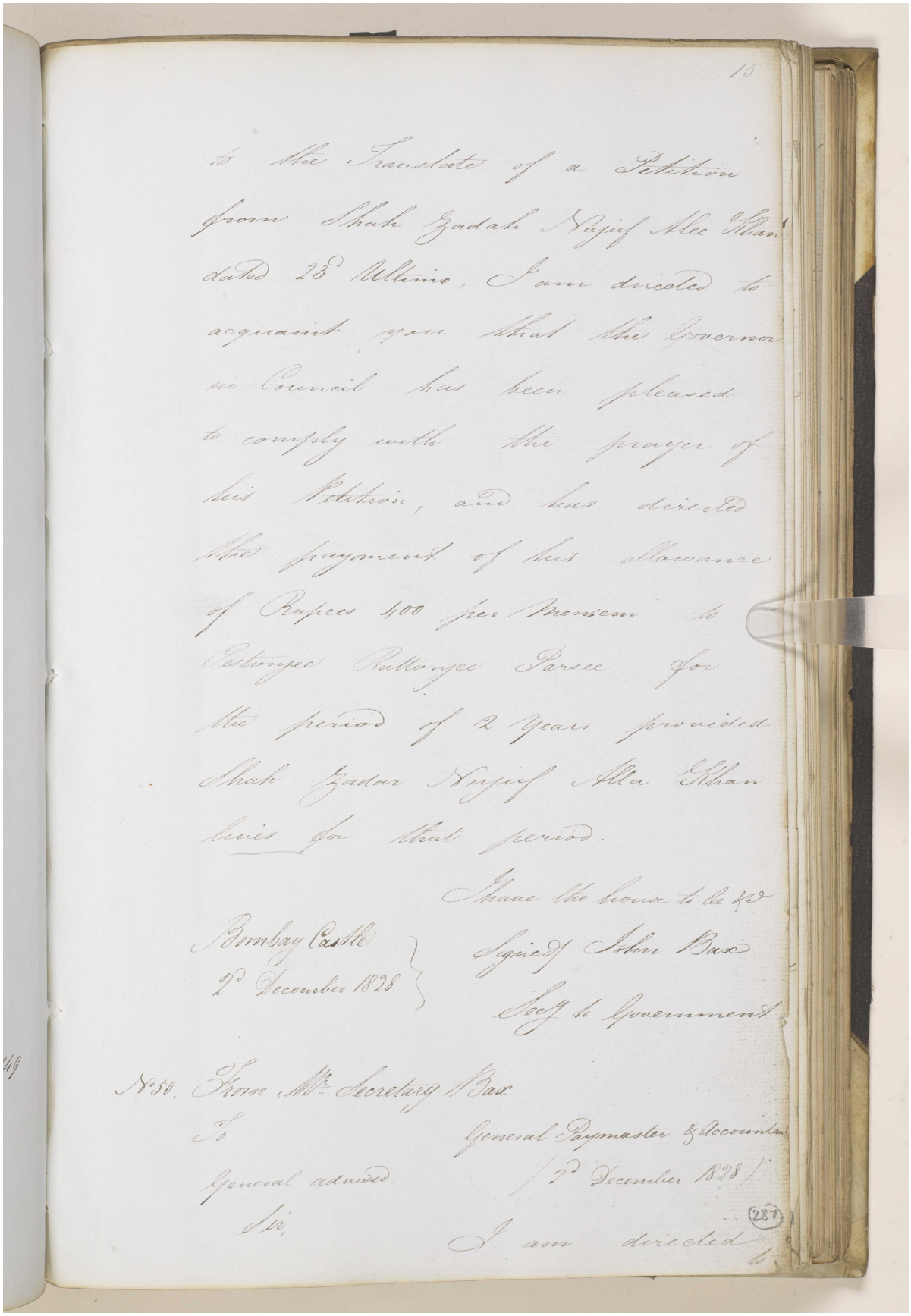

15

To the Translate of a Petition
from Shah Zadah Nujif Alee Khan
dated 28th Ultimo, I am directed to
acquaint you that the Governor
in Council has been pleased
to comply with the prayer of
his Petition, and has directed
the payment of his allowance
of Rupees 400 per Mensem to
Pestonjee Ruttonjee Parsee for
the period of 2 Years provided
Shah Zadar Nujif Alla Khan
lives for that period.

Same the house to be [illegible]

Bombay Castle
2d December 1828

Signed John Bax
Secy to Government

No 50. From Mr. Secretary Bax
To
General Paymaster & Accountant
General advised
2d December 1828

Sir,

I am directed

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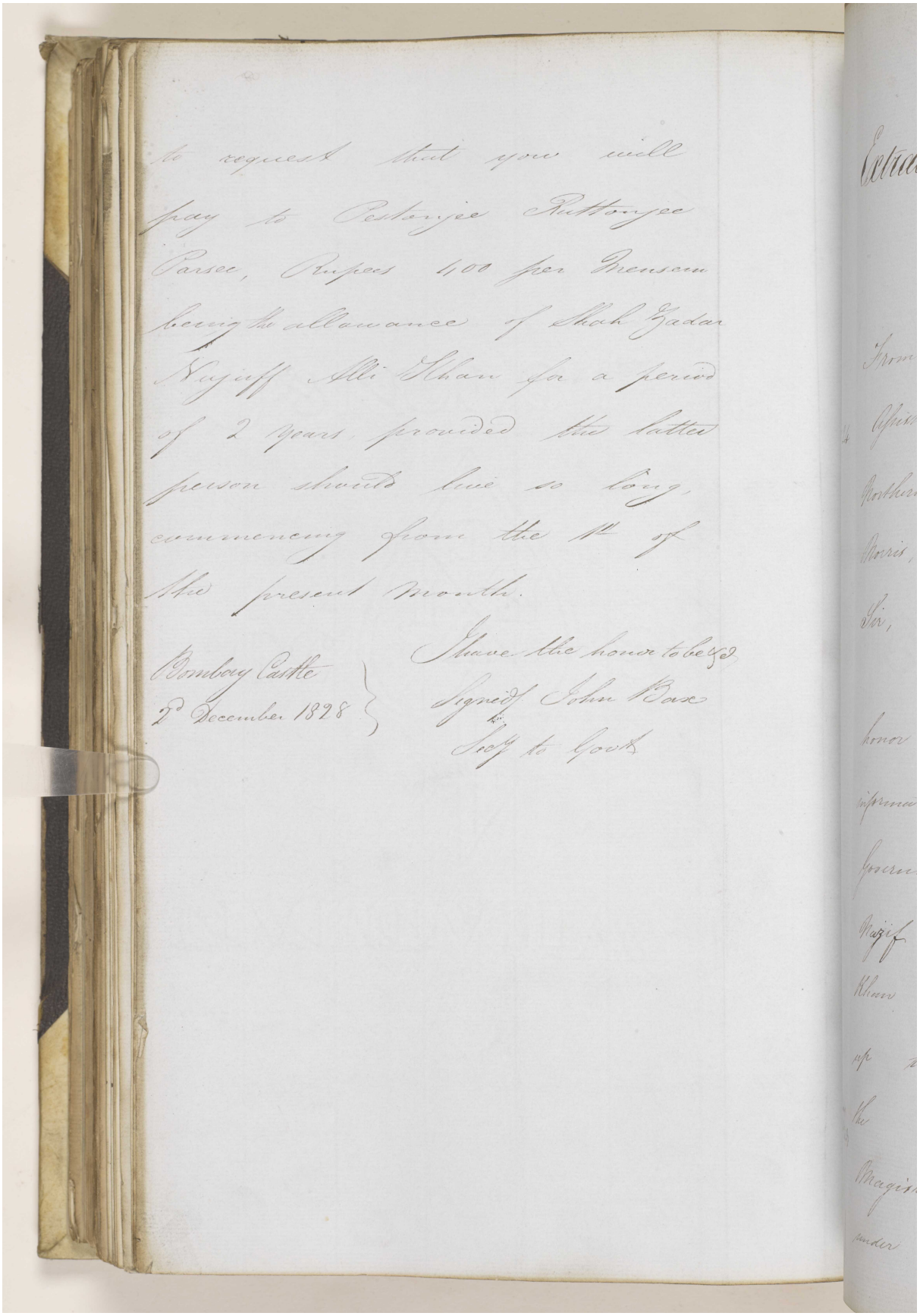

to request that you will pay to Pestonjee Ruttonjee Parsee, Rupees 400 per Mensem being the allowance of Shah Zadah Nujiff Ali Khan for a period of 2 years, provided the latter person should live so long, commencing from the 1st of the present Month.

Bombay Castle
2d December 1828

I have the honor to be &c
Signed John Rose
Secy to Govt

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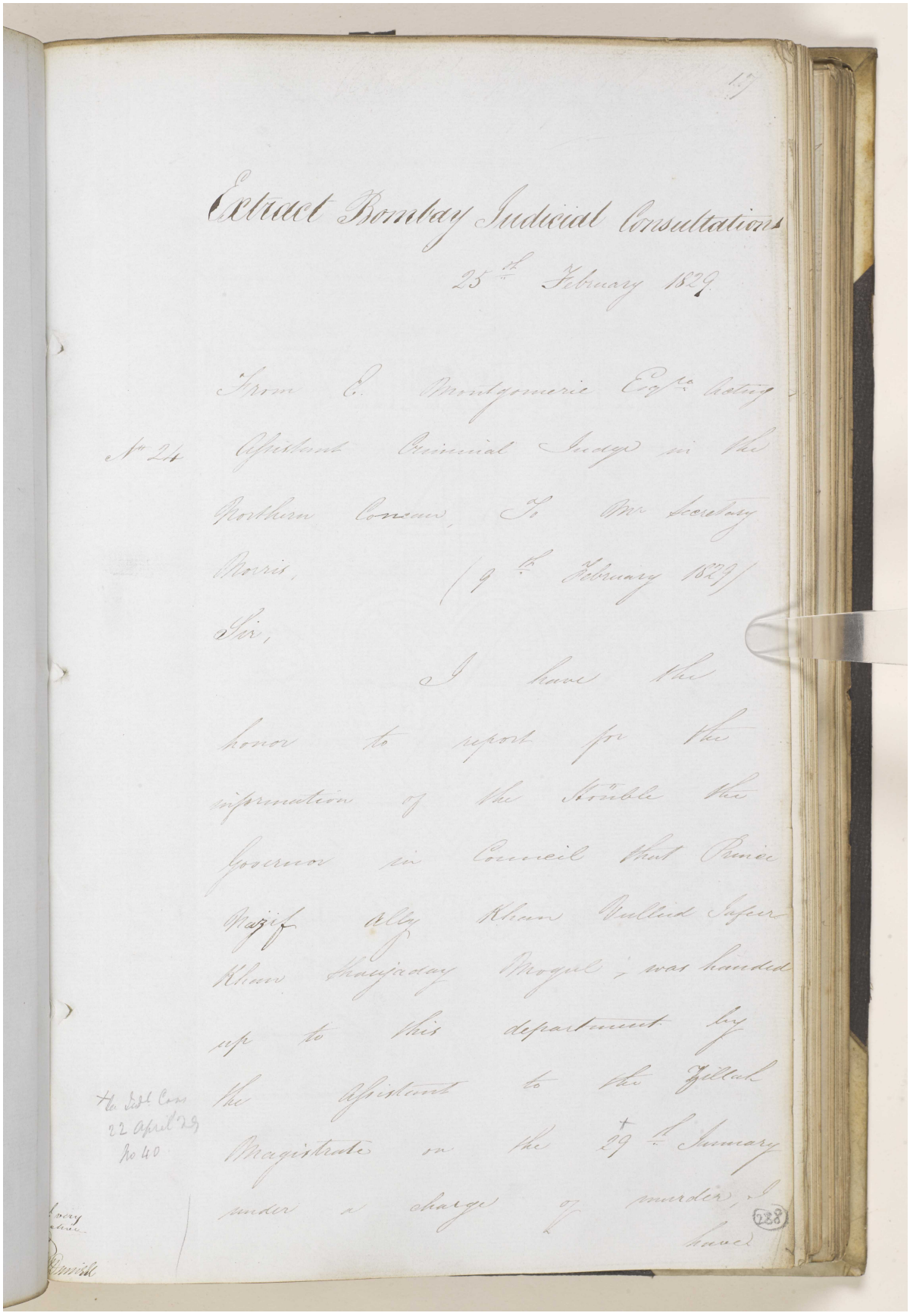
17



Extract Bombay Judicial Consultations

25th February 1829

From E. Montgomerie Esqre Acting Assistant Criminal Judge in the Northern Concan, To Mr Secretary Norris, (9th February 1829)

No 24

Sir,

I have the honor to report for the information of the Honble the Governor in Council that Prince Nazif Ally Khan Vullud Jafeer Khan Shaujaday Mogul, was handed up to this department by the Assistant to the Zillah Magistrate on the 29th January under a charge of murder, I have

+ Ex Judl Cons 22 April '29 No 40

(288)

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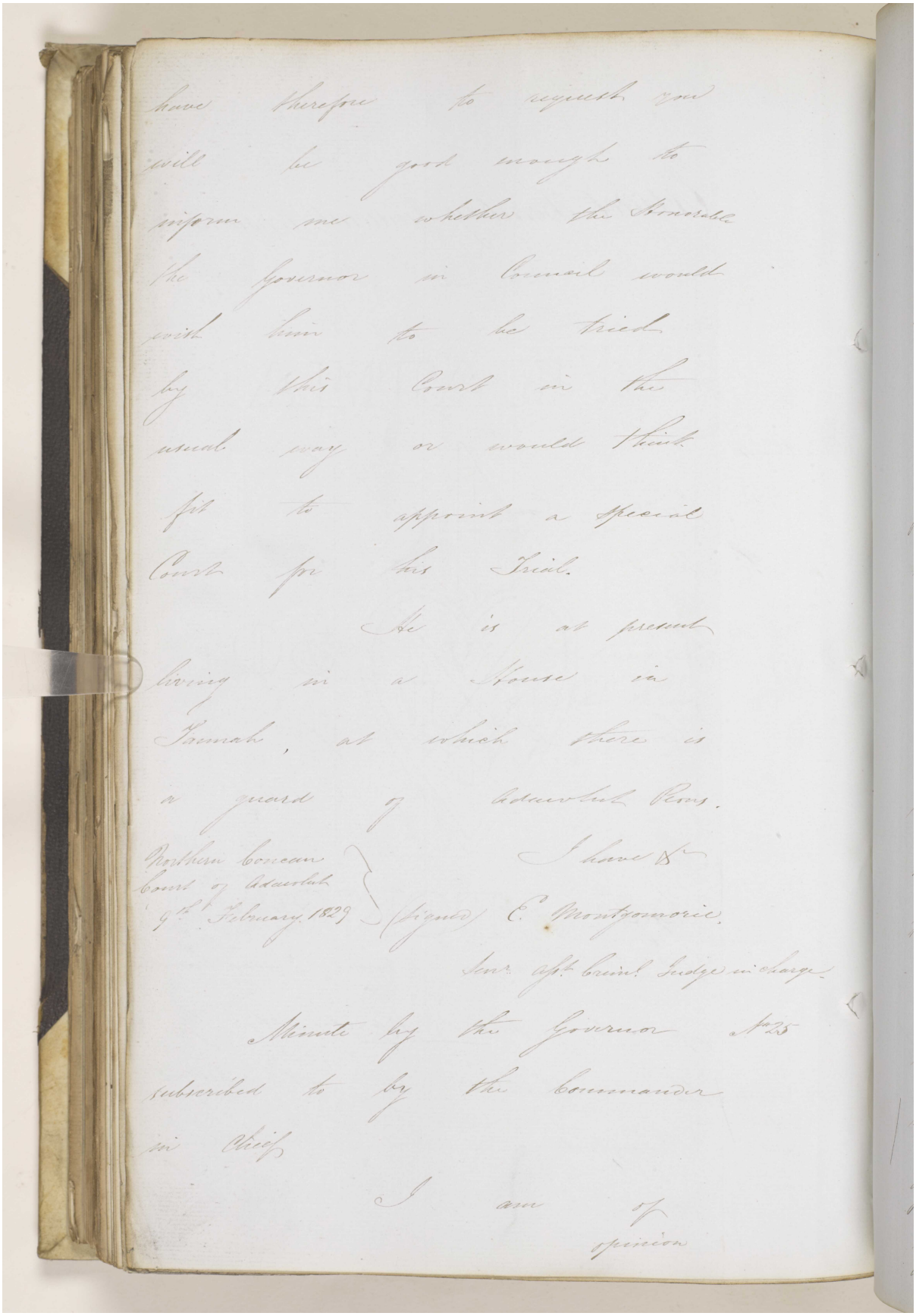

have therefore to request you will be good enough to inform me whether the Honorable the Governor in Council would wish him to be tried by this Court in the usual way or would think fit to appoint a Special Court for his Trial.

He is at present living in a House in Tannah, at which there is a guard of Adawlut Peons.

Northern Concan Court of Adawlut 9th February 1829

I have &c
(Signed) E. Montgomerie,
Senr. Asst. Criml. Judge in charge.

Minute by the Governor No 25 subscribed to by the Commander in Chief

I am of opinion

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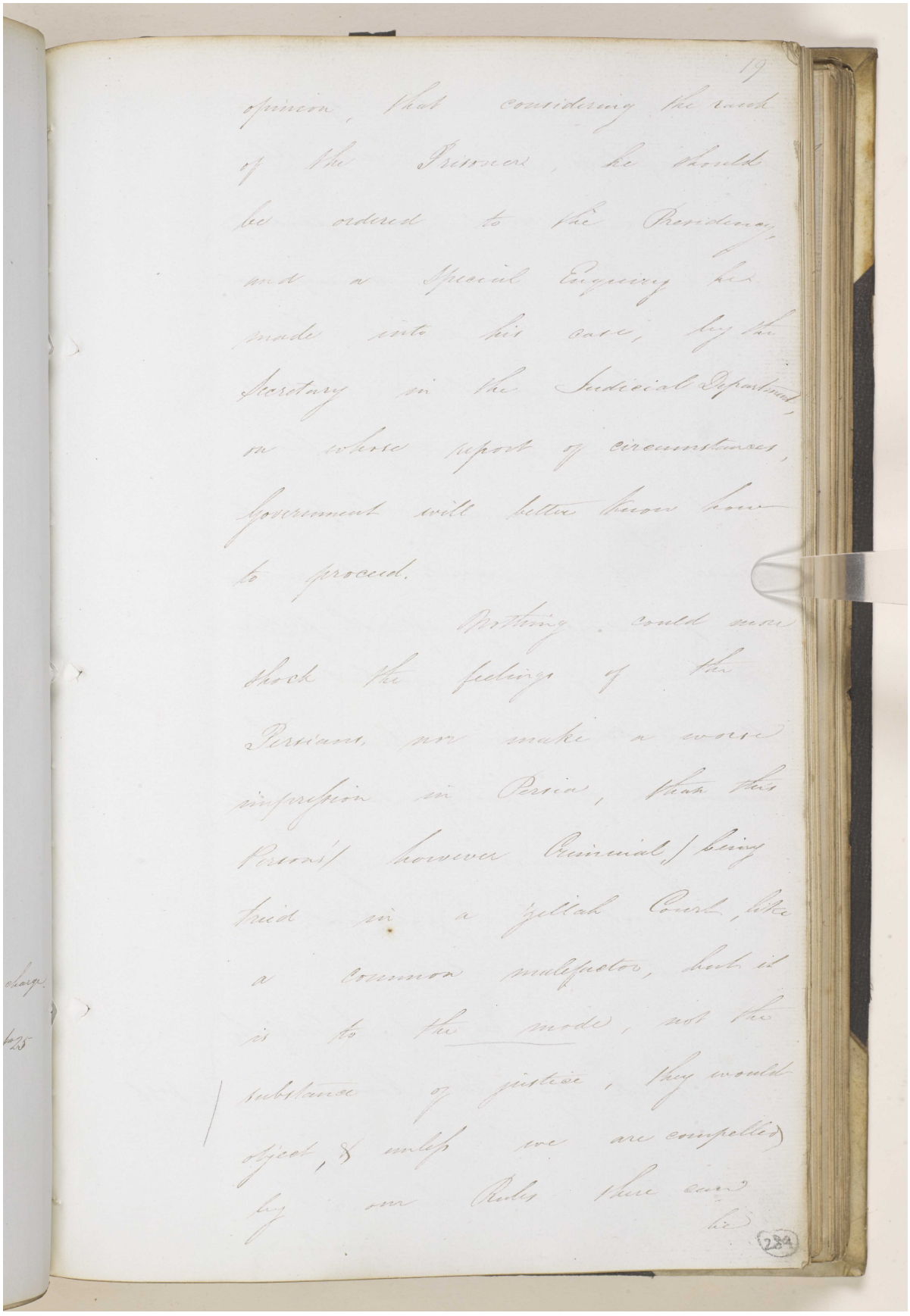

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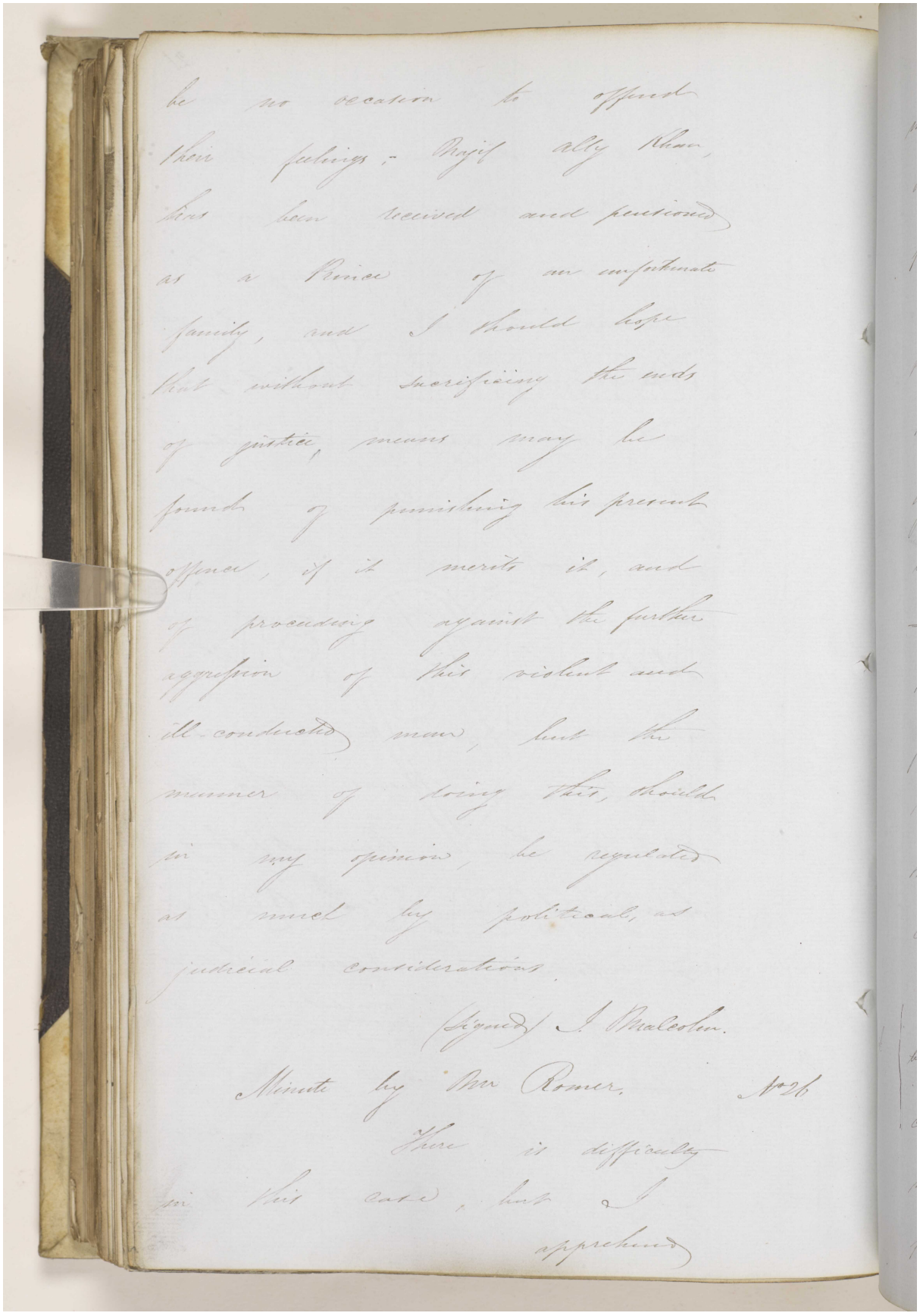

he no occasion to offend their feelings. Nujif Ally Khan, has been received and pensioned as a Prince of an unfortunate family, and I should hope that without sacrificing the ends of justice, means may be found of punishing his present offence, if it merits it, and of proceeding against the further aggression of this violent and ill-conducted man, but the manner of doing this, should in my opinion, be regulated as much by political, as judicial considerations.

(Signed) J. Malcolm.

Minute by Mr Romer. No 26

There is difficulty in this case, but I apprehend

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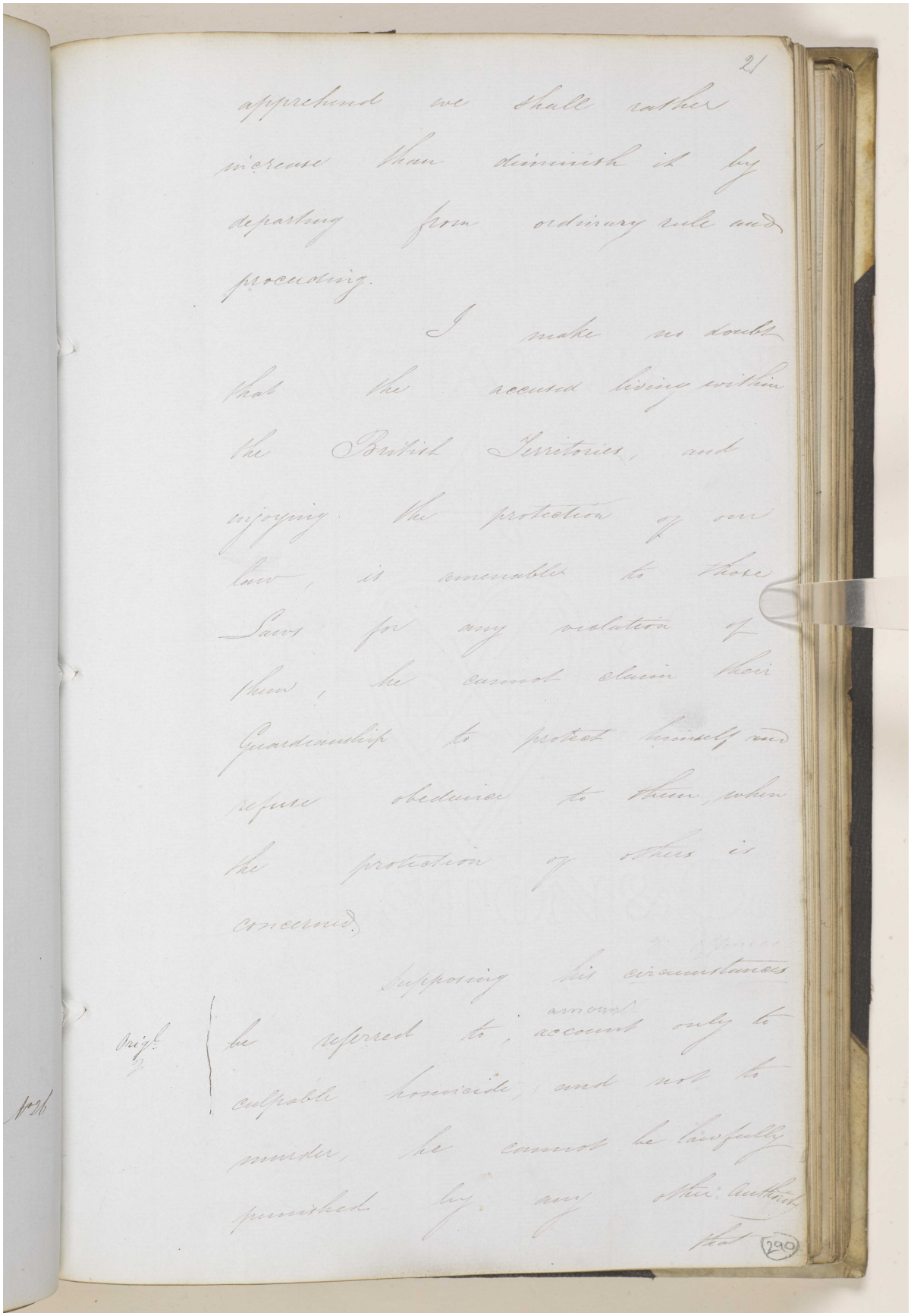

21

apprehend we shall rather
increase than diminish it by
departing from ordinary rule and
proceeding.

I make no doubt
that the accused living within
the British Territories, and
enjoying the protection of our
laws, is amenable to those
Laws for any violation of
them, he cannot claim their
Guardianship to protect himself and
refuse obedience to them, when
the protection of others is
concerned.

Supposing his circumstances
to be referred to, account only to
culpable homicide, and not to
murder, he cannot be lawfully
punished by any other authority
that

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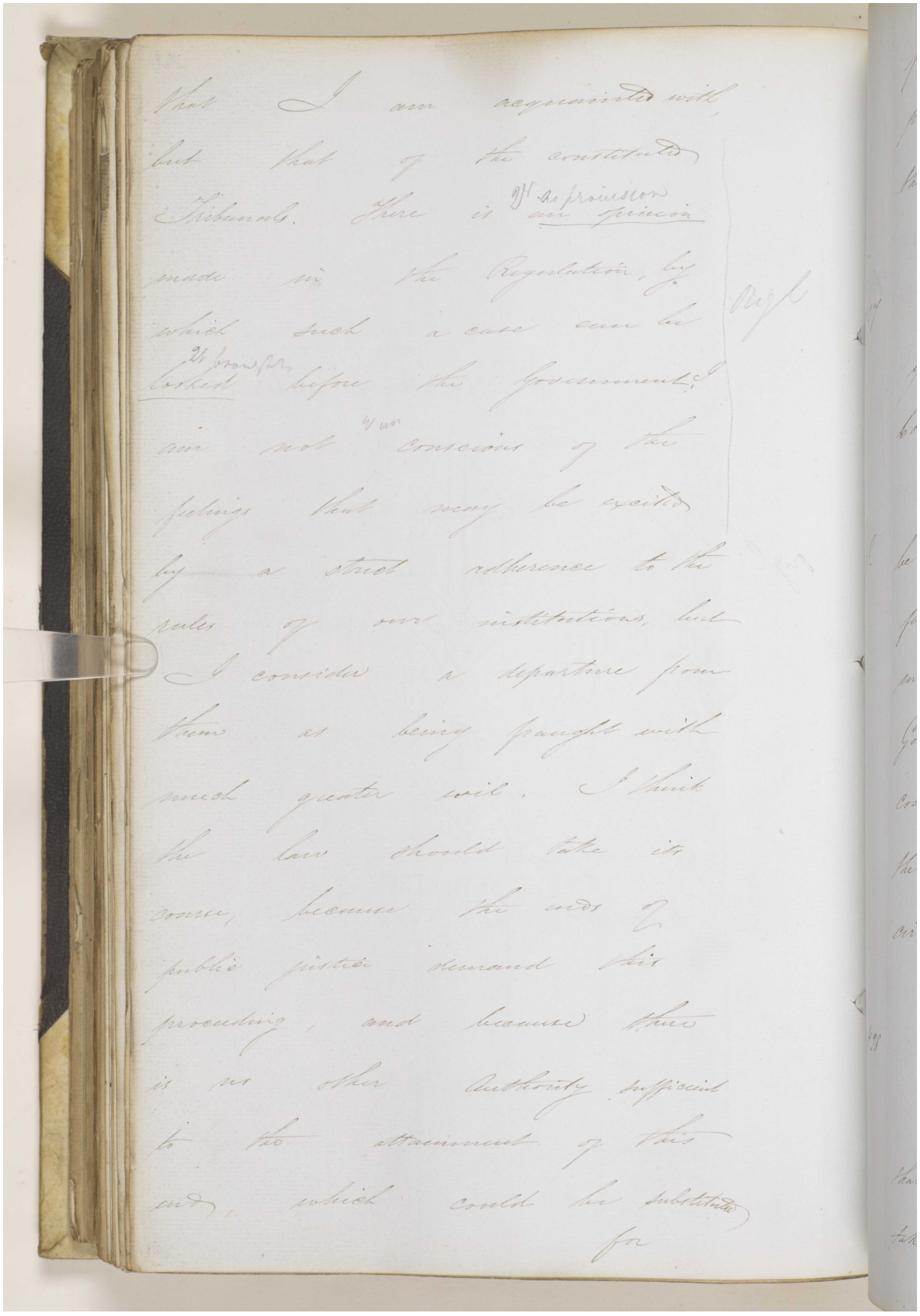

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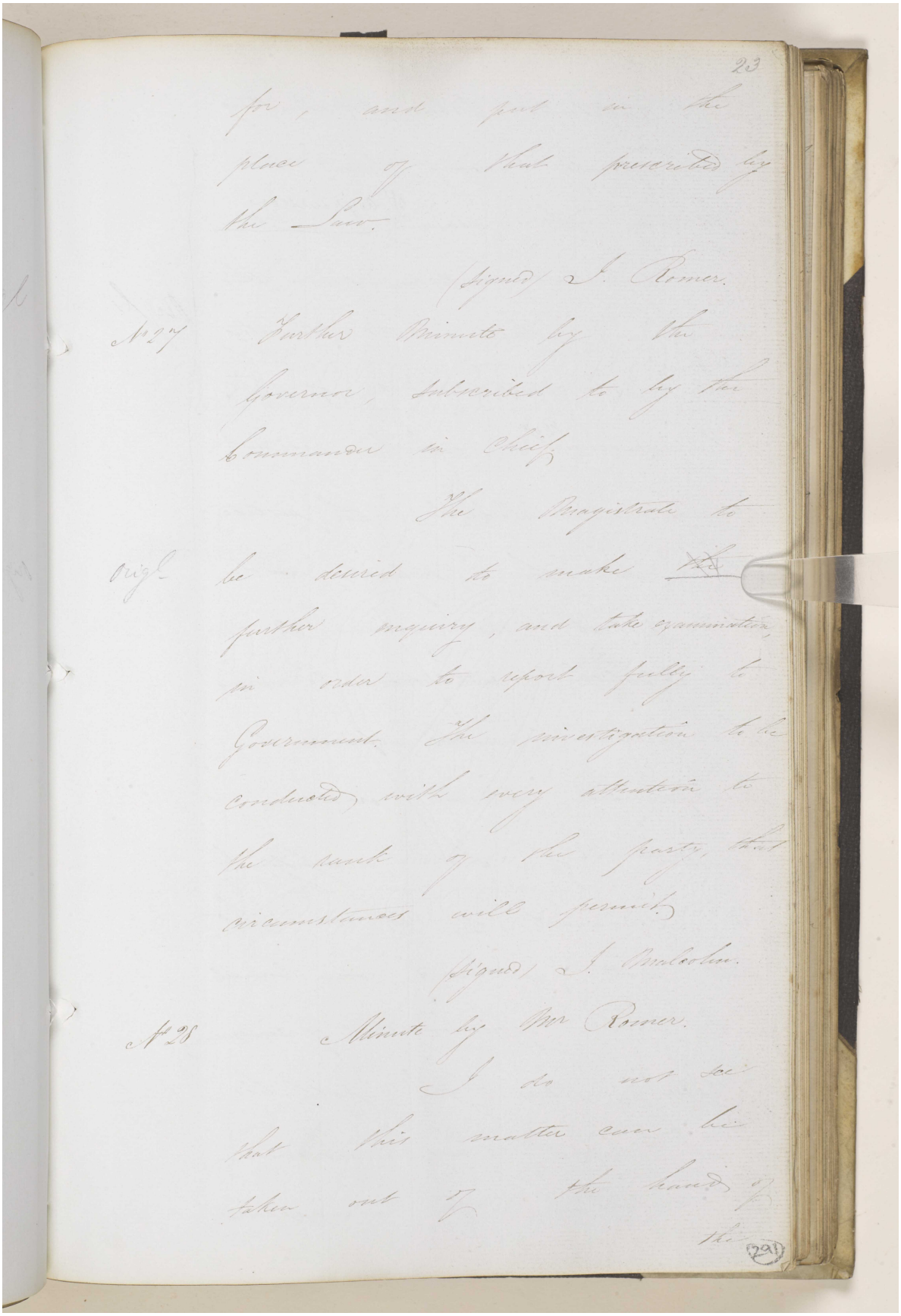

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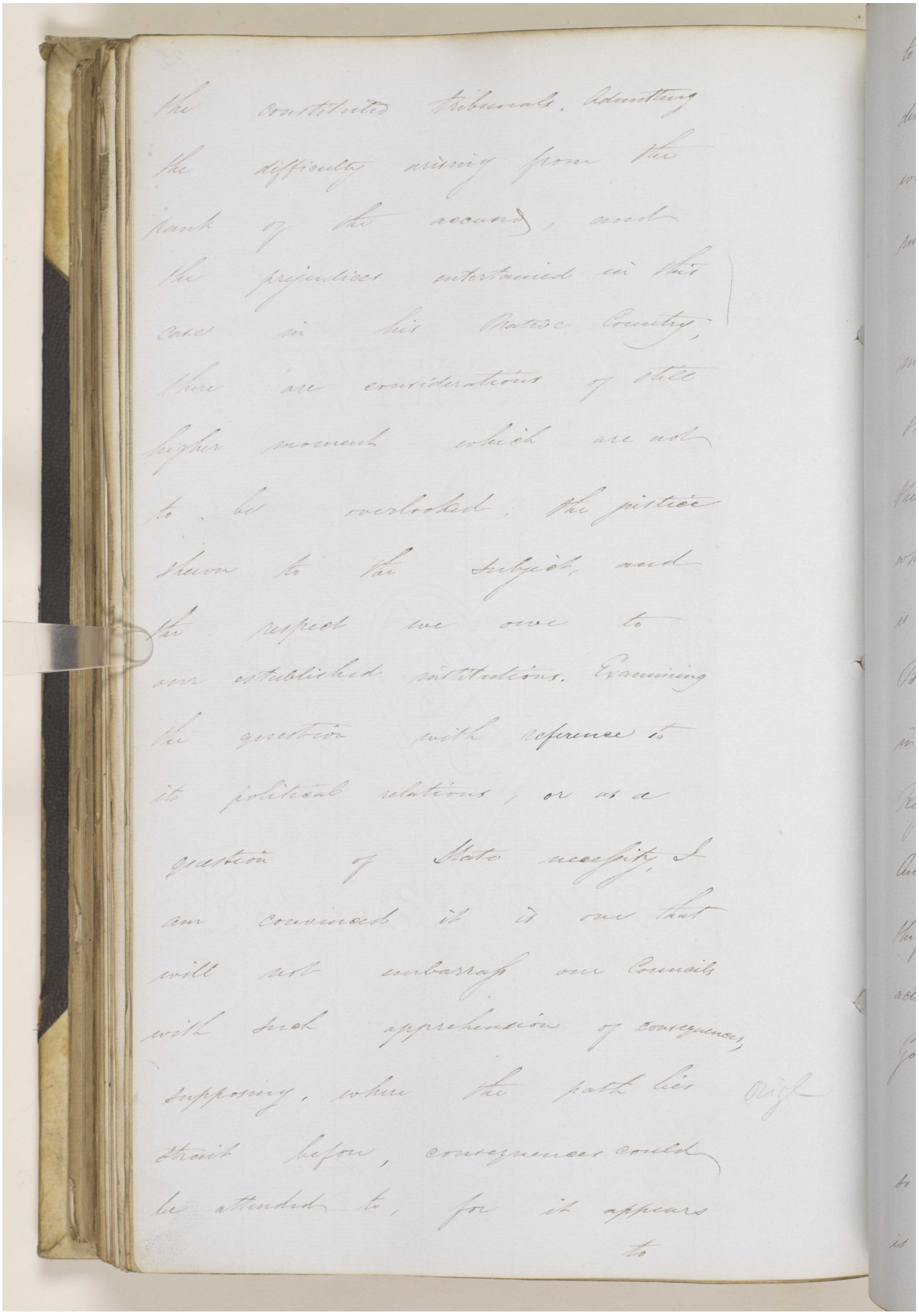

the constituted tribunals. Admitting the difficulty arising from the rank of the accused, and the prejudices entertained in this case in his native Country, there are considerations of still higher moment which are not to be overlooked. The justice shewn to the subject, and the respect we owe to our established institutions. Examining the question with reference to its political relations, or as a question of State necessity, I am convinced it is one that will not embarrass our Councils with such apprehension of consequences, supposing, when the path lies straight before, consequences could be attended to, for it appears to

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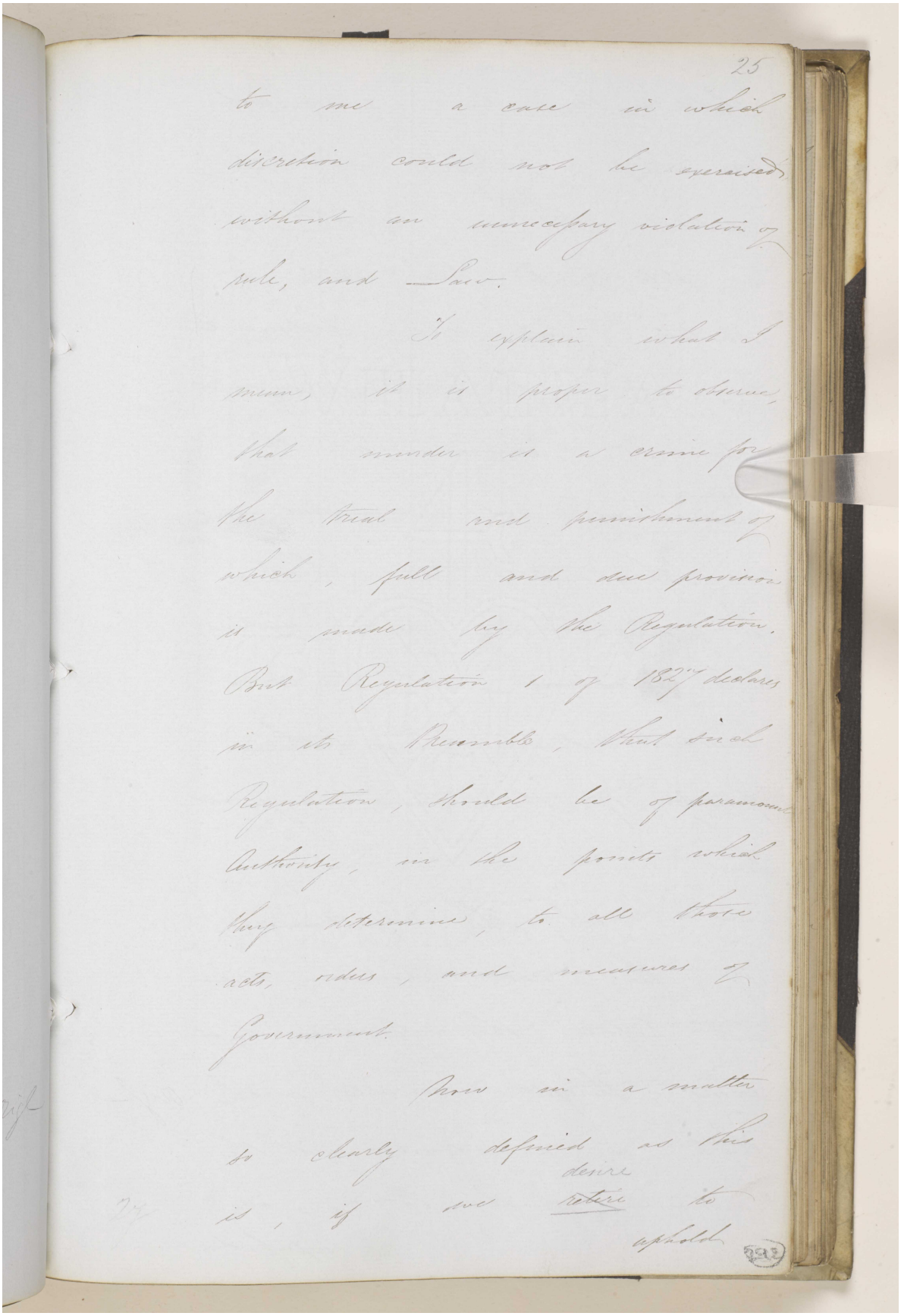

25

to me a case in which
discretion could not be exercised
without an unnecessary violation of
rule, and Sec.

To explain what I
mean, it is proper to observe,
that murder is a crime for
the trial and punishment of
which, full and due provision
is made by the Regulation.
But Regulation I of 1827 declares
in its Preamble, that such
Regulation, should be of paramount
Authority, in the points which
they determine, to all those
acts, rules, and measures of
Government.

Now in a matter
so clearly defined as this
is, if we desire to adhere to
uphold

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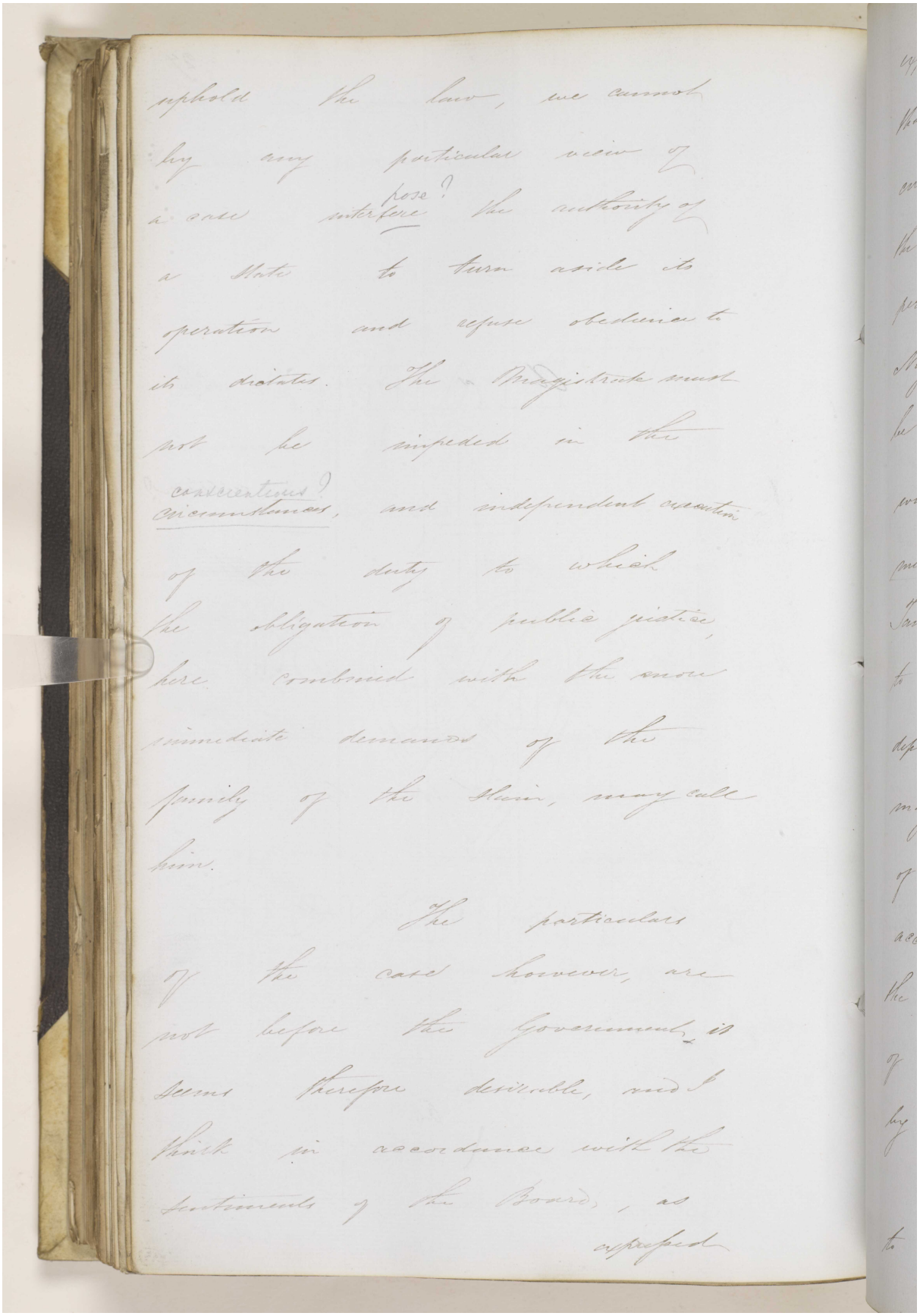

uphold the law, we cannot
by any particular view of
a case interfere? the authority of
a State to turn aside its
operation and refuse obedience to
its dictates. The Magistrate must
not be impeded in the
circumstances?
circumstances, and independent exertion
of the duty to which
the obligation of public justice,
here combined with the more
immediate demands of the
family of the slain, may call
him.

The particulars
of the case however, are
not before the Government, it
seems therefore desirable, and I
think in accordance with the
sentiments of the Board, as
expressed

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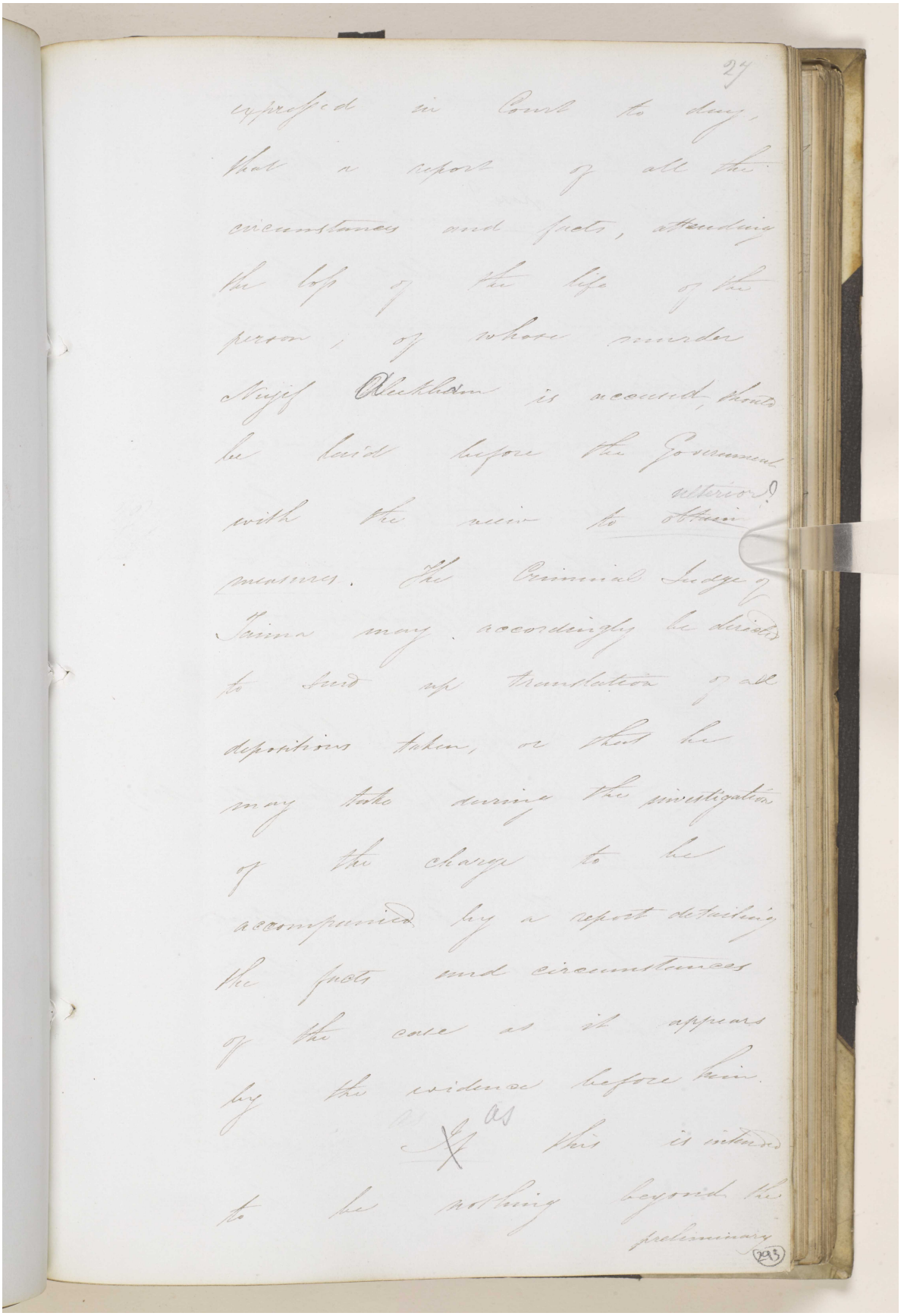

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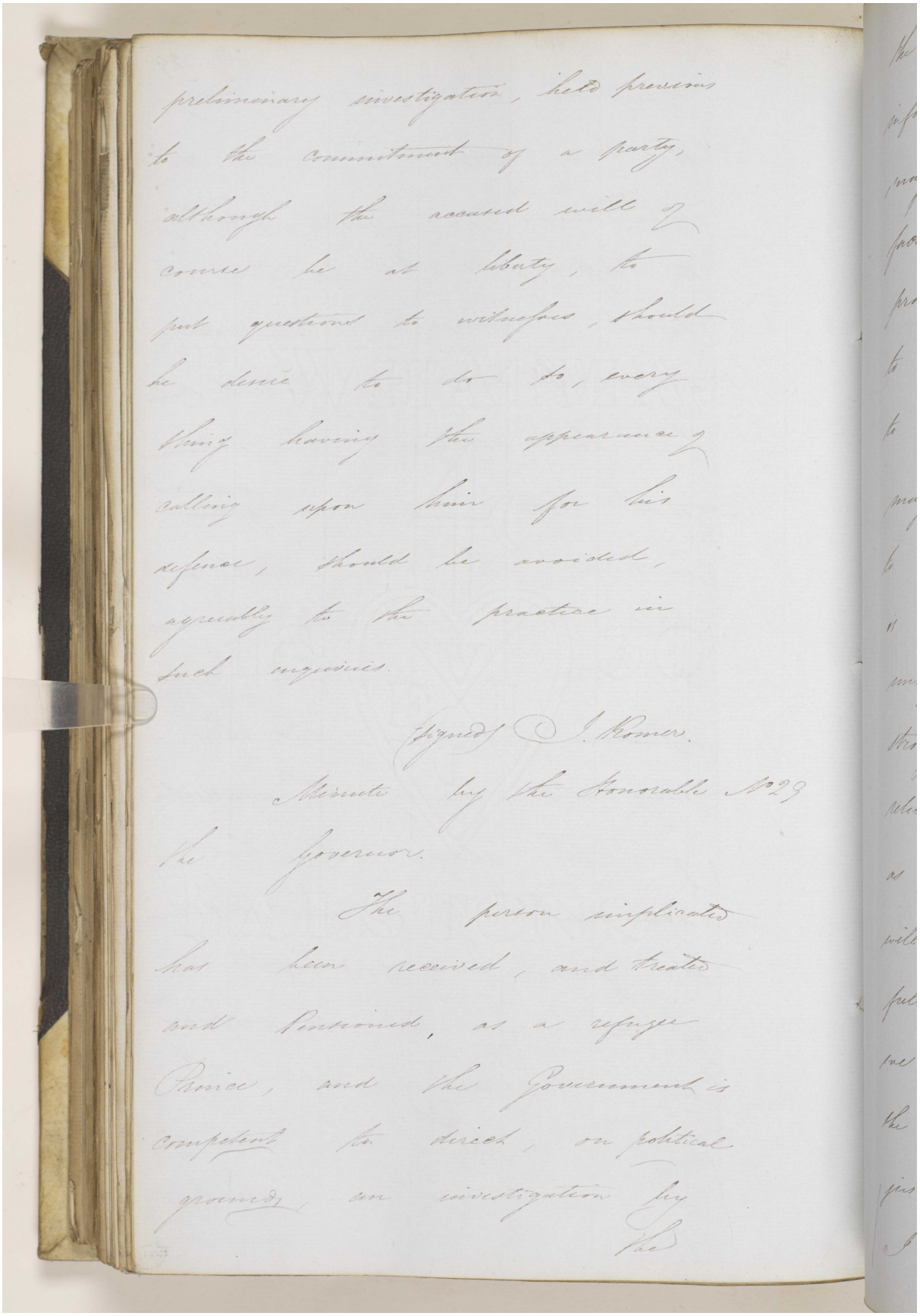

preliminary investigation, held previous
to the commitment of a party,
although the accused will of
course be at liberty, to
put questions to witnesses, should
he desire to do so, every
thing having the appearance of
calling upon him for his
defence, should be avoided,
agreeably to the practice in
such enquiries.

(Signed) J. Romer.

Minute by the Honorable No 29
the Governor.

The person implicated
has been received, and treated
and Entertained, as a refugee
Prince, and the Government is
competent to direct, on political
grounds, an investigation by
the

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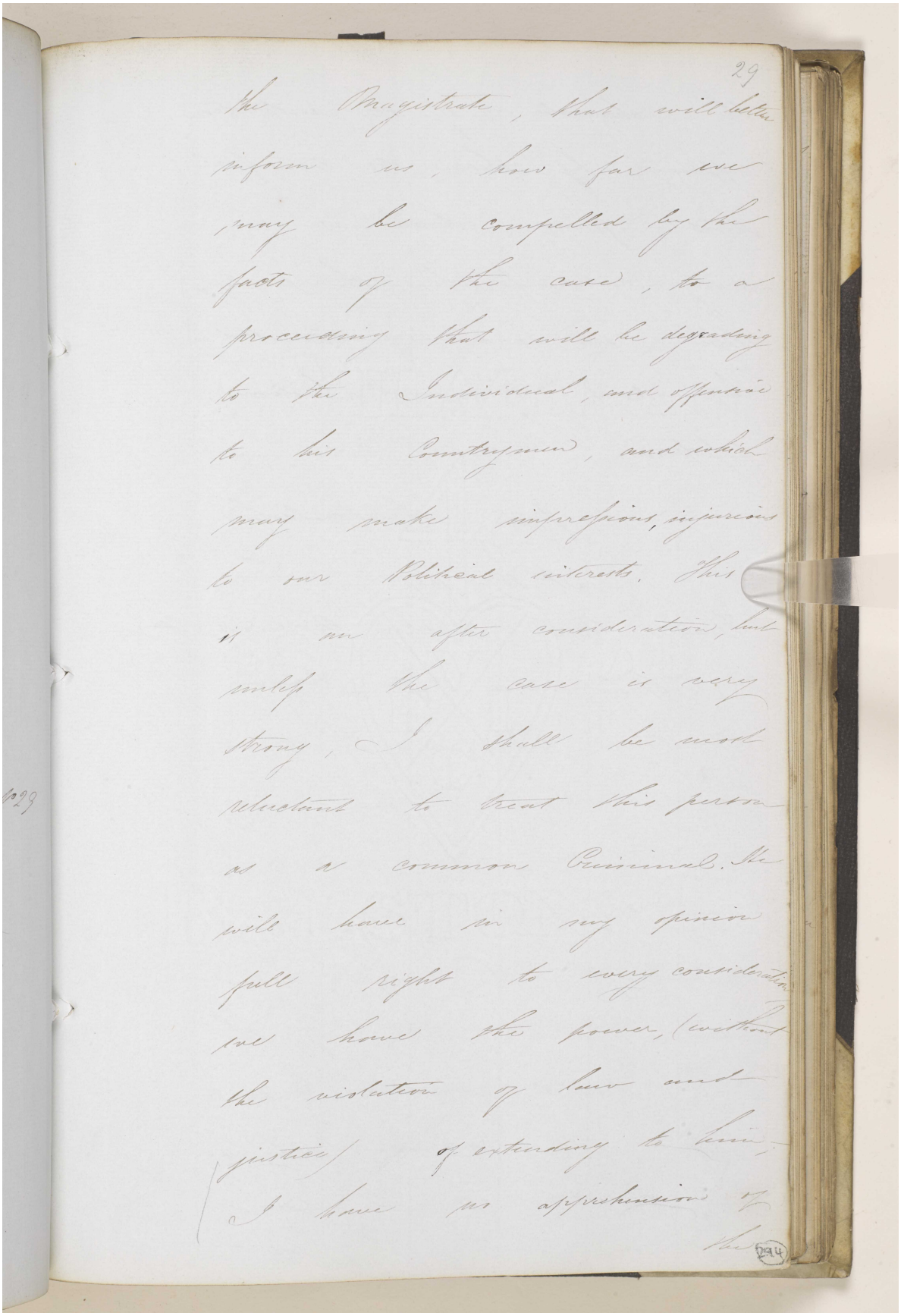

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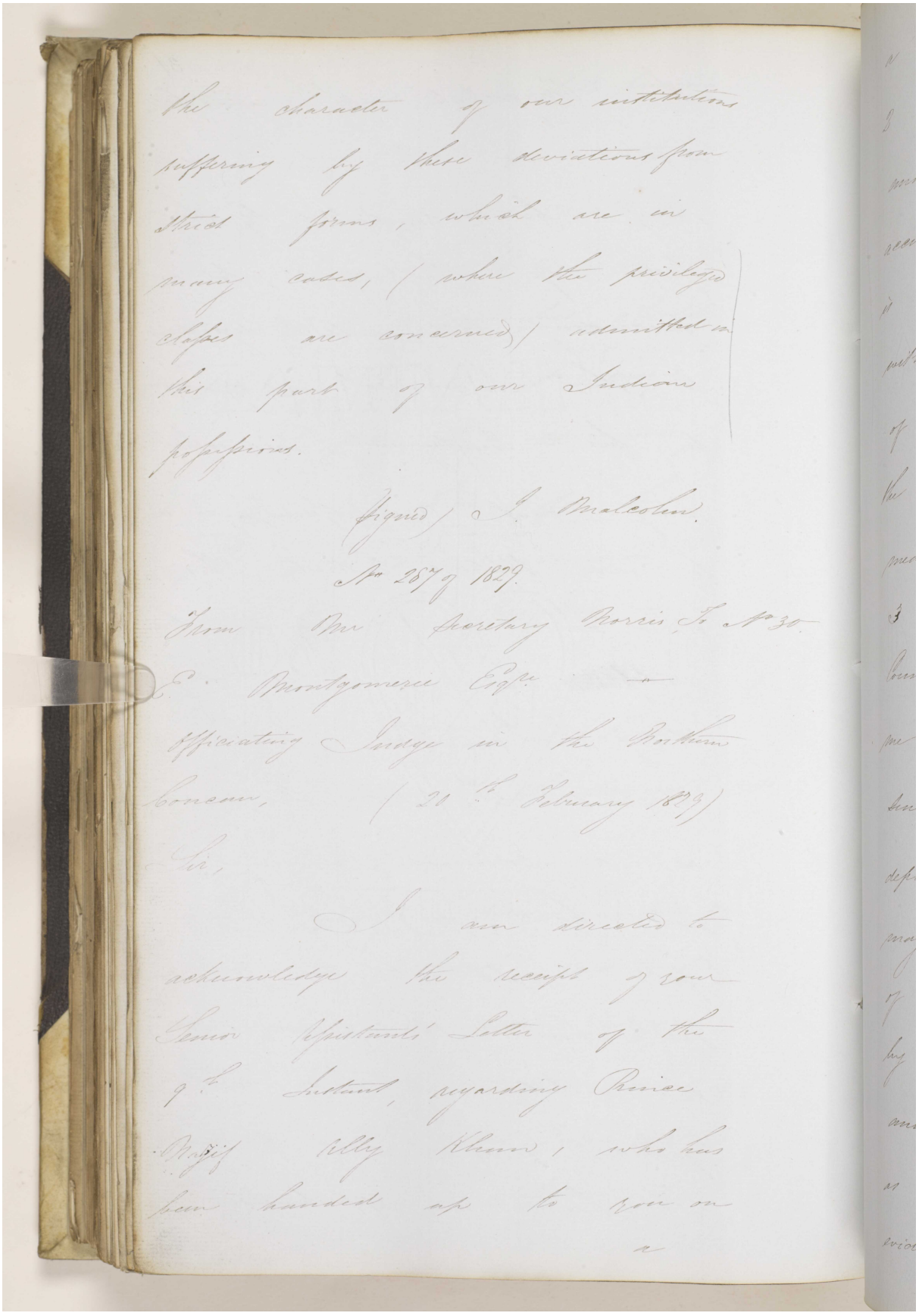

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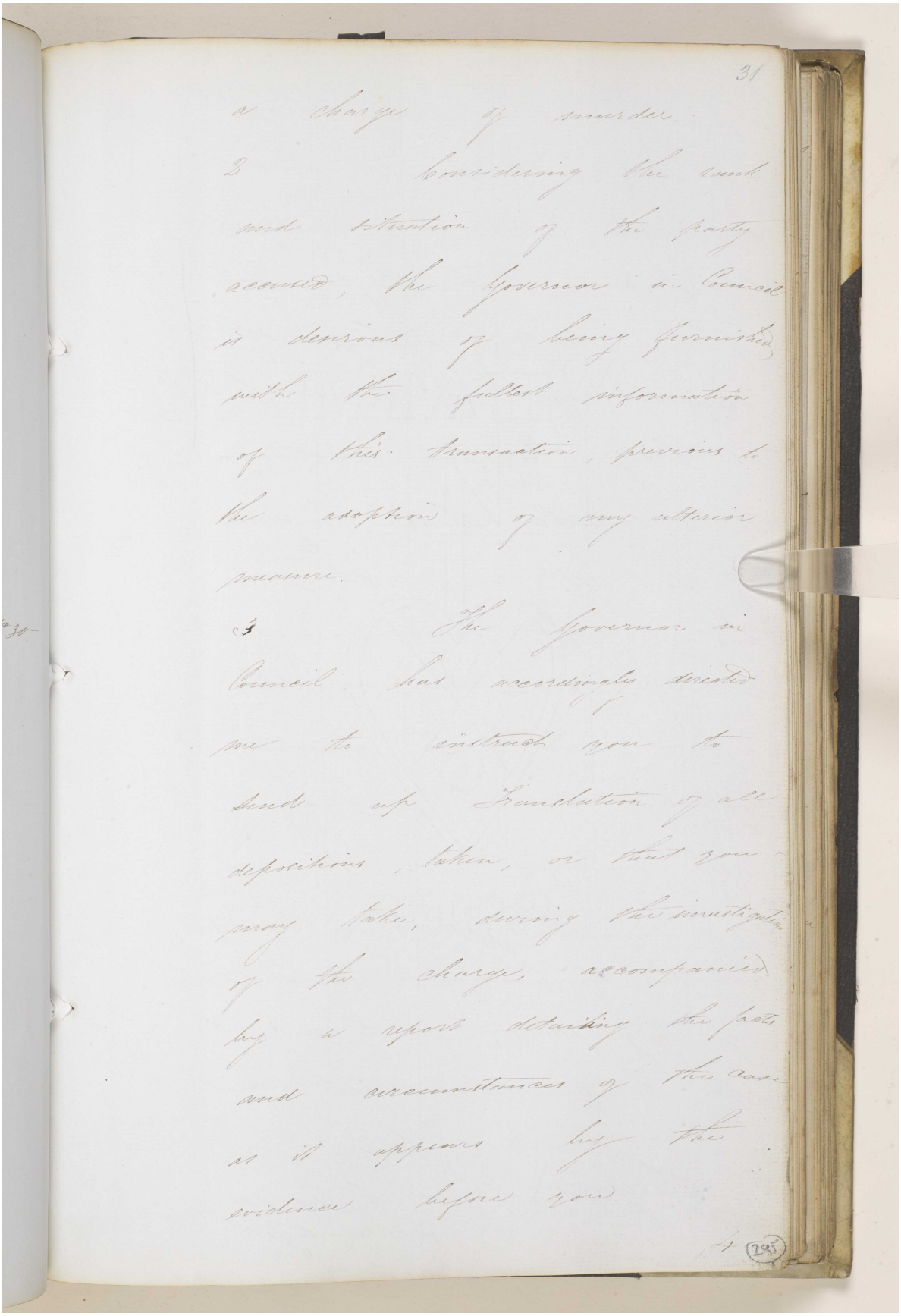

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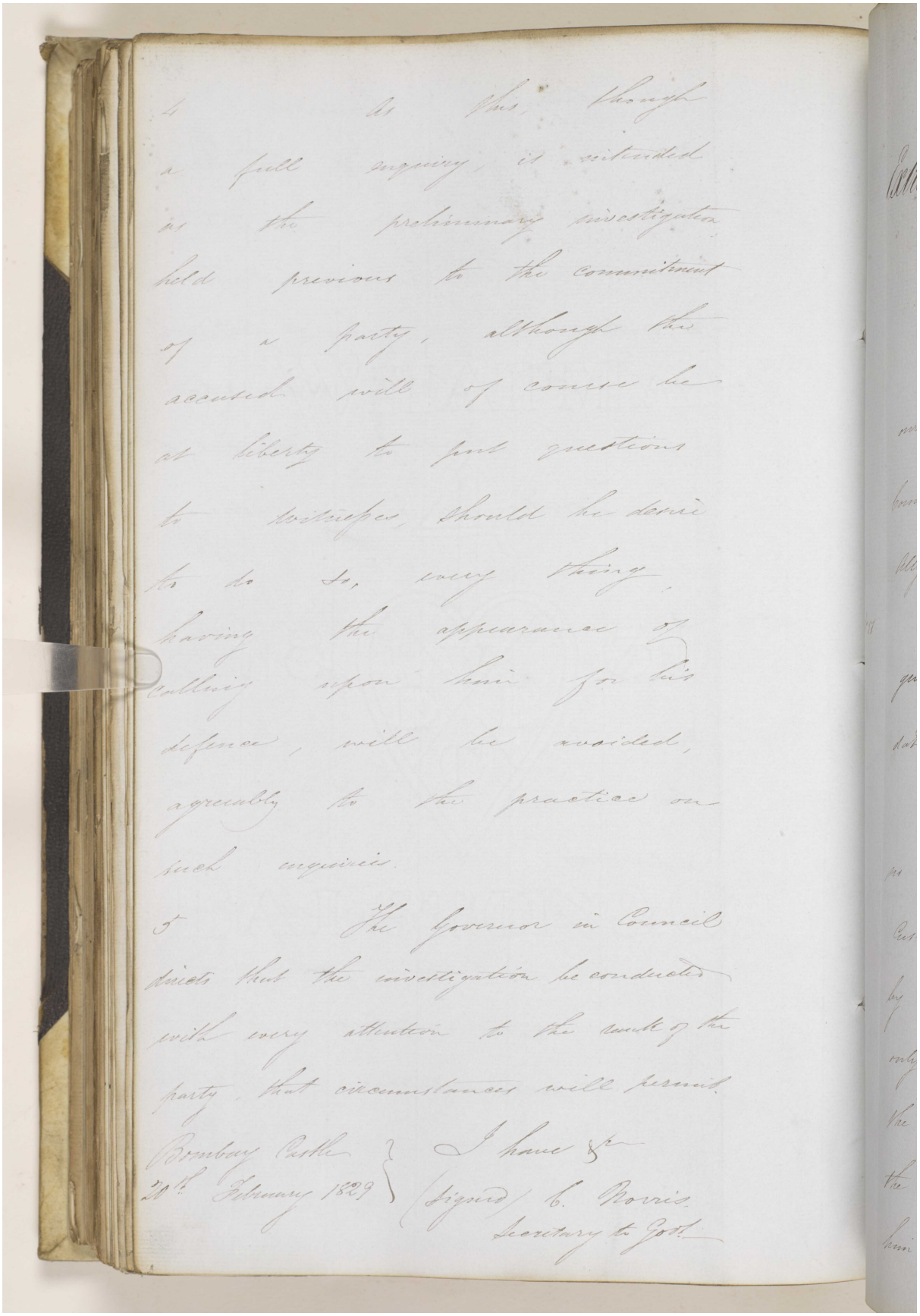

as this, though a full enquiry, it intended as the preliminary investigation held previous to the commitment of a party, although the accused will of course be at liberty to put questions to witnesses, should he desire to do so, every thing having the appearance of calling upon him for his defence, will be avoided, agreeably to the practice on such enquiries.

5 The Governor in Council directs that the investigation be conducted with every attention to the comfort of the party, that circumstances will permit.

Bombay Castle
20th February 1829

I have &c
(signed) C. Norris
Secretary to Govt

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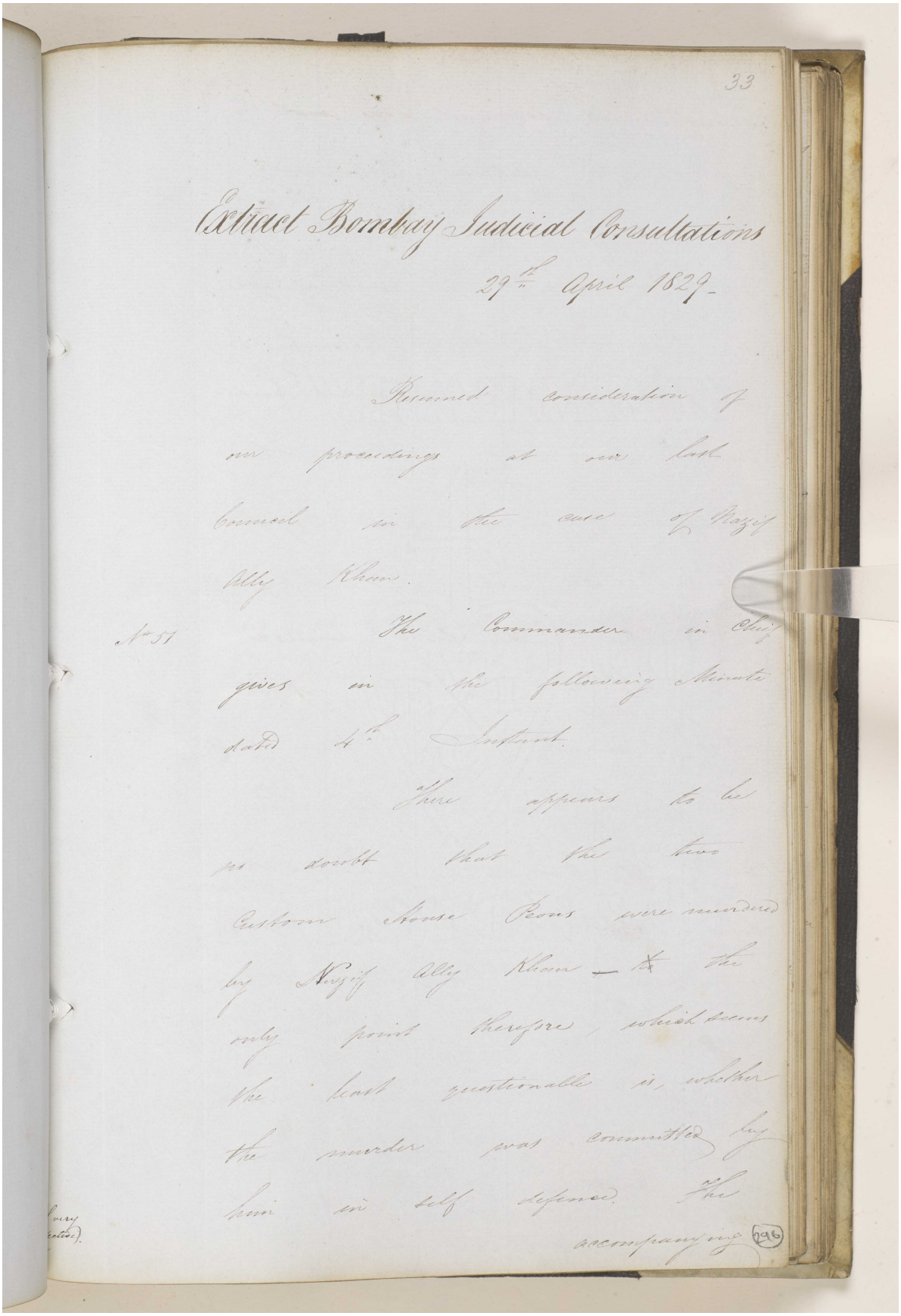

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Extract Bombay Judicial Consultations
29th April 1829.

Resumed consideration of
our proceedings at our last
Council in the case of Nujif
Ally Khan.

No 51 The Commander in Chief
gives in the following Minute
dated 4th Instant.

There appears to be
no doubt that the two
Custom House Peons were murdered
by Nujif Ally Khan — the
only point therefore, which seems
the least questionable is, whether
the murder was committed by
him in self defence. The
accompanying

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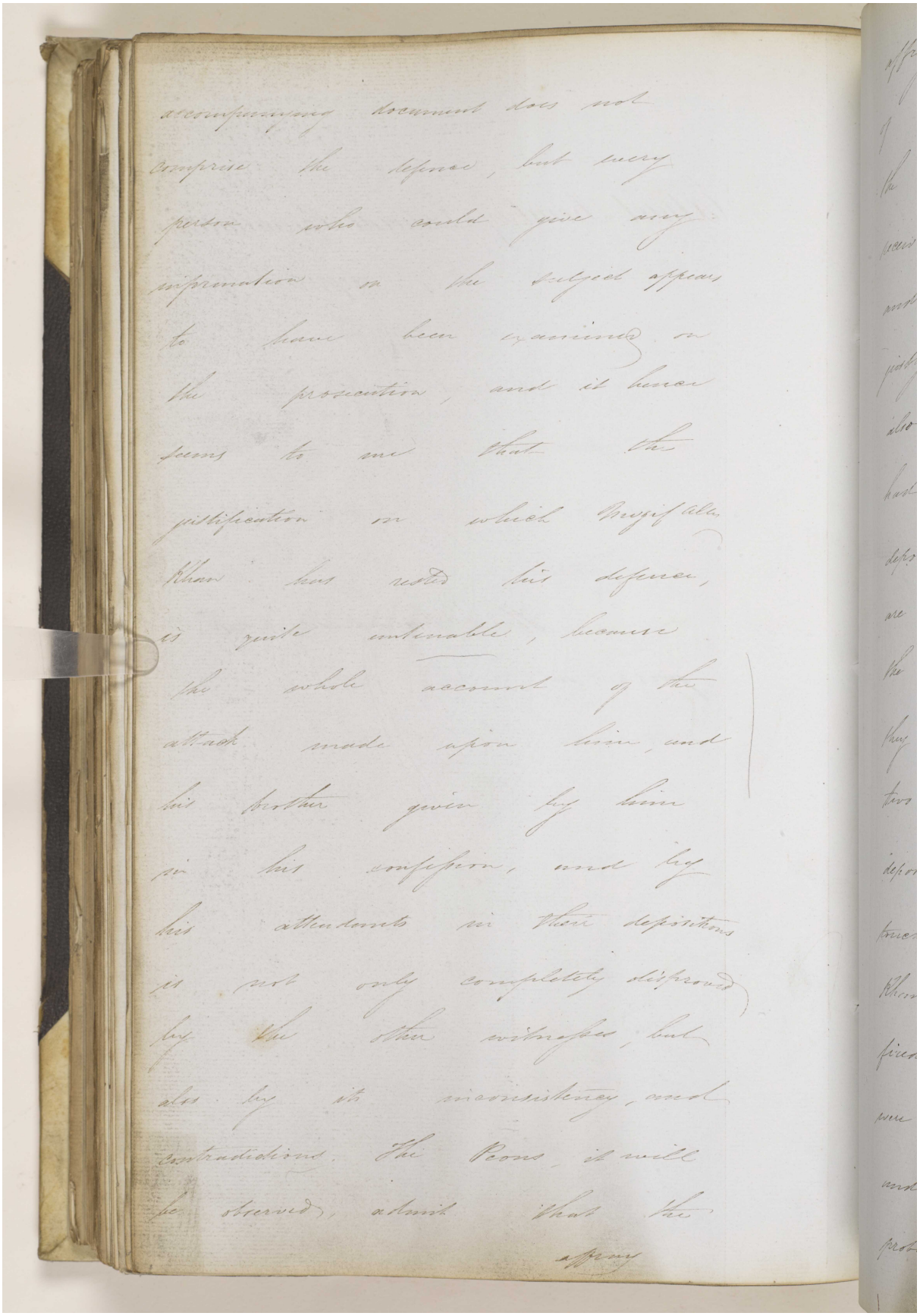

accompanying document does not comprise the defence, but every person who could give any information on the subject appears to have been examined on the prosecution, and it hence seems to me that the justification on which Nujif Ali Khan has rested his defence, is quite untenable, because the whole account of the attack made upon him, and his brother given by him in his confession, and by his attendants in their depositions is not only completely disproved by the other witnesses, but also by its inconsistency, and contradictions. The Peons, it will be observed, admit that the

affray

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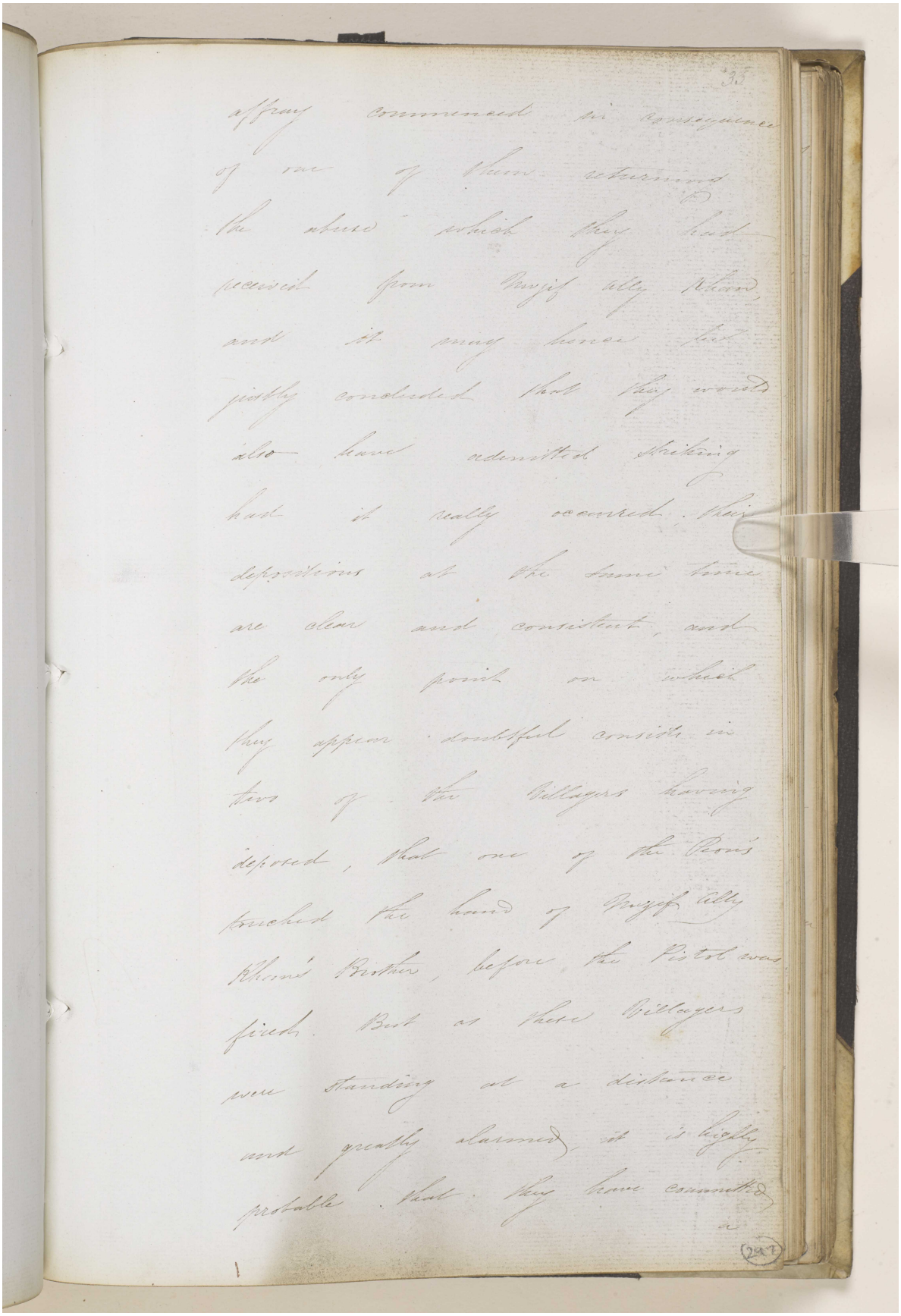

affray commenced in consequence of one of them returning the shawl which they had received from Nujif ally Khan, and it may hence be justly concluded that they would also have admitted shooting had it really occurred. Their depositions at the same time are clear and consistent, and the only point on which they appear doubtful consists in two of the Villagers having deposed, that one of the Persis touched the hand of Nujif Ally Khan's Brother, before the Pistol was fired. But as these Villagers were standing at a distance and greatly alarmed, it is highly probable that they have committed a

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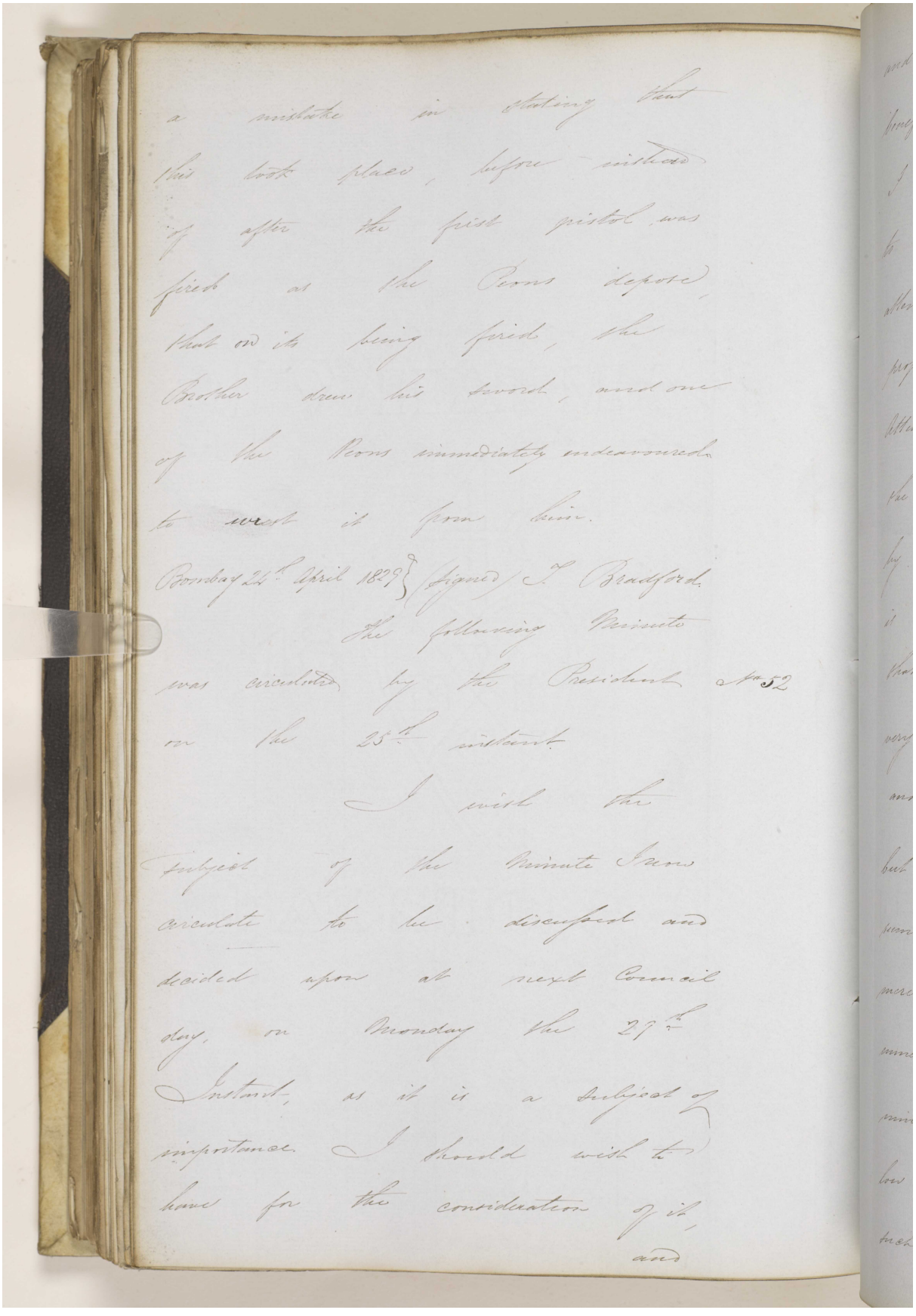

a mistake in stating that this took place, before instead of after the first pistol was fired as the Peons depose, that on its being fired, the Brother drew his sword, and one of the Peons immediately endeavoured to wrest it from him.

Bombay 24th April 1829 } (Signed) T. Bradford.

The following Minute was circulated by the President No 52 on the 25th instant.

I wish the subject of the Minute I now circulate to be discussed and decided upon at next Council day, on Monday the 27th Instant, as it is a subject of importance. I should wish to have for the consideration of it, and

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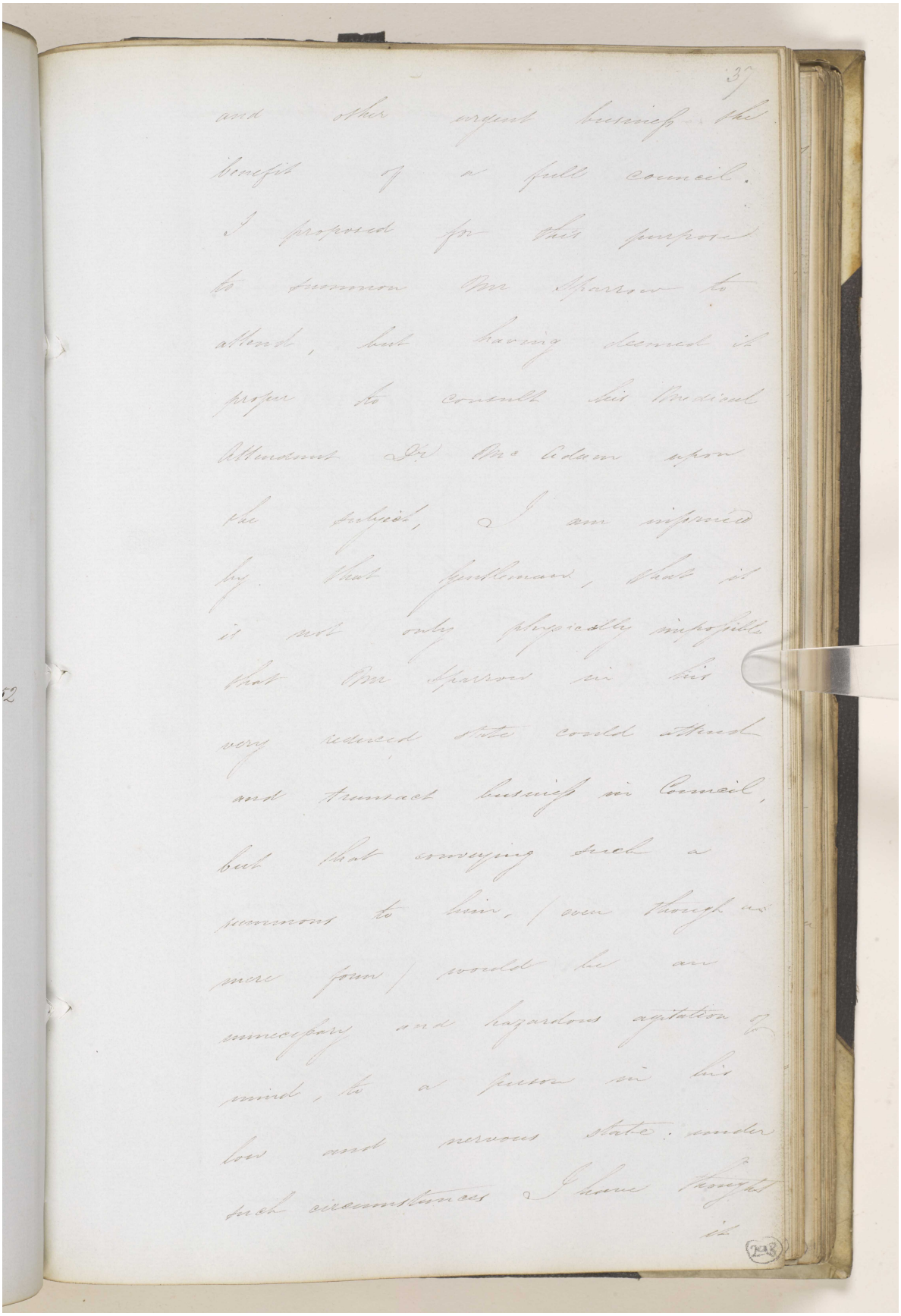

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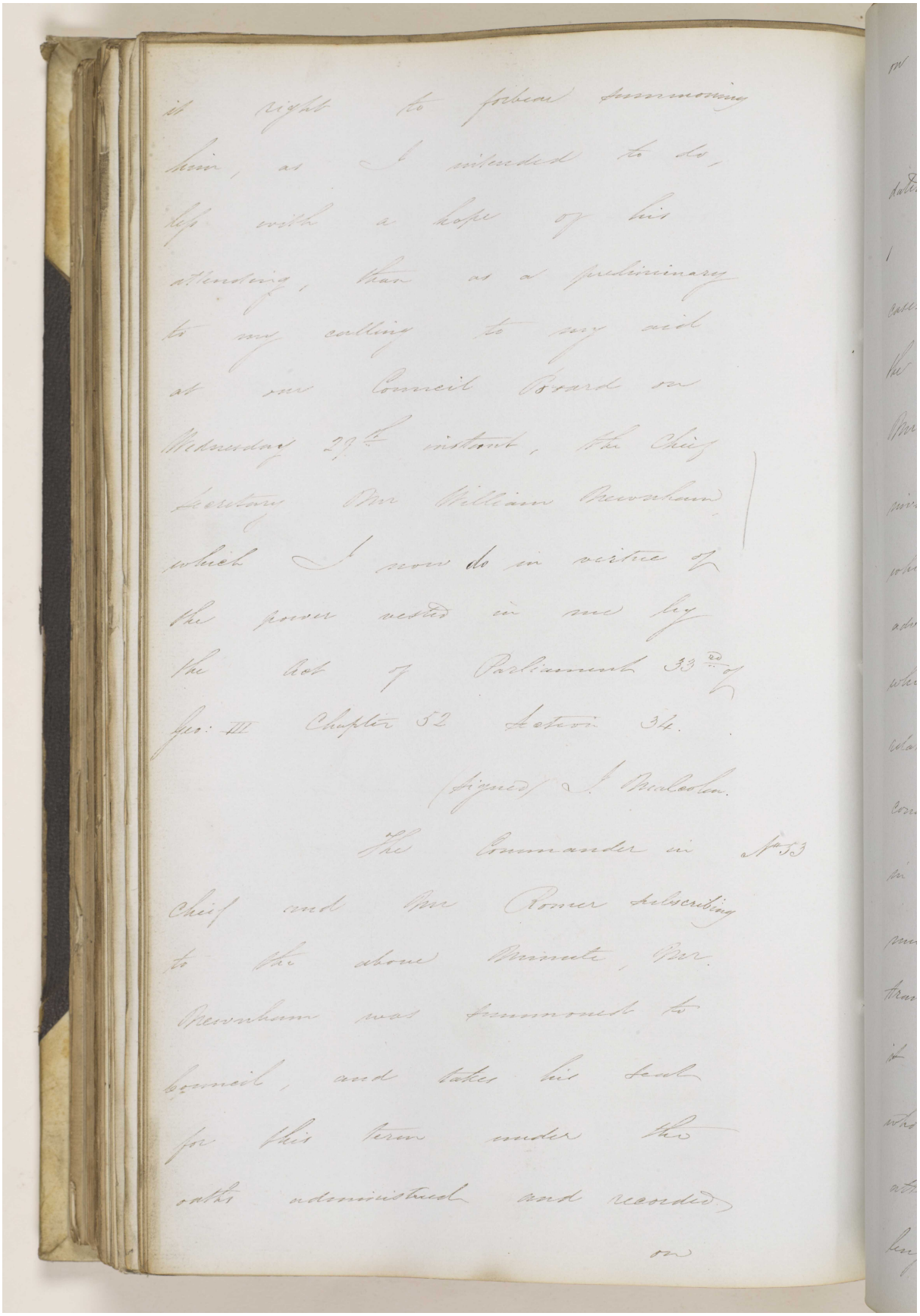

it right to forbear summoning him, as I intended to do, left with a hope of his attending, than as a preliminary to my calling to my aid at our Council Board on Wednesday 29th instant, the Chief Secretary Mr William Bevanham which I now do in virtue of the power vested in me by the Act of Parliament 33rd of Geo: III Chapter 52 Section 34.

(signed) J. Malcolm

The Commander in Chief and Mr Romer subscribing to the above Minute, Mr Bevanham was summoned to Council, and taken his seat for this term under the oath administered and recorded on

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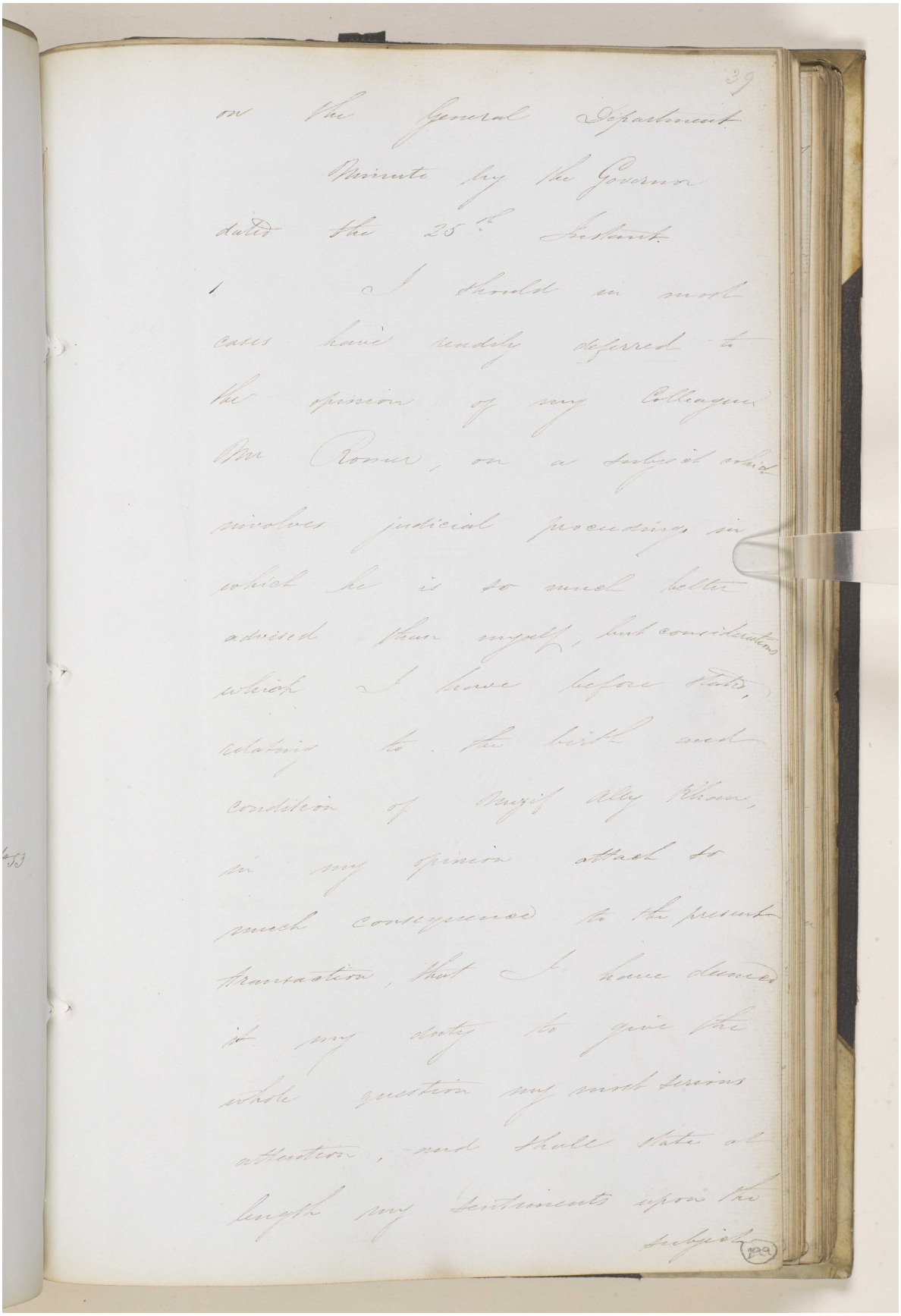

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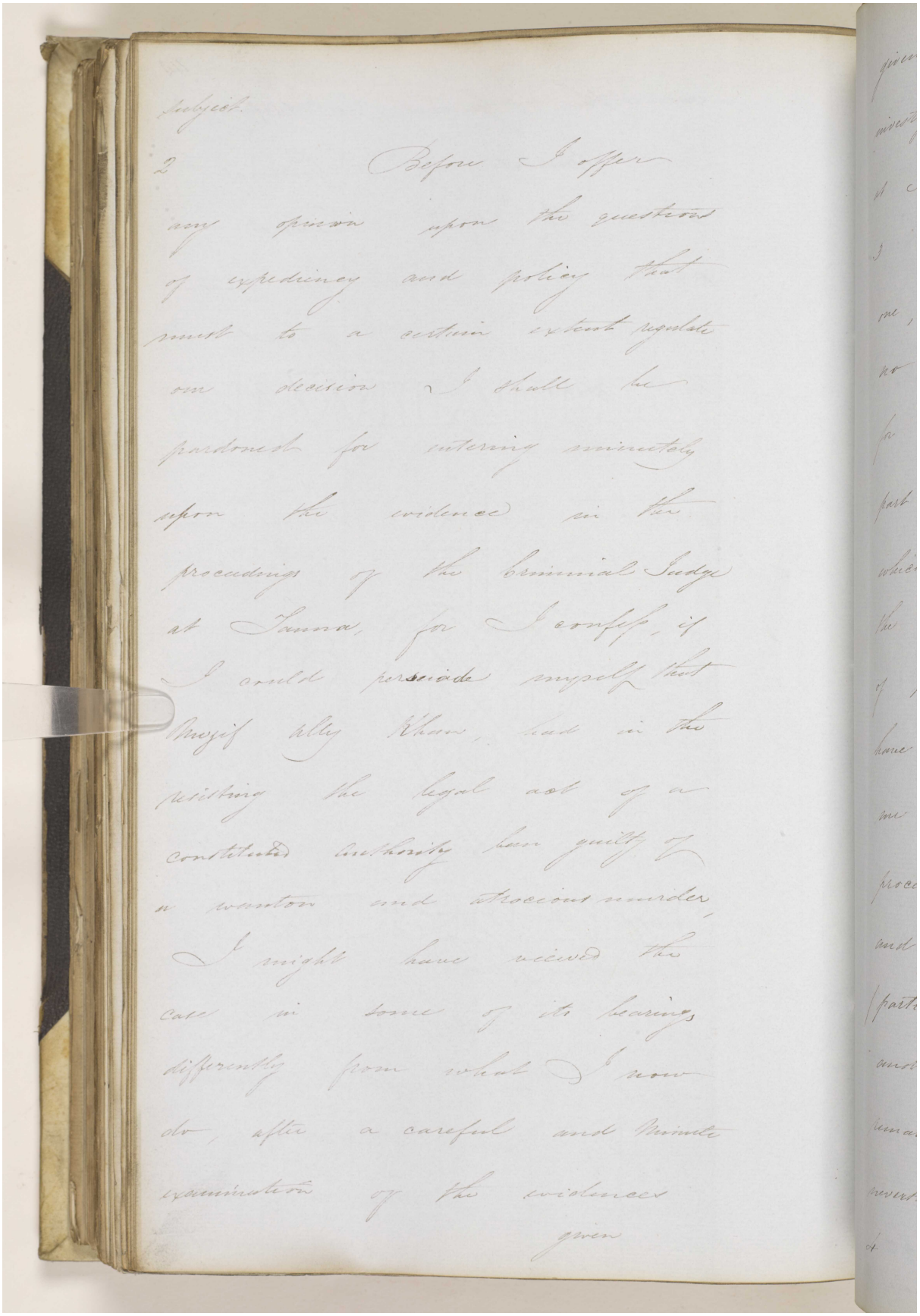

subject.

2 Before I offer any opinion upon the questions of expediency and policy that must to a certain extent regulate our decision I shall be pardoned for entering minutely upon the evidence in the proceedings of the Criminal Judge at Zanna, for I confess, if I could persuade myself that Nujif ally Khan, had in the resisting the legal act of a constituted authority been guilty of a wanton and atrocious murder, I might have viewed the case in some of its bearings differently from what I now do, after a careful and minute examination of the evidences given

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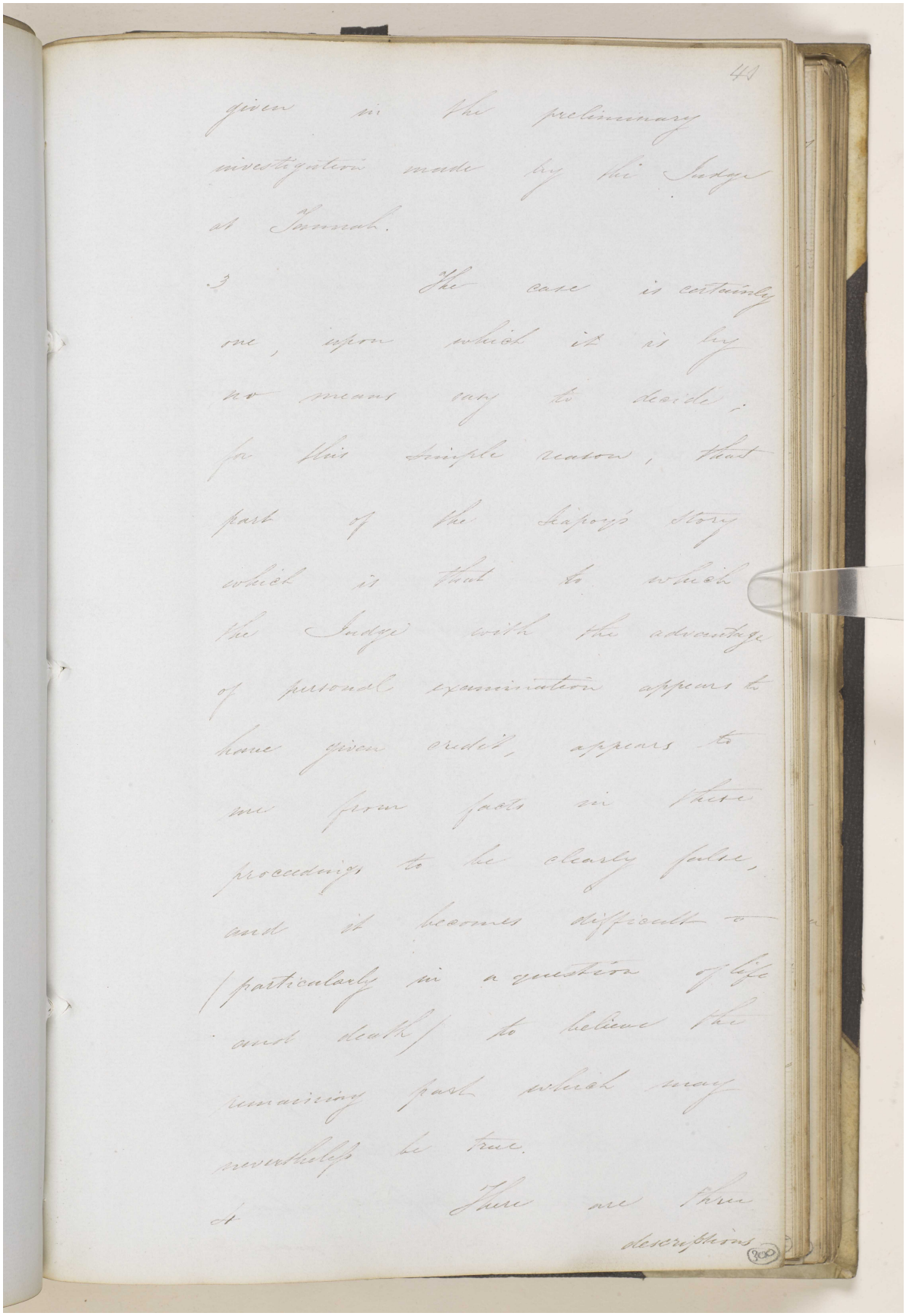

given in the preliminary
investigation made by the Judge
at Jummah.

3 The case is certainly
one, upon which it is by
no means easy to decide;
for this simple reason, that
part of the Kajoy's story
which is that to which
the Judge with the advantage
of personal examination appears to
have given credit, appears to
me from facts in these
proceedings to be clearly false,
and it becomes difficult to
(particularly in a question of life
and death) to believe the
remaining part which may
nevertheless be true.

4 There are three

descriptions

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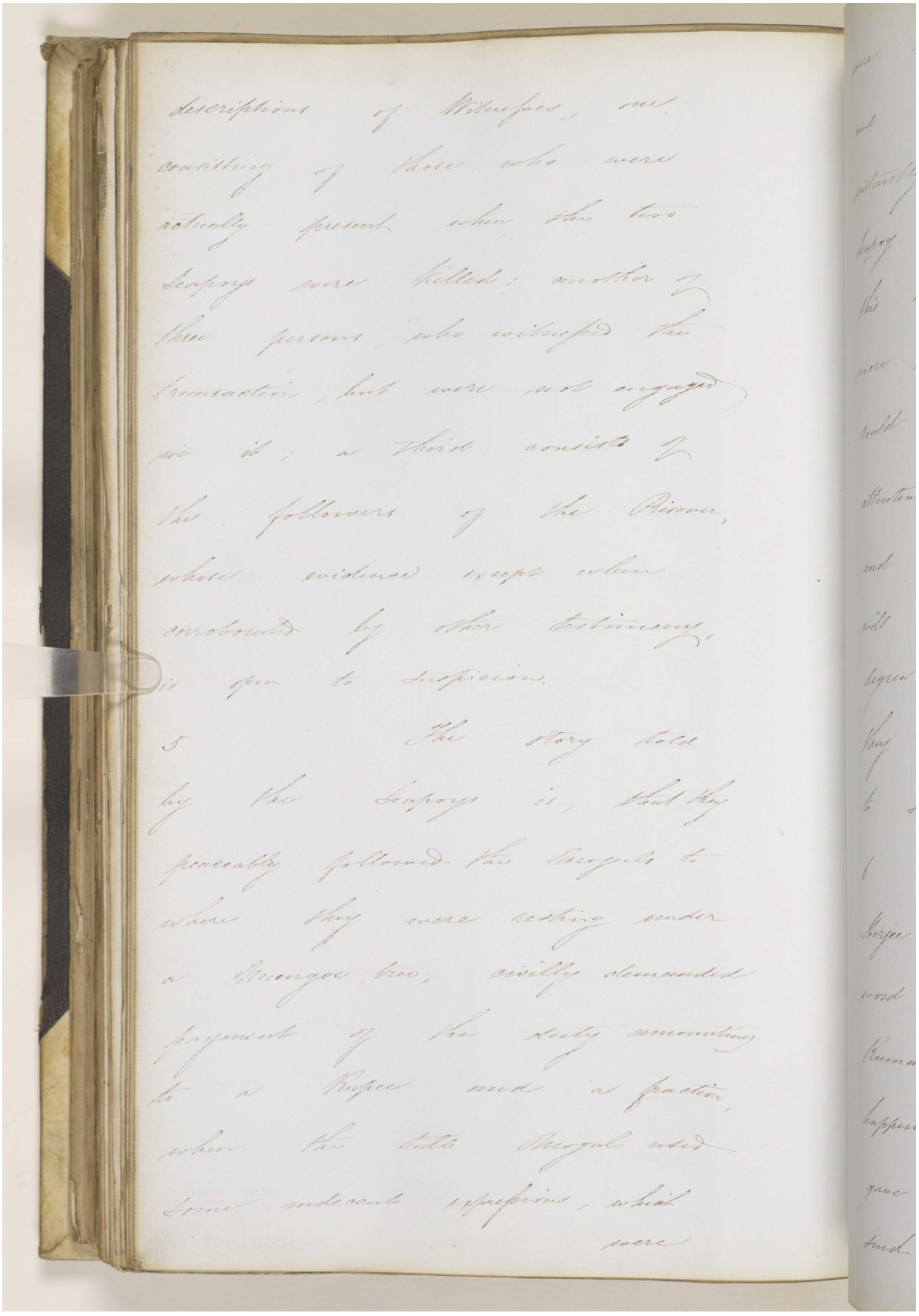

descriptions of Witnesses, one
consisting of those who were
actually present when the two
Sepoys were killed; another of
three persons, who witnessed the
transaction, but were not engaged
in it; a third consists of
the followers of the Prisoner,
whose evidence except when
corroborated by other testimony,
is open to suspicion.

5 The story told
by the Sepoys is, that they
peaceably followed the Moguls to
where they were resting under
a Bramgoe tree, civilly demanded
payment of the duty amounting
to a Rupee and a fraction,
when the Mogul used
some indecent expressions, which
were

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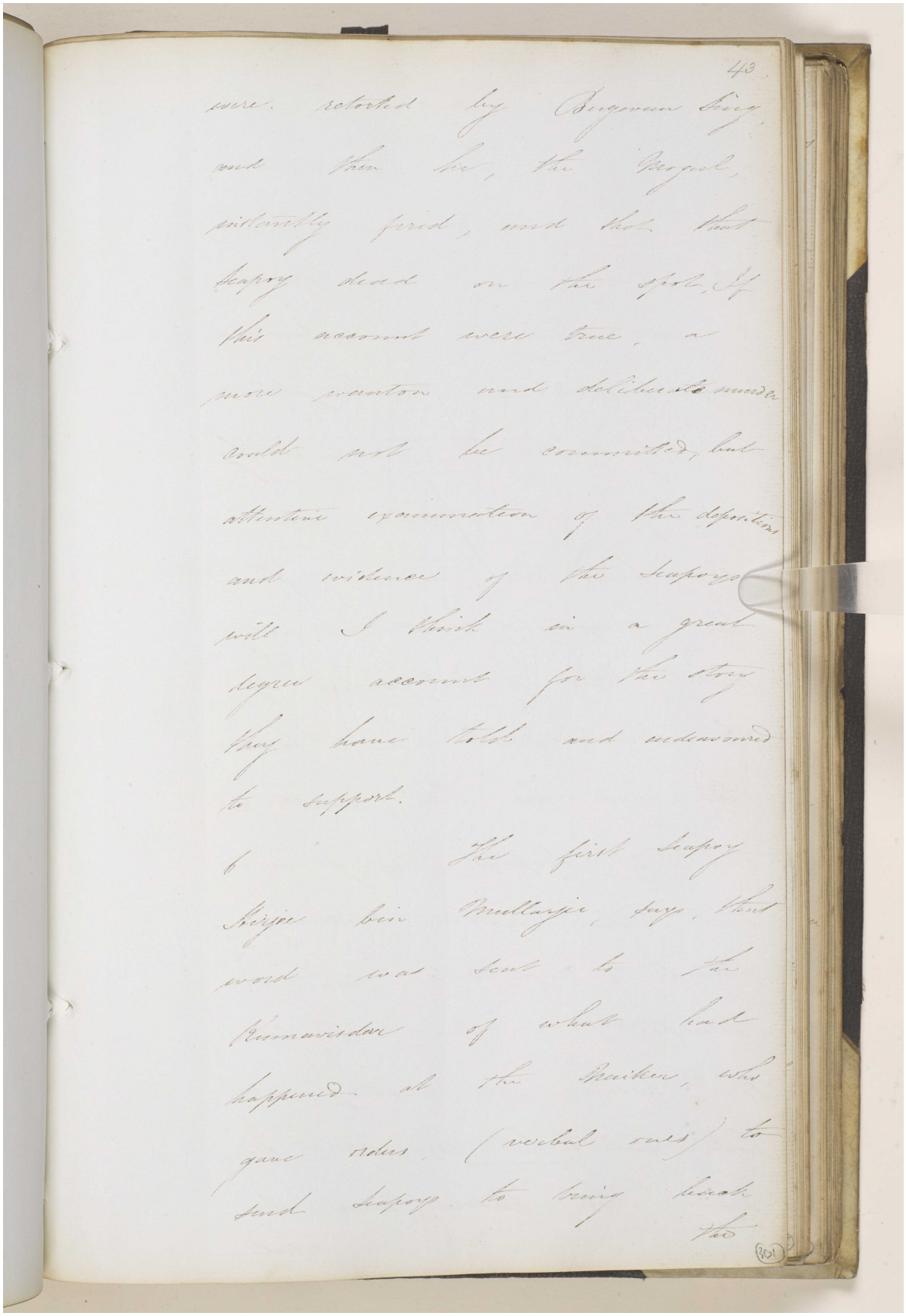

were retorted by Bergwan Sing, and then he, the Mogul, instantly fired, and shot that Seapoy dead on the spot. If this account were true, a more wanton and deliberate murder could not be committed, but attentive examination of the depositions and evidence of the Seapoys will I think in a great degree account for the story they have told and endeavoured to support.

6 The first Seapoy Hirjee bin Mullarjee, says, that word was sent to the Kumavisdar of what had happened at the Naiker, who gave orders, (verbal ones) to send Seapoys to bring back the

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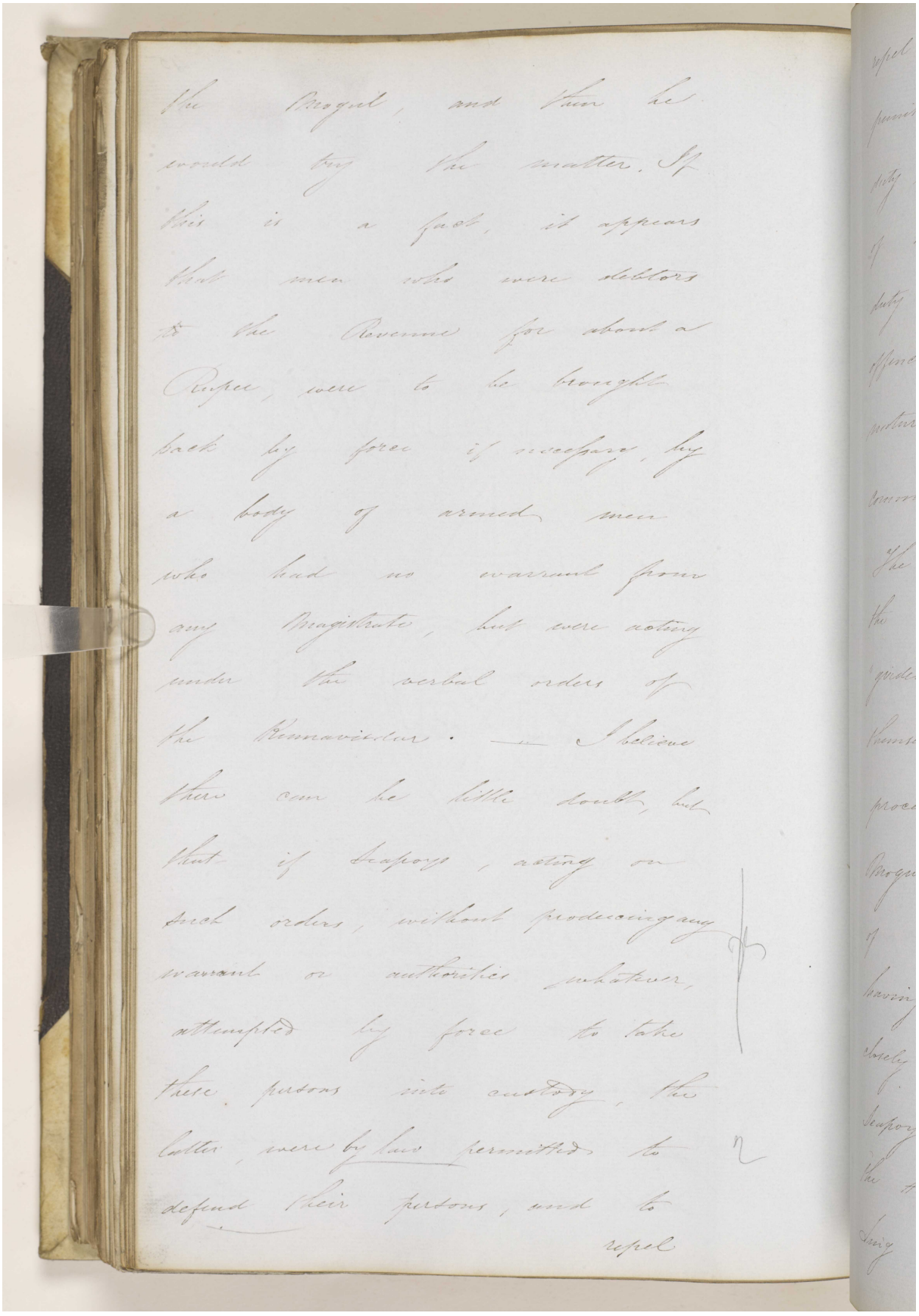

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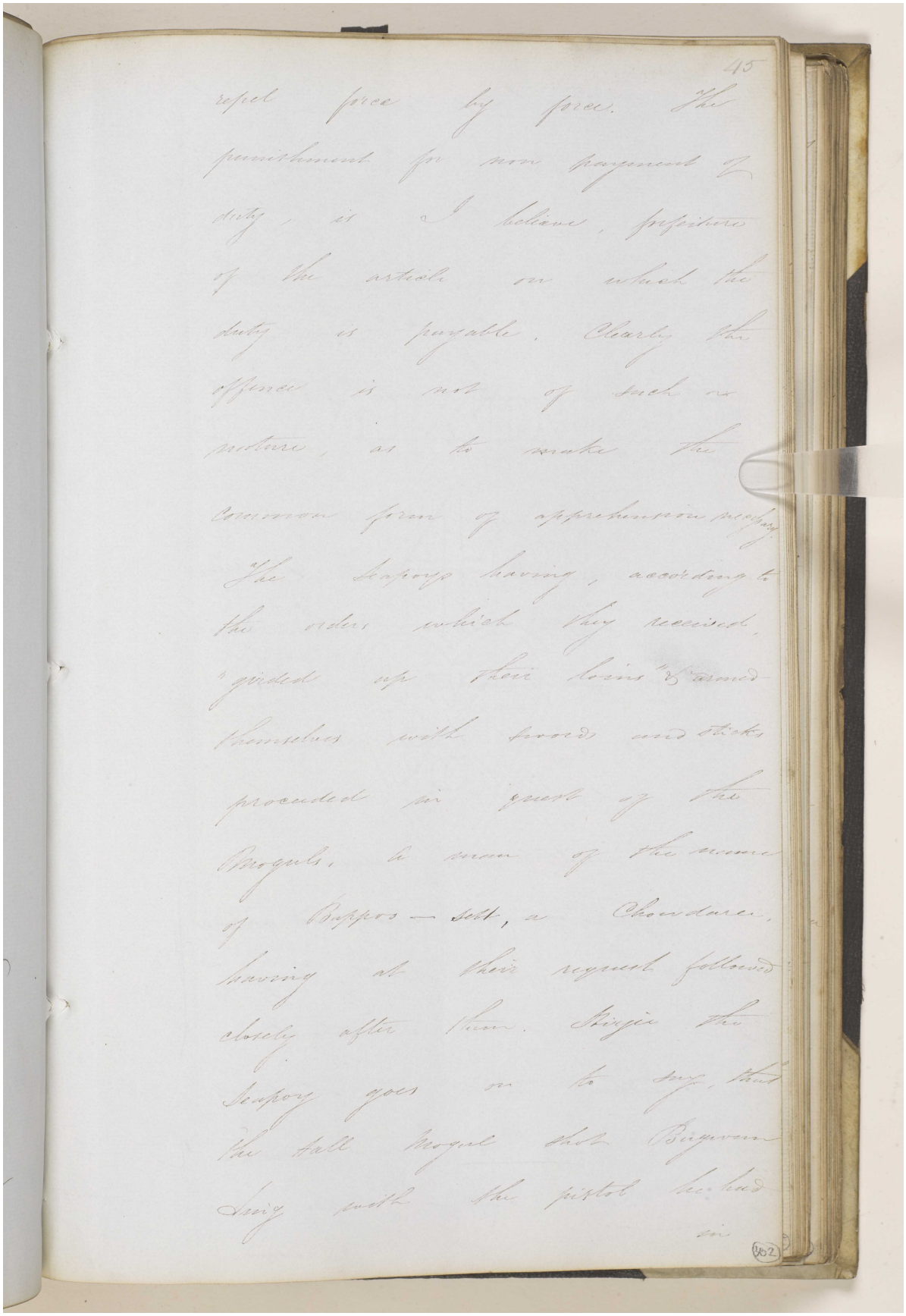

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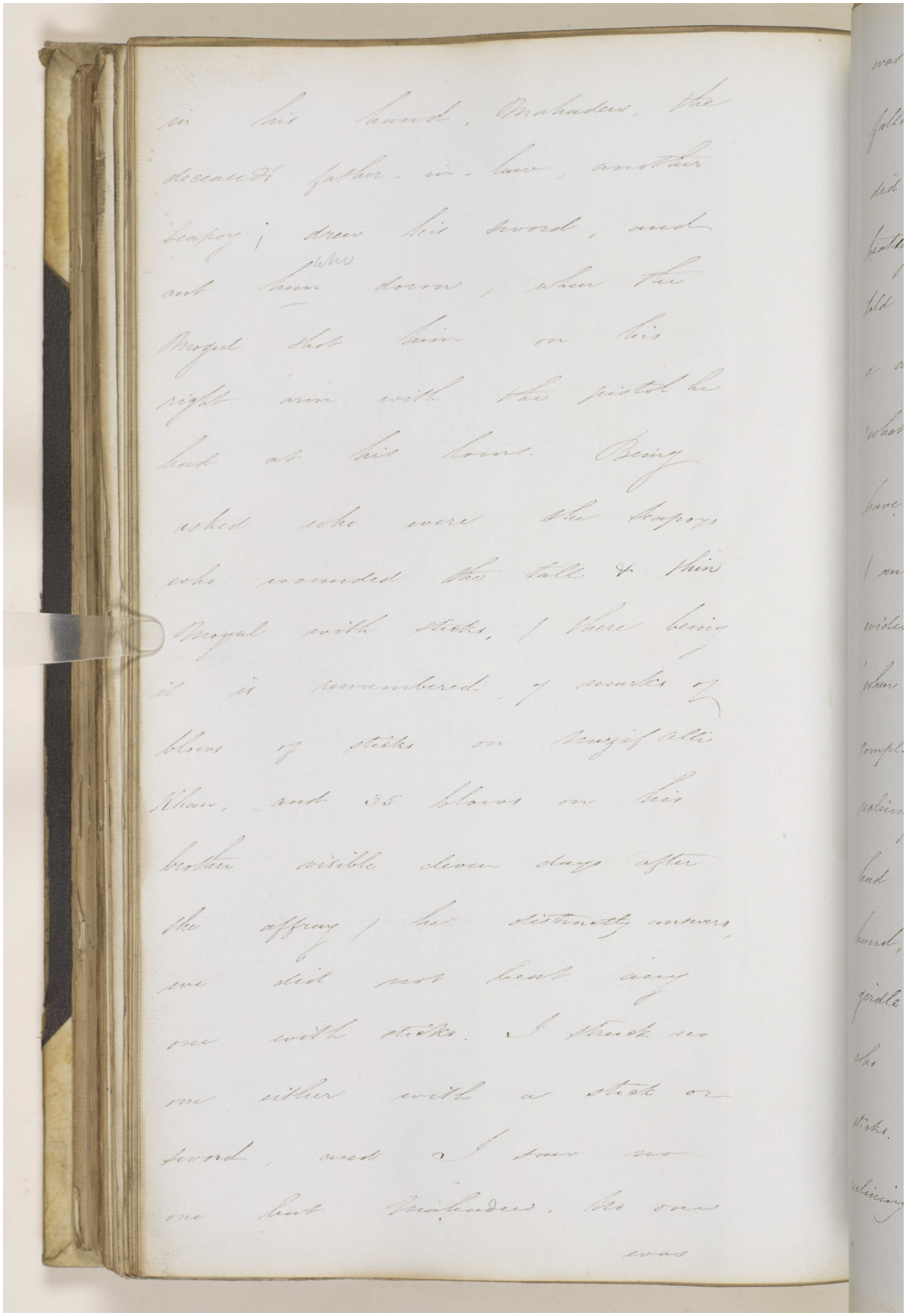

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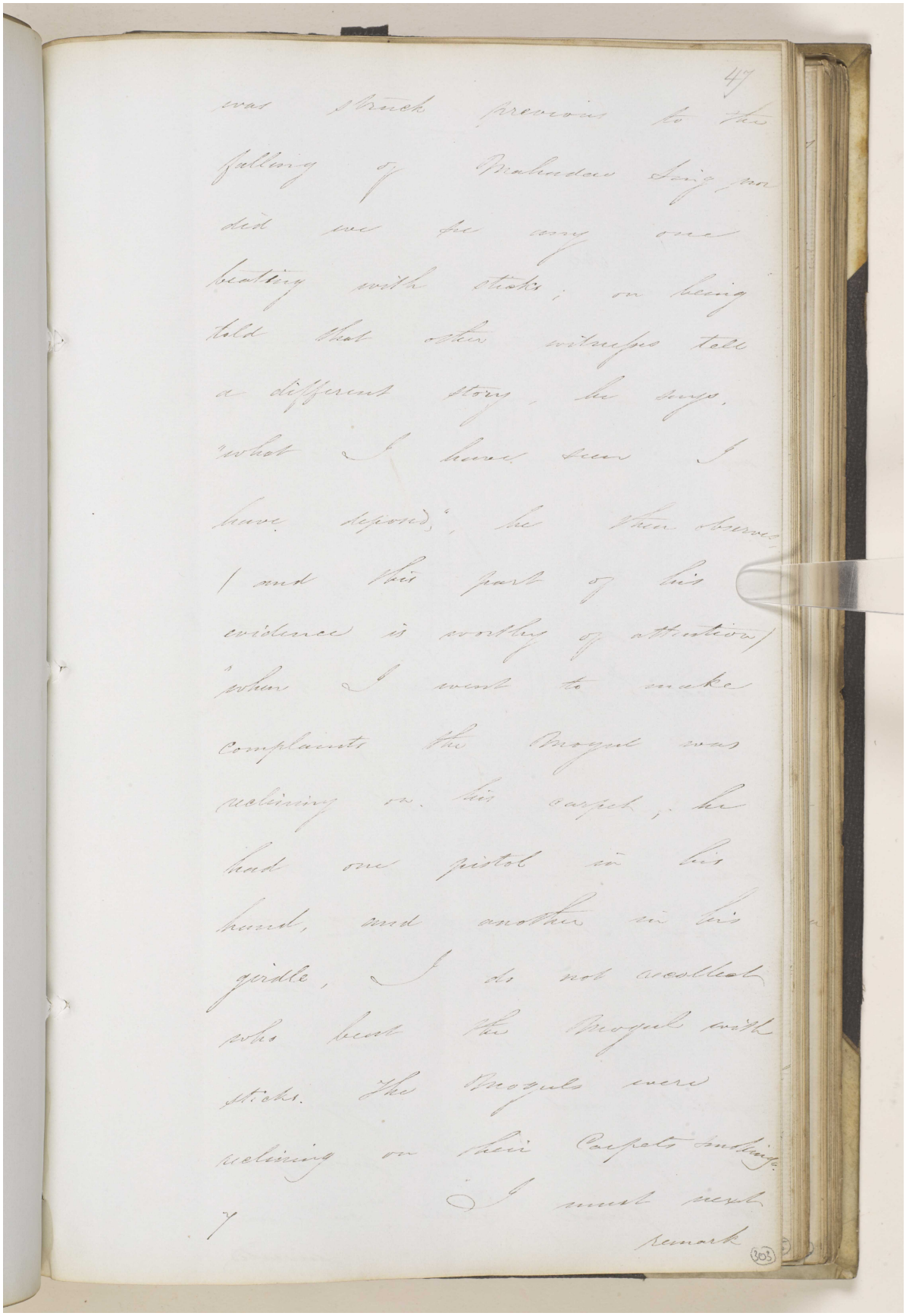

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was struck previous to the falling of Mahadeo Sing nor did we see any one beating with sticks; on being told that other witnesses tell a different story, he says, "what I have seen I have deposed", he then observes (and this part of his evidence is worthy of attention) "when I went to make complaints the Moguls was reclining on his carpet; he had one pistol in his hand, and another in his girdle, I do not recollect who beat the Moguls with sticks. The Moguls were reclining on their Carpets smoking."

I must next remark

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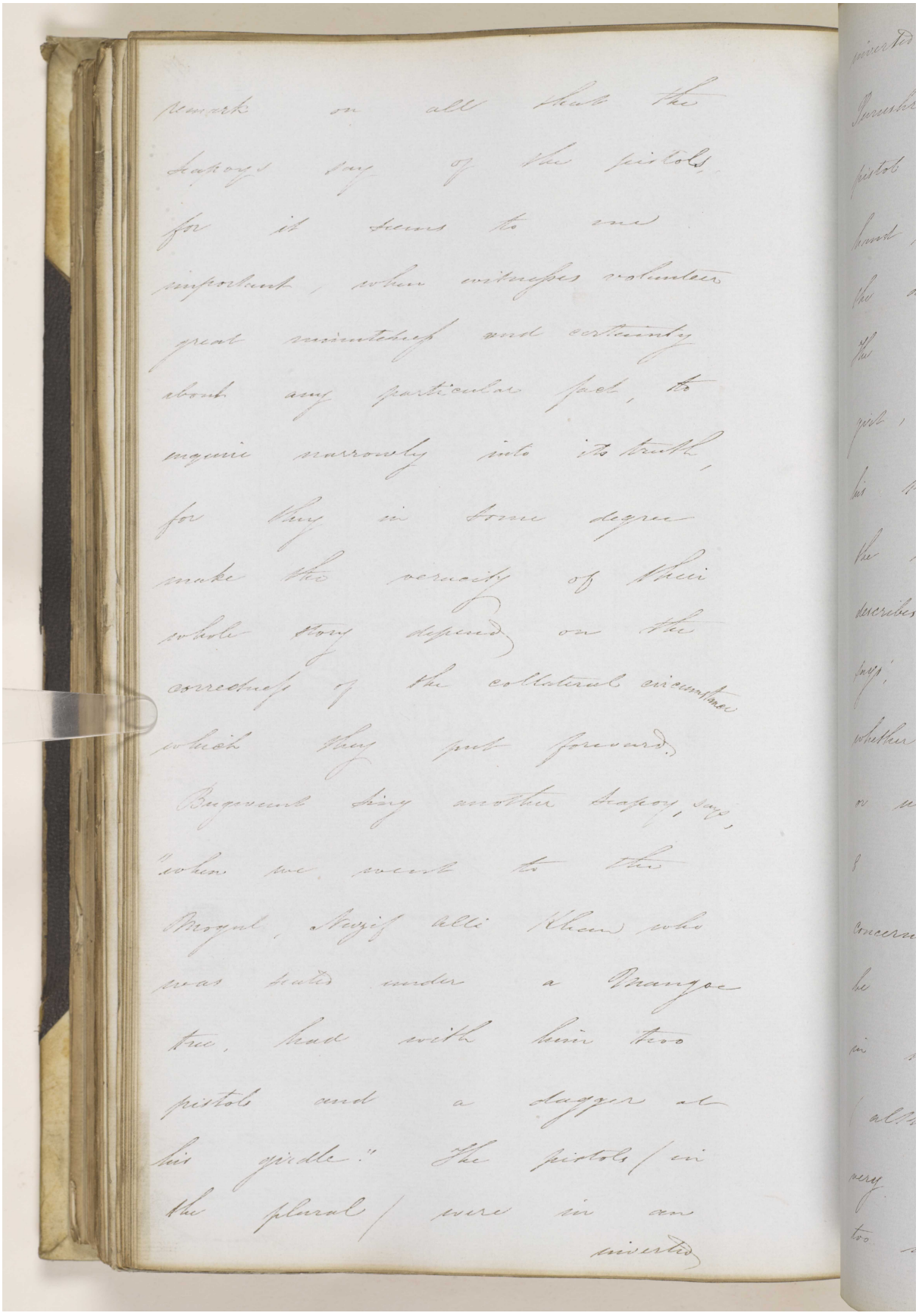

remark on all that the
Seapoys say of the pistols,
for it seems to me
important, when witnesses volunteer
great minuteness and certainty
about any particular fact, to
enquire narrowly into its truth,
for they in some degree
make the veracity of their
whole story depend on the
correctness of the collateral circumstance
which they put forward.
Bugwunt Sing another Seapoy, says,
"when we went to the
Mogul, Nuzif Alli Khan who
was seated under a Mangoe
tree, had with him two
pistols and a dagger at
his girdle." The pistols (in
the plural) were in an
inverted

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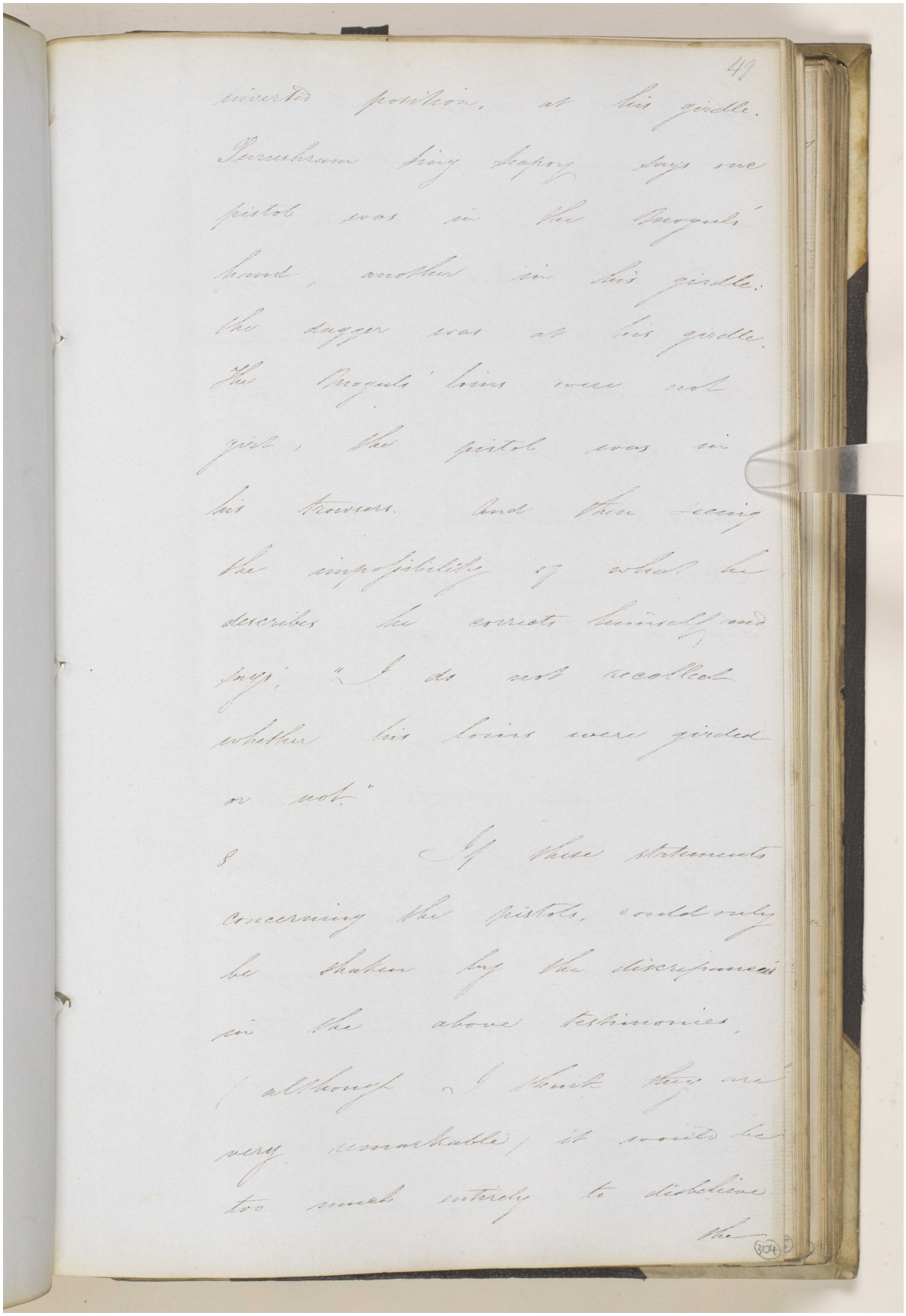

inverted position, at his girdle. Purushram Sing Seapoy says one pistol was in the Moguls' hand, another in his girdle: the dagger was at his girdle. The Moguls' loins were not girt, the pistol was in his trowsers. And then seeing the impossibility of what he describes he corrects himself and says; "I do not recollect whether his loins were girded or not."

8 If these statements concerning the pistols, could only be shaken by the discrepancies in the above testimonies, (although I think they are very remarkable) it would be too much entirely to disbelieve the

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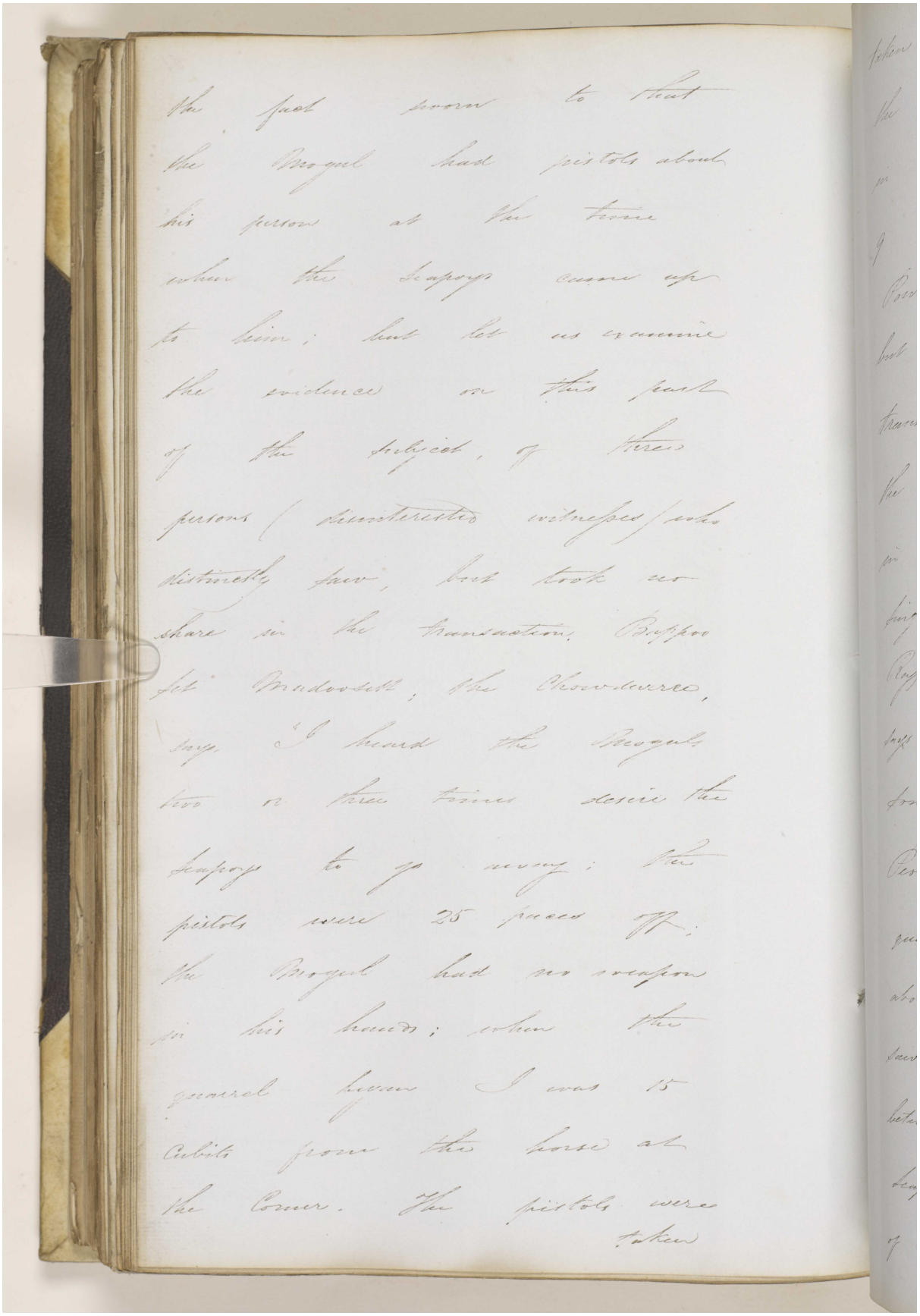

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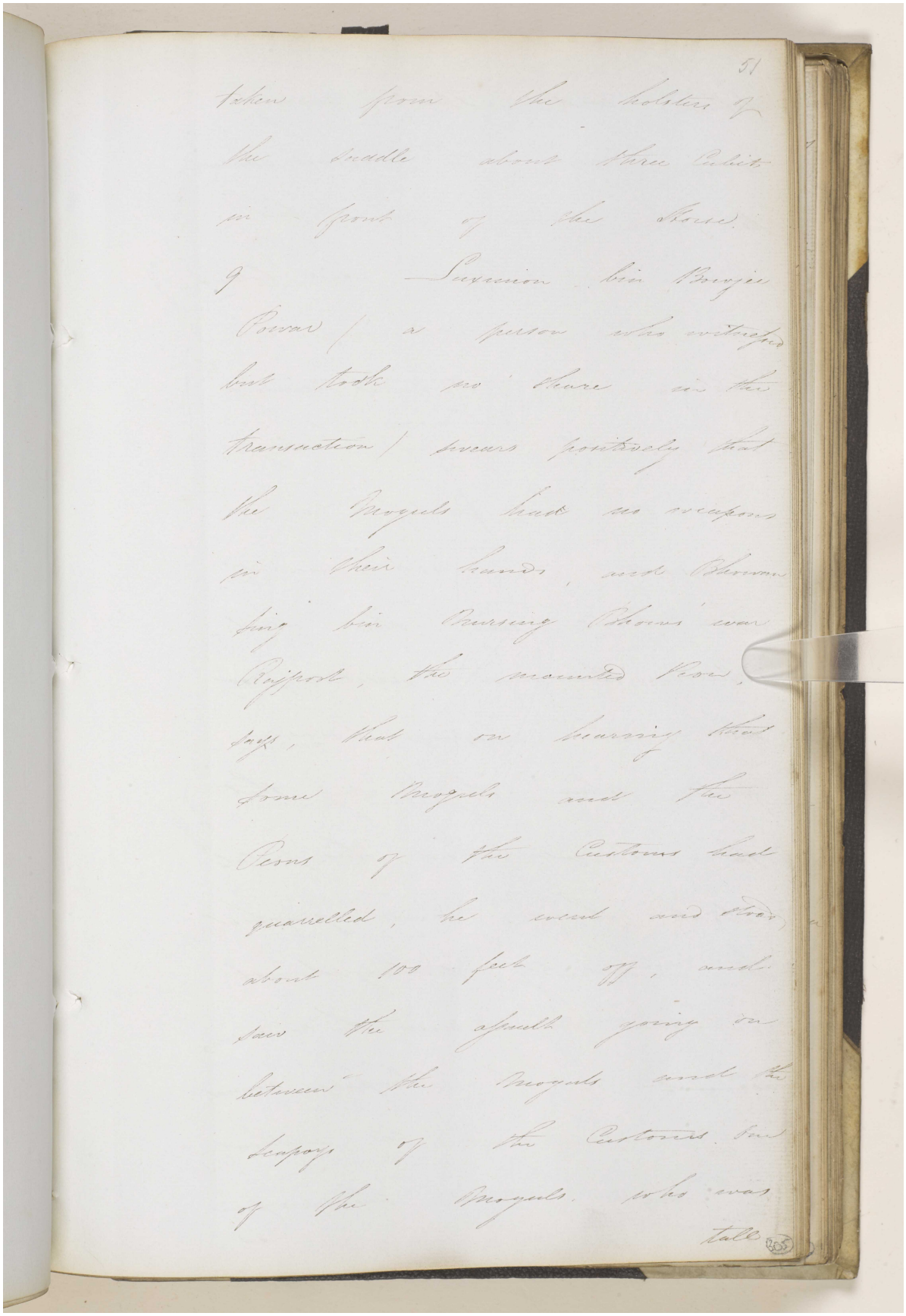

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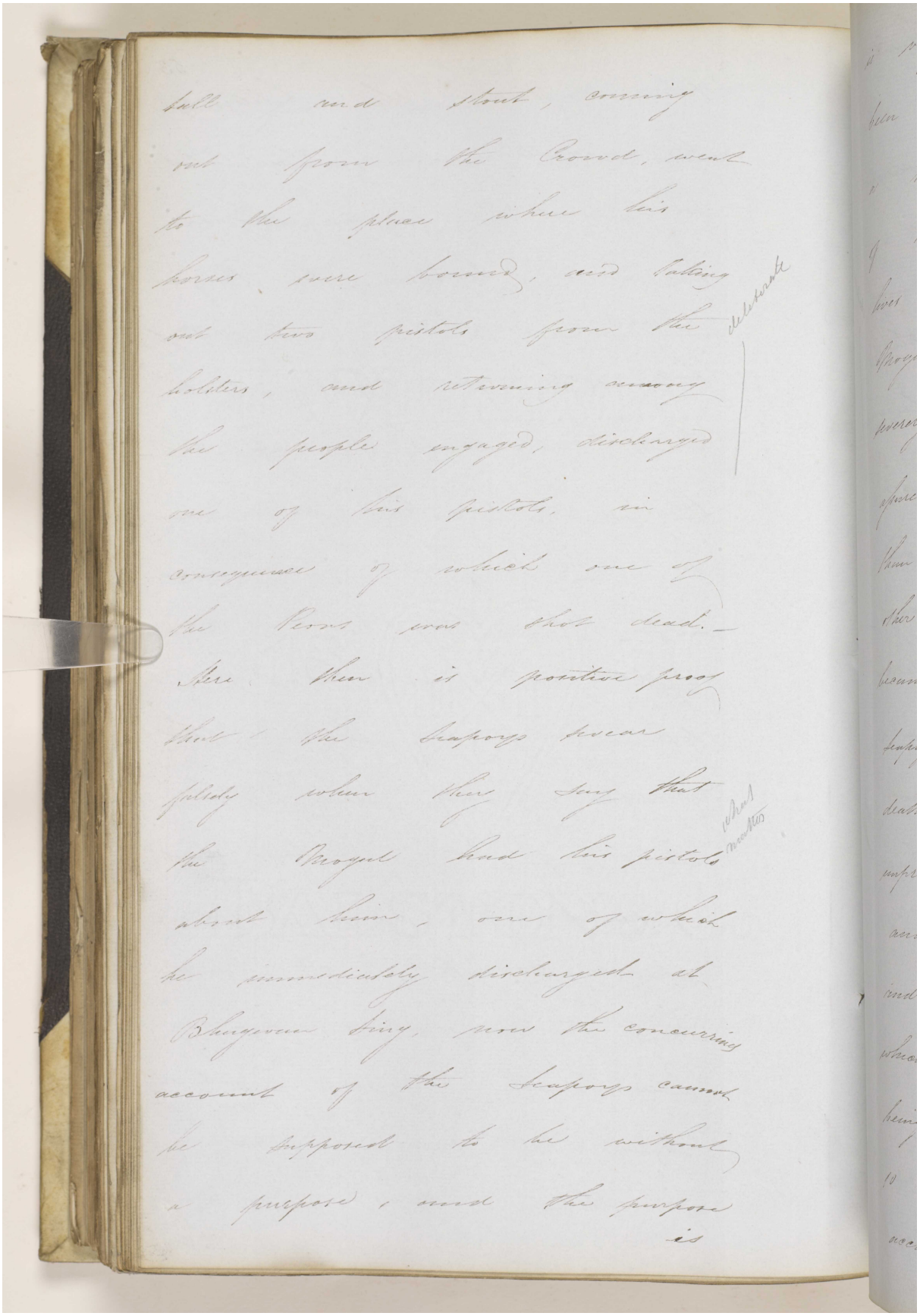

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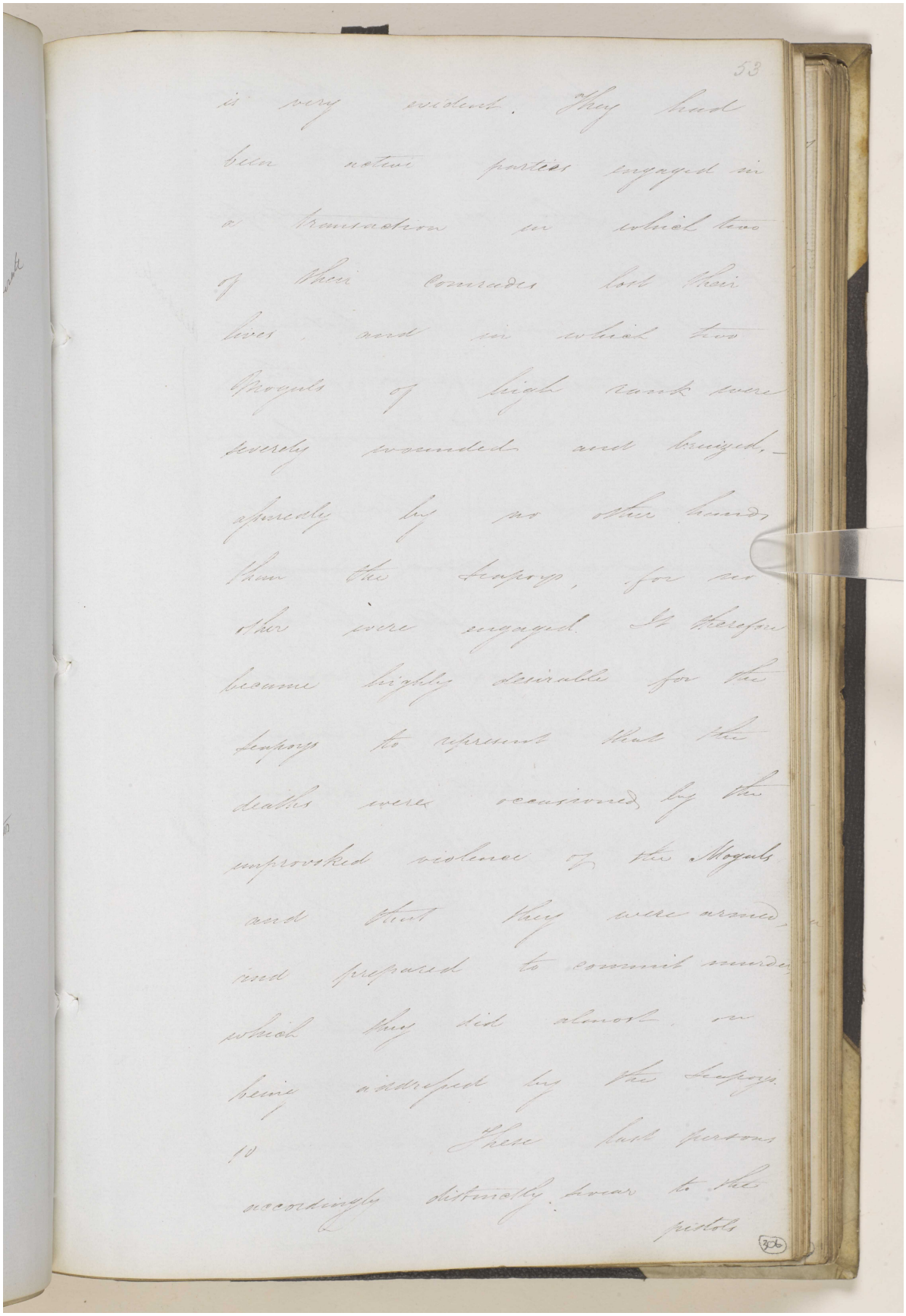

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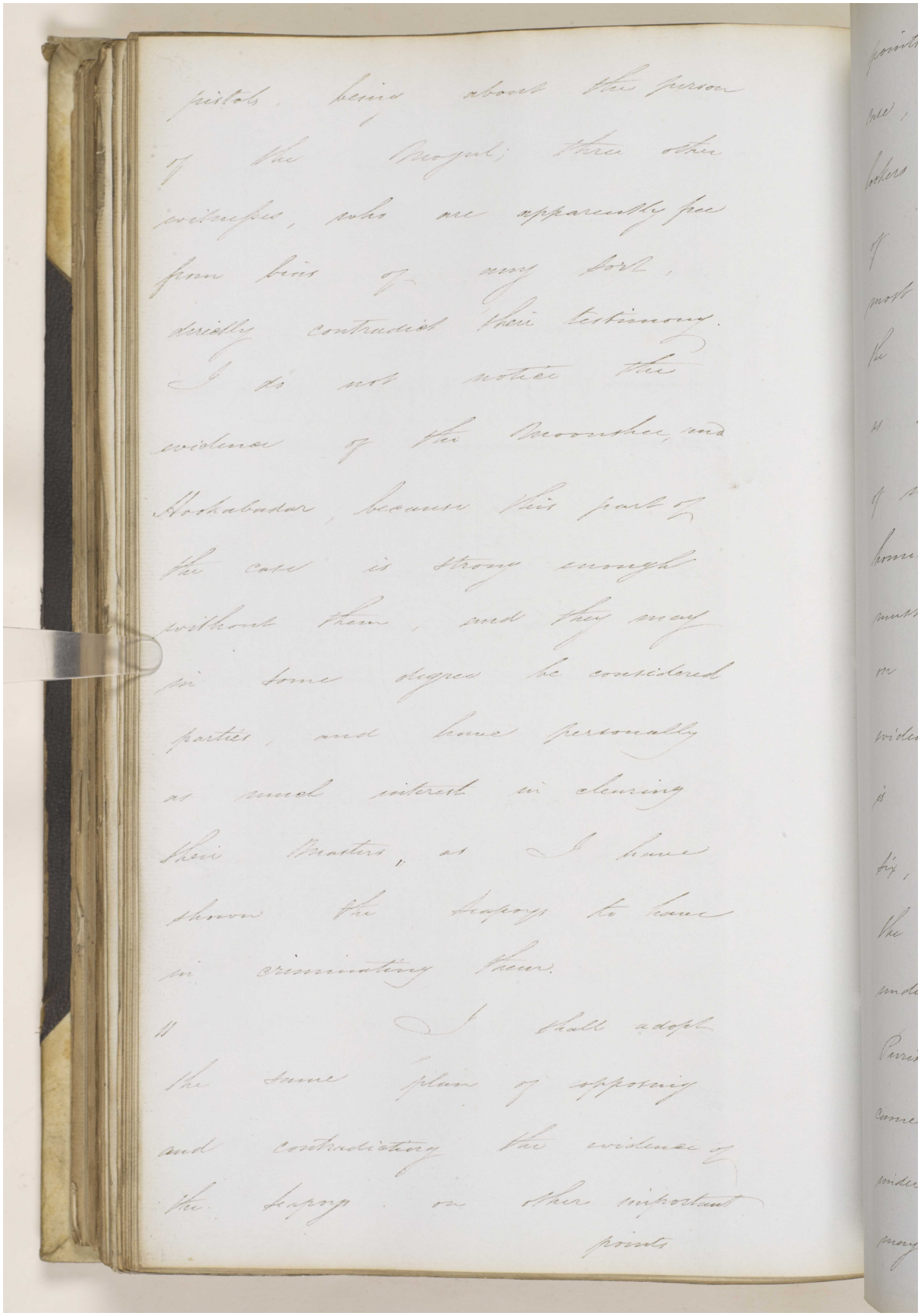

pistols, being about the person of the Mogul; three other witnesses, who are apparently free from bias of any sort, directly contradict their testimony. I do not notice the evidence of the Moonshee, and Hookabadar, because this part of the case is strong enough without them, and they may in some degree be considered parties, and have personally as much interest in clearing their Masters, as I have shown the Seapoys to have in criminating them.

11 I shall adopt the same plan of opposing and contradicting the evidence of the Seapoys on other important points

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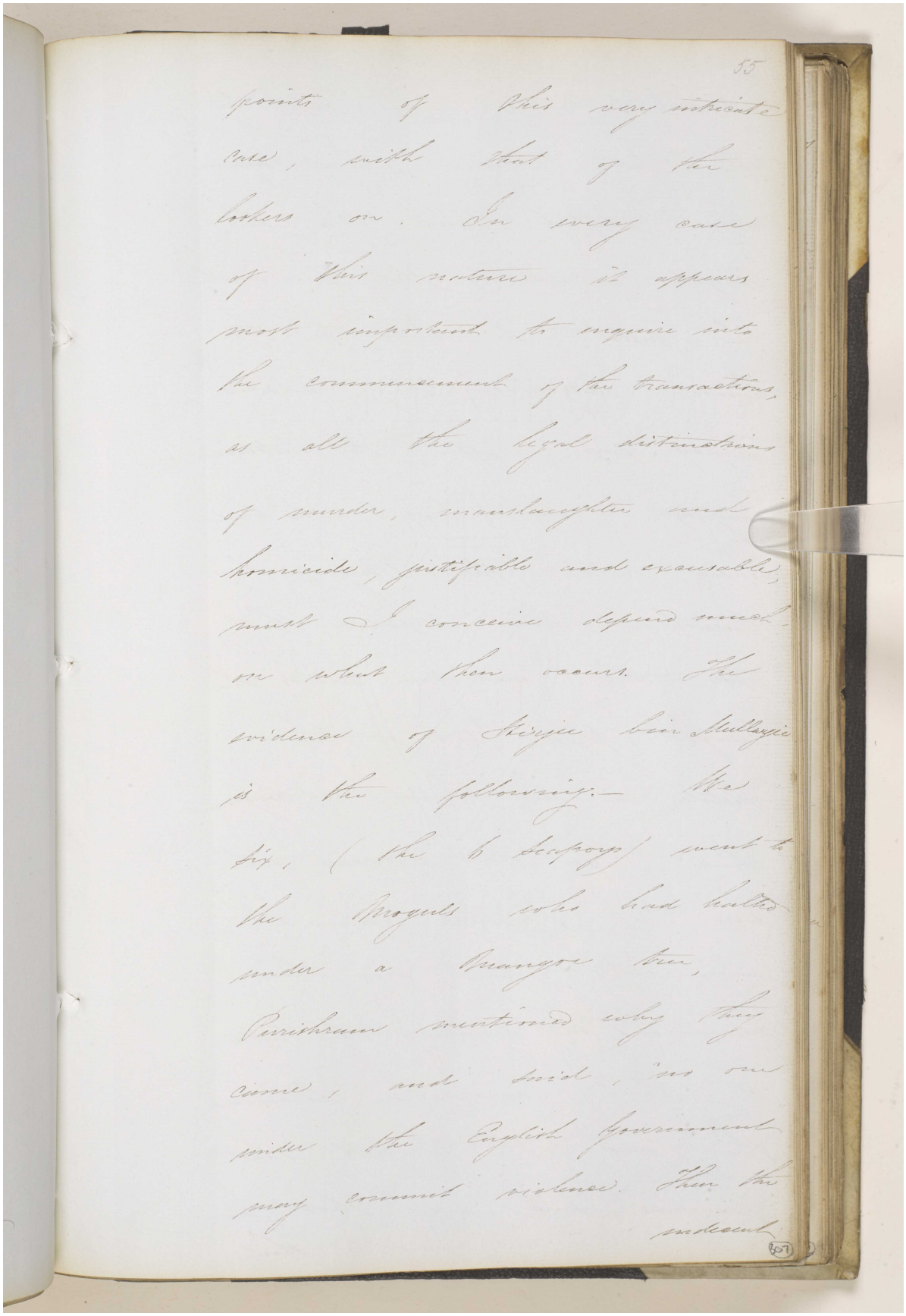

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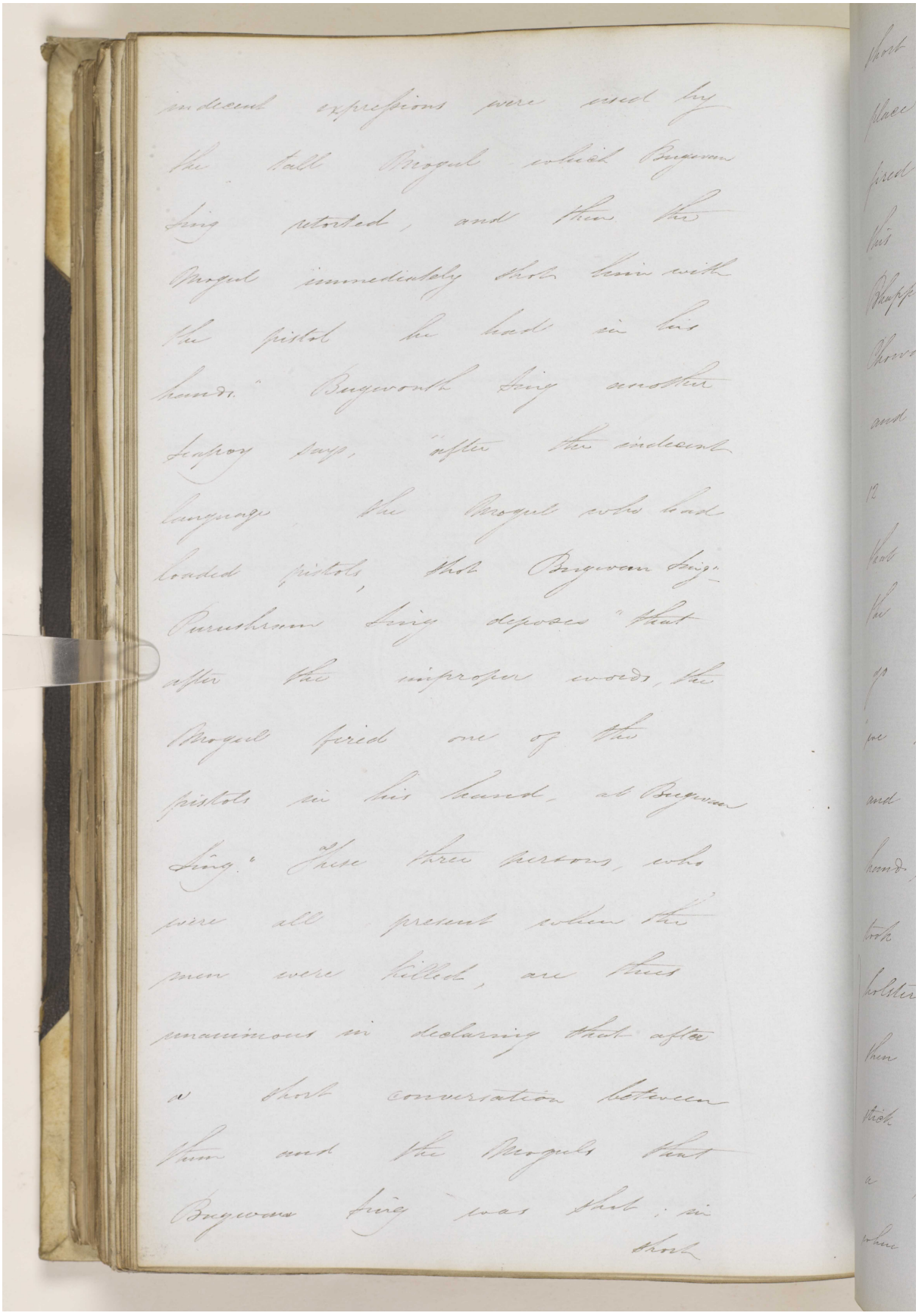

indecent expressions were used by the said Mogul which Bugwan Sing resented, and then the Mogul immediately shot him with the pistol he had in his hand." Bugwonth Sing another Sepoy says, "after the indecent language the Mogul who had loaded pistols, shot Bugwan Sing. Purushram Sing deposes "that after the improper words, the Mogul fired one of the pistols in his hand at Bugwan Sing." These three persons, who were all present when the men were killed, are thus unanimous in declaring that after a short conversation between them and the Mogul that Bugwan Sing was shot; in short

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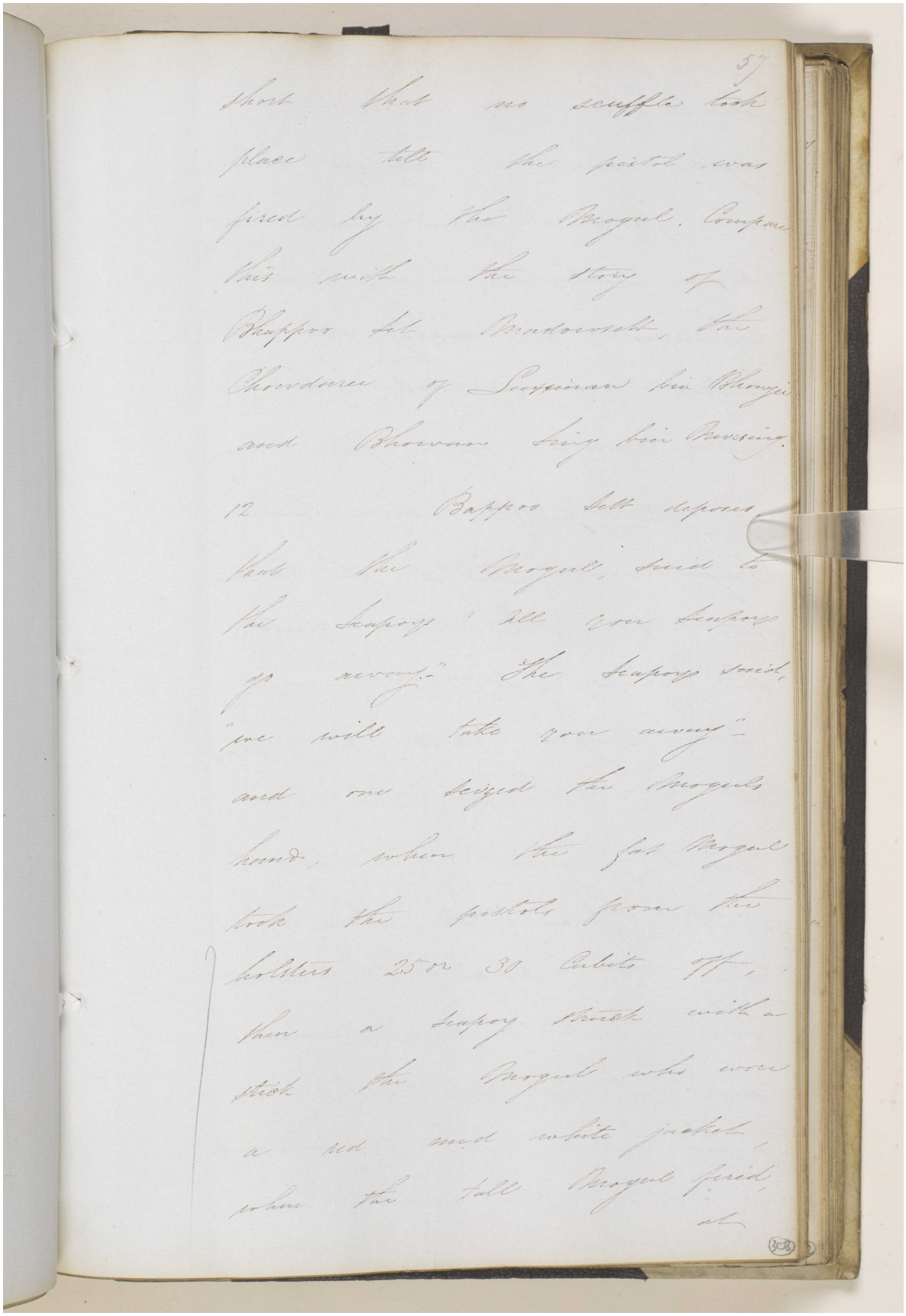

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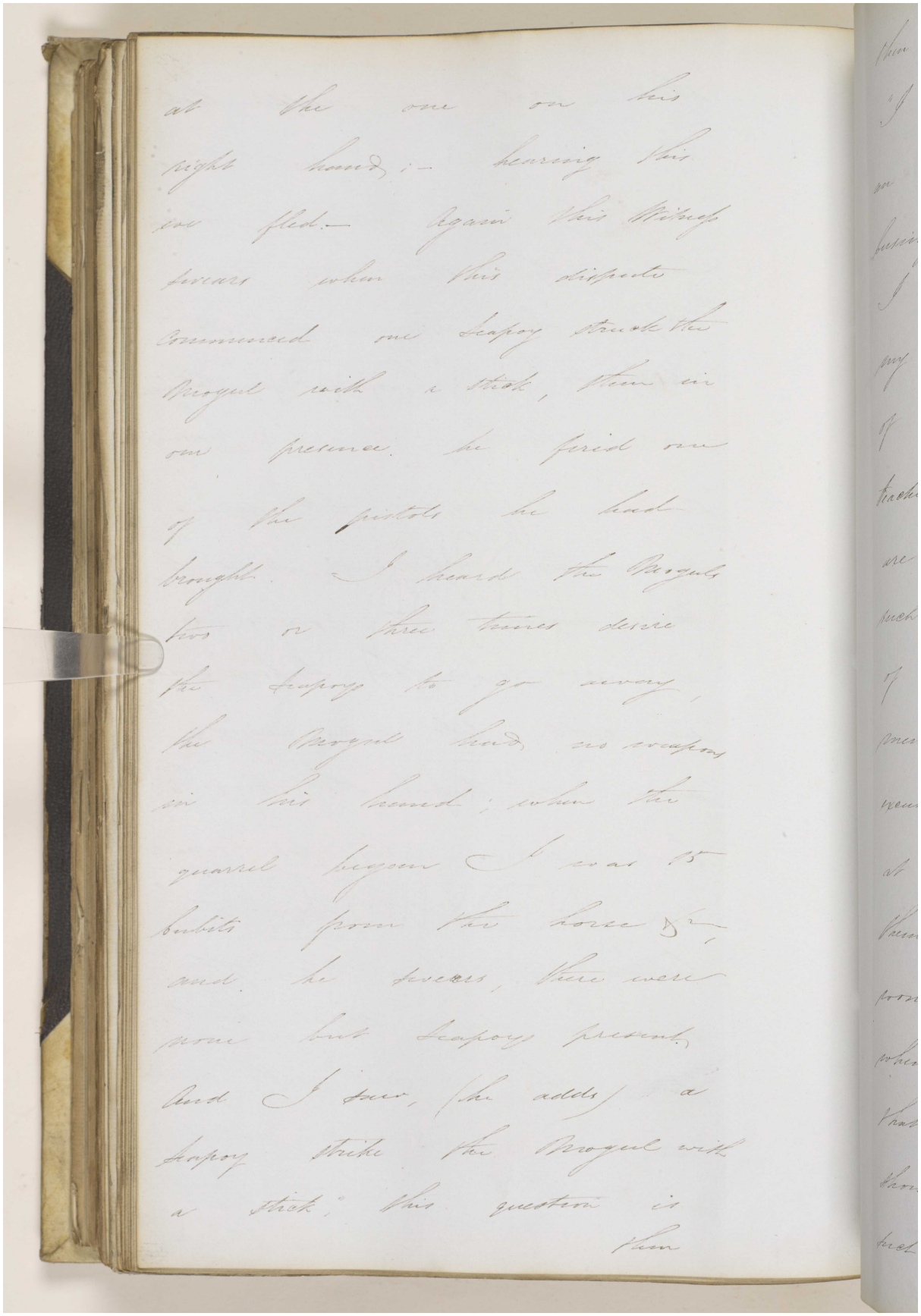

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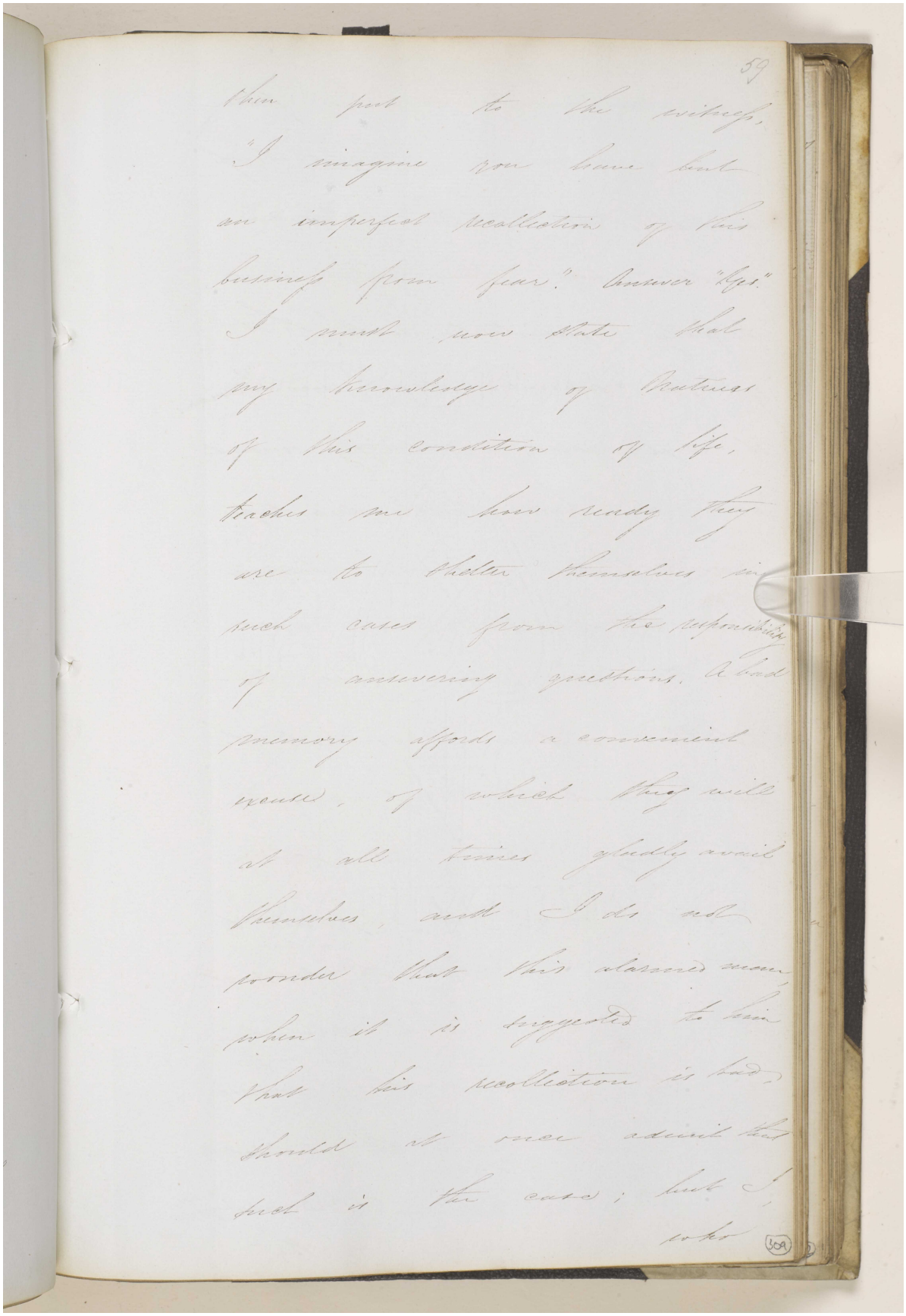

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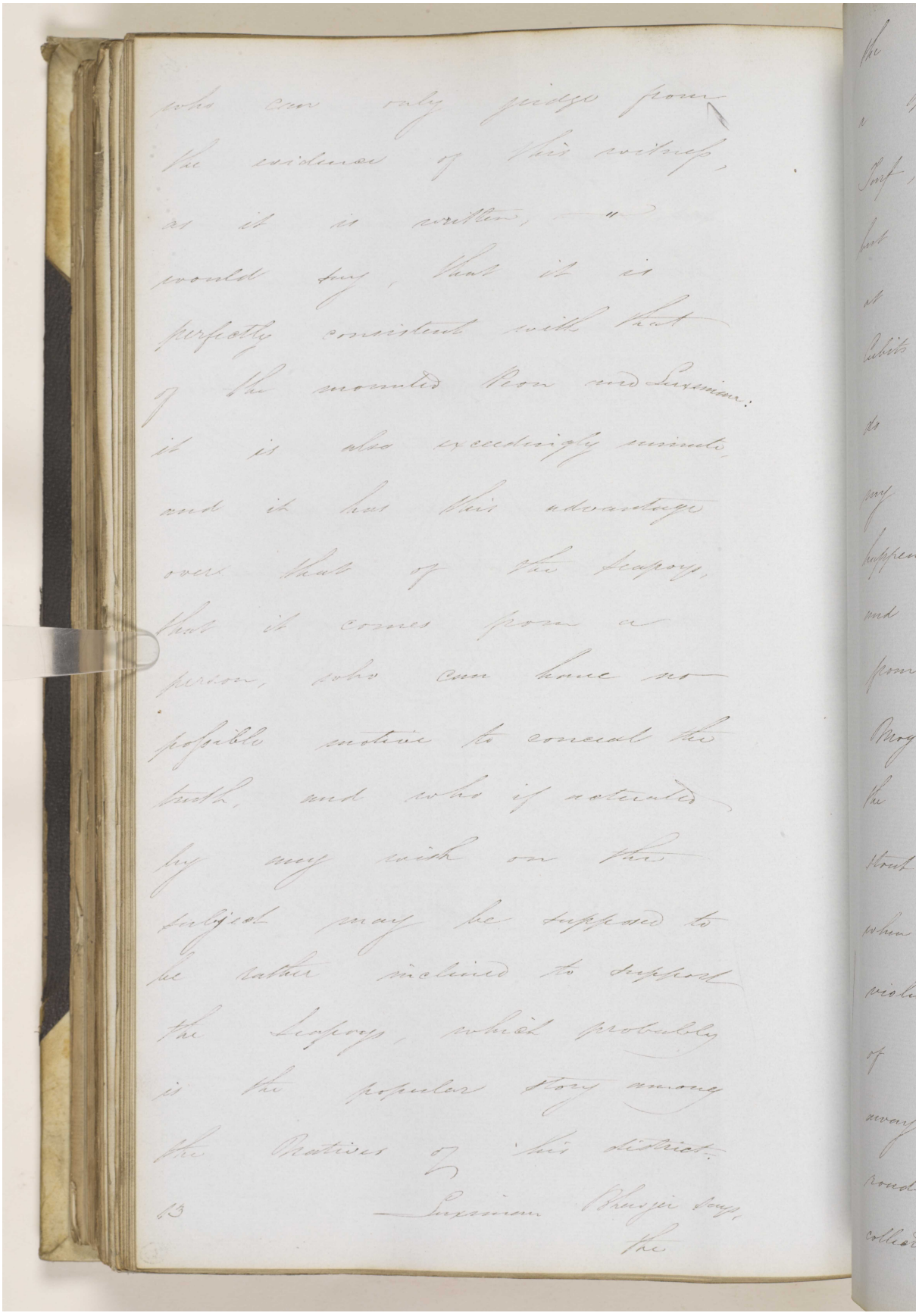

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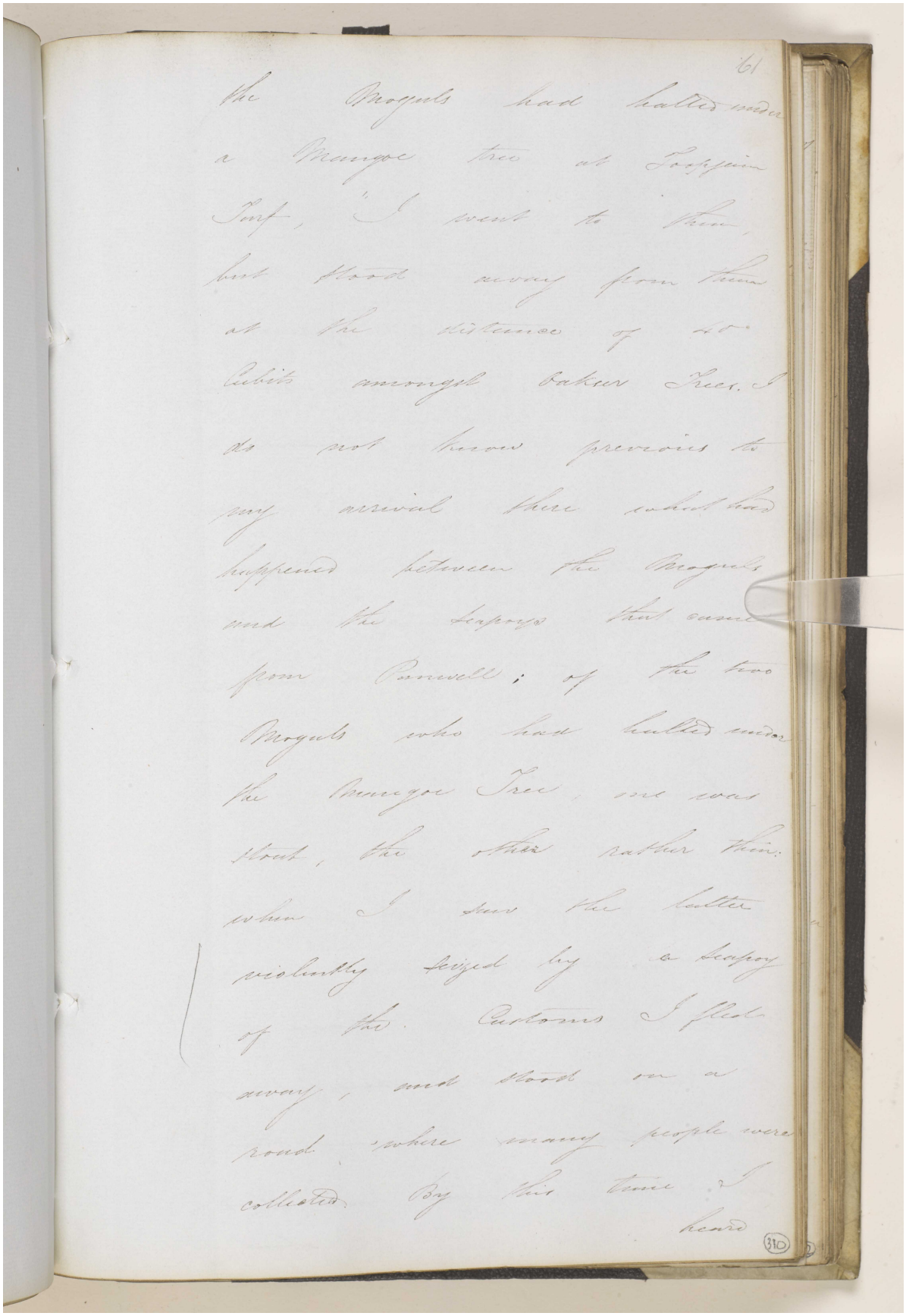

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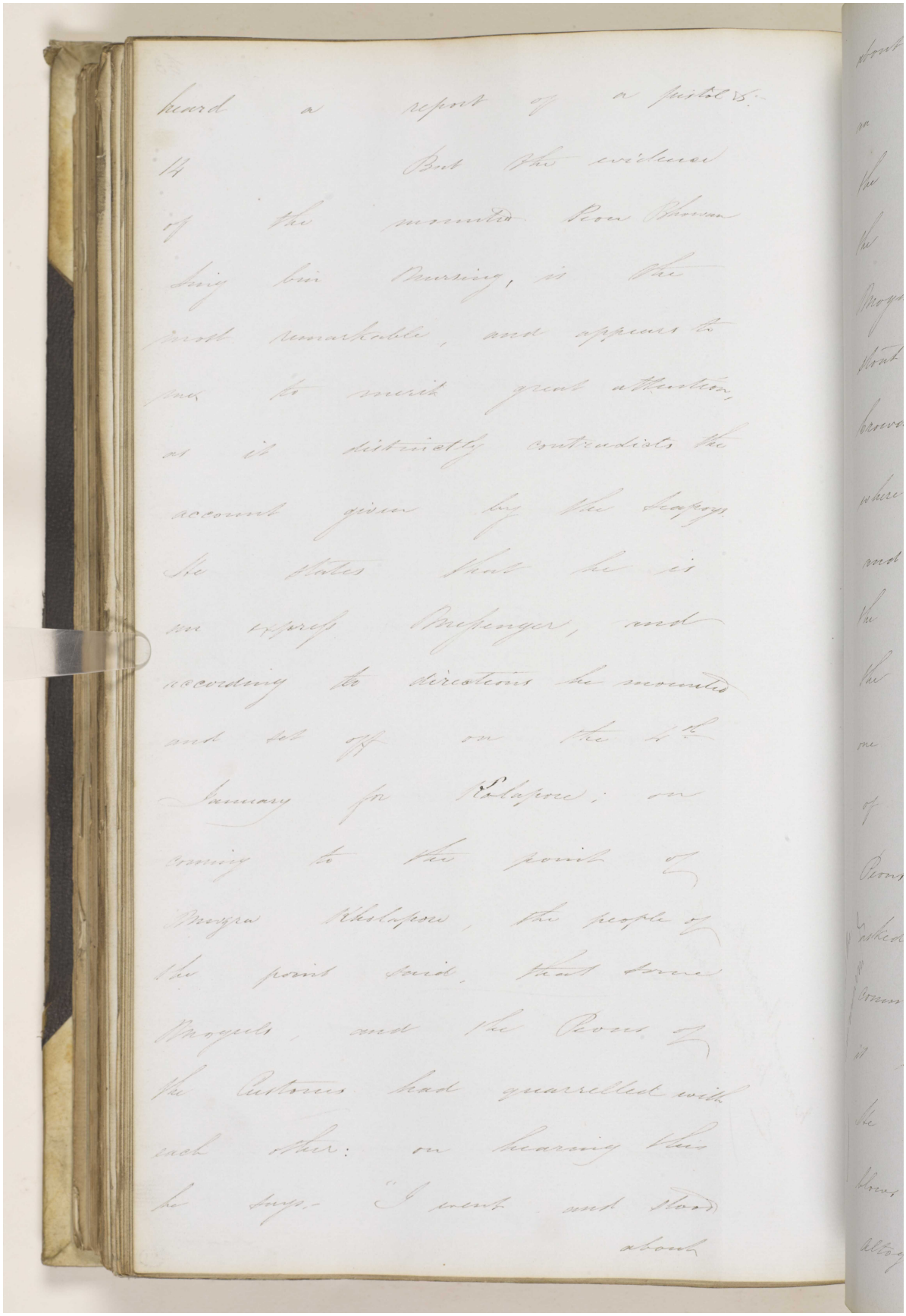

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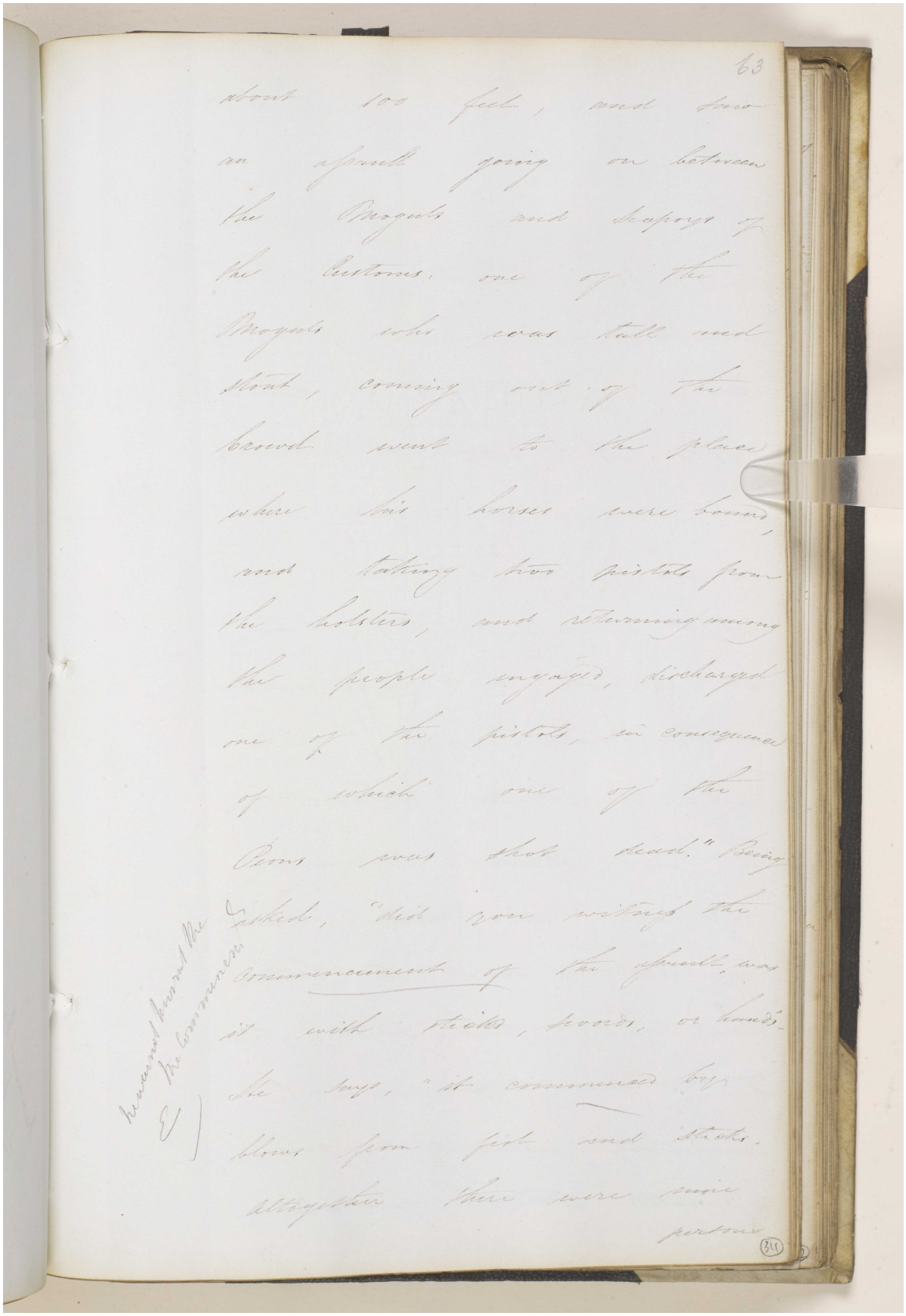

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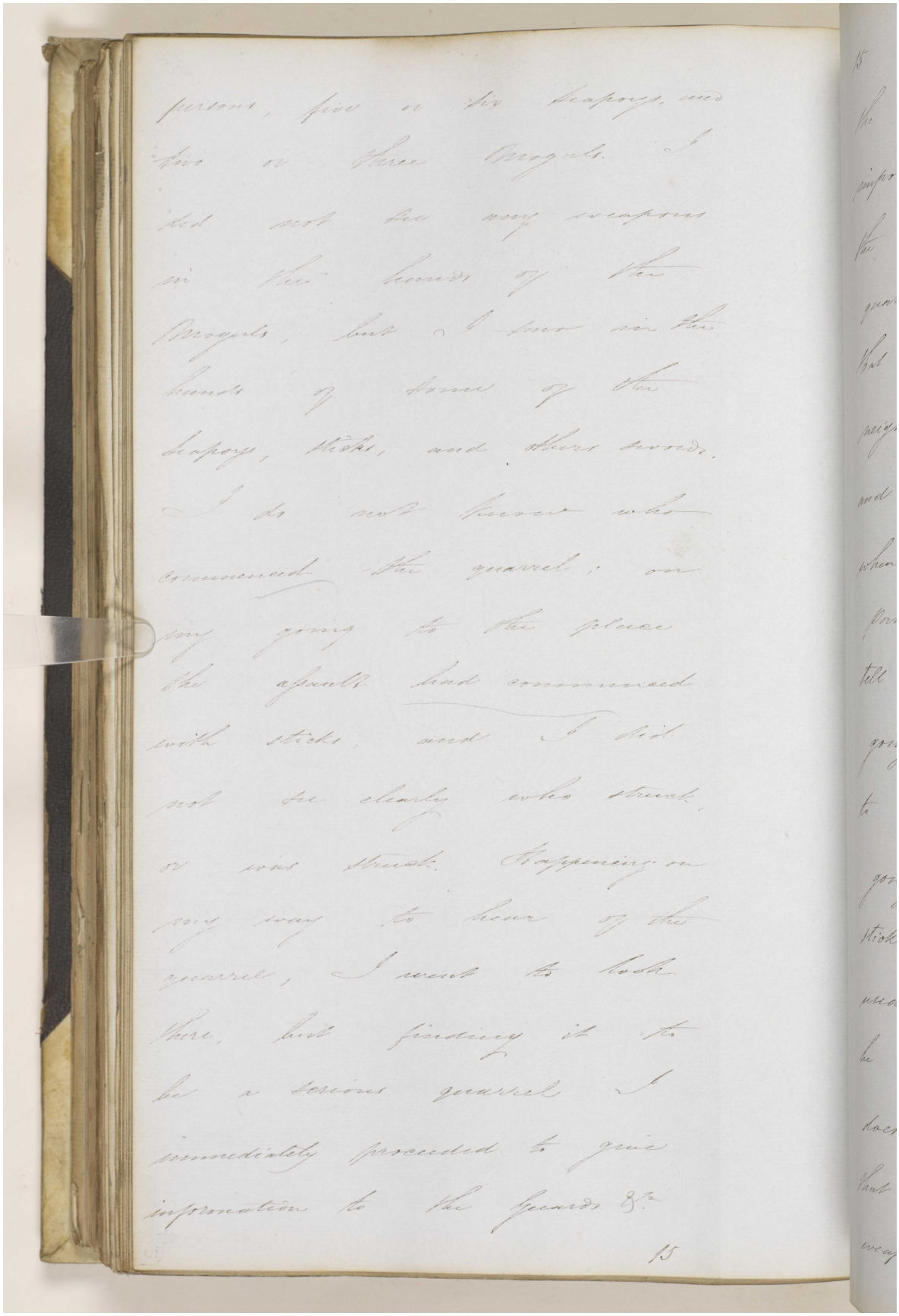

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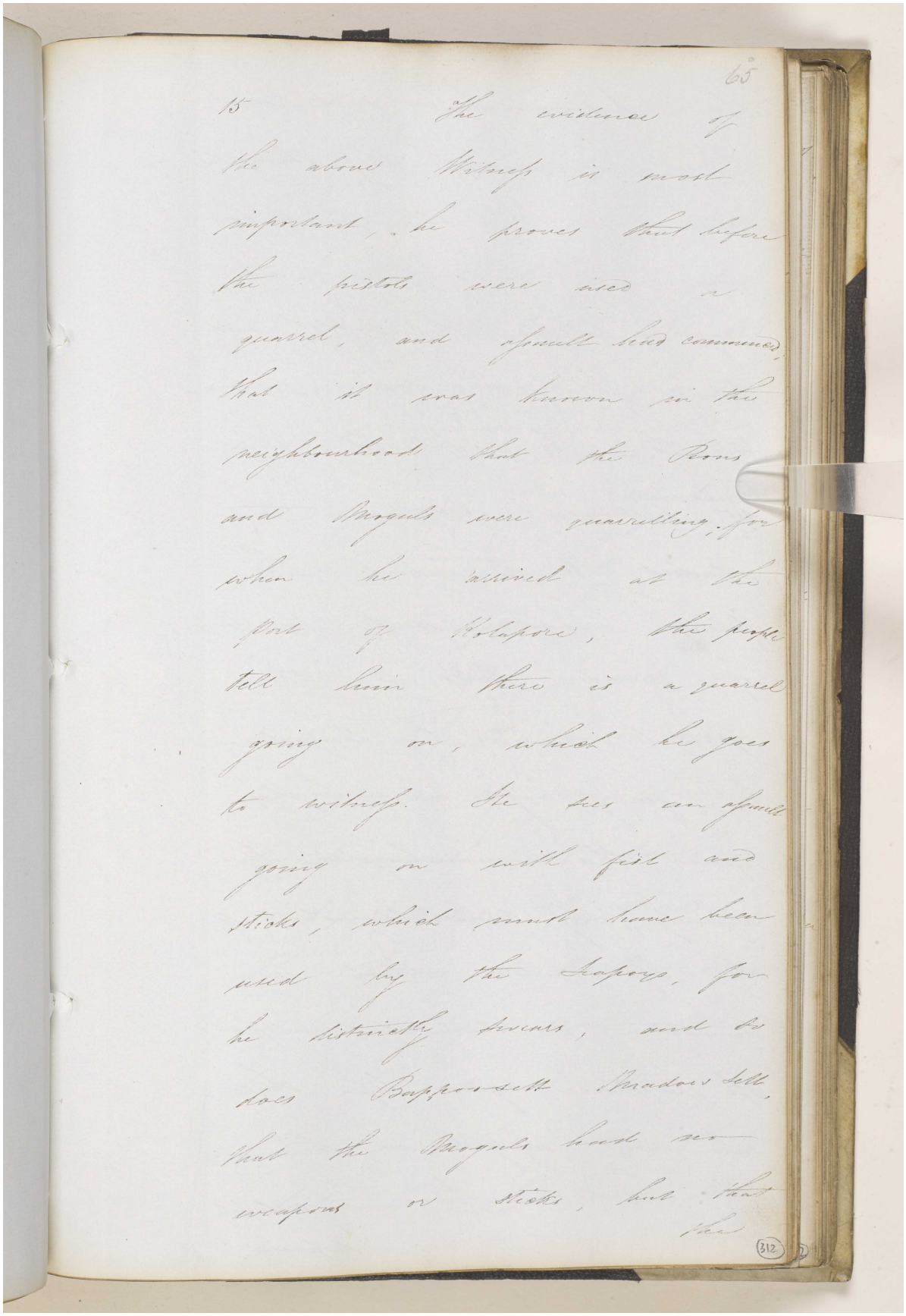

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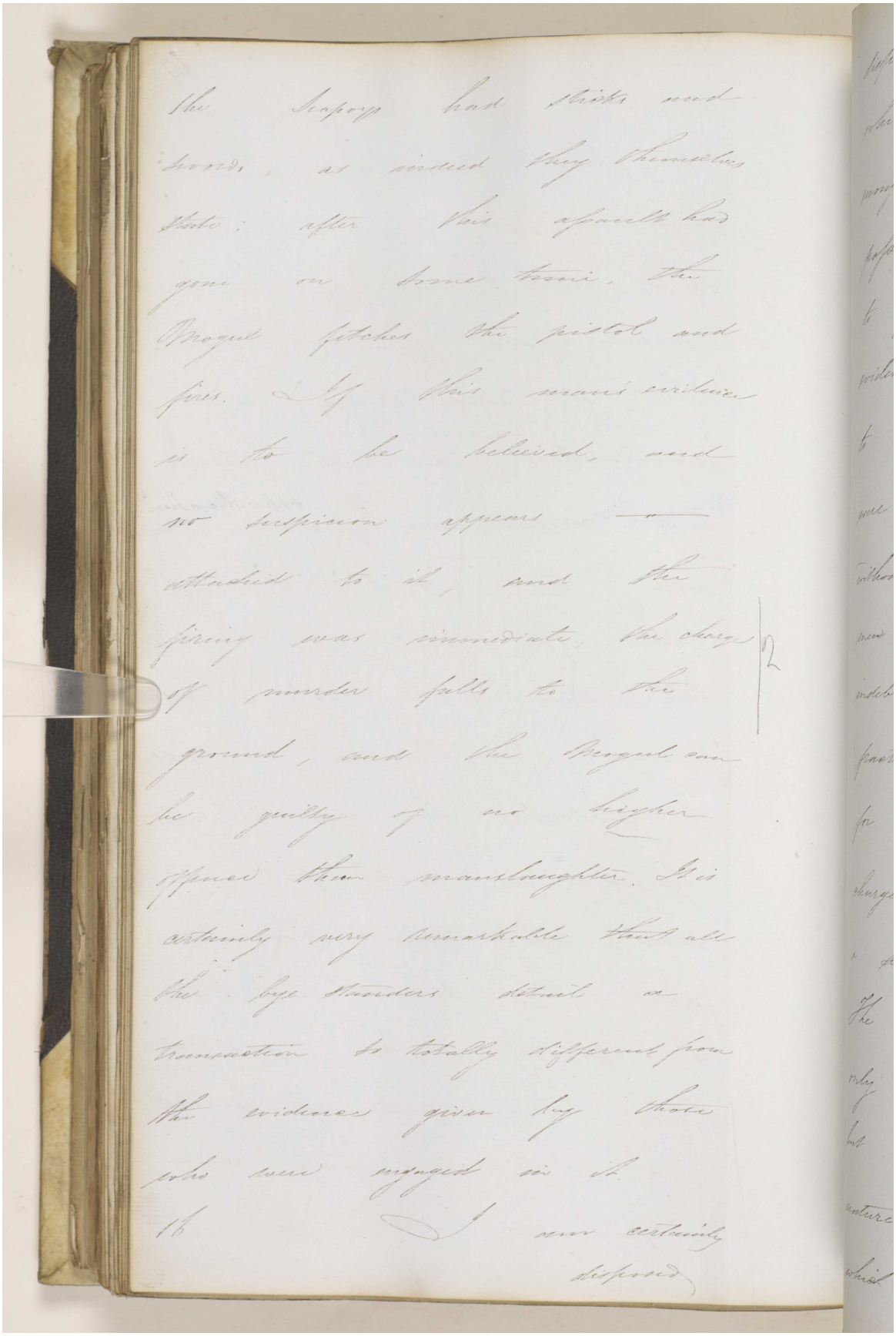

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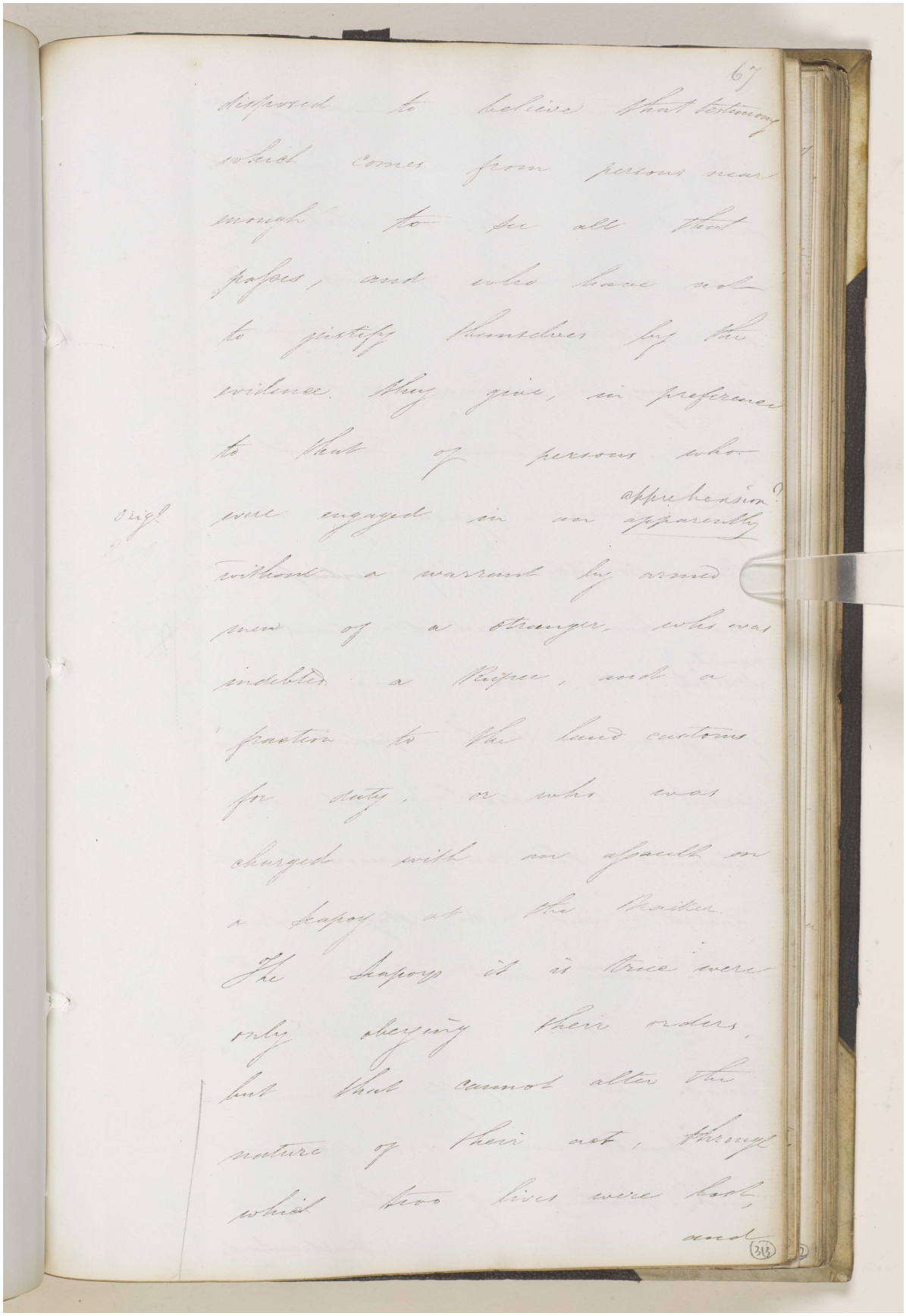

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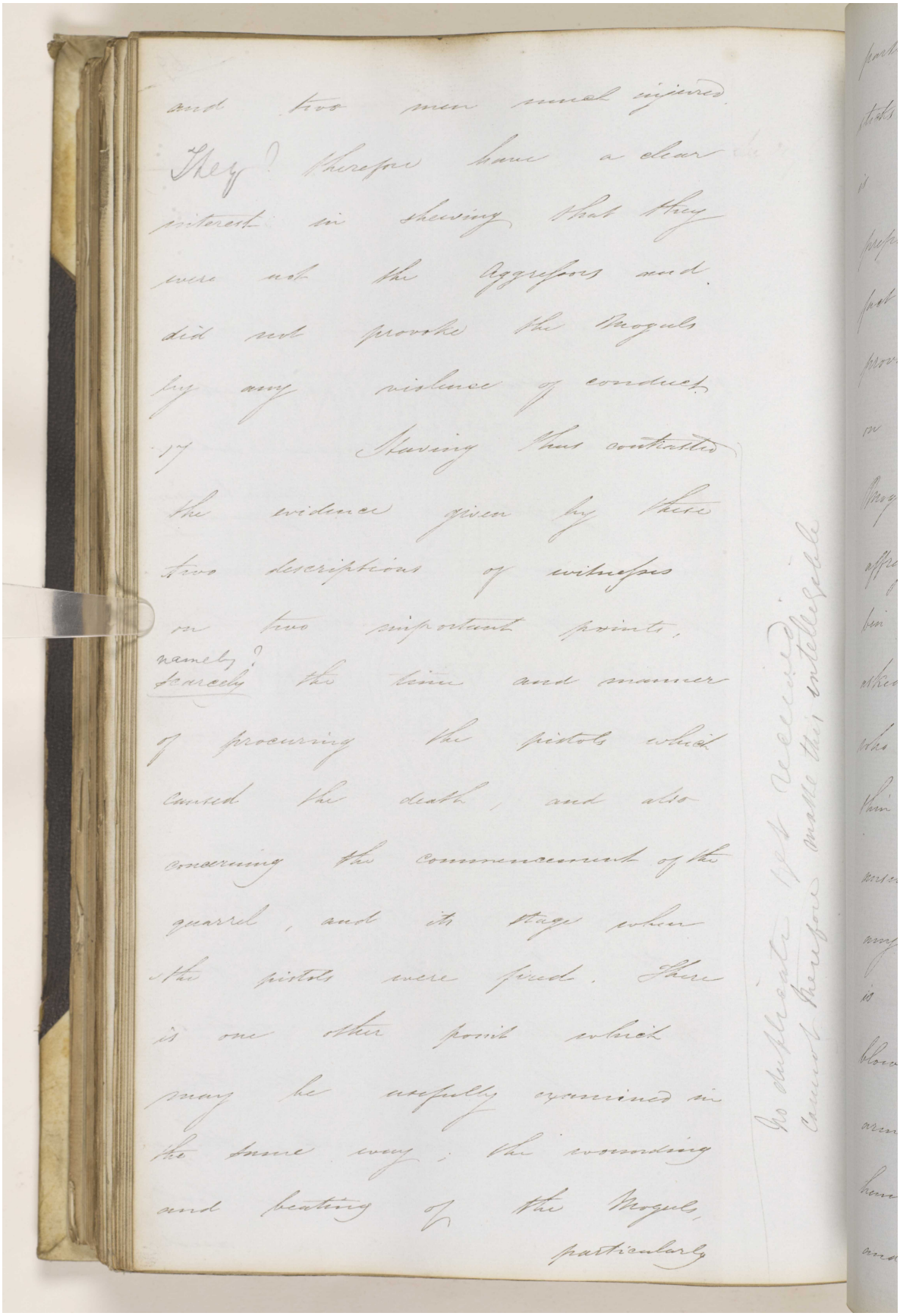

and two men much injured.
They? therefore have a clear
interest in shewing that they
were not the Aggressors and
did not provoke the Mogals
by any violence of conduct
of Having thus contrasted
the evidence given by these
two descriptions of witnesses
on two important points,
namely? Scarcely the time and manner
of procuring the pistols which
caused the death, and also
concerning the commencement of the
quarrel, and its stage when
the pistols were fired. There
is one other point which
may be usefully examined in
the same way; the wounding
and beating of the Mogals,
particularly

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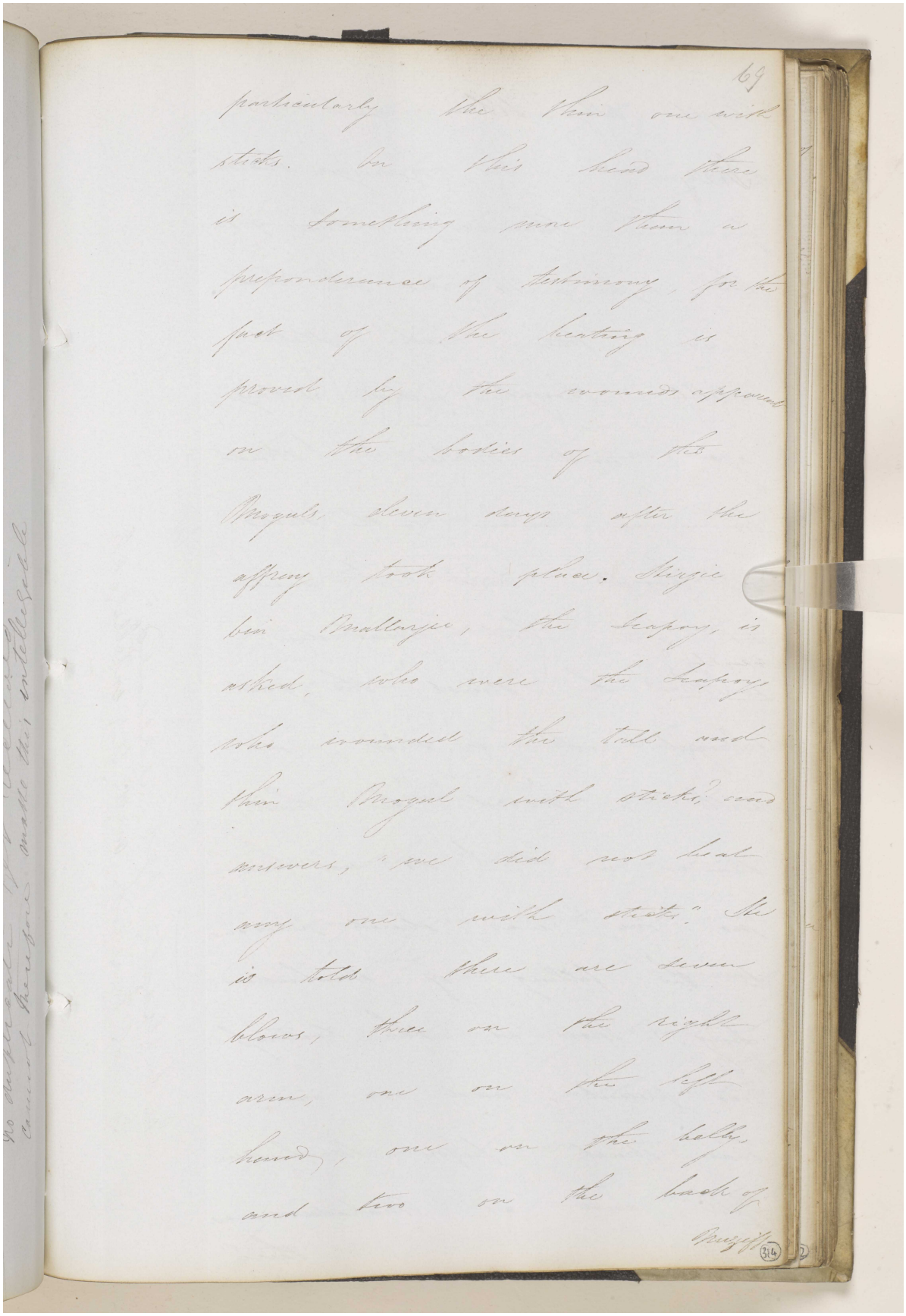

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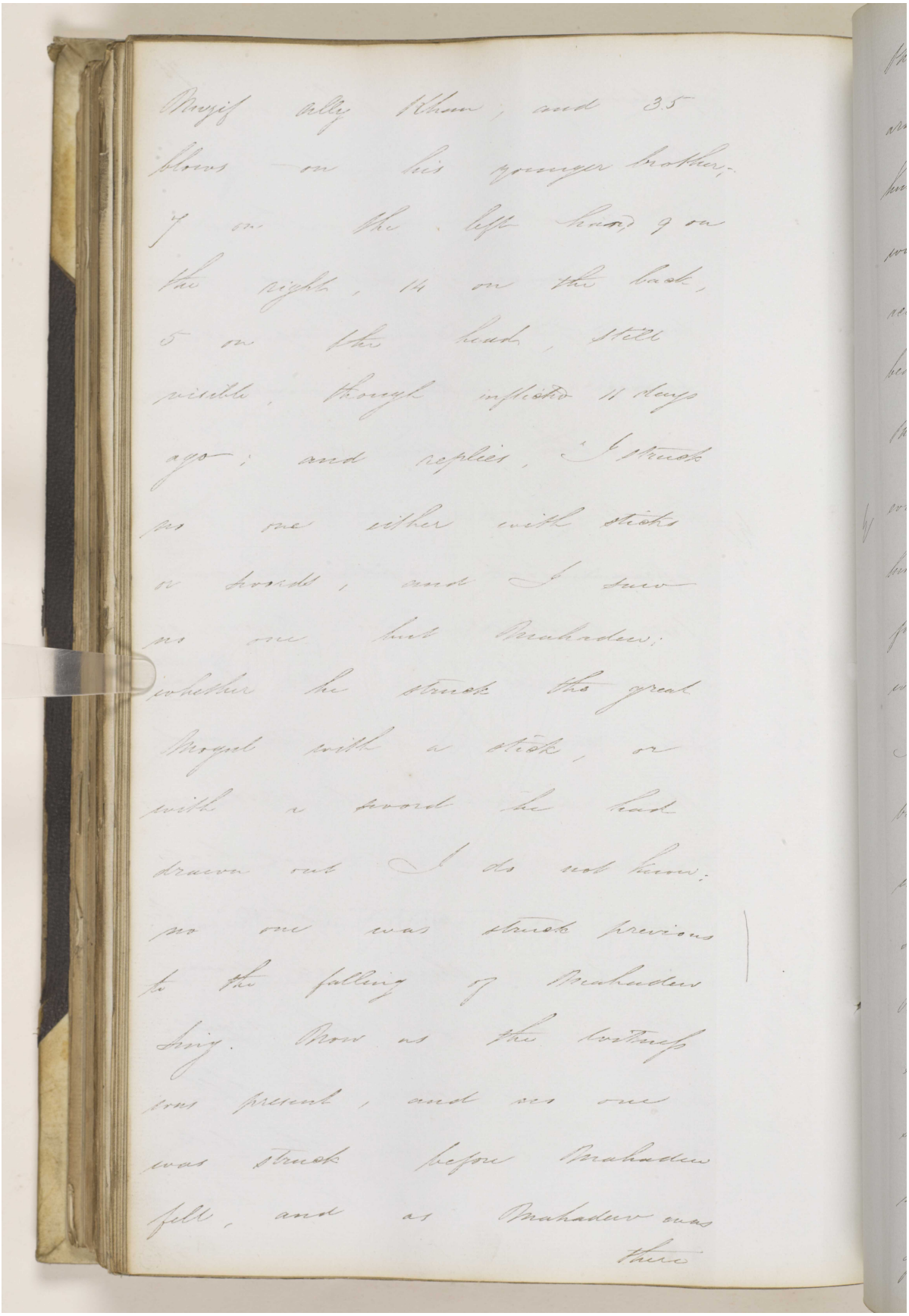

Nujif Ally Khan; and 35
blows on his younger brother,
7 on the left hand, 9 on
the right, 14 on the back,
5 on the head, still
visible, though inflicted 11 days
ago; and replies, I struck
no one either with sticks
or swords, and I saw
no one but Bahadeer;
whether he struck this great
Mogul with a stick, or
with a sword he had
drawn out I do not know;
no one was struck previous
to the falling of Bahadeer
Sing. Now as the brothers
were present, and no one
was struck before Bahadeer
fell, and as Bahadeer was
there

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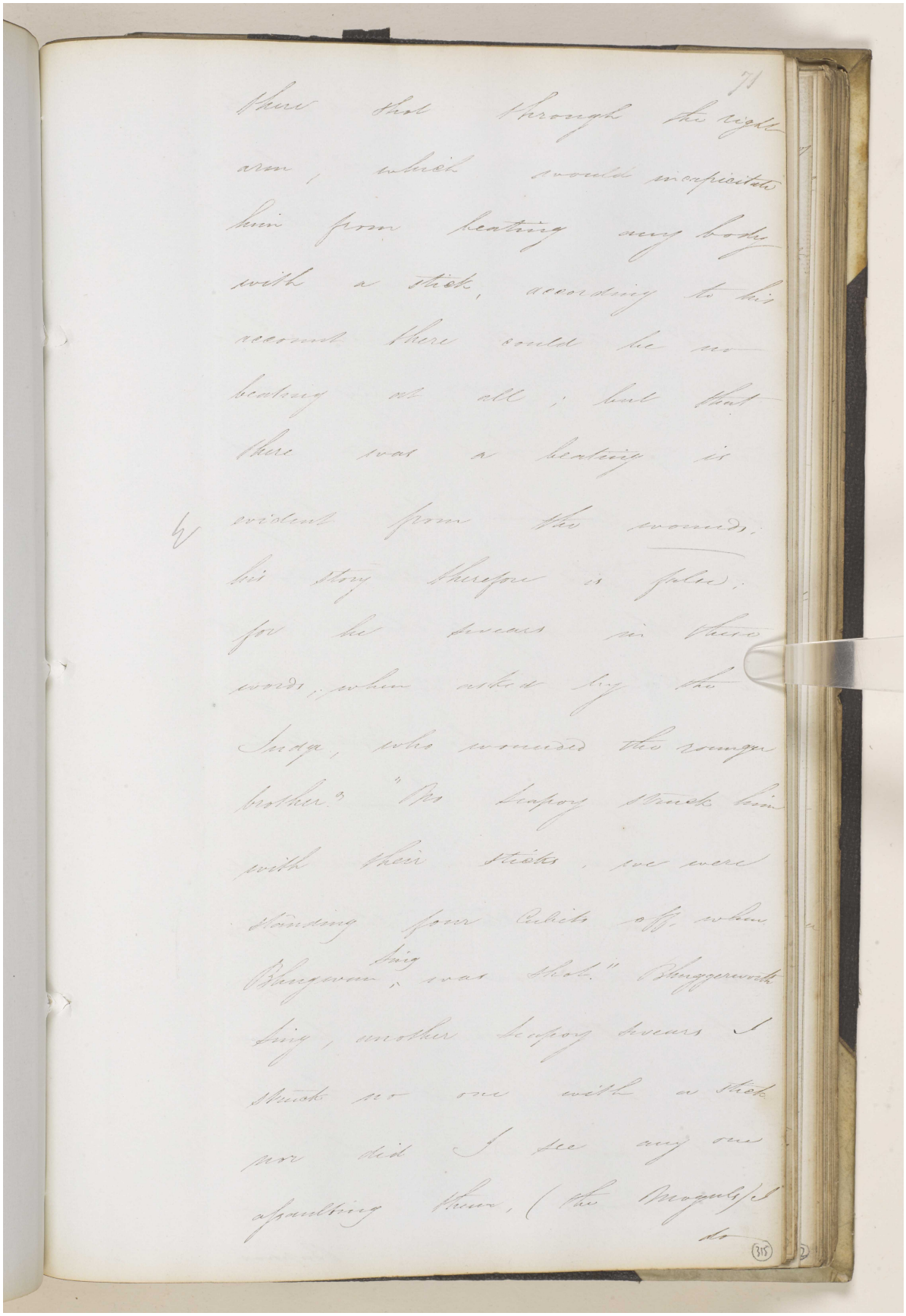

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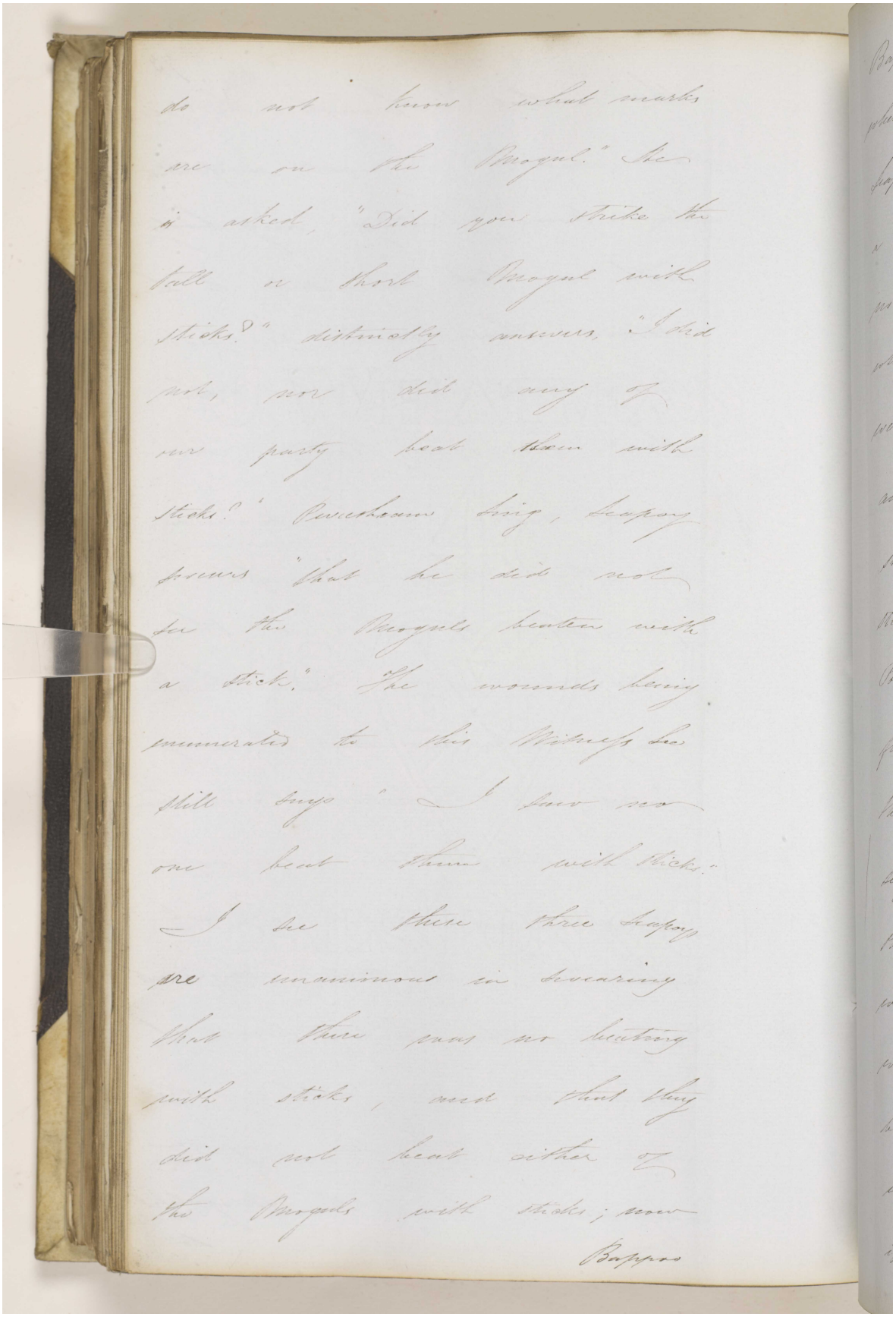

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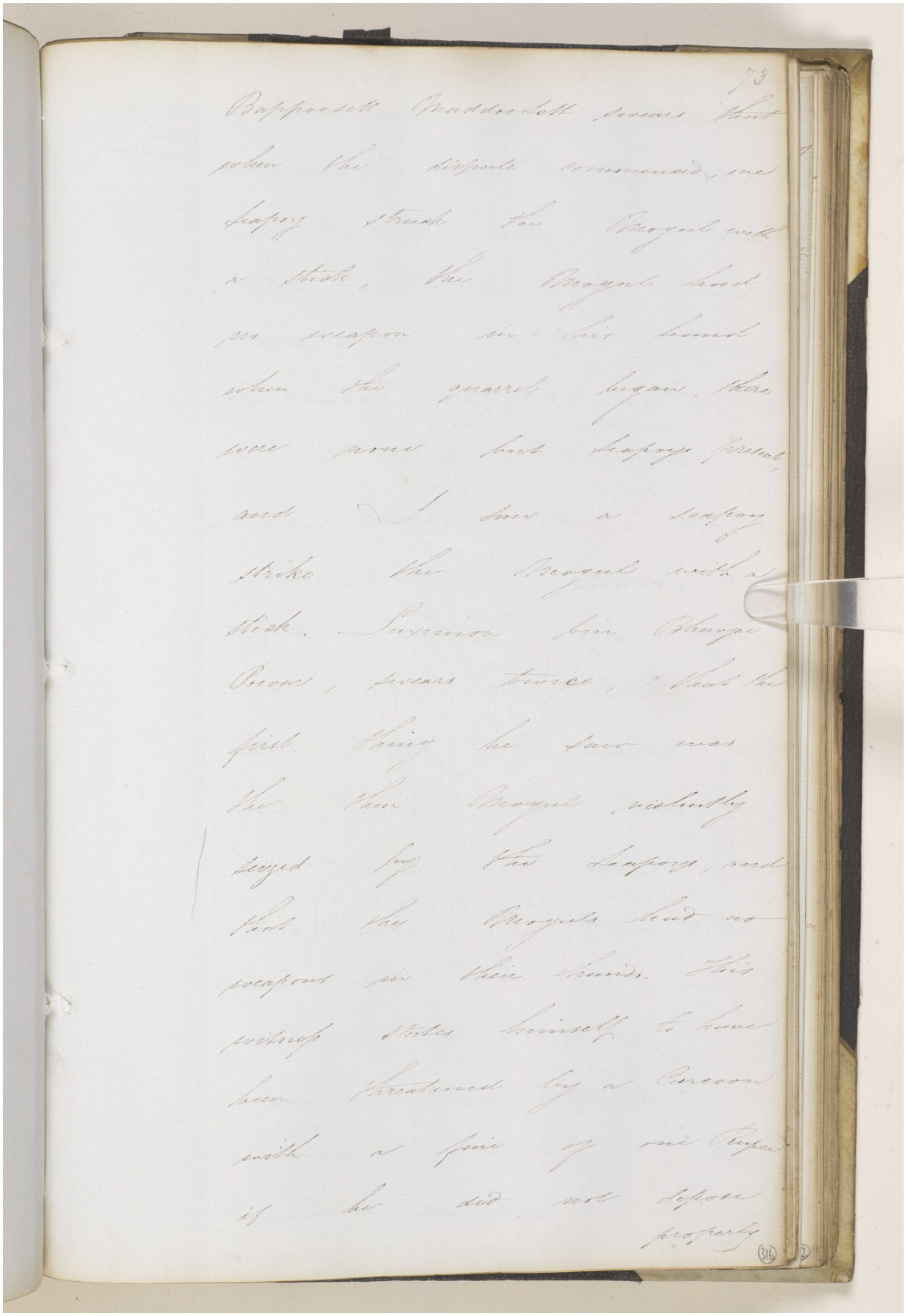

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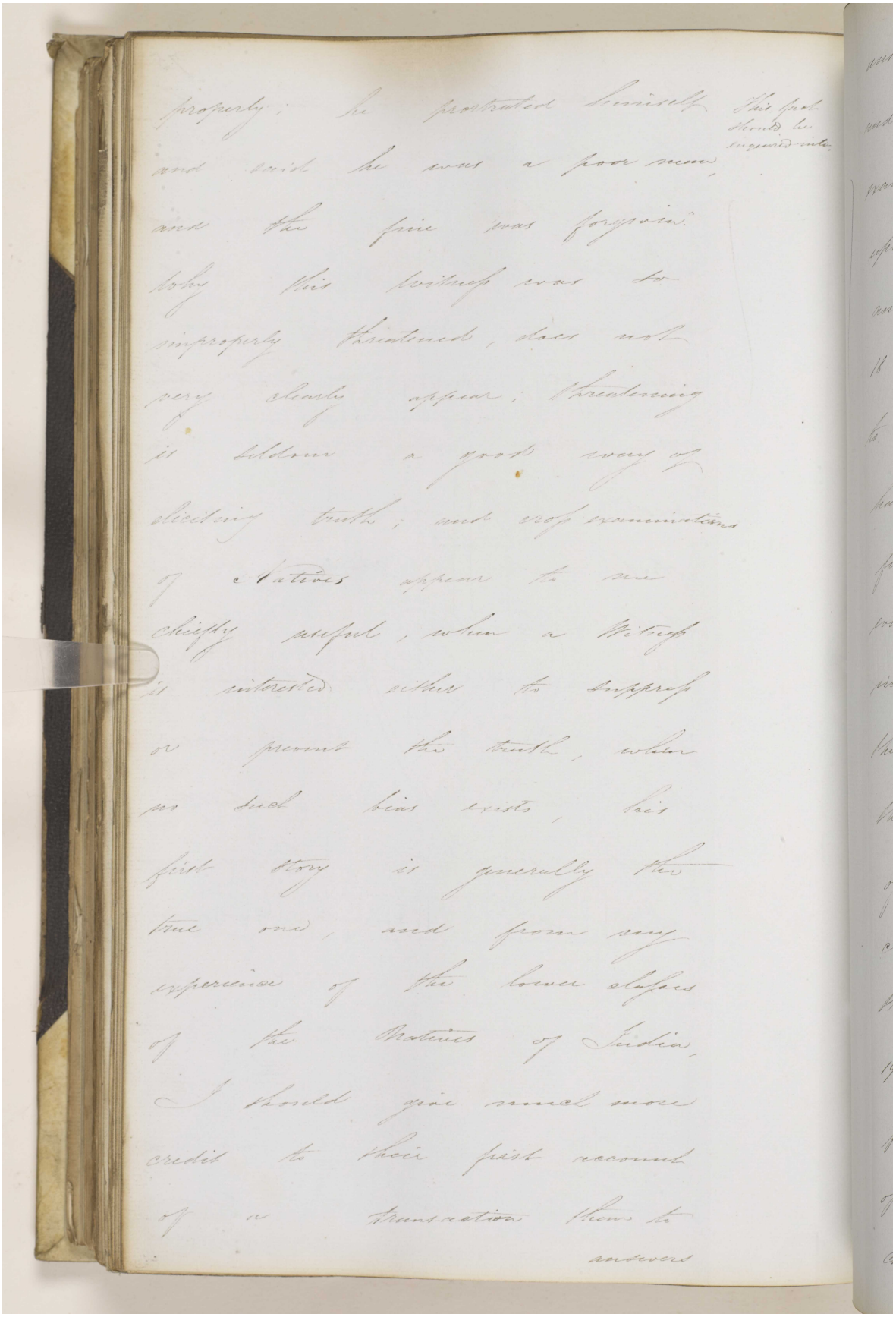

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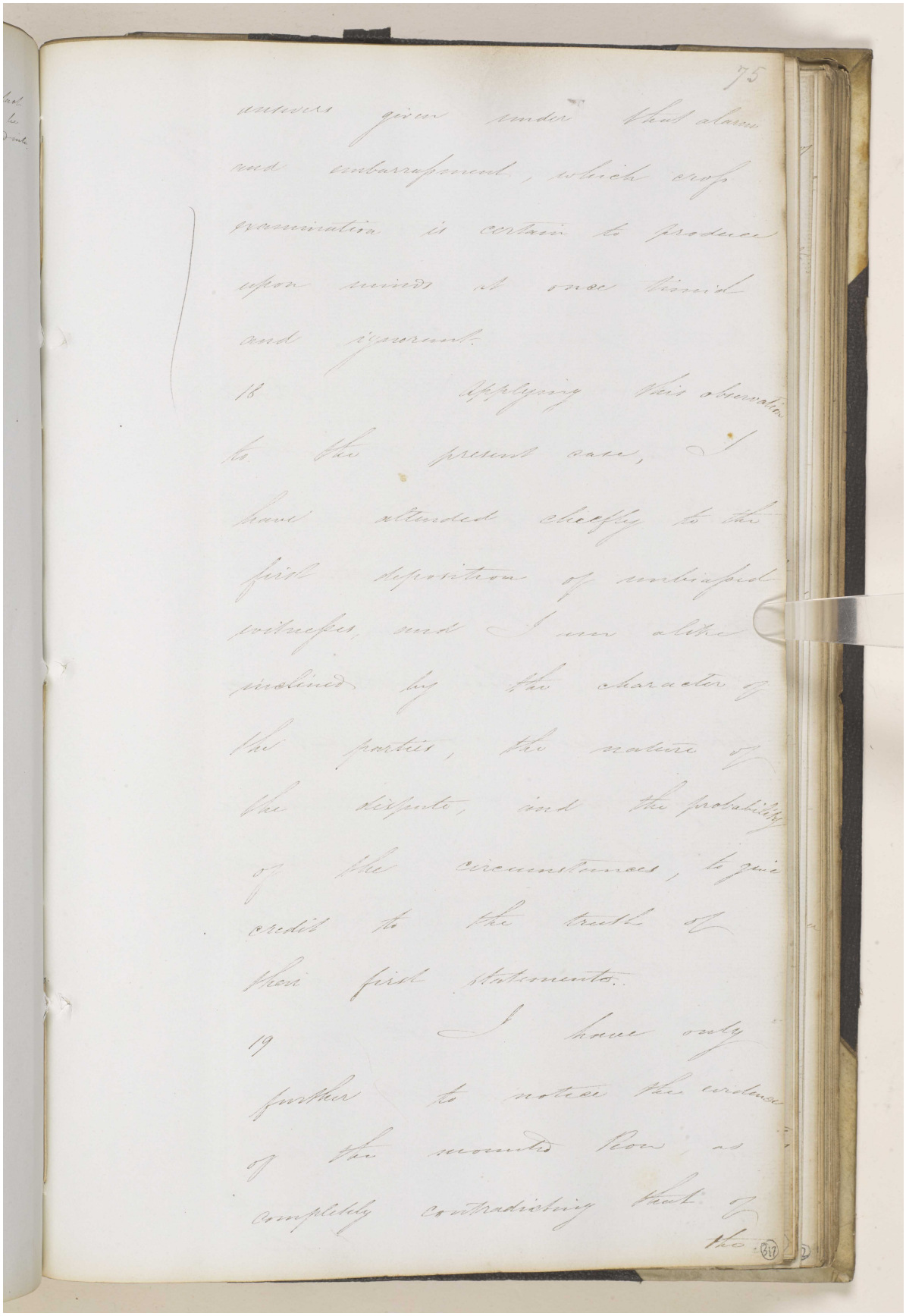

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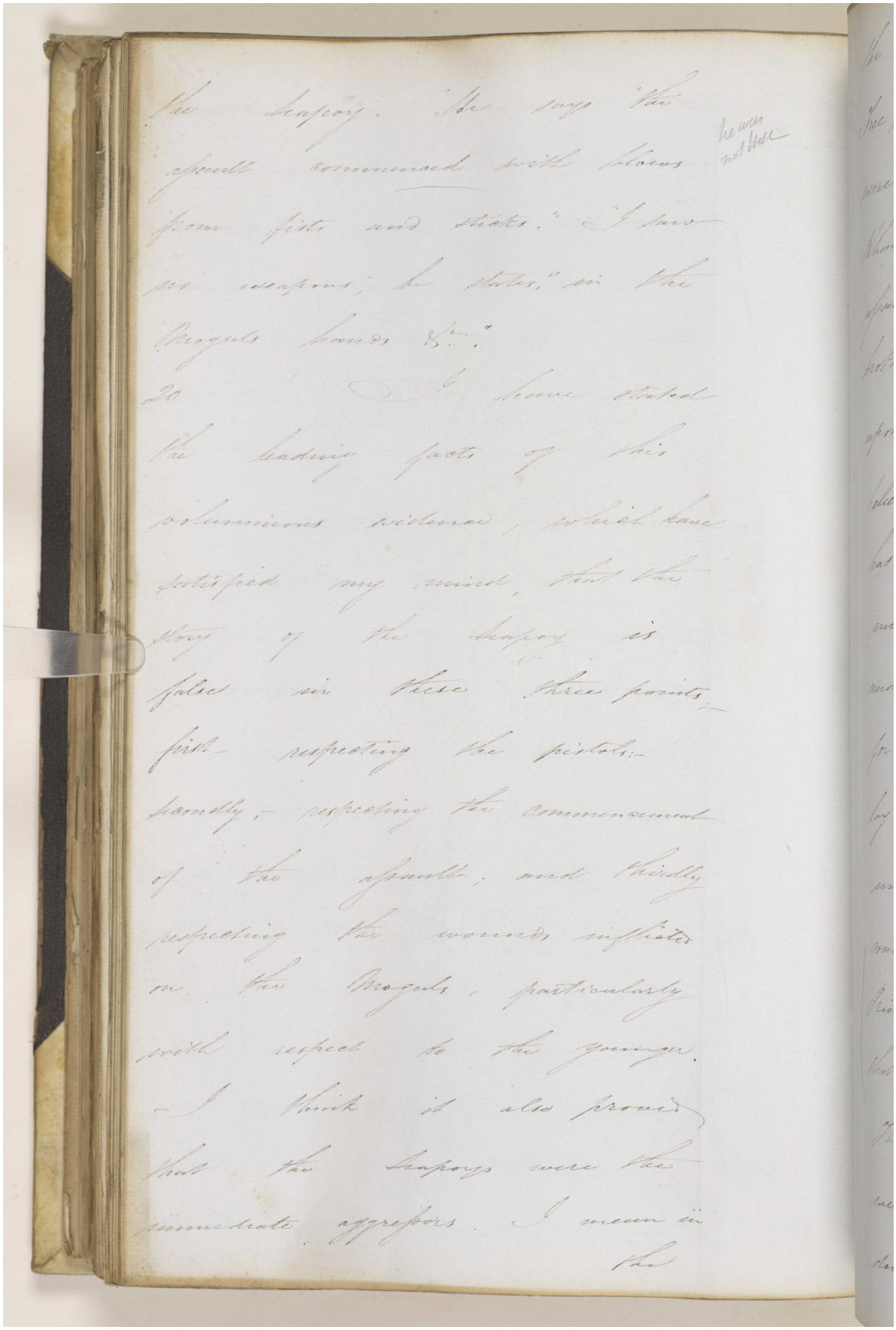

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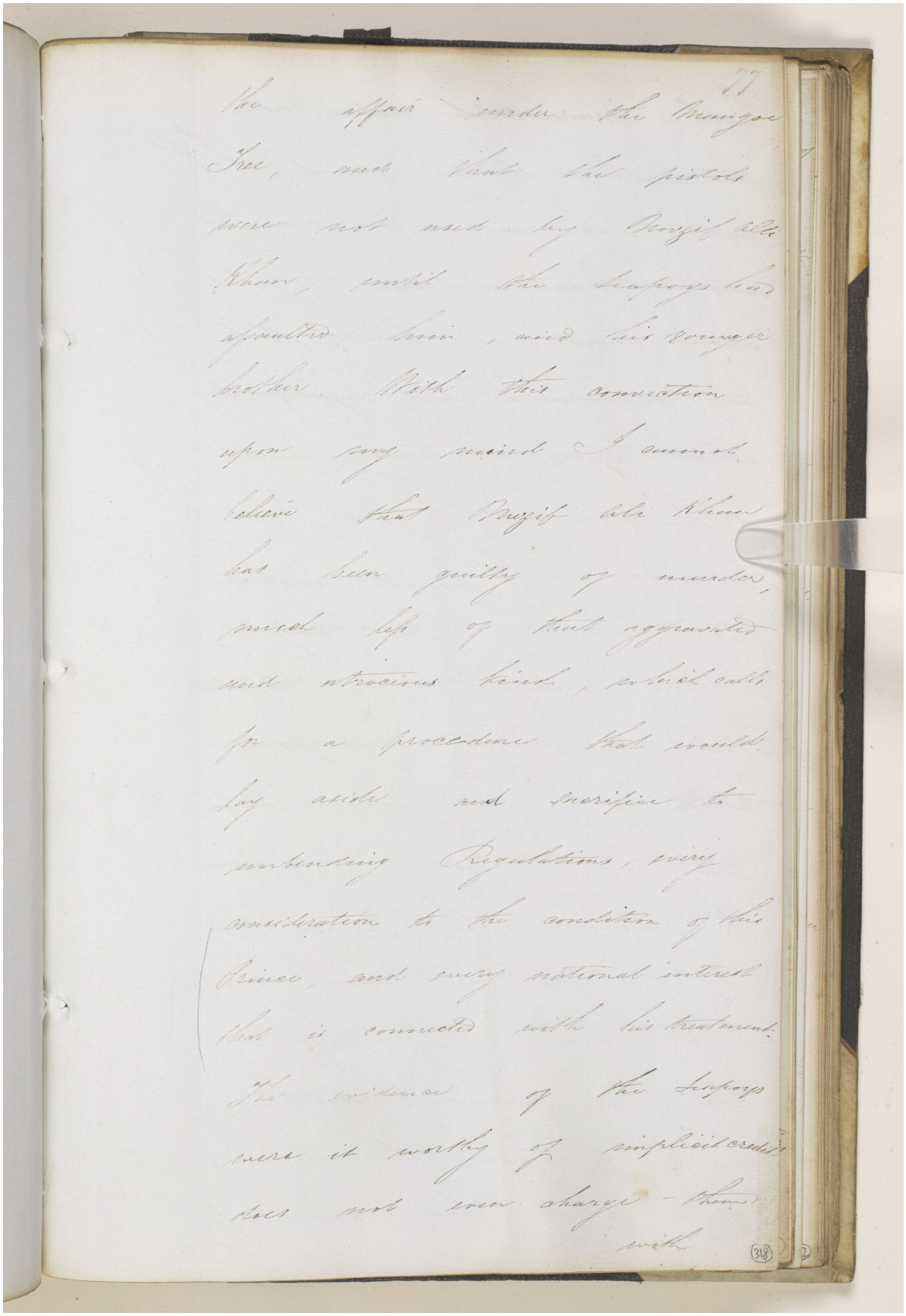

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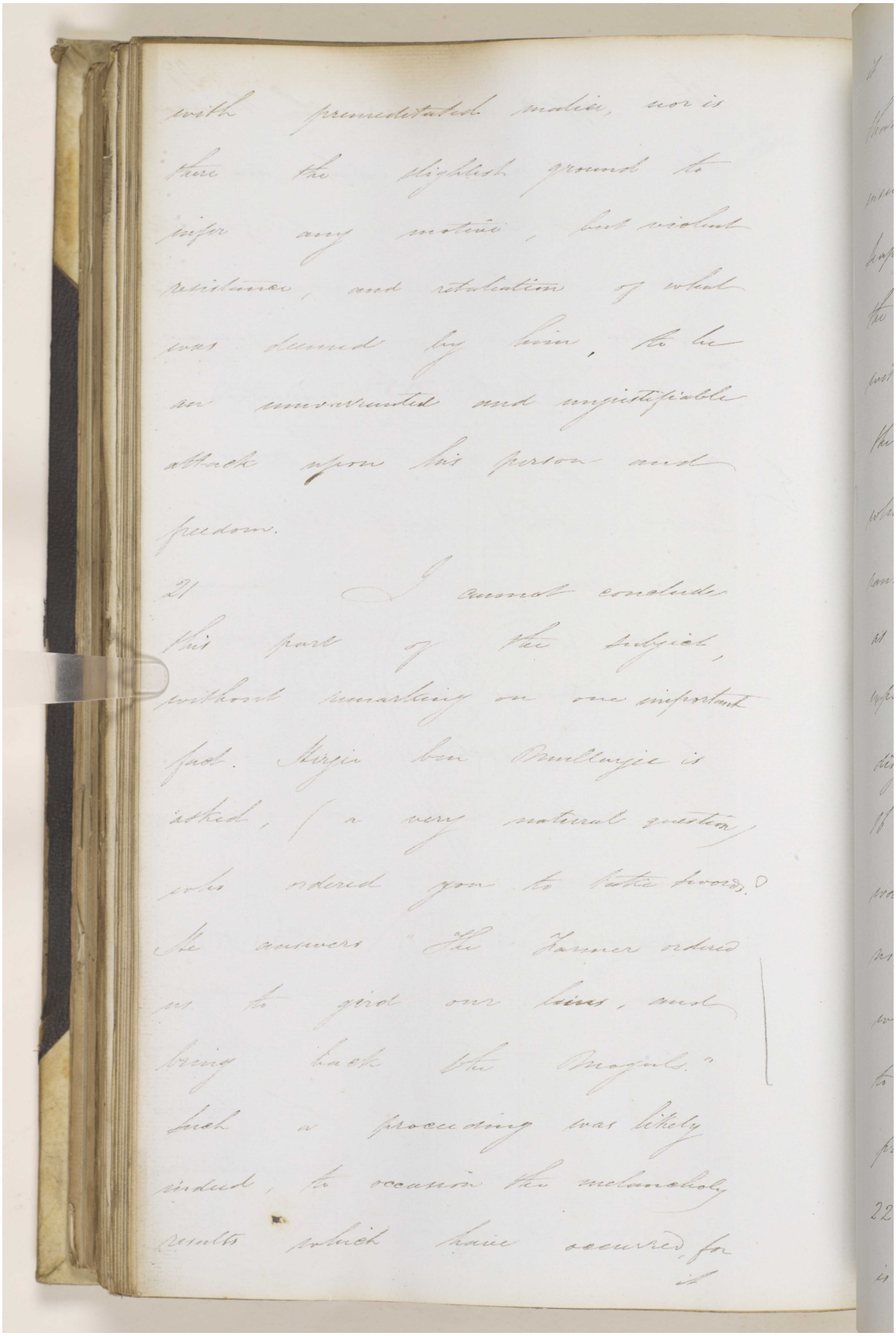

with premeditated malice, nor is there the slightest ground to infer any motive, but violent resistance, and retaliation of what was deemed by him, to be an unwarranted and unjustifiable attack upon his person and freedom.

21 I cannot conclude this part of the subject, without remarking on one important fact. Hirjee ben Mullarjee is asked, (a very natural question) who ordered you to take swords? He answers "The Farmer ordered us to gird our loins, and bring back the Moguls." Such a proceeding was likely indeed, to occasion the melancholy results which have occurred, for it

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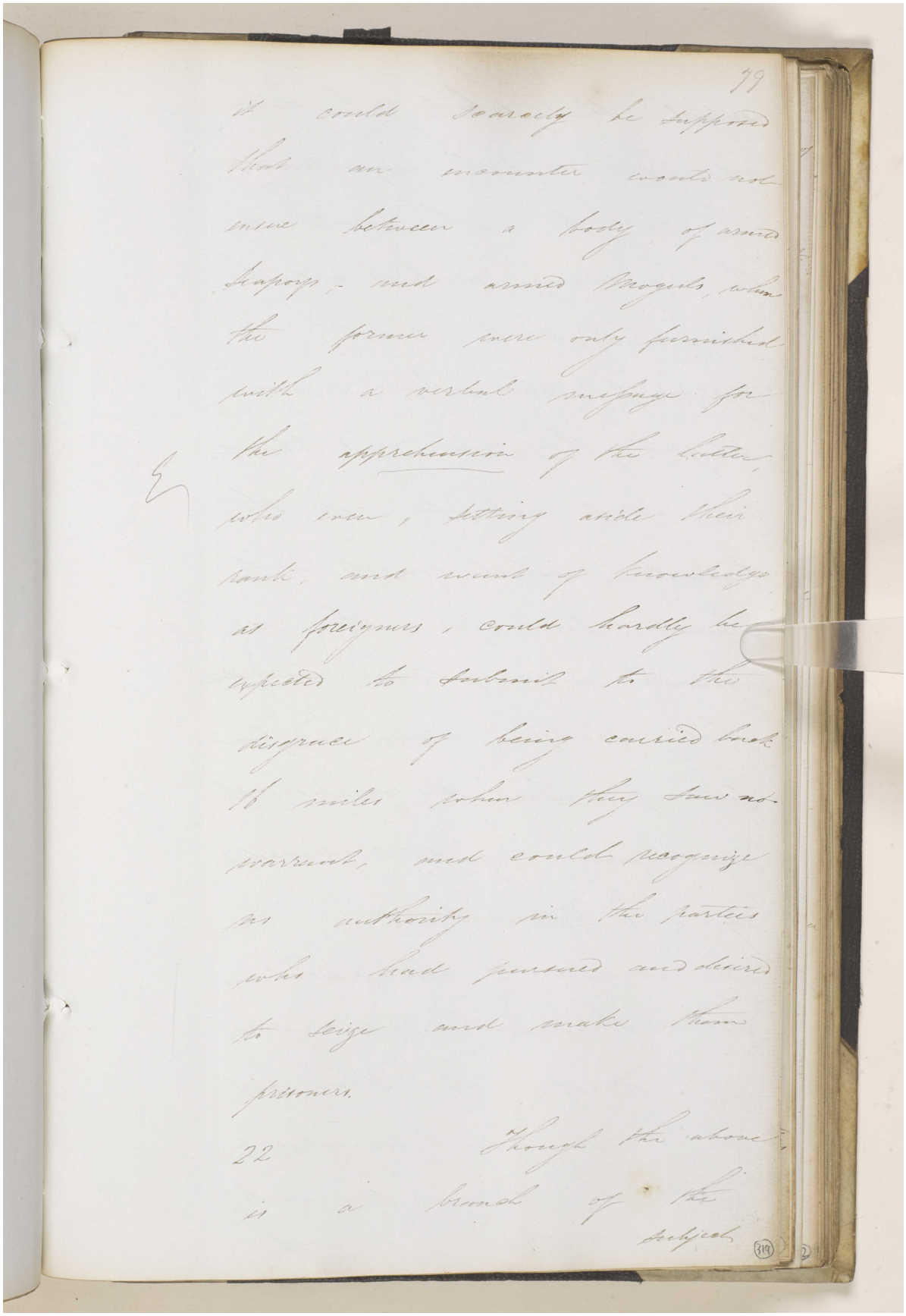

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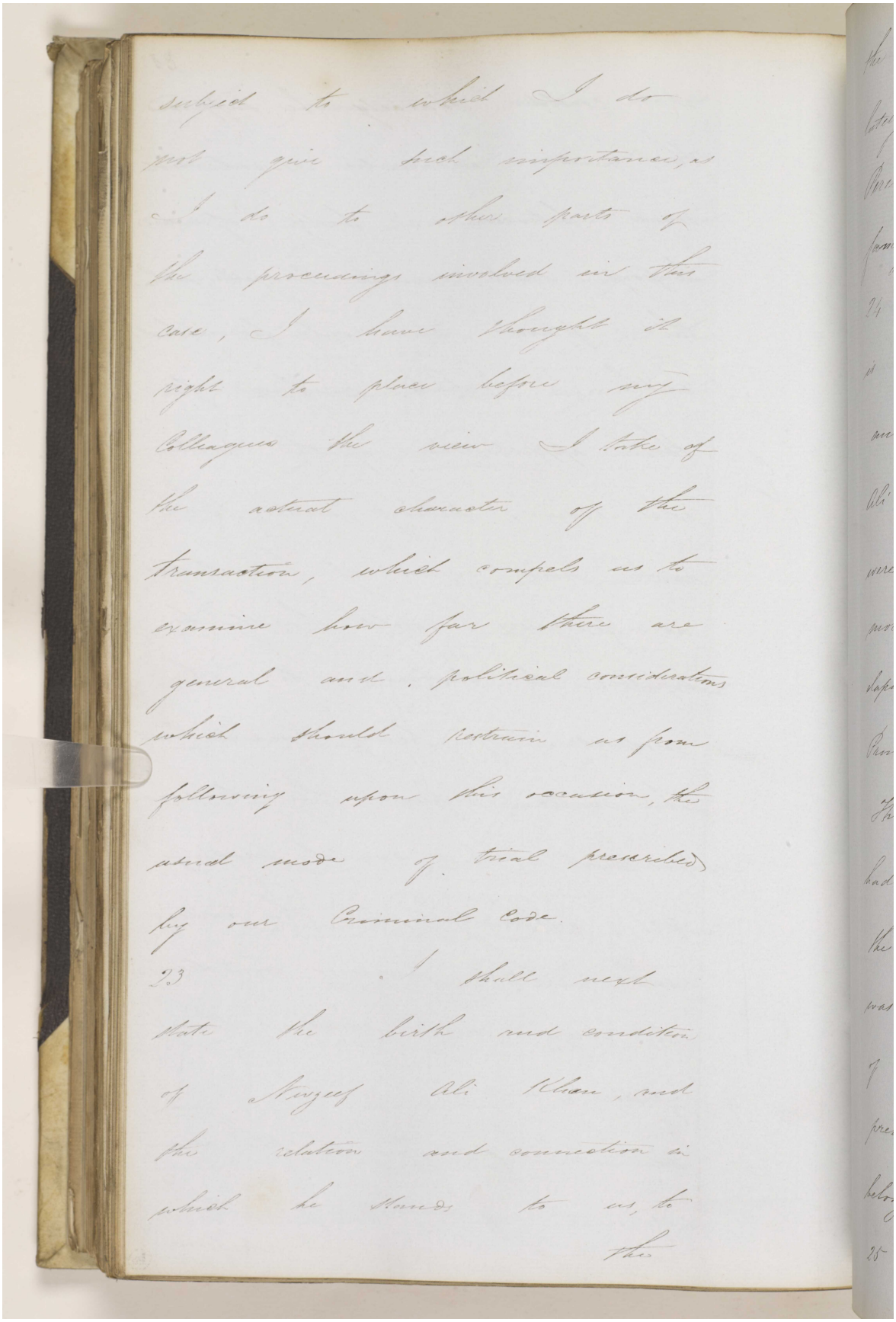

subject to which I do
not give such importance, as
I do to other parts of
the proceedings involved in this
case, I have thought it
right to place before my
Colleagues the view I take of
the actual character of the
transaction, which compels us to
examine how far there are
general and political considerations
which should restrain us from
following upon this occasion, the
usual mode of trial prescribed
by our Criminal Code.

23. I shall next
state the birth and condition
of Nujeef Ali Khan, and
the relation and connection in
which he stands to us, to
the

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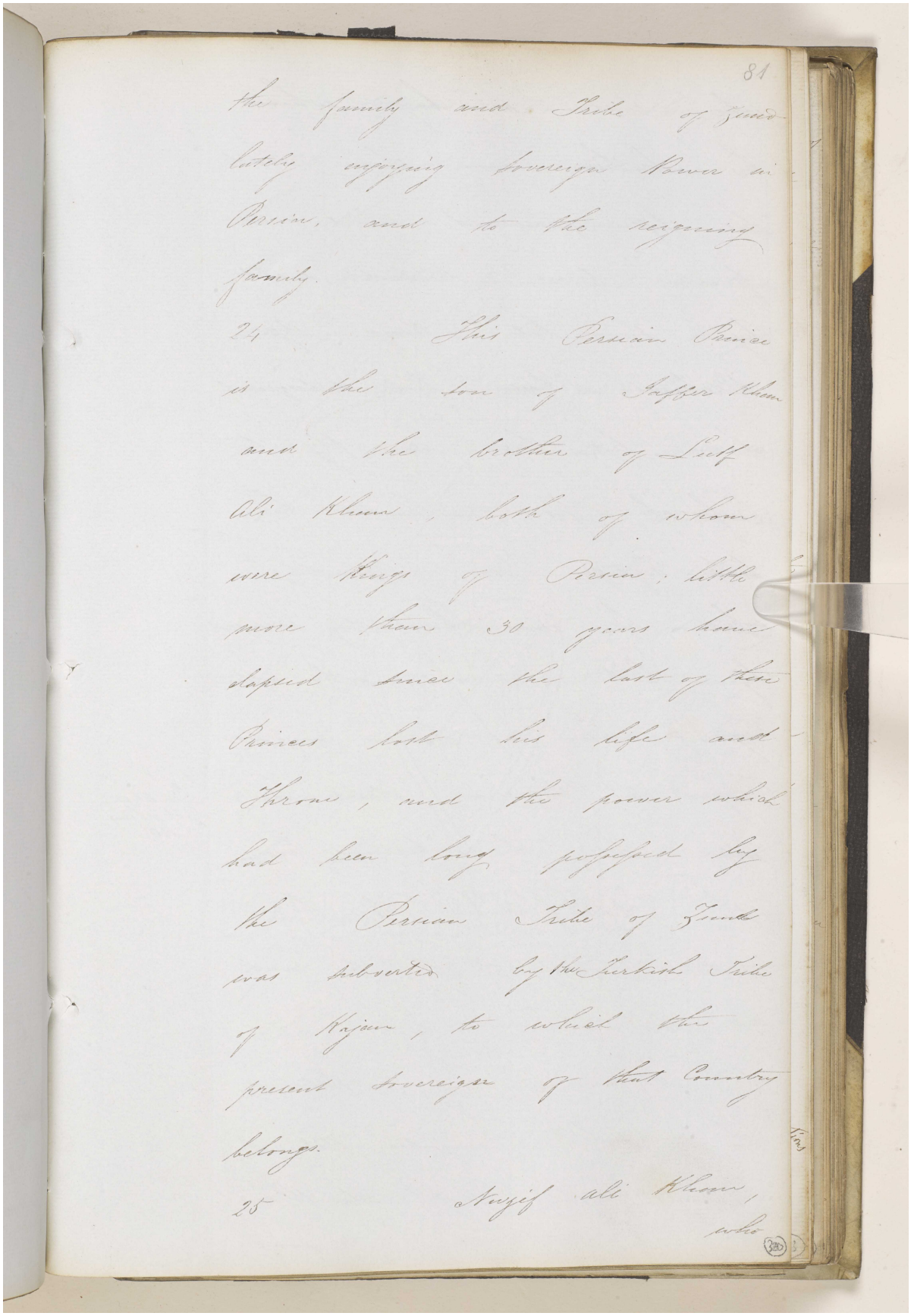

81

the family and Tribe of Zund-
lutchy enjoying Sovereign Power in
Persia, and to the reigning
family.

24 His Persian Prince
is the son of Jaffier Khan
and the brother of Luff
Ali Khan, both of whom
were Kings of Persia; little
more than 30 years have
elapsed since the last of these
Princes lost his life and
Throne, and the power which
had been long possessed by
the Persian Tribe of Zunds
was subverted by the Turkish Tribe
of Kajars, to which the
present Sovereign of that Country
belongs.

25 Nujif ali Khan,
who

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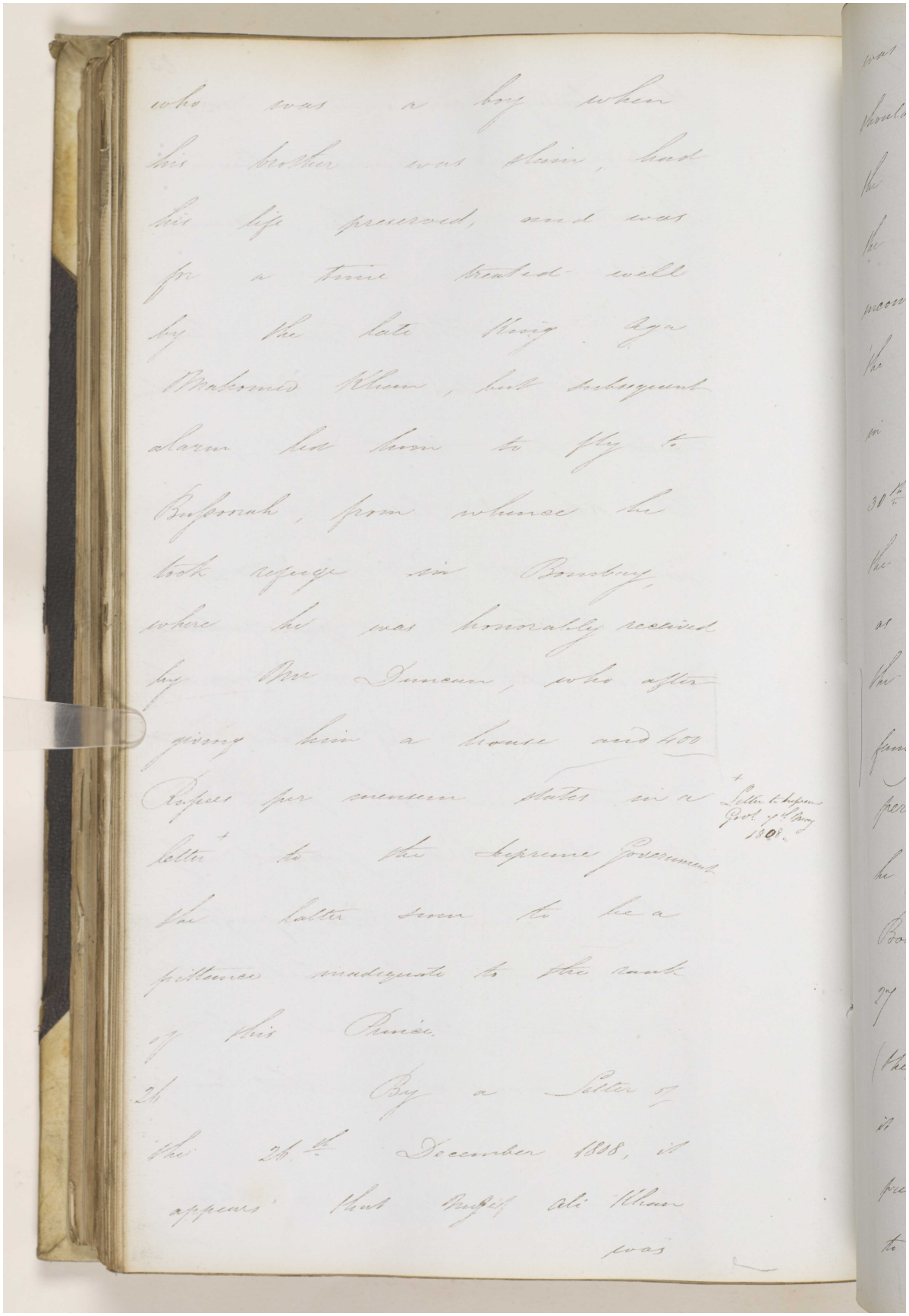

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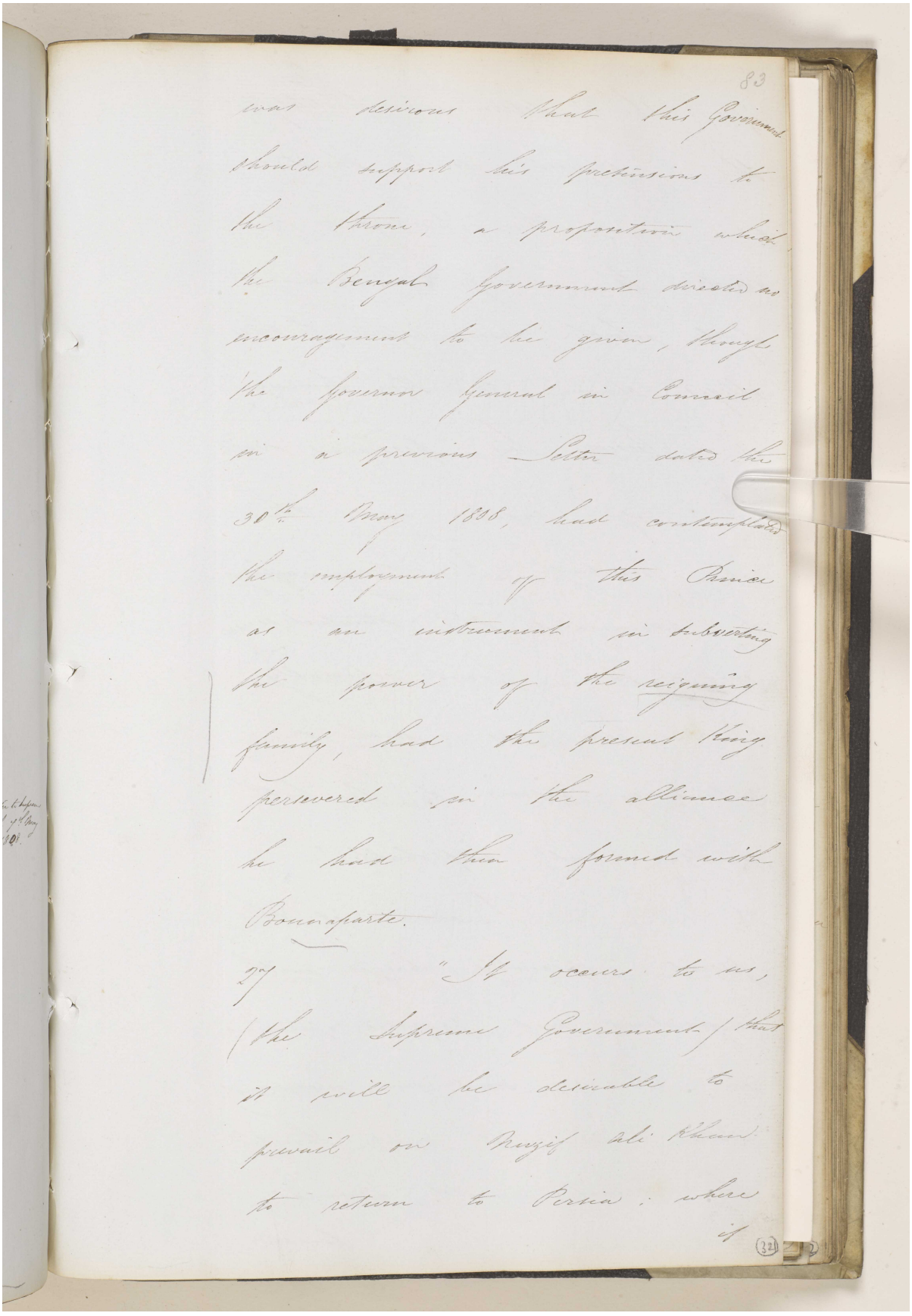

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was desirous that this Government
should support his pretensions to
the throne, a proposition which
the Bengal Government directed no
encouragement to be given, though
the Governor General in Council
in a previous Letter dated the
30th May 1808, had contemplated
the employment of this Prince
as an instrument in subverting
the power of the reigning
family, had the present King
persevered in the alliance
he had then formed with
Bonaparte.

27 "It occurs to us,
(the Supreme Government) that
it will be desirable to
prevail on Nujif Ali Khan
to return to Persia; where
if

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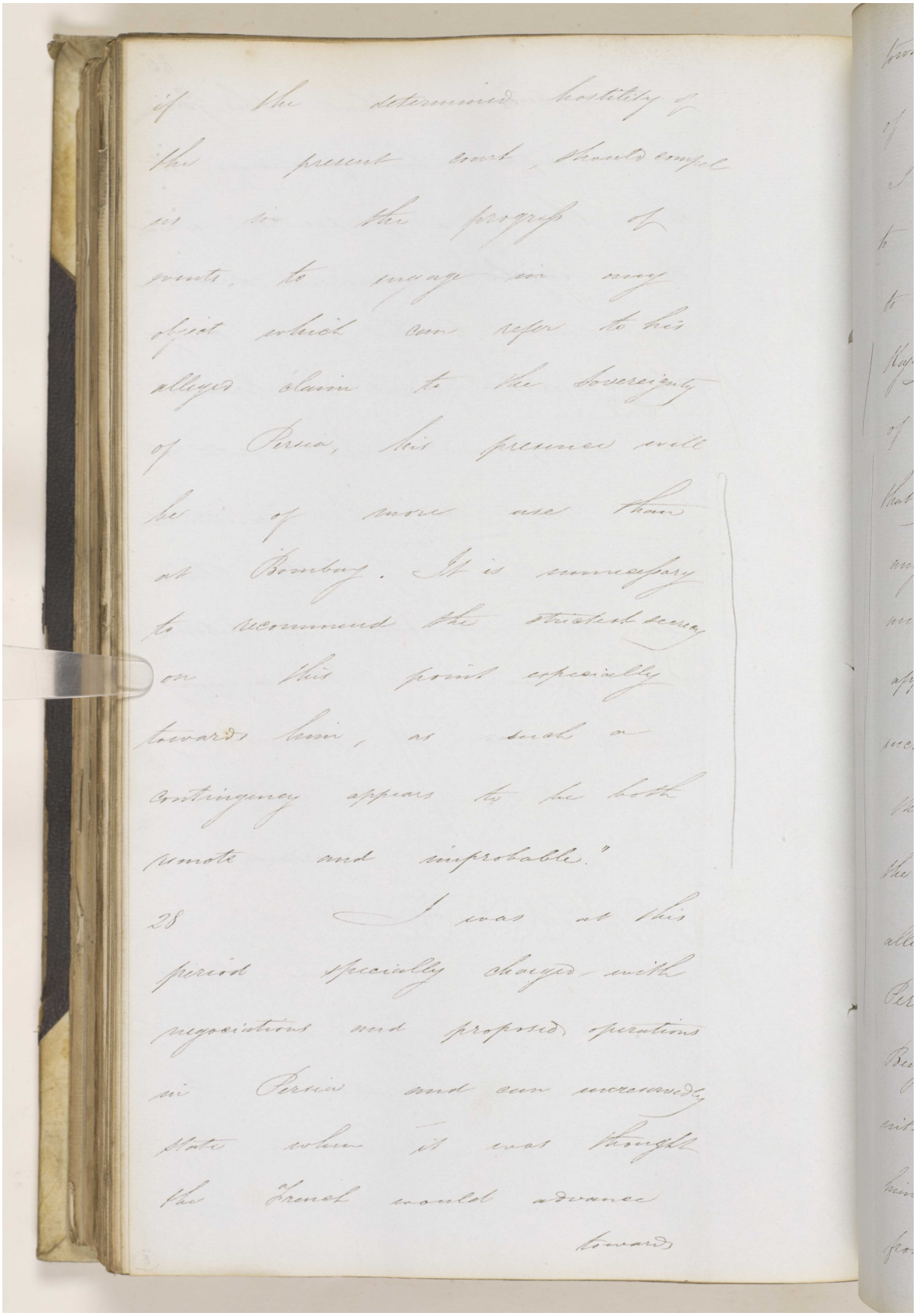

if the determined hostility of the present court, should compel us in the progress of events, to engage in any object which can refer to his alleged claim to the Sovereignty of Persia, his presence will be of more use than at Bombay. It is unnecessary to recommend the strictest secrecy on this point especially towards him, as such a contingency appears to be both remote and improbable."

28 I was at this period specially charged with negociations and proposed operations in Persia and can unreservedly state when it was thought the French would advance

towards

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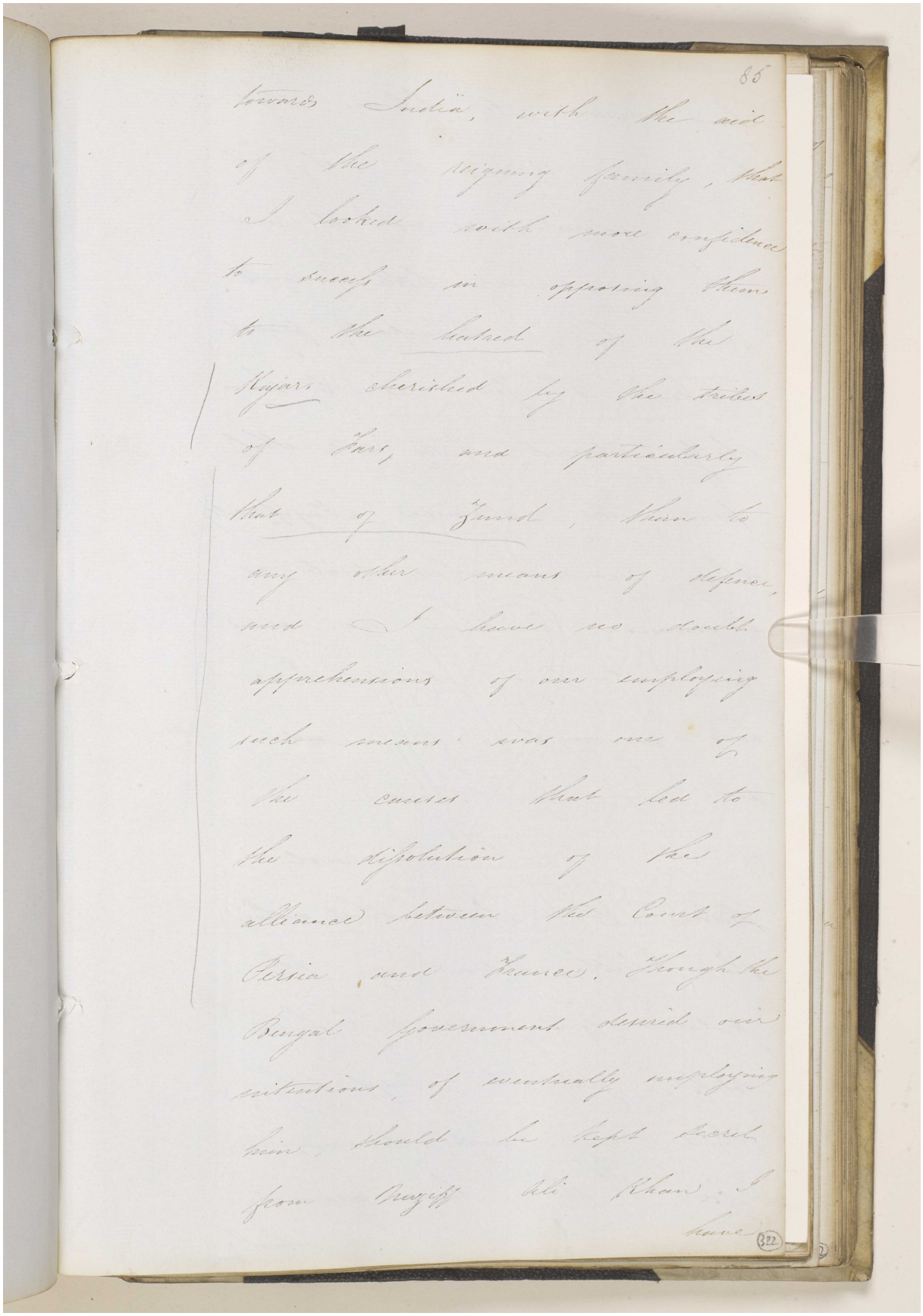

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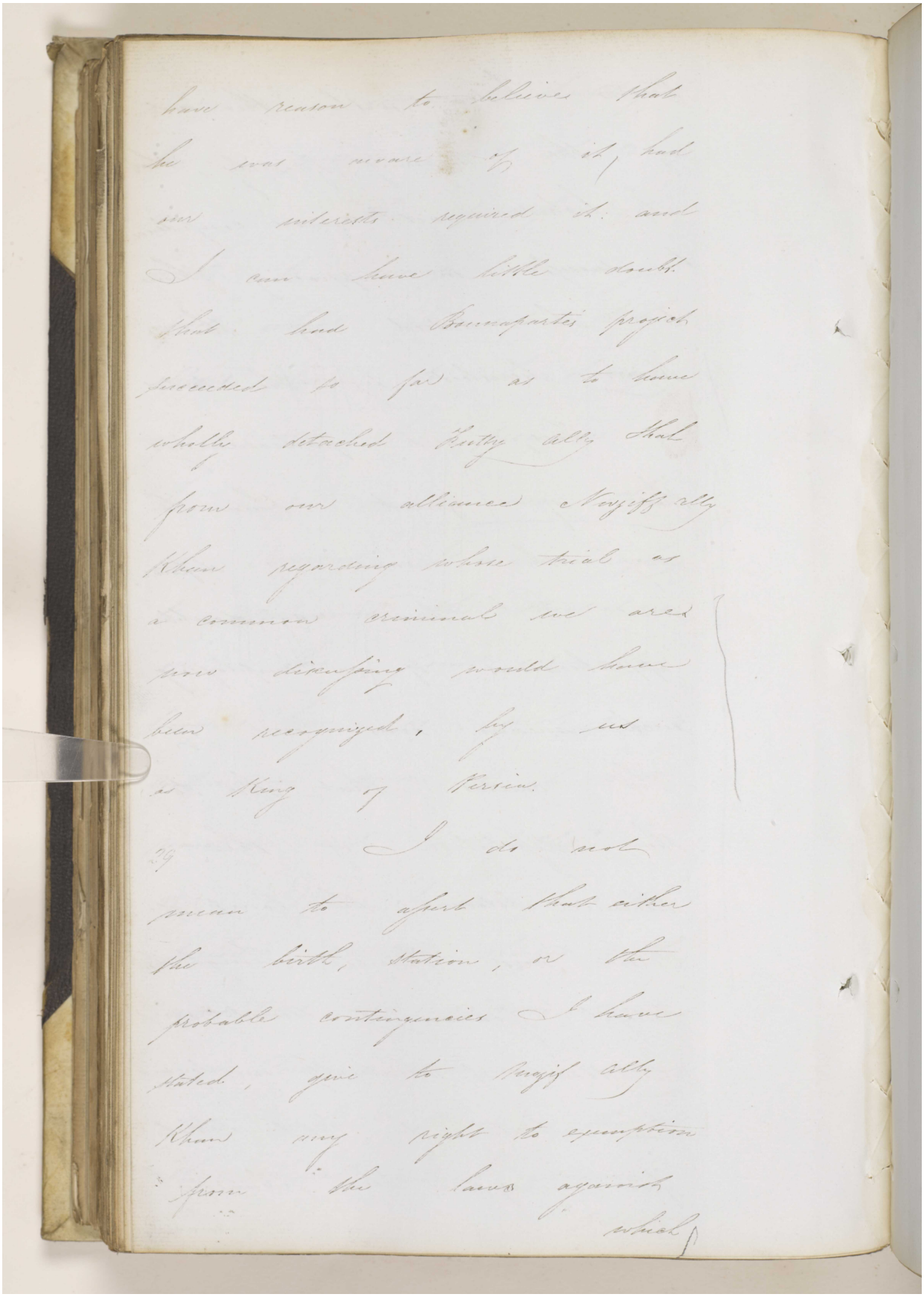

have reason to believe that
he was aware of it, had
our interests required it: and
I am sure little doubt
that had Buonaparte's project
succeeded so far as to have
wholly detached Futty Ally Shah
from our alliance Nujiff Ally
Khan regarding whose trial as
a common criminal we are
now disputing would have
been recognized, by us
as King of Persia.

39 I do not
mean to assert that either
the birth, station, or the
probable contingencies I have
stated, give to Nujif Ally
Khan any right to exemption
from the laws against
which

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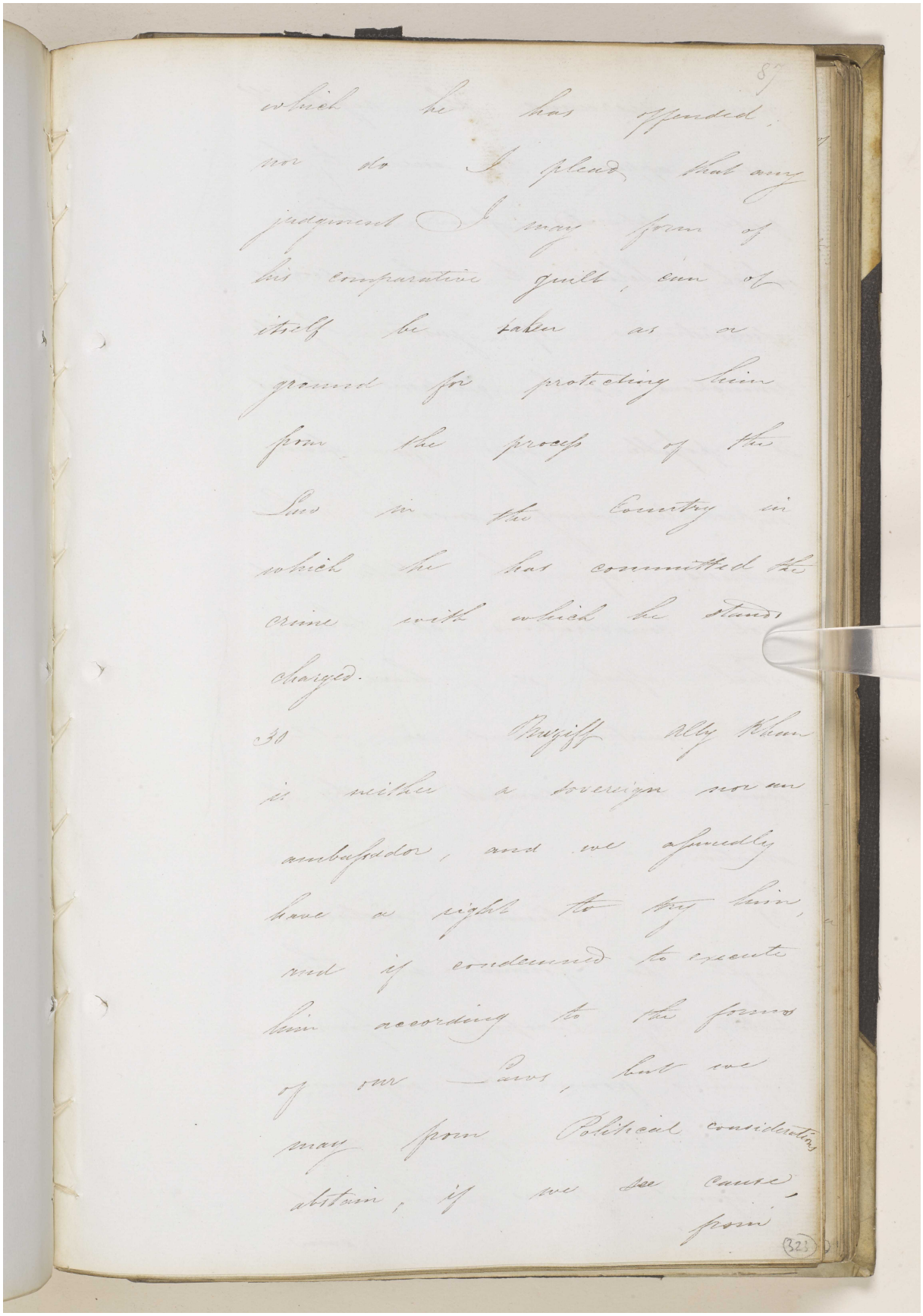

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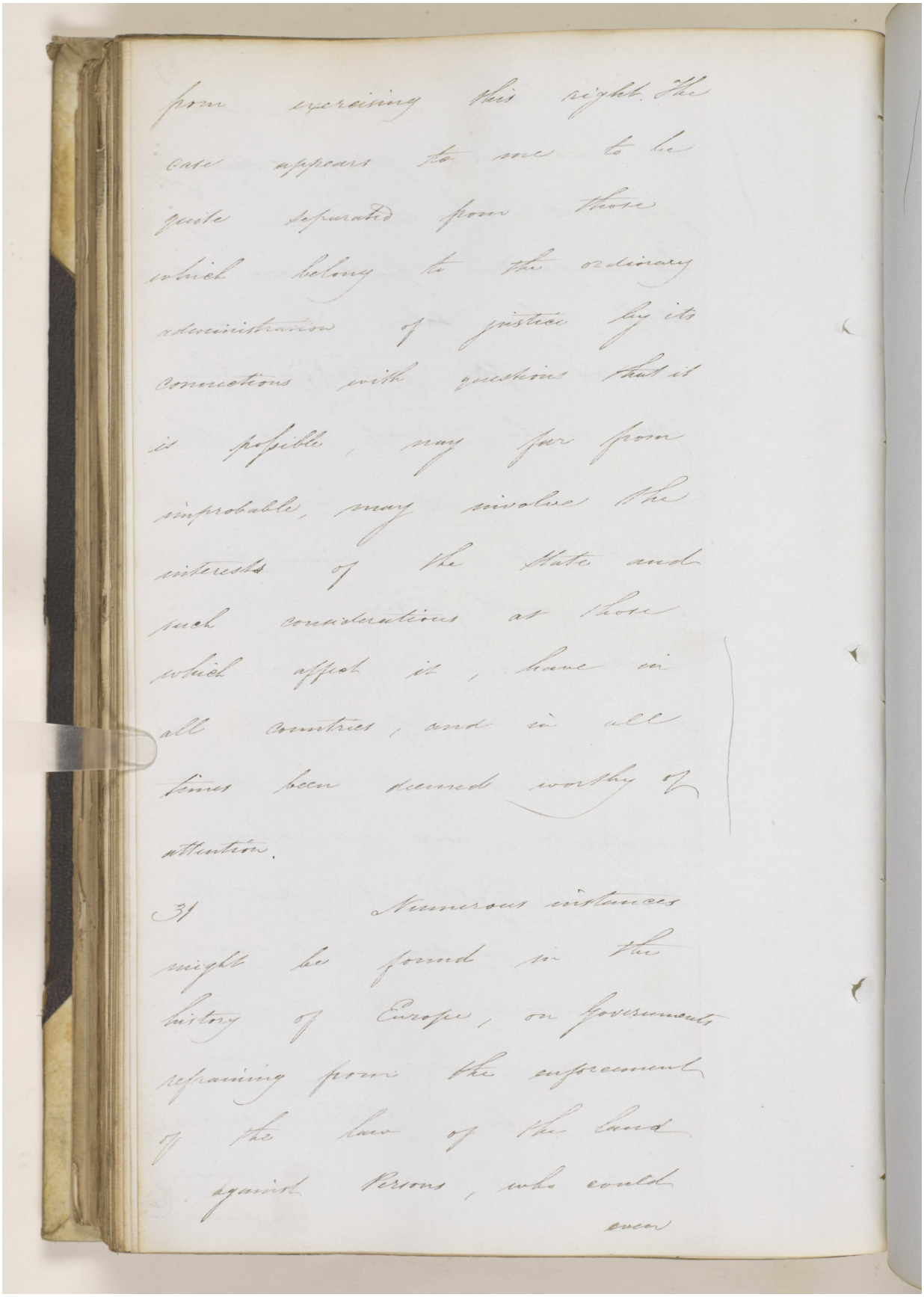

from exercising this right. The
case appears to me to be
quite separated from those
which belong to the ordinary
administration of justice by its
connections with questions that it
is possible, may far from
improbable, may involve the
interests of the State and
such considerations as those
which affect it, have in
all countries, and in all
times been deemed worthy of
attention.

31 Numerous instances
might be found in the
history of Europe, on governments
refraining from the enforcement
of the law of the land
against persons, who could
even

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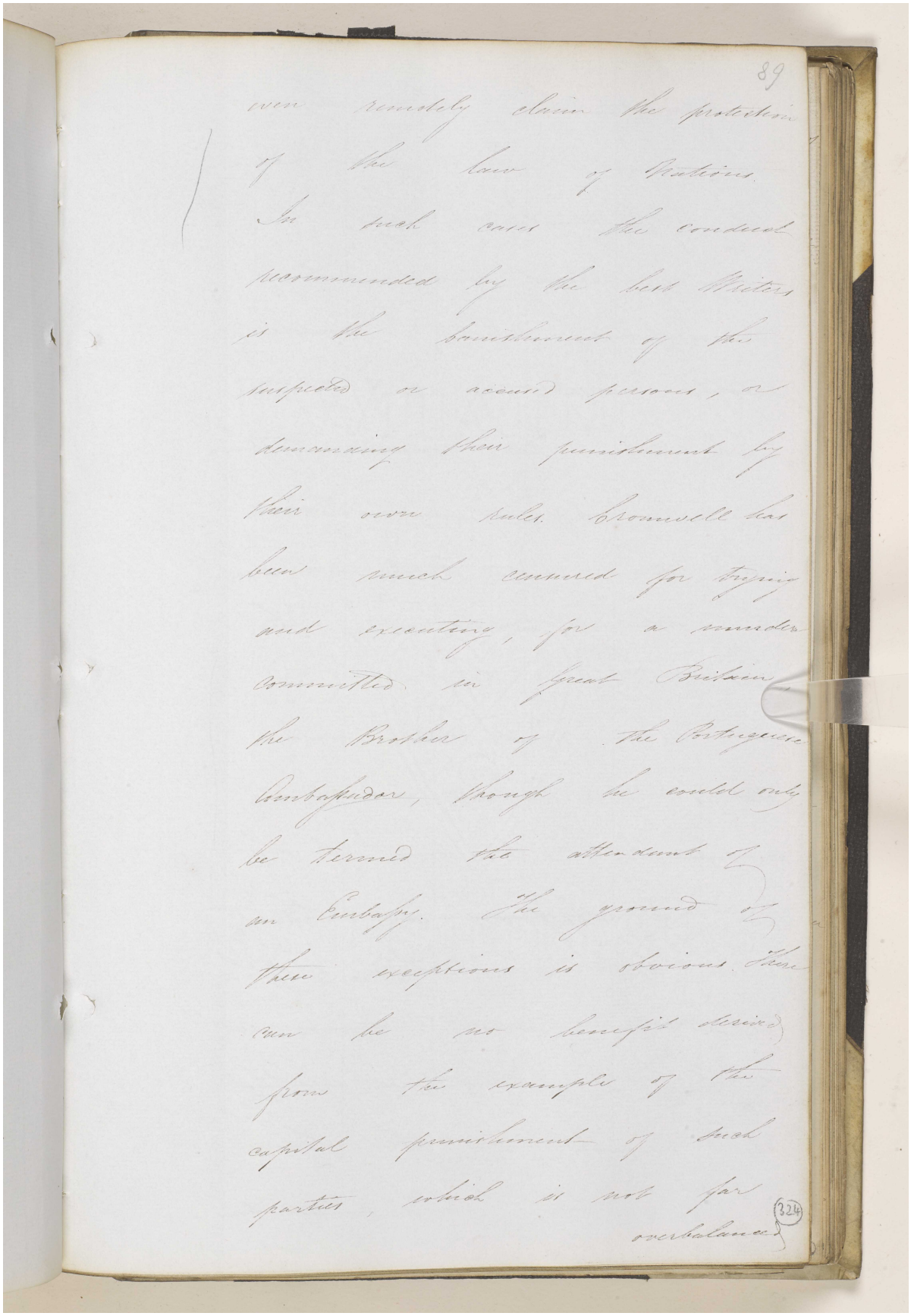

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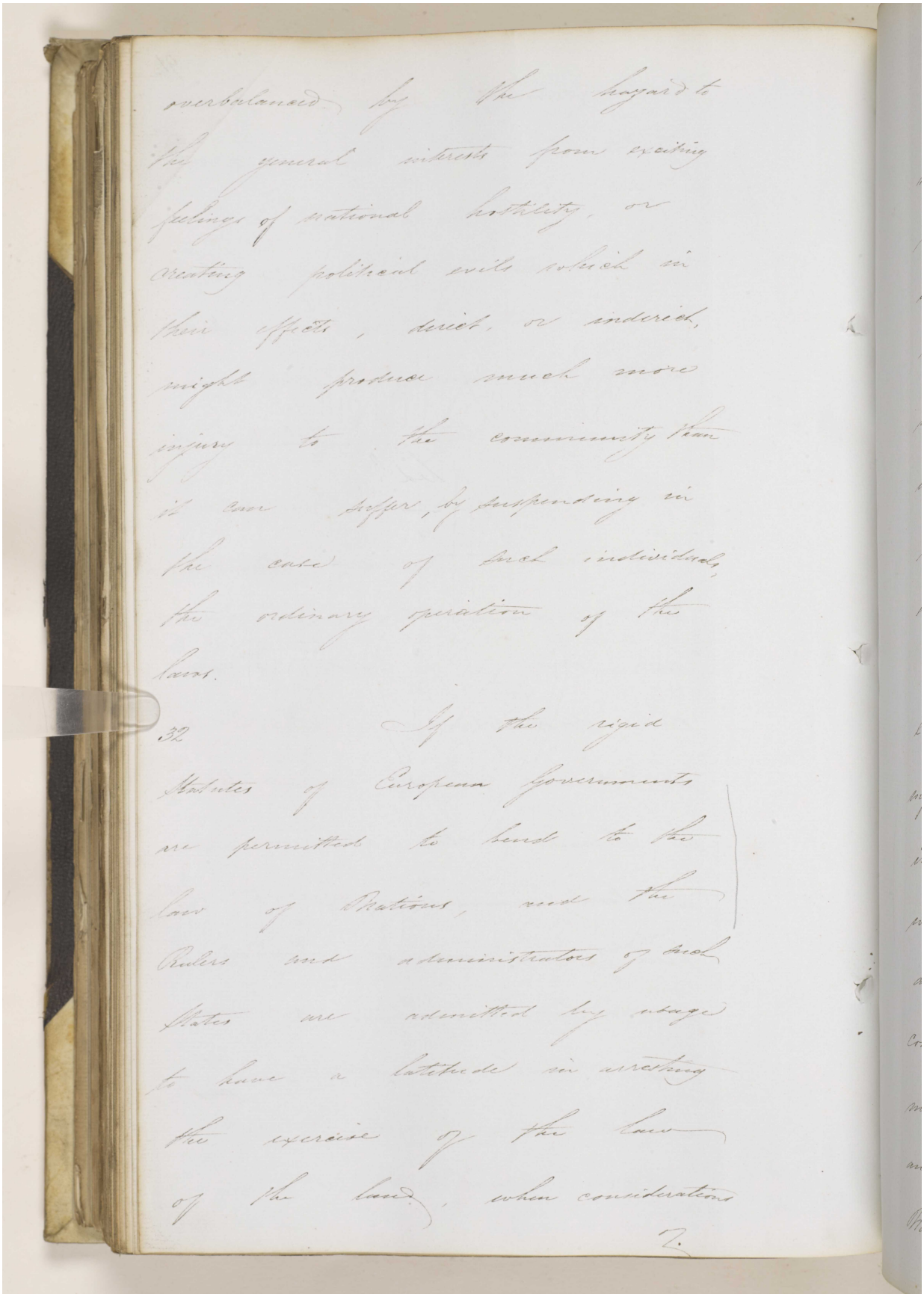

overbalanced by the regard to the general interests from exciting feelings of national hostility, or creating political evils which in their effects, direct or indirect, might produce much more injury to the community than it can suffer, by suspending in the case of such individuals, the ordinary operation of the laws.

32 If the rigid Statutes of European governments are permitted to bend to the Law of Nations, and the Rulers and administrators of such States are admitted by usage to have a latitude in exercising the exercise of the laws of the land, when considerations

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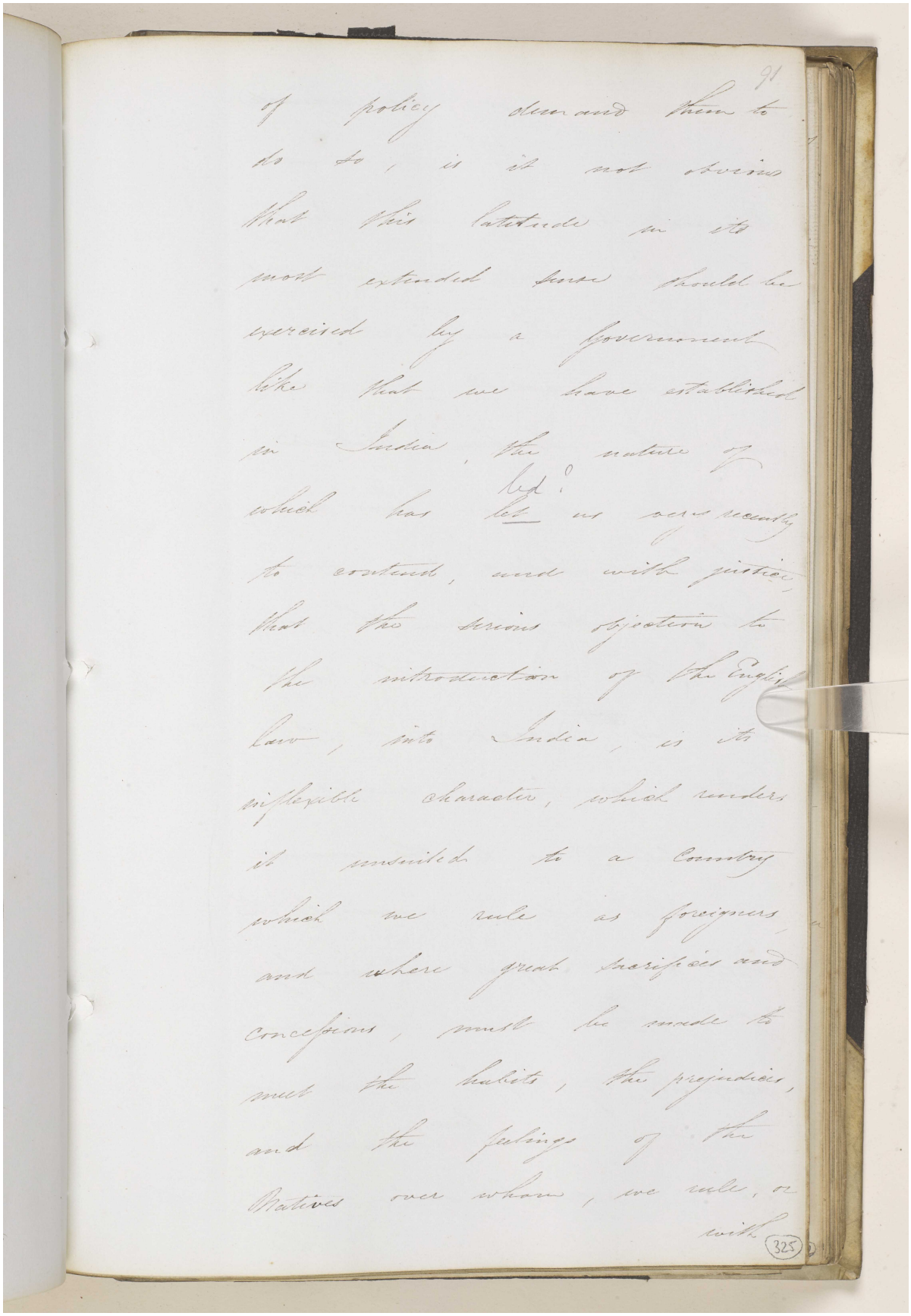

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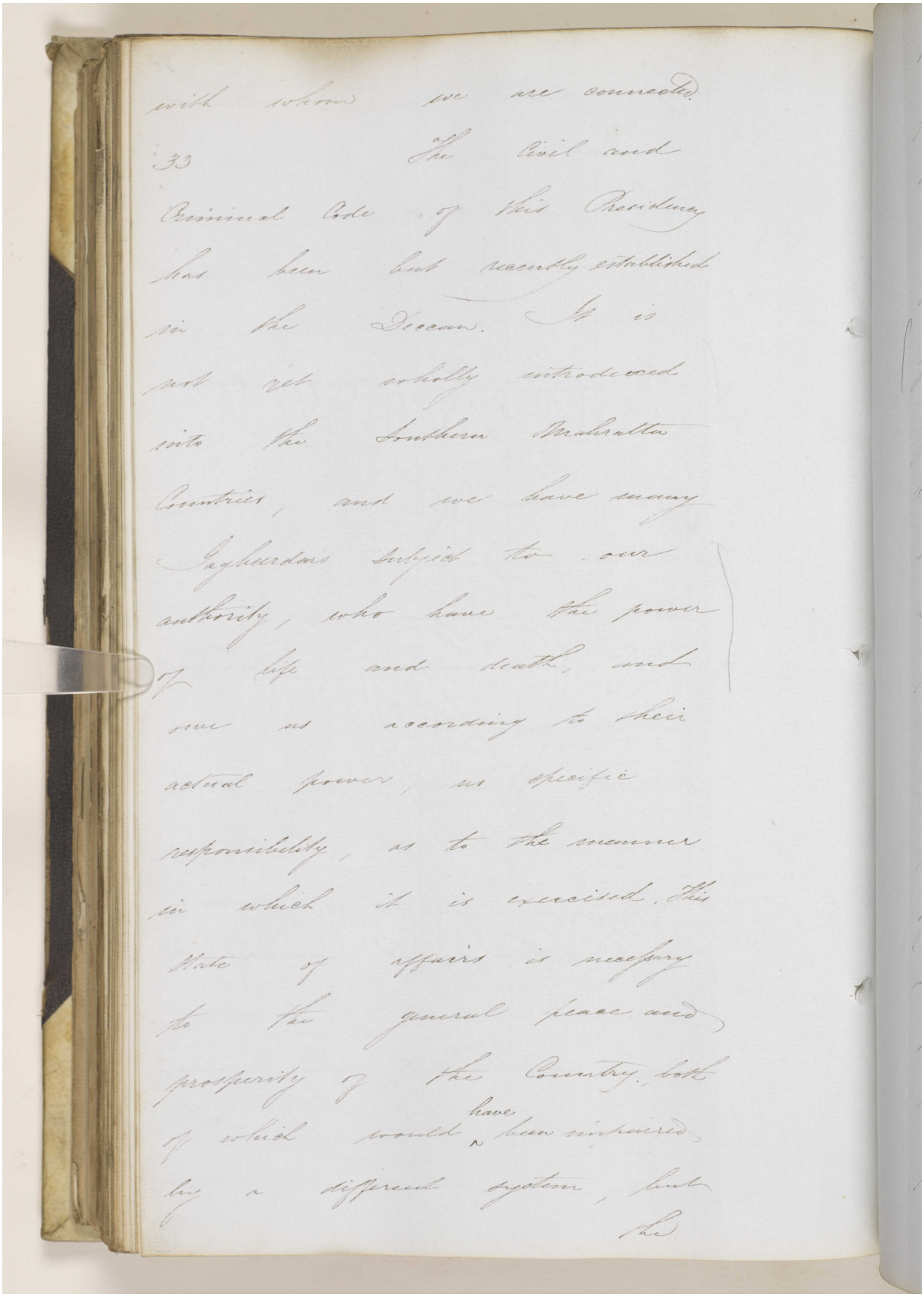

with whom we are connected.

33 The Civil and Criminal Code of this Residency has been but recently established in the Deccan. It is not yet wholly introduced into the Southern Mahratta Countries, and we have many Jaghirdars subject to our authority, who have the power of life and death, and use it according to their actual power, as specific responsibility, as to the manner in which it is exercised. This State of affairs is necessary to the general peace and prosperity of the Country, both of which would have been sacrificed by a different system, but the

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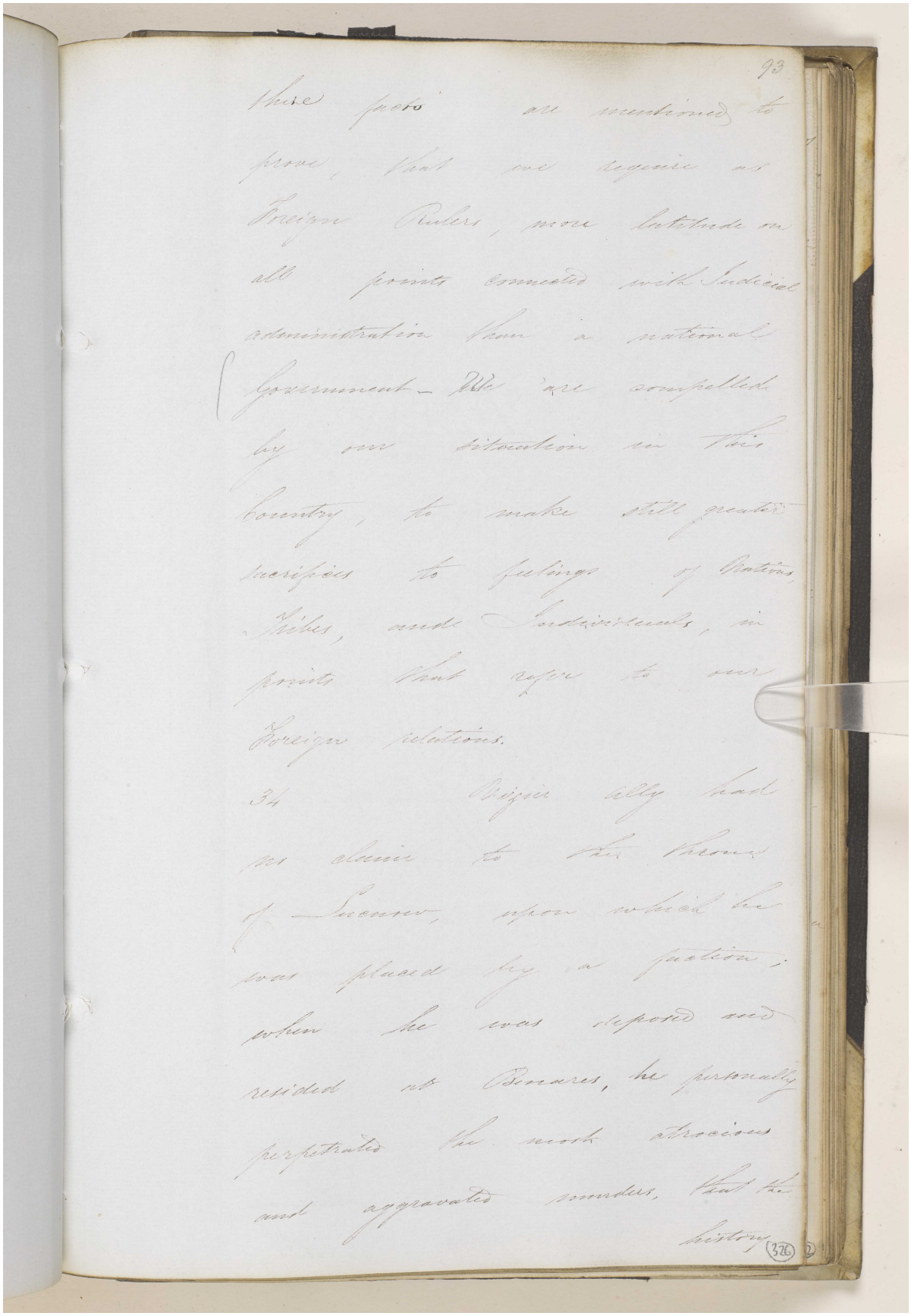

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these facts are mentioned to prove, that we require as Foreign Rulers, more latitude in all points connected with Judicial administration than a national Government – We are compelled by our situation in this Country, to make still greater sacrifices to feelings of Nations, Tribes, and Individuals, in points that appear to our Foreign relations.

34 Nujif Ally had no claim to the throne of Lucnow, upon which he was placed by a faction; when he was deposed and resided at Benares, he perpetrated the most atrocious and aggravated murder, that the history

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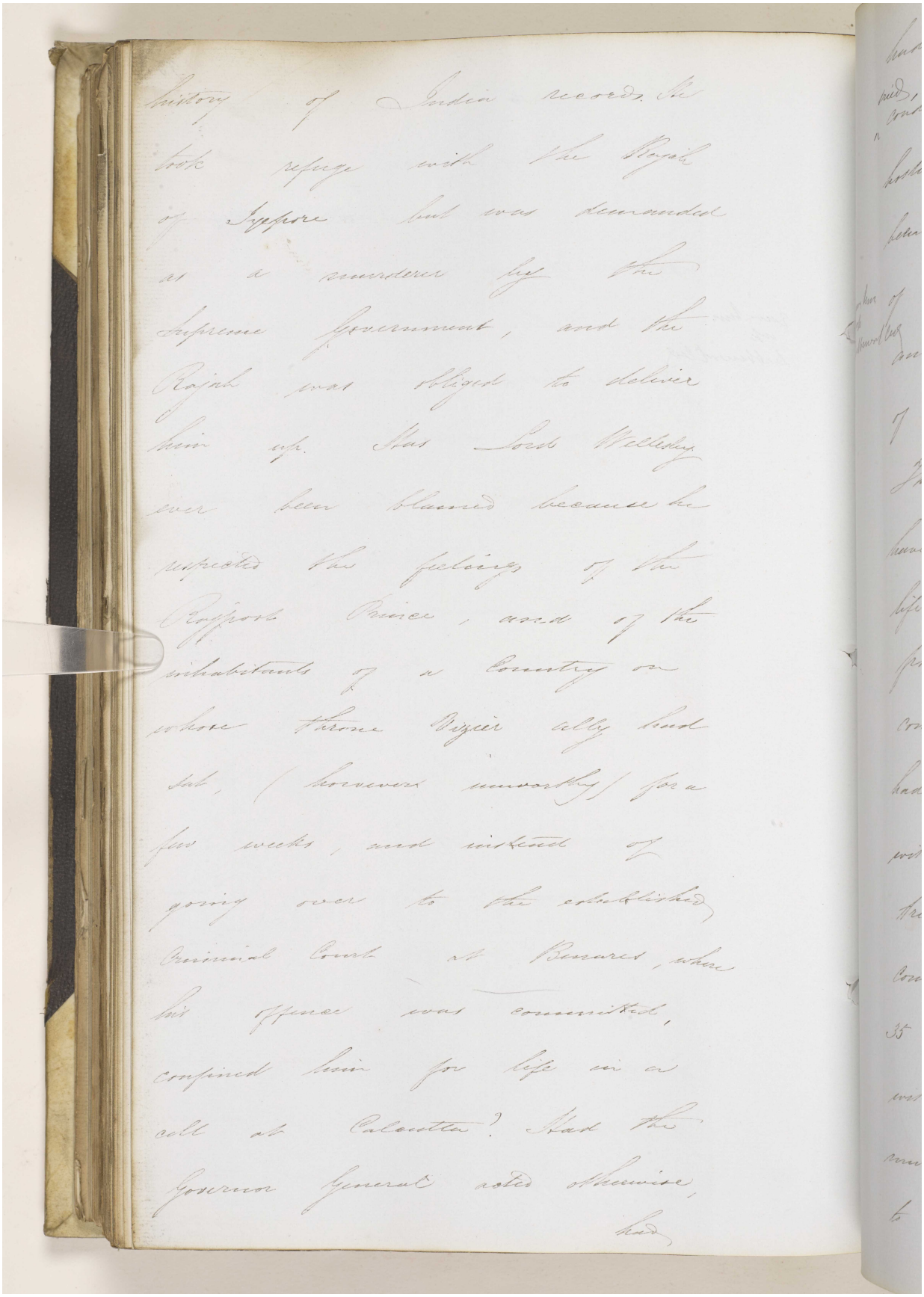

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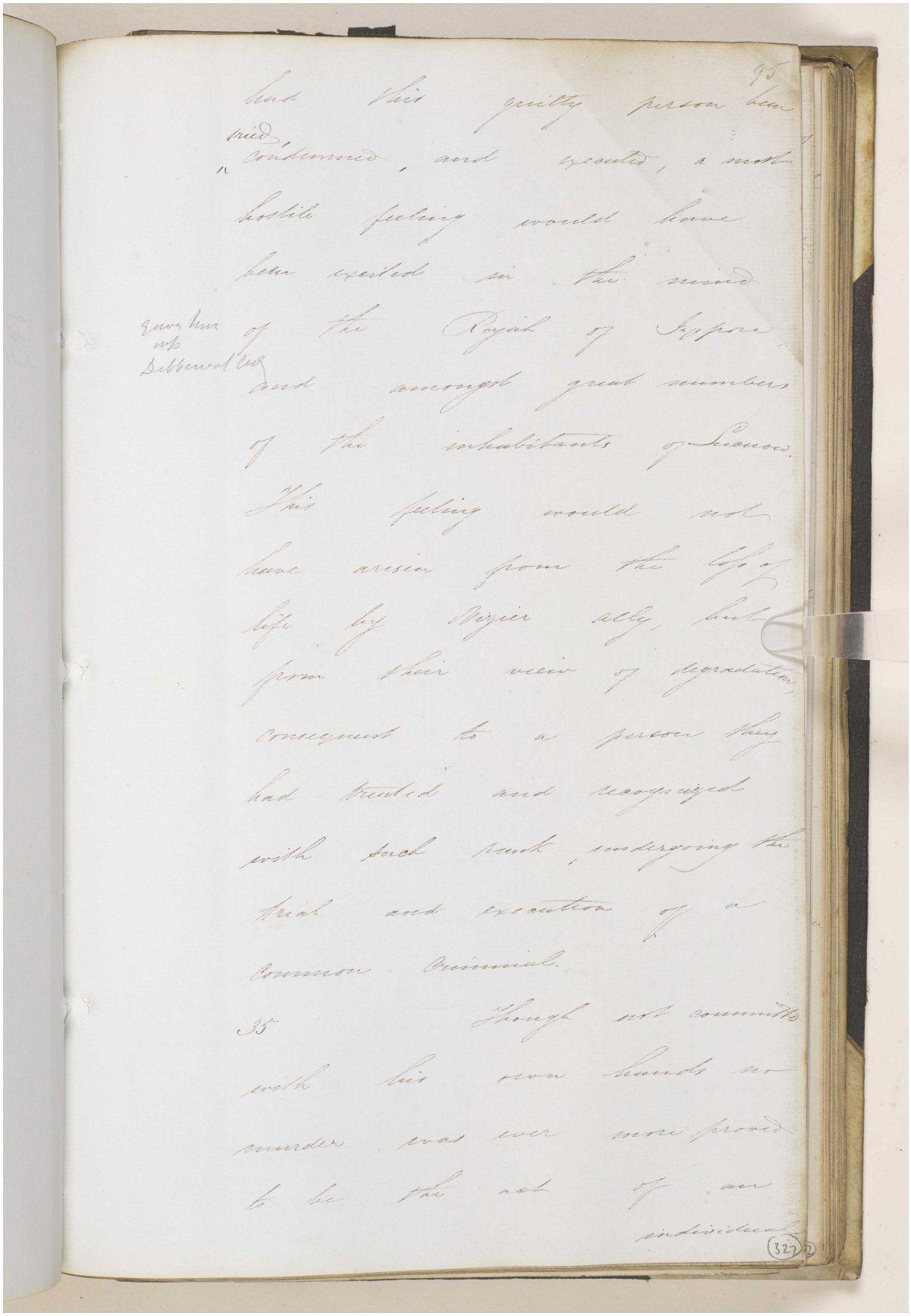

had this guilty person been
tried,
condemned, and executed, a most
hostile feeling would have
been excited in the mind
of the Rajah of Lucknow
and amongst great numbers
of the inhabitants of Lucknow.
This feeling would not
have arisen from the loss of
life by Legal ally, but
from their view of degradation
consequent to a person they
had trusted and recognized
with such rank, undergoing the
trial and execution of a
common Criminal.
35 Though not committed
with his own hands no
murder was ever more proved
to be the act of an
individual

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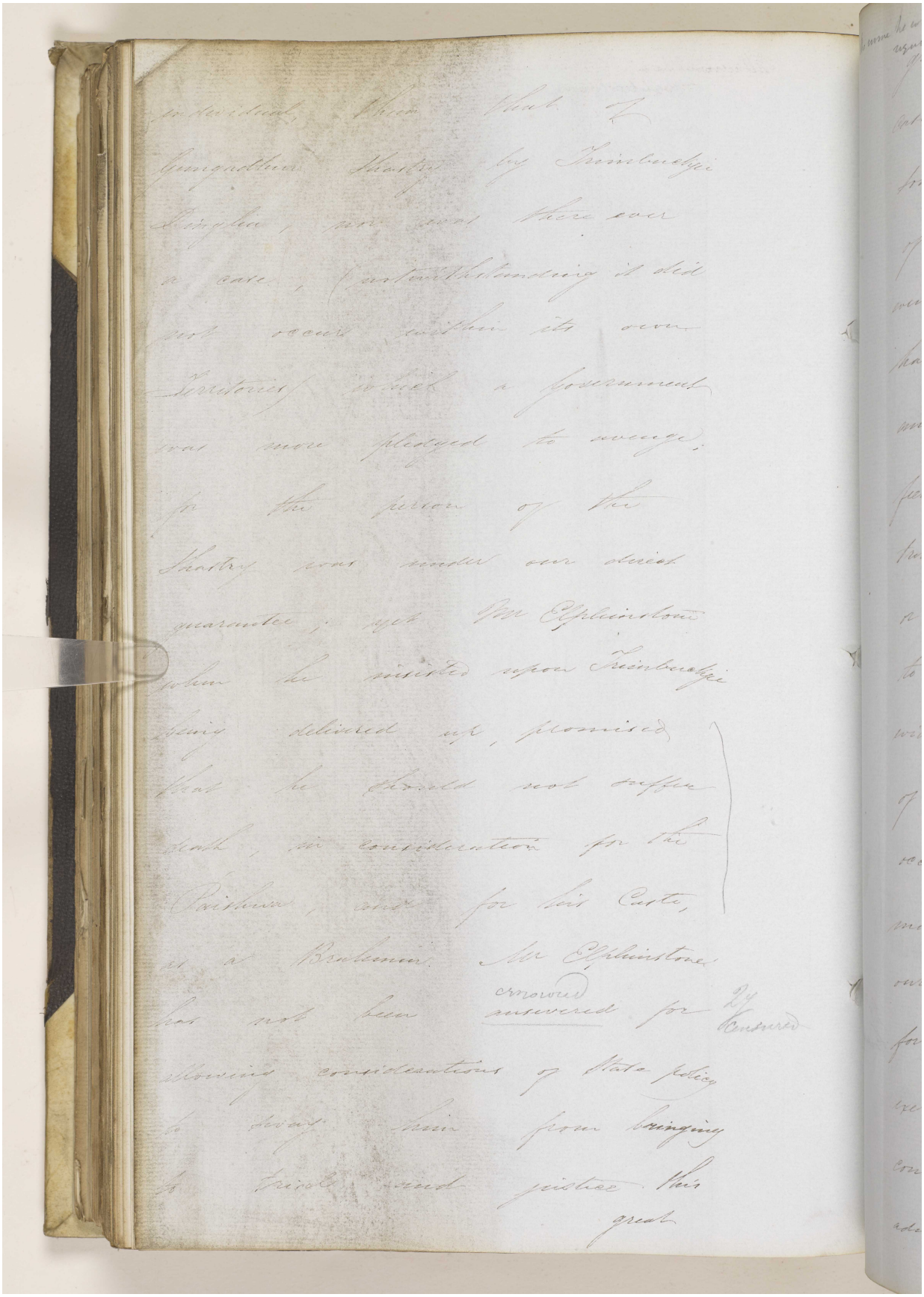

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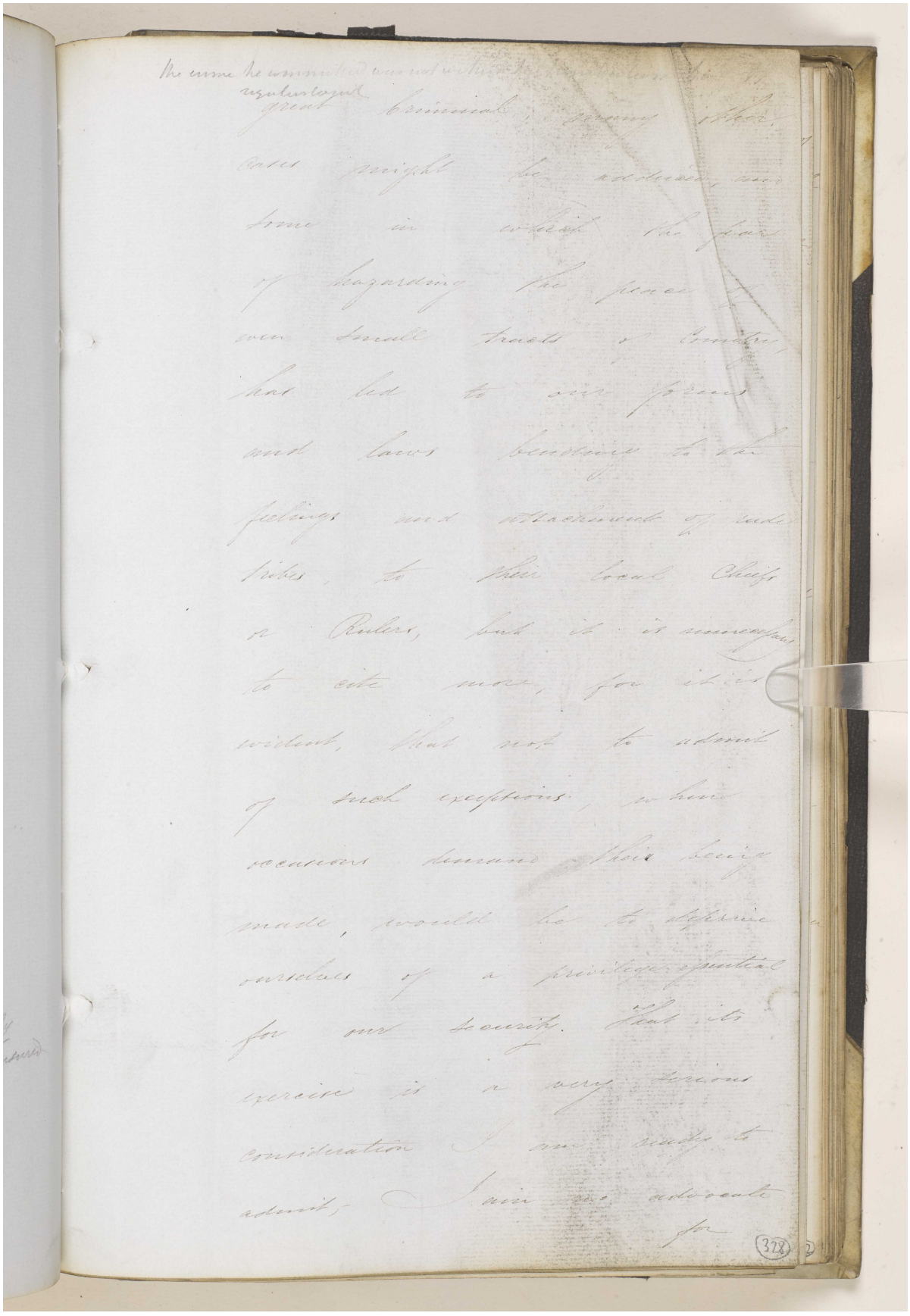

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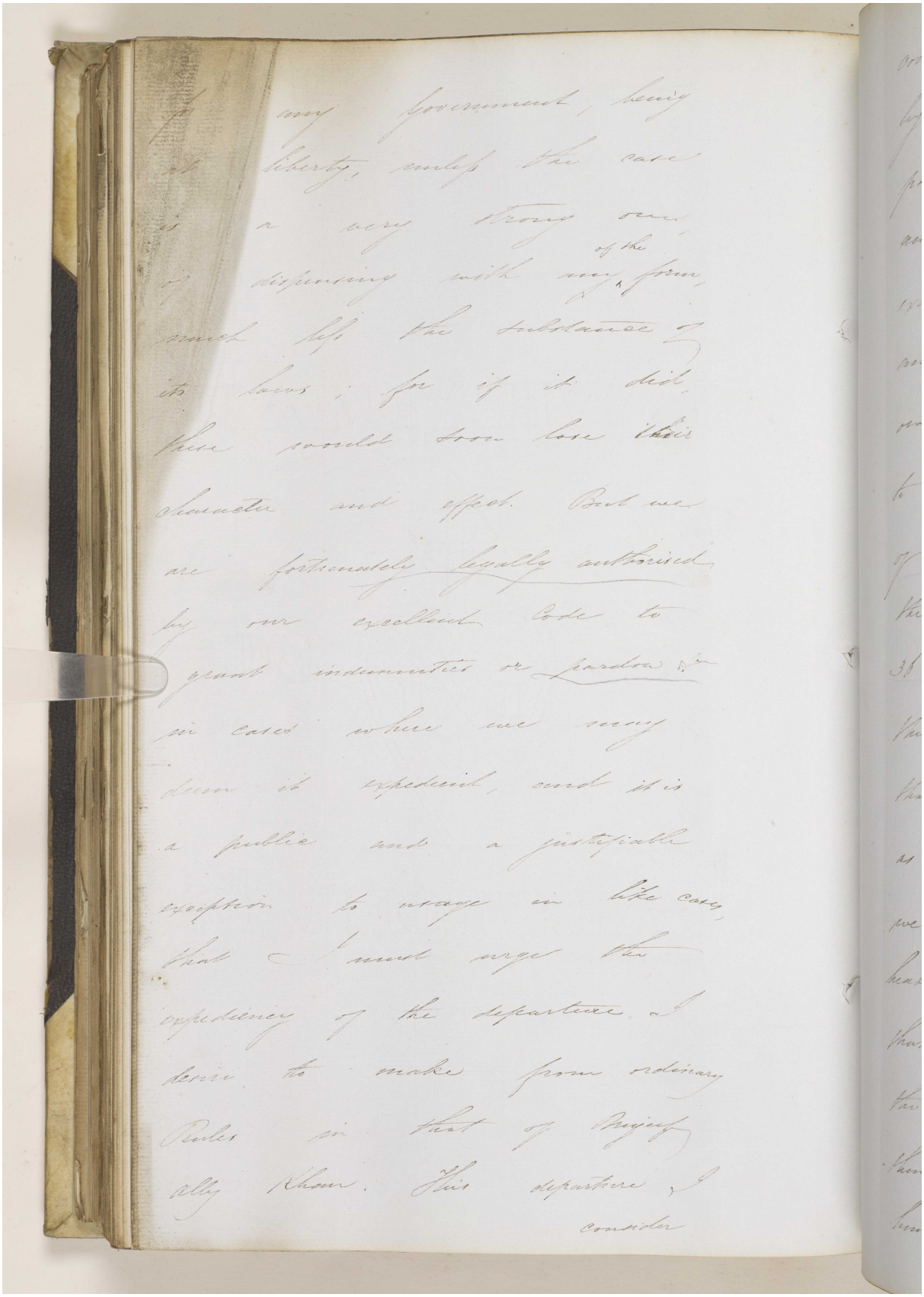

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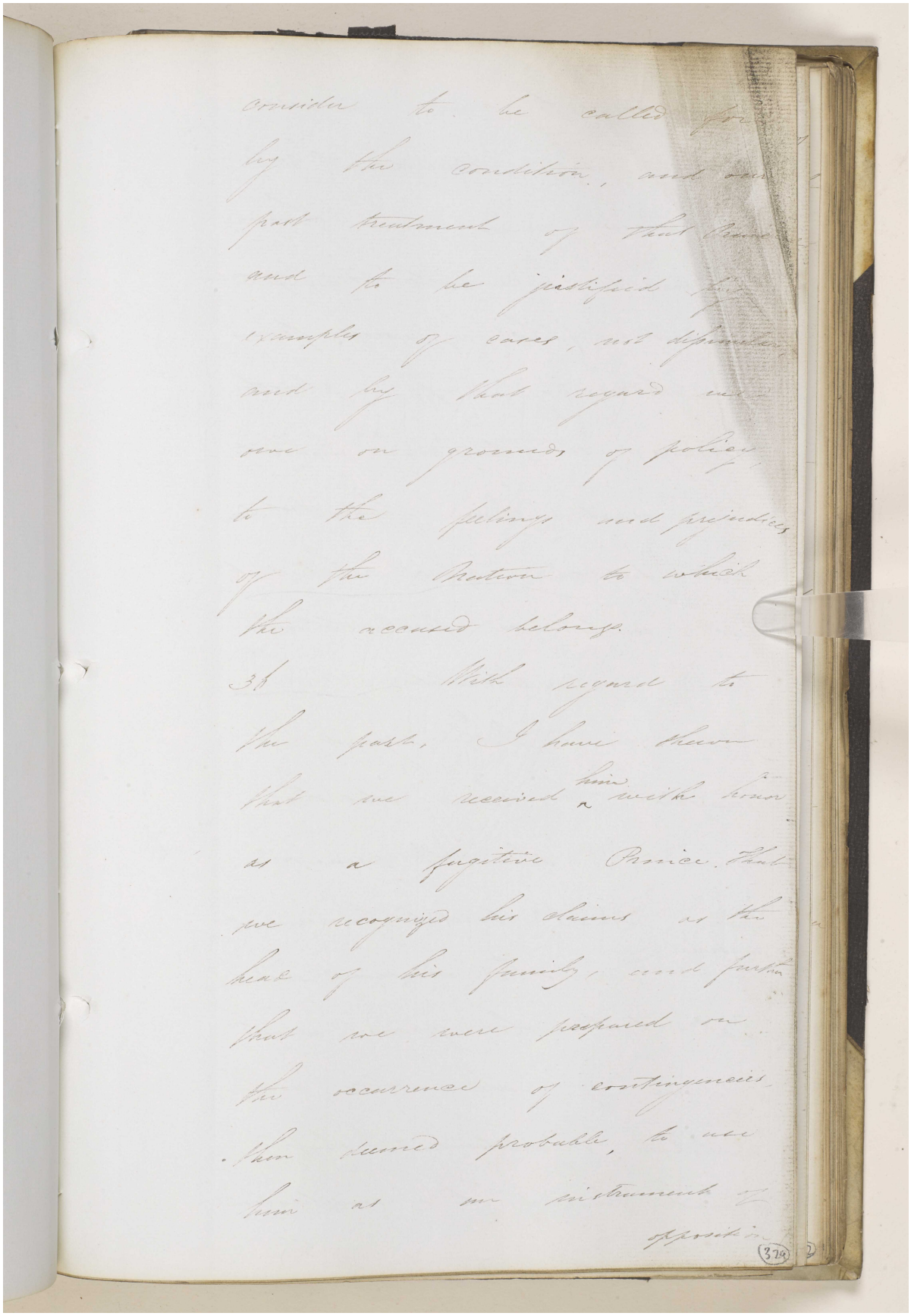

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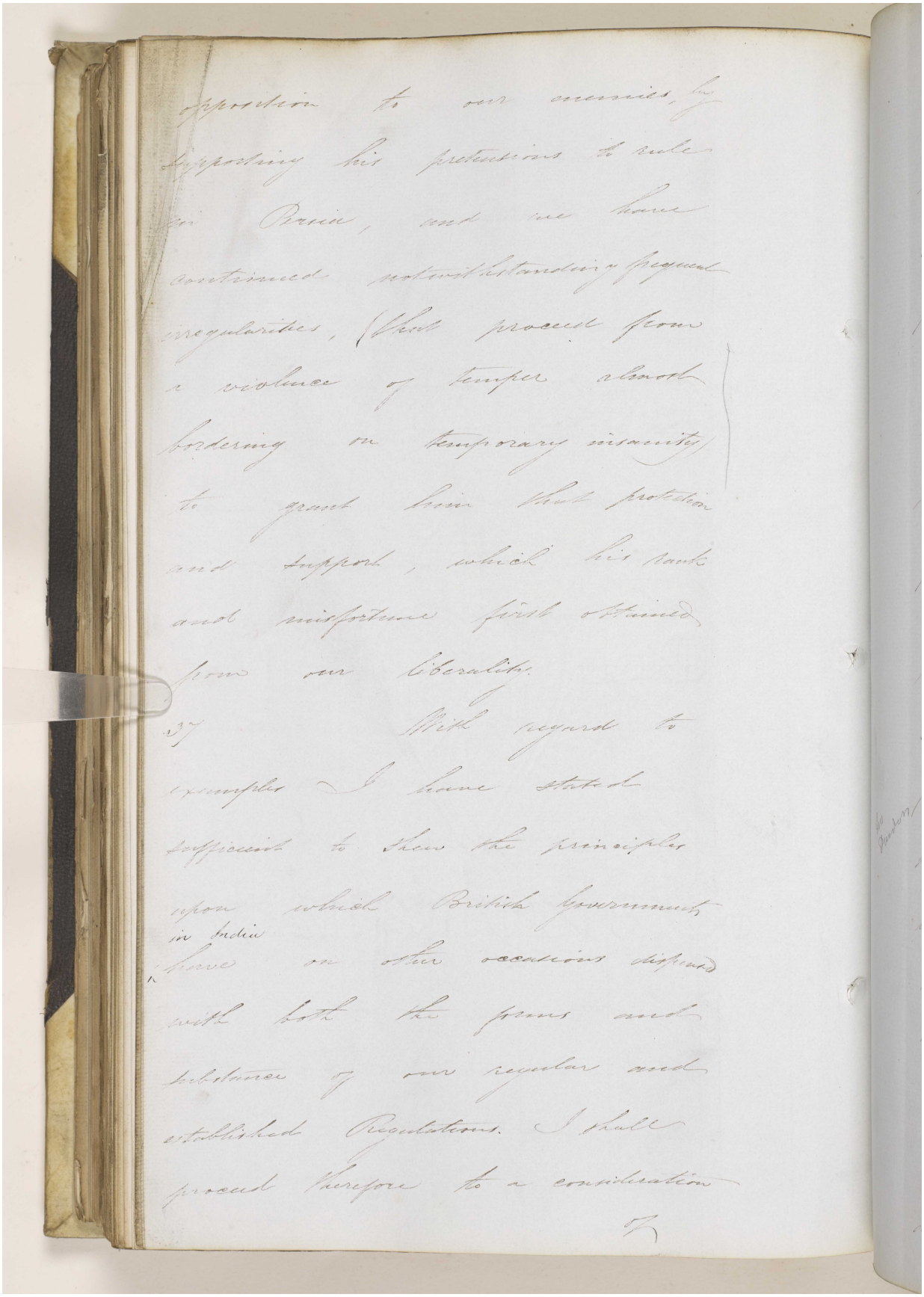

opposition to our enemies, by
supporting his pretensions to rule
in Persia, and we have
continued notwithstanding frequent
irregularities, (which proceed from
a violence of temper almost
bordering on temporary insanity)
to grant him that protection
and support, which his rank
and misfortune first obtained
from our liberality.
37 With regard to
examples I have stated
sufficient to shew the principles
upon which British Government
in India
have on other occasions disposed
with both the forms and
substance of our regular and
established Regulations. I shall
proceed therefore to a consideration

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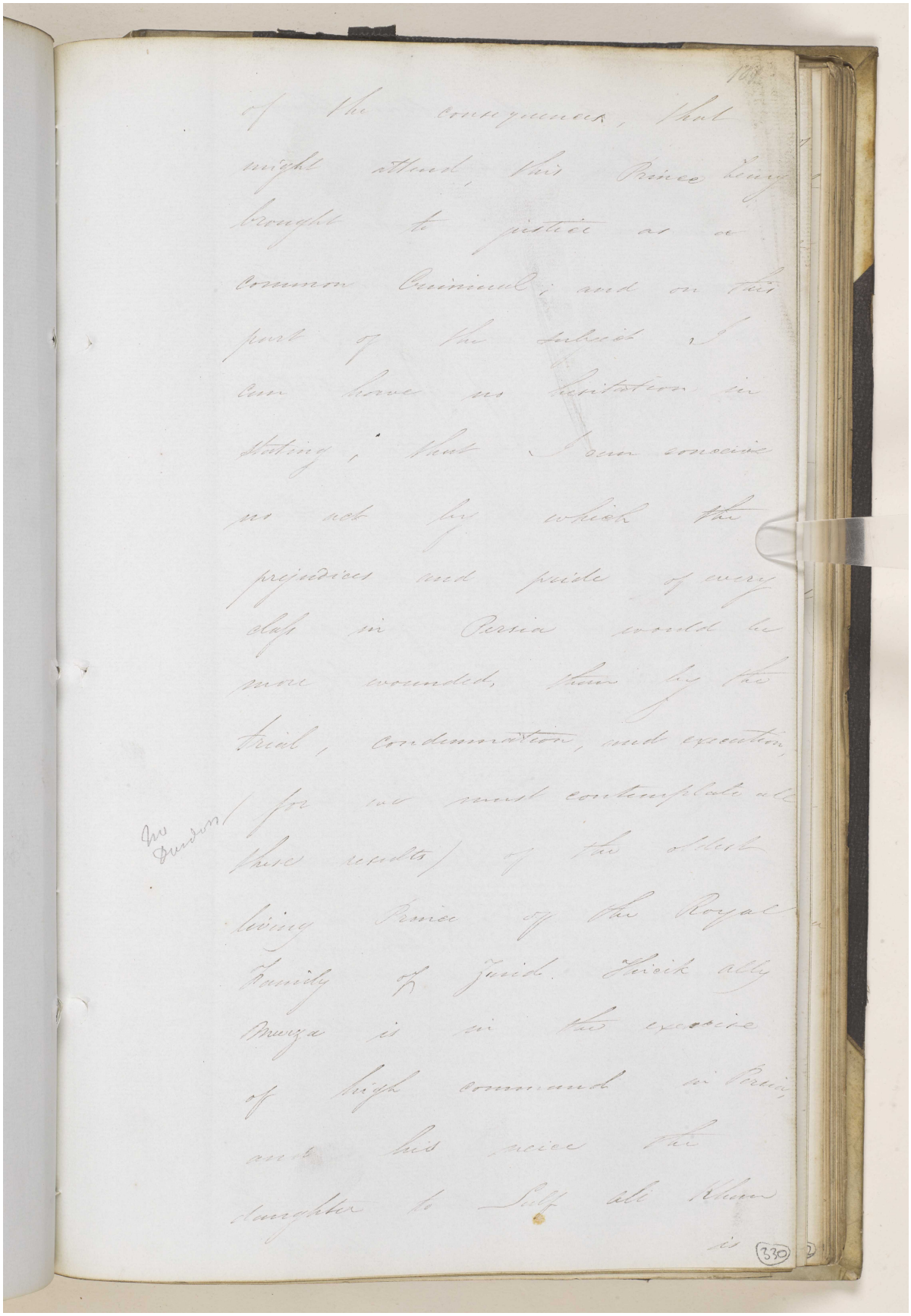

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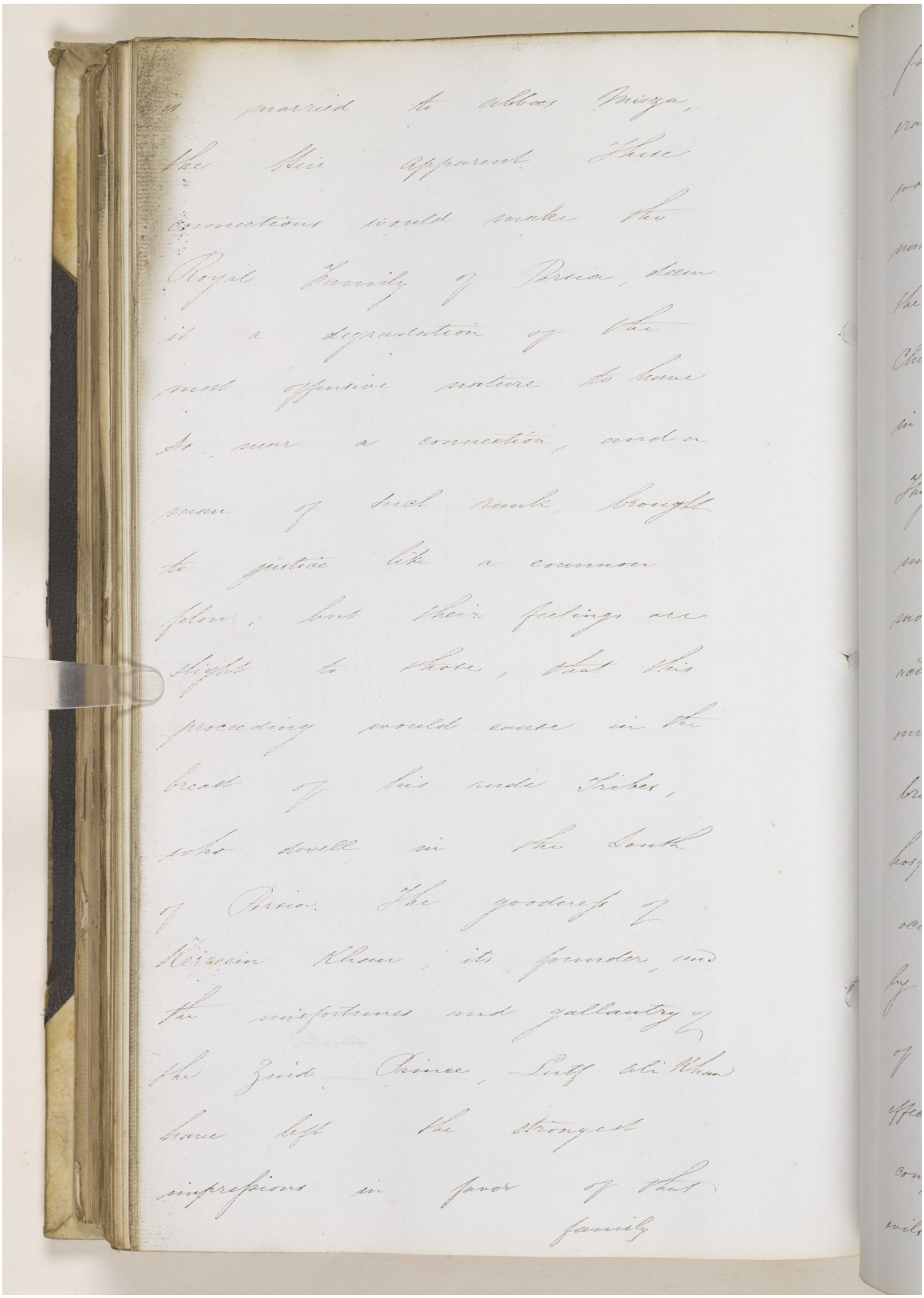

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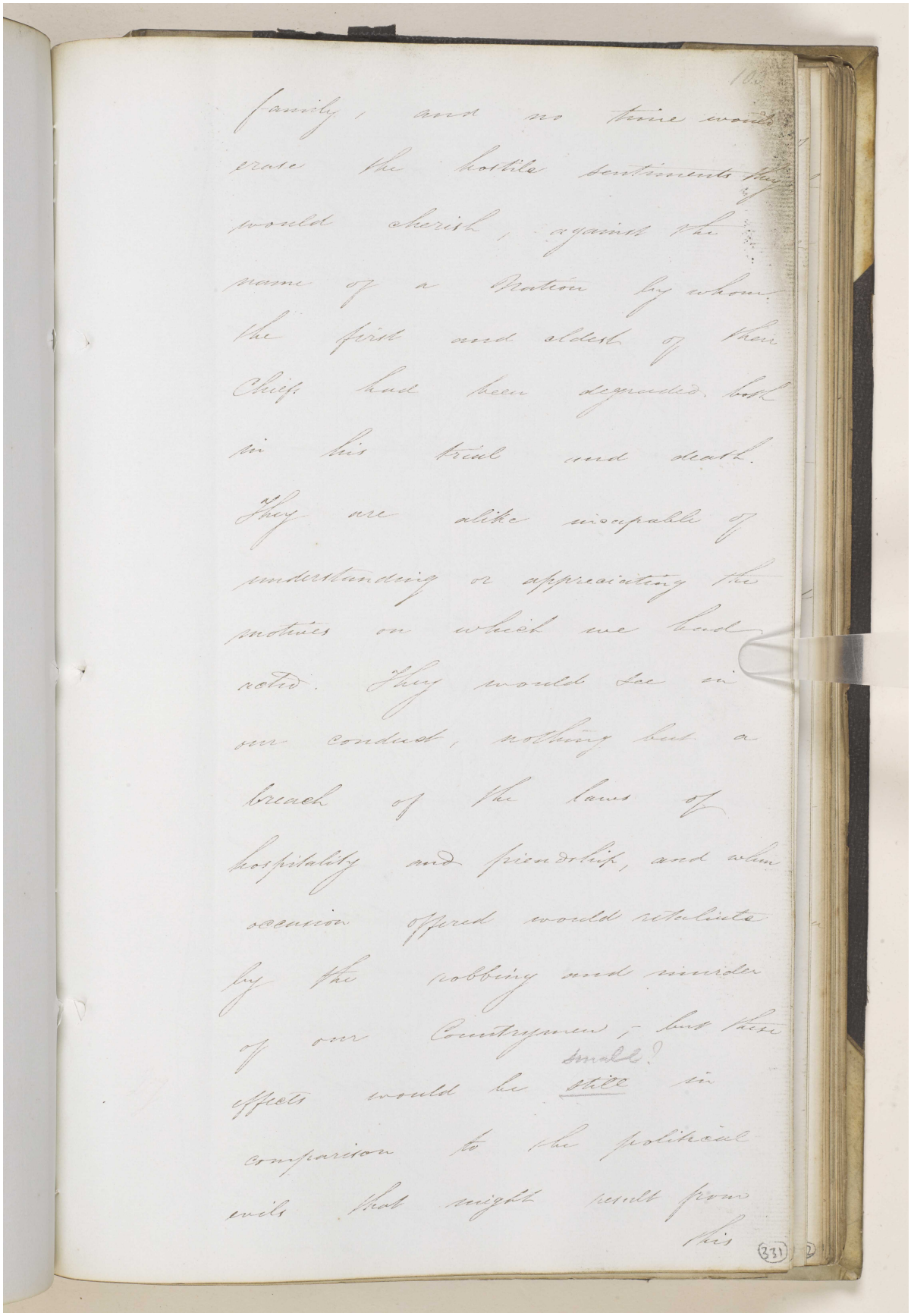

family, and no time would erase the hostile sentiments they would cherish, against the name of a Nation by whom the first and eldest of their Chiefs had been degraded both in his trial and death. They are alike incapable of understanding or appreciating the motives on which we had acted. They would see in our conduct, nothing but a breach of the laws of hospitality and friendship, and when occasion offered would retaliate by the robbing and murder of our Countrymen; but these effects would be ~~still~~ small? in comparison to the political evils that might result from this

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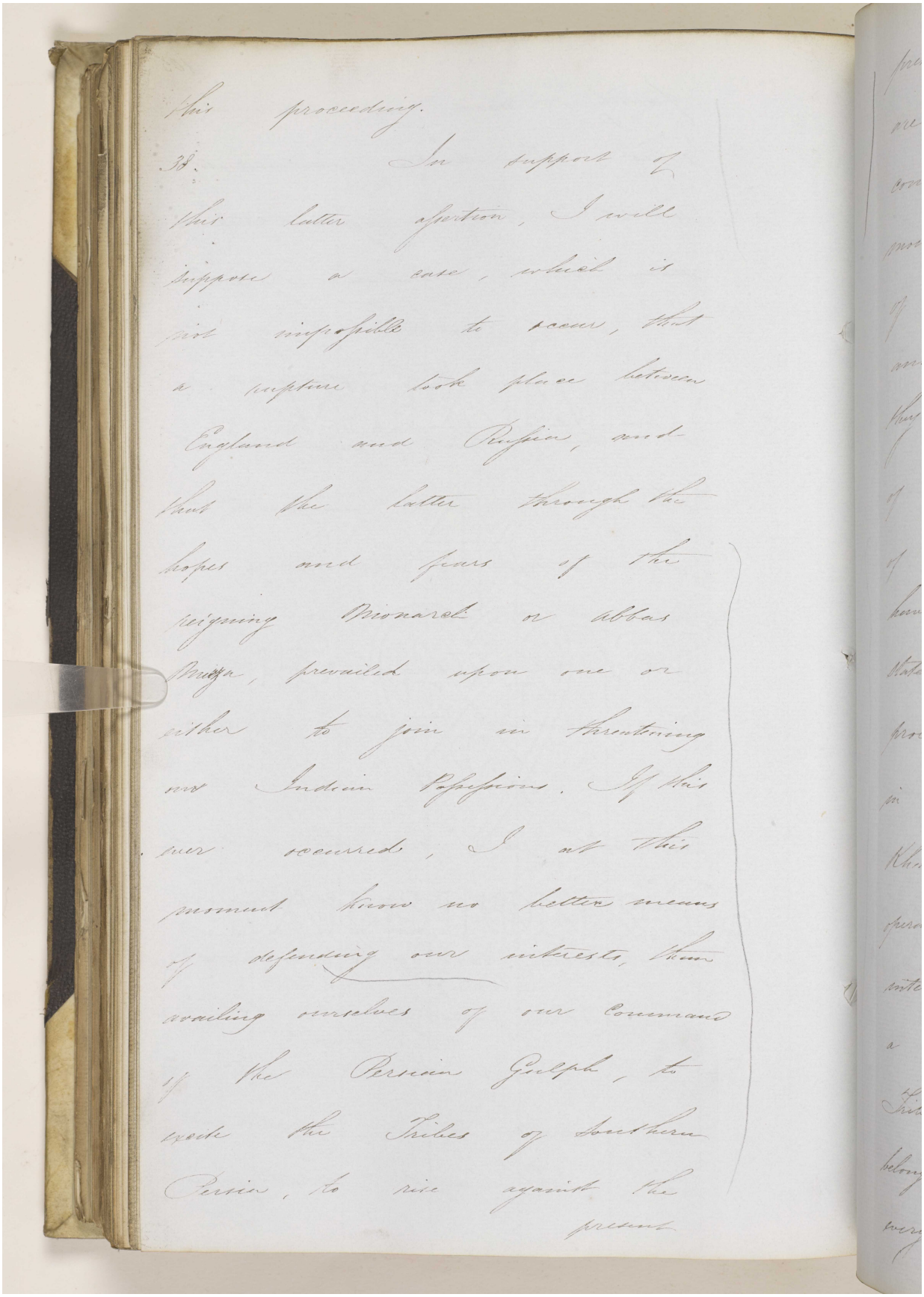

this proceeding.

38. In support of this latter assertion, I will suppose a case, which is not impossible to occur, that a rupture took place between England and Russia, and that the latter through the hopes and fears of the reigning Monarch or Abbas Mirza, prevailed upon one or either to join in threatening our Indian Possessions. If this ever occurred, I at this moment know no better means of defending our interests, than availing ourselves of our command of the Persian Gulph, to excite the Tribes of Southern Persia, to rise against the present

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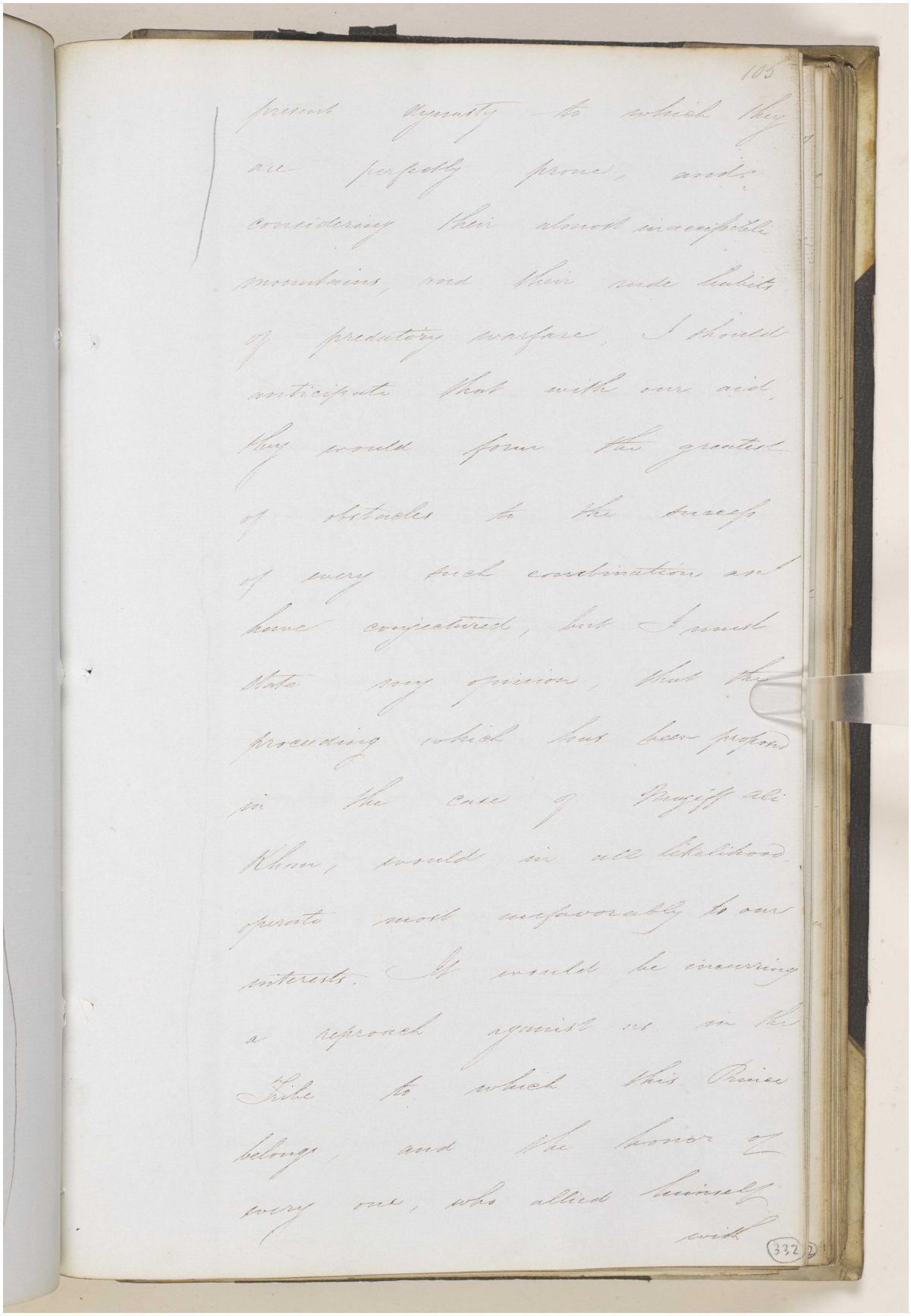

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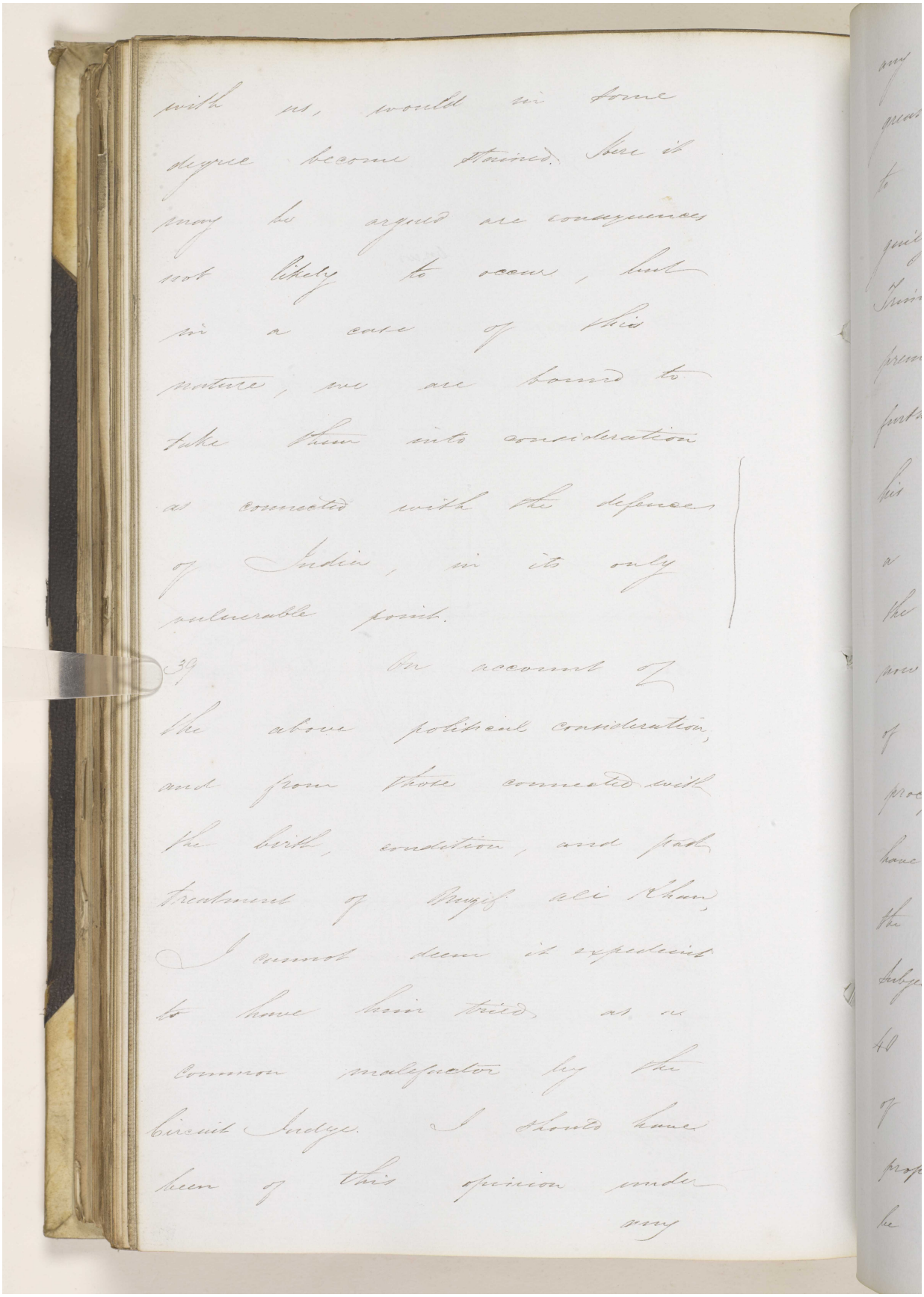

with us, would in some degree become stained. Here it may be argued are consequences not likely to occur, but in a case of this nature, we are bound to take them into consideration as connected with the defences of India, in its only vulnerable point.

39 On account of the above political consideration, and from those connected with the birth, condition, and past treatment of Nujif ali Khan, I cannot deem it expedient to have him tried, as a common malefactor by the Circuit Judge. I should have been of this opinion under any

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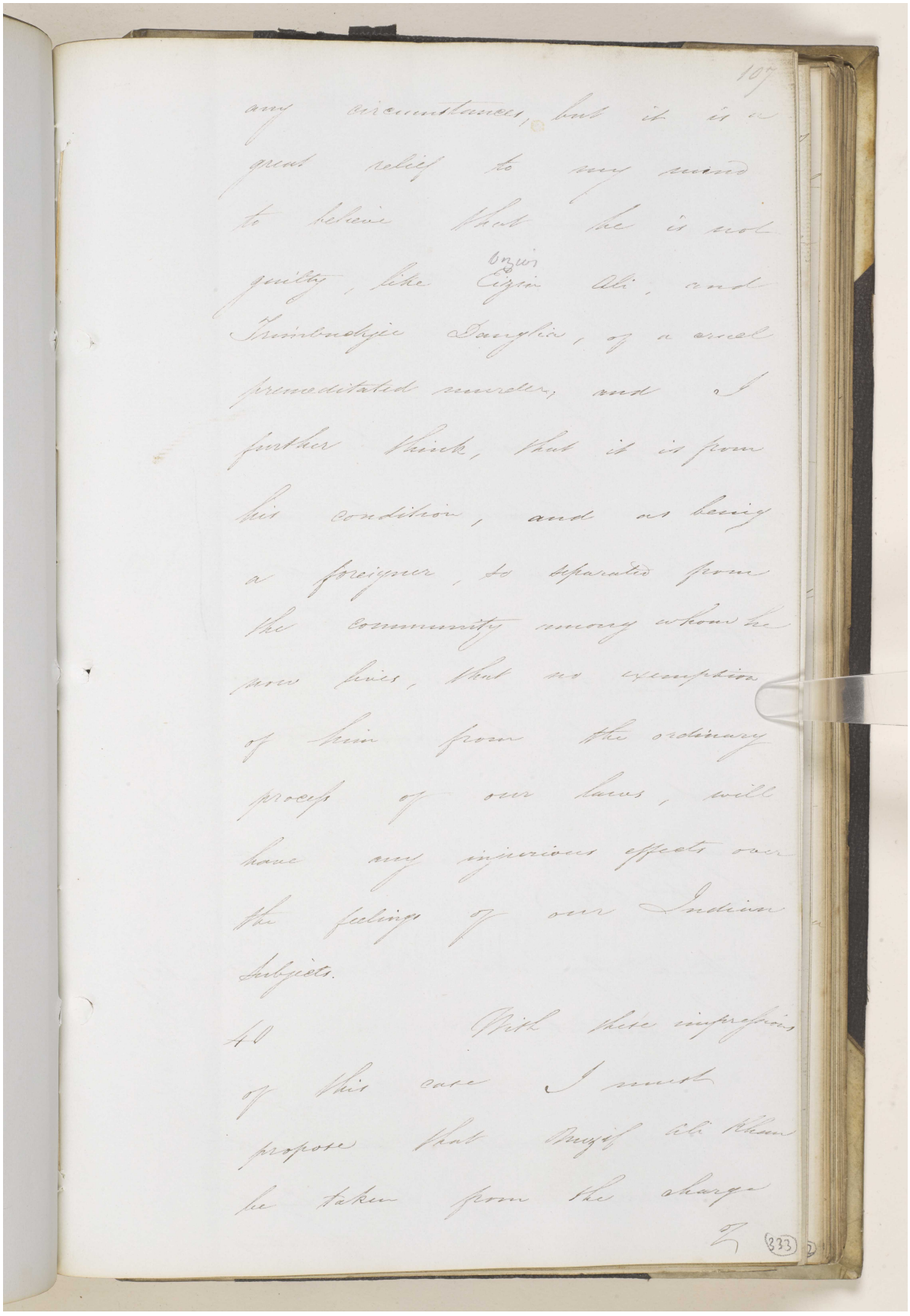

any circumstances, but it is a great relief to my mind to believe that he is not guilty, like Eizin Ali, and Trimbuckjee Danglia, of a cruel premeditated murder, and I further think, that it is from his condition, and as being a foreigner, so separated from the community among whom he now lives, that no exemption of him from the ordinary process of our laws, will have any injurious effects over the feelings of our Indian Subjects.

40 With these impressions of this case I must propose that Nujif Ali Khan be taken from the charge

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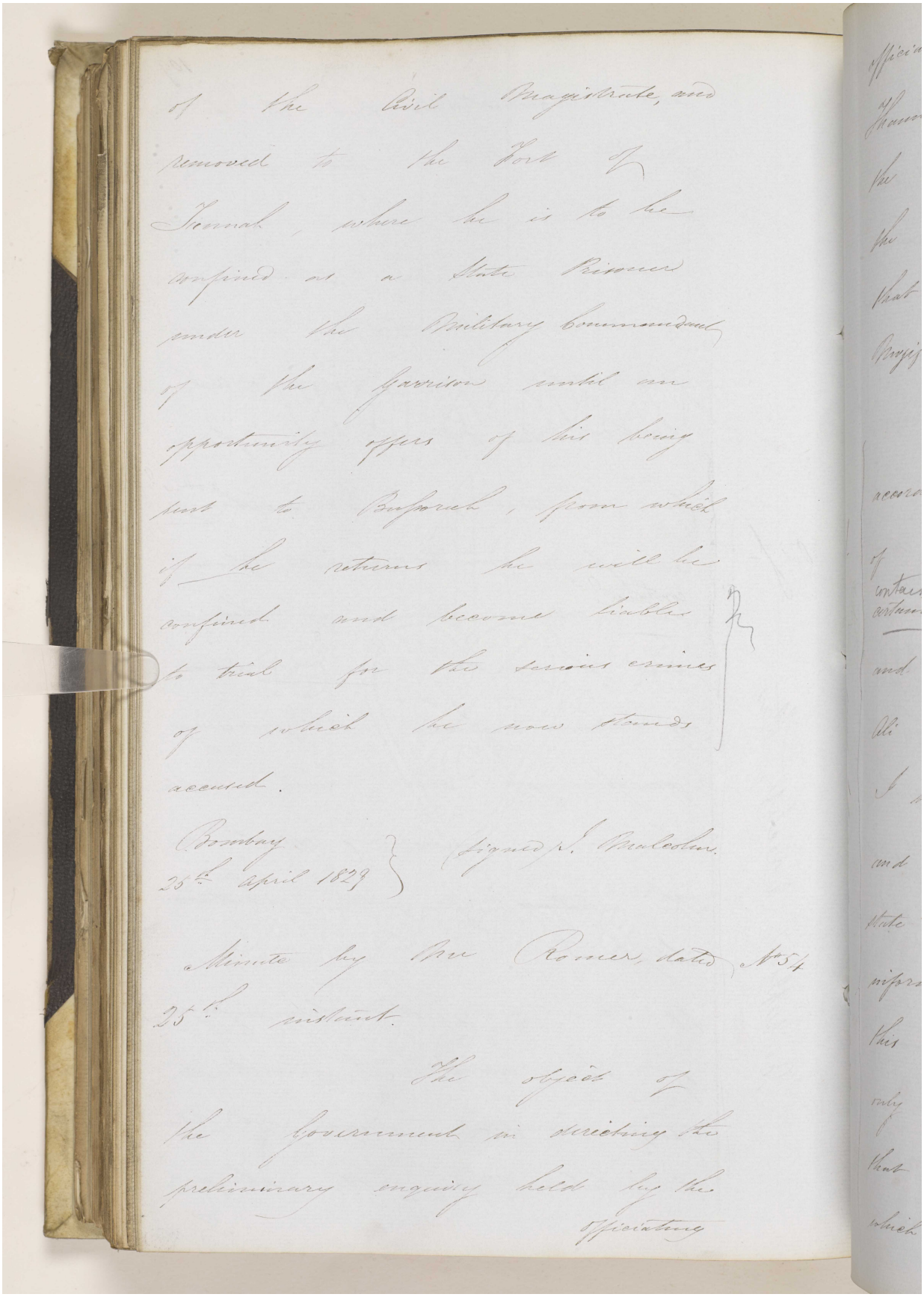

of the Civil Magistrate, and removed to the Fort of Tennah, where he is to be confined as a State Prisoner under the Military Commandant of the Garrison until an opportunity offers of his being sent to Bussorah, from which if he returns he will be confined and become liable to trial for the serious crimes of which he now stands accused.

Bombay
25th April 1829 } (Signed) J. Malcolm.

Minute by Mr Romer, dated 25th instant. No 54

The object of the Government in directing the preliminary enquiry held by the Officiating

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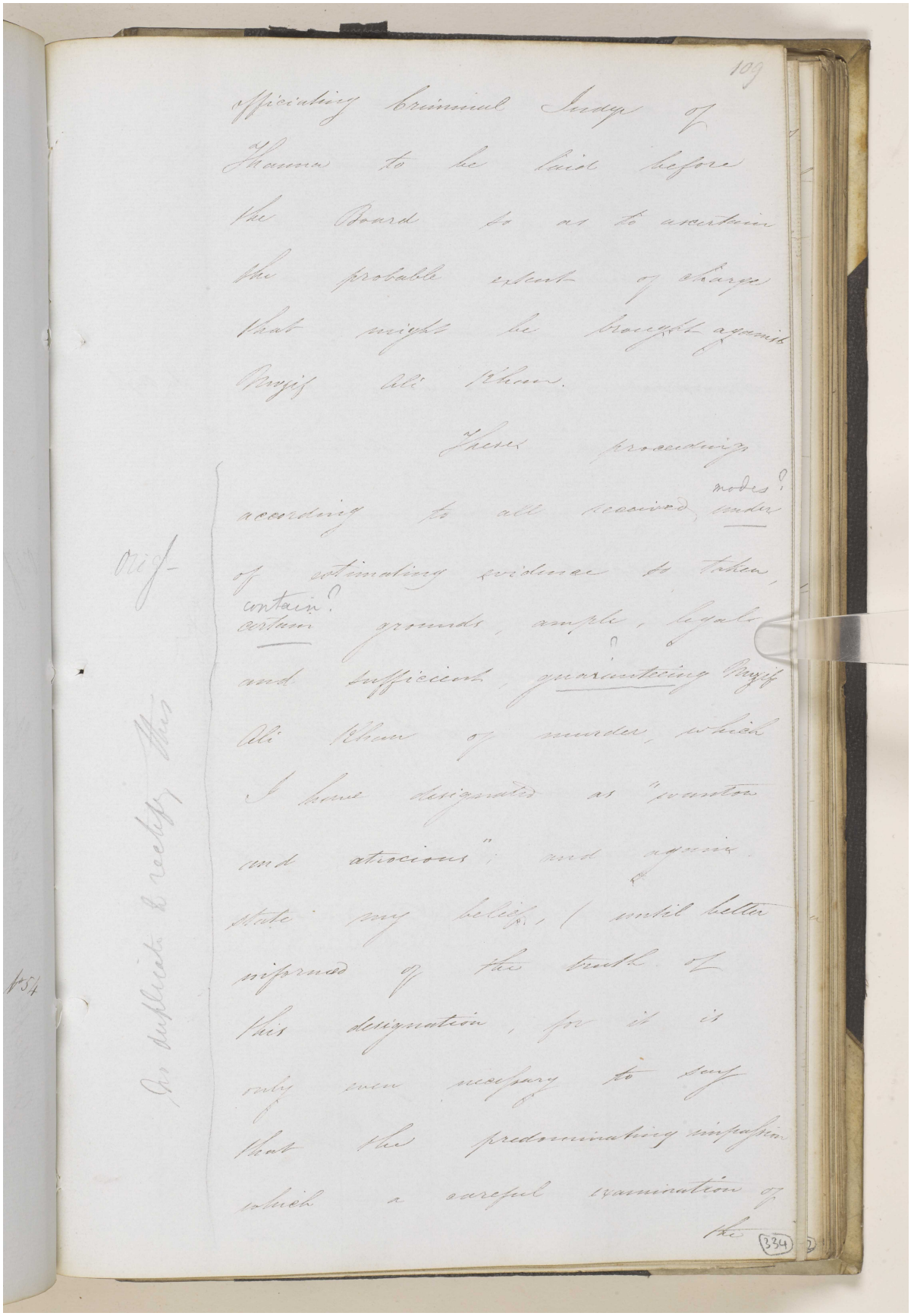

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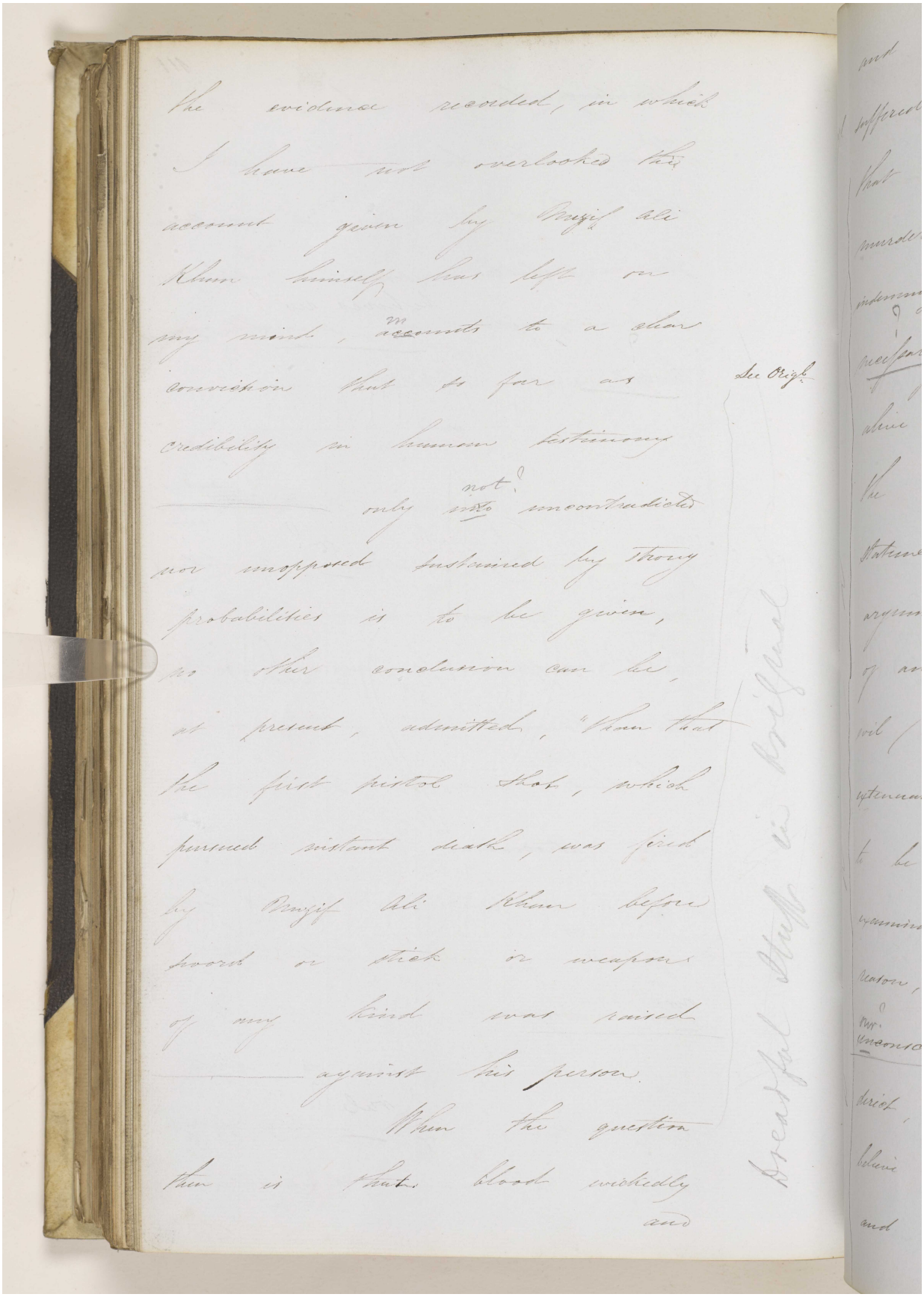

the evidence recorded, in which I have not overlooked the account given by Nujif Ali Khan himself has left on my mind, ~~accounts~~ amounts to a clear conviction that so far as credibility in human testimony only ~~into~~ not? uncontradicted nor unopposed sustained by strong probabilities is to be given, no other conclusion can be, at present, admitted, "than that the first pistol shot, which pursued instant death, was fired by Nujif Ali Khan before sword or stick or weapon of any kind was raised against his person.

When the question then is that blood wickedly and

See Origl.

Dreadful Stuff in Original

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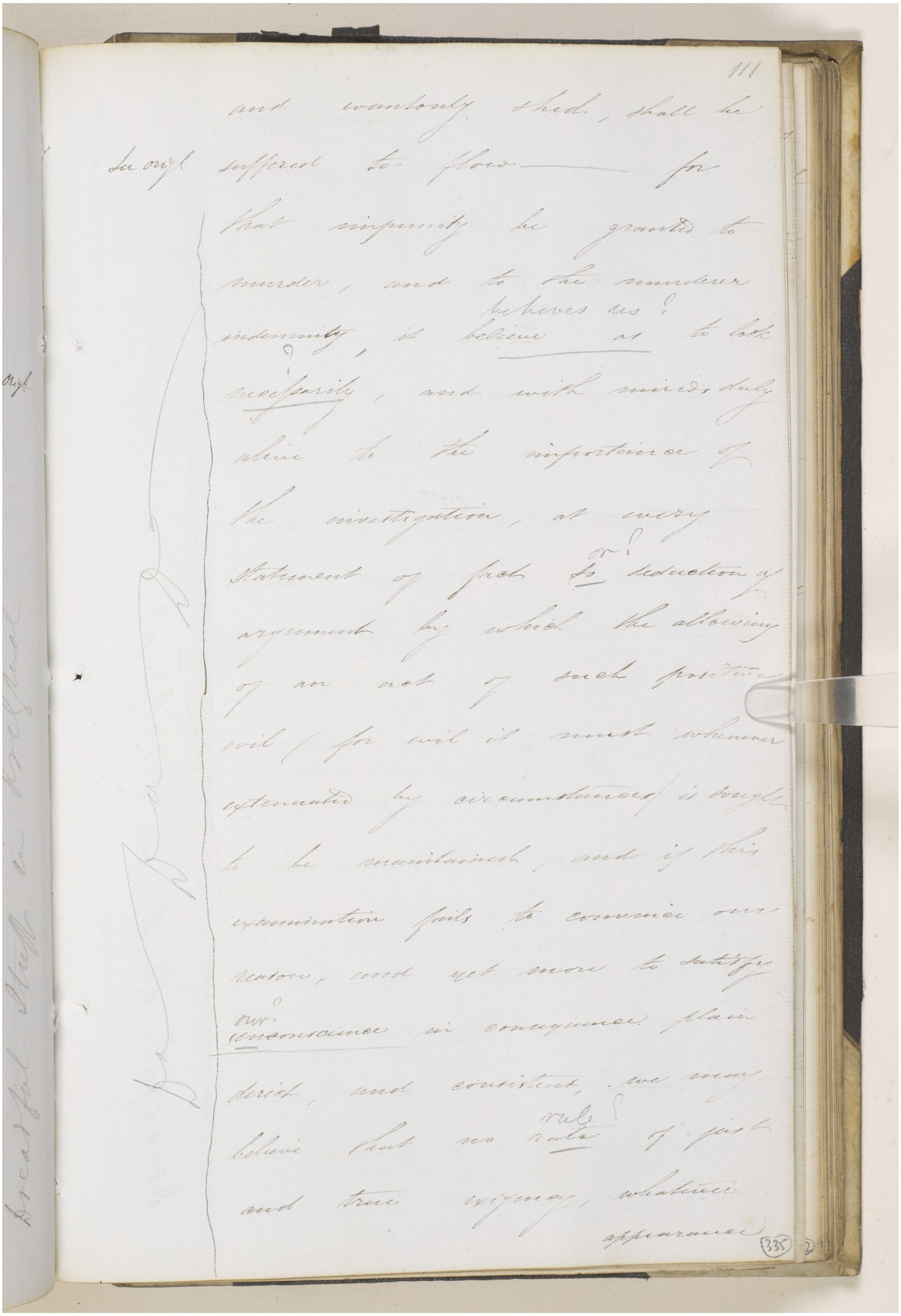

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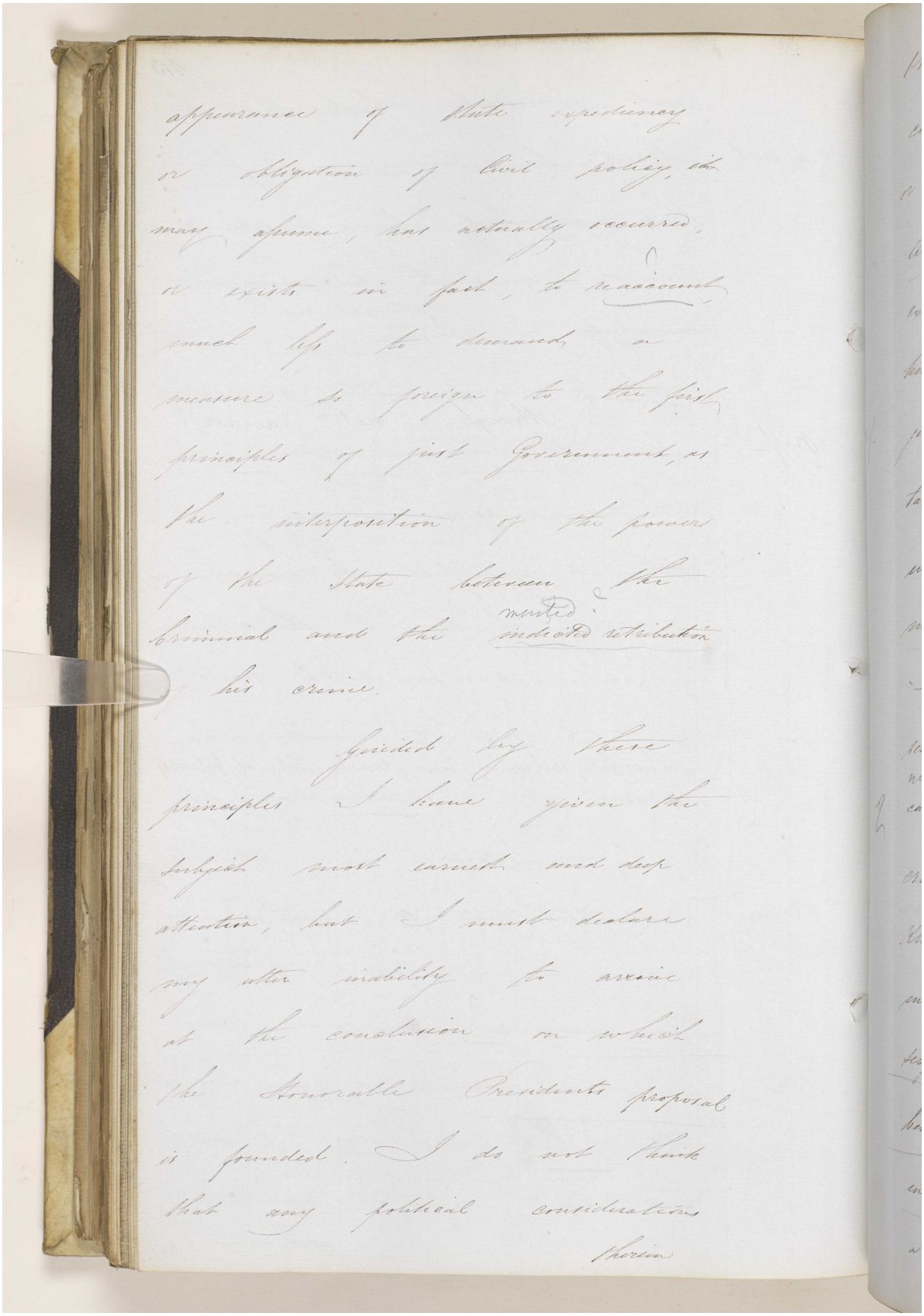

appearance of that expediency
or obligation of that policy, which
may assume, but actually occurred,
or exists in fact, to account
much less to demand a
measure so foreign to the first
principles of just Government, as
the interposition of the power
of the State between the
Criminal and the merited judicial retribution
of his crime.

Guided by these
principles I have given the
subject most earnest and deep
attention, but I must declare
my utter inability to arrive
at the conclusion on which
the Honorable Presidents proposal
is founded. I do not think
that any political considerations
therein

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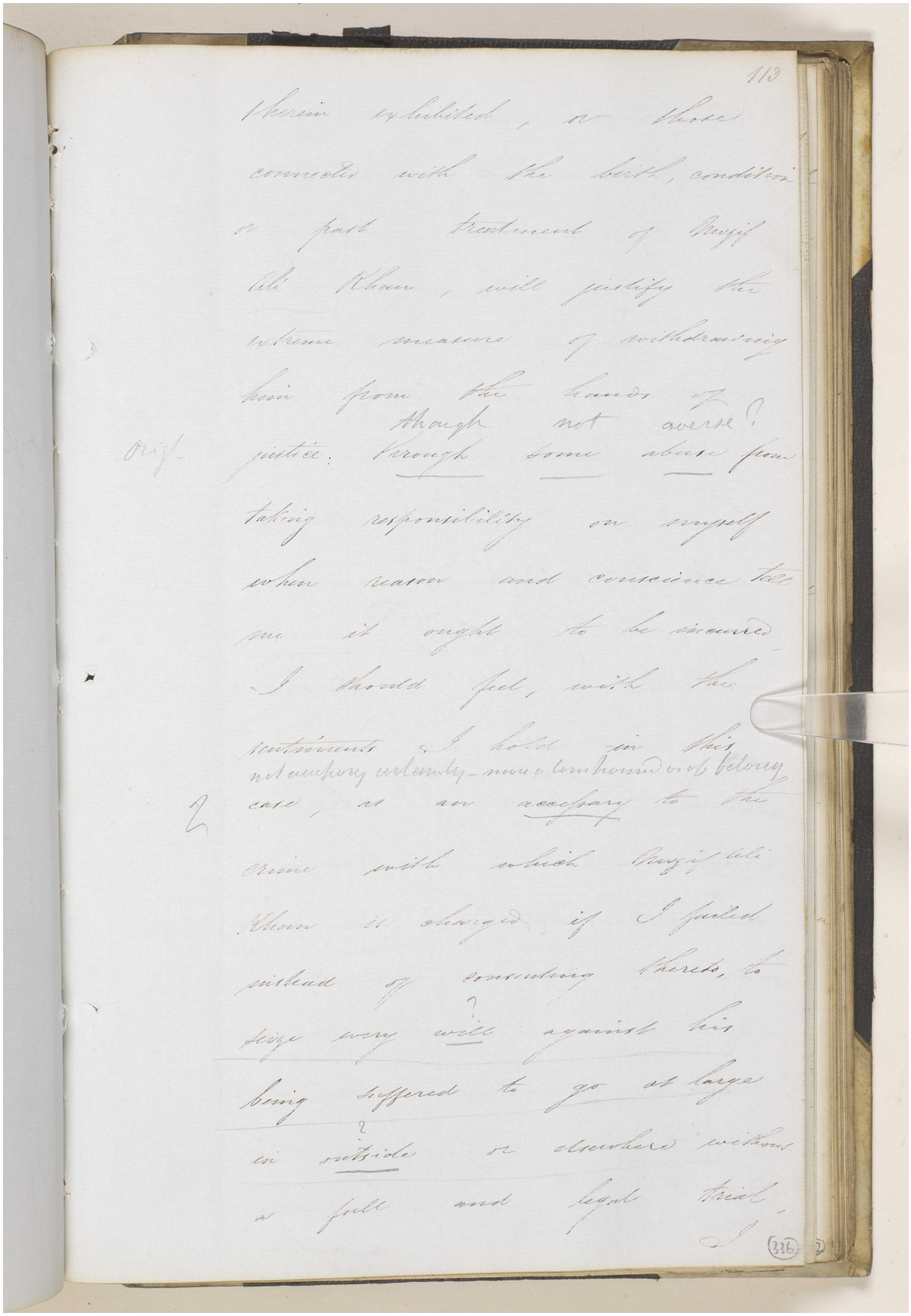

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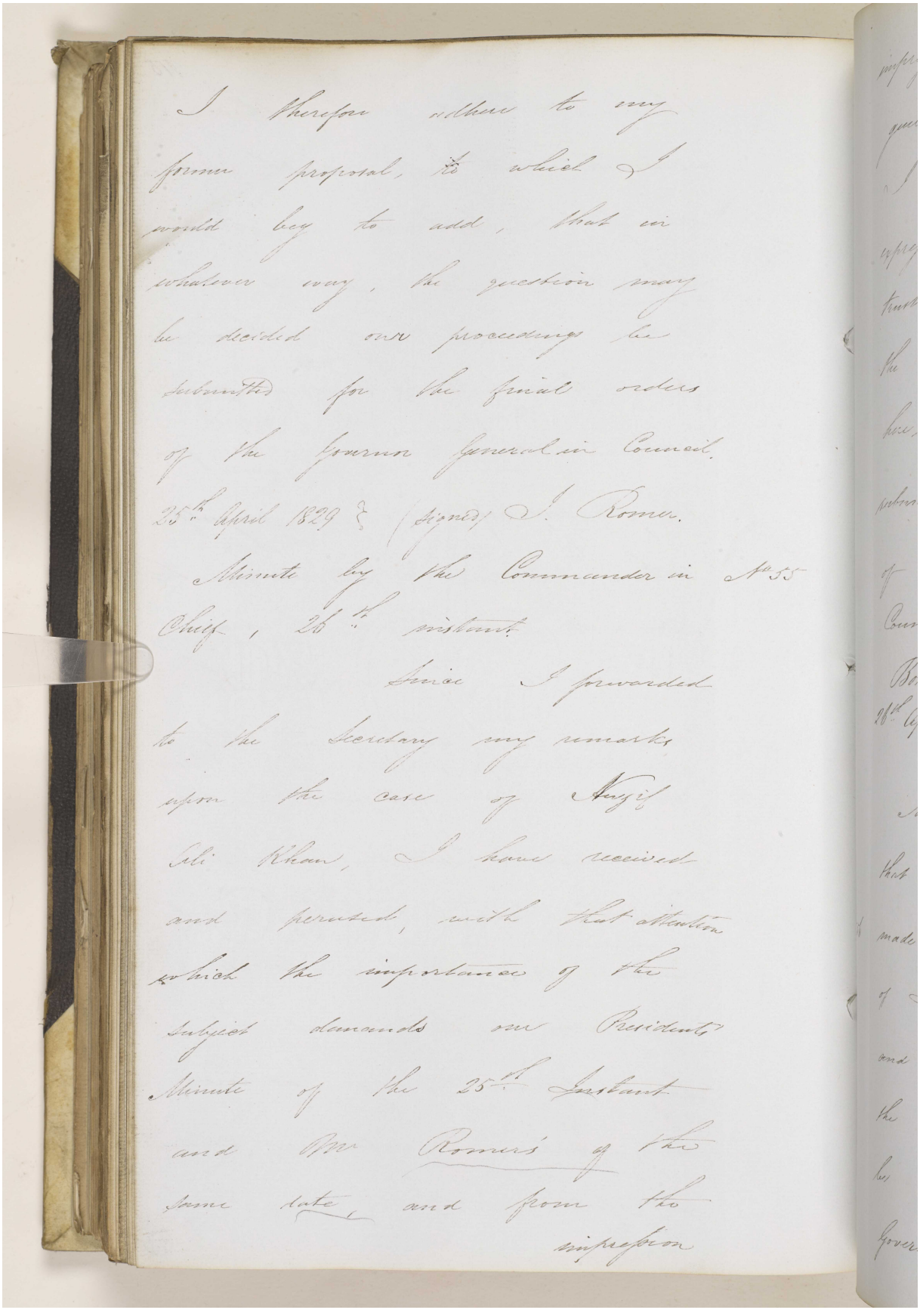

I therefore adhere to my former proposal, to which I would beg to add, that in whatever way, the question may be decided our proceedings be submitted for the final orders of the Governor General in Council.

25th April 1829 } (signed) J. Romer.

Minute by the Commander in Chief, 26th instant

Since I forwarded to the Secretary my remarks upon the case of Nujif Ali Khan, I have received and perused, with that attention which the importance of the subject demands our Resident's Minute of the 25th Instant and Mr Romer's of the same date, and from the impression

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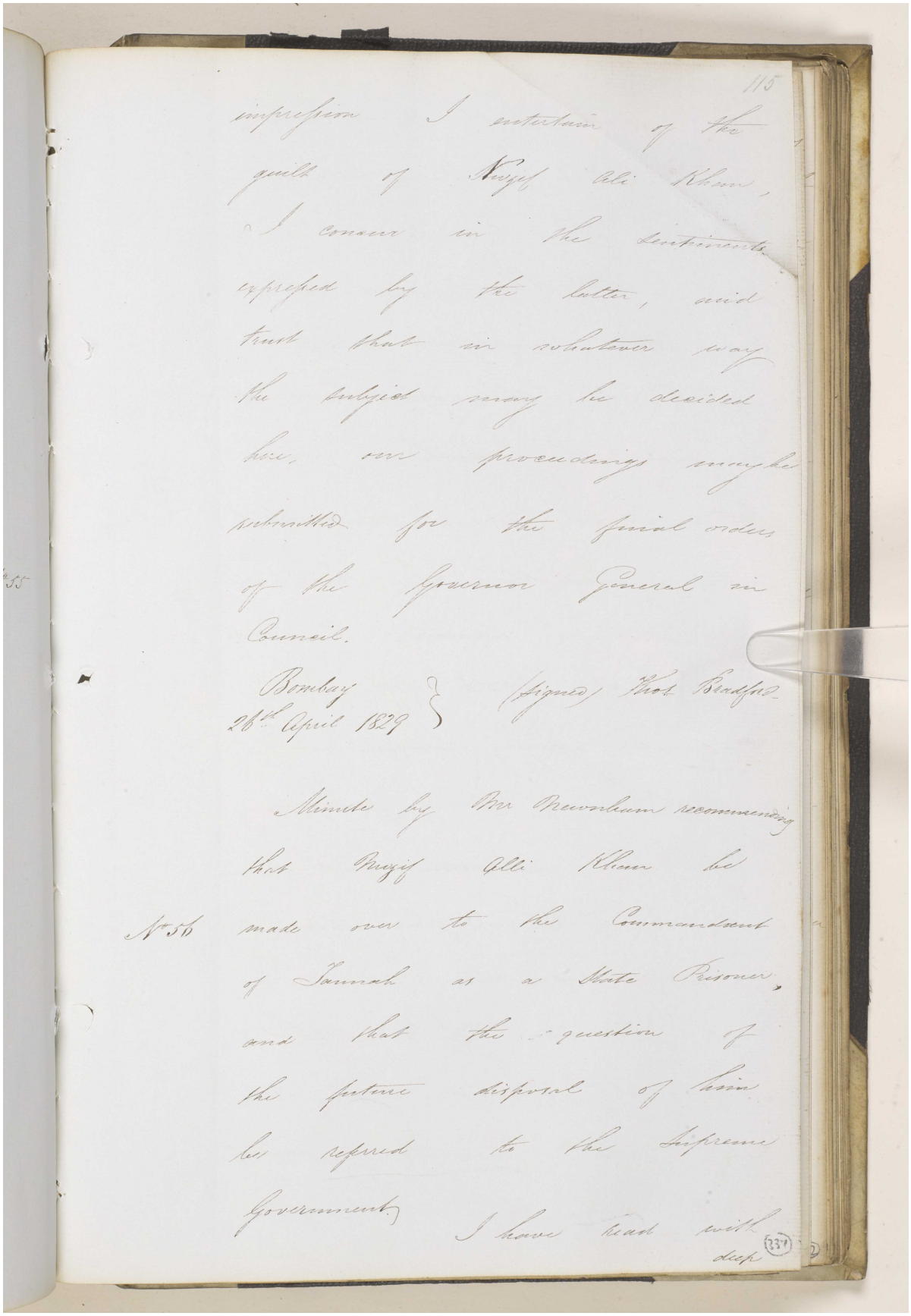

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impression I entertain of the guilt of Nuzif Ali Khan, I concur in the sentiments expressed by the latter, and trust that in whatever way the subject may be decided here, our proceedings may be submitted for the final orders of the Governor General in Council.

Bombay
26th April 1829 } (Signed) Thos Bradford

Minute by Mr Newnham recommending that Nuzif Alli Khan be

No 56 made over to the Commandant of Tannah as a State Prisoner, and that the question of the future disposal of him be referred to the Supreme Government.

I have read with deep

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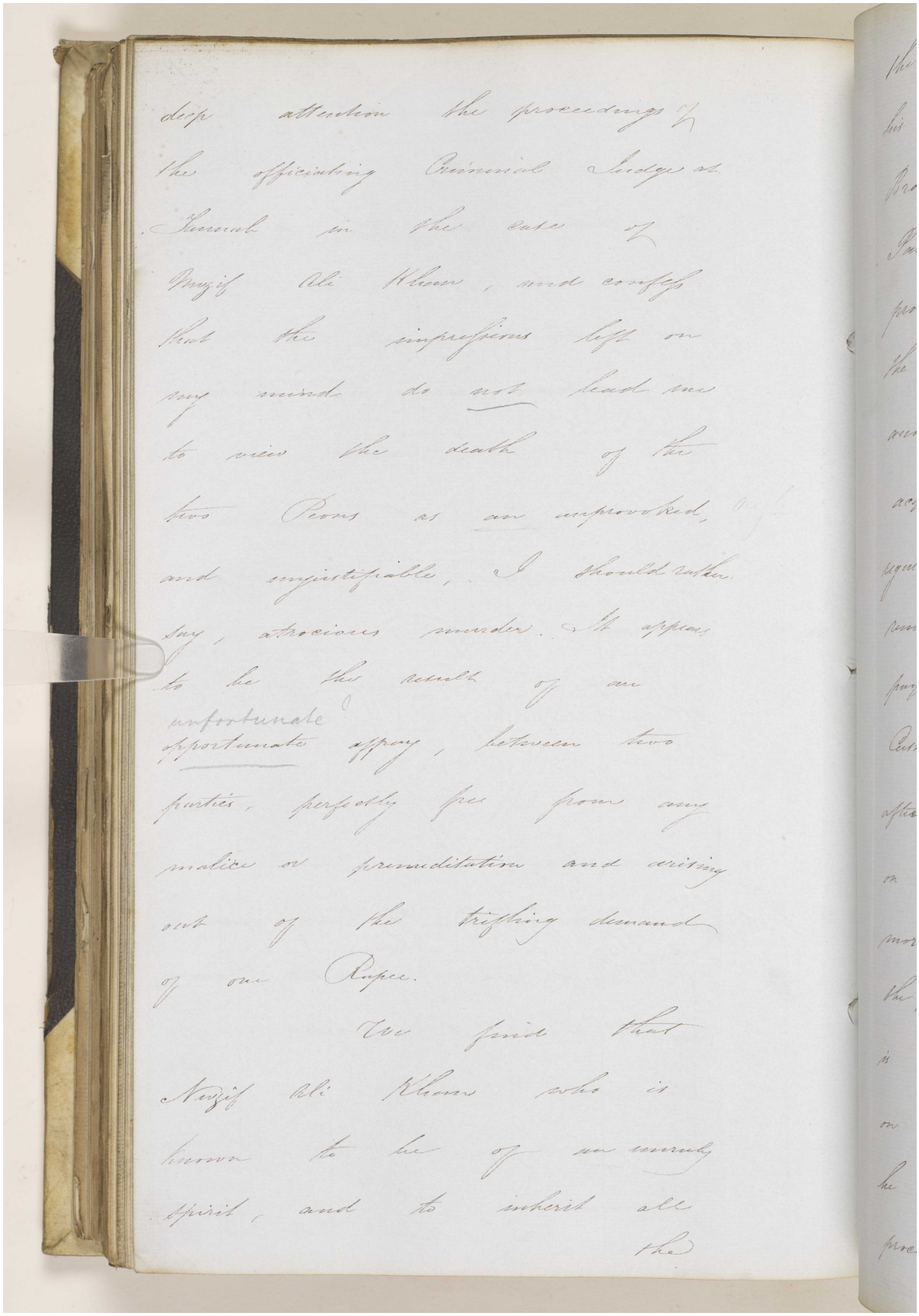

deep attention the proceedings of
the officiating Criminal Judge at
Surat in the case of
Nujif Ali Khan, and confess
that the impressions left on
my mind do not lead me
to view the death of the
two Persons as an unprovoked, and
unjustifiable, I should rather
say, atrocious murder. It appears
to be the result of an
unfortunate
opportunate affray, between two
parties, perfectly free from any
malice or premeditation and arising
out of the trifling demand
of one Rupee.
We find that
Nujif Ali Khan who is
known to be of an unruly
spirit, and to inherit all
the

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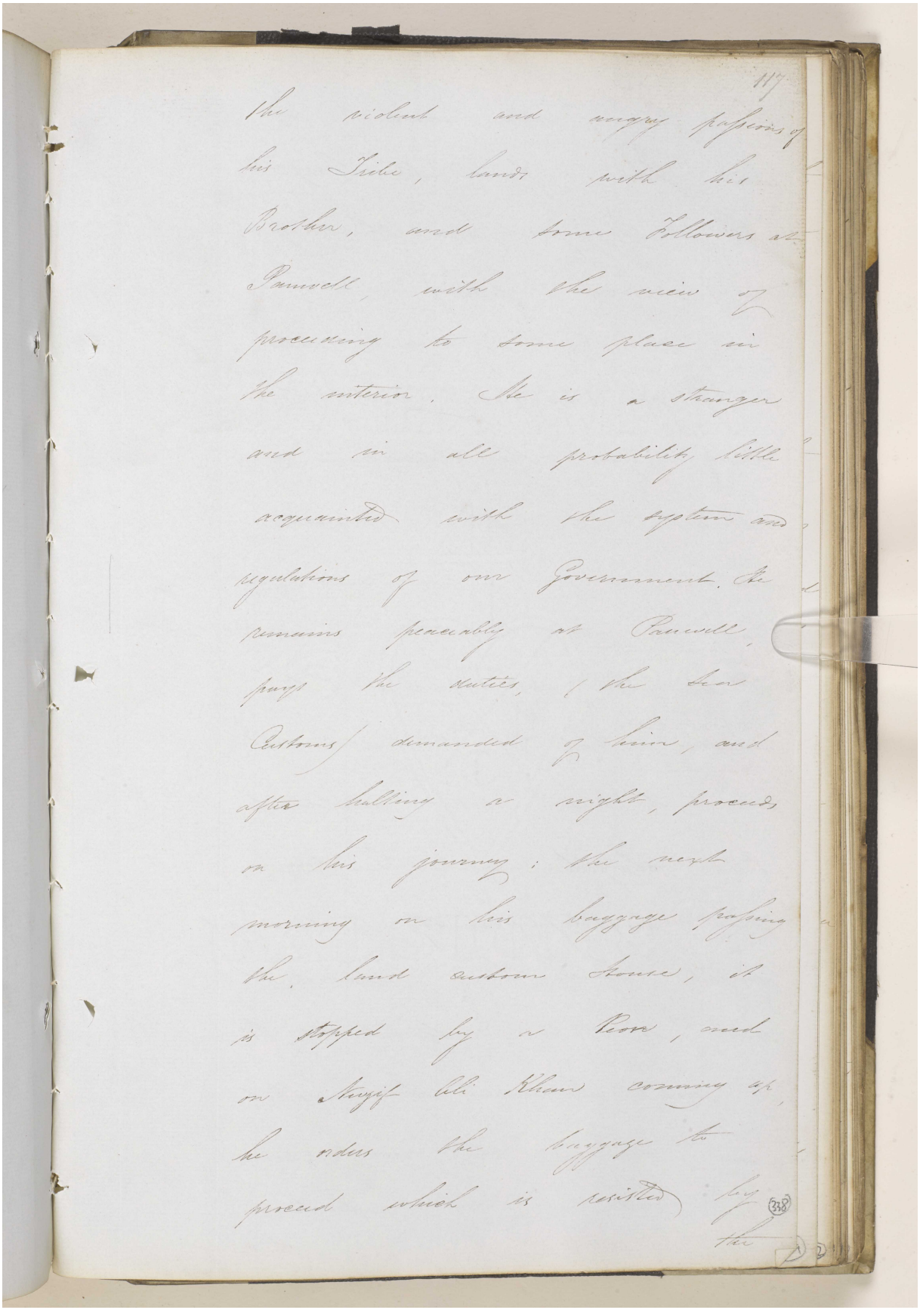

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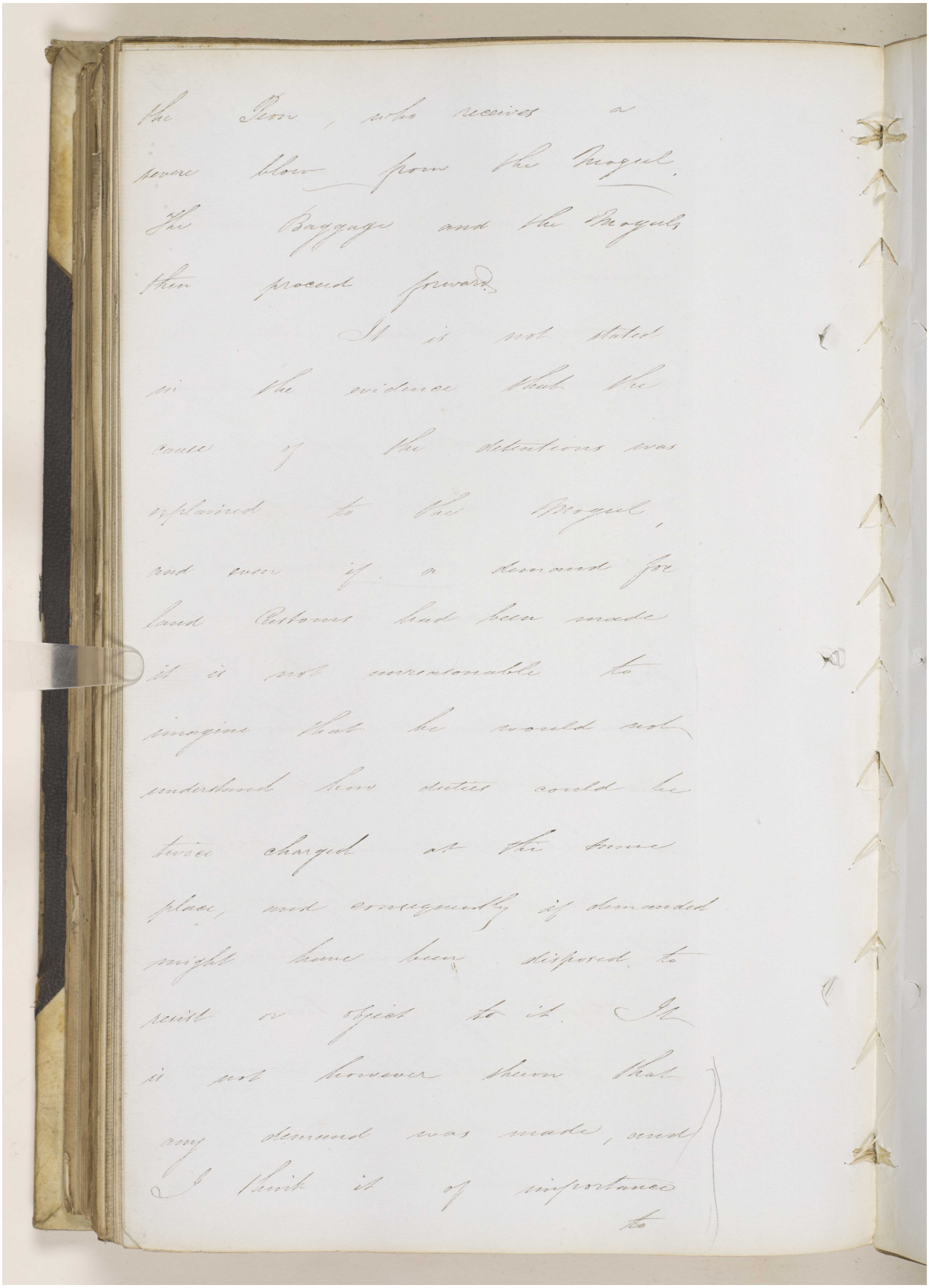

the Person, who receives a severe blow from the Mogul. The Baggage and the Moguls then procead forward.

It is not stated in the evidence that the cause of the detentions was explained to the Mogul, and even if a demand for land Customs had been made it is not unreasonable to imagine that he would not understand how duties could be twice charged at the same place, and consequently if demanded might have been disposed to resist or object to it. It is not however shewn that any demand was made, and I think it of importance to

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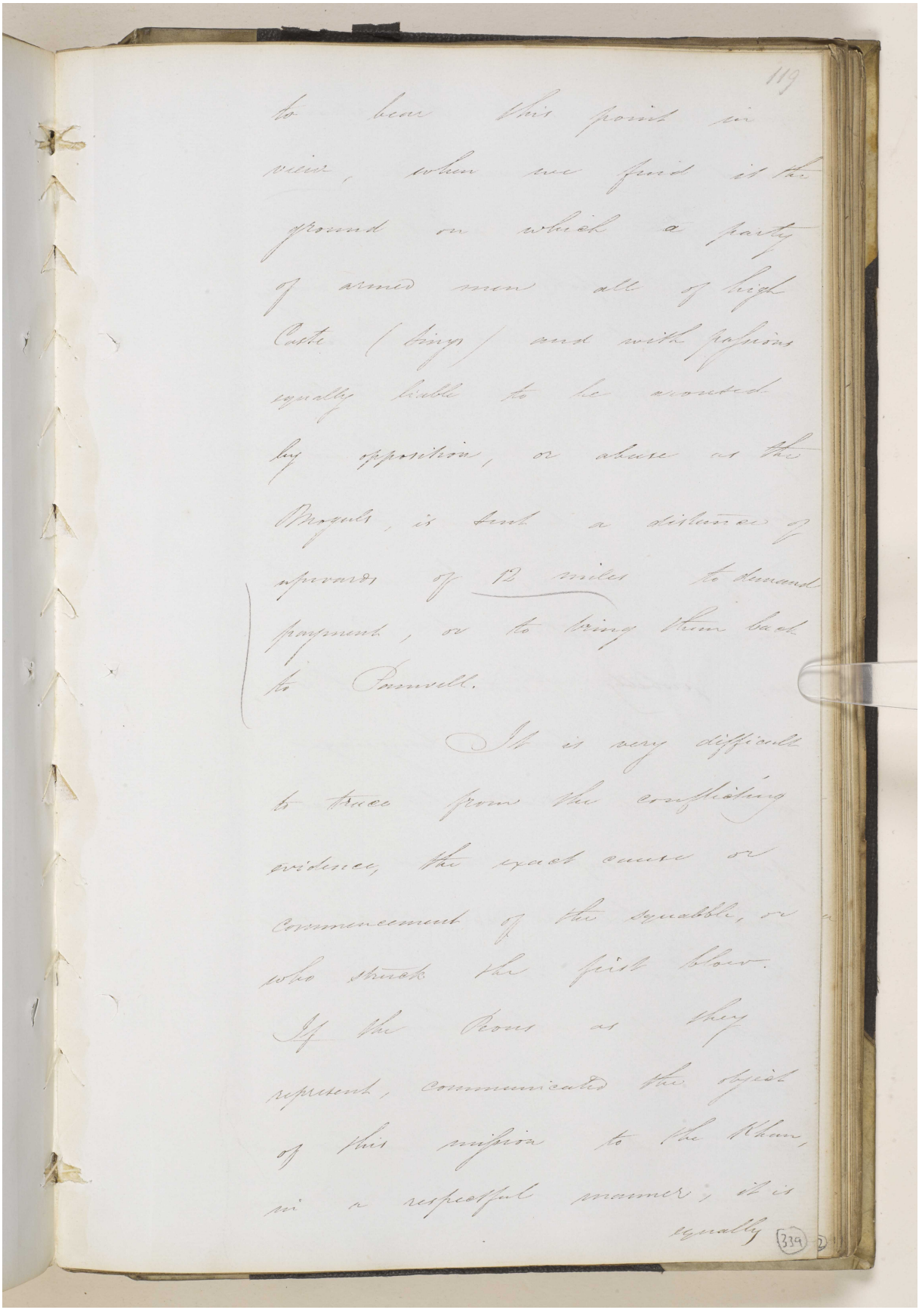

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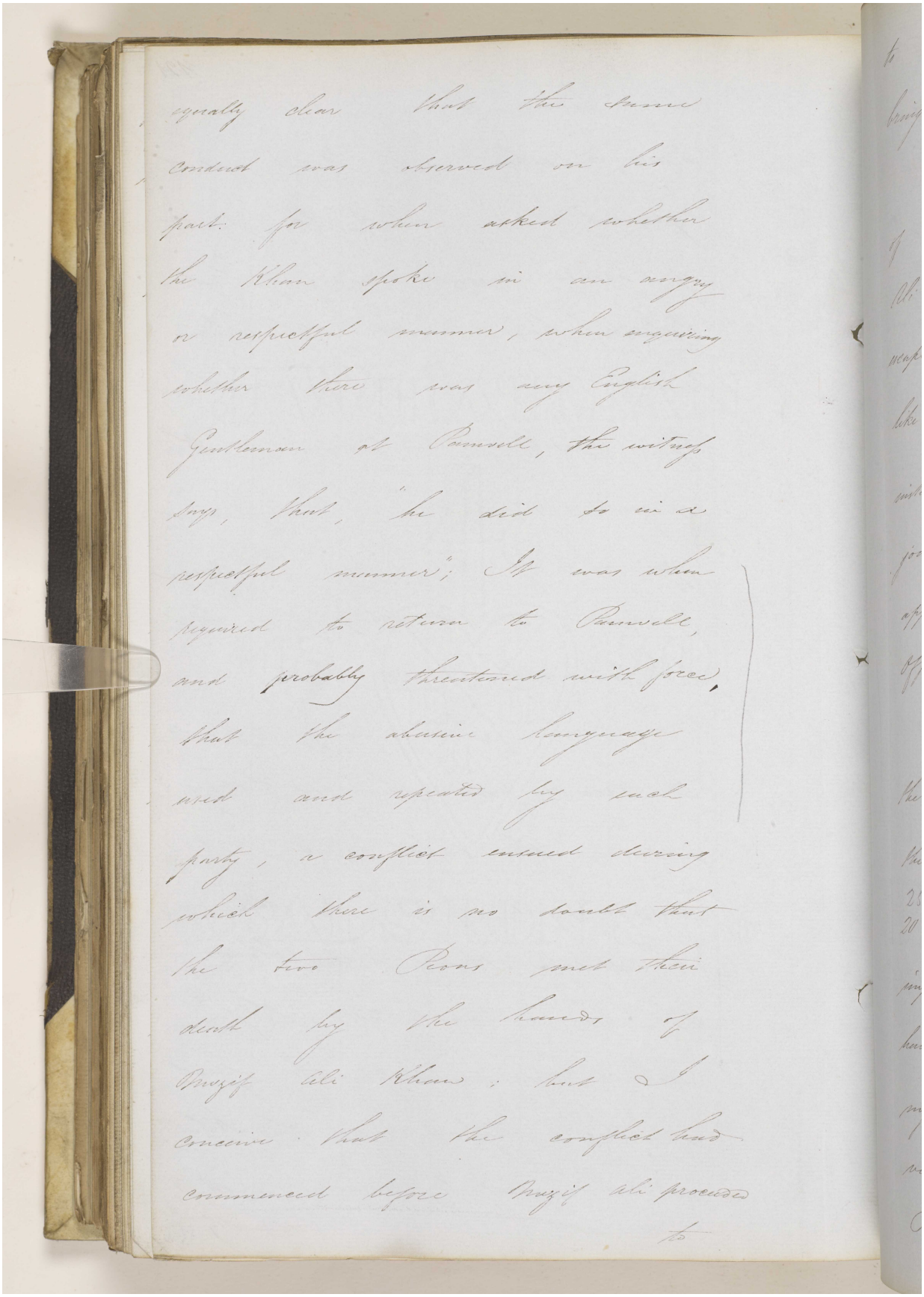

equally clear that the same
conduct was observed on his
part: for when asked whether
the Khan spoke in an angry
or respectful manner, when enquiring
whether there was any English
Gentleman at Bamwell, the witness
says, that, "he did so in a
respectful manner"; He was then
required to return to Bamwell,
and probably threatened with force,
that the abusive language
used and repeated by each
party, a conflict ensued during
which there is no doubt that
the two Persons met their
death by the hands of
Nujif Ali Khan: but I
conceive that the conflict had
commenced before Nujif Ali proceeded
to

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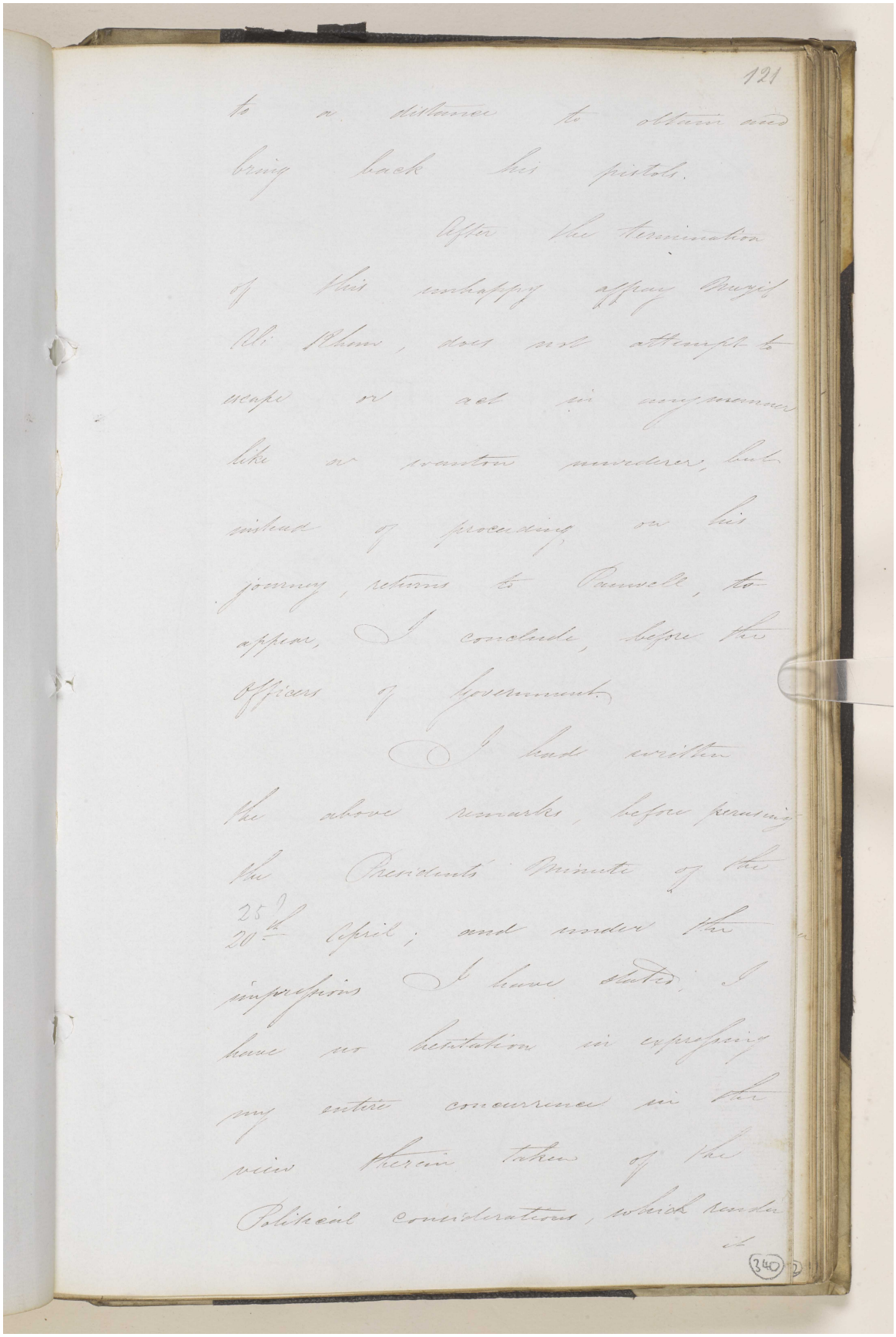

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to a distance to obtain and
bring back his pistols.

After the termination
of this unhappy affray Nujif
Ali Khan, does not attempt to
escape or act in any manner
like a common murderer, but
instead of proceeding on his
journey, returns to Bunwell, to
appear, I conclude, before the
Officers of Government.

I have written
the above remarks, before perusing
the Resident's Minute of the
25th
20th April; and under the
impressions I have stated, I
have no hesitation in expressing
my entire concurrence in the
view thereon taken of the
Political considerations, which render
it

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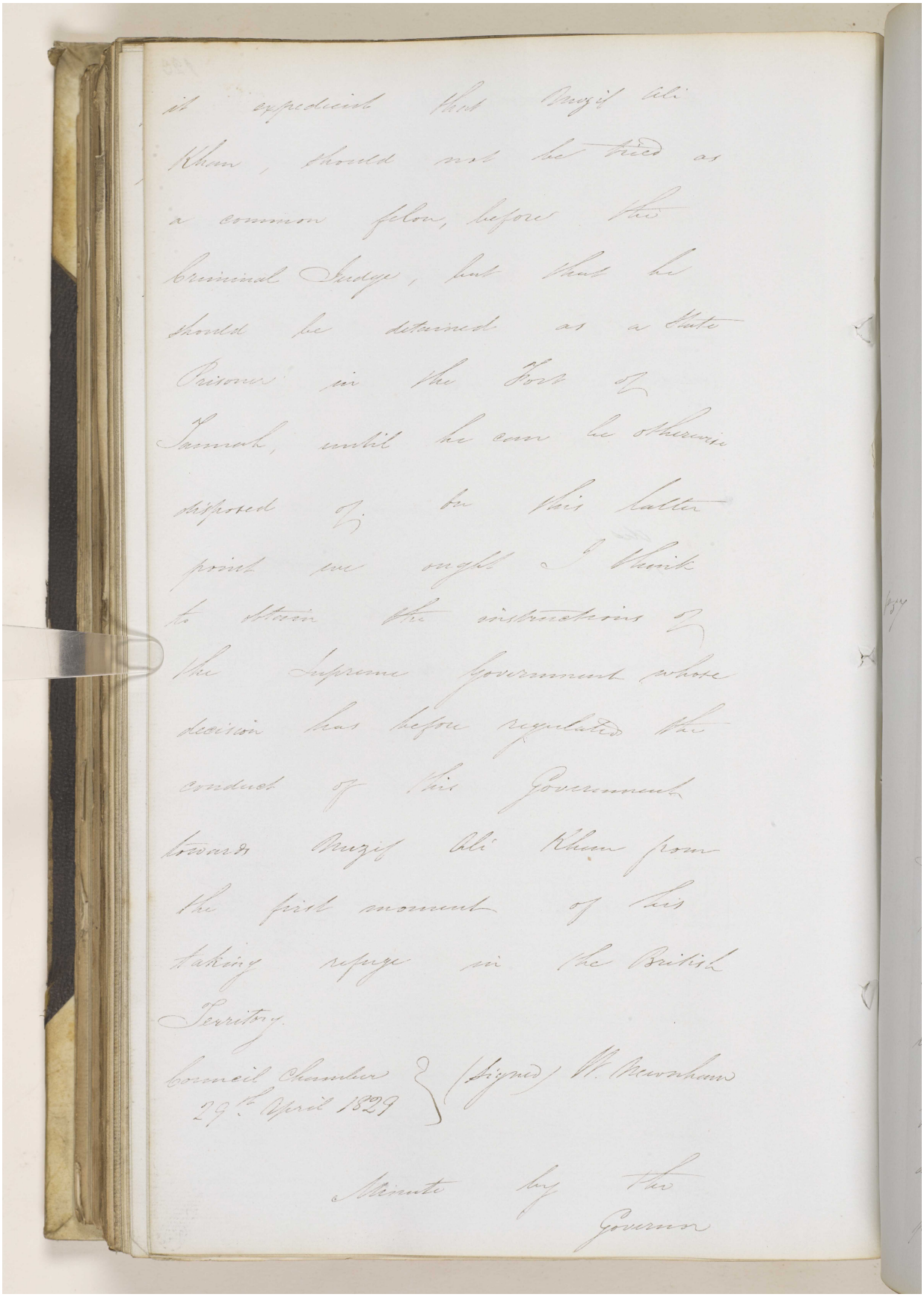

it expedient that Nuzif Ali Khan, should not be tried as a common felon, before the Criminal Judge, but that he should be detained as a State Prisoner in the Fort of Tannah, until he can be otherwise disposed of; on this latter point we ought I think to obtain the instructions of the Supreme Government whose decision has before regulated the conduct of this Government towards Nuzif Ali Khan from the first moment of his taking refuge in the British Territory.

Council Chamber
29th April 1829 } (Signed) W. Newnham

Minute by the Governor

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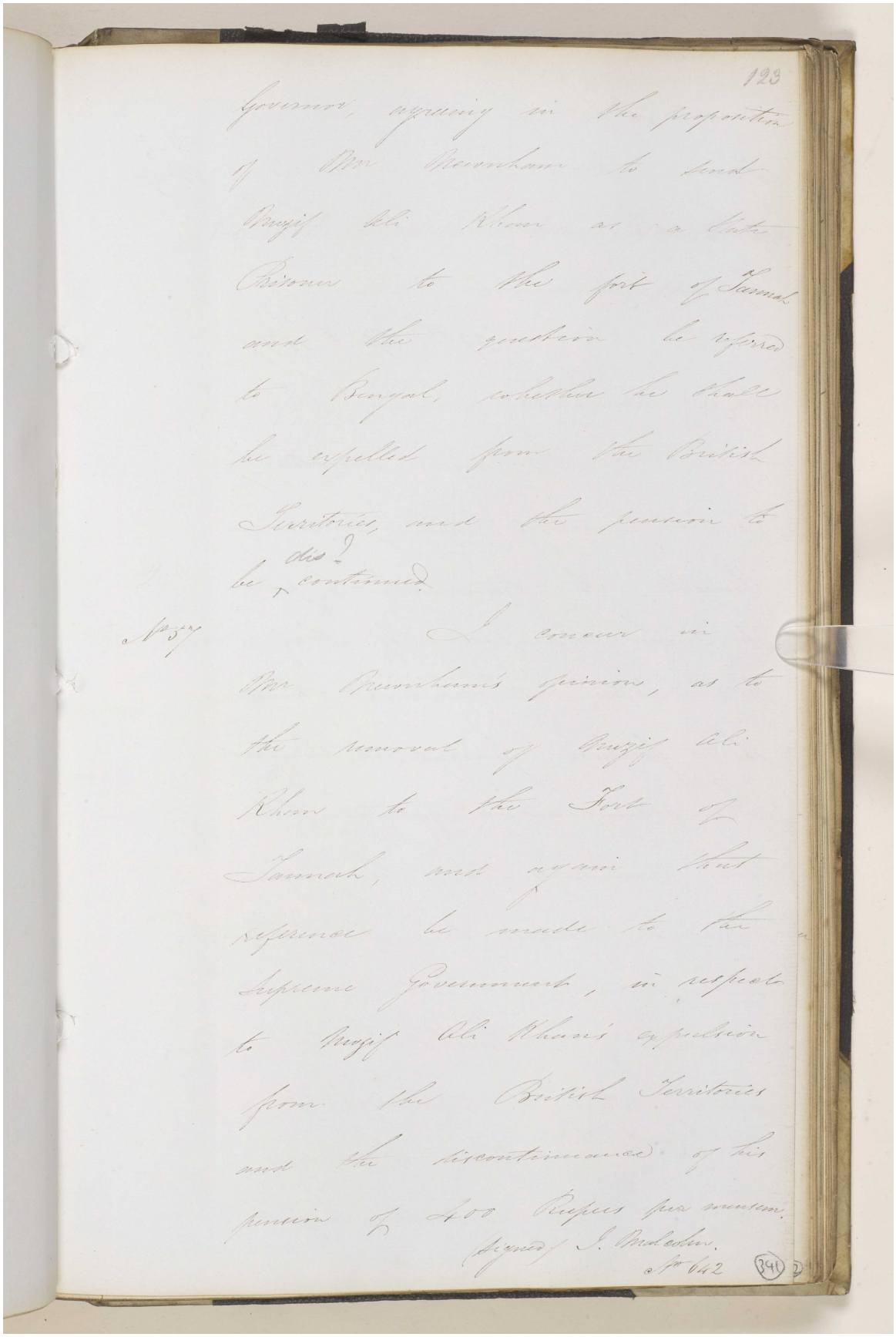

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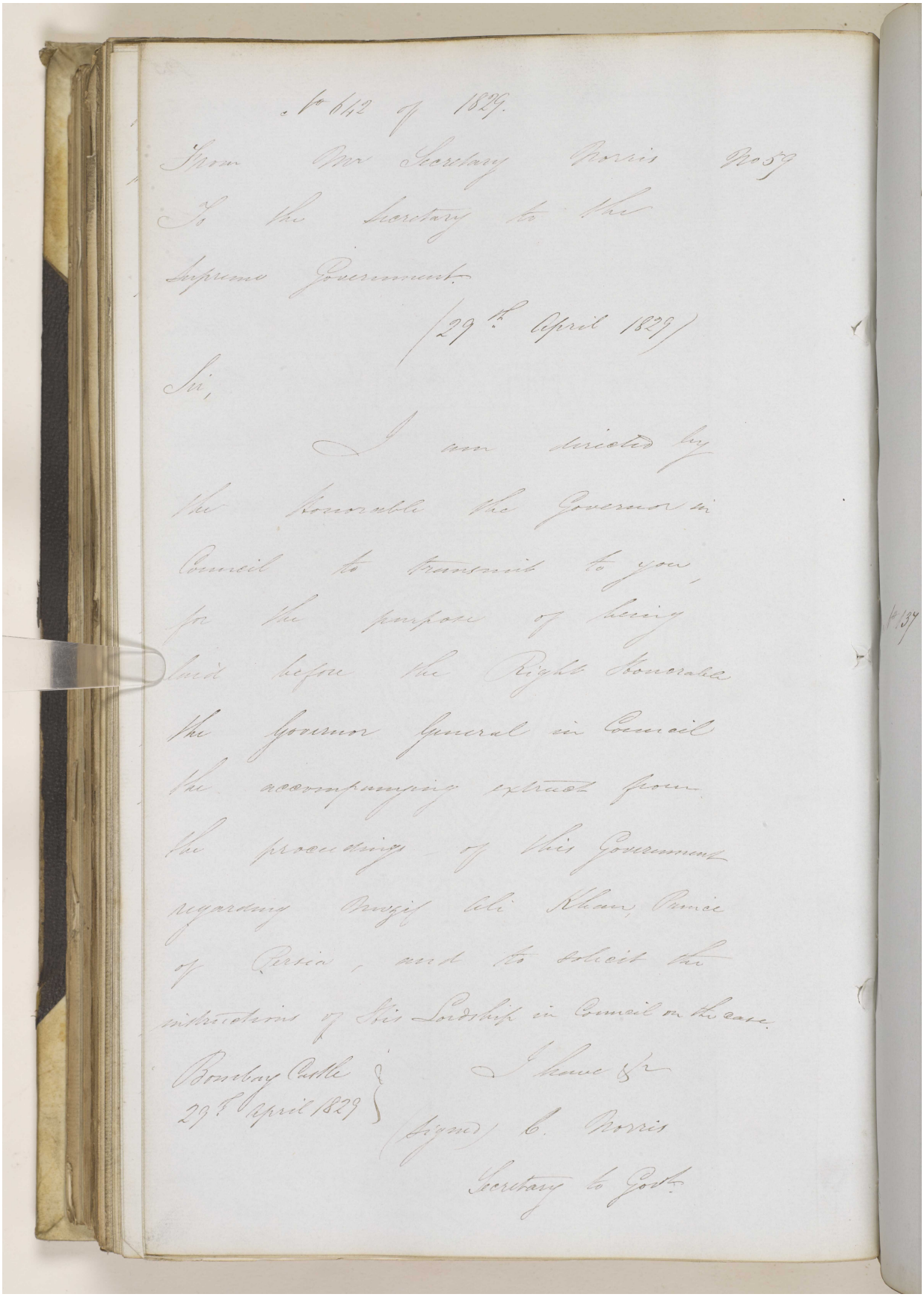

No 642 of 1829.

From Chief Secretary Morris to
To the Secretary to the
Supreme Government.

29th April 1829

Sir,

I am directed by
the Honorable the Governor in
Council to transmit to you,
for the purpose of being
laid before the Right Honorable
the Governor General in Council
the accompanying extract from
the proceedings of this Government
regarding Nujif Ali Khan, Prince
of Persia, and to solicit the
instructions of His Lordship in Council on the case.

Bombay Castle
29th April 1829

I have &c
(signed) C. Morris
Secretary to Govt.

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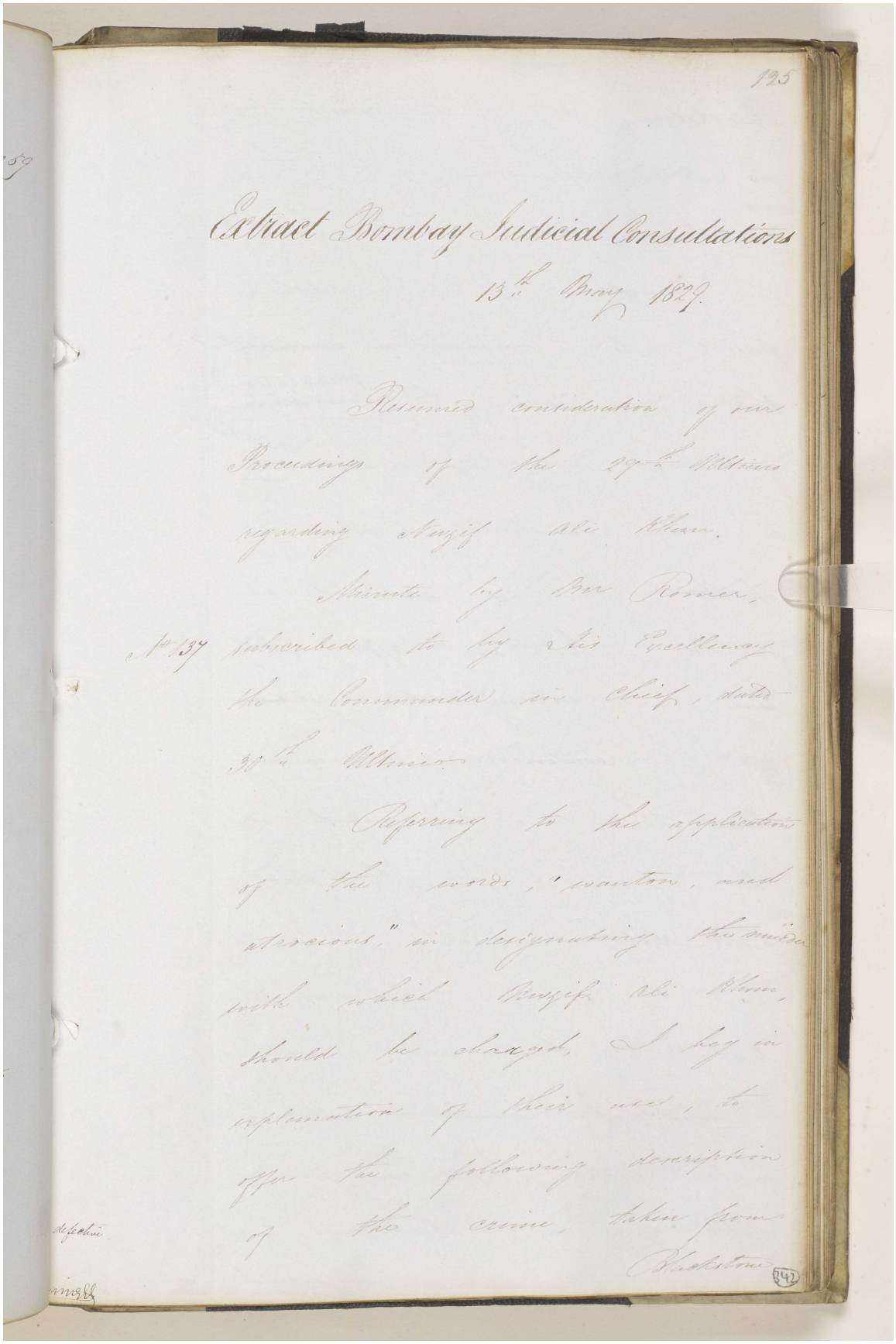

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Extract Bombay Judicial Consultations

13th May 1829.

Resumed consideration of our Proceedings of the 29th Ultimo regarding Nujif ali Khan.

Minute by Sir Romer, No 137 subscribed to by His Excellency the Commander in Chief, dated 30th Ultimo.

Referring to the application of the words, 'wanton, and atrocious,' in designating the murder with which Nujif ali Khan, should be charged, I beg in explanation of their use, to offer the following description of the crime, taken from Blackstone

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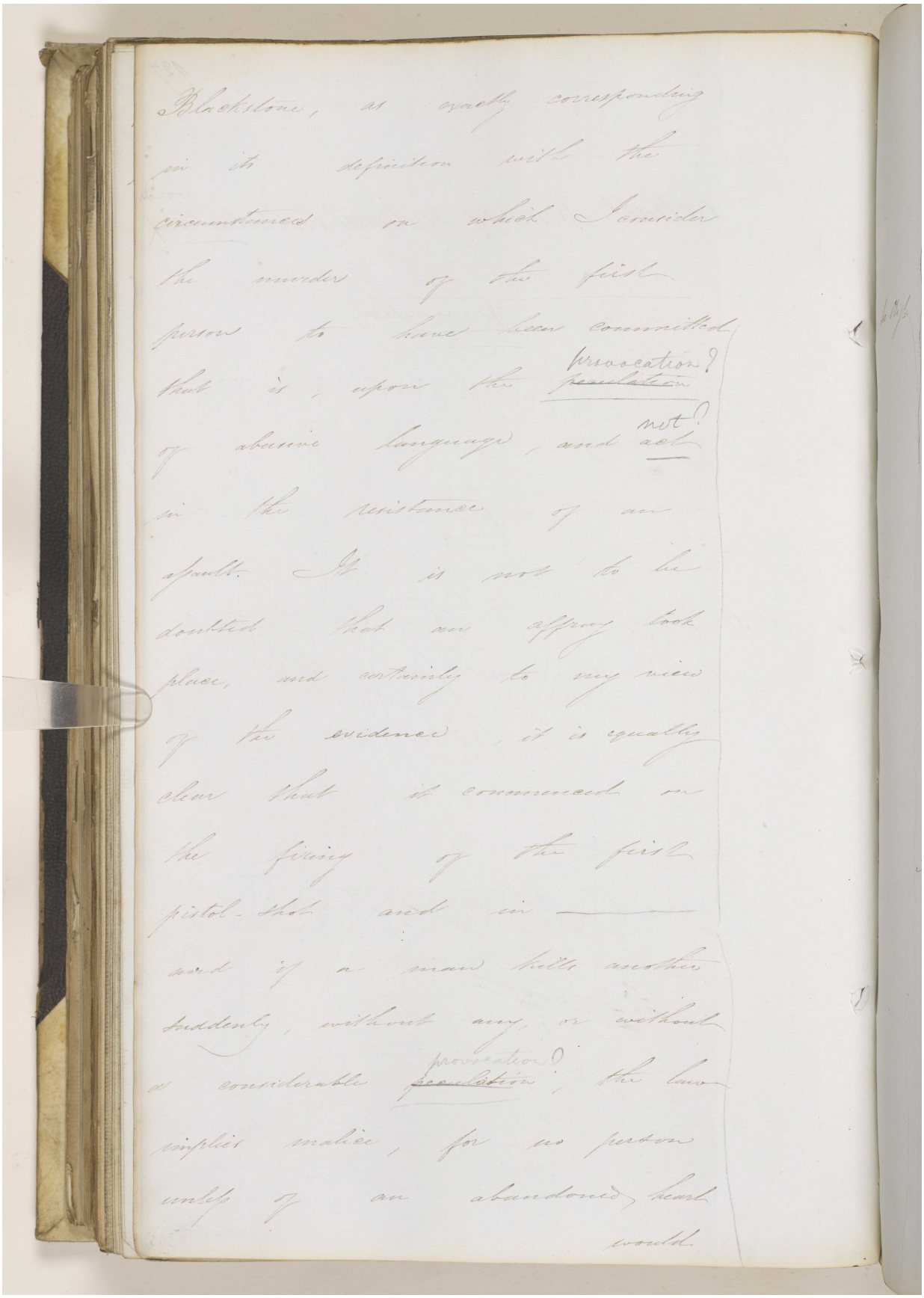

Blackstone, as exactly corresponding in its definition with the circumstances on which I consider the murder of the first person to have been committed that is, upon the provocation? ~~peculation~~ of abusive language, and not? ~~not~~ in the resistance of an assault. It is not to be doubted that an affray took place, and certainly to my view of the evidence, it is equally clear that it commenced on the firing of the first pistol-shot and in ——— and if a man kills another suddenly, without any, or without a considerable provocation? ~~peculation~~; the law implies malice, for no person unless of an abandoned heart would

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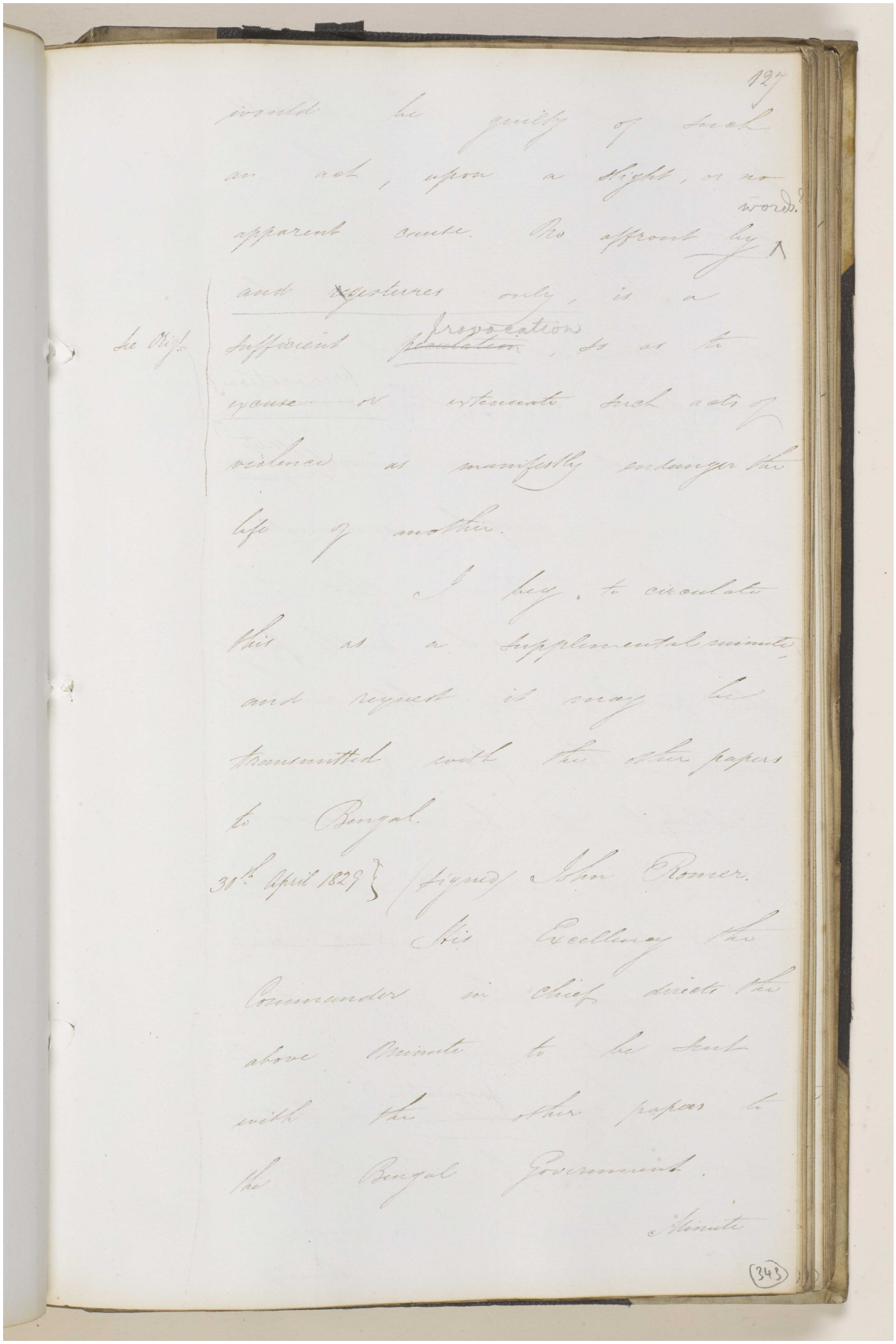

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would be guilty of such
an act, upon a slight, or no
apparent cause. No affront by
and injuries only, is a
sufficient provocation, so as to
excuse or extenuate such acts of
violence as manifestly endanger the
life of another.

I beg to circulate
this as a supplemental minute
and request it may be
transmitted with the other papers
to Bengal.

30th April 1829 } (Signed) John Romer.

His Excellency the
Commander in chief directs the
above Minute to be sent
with the other papers to
the Bengal Government.

Minute

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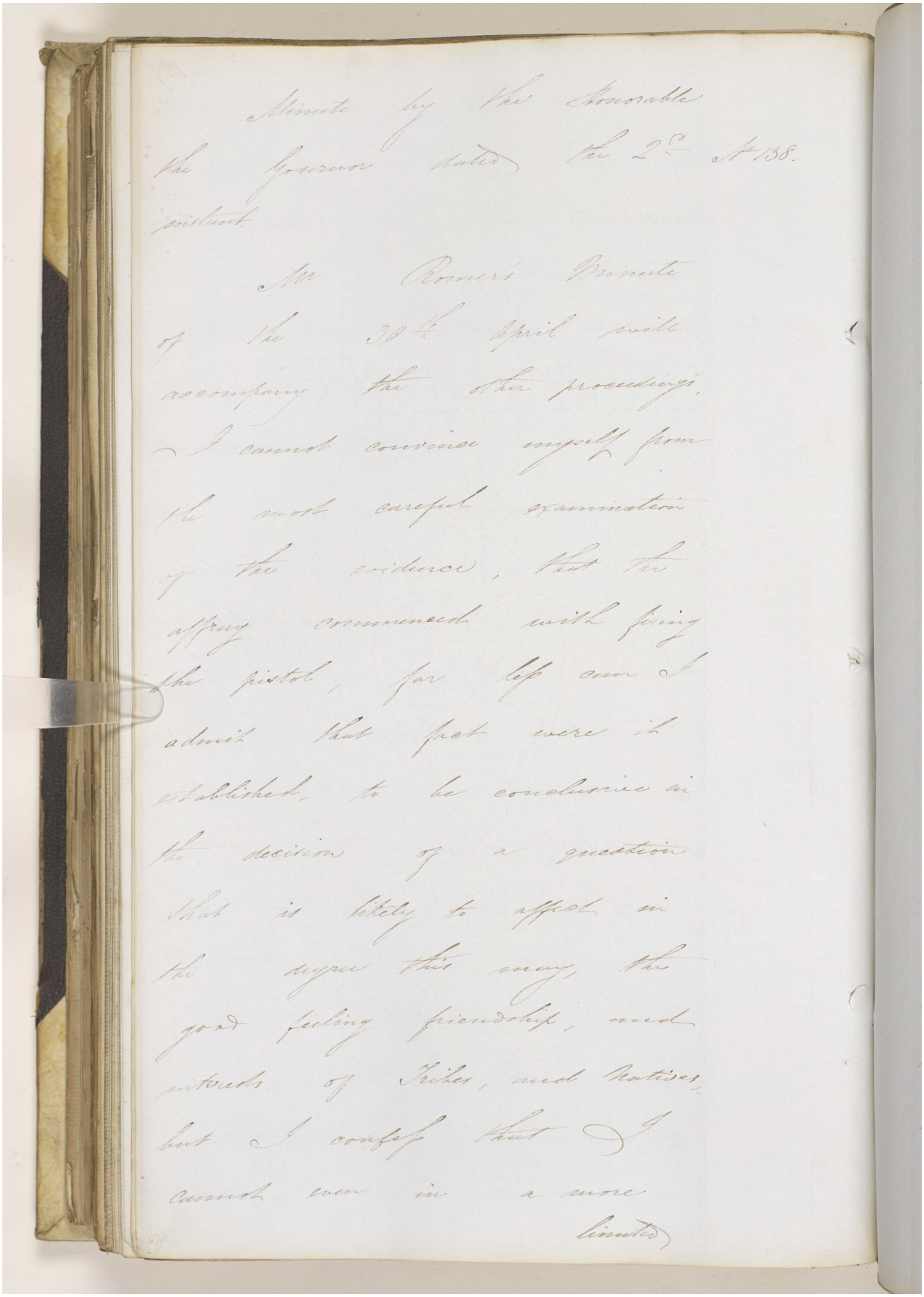

Minute by the Honorable
the Governor dated the 2d Inst. No 138.
instant.

Mr Romer's Minute
of the 30th April will
accompany the other proceedings.
I cannot convince myself from
the most careful examination
of the evidence, that the
affray commenced with firing
the pistol, for tho' am I
admit that pist were in
established, to be conclusive in
the decision of a question
that is likely to affect in
the degree this may, the
good feeling friendship, and
interests of Tribes, and Nations,
but I confess that I
cannot even in a more
limited

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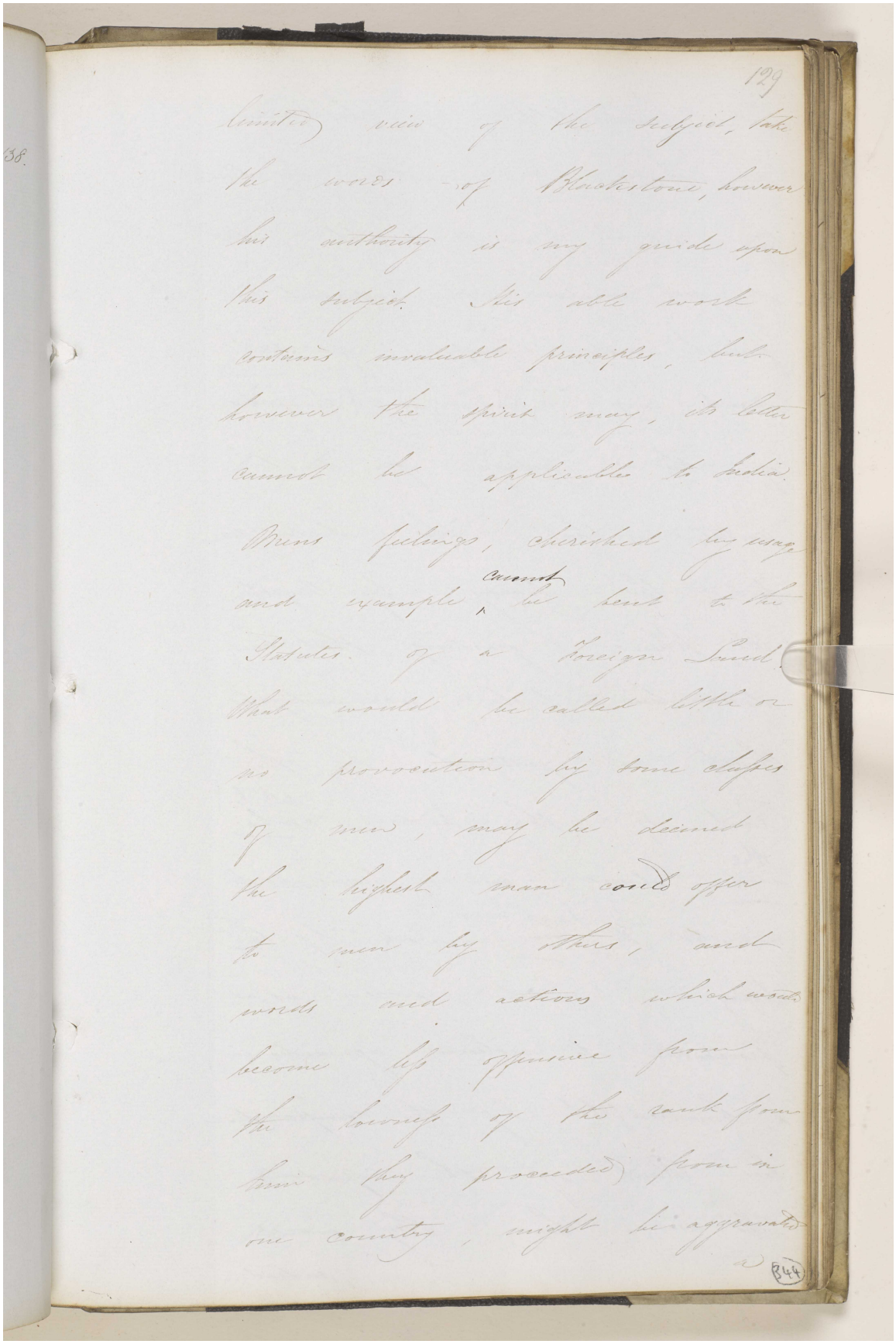

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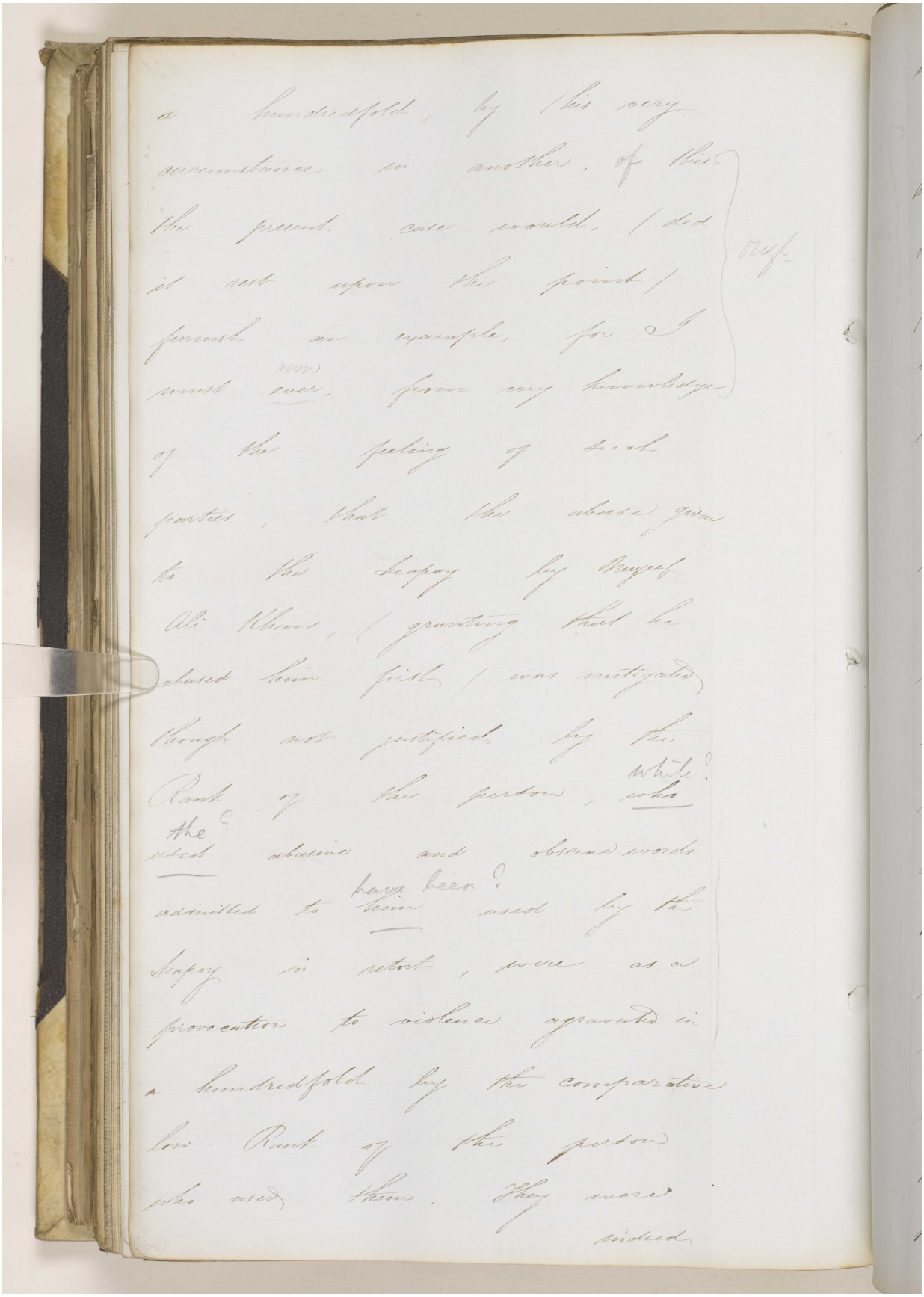

a hundredfold, by this very
circumstance in another. Of this
the present case would. I did
not act upon this point /
furnish an example for I
must ever, from my knowledge
of the feeling of such
parties, that the abuse given
to the Seapoy by Nujef
Ali Khan, / granting that he
abused him first / was mitigated
though not justified by the
Rank of the person, who
used the abusive and obscene words
admitted to have been? used by the
Seapoy in retort, were as a
provocation to violence aggravated in
a hundredfold by the comparative
low Rank of the person
who used them. They were
indeed

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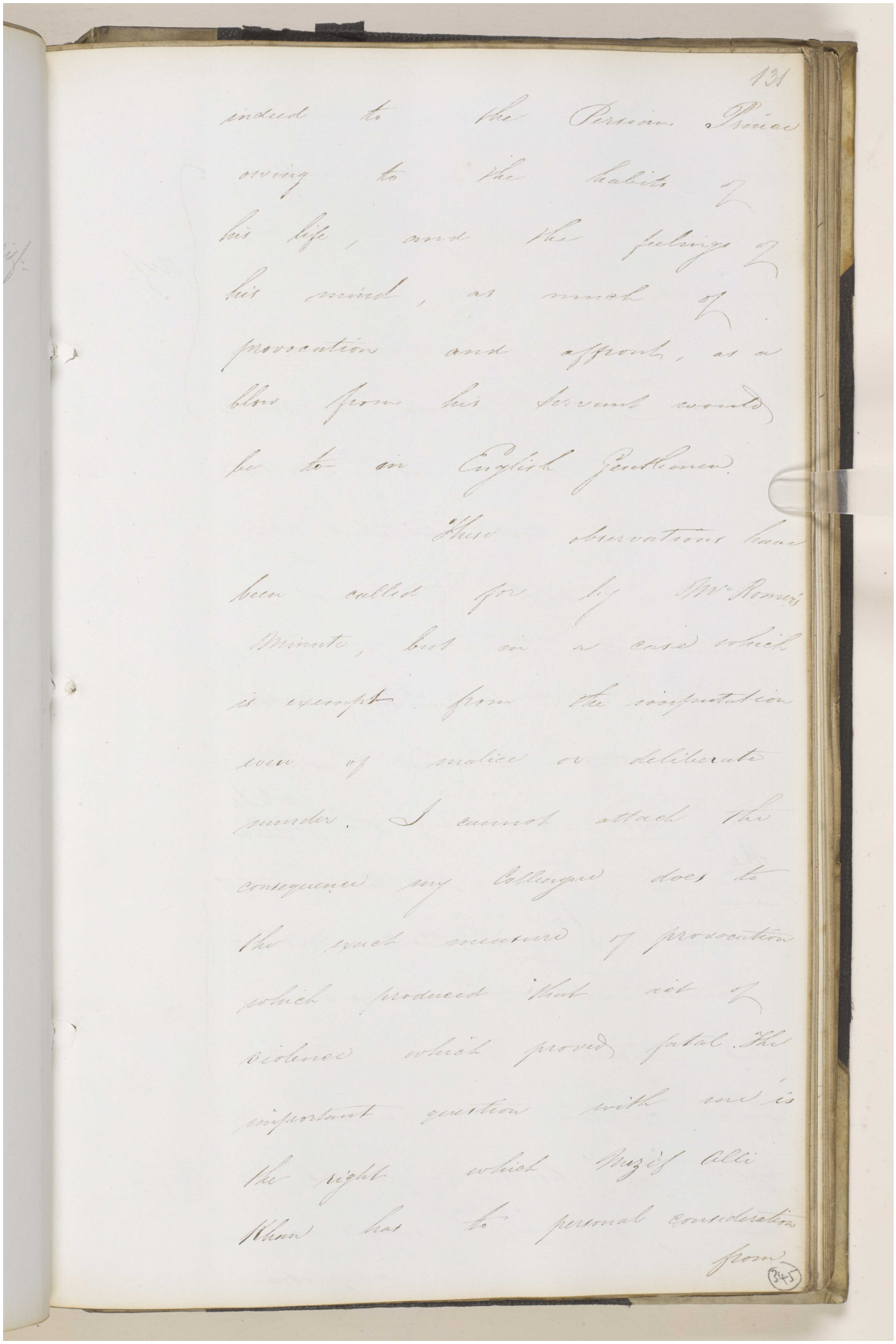

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indeed to the Persian Prince
owing to the habits of
his life, and the feelings of
his mind, as much of
provocation and affront, as a
blow from his servants would
be to an English Gentleman.

These observations have
been called for by Mr Romer's
Minute, but in a case which
is exempt from the imputation
even of malice or deliberate
murder. I cannot attach the
consequence my colleague does to
the exact measure of provocation
which produced that act of
violence which proved fatal. The
important question with me is
the right which Nujif Alli
Khan has to personal consideration
from

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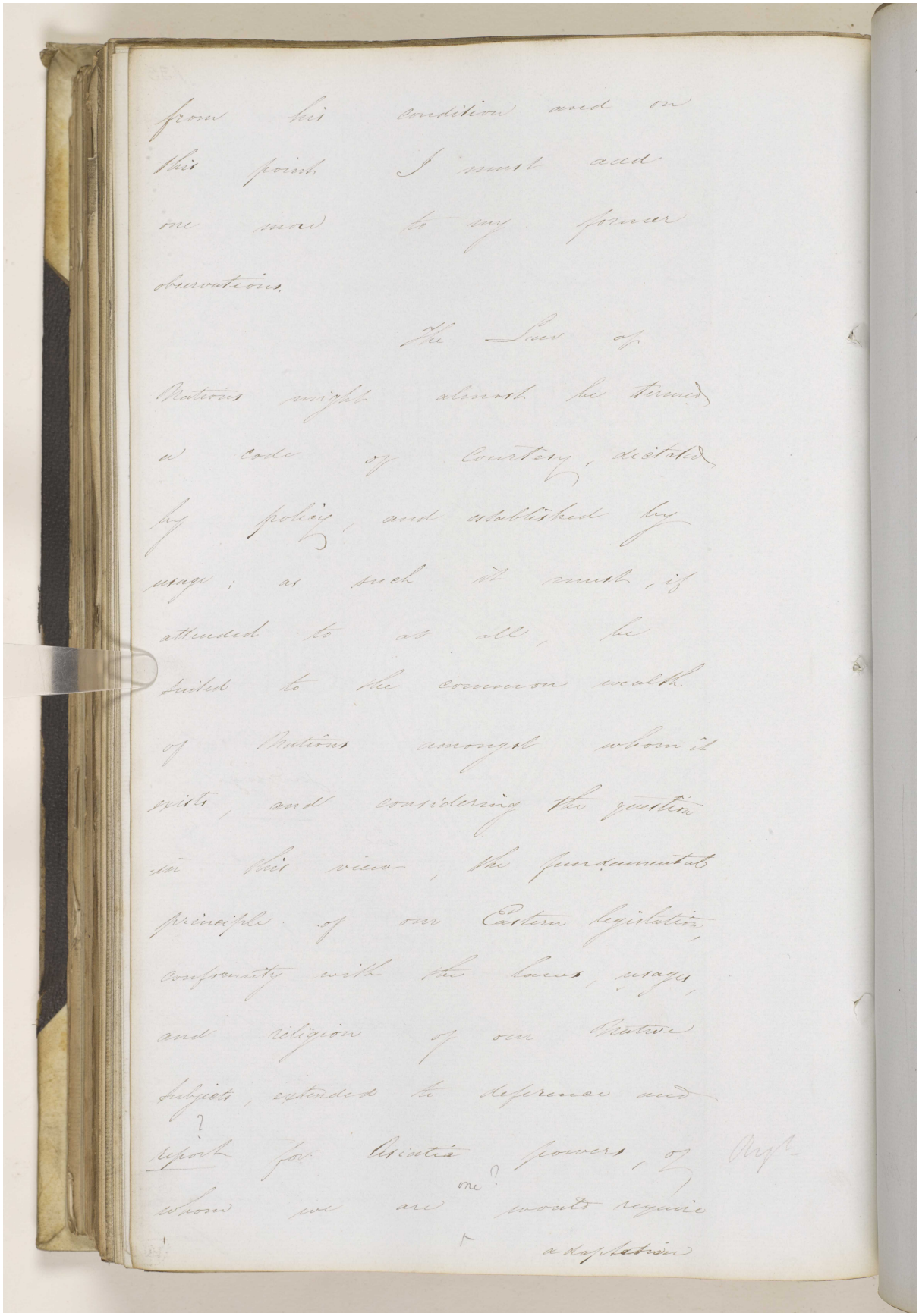

from his condition and on this point I must add one more to my former observations.

The Law of Nations might almost be termed a code of Courtesy, dictated by policy, and established by usage; as such it must, if attended to at all, be suited to the common wealth of Nations amongst whom it exists, and considering the question in this view, the fundamental principle of our Eastern legislation, conformity with the laws, usages, and religion of our Native subjects, extended to deference and report? for Asiatic powers, of whom we are one? would require adaptation

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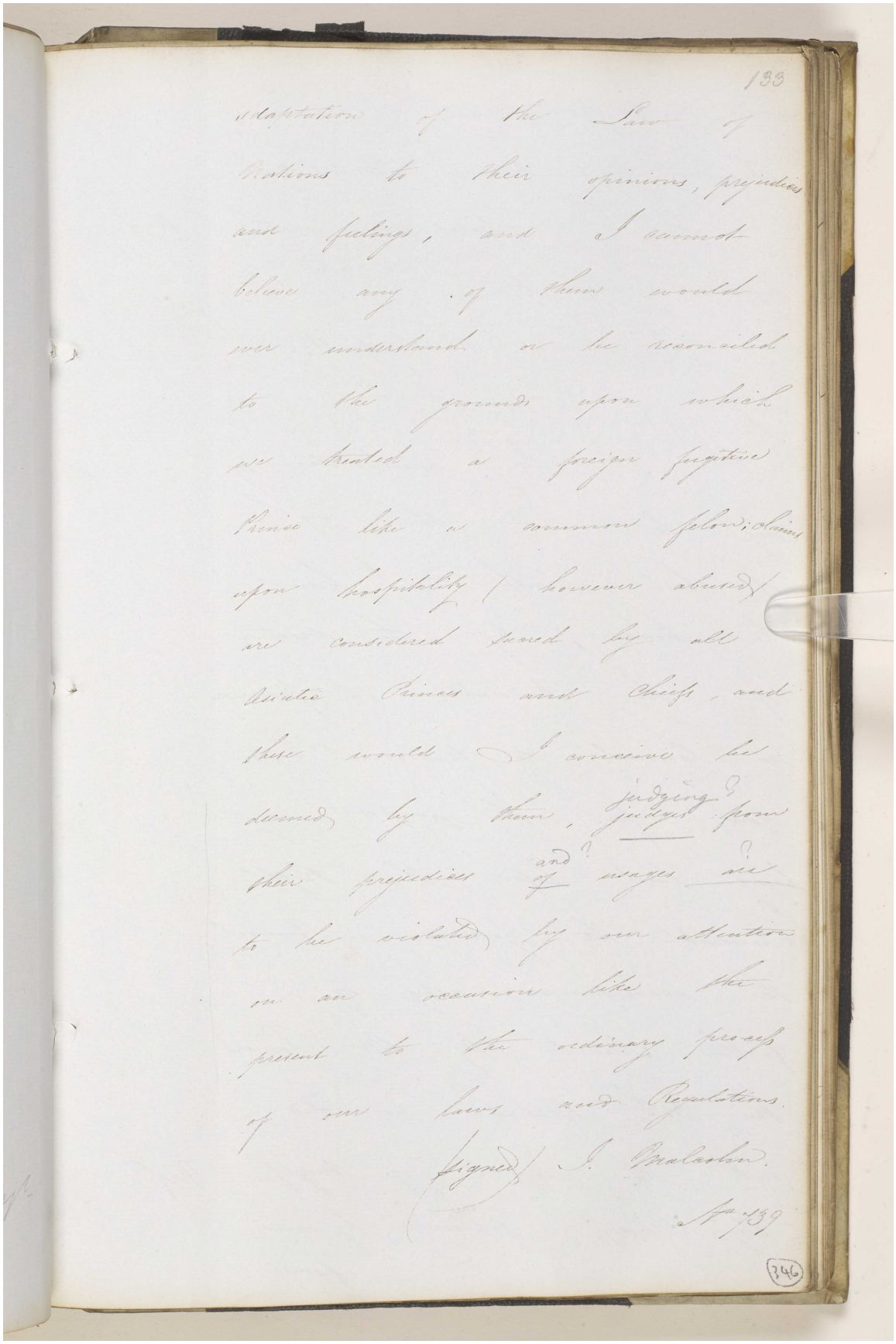

adaptation of the Law of Nations to their opinions, prejudices and feelings, and I cannot believe any of them would ever understand or be reconciled to the grounds upon which we treated a foreign fugitive Prince like a common felon; claims upon hospitality (however abused) are considered sacred by all Asiatic Princes and Chiefs, and these would I conceive be deemed by them, judging? judges from their prejudices and? of usages are? to be violated by our attention on an occasion like the present to the ordinary process of our laws and Regulations.

(Signed) J. Malcolm.

No 739

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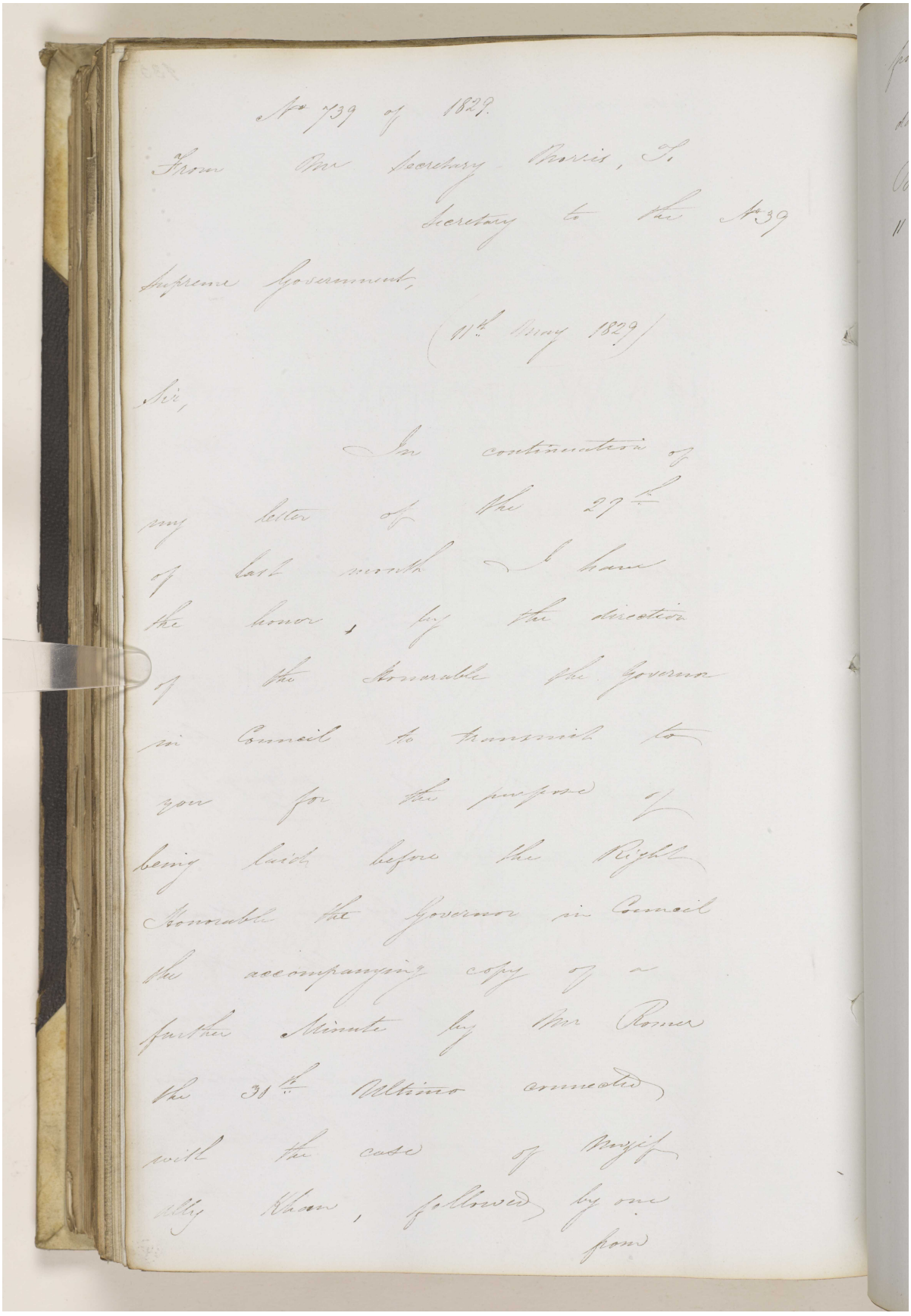

No 739 of 1829.

From Mr Secretary Morris, T.

Secretary to the No 39

Supreme Government,

(11th May 1829)

Sir,

In continuation of my letter of the 27th of last month I have the honor, by the direction of the Honorable the Governor in Council to transmit to you for the purpose of being laid before the Right Honorable the Governor in Council the accompanying copy of a further Minute by Mr Romer the 31th Ultimo connected with the case of Nujif Ally Khan, followed by one from

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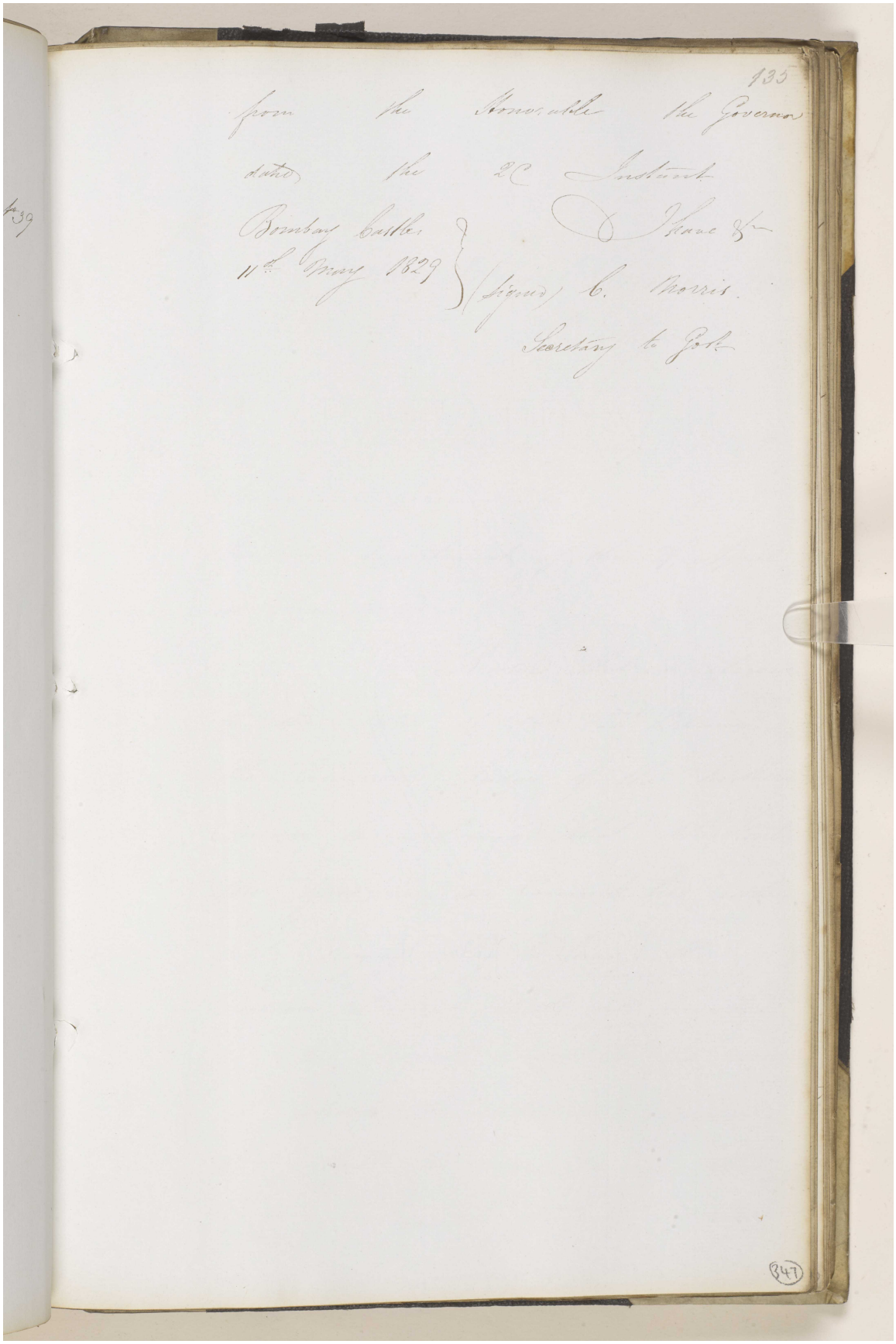

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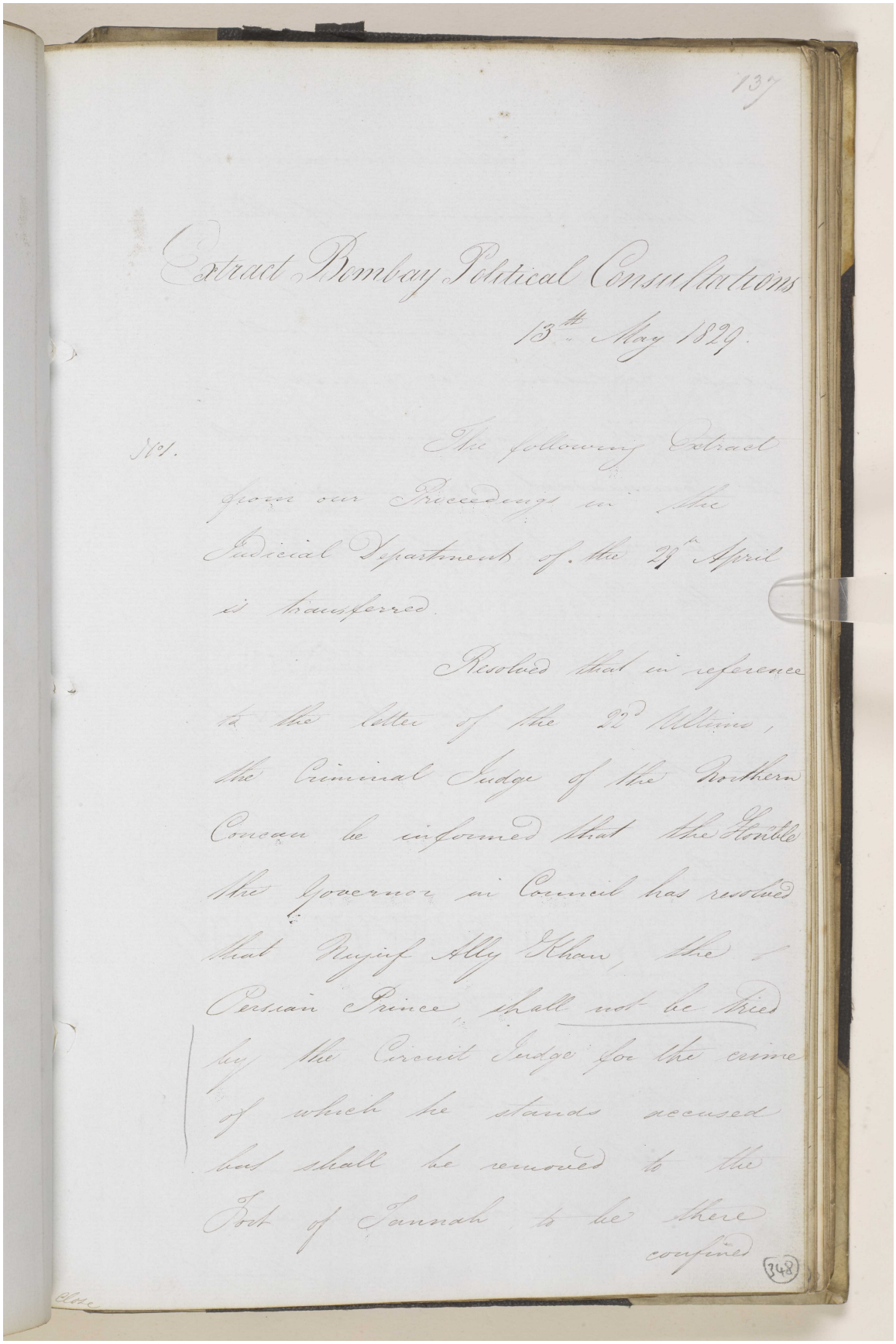

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Extract Bombay Political Consultations
13th May 1829.

No. The following Extract from our Proceedings in the Judicial Department of the 27th April is transferred.

Resolved that in reference to the letter of the 22d Ultimo, the Criminal Judge of the Northern Concan be informed that the Honble the Governor in Council has resolved that Nujif Ally Khan, the Persian Prince, shall not be tried by the Circuit Judge for the crime of which he stands accused but shall be removed to the Fort of Tannah, to be there confined

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close

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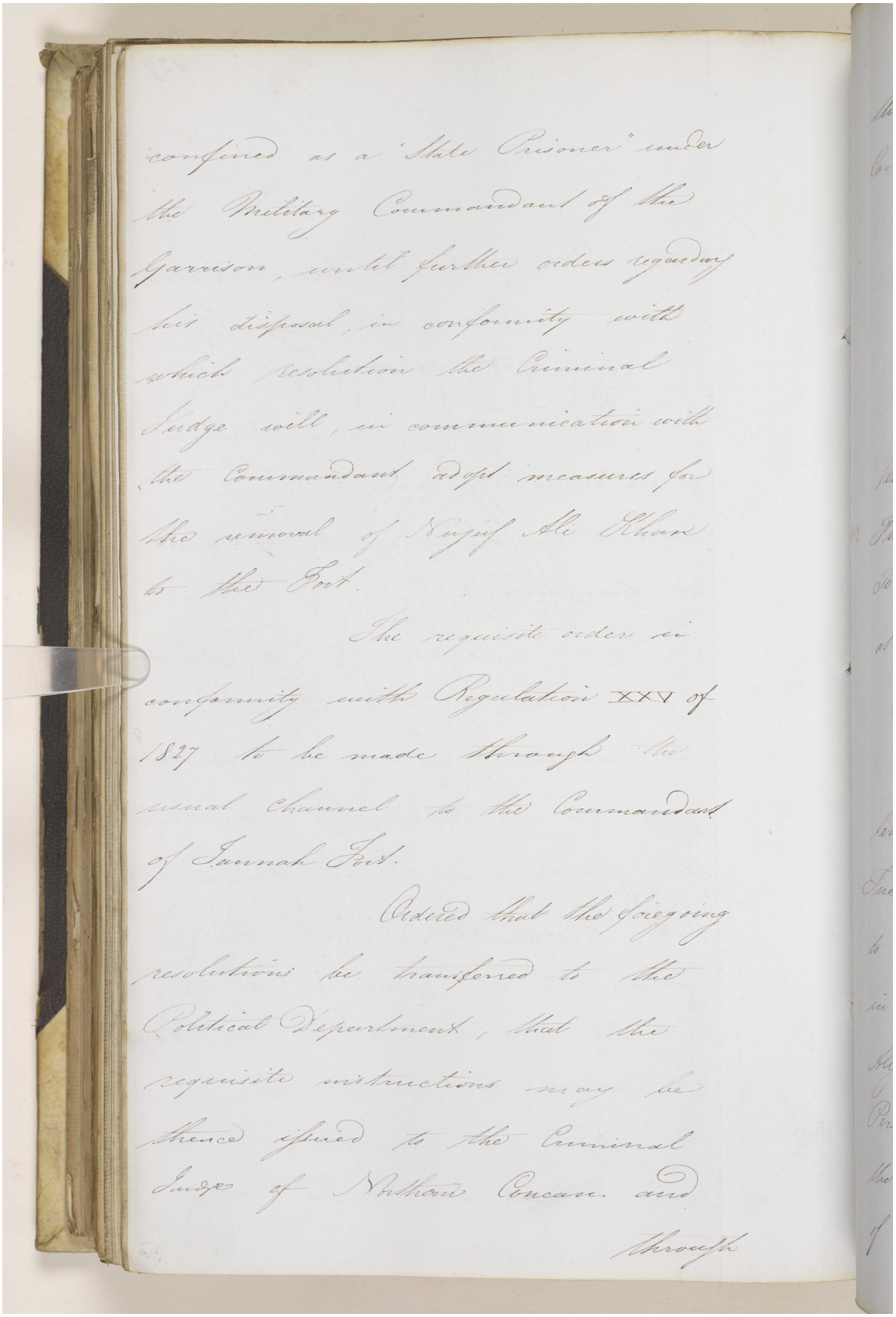

confined as a 'State Prisoner' under the Military Commandant of the Garrison, until further orders regarding his disposal, in conformity with which resolution the Criminal Judge will, in communication with the Commandant adopt measures for the removal of Nujif Ali Khan to the Fort.

The requisite order in conformity with Regulation XXV of 1827 to be made through the usual channel to the Commandant of Jumnah Fort.

Ordered that the foregoing resolutions be transferred to the Political Department, that the requisite instructions may be thence issued to the Criminal Judge of Northern Concan and through

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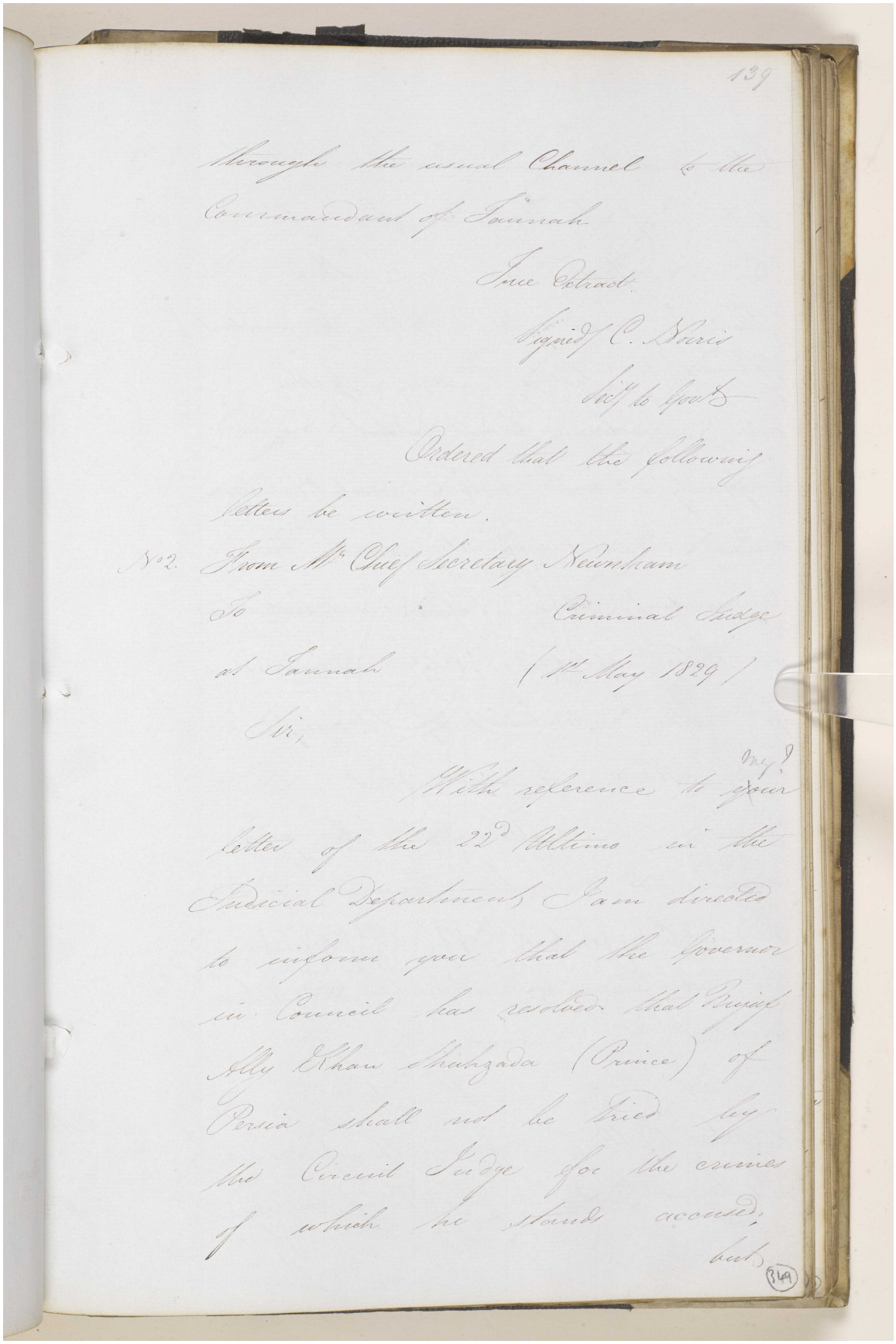

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through the usual Channel to the
Commandant of Jaunah

True Extract
Signed C. Harris
Sec[y] to Govt

Ordered that the following
letter be written.

No 2. From Mr Chief Secretary Newnham
To Criminal Judge
at Jaunah (1st May 1829)

Sir,

With reference to your
letter of the 22d ultimo in the
Judicial Department I am directed
to inform you that the Governor
in Council has resolved that Nujaf
Ally Khan Shahzada (Prince) of
Persia shall not be tried by
the Circuit Judge for the crimes
of which he stands accused,
but,

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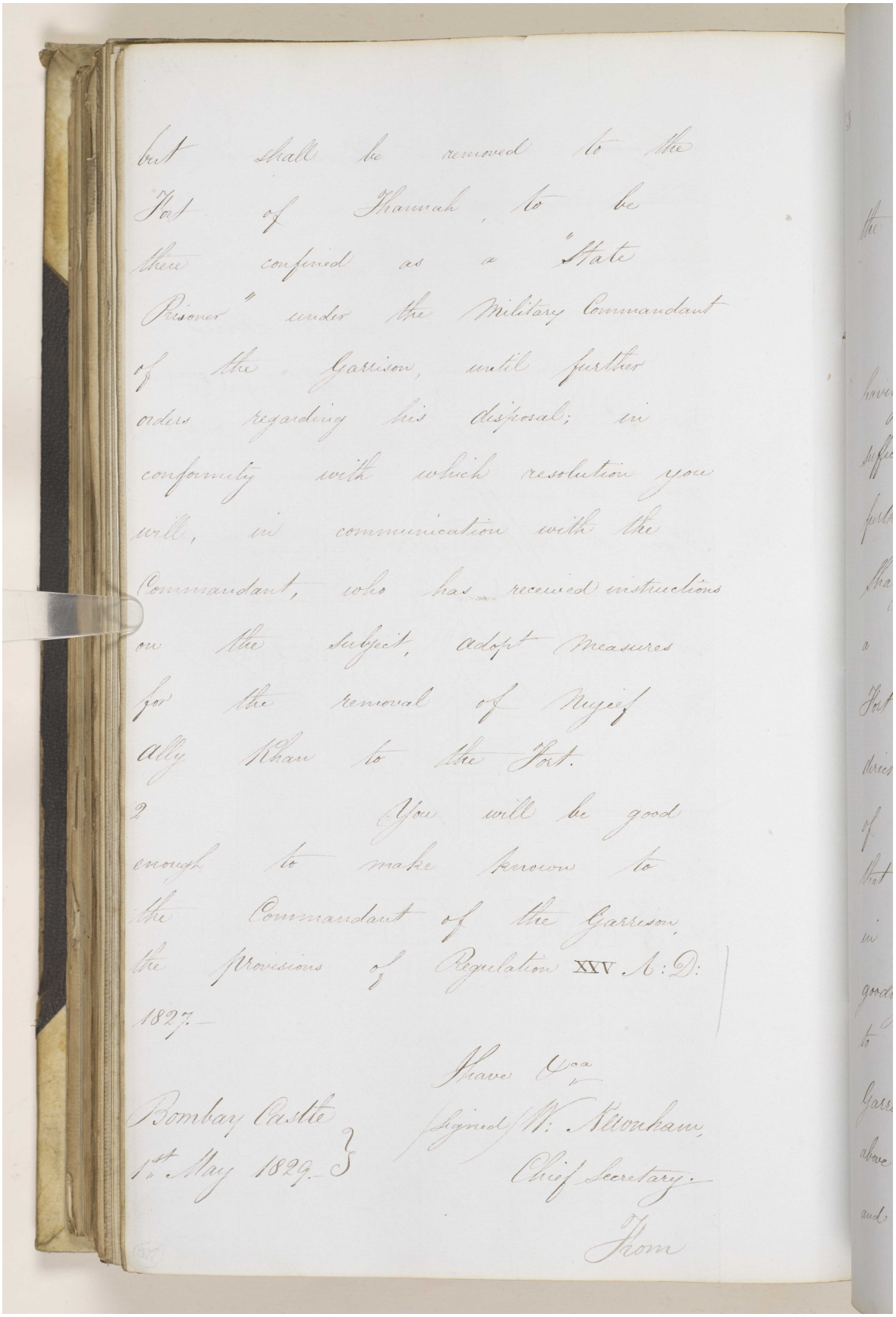

but shall be removed to the Fort of Thannah, to be there confined as a "State Prisoner" under the Military Commandant of the Garrison, until further orders regarding his disposal; in conformity with which resolution you will, in communication with the Commandant, who has received instructions on the subject, adopt measures for the removal of Nujeef Ally Khan to the Fort.

2 You will be good enough to make known to the Commandant of the Garrison, the provisions of Regulation XXV A: D: 1827.

I have &ca

Bombay Castle
1st May 1829.

(Signed) W. Newnham,
Chief Secretary.

From

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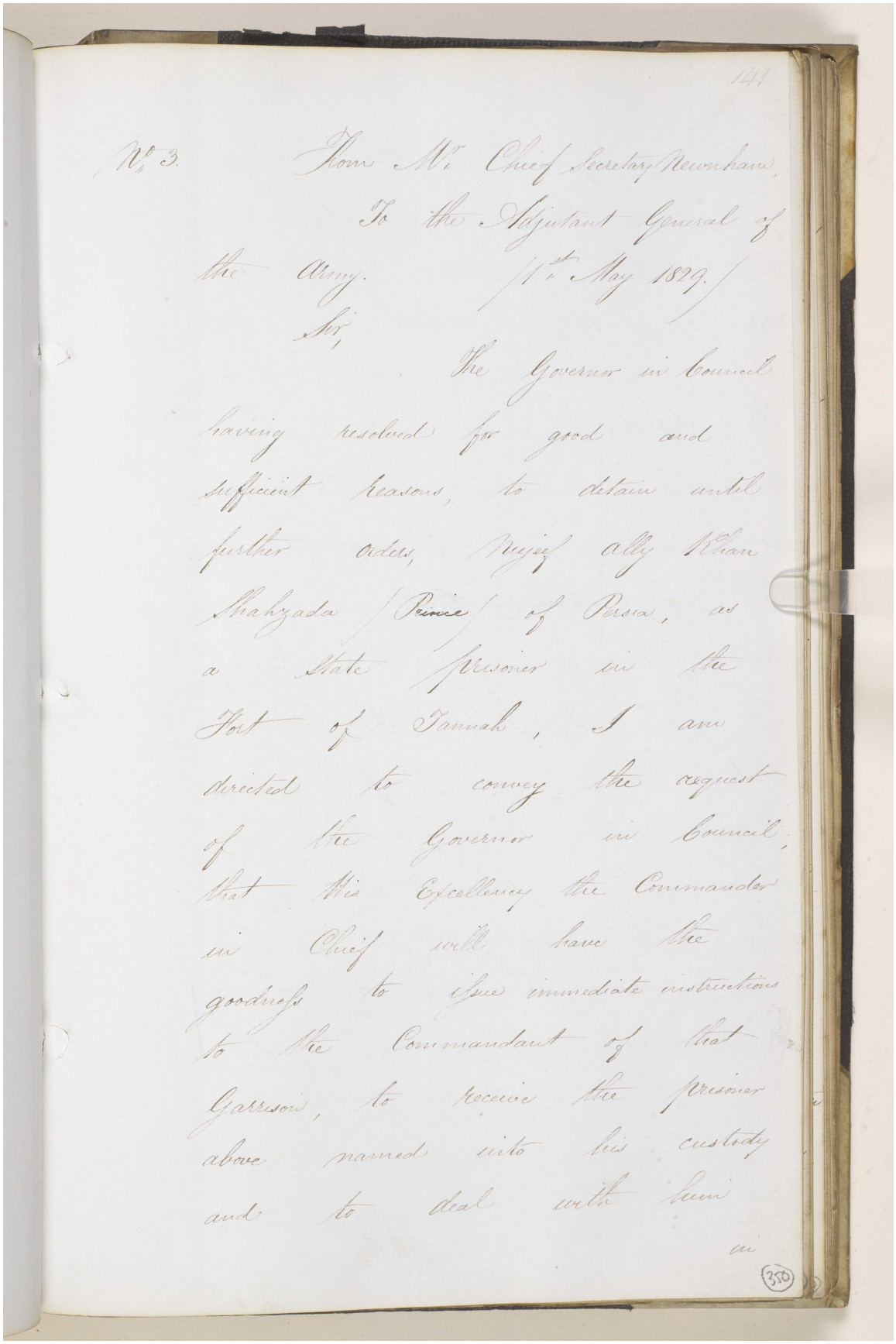

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No 3. From Mr. Chief Secretary Newnham,
To the Adjutant General of
the Army. 1st May 1829.
Sir,
The Governor in Council
having resolved for good and
sufficient reasons, to detain until
further orders, Nujef ally Khan
Shahzada (Prince) of Persia, as
a State Prisoner in the
Fort of Tannah, I am
directed to convey the request
of the Governor in Council,
that His Excellency the Commander
in Chief will have the
goodness to issue immediate instructions
to the Commandant of that
Garrison, to receive the Prisoner
above named into his custody
and to deal with him
as

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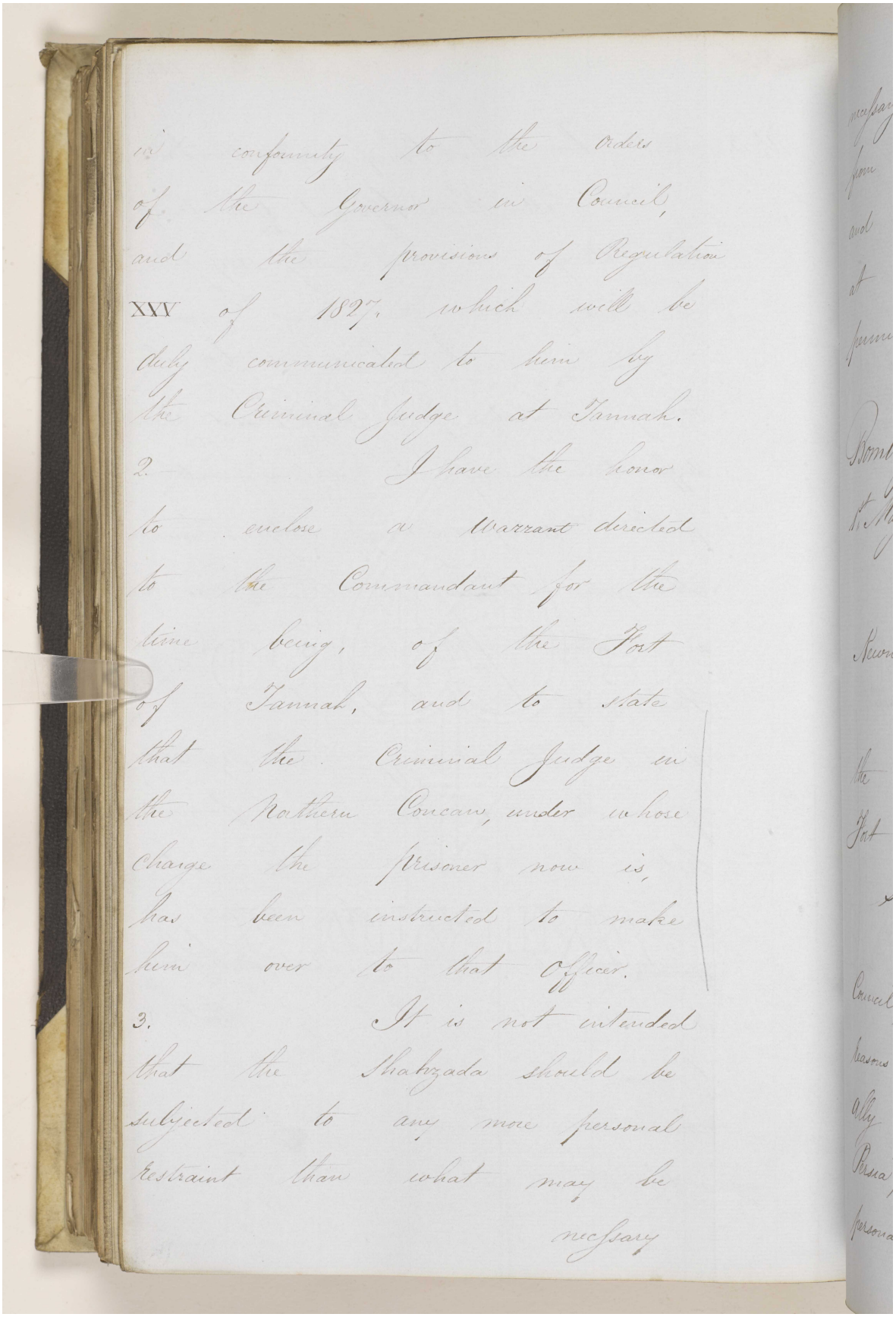

in conformity to the orders
of the Governor in Council,
and the provisions of Regulation
XXV of 1827, which will be
duly communicated to him by
the Criminal Judge at Tannah.
2. I have the honor
to enclose a Warrant directed
to the Commandant for the
time being, of the Fort
of Tannah, and to state
that the Criminal Judge in
the Northern Concan, under whose
charge the Prisoner now is,
has been instructed to make
him over to that Officer.
3. It is not intended
that the Shahzada should be
subjected to any more personal
restraint than what may be
necessary

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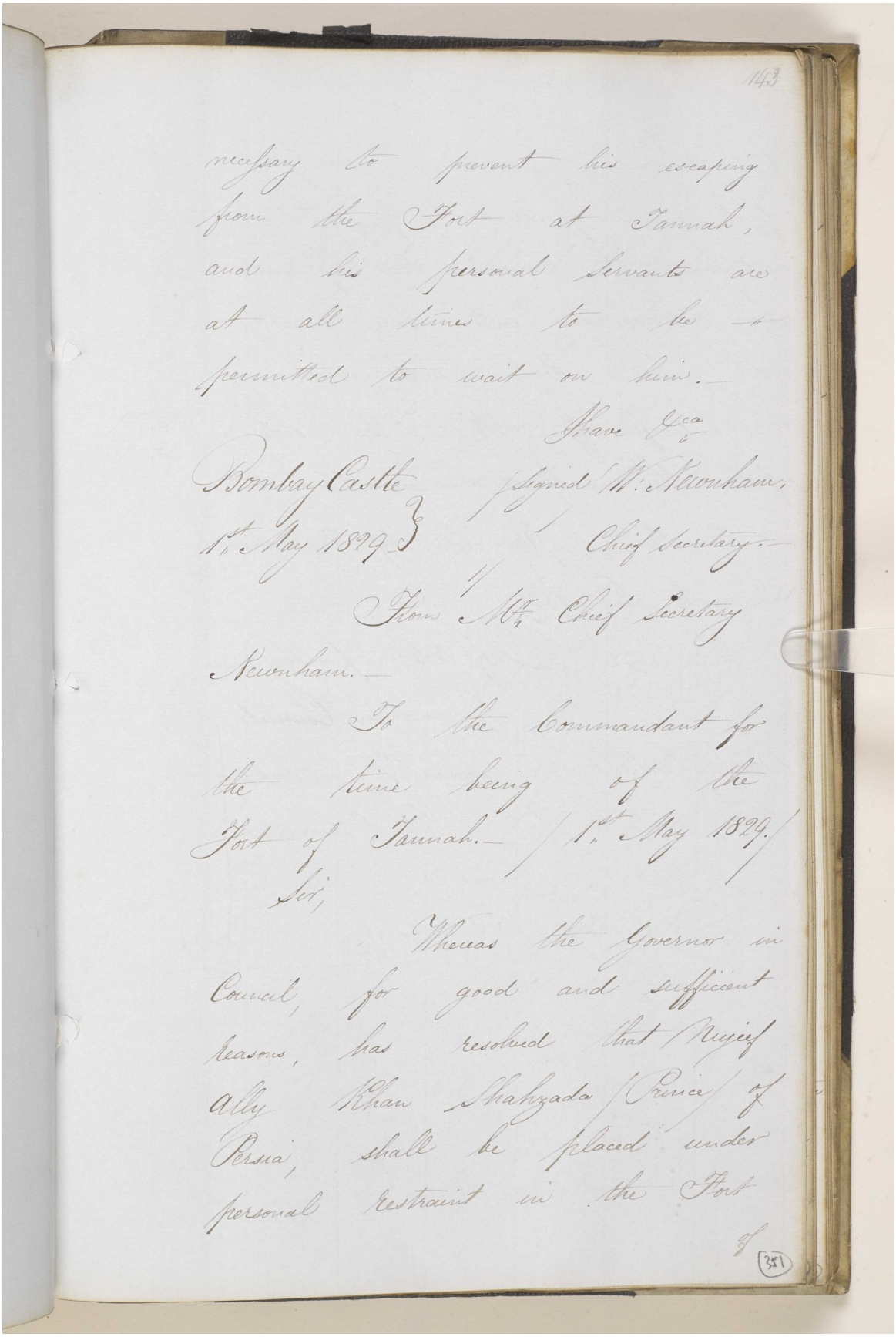

necessary to prevent his escaping from the Fort at Tannah, and his personal Servants are at all times to be permitted to wait on him.—

I have &ca

Bombay Castle
1st May 1829

(Signed) W. Newnham,
Chief Secretary.—

From Mr Chief Secretary Newnham.—

To the Commandant for the time being of the Fort of Tannah.— (1st May 1829.)

Sir,

Whereas the Governor in Council, for good and sufficient reasons, has resolved that Nujeef Ally Khan Shahzada (Prince) of Persia, shall be placed under personal restraint in the Fort

of

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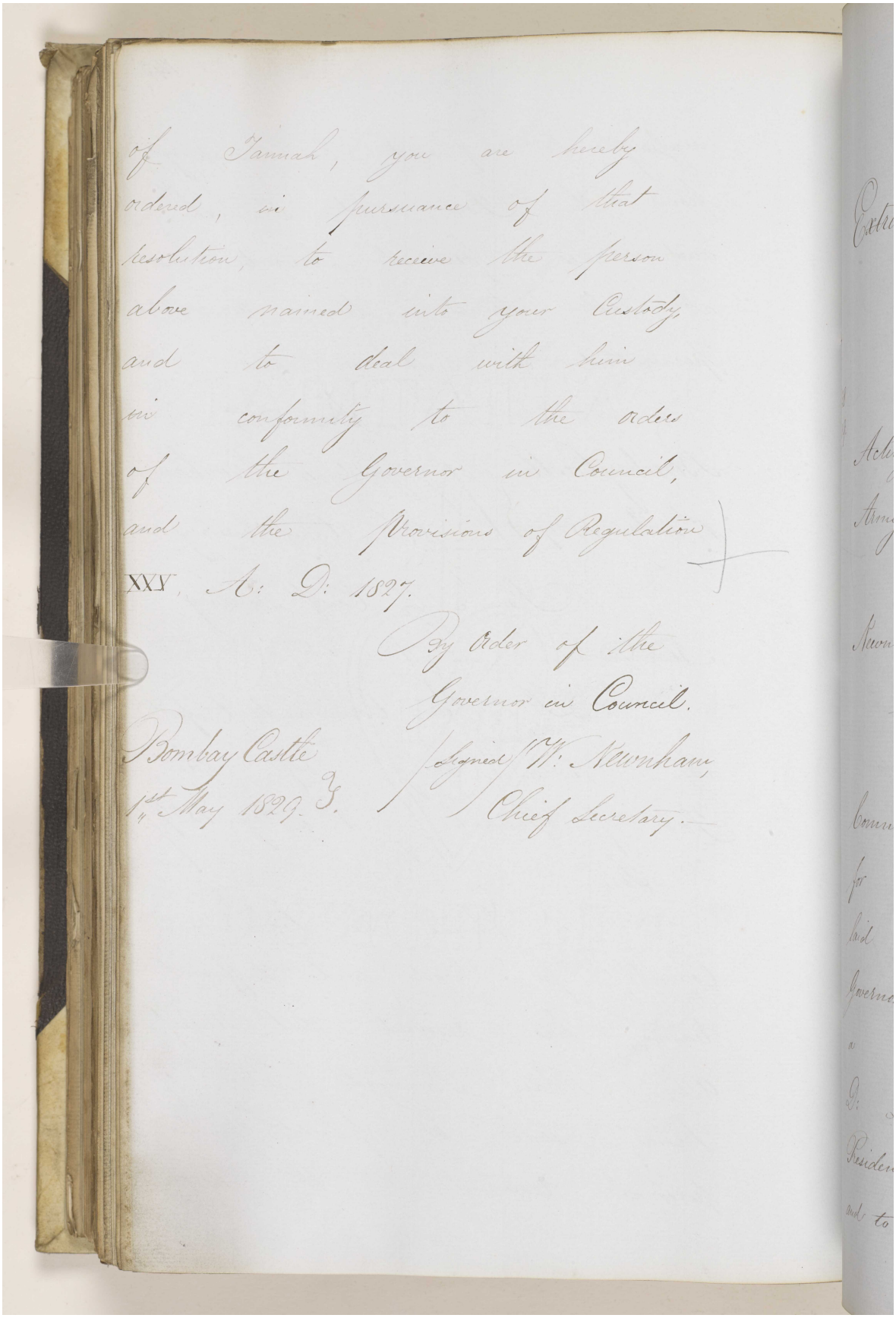

of Jamah, you are hereby
ordered, in pursuance of that
resolution, to receive the person
above named into your Custody,
and to deal with him
in conformity to the orders
of the Governor in Council,
and the Provisions of Regulation
XXV. A: D: 1827.

By Order of the
Governor in Council.

Bombay Castle
1st May 1829.

Signed W. Newnham,
Chief Secretary.

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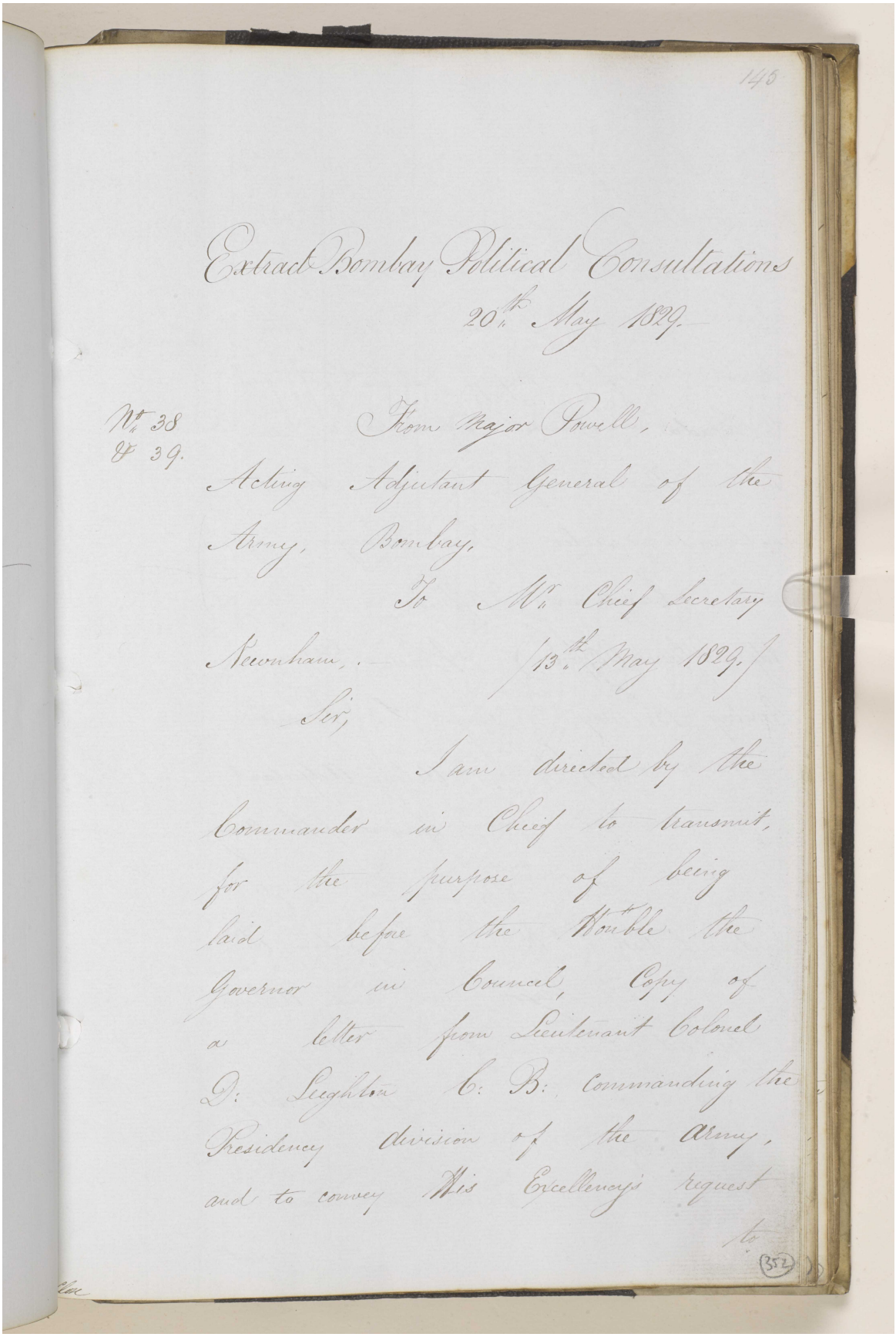

145

Extract Bombay Political Consultations
20th May 1829.

No. 38
& 39.

From Major Powell,
Acting Adjutant General of the
Army, Bombay,
To Mr. Chief Secretary
Newnham, (13th May 1829.)

Sir,

I am directed by the
Commander in Chief to transmit,
for the purpose of being
laid before the Honble the
Governor in Council, Copy of
a letter from Lieutenant Colonel
D: Leighton C: B: commanding the
Presidency division of the Army,
and to convey His Excellency's request
to

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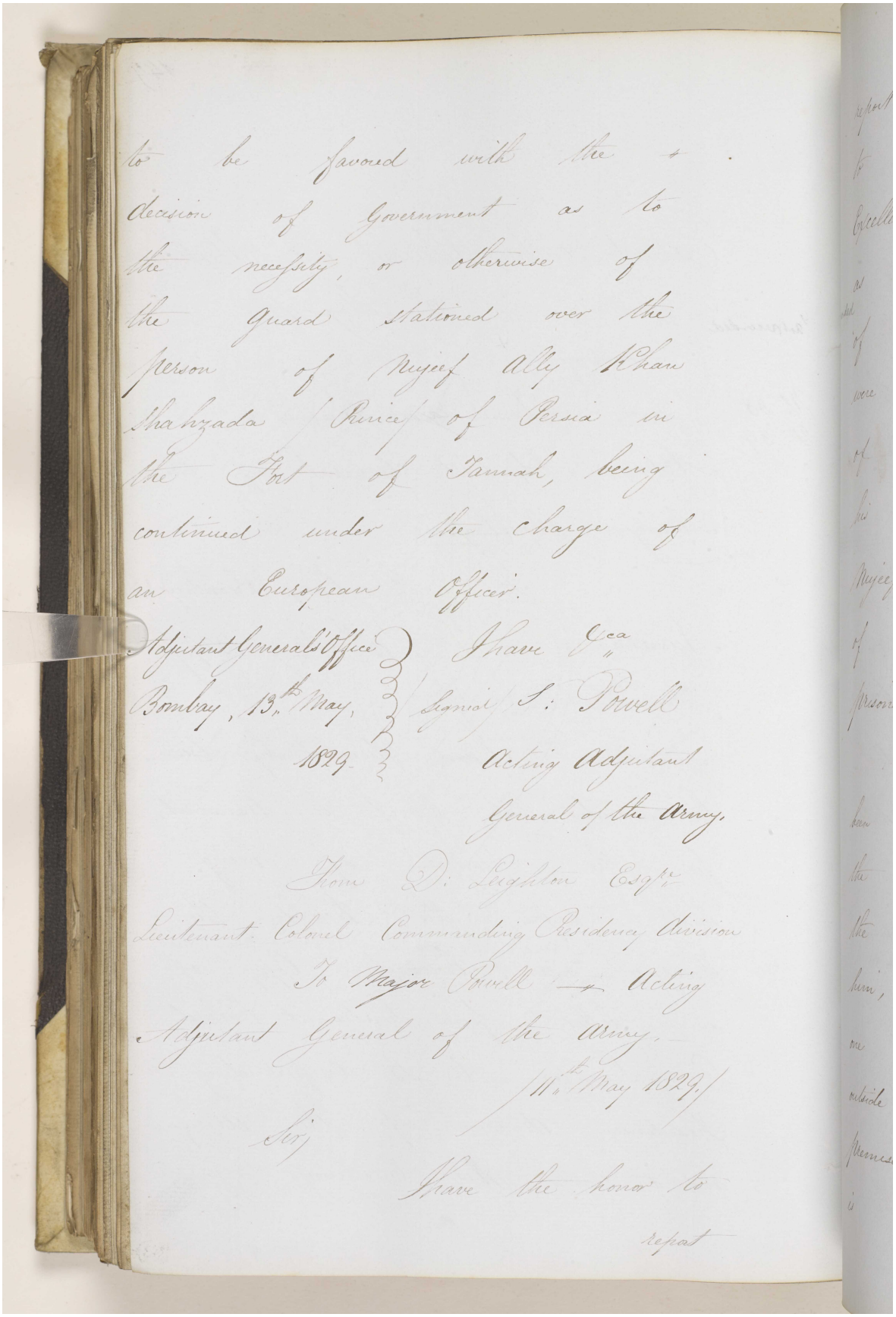
'Removal of Nujif Ali Khan (a Prince of Persia) to Bussorah, in preference to his being tried for murder of which he was accused – His pen[sion] of Rs 400 discontinued from 30th November the allowance of Rs 120 per mo[nth] to the Mother of […] Prince made payable at Bussorah' [352v] (152/260)



to be favored with the
decision of Government as to
the necessity, or otherwise of
the Guard stationed over the
person of Nujeef Ally Khan
Shahzada / Prince of Persia in
the Fort of Tannah, being
continued under the charge of
an European Officer.
Adjutant Generals Office
Bombay, 13th May,
1829.
I have &c
Signed J. Powell
Acting Adjutant
General of the Army.
From D. Leighton Esqr
Lieutenant Colonel Commanding Residency Division
To Major Powell — Acting
Adjutant General of the Army.
13th May 1829.
Sir
I have the honor to
repeat

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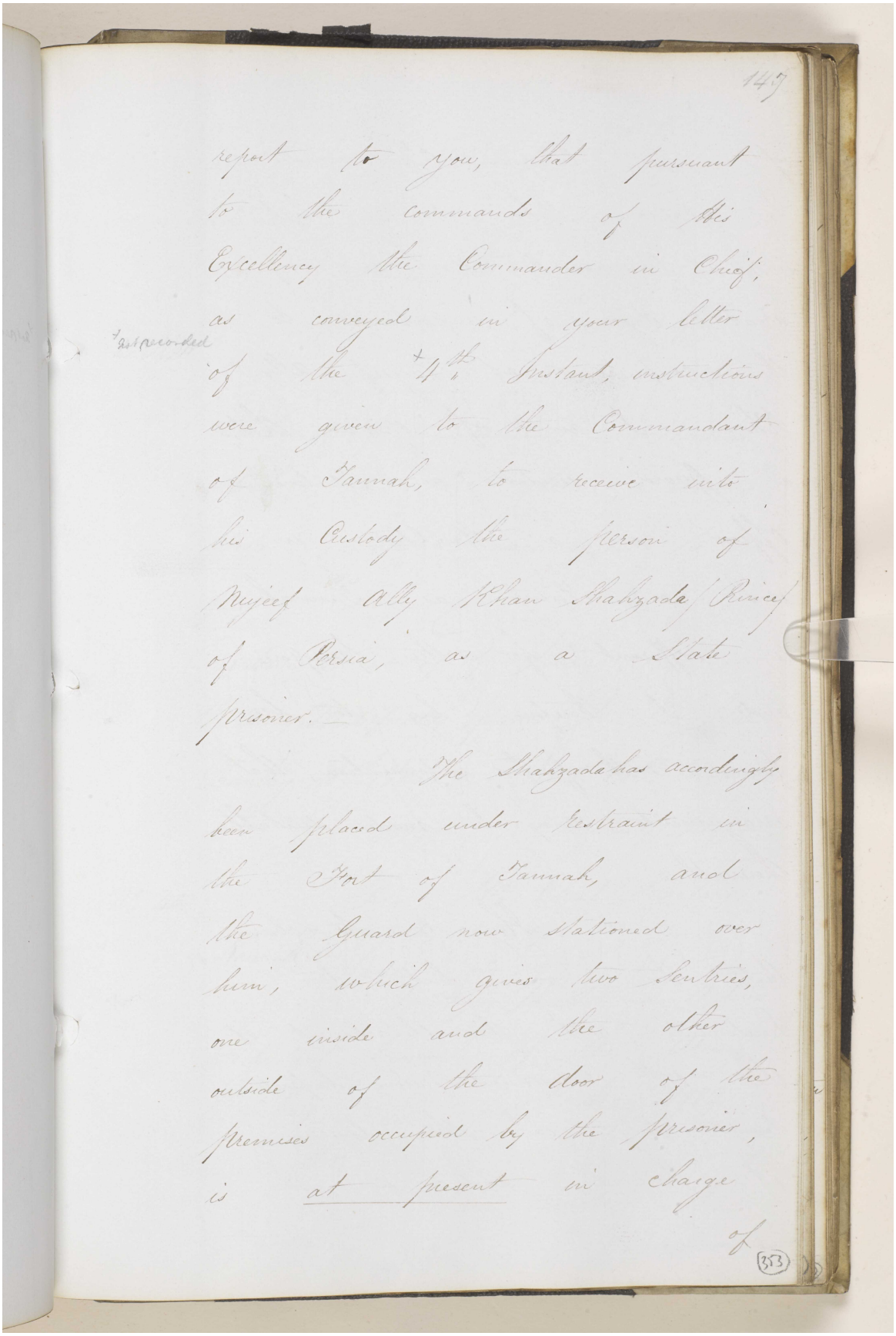

report to you, that pursuant to the commands of His Excellency the Commander in Chief, as conveyed in your letter of the +4th Instant, instructions were given to the Commandant of Tannah, to receive into his Custody the person of Nujeef Ally Khan Shahzada (Prince) of Persia, as a State prisoner.

+ 2nd recorded

The Shahzada has accordingly been placed under restraint in the Fort of Tannah, and the Guard now stationed over him, which gives two Sentries, one inside and the other outside of the door of the premises occupied by the prisoner, is at present in charge

of

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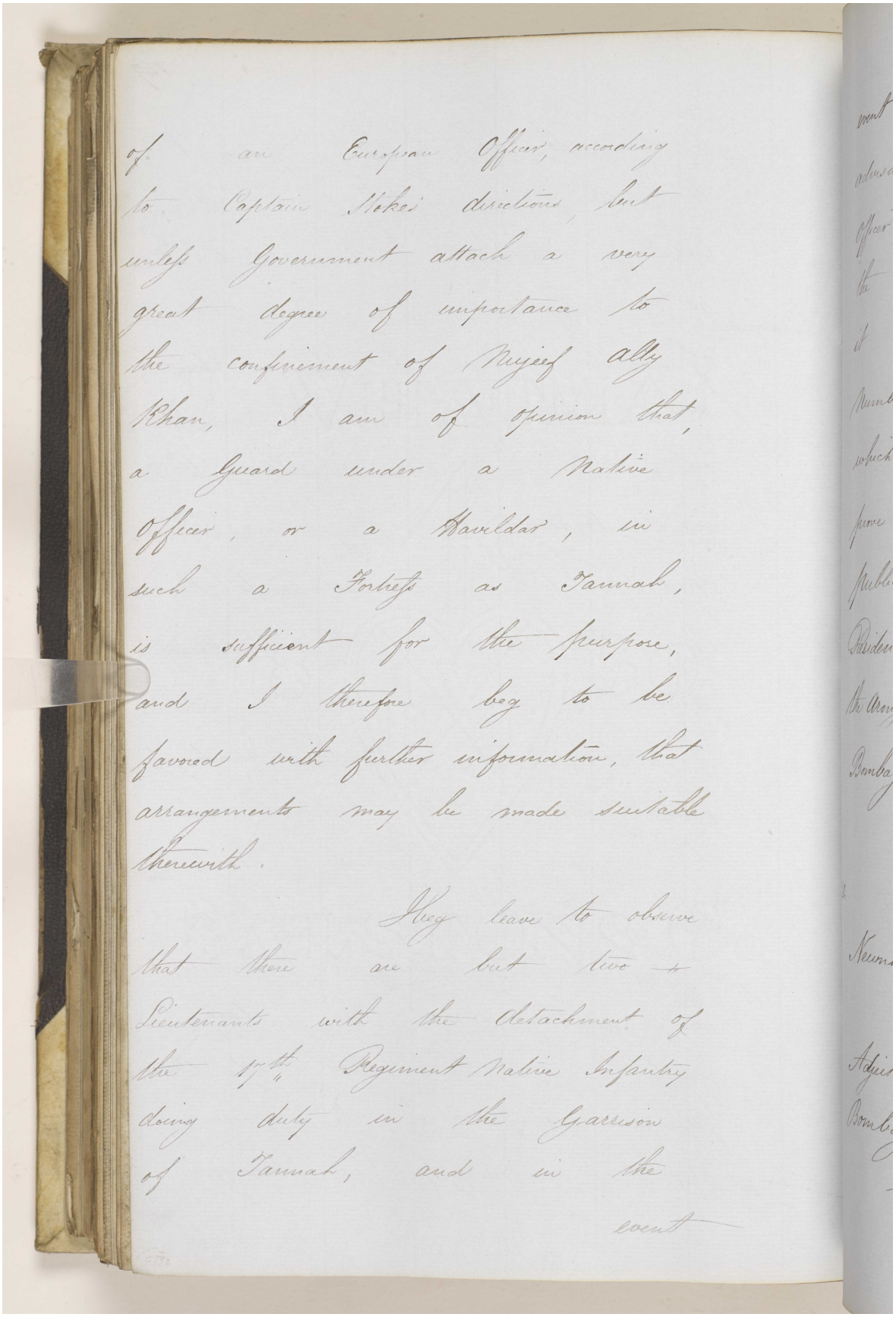

of an European Officer, according to Captain Stokes directions, but unless Government attach a very great degree of importance to the confinement of Nujeef ally Khan, I am of opinion that, a Guard under a Native Officer, or a Havildar, in such a Fortress as Jamnah, is sufficient for the purpose, and I therefore beg to be favored with further information, that arrangements may be made suitable therewith.

I beg leave to observe that there are but two 2d Lieutenants with the detachment of the 1st Regiment Native Infantry doing duty in the Garrison of Jamnah, and in the event

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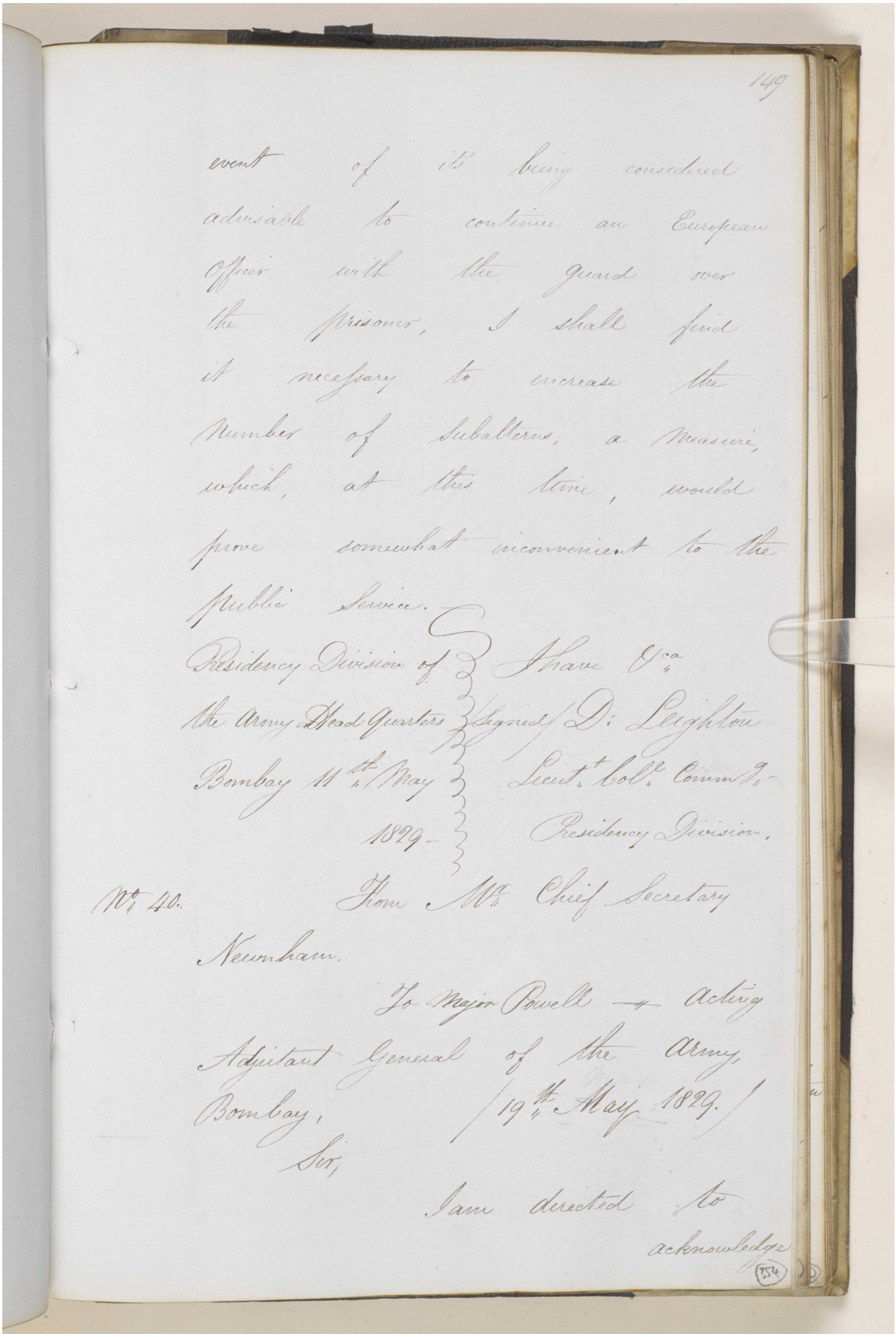

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event of it's being considered
advisable to continue an European
Officer with the guard over
the prisoner, I shall find
it necessary to encrease the
number of Subalterns, a measure,
which, at this time, would
prove somewhat inconvenient to the
public Service.

Residency Division of
the Army Head Quarters
Bombay 19th May
1829.

I have &c.
Signed D. Leighton
Lieut. Col. Comm.g
Residency Division.

No. 40.

From Mr. Chief Secretary
Newnham.

To Major Powell — acting
Adjutant General of the Army,
Bombay,

19th May 1829.

Sir,

I am directed to
acknowledge

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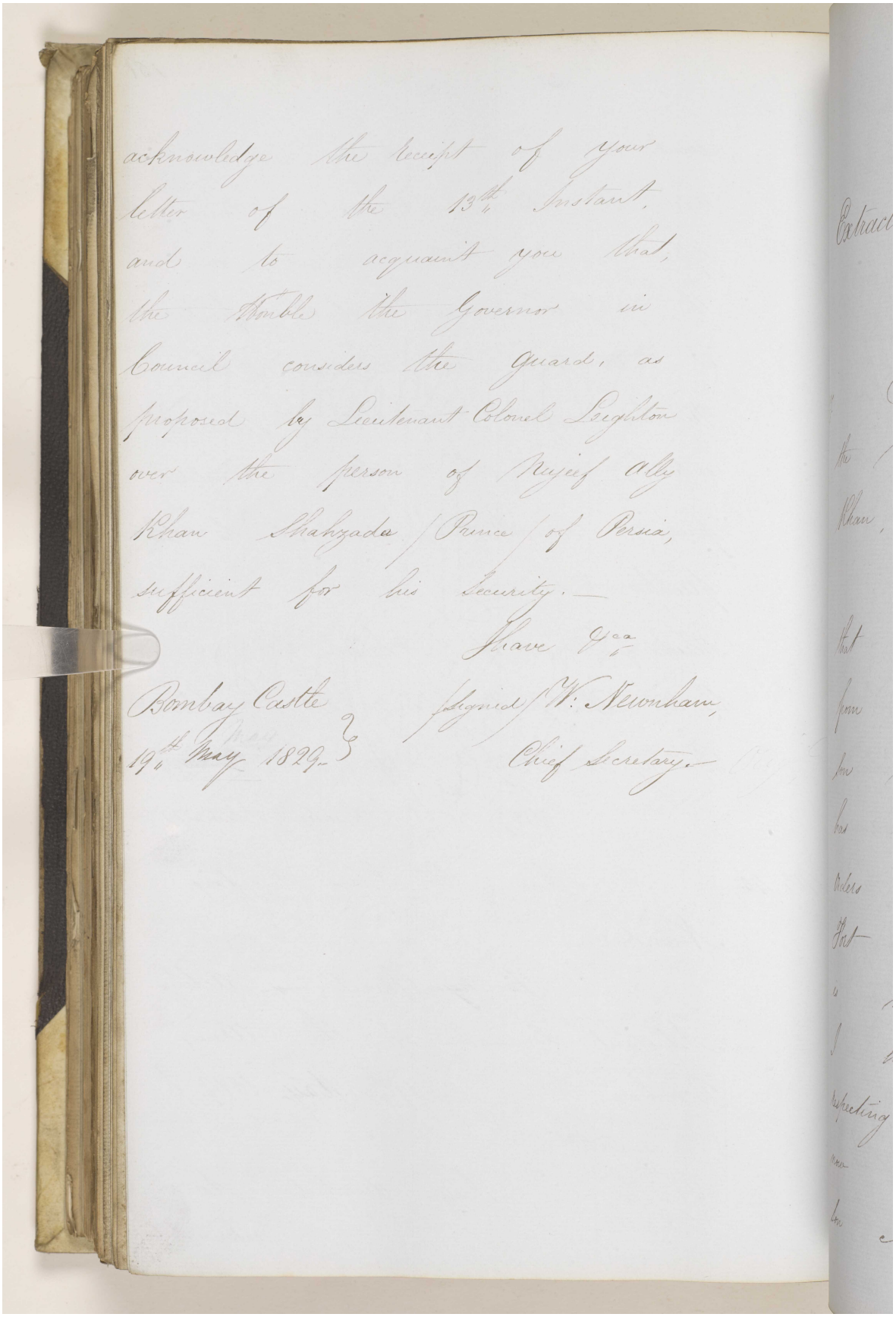

acknowledge the receipt of your
letter of the 13th Instant,
and to acquaint you that,
the Honble the Governor in
Council considers the Guard, as
proposed by Lieutenant Colonel Leighton
over the person of Nujeef Ally
Khan Shahzada / Prince / of Persia,
sufficient for his Security.—

I have &c.

Bombay Castle
19th May 1829.

(signed) W. Newnham,
Chief Secretary.

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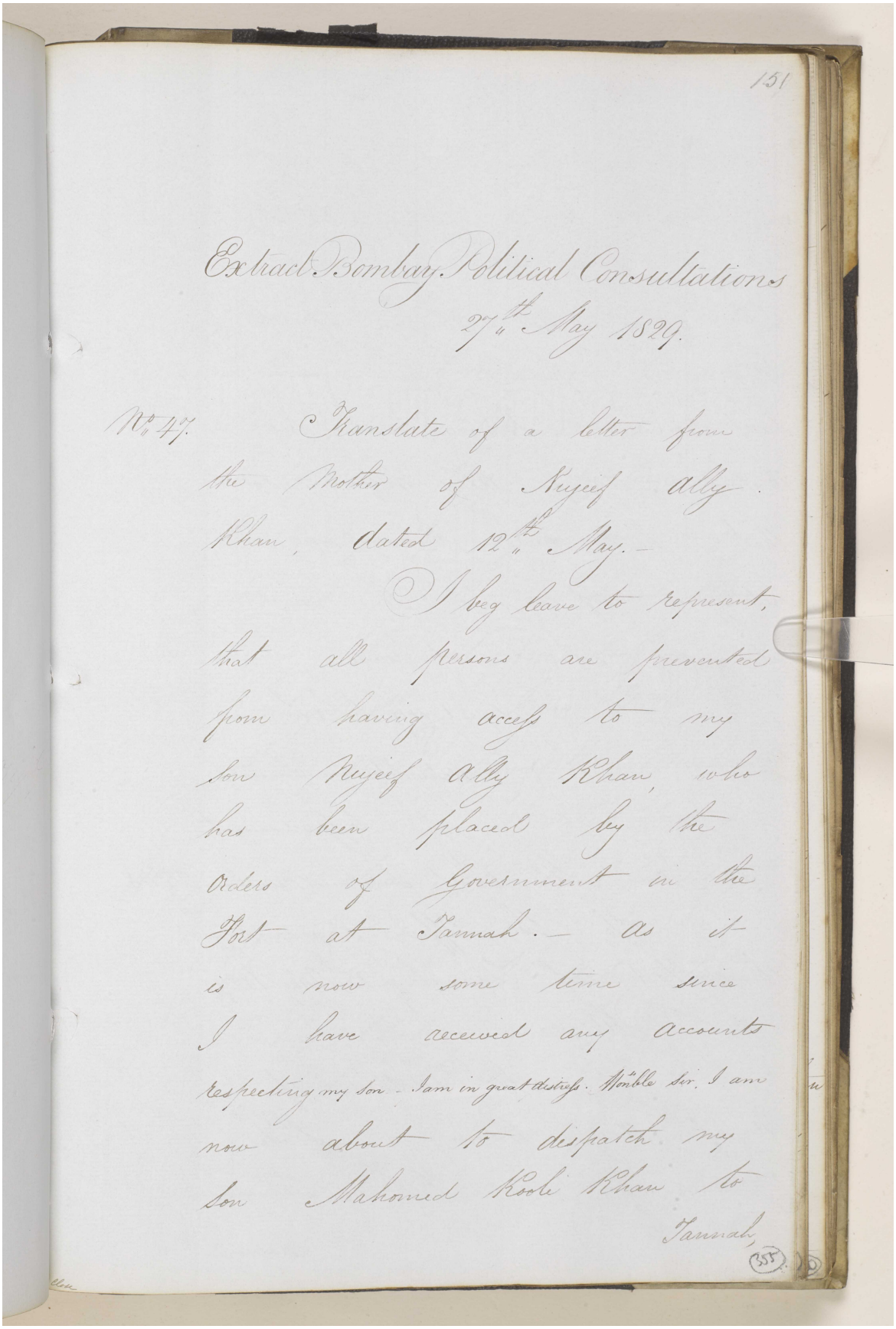

151

Extract Bombay Political Consultations
27th May 1829.

No. 47. Translate of a letter from the Mother of Nujeef ally Khan, dated 12th May.—

I beg leave to represent, that all persons are prevented from having access to my son Nujeef ally Khan, who has been placed by the Orders of Government in the Fort at Tannah.— as it is now some time since I have received any accounts respecting my son – I am in great distress. Humble sir. I am now about to despatch my Son Mahomed Kooli Khan to Tannah,

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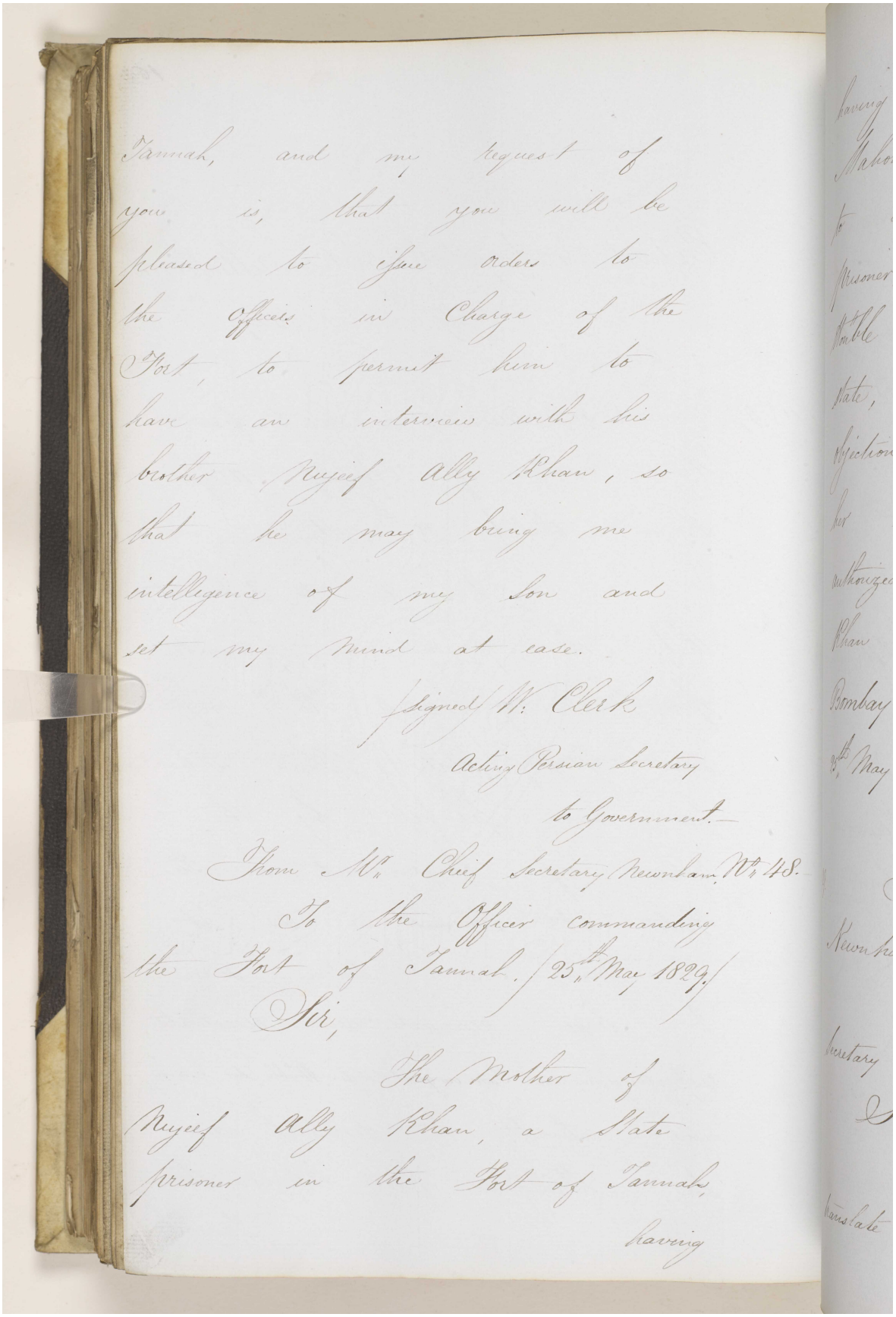

Jamnah, and my request of
you is, that you will be
pleased to give orders to
the Officers in Charge of the
Fort, to permit him to
have an interview with his
brother Nujeef Ally Khan, so
that he may bring me
intelligence of my Son and
set my mind at ease.

Signed W. Clerk
Acting Persian Secretary
to Government.

From W. Chief Secretary Newnham, No. 48.
To the Officer commanding
the Fort of Jamnah. 25th May 1829.

Sir,

The Mother of
Nujeef Ally Khan, a State
prisoner in the Fort of Jamnah,
having

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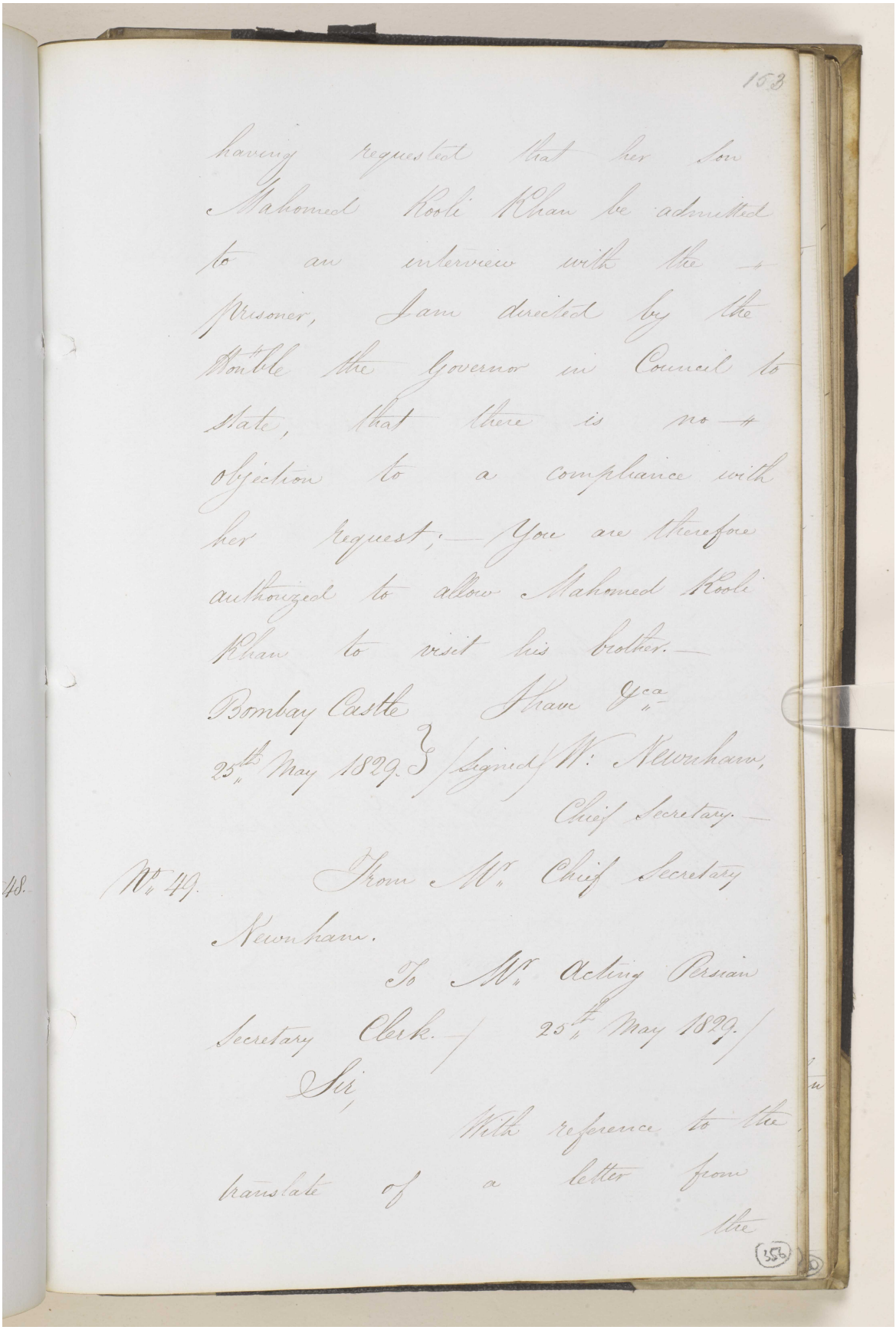

having requested that her Son Mahomed Kooli Khan be admitted to an interview with the Prisoner, I am directed by the Honble the Governor in Council to state, that there is no objection to a compliance with her request; — You are therefore authorized to allow Mahomed Kooli Khan to visit his brother. —

Bombay Castle
25th May 1829. } (Signed) W: Newnham,
Chief Secretary. —

48. No. 49. From Mr. Chief Secretary Newnham.

To Mr. Acting Persian Secretary Clerk. / 25th May 1829. /

Sir,

With reference to the translate of a letter from the

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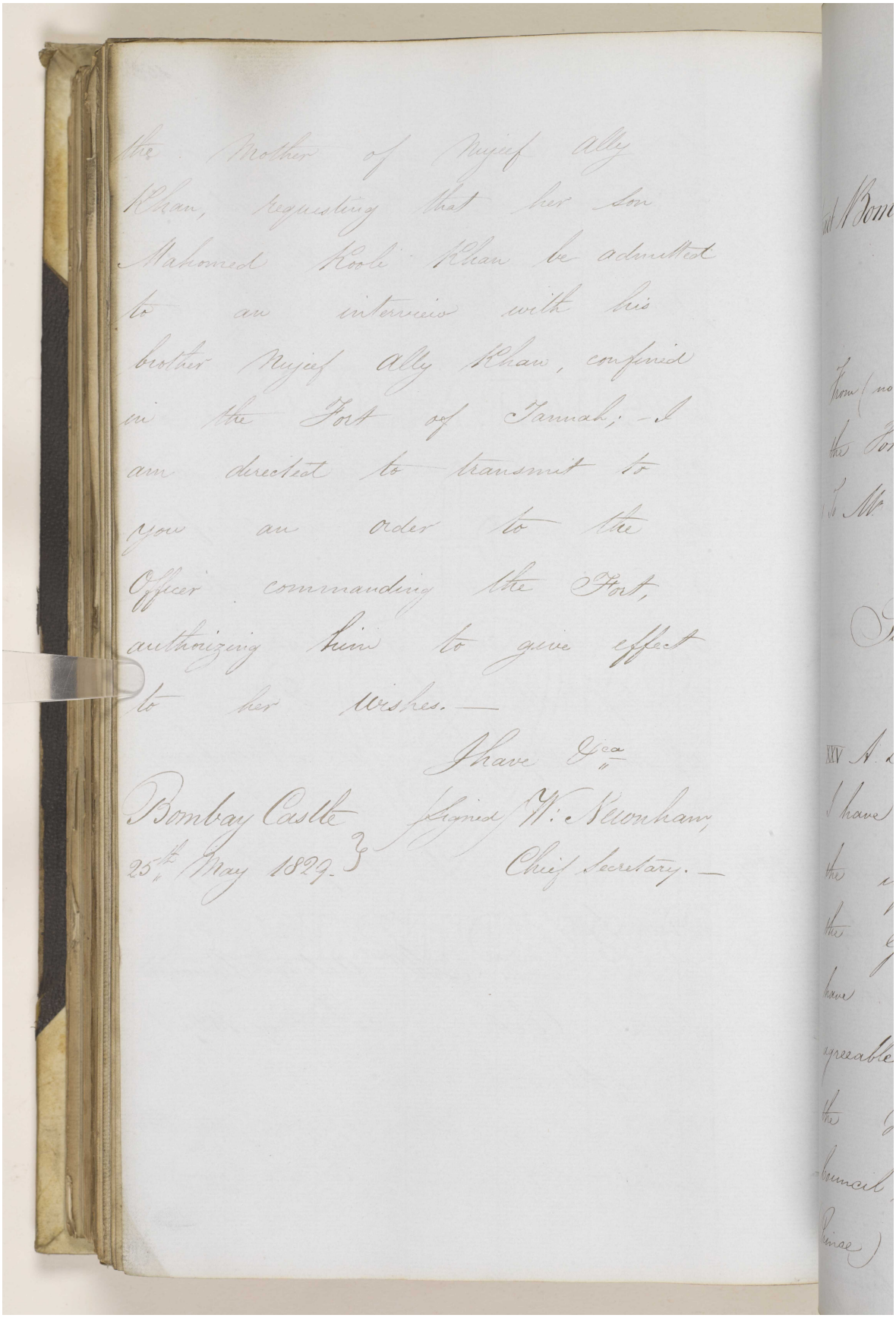

the Mother of Nujif ally
Khan, requesting that her Son
Mahomed Kooli Khan be admitted
to an interview with his
brother Nujif ally Khan, confined
in the Fort of Jumah; – I
am directed to transmit to
you an order to the
Officer commanding the Fort,
authorizing him to give effect
to her Wishes. —

I have &c.
Bombay Castle signed W. Newnham,
25th May 1829. Chief Secretary. —

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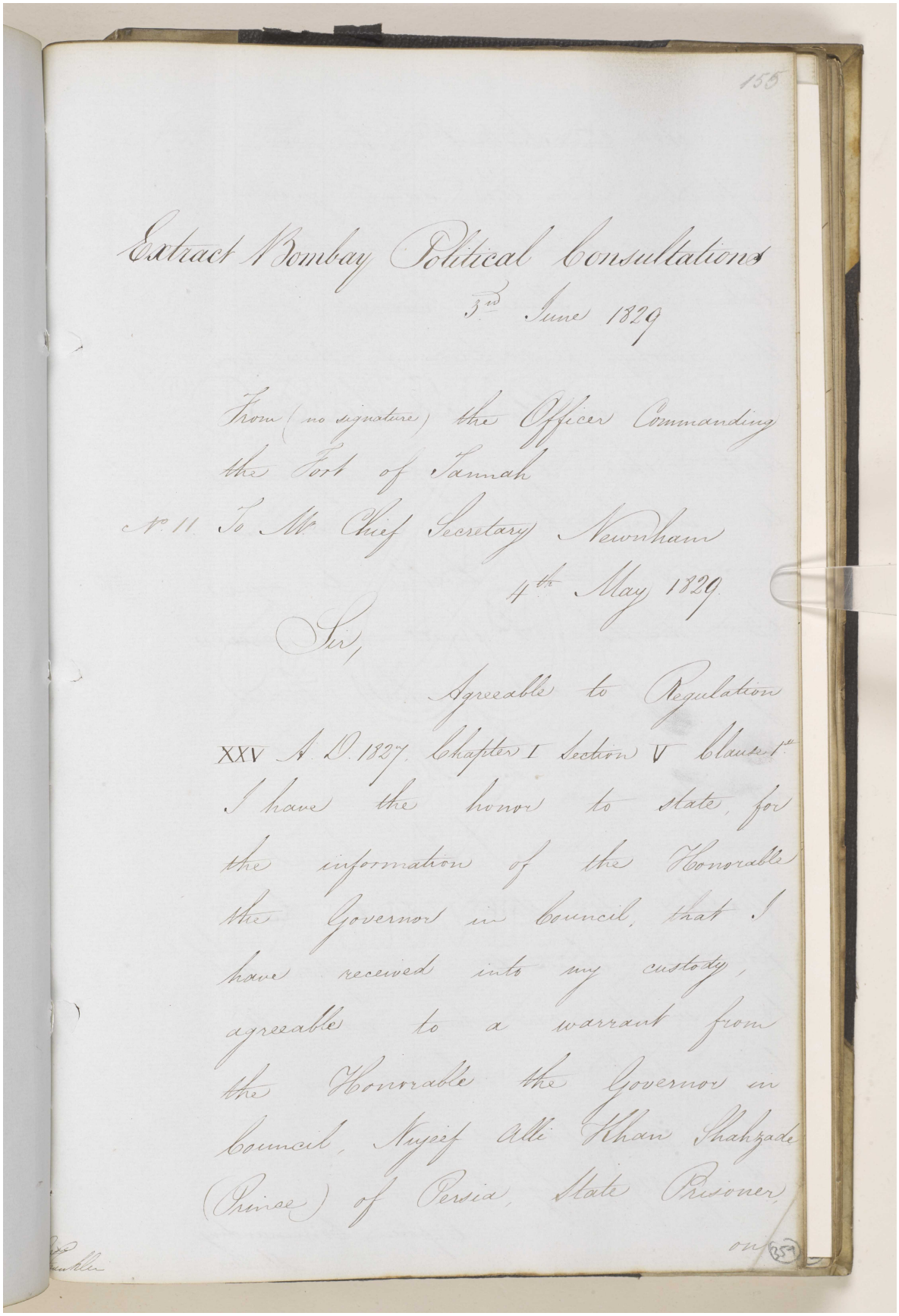

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Extract Bombay Political Consultations
3rd June 1829

From (no signature) the Officer Commanding
the Fort of Tamah
No. 11. To Mr. Chief Secretary Newnham
4th May 1829.

Sir,

Agreeable to Regulation
XXV A. D. 1827. Chapter I Section V Clause 1st
I have the honor to state, for
the information of the Honorable
the Governor in Council, that I
have received into my custody,
agreeable to a warrant from
the Honorable the Governor in
Council, Nujef alli Khan Shahzade
(Prince) of Persia, State Prisoner,
on

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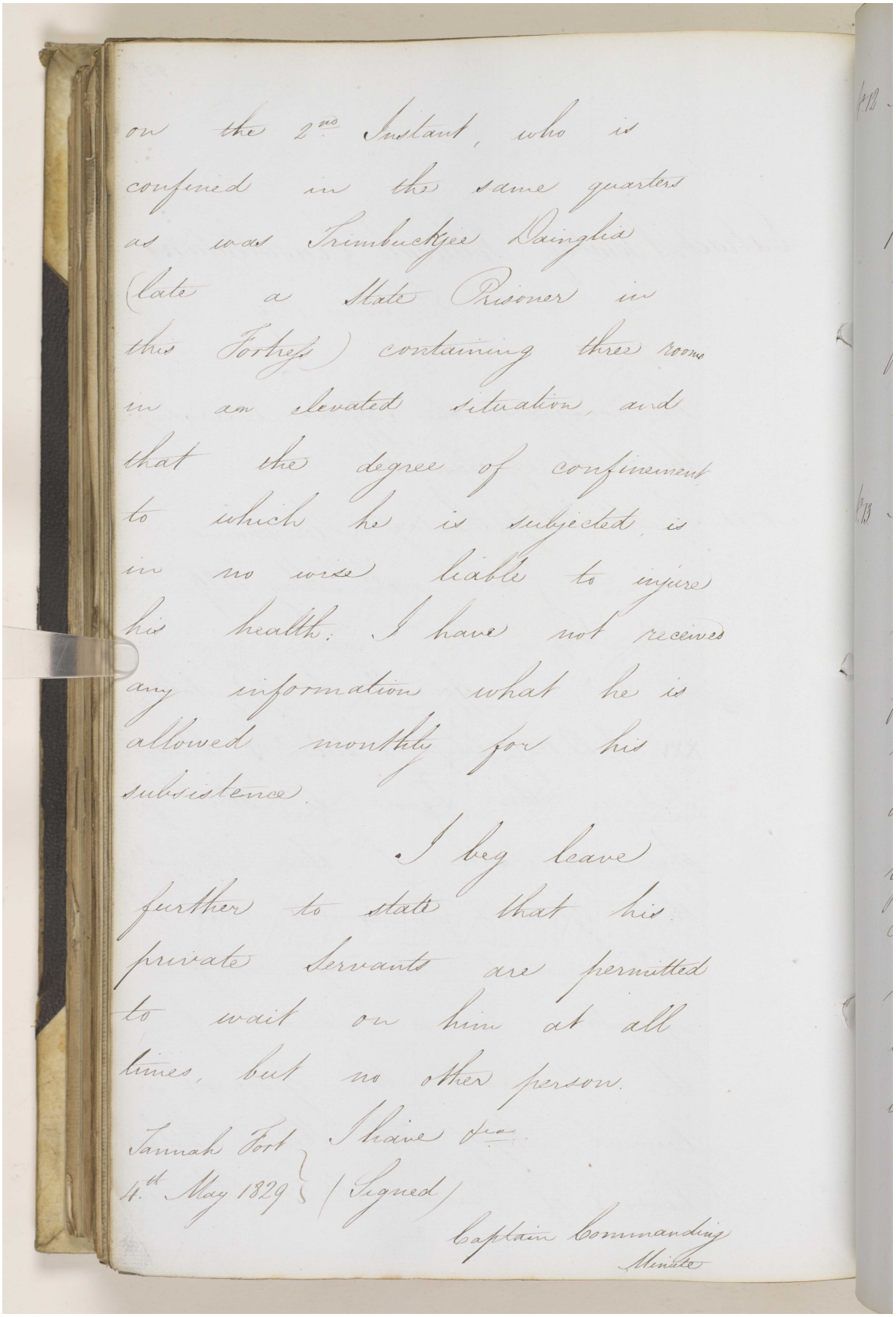

on the 2nd Instant, who is confined in the same quarters as was Trimbuckjee Dainglia (late a State Prisoner in this Fort) containing three rooms in an elevated situation, and that the degree of confinement to which he is subjected is in no wise liable to injure his health. I have not received any information what he is allowed monthly for his subsistence.

I beg leave further to state that his private Servants are permitted to wait on him at all times, but no other person.

I have &c.

Tannah Fort
4th May 1829

(Signed)
Captain Commanding
Minute

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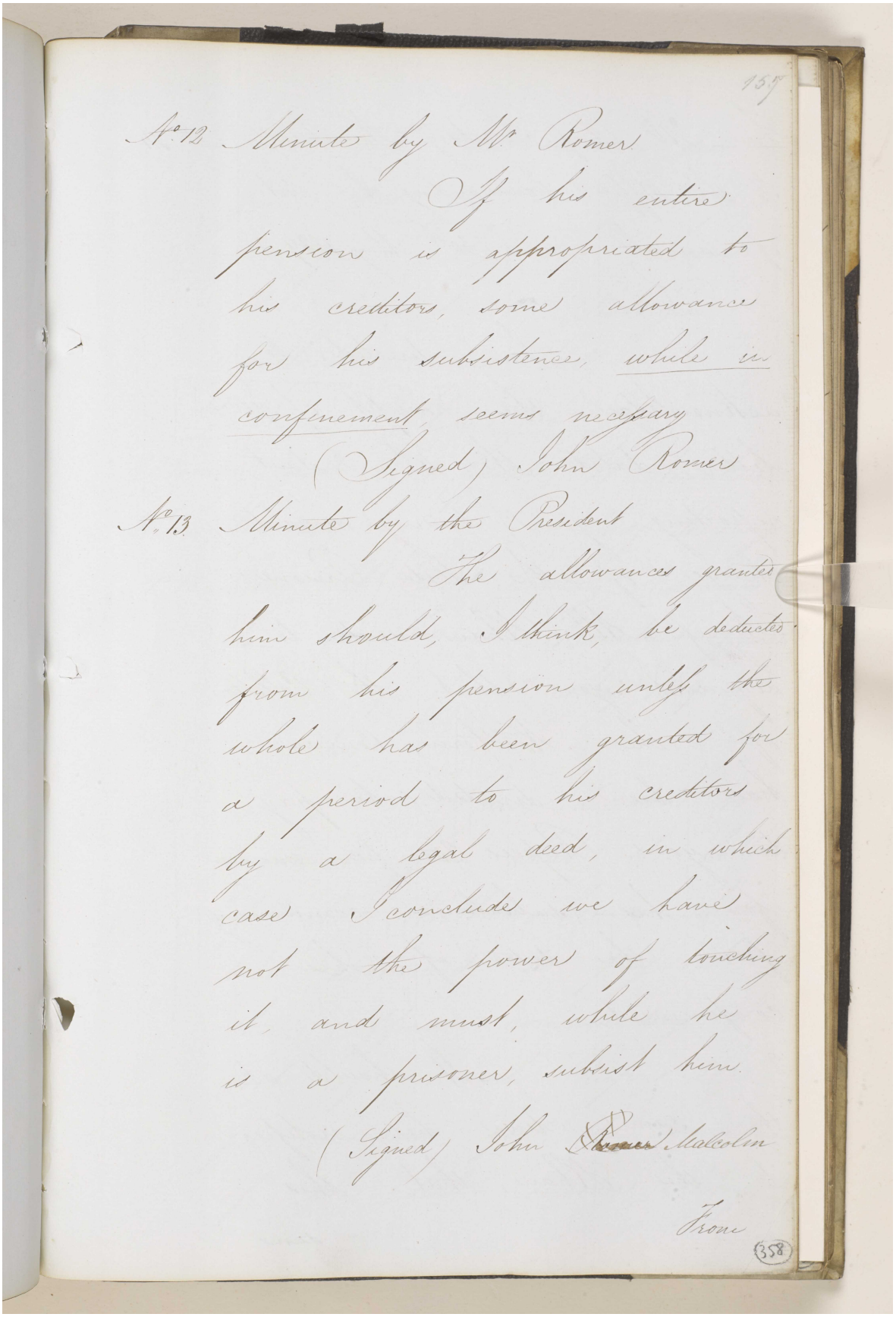

No 12 Minute by Mr Romer

If his entire pension is appropriated to his creditors, some allowance for his subsistence, while in confinement, seems necessary

(Signed) John Romer

No 13 Minute by the President

The allowances granted him should, I think, be deducted from his pension unless the whole has been granted for a period to his creditors by a legal deed, in which case I conclude we have not the power of touching it, and must, while he is a prisoner, subsist him.

(Signed) John Malcolm

From

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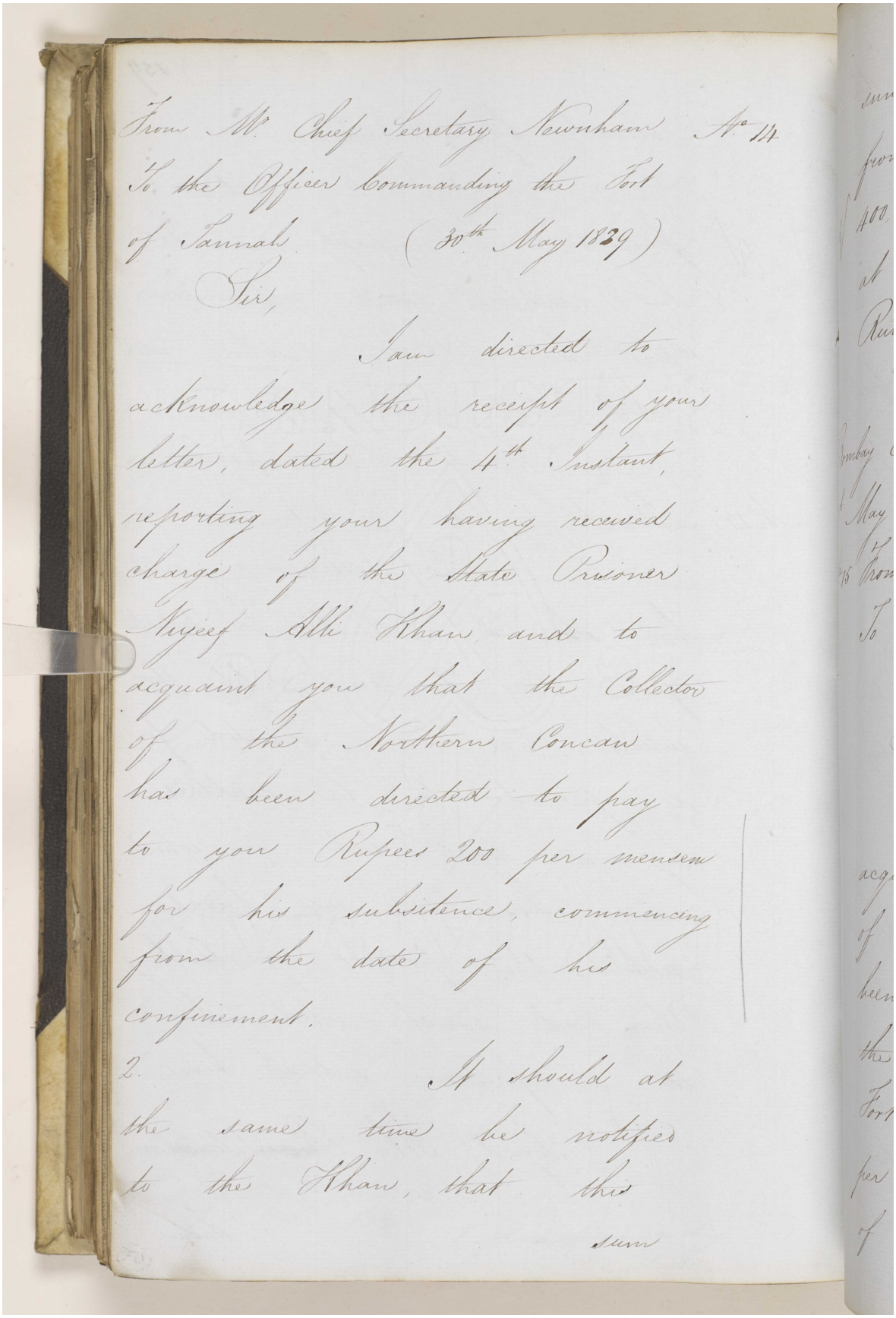

From Mr Chief Secretary Newnham No 14
To the Officer Commanding the Fort
of Tannah (30th May 1839)

Sir,

I am directed to
acknowledge the receipt of your
letter, dated the 4th Instant,
reporting your having received
charge of the State Prisoner
Nujeef Alli Khan, and to
acquaint you that the Collector
of the Northern Concan
has been directed to pay
to you Rupees 200 per mensem
for his subsistence, commencing
from the date of his
confinement.

2. It should at
the same time be notified
to the Khan, that this
sum

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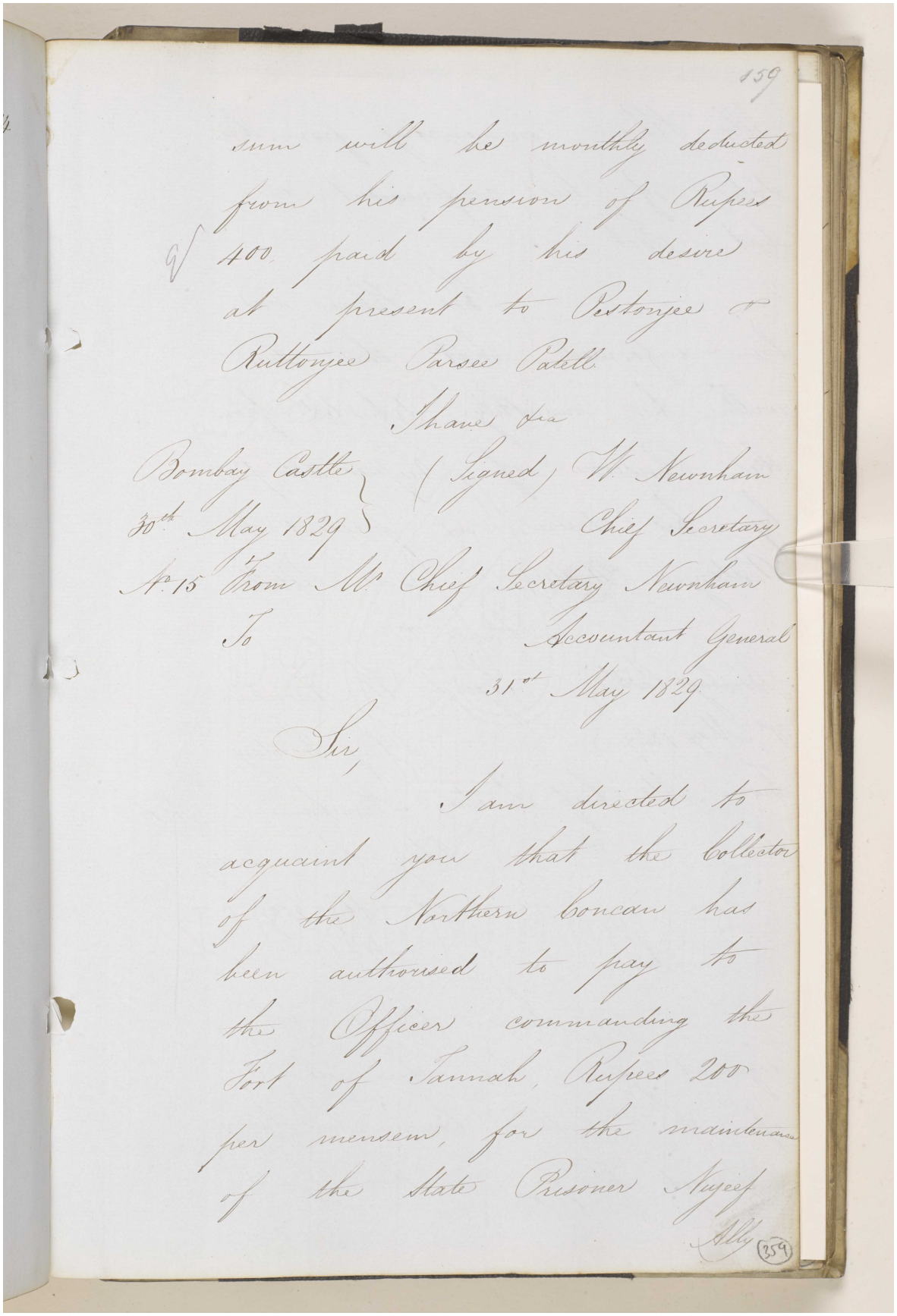

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sum will be monthly deducted
from his pension of Rupees
400 paid by his desire
at present to Pestonjee &
Ruttonjee Parsee Patell

I have &c

Bombay Castle
30th May 1829

(Signed) W. Newnham
Chief Secretary

No 15 From Mr Chief Secretary Newnham
To
Accountant General
31st May 1829

Sir,

I am directed to
acquaint you that the Collector
of the Northern Concan has
been authorised to pay to
the Officer commanding the
Fort of Tannah, Rupees 200
per mensem, for the maintenance
of the State Prisoner Nujeef
Ally

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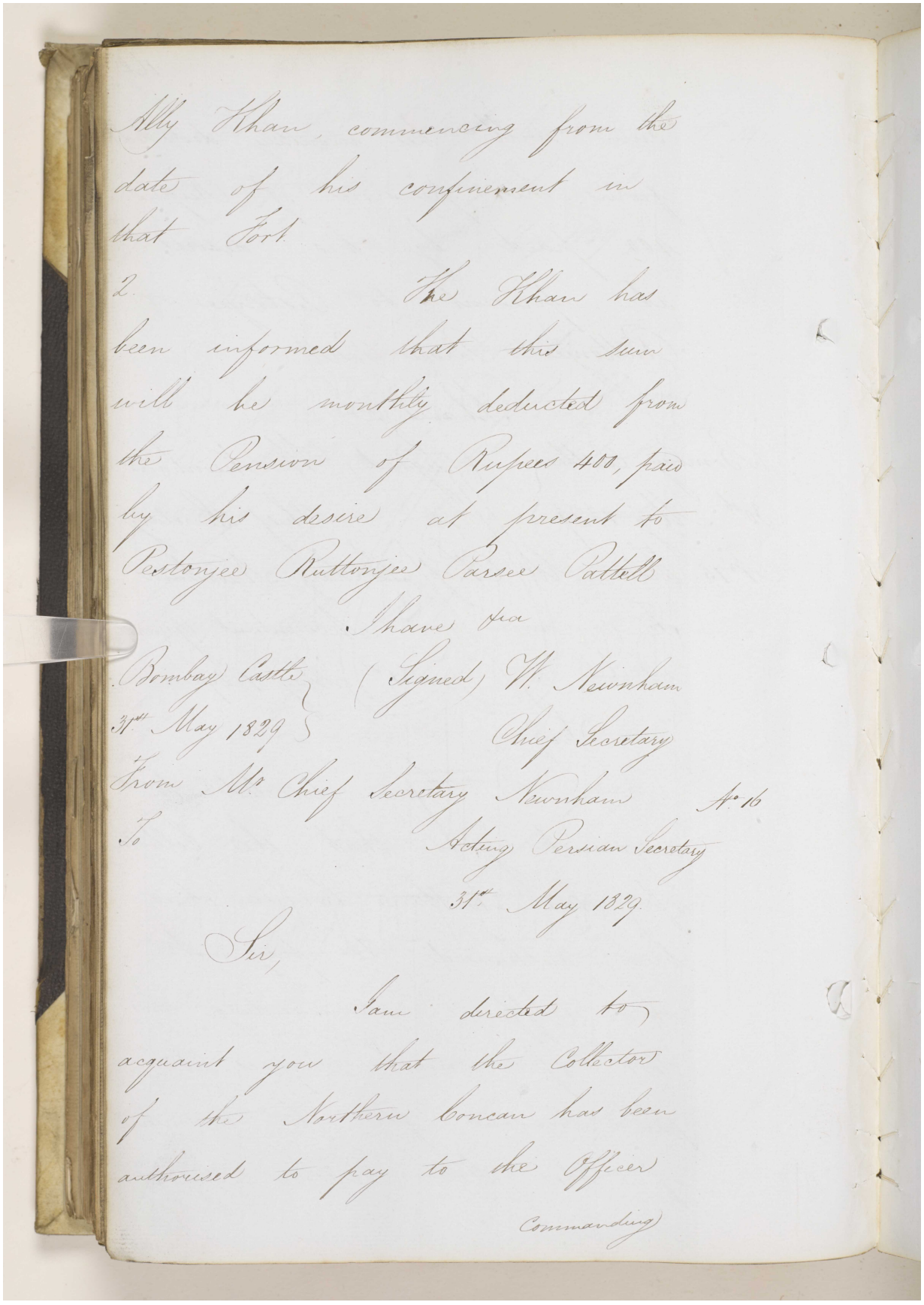

Ally Khan, commencing from the
date of his confinement in
that Fort

2. The Khan has
been informed that this sum
will be monthly deducted from
the Pension of Rupees 400, paid
by his desire at present to
Pestonjee Buttonjee Parsee Pattell

I have &c
Bombay Castle (Signed) W. Newnham
31st May 1829 Chief Secretary

From Mr Chief Secretary Newnham No 16
To
Acting Persian Secretary
31st May 1829

Sir,

I am directed to
acquaint you that the Collector
of the Northern Concan has been
authorised to pay to the Officer
Commanding

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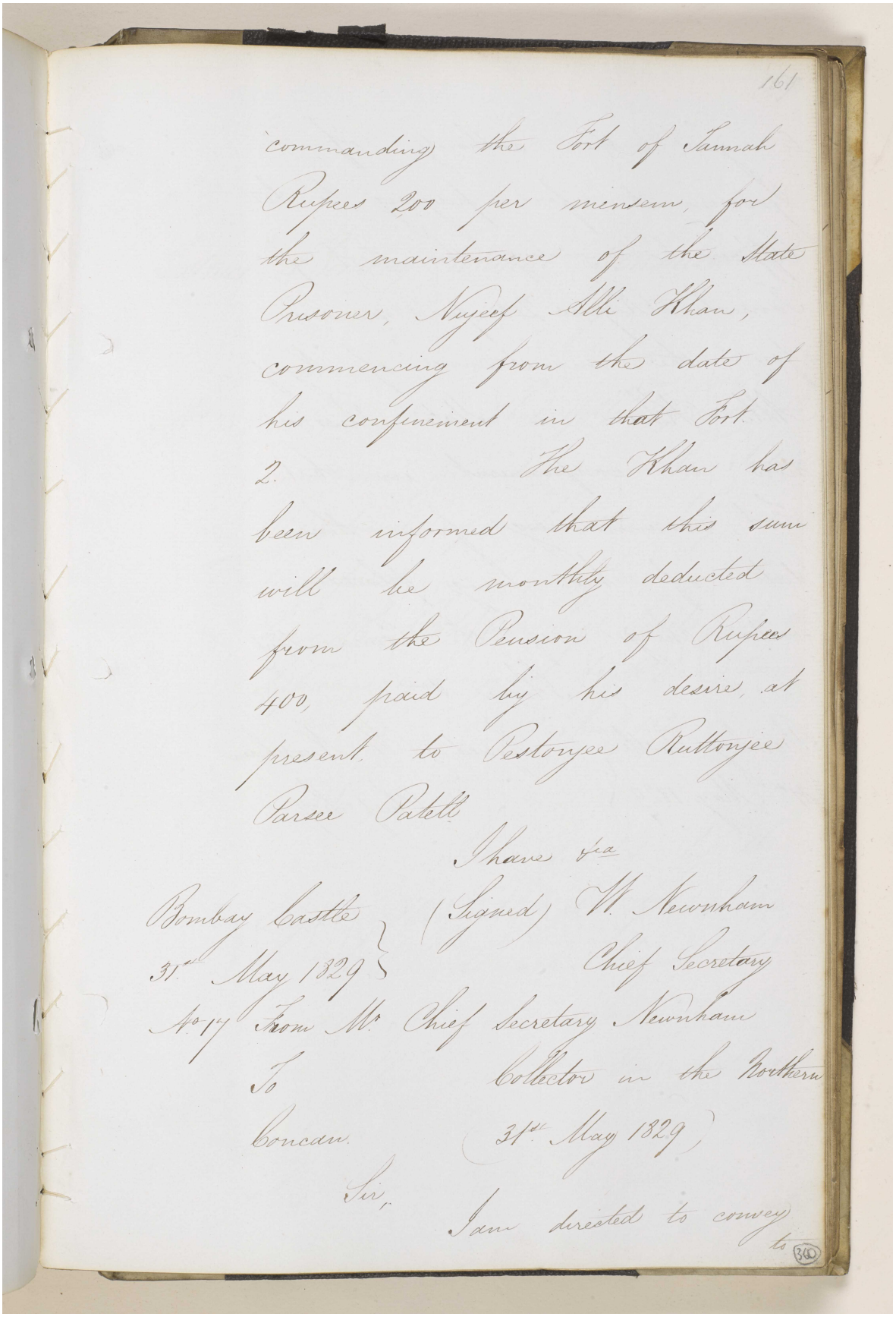

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commanding the Fort of Tamah
Rupees 200 per mensem, for
the maintenance of the State
Prisoner, Nujeef Alli Khan,
commencing from the date of
his confinement in that Fort.
2. The Khan has
been informed that this sum
will be monthly deducted
from the Pension of Rupees
400, paid by his desire, at
present to Pestonjee Buttonjee
Parsee Patell.

I have &c.a

(Signed) W. Newnham
Chief Secretary

Bombay Castle
31st May 1829

No 14 From Mr Chief Secretary Newnham
To
Collector in the Northern
Concan.
(31st May 1829)

Sir,

I am directed to convey
to

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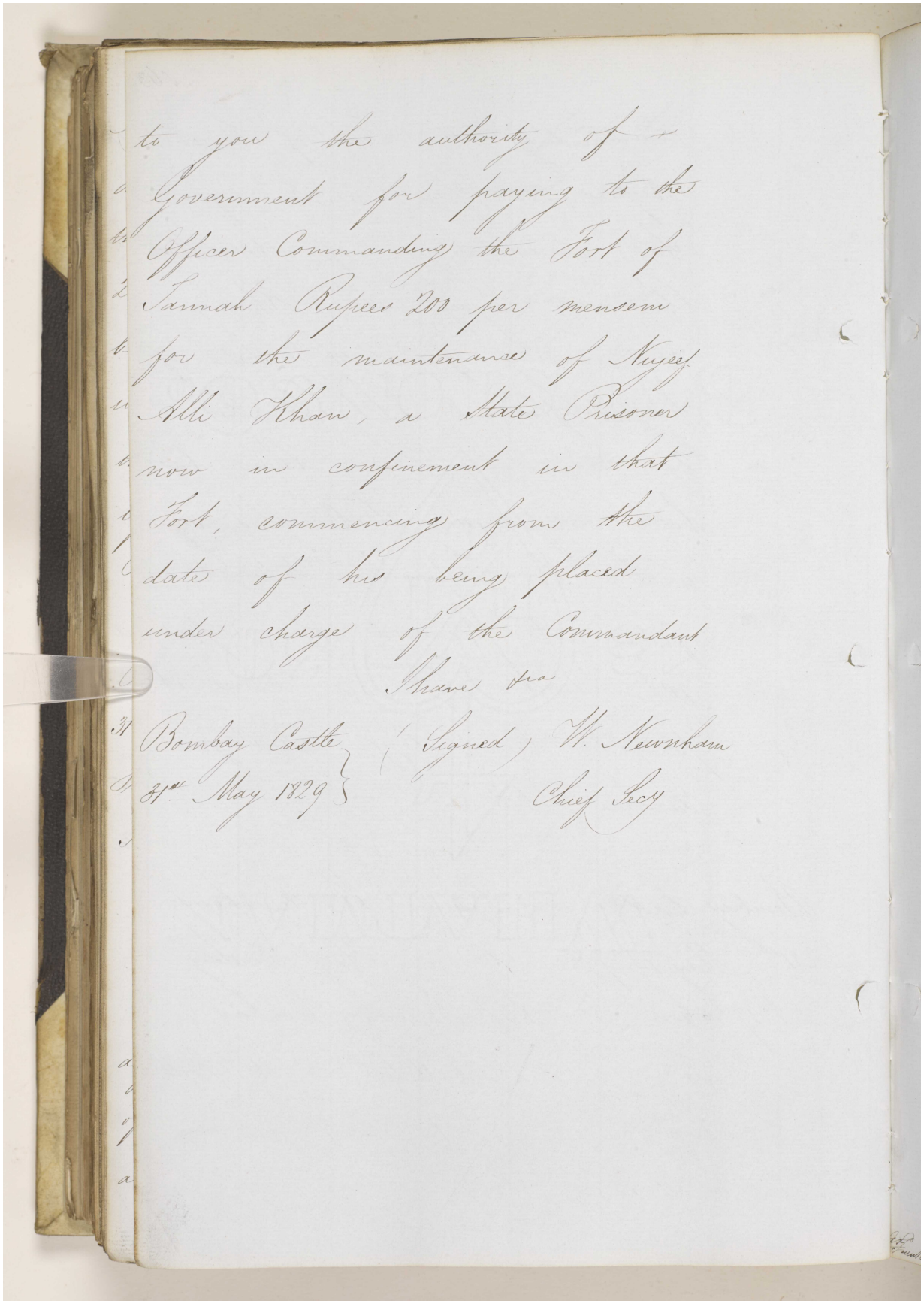

to you the authority of
Government for paying to the
Officer Commanding the Fort of
Jannah Rupees 200 per mensem
for the maintenance of Nujef
Alli Khan, a State Prisoner
now in confinement in that
Fort, commencing from the
date of his being placed
under charge of the Commandant
I have &c
Bombay Castle (Signed) W. Newnham
31st May 1829 Chief Secy

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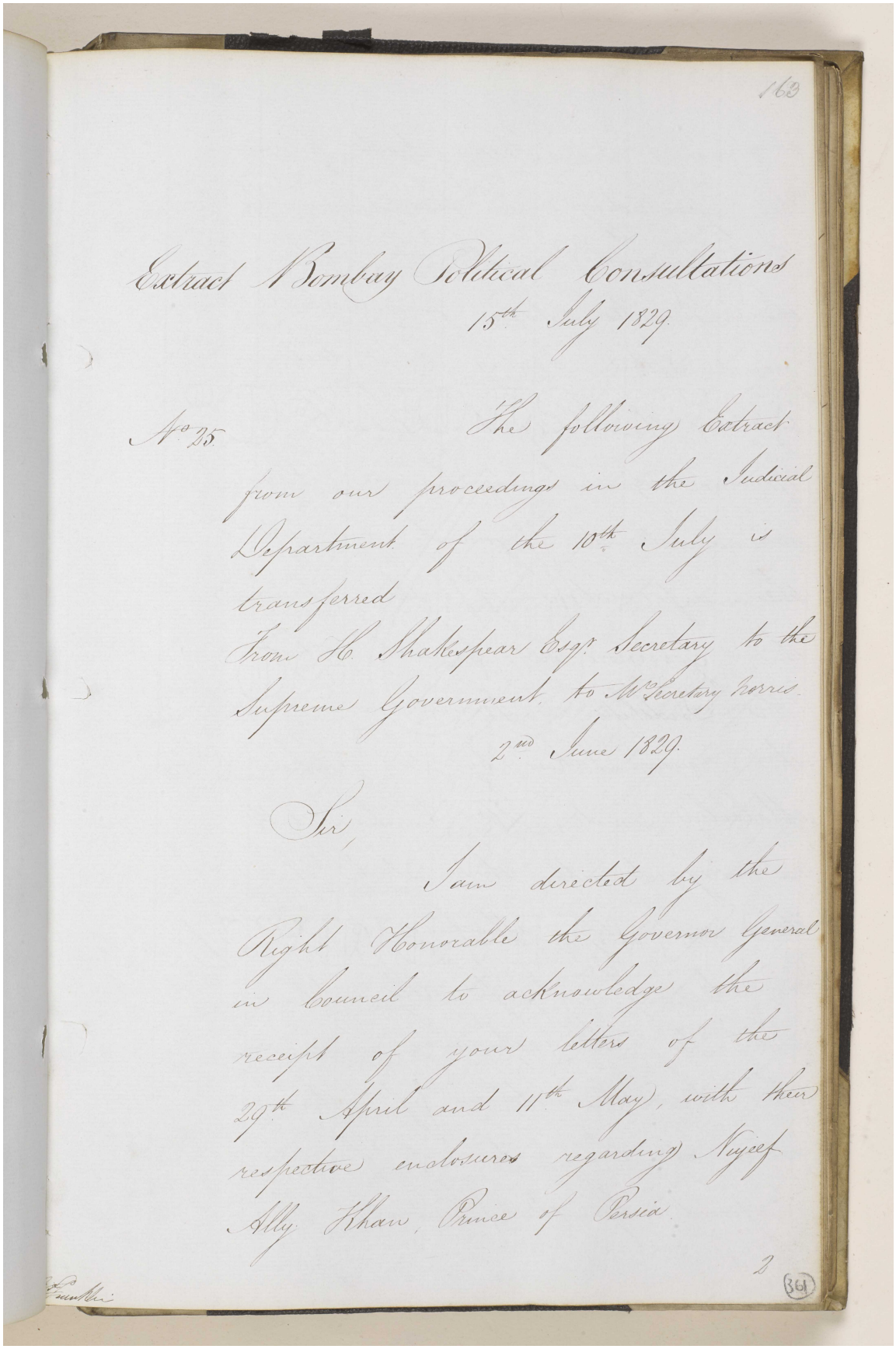

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Extract Bombay Political Consultations
15th July 1829

No 25

The following Extract from our proceedings in the Judicial Department of the 10th July is transferred
From H. Shakespear Esqr. Secretary to the Supreme Government to Mr. Secretary Harris.
2nd June 1829.

Sir,

I am directed by the Right Honorable the Governor General in Council to acknowledge the receipt of your letters of the 29th April and 11th May, with their respective enclosures regarding Nujeef Ally Khan, Prince of Persia.

2

(361)

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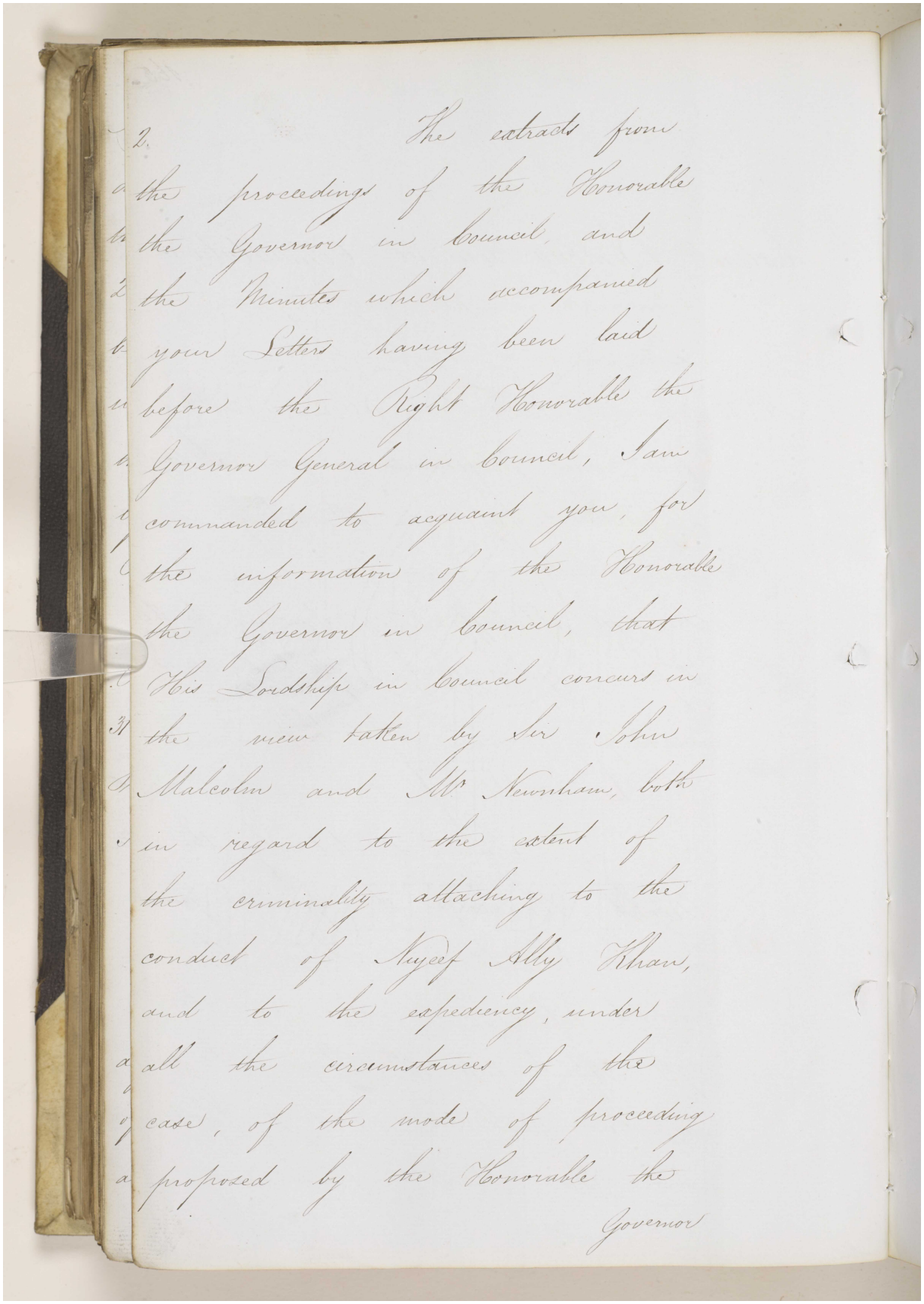

2. The extracts from the proceedings of the Honorable the Governor in Council, and the Minutes which accompanied your Letters having been laid before the Right Honorable the Governor General in Council, I am commanded to acquaint you, for the information of the Honorable the Governor in Council, that His Lordship in Council concurs in the view taken by Sir John Malcolm and Mr Newnham, both in regard to the extent of the criminality attaching to the conduct of Nujeef Ally Khan, and to the expediency, under all the circumstances of the case, of the mode of proceeding proposed by the Honorable the Governor

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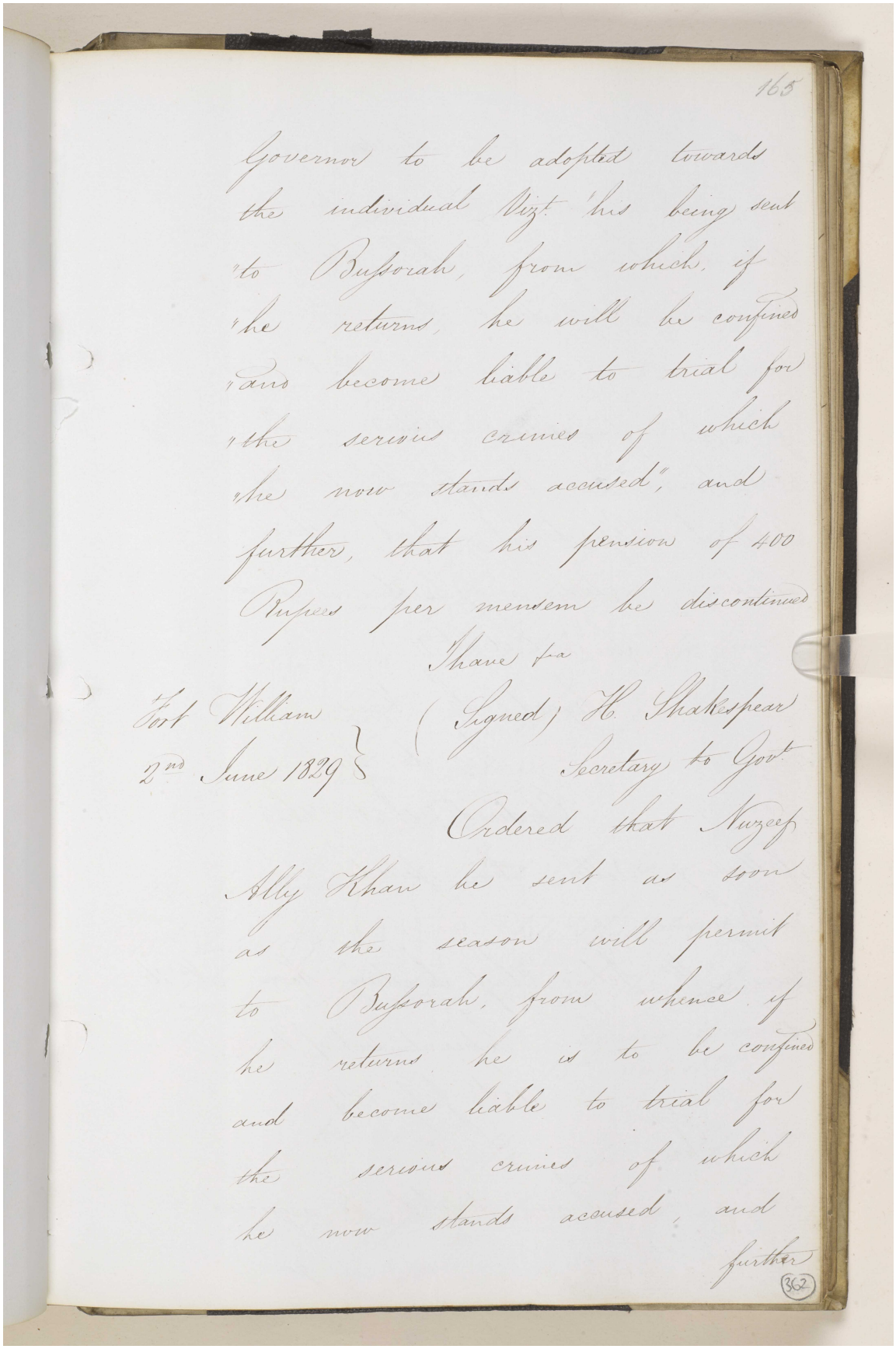

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Governor to be adopted towards the individual Vizt. "his being sent "to Bussorah, from which, if "he returns, he will be confined "and become liable to trial for "the serious crimes of which "he now stands accused", and further, that his pension of 400 Rupees per mensem be discontinued

I have &a

Fort William
2nd June 1829

(Signed) H. Shakespear
Secretary to Govt.

Ordered that Nuzeef Ally Khan be sent as soon as the season will permit to Bussorah, from whence if he returns he is to be confined and become liable to trial for the serious crimes of which he now stands accused, and further

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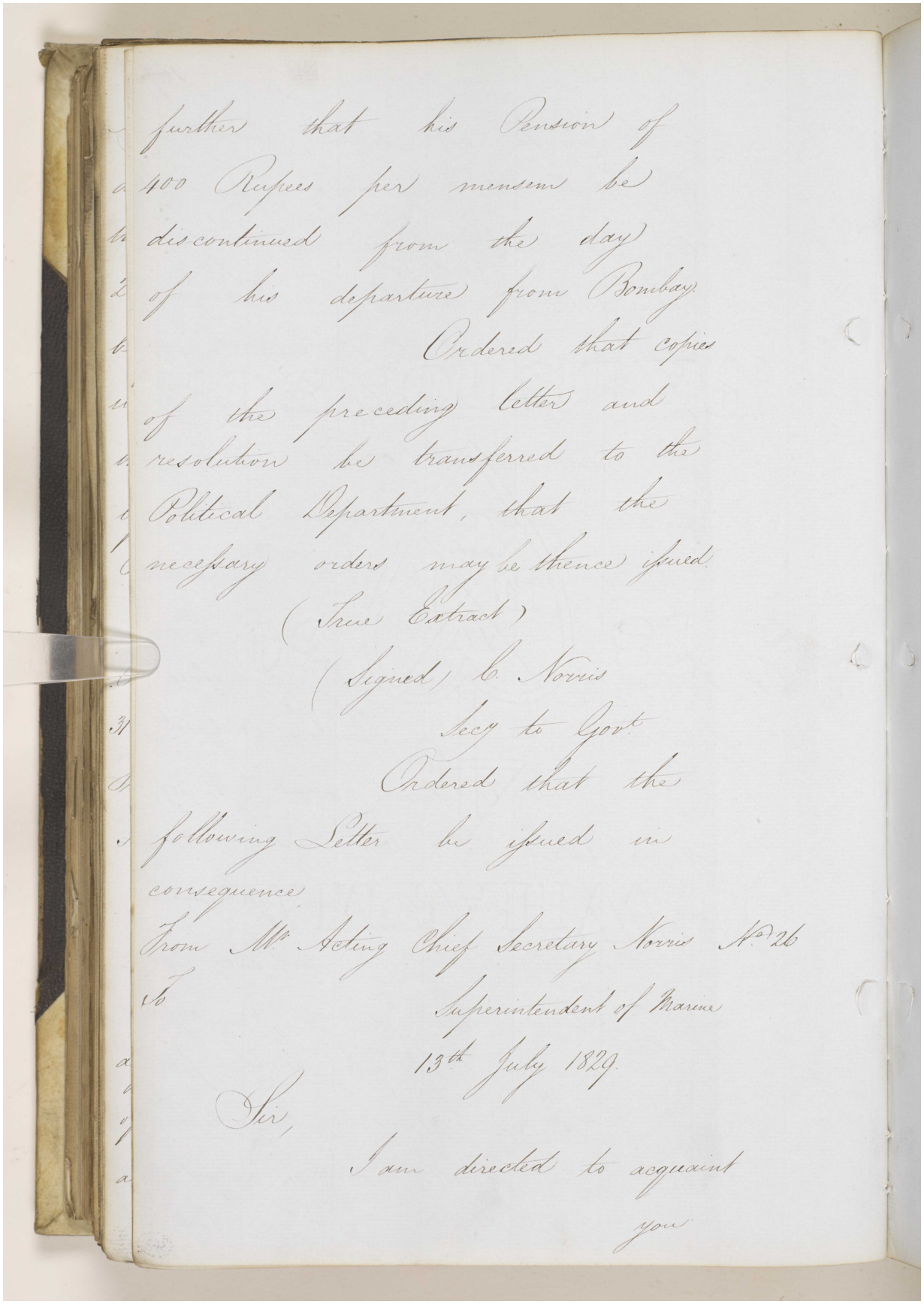

further that his Pension of
400 Rupees per mensem be
discontinued from the day
of his departure from Bombay.
Ordered that copies
of the preceding letter and
resolution be transferred to the
Political Department, that the
necessary orders may be thence issued.
(True Extract)
(Signed) C. Norris
Secy to Govt.
Ordered that the
following Letter be issued in
consequence.
From Mr. Acting Chief Secretary Norris No. 26
To
Superintendent of Marine
13th July 1829.
Sir,
I am directed to acquaint
you

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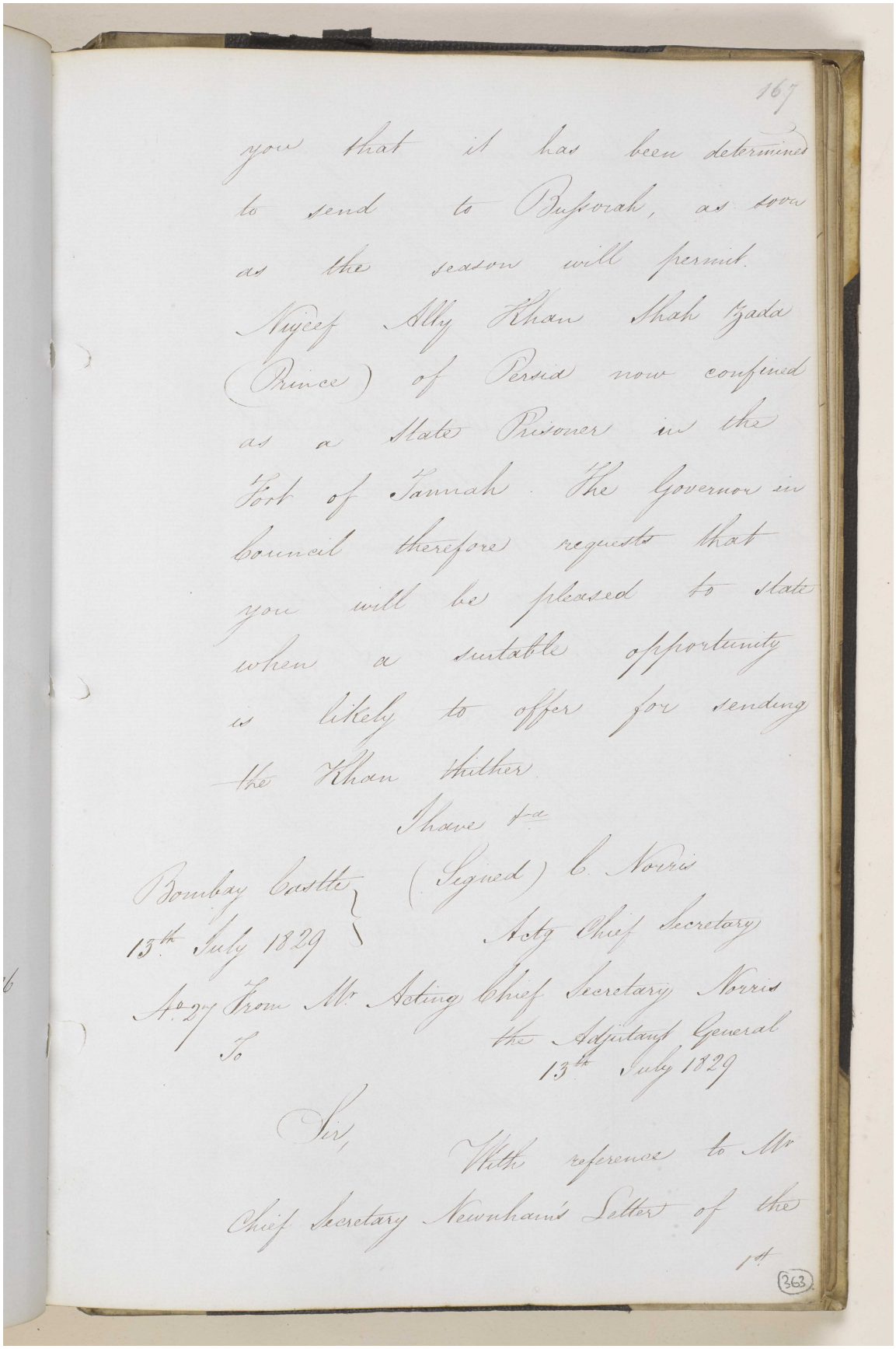

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you that it has been determined to send to Bussorah, as soon as the season will permit Nujeef Alby Khan Shah Zada (Prince) of Persia now confined as a State Prisoner in the Fort of Tannah. The Governor in Council therefore requests that you will be pleased to state when a suitable opportunity is likely to offer for sending the Khan thither

I have &c.

(Signed) C. Norris
Actg Chief Secretary

Bombay Castle
13th July 1829

No 27 From Mr Acting Chief Secretary Norris
To the Adjutant General
13th July 1829

Sir,

With reference to Mr Chief Secretary Newnham's Letter of the 1st

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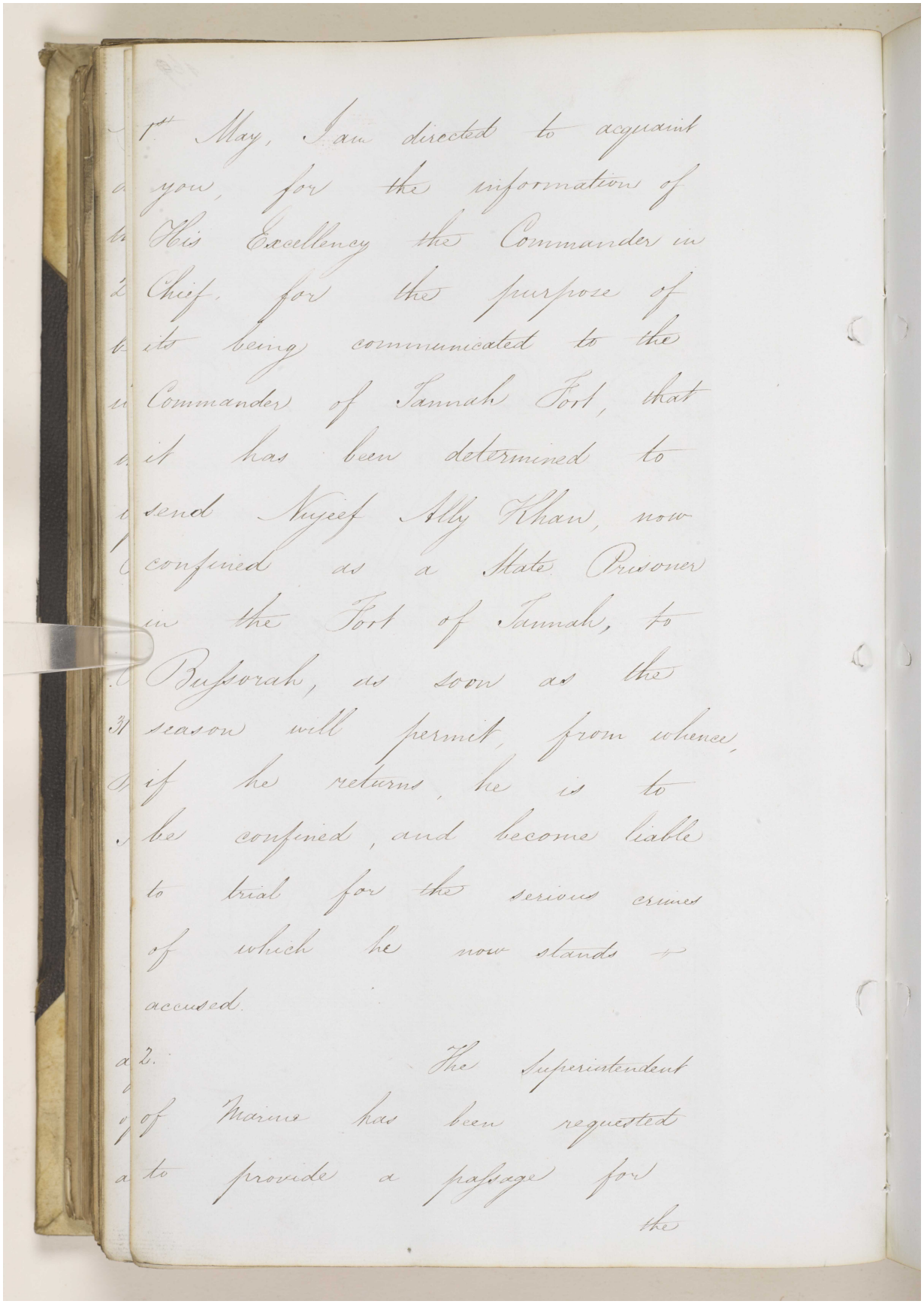

1st May, I am directed to acquaint
you, for the information of
His Excellency the Commander in
Chief, for the purpose of
its being communicated to the
Commander of Jamah Fort, that
it has been determined to
send Nujeef Ally Khan, now
confined as a State Prisoner
in the Fort of Jamah, to
Bussorah, as soon as the
season will permit, from whence,
if he returns, he is to
be confined, and become liable
to trial for the serious crimes
of which he now stands
accused.

2. The Superintendent
of Marine has been requested
to provide a passage for
the

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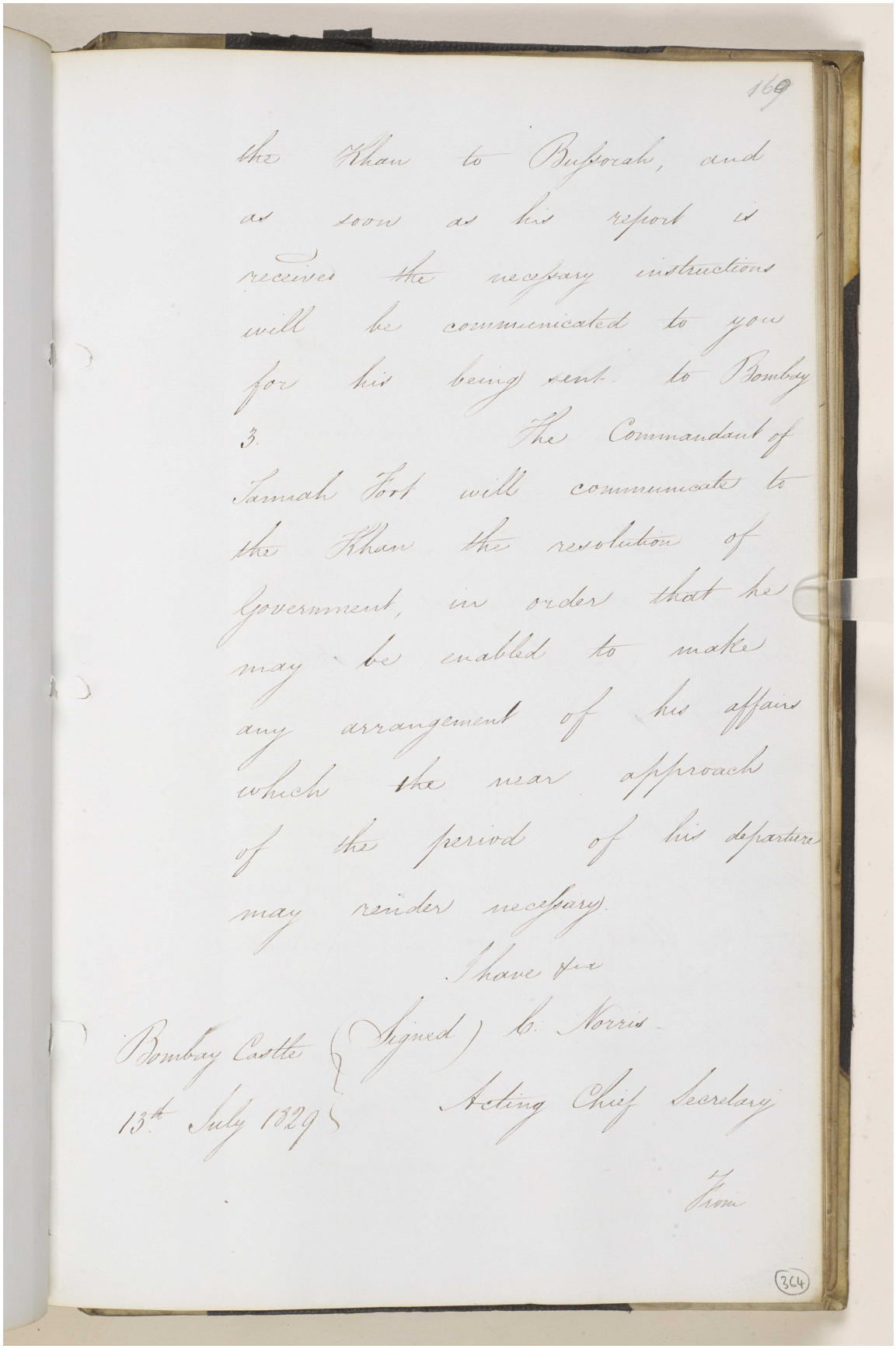

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the Khan to Bussorah, and as soon as his report is received the necessary instructions will be communicated to you for his being sent to Bombay

3. The Commandant of Jamah Fort will communicate to the Khan the resolution of Government, in order that he may be enabled to make any arrangement of his affairs which the near approach of the period of his departure may render necessary.

I have &c

Bombay Castle (Signed) G. Norris
13th July 1829 Acting Chief Secretary

To

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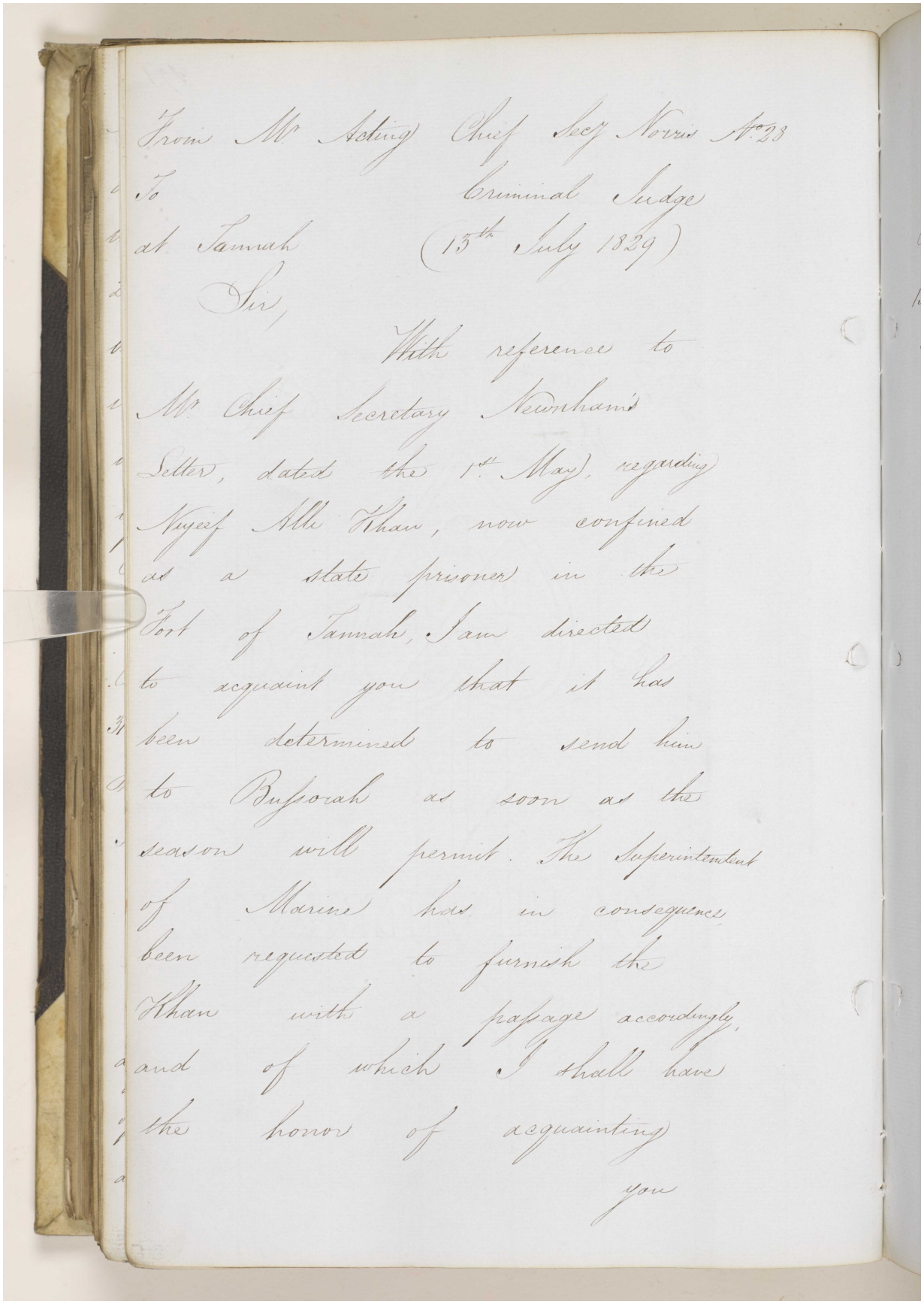

From Mr Acting Chief Secy Norris No. 23
To Criminal Judge
at Tannah (15th July 1829)

Sir,

With reference to Mr Chief Secretary Newnham's letter, dated the 1st May, regarding Nujeef Alle Khan, now confined as a state prisoner in the Fort of Tannah, I am directed to acquaint you that it has been determined to send him to Bussorah as soon as the season will permit. The Superintendent of Marine has in consequence been requested to furnish the Khan with a passage accordingly, and of which I shall have the honor of acquainting you

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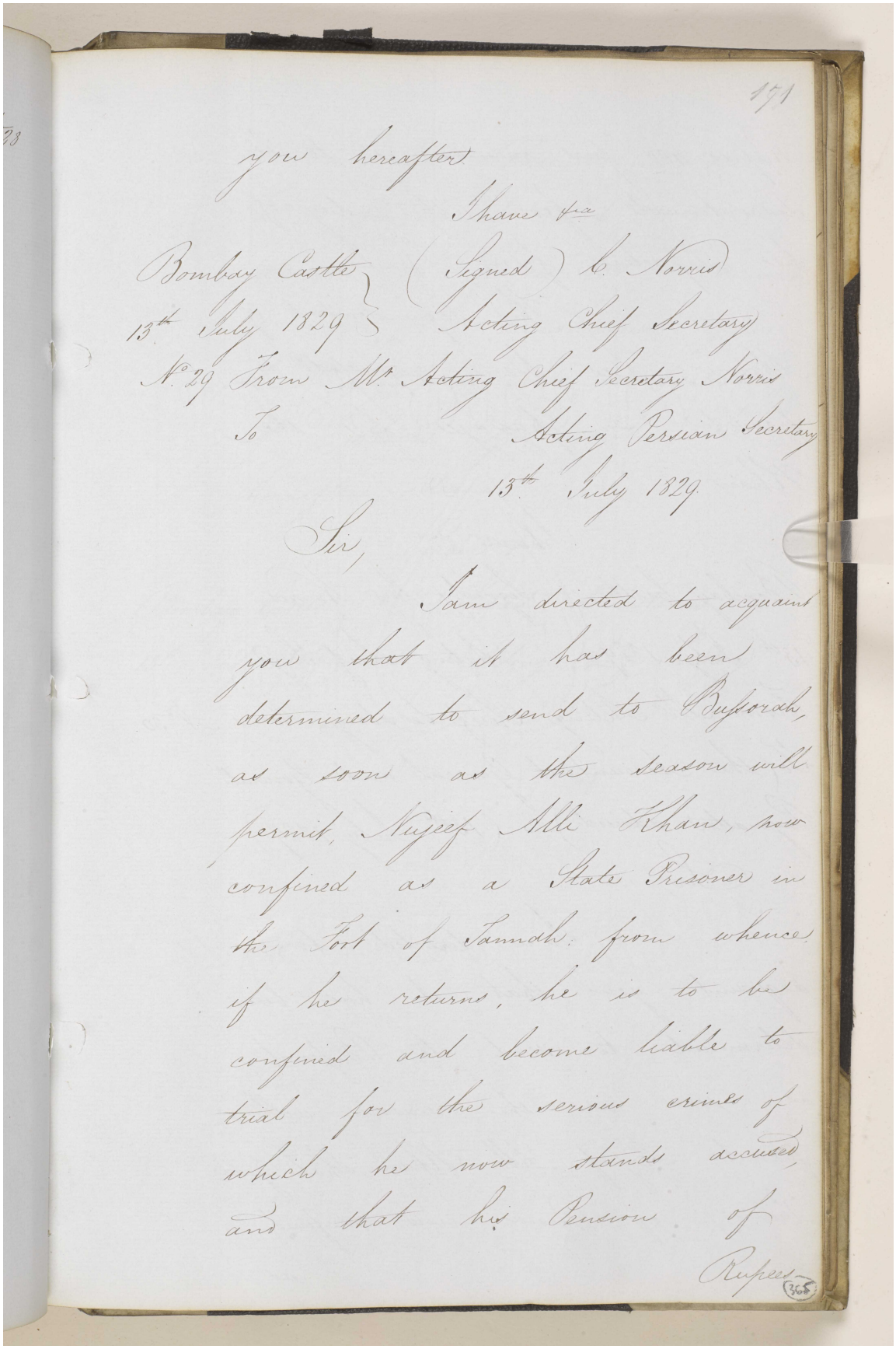

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you hereafter

I have &c

(Signed) L. Norris
Acting Chief Secretary

Bombay Castle
13th July 1829

No. 29 From Mr. Acting Chief Secretary Norris
To
Acting Persian Secretary
13th July 1829

Sir,

I am directed to acquaint you that it has been determined to send to Bussorah, as soon as the season will permit, Nujeef Alli Khan, now confined as a State Prisoner in the Fort of Tamah from whence if he returns, he is to be confined and become liable to trial for the serious crimes of which he now stands accused, and that his Pension of

Rupees

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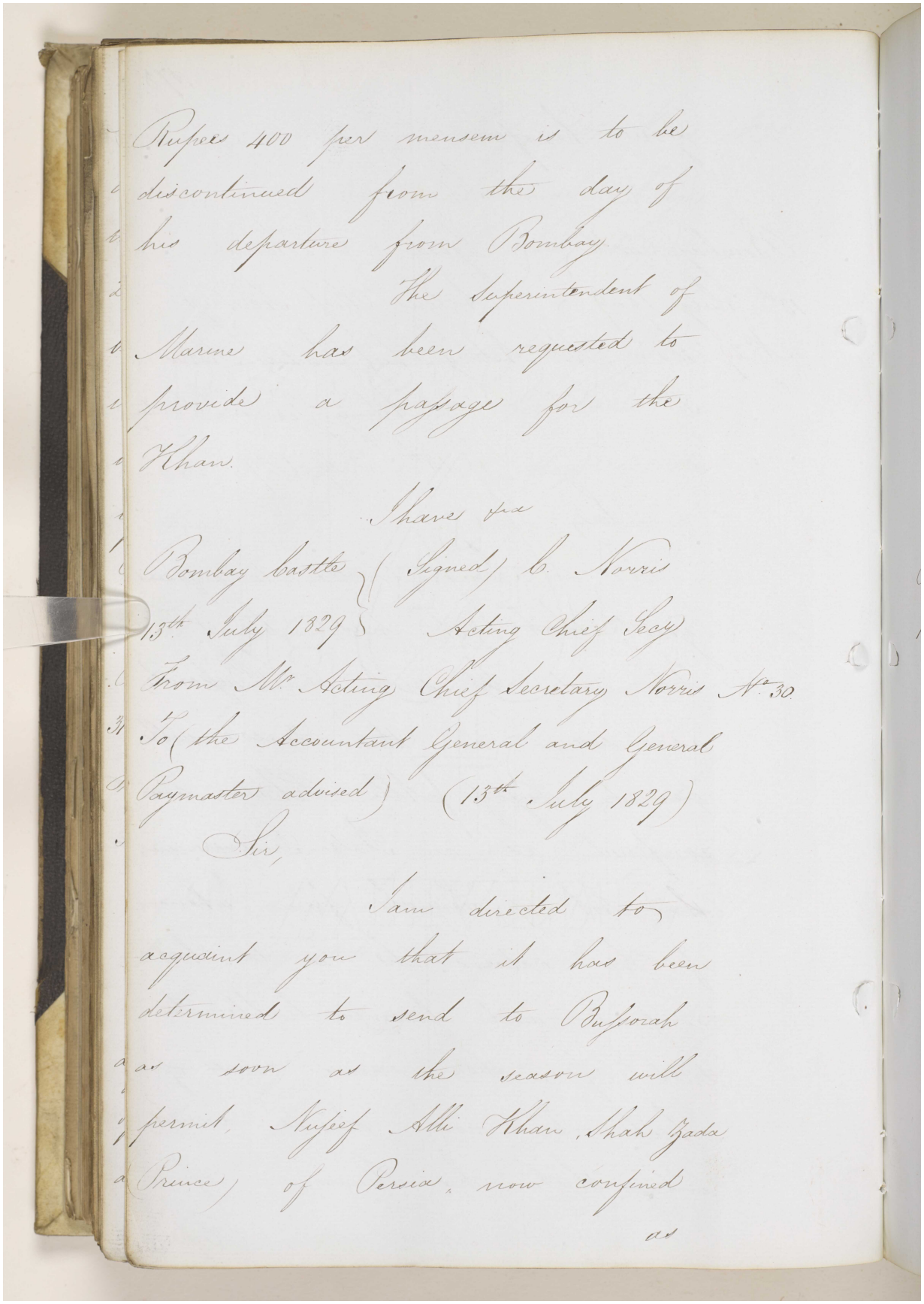

Rupees 400 per mensem is to be
discontinued from the day of
his departure from Bombay
The Superintendent of
Marine has been requested to
provide a passage for the
Khan.

I have &c
Bombay Castle } (Signed) C. Norris
13th July 1829 } Acting Chief Secy

From Mr. Acting Chief Secretary Norris No. 30
To (the Accountant General and General
Paymaster advised) (13th July 1829)

Sir,

I am directed to
acquaint you that it has been
determined to send to Bussorah
as soon as the season will
permit, Nujeef Alli Khan, Shah Zada
(Prince) of Persia, now confined
at

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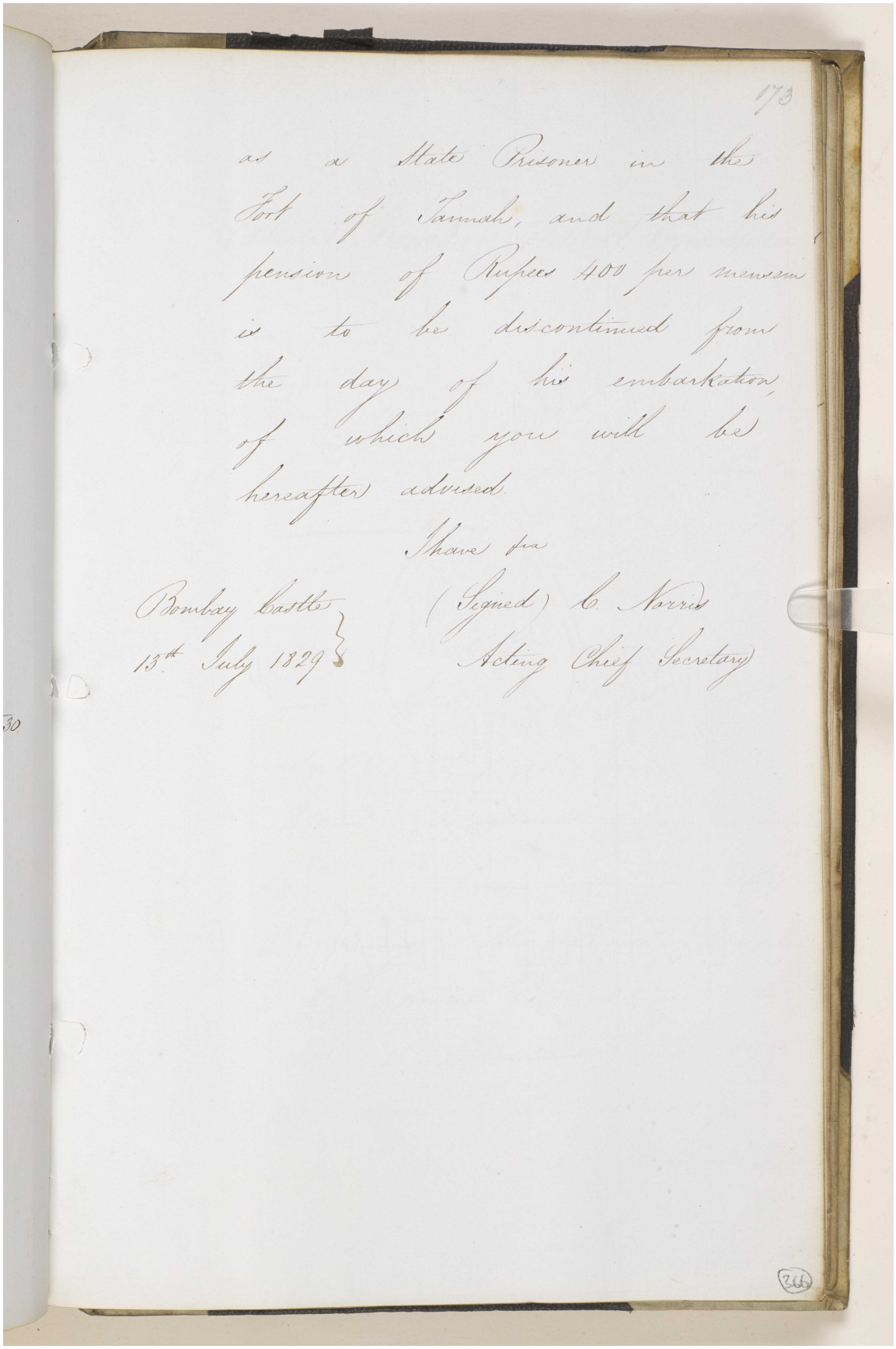

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as a State Prisoner in the Fort of Tannah, and that his pension of Rupees 400 per mensem is to be discontinued from the day of his embarkation, of which you will be hereafter advised.

I have &c.a

(Signed) C. Norris
Acting Chief Secretary

Bombay Castle
13th July 1829

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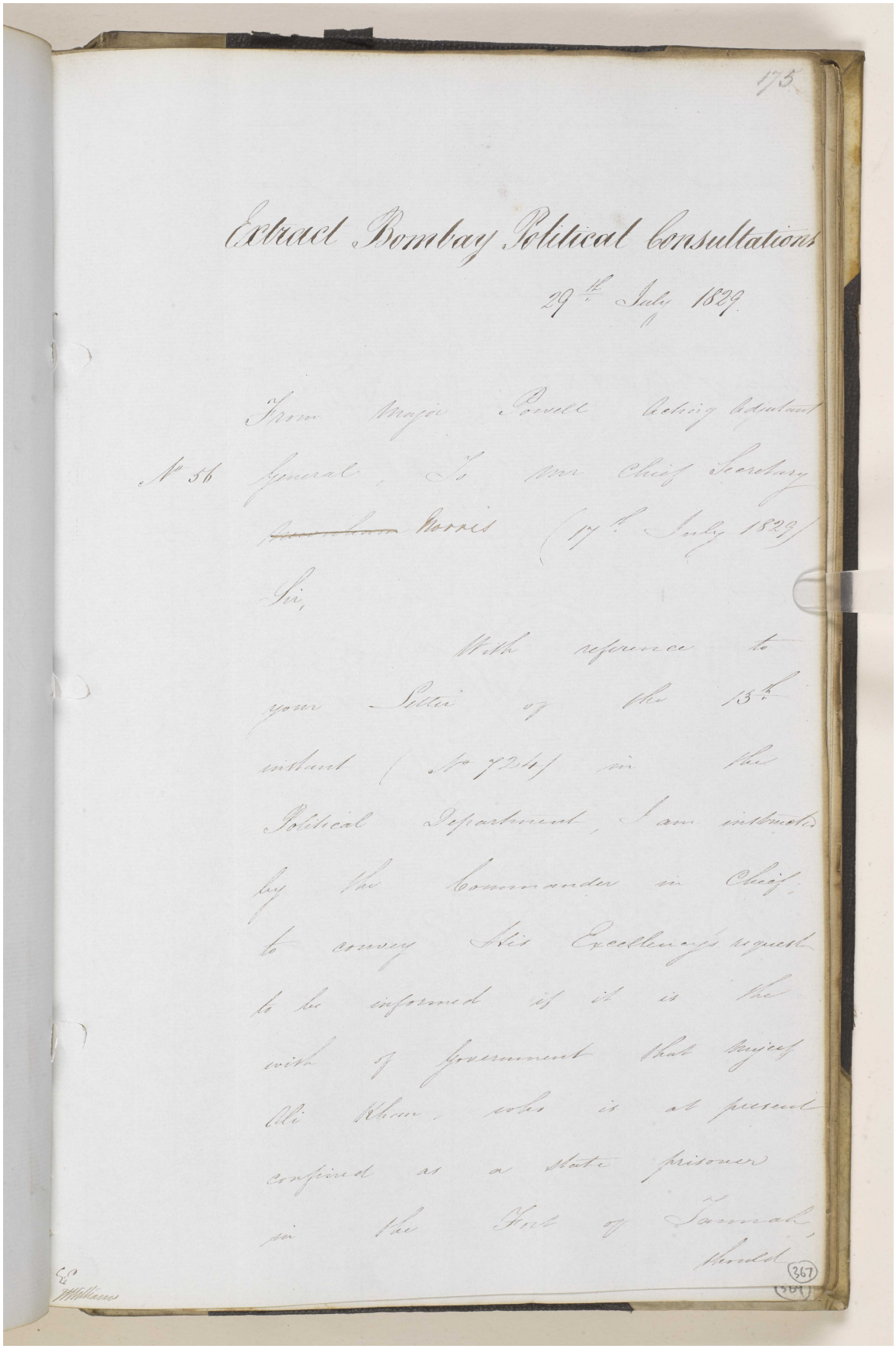

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Extract Bombay Political Consultations

29th July 1829

From Major Powell Acting Adjutant

No 56 General, To Mr Chief Secretary

~~[illegible]~~ Norris (17th July 1829)

Sir,

With reference to your Letter of the 13th instant (No 724) in the Political Department, I am instructed by the Commander in Chief, to convey His Excellency's request to be informed if it is the wish of Government that Nujeef Ali Khan, who is at present confined as a state prisoner in the Fort of Tannah, should

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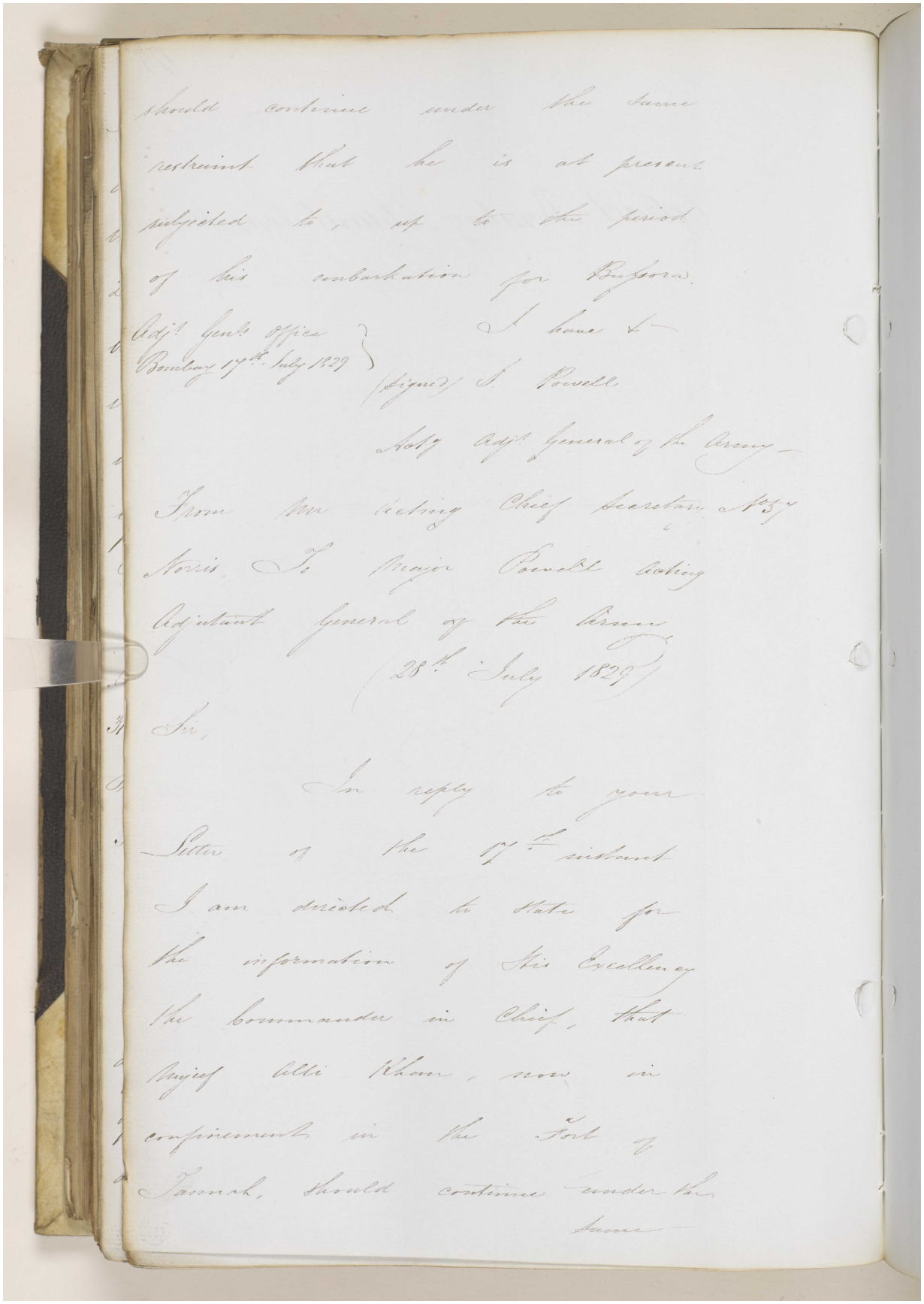

should continue under the same restraint that he is at present subjected to, up to the period of his embarkation for Bussora.

Adjt. Genl's Office
Bombay 17th July 1829

I have &c

(Signed) S. Powell

Actg Adjt. General of the Army

From Mr Acting Chief Secretary No 37
Norris, To Major Powell Acting Adjutant General of the Army
(28th July 1829)

Sir,

In reply to your Letter of the 17th instant I am directed to state for the information of His Excellency the Commander in Chief, that Nujeef Alli Khan, now in confinement in the Fort of Tannah, should continue under the same

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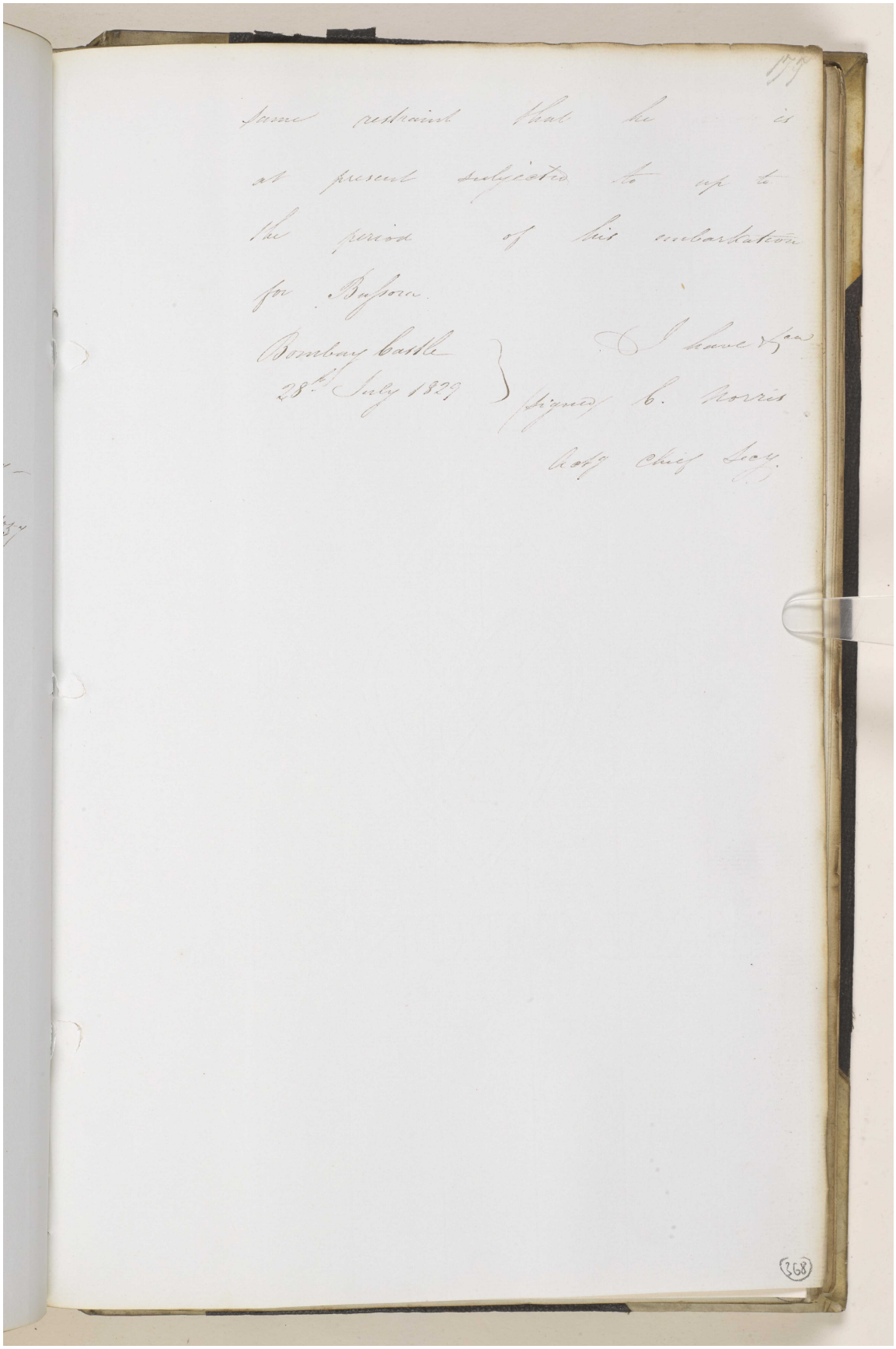

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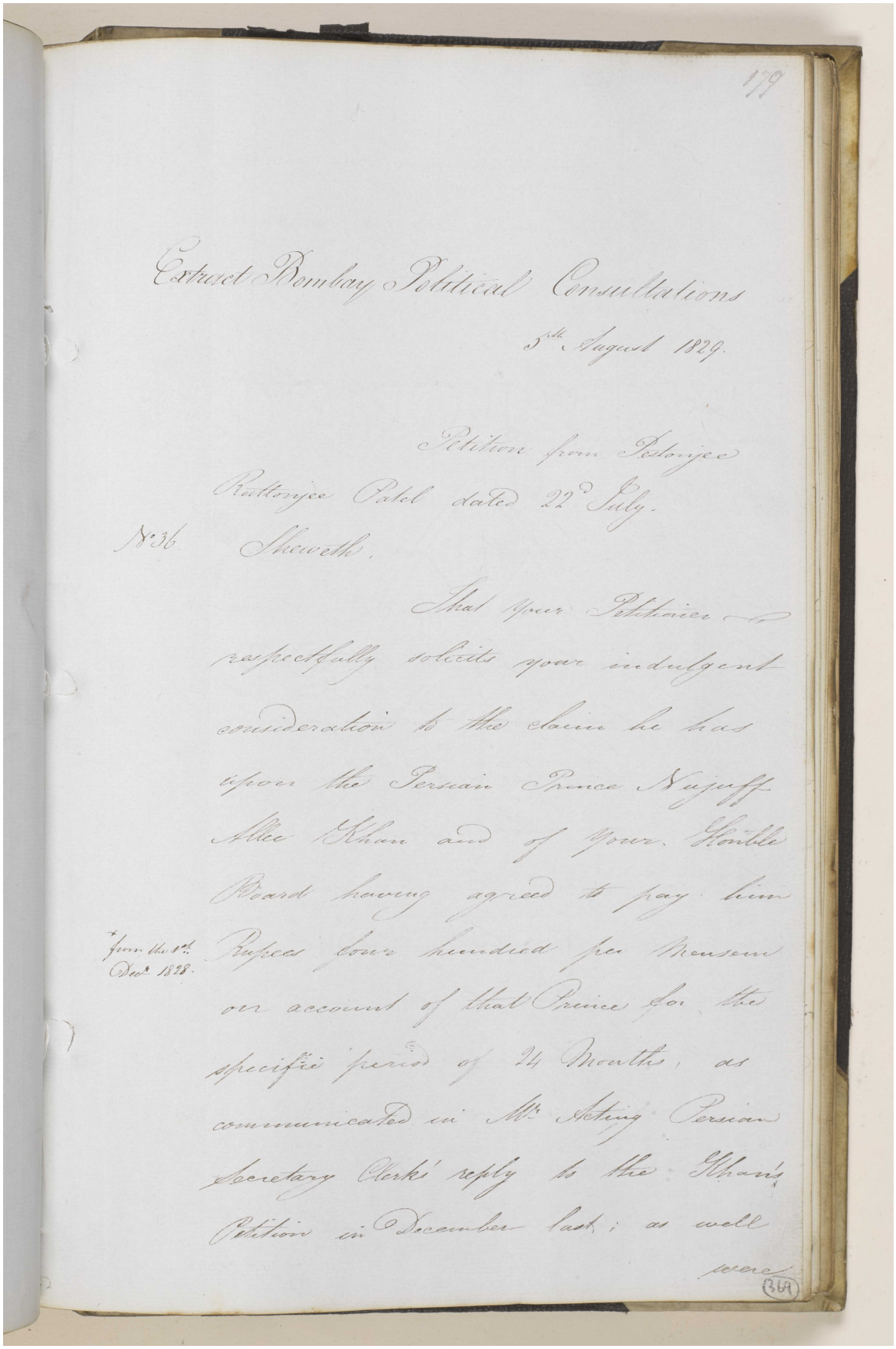

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Extract Bombay Political Consultations
5th August 1829.

Petition from Pestonjee
Rattonjee Patel dated 22d July.
No 36 Sheweth,

That your Petitioner
respectfully solicits your indulgent
consideration to the claim he has
upon the Persian Prince Nujuff
Allee Khan and of your Honble
Board having agreed to pay him
Rupees four hundred per Mensem
on account of that Prince for the
specific period of 24 Months, as
communicated in Mr Acting Persian
Secretary Clerks' reply to the Khan's
Petition in December last; as well
were

From the 1st Dec. 1828.

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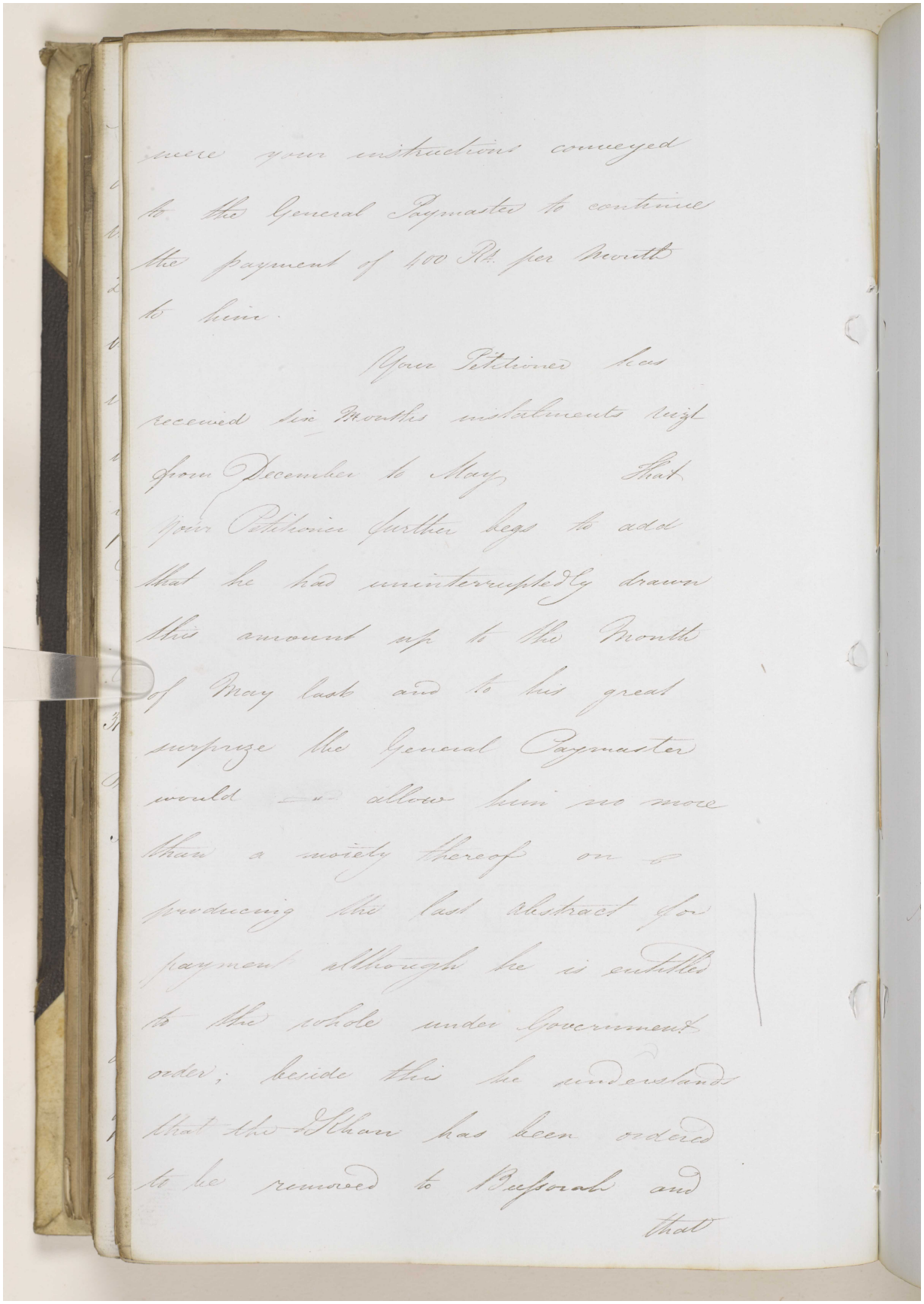

sure your instructions conveyed
to the General Paymaster to continue
the payment of 100 Rs. per Month
to him.

Your Petitioner has
received six Months instalments only
from December to May. That
your Petitioner further begs to add
that he had uninterruptedly drawn
this amount up to the Month
of May last and to his great
surprize the General Paymaster
would allow him no more
than a moiety thereof on
producing the last Abstract for
payment although he is entitled
to the whole under Government
order; beside this he understands
that the Khan has been ordered
to be removed to Bussorah and
that

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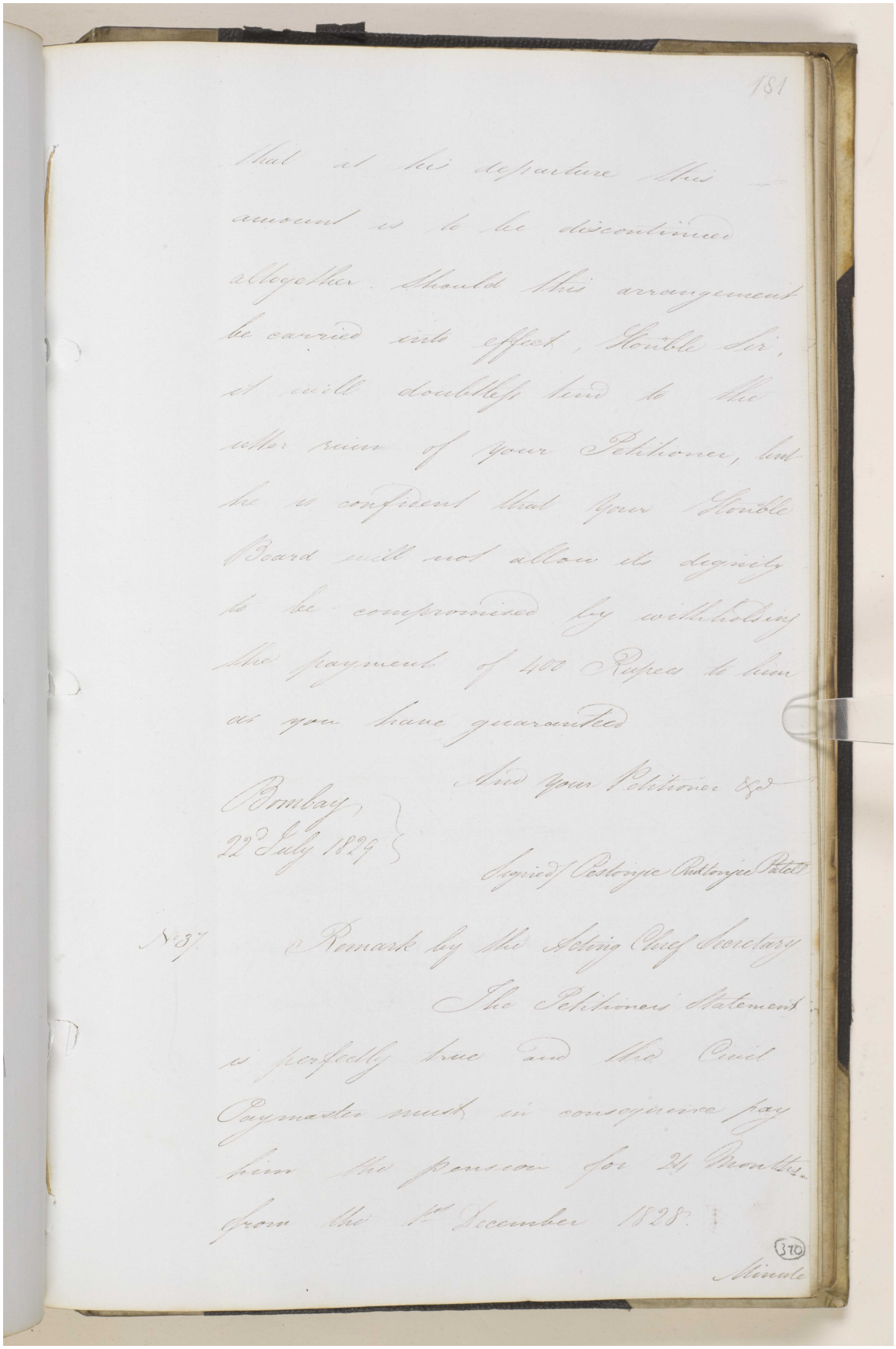

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that at his departure this
amount is to be discontinued
altogether. Should this arrangement
be carried into effect, Honble Sir,
it will doubtless tend to the
utter ruin of your Petitioner, but
he is confident that your Honble
Board will not allow its dignity
to be compromised by withholding
the payment of 400 Rupees to him
as you have guaranteed

And your Petitioner &c

Bombay
22d July 1829

Signed Pestonjee Bullonjee Patell

No 37. Remark by the Acting Chief Secretary

The Petitioners Statement
is perfectly true and the Civil
Paymaster must in consequence pay
him the pension for 24 Months
from the 1st December 1828.

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Minute

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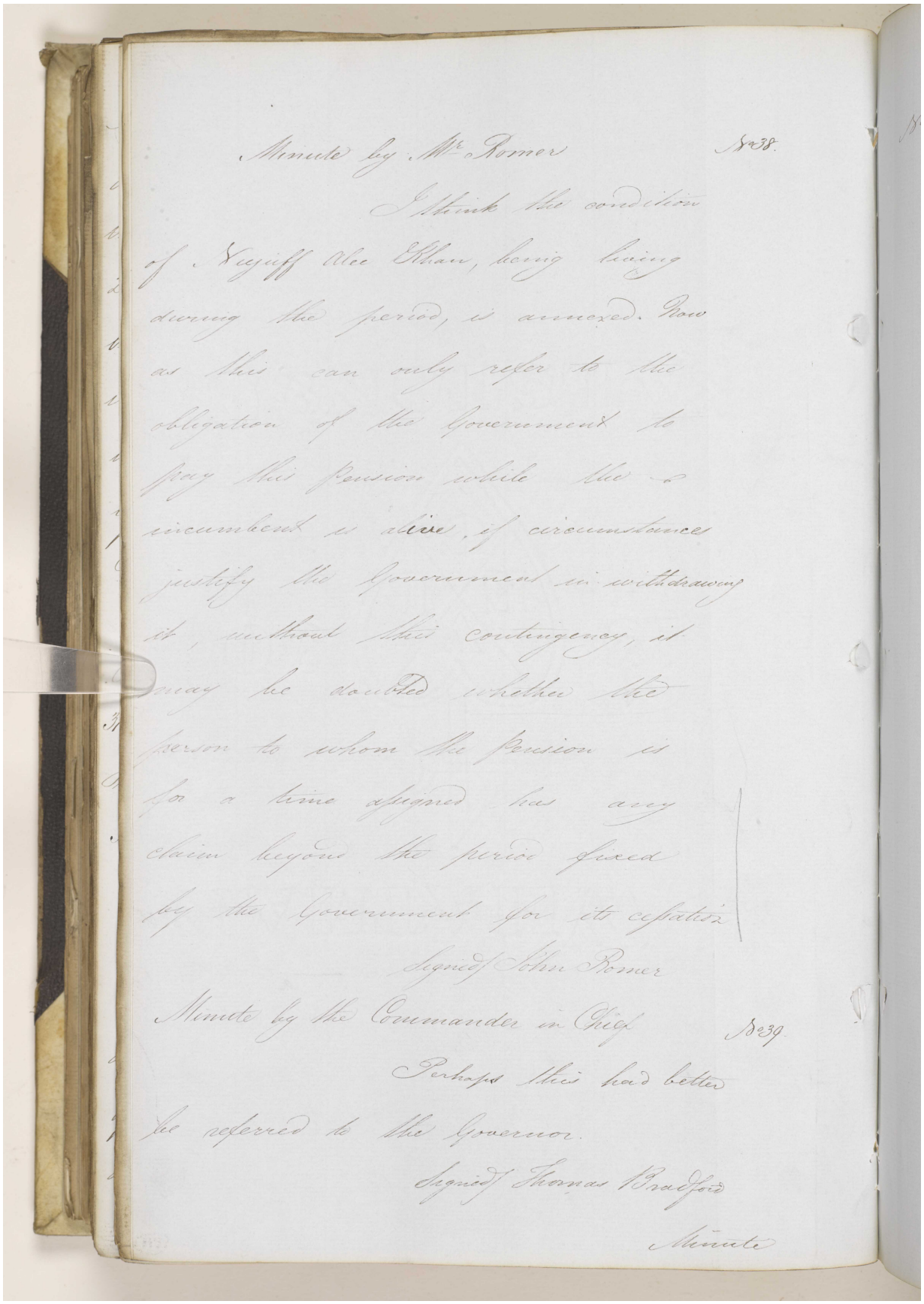

Minute by Mr Romer

No 38.

I think the condition of Nujiff Ali Khan, being living during the period, is annexed. Now as this can only refer to the obligation of the Government to pay this pension while the incumbent is alive, if circumstances justify the Government in withdrawing it, without this contingency, it may be doubted whether the person to whom the pension is for a time assigned has any claim beyond the period fixed by the Government for its cessation

Signed John Romer

Minute by the Commander in Chief

No 39.

Perhaps this had better be referred to the Governor.

Signed Thomas Bradford

Minute

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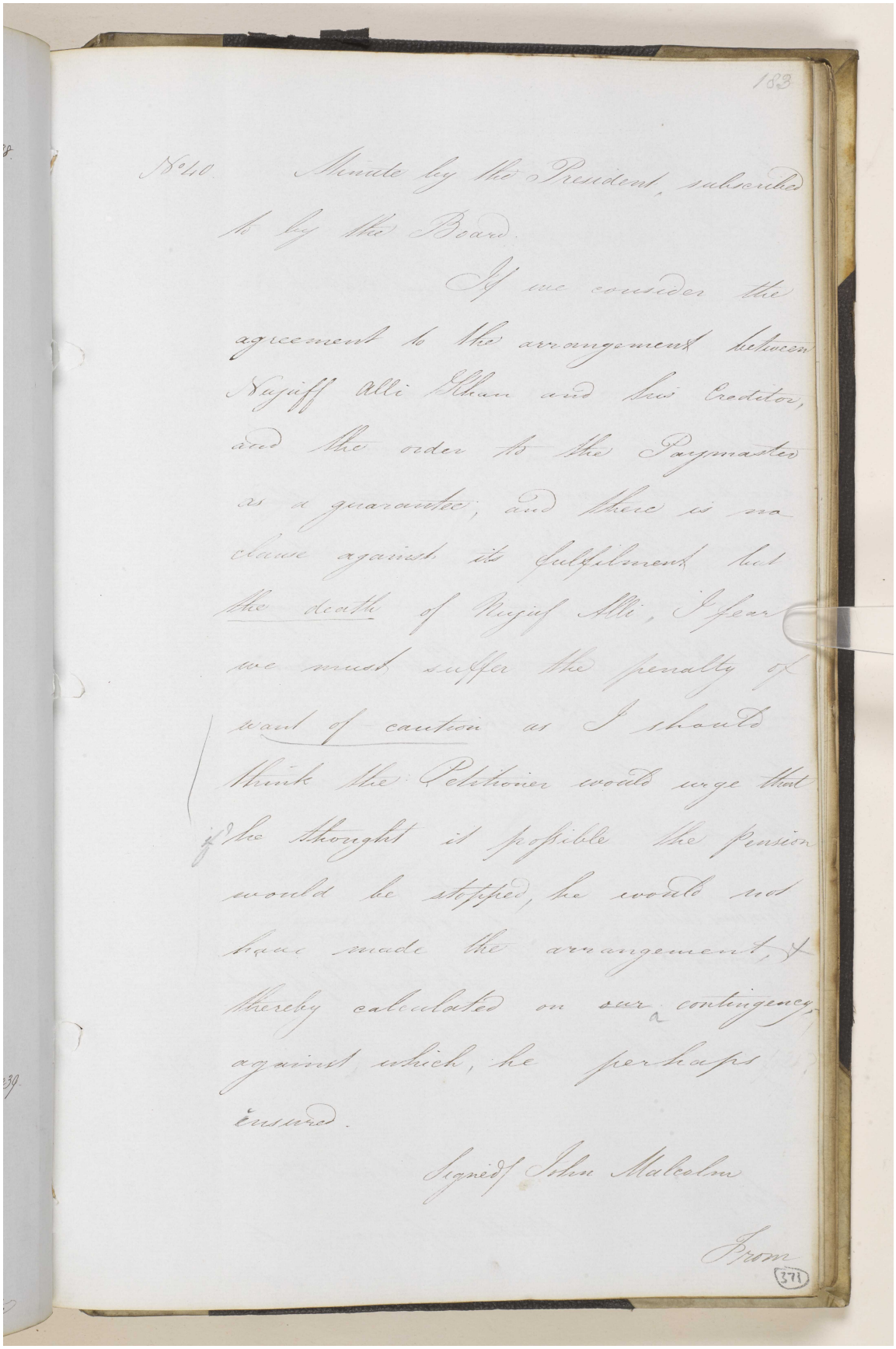
'Removal of Nujif Ali Khan (a Prince of Persia) to Bussorah, in preference to his being tried for murder of which he was accused – His pen[sion] of Rs 400 discontinued from 30th November the allowance of Rs 120 per mo[nth] to the Mother of […] Prince made payable at Bussorah' [371r] (189/260)



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No 10. Minute by the President, subscribed by the Board.

If we consider the agreement & the arrangement between Nujiff Alli Kham and his Creditor, and the order to the Paymaster as a guarantee, and there is no clause against its fulfilment but the death of Nujif Alli, I fear we must suffer the penalty of want of caution as I should think the Petitioner would urge that if he thought it possible the pension would be stopped, he would not have made the arrangement, & thereby calculated on our contingency, against which, he perhaps insured.

Signed/ John Malcolm

From

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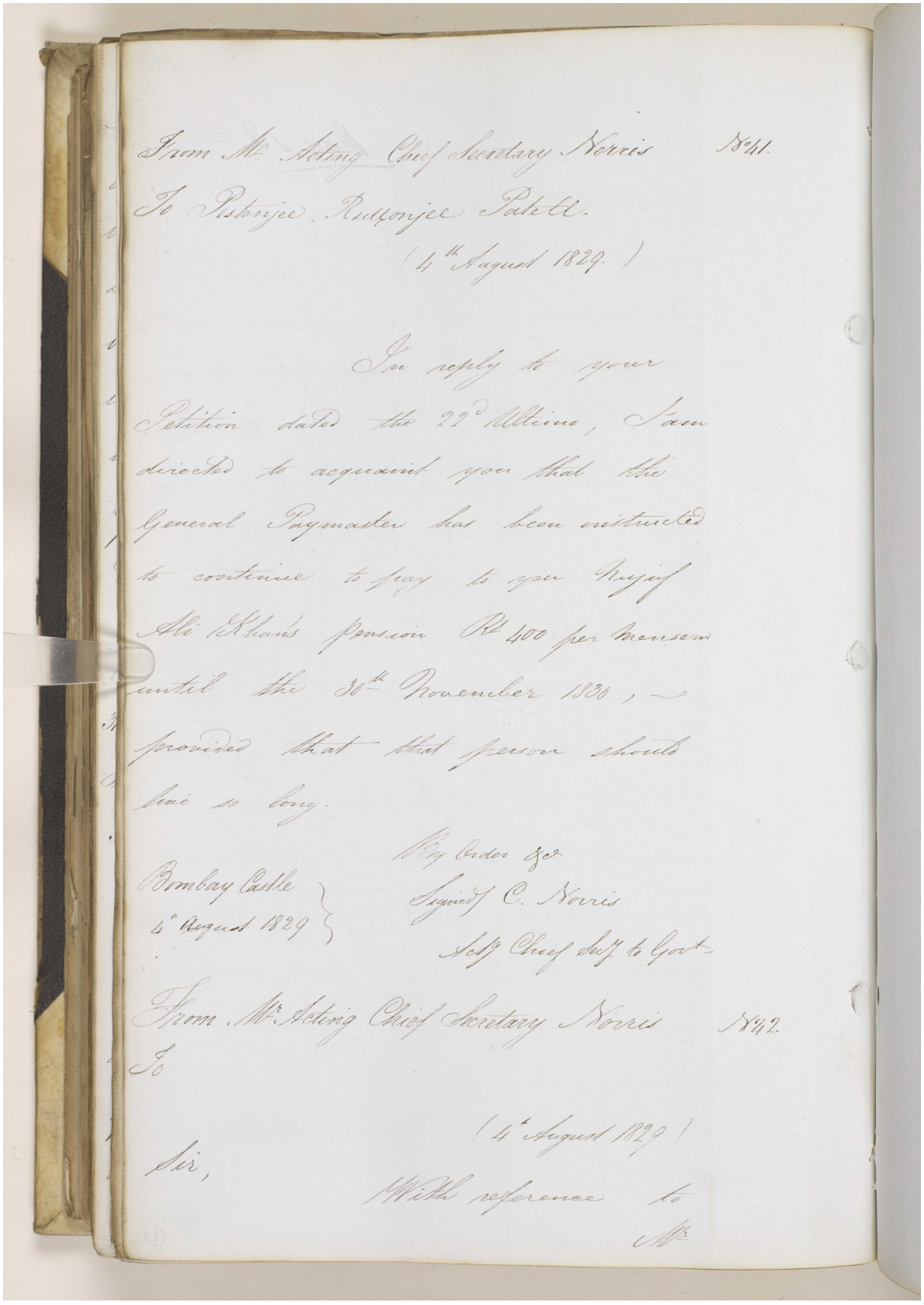

From Mr. Acting Chief Secretary Norris No 41.
To Pistonjee Rustonjee Patell.
(4th August 1829.)

In reply to your Petition dated the 22d Ultimo, I am directed to acquaint you that the General Paymaster has been instructed to continue to pay to you Nujif Ali Khan's pension Rs 400 per mensem until the 30th November 1830, — provided that that person should live so long.

By Order &c
Bombay Castle } Signed C. Norris
4th August 1829 } Actg Chief Secy to Govt

From Mr. Acting Chief Secretary Norris No 42.
To
(4th August 1829.)

Sir,

With reference to Mr.

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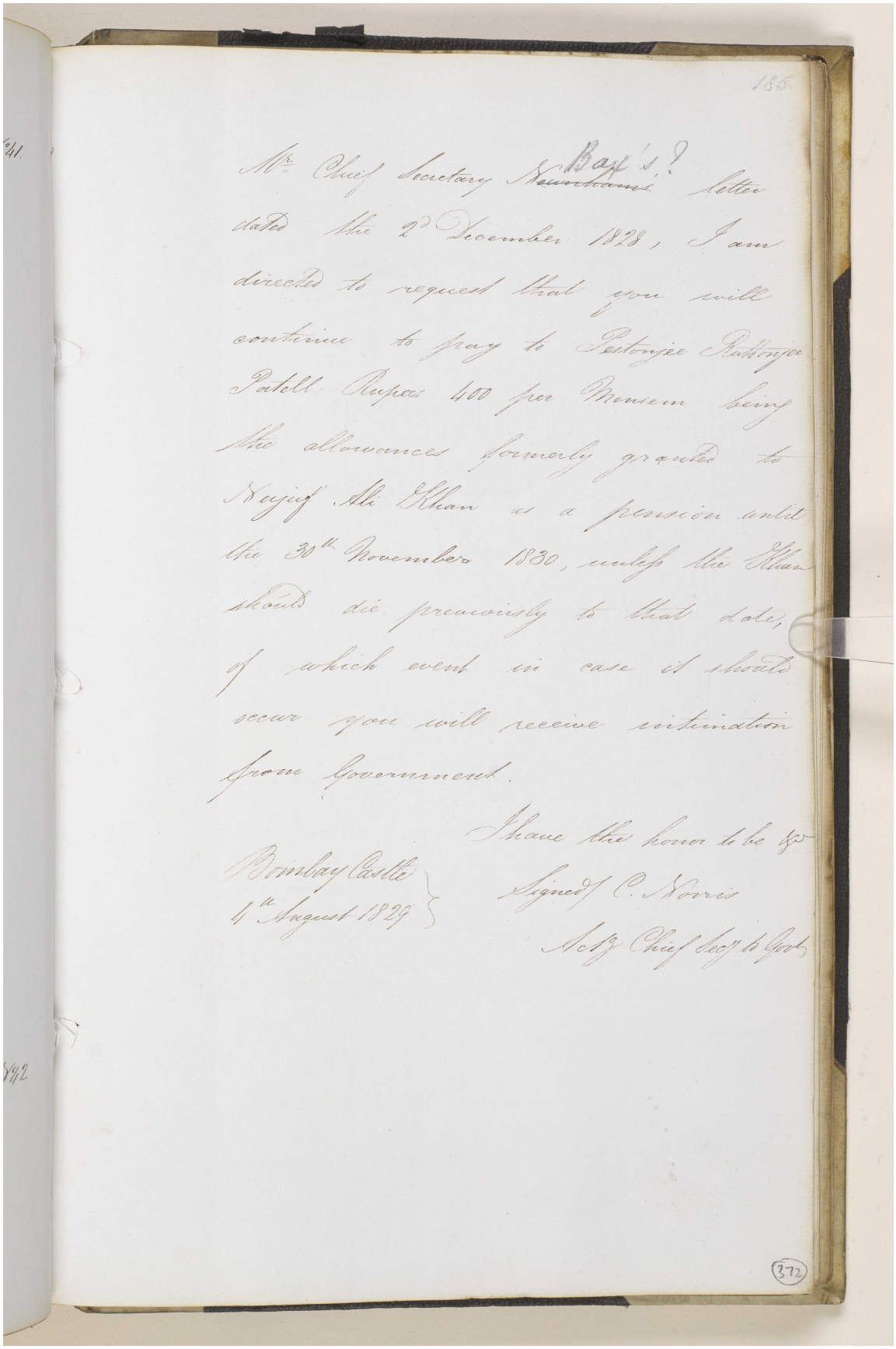

Mr. Chief Secretary ~~Newnham's~~ Bax's? letter dated the 2d December 1828, I am directed to request that you will continue to pay to Pestonjee Ruttonjee Patell Rupees 400 per Mensem being the allowances formerly granted to Nujuf Ali Khan as a pension until the 30th November 1830, unless the Khan should die previously to that date, of which event in case it should occur you will receive intimation from Government.

I have the honor to be &c

Bombay Castle
4th August 1829

Signed C. Norris
Actg Chief Secy to Govt

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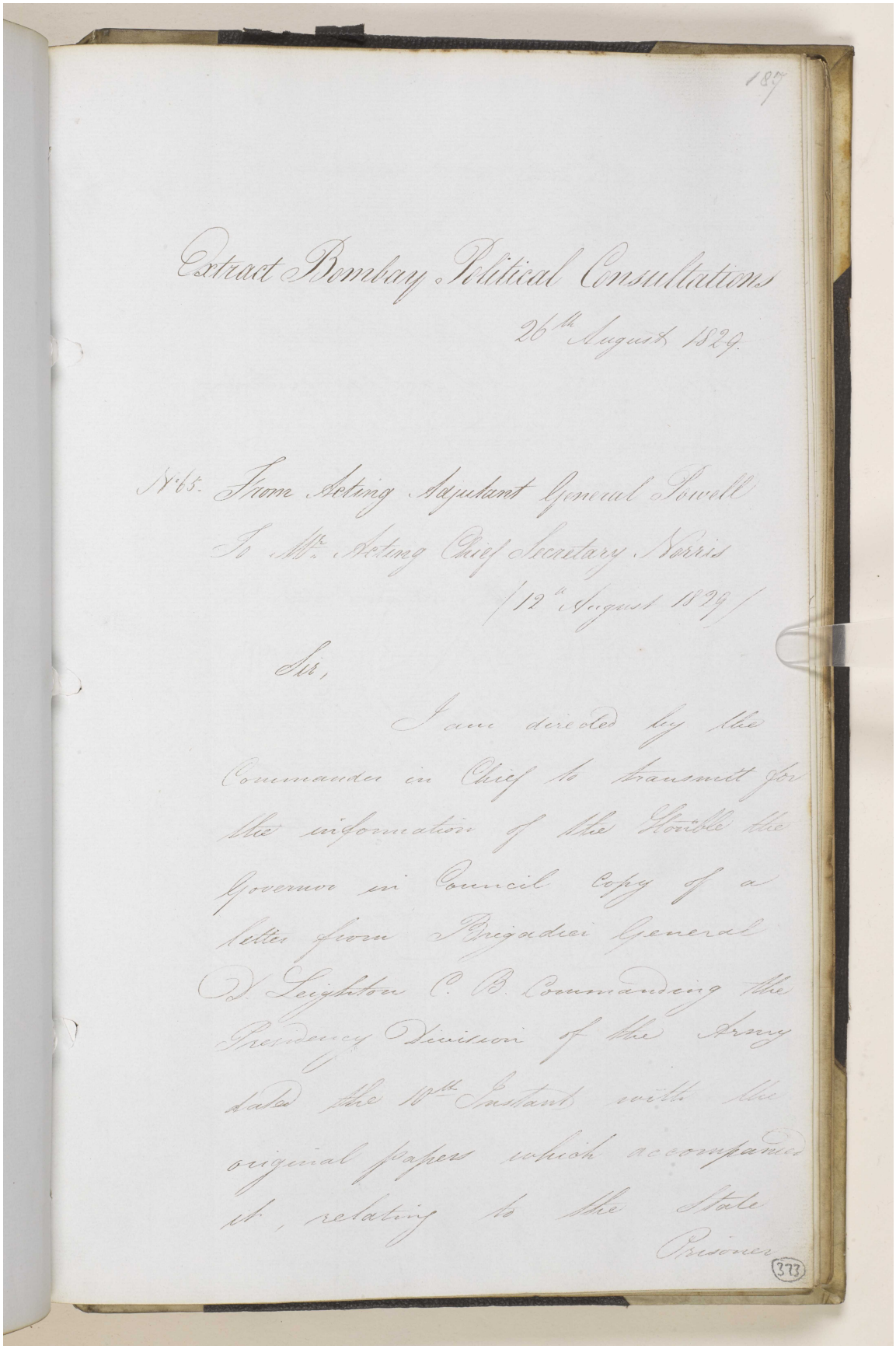

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Extract Bombay Political Consultations

26th August 1829

No 5. From Acting Aajutant General Powell

To Mr. Acting Chief Secretary Norris

(12th August 1829)

Sir,

I am directed by the Commander in Chief to transmit for the information of the Honble the Governor in Council copy of a letter from Brigadier General D. Leighton C. B. Commanding the Presidency Division of the Army dated the 8th Instant with the original papers which accompanied it, relating to the State Prisoner

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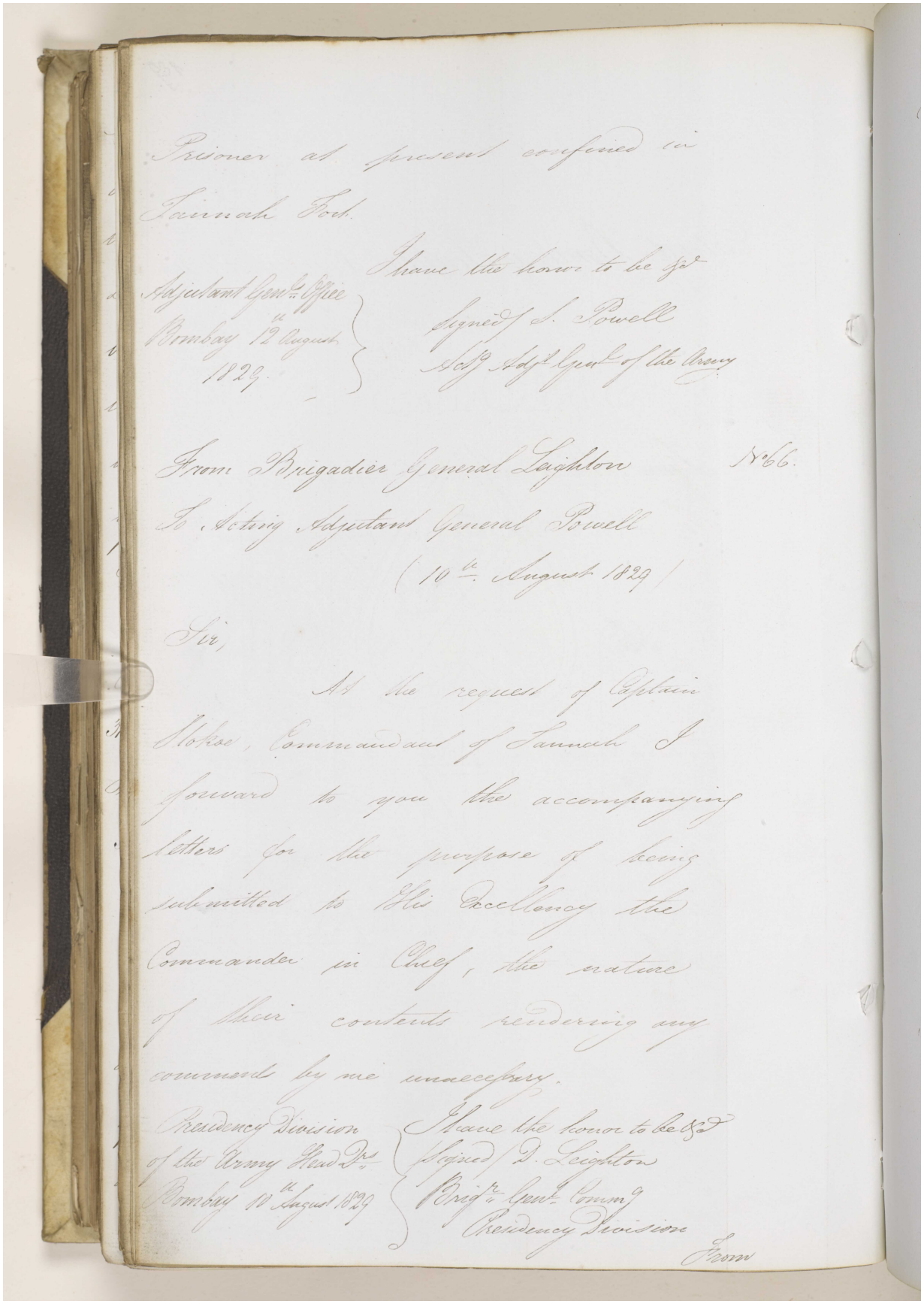

Prisoner at present confined in
Jannah Fort.

Adjutant Genl's Office
Bombay 12th August
1829.

I have the honor to be &c
Signed J. Powell
Actg Adjt Genl of the Army

From Brigadier General Leighton
To Actg Adjutant General Powell
(10th August 1829)

No 66.

Sir,

At the request of Captain
Nobbs, Commandant of Jannah I
forward to you the accompanying
letters for the purpose of being
submitted to His Excellency the
Commander in Chief, the nature
of their contents rendering any
comment by me unnecessary.

Residency Division
of the Army Head Qrs
Bombay 10th August 1829

I have the honor to be &c
Signed D. Leighton
Brigr Genl Comdg
Residency Division

From

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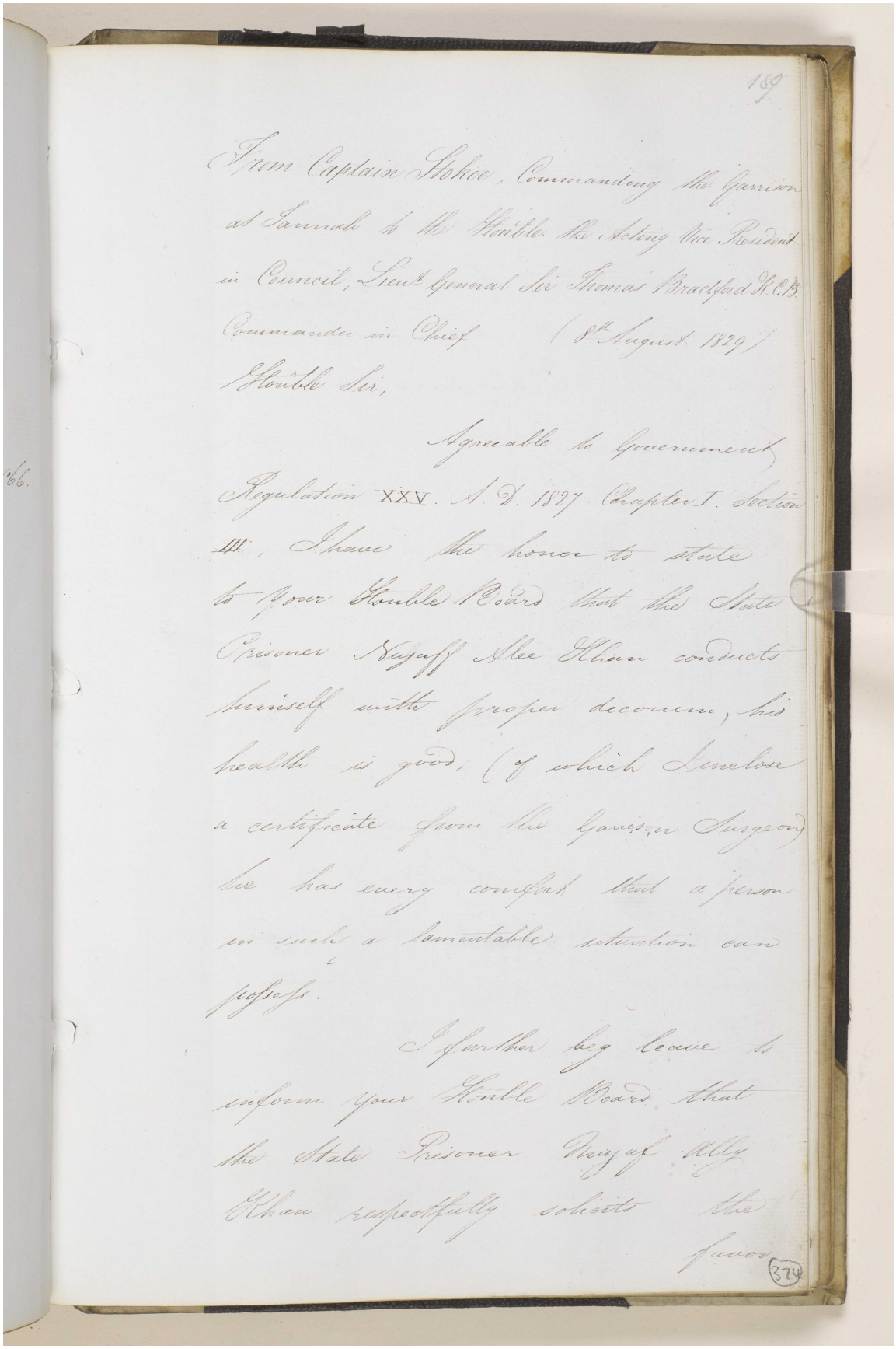

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From Captain Shakespear, Commanding the Garrison at Jannah to the Honble the Acting Vice President in Council, Lieut General Sir Thomas Bradford K.C.B. Commander in Chief (8th August 1829)

Honble Sir,

Agreeable to Government Regulation XXV. A.D. 1827. Chapter I. Section III. I have the honor to state to your Honble Board that the State Prisoner Nujuff Alee Khan conducts himself with proper decorum, his health is good; (of which I enclose a certificate from the Garrison Surgeon) he has every comfort that a person in such a lamentable situation can possess.

I further beg leave to inform your Honble Board that the State Prisoner Nujuff Alee Khan respectfully solicits the favor

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favor of your Honble Board to allow the enclosed List of persons belonging to his family to embark, ~~with~~ and be landed with him at Bussorah, and further to request your favor to allow his brother Mahomed Coolee Khan to visit him immediately, in order to make preparations previous to his embarking.

Nujuf Ally Khan has also requested me to give him a copy of a letter from Mr Acting Chief Secretary C. Norris Esq to the address of Acting Adjutant General of the Army dated 13th July 1829, received by me August 5th, 1829, which I had promised to give him, but on more mature consideration I wait the

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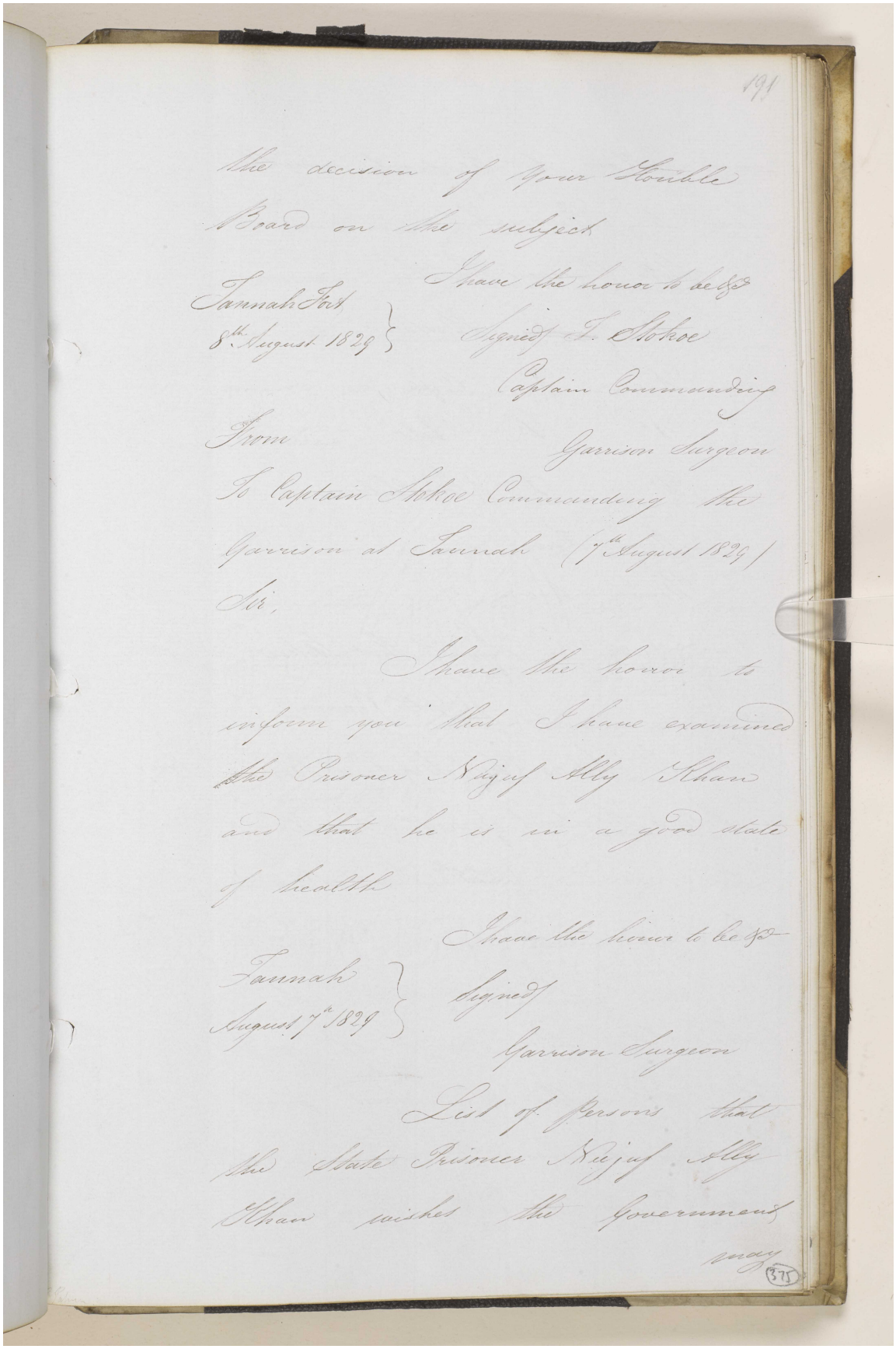

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the decision of your Honble
Board on the subject

I have the honor to be &c
Signed J. Stokoe
Captain Commanding

Tannah Fort
8th August 1829

From
Garrison Surgeon
To Captain Stokoe Commanding the
Garrison at Tannah (7th August 1829)

Sir,

I have the honor to
inform you that I have examined
the Prisoner Nujif Ally Khan
and that he is in a good state
of health

I have the honor to be &c

Tannah
August 7th 1829

Signed
Garrison Surgeon

List of persons that
the State Prisoner Nujif Ally
Khan wishes the Government
may

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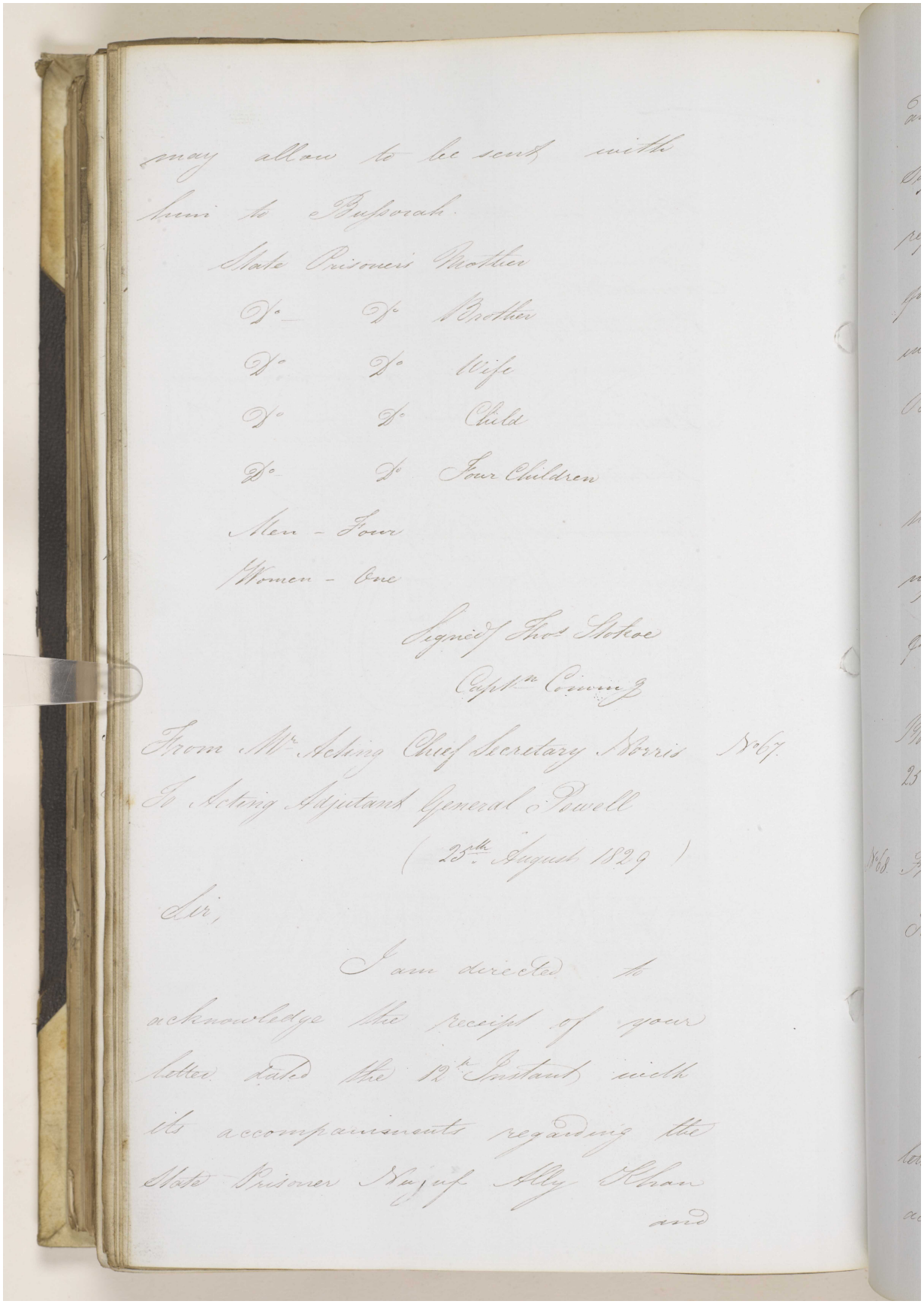

may allow to be sent with
them to Bussorah.

State Prisoners Mother
Do Do Brother
Do Do Wife
Do Do Child
Do Do Four Children
Men - Four
Women - One

Signed Thos Stokoe
Capt. Comdg

From Mr. Acting Chief Secretary Morris No 67.
To Acting Adjutant General Powell
(25th August 1829)

Sir,

I am directed to
acknowledge the receipt of your
letter dated the 12th Instant with
its accompaniments regarding the
State Prisoner Nujuf Ally Khan
and

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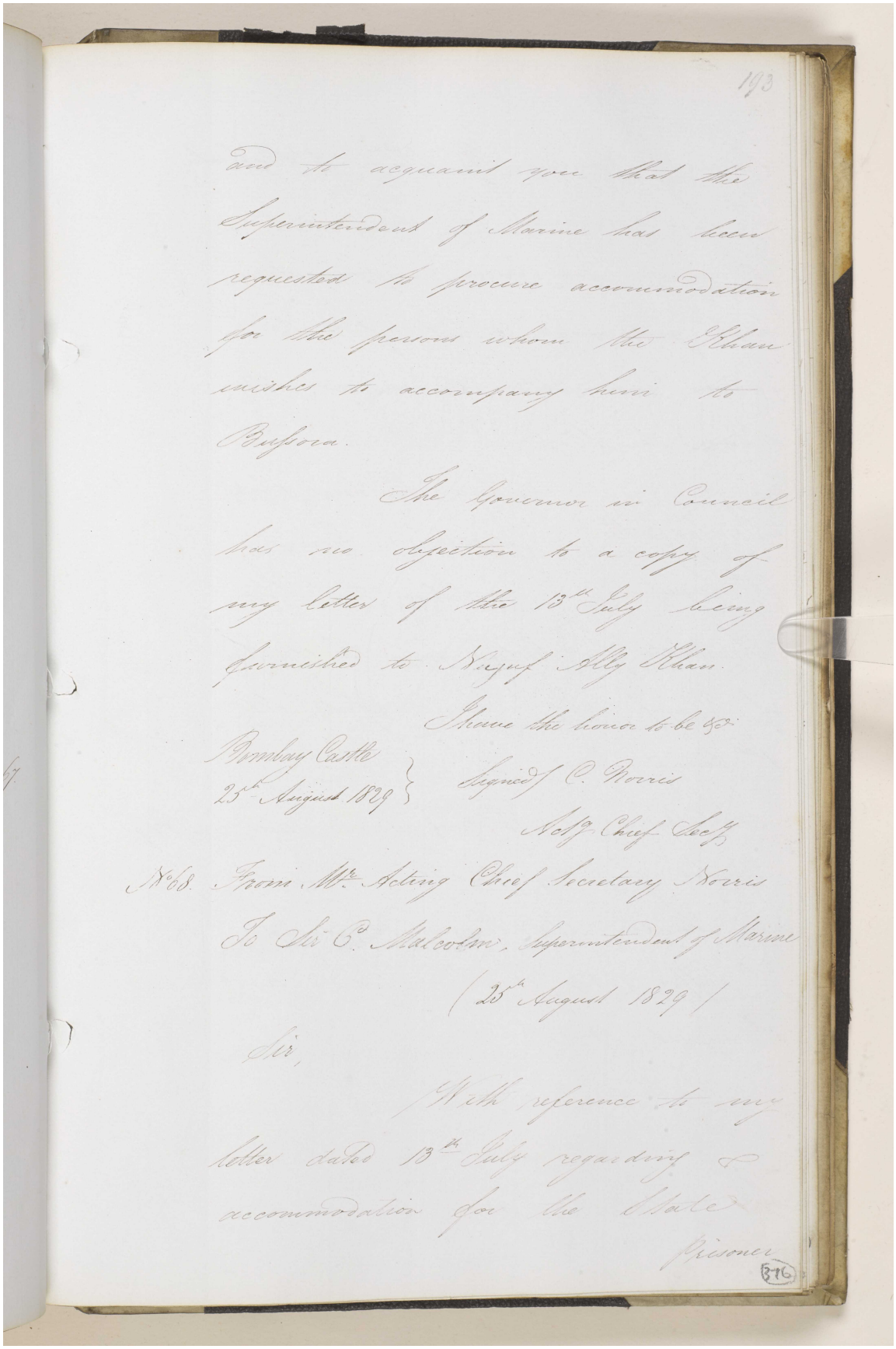

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and to acquaint you that the Superintendent of Marine has been requested to procure accommodation for the persons whom the Khan wishes to accompany him to Bussora.

The Governor in Council has no objection to a copy of my letter of the 13th July being furnished to Nujuf Ally Khan.

I have the honor to be &c.

Bombay Castle
25th August 1829

Signed) C. Norris
Actg Chief Secy

No 68. From Mr Acting Chief Secretary Norris
To Sir C. Malcolm, Superintendant of Marine
(25th August 1829)

Sir,

With reference to my letter dated 13th July regarding accommodation for the State prisoner

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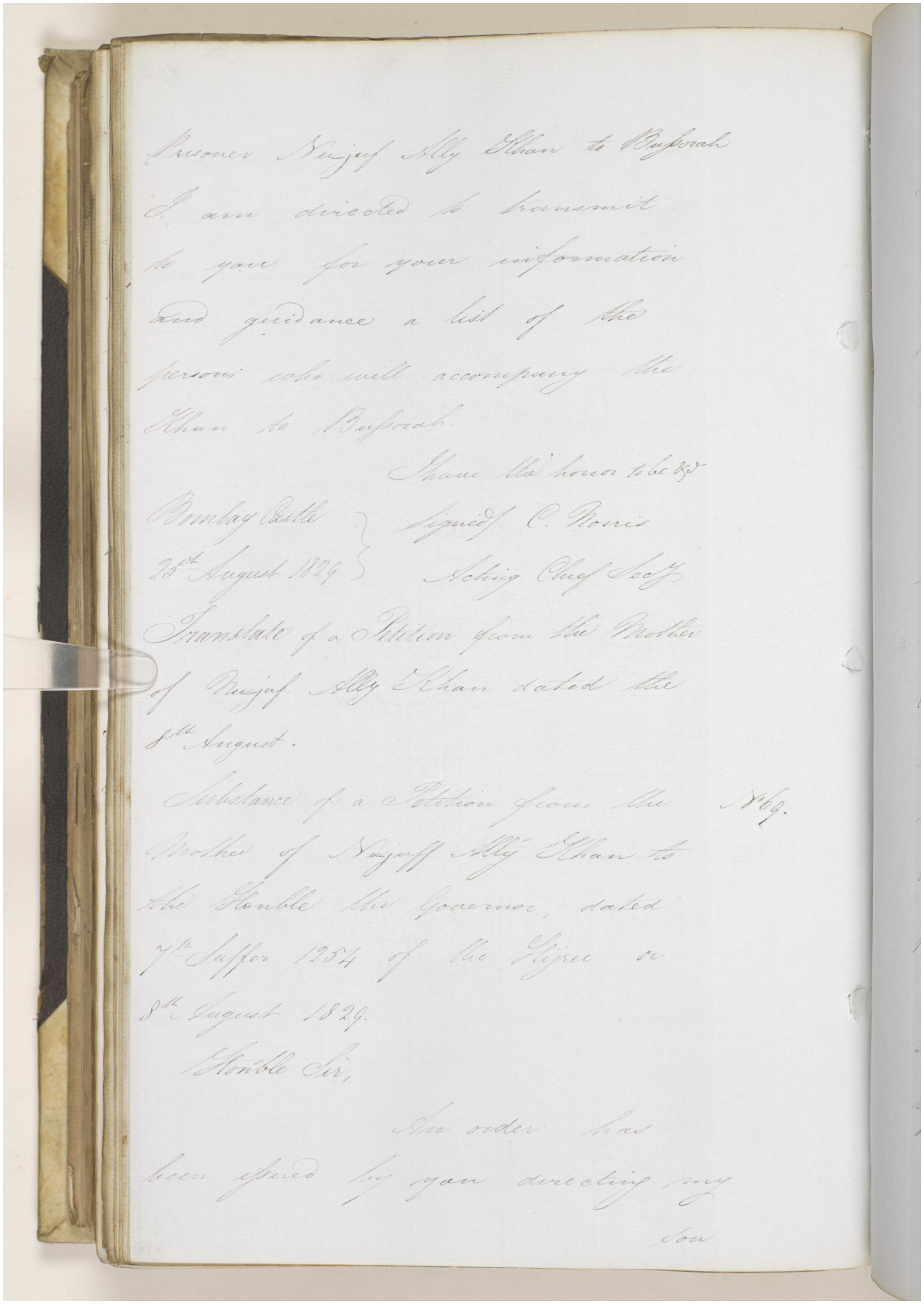

Prisoner Nujif Ally Khan to Bussorah

I am directed to transmit to you for your information and guidance a list of the persons who will accompany the Khan to Bussorah.

Name the hours to be &c

Bombay Castle
25th August 1829

Signed C. Norris
Acting Chief Secy

Translate of a Petition from the Mother of Nujif Ally Khan dated the 8th August.

Substance of a Petition from the Mother of Nujiff Ally Khan to the Honble the Governor, dated 7th Suffer 1254 of the Hijree or 8th August 1829.

No 69.

Honble Sir,

An order has been issued by you directing my son

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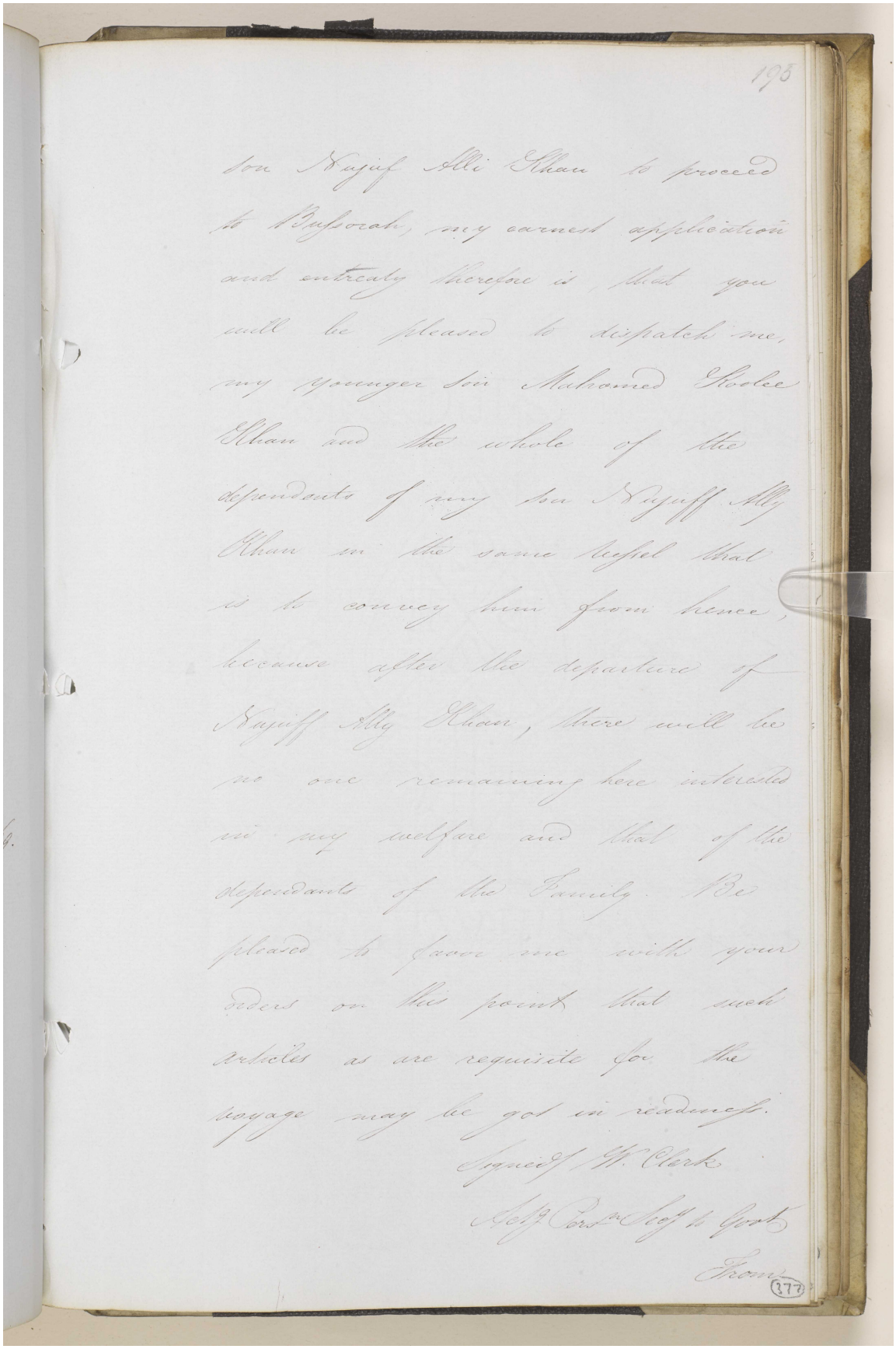

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son Nujuf Alli Khan to proceed to Bussorah, my earnest application and entreaty therefore is, that you will be pleased to dispatch me, my younger son Mahomed Kooleé Khan and the whole of the dependents of my son Nujuff Ally Khan in the same vessel that is to convey him from hence, because after the departure of Nujuff Ally Khan, there will be no one remaining here interested in my welfare and that of the dependants of the Family. Be pleased to favor me with your orders on this point that such articles as are requisite for the voyage may be got in readiness.

Signed W. Clerk

Actg Persn Secy to Govt

From

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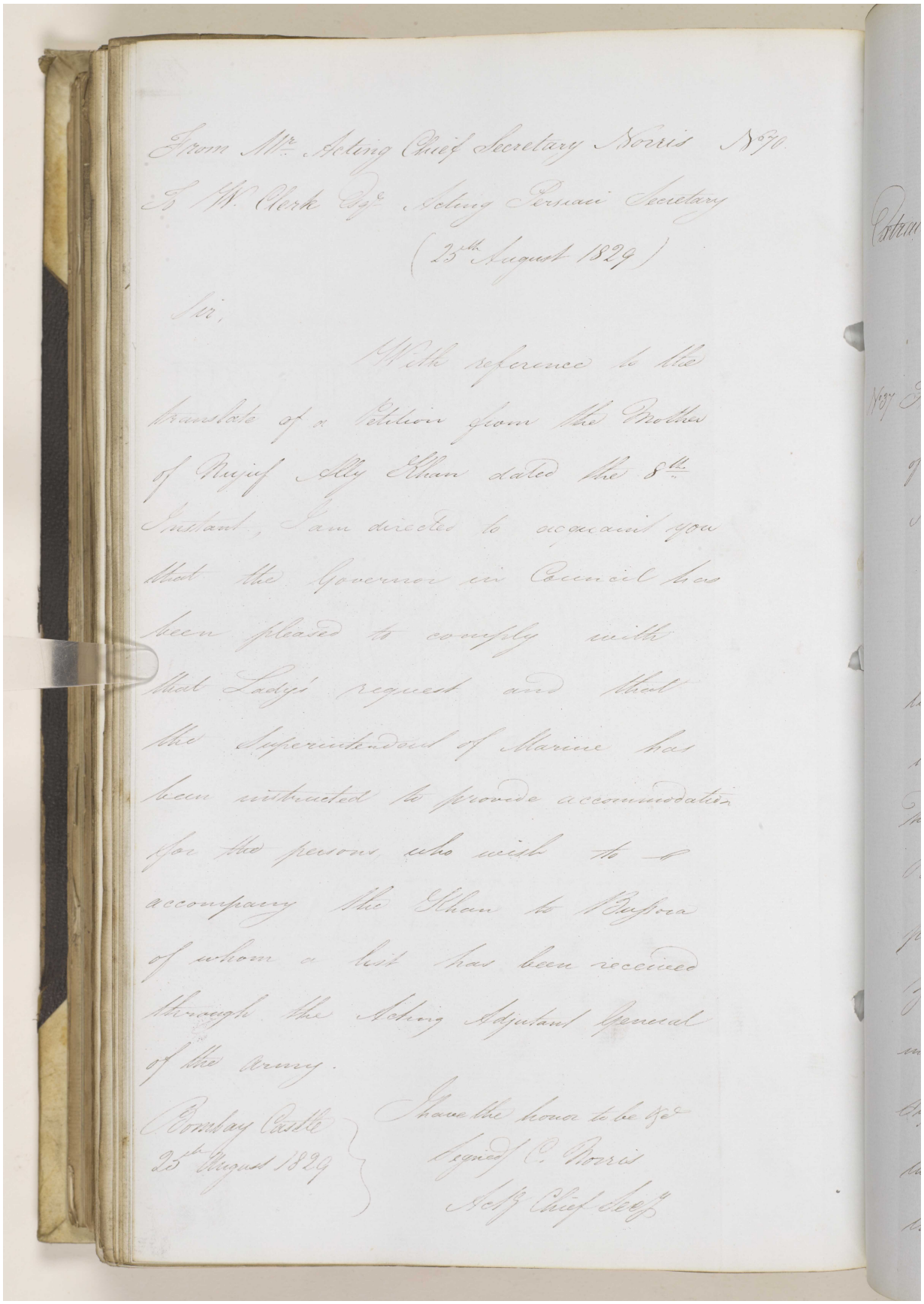

From Mr. Acting Chief Secretary Norris No 670
To W. Clerke Esq. Acting Persian Secretary
(25th August 1829)

Sir,

With reference to the translate of a Petition from the Mother of Nujif Ally Khan dated the 8th Instant, I am directed to acquaint you that the Governor in Council has been pleased to comply with that Ladys request and that the Superintendant of Marine has been instructed to provide accommodation for the persons who wish to accompany the Khan to Bussora of whom a list has been received through the Acting Adjutant General of the army.

Bombay Castle
25th August 1829

I have the honor to be &c
Signed C. Norris
Actg Chief Secy

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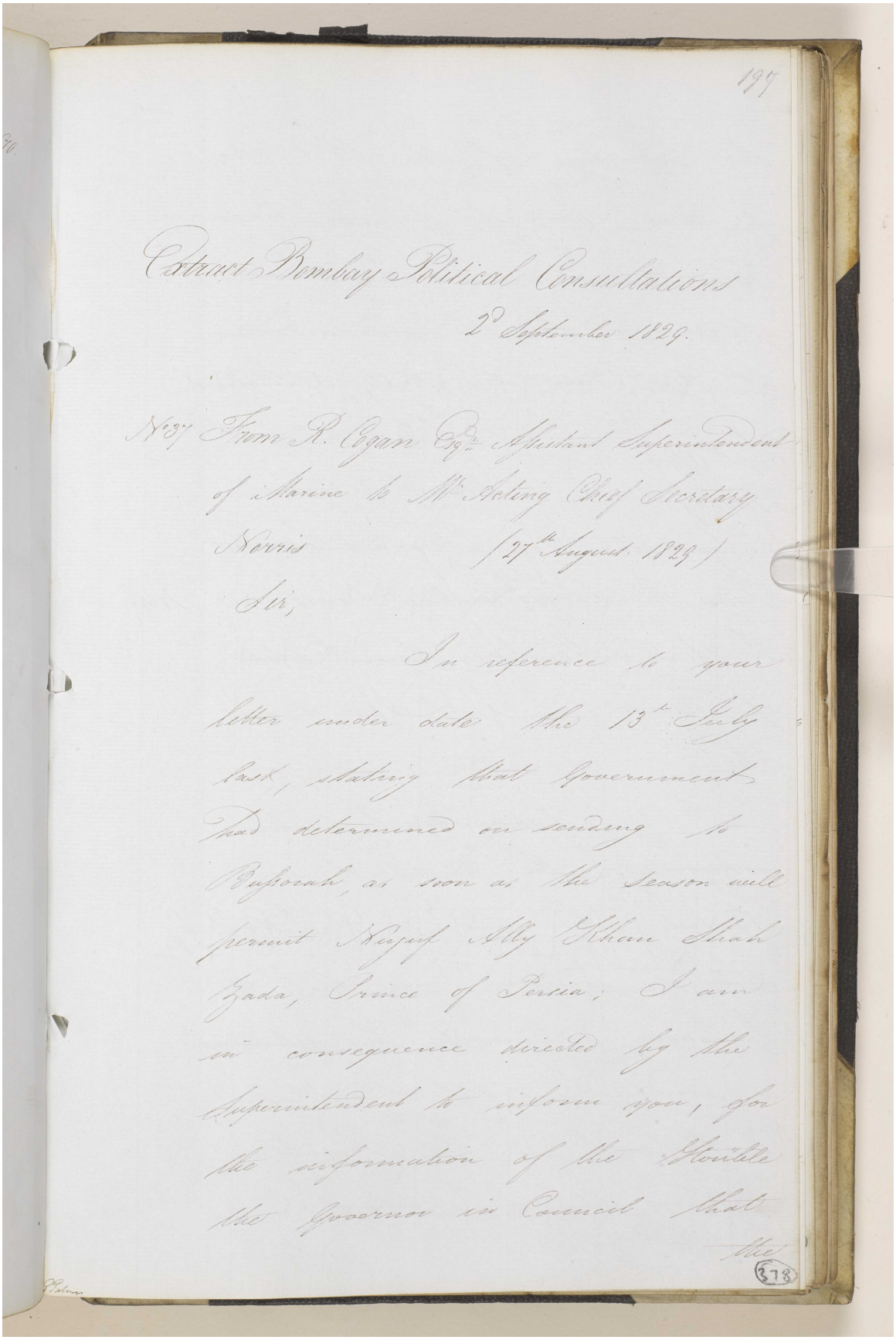

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Extract Bombay Political Consultations
2d September 1829.

No 37 From R. Ogan Esqr Assistant Superintendent of Marine to Mr Acting Chief Secretary Norris (27th August 1829)

Sir,

In reference to your letter under date the 13th July last, stating that Government had determined on sending to Bussorah, as soon as the season will permit Nujuf Ally Khan Shah Zada, Prince of Persia; I am in consequence directed by the Superintendent to inform you, for the information of the Honble the Governor in Council that the

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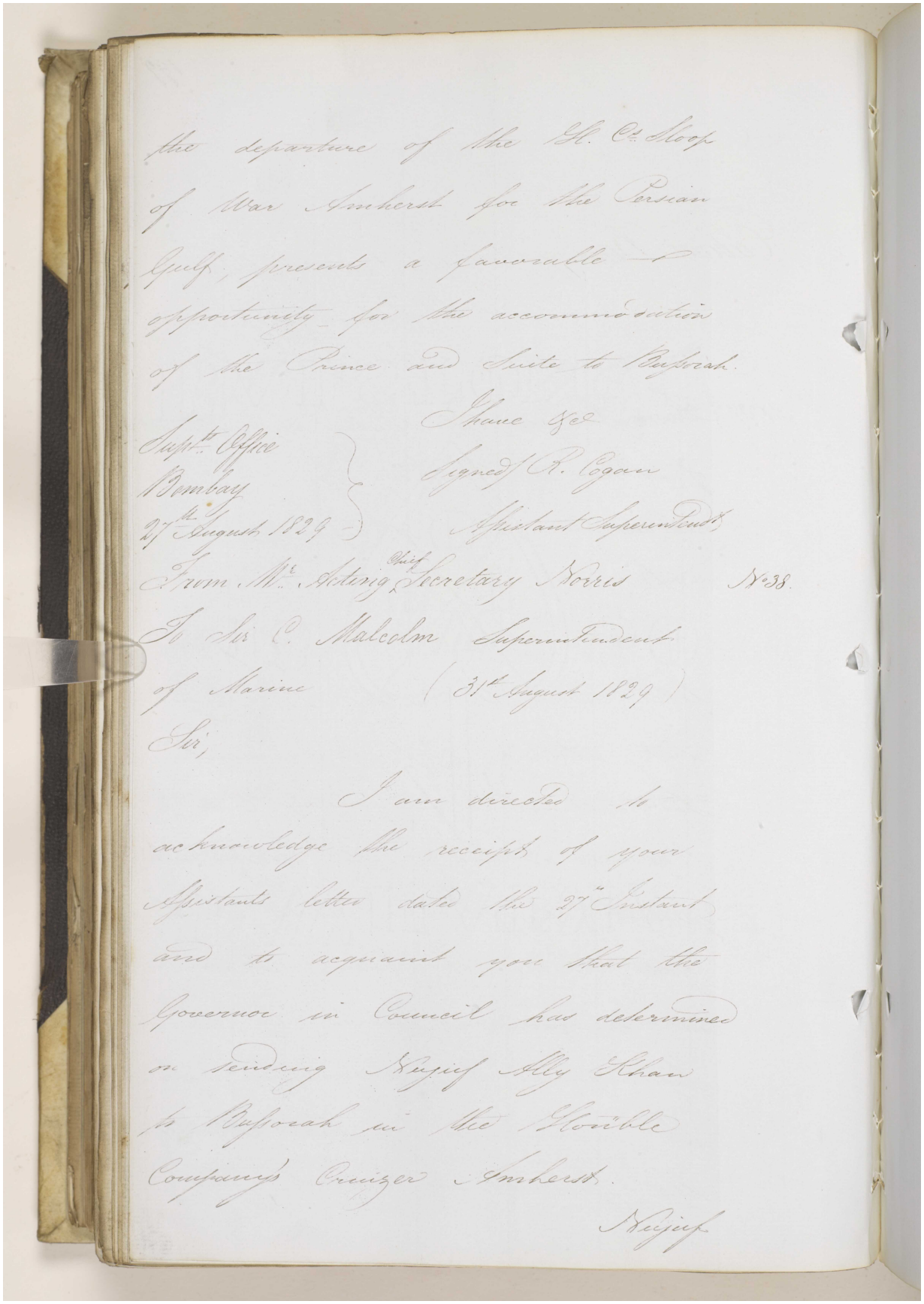

the departure of the H. Co. Sloop
of War Amherst for the Persian
Gulf, presents a favourable
opportunity for the accommodation
of the Prince and Suite to Bussorah.

I have &c
Signed R. Pogan
Assistant Superintendt

Supt. Office
Bombay
27th August 1829

From Mr. Acting Asst Secretary Norris No 38.
To Sir C. Malcolm Superintendent
of Marine (31st August 1829)

Sir,

I am directed to
acknowledge the receipt of your
Assistants letter dated the 27th Instant
and to acquaint you that the
Governor in Council has determined
on sending Nujif Ally Khan
to Bussorah in the Honble
Company's Cruizer Amherst.

Nujif

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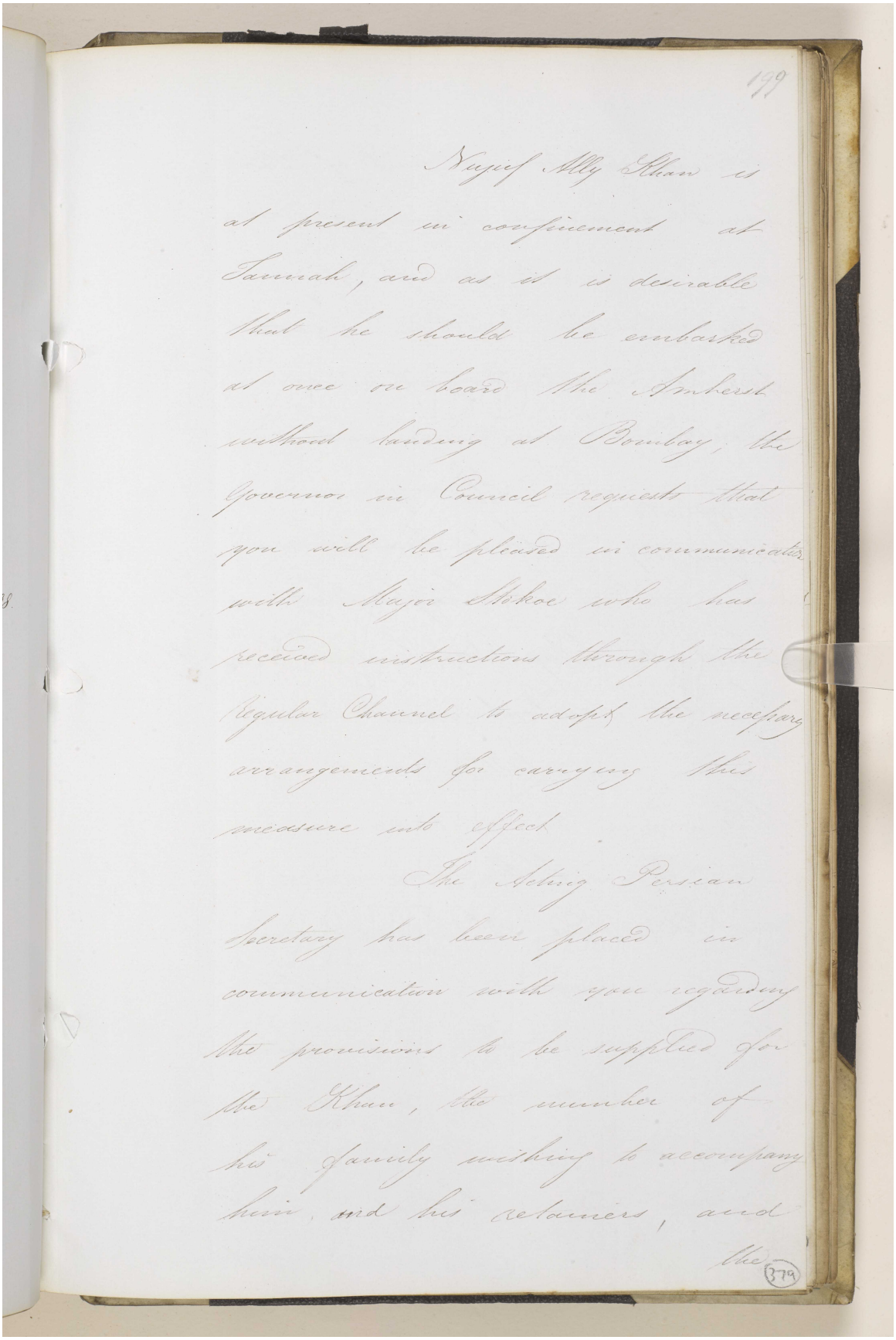

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Nujef Ally Khan is
at present in confinement at
Jannah, and as it is desirable
that he should be embarked
at once on board the Amherst
waiting at Bombay, the
Governor in Council requests that
you will be pleased to communicate
with Major Stokoe who has
received instructions through the
Regular Channel to adopt the necessary
arrangements for carrying this
measure into effect

The Acting Persian
Secretary has been placed in
communication with you regarding
the provisions to be supplied for
the Khan, the number of
his family wishing to accompany
him, and his retainers, and
the

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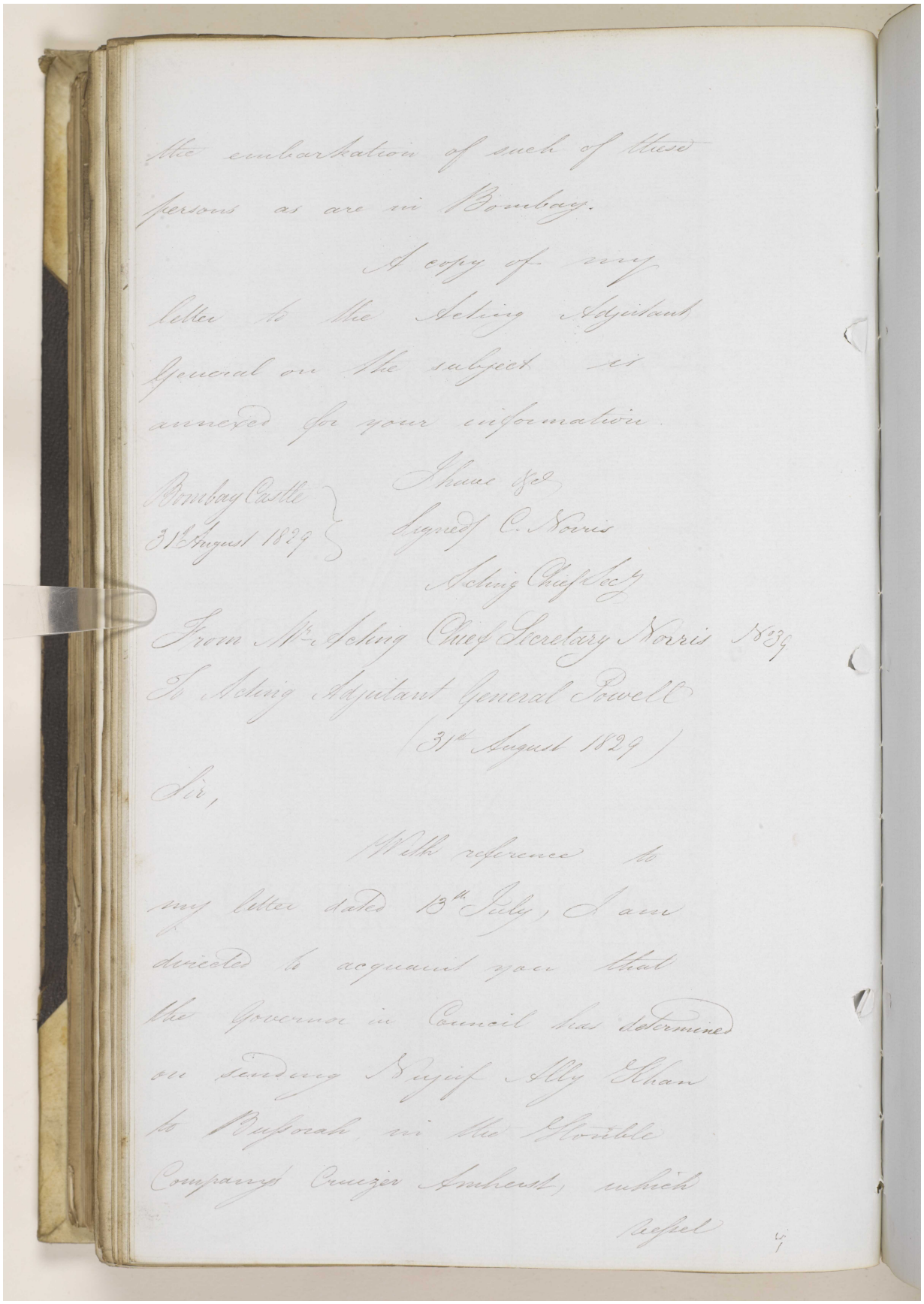

the embarkation of such of these persons as are in Bombay.

A copy of my letter to the Acting Adjutant General on the subject is annexed for your information.

Bombay Castle
31st August 1829

I have &c
Signed C. Norris
Acting Chief Secy

From Mr Acting Chief Secretary Norris No 39
To Acting Adjutant General Powell
(31st August 1829)

Sir,

With reference to my letter dated 13th July, I am directed to acquaint you that the Governor in Council has determined on sending Nujif Ally Khan to Bussorah in the Honble Company's Cruizer Amherst, which

vessel

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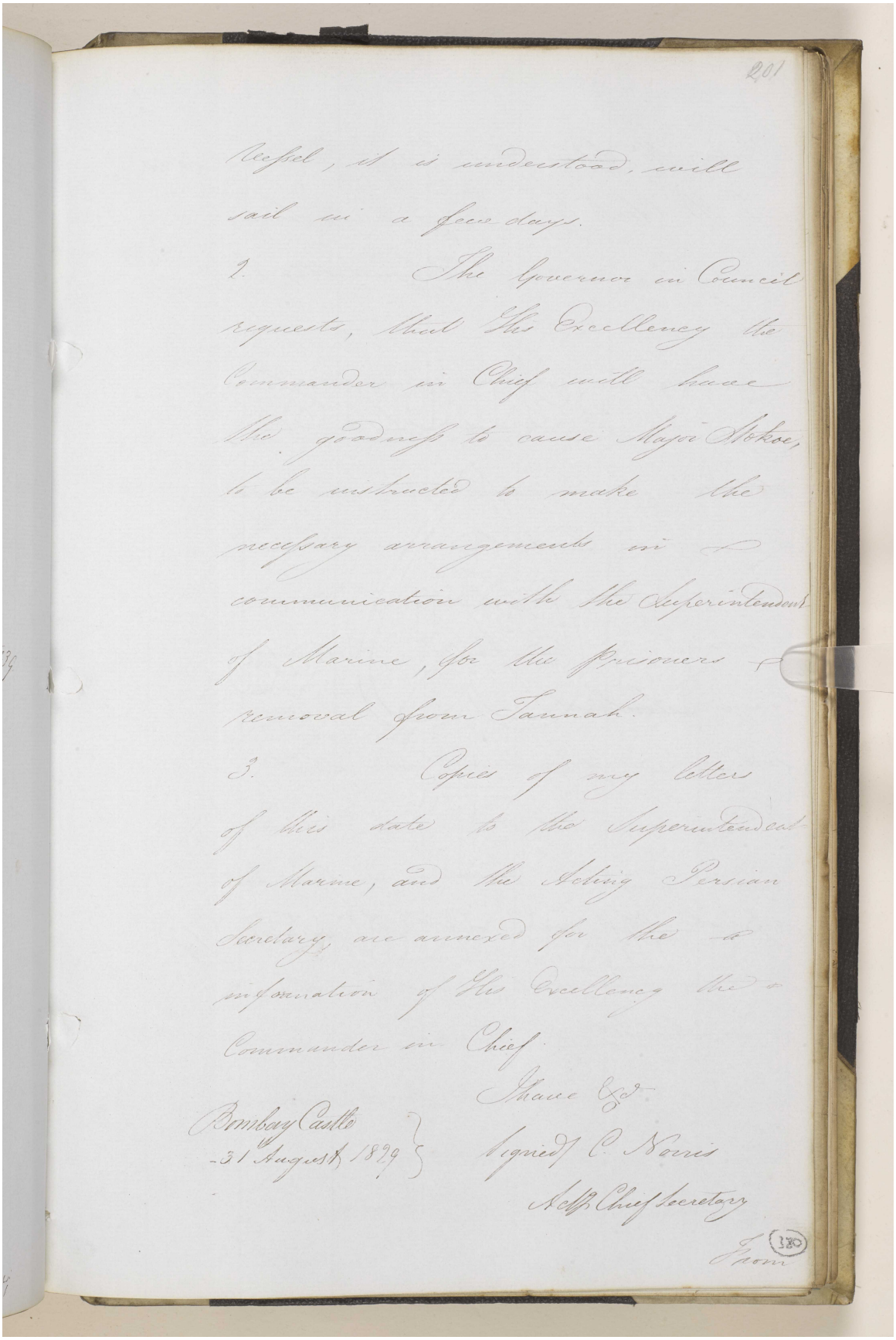

201

Receipt, it is understood, will
sail in a few days.

2. The Governor in Council
requests, that His Excellency the
Commander in Chief will have
the goodness to cause Major Stokoe,
to be instructed to make the
necessary arrangements in
communication with the Superintendent
of Marine, for the Prisoners
removal from Jannah.

3. Copies of my letters
of this date to the Superintendent
of Marine, and the Acting Persian
Secretary, are annexed for the
information of His Excellency the
Commander in Chief.

I have &c.

Bombay Castle
31 August 1829

Signed C. Norris
Actg Chief Secretary

From

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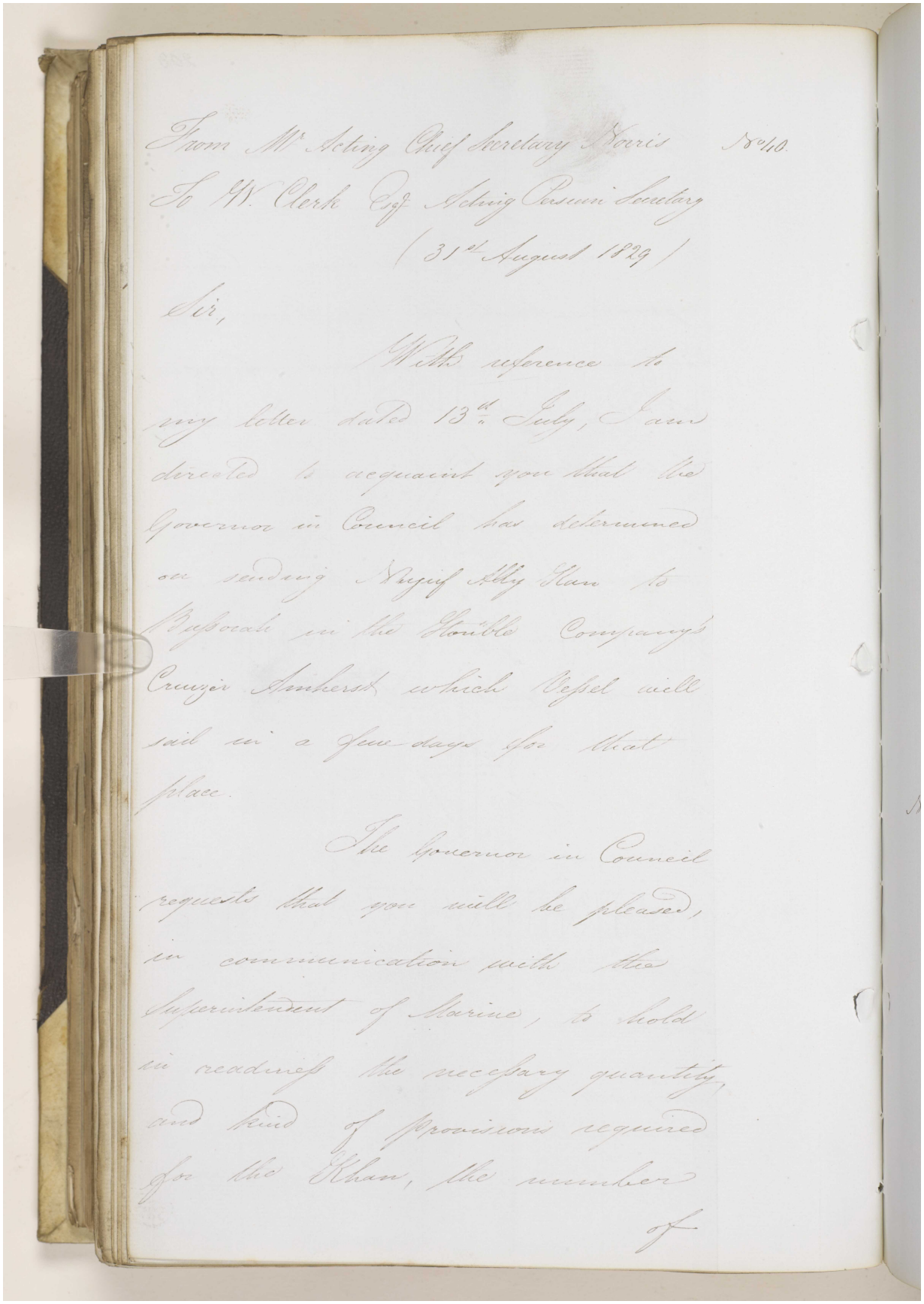

From Mr Acting Chief Secretary Norris 1840.
To W. Clerk Esq Acting Persian Secretary
(31st August 1829)

Sir,

With reference to my letter dated 13th. July, I am directed to acquaint you that the Governor in Council has determined on sending Nujif Ally Khan to Bushcah in the Honble Company's Cruizer Amherst which Vessel will sail in a few days for that place.

The Governor in Council requests that you will be pleased, in communication with the Superintendent of Marine, to hold in readiness the necessary quantity and kind of Provisions required for the Khan, the number of

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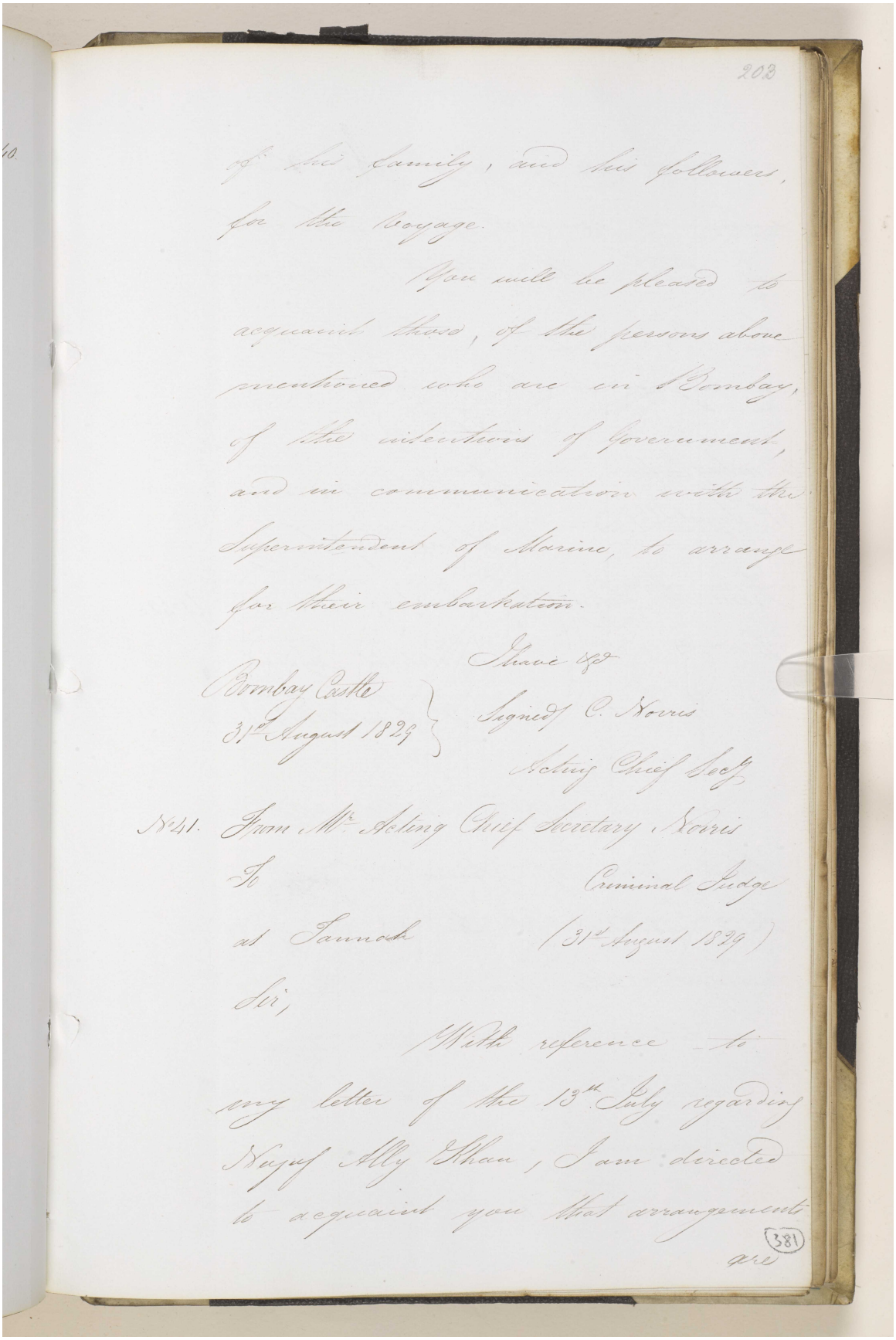

203

of his family, and his followers,
for the voyage.

You will be pleased to
acquaint those of the persons above
mentioned who are in Bombay,
of the intentions of Government,
and in communication with the
Superintendent of Marine, to arrange
for their embarkation.

I have &c
Signed C. Norris
Acting Chief Secy

Bombay Castle
31st August 1839

No 41. From Mr. Acting Chief Secretary, Norris
To
Criminal Judge
at Surat (31st August 1839)

Sir,

With reference to
any letter of the 13th July regarding
Nujif Ally Khan, I am directed
to acquaint you that arrangements
are

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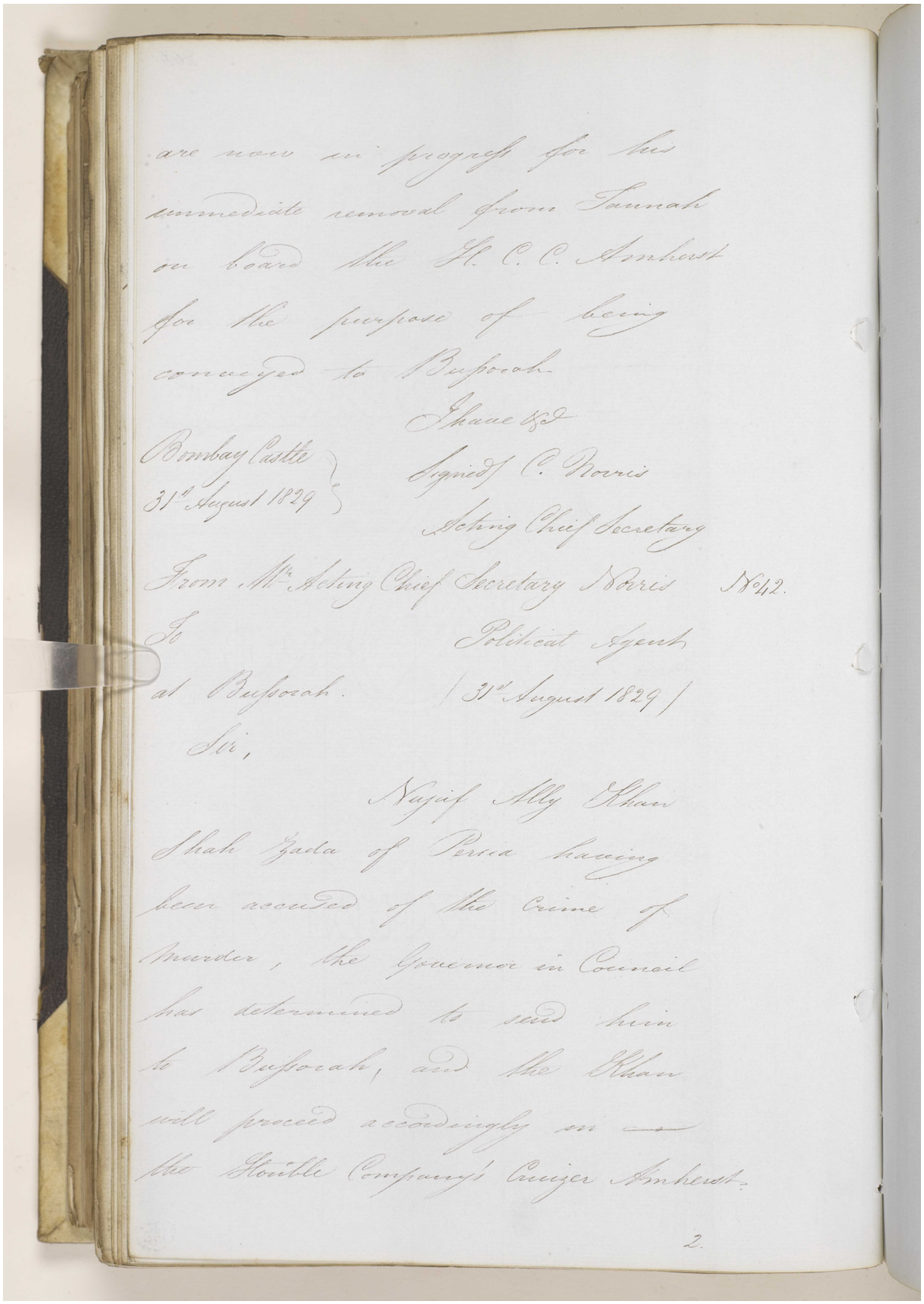

are now in progress for his
immediate removal from Jaunah
on board the H. C. C. Amherst
for the purpose of being
conveyed to Bussorah

I have &c
Signed C. Norris
Acting Chief Secretary

Bombay Castle
31st August 1829

From Mr. Acting Chief Secretary Norris No 42.
To Political Agent
at Bussorah. (31st August 1829)

Sir,

Najif Ally Khan
Shah Zada of Persia having
been accused of the crime of
murder, the Governor in Council
has determined to send him
to Bussorah, and the Khan
will proceed accordingly on —
the Honble Company's Cruizer Amherst.

2.

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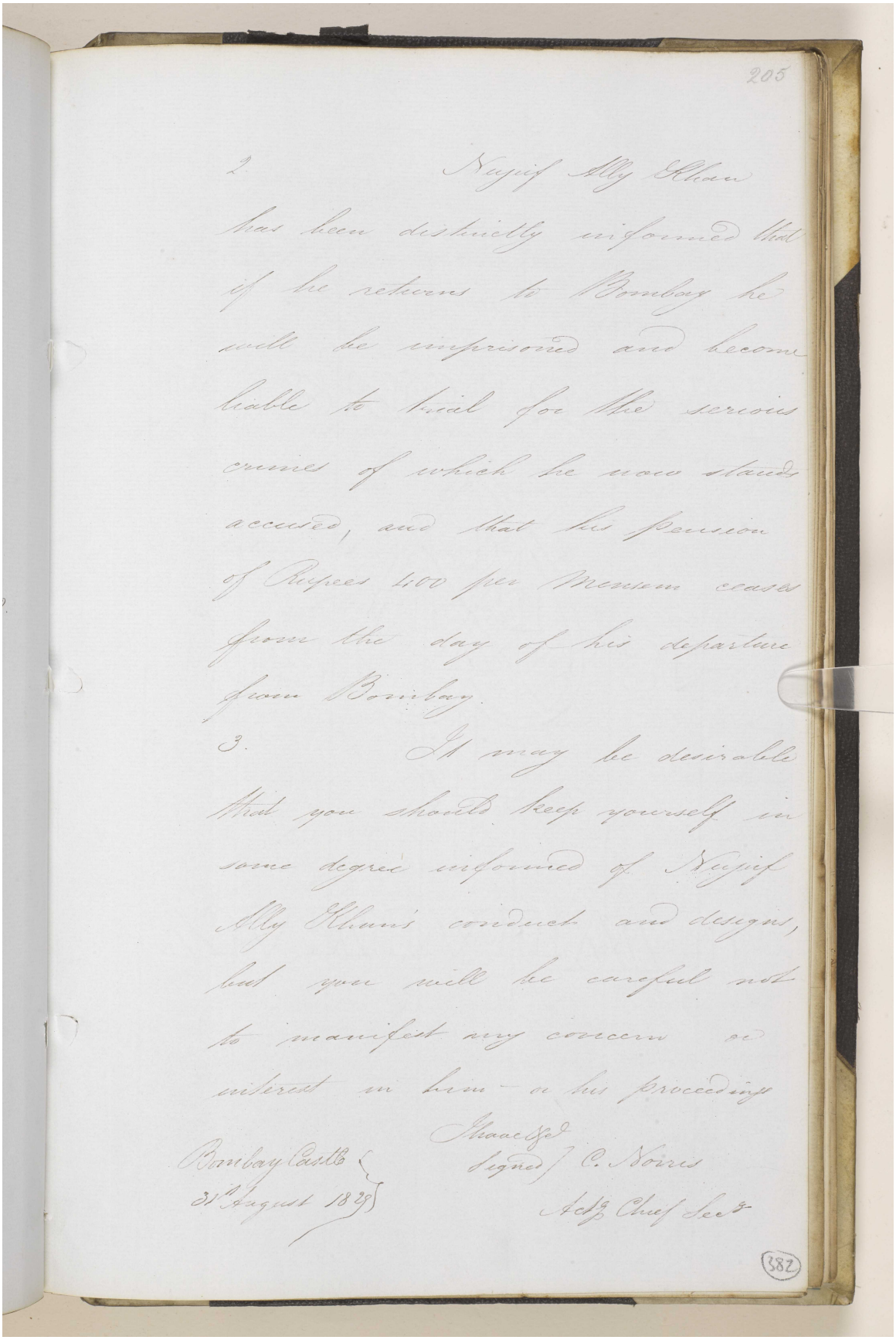
205

2. Nujif Ally Khan has been distinctly informed that if he returns to Bombay he will be imprisoned and become liable to trial for the serious crimes of which he now stands accused, and that his Pension of Rupees 400 per Mensem ceases from the day of his departure from Bombay.

3. It may be desirable that you should keep yourself in some degree informed of Nujif Ally Khan's conduct and designs, but you will be careful not to manifest any concern or interest in him or his proceedings

I have &c
Bombay Castle 31st August 1829
Signed J. C. Norris
Actg Chief Secy

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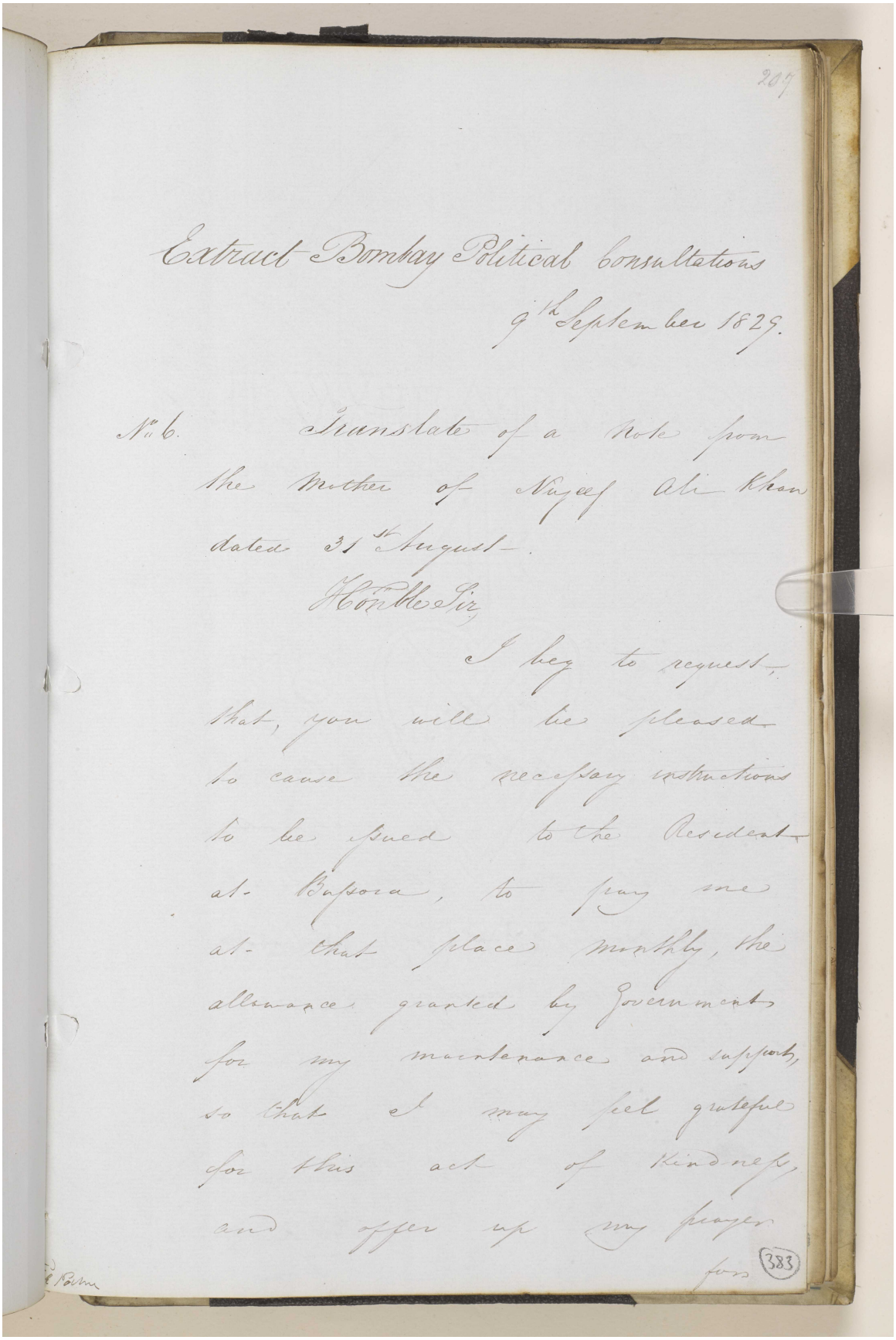

207

Extract Bombay Political consultations
9th September 1829.

No. 6. Translate of a Note from the Mother of Nujef Ali Khan dated 31st August.

Honble Sir,

I beg to request, that, you will be pleased to cause the necessary instructions to be issued to the Resident at Bussora, to pay me at that place monthly, the allowance granted by Government for my maintenance and support, so that I may feel grateful for this act of kindness, and offer up my prayers for

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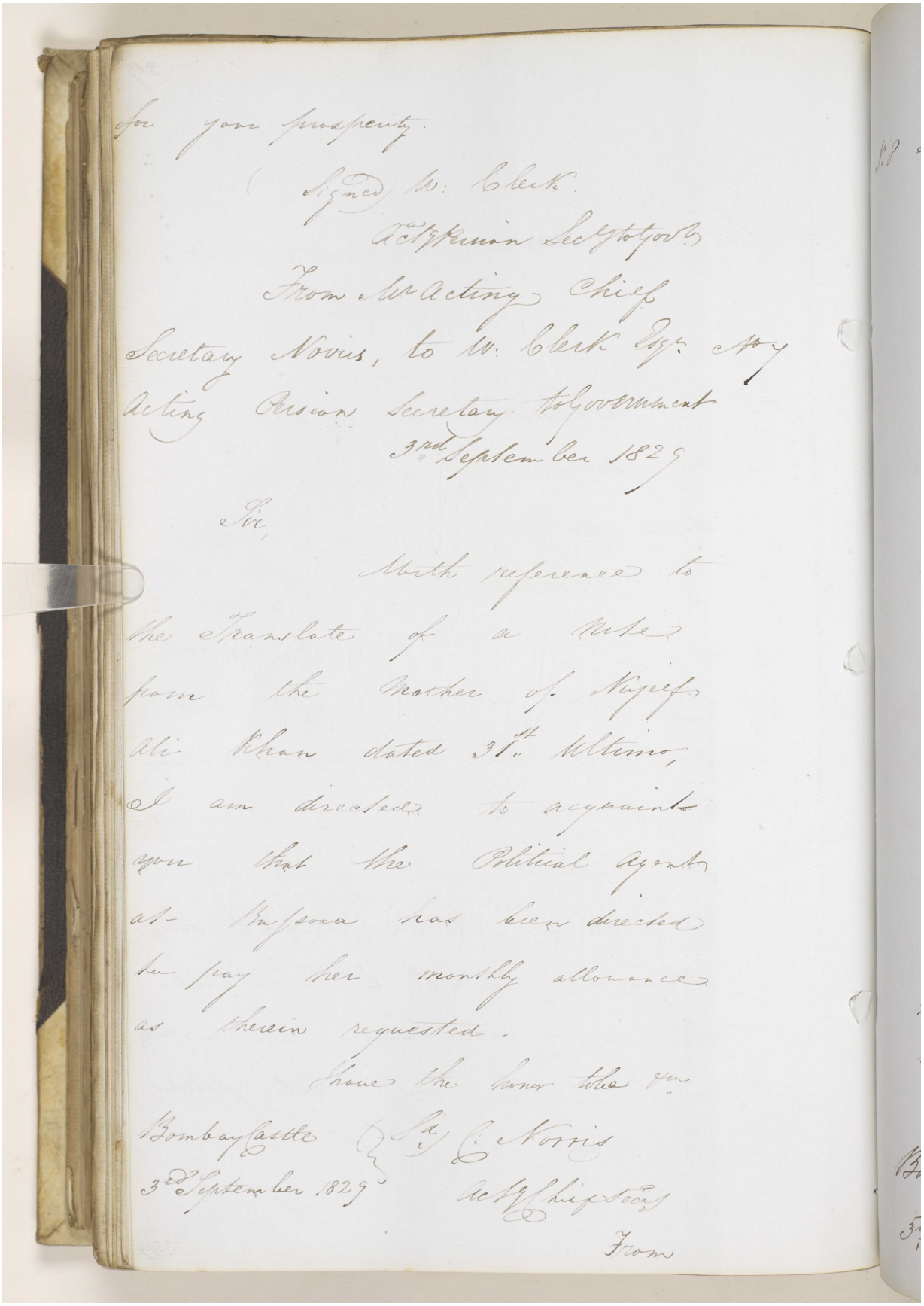

for your prosperity.

(Signed) W. Clerk
Actg Persian Secy to Govt.

From Mr Acting Chief Secretary Norris, to W. Clerk Esqr. Actg Acting Persian Secretary to Government

3rd September 1829

Sir,

With reference to the Translate of a Note from the Mother of Nujeef Ali Khan dated 31st Ultimo, I am directed to acquaint you that the Political Agent at Bussora has been directed to pay her monthly allowance as therein requested.

I have the honor to be &c.

Bombay Castle
3rd September 1829

(Sd) C. Norris
Actg Chief Secy

From

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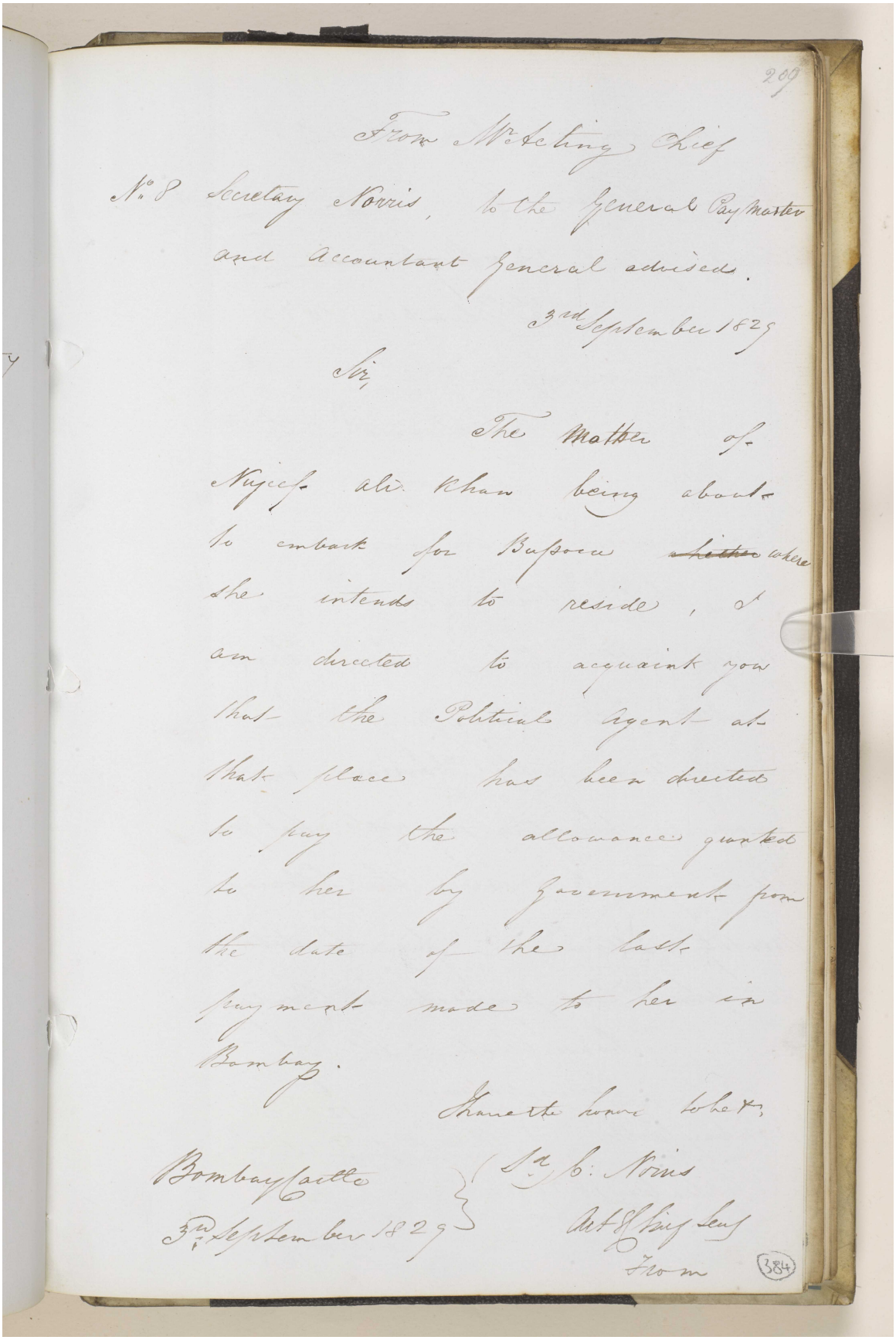

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From Mr Acting Chief

No. 8 Secretary Norris, to the General Paymaster and Accountant General advised.

3rd September 1829

Sir,

The Mother of Nujeef Ali Khan being about to embark for Bussora ~~whither~~ where she intends to reside, I am directed to acquaint you that the Political Agent at that place has been directed to pay the allowance granted to her by Government from the date of the last payment made to her in Bombay.

I have the honor to be &c,

Bombay Castle
3rd September 1829

(Sd) C: Norris
Act Chief Secy
From

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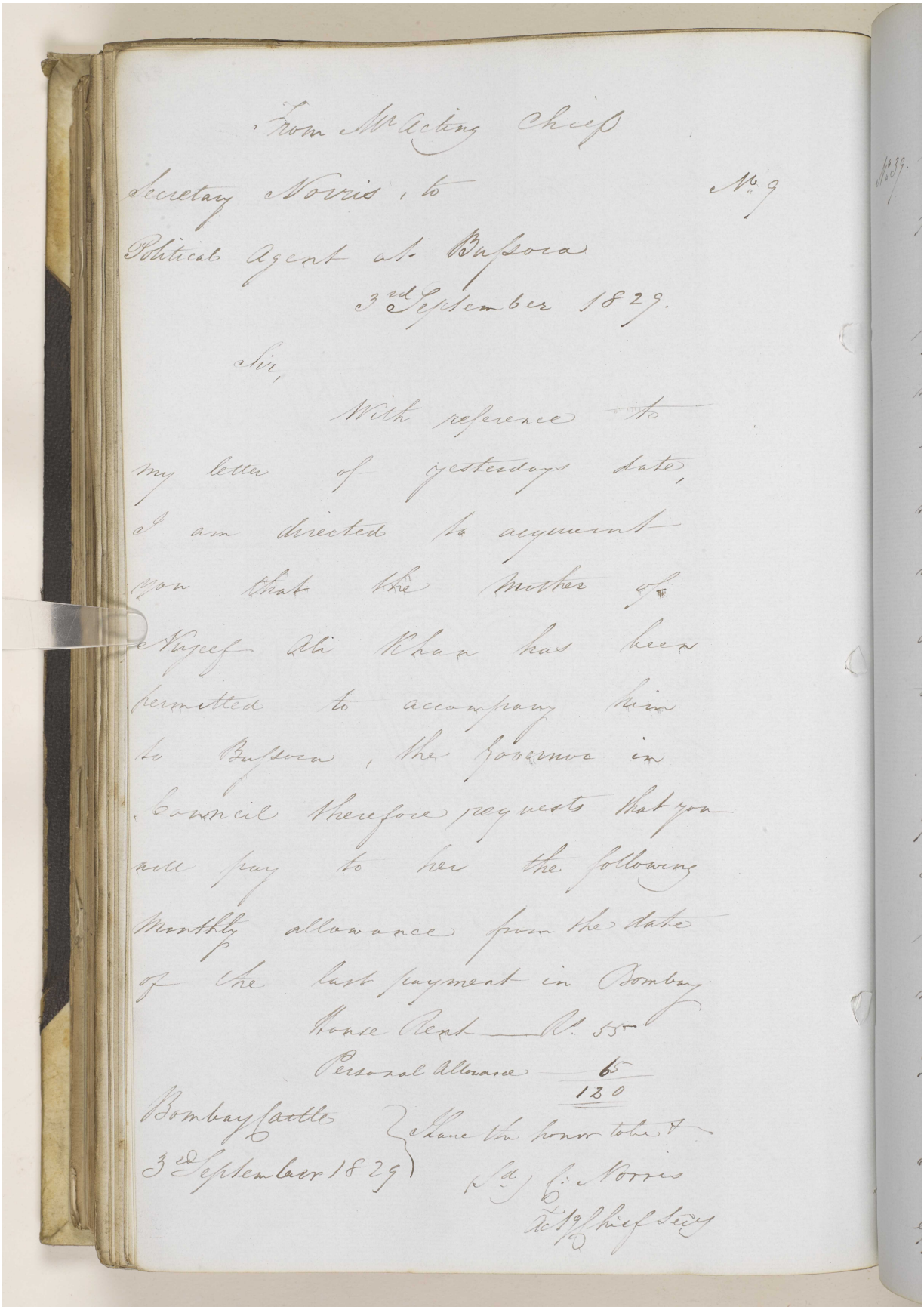

From Mr Acting Chief
Secretary Norris, to
Political Agent at Bussora

No. 9

3rd September 1829.

Sir,

With reference to my letter of yesterdays date, I am directed to acquaint you that the Mother of Nujeef Ali Khan has been permitted to accompany him to Bussora, the Governor in Council therefore requests that you will pay to her the following monthly allowance from the date of the last payment in Bombay.

House Rent — Rs. 55
Personal Allowance — 65
120

Bombay Castle
3rd September 1829

I have the honor to be &
Sd. C. Norris
Act. Chief Secy

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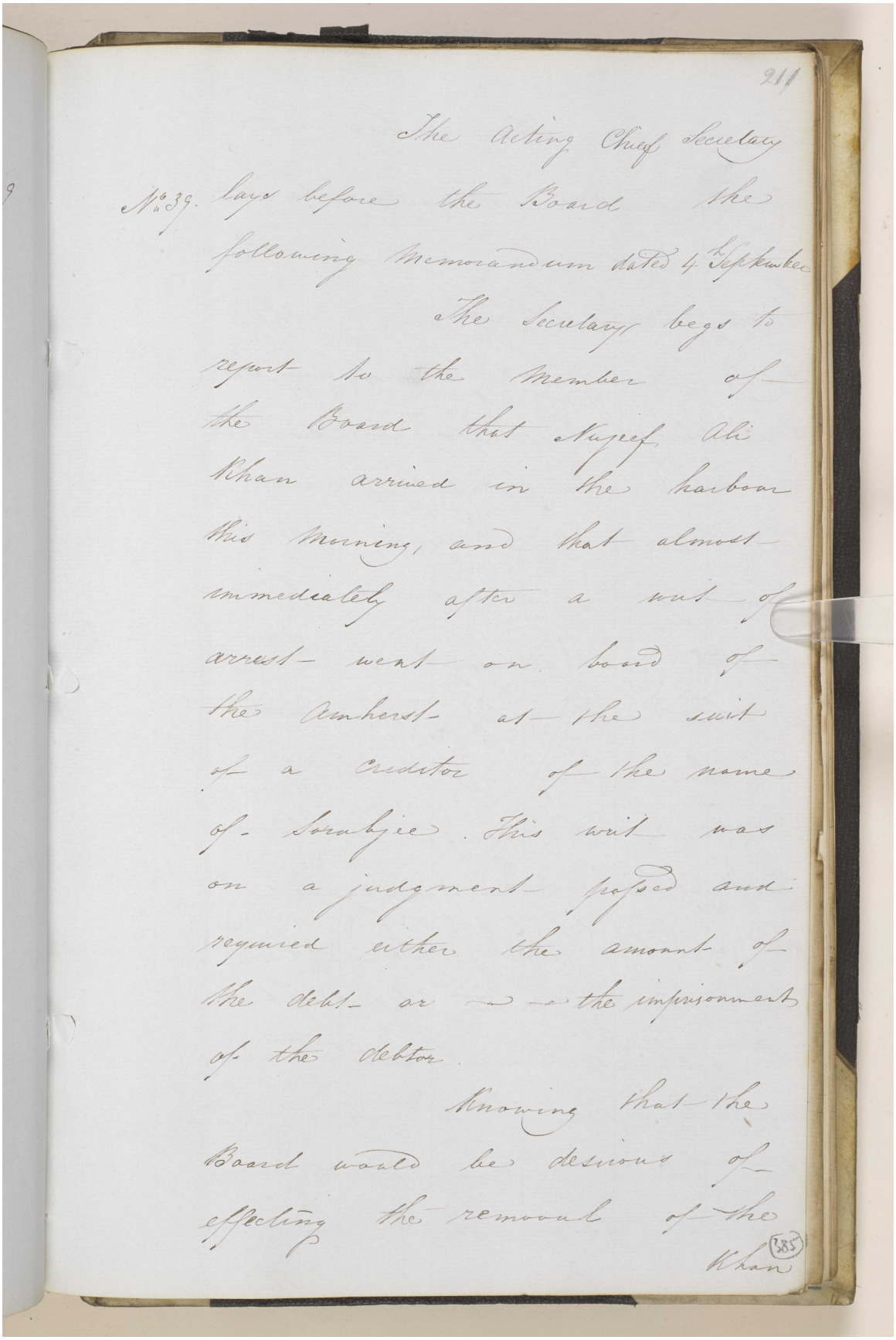

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The Acting Chief Secretary
No. 39. lays before the Board the
following Memorandum dated 4th September

The Secretary begs to
report to the Member of
the Board that Nujeef Ali
Khan arrived in the harbour
this morning, and that almost
immediately after a writ of
arrest went on board of
the Amherst at the suit
of a Creditor of the name
of Sorabjee. This writ was
on a judgment passed and
required either the amount of
the debt or the imprisonment
of the debtor.

Knowing that the
Board would be desirous of
effecting the removal of the
Khan

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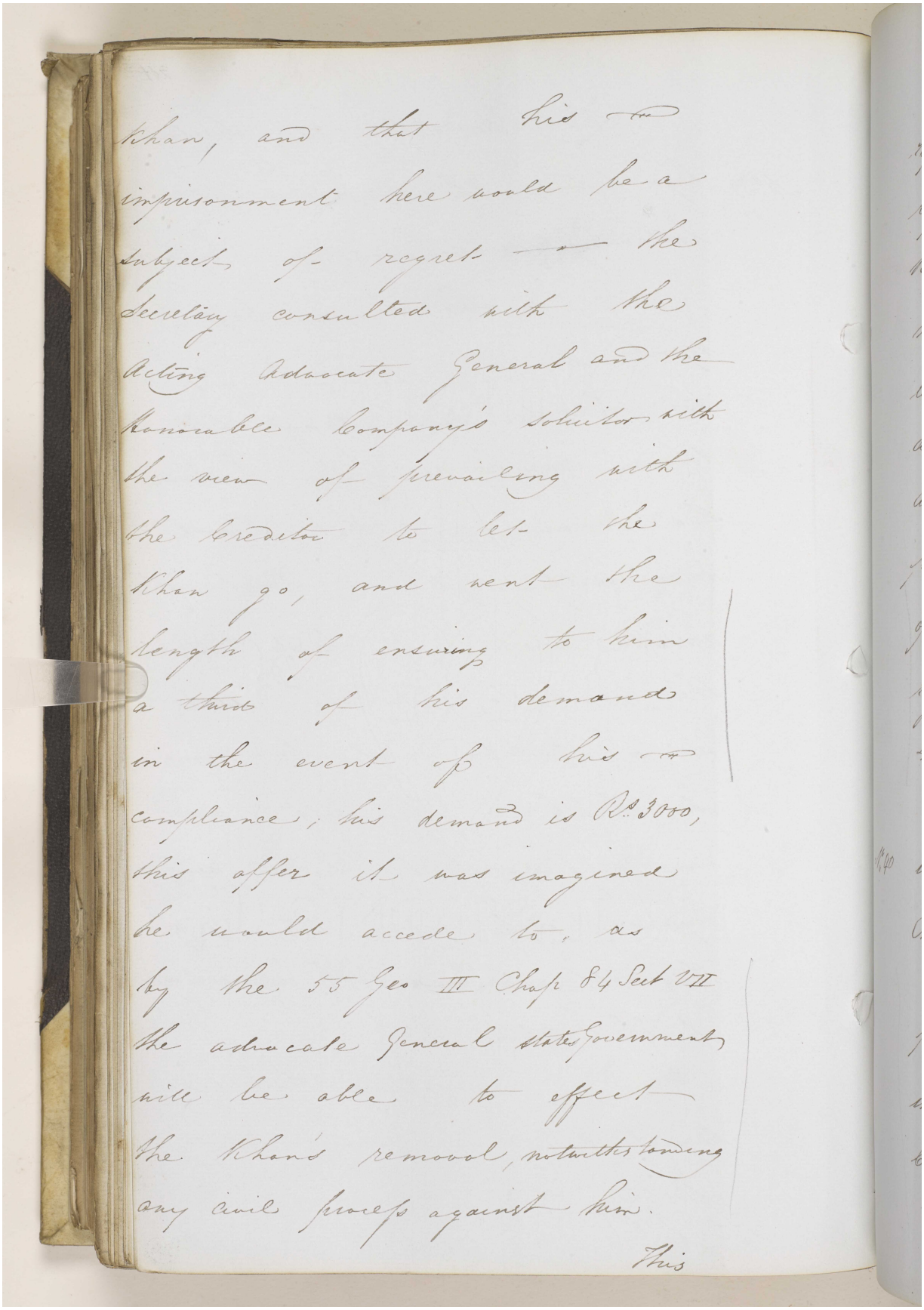

Khan, and that his
imprisonment here would be a
subject of regret — the
Secretary consulted with the
Acting Advocate General and the
honorable Company's Solicitor with
the view of prevailing with
the Creditor to let the
Khan go, and rent the
length of ensuring to him
a third of his demands
in the event of his
compliance; his demand is Rs. 3000,
this offer it was imagined
he would accede to, as
by the 55 Geo III Chap 84 Sect VII
the advocate General states Government
will be able to effect
the Khan's removal, notwithstanding
any civil process against him.

This

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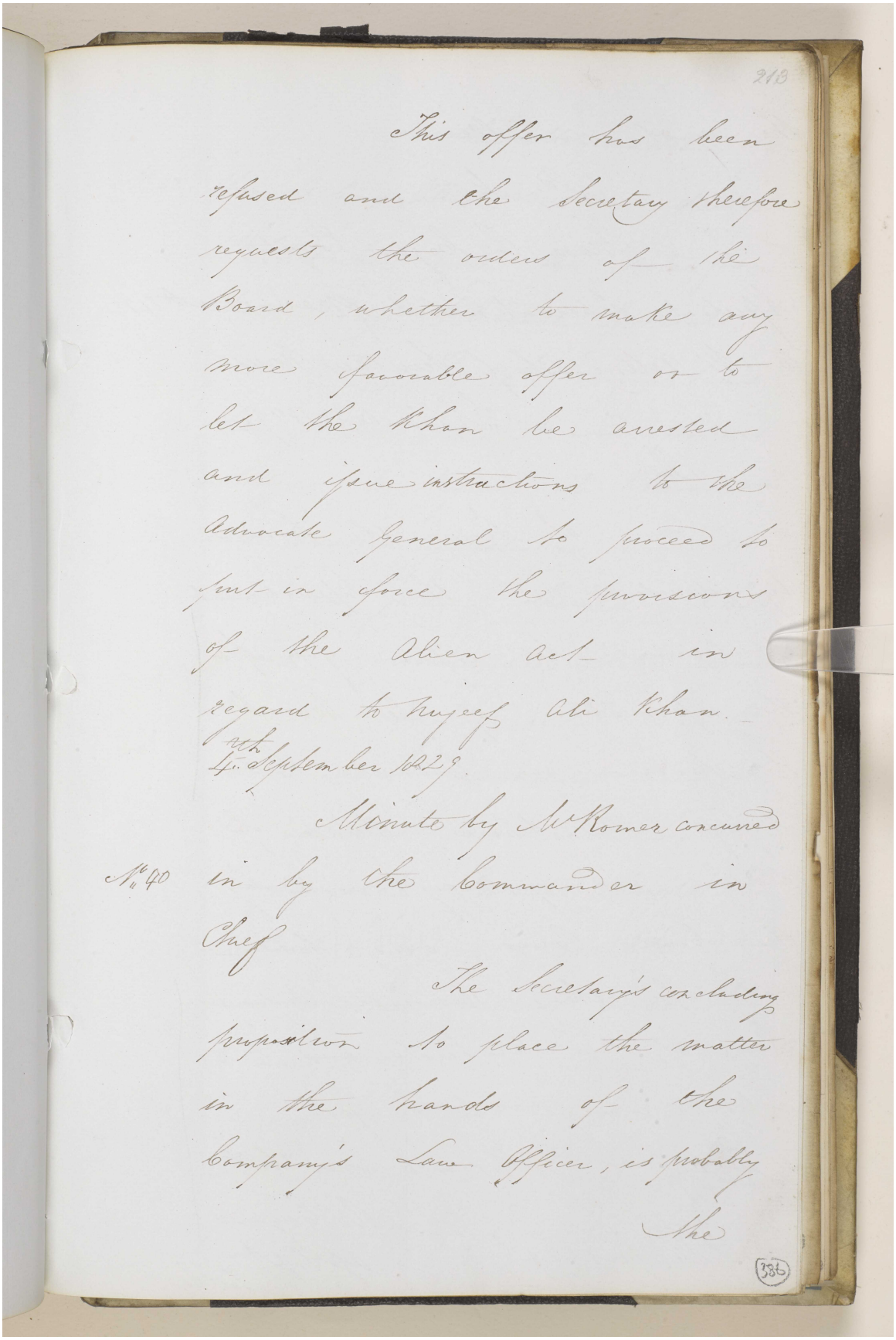

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This offer has been refused and the Secretary therefore requests the orders of the Board, whether to make any more favorable offer or to let the Khan be arrested and issue instructions to the Advocate General to proceed to put in force the provisions of the Alien act in regard to Nujeef Ali Khan.

4th September 1829.

Minute by Mr Romer concurred

No 40 in by the Commander in Chief

The Secretary's concluding proposition to place the matter in the hands of the Company's Law Officer, is probably

the

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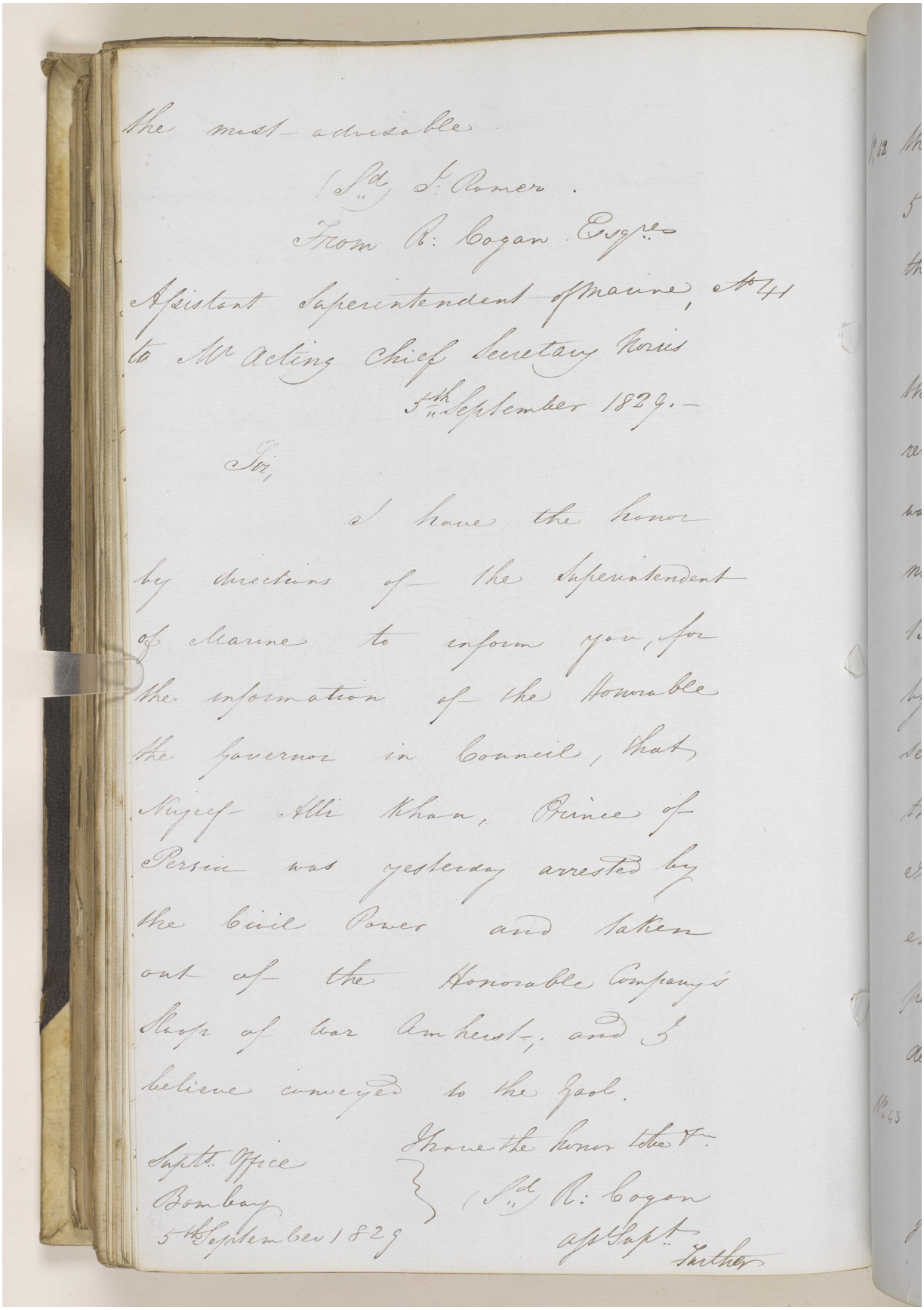

the most advisable.

(Sd.) J. Romer.

From R. Logan Esqre.

Assistant Superintendent of Marine, No 41

to Mr Acting Chief Secretary Norris

5th September 1829.–

Sir,

I have the honor by directions of the Superintendent of Marine to inform you, for the information of the Honorable the Governor in Council, that Nujeef Ali Khan, Prince of Persia was yesterday arrested by the Civil Power and taken out of the Honorable Company's Ship of War Amherst, and I believe conveyed to the Gaol.

I have the honor &c.

(Sd.) R. Logan

Asst Supt.

Supts Office
Bombay
5th September 1829

further

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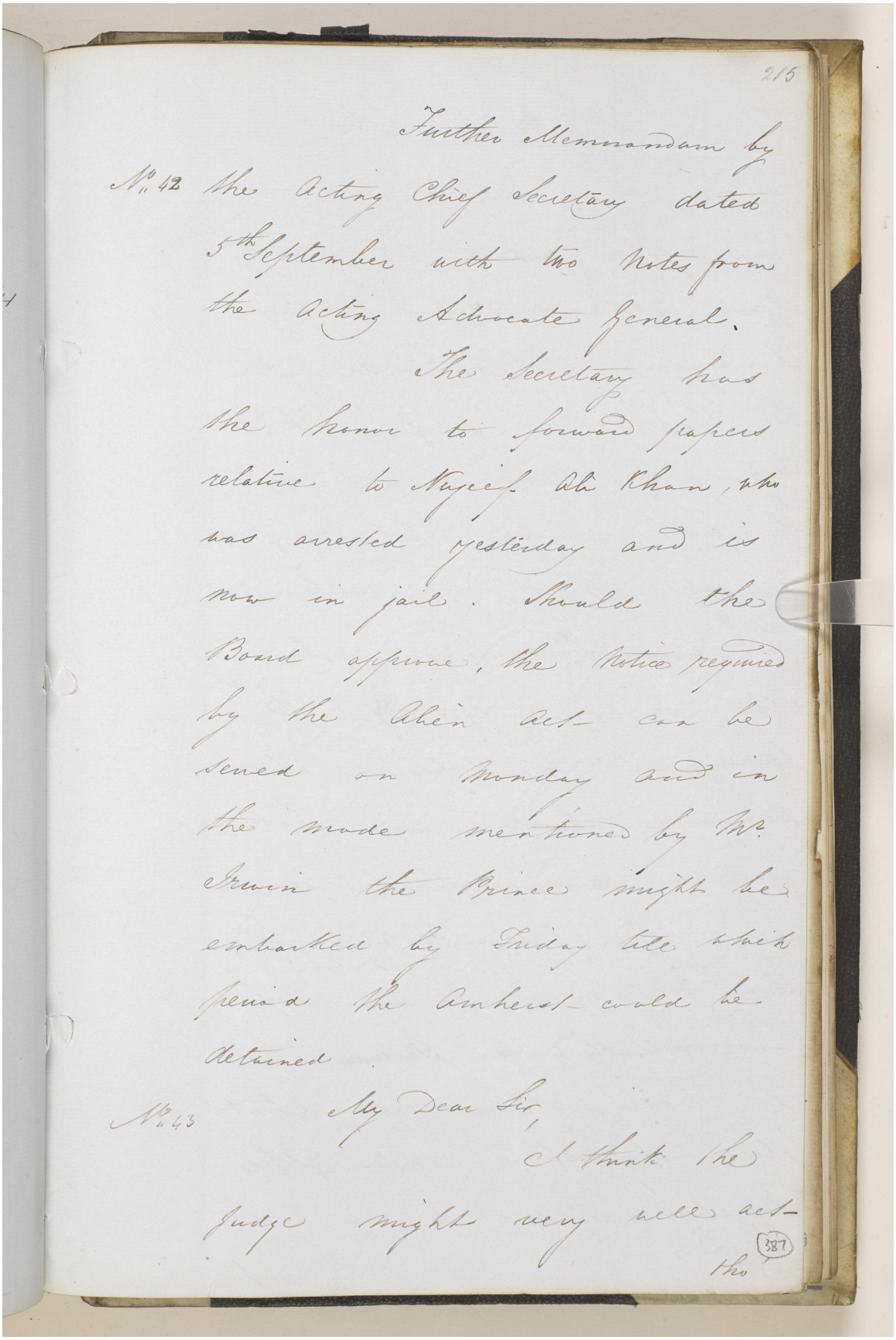

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Further Memorandum by
No. 42 the Acting Chief Secretary dated
5th September with two Notes from
the Acting Advocate General.

The Secretary has
the honor to forward papers
relative to Nujeef Ali Khan, who
was arrested yesterday and is
now in jail. Should the
Board approve, the Notice required
by the Alien Act can be
served on Monday and in
the mode mentioned by Mr.
Irwin the Prince might be
embarked by Friday late which
period the Arrest could be
detained.

No. 43 My Dear Sir,

I think the
Judge might very well act-

(387)
tho

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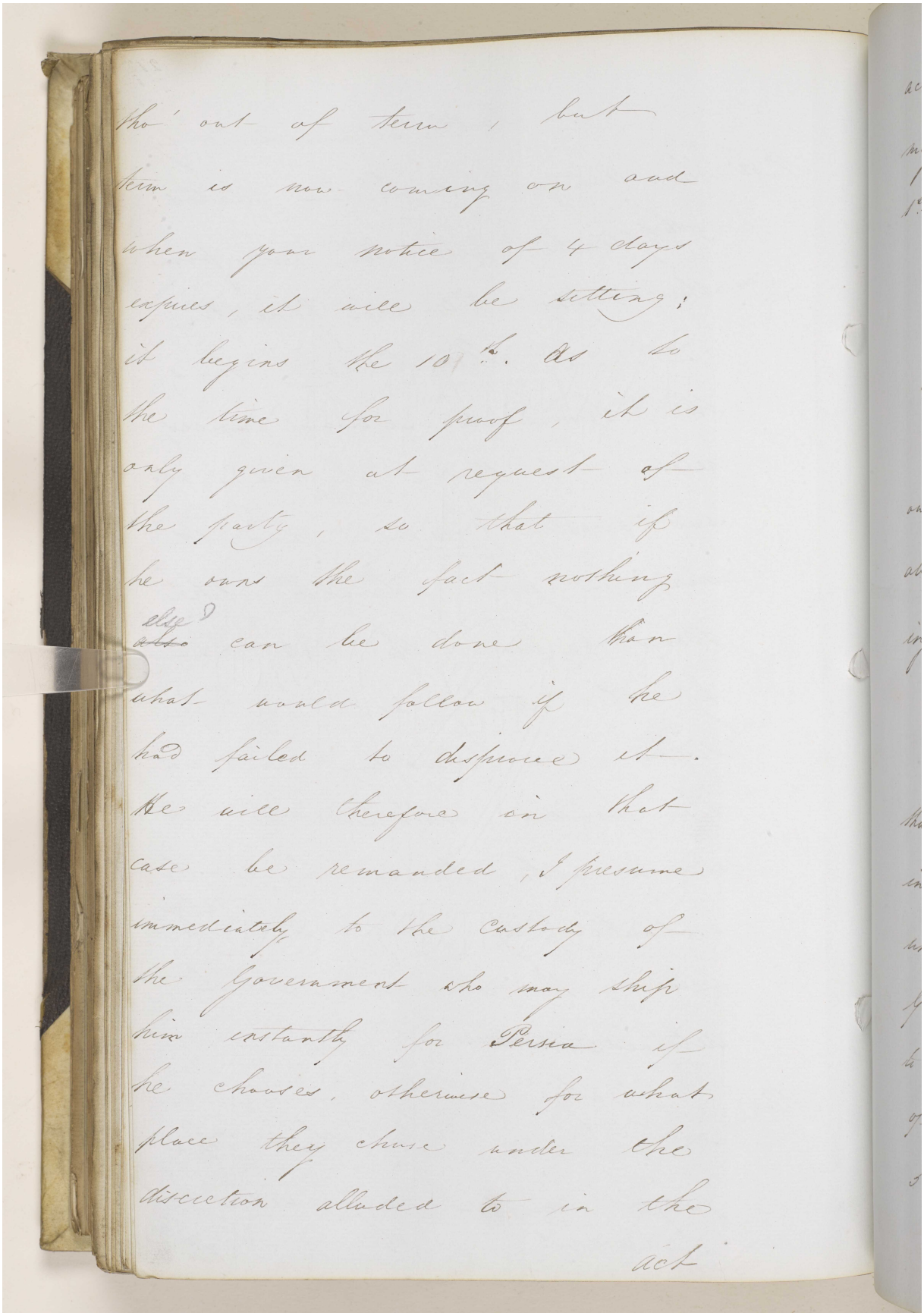

tho' out of term, but
term is now coming on and
when your notice of 4 days
expires, it will be sitting;
it begins the 10th. As to
the time for proof, it is
only given at request of
the party, so that if
he owns the fact nothing
else can be done than
what would follow if he
had failed to disprove it.
He will therefore on that
case be remanded, I presume
immediately to the custody of
the Government who may ship
him instantly for Persia if
he chooses, otherwise for what
place they chuse under the
discretion alluded to in the
act

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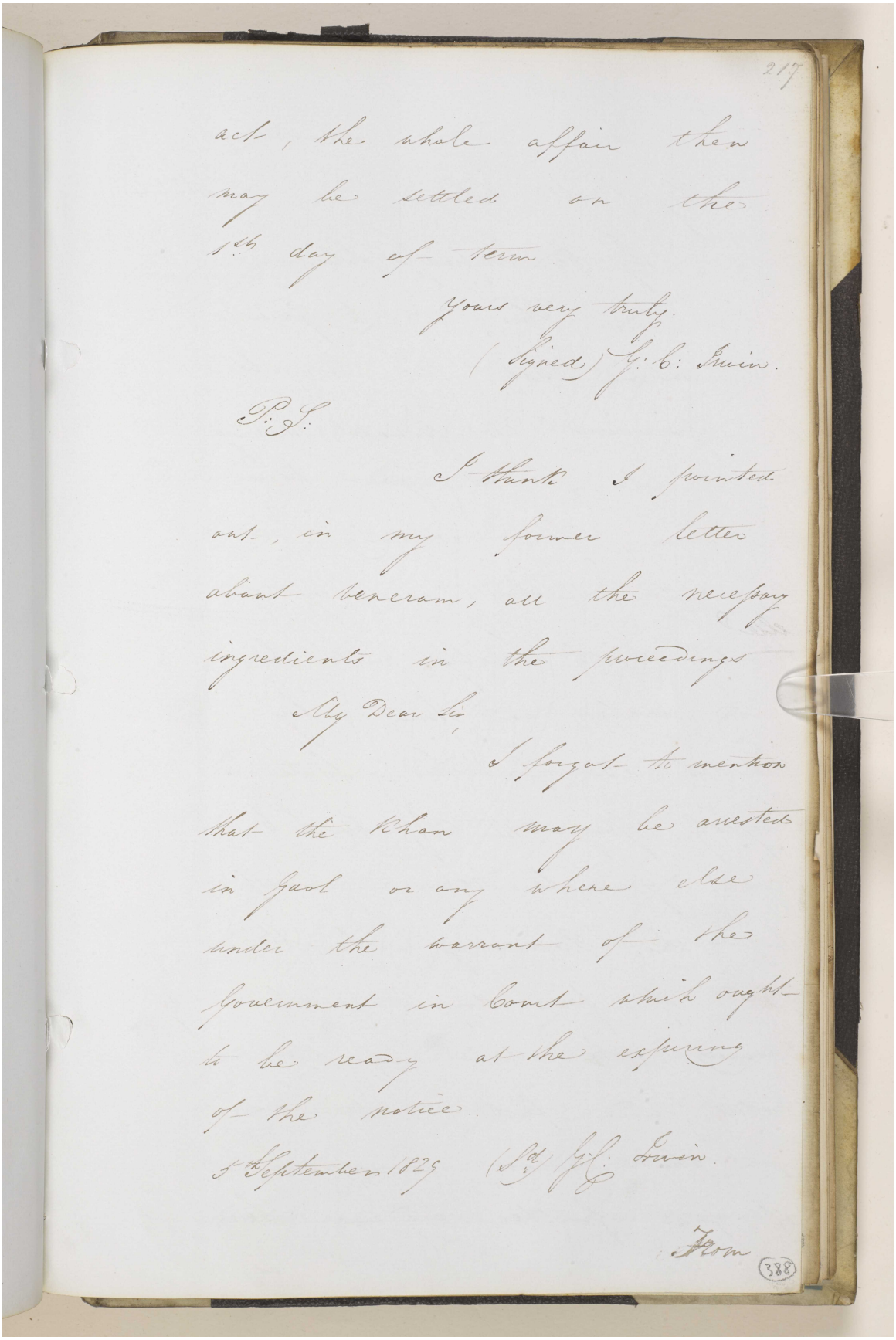

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act, the whole affair then
may be settled on the
1st day of term

Yours very truly.
(Signed) G. G. Swin.

P. S.

I thank I pointed
out, in my former letter
about Beneram, all the necessary
ingredients in the proceedings

My Dear Sir

I forgot to mention
that the Khan may be arrested
in Jail or any where else
under the warrant of the
Government in Court which ought
to be ready at the expiring
of the notice.
5th September 1829 (Sd) G. G. Swin.

From

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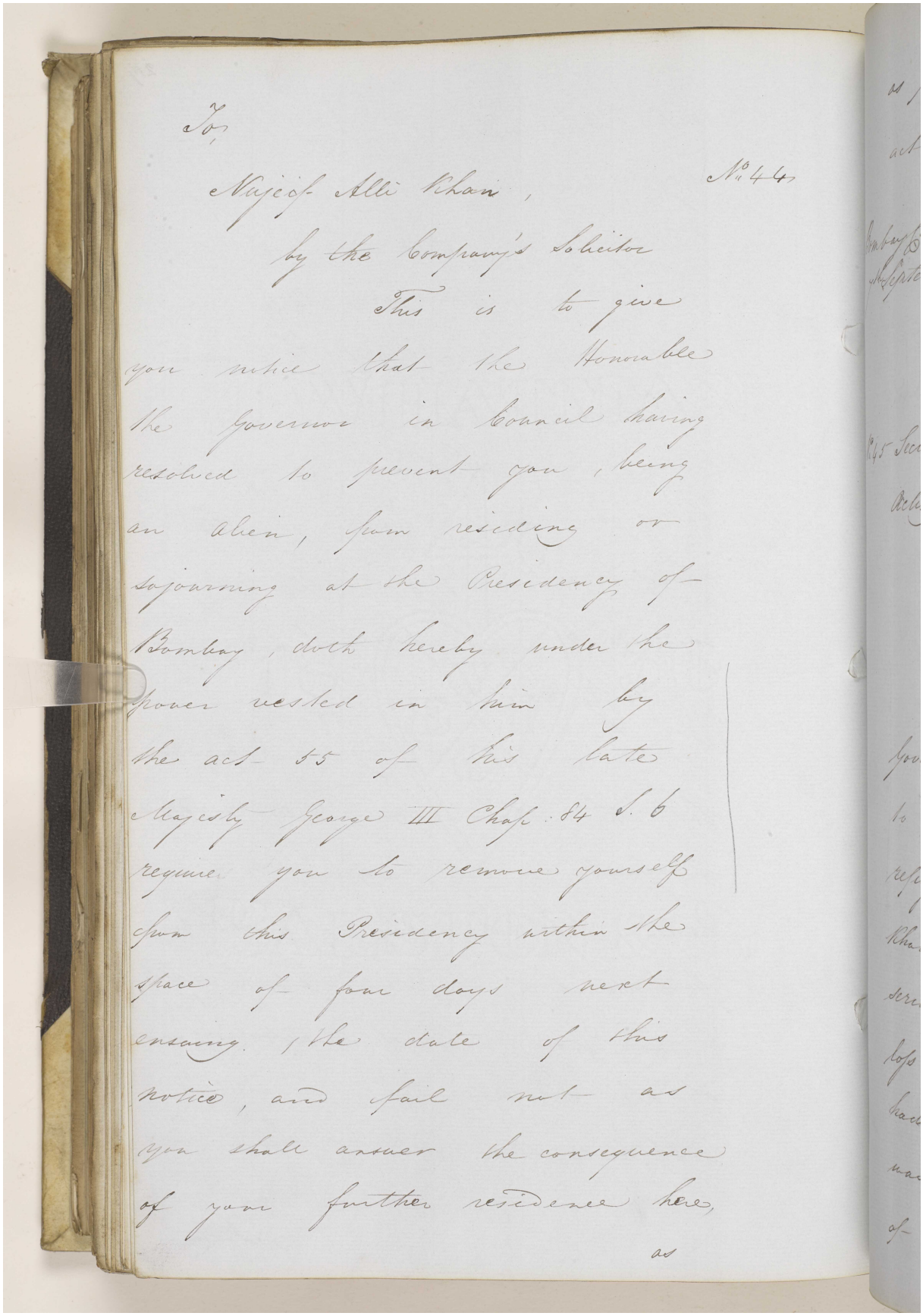

To

Nujif Alli Khan,

No 44

by the Company's Solicitor

This is to give you notice that the Honorable the Governor in Council having resolved to prevent you, being an alien, from residing or sojourning at the Presidency of Bombay, doth hereby under the power vested in him by the act 55 of his late Majesty George III Chap. 84 S. 6 require you to remove yourself from this Presidency within the space of four days next ensuing the date of this notice, and fail not as you shall answer the consequence of your further residence here,

as

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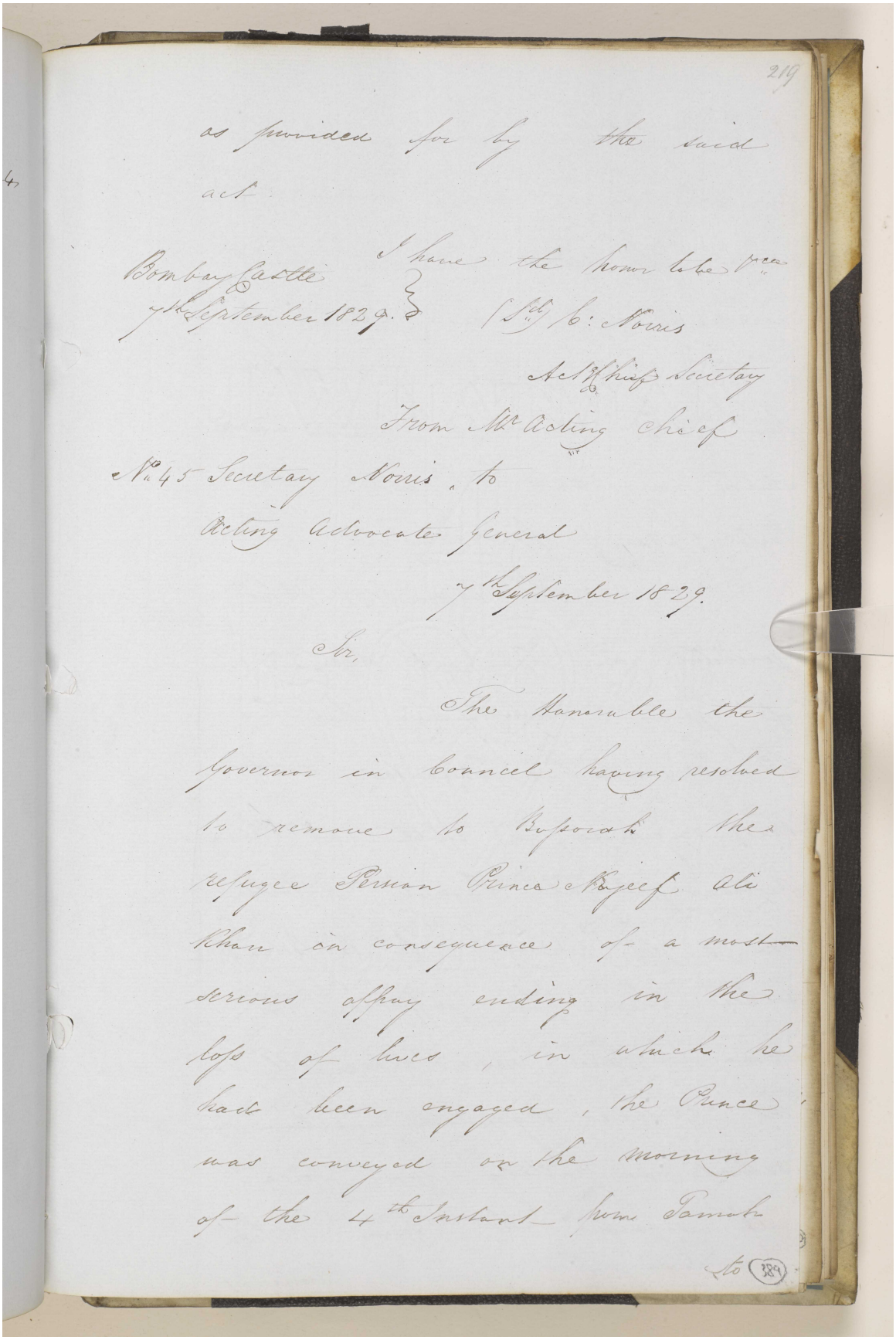

as provided for by the said act.

Bombay Castle
7th September 1829.

I have the honor to be &c.
(Sd.) C: Norris
Act Chief Secretary

From Mr Acting Chief
No. 45 Secretary Norris, to
Acting Advocate General

7th September 1829.

Sir,

The Honorable the Governor in Council having resolved to remove to Bussorah the refugee Persian Prince Nujeef Ali Khan in consequence of a most serious affray ending in the loss of lives, in which he had been engaged, the Prince was conveyed on the morning of the 4th Instant from Tamah

to (389)

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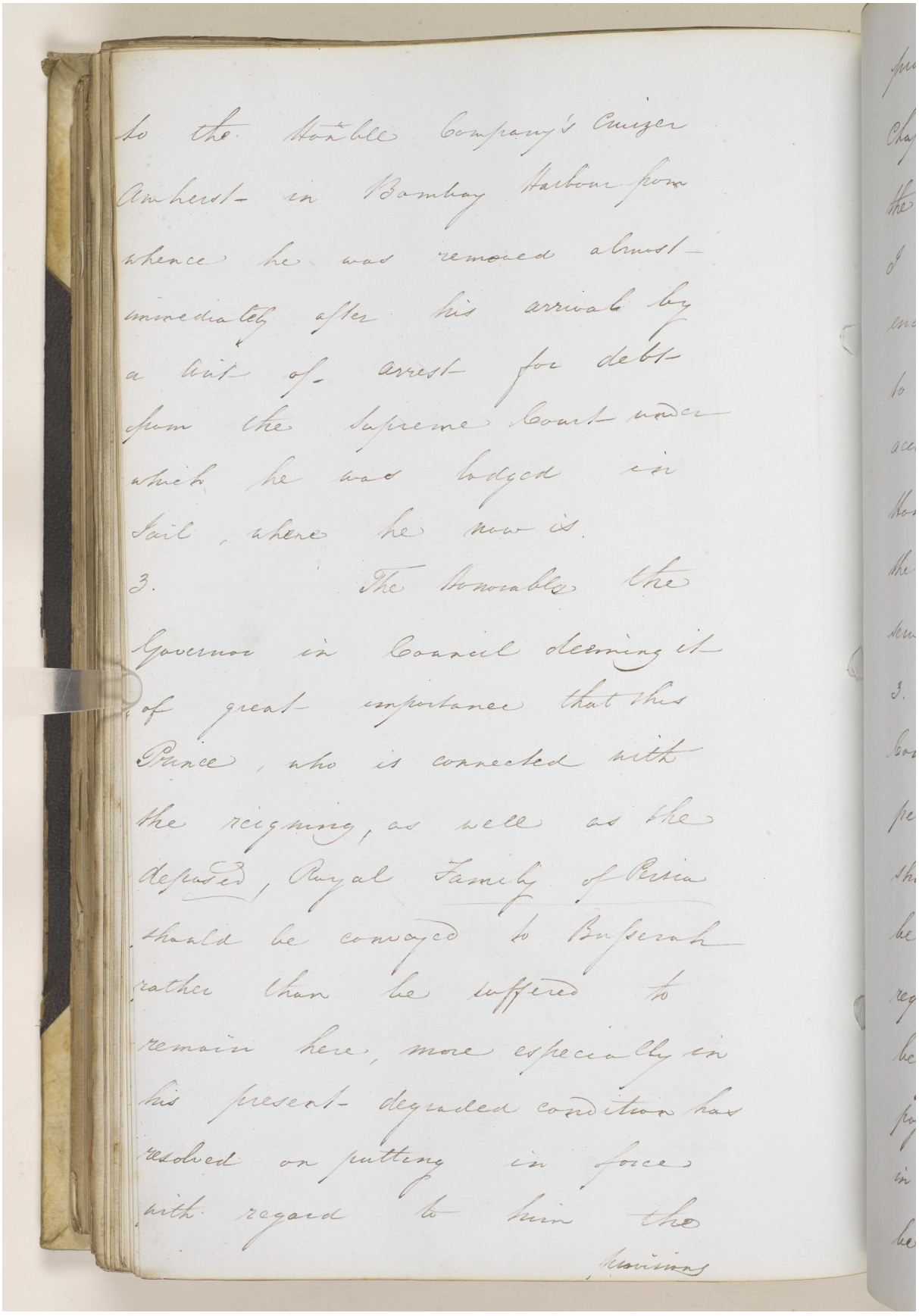

to the Honble Company's Cruizer Amherst in Bombay Harbour from whence he was removed almost immediately after his arrival by a writ of arrest for debt from the Supreme Court under which he was lodged in Jail, where he now is.

3. The Honorable the Governor in Council deeming it of great importance that this Prince, who is connected with the reigning, as well as the deposed, Royal Family of Persia should be conveyed to Bussorah rather than be suffered to remain here, more especially in his present degraded condition has resolved on putting in force with regard to him the Instructions

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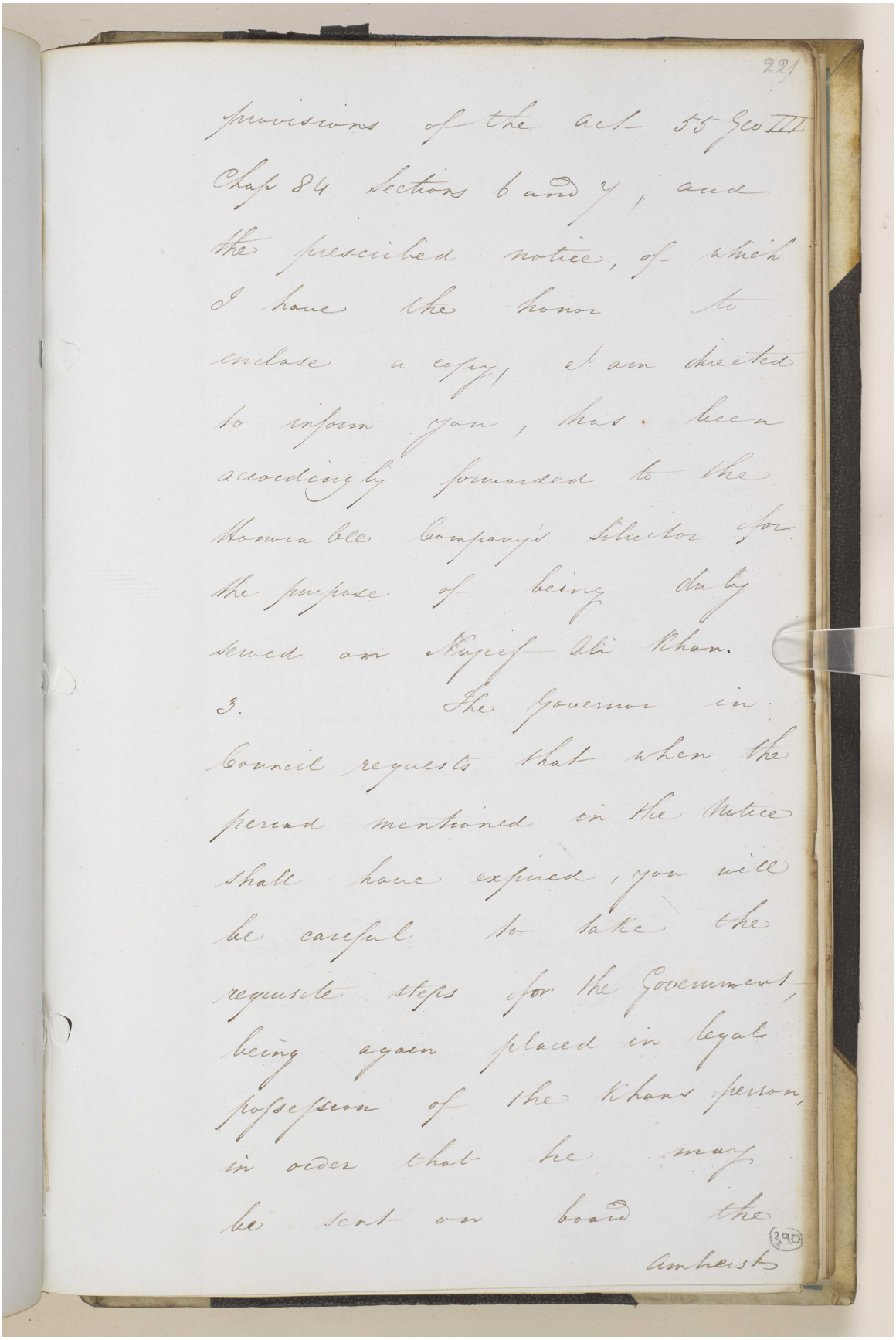

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provisions of the act 55 Geo III
Chap 84 Sections 6 and 7, and
the prescribed notice, of which
I have the honor to
enclose a copy, I am directed
to inform you, that has been
accordingly forwarded to the
Honorable Company's Solicitor for
the purpose of being duly
served on Nujeef Ali Khan.

3. The Governor in
Council requests that when the
period mentioned in the Notice
shall have expired, you will
be careful to take the
requisite steps for the Government,
being again placed in legal
possession of the Khans person,
in order that he may
be sent on board the

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Amherst

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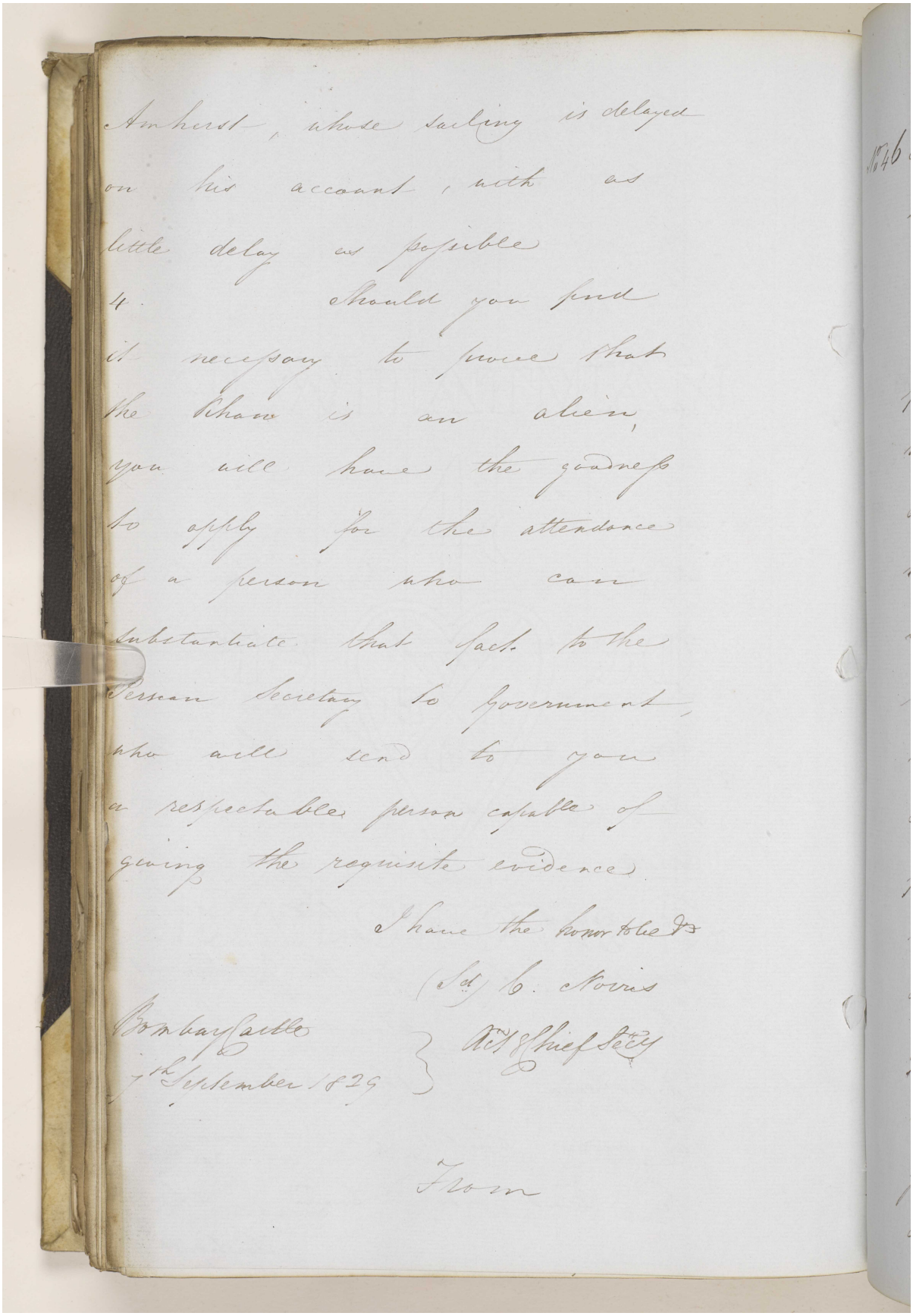

Amherst, whose sailing is delayed on his account, with as little delay as possible

4. Should you find it necessary to prove that the Khan is an alien, you will have the goodness to apply for the attendance of a person who can substantiate that fact to the Persian Secretary to Government, who will send to you a respectable person capable of giving the requisite evidence

I have the honor to be &c

(Sd) C. Norris

Bombay Castle
7th September 1829

Actg Chief Secy

From

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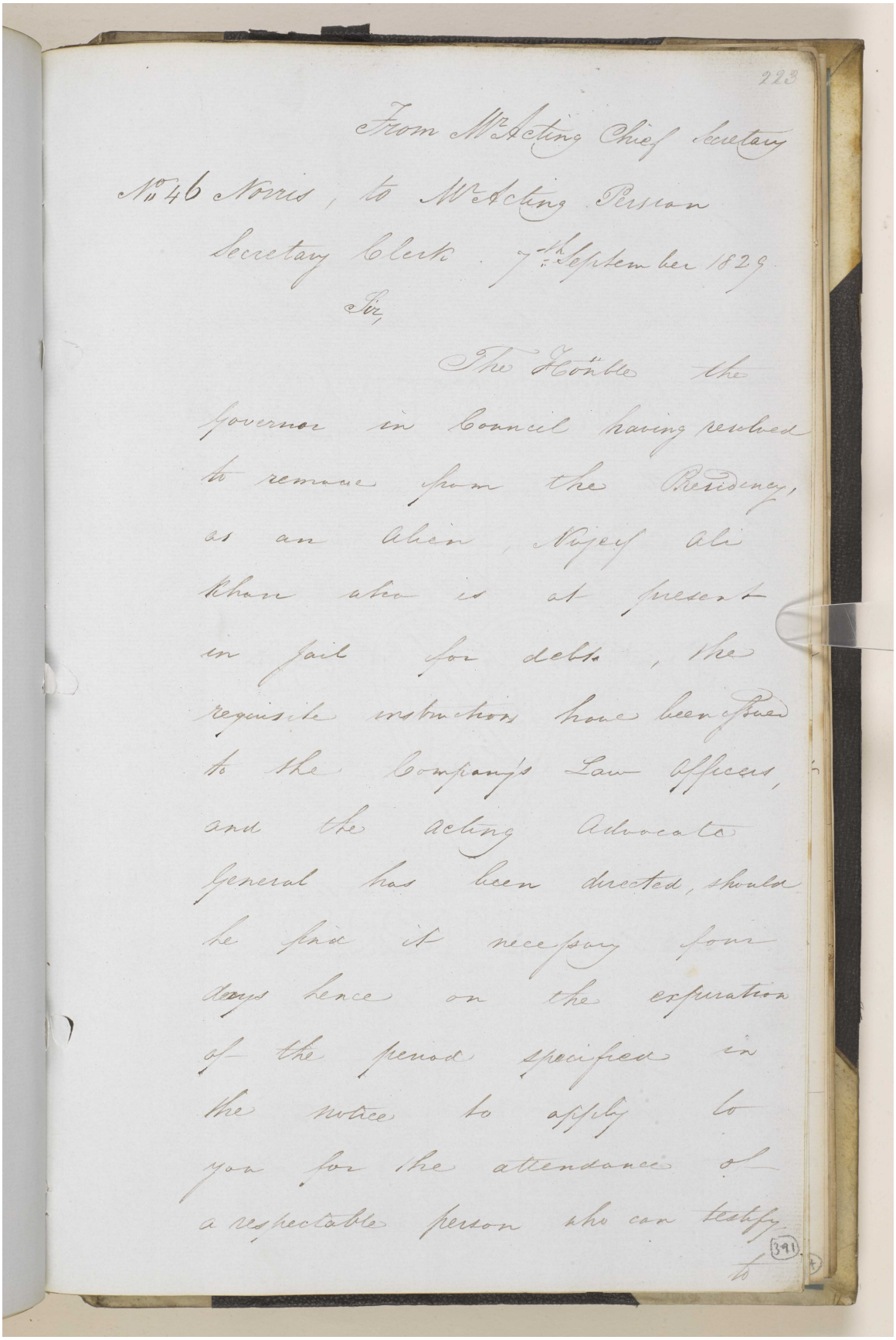

223

From Mr Acting Chief Secretary
No 46 Nonis, to Mr Acting Persian
Secretary Clerk. 7th September 1829.

Sir,

The Honble the
Governor in Council having resolved
to remove from the Residency,
as an Alien, Nujef Ali
Khan who is at present
in Jail for debts, the
requisite instructions have been given
to the Company's Law Officers,
and the acting Advocate
General has been directed, should
he find it necessary four
days hence on the expiration
of the period specified in
the notice to apply to
you for the attendance of
a respectable person who can testify

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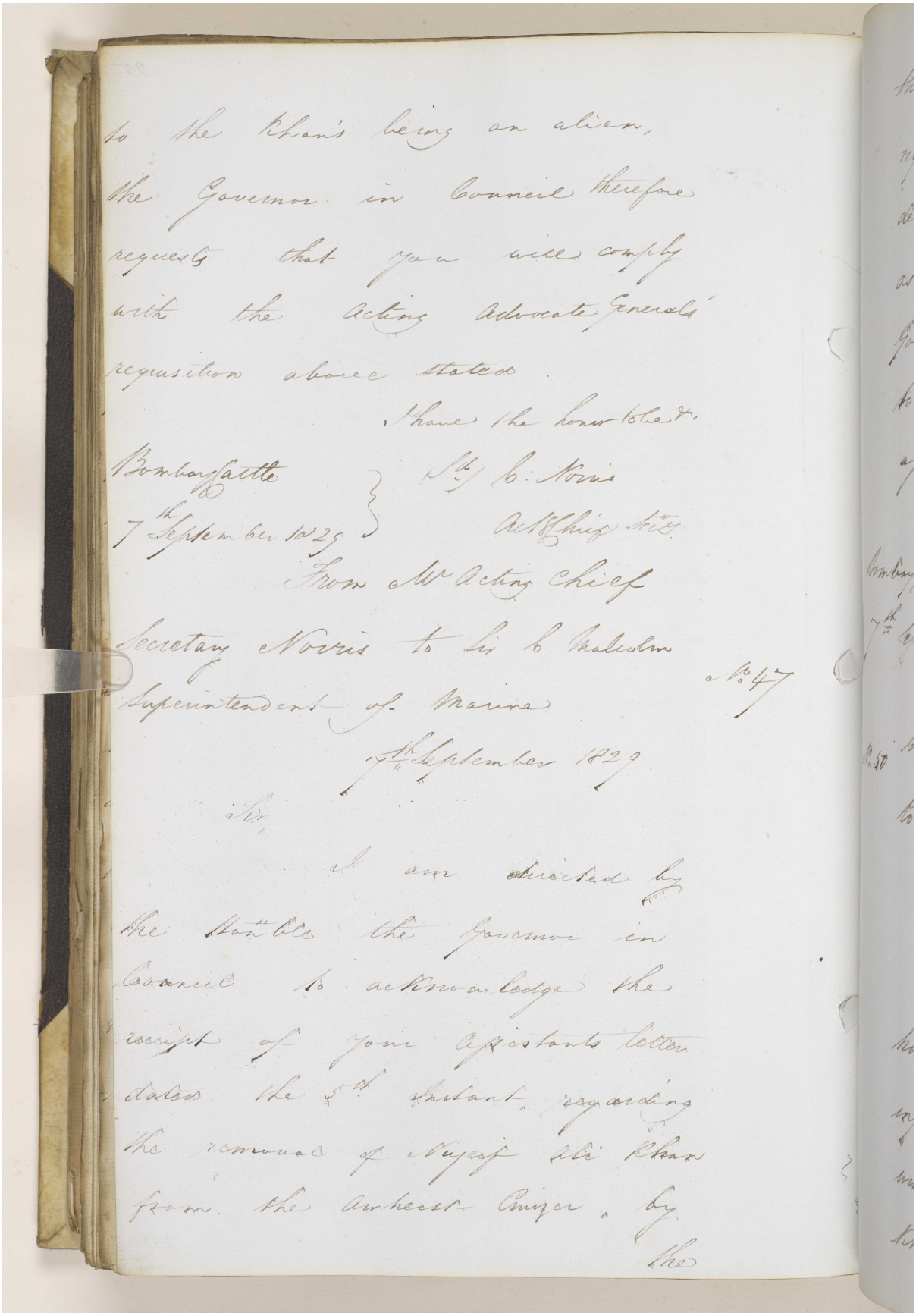

to the Khan's being an alien, the Governor in Council therefore requests that you will comply with the Acting Advocate General's requisition above stated.

I have the honor to be &c.

Bombay Castle
7th September 1829

Sd/ C. Norris
Act Chief Secy.

From Mr Acting Chief Secretary Norris to Sir C. Malcolm Superintendent of Marine

No. 47

7th September 1829

Sir,

I am directed by the Hon'ble the Governor in Council to acknowledge the receipt of your Assistants letter dated the 5th Instant, regarding the removal of Nujeef Ali Khan from the Amherst Cruizer, by the

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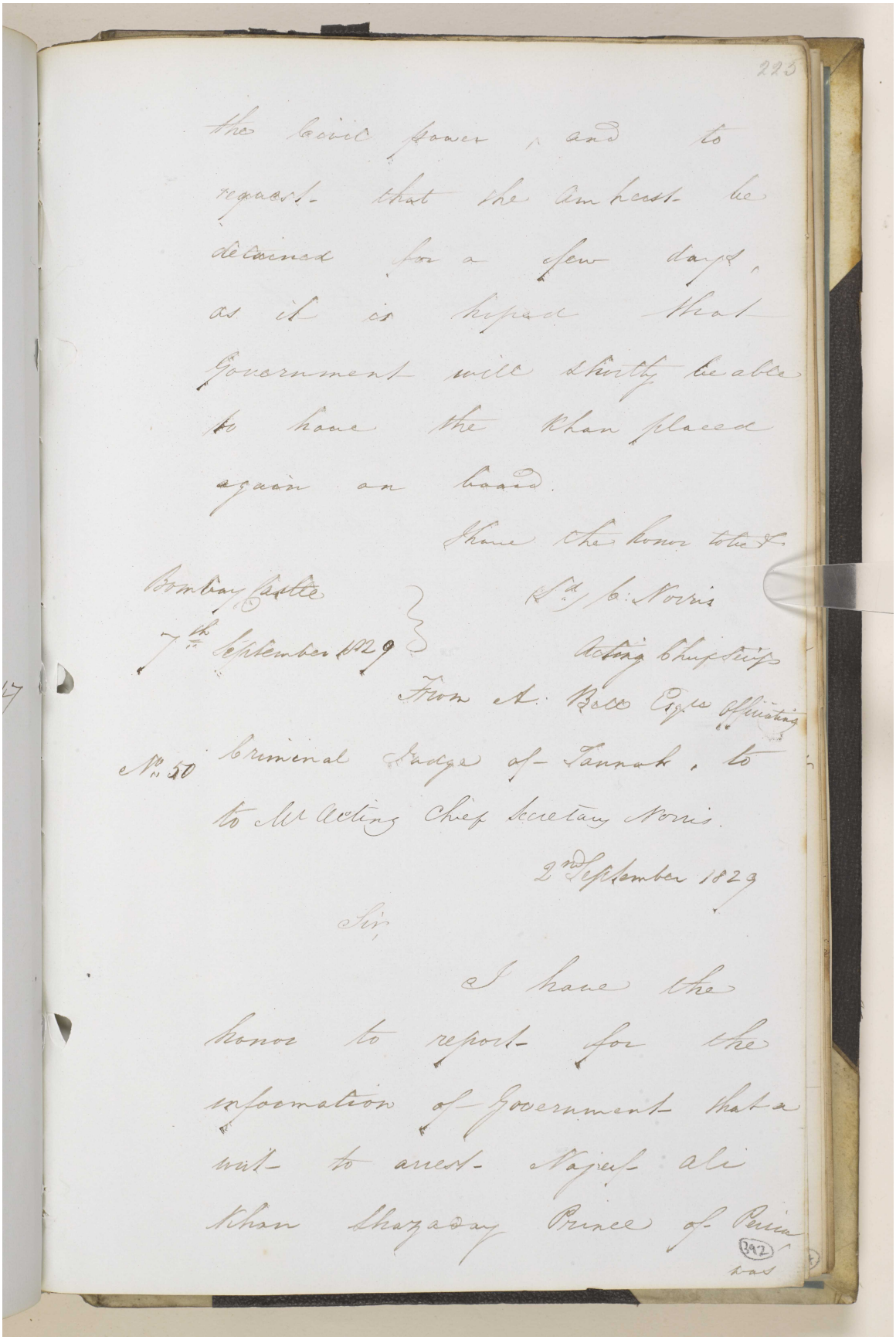

the Civil power, and to request that the Amherst be detained for a few days, as it is hoped that Government will shortly be able to have the Khan placed again on board.

I have the honor to be &c.

Bombay Castle
7th September 1829

Sd. C. Norris
Acting Chief Secy.

From A. Bell Esqre Officiating Criminal Judge of Tannah, to to Mr Acting Chief Secretary Norris.

No. 50

2nd September 1829

Sir,

I have the honor to report for the information of Government that a writ to arrest Najeef Ali Khan Shazaday Prince of Persia was

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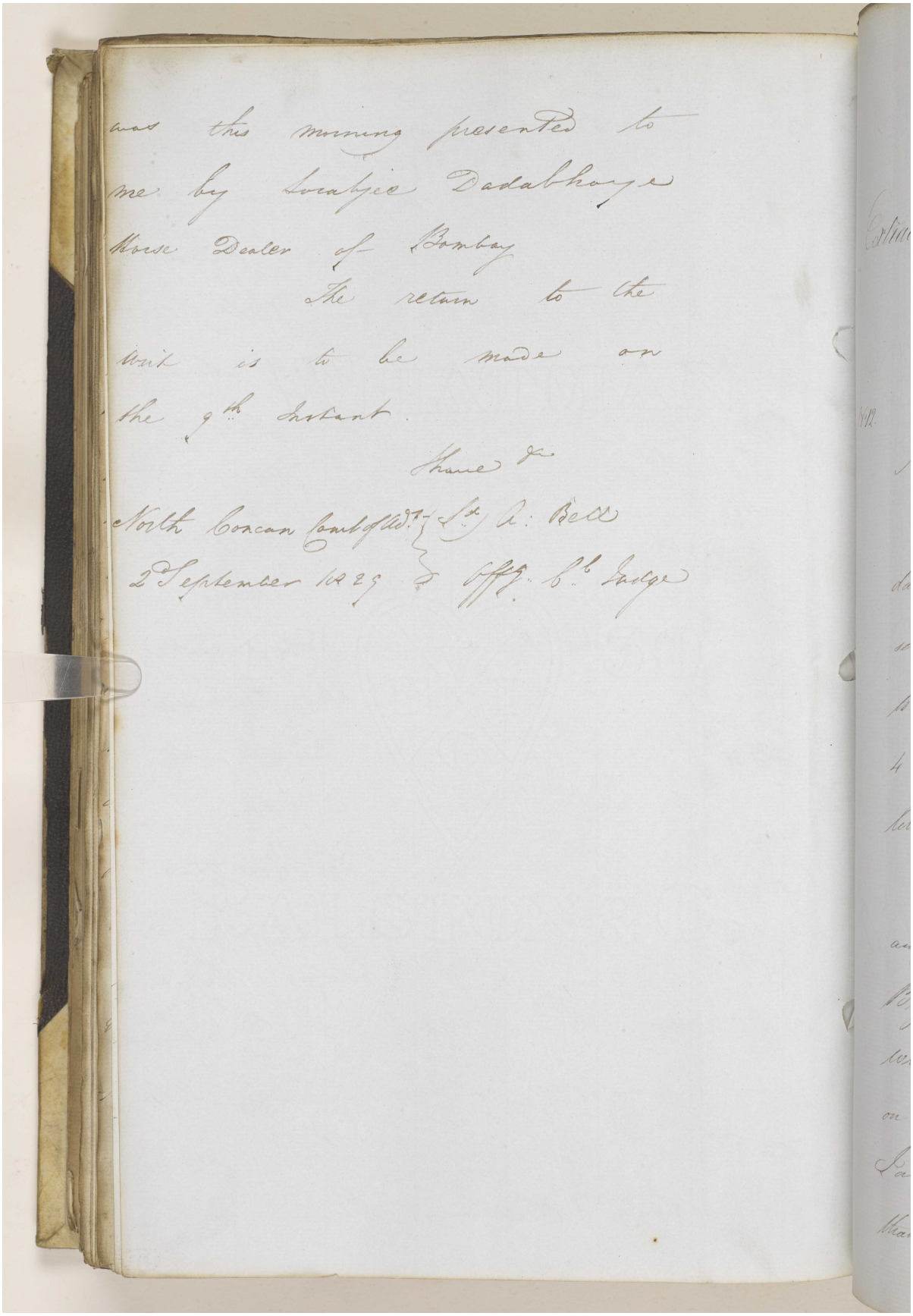

was this morning presented to
me by Sorabjee Dadabhoye
Horse Dealer of Bombay
The return to the
Writ is to be made on
the 9th Instant.
Thane &c
North Concan Court of Adt. } Sd. A: Bell
2d September 1829 } Offg. Cl. Judge

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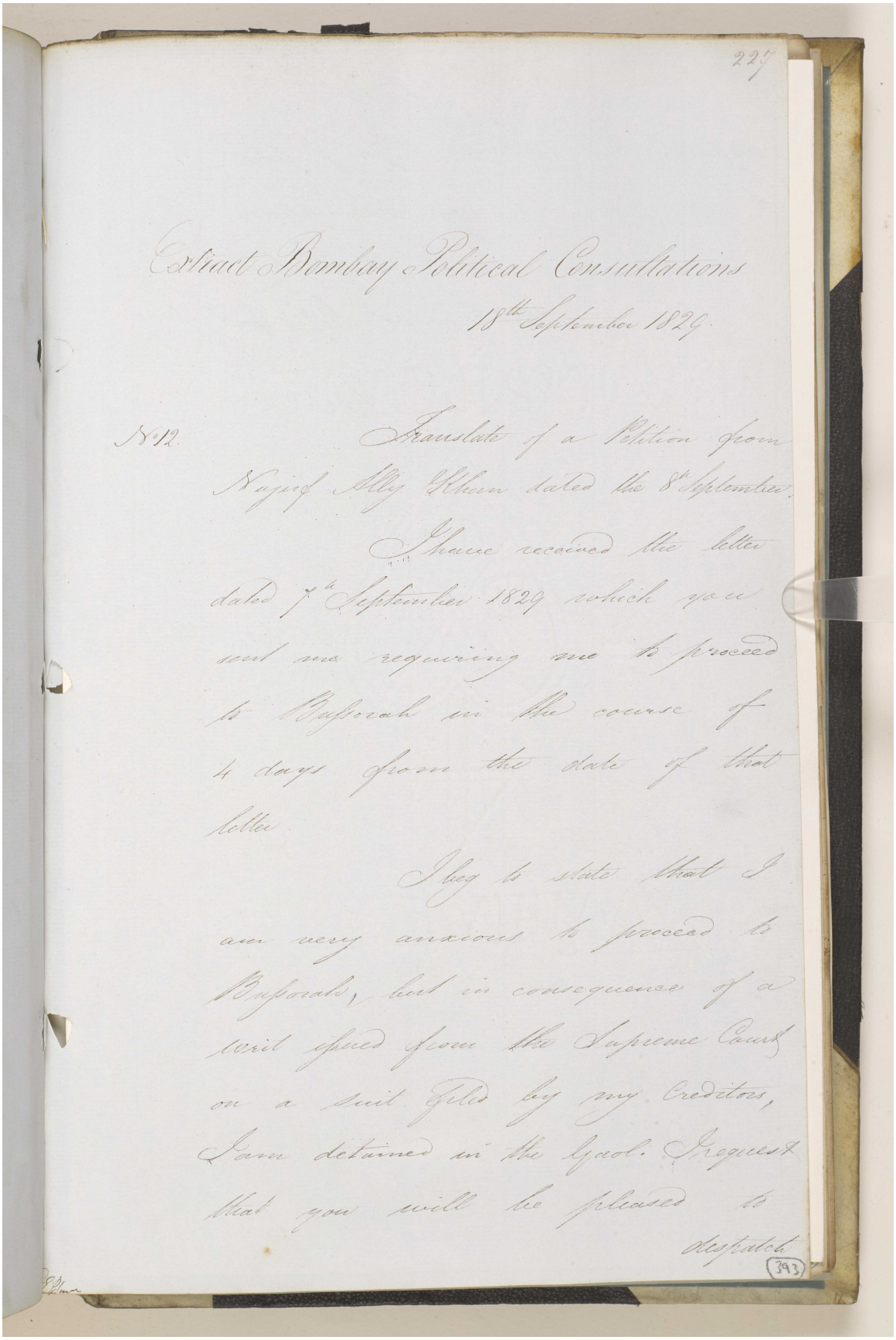

227

Extract Bombay Political Consultations
18th September 1829.

No 12. Translate of a Petition from Nujuf Ally Khan dated the 8th September.

I have received the letter dated 7th September 1829 which you sent me requiring me to proceed to Bussorah in the course of 4 days from the date of that letter.

I beg to state that I am very anxious to proceed to Bussorah, but in consequence of a writ issued from the Supreme Court on a suit filed by my Creditors, I am detained in the Gaol. I request that you will be pleased to dispatch

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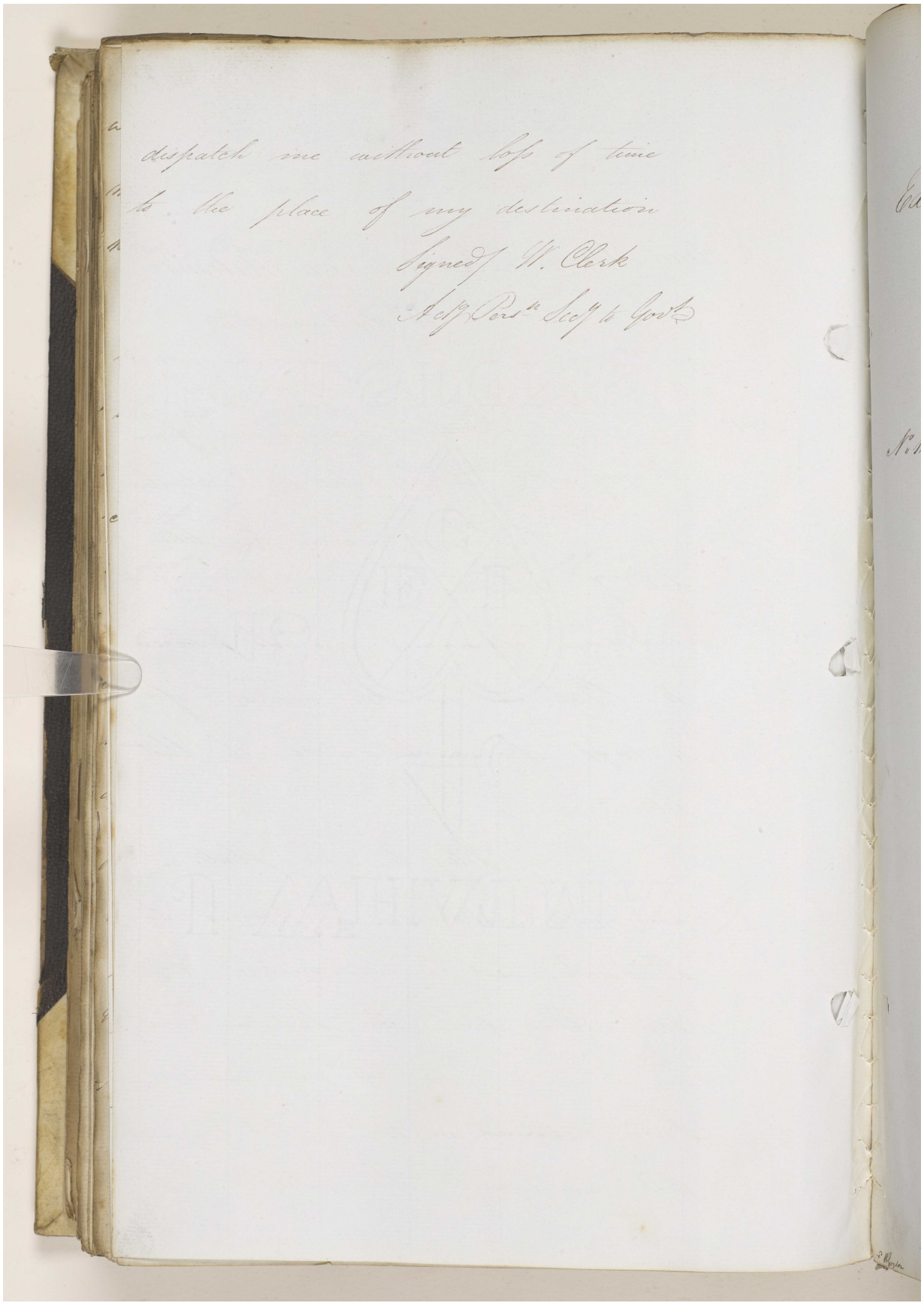

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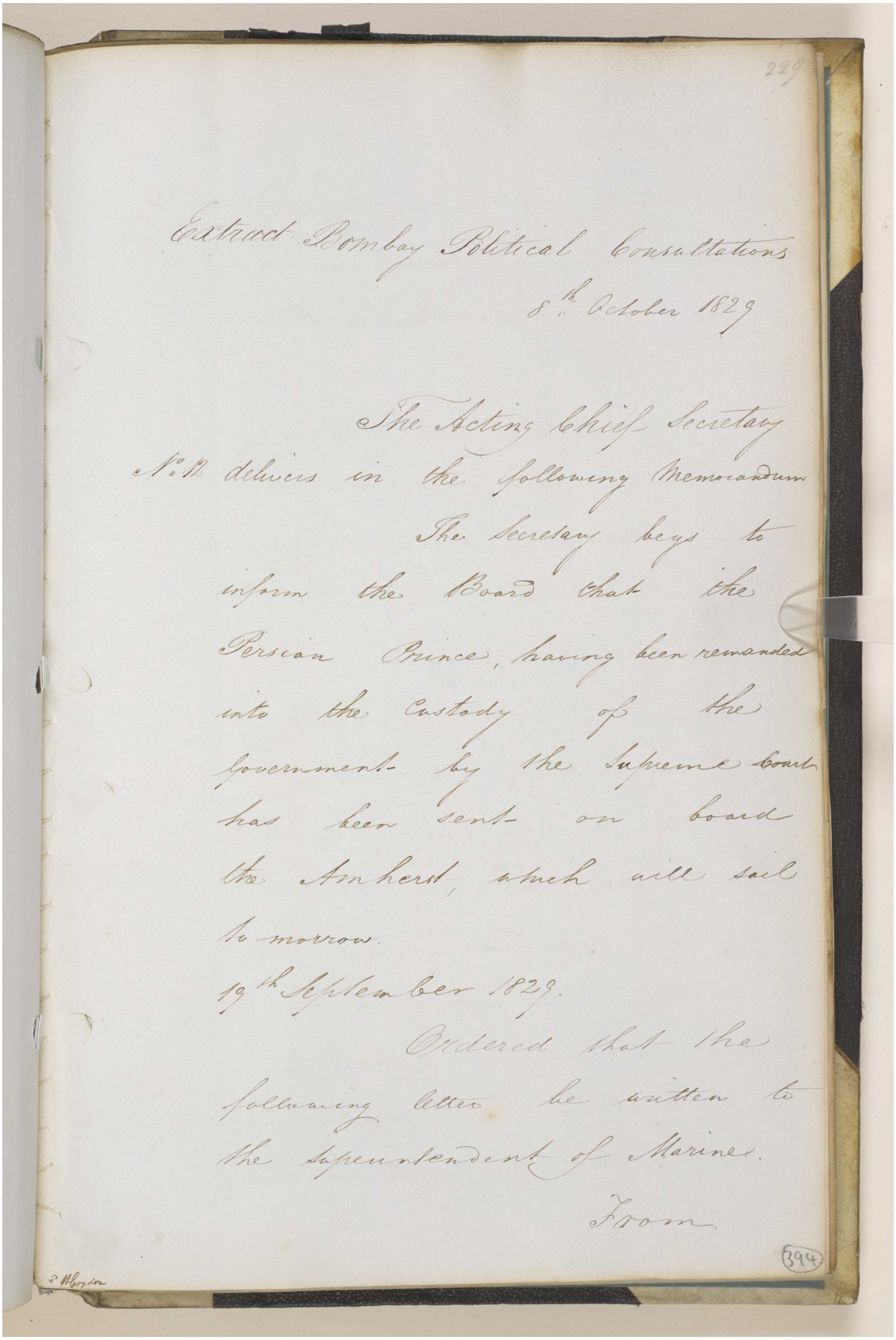

229

Extract Bombay Political Consultations
8th October 1829

The Acting Chief Secretary
No 12 delivers in the following Memorandum

The Secretary begs to
inform the Board that the
Persian Prince, having been remanded
into the Custody of the
Government by the Supreme Court
has been sent on board
the Amherst, which will sail
to morrow.
19th September 1829.

Ordered that the
following letter be written to
the Superintendent of Marine.

From

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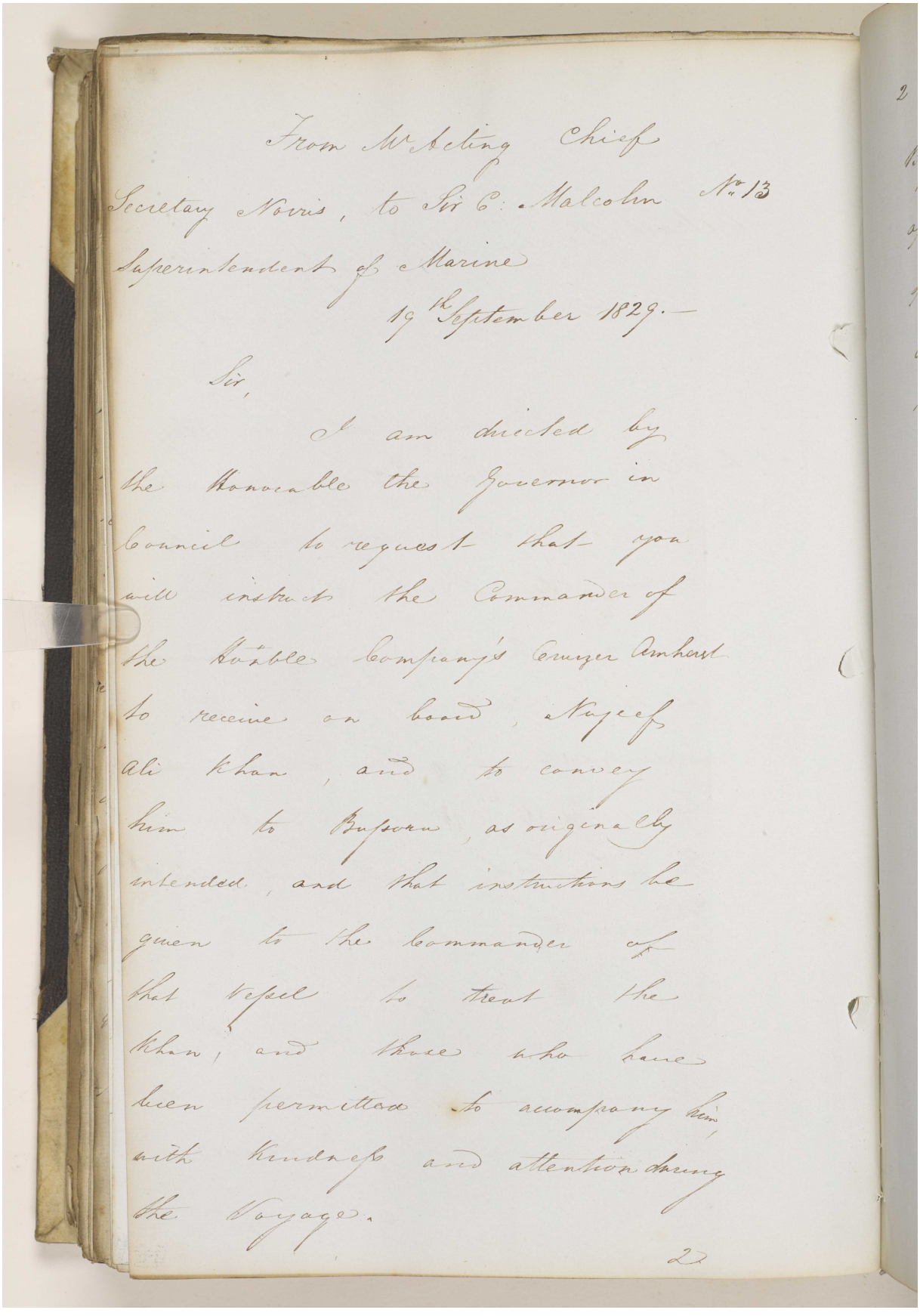

From Mr Acting Chief
Secretary Norris, to Sir C: Malcolm No 13
Superintendent of Marine
19th September 1829.—

Sir,

I am directed by the Honorable the Governor in Council to request that you will instruct the Commander of the Honble Company's Cruizer Arnhart to receive on board, Nujeef Ali Khan, and to convey him to Bussora, as originally intended, and that instructions be given to the Commander of that vessel to treat the Khan, and those who have been permitted to accompany him, with kindness and attention during the Voyage.

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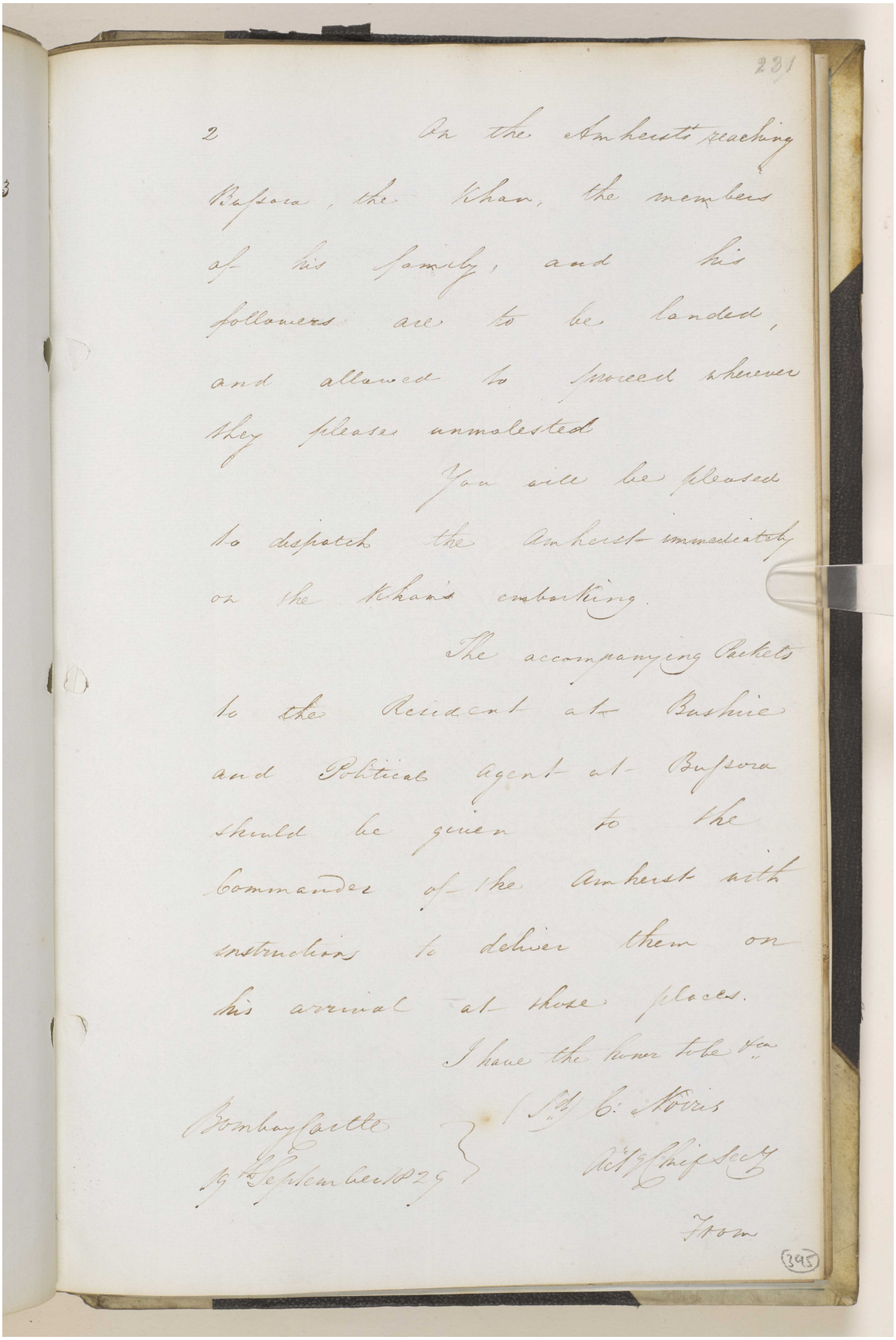

231

2 On the Amherst's reaching Bussora, the Khan, the members of his family, and his followers are to be landed, and allowed to proceed wherever they please unmolested

You will be pleased to dispatch the Amherst immediately on the Khan's embarking.

The accompanying Packets to the Resident at Bushire and Political agent at Bussora should be given to the Commander of the Amherst with instructions to deliver them on his arrival at those places.

I have the honor to be &ca

(Sd) C: Norris
Actg Chief Secy

Bombay Castle
19th September 1829

From

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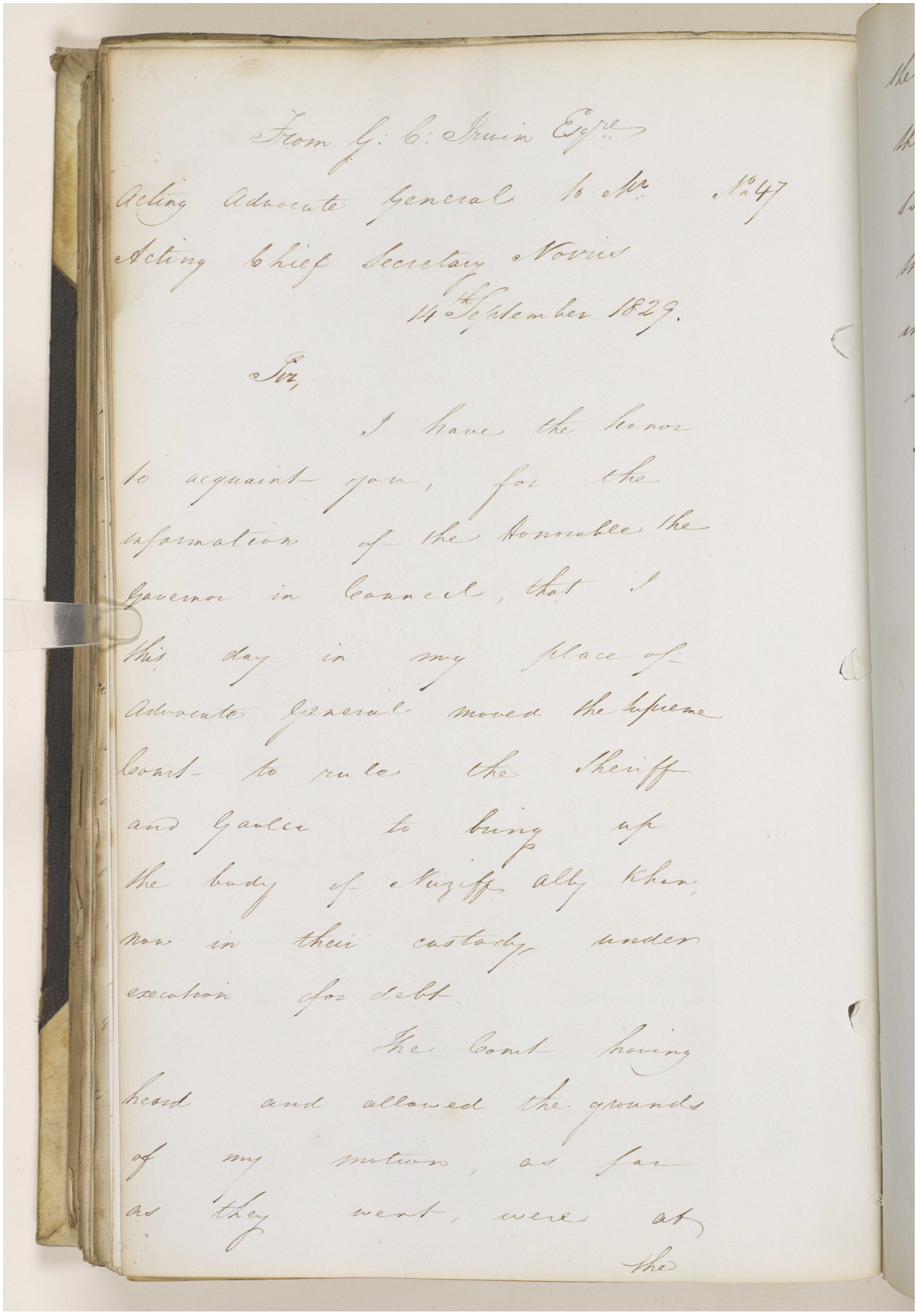

From G. C. Irwin Esqre.
Acting Advocate General to Mr. No. 47
Acting Chief Secretary Norris
14th September 1829.

Sir,

I have the honor to acquaint you, for the information of the Honorable the Governor in Council, that I this day in my place of Advocate General moved the Supreme Court to rule the Sheriff and Gaoler to bring up the body of Shujff ally Khan, now in their custody under execution for debt.

The Court having heard and allowed the grounds of my motion, as far as they went, were at the

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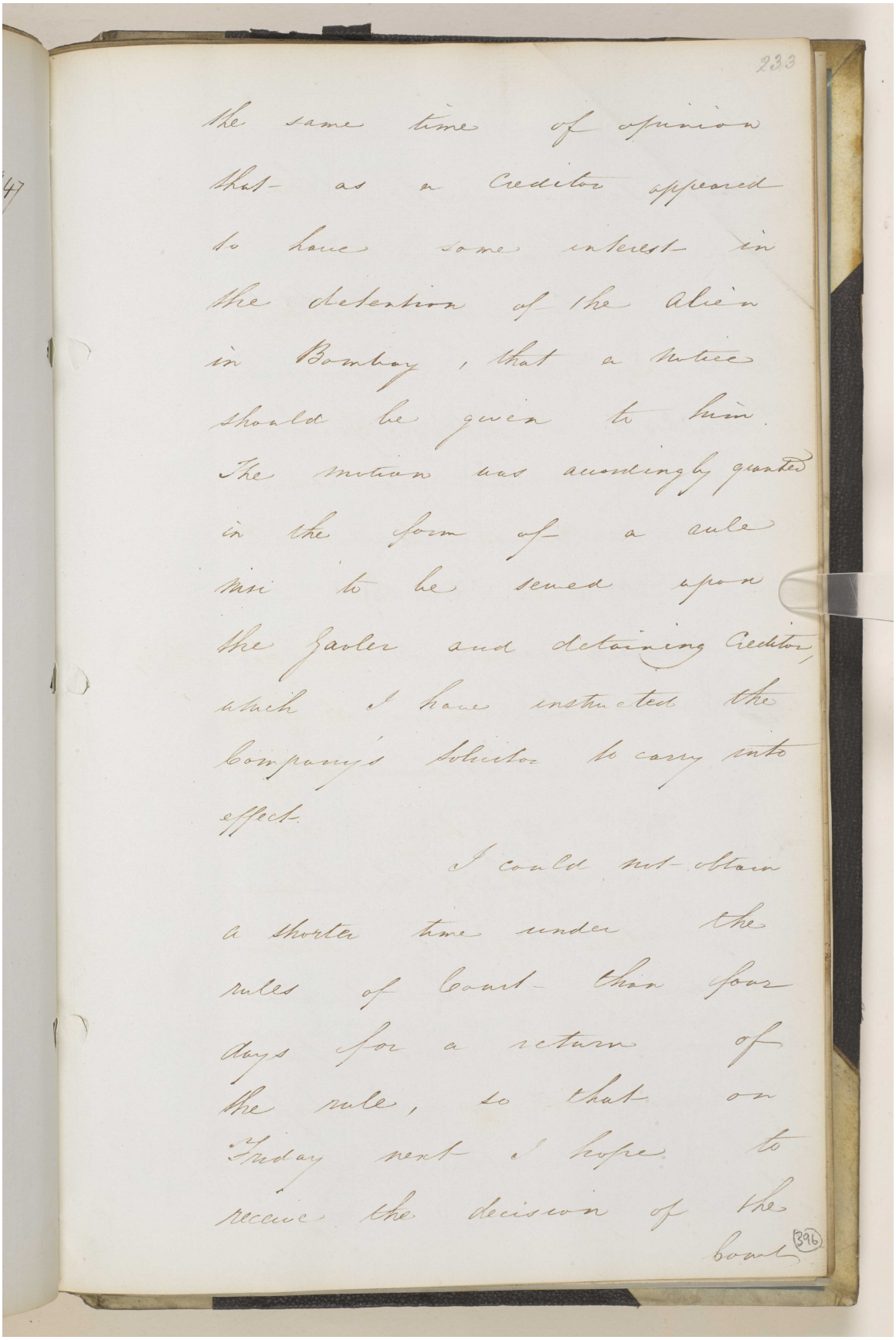

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the same time of opinion that as a Creditor appeared to have some interest in the detention of the Alien in Bombay, that a Notice should be given to him. The motion was accordingly granted in the form of a rule nisi to be served upon the Jaoler and detaining Creditor, which I have instructed the Company's Solicitor to carry into effect.

I could not obtain a shorter time under the rules of Court than four days for a return of the rule, so that on Friday next I hope to receive the decision of the Board

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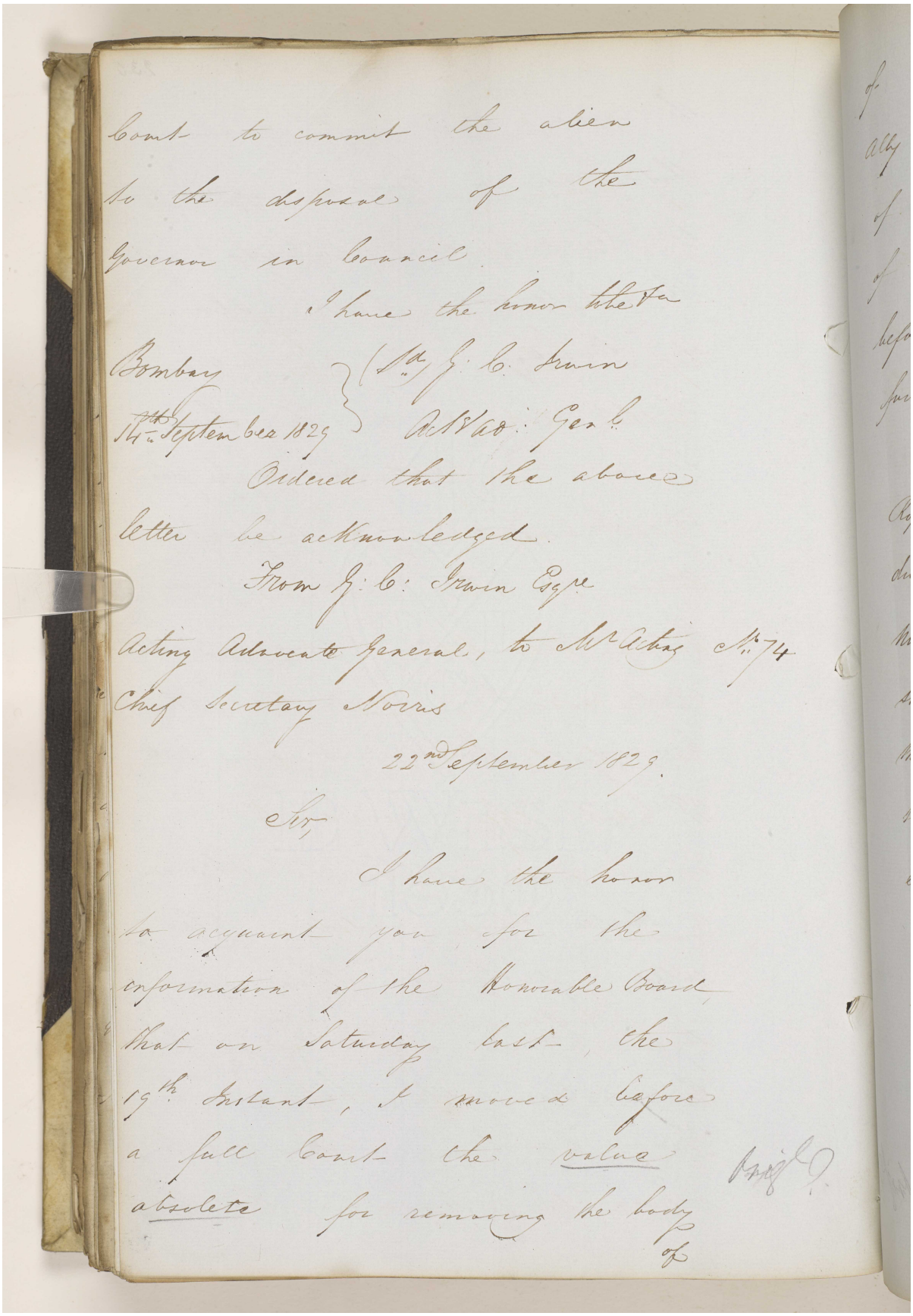

Court to commit the alien to the disposal of the Governor in Council.

I have the honor to be &c

Bombay
14th September 1829

(Sd) J: C: Irwin
Act Ad: Genl

Ordered that the above letter be acknowledged.

From J: C: Irwin Esqre
Acting Advocate General, to Mr Acting Chief Secretary Norris

No. 74

22nd September 1829.

Sir,

I have the honor to acquaint you for the information of the Honorable Board, that on Saturday last, the 19th Instant, I moved before a full Court the value absolete for removing the body of

Nujf

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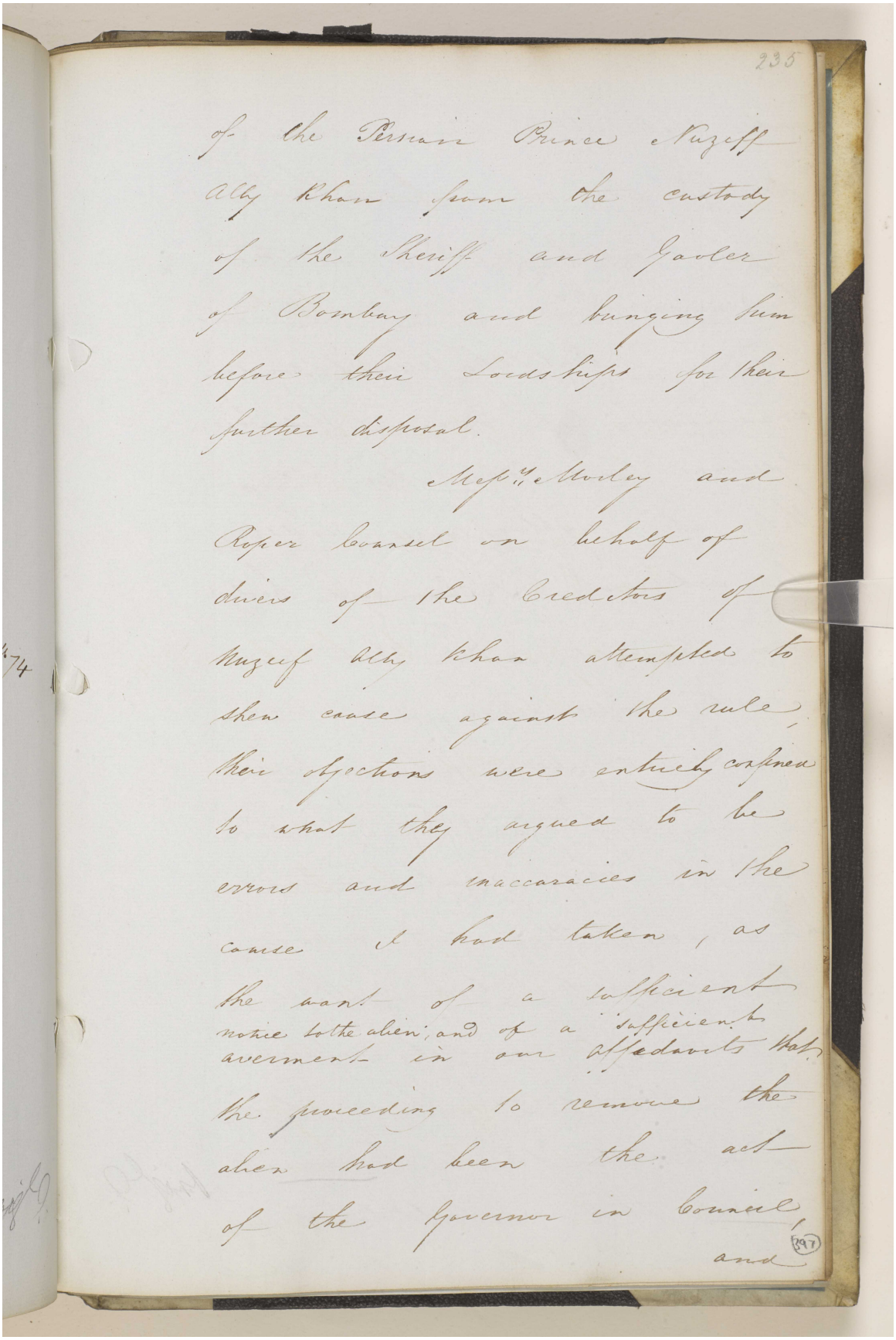

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of the Persian Prince Nujeff
ally Khan from the custody
of the Sheriff and Gaoler
of Bombay and bringing him
before their Lordships for their
further disposal.

Mess.rs Morley and
Roper Counsel on behalf of
divers of the Creditors of
Nujeef Ally Khan attempted to
shew cause against the rule,
their objections were entirely confined
to what they argued to be
errors and inaccuracies in the
course it had taken, as
the want of a sufficient
notice to the alien; and of a sufficient
averment in our affidavits that
the proceedings to remove the
alien had been the act
of the Governor in Council,
and

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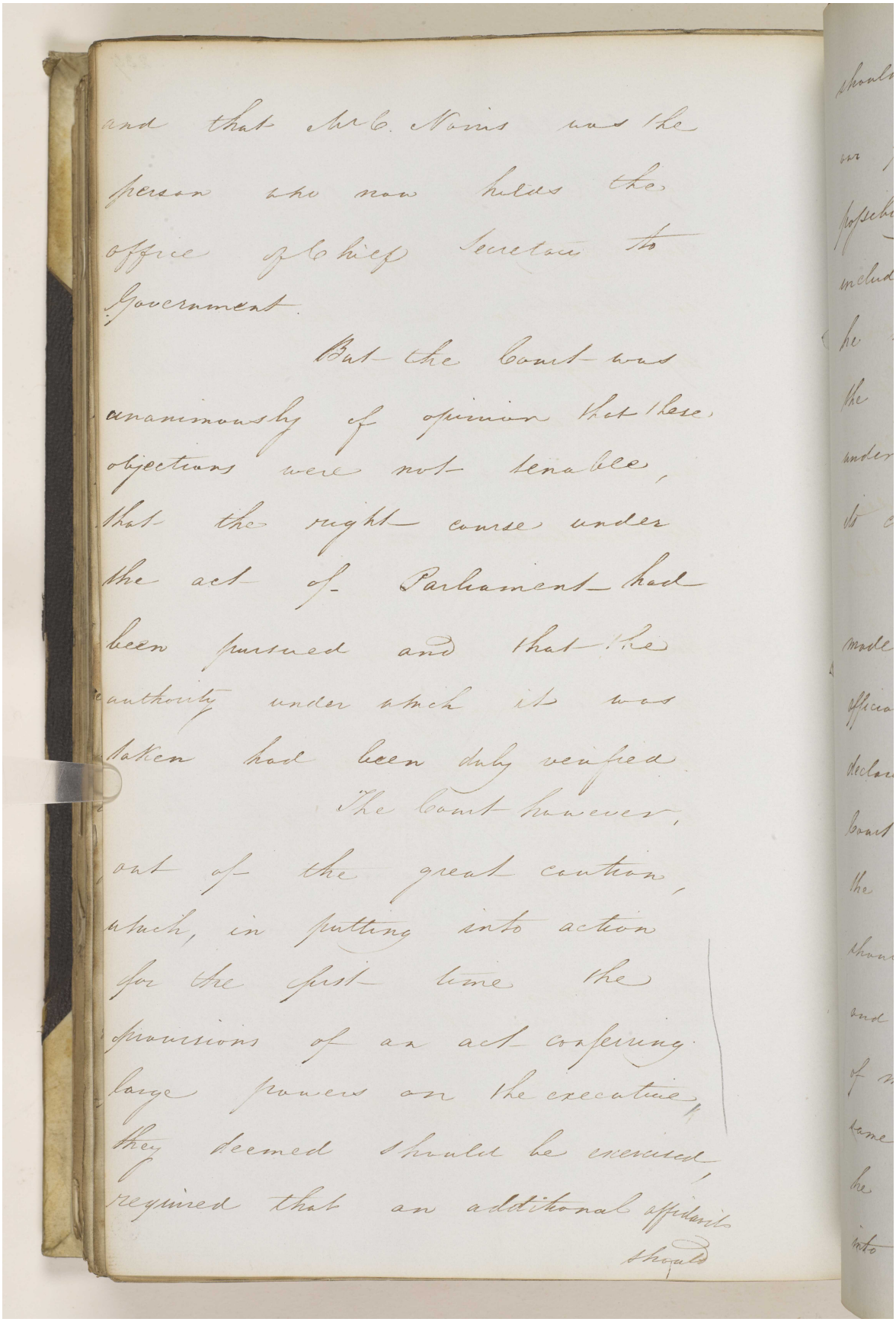

and that Mr C. Norris was the person who now holds the office of Chief Secretary to Government.

But the Court was unanimously of opinion that these objections were not tenable, that the right course under the act of Parliament had been pursued and that the authority under which it was taken had been duly verified.

The Court however, out of the great caution, which, in putting into action for the first time the provisions of an act conferring large powers on the executive, they deemed should be exercised, required that an additional affidavit should

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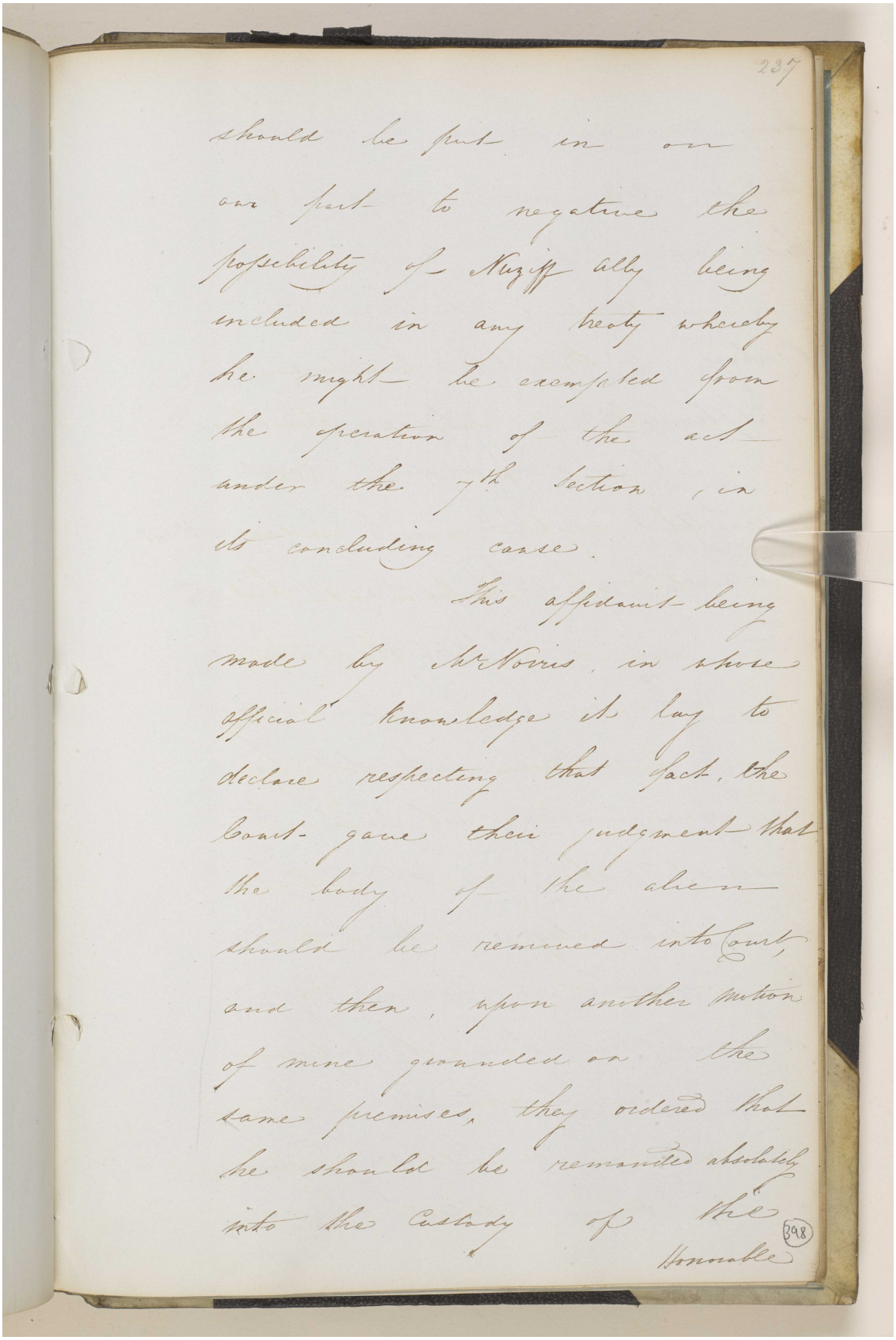

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should be put in our
our part to negative the
possibility of Nujiff Ally being
included in any treaty whereby
he might be exempted from
the operation of the act
under the 7th section, in
its concluding cause.

This affidavit being
made by Mr Norris, in whose
official knowledge it lay to
declare respecting that fact, the
Court gave their judgment that
the body of the alien
should be removed into Court,
and then, upon another motion
of mine grounded on the
same premises, they ordered that
he should be remanded absolutely
into the custody of the
Honorable

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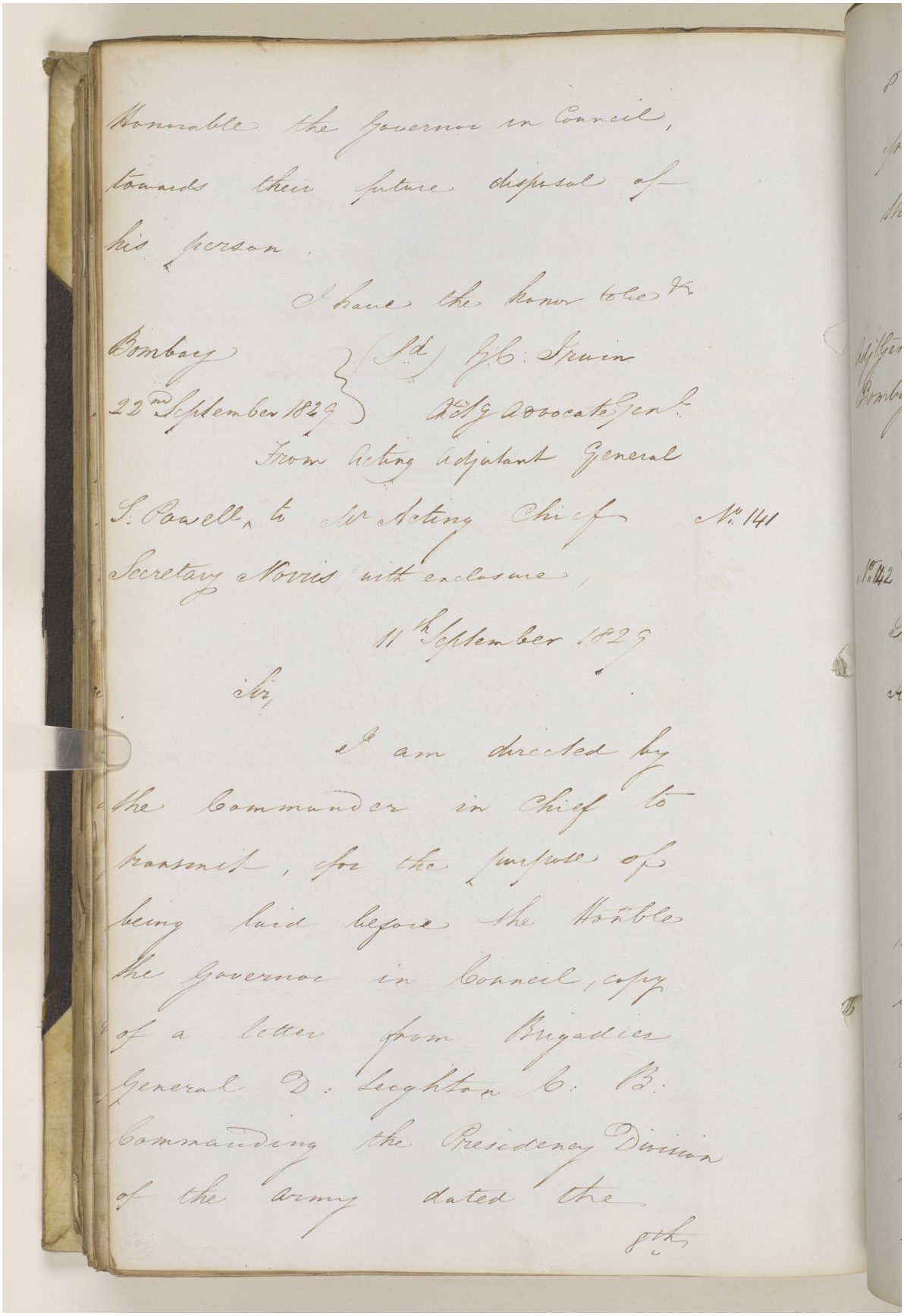

Honorable the Governor in Council, towards their future disposal of his person.

I have the honor to be &c.

Bombay
22nd September 1829

(Sd) G.C. Irwin
Actg Advocate Genl.

From Acting Adjutant General S. Powell, to Mr Acting Chief Secretary Norris (with enclosure) No. 141

11th September 1829

Sir,

I am directed by the Commander in Chief to transmit, for the purpose of being laid before the Honble the Governor in Council, copy of a letter from Brigadier General D. Leighton C. B. Commanding the Presidency Division of the army dated the

8th

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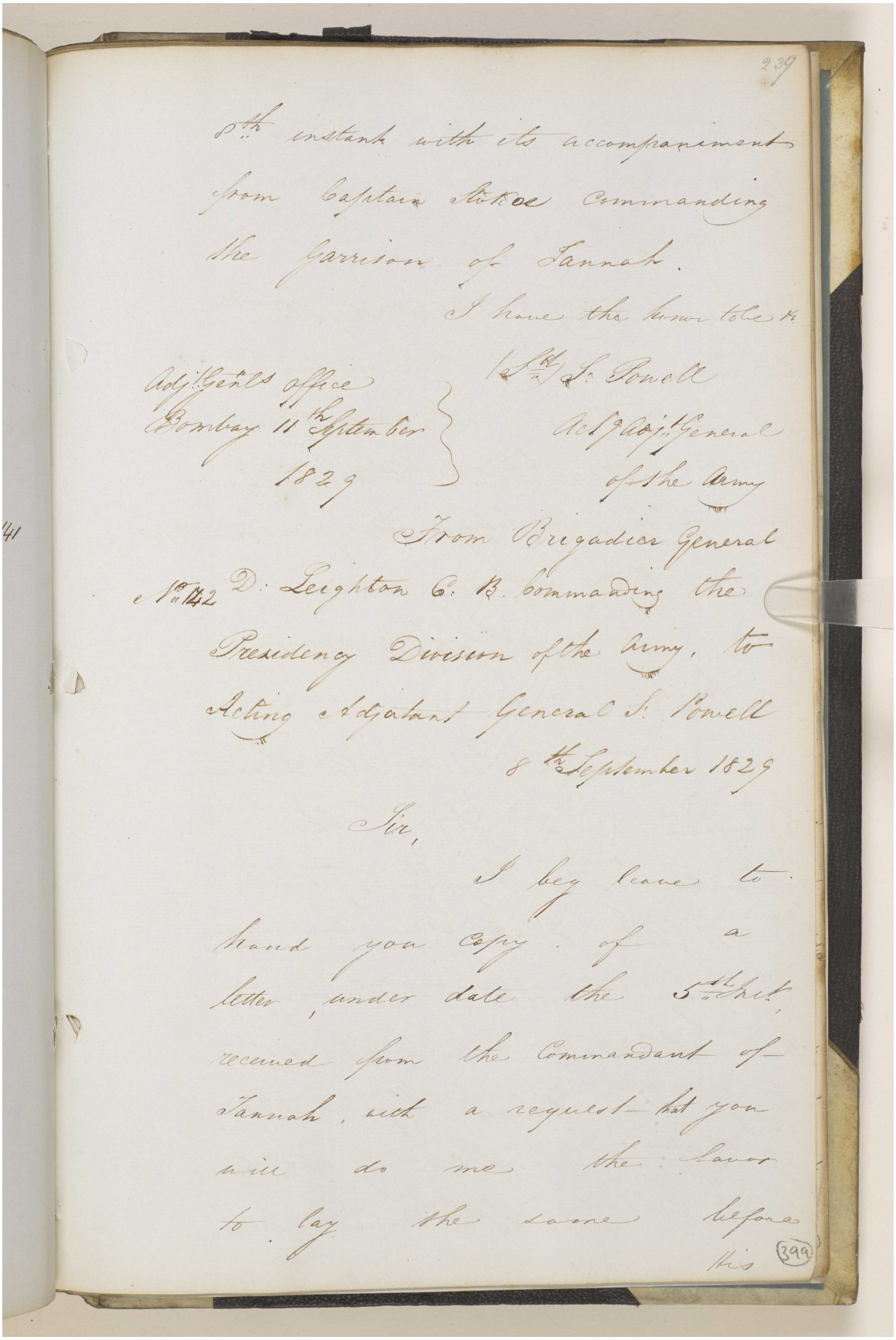

8th instant with its accompaniment from Captain Stokoe Commanding the Garrison of Tannah.

I have the honor to be &c.

(Sd) S. Powell
Actg Adjt General
of the Army

Adjt Genls office
Bombay 11th September
1829

From Brigadier General
No 142 D. Leighton C. B. Commanding the Presidency Division of the Army, to Acting Adjutant General S. Powell

8th September 1829

Sir,

I beg leave to hand you copy of a letter, under date the 5th Inst, received from the Commandant of Tannah, with a request that you will do me the favor to lay the same before

His

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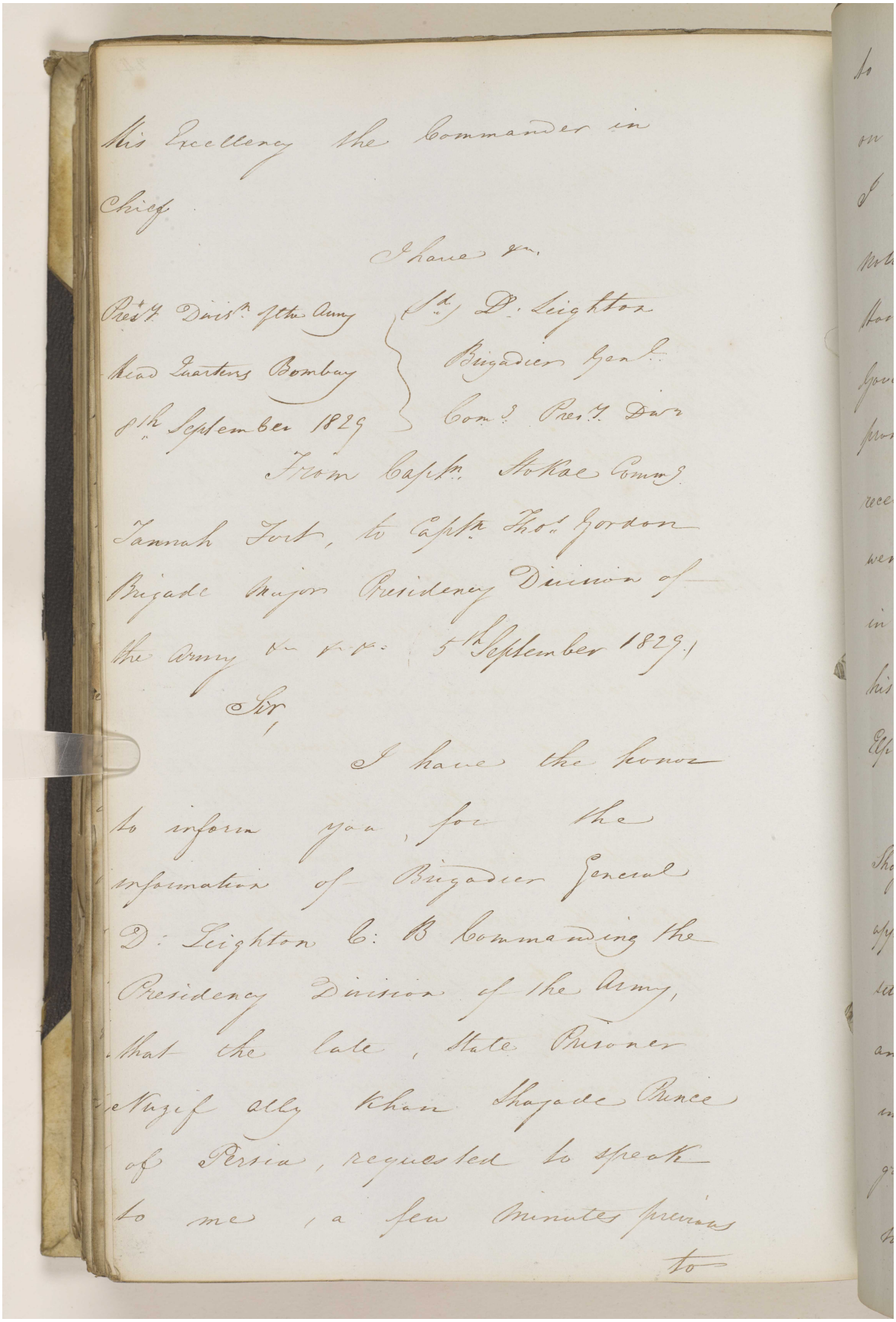

His Excellency the Commander in Chief.

I have &c.

Pres.y Divis.n of the Army
Head Quarters Bombay
8th September 1829

(Sd.) D. Leighton
Brigadier Genl.
Com.g Pres.y Div.n

From Capt.n Stokae Comm.g Tannah Fort, to Capt.n Thos. Gordon Brigade Major Presidency Division of the Army &c &c. (5th September 1829.)

Sir,

I have the honor to inform you, for the information of Brigadier General D. Leighton C. B Commanding the Presidency Division of the Army, that the late, State Prisoner Nuzif Ally Khan Shajade Prince of Persia, requested to speak to me, a few minutes previous to

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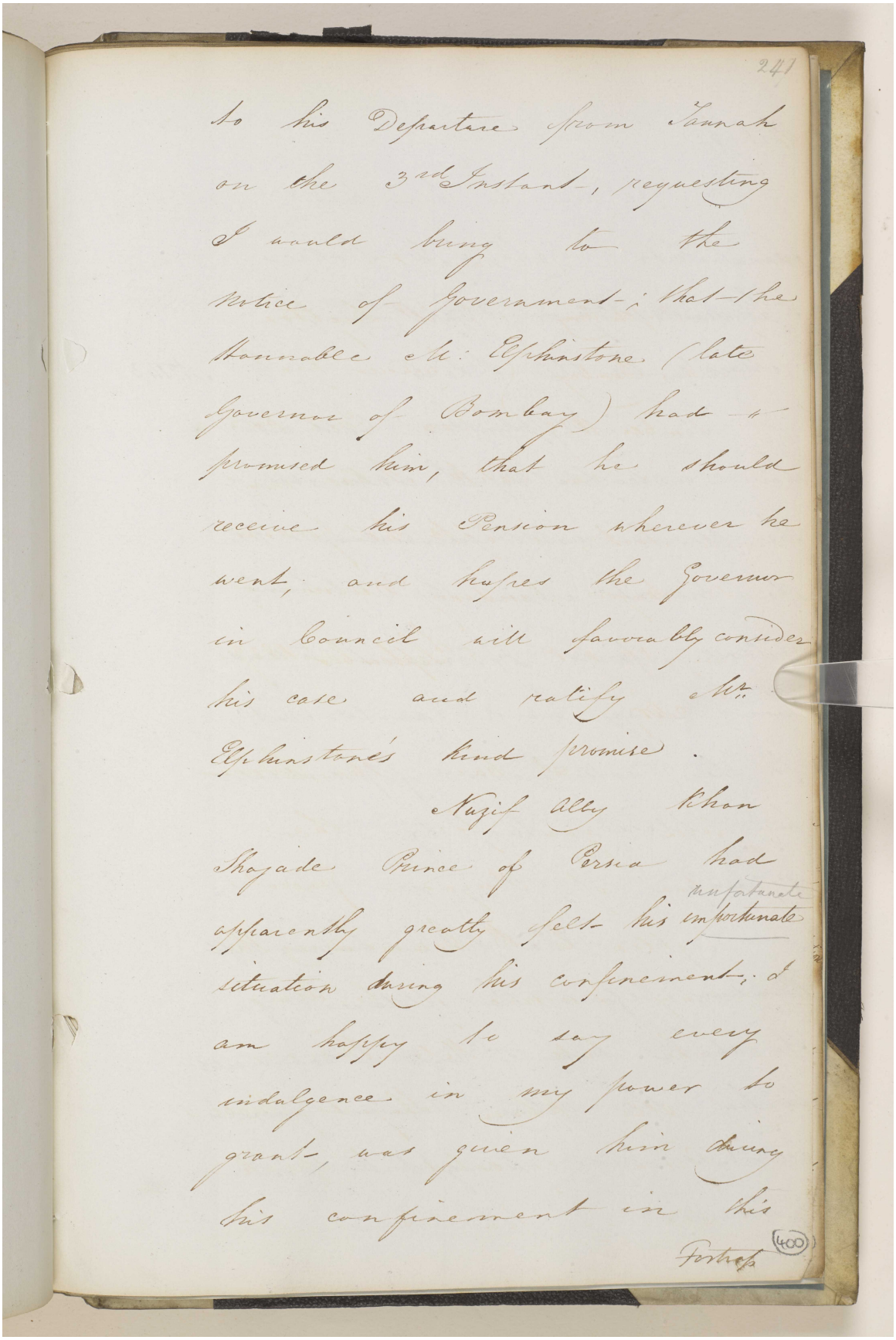

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to his Departure from Tannah
on the 3rd Instant, requesting
I would bring to the
notice of Government; that the
Honorable Mr. Elphinstone (late
Governor of Bombay) had
promised him, that he should
receive his Pension wherever he
went; and hopes the Governor
in Council will favorably consider
his case and ratify Mr.
Elphinstone's kind promise.

Nujif Alley Khan
Shajade Prince of Persia had
apparently greatly felt his unfortunate
situation during his confinement; I
am happy to say every
indulgence in my power to
grant, was given him during
his confinement in this
Fortress

(400)

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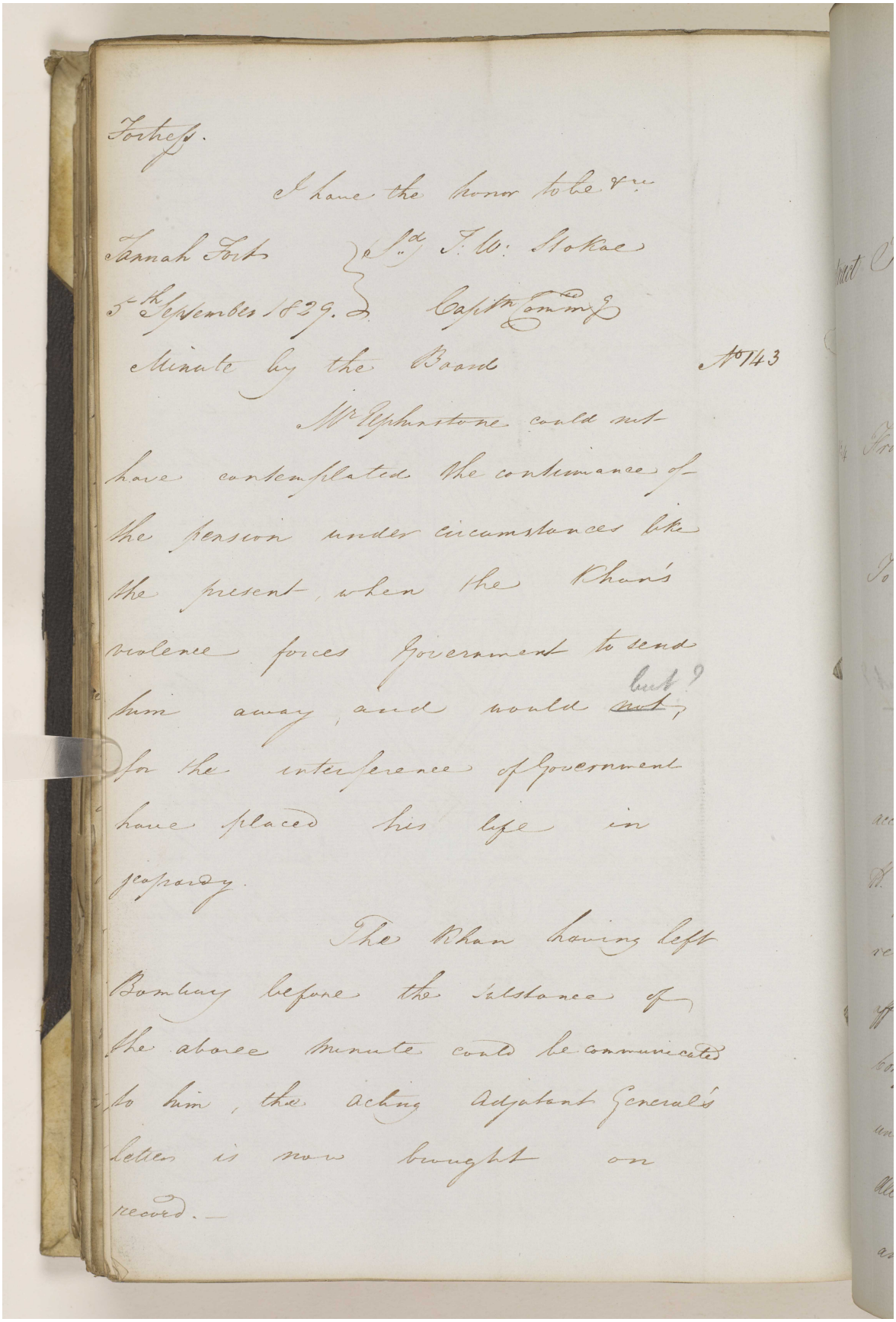

Fortress.

I have the honor to be &c.

Tannah Fort } Sd. J. W. Stokoe
5th September 1829. } Captn Commg

Minute by the Board No 143

Mr Elphinstone could not have contemplated the continuance of the pension under circumstances like the present, when the Khan's violence forces Government to send him away, and would ~~not~~ but? for the interference of Government have placed his life in jeopardy.

The Khan having left Bombay before the substance of the above minute could be communicated to him, the acting Adjutant General's letter is now brought on record.—

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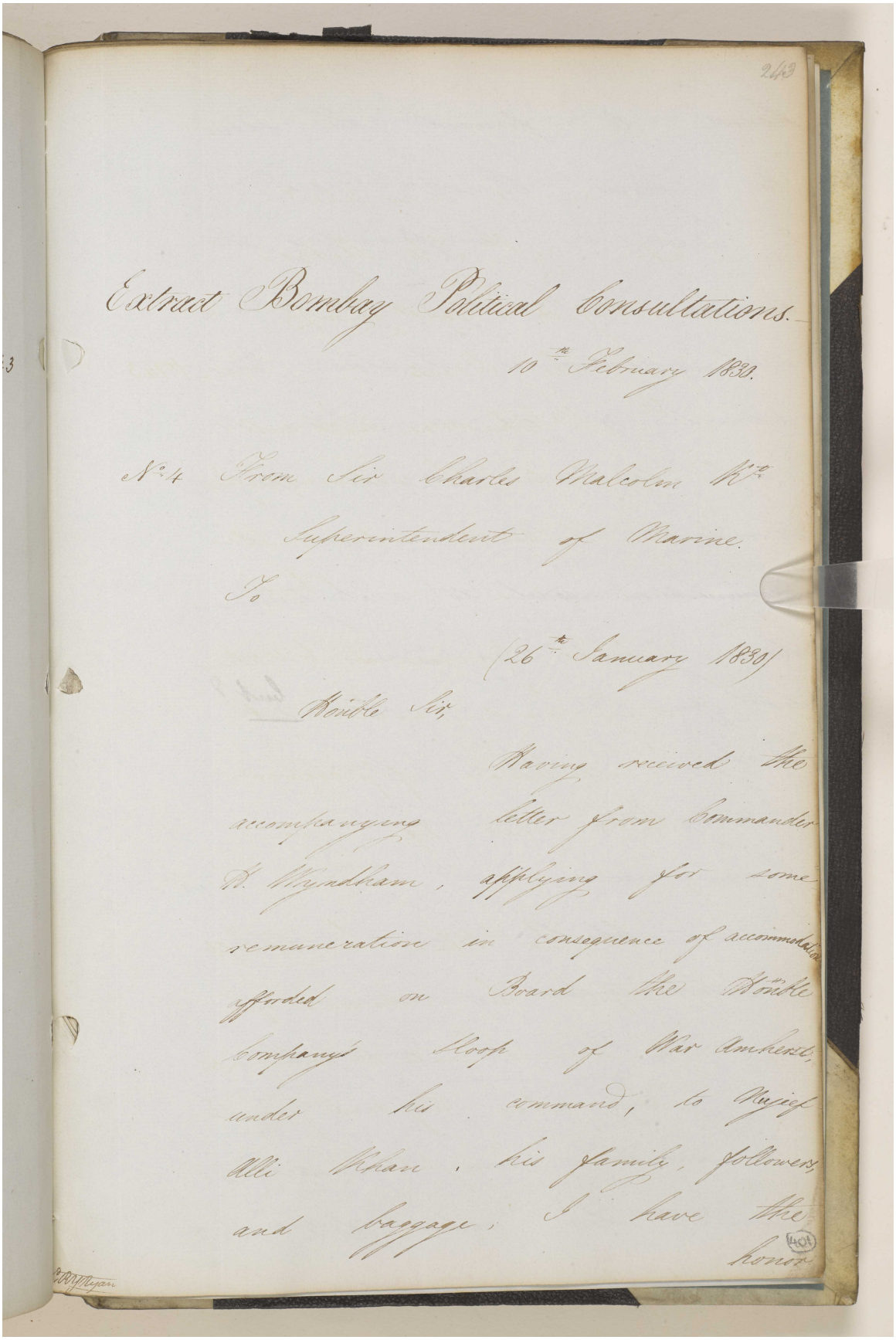

Extract Bombay Political Consultations.

10th February 1830.

No. 4 From Sir Charles Malcolm Kt.
Superintendent of Marine.
To

(26th January 1830)

Honble Sir,

Having received the accompanying letter from Commander H. Wyndham, applying for some remuneration in consequence of accommodation afforded on Board the Honble Company's Sloop of War Amherst, under his command, to Nujeef Alli Khan, his family, followers, and baggage, I have the honor

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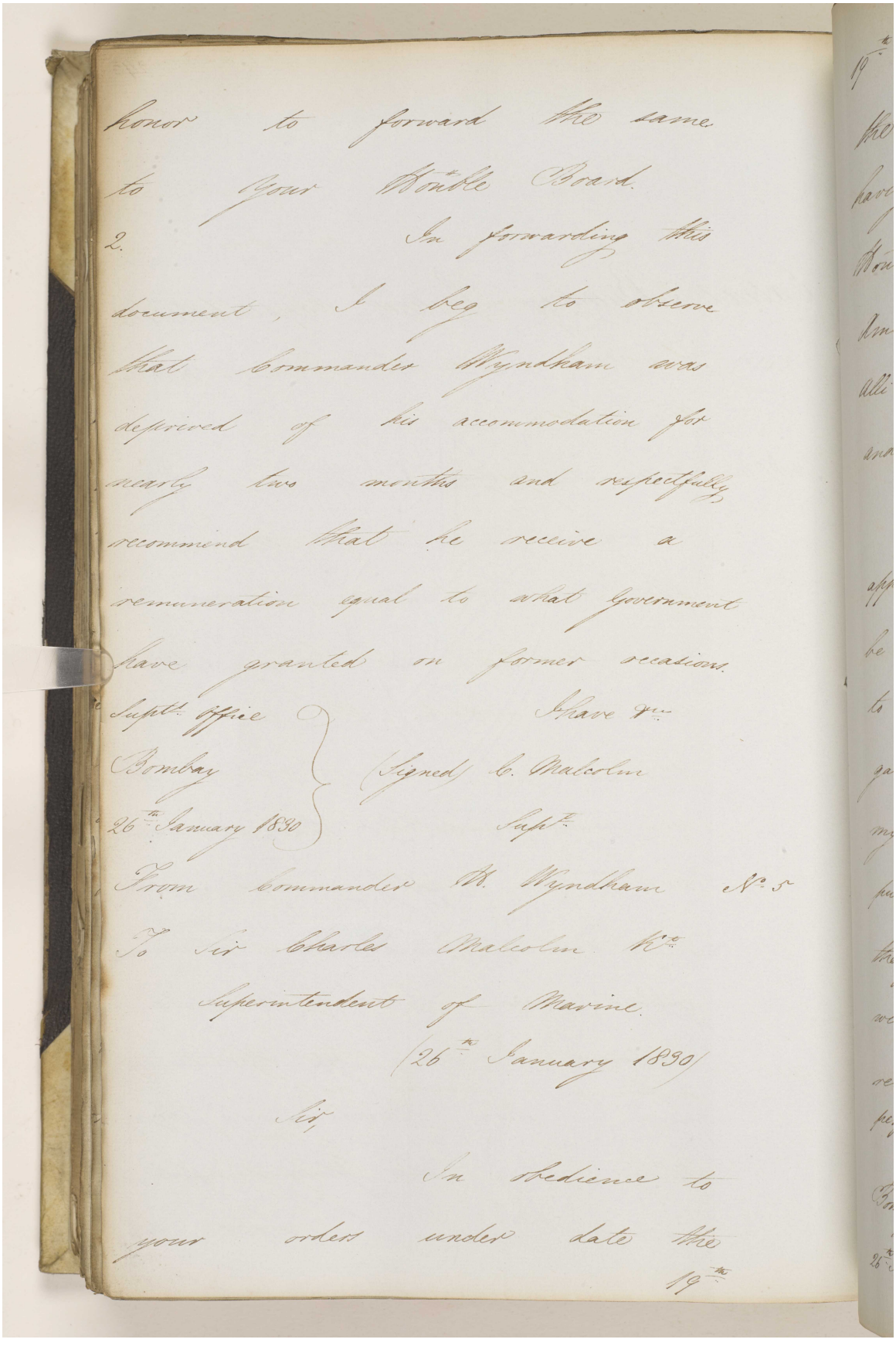

honor to forward the same
to your Honble Board.
2. In forwarding this
document, I beg to observe
that Commander Wyndham was
deprived of his accommodation for
nearly two months and respectfully
recommend that he receive a
remuneration equal to what Government
have granted on former occasions.
Supt. Office I have &c
Bombay (Signed) C. Malcolm
26th January 1830 Supt.
From Commander H. Wyndham No. 5
To Sir Charles Malcolm Kt.
Superintendent of Marine
(26th January 1830)
Sir
In obedience to
your orders under date the
19th

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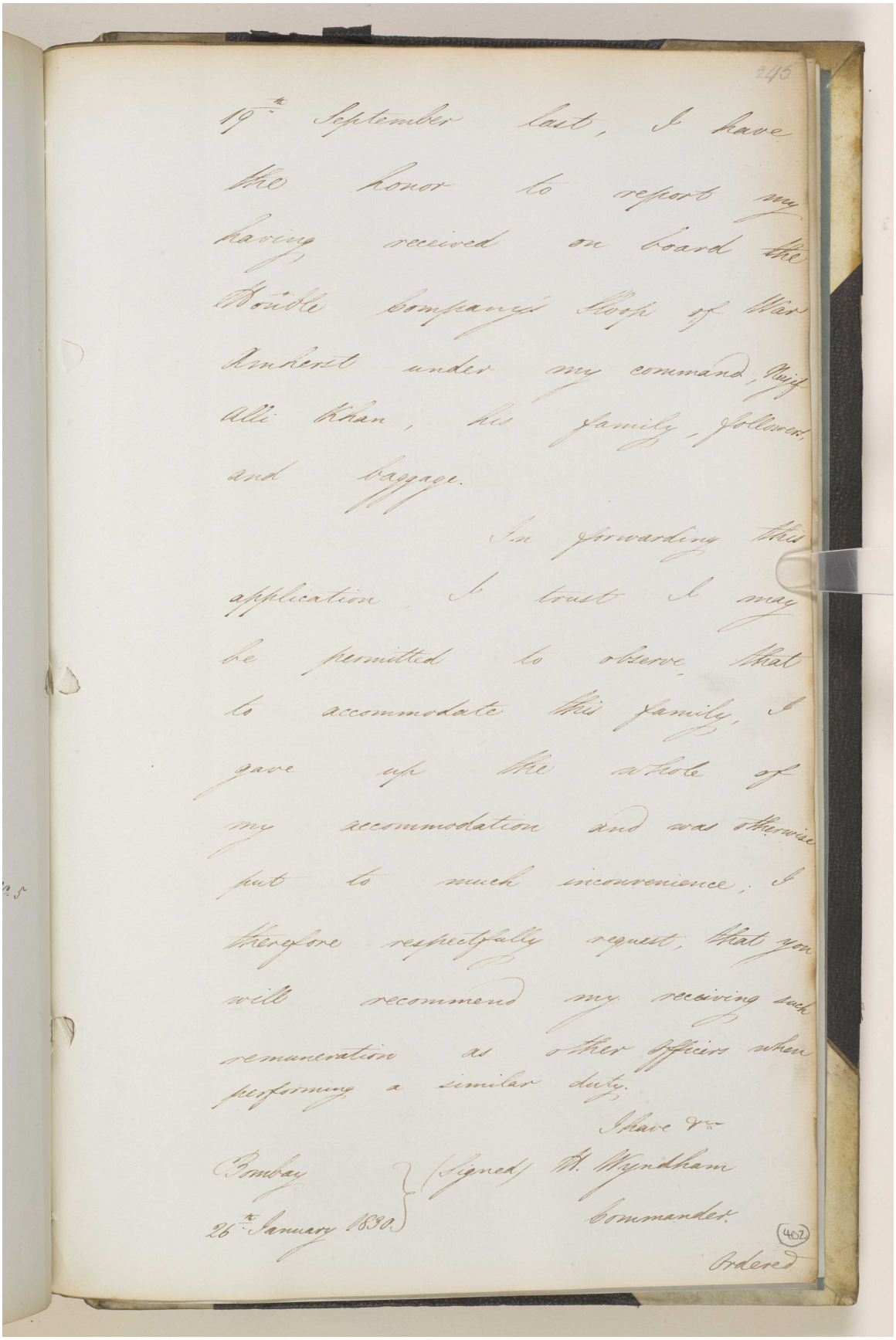

245

19th September last, I have the honor to report my having received on board the Honble Companys Sloop of War Amherst under my command, Nujf Alli Khan, his family, followers and baggage.

In forwarding this application, I trust I may be permitted to observe, that to accommodate this family, I gave up the whole of my accommodation and was otherwise put to much inconvenience, I therefore respectfully request, that you will recommend my receiving such remuneration as other officers when performing a similar duty.

I have &c

Bombay
26th January 1830

(Signed) W. Wyndham
Commander.

(462)

Ordered

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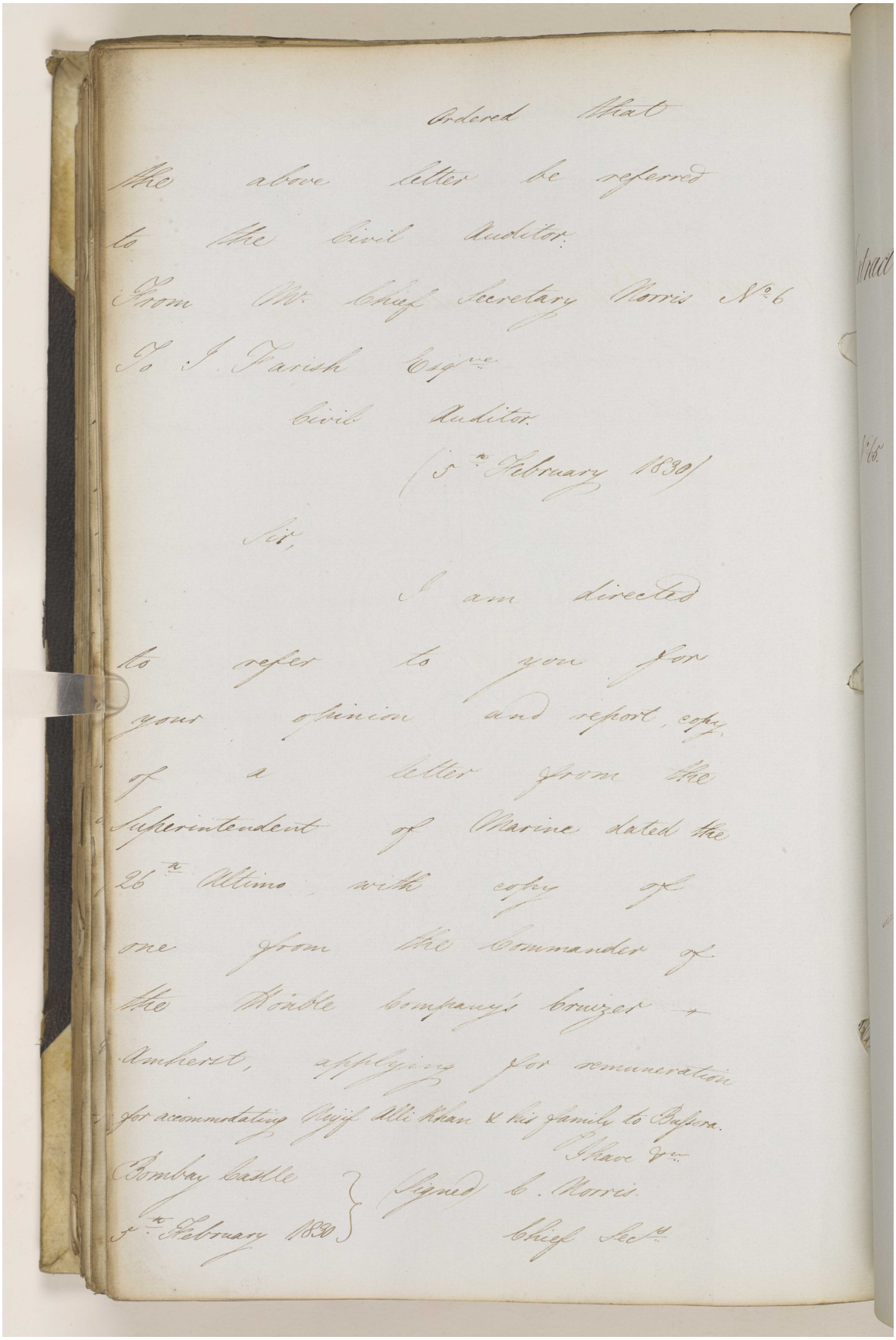

Ordered that
the above letter be referred
to the Civil Auditor.
From Mr. Chief Secretary Morris No. 6
To J. Parish Esqre.
Civil Auditor.
(5th February 1839)

Sir,

I am directed
to refer to you for
your opinion and report, copy
of a letter from the
Superintendent of Marine dated the
26th Ultimo with copy of
one from the Commander of
the Middle Company's brazier
Amherst, applying for remuneration
for accommodating Nujif Ali Khan & his family to Bussora.
I have &c.
Bombay Castle } Signed C. Morris.
5th February 1839 } Chief Sec.

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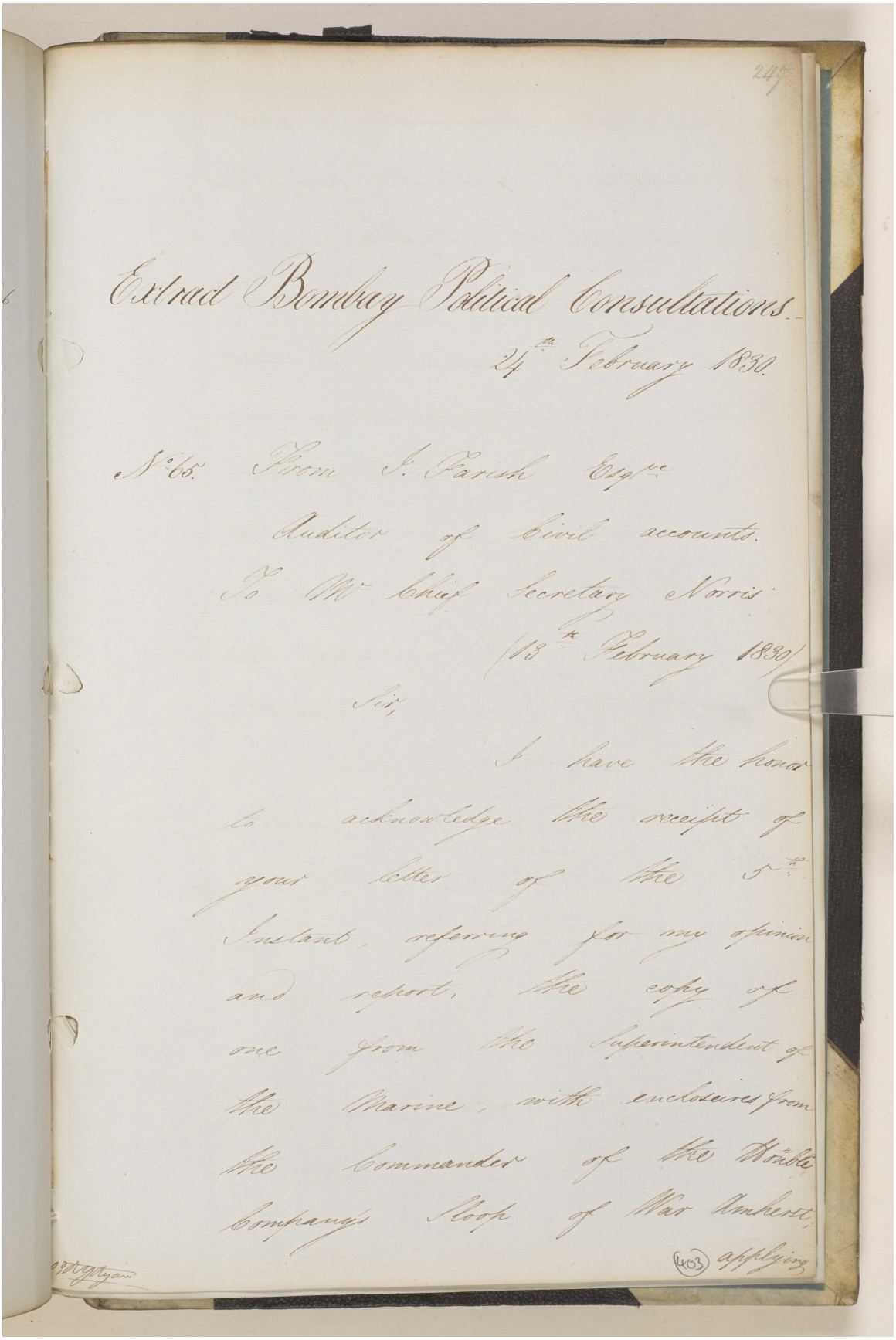

Extract Bombay Political Consultations
24th February 1830

No 65. From J. Parish Esqre
Auditor of Civil accounts
To Chief Secretary Norris
18th February 1830

Sir,

I have the honor to acknowledge the receipt of your letter of the 5th Instant, referring for my opinion and report, the copy of one from the Superintendent of the Marine, with enclosures from the Commander of the Honble Company's Sloop of War Ambherst, applying

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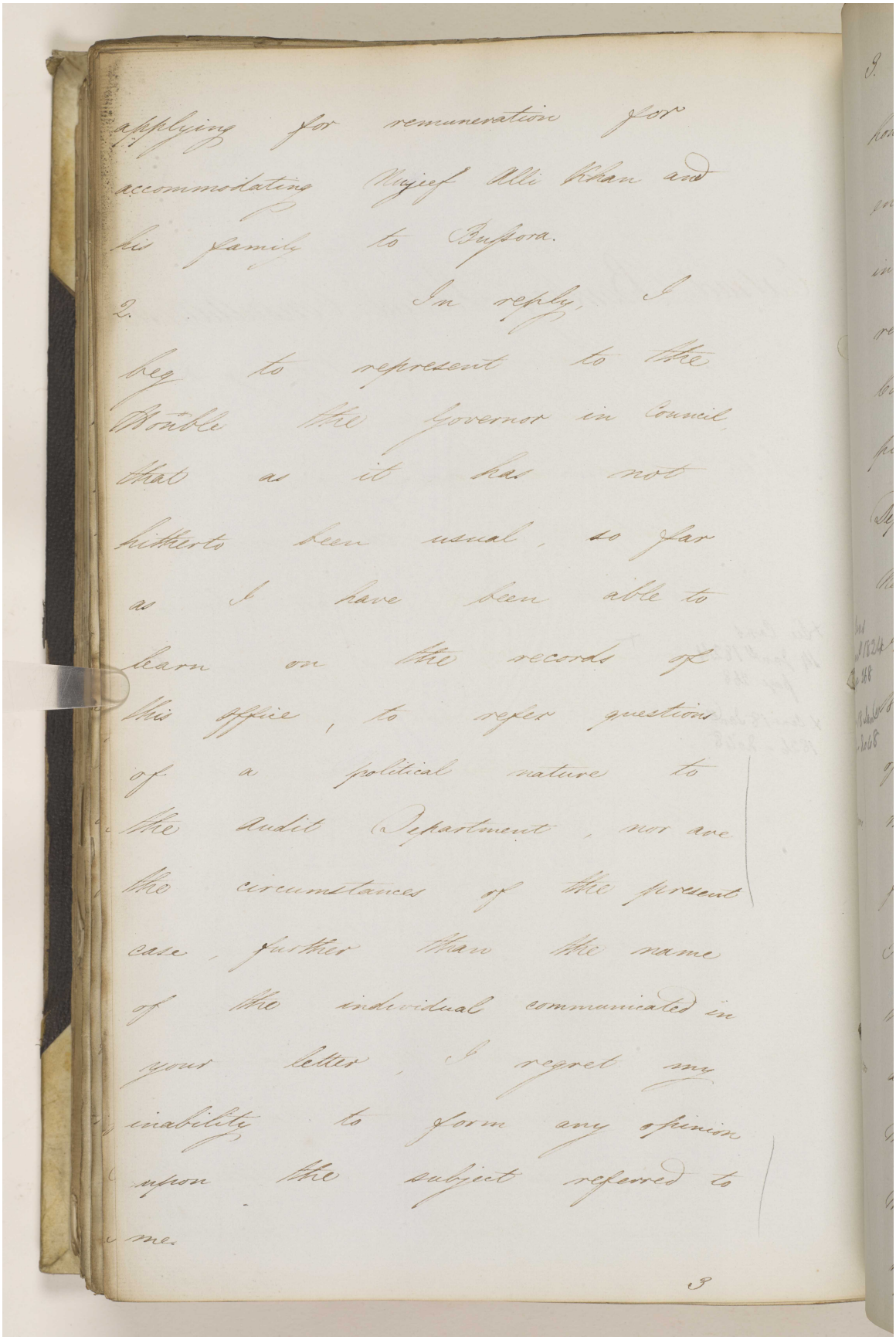

applying for remuneration for
accommodating Nujef Alli Khan and
his family to Bussora.

2. In reply, I
beg to represent to the
Honble the Governor in Council
that as it has not
hitherto been usual, so far
as I have been able to
learn on the records of
this office, to refer questions
of a political nature to
the Audit Department, nor are
the circumstances of the present
case, further than the name
of the individual communicated in
your letter, I regret my
inability to form any opinion
upon the subject referred to
me.

3

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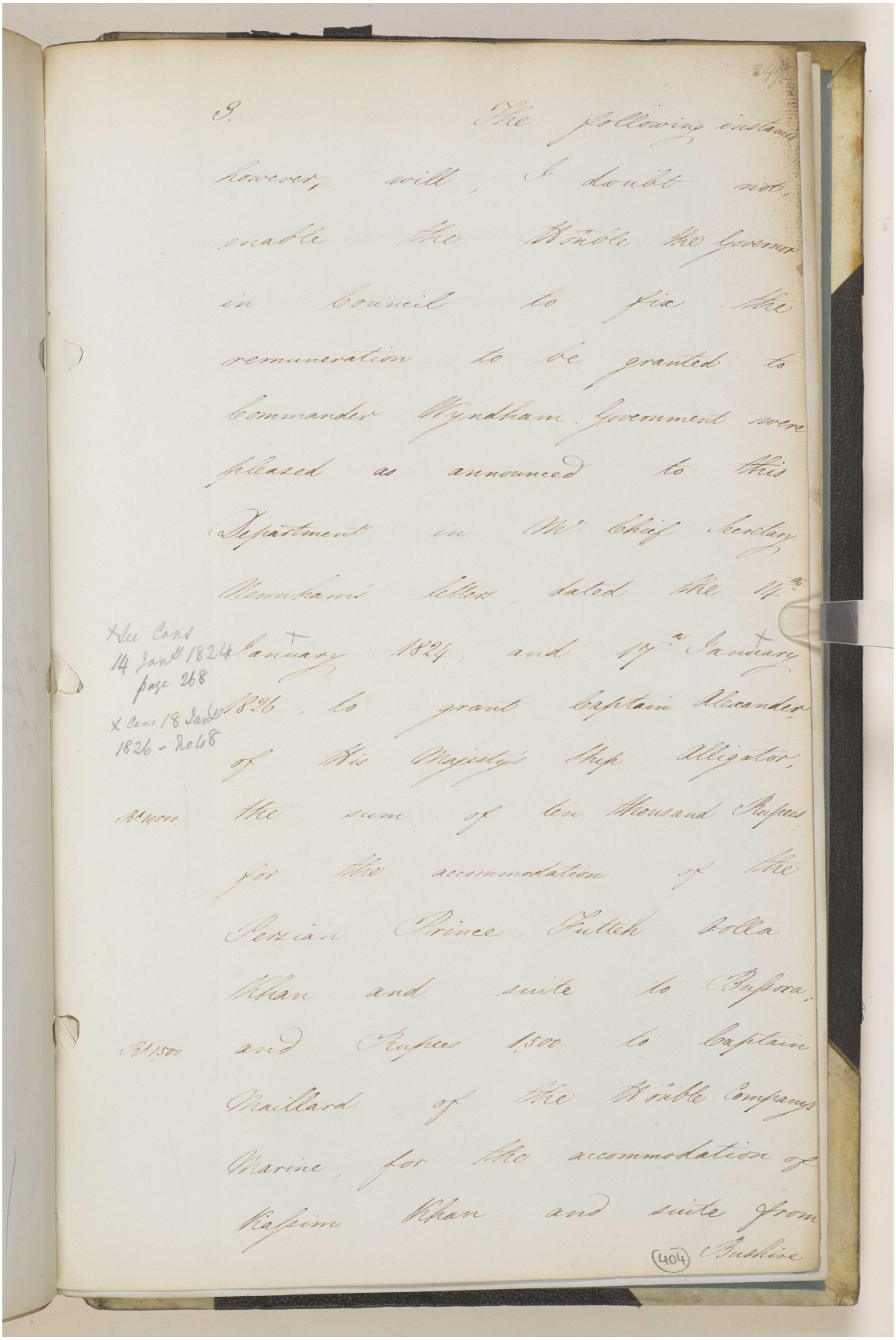

3. The following instances however, will, I doubt not, enable the Honble the Governor in Council to fix the remuneration to be granted to Commander Wyndham. Government were pleased as announced to this Department in Mr Chief Secretary Newnham's letters, dated the 14th January 1824, and 17th January 1826, to grant Captain Alexander of His Majesty's Ship Alligator, the sum of ten thousand Rupees for the accommodation of the Persian Prince Futteh Colla Khan and suite to Bussora, and Rupees 1,500 to Captain Maillard of the Honble Company's Marine, for the accommodation of Kassim Khan and suite from Bushire

+ See Cons 14 Jany 1824 page 268

× Cons 18 Jany 1826 - No 48

Rs 10,000

Rs 1,500

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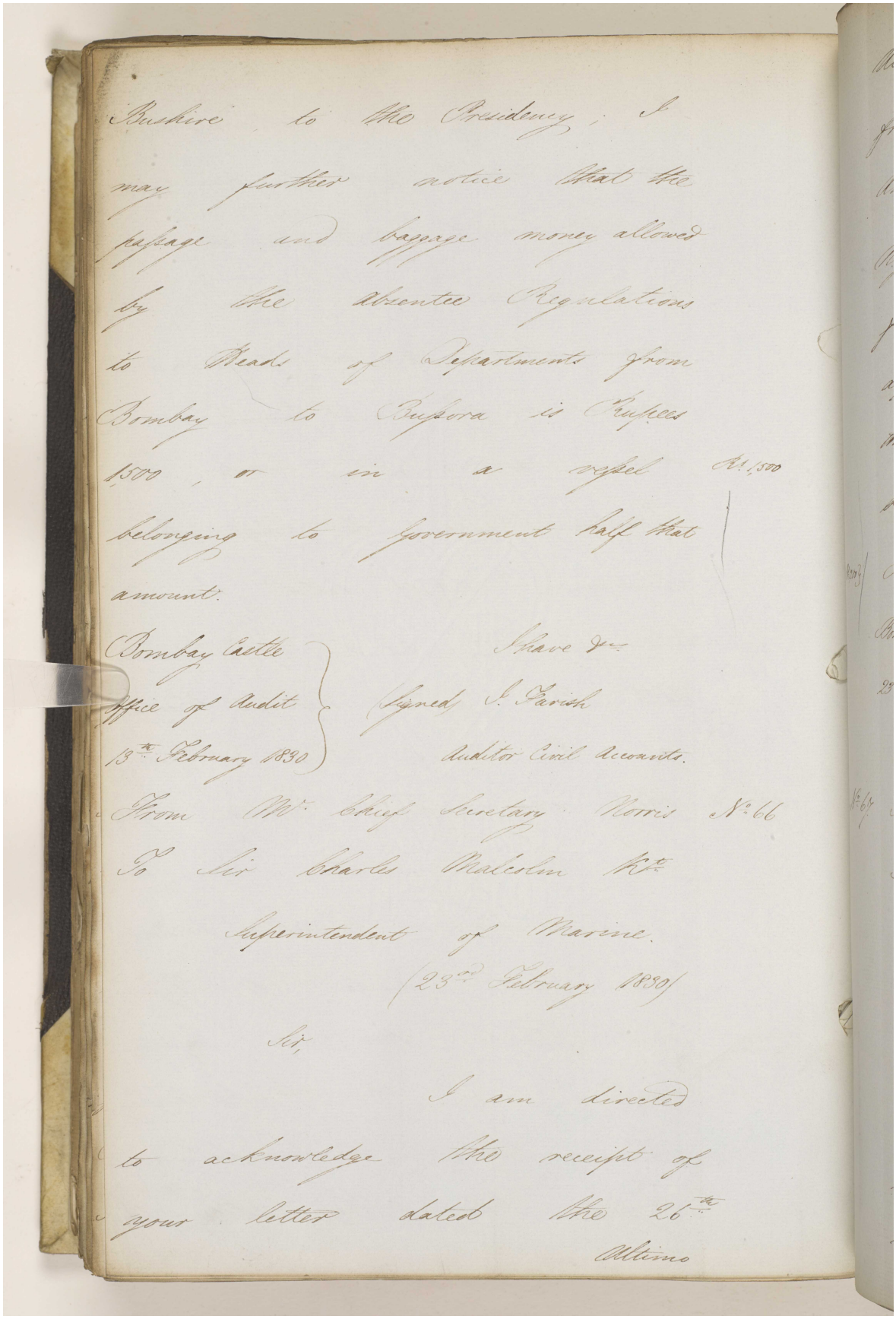

Bushire to the Presidency, I
may further notice that the
passage and baggage money allowed
by the Absentee Regulations
to Heads of Departments from
Bombay to Bussora is Rupees
1500, or in a vessel Rs 1,500
belonging to Government half that
amount.

Bombay Castle
Office of Audit
13th February 1830

I have &c
Signed J. Farish
Auditor Civil Accounts.

From Mr. Secy Secretary Norris No. 66
To Sir Charles Malcolm Kt.
Superintendent of Marine.
(23rd February 1830)

Sir,

I am directed
to acknowledge the receipt of
your letter dated the 26th
Ultimo

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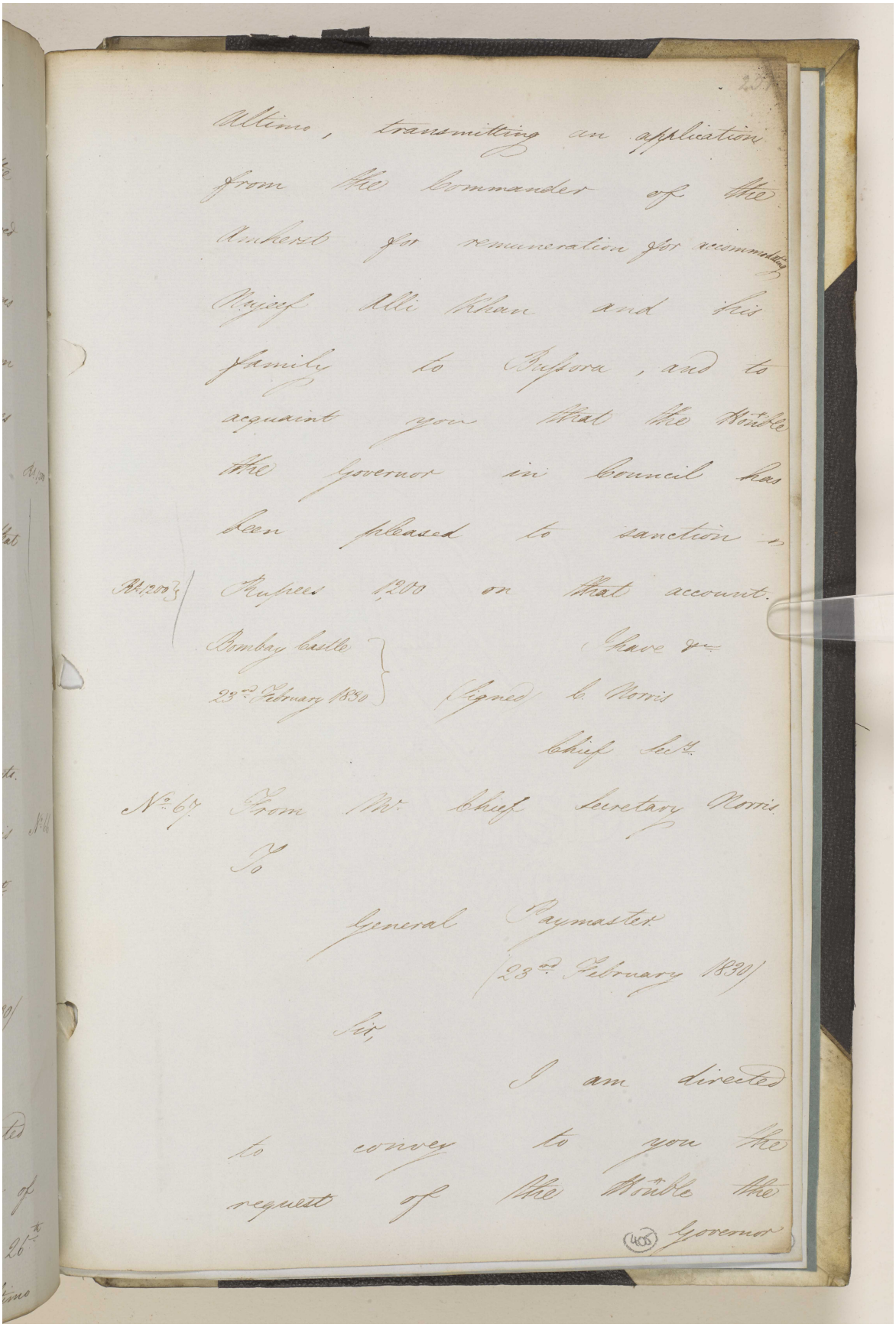
257



Ultimo, transmitting an application from the Commander of the Amherst for remuneration for accommodating Nujeef Alli Khan and his family to Bussora, and to acquaint you that the Honble the Governor in Council has been pleased to sanction Rupees 1,200 on that account.

Rs 1,200

Bombay Castle
23rd February 1830

I have &c
(Signed) C. Norris
Chief Secy.

No. 67 From Mr. Chief Secretary Norris
To
General Paymaster
(23rd February 1830)

Sir,

I am directed to convey to you the request of the Honble the Governor

(405)

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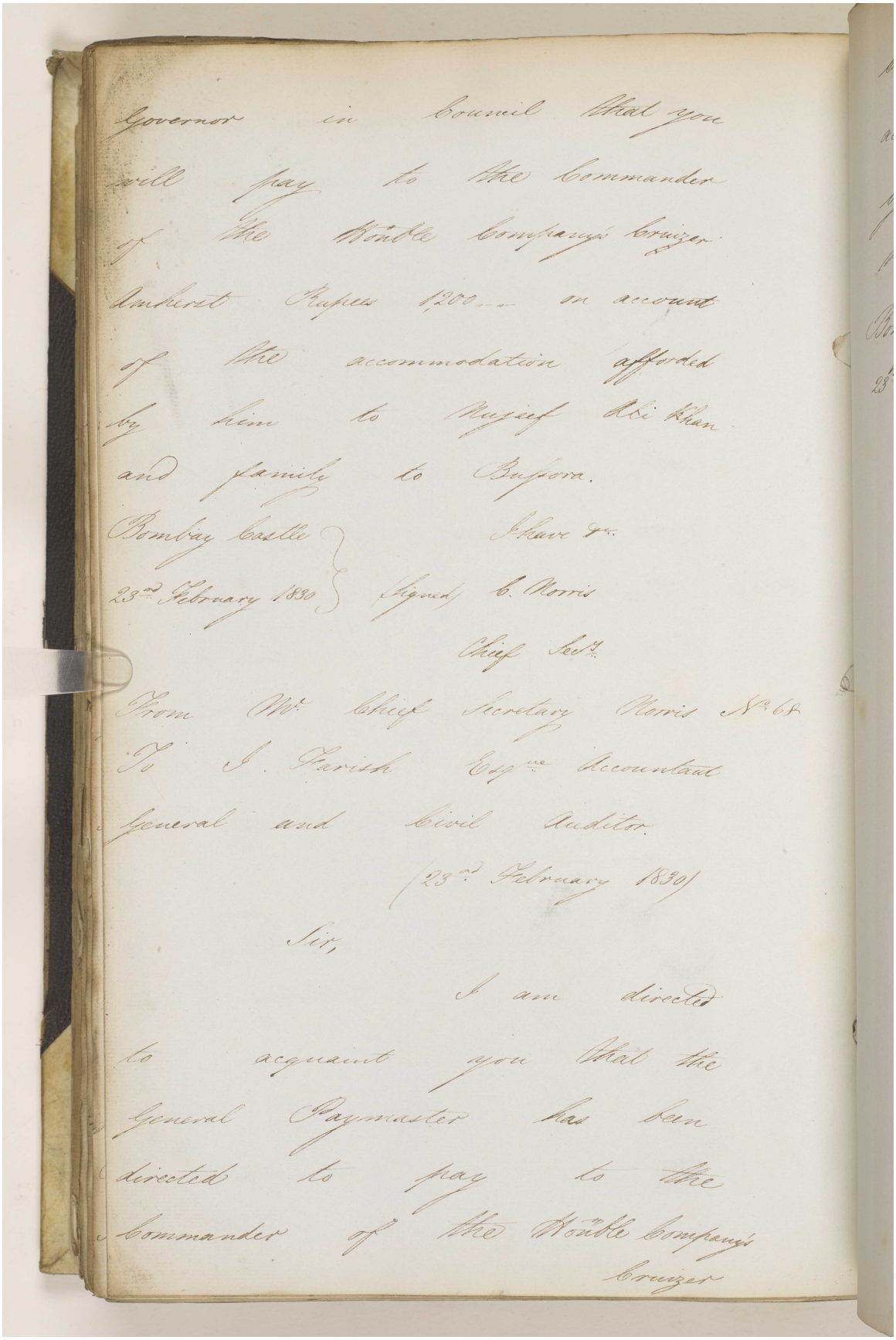

Governor in Council that you will pay to the Commander of the Honble Company's Cruizer Amherst Rupees 1,200 — on account of the accommodation afforded by him to Nujeef Ali Khan and family to Bussora.

Bombay Castle
23rd February 1830

I have &c.
(Signed) C. Norris
Chief Sec^y

From Mr. Chief Secretary Norris No. 68
To J. Farish Esqre Accountant General and Civil Auditor.

(23rd February 1830)

Sir,

I am directed to acquaint you that the General Paymaster has been directed to pay to the Commander of the Honble Company's Cruizer

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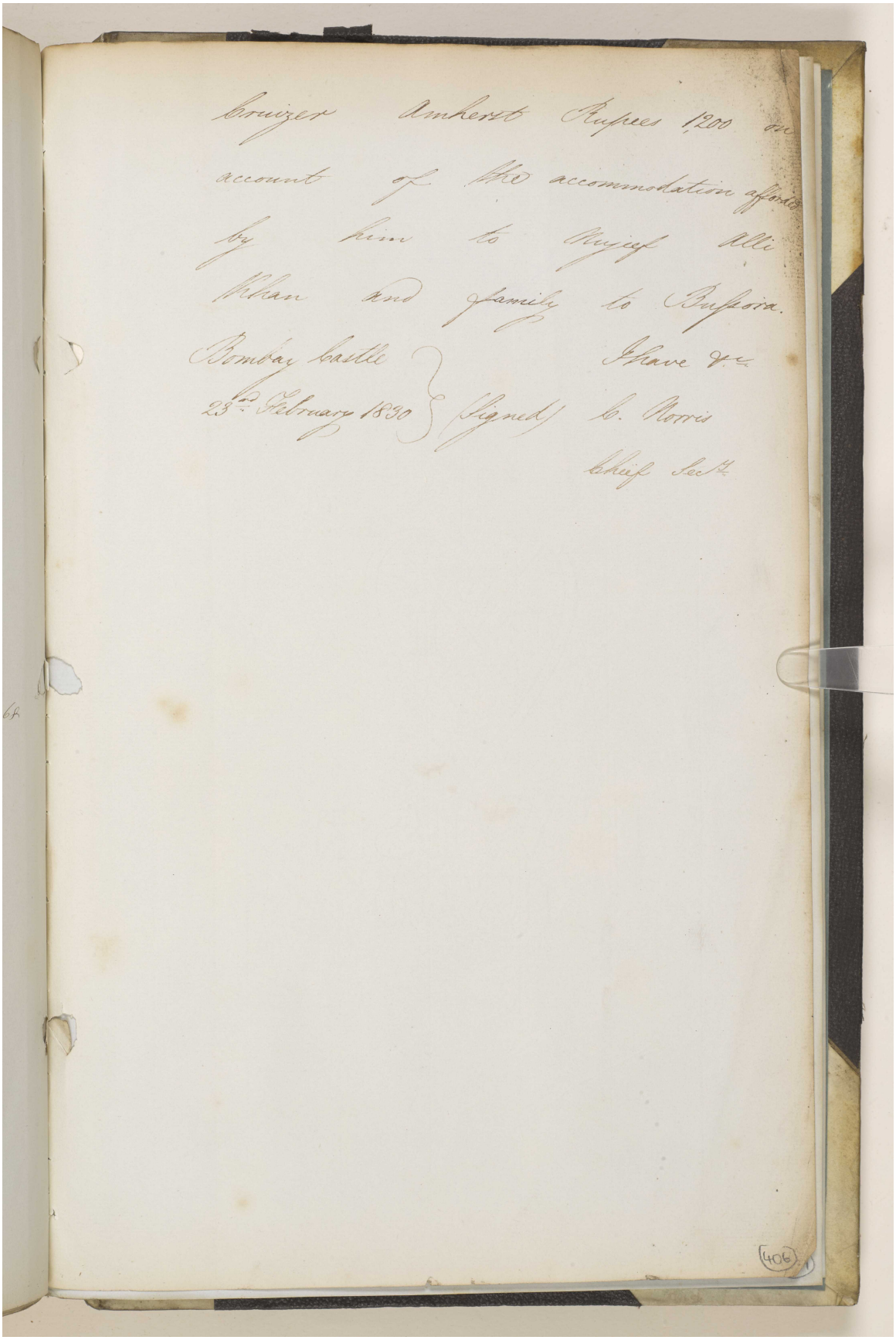

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