

NAME OF CLAIMANT

#70 - Baugher, Annie L.

Number of Acres: 821

Location: At positions #83 and #84 and a small portion lies outside of the Park area.

Roads: Three miles to Elkton, the nearest shipping point. The Spotswood Trail runs close to the east border.

Soil:-Sandy loam of good depth and fertility, except on ridges where it is thin and rocky. There are some outcrops and considerable loose rock. The slopes are gentle to steep. On the north end there is quite a large area with smooth and gentle slopes. The south and west sides are very rocky and steep with high cliffs.

History of Tract and condition of timber:

The tract has been cut over many years for firewood and other products, cut some of the chestnut oak bark in 1930 and firewood is now being cut; there has been no fire for several years. There is now a ragged stand of 6 to 8" DBH oak with occasional larger trees and some yellow pine. On the extreme west end there is a stand of short yellow pine from 4" to 12" DBH.

Improvements: None.

Acreage and value of types:

Types	Acreage		Value per acre	Total Value
Ridge: --	207	@	\$1.00	\$207.00
Slope: --	<u>614</u>	@	3.50	<u>2149.00</u>
	821			\$2356.00

Cove:

Grazing Land:

Fields Restocking:

Cultivated Land:

Orchard:

Minerals:

Value of Land: \$ 2356.00

75.00

Value of Improvements: \$

300.00

\$2731.00

Value of Orchard: \$

Value of Minerals: \$

Value of Fruit: \$

Value of Timber: \$ 75.00

" " stave-wood

Value of Wood: \$ 300.00

Value per acre for tract: \$ 3.32

Incidental damages arising from the taking of this tract: \$ None

*Geo. N. Peni* CL ERK



NAME OF CLAIMANT

#70 - Baugher, Annie L.

Number of Acres: 821

Location: At positions 83 and 84 and a small portion lies outside of

REPORT ON THE ACREAGE

of the

Annie L. Baugher Tract #70.

To obtain the acreage of this tract I secured from the owner a copy of a map of the tract made by P. B. F. Good, Surveyor of Rockingham County, in 1925.

Computing the acreage from Mr. Good's map, I get 877 acres in the tract. From this Miss Baugher sold to George S. Lawson a tract supposed to contain about 1 1/2 acres, but which really contains about 5 acres. This deducted from the 877 leaves 872 acres in the tract.

This is covered by the State's reports as follows: Annie L. Baugher #70 -- 821 acres.

A. L. Baugher Lap on Harnsberger Heirs

#70-I -- 51 acres.  
872 acres.

*W. N. Sloan*  
W. N. Sloan,

Chief Engineer, Park Service.

Value of Wood: \$ 200.00  
Value per acre for tract: \$ 2.32

Incidental damages arising from the taking of this tract: \$ None



## NAME OF CLAIMANT

#70-I - Baugher, Annie L. (Lap on  
Harnsberger Heirs)

Number of Acres: 51

Location: Positions #84 and #89- and partly outside of the Park area.

Roads: Two miles over Spotswood Trail to Elkton, the nearest shipping point.

Soil: -Sandy loam of good depth and fertility with a clay subsoil. There is a slight amount of small loose rock. The slopes are gentle and to the north. There is one-half an acre in the northwest corner which has been cultivated, but is now grown up.

History of Tract and condition of timber: The tract has been cut over at various times for saw timber and other products. The fuelwood is now being cut and there is no merchantable timber remaining. This was severely burned in 1927. A fair stand of hardwoods, and yellow pine up to 1" DBH. with occasional trees to 8" DBH is now found on the land.

Improvements: None.

## Acreage and value of types:

Types	Acreage	Value per acre	Total Value
Ridge:			
Slope:			
Cove: --	51	@ \$8.00	\$408.00

Grazing Land:

Fields Restocking:

Cultivated Land:

Orchard:

Minerals:

Value of Land: \$ 408.00

Value of Improvements: \$

Value of Orchard: \$

Value of Minerals: \$

Value of Fruit: \$

Value of Timber: \$

Value of Wood: \$

Value per acre for tract: \$ 8.00

Incidental damages arising from the taking of this tract: \$ NONE

Geo. N. Pen CLERK



County: Rockingham  
 District: Stonewall

#70 - Baugher, Annie L.

Acreage Claimed: 1000

Value Claimed: \$15000.00

Assessed-As mineral  
 land - 1000 A.  
 \$490.00

\*Deed 1000 A.  
 (1923)  
 "\$1050.00

Location: At positions #83 and #84 and a small portion lies outside of the Park area.

Incumbrances, counter claims or laps: 51 acre lap on Harnsberger heirs.

Soil: Sandy loam of good depth and fertility, except on ridges where it is thin and rocky. There are some outcrops and considerable loose rock. The slopes are gentle to steep. On the north end there is quite a large area with smooth and gentle slopes. The south and west sides are very rocky and steep with high cliffs.

Roads: Three miles to Ekton, the nearest shipping point. The Spotswood Trail runs close to the east border.

History of tract and condition of timber: The tract has been cut over many years for firewood and other products, cut some of the chestnut oak bark in 1930 and firewood is now being cut and there has been no fire for several years. There is a very ragged stand of 6" to 8" DBH oak with occasional larger trees and some yellow pine. The estimate is 400 cords of fuelwood @ 75¢ ----- \$300.00. On the extreme west end there is a stand of short yellow pine from 4" to 12" DBH. On 33 acres the estimate is 75 cords of stave wood @ \$1.00 ----- \$75.00  
 400 cds. of fuelwood  
 valued @ 75¢ ----- 300.00  
 \$375.00 - Total

Improvements: None.

Mineral: The mineral value is estimated @ 25¢ per acre of \$205.00.

Value of land by types:

Type	Acreage	Value per acre	Total Value
Slope	614	\$350.00	\$2149.00
Ridge	207	100.00	207.00
	821		\$2356.00
Total value of land			\$2356.00
Total value of timber			375.00
Total value of mineral			205.00
Total value of tract			\$2936.00
Average value per acre			3.58

Note\* --- A computation of a recent survey made by the county surveyor gives only 872 acres. The lap on the Harnsbergers lap is 51 A.



County: Rockingham  
District: Stonewall

#70-I - Baugher, Annie L. - Lap on Harnsberger Heirs.

Acreage Claimed: Assessed - As mineral Deed Not  
land - 1000 A : available.  
Value Claimed: Baugher; 200 A - Harnsberger:  
(1) --\$490.00 --(2) \$100.00:

Location: Postions #84 and #89 and partly outside of the Park area.

Incumbrances, counter claims or laps: Lap on Harnsberger Heirs.

Soil: Sandy loam of good depth and fertility with a clay subsoil. There is a slight amount of small loose rock. The slopes are gentle and to the north. There is one-half an acre in the northwest corner which has been cultivated, but is now grown up.

Roads: Two miles over Spotswood Trail to Elkton, the nearest shipping point.

History of tract and condition of timber: The tract has been cut over at various times for saw timber and other products. The fuelwood is now being cut and there is no merchantable timber remaining. This was severely burned in 1927. A fair stand of hardwood, and yellow pine up to 1" DBH with occasional trees to 8" DBH is now found on the land.

Improvements: There are a few old project holes.

Value of land by types:

Type	Acreage	Value per acre	Total Value
Cove	51	\$6.00	\$306.00

Value of land \$306.00  
 Value of mineral 13.00  
 Value of tract \$319.00  
 Average value per acre \$6.25



Claim of \_\_\_\_\_  
In the Circuit Court of \_\_\_\_\_ County, Virginia, No. \_\_\_\_\_, At Law.  
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. Annie Laura Baugher

*Copied*  
more or less, of land in Rockingham County, Virginia, Defendants.  
The undersigned, in answer to the petition of the State Commission on Conservation and Development of the State of Virginia, and in response to the notice of condemnation awarded upon the filing of said petition and published in accordance with the order of the Circuit Court of Rockingham County, Virginia, asks leave of the Court to file this as his answer to said petition and to said notice.

My name is Annie Laura Baugher  
My post office address is Ellioton Rt No. 1 Va

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 1000 acres, on which there are the following buildings and improvements: None

This land is located about one miles from Ellioton Va. (south) Virginia, in the Stonewall Magisterial District of said County.

I claim the following right, title, estate or interest in the tract or parcel of land described above: (In this space claimant should say whether he is sole owner or joint owner, and if joint owner give names of the joint owners. If claimant is not sole or joint owner, he should set out exactly what right, title, estate or interest he has in or to the tract or parcel of land described above.)

I hold fee simple title for said land

The land owners adjacent to the above described tract or parcel of land are as follows:

North C W Hambarque Estate

South Iso Baugher

East S. S. P. ... Annas Weasley

West Marvin Long

I acquired my right, title, estate or interest to this property about the year 1923 in the following manner:

E. C. Mark spec Com in the Chancery Cause of O. C. Lister vs J. B. Baugher.

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 15000. I claim that the total value of my right, title, estate or interest, in and to this tract or parcel of land with the improvements thereon is \$ 15000.

I am the owner of 1000 acres of land adjoining the above described tract or parcel of land but lying outside the Park area, which I claim will be damaged by the proposed condemnation of lands within the Park area, to the extent of \$ none.

(In the space below should be set out any additional statements or information as to this claim which claimant desires to make; and if practicable he should also insert here a description of the tract or parcel of land by metes and bounds).

Remarks: I hereby desire to reserve all mineral rights in and to said tract of land with the right of prospecting for minerals thereon along with right to conduct all and what may be necessary in mining operations (see remark on back sheet)

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 30th day of Jan. 1931, 1930. Annie Laura Baugher

STATE OF VIRGINIA, COUNTY OF Rockingham, To-wit:

The undersigned hereby certifies that Annie Laura Baugher the above named claimant personally appeared before him and made oath that the matters and things appearing in his above answer are true to the best of his knowledge and belief, this 30th day of Jan. 1931, 1930.

R. B. Good N.P.  
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace. 112



In the event you do not permit the reservations  
heretofore outlined, I then will require and demand  
the sum of \$100,000, inasmuch, as I have heretofore been  
offered that sum for said mineral property.

The mineralogists who have made an examination  
of this mineral land, have pronounced it to be a fine  
prospect for manganese.

The surface croppings are excellent.



Claim of J. O. Haunsbueger  
In the Circuit Court of Rockingham County, Virginia, No. 1419, At Law.  
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. Cassandra Lawson Whittle

more or less, of land in Rockingham County, Virginia, Defendants.  
The undersigned, in answer to the petition of the State Commission on Conservation and Development of the State of Virginia, and in response to the notice of condemnation awarded upon the filing of said petition and published in accordance with the order of the Circuit Court of Rockingham County, Virginia, asks leave of the Court to file this as his answer to said petition and to said notice.

My name is J. O. Haunsbueger  
My post office address is Shelton, Va.

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 50 acres, on which there are the following buildings and improvements: none

This land is located about 2 miles from Shelton Virginia, in the Howards Magisterial District of said County.

I claim the following right, title, estate or interest in the tract or parcel of land described above: (In this space claimant should say whether he is sole owner or joint owner, and if joint owner give names of the joint owners. If claimant is not sole or joint owner, he should set out exactly what right, title, estate or interest he has in or to the tract or parcel of land described above.)

See undivided one-seventh interest in fee. The other shares are owned as follows:

The land owners adjacent to the above described tract or parcel of land are as follows:  
North Mrs. Lewis  
South Laura Baughner  
East Public road  
West Hammonds

I acquired my right, title, estate or interest to this property about the year 1892 in the following manner:

by inheritance from Ches. B. Haunsbueger

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 250.00. I claim that the total value of my right, title, estate or interest, in and to this tract or parcel of land with the improvements thereon is \$ 107.14.

I am the owner of 2.4 acres of land adjoining the above described tract or parcel of land but lying outside the Park area, which I claim will be damaged by the proposed condemnation of lands within the Park area, to the extent of \$\_\_\_\_\_.

(In the space below should be set out any additional statements or information as to this claim which claimant desires to make; and if practicable he should also insert here a description of the tract or parcel of land by metes and bounds).

Remarks: all of the land in question covers 314 acres, is unorganized and bearing land. The size of the tract is important in handling mineral developments. See rock &

Witness my signature (or my name and mark attached hereto) this 16 day of Feb., 1930.

STATE OF VIRGINIA, COUNTY OF Rockingham, To-wit:

The undersigned hereby certifies that J. O. Haunsbueger the above named claimant personally appeared before him and made oath that the matters and things appearing in his above answer are true to the best of his knowledge and belief, this 17 day of Feb. 1930.

Geo. S. Haunsbueger, Counsel.  
Wm. H. McVey, Jr., Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.



(1) Alfred J. Hamsberger, Mt. Airy, N.C.  
(2) Chester P. Hamsberger, Elkhorn, Va.  
(3) Kate H. Snapp, " "

(4) ~~William~~ Florence Humbergh } Richmond, Va.  
Wm. Humbergh }

(5) Mattie V. Davis } Greensboro, N.C.  
J. C. Bishop }

(5 1/2) Wm. H. Parkersby parent, }  
J. A. Parkersby } Greensboro, N.C.  
J. C. Bishop }

(6) Hiram P. Hamsberger

A portion of the 264 acres tract  
has been developed & shown to contain  
large & valuable quantities of manganese  
ore. What will be shown to be located  
on this 50 acres, so far as minerals  
are concerned, and so far as its  
deduction from the larger tract  
is concerned must be left to date  
of hearing.

I claim that the total value of this tract or parcel of land with the improvements thereon is \$  
I claim that the total value of my right, title, estate or interest in and to this tract or parcel of land with the improvements thereon is \$  
I am the owner of \_\_\_\_\_ acres of land adjoining the above described tract or parcel of land but lying outside the Park area, which I claim will be damaged by the proposed condemnation of lands within the Park area, to the extent of \$  
(In the space below should be set out any additional statements or information as to this claim which claimant desires to make; and if practicable he should also insert here a description of the tract or parcel of land by metes and bounds.)

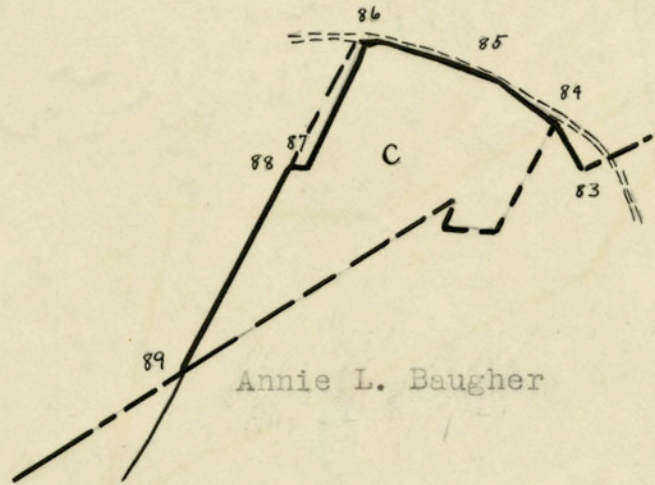
(Continue remarks if necessary on the back.)  
Witness my signature for my name and mark attached hereto, this \_\_\_\_\_ day of \_\_\_\_\_, 1938.  
STATE OF VIRGINIA, COUNTY OF \_\_\_\_\_  
The undersigned hereby certifies that the above named claimant personally appeared before him and made oath that the matters and things appearing in his above answer are true to the best of his knowledge and belief.  
this \_\_\_\_\_ day of \_\_\_\_\_, 1938.



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#70-I - Baugher, Annie L. - Lap on Harnsberger Heirs.

County: Rockingham  
District: Stonewall



LEGEND

Cove

Slope - 1" = 20 chains



IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

The State Commission on Conservation and Development of the State of Virginia

vs.

Cassandra Lawson Atkins and others and 52,501 acres of land in Rockingham County.

Filed in the Clerk's Office Rockingham County, Va.

SEP 23 1932

Robert Hunter Clerk

To the Hon. H. W. Bertram, Judge of said Court.

The motion of J. C. Harnsberger, A. L. Harnsberger, Nannie T. Harnsberger, Clinton T. Harnsberger, Kate W. Snapp, J. C. Bishop, A. C. Davis, and A. Florence Ferrer, who file this motion upon behalf of themselves and the other heirs at law and distributees of Charles W. Harnsberger, deceased, praying said Court to disapprove and to decline to accept the findings of the Board of Appraisal Commissioners heretofore appointed by said Court in the above matter, wherein said Board reported, under its No. 70-I of its findings as filed in the Clerk's Office of said Court, that the 51 acres therein referred to is listed as the property of Annie L. Baugher and is a lap on the land of the Harnsberger heirs, and that said property was only valued at \$8.00 per acre.

The grounds of said motion are as follows:

- (1) That the Appraisal Board erred in reporting said 51 acres of land as the property of Annie L. Baugher covered by a lap on the lands of the heirs of the late Charles W. Harnsberger. The said 51 acres is a part of a 264 acre tract of land which has belonged to the estate of the said Charles W. Harnsberger, to him, and his predecessors in title for the last fifty years or more, and over said land the said Charles W. Harnsberger and his heirs have exercised absolute control and dominion.
(2) That the Appraisal Board erred in not making any allowance for the manganese ore known to exist upon said land. This



tract of 264 acres is a portion of the land lying south of Elkton, which has been developed as manganese ore-bearing land. There is no question about this tract of 51 acres being rich in such ore.

Filed in the Clerk's Office  
Rockingham County, Va.  
1932

(3) That the price of \$8.00 per acre allowed for said lands is totally inadequate and confiscatory, said lands being worth many times this sum on account of the manganese known to exist therein.

(4) That the findings of said Board were based upon a mistake of law as to the nature and effect of the evidence produced before said Board by moveants.

The affidavits attached hereto are asked to be read in support of the above exception. The claim heretofore filed by the moveants is asked to be read in connection with this motion.

and that said property was only valued at \$8.00 per acre.

The grounds of said motion are as follows:

(1) That the Appraisal Board erred in reporting said 51 acres of land as the property of Annie I. Baugher covered by a lap on the lands of the heirs of the late Charles W. Harnsberger. The said lands are a part of a 264 acre tract of land which has belonged to the estate of the said Charles W. Harnsberger, to him and his predecessors in title for the last fifty years or more, and over said land the said Charles W. Harnsberger and his heirs have exercised absolute control and dominion.

Counsel.

(2) That the Appraisal Board erred in not making any allowance for the manganese ore known to exist upon said land.



IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

The State Commission on Conservation and Development of the State of Virginia

Cassandra Lawson Atkins and others and 52,501 acres of land in Rockingham County.

The affidavit of J.O. Harnsberger, to be read in connection with the motion filed by him and the other heirs at law of Charles W. Harnsberger to have the findings of the Board of Appraisal Commissioners disapproved in connection with its finding 70-I.

State of Virginia, County of Rockingham, to-wit:

J.O. Harnsberger this day personally appeared before me, [Signature], a Notary Public in and for the County aforesaid, in the State of Virginia, in my County aforesaid, and, being duly sworn, deposes and says:

I am one of the heirs at law of the late Charles W. Harnsberger, and am well acquainted with the 264 acres of land situate just south of Elkton, of which 51 acres lying at the eastern end of the 264 acre tract has been reported by the Board of Appraisal Commissioners in the above entitled matter as belonging to Annie L. Baugher and as a lap on the lands of the heirs at law of Charles W. Harnsberger. The entire 264 acre tract of land has been recognized as the land of the estate of Charles W. Harnsberger for the past forty years or more, and the said estate has had control of, and has paid the taxes on, said land during all of this period. This entire tract of land lies within the manganese ore-bearing belt on the western slope of the Blue Ridge Mountains, and the western portion of said tract has been developed by actual mining thereon, and the entire tract is believed to be ore-bearing in commercial quantities. In view of these facts, the value of \$8.00



per acre placed on said 51 acre tract by the Board of Appraisal Commissioners is absolutely inadequate and confiscatory. It is believed that the Appraisal Board erred in reporting this land as the property of Annie L. Baugher, and also erred in not making a substantial allowance for the manganese ore known to exist therein.

J. O. Harnsberger,

Subscribed and sworn to before me this 22 day of September, 1932.

[Signature]  
Notary Public.



IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

State Commission on Conservation and  
Development of the State of Virginia

Filed in the Clerk's Office  
Rockingham County, Va.

vs.

SEP 30 1932

Cassandra Lawson Atkins and others, and  
52,501 acres of land in Rockingham County, Virginia.

*J.P. Supter* Clerk

Motion to set aside and disapprove the report of the Board of  
Appraisal Commissioners.

Comes now the claimant, Annie Laurie Baugher, and asks and requests the Court to set aside, decline to accept and disapprove the report of the Board of Appraisal Commissioners filed in this cause with reference to this defendant in Tract No. 70, which said tract contains about 821 acres and is situate near Elkton, in Stonewall District, Rockingham County, Virginia; for the following reasons:

(1) Because the value placed upon the said land by the Board of Appraisal Commissioners is grossly inadequate and confiscatory.

(2) Because the finding or findings in question are so manifestly inadequate when considered together with the evidence before the Court, as to justify a finding that in making such finding or findings the Board of Appraisal Commissioners or some of them were affected or influenced by some mistake of law as to the nature and effect of the evidence, with reference to which such finding or findings weremade.

Wherefore, the said Annie Laurie Baugher prays the Court that an order may be entered setting aside, declining to accept, and disapproving the report of the Board of Appraisal Commissioners in so far as it relates to or affects the said lands owned and claimed by the said Annie Laurie Baugher.

Said Annie Laurie Baugher further moves the Court to exclude her said lands from the Park area and to release her said lands from the said condemnation proceedings.

*Withdrawn by leave of Court  
Nov. 4, 1933, Common Law Code  
Book # 20, page  
M. Bowers, D.C.*



Your movant herewith files affidavits as to the value of the  
said land.

ANNIE LAURIE BAUGHER

By counsel

*Ralph H Bader*  
Counsel



IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

State Commission on Conservation and  
Development of the State of Virginia

vs.

Cassandra Lawson Atkins and others, and  
52,501 acres of land in Rockingham County, Virginia.

Affidavit to be read in connection with motion filed by  
Annie Laurie Baugher to have the finding of the Board of Appraisal  
Commissioners disapproved in connection with its finding No. 70.

State of Virginia,

County of Rockingham, to-wit:

This day personally appeared before me P. B. F. Good, a  
Notary Public in and for the County of Rockingham and State of  
Virginia, <sup>J. W. Fielding</sup> ~~H. B. G. Gentry~~, who after being duly sworn, deposes and  
says as follows:

That he is well acquainted with the tract of land belonging  
to Annie Laurie Baugher, containing about 821 acres, situate near  
Elkton, in Stonewall District, Rockingham County, Virginia, known  
as Tract No. 70, in the report of the Board of Appraisal Commission-  
ers and that the amount allowed by said Commissioners for said land  
is grossly inadequate, the said land, including timber and wood  
thereon, being well worth \$5.00 per acre, or \$4,105.00.

J. W. Fielding

Subscribed and sworn to before me this 29th day of September, 1932.

P. B. F. Good  
Notary Public



IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

State Commission on Conservation and  
Development of the State of Virginia

vs.

Cassandra Lawson Atkins and others, and  
52,501 acres of land in Rockingham County, Virginia.

Affidavit to be read in connection with motion filed by  
Annie Laurie Baugher to have the finding of the Board of Appraisal  
Commissioners disapproved in connection with its finding No. 70.

State of Virginia,  
County of Rockingham, to-wit:

This day personally appeared before me P. B. F. Good, a  
Notary Public in and for the County of Rockingham and State of  
Virginia, George Lawson, who after being first duly sworn, deposes  
and says as follows:

That he is well acquainted with the tract of land belonging  
to Annie Laurie Baugher, containing 821 acres, situate near Elkton  
in Stonewall District, Rockingham County, Virginia, known as Tract  
No. 70, in the report of the Board of Appraisal Commissioners; that  
he has from time to time cut timber and wood on said land; that it  
is his belief that there is at present on said land at least  
50,000 feet of pine and saw timber and that he believes there is on  
said land at least ~~fifteen~~<sup>ten</sup> two-horse loads of wood per acre; that  
the amount allowed by said Commissioners for said land is grossly  
inadequate, the same, including timber, being well worth \$5.00 per  
acre, or \$4,105.00.

Witness: Ralph H. Bader

George X Lawson  
made

Subscribed and sworn to before me this 29th day of September, 1932.

P. B. F. Good N. P.



IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

State Commission on Conservation and  
Development of the State of Virginia

vs.

Cassandra Lawson Atkins and others, and  
52,501 acres of land in Rockingham County, Virginia.

Affidavit to be read in connection with motion filed by  
Annie Laurie Baugher to have the finding of the Board of Appraisal  
Commissioners disapproved in connection with its finding No. 70.

State of Virginia,

County of Rockingham, to-wit:

This day personally appeared before me Ralph H. Bader, a Notary  
Public in and for the County of Rockingham and State of Virginia,  
P. B. F. Good, who after being duly sworn, deposes and says as  
follows:

That he is well acquainted with the tract of land belonging to  
Annie Laurie Baugher, containing about 821 acres, situate near  
Elkton, in Stonewall District, Rockingham County, Virginia, known  
as Tract No. 70, in the report of the Board of Appraisal Commission-  
ers and that the amount allowed by said Commissioners for said land  
is grossly inadequate, the said land, including timber and wood  
thereon, being well worth \$5.00 per acre, or \$4,105.00.

P. B. F. Good

Subscribed and sworn to before me this 29th day of September, 1932.

Ralph H. Bader

Notary Public



IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

The State Commission on Conservation  
and Development of the State of Virginia.

vs.

Cassandra Lawson Atkins and others, and  
52,561 acres, more or less, of land in  
Rockingham County, Virginia.

Filed in the Clerk's Office  
Rockingham County, Va.

NOV 5 1932

*J. Robert Sautter* Clerk

In compliance with the order entered in the above entitled case on the 25th day of October, 1932, and in response thereto, your defendant respectfully states that the tract or parcel of land within the area sought to be condemned, ownership of which is claimed by her, and with reference to which she has filed her objections, is the same tract or parcel which was found by the Appraisal Commissioners to be land owned by her; being Tract No. 70, as shown and delineated on the map filed with the report, and exhibit sheets thereto attached, made by said Commissioners.

ANNIE LAURIE BAUGHER

By Counsel

*Ralph H. Bader*  
Counsel



IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

The State Commission on  
Conservation and Development  
of the State of Virginia

vs.

Cassandra Lawson Atkins and  
others, and 52,501 acres of  
land in Rockingham County.

In re exceptions of

*J. S. Harnsberger & Co.*

To the Hon. Philip Williams, Chairman of the Park  
Land Arbitration Board.

In reply to your letter and call of August 8, 1933, beg  
to say:

That copies of the papers heretofore filed in the above  
matter are herewith handed you, and a like copy has already been  
delivered to the State Commission on Conservation and Development  
of the State of Virginia, with the exception of a copy of the claim  
which Mr. Marsh, of the Commission, said was not needed.

Further answering your calls in their order:

- (1) The grounds of exception are fully set forth in the excep-  
tions filed. Suffice it here to say that the basis of the excep-  
tion is the failure of the Appraisal Board to allow any compensation  
for the proven manganese mineral ores on the lands of exceptant.
- (2) The number of this claim on the county ownership map filed  
in these proceedings is 70-1
- (3) The authority of counsel to act in these proceedings is at-  
tached hereto.

Respectfully submitted,

*Geo. S. Harnsberger,  
Att'y.*



6

# SCRUGGS & HEARD, Inc. Department Store

Directors

J.P. Scruggs  
J.O. Harnsberger  
J.T. Heard

Head quarters for styles and price

ELKTON VA.

To the Hon. Wesley Williams, Chairman  
of the Board of Assessors:

This is to certify that we, the under-  
signed, have employed Geo. S. Harns-  
berger, Atty. Gen. of Harnsberger, Pa. to  
represent us in the condemnation  
suit involving the thousand  
National Park Land.

C. W. H. + C. W. Harnsberger  
Harns

By J. O. Harnsberger



all  
above

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

The State Commission  
on Conservation and Development  
of the State of Virginia

vs.

Cassandra Lawson Atkins and others  
and 52,501 acres of land  
in Rockingham County.

To the Hon.H.W.Bertram, Judge of said Court.

The motion of J.O.Harnsberger, A.L.Harnsberger, Nannie T.Harnsberger, Clinton T.Harnsberger, Kate W.Snapp, J.C.Bishop, A.C.Davis, and A.Florence Forrer, who file this motion upon behalf of themselves and the other heirs at law and distributees of Charles W.Harnsberger, deceased, praying said Court to disapprove and to decline to accept the findings of the Board of Appraisal Commissioners heretofore appointed by said Court in the above matter, wherein said Board reported, under its No. 70-I of its findings as filed in the Clerk's Office of said Court, that the 51 acres therein referred to is listed as the property of Annie L. Baugher and is a lap on the land of the Harnsberger heirs, and that said property was only valued at \$8.00 per acre.

The grounds of said motion are as follows:

(1) That the Appraisal Board erred in reporting said 51 acres of land as the property of Annie L.Baugher covered by a lap on the lands of the heirs of the late Charles W.Harnsberger. The said 51 acres is a part of a 264 acre tract of land which has belonged to the estate of the said Charles W.Harnsberger, to him, and his predecessors in title for the last fifty years or more, and over said land the said Charles W.Harnsberger and his heirs have exercised absolute control and dominion.

(2) That the Appraisal Board erred in not making any allowance for the manganese ore known to exist upon said land. This



tract of 264 acres is a portion of the land lying south of Elkton, which has been developed as manganese ore-bearing land. There is no question about this tract of 51 acres being rich in such ore.

(3) That the price of \$8.00 per acre allowed for said lands is totally inadequate and confiscatory, said lands being worth many times this sum on account of the manganese known to exist therein.

(4) That the findings of said Board were based upon a mistake of law as to the nature and effect of the evidence produced before said Board by moveants.

The affidavits attached hereto are asked to be read in support of the above exception. The claim heretofore filed by the moveants is asked to be read in connection with this motion.

J. S. Harnsberger  
A. L. Harnsberger  
Thomas T. Harnsberger  
Clinton T. Harnsberger  
Walter M. Scroggs  
J. C. Bishop  
A. P. Davis  
A. Florence Flower

By Counsel.

GEO. S. HARNBERGER  
Counsel.



IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

The State Commission  
on Conservation and Development  
of the State of Virginia

vs.

Cassandra Lawson Atkins and others  
and 52,501 acres of land  
in Rockingham County.

The affidavit of J.O.Harnsberger, to be read in connection with the motion filed by him and the other heirs at law of Charles W.Harnsberger to have the findings of the Board of Appraisal Commissioners disapproved in connection with its finding 70-I.

State of Virginia,

County of Rockingham, to-wit:

J.O.Harnsberger this day personally appeared before me,  
\_\_\_\_\_, a Notary Public in and for the  
County aforesaid, in the State of Virginia, in my County aforesaid, and, being duly sworn, deposes and says:

I am one of the heirs at law of the late Charles W.Harnsberger, and am well acquainted with the 264 acres of land situate just south of Elkton, of which 51 acres lying at the eastern end of the 264 acre tract has been reported by the Board of Appraisal Commissioners in the above entitled matter as belonging to Annie L. Baugher and as a lap on the lands of the heirs at law of Charles W.Harnsberger. The entire 264 acre tract of land has been recognized as the land of the estate of Charles W.Harnsberger for the past forty years or more, and the said estate has had control of, and has paid the taxes on, said land during all of this period. This entire tract of land lies within the manganese ore-bearing belt on the western slope of the Blue Ridge Mountains, and the western portion of said tract has been developed by actual mining thereon, and the entire tract is believed to be ore-bearing in commercial quantities. In view of these facts, the value of \$8.00



per acre placed on said 51 acre tract by the Board of Appraisal Commissioners is absolutely inadequate and confiscatory. It is believed that the Appraisal Board erred in reporting this land as the property of Annie L. Baugher, and also erred in not making a substantial allowance for the manganese ore known to exist therein.

---

Subscribed and sworn to before  
me this \_\_\_\_\_ day of September,  
1932.

---

Notary Public.



In the Circuit Court of Rockingham County, Virginia.

The State Commission on  
Conservation and Development  
of the State of Virginia.

v.

Cassandra Lawson Atkins and others  
and 52,561 acres, more or less, in  
Rockingham County, Va.

Statement made by J.O.Harnsberger, A.L.Harnsberger, Nannie  
T.Harnsberger, Clinton T.Harnsberger, Kate W.Snapp, J.C.Bishop,  
A.C.Davis and A.Florence Forrer pursuant to a decree in the above  
entitled cause dated October 25, 1932, in response to Item No. 2  
of the inquiry made in said decree.

Your respondents say that the 51 acres of land listed in  
the report of the Appraisal Board under its No. 70-I as the Annie  
L.Baughner Lap on the lands of the Chas.W.Harnsberger is erroneous  
in that said 51 acres is in fact the property of your respondents  
and said property should have been listed as the property of your  
respondents. The 51 acres in dispute lies at the east end of the  
plat showing the lands of the late Chas.W.Harnsberger and is clearly  
included within the boundary of respondents' title to their lands.  
Said plat is marked "Ex.Plat" and is prayed to be read as a part  
hereof. The amount allowed for said lands was also confiscatory.

(Signed) J. O. Harnsberger

" A. L. Harnsberger

" Nannie S. Harnsberger

" Clinton S. Harnsberger

" Kate W. Snapp

" J. C. Bishop

" A. C. Davis

" A. Florence Forrer

By Counsel

Geo. S. Harnsberger  
Counsel.



In the Circuit Court of Rockingham County, Virginia.

The State Commission on Conservation and Development of the State of Virginia.

Filed in the Clerk's Office Rockingham County, Va.

NOV 4 1932

v.

Cassandra Lawson Atkins and others and 52,561 acres, more or less, in Rockingham County, Va.

*J. Robert Switzer* Clerk

Statement made by J.D.Harnsberger, A.L.Harnsberger, Nannie T.Harnsberger, Clinton T.Harnsberger, Kate W.Snapp, J.C.Bishop, A.C. Davis and A.Florence Forrer pursuant to a decree in the above entitled cause dated October 25, 1932, in response to Item No.2 of the inquiry made in said decree.

Your respondents say that the 51 acres of land listed in the report of the Appraisal Board under its No.70-I as the Annie L.Baughner Lap on the lands of the Chas.W.Harnsberger is erroneous in that said 51 acres is in fact the property of your respondents and said property should have been listed as the property of your respondents. The 51 acres in dispute lies at the east end of the plat showing the lands of the late Chas.W.Harnsberger and is clearly included within the boundary of respondents' title to their lands. Said plat is marked "Ex.Plat" and is prayed to be read as a part hereof. The amount allowed for said lands was also confiscatory.

Geo.S.Harnsberger  
Counsel.

*J.O.Harnsberger*  
*A.L.Harnsberger*  
*Nannie T.Harnsberger*  
*Clinton T.Harnsberger*  
*Kate W.Snapp*  
*J.C.Bishop*  
*A.C.Davis*  
*A.Florence Forrer*  
*By Counsel*







No. 70-I

RETURN IN FIVE DAYS TO  
**J. ROBERT SWITZER, CLERK**  
Circuit Court of Rockingham County  
HARRISONBURG · VIRGINIA

STATEMENT

OF

)

Geo. S. Harnsberger, p.q.

J. O. HARNSBERGER and others

*Filed 8/26/33*

STATEMENT OF COSTS, POSTAGE, ETC.:



In re Arbitration Agreement submitted to the Governor, arising in or out of the condemnation proceedings pending in the Circuit Courts of Virginia under authority of the Shenandoah National Park Act.

State Commission on Conservation and Development of the State of Virginia

vs.

Cassandra Lawson Atkins and others and 52,501 acres of land in Rockingham County.

Filed in the Clerk's Office  
Rockingham County, Va.

AUG 26 1933

*J. Robert Smith* Clerk

In re exceptions of J.O. Harnsberger and others.

To the Hon. Philip Williams, Chairman of the Park Land Arbitration Board.

In reply to the rules issued by said Arbitration Board on August 16, 1933, and in reply to your call therein made, the undersigned beg to say:

- (a) The number of the tract owned by exceptants, as shown on the map filed in this proceeding, is 70-I.
- (b) The acreage claimed is 51.
- (c) As the claim now under consideration is based primarily upon the mineral rights therein asserted, the requirements in this section do not in their entirety apply.

Suffice it to say here:

(1) The Appraisal Board did not make proper allowance for the land of exceptants, exclusive of the mineral rights, the said property being worth at least \$15.00 per acre instead of the eight allowed by the Appraisal Board. While it is true that this tract is listed as an overlap of Annie L. Baugher on the Harnsberger lands, and while the validity of such a lien is usually to be determined in the proper court procedure and not before this Board, yet as Annie L. Baugher has not agreed to submit her claims to arbi-



tration, exceptants ask that their rights may be protected in this proceeding. The said 51 acres is a part of a 264 acre tract of land which has belonged to the estate of Charles W. Harnsberger and his predecessors in title for more than fifty years.

(2) That the Appraisal Board erred in not making any allowance for manganese ores known to exist on said land. This is a part of the same manganese ore property that has been developed near Elkton, and from which large tonnage has been removed. There can be no question about this land being ore-bearing in commercial quantities, and, as said lands have been developed, it is believed that a very conservative and fair royalty to be asked would be \$10,000.00.

J. O. Harnsberger  
A. S. Harnsberger  
Minnie P. Harnsberger  
Clinton P. Harnsberger  
Kate M. Snoff  
J. C. Bishop  
A. C. Davis  
A. Florence Foster  
By Counsel

Geo. S. Harnsberger  
Counsel.

State of Virginia,  
City Harrisonburg,  
~~County of Rockingham,~~ to-wit:

This day J. O. Harnsberger personally appeared before me,  
F. Flavia Converse, a Notary Public in and for the  
City County aforesaid, in the State of Virginia, in my City County aforesaid,  
and, being duly sworn, deposes and says:

I have read the above statement, and believe the statements of facts contained therein to be true.

J. O. Harnsberger  
Subscribed and sworn to before me this 24th day of August, 1933.  
F. Flavia Converse, N.P.



HARNSBERGER, J. O.  
70-I  
ROCKINGHAM COUNTY

Filed in the Clerk's Office  
Rockingham County, Va.

SEP 9 1933

*Robert Hunter* Clerk

IN RE. ARBITRATION AGREEMENTS submitted to the Governor arising in or out of Condemnation Proceedings pending in the Circuit Court of Virginia under authority of the Shenandoah National Park Act.

SUMMARY STATEMENT OF PETITIONER:

EXCEPTANT: Harnsberger, J. O.

ORIGINAL CLAIM: Acreage \_\_\_\_\_ : Value \$ \_\_\_\_\_ : Inc. Damages, None

VALUE PLACED ON TRACT BY PETITIONER'S APPRAISERS:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
70-I	\$319.00	None

BOARD OF APPRAISAL COMMISSIONERS FINDINGS:

MAP NUMBER OF TRACT: 70-I

VALUE OF TRACT:

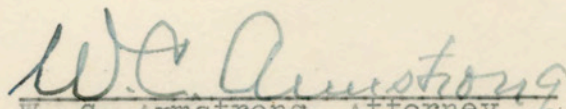
<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
70-I	\$408.00	None



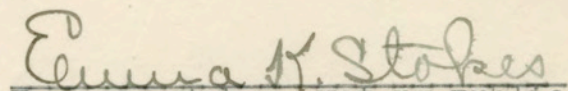
The basic differences between Petitioner and this exceptant are as to the classification and value of the land and mineral rights.

Although we believe the values reported by the petitioner's appraisers were very liberal and that the findings of the Board of Appraisal Commissioners as to values are substantially too high, we have accepted and will not seek a lower valuation than their findings as shown on the above tables in this case.

As to the classification of the land and the other elements of value we submit that these matters are correctly set forth in the Work Sheet of the Board with reference to this case, and not as set forth in exceptant's statements. This Work Sheet is filed with the record and a copy of this Work Sheet is submitted with copy of the record tendered herewith, and additional copies of the Work Sheet in this case will be furnished if desired.

  
W. C. Armstrong, Attorney  
for petitioner.

Subscribed to and verified before me this the 8<sup>th</sup> day of september,  
1933.

  
Emma K. Stokes, Notary Public



IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

The State Commission on  
Conservation and Development  
of the State of Virginia,

PETITIONER.

V.

At Law No. 1829.

Cassandra Lawson Atkins and others,

DEFENDANTS.

On this, the 26 day of December, 1933, came Annie L. Baugher, and, on her motion, leave is given her to file her petition for payment to her of the sum of \$2,731.00, the amount of the award set out in the judgment of condemnation for Tract No. 70 and heretofore paid into court.

And it appearing to the Court that the said Annie L. Baugher is invested with a superior or better right or claim of title in and to the said tract of land No. 70 than any other person or persons, and that the record of this cause does not disclose any denial or dispute by any party or person in interest as to the title to said Tract No. 70, or to the proceeds arising from the condemnation of said Tract No. 70, and it further appearing to the Court that all taxes due on said Tract No. 70 have been paid; upon consideration whereof, it is considered and Ordered by the Court that the said sum of \$2,731.00, paid into court by petitioner as just compensation for Tract No. 70, be paid unto said Annie L. Baugher, and the Clerk of this Court is directed to transmit a certified copy of this order to the Treasurer of Virginia, who shall pay unto the said Annie L. Baugher the said sum of \$2,731.00, the amount of the award set out in the judgment of condemnation for Tract No. 70, taking from the said Annie L. Baugher a receipt therefor and certifying such payment to the Clerk of this Court for appropriate entry thereof, as required by law.

20  
64  
Enter.

Atkins

Judge.





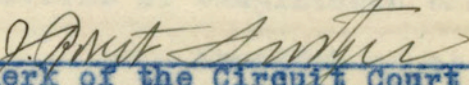






To Whom It May Concern:

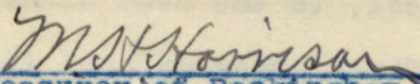
This is to certify that there are no delinquent taxes recorded in my office against the tract of land containing about one thousand acres, situate in Stonewall District, and assessed in the name of Annie L. Baugher. Dated this 22 day of December, 1933.

  
Clerk of the Circuit Court of Rockingham County, Virginia.

To Whom It May Concern:

This is to certify that the taxes for the years 1932 and 1933 assessed in the name of Annie L. Baugher against the tract of land containing about one thousand acres and situate in Stonewall District, Rockingham County, Virginia, have been paid.

Dated December Dec 22<sup>nd</sup>, 1933.

  
Treasurer of Rockingham County, Virginia.



THIS DEED made this 28th day of February 1923, between Edward C. Martz, Special Commissioner of the Circuit Court of Rockingham County in the Chancery Cause of Osceola C. Liskey v. J.B. Baugher, party of the first part, and Annie L. Baugher, party of the second part:

:: W I T N E S S E T H ::

THAT WHEREAS, by a decree of the Circuit Court of Rockingham County in the chancery cause aforesaid of Osceola C. Liskey v. J.B. Baugher, entered on the 19th day of October 1921, Edward C. Martz and E.B. Crawford were appointed Special Commissioners of the Court for the purpose of selling the real estate hereinafter mentioned and described; and

WHEREAS, subsequently, said Special Commissioners, after due advertisement of the time, terms and place of sale as by said decree directed, on the 17th day of January 1922, offered for sale at public auction, in front of the County Court House in the City of Harrisonburg, Virginia, the real estate hereinafter described, at which time and place the same was known knocked down to Annie L. Baugher, at the gross price of \$1050.00, she being the highest bidder therefor; and

WHEREAS, the said purchaser has complied with the advertised terms of sale, and said sale was by decree entered in said cause on the 23rd day of February 1922, confirmed and approved, and Edward C. Martz was appointed a Special Commissioner to convey said land to said purchaser whenever she should have paid the whole of said purchase money due by her; and

WHEREAS, said purchaser has fully paid all of the purchase money due on said land, and is now entitled to a deed for the same:



NOW THEREFORE, in consideration of the premises herein-  
 above recited, as well as the sum of One Dollar cash in hand paid,  
 the receipt of which is hereby acknowledged, the said party of  
 the first part doth grant and convey, with special warranty of  
 title, <sup>into the party of the second part,</sup> all that certain tract or parcel of mountain land, con-  
 taining approximately 1000 acres, situated south of the Town of  
 Elkton, in Stonewall District, Rockingham County, on Hanse's  
 Mountain, adjoining the lands of Harnsberger and others, and  
 being the same tract or parcel of land of which A.J. Baugher  
 died seized and possessed, and which was conveyed to J.B. Baugher  
<sup>and others</sup> by D.O. Dechert, Special Commissioner, by deed of date November  
 10th, 1914, which deed is duly of record in the Clerk's Office  
 of Rockingham County, and to which deed reference is here made  
 for a more particular description of said land.

The lands herein conveyed are the lands formerly belong-  
 ing to and standing in the name of G.H. Baugher, J.B. Baugher,  
 Ella S. Baugher, Mary McDaniel, Annie L. Baugher and L.G. Dickson.

WITNESS the following signature and seal.

Edward C. Martz (SEAL)  
 Special Commissioner

VIRGINIA:  
 ROCKINGHAM COUNTY, to-wit:

I, Lucy M. Coffman, a Notary Public in and for the  
 County and State aforesaid, do certify that Edward C. Martz,  
 Special Commissioner, whose name is signed to the foregoing deed,  
 bearing date the 28th day of February 1923, personally appeared  
 before me in my County aforesaid and acknowledged the same.

Given under my hand this 28th day of February 1923.

My commission expires the 19th day of July 1925.

Lucy M. Coffman  
 Notary Public





Ed. O. Marty, Jr. Com. 311

Mrs. L. B. Boyter  
Annexed to Boyter  
case of Ella Boyter  
vs.  
Eaton Va.

Tax \$ 1.10  
Transfer \$ 1.50  
Total \$ 2.60

Admitted MAR 27 1923 S

J. H. Blackburn Clerk  
Rockingham County, Va.

Harrisonburg, Va., Mar. 22 1923  
Recorded in Deed Book  
No. 483 pages 383 M  
J. H. Blackburn  
County Clerk.

VIRGINIA: In the Clerk's Office of the Circuit Court  
of Rockingham County. The foregoing deed of  
Boyter vs. Eaton was this day presented in the  
office aforesaid, and is, together with the certificate  
of acknowledgment annexed, admitted to record  
this 27 day of March 1923. M.





JOHN M. PURCELL  
TREASURER OF VIRGINIA

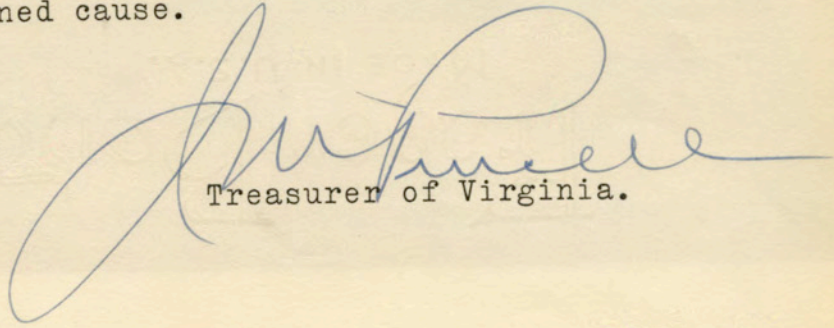
# Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

December 29, 1933

This is to certify that I, J. M. Purcell, Treasurer of Virginia have this 29 day of December in accordance with an order of the circuit court of Rockingham County dated 12/28/33 in the cause of the State Commission on Conservation and Development of the State of Virginia vs. Cassandra Lawson Atkins paid to Annie L. Baugher \$ 2,731.00 being in full settlement of tract # 70 in the above mentioned cause.

  
Treasurer of Virginia.



Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

December 29, 1933



JOHN M. HUBBARD  
AUDITOR OF VIRGINIA

DEC 29 1933

Received of the Treasurer of Virginia the sum of Two  
Thousand, Seven Hundred and Thirty-one Dollars (\$2,731.00),  
being the amount awarded me in the cause of the State Commission  
on Conservation and Development of the State of Virginia vs.  
Cassandra Lawson Atkins and others, as compensation for Tract  
No. 70, condemned in said cause.

Witness

H. B. Gentry

Ella S. Sawyer

Annied S. Maughan  
made