

CHAPTER I

CHAPTER I

Dr. Richard Coleman (son of Col. James Coleman) was involved in many land transactions in the (what was to become) Herndon area; in addition to his own sales/purchases, he most likely was at least aware of the numerous land dealings of others within his family (see Appendices b and c and Chapter E). From this understanding of several different parcels of land, Coleman must have realized that the boundaries of some of these patents did not abut each other as was (probably) commonly accepted. Coleman was able to collect persuasive enough arguments to convince the "authorities" that there was indeed unpatented land lying in Fairfax and Loudoun Counties; consequently, he obtained a patent from the Commonwealth of Virginia (once the colonies became the United States, Virginia granted patents since, obviously, neither the King nor his representatives were recognized as owning the unpatented land any longer) for 35 acres 10 poles (35.06 acres)* on 1 December 1818 (B2/407 of the Northern Neck Proprietary deed books).

* The land was granted to Coleman as the "assignee of Charles Binns"--- does this mean that Binns actually recognized that these 35 acres lay unclaimed, and did all of the background work, while Coleman was simply smart enough to use some debt Binns owed him to assume the ownership for the land?

- a: begin at a stake, corner to [Robert] Carter's patent,
- b: ridge or vein of rocks, corner to Carter (ba: with Carter,
according to the survey of Carter's commissioners,
S 3 1/4° E 96 poles),
- c: field (cb: with another of Carter's line, S 45° E 534 poles),
- d: a corner to _____ (sic) (dc: with Carter S 39 1/4° W 15 1/2
poles),
- e: stump, corner to Fitzhugh (ed: N 43° W 548 poles),
- f: Carter's line (fe: with Fitzhugh N 5° W 88 poles),
- a: beginning (af: with Carter S 87° E 14 poles),
- 35 acres 10 poles = 35.06 acres,
- according to survey made 9 December 1817.

The cause of this offset in the patents can only be surmised (however, lack of information has stopped only a very few from meandering along and proposing all manner of hypotheses); a "reasonable" guess is that it was closely connected with the difficulties inherent in making accurate surveys:

- When the Page family divided their (Carter's) land, they might have felt that it was quite "logical" to make one of their east-west partition lines end at a corner to John Savage's patent [D/33(NN)]; in fact, it was so logical that they actually did it (P2/252)! These lots (numbers 16 and 17) were sold to Richard Coleman in 1802 (P2/252).
- Richard may have been aware of the long Page division line entering Fairfax County from Loudoun (line "b" in the figure); this segment was part of the 2500 acres that was later sold to James Govan by the Pages after Ferdinando Fairfax was ordered to return the land to them. Possibly his knowledge of this land came directly through contact with Fairfax, perhaps as a result of fruitless negotiations for the purchase of part of the land.
- John Coleman, Richard's brother, bought Page Lott 15 in 1803 or -4 from Ferdinando Fairfax about 1802 [see chapter C]. This land adjoins Lotts 16 and 17 as well as the Savage patent. Richard must have been aware of this land.

Combining this base of knowledge with an awareness of the metes and bounds of the Savage and Davis patents [I/310(NN)] may have resulted in a spark of inspiration and thereby the realization that these lands did not adjoin precisely as they were commonly assumed to do.

According to the Fairfax County tax records, Richard Coleman paid taxes on this new grant in 1819 but George W. Coleman paid the taxes starting in 1820. (Richard died in 1819 and George received this 35 acres as part of the division of Richard's estate--see chapter E.) Nothing changed until 1832 when George Coleman was charged taxes on a parcel of 467 1/16 acres; this land, according to the tax records, was a combination of a 432 acre parcel and a 35 1/16 acre parcel, both near Frying Pan and both "11 miles NW" of Fairfax Courthouse.

In 1840 George Coleman's taxable lands changed once again, this time to a 484 1/4 acre parcel near Frying Pan; there is no indication in the tax records of where he obtained the "extra" 17 3/16 acres--possibly a resurvey indicated a discrepancy. George paid taxes on these 484 1/4 acres through 1843; he must have then sold the land, for in 1843 he had only two parcels --117 acres ("part of Brewers") and 132 1/2 acres (gotten by Richard Coleman's division--H3/444; this Richard is Dr. Richard Coleman's son--see Appendix c).

More crucial than the precise chain of ownership, at least for this history of Herndon, is the exact location of this slender strip of land. "Beginning at a White Oak . . ." places the Fairfax County portion of this parcel within the present Herndon corporate limits; the following reasoning is presented as an attempt to show that this is actually incorrect and that while Herndon and Coleman's patent do share a common boundary, all of Coleman's 35.06 acres lie entirely outside, and to the south, of Herndon:

- boundary lines abcd of the above figure:

comparing the metes and bounds of Richard Coleman's patent,

NN B2/407, to the Page Lott [i.e., Robert ("King") Carter's land]:

| metes and bounds of Page Lott according to Carter of Shirley vs Carter suit | E2/355 (Page sale of 2500 acres to J. Govan) | B2/407(NN) (Coleman's patent) |
|--|--|--|
| a: beginning at a point in Loudoun County which is described as being a corner of the land in both of these deeds: | | begin at stake, corner to Carter's patent [point 'a' in first figure of this chapter] |
| b: S 3 3/4° E 96 poles | S 3 3/4° E 96 poles | S 3 1/4° E 96 poles |
| c: S 45 1/2° E 548 poles | S 45 1/2° E 528 poles | S 45° E 534 poles |
| d: S 39 3/4° W 432 poles | S 39 3/4° W 432 poles | S 39 1/4° W 15 1/2 poles |

The similarities are very strong! The difference of 1/2° in 'b' and 'd' is assumed to be negligible as is the "discrepancy" in the distances of 'c'.

The differences in the lengths of 'd' are clear since the Coleman patent was only to fill a gap between patents while the Page Lott was much more extensive and therefore continued much south of the Coleman patent land; what is crucial is that the boundary lines are identical!

- line ed:

Comparing the metes and bounds of B2/407(NN) to the John Savage patent [D/33(NN) and D/328 of Fairfax County] suggests another common line. Savage's line is N 40° W 548 poles, while Coleman's is N 43° W 548 poles. The difference of 3° could even be related to the existence of the 35.06 acre unpatented parcel.

- line fe:

Comparing the metes and bounds of B2/407(NN) to the Major John Fitzhugh patent, A/207(NN), suggests another common line. The Coleman deed states that the land has a common line with Fitzhugh -N 5° W 88 poles. This same line is a line of the Fitzhugh patent.

These three comparisons strongly suggest that Richard Coleman's patent and Robert Carter, Jr.'s patent shared line bc and (part of) line cd as common boundaries. This fairly clearly locates Coleman's land adjacent to, but outside of the present boundaries of Herndon.

Our conclusion is rather substantially strengthened by two observations:

- if Coleman's land lay inside of Herndon, it could not have had a common line with Fitzhugh since the supposed line (N 5° W 88 poles) would then be within Carter's patent.
- as described in chapter B, James Govan sold the land (600 acres) west of the present Sterling Road to Richard Cockerille who, through his executors, sold the same 600 acres to Thomas

Hazzard. Hazzard sold 200 acres along the boundary of Govan's purchase of Page to Martin Irish. These 200 acres were sold intact through many owners until they finally became part of the Four Seasons development of National Homes. According to the National Homes plat (4132/536, 18 July 1974), these 200 acres lie precisely on the Herndon boundary. If this is correct, there is no room for Coleman's 1818 patent land and no break in the chain of ownership to allow Coleman to own any part of it.*

Other corroborating, yet more circumstantial, evidence is:

- The boundaries of N2/407(NN) do not meet in a point in Fairfax County as indicated in "Beginning at a White Oak . . .".
- Coleman's patent fits precisely into the offset in Herndon's boundary across the western portion of Elden Street--both are 15.5 poles along S 39 1/4° W.

* Another strong point would be if a parcel of land adjacent to Herndon's boundary yet lying outside the town and containing part of the Coleman patent as conjectured to be located in this chapter were traced back to George W. Coleman. This has not been done.

CHAPTER J