

Public (1896) Department.

ORDINARY MS.

G.O., No. 705

Dated 4th July 1896

[Despatch Abstract.]

CERTIFICATE OF NATURALIZATION.

Declining to comply with the request of Mr. Soefeldt,
Assistant Examiner, Military Accounts department, that the---granted to
him may be cancelled.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Handwritten: Madras 8 June 1896

CURRENT

From **C. B. Seefeldt**
Assistant Examiner
Public Account Dept.
Madras

To *The Honorable the Chief Secretary*
to the Govt. of Madras.
(Public Department)
Madras.

Sir,

With reference to Proceedings
of the Madras Government No 990
(Public Department) dated 19 October
1888, conferring on me the privileges
of naturalization as a subject of Her
Majesty's Government within the
Territories of the East Indies, under
Act ~~XXX~~ of 1852, I most respectfully
beg that, owing to circumstances which
I could not then foresee, His Ex-
cellency the Right Honorable
the

Dep't.

The Governor in Council will be
graciously pleased to cancel such
naturalization and thereby grant
the boon asked for by me.

I most respectfully beg to
remain,

Sir,

Your most Obedt. Servt.

W. S. S. S.

Assistant Examiner
Civil Accounts Off.

C. No. 330

Office of Controller of Military Accounts
Madras Command,
Madras, the 8th June 1896

Forwarded.

The explanation of this request
is that when Mr. S. S. S. thought he could
benefit himself by becoming a "native of India"
he applied to be naturalized. Whilst now,
finding that the grant of his prayer excludes
him from the grant of exchange compensation

Pub. C 1910

FOR ORDERS.

When Mr. Soefeldt was first appointed to the Salt Dept. Govt. granted him a triple exemption - viz. from

- (i) the age bar (he was then 27)
- (ii) the General Test, and
- (iii) the Salt Test (G.O. 1619 Rev. d/ 6-5-80).

A further exemption was necessary when it was proposed to appoint him Head Asstt. in the Presidency Pay Office (Rs 200 - 10 - 250) as he was a European by birth (educated at Copenhagen). The Govt. refused to sanction this exemption (G.O. Nos. 951, dated 12-7-87 and 1149, dated 16-8-87).

To get over this difficulty, he asked to become a "Native of India" and applied for a certificate of naturalisation under Act XXX of 1852, being an alien, born at Beasted in the Duchy of Schleswig; he was required to show that he was permanently settled in India and intended to remain there after taking his pension. He gave some assurance of this kind, and a certificate was granted (G.O. 991, dated 19-10-88).

He now applies that the naturalisation may be cancelled and the Controller of Military Accounts explains that the

object

Madras 8 June 1896

Public Dept.

which he would otherwise have been entitled to, he desires from to have his naturalization cancelled.

C. B. Soefeldt
Assistant Examiner
Mil. Acc. Dept.
Madras

Lt. Col. J. J. J. J.
Controller of Military Accounts

To The Honble. the Chief
Secretary to the Govt.
of Madras (Public Dept.)

The Chief Secretary to Government
Public Department
Madras.

Recd 9 } June 9 6
Regd 10 } Madras

Enclos - nil

CHIEF SECRETARY
9 JUN. 1896
GOVERNMENT OF MADRAS

Subject

Requesting that the
privileges of naturalization
conferred on him under Act
XXX of 1852 may be can-
celled.

Madras 8 June 1896
and submit to S.A.

object is to enable him to claim Exchange Compensation Allowance

3/ In a somewhat parallel case, Mr. P. Persons of the P.W. Secretariat first made a declaration of change of domicile under the Indian Succession Act X of 1865 (G.O. 2836, dated 22-10-85) and then changed it in 1893 (G.O. 2221, dated 24-10-93). The following notes were then recorded (G.O. No. 1060 dated 27-10-93):

Honourable Sir Henry Stokes K.C.S.I.

, "A man should not be allowed to chop and change in this matter, merely to draw increased pay x x or change domicile with reference to fleeting interests".

Honourable Mr. Garstin C.S.I.

"It is absurd to suppose that a man who renounces his English domicile in India can resume it whenever he likes by merely changing his mind and making a fresh statement or declaration. If that were so he might constitute himself a citizen of the United States by the same process without even having set foot in America".

His Excellency Lord Wenlock.

"As the Hon. Sir Henry Stokes says - very truly - men should not be allowed to chop and change according to the interests of the hour".

4/ Act XXX of 1852 does not itself provide for any denaturalisation of this kind, and it would apparently be illegal to authorise it so long as the party remains in India.

5/ Section

Section 3 of the Naturalisation Act of 1870 (33 Vict. Ch. 14) entitles a subject of a foreign State, who has been naturalised as a British subject to make within a given time a declaration of alienage and thereby ~~direct~~ ^{divest} himself of his status as British subject if Her Majesty has by an order in Council, declared that a convention to that effect has been entered into by Her Majesty with such Foreign State.

(G.O. 1073, dated 17th July 1871). But this does not apply to the present case.

19/6/96. The Naturalisation Act of 1870 applies to India but from the 80 passed about the world that a convention has been made with America alone. Of course there may have been conventions with other countries since 1871 but that is apparently wrong as record in Germany is a country with which it is hardly likely that a convention would be made. It would seem that Mr. Sargella who has charge over - resident in Amoy how would his former opinion (perhaps however the Advocate's opinion might be taken.

24/6/96

I don't see why we should trouble the Adv. Genl. JH
25/6/96

The request cannot be complied with.

JG
29/6/96

H. 54
17/96

Application for
denaturalization

Stan. H. W. Allen & Co.
Stan. L. Green. ^{C. J. E.}
and others, the found.

1/2/20

C 2576

Public Dept

C. 1910

Order No. 705, 24 July 1896

min

The Govt regrets its
inability to
~~cannot~~ comply with
Mr. Soefeldt's request.

from Orders

CW.
27.96

P.S.
27.96

L.D.
3/7/96

To
Mr. C.B. Soefeldt.
thru the C.M.A. } ⁽¹⁰⁾

Application for denaturalization
rejected

from Orders

C.S.

Then given for copying _____
Then copied _____
Then examined _____
Then signed _____ } 189

HAD AGAIN G.O., No.
189

DATED

WARRANT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILLED UP, BEING MEANT FOR DISPATCH
IN ORIGINAL.

N.B.—

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FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

That the Controller of Land Revenue, Madras
Madras 8 June 1896

CURRENT.

From **C. B. Seefeldt**
Assistant Examiner
Public Account Dept.

To Madras

The Honorable the Chief Secretary
to the Govt. of Madras.
(Public Department)

Sir Madras

With reference to Proceedings
of the Madras Government No. 990
(Public Department) dated 19 October
1898, conferring on me the privileges
of naturalization as a subject of Her
Majesty's Government within the
Territories of the East Indies, under
Act ~~XXX~~ of 1852, I most respectfully
beg that, owing to circumstances which
I could not then foresee, His Ex-
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and the Governor in Council will be
graciously pleased to cancel such
naturalization and thereby grant
the boon asked for by me.

I most respectfully beg to
remain,

Sir,

Your most Obedt Servt

W. S. S. S.

Assistant Examiner
Mining Accounts Off.

C. W. 5/30

Office of Controller of Military Accounts
Madras Commission
Madras, the 8th June 1896

Forwarded.

The explanation of this request
is that when Mr. S. S. S. thought he could
benefit himself by becoming a "native of India"
he applied to be naturalized. Whilst now,
finding that the grant of his prayer excludes
him from the grant of exchange compensation

Ms. A.9.2.26. Madrid 8 June 1896

Public Dept.

which he would otherwise
have been entitled to, he desires ~~From~~
to have his naturalization
cancelled.

C. B. Sorfeldt

Assistant Examiner
and Asst. Dy.
Madras

Mr. Mayne Lieut. Colonel,
Controller of Military Stores

20
The Honble. the Chief
Secretary to the Govt.
of Madras (Public Dept)

To The Chief Secretary to Government
Public Department
Cuttack.

Recd 9 }
Recd 10 } June 96 Quadrant

Enclas - mit

Subject

Requesting that the
privileges of naturalization
conferred on him under Act
~~XXX~~ of 1852 may be can-
celled.

FOR ORDERS.

When . r. Seefeldt was first appointed to the Salt Dept. Govt. granted him a triple exemption - viz. from

- (I) the age bar (he was then 27)
(II) the General Test, and
(III) the Salt Test (G.O.1619 Rev.
d/ 6-5-80).

A further exemption was necessary when it was proposed to appoint him head Asstt. in the Presidency Pay Office (Rs 300 - 10 - 250) as he was a European by birth (educated at Copenhagen). The Govt. refused to sanction this exemption. (G.O.Nos. 951 dated 12-7-37 and 1149 dated 16-8-37).

2/ To get over this difficulty, he asked to become a "Native of India" and applied for a certificate of naturalisation under Act XXII of 1852, being an alien, born at Bedsted in the Duchy of Schleswig; he was required to show that he was permanently settled in India and intended to remain there after taking his pension. He gave some assurance of this kind, and a certificate was granted (G.O. 991, dated 19-10-88). He now applies that the naturalisation may be cancelled and the Controller of Military Accounts explains that the

object

object is to enable him to claim Exchange Compensation Allowance

In a somewhat parallel case, Mr. P. Parsons of the P.W. Secretariat first made a declaration of change of domicile under the Indian Succession Act X of 1865 (G.O. 2836, dated 23-10-85) and then changed it in 1893 (G.O. 2221, dated 24-10-93). The following notes were then recorded (G.O. No. 1060 dated 27-10-93):

Honourable Sir Henry Stokes K.C.S.I.

"A man should not be allowed to chop and change in this matter merely to draw increased pay or change domicile with reference to fleeting interests".

Honourable Mr. Garstin C.S.I.

"It is absurd to suppose that a man who renounces his English domicile in India can resume it whenever he likes by merely changing his mind and making a fresh statement or declaration. If that were so he might constitute himself a citizen of the United States by the same process without even having set foot in America".

His Excellency Lord Wellesley

"As the Hon. Sir Henry Stokes says - very truly - men should not be allowed to chop and change according to the interests of the hour".

Act XXI of 1852 does not itself provide for any denaturalisation of this kind, and it would apparently be illegal to authorise it so long as the party remains in India.

Section

Section 3 of the Naturalisation Act of 1870 (33 Vict. Ch. 14) entitles a subject of a foreign State, who has been naturalised as a British subject to make within a given time a declaration of allegiance and thereby divest himself of his status as British subject if Her Majesty has by an order in Council declared that a convention to that effect has been entered into by Her Majesty with such Foreign State. (G.O. 1073, dated 17th July 1871). But this does not apply to the present case.

The Naturalisation Act of 1870 applies to India but from the 30th inst. onwards it would appear that a convention has been made with America alone. Of course there may have been conventions with other countries since 1871 but there is apparently nothing on record as to Germany being a country with which it is likely that a convention would be made. It would seem that Mr. Sorell who has charged over-reached himself cannot now resume his former nationality. Perhaps however the Advocate General's opinion might be taken.

I don't see why we should trouble the Adv. Genl. 25/6/96

His request cannot be complied with.

JG

24/6/96

Application for
denaturalization

Am. 28. 5. 1896
C. 9. 2
1896

C 25/2

Public Dept

C. 1910

Order No. 705, 84 July 1896
min

The Govt regrets its
inability to
~~cannot~~ comply with
Mr. Soefeldt's request.

from Orders,

CW.
2.7.96

2.7.96

LD
2/7/96

To
Mr. C.B. Soefeldt.
thru the CMA. } (18)

Application for denaturalisation
rejected

from Orders

C.S.
1

When given for copying _____
When copied _____
When examined _____
When signed _____ } 189

READ AGAIN G.O., No.
189

DATED

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