

Rappahannock County
 NAME OF CLAIMANT

#106-II -- Kendall, J. W.
 Lap on Julia C. Overall Heirs.

Number of Acres: 484

Location: From Elk Wallow Gap south along Frazier's Run and on the eastern slope of Naked Ridge, and entirely within the Park area.

Roads: ----- Six miles of rough dirt road to Lee Highway near Sperryville thence seventeen miles to Luray, nearest shipping point.

Soil: That on slope of Naked Ridge is poor and very rocky. That in Gap is of fair depth and fertility. Lower portion in hollow is of good depth and fertility. That portion east of Thornton River is of fair depth and fertility. Portion

~~History of Tract and condition of timber:~~ of fields along stream are tillable.
History of tract and condition of timber: Tanbark removed about 30 years ago. Several portable sawmills have been in there since and all merchantable timber was removed. The trees which are left are scattered. There is a fine stand of young oak growing on slope east of Thornton River.

Improvements: There are two dilapidated log houses, unoccupied with a few old neglected apple trees on this tract.

Acreage and value of types:

Types	Acreage		Value per acre	Total Value
Ridge:				
Slope:	418	@	\$2.50	\$1045.00
Cove:				
Grazing Land:	66	@	15.00	990.00
Fields Restocking:				<u>\$2035.00</u>
Cultivated Land:				
Orchard:				100.00
Minerals:				<u>\$ 2135.00</u>

Value of Land: \$ 2035.00

Value of Improvements: \$

Value of Orchard: \$

Value of Minerals: \$

Value of Fruit: \$

Value of Timber: \$100.00

Value of Wood: \$

Value per acre for tract: \$ 4.41

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

Geo. H. Pen CLERK.

106-1
106-I-II

Claim of D. W. Kendall Est.
In the Circuit Court of Rappahannock County, Virginia, No. 149, At Law.
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. Elifton Aylor et als and 37,400 acres

more or less, of land in Rappahannock 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 Rappahannock County, Virginia, asks leave of the Court to file this as his answer to said petition and to said notice.

My name is D. H. Kendall
My post office address is Front Royal, Va. R.F.D.

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 254 acres, on which there are the following buildings and improvements:

This land is located about _____ miles from _____ Virginia, in the Piedmont 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.)

The land owners adjacent to the above described tract or parcel of land are as follows:
North Brumback
South David Kendall
East Page county line
West Varner & Spitler

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

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 25000. 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).

Remarks: _____

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 28 day of February, 1930. D. H. Kendall

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

The undersigned hereby certifies that D. H. Kendall 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 28 day of Feb, 1930. M. A. T. [Signature]

Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

Claim of J. W. Randall, et al.

Claim of ...
In the Circuit Court of ...
The State Commission on Conservation and Development of the State of Virginia, ...
more or less of land in ...
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 ...
My name is ...
My post office address is ...

I claim a right title estate or interest in a tract or parcel of land within the area sought to be condemned containing buildings and improvements ...
This land is located about ...
I claim the following ...
The land owners adjacent to the above described tract or parcel of land are as follows:
North ...
South ...
East ...
West ...
I acquired my right, title, estate or interest to this property about the year ... in the following manner:

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 ...
posed 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:
The undersigned hereby certifies that ...
Witness my signature for my name and mark attached hereto) this ... day ...
STATE OF VIRGINIA, COUNTY OF ...
To-wit: ...
this ... day of ... 1930

Filed in Clerk's office of
Popoak Lumber Co. Inc.
March 11, 1931.
Geo. M. Smith, Clerk

Clerk of the Court or Special Investigator or Notary Public or Justice of the Peace

County: Rappahannock
District: Piedmont

#106-I -- Kendall, J. W.
Lap on
Ann P. Jolliffe's Heirs

X
Acreage Claimed: Assessed: 239 Deed: 144
Value Claimed: Assessed: \$817.00 Deed: -
Area: 19 Acres.

Location: From Elk Wallow Gap south along Frazier's Run and on the eastern slope of Naked Ridge, and entirely within the Park area.

Incumbrances, counter claims or laps: On the land claimed by J. W. Kendall lies within the two subdivisions of the Overall Survey which were assigned to Julia C. Overall and to the Heirs of Ann P. Jolliffe.

Soil: That on slope of Naked Ridge is poor and very rocky. That in Gap is of fair depth and fertility. Lower portion in Hollow is of good depth and fertility. That portion east of Thornton River is of fair depth and fertility.

Roads: Six miles of rough dirt road to Lee Highway near Sperryville; thence seventeen miles to L₁ray, nearest shipping point.

History of tract and condition of timber: Tanbark removed about 30 years ago. Several portable sawmills have been in there since and all merchantable timber was removed. The trees which are left are scattered.

Improvements: None.

Value of land by types:

Type	Acreage	Value per acre	Total Value
Slope	18	\$2.50	\$45.00
Fr	1	8.00	8.00
	<u>19</u>		<u>\$53.00</u>

Total value of land \$53.00
Total value of tract \$53.00
Average value per acre \$2.80

X -- Includes area in lap #106-II.

That That the heirs of Julia C. Overall and the heirs of Ann P. Jolliffe have no right, title, claim nor interest in this land or any part thereof or the proceeds thereof upon its condemnation;

That the said heirs of J. W. Kendall, since the death of the said J. W. Kendall, and the said J. W. Kendall, during his life time, while he was the owner of said real estate, and his predecessors in title, have had and took actual, adverse, notorious, continuous, and exclusive possession and control of the whole of the said tract or parcel of land, and that they have continued to exercise such possession and control of said tract or parcel, of land up to this time, and for a period of over twenty years next prior to this time;

That said mountain land is valuable grazing land, and that the amount of compensation allowed the said heirs of said J. W. Kendall, deceased, by the Appraisal Commissioners is grossly inadequate, is not a just compensation for said land and that the amount of compensation allowed them is not a fair value for said land;

That it would be inequitable and unconscionable not to allow them considerably more for said tract of land;

That ~~xxxx~~ they have a substantial and material defense to make in this proceeding;

That said tract of land is within the area sought to be condemned, ownership of which is claimed by said J. W. Kendall's heirs, and with reference to which ~~he~~ ^{they} have filed ~~his~~ ^{their} objections, is the same tract or parcel of land which was valued and found by the Appraisal Commissioners to be the land owned by them, as shown and delineated on said map, read together with said ~~report~~ and exhibit sheets.

That they pray that they be allowed a jury trial, and also ask for the appointment of commissioners by the Court, as provided by law, and for general relief.

That their names and addresses are as follows:

Mrs. M. H. Abbott, Rileyville, Virginia,
Mr. D. H. Kendall, Washington, Va. R. F. D.,
Mr. J. K. Kendall, Washington, Va., R. F. D.
Mr. W. O. Kendall,

Respectfully submitted,

Mrs. M. H. Abbott,

D. H. Kendall,

By Counsel.

S. L. Walton,
Counsel.

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

S. L. Walton, Attorney for Mrs. M. H. Abbott and D. H. Kendall, two of the above named respondents, named in the foregoing answer, being duly sworn, says that the facts and allegations therein contained are true, to the best of his knowledge and belief.

S. L. Walton, Attorney
for Mrs. M. H. Abbott and D. H. Kendall, two
of respondents.

Taken, sworn to and subscribed before me, Grover C. Miller, Clerk of the Circuit Court of the County aforesaid, in the State of Virginia, this 14th day of September, 1932.

Grover C. Miller
Clerk.

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

vs. (At Law No. 149,
Clifton Aylor and others and
37,400 acres of land, more or less.

Filed in the Clerk's Office of
the Circuit Court of Rappahannock
County, Virginia, this 14th day of
Sept. 1932.

Teste: *James M. Settle*
WALTON & BROTHER Clerk.
ATTORNEYS AT LAW
LURAY, VIRGINIA

In the Circuit Court of Rappahannock County, Virginia,

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

vs. (At Law. No. 149.

Clifton Aylor and others, and 37,400 acres of land, more or less,
Defendants.

No. 106-1, and No. 106-11.

The answer of Mrs. M. H. Abbott and D. H. Kendall to the petition filed against them and others in the Circuit Court of Rappahannock County, Virginia, by The State Commission on Conservation and Development of the State of Virginia, as above entitled, complainant.

These respondents reserving to themselves the benefit of all just exceptions to the said petition and proceedings for condemnation, for answer thereto, or so much thereof as they are advised that it is necessary they should answer, answer and say:

That J. W. Kendall died seized and possessed of a tract of 459.14 acres of land, more or less, 7.15 acres, more or less, being situate in Page County, Virginia, and 451.99 acres, more or less, being situate in Rappahannock County, Virginia, and within the boundary lines of Rappahannock County and set out in the petition in said Rappahannock County, Virginia;

That said J. W. Kendall left as his heirs at law and next of kin the following named four children, to-wit: Mrs. M. H. Abbott, D. H. Kendall, W. O. Kendall and J. K. Kendall, who now own said tract of land;

That said heirs of said J. W. Kendall, deceased, claim the proceeds thereof upon its condemnation;

That a survey was made of said J. W. Kendall's estate land and the same is of record in the clerk's office of Rappahannock County, Va., a copy of which is hereto attached and made part of said answer, said deed being recorded in Deed Book 36, page 339, on Sept. 5, 1931;

In The Circuit Court of Rappahannock County, Virginia.

The State Commission on Conservation & Development of the State of
Virginia, Petitioner,

vs. (At Law No. 149.

Clifton Aylor and others, and 37,400 acres of land, more or less,
(J. W. Kendall's Estate No. 106-1, & No. 106-11.) Defendants.

D. H. Kendall, W. O. Kendall, J. K. Kendall and Mrs. M. H. Abbott,
heirs-at-law of J. W. Kendall, deceased, defendants in the above
entitled condemnation proceedings, file the following exceptions and
answer to the report of the Appraisal Commissioners, which was filed in
the Clerk's Office of the Circuit Court of Rappahannock County, Va., on
May 18, 1932:

- (1) That the amount of compensation allowed them by said Appraisal
Commissioners for the 19 acre tract of land, 18 acres of which was
classed by said commissioners as "Slope" at \$2.50 per acre, and one
acre of said land was classed by them as "grazing land" at \$15.00,
and that the amount of compensation allowed them by said Appraisal
Commissioners for the 484 acre tract, 418 acres of which was classed
by said commissioners as "Slope" at \$2.50 per acre, and 66 acres
of said land was classed by them as "grazing land" at \$15.00 per
acre, with \$100. worth of minerals and \$100. worth of timber on said
land, that said allowances or compensation is not a just compensation
for their land proposed to be taken in these proceedings; that said
compensation is not a fair value for their land, and that said com-
pensation is grossly inadequate;
- (2) That their mountain land is a good grazing farm and is a valuable
grazing farm, and a number of cattle are provided good grass on
this land during the grazing season; that practically all of this
land is grazing land that all of it should have been classed as
grazing land and should have been valued by said Appraisal Commis-
sioners at at least \$15.00 to \$25.00 per acre, for the entire acreage;

No. 2. J. W. Kendall's Estate.

(3) That the Appraisal Commissioners viewed said tracts of land, 19 acres and 484 acres, respectively, at a very inopportune time, during the summer or fall of 1930, when this county and section of the State of Virginia was experiencing a very severe drought and they could not view this said mountain grazing land to any advantage and get an idea of its true value and worth;

By way of answer your said defendants say that said two tracts of land are worth at least \$15.00 to \$25.00 per acre, as a whole; that they claim title to all of said tract of 19 acres and to all of said tract of 484 acres, that their title is older than and superior to any title or claim of title of Ann P. Jolliffe's Heirs; that they and their predecessor and predecessors in title have had actual, adverse, notorious, continuous and exclusive possession of said tracts of land, 19 acres and 484 acres, respectively, for over fifty years, and that there is no lap on same as to Ann P. Jolliffe's Heirs or any one else, and that they own the entire ^{said two} tracts and all the proceeds derived from the condemnation there-of.

Your defendants pray for the appointment of commissioners to view their said two tracts of land and make report to the Court, as provided for in the condemnation law, Acts of Assembly, 1928, for such cases.

All of which is respectfully submitted this 14th day of July, 1932.

S. L. Walton;
Counsel.

D. H. Kendall,
W. O. Kendall,
J. R. Kendall,
Wm. M. H. Abbott,
Defendants, By Counsel.

In the Circuit Court of Rappahannock County, Virginia:

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

vs. (At Law. No. 149,

Clifton Aylor and othees, and 37,400 acres of land, Defendants.

No. 106-1, and No. 106-11, J. W. Kendall Estate.

In compliance with an order entered by the Judge of the above Court, in Vacation, on the 1st day of November, 1932, your respondents, Mrs. M. H. Abbott and D. H. Kendall, by Counsel, come and say that on the 14th day of September, 1932, they filed their amended answer in the Clerk's Office of the Circuit Court of Rappahannock County, Virginia, in pursuance to the order entered by the said Court on the 30th day of August, 1932, but through the inadvertence of the representatives of your petitioner, the said The State Commissioner on Conservation and Development of the State of Virginia, the said amended answer of your said respondents was overlooked, and your said respondents say that they are advised that they have fully complied with the order entered on the said 30th day of August, 1932.

Respectfully,

Mrs. M. H. Abbott,

D. H. Kendall

Respondents, By Counsel,

S. L. Walton,

Counsel.

106-1
106-I-II

Claim of D. W. Kendall Est.
In the Circuit Court of Rappahannock County, Virginia, No. 149, At Law.
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. Elifton Aylor et als and 37,400 acres

more or less, of land in Rappahannock 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 Rappahannock County, Virginia, asks leave of the Court to file this as his answer to said petition and to said notice.

My name is D. H. Kendall
My post office address is Front Royal, Va. R.F.D.

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 254 acres, on which there are the following buildings and improvements:

This land is located about _____ miles from _____ Virginia, in the Piedmont 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.)

The land owners adjacent to the above described tract or parcel of land are as follows:
North Brumback
South David Kendall
East Page county line
West Varner & Spitler

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

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 25000. 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).

Remarks: _____

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 28 day of February, 1930. D. H. Kendall

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

The undersigned hereby certifies that D. H. Kendall 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 28 day of Feb, 1930. W. A. T. [Signature]

Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

That That the heirs of Julia C. Overall and the heirs of Ann P. Jolliffe have no right, title, claim nor interest in this land or any part thereof or the proceeds thereof upon its condemnation;

That the said heirs of J. W. Kendall, since the death of the said J. W. Kendall, and the said J. W. Kendall, during his life time, while he was the owner of said real estate, and his predecessors in title, have had and took actual, adverse, notorious, continuous, and exclusive possession and control of the whole of the said tract or parcel of land, and that they have continued to exercise such possession and control of said tract or parcel, of land up to this time, and for a period of over twenty years next prior to this time;

That said mountain land is valuable grazing land, and that the amount of compensation allowed the said heirs of said J. W. Kendall, deceased, by the Appraisal Commissioners is grossly inadequate, is not a just compensation for said land and that the amount of compensation allowed them is not a fair value for said land;

That it would be inequitable and unconscionable not to allow them considerably more for said tract of land;

That ~~xxxx~~ they have a substantial and material defense to make in this proceeding;

That said tract of land is within the area sought to be condemned, ownership of which is claimed by said J. W. Kendall's heirs, and with reference to which ~~he~~^{they} have filed ~~his~~^{their} objections, is the same tract or parcel of land which was valued and found by the Appraisal Commissioners to be the land owned by them, as shown and delineated on said map, read together with said ~~report~~ and exhibit sheets.

That they pray that they be allowed a jury trial, and also ask for the appointment of commissioners by the Court, as provided by law, and for general relief.

That their names and addresses are as follows:

Mrs. M. H. Abbott, Rileyville, Virginia,
Mr. D. H. Kendall, Washington, Va. R. F. D.,
Mr. J. K. Kendall, Washington, Va., R. F. D.
Mr. W. O. Kendall,

Respectfully submitted,

Mrs. M. H. Abbott,

D. H. Kendall,

By Counsel.

S. L. Walton,
Counsel.

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

S. L. Walton, Attorney for Mrs. M. H. Abbott and D. H. Kendall, two of the above named respondents, named in the foregoing answer, being duly sworn, says that the facts and allegations therein contained are true, to the best of his knowledge and belief.

S. L. Walton, Attorney
for Mrs. M. H. Abbott and D. H. Kendall, two
of respondents.

Taken, sworn to and subscribed before me, Grover C. Miller, Clerk of the Circuit Court of the County aforesaid, in the State of Virginia, this 14th day of September, 1932.

Grover C. Miller
Clerk.

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

vs. (At Law No. 149,
Clifton Aylor and others and
37,400 acres of land, more or less.

Filed in the Clerk's Office of
the Circuit Court of Rappahannock
County, Virginia, this 14th day of
Sept. 1932.

Teste: James M. Settle,
WALTON & BROTHER Clerk.
ATTORNEYS AT LAW
LURAY, VIRGINIA

In the Circuit Court of Rappahannock County, Virginia,

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

vs. (At Law. No. 149.

Clifton Aylor and others, and 37,400 acres of land, more or less,
Defendants.

No. 106-1, and No. 106-11.

The answer of Mrs. M. H. Abbott and D. H. Kendall to the petition filed against them and others in the Circuit Court of Rappahannock County, Virginia, by The State Commission on Conservation and Development of the State of Virginia, as above entitled, complainant.

These respondents reserving to themselves the benefit of all just exceptions to the said petition and proceedings for condemnation, for answer thereto, or so much thereof as they are advised that it is necessary they should answer, answer and say:

That J. W. Kendall died seized and possessed of a tract of 459.14 acres of land, more or less, 7.15 acres, more or less, being situate in Page County, Virginia, and 451.99 acres, more or less, being situate in Rappahannock County, Virginia, and within the boundary lines of Rappahannock County and set out in the petition in said Rappahannock County, Virginia;

That said J. W. Kendall left as his heirs at law and next of kin the following named four children, to-wit: Mrs. M. H. Abbott, D. H. Kendall, W. O. Kendall and J. K. Kendall, who now own said tract of land;

That said heirs of said J. W. Kendall, deceased, claim the proceeds thereof upon its condemnation;

That a survey was made of said J. W. Kendall's estate land and the same is of record in the clerk's office of Rappahannock County, Va., a copy of which is hereto attached and made part of said answer, said deed being recorded in Deed Book 36, page 339, on Sept. 5, 1931;

In The Circuit Court of Rappahannock County, Virginia.

The State Commission on Conservation & Development of the State of
Virginia, Petitioner,

vs. (At Law No. 149.

Clifton Aylor and others, and 37,400 acres of land, more or less,
(J. W. Kendall's Estate No. 106-1, & No. 106-11.) Defendants.

D. H. Kendall, W. O. Kendall, J. K. Kendall and Mrs. M. H. Abbott,
heirs-at-law of J. W. Kendall, deceased, defendants in the above
entitled condemnation proceedings, file the following exceptions and
answer to the report of the Appraisal Commissioners, which was filed in
the Clerk's Office of the Circuit Court of Rappahannock County, Va., on
May 18, 1932:

(1) That the amount of compensation allowed them by said Appraisal
Commissioners for the 19 acre tract of land, 18 acres of which was
classed by said commissioners as "Slope" at \$2.50 per acre, and one
acre of said land was classed by them as "grazing land" at \$15.00,
and that the amount of compensation allowed them by said Appraisal
Commissioners for the 484 acre tract, 418 acres of which was classed
by said commissioners as "Slope" at \$2.50 per acre, and 66 acres
of said land was classed by them as "grazing land" at \$15.00 per
acre, with \$100. worth of minerals and \$100. worth of timber on said
land, that said allowances or compensation is not a just compensation
for their land proposed to be taken in these proceedings; that said
compensation is not a fair value for their land, and that said com-
pensation is grossly inadequate;

(2) That their mountain land is a good grazing farm and is a valuable
grazing farm, and a number of cattle are provided good grass on
this land during the grazing season; that practically all of this
land is grazing land that all of it should have been classed as
grazing land and should have been valued by said Appraisal Commis-
sioners at at least \$15.00 to \$25.00 per acre, for the entire acreage;

No. 2. J. W. Kendall's Estate.

(3) That the Appraisal Commissioners viewed said tracts of land, 19 acres and 484 acres, respectively, at a very inopportune time, during the summer or fall of 1930, when this county and section of the State of Virginia was experiencing a very severe drought and they could not view this said mountain grazing land to any advantage and get an idea of its true value and worth;

By way of answer your said defendants say that said two tracts of land are worth at least \$15.00 to \$25.00 per acre, as a whole; that they claim title to all of said tract of 19 acres and to all of said tract of 484 acres, that their title is older than and superior to any title or claim of title of Ann P. Jolliffe's Heirs; that they and their predecessor and predecessors in title have had actual, adverse, notorious, continuous and exclusive possession of said tracts of land, 19 acres and 484 acres, respectively, for over fifty years, and that there is no lap on same as to Ann P. Jolliffe's Heirs or any one else, and that they own the entire ^{said two} tracts and all the proceeds derived from the condemnation thereof.

Your defendants pray for the appointment of commissioners to view their said two tracts of land and make report to the Court, as provided for in the condemnation law, Acts of Assembly, 1928, for such cases.

All of which is respectfully submitted this 14th day of July, 1932.

S. L. Walton;
Counsel.

D. H. Kendall,
W. O. Kendall,
J. R. Kendall,
Wm. M. H. Abbott,
Defendants, By Counsel.

In the Circuit Court of Rappahannock County, Virginia:

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

vs. (At Law. No. 149,

Clifton Aylor and othees, and 37,400 acres of land, Defendants.

No. 106-1, and No. 106-11, J. W. Kendall Estate.

In compliance with an order entered by the Judge of the above Court, in Vacation, on the 1st day of November, 1932, your respondents, Mrs. M. H. Abbott and D. H. Kendall, by Counsel, come and say that on the 14th day of September, 1932, they filed their amended answer in the Clerk's Office of the Circuit Court of Rappahannock County, Virginia, in pursuance to the order entered by the said Court on the 30th day of August, 1932, but through the inadvertence of the representatives of your petitioner, the said The State Commissioner on Conservation and Development of the State of Virginia, the said amended answer of your said respondents was overlooked, and your said respondents say that they are advised that they have fully complied with the order entered on the said 30th day of August, 1932.

Respectfully,

Mrs. M. H. Abbott,

D. H. Kendall

Respondents, By Counsel,

S. L. Walton,

Counsel.

J.W KENDALL LAND ON
THE BLUE RIDGE JOINING PAGE COUNTY
ONE AND ONE-ONE HALF MILES NORTH OF
BEAMS GAP RAPPAHANNOCK COUNTY VA.

Area 459.14 ACRES

Surveyed June 1931

Beginning at fig.# 1, a pine on upper side of old road, corner to the land of Spitler, Varner, and Comer; H.V. Hudson; and Dave Kendall, thence with Dave Kendall's line N $87^{\circ} 25'$ W 28.62 chains to a pine stump 2.5 chains from Thornton River on slope of mountain, thence N $66\frac{1}{2}$ W 12.50 chains to a fence post 5 yards S.E. of road, thence N $89^{\circ} 20'$ W 19.69 chains to fig. # 2, an old dead white oak beside a chestnut oak on east side of mountain 12 yards S.E. of an old road; thence S 20° W 20.25 chains to a stone pile 0.20 chains east of a white oak and 0.19 chains S.E. of another white oak corner to Jake Dwyer and Dave Kendall, thence (with an old survey of 1890, found in deed book S page 85, bearings corrected to this present date) with Jake Dwyer N $70\frac{1}{2}$ W. 18.00 chains to fig. # 3, a chestnut oak and gum on the top of the Blue Ridge in the line between the counties of Page and Rappahannock, corner to Strickler Bros. thence by the old survey of 1890, with Strickler Bros. line and also the Page Co. line N 13° E 10.75 chains to a large white oak, thence N $33\frac{1}{2}$ E 15.50 chains to a blazed chestnut on the west side of a path, thence N $5\frac{3}{4}$ E 25.00 chains to two chestnut oaks, thence N 16° E 8.50 chains to two small pines, thence N 23° E 33.00 chains to fig.# 4, three chestnut oaks and one black oak on the top of naked mountain, thence S $54\frac{1}{4}$ E 12.25 chains to a large white oak standing near a path leading up the eastern slope of Naked Mt. in the Page Co. line, thence N $30\frac{1}{2}$ E 7.00 chains, N $13\frac{3}{4}$ E 10.25 chains to fig.# 5 point near fence corner and corner to the Brumback Land, thence with Brumback S $12\frac{1}{2}$ E 43.50 chains to fig.# 6 a stone pile, S $71\frac{1}{2}$ E 3.62 chains to a pine, S $52\frac{3}{4}$ E 3.75 chains to a large rock between a cluster of marked chestnut oaks, N $78\frac{1}{4}$ E 8.18 chains to a stake between two marked hickories in hollow below path, thence N $78\frac{1}{2}$ E 32.89 chains to fig.# 7, a chestnut oak, corner to Brumback in Kelley's line, thence with Kelly S $15\frac{1}{2}$ W 2.68

2-

chains to a white oak (now down) in branch running from Elliber Spring, corner to Kelly and the land of Varner, Spitler, and Comer, thence with the last mentioned land (by a former survey of 1922 found in deed book 31 pg.231,with bearings corrected to this present date) S $41\frac{1}{2}^{\circ}$ W 3.38 chains to a stone pile, thence S $23\frac{1}{2}^{\circ}$ W 36.75 chains to a stone pile near the top of bluff of rock (two chestnut oaks walled for in 1897), thence (by a survey of 1897 found in deed book U, pg. 44 with bearing corrected to this present date) S $4\frac{1}{2}^{\circ}$ E 12.00 chains to the point of beginning, containing 459.14 acres.

7.15 acres of this tract is in Page County.

C.W.Ewing
RAPPAHANNOCK COUNTY SURVEYOR

Virginia: Clerk's Office of Rappahannock Court, Sept. 5th 1931.

This Survey was this day received in said office and together with the annexed certificate admitted to record at 10.00 o'clock A.M.

Teste: Elizabeth H. DEBergh, Dep. Clk.

A Copy Teste:

Jas. M. Tuttle, Clerk,

In the Circuit Court of Rappahannock County, Virginia.

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

vs. (At Law No. 149.

Clifton Aylor and others and 37,400 acres of land, more or less,
Defendants.

No. 106-1, J. W. Kendall's Estate, and,
No. 106-11, J. W. Kendall's Estate.

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

This day T. W. Abbott, of Rileyville, Page County, Virginia, personally appeared before me, the undersigned Commissioner in Chancery for the Circuit Court for the said County of Page, in the State of Virginia, and made oath before me in my said county that he is the husband of Mrs. M. H. Abbott, one of the heirs at law of said J. W. Kendall, deceased, and a child of said Kendall; that he is personally acquainted with the two tracts of land of which said J. W. Kendall died seized and possessed, one being designated and identified by the Board of Appraisal Commissioners in their report and on the map or plan of the proposed National Park area, as "No. 106-1, J. W. Kendall's Estate," containing 19 acres of land, in the proposed park area in Rappahannock County, Virginia, and the other said tract of which the said J. W. Kendall died seized and possessed being identified and designated by said Commissioners and on said plat or map as "No. 106-11, J. W. Kendall's Estate," or as "106-11, Kendall, J. W.", and containing 484 acres in Rappahannock County, and about 13 acres in Page County, in the said proposed park area; that the heirs had a survey made of said J. W. Kendall's land as a whole, and according to said survey there are ^{459.14}~~459.1~~ acres in this entire tract, 45~~9~~¹⁴.99 acres of which said tract are within the proposed park

area in Rappahannock County, and 7.15 acres of which are within the proposed park area in Page County, Virginia; that he has known this land for about 40 years; that this tract is a valuable mountain grazing farm and said Board of Appraisal Commissioners should have classed all of said tract as "grazing land", and have allowed for same at least \$15.00. to \$25.00 per acre, instead of having only classed one acre of said 16 acre tract of land as grazing land at \$15.00 per acre, and instead of having only classed 66 acres of said 484 acre tract of land as grazing land at \$15.00 per acre; that there is also some minerals on or under said tracts of land, which are valuable, and that there is some valuable timber on said land, worth more than \$100.00, for said minerals and worth more than \$100.00 for said timber, as allowed by said Commissioners; that this is a very valuable mountain grazing farm and grazes a number of cattle or other live stock well on same; that for some years J. G. Grove has rented this land for grazing purposes and has grazed a number of cattle and or other live stock on same; that the amount allowed for said land is grossly inadequate and not a fair and just compensation for said land, that said Commissioners only allowed the sum of \$60.00 for said 19 ac e tract, and only allowed the sum of \$2235.00 for said 484 ac e tract, timber and minerals; that this land is worth many times what said Commissioners have valued the same at; that J. W. Kendall's heirs, J. W. Kendall and his predecessors in title have had and took actual, adverse, notorious, continuous, and exclusive possession and control of the whole of said tracts of land above referred to, ^{for over twenty-five years,} and that said J. W. Kendall's heirs are entitle to the proceeds derived form said condemnation of said land.

Given under my hand this 27th day of July, 1933.

S. L. Walton,
Commissioner in Chancery.

F. W. Abbott

In the Circuit Court of Rappahannock County, Virginia.

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

vs. (At Law No. 149.

Clifton Aylor and others and 37,400 acres of land, more or less,
Defendants.

No. 106-1, J. W. Kendall's Estate, and,
No. 106-11, J. W. Kendall's Estate.

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

This day J. K. Kendall, of Luray, Page County, Virginia, personally appeared before me, the undersigned Commissioner in Chancery for the Circuit Court for the said county of Page, in the State of Virginia, and made oath before me in my said county that he is a son and an heir at law of said J. W. Kendall, deceased, that he is personally acquainted with the two tracts of land of which said J. W. Kendall died seized and possessed, one being designated and identified by the Board of Appraisal Commissioners in their report and on the map or plan of the proposed park area, as "No. 106-1, J. W. Kendall's Estate", containing 19 acres of land, filed in said proceedings in Rappahannock County, Virginia, in the proposed park area in Rappahannock County, Virginia, and the other said tract of which the said J. W. Kendall died seized and possessed being identified and designated by said commissioners in their report and on said plat or map as "No. 106-11, J. W. Kendall's Estate", or as "106-11, Kendall, J. W.", and containing 484 acres in Rappahannock county, and about 13 acres in Page county, Virginia, in the said proposed park area; that the heirs at law of said J. W. Kendall had a survey made of said J. W. Kendall's land as a whole, and according to said survey there are

459.14 acres in this entire tract, 451.99 acres of which said tract are within the proposed park area in Rappahannock County, and 7.15 acres of which are within the proposed park area in Page County, Virginia; that he has known this land for about 30 years; that this tract is a very valuable mountain grazing farm and said Board of Appraisal Commissioners should have classed all of said tract of land as "grazing land", and have allowed from at least \$15.00 to \$25.00 per acre for all of said tract, instead of having only allowed and classed one acre of said 16 acre tract of land as grazing land at \$15.00 per acre, and instead of having only classed 66 acres of said 484 acre tract of land as grazing land at \$15.00 per acre; that there is also some minerals on or under said tracts of land, which are valuable, and that there is some timber on said land which is valuable, and more than \$100.00 for the minerals and worth more than \$100.00 for the timber; as allowed by said Commissioners; that this is a very valuable mountain grazing farm now, and was in 1930, and also at the time of said appraisal by said Commissioners, and grazes a number of cattle and or other live stock well on same; that J. G. Grove has rented this land for grazing purposes for some years and grazes a number cattle and or other live stock on same for all of the grazing season each year; that the amount allowed for said land by said Commissioners is grossly inadequate and not a fair and not a just compensation for said land and other property proposed to be taken, that said Commissioners only allowed the sum of \$60.00 for said 19 acre tract, and only allowed the sum of \$2235.00 for said 484 acre tract, which includes \$100.00 for minerals and \$100.00 for timber on said larger tract; that this land is worth many times what said Commissioners have valued it at; that J. W. Kendall's heirs, J. W. Kendall and his predecessors in title have had and took actual, adverse, notorious, ~~and~~ continuous, and exclusive possession and

Page 2.

control of the whole of said tracts of land above referred to for over thirty years, and that said J. W. Kendall's heirs are entitled to the whole of the proceeds derived from the condemnation of said land.

Given under my hand this 27th day of July, 1933.

S. L. Walton.
Commissioner in Chancery.

J. W. Kendall.

In the Circuit Court of
Rappahannock County, Virginia.

The State Commission on
Conservation and Development of
the State of Virginia, Petitioner,
vs. (At Law No. 149.
Clifton Aylor and others and
37,400 acres of land,

106-1, J. W. Kendall's Estate,
and
106-11, J. W. Kendall's Estate.

AFFIDAVITS.

FILED IN
CLERK'S OFFICE
RAPPAHANNOCK COUNTY

July 27 - 19 23
Teste: *Geo. M. Settle*, Clerk

WALTON & BROTHER
ATTORNEYS AT LAW
LURAY, VIRGINIA

The State Commission on
Conservation and Development
of the State of Virginia,
Petitioner,
vs.
Clifton Aylor and others, and
37,400 acres, Defendants.

Answer of Mrs. M. H. Abbott
and D. H. Kendall,
No. 106-1, and
No. 106-11., J. W. Kendall
Estate.

Filed in the Clerk's Office
of the Circuit Court of
Rappahannock County, Virginia,
this 14th day of November,
1932:

Teste:

Jas. M. Seettle

Clerk.

REPRODUCED FROM
ORIGINAL RECORDS
OF THE
STATE OF VIRGINIA

J.W KENDALL LAND ON
THE BLUE RIDGE JOINING PAGE COUNTY
ONE AND ONE-ONE HALF MILES NORTH OF
BEAMS GAP RAPPAHANNOCK COUNTY VA.

Area 459.14 ACRES

Surveyed June 1931

Beginning at fig.# 1, a pine on upper side of old road, corner to the land of Spitler, Varner, and Comer; H.V. Hudson; and Dave Kendall, thence with Dave Kendall's line N $87^{\circ} 25'$ W 28.62 chains to a pine stump 2.5 chains from Thornton River on slope of mountain, thence N $66\frac{1}{2}$ W 12.50 chains to a fence post 5 yards S.E. of road, thence N $89^{\circ} 20'$ W 19.69 chains to fig. # 2, an old dead white oak beside a chestnut oak on east side of mountain 12 yards S.E. of an old road; thence S 20° W 20.25 chains to a stone pile 0.20 chains east of a white oak and 0.19 chains S.E. of another white oak corner to Jake Dwyer and Dave Kendall, thence (with an old survey of 1890, found in deed book S page 85, bearings corrected to this present date) with Jake Dwyer N $70\frac{1}{2}$ W. 18.00 chains to fig. # 3, a chestnut oak and gum on the top of the Blue Ridge in the line between the counties of Page and Rappahannock, corner to Strickler Bros. thence by the old survey of 1890, with Strickler Bros. line and also the Page Co. line N 13° E 10.75 chains to a large white oak, thence N $33\frac{1}{2}$ E 15.50 chains to a blazed chestnut on the west side of a path, thence N $5\frac{3}{4}$ E 25.00 chains to two chestnut oaks, thence N 16° E 8.50 chains to two small pines, thence N 23° E 33.00 chains to fig.# 4, three chestnut oaks and one black oak on the top of naked mountain, thence S $54\frac{1}{4}$ E 12.25 chains to a large white oak standing near a path leading up the eastern slope of Naked Mt. in the Page Co. line, thence N $30\frac{1}{2}$ E 7.00 chains, N $13\frac{3}{4}$ E 10.25 chains to fig.# 5 point near fence corner and corner to the Brumback Land, thence with Brumback S $12\frac{1}{2}$ E 43.50 chains to fig.# 6 a stone pile, S $71\frac{1}{2}$ E 3.62 chains to a pine, S $52\frac{3}{4}$ E 3.75 chains to a large rock between a cluster of marked chestnut oaks, N $78\frac{1}{4}$ E 8.18 chains to a stake between two marked hickories in hollow below path, thence N $78\frac{1}{2}$ E 32.89 chains to fig.# 7, a chestnut oak, corner to Brumback in Kelley's line, thence with Kelly S $15\frac{1}{2}$ W 2.68

2-

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7.15 acres of this tract is in Page County.

C.W.Ewing
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Virginia: Clerk's Office of Rappahannock Court, Sept. 5th 1931.
This Survey was this day received in said office and together with the annexed certificate admitted to record at 10.00 o'clock A.M.

Teste: Elizabeth H. DEBergh, Dep. Clk.

A Copy Teste:

Jas. M. Tuttle, Clerk,

In the Circuit Court of Rappahannock County, Virginia.

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County of Page, to-wit:

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Given under my hand this 27th day of July, 1933.

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F. W. Abbott

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AFFIDAVITS.

FILED IN
CLERK'S OFFICE
RAPPAHANNOCK COUNTY

July 27 - 19 23
Teste: Jas. M. Settle, Clerk

WALTON & BROTHER
ATTORNEYS AT LAW
LURAY, VIRGINIA

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Estate.

Filed in the Clerk's Office
of the Circuit Court of
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this 14th day of November,
1932:

Teste:

Jas. M. Seettle
Clerk.

REPRODUCED FROM
ORIGINAL RECORDS
OF THE
STATE OF VIRGINIA