

FOUND IN THE ARCHIVES, no. 10 – July 2015

Fairfax Circuit Court Historic Records Center



Greetings! This is the tenth installment of *Found in the Archives*, where the Fairfax Circuit Court Historic Records Center will highlight interesting and unique documents in our custody. The archivists at the Historic Records Center wish to thank you, the reader, for your continued interest in this newsletter.

In this installment, we are going to look at road petitions filed with the Fairfax County Court.

Prior to 1932, county residents in Virginia could petition their local court system to have roads put in to help ease travel, especially for those traveling by horse or horse and buggy.¹ If the motion to improve or establish a road proved valid, the court would summon and order at least three men to “view the way” for the road, in order to determine the impact the road may have on the land that nearby residents owned. If parts of land needed to be seized in order to accomplish building the road, the landowners would be compensated through the court system.

At the Fairfax Circuit Court Historic Records Center, our road petitions start in 1844 and continue through the first decade of the 20th century. The road petitions usually include the original motion, the order to summon viewers of the road, a report on potential damage to property if the road is established or altered, and sometimes, a plat. Not every petition includes a plat, but it is certainly useful to us as archivists and the researchers when we find a plat in the records! It is important to keep in mind that the road petitions do not usually include a name for the proposed road, just a description of the landmarks or points where the road should start and end (more on road names a little later).

In this issue, we will look at one of the earliest road petitions on file with the court, from November 1845. The petitioner was a man named George Walters, and he sought a road “commencing between Difficult Bridge on the Middle Turnpike Road and Mateer’s Tavern, until it strikes the Land of George Walters.” You can see the court’s response to the original motion below:

¹ With the passage of the Byrd Act in 1932, the Virginia Department of Transportation (VDOT) took custodianship of county roads.

Stanfax County Court, Nov Term 1845,
 On the motion of George Walters
 around that Henry Fairfax, Thomas H. Nelson, Wells Hatch
 William Swink, M. W. Ball and Daniel Barrett or any three of
 them being first duly sworn according to Law, are appointed to view a
 way proposed for a road to commence between Difficult Bridge
 on the middle Turnpike road and Waters Tavern until it strikes
 the Land of George Walters thence on or near a Line between George
 & William Walters until it strikes a Line of the Dever Pot, thence
 with or near a Line of William Walters and the Dever Pot until
 it strikes the Land of Thomas Walters thence on or near a Line
 of Thomas & John Walters until it strikes the Land of John
 Moorey thence through his Land until it strikes to a point
 near W. Purdy's house thence to Hunted Mill Road, and report
 to the Court the conveniences and inconveniences that will result
 as well to the public as to individuals in the opening of said
 Road
 A Copy
 M. W. Ball

Walters' motion was first heard at the November Term of court in 1845, and you can see that six individuals – Henry Fairfax, Thomas H. Nelson, Wells Hatch, William Swink, M. W. Ball, and Daniel Barrett were summoned to “view the way” for the road. The men summoned did not have to be surveyors – the only requirement was that they be landholders in the county. However, a plat was ordered to be filed with the court, so the services of a surveyor would have to be retained in order to complete the petition process.

In April of 1846, four of the men summoned – M. Waring Ball, William Swink, Wells Hatch, and Daniel Barrett – returned their opinion after viewing the way for the road. Part of the men's job was to determine whose land would be impacted by the potential road and whether the court would owe damages to those individuals. They determined that “there will not be any damages required, by any of the land holders through which the above road will pass, except by James Mateer and Henry Gunnell.” Mateer and Gunnell, then, would receive compensation from the court for the land that would be taken in order to build the road.

Below is the men's opinion on the value of the road to the neighborhood:

Court-House, is about three and a half miles,
above where it commences, upon the Middle Turnpike
Road, and the next nearest at least five miles
below. We consider the road as laid out above
not only practicable but highly important
to the neighborhood through which it will
pass, and to the public generally. There are
six farms through which this road will
pass which have no public outlet through
them, and the owners are liable at any
moment to be put to serious inconvenience
by the closing up of private roads.
We cannot but hope that the Court seeing
the great benefit to be derived from this
road, by a large portion of the Community,
may give it their favorable consideration.
Given under our hand, this 12th day of
April. 1846

H. Maury Ball
Wm. Smith
Wm. Hobbs
Daniel. Barnett

**Transcript (4th line
down):**

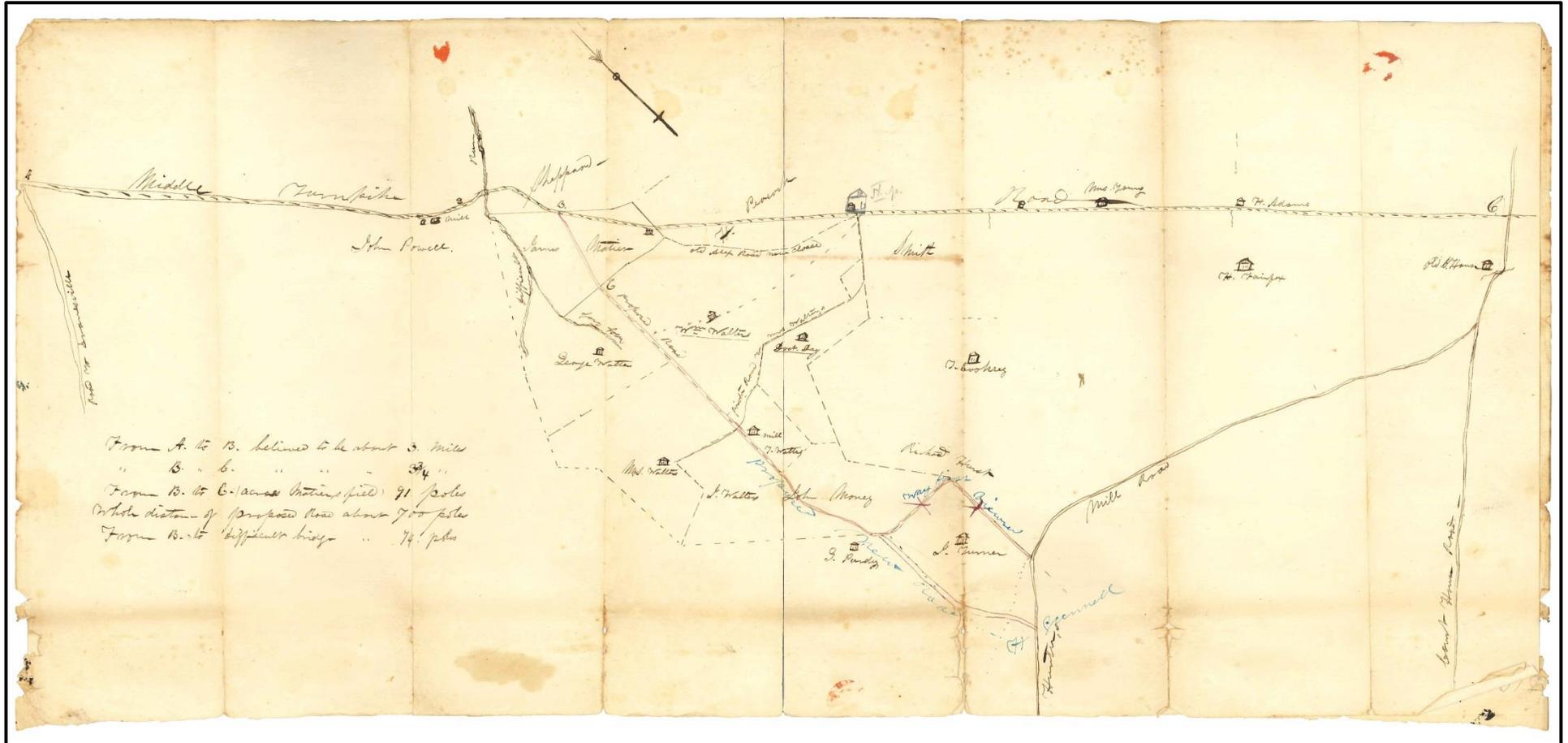
“We consider the road as laid out above not only practicable but highly important to the neighborhood through which it will pass, and to the public generally. There are six farms through which this road will pass which have no public outlet through them, and the owners are liable at any moment to be put to serious inconvenience by the closure of private roads. We cannot but hope that the court, seeing the great benefit to be derived from this road, by a large portion of the community, may give it their favorable consideration.”

Because the viewers of the road determined that damages would be owed to Mateer and Gunnell, a second order was made for an additional twelve individuals to meet at the site of the proposed road to determine the monetary value owed to them. They assessed the damages to James Mateer as "Ten Dollars for his land, and for additional fencing at Seventy Dollars." They assessed the damages for William H. Gunnell at "Eleven Dollars and fifty cents and for additional fencing at Eight Dollars." Their assessment and signatures are shown below:

We the jurors being duly impanelled & sworn to assess the damages to James Mateer and William H. Gunnell by reason of the road within mentioned passing through their lands, by having viewed the location of the said road, do on oath assess the damages of James Mateer at the sum of Ten Dollars for his land, and for additional fencing at Seventy Dollars. We assess the damages of William H. Gunnell at Eleven dollars & fifty cents ~~Dollars~~ and for additional fencing at Eight Dollars. Given under our hands & seals this 29th day of June 1846

Henry Fairfax  Lawson Money 
 John Coleman  Samuel McDaniel 
 James Oliver  Thos. S. Cooney 

The plat below is the original 1845 plat filed with the court papers from Walters' motion. The proposed road runs down the center of the plat, in red ink, with changes marked in blue ink. Some landmarks which still exist today include the Middle Turnpike (known today as Leesburg Pike, Difficult Run, and Hunter's Mill Road).



The road petitions can be seen as a snapshot in time – we can glean a great bit of information from their contents. We can learn where individuals were living in the county, who their neighbors were, and what structures were located nearby. In the 1845 plat in this article, we see a number of mills in operation. Some road petitions include the locations of schools, bridges, and railroads.

Unfortunately, it can be difficult to know if a road that was petitioned in the 19th century is still in use today. Roads were not necessarily named back then in the petitions, and also, road names change over time. However, there are clues, like the ones listed above, that can help researchers figure out if a road is still in existence that may have been in use in the 19th century.

The Fairfax Circuit Court Historic Records Center would like to thank local researcher Jeff Clark for researching and creating the overlay of the 1845 plat with the current map!

For more information about this and other documents, please visit the Fairfax Circuit Court Historic Records Center website:

http://www.fairfaxcounty.gov/courts/circuit/historical_records.htm