

NEW YORK STATE SUPREME COURT NATURALIZATION RECORDS IN
THE NEW YORK COUNTY CLERK'S OFFICE/DIVISION OF OLD RECORDS
From the Colonial Period through 1924

Part 1: 1907-1924

by Leslie Corn, M.A.

Established May 6, 1691 by the fledgling New York Assembly, the Supreme Court of Judicature was the English colony's highest trial court. Attorneys Alexander Hamilton, Aaron Burr, William H. Seward, and Martin Van Buren argued before this court. Its justices included John Jay, Richard Morris, James Kent, and Daniel D. Tompkins. Among its proceedings was the 1735 libel trial of John Peter Zenger. For its early history and records see *"Duelly and Constantly Kept" A History of the New York Supreme Court 1691-1847*. . . (Albany: N.Y.S. Court of Appeals and N.Y.S. Archives and Records Administration, 1991).

Today the Supreme Court is New York State's court of original jurisdiction, holding trial terms in each county and hearing appeals in its Appellate Division (*ibid.*, p. vii).

From the Colonial Period, when circuit judges rode on horseback to sessions in different county seats, to the first quarter of the 20th century, many of our ancestors were naturalized in the New York Supreme Court.

This article, in two parts, will describe the New York Supreme Court naturalization records in the collection of the New York County Clerk's Office/ Division of Old Records and how to search for them. Part 1 of the article covers the Supreme Court's most active era for processing naturalizations, from 1907 through 1924, when approximately 150,000 naturalization petitions were processed in the New York State Supreme Court of New York County. Part 2 will explore naturalization records from the beginning of the Supreme Court in 1691 through 1906.

The 1907-24 records described below are for residents of New York County, the Borough of Manhattan. Until 1914, the county also included the Bronx. Similar Supreme Court naturalization records will also be found in the other counties of New York State, though the dates and organization of files and indexes may vary from one county to another.

There are two main elements of a naturalization file:

1) ***Declaration of Intention***

The alien states his or her intention to renounce allegiance to a foreign state or ruler and to become a U.S. citizen.

2) ***Petition for Naturalization***

The alien states his or her country of origin, length of residence in the U.S., and requests to be admitted to citizenship. Affidavits of witnesses, attesting to the good character and residency status of the applicant, are usually included with the petition, along with an oath of allegiance sworn by the alien.

The Act of 1906. In 1905, more than 5000 courts in the United States processed naturalizations. A governmental commission found that little uniformity existed in naturalization procedures around the country. So Congress created the Basic Naturalization Act of 1906. The Bureau of Immigration and Naturalization (which, in 1933, became the Immigration and Naturalization Service) was established. Naturalization forms were made uniform and rules created that are still in effect today.

Naturalization jurisdiction was restricted to federal and state courts having unlimited civil jurisdiction. The only New York state court to meet that requirement and thus permitted to perform naturalizations was the New York State Supreme Court. Encouraged to relinquish the naturalization process to federal courts, most state courts abandoned the practice. But the New York State Supreme Court of New York County persevered until 1924. After that year all New York County naturalizations are in the U.S. Court for the Southern District of New York.

The Division of Old Records is currently the only repository besides the U.S. Immigration and Naturalization Service and the Family History Library to have indexes and naturalizations filed in the New York State Supreme Court of New York County from 1907-1924.

Record Contents. Supreme Court Declarations of Intention and Naturalization Petitions 1907-1924 can contain:

- Applicant's name, address, date and place of birth, physical description, occupation
- Date and port of embarkation and name of ship
- Date and port of arrival in United States
- Spouse's name (including wife's maiden name), birthdate, birthplace, and address
- Names, birthdates, and birthplaces of children
- Names, addresses, and occupations of witnesses
- Change of name (An applicant's name could have been changed as part of the naturalization process.)

"But no photographs!" says Bruce Abrams, Archivist of the New York County Clerk's Office/ Division of Old Records. However, another valuable document may be part of the naturalization record. "If a person came through Ellis Island after June 29, 1906, a certificate of arrival was issued for naturalization purposes and should be attached to the naturalization records. The certificate shows the spelling of the immigrant's name on the passenger list, date and port of arrival, and name of ship or train." That name can be different from the name on the naturalization and can be of great help to the researcher in locating other records.

An immigrant could file a declaration of intention anytime after arrival. A naturalization petition could be filed after a residency of five years in the United States and one year in a particular state.

Finding aids for naturalizations include:

- 1) Alphabetized 3"x5" card indexes, 1907-24
- 2) Alphabetized book indexes, 1907-24

Card and book indexes give the applicant's name, address, date of naturalization, and naturalization volume and page number.

SUPREME COURT NATURALIZATIONS (continued)

If you find an ancestor's naturalization listed in the index, you can then pull the appropriate volume from one of the shelves lining the high-ceilinged walls of the Division of Old Records and examine an original copy of the record.

"Declarations and petitions from 1907-08 are in different volumes," Bruce Abrams explains. "From 1909 to 1924, volumes include declarations and petitions." He has seen many frustrated researchers hunt fruitlessly for declarations that do not exist. "In special cases, such as military naturalizations, declarations were not required." There are other reasons for a missing declaration. "A person could have filed a declaration of intention in one county or state and the naturalization petition in a different locality. The declaration should be part of the naturalization file, but it may have been lost."

Supreme Court naturalizations of Bronx residents from 1907 to 1914, when the Bronx became a separate county, may be on file in the Division of Old Records—especially if the applicants lived in the southern part of the Bronx closest to Manhattan.

A Search for a Naturalization, 1907-24. A search in the card indexes revealed that Leopold Anthony Stokovski (later known as the celebrated conductor, musician, and on-screen pal of *Fantasia's* Mickey Mouse, Leopold Anthony Stokowski) was naturalized on February 13, 1915. He lived at 310 Fifth Avenue. His naturalization is in volume 180, page 85.

Stokovski filed his declaration of intention in a federal court—the U.S. Circuit Court of the Southern District of New York. He filed his naturalization petition in the New York Supreme Court of New York County—a state court. His declaration, signed September 28, 1909, has the following information:

"I, Leopold Anthony Stokovski, aged 27 years, occupation musician, do declare on oath that my personal description is: color white, complexion fair, height 5 feet 10 inches, weight 140 pounds, color of hair blond, color of eyes blue, other visible distinctive marks none; I was born in London, England, on the 18 day of April, anno Domini 1882; I now reside at 310 5 Avenue. I emigrated to the United States of America from London England on the vessel Minneapolis; my last foreign residence was London, England. It is my bona fide intention to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to Edward VII, King of Great Britain and Ireland, of which I am now a subject; I arrived at the port of New York, in the State of New York on or about the 29 day of August, anno Domini 1905. I am not an anarchist; I am not a polygamist nor a believer in the practice of polygamy; and it is my intention in good faith to become a citizen of the United States of America and to permanently reside therein; SO HELP ME GOD.

"Leopold Anthony Stokovski (original signature of declarant)

"Subscribed and sworn to before me this 28 day of September, anno Domini 1909."

Signed by the clerk of the U.S. Circuit Court.

Almost five years later, on September 3, 1914, Leopold Anthony Stokovski, copy of declaration of intention in hand, appeared at the New York State Supreme Court of New York County to submit his Petition for Naturalization. Accompanying him were his two witnesses, Joseph Rider, occupation: steel construction, in Pittsburgh; and Charles Geekie, a pattern maker, of Manhattan.

The image shows two scanned forms. The top form is a "DECLARATION OF INTENTION" from the U.S. Department of Commerce and Labor, Bureau of Immigration and Naturalization. It is handwritten in ink and includes the following information: Name: Leopold Anthony Stokovski; Age: 27 years; Occupation: Musician; Color: white; Complexion: fair; Height: 5 feet 10 inches; Weight: 140 pounds; Color of hair: blond; Color of eyes: blue; Other visible distinctive marks: none; Date of birth: April 18, 1882; Place of birth: London, England; Date of arrival: August 29, 1905; Current residence: 310 5 Ave. The bottom form is a "PETITION FOR NATURALIZATION" from the U.S. Department of Labor, Bureau of Immigration and Naturalization. It is also handwritten in ink and includes: Name: Leopold Anthony Stokovski; Address: 310 - 5 Ave.; Vol. Number: 180; Page Number: 85 - Feb. 13-1915; Nat. Cert. No. and Date Admitted fields are blank. Both forms have a "NATURALIZATION INDEX COUNTY CLERK—NEW YORK COUNTY" stamp at the bottom.

Leopold Stokovski's index card (bottom) and the top portions of his Declaration of Intention and Naturalization Petition.

In the first part of his petition, Stokovski gives his address as 310 5 Ave., his occupation as orchestra conductor, the same birth and arrival information as he did on his declaration, and the court and date of his intention. He then states:

"Sixth. I am married. My wife's name is Olga Samaroff. She was born in San Antonio Texas and now resides at 310 5 Ave. I have no children. [The children's names, ages, and birthplaces would have been noted here.]

"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

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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. . . .” Again, he renounces his former allegiance.

“Eighth. I am able to speak the English language.”

He attests that since August 29, 1905, he has lived in the U.S. for at least five years and in New York State for at least one year, that he has not made petition for citizenship in any other court, and that he prays to be admitted a citizen of the United States.

In the section called “Affidavits of Petitioner and Witnesses,” Stokovski’s witnesses attest to their citizenship, Stokovski’s length of residency, good moral character, belief in the Constitution of the United States, “and that the petitioner is in every way qualified” to be admitted as a citizen.

Five months and ten days later, Stokovski again appears at the Supreme Court. On February 13, 1915, he signs his Oath of Allegiance to the United States and renunciation of his former king. The court official signs the part of the declaration titled, “Order of Court Admitting Petitioner.”

Leopold Anthony Stokovski is now officially a citizen of the United States of America.

Had he been denied citizenship, the reason would have been noted in the next section, “Order of Court Denying Petition,” which is, in this instance, blank. Any delays in the naturalization process—postponement because of court delay, for instance—would have been noted in the next section, “Memorandum of Continuances,” also blank. Below that is a section for “Names of Substituted Witnesses.” There are none.

Other Naturalization Records of the New York State Supreme Court of New York County, 1907-24:

• **Declarations of Intention, 1907-24**

Supreme Court declarations were also filed separately from petitions in this time period. Over 700 libers of declarations exist. These declarations are filed in chronological order and have no cumulative index. Each liber contains its own index. Unless you know the exact date an intention was filed, these records are, to say the least, time-consuming to search. However, this research may be worthwhile if, for example, (1) you have exhausted all other research possibilities without finding a naturalization petition, (2) you have found a petition from New York County, 1907-08, when declarations were not part of the same file, or (3) you have located a petition—without the attached declaration—in another county or state and know that your ancestor filed a declaration in New York County.

• **Petitions Denied, 1907-24**

Included in the cumulative 1907-24 index are cards for people who applied for and were denied citizenship. Because the applicant completed both the declaration and the petition, petitions denied can be just as genealogically revealing as successful petitions. Among the reasons for an applicant’s being denied, besides a criminal background, were not showing up for the hearing, poor moral character, and inability to answer the examiner’s questions.

An applicant whose petition was denied was the key to finding a client’s family’s ancestral town in Italy. Known

family members hadn’t shown up in naturalization records of any New York court indexed in the National Archives, nor could they be found in arrival indexes. I searched for the surname in the Supreme Court of New York County card indexes and found nothing for known family members. But there was an index card for someone in 1923 with the family surname and an unfamiliar given name who lived at the family’s address on East 109 St. On his declaration and naturalization petition he stated that his birthplace was Cosenza, Italy. That was the clue we needed to head for Italian parish records and confirmation that Cosenza was also the birthplace of my client’s line.

If you find that an ancestor’s petition was denied, don’t stop there. Keep looking through the indexes. Many immigrants tried—and succeeded—on their second attempt.

• **Receipts for certificates of naturalization, 1907-24**

Everyone who was naturalized was given a naturalization certificate and signed a receipt for it. These receipts are filed in unindexed books, by certificate number. Naturalized citizens who lost their certificates could send their certificate numbers to the clerk of the court and request duplicates.

The receipts include the applicant’s name, age, court and date where the declaration was issued, petition volume and number and date of issue, name, age, and place of residence of wife, names, ages, and places of residence of minor children, and signature of certificate holder.

<p>Receipt no. 762003 for Samuel Jacob Loew’s naturalization certificate indicates that he filed his declaration of intention 3 Nov. 1911 in Brooklyn at the U.S. Court for the Eastern District of N.Y., and was naturalized in the N.Y. State Supreme Court of N.Y. County 8 May 1917, vol. 259 no. 64271. He was 33, and the naturalization included his wife Judith, also 33, and children Michael 9, Samuel 8, Morris 6, and Leah 6 months. They lived at 317 East 100th St., Manhattan. Samuel Jacob signed the receipt.</p>	<p>Form 390</p> <p>Declaration No. 762003 3</p> <p><i>Samuel Jacob Loew</i></p> <p>Age 33 years</p> <p>Declaration of intention No. _____ issued by Clerk of Court at _____ Court of _____</p> <p><i>Brooklyn</i></p> <p>3 day of Nov 1911</p> <p>Volume No. 259 No. 64271</p> <p>Declared and signed for the _____ day of _____</p> <p><i>May 8 1917</i></p> <p>Name, age and place of residence of wife: <i>Judith 33</i></p> <p>Name, age and place of residence of minor children: <i>Michael 9, Samuel 8, Morris 6, Leah 6 mos</i></p> <p><i>317 East 100th St</i></p> <p><i>Samuel Jacob Loew</i></p> <p>Signature of certificate holder</p>
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Some other points about naturalization:

• **Children and Naturalization**

Non-native minor children became citizens when their parents naturalized. All children born in the U.S. were citizens, even if their parents were aliens.

• **Women and Naturalization**

While it is true that most women derived citizenship from their husbands or fathers, it is always worthwhile checking for a female ancestor’s naturalization record, especially if that woman was unmarried or widowed.

SUPREME COURT NATURALIZATIONS (continued)

By an act of March 2, 1907, a woman, married after that date, acquired the nationality of her husband. So an American-born woman—a U.S. citizen by birthright—lost her citizenship if she married an alien. If her husband naturalized, she would again become a U.S. citizen. If this happened to one of your ancestors between 1907 and 1921, you will probably find her name on her husband's naturalization petition, but it is unlikely that you will find a separate naturalization record for her.

The naturalization process changed dramatically for women in 1922. Through the "Married Women's Act" (Cable Act) of September 22, 1922, a woman could obtain her own naturalization, and her citizenship was no longer affected by that of her husband.

• *Military Naturalizations*

A legislative act of July 17, 1862 (12 Stat. 597), aimed at encouraging aliens to enlist in the Civil War, allowed aliens 21 years or older who were honorably-discharged veterans of the armies of the United States to obtain citizenship without filing a declaration and with only one year residency in the U.S.

Similar special privileges held true in later years for military personnel. As I was researching records for this article, I came across a letter loosely nested between the pages of a Supreme Court naturalization liber from 1914. The letter, from COC Cowley, the Chief Naturalization Clerk of the U.S. Department of Labor Naturalization Service, was addressed to the Clerk, Supreme Court, New York County, N.Y. and dated September 21, 1914:

"Dear Sir:

"Concerning petitions for naturalization filed under the Act of June 30, 1914, by honorably discharged sailors and members of the Marine Corps of the United States Navy; United States Naval Auxiliary and Revenue Cutter Service men . . . who have served not less than four years in such services and who apply within four months from the date of their discharge from such service; will you please instruct your clerks who prepare these petitions that the assertion in the petition having reference to the declaration of intention should be struck through, and in lieu thereof the dates of enlistment and discharge should be noted; the affidavit of witnesses may be left blank, but the affidavit of petitioner should be executed, and a statement should appear on the face of the petition that the honorable discharge certificate was exhibited to the clerk on the date the petition was filed."

An act of May 9, 1918 (40 Stat. 542) made it even simpler for alien military personnel to naturalize. No declaration of intention or proof of residency was required of "Any alien serving in the military or naval service of the United States during the time this country is engaged in the present war. . . ."

ACCESS TO THESE RECORDS

Researching on-site at the New York County Clerk's Office/Division of Old Records

The New York County Clerk's Office/Division of Old Records is open on Tuesdays and Thursdays, 9 a.m.—1 p.m. and 2–5 p.m., and on other days by appointment. Photocopies of naturalizations can be made for 50 cents per page. The archive is located in Room 703 at 31 Chambers Street in Manhattan,

phone (212) 374-4376. All the records described in this article are available for your research.

Requesting Documents by Mail

If you wish to request materials by mail, certain restrictions apply. Send your request, including whatever you know about the applicant's date of birth, address, approximate dates of arrival and naturalization, and spouse's name, along with a non-refundable certified check or money order for \$10 per request and a self-addressed stamped envelope, to: New York County Clerk's Office, 60 Centre St., Room 161, New York, NY 10007, Attn: Division of Old Records.

If a record is found, it will be photocopied and mailed to you. If more than one index card matches the name you requested, the archivists will photocopy the cards and mail them to you. You can then select the most likely applicant and request the file. If you want more than one file, include additional payments of \$10 for each file beyond the first.

The archivists can only search 1907-24 card indexes to New York County Supreme Court naturalizations. They cannot search the books of Declarations of Intention. If you know the exact date of the record, they will photocopy the declaration for you. They will copy Supreme Court Certificate of Naturalization Receipts only if you know the exact certificate number and year it was issued.

New York State Supreme Court of New York County naturalization indexes and records available elsewhere:

1) **The Family History Library**, Salt Lake City – search the FHL catalog for first film no. in each series or under NEW YORK—NEW YORK—NATURALIZATION AND CITIZENSHIP:

- *Card Indexes to Naturalization Petitions*, N.Y. Supreme Court (N.Y. County), 1896-1924. 38 reels. First FHL Film #1509012; last FHL Film #1522833.

- *Declarations of Intention*, N.Y. Supreme Court (N.Y. County), 1907-1924, Volumes 1-710. 161 reels. First FHL Film #1509730; last FHL Film #1533059.

- *Petitions and Record of Naturalization*, N.Y. Supreme Court (N.Y. County), 1907-1924, Volumes 1-670. 467 reels. First FHL Film #1435846; last FHL Film #1509703. Vols. 17-670 also include the corresponding declarations of intention.

2) **The U.S. Immigration and Naturalization Service** holds duplicate copies of naturalization documents filed after September 26, 1906. For a G639 request form, contact: U.S. Immigration and Naturalization Service, 425 Eye Street N.W., Washington, DC 20536, phone (800) 870-3676; website: <http://www.ins.usdoj.gov>.

3) **Online:** Ancestry.com's scanner has been busy copying the thousands of 1907-24 Supreme Court naturalization index cards at the Division of Old Records. Beginning after the second week in January, 2000, Ancestry will offer this index online to their subscribers. Naturalization indexes will be searchable by name, address, year of naturalization, or volume number. (<http://www.ancestry.com>) ■

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