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III.

That thereafter on or about the 28th day of December, 1912, said petition of defendant came on regularly for hearing before the District Court of the United States, in and for the Eastern District of the State of Washington; that objection thereto was filed by George W. Tyler, a duly appointed, qualified and acting Naturalization examiner for the Bureau of Naturalization, United States Department of Labor, for the State of Washington, at Seattle, Washington, which said objection was by the court sustained, and the said petition of said defendant to be naturalized as a citizen of the United States was by the court denied.

That thereafter, on or about December 30th, 1912, said defendant herein filed a petition in the said District Court of the United States, in and for the Eastern District of the State of Washington, asking for a re-hearing upon his said original petition filed in said court on or about the 11th day of July, 1912; that a copy of said petition is hereto attached and is marked "Exhibit B", to which reference is hereby made and which is hereby made a part hereof.

That said petition for re-hearing came on regularly to be heard on the 24th day of February, 1913, before the said District Court of the United States and that thereafter on or about June 30th, 1913, the said court entered an order and decree in said proceedings by the terms of which said defendant was admitted to citizenship; that a copy of said order and decree is attached hereto and is marked Exhibit "C", to which reference is hereby made and which is hereby made a part hereof.

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IV.

That on the 20th day of June, A.D. 1913, a certificate of naturalization was issued to said defendant under the hand of the Clerk of the United States District Court in and for the Eastern District of Washington; that said certificate of naturalization was numbered 352728; that a copy of said certificate of naturalization is attached hereto and is marked Exhibit "D",

That your petitioner is informed and believes and upon such information and belief alleges that the said order and decree of court and certificate of naturalization were illegally procured from said Court in this, that said defendant was at all times herein mentioned a high caste Hindu of full Indian blood and not a white person entitled to be naturalized under the provisions of Section 2169 of the Revised Statutes of the United States.

V.

That prior to the institution of this suit, a certain affidavit showing cause therefor was received by the United States Attorney of the Southern District of California, made by George W. Tyler, a duly appointed qualified and acting examiner of the Bureau of Naturalization, United States Department of Labor; that a copy of said affidavit is attached hereto and is marked Exhibit "E", to which reference is hereby made and which is hereby made a part hereof.

WHEREFORE your petitioner prays that a decree may be entered cancelling the said order of said District Court and said certificate of naturalization, and any and all copies thereof that may have been issued and for such

1 other and further relief as to the Court may seem just and  
2 meet in the premises.

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4 Joseph C. Burke  
United States Attorney.

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6 Robert S. Kavanauille  
7 Assistant United States Attorney

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1 UNITED STATES OF AMERICA, )  
2 Southern District of California. ) ss.

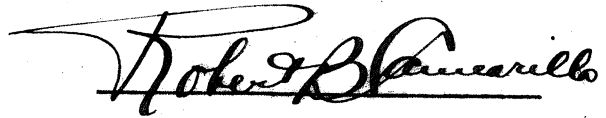
3 Robert B. Camarillo, being first duly sworn  
4 on oath, deposes and says:

5 That he is an Assistant United States Attorney  
6 in and for the said district; that he has read the  
7 plaintiff's petition and knows the contents thereof; and  
8 that the same is true of his own knowledge, except as to  
9 those matters therein stated upon information or belief,  
10 and as to those matters that he believes it to be true.

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14 Subscribed and sworn to before me

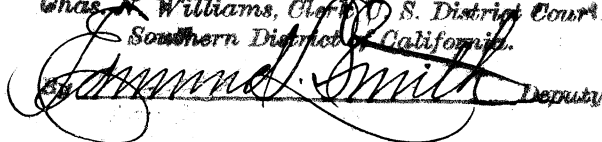
15 this 8<sup>th</sup> day of August, 1923.

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*Chas. H. Williams, Clerk U. S. District Court  
Southern District of California.*

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*James L. Smith, Deputy*

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3600-C-352728

U. S. DEPARTMENT OF LABOR  
BUREAU OF NATURALIZATION

Washington, June 13, 1923.

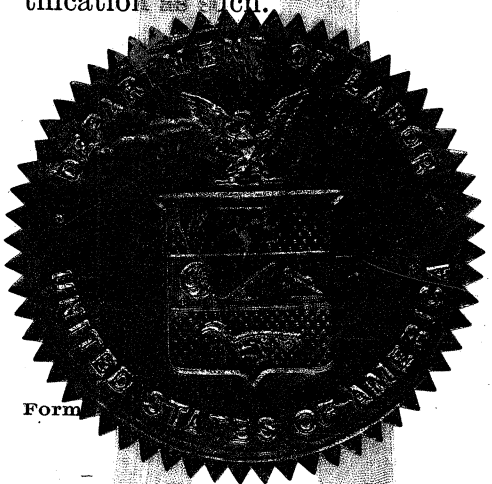
I hereby certify that the annexed are true copies of the original duplicate petition for naturalization No. 992 filed by Akhoy Kumar Mozumdar in the District Court of the United States for the Eastern District of Washington, at Spokane, on \_\_\_\_\_, 1912, and certificate of naturalization No. 352728, granted to the person by the Court named, on June 30, 1913, -----

on file in the Bureau of Naturalization, Department of Labor, in accordance with the requirements of the naturalization act approved June 29, 1906 (34 Stat. L., Part 1, p. 596), as amended by the act approved March 4, 1913 (37 Stat. L., Part 1, p. 736).

*Thos. B. Shoemaker*  
Deputy Commissioner of Naturalization.

OFFICE OF THE SECRETARY

I hereby certify that ----- THOS. B. SHOEMAKER ----- who signed the foregoing certificate, is now, and was at the time of signing, Deputy Commissioner of Naturalization, and that full faith and credit should be given his certification as such.



In witness whereof, I have hereunto subscribed my name and caused the seal of the Department of Labor to be affixed this 13th day of June, ----- one thousand nine hundred and twenty-three.

*Robt. Carl White*  
Robt. Carl White  
Second Assistant Secretary of Labor.

T. H. Wilson, occupation Osteopath, residing at 538 Rockery, Spokane, Wash.  
and F. A. Henneberg, occupation Clerk

each, being severally duly, and respectively sworn, deposes and says that he is a citizen of the United States of America; that he has personally known Akhoy Kumar Mozumdar, the petitioner above mentioned, to have resided in the United States continuously immediately preceding the date of filing his petition, since the 1 day of January, anno Domini 1907, and in the State in which the above-entitled petition is made continuously since the 1 day of January, anno Domini 1907; and that he has personal knowledge that the said petitioner is a person of good moral character, attached to the principles of the Constitution of the United States, and that the petitioner is in every way qualified, in his opinion, to be admitted a citizen of the United States.

*T. H. Wilson*  
(Signature of witness)  
*F. A. Henneberg*  
(Signature of witness)

Subscribed and sworn to before me by the above-named petitioner and witnesses this 11 day of July, anno Domini 1923

W. H. HARE, Clerk.  
By \_\_\_\_\_ Deputy Clerk.

UNITED STATES OF AMERICA

PETITION FOR NATURALIZATION

To the Honorable the Court of  
The petition of Akhay Kumar Mozumdar hereby filed, respectfully sheweth:  
First. My place of residence is 320 S. Brown St., Spokane, Washington  
Second. My occupation is Minister  
Third. I was born on the 15 day of July, anno Domini 1880, at Calcutta, India  
Fourth. I emigrated to the United States from Tokio, Japan, on or about the 1 day of January  
anno Domini 1905, and arrived in the United States, at the port of Seattle, Washington, on the 22 day of January  
anno Domini 1905, on the vessel Empress of China  
Fifth. I declared my intention to become a citizen of the United States on the 12 day of April, anno Domini 1906  
at Seattle, Washington, in the Superior Court of King County, Washington  
Sixth. I am not married, and now resides at  
I have children, and the name, date and place of birth, and place of residence of each of said children is as follows:

Seventh. I am not a disbeliever in or opposed to organized government or a member of, or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government. I am not a polygamist nor a believer in the practice of polygamy. I am attached to the principles of the Constitution of the United States, and it is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to George V. King of Great Britain and Ireland of whom at this time I am a subject, and it is my intention to reside permanently in the United States.

Eighth. I am able to speak the English language.  
Ninth. I have resided continuously in the United States of America, for the term of five years at least, immediately preceding the date of this petition, to wit, since the 22 day of January, anno Domini 1905, and in the State of Washington, continuously next preceding the date of this petition, since the 22 day of January, anno Domini 1905, being a residence within this State of at least one year next preceding the date of this petition.

Tenth. I have not heretofore made petition for citizenship to any court. If made petition for citizenship to the Court of  
at on the day of, anno Domini 1, and the said petition was denied by the said Court for the following reasons and causes, to wit:

Attached hereto and made a part of this petition is my declaration of intention to become a citizen of the United States and the certificate from the Department of Commerce and Labor, together with my affidavit and the affidavits of the two verifying witnesses thereto, required by law. Wherefore your petitioner prays that he may be admitted a citizen of the United States of America.

Akhay Kumar Mozumdar  
(Complete and true signature of petitioner.)

Declaration of Intention and Certificate of Intent from Department of Commerce and Labor filed this 11 day of July, 1912

AFFIDAVITS OF PETITIONER AND WITNESSES.

The aforesaid petitioner being duly sworn, deposes and says that he is the petitioner in the above-entitled proceedings; that he has read the foregoing petition and knows the contents thereof; that the said petition is signed with his full, true name; that the same is true of his own knowledge except as to matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Akhay Kumar Mozumdar  
(Complete and true signature of petitioner.)

T. N. Wilson, occupation Osteopath, residing at 402 Kuhn Block, Spokane, Wash.  
and F. A. Henneberg, occupation Clerk, residing at 538 Rookery, Spokane, Wash.

each being severally, duly, and respectively sworn, deposes and says that he is a citizen of the United States of America; that he has personally known Akhay Kumar Mozumdar, the petitioner above mentioned, to have resided in the United States continuously immediately preceding the date of filing his petition, since the 1 day of January, anno Domini 1907, and in the State in which the above-entitled petition is made continuously since the 1 day of January, anno Domini 1907; and that he has personal knowledge that the said petitioner is a person of good moral character, attached to the principles of the Constitution of the United States, and that the petitioner is in every way qualified, in his opinion, to be admitted a citizen of the United States.

T. N. Wilson  
(Signature of witness.)  
F. A. Henneberg  
(Signature of witness.)

[SEAL]

Subscribed and sworn to before me by the above-named petitioner and witnesses this 11 day of July, anno Domini 1912

W. H. HARE, Clerk.  
Deputy Clerk.

Religion, *Hindu*  
Description of holder: *Age 35 years, height 5 feet 10 inches, weight 150 lbs, eyes dark brown, color of eyes, hair black, color of hair, visible distinguishing marks, None*  
Name, age and place of residence of wife  
Names, ages and places of residence of minor children

# DUPLICATE

*Alloy Kumar Mozumdar*  
(Signature of holder)

S.S.

Be it remembered, that as a *Regular* term of the *Spokane* court of *and* *thirteen*, *Alloy Kumar Mozumdar*, who previous to *this* naturalization was a *subject* of *England*, at present residing at number *320* South *Pratt* *City* of *Spokane*, *State* *Territory* of *Washington* having applied to be a citizen of the United States of America pursuant to law, and the court having found that the petitioner had resided continuously within the United States for at least five years, and in this *State* *District* for one year immediately preceding the filing of *his* petition, and that said petitioner intends to reside permanently in the United States, had in compliance with the law in relation thereto, and that he was entitled to be so admitted, it was thereupon the said court that he be admitted as a citizen of the United States of America.

In testimony whereof the seal of said court is hereunto affixed on the *30th* day of *June* in the year of our Lord nineteen hundred and *thirteen* and of our Independence the *thirty-seventh*.

*[Signature]*

(Official seal)



Exhibit B

Spokane, Washington,

December 30, 1912.

Hon. Frank H. Rudkin,

Judge Federal Court:

I respectfully request that you grant me a rehearing of my case in your Court, pertaining to application for Naturalization Papers.

Very Respectfully,

Akhay Kumar Mozumdar.

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1 UNITED STATES OF AMERICA )  
2 Eastern District of Washington, ) ss.

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I, Alan G. Paine, Clerk of the District Court of the United States for the Eastern District of Washington, do hereby certify that I have compared the foregoing copy with the original PETITION FOR REHEARING, ORDER GRANTING REHEARING, and FINAL ORDER ADMITTING PETITIONER TO CITIZENSHIP, on Petition 992, In the Matter of the Application of Akhay Kumar Mozumdar to become a citizen of the United States of America, in the foregoing entitled cause, now on file and of record in my office at Spokane, and that the same is a true and perfect transcript of said original and of the whole thereof.

Witness my hand and the seal of said Court this 17th day of July, 1923

Alan G. Paine,

Clerk,

By Eva M. Hardin, Deputy.

(SEAL)

1                   IN THE DISTRICT COURT OF THE UNITED STATES  
2                   FOR THE EASTERN DISTRICT OF WASHINGTON  
3                   NORTHERN DIVISION  
4

5 In the matter of the Applica-  
6 tion of Akhay K. Mozumdar, to  
7 become a citizen of the United  
8 States.

No. 992  
ORDER

9                   The petition in the above entitled matter  
10 having been heretofore denied by a formal order, with  
11 leave to file a petition for a rehearing, and such a  
12 petition having been filed,

13                   IT IS NOW ORDERED, that said petition be and  
14 the same is hereby granted, to the end that a full  
15 presentation of the legal question involved may be made to  
16 the court before final action is taken.

17                   The sole question involved on the rehearing  
18 is, is a Hindue a free white person within the meaning  
19 of the naturalization laws of the United States.

20                   Done in open court this 6th day of January,  
21 1913.

22                   FRANK H. RUDKIN, Judge.  
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Exhibit C

1           IN THE DISTRICT COURT OF THE UNITED STATES  
2                   FOR THE EASTERN DISTRICT OF WASHINGTON  
3                           NORTHERN DIVISION  
4

5       In the matter of the Applica-     )  
6       tion of Akhay Kumar Mozumdar to    )  
7       become a citizen of the United     )  
8       States.                           O R D E R

9                   This matter coming on this day to be heard on  
10                  petition for a rehearing,

11                  IT IS CONSIDERED, ORDERED and ADJUDGED by the  
12                  court, that the order heretofore made and entered on the  
13                  26th day of December, 1912, denying the application of  
14                  said petitioner to become a citizen of the United States  
15                  be, and the same is hereby set aside.

16                  IT IS FURTHER ORDERED, that said application be  
17                  and the same is hereby granted and that said petitioner  
18                  be admitted to citizenship upon taking the oath  
19                  prescribed by law.

20                  DONE IN OPEN COURT this 30th day of June, 1913,

21                                  FRANK H. RUDKIN, Judge.  
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Exhibit A.

1 UNITED STATES OF AMERICA )  
2 Western District of Washington) ss. AFFIDAVIT.

3  
4 George W. Tyler, being first duly sworn, deposes and says:

5 That he is now, and has since May 1, 1912, been  
6 a duly appointed, qualified, and acting Naturalization Exam-  
7 iner for the Bureau of Naturalization, United States Depart-  
8 ment of Labor, for the State of Washington, with headquarters  
9 at Seattle, Washington;

10 That affiant has examined the records of the United  
11 States District Court for the Eastern District of Washington,  
12 at Spokane, which records show that Akhay Kumar Mozumdar,  
13 filed a petition for naturalization in said court on July 11,  
14 1912, No. 992, in which petitioner alleged that he was born  
15 in India on July 15, 1880;

16 That affiant was present in open court, in his  
17 official capacity as Naturalization Examiner, representing  
18 the Bureau of Naturalization, Department of Labor, when  
19 said petition for naturalization came on regularly for final  
20 hearing on December 28, 1912; that at said final hearing the  
21 petitioner was sworn and testified under oath that he was  
22 a native of India and that his ancestors for generations  
23 before him were natives of that country; that affiant at that  
24 time objected to the admission of said petitioner as a  
25 citizen of the United States upon the ground that being a  
26 Hindu he was not a white person within the meaning of  
27 Section 2169, Revised Statutes of the United States, and not  
28 entitled under the naturalization laws to citizenship; whereupon  
29 the motion of affiant was granted by the court and a formal  
30 order entered by the court denying the petition for  
31 naturalization, with leave to file a petition for rehearing  
32

1 if the applicant so desired.

2 Affiant further states that the said Akhay Kumar  
3 Mozumdar did file a petition for rehearing and that the  
4 matter came on regularly for a rehearing on February 24, 1913,  
5 when affiant was present in open court representing the  
6 Bureau of Naturalization; that at that time the petitioner  
7 testified under oath that he came from the Northern part  
8 of India; that he was a high cast hindu of pure blood, <sup>and</sup> that  
9 he considered himself a member of the Aryan race.

10 Affiant further states that at the time of re-  
11 hearing upon said petition for naturalization, and by brief,  
12 he objected to the admission of the said petitioner to  
13 citizenship upon the ground that he was not a free white  
14 person within the meaning of Section 2169 Revised Statutes  
15 of the United States, but notwithstanding said objections an  
16 order was made and entered by said court on June 30, 1913,  
17 admitting said petitioner as a citizen of the United States  
18 of America, and on the same day a certificate of natural-  
19 ization No. 352728, was issued to him by the Clerk of said  
20 Court, pursuant to the order of admission;

21 Affiant verily believes and therefore states the  
22 fact to be that citizenship in the United States was  
23 illegally procured by Akhay Kumar Mozumdar, as held  
24 by the Supreme Court of the United States during the October-  
25 1922, Term, February 19, 1923, No. 202, in the case entitled:  
26 The United States, appellant, vs. Bhagat Singh Thind.

27 Signed, George W. Tyler,

28 Subscribed and sworn to before me this 28th day of  
29 March, 1923.

30 Frank L. Crosly, Jr.  
31 Deputy, Clerk, U.S. District Court,  
32 Western District of Washington.

SEAL.