

BOUNDARY STONE

Meridian St. at 29th, Falls Church. Placed at the original west corner of the Ten Mile Square by surveyor Andrew Ellicott in 1791; stones were erected at one-mile intervals. The Virginia portion of this area was retroceded to the state in 1846 and became Alexandria County; changed to Arlington County in 1920, excluding the City of Alexandria.

The Boundaries of Arlington

By C. B. Rose, Jr.

It is one of those paradoxes so characteristic of Arlington that the area composing the County did not exist as a separate entity until it was ceded by Virginia to form part of the District of Columbia. The Act by which the Congress of the United States took jurisdiction over this area in 1801 directed that that portion of the District which had been ceded by Virginia was to be known as the county of Alexandria. It was not until 1920 that it received the name of Arlington.

The present boundary of Arlington begins where Four Mile Run flows into the Potomac River; follows the meanders of the Run to its intersection with the right-of-way line of the Washington and Old Dominion Railroad; follows this line to its intersection with Seminary Road and then turns south along the line of the original Seminary Road to Leesburg Pike or King Street extended in Alexandria. From this point the line goes due northwest to the original cornerstone of the District of Columbia where it turns northeast and runs directly to the Potomac. The boundary then runs along the mean high water mark of the Potomac shore back to the point of beginning.

This line encloses roughly 16,350 acres or approximately 25.5 square miles, making Arlington the second smallest county in the United States in respect to area. (The smallest county is New York County with 22 square miles.)

The boundary as it now stands has remained unchanged since 1936 when East Falls Church voted to separate from the town of Falls Church and merged into Arlington County. But between 1608—the year which can be said to mark the beginning of Arlington's history, thanks to Captain John Smith's voyage up the Potomac—and 1936, the boundary was far from static.

1608 - 1789

Arlington falls within the Commonwealth of Virginia because the charters of the company organized to colonize this area covered this region. The first charter, granted by James I on April 10, 1606, permitted colonization between 34° and 41° north latitude and within 100 miles of the coast. The second charter, granted in 1609, gave this company jurisdiction over

“all those lands, countries, and territories, situate, lying, and being, in that part of America called Virginia, from the point of land, called Cape or Point Comfort, all along the sea coast, to the northward 200 miles . . . and up into the land, throughout from sea to sea, west and northwest . . .” This grant reflects the view of the best geographers of the day that the Pacific Ocean lapped the western side of the as yet unexplored and unnamed Appalachian Mountains. Arlington lies within 200 miles of Point Comfort.

The charter of the Virginia Company was annulled in 1624 by King James I, and its lands became a Crown Colony. By this time, however, the Virginia settlements were firmly established on and nearby the James River, and the Potomac River to the Falls was well known to traders with the Indians.

The first limitation upon the extent of the “Kingdom of Virginia” as it was referred to by King Charles I, came with the grant in 1632 to Lord Baltimore of a proprietorship over what became Maryland. The most significant words of this grant, from the point of view of Arlington, are that it specified that it ran along “the farther bank” of the Potomac. They explain why the boundary between Arlington and the District of Columbia runs along the Virginia shore of the river and not in mid-stream, and why Roosevelt Island, which lies nearer to Arlington than to the District, is not a part of this County. The Constitution of Virginia adopted in 1776 acknowledged the grant of Charles I to Maryland.

Nonetheless, the Maryland-Virginia boundary has been a subject of controversy ever since the first Maryland settlers arrived in 1634. Headlines such as “Maryland and Virginia Start New Round in Oyster War” or “Pentagon Area a No-Man’s Land” derive in a direct line from the grant of Charles I to Calvert Lord Baltimore in 1632.

To leave, for a time, the Potomac boundary of Arlington, let us turn to the narrowing of the boundaries of the landward side of the County. In the development of governmental administration, counties began to be created in Virginia in mid-17th Century. The area which became Arlington was successively in Northumberland, Westmoreland, Stafford, Prince William, and finally, Fairfax counties. Consequently, the history of land tenure and legislation for Arlington must be sought in the records of these counties for the relevant period.

Northumberland was definitely created in 1648 by an Act of the General Assembly. This county then extended as far north as the south side of the Potomac. Settlement was pushing north, however, and in July 1653, Westmoreland was carved out of the then existing Northumberland. One of the most important considerations in establishing a new county was the convenience of the settlers who had business at the court house in the county seat. When the distance which it was necessary to travel to transact legal business became too great, the desirability of creating a new administrative center became obvious.

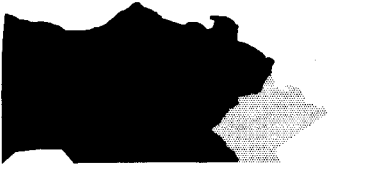
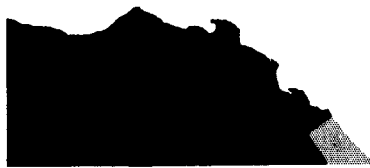
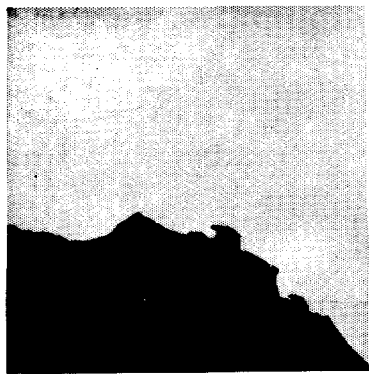
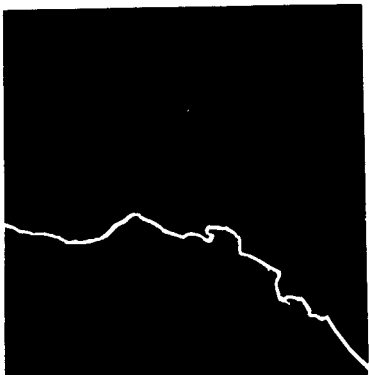
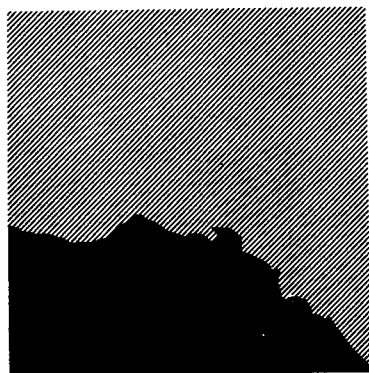
Thus it was only a decade later that Stafford County was established. There is nothing in the legislative records which survive on this point, but page one of the first Stafford County Court Book is dated May 27, 1664. The boundaries of the county are nowhere set forth but that they encompassed the Arlington area is clear from a direction of the Legislature in 1676 that a fort for protection against the Indians was to be established "at or neare John Mathews in the county of Stafford." The First Book of Surveys in Fairfax Court House contains a survey showing that John Mathews' grant was on Great Hunting Creek. There was no reason at that time to erect a separate county north of that Creek and it can therefore be assumed that Stafford extended to the Potomac in this area.

The next change was the breaking off of Prince William from Stafford, which became effective on March 25, 1731. Creation of Fairfax County followed in 1742. Then from that year until the District of Columbia was formally organized by Act of Congress on February 26, 1801, what is now Arlington was part of Fairfax County.

1789 - 1847

Article I, Section 8, of the Constitution of the United States gave the Congress power to accept a territory not exceeding ten miles square to be set aside as the seat of the Federal Government. In 1789, the Virginia Legislature offered to cede such a tract, or to join with Maryland and Pennsylvania in ceding a suitable area. Eventually, following the directions of President Washington, the Federal District was laid off beginning at Jones Point at the mouth of Great Hunting Creek and enclosing the Town of Alexandria and a portion of the county of Fairfax. The Act of Congress accepting the cession of this land from

THE BOUNDARIES OF ARLINGTON



1852 1853 1875 1915 1929 1936 1946
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Virginia directed that it was to be known as the County of Alexandria.

The cornerstone was set at Jones Point on April 15, 1791. Many of the original stones, set at intervals of one mile along the boundary, are still in place though badly showing the effects of time. The Acts of Congress setting up the District of Columbia specified that no public buildings were to be erected on the Virginia side of the Potomac. The fact that there were no Federal office buildings in Alexandria County was used as an argument for the retrocession of this area in mid-19th Century.

It was not until 1800 that the Congress and Government offices were moved from Philadelphia to the City of Washington, and Federal jurisdiction was extended over Alexandria County early in 1801. Almost from the beginning there was dissatisfaction among the inhabitants of the County at being part of the District of Columbia. This sentiment crystallized in 1846 when the General Assembly adopted an Act expressing the willingness of Virginia to accept the territory should the Congress re-cede it. This was followed by an Act of Congress authorizing the President to transfer to Virginia this part of the District should a referendum among its inhabitants approve. A poll was taken *vive voce* at the Court House in Alexandria on September 1 and 2, 1846, with the result of 763 for and 222 against retrocession. Accordingly, on September 7, 1846, President Polk announced that the retrocession was "in full force and effect." In March of the following year, the Virginia General Assembly extended the jurisdiction of the Commonwealth over the county of Alexandria and provided that it should be a separate county and retain that name.

Tentative efforts have been made from time to time to re-annex this area to the District of Columbia. On one such occasion in 1865, the Mayor and citizens of Alexandria presented a "Remonstrance" in which they pointed out that "Annexation to the District of Columbia at this time is repugnant to the feelings and wishes and would be ruinous to the interests of the people of Alexandria."

Arlington's Boundary with the City of Alexandria

So long as Alexandria remained a Town, it was part of the County of Alexandria and its limits were not of moment to Arlington. However, not long after retrocession it received

a charter as a City which removed it from the bounds of the County.

When Alexandria was chartered as a Town in 1748 it covered 60 acres of land on the Potomac "about the mouth of Great Hunting Creek." The land was surveyed and the lots sold by auction in July 1749. By 1762, all of these lots had been built on—except some lying in low wet marsh—and the General Assembly enlarged the area of the Town on the south and west. The Town limits did not halt construction, however, and later acts were passed to extend them to cover improved lots contiguous to its boundaries. By the time the Town was converted into a City in 1852, it had grown about eight times its original size. The northern boundary ran along Second Street, the western boundary was about one block west of West Street, and then with the line of Hooff's Run to the line dividing Fairfax and Alexandria counties. Several minor changes were made in subsequent years affecting the City limits where they adjoined Fairfax County but the boundaries with Arlington were not changed again until 1915. In that year the Supreme Court of Appeals overthrew the decision of a lower court which had denied a petition of Alexandria City officials to annex adjacent territory, and transferred 866 acres from Arlington and 450 acres from Fairfax to Alexandria.

Once more thereafter Arlington County—as it became known after 1920—was to lose territory to the City of Alexandria. This was in 1929 when a decision of the Supreme Court of Appeals rendered May 4, 1929, found in favor of the City of Alexandria which had begun annexation proceedings in December 1927. The line established by this decision is in effect today.

This was the last annexation of territory by Alexandria from Arlington County. In 1938, at the initiative of the legislative delegation representing Arlington County, the General Assembly enacted a law which prohibits the annexation of territory from any county which would result in reducing its area to less than 60 square miles of highland. Since Arlington has less than 26 square miles, this Act effectively checks any further such encroachments upon it.

Arlington's Boundary with the District of Columbia

No definite effort was made at the time of the recession of Alexandria County to Virginia to draw a boundary line between

the County and the remaining portion of the District of Columbia. Toward the end of the 19th Century, however, the United States Government acquired lands on the Virginia shore of the Potomac largely through the purchase of the Arlington estate. As the 20th Century progressed, roads were constructed, bridges and bridge approaches built, and eventually the Federal Government undertook to construct the National Airport at Gravelly Point. A suit over Government activity in making a land fill raised questions as to the exact boundary. This case, decided by the United States Supreme Court in 1931, set the line at the *high water mark* of the Potomac on the Virginia shore as it existed in 1791.

But where had that high water mark been? There had been no survey at the time; the shore line had never been marked and even had it been, the passage of time had made many changes in the river front. A Commission was established to deal with this question and completed its report in 1935. It found that the "fair and proper boundary is the *low water mark* on the Virginia shore." In this respect it disregarded the Supreme Court decision and followed the conclusions of the Maryland-Virginia compact of 1785 and of the Maryland-Virginia Commission of 1877. This latter body had dealt only with the boundary below Jones Point.

Several bills were introduced into Congress to give effect to the decision of the Commission but none was enacted. The completion of the Airport and the Pentagon Building gave urgency to the problem: conflicts of jurisdiction hampered law enforcement and complicated the question of tax collection. Moreover, Virginia was anxious to insure that the liquor control laws of the State and not those of the District of Columbia should be in effect at the National Airport. Finally a compromise was reached in 1945 which set mean high water mark on the Virginia shore of the Potomac as the boundary. This is the law in effect today. The line was surveyed and monumented by the U. S. Coast and Geodetic Survey over the years 1946-1949. However, the working agreements reached by the law enforcement officials of the various jurisdictions concerned have not always proven satisfactory. The long history of the Potomac River boundary of Arlington County cannot yet be said to have reached its end.

Postscript—Towns in Arlington County

Of the three towns which have lain within Arlington County, the only one whose limits have been of importance to the territorial extent of the County is Alexandria. As noted earlier, when that Town became a City it became a separate entity no longer within the County's bounds. Nonetheless, to complete the record, some mention should be made of the Town of Potomac and the Town of Falls Church, the first of which lay wholly within Arlington, and the second, partly so.

Falls Church is the older town. It was chartered by the General Assembly on March 30, 1875. It lay partly in Fairfax and partly in Arlington at the northwest corner of the original District of Columbia. After Arlington adopted the County Manager form of government, the residents of so much of the Town of Falls Church as lay within Arlington County sought to have the charter amended to reduce the limits of the Town to that portion which lay in Fairfax. An action was brought in 1932 and decided in 1935. It was not, however, until the next year that the order went into effect and East Falls Church merged with Arlington County.

The Town of Potomac was chartered by the General Assembly in 1908. It covered the area between Bellefont Avenue in the subdivision of Del Ray north to Glebe Road, west along Glebe Road to Commonwealth and then south to Bellefont. All this area was included in the annexation to Alexandria which was effected in 1929.

One other proposed town deserves mention. In 1920 a group of citizens petitioned for a town charter for Clarendon. The denial by the lower court was upheld upon appeal to the Supreme Court of Appeals of Virginia. This Court declared that all of Arlington County was a "continuous, contiguous, and homogeneous community" and as such should not be subjected to subdivision for the purpose of incorporating a town. Since Arlington is even more a "continuous, contiguous, and homogeneous" community now than it was in 1922 there is no prospect that ever again will there be a town within the bounds of the County.