

# Guide to the WI EC County Circuit Court Naturalization Records, 1854-1991

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## Summary Information

**Title:** Wisconsin. Circuit Court (Eau Claire County): Naturalization Records

**Inclusive Dates:** 1854-1991

**Creator:** Wisconsin. Circuit Court (Eau Claire County)

**Call Number:** Eau Claire Series 48

**Quantity:** 13.2 c.f. (3 index card boxes, 10 archives boxes, 1 flat box, and 27 separate volumes); 16 reels of microfilm (35 mm), and 2 reels of microfilm (16 mm)

**Repository:** Housed at the Area Research Center, William D. McIntyre Library, University of Wisconsin-Eau Claire; owned by the Wisconsin Historical Society, Library-Archives Division

**Archival Locations:** UW-Eau Claire McIntyre Library / Eau Claire Area Research Ctr.

**Abstract:** Records of the cases in the Circuit Court of Eau Claire County. Included are the Card Index to Citizenship (1857-1991), Declarations of Intentions (1856-1980), Petitions (1906-1991), Certificates of Naturalization (1857-1906), Certificates of Naturalization Stub Books (1907-1928), a list of Citizenship petitions granted and denied (1929-1991), Applications for Transfers of Petitions (1968-1972), and Repatriation (Oath of Allegiance) (1949-1944).

**Note:** Certificates of Naturalization may also be found in with the Petitions. The microfilm portion of this series was produced by the Genealogical Society of Utah which holds the master negatives.

**Language:** English

## Search Terms/Subject Terms

- Naturalization—Wisconsin—Eau Claire County

## Other Finding Aids

A comprehensive name index created by the Eau Claire Area Research Center is available at the ARC.

# Biography/History

## Naturalization Process

Congress has the power to “establish a uniform rule of naturalization” under Section 8, Article 1 of the United States Constitution. Federal laws governing the admission of aliens to citizenship, adopted in 1790, replaced the earlier legislation of individual states. These statutes were revised in 1795 and again in 1798, but it was the Naturalization Act of 1802 that established the three-part naturalization process, which remains in effect today. The alien must declare his or her intention to become a citizen, must serve a required residency period, and then must petition an authorized court for admission to citizenship. In character, this process is both judicial, occurring before and by order of a court, and administrative, being under the supervision of the U.S. Immigration and Naturalization Service of the Department of Labor.

The process begins with the alien filing a Declaration of Intention with an authorized court, indicating his or her intention to become a citizen, to renounce all allegiance to any foreign state, and to renounce any foreign title or order of nobility. At least two years after making the declaration (after 1906, no more than seven years later), an alien who has been a resident of the United States for at least five years could petition the court for admission to citizenship. (Since 1941, the requirement to file a Declaration of Intention has been abolished and the residency period shortened for the spouses of citizens.) The Petition includes both the applicant's oath and the affidavits of two witnesses who attest to the residency and good character of the petitioner. Finally, if the petition is accepted, the court issues an order admitting the individual to citizenship.

The naturalization process became more standardized with the establishment of the Immigration and Naturalization Service (INS) under the Basic Naturalization Act of 1906. The INS exercised federal supervision over the naturalization process and defined administrative procedures. Previously, naturalization could occur in any federal court or any state court of record and was carried out under the general requirements of federal law. Since October 1906, uniform and considerably more detailed requirements for naturalization, including the form and contents of related records, have been specified by federal statute and promulgated by the INS. Further modifications were made under the Nationality Act of 1940 and the Immigration and Nationality Act of 1952. Through these revisions, however, the three-step formula for naturalization has remained basically unchanged.

Since the mid-1950s, the number of courts authorized to perform naturalizations has been reduced. In Wisconsin, naturalization currently occurs only in the two federal district courts and in seven selected circuit courts.

## Naturalization Records

Records documenting the naturalization process fall into five categories: Declarations of Intention, Petitions, Naturalization Certificates, ancillary documents, and indexes. The Clerk of Circuit Court is responsible for maintaining the records. They may exist either as original documents, filed separately or bound together, or as copies of the originals entered onto pre-printed forms in bound volumes. Additionally, they may be preserved in their original form, on microfilm, or in both

formats.

Researchers using naturalization records will find relatively few early entries for women. From 1855 until the passage of the Married Woman's Act in 1922, citizenship was automatically conferred on the wife of any male citizen. Since then, women have been required to be naturalized in their own right.

Researchers should also note that about 25 percent of aliens filed only the declaration to become a citizen and never completed the entire three-step process. Many people filed only a Declaration of Intention because, according to the Wisconsin Constitution, it was all they needed in order to vote.

Naturalization records for Wisconsinites who became naturalized through the federal courts are available at the National Archives and Records Administration Regional Center in Chicago.

## Declarations of Intention to Become a Citizen

Declarations of Intention (also known as "first papers") document the first step in the naturalization process. The Declaration consists of an oath asserting the petitioner's intent to become a citizen, to support the constitution, and to renounce foreign allegiance and hereditary titles. The pre-printed forms used to record Declarations prior to 1907 vary with the designs used by the different stationery companies printing such forms. In content, however, they are generally similar from court to court and from year to year during this period, though some variations do occur. The name of the applicant, the foreign ruler whose allegiance is being renounced, and the date are always shown. Declarations also typically include some or all of the following information about the applicant: age or birth date, place of birth, and date and place of entry into the United States.

Following federalization of the citizenship process in October 1906, standardized Immigration and Naturalization Service forms were adopted for general use. While the basic format of the Declaration remained the same, significantly more information about the petitioner was included. The revised form provided name, age, occupation, color, complexion, height, weight, color of hair and eyes, visible distinctive marks, place and date of birth, current residence, place of departure for the United States, name of vessel or type of conveyance, place and date of arrival in the United States and last foreign residence. The petitioner's photograph was affixed to his or her copy of the Declaration and to the copy forwarded to the INS. No photograph will be found on the copy of the Declaration retained by the local court. However, a photograph often will appear with the Petition since the applicant was required to submit his or her copy of the Declaration when filing a Petition. Additional information was added to the Declaration in later years. In 1916, marital status and the spouse's name and residence were added, and in 1918 the spouse's place of birth was added. 1929 additions included the petitioner's address and nationality; the name, date of birth, place of birth, and the current residence of the petitioner's children; the spouse's birth date and his/her place and date of entry into the United States; and the place and date of marriage.

## Petitions

Petitions (sometimes called Petitions and Oaths or Petitions and Records and commonly called

“second papers”) document the second step in the naturalization process. After serving the required period of residency, the applicant petitioned the court for admission to citizenship. The court then issued a naturalization certificate.

The Petition consists of the applicant's petition to the court and oath of allegiance, and affidavits of two witnesses attesting to the petitioner's good character and residency for the required time.

**The Petition may also include the order of the court admitting the applicant to citizenship, especially for records filed after 1902.** As with the Declarations of Intention, the exact content of Petitions filed prior to October 1906 varies from court to court and from year to year. Nonetheless, the name and oath of allegiance of the petitioner, date of the petition, names of the witnesses, and the sovereignty renounced always appear. In addition, some or all of the following may also be included: age or birth date, port and date of entry into the United States, and date and place of filing the Declaration of Intention.

After 1906, the INS adopted new petition forms for general use. The new forms contained the following information: petitioner's name; residence; occupation; date and place of birth; date and place of emigration; date, place, and vessel or other conveyance of entry into the United States; period of residency; place, date, and name of court where the Declaration of Intention was made; marital status; spouse's name, birth date, and place of residency; and the names, dates of birth, places of birth, and residency of the petitioner's children.

Additional information was added to the petition forms after 1906. In 1910, the court order was altered to show denials of admission or continuations granted in the proceedings. The size of the form was greatly reduced in 1929. The information remained the same except that the place and date of the applicant's marriage was added, and the court order section was deleted and transferred to a separate document. In 1942, a record of departures from and returns to the United States was added. The witness' affidavits were revised to include their names, occupations, and places of residence. The date that citizenship was granted was added to the court order. At the time of naturalization, a petitioner was permitted to change his/her name, which was documented in the court order. Copies of the Declaration of Intention and the Certificate of Arrival were often attached to the Petition.

## Naturalization Certificates

Naturalization Certificates, often called third papers, were issued to newly naturalized citizens as evidence of their status. Before 1907, standardized forms were not used and few courts retained copies of the certificates. Surviving copies are pre-printed forms in bound volumes. Typically, they repeat most of the information found in the Petition. After September 1906, the INS issued serially numbered two-part certificates. One copy went to the new citizen, the second to the INS. The local Clerk of Circuit Court retained only the Certificate Stub Books from which the certificates were separated. The stub books record name; certificate number; date; name of issuing court; number of the Declaration; volume and number of the Petition; date of the court order; and the names, ages, and places of residence of the spouse and minor children.

## Ancillary Documents

Other documents are sometimes found with the naturalization records. Orders Granting and

Denying Citizenship are the official orders of the Court conferring or denying citizenship. The Orders list name, any change of name, and the petition number for each individual. Orders may be accompanied by the Naturalization Petitions Recommended to be Granted which show the recommendations of the Immigration and Naturalization Service hearing officer.

Two witnesses are required to attest to the residency and character of the petitioner. When the petitioner lived outside the state in which application is being made during part of the required period of residency, two additional witnesses from the place of previous residency are also required to testify. In these cases, naturalization examiners in other states are empowered to take written Interrogatories or Depositions of Witnesses from those additional witnesses. These are then submitted to the court as part of the Petition.

Under the Repatriation Act of 1934, any woman who had or who believed she had lost her citizenship (as a result of the enactment of the Married Woman's Act) by virtue of her marriage to an alien prior to September 1922 and whose marriage with that alien had since terminated or who had lived continuously in the United States since her marriage was entitled to claim citizenship by submitting the Application to Take Oath of Allegiance (also called Repatriation Record). The application lists her name, place and date of birth, date of marriage, spouse's name, and the date of the termination of her marriage or continuous residency. An oath of allegiance is also included.

In addition to these types of documents, Transfers of Petitions [from other courts] and Certificates of Loyalty occasionally appear with the naturalization records.

## Indexes

The indexes to naturalization records vary greatly from county to county. Researchers should review the specific description of the indexes for each county. Three different types of indexes are usually found: card indexes, usually on 3 x 5 cards; bound indexes, often with separate volumes for Declarations and Petitions; and indexes in the front of bound volumes of naturalization documents. Except for card indexes, these were usually not created in exact alphabetical order. A typical arrangement is the grouping names together alphabetically by the first letter of the last name and then listing them chronologically in the order that the declaration or petition was filed. For example, all names beginning with the letter "B" would be listed together, though they might appear in the sequence of Brown, Bates, Burford, Bost and Barumif, since that was the order in which they filed their applications. Other arrangements may group the names somewhat more closely but still not completely in alphabetical order. All names beginning with a common first letter and first vowel might be grouped together. Thus, "Bates" and "Barnes" would appear together. Researchers should review the specific description of the indexes for each county. Three different types of indexes are usually found: card indexes, usually on 3 x 5 cards; bound indexes, often with separate volumes for Declarations and Petitions; and indexes in the front of bound volumes of naturalization documents. Except for card indexes, these were usually not created in exact alphabetical order. A typical arrangement is the grouping names together alphabetically by the first letter of the last name and then listing them chronologically in the order that the declaration or petition was filed. For example, all names beginning with the letter "B" would be listed together, though they might appear in the sequence of Brown, Bates, Burford, Bost and Barumif, since that was the order in which they filed their applications. Other arrangements may group the names somewhat more closely but still not completely in

alphabetical order. All names beginning with a common first letter and first vowel might be grouped together. Thus, "Bates" and "Barnes" would appear together in one group and "Bost" and "Boswick" in another. Beyond this, few generalizations may be made about the form or content of naturalization indexes.

## Scope and Content Note

The Eau Claire County Naturalization Records, 1854-1991, consist of the Card Index to Citizenship; Declarations of Intentions; Petitions for Naturalization; Certificates of Naturalization; Stub books of Certificates of Naturalization; lists of Citizenship petitions granted and denied; applications for transfers of petitions; and Repatriation (oaths of allegiance).

The original system of identifying volumes by number or letter was retained because the indexes are often keyed to this system. To eliminate confusion when requesting a particular volume, the researcher should specify not only the volume number, but also the type of volume and dates.

For preservation purposes some volumes have been dismantled and placed in boxes. For these volumes the contents list below gives the volume number in parentheses ( ) for identification purposes, and the box number for location purposes. Volume numbers in brackets [ ] were assigned in the Archives.

Note that there is no reel number 3.

Researchers should begin by using the CARD INDEX TO CITIZENSHIP. It is an alphabetical index to Declarations of Intent, Petitions for Naturalization, and Certificates of Naturalization. The index cards provide name, residence, age, date of admission order, date certificate issued, and both certificate and petition numbers. A person will have an entry in the card index only if he/she completed the entire naturalization process. Individuals who filed declarations and/or petitions but never attained citizenship will not appear in the card index. Therefore, researchers should not solely rely on the Card Index to Citizenship.

If an entry does not appear in the card index, researchers should turn to the alphabetical index at the front of each volume of Petitions and Declarations. For the years indexed, each volume lists the petitioners and declarants included in that volume. The volume indexes are not created in exact alphabetical order. A typical arrangement is the grouping of names together alphabetically by the first letter of the last name and then listing them in chronological order after the declaration or petition was filed.

DECLARATIONS OF INTENTIONS date 1856-1980. Years 1856-1906 are bound while the years 1929-1980 were unbound and placed in archival folders and boxes. Declaration volumes contain an alphabetical index at the front of each volume. There is no volume index for Vol. 7.

Miscellaneous declarations, 1854-1893, are arranged in alphabetical order by surname in an archival box. It is believed that the court obtained these declarations from the individual when the person became involved in a court case and never returned them. Entry cards in the Index to Citizenship direct the researcher to the miscellaneous declarations of intentions.

The PETITIONS FOR NATURALIZATION date 1906–1991. The majority of these documents have the Declaration of Intent attached and some also have the Certificate of Arrival. Petitions for 1906–June 1927 are bound; September 1927–1991 have been unbound and are in archival folders and boxes. The original system of numbering the volumes has been retained. Petitions can be located using the alphabetical index at the front of each volume. Petition number 1734, (Vol. 19), is missing.

The CERTIFICATES OF NATURALIZATION date December 1857–1906. All of the Certificates are bound. Certificates can be located using the card index or the alphabetical index at the front of each volume.

Additional records in this series are STUB BOOKS (1907–1928), LISTS OF CITIZENSHIP PETITIONS GRANTED AND DENIED (1929–1991), APPLICATIONS FOR TRANSFERS OF PETITIONS (1968–1972), and REPATRIATION (OATH OF ALLEGIANCE) (September 1940–April 1944). The Stub Books, Lists of Citizenship Petitions Granted and Denied, and the Applications for Transfers of Petitions are indexed only by the card index, while the Repatriation records are indexed by both the card index and a volume index. The Stub Books are filed numerically by certificate number and provide individual's name; age; date of order of admission; declaration number; date declaration issued; name, age, and residence of wife and children; Petition number and signature. Lists of Citizenship Petitions Granted and Denied are official orders of the court conferring or denying citizenship. They list name, any change of name, and petition number for each individual. The Applications for Transfers of Petitions provide information about individuals applying for citizenship in Wisconsin after they have petitioned in another state. The individual's original Petition for Naturalization is included in this file. The Repatriation records list name, place and date of birth, date of marriage, spouse's name, and the date of the termination of marriage or continuous residency of any woman who believed she had lost her citizenship by virtue of her marriage to an alien prior to September 1922 and whose marriage with that alien had been terminated or who had lived continuously in the United States since her marriage. An oath of allegiance is also included in the Repatriation record.

## **Administrative/Restriction Information**

### **Processing Information**

Processed by Sue Ginter and Shawn Brommer.

## **Contents List**

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