

Northern Neck Land Proprietary Records

Introduction

The records of the Virginia Land Office are a vital source of information for persons involved in genealogical and historical research. Many of these records are discussed in Research Notes Number 20, *The Virginia Land Office*. Not discussed are the equally rich and important records of the Northern Neck Land Proprietary, also known as the Fairfax Land Proprietary. While these records are now part of the Virginia Land Office, they were for more than a century the archive of a vast private land office owned and operated by the Fairfax family.

The lands controlled by the family comprised an area bounded by the Rappahannock and Potomac Rivers and stretched from the Chesapeake Bay to what is now West Virginia. It embraced all or part of the current Virginia counties and cities of Alexandria, Arlington, Augusta, Clarke, Culpeper, Fairfax, Fauquier, Frederick, Greene, King George, Lancaster, Loudoun, Madison, Northumberland, Orange, Page, Prince William, Rappahannock, Shenandoah, Stafford, Warren, Westmoreland, and Winchester, and the current West Virginia counties of Berkeley, Hampshire, Hardy, Jefferson, and Morgan.

Many papers of the proprietary are still extant, often allowing researchers to access all documents related to individual grants. Unlike the records of the colonial Virginia Land Office, surveys and related papers exist for the Northern Neck Proprietary. Additionally, researchers will find information concerning land tenure, family relationships, geographical names, and migration. Large numbers of settlers of German and Scotch-Irish ancestry moved to the region, and they are well documented in the records. A number of important leaders, including George Washington and John Marshall, grew up in this area, and both Washington and Marshall attempted to gain control of the remnants of Fairfax land after the American Revolution. The Northern Neck Proprietary is an important part of the history of Virginia, and its records are valuable for both historians and genealogists.

History, 1649–1781

King Charles II of England was forced into exile in 1649 after the execution of his father. In that year he granted to seven of his supporters, including John Culpeper, the unsettled region between the

Rappahannock and Potomac Rivers to their headwaters, totaling more than five million acres. The restoration of Charles to the throne in 1660 saw renewed efforts on the part of the original patentees to claim this land, which had begun to be settled. A new charter lasting twenty-one years was issued in 1669, but further complications continued to frustrate attempts to organize the proprietary and collect rents. In 1681, Thomas, Lord Culpeper, acquired all rights to the land, and in 1688 it was confirmed to him by patent. At his death in 1689 his interest passed to his daughter, Catherine, who married Thomas, fifth Lord Fairfax. The Council confirmed their rights in 1694, and the proprietary remained in the hands of the Fairfax family for another ninety years.

Despite hostility on the part of Virginia's government, agents for the proprietary were appointed and active from 1670 onwards. All grants made within the bounds of the proprietary prior to 1690 are entered in the colonial patent books. After that date, separate Northern Neck grant books were maintained. Most prominent of the agents was Robert "King" Carter, who served from 1701–1711 and 1722–1732. After his death, Fairfax family members functioned as agents.

The precise boundaries of the proprietary remained cloudy until 1745, when the Privy Council in England confirmed those set down in the 1688 patent to Lord Fairfax. A survey of the lands was commissioned and completed in 1746. For additional information, see Arthur McClinton, *The Fairfax Line: A Historic Landmark* (1990) and Charles Morrison, *The Fairfax Line, a Profile in History and Geography* (1970). The map collection at the Library of Virginia contains a map of the territory done at the time (call number 755.1747).

The proprietary continued to operate until the death of Thomas, sixth Lord Fairfax, in 1781. Although he himself had not been disturbed during the Revolution, his heirs were British subjects, and the commonwealth began legal proceedings to seize the land. The Virginia Land Office assumed control of proprietary functions by 1786 and the process for obtaining land changed to follow Land Office requirements for land acquisition (see Research Notes Number 20). The Fairfax family ceded all rights to the land in 1793 to a land syndicate headed by John Marshall. Legal wrangling continued until 1816, when the United States Supreme Court ruled in *Martin v. Hunter's Lessee* that the Commonwealth of Virginia was the legal owner of the land.

Records

The land grant process within the Northern Neck Proprietary was similar to that followed by individuals who received land from the colonial Virginia Land Office, with several significant differences. The head-right system, whereby a person received land for each person imported into the colony, was not recognized in the proprietary. Also, loose papers related to the grants were retained, unlike in the colonial Virginia Land Office, where they were annually destroyed. Persons who took up grants in the proprietary were not required to settle on the land, which was another change from Virginia Land Office practice.

To obtain land a person purchased a warrant from the proprietor's agent specifying the precise location of the desired land. The warrant was then given to a surveyor, who surveyed the land. The plat, warrant, and any related papers were returned to the proprietor's office, and if the title was clear, a grant was recorded and then issued. At any point after the warrant was purchased the land could be assigned (sold) to another person, and years could elapse between the purchase of the warrant and the issuance of a grant.

The Library of Virginia holds almost all extant Northern Neck Proprietary papers, as well as other related documents. Most important of these are the grant books. Prior to 1690, grants in the Northern Neck Proprietary are found in the regular Land Office patent books. Nell Nugent's *Cavaliers and Pioneers* (volumes 1 and 2) abstracts these and other patents. A full listing of Northern Neck proprietary records held by the Library may be found in the published *Virginia Land Office Inventory* (3rd ed., 1981).

Beginning in 1690, the Northern Neck grants were recorded in books maintained by the proprietary. The earliest grants are abstracted in Nell Nugent, *Cavaliers and Pioneers: Supplement, Northern Neck Land Grants, 1690–1692* (1980). All other grants are abstracted in Gertrude E. Gray, *Virginia Northern Neck Land Grants, 1694–1862* (1988–1993). The Library holds microfilm copies of the grants, which also may be searched and viewed on the Library's Web site. The grants typically contain the name of the grantee(s), the number of acres, the location of the land, including the county, natural boundaries and adjoining landowners, the date, and names of other persons to whom the warrant had been assigned. A number of early Northern Neck grants also contain the survey.

The warrants and surveys prior to 1781 have been abstracted by Peggy S. Joyner, *Abstracts of Virginia's Northern Neck Warrants and Surveys* (1985–1995). The records are on microfilm at the Library, and are arranged by county and then name of the grantee. These papers usually include the warrant, assignments (often with original signatures), and a plat of the land. They sometimes contain genealogical information.

Warrants and surveys also exist for the period 1786–1874. The loose plats and related papers are held in the original at the Library and are arranged chronologically by the name of the grantee. There are also survey books, 1786–1874, which are on microfilm at the Library; these surveys are available online, linked to the grants found on the Library's Web page. Other records include problem surveys which were caveatted, forfeited, defective, or not acted upon, most of which are included in volume 5 of *Abstracts of Virginia's Northern Neck Warrants and Surveys*.

The Library also holds related materials, including the Fairfax Proprietary Papers (Accession 24062), which is part of the personal papers collection. They contain Northern Neck Proprietary documents such as rent rolls, grants, bonds, deeds, wills, surveys, and letters. There is also a ledger (Accession 22242) kept by George William Fairfax from 1786–1792 concerning the collection of rents of proprietary land. Rents were taxes on land paid to the proprietary by landholders. The Library holds copies of several rent rolls held by the Huntington Library in San Marino, California.

The Virginia government always held legal jurisdiction over the area owned by the proprietary, so all court actions are found within the records of the counties that comprised it. The Library holds local records such as deeds, wills, orders, loose papers, and tax records of these counties, and many of these are on microfilm and available for interlibrary loan. Researchers will find that the proprietary records provide a unique documentary supplement to the extant records of this region. The history of Virginia has been enriched by their survival.

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

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