

A. C. CARSON
ATTORNEY AND COUNSELLOR-AT-LAW
RIVERTON, VIRGINIA

November 21, 1936

The Clerk
Circuit Court of Rockingham County
Harrisonburg, Virginia

Dear Sir:

I enclose a draft of an order which I will be obliged if you will submit to Judge Bertram at his convenience, for entry, in his discretion, on my motion.

I am sending similar communications to the several Clerks in the Park Area, and as you and Judge Bertram will readily recognize the submission of this motion is purely a "labor of love" on my part, and has for its object the tying up of a loose end in the park condemnation proceedings, which, unless taken care of at this time, will return to plague the Clerks and Judges of the several courts in the Park Area for many years to come.

You will remember that a nominal award of \$1.00 was adjudicated in each condemnation judgment in your County, for the taking of the fee simple title to the roadbed of the Skyline Drive, subject to the right of way of the United States of America in, on and over this roadbed.

This nominal award of one dollar was made for the use and benefit of the owner of the roadbed; who in most instances was the United States.

But in my opinion, it would cost the United States more than one hundred times the amount of each award, in legal and other expenses, to establish its claim to the award.

As a practical matter I doubt that the United States of America will ever undertake to establish claims to these nominal awards.

This means that for an indefinite number of years these nominal awards will have to be retained in special accounts, set up by the Treasurer of Virginia; and annually, for an indefinite number of years these accounts will have to be audited, and incidental to that audit, the Judges, and the Clerks of the Court will inevitably be drawn into annual correspondence, etc. with the State Auditor and Treasurer explaining these items, and why no order for payment has been issued, etc., etc.

As, and when the present officials, State and local are replaced, the new officials will find themselves explaining, and reporting, and discussing these "special funds" of one dollar each set up in Richmond, and held "subject to the custody of the Court".

The Clerk of the Circuit Court of Rockingham County -2-

The purpose for which the Public Park Act provided that these National Park funds might, in the discretion of the Courts, be deposited with the Treasurer of Virginia subject to the order of the Courts, has practically been accomplished. That is to say, to relieve the several Courts and their Clerks of the risks and responsibility of taking such large sums of money into their own hands.

The normal place for these funds, like other funds in the custody of the Courts in pending proceedings is in the hands of the General Receivers of the several Courts.

But I doubt that any person, other than myself, will ever be interested enough to go to the trouble of preparing orders, etc. necessary to transfer these funds to the General Receivers of the Courts, who are the usual and normal holders of such funds.

In their hands, with the records of the proceedings in their own Courts close at hand, the auditing and accounting for these (\$1.00) funds will be a mere matter of routine, and State and local officials will be relieved of much trouble and unnecessary correspondence, etc.

I have gone to a good deal of trouble to get these orders into shape, simply because, as Special Counsel for the Commission, I feel a certain degree of responsibility for the form and artistry which I always hoped should mark the Park Condemnation proceedings and their records.

Will you be good enough to hand this letter, together with the draft of the order to Judge Bertram, and then "to follow this matter through".

With renewed expressions of my personal appreciation of your many courtesies in connection with the Park project, I am

Very sincerely yours,



A. C. Carson

ACC:D
Encl.

P. S.

I enclose two extra copies of this order for your convenience in preparing certified copies for the Treasurer of Virginia, if the order is entered.

A. C. C.