

HERNDON

THE LAND:

1649-1900

VOLUME I

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© February 1982

This short note discussing the history of the land
that comprises Herndon, Virginia, is dedicated to TSC.

Herndon is a special place to me--it is not merely the designation of the area in which my family and I live in our 1868-schoolhouse-converted-into-a-residence home, but much more importantly, a place with character, a place where one single individual can still participate in the town and actually influence the direction of the community, a place where a person can walk at night and feel at ease and at peace with an environment that is unique and not a reproduction of a hundred other communities, a place where one can go into his side yard and feel the quiet, the peace and serenity and the history of many others who have come before and left a legacy which time has not yet eradicated by progress, by uniformity, by conformity, by repetitiveness; Herndon is home.

This feeling of comfort and ease came upon me partly from the physical composition of the town--the houses, trees, curbless streets, and the other material things in the town, but mostly it came because of the kindness, the helpfulness and the just plain pleasantness of many of the long time residents of the town who welcomed me into their homes and spent hours of their precious time treating me with a kindness and equality that I have never received before. I can never repay these kind people.

The rather inconsequential effort it took to assemble this little history is mine; the inspiration, the spirit, the hope for the future and the respect for the past which spurred me to try comes from these folks.

Herndon is Herndon because of them.

My life is so much richer because of them.

Alma Breckenridge
Elizabeth Ellmore
Emma Ellmore
Virginia Greear
Holden S. Harrison
Herman Kephart
Roberta Keyes
Henry Moffett
William Moffett
Richard/Elizabeth Peck

INTRODUCTION

I. Northern Neck Proprietary

In September 1649 Charles II of England, in exile because of the execution of his father, Charles I, and the ascendancy of Oliver Cromwell, granted that part of Virginia "bounded by and within the heads"¹ of the Potomac and Rappahannock Rivers (Figure 1) to seven of his followers, one of whom was Thomas, First Lord Culpepper; this land was called the Northern Neck Proprietary. These seven men were empowered to "give, grant or by any other way or means sell or alienate lands within the proprietary." The land (approximately 5,282,000 acres), being largely unmapped and unexplored, had no definite, or at least commonly recognized, value.

Charles became king in 1660; in 1671 he reissued the grant of land. The land was given for only twenty-one years and was issued to six Englishmen, not seven as before. Thomas, Second Lord Culpepper, Baron of Thoresway, and his cousin, Alexander Culpepper, were two of the recipients.² As with most documents written by mortals, confusion and perplexity were inevitable. The confusion arose simply because the king did not seem to be overly constrained by the patent--between 1660 and 1688 he issued additional grants (officially called patents) for parts of the same land to other people! The perplexity arose since the government of Jamestown felt that the king had given them the right to issue patents of their own for land "surrounding" the settlement; since some of this land lay in the Culpepper et al. patent, the obvious concern arose as to who owned the land and who had a right to the remaining land.

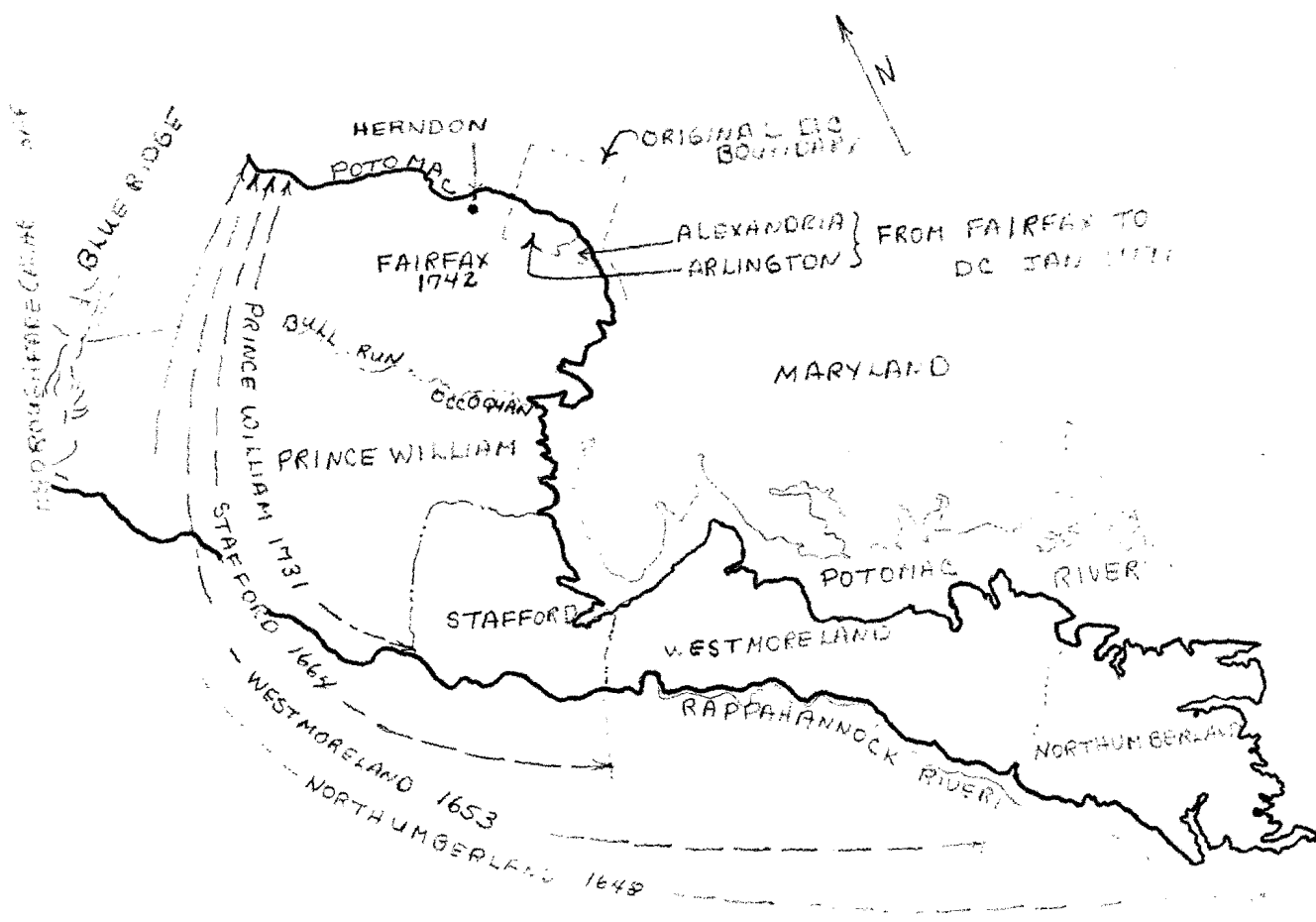


FIGURE 1

FROM MITCHELL,
"BEGINNING AT A WHITE O

These disputes were finally (officially) settled on 6 April 1746 when Thomas Fairfax's (Culpepper's grandson) right to the Northern Neck was reaffirmed with the stipulation that he recognize those patents and grants already given by the King and Jamestown for land within Fairfax's proprietary.³

Lord Culpepper purchased the shares of four of his fellow patentees and in 1688 was issued a new patent, in perpetuity, for the land designated as the Northern Neck proprietary.³ Culpepper died in 1689, leaving the land to his wife, Margaret, Lady Culpepper. Margaret inherited the remaining share of the original Northern Neck Proprietary when Thomas' cousin, Alexander Culpepper, died in 1693. Margaret, upon her death in 1710, willed the land to her daughter, Catherine, who had married Thomas, Fifth Lord Fairfax of Cameron, in 1690; Catherine was a widow in 1710. Catherine's son, Thomas, Sixth Lord Fairfax of Cameron, inherited the entire Northern Neck proprietary in 1719.³

Thomas, Sixth Lord Fairfax, issued grants* (i.e., sold the land) through a series of land agents, the most vigorous of whom seems to have been Robert "King" Carter of Corotoman. Carter was Fairfax's agent from 1702-1712 and, again, from 1722 until his death in 1732.²

*Three ways have been used to describe the acquisition of the original title to the land in Fairfax County:²

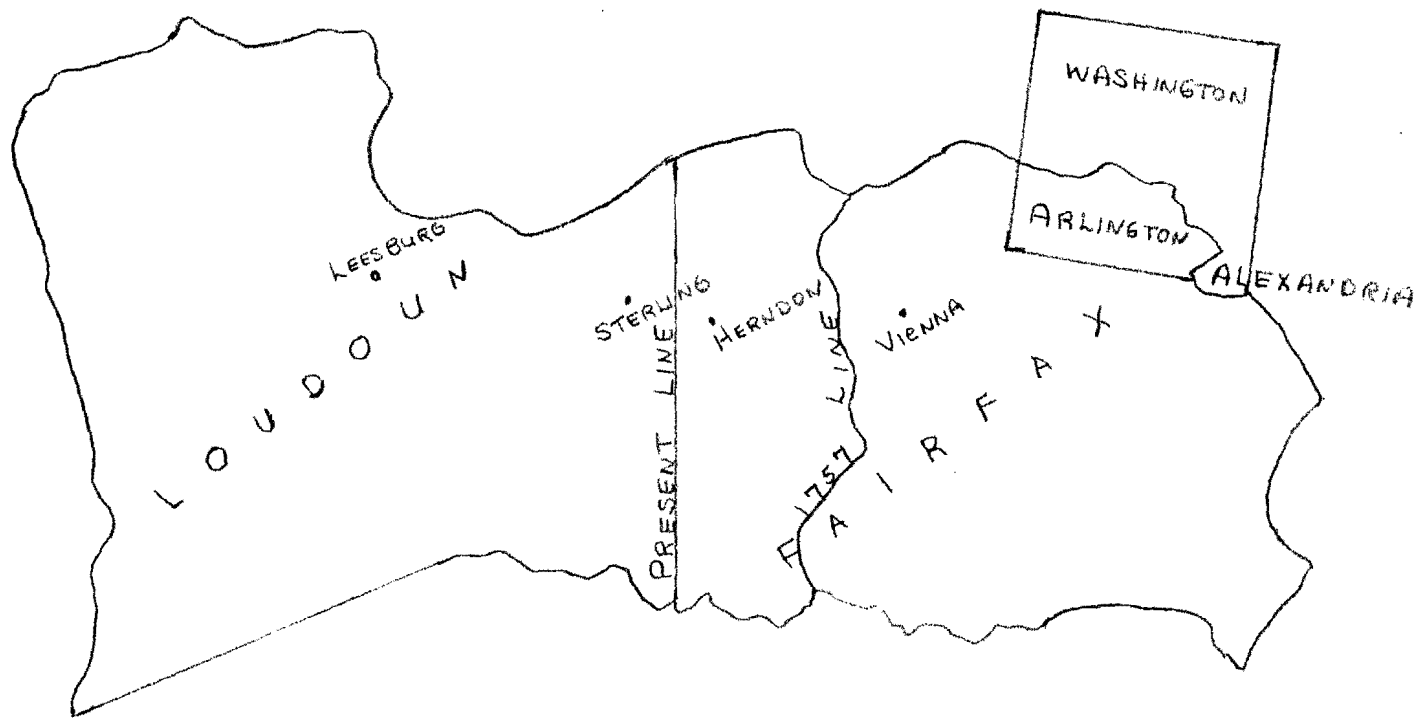
- o patents from the King: 1651-1690.
- o grants from the proprietors of the Northern Neck: 1690-1786 (landowners usually called grants "patents" even though they were not legally patents).
- o grants from the Commonwealth of Virginia: 1786-present.

The English did not seem to be overly concerned with the land rights of the Indians; however, Governor Spottswood of Virginia did conclude a treaty with the Iroquois Indians in 1744 giving the colony of Virginia title to "all lands within the said colony as it is now or hereafter may be peopled and bounded."¹

When Thomas Fairfax died in 1781, the proprietary officially ceased to exist since, although Fairfax left his land to his nephew in England, the Commonwealth of Virginia, now a part of the United States of America and no longer an English colony, expropriated the land, declaring that it had legal title to all lands in the Northern Neck not yet granted or patented.^{3,4} The "coincidence" that America was becoming an independent country, severing the control of England, might have influenced the Commonwealth slightly.

II. Fairfax County

The land contained within the present Fairfax County boundaries was originally part of the County of Northumberland (formed in 1648), from which Westmoreland was formed in 1653, from which Stafford County was formed in 1673 and from which Prince William County was formed in 1730 (see Figure 1). Starting in 1730, the Virginia Assembly decided to change its procedure for forming counties: it would, in the future, first form a parish and then, when appropriate, create a county encompassing the same boundaries as the parish. Thus Truro parish, founded in 1732 and encompassing everything north of "the river Ockoquan and Bull Run and a course from thence to the Indian Thoroughfare [Ashby's Gap] of the Blue Ridge Mountains,"⁵ became Fairfax County on 1 December 1742 (Figure 2) by



HISTORY OF FAIRFAX-LOUDOUN LINE

FIGURE 2

FROM: VOL 4, HISTORICAL SOCIETY OF
FAIRFAX COUNTY, VA
YEARBOOK

an act of the Assembly passed 19 June 1742⁶ (Figure 3). From this version of Fairfax County, Loudoun County was separated in 1757, the boundary being formed by a line from the mouth of Difficult Run where it emptied into the Potomac to the source of Difficult Run and thence, in a straight line to a point on Bull Run River where Little Rocky Run intersects Difficult Run.⁵ Notice that this initial alignment left the land that has become Herndon in Loudoun County (see Figure 2). In 1798 the boundary between Loudoun and Fairfax was realigned so as to be a straight line from the mouth of Sugarland Run at the Potomac to Carter's Mill on Bull Run; the land that is Herndon thus became once again within Fairfax County. This designation of the boundary was apparently not precise enough, for a bi-county commission was established in 1953 to resurvey and more exactly delineate the boundary.⁵ Conceivably the impetus to precisely locate the boundary was muted for 160 years simply because the value of the land (and accompanying taxes) was not large enough to create concern or jealousy or

In addition to this change in its boundaries, Fairfax County has "lost" several tracts of land that were originally part of the County when it was formed:

- o Arlington County--on 27 February 1801 Alexandria County was formed by an Act of Congress and became part of Washington, District of Columbia. In 1847 the land was returned to Virginia but not to Fairfax County. The City of Alexandria was chartered in 1852 and separated from Alexandria County in 1870. In 1920 Alexandria County's name was changed to Arlington County.²
- o Falls Church--Falls Church was incorporated as a Town on 30 March 1875 and became a city on 16 August 1948.⁶

An Act Creating Fairfax County

AT A GENERAL ASSEMBLY BEGUN AND HELD AT THE CAPITOL IN THE CITY OF WILLIAMSBURG THE SIXTH DAY OF MAY IN THE FIFTEENTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE II BY THE GRACE OF GOD OF GREAT BRITAIN, FRANCE AND IRELAND KING DEFENDER OF THE FAITH &c. AND IN THE YEAR OF OUR LORD 1742 BEING THE FIRST SESSION OF THIS ASSEMBLY.

CHAP. XXVII AN ACT FOR DIVIDING THE COUNTY OF PRINCE WILLIAM

For the greater ease and convenience of the inhabitants of the county of Prince William in attending courts, and other public meetings; Be it enacted by the Lieutenant Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the Authority of the same: That from and immediately after the first days of December now next ensuing, the said county of Prince William shall be divided into two counties: That is to say, all that part thereof, lying on the south side of Occoquan and Bull Run, and from the head of the main branch of Bull Run by a straight course to the Thorough-fare of the Blue Ridge of mountains known by the name of Ashby's Gap or Bent, shall be one distinct county, and retain the name of Prince William county, and be one distinct parish, and retain the name of Hamilton parish. And all that other part thereof consisting of the parish of Truro shall be one other distinct county, and called and known by the name of Fairfax County. And a court for the said county of Fairfax be constantly held by the justices of that county upon the third Thursday in every month in such manner as by the laws of this colony is provided, and shall be by their commissions directed.

- o Fairfax City--Fairfax was founded as the town of Providence in 1805, changed its name to Fairfax in 1892 and became a city in June of 1961.

As an interesting sidelight, the following table indicates the amount of Fairfax County (including, for this chart, Arlington County, Alexandria, Falls Church and Fairfax cities* granted during several periods:²

1651-1678	14.5%	granted as Royal patents while part of Northumberland, Westmoreland and Stafford Counties;
1679-1732	63.66%	granted while part of Stafford County;
1732-1742	12.6%	granted while part of Stafford and Prince William Counties
1742-1976	9.24%	

An interesting observation is that almost 91% of the County's land was distributed by the King of England or by the agents of Lord Fairfax before the County was even formed! Robert "King" Carter, Sr., and his relatives acquired 10.9% of Fairfax County between 1707 and 1728.²

* These four jurisdictions comprise approximately 31,424 acres while Fairfax County presently contains 255,360 acres.

III. Herndon

While no one is certain which particular tribe(s) lived on the land that has become Herndon, it is clear that Indians were living (if only seasonally) in the Town at least 8,000 years ago.⁷ The Indians had no known formal mechanism (such as written deeds) to designate or transfer ownership, in the modern sense, from one person or group to another. Even if they had had such a system, the British ignored it and assumed that, as the natural right of being the first Western European (i.e., "civilized") country to discover or explore (exploit?) the area, the land "belonged" to them and, in particular, their monarch (land obtained by warfare with France, Spain or other countries was also considered a valid method of securing ownership, regardless of the native American's laws or customs).

This attitude meant that the British clearly "owned" Virginia as soon as it established the "right" to do so with respect to other European countries. The land which is now Herndon was among the land "owned" by the King of England (from when?--Raleigh's lost colony? Jamestown settlement in 1607?) until 1649 when Charles II, in exile, granted the land to seven Englishmen (see Section I). As discussed above, Thomas, Fifth Lord Fairfax, inherited control over this land in 1719.

Although the land that was to become Herndon lies totally within Fairfax's proprietary, it was contained in two different patents--one granted to Robert Carter, Jr., and one granted to Thomas Barnes. Since the Carter patent contained the vast majority of the land, a brief description of the history of that parcel will be given here, while a history of the Barnes property will be given in Chapter A, the only Herndon land not contained in the Carter patent.

Thomas, Sixth Lord Fairfax of Cameron, issued grants (through land agents) during his proprietorship; among these grants was one to Robert Carter, Jr., on 27 February 1729 (NNC/36)* for 8141 acres² [Carter was 25 years old and his father was the land agent for Fairfax; Carter, Sr., used the ploy of issuing grants to his son several times in an apparent attempt to lessen the amount of land that he (Robert, Sr.) seemed to control]. This grant was resurveyed in 1772 and was found to contain 14,847 acres within the identical boundaries described in the 1729 patent; the "surplus" land (6706 acres) was added to the original grant and a new grant was issued on 16 October 1772² (Figures 4, 5) (NNI/222).

When Robert Carter, Jr. died in 1790, a parcel of land in which most of Herndon lies was "awarded to John Page of Rosewell, John Page of North River and the representatives of Robert Page of Broadneck"*** on 14 May 1790; the entire tract given to these men was called Page's Lott (sic); Figure 5 shows the part of the Page Lott within the present boundaries of Fairfax County (see Appendix a for a brief description of the division of the Page Lott by the Pages into sub-lots).

Ferdinando and Eliza Blair Fairfax obtained this land by a "Deed of Bargain and sale from the said John Page of Rosewell dated 9th June 1790, by a Similar Deed from John Page of Buckroe and his brother William Byrd Page of Alexandria (heirs of the said John Page of North River) dated 4th July 1790, and by a Power Attorney from William Fleming Gaines, Executor of

* NNC/36 = Northern Neck Proprietary deed records, book C, page 36.

** Relinquishment of Dower of Eliza B. Fairfax; Loudoun County deed book, Z, page 429; 18 November 1799.

NOTE: Lot #1 Landon Carter (2784 ac)
 #2 John Lyons (2485 ac)

• U2/355
 • 6 JUNE 1821
 • PAGE TO GOVAN
 (4 PAGE LOTT TO
 F. FAIRFAX BY REFERENCE)

Efficient
 N 75.206316 po: N251706302 po

John Lyons's
 other patent

- a - ASSUME THIS IS STRAIGHT LINE
- b - U2/355 DIMENSIONS DO NOT GO TO CORNER
- c - U2/355 METES & BOUNDS DO NOT REACH BROAD RUN EVEN THOUGH U2/355 SAYS IT DOES

dd' - DISCREPANCY IN LENGTHS:
 U2/355 SAYS 528 po; THIS MAP MEASURES 548 po

7279	0.00	
1014	1.22	(?)
<hr/>		
6264	-2-18	?

e - DISCREPANCY - RED IS U2/355, --- IS MITCHELL'S MAP (REF. 1)

f - 1/427 - LOUDOUN F. FAIRFAX & MATTHEWS, 1799

585
 585

North 30.00" West 1318 poles

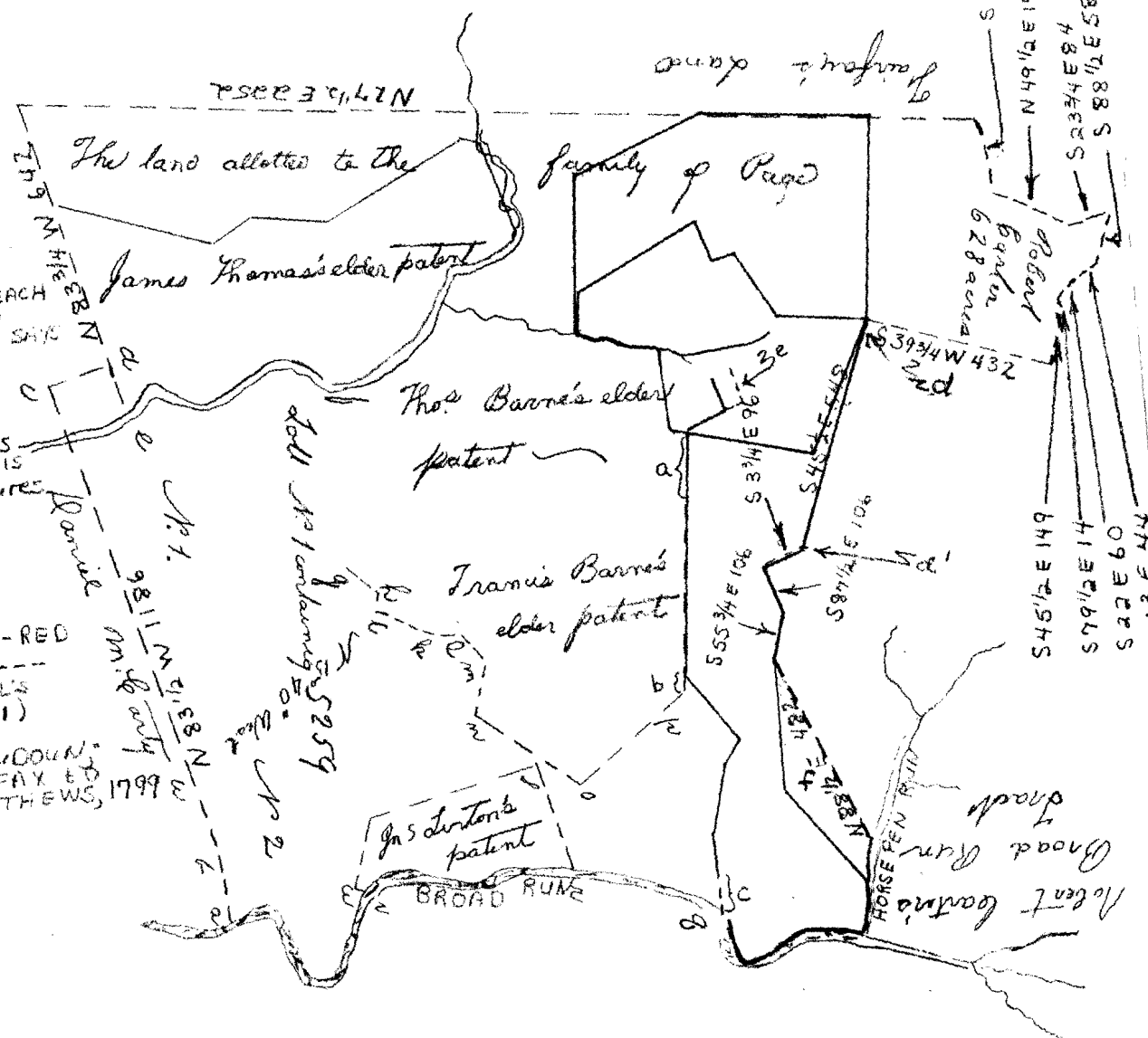


FIGURE 4

From: Carter of Shirley v Carter (100 back p 153)
 (mets & bounds from plat
 annotated - note 142)
 SCALE 1" = 68.00
 (Scale by map 1")

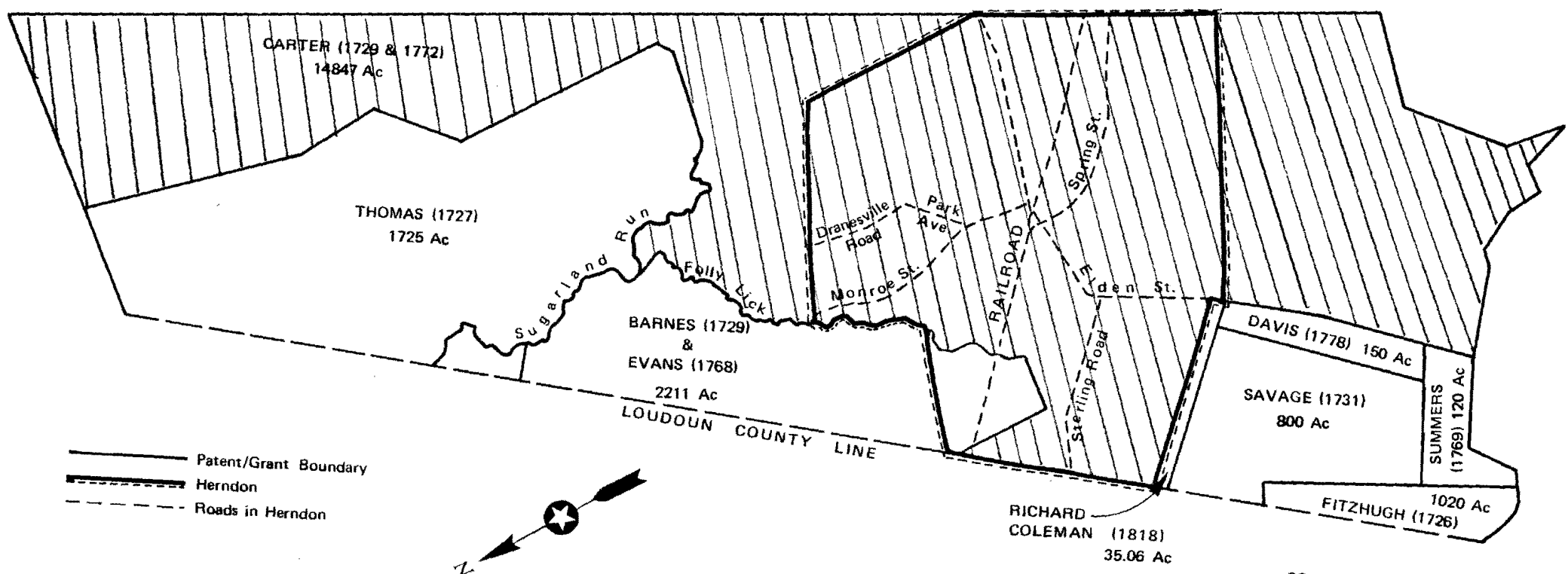
Figure: _____

DEED BOOK/PAGE: _____

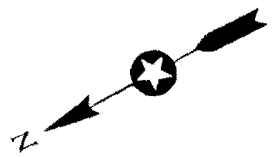
DATE: _____ FROM: _____ TO: _____

ACREAGE: 1

CARTER PATENT IN FAIRFAX COUNTY



- Patent/Grant Boundary
- Herndon
- - - Roads in Herndon



Adapted from Mitchell, "Beginning at White Oak . . ."

SCALE:
 2000' 4000'
 1" = 4000' = 242.4 Rods

the aforesaid Robert Page of Broadneck, who in his last will and Testament, has directed the sale of his share (Expectland) of the said Land." (Z/429-Loudoun).*

* All references to deed book/page number will be those of Fairfax County unless otherwise annotated, as this one is; thus H3/207 refers to book H3, page 207.

REFERENCES

1. Historical Society of Fairfax County, Virginia, Inc., Yearbook, Vol. 2, 1952-3.
2. Mitchell, Beth. "Beginning at a White Oak . . . Patents and Northern Neck Grants of Fairfax County, Virginia," 1977, McGregor and Werner (available through Fairfax County Administrative Services Office).
3. Netherton, Nan, et al. "Fairfax County, Virginia, A History," 1978.
4. Templeman, Eleanor Lee, and Nan Netherton. "Northern Virginia Heritage," 1966, published privately by E. L. Templeman.
5. Historical Society of Fairfax County, Virginia, Inc., Yearbook, Vol. 4, 1955.
6. Historical Society of Fairfax County, Virginia, Inc., Yearbook, Vol. 5, 1956-57.
7. Johnson, Michael F. "Prehistoric Site Survey of the Herndon Municipal Golf Course for the Fairfax County History Commission," 23 October 1978.

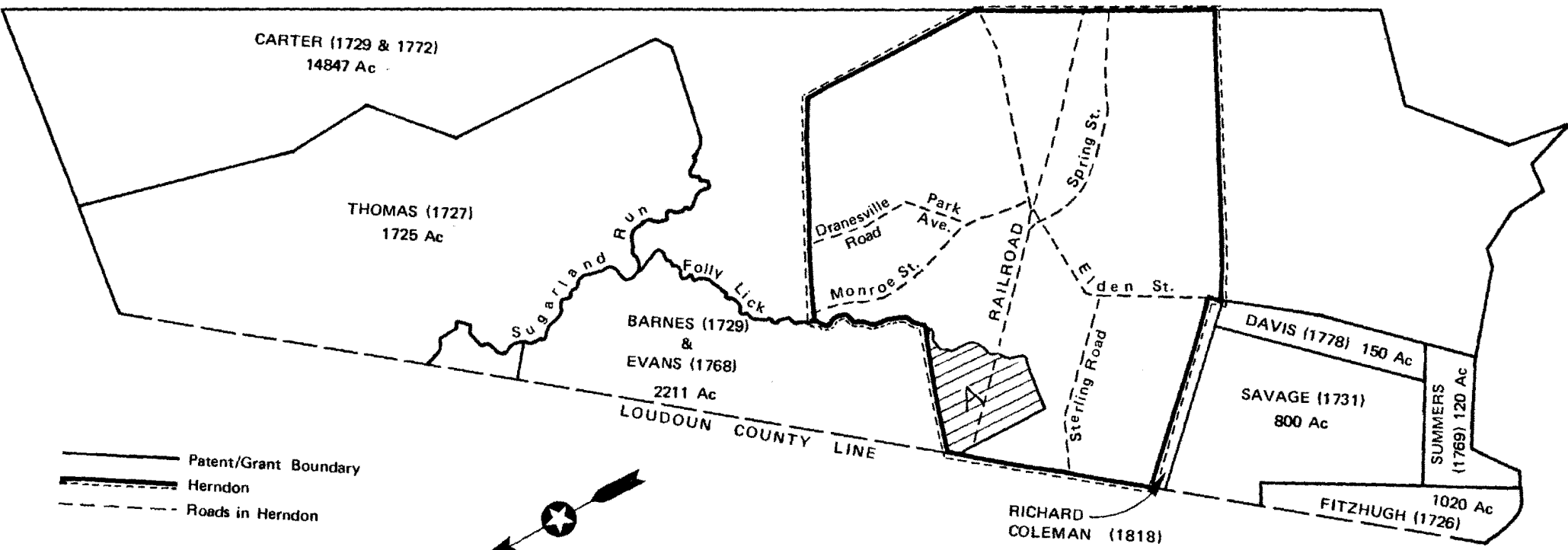
CHAPTER A

Figure: _____

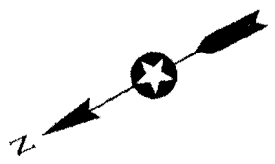
DEED BOOK/PAGE: _____

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TO: _____ ACREAGE: _____



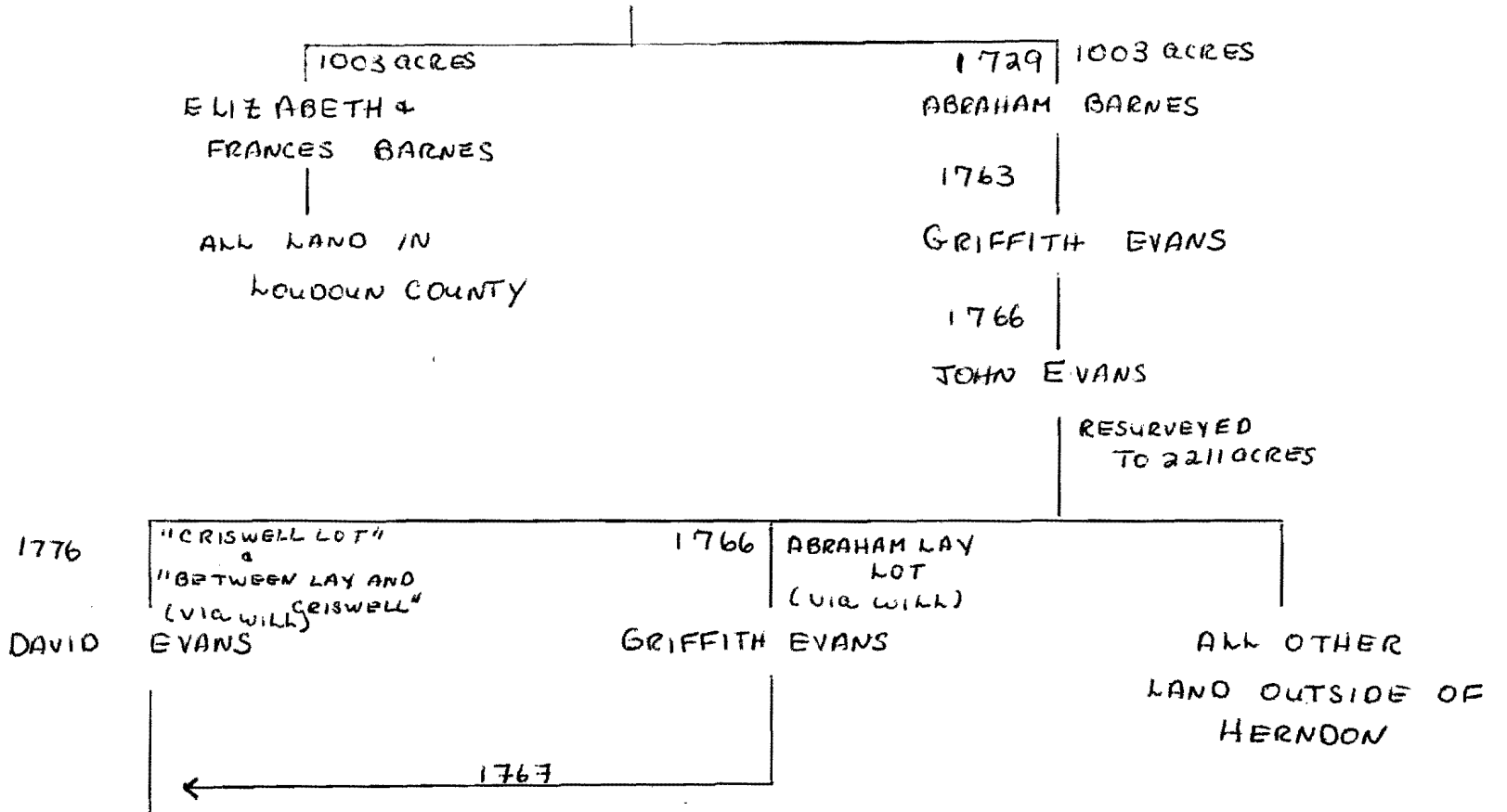
- Patent/Grant Boundary
- Herndon
- - - Roads in Herndon



SCALE:
 2000' 4000'
 1" = 4000' = 242.4 Rods

Adapted from Mitchell, "Beginning at White Oak . . ."

THOMAS BARNES



DAVID EVANS

(WILL)

1771

1/3 INTEREST IN EACH LOT

1771

1/3 INTEREST IN EACH LOT

HANNA (nee EVANS) HARDIN

SARAH (nee EVANS) LATIMER

1799
1801

UNLEASED LOT

1801 | leased lot

1801

INDIAN LICK LOT

JOHN GUNNELL

ELIZ. EVANS

WM/SARAH LATIMER

1801(?)

1805

JAMES COLEMAN

WILLIAM/SARAH LATIMER

1810

THOMAS COLEMAN

1820

WILLIAM/SARAH LATIMER

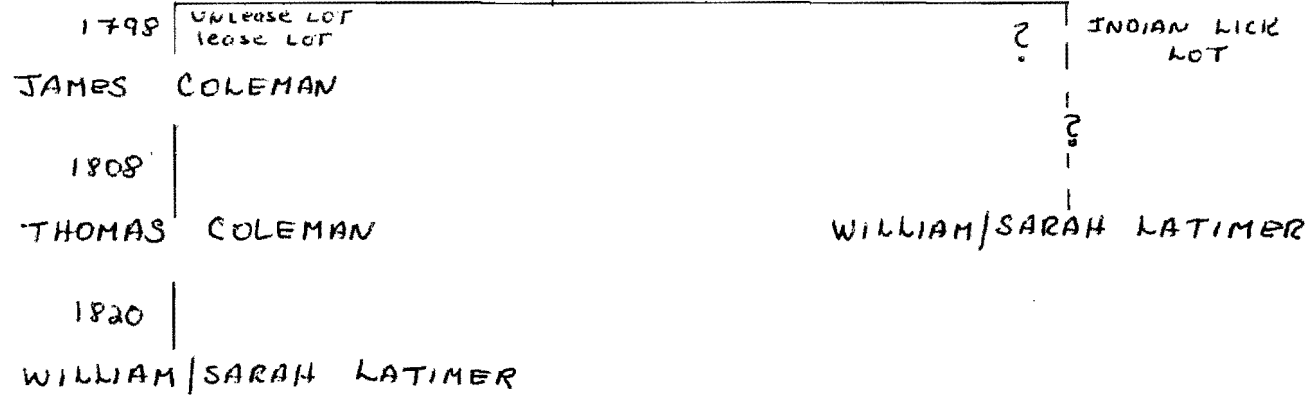
DAVID EVANS

1771

(WILL)

1/3 INTEREST IN EACH LOT

MARY (NEE EVANS) JEWELL



WILLIAM / SARAH LATIMER

(INHERITANCE)

SARAH LATIMER & CHILDREN

1834 | 530 ACRES

NEWTON KEENE

1845 |

JOSEPH ORRISON

1865 | 177.75 acres | 1865 | 100.25 acres

ALFRED RANSOM | CHARLES BURGESS

LAND NOT IN
HERNDON

1867 |

CHARLES BURGESS

JOHN TWEEDALE

1869 |

PERCY EATON

SAMUEL WALLACE

1871,
1880 |

HORACE & LOUISA PAYNE

HORACE/ LOUISA PAYNE

1881 | .65 ACRES
GEORGE BELL

~1880 | 5 ACRES
FRANK WEAVER

1880 | 30.44 ACRES
DAVID PITCHER

1904 |
P. B. BUELL

1882 |
HORACE PAYNE

1910 |
ALEXANDER CALDWELL

1885 | 25.48 ACRES

~1882-1885 | 5 ACRES

CORNELIUS JENKINS

FRANK WEAVER

1899 |

1904 |

P B BUELL

P B BUELL

1912 | (WILL)

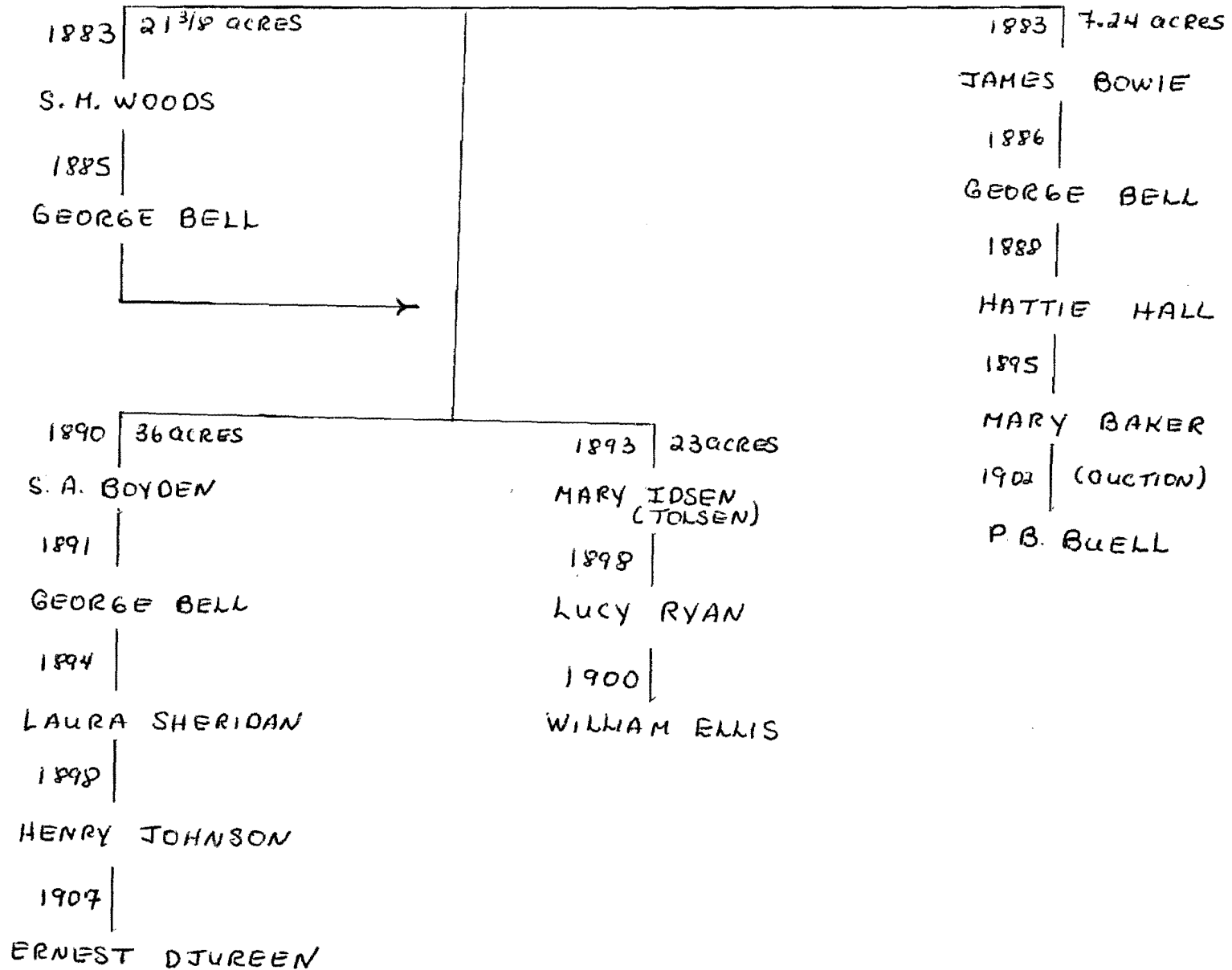
1910 |

ELLEN BUELL

ALEX. CALDWELL

GEORGE W BELL

15 ACRES of
ISAIAH BREADY
(CHAPTER 102)



JOSEPH ORRISON
1865 | 87.25 acres

GEORGE BOND
1869 |

HORACE PAYNE

1871 | 58.9 acres
GEORGE BELL

1881 | 29 acres
BENJAMIN BREADY
AMANDA BREADY

1890 |

BENJAMIN BREADY
| (WILL)

HATTIE, AMANDA, WILLIAM,
ISAIAH BREADY

1894 | (WILL)

AMANDA BREADY

| (WILL)

ISAIAH BREADY

~1913 | (WILL)

B. HARRISON BREADY

GEORGE BELL

1879 11.88 ACRES SARAH HOUGHTON	1881 18.82 ACRES GEORGE SPOFFORD	1883 20 ACRES S. M. WOODS
1882 ISABELLA WOODS	1883 JOHN FORSYTH	1885 GEORGE BELL
1887 J. D. ADAMS (WILL) JOSEPHINE ADAMS	1886 L. V. CASSADAY	1886 JOSEPHINA ADAMS
1898 (COURT ORDER) FLORENCE DUFFIE	1887 SARAH STARR	1890 JACOB ALLEN
1906 P. B. BUELL	1920 GEORGE HARRISON	1891 JEANNA ALLEN
		1892 WILLIAM DYER
		1893 JOHN DUFFIE
		1906 P B BUELL

GEORGE BELL

1892 | 1 ACRE
ROBERT WOODSON

1892 | .7 ACRES
LEWIS JAMES

6.52 ACRES
LAND IN
LOUPOUN
COUNTY

ORDER OF ODD
FELLOWS