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من المصادر الإلكترونية في مكتبة قطر الرقمية ٢٠٢٢/٠١/٣٠ تم إنشاء هذا الملف بصيغة PDF بتاريخ
النسخة الإلكترونية من هذا السجل متاحة للاطلاع على الإنترنت عبر الرابط التالي:

http://www.qdl.qa/archives/81055/vdc_100095567662.0x000001

تحتوي النسخة الإلكترونية على معلومات إضافية ونصوص وصور بدقة عالية تسمح بإمكانية تكبيرها ومطالعتها بسهولة.

بشأن اقتراح من العقيد بيلي بإنشاء محكمة مختلطة للبت في القضايا التي يرفعها رعايا بريطانيون ضد رعايا فارسيين
سياسي رقم ٢٠ لسنة ١٨٧٣، تقدم ملاحظات

المكتبة البريطانية: أوراق خاصة وسجلات من مكتب الهند

IOR/L/PS/6/106, ff 173-180

٢٤ يناير ١٨٧٣ (ميلادي)

الإنجليزية في اللاتينية

مادة واحدة (١٠ ورقات)

رخصة حكومة مفتوحة

المؤسسة المالكة

المرجع

التاريخ/ التواريخ

لغة الكتابة

الحجم والشكل

حق النشر



حول هذا السجل

تتألف هذه المادة من نسخ لإرسالية سياسية من إدارة الخارجية بالحكومة في الهند إلى وزير
الدولة لشؤون الهند، بتاريخ ٢٤ يناير ١٨٧٣، استلمت عبر برينديزي في ١٧ فبراير ١٨٧٣، تقدم
ملاحظات بشأن اقتراح قدمه العقيد لويس بيلي، المقيم السياسي في الخليج العربي، بإنشاء محكمة
مختلطة للبت في القضايا التي يرفعها رعايا بريطانيون ضد رعايا فارسيين [إيرانيين]، وذلك
استثناءً للإرسالية رقم ٧ بتاريخ ١٠ يناير ١٨٧٣.

سياسي رقم ٢٠ لسنة ١٨٧٣، تقدم ملاحظات بشأن اقتراح من العقيد بيلي بإنشاء
محكمة مختلطة للبت في القضايا التي يرفعها رعايا بريطانيون ضد رعايا
فارسيين [١٧٣] (٢٠/٢)

(2)

5. We have told Colonel Pelly that the matter should not enter into the discussion of the Order in Council relating to Consular jurisdiction in Persia and the Persian Gulf. It will, however, be necessary that the Order in Council should be so expressed that it shall adopt itself to any additional jurisdiction which the Persian Government or other Powers may concede.

We have the honor to be,

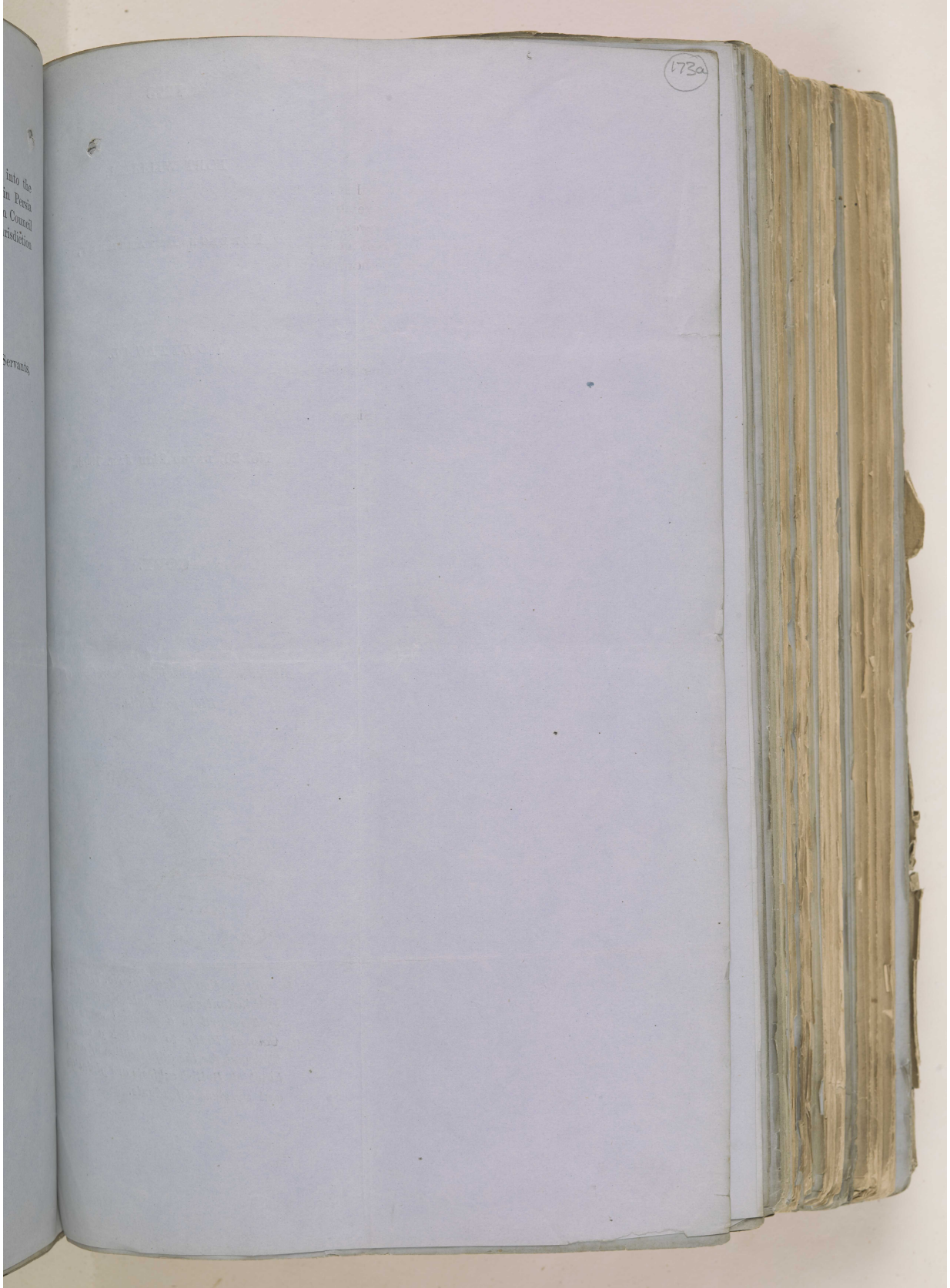
MY LORD DUKE,

Your Grace's most obedient, humble Servants,

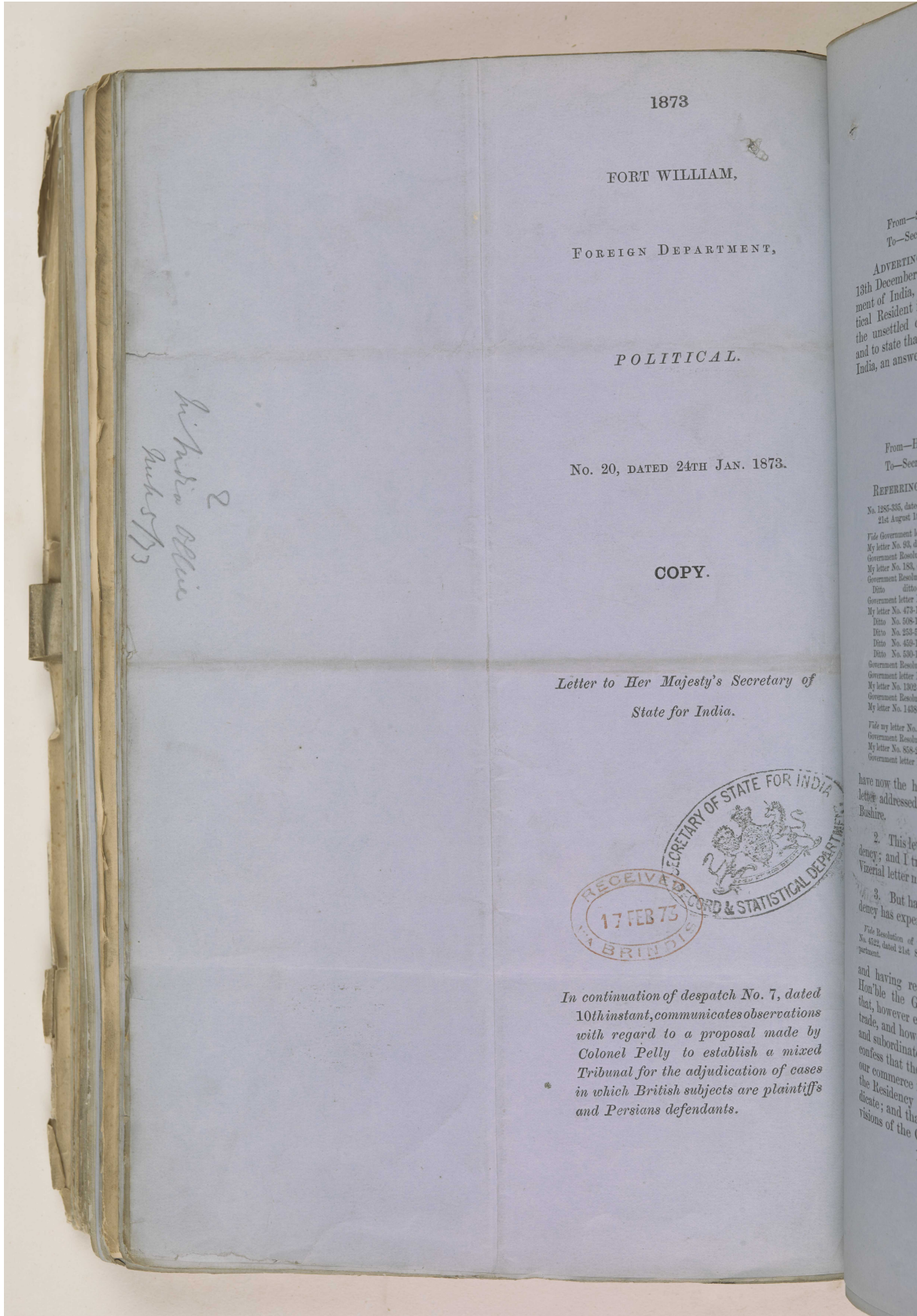
(Signed) NORTHBROOK.
" R. TEMPLE.
" B. H. ELLIS.
" H. W. NORMAN.
" A. HOBHOUSE.
" E. C. BAYLEY.

Exd.—T. Y.

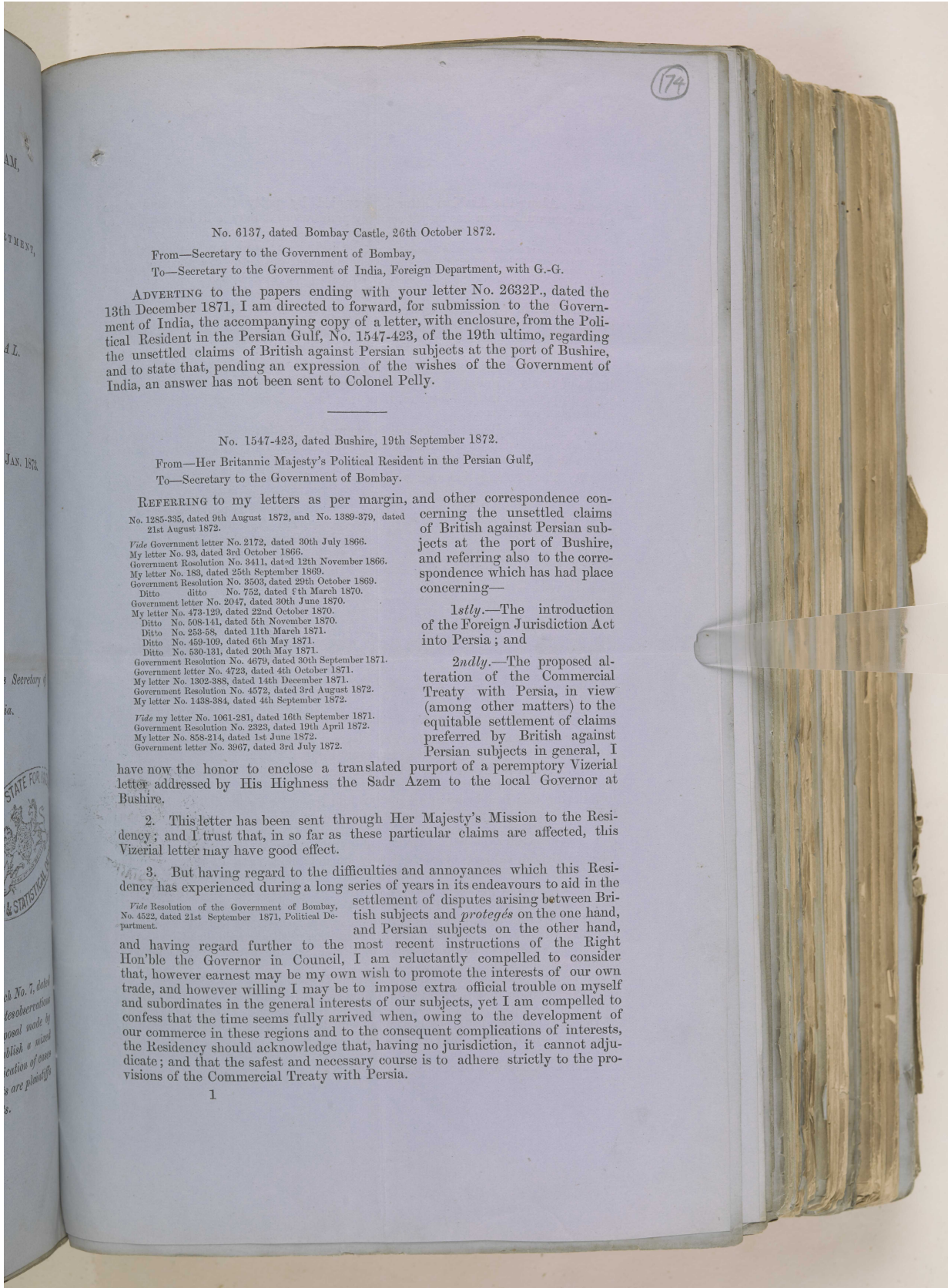
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فارسيين [١٧٣] (٢٠/٣)



سياسي رقم ٢٠ لسنة ١٨٧٣، تقدم ملاحظات بشأن اقتراح من العقيد بيلى بإنشاء
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فارسيين [١٧٣] (٢٠/٤)



سياسي رقم ٢٠ لسنة ١٨٧٣، تقدم ملاحظات بشأن اقتراح من العقيد بيلى بإنشاء
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فارسيين [١٧٤] (٢٠/٥)



No. 6137, dated Bombay Castle, 26th October 1872.

From—Secretary to the Government of Bombay,

To—Secretary to the Government of India, Foreign Department, with G.G.

ADVERTING to the papers ending with your letter No. 2632P., dated the 13th December 1871, I am directed to forward, for submission to the Government of India, the accompanying copy of a letter, with enclosure, from the Political Resident in the Persian Gulf, No. 1547-423, of the 19th ultimo, regarding the unsettled claims of British against Persian subjects at the port of Bushire, and to state that, pending an expression of the wishes of the Government of India, an answer has not been sent to Colonel Pelly.

No. 1547-423, dated Bushire, 19th September 1872.

From—Her Britannic Majesty's Political Resident in the Persian Gulf,

To—Secretary to the Government of Bombay.

REFERRING to my letters as per margin, and other correspondence concerning the unsettled claims of British against Persian subjects at the port of Bushire, and referring also to the correspondence which has had place concerning—

1stly.—The introduction of the Foreign Jurisdiction Act into Persia; and

2ndly.—The proposed alteration of the Commercial Treaty with Persia, in view (among other matters) to the equitable settlement of claims preferred by British against Persian subjects in general, I

have now the honor to enclose a translated purport of a peremptory Vizierial letter addressed by His Highness the Sadr Azem to the local Governor at Bushire.

2. This letter has been sent through Her Majesty's Mission to the Residency; and I trust that, in so far as these particular claims are affected, this Vizierial letter may have good effect.

3. But having regard to the difficulties and annoyances which this Residency has experienced during a long series of years in its endeavours to aid in the settlement of disputes arising between British subjects and *protégés* on the one hand, and Persian subjects on the other hand, and having regard further to the most recent instructions of the Right Hon'ble the Governor in Council, I am reluctantly compelled to consider that, however earnest may be my own wish to promote the interests of our own trade, and however willing I may be to impose extra official trouble on myself and subordinates in the general interests of our subjects, yet I am compelled to confess that the time seems fully arrived when, owing to the development of our commerce in these regions and to the consequent complications of interests, the Residency should acknowledge that, having no jurisdiction, it cannot adjudicate; and that the safest and necessary course is to adhere strictly to the provisions of the Commercial Treaty with Persia.

سياسي رقم ٢٠ لسنة ١٨٧٣، تقدم ملاحظات بشأن اقتراح من العقيد بيلى بإنشاء
محكمة مختلطة للبت في القضايا التي يرفعها رعايا بريطانيون ضد رعايا
فارسيين [١٧٤] (٢٠/٦)

4. Along the Arabian littoral, occupied by petty Chieftains, and where steam communication has as yet scarcely penetrated, it may still be possible to dispose of civil disputes amicably by personal influence; and for the exercise of this personal influence the most recent instructions of the Government of India have provided.

Vide Resolution of the Government of Bombay, No. 116, dated 9th January 1872, and enclosure, from the Government of India, No. 2632P, dated 13th December 1871.

5. But in my present letter I write concerning the Persian littoral where steamers are constantly calling, where we have to meet the requirements of British merchants, and where our official actions are liable to the supervision of the Persian Central Government; and I am deferentially of opinion that, all existing circumstances considered, we cannot any longer venture beyond the limits of treaty stipulation without incurring inconvenient responsibility, and without, perhaps, in the long run, impeding, where it was hoped to advance, the interests of commerce.

6. His Excellency in Council is aware that British commercial interests in Persia are protected on the basis of the Commercial Treaty entered into between Persia and Russia at Turkomanchai.

7. The investigation and settlement of the claims and disputes arising between Russian and Persian subjects is provided for by the 7th (seventh) Article of that Treaty, which for facility of reference I beg to quote marginally *in extenso*.

ARTICLE 7.

"The investigation and settlement of all claims and disputes between Russian subjects are entirely confined to the Minister Representative, or Consul of His Majesty the Emperor, and they are to be decided according to the law and practice of Russia. This is equally the case in disputes between a Russian subject and a subject of another Government in the event of both parties being satisfied to abide by the decision of the Russian Minister. Disputes occurring between Russian and Persian subjects are to be represented and referred to the Court of Religious Law, or to the Court of Equity of the place, but they are not to be investigated or decided except in the presence of the Interpreter of the Representative or Consul. When disputes have been thus settled agreeably to rule, they cannot be brought forward again, whenever the circumstances of the case are of such a nature as to demand a second investigation the affair cannot be examined, unless the Russian Minister, Representative or Consul be previously warned, and in this case that subject cannot be investigated and decided upon except at the Royal Grand Court of Justice at Tabreez, or Teheran, and as stated before in the presence of an Interpreter of the Representative or Consul of Russia."

heard and decided in the presence of the Interpreter of the Russian Representative.

9. In like manner, therefore, all disputes arising between British and Persian subjects should be referred to the same Courts.

10. Accordingly in view of giving practical effect to treaty stipulation and to what I understand to be the wishes of Government, and in view further to relieving this Residency of an anxious and irregular responsibility, I propose, for the future, to be guided by the stipulations of the Commercial Treaty, thus abandoning the old and irregular practice of investigating at the Residency* cases wherein British subjects or *portegés* may be defendant, and of sending to the Courts Residency officials to watch and note the proceedings of cases wherein British subjects or *portegés* may be parties to a suit. An Interpreter would attend but his functions would be simply those of an Interpreter.

* I am under the impression that this practice originated when Arab Chiefs were Governors of Bushire.

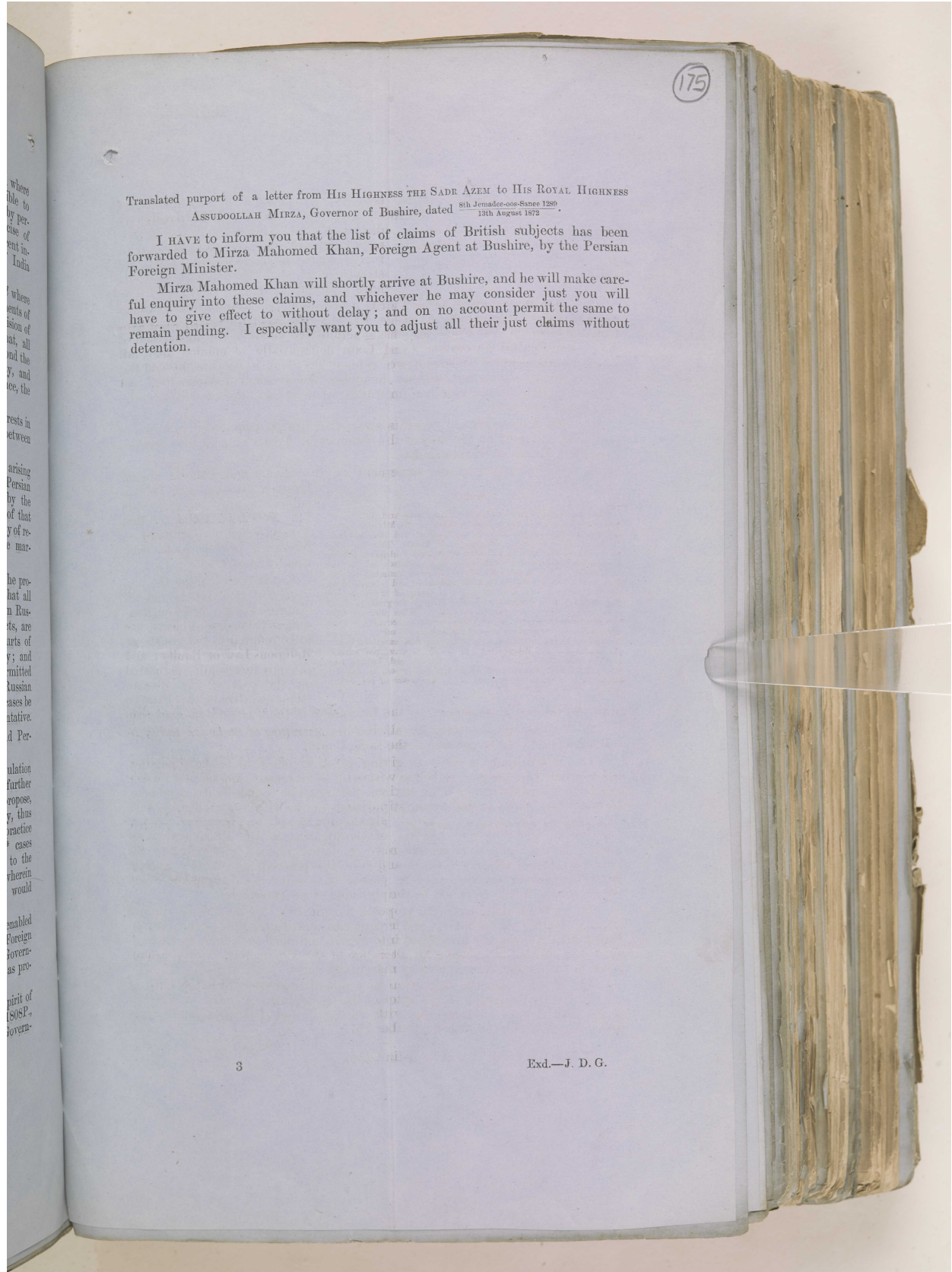
11. I think that, under the proposed modification, we should be enabled to avoid further complications and irregularities until such time as the Foreign Jurisdiction Act may be introduced into Persia, and until such time as Government may succeed in inducing an alteration of the Commercial Treaty, as proposed in the correspondence already marginally noted.

12. I think that the suggestions now submitted are penned in the spirit of the concluding paragraph of the letter of the Government of India, No. 1808P., of the 25th August 1871, received with the Resolution of the Bombay Government, No. 4679, of the 30th September 1871.

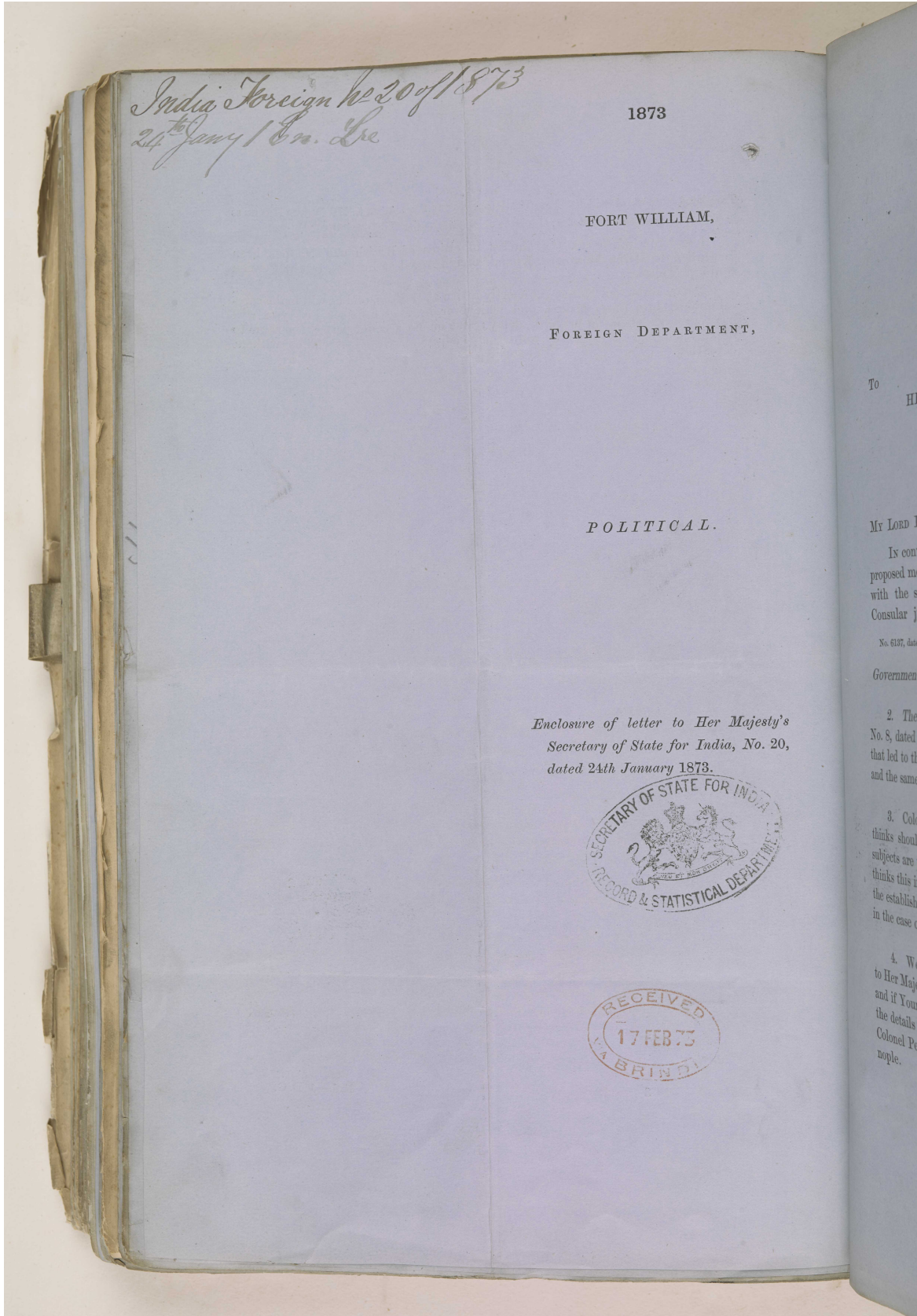
N.B.—Copy will be sent to India Office.

Translated by
I HAVE
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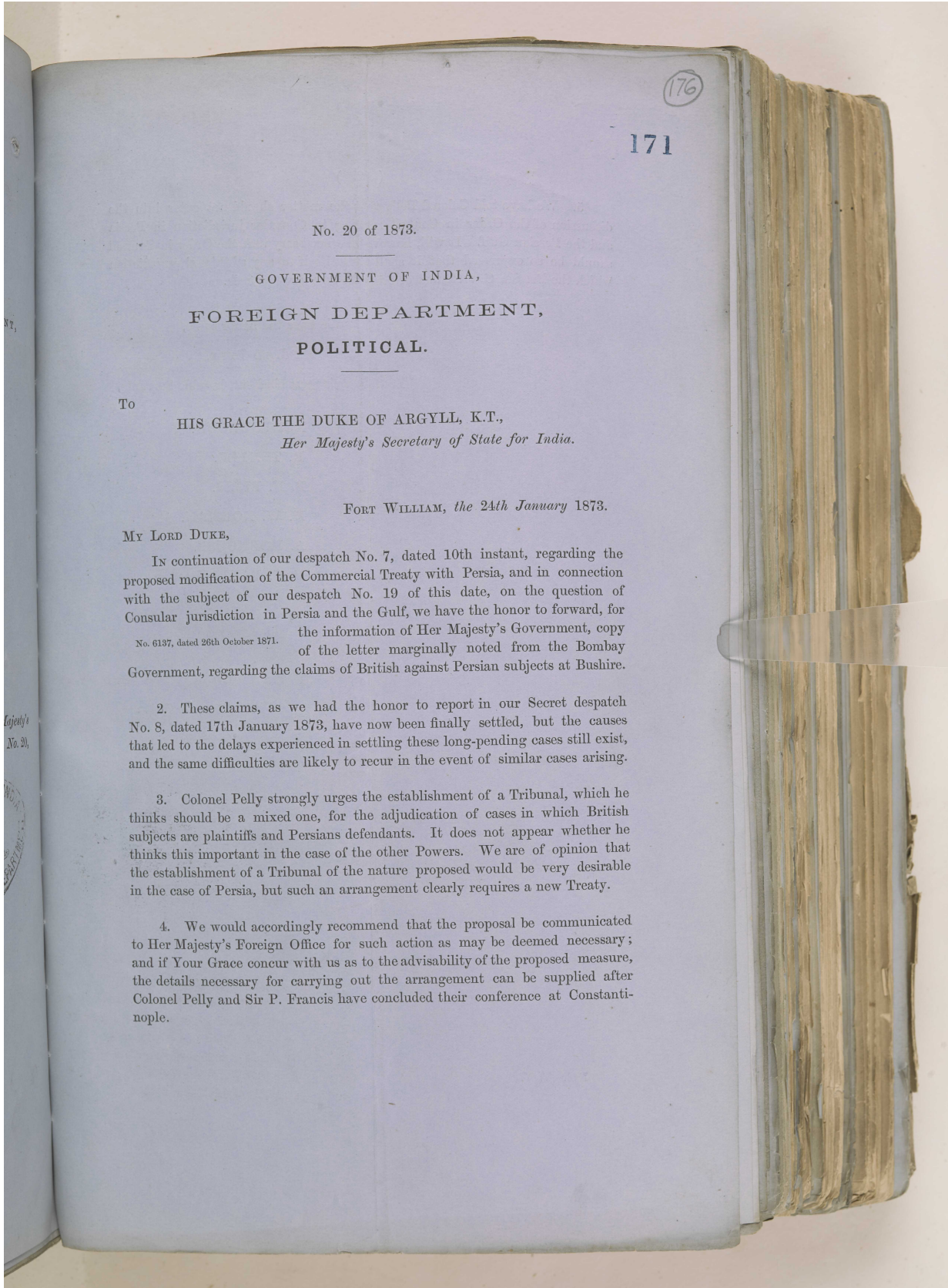
سياسي رقم ٢٠ لسنة ١٨٧٣، تقدم ملاحظات بشأن اقتراح من العقيد بيلى بإنشاء
محكمة مختلطة للبت في القضايا التي يرفعها رعايا بريطانيون ضد رعايا
فارسيين [١٧٥] (٢٠/٧)



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فارسيين [١٧٥] (٢٠/٨)



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فارسيين [١٧٦] (٢٠/٩)



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(2)

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We have the honor to be,

MY LORD DUKE,

Your Grace's most obedient, humble Servants,

(Signed) NORTHBROOK.

„ R. TEMPLE.

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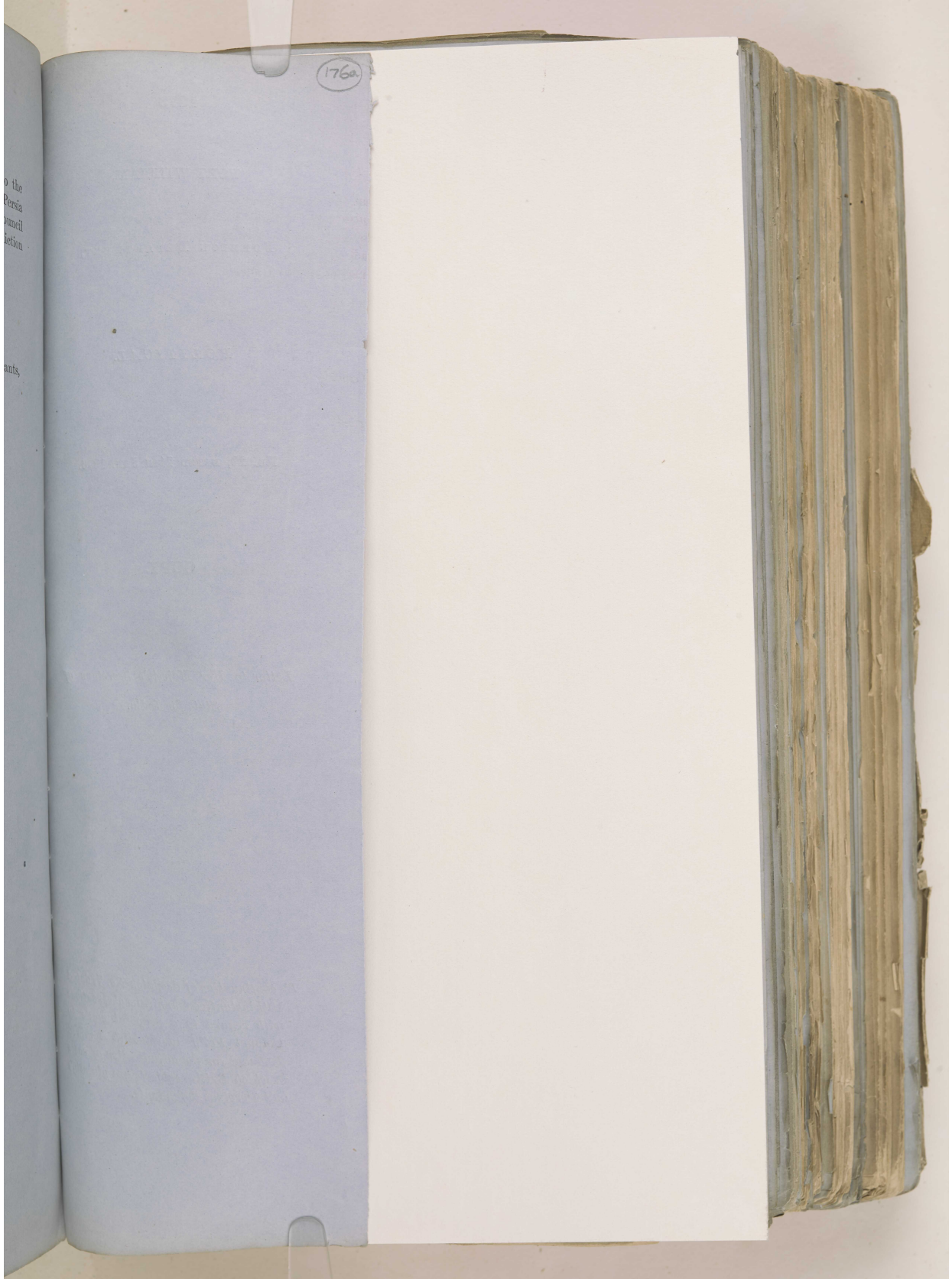
„ H. W. NORMAN.

„ A. HOBHOUSE.

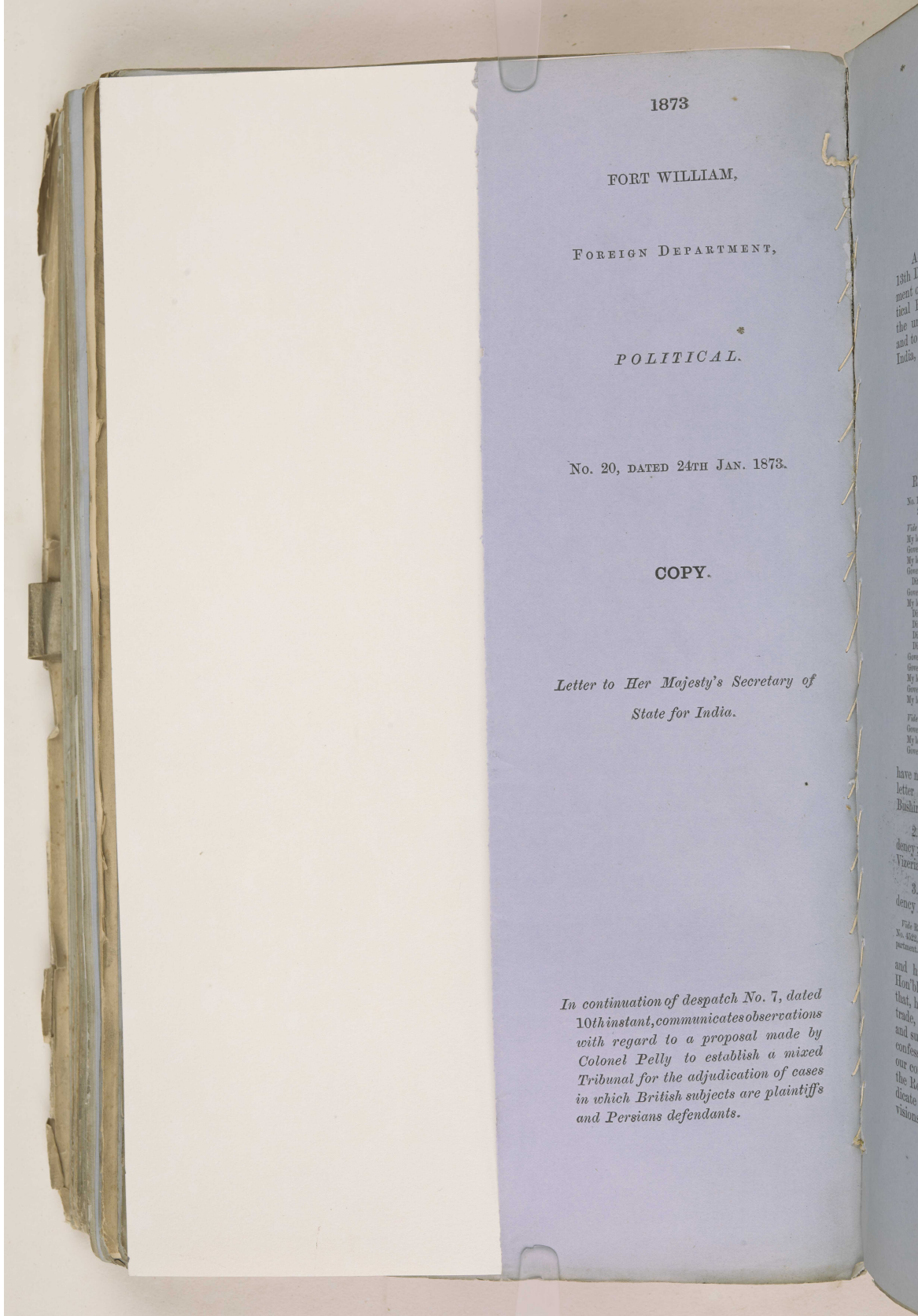
„ E. C. BAYLEY.

Exd.—T. Y.

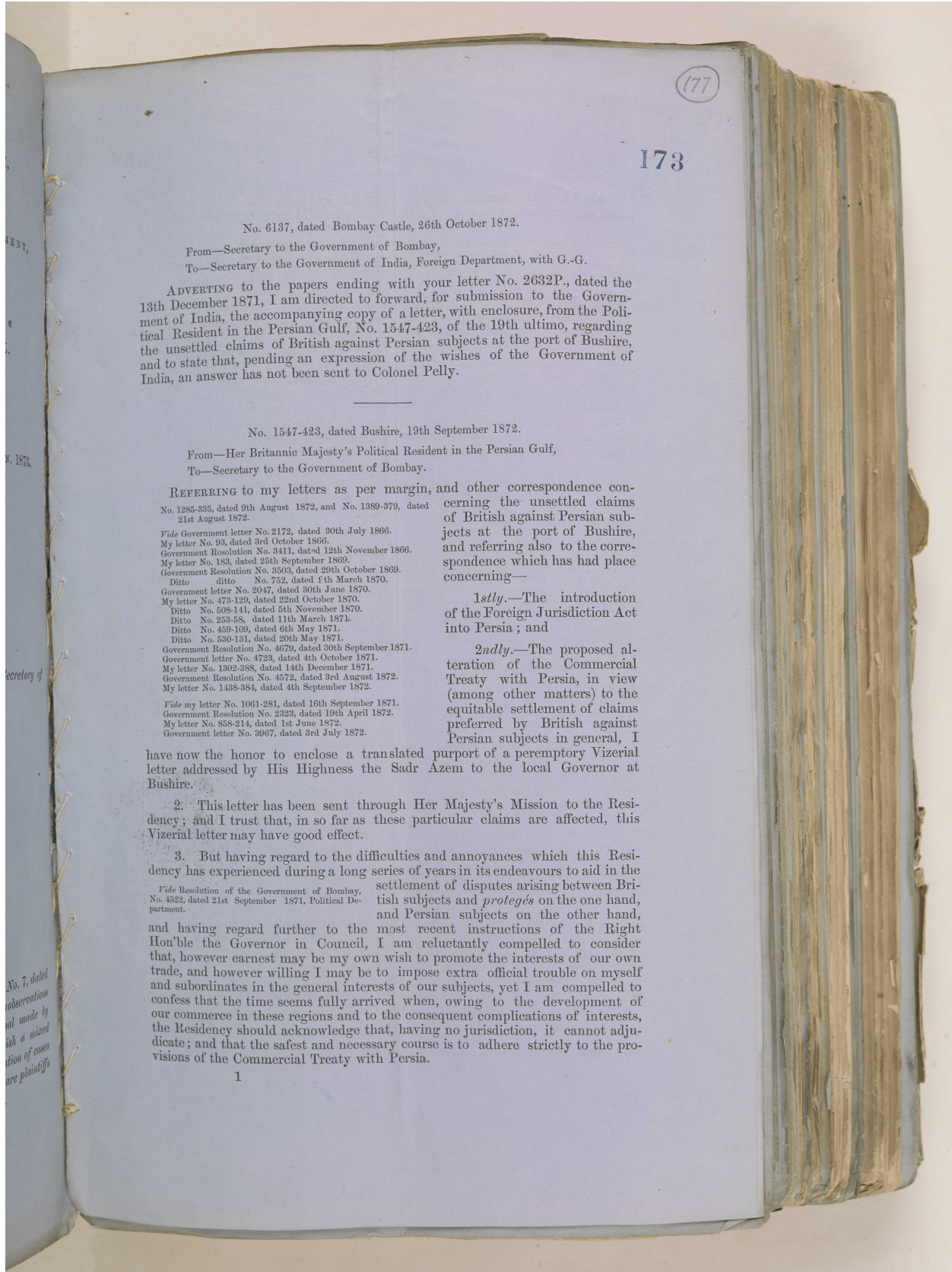
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فارسيين [١٧٦] (٢٠/١١)



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فارسيين [١٧٦] (٢٠/١٢)



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فارسيين [١٧٧] (٢٠/١٣)



(177)

173

No. 6137, dated Bombay Castle, 26th October 1872.

From—Secretary to the Government of Bombay,

To—Secretary to the Government of India, Foreign Department, with G.-G.

ADVERTING to the papers ending with your letter No. 2632P., dated the 13th December 1871, I am directed to forward, for submission to the Government of India, the accompanying copy of a letter, with enclosure, from the Political Resident in the Persian Gulf, No. 1547-423, of the 19th ultimo, regarding the unsettled claims of British against Persian subjects at the port of Bushire, and to state that, pending an expression of the wishes of the Government of India, an answer has not been sent to Colonel Pelly.

No. 1547-423, dated Bushire, 19th September 1872.

From—Her Britannic Majesty's Political Resident in the Persian Gulf,

To—Secretary to the Government of Bombay.

REFERRING to my letters as per margin, and other correspondence concerning the unsettled claims of British against Persian subjects at the port of Bushire, and referring also to the correspondence which has had place concerning—

No. 1285-385, dated 9th August 1872, and No. 1389-379, dated 21st August 1872.

Vide Government letter No. 2172, dated 30th July 1866.

My letter No. 93, dated 3rd October 1866.

Government Resolution No. 3411, dated 12th November 1866.

My letter No. 183, dated 25th September 1869.

Government Resolution No. 3503, dated 29th October 1869.

Ditto No. 752, dated 5th March 1870.

Government letter No. 2047, dated 30th June 1870.

My letter No. 473-129, dated 22nd October 1870.

Ditto No. 508-141, dated 5th November 1870.

Ditto No. 259-358, dated 11th March 1871.

Ditto No. 459-109, dated 6th May 1871.

Ditto No. 530-131, dated 20th May 1871.

Government Resolution No. 4679, dated 30th September 1871.

Government letter No. 4723, dated 4th October 1871.

My letter No. 1302-388, dated 14th December 1871.

Government Resolution No. 4572, dated 3rd August 1872.

My letter No. 1438-384, dated 4th September 1872.

Vide my letter No. 1061-281, dated 16th September 1871.

Government Resolution No. 2323, dated 19th April 1872.

My letter No. 858-214, dated 1st June 1872.

Government letter No. 3967, dated 3rd July 1872.

have now the honor to enclose a translated purport of a peremptory Vizerial letter addressed by His Highness the Sadr Azem to the local Governor at Bushire.

2. This letter has been sent through Her Majesty's Mission to the Residency; and I trust that, in so far as these particular claims are affected, this Vizerial letter may have good effect.

3. But having regard to the difficulties and annoyances which this Residency has experienced during a long series of years in its endeavours to aid in the settlement of disputes arising between British subjects and *proteges* on the one hand, and Persian subjects on the other hand, and having regard further to the most recent instructions of the Right Hon'ble the Governor in Council, I am reluctantly compelled to consider that, however earnest may be my own wish to promote the interests of our own trade, and however willing I may be to impose extra official trouble on myself and subordinates in the general interests of our subjects, yet I am compelled to confess that the time seems fully arrived when, owing to the development of our commerce in these regions and to the consequent complications of interests, the Residency should acknowledge that, having no jurisdiction, it cannot adjudicate; and that the safest and necessary course is to adhere strictly to the provisions of the Commercial Treaty with Persia.

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فارسيين [١٧٧] (٢٠/١٤)

4. Along the Arabian littoral, occupied by petty Chieftains, and where steam communication has as yet scarcely penetrated, it may still be possible to dispose of civil disputes amicably by personal influence; and for the exercise of this personal influence the most recent instructions of the Government of India have provided.

Vide Resolution of the Government of Bombay, No. 116, dated 9th January 1872, and enclosure, from the Government of India, No. 2632P, dated 13th December 1871.

5. But in my present letter I write concerning the Persian littoral where steamers are constantly calling, where we have to meet the requirements of British merchants, and where our official actions are liable to the supervision of the Persian Central Government; and I am deferentially of opinion that, all existing circumstances considered, we cannot any longer venture beyond the limits of treaty stipulation without incurring inconvenient responsibility, and without, perhaps, in the long run, impeding, where it was hoped to advance, the interests of commerce.

6. His Excellency in Council is aware that British commercial interests in Persia are protected on the basis of the Commercial Treaty entered into between Persia and Russia at Turkomanchai.

7. The investigation and settlement of the claims and disputes arising between Russian and Persian subjects is provided for by the 7th (seventh) Article of that Treaty, which for facility of reference I beg to quote marginally *in extenso*.

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heard and decided in the presence of the Interpreter of the Russian Representative.

9. In like manner, therefore, all disputes arising between British and Persian subjects should be referred to the same Courts.

10. Accordingly in view to giving practical effect to treaty stipulation and to what I understand to be the wishes of Government, and in view further to relieving this Residency of an anxious and irregular responsibility, I propose, for the future, to be guided by the stipulations of the Commercial Treaty, thus abandoning the old and irregular practice of investigating at the Residency* cases wherein British subjects or *portegés* may be defendant, and of sending to the Courts Residency officials to watch and note the proceedings of cases wherein British subjects or *portegés* may be parties to a suit. An Interpreter would attend but his functions would be simply those of an Interpreter.

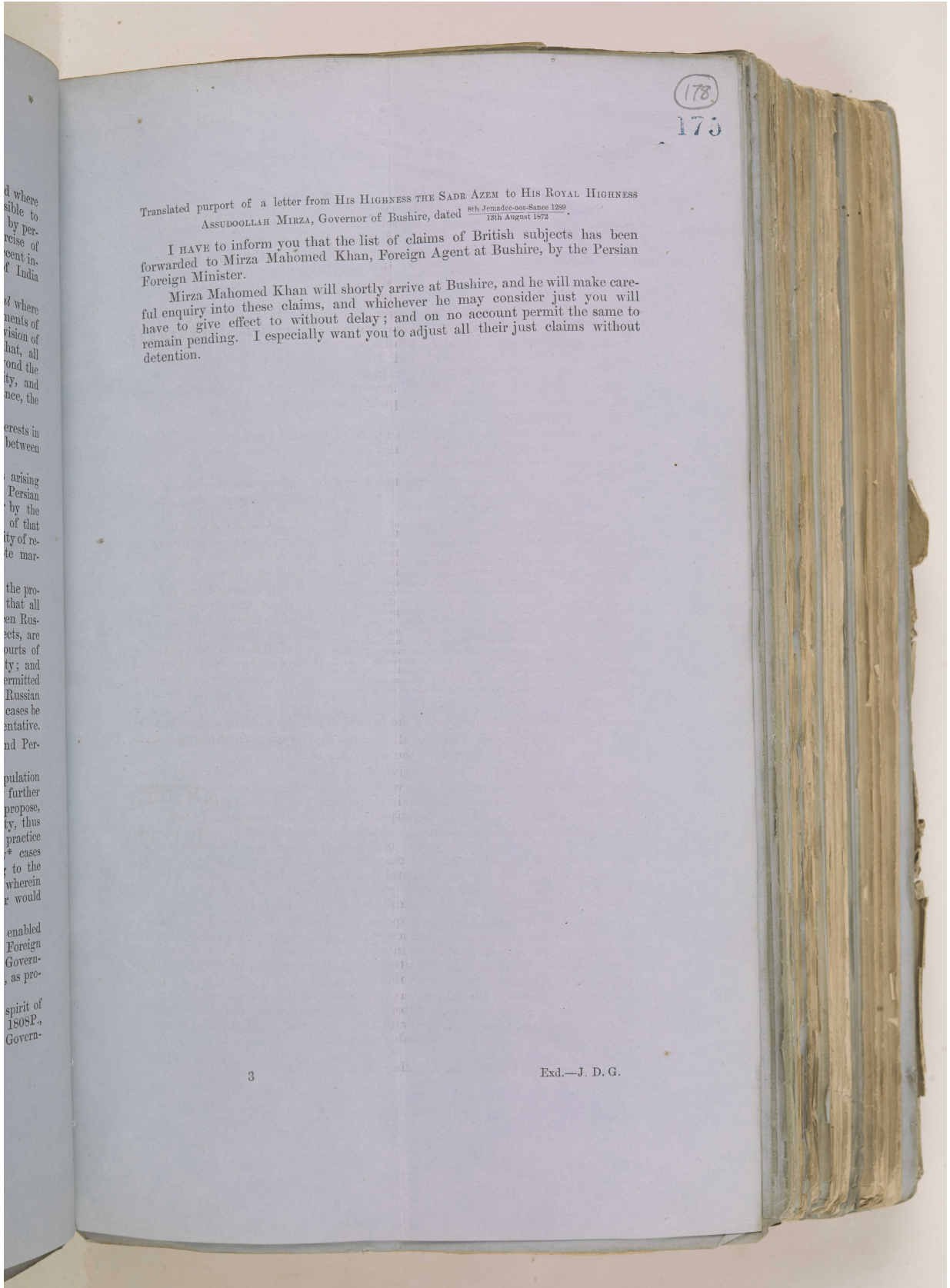
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12. I think that the suggestions now submitted are penned in the spirit of the concluding paragraph of the letter of the Government of India, No. 180SP., of the 25th August 1871, received with the Resolution of the Bombay Government, No. 4679, of the 30th September 1871.

N.B.—Copy will be sent to India Office.

سياسي رقم ٢٠ لسنة ١٨٧٣، تقدم ملاحظات بشأن اقتراح من العقيد بيلى بإنشاء
محكمة مختلطة للبت في القضايا التي يرفعها رعايا بريطانيون ضد رعايا
فارسيين [١٧٨] (٢٠/١٥)

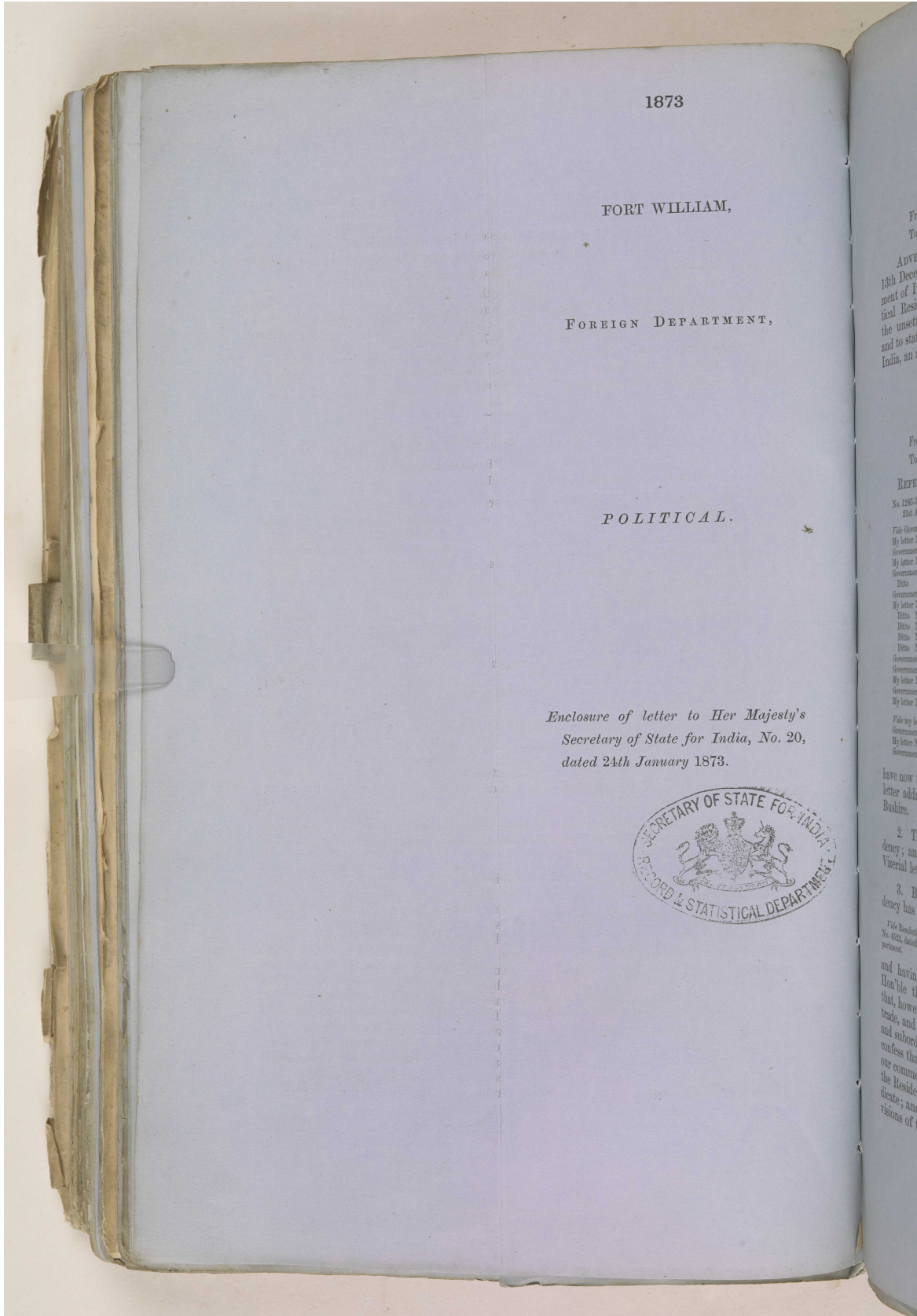


Translated purport of a letter from His HIGHNESS THE SADR AZEM to His ROYAL HIGHNESS
ASSUDOOLLAH MIRZA, Governor of Bushire, dated ^{8th Jumadec-ouss-Sannee 1299}
_{18th August 1872}.

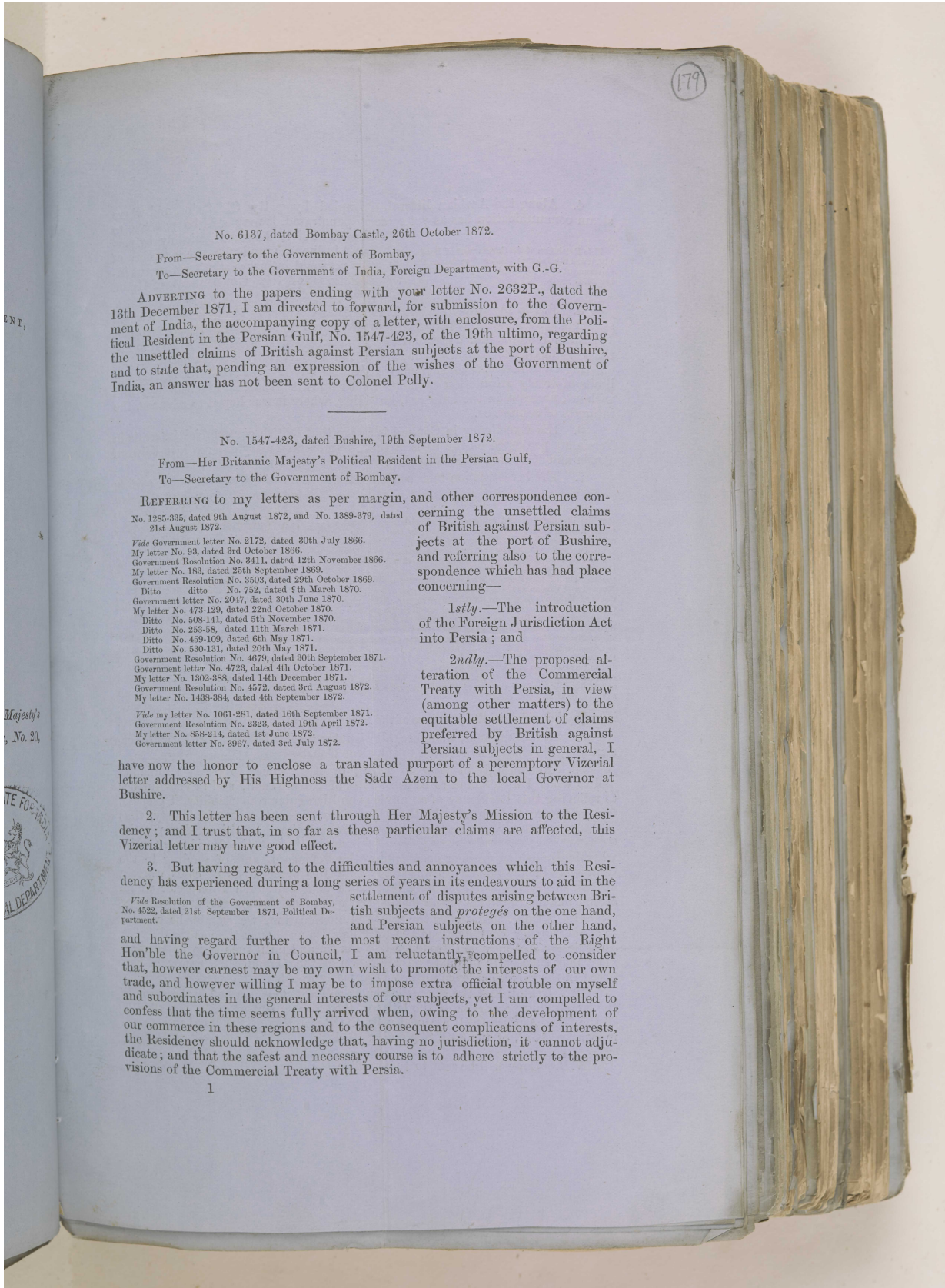
I HAVE to inform you that the list of claims of British subjects has been
forwarded to Mirza Mahomed Khan, Foreign Agent at Bushire, by the Persian
Foreign Minister.

Mirza Mahomed Khan will shortly arrive at Bushire, and he will make care-
ful enquiry into these claims, and whichever he may consider just you will
have to give effect to without delay; and on no account permit the same to
remain pending. I especially want you to adjust all their just claims without
detention.

سياسي رقم ٢٠ لسنة ١٨٧٣، تقدم ملاحظات بشأن اقتراح من العقيد بيلى بإنشاء
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فارسيين [١٧٨] (٢٠/١٦)



سياسي رقم ٢٠ لسنة ١٨٧٣، تقدم ملاحظات بشأن اقتراح من العقيد بيلى بإنشاء
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فارسيين [١٧٩] (٢٠/١٧)



No. 6137, dated Bombay Castle, 26th October 1872.

From—Secretary to the Government of Bombay,
To—Secretary to the Government of India, Foreign Department, with G.-G.

ADVERTING to the papers ending with your letter No. 2632P., dated the 13th December 1871, I am directed to forward, for submission to the Government of India, the accompanying copy of a letter, with enclosure, from the Political Resident in the Persian Gulf, No. 1547-423, of the 19th ultimo, regarding the unsettled claims of British against Persian subjects at the port of Bushire, and to state that, pending an expression of the wishes of the Government of India, an answer has not been sent to Colonel Pelly.

No. 1547-423, dated Bushire, 19th September 1872.

From—Her Britannic Majesty's Political Resident in the Persian Gulf,
To—Secretary to the Government of Bombay.

REFERRING to my letters as per margin, and other correspondence concerning the unsettled claims of British against Persian subjects at the port of Bushire, and referring also to the correspondence which has had place concerning—

No. 1285-335, dated 9th August 1872, and No. 1389-379, dated 21st August 1872.

Vide Government letter No. 2172, dated 30th July 1866.
My letter No. 93, dated 3rd October 1866.
Government Resolution No. 3411, dated 12th November 1866.
My letter No. 183, dated 25th September 1869.
Government Resolution No. 3503, dated 29th October 1869.
Ditto ditto No. 752, dated 5th March 1870.
Government letter No. 2047, dated 30th June 1870.
My letter No. 473-129, dated 22nd October 1870.

1stly.—The introduction of the Foreign Jurisdiction Act into Persia; and

2ndly.—The proposed alteration of the Commercial Treaty with Persia, in view (among other matters) to the equitable settlement of claims preferred by British against Persian subjects in general, I

have now the honor to enclose a translated purport of a peremptory Vizerial letter addressed by His Highness the Sadr Azem to the local Governor at Bushire.

2. This letter has been sent through Her Majesty's Mission to the Residency; and I trust that, in so far as these particular claims are affected, this Vizerial letter may have good effect.

3. But having regard to the difficulties and annoyances which this Residency has experienced during a long series of years in its endeavours to aid in the settlement of disputes arising between British subjects and *protegés* on the one hand, and Persian subjects on the other hand,

and having regard further to the most recent instructions of the Right Hon'ble the Governor in Council, I am reluctantly compelled to consider that, however earnest may be my own wish to promote the interests of our own trade, and however willing I may be to impose extra official trouble on myself and subordinates in the general interests of our subjects, yet I am compelled to confess that the time seems fully arrived when, owing to the development of our commerce in these regions and to the consequent complications of interests, the Residency should acknowledge that, having no jurisdiction, it cannot adjudicate; and that the safest and necessary course is to adhere strictly to the provisions of the Commercial Treaty with Persia.

سياسي رقم ٢٠ لسنة ١٨٧٣، تقدم ملاحظات بشأن اقتراح من العقيد بيلى بإنشاء
محكمة مختلطة للبت في القضايا التي يرفعها رعايا بريطانيون ضد رعايا
فارسيين [١٧٩] (٢٠/١٨)

4. Along the Arabian littoral, occupied by petty Chieftains, and where steam communication has as yet scarcely penetrated, it may still be possible to dispose of civil disputes amicably by personal influence; and for the exercise of this personal influence the most recent instructions of the Government of India have provided.

Vide Resolution of the Government of Bombay, No. 116, dated 9th January 1872, and enclosure, from the Government of India, No. 2682P, dated 13th December 1871.

5. But in my present letter I write concerning the Persian littoral where steamers are constantly calling, where we have to meet the requirements of British merchants, and where our official actions are liable to the supervision of the Persian Central Government; and I am deferentially of opinion that, all existing circumstances considered, we cannot any longer venture beyond the limits of treaty stipulation without incurring inconvenient responsibility, and without, perhaps, in the long run, impeding, where it was hoped to advance, the interests of commerce.

6. His Excellency in Council is aware that British commercial interests in Persia are protected on the basis of the Commercial Treaty entered into between Persia and Russia at Turkomanchai.

7. The investigation and settlement of the claims and disputes arising between Russian and Persian subjects is provided for by the 7th (seventh) Article of that Treaty, which for facility of reference I beg to quote marginally *in extenso*.

ARTICLE 7.

* The investigation and settlement of all claims and disputes between Russian subjects are entirely confined to the Minister Representative, or Consul of His Majesty the Emperor, and they are to be decided according to the law and practice of Russia. This is equally the case in disputes between a Russian subject and a subject of another Government in the event of both parties being satisfied (to abide by the decision of the Russian Minister). Disputes occurring between Russian and Persian subjects are to be represented and referred to the Court of Religious Law, or to the Court of Equity of the place, but they are not to be investigated or decided except in the presence of the Interpreter of the Representative or Consul. When disputes have been thus settled agreeably to rule, they cannot be brought forward again, whenever the circumstances of the case are of such a nature as to demand a second investigation the affair cannot be examined, unless the Russian Minister, Representative or Consul be previously warned, and in this case that subject cannot be investigated and decided upon except at the Royal Grand Court of Justice at Tabreez, or Teheran, and as stated before in the presence of an Interpreter of the Representative or Consul of Russia.

heard and decided in the presence of the Interpreter of the Russian Representative.

9. In like manner, therefore, all disputes arising between British and Persian subjects should be referred to the same Courts.

10. Accordingly in view of giving practical effect to treaty stipulation and to what I understand to be the wishes of Government, and in view further to relieving this Residency of an anxious and irregular responsibility, I propose, for the future, to be guided by the stipulations of the Commercial Treaty, thus abandoning the old and irregular practice of investigating at the Residency* cases wherein British subjects or *portegé* may be defendant, and of sending to the Courts Residency officials to watch and note the proceedings of cases wherein British subjects or *portegés* may be parties to a suit. An Interpreter would attend but his functions would be simply those of an Interpreter.

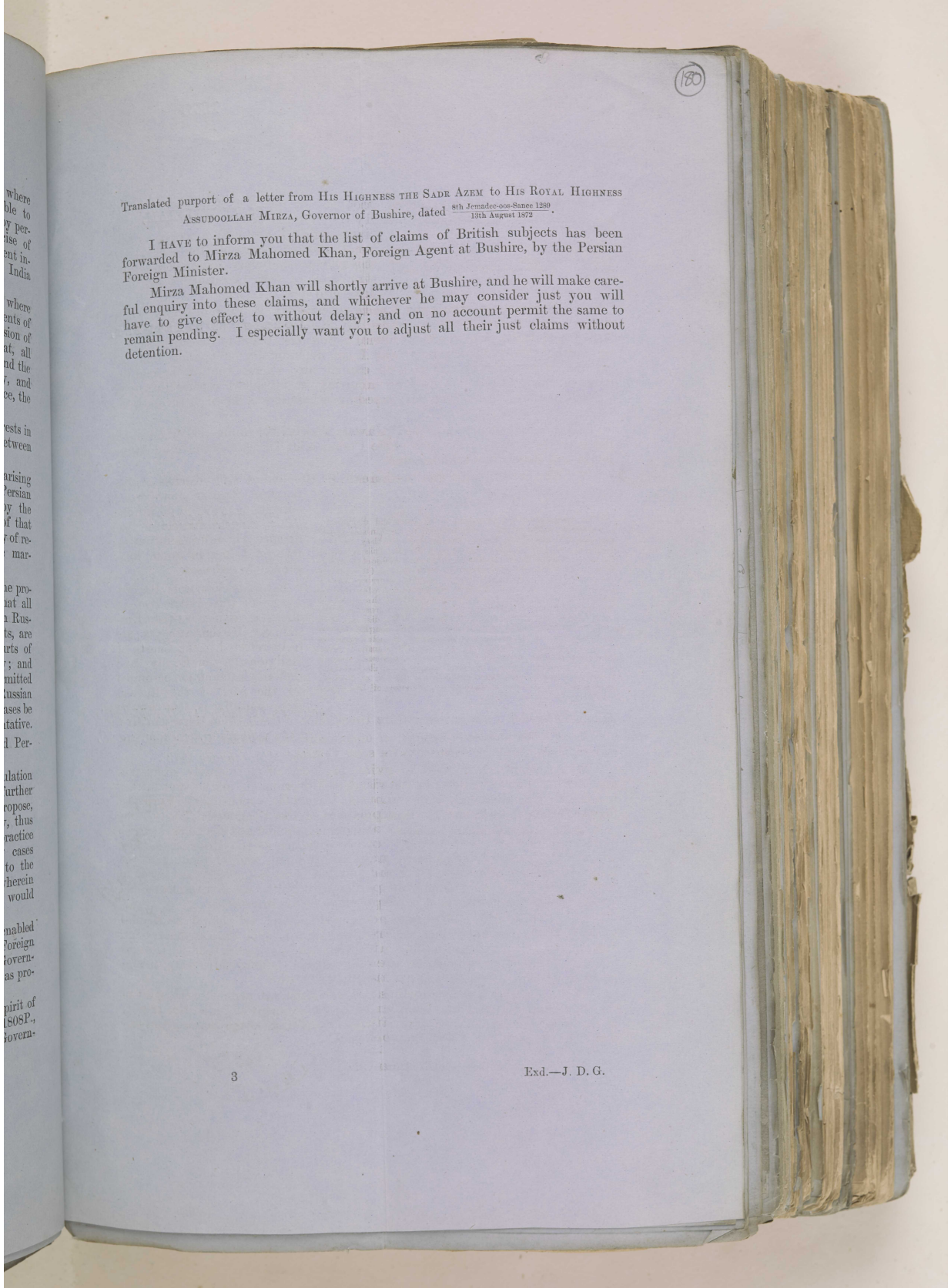
11. I think that, under the proposed modification, we should be enabled to avoid further complications and irregularities until such time as the Foreign Jurisdiction Act may be introduced into Persia, and until such time as Government may succeed in inducing an alteration of the Commercial Treaty, as proposed in the correspondence already marginally noted.

12. I think that the suggestions now submitted are penned in the spirit of the concluding paragraph of the letter of the Government of India, No. 1808P., of the 25th August 1871, received with the Resolution of the Bombay Government, No. 4679, of the 30th September 1871.

N.B.—Copy will be sent to India Office.

Translated by
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سياسي رقم ٢٠ لسنة ١٨٧٣، تقدم ملاحظات بشأن اقتراح من العقيد بيلى بإنشاء
محكمة مختلطة للبت في القضايا التي يرفعها رعايا بريطانيون ضد رعايا
فارسيين [١٨٠] (٢٠/١٩)



Translated purport of a letter from HIS HIGHNESS THE SADR AZEM to HIS ROYAL HIGHNESS
ASSUDOOLLAH MIRZA, Governor of Bushire, dated ^{8th Jemadec-oes-Sanee 1289}
13th August 1872.

I HAVE to inform you that the list of claims of British subjects has been
forwarded to Mirza Mahomed Khan, Foreign Agent at Bushire, by the Persian
Foreign Minister.

Mirza Mahomed Khan will shortly arrive at Bushire, and he will make care-
ful enquiry into these claims, and whichever he may consider just you will
have to give effect to without delay; and on no account permit the same to
remain pending. I especially want you to adjust all their just claims without
detention.

سياسي رقم ٢٠ لسنة ١٨٧٣، تقدم ملاحظات بشأن اقتراح من العقيد بيلى بإنشاء
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