

## Chester County Naturalization Records

The naturalization process in Chester County formally began in 1798. Reflecting political and social trends, the laws regulating the naturalization process changed numerous times over the years. An understanding of this process is essential to knowing where, how and even if an individual could be naturalized. This guide will outline the history of the naturalization process in Chester County as well as provide alternative sources.

### Colonial Naturalizations <sup>1</sup>

During the colonial period, naturalizations were subject to British law. Individuals residing in Chester County (including present day Lancaster, 1729 and Delaware County, 1789) that wanted to be naturalized had to obtain a private act of the legislature. There is only one extant record of this form of naturalization found among our holdings. In 1728 a petition was presented to the Court of Quarter Sessions by a group of Mennonites in Conestoga (now Lancaster County) to begin the process of becoming naturalized citizens of the British Crown. Once the petition was accepted they were required to sign the “Declaration of Fidelity, Abjuration and Affirmation of Faith.” With the Governor’s recommendation for passage, the legislature passed “An Act for the Better Enabling Divers Inhabitants of the Province of Pennsylvania to Hold Lands, and to Invest them with the Privileges of Natural-Born Subjects of the Said Province”<sup>2</sup> in 1730. The law required the Privy Council in London to approve the act of legislation. Though the Privy Council did not take any action on the bill, the act became law due to the lapse of time allowed by the proprietary charter.<sup>3</sup>

For other records in this time period please see the naturalization lists of the Supreme Court and the Courts of Nisi Prius for the years 1740-1773 found at the Pennsylvania State Archives.

<http://www.phmc.state.pa.us/bah/dam/naturali.htm>

### 1776 – 1789 Naturalizations

The Declaration of Independence accused George III of obstructing immigration and naturalizations in the colonies:

HE has endeavoured to prevent the Population of these States; for that Purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their Migration hither, and raising the Conditions of new Appropriations of Lands.

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<sup>1</sup> Anyone born within the boundaries of the British Empire, including her colonies was considered a natural born citizen.

<sup>2</sup> *Pennsylvania Archives*, 2<sup>nd</sup> Series, 19:624.

<sup>3</sup> Weir, Barbara and Laurie Rofini. “German Qualification for Naturalization in Pennsylvania, 1728.” *Pennsylvania Genealogical Magazine* 38.4 (1992): 367-373.

Since the Revolution broke legal ties with Britain, the new states adopted their own state constitutions enabling them to regulate the naturalization process within their borders. Pennsylvania adopted their first constitution on September 28, 1776 and addressed naturalization in Section 42:

Every foreigner of good character who comes to settle in this state, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold, and transfer land or other real estate; and after one year's residence, shall be deemed a free denizen thereof, and entitled to all the rights of a natural born subject of this state, except that he shall not be capable of being elected a representative until after two years residence.

During the Revolution, the taking of the Oath of Allegiance as a primary concern was further reinforced by the passage in 1778 of "A Further Supplement To The Act, Entitled 'An Act For Further Security of the Government.'" The following is found under section VI:

And all strangers from beyond the seas, if otherwise qualified, pursuant to the constitution of this state, shall be entitled to the privileges of freemen upon their respectively taking the oath or affirmation prescribed by the said act of assembly"<sup>4</sup>

Oath of Allegiances for this time period may be found in a variety of published sources and searchable website databases. For more information please consult the following:

Westcott, Thompson. *Names Of Persons Who Took The Oath Of Allegiance To The State Of Pennsylvania Between The Years 1777 And 1789 : With A History Of The "Test Laws" Of Pennsylvania*. Baltimore, MD : Genealogical Pub. Co., 1965 (reprint).

Ancestry.com

<http://www.ancestry.com/search/db.aspx?dbid=3234>

## **1790 – 1906 Naturalizations**

The first Federal law passed after the ratification of the United States Constitution regulating the naturalization process was signed in 1790<sup>5</sup>. The original law established the documentary procedure that had to be followed in order to become a citizen.

The new law allowed individuals to go before any court of record in any county, state or federal jurisdiction. Therefore an individual residing in Chester County did not have to apply for citizenship in Chester County. They could apply in Federal District or Circuit

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<sup>4</sup>1776-1779, The Statutes at Large of Pennsylvania. DCCCXXII, Section VI.

<sup>5</sup> 1 Stat. 103

Courts (National Archives) or before the State Supreme Court (Pennsylvania State Archives). Therefore, if an individual was not naturalized in a county court it is worthwhile to check these alternate sources. The law also allowed any court within the county to confer citizenship. However, there is no evidence that any court other than the Court of Common Pleas granted naturalizations in Chester County.

An individual interested in obtaining citizenship would initially appear before the court to declare their intention to become a citizen. The record generated by this step is called the *Declaration of Intention* or *First Papers*. At their most basic, the documents only indicate the name of the individual, the date of the declaration and the country of origin. Occasionally you may find the age of the petitioner and in some rare instances the name and ages of all minor children of the petitioner.

Once the declaration was made a period of time had to pass (waiting time requirements changed several times between 1790-1906) before they could appear before the court again to petition the court for citizenship. The *Petition of Naturalization* or *Final Papers* rarely contain any more information than the declaration. Once the court accepted the petition, the individual was considered a naturalized citizen.

At the end of this guide you will find a time line. The time line will provide information on specific regulations, waiting periods and quotas that were passed into law. The original laws provided for a relatively easy path to naturalization. In the late 18<sup>th</sup> century, immigration was seen as a necessary step to expand the population of a vast country still in its infancy. However, with the changing political, social and economic landscape the laws regarding naturalization changed as well.

In 1798<sup>6</sup> Congress passed the Alien and Sedition Acts. Spurred on by a wave of xenophobia, these laws raised the residency requirement to 14 years and prohibited the naturalizations of aliens whose country was at war with the United States. The law remained in effect until 1802. This new law, passed on April 14, 1802<sup>7</sup> restored the residency rule to 5 years (1 in the state of residence).

During most of the 19<sup>th</sup> century, the process of naturalization remained unchanged. Only a few minor details were altered. In 1824<sup>8</sup> an act was passed to allow an alien who immigrated to this country under the age of 18 to petition for naturalization without having to make a declaration provided that they had been a resident of the United States for 5 years. In 1855<sup>9</sup> alien women were granted naturalization rights if they married U.S. citizens and in 1870<sup>10</sup> naturalizations, which were always limited to “free white persons” were opened to “persons of African nativity and African descent.”

## **1906 – Present Naturalizations**

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<sup>6</sup> 1 Stat. 566

<sup>7</sup> 2 Stat. 153

<sup>8</sup> 4 Stat. 69

<sup>9</sup> 10 Stat. 604

<sup>10</sup> 16 Stat. 256

Prompted by the lack of uniformity, a Presidential commission was established in 1905 to investigate naturalization procedures on the federal and state level. The commission discovered widespread fraud and discrepancies in recording practices. Upon the commission's recommendations a new law was passed on June 29, 1906<sup>11</sup>. This law established the Bureau of Immigration and Naturalization to regulate all naturalization procedures at all levels of government. At its inception the Bureau focused on standardizing forms and fees. To improve the identification process and to prevent fraudulent claims, the new forms required more identifying information. The process, however, remained virtually unchanged. An alien was still required to make a Declaration and after waiting a period of time to submit a Petition to Naturalize.

The following is a list of information you may find on the new forms:

- Full name of applicant
- Current residence
- Occupation
- Place of birth
- Date of birth or age
- Nationality
- Country of emigration
- Date of emigration
- Last foreign residence
- Port of entry
- Date of entry
- Name of ship
- Marital status
- Personal description
- Length of residency in the U.S.
- Name, age, and place of birth of spouse and children
- Photograph

### **Naturalization of Women**

It should be noted that during the 18<sup>th</sup> and 19<sup>th</sup> century, aliens could live, work and raise a family in this country without being naturalized. The only major benefit to be gained by becoming a naturalized citizen was the ability to vote. Since women did not obtain the right to vote in this country until the 20<sup>th</sup> century, women had little reason to naturalize. There are rare exceptions and in cases where the wife of a deceased alien who died prior to completing the process could complete the naturalization process in her husband's stead. However, very few 19<sup>th</sup> century naturalizations for women exist.

Women were not specifically mentioned in the 1790, 1795, and 1802 laws. These laws opened naturalizations to "free white persons" and therefore did not specifically exclude women. However, as stated, there were very few reasons for women to naturalize. It was

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<sup>11</sup> 32 Stat. 596

not until 1855<sup>12</sup> that women were granted full citizenship with the naturalization of their husbands. Even with the passage of this law, women were not mentioned on their husband's naturalization record.

As part of the procedural changes brought about by the 1906 law, the new form required the applicant to list their spouse. Therefore, when the naturalization process was complete the wife automatically became naturalized and was identified on the original record.

On September 22, 1922<sup>13</sup> the status of women was significantly altered in the naturalization laws. Women were no longer allowed to become naturalized citizens through their husbands. They would have to petition separately from their husbands, but would not be required to submit a declaration. A woman would also lose her citizenship if she married an alien that was not eligible to naturalize. It was not until 1936<sup>14</sup> that this law was repealed and allowed women to retain their citizenship if they married a foreigner.

For more information:

[http://www.archives.gov/publications/prologue/summer\\_1998\\_women\\_and\\_naturalization\\_1.html](http://www.archives.gov/publications/prologue/summer_1998_women_and_naturalization_1.html)

### **Naturalization of Military Veterans**

Since 1862 aliens who served during the war in the U.S. military and were honorably discharged were given special consideration. In 1862<sup>15</sup> in an attempt to encourage aliens then residing in the United States to join the Army, Congress passed a law that allowed those who served and were honorably discharged to bypass the declaration and submit a petition to naturalize only after residing in the United State for 1 year. In 1894<sup>16</sup> that law was extended to veterans of the Navy and Marine Corps. An act passed May 9, 1918<sup>17</sup> allowed those serving in World War I to file a petition to naturalize without submitting a declaration or proving 5 years residency.

### **List of Our Naturalization Holdings**

#### *Declaration of Intentions 1798 – 1989*

Sworn statement of alien declaring his intent to become a naturalized citizen. Fully indexed from 1798-1935.

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<sup>12</sup> 10 Stat. 604

<sup>13</sup> 42 Stat. 1021

<sup>14</sup> 49 Stat. 1917

<sup>15</sup> 12 Stat. 597

<sup>16</sup> 28 Stat. 124

<sup>17</sup> 40 Stat. 542

*Petition for Naturalization 1798 - 1989*

Final document in the naturalization process whereby the alien became naturalized. Fully indexed from 1798-1935.

In 2003, the Chester County Archives received a Pennsylvania Historical Museum Commission grant to index naturalization records and to prepare a guide to these records. The index was created in database format using Microsoft Access. This index, covering the years 1906-1935, and the guide, will be made available on our website <http://www.chesco.org/archives/index.html>.

## Selected Bibliography

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