Imagine, if you will, being far out on the western edge of the colonies of Maryland and Virginia in the year 1746. You are a surveyor with the task of defining the southern and western borders of the Maryland colony in the employ of Lord Fairfax, the proprietor of the colony of Virginia. Your task is to find the head waters of the Potomac River in order to define the borders of two land grants. This was not an easy thing to do.

The surveyors moved up the Potomac, probably starting at the Harpers Ferry area. They examined the creeks and streams flowing on the north side of the river until they determined that the spring that flows from the base of the current Fairfax Stone, now at the current extreme southwestern border of West Virginia and Maryland, was the true beginning of the North Branch of the Potomac. This defined the western and southern border of the Maryland colony with Virginia to the south and west.

The forest in those days was all old growth with trees of prodigious girth and very little undergrowth. It was a dark and forbidding environment for those not used to it. Bears and mountain lions could be a problem but more importantly, so could people. Native Americans actually controlled the area and were not very friendly to surveyors; they understood the implications of the compass and surveying chain. The French also were not pleased with the English defining their western colonial borders and could, at times, instigate their native allies, often with French leadership, into acts of guerilla warfare. Not only did a surveyor need the tools of his trade, he also needed to carry a good flintlock long gun, pistol, and a sword as well as being proficient in their use.

In 1756 this frontier tension would erupt into the French and Indian War (1756-1763). This long and vicious frontier war spread to Europe as the Seven Years War. Winston Churchill called this war the first true world war as it involved every major power and was fought on every known continent.

The experience of the war on the American frontier forever changed warfare. Modern infantry and special operations soldiers still learn the tactics developed during this time of colonial strife. In the end the issue was firmly settled in favor of the British, defining the effective western edge of the English colonies as the Mississippi river.

**Drawing Lines**

The original land grant of territory in Virginia from King Charles II of England to the Culpeper family in 1649 was a political payoff for assistance to the Crown during the English Civil War (1642-1651). The name Fairfax is associated with the grant because a Culpeper daughter married a Fairfax in 1690. A son of this marriage, Thomas, sixth Lord Fairfax, through inheritance and marriage, ended up with 100% control of the grant.

The original Culpeper (later Fairfax) Grant extended from the Atlantic coast to a line drawn north/south between the headwaters of the Potomac and Rappahannock Rivers. As was usually the case in colonial land grants, which were often bestowed with absolutely no knowledge of the land in question or who was actually inhabiting it, a dispute arose and a law suit was filed between Lord Fairfax and the Colony of Virginia (the original Jamestown Grant to the south). The conflict was on the subject of the extent, as well as the legality, of the King’s original gift to the Culpeper family, as well as determining the actual size of the original grant. Deciding this was important, not only to legalize land sales and grants (and the all important taxes and fees to be gathered from them), but to quickly establish a buffer zone between the settled eastern areas of Virginia and the very real threat of attack by Native Americans and French fur trade interests. The case of Fairfax vs. Virginia went before the British Privy Council and was settled in Lord Fairfax’s favor in 1746.
Lord Fairfax came in person to Virginia in 1735 to defend his claim to the land and negotiate a survey of his boundaries with the Virginia General Assembly. He returned to England in 1737 to negotiate with the Privy Council, and then returned permanently to Virginia in 1747.

In 1733 Lord Loudoun asked the Privy Council in Britain to order a survey to determine where the Potomac River began. They obliged, and the survey was put into motion. The original grant included all of the land between the Potomac and Rappahannock rivers from the mouths of the rivers to their head springs in the western mountains. Neither rivers head spring location was known, and no one really had a clue where to look for them.

In the interest of fairness, commissioners were appointed by both Lord Fairfax and the Colony of Virginia to select surveyors and to oversee the project. Lord Fairfax’s commissioners hired Benjamin Winslow and John Savage; the commissioners of Governor Gooch of Virginia hired William Mayo and Robert Brooke. The survey party for the Potomac started with 17 people, including chain men and the guide Thomas Ashby. At the mouth of the Shenandoah, current Harpers Ferry, Ashby was let go and Israel Friend was hired as a guide. This may not be a reflection on Ashby’s abilities so much as the mode of travel, for the party changed from horseback to canoe at this point, and Mr. Friend, who was involved in the fur trade, was probably more experienced in river travel and more familiar with the area. Though it is never placid and calm, the upper Potomac River then was much more dangerous than it is now. In the 18th century the water levels were higher and there were no dams to impede water flow. It was a serious and dangerous undertaking to travel upstream by canoe through the numerous rapids and “falls.”

As the surveying party traveled further upstream and the Potomac got narrower they had to choose between what was a tributary and what was the main stem of the river. The stream with the most water flow was considered to be the main stem. Close to the area of the future site of Oldtown, Md. at the confluence of the north and south branches of the Potomac, which are similar in volume and size, they determined the north branch as having the most water flow and continued traveling west.

The surveyors mapped the path up the north branch until they reached what all four of them agreed to be the head spring of the Potomac River on December 14, 1736. The site was marked by blazed trees. The first Fairfax Stone was not put into place until 1746 after a second survey was completed.

The Rappahannock survey was completed in much the same way, thereby defining the limits of the Fairfax Grant. Surveyor William Mayo produced “A Map of the Northern Neck in Virginia, the Territory of Right Hon. Thomas, Lord Fairfax, situate between the Rivers Potomack and Rappahanock, according to the late survey.”

The 1746 re-survey was primarily done to define the “backline” or western border of the Fairfax Grant between the Potomac and Rappahannock headwaters.

The Problem Being…

The Fairfax Stone effectively defined the southwestern point of the western border of the colony of Maryland. This point in turn was used to set in 1788 what became known as the Deakins Line, named for surveyor Francis Deakins, which was the North to South border of the colony of Maryland with Virginia, and Pennsylvania. (The Mason-Dixon Line, the northern border of Maryland, was not established until the famous survey of 1763-67) The problem was that Maryland did not agree that the Deakins Line was correct. More to the point, Maryland argued that the line was not a straight one and had never been properly surveyed. Maryland also contended that the spring at the base of the Fairfax Stone was not the actual beginning of the Potomac River. The issue was not resolved prior to the U.S. Civil War, after which it became a conflict between the new state of West Virginia and Maryland.

No efforts to come to an agreeable solution of the issue seemed to work out between the two states, and in the 1890’s a lawsuit was filed. Twenty years
Along the Towpath, June 2020

later it ended up in the U.S. Supreme Court. In the intervening time both states were surveying and checking elevations to determine once and for all where the elusive headwaters were located. Maryland also wanted the boundary to run astronomic north from the “Potomac Spring” (this would have been a straight line), not the magnetic line (a curved line subject to magnetic variance, in this case about 3 ¾ degrees) used by Deakins. In 1859 Lt. Nathaniel Michler of the U.S. Army Corps of Topographical Engineers was employed by the states to run a line due north from the Fairfax Stone. He reported the “Deakins Line” was “generally adopted by the inhabitants as the boundary line,” but actually struck the Mason-Dixon Line about ¾ of a mile further eastward than intended. Michler warned that using the true meridian would “cause great litigation as the patents ... call for the boundary as their limits.”

In 1897, the surveyor for Maryland, William McCollough Brown, determined that a spring located slightly further west was the true head spring of the Potomac. This spot was marked by another stone, the “Potomac Stone,” as a surveying reference point. This information meant that a large triangular strip of land along the western border of Maryland was not technically in West Virginia.

In 1910 the U.S. Supreme Court decided in favor of West Virginia, even though they agreed that the Brown survey was most likely correct. The reasoning was that the current border had been accepted and used as the boundary for over a century by the people, and to change it because of a long ago surveying error would not have been proper. The Potomac Stone was then promptly lost to posterity.

Enter Some Modern Surveyors

During the summer of 2012, members of the West Virginia Historical Surveyor’s Society (WVSHS), an organization of working and retired surveyors with an interest in the history of their profession, managed to locate the original Potomac Stone inscribed with “POTOMAC 1897” chiseled into its surface. This was facilitated by using William McCollough Brown’s original survey notes found in the Maryland archives, as well as by using the skills and knowledge of the WVSHS members. Thanks to the dedication of some interested and highly skilled people a piece of history once lost has been located.

The Fairfax Stone Historical Monument State Park

By 1884, vandals had destroyed the original Fairfax Stone. The Davis Coke and Coal Company installed a replacement that same year. By 1911, that replacement was gone, and only the base of a 4-foot high survey marker built by Lt. Michler in 1859 still survived. In 1910, a replacement concrete marker was erected, and in 1957 the West Virginia Conservation Commission placed a 6-ton sandstone marker at the site. The current Fairfax Stone, the fifth, was dedicated as a state historic monument and became part of the West Virginia State Park system in 1957 when the Western Maryland Railroad gave four acres of land surrounding the stone to the state. In 1970, the stone was listed on the National Register of Historic Places.