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THE NORTHERN NECK MAPS OF 1737-1747.¹

BY FAIRFAX HARRISON.

In the summer of 1733 Thomas, sixth Lord Fairfax (1693-1781) was roused, from the serene life of a country gentleman at his seat, Leeds Castle in Kent, to an alert interest in his inherited proprietary in the Northern Neck of Virginia. The compelling cause was the coincidence of the news of the death of his resident agent, Robert Carter of Corotoman, and of the launching of the fifth and most determined attack upon the proprietary by the Virginia Assembly. Lord Fairfax now began his Virginia career by petitioning the Crown to interpret the Culpeper charter of September 27, 1688, under which he claimed, to the end that the bounds of the estate might be ascertained. He thus precipitated a bitterly contested litigation which was to be protracted before the Privy Council for fourteen years.² Among the notable consequences were the definite

(1) Of the maps here discussed the three of greatest importance (Mayo, 1737; Warner, 1737; Jefferson and Brooke, 1747) have not been available in Virginia until recently, when the writer of these notes uncovered the originals in the Public Record Office in London and procured photostats, of which copies have now been deposited with the Virginia Historical Society, Virginia State Library, and Library of Congress.

(2) *Virginia v. Fairfax*, reported in *Acts P. C.*, Colonial, ii, 385 ff.

acceptance of the long disputed proprietary right, followed by the emigration of the proprietor himself. What is, however, now more important is that, in the course of the proceedings, two surveys were made from different directions to the previously unknown source of Potomac River,³ and these surveys were recorded in a series of six maps which remain of the highest value for the study of Virginia topography.

The early stages of the litigation were narrated by that master of polemical irony, William Byrd, in a paper which has remained a classic of Virginia literature.⁴ It is, therefore, unnecessary here to tell the preliminary story in detail. It will suffice to set down that under an order of the Privy Council, entered November 29, 1733, which required a survey of the mooted territory, Governor Gooch appointed Messrs. William Byrd, John Robinson and John Grymes as commissioners on behalf of the Crown, and Lord Fairfax appointed Messrs. Charles Carter, William Beverley and William Fairfax as his commissioners.

Most of the surveyors then practicing in Northern Virginia were employed in this work by one side or the other. The Crown commissioners selected William Mayo as their chief engineer and Lord Fairfax matched him with James Thomas, the elder. The most important detail of field work, the exploration of the Potomac, was entrusted to William Mayo and Robert Brooke, on behalf of the Crown, and Benjamin Winslow and John Savage, on behalf of Lord Fairfax. A similar survey of the Rappahannock was undertaken by James Wood and James Thomas, the younger.

(3) There is a definite record of this ignorance as late as 1731, when Governor Gooch sent home an anonymous but official "General Map of the Known and Inhabited Parts of Virginia," on which the Potomac is marked above the mouth of "Shanando," with the legend, "The Course & Length of this River is not certainly Known; but 'tis said to lock with Susquahannah River."

(4) *The Bounds of the Northern Neck* in *Westover MSS.*, ed. Wynne, 1866, ii, 121.

When the several surveyors brought in their reports and field notes (which, unfortunately, are now lost⁵), some of them were set to work to mapping the two rivers. Of the preliminary charts so produced only one has survived. Among the records of the United States Coast Survey⁶ is a MS. map of the Potomac from the Little Falls to the lower limit of Prince William County at Chipawansic, which bears the following legend, indicating that it is but one sheet of the entire chart so made, viz.:

“A Plan of Patomack River from the mouth of Sherrendo down to Chapauamsick. Surveyed in the year 1737.

“RO. BROOKE.”

The commissioners next attempted to agree on a draughtsman to join the preliminary charts into one consecutive illustration of the entire survey, but, differing on principles, each side eventually deemed it expedient to order its own elaborate map.

Of the Crown map so produced, Col. Byrd recorded a just compliment. “According to the order of the Virginia Commissioners,” he said, “Majr Mayo formed a very elegant Map of the whole Northern Neck by joining all the particular Surveys together.” The map so identified was 32x32 inches in size, drawn on a scale of 5 miles = 1 inch, and bore the following legend:

“A Map of the Northern Neck in Virginia, The Territory of the Right Honourable Thomas Lord Fairfax, Situate betwixt the Rivers Patomack and Rappahannock, according to a late Survey.

“Drawn in the Year 1737 by

W. MAYO.”

(5) The Field Notes of the survey of 1746 show that the surveyors had with them the similar record of the survey of 1736, but there is no subsequent testimony for what became of these vouchers for the first scientific exploration of “Cohongarooton.”

(6) Phillips, *Virginia Cartography* (1896), p. 47.

The report of the Fairfax commissioners, dated August 11, 1737,⁷ in turn described their map, and its sanction, as follows:

“We did attend His Majesty’s Commissioners in April and June last at Williamsburg at their Request, in Hopes of preparing and concluding a General Plan and Report, but upon their Disagreement with us, they by their letter declared their resolution to act in future without us. We were, therefore, under the Necessity of making a separate Plan and Report and begun in employing Mr. John Warner, a noted Surveyor, to form the General Map; which being correctly drawn we recommend it to your Lordships not doubting but it will give your Lordships a better Idea of the points in controversy than any Plan or Representation hitherto offered.”

This map was no less than 42x80 inches in size, and represented a scale of $2\frac{1}{2}$ miles = 1 inch. On its face it was ascribed as

“Drawn by John Warner, Surveyr.”

Moreover, it carried the following certificate:

“A true and accurate Survey of the Rivers Rappahannock and Patowmack to their first heads or Springs, done by order of the Commissioners as well as on the part of His Majesty as the Lord Fairfax.

“CH. CARTER,

“W. BEVERLEY,

“W. FAIRFAX.”

When these two rival maps reached London it was apparent to Lord Fairfax’s advisers that the smaller size, and superior artistry in draughtsmanship, of the Mayo map gave the Virginia case a practical strategic advantage. The members of the Privy Council could handle that map with convenience and might humanly be expected to be influenced by its beauty. Lord Fairfax accordingly had the great

(7) This report survives as Fulham MS. 2d Box, No. 212.

Warner map printed in a severely reduced size, 12x14 inches. This was produced and put in circulation that first state of the "printed" Fairfax map which has been familiar in the modern studies of Virginia cartography, though erroneously attributed as the Mayo map of Col. Byrd's narrative.⁸ Lacking access to the original MS. maps of 1737, this error is excusable, for the original printed map was identified on its face only by an anonymous legend, reading as follows:

"The Courses of the Rivers Rappahannock and Potowmack in Virginia, as surveyed according to Order in the Years 1736 & 1737."

A comparison of the printed map with the originals of Mayo and Warner is, however, conclusive of its source.

As it happens, such a comparison was made immediately after the rival maps reached London, by an interested and astute, if unofficial, observer. From a paper surviving among the colonial archives of Pennsylvania at Harrisburg⁹ it appears that the heirs of William Penn were concerned as to the possible effect of the Northern Neck litigation upon their own uncharted western territory. They accordingly instructed their London counsel, Ferdinand John Paris, to study the record of *Virginia v. Fairfax*, and duly received from him the following shrewd comment on the Mayo and Warner maps:

"An exact account of Lord Fairfax's Title to Lands in Virginia and the printed map now sent, which was made up by his Comrs, together with some account of another map made up at the same time by the King's Comrs, but

(8) Cf. Phillips, *Virginia Cartography* (1896), p. 46, and Swem, *Maps relating to Virginia* (1914), No. 161. There is a copy of this first state of the engraved map in the Library of Congress, from which portions have been several times reproduced, e. g., in Hanna, *The Wilderness Trail* (1911), p. 156.

(9) The compiler of the present notes is indebted for this interesting document to Mr. Albert Cook Myers of Philadelphia, who came upon it in the course of his research for his scholarly edition of the *Works of William Penn*.

which being a manuscript cannot yet (if ever) be sent from hence."

After reciting the descriptions in the several Northern Neck patents and that of Pennsylvania, the Order in Council of 1733 for the survey of the Northern Neck and the appointment of the Commissioners, Paris proceeds:

"The King's Comrs. appointed Mr. Mayo, Mr. Brooke, Lord Fairfax's Comrs. appointed Mr. Winslow, Mr. Savage, to survey the main branch of Patomock called Cohongorooton and they were sworn thereto. When Potomac and the rest had been surveyed Lord Fairfax's Comrs. refused to joyn with the King's Comrs. in naming a fit person to form the general map, but declared they would have a distinct map drawn by their own surveyors; so the King's Comrs. directed Mr. Mayo to join the Field Notes and make a general map, which he did. * * * Lord Fairfax's Comrs. appointed Mr. John Warner, a noted Surveyor, to form a General map which is printed. * * * Both maps agree in the Course of the River Potomack as near as may be and make it extend from Chesapeake Bay to the Spring head, between 4 and 500 miles upon the several Turnings and Windings. But the great difference between them is that whereas Lord Fairfax's Comrs. by their printed map make the southeast point of the Northern Neck which shoots into Chesapeak Bay to be in 37 degrees 40 Minutes, the King's Comrs. make it to be in 37 degrees, 34 Minutes only.

"Again, as Lord Fairfax's Comrs. by their Printed map make the place where the Waggon Road from Philadelphia crosses Potomack River to be 39 degrees, 40 minutes, the King's Comrs. make it to be in 39 degrees, 23 minutes.

"Again, as Lord Fairfax's Comrs. make that part which is most northern of any part of which they call Potomack to lye in 39 degrees, 55 Minutes, the King's Comrs. make it, by their Manuscript map, to be in 39 degrees, 40 Minutes.

“So that Lord Fairfax’s Comrs. make these several places lye 14, 15 or 17 geometrical minutes more north than the King’s Comrs. make theirs.

“Such a difference between them there is in the Latitude.

“But by both maps a vast part of Lord Fairfax’s new and extravagant claim lyes more north than the beginning of the 40th degree.

“Lord Fairfax’s Comrs. you’ll observe describe the upper part of the River thus, ‘Potomack River called Cohongoroota by Col. Lee since the date of the patent.’

“But on the other hand the King’s Comrs. describe it thus, ‘Cohongarooto River so called from its head to the mouth Shenondoa.’

“The King’s Comrs. Map is an exceeding fair manuscript on a large scale, 4 large sheets of paper pasted together.”

Paris adds pleasantly:

“Lord Fairfax calls his Territory what everybody else calls it, the Northern Neck, but it appears that under pretence of going to the first heads he claims neck and body also, and such a quantity as amounts to 5,200,000 acres.”

Paris’ observations on the differences in latitude indicated by Mayo and Warner suggests a check of them both by the calculations of modern geometry. On the basis of the “North American Datum,” which was established in 1908 by international agreement after new observations with the latest instruments of precision, it appears that Mayo’s determination of the latitude of twelve locations varies on the average only two minutes and twenty seconds from the present-day standard, while Warner’s determination for the same locations varies as much as thirteen minutes and twenty-eight seconds. Considering the instruments these eighteenth century geometers had at their disposal, such small variations are high testimony to the science of both Mayo and Warner, but in Mayo’s case the approximation of coincidence is truly remarkable.

If Mayo was stronger on his geometry than Warner, a further comparison of the maps will show that Warner has done more for posterity in preserving features of interior topography which Mayo neglected. Notably, we find laid down by Warner the contemporary county boundaries and the location of the several courthouses, of which no other such definite testimony survives. The original Warner map remains the more significant because it was not deemed necessary to transfer that last detail to the printed map.

Important as they were to Virginia, the Mayo and Warner maps, as well as the Commissioners' reports with which they were exhibited, were destined to lie *perdu*, without official consideration, for nearly eight years after they reached London.

It seems that Lord Fairfax, bred in the principles of the "glorious revolution" of 1688, had consistently given his political interest in Kent to the self-styled "patriots" who were then in noisy opposition to the government of Sir Robert Walpole, and for this consideration, as William Byrd acutely recorded, Fairfax's suit dragged. It was not until after Walpole's fall, when Byrd, too, had passed off the stage, that the Privy Council took up and adjudicated the cause of *Virginia v. Fairfax*. The decree, entered at last on April 11, 1745, found that the Northern Neck proprietary included all the lands between the rivers Potomac and Rappahannock lying east of a straight line from the head spring of Potomac, as established by the survey of 1736, to the head spring of Rappahannock, which was now adjudged to be the source of the Conway (Rapidan) River.

To end the litigation it thus became necessary to survey the back line so defined, and such a survey was accordingly ordered by the Privy Council. For this new duty Governor Geoch appointed Messrs. Joshua Fry, Lunsford Lomax and Peter Hedgman commissioners on behalf of the Crown, while Lord Fairfax reappointed Messrs. William Fairfax

and William Beverley.¹⁰ The commissioners in turn deputed as surveyors Peter Jefferson and Robert Brooke (son of the earlier surveyor of that name) on behalf of the Crown, and Benjamin Winslow and Thomas Lewis on behalf of Lord Fairfax.

While this second survey has also left its record in Virginia literature, its details are not so well known as those of its predecessor, for in this instance the witty pen of William Byrd was lacking.¹¹

On September 15, 1746, the commissioners, the surveyors, "their aides de camp and valets de chambre," making up a large expeditionary force, assembled at Henry Downs' house, near the Orange Courthouse of the day, and, proceeding to the source of Conway in the Blue Ridge, pushed on thence, arduously, to the northwest, through primeval wilderness. On the October 22nd following, the surveyors had the satisfaction of running out their line at the very marked trees which then still stood to testify for Mayo's discovery in 1736 of the head spring of the Potomac. On the following day the Commissioners themselves marked "Fx" with a baron's coronet upon "a Stone standing by the corner pine between the Springs" and so established that "Fairfax Stone" which thenceforth was a capital landmark. On November 13th the party once more reached the head of Conway and there planted another "Fx" stone.¹²

(10) The minutes of the Council in which these appointments were recorded are missing, but the personnel is proven not only by the Field Notes of 1746, but by the signatures upon the Jefferson and Brooke map.

(11) The fugitive surviving literature of the survey of 1746 consists of Thomas Lewis' *Journal*, printed in Waddell, *Annals of Augusta*, 2d ed., p. 84; and the letters printed in Conway, *Barons*, chap. xi, and in *Cal. Va. State Papers*, i, 239. Mr. C. J. Faulkner had access, in 1832, to the original Field Notes of the survey of 1746 (Kercheval, *History of the Valley*, 1902 ed., p. 160) but on searching for them again in 1871 learned that they had disappeared from the State archives at the surrender of Richmond in 1863. Fortunately, however, a copy of this record was sent to England and has there been preserved in C. O., 5: 1344.

(12) For the subsequent significance of the Fairfax Stone see *Maryland v. Virginia*, 271 U. S., p. 1.

In January, 1746-7, the four surveyors met again at Tuckahoe on James River, where Peter Jefferson was then in residence, and, after a continuous session of a month, produced a new map, drawn after the Mayo original, like it on a scale of 5 miles = 1 inch, but of slightly greater size (36x40 inches). Here was laid down the results of the survey of the back line. This map was transmitted to England by Governor Gooch with his dispatch of June 10, 1747, bearing the following legend:

“A map of the Northern Neck in Virginia according to an actual survey begun in the year MDCCXXXVI and ended in the year MDCCXLVI.

“Drawn by Peter Jefferson and Robert Brooke, Surveyors.”

To this was added a certificate by the commissioners:

“Having Examined and Compared this Map with one Drawn by the former Commissioners, We do Certify it to be truly drawn; And we have caused the line now Surveyed and marked AC to be added.

W. Fairfax,
W. Beverley,
Joshua Fry,
Lunsford Lomax,
Peter Hedgman.”

A comparison of this map with Mayo's amply bears out this certificate, but reveals it to be much more than a copy of its predecessor. Below the Blue Ridge and up “Cohongarooton” to its fountain there was, indeed, no attempt at originality: the differences from Mayo were only a few variations of the names of the landholders on the great rivers. There is nothing on the map to suggest that its compilers had access to the great Warner map, and it seems likely for that reason that no copy of Warner had been retained in Virginia. The originality of the Jefferson and Brooke map was in its depiction of the Valley of Vir-

ginia. In order to identify the calls of the back line enough new topography was introduced for the territory between the Blue Ridge and the Alleghanies to make this, too, a source record. It is as necessary for the student of the Valley to peruse Jefferson and Brooke as it is for the historian of the tidewater to have access to Mayo and Warner.

We have now accounted for five maps included in the canon of the Northern Neck surveys of 1736 and 1746. There remains one other testimony to complete the tale.

As soon as the "back line" was officially registered, Lord Fairfax had prepared in London a new state of his printed map to illustrate his victory.¹³ To that end several new inscriptions were added to the original plate. Above the old legend, left undisturbed, was placed a new one, reading as follows:

"A Survey of the Northern Neck of Virginia, being the lands belonging to the Rt. Honourable Thomas Lord Fairfax, Baron of Cameron, bounded by and within the Bay of Chesapoyocke and between the Rivers Rappahannock and Potowmack with [here follows the original legend]."

The newly established boundary was identified by a text, spread along its length, which read as follows:

"The Boundary Line of the Northern Neck in Virginia, from the Head Spring of the River Conway, a Southern Branch of the River Rappahannock, to the Head Spring of the River Potowmack arising in the Allagany Mountains, as Ordered by his Majesty in Council 11th April, 1745, unto the Rt. Hon. Thomas Lord Fairfax, the Proprietor thereof."

Other badges of possession were also inserted on the plate. The word "Belvoir" indicated the location of the

(13) The copy of the second state of the printed map in the Harvard College Library is described in Winsor, *Narr. & Crit. Hist.*, v. 276 where the southern portion is reproduced. The northern part with the "back line" and the achievement of arms is reproduced in *Va. Mag.*, xxviii, 297. There is another copy of the original print in the Virginia State Library, described by Mr. Swem as his No. 169c.

proprietary office at the residence which William Fairfax had established on the Potomac in 1741; and between the Blue Ridge and the Coblers, in what was later to be Fauquier, was laid down the Proprietor's "Mannor of Leeds." Finally, and to cap the whole, in the upper left-hand corner on the broad acres of the Shenandoah Valley, in which the Proprietor was soon to make his residence, was displayed an achievement of the Proprietor's coat of armour, Fairfax impaling the "bloody bend engrailed" of Culpeper.

All too little can be collected of the personal histories of the makers of this important series of maps.

Of William Mayo (1684-1744) the most is known. He was born at Poulshot, co. Wiltshire, and emigrated to Barbados prior to 1712, where he made a map of that island. In 1723 he migrated to Virginia and established himself on the upper James in Henrico. On the organization of Goochland in 1728 he was its first county surveyor. In 1729 he was with Col. Byrd on the survey of the "Dividing Line" with North Carolina and in 1733 on "The Journey to the Land of Eden." In 1737 he laid out, at the falls of James River, Col. Byrd's proposed town, which was destined to become the City of Richmond.¹⁴

The Robert Brooke who accompanied Mayo in 1736 to the source of the Potomac and subsequently drew the map of the lower reaches of that river, which was the original of all the succeeding maps of that portion of Virginia's shore line down to the Nine Sheet map of 1827, was, in his day, the head of the Essex family of Brooke, which has consistently distinguished itself in Virginia affairs.¹⁵ He began life as a county surveyor and came into practice at the time when the frontier had suddenly become elastic; in consequence he specialized in laying out frontier land grants above

(14) Brown, *The Cabells and their Kin*. p. 168.

(15) There is a genealogical study of the Brooke family in *Va. Mag.*, xx, 99 ff.

the falls of the Rappahannock. Spotswood employed him and thus he had the honour to be of the company who accompanied the Governor on his transmontane expedition in 1716, and to be enrolled a Knight of the Golden Horseshoe. In addition to his Potomac map of 1737, there are less important examples of his skillful cartography in the earliest county records of Spotsylvania and even beyond the Blue Ridge. In that last named territory it appears that the Council employed him in 1734 to "prepare a Mapp of the Lands lying on the said River Sherando," which, unfortunately, is lost.¹⁶ The will of this Robert Brooke, dated April 25, 1736, as he was starting out on the perilous Potomac survey, was proved in Essex March 19, 1744.¹⁷

It was the son of this first Robert Brooke, mentioned in his father's will as not yet of age in 1736, who was employed on the survey of the Northern Neck back line in 1746 and gave his name, in association with Peter Jefferson, to the map of 1747.¹⁸ Because his father was then in broken health, it was probably this younger Robert Brooke who was the county surveyor of Prince William in 1741, and the draughtsman of the well-known plat of Mt. Vernon which bears that date.¹⁹ There are many examples of his later work in the Augusta records. He survived until 1790.²⁰

Of John Warner, whom Lord Fairfax's Commissioners called "a noted surveyor," there are fewer remains. On

(16) See the minutes of the Council, April 30th and June 13, 1734 (C. O., 5; 1420, pp. 54, 59), and Mr. Charles E. Kemper's comment in *Va. Mag.*, xiii, 353, 358.

(17) *Va. Mag.*, ix, 436; x, 197.

(18) This is apparent not only in the fact that the father's will had been proved before that time, but the Field Notes of the survey of 1746 testify that when the source of the Potomac was rediscovered in that year there was no one in the party who had been there before except Benjamin Winslow. The elder Robert Brooke had left his mark on the spot in 1736 so that, in view of the above statement, it could only have been another Robert Brooke who recorded a similar mark in 1746.

(19) This plat is reproduced in Callahan, *Washington the Man and the Mason*.

(20) His will was dated January 28, 1785, and proved in Essex January 18, 1790 (*Va. Mag.*, xiii, 223).

April 7, 1727, the King George court appointed him Surveyor of that county.²¹ The surviving Minute Book of the Trustees of Falmouth shows that he laid off that town in 1728,²² while of his artistic map making, in addition to the great Northern Neck chart of 1737 (for which he was paid "Eighteen pounds, eight shillings and eleven pence"²³) there are a few other examples in the Northern Neck Grant Books, notably the maps of Leeds Manor and of Belvoir, dated respectively in 1737 and 1741.²⁴ The surviving King George records do not record his will and there is no other testimony for the date of his death.

By reason of his fortune as a sire, Peter Jefferson (1708-1757) is the best known of this group of map-makers. He was born in that part of Henrico which became Chesterfield.²⁵ Although his education was "quite neglected," in 1735 he appears on the frontier of the James River valley as a surveyor and justice in the new county of Goochland. There he patented, and otherwise acquired for the consideration of a "bowl of arrack punch," the lands in the Rivanna water gap, later included in Albemarle, on which Monticello was eventually to arise. In 1738 he married a daughter of Isham Randolph of Dungeness and then built on the Rivanna the house he called "Shadwell" in which his son, the great Democrat, was to be born (1743) and in which he was himself to end his days. But between 1745 and 1754 Peter Jefferson resided elsewhere. An intimacy with William Randolph of Tuckahoe led to an appointment as his friend's executor and, the better to administer this trust, he occupied the testator's house for seven years.²⁶ Thus it

(21) *King George D. B.*, 1721-34, p. 360.

(22) *Va. Mag.*, xxxi, 273.

(23) *Cal. Va. State Papers*, i, 224.

(24) *N. N.*, E: 23, 293.

(25) See the Jefferson genealogical notes in Brown, *The Cabells and their Kin*, p. 388.

(26) Randall, *Thomas Jefferson*, ch. 1.

was that the Northern Neck map of 1747 came to be drawn at Tuckahoe, as recorded in Thomas Lewis' *Journal*.

The constructive influence of Peter Jefferson's career was that of Joshua Fry. From his appointment in 1745 as a deputy county surveyor of Albemarle under Fry, the remainder of his life work was a complement of that of the former professor of mathematics. Thenceforth it was "Fry and Jefferson," not only at home in Albemarle and in the Northern Neck survey of 1746, but in the westward extension of the North Carolina boundary in 1749, in the compilation of the "Map of the Inhabited Parts of Virginia" in 1751, and, finally, in Jefferson's succession to Fry's offices as County Lieutenant and Burgess for Albemarle.