

# Tracing Female Ancestors in America

## *Class 2: Legal Rights of Women in America*

Rhonda R. McClure, Senior Genealogist

THE BRUE FAMILY LEARNING CENTER



American Ancestors®  
by NEW ENGLAND HISTORIC GENEALOGICAL SOCIETY

# Meet today's presenter



Rhonda R. McClure  
Senior Genealogist

# OVERVIEW

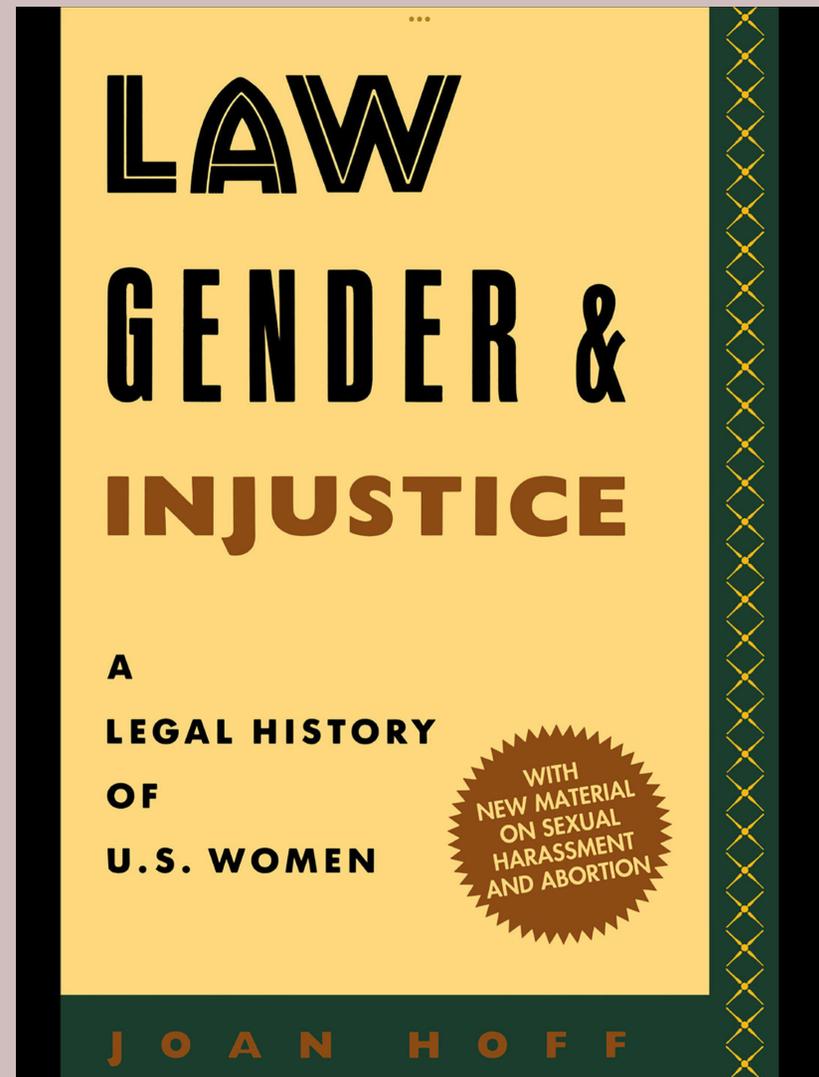
- **Presentation** (60 mins.)
- **Q&A** (30 mins.)

# What About the Women?

- Women exist in records, but often overlooked
- Usually appear in relationship to men in their lives
- Limited in what they could own
- Guardianship not a given of minor children at death of husband
- Citizenship until 1922 often based on their husband

# Resource

- By Joan Hoff
- In depth examination of the legal history of U.S. women
- Chapters examine law and women chronologically



# A Woman Before Her Time



- In 1783, she was not permitted to possess cash or other personal property
- She owned a mercantile
- She encouraged her husband to “remember the ladies” when forming the new government

# Legal Terms

## ***Feme Covert***

- By marriage, the husband and wife are one person in law: that is, the very being or legal existence of the woman is suspended during the marriage, or at least incorporated and consolidated into that of the husband: under whose wing, protection, and *cover*, she performs everything....
  - William Blackstone
  - *Commentaries on the Laws of England*

# ***Coverture***

- The legal status of a married woman, considered under her husband's protection and authority
- Coverture gave all the power to the husband

## ***Feme Sole***

- A single woman functioned on a legal par with men in property rights
- Separate Estate—by inheritance, dower, marriage contract

# ***Dower***

- The provision which the law makes for a widow out of the lands or tenements of her husband for her support and the nurture of her children.
  - *Black's Law Dictionary*

# The Husband

# The Husband

- Once married, the husband owned and controlled most of what the wife may have had
- Likewise, he was responsible for her and any debts she had
- In the 17th and 18th centuries she could not purchase things like stocks or land on her own, separate from her husband

Querists, and sold by B. Franklin. Price eight Pence.

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**W**HEREAS Mary, Wife of Charles Robinson, of New-Castle County, hath eloped from her said husband and persists in it: These are to forwarn all persons not to credit or deal with the said Mary on her husband's account, for he will not pay any debts contracted by her after the date hereof. And likewise these are to forwarn any persons buying any thing of the said Mary belonging to her said husband, which she has now in possession and clandestinely conceals.

June 4. 1741. Charles Robinson.

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JUST IMPORTED.

# Elopement

# Probate Records

# Probate Records

- Inheritance
- Dower from husband
- Guardianship

# Inheritance

- Women often were entitled to their inheritance only until their death
- Colonial women with enough property to probate not more than 10% of all probate before 1774

Funeral charges are fully paid & satisfied, I give,  
Bequeath the same as follows, That is to say  
I Give and Bequeath to my Brother  
Elizabeth Ayres, of Nova Scotia, Miller  
Ten Shillings Lawful Money, in full for his Portion of all  
my said Estate,  
I Give and Bequeath to my Beloved &  
Lawful Wife Chloe, all the Rest & Residue of my said  
Estate, whensoever & wheresoever, the same shall or may be  
found, to be entirely for her own Comfort, & at her own disposal,  
without any hindrance, Disturbance, or Molestation, from  
any person, or persons whatsoever; Nothing Excepted or  
Reserved, And I hereby Constitute and

## Obadiah Ayer, 1778, Will

my spirit to God who gave it 2<sup>nd</sup> I wish all my honest debts to be paid. 3<sup>rd</sup> I will to my  
 wife Lydia one horse saddle & bridle my Cutter & harness two cows & fifteen sheep and  
 all the things that she brot when she came to to live with me together with all her  
 wearing apparrel and allso one half of all the bed and bedding that she has made  
 since she has lived with me and allso five notes against Leonard Ganno which  
 he gave to my wife Lydia 4<sup>th</sup> I will to my son Ira five shilling. 5<sup>th</sup> I will to my  
 son Eri my best suit of cloaths & a pair of two year old steers 6<sup>th</sup> I will to my  
 other Children Viz. Duclana Samuel Cloe Kezia John Martha Esther & Althea -  
 all the rest of my estate to be equally devided except my sermon book great  
 Bible & red chest with drawers which I will as follows the sermon book to Samu-  
 el the great Bible to John & the red chest with drawers to Kezia And I make and  
 ordain my sons Samuel & John soal Executors of this my last will in trust for  
 the intent and purposes contained In Witness whereof I have hereunto set my  
 hand and seal this third day of January in the year of our Lord one thousand  
 eight hundred and thirteen John Howe <sup>1813</sup> Signed & sealed in presence of

## John Howe, 1813, Will

Third: I do give unto my sons William and John and Elizabeth Snow my  
 Daughter the following described tracts of land Situate in said County of St. John  
 the North West quarter of the South East quarter of Section Ten in Township 21<sup>st</sup> North  
 of Range 10<sup>th</sup> East of the third principal Meridian Containing Forty acres also  
 the East half of the North East quarter of the North West quarter of Section Eleven Township  
 21<sup>st</sup> North of Range 10<sup>th</sup> East of the third principal Meridian Containing Twenty acres  
 to be equally divided among them Twenty acres to each.  
 Fourth: I also give devise and bequeath to my beloved wife Martha Snow, all  
 the live Stock, Horses, Cattle, Sheep, Pigeons by me owned and also all the Household  
 furniture and other articles of property not herein enumerated or otherwise  
 disposed of in this will as long as she remains my widow after having dis-  
 posed of a sufficient amount to pay and discharge the expenses and  
 debts aforesaid, and that at her death all the property aforesaid  
 to her bequeathed or so much thereof as may remain undistributed to  
 her four Children, Charles B. Snow, Sarah Adeline Snow, Thomas  
 Richard Snow, Joseph Franklin Snow,  
 And lastly I hereby empower my wife Martha Snow to appoint an  
 Executor of this my last Will and Testament and ratifying and confirming this

## Charles B. Snow, 1871, Will

# Dower from Husband

- Massachusetts and Connecticut began restricting dower interests during 18th century
- Some Mid-Atlantic colonies and South Carolina created chancery (equity) courts and were more generous with dower allocations
- Pennsylvania honored limited dower rights
- By 1790s Pennsylvania placed creditors above rights of married women

# Guardianships

- Appointed for minors
- A father may be appointed guardian if his children inherit from his deceased wife's family
- Mothers were appointed, but it wasn't a given

**T**HE Condition of this Obligation is such, That if the  
 above-bounden *Timothy Thornhill* Nominated and Allowed to be  
 Guardian unto *John Ayres* a Minor *aged about 15*  
*years son of Edward Ayres late of Boston*  
 late of *Boston* in the County of *Suffolk* *Shirlington* Deceased, shall  
 and do well and truly perform and discharge the Trust and Office of Guardian  
 unto the said Minor, and that in and by all Things according to Law; And  
 shall render a plain and true Accompt of *his* said Guardianship upon Oath,  
 and all and singular such Estate as shall come to *his* Hands and Possession by  
 Virtue thereof, and of the Profits and Improvements of the same, so far as the Law  
 will charge *him* therewith (when *he* shall be thereunto lawfully  
 required) and shall pay and deliver what and so much of the said Estate as shall be  
 found remaining upon *his* Accompt, (the same being first Examined and  
 Allowed of by the Judge or Judges, for the time being, of the Probate of Wills, &c.  
 within the County of *Suffolk* — aforesaid) unto the said Minor when *he*  
 shall arrive at full Age; or otherwise as the said Judge or Judges by his or their  
 Decree or Sentence pursuant to Law shall Limit and Appoint: Then this Obligation  
 to be Void, otherwise to remain in full Force.

*Signed, Sealed and Delivered*

John Ayres, Guardianship, 1748

# Land Records

## Land Records

- Release of Dower
- Deeds with family members
  - Estate settlements
- Agreements (prenups)

# Release of Dower

- The reason that married men's wives are listed in deeds on land they are selling
- A separate paragraph stating the wife swears she was not coerced in selling
- But remember how much the woman relied on her husband

2662

E. Emery, Printer and Blank Book Manufacturer, Peoria, Ill.

<p><b>REVENUE</b></p> <p><b>STAMP</b></p> <p>TO THE AMOUNT OF</p> <p style="font-size: 2em;">50</p> <p>ON THIS</p> <p><b>DEED.</b></p>	<p>This Indenture, Made this <u>thirty-first</u> day of <u>October</u> in the year of our Lord one thousand eight hundred and sixty seven BETWEEN <u>Benjamin P Stauderfer and Patsy Stauderfer his wife of Douglas County Illinois</u> of the first part, and <u>Thomas Fulton of Monroe Co Ill</u> of the second part,</p> <p>WITNESSETH, That the said party of the first part, for and in consideration of the sum of <u>Twenty</u> Dollars in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have GRANTED, BARGAINED AND SOLD, and by these presents do GRANT, BARGAIN AND SELL unto the said party of the second part, <u>their</u> heirs and assigns, all the following described lot, piece, or parcel of land, situated in <u>mathew creek</u> in the County of <u>Monroe</u> and State of Illinois, to wit:</p> <p>The undivided one eleventh part of the North West quarter of Section No. 33 in Township No. fourteen North, Range Six (6) East of 3<sup>d</sup> P.M., the same being the entire interest of inheritance held by said Patsy Stauderfer in said NW 1/4 NW 1/4 33.14.6, which is a part of the Real Estate of which Thomas Fulton Sr. died seized and was upon Petition for partition <u>set-off as Dower to Elizabeth Fulton, widow of said Thomas Fulton died,</u> and remains subject to her Dower right so long as she may live which said incumbrance is to be fully recognized in this Deed.</p>
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Benjamin & Patsy Standerfer, 1869

the said party of the second part his heirs and assigns FOREVER. And the said Benjamin Patsy party of the first part, hereby expressly waive, release and relinquish unto the said party of the second part, his heirs, executors, administrators and assigns, all right, title, claim, interest and benefit whatever, in and to the above described premises, and each and every part thereof, which is given by or results from all laws of this State pertaining to the exemption of homesteads.

And the said Grantors party of the first part, for them their heirs, executors, and administrators, do covenant, grant, bargain and agree, to and with the said party of the second part his heirs and assigns, that at the time of the enrolling and delivery of these presents, they are well seized of the premises above conveyed, as of a good, sure, perfect, absolute and indefeasible estate of inheritance in law, and in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and encumbrances, of what kind or nature except as above excepted soever, and the above bargained premises, in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT AND FOREVER DEFEND.

In Testimony Whereof, The said party of the first part have hereunto set their hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Benjamin G. Standerfer SEAL  
Patsy Standerfer SEAL  
 SEAL

STATE OF ILLINOIS,

Douglas COUNTY, ss.

I, L. C. Taylor a Justice of the Peace in and for said County in the State aforesaid, do hereby certify that Benjamin G. Standerfer and Patsy Standerfer who are personally known to me as the same person whose name is subscribed to the annexed Deed, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument in writing as their free and voluntary act, for the uses and purposes therein set forth.

And the said Patsy Standerfer wife of the said Benjamin G. Standerfer having been by me examined separate and apart and out of the hearing of her husband, and the contents and meaning of the said instrument of writing having been by me fully made known and explained to her, and she also by me being fully informed of her rights under the Homestead Laws of this State, acknowledged that she had freely and voluntarily executed the same, and relinquished her own interest dower to the lands and tenements therein mentioned, and also all her rights and advantages under and by virtue of all laws of this State relating to the Exemption of Homesteads, without compulsion of her said husband, and that she does not wish to retract the same.

Given under my hand and seal, this 27 day of November A. D., 1867.  
L. C. Taylor J.P.

Filed for Record on the 18 day of Nov A. D. 1867, at 9 o'clock, A. M.  
J. H. Waggoner RECORDER.

# Benjamin & Patsy Standerfer, 1869

1  
Borley and John A. Mado for and in consideration of the sum of three hundred  
and ten dollars to the said George Borley in hand paid and merely four  
dollars & 63/100 cents to the said John A. Mado in hand paid the receipt where-  
of is hereby respectively acknowledged by the said Borley & Mado, they & the said  
George Borley and John A. Mado have bargained and sold out by these presents  
to each of them bargain, sell and confirm unto the said Patrick Mado his heirs assigns  
all their remaining rights and interest in a certain tract of land situate lying  
and being in the County of Halifax, Virginia containing by admeasurement seven  
hundred and fifty seven acres more or less and bounded by the lands of said  
Messrs. John Dymocher William Mado and others being the tract of land which  
said Mary Mado used by her father George Borley and which said George Borley  
conveys unto William Mado, her son, that said Patrick Mado and his heirs  
Mado used under the will of her deceased husband George Borley and which she  
as a son & heir of said George Borley and his heirs and assigns.

Halifax Co., Va. Deeds, v. 41, p.373

231 This Indenture made and Entered into this 1<sup>st</sup> day of April 1831 between  
 Edmund Butler of the one part and Polly Hunt of the other part both  
 of the County of Montgomery and State of Kentucky, witnesseth That  
 Whereas there is shortly a marriage intended to be held and solemnized  
 between the above named Edmund Butler and Polly Hunt, and  
 it is agreed between the said Edmund Butler and Polly Hunt  
 Examined that they are to use and enjoy and occupy each others property respectively, during  
 their natural lives and at the death of the said Edmund Butler if he should  
 die first the said Polly Hunt is to have and enjoy the Property she  
 has now at this time, both real and personal, and also she is to have  
 the one third part ~~part~~ of the said Edmund Butlers estate both real and  
 personal, at the time of his death, to have and to hold the said one  
 third of his said Estate during her natural life, and it is agreed  
 that the said one third shall at her death descend, and belong to the children  
 and heirs of the said Edmund Butler and it is further agreed between  
 the parties to this Indenture that in case the said Polly Hunt  
 should die before the said Edmund Butler, then and in that  
 case the said Edmund Butler is not to have any title to the estate  
 which the said Polly Hunt may have, or which she has at this time.

## Edmund Butler & Polly Hunt, 1831

# Married Women's Property Act of 1848

- Passed by the Senate and Assembly of the State of New York, 7 April 1848
- Established protection for any real or personal property she owned at time of marriage
- Allowed her to receive by gift, grant, devise, or bequest from someone other than her husband as if she were a single female

# QUESTIONS?

# Naturalization in the 19th Century

# Naturalization Act Wording

Act	Naturalization Act of 1802	Naturalization Act of 1804	Naturalization Act of 1855
Notice time	2 years	2 years	2 years
Residence period	5 years	5 years	5 years
Wording	“free white persons”	“the widow and children”	

**Notice time** was time between declaration of intent and petition for naturalization

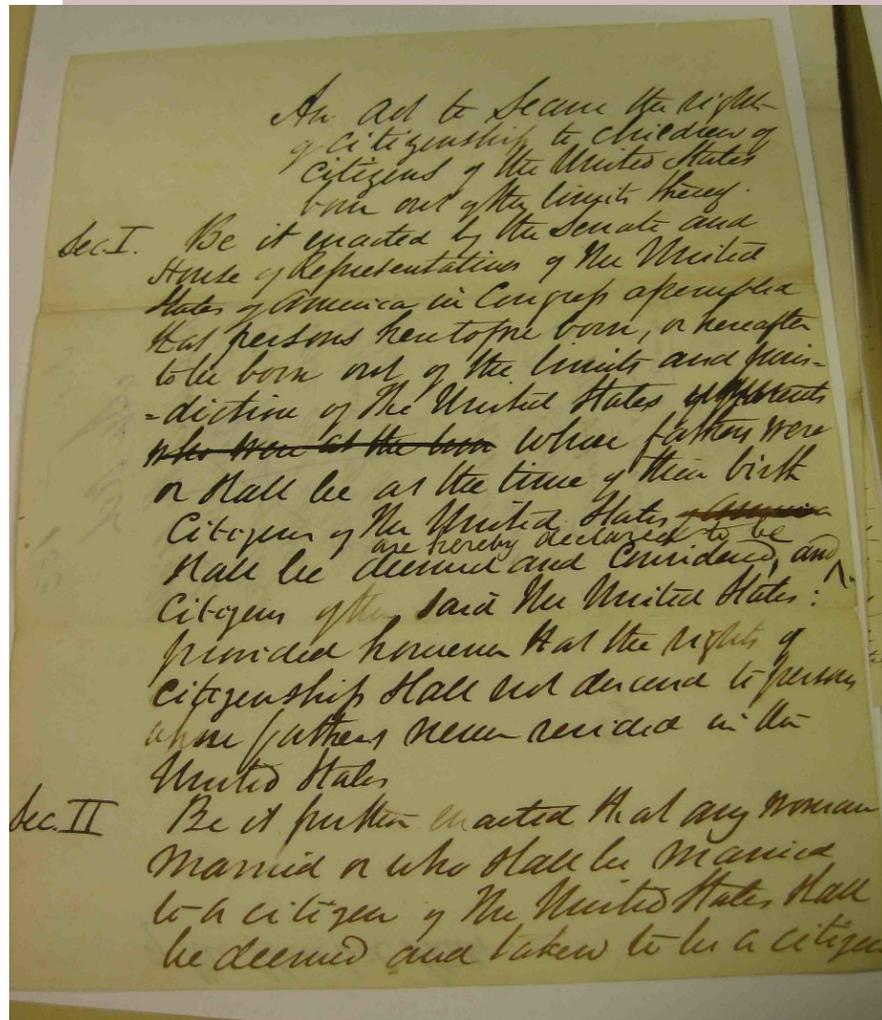
# Naturalization Act - 1804

- Passed March 26, 1804
- First naturalization act to address women and children
- Pertained to their naturalization status if their husband and father died before completing the process

# Naturalization Act - 1804

- “...when any alien [man]...” completed the declaration of intent, and then died before completing the naturalization process
- The widow and children could take the oath of allegiance and become citizens
- As such, researchers might find the woman’s oath, but no earlier paperwork.

# Naturalization Act of 1855



- Automatically granted citizenship to a woman who married a U.S. citizen.
- Her name though will not appear on the naturalization documents

# Women and Naturalization

- Beginning in 1855 alien women became citizens when they married an American citizen
- They also became citizens when their alien husband naturalized
- Probably the most influential naturalization act for women
- Would be no paper trail of naturalization for her

3195

**UNITED STATES OF AMERICA.**

MASSACHUSETTS DISTRICT, ss.

Height	5 Ft	8 1/2	
Color	white		
Complexion	light		
Color of Eye	blue		
Color of Hair	gray		
Visible Marks	District, on the		
Age of Wife	59		

**Be it Remembered,**

at a District Court of the United States, at Boston, within and for the Massa  
District, on the *Seventeenth* day of *May* in the  
our Lord one thousand eight hundred and *Sixty nine,*

Personally appeared before the Clerk of said Court *Charles H. Du*  
of *Gloucester* — in said District, *Blacksmith*  
an alien and free white person, and by his Declaration in writing, on oath set for  
he was born at

*in the County of Digby, Nova Scotia*

on or about the *ninth* day of *May* in  
of our Lord eighteen hundred and *thirty three* ~~thirty six~~ and  
about *thirty three* years of age; that he arrived at *Rock*  
in the District of *Massachusetts*  
in the United States, of America, on or about the *fourteenth*  
of *April* in the year of our Lord eighteen hund  
*fifty five* — ; that it then was, and still is, his bona fide i  
to become a citizen of the United States of America, and to renounce forever all al  
and fidelity to every foreign Prince, State, Potentate, and Sovereignty whatsoever

# Declaration of Intent

U N

Height *5* Ft *8 1/2* MASSACHUSETTS

Color *white*

Complexion *light*

Color of Eyes *blue*

Color of Hair *gray* District C

Visible Marks *District, on the*

our Lord one t

Age of Wife *59*

Physical description added

# Changes to Act of 1855

- A modification to the 1855 Act in 1860 caused confusion regarding female citizenship
- The 1860 modification referred to women who **left** the U.S. to reside with their unnaturalized husband in a foreign residence
- This residency negated her U.S. citizenship
- However, many courts assumed it applied to any woman married to a non-citizen

# Marital Status & Citizenship

# Marital Status & Citizenship

- From 1866-1907, there is much confusion in regard to the citizenship of an American born woman who marries an alien
- Courts also assumed that if the husband had not naturalized that the alien wife **could not** naturalize
- Only if her alien husband did not qualify for naturalization was she legally forbidden from naturalizing herself

# Expatriation Act

- Became official March 2, 1907
- Established that “any American woman who marries a foreigner shall take the nationality of her husband”
- She could regain American citizenship if her husband naturalized OR if she elected to go through the naturalization process herself— assuming her husband was a qualifying alien

# Cable Act

- Enacted September 22, 1922
- Also known as the Married Women's Citizenship Act or the Married Women's Independent Nationality Act



# Cable Act

- Severed the marriage bond in respect to naturalization
- Any immigrant woman marrying a U.S. citizen after September 22, 1922 did not automatically become a U.S. citizen
- Any immigrant woman whose alien husband naturalized after this date did not become a citizen with him
- U.S. women no longer lost citizenship at marriage

# Cable Act

- Did not repatriate those women who had married non-naturalized men between the years of 1907 and 1922.
- Did not offer a way to repatriate other than the full naturalization process.
- Did nothing for women who married an immigrant who could not qualify for naturalization himself.

# Asian Exclusion

- Begun with the Chinese Exclusion Act in 1882
- Immigration Act of 1917 – created an “Asian Barred Zone” (much of Asia & Pacific Islands) from which immigrants could not enter the U.S.
- Immigration Act of 1924 barred immigration from: China, Japan, the Philippines, Siam (Thailand), French Indochina (Laos, Vietnam & Cambodia), Singapore, Korea, Dutch East Indies (Indonesia), Burma (Myanmar), India, Ceylon (Sri Lanka), and Malaya (mainland of Malaysia)

# Immigration Act of 1924

- More than just denying entry of immigrants to the U.S., it also barred entry of American born women, living abroad, who were married to those ineligible classes
- Such women were now held to the Quota limitations of the countries of their husbands, despite their having been born in the U.S.
- Ineligible classes had extremely small quota numbers.

# 1931

- In 1931 Congress finally removed the final two hurdles for U.S. born women who were married to someone considered ineligible to naturalize:
  - Ineligibility of the spouse to naturalize
  - Foreign residence
- Though expatriated women still had to complete the entire naturalization process.

# Clues in Census

# Were they naturalized?

- Census records often supply you with the needed clues to if a man was naturalized
- Some of the censuses also include the year of naturalization
- If there is a date of naturalization for a married female on the 1920 census that is likely either her marriage date OR the date her husband naturalized

	Fornie, Clara	Wife <sup>Wf</sup>	F	W	26	M	10	4	3	It. Italian	It. Italian	It. Italian	1892		
	— Alexander	Son	M	W	8	S				Massachusetts	It. Italian	It. Italian			
	— Silvio	Son	M	W	6	S				Massachusetts	It. Italian	It. Italian			
	— Helen	Daughter	F	W	3	S				Massachusetts	It. Italian	It. Italian			
	Gilli, Ludovico	Boarder	M	W	22	S				It. Italian	It. Italian	It. Italian	1907 AL	3	
	— Guirino	Boarder	M	W	23	S				It. Italian	It. Italian	It. Italian	1907 AL	2	
26	Accolla, Sebastian	Head <sup>H</sup>	M	W	38	M	1	20		It. Italian	It. Italian	It. Italian	1901 AL	8	
	— Carmela	Wife <sup>Wf</sup>	F	W	36	M	1	20	2	2	It. Italian	It. Italian	It. Italian	1903	3
	— Fiorentino	Son	M	W	4	S				Massachusetts	It. Italian	It. Italian			
	— Getano	Son	M	W	5	S				Massachusetts	It. Italian	It. Italian			
J	Tura, Robert	Boarder <sup>H</sup>	M	W	25	S				It. Italian	It. Italian	It. Italian	1905 AL	6	
27	Freeman, Emma	Head <sup>H-OT</sup>	F	W	46	M	1	26	2	2	Massachusetts	Massachusetts	Virginia		6
28	Candini, Alphonse	Head <sup>H</sup>	M	W	52	M	1	26			It. Italian	It. Italian	It. Italian	1892 AL	3
	— Sibera	Wife <sup>Wf</sup>	F	W	46	M	1	26	4	2	It. Italian	It. Italian	It. Italian	1892	3
	— George	Son <sup>H</sup>	M	W	14	M	1	3			It. Italian	It. Italian	It. Italian	1895 AL	6
	— Mary	Daughter-in-law <sup>Wf</sup>	F	W	20	M	1	2	2	3	Massachusetts	It. Italian	It. Italian		6

## 1910 U.S. Census



13	D 174	235	Kass	Henry	Head	10	F	M	W	43	M										
14					Berlin M.	Wife			F	W	40	M									
15						Henry F.	Son			M	W	18	S								
16						Margaret K.	Daughter			F	W	13	S								
17						Frederick M.	Son			M	W	10	S								
18	X	180	276	Brown	George	Head	10	F	F	W	32	M	1901	Cal							
19						Marie Louise	Wife			F	W	32	M	✓	Cal						
20	X	181	237	Haggerty	Patrick	Head	10	F	H	W	73	M	1867	Pa	1873						
21						Winifred	Daughter			F	W	67	M	1870	Pa	1873					
22							John A.	Son			M	W	43	S							
23							Bliss M.	Daughter			F	W									
24	X	182	238	Boyle	James M.	Head	10	F	M	W											
25						McKenna	Margaret	Sister			F	W									
26							Frank	Nephew			M	W									
27						Kestinger	George	Nephew			M	W									
28								F	W												

1920 U.S. Census

George	son	M	W	20	S			yes	yes	Massachusetts	
Philip	son	M	W	16	S			yes	yes	Maine	
Margaret	daughter	F	W	10	S			yes	yes	Maine	
Elsie	daughter	F	W	7	S			yes		Maine	
Margaret	granddaughter	F	W	72	M			yes	yes	<del>Maine</del> Canada	
Sanford Benjamin	Uncle	M	W	82	M	1855	Pa	No	No	Canada	
Mariah	Aunt	F	W	74	M	1860	Pa	yes	yes	Canada	
Sanford Ralph	boarder	M	W	11	S			yes	yes	Massachusetts	
McBlane Charles	Head	1	0	F	M	W	51	M		Massachusetts	
Henry	wife	F	W	46	M	1893	Na	1900	yes	yes	Ireland
Thomas	son	M	W	18	S			No	yes	yes	Massachusetts
Charles	son	M	W	17	S			No	yes	yes	Massachusetts
Ferrance	son	M	W	16	S			yes	yes	yes	Massachusetts
Francis	son	M	W	14	S			yes	yes	yes	Massachusetts
Geo		F	W	74	M	1860	Pa	yes	yes	Canada	
Jose		M	W	11	S			yes	yes	yes	Massachusetts
Loring Al		M	W	51	M			yes	yes	Massachusetts	
		F	W	46	M	1893	Na	1900	yes	yes	Ireland
		M	W	18	S			No	yes	yes	Massachusetts
		M	W	17	S			No	yes	yes	Massachusetts

## 1920 Census

9	Bushman John J.	Head	R	20	R	yes	M	W	40	M	21	no	yes	Massachusetts	Massachusetts	Massachusetts		53			yes	proprietor		
	Marion J.	Wife-H				V	F	W	38	M	19	no	yes	Massachusetts	Massachusetts	Massachusetts		53			no	none		
	Nathalie	daughter				V	F	W	13	S		yes	yes	Massachusetts	Massachusetts	Massachusetts		53			yes	none		
	Thelma	daughter				V	F	W	8	S		yes	yes	Massachusetts	Massachusetts	Massachusetts		53			yes	none		
10	Landini George A.	Head	R	25	R	no	M	W	43	W	20	no	yes	Italy	Italy	Italy	Italian	29	29	V	1893	al	yes	laborer
	Esther M.	daughter-H				V	F	W	21	S		no	yes	Massachusetts	Italy	Massachusetts		53	29	1		yes	none	
	Della A.M.	daughter				V	F	W	19	S		no	yes	Massachusetts	Italy	Massachusetts		53	29	1		yes	soldier	
	George A. Jr.	son				V	M	W	15	S		yes	yes	Massachusetts	Italy	Massachusetts		53	29	1		yes	None	
	Alma C.	daughter				V	F	W	12	S		yes	yes	Massachusetts	Italy	Massachusetts		53	29	1		yes	None	
11	Bonney Samuel G.	Head	R	35	R	no	M	W	39	M	21	no	yes	Massachusetts	Massachusetts	Massachusetts		53				no	charter	
	Ella P.	Wife-H				V	F	W	36	M	18	no	yes	New York	New York	New York								
	Annice J.	daughter				V	F	W	16	S		yes	yes	Massachusetts	Massachusetts	New York								
	Dorothy E.	daughter				V	F	W	14	S		yes	yes	Massachusetts	Massachusetts	New York								
	Margaret R.	daughter				V	F	W	13	S		yes	yes	Massachusetts	Massachusetts	New York								
12	Bailey Roland	Head	O		R	yes	M	W	57	M	28	no	yes	Massachusetts	Massachusetts	New Hampshire								
	Bernice E.	Wife-H				X	F	W	55	M	20	no	yes	Massachusetts	Massachusetts	Massachusetts								
	Helen E.	daughter				X	F	W	25	S		no	yes	Massachusetts	Massachusetts	Massachusetts								
13	Sampson Henry H.	Head	O	5300	R	no	M	W	67	S		no	yes	Massachusetts	Massachusetts	Massachusetts		53				yes	none	
	Elizabeth B.	Wife-H				V	F	W	61	S		no	yes	Massachusetts	Massachusetts	Massachusetts		53				yes	none	
14	Malone James J.	Head	O	5000	R	no	M	W	74	W	27	no	yes	Massachusetts	Irish Free State	Irish Free State		53	04	0		yes	car-taker	
	Maurice M.	son				V	M	W	42	S		no	yes	Massachusetts	Massachusetts	Massachusetts		53				yes	carpenter	

Immigrated in 1893  
Listed as an Alien

## 1930 U.S. Census

Line No.	LOCATION		HOUSEHOLD DATA				NAME	RELATION	PERSONAL DESCRIPTION				EDUCATION	PLACE OF BIRTH	CITIZENSHIP	RESIDENCE	
	Street, avenue, road, etc.	House number (in cities and towns)	Number of household in order of visitation	Home owned (O) or rented (R)	Value of home, if owned, or monthly rent, if rented	Does this household live on a farm? (Yes or No)			CODE (Leave blank)	Sex - Male (M), Female (F)	Color or race	Age at last birthday					Marital status - Single (S), Married (M), Widowed (W), Divorced (D)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
41			Continued			Drew, Julia E. (X)	Wife	F	W	79	M	ho	H2	Portugal	23	Al	Same house
42						—, Virginia	Daughter	F	W	4	S	ho	0	Massachusetts	53		
43						—, Clarence R.	Son	M	W	3	S	ho	0	California	18		
44		92	68	0	4000	Drew, Mary W. (X)	Head	F	W	78	S	ho	H4	Massachusetts	53		Same house
45						—, Elizabeth F.	Sister	F	W	79	Wd	ho	H4	Massachusetts	53		Same house
46	Yail 24/1940	88	69	0	4800	Drew, Robert	Head	M	W	58	M	ho	H4	Massachusetts	53		Same house
47						—, Beatrice (X)	Wife	F	W	79	M	ho	H4	Maine	50		Same house
48						—, Barbara	Daughter	F	W	14	S	ho	7	Maine	50		Same house
49						—, Kissa	Daughter	F	W	5	S	ho	0	Massachusetts	53		Same house
50		86	70	R	25	Hall, Charles W.	Head	M	W	66	M	ho	H1	Massachusetts	53		Wetfield Middle
51						—, Elizabeth (X)	Wife	F	W	63	M	ho	8	English Canada	35	ho	Wetfield Middle
52						—, Ruth E.	Daughter	F	W	24	S	ho	C4	Massachusetts	53		Wetfield Middle
53		84	71	R	16	Condit, George	Head	M	W	54	Wd	ho	2	Italy	21	ho	Same house
54						—, Alura (X)	Daughter	F	W	22	S	ho	H4	Massachusetts	53		Same house
55	SUPPL. QUEST.					Condit, Alphonso	Father	M	W	82	Wd	ho	0	Italy	21	Al	Same house
56						Cates, Emma S. (X)	Lodger	F	W	52	Wd	ho	8	Massachusetts	53		Brookton High
57		80	72	0	4000	McWelloney, Helen (X)	Head	F	W	77	Wd	ho	H1	Massachusetts	53		Same house
58						West, Annie E. (X)	Sister	F	W	65	M	ho	H3	Massachusetts	53		Same house

# 1940 U.S. Census

# QUESTIONS?

# Repatriation

# Repatriation

- The act of regaining U.S. citizenship
- U.S. born men who fought for another country (such as Canada during World War I before the U.S. entered) would lose their U.S. citizenship and would have to repatriate
- Prior to 1936 U.S. born women who lost their citizenship by marriage required to go through the entire naturalization process

# Repatriation

- Despite legislator's hopes of an easier manner for women to repatriate as early as 1922, such an option was not a reality until the passage of an act on June 25, 1936.
- And one more act passed on July 2, 1940, would be needed before real separation of marriage and citizenship took place.

# Act of June 25, 1936

74TH CONGRESS. SESS. II. CHS. 801, 802. JUNE 25, 1936.

1917

[CHAPTER 801.]

## AN ACT

To repatriate native-born women who have heretofore lost their citizenship by marriage to an alien, and for other purposes.

June 25, 1936.  
[S. 2912.]  
[Public. No. 793.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter a woman, being a native-born citizen, who has or is believed to have lost her United States Citizenship solely by reason of her marriage prior to September 22, 1922, to an alien, and whose marital status with such alien has or shall have terminated, shall be deemed to be a citizen of the United States to the same extent as though her marriage to said alien had taken place on or after September 22, 1922: *Provided, however,* That no such woman shall have or claim any rights as a citizen of the United States until she shall have duly taken the oath of allegiance as prescribed in section 4 of the Act approved June 29, 1906 (34 Stat. 596; U. S. C., title 8, sec. 381), at any place within or under the jurisdiction of the United States before a court exercising naturalization jurisdiction thereunder or, outside of the jurisdiction of the United States, before a secretary of embassy or legation or a consular officer as prescribed in section 1750 of the Revised Statutes of the United States (U. S. C., title 22, sec. 131); and such officer before whom such oath of allegiance shall be taken shall make entry thereof in the records of his office or in the naturalization records of the court, as the case may be, and shall deliver to such person taking such oath, upon demand, a certified copy of the proceedings had, including a copy of the oath administered, under the seal of his office or of such court, at a cost not exceeding \$1, which shall be evidence of the facts stated therein before any court of record or judicial tribunal and in any department of the United States.

Citizenship.  
Repatriation of certain native-born women who married aliens prior to September 22, 1922.

Proviso.  
Oath of allegiance.

Vol. 34, p. 595.  
U. S. C., p. 217.

R. S., sec. 1750, p. 311.  
U. S. C., p. 933.

Approved, June 25, 1936.

# Act of June 25, 1936

To repatriate native-born women who have heretofore lost their citizenship by marriage to an alien, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter a woman, being a native-born citizen, who has or is believed to have lost her United States Citizenship solely by reason of her marriage prior to September 22, 1922, to an alien, and whose marital status with such alien has or shall have terminated, shall be deemed to be a citizen of the United States to the same extent as though her marriage to said alien had taken place on or after September 22, 1922: *Provided, however,* That no such woman shall have or claim any rights as a citizen of the United States until she shall have duly taken the oath of allegiance as prescribed in section 4 of the Act

IMMIGRATION AND NATURALIZATION SERVICE  
**APPLICATION TO TAKE OATH OF ALLEGIANCE TO THE UNITED STATES UNDER THE ACT OF JUNE 25, 1936, AND FORM OF SUCH OATH (PUBLIC—NO. 793—74th CONGRESS)**

This form is for use under the Act of June 25, 1936 (Public—No. 793—74th Congress) by a woman residing within or under the jurisdiction of the United States, who was a native-born citizen of the United States and who has, or is believed to have, lost United States citizenship solely by reason of marriage prior to September 22, 1922, to an alien, and whose marital status with such alien has terminated. A woman, residing elsewhere, who is otherwise qualified should take up her case with an embassy, legation, or a consular officer of the United States. The oath of allegiance prescribed herein may be administered by any naturalization court in the United States to which this application is made. This form, which constitutes the court record of the transaction, should be executed in triplicate. The original should be retained as the record of the court. The duplicate, duly certified by the clerk of court, should be forwarded to the Commissioner of Immigration and Naturalization, Washington, D. C., through the proper District Director or Divisional Director of Immigration and Naturalization on the first day of the succeeding month. The clerk of court shall furnish to the applicant, upon her demand, at a cost not exceeding \$1, a certified copy of the proceedings, under the seal of the court, including a copy of the oath administered. The triplicate copy of this form, which should be duly certified by the clerk, may be furnished to the applicant who makes such demand. If no such demand be made, the triplicate, uncertified, shall be forwarded with the duplicate as provided above.

In the United States District Court at Boston, Mass.

Before George C. Sweeney, J., presiding.

I, CORDELIA GERTRUDE FUNTER, was born at Florence, Northampton, Mass.  
(Give full name) (City or town, and State)

on January 5, 1886, and was married on June 23, 1917 to  
(Month, day, and year) (Month, day, and year)

CHARLES FUNTER then an alien, a citizen or subject of Great Britain

I lost, or believe that I lost, United States citizenship solely by reason of such marriage. My marital status with such alien terminated on September 20, 1928 by Divorce  
(State by what means marital status with alien terminated)

The following available documents which support the foregoing facts are herewith exhibited by me:

Birth Certificate Exhibit A  
Marriage Certificate Exhibit B  
Divorce Certificate Exhibit C

I hereby apply to take the oath of allegiance as prescribed in section 4 of the Act of June 29, 1906 (34 Stat. 596; U. S. C., t. 8, sec. 106), to become repatriated and obtain the rights of a citizen of the United States.

Cordelia Gertrude Funter  
(Signature of applicant)

26th day of September 1936.

\$1 application fee

Female repatriation form

71

36 Lamont Street Roxbury Ma ss.

Form 2234  
U. S. DEPARTMENT OF LABOR  
IMMIGRATION AND NATURALIZATION SERVICE

ORIGINAL  
(To be retained as the court record)

### APPLICATION TO TAKE OATH OF ALLEGIANCE TO THE UNITED STATES UNDER THE ACT OF JUNE 25, 1936, AND FORM OF SUCH OATH (PUBLIC—NO. 793—74th CONGRESS)

This form is for use under the Act of June 25, 1936 (Public—No. 793—74th Congress) by a woman residing within or under the jurisdiction of the United States, who was a native-born citizen of the United States and who has, or is believed to have, lost United States citizenship solely by reason of marriage prior to September 22, 1922, to an alien, and whose marital status with such alien has terminated. A woman, residing elsewhere, who is otherwise qualified should take up her case with an embassy, legation, or a consular officer of the United States. The oath of allegiance prescribed herein may be administered by any naturalization court in the United States to which this application is made. This form, which constitutes the court record of the transaction, should be executed in triplicate. The original should be retained as the record of the court. The duplicate, duly certified by the clerk of court, should be forwarded to the Commissioner of Immigration and Naturalization, Washington, D. C., through the proper District Director or Divisional Director of Immigration and Naturalization, on the first day of the succeeding month. The clerk of court shall furnish to the applicant, upon her demand, at a cost not exceeding \$1, a certified copy of the proceedings, under the seal of the court, including a copy of the oath administered. The triplicate copy of this form, which should be duly certified by the clerk, may be furnished to the applicant who makes such demand. If no such demand be made, the triplicate, uncertified, shall be forwarded with the duplicate as provided above.

In the United States District Court at Boston Mass

Before Hugh D. McLellen, J., presiding.  
(Nee Martel)

I, Albertina Anna Marie Dallaira, was born at Cambridge Massachusetts  
(Give full name) (City or town, and State)

on February 22, 1901, and was married on July 31, 1920 to  
(Month, day, and year) (Month, day, and year)

Eugene Joseph Cabral then an alien, a citizen or subject of Portugal

I lost, or believe that I lost, United States citizenship solely by reason of such marriage. My marital status with such alien terminated on March 22, 1934 by Divorce  
(State by what means marital status with alien terminated)

The following available documents which support the foregoing facts are herewith exhibited by me:  
Birth certificate; marriage certificate; Copy of divorce decree of Middlesex County Probate Court, Cambridge Mass.  
(I was remarried January 16, 1937 to Vito G. Bellaira)

I hereby apply to take the oath of allegiance as prescribed in section 4 of the Act of June 29, 1906 (34 Stat. 596; U. S. C., t. 8, sec. 106), to become repatriated and obtain the rights of a citizen of the United States.

*Albertina Anna Marie Dallaira*  
(Signature of applicant)

Subscribed and sworn to before me this 13th day of August, 1937

## Female repatriation

# Act of July 2, 1940

54 STAT.] 76TH CONG., 3D SESS.—CHS. 509-512—JULY 2, 1940

[CHAPTER 509]

## AN ACT

To repatriate native-born women residents of the United States who have heretofore lost their citizenship by marriage to an alien.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to repatriate native-born women who have heretofore lost their citizenship by marriage to an alien, and for other purposes", approved June 25, 1936 (U. S. C., 1934 edition, Supp. IV, title 8, sec. 9a), is amended by inserting after "terminated" the following: "or who has resided continuously in the United States since the date of such marriage,".*

Approved, July 2, 1940.

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# Finding Repatriation Records

- Repatriation records used Form N-415, Application to Take Oath of Allegiance to the United States
- Usually filed in separate volumes within the court.
- ALL of the titles will include the word *repatriation*
- Found in RG 21 – Records of District Courts of the United States
- Generally found at NARA Branches

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# Guide to Federal Records in the National Archives of the United States

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# Records of District Courts of the United States

(Record Group 21)

1685-1993

## Overview of Records Locations

## Table of Contents

- **21.1** Administrative History
- **21.2** Records of U.S. District and Other Courts in Alabama 1813-1976
  - **21.2.1** Records of the U.S. Territorial Court
  - **21.2.2** Records of the U.S. District Court for the Northern District
  - **21.2.3** Records of the U.S. Circuit Court for the Northern District
  - **21.2.4** Records of the U.S. District Court for the Middle District
  - **21.2.5** Records of the U.S. Circuit Court for the Middle District
  - **21.2.6** Records of the Confederate States District Court for the Middle Division of the District of Alabama
  - **21.2.7** Records of the U.S. District Court for the Southern District
  - **21.2.8** Records of the U.S. Circuit Court for the Southern District
  - **21.2.9** Records of the Confederate States District Court for the Southern Division of the District of Alabama

See detailed finding aids for holdings in:

- [Chicago](#)
- [Kansas City](#)



[Archives.gov/research/guide-fed-records](https://www.archives.gov/research/guide-fed-records)

## **Textual Records (in Atlanta):** Case files, 1813-18.

### **21.2.2 Records of the U.S. District Court for the Northern District**

**Textual Records (in Atlanta):** Records of the Northeastern Division (Huntsville), including minute books, 1826-1963; dockets, 1838-1957; case files, 1866-1963; final record books, 1875-1931; and records relating to naturalization, 1875-94, 1909-11, and 1923-26. Records of the Eastern Division (Anniston), including minute books, 1903-64; dockets, 1903-57; case files, 1903-63; civil order books, 1939-50; and final record books, 1907-30. Records of the Middle Division (Gadsden), including minute books, 1909-76; dockets, 1909-67; case files, 1910-63; and final record books, 1911-30. Records of the Southern Division (Birmingham), including minute books, 1885-1964; dockets, 1883-1967; case files, 1887-1967; final record books, 1891-1932; roll of attorneys, 1885-1947; and records concerning naturalization, 1909-62. Records of the Western Division (Tuscaloosa), including minute books, 1905-68; dockets, 1905-63; case files, 1905-63; and final record books, 1912-31. Records of the Northwestern Division (Florence), including minute books, 1909-75; dockets, 1909-57; case files, 1910-63; and records concerning naturalization, 1922-29. Records of the Jasper Division, including minute books, 1912-67; dockets, 1912-57; case files, 1912-63; and final record books, 1914-30. Records for all divisions including judgments of acquittals, 1946-74; civil judgment dockets, 1945-52; indexes to general minutes, 1885-1953; minute books, 1885-1965; civil order books, 1938-50; equity minute books, 1930-52; criminal minute books, 1938-64; declarations of intention, 1910-59; naturalization petitions and indexes, 1911-63; overseas naturalization petitions, 1943-55; naturalization orders, 1926-70; and repatriation oaths, 1922-63. Also judgement and order books for both criminal and civil cases, 1951-76.

**Microfilm Publications:** M1547.

<https://www.archives.gov/research/guide-fed-records>

# Women and the Law

- Women have often been restricted by laws
- Some of the laws though do generate records on your women
- Some women, such as Abigail Adams, understood their situation and looked to change it

# QUESTIONS?

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