

# **The Faulkenburgs of the Shenandoah Valley 1735 - 1745**

**By Adrienne Fortenberry Criminger**

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For many years, family historians have known that the ancestors of the Southern Fortenberry/Falconberry/Faulkenberry families lived for a while in the beautiful Shenandoah Valley of Virginia. Through colonial petitions and a few oblique mentions in other settlers' deed entries, we discovered that they resided on the North Fork of the Shenandoah River near an unusual place called the Narrow Passage.

After recently locating some previously unknown and somewhat obscure documents, I have been able to piece together a fairly complete history of the Faulkenburgs' 10 years in the valley. This document will include ALL located references to date, both new and old. Though one will see a change in the county name, Orange to Frederick, it is a result of the large county of Orange being divided to form Frederick – not because they moved.

Note: When quoting documents, you will see that original misspelling, punctuation, and grammatical use will be given to maintain the integrity of the source. Also, do not be surprised at the number of ways our name was spelled!



This document is dedicated to the memory of my parents, Adrian and Wanda Fortenberry, whose interest in family history lead to the writing and publication of our book, *The Fortenberry Families of Southern Mississippi*. I know they would be thrilled with all these new discoveries!

**Before beginning this long and complex chronicle, the stage must be set. This saga began in late 1735 on the western frontier of colonial Virginia. In this case, frontier truly means “the extreme limit of settled land beyond which lies wilderness.” Before there was a western frontier “out west,” there was one in the backcountry of the eastern colonies. The route the settlers took to get there was an Indian trail used by raiding parties to move between northern and southern tribes. It was about 40 years before the start of the Revolutionary War. Where they settled, amenities were extremely hard if not impossible to acquire. Food had to be raised or taken from nature. One had to make or barter with neighbors for everything else necessary to live. It was a daily life that today is almost beyond our comprehension!**



**"Gateway to the West" Painting by: David Wright**

**While in Staunton, Virginia in May, 2016, I visited a unique outdoor museum called the Frontier Culture Museum. Within their various period houses was a model home from the 1740s. This house is based upon research of what a Shenandoah Valley settler would have built. <sup>1</sup> From the pictures taken there, I hope to provide a better understanding of what daily life would have been like in the Virginia backcountry. This museum is located just 60 miles south of Woodstock, Virginia which is the area where the Falkenburgs lived from 1735 to 1745.**

Since settlers had to use the resources around them, houses were constructed of wood, rock, and mud. A window was not usually included since it would slow down construction, there was no glass available, and it would be another way to lose heat in the winter. The trees cleared would be used for constructing the house, outbuildings, and furniture as well as energy for fires to cook and heat the home. The most common time for families to move was in the fall after crops had been harvested. This would allow them to arrive in time to build a home before the winter and to be ready to plant spring crops.<sup>2</sup> Today, our two car garages are larger than their first homes!



1740s house - Frontier Culture Museum  
A. Criminger

One of the first tasks to prepare the land for crops was to kill trees so that sunlight would reach the plants. They used a system called “girdling” which was done by cutting through the outer, active layers of the tree bark. Once the leaves died, the light necessary for crop growth could reach the ground. The dead trees would be used for many purposes. After cutting down trees, settlers did not have an easy way to remove stumps. Farming was done with a hoe or simple plow; consequently, it did not matter if you had to go around stumps!



1740s house - Frontier Culture Museum  
A. Criminger

**This image of the same cabin is looking toward the front door. They would have kept a lot of firewood stored near the door since cooking occurred in the fireplace, usually using one iron kettle.**

**Houses could be built quickly of wood, mud, and grass as these resources were readily available to use. Any other type of construction would have taken more effort and much longer to complete.**

**This picture shows a close up of the wood and dried mud construction.**



1740s house - Frontier Culture Museum  
A. Criminger

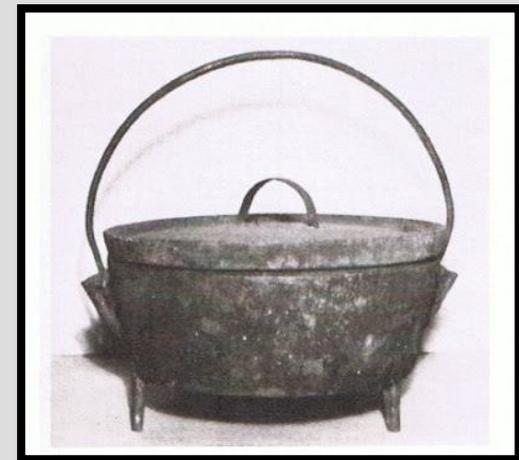


1740s house - Frontier Culture Museum  
J. Criminger

The Dutch oven was originally developed in the late 1600s in the Netherlands. The Colonial American Dutch ovens, unlike European ones, had legs so they could sit over the coals instead of always having to hang over the fire. <sup>3</sup>

Like in many homes today, the kitchen area was probably the heart of the home. The fireplace was the location for cooking though women most likely built fires outside in the summer instead of heating up the “whole house.”

Cooking equipment consisted of a cast iron pot and possibly a frying pan. Since the Falkenburg men were of Dutch origin, it is very likely they carried a Dutch oven with them. It would have been a very prized possession.



<http://www.chowhound.com/post/origin-form-dutch-oven-colonial-cookware-1022499>



1740s house - Frontier Culture Museum  
A. Criminger

Until the house was completed and plenty of food was “set by,” furniture would have been made as quickly as possible. Simple tables, chairs, and stools were built totally for function.

Plates and platters could easily be made from wood. Cups were often made of horn. Of course, any special items owned by the family such as pewter plates and tankards would not have been left behind when they moved!



1740s house - Frontier Culture Museum  
A. Criminger



1740s house - Frontier Culture Museum  
A. Criminger

Looking at the model of the house at the Frontier Culture Museum, it is hard to imagine adults sleeping on a bed like this. Few early settlers were able to carry tables, chairs, or bedsteads with them; so they quickly constructed many items after arriving. The family members either slept on the floor or on a simple bed built into the wall.

Somewhere near the cabin would have been a wood-working area similar to the one pictured here. Wood was a very important resource, and it took quite a bit of space to process a tree into all the things they needed.



1740s house - Frontier Culture Museum A. Criminger

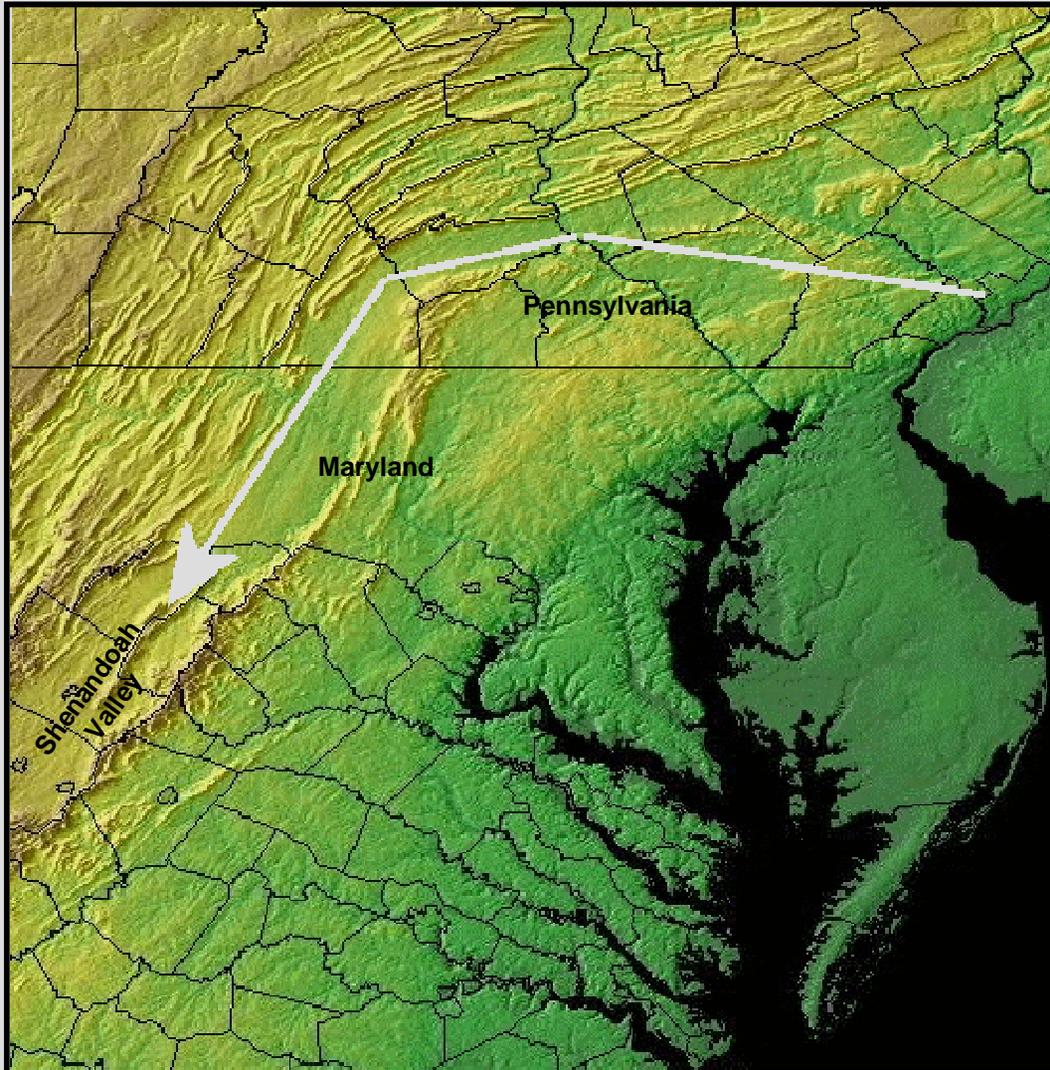


The Still Hunt by David Wright

For obvious reasons, a man's most important tool was his firearm. Without it, the family would lack food and protection. During this time, men had to make their own ammunition and trade for gunpowder. Because of their very active lifestyle, everyone would have required a lot more calories than most of us do today.

Hopefully, this attempt to convey the hardships of frontier living will give you an appreciation for our Falkenburg kin. This one family that came through the Shenandoah Valley of Virginia is the progenitor of every single Falkenberry, Falconberry and Fortenberry who can trace their ancestry to those in the South. We who descend from these families are who we are today because we carry them with us in our DNA!

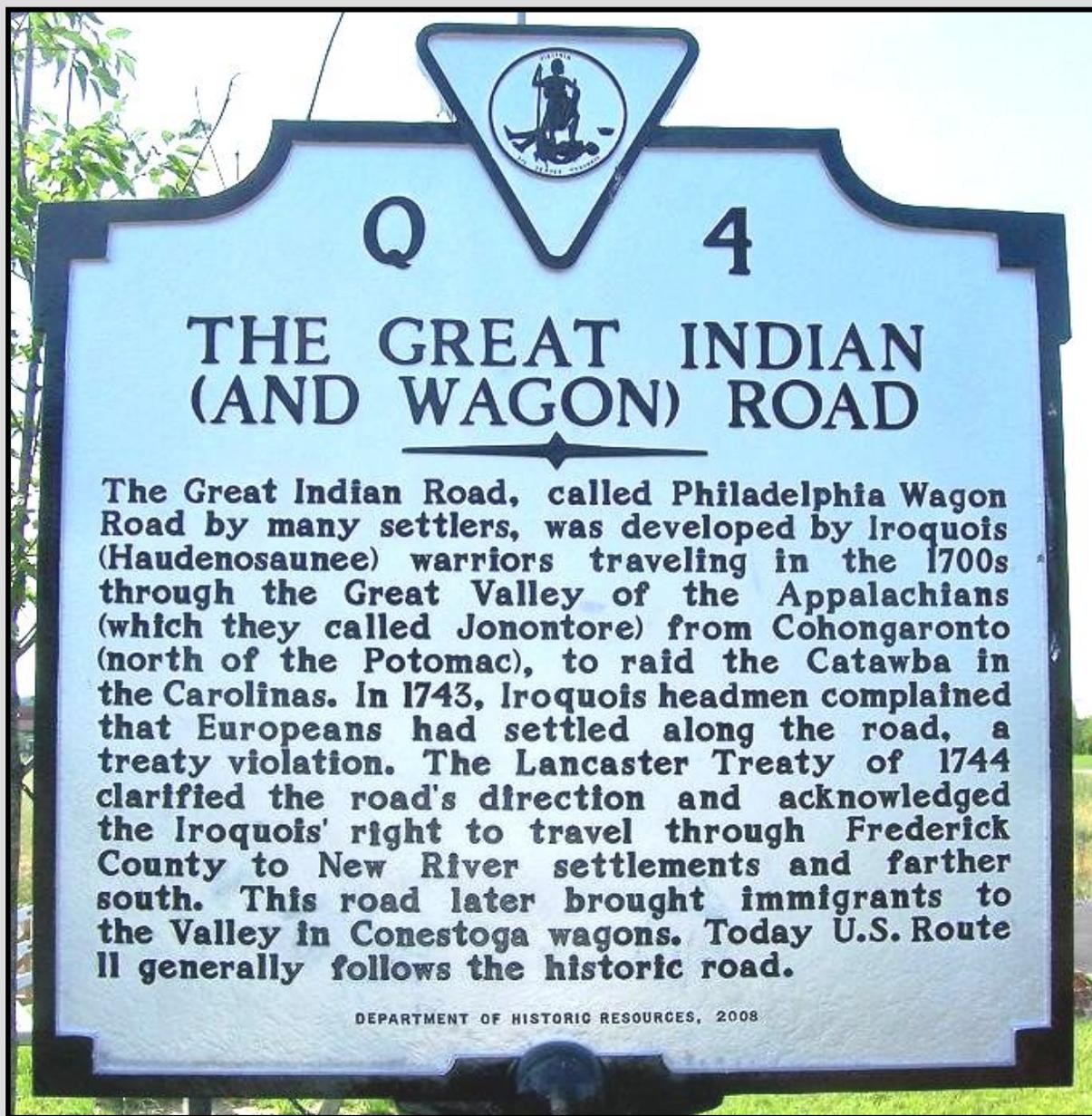
## Route to the Shenandoah Valley



<http://www.virginiaplaces.org/geology/graphics/pa2shenvalleymigration.gif>

This topographic map shows the natural route first used by the Native Americans for accessing the Shenandoah Valley. It has gone by many different names: Great Warrior Path, Philadelphia Wagon Road, Great Valley Road, and, the Great Wagon Road. When the Falkenburgs used it to get to Virginia in the 1730s, the part through the Valley was probably very similar to today's Appalachian Trail.

The section in the Shenandoah Valley is often called the Great Valley Road. Today's Highway 11 road signs on the section where the Falkenburgs lived is called the "Old Valley Pike." Historically, when the term pike was used, it indicated a toll was charged along the way.



Obviously, there is a huge difference between an “Indian Path” used by hunters and a “road” used by families on the move. As the Falkenburgs traveled down the trail to the Shenandoah Valley in late 1735, they most likely learned the difference first hand. Notice the two specific years mentioned on this marker – 1743 and 1744. Our kin had already been in the valley for 8 years! As you will read in some of the following documents, they were actively involved with this and other historic roads!

Historic marker Q-4 Frederick County, Virginia  
<http://www.markerhistory.com/tag/frederick-county/>

## Brief history of land speculation in the Shenandoah Valley

To comprehend the events described in this manuscript, it is important to understand the history of land ownership in the valley before the Falkenburgs arrived. One would think that a ten year stay in the backcountry of Virginia would leave very few documents. Think again! Though we do not have any officially recorded deeds or wills for the Falkenburgs, some amazing documents have recently been discovered. To understand the events that precipitated completely abandoning their homes in the Virginia backcountry and moving further South, these events must be viewed chronologically.

**1649**

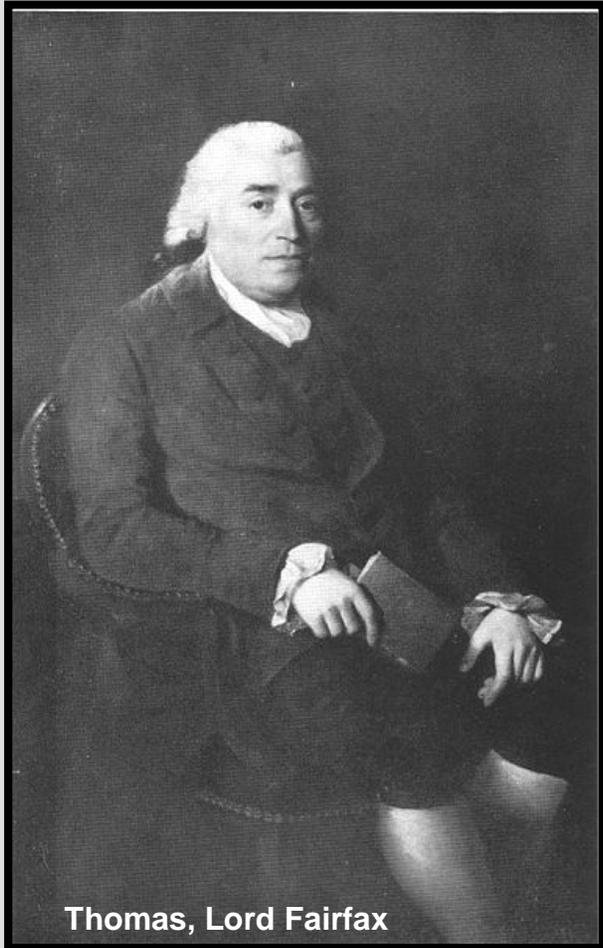
King Charles II of England, at 19, was forced into exile in Europe by Oliver Cromwell's defeat of his father, Charles I. While in exile, Charles II granted to seven men all the land lying between the Potomac and Rappahannock Rivers in his colony of Virginia as a "bribe" to maintain their support for his rights to the throne of England. No one had ever visited there or even knew anything about this land! Through various deals made between the seven men and subsequent inheritances, by 1719, the entire grant was in the possession of Thomas Fairfax, 6th Lord Fairfax of Cameron.<sup>4</sup> Author's note: The Shenandoah River is a tributary of the Potomac River.



King Charles II

[https://en.wikipedia.org/wiki](https://en.wikipedia.org/wiki/File:King_Charles_II_by_John_Michael_Wright_or_studio.jpg)

/File:King\_Charles\_II\_by\_John\_Michael\_Wright\_or\_studio.jpg



Thomas, Lord Fairfax

<https://en.wikipedia.org/wiki/File:ThomasFairfax6th.jpg>

## Late 1720s

As men began exploring down the Great Warrior Path, land speculators looking to make a mark for themselves began requesting large land grants from the Royal Governor of Virginia. <sup>5</sup>

## 1730

Dutchman John Van Meter received 10,000 acres in the valley with an additional 20,000 acres if he could get 20 families to settle within 2 years. This grant was from the Governor of Virginia with the unspoken understanding that these backcountry grants would provide a buffer between the Native Americans and the coastal plantation society. <sup>6</sup>

## 1731

A different group headed by Jost Hite (remember this name) purchased the Van Meter grant and also received rights to 100,000 acres with a requirement of settling 100 families on the land within two years, later extended until Christmas, 1735. If not enough settlers took up property from Hite and his associates, they could lose parts of this 100,000 acre grant. <sup>7</sup>

## 1734

Fairfax issued a caveat (legal cease and desist order) against Hite and his partners since they were selling land that actually belonged to him. <sup>8</sup>

## 1734-35

Jost Hite and Company send advertisements to other colonies such as Pennsylvania and New York trying to lure the 100 families to come to Virginia. <sup>9</sup>

**The following chronology describes documents related to the Falkenburgs living on the North Fork of the Shenandoah River.**

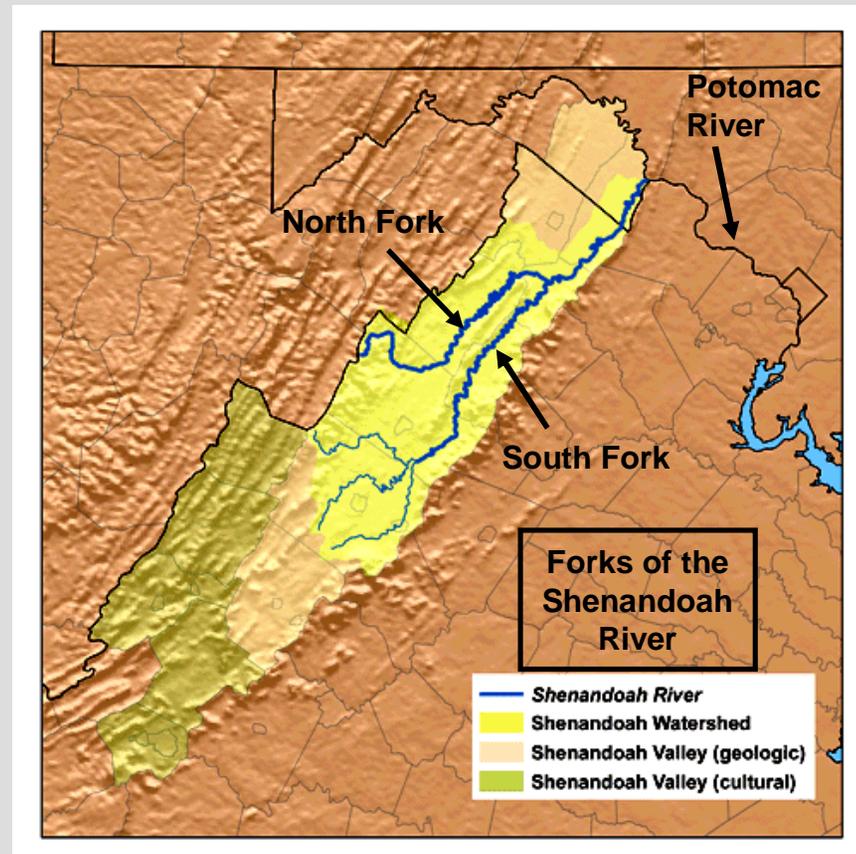
**1736, January 26**

The Virginia General Court's previous order of a count made of the families living on the 100,000 acres claimed by Jost Hite was to determine if he had the Virginia Council's required 100 families. It was to be completed by December 25, 1735. The results were entered into the court records on January 26, 1736. This original list containing 49 families included Henry Falkenberg, Jacob Falkenberg, and Andrew Falkenberg. <sup>10</sup>

This list would later be considered critical evidence in establishing the "pioneer settlers" of the Shenandoah Valley and is irrefutable evidence of our family's early presence in the valley.

**1736**

Lord Fairfax arrived in Virginia to safeguard his property because he had learned that the Governor of Virginia had been granting his land to others. <sup>11</sup>



## 1737, July 23 – Orange County Petition for a road

The following petition concerning a wagon road is the earliest legal document witnessed by the Falkenburg men. In no document ever found do the Falkenburgs sign their names. The petitioners were concerned with the placement of a road requested by a Shenandoah Valley settler named Thomas Chester.

*Orange County, To the Worshipful Court of Orange*

*The Humble Petitions of us the under Subscribers herein begs leave to acquaint your Honr of the great hardship we are like to labour by reason of Thos Chesters pressing forwd upon us to make a Waggon Road through the Blue Ridge in a gap called Chesters Gap where we think it is impossible for us or anybody else to make a good Waggon Road. Which is a great discouragement to us all by reason we came a great way here and undergone great hardships and have wasted great part of Our Estates in coming & can scarce get Bread for Our children for want of land cleard Secondly We beg leave to Acqt Your Honrs that we have found a good gap in the sd Ridge a little below Chesters that we think is as suitable from his Ferry place to market as the other which gap we are all willing to make a good Waggon Road by reason that nature had done abundantly more forming that gap than the other We beg leave to acqt Yr honrs that sd petitioners for Chesters Ferry was unacquainted with the Laws of this Colony They knew nothing of a Waggon Road that was to be made in that gap at the time they subscribed only the ferry they not mistrusting his having an advantage by their endeavouring to do him a kindness that he would make use of any stratagem striving to ruin his neighbours thereby Therefore we Your humble petitioners begs humbly that Your honrs would be pleased to take in Your serious consideration hoping thereby that Your honrs will (half a line missing, page torn) And your petitioners as in Duty bound will ever pray<sup>12</sup>*

It was witnessed by 51 men including Jost Hite. Some names were signed by the individual but our three names were obviously signed by the same person and were listed as follows: Jacob folkenburrough, Aandrew folkenburrough, Henry folkenburrough<sup>13</sup> The difficulties the settlers were experiencing in trying to clear the land and support their families can be clearly felt in the wording of this petition.

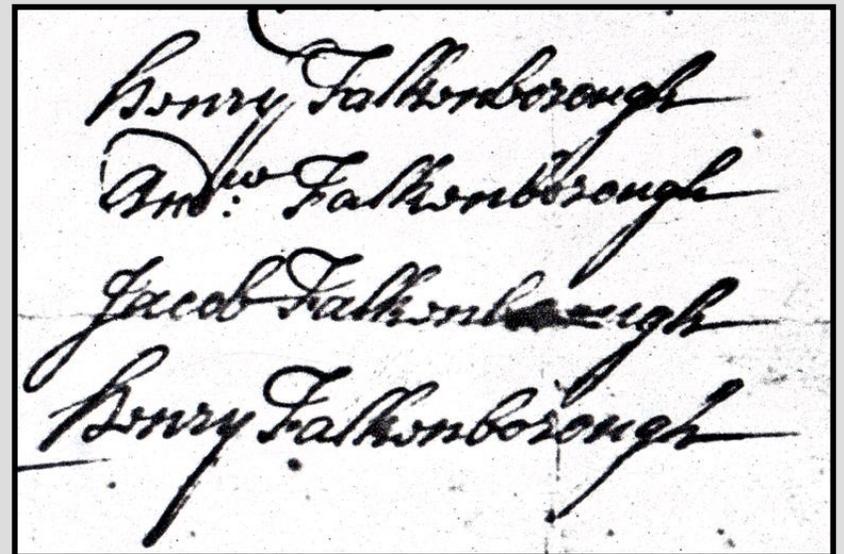
## 1737, July 23 - Orange County Petition for a road

The following petition, one year later, once again concerns a wagon road and is witnessed by four Falkenburg men. They are wanting a road to connect certain points that would make it easier for families in the area to get together to buy, sell, and trade.

*To the Worshipful his Majesties Justices of Orange County instantly sitting.*

*We the undsd subscribers begs leave to Acquaint Your Worships that we labor under great hardship for ye want of a good Road that is suitable and convenient for us to go to market. Therefore we humbly beg That Your Worships would take it unto Your Consideration and appoint Mr Jonah Denton and Mr Thos Branson Sen. Surveyors to lay out a Road for us beginning abt a mile below George harrisons in that Road and so through that woods to Thos Branson's and so along to Sherando River opposite to Manasses Run and from thence through the Gap of the Blue Ridge between Ashby's bent Gap & Chesters Gap which we have obtained an order of Prince William County from sd Ruite through the sd gap which is supposed the first gap that ever was found in the Blue Ridge And your petitionrs as in Duty bound will pray"<sup>14</sup>*

There were 47 signers to this petition. All the names were obviously recorded by the same person except two on the front and three on the back. Our men are entered as henry Falkenborough, And<sup>w</sup> Falkenborough, Jacob Falkenborough, henry Falkenborough.<sup>15</sup> We now know from documents to be discussed later that there were two Henry Falkenburgs in Virginia. Henry Falkenburg, Senior was the father of Andrew, Jacob, and Henry.



Henry Falkenborough  
And<sup>w</sup> Falkenborough  
Jacob Falkenborough  
Henry Falkenborough

## 1740, October 19 - Only known birth in Virginia

The only record related to any Falkenburg birth in Virginia was preformed by the Rev. John Craig, minister of Tinkling Spring Presbyterian Church. In a compilation of the early church records is a reference to Jacob Fulkenburgh having his son, John, christened on October 19, 1740. His actual date of birth is unknown and cannot be determined by his christening date, nor is his mother's name given.<sup>16</sup> On the frontier, christenings often had to wait until a traveling preacher was in the area. It is likely that quite a few other relatives were born during this time but went unrecorded. Most likely Jacob's wife was a Presbyterian and was adamant about having her baby christened. (See endnote 16 for more information.)

### Tinkling Spring Church



<http://www.rootsweb.ancestry.com/>

The first church, built two years after John's baptism, was a log structure and most likely had a dirt floor.<sup>17</sup>



Very old, unreadable headstone at Tinkling Spring Cemetery that has been totally encompassed by a tree trunk!

### **1741, June 26 - Orange County**

**Andrew Fulckenburgh was taken to court by William Baskins for debt (amount not stated). Action was put off until the next court session. This case is mentioned again on July 24, 1741, September 9, 1741, and September 24, 1741 when “. . . the action of detinue between William Baskins, plaintiff, and Andrew Falkenburgh, defendant, being agreed is dismissed.”<sup>18</sup>**

***Interesting note: William Baskins mentioned above also left the Shenandoah Valley and moved to the Carolinas. His son, Andrew, was living near our relatives in Lancaster County, South Carolina when he died in 1800.***<sup>19</sup>

### **1741, September 26 - Orange County**

**A case of trespass was issued by Thomas Ashby, Jr., plaintiff, against Henry Falkenburgh, defendant. On March 26, 1742, it went to trial. For whatever reasons (they were not stated), the court ordered that Henry pay Thomas Ashby, Jr. one shilling damages plus court costs. The records do not show any of the particulars about this case.**<sup>20</sup>



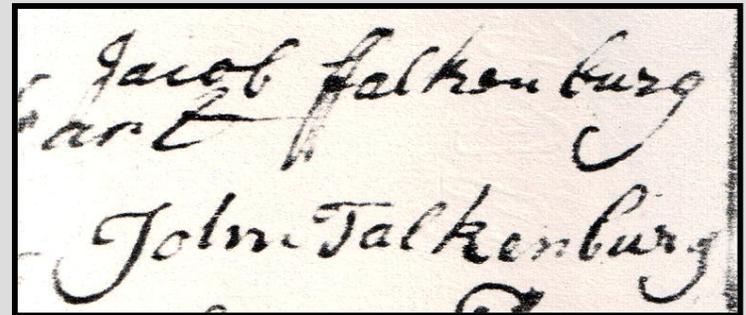
## 1743, February 3 - Another Orange County road petition

### *To the Honourable Court*

*May it please your honours that wee the subscribers do humbly petition unto your Honours for a Wagon Road to be made from John ffunks Mill to Benja Allens Mill, the Road which is now from the sd John ffunks Mill to Benja Allens is very Difficult for a wagon to go therefore Your humble petitinors to make a sufficant Road for a wagon to go from John Funks Mill to the sd Benja Allens mill and we your petitinors will take it as a great favour from your honours: fr granting this - Request unto us- Orange County: Shannadoe febr 3rd 1742/43 <sup>21</sup>*

This petition included Jacob ffalkenburg and John Falkenburg. This is the first reference to an adult John Falkenburg since the recently born John would not, as a toddler, be witnessing a petition. This petition was requesting work on the Indian Trail so it could better accommodate wagons. The actual date of the document would have been 1743 since during this time Colonial Virginia used a calendar where the first three months of a year were considered part of the previous year (Julian calendar). In other words, each year began in late March.

A second list of names within the same series of documents appears to be additional signatures for this petition. It contains the names of Andrew Falkenborough and Henry Falkenborough. <sup>22</sup>

A rectangular box containing two handwritten signatures in cursive. The top signature reads "Jacob ffalkenburg" with a double 'f' at the beginning. The bottom signature reads "John Falkenburg".

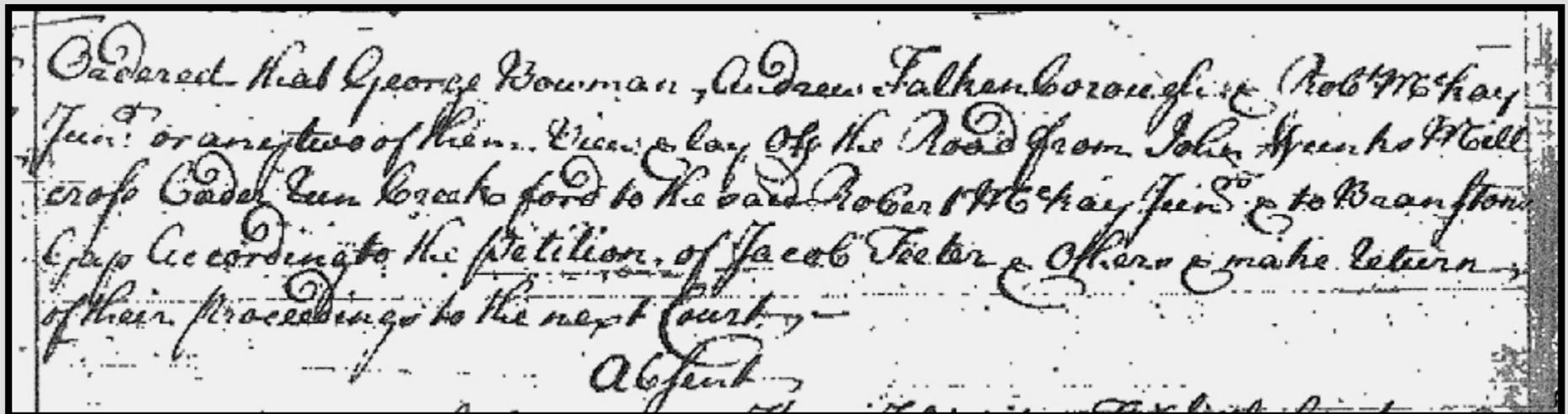
Note that the first name is Jacob ffalkenburg. A double f at the beginning of a name in place of a uppercase letter was common in Colonial America.

1744, January 13 - Frederick County (formed in 1743 from Orange) road order

*"Ordered that George Bowman, Andrew Falkenborough and Robt McKay, Junr or any two of them view & lay off the Road from John ffunk's Mill crofs Cedar run Creek ford to the said Robert McKay Junr's and to Branstons Gap According to the petition of Jacob Tester & Others & make return of their proceedings to the next Court -."* <sup>23</sup>

An order would be written by the county once a petition for a road had been entered and deemed necessary. Once again, colonial handwriting can be confusing. Whenever a double ss occurred in a word, fs was used instead; therefore, crofs would be read cross. These men were being told to look at the specified area to plot the construction of the road and then to let the court know so they could decide how to proceed. Andrew Falkenburg was probably chosen since he knew how to survey land.

Below is a copy of the original record from a microfilm of the Frederick County order from January of 1744. <sup>24</sup>



Ordered that George Bowman, Andrew Falkenborough & Robt McKay Junr or any two of them view & lay off the Road from John ffunk's Mill crofs Cedar run Creek ford to the said Robert McKay Junr's & to Branstons Gap According to the petition of Jacob Tester & Others & make return of their proceedings to the next Court -

Adjnt

## 1745, May 24 – Orange County order for laying off part of the Wagon Road

*“On the thirtieth day of March, 1745, we the undersigned subscribers, have viewed and laid off and marked the road in the said order as followeth, viz: - To begin at Thoms Brook and Frederick County Line and to go thence to Benjamin Allen’s Ford and Robert Callwell’s Path, and that Henry Fulkinburg, James Dalton, Charles Buck and Abraham Strickler be overseers of that part and that they have for their gang all the inhabitants between the mountains from Frederick County line to Callwell’s path; and that the road continue from Callwell’s Path ....”* <sup>25</sup>



Today, Tom’s Brook is a small town. The other end of the road, Benjamin Allen’s Ford, would have been located near the town of Mount Jackson.<sup>26</sup> This is a distance of about 20 miles! Since it is an order, the placement of the road had already been plotted and the court was ready for construction to begin. This court session identified the four men, including Henry Fulkinburg, to be overseers of the road. This meant they were in charge of getting the road completed using any available men in the area. Henry’s location is marked with a **red star**. The route today is part of Highway 11 and is called the “Old Valley Pike.”

**1745, March 23**

**Jacob Falkenburg sold his land to George Seller. <sup>27</sup> More information to follow.**

**1745, April 11**

**The Privy Council in London ruled in favor of Fairfax. The land was his to sell, not Hite's. The Council of Virginia requested a survey be done to determine exactly where the "Fairfax Line" was located in order to determine who was on Lord Fairfax's land. <sup>28</sup> All the Falkenburg property in the Narrow Passage Tract fell within the Fairfax land. After experiencing ten years of land ownership disputes between Fairfax and Hite, the Falkenburg men, along with others in the Valley, probably saw a future of continued litigation. About the time the Privy Council ruled in favor of Fairfax, the Falkenburg men had already begun selling property!**

**1745, August 5**

**Andrew Falkenburg sold his land located at Narrow Passage Creek to Ulrick Keener. <sup>29</sup> More information to follow.**

**Photo taken from the Woodstock Tower on Powell Mountain looking toward Woodstock and the bends of the Shenandoah River.**



**J. Criminger**

**1745, unknown date**

**Henry Falkenburg sold his land on Elk Run to Simon Dehart. <sup>30</sup> More information to follow.**

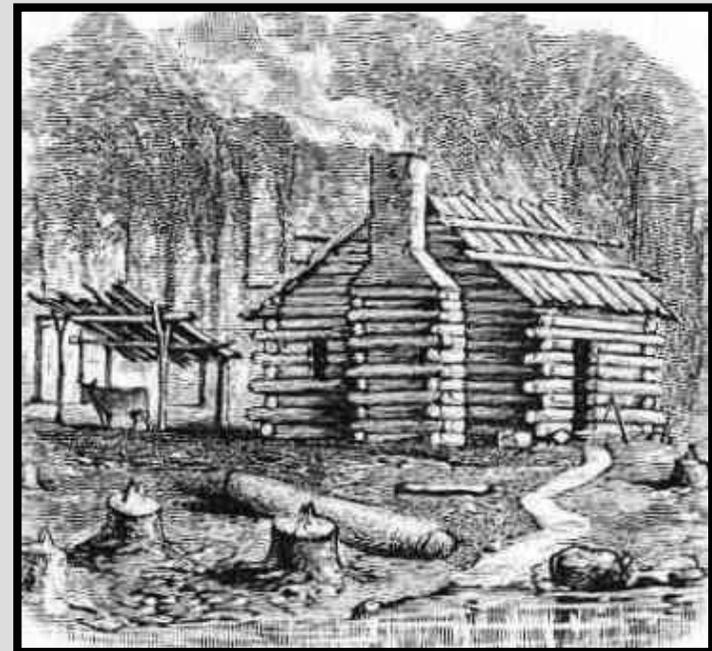
**Author's note: Some of the newly discovered records mention that Henry Falkenburg, Senior was in the Shenandoah Valley with his sons but there is no record of his selling any land. Deeds in North Carolina seem to indicate he did not die in Virginia but traveled south with his family.**

**1745, August 6**

**John Falconbourough appeared as a member of the jury in a Frederick County, Virginia court case of James Porteus vs John Fredan. <sup>31</sup> This is the second record in the Shenandoah Valley for John, establishing without a doubt that there was a young adult John Falkenburg in the area, brother of Andrew, Jacob, and Henry. (See endnote 31 for why this must be a sibling, not a cousin.)**

**After many, many years of searching, it was amazing to have located the above documents wherein the Falkenburg men sell their property. Each will be discussed within the chronology as they appear in the court records.**

**This image shows a typical pioneer home and is very similar to the one built at the Frontier Culture Museum in Staunton, Virginia. Notice the tree stumps left in the field.**



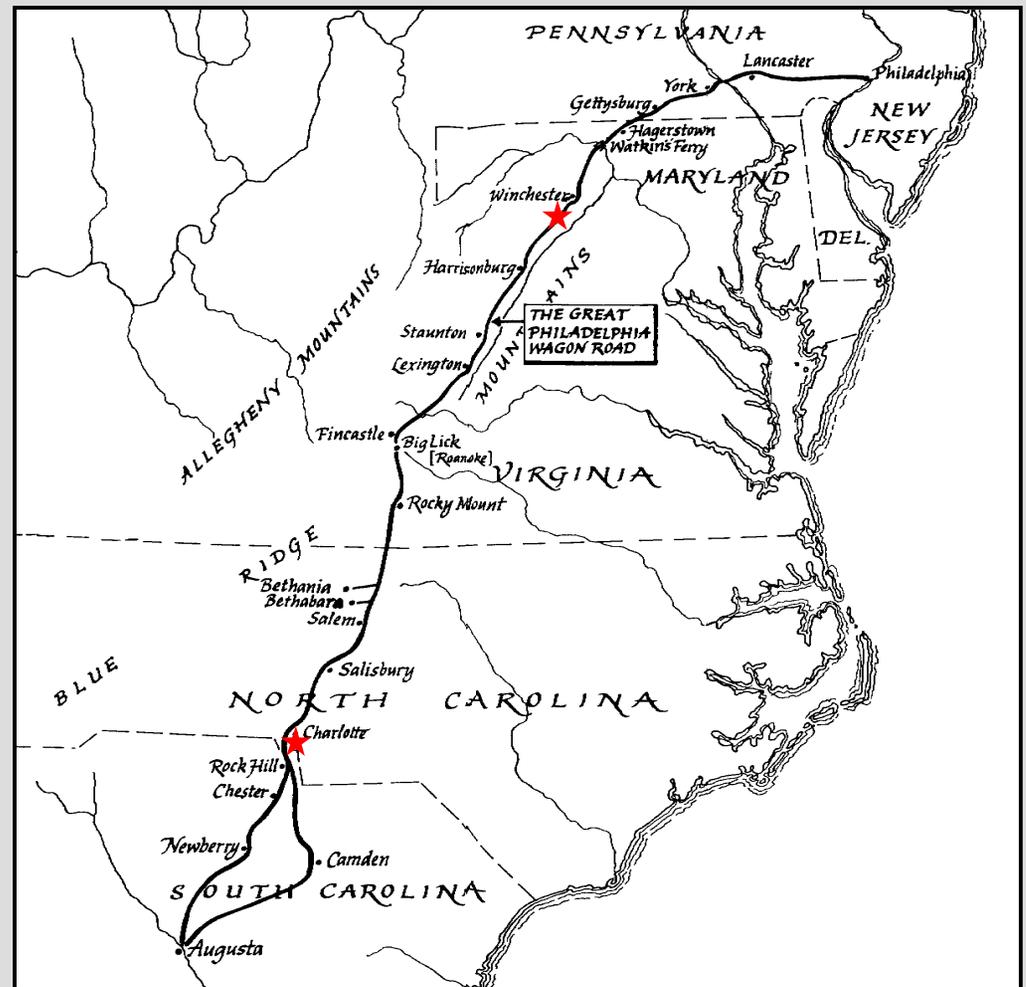
<http://www.landofthebrave.info/images/log-cabin.jpg>

## Late 1745

After ten years of doubt about having a clear title to their land, the Falkenburgs got on the Great Wagon Road they had helped to build and maintain and left for North Carolina. The two red stars on the map indicate the beginning and ending points of their journey down the Great Wagon Road.

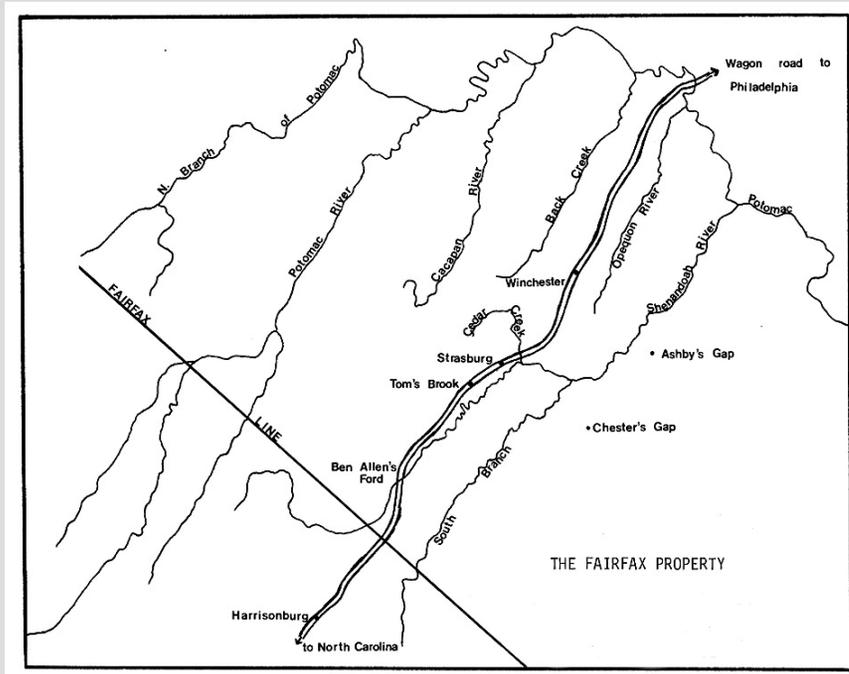
The distance traveled was about 350 miles. This placed them outside the North Carolina Royal grant belonging to the Earl of Granville, which for many people in the area resulted in land disputes similar to those in Virginia. They obviously made a conscious decision to travel south of Lord Granville's land to an area without land title issues!

Though they were no longer in the valley, their names would appear in documents of others attempting to maintain possession of Shenandoah Valley land sold to them by the Falkenburgs. The last document mentioning the Falkenburgs' land in the Shenandoah Valley did not occur until 1792.<sup>32</sup> This was 47 years after the Falkenburgs had left Virginia!



## 1746, September

Finally, the Virginia government sent surveyors to determine the exact boundaries of Lord Fairfax's property. Many landowners would learn if they were within the Fairfax land. The uncertainty was due to the fact that Fairfax's grant was all the land bound by the headwaters of the Rappahannock and Potomac Rivers. Because much of the area was neither explored nor surveyed, no one knew exactly where these points were located. <sup>33</sup>



There is an interesting side note about the survey of the Fairfax land. When the surveying crew set out in September of 1746, one of its members was Peter Jefferson, father of Thomas Jefferson. <sup>34</sup> By the time these surveys were being made, our Falkenburgs were already in North Carolina.

Map drawn by A. Criminger for use in *The Fortenberry Families of Southern Mississippi*

## 1747, September - Augusta County Court Judgments

George Sellers of Frederick County vs. Abraham Miller and Christian Miller, of Frederick County. Bond dated October 8, 1745. "The defendants live near the narrow passage, by Falkenborgh's old place." <sup>35</sup> This would have been Jacob Falkenburg's place since he sold his land to George Seller.

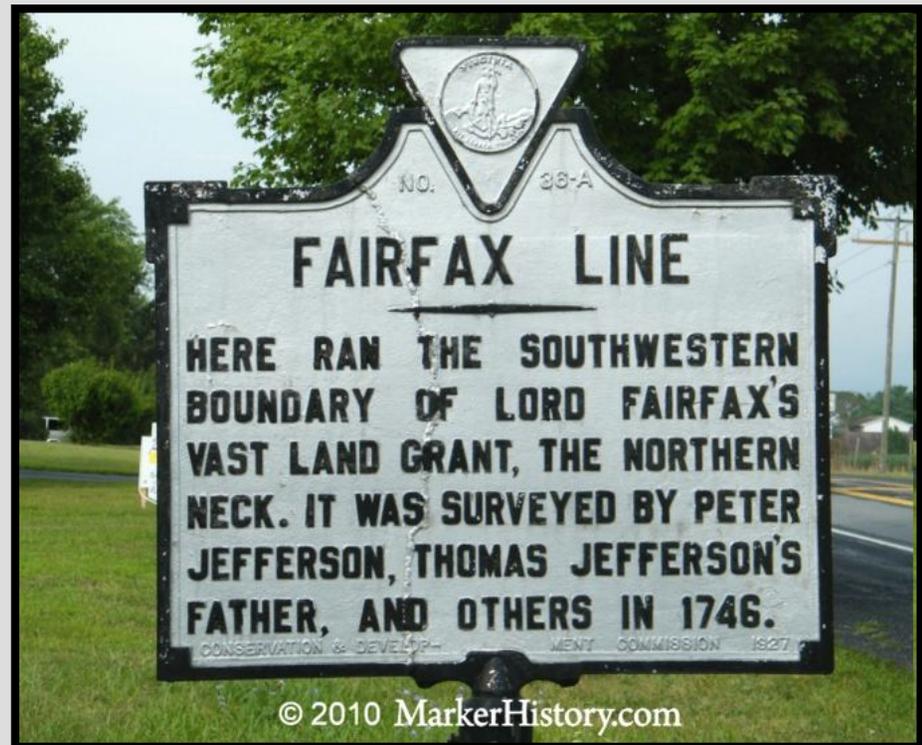


A. Criminger  
Museum of the Shenandoah Valley

The large stone above was one of the marker stones for the Fairfax property. Notice the hand ax for relative size. Obviously, the size and weight of the marker was to make sure it did not get moved. The lower part of the marker would have been buried below ground level.

With the ruling in favor of Fairfax, the settlers having purchased land from Jost Hite would now be wondering if they really owned the property under their homes they built ten years before. Should they ask for their money back from Hite? Should they now attempt to purchase it from Fairfax?

While in the Shenandoah Valley, I visited the Museum of the Shenandoah Valley.<sup>36</sup> Their Shenandoah Valley Gallery contains several displays that relate to events touching the lives of the Falkenburgs. Photos taken there will be noted as such.

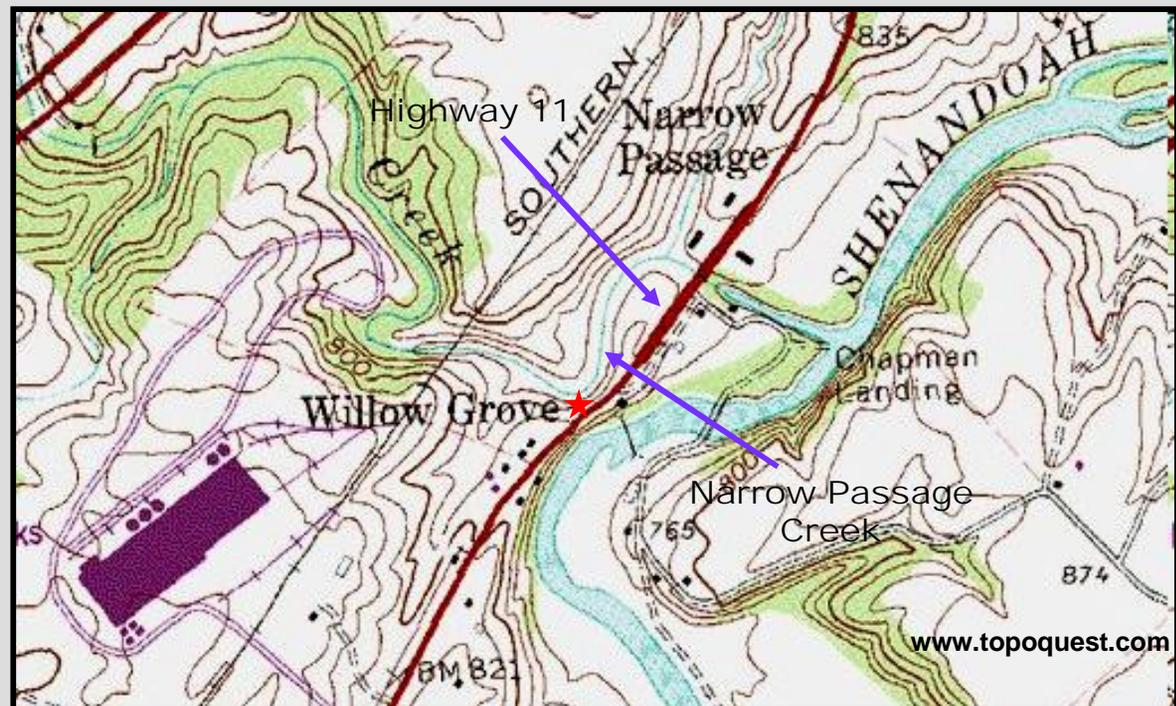


## How The Narrow Passage Tract Got Its Name

In late 1735, the Falkenburg men were given claim to approximately 2,200 acres referred to as the “Narrow Passage Tract” from Jost Hite and his business partners - Robert McKay, Robert Green, and William Duff. <sup>37</sup>

A 1927 book written by John W. Wayland, a native of the area, had this to say about the area called Narrow Passage: “Three miles above Woodstock, following the Valley Pike, one comes to Narrow Passage. This is one of the most remarkable natural features in the county. Here two streams, Narrow Passage Creek and the North Shenandoah River, are separated by a narrow ledge of limestone, just wide enough for the roadway. In early days, before the track was flattened out and the bordering trees cut back, two wagons could not pass in a distance of a hundred yards or so, and the wary teamster would always halt his wagon and walk ahead to see that the passage was clear before he dared to enter.” <sup>38</sup>

The feature described above would have been located at the **red star**. At this point, the distance between the creek and river is about 250 feet. Notice the closeness of the topographic lines indicating a steep bank between the river and today's Highway 11.



When our family published *The Fortenberry Families of Southern Mississippi* in 1984, we were not exactly sure where Jacob, Henry, and Andrew Falkenburg lived in the Shenandoah Valley. Recently, with the help of a newly located publication concerning some of the Fairfax land dispute records housed in England, I have been able to determine the general area where all three brothers lived! Below is a map showing the approximate locations of the lands they sold before moving further south.<sup>39</sup> AF = Andrew JF = Jacob HF= Henry



The Falkenburgs lived in the valley for 10 years (1735 – 1745). The closest town today is Woodstock, Virginia which did not exist when they were there since it was not established until 1761.<sup>40</sup>

How each brother's location was determined will be discussed individually on later pages.

Because of the doubt concerning Hite's rights to Fairfax's land, the landowners having received land from Hite were concerned about the legality of their purchases. The original Narrow Passage Tract of land most likely covered a distance of over 4 linear miles up the Wagon Road. The map below shows the approximate location of the length of the Narrow Passage Tract according to the boundaries on a survey completed for the litigation occurring in 1770. The original property line on the southeast side would have followed the river. <sup>41</sup>



Note: These are “best guess” points based on reading data recorded about 250 years ago.

## Events concerning the disputed land immediately after the Falkenburgs left Virginia

Though the following events did not involve the Falkenburgs as they were already in North Carolina, their rights to sell the land purchased from Hite would begin to be questioned.

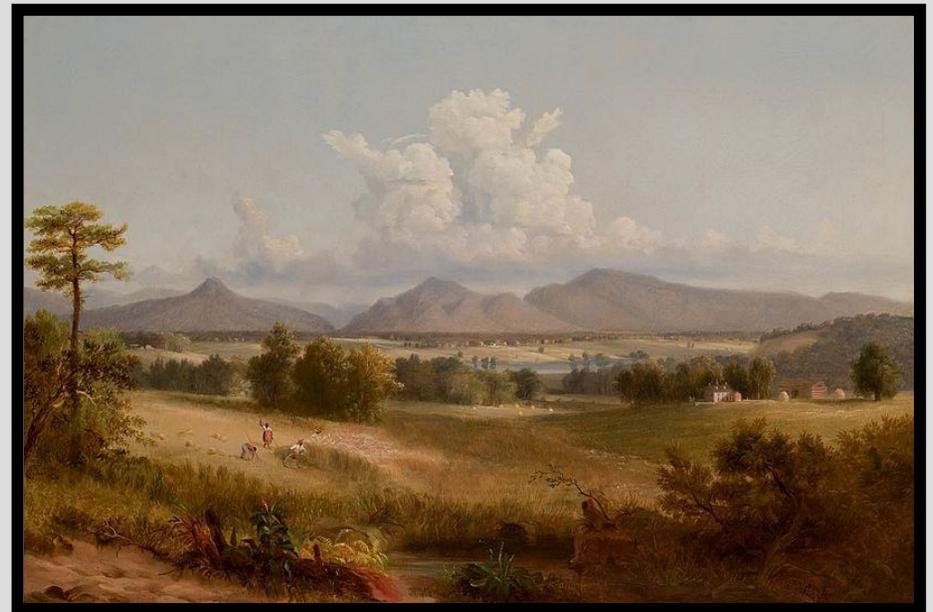
### 1748, October

The colonial government of Virginia requested that Lord Fairfax honor the patents (land sales) involving Hite's property. He agreed to do so if the owners would get a new survey of the properties in question. Fairfax wanted to reconfigure the highly irregular plots of land granted by Hite who had allowed landowners to claim narrow strips along waterways which caused an inequity in accessing rivers and streams. <sup>42</sup>

### 1749, August 5

A notice was put on the Frederick County Court-house door that Fairfax would begin taking requests for grants on his land sold by Hite. <sup>43</sup>

The term "improved or improvements" appears often in discussions of property throughout the years of litigation. Improved land referred to those sections of land actively worked, containing buildings, crops, or orchards. Fairfax was willing to issue grants to smaller holdings containing the improvements, not thousands of acres.



[https://upload.wikimedia.org/wikipedia/commons/thumb/3/39/%27Shenandoah\\_Valley%27\\_by\\_William\\_Thompson\\_Russell\\_Smith%2C\\_1846.jpg](https://upload.wikimedia.org/wikipedia/commons/thumb/3/39/%27Shenandoah_Valley%27_by_William_Thompson_Russell_Smith%2C_1846.jpg)

**1749, October 10**

Hite and Company entered a Bill of Complaint to the General Court of Chancery in Williamsburg, Virginia against Lord Fairfax. Hite was concerned with 27 tracts of land he thought had extensive sections of unimproved land that should be given back to him. The Narrow Passage Tract was one of the 27. <sup>44</sup>

**1749, November**

Fairfax began issuing grants to the landowners on the property Hite had sold. <sup>45</sup> Today, many people erroneously believe that all the Fairfax grants were issued to the original settler for that specific piece of property. This is not the case for anyone receiving land within the Narrow Passage Tract. It will be established in subsequent records that the entire Narrow Passage Tract was owned by the Falkenburgs.

**1750 – 1770**

For about twenty years, uncertainty about the legality of the ownership of land continued. Feelings between the two groups were antagonistic and many people lost faith in ever being treated fairly by the Hite family. It finally reached a point where the Virginia courts had to find a way to reconcile all the problems.

This photo shows the interior of a pioneer home at the Shenandoah Valley Museum. Most people had, at best, one change of clothes.



A. Criminger – Museum of the Shenandoah Valley

## **1770 – Commission - Litigation begins again**

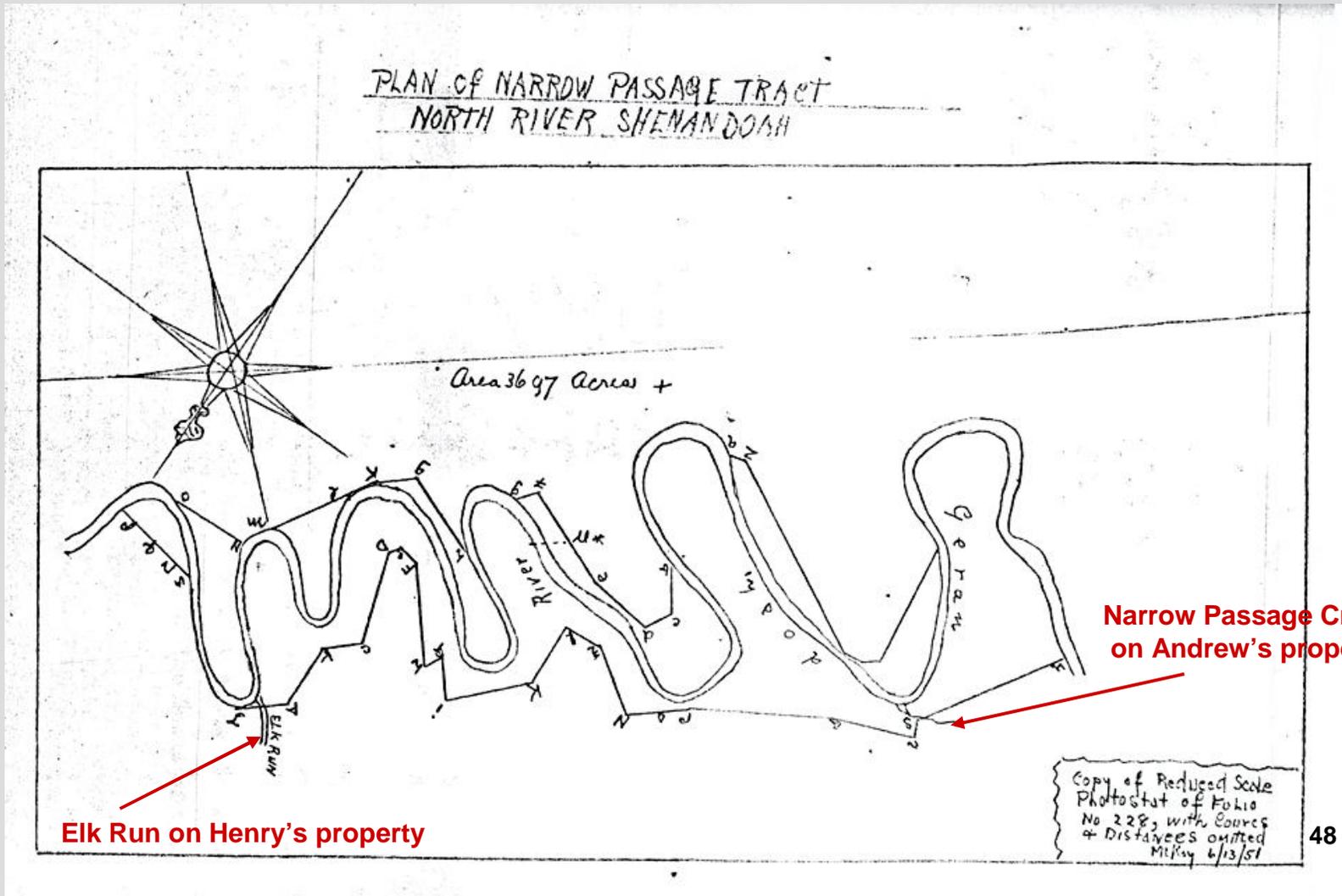
**A fact finding commission ordered by the Court of Chancery was set up to gather information about all the disputed property. Representatives from both sides would be involved. This commission began taking depositions (statements under oath) and doing surveys. <sup>46</sup> The Virginia copy of the documents was lost in a fire, but Fairfax's copy had been sent to England. In the 1950's a descendant of Robert McKay's (partner of Jost Hite) located and hand-transcribed the British records. <sup>47</sup> McKay's copy of the findings of the commission has been of immense value to many family historians. These documents have made it possible to untangle and understand the convoluted events involving the Falkenburgs' land at the Narrow Passage. What follows will include a small part of the commission's findings, yet very important to understanding our Falkenburg history!**



**A bend in the Shenandoah River**

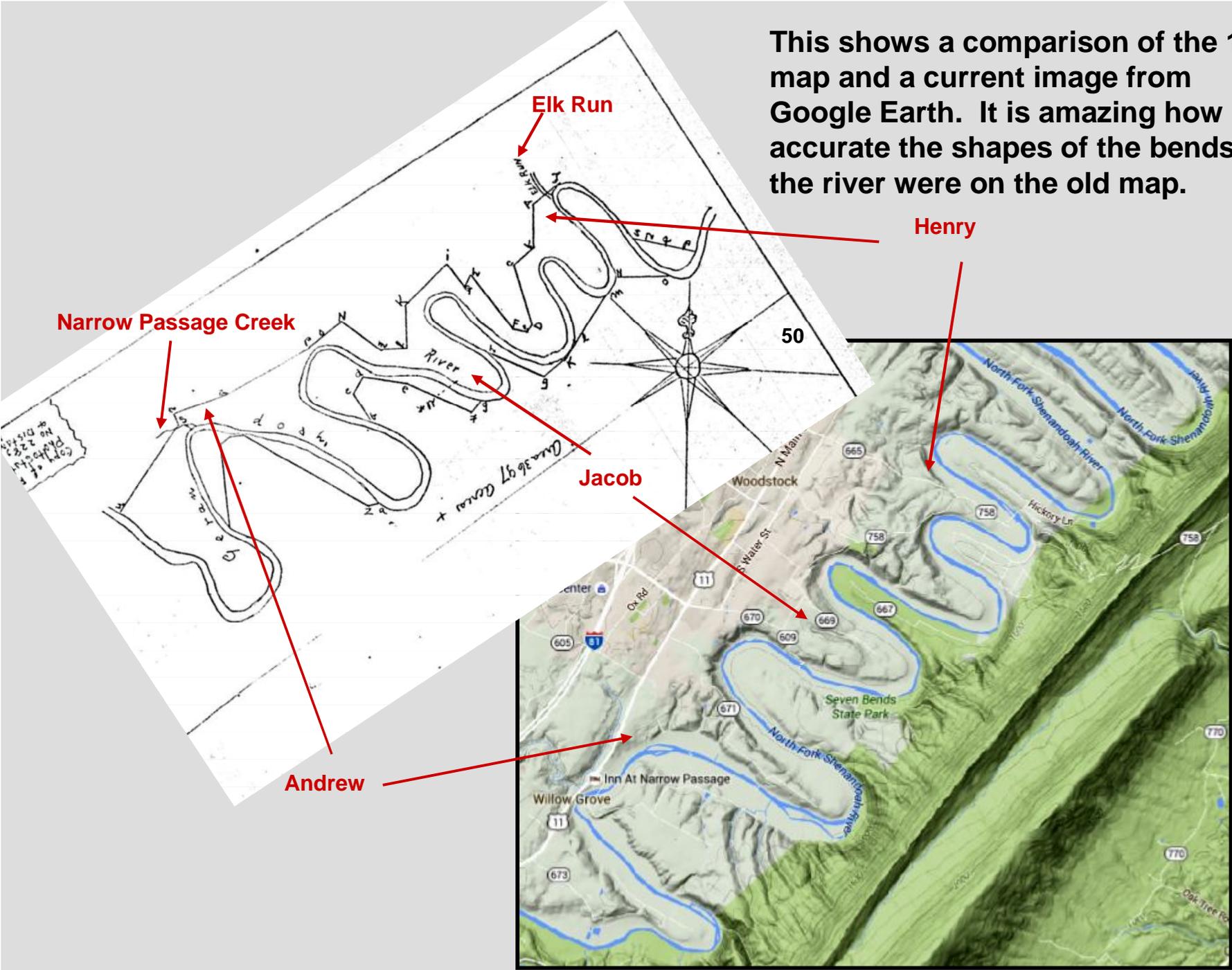
By William Louis Sonntag - <http://www.the-athenaeum.org/art/full.php?ID=18281>,  
Public Domain, <https://commons.wikimedia.org/w/index.php?curid=10119806>

**The land issues were becoming so volatile that men would attempt to prove ownership through any means they could, many by presenting evidence for having legally acquired the land from both Hite and Fairfax. It becomes obvious when reading through the records that many of these men were smart enough not to throw documents away!**



This plat was hand copied by McKay in 1951 from Lord Fairfax's copy of the 1770 litigation housed in England. The marks are the location of the points surveyed for the 1770 fact finding commission.<sup>49</sup> Notice that the "compass rose" indicates that north is pointing to the bottom left corner of the page. The following image will help to better understand how this map coordinates with today's map.

This shows a comparison of the 1770 map and a current image from Google Earth. It is amazing how accurate the shapes of the bends in the river were on the old map.

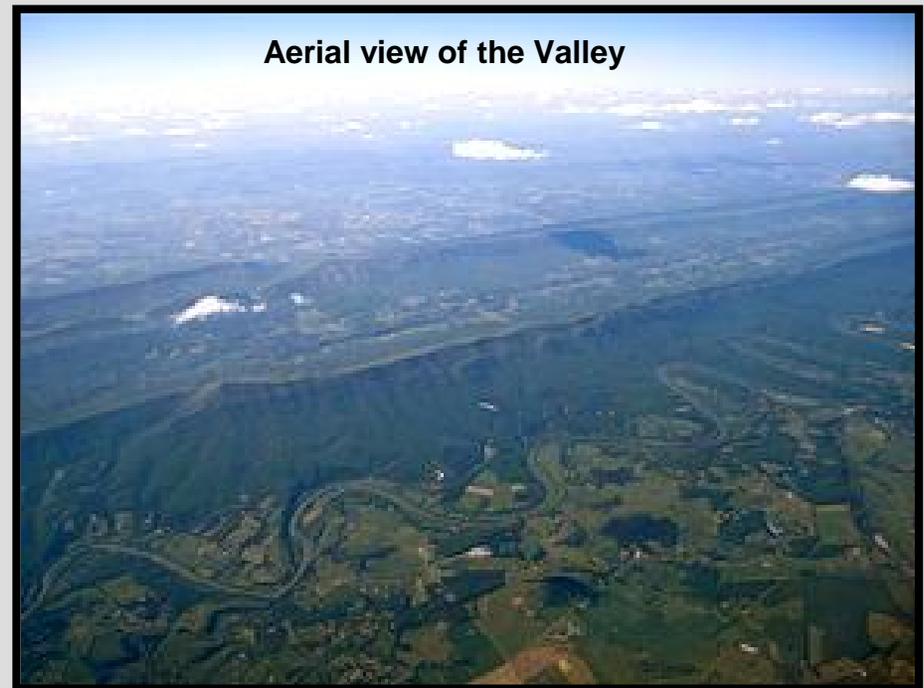


During the 1770 litigation, George Seller provided the court with two pieces of evidence to support his claim to property in the Narrow Passage Tract. The first was a copy of his purchase from Jacob Falkenburg dated March 23, 1745.

*“I Jacob Falkenburgh of Augusta County in the Colony of Virginia have Bargained and sold and by these present do sell set over and deliver unto George Seller of Frederick County and Colony aforesaid all my Right and Title of a certain Plantation of Improvements lying and being on Sherrando River between Henry Falkenburgh and Andrew Falkenburgh ... unto said George Seller...”* <sup>51</sup>

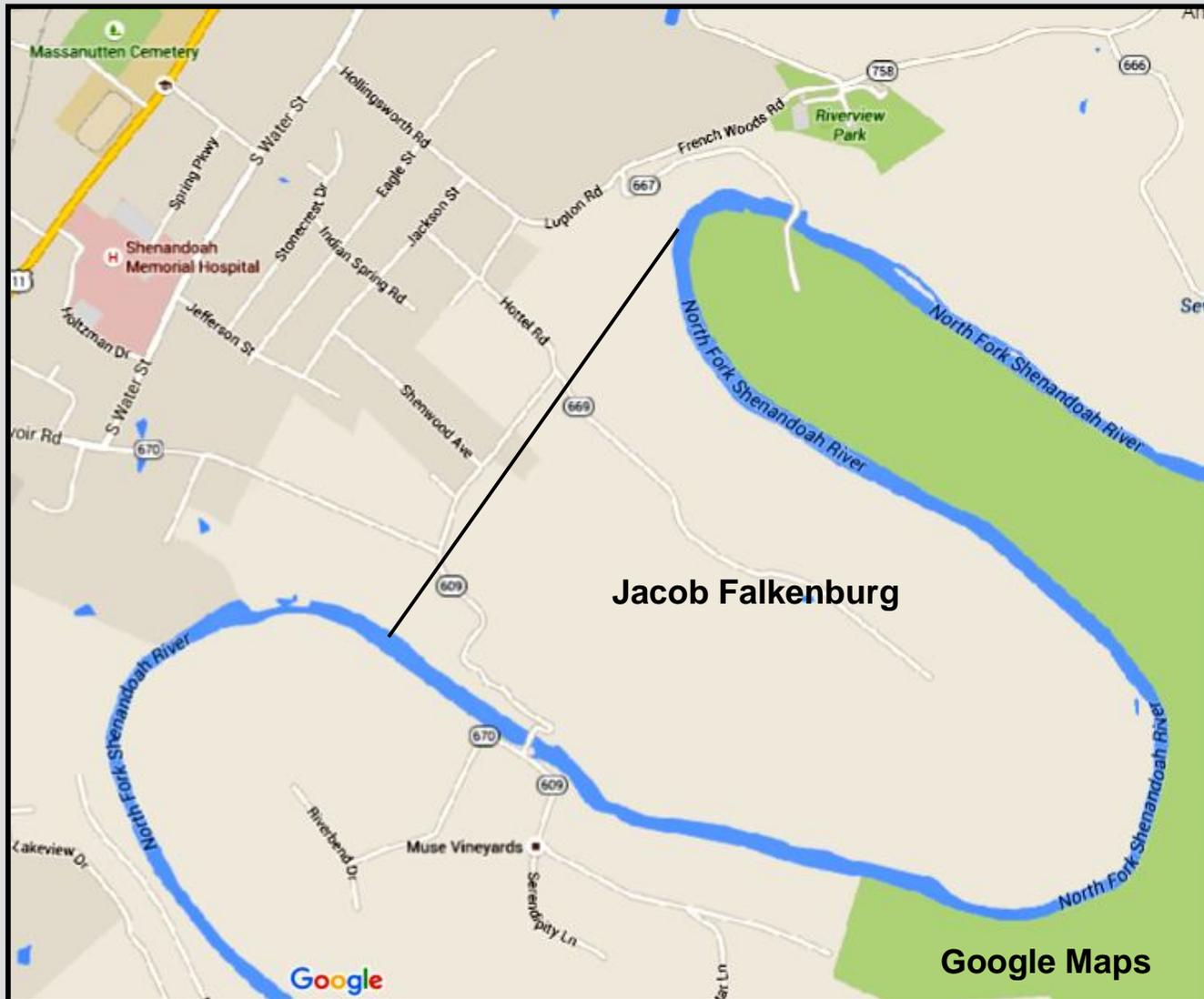
It is interesting to note that he mentions the relative location of his two brothers. His land was between Andrew and Henry. He signed with a mark not a signature.

Seller's second document produced for the 1770 commission was his grant from Fairfax dated October 20, 1750. Consequently, George Seller had a deed showing he had purchased the land from Jacob Falkenburg and was also given a grant by Lord Fairfax. <sup>52</sup>



By La Citta Vita - Shenandoah River, aerial, CC BY-SA 2.0,  
<https://commons.wikimedia.org/w/index.php?curid=26763408>

## Approximate location of the part of Jacob's property granted to George Seller



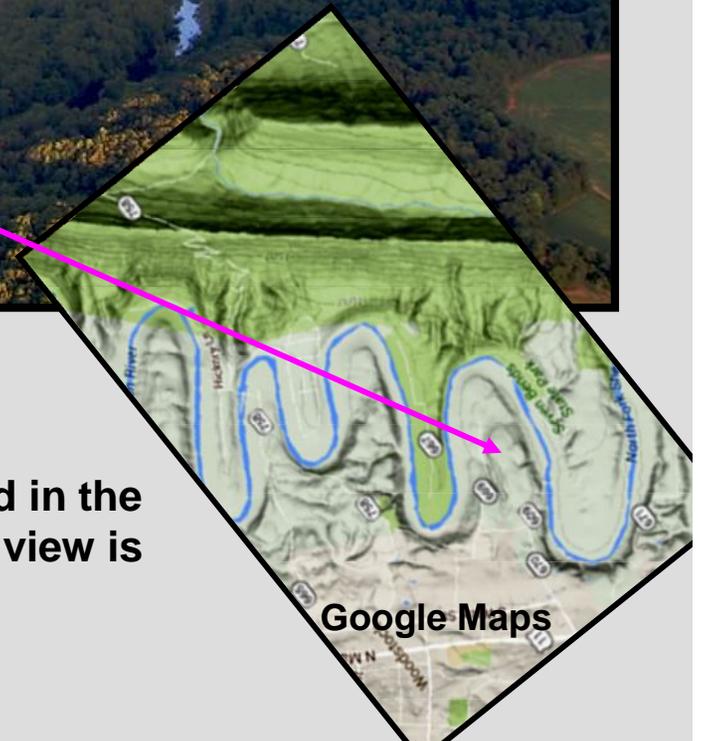
**Fairfax to  
George Seller  
400 Acres**

**The location of the part of Jacob's land issued to George Seller by Lord Fairfax is derived from research done by Cecil O'Dell wherein he describes the land granted to George Seller by Lord Fairfax in 1750.<sup>53</sup>**

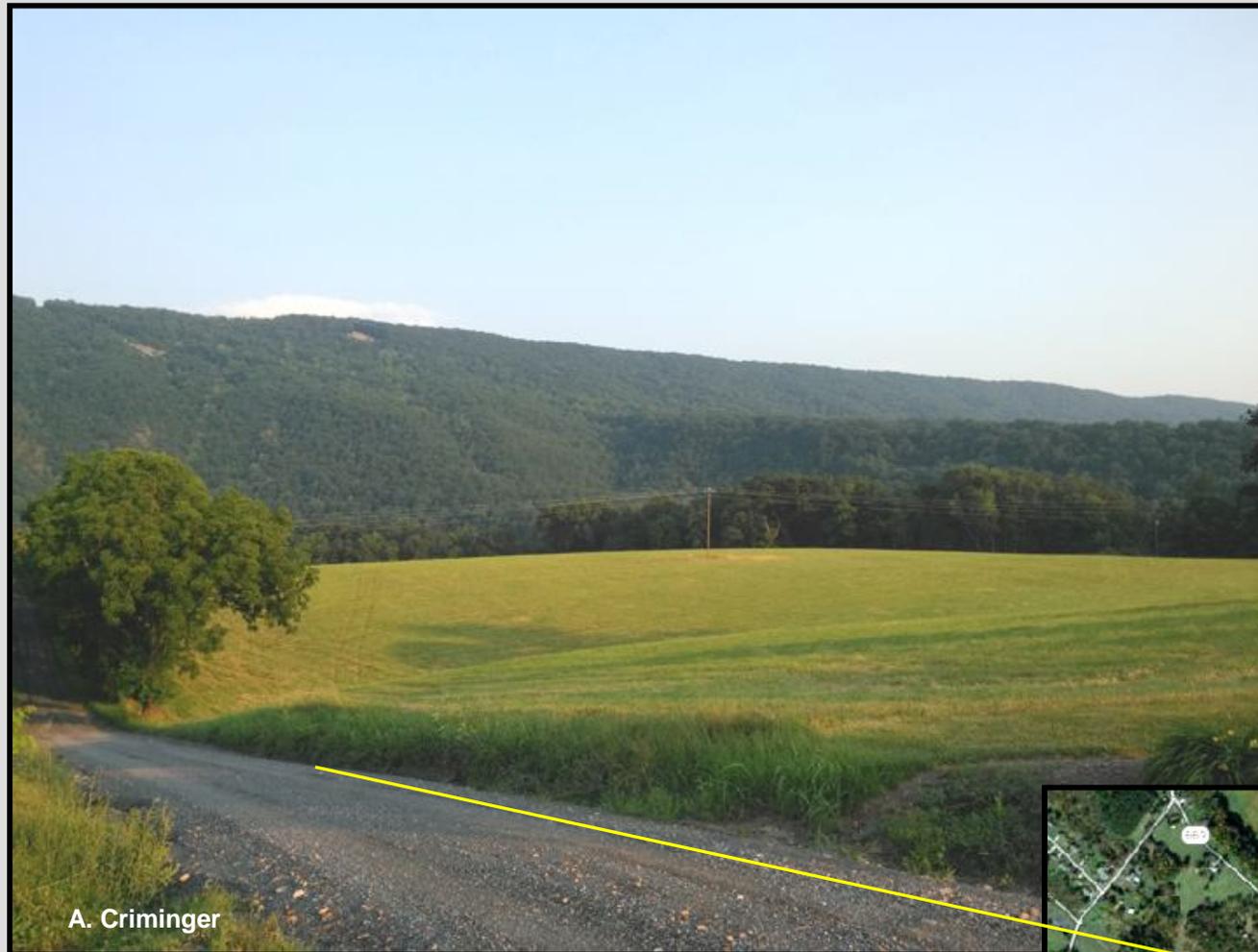


<http://www.learnnc.org/lp/multimedia/7376>

**This is an amazing aerial view of Jacob Falkenburg's land in the curve of one of the bends of the Shenandoah River. The view is looking toward Powell Mountain.**



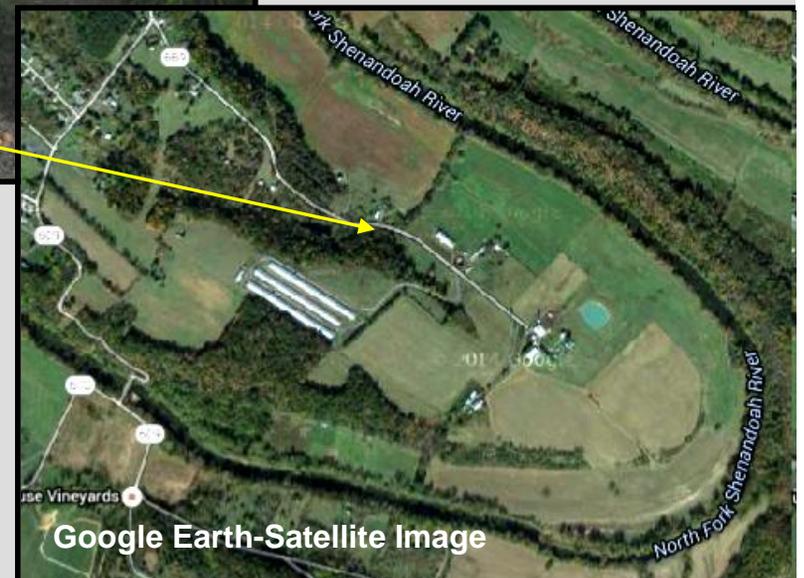
Google Maps



A. Criminger

County Roads 669 and 609 cross through Jacob's land. If you follow CR 669, it goes through the center of his property. This road stops at a huge farm, which is of course, private property. The picture on the left was taken looking down the road toward the Shenandoah River.

Powell Mountain is in the background. Imagine what it must have been like in the 1730s covered in virgin timber.





**This view of the North Fork of the Shenandoah River was taken from a bridge on CR 609. This road crosses through the western part of Jacob's land. In this view, his land would be on the left. Once again, Powell Mountain in the background.**



**Because Jacob Falkenburg is my 5X great grandfather, it was wonderful to walk on the land he had owned! These photos show the bridge on CR 609 connecting Jacob's land to the other side of the Shenandoah River.**

**Jacob Falkenburg to me,  
Adrienne Fortenberry  
Criminger**



**Jacob Falkenburg (probably MD) – John Falkenberry (VA) –  
William Jasper Fortenberry (SC) – Burrell Taylor Fortenberry (MS) –  
William Jackson Fortenberry (MS) – Ferman Esco Fortenberry (MS) –  
Adrian Woodrow Fortenberry (MS) – me, Adrienne (GA)**

During the 1770 litigation, Ulrick Keener produced two documents for the court to support his claim. One was the August 5, 1745 receipt from Andrew Falkenburg to Ulrick Keener. The second was the October 20, 1750 grant from Lord Fairfax for the improved land originally purchased from Andrew Falkenburg.<sup>54</sup> It is interesting that October 20, 1750 was the same date Fairfax issued a grant to George Seller for Jacob's land.

On the August 5, 1745 sale from Andrew Falkenburg, the description of the payment is very interesting. For his land, he was given:

*".....6 pounds, 10 shillings and 6 pence current money Pennsylvania likewise 2 mares for 24 pounds and 3 pounds ten shillings and a Cow and 1 pound Nineteen and 6 pence in Bill in all 36 pounds which I have received in full for the whole paiment for my Plantation I say received by me"<sup>55</sup>*

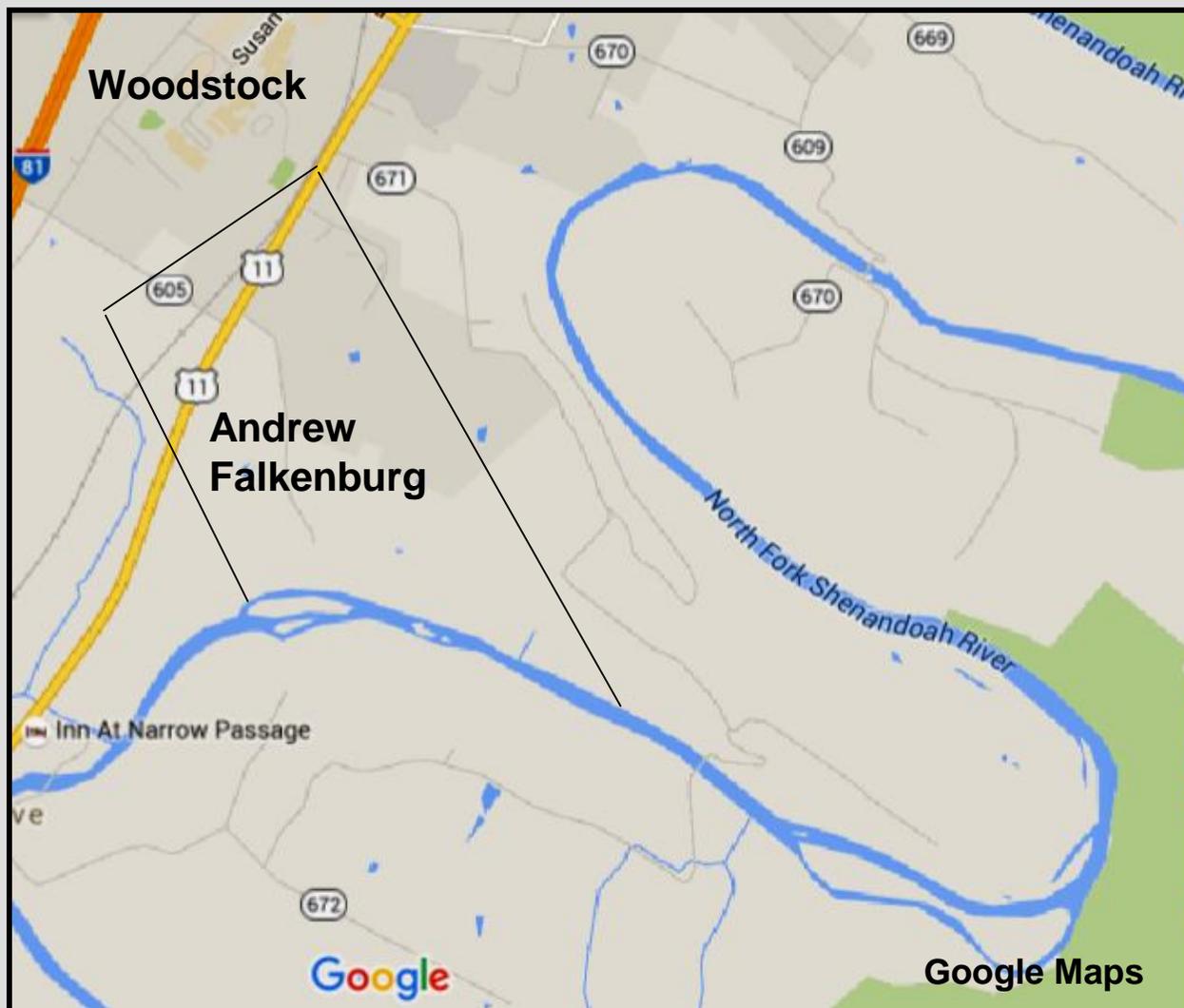
From these two documents, Ulrick Keener should have clear title to the land since he had proof of a purchase from Hite's settler (Andrew Falkenburg) and a grant from Lord Fairfax. The horses and cow in this transaction probably were obtained in preparation for moving to North Carolina.

This photo is of an area of Andrew's land granted by Fairfax to Ulrick Keener in 1750.



J. Criminger

## Approximate location of the part of Andrew's property granted to Ulrick Keener



**Fairfax to Keener  
300 Acres**

The location and shape of this segment of Andrew's land is derived from research done by Cecil O'Dell wherein he describes the land granted by Fairfax to Ulrick Keener in 1750.<sup>56</sup>

Andrew's land granted by Fairfax to Keener included a section of the of the Great Wagon Road (Highway 11). The southeastern part of the town of Woodstock, Virginia has been built on a part of his original land purchased from Jost Hite and Company.

## Road into Keener's part of Andrew Falkenburg's property



**Hoover Road (County Road 605) turns off the Old Valley Pike (Hwy 11) and goes through the center of Keener's part of Andrew's property. It dead ends into private property.**



**If you turn off the Old Valley Pike onto Hoover Road and travel down the middle of Andrew's property, you see views like this. The area is absolutely stunning. The closest mountain is once again Powell Mountain. There is no public access to the Shenandoah River from CR 605.**

Sometime late in 1745, Henry Falkenburg's land was purchased by a Dutchman named Simon Dehart. When Dehart was questioned in the 1770 inquiry, he did not produce any original documentation from Henry but made a statement under oath. According to his statement, he made his purchase in 1745 and soon after sold it to Adam Funk. Funk received a grant for Dehart's land from Lord Fairfax on December 11, 1751.

Consequently, Dehart was providing evidence that Adam Funk's ownership of Henry's land in the Narrow Passage Tract was legal since the land he sold Funk was purchased by him from Henry Falkenburg.<sup>57</sup>

*"The Deposition of Simon Dehart aged sixty seven years or thereabouts. This deponent .... Saith that about twenty three years ago he purchased of Henry Fauconberry a certain Improvement within the Tract of Land granted to the Complainants that some time after he applied to Jost Hite and McCoy and told them he had bought said Fauconberry's Right and desired to know whether they would sell him the said Plantation being one Bottom on the South side of Sherando opposite to the mouth of Elk run which the said Hite and McCoy agreed....."*<sup>58</sup>

Simon Dehart stated that he purchased the land on the west side of the Shenandoah River from Henry Fauconberry. He also wanted to own the land on the east side and applied to Hite and McKoy (McKay) to purchase that additional land.

It is interesting to note that Henry's surname is given as Fauconberry. This is very similar to one of the spellings seen later in North Carolina – Falconberry. It is also the first time in the Virginia records that the ending of the name is –berry and not –burg.

## The part of Henry Falkenburg's land later granted by Lord Fairfax to Adam Funk

The northernmost point of Henry's land encompassed the confluence of Elk Run and the Shenandoah River. Today the stream is called Spring Hollow. <sup>59</sup> Henry's land can be reached by County Roads 665 and 758 east of Woodstock.

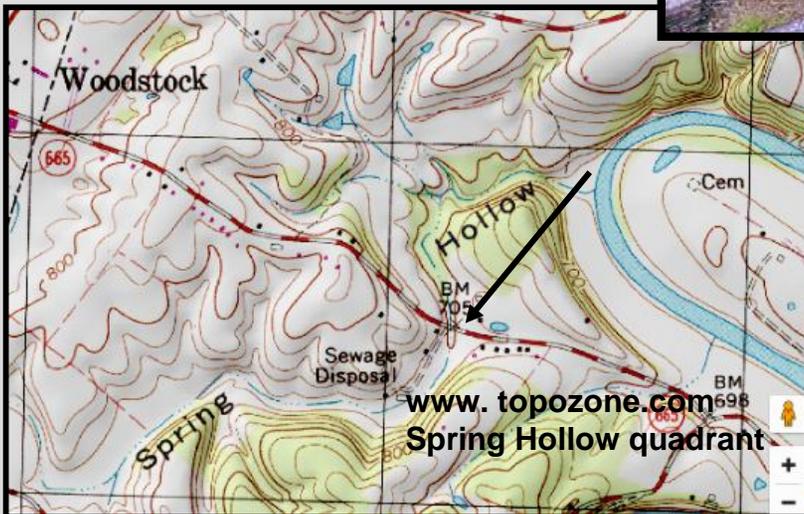
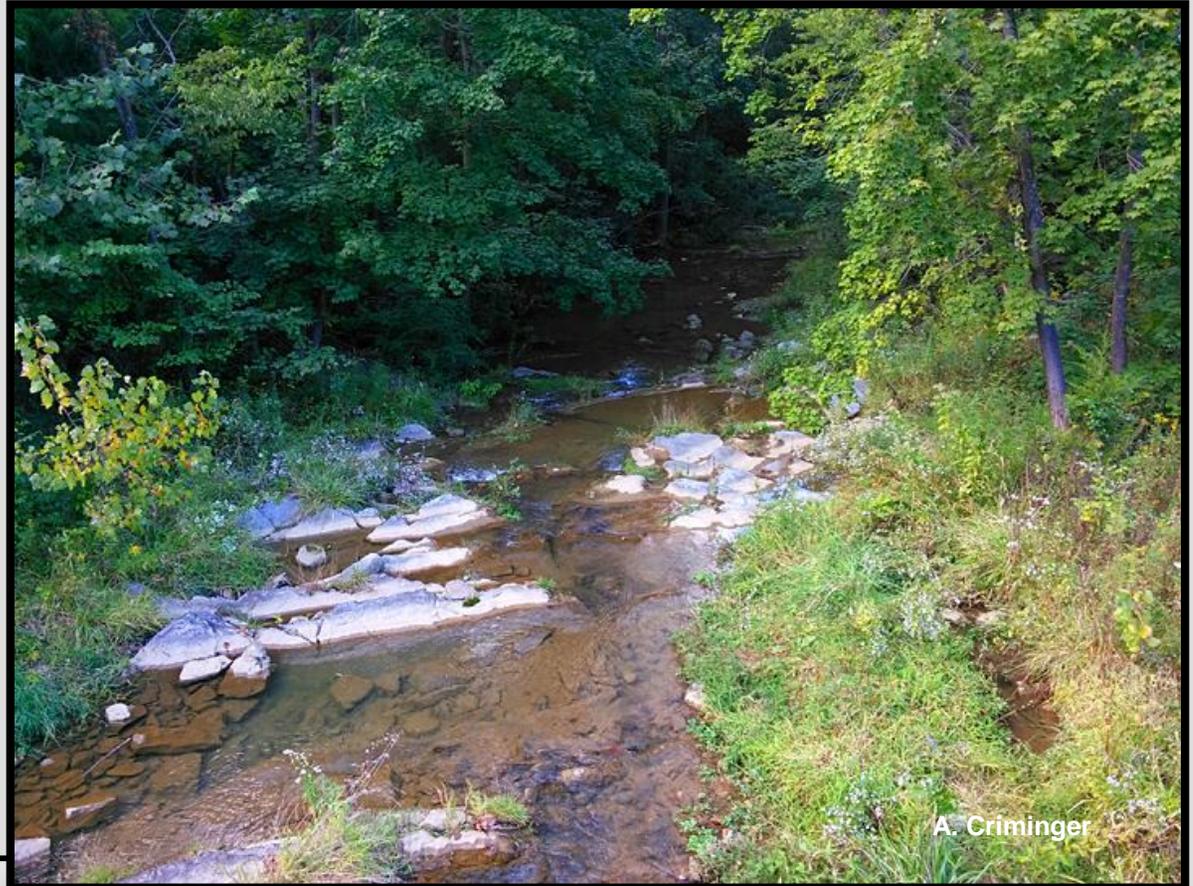
### Fairfax to Funk 262 Acres

The location of the part of Henry's land issued to Adam Funk by Lord Fairfax is derived from research done by Cecil O'Dell wherein he describes both the grant from Fairfax in 1751 and Funk's earlier purchase from Simon Dehart. When the transcripts of records from the suit are read carefully, it becomes obvious that some of the information about the chain of title of Henry's land is in error. <sup>60</sup>



**Elk Run  
on Henry Falkenburg's  
land**

**This was near the  
northernmost point of the  
Narrow Passage Tract.**



**Though no road gives access to  
the confluence of Elk Run (Spring  
Hollow) and the Shenandoah River,  
Mill Road (CR 665) does cross it  
upstream.**

**Henry's land from CR 758.**



## 1770 - 1781

Between 1770 and the end of the Revolutionary War, land issues seem to have been relatively stable. This was due mostly to the political events occurring in the colonies. When Lord Fairfax died in 1781, he left his estate to a British nephew. Since we were at war with Britain, no governing power in Virginia was willing to allow a British citizen to inherit millions of acres in Virginia. Hite's family took advantage of the change in the political atmosphere and decided to once again head back to court. When the war ended, it became evident that our newly formed court system was ill prepared to handle so many complex land disputes. <sup>61</sup>

## 1786, May 8

The Virginia High Court of Chancery finally ruled that the heirs of Hite could legally claim all the land awarded them in 1731. <sup>62</sup> It should be noted that this decision was made 50 years after many of these families began building their homesteads! By this time, Jost Hite had been dead for 26 years. Who was in court? Quite a few of Jost Hite's children, grandchildren, and in-laws!



<https://media-cdn.tripadvisor.com/media/photo-s/01/12/57/03/the-inn-from-the-back.jpg>

**A great place to stay if you visit the area!**

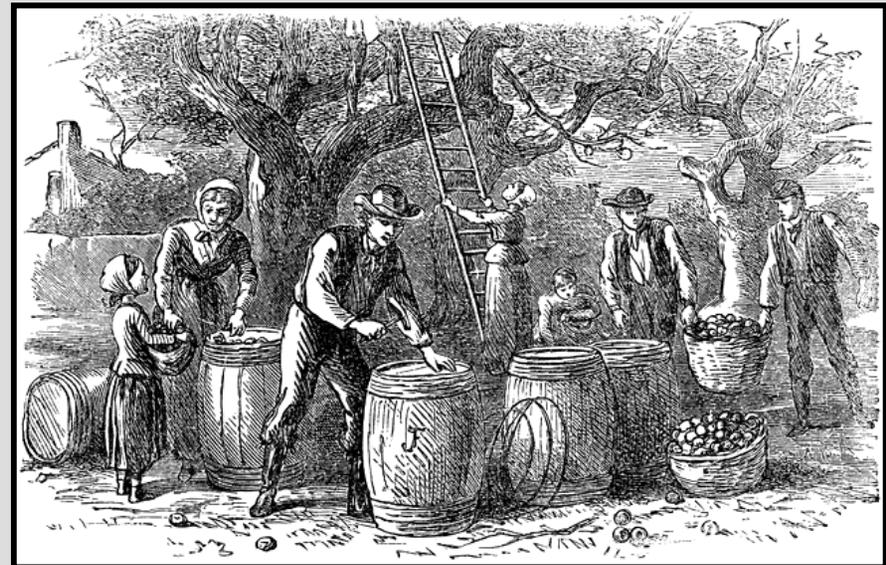
**The Inn at Narrow Passage, built on land originally belonging to Andrew Falkenburg, has at its heart an old log inn built in the mid 1740s. The innkeeper, Ed Markel, has worked hard to preserve the building. He knows lots of history to share, delivers treats to your room after checking in, and will make you a wonderful breakfast!**

When Hite's heirs received the ruling in their favor, it set into motion serious repercussions in the Shenandoah Valley. This new decision:

1. gave all the 100,000 acres from the original 1731 grant back to the Hite family.
2. required landowners to provide definitive proof of a purchase from Hite, not Fairfax, in order to keep their land.
3. allowed the Hite heirs the rights to any profits made on the land since January 1, 1750. <sup>63</sup> One wonders how the Hite heirs would go about figuring this out!

To add insult to injury, a person was soon sent to visit each of the properties in question to make a record of what was being done on the land they hoped to acquire. This person was Jonathan Clark, husband of Jost Hite's granddaughter, Sarah Hite. So the "enemy" was making a visit to see just what they would be able to take! Among some of the items he noted were the size and condition of all buildings, acreage cleared and cultivated, and even the number of apple trees. <sup>64</sup>

It is interesting to note that except for the apple trees, no other trees were counted. Why apples? The apples were used for baking, eating, livestock feed, and most especially for making cider. The cider was consumed as fresh cider, applejack, or brandy.



**1786**

**From June through August, Jonathan Clark visited 219 farms to collect information for his family. <sup>65</sup>**

**Considering the fact that the courts had just made their ruling on May 8, the Hite heirs were obviously impatient to know exactly what they were going to be able to recover (“steal”) from the people having worked the land for 50 years!**



Remains of an old mill on CR 758 adjacent to Henry's property

**1786, June 12 and 13**

**On these two days, 24 farms within the Narrow Passage Tract were visited by Jonathan Clark. He kept a journal of his findings as he visited each homestead. <sup>66</sup> The acreage described would have been cleared land. Note the cabin sizes.**

**These two entries are quotes from Clark's journal that hint at a couple of old houses still standing in 1786. One of them might have been a cabin built by Andrew Falkenburg before he sold his land to Ulrich Keener.**

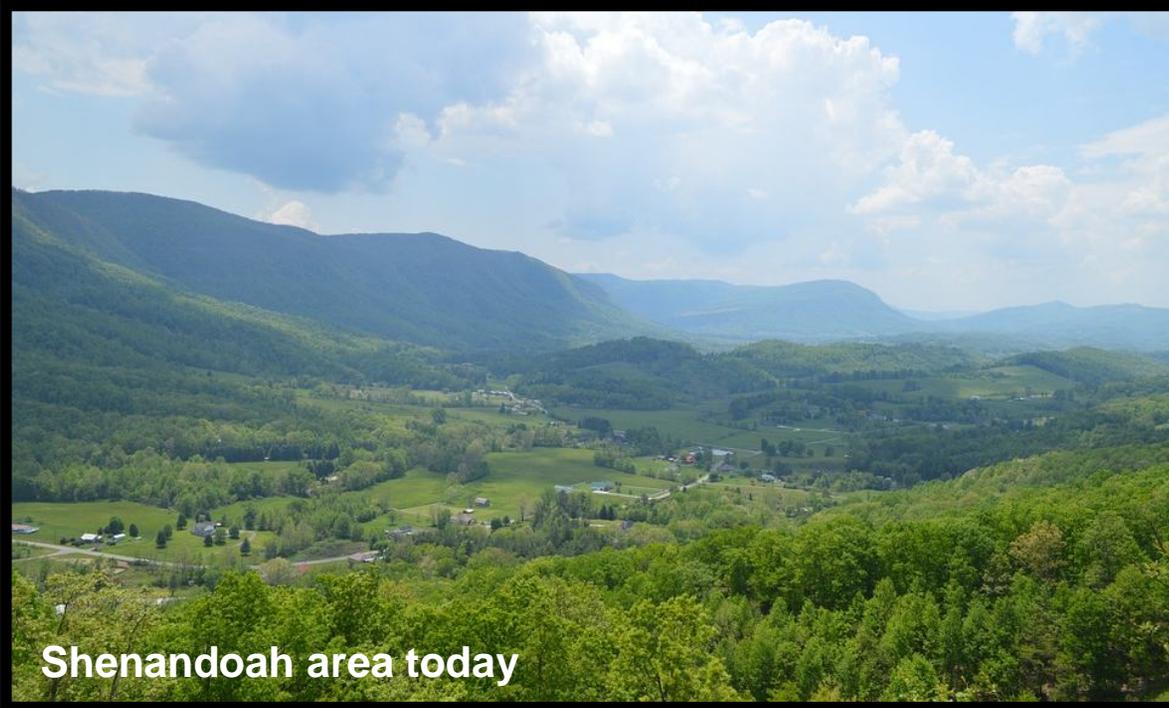
***“Ulrich Keener – (146) Devenys tract – cult. land of second rate bottom, 20 a. in bad order; buildings: new log dwelling house 16 by 16, no chimney; old round log dwelling house, wood chimney with cabbin roof, 30 apple trees.***

***Jacob Hoover, Keeners tract – cult. land, 22 a. best bottom, 6 a. of which is meadow, 17 a. of third rate high land in good order; buildings: an old log dwelling house without a chimney 24 X 20, roof worn out; .... 10 scattered apple trees.” <sup>67</sup>***

## Shenandoah area today

By 1786, the Narrow Passage Tract, originally claimed solely by the Falkenburgs, was now occupied by at least 28 families.<sup>68</sup> These 28 families chose to join together to enter a countersuit against the Hite descendants. What would be needed to protect their rights to the land? The most important question was whether the Falkenburgs had the right to sell the Narrow Passage Tract. To do this, the current owners had to prove that Hite and Company sold the entire Narrow Passage Tract to the Falkenburgs. If proven, the 28 landowners may be able to legally claim the land. If one carefully read the 1745 documents concerning sale of the Narrow Passage Tract, it would be noted that none of the brothers' transactions designated a specific acreage. In a way this was good for the families suing the Hite descendants. If they could prove the Falkenburgs were sold the whole Narrow Passage Tract, then none of the tract could be considered unclaimed. But it could also prove to be disastrous if clear title from Hite and Company to the Falkenburgs could not be established.





Shenandoah area today

[https://pixabay.com/static/uploads/photo/2015/05/19/17/23/mountains-773920\\_960\\_720.jpg](https://pixabay.com/static/uploads/photo/2015/05/19/17/23/mountains-773920_960_720.jpg)

The discovery of a set of unique records that are new to our family saga came from hints in a wonderful book written by Warren R. Hofstra entitled *The Planting of New Virginia*. In this history of the Shenandoah Valley one finds two references to an early settler named Andrew Falkenburg.<sup>69</sup>

When tracing the endnote references back to the original source, one finds that the document mentioned is part of the holdings of the Filson Historical Society in Louisville, Kentucky.<sup>70</sup> My visit to the library uncovered an amazing set of papers related to the countersuit against the Hite family. One might wonder how papers related to land disputes in the Shenandoah Valley of Virginia ended up in Kentucky. Since these were private papers, they belonged to the Hite descendants. As previously mentioned, Jost Hite's granddaughter, Sarah Hite married Jonathan Clark. Apparently, they inherited these papers. Later, Sarah and Jonathan and many of the Shenandoah Valley Clarks moved to Kentucky. The documents went with them. These papers were later donated to the Filson Historical Society and are called the Clark – Hite papers.

**With over 35 years experience in digging into family history, these are by far the most amazing original documents I have ever discovered. I could not quit smiling. The information contained in the 13 depositions concerning the Narrow Passage Tract even include glimpses of everyday life.**

## **Late 1786**

**The High Court of Chancery of the Commonwealth of Virginia required that the 28 plaintiffs in the countersuit locate people who could remember the events from the 1730s. Court orders were sent to North Carolina to interview (depose) key people. Obviously, the Falkenburg brothers would be important to find. Three people in North Carolina and ten from Virginia gave sworn testimonies recorded by local Justices of the Peace. These papers span from February, 1787 until 1792. <sup>71</sup>**

**What you will read over the next few pages are important excerpts from 6 of the 13 depositions. The first person to be deposed was Andrew Falkenburg of Burke County, North Carolina on February 10, 1787. His sister, Margaret Falkenburg Helms was living in Mecklenburg County, North Carolina and was deposed seven days later, February 17, 1787. <sup>72</sup>**

**Though the death dates of Jacob and Henry Falkenburg are unknown, because they were never found to be interviewed, it is likely they were already dead.**



J Criminger

**1787, February 10 – Deposition of Andrew Falkenburg, Burke County, NC**

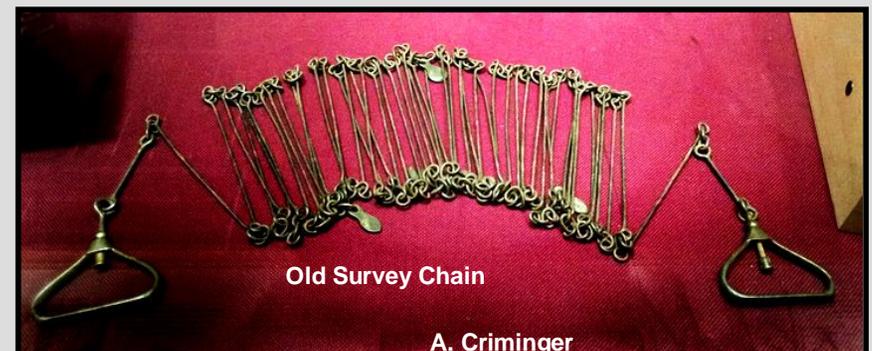
***State of North Carolina***

***Burk County***

***In pursuance of a Dedimus from the right honourable the High Court of Chancery of the Commonwealth of Virginia to us directed Charles McDowell & James Briton Justices of the Peace of the aforesaid County, we have caused Andrew Falkenburg to come before us at his Plantation in said County on this tenth day of Feby One thousand Seven hundred & Eighty Seven, ..... this deponent further saith on his Oath that he lived some time in Albany in New York Government in which time the deponent saith that Certon Gentlemen visa Joist Hite Robert McKay Robert Green and William Duff in Company Published, and let for sale Sundry tracts of Land on Shenando river by Advertisement .... he came and entered into the employ of the above named Gentlemen and carried the chain and made improvements of Sundry tract of Land...<sup>73</sup>***

**A Dedimus is a legal order to commission a private person (usually Justice of the Peace) to perform some act, such as examine a witness in place of a judge. “Carried the chain” means Andrew helped survey the land claims by literally carrying a chain to measure property. He actually worked for Hite and Company as part of the payment for his land.**

**Of great significance is Andrew’s statement that the Falkenburgs were living in Albany, New York when they learned about the Shenandoah Valley land sales. This fact, in conjunction with the Y DNA test results for our family, gives us two irrefutable ties with the Dutch Van Valkenburgs of New Amsterdam (New York City) and Beverwijck (Albany).<sup>74</sup>**



**Old Survey Chain**

**A. Criminger**

**Museum of the Shenandoah Valley**

## Continued - Andrew Falkenburg's deposition February 10, 1787

*... and fudr sith his own improvement he maid just below the Narrow Passag on the upper part of the land that wass called the Narrow Passag tracts and this deponent furdre saith that his Brother Henry Falkenburg settled at the mouth of Elk Run and his Brother Jacob Falkenburg settled between him and his brother Henry all on the land that wass called the Narrow Passag tract... And the deponent furdr saith that he sold his part of the narrow passage tract to Ulrick Kenor in the month of August 1745 and that he the said Deponent went in Company with Ulrick Keenor to Robert McKay one of the Grantes and that this deponent ask'd the said McKay if he wou'd mack such a title or deed to the said Narrow Passage tract of land as he had agreed to mak to him Mr Robert McKay anes'd and said that he would make as good a title or deed of conveyance as he and the Grantes had agreed to mack, to said Andrew Falkenburg this deponent to Ulrick Kenor and this deponent saith on his Solemn Oath, that he saw Robert McKay Shacks hands with said Kenor ...." <sup>75</sup>*

In this section, Andrew actually explains several important facts. He states that Henry lived at the mouth of Elk Run and Jacob lived on land between them. This agrees with evidence given in earlier documents about their land ownership. He also described a visit he and Ulrick Keener made to see Robert McKay, one of Hite's three business partners, to guarantee the legality of the sale to Keener.



This old ax can be found in the case with the survey chain and old Fairfax cornerstone.

A. Criminger  
Museum of the Shenandoah Valley

**1787, February 17 – Deposition of Margaret Falkenburg Heloms (Helms)**

***“State of North Carolina***

***Mecklenburg County***

***In pursuance of a Dedimus from the right honourable the High Court of Chancery of the Commonwealth of Virginia .... we have caused Margaret wife to George Heloms of the said County and Daughter of Henry Falkenburg Senr formerly of Augusta County in the Colony of Virginia to come before us at the dwelling House of the said George Helomes ..... Deposath and saith that about the year 1736 a Certain Robert McKay one of the then proprietors of Certain Lands Lying on Shanado River in Said Colony, Came to her Fathers House the said Henry Falkenburg Senr And saith that she heard the said Robert McKay tell her three Brothers Andrew Jacob & Henry Falkenburg that he the said McKay would sell them land and that She knew her said three Brothers go with the Said McKay to Chain Land and that She understood that the land that her Brothers then purchased from the said McKay Lay along the Shanandoah River from the Narrow passage to the Mouth of Elk Meadows Run....”<sup>76</sup>***

The most important fact from this document is that Margaret mentions her father by name twice! This gives proof that Henry Falkenburg, Senior was in the valley with his children. Henry Falkenburg, Senior would have been the son of the Indian interpreter, Hendrick Jacobs Falkenburg whose first wife (name unknown) was the daughter of Sinnick Broer the Finn.<sup>77</sup> This gives us a better understanding of the family structure of Henry Falkenburg, Senior. From the newly discovered documents, his known children in the valley with him were Andrew, Jacob, Henry, John, and Margaret. Based on records in North Carolina, there was probably a younger son, Isaac, not old enough to own land or appear in legal documents while still in Virginia, but could purchase land not long after they moved to North Carolina.

## 1787, February 20 – Deposition of Joseph White, Anson County, North Carolina

### *“State of North Carolina Anson County*

*In pursuance of a Dedimus from the right honourable the High Court of Chancery of the Commonwealth of Virginia .... We have caused Joseph White Ser<sup>r</sup> of the County And State Aforesaid to come before us at his own house on the Twentieth day of February 1787 ....He deposeth and Saith that upward of forty years agone his Residence at that time being on South river of Shanando river in Virginia and being in Company with a Certain Robert McKay Who lived on South river of Shanando river who was one of the Grantees of a Large tract of Land on the North river of Shanandoah, Say he had Sold the Falkenburgs on North river Some considerable Quantitys of Land on said river .....”* <sup>78</sup>

Joseph White, like the Falkenburgs, gave up on Virginia and moved to North Carolina. On April 2, 1748, Henry Falkenborough purchased from Joseph White 200 acres located in Bladen County (later Anson), North Carolina. <sup>79</sup>

Joseph White states the Falkenburgs had “Some considerable Quantitys” of land. Unlike today, in the southern colonies 100 to 400 acre tracts were common amounts to own. For him to say it was a large quantity would indicate considerably more, and therefore more in line with the 2,000 to 3,000 acres that made up the entire Narrow Passage Tract.

1789, September 2 – Deposition of Henry Funk, Shenandoah County, Virginia

*“By Virtue of a Dedimus from the High Court of Chancery to us directed we have this day caused Henry Funk he being of Lawfull age to come before us .... Deposeth and saith that about forty nine years ago this Fall Jacob & Henry Falkenberg came to my house and desired of me to come up and go and take a hunt after Elkes I asked Henry where he lived and he saith at the mouth of Elk run, Jacob also told this deponant he lived two miles and a half or thereabouts above Henry & Andrew lived below the mouth of Narrow passage run and this Deponant asked them if they did not own a great deal of land & they told him their father had bought three thousand acres of Jost Hite.....”* <sup>80</sup>

If Henry Funk was correct on his year, we know the hunt occurred in the fall of 1740. One wonders how he was able to make such a definitive statement!



Elk at Great Smoky Moutains Nartional Park  
J. Criminger

The men most likely were armed with long rifles which could range in overall length from 54” to 70”. <sup>81</sup> We forget that in the 1700s elk were common across the continent. They certainly would have provided more meat than a deer!



**American Long Rifle**  
Kentucky Long Rifle · Pennsylvania Rifle  
Appalachian Rifle · American Jaeger Rifle

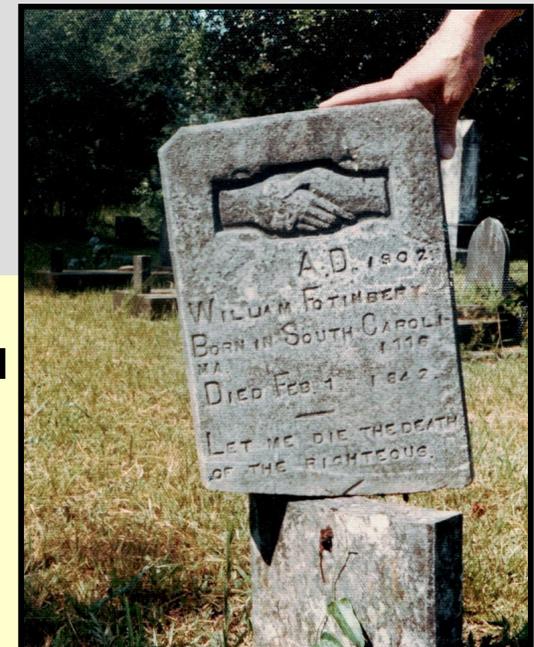
<http://www.gunclassics.com/images/kyrifle-2.jpg>

**1789, September 2 – Deposition of Elijah Odell Sen<sup>r</sup>, Shenandoah County, Virginia**

*“By Virtue of a Dedimus from the High Court of Chancery to us directed we have this day caused Elijah Odell Sen<sup>r</sup> he being of Lawful age ... Depoeth and Saith that in the year 1743 Henry Falkenberger lived somewhere on the bottom above the mouth of Elk run, and about the year 1745 or 1746 he sold the same to Simon Dehart & William Rogers, & this Deponant further saith that Dehart claimed the settlement at the mouth of Elk run ... he saw Dehart pay Fulkenberger the last payment for his land ... But the two Lower Bottoms Dehart sold to Adam Funk and the same year Andrew & Jacob Falkenburger sold, Jacob sold to a certain George Keller Andrew to Ulrich Keener and the this deponant saith the Falkenbergers live here abouts, about fifty years ago ... Andrew Falkenberger Junr he lived some where not (far) from the mouth of narrow passage Run near the mouth of the same on the North side of the River Shanandoah ... Jacob Falkenberger told him he father bought it of Joist Hite <sup>82</sup>*

The county mentioned here, Shenandoah, was established in 1772 and was cut from the part of Frederick County that included the Narrow Passage Tract. Once again, evidence is provided that indicates Henry lived at Elk Run and sold his land to Simon Dehart.

**Photo: Jacob Falkenburg’s grandson, William Jasper Fortenberry, was born in South Carolina about 1776 and moved to Mississippi in 1819. This photo, taken in the early 1980s, is of his marker in Walthall County, Mississippi. It has since disappeared from the cemetery. His father was the John Falkenburg mentioned earlier who was christened by the minister of Tinkling Spring Presbyterian Church.**

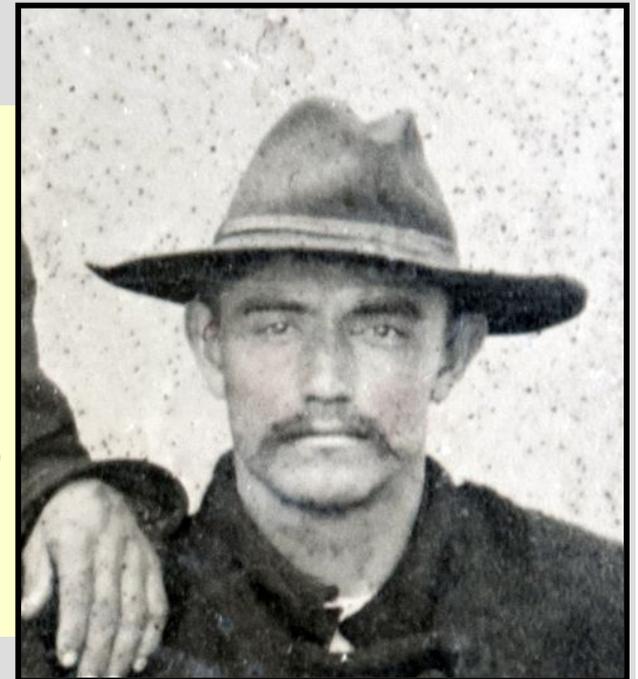


**1790, March 15 – Deposition of William Brown, Shenandoah County, Virginia**

***“William Brown being called on by John Green ... some years past he in some conversation with Alexander Macker who said the matter (alluding to the land dispute) in hand would be determined by swearing that the holders of the land would out swear the grantees  
A question asked by John Stover one of the plts whether Mr Macker was drunk or sober answered he did not recollect and further this deponent saith not”*** <sup>83</sup>

**This deposition is interesting. Alexander Macker was one of the 28 men in the Solomon Huddle et al V Rep. of Jost Hite et al litigation. William Brown is saying that he heard Macker say that whoever gave the most convincing lies would win the day. Pretty sad commentary of being under oath, but then if one looks at politics today, things have not changed much!**

**Photo: Jacob Falkenburg’s great grandson, Burrell Taylor Fortenberry, was born in Mississippi in 1820 after his family had moved there in 1819. This tintype photo of him was most likely taken at the beginning of the Civil War. His unit was involved with the long siege at Port Hudson, Louisiana. When they surrendered in July of 1863 (just after Vicksburg), he traveled home to Pike County, Mississippi and two months later died of an illness contracted while at Port Hudson. For more information, see the article called “Port Hudson and the Civil War.”**



**~1792**

**What follows is a document filed within a different folder at the Filson Historical Society. I decided to choose a few random folders (there are well over a hundred) and happened to find what may have been one of the final documents related to the Narrow Passage litigation. It is not a deposition but sounds like a final paper filed by the 28 plaintiffs suing the Hite heirs. Five times the brothers are listed together and in every instance they are given as Andrew, Jacob, and Henry. On the back of Andrew's deposition, he is noted as the oldest so it is very likely that these three names are listed in birth order. <sup>84</sup> These pages are in extremely poor condition with several torn and missing parts. There is no date but since the last document in the Narrow Passage file had of year of 1792, this one would have been 1792 or later.**

***“To the Honorable the Judges of the High Court of Chancery: Humbly complaining show unto your Honors your Orators Solomon Huddle, Lawrence Snapp.... (26 other names): That they are in possession (torn page) a Tract of Land called the narrow passage tract ..... The complainants have no just right to any part of the said Narrow Passage tract of land because they are able to prove that Joist and Robert McCoy two of the Original Grantees under whom the compl<sup>s</sup> claim, Sold the said narrow passage tract of Land to Andrew Falkenburg, Jacob Falkenburg & Henry Falkenburg paid the said Hite and McCoy not only in Services by making Settlement for them to make them to comply with the terms of the Grant obtained by them from the Governor and Council as will appear by the list of Settlers returned to the Governor and Council by Peter Wolfe to which list your Orators begs leave to refer; but also by services rendered to the said Hite and McCoy in carry the Chain and also by property and money paid by them to the said Hite and McCoy for the said tract of land. <sup>85</sup>***

**The twenty eight men taking the Hite heirs to court are saying they have proof through documentation that the Falkenburgs were in legal possession of the Narrow Passage Tract.**

Continuation of previous document

***“Continued in possession (torn page) until about the year 1744 and 1745; about which last mentioned period the said Andrew, Jacob and Henry Falkenburg Sold the said Land and moved to North Carolina; Your orators further shew that besides (torn page) number of living persons by whom they can prove the allegations herein set forth they beg leave to refer to a Certificate here to ann (torn page) Given by the said Rob<sup>t</sup> McCoy to Woolrich Keener (father to your Orator Ulrich Keener) by which he certified to the said Woolrich Keener Andrew Falkenburg had a right to dispose of one thousand acres of land that the Grantees made their claim good against L<sup>d</sup> Fairfax (torn page - followed by a missing part of a page) <sup>86</sup>***

### Filson Historical Society

This section has quite a few important points.

1. We have proof of their move to North Carolina, which actually occurred in late 1745.
2. If Andrew had a right to dispose of 1000 acres, Jacob and Henry would also have had large tracts.
3. Evidently, a document not previously mentioned in the 1770 litigation was presented in this final litigation whereby Robert McKay gave Keener a certificate saying Andrew did have the right to sell his land. In his deposition, Andrew actually mentions having taken Keener to see McKay.



<http://louisvillehistory.org/members/the-filson-historical-society/>

## Some Final Thoughts

As adults, we come to learn that American history is not always positive or honest. Records indicate that many families on the Narrow Passage Tract were not able to keep their land. In fact, several men were so belligerent to the authorities on being told to vacate the land that they were actually served with commissions of rebellion.



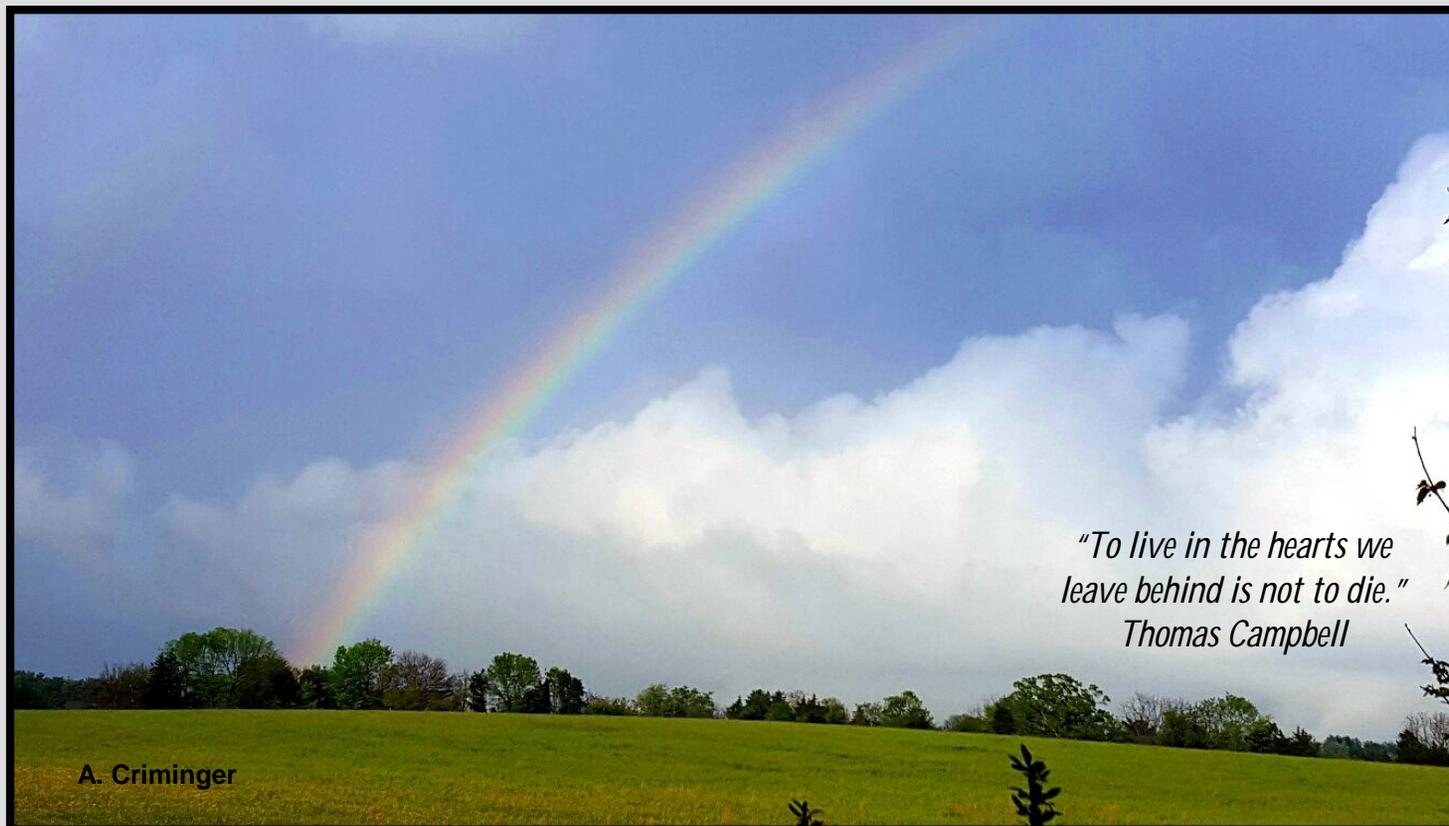
Linda and I at the CR 609 bridge crossing from Jacob Falkenburg's land

It is obvious from the documentation that quite a bit of adjustment of facts and events was occurring. What is obvious throughout is that the Falkenburg men did own land within the Narrow Passage Tract. They were on the 1735 list of early settlers as living on land sold to them by Hite and Company. They did work for and carry the chain as payment for property. They did sign petitions, work on roads, and appear in various court records.

Hite's partner, Robert McKay, was the person with whom the Falkenburgs had most contact. He was a devout Quaker and though it is never stated, it is obvious when all the "mud slinging" started, he was removed from being a part the litigation by the Hite heirs and considered "disowned." He would receive nothing from the suit nor would any of his land transactions be counted as legal. My guess is, due to his strong moral beliefs, he was not willing to lie to the courts. This is based on a tantalizing footnote that will need to be pursued stating "Shenandoah County suffered from the fact that most of the land there was in the partners' name and the partner who acted to distribute some of the land was later disowned by the others."<sup>87</sup> One can just imagine how thankful Andrew Falkenburg must have felt to be in North Carolina on that day in 1789 when he was being deposed!

## An amazing end to our Shenandoah Valley visit

The trip John and I made in May, 2016 was with my sister, Linda and her husband, Chuck. Our last dinner in the area was at a restaurant on Andrew's property called Carmelized. It is located on Highway 11 across from CR 605. It rained while we were eating so we took our time and enjoyed talking. As we were getting ready to leave, I looked out the window and saw this beautiful rainbow going across Andrew Falkenburg's land. I immediately went outside to get a picture, but there were too many buildings and power lines in the way. I refused to give up so I quickly walked about ½ mile up CR 605 until I could get this shot. I like to think my 5X great grandpa, Jacob Falkenburg was saying "Good job researching, granddaughter!"



## Endnotes

1. "1740s American Farm" Frontier Culture Museum, 1290 Richmond Avenue, Staunton, VA 24401. 5 May 2016. [www.frontiermuseum.org](http://www.frontiermuseum.org)
2. Christopher E. Hendricks and J. Edwin Hendricks, "5.1 Expanding to the West: Settlement of the Piedmont Region. 1730 to 1775. Learn NC, n.d. Web, accessed 19 July 2016. <http://www.learnnc.org/lp/editions/nchist-colonial/2030>
3. "Dutch Oven." *Wikipedia*. Wikimedia Foundation, Web, accessed 25 April 2016. [https://en.wikipedia.org/wiki/Dutch\\_oven](https://en.wikipedia.org/wiki/Dutch_oven).
4. "Northern Neck Proprietary." *Wikipedia*. Wikimedia Foundation, Web. Accessed 15 March 2016. [http://en.wikipedia.org/wiki/Northern\\_Neck\\_Proprietary](http://en.wikipedia.org/wiki/Northern_Neck_Proprietary).
5. Warren R. Hofstra. "Chapter 2: Peopling an Empire," *The Planting of New Virginia: Settlement and Landscape in the Shenandoah Valley* (Baltimore: Johns Hopkins UP, 2004) 50-93. Hereafter cited as Hofstra, *New Virginia*. This well researched and written book should be read by anyone interested in understanding the settling of the Shenandoah Valley.
6. Samuel Gordon Smyth, *The Origin and Descent of an American Van Metre Family Collated from Civil, Church, Military and Family Records* (Lancaster, PA: Lancaster, 1923) 32-33.
7. Thomas Johnson Michie, Thomas Jefferson, Pearchy Ridgway Grattan, *Virginia Reports: Jefferson – Grattan 1730-1880, Vol. 1-6* (Michie Company, 1902), 647. Digitized from Harvard University by Google Books, 27 August 2007. Accessed 25 August 2016. Hereafter cited as *Virginia Reports*.
8. *Virginia Reports*, 648. Research reveals several different dates for the caveat Fairfax issued against Jost Hite. Since the Virginia Reports seems to be the more contemporaneous of my sources, I have used their year of 1734.
9. Hofstra, *New Virginia*, 110.
10. Josiah Look Dickinson, *The Fairfax Proprietary; the Northern Neck, the Fairfax Manors, and Beginnings of Warren County in Virginia* (Front Royal: Warren, 1959) LIV.
11. *Virginia Reports*, 648.
12. "Orange County Road Petitions 1735-1751" (Microfilm) Available at the Virginia State Library, Department of Archives and History, Richmond, VA. Microfilm reel #565. Hereafter cited as "Orange County Road Petitions."
13. "Orange County Road Petitions."
14. "Orange County Road Petitions."

15. "Orange County Road Petitions." In all likelihood, the previous petition (July 23, 1737) was actually witnessed by Henry Falkenburg, Senior and his oldest two sons, Andrew and Jacob. The second Henry Falkenburg witnessing the 1738 document most likely had recently reached legal age. For many years, our family assumed the two Henry Falkenburgs on the 1738 petition was an error. The discovery of previously unknown documents now gives irrefutable proof there was a father and son, both named Henry in the Valley.

16. Howard McKnight Wilson, *The Tinkling Spring, Headwater of Freedom; a Study of the Church and Her People, 1732-1952* (Fishersville, VA: Tinkling Spring and Hermitage Presbyterian Churches, 1954) 474. According to information given on the christening record, no specific location is given but listed as "in Congregation." This term most likely meant that the baby's mother was a Presbyterian. Because the church built in 1742 was located 60 miles away in what is today Fishersville, Virginia, it is not likely the family ever attended. In a wagon going 6 miles an hour down a wagon road, it would have taken over 10 hours to get to the church!

17. "Tinkling Spring Photo Album, Augusta County, Virginia." *Tinkling Spring Photo Album, Augusta County, Virginia*, RootsWeb accessed 20 Feb. 2016.

<http://www.rootsweb.ancestry.com/~vaaugust/augusta2.html#tinkling>

18. *Orange County Court Books 2 and 3*. Virginia State Library, Department of Archives and History, Richmond, Virginia.

19. Ancestry.com. South Carolina, Compiled Census and Census Substitutes Index, 1790 – 1890 [database on-line] accessed 10 April 2016. (Provo, Utah, USA: Ancestry.com Operations Inc, 1999) (Andrew Baskins)

20. *Orange County Court Order Book 3*, Virginia State Library, Department of Archives and History, Richmond, Virginia, 30.

21. "Orange County Road Petitions."

22. "Orange County Road Petitions."

23. Gene Luckman and Ann Brush Miller, *Frederick County Road Orders 1743-1772* (Charlottesville, VA: Virginia Transportation Research Council, 2005) 1-2. A road petition was a request by local citizens explaining why a road was needed in a particular place. Once the courts decided they agreed with the petition, a road order would be placed. The order would appoint men to survey and lay off the approved road. Generally, men living along the new road would be required to lend a hand in its construction.

24. "Frederick County Court Order Book 1," (Microfilm) Available at the Stewart Bell Jr. Archives, Handley Library, 100 W. Piccadilly St., Winchester, Virginia. Microfilm #66.

25. Ann Brush Miller, *Orange County Road Orders 1734 – 1749* (Charlottesville, VA: Virginia Highway & Transportation Research Council, 1984) 109. This is a very long road order as it encompassed a large section of the Great Wagon Road. The text of the order quotes a road order from March 13, 1745.

26. Cecil O'Dell, *Pioneers of Old Frederick County, Virginia* (Marceline, MO : Walsworth Pub. Co., 1995) 519. Hereafter cited as O'Dell, *Old Frederick County*.
27. Hunter Branson McKay, *Fairfax Land Suit: Transcript of Copy in the British Museum, Being an Extract from McKay and Allied Family History and Genealogy*. (Belmont, MA: McKay, 1951) 1648-1649. Hereafter cited as McKay, *Fairfax Land Suit*.
28. Stuart E. Brown, *Virginia Baron; the Story of Thomas, 6th Lord Fairfax* (Berryville, VA: Chesapeake Books, 1965) 98. In order to determine what land belonged to Fairfax, they had to find the actual headwaters of the Rappahannock and Potomac Rivers. Hereafter cited as Brown, *Virginia Baron*.
29. McKay, *Fairfax Land Suit*, 1647-1648.
30. McKay, *Fairfax Land Suit*, 1646-1647.
31. John David Davis, *Frederick County Virginia Minutes of Court Records 1743-1745* (Bowie, MD: Heritage Books, Inc., 2001) 204. This John Falkenburg has to be the son of Henry Falkenburg, Senior. Henry Falkenburg, Senior, born about 1680, was the only known son of Hendrick Jacobs Falkenburg and his first wife (unknown first name, daughter of Sennick Broer). Henry Falkenburg, Senior was the man who traveled with his grown sons to the Shenandoah Valley. Hendrick Jacobs Falkenburg married later in life to a Quaker woman named Mary and had another son in 1702 named Jacob Hendricks Falkenburg. This half brother's family remained in New Jersey.
32. The Filson Historical Society: Louisville, Kentucky. *Clark-Hite Papers*, Mss. A. C593 folder 100. Jost Hite and Robert McKoy v. Lord Fairfax 1749-.
33. Brown, *Virginia Baron*, 33.
34. Dumas Malone, *Jefferson the Virginian* (Boston: Little, Brown, 1948) 23.
35. Lyman Chalkley, *Chronicles of the Scotch-Irish Settlement in Virginia Extracted from the Original Records of Augusta County 1745 – 1800, Vol 1* (Baltimore MD: Genealogical Pub., 1965) 296. Because the document states Falkenborgh's "old place," he had already vacated the property since he sold the land to George Sellers on March 23, 1745. Andrew sold his land on August 5, 1745, so he would have already vacated too. If Henry was the last brother to sell his land, they may have moved onto Henry's land to prepare for their move to North Carolina. Though we do not know when Henry sold his land, it is very likely the families were on their way to North Carolina by the October 8, 1745 date. As mentioned previously, families most often moved in the fall. This would allow for time to harvest crops that had been growing since the spring, cooler weather for travel, and a good chance to arrive in a new location with time to build a home before winter weather.
36. "Shenandoah Valley Gallery." The Museum of the Shenadoah Valley, 901 Amherst Street Winchester, Virginia 22601. Visited 8 May 2016. <https://www.themsv.org/>

37. Inferred from *Clark-Hite Papers*, Mss. A. C593 folder 100. Jost Hite and Robert McKoy v. Lord Fairfax 1749- wherein the statement is made that “Andrew Falkenburg had a right to dispose of one thousand acres” of the Narrow Passage Tract. Since his two brothers (Jacob and Henry) were also selling their rights to the Narrow Passage land, it can be inferred that the three men had the rights to upwards of 3000 acres of the Narrow Passage Tract. It should be noted that none of the 1745 sales of their land gave a specific acreage.

38 John Walter Wayland, *A History of Shenandoah County, Virginia* (Strasburg, Virginia: Shenandoah Publ. House, Augmented Edition 1976) 189.

39. O’Dell, *Old Frederick County*, 379, 382, 396-397, 432-434, 519. McKay, *Fairfax Land Suit*, 1646-1649. By correlating the reference to the sale of property by the Falkenburgs to subsequent Fairfax grants given to the buyers of the Falkenburgs’ land, a likely estimate of locations could be determined.

40. “Woodstock, Virginia,” *Wikipedia*. Wikipedia Foundation, Web. Accessed 9 July 2016.  
[https://en.wikipedia.org/wiki/Woodstock,\\_Virginia](https://en.wikipedia.org/wiki/Woodstock,_Virginia)

41. McKay, *Fairfax Land Suit*. Unnumbered page between 1812 and 1813. Notations on top of page: Plan of Narrow Passage Tract North River Shenandoah. Lower right corner reads: Copy of Reduced Scale Photostat of Folio No. 228, with Courses & Distances omitted McKay 6/13/51. The area described as the land most likely to have belonged to the Falkenburg family is inferred from this plat copied from the British copy of the suit by McKay in 1951.

42. Brown, *Virginia Baron*, 110-111. Access to a water source was a major issue. Hite allowed settlers to claim long stretches of rivers and creeks which would prevent others from choosing to take up land in the area. Lord Fairfax disagreed with this practice and wanted more reasonably shaped land grants with the intent of helping populate the valley, hence his requirement for resurveys.

43. Brown, *Virginia Baron*, 113.

44. *Virginia Reports*, 648.

45. Elizabeth H. Hyman, “Hite V. Fairfax and the Case of Terrapin Neck,” *Magazine of the Jefferson County Historical Society*, LXII (December, 1996) 46. Hereafter cited as Hyman, *Hite V Fairfax*. This is by far the most clearly written article about the events occurring in the Shenandoah Valley during the land disputes between Hite, Fairfax, and the settlers.

46. Hyman, *Hite V Fairfax*, 49-50.

47. McKay, *Fairfax Land Suit*. See note 41.

48. McKay, *Fairfax Land Suit*. Unpaged map located between pages 1812 and 1813. In this survey, land on both sides of the Shenandoah are included in the Narrow Passage Tract. This was not the case in the 1740s.

49. McKay, *Fairfax Land Suit*. Unpaged map located between pages 1812 and 1813

50. McKay, *Fairfax Land Suit*. Unpaged map located between pages 1812 and 1813.

51. McKay, *Fairfax Land Suit*, 1748-1749. George's surname appears in the records as both Sellers and Seller.
52. McKay, *Fairfax Land Suit*, 1748.
53. O'Dell, *Old Frederick County*, 396-397, map 13 on 433. According to additional records, it is thought that Jacob actually may have had rights to about 1000 acres but did not stipulate the acreage on his sale to George Seller. Fairfax granted Seller 400 acres.
54. McKay, *Fairfax Land Suit*, 1747-1748.
55. McKay, *Fairfax Land Suit*, 1747.
56. O'Dell, *Old Frederick County*, 432, 434, map 13 on 433. As with his brother, Jacob, Andrew most likely had the rights to about 1000 acres but the deed to Ulrick Keener did not stipulate an amount. Fairfax granted Keener 300 acres.
57. McKay, *Fairfax Land Suit*, 1746-1747. See endnote 60.
58. McKay, *Fairfax Land Suit*, 1746-1747. Simon Dehart would actually have purchased the property 25 years ago, not 27 years, as the Falkenburgs were in North Carolina by 1746.
59. O'Dell, *Old Frederick County*, 382.
60. Inferred from O'Dell, *Old Frederick County*, 379. McKay, *Fairfax Land Suit*, 1643-1649, 1746-1747. According to the transcript of the British records (1643-1649), William Rogers claims to have been at Jost Hite's house when Simon DeHart purchased directly from Hite the land at the mouth of Elk Run where "Adam Funk now lives." But on pages 1746 and 1747, Simon DeHart clearly states that he purchased the land from Henry Fauconberry and soon after sold it to Adam Funk. Later documents will show that Henry Falkenburg's land included the mouth of Elk Run.
61. Hyman, *Hite V Fairfax*, 81-82.
62. Hofstra, *New Virginia*, 145.
63. Hofstra, *New Virginia*, 145.
64. Peggy Shomo Joyner, *Abstracts of Virginia's Northern Neck Warrants & Surveys, Hampshire, Berkeley, Loudoun, Fairfax, King George, Westmoreland, Richmond, Northumberland & Lancaster Counties 1697 – 1784 Vol IV* (Portsmouth: 5008 Dogwood Trail, 1987) 161. Hereafter cited as Joyner, *Northern Neck*. This publication transcribed the entire Jonathan Clark 1786 Notebook. His notebook is part of the Clark – Hite Papers at the Filson Historical Society located in Louisville, Kentucky. Jonathan Clark was the older brother of General George Rogers Clark and Captain William Clark of the Lewis and Clark Expedition.
65. Joyner, *Northern Neck*, 161-185.
66. Joyner, *Northern Neck*, 174-176.
67. Joyner, *Northern Neck*, 174-175.

68. The Filson Historical Society: Louisville, Kentucky. *Clark-Hite Papers*, Mss. A. C593 folder 100. Jost Hite and Robert McKoy v. Lord Fairfax 1749-. This folder contains a misfiled document that obviously relates to the suit between Solomon Huddle et al and the representatives of Jost Hite et al and should most likely have been filed in folder 152. The following 28 men entered a countersuit against the Hite heirs: Solomon Huddle, Lawrence Snapp, Philip Huffman, John Bowman, Benjamin Bowman, John Stover, Palser Hoover, Jacob Hoover, John Hoover, Tobias Miley, Henry Bowman, Archd Ruddell, Mathias Hoover, John Reeser, Ulric Keener, David Keener, Jacob Bowman, Thomas Davis, William Kennedy, Henry Fravill, John Dillinger, Daniel Miley, Ulric Miller, Daniel Bowman, Alex<sup>r</sup> Macker, Joseph Pugh, Henry Hockman, Henry Corti. Most of these men were visited by Jonathan Clark on June 12th and 13th of 1786.

69. Hofstra, *New Virginia*, 133, 135.

70. The Filson Historical Society, 1310 South Third Street, Louisville, Kentucky 40208, visited 7 January 2016.

71. *Clark-Hite Papers*, Mss. A. C593 folder 152. Solomon Huddle V. Rep. of Jost Hite et al. 1787-1792. This folder contains depositions relating to a countersuit between twenty eight men living on the property called the Narrow Passage Tract and the heirs of Jost Hite. Solomon Huddle's name was listed first on the litigation. There are 13 depositions taken in reference to the ownership of the Narrow Passage Tract. It is inferred from the information in the folder that a court order was sent to Justices of the Peace to depose people remembering the events surrounding the ownership of the Narrow Passage Tract.

72. Deposition of Andrew Falkenburg and Margaret Heloms, *Clark-Hite Papers*, folder 152.

73. Deposition of Andrew Falkenburg, *Clark-Hite Papers*, folder 152.

74. Faulkenberry/Fortenberry DNA Project,

<https://www.familytreedna.com/groups/fortenberrydna/activity-feed>, Valkenburg DNA Project,

<https://www.familytreedna.com/public/dutchvalkenburgs>, National Association of the Van Valkenburg Family,

<http://navvf.org/>.

75. Deposition of Andrew Falkenburg, *Clark-Hite Papers*, folder 152. From this deposition, it appears likely that Andrew worked more closely with Robert McKay. McKay's home was located across the Shenandoah River not too far from the Falkenburgs.

76. Deposition of Margaret Heloms (Helms), *Clark-Hite Papers*, folder 152. Margaret Falkenburg and her husband, George Helms were the ancestors of President Jimmy Carter; consequently, all the descendants of the Shenandoah Valley Falkenburgs are cousins of Jimmy Carter.

77. Peter Stebbins Craig, *1671 Census of the Delaware* (Philadelphia: Genealogical Society of Pennsylvania, 1999) 71-72. From deeds and court records in Anson County, North Carolina, we know that Brewer Sinix and a son were in Virginia (and probably the Shenandoah Valley) with the Falkenburgs. In a document written March 31, 1771, concerning a land dispute between Samuel Spencer and the Falconburys, Spencer writes “For Senix died intestate without any Conveyance or Disposal of it in any Manner whatever, and without any Heir known of by any Body in the Country except one son, who was since drowned in Virginia...” (SS 727.3 Requests for Resurvey, Anson County Folder, State Archives of North Carolina) The family connection would be that this Brewer Sinix was second cousin to the children of Henry Falkenburg, Senior.

78. Deposition of Joseph White, *Clark-Hite Papers*, folder 152.

79. *Anson County Deed Book A*, 235-236, State Archives of North Carolina, 109 E. Jones Street, Raleigh, NC 27601.

80. Deposition of Henry Funk, *Clark-Hite Papers*, folder 152.

81. “Long Rifle” *Wikipedia*. Wikimedia Foundation, Web, accessed 25 August 2016.

[https://en.wikipedia.org/wiki/Long\\_rifle](https://en.wikipedia.org/wiki/Long_rifle)

82. Deposition of Elijah Odell, *Clark-Hite Papers*, folder 152.

83. Deposition of William Brown, *Clark-Hite Papers*, folder 152.

84. *Clark-Hite Papers*, folder 100, folder 152.

85. *Clark-Hite Papers*, folder 100.

86. *Clark-Hite Papers*, folder 100.

87. Hyman, *Hite V Fairfax*, 79 note 105.