

Virginia Naturalizations, 1657–1776

Native-born Englishmen or women who came to any of the English colonies did not need to be naturalized, as they were already citizens of the mother country. A discussion of naturalizations in colonial Virginia only pertains to persons not born in England.

Seventeenth-Century England

In order to understand the naturalization process in colonial Virginia, it is necessary first to understand how the English legally considered aliens—foreign-born individuals who had not been naturalized. James H. Kettner's *The Development of American Citizenship, 1608–1870* (1978) is the definitive study on this subject.

Early English law made no differentiation between subjects and aliens. Varying rights and privileges were dependent on the rank or social level of an individual. In the fourteenth century, restrictions on real property began to emerge. By the seventeenth century, differences between native-born subjects and aliens had become more distinct, and the English people were divided into legal categories: native-born subjects, naturalized subjects, denizens, alien friends, and alien enemies.

Incorporating aliens into the community was accomplished in seventeenth-century England by *naturalization*, the granting of all legal rights and privileges of a native-born individual to a foreigner, or *denization*, the act by which a foreigner became a subject of England and received certain privileges. Acts of naturalization, which conferred full rights of citizenship on aliens, could come only through action of Parliament. The crown could only bestow patents of denization that provided limited rights of citizenship. In England, aliens could not own real property, although they could acquire and use property at the sufferance or pleasure of the crown. When an alien who had acquired real property died, that property reverted to the crown. Aliens could neither inherit nor pass on real property. For example, Bartram Obert (a foreign-born resident of Lancaster County whose country of origin is unknown) could not pass his Middlesex County land on to his children in 1660. (See William P. Palmer, ed., *Calendar of Virginia State Papers and Other Manuscripts, 1652–1869* [1875–1893], 1:3.)

Seventeenth-Century Virginia

In its session of March 1657/58, Virginia's General Assembly passed an act setting the conditions for foreigners to become denizens (or subjects) of the colony of Virginia and receive certain specified privileges. Foreigners must have lived in the colony for four years, and were required to take the oath of

fidelity in the court of the county where they resided. Children of a foreigner who had taken the oath of fidelity could also take the oath upon arriving at legal age. (See William W. Hening, ed., *The Statutes at Large: Being a Collection of All the Laws of Virginia, from the First Session of the Legislature, in the Year 1619* . . . [1809–1823], 1:486.)

In the colony of Virginia, denizens were able to purchase, hold, and dispose of land; additionally, they could engage in trade. However, denizens were not allowed to hold public office. The first recording of individual denization in Virginia appears on 1 April 1658, when the General Assembly granted denization to George Hacke, a German-born surgeon residing in Northampton County. During its March 1660/61 session, Hacke's denization was renewed and denization was granted his brother and his brother's children. (See Henry R. McIlwaine, ed., *Journal of House of Burgesses, 1619–1658/59* [1915]: 112, 131.) On 11 October 1660, Nicholas Boot, a Dutchman who had emigrated to New Amsterdam by 1655, petitioned the assembly for confirmation of his denization granted in 1658; in its session of 23 March 1660/61 Boot's patent of denization was renewed, providing that specific oaths were taken. (See *JHB, 1659/60–1693*:10, 11.)

From extant records, it appears that the oath of denization was initiated at the county level and that confirmation was accomplished through action in the General Assembly. In sessions of March 1657/58 and March 1661/62, acts listing the fees to be collected for both denizations and naturalizations by the clerk of the House were passed. (See Hening, 1:490; 2:145.) Although only Parliament had the right to naturalize aliens, colonial government officials, including those in Virginia, adapted British concepts of naturalization to meet their own needs in their efforts to populate vast areas of unsettled territory.

In 1671 the General Assembly passed another naturalization act, requiring that foreigners petition the General Assembly and take an oath of allegiance and supremacy to the crown. Naturalization gained in Virginia did not extend to other colonies. This act gave recipients the right to inherit land and to have all the inherent rights of native-born Englishman. (See Hening, 2:289–290.)

In June 1680, the General Assembly passed a third naturalization act, granting the governor or commander-in-chief of the colony the power to naturalize foreigners, once they had taken an oath of allegiance. The eighteenth-century re-recording of the naturalization of Leonard Dozier, a French Huguenot, is representative of this method of naturalization. (See Westmoreland County, Records & Inventories 1:147.)

Extant naturalizations of foreign-born persons are found in the journals of the House of Burgesses and Hening's *Statutes at Large*. The former volumes are individually indexed; Earl Gregg Swem's *Virginia Historical Index* offers an index to the latter.

Eighteenth-Century England

An understanding of those naturalization acts passed by the British parliament between 1709 and 1773 is useful in gaining an understanding of the naturalization process in the colonies. In 1709 Parliament passed a general act for the naturalization of foreign-born Protestants. Three years later, an enormous response by immigrants from the Palatine area of Germany prompted the act's repeal.

In 1740, Parliament passed an act for the naturalization of aliens resident in the American colonies, including but not exclusive to Virginia. This act required that the applicant must have resided a minimum of seven years in any American colony. Applicants took an oath of allegiance and subscribed to the

profession of Christianity before a justice in open court. On taking the oath, the applicant submitted a certificate signed by two witnesses that he or she had taken communion in a Protestant congregation; Quakers and Jews were exempt from this requirement. The name of each person naturalized under this method was recorded in an official book of record and in the books of the secretary of the colony. Lists of naturalized persons were sent to the Lords Commissioners of Trade.

As a direct result of this act, German emigrants resident at the Germanna settlement in Orange County sought and received naturalization. (See B. C. Holtzclaw, "The Second Germanna Colony of 1717," *The Germanna Record No. 6* [1965], for additional information.) The individuals involved are identified in the Orange County court records (Order Book 3:33), as well as in the records of the Lords Commissioners of Trade and Plantations. (See Publications of the Huguenot Society of London, 24: 8–9, 155, 157.) Other examples of naturalization by the 1740 act may be found in Katherine G. Bushman's *Naturalization Records, Augusta County, Virginia, 1753–1902* (1992). Abstracted from the Augusta County order and minute books, these naturalizations reflect the large numbers of German-speaking settlers in the Valley of Virginia during the colonial period. Additional information on the German element in the Valley appears in Klaus Wust's *The Virginia Germans* (1969).

Finally, in 1773, the British Parliament passed an act prohibiting the governments in the American colonies from passing any naturalization acts on their own.

Eighteenth-Century Virginia

In 1705, the General Assembly passed two acts concerning naturalization. On 12 May, an act to naturalize the 148 Huguenots resident at Manakintown was passed. (Waverly K. Winfree, *The Laws of Virginia, Being A Supplement to Hening's The Statutes at Large . . .* [1971], 39–41.) Further information on the Manakintown settlement is available in Priscilla Cabell, *Turff and Twigg* (1998) and in M. S. Giuseppi, ed., *Naturalizations of Foreign Protestants in the American and West Indian Colonies*, Publications of the Huguenot Society of London, vol. 24 (1921).

In October 1705 the General Assembly passed a general act for the naturalization of foreigners. This act had three provisions: (1) letters of naturalization could be granted foreigners by the governor or commander-in-chief of the colony; (2) foreigners who applied were required to take an oath appointed by Parliament; and (3) all persons who purchased land from aliens were granted clear title to that land. (See Hening, 3: 434–435, 548–549.) Under the act of 1705, French Huguenot James Foushee was naturalized in Richmond County in 1711 and Jacob Holtzclaw, a German, was naturalized in Spotsylvania County in 1725. (See Richmond County Miscellaneous Records, 1699–1724: 68, and Spotsylvania County Deed Book A, 1722–1729: 165.)

Not until its session of November 1738 did the General Assembly pass further legislation concerning naturalization. This act provided for the governor or commander-in-chief of the colony to grant letters of naturalization to foreigners on receiving a certificate from a county court clerk confirming that the individual had taken the oath appointed by Parliament. (See Hening, 5:58.)

In November 1766, the General Assembly passed its final act of the colonial era concerning the process of naturalization. The provisions of this act confirmed ownership of land descended from or purchased from a foreigner. (See Hening, 8: 250–251.)

Conclusion

Not all non-English persons resident in Virginia became naturalized; many in fact never sought to do so. The 1766 act of naturalization described many aliens as “being ignorant of the modes established for their naturalization.” The colonial government did not always enforce the fine points of each law concerning naturalization. Colonial governments adapted laws to the realities of their specific situations.

Resources

The request for a record of naturalization is often motivated by the desire to know from where an individual came. Records that might satisfy this desire include those primary and secondary resources identified throughout this note. Additionally, published or microfilmed county court records, online databases, and the Virginia Colonial Records Project may be of assistance to researchers. The Library of Virginia’s collection contains selected printed abstracts of British parish records, as well as books on how to conduct research in foreign countries. Studies of naturalization include Edward A. Hoyt, “Naturalization under the American Colonies: Signs of a New Community,” *Political Science Quarterly* 67 (1952): 248–266, and A. H. Carpenter, “Naturalization in England and the American Colonies,” *American Historical Review* 9 (1904): 288–303.

A free informational pamphlet on genealogical research and a variety of research notes and bibliographies are available on request from the Library of Virginia, 800 E. Broad Street, Richmond, VA 23219. Visit the Library’s Web site for digital collections and related archival publications.

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