

Public (1899) Department.

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G.O., No. 187

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INDEXED.

[Despatch Abstract.]

Certificate of Naturalization

Recalling with remarks letter from the
India office pointing out errors in procedure
in G.O. no 1272 Pub of 13th October 1898
granting a ——— to Dr. Huetzsch

BACK PAPERS.

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

FURTHER PAPERS.

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

Government (1899) of Madras. PUBLIC.

Recd. } 1899. *Enclosures*
Regd. } *Spare copies*

G.O., No. 187, 14th February 1899.

FEBRUARY.

Certificate of Naturalization.

Recording, with remarks, letter from the India Office pointing out errors in procedure in G.O., No. 1272, Public, dated 13th October 1898, granting a — to Dr. Hultsch.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—again the following paper :—

G.O., No. 25, Public, dated 6th January 1899.

Read—the following paper :—

From Dr. E. HULTZSCH, to the Chief Secretary to Government, Fort St. George, dated Wartburg-Strasse 18-I, Dresden, 15th December 1898.

With reference to G.O., No. 1272, Public, dated 13th October 1898, I have the honour to report that the Secretary to the British Legation at Dresden has just informed me, under instructions from the Foreign Office, that I cannot subscribe the oath of Allegiance while on furlough, but shall have to do so after my return to India in September 1900.

Order—No. 25, Public, dated 6th January 1899.

Recorded.

2. Dr. E. Hultzsck should, on his return from furlough, renew his application for the privileges of naturalization.

(True Extract.)

(Signed) G. STOKES,
Chief Secretary.

To Dr. E. Hultzsck.

READ—also the following paper :—

Despatch from the Right Hon'ble Lord GEORGE HAMILTON, Her Majesty's Secretary of State for India, to His Excellency the Governor in Council, Fort St. George, dated India Office, London, 22nd December 1898, No. 12 (Public).

I forward, for the information of your Excellency in Council, a copy of a correspondence * with the Foreign Office, respecting a request made direct by your Government to the Chargé d'Affaires at Dresden to administer an oath of Allegiance to a gentleman in Germany, to whom it was proposed to grant a certificate of Naturalization.

2. I desire in the first place to point out to your Excellency in Council, that according to standing usage a communication of this kind to authorities in continental Europe should have been sent through the Government of India and this Office; and further, that the form of oath appended to the letter to the Chargé d'Affaires was not in accordance with the terms of the law, the words in Act XXX of 1852 referring to the East India Company having been repealed by Act XII of 1876.

3. I am advised, however, that your Excellency in Council had no power to grant a certificate of Naturalization to Dr. Hultzsck while that gentleman was in Germany, and no power to authorise any person in Germany to administer an oath of Allegiance. The Naturalization Act XXX of 1852 was passed under the authority of Statute 3 & 4 Will. IV., Chap. 85, Sect. 43. This Section gave no power to the Indian Legislature to pass an Act which could operate upon any person in Germany, nor does the Naturalization Act purport to have such operation. The whole of its provisions can only be properly understood of persons and things in India.

4. It seems to me necessary that your orders of the 13th of October should be cancelled. It will be open to your Excellency in Council to issue fresh orders granting Naturalization to Dr. Hultzsck whenever he returns to Madras.

ENCLOSURES.

FOREIGN OFFICE,
30th November 1898.

SIR,—I am directed by the Marquess of Salisbury to transmit to you the accompanying copy of a letter from Sir C. Stephen, Her Majesty's Chargé d'Affaires at Dresden and Coburg, forwarding a letter which he has received direct from the Government of Fort St. George in which he is requested to administer the oath of Allegiance to a gentleman who has been naturalized by the Madras Government.

Sir C. Stephen points out that the wording of the oath of Allegiance which he is requested to administer contains a sentence which requires the person naturalized to swear that he "will be true and faithful to the East India Company." He also points out that it would be more convenient if he were authorized to instruct Her Majesty's Consul at Dresden to administer the oath instead of doing so himself. Before a decision is arrived at as to whether the oath of Allegiance should be administered or not, I am to request that you will furnish me with information on the following points :—

(1) What is the proper form of oath to be administered, as that transmitted by Sir C. Stephen is evidently not exactly correct.

(2) Whether the administration of the oath of Allegiance by a diplomatic or Consular Officer in Germany would be a sufficient compliance with the requirements of the Indian Statute. In connection with this point I am to state that in accordance with the practice of this department only Consular Officers administer oaths.

It appears to Lord Salisbury, subject to Lord George Hamilton's better opinion, that an application of this nature should not have been addressed to Sir C. Stephen direct by the Government of Fort St. George, but that it would have been more in accordance with the proper practice that it should have been forwarded in the first instance through the India Office to this department for transmission if approved to Her Majesty's Chargé d'Affaires.

(Signed) F. H. VILLIERS.

To the Under Secretary of State, India Office.

26th November 1898.

MY LORD,—I have the honour to inform your Lordship that I have received a letter from the Chief Secretary to the Government of Fort St. George, in which he encloses a copy of the proceedings of that Government, dated October 13th, 1898, granting a certificate of Naturalization to Dr. E. J. T. Hultzsck, Government Epigraphist, and requests me to administer the oath of Allegiance to that gentleman as required by Section 10 of Act XXX of 1852, a copy of which is enclosed. As my winter residence at Dresden does not, under ordinary circumstances, commence until after Christmas, it would be more convenient if I were to instruct Consul Palmie to administer the oath in my stead, and I should be glad to know if that course would meet with your Lordship's approval. I have refrained from taking any action in the matter on my own responsibility, because I am not quite sure whether a Consul in Saxony is legally entitled to administer an oath of Allegiance. I have the honour to transmit herewith the Chief Secretary's letter with enclosures, from which your Lordship will observe that the oath must be administered within sixty days from the date of the Certificate. In the present case that period expires on December 14th and I should therefore feel greatly obliged if your Lordship would be so kind as to favour me

with a reply as soon as convenient. I likewise venture to request that the enclosed papers may be returned to me at the same time. In conclusion I would desire to call your Lordship's attention to the wording of the oath of Allegiance, which requires that the person naturalized should swear that he "will be true and faithful to the East India Company".

(Signed) A. CONDIE STEPHEN.

To the Marquess of Salisbury, K.G., &c.

INDIA OFFICE,
9th December 1898.

In reply to Mr. Villiers' letter of the 30th ultimo, I am directed by Lord George Hamilton to inform you that the form of oath sent by the Government of Madras to the Chargé d'Affaires at Dresden was not in accordance with the terms of the law (Act XXX of 1852) as it at present stands.

I am to state, however, that Lord George Hamilton is advised that the Government of Madras have no power in law to grant a certificate of Naturalization to Dr. Hultsch while that gentleman is in Germany, and no power to authorise any person in Germany to administer any oath of Allegiance.

The papers received with your letter are herewith enclosed, and I am to suggest that Dr. Hultsch (if still at Dresden, should be advised to place himself in communication with the Madras Government, to whom a despatch will be addressed on the subject by this Office.

That Government will be reminded of the irregularity of addressing the Chargé d'Affaires at Dresden direct instead of through the Government of India and this Office.

(Signed) ONSLOW.

To the Under Secretary of State, Foreign Office.

ORDER—No. 187, Public, dated 14th February 1899.

Recorded.

2. Paragraphs 1 to 3 of G.O., No. 1272, Public, dated 13th October 1898, are hereby cancelled.

(True Extract.)

G. STOKES,
Chief Secretary.

To the Collector of the Nilgiris.

Exd. A. F. Eccleston.

Public (1899) Department.

CURRENT No. 105

From the India office
London

No. 12 Public

Dated 22-2-99

Received 10
for Regd. } -1-99
Registered 10

Enclosures 6

Spare copies

SUBJECT.

Formed for information
Copy of Correspondence
with the Foreign office
on the question of
granting a certificate
of Naturalization
to a person in Germany

BACK PAPERS.

G.O.	No.	Department.	Date.
	25	Publ-	17.58
	1272-3	"	13.9.58
		Public	
		Act XX of 1906	
		Naturalization Bill	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

Read - the following papers:-

From the Government Epigraphist, dated 5th August 1898, No.263.

" " " " 13th " " 292.

" " " " 16th " " 294.

" " " " 26th " " 312.

From the Advocate General, " 10th Septr. " 391.

Order - No.1272, Public, dated 13th October 1898.

His Excellency the Governor in Council having considered the memorial presented by Dr. Eugen Julius Theodor Hultzsche, Government Epigraphist, Madras, praying that the privileges of naturalisation may be conferred upon him, resolves in accordance with the provisions of Act XXX of 1852, to issue to him a certificate of the nature prescribed by section IV of the said Act. Dr. Hultzsche should, within 60 days of the issue of this certificate, take and subscribe the Oath of Allegiance prescribed by section 10 of the Act before the British Charge d'Affaires at Dresden.

2. The prescribed fee of Rs.75 should be remitted to this Government.

Upon

3. Upon taking and subscribing the Oath of Allegiance Dr. Hultszch will, within the territories under Her Majesty's Government in the East Indies, be deemed a natural-born subject of Her Majesty as if he had been born within the said territories, and will be entitled to all the rights, privileges and capacities of a subject of Her Majesty born within the said territories.
4. Dr. Hultszsch will be furnished with two passports for his two minor sons.

(Here enter letter No.1273, Public, dated 13th
October 1898)

(True Extract)

(Sd) A.R.Knapp,

for Chief Secretary.

To the Collector of the Nilgiris,
To Dr. E. Hultszsch, 88 Blaschwitz, Strasse,
Dresden, Germany (with a certificate, passports,
&c.)
To the British Charge d'Affaires at Dresden (with C.I.)

4
ACT XXX OF 1852.

SECTION 10. Within sixty days from the day of the date of such certificate, the memorialist named in such certificate shall take and subscribe the oath contained in the Schedule annexed to this Act.

SCHEDULE.

OATH.

I.A.B. of (here state the description of the party) do swear (or being one of the persons allowed by law to affirm in civil cases, do affirm) that I will be faithful and bear true allegiance to the Sovereign of the United Kingdom of Great Britain and Ireland, and of these territories as dependent thereon (and that I will be true and faithful to the East India Company)

No.1273, Public, 13th October 1898. (37)

PUBLIC DEPARTMENT.

Letter - from

The Chief Secretary to the Government of Fort St. George

To

The British Charge d'Affaires, Dresden.

Sir,

I am directed to enclose a copy of the Proceedings of this Government, No.1272, dated 13th October 1898, granting a certificate of naturalization to Dr. E.J.T. Hultzsch, Government Epigraphist, and to say that His Excellency the Governor in Council will be obliged if you will be so good as to administer the Oath of Allegiance to him as required by section 10 of Act XXX of 1852, a copy of which is herein enclosed for your information.

I have, &c.,

(Sd) G. Stokes,

Chief Secretary.

Fort St. George,

13th October 1898.

NOTES.

” ” , ... , ... 189 .

” ” , ” , , ... 189 .

180

far order

A. W. L. H. S. The End.

The Secy. of State
for India points out some
errors in procedure in the
Proc. of this Sort. no 1272-78
dated 13.10.98, granting a
certificate of naturalisation
to Dr. Kultzsch, Sort.
Epigraephist. —

(1) The letter to the Charge
d'Affaires at Dresden,
requesting him to administer
the oath of allegiance to
D^r Hultsch, should
have been forwarded
through the Govt. of India
and the India Office.

(2) The form of both sent to Dresden was not

in accordance with the
terms of the law, the
works in Act XXX of 1852
referring to the East India Co.,
having been repealed by
Act III of 1876.

(2) This Govt. had no
power to grant a certificate
of naturalization to Dr. Hultzsch
while that gentleman was
in Germany.

(3) This Govt. had no
power to authorize any
person to administer the
oath of allegiance.

2. as regards (1), it
was probably owing to
absence of precedent
that the ~~letter~~ ^{order} was
direct to the Charge d'Affaires
Dresden.

(2) A rough copy of the
form of oath sent to Dresden
does not appear to have
been retained & attached
to G.O. No. 1272 dated 13.10.98,
but it seems clear that
the form given in the

This seems common sense. The
German Govt. might not immediately
object to a German subject's
his allegiance being transferred
to a foreign power, while that
subject was actually in
Germany. M.A.

Yrs. It is to be desired however
that this Govt. be received
direct communication
from the British Legation
at Cairo.

It should have
been.
M.A.

The copyist's mistake
is astonishing. The
oath is given in Indian
Act XXX of 1859, printed
in the Volume of Indian
Acts is correct. The
copyist must have
used an original copy
of the Act.

M.A.

This is not the issue of the
order but the administration
of the oath of allegiance to
England while Dr. H. is in
Germany, that seems wrong
M.A.

This is a nice
question. The decision
to grant the certificate
was, I think, arrived
at before Dr. Hultzsch
left, tho' the order
issued later.

M.A. 18/1/99 Yrs.
17.1.99

Schedule to Act XXX of 1859
was copied in full, with
reference to the fact that
the last 16 words had
been repealed by Act
III of 1876.

(3) The question of the
grant of the privilege of
naturalization to Dr.
Hultzsch was under
consideration before he
left for Europe, and
orders were passed
after his departure.
It is owing to this circumstance
that apparently that
the G.O. was sent after
his departure. It is not likely
that his application had
been considered
had it been made from
Germany. Having once
left India however, the
matter must have
been postponed until
his return.

(4) This point will be
noted for consideration

M.A.

The Secy of State and
 the orders of the
 Govt. of the 13 Oct. last
 should be cancelled.
 of that it will be open
 to this Govt. to issue
 fresh orders permitting
 naturalisation to be
 granted whenever he
 returns to India.
 Lt. D. Hultysch has
 already been informed
 that he should on return
 from England, renew
 his application for
 naturalisation (G.O. No.
 1272 Public Dtd. 6.10.99)
 which will be considered
 perhaps to meet of the
 Council passed to 2 of 10.
 No 1272 Public D 13.10.98.
 5. The passports granted
 to D. Hultysch's children
 are apparently not
 affected, as the children
 were born in India.
 6. It would be well
 to print the present
 order and

should say this would suffice.
 29.9.99
 D. Hultysch.
 M. W. J.

The blunders are unfortunate
 we must accept the position.
 The forwarding of the form
 of oath which is on the face
 of it obsolete is anything but
 creditable to our correspondence
 Dept. 27.1.99.

We cannot contest the
 point just now -
 M. W. J.

The thing is on the state
 file relating to 'naturalisation'
 for future guidance.
 C. 14.1.99
 16/1/99
 With regard to point (1),
 direct communication with
 the Charge d'affaires,
 attention is invited to the
 pronouncement of the S. of S.
 that his report to that
 effect to administer the
 oath should have gone
 through the Govt. of India.
 This is stated to be in
 accordance with "standing
 usage", but it is submitted
 that there is no reason
 why in such a case the
 right of the Govt. to
 direct communication with
 the S. of S. should be exercised.
 The very fact that the
 S. of S. has addressed his
 Govt. direct goes against
 his pronouncement in
 question.
 16.1.99

It is manifest that this
 copy is not the original
 form of the Act or that
 the person who inserted
 the words of spelling. Who
 was responsible for putting
 in the paper in the U. S.
 letter book.

173. 1. f

The paper came from
 Mr. Woodhouse, but I am
 as sure as one can be of
 this English of line that
 the file which came to me
 which was in the
 Act. Contains the copy of
 the old Act. I am positively
 certain that I was not

John for the C.S.

John for the C.S.
 John in the file below
 regarding Dr. H. H. H.
 naturalization certificate,
 please see the paper
 attached.

It is impossible to say
 whether the copy of the
 Act which was handed
 to the copyist was sent
 down from the U. S. or whether
 it was sent up here. It
 seems unlikely that it
 was sent down from the U. S.
 there was no necessity for
 such a step. There is no
 reason of sending the paper
 it up here if it was sent
 up here, and it is
 inexplicable why anyone
 should have taken the
 trouble to get up the
 original Act as passed
 which of course the volume

✓
of General Act of the
Govt. of India in which
the Act was correctly
printed as amended.

25/1/99

an copy of the
India Act, for I
distinctly remember
reading from Act
which is not a frequently
used. If a copy of the
Act handed to the
copyist came down from
only in the papers
it must have been
sent down by the bookhouse,
being also as to the
file after the draft had
been passed by.

It cannot be shown
that anyone here handled
the Act for the
purpose of copying the
draft: on the other hand
it must have been
in the file, as well as a public
university, to send from
only a copy of the Act.
which was available here.

25/1/99 It seems that
the Act was handed
to the bookhouse.

25/1/99

note for AC.

Will you please
ascertain if possible
the name of the
copyist who copied
the form of draft,
of the name of the
clerk who examined
the fair copy, -
and obtain their
explanations for
the mistakes.

25/1/99

le

The Examiner's ex-
planation is submitted.
As regards the copyist
it will be seen that
Annamalai Chetty merely
copied what was given
to him by the Examiner.

The copy of the Act
seems to have been
received

NOTE FOR THE Head Clerk.

I was the examinee
in this case and Annamalai
Chetty copied the extracts from
the Act. It was the Press Clerk
- Ratnaswami Reddi - who brought
me the file, said that the printed
papers were ready for despatch
and asked me to have some
passages in an Act - which
was put up with the file and
marked with tape - copied along
with the passport. The book
I well remember, looked
very old and the pages brown.
As there was no allusion to the
Repealing Act XX of 1876 either
in the copying instructions or
in the body of the
letter to the Examiner, I respectfully
beg to submit that I
simply did what I was
asked to do and gave back
the file to the Press Clerk.
The paper, I beg to add,
was examined by me at

1,000-15-12-6

ing when I was in sole
charge of examining ~~and~~
vernacular petitions having
been on accumulating for
me from the 1st October '98.
I had this, I submit,
no time to devote my attention
to any other than anything other
than spelling mistakes or
other similar common
errors in copying.

Centkatasntbay
18.1.99.

Read again J.B. Co. 25th Edition of G. 189 (A)

C. No. 105 From the Secy of State for Minn., No. 12 Pub, dated 22-12-1899.
CA per. [unclear] 1899
[unclear] 1899
[unclear] 1899
[unclear] 1899

Order
P.S. ko 1879 14. 2. 99.

Recorded -
2. Pans 1 to 3 of 80.
no 1272 Public dated
13th Oct^r 1898, are hereby
Cancelled.

C₄ (from order)
10-2-89

by 11/19/99

10 the Collector of the kilgins (C₁₀₅ = 9 x 0
in units)

18-4-12 ✓
15-4-12 ✓

10-11-12 ✓
31-3-12 ✓

3.1.27 ✓
30 x 45 ✓

First copy sent to Press.

Returned for signature.

Despatched in print.

NUMBER OF COPIES
REQUIRED. { Order complete
Letter only.
Order complete }

11

READ AGAIN G.O., No.
189

DATED

CURRENT No.

Print as marked

Show proof (to Sa)

ENCLOSURE TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BRING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.