

OCT 25 1933

VIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY

THE STATE COMMISSION ON CONSERVATION AND DEVELOPMENT
OF THE STATE OF VIRGINIA, ----- PETITIONER

V.

CASSANDRA LAWSON ATKINS ET ALS, AND FIFTY-TWO THOUSAND
FIVE HUNDRED AND ONE (52,501) ACRES OF LAND MORE OR
LESS, IN ROCKINGHAM COUNTY, VIRGINIA, --- DEFENDANTS

This day came the Petitioner by Counsel and exhibited to the Court the record of the above styled proceedings, including the several exceptions, objections and motions with respect to the findings set forth in the Report of the Board of Appraisal Commissioners, the answer of Petitioner thereto, and the accompanying supporting affidavits:- which several exceptions, objections and motions were filed by (A) Sallie A. Kite, Tracts No. 3 and 372-I. (B) J. T. Heard, Tract No. 41-a. (C) Vernon W. Foltz, Tract No. 48. (D) Wesley A. Dean, Tract No. 50. (E) W. F. Dean, Jr., Tracts No. 53 and 53-a. (F) Annie Laura Baugher, Tracts No. 70 and 70-I. (G) John K. Haney, Tract No. 76. (H) E. C. and E. E. Lam, Tract No. 81. (I) Maude M. Shipp, Tract No. 84. (J) A. L. and J. F. Moubray, Tract No. 166. (K) Annie R. Begoon, Tract No. 242. (L) J. W. Hinkle, Tracts No. 244 and 326-III. (M) John J. Mace, James G. Mace, Elizabeth Mace Via, R. H. Mace, Julia Mace Spitzer, Charles M. Mace, and heirs at law of Ben F. Mace, Tracts No. 312, 312-a and 312-b. (N) Robert T. Miller, Tract No. 325. (O) Herbert G Patterson, Tract No. 335. (P) Herbert G., Howard H., and David H. Patterson, Tract No. 337. (Q) Elijah Catterton, Tract No. 357. (R) E. C. Lam, Tract No. 368. (S) Margaret Mundy, Tract No. 371. (T) G. Luther Kite, Tracts No. 372 and 372-I. (U) R. O. Nizer, Tract No. 40. (V) C. G. Harnesberger, Tracts No. 41 and 42. (W) John A. Hensley, Layton W. Hensley, and other heirs of Virginia V. Hensley, Tract No. 56. (X) Luther J. Strickler, Tract No. 56. (Y) Cassie M. Naylor, Tract No. 62. (Z) J. O. Harnesberger, A. L. Harnesberger, Nannie T. Harnesberger, Clinton T. Harnesberger, Kate W. Snapp, J. C. Bishop, A. C. Davis and A. Florence Forrer, Tract No. 70-I. (AA) Sarah L. Upp, Tract No. 71. (BB) Julia L. Comer, Tract No. 123. (CC) Edward Herring and W. T. Herring, Tract No. 145. (DD) M. H. Long, Tract No. 152. (EE) Hosea Shifflett, Tract No. 160. (FF) Thomas L. Yancey, Emma V. Gibbons, Hunter M. Gibbons, Mrs. Mary Gibbons Snapp, F. M. Yancey, Nettie I. Mauzy, Julia Estes, A. S. Yancey, and Frank W. Yancey, Tract No. 163. (GG) Mrs. E. W. Harrison, Tracts No. 208 and 208-a. (HH) Jos. E. Craickhoff, Tract No. 210. (II) M. H. Harrison, Tract No. 212. (JJ) Thomas L. Yancey, Tract No. 213. (KK) Annie E. Hedrick, Tract No. 248. (LL) J. H. Lewin, Tracts No. 256, and 256-a. (MM) A. S. Kemper, Tract No. 276. (NN) D. M. Clark, Tract No. 277. (OO) John Roadcap, Tract No. 307.

And thereupon the Petitioner moved the Court to set this proceeding for hearing upon the said several objections, exceptions and motions, and the answer of the Petitioner, and the accompanying affidavits.

Whereupon it is ordered that this proceeding be, and the same is hereby set for hearing on the said several exceptions, objections and motions, and the answer thereto, and the accompany-

ing affidavits, the 21st day of November, 1933, at ten o'clock A. M., and the said respective objectors, exceptants and movants are granted fifteen days from the date of the entry of this Order within which they may file with the record such additional affidavits in support of their several exceptions, objections and motions as they may be advised; and said Petitioner is granted fifteen days after the expiration of said period, within which it may file with the record such additional affidavits in support of its answer as it may be advised.

It being shown unto the Court that certain of said exceptants, objectors and movants in these proceedings have entered into certain articles of agreement of arbitration with Petitioner, whereby the parties thereto have agreed to submit "any and all questions arising in the course of said proceedings as to damages and values of land and improvements sought to be condemned therein, to arbitration by three or five arbitrators appointed by the Governor from the Circuit Court judges of the state", but that the record does not disclose affirmatively the names of said exceptants, objectors and movants who have subscribed said arbitration agreement; it is ordered that said objectors, exceptants and movants, who have subscribed said arbitration agreement, may disregard the directions of this Order insofar as it applies to the filing of additional affidavits in support of their contentions as to the said questions submitted in arbitration, and insofar as it sets their exceptions, objections and motions for hearing as to said questions, but said exceptants, objectors and movants who have subscribed such arbitration agreements are directed to file with the record a statement in writing setting forth the fact that they have done so.

The Clerk of the Court shall forthwith mail a copy of this Order to each of the said objectors, exceptants and movants whose names are set out in the first paragraph hereof and whose post office addresses are filed with the record, under provision of Section 7 of the Public Park Condemnation Act; and to their respective attorneys of record, to the post office addresses of said attorneys as shown by the record or otherwise known to the Clerk; and he shall thereafter file with the record a report setting forth the form and manner in which he shall have complied with this Order.

H. W. Bertram

JUDGE

A COPY.

ATTESTE: , Clerk.

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V.

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ing affidavits, on the 21st day of November, 1933, at ten o'clock A. M., and the said respective objectors, exceptants and movants are granted fifteen days from the date of the entry of this Order within which they may file with the record such additional affidavits in support of their several exceptions, objections and motions as they may be advised: and said Petitioner is granted fifteen days after the expiration of said period, within which it may file with the record such additional affidavits in support of its answer as it may be advised.

It being shown unto the Court that certain of said exceptants, objectors and movants in these proceedings have entered into certain articles of agreement of arbitration with Petitioner, whereby the parties thereto have agreed to submit "any and all questions arising in the course of said proceedings as to damages and values of land and improvements sought to be condemned therein, to arbitration by three or five arbitrators appointed by the Governor from the Circuit Court judges of the state", but that the record does not disclose affirmatively the names of said exceptants, objectors and movants who have subscribed said arbitration agreement; it is ordered that said objectors, exceptants and movants, who have subscribed said arbitration agreement, may disregard the directions of this Order insofar as it applies to the filing of additional affidavits in support of their contentions as to the said questions submitted in arbitration, and insofar as it sets their exceptions, objections and motions for hearing as to said questions, but said exceptants, objectors and movants who have subscribed such arbitration agreements are directed to file with the record a statement in writing setting forth the fact that they have done so.

The Clerk of the Court shall forthwith mail a copy of this Order to each of the said objectors, exceptants and movants whose names are set out in the first paragraph hereof and whose post office addresses are filed with the record, under provision of Section 7 of the Public Park Condemnation Act; and to their respective attorneys of record, to the post office addresses of said attorneys as shown by the record or otherwise known to the Clerk; and he shall thereafter file with the record a report setting forth the form and manner in which he shall have complied with this Order.

H. W. Bertram

JUDGE

A COPY.

ATTESTE:  Clerk.

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H. W. Bertram
JUDGE

A COPY.

ATTESTE: , Clerk.

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The Clerk of the Court shall forthwith mail a copy of this Order to each of the said objectors, exceptants and movants whose names are set out in the first paragraph hereof and whose post office addresses are filed with the record, under provision of Section 7 of the Public Park Condemnation Act; and to their respective attorneys of record, to the post office addresses of said attorneys as shown by the record or otherwise known to the Clerk; and he shall thereafter file with the record a report setting forth the form and manner in which he shall have complied with this Order.

H. W. Bertram
JUDGE

A COPY.

ATTESTE: , Clerk.

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H. W. Bertram
JUDGE

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ATTESTE: , Clerk.