

HERNDON

THE LAND:

1649-1900

VOLUME III

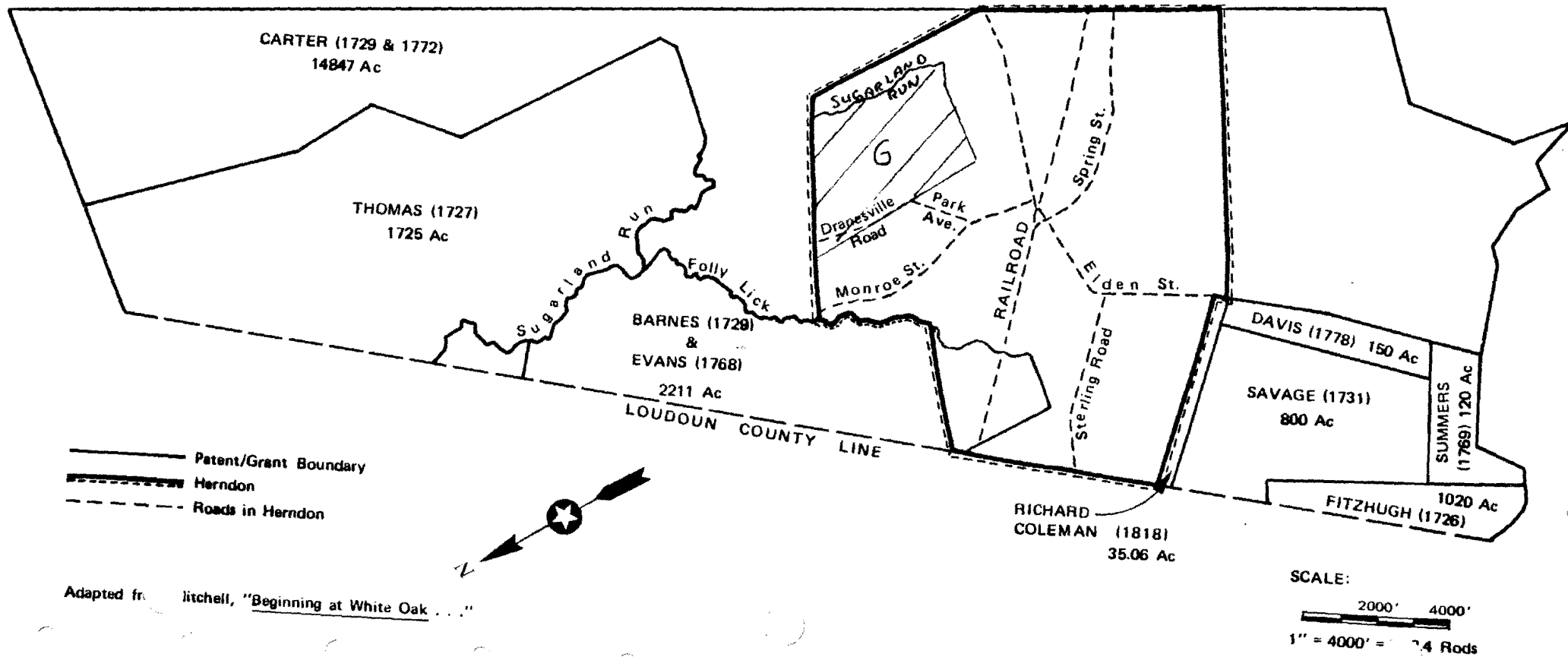
Donald M. LeVine
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CHAPTER G

Figure: _____

DEED BOOK/PAGE: _____

DATE: _____ FROM: _____ TO: _____ ACREAGE: _____



FERDINANDO FAIRFAX

1802 | "396 1/2" ACRES *

DR. RICHARD COLEMAN

1819 | 327 ACRES

CHARLES/ANN RATCLIFFE

1843 | "318 ACRES MORE
OR LESS"

JOHN RATCLIFFE

1846 | "300 ACRES MORE
OR LESS"

WILLIAM BARKER

1866	LOT 3 169.66 ACRES (INHERITANCE)	1866	LOT 2 130 ACRES (INHERITANCE)	1866	24.92 ACRES (INHERITANCE)
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SARA J BICKSLER

CATHERINE POOLE

SARA BICKSLER
CATHERINE POOLE

* BELIEVED TO BE AN ERROR; SEE TEXT

SARAH J. BICKSLER

1896	5.2 acres [2.9 acres of LOT 2]	1908	1 acre	1909	1 acre
DAVID BICKSLER		J. H. BICKSLER		ELIZABETH BICKSLER	
1906		1911		1919	
GEORGE BELL		MINNIE CHAPIN		J. H. BICKSLER	
1908		1918			
M. A. KENFIELD		J. H. BICKSLER			
1911		1919			
B. M. BRYANT		J. W. LEITH			
1912					
M. A. KENFIELD					
1921					
PAUL T. POWELL					

SARAH J BICKSLER

1913 | 165.39 acres
(COURT SUIT)

J. H. BICKSLER

ELIZABETH BICKSLER

KATE MERCER

1919 |

J. H. BICKSLER

1919 | 60.34 acres

A. S. HARRISON

1920 | 40 acres

THOMAS CARTWRIGHT

1930 |

SARAH A. B. CARTWRIGHT

1933 |

MARY CARTWRIGHT

ANNIE CARTWRIGHT

SUSAN CARTWRIGHT

1933 | (default)

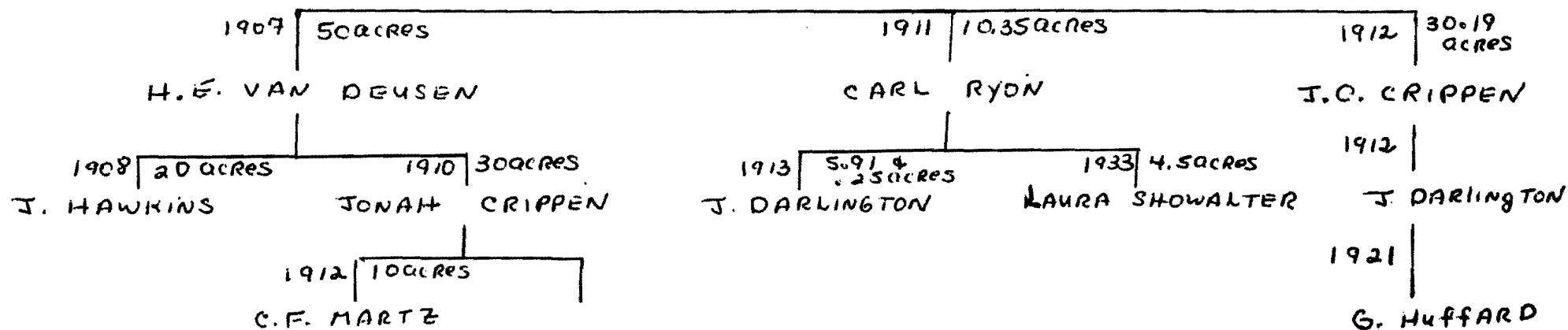
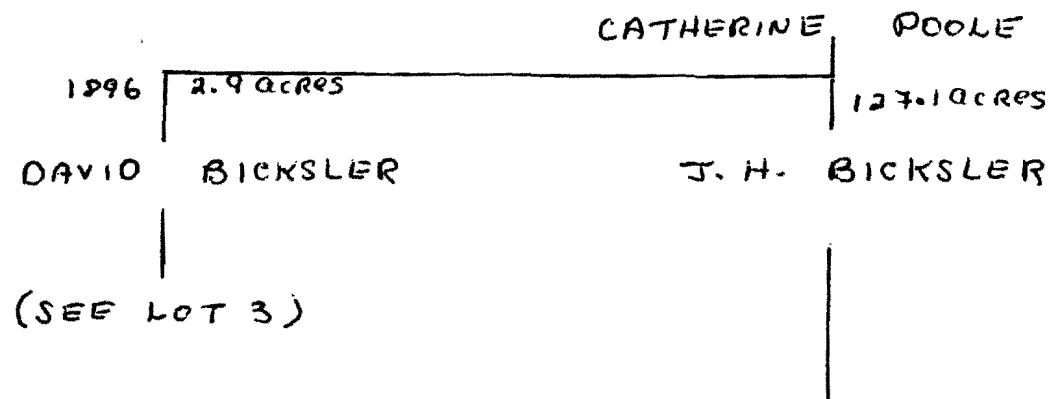
THOMAS REED

1920 | 65.05 acres

H. G. De BUTTS

1920 |

PAUL POWELL



CATHERINE POOLE
SARAH BICKSLER
1906 | 24.92 acres
W. W. McMILLAN

1907 | 10 acres
H. E. VAN DEUSEN

1908 |
JOHN AVERILLE

1911 | 14.92 acres
GEORGE POOLE

1936 |
AGNES SHAW
SELMA WILSON
AGNES MARCEY

The chain of ownership of this tract of land (approximately 327 acres) is rather confusing to describe since there are several errors in the deeds themselves, missing (or at least not as yet found) plats and wills and rather vague descriptions of the land in several consecutive deeds. Consequently, I shall start in the middle and then go both ways.

John R. Ratcliffe, of Kentucky, having moved from Virginia to Kentucky in 1844, sold "300 acres more or less" to William Barker on September 2, 1846 (L3/192) for \$2250. The land was known as the "Sugar Land Run Tract" and was the same parcel that Ratcliffe had obtained from his mother, Ann M. Ratcliffe, on 6 June 1843 (H3/216)--i.e., Lot 7 of the division of Dr. Richard Coleman's (Ann's father) land. The selling price of that transaction was also \$2250.

On 26 March 1845 (J3/197) William Barker placed a lien on this 327 acres (all deeds describing this parcel and its subdivisions from 1845-1920 are consistent with the total acreage being 327 acres; see the end of this chapter for a discussion of whether the 327 acres was actually part of a 396 acre parcel) with A. Sidney Tebbs as trustee in order to appease James Coleman that he would eventually get reimbursed for the \$1055 Barker owed him (why the lien is recorded before the sale is unknown unless, as often seemed to happen, the recording of the sale in the Fairfax County records simply was done considerably after the actual date of sale).^{*} This debt of

^{*} It appears that when deeds are recorded the date of the recording (not the date of the actual transaction) is used in the deed. Consequently, given the slowness of transportation and people's normal tendency for lethargy, it should not be surprising that deeds often were not recorded until considerably later than the actual agreement to sell or place a lien or whatever.

\$1055 consisted of two bonds--one dated 1 March 1845 and due in three months and a guardian bond also in Barker's name (Barker was guardian for John H. Williams, "an infant under 21 years of age.") The land was said to contain a sawmill and other buildings and was only part of the entire lien--the other parts of the lien consisted of slaves and other "property." The usual proviso concerning auctioning the land at a public sale if default occurred was included. No release has been found for this lien.

As described in Chapter D, William Barker, along with Washington Hammer and John Deal, had guaranteed a \$4541.96 debt that Newton Keene owed the children (James, Americus, Hannah, Frances, Samuel, Seth, Lucy, and Florida Cockerille) of Richard A. Cockerille, deceased. In order to secure this bond, Barker placed a lien on two parcels of land on 15 June 1845 (J3/291) identifying John P. Coleman of Loudoun as the trustee: (a) "327 acres adjoining the lands of the late Sanford Cockerille" (i.e., the 327 acres of this chapter) and (b) the 227 1/2 acres described in Chapter D. This lien was released on 1 April 1856 (X3/310).

Barker, like several people who have owned land within the present limits of Herndon, repeatedly used his Herndon land to guarantee many of his debts; on 18 February 1846 (K3/200) he placed another lien on the 227 1/2 acres of Chapter D and the "327 acres more or less" of this chapter (Alexander Turley being the trustee) in order to secure his debt of \$1000 owed Sampson Hutchinson; the \$1000, with interest, was due 18 February 1848. The 327 acres, according to this deed, was bounded by the "corner of Mrs. Cockerille, with her line to Sanford Cockerille's corner, with line to Robert Gunnell corner, with line to James Jenkins corner and with line to beginning." If Barker defaulted, the resulting auction was to be adver-

tised in a "newspaper printed in Leesburg." Barker paid off the debt and the lien was released on 19 May 1856 (X3/320).

William Barker died in 1866 (although the exact date of his death has not been determined, an inventory of his estate was recorded in Will Book A2/164 on 7 June 1866; this is the "evidence" for the statement of his death being in 1866); his land was surveyed by S.D. Farr and divided into (at least) three parcels. The plat of this division has not been found* and no reference to lot 1 has been found in any of the deeds so far researched (possibly lot 1 was the 227 1/2 acres Barker owned in another part of Herndon and which is described in Chapter D). Barker had two daughters: Mrs. Catherine Pool(e)** and Mrs. Sarah Jane Bicksler; these women inherited the land--whether they inherited it directly or through their mother (who was William's executor) is not known. However, the following dissertation on the deeds involving this land provides explicit evidence that the land was inherited from their father, William Barker. Since no plat of the 327 acres has been found and since no clear description of the land as a single parcel of 327 acres has been discovered (all of the deeds involving this land before Barker owned the land are vague and do not contain any specific metes and bounds) the metes and bounds of the land have had to have been deduced by tracing the ownership of several modern (1981) parcels back until deeds have been found explicitly stating that the land was of William Barker--fortunately, this was possible! The

* Unfortunately not all subdivision plats are recorded; consequently they must be reconstructed by searching through the deeds involving subsequent sales of the land.

** Both spellings have been found in the deeds; Poole will be used throughout this chapter but this is merely an arbitrary choice.

following descriptions of the three parcels of land constituting Barker's
327 acres were reconstructed in this manner:

DRAWESVILLE

TOWN LINE

N
1" = 500'

THIRD

NOT
(SECOND) THRU

Worcester

PARK

FILLMORE

SUGARLAND

RUN

MADISON

Reconstructing the land sales involving William Barker's heirs (Catherine Poole and Sarah Bicksler), one can easily rationalize that Barker's will (not recorded in Fairfax County although inventories of his property are recorded in Will Books A2/164, 166 and C2/76) divided his land in the Dranesville area into three parts - Lot 3 to be given to his daughter Sarah, Lot 2 to be given to his daughter Catherine, and his homestead to be given to his wife and upon her death to both of his daughters in joint ownership. Assuming that the more recent surveys are more accurate than the older ones (a problematical assumption in some instances), and reconstructing all of the Bicksler family sales (see below for the extent of this reconstruction) the three parts of Barker's Dranesville land seem to contain 169.66 acres (Lot 3), 130 acres (Lot 2) and 24.92 acres (joint homestead lot). This totals 324.58 acres but requires (see below) that Sarah Bicksler died "seized and possessed" owning only 165.39 acres and not $170 \frac{5}{8}$ as R7/278 claims.

I.

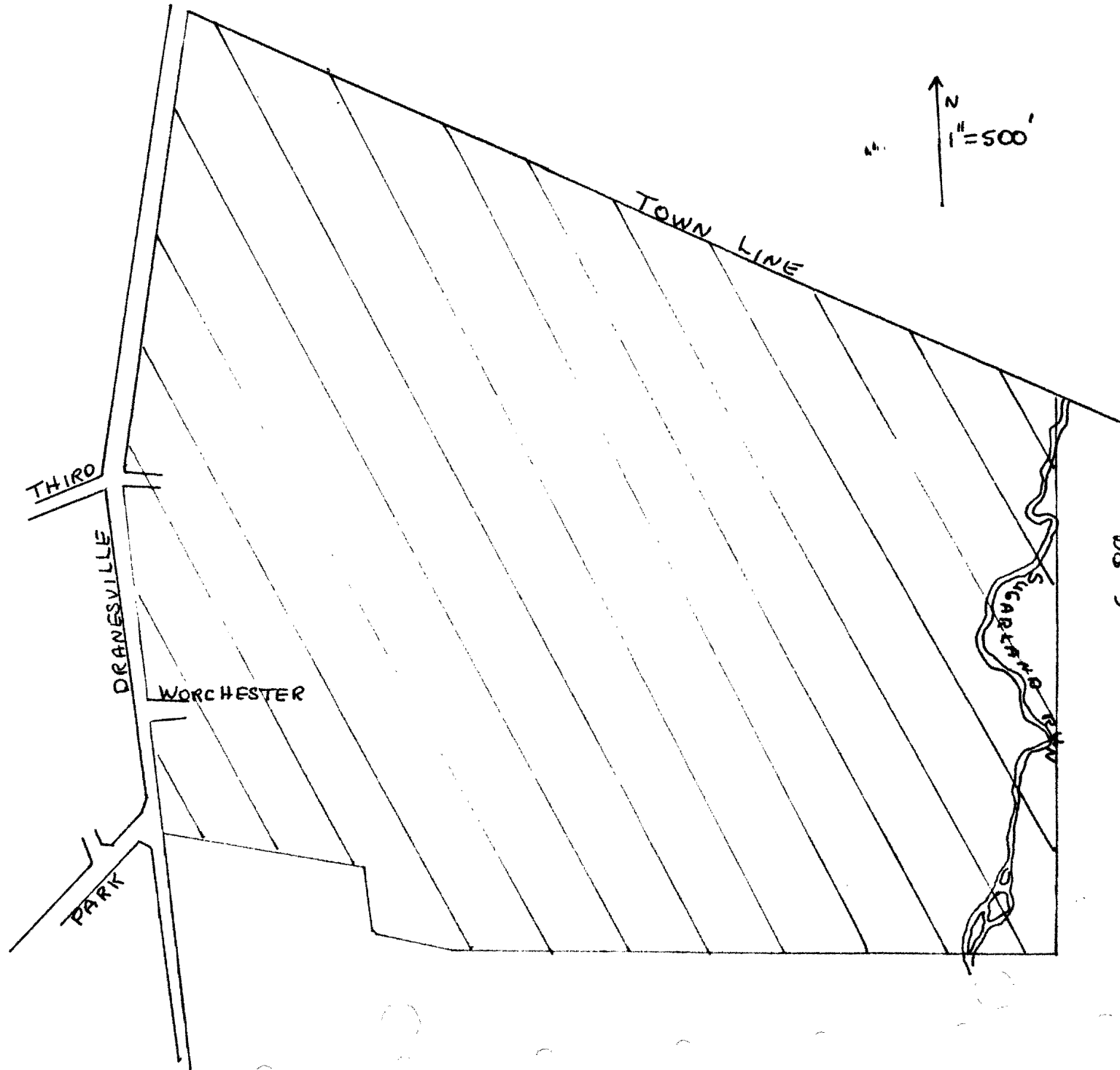
Lot 3

Henry Bicksler died and then his wife, Sarah, died. In the Fairfax County Circuit Court suit of Bicksler and others versus Bicksler, the Court, in its January 1913 term, appointed J.W. Rust, C. Vernon Ford, and R.E. Thornton commissioners of the Court and directed them to sell a parcel of "170 5/8" acres at public or private sale for the "best terms obtainable." Rust, Ford, and Thornton were required to post a \$20,000 bond. These commissioners advertised the land for four consecutive weeks in a newspaper and then sold the land to J.H. Bicksler, Elizabeth Bicksler (sister), W.C. Mercer and Kate B. Mercer (wife, and probably sister of J.H. and Elizabeth). Each Bicksler bought a 1/3 share, and each Mercer a 1/6 share of the land. The selling price was \$10,000. During the September 1913 term of the Court, R.E. Thornton was appointed a special commissioner to actually legally convey the ownership of the land to Bicksler et al; this was done 6 November 1913 (R7/278). According to this deed Sarah Jane Bicksler died "seized and possessed" of this "170 5/8"* acres which was "part of the 327 acres more or less William Barker owned, he bought of John R. Ratcliffe . . . in 1846 . . . land described in K3/200."

Elizabeth, J.H./Mamie Bicksler and W.C./Kate B. Mercer placed a lien on this "170 5/8" acres on 14 November 1913 (R7/361) with W.H. Martin as trustee in order to secure the \$500 they owed E.B. White. The land, according to R7/361, was bounded on the north by J.R. McMillen and Fred

* The reconstruction of this short chapter yields a size of 169.66 acres not 170.63. Either I lost an acre or there was/is a slight error in the original surveys.

LOT 3



08-7

Averill, on the south by J.H. Bicksler and subdivision, on the west by Van Vleck's subdivision and on the east by H.B. Hutchinson. The Bickslers/Mercers owed 6 bonds, each dated 14 November 1913, and payable to E.B. White on 14 November 1914 with 6% interest payable semiannually to the Peoples National Bank of Leesburg. Three of these bonds were for \$1000 each and three for \$500 each. The bonds/lien was released by 2 deeds-- 08/273 (1 December 1919) and 08/275 (15 September 1919).

J.H./Mamie Bicksler bought Elizabeth Bicksler's 1/3 interest in the "170 5/8" acre parcel plus a one acre plot described in E7/696 (IC below) for \$500 on 6 August 1919 (N8/216). Both of these parcels were part of "Lot 3 of S.D. Farr's survey of William Barker's Estate." The Bickslers then bought the Mercers' interest in the "170 5/8" acres for \$500 on 15 September 1919 (08/275). On 15 September 1919 (N8/125) W.C./Kate B. Mercer recorded a quitclaim to the "170 5/8" acres of the "Bicksler Farm"; this land is "the same as R7/278." The Mercers lived in Allegheny County, Pennsylvania.

These deeds seem to express a consistent, and reasonable, story that Barker left his daughter Sarah 170 5/8 acres of land, called Lot 3 of his division of land, and that Sarah's (and her husband) Henry's children bought this land for \$10,000 after their parents death and after the intervention of a court suit. Unfortunately, this "logic" is severely fractured when one looks at all of the deeds that claim to contain land of Lot 3 and, also, at all of the deeds of sale of Sarah/Henry Bicksler:

Sarah Jane and Henry F. Bicksler sold four parcels of land all claiming to contain land belonging to Lot 3 - 2.27 acres (this was^f part of a 5.2 acre parcel, 2.9 acres of which were in Lot 2 - see below) to David

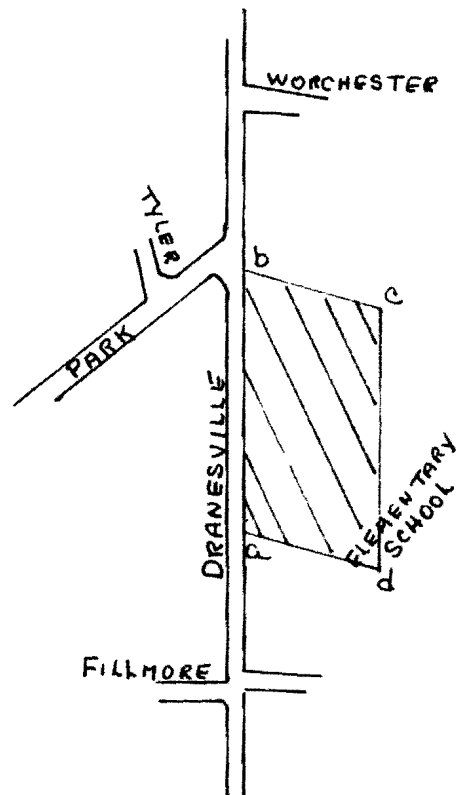
Bicksler in 1896, 1 acre to J.H. Bicksler (son) in 1908, 1 acre to Elizabeth Bicksler (daughter) in 1909* and, (after their death) 165.39** acres to their three children (J.H., Elizabeth and Kate). Thus, if the only land Sarah Bicksler received from her father (excluding land jointly owned with her sister Catherine) was lot 3 and accepting that she sold $2.27 + 1 + 1 = 4.3$ acres before her death and having died "seized and possessed" of land later surveyed to be 165.39 acres, she actually inherited Lot 3 consisting of 169.69 acres not 170.63 as claimed - this is the reason for quotation marked around the 170 $5/8$ acre figures.

* The "logic" that the Bickslers decided to sell each of their children a one acre lot as a homestead is not unreasonable but is weakened because no land was sold to Kate. Possibly the way to rationalize this is that Kate married W.C. Mercer and lived in Pennsylvania while J.H. and Elizabeth still lived in the Herndon area and "needed" the land more.

** The figure of 165.39 acres is constructed by considering all of the land J.H./Mamie Bicksler sold and which was claimed to be part of Lot 3. The area of each of these sales was accepted as being correct in the specific deed of sale; simple addition then gave 165.39 acres. Supporting the "correctness" of the 165.39 acres is the fact that using the ~~notes~~ and bounds of the J.H./Mamie Bicksler sales plus the other Bicksler family sales combined with the lands of the other chapters or of this note completely cover the entire town of Herndon with no overlap or void spaces.

IA: Sarah J. and Henry F. Bicksler sold 5.2 acres to David Bicksler on 31 October 1896 (E6/441) for \$125 (the deed was not mailed to David Bicksler until 2 April 1900; sometimes E6/441 is referred to as reflecting actions occurring in 1900 and sometimes in 1896). This land was "land of William Barker" and was on the "opposite side of the County Road from Dranesville from Chestnut Grove Cemetery" (i.e., lying on the east side of County Road from Herndon to Dranesville, the same size as all of Barker's 327 acres - 07/269).

E6/441
31 OCTOBER 1896
SARAH/HENRY BICKSLER →
DAVID BICKSLER
5.2 ACRES



N
1" = 500'

a: begin at point in center of road 29 rods [poles], 10 links from
planted stone corner to Bicksler and Poole,
b: land of F.W. Averill (ba: with road, N 15° E 41 rods 8 links),
c: young pine tree (cb: with Averill, S 59° E 22 rods 5 links),
d: -- (dc: S 15° W 35 rods),
a: beginning (ad: N 75° W 21 3/4 rods)

5.2 acres

(2.27 acres of Lot 3; 2.9 of Lot 2)

The deed does not explicitly claim that these 5.2 acres are part of Lot 3; rather the land is merely referred to as being "of William Barker." At first this seems innocuous, but naivete has its consequences! A little study of 07/269 and its figure, clearly shows that part of this land lies within Lot 2; in fact, a little geometry yields an estimate of 2.9 acres as being part of Lot 2. This "hypothesis" is strengthened by V6/591 (1 December 1906) in which David W./Ella B. Bicksler of Herndon and Mrs. C. Poole (nee Barker) of Herndon ("one of the heirs of William Barker who did not join in former deed") sold these 5.2 acres to George W. Bell of Herndon for \$1200. It seems reasonable to assume that Catherine Poole and the Bickslers knew that the 5.2 acres lay in both lots and that, as a consequence, both needed to legally sign the deed of sale. For some reason, Catherine did not sign the original deed to David Bicksler. Later she, or others, realized that she needed to do this to keep the lawyers from protesting and so she joined in the subsequent sale to George Bell. This hypothesis will be assumed to be correct throughout this interesting history of Herndon.

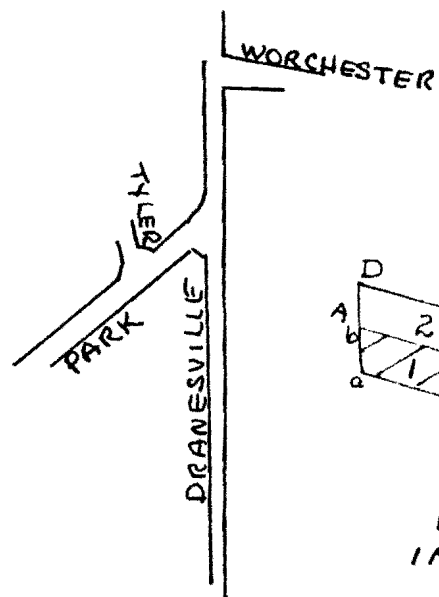
George W./Cynthia Bell then sold the land to M.A./Sarah E. Kenfield of Herndon for \$1200 on 8 September 1908 (A7/500).

Kenfield then sold the land to B.M. Bryant for \$1600 on 13 November 1911 (L7/299).

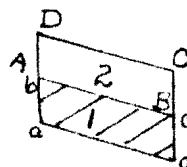
B.M. Bryant, for some unknown reason, sold the land back to M.A./Sarah E. Kenfield for \$1500 on 1 August 1912 (07/269), M.A./Sarah E. Kenfield apparently did not want to keep the land (hexed?) for they once again sold the land, this time to Paul T. Powell on 3 January 1921 for \$10 (T8/593). The description of the land is the same as in 07/269 except that "Averille," is replaced by "Averille (now McMillen)."

IB: H.F./S.J. Bicksler and Mrs. C. Poole (nee Barker) sold J.H.

Bicksler one acre of land for \$150 on 1 May 1908 (Z6/502). This land was part of Lot 3 of Farr's survey and was described as:



N
1" = 500'



1: E6/502
1 MAY 1908

H.F./S.J. BICKSLER → J.H. BICKSLER
M.C. POOLE
10CRE

2: E7/696
15 DECEMBER 1909
H.F./S.J. BICKSLER →
ELIZABETH BICKSLER
10CRE

a: begin at northwest corner of H.E. Van Deusen (formerly J.H. Bicksler)
b: -- (ba: N 00° 08' E 120 feet),
c: -- (cb: S 72° 35' E 363 feet),
d: -- (dc: S 00° 08' W 120 feet),
a: beginning (ad: N 72° 35' W 363 feet)

1 acre

J.H./Mamie E. Bicksler then sold this one acre to Minnie M. Chapin for \$2800 on 31 May 1911 (J7/337). The description of the land is the same as in Z6/502 except that the land begins at the northwest corner of J.R. Crippen, not Van Deusen (who had sold it to Crippen).

Minnie M. Chapin, "single of Fairfax County," decided not to keep this land - she sold it back to J. Herbert Bicksler of Herndon for \$3000 on 10 December 1918 (J8/61). Notice that this deed says that this one acre was the same as J6/337; clearly it meant J7/337.

On 16 December 1918 (J8/61) J. Herbert/Mamie E. Bicksler placed a lien on this one acre of land, with Arthur A. Chapin of Washington, D.C., as trustee in order to secure a \$2500 debt owed Minnie M. Chapin--\$500 due in 2 years, \$1000 due in 3 years and \$1000 due in 4 years all with the added joy of 6% interest. If the Bickslers defaulted the land would be auctioned after 4 weeks advertisement in a Fairfax County newspaper. The terms of the auction were to be:

- the sale would be for cash. The money would be first used to defray the expenses of this trust, including a commission of 5% to Arthur Chapin and the fees for

drawing/recording the deed.

- The remaining money would then be used to repay as many of the notes as were still unpaid; if there were not enough money to pay the notes, the notes would be paid off in the order of their maturity date.
- any extra money would be returned to Bicksler.

The Bickslers agreed to maintain adequate fire insurance on the property and to pay taxes. The lien was released 4 March 1919--note in the margin of J8/62.

On 25 March 1919 the Bickslers again sold this one acre, this time to J.W. Leith for \$3500 (K8/151). The description is identical to before except that the beginning is at the "northwest corner of formerly H.E. Van Deusen (now Wahl)."

IC: On 15 December 1909 H.F./S.J. Bicksler of Herndon sold a single acre to Elizabeth Bicksler of Herndon for \$10 and "services rendered on 19 September 1908" (E7/696). This one acre was part of "Lot 3 of S.D. Farr's survey of William Barker's land" and was described as:

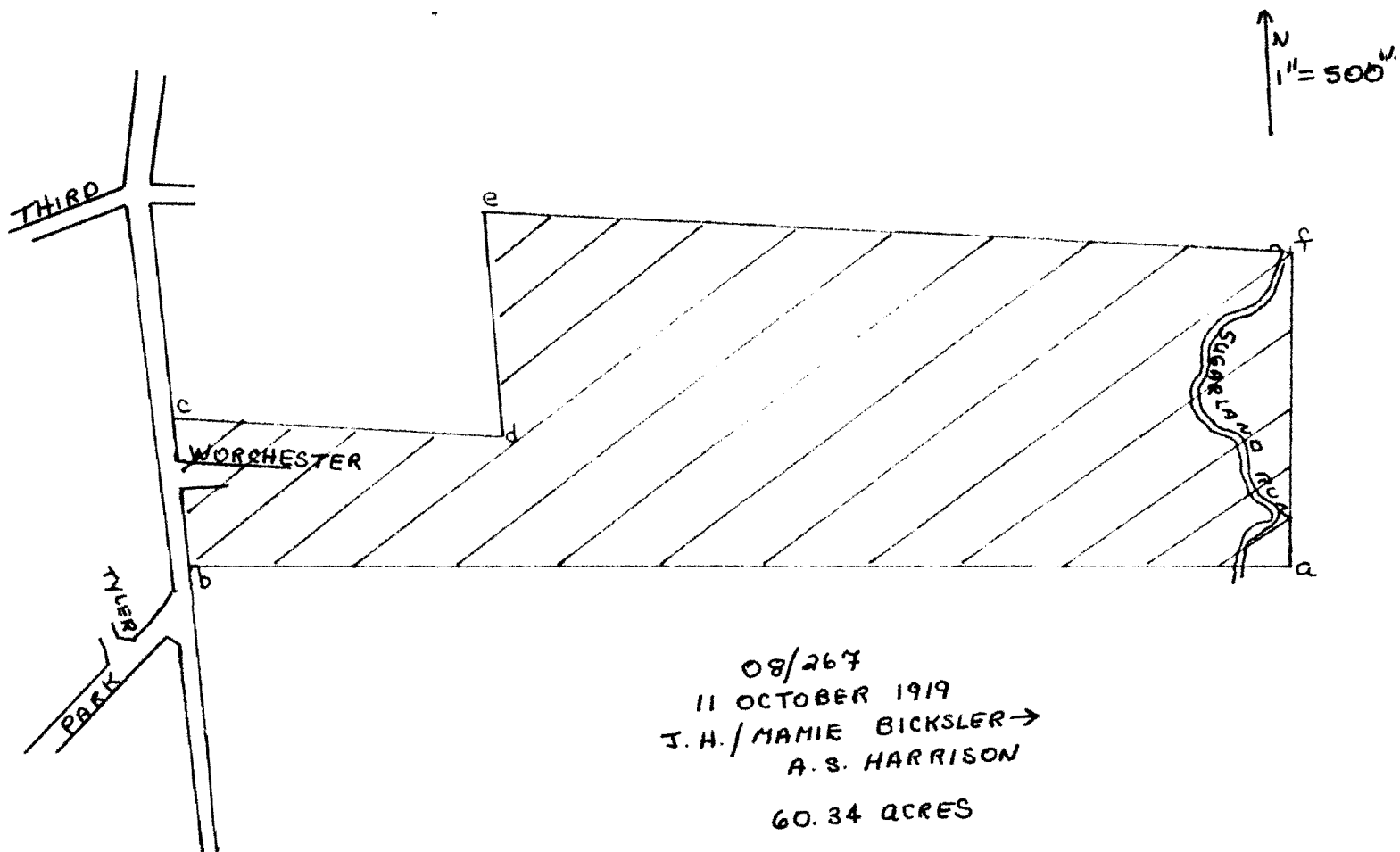
A: begin at a stake in the northwest corner of the one acre lot owned
by J.H. Bicksler [see Ib],
B: northeast corner of said lot (all bearings calculated from point
A, J.H. Bicksler's northwest corner) (ba: S 72° 35' E 363 feet),
C: -- (cb: N 00° 58' E 120 feet),
D: -- (dc: N 72° 35' W 363 feet),
A: beginning (ad: S 0° 58' W 120 feet)

1 acre

On 6 August 1919 (N8/126) Elizabeth Bicksler sold the same
land acre to J.H. Bicksler along with filing a quitclaim for the "170 5/8"
acres of Lot 3.

ID: Reconstructing the land sales of J.H./Mamie Bicksler involving the land of Lot 3, provides a total of 165.39 acres and three transactions:

ID1: On 11 October 1919 (08/267) J.H./Mamie E. Bicksler sold 60.34 acres to A.S. Harrison, of Herndon, for \$500. This land was "part of Lot 3 of William Barker's estate":

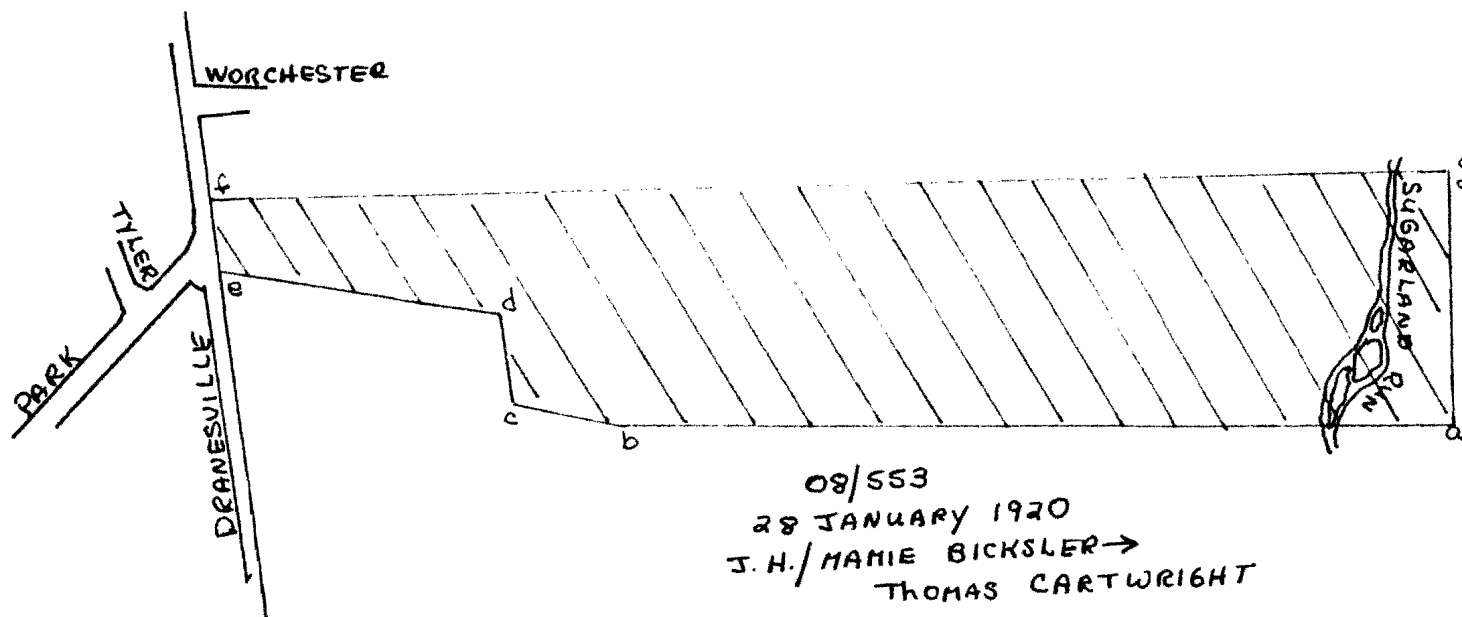


- a: begin at "A," stone northeast corner of land of Thomas J. Cartwright, in east line of original tract,
- b: center of County Road passing through center of stone gateway leading into farm (all bearings calculated from "A" as base line) (ba: N 82° 37' W 3241.4 feet),
- c: point, center of road and 15' west of planted stone, and southwest corner of land of George W. Poole (cb: with center of road, N 00° 52' E 420 feet),
- d: cedar post, southeast corner of Poole's land (dc: with south line of Poole, S 79° 55' E 1000 feet),
- e: planted stone corner of Poole and Ferguson (de: N 1° 54' E 661.5 feet),
- f: cedar stake in east line of original tract on north side of a small brook and east bank of Sugarland Run at their intersection with east line of original tract (fe: S 79° 40' E 2367.5 feet),
- a: beginning (S 8° 03' W 910.8 feet)

60.34 acres

This land included a "strip 10 feet wide along the entire south line for an open roadway and a like strip along the south [north] line of adjoining property, making a road 20 feet wide."

ID2: J.H./Mamie E. Bicksler of Herndon sold 40 acres to Thomas J. Cartwright of Washington, D.C., on 28 January 1920 (08/553) for \$10. This acreage was "part of Lot 3 of S.D. Farr's sub-division of William Barker's estate," and was described as:



08/553
 28 JANUARY 1920
 J. H. / MAMIE BICKSLER →
 THOMAS CARTWRIGHT
 40 ACRES

G-26

- a: begin at planted stone, "A," the southeast corner of Lot No. 3,
corner to land now owned by Martz,
- b: --(ba: with north line of Martz N 81° 33' W 2168.8 feet; all
bearings calculated with respect to "A" as base),
- c: stake in line of Wahl's land and southeast corner of Leith (cb:
N 71° 41' W 300 feet),
- d: stone, northeast corner of Leith (dc: with east line of Leith,
N 1° 26' E 240 feet),
- e: east side of 30 foot road preserved as outlet and planted stone
corner to 1 acre of J.H. Bicksler, east side of road (ed: with
Leith north line N 71° 41' W 726 feet),
- f: point in center of gateway leading to farm (fe: along county road
N 0° 55' E 189 feet),
- g: planted stone on east side of Sugarland Run, along east line of
original tract (gf: S 82° 23' E 3226.4 feet),
- a: beginning (ag: S 8° 03' W 649.4 feet)

40 acres

This land also included a 10 foot strip along its entire north line for an open roadway; since a like strip also existed along the south side of the adjoining property sold by Bicksler to A.S. Harrison a 20 foot roadway was preserved for the sole use and benefit of the two adjacent owners.

Thomas J./Mary E. Cartwright sold this land to Sarah A.B. Cartwright (daughter?) on 12 December 1930 (V10/113) "for \$5." This land is described as being part of Lot 3, Stephen D. Farr's subdivision of William Barker's estate and identical to the land of 08/553.

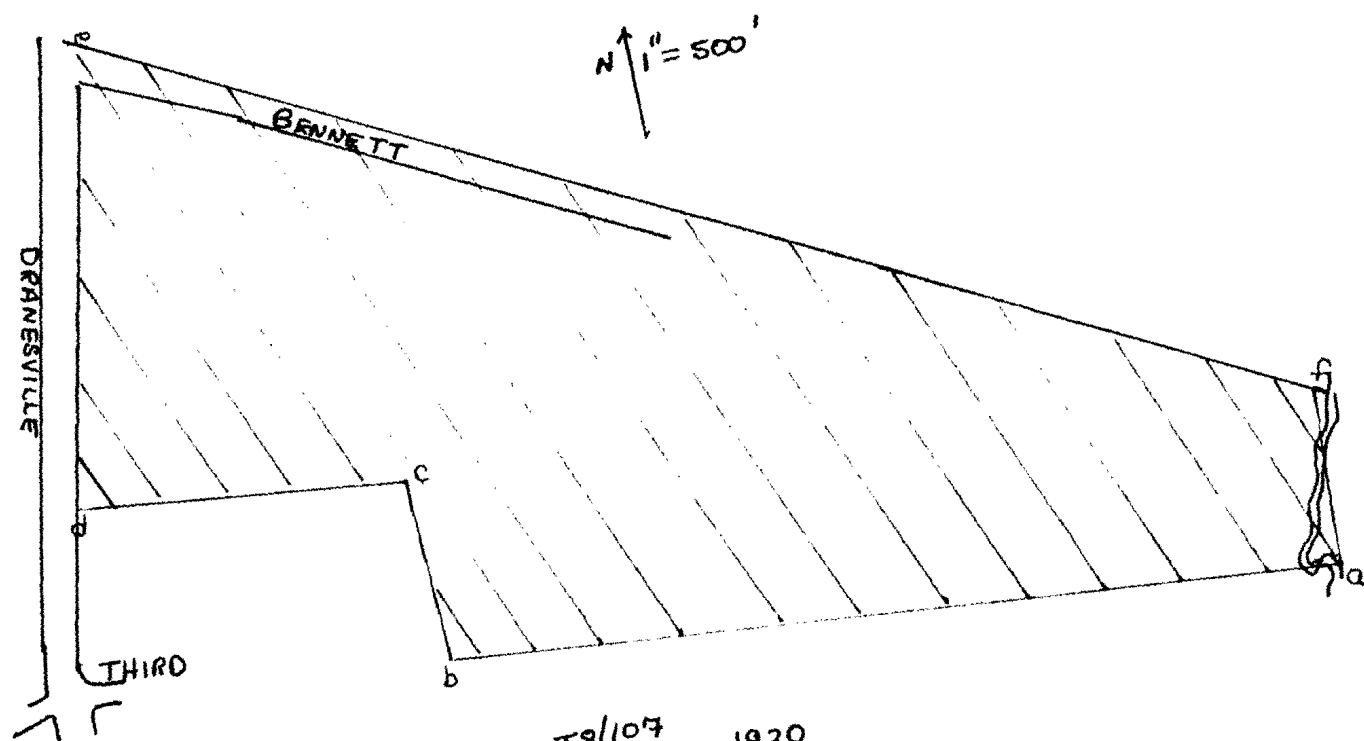
Sarah A.B. Cartwright, widow, then sold this identical land to Mary E. Cartwright, Annie E. Cartwright and Susan E. Copperthite for \$1000 on 3 February 1933 (G11/90). According to the deed, if one or two of these ladies died "the land shall pass absolutely and in fee simple to the survivor or survivors of them...." In addition to the \$1000, the three ladies agreed to assume the lien of 4 September 1929 (N10/520) for \$3500 (plus 6% interest). This lien was from Thomas J./Mary E. Cartwright to F.S. McCandlish, trustee, to secure a debt owed N. Novick.

On 4 February 1933 Mary E. Cartwright, Annie E. Cartwright and Susan Copperthite placed a lien on these 40 acres with Eppa Kirby as trustee in order to secure two notes due William H. Knapp--\$1316 plus 6% interest (payable quarterly) and \$500, payable at \$35 per month (with interest) starting 15 February 1933 and due the 15th of each subsequent month.

The ladies could not/did not pay the notes that were due 31 March 1933; for \$150 the deadline was extended to 1 October 1933. When they still failed to pay, E. Kirby advertised an auction in the Fairfax Herald. Kirby auctioned the land in front of the Court House and Thomas E. Reed bought the land for \$1470. The actual deed of sale was dated 21 October 1933 (K11/243) from Eppa P. Kirby, trustee, to Thomas E. Reed.

ID3: On 3 February 1920 (P8/244) J.H./Mamie E. Bicksler sold a parcel of land to H.G. DeButts of Herndon for \$1000. This contained "65.05 acres of land which is according to a survey made by J.W. Bert 3 March 1920 and being a part of same tract of land that was conveyed to J.H. Bicksler, Elizabeth Bicksler, W.C. Mercer and Kate Mercer, his wife, by R.E. Thornton, Special Commissioner by deed dated November 6, 1913, and recorded in R7/278...." W.C./Kate Mercer quitclaimed "all their title and interest in the land 15 September 1919 (08/125), while Elizabeth Bicksler quitclaimed "all of her title and interests" to J.H. Bicksler on 6 August 1919 (N8/216).

H.G./Lillian E. DeButts of Herndon did not keep the land very long for they sold it to Paul T. Powell on 31 December 1920 (T8/107) for \$500 plus the assumption by Powell of a \$2000 mortgage made by DeButts to W.C. Mercer on 3 February 1918 and payable on 3 February 1921 (P8/279).



T8/107
31 DECEMBER 1920
H. G. / LILLIAN De BUTTS →
PAUL POWELL
65.05 acres

G-30

- a: begin at "A," a cedar stake on east bank of Sugarland Run at the intersection of small brook with said run and northeast corner of land owned by Harrison,
- b: planted stone, corner to Poole and Ferguson (ba: with Harrison N 79° 02' W 2367.5 feet),
- c: maple tree, said to be corner to Ferguson (cb: with east line of Ferguson, N 2° 18' E 478 feet),
- d: planted stone, east side of county road leading to Herndon, northwest corner of F. Ferguson (dc: N 77° 17' W 882 feet),
- e: south line of Kenfield (ed: with east side of road N 16° 55' E 487 feet),
- f: intersecting south line of Averill and McMillen and north line of original tract (fe: with east line N 16° 19' E 581 feet),
- g: stake in west side of Sugarland Run (gf: S 58° 10' E 3064.5 feet),
- a: beginning (S 8° 24' W 451 feet)

65.05 acres*

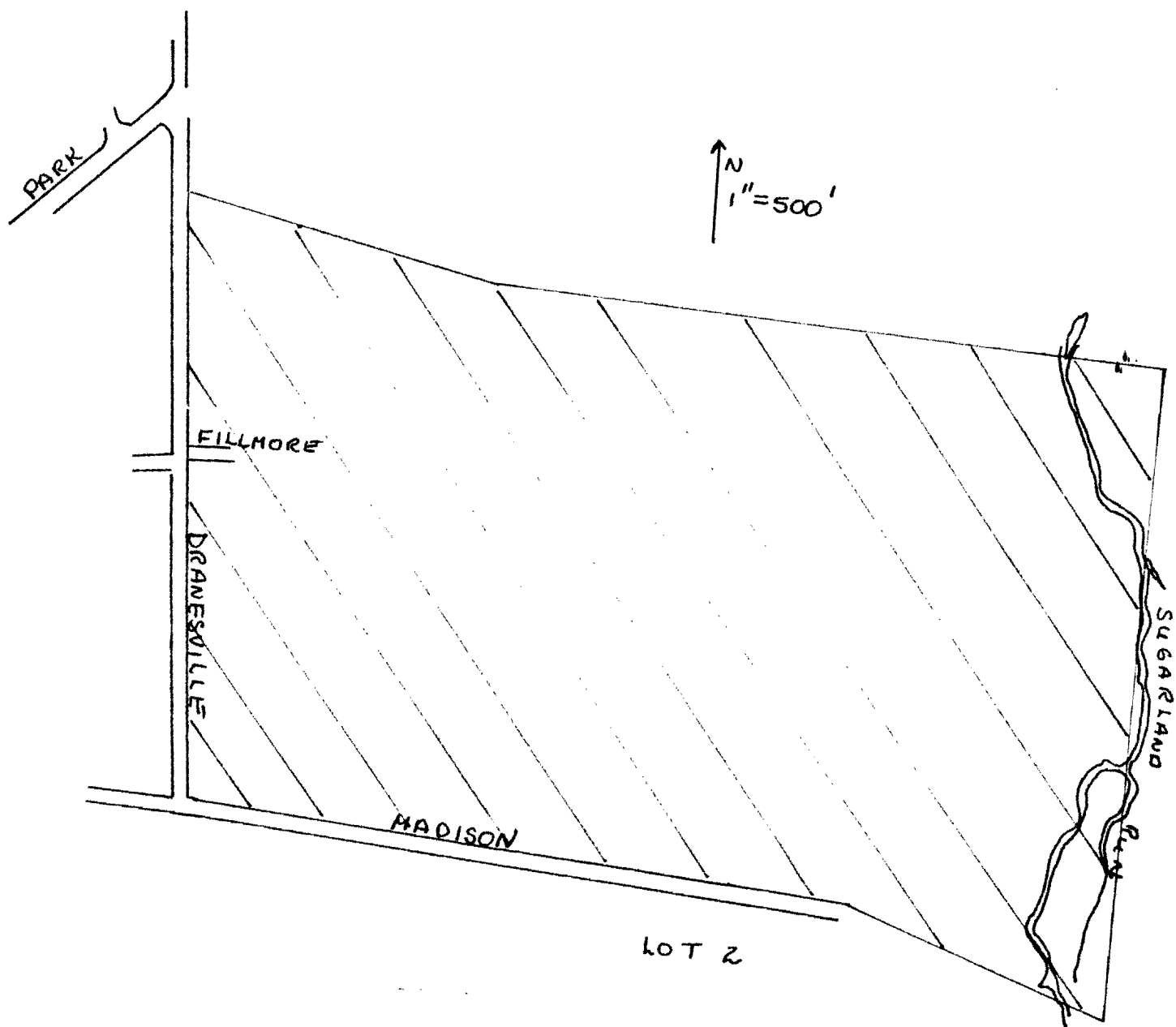
Notice that the point "g," according to this dimension, does not fall on the main stream of Sugarland Run; rather it lies on the westerly branch of Sugarland Run which meanders to Third Street and Dranesville Road. This is obviously an error since by the description of this land (see e.g., "a") and other adjoining tracts the eastern boundary of the Barker/Bicksler tract is clearly the main Sugarland Run stream. The surveyor probably

* T8/107 actually has 65 5/10 but someone wrote in ink another zero after the 10. Since earlier deeds, P8/179 (the deed recording the lien), and several subsequent deeds use 65.05, I will assume this is correct and 65.5 is incorrect.

mistook the westerly branch for the main branch during his survey. This supposition is partially confirmed (confused?) by the only two deeds from 1921-1981 which give distances: in G9/109 (27 December 1923), 3064.5 feet is reused while in 683/317 (7 April 1949) the direction is indicated as S 56° 10' E and the distance as 2830.8 feet. Yet in 683/317 the plat shows the point comparable to "g" above clearly to be on the main branch of Sugarland Run, not its western branch. Finally, Town tax maps and zoning maps (obviously infallible!) show the boundary point to be on Sugarland Run's main branch and not on the western subsidiary.

II. Lot 2

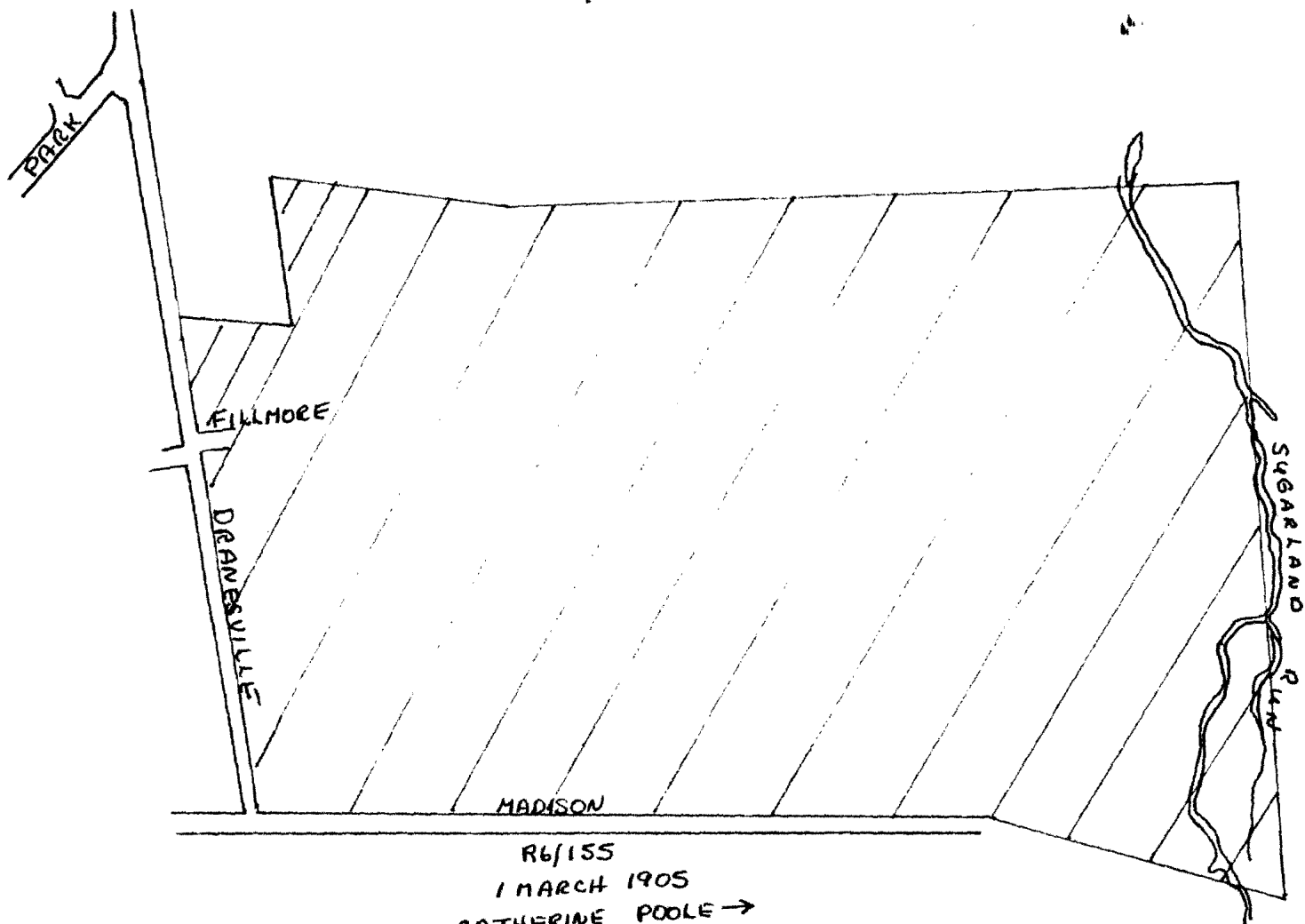
Catherine Poole, William Barker's other daughter, according to R6/155, inherited 130 acres from her father at his death; this acreage was called "Lot 2 in S.D. Farr's survey of the William Barker estate."



IIA: Mrs. Poole sold 2.9 acres of lot 2 to David Bicksler on 31 October 1896 (E6/441) along with 2.27 acres of lot 3 [this land was actually sold by Sarah/Henry Bicksler who owned lot 3). See IA for the history of this land.

IIB: Mrs. Poole sold the 130 acres (less the 2.27 acres of IIA) to J.H. Bicksler for \$100 on 1 March 1905 (R6/155). The land was described as:

N
1" = 500'



R6/155
1 MARCH 1905
CATHERINE POOLE →
J. H. BICKSLER
127.1 acres

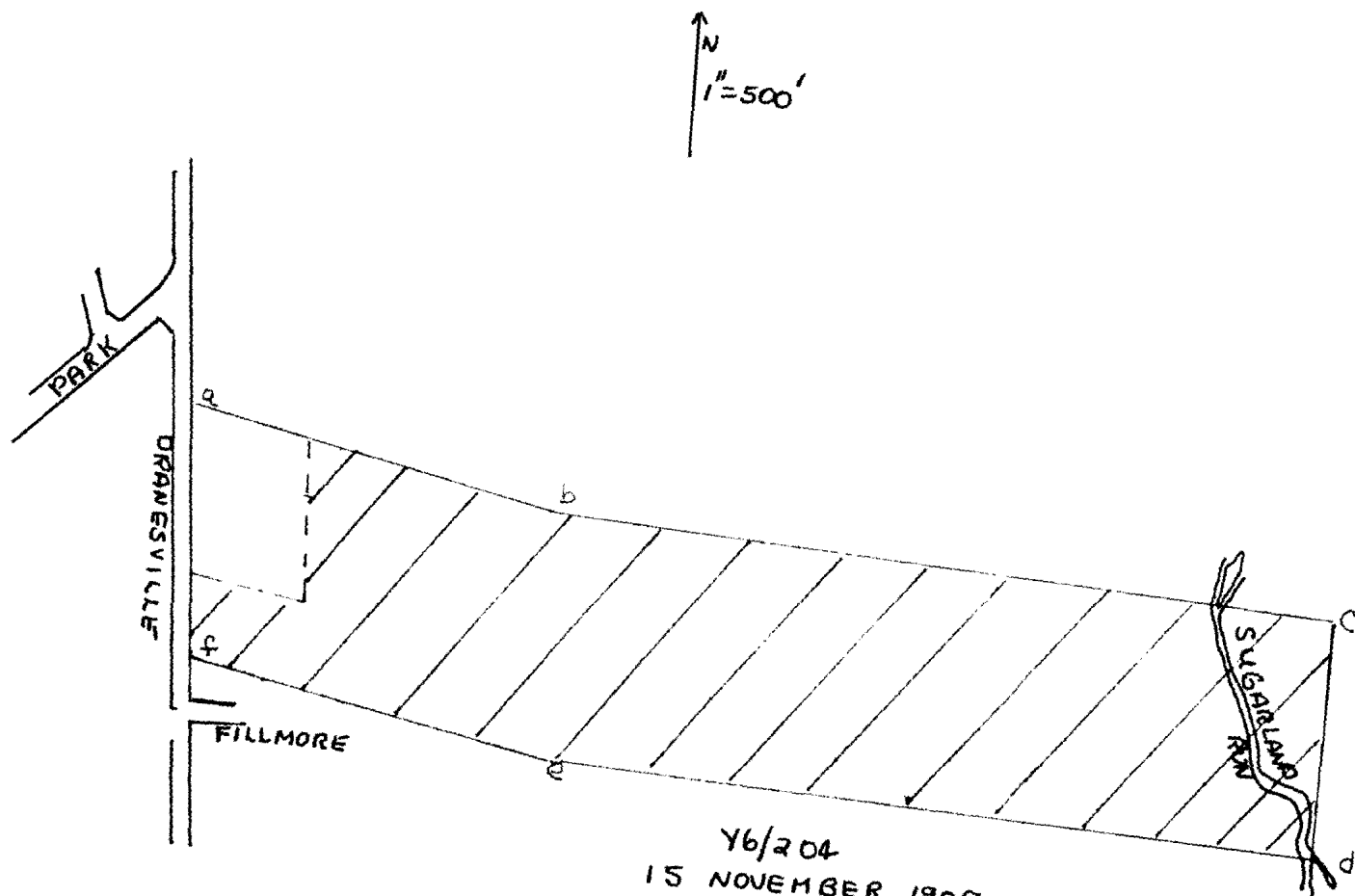
- a: begin at "B," a marked red oak standing on the east side of Sugarland Run corner to [John] Gunnell (now Jarrett) in a line of J.W. Barker (now Darlington),
- b: "C," pile of stones (ba: with Barker N 66° 19' W 36 poles),
- c: "D," pile of stones corner to Downing (now Yount) (cb: with Barker, N 82° 1/2 W 144 poles),
- d: "G," pile of stones, corner to Lot 3 owned by Henry F. Bicksler and wife (de: with Downing, N 1 1/8° W 121 poles),
- e: "I," pile of stones (ed: with lot 3, reversed S 75° E 64 poles),
- f: "F," pile of stones on "Gunnell's" line and corner to Lot 3 (fe: S 82 1/2° E 194 poles),
- a: beginning (af: with "Gunnell" (Jarrett) S 5 3/4° W 122 poles)

127.1 acres more or less*

Plotting these dimensions identifies a rather large inconsistency: point "f" is approximately 1034 feet (63 poles) beyond (to the east) of Sugarland Run. Sugarland Run has emerged as the eastern boundary of William Barker's Lot 3 and it is a reasonable guess that it is also the boundary for Lot 2, especially since part "a" of this parcel also stands on the Run, and since lines "ab," "bc" fit exactly on the boundaries of Chapter F (notice, for instance, the match in the angle in the boundary at point "b)."

* The deed claims that the land is 130 acres more or less; following the earlier argument (e.g., IA) 2.9 acres had already been sold in 1896; therefore only 127.17 acres were left to sell.

IIB1: Apparently others recognized this error (in transcription or measurement), for on 15 November 1907 when J.H./Mamie E. Bicksler and S.J. Bicksler/H.J. Bicksler ["heirs of William Bicksler [sic]"] sold 50 acres of this Lot 2 to H.E. Van Deusen for \$3800 (Y6/204), the metes and bounds were given so that the parcel does lie on Sugarland Run. The description of this parcel is:



Y6/204
 15 NOVEMBER 1907
 J. H. / MAHIE BICKSLER
 S. J. / H. J. BICKSLER → H. E. VAN DEUSEN
 SOOCRES

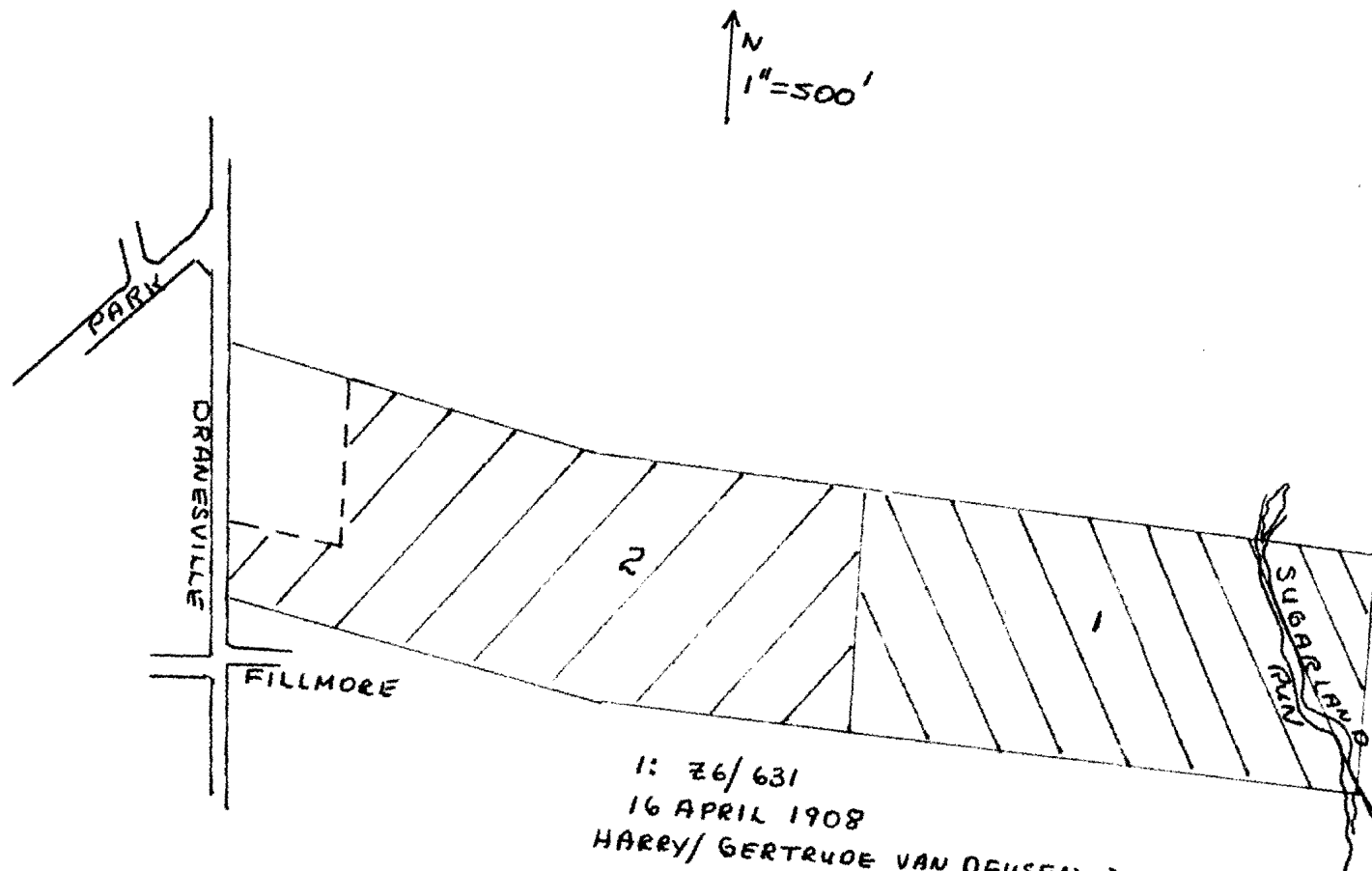
- a: begin at stake, corner to Lot 3 owned by H.F. Bicksler and wife
b: -- (with Lot 3, S 74° E 1056 feet),
c: intersecting west line of Jarrett (now Dr. H.B. Hutchinson and
W.M. McNair) (cb: S 81° 25' E 2166.8 feet [this is about 131 poles
and should be compared to "fe" of R6/155]),
d: point near center of Sugarland Run (dc: with Jarrett S 6° 45' W
625 feet),
e: -- (ed: N 81° 25' W 2076 feet),
f: intersecting east line of Yount (fe: N 74° W 1068 feet),
a: beginning (af: N 0° 15' E 690 feet)*

50 acres

except for a 30 foot road along the west side of the land

* This deed ignores the Bicksler/Poole sale to David Bicksler² in 1896 (IA); presumably IA is correct and this is merely an oversight in the deeds; this difference is indicated by the dashed lines in the figure.

IIBla: Harry E./Gertrude M. Van Deusen of Herndon sold 20 of their 50 acres to J.A. Hawkins for \$800 on 16 April 1908 (Z6/631).



1: Z6/631
16 APRIL 1908
HARRY/GERTRUDE VAN DEUSEN →
J.A. HAWKINS
200 ACRES

2: F7/81
28 FEBRUARY 1910
HARRY/GERTRUDE VAN DEUSEN →
JONAH CRIPPEN
30 ACRES

- a: begin at a stake and stone, corner to H.F. Bicksler on the east
 side of Sugarland Run and the southeast corner of this tract,
- b: S 6° 45' W 625 feet to near the center of Sugarland Run,
- c: N 81° 25' W 1396.1 feet,
- d: N 6° 45' E 625 feet intersecting the south line of Bicksler,
- a: S 81° 25' E 1396.1 feet to the beginning

20 acres

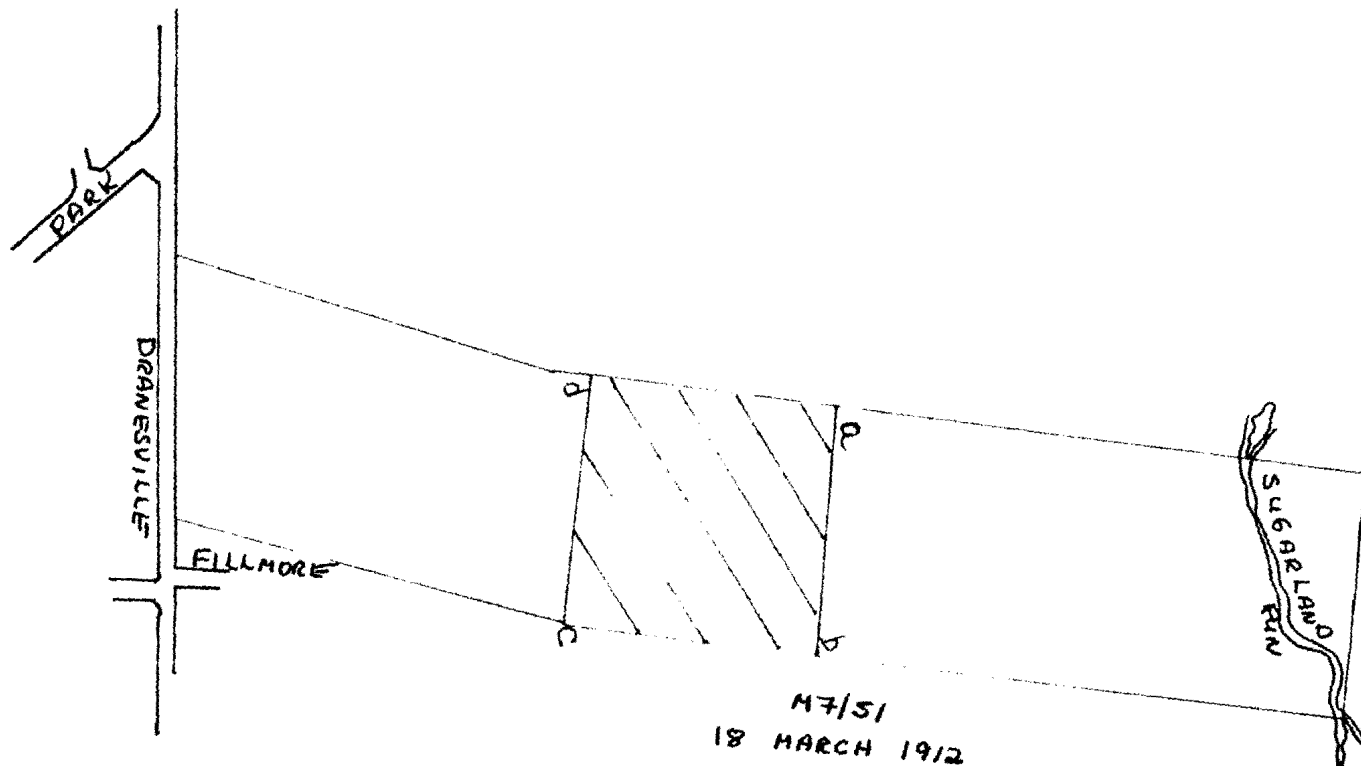
IIB1b: The Van Deusens of Washington, D.C. sold 30 acres to Jonah C. Crippen also of Washington for \$3750 on 28 February 1910 (F7/81).

- a: begin at a stake, corner to lot 3 of H.F. Bicksler,
- b: with lot 3 S 74° E 1056 feet,
- c: S 81° 25' E 2166.8 feet intersecting with Jarrett's (now
Hutchinson's) west line,
- d: with Jarrett S 6° 45' W 625 feet to a point near the center of
Sugarland Run,
- e: N 81° 25' W 2076 feet,
- f: N 74° W 1068 feet intersecting the east line of Yount,
- a: N 0° 15' E 690 feet to the beginning

less and except the 20 acres sold Hawkins (IIB1a).

IIB1b1: Jonah C./Elizabeth G. Crippen of Herndon sold 10 acres of this land to C.F. Martz of Herndon on 18 March 1912 for \$500 (M7/51); this land was in the eastern part of the tract they bought from Van Deusen.

N
1" = 500'



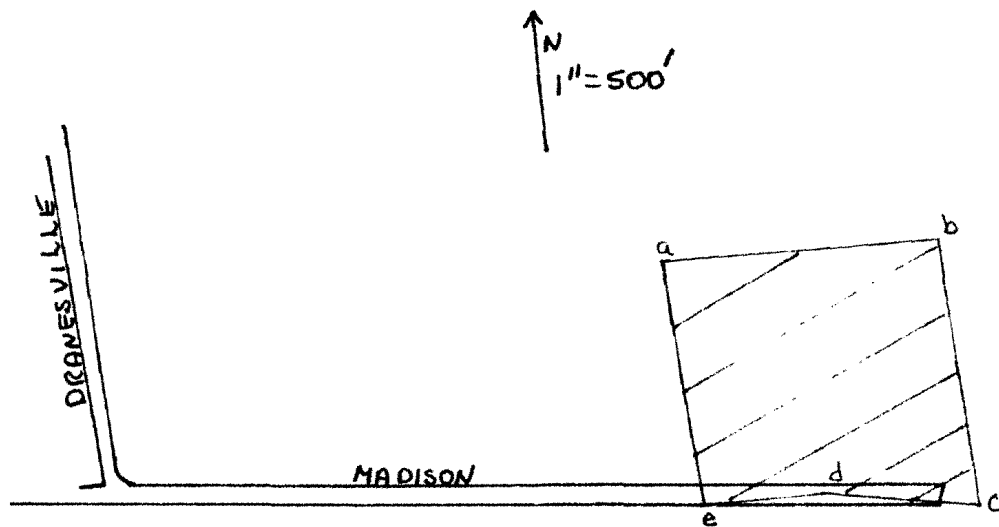
M7/51
18 MARCH 1912
JONAH/ELIZABETH CRIPPEN →
C.F. MARTZ
10 ACRES

6-48

- a: begin at stake marking the northeast corner of the land, also a corner to Sallie V. Martz,
- b: stake, south side of road to Martz barn (ba: with Martz $7\frac{3}{4}^{\circ}$ W 9 chains, 86 links),
- c: stake (cb: N $81\frac{1}{4}^{\circ}$ W, 10 chains, 16 links),
- d: stake (dc: N $8\frac{3}{4}^{\circ}$ E 10 chains, 15 links),
- a: beginning (ad: S $81\frac{1}{4}^{\circ}$ E 9 chains, 94 links)

10 acres

IIC: On 1 September 1911 (M7/587) J.H./Mamie E. Bicksler, still of Herndon, sold 10.35 acres of land to Carl Ryon of Herndon for \$517.50.



M7/597
1 SEPTEMBER 1911
J.H./MAMIE BICKSLER →
CARL RYON
10.85 ACRES

15-51

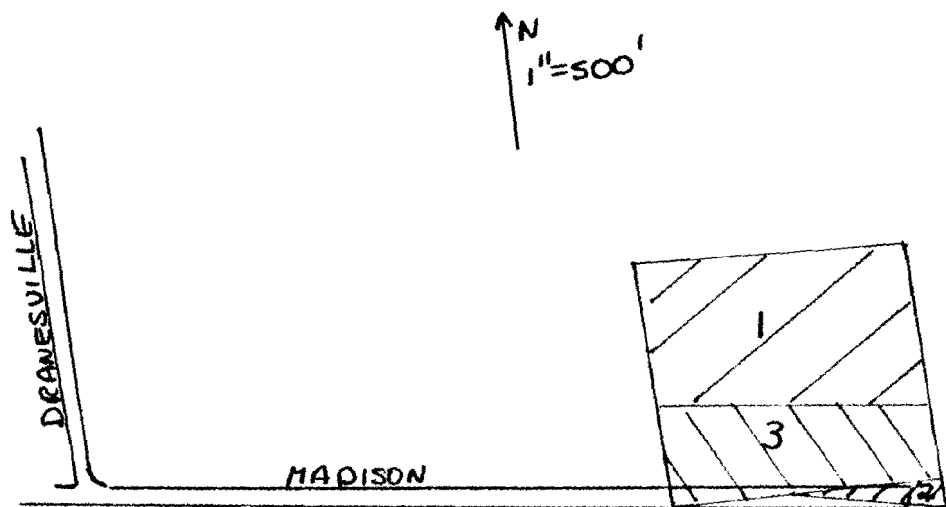
a: begin at the northeast corner of R.C. Mahoney,
b: --(ba: S 80° 50' E 711.7 feet),
c: north line of J.J. Darlington (cb: S 0° 29' W 703.4 feet),
d: cedar stake (dc: with Darlington N 67° 56' W 439 feet),
e: southeast corner of R.C. Mahoney (ed: N 80° 50' W 309.2 feet),
a: beginning (ae: with Mahoney N 00° 29' E 612 feet)

10.35 acres

The deed reserved a 15 foot strip along the entire southern boundary (that is, along Darlington's land) for a roadway.

The Ryons (Carl/Mattie A.) immediately placed a lien on these 10 acres in order to pacify W.C. Mercer. W.F. Middleton was the trustee for this 1 September 1911 (M7/143) lien; the Ryons agreed to repay Mercer \$467.50 (plus 6% interest) within 5 years. The lien was released in two parts - Q7/310 (21 June 1913) for 6.16 acres and the remainder in W7/570 (3 August 1914); J.J. Darlington was the holder of the debt when the final release was recorded in 1914.

IICl: On 12 June 1913 (7Q/270) Carl/Mattie A. Ryon sold Joseph J. Darlington two parcels of land, both a part of the 10.35 acres Ryon bought from J.H. Bicksler on 1 September 1911 (M7/587).



142: Q7/270

12 JUNE 1913
CARL/ MATTIE RYON →
JOSEPH DARLINGTON

1: 5.91 ACRES
2: 0.25 ACRES

3: K11/27
1 NOVEMBER 1983
CARL/ MATTIE RYON →
LAURA SHOWALTER, et al.
4.5 ACRES

G-54

- a: begin at a stone on northeast corner of R.C. Mahoney,
- b: stake, corner to Darlington (ba: S 80° 45' E 711.7 feet),
- c: stake (cb: with Darlington S 0° 45' W 364 feet),
- d: Mahoney's line (dc: N 80° 45' W 711.7 feet),
- a: beginning (ad: with Mahoney N 0° 45' E 364 feet)

5.91 acres

a: stake in Darlington's field,
b: Darlington's line (ba: N 0° 45' E 54 feet),
c: stone, corner to Ryon (cb: N 75° W 420 feet),
a: beginning (ac: by the line claimed by Ryon's deed S 79° E 439
feet)

0.25 acres

See IID for the later sales of this land.

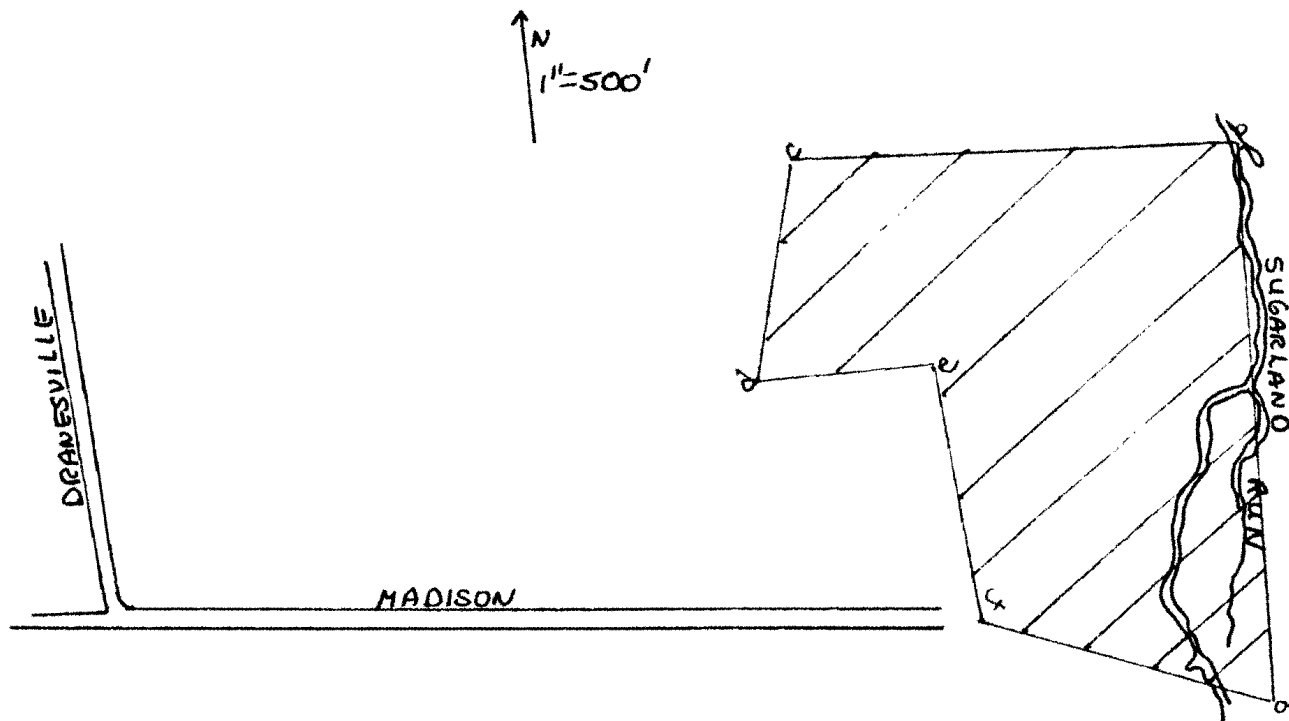
IIC2: The Ryons sold the "remaining" 4.5 acres (while $5.91 + .25 + 4.5 = 10.66$ and not 10.35, none of the deeds bother to object) to Mrs. Laura Showalter of East Radaford, Va., Mrs. Katherine St. Clair Langdon of Washington, Mrs. Lucy Amelia Trittippoe of Washington, D.C. and Miss Elizabeth P. St. Clair of Lucketts, Va., on 1 November 1933 (K11/27).

- a: begin at a corner to Darlington in line of the "home tract" of Ryon,
- b: south, with Ryon about 247 feet to stone in the line of Darlington,
- c: east with Darlington about 729 feet to Darlington,
- d: north about 285 feet with Darlington to Darlington,
- a: with Darlington 700 feet to the beginning

4.5 acres

A 15 foot strip along the south boundary was reserved as a roadway.

IID: The Bickslers sold a 30.19 acre parcel from Catherine Poole's land to J.C. Crippen on 13 July 1912 (N7/118) for \$200.



N7/118
 13 JULY 1912
 J. H. / MAHIE BICKSLER →
 J. C. CRIPPEN
 30.19 acres

6-62

- a: begin at a cedar stake in the north line of Darlington (formerly Barker), corner to H.B. Hutchinson (formerly Jarrett) on east side of Sugarland Run,
- b: center of Sugarland Run, southeast corner of Martz (ba: N 6° 45' E 1452 feet),
- c: northeast corner of Frank Fouche (cb: with Martz N 81° 25' W 1172 feet),
- d: north line of Carl Ryon (dc: with Fouche S 19° 15' W 591 feet),
- e: northeast corner of Ryon (ed: S 80° 50' E 487.9 feet),
- f: southeast corner of Ryon (fe: S 0° 25' W 703.4 feet),
- a: beginning (af: S 67° 56' E 752 feet)

30.19 acres

Jonah C./Elizabeth G. Crippen, of Herndon, followed the American tradition and placed a lien on these 30 acres on 13 July 1912 (N7/171) in order to protect W.C. Mercer from the possible loss of \$500. For this service the Crippens agreed to pay Mercer 6% interest; W.F. Middleton acted as the friendly trustee. He released the lien on 24 September 1912 (N7/526).

The Crippens then sold these 30.19 acres to J.J. Darlington for \$900 on 18 September 1912 (N7/527).

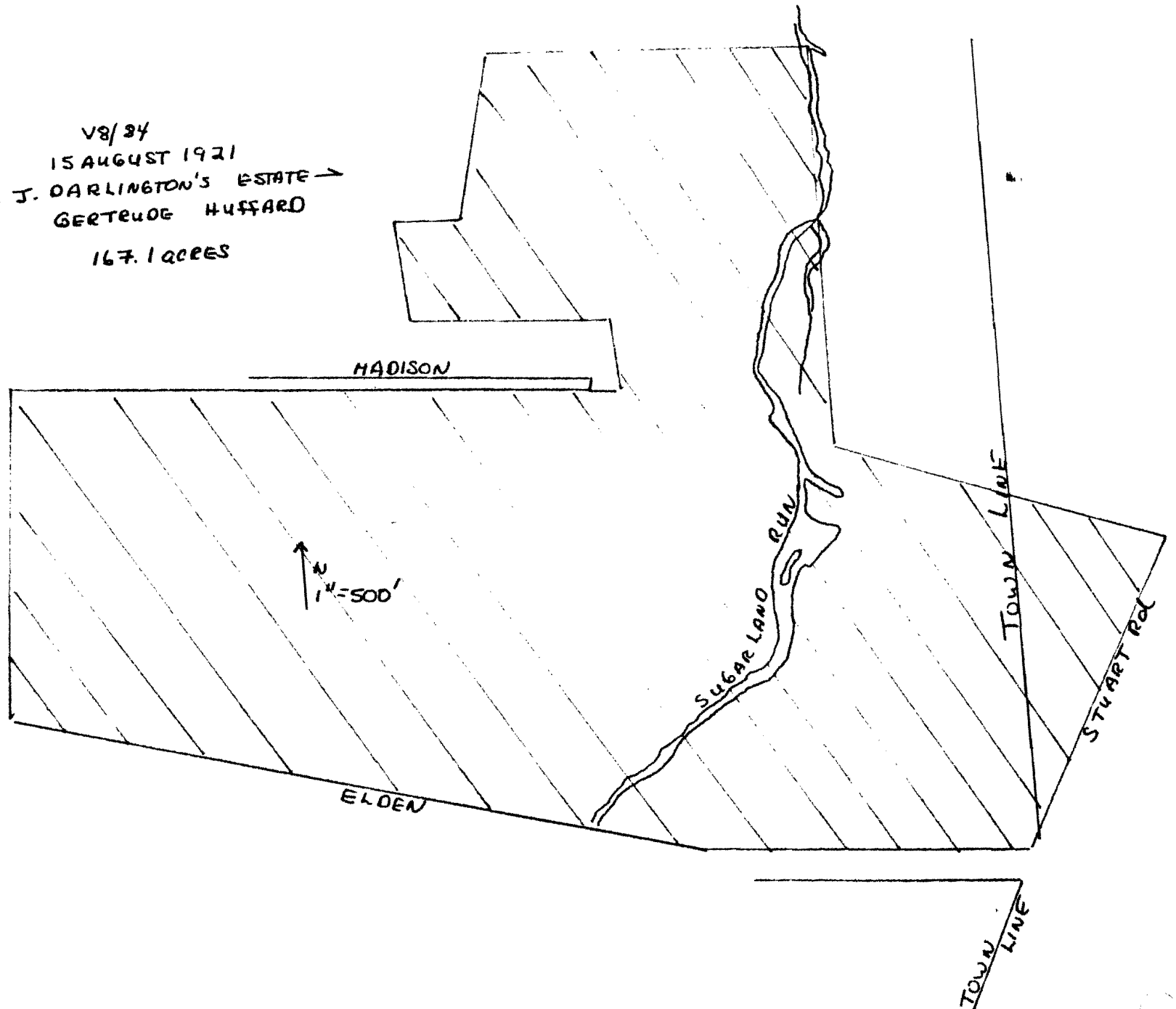
Darlington still owned this 30.19 acres plus the (5.91 + 0.25) 6.16 acres of IICl at his death. These 36.35 acres (plus about 131 more acres of Chapter F) were sold on 15 August 1921 (V8/84) by the National Savings and Trust Company, trustee under Darlington's will (WB9 1353), to Gertrude Hinkel Huffard, wife of W.R. Huffard for \$15,500 - \$5000 cash,

\$7000 due within 1 year and \$3500 due within 3 years with interest at 6% per year. This land "comprises all of the land of the said Darlington shown on said [unrecorded] blueprint [of Darlington's land] which is situated on the north side of the County Road."

On 15 August 1921 (V8/87) Gertrude Hinkel/W.R. Huffard placed a lien on this land in order to protect a debt of \$10,500 they owed the National Savings and Trust Company; F.S. McCandlish was appointed trustee.

The Huffards defaulted on their lien, McCandlish auctioned the land at 12 noon on 9 July 1931 after advertising for four consecutive weeks in the Fairfax Herald and the National Savings and Trust was the highest bidder - they paid \$6787.70. Thus the bank once again owned this 164.6 acres on 9 July 1931 (X10/513).

V8/34
15 AUGUST 1921
J. J. DARLINGTON'S ESTATE →
GERTRUDE HUFFARD
167.1 ACRES



G-64a

III A Third Parcel

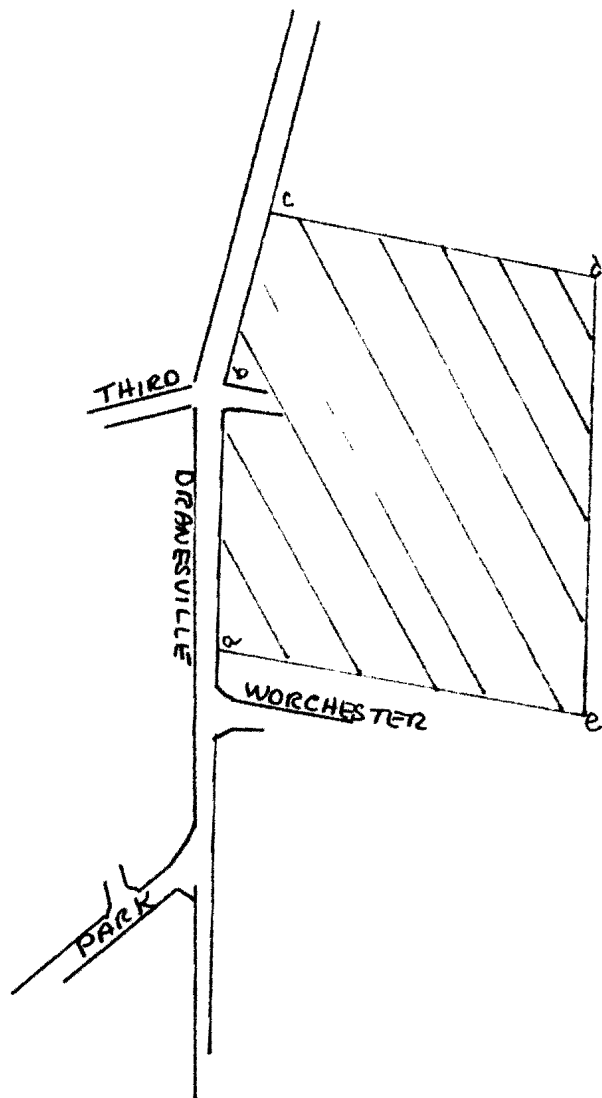
Apparently some of the land was willed to Catherine and Sarah Barker in joint ownership by their father, William, because they jointly sold 24.92 acres of land in 1906.* Since this parcel contained a house, built about 1792, it is not unreasonable that the house served as the Barker residence and that William willed the home to his daughters jointly; in fact in 1911 (I7/245) the land is referred to as "The William Barker estate." On 18 May 1906 Catherine Poole, Sarah J. Bicksler and Henry F. Bicksler of Herndon sold 24.92 acres to W. W./Priscilla M. McMillan for \$1800 (U6/448). This land was part of the William Barker estate on the "east side of the county road Dranesville to Herndon" and described as:

- a: begin at stone set on east side of road, corner to Mrs. H.F. Bicksler [i.e., Sarah Bicksler],
- b: maple tree on east side of road (ba: N 1° 15' W 45 poles 14 links),
- c: stone, corner to Sarah Bicksler (cb: N 15° 30' E 23 poles 22 links),
- d: maple by side of brook, corner to this lot (dc: S 79° E 53 poles 19 links),
- e: south side of said lot (ed: S 1° 15' E 69 poles),
- a: beginning (ae: N 80° W 59 poles 4 links)

24 acres, 3 rood and 27 poles more or less

(24.92 acres)

* As mentioned earlier this homestead parcel might have originally been left to his wife who then willed it to her daughters.



N
1" = 500'

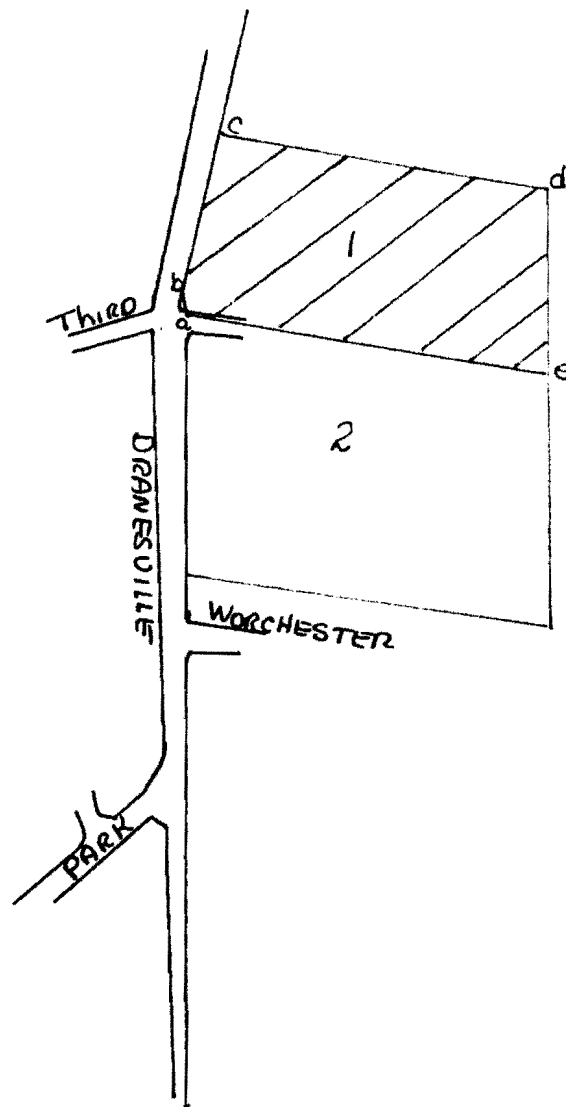
U6/448
18 MAY 1906
CATHERINE POOLE →
SARAH/HENRY BICKSLER
W.W./PRISCILLA MC MILLAN
24.92 ACRES

IIIA: On 4 January 1911 (I7/245), W.W./Priscilla M. McMillan of Herndon sold this land (excluding 10 acres sold earlier to H.E. Van Deusen who had then sold it to J.W. Averille) to George W. Poole of Loudoun for \$100. This land was known as "the William Barker estate."

George W. Poole (widower) then sold his 14 acres, 3 roods and 27 poles ("part of property of Catherine Poole and others") to Agnes E. Shaw, Selma E. Wilson and Agnes T. Marcey for \$3250 on 15 September 1936 (G12/564). Agnes Shaw received 1/2 interest in the land, while the other two received 1/4 each. The deed refers to the land as being the same as in I7/245.

IIIB: The other 10 acres of this 24 acres parcel had been sold by W.W./Priscilla M. McMillan to Harry E. Van Deusen on 8 April 1907 for \$500 (W6/495).

The land was on East side of County Road from Herndon to Dranesville."



N
1" = 500'

1: W6/495
8 APRIL 1907
W.W./PRISCILLA McHILLAN →
HARRY VAN DEUSEN
100 ACRES

2: I7/245
4 JANUARY 1911
W.W./PRISCILLA McHILLAN →
George POOLE
14.92 acres

- a: begin at northwest corner of land of McMillan,
- b: --(ba: N 1° 15' W [2° 45' E variation] 4 poles, 3 links),
- c: planted stone said to be corner of Bicksler (cb: N 15° 31' E 23 poles, 22 links),
- d: maple tree by side of brook, also corner to this tract (dc: S 79° E 53 poles, 19 links),
- e: northeast corner of land of McMillan (ed: S 1° 15' E [2° 45' E variation] 28 poles, 14 links),
- a: beginning (ae: with division line, N 77° W 59 poles, 21 links)

10 acres

McMillan reserved the right to the use of and access to a Spring of water on the northeast corner of lot for the purpose of installing a ram.

Harry E. Deusen then sold this 10 acres to John W. Averille on 14 April 1908 (Z6/332).

These three parcels of land are all part of William Barker's estate of "327 acres (more or less)." The argument that these three parcels constitute the entire Barker estate is based upon two simple observations: (1) the three lots consist of 324.58 acres and (2) when the lands described in Chapters A-F and H are plotted on a map of Herndon and the three parcels of this chapter are added, there simply is no land within the Town's limits that is not included. The concern with this argument is that it requires the additional conclusion that the deed of sale for the land (which is discussed below) from Ferdinando Fairfax to Richard Coleman in 1804 (P2/252) contained several significant errors; these discrepancies are discussed at the end of this chapter.

Having reconstructed the boundaries of the 327 acres owned by William Barker at his death and having shown that the land was, indeed, 327 acres and not 318 acres (as mentioned in the Ratcliffe deeds), the obvious problem is to trace this land back to 1649 and Charles II's grant to Lord Culpepper, et al.

William Barker bought the 327 acres from John R. Ratcliffe of Kentucky on 2 September 1846 (L3/192) for \$2250. This land was, according to the deed of sale, the same parcel John R. Ratcliffe had bought from his mother, Ann M. Ratcliffe, for \$5 on 6 June 1843 (H3/216). The land in H3/216 was described as "318 acres 102 poles more or less" and was the "same tract Ann Ratcliffe derived from her father, Dr. Richard Coleman" who "it is believed to have purchased it from Orlando Fairfax." The land was called Lot 7 in the division of Dr. Richard Coleman's real estate, which occurred in 1819 or 1820. Unfortunately, neither of these deeds (Ratcliffe to Ratcliffe nor Ratcliffe to Barker) describe the land with any details (i.e., no metes and bounds) and the division of Coleman's land cannot be found (as discussed in Chapter E, many of the results of this division can be inferred from the tax records but the actual metes and bounds and other details cannot be determined). Regardless of this confusion it is quite clear from all of the deeds and tax records that the parcel of land, whether said to contain 327 acres, 318 acres, or 300 acres more or less, is the same, intact parcel Coleman sold to Ratcliffe and which was finally sold to Barker.

Since no deed can be found between Richard Coleman and Ann Ratcliffe, the tax records of Fairfax County were used to "prove that the transfer of this specific parcel of land actually occurred:

According to the tax records of Fairfax County (see Chapter E for more details of the Coleman family's lands as reconstructed from the tax records), Dr. Richard Coleman bought 1079 acres from Ferdinando Fairfax in 1804 (he paid tax on the acreage in 1804 but not in 1803; see also P2/252 for the specific deed of sale). Coleman then sold (the tax records of 1821 state that Charles Ratcliffe got the land by "fee simple") 327 acres from this parcel "near Frying Pan" to Charles/Ann Ratcliffe in 1818 (Ann was Coleman's daughter). Since Dr. Richard Coleman's estate was not divided amongst his family until 1820, he probably was alive in 1818; thus the R. Coleman selling the land to Ratcliffe is Dr. Richard and not his son, Richard; this is consistent with H3/216 which states that Ann Ratcliffe received the land from her father, Dr. Richard Coleman. According to the County tax records:

Charles Ratcliffe

1817

•

-

1818

paid taxes on "327 acres on
Sugarland Run from
Richard Coleman"

Dr. Richard Coleman

<u>1817 and 1818</u>	<u>1819</u>
• 93 acres of Payne, Fairfax near Frying Pan	same
• 1079 acres of Fairfax, near Frying Pan	752 acres of Fairfax near Frying Pan
• 147 acres of Coleman near Frying Pan	same
• 30 acres of Summers near Frying Pan	same
• 120 acres of W. C. Payne near Frying Pan	same
-	35 1/2 acres--new grant*

The simple observations that the only land that Richard Coleman sold in 1818 was a 327 acre parcel ($752 + 327 = 1079$) near Frying Pan and that Charles Ratcliffe bought 327 acres on Sugarland Run from Coleman is reasonably conclusive evidence for the Coleman to Ratcliffe sale.

In 1821, Charles Ratcliffe of Fairfax had \$1/acre added to his taxes because of the addition of new buildings; possibly he built something on these 327 acres - what is totally unknown. Ratcliffe continued to pay taxes on these 327 acres until 1835-1837 when his estate assumed the responsibility for paying the taxes on a parcel of land on Sugarland Run containing 327 acres. Then, in 1838, Ann Maria Ratcliffe paid the taxes on the 327 acres on Sugarland Run; the land was "of [i.e., from] Ratcliffe." This land is, of course, the land she and her husband received from her father.

* This patent was granted 1 December 1818 (see Northern Neck grant, B2/407) - see Chapter I.

When did Dr. Richard Coleman get this land? The reason for even questioning when Coleman bought the land is that P2/252, the obvious candidate deed for the purchase claims that the land which appears to be the land of this chapter actually contained 396 acres. According to the metes and bounds of P2/252, this 396 acre parcel intrudes into (if one believes the "logic" used in Chapter B to define parcel B) the lands Fairfax sold Govan. This "overlap" (see the next figure) was represented by the boundaries claimed to represent common lines between the land Fairfax sold Coleman and the lands of Jenkins and Harding. This "discrepancy" of 396 acres vs 327 acres and the "overlapping" land will be discussed later.

On 14 April 1802 Ferdinando Fairfax of Shannon Hill sold 1079 1/2 acres to Richard Coleman for \$10,500 (P2/252). This land consisted of 3 lots, all of which were part of the Page Lotts described in the deed of Relinquishment of Eliza Blair Fairfax (Ferdinando's wife) on 10 October 1801 (Z/429-Loudoun). One of these lots (called Lott 14 and presumably Lott 14 of the Page's Lotts) was bounded as:

Figure: _____

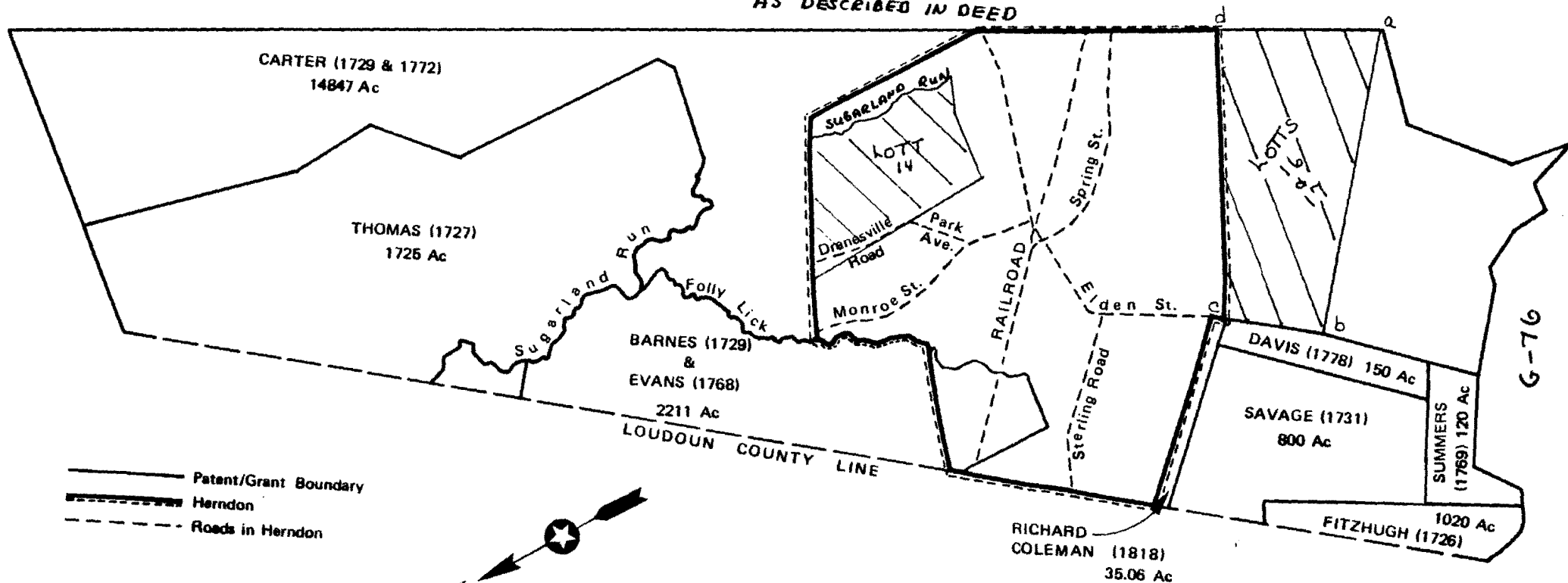
DEED BOOK/PAGE: 92/252*

DATE: 14 APRIL 1802 FROM: FERDINANDO FAIRFAX

TO: RICHARD COLEMAN

ACREAGE: 1079 1/2 ACRES

* LOTT 14 IS REPRESENTED
AS BELIEVED TO HAVE
BEEN MEANT NOT
AS DESCRIBED IN DEED



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

- a: begin at a stone corner to Lot No. 11 Grimes, Lot 19, David Holmes purchase,
- b: stake at the edge of a glade corner to Lot 12 (ba: N 22 1/2° W 94 poles),
- c: bush in line between Harding and Jenkins (cb: with Lot 12, N 47 1/2° E 90.3 poles),
- d: to stake in John Gunnell's line, Lot No. 13 (dc: N 9° E 173 poles),
- e: corner of John Gunnell, a small red oak on Sugarland Run (ed: with Gunnell S 65° E 229 poles),
- f: to place where Major David Holmes crosses Sugarland Run (fe: up Sugarland Run a straight line with Dades line),
- a: beginning (af: with said Holmes line)

396 1/4 acres

The other lots, Lots 16 and 17, were described as:

- a: begin at box oak on stoney knowl corner to original tract,
- b: stake by a red oak in line of Savage's Patent, now Pain [Payne] or Cammell [Campbell] (ba: S 54° W 513 poles),
- c: stone, corner of Savage and Lot 15 now John Coleman (cb: with Savage, N 39 1/2° E 172 poles),
- d: to stake in original line (dc: with line of Lot 15 and 18, S 65.20° E 480 poles),
- a: beginning (ad: with original line, S 27 1/2° W 268 poles)

683 acres

The preceding figure plots what I believe to "really" be the boundaries of Chapter G; I needed to improvise since the actual metes and bounds in P2/252 yield several problems:

Figure: _____

DEED BOOK/PAGE: Pa/252*

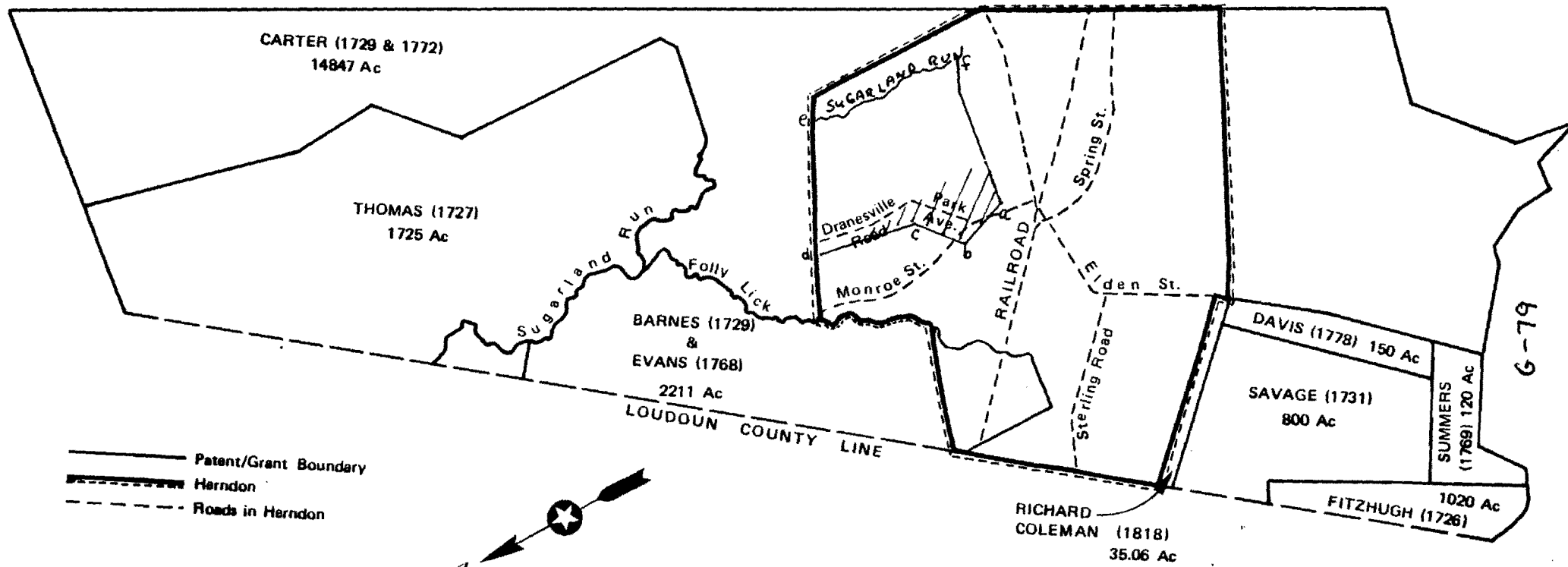
DATE: 14 APRIL 1802 FROM: FERDINANDO FAIRFAX

TO: RICHARD COLEMAN

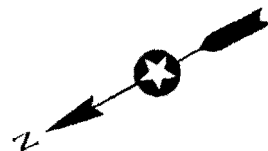
ACREAGE: 396 acres

REPRESENTS
METES & BOUNDS AS
GIVEN; FIXING GUNNELL'S
LINE WITH Pa/252

//// AREA WHICH OVERLAPS
CHAPTER B



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



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

SCALE:

2000' 4000'
1" = 400' 42.4 Rods

The hatched area represents the overlap between Chapter G's land as given by P2/252 and Chapter B's land as given by the arguments in that chapter. Notice that the parcel described in P2/252 does actually close upon itself - point "a" is the corner of Williams (Chapter F). Also notice that even if one assumes that the common boundary with Grunnell ("de") is incorrect in its length and moves point "d" atop Dranesville Road, the shape of "abcd" is still not consistent with Chapter G's land.

It appears that someone simply made an error and that Fairfax sold the hatched area twice - possibly the resolution of who owned what was based on the original Page Lotts and when it was recognized that Lott 14 did not include the hatched area, Coleman's claim to the land was nullified.

Even though there are some discrepancies between the boundaries given for the 396 1/4 acres and the boundaries of the 327 acres, several arguments strongly suggest that they actually refer to the same parcel (i.e. the 396 1/4 acre parcel represents the land of this chapter):

(a) the tax records indicate that the 327 acres were part of the 1079 acres Richard Coleman bought of Fairfax about 1803.

(b) Ferdinando could clearly be misunderstood to be Orlando in any oral history. The presumption is that oral history was a dominant source of the background information reported in H3/216 and other early land deeds.

(c) John Gunnell clearly owned land along Sugarland Run (E2/409) which had a corner on the Run and whose southern line is the present Herndon town line. (See the description of points "d" and "e" and segment "de" in the above figure of lot 14).

(d) David Holmes' purchase of F. Fairfax (Chapter F) does cross Sugarland Run and does bound the 327 acre tract. (See the description of point "f").

(e) Sugarland Run serves as the boundary of Baldwin Dades purchase of F. Fairfax (E2/163). (See the description of point "f").

(f) this 396 1/4 acres is part of the Page Lott and is within Fairfax County; given the other known Page Lott lands sold by Fairfax, and given the need to be on Sugarland Run, there is no other place for it to be.

(g) In W2/121, 19 April 1825 (see Chapter H) one of the boundaries is given as N 69 1/2° W "to the line of Richard Coleman's purchase of Ferdinando Fairfax, now the land of Charles Ratcliffe . . . along the line of Coleman's purchase . . . to corner of George Gunnell's land which was purchased of Ferdinando Fairfax by John Gunnell" (see E2/409).

Some obviously counter arguments, or at least discrepancies are:

(a) aside from the Holmes line ("ba"), the Gunnell line ("ed") and the Sugarland Run segment, ("fe") the boundaries do not fit atop the known adjacent boundaries of Chapter B.

(b) no record of a Jenkins or Harding has been found within the Herndon boundaries around 1800--who are they? Could they be people leasing or renting land from the owner? In several deeds in Chapter B, the present Monroe Street beyond (north) of Park was referred to as "Old Jenkins Mill" Road - could Jenkins have lived outside of Herndon in the County and run a mill and the reference to Jenkins is merely a reference to a tenant? While there are several Jenkins in the index of deeds there is no reference to a

Harding buying or selling any land in Fairfax County between 1797 and about 1810.

(c) the boundaries of the land protrude into land which Govan sold to Cockerille (Chapter B) and whose history has been followed to at least 1900.

(d) 396 1/2 does not equal 327 acres; was 1079 acres correct but the 683 really 752 acres? was 1079 acres really 1010 acres?

On balance, the arguments for this being the 327 acre tract outweigh the counter-arguments partly because errors of much greater than 69 acres have been known to occur in surveying and partly (mainly) because no other deed can be found describing land remoting attributable to the Herndon area (see Chapter E for more of these arguments with respect to the Coleman family's lands). The weight to be given the Harding/Jenkins boundary discrepancy is unknown.

CHAPTER H

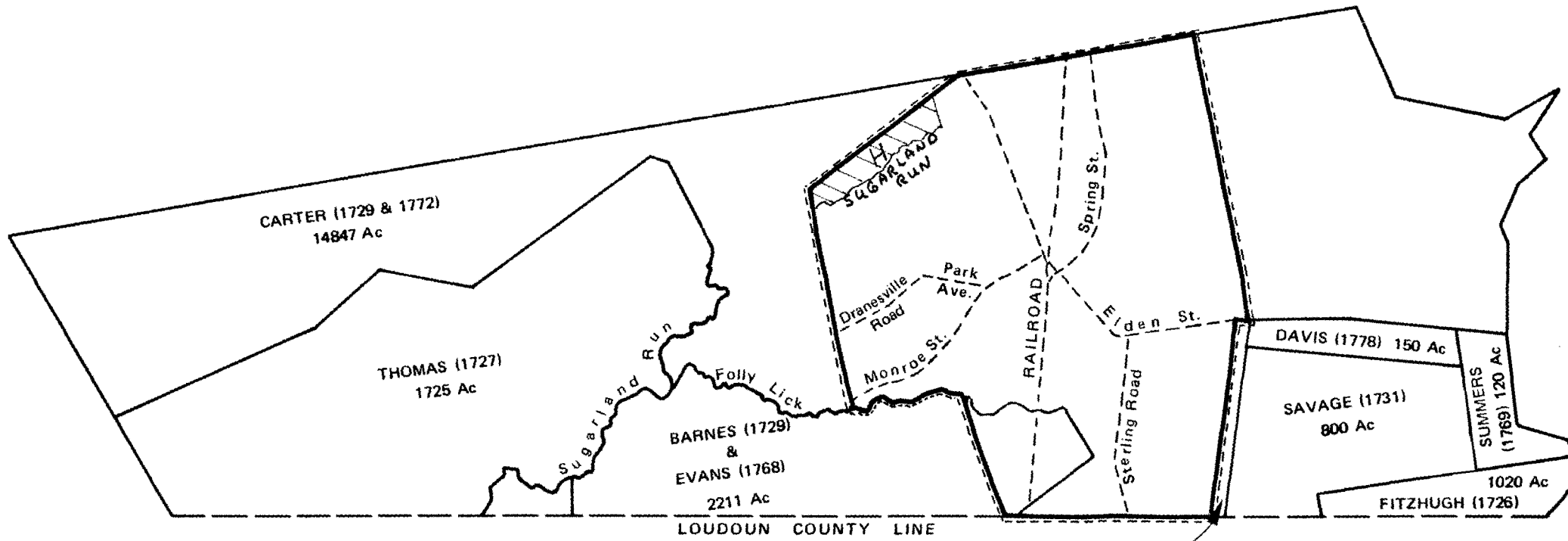
Figure: _____

DEED BOOK/PAGE: _____

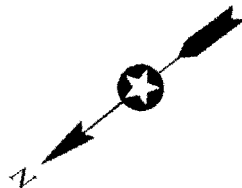
ACREAGE: _____

DATE: _____ FROM: _____

TO: _____



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



SCALE:
2000' 4000'
1" = 400' 242.4 Rods

Mitchell, "Beginning at White Oak . . ."

FERDINANDO FAIRFAX

1801 | 1555 acres

BALDWIN DADE

~1818 | 118 acres

JULIA DADE

1817 |

JOHN HUNTER

1834 |

FREDRICK HUNTER

THOMAS HUNTER

1841 |

JOHN DYER

1855 |

WILLIAM GUNNELL

1868 | (COURT SUIT)

JAMES SMITH

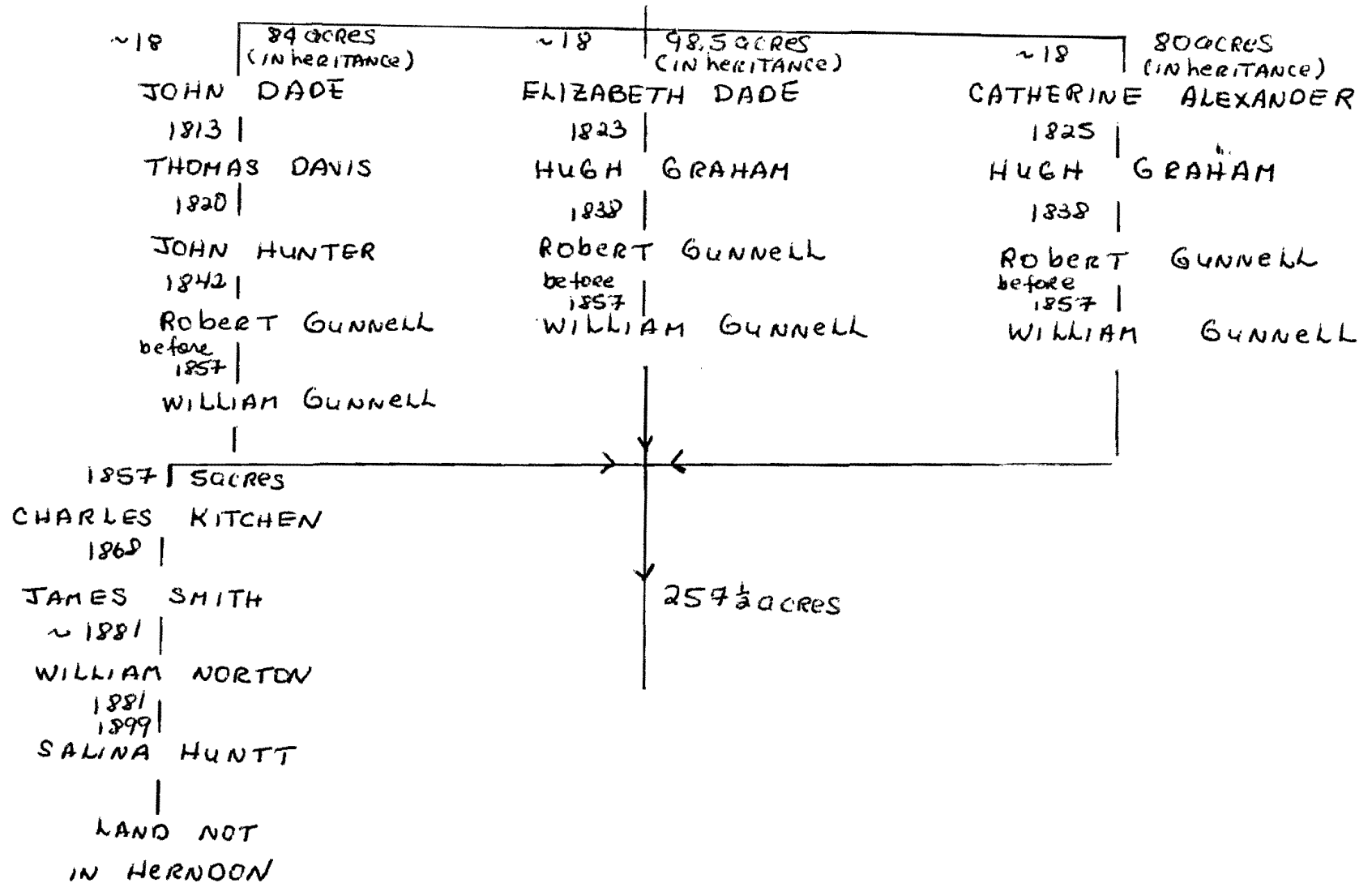
1906 | (COURT SUIT)

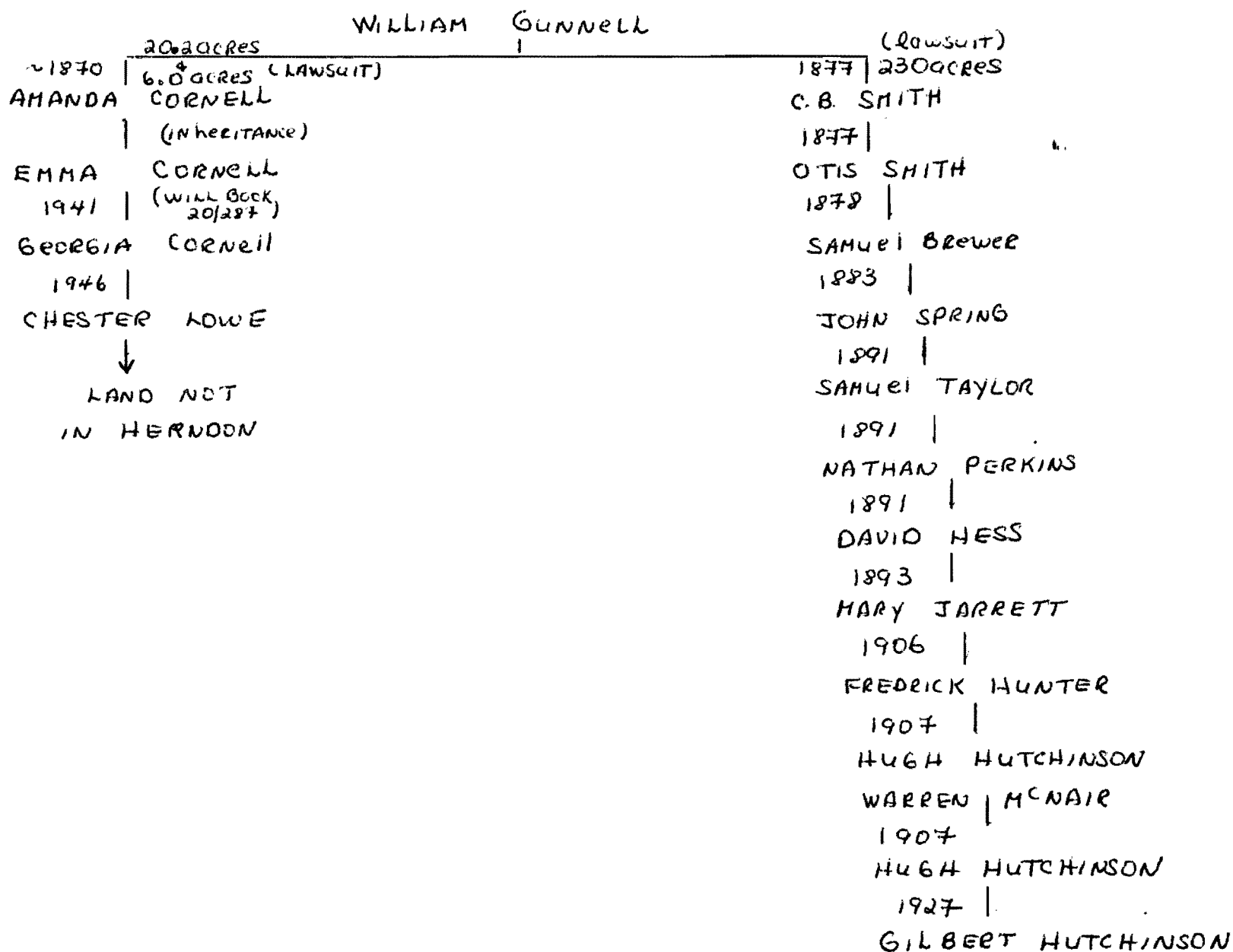
J.R. MCHILLEN

↓

LAND NOT
IN HERNOON

BALDWIN DADE





1927

A. SMITH BOWMAN

1949

A. SMITH BOWMAN & SONS, INC

1960

INTERIM DISTILLERY CORP

1961

PALINDROME CORP

(RESTON, VA, INC)

On 13 December 1801 (E2/163) Ferdinando Fairfax sold "approximately 1600" acres to Baldwin Dade of Alexandria for \$10,800. Since it appears to be a plausible assumption that tax collectors of any period can be trusted to extract as much tax as possible, the fact that, according to Fairfax County tax records, Dade paid taxes on "only" 1555 acres in 1802 and following years, makes it is reasonable to hypothesize that "approximately 1600" really was 1555 acres. According to E2/163 the land was "part of the tract described in the Dower of Eliza Fairfax" (Z/429 Loudoun) and was the easternmost end of the Page Lott; this clearly establishes the earlier chain of ownership: Fairfax received the land from the Page family who received it (via a court decree) from Robert Carter, Jr., who received it as part of a patent. The metes and bounds of E2/163 are incomplete and have one extremely greivous error; however, the exact boundaries can be reconstructed:

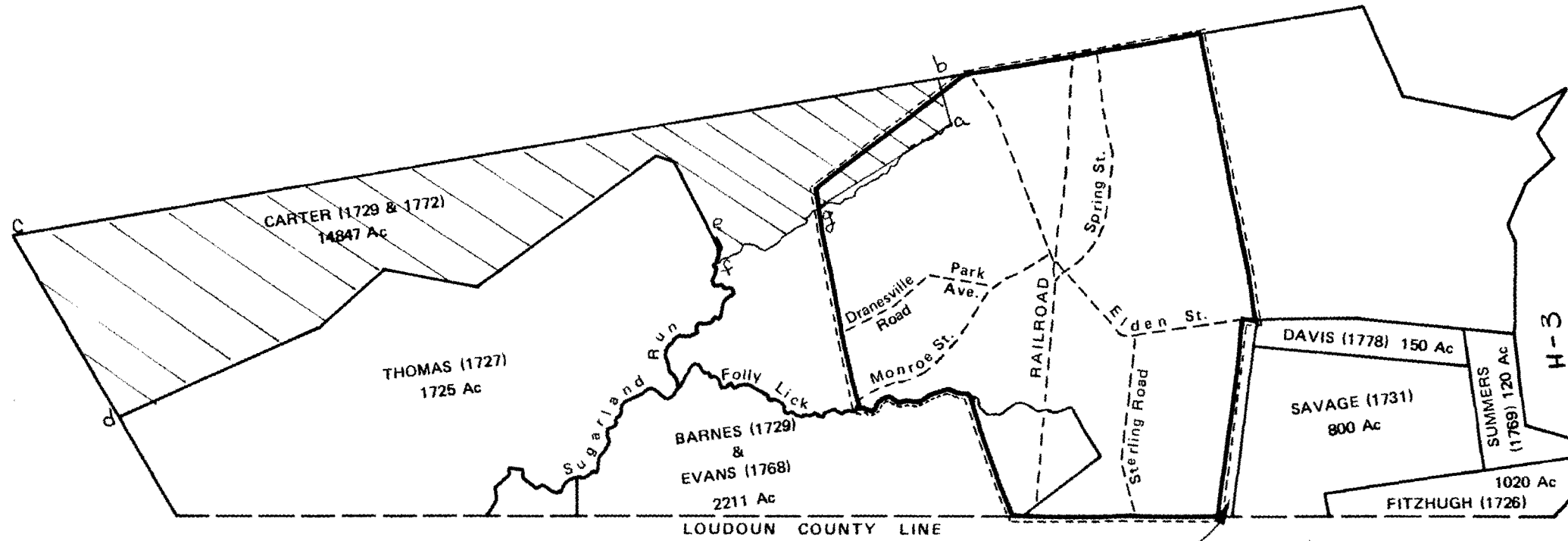
SEE JOHN P. GARRETT TO JAMES W. WILEY
DEED BOOK 163 PAGE 105

Figure: _____

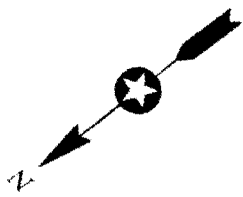
DEED BOOK/PAGE: E2/163

DATE: 13 DEC 1801 FROM: FERDINANDO FAIRFAX

TO: BALDWIN Dade ACREAGE: 1555 acres



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



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

Beginning at White Oak . . .

- a: begin at stone, corner to Lot 14 of entire tract and in line of Lot 19 where it crosses Sugarland Run _____ from several Saplings (sic) marked as pointers,
- b: stake in grand line of division between this tract and that of Thomas Fairfax (ba: S 69 1/2° E _____ poles),
- c: McCarty line (cb: N 27 1/2 E 151 poles),
- d: line of Thomas Patent northwest of Coleman, Gunnell and Altons (dc: with McCarty line or lines),
- e: _____ branch of Sugarland Run (ed: with lines),
- f: main branch [of Sugarland Run] (fe: with meanders thereof),
- g: southeast corner of Lot 13 (gf: with Sugarland Run),
- a: beginning (ag: by straight line)

~ 1600 acres

according to survey of William H. Harding

These metes and bounds become clearer when noting:

(1) Lot 14 is the land Richard Coleman purchased from Ferdinando Fairfax and described in Chapter G;

(2) Lot 19 is the land David Holmes purchased from Ferdinando Fairfax and sold to William W. Williams (see Chapter F);

(3) Since the direction of Lot 19 from Sugarland Run to Thomas Fairfax's line is S 69 1/2° E and since the distance/direction of U2/200, Lot 7 of Baldwin Dade's division (U2/200 - see below for details), is S 69 1/2° E 81 poles, the blank in "ab" above must be 81 poles.

(4) Clearly the distance from b to McCarty's line is not 151 poles. Using the map in B. Mitchell's "Beginning at a White Oak...", the

distance is more nearly 1510 poles. Thus it appears the deed inadvertently deleted the last digit of the distance.

(5) In e, the blank is probably Rosier's Branch; since Rosier's Branch reasonably closely parallels a segment of Thomas patent, it is not obvious precisely where point e lies; the figures indicates a point where the branch intersects Thomas but this is merely "plausible," not compelling in any manner.

(6) John Gunnell purchased Page Lot 13 from F. Fairfax on 19 November 1799 (E2/409).

This wonderful deductive reasoning and detective work is followed by the discouraging (at least momentarily) realization that although Baldwin Dade did partition his land amongst his children and even recorded the partition in the County's deed books (P2/21), the deed was destroyed, along with many others during the Civil War. Countering this unfortunate circumstance and making life a little more palatable is the fact that at least some of Dade's division can be reconstructed by searching for the deeds of sale of all of his children [Elizabeth, Sarah (married Thomas Davis), John, Catherine* (married Walter Alexander) and Julia (married a Terrett)]; there may also be others but since this collection gives enough information to reconstruct the relevant, to Herndon, parcels of land, any other children will be ignored].

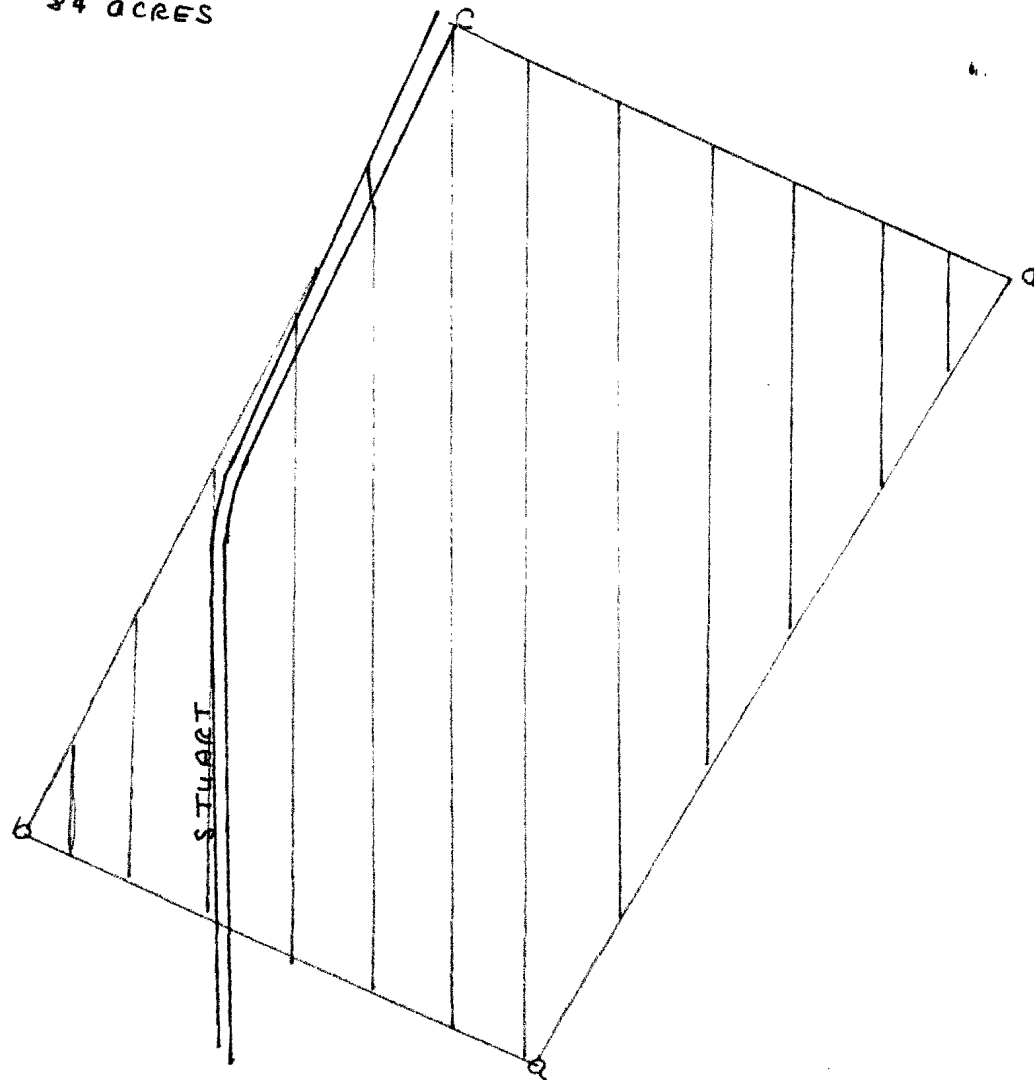
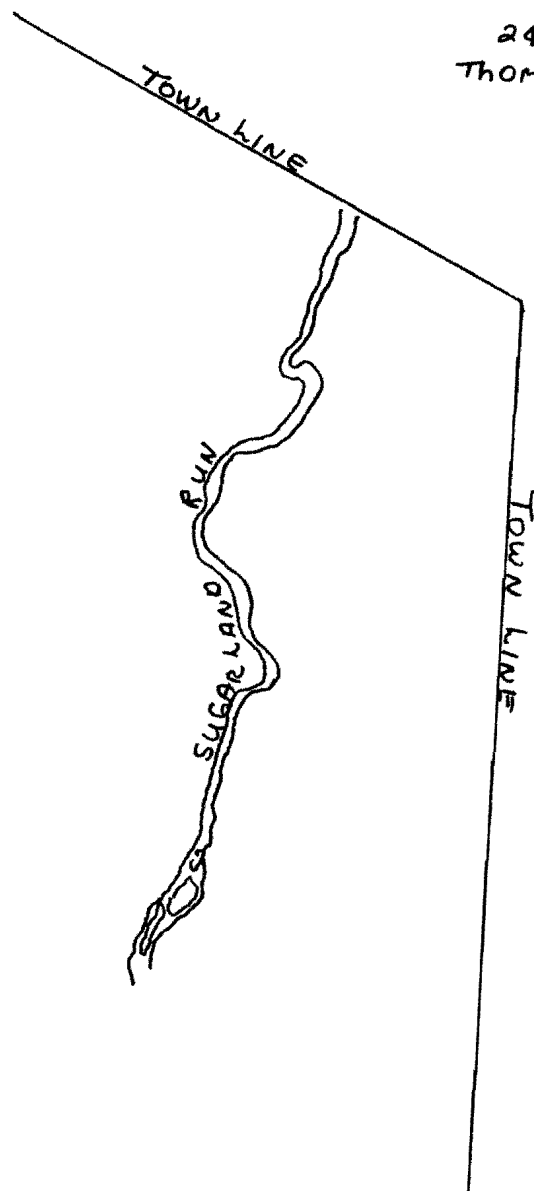
* Baldwin's wife was also a Catherine.

John Dade's 84 acres

On 15 November 1813 (N2/24) John Dade sold Thomas Davis 84 acres of the Baldwin Dade division. This deed book has been destroyed so no further information can be extracted directly from the deed.

On 24 October 1820 (S2/118) Thomas/Sarah Davis of Prince William County, Virginia, sold these 84 acres to John Chapman Hunter of Fairfax County for \$300. This land was "a certain lot or parcel of land known as lot 6, being part of a larger tract of land divided between heirs of Baldwin Dade, deceased, agreedby to a Decree of the Chancery Court of Fairfax County...which said lot, fell, in the division between said heirs to John Dade, son of said Baldwin Dade, deceased, and by him conveyed to said Thomas Davis by deed bearing date of 15 November 1813 lying...near Sugarland run. . . "

S2/118
24 OCTOBER 1820
THOMAS / SARAH DAVIS →
JOHN HUNTER
84 ACRES



N
1" = 500'

H-7

- a: begin at red oak sapling, a southeast corner to Lot No. 7* in said division,
- b: pile of stones, corner to Lot No. 5 (ba: N 69 1/2° W 88 poles),
- c: pile of stones, corner to Lots No. 5, 4* and 3 in said division (cb: N 22 1/2° E 144 poles),
- d: chestnut sapling, corner to Lot No. 3 (dc: S 69 1/2° E 99 poles),
- a: beginning (ad: S 27 1/2° W 144 poles)

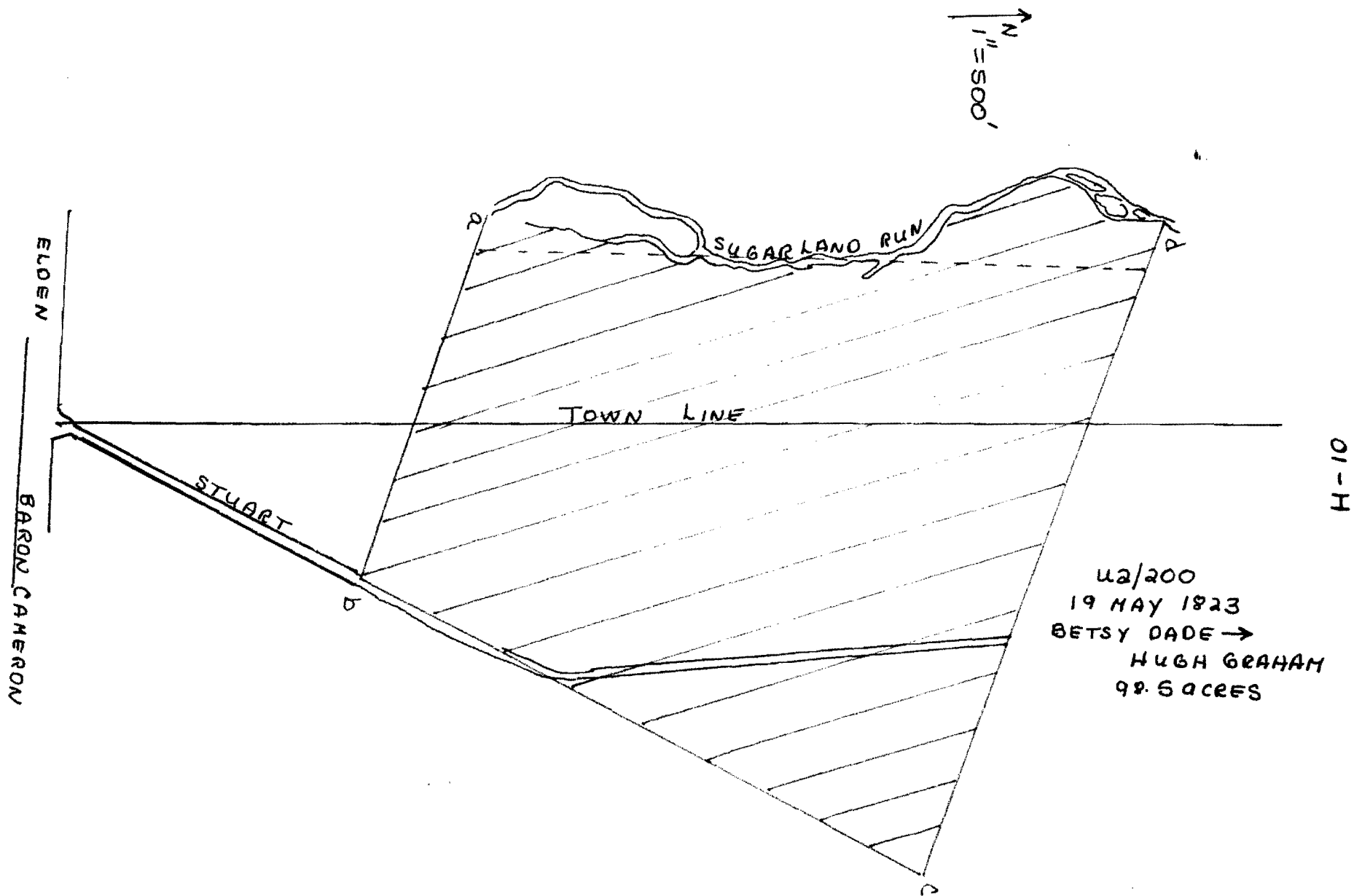
84 acres

John C./Sarah D. Hunter sold this same 84 acre parcel to Robert Gunnell of Fairfax County for \$380 on 1 March 1842 (G3/235).

* If I have done my geometry correctly (and that is a very questionable assumption) then the references to lots 7 and 4 really must mean 3 and 6.

Elizabeth Dade's 98.5 acres

On 19 May 1823 (U2/200) Betsy Dade of Alexandria and the District of Columbia sold 98 1/2 acres (lot 3) to Hugh Graham of Fairfax for \$300. This was a "tract of land allotted to Betsy Davis in division between herself and her brothers and sisters of tract of land lying in Fairfax County on waters of Sugarland Run."



- a: begin at "A," red oak on east side of Sugarland Run* and adjoining the land of the heirs of William W. Williams,
- b: "B", a small chestnut in the supposed line of Thomas Fairfax and corner to aforesaid heirs of Wm. W. Williams (ba: binding with their line S 69 1/2° E 81 poles),
- c: red oak at "C", corner to John C. Hunter (cb: North 137 poles)
- d: corner of Catherine Alexander's lot on Sugarland Run* (dc: N 69 1/2° W 150 poles),
- a: beginning (ad: up the run)

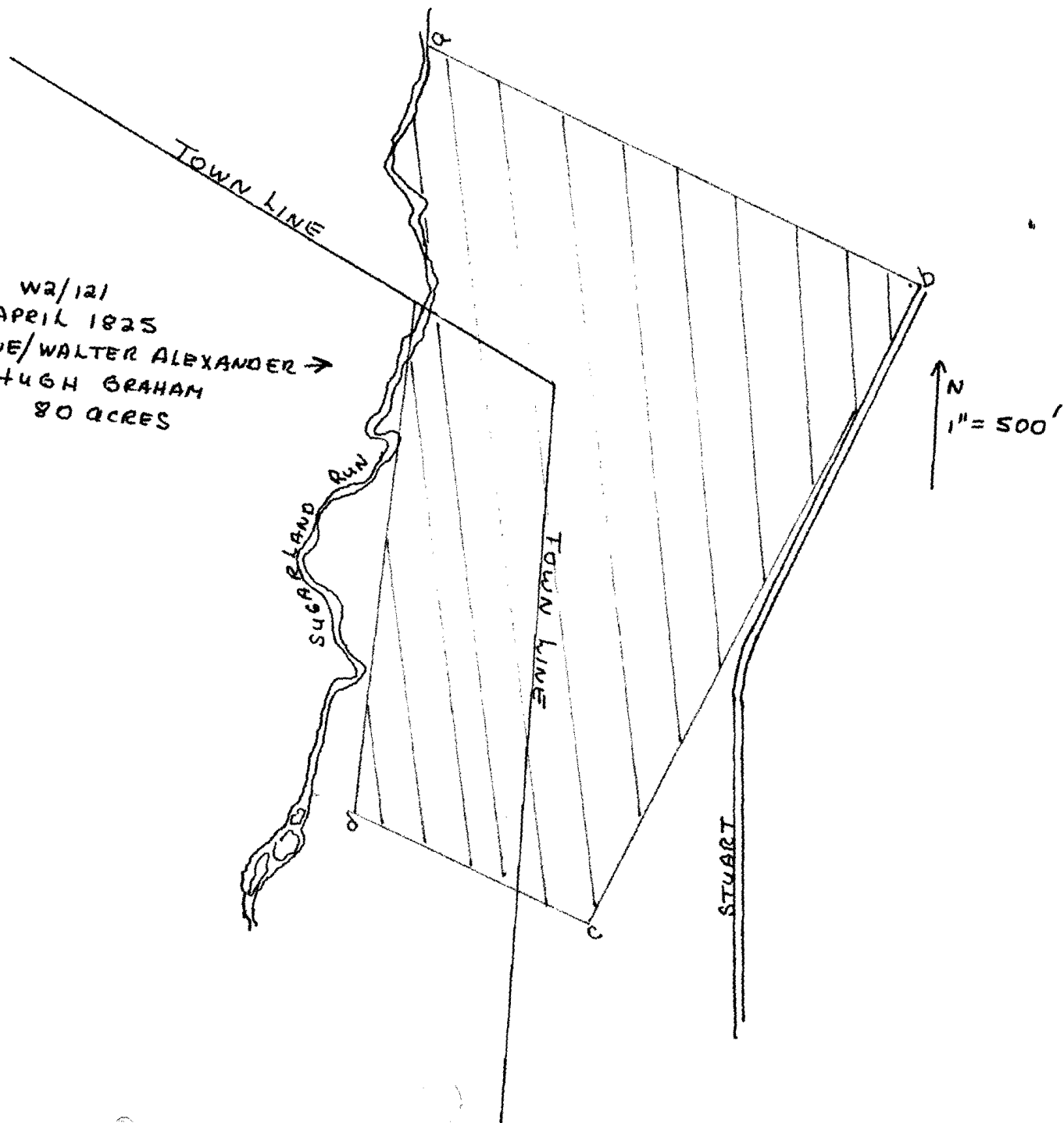
98.5 acres

* Clearly there is an error here - E2/163 (Fairfax to Dade) distinctly calls for a straight line from Sugarland Run where it intersects Herndon's north corporate line to W. Williams line; this idea of a straight line, rather than using Sugarland Run precisely as the boundary is consistent with Chapter G. Presumably this error was merely an oversight and was corrected later since the boundary is now a straight line. On the accompanying figure the dashed line represents the "correct boundary even though the cross hash lines described the boundary as stated in this deed.

Catherine Dade's 80 acres

Catherine/Walter Alexander of Alexandria and the District of Columbia also sold land to Hugh Graham - 80 acres, more or less, on 19 April 1825 for \$200 (W2/121). This land was "...all that land allotted to Catherine Alexander [lot 5] in the division between herself and her brothers and sisters of a tract of land lying in Fairfax County and State of Virginia on the waters of Sugarland Run."

W2/121
19 APRIL 1825
CATHERINE/WALTER ALEXANDER →
HUGH GRAHAM
80 ACRES

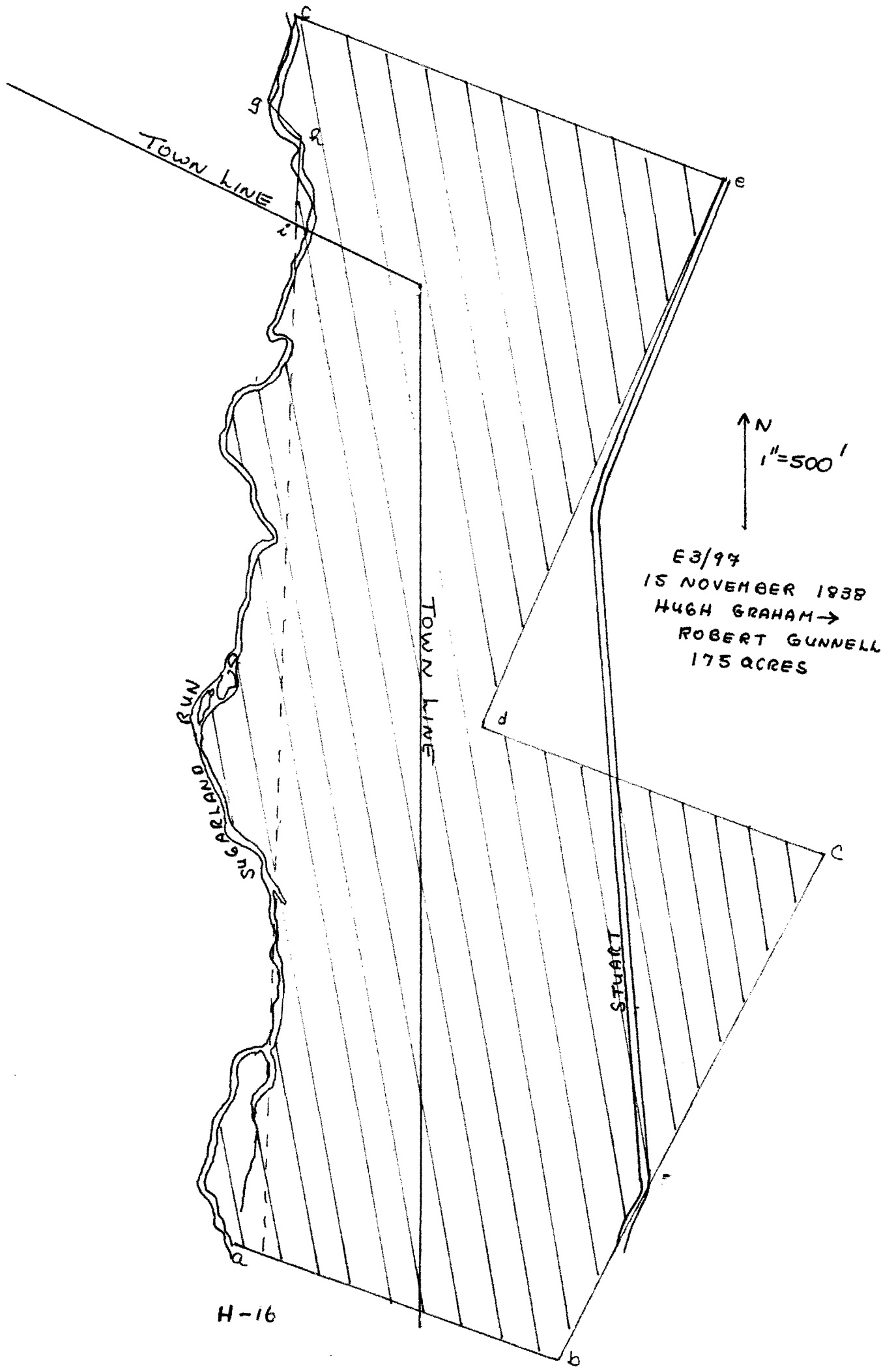


- a: begin at a small gum bush where a stone is set and a corner to the lot of Sarah Dade,
- b: pile of stones corner to lots of John Dade, Julia Terrett and Sarah Dade (ba: binding with lot S 69 1/2° E 110 poles),
- c: pile of stones, corner of John Dade's lot and in line of Elizabeth Dade's lots (cb: along line of John Dade S 22 1/2° W 144 poles),
- d: line of Richard Coleman's purchase of Ferdinando Fairfax, now the land of Charles Radcliffe (dc: along line of Elizabeth Dade N 69 1/2° W [no distance given]),
- e: corner of George Gunnell's land which was purchased of Ferdinando Fairfax by John Gunnell (ed: along the line of Coleman's purchase),
- a: beginning (ae: down Sugarland Run)

80 acres

Robert Gunnell

Robert Gunnell apparently liked land near Sugarland Run for he purchased the parcels of land Hugh Graham bought from Betsy Dade and Catherine/Walter Alexander on 15 November 1838 (E3/97) for \$700. This land ("175 acres, more or less") was "...land lying in said [Fairfax] county on Sugarland run and adjoining the lands of the late Charles Ratcliffe and others and which land he purchased of Elizabeth Dade and Catherine Alexander..."



a: begin at red oak on south of Sugarland Run above the sawmill and
 Dam of Mrs. Ratcliffe,
 b: chestnut cut down (ba: S 67° E 82 poles),
 c: red oak or black oak (cb: N 30° E 35 poles),
 d: pile of stones (dc: N 66° W 89 poles),
 e: pile of stones (ed: N 25° E 146 [0?] poles),
 f: Sugarland Run (fe: N 69 1/2° W 110 poles),
 g: up the run (gf: S 18° W 21 poles),
 h: with the run (hg: S 45° E 12 poles),
 i: stone on the West side of the run (ih: S 8° W 20 poles 20 links),*
 a: beginning (ai: with said run)**

175 acres more or less

Thus by 1842 Robert Gunnell owned lots 5, 6 and 3 from Baldwin
 Dade's division - John Dade's 84 acres, Elizabeth Dade's 98.5 and Catherine
 Alexander's 80 acres. Since these 262 acres contain all of Chapter H's
 land, the further history of Gunnell's land will be discussed; but first a
 diversion which is inserted simply because the information was found in the

* S 8° W is very likely incorrect - my strong prejudice is that the lot
 is supposed to have a corner at a corner of Gunnell-Coleman just as W2/121
 did; also going from "h" to "i" S 8° W does not end on Sugarland Run.
 Point "i" was selected as 20 poles 20 links from "h" and on Sugarland Run -
 a point very consistent with W2/121.

** Clearly there is an error here - E2/163 (Fairfax to Dade) distinctly
 calls for a straight line from Sugarland Run where it intersects Herndon's
 north corporate line to W. Williams line; this idea of a straight line,
 rather than using Sugarland Run precisely as the boundary is consistent
 with Chapter G. Presumably this error was merely an oversight and was
 corrected later since the boundary is now a straight line. On the
 accompanying figure the dashed line represents the "correct boundary even
 though the cross hash lines described the boundary as stated in this deed.

research on Dade and the author wants to impress the reader(s) by boasting of all of the immense amount of research (even if irrelevant) that was done.

Julia Dade's 118 acres

John H. and Julia Terrett, having received lot 7 in Baldwin Dade's (Julia's father) division, sold the entire 118 acre parcel to John C. Hunter on 15 December 1817. The deed of sale has not been found in the County records; the only possible deed is P2/338 which is annotated in the index of deeds to be a trust from John Terrett to John C. Hunter. Possibly this is a deed of sale and not a trust or possibly the deed of sale was never recorded (unlikely) - since these pages are amongst the missing, there is no direct way to determine the substance and relevance of P2/338. (The date 15 December 1817 comes from C3/198).

John C./Sarah Hunter, for some reason, decided to give \$300 to each of their children. However, instead of giving \$300 to their sons, Fredrick Augustus Hunter of Fairfax County and Thomas Triplett Hunter of the U.S. Navy, they instead sold the 118 acres they had bought from the Terretts to these two sons for \$1 on 31 March 1834 (C3/198).

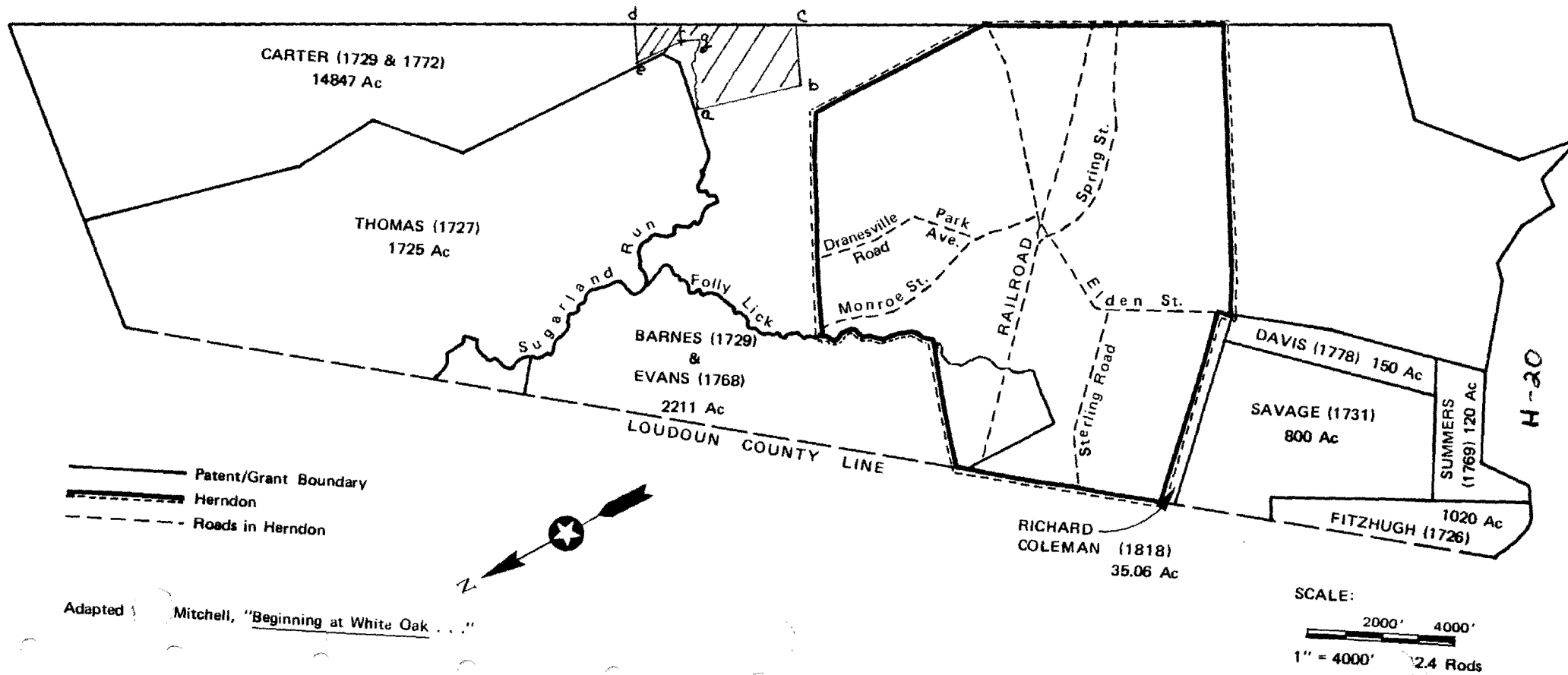
Figure: _____

DEED BOOK/PAGE: C3/198

DATE: C3/198

FROM: John C / SARAH HUNTER

TO: FREDRICK & THOMAS HUNTER ACREAGE: 118 acres



- a: begin at 3 gums on Scott's Branch,* corner to Lot of lands in
division which fell to Sarah Dade,
b: pile of stones in a field (ba: S 14° W 120 poles),
c: chestnut in line of the land of Thomas Fairfax, Esq. (cb:
S 69 1/2° E 99 poles),
d: hickory sapling in line of Fairfax (dc: N 27 1/2° E 262 poles),
e: stake between two sycamores (ed: N 63 3/4° W 57 poles),
f: -- (fe: S 3° E 82 poles),
g: large white oak trees near Scott's branch (gf: S 25° W 24 poles),
a: beginning (ag: thence to beginning)

118 acres

The Hunter sons then sold the same 118 acres to John Dyer of
Fairfax County for \$500 on 20 June 1841 (G3/69).

John Dyer kept the land for several years and then sold the 118
acres to William H. Gunnell "(of Robert)" of Fairfax County for \$1400 on 18
September 1855 (X3/27). Gunnell immediately placed a lien on the land on
18 September 1855 (X3/28) in order to secure seven notes of \$200 each (plus
interest on all but the first note) that he owed Dyer. The trust with
George W. Hunter, Jr., as trustee, had the usual claim concerning default--
if Gunnell defaulted, Hunter was to auction the land after advertising for
four consecutive weeks in the Fairfax Herald or another paper printed in
Alexandria; if Gunnell paid the notes, the lien became void. No release
has been found for the debt.

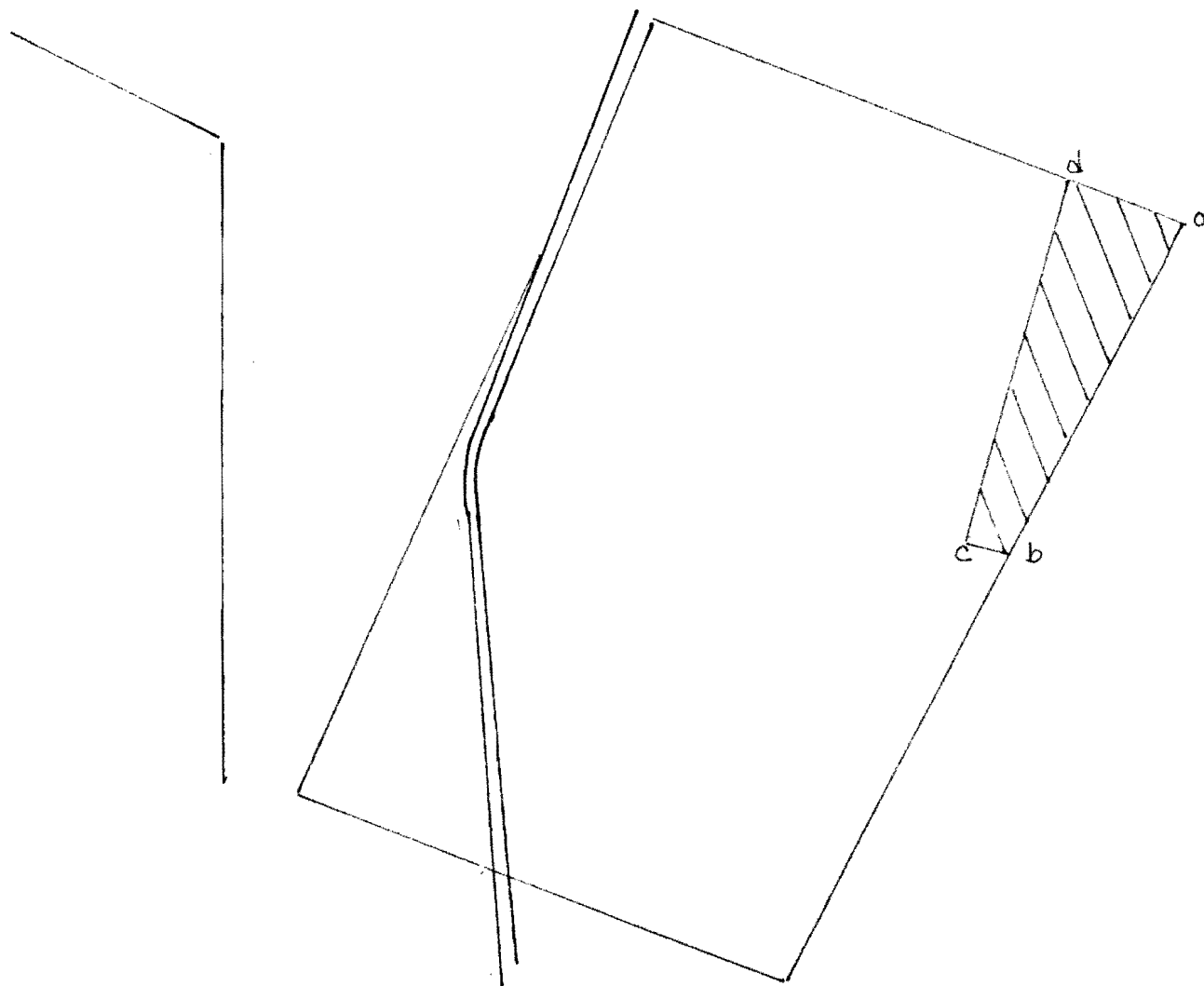
* Since "logically" lot 7 should be next to lot 6, Scott Branch is the
same as what is called Rosier's Branch today.

Since this 118 acres does not contain any of the land that eventually became Herndon, its subsequent (to 1855) history will be described only briefly: as mentioned below, the ownership of William Gunnell's land after his death became controversial enough to prompt a law suit in the Fairfax County Circuit Court. As a result of this suit (William H. Gunnell, administrator, vs Amanda Cornell [wife of John R. Cornell and widow of Wm. H. Gunnell] and others). Thomas Murray was appointed commissioner in November 1860. Murray died and Thomas Moore was appointed to replace him in November 1866. Moore then sold the 118 acres to James W. Smith on 8 June 1868 (I4/232) for \$1100. This 118 acres must have enjoyed the attention that lawsuits bring for it became involved in another lawsuit (Smith vs Smith); this suit was resolved when Walter T. Oliver was appointed special commissioner and sold the 118 acres to J. R. McMillen on 19 January 1906 (T6/188).

I. The preceding discussion traces how Robert Gunnell acquired by 1842 all of the land that once was owned by Baldwin Dade and which is now part of Herndon. Gunnell filed a will (Will Book W1/86) in Fairfax County on 30 July 1845. In his will he left his entire estate to his wife, Nancy, "as long as she lives;" the land then would, presumably, descend to his sole child -- William H. Gunnell. Ignoring (i.e., not doing the required research) the precise dates of Robert and Nancy Gunnell's deaths means that the exact date on which William H. Gunnell* assumed control of the 262 (84 + 98.5 + 80) acres of concern to this little discussion is not known; however, given that William sold part of this land in 1857, it is a reasonable conclusion that he inherited the land sometime before then.

* The Gunnell deeds often explicitly referred to "Wm H. Gunnell (of Robert)," presumably because there were several Gunnells involved in land transactions during our William Gunnell's life; in fact there was even another William Gunnell buying/selling land.

IA: William Gunnell (of Robert) sold part of the land he inherited from his parents in 1857; this 5 acres is not part of Herndon, but since something is known of its history a short digression will be made to enliven this brief history of Herndon with interesting, but not necessarily useful, facts: On 28 December 1857 "William H. Gunnell (of Robert)" sold "5 acres more or less . . . [part of] Dade's Lot 6" to Charles W. Kitchen of Fairfax County for \$75 (A4/114).



A4/114
28 DECEMBER 1857

WILLIAM GUNNELL →
CHARLES KITCHEN
SACRES

H-25

- a: begin at planted stone corner to Lots 6 and 3 [??] in Dade division, in Benjamin Thornton's line [Thomas Fairfax's patent line],
- b: another stone (ba: S 30° W 63 poles 5 links),
- c: stone, in hollow near a drain (cb: leaving Thornton's line, N 73 1/2° W 8 poles),
- d: stone in a lot of No. 3 (dc: with drain N 20 1/2° E 63 4/5 poles),
- a: beginning (ad: with line S 66 3/4° E 19 poles)
- 5 acres, more or less

On 16 January 1868 (H4/481) Charles W./Harriet A. Kitchen of "Herndon County of Fairfax" sold these five acres to James W. Smith of Steuben County, New York, for \$300.

Sometime around 20 December 1881 James W. Smith sold the same five acres to William T. Norton; however, the deed was never recorded. Regardless of this minor oversight, William T./Abigail Norton sold the five acres to Salina J. Hunt for \$200 (\$150 on 20 December 1881 and \$50 in 12 months) on 20 December 1881 (F5/27). Salina J. Hunt married Robert Stewart and several years later must have realized that the deed between Smith and Norton had never been recorded and that the deed itself had been lost. Salina J. Stewart went to court, and in the suit of "Salina J. Stewart vs. William T. Norton and others," Mrs. Stewart tried to "set up, establish and have re-execution of a deed from James W. Smith and wife to William T. Norton." James W. Smith had died but apparently the Stewarts

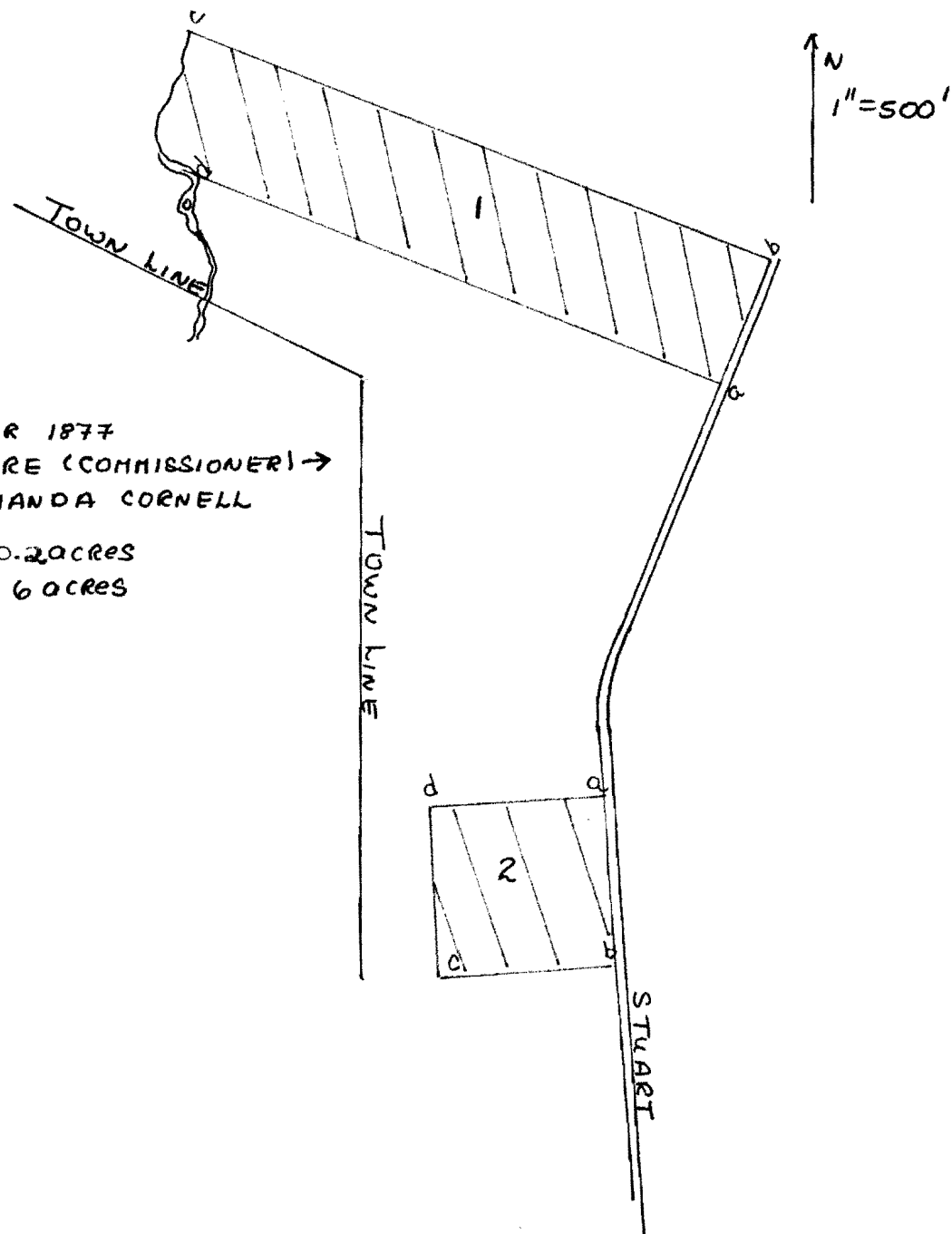
were persuasive for the court appointed a special commissioner, Thomas Keith, to sell the 5-acre plot to Salina J. Stewart for \$1 (D6/446) on 11 October 1899.

II: Having disposed of these interesting, but irrelevant to Herndon, vignettes concerning the 118 and 5 acre parcels, this engrossing tome returns to its main theme of Herndon's history. Ignoring the 123 acres already dealt with, William H. Gunnell (of Robert) owned 257 acres of land previously owned by Baldwin Dade. Gunnell died (c. 1858 or 9) still owning this land. Apparently these 257 acres were so impressed by the prestige that the 118 acre parcel had received by being the center of a law suit, that they decided to be more obstinate and require a much larger period of negotiation before accepting a new, legal owner. In this attitude the land was actually conforming to a Herndon tradition - in the history of almost all of the nine tracts of land that eventually contributed to Herndon's acreage, an owner of some sizable parcel of land died without a clear will; consequently lawsuits followed between potential heirs. This tract was not an exception; it just waited longer to do it! When William H. Gunnell died, Amanda Cornell [widow of William H. Gunnell--see I4/232] and others sued William H. Gunnell's administrator. During the Fairfax County Circuit Court's June 1873 term, a decree was signed directing that a certain parcel of land be sold at public auction. Since no one bought it, Thomas Moore, an appointed commissioner of the Court, "with the consent of the parties principally interested in land sale and the process thereof, did on the 8th day of March 1876" agree to sell the land to Claudius B. Smith of Washington, D.C., for \$1,050. The Court approved the sale, Smith paid Moore the \$1,050 and, consequently, the Court, during its June 1876 term, ordered Moore to officially convey ownership of the land to Smith.

On 10 November 1877 (V4/324) Thomas Moore, "commissioner of sale in suit pending in the Circuit Court of Fairfax County in the name of William H. Gunnell admr vs Amanda Cornell and others" sold the following land to C. B. Smith for \$1: "...same [tract] of which the late William H. Gunnell died seized and possessed* and lying on Sugar Land Run excepting therefrom the following lots assigned to his widow as dower":

* This deed [and many, many subsequent deeds involving the same parcel] never clearly delineate the land sold to Smith; the land is described merely as this quotation is doing.

V4/324
10 NOVEMBER 1877
THOMAS MOORE (COMMISSIONER) →
AMANDA CORNELL
1: 20.20 acres
2: 6 acres



H-30

a: begin at planted stone in the Westerly side of the County Road and
on the south line of said Farm [never says what/whose farm],
b: planted stone (ba: on road S 25° W 32 rods, 5 links),
c: Sugar Land Run (cb: S 66 1/2° W 94 1/3 rods),
d: north line of the Farm (dc: down the Run),
a: beginning (ad: S 66 1/2° E 108 rods, 15 links)

20 acres, 32 rods (20.2 acres)

a: begin at large white oak in West side of road,
b: stake with 3 white oak saplings as pointers (ba: with road South
30 rods),
c: stake with 2 black oaks and one hickory sapling as pointers (cb:
West 32 rods),
d: stake with Dogwoods as pointer (dc: North 30 rods),
a: beginning (ad: East 32 rods)

6 acres

Although the 20.2 and 6.0 acres are not within Herndon, it is worth following the ownership of these lands simply for clarity. William H. Gunnell died leaving Emma Henrietta Cornell as his sole heir; since Amanda Cornell was William Gunnell's widow, Emma probably was William's only child. In V4/324 the Court ordered the sale of all of Gunnell's land to C.B. Smith except for two parcels reserved as a dower for his widow, Amanda. (Possibly the entire Court suit was instigated by Amanda because she felt entitled to a dower and that it was "improper" for William to

leave all of the land to her daughter.) These two parcels (20.2 and 6 acres) were willed to Emma Cornell* at her mother's death. Emma then willed these two parcels to her daughter, Georgia A. Cornell (Will Book 20 page 287; her will was probated in 1941) (476/111).

Georgia A. Cornell, single, then sold these two parcels to Chester C. Lowe for \$10 on 26 January 1946 (476/111).

* Clearly something is incorrect here - if Emma was William Gunnell's child and adopted by her stepfather (Mr. Cornell) her children would not be Cornell's unless she married an half brother, another, unrelated Cornell or her will is incorrect and Georgia A. Cornell is not a daughter; something is clearly confusing. No research has been done to straighten this out.

III. Since the land jugglings are slightly confusing, it is worth recapitulating that William H. Gunnell actually died "seized and possessed" of 375 1/2 acres (118 + 84 + 80 + 98 1/2 -5 acres). By 1877 the 118 acre parcel had been sold to James W. Smith so only 257 1/2 acres remained. The court decree described in V4/324, divides this into three parcels--20.2, 6.0 and 231.3 acres.

Having traced all of these extraneous (to Herndon) parcels of land, it is now relevant to follow the remaining "230 acres, more or less" of William Henry Gunnell.

On 10 November 1877 (the same day Smith bought this same parcel of land from Thomas Moore, the commissioner), C. B./Mina Smith of "Uniontown, Washington County, District of Columbia" sold the same land described in V4/324 to Otis F. Smith of Brandon, Vermont for \$1200 (V4/388).

Otis F./Lucinda Smith of Brandon, Vermont, then sold this exact same parcel to Samuel A. Brewer of Niagara County, New York for \$1800 on 14 January 1878 (W4/20).

Samuel A./Selinda Brewer of Hartford, Niagara County, New York, then sold the same land to John D. Spring of Medina, Orleans County, New York for \$4000 on 17 March 1883 (C5/221). It is worth noting that all of the deeds, including this one described the land as being the "same William H. Gunnell died seized and possessed and lying on Sugar Land Run save and except two lots...20 acres...6 acres." In addition, this deed states that

"This deed [is] to convey the residue of said tract containing 230 acres more or less according to survey of Stephen D. Farr, May 1883." The specific metes and bounds of Farr's survey are not mentioned. Finally, specific to this sale, the actual sale is subject to the 3 December 1878 lease of a portion of the land between Brewer and E. Moody and Sons. This deed transfers the lease to John D. Spring.

Following the, by now, established principle of not keeping the land for too long, John D./Luana M. Spring "of _____" sold the same parcel to Samuel W. Taylor of the City of Burlington [New Jersey] for \$5000 "plus other considerations in exchange of properties." The words in previous deeds concerning Gunnell's land and Farr's survey are included, indicating that the exact same parcel was being sold. The sale occurred on 25 February 1891 (K5/174).

Taylor followed the tradition very carefully, for he then sold the same property to Nathan E. Perkins of the County of Burlington, New Jersey, for \$5000 "and other consideration in exchange of properties" on 18 July 1891 (L5/98). The usual words concerning Gunnell's land and Farr's survey were included.

Nathan E./Sarah. R. Perkins did not want to be shown up by Taylor so they sold it even faster--on 6 August 1891 (L5/100) to David M. Hess of Philadelphia, Pennsylvania, for \$5000. The usual words about Gunnell and Farr were included.

Hess did not follow tradition quite as closely as Perkins, for he did not sell the land until 15 May 1893 (05/532). Hess sold the land to "Mary Elma Jarrett, wife of Levi D. Jarrett" for \$7500. Hess might not have followed tradition, but he did make a 50% profit in two years! This deed, as usual, contained the words concerning Gunnell and Farr.

Mary Elma Jarrett (widow) sold this passed-around tract of land to Fredrick C.S. Hunter on 30 August 1906 for \$4000 (X6/598); \$1600 of which was paid in cash. This deed does not contain the words concerning Gunnell and Farr but does say that the land is identical to that Hess sold Jarrett in 05/532. Mary Elma (and husband) Jarrett had taken out a \$1000 trust on 4 June 1903 (N6/104) with C. M. Lawrence and W. F. Middleton as trustees. This lien was to secure the \$1000 owed Philip W. Lawrence. Hunter agreed, as part of X6/598, to assume this lien as part of the \$4000 price. The lien was released on 26 December 1919 (08/509) when Hugh Hutchinson owned the land.

Hunter ("unmarried") knew very well the tradition of this land, since he sold it to Hugh B. Hutchinson, of Herndon, and Warren M. McNair "for \$10" on 25 April 1907 (X6/600). As with all of these sales for \$1 or \$10, there must have been some other transfer of property or money not recorded in the deed; what it was in this instance is unknown.

McNair could not keep the power of tradition at bay since he and his wife, Lucy D., sold their interest in the land to Hutchinson for \$10 on 20 March 1909 (F7/513). While no mention of Gunnell or Farr is made,

explicit reference to earlier deeds makes it clear that this is the same parcel that Smith bought of Moore in 1877.

The strain of attempting to break this tradition apparently was rather severe on Hutchinson--he kept the land until 1926, but it killed him! In a suit on 6 March 1926 in Loudoun County, Hugh B. Hutchinson, Charles Cuthbert Hutchinson, Gilbert M. Hutchinson and Ina Steele Hutchinson agreed to sell the real estate of the late Hugh B. Hutchinson. William Martin, Bruce McIntosh and Thomas Keith were appointed commissioners; Martin posted \$15,000 bond. Thomas Keith resigned as commissioner in June 1927 and McIntosh and Martin received an offer from Gilbert M. Hutchinson to buy all of his father's land at a private sale. Consequently, the court appointed W. H. Martin as special commissioner in the suit of "Martin, Trustee vs Hutchinson's Executors" to sell the land to Gilbert M. Hutchinson. He did so on 27 January 1927 (C10/7). Hugh Hutchinson owned thousands of acres, acquired through many transactions; consequently C10/7 is complicated. On page 12 a parcel of land that Hugh Hutchinson and Warren McNair (X6/600, 25 April 1907) bought of Fredrick C. S. Hunter and which Warren McNair had then sold his interest in to Hutchinson on 20 March 1909 (F7/513) is described. Consequently Gilbert M. Hutchinson now owns this "230 acres more or less excepting two lots."

Dr. Hugh B. Hutchinson, unmarried, sold Gilbert M. Hutchinson all of his interest in the land of his father (except for certain parcels not in Herndon) on 1 July 1927 (C10/241).

Gilbert M. Hutchinson and Ina Steele Hutchinson (widow of Hugh B. Hutchinson) sold thousands of acres of land to A. Smith Bowman of Indiana on 30 September 1927 (C10/251). Amongst this land was the 230 acres, more or less ("excepting two lots") of X6/600.

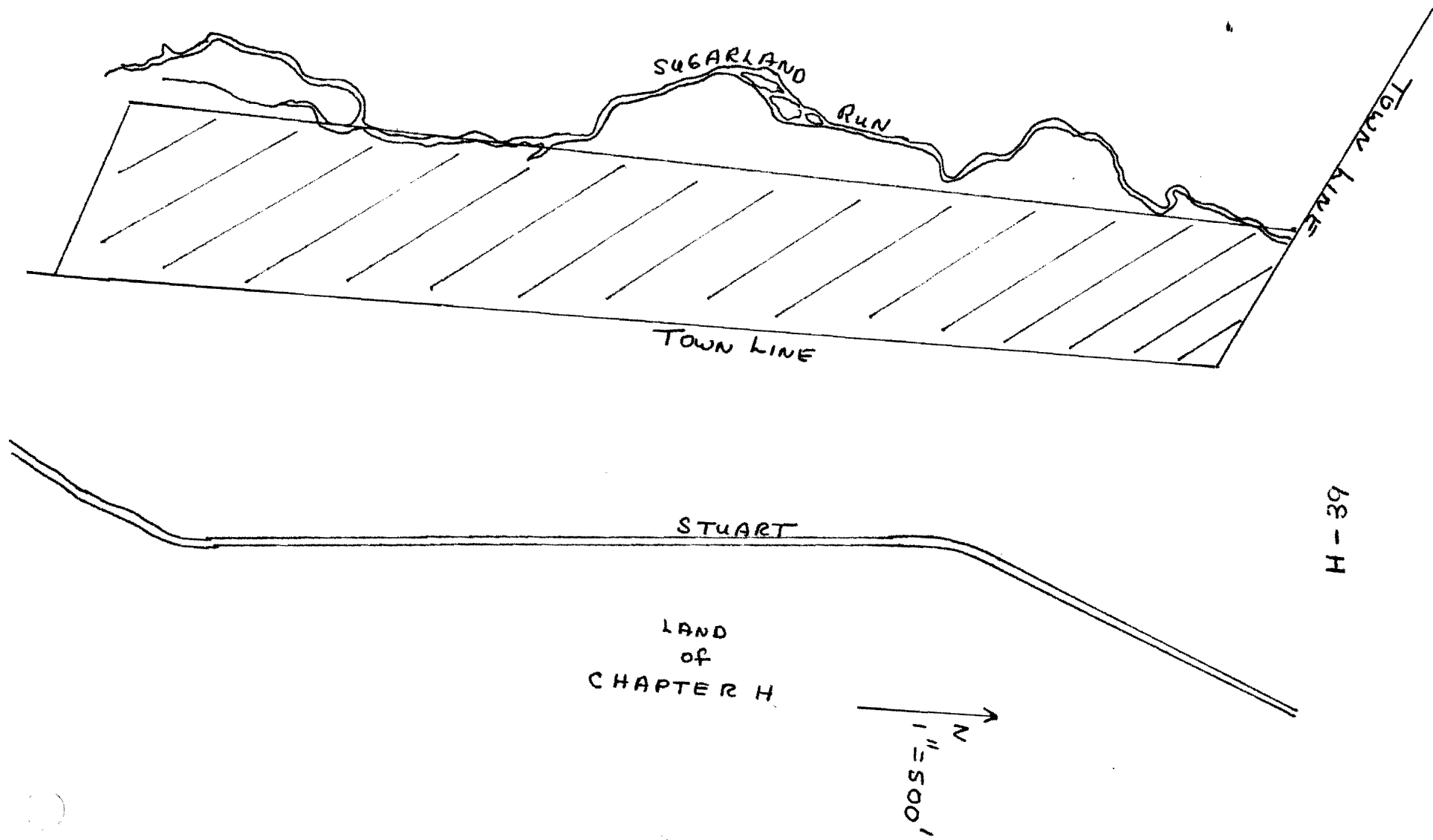
Since this land has been owned by almost everyone, it is worth following a few years (and owners) longer. On 21 February 1949 (675/535) A. Smith Bowman and Sons (a partnership composed of A. Smith Bowman, E. DeLong Bowman and A. Smith Bowman, Jr.), also "trading under the name of Sunset Hills Farm" sold land to A. Smith Bowman and Sons, Inc., for \$10. Our favorite 230 acres, more or less, was included.

A. Smith Bowman and Sons, Inc., then "sold" the lands of 675/535 to the Interim Distillery Corporation (which the Bowman's owned) on 31 August 1960 (1925/510).

Until now (from 1877-1960) the exact metes and bounds of the "230 acres more or less" has never been given. In 1961 it was lost forever since Bowman had his land surveyed and broken into parcels. Parcel No. 1, 127 acres, contains the land of the 230 acres which lie in Herndon.

On 31 August 1960 (1925/539) Interim Distillery took out a deed of trust with Henry B. Weaver, Jr. and Charles Majer as trustees. The trust was for \$8,400,000. Then on 27 March 1961 (1988/154), A. Smith Bowman Distillery, Inc., (formerly Interim Distillery Corporation) sold their land (including parcel 1) to Palindrome Corporation, subject to this trust.

Palendrome changed its name to Reston, Virginia, Inc., and sold the land to John Hancock Mutual Life on 1 April 1966 (2750/560). Parcel 1 (127.28 acres) was part of the 6452 acres sold.



CHAPTER I

CHAPTER I

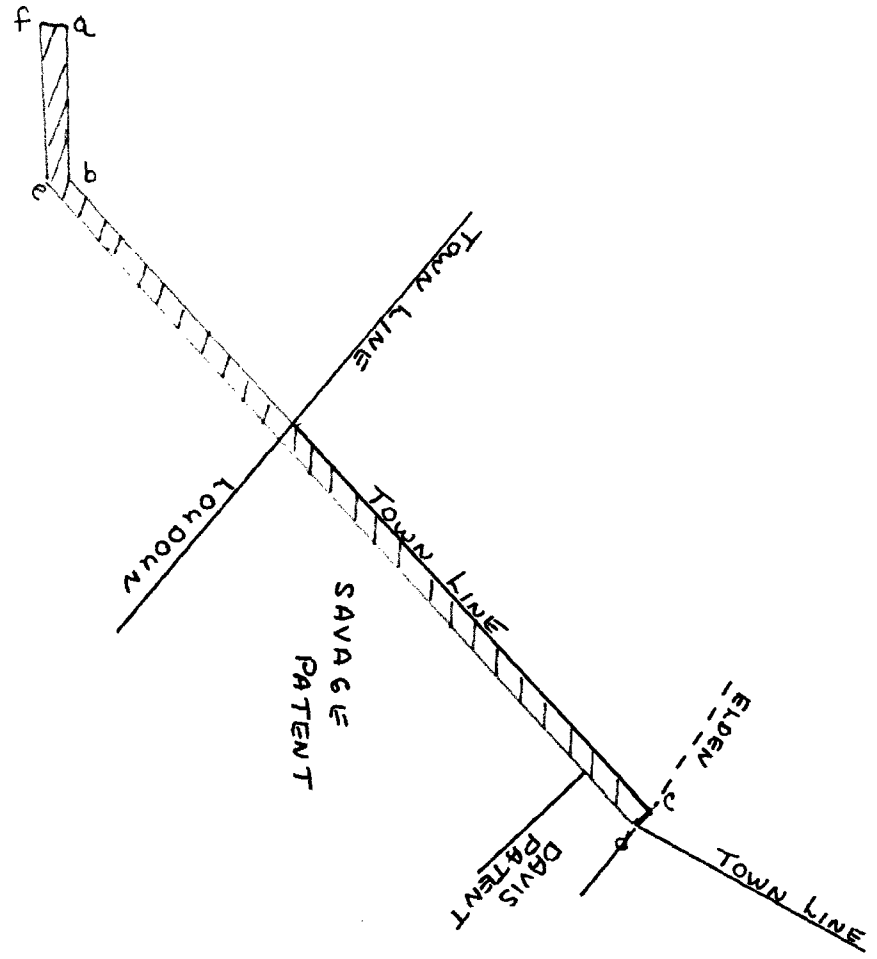
Dr. Richard Coleman (son of Col. James Coleman) was involved in many land transactions in the (what was to become) Herndon area; in addition to his own sales/purchases, he most likely was at least aware of the numerous land dealings of others within his family (see Appendices b and c and Chapter E). 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 $3\frac{1}{4}^{\circ}$ 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 $39\frac{1}{4}^{\circ}$ W $15\frac{1}{2}$
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.

N
1" = 2000'



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

CHAPTER J

Most of Herndon's boundaries evolved naturally from the original division of Robert Carter's patent by the Page family in about 1790. Consequently, the boundaries of Herndon were not arbitrarily drawn but developed out of a rather clear historical trend, even if, as is probable, the founders of Herndon did not recognize this logic.

These boundary line descriptions refer to the map which follows.

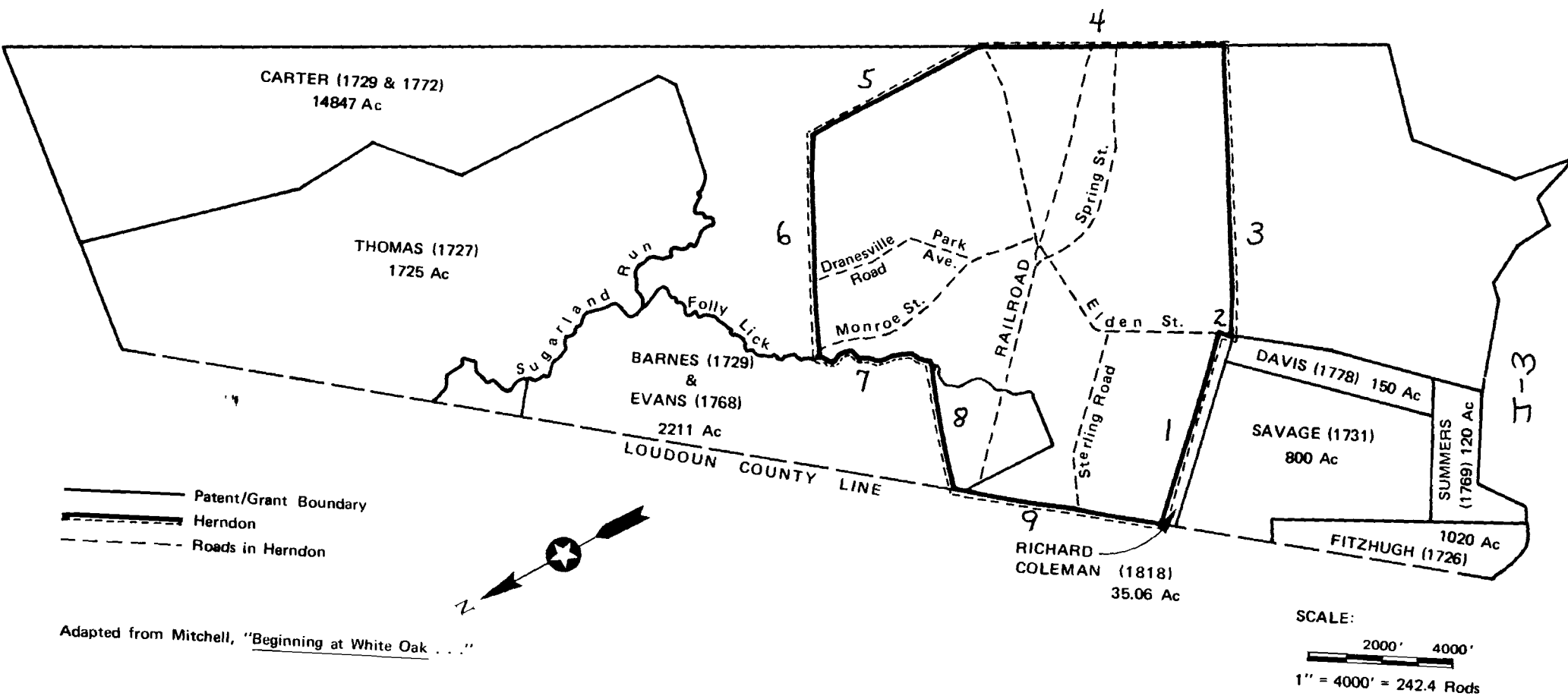
- (1) This is obviously part of the western line of Robert Carter's 1729 patent (Chapter B) and the eastern line of Coleman's 1818 patent (Chapter I).
- (2) Very definitely part of the original boundary of Carter's patent and also of Coleman's 1818 patent (Chapters B and I).
- (3) This is the eastern border of lots 16 and 17 of the Page Lotts (P2/252) (Chapter G).
- (4) This is part of the border between Robert Carter's 1729 patent and Thomas (and later Bryan) Fairfax's circa 1736 patent [I/124(NN), E/38(NN)].
- (5) It is not obvious yet (to me, at least) why this became a boundary of Herndon.
- (6) This is part of the common border between Page Lotts 11 and 13 (Chapter B).
- (7) Folly Lick Run was part of Robert Carter's original patent boundary.

- (8) As described in Chapter A, this was a boundary line between separate lots in 1879 when Herndon was formed; however, it was not an historical line in the sense of patent lines.
- (9) This is the Fairfax-Loudoun boundary and since Herndon was part of Fairfax it clearly could not extend into Loudoun.

Figure: _____

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CHAPTER K

Chapter K

James Hunter, Jeremiah Moore and George Johnston were appointed commissioners by the Fairfax County Circuit Court and ordered "to ascertain what would be a just compensation to the owners of the land proposed to be taken by the Alexandria, Loudoun and Hampshire Rail Road Company for its purposes" (W3/51). These commissioners "met together" on 15 and/or 16 November 1854 on each of the lands from which property was to be dedicated (sold) to the railroad and "upon a view of the land . . . and upon such evidence as was before us, we ascertained that, for the said land and for the damage to the residue of the tract, beyond the peculiar benefits to be derived in respect to such residue, from the work to be constructed . . . " what would "be a just compensation." As part of this "just compensation" the commissioners included a specific amount for the construction of "good and substantial fencing."

The Circuit Court, during its February 1855 session, ordered each individual land owner to appear before the Court on the first day of its next session "to show cause why the said report should not be confirmed and recorded." Apparently none of the land owners disputed the findings of the commissioners, or if they did they were not convincing, for in each instance, on 19 March 1855, the report of the Court commissioners was "confirmed and ordered to be recorded."

The specific metes and bounds of each parcel of land conveyed to the railroad on 19 February 1855 are:

● Land of Jane Farr and heirs (W3/52)

- a: begin on boundary line between the lands of Jane Farr and Benjamin Thornton on the northern side of and 50 feet from the point at which the center line of the railroad as now located intersect said boundary,
- b: -- (ba*: with Farr/Thornton boundary, crossing center line, S 45° W 100 feet),
- c: boundary line between Jane Farr and Thomas Cox (cb: N 45° W 4518 feet),
- d: -- (dc: with Farr/Cox line, crossing center line of railroad, N 30° 30' E 108 feet),
- a: beginning (ad*: S 45° E 4542 feet).

10.42 acres

Just compensation: \$556, which includes \$415 for good and substantial fencing.

* Lines ad and ba "being parallel to and fifty feet from said center line."

THOMAS COX

JANE FARR

N
1"=620'

BENJAMIN THORNTON

K-3

● Land of Thomas Cox (W3/50)

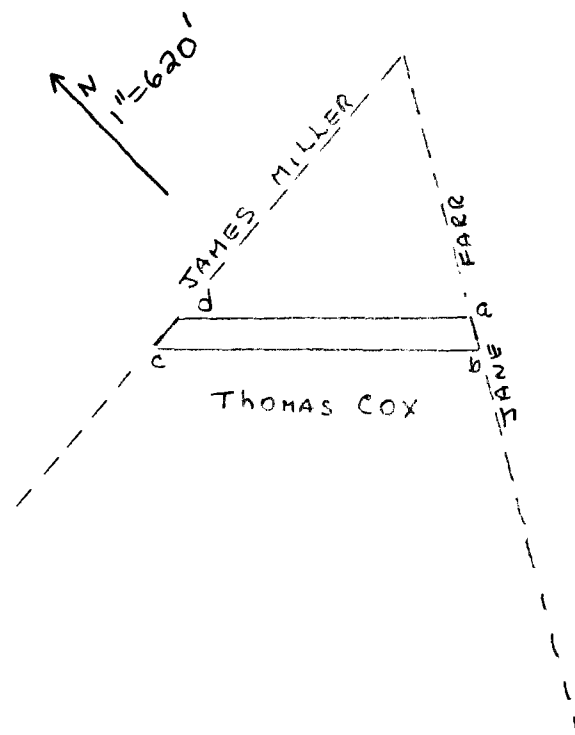
- a: begin on the boundary line between Cox and Jane Farr on the northern side of and 54 feet from the point at which the center line of the railroad as now located intersects Cox/Farr boundary,
- b: -- (ba*: with Cox/Farr boundary, crossing center line, S 30° 30' W 108 feet),
- c: boundary line between Cox and James Miller (cb: N 45° W 1085 feet),
- d: -- (dc: with Cox/Miller line, crossing center line, N 58° 30' E 138 feet),
- a: beginning (ad*: S 45° E 942 feet).

2.31 acres

Just compensation: \$150 which includes \$87.50 for good and substantial fencing.

* Lines ad and ba "being parallel to and fifty feet from said center line."

K-5



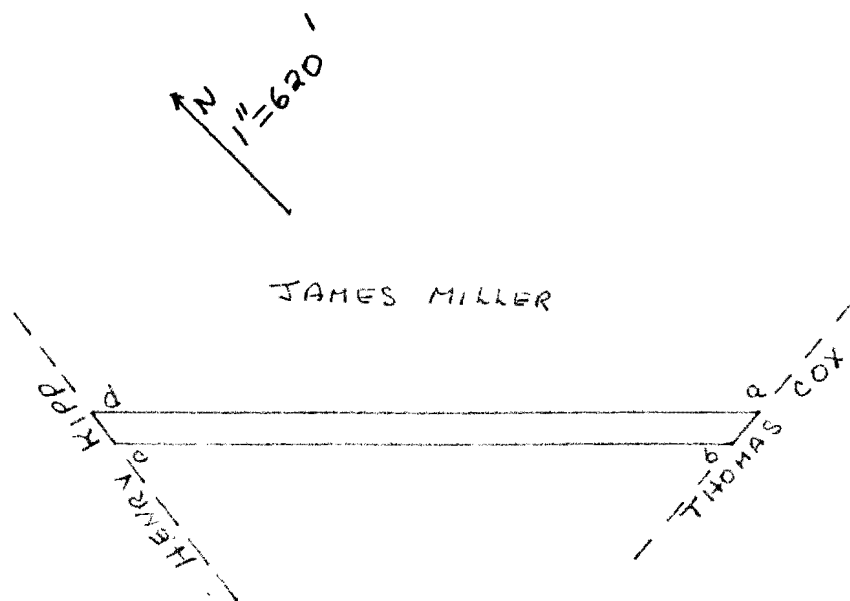
● Land of James Miller (W3/58)

- a: begin on boundary line between Miller and Thomas Cox on the northern side of and 69 feet from the point at which the center line of the railroad as now located intersects Miller/Cox line,
- b: -- (ba*: with Miller/Cox, crossing center line, S 58° 30' W 138 feet),
- c: boundary line between Miller and Henry A. Kipp (cb: N 45° W 2000 feet),
- d: -- (dc: with Miller/Kipp, crossing the center line, N 6° 30' E 134 feet),
- a: beginning (ad*: S 45° E 2170 feet).

4.80 acres

Just compensation: \$400 which includes \$185 for good and substantial fencing.

* Lines ad and ba "being parallel to and fifty feet from said center line."



K-7

● Land of Henry A. Kipp (W3/56)

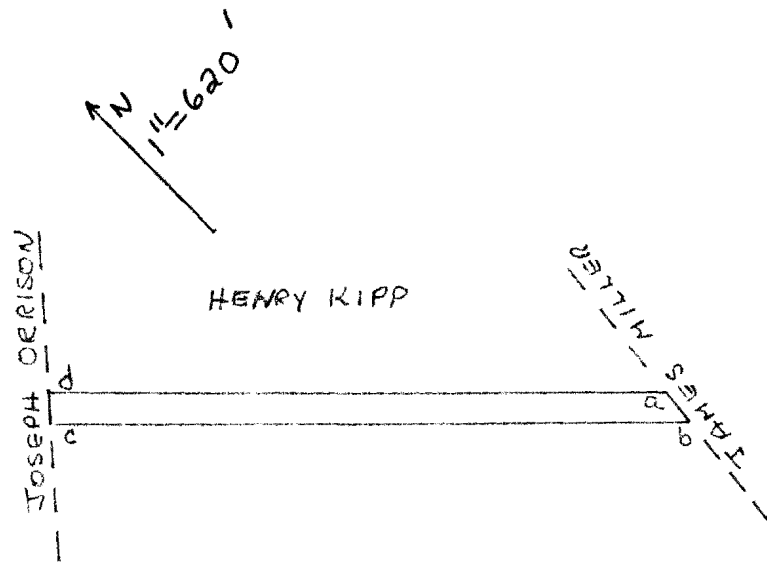
- a: begin on the boundary line between Kipp and James Miller on the northern side of and 67 feet from the center line of the railroad as now located at the intersection with the Kipp/Miller line,
- b: -- (ba*: with Kipp/Miller line S 66° 30' W 134 feet, crossing center line),
- c: boundary line between Kipp and Joseph B. Orrison (cb: N 45° W 2072 feet),
- d: -- (dc: with Kipp/Orrison N 41° E 100 feet, crossing center line),
- a: beginning (ad*: S 45° E 1998 feet).

4.68 acres

Just compensation: \$450 which includes \$178.50 for good and substantial fencing.

* Lines ad and ba "being parallel to and fifty feet from said center line."

K-9



● Lands of Joseph B. Orrison (W3/60)

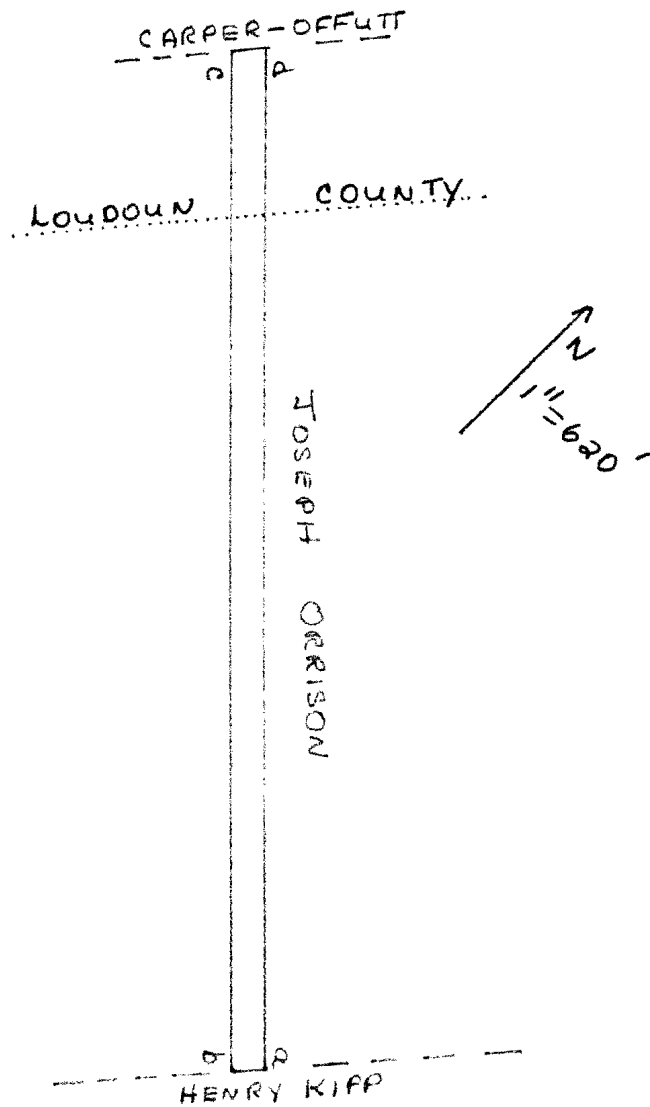
- a: begin on boundary line between Orrison and Henry A. Kipp on the northern side of and 50 feet from the point at which the center of the railroad as now located intersects the Kipp/Orrison line,
- b: -- (ba: with Kipp/Orrison, crossing center line of railroad, S 41° W 100 feet),
- c: boundary line between Orrison and Mrs. Carper and Mrs. Offutt (cb: N 45° W, crossing the Fairfax-Loudoun line, 3300 feet),
- d: -- (dc: with Orrison/Carper-Offutt, N 41° E 100 feet, crossing center line of railroad),
- a: beginning (ad: S 45° E, crossing county line, 3300 feet).

7.59 acres

Just compensation: \$450 which includes \$258.75* for "330 panels good and substantial fencing."

A note was added after the completion of the deed adding "\$15 for five poles in length on the side next to Mrs. Carper by mistake of Mr. Orrison not included in the survey."

* The eight is not clear in the deed--could be a different number.



A rather intriguing exercise is to determine the price per acre given to each owner as well as the price per foot of fencing the owner was allowed. The following table assumes that each owner was compensated for fencing only along his footage parallel to the railroad right-of-way (fence across the right-of-way might impede the movement of the trains, especially if the fence really was "good and substantial"):

	Price per <u>acre*</u>	Price per <u>foot of fencing</u>
Jane Farr	\$13.53	\$0.0458
Thomas Cox	27.06	0.0432
James Miller	44.79	0.0444
Henry Kipp	58.01	0.0439
Joseph Orrison	25.19	0.0415 [includes the extra \$15]

* This price was determined by taking the total compensation, subtracting the amount for fencing and dividing by the total acreage.

This little chart is interesting because it, as with everything in this meandering history of Herndon's land, is surprising and allows several, unanticipated, different modes of thought to wiggle their way to the surface. One, somehow gratifying, rationale for the striking disparity in the value the court commissioners placed on the several parcels of land is that Messers. Hunter, Moore and Johnston (or at least a voting majority

of them) were a rarity among bureaucratic history--people who honestly considered the relative merits and values of several pieces of property and who, rather than just applying an "average" value to all of the land and thereby trying to avoid annoying anyone too severely, tried to critically compare the values and assign meaningful distinctions in relative value. This could account for the spread in land value, but then so could the less lofty observation that the phrase that the commissioners "upon such evidence as was before us" decided fair value of the land really meant that some land owners were more persuasive than others in pleading the "economic harm" they would endure by the sale of this land or that the commissioners might have been influenced by other forms of persuasion than pure logic.

It is rather confusing though, as why the land should increase in value the closer to the Loudoun line it became (except for the one parcel which crossed into Loudoun); it is not at all clear what could actually be different along this two mile stretch that could actually create any appreciable disparity in economic value.

This speculation, of course, leads only to the conclusion that the land values were different but does not lead to any really supportable conclusions as to why the differences.

Of course, one might wonder if there were mistakes in the deeds in recording the dollar compensation. This does not seem very probable since the price per foot of fencing is very consistent for all five parcels which lends some credibility to the speculation that the commissioneers did make a serious effort to arrive at fair values (e.g., they took the time to determine a fair price of fencing, calculate the length of fencing required and, consequently, a fair compensation for installing a fence).

APPENDIX a

Appendix a

Lott 11 - see Chapter B

Lott 12 -

Lott 13 - see E2/409

Lott 14 - see Chapter G

Lott 15 - see Chapter C

Lott 16 - see Chapter G

Lott 17 - see Chapter G

Lott 18 - see Chapter D

Lott 19 - see Chapter F

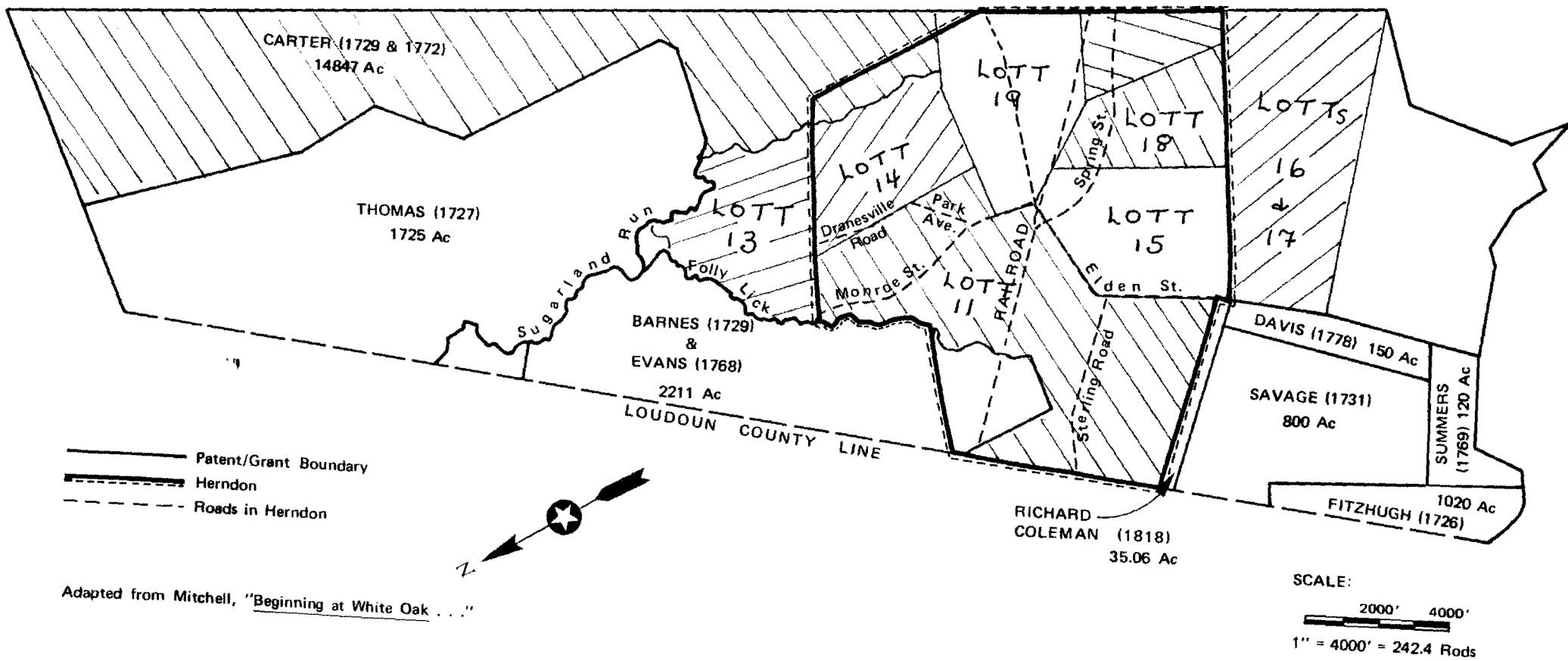
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PAGE LOTTS



APPENDIX b

APPENDIX b

Coleman Family Deeds, Fairfax County
1742-1842

I. 1742-1797

James Coleman

U/471--land along Difficult Run

S/89,93--185 acres from Price

L/214--sale of a slave

Richard Coleman

A/176,177--200 acres from Thomas

B/366--report on land of A/176

B/192--118 acres from Thomas

II. 1797-1842

Ann Coleman

C3/253--from T. R. Betton

Charles Coleman

*P2/329--from Sarah Coleman

S2/208--from James Bland

U2/62--from Samuel Coleman

V2/324--to Offutt and Sangster; a trust

A3/312--release of V2/324

C3/253--from T. R. Betton

George Coleman

C3/253--from T. R. Betton

E3/404--land sold Carper

James and/or John Coleman

B2/377--from Ferdinando Fairfax

*C2/503--from Gunnell's executors (see L2/100)

*D2/1--to Offutt

E2/197--from Baldwin Dade

J2/184--to Thomas Coleman

*K2/152,222--from Ferdinando Fairfax

L2/17,97,110--from/to Philpott and Coleman

* This deed is missing; it was destroyed about 1861.

M2/424--to John Coleman
*Q2/238--to Prest. & Bd. O Poor
*P2/12--from M. Gardner
*T2/416--from S. Chilton
X2/354--partition with Ann Barker
Z2/301--from Roberdeau (land near Centreville)
Z2/369--to Hunter; a trust (land near Centreville)
A3/90--from Hunter; (land near Centreville)
A3/103--to Hunter (Herbert's Lot near Horsepen; 220 acres)
A3/124--to Anthony McCready (land near Centreville)
A3/312--release Offutt/Sangster (see V2/324)
B3/194--to George Gunnell (part of Wm. Gladdins patent)
C3/359--to Jane Morgan
D3/13--to John Fox
D3/235--to Jones
D3/614--to McGuaghin--mining rights
E3/339--to Nicholas Farr; Leesburg Pike area

John Coleman

G3/196--trust from John Powell

Patsy Coleman

D3/5--from Fitzhugh; Horsepen Run

D3/464--to Richardson; near Fairfax City

* This deed is missing; it was destroyed about 1861.

Richard Coleman

E2/14--from Campbell
*F2/83,112--from Payne
G2/119--from Payne
*H2/159--from Summers and Coleman
J2/258--to Lane
M2/4--to Lee
M2/297--from Payne
*N2/37--to Whaley
O2/313--from C. Lewis; 156 acres near Brewers tract
*P2/7--from Ferdinando Fairfax
P2/252--from Ferdinando Fairfax
*Q2/7,298--to Lee and Lewis
S2/114,363--to Blossom
S2/375--from Lee
U2/16--lease to Major
X2/305--from Higgs
A3/188--from Kelly
C3/253--from Benton

Samuel Coleman

*Q2/121--from Bland
S2/98--
*T2/33--from Coleman executor

* This deed is missing; it was destroyed about 1861.

U2/62--to Charles Coleman

A3/312--from Offutt

G3/195--to Carper

F3/270--to Gunnell

Sarah Coleman

*P2/329--to Charles Coleman

*P2/329--division

R2/69--to Thomas Coleman

B3/194--to Gunnell

D3/235--to Jones

D3/514--from Offutt

Sallie Coleman

Z2/51--partition

Thomas Coleman

J2/184--from James Coleman

*Q2/25--from Ferdinando Fairfax

*Q2/277,385--to Latimer and Barker

R2/69--from Sarah Coleman

S2/70--to Nathaniel and William Barker

V2/240--to Latimer

* This deed is missing; it was destroyed about 1861.

William Coleman

*K2/312--from Edwards

C3/359--to Jane Morgan

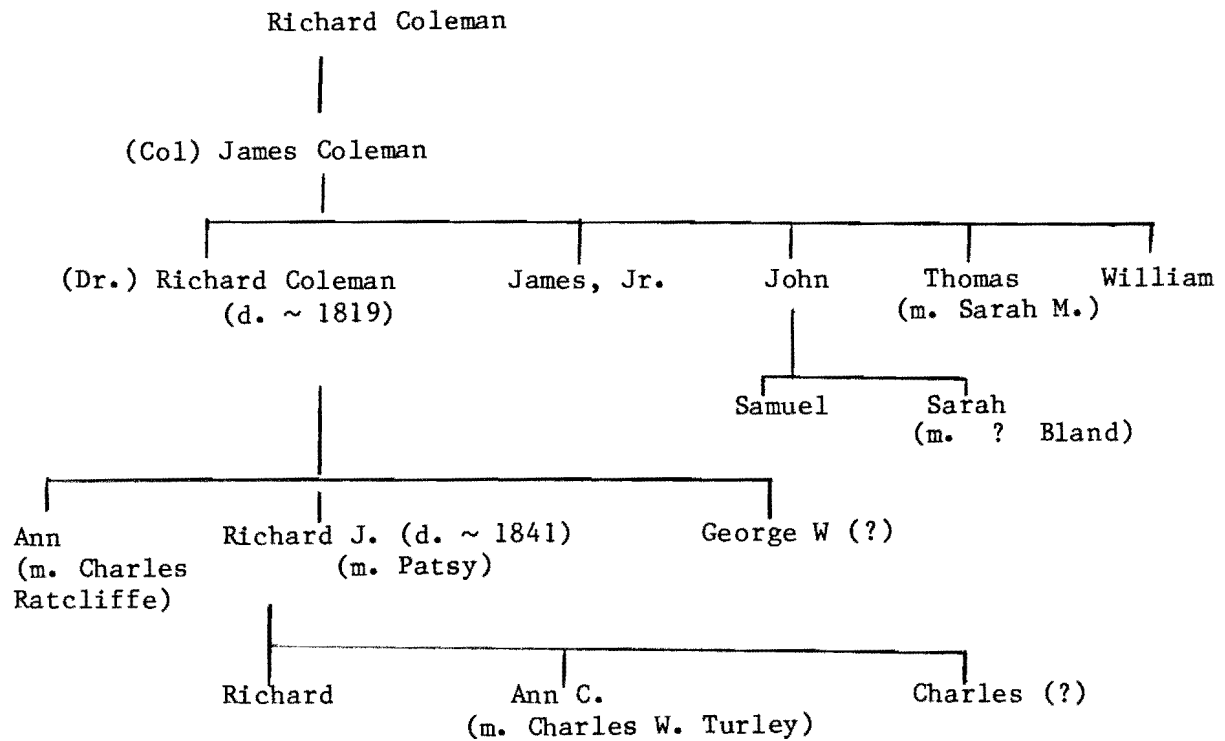
* This deed is missing; it was destroyed about 1861.

Appendix b-6

APPENDIX c

APPENDIX c

Partial Family Tree of the Colemans



APPENDIX d

APPENDIX d

Davis Patent

Jonathan Davis received a patent for 150 acres south of the present Herndon boundaries on 29 January 1778 (NN I/310). Although very little research has been done and all conclusions presented in this appendix must be considered as mere speculation, some circumstantial evidence suggests the thought that either this patent never really existed or that Davis never really gained control of the land (e.g., Savage or someone initiated a lawsuit and acquired legal right to the land before Davis actually acquired undisputed ownership) or Davis sold the land immediately--this latter conjecture is the least probable of these three hypotheses (see below).

The "evidence" for this conjecture about the Davis patent is:

Evan and Harriet Davis bought a 9.5 acre parcel of land (parcel 16-3-1-0005 in the 1980 Fairfax County tax maps) on December 14, 1948 (666/227); this land lies entirely within the boundaries of the Davis patent as given in NN I/310. Tracing the ownership of this land back through 434/87 (the parcel is now 14 acres), K14/358, L13/553, F12/413, K9/343 and Will Book 10/224 (Laura Ratcliffe Hanna's will of September 18, 1920) leads to Q5/464 (9 May 1894); in this deed Richard Coleman sold the land to Laura Hanna (wife of Milton Hanna). This land, according to Q5/464 and V3/180 (22

December 1854), was part of the 188 acre Richard Coleman farm which was formed from two smaller parcels: Lot 1 (132 1/2 acres) and Lot 3, part 2 (58 acres) of Richard Coleman's division of land (H3/444) in April 1843; this Richard Coleman was the father or grandfather of the Richard Coleman of Q5/464. Appendix c shows that the Richard Colemans had a tradition of naming sons Richard). Since the Richard Coleman of H3/444 received this land from his father, Dr. Richard Coleman, (Chapter E) who bought it from Ferdinando Fairfax (P2/252), who obtained the land from the Page family (see Chapter E), who received it from the Courts after Robert Carter Jr.'s death, who, presumably, bought it as part of one of his several patents, there is no gap in the chain of ownership during which Jonathan Davis could have owned the land. Since there is no deed recorded in Fairfax or Loudoun County between Ferdinando Fairfax and Jonathan Davis, none of the land Fairfax sold Coleman could have come from Davis directly. Also the tax records of Fairfax County can be used (see Chapter E) to make a reasonable argument that all of P2/252 came to Ferdinando Fairfax from Page - the fact that the land is referred to as Page Lots 16 & 17 is an almost irrefutable argument in itself.

When Dr. Richard Coleman bought 1079 acres from Ferdinando Fairfax in 1802 (P2/252), the boundaries for Page Lots 16 and 17 were given as:

Figure: _____

DEED BOOK/PAGE: _____

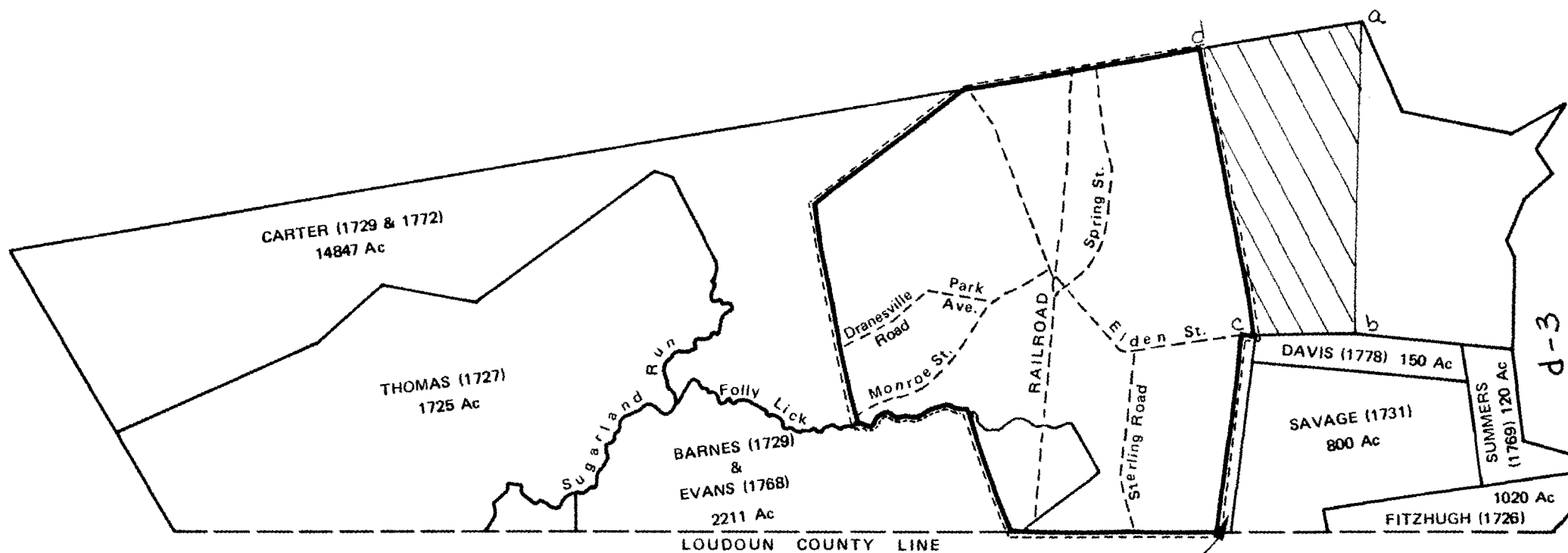
ACREAGE: _____

DATE: _____

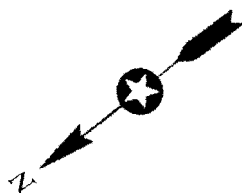
FROM: _____

LOTTs 16 & 17

TO: _____



Patent/Grant Boundary
Herndon
Roads in Herndon



RICHARD
COLEMAN (1818)
35.06 Ac

SCALE:
2000' 4000'
1" = 4000' = 4 Rods

"Beginning at White Oak . . ."

- a: begin at box oak on stoney knowl corner to original tract,
- b: stake by a red oak in line of Savage's Patent now "Pain
[Payne] or Cammell [Campbell]" (ba: S 54° W 513 poles),
- c: stone, corner of Savage and lot 15 now John Coleman (cb:
thence with that (Savage) line N 39 1/2° E 172 poles),
- d: stake in original line (dc: with line of No. 15 and 18
S 65.20° E 480 poles),
- a: beginning (ad: with same line S 27 1/2° W 268 poles)

683 acres

This deed was written about 24 years after Davis' patent was granted, so Fairfax, the surveyor and Court officials should have known of (but, of course, could have overlooked) the Davis patent. Unless there are two very significant errors in this deed (not an impossibility) the western boundary of the P2/252 land must lie on the eastern boundary of the Davis patent: (a) the discussion of Chapter E clearly shows that the only corner to John Coleman's Lot 15 in the vicinity of the Davis patent lies precisely at point C of the above figure; (b) the length of line ba clearly terminates on the Davis eastern line; for it to have stopped on the usually assumed eastern boundary of Savage, it would have to be in error by 60 poles (990 feet). These two arguments fix the western line of Lots 16 & 17 to lie precisely on the eastern boundary of the Davis patent as given in the original grant (i.e., NN 1/310). P2/252 claims that this line is "in line of Savage's patent" not Davis' patent.

On 22 November 1805 (G2/119) Jane Payne sold Richard Coleman

a parcel of land (see Appendix e for details). The deed states that the land was "two parcels of land originally belonging to one patent . . . " According to the deed there was a dispute over the Summers patent land; the other parcel referred to in this deed is clearly assumed (and stated) to be within the Savage patent. A glance at the figure in Appendix e describing this sale clearly indicates that the eastern boundary of this land is the eastern boundary of the supposed Davis patent--consistent with P2/252 in claiming that the Savage-Carter patents have common boundary lines.

In Appendix e, the argument is presented that Col. James and Richard Coleman bought all of the land that Jane Payne and Margaret Campbell owned in Fairfax County. In addition, the argument is made that the only known land that these women possessed was the 800 acres of the Savage Patent plus some of the Summers Patent (see G2/119); of course, the "evidence" does not preclude them from obtaining land through a will or other means not recorded in a Loudoun or Fairfax deed book. Since Payne sold Coleman more than 800 acres, the hypothesis will be presented that she sold him the lands of what are called the Savage and Davis patents.

According to the Fairfax tax records (see Chapter E) George W. Coleman did not own any land until 1819 when he inherited 432 acres from his father Richard Coleman. In 1820 George W. Coleman also owned (or at least paid taxes) on the

35 1/16 acres Richard Coleman obtained in his 1818 patent (Fairfax tax records). George owned only these 2 parcels until 1832 when he combined them into a single parcel of 467 1/16 acres; this combination is explicitly indicated in the tax records. This is the only parcel George owned through 1841 when he inherited more land from Richard Coleman's division (H3/444); the only discrepancy in this is that beginning with 1840 George Coleman's land is referred to as containing 484 1/4 acres; no reference is made to where the extra 17 3/16 acres comes from - possibly due to a resurvey (for the argument of this appendix the 17 acres is irrelevant and in any case the fact that it is made part of the existing parcel suggests that if George did buy land it was contiguous to the 467 1/16 acres).

Now, using these "observations" backwards: in H3/444 Richard J. Coleman's land is divided amongst his children and wife. His wife is assigned lot 1 which (see Chapter E) has a western boundary fitting "perfectly" along the eastern boundary of the "Davis patent"; this western line is partially fixed by "point A, a pile of stones, corner of George W. Coleman's land" If George Coleman's land came entirely from Dr. Richard Coleman and if Appendix e is correct in that Richard Coleman either inherited the land from Col. James Coleman (his father) or bought all of the land of Jane Payne (and from no one else in the general area of Davis - Savage) and is also correct in that Jane Payne

owned only land directly descended from John Savage, then point "A" lies in Savage's patent. But "A" lies directly on Davis' eastern line; therefore Davis never "legally" owned the land since there is no gap in ownership where Davis could have owned the land and sold it to Payne or Savage.

Hypothesis: Jonathan Davis recognized that due to faulty surveys or some other omission, there seemed to be 150 acres lying unclaimed between the Savage patent of 1731 (NN D/33) and the Carter patents of 1729 and 1772 (NN C/36, I/222). He applied for a patent and was granted it; however, Jane Payne (who owned the entire Savage patent - see Appendix e) disputed his claim in Court (or somewhere) and proved that the land was actually hers and only justifiable, inadvertant error allowed this gap to appear in the records: the intent of the original Savage patent was to include this 150 acres. Thus Savage's patent was for 950, not 800 acres.*

* There are many deeds which refer to the Savage patent and claim it to be merely 800 acres (see Appendix e); unfortunately they all predate the Davis patent so it is still conceivable that the original error in survey (if, indeed, there was one) was not noticed until Davis appeared. No deed has been found after the Davis patent which refers to the entire Savage patent and so there is no evidence (unfortunately) in the deeds themselves supporting or refuting the hypothesis of this appendix. The next deed involving the Savage patent after Davis "obtains" his patent occurs in 1789 when Jane Payne sells 300 acres to James Coleman - no mention of the size of the entire patent is mentioned in the deed.

APPENDIX e

APPENDIX e

John Savage Patent

John Savage, of Stafford County, received a patent for 800 acres of land on 3 September 1731 (NN D/33). Savage willed the land to his brother Isaac Savage of Boston, Mass. Isaac Savage, on 11 August 1747 appointed Peter Hedgman of Stafford County as his agent with the power of attorney to sell this land to Edward Conner. Conner bought the land on 17/18 September 1756 for 100 pounds (D/328--Loudoun) and later willed the 800 acres to his sisters Margaret Campbell and Mary Hardy. The sisters then gave, as a gift, the 800 acres to Margaret's only daughter Jane Campbell (she later married a Payne) on 12 September 1778 (R/496--Loudoun); this gift was "proved in the County of Loudoun 9 November 1778."

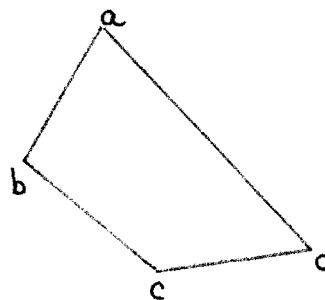
Jane Payne and Margaret Campbell, of Loudoun, sold 300 acres of this patent to James Coleman on 28 October 1789 (R/496,498--Loudoun)* for 100 pounds:

* I am not sure precisely where this 300 acres lies; hence only a sketch of its shape is given.

N
1" = 4000'

R/496 - LONDON
28 OCTOBER 1789
JANE PAYNE →
MARGARET CAMPBELL

JAMES COLEMAN
300 ACRES



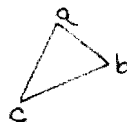
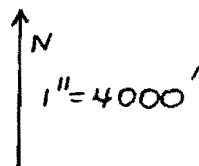
- a: begin at (A) Fitzhugh's marked white oak standing near parcel
of black rocks,
- b: (B), a red oak not found (ba: running the course of the
patent S 30° W 200 poles),
- c: (C), box oak not found corner of said [Savage?] patent (cb:
S 50° E 205 poles with said patent),
- d: Giving [person's name] line of said patent (dc: to and with a
marked line N 82° E 180 poles),
- a: beginning (ad: with that line N 43° W 374 poles)

300 acres

Campbell and Payne then sold another piece of this land to Dr.
Richard Coleman on 23 August 1802 (E2/14). The exact price of the land is
left blank ("_____ dollars" are the words in the deed) and no indication
of the size of the parcel is given; an estimation, using the metes and
bounds of the sale, suggests the size to be about 25 acres:*

* Again, I am not sure precisely where these 25 acres are located; hence
only a sketch of their shape is given.

e-4-



E2/14

23 AUGUST 1802

MARGARET CAMPBELL →
JANE PAYNE

RICHARD COLEMAN
25 ACRES

- a: begin in line of John Fitzhugh,
- b: stake to R. Coleman and Payne and Campbell north one pole of
a persimmon and 2 small white oak (ba: with line of said
Coleman's former purchase of J. Payne and M. Campbell
S 53 1/2° E 76.6 poles),
- c: intersection of Fitzhugh line (cb: S 65° W 120 poles),
- a: beginning (ac: with Fitzhugh line, N 25 1/2° E 106 poles)
25 acres (estimate)

Jane Payne, now of Fairfax County*, sold another parcel from the Savage patent to Dr. Richard Coleman on 22 November 1805 (G2/119) for \$2000. This land was "two parcels of land originally belonging to one patent...;" one parcel was claimed by George Summers and heirs, who relinquished their claim to Jane Payne on 20 November 1805. Again no size of the parcel was given; as estimate gives about 270 acres.

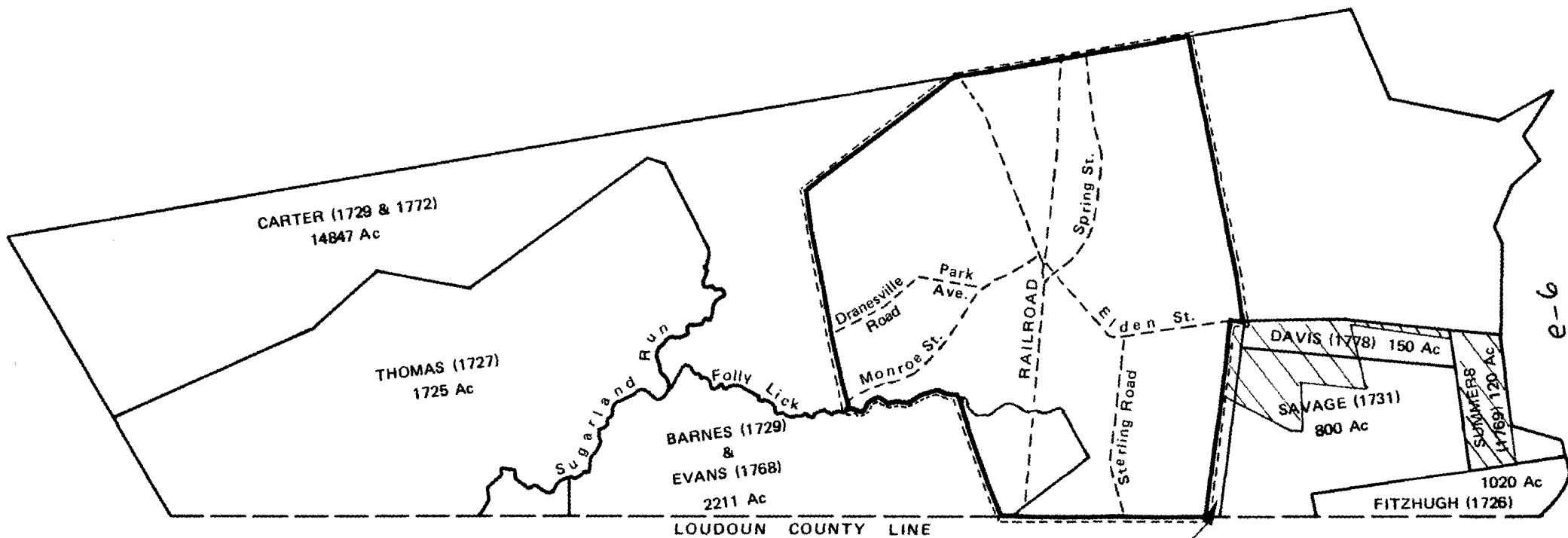
* It is not clear in many deeds if the annotation "of Fairfax County" refers to the person's legal residence or simply to the fact that the land lies in Fairfax County and the person is presumed to live there (e.g., in later deeds some people's residence fluctuates between Fairfax County and Washington D.C. almost from deed to deed).

Figure: _____

DEED BOOK/PAGE: 62/119

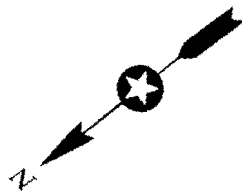
TO: RICHARD COLEMAN ACREAGE: ~270 ACRES

DATE: 22 NOV 1805 FROM: JANE PAYNE



e-6

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



RICHARD COLEMAN (1818)
35.06 Ac

SCALE:
2000' 4000'
1" = 4000' = 4 Rods

... "Beginning at White Oak ..."

- a: begin at forked red oak in line of Richard Coleman's former purchase of Jane Payne and M. Campbell.,
- b: stone in line of original patent (ba: with line of R. Coleman's purchase N 59 1/2° E, 130 poles)
- c: stone (cb: S 43 1/2° E 134 poles),
- d: white oak, Carter's corner, marked C (dc: S 40° W 433 poles),
- e: Fitzhugh's line (ed: N 63° W 215 poles),
- f: stake (fe: with line N 25° E 88 poles),
- g: stake (gf: S 62° E 217 1/4 poles),
- h: white oak (hg: N 42° E 170 poles),
- i: white oak and hickory sapling (ih: N 69 1/2° W 104 1/4 poles),
- j: white oak (ji: N 42° E 112 poles),
- k: red oak (kj: N 59° W 77 poles, 16 links),
- a: beginning (ak: N 38° E 14 poles 12 links)

270 acres (est.)

Comparing these parcels to the boundaries of the Savage, Davis (see Appendix d) and Summers patents and recalling that this deed suggested that a dispute existed over the Summers patent, it is obvious that the southern rectangular plot is part of the Summers patent. Estimating the acreage of this southern plot yields about 100 acres; thus approximately 170 acres lies in the Savage patent. Between 1799 and 1804, Jane Payne paid taxes on 145 1/2 acres (in 1799-1801 the land is annotated with "of Summers" [i.e., gotten from Summers] which is not reasonable if the land is actually part of the Savage tract); this land was contained in the section of the land tax records annotated with the title "new additions to Fairfax county from

Loudoun." Assuming that the "of Summers" is a result of the dispute and not a true indication that all 145 1/2 acres came from Summers, leads to an additional assumption that G2/119 was actually a deed of sale for the 145 1/2 acres of Payne plus the 100 acres of land in dispute between Summer's heirs and Jane Payne.

This, then leads to an Hypothesis: The Coleman family purchased all of the "Davis" and Savage patents:

- James Coleman bought 300 acres in 1789 (R/496--Loudoun)
- Richard Coleman bought 334 1/2 acres in 1803 or 4 (F2/83 or F2/112)* from Jane Payne
- Richard Coleman bought 25 acres in 1802 (E2/14)
- Richard Coleman bought 145 1/2 acres in 1804 or 1805 from Jane Payne (G2/119)--this assumes that the estimate of 270 acres is high by 25 acres
- Richard Coleman bought 93 acres in 1804 or 1805 (F2/83 or F2/112)*

The total of these sales is 898 acres (300 + 334 1/2 + 25 + 145 1/2 + 93) which is 52 acres smaller than Savage plus Davis is supposed to be (see Appendix d for the hypothesis that Davis never really controlled his 150 acres and that Savage really "owned" it). Since this hypothesis is easy to make (and difficult to prove), I will make another: When the Savage patent

* Deeds F2/83 and F2/112 were destroyed about 1860; the index to the deeds indicates that these transactions were sales of land from Jane Payne to Dr. Richard Coleman. The tax records indicate that Coleman purchased two parcels of land from Jane Payne during 1803 - 1805. I am assuming that the sales of these parcels were actually recorded in the F2/83 and 112 deeds.

was granted the surveyors for some reason assumed that Savage abutted Carter and measured (from maps?) the area accordingly. Since there is a 35.06 acre gap between the two patents, Savage contains 765 acres and not 800. In addition, just for spite and variety, the surveyors mismeasured the size of the F2/83 and/or F2/112 land by 18.06 acres; this error is not noticed until 1840 when George W. Coleman was ready to sell the land and had it resurveyed (this accounts for the change in the tax records from 467.06 to 484.25 acres in 1840 for George Coleman). Consequently, the Coleman's really bought $(300 + 334 \frac{1}{2} + 25 + 145 \frac{1}{2} + 93 + 18 \frac{1}{16})$ acres; this $916 \frac{1}{16}$ acre should be compared to the "true" Savage plus Davis patents of $800 + 150 - 35 \frac{1}{16} = 914 \frac{15}{16}$. Then, within 1 acre, the Coleman purchases of Payne are identical with the entire Savage plus Davis patents.

Unfortunately, there is another equal plausible (absurd) hypothesis: my estimation of the land of G2/119 is correct and there is $170 \frac{1}{2}$, not $145 \frac{1}{2}$, acres there; this 25 acre discrepancy plus the $18 \frac{1}{16}$ acres "found" in the resurvey of 1840 of George Coleman's land plus the, what appears to be a corrected estimation of George Coleman inheritance for Richard Coleman in 1819 (the $334 \frac{1}{2} + 93$ acres were "corrected" to a total of 432 acres in the tax records of 1820), yield a total for the Coleman's purchase of Payne of 945 $(898 + 25 + 18 \frac{1}{16} + 4 \frac{1}{2})$ acres--quite close to 950 acres.

Finally, a third and also equally plausible hypothesis, is that hypothesis 1 and 2 above are absurd and that one should not concern oneself with a trivial amount like 52 acres.

Since this cursory review of Coleman transactions (see also

Appendix b) did not reveal any other purchases or sales of the Payne/Campbell land, many questions remain:

- As discussed in Chapter E, the 300 acres James Coleman bought from Campbell and on which he paid taxes from 1799-1804 disappeared from the tax records in 1805; where did it go? The most plausible explanation (but not yet verified by studying the Loudoun records) is that this land actually lay in Loudoun County which fact, for some reason, was overlooked when the records were shifted from Loudoun to Fairfax after the realignment of boundaries. This hypothesis is supported by the observation that the 300 acres described in R/496-- Loudoun cannot fit into the part of Savage patent within Fairfax County (see above diagram), so it probably was never really in Fairfax County.
- Why did Dr. Richard Coleman's 334 1/2 acres of Payne and Campbell appear in the tax records only in 1804 (see Chapter E)? Even though no deed indicating its sale to another person can be found, the land still belonged to Coleman because he left it to George W. Coleman in 1819.
- In 1818 Dr. Richard Coleman obtained a patent for 35 1/2 acres of land lying adjacent to the Savage patent (see Chapter I). According to the tax records George W. Coleman owns this land in 1820 (Richard died about 1819 and his land was divided among his family). In 1832 George Coleman combined this 35 acres with 432 more and now paid taxes on a single parcel of 467 acres. In 1840 this parcel grew to 484

1/4 acres; there is no annotation where the extra 17 acres came from--an error in survey that just then was corrected? George owned this 484 1/4 acres through 1846. Since Richard Coleman still owned all of the land south of Herndon that his father (Dr. Richard Coleman) bought from Fairfax (P2/252--1079 acres of chapter G) when he died (H3/444) about 1840, George Coleman 484 1/4 could not have been part of that. In addition, since there is no Ratcliffe to George Coleman deed before 1840, George Coleman's land could not have been part of the Robert Carter to Sophia Carter to Charles Ratcliffe land of Appendix f. Also, H3/444 indicates that George W. Coleman owned land adjacent to and west of the Dr. Richard Coleman purchase of Ferdinando Fairfax (P2/252); this is precisely the Savage/Davis patent. Finally, since it is reasonable to assume that only parcels of land that are contiguous are combined into one parcel for tax purposes, it is plausible that the 449 acres is part of the Savage patent (the 35 acres are surely contiguous to the Savage land and therefore the only place for the 449 acres to be is as part of the Savage land). Since no deed exists between George and any other Coleman, the land must have been willed or somehow conveyed by an inter-family mechanism--see tax records of 1820 which indicate George's 432 acres were "by division of R. Coleman." Why no Coleman was paying taxes on this land before then is unknown.

Before making one final hypothesis, it is useful to list George W. Coleman's lands, according to the tax records, from 1820 to 1843:

1819: nothing.

1820: 432 acres near Frying Pan; by division of R. Coleman.
35 1/2 acres; new grant; near Frying Pan; by division
of R. Coleman.

1821-1831: 432 acres,
35 1/2 acres.

1832: "467 1/16 (432 + 35 1/16)" acres.

1833-39: 467 1/16 acres.

1840-42: 484 1/4 acres near Frying Pan.

Hypothesis:

- George W. Coleman inherited two parcels from Richard Coleman:
35 1/2 acre new grant and 427 1/2 (334 1/2 [F2/82 or F2/112]
+ 93 [F/82 or F/112]) acres; a resurvey "corrects" this total
to 432 acres.
- George combines these two pieces into one parcel of 467 1/16
acres in 1832 because they are contiguous (the difference
between 1/2 and 1/16 is assumed to be negligible).
- George obtains the 25 acres (E2/14) of Richard Coleman in
1840 (467 1/16 + 25 ~ 484 1/4).
- Richard Coleman's estate pays taxes on 132 1/2 acres near
Frying Pan at least between 1839-43. This is the 145 1/2
acres of G2/119 with a corrected area now used.

Ignoring James Coleman's 300 acres (R/496--Loudoun) because they lie with Loudoun County, this hypothesis accounts for the chain of ownership of all of Col. James Coleman's and Dr. Richard Coleman's purchases of the Savage patent land until April 1843. If one believes the earlier hypothesis, this also indicates the ownership of the entire Savage/Davis patent within Fairfax County also until 1843.

APPENDIX f

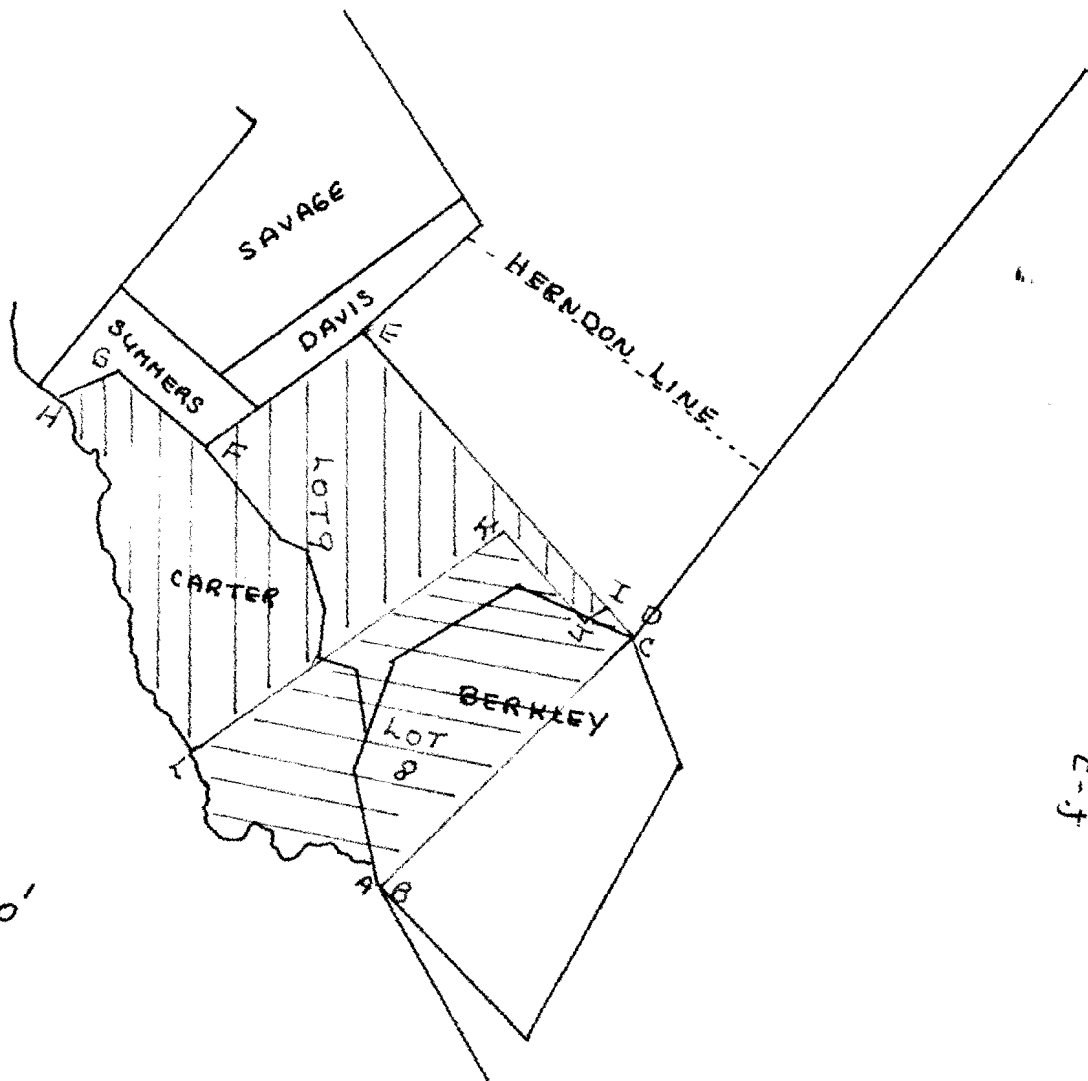
APPENDIX f

Southernmost Part of Carter Patent

On 8 December 1834 (B3/417) William H. Fitzhugh, executor of Sophia Carter, late of Prince William County, sells her Frying Pan tract (888 acres) to Charles Ratcliffe of Fairfax County for \$1600. Sophia Carter inherited this 888 acres (called Lot 9) ~~and an~~ additional 816 acres ^{fell to Julia Berkeley} (Lot 8) from her father, Robert Carter. In ^{Sophia's} ~~her~~ will of 16 April 1832 Sophia expressed her desire that Lot 9 be sold ". . . reserving to the Baptist Church the house and ground whereon it stands denominated and known as Frying Pan Meeting House."

B3/417
 8 DECEMBER 1834
 Wm. FITZ HUGH →
 CHARLES RATCLIFFE
 888 ACRES
 (LOT 9)

N
 1" = 4000'



Lot #8

- A: begin at A, large white oak corner to Aubrey and Berkley's patent,
- B: stone in a gully (BA: S 56° 30' E 10 poles),
- C: intersection with the out lines two poles from the corner box oak "WE" (CB: N 35° E 436 1/4 poles),
x
- D: aforesaid box oak (DC: N 35° W 2 poles),
- I: pile of stones (ID: N 53° 10' W 80 poles),
- J: several marked saplings (JI: S 45° W 40 poles),
- K: several marked saplings (KJ: N 53° 10' W 146 poles),
- L: some marked sycamores on the border of Horsepen Run (LK: S 45° W 470 poles),
- A: beginning (AL: up Horsepen Run)

816 acres

Lot # 9

- L: beginning at L, some marked sycamores on bank of Horsepen Run, corner of Lot #8,
- K: some marked saplings (KL: with line of Lot 8, N 45° E 470 poles),
- J: several marked saplings (JK: with another line of Lot 8, S 53° 10' E 146 poles),
- I: pile of stones in outline (IJ: N 45° E 40 poles),
- E: white oak by which are several trees marked as pointers (EI: with line N 53° 10' W 476 poles),
- F: white oak marker (FE: S 39° 53' W 250 poles),
- G: stake (GF: N 62° W 154 poles)
- H: on Horsepen Run (HG: S 50° W 88 poles),
- L: beginning (LH: up run)

888 acres

Sophia's father, Robert Carter, was either Robert Carter, Jr., the original patent holder of the Carter patent which contains most of Herndon, or his son. No effort has been made to determine which.

APPENDIX g