

Public (1897) Department.

ORDINARY MS.

G.O., No. //33

DATED 30-8-97

[Despatch Abstract.]

Preliminary to grant a Certificate of Naturalisation to Adolf Stern and his wife Bertha Stern; & forwarding the papers to the Advocate General for an expression of opinion regarding the liability of the petitioners to prosecution for & having made false statements on affidavits.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	1263	Sub- 249-97					

[Pub. 29.]
2,000-5-3-97.

Public (1897) Department.



CURRENT No.

RECEIVED

From

Messrs Wilson & King
Solicitors.

Encl. Order No. 1404 7/11/97

Referred to the Commissioner
of Police, Madras, for report
which should contain the
particulars noted in the
accompanying form

No.

Dated

Received

Registered

Enclosure

Spare copies

9
11
12 } 7-97

1 and (money recd.
with 5.)
ck

by order

AB Whapp.

SUBJECT.

Ag Under Secretary Adolf Stern and Bertha Rachael Stern for naturalization certificate under XXX of 1852.

To
The Commissioner of Police,
With the current Enclosure
and form

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To,

HIS EXCELLENCY THE GOVERNOR IN COUNCIL
of Fort St George.

THE HUMBLE PETITION of ADOLF STERN and
BERTHA RACHAEL STERN both at present resi-
ding in Madras in the East Indies.

Sheweth,

1. T h a t your petitioner the said Adolf Stern is 40 years of age, was born at Bottusan Roumania and is now - residing at No 173 Pophams Broadway Madras.
2. T h a t your petitioner the said Bertha Rachael Stern is 40 years of age, was born at Impala Russian Poland and is the wife of your petitioner the said Adolf Stern.
3. T h a t your petitioners are by profession - travelling merchants and have resided within the territories of the Empire of India for 18 years.
4. T h a t your petitioners are residing within the - said territories with a view to settle there.
5. T h a t your petitioners are desirous of obtain-
ing all the rights privileges and capacities of Naturaliza-
tion under Act No XXX of 1852.

Y o u r petitioners therefore humbly
pray.

T h a t your Excellency in Council -
will be pleased to issue to your peti-
tioners a certificate of Naturalization
under Act XXX of 1852 being "An Act for
the naturalization of Aliens".

And your petitioners will ever pray &c.

Adolf Stern

*The mark x of Bertha
Rachael Stern.*

Adolf Stern
Bertha Stern

We Adolf Stern and Bertha Rachael Stern the petitioners
abovenamed make Oath and say as follows.

1. That the statements contained in the above -
written petition are true.

SWORN to by the said Adolf Stern
and Bertha Rachael Stern this -

9th day of *July* 1897

Before me.

Adolf Stern

He & mark Bertha

Rachael Stern

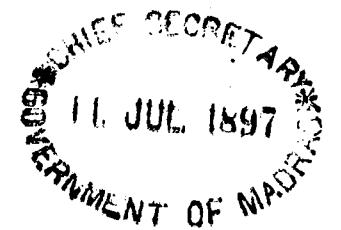


*My quantum minus
Presidency Magistrate.*

*Reg. No. 96.
140*

PETITION and AFFIDAVIT of ADOLF
BERTHA RACHAEL STERN Under Act X X X of
1852 -----

Madras 9th July 1897.



From,

Messrs Wilson & King,
Solicitors,
Madras.

To,

The Chief Secretary,
to the Government of Madras,
Ootacamund.

Sir,

We have the honor to forward herewith a Petition and Affidavit of Adolf and Bertha Rachael Stern under Act XXX of - 1852 and to request that you would be pleased to place the - same before His Excellency the Governor in Council for the purpose of obtaining the necessary certificate.

We have this day despatched to you by Money order the sum of Rupees 75 which we understand is the fee payable for - the certificate.

We have the honor to be,

Sir,

Your Obedient Servants,

Wilson & King

Public (1897) Department.

CURRENT No.



From *The Commr of Police*
Madras
Order No. 1697 of 11 August 97.

It is observed that ~~the~~

~~statement~~ ⁱⁿ para 4 of their petition No. 55.
which has been ^{made} ~~made~~ ^{by} the petitioners ~~it is stated~~ ^{have declared}
that ~~petitioners~~ ^{they} are residing ⁱⁿ India.

Dated 30th July 1897.

Received
in view to settling them. Registered 2 3 8-97

The Commr of Police is therefore Enclosures 2. Pub. C No. 2560/97
requested to state ~~the~~ ^{his} Spare copies with encls.
authority for ~~who happens~~ ^{his statement}

as 5 and 6 of his letter SUBJECT.

viz that petitioners have Naturalization
no intention of permanently

settling in India and Submitting information
are in fact on the eve regarding Adolf ~~Stam~~ ^{Stam} and
of their departure therefrom his wife Bertha Rachel ~~Stam~~ ^{Stam}

(from C. Board) petitions for certificates of

C. 107

8.8.97

To The Commr of Police (A) 9/8/97
with Petn to be returned.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

G 1,000-7-11-95.
8

No 55

City Police Office.

Madras, 30th July 1897

From J. Meredith Esq.

Off: THE COMMISSIONER OF POLICE,
MADRAS.

To

The Chief Secretary to Govt.
J. H. St. George,
Madras.

Sir, In returning the papers forwarded with your endorsement No. 1488 Public dated 16th July 1897, I have the honor to submit the following information regarding Adolf Stern and his wife Bertha Rachel Stern, petitioners for Certificates of Naturalization under Act ~~XXX~~ of 1852.

2 — Adolf Stern born 15th April 1857 at Borthusau Pommern, where he resided until the year 1879, he then left for India and travelled over a considerable portion of that country. From 1895 to 1897, he resided principally in

Public Dept

Cb 2560 + 2848

For orders

The first of the currents read as on is an application from Ad. of Stern and her wife Bertha Rachel Stern for a naturalization certificate under Act ~~xxx~~ ^{joint} of 1832. Their ^{joint} petition was submitted through their solicitors Messrs Wilson and King, Madras, and the facts set forth therein have been sworn to by applicants before the Presidency Magistrate.

The second current contains report of the Commissioner of Police. It bears out what has been said by memorialists except in one important particular.

In para 4 of the petition it is said that applicants are residing within the Empire of India with a view to settle there.

The Commissioner of Police on the other hand reports that they have no intention of permanent

remaining in India,
but propose leaving
the country ^{on account of} ~~their~~ health;
and that their
object in applying
for a Naturalization
certificate on the eve
of their departure
appears to be that
it may serve in
a manner as
a passport on their
return to their
native land,
after so long an
absence.

If this is so
applicants would
appear to have
forsworn themselves.

Orders are solicited
whether applicants may
be held that
4/8/97 Enquiries made
it would seem that they
are about to leave India
and that if so their
18 years' stay here
cannot entitle them
to a certificate, or
whether in view of this fact this has

x vide also please

W. P. de la R. application

This is not what W.
P. de la R. is doing at all
for himself or for

While the Commissioner of Police
does not say how he got
his information, a further
reference to him should be
made. It is to be noted
that the Commr. had his
own statement before him
when he wrote his report.

AH.
5/8/97.

Judicial (1897) Department.

CURRENT No.



From

*The Commissioner of Police
Madras*

Order

No. 60.

Dated *13th August 1897.*

Received *16.*

Registered *16.*

Enclosures *One.*

Spare copies —

SUBJECT.

Naturalization.

*Submitting for their
report on Petition
for — of Adolf
Stem, his wife Bertha
Rachel Stern.*

BACK PAPERS.

G.O.	No.	Department.	Date.
	5m	16978	11.8.97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

G. 1,000-7-11-95.

No. 60.

City Police Office.

Madras, 13th August 1897

From *A. S. Agarwal*
 AG. THE COMMISSIONER OF POLICE,
 MADRAS.

To *The Chief Secretary to Govt.*
Fort St. George,
Madras.

Sir,

With reference to your memo:
 No. 1697, Public, dated 11th August 1897,
 I have the honor to inform you that
 when the Petitioners were interviewed
 by an Inspector of the City Police, they
 stated that they had no intention
 of permanently settling in India
 and were on the eve of their
 departure from here, and they
 adhered to the same statement
 when they were questioned personally
 by the then Ag. Commissioner of
 Police, Mr. J. Oberdorfer.
 The Petition is herewith
 returned. I have the honor to be,
 Sir,
 Yours most obed^t servant,

A. S. Agarwal
 AG. Commissioner of Police

Public (1897) Department.

CURRENT No.

From

Messrs Wilson & King
Solicitors, Madras

No.

Order

Dated

Received

Registered

Enclosures

Spare copies

19 }
20 } 8-97
20 }

SUBJECT.

Requesting that early
action may be taken
in the matter of granting
a naturalization
certificate to Adolph
B. R. Stern.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Madras 19th August 1897.

From,

Messrs Wilson & King,
Solicitors,
Madras.



To,

The Chief Secretary to the
Government of Madras,
Ootacamund.

Sir,

We have the honor to call your attention to our letter of the 9th ultimo forwarding a petition and affidavit of Adolph & B. R. Stern under Act XXX of 1852 praying for a certificate of - naturalisation.

Our client Mrs Stern has been advised to go to Europe - for a short time on account of her health, in these circumstances may we ask you to kindly expedite this matter as she is desirous of obtaining the certificate before leaving.

We have the honor to be,

Sir,

Your Obedient Servants,

Wilson & King

FOR ORDERS

C. 2560

The first of the currents read above is an application from Adolf Stern and his wife Bertha Rachel Stern for a naturalization certificate under Act III of 1932. The joint petition was submitted through their solicitors Messrs Wilson and Ling, Madras, and the facts set forth therein have been sworn to by applicants before the Presidency Magistrate.

C. 2848

The second current contains ^{the} reports of the Commissioner of Police. It bears out what has been said by memorialists except in one important particular.

In para. 4 of the petition it is said that applicants are residing with the Empire of India with a view to set ^{*} there. The Commissioner of Police on the other hand reports that they have no intention of permanently remaining in India but propose leaving the country shortly on account of ill-health; and that the object in applying for a naturalization certificate on the eve of their departure appears to be that it may serve in a ~~matter~~ as a passport on their return to their native land after so long an absence.

As applicants would thus appear to have forsworn themselves the Commissioner of Police was asked his authority for the ~~this~~ statement that they intend leaving India shortly.

* vide §§ I & II of the Act (XXX of 1932)

tioners were interviewed by an Inspector of the City Police, they stated that they had no intention of permanently settling in India and were on the eve of their departure from here, and ^{that} they adhered to the same statement when they were questioned personally by the then Ag. Commissioner of Police, Mr. J. Meredith.

Orders are solicited whether applicants may be told that, as from their own subsequent statements it appears that they are about to leave India they ^{if 10 years'} ~~stay here~~ ^{have} cannot ~~entitle~~ them to a certificate. § 2 of the Act requires the applicant to declare that he is "settled in the said territories, or residing within the same with intent to settle therein".

* vide §§ 2 and 3 of Act XXX of 1852

20 The papers have been delayed for enquiry as to the question of the liability to punishment of his petitioners. Sec. 2 of Act XXX of 1852 provides that the memorial asking for naturalization shall be accompanied by an ~~affidavit~~ affidavit, verifying the truth of the statements made in it.

From the correspondence in G.O. No 1378 Jrd. d. 24.8.26 it would appear that there is no means of punishing persons

xx
Mr. Archibald asked to be made a J.P. for this purpose.

the make a false statement in an affidavit, seeing that there is apparently no rule or law ^{showing} ~~providing~~ for the persons in this country before whom affidavits may be shown. The question is an interesting one for in addition to the case of the affidavits shown in support of petitions for naturalization & the statements regarding the same in the case of candidates for examⁿ there are such cases as statements made by parties who wished to be married by a chaplain of the Church of Scotland, who make a sworn statement that there is no impediment to their marriage. Probably there are other similar cases. Whether any steps need be taken in the present case to ascertain whether the petitioners can be punished for their false statements is a question for orders.

Review

A second current has now been received in which Messrs Wilson & King ask

3134.

Papers to be read in proceedings:—

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No. 2560 of 1897, dated 9/7, from Messrs Wilson King
" 2848 " 1897, " 30/7, " the Comr. of Police
" 3049 " 1897, " 13/8, " do
" 3134 " 1897, " 14/8, " Messrs Wilson & King.

C.S. ORDER. W. 1133 of 30 Aug 97
M.S.

Messrs Wilson and King will be informed that as it appears from the statements of their clients to the Police that they do not intend to settle in this country, the certificate sought cannot be granted.

2. The papers will be referred to the Advocate General for an expression of opinion as to whether petitioners can be punished for their false statements on affidavits (from order) 26/8/97
- ~~being~~ ~~that~~ ~~the~~ ~~process~~

Please see over
H.C. Order para 2 & the order when communicating with Wilson & King
26/8/97

for early orders on their clients' petition. Their letter says that Mrs. Wilson proposes to go to Europe, for a short time, for the benefit of her health, & adds that she is anxious to obtain the certificate before leaving. This petition makes, it is submitted, the matter worse. It can hardly be supposed that Messrs Wilson & King knew that their clients propose to leave India altogether, yet it is strange that the petⁿ should have been made for their solicitors a fact which they have, apparently without hesitation, revealed to the police.

Orders are solicited.

AVC There was if I remember rightly some discussion upon this affidavit. Question but it does not seem necessary to delay. These papers are ordered to be sent in my impression is correct. It is submitted that being required - in this instance by law - there being no punishment, apparently, for it.

This is what the present Adv. Gen. says. 24/8/97

That Messrs H. & K. may be informed that as it appears from the statements of their clients to the Police that they do not intend to settle in the country the certificate sought cannot be granted.

Yes - 23/8/97.
We went into the affidavit question before & concluded to drop it. But this is another case of an affidavit being required - in this instance by law - there being no punishment, apparently, for it.

in this country before
 whom affidavits
 may be sworn,
 and if not, whether
 he would advise
 that any legislation
 in the matter is
 called for.
 (from orders)

Cio
 26/8/97

Memorandum 2 all papers regarding }
 Dept of Solicitor with papers should. }
 2/9/97

When given for copying 3/9 }
 When copied 3/9 } 1897
 When examined 2/9 }
 When signed 2/9 }

READ AGAIN G.O., No.
 189

DATED

CURRENT No.

ENCLOSURES TO O. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.—

A = Copy in full.
 B = Not to be copied.
 P = Copy abstract only.
 Q = Copy heading only