



PAVAN V. PARIKH

Hamilton County Clerk of Courts

From: Jason Alexander-Manager-Central Services Division
Re: Clerk of Courts Naturalization Records
Date: May 9th 2023

Background

From time to time, this office receives records requests and inquiries related to naturalization records. These requests typically come in two various forms, that of the requester wanting a “**Naturalization**” record or something called a “**Declaration of Intention.**” It is worth noting that of all of the records that this office retains on microfilm, these two records series are by far, the least requested of all. This office does possess these types of records however they are an extremely small records series in terms of volume. This office has always been left with a curiosity as to why a record that is typically thought to be under federal government jurisdiction would also reside in this office. Additionally, this office has always questioned exactly what these records are, being that they are not frequently asked for and we possess so few.

Finding

After conducting some research, we were able to successfully ascertain what exactly these records are as well as establish why this office is a rightful custodian of this limited record series. These records all concern persons petitioning the United States government for citizenship and residency. In terms of these records, the two record types that the Clerk of Courts retains on microfilm concerning these records are titled “**Restorations of Naturalizations**” and “**Declarations of Intentions.**” Below we will explain in as much detail as could be found as to what these records actually are:

Declarations of Intentions- From what could be located, a party would file what was known as a “**Declaration of Intention**”. This document was the noncitizen renouncing their allegiance to the ruler of their country and stating their intent to become citizens of the United States. Noncitizens then kept their declarations and then presented them to the court in the next step of the process. The next and final step was for the noncitizen who had lived in the United States for a minimum of five years (including one year in the state) requesting that the court grant them citizenship. The courts would then take evidence from witnesses that were required to be United States citizens. After these burdens having been met, the noncitizen took an oath of allegiance to the United State of America and the court then issued them a “**Certificate of Naturalization**” which was then entered into the courts’ records. This is where we enter the second record series, that of “**Restorations of Naturalizations.**”

Restorations of Naturalizations- The word “**Restorations**” is of paramount importance as this is a direct indication that these original records were most likely just simply “**Naturalizations**” but being that a good number of these were prior to 1884, they perished in the fire that ensued as the result of the “**Cincinnati Courthouse Riot**” in 1884 and were thereby subsequently restored in recreating the records. This is further supported by the fact that when viewing the beginning portions or cover pages of these records on the microfilm, it indicates that

these naturalization records were also known as **“Second Papers”** as one of the volumes represents the papers that were brought into the courthouse by citizens for transcription between November 8th 1887 and November 30th 1926 for purposes of recreating the lost records. In essence, this record series are the actual recreated records of the court naturalizing the party for official citizenship.

In conducting our research, there was another very interesting and important fact discovered in terms of the physical microfilm that we have for these records. Unlike the majority of our microfilmed media, both of these records series were not produced by Hamilton County. This microfilm was produced by Wright State University Archives for the Ohio Historical Society under agreement between the Ohio Historical Society and the Genealogical Society of Utah. This solved another one of our mysteries as to why this microfilm did not conform to the standard microfilm “Job Numbers” and “Job Codes” that was typically utilized from Hamilton County produced microfilm media.

The ultimate finding as to why this office possesses a records series of this type is perhaps the most interesting of all. Information taken from the **“Inventory of the County Archives of Ohio No. 31 Hamilton County (Cincinnati)”** created by the WPA or **“Works Projects Administration”** states that until 1906, that Probate Court had jurisdiction in naturalization proceedings. However, it was also in that same year that the federal statute was amended and exclusive jurisdiction in relation to naturalization matters were vested in the United States District Courts and all state courts of record having a clerk, a seal, and jurisdiction in matters of law and equity in which the amount in controversy was unlimited. Although in 1906, the general code still required the probate judge to keep a naturalization record and index to the records, this jurisdiction was transferred to the Courts of Common Pleas. According to the WPA inventory, due to the changes in the federal statute that occurred in 1906, the Hamilton County state courts ceased hearing any further naturalization matters. Additional information obtained indicated that when the federal statute regarding naturalization matters was amended in 1906, that this standardized all of the forms that were then controlled by the Bureau of Immigration and Naturalization and even though any court of record continued to have jurisdiction in naturalization matters, they then required that all Declarations of Intentions and naturalization petitions be sent to the Bureau.

In all of these findings, one of the most important items to be learned was the following: Being that the United States federal government did not directly exercise jurisdiction in naturalization proceedings until 1906, this would imply that all of the naturalization records that we currently possess are very likely the only official records that exist.