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THE FAIRFAX LANDS IN VIRGINIA

by

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The Fairfax Lands in Virginia.

Like many sovereigns of the past Charles II of England was disposed to be very generous with things that were not wholly his own. Thus we find that during the time of Oliver Cromwell when the monarch was forced to seek the protection of France, he found it convenient to make lavish gifts to some of his faithful followers in England. In letters patent at Saint Germains on Ley in 1649 he granted to Lord Culpeper and seven other noblemen all the lands included in the region between the heads of the Potomac and Rappahannock Rivers from the Chesapeake. Since this part of Virginia had not been explored as yet, it was naturally supposed that the Potomack rose in the Blue Ridge, so this range of mountains was considered the western boundary of this territory. Since these grants were made in France during the first year of the king's exile they were probably given in payment for some service these men had given or were expected to give to their dethroned king. Whatever his purpose may have been the result was that he transplanted a seedling of English

aristocracy in America where it flourished at first, but its surroundings grew more and more unfavorable as time went on and in the end it was completely crushed by the Revolution.

After Charles' return to England new grants were issued but as time went on the original claimants sold out their interests so that by 1661 Thomas Lord Culpeper, the eldest son and heir of John Culpeper was in possession of all the lands in the northern neck of Virginia. His title was confirmed to him by James II in 1689.

At the death of Lord Culpeper his daughter Katherine and Alexander Culpeper who was probably a first cousin, became heirs to his possessions in Virginia. Alexander sold his rights to Lady Margaret, the widow of Thomas Culpeper.

Sometime about the year 1690 Katherine Culpeper was married to Lord Fairfax, the first Baron of Cameron, Scotland. Lord Fairfax took charge of her lands in the new world and became so very enthusiastic about them that he even neglected Leeds Castle, the ancestral home of the Fairfax family, that they might be improved. He declined to exchange them for the office of Bergmaster in the Wapentake of Wicksburg that was offered to him by the crown who was eager to earn a revenue from making new grants of the territory. When it

was suggested to him that the land grants were not valid he went before the Privy Council asking that the grants made to Lord Culpeper in 1869 might be examined and confirmed.

This question of the legality of the Fairfax claims had arisen in Virginia and was one of the first signs of the struggle against despotism. As the struggle continued the spirit of dislike for royalty and aristocracy engendered added to the intense hatred that led us into the war against the mother country.

Due to her husband's efforts, Lady Kathrine Fairfax's title to her Northern Neck property was made secure and the estate that was before her marriage was little more than a wilderness was producing at the death of Lord Fairfax in 1709 an income of £500 per annum. Fairfax never came to America but he found a very efficient manager for the lands in Colonel Robert Carter, called "King Carter" by the democratic Americans who even by the end of the seventeenth century were beginning to be free spoken in their criticism of kingly government and people with royal sympathies.

In 1719 Lady Fairfax died at Leeds Castle and her lands passed to her son Thomas Fairfax, sixth Baron of Cameron who was already owner of the Northern Neck by the will of his grandmother, Lady Margaret Culpeper.

Fairfax engrossed as he was in the affairs of the

court found little time to spend in the interest of his American estate and so left their management to Colonel Carter.

In 1729 the lieutenant governor of Virginia had taken up the subject of the boundary line of the Northern Neck that was causing dispute in the region. The line as defined in the first grants was necessarily very indefinite because no surveys of any sort had been made at that time. As Virginia became more populated, numbers of settlers had been attracted by the fertility of the soil, and had taken up claims within the territory claimed by Fairfax. In Maryland the dispute arose as to which of the two head springs of the Potomac was intended for the beginning of the northern boundary of the Fairfax proprietary. In Virginia the settlers on the west claimed the Blue Ridge as the western boundary line, and the people on the south disputed over which of the two head springs of the Rappahannock - the Conway or the Rappahannock - had been intended for the line.

When news of this cavil reached Lord Fairfax, he also learned that Colonel Carter was dead. Realizing that some personal action was necessary he appointed Benjamin Borden as land agent, but finding his interests neglected, he invited his cousin William Fairfax, resident in Massachusetts since 1725, and collector of royal customs at Marblehead and Salem, to come to Virginia as his land agent. William accepted and in 1733 he took up his residence in Westmoreland.

Following his father's example, Lord Fairfax filed a petition with the king that the boundary lines of his proprietary might be fixed.

The case precipitated by this action, known as Fairfax vs. Virginia could not be settled until the land could be surveyed. The decision was not made for fifteen years, but it was finally a brilliant victory for Fairfax. It caused much ill feeling in Virginia, however, and the people most affected believed their loss of lands an inevitable result of a kingly government.

In May, 1736, Lord Fairfax came to Virginia while the surveys were being made. He lived with his cousin, William, and it was during this time they planned Belvoir, that was to be a dwelling for William Fairfax, and a land office of the estates. Belvoir was built in 1741 about fourteen miles below Alexandria. The line established was the Rappahannock on the south beginning with the source of the Conway River, or

where the present counties of Madison, Page and Greene meet; on the north the Potomac to its head spring, or where the present southwest corner of Maryland cuts into the pashandle of West Virginia. On the west of the boundary was a line seventy-six miles in length connecting the sources of the two rivers.

Already many settlers, attracted by the fertility of the soil, had gone into the region along the Wappotomack River and had not secured titles to their lands. To these people Lord Fairfax issued warnings as soon as he learned that the Potomac did not, as it had been supposed, rise in the Blue Ridge, but west of these mountains. He made it known to these people that were within his claims and they must either vacate or purchase their holdings. This precipitated the long law suit between Hite and Fairfax which is generally symbolical of the struggle in this country against aristocracy. In the end the decision was in Hites' favor, but it was not made until twenty-six years after his death and four years after the death of Lord Fairfax, showing that the influence of that aristocratic gentleman was great enough to keep the decision from being made against him.

Before Fairfax's return to England in 1737 he secured the passage of an act by the Virginia Assembly that recognized him as the heir of Lord Culpeper's charter of 1689.9

About the year 1745 the case pending before the Privy

Council of Fairfax vs. Virginia was decided. In the summer of that year Fairfax, then forty years of age, returned to Virginia to live out the remainder of his long life.

In 1748 it was enacted by the lieutenant governor of Virginia and Council and Burgesses that the boundary line having been established, all crown grants within the Northern Neck should be confirmed, but that all rents and services should be paid to Lord Fairfax. 10

For several years after his return Lord Fairfax lived at Belvoir with his cousin, but in 1751 he sent to England for his nephew, Thomas Bryan Martin, and in the winter of that year they went to live beyond the Shenandoah in the manor called "Greenway Court" in memory of the Culpeper manor in Kent. Here in all the simplicity of pioneer life the old nobleman spent the remainder of his days. His motive for settling Virginia, as Neill points out, was most heroic. He had been captivated by the natural beauty of his lands and he had returned to cultivate and improve this vast domain that had come into his possession. He remained faithful to his task. Once when Indian massacres were very frequent in the immediate neighborhood he refused to leave Greenway for a place of greater safety, because he knew that many of the people would abandon their homes at his departure and all the work of settling the country would be lost. The results of his labors were very evident by the time of the Revolution; the Northern Neck was populated, better

cultivated and more improved than any other part of Virginia. However, his labors were not without pecuniary returns, in spite of the fact that he gave steadily to his kin, especially to the extravagant Robert; he had in Greenway at the time of his death about £47,000 in Virginia currency.\textsuperscript{11}

Though not an always exacting lord, and grossly imposed upon by the settlers after William's death, Fairfax did not fail to make use of every opportunity to increase his wealth. When he came to America he found many settlers in the valley who had not secured titles to their lands. He warned them that they must either purchase their holdings or leave. When these people applied for grants he did not issue them on the usual terms but instead he issued leases for ninety-nine years reserving an annual rent of twenty shillings per hundred acres; whereas to all other immigrants a rent of only two shillings per hundred was reserved. This rent was very small, but added to this was the sum termed "composition money" paid on obtaining the grant. Fairfax was always careful to require his rents though he was not considered a hard landlord. Kercheval, in his \textit{History of the Valley}, says, "It was to create additional revenue that Lord Fairfax founded the town of Winchester where not even the lots of the dissenting churches were given gratuitously."\textsuperscript{12}

In 1746, the first year after his return to Virginia, Lord Fairfax had his line surveyed again. It was probably at

\textsuperscript{11} History of the Valley, S. Kercheval, p. 21.
\textsuperscript{12} History of the Valley, p. 42.
this time that the Fairfax stone was erected. This was a large sandstone planted at the depth of a few feet in the earth and rising more than a foot above the ground. It was marked with a rough "FX" and was used to mark the end of the Fairfax proprietary. The survey made at this time merely reestablished the line set up in 1737.

It was during the years 1748-49 that George Washington was employed by Lord Fairfax to survey some lands in the western part of his proprietary.

In 1757 William Fairfax died and his son George William became land agent for his lordship. He only served for three years when, due to the influence of Colonel Thomas Bryan Martin, Lord Fairfax removed the land office to Greenway Court and allowed Martin to succeed George William as manager of the Northern Neck.

Lord Fairfax saw the growing spirit of democracy in this country and lamented it. The democratic foreign element in the western counties could not understand the system that gave one man the right to own more than five million acres of the best lands in Virginia for no other reason than on aristocratic privilege and the right to be supported by what was mainly a tax on the people. They considered the monopolies of wealth made possible by such a system the inevitable results of the royal régime and were justly embittered by it.

Fairfax had no sympathy for democracy. He had come to this country well advanced in years and did not fit into his
surroundings. Through his influence the Northern Neck became the chief stronghold of aristocracy. He was not in the least to blame for this system or for the fact that it was transplanted in America. He, like the planter of the next century, was the product and not the producer of a system. It had been approved by the better classes of society in England for centuries, but it was completely out of harmony with the thought in the New World. It had been increasingly unpopular since 1692, when the Culpeper land grants were first recognized by the King as Fairfax property, and it gave way completely with the Revolution.

That Fairfax was out of sympathy with the spirit of the time is shown by the fact that he imported a Fairfax Roan from England after the adoption of a resolution by the House of Burgesses in 1770 by which the subscribed resolved not to import any luxuries from England.13

Until the Revolution the Northern Neck proprietary was considered as a domain within a domain, it was managed by the proprietor who by his right to issue land grants was very powerful. To him also the quit-rents were paid.

During the Revolution the Virginia Assembly treated Fairfax with marked consideration. He was given all

the privileges of a Virginia Citizen and was undisturbed even by the most enthusiastic patriots. This was probably due to the fact that he had never been a strong Tory. Though he disagreed with the attitude of the colonies, it was not because he agreed with the King, for he had lost his place in King George's Court because he had expressed his conflicting statements too strongly. If the story is true that says he turned his face to the wall and said, "It is time for me to die", when he was told of Cornwallis' surrender, it was probably because he realized that the aristocratic system in which he lived and had his being was passing rather than from any loyalist sentiments he might have entertained.

Although in 1779 the General Assembly in an act providing that the land office be removed to Richmond, abolished all reservations to quit-rents in the patents or grants of lands made by the crown of England, Lord Fairfax was still unmolested and it was not until after his death in 1782 that the General Assembly freed the inhabitants of the Northern Neck from quit-rents.\textsuperscript{14}

In 1786 on November 15, Patrick Henry, governor

\textsuperscript{14}. Virginia Code, 1819, p. 353.
of Virginia, took over the vast territory that had been for so long the property of the Fairfaxes, and assumed ownership of it for the state of Virginia on the ground that it had been the property of an alien. However, this law was afterward revoked by a compromise that Fairfax was a Tory but not a public enemy and Fairfax's will was recognized.

Lord Fairfax left no heirs, but devised his property to his nephews, the sons of his sister Frances. To the Rev. Denny Martin, of England, he bequeathed the larger portion of the Northern Neck on condition that he change his name to Fairfax. To Thomas Bryan Martin, who had come to Virginia in 1751 at his request and who had lived with him at Greenway Court Manor, Fairfax left the Greenway Court Manor and the ten thousand acres of surrounding lands lying on the west bank of the Shenandoah.

In 1782, Denny Martin Fairfax became proprietor of the immense tract of land. He never came to Virginia but appointed his brother, Thomas Bryan, and Gabriel

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Jones as joint managers. In 1787, he revoked this appointment and appointed Bryan Fairfax, who was son of William Fairfax.

In 1792, Washington wrote in his diary, "Belvoir is for sale. It belonged to G. W. F., who would be baron of Cameron, as his younger brother is at present. Very good buildings were burnt soon after he left them for England. There was nearly two thousand acres of land surrounded in a manner by water. House stood on a high place. At present it belongs to Thomas Fairfax, son of Bryan Fairfax, the gentleman who will not take upon himself the title of Baron of Cameron."[17]

Thomason Bryan Martin, having no rightful heirs, devised one thousand acres upon Mrs. Frances Geldart, his illegitimate daughter, and later his Greenway Court Manor with its immediately surrounding lands to his housekeeper, a Miss Powers, who, after his death, married William Carnagy. By his will Colonel Martin directed that all his remaining property should be sold, and the money arising therefrom to be paid to his sisters in England.

Denny Fairfax, never marrying, bequeathed his

property to Philip Martin, who also died without an heir. He left his property to his maiden sisters who sold their interests to Messrs. John and James Marshall, Raleigh Colston, and Henry Lee.

During the Revolution the property of George William Fairfax had been confiscated by the state of Virginia. So by the beginning of the nineteenth century the vast domain of landed estate had passed from the hands of the Fairfax family and had come into the possession of small land owners. Though the battle had been hard fought, with the process of time, democracy was victorious.