

EARLY LAND GRANTS IN ARLINGTON COUNTY, VIRGINIA

By
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The London Company

The promise of land was used as one of the motives to encourage the settlement of the new territories in British America during the 17th Century. The British government established the Charter of 1606 which created the London Company and set the limits for its operations. Under the provisions of this charter, the founding of Jamestown took place in 1607. At first the London Company rights to convey land to its stock owners were not clearly defined in the charter. In the absence of private title to land in the early years of the Virginia colony, the company relied upon a corporate form of management with the pooling of community effort to clear the land, construct buildings, develop agriculture, and engage in trade with the Indians. This was not an experiment based on a theory of communism for the joint-stock claims were limited in time. Most of the settlers were more in a position of contract laborers performing services for the company, and plans were devised for monetary dividends even before 1616 if the colony prospered. Inadequate supplies from England, severe weather conditions, hostility of the Indians, and the lack of willingness for industrious labor on the part of the early settlers depleted the common storehouse upon which the colonists were forced to rely, leading to the exercise of stern and autocratic measures by John Smith and some of his successors as leaders in the colony. Among the factors that contributed to the lack of zeal among the settlers was the absence of private ownership of land.¹

As a result of these difficulties, the revised charters of 1609 and 1612 provided that land could be conveyed by majority vote of the company under its common seal. However, no immediate grants of land to individuals were forthcoming with these charters and only promises were made to those who subscribed to the joint stock undertaking. The adventurer invested only his money and remained in England with each unit of investment set at 12 pounds, 10 shillings per share. The term planter was applied to one who went to the colony, and his personal adventure was equated to one unit of investment at the same rate as above. Both adventurer and planter were promised a proportionate share of dividends distributed, whether in land or in money. The joint-stock arrangement was originally set to continue seven years from its inception in 1609, thus making 1616 the terminal date. During this period

¹W. Stitt Robinson, Jr. *Mother Earth: Land Grants in Virginia, 1607-1699*. Jamestown 350th Anniversary Historical Booklet, Number 12, Richmond: Garrett and Massie, Inc., 1957, p.15.

monetary dividends might be declared, and at the end of the period the land suitable for cultivation was to be divided with at least 100 acres to be given for each share of stock.²

The Royal Colony

A variety of reasons led the King to dissolve the London Company and to assume royal control over the first experiment in colonization under an incorporated company. Failure of the colony to thrive economically, the poor financial condition of the company, political differences between the company and the King, internal dissensions between company individuals, the extremely high death rate in the colony, and the impact of the Indian massacre of 1622—all contributed in varying degrees of importance to the dissolution. The company rejected efforts of the crown to substitute a new charter drawn up in 1623 providing for the King to resume control of the colony by establishing a royal Council in England and a Governor and Council in Virginia. Consequently the Privy Council obtained a writ of quo warranto which terminated with a decision by the court of King's Bench in May 1624, annulling the charter of the company.³

Land patents after this period were to be issued on four main conditions: 1) as a dividend in return for investment in the founding of the colony; 2) as a reward for special service to the colony; 3) as a stimulus to fortify the frontier by using land to induce settlement; and 4) as a method of encouraging immigration by the "headright."

The first of these, the dividend, was simply an assurance by the King that the former stockholders in the London Company had the right to take up land at the rate of 100 acres for each share of stock owned. The next condition of awarding patents for meritorious service to the colony was of long standing. It was used to award ministers, political officials, physicians, sea captains, and various other individuals under the company. The third condition for a patent involved rendering service to the colony by settling and fortifying the frontier. The fourth condition for granting of land was the headright system. It was by far the most important and became the principal basis for title to land in the 17th Century. The headright grant of fifty acres per person was open to shareholders of the company who brought settlers to the colony, to anyone who had migrated to the colony at his own expense, or to those who had financed the expedition of other persons to the colony. Individuals paying their own transportation were entitled to fifty acres for themselves and for every member of the family, providing they fulfilled the residence requirement of three years.⁴

²Fairfax Harrison. *Virginia Grants*. Richmond: Old Dominion Press, 1925, p.43.

³Robinson. *op. cit.*, p.27

⁴Harrison, *op. cit.*, p.37.

The new landowner was to seat and plant his grant within three years to perfect the title to the land. Seating meant the building of a house, no matter how small, and keeping stock for one whole year. Planting, according to the law, meant planting and tending one acre of ground no matter how bad the tract might be. If either of these two requirements was met within three years of the date of the patent, then the title was perfected.

The procedure in obtaining a patent at this time appears to have been that the applicant selected his tract; ascertained as best he could that it was waste ungranted land; that is, that it did not lie within the bounds of any prior grant; then made his application for a warrant to have it surveyed. The warrant and survey were returned to the land office. An initial payment, called a composition, was made, and a patent issued describing the land by metes and bounds. This was delivered to the applicant, and a copy recorded in the land grant book. A yearly quit rent of two shillings per hundred acres, was stipulated in the patent, failure to pay which worked a forfeiture. The grantee could if he chose, record his patent in the office of the clerk of the county in which the land lay.⁵

There were many problems which arose in Virginia during the 17th Century over surveys and the identification of boundaries. Surveyors usually took the edge of a stream, either a river or creek, as the base line of the survey and then ran the boundaries for a specified distance along a line at right angle to the base. Terminal points were laid out and witnessed by neighboring owners with some distinguishing mark as a large stone or a tree with three or four chops. Other problems arose as a result of defective surveys either in the first line along the edge of the stream or in a second and third line of patents that were laid out when all land along the streams had been occupied. Some of the surveys were inaccurate because of the lack of graduation on the compass; others were distorted by careless surveyors selecting convenient terminal points such as a tree, a road, or another stream and ignoring the accurate measurement of the line.

Northern Neck Grants

When Charles I was beheaded at Whitehall on January 30, 1648/9, the colony of Virginia remained loyal to his son, Charles II, who was in exile in France. Charles II rewarded a group of faithful cavaliers by granting them all the unseated portion of Virginia's tidewater. This resulted in the establishment of the proprietary of the Northern Neck of Virginia. The proprietors were compelled to appeal twice to the Crown to force the Privy Council of Virginia to accept their broad charter. The Northern Neck, as finally determined through years of litigation, consisted of all the ungranted lands lying between the Rappahannock and Potomac rivers and stretching westward

⁵Charles W. Stetson. *Four Mile Run Land Grants*. Washington, D.C.: Mimeofom Press, 1935, p.7.

beyond the Blue Ridge Mountains. This great tract of land contained 5,282,000 acres.⁶ Thomas, Lord Culpeper, son of one of the original patentees of 1649, and Lord Arlington, assumed active roles in the granting of patents in the Northern Neck Grant. Lord Culpeper bought out all the other proprietors in 1681. He died in 1689 and his widow, Catherine Culpeper later married Thomas, fifth Lord Fairfax, who assumed active leadership in the Northern Neck Proprietorship.

Arlington County Grants

The issuance of the first proven patent in Arlington County is dated October 21, 1669. This patent was for a 6,000 acre tract of land granted to Robert Howson (Howsing) by Sir William Berkeley, Governor of the Colony of Virginia.⁷ Fairfax Harrison states that "Robert Howsing, a Welsh sea captain, who previously had seated lands on Upper Machotic in the present Westmoreland, sued out a patent for 6,000 acres, described as 'upon the freshes of Potowmeck River above the dividing branches of the same.' This probably was a repatent of the 6,000 acre claim which John Wood⁸ of Wicomico had recorded in 1658 (which is mentioned in the Clerke-Lee patents), as well as others of that year."⁹ On November 13, 1669, Howson transferred his patent to the surveyor, John Alexander of Chotank, for 6,000 pounds of tobacco.¹⁰ A photocopy of the original Howson Patent of 1669 is shown as Figure 1. The author has made a transcription of the Howson Patent (Figure 2) to assist those having difficulty in reading the Old English script in Figure 1. According to the official document, Howson carried 116 persons on board his ship which included ten negroids. Howson was given a bonus of four times for himself which, added to the 116 persons he transported, makes a total of 120 persons. The Howson Patent was granted under the headright system of entitling a person to 50 acres for each person transported to colonial Virginia. Therefore Howson was eligible to receive 50 acres multiplied by 120 persons which equates to 6,000 acres of land. No copy of the original land survey for the Howson Patent seems to have survived, although a number of other surveys made later are on record due to several litigations concerning the property lines.

⁶Josiah Look Dickinson. *The Fairfax Proprietary*. Front Royal: Warren Press, 1959. p.1.

⁷Virginia Land Patents, NN-6-262, original records are located in the Virginia State Archives, Richmond, Va. Spelling, particularly of proper names, was a highly individual matter in those days. The same name can appear several ways in the same record. The family descended from Robert Howson used that version and thus it is to be preferred.

⁸Nell Marion Nugent. *Cavaliers and Pioneers: Abstracts of Virginia Land Patents and Grants: 1623-1800*. Richmond: Dietz Printing Co., 1934, p.375.

⁹Fairfax Harrison. *Landmarks of Old Prince William*. 1924. Reprinted 1964, Berryville, Chesapeake Book Co., p.60.

¹⁰"The Howson Patent." *The Arlington Historical Magazine*, Vol. 1, No. 3, (1959), p.64. The text, copied from the Fairfax County *Land Records of Long Standing*, varies slightly from that given here.

Figure 2.

HOWSON GRANT NN-6-262

To all etc. whereas etc. now know yee that I the said Sir Wm. Berkeley Knt. Governor do give and grant onto Mr. Robt. Howsing 6000 acres of land Scituate lying and being upon the freshes of Potomack River on the west side Thereof above the Dividing branches of the same beginning at a red oak Standing by a small branch or a run of water near opposite to a small island commonly called and known by the name of my Lords Island and moving Down potomack River various courses 3152 po. making a S.W.ly line To a pohicory standing at the north point of a Creek called by the English Indian Cabin Creek which Creek divides this land and a tract of land Surveyed for Jn. Mathews from the said pohicory N.W. and by W. up the said Creek and main branch 520 po. from thence N. 1940 po. finally E. 720 po. to the red oak begun at including several small Creeks or inlets for the said quantity the land said being due for transportation of 120 persons etc. to have and to hold etc. to do and etc. yielding and paying etc. Dated etc. anno. dom. twentyfirst day of October 1669.

R. Howsing 4

tymes	Wm. Hobson	Mary Wilkinson	Jo. Dew	David Taylor
Giles Cable	Row Lawson	Geo. Hallis	Saml. Farmer	Geo. Green
Robt. Young	Jno. Porks	Jeff. Warmely	Jno. Norris	Hum. Wilson
Lucas Gardner	Evan Pressy	Sym. Harper	Ed. Norris	Tho. Lawrenson
Ezekell Willin	Ja. Towne	Susan Wappin	Ro. Stapler	Cha. Hudson
Petr. Slaseby	Robt. Doveby	Mar. Preston	Jo. Stapler	Ten; negroids 10
Mary Plum	Pet. Skinner	Morris Dixon	Mar. Copeland	Robt. Foster
Wm. Price	Xpo. Dunford	Sam Pike	Mary Potter	
Tho. Davis	Eliz. Burton	Fran. Trotter	An. Barber	
Jno. Sprart	Nick. Whitehead	Jno. Holmes	Susan Phelps	
Tho. Gray	Rich. Day	Alex. Fisher	Do. Habson	
Edwd. Kent	Robt. Young	Tho. Palmer	An. Pescott	
Jeremy Pibold	Jno. Suttle	Wm. Salmon	Ma. Herbert	
Jno. Leake	Jo. Newberry	Phill. Watson	Cisly Serby	
Jo. Truman	Rich. Freeman	Sam Gipson	Reb. Parker	
Dan Mosely	Tho. Griffen	Jno. Potter	Sara Knowles	
Thom. Thruston	Tho. Cooke	Tim Shelly	Ma. Edwards	
Jno Hudson	Jno. Lane	Ra. Hopkins	Fra. Worstley	
Hen. Lupton	Robt. King	Tho. Fletcher	Kath. Smith	
Josiac Franklin	Ja. Mass	Sy. Haynes	Jane Messal	
Hen. Pratt	Rich. Norton	Jno. Wells	Tho. Killip	
Jno. Bates	Miles Gray	Patrick West	Jno. Mapes	
Mary Standly	Jno. Hughill	Ja. Hunter	Fra. Cogan	
Ed. Seaman	Lott Richeson	Bar. Boucher	Tho. Shereman	
	Tho. Suckett	Rich. Carter	Jhn. Allen	
	Wm. Cox	Ed. Bostock		

The Howson Patent was surveyed on February 26, 1693, by Theodorick Bland, surveyor of Stafford County. No original copy survives but the record of a suit in the Fairfax County Court contains a recital that it was produced before Daniel Jennings, Surveyor of Fairfax in 1746. This survey plat appears in the Fairfax County *Record of Surveys: 1742-1856*, pages 11-12. See Figure 3 which is a copy of the 1693 Bland survey of the Howson Patent. The way in which Bland laid off the tract is indicated by Jennings' report. The last course of the patent ran east 720 poles. Bland reversed this course, which carried the northwest corner of the patent two miles inland to a point between the present communities of Clarendon and Ballston. He then fixed the "pokecory" tree 520 poles up Hunting Creek at the southwest corner of the patent, and ran a line, with blazed trees north 15 degrees west to connect them marking the northwest corner with three notches. The area so enclosed comprised 8,438 acres, according to Jennings' computation. No grants west of the Howson Patent had been made in 1694. There was no one to challenge the legitimacy of this north 15 degrees west line except the agent of the Proprietor of the Northern Neck, who was not apprised; but it was to lead to prolonged litigation which in one suit after another lasted half a century. If Bland had run the west line north 6 degrees west, he would have enclosed 6,000 acres, and there would have been no litigation.¹¹

Over the years, the original Howson Patent has been subdivided and fragmented into many smaller parcels and individual lots. Arlington National Cemetery and Fort Myer occupy a small portion of the original Howson Patent. One of the original lines of the grant continues to exist as a dominant feature on the Arlington County landscape. This is the northern boundary of the patent which runs approximately east-west from Theodore Roosevelt Island (known as My Lord's Island in 1669) to Arlington Blvd. (U.S. Highway 50) on the west side of the Fort Myer reservation boundary. The back line or west boundary of the north-south line of the original Howson Patent can be seen on the 1900 Howell and Taylor *Map of Alexandria County, Virginia*, showing land ownership boundaries.

The second oldest perfected grant in Arlington County was issued by the Proprietary of the Northern Neck to Thomas Owsley on March 24, 1696/7, for a 640 acre tract of land.¹² This grant covered much of the area known today as Rosslyn. Thomas Owsley was the Clerk of Stafford County during this time.¹³ His patent reads as follows: "Margaret Lady Culpeper, Thomas Lord Fairfax etc. To all etc. Know ye etc. that we for and in consideration of the composition paid by the Thomas Owsley etc. do give and grant unto the said Thomas Owsley etc. bounded as followth viz: 'Beginning at a run abutting easterly upon the middle of Anocostin Island, alias My Lord's Island

¹¹Stetson, *op. cit.*, p. 4.

¹²Virginia Land Patents, NN-2-267.

¹³Harrison, *Landmarks*, p. 110.

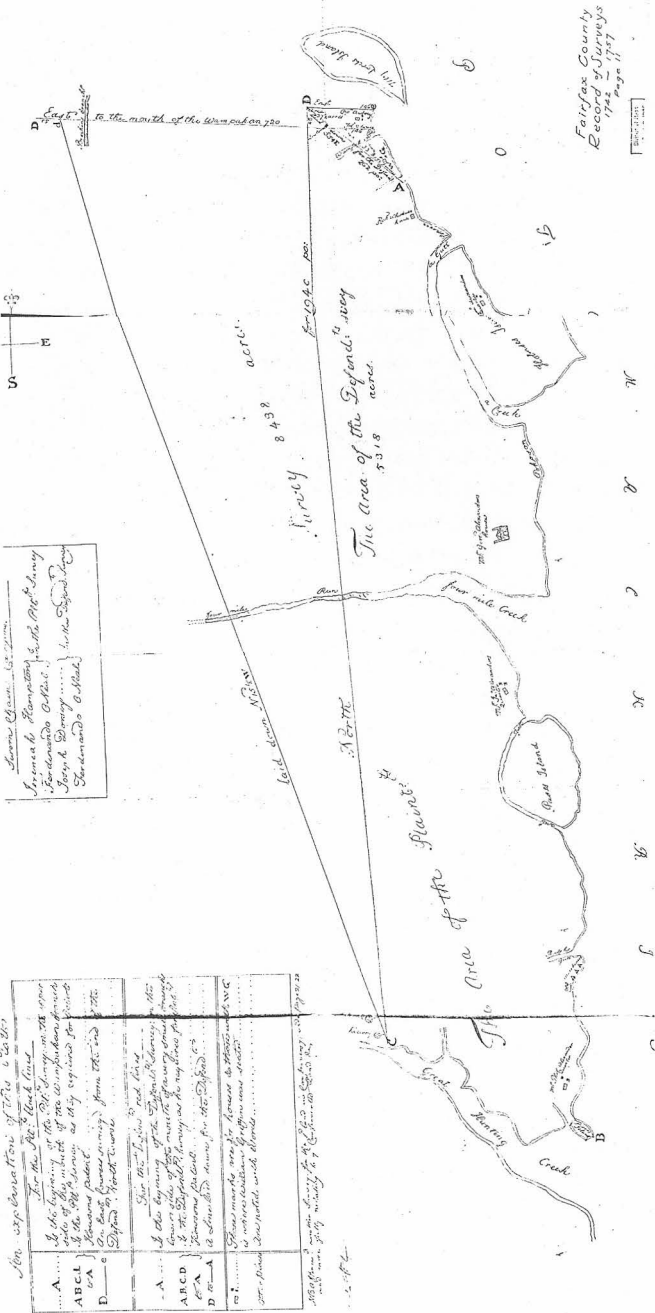


Figure 3.

Copy of the 1693 Bland Survey of the Howson Tract made in 1746.

Non. exp. servat. of this 6 25 1747

A	Is the beginning of the 1st Survey on the side of the tract of the Howson Tract
ABCD	Is the 1st Survey as they expressed for the 1st Survey
D	Is the 1st Survey from the side of the Howson Tract
A	Is the beginning of the 2nd Survey on the side of the tract of the Howson Tract
ABCD	Is the 2nd Survey as they expressed for the 2nd Survey
A	Is the beginning of the 3rd Survey on the side of the tract of the Howson Tract
ABCD	Is the 3rd Survey as they expressed for the 3rd Survey

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Is the 3rd Survey on the side of the tract of the Howson Tract

Figure 4.

Table of Original Land Grantees in Arlington County

<i>Grantee</i>	<i>Number of Acres Granted</i>	<i>Date of Grant</i>	<i>*Key to Virginia Land Patents</i>
1. Robert Howson	6,000	21 October 1669	NN-6-262
2. Thomas Owsley	640	24 March 1696/7	NN-2-267
3. Thomas Going	653	8 December 1708	NN-3-204
4. Thomas Pearson	660	2 September 1709	NN-3-225
5. William Struttfield	500	2 September 1709	NN-3-227
6. James Brechin	795	20 December 1716	NN-5-44
7. John Todd & Evan Thomas	1,215	3 August 1719	NN-5-212
8. Stephen Gray	378	17 July 1724	NN-A-44
9. Charles Broadwater	151	15 January 1724	NN-A-113
10. George Mason	250	20 January 1724	NN-A-115
11. James Robertson	662	20 January 1724	NN-A-116
12. James Robertson	432	20 January 1724	NN-A-123
13. Robert Bates	525	20 May 1725	NN-A-147
14. James Robertson	800	27 February 1728/9	NN-B-191
15. William Gunnell	250	15 January 1729	NN-C-9
16. Simon Pearson	195	13 February 1729	NN-C-28
17. Thomas Lee	146	20 November 1729	NN-C-1
18. James Robertson	629	3 March 1730	NN-C-37
19. James Going & Simon Pearson	652	4 March 1730	NN-C-118
20. James Robertson	338	20 April 1731	NN-C-136
21. Gabriel Adams	338	20 April 1731	NN-C-136
22. James Robertson	708	21 August 1730	NN-D-23
23. Simon Pearson & Gabriel Adams	708	5 September 1731	NN-D-40
24. John Colville	1,246	4 February 1739	NN-E-131
25. John Awbrey	86	29 May 1739	NN-E-81
26. John Ball	166	15 January 1742	NN-F-57
27. Moses Ball	91	26 May 1748	NN-F-288
28. John Colville	75	29 March 1744	NN-F-323
29. James Robertson	419	21 October 1766	NN-I-155
30. George Mason	218	5 September 1767	NN-O-87
31. George Mason	705	7 September 1767	NN-O-88
32. George Mason	672	8 September 1767	NN-O-89
33. George Mason	100½	9 September 1767	NN-O-90
34. George Minor	264	26 March 1779	NN-I-342,343
35. George Minor	96	11 September 1780	NN-I-384,385
36. George Minor	12	9 September 1788	NN-T-34
37. John Ball	12½	4 August 1796	NN-X-205

*Source: Northern Neck Grants, Virginia State Archives.

and running up the river north westerly three hundred and twenty poles, thence west southerly three hundred and twenty poles to the woods, thence parallel to the river course south easterly, three hundred and twenty poles, thence east northerly to the first beginning, containing and being laid out for six hundred and forty acres etc. together etc. Royall Mines Excepted etc. To have and to hold and etc. yielding and paying thirteen shillings yearly etc. provided etc. dated March the twenty fourth one thousand six hundred and ninety 6/7.'

W.F.

G.B.

The above initials stand for the agents of the Northern Neck Grant, 1693-1700, William Fitzhugh and George Brent. Note that Owsley is also spelled Howsley in this grant.

The original Northern Neck Land grants are preserved in the Virginia State Archives. They are in remarkably good shape after all these years of use. Sometimes the writing is difficult to read, but, in general, it is usually legible. The script makes it difficult to make out some words, but some of the words used then are not in common use today. Sometimes strange spellings may be encountered and they may be the practice at that time. At other times the spellings may be the result of a clerk's effort to write unfamiliar words or unknown names as he documents them in deeds. In some cases, the ink used may have faded and some original pages may be missing. Other pages may be damaged with holes or torn portions. Surnames were often misspelled by clerks or the persons concerned may not have known how to write their names. The same name was sometimes spelled differently at different times. For example, Awbrey appears as Aubury, Colville as Colvill, Howson as Howsing, Owsley as Howsley or Ouseley, Brechin as Brichine, and Going as Goin.

A table of original land grants in Arlington County, Virginia, appears as Figure 4. The primary source for these materials is the Virginia Land Patents located in the Virginia State Archives in Richmond. Copies of some of the survey plats are also available there. Microfilm reels of the Virginia Land Patents may be viewed at the Fairfax County Library in Fairfax City. A few survey plats are located in the Fairfax County Clerk's Office.

Early maps show two large islands in the Potomac River lying adjacent to the Arlington County shoreline. One island is called Theodore Roosevelt Island (known at various times as Barbadoes, My Lord's Island, Anacostien Ile, Anolostian Island, and Mason's Island) and the other island was known as Holmes or Alexander's Island. One of these islands, Roosevelt Island, was a part of the State of Maryland until it was ceded to form the District of Columbia in 1801.

In 1680, a special warrant for land was given by Lord Baltimore to Capt. Randolph Brandt of Charles County, Md. for his service in protecting the colonists from Indians. The island containing 75 acres was granted to Brandt as Patent A.C. No. 3.48, April 29, 1682. In the will of Randolph Brandt of Charles County, Md., dated December 29, 1697, and probated February 10,

1698, (Md. Ca. Wills No. 2), the "island Barbadoes, near falls of Potomac River, 75 acres," is left to his daughter Margaret, wife of Francis Hammersley, and their heirs. Francis Hammersley, on August 28, 1717, transferred all rights to the island to George Mason from whom it descended to Gen. John Mason, whose former home on the island now lies in ruins.¹⁴

Later maps show Columbia Island lying between Roosevelt and Alexander's Islands; the latter was part of the original Howson-Alexander tract. John Berry's 1741 survey plat of the Howson tract shows Holmes (Alexander) Island as containing 302 acres and the name of Mr. Gerrard Alexander. Today Alexander Island is indistinguishable and administratively a part of Arlington County.

In conclusion, the granting of land led to the rapid settlement of tidewater Virginia. The earliest perfected land grant in Arlington County is dated 1669 and by 1796 all ungranted land had been taken. The Howson Patent of 6,000 acres was the largest and the only perfected grant issued in Arlington County under the headright system, and the last given under the Crown. Most of the remaining land in Arlington County was granted by the Proprietors of the Northern Neck. John Ball's 12½ acre tract was apparently the last parcel of land in Arlington County to be patented and it was a treasury grant from the State of Virginia.¹⁵ Land was a good investment for the speculator during the 18th Century. Three large speculators are identified with the early land grants in Arlington County: John Colville, Thomas Lee, and Francis Awbrey. During a three year period (1739-1742), Colville acquired a total of 29,607 acres of land in Virginia which includes 1,321 acres in Arlington County. Thomas Lee over a 25 year span (1719-1744) acquired some 24,669 acres of land in Virginia. Francis Awbrey was the third speculator with a total holdings of 22,247 acres in Virginia. The author plans to continue his research on Virginia land grants and particularly those in Arlington County. In preparation is a map which will show the boundaries of the earliest land grants in Arlington County, Virginia. Despite the intensive development of Arlington County into a densely populated urban complex, some of the boundaries of the early land grants can still be discerned.

¹⁴Bessie Wilmarth Gahn. *Original Patentees of Land at Washington Prior to 1700*. Silver Spring: Westland, 1936, p. 49.

¹⁵Virginia Land Patents, NN-X:205.