

USE TO COPY

**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM**

(Type all entries - complete applicable sections)

STATE: West Virginia	
COUNTY: Tucker	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

1. NAME

COMMON:
Fairfax Stone Historical Monument

AND/OR HISTORIC:
Fairfax Stone

2. LOCATION

STREET AND NUMBER:

CITY OR TOWN:
Tucker County

STATE West Virginia	CODE 47	COUNTY: Tucker	CODE 093
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3. CLASSIFICATION

CATEGORY (Check One)	OWNERSHIP	STATUS	ACCESSIBLE TO THE PUBLIC
<input type="checkbox"/> District <input type="checkbox"/> Building <input checked="" type="checkbox"/> Site <input type="checkbox"/> Structure <input type="checkbox"/> Object	<input checked="" type="checkbox"/> Public <input type="checkbox"/> Private <input type="checkbox"/> Both	Public Acquisition: <input type="checkbox"/> In Process <input type="checkbox"/> Being Considered	<input type="checkbox"/> Occupied <input checked="" type="checkbox"/> Unoccupied <input type="checkbox"/> Preservation work in progress
PRESENT USE (Check One or More as Appropriate)			
<input type="checkbox"/> Agricultural <input type="checkbox"/> Commercial <input type="checkbox"/> Educational <input type="checkbox"/> Entertainment	<input type="checkbox"/> Government <input type="checkbox"/> Industrial <input type="checkbox"/> Military <input type="checkbox"/> Museum	<input checked="" type="checkbox"/> Park <input type="checkbox"/> Private Residence <input type="checkbox"/> Religious <input type="checkbox"/> Scientific	<input type="checkbox"/> Transportation <input type="checkbox"/> Other (Specify) _____ _____ <input type="checkbox"/> Comments _____ _____

4. OWNER OF PROPERTY

OWNER'S NAME:
Department of Natural Resources

STREET AND NUMBER:
Capitol Annex

CITY OR TOWN:
Charleston

STATE: West Virginia	CODE: 47
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5. LOCATION OF LEGAL DESCRIPTION

COURTHOUSE, REGISTRY OF DEEDS, ETC.:
Grant County Courthouse

STREET AND NUMBER:

CITY OR TOWN:
Petersburg

STATE: West Virginia	CODE: 47
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6. REPRESENTATION IN EXISTING SURVEYS

TITLE OF SURVEY:

DATE OF SURVEY: Federal State County Local

DEPOSITORY FOR SURVEY RECORDS:

STREET AND NUMBER:

CITY OR TOWN:

STATE:	CODE:
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SEE INSTRUCTIONS

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DATE:
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7. DESCRIPTION

CONDITION	(Check One)					
	<input type="checkbox"/> Excellent	<input checked="" type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Deteriorated	<input type="checkbox"/> Ruins	<input type="checkbox"/> Unexposed
	(Check One)			(Check One)		
	<input checked="" type="checkbox"/> Altered	<input type="checkbox"/> Unaltered	<input type="checkbox"/> Moved	<input checked="" type="checkbox"/> Original Site		

DESCRIBE THE PRESENT AND ORIGINAL (if known) PHYSICAL APPEARANCE

First Fairfax Stone:

The first Fairfax Stone was planted by Fry and Jefferson at the head spring of the North Branch of the Potomac River in September, 1746.

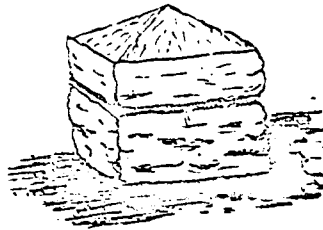
In 1859, Lieutenant Michler, making a survey on behalf of the boundary commissioner of Maryland and Virginia, had this to report:

The initial point of the work, the oft-mentioned, oft-spoken of 'Fairfax stone,' stands on a spot encircled by several small streams flowing from the springs about it. It consists of a rough piece of sandstone, indifferent and friable, planted to a depth of a few feet in the ground, and raising a foot or more above the surface. Shapeless in form, it would scarcely attract the attention of the passer-by. The finding of it was without difficulty, and its recognition and identification by the inscription 'Ffx,' now almost obliterated by the corroding action of water and air.¹

A Supreme Court report of 1911 notes that "the original Fairfax stone was in existence until about the year 1883, when it was destroyed by vandals and subsequently carried away..."²

Second Fairfax Stone:

Lieutenant Michler, reporting on his 1859 survey, wrote: "In order not to disturb this stone (First Fairfax) the first observatory was built immediately in the rear (south) of it." "Here, later," the Court notes, "Michler built his monument, which was about 4 feet in height and made of several hewn stones, the upper ones being conical."³ An artist in the employ of The Division of Parks has made a rendering similar to the following, basing it upon an 1881 photograph of what appears to be the Michler stone.



In 1910 the Court reports that all but the base of the Michler monument was removed by surveyors.

Third Fairfax Stone:

Vandals are said to have destroyed the Michler stone in 1884, and the following year The Davis Coke and Coal Company is said to have erected a marker. We do not know what became of it.

1. Supreme Court of the U. S. (217 U.S.54), October term, 1909, p. 652.
2. Supreme Court of the U. S. (225 U.S. 56), 1911, p. 960.
3. Both of the preceding quotes are taken from the above source, p. 960.

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(Number all entries) 7. Description - con't.

Fourth Fairfax Stone

The surroundings were thus described by surveyors in 1910:
The stone is easily reached by a trail from Fairfax station, which is 1/2 mile to the southeast. The large timber all around has been cut by mill men and fire has destroyed the balance, so that the immediate spot is now largely covered by brush and briers.¹

On August 12, 1910, during the present work, a new concrete monument was built, replacing both the previous marks. The new monument stands 2 feet north of the center of the base of the Michler monument, which point was marked by a brass bolt bedded level with surface of the ground. This rock and mark are still left in place, but are not visible, and the mark is 1 foot north of the point where original stone stood.²

The base is of concrete, 3 1/2 feet square and 2 feet deep, set flush with the surface of ground. On this base the monument was built, utilizing the form which had been designed for, and was afterwards used in the construction of the monuments along the Potomac river to the Pennsylvania line. The monument is 22 inches square at the base and 10 inches square at the top, the latter being built up a few inches and rounded off. The total height being 4 feet and 4 inches above the base. The monument contains 3 1/2 bags of best Portland cement and 6 1/2 bags of white sand. It is marked as follows: On south face 1746^{Fx} - north face 1910. The corners are beveled 1 1/2 inches in width.³

The 1910 concrete marker still stands only a few feet west of the only spring left in the immediate area (cf. accompanying photo). Trophy hunters and/or marksmen have chipped away at its surface, but the Fairfax colophon still remains.

In 1957 the then existing West Virginia Conservation Commission placed a flat, six-ton sandstone immediately above the spring bearing a plaque with the following inscription.

This monument at the head spring of the Potomac river, marks one of the historic spots of America. Its name is derived from Thomas Lord Fairfax who owned all the land lying between the Potomac and Rappahannock rivers. The first Fairfax stone, marked "Fx", was set in 1746 by Thomas Lewis, a surveyor employed by Lord Fairfax. This is the base point for the western dividing line between Maryland and West Virginia.

1. Supreme Court of the U. S. (225 U.S. 56), p. 960.
2. Ibid., p. 960.
3. Ibid., p. 960.

8. SIGNIFICANCE

PERIOD (Check One or More as Appropriate)

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> Pre-Columbian | <input type="checkbox"/> 16th Century | <input checked="" type="checkbox"/> 18th Century | <input checked="" type="checkbox"/> 20th Century |
| <input type="checkbox"/> 15th Century | <input checked="" type="checkbox"/> 17th Century | <input checked="" type="checkbox"/> 19th Century | |

SPECIFIC DATE(S) (If Applicable and Known) 1688 to 1912

AREAS OF SIGNIFICANCE (Check One or More as Appropriate)

- | | | | |
|---|---|---|--|
| <input type="checkbox"/> Aboriginal | <input type="checkbox"/> Education | <input checked="" type="checkbox"/> Political | <input type="checkbox"/> Urban Planning |
| <input type="checkbox"/> Prehistoric | <input type="checkbox"/> Engineering | <input type="checkbox"/> Religion/Philosophy | <input type="checkbox"/> Other (Specify) _____ |
| <input type="checkbox"/> Historic | <input type="checkbox"/> Industry | <input type="checkbox"/> Science | _____ |
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Invention | <input type="checkbox"/> Sculpture | _____ |
| <input type="checkbox"/> Architecture | <input type="checkbox"/> Landscape Architecture | <input type="checkbox"/> Social/Humanitarian | _____ |
| <input checked="" type="checkbox"/> Art | <input type="checkbox"/> Literature | <input type="checkbox"/> Theater | _____ |
| <input type="checkbox"/> Commerce | <input type="checkbox"/> Military | <input type="checkbox"/> Transportation | _____ |
| <input type="checkbox"/> Communications | <input type="checkbox"/> Music | | _____ |
| <input type="checkbox"/> Conservation | | | _____ |

STATEMENT OF SIGNIFICANCE

There have been five Fairfax stones, all located nearly exactly at the same place and utilized in the determination of the western extension of the Fairfax grant, the North-South boundary line between Virginia (West Virginia) and Maryland, and the positioning of Preston, Grant, and Tucker counties in West Virginia and Garrett County in Maryland.

These stones reflect a history going back to the King of England's land grant of 1632 to Lord Baltimore, extending westward to the headwaters of the Potomac, and a grant south of this by Charles II to Lord Thomas Culpeper in 1688, of land between the Potomac and Rappahannock, terminating to the West at a North-South line to be drawn connecting what by common consent were the "first fountains" or sources of these two rivers, Fig. 1.

The happy final reconciliation of these two poorly defined grants was achieved with the Fairfax Stone as the chief point of reference as late as 1912, after two centuries of complicated contentions, disputes, and surveys almost unparalleled in American history.

For the sake of clarity, it should be stated at this point that the Fairfax Stone is not at the Maryland-West Virginia corner, but determines the corner 3,983 feet to the North, where the N-S line intersects the Potomac, Fig. 2.

The land first historically related to the Fairfax Stone was the 2,450 square miles constituting the "Northern Neck" of Virginia granted to Culpeper and inherited by the Sixth Lord Fairfax in fee simple in 1719. Surveyors representing the Fairfax claims and the colony of Virginia in 1746 determined the straight line, to become known as the "Fairfax Line, uniting the headwater of the Rappahannock on a branch of the subsidiary Conway River, and the fountainhead of the Potomac a few miles north of Blackwater Falls. Participating in this survey terminating at the Fairfax Stone was Peter Jefferson, map maker and father of Thomas Jefferson. Two years later George Washington began at 16 his survey on Fairfax lands and his self-education in the Fairfax library.

Lord Fairfax had planned to build up a feudal estate in America, virtually a colony all his own. When he came to make his home at Greenway Court near Winchester in 1748, however, the choice Tidewater and Piedmont lands had already been settled, but there was still opportunity of developing ten of the present-day counties of Virginia and West Virginia, three of them in the mountainous western section of the tract.

(continued)

SEE INSTRUCTIONS

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(Number all entries) 8. Significance Fairfax Stone, cont'd.

Lord Baltimore did not accept the Fairfax Stone as representing the headwaters of the Potomac; consequently he could not accept the Fairfax line as definitive of the western boundary of the Fairfax Tract. Furthermore, he objected that the Fairfax Stone had been placed without his knowledge and consent. The Maryland Governor convinced Lord Baltimore that the South Branch of the Potomac should be considered the fountainhead of the Potomac and determinant of Maryland's southwestern boundary. This would have given Maryland more southern property but less western land and would have greatly altered the configuration of the two colonies. Lord Fairfax agreed to the readjustment, believing it advantageous to him, but the intervening Revolutionary War delayed settlement of this question. Maryland gradually abandoned the idea of the South Branch as the definitive origin of the Potomac.

The dispute about the Fairfax line was mild compared to the controversy over the line drawn from the Fairfax Stone north to Pennsylvania, forming part of the boundary between what is now Maryland and West Virginia. Involved here were faulty surveys; disagreement about whether to start with the Fairfax Stone or the "Brown Monument" erected in 1897 at Potomac Spring about a mile northwest of the Fairfax Stone; and squatters' rights and early patents versus the claims of Revolutionary War soldiers receiving land in recompense for military service. Altercations among confused settlers became frequent.

At least four meridians competed for the honor of being the North-South boundary, three of them beginning with the Fairfax Stone. The first survey was made in 1787 by Deakins for Maryland. Although Maryland had not committed herself to the Fairfax Stone, Deakins nevertheless started his meridian from here, using inadequate surveying instruments and ending up at the Pennsylvania border three-quarters of a mile east of the true meridian.

In 1859 Maryland and Virginia actually collaborated in commissioning Lieutenant Michler of the United States Corps of Engineers, who ran a correct line to the Pennsylvania border but warned that making it the official line would result in great litigation. Virginia's agreement with this opinion and the intervention of the Civil War made the line null and void. In the meantime, West Virginia replaced Virginia as the partner to any disputes with Maryland. In 1891 Maryland filed a suit in equity in the United States Supreme Court charging that West Virginia was exercising jurisdiction over land not belonging to her. This suit was not settled for 21 years. Meantime, Maryland's preferment of the Brown Monument over the Fairfax Stone further complicated affairs. West Virginia countered with a resurvey of the Deakins line. The slightly deviant result is known as the "Fairfax Meridian." This line, marked by 34 monuments, was accepted by the United States Supreme Court.

Two other boundary settlements derived from the same decision. The low-water mark on the south side of the Potomac was to constitute the common northern boundary between Maryland and West Virginia, and the beginning point of the north-south boundary line was to be located where the Fairfax meridian intersected the northern boundary. While this was not precisely where the

cont'd.

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STATE West Virginia	
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8. Significance - Fairfax Stone, cont'd.

Fairfax Stone was located, the stone nevertheless still determined the State corner, even though the Fairfax Stone is now located wholly in Tucker County, West Virginia.

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STATE	
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9.

The Decisions of the Supreme Court of the United States at October Term, 1909. (217 U.S. 54, pp. 645-660.)

Ibid., 1911. (225 U.S. 56, pp. 955-968).

Cases Argued and Decided in the Supreme Court of the United States, October Terms, 1909, 1910. (217 U.S. 54.)

Stuart E. Brown, Jr., "The Virginia Baron," Valleys of History, Spring, 1966. Published by Potomac Edison, Hagerstown, Md.

9. MAJOR BIBLIOGRAPHICAL REFERENCES

Fortney, Harold B. Maryland-West Virginia Western Boundary. Morgantown, 1937. (Thesis, M.A., West Virginia University, 1937.) Printed in West Virginia History, vol. 19, October, 1957, p. 1; January, 1958, p. 101; April, 1958, p. 157.

Lewis, Thomas. The Fairfax Line; Thomas Lewis's Journal of 1746. New Market, Va., 1925.

Lynn Perry, "The Maryland-West Virginia Boundary; a Controversy Extending Through Three Centuries and Involving the History of Three States," Civil Engineering, vol. 4, June, 1934, p. 296.

William C. Blizzard, "Fairfax Stone," Gazette-Mail State Magazine, Nov. 20, 1960, p. 1.

(continued)

10. GEOGRAPHICAL DATA

LATITUDE AND LONGITUDE COORDINATES DEFINING A RECTANGLE LOCATING THE PROPERTY			O R	LATITUDE AND LONGITUDE COORDINATES DEFINING THE CENTER POINT OF A PROPERTY OF LESS THAN TEN ACRES		
CORNER	LATITUDE	LONGITUDE		LATITUDE	LONGITUDE	
	Degrees Minutes Seconds	Degrees Minutes Seconds		Degrees Minutes Seconds*	Degrees Minutes Seconds*	
NW	0 . .	0 . .		39° 11' 41.92"	79° 29' 15.50"	
NE	0 . .	0 . .		* These estimates were very carefully taken during the 1910 survey by competent, well-equipped engineers.		
SE	0 . .	0 . .				
SW	0 . .	0 . .				

DAVIS
GAD
17
433

APPROXIMATE ACREAGE OF NOMINATED PROPERTY: **4 acres**

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE:	CODE	COUNTY	CODE
West Virginia	47	Tucker	093
" "		Grant	023
" "		Preston	077
" "			

SEE INSTRUCTIONS

11. FORM PREPARED BY

NAME AND TITLE:
Clifford M. Lewis, S.J.

ORGANIZATION: Acting for the State Liaison Officer DATE: Aug. 17, 1970

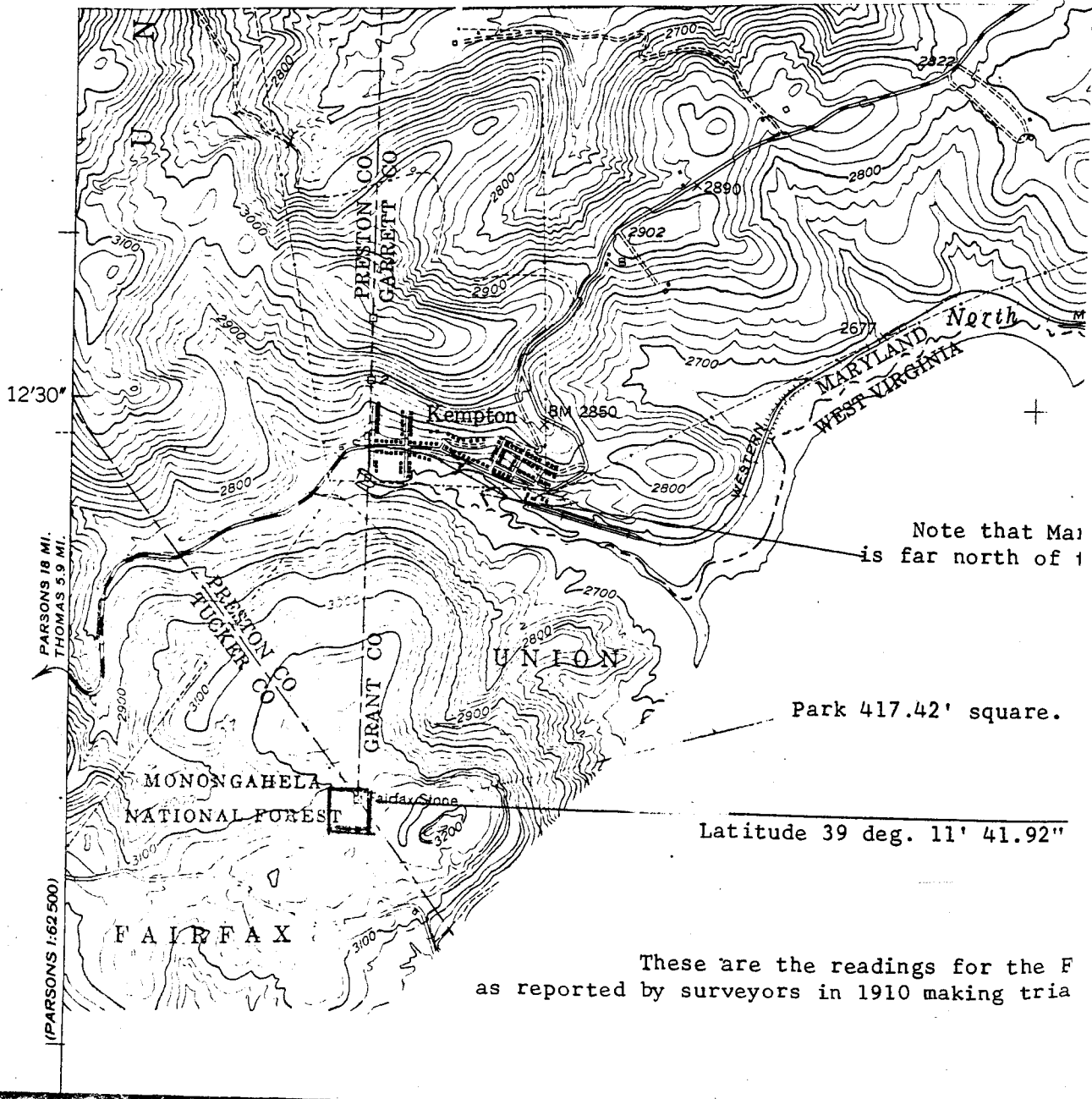
STREET AND NUMBER:
Wheeling College

CITY OR TOWN: Wheeling STATE: West Virginia CODE: 47

12. STATE LIAISON OFFICER CERTIFICATION	NATIONAL REGISTER VERIFICATION
<p>As the designated State Liaison Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service. The recommended level of significance of this nomination is:</p> <p>National <input checked="" type="checkbox"/> State <input type="checkbox"/> Local <input type="checkbox"/></p> <p>Name <u>Clifford M. Lewis, S.J.</u></p> <p>Title <u>Acting for the State Liaison Off.</u></p> <p>Date <u>August 17, 1970</u></p>	<p>I hereby certify that this property is included in the National Register.</p> <p>_____ Chief, Office of Archeology and Historic Preservation</p> <p>Date _____</p> <p>ATTEST:</p> <p>_____ Keeper of The National Register</p> <p>Date _____</p>

SEE INSTRU

CITY OR TOWN:			
Tucker County			
STATE:	CODE	COUNTY:	CODE
West Virginia	47	Tucker	093
3. MAP REFERENCE			
SOURCE:	U. S. Geological Survey - Kempton Quadrangle Dept. of Interior		
SCALE:	1:24000		
DATE:	1949		
4. REQUIREMENTS			
TO BE INCLUDED ON ALL MAPS			
1. Property boundaries where required.			
2. North arrow.			
3. Latitude and longitude reference.			



FAIRFAX STONE

THIS MONUMENT AT THE HEADSPRING
OF THE POTOMAC RIVER, MARKS ONE
OF THE HISTORIC SPOTS OF AMERICA.
ITS NAME IS DERIVED FROM THOMAS
LORD FAIRFAX WHO OWNED ALL
THE LAND LYING BETWEEN THE
POTOMAC AND RAFFAENHOOK
RIVERS. THE FIRST FAIRFAX STONE
MARKED "IX" WAS SET IN 1746
BY THOMAS LEWIS, A SURVEYOR
EMPLOYED BY LORD FAIRFAX. THIS
IS THE BASE POINT FOR THE WESTERN
DIVIDING LINE BETWEEN MARYLAND
AND WEST VIRGINIA.