

NAME OF CLAIMANT

#165 - Yost, Jacob - Trustee

Number of Acres: 940

Location: On Rocky Mountain and entirely within the Park area.

Roads: Two miles of good dirt road to Yancey, the nearest shipping point.

Soil: (See reverse side)

History of Tract and condition of timber: (See reverse side)

Improvements:

None.

Acreage and value of types:

Types	Acreage		Value per acre	Total Value
Ridge:	212	@	\$1.00	\$212.00
Slope:	<u>728</u>	@	2.00	<u>1456.00</u>
	940			\$1668.00

Cove:

Grazing Land:

Fields Restocking:

Cultivated Land:

Orchard:

Minerals:

Value of Land: \$1668.00 50.00

Value of Improvements: \$

Value of Orchard: \$ 500.00

Value of Minerals: \$ \$2218.00

Value of Fruit: \$

Value of Timber: \$50.00

Value of Wood: \$500.00

Value per acre for tract: \$2.35

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

Geo. N. Pen. CLERK.

SOIL: Sandy loam of varying depth and fertility. The ridge type is very rocky with many cliffs and little soil. The slope type is also rocky, but there is a small area on top and along the streams where there is more soil. Most of the area is very steep, but on the west side of the tract there is some gentle land. There is a small flat on top of the mountain.

History of tract and condition of timber: The tract has been cut over for various products for many years. It has been 15 to 20 years since the bark was removed, but some saw timber was cut about 1927. On the northern portion there is a scrubby stand of yellow pine to 9" DBH with occasional trees to 16" DBH. and a few scattered white pines with smaller oaks to 8" DBH. It is estimated to contain 50 M. ft. of oak and pine, and a thousand cords of firewood.

REPORT ON THE ACREAGE

of the

Jacob Yost Tracts (#165, 165-a, 165-a-I)

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The deed to Jacob Yost conveys a 5,000 acre tract, but mentions a number of exceptions, totaling 1042½ acres, which are held, or claimed, adversely, and does not warrant title to them. This leaves 5,000 - 1042½ of 3957½ acres to which the title is warranted.

The State's report covers acreage as follows:

Tract #165	---	940 acres
Tract #165-a	---	3277 acres
Tract #165-a-I	---	12 acres
Total	---	<u>4229</u>

This is 271½ acres more than Yost's deed warranted the title to. It is believed that this difference is accounted for by certain lands, included in the 1042½ acres of exceptions, but title to which has been perfected by Yost since he bought the land, as his deed refers to certain of the exceptions as having their title in dispute in pending ^{suits} ejectment sheets.

W. N. Sloan

W. N. Sloan

Chief Engineer, Park Service

ROCKINGHAM COUNTY

NAME OF CLAIMANT

#165-a - Yost, Jacob - Trustee

Number of Acres: 3277

Location: Two miles to Gap Run, and entirely within the Park area.

Roads: The average distance is two and one-half miles over good dirt road to Island Ford, the nearest shipping point.

Soil: Sandy loam of good depth and fertility on some portions, but mostly thin and rocky. The ridge type is almost covered with loose rock and has many cliffs and outcrops and steep slopes. The slope type varies greatly in character along the western

History of Tract and condition of timber: (See reverse side)

(See reverse side)

Improvements:

(See reverse side)

Acreage and value of types:

Types	Acreage		Value per acre	Total Value
Ridge:	1476	@	\$1.00	\$1476.00
Slope:	1772	@	2.00	3544.00
Cove:	20 3277	@	5.00	100.00

Grazing Land:

Fields Restocking:

Cultivated Land:	9	@	15.00	135.00
				<u>\$5255.00</u>

Orchard:

Minerals:

Value of Land:	\$ 5255.00	
Value of Improvements:	\$ 400.00	400.00
Value of Orchard:	\$	
Value of Minerals:	\$	200.00
Value of Fruit:	\$	
Value of Timber:	\$ 200.00	50.00
" " bark	50.00	
Value of Wood:	\$	<u>\$5905.00</u>

Value per acre for tract: \$1.49

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

Geo. V. Penn CLERK.

Cont'd.

SOIL: border and on Gap Run. There is deep and fertile soil, comparatively free from rock, with gentle slopes. However, most of the type is rocky and steep with fairly good soil. The cove type has good soil, but considerable rock. The tillable land is worn out and neglected.

HISTORY OF TRACT AND CONDITION OF TIMBER: The tract was cut over for saw timber and bark many years ago, and since that time various products have been removed. Firewood and stave wood was cut in 1930. Nearly all of the tract was severely burned about 1927 as well as in the past. The southwest corner was very heavily burned in the spring of 1930. The timber along the western border and on the lower part of Gap Run, there is an open stand of yellow pine from 2 to 12" DBH much of which is scrubby. Along the lower part of the stream and north of Mile Run and in the eastern corner of the tract are stands of hardwoods, largely oak with an occasional white pine. Most of the trees are from 4" to 8" DBH with a few up to 14" DBH. The central portion has little tree growth and the few trees of any size are not merchantable. There is considerable scrub oak in this section. On Two Mile Run there is an open stand of white oak, with some white pine, red oak and poplar, ranging up to 20" DBH. On Two Mile Run the estimate is as follows: 150 M. oak and pine and 100 T. Bark.

Improvements:

(See reverse side)

Average and value of types:

Total Value	Value per acre	Average	Types
\$1478.00	\$1.00	1478	Ridge:
\$344.00	2.00	172	Slope:
100.00	2.00	50	Cove:
			Grazing Land:
			Fields Restocking:
133.00	13.00	10	Cultivated Land:
\$322.00			Orchard:
			Minerals:
			Value of Land: \$ 2288.00
400.00			Value of Improvements: \$ 400.00
			Value of Orchard: \$
300.00			Value of Minerals: \$
			Value of Fruit: \$
50.00			Value of Timber: \$ 200.00
\$3808.00			Value of Wood: \$ 50.00
			Value per acre for tract: \$1.49

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

W. H. [Signature]

Revised Report

n. of Gap Run

County: Rockingham
District: Stonewall

#165 - Yost, Jacob, Trustee

Acreage Claimed: 4229 Assessed: 5000 A. Deed: 3957 $\frac{1}{2}$ A.
Value Claimed: ^x \$21,145.00 Assessed: \$2850.00 Deed: \$7500.(1920)
 (This includes 165-a and mineral rights on other land.)
Location: On Rocky Mountain and entirely within the Park area.

Incumbrances, counter claims or laps: None known.

Soil: Sandy loam of varying depth and fertility. The ridge type is very rocky with many cliffs and little soil. The slope type is also rocky, but there is a small area on top and along the streams where there is more soil. Most of the area is very steep, but on the west side of the tract there is some gentle land. There is a small flat on top of the mountain.

Roads: Two miles of good dirt road to Yancey, the nearest shipping point.

History of tract and condition of timber: The tract has been cut over for various products for many years. It has been 15 to 20 years since the bark was removed, but some saw timber was cut about 1927. On the northern portion there is a scrubby stand of yellow pine to 9" DBH. with occasional trees to 16" DBH. and a few scattered white pines with smaller oaks to 8" DBH. It is estimated to contain 50 M. ft. of oak and pine, and a thousand cords of firewood valued as follows:

50 M. ft. @ \$1.00 (normal value)	\$50.00
1000 cds. fuelwood @ 50¢	500.00
	<u>\$550.00</u>

MINERALS: On account of the fact that the value of the mineral deposit appears to be highly speculative, no mineral value has been assigned.

<u>Value of land by types:</u>		<u>Value</u>	<u>Total</u>
<u>Type:</u>	<u>Acreage:</u>	<u>per acre</u>	<u>Value</u>
Slope	728	\$2.00	\$1456.00
Ridge	212	.50	106.00
	<u>940</u>		<u>\$1562.00</u>

Total value of land: \$1562.00
 Total value of timber: 550.00
 Total value of tract: \$2112.00
 Average value per acre: \$2.24
 x -- This includes Tract #165-a.

#165-a - Jacob Yost, Trustee

Acreage Claimed: * 4229 A. Assessed: 5000 A. *Deed: 3957½ A.
(1920)

Value Claimed: * \$21,145.00 Assessed: \$2850.00 Deed: \$7500.00

Location: Two miles to Gap Run and entirely within the Park area.

Incumbrances, counter claims or laps: Lap on Annie H. Morris.

Soil: Sandy loam of good depth and fertility on some portions, but mostly thin and rocky. The ridge type is almost covered with loose rock and has many cliffs and outcrops and steep slopes. The slope type varies greatly in character along the western border and on Gap Run. There is deep and fertile soil, comparatively free from rock, with gentle slopes. However, most of the type is rocky and steep with fairly good soil. The cove type has good soil, but considerable rock. The tillable land is worn out and neglected.

Roads: The average distance is two and one-half miles over good dirt road to Island Ford, the nearest shipping point.

History of tract and condition of timber: The tract was cut over for saw timber and bark many years ago, and since that time various products have been removed. Firewood and stavewood was cut in 1930. Nearly all of the tract was severely burned about 1927 as well as in the past. The southwest corner was very heavily burned in the spring of 1930.

The timber along the western border and on the lower part of Gap Run, -there is an open stand of yellow pine from 2 to 12" DBH. much of which is scrubby. Along the lower part of the stream and north of Mile Run and in the eastern corner of the tract are stands of hardwoods, largely oak with an occasional white pine. Most of the trees are from 4" to 8" DBH. with a few up to 14" DBH. The central portion has little tree growth and the few trees of any size are not merchantable. There is considerable scrub oak in this section. On Two Mile Run there is an open stand of white oak, with some white pine, red oak and poplar, ranging up to 20" DBH. On Two Mile Run the estimate is as follows:

150 M. Oak and Pine @ \$1.00 per M.-----	\$150.00
100 T. Bark @ .50 per T.-----	50.00
	<u>\$200.00</u>

Improvements:

Tenant house: (On Mile Run) Frame-14x18', 3 rooms, 1½ story, kitchen, 8x18', partly ceiled, paper roof, fair condition.-----	\$175.00
Barn: Log, 14x19', paper roof--	40.00
Meat House: 8x12', paper roof--	10.00
<i>Hansborough Place -</i> Tenant House: (Gap Run) Log, 14x18', with frame lean-to 8x14'- 10x16', 3 rooms, 1 story, stone chimney, metal and shingle roof, not ceiled, poor condition--	80.00
Smoke House: Frame, 8x12', shingle roof, poor cond'n	15.00
Hen house: Frame, 6x10', shingle roof, poor "	5.00
Orchard: 15 fruit trees - valued @ \$1.00--	15.00
Hen house: 8x10'-paper roof, fair condition--	10.00
	<u>\$350.00</u>

(Continued)

County: Rockingham
District: Stonewall

#165-a - Jacob Yost, Trustee

Mineral: *On account of the fact that the value of the mineral deposits is highly speculative, no mineral value has been assigned.*

Value of land by types:

<u>Type:</u>	<u>Acreage:</u>	<u>Value per acre</u>	<u>Total Value</u>
Cove	20	\$5.00	\$100.00
Slope	1750	2.50	4375.00
Slope (burned)	22	1.50	33.00
Ridge	1476	.50	738.00
Fe	9	12.00	108.00
	<u>3277</u>		<u>\$5354.00</u>

Total value of land: 5354.00
Total value of improvements: 350.00
Total value of timber: 200.00
Total value of mineral: ~~210.00~~
Total value of tract: ~~\$5723.00~~
5904.00
Average value per acre: \$2.05 1.80

Note:--This includes mineral rights on 561-a and 1/2 of the mineral on 83 A. The excess acreage is probably in areas that were in dispute when the survey was made.

County: Rockingham
District: Stonewall

#165-a-I - Jacob Yost, Tr.

Lap on Annie H. Morris.

Acreage Claimed: Assessed Deed

Value Claimed: " "

Location: Mile Run. Entirely within the Park area.

Laps: Lap on Annie H. Morris.

Soil: Slope. *

Roads: 3 miles over county road to Island Ford.

History: All merchantable timber has been removed and the tract has been repeatedly burned over.

Improvements:

Value of land by types:

<u>Type</u>	<u>Acreage</u>	<u>Value per acre</u>	<u>Total Value</u>
(burned) Slope	12	\$1.50	\$18.00

Total value of land \$18.00

Total value of improvements

Total value of timber

Total value of tract 18.00

Average value per acre 1.50

The Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon *R. J. Miller, M. H. Harrison, M. H. Long, Edward Sellers, John King, Noah Herring, Chas. Davis, Jacob Herring, J. W. Shiflett & John S. Pikey*

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House, on the *28th* day of *Sept.* 193*1*, to testify and the truth to say on behalf of ~~Plaintiff~~ Defendant *Jacob West, Jr.*

in a certain matter of controversy in our said Court, pending and undetermined between *St. Caman Con. & Development* Plaintiff and *Cassandra L. Atkins, etals* Defendant

And have then and there this Writ.

In witness whereof, I hereunto set my hand, as the Clerk of the Circuit Court of Rockingham County, Va., at the Court House thereof, this, the *23d* day of *Sept.* 193*1*, and in the 15*th* year of the Commonwealth.

J. Robert Switzer, Clerk



JOHN M. PURCELL
TREASURER OF VIRGINIA

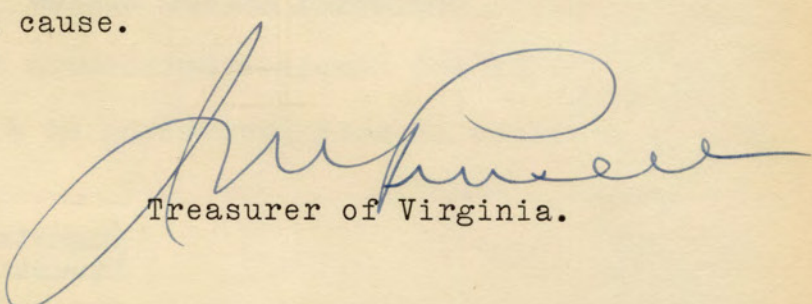
Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

January 5, 1934

This is to certify that I, J. M. Purcell, Treasurer of Virginia have this 5 day of January in accordance with an order of the circuit court of Rockingham County dated 1/2/34 in the cause of the State Commission on Conservation and Development of the State of Virginia vs. Cassandra Lawson Atkins paid to Augusta National Bank of Staunton Virginia Trustee \$ 2,218.00 being in full settlement of tract # 165 in the above mentioned cause.


Treasurer of Virginia.



JOHN M. PURCELL
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE
RICHMOND, VA.



January 5, 1934

Augusta National Bank of Staunton, Virginia, Trustee

Received of J. M. Purcell, Treasurer of Virginia, the sum of \$ 2,218.00, in accordance with an order of the Circuit Court of the county of Rockingham entered on the 2nd day of January 1934, in the matter of the State Commission on Conservation and Development v _____ Cassandra Lawson Atkins and others, being full and complete settlement for the tract of land known in said proceeding as # 165.

Augusta National Bank of
Staunton, Trustee

By F. J. Baylor
Trust Officer.

Sign original and duplicate
and return to the Treasurer
of Virginia.

RUDOLPH BUMGARDNER
ATTORNEY AT LAW
ROOMS 9 AND 11 MASONIC TEMPLE
SUCCESSOR TO BUMGARDNER & BUMGARDNER
STAUNTON, VA.

March 11th, 1931.

Mr. J. Frank Blackburn,
Harrisonburg, Virginia.

Dear Sir:- Condemnation Jacob Yost Lands-
 Hill Tract

I am herewith enclosing answer of Jacob Yost Trustee in the above proceeding, in pursuance of leave of court to file same on or before March 18th, 1931.

Will you please note same as duly filed.

Very truly yours,



Rudolph Bumgardner.

RB/HFL
Enclosure.

Copy to Mr. Jacob Yost,
416 Webster Street,
Palo Alto, Cal.



JOHN M. PURCELL
TREASURER OF VIRGINIA

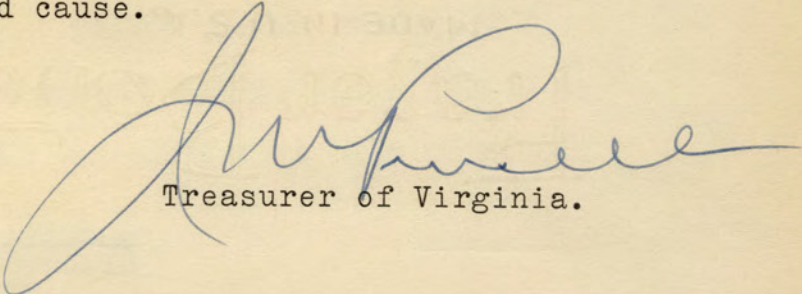
Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

January 13, 1934

This is to certify that I, J. M. Purcell, Treasurer of Virginia have this 13 day of January in accordance with an order of the circuit court of Rockingham County dated 1/1/34 in the cause of the State Commission on Conservation and Development of the State of Virginia vs. Cassandra Lawson Atkins paid to Augusta National Bank of Staunton, Virginia, Trustee Staunton, Virginia \$ 5,905.00 being in full settlement of tract # 165-a in the above mentioned cause.


Treasurer of Virginia.



JOHN M. PURCELL
TREASURER OF VIRGINIA

Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

January 13, 1934

Augusta National Bank of Staunton, Virginia, Trustee
Staunton, Virginia

Received of J. M. Purcell, Treasurer of Virginia, the sum of \$ 5,905.00, in accordance with an order of the Circuit Court of the county of Rockingham entered on the 2nd day of January 1934, in the matter of the State Commission on Conservation and Development v _____ Cassandra Lawson Atkins and others, being full and complete settlement for the tract of land known in said proceeding as # 165-a.

AUGUSTA NATIONAL BANK OF
STAUNTON, VIRGINIA, TRUSTEE
STAUNTON, VIRGINIA.

BY: F. J. Baylar
TRUST OFFICER.

JAN 15 1934

Sign original and duplicate
and return to the Treasurer
of Virginia.

THE STATE COMMISSION ON CONSERVATION AND DEVELOPMENT OF THE
STATE OF VIRGINIA.

VS.) Nos. 165, 165-A, 165-A-1.

CASSANDRA LAWSON ATKINS, Et als, AND 52,561 ACRES OF LAND,
MORE OR LESS.

On this ²~~27~~^{January} day of ~~December~~, 1934, came the Augusta
National Bank of Staunton, Virginia, Trustee, by Chas. A.
Hammer, its attorney, and on its motion leave is given said
Bank to file its application for payment to it of the several
sums hereinafter described, to-wit: \$2218.00, the amount of
the award set out in the judgment of condemnation for tract
#165; the sum of \$5905.00, the amount of the award set out in
the judgment of condemnation of tract #165-A; and the sum of
\$24.00, the amount of the award set out in the judgment of
condemnation of tract No. 165-A-1; all of which several sums
have heretofore been paid into Court.

And it appearing to the Court that the Augusta
National Bank of Staunton Virginia, Trustee, is invested with
the superior or better right or claim of title in or to the
said tracts of land numbered 165, 165-A, and 165-A-1, than any
other person or persons, and that the record in this proceeding
does not disclose any denial or dispute by any person or per-
sons in interest as to the title to the said tracts numbered
165, 165-A, and 165-A-1, or to the proceeds arising from the
condemnation thereof, and it further appearing to the Court
that all taxes due on said tracts 165, 165-A, and 165-A-1, have
been paid;

Upon consideration whereof the Court doth adjudge,
order and decree that the said sum of \$2218.00 paid into
Court by petitioner as just compensation for tract No. 165,
that the sum of \$5905.00 paid into Court by petitioner as just

compensation for tract No. 165-A, and that the said sum of \$24.00 paid into Court by petitioner as just compensation for Tract No. 165-A-1, be paid to the said Augusta National Bank of Staunton, Virginia, Trustee.

And it is further ordered that the Clerk of this Court be and he is hereby directed to transmit a certified copy of this order to the Treasurer of Virginia, who shall pay unto the Augusta National Bank of Staunton, Virginia, Trustee, the said sum of to-wit: \$2218.00, being the amount of the award set out in said judgment of condemnation for said tract No. 165, \$5905.00 being the amount of the award set out in said judgment of condemnation of said tract 165-A, and \$24.00 being the amount of the award set out in said judgment of condemnation of said tract 165-A-1, taking receipts from the said Augusta National Bank, Trustee, therefor and certifying such payments to this Court for appropriate entry thereof as required by law.

*ent
NWB*

*20
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IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

Vs.,

Cassandra Lawson Atkins et als and 5256/ acres of Land, more or
Less, in Rockingham County, Virginia.

The Petition of ~~The~~ Augusta National Bank of Staunton,
Virginia, Trustee, respectfully represents as follows:

That a judgment in rem has heretofore been entered in
the above proceeding condemning to the use of the petitioner the
fee simple Estate in the tracts numbered as follows: Tract
number 165; Tract number 165 A; and Tract No. 165-A-1, which said
tracts are described in the report of the Board of Appraisal
Commissioners appointed herein and shown, numbered, and deline-
ated on the County Ownership Map ~~filed~~^{filed} therewith, upon payment
into the custody of the Court of the sums set out in the said
judgment as constituting the awards therefor, as follows: Award
on tract No. 165 and containing 940 acres, valued at \$2218.00, and
tract No. 165 A and containing 3277 acres, and valued at \$5905.00,
and on tract No. 165-A-1, and containing 12 acres and valued at
\$24.00, a total aggregate valuation of the said three tracts of
\$8147.00.

That the report of the said Board sets forth that the
following named persons claim or appear to have ^{a claim} to the said land
or in the proceeds arising from the condemnation thereof, to-wit:
Jacob Yost, Trustee,

That the said petition^{er} has paid into the custody of the
Court the said sum^s set out in the said judgment as constituting
the awards for the fee simple Estate in the said tracts of land.

That legal title on the date of the said judgment in rem,
condemning the said tracts of land was in Jacob Yost, Trustee,

in that certain deed from Rudolph Bumgardner, Special Commissioner to Jacob Yost, dated March 4th, 1920. That Jacob Yost, the trustee in said deed and the holder of the legal title to said lands has departed this life, and that on the ____ day of _____, 1933, the Circuit Court of Rockingham County, Virginia, on motion of Chas. Cattlett, Trustee, Chas. A. Gallagher, Executor of Jacob Yost, deceased, F. B. G. Catlett, Chas. Cattlett, Executor of R. H. Cattlett, deceased, Anne L. Howison, Nellie H. Holmes, Rudolph Bumgardner, Jr., Executor of Rudolph Bumgardner, deceased, and Chas. A. Hammer, appointed the "Augusta National Bank of Staunton, Virginia," trustee in the place and stead of the said Jacob Yost, Trustee, deceased, in deed from Rudolph Bumgardner, Commissioner to Jacob Yost, Trustee of date, March 4th, 1920, and of record in the Clerk's Office of Rockingham County, Virginia, in Deed Book 116 at page 160, all of which will more fully appear from certified copy of the order appointing Petitioner Trustee in the place and stead of the said Yost, deceased, and that Petitioner ^{the fee simple} now holds title to the said lands in accordance with the trust agreement under which the said Yost became, and Petitioner is now, invested with title to said lands.

That no other person or persons than your Petitioner is, or are entitled to share in the distribution of the said awards, or in the proceeds arising from the condemnation of the said lands. Petitioner avers that there are no liens against Petitioner's interests in said lands or against the proceeds arising from the condemnation thereof and that all taxes have been paid. Certificates showing that all taxes have been paid, and that there are no delinquent taxes, are here filed marked Exhibits "Treasurer" and "Clerk" and which are prayed to be read as ~~a~~ part hereof.

Wherefore, your Petitioner prays that it may be admitted as a party herein under the provisions of section 21 of the Pub-

lic Park Condemnation Act, and that an order may be entered here-
in directing the payment of the said awards and sums to Petition-
er as the holder of the fee simple title to the said lands, and
for the payment of the said awards which he is entitled to
receive, and which Petitioner avers to be as follows: Tract
No. 165, \$2218.00, Tract No. 165A, \$5915.00, and Tract No.
165-a-1, \$24.00.

May process issued and Petitioner will ever pray &c.



Attest:

[Signature]
Cashier.

STATE OF VIRGINIA

CITY OF STAUNTON, To-wit:

The Augusta National Bank of Staunton,

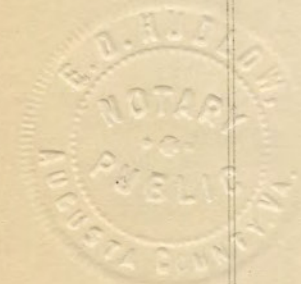
By Michael Kivlighan
President.

I, E. O. Hudlow, a Notary Public in and for the City
of Staunton in the State of Virginia do certify that Michael
Kivlighan, President of The Augusta National Bank of Staunton,
Virginia, Trustee, personally appeared before me in my said City
and made oath that the statement of facts contained in the fore-
going Petition made upon his own knowledge is true and those
made from information derived from others he believes to be
true.

Given under my hand this 27 day of December, 1933.

[Signature]
Notary Public

MY COMMISSION EXPIRES DEC. 29, 1936



M. H. HARRISON

TREASURER OF ROCKINGHAM COUNTY

HARRISONBURG, VIRGINIA

To Whom It May Concern:

I hereby certify that the records of my office show that the taxes for the years 1932 and 1933 assessed the tract of 5,000-0-0 acres of land in the name of Jacob Yost Trustee situate in the Blue Ridge Mountains in Stonewall District, Rockingham County, have been paid.

All taxes prior to that time, if any be unpaid, are a matter of record in the Clerk's Office of said County.

Given under my hand this 19th
day of December 1933.

M. H. Harrison, Treasurer

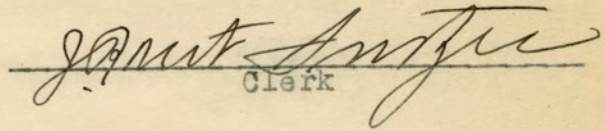
By R. M. Harrison Deputy.

STATE OF VIRGINIA

COUNTY OF ROCKINGHAM, To-wit:

I, J. Robert Switzer, Clerk of the Circuit Court of Rockingham County, do hereby certify that the records in my office do not show any delinquent taxes against the tracts of 940 acres, 3277 acres, and 12 acres of land in the Stonewall District assessed in the name of J. Yost, Trustee.

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


Clerk

Claim of Jacob Yost, Trustee.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA, No. 1829 at Law

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

Petitioner

vs

Cassandra Lawson Atkins and others, and
Fifty Two Thousand Five Hundred Sixty One
(52,561) Acres, 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, and by special leave of said court, in its order rendered on the 18th of February, 1931, asks leave to file this his answer to said petition and to said notice.

The name of Petitioner is Jacob Yost, Trustee, Post Office address #416 Webster Street, Palo Alto, California, (Rudolph Bungardner Esq., Staunton, Virginia, resident agent and attorney).

The undersigned, as such Trustee, holding upon the terms of trust explained and set out in the deed of conveyance to him hereinafter mentioned, is the owner in fee of the following tract or parcel of land within the area sought to be condemned, which is unimproved, except with two or three cabins, viz:

(1) The fee in a parcel of land described in the deed as 3957 1/2 acres, more or less, shown by the recent Park survey to contain 4,229 acres; which lands are underlaid with valuable minerals, containing valuable timber, and some of which is fitted for agriculture.

(2) The minerals and mining rights in 561 acres in lands contiguous or adjoining.

(3) One undivided one-half of the minerals, together with the right to mine the other half on terms of paying twenty five cents

(25¢) a ton royalty in a tract of 83 acres contiguous or adjoining.

(4). The fee in 398 1/2 acres, more or less, contiguous or adjoining, the title being disputed by certain claimants and the matter being involved in certain ejectment suits pending in the Circuit Court of Rockingham County.

Your Petitioner as such Trustee, is the owner in fee of the lands and mineral rights stated above, the title being clear and undisputed, with the exception of the 398 1/2 acres, above mentioned; and the land and mineral rights being held upon the trust expressed in the above mentioned deed.

Your Petitioner acquired said tract and mineral rights in the year 1920 by deed of Rudolph Bumgardner, Commissioner of the Circuit Court of Rockingham County, in the Chancery cause of Charles Catlett, Trustee, vs. John E. Roller et als, bearing date on the 4th of March, 1920, and of record in the Clerk's Office of said County in Deed Book 116 at page 160.

Your Petitioner claims that the total value of the tract of 4229 acres of land, of which he owns the fee simple title, including the timber and the underlying minerals, is \$5.00 an acre, or, \$21, 1~~4~~5.00; the value of the estate in the underlying minerals in the tracts of 561 acres and 83 acres, of which other parties own the surface and timber, is \$1,000.00, and a fair valuation of the estate of Petitioner in the 398 1/2 acres, of which the title is in dispute and involved in litigation, is \$200.00. There is no provision, so far as Petitioner is advised, in the Park Act, as in the Act controlling the acquisition of lands by the Federal Government for forestry reserve, for retention of the minerals, and for future mining of same under the regulations prescribed by the Government.

The Commissioner has had its surveys and plots made of the above mentioned lands and is fully informed as to all details respecting metes and bounds, contiguous owners, etc.

With exception of the 398 1/2 acres, of which the title is

in dispute, and which is described and segregated in the deed to petitioner, above mentioned, the title of your Petitioner to the 4229 acres of fee, and 561 acres of minerals and 83 acres of which the Petitioner owns half of the minerals with the right to mine the other half on a royalty basis -- is established and not in dispute. It is the desire and wish of Petitioner to sell same to the Commission; and a number of years ago your Petitioner, on request, gave an option to that end which was never exercised. Your Petitioner is now desirous of selling at a reasonable price, being invested with undisputed title, which is easily demonstrable from the records. Your petitioner is at a loss to understand why the matter should be thrown into condemnation without effort to effect a sale by negotiation.

Your Petitioner's only desire in the matter is to secure a reasonable price for the land for the benefit of his cestuis-que-trustent, and if it is the desire of the Park Commission to acquire the lands on terms of paying a reasonable compensation to the owners, there is no difficulty in arriving at a composition, and there is neither necessity nor justification in involving Petitioner in the costs and vexation of a protracted and complicated proceeding.

Your Petitioner's sole requirement in the case is that the court will protect his rights as a land owner, whose property is being requisitioned by the public authorities without effort to negotiate or treat with Petitioner in respect to the value or terms of a sale.

Your Petitioner reserves all rights guaranteed to him by the condemnation Statute, and reserves the right to demand a jury to be impanelled for ultimate determination of the value of said land and mineral rights in the event that a fair allowance be not made by the Commission or by the Board appointed to view the land and make an award.

Witness my signature this 11th day of March, 1931.

Joseph Yost, Trustee
Rudolph Baumgardner Agent and atty

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

The undersigned hereby certifies that Rudolph Bumgardner, Agent and Attorney for the above named claimant, personally appeared before her and made oath that the matters and things appearing in his above answer are true to the best of his knowledge and belief.

This 11th day of March, 1931.

M. G. Campbell
Notary Public.

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

MAR 12 1931

J. H. Blackburn Clerk

The State Commission on Conzer-
vation and Development of the
State of Virginia - Petitioner

vs Answer of Jacob Yont, Trustee

Cassandra Lawson Atkins and others
and Fifty Two Thousand Five
Hundred Sixty One (52,561) acres,
more or less, of land in Rocking-
ham County, Virginia - Defendants

*Filed May 12/31
P.F.B.*

7

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72 ms - 14.40

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23 affidavits at 5.75

4.60
1.15
5.75

Rockingham

IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY, VIRGINIA.

...oOo...

THE STATE COMMISSION ON CONSERVATION AND DEVELOPMENT

v.

CASSANDRA, LAWSON, ATKINS, ET.AL., DEFENDANTS.

...oOo...

DEPOSITIONS.

...oOo...

IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY,
VIRGINIA.

THE STATE COMMISSION ON CONSERVATION :
AND DEVELOPMENT :
vs. :
CASSANDRA, LAWSON, ATKINS, ET. AL. :
DEFENDANTS. :

IN RE CLAIM OF JACOB YOST TRUSTEE.

Hearing in Solicitors' Chambers in the City of Harrisonburg, by consent of the petitioner and claimant as to time and place, before the Board of Appraisal Commissioners of Rockingham County.

PRESENT: Miller A. Price, Chairman of the Board,
George H. Levi, Secretary of the Board,
W. L. Green, Member of the Board,
Weaver and Armstrong, Attorneys for Petitioner,
Charles A. Hammer, Attorney for Claimant, Yost Trustee.

MR. N. H. HARRISON, a witness of lawful age, deposes and says as follows:

- Q. Your name is N. H. Harrison? A. Yes.
- Q. Where do you live? A. Island Ford.
- Q. How long have you lived at Island Ford? A. Thirty-seven years.
- Q. You live upon what is known as the John Wood tract? A. Yes.
- Q. Does, or does not, that land adjoin the land owned by the Yost Trustee?
A. I think it does.
- Q. You, for a great many years, were Superintendent of that district, and I believe you were also Commissioner of Revenue?
A. Yes.
- Q. You are now Deputy Commissioner of Revenue of Rockingham County?
A. Yes sir.
- Q. You know the big survey pretty well?
A. I know quite a bit of it, but I have not been over it lately. It has been several years since I have been over most of it.
- Q. Is not that survey fit for orchard or farming purposes?
A. Some portion of it is.
- Q. What, in your judgment, Mr. Harrison, based upon your knowledge of the land and your observation of it, would you say that land is worth, on an average, per acre?
A. As a whole?
- Q. Yes, as a whole, the whole acreage embraced in the claim.
A. I would say about three and a half or four dollars an acre, to the best of my knowledge.
- Q. Do you know where there is, on the land, some buildings there?
A. Shifflet lives in the buildings that I know of on the tract.

Q. You know the Jordon Hansbrough property on there too?
A. Yes, I have been back there.

Q. Will you describe to the Commission the nature of the land, as you know it?
A. There's all kinds in there; some timber, but not very successful at this time, that portion of it largely in timber. It's been several years since I was in there. I have not been in that portion of the land where the timber is for several years. I don't know whether there has been any cut lately. From my judgment, the land, as a whole, is worth about three dollars and a half an acre.

CROSS EXAMINATION BY MR. ARMSTRONG:

Q. How much cleared land would you say there is in the tract?
A. Well, there isn't very much that I know of. I wouldn't hardly know what.

Q. Well, of course, I wouldn't want or expect you to confine yourself to any definite number of acres, but just what would be your best idea?
A. The cleared land that I know of --- I would say fifteen or twenty acres, without the boundaries that I am not really familiar with.

Q. What makes up the value of three dollars and a half an acre, that you think the land is worth?
A. Well, there is timber on it and firewood, but without it has been cut since I was on it.

Q. How much timber would you estimate there would be on this tract that could be cut and sawed at a cost low enough to give a man a profit?
A. I wouldn't be able to answer that question without making some survey or estimate of it.

Q. You have not make any survey of it?
A. No, I have not gone over the tract for the purpose of ascertaining that, no sir.

Q. As a matter of fact, isn't the timber that is on the tract very scattered?
A. Yes sir. It is mostly in the hollows.

Q. Do you know of any body of timber sufficient to justify the taking in of a saw mill and hauling that body of timber out, or, in other words, isn't it a fact, that you must have something like fifteen to twenty-five thousand feet at one place in order to justify a saw mill?
A. Yes sir.

Q. Do you know of any place that it would pay to take a saw mill and saw the timber?
A. I wouldn't know of any at any one spot.

Q. What kind of timber is there on this tract?
A. Well, there's some pine, chestnut oak, and there had been quite a bit of chestnut that is dead, and there had been quite a bit of locust. I used to hunt there some years back, but I haven't been there lately. I don't know what has been done in there.

Q. And you would not be prepared to say whether or not saw timber had been cut there about the year 1927?
A. Over five years, there was some timber cut.

Q. Now, I will ask you if the portion of this tract that would be classed as ridge type, for instance, the tops of the mountains, isn't very rocky, with many cliffs?
A. How's that?

Q. Do you know what I refer to when I say "ridge type of soil"? A. Yes.

- Q. Isn't the ridge type in this tract very rocky? A. Yes sir.
- Q. Isn't the slope also quite rocky? A. Yes sir, a great portion of it.
- Q. Most of the area is very steep? A. Yes sir, pretty steep.
- Q. The greater portion of it? A. No.
- Q. Mr. Harrison, would it pay any man to clear up this land for the purposes of agriculture?
A. Not at the present time it wouldn't, no sir.
- Q. Then the chief value of the land, so far as you know, is such timber as may be on it, and fuel wood and bark, is that right?
A. Yes sir.
- Q. What would you say the value of the fuel wood on the stump would be per cord, say?
A. Well, some of it wouldn't be worth anything practically at all, others would be worth something, I would say very successful along lots of portions. I wouldn't know hardly what it would be worth; about twenty-five cents a cord on the stump I would say.
- Q. Now, you know, there is your value of three dollars and a half an acre on the land, based upon all of the values except the mineral values. I believe you have not been questioned about the mineral value of the land. That value is more or less arbitrary for the reason that you do not know, as you say, how much timber there is on the land, either saw or other?
A. No, I wouldn't be able to say how much saw timber would be on there, for I haven't made any examination to find that out, and I wouldn't attempt to say.
- Q. Mr. Harrison, if it were shown by a careful cruise of the timber and a careful cruise of the fuel wood that there would be two hundred thousand feet of saw timber and one hundred tons of bark and one thousand cords of fuel wood, would you think that your estimate per acre should be reduced somewhat -- say about two and a half an acre?
A. Say two hundred thousand feet of saw timber ; -- how much bark?
- Q. One hundred tons. A. Yes - And a thousand cords of fuel wood --
- Q. Take into consideration that is scattered all over the whole tract of five thousand acres and the resultant expense it would take to get it out.
A. Of course, I don't know what it would cost to get it out, and at the present time it isn't very valuable.
- Q. Well, I was accepting your first worth of about twenty-five cents on the stump; I was supposing that the timber was worth about one dollar per thousand and on the stump, taking into consideration it's location and the expenses necessary in getting it out, owing to the fact that you could not carry a mill in there, and the small quantity of tan bark, one hundred tons or one hundred cords, which is also scattered, and giving a value of fifty cents a ton on the stump, do you think those reasonably fair values I have suggested?
A. Well, I guess at the present time, I guess it would be, where the lumber and bark is situated. I was asked what the whole was worth from my general knowledge; that is why I placed the figure as I did.
- Q. Yes sir, I was just trying to figure how you arrived at that figure; whether you had counted more timber or whether you had assigned a higher value to the timber?
A. Well, just like placing a value on any farm or piece of land; when I was asked what it would be valued at I would naturally fix a figure in my mind.

- Q. And you were carrying in your mind that many thousand feet of timber and a certain number of cords of fuel wood, and if it could be brought to your attention just pretty close to what actually was there in the way of saw timber and wood, I wondered whether you would be willing to revise your valuation of it?
- A. Well, if a man is mistaken in his judgment, well, naturally he would, likely he would.
- Q. Well, as I understand your testimony, when you testified, you did so without reference to the quantity of timber, or that is, rather, you didn't have in mind any particular number of thousand feet of timber, nor of cord wood nor of tan bark?
- A. No sir, I didn't.
- Q. And the land would not be worth cleaning it up after the saw timber and the fuel wood is gotten off, I believe you say?
- A. No sir, to me it wouldn't.

RE-DIRECT EXAMINATION BY MR. HAMMER:

- Q. Mr. Harrison, do you have an idea that there is not more than a quarter of a cord of fuel wood to the acre; that is what their estimate would be?
- A. Naturally there is more fuel there than that.
- Q. That is nothing compared to what the place will cut, is it, in your judgment?
- A. No, the only trouble would be getting it out.
- Q. But it is accessible to the siding for shipping purposes at Yancy and Island ford, isn't it?
- A. Yes sir.
- Q. I will ask you this, by putting a barbed wire fence around the grazing land, what use could that be made of for the handling of cattle?
- A. Those hollows have been used for that, and could be used advantageously for that purpose.
- Q. Would it, or would it not, with a fence, sustain one hundred or a hundred and fifty head of cattle during the season?
- A. Before I answer that, what portion ---- I suppose it would a hundred head any way.
- Q. Speaking of saw mills, there has been saw mills on that tract of land more or less for the last fifty or seventy-five years, hasn't there?
- A. Has been until the last few years; ever since I lived over there.
- Q. And the land is now covered with a young growth of timber, isn't it?
- A. A great portion of it. It had been burned over lately, a great portion of it.
- Q. You are referring to the time when some fire wardens set the fire out on this side of the mountain?
- A. The fire was there, I don't know how it got there.
- Q. I will ask you one question; I don't know whether you know it or not; do you know whether there is Kaolin back in there?
- A. I don't know. There is one outcropping and I am not very familiar with that. I know it is there, but I never investigated it.
- Q. The lands that are a good portion flat are somewhat similar to the lands of Andrew Muberry?
- A. Yes.
- Q. And that land sold for eight dollars an acre?
- A. I don't know what it sold for.

Q. Andrew cleaned it up too?

A. Yes.

RE-CROSS EXAMINATION:

Q. You were asked by Mr. Hammer something about the location of the Kaolin outcroppings on this tract. Can you tell us where these outcroppings are with reference to the lower boundary of the tract; I mean are they on the upper portion of the tract, the lower portion or the center of the tract or where?
A. The only place was back, if I am not mistaken, in the south end boundary.

Q. Where is the exact south end?

A. I am not exactly familiar with that. Where I am speaking of is somewhere close to where Will Shifflet lives. The outcropping I know of is about the middle or the center of the tract, right up Mile Run, east of the tract that I own. I know there was one there. I didn't pay any especial attention; that is the only place I noticed.

Q. Mr. Hammer has asked you some questions with reference to the quantity of fuel timber on this land. I would like to ask you whether or not you think there is more than one thousand cords of fuel timber easily enough accessible to be able to cut and remove at a profit?

A. Well now, I doubt if there would be at this time to cut and move it at a profit. There is a good deal more timber on there though, but when you cut and move it for profit, that is a different proposition.

BY MR. LEVI:

Q. I would like to ask - in regard to the grazing, you say one hundred head of cattle, do you mean there is enough grass --- ?

A. I will explain why I said that. For several years, three or four years, take Two Mile Run, just east of Island Ford Station, I ran thirty head of cattle out in there without any fencing or anything, and they did just as well as they have done since on the mountain, but people got to dragging them off or I lost them, and I quit. There is grass enough, bush grazing and some grass along the creek. I had them in there for about three or four years.

Q. Is this tract fenced?

A. No sir, just down in the hollow.

RE-CROSS EXAMINATION:

Q. Now, I understand that you quit grazing notwithstanding the fact that the cattle did well, but because you lost some cattle?

A. Yes sir, they got away somehow. I don't know the cause, and I lost some of them, or by getting hold of some bushes, I found some of them dead. After the fire ran through there, I drove them in there.

Q. So that it is not safe to graze cattle on that boundary?

A. Well, I quit on account of the causes I have just stated.

Q. Did you ever consider fencing it?

A. No sir. No, I never considered fencing it. I did just this side of it; I fenced off about three acres there and grazed that up until about some ten or fifteen years ago. I had just the same results there - the cattle dying, and I quit there. It is along the tract I own now. Some wire is strung along the trees there.

Q. But it is not all fenced around?

A. No sir.

And further this deponent saith not.

RE-DIRECT EXAMINATION:

Q. Mr. Sellers, they say "in the future". This land, in the past, would have been worth more then?

BY MR. ARMSTRONG: The question is objected to for obvious reasons.

BY MR. HAMMER: The threatened acquisition of the mountain land has practically destroyed the sale and uses of these lands for the present; not only that, but affected the price along the Shenandoah River too.

BY MR. ARMSTRONG: The farms with no timber land attached are not worth as much as those having timber.

RE-DIRECT EXAMINATION:

Q. I will ask you whether or not the farmer who has his farm on the river and who is engaged in rearing stock and has a grazing place in the mountain or place to shift his cattle, whether or not the value of that farm land along the river, whether adjacent to the park or not, will be depreciated by closing the mountain?

BY MR. ARMSTRONG: Question objected to because it is a hypothetical question supposed to state evidence that neither the claim nor the testimony has introduced up to this time in support of the claim shown to be in existence.

RE-DIRECT EXAMINATION:

Q. Can, or cannot this land be utelized for the grazing of cattle through there and has it been so used in the past?
A. I wouldn't like to say. I never used it myself. I have heard of it being used so. I have always carried mine to the mountain.

Q. When they close them to you, will you have to move?
A. I will have to go out of the cattle business, that's all.

RE-CROSS EXAMINATION:

Q. Would you say that this land would be worth for either agriculture or grazing purposes, the costs of cleaning it up and fencing it?
A. No, it couldn't be cleaned up and fenced.

RE-DIRECT EXAMINATION:

Q. Suppose we take it with the present timber, which will replenish itself in about fifteen years as a growing proposition, growing into money, is it worth anything?
A. That is the one improvement you can put on it.

Q. In about sixteen years the growth replenishes itself?
A. Yes, it will soon replenish itself.

And further this deponent saith not.

MR. J. S. PIRKEY, a witness of lawful age, deposes and says as follows:

- Q. Mr. Pirkey, you live at Grottoes, I believe? A. Yes.
- Q. And I believe you and your brother had charge of the West and the Alexander tract of land for years? A. Yes sir.
- Q. You are pretty familiar with the land, are you?
A. Well, in a way, it's been thirty odd years since we had anything to do with it.
- Q. You know where the line between the Alexander and the Hill Survey is?
A. Yes.
- Q. Direct your attention to the Hill Survey; from your general knowledge of that land, in your judgment, would you say that land, on an average; that is, what would you say that land, on an average, is worth?
A. It has been so long since I have had any opportunity to go over it; I wouldn't like to place any value on it at all. I wouldn't feel I was in a position to place any value on it.
- Q. Because you lack knowledge of the land in late years?
A. Yes, I haven't been over the land for thirty odd years.
- Q. When you were there, was it pretty well timbered or not?
A. Well, at that time it was considered a fairly valuable piece of land. The timber had been culled out.
- Q. It is a fact that that timber repeatedly replenishes itself if fire be kept out?
A. Right at that time it did, yes. We aimed to keep the fire out.

CROSS EXAMINATION:

- Q. Mr. Pirkey, you know it to be a fact, do you not, that this land has been swept over repeatedly by fire?
A. I have an idea it has.
- Q. Mr. Pirkey, something has been said about timber land replenishing itself; that is second growth timber. What is the character of the greater part of this tract; I mean as to rich, thin or poor soil?
A. The soil is quick sand soil.
- Q. Does it produce quick and thrifty growth of trees?
A. Well, in a way. The ravines may because the leaves and moss would be there and the ravines will grow up rapidly.
- Q. What proportion of the acreage on the tract is embraced in ravines?
A. I couldn't tell you; I don't know. I don't suppose an acre a tenth.
- Q. I believe you stated that because of the fact you had not been on the land for something over thirty years, you were not in a position to give the Board a fair statement of its value, and you would decline to put a value on it?
A. Yes sir.

BY MR. ARMSTRONG: In view of that testimony, I have no further questions to ask.

JOHN KING, a witness of lawful age, deposes and says as follows:

- Q. Mr. King, you work for the Norfolk and Western Railway? A. Yes.
- Q. Where do you live? A. Over in Luray.
- Q. You live east of Island Ford, I believe? A. Yes.
- Q. How close to this Yost Survey?
A. Well, I live, I guess, a mile and a half of it, or something like that.
- Q. Are you pretty familiar with that land?
A. Yes sir, I bought some off that some time ago. C. M. Shifflet owns it now
- Q. You have been over practically the entire tract?
A. I think I have. I run stock out there right smart.
- Q. How did they do?
A. Fairly well, first rate.
- Q. Mr. King, what, in your judgment, is that tract reasonably worth per acre, I mean an average per acre?
A. Well, I'll tell you, I don't know how the timber is right now, and I don't know if there's been any fire damage.
- Q. I will ask you to take all that into consideration. What is it reasonably worth per acre?
A. Well, it looks like it ought to be worth five dollars anyhow, taking the whole thing.

CROSS EXAMINATION BY MR. ARMSTRONG:

- Q. You say you are a farmer, Mr. King?
A. Yes sir, I have been; I work for the Norfolk and Western now.
- Q. But you own land? A. Yes sir.
- Q. When you say that this land is worth, on an average of the whole tract, five dollars an acre, upon what basis do you make your calculation?
A. Well, for the pasture and other conveniences, prospects of the young growth of timber and so on, and there should be a lot of ballast through the mountain. They had figured to get it out at one time, but I don't know whether they did or not.

RE-DIRECT EXAMINATION:

- Q. You mean the Norfolk and Western were interested in taking where the logs were broken for ballast? A. Yes sir.
- Q. Do you know anything about the minerals?
A. They have got some mineral out of that one mine there. That's located --- no, that would be the Shaver mine, but the mine I am talking about wouldn't be there; that wouldn't take that in, it's this side of the Shaver mine, but it was right across from there.
- Q. Do you know about kaolin deposits? A. No sir.

RE-CROSS EXAMINATION:

- Q. Now then, Mr. King, your value of five dollars an acre I believe, as you have testified, was based on prospects for growing a future stand of timber and on prospects of mineral values?
A. Well, for pasture too.

- Q. If you eliminate future stand of timber and prospects for minerals, what would be the value of the pasture?
A. Well, the value for pasture would be a great deal to a person, take a year like last year. Lots of people all through the river that owned stock put it in there.
- Q. Well, was this tract well watered last year?
A. Well, some of it, I suppose. I wasn't in there last year at all, but they ran cattle in there, different parties.
- Q. What did they pay, per head, for running cattle in there?
A. I don't know, sir, but they paid one man, but what they paid him I don't know.
- Q. Well, was there any fit to graze on that tract except in the hollows or the ravines?
A. Nothing but young growth bushes, grape vines. They do pretty good on that.
- Q. Throughout the whole season?
A. Some have been running them throughout the whole season. These came off the mountain the last part of the summer.
- Q. What would be the number of head of cattle that could be run over this boundary of about four thousand acres per year?
A. Well, there could be quite a number of cattle through the summer season, but I couldn't say how many.
- Q. Well, what would you give for the grazing privilege for a year on this acreage.
A. The cattle could live in there. I have run cattle in there.
- Q. I understand if you would have to turn them in there, you would. Do you mean you would not unless you couldn't graze elsewhere?
A. I mean it wouldn't pay me to pay someone to look after them if I had the pasture somewhere else. I wouldn't turn them in that far away from home.
- Q. It would not pay you to do it?
A. No, not that far away from home.
- Q. It would only pay you because of the failure of pasture elsewhere?
A. Yes.
- Q. And if you eliminate all question of restocking of timber and of the prospects of mineral value, and confine yourself to elements of value such as fuel wood and saw timber as there might be on the tract, and its value for grazing purposes, do you not think that, under those circumstances, you would feel that a lower value than five dollars per acre would be just and proper?
A. It looks like to me that something like that would be a reasonable price.

RE-DIRECT EXAMINATION:

- Q. How much fuel wood is there in cord, would you say, on that tract?
A. I couldn't hardly say unless I would look, you know. There is some places would be greater than others on the land, of course.
- Q. Could you give an estimate?
A. I don't believe I could unless I looked over it.

And further this deponent saith not.

MR. M. H. LONG, a witness of lawful age, deposes and says as follows:

Q. Mr. Long, you are familiar and live on the north end of this Big Survey, you had a part of it at one time?
A. No, that was my father.

Q. You own it now?
A. No, Ida Phelps owns it now. My father got it for payment of taxes.

Q. You are familiar with the land, more or less?
A. Yes, part of it.

Q. How long have you known it?
A. Ever since I was a boy.

Q. What, in your judgment, Mr. Long, is a fair and reasonable value of that tract, per acre, taken as a whole, making all due allowances?
A. That's a hard question to answer. How many acres are there?

Q. Four thousand, that is undisputed.
A. Is that Jordon Hansbrough place part of it?

Q. Yes, it is part of the land.
A. In there where Jordon lives there is a great deal of land in there, I think. Well, answering the question that you just asked me, I would say, --- five dollars would make two thousand ---

BY MR. ARMSTRONG: No sir, it would make twenty thousand dollars.

BY THE WITNESS: Well, that would be too much, it isn't worth twenty thousand dollars.

Q. I asked you the average value per acre. Twenty thousand dollars looks like a lot these days, but we are asking you the price per acre. What is your land worth there? You own some land back in there?

BY MR. ARMSTRONG: Question objected to because the kind of land owned by the witness has not been testified to or shown, and he may have a reason for not wanting to sell it at any price at all.

Q. Not as a whole, but what is the land worth per acre?
A. I'd sort of have to draw my conclusions from the whole.

Q. But we are not interested in the whole. You have been on the land, you ought to know the value of the land regardless of the size of the tract. Have you ever been over the whole tract?
A. Yes, I have.

Q. How far south have you been on the tract?
A. I carried the chain that divided the line in there.

Q. You know the condition of the ground ?
A. Yes sir.

Q. What is that section worth?
A. Taken as a whole, by the acre, I think three dollars an acre would make the whole thing run mighty big.

Q. I am asking what the land is worth an acre?
A. I am not going to make a shot in the dark. I would try to arrive at it by -- and get it in my mind what it is worth.

CROSS EXAMINATION BY MR. ARMSTRONG:

Q. Mr. Long, I will ask you to arrive, in your own mind, at the present,

fair, cash, market value of this tract, for all purposes for which it is adaptable?

A. That don't sound right to me, either; I don't know by the present value whether it is worth five cents. I don't think it is fair to take the present value.

Q. Well, I will probably ask you some questions later in regard to that. The question I am asking you now is what, in your opinion, is the present fair, cash, market value per acre of this tract of about four thousand acres?

A. I reckon between three and four dollars an acre.

Q. If there were four thousand acres, the placing of a value of three dollars an acre on it would make the whole tract worth twelve thousand dollars, wouldn't it?

A. Yes.

Q. Do you know of any way that that tract could be handled by which it could yield a fair return on twelve thousand dollars?

A. I don't know. It has capacity in several different ways.

Q. Well, what different ways?

A. It can be used for range land.

Q. What would the tract be worth, per acre, for range land?

A. Oh, it would probably be arranged for a couple hundred dollars a year.

Q. You say if it was properly arranged for, it would be worth a couple hundred dollars a year?

A. Yes.

Q. How would it have to be arranged?

A. Some fencing would have to be put on it, and a caretaker.

Q. About how much would you have to pay a caretaker?

A. You wouldn't have to pay him very much in cash, he would probably make his by giving him privilege to live on it. I think most of them get their caretakers practically free.

Q. What fencing would have to be done?

A. I don't know in detail, but you usually have to fence across ranges, and I would wire it across places where cattle will get out. There are some places that cattle will not bother trying to get out.

Q. Well, give us your best idea of the cost of such fencing as you would think would be reasonably necessary on this tract?

A. I would have to go over that; I couldn't say without going over it.

Q. Well, independent of the cost, you think that it would render about two hundred dollars a year for grazing purposes?

A. I would think so.

Q. Well, two hundred dollars a year would be a very small return on an investment of twelve thousand dollars?

Q. Just for a loan it would, yes, but there is timber on there.

Q. How much merchantable timber is there?

A. I don't know. There is some growing there.

Q. Then you take into consideration some future value of the property?

A. Yes, but I know very well there is a value there. You can take a growing calf after it has passed the veal stage, but you can't say the calf isn't worth anything, because it has a growing value, and I think there is some compensation for the growing timber.

- Q. If, some five or ten years ago, a man had a fine stand of chestnut timber, he would have thought it fine. The blight got it, and 'though he didn't cut a single tree, because of the blight the timber would be worth practically nothing.
- A. The pines did die, and we know the pines are growing again.
- Q. And they may die again? A. Yes.
- Q. So that fixes future values as highly speculative?
- A. Well, yes.
- Q. I understood you to say, when answering one of Mr. Hammer's questions, you stated after multiplying the number of acres by three dollars per acre, making a total of twelve thousand dollars, that you said that is too high?
- A. No, I said the twenty thousand dollars was too high.
- Q. And didn't you further state when you got down to twelve thousand dollars, didn't you say that you were still too high?
- A. I don't think I said that; you can go over my notes and see if I said it.
- Q. But you now think you were not too high?
- A. No sir.
- Q. Three dollars may not be too high, but how about twelve thousand?
- A. That would be the same thing.
- Q. Would you be willing to give twelve thousand dollars?
- A. No sir, I wouldn't be willing to give anything.

RE-DIRECT EXAMINATION:

- Q. That land is known as ideal sheep land, isn't it?
- A. No, I wouldn't say so, it has ivy on it.
- Q. Well, ivy doesn't hurt sheep, does it?
- A. Yes.
- Q. How about goats?
- A. Goats would do alright.

And further this deponent saith not.

MR. E. C. MOWBRAY, a witness of lawful age, deposes and says as follows:

- Q. Mr. Mowbray, where were you born and raised?
- A. East Rockingham.
- Q. What town, or in connection with what is known as the Big Survey?
- A. Adjoining land.
- Q. Live there all your life?
- A. Lived there until coming seventeen years, but I was close by all the time.
- Q. Are you familiar with the Big Survey? A. Yes.
- Q. Ever work on it and pass over it? A. I have.
- Q. What was the nature of the work?
- A. Hauling part of the extract wood, hauling logs.

- Q. How much land would you say is capable of being converted to orchard or agricultural purposes?
A. About half of it.
- Q. Are you familiar with that portion of this tract lying east of big mountain, between that and the blue ridge, where Hansbrough used to live?
A. Yes, I live not very far from there.
- Q. About how much would you say this tract of land, taken as a whole, is reasonably worth, per acre?
A. Well, I would think reasonable about fifteen dollars an acre.
- Q. Upon what do you base that statement, Mr. Mowbray?
A. Well, from the nature of the land that lies against it at our farm, and seeing the land in the Hansbrough tract, seeing what all of it will produce.
- Q. How about the timber, is there any?
A. Yes, there is timber on it.
- Q. About how much bark would you say is capable of being cut on it?
A. I believe that a man could get something like five hundred cords there yet.
- Q. Do you think there would be that much? A. Yes sir.
- Q. About how much saw timber, would you say?
A. Pulp wood?
- Q. No, saw timber.
A. Well, there ought to be around two hundred thousand feet of saw timber.
- Q. How about the extract fire wood?
A. Well, I would say there is ten cords per acre of extract and fire wood. I think it would average that.
- Q. You have worked in timber practically all your life?
A. Well, I've did both, farming and hauling. I've did both at the same time.
- Q. Did you work for Mr. Shifflet? A. Yes, sir, I hauled for him, hauled bark.
- Q. Do you know whether or not, under his contract, he was restricted as to the size of the trees he should cut?
A. Yes sir, there was a size he should cut and one he shouldn't; nothing under six inches.

A copy of the contract between J. Yost, Trustee, and H. L. Shifflet for the cutting and sawing of certain timber on this land is herewith filed.

- Q. Mr. Mowbray, do you know anything at all about whether there are any minerals that crop out on the land?
A. Well minerals are around there on the same land that I reside on.
- Q. The land that you own is known as the Sipe or Lawson eighty-three acre tract, on which Mr. Yost owns the mineral rights?
A. Yes sir.
- Q. The minerals that you speak of, outcropping or opening was made close to the Neville Crawford house, lying at the northwest or practically right on the northwest line of the Big Survey and the tract which you own, isn't that right?
A. It's southwest of the house, that's above where I live - west. The gentleman who was out there the other evening estimated it fifteen hundred feet from where I live right now

- Q. Do you know of any other outcroppings on the place?
 A. Down there by the Ida Phelps land; that's the land is going into dispute. Don Yancy is the claimant and his land doesn't reach it.
- Q. What would you say that the bark on the trees is worth per cord?
 A. Well, we bought it for three dollars a cord right in the mountains; that's what I paid for it.
- Q. What would you say that the saw timber is worth on the stump?
 A. On the stump now --- well, I would say a dollar and a half a thousand, Mr. Hammer.
- Q. What would you say that the fire wood is worth per cord?
 A. Fifty cents per cord on the stump.
- Q. Speaking of fire wood, is, or is not there any market for fire wood in your section?
 A. Well, there has been, yes.
- Q. Is it, or is it not practical to cut the fire wood and deliver it to the railroad at Yancy or at Island Ford, ship it to Waynsboro, or Shenandoah or Elkton?
 A. Yes sir. I have been getting five a cord for wood already worked up, that is block woods anything from twelve to fifteen inches.
- Q. When you receive that much for your wood, how much is clear profit?
 A. Well, I cleared around two dollars a cord on that, Mr. Hammer. I might clear a little more than any other man. I had my own horses and my own labor.
- Q. I will ask you whether or not this body of land is capable of being grazed to advantage?
 A. Yes sir, you can get two-thirds of that land into grazing.
- Q. Can it be used for browsing purposes the way it is?
 A. Yes sir, it had been.
- Q. How many head of stock would that body of land sustain for three, four or six months?
 A. I'd say a hundred or a hundred and fifty cattle, just in the bushes.
- Q. Do you know whether anyone has ever grazed in there? A. Yes.
- Q. About how much cleared land is there up around that portion of the tract where Will Hansbrough lived?
 A. About ten acres in clearance.
- Q. Houses and other buildings thereon? A. Yes.
- Q. What would you say the house and buildings are worth?
 A. They're in pretty good shape; about two hundred dollars.
- Q. How much is cleared up around where Will Shifflet lives?
 A. There is something like eight or ten acres there.
- Q. What is the nature of the buildings there?
 A. I haven't been there for some time, but I would say a hundred and fifty for that house. I don't know what he has added --- well no, he has a barn there, ain't he - a large stable, I'd forgotten that.
- Q. Are there any fruit trees?
 A. Yes sir, there is a good orchard on the Hansbrough place.
- Q. About how many trees?
 A. I reckon thirty-five, forty, maybe fifty trees.

Q. How old are they?

A. I suppose they are fifteen or twenty years old.

Q. Would you have an idea as to what they are reasonably worth per tree?

A. Well, those trees are worth twenty dollars a piece I would say --- good apples, good variety and good conditioned trees.

CROSS EXAMINATION BY MR. ARMSTRONG:

Q. How much did I understand you to say, in your opinion, all the buildings on this four thousand acre tract or approximately four thousand acre tract, known as the Yost Trustee Land, are worth?

A. I said about two hundred fifty at Hansbrough's place and one hundred and fifty at the Shifflet place, but I'd forgotten about his building that stable, about a 16x24 building there since. That ought to be worth about two hundred dollars for the buildings there then.

Q. That would make about five or six hundred dollars for the buildings then?

A. Yes.

Q. Have you seen these buildings recently?

A. Yes sir; that is the Hansbrough. I haven't recently seen the buildings at the other place. I was, every day for six weeks at the Hansbrough place. I had to go in order to feed a horse that I had crippled there.

Q. You have spoken about there being thirty-five apple trees?

A. Yes, I think there is about thirty or thirty-five or maybe more trees.

Q. Of what varieties?

A. Well, I don't just know the names, because I am not familiar with the fruit, but they are all good eating apples.

Q. You don't know what varieties?

A. No, I only know the one apple, the Andrew Milan apple.

Q. Do you know whether or not there is any value for Milan apples on the markets?

A. Well, I couldn't tell you that, but I know it is a good variety of apple amongst the people. They come from far and near to get it. There was a man come from Roanoke to get apples to take home.

Q. Did he come up there?

A. Yes.

Q. What did he give for them?

A. I don't know that; I know he bought them.

Q. Do you know whether or not these apple trees are sprayed regularly?

A. Well, they haven't been since Mr. Hansbrough went. He had to get away from there on account of his health.

Q. Do you know whether or not these apple trees are pruned and cultivated?

A. Not since he left, but they were in his time.

Q. How long has he been gone?

A. Three years I think.

Q. Do you know whether or not it is now profitable to grow anything else except first quality apples?

A. Well, these quality apples is the best on the market they claim. I don't grow apples myself.

Q. It is your opinion that the tract of four thousand acres now under consideration is worth at a minimum, sixty thousand dollars?

A. Sixty thousand?

Q. Yes? Or did you mean to say that?

A. Why sure its worth sixty thousand.

- Q. How do you arrive at Sixty Thousand instead of Fifty or seventy five thousand?
A. Well, you can get your land, your timber to pay you.
- Q. How much timber?
A. It ought to cut two hundred thousand feet of timber.
- Q. And I believe you said that was worth a dollar and fifty cents on the stump?
A. That is what they usually pay. Some charge more. That's what we paid for it.
- Q. What else?
A. We paid two and a half in the beginning for the bark, and we had to pay five toward the last.
- Q. How much bark?
A. There ought to be five hundred cords there of bark yet.
- Q. What value on the stump? A. Two and a half.
- Q. Two and a half a cord?
A. It was, the last I bought was five dollars.
- Q. I am speaking of the value you have already given this bark?
A. Yes, I said two and a half.
- Q. All right, sir, what else makes up this value?
A. Chestnut wood; that's a dollar a cord.
- Q. How many cords?
A. I think I said about five hundred cords.
- Q. At a dollar per cord? A. Yes sir.
- Q. All right, sir, what else?
A. And there would be ten times that much in fire wood.
- Q. Five thousand cords?
A. Yes sir, there would be five thousand cords of fire wood.
- Q. Outside chestnut? A. Yes sir.
- Q. That you give a value of fifty cents a cord? A. Yes sir.
- Q. All right, sir, now the buildings, I believe you said they had been worth between five and six hundred dollars, and outside of the timber and outside of the firewood and outside of the buildings, if this were cut and taken off, what would the land be worth per acre for agricultural purposes?
A. Well, you can take agriculture, with the land cleared, will produce you anyhow fifteen dollars per acre.
- Q. You think, then, this land is worth more than fifteen dollars an acre?
A. No sir.
- Q. Well, you have testified the timber was worth so much, the buildings and the wood worth so much, and then it was worth fifteen dollars an acre. What would it be worth for any purpose whatsoever after all the buildings and timber had been taken off?
A. Well, you take the timber, wood and buildings off there, you have a value done gone. If you pay five dollars an acre for the land you have a good value.
- Q. Of course, and to clear the land then and put it to agriculture and fruit?
A. It will produce small fruit, such as raspberries. I don't see why they couldn't get a quarry on the land and get the rock without blasting and carrying on to get it, to build these hard roads.

- Q. There is plenty of rock on the land?
A. Yes, there is.
- Q. Isn't there plenty on top of the ground?
A. No, not plenty, just about two stones in spots. You could get just a few stones off on top and it would be clear.
- Q. Is it very steep land?
A. It is partly steep, but none any steeper than the ordinary grazing land. I haven't seen any portion of grazing land that wasn't steep and mostly rough to boot.
- Q. I understand you to say that the value you fix on it, independent of the buildings, fire wood, timber, to be five dollars an acre?
A. Yes sir, I would if I was able to give five dollars an acre for three or five hundred acres of the land right next the lines of the land I have.
- Q. You consider that all the value of the land?
A. No sir, I am just considering the part I would want. There is three or five hundred acres lying right again me there that would be good for grazing, fruit or any other purpose. I would consider that valuable land.
- Q. You would consider that worth five dollars an acre?
A. After the timber and the buildings was off.
- Q. And that would be about the best of the land?
A. No, that ain't the best, man, no, that's in line with mine, I am not speaking of what is lying over the hill.
- Q. Well, what about that over the hill?
A. That is Mile Run, I have been in, Big Run the same way; that is in the next survey.
- Q. Well, how about the lands lying outside the slopes of the run so to speak?
A. Well now, when you come to buying that land you have to pay more for it, they wouldn't sell me that land for no five dollars an acre.
- Q. I am not asking what they would sell it for. What is it worth?
A. With the timber standing on it now -----
- Q. I am trying to get at the value of the land exclusive of the timber.
A. Taking the timber off it, taking the fire wood and everything up clean and putting it to cultivation, it would be worth about fifteen dollars.
- Q. Then, your answer is that after removing timber, buildings, fire wood and so forth, the land is worth, on an average, five dollars per acre for the whole tract?
A. Yes sir.
- Q. And with timber, buildings, fire wood, and so forth, fifteen dollars an acre?
A. Yes sir, taken all the way through.
- Q. Five Dollars an acre would make twenty thousand dollars for the land?
A. Yes sir.
- Q. Three hundred dollars is the value of the saw timber at a dollar and fifty cents a thousand?
A. Yes.
- Q. Twelve hundred fifty dollars is the value of the bark at two dollars and fifty cents?
A. Yes sir.
- Q. That makes twelve hundred and fifty for bark? A. Yes sir.
- Q. Six hundred dollars is the value of the buildings? A. Yes.

- Q. Twenty five hundred dollars is the value of the fuel wood on it at fifty cents a cord?
A. Yes sir, at fifty cents a cord.
- Q. Now, if we add these values all together we get twenty-four thousand six hundred fifty dollars as the total value of the land. That, as I understand, is your testimony as to what the total value of the land would be?
A. That's taking the land and buildings and everything.
- Q. With twenty thousand for the land, three hundred for the saw timber, twelve hundred fifty for the bark, six hundred for the buildings and twenty-five hundred for the fuel, all that together makes twenty-four thousand six hundred fifty dollars?
A. Did you count the extract there? There is five hundred or a thousand cords there.
- Q. Well, how much is there?
A. I will say five hundred.
- Q. How much is that worth?
A. One dollar per cord.
- Q. That is twenty-five thousand one hundred fifty is your opinion of the entire value of the tract?
A. That's about right.
- Q. Then you were mistaken when you said the land was worth sixty thousand dollars?
A. I said fifteen dollars an acre.
- Q. Well, how much would that amount to?
A. I have never figured it.
- Q. Then that was a pure guess?
A. No sir.
- Q. Well, you have figured it now?
A. You have figured it now, and I have figured it after you, yes.
- Q. I will ask you whether or not a portion of this tract that lies on ridges or mountains isn't very rough and very thin land?
A. Well, right on the tops. I was over about ten acres on top last year and there is a part of it is as rich as you can find in the bottoms.
- Q. A part of ten acres?
A. No, as much as ten acres. I just happened to go through there looking for extract wood. I don't think any of your men have been through it; if they had, they would have known it.
- Q. Do you know whether or not Mr. Hosiash R. Shifflet had a contract?
A. Yes sir, he had a contract to clean up the entire tract, but he didn't do it.
- Q. Why?
A. I couldn't tell you why, but I know he didn't.
- Q. Do you know whether or not he found his contract profitable?
A. He must have or he wouldn't have kept on.
- Q. But he did not keep on?
A. No sir; I don't know why. No sir, I never asked him why.
- Q. You never heard him say?
A. No sir.
- Q. Has Mr. Hosiash Shifflet been in the timber business a good part of his life?
A. Yes sir.

- Q. Is he an experienced timber man? A. Yes.
- Q. Is he familiar with the Yost tract, do you think?
A. Well, a great part of it, but I know he has never been over the entire tract because he is a crippled man , and he could not ride over all of it.
- Q. What length of time did he spend in operating on this tract?
A. Three years.
- Q. Do you know whether or not he put in saw mills for the purpose of manufacturing timber into lumber?
A. He put in two.
- Q. How many seats? A. Two. ---
- Q. Would you say he didn't have as many as five?
A. Well, I don't know about five. There are two that I know of.
- Q. Is it not a fact that he could and did remove practically all the saw timber of any value?
A. No sir.
- Q. If he would say he cut and removed practically all the saw timber over the tract that he did cut, he would be mistaken?
A. He didn't cut it all.
- Q. I said all of any value. What did he leave that was of value?
A. Pines.
- Q. Were they easily accessible or otherwise?
A. Part of it could be gotten as easy as what he did get.
- Q. Where was that?
A. Back where I live and also some just below where I live.
- Q. Is that on the Two Mile Run tract?
A. No, he wasn't in there at all.
- Q. Then the pine that he didn't cut was situated elsewhere on the tract, on what they call Bee Hollow?
A. That is where he had one seat and Wall's Run.
- Q. State why, if you know, Mr. Hoshiah Shifflet did not get all the pine there where he had a saw mill seat?
A. He had a saw mill seat. I don't know why he didn't get it.
- Q. How much did he leave that was accessible and could have been gotten out without going into debt at this place?
A. Several thousand feet -- ten thousand I reckon.
- Q. Now, the land on the west side of Two Mile Run, isn't that land very rough?
A. On the west side, yes, just a part of it.
- Q. How many acres belonging to this tract is on the west side of Two Mile Run, according to your judgment?
A. I couldn't tell you how many acres are on the west side of Two Mile Run.
- Q. How many are very rough, and how many are not very rough on the west side of Two Mile Run?
A. Right as you go in --- Well, I would say there were thirty-five or forty acres there that were tolerable rough, and the balance is not rough, because I have hauled over that.
- Q. Is the balance of it more or less than thirty-five acres?
A. Oh, there's more than that, I reckon; yes, there is more than fifty acres in there that I would consider smooth for mountain land.

- Q. Do you think that anyone could cut and skin the bark on the land on the west side of Two Mile Run at a profit?
A. Yes sir, I had figured once when I was peeling there just beyond it.
- Q. I am speaking of today.
A. Well, today, yes sir.
- Q. How many tons of bark would you think you could peel on the west side of Two Mile Run on trees that were accessable?
A. Well, there's about seventy-five cords of bark there, the way I estimate it.
- Q. You estimate a man could peel seventy-five at a profit?
A. Yes sir.
- Q. What value, on the tree, would you give the bark?
A. Well, two and a half a cord.
- Q. Now, isn't most of the saw timber situated on this tract, located on the west side of Two Mile Run?
A. Well there is a greater part of it on the west, but there is some on the east side too.
- Q. The question is, isn't the greater part of it on the west side of Two Mile Run?
A. Well, I guess it is.
- Q. Well, now, isn't the greater part of this timber scrub pine, with some little white pine scattered?
A. No, I wouldn't call it scrub pine.
- Q. Well, what would be the average diameter of that pine?
A. The average - about twenty or twenty-five inches --- no, not in diameter, about fifteen inches in diameter.
- Q. That would be over one foot across the stump?
A. Yes, it would average more than a foot.
- Q. Now, is there any grass of any kind growing on this tract?
A. Well, there is no grass sod. You don't get grass where you don't sow it.
- Q. You don't?
A. You will get wire grass.
- Q. Is there any wire grass?
A. Yes there is, but other grass has to be sowed.
- Q. There has never been any grass sowed on this land?
A. Only up there where the clearance has been.
- Q. What kind where the clearance has been?
A. Some blue grass.
- Q. Heavy sod? A. Where it's sowed, it would be, yes.
- Q. How many acres of blue grass sod?
A. Over ten acres of blue grass in there. Grass don't grow without you got clearance.
- Q. Does blue grass come on this land naturally when you remove the timber?
A. Well, if you have sowed it. To get blue grass it takes feeding and tramping.

- Q. You couldn't cut the timber off and have it run into nice blue grass sod very easily?
A. Not without you would graze it.
- Q. Well, what would you graze? After you cut the timber off, there would be nothing there.
A. There would be bushes. You couldn't graze the timber.
- Q. I will ask you whether or not the land would run into blue grass without putting stock to graze?
A. No, it would be necessary for you to have them graze the bushes before grass would come. That's the way you get grass.
- Q. You bought a tract of land adjoining this?
A. Adjoining the Hill Survey, that's the way I always heard it.
- Q. Where is this land that you bought located; that is, is it at the foot of the mountain, on the slopes or on the top of the mountain?
A. Along the creek, what they call the Gap Run Creek; some of it lies against the hills.
- Q. The greater portion lies along the creek?
A. Yes, some along the slope.
- Q. How much was cleared and how much was in timber when you bought it?
A. Well, there wasn't very much cleared at the time I bought it, about five acres of it. Of course, I have cleared more.
- Q. When did you buy this land?
A. I bought it two years ago.
- Q. In 1929? A. Yes sir.
- Q. Was there good timber on the land that you bought?
A. Sure there is some good timber on it.
- Q. About how many thousand feet?
A. About seventeen thousand feet.
- Q. About how much extract wood?
A. Well, I only got two cords on it because people had cut it off before I got to it.
- Q. About how many cords of fuel wood was there on this tract at the time you bought it?
A. About three hundred cords.
- Q. What did you give per acre for this tract that you bought?
A. Well, I never figured it close. I paid five hundred dollars for the tract. They wanted a thousand for it and I would not give it.
- Q. Why?
A. Well, I had two reasons, one was because I wasn't able.
- Q. Well, you bought eighty-seven acres at five hundred dollars ~~per acre~~, containing seventeen thousand feet of saw timber. What is that saw timber worth on the stump, two dollars and fifty cents?
A. More than that; I wouldn't take less than five.
- Q. You bought seventeen thousand feet of saw timber worth five dollars a thousand on the stump, you bought land more easily accessible than the land you have testified about?
A. No sir, the land that is lying with mine is about the same nature.

- Q. I don't know what you mean by "land lying with your's", of course there might be a number of acres lying next your's of the same nature?
A. Yes it is, going on south, all this place, the Hansbrough land is the same nature.
- Q. Well, you admit the saw timber on your land is worth double what it is worth on the other land?
A. All of mine is right down in the bottom. Don't it cost a little more to get it off -- and hardly any has been cut off mine.
- Q. Now, then, you paid five hundred dollars for the eighty-seven acres you bought. I am asking you if that would not be worth around six dollars an acre?
A. I figure something like six or six and a quarter.
- Q. And the land that you have is worth, on an average, per acre, more?
A. I paid that for it, and I put mine in the claim, fifty dollars per acre. I have fenced mine, the greater part of it, and cleared the greater part of it. That's why I put the value of it as I did.
- Q. If the other land were cleared, it would be worth fifty dollars an acre?
A. I put it at a reasonable figure, I thought.
- Q. I am trying to get at why you priced the four thousand acres as you did, when you say you bought the eighty-seven acres for five hundred dollars?
A. I bought it for that because they were willing to take it.
- Q. And the land you bought you consider worth more, on an average, than the other?
A. Yes, standing timber and all.

RE-DIRECT EXAMINATION:

- Q. Mr. Mowbray, are there any ties on that four thousand acre tract?
A. There should be some ties, yes sir.
- Q. How many, would you say?
A. Well, taken as a whole, you ought to cut a thousand.
- Q. What are they worth on the stump?
A. Well, they have been paying twenty-five cents a piece for ties, Mr. Hammer; that is, for the tie timber, twenty-five cents a piece.
- Q. On the stump?
A. Yes, and then they sell that from ninety on.
- Q. Your land is Tract No. 8 as shown on the blue print or map of the five thousand acre tract?
A. That was a piece of the five thousand once, yes.
- Q. And it is this tract known as No. 8, extending from this point here down to this point, and that is a narrow long strip of land?
A. Yes sir.
- Q. With the west land, that is the Hill Survey?
A. That is the way I have known that land.
- Q. Now, through your land runs a creek?
A. Yes.
- Q. And over your land and through it and splitting it up is the public road?
A. Yes sir, practically along with the east side line.

RE-CROSS EXAMINATION:

- Q. Now, you speak of being able to get ties out, would you decrease that from the quantity of saw timber?
A. Well, that depends on whether you peeled the bark and then went back and got the ties. That is the way most of them do; only after peeling season, then they go back and get the ties.
- Q. When you testified as to the quantity of standing saw timber, didn't you consider as "standing saw timber" what you are now speaking about as being capable of being manufactured as ties?
A. You can manufacture it into ties.
- Q. Weren't you speaking of this chestnut timber when you estimated your timber?
A. That could come under the timber. When it was timber, I included the timber. I didn't specify ties, but if you want to make ties, you make ties.
- Q. And, to the extent that you make ties, you lessen the timber?
A. Yes, of course you do; that don't lessen the amount of what I said though
- Q. No, but I would like the Commission to understand that you do not mean that there was two hundred fifty thousand feet of saw timber there, and in addition, one thousand ties.
A. No, that includes the whole thing; that includes the saw timber, but, you plainly understand that Mr. Shifflet didn't go in those runs that I said.
- Q. Well, Mr. Shifflet will speak for himself ---
A. Yes, he will say that he didn't go in himself.
- Q. And he'll tell the reason why he didn't go into Two Mile Run.
A. Well, maybe he will.

MR. O. D. SELLERS, a witness of lawful age, deposes and says as follows:

- Q. Mr. Sellers, you, I believe, live just east of the bridge at Island Ford?
A. Yes.
- Q. You, I believe, were born and reared in that vicinity?
A. Yes sir.
- Q. And have lived there all your life?
A. Yes sir.
- Q. And engaged in saw mill, machinery and timber business?
A. Forty-six years.
- Q. Do you know the land known as the Hill Survey?
A. Yes sir. I am not acquainted with all of it; I have been over it all too I reckon, from time to time.
- Q. You know the general character of the land and you know the topography of it, the land formation, the mountains, and so forth?
A. Yes sir.
- Q. About how much of that land would you say would be capable of being converted into agriculture or orchard purposes, about what percent?
A. That's a right hard question to answer.

- Q. Just an estimate, from your knowledge of it, you can't be exactly accurate, I know.
A. Well, there could --- No, I don't know hardly what to say in regard to that, but the lower end of that land I am not very well acquainted with. I would think ten percent.
- Q. You know where the Jordon Hansbrough house is? A. Yes sir.
- Q. You know that strip of land through there is fairly level? A. Yes sir.
- Q. You also know where Will Shifflet lives? A. Yes sir.
- Q. Taking that land, as a whole, Mr. Sellers, what, in your judgment, would you say the land would be reasonably worth per acre?
A. Well now, Mr. Hammer, you mean the land and what is on it?
- Q. I mean the whole tract, - an average price.
A. I have not been over that land for a good while; I don't know what has been cut off, and I have no idea, what timber would be on it, I would be more interested in that than anything else; I wouldn't be interested in the land, of course, and I couldn't really make an estimate of the timber and what it would be worth.
- Q. We will ignore the timber entirely, what would the land be worth ignoring all claims to timber, reasonably worth, for grazing or any other purposes?
A. If you take the timber off, the land -- well, anyone that knows the land --- there is a lot of it there could be put in orchard, as you say, well that would be worth maybe ten dollars an acre, and a lot of it there, Mr. Hammer, wouldn't be worth anything.
- Q. I will ask you this, what is wood worth in that section - common fire wood, on the stump?
A. Two dollars.
- Q. What is lumber worth; if there is lumber on that place, what would it be worth per thousand?
A. Well a lot of it would be mighty expensive to get out, and all like that. I could tell you if that was down in the flat.

BY MR. ARMSTRONG: The question is objected to because it is too indefinite for the witness to answer intelligently. The question should call the witness's attention to the varieties of timber to be manufactured into lumber, the location of the different varieties with reference to whether accessible or inaccessible and the character of the terrain over which the logs, when cut, would have to be moved to a mill or to a railroad station or other shipping point.

- Q. You are familiar with the location of the land? A. Yes sir.
- Q. And you are familiar with the railroad as well as the other means of getting the timber from this tract out to the public road?
A. Yes.
- Q. I am asking you to give me an estimate of the timber, if there is any timber, fit for saw purposes, on that land, what it would be worth, on an average, per thousand feet stumpage?

BY MR. ARMSTRONG: Question is objected to for the reason that this witness has heretofore been asked by Mr. Hammer as to the timber on this land, and the witness has stated that he does not know what timber has been cut off the land and what remains on the land, and, therefore, as he has stated, he is not in a position to answer.

A. Well, Mr. Hammer, I can tell you what we used to pay for timber back there in the mountain, but this timber -- to give you an answer, I'd have to see where it is at. We used to pay ten cents a hundred back there in the mountain.

Q. That would be a dollar a thousand? A. Yes sir.

And further this deponent saith not.

MR. E. L. HANSBROUGH, a witness of lawful age, deposes and says as follows:

Q. How old are you? A. Thirty-three.

Q. Where were you born and reared?
A. I was born and raised on the Big Survey.

Q. On this piece of land? A. Yes.

Q. Your father was George Hansbrough, who lived up above where Mr. Mowbray lives?
A. Yes.

Q. Are you familiar with that tract? A. Yes, I guess I have been over most every foot of it.

Q. Have you ever worked around timber?
A. Some, yes, peeled bark and helped to saw logs and extract and stuff like that.

Q. Do you know whether or not there is any bark on this Big Survey?
A. Yes, lots of bark.

Q. How much would you estimate the cordage to be?
A. Well, about five hundred cords.

Q. Do you know what it is worth on the stump; what they pay for it?

BY MR. ARMSTRONG: Question objected to in its present form. Counsel for petitioner asks Counsel for claimant if he means what is the present price when he asks what they pay for it?

Q. I am asking what would bark, at the present time, on the stump, located as that bark is, be reasonably worth on the stump?
A. Well, they paid \$2.50 summer before last; last summer they didn't buy any, so \$2.50 is the last I know of.

Q. Now then, is there any saw timber on this land?
A. Yes sir, such as pine.

Q. Any chestnut oak, white oak?
A. Yes sir, there is chestnut oak, some white oak.

Q. How much timber could be sawed on that place?
A. I estimate two or three hundred thousand feet; two hundred and fifty anyway.

Q. How about extract wood - is there any on it?
A. Yes, there is right smart extract.

Q. How many cords would you estimate it to be?
A. Well, there would be five or six hundred cords.

- Q. You know what you have contracted to cut it for by the cord. You don't know what it costs to haul it to market or to the railroad station?
A. Well, I don't know what it costs - - - -
- Q. You don't know what it costs to haul it from the railroad station to market, freight rates. You don't know what it costs to manufacture stave timber into staves?
A. I don't know what it costs, no, but I know what they are paying for stave wood at Elkton.
- Q. At the railroad station?
A. \$7.15 at the railroad station.
- Q. Paying that for it now? A. Yes sir.
- Q. You don't know the cost of getting a cord of wood off of this four thousand acre tract to the railroad station at Elkton?
A. Well, there has already been roads cut all through there and wagons go over it.
- Q. Is anyone taking wood from this tract to the railroad station at Elkton at the present time?
A. No sir.
- Q. Did anyone deliver it last Summer?
A. No sir, not since Mr. Hosiah Shifflet's death.
- Q. Did he deliver some? A. He did.
- Q. Have you any idea about how much?
A. No, I don't have any idea.
- Q. Which do you consider the most valuable, on an average, the tract of eighty-seven acres which Mr. Mowbray bought, or the remainder of the four thousand acres, on an average? Do you know the tract that Mr. Mowbray bought?
A. Yes, I know which tract he bought.
- Q. Which do you consider the most valuable, on an average, or per acre, if you like?
A. Well, there is more timber on this other tract, but his is the most valuable by being down on the road.
- Q. Isn't the land that he bought smoother than the balance of the four thousand acres, on an average?
A. Yes, he's got more smooth land, but you know you never found real smooth land on a creek bottom, but up on the raise from the creek, you will find just as smooth land as there is anywhere.
- Q. How many acres? A. Couple hundred, up the flat, all the way clear up through there.
- Q. Which would you consider the more valuable of the land per acre, Mr. Mowbray's or an average of the four thousand acres?
A. Well, on an average, this other land is worth more; it would be worth more, yes, it is off the creek and it is smooth, and there is a good bit of timber on it.
- Q. Isn't the value of timber usually fixed by how accessible it is, as to how easily it is gotten to and moved?
A. It can be got to very easy. There has been wagons all over the mountain back there. There has been bark hauled out there.
- Q. Has this four thousand acre tract been burned over?
A. That has been several years back since it was burned.

- Q. Is extract wood being shipped in large quantities this year?
A. Not this year.
- Q. Is anything being shipped this year?
A. A little.
- Q. Where to?
A. Luray, I think it was. They had a contract and they just finished up the contract.
- Q. Do you know of any contracts this year?
A. No sir.
- Q. The contract was for former years and they were just finishing up this year?
A. Yes.
- Q. Isn't it a fact that there is no market for extract at the present time?
A. I don't know whether there is or not.

And further this deponent saith not.

MR. E. C. MOWBRAY RECALLED:

BY MR. LEVI:

- Q. Is there really any market for wood there, Mr. Mowbray?
A. Well, there is just market around where you sell some, just short market, you might say. I have just been placing a few loads, a few cords.
- Q. There is no real market there then, as you might say?
A. No, no real market; just when a family needs a load of wood. I think there is no market for extract at the present time.

DIRECT EXAMINATION BY MR. ARMSTRONG:

MR. C. H. BURRAGE, a witness of lawful age, deposes and says as follows:

- Q. Mr. Burrage, will you tell the Commission in what business you are now engaged?
A. Examining land for the State Commission of Conservation and Development.
- Q. How long have you been in the employ of the State Commission of Conservation and Development in connection with the examination of such lands for purposes of acquisition for the Shenandoah National Park?
A. Approximately eighteen months.
- Q. In what counties have you examined land for such purpose during that time?
A. Warren, Rappahannock, Page, Rockingham, Albemarle and Green and Madison.
- Q. I should be glad if you would state to the Commission, in detail, what your duties are and how you undertake to discharge such duties in connection with your work.
A. My duties have been that of locating property and surveying and mapping tracts for soil types and cruising timber and valuing grazing lands, farm lands, valuing buildings and other improvements.
- Q. Mr. Burrage, what preparation, if any, have you had for engaging in the work in which you have been engaged since being in the employ of the

State Commission of Conservation and Development?

A. Graduate Forester from the University of Georgia and have been in forestry work for the last fifteen years in State, National and private employ.

- Q. Following your graduation from the University of Georgia, what kind of work did you do?
A. Worked for the United States Forest Service on the acquisition of land for National Forests.
- Q. Did your duties in that connection require you to cruise timber lands?
A. Yes.
- Q. And to place values on the land and the timber, both?
A. Yes.
- Q. How long were you engaged in that work for the United States Government?
A. About four years I guess it was.
- Q. In what states and in what mountains did you work on that assignment?
A. In Virginia and in the Shenandoah Forest and North Carolina, Georgia, Alabama and Pennsylvania.
- Q. About when, if you can recall, did you leave the service of the United States in that connection?
A. In 1922.
- Q. In what business were you next engaged after leaving the service of the government?
A. District Fire Warden of the State of North Carolina.
- Q. And you were engaged in that service about how long?
A. A year.
- Q. What next did you do?
A. James D. Lacey and Company, of New York.
- Q. Who is James D. Lacey and Company, of New York?
A. They call them timber land factors. They handle almost everything connected with timber lands, doing every kind of consulting forestry work.
- Q. What particular branch of work did you do whilst in their employ?
A. Mostly cruising timber and securing business, looking into deals and so on.
- Q. And then did you go to the State Commission of Conservation and Development, or did you do some other work in the meanwhile?
Ans. I was Forester for the University of Kentucky?
- Q. And anything else before you came here?
A. No sir.
- Q. I take from your answers that you must have had considerable experience in cruising timber and examining and valuing timber lands, is this true or not?
A. Yes sir.
- Q. Have you examined the lands in question here, namely, about four thousand acres, covered by the claim of Jacob Yost, Trustee?
A. Yes sir.
- Q. In what months of what year did you examine that tract?
A. December, 1930 and January, 1931.

- Q. How did you know you were on the tract that we are now talking about; in other words, I would like if you would tell the Commission how you go about your business?
A. This tract was largely located by our Civil Engineer on the base surface furnished by the owners located on our base map.
- Q. Did you have a map of the premises in your possession when you started out?
A. Yes sir.
- Q. I hand you herewith two maps and ask you if these two maps are maps of the land which you visited, examined and cruised, and if they are the maps of the land we are now talking about?
A. Yes sir.
- Q. Those maps were furnished you by Mr. Marsh or one of his engineers, is that correct?
A. Yes sir.
- Q. Did you cruise the timber upon this tract upon your examination of the same?
A. Yes sir.
- Q. Did you use any particular method of cruising, or did you rely upon an ocular examination?
A. I made an ocular examination in expectation of making a detailed examination if there was enough timber to justify it. After going over all the land, I decided there wasn't enough merchantable timber but what an ocular examination would suffice.
- Q. I understand your answer to be that you could see the timber by going over the land, and there not being enough timber to justify a detailed cruise, you made your report on the land from what you saw by going over it?
A. Yes sir.
- Q. Did you go over the whole tract carefully?
A. Yes sir.
- Q. What kind of merchantable timber did you discover on the land?
A. Yellow Pine, small sizes, an occasional tree of Red Oak and Chestnut Oak.
- Q. Did you make a report in writing of the results of your examination?
A. Yes sir.
- Q. Who did you make that report to?
A. Mr. Marsh.
- Q. Have you that report with you?
A. Yes sir.
- Q. Will you refer to that report and tell the Commission the number of feet of merchantable timber that you found growing on this tract?
A. Two Hundred thousand board feet.
- Q. What does your report show to be the varieties comprising this two hundred thousand feet?
A. Oak and pine.
- Q. How much oak and pine?
A. They are not separated because of their being of no value.
- Q. What, in your opinion, is the value per thousand feet of this growing timber covered by your report?
A. Under present market conditions, no value could be assigned, but it has some value, of course. About a dollar a thousand was assigned to it.

- Q. That would be two hundred dollars, then? A. Yes sir.
- Q. What else of value in the way of timber did you find on this tract?
A. A small amount of bark.
- Q. What kind of bark?
A. Chestnut oak bark, tan bark.
- Q. How much bark did you find? A. One hundred tons.
- Q. What, in your opinion, is the value per ton of that chestnut oak bark on the tree?
A. At present?
- Q. I am talking about the time you made the view?
A. It would be hard to figure any bark value; I would give it a nominal value of fifty cents per ton.
- Q. What else of value in the way of timber or wood did you find on this tract?
A. There is some fuel wood on the tract, and we figured that one thousand cords of it would be merchantable.
- Q. At what value? A. Fifty cents per cord.
- Q. How about extract wood?
A. Well, there was a very small amount of extract wood in the most inaccessible places. No large enough quantity accessible to be gotten out at a profit.
- Q. Now, of this two hundred thousand feet of saw timber which you found, state whether or not that is in one body or is it distributed over the whole tract, or whether or not there may be two or more large bodies comprising the two hundred thousand feet, or state whether it is so scattered as to be not worth the expense of cutting and sawing.
A. The one hundred fifty thousand feet was estimated on Two Mile Run, which is somewhat scattered, but more or less in one body, and on the northern portion of the tract about fifty thousand feet, which is pretty well scattered.
- Q. Now, the one hundred fifty thousand feet on Two Mile Run, state the topography of the land on which this is situated; that is, as to whether it is level land or steep; state whether it be smooth or rocky; state the character of the terrain as to the difficulty or lack of difficulty in cutting and removing it, ability to locate saw mill sites for purposes of manufacturing into lumber the one hundred fifty thousand feet you have spoken of.
A. The country is very rocky with both large cliffs and a great deal of loose rock, mostly steep, some level. It is possible to put in a saw mill seat and to log the timber to it, although the cost would be very high on account of the small size of the timber and the difficulty of logging it.
- Q. Is that the reason why you have fixed the price at a dollar per thousand feet on the stump?
A. Yes, in connection with market prices.
- Q. Then, I will ask you what, in your opinion, is the fair, cash, market price of the standing saw timber on the tract under consideration.
A. Well, I would hesitate to say, at the time I examined it, that it had any market price. This value of Two Hundred Dollars was given largely as a nominal value.
- Q. Then I understand your answer to be that, in your opinion, two hundred dollars for the two hundred thousand feet is a maximum value?
A. Yes sir.

- Q. How about the tan bark; what, in your opinion, is the fair, cash, market value of the hundred tons of tan bark on the tree that you found on this land?
A. Not over fifty dollars.
- Q. What, in your opinion, is the fair, cash, market value of the fuel wood that you found on this tract of land?
A. Not over five hundred dollars.
- Q. How many cords of fuel wood did you find?
A. One thousand.
- Q. Now, Mr. Burrage, do you mean to say that there would only be one thousand cords of fuel wood on the whole four thousand acre, or do you mean to say that no more than one thousand cords could be cut and removed from the land without costing more than the fuel wood would sell for?
A. Not over one thousand cords could be removed without loss.
- Q. There might be more than one thousand cords, but the residue over one thousand would be so inaccessible that the cost of cutting and removing it would amount to more than it could be sold for?
A. Yes. Of course, one thousand cords is ^{what} would be considered ordinary fire wood.
- Q. Now, did you find any apple trees of merchantable varieties growing on this land?
A. I found fifteen trees, but I couldn't say as to the varieties.
- Q. Do you know about the age of the trees that you found?
A. No, I should say between twenty and forty years.
- Q. Had those trees been well taken care of?
A. Not especially.
- Q. Did they show any effects of having been well pruned, or show any effects of spraying?
A. Not recently.
- Q. Did you find any buildings on the land? A. Yes.
- Q. Did you measure the buildings?
A. I measured part of them.
- Q. Who was with you and helped you?
A. Elmer Monger.
- Q. Will you tell the Commission what houses you found, the condition of the houses, and what, in your opinion, would be a fair, cash, market value of the houses?
A. At the so called Jordon Hansbrough place there is a log house 14x18 with a frame lean-to of 8x14 and one of 10x16, in poor condition. A value of eighty dollars would cover it. The houses at the other place I did not happen to measure myself. I saw them. The house was occupied.
- Q. State the approximate measurement of the other houses and the conditions and value of the other houses, if you saw them.
A. The house on Mile Run is frame, 14x18, with a kitchen 8x18, in fair condition.
- Q. Worth what?
A. About a hundred and seventy-five dollars.
- Q. Take the other houses and value.
A. Those are not houses, there are some out-buildings.

- Q. I mean any buildings.
- A. On Mile Run in connection with the house just mentioned, there is a log barn, possibly 14x19, fair condition, worth about forty dollars. The meat house 8x12, is worth about ten dollars, and at the Jordon Hansbrough place there is a smoke house 8x12, in poor condition, valued at fifteen dollars. A hen house, frame, 6x10, poor condition, valued at five dollars.
- Q. Is that all the buildings, now?
- A. There is another hen house here, I think must be on Mile Run, of 8x10, poor condition, value, ten dollars. Those are all the buildings.
- Q. State whether or not you examined the different types of soil on this tract of land for the purpose of ascertaining the value of the land?
- A. Yes sir, I did.
- Q. How do you go about classifying the soil; do you just make one arbitrary valuation of the whole land, regardless of whether it is steep land or flat land or top of the mountain land or sides of the mountain land? Tell the Commission how you do this.
- A. The system of land classification which we have been using and which is practically the same as that used by the United States Forest Service in their appraisal of lands. The tops of the mountains or similar soil is called ridge top soil, and on an average that soil will not grow trees that will have a sixteen foot saw log. The slope type land is generally found at lower elevations, and the soil is of such quality that it will average growth to sixteen foot saw log per tree, and then the lower soil is of such quality that it will produce timber two or three or more sixteen foot saw logs per tree. The cleared land is classified as tillable land, grazing land and restocking land - that is cleared land which has been abandoned and is restocking for timber.
- Q. Now, will you tell the Commission the number of acres of the various types of soil, divide that amongst the types that you have stated it is your custom to divide in examining lands, and the value of the acres of the different types there.
- A. Ridge type, 1688 acres, value fifty cents per acre, total \$844.00, slope type, burned over, 22 acres, value \$1.50, total \$33.00; slope type, unburned, 1750 acres, value \$2.50, or \$4375.00; slope type, 728 acres, value \$2.00 per acre, or \$1456.00; and this cove type, 20 acres, value five dollars, total \$100.00; tillable, 9 acres, value \$12.00, total \$108.00, making a total of 4229 acres, with a total land value of \$6916.00.
- Q. That is the soil itself, exclusive of the timber and wood now standing on it?
- A. Yes; that is merchantable timber.
- Q. How far is this tract of land from the nearest railroad station?
- A. Well, the average distance would be between two and three miles.
- Q. What kind of road is there to the property?
- A. Dirt road, fairly good, ungraded.
- Q. State whether or not the greater part of the tract is steep, or just gently rolling.
- A. A great part of it is steep.
- Q. State whether the greater part of it is rocky or smooth.
- A. The greater part is rocky.
- Q. Very rocky, or not?
- A. Very rocky, both many cliffs and much broken rock of all sizes.
- Q. State whether or not the greater part of the tract is of fertile soil or barren soil, or what kind of soil.

- A. Well, it would be classified much greater barren than fertile.
- Q. Much has been said in the testimony taken on behalf of the claimant to the effect that the land is valuable for the timber it will grow in the future. From your knowledge of timber and timber lands, state what might be expected in the way of future timber on this tract; that is to say, when would land of the character and fertility such as this, produce merchantable timber such as poplar, pine, oak, and so forth, as would do to cut and saw and put on the market.
- A. Well, the ridge type would probably produce very little except chestnut oak and possibly a small amount of yellow pine. Of course, without making detailed growth studies, it is hard to give a close estimate of the possibilities of it.
- Q. I would like you to tell the Commission, as nearly as you can, on this particular tract of land, because of the character of its soil, about how long a man might reasonably expect to have to wait before second growth timber of value would get back enough to be worth anything.
- A. On the ridge type, with proper fire protection and some aid, he might be able to produce ties in fifty years.
- Q. And saw timber sooner or later? A. Probably never.
- Q. The slope type?
- A. the slope type will produce more chestnut oak than other, but some small red oak, small amount of poplar, yellow pine, occasional white pine, white oak and scattered species.
- Q. Within what period of time?
- A. With proper fire protection and cultural attention, it could produce saw logs in fifty years.
- Q. Something has been said in regard to the value of a certain portion of this land, particularly adaptable or fit for the growing of apple trees for an orchard. Do you know, or did you find any particular area of this tract that you regard as excellent for this purpose?
- A. Well, along the western border there is a very limited area that might be used for fruit production, but the cost of production would be rather high.
- Q. Why?
- A. Because of the nature of the topography. While the land is rather smooth, it still lies up on the mountain slope.
- Q. Steep?
- A. No, not steep, but higher elevation. You would have to haul up fertilizer spray material, and so forth. It is higher elevation and there is also quite a good deal of rock through there. You will find small areas free from rock.
- Q. I will ask you whether or not you own an orchard.
- A. Yes.
- Q. Where? A. North Georgia.
- Q. State whether or not, in order to be successful, an orchard has to be put on fertile soil, or whether you can be successful with placing it on thin soil.
- A. Probably a small percentage of orchards put in thin soil can be made to pay by very intensive methods, but, as a rule, most profitable orchards are on fertile soil.
- Q. Is there a commercial orchard growing on the mountain side anywhere in the neighborhood of this tract that you know of?
- A. Not that I know of.

- Q. On the whole survey? A. Yes.
- Q. In seven or eight days you could hardly cover the whole five thousand acres, could you?
A. Yes sir.
- Q. In making your scale, you made no scale of the land, did you?
A. I didn't cruise the land, as I understand the word.
- Q. You just went to some high point and looked over?
A. No sir, I made trips over all the portions that I could not see from a distance, and I saw all parts of the land. It has been brought out which land is very steep and can be seen from a distance.
- Q. There is no trouble in getting timber from this side of the mountain, is there?
A. Yes sir, that timber is up in the cliffs.
- Q. It has been done in the past. You saw roads up in there, didn't you? In other words, roads leading from the top of the mountain in toward the Urias Shifflet land; there are also roads leading down from this section toward the Harnsberger land; there are also roads leading by the Crawford's house and by Bart Shifflet's.
A. There are roads there, but the timber is not quite on these roads.
- Q. Have you ever worked in the woods, ever peeled bark?
A. I have seen it done.
- Q. You know how it is brought down to the roads?
A. Yes, sure.
- Q. There are roads leading, as I say, from out in this section down to the Shifflets, crawfords and back to Frank Shifflets, roads coming out here at the old Neville Crawford place where Mr. Mowbray was talking about this morning; there is a road down by John Sipes; now then, going down to where Mr. Mowbray lives, there is a road from the mountain into this place just this side of the creek. On a little further by the Jordon Hansbrough place, from that road leading up toward the Hansbrough place, there is side roads where bark and other stuff has been brought out?
A. There were roads, but they are mostly washed out now.
- Q. On the west side of the mountain on the tracy lying to the south, there are roads leading in, back and from Mr. Sipes property; you know where that is?
A. Yes.
- Q. Into that mountain where timber can be brought out?
A. Yes.
- Q. There are also roads up by Mile Run?
A. Yes.
- Q. Two Mile Run? A. Yes.
- Q. People been living in there? A. Yes.
- Q. In fact, all over that mountain it is honeycombed with roads where they have gotten out timber from that land?
A. My point is that the present quality of timber could not be gotten out at a profit.
- Q. Did you ever manufacture any timber? A. Yes.
- Q. Where?
A. I have worked in saw mills in this country and France during the war.

- Q. As a matter of fact, when did you enter school in Georgia?
A. 1911.
- Q. And how long did you attend that school?
A. Four years.
- Q. So you were fifteen when you came out, a year at Georgia College of Forestry, you were sixteen then. You spent some time in Kentucky then?
A. That was later on. I was born in December, 1896; I entered the United States Forest Service just before I was twenty. My title was Field Assistant, cruising timber, examining land.
- Q. And now, where did you study the soil, what school did you attend to study the different types of soil?
The University of Georgia, as well as in experience in doing that kind of work in forest service. They use practically the same system of soil qualification as the Conservation Commission has used.
- Q. You are entirely a stranger to the vicinity in which this land lies?
A. Not exactly, I worked here in the Shenandoah National Forest for a year.
- Q. They had nothing to do on that side of the mountain?
A. No, but I worked on the Blue Ridge in North Carolina and Georgia.
- Q. This soil is not, of course, Blue Ridge soil?
A. Yes sir, that is part ^{of the} Blue Ridge.
- Q. Isn't this land here more or less of a volcanic upheaval, rather than the Blue Ridge, which is a younger mountain?
A. This is a spur of the Blue Ridge.
- Q. Have you never noticed the difference in the soil lying on the west side of the creek as you go across Simmons Gap and that which lies to the right? One is right lean land and the other is fertile land, and that division runs all the way along the side of the Blue Ridge mountain.
A. I have noticed it more distinctly in other places.
- Q. You figure fifty thousand feet of oak and pine at a nominal value of a dollar per thousand?
A. Yes.
- Q. That is on the northern end?
A. Yes.
- Q. What makes that of so little value; what is to prevent that timber from being gotten off?
A. Because it is scattered, and the small size and inferior quality of the timber and the difficulty of logging over the rough country.
- Q. You said something a while ago about the inability to get seats to locate mills. How many old and recent mill sites did you find on that piece of land?
A. I don't recall, but my reference, of course, was sites for logging present timber.
- Q. Now, within that line south of the road leading from Yancey ~~or~~ Elkton to the Blue Ridge Simmons Gap, did you go up the lane to the Hansbrough house?
A. Yes.
- Q. Did you go to the top of the mountain?
A. Yes.
- Q. You found a lot of land on top of the mountain, black loam?
A. Well, it was loam.
- Q. And in that, there could be cleared several hundred acres of fairly good land of reasonable slope, not steep at all?
A. I don't know about several hundred, something over one hundred.

- Q. When you got around on Mile Run, you could do something similar there?
 A. There is a rather small portion of this tract that lines on Mile Run. You see the clearance line comes away down on Mile Run.
- Q. Do you know where it comes there?
 A. I know approximately. I don't know the nearest foot.
- Q. Well, between Mile Run and Two Mile Run, what is the nature of the land along there where Will Shifflet's house is located, isn't that pretty fair land?
 A. There is a stretch there along the boundary that is fair.
- Q. You said something about an orchard. Isn't there an orchard up in there-- Mr. Karicoff's. How large is it? I have always understood there is a pretty good sized orchard in there.
 A. I didn't see it. I don't know where the Karicoff place is.
- Q. It lies in there to the east of Rocky Bar.
 A. I did not see that orchard at all, no sir.
- Q. Now, there is roads all on this side down back there where A. Shifflet lives and those fellows?
 A. There have been old bark roads down there.
- Q. People live down in there right next to this place?
 A. Yes sir, one or two places.
- Q. Give me the aggregate again of your values?
 A. You mean the total value?
- Q. The total, and separate each item.
 A. Just the land?
- Q. Dand, timber and all.
 A. By soil types?
- Q. I don't care how, just so I can figure on it.

.....

And further this deponent saith not.

MR. JACK SHIFFLET, a witness of lawful age, deposes and says as follows:

- Q. Mr. Shifflet, do you mind stating your age?
 A. I am fifty-eight years old.
- Q. You have just heard Mr. Burrage testify -- you have just heard him say of what schools he is a graduate and what courses he took in school. Of what school are you a graduate?
 A. The school of hard knocks.
- Q. Where do you live? A. Dayton, Rockingham County, Virginia.
- Q. How far from the tract of land that we now have under consideration?
 A. About twenty miles.
- Q. What has been your business during the greater portion of your life?
 A. Timber business pretty nearly all my life.

- Q. Have you had experience cruising timber? A. Yes.
- Q. Have you had experience in manufacturing timber into lumber and marketing lumber?
A. Yes.
- Q. Both on your own account and as agent or employee for other persons?
A. Yes, both.
- Q. For the sake of the record, I will ask you to state in as few words as you can the experience that you have had in the past twenty or twenty-five years in the timber business.
A. Well, I have been operating in lumber from one small mill to half a dozen, and I have had charge of as many as thirteen or fourteen mills at a time and on different occasions I 've several big mills, and a good many years experience in bark, peeling, getting out and marketing and just general supervision of cost and production for myself and others.
- Q. State whether or not you are now in the employ of the State Commission of Conservation and Development?
A. Yes.
- Q. How long have you been employed by it?
A. Sixteen months.
- Q. In what capacity are you employed; that is, what do you do generally?
A. I check the estimates on timber, mostly. I go and check the estimate, as well as work out the cost of production, removal and marketing.
- Q. That is, when a timber cruiser is sent out and when he turns in his report, your duty is to take his report and go back and view what he has reported on and ascertain whether or not his figures are approximately correct?
A. No sir, I never see his report until after I make a report.
- Q. You go on behind him and you turn in a separate report from his, and afterwards your two reports are checked with each other?
A. Yes sir, it is a check both ways on cost and quantity.
- Q. In what counties have you worked for the State Commission of Conservation and Development; that is on the kind of work you have just told of?
A. In eight counties, Warren, Rappahannock, Page, Madison, Rockingham, Augusta, Albemarle and Green.
- Q. I take it then, you were pretty familiar with the character of the soil and types of soil and timber as to varieties and quality growing in the Blue Ridge mountains within these eight counties?
A. Yes. From a timber standpoint, unless I am working on clearing, I do not try to separate the timber.
- Q. State whether or not you ever visited the Jacob Yost tract of approximately four thousand two hundred twenty nine acres, for the purpose of ascertaining and testing as to the quantity, quality and value of the timber growing on said tract, and if so, tell this Commission what you found.
A. I did. The estimate of two hundred thousand board feet of lumber, one hundred tons of bark and one thousand cords of accessible fire wood on that Yost tract. I might say in addition to that one hundred fifty thousand board feet of lumber was in Two Mile Run. The remaining fifty thousand is just small pine that would possibly make two by fours, just scattered all over the north end of the tract, too small to cut, and scattered white pine in rough places, not easily accessible.
- Q. About how many tons or cords of tan bark would you say there are on the property which can be peeled and removed without losing money?
A. That's a pretty hard question. I don't believe you can remove any of it without losing money. This tract has been operated on for the last twenty-five or fifty years from the appearance of the roads

A. (Cont'd.) The rest of the timber is just scattered - a tree here and there over the tract. I think it has, from time to time, been operated on and burned over until there is hardly any merchantable timber on it, only at rough, rocky places.

Q. That is where you found the bark in Two Mile Run, in this rough, rocky land, and it could not be operated today, at today's prices, at a profit at all?
A. It would cost more to get that out than what it would bring.

Q. What kind of soil comprises the greater portion of this four thousand two hundred twenty-nine acre tract -- is it good rich mountain soil, average, or thin and poor?
A. I would say fair as an average; some of it is very poor. Right down where we put the wood estimate, on that is nothing but sand there.

Q. That is very poor soil?
A. I don't think it would be profitable to ever put it in orchard or farm it, from the looks of the crops I saw there on the lower land.

Q. Mr. Shifflet, from your experience, as detailed by you, and from your knowledge of timber lands and timber land value, I will ask you what, in your opinion, is the fair, cash, market value of this tract of four thousand two hundred twenty-nine acres, including land value, timber value and every purpose for which it is adaptable, to your best judgment?
A. We found a valuation of eight thousand dollars. Personally, I wouldn't give five thousand for it.

Q. You think eight thousand dollars is a maximum value?
A. Yes.

CROSS EXAMINATION BY MR. HAMMER:

Q. Mr. Shifflet, as I understand you, you and Mr. Burrage did not know anything about each other's values or estimates at all?
A. No. It wouldn't make a very good check if I was going along taking his figures.

Q. How is it possible that you two fellows are identical in your estimates of the amount of lumber, you both agree that there is a hundred tons of bark; you both agree as to the wood, and you both agree that the value of the land is about eight thousand dollars? How is it possible, without knowing anything about each other's estimates that you could be in such close agreement?
A. I can explain that in very few words. When I come in and make up my report, then they show me what the cruisers make. When I am too low sometimes I agree to take their estimate because they examine it more thoroughly than I do. If I think they are too high, then I take them down. I take the water courses, hollows and coves, and work it out from the standpoint of a lumberman.

Q. You did not know what Mr. Burrage's figures were. How did you happen to hit so close to them; no difference in the values, in the amount of lumber, nor difference of a half a cord in the fuel wood?
A. How can a lawyer find so many technical points to work from? We are trained, just as you are trained in law.

And further this deponent saith not.

MR. WILLIAM SHIFFLET, a witness of lawful age, deposes and says as follows:

Q. Mr. Shifflet, do you mind stating your age?

A. Fifty-four years old.

Q. Mr. Shifflet, do you live in Rockingham County?

A. Yes.

Q. How long, or rather, how near to the tract of land under consideration?

A. About four miles.

Q. Are you pretty familiar with this tract of land?

A. Yes, I have been on it a good many times.

Q. What is your business, Mr. Shifflet, if you don't mind?

A. Right now I am running a filling station in McGacheyville.

Q. What was your occupation before that?

A. I have worked, most of my life, in timber; some for myself and some for other people.

Q. State whether or not you have been actively engaged in this timber business up to the last three or four years.

A. Yes.

Q. State whether or not you have ever cruised standing timber.

A. Yes sir, I have.

Q. Have you ever cruised standing timber as a cruiser for other people?

A. Yes sir.

Q. Have you ever been United States Fire Warden?

A. Yes sir.

Q. Since what year?

A. 1913.

Q. Have you ever held a similar position with the state of Virginia?

A. Yes.

Q. Since what year?

A. 1919.

Q. State whether or not you have been over this Yost tract once or often.

A. I have been over it quite a few times, in places. I haven't been all over it at one time. They would have a little fire and I would be over it.

Q. Have you ever hunted over this tract?

A. Yes.

Q. State whether or not, as an employee of the State Commission of Conservation and Development, you have ever looked over the Yost tract for the purpose of ascertaining its value or the value of the timber?

A. Yes, I went over it with Mr. Jack Shifflet.

Q. Well, now, did you go over it pretty thoroughly?

A. Yes.

Q. For the purpose of ascertaining the quantity of the timber?

A. Yes.

Q. What, in your opinion, is the number of board feet of merchantable timber of all varieties standing on this Yost tract?

A. I doubt if there is a hundred and fifty thousand feet. Some are small. You might get a little more, but I don't think there is over a hundred and fifty thousand feet.

Q. What, in your opinion, would be the fair, cash value per thousand feet on the stump of the merchantable timber that you think is there?

- A. There is some of it, very little in my opinion, but some of it might be worth a dollar and a quarter; it is a kind of pine that don't sell very good.
- Q. Is it what you call scrub pine? A. Mostly; now and then you find a white pine, small.
- Q. Is the timber, for the most part, situated on rough, steep ground?
A. Some on land that ain't so rough, but mostly on very rough land.
- Q. Is there any grass growing on this land?
A. There is some wire grass and some brush.
- Q. And any good sod?
A. Nothing worth mentioning; not very much.
- Q. State whether or not the land, in your opinion, will run into blue grass sod after the timber is cut off.
A. It would have to be taken pretty good care of; after it had been tramped, it might, nothing near like the top slope land would.
- Q. State whether or not the land is what we call a natural blue grass land.
A. No, I don't think so.
- Q. State whether or not you have any knowledge as to this tract having been burned over frequently.
A. Yes, at different times.
- Q. State whether or not the soil itself showed the affects of the fire.
A. Sure it will, that especially down in the bottoms, the top soil is in poor condition.
- Q. State whether or not you found, as a result of your investigation that the vegetation and the soil had been injured and consumed to a large extent by the fire so that it would not now produce young timber.
A. I don't think along the tops of the mountains would for a long time. It would have to be taken care of. Down in the bottoms it might.
- Q. What is, in your opinion, the value per acre of the different kinds of land that goes to make up this tract?
A. I don't think you could make six percent interest out of six thousand dollars on there.
- Q. Then I understand, in your opinion, the fair, cash, market value of this tract could not be in excess of six thousand dollars?
A. I wouldn't like to say it would be worth any more.
- Q. You know of no method by which a man could earn interest on six thousand dollars on this land?
A. I know I couldn't. Somebody might.

BY MR. HAMMER - CROSS EXAMINATION:

- Q. You can hardly make six percent on anything these days, can you?
A. No, its hard to do it.
- Q. How did you happen to miss the amount that Jack mentioned?
A. Jack and I worked over it and talked over it.
- Q. Why didn't you get together? You testified last; he don't put his figures quite the same.
A. We worked together and all that and Mr. Jack was just where I was. We didn't figure together at all.

- Q. What did you do? Where did you go on the land?
A. I went practically over everything. We first went on the land up at Two Mile Run; then we went, the next day, up past the Jordon Hansbrough place and up by the Mowbray land and then came on down there and went on up on the mountain.
- Q. Where did you spend the night? A. At home.
- Q. Did Jack stay with you? A. Yes.
- Q. What time did you leave home that morning?
A. About seven thirty.
- Q. And you got to Two Mile Run about what time?
A. It would take about thirty minutes.
- Q. How did you go?
A. We went in the car.
- Q. All the way in the car?
A. No, we left the car and walked on up the hollow.
- Q. Did you go back around where Ed Shifflet lives? A. Yes.
- Q. Were you up Hanson's Run?
A. We went up back of Sipes and over there in across from the Yancey land up in there, and right as you go up Simmon's Gap and above Lovells.
- Q. Where do you get in there?
A. Up over the mountain, right straight up over the mountain.
- Q. Do you know where Hanson's Run is?
A. I don't know it by that name.
- Q. Do you know where Mr. Crawford lives?
A. Yes. We went straight up the mountain there.
- Q. You did not go back by Bob Williams place did you?
A. Not by Bob's place. We would go up in one place and work around and come back in another place.
- Q. You did not make any systemized cruise, did you?
A. I was looking for timber, to be honest.
- Q. How many times were you and Jack in there?
A. I would have to look on the books to find that.
- Q. You ought to know how many days you spent on this five thousand acre tract.
A. No, I couldn't.
- Q. Do you know when you were there?
A. I would have to get the book and find out.
- Q. Was it summer or winter? A. Summer.
- Q. When the leaves were on the trees? A. Yes sir.
- Q. It's a little more difficult to see then than in the winter?
A. Yes.
- Q. A little more difficult to cruise? A. Yes.
- Q. How long before you were there was Mr. Burrage there?
A. I don't know.
- Q. You don't know how far apart you all were? A. No sir.
And further this deponent saith not.

MR. S. H. MARSH, a witness of lawful age, deposes and says as follows:

- Q. Your name is Mr. S. H. Marsh? A. It is.
- Q. Do you mind stating your age? A. Forty-five.
- Q. Are you employed by the State Commission of Conservation and Development?
A. I am.
- Q. In what capacity?
A. In charge of the examination work in the Park area.
- Q. You are known as the Park Director? A. Yes.
- Q. How long have you been employed in this capacity?
A. Approximately eighteen months.
- Q. There are eight counties in which areas are sought to be condemned in this proceeding for the Shenandoah National Park?
A. Yes.
- Q. State whether or not you have visited the greater part of all of these areas in each of these eight counties.
A. Yes.
- Q. The three gentlemen who have just testified have been employed by you in connection with this work, have they not?
A. They have.
- Q. I see in your hand a file of papers: what are they?
A. That is the report that was prepared describing the tract in question: the report and the map.
- Q. Mr. Marsh, I will ask you to file that report for the use of the Board of Appraisal Commission, and I will ask you of what that report consists.
A. The report consists of descriptions of the two tracts of land. We recognize two tracts there because of the fact that the tract is cut in two by lands of other owners. We, therefore, called it two tracts and gave each a number so as to more easily locate it on our map. The report includes a soil valuation, valuation of timber, valuation of improvements, and a total, of course, of the whole.
- Q. From what information was that typewritten report made up?
A. The report was made up from the examination of the cruisers and from the checked report of the Check Estimator.
- Q. By the Cruiser in this case, do you mean Mr. Burrage? A. Yes.
- Q. And by Check Estimator, do you mean Mr. Jack Shifflet? A. Yes.
- Q. Mr. Marsh, have you been on this tract of land yourself? A. Yes.
- Q. For what purpose did you go on?
A. I went on for the purpose of examining and ascertaining the value of the tract of land.
- Q. What do you know about mountain lands in this section of Virginia, and what opportunities have you had to discover the value of mountain land and the value of timber growing there --- I will ask you, in the first place, of what schools, if any, are you a graduate?
A. Graduate of Yale University.
- Q. Academic course or something special?
A. Forestry course.

- Q. What practical experience have you had as to forestry, forest lands and forest products, such as timber, trees, and so forth?
- A. I entered the United States Forest Service in 1911 as a timber cruiser and was engaged in the cruising of timber for the United States Forest Service until 1917. At that time the Shenandoah National Forest was established and I was made Superintendent of the Shenandoah National Forest, with headquarters here at Harrisonburg. That forest included the Massanutten and part of the North and Shenandoah Mountain Ranges lying in the northern part of Rockingham, Augusta, eastern part of Highland, eastern part of Pendleton, eastern part of Frederick, western part of Shenandoah counties, and comprised about a half a million acres, most of which was acquired during the time I was cruising timber and examining land in this connection, and after the establishment of the Shenandoah National Forest in 1917, the work of cruising continued from 1917 to 1927 at the time I left this forest. In 1927 I went into the Washington office and worked out of that office for two years before going with the State.
- Q. Now then, Mr. Marsh, from your experience and observation as to ascertaining the quantity and value of the standing timber and the value of the different types of soil in the mountains of Virginia, and particularly in the Blue Ridge area sought to be acquired for Shenandoah National Park purposes, I will ask you to state what, in your opinion, is the fair, cash, market value of the four thousand two hundred twenty-nine acre tract for all purposes, land, timber, buildings and any other purpose for which it is adaptable.
- A. I consider the price of ~~of~~ eight thousand and sixteen dollars, the price estimated in the report, as a fair value for the property.
- Q. Do you base that on the report or upon your own observation?
- A. I place it on my own observation and on the findings of the cruisers and check estimators who were on the tract.

And further this deponent saith not.

...oOo...

Saturday, December 12, 1931.

Present, same Commissioners as on yesterday, and same Counsel for petitioner and claimants as on yesterday.

Mr. M.A. Dofflemyer, being first duly sworn, testified.

Direct examination was conducted by Mr. Taxemner.

Q Will you state your name? A M.A. Dofflemyer.

Q What is your age? A Fifty-five.

Q Where do you reside? A About three miles west of Elkton, Virginia.

Q In Rockingham County? A Rockingham County.

Q Now, what is your occupation, Mr. Dofflemyer?

A Well, I have been sawing and working in timber most of my life except about eight years.

Q What official position, if any, have you held in Rockingham County?

A I was Road Commissioner eight years.

Q In what District? A Stonewall District, Rockingham.

Q What has been your experience in lumbering?

A Well, I worked with my father until about 1912 or '13,-- '14, I believe,-- and then was elected Road Commissioner and served in that until 1923, and then I worked with the C.O. Buracker Company at Luray.

Q While you were working with your father, what was the nature of your part of the work?

A Well, I would saw some, and would cut some timber, too, and haul it. I worked in the woods, and drove the team some, and then I sawed right smart.

Q Since you have been employed by the Buracker Lumber Company at Luray, what has been the nature of your duties?

A Well, I contract with them to cut and haul it and deliver it on the car.

Q Tell the Commissioners something of the nature of the contract that you have.

A Well, the first contract I had with him was the Shifflett (?) estate, 55 acres. He come up there, and asked me to go over the timber with him. And we went over it. And he asked me how many feet I supposed was on it, and I said 350,000. And then I contracted taking the stump and putting it on the car.

Q Well, did the results bear out your estimate?

A Yes sir, it cut out 370,000.

Q What other contracts did you have?

A I had a contract with him east of Elkton, and I cut them on the same plan, cut and delivered it and put it on the car.

Q Did you have other contracts in other parts of the State?

A Yes sir, then we bought two tracts in Albemarle. I was in with him on those two tracts.

Q Then you have had considerable experience in estimating the amount of timber on tracts and then following up your estimate by actual manufacturing? A Yes sir, manufacturing.

Q You were asked by the claimants in this suit to go upon a part of the Mount Vernon tract and make estimates of timber?

A Yes sir.

Q Will you state to the Commission which parts of the Mount Vernon tract you went over, and the time that you spent on each tract?

A Well, I went in Two Mile Run, and spent one day in Two Mile Run, and one day in One Mile Run, and three days in Big Run.

Q Will you tell the Commission what method of estimating the timber you used?

A Well, I used practically the same method that I have always used. I get timber where I think you could get enough to justify getting a saw mill and cutting it, and I would estimate that place, and then go on to the next, and on through.

Q Do you recall the date you went into Two Mile Run?

A The 11th of November.

Q What was your estimate of timber on Two Mile Run?

A 200,000 feet.

Q What was the type of timber that you found there?

A Principally pine and white pine and some spruce, and hemlock I think you call it. Some varieties of oak, not a great deal.

Q What was the result of your investigation on One Mile Run?

A Well, the timber is practically the same. Not as much hemlock in it, but white pine and other pine.

Q What was your estimation of the amount of timber on that tract? A 95,000 feet.

Q What was the result of your work on Big Run?

A Well, when I went in Big Run, they told me to take the branches to the left to work up and come back and take the others. But when I got in Big Run, I taken the first branch; there was a road, but it didn't go far. The mountain runs to the left, and there is a big cove in there. I followed the base of the mountain, the foot of the mountain, to the next hollow.

Q Now, will you tell the Commission the type of timber that you found in that section?

A That section is principally pine, all pine on that. It is up agin the side of the mountain.

Q As you continued up Big Run?

A Well, the next day I taken the left hand creek branch.

Q Now, I wish you would point out to the Commission just where you went so that there can be no confusion about that. This is Big Run here. This isn't the map I had before. Where is that other map? Just a minute. Here it is. Now, that is Big Run, that mark represents the garage.

A The first day I come up, and, after passing the garage, I come in here and followed the mountain around. I reckon this would be the

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first creek. The next day, I went up and come out this way.

Q Do you recall, -- will you state just how much of the territory you covered there, whether or not you took in all branches of Big Run?

A I took in only the left hand side, the branches on the left hand side.

Q You will notice at the point indicated by my pencil a division in the main streams, with the main stream of the Big Run going up to the right, and another main stream coming up to your left. Did you go up both of those streams?

A I went up two to the left.

Q You did not go up this main stream here?

A No sir. The first day I spent over here to the first stream, and I come out about two hundred yards above that, and the next day I covered that, and the next day I taken this one. You will find the streams run up towards the mountain. I went up one of them toward the Blue Ridge, and come back, and then I finished out in the hollow to the left. There is some of the finest white pine up toward the mountain as I have ever seen.

Q Now, I want you to make clear to the Commission whether you went up only the left stream, and not the main stream, or whether you went up both of those?

A No, I went up the main stream to the streams that turn off to the left. I followed the road that runs up there, straight up through the hollow.

Q The place you state you went to the top of the mountain was on those streams that come out from the left?

A I didn't say I went clean to the top. That is a second branch. I went up that branch I suppose half a mile, and then I come back and continued on up practically to the end of the stream.

Q Now, Mr. Turner testified that he did not go up any further than these cross marks appearing here and here. Will you state whether or you went further than those marks?

A Yes sir, I went clean as far as the hollow went. Went to the end of the hollow in both of them.

Q Mr. Turner testified that he came up this main stream which I am indicating by my pencil. But from your testimony I understand that you did not come on that territory at all?

A No sir, I intended the next day taking that, but the time got short, and I didn't get to go any further. That was my intention to finish that. They said that would use about five days.

Q Did you spend any time on the tributaries to the southwest of that main stream?

A I estimated this timber on this side, whatt would come from along that stream, but it is a half a mile back to the mountain. It is broad in there. A man couldn't possibly haul the timber from that mountain down to this creek. And I didn't get in there at all. It was only on the left hand side that I followed the main road up and taken those left hand tributaries.

Q What was the number of feet of timber that you sawed on that part of Big Run which you actually cruised?

A About 12 hundred thousand feet.

Q That is 1,200,000 feet? A Yes sir.

Q You did not do that work in conjunction with Mr. Turner, did you?

A No sir, I never seen Mr. Turner until after it was through.

Q Now, the place that you sawed 1,200,000 feet of timber, you covered a little territory on the north-east side of that stream at the head of several runs which Mr. Turner has testified that he did not see. But Mr. Turner in his estimate of 1,900,000 feet covered this main part of Dry Run from the junction on the map, which I will mark A, to the top of the mountain? A Yes sir.

Q In other words, you did not cover that section which Mr. Turner did cover? A No sir.

Q Now, I would like for you to state to the Commission the nature and quality of the pine that you saw up on those branches or tributaries of Big Run.

A Well, as I said, on the first day's cruise it was mostly just pine, because I followed the mountain around. I wanted to see the size of the timber, and it is a good half mile from the stream, main stream. And you will find all of that is pine. The second day, when I went up the hollow, then I got into white pine, and oak, Spanish oak and red oak and white oak, and pine and white pine.

Q What do you have to say about the size of that pine?

A Well, the white pine is fine size; the other pine runs, I would say, from 10 to 18 inches.

Q Now, from your experience in contracting for and manufacturing lumber, is this lumber over the area that you cruised situated so that it can be profitably gotten out?

A Yes sir, I would think so.

Q Will you state whether it is situated so that the cost of cutting that timber is either below or above the average cost?

A Well, I would think you could cut the timber there as cheap as any place else, and can saw it as cheap. I never done any logging in the mountain. But the cutting it and the sawing it and delivering it to the railroad I ~~think~~ don't see that it would be any more cost to it than anywhere else.

Q As a matter of fact, isn't that timber in close proximity to well situated railroad sites? A Yes sir.

Q In answering that question, will you point out on this map how that timber would be delivered from the saw mill sites to the railroad? That is Island Ford. This is River Bank right here.

A ~~That is~~ Where is Two Mile Run?

Mr. Tavenner: Here is Two Mile Run.

A Well, the railroad runs -- there is a mountain road runs from Elkton called the Old Port Road, and Island Ford Station is

Just about half a mile below that. And, from Island Ford, you turn right straight to the mountain and go straight into Two Mile Run. And you would come then about half a mile south and go in One Mile Run. And you would haul that, still, to Island Ford. And Big Run, there is a station -- the railroad runs about a quarter of a mile below the County Road. Big Run crosses there, and the concrete siding is right on the side of Big Run.

Q That concrete siding was put there by the Norfolk and Western Railroad originally for the purpose of hauling out mineral from this tract?

A I don't know. It has been there a good many years. I don't know for what purpose it was put there. There was an old mine up there, and it might have been for that purpose. And I think they did work it some.

Q If you took the price of \$22.50 as the average value per thousand feet of lumber on this tract, as testified to by State's witness, Mr. Shiplett (?), and also testified to by Mr. Turner, what would you say would be the value of the timber that you sawed on the stump?

A Well, if it would cost you what they claim, \$2.50 to cut it, and \$2.50 to log it, and \$5.00 to saw it, and \$5.00 to haul it to the railroad, would be \$15.00, and take \$15.00 off \$22.50 would leave a margin of \$7.50.

Q If that would leave a margin of \$7.50, what would you consider the stumpage value?

A I would consider \$7.50.

Q The claimants in this case are claiming five dollars, at least, as being the value of that timber on the stump. Would you say that, at least, would be a very reasonable value for that timber?

A Yes sir, you would consider cutting and delivering it. If

you could sell it at that price, it would be reasonable.

Q Are these streams, Two Mile Run, One Mile Run, and Big Run, are they everlasting streams?

A Well, there was plenty of water in them when I saw was there.

Q Do you know whether there were any trout?

A In One Mile Run. Nice trout in there.

Q Is it possible to use trucks now without doing any work on those roads?

A Well, on Monday I was in -- one morning I met a truck coming out, and he had a stove and dogs and things, and it went in on Saturday and camped up at the old turn. I reckon he hunted. At any rate, he was coming out with his truck Monday morning.

Q Do people frequently hunt up there?

A Yes sir, Mr. Cover's boys, -- Herbert, -- he doesn't go up much himself, but boys. To make use of a truck successfully to haul lumber, there would have to be a bridge, ought to be, in Big Run.

Member of the Commission: On each Run?

Witness: On Big Run. There must have been a bridge there.

I don't know whether it was burned or washed away, or what.

Q (Mr. Tavenner continuing). What would it cost to put in a bridge that would be satisfactory for the purposes of hauling out timber?

A I imagine about two hundred dollars. Just use logs for ceilers.

A member of the Commission: What would you consider would be the cost of putting those roads into condition to haul that timber out there?

Mr. Armstrong: Are you referring to the area that he traversed generally?

The member of the Commission: Yes sir.

Witness: I never looked into that particularly, but the

roads, outside of a few places where the water has got in and washed them, the cost would be small except for the bridge, but at One Mile Run it would cost more.

A member of the Commission: Is that washed out?

Witness: It is narrow and is subject more to the creek.

A member of the Commission: You wouldn't place an estimate?

Witness: No sir, I would hate to place an estimate. But these roads are used for people to go up in there and hunt and fish. Of course, places would have to be filled in and repaired. I never looked at any estimate.

Q (Mr. Tavenner continuing). You stated that most of the expense would be in One Mile Run? A Yes sir.

Q Only 95,000 feet in One Mile Run. And in bringing timber out from there you would get on the public road very close to the Mount Vernon property, would you not?

A No sir. There is a big road, though, right up close to One Mile Run.

A Commissioner: Would it justify building a road up in there after that much timber?

Witness: Well, I think it would. Now, if you had to build a new road, it would be a different proposition; but you only find these bad places.

Q (Mr. Tavenner continuing). Do you consider the question of roads, construction of road, other than the building of that bridge at two hundred dollars, any material factor in getting out this lumber?

A No sir, I don't, because it is not steep. You could take a truck and go back in there for miles. It is not steep.

Mr. Armstrong then cross-examined the witness.

XQ How long did you say you were working? A Five days.

XQ Beginning November 11? A Yes sir.

XQ What was the last day you worked? A The 16th.

XQ Who was with you? A I had a brother-in-law.

XQ What is his name? A Walter Hasting (Houston?).

XQ Where does he live? A About half a mile from where I live.

XQ Was that in the neighborhood of these lands? A No sir.

XQ How far from the lands, from the Mount Vernon tract, or, as it is known in these proceedings, the Alexander tract?

Witness: To where I live?

Mr. Armstrong: Yes.

Witness: It is about ten or eleven miles.

XQ Had you ever been on this tract before? A No sir.

XQ Do you know whether Hasting (?) had ever been on this tract before?

A I don't think he had ever been on it.

XQ Was any other person with you? A No sir.

XQ Who pointed out the boundaries of the land?

A I had the map.

XQ Do you have the map with you?

A No sir. Mr. Good give me the map.

XQ Who is Mr. Good? A Mr. P. B. F. Good. When I went in First Run, I asked a family of people, Mr. Lam, how far it was in up to the Alexander tract of land, and for Two Mile Run a Mr. Shifflett told me. But I had the map with me.

XQ Are you able to testify beyond any doubt in your own mind that the timber you cruised was altogether on this tract?

A Well, I think it was all on this tract.

XQ Do you know Mr. Turner? A Yes sir.

XQ You heard him testify yesterday? You know his reputation?

A Any personal acquaintance I have never had.

XQ He has the reputation of being a man who has had success and a good deal of experience in the timber business? A Yes sir.

XQ Did you hear him testify that he got off of this tract and cruised 40,000 feet of timber over there until he found he was wrong? I was wondering if it was possible that you could have made the same mistake? A I might have done it.

XQ You ^{kept} keep notes of the species and kinds of timber in the locality that you found? A No sir. I made a memorandum, but not of the different kinds. I kept a note-book. When I would come to a certain point that I thought would be enough to justify a man to saw it, each day's work, I had an envelope in my pocket, just how many feet I cruised each day.

XQ How many did you cruise a day?

A In Two Mile Run, 200,000; in One Mile Run, 95,000; and twelve hundred thousand in Big Run.

XQ Well, that was in five days? A Yes sir.

XQ All you would have to do would be to divide by five, wouldn't you?

A Some days I cruised more than others.

XQ Will you let us see those memoranda that you made?

A No sir, I haven't got it. I kept account of each day how many thousand feet I seen, and that is all I kept. I got it on a memorandum.

XQ Well, that is what I was asking you for.

XQ (After examination of a paper the witness had placed on the table): This is a typewritten memorandu. Do you work a typewriter?

A No sir.

XQ So this is not what you did?

A I ^{read} wrote it off to Mr. Good, and he typewrote it off.

XQ What did you do with the memorandum? A It is at home.

XQ Did you ever talk over with Mr. Turner and compare with him the results of your cruise with the results of his cruise? A No sir.

XQ When did you make this memorandum?

A I made it on the 17th, I think,--when I had it made.

XQ Did you ever hear of any figures Mr. Turner had arrived at?

A No sir.

XQ You didn't do any actual counting of trees?

A No sir, never did.

XQ How many mill seats did you find on One Mile Run? A Three.

XQ And what would be the run of timber to each?

A I suppose between 35 and 40 thousand feet to the seat.

XQ Don't you know? A Yes sir. It would run between thirty and forty thousand feet to the seat. The timber through there would stand practically the same. You would have to make three seats to get it together, to manufacture profitably, because it would make it too far to haul your lumber.

XQ I was wondering how you arrived at the odd figure, 95,000.

A I figured it would run out that much.

XQ You wouldn't think 100,000 or 125,000 would be as near right as 95,000? A No sir.

XQ Notwithstanding the fact that you have just said that the whole run would be between thirty and forty thousand?

A I told you what I thought they would run. I supposed they would run thirty to forty thousand feet. ~~xxxxxxwouldn't~~

XQ On Two Mile Run, you found 200,000 feet of lumber?

A Yes sir.

XQ Very little oak in this, I believe you said?

A Not so much oak.

XQ How many thousand feet of oak did you think was there?

A I didn't think it was over 15,000 fifteen per cent. I didn't think it was more than 30,000 feet.

XQ That is fifteen per cent. of what you saw? A Yes sir.

XQ Do you think it possible that there could have been more oak there than you saw? A I don't suppose I saw it all.

XQ You estimated carefully, didn't you?

A That is what I aimed to do.

Q Mr. Turner testified there was at least fifty per cent. of oak on that tract.

A I can't help what Mr. Turner testified.

Q Do you think that Mr. Turner must have been mistaken, or do you feel that he faced areas that you didn't?

A I don't think he did.

Q What timber did you take into consideration?

A Pine, from about eight inches up.

Q How far from the ground? A About a foot from the ground.

Q Eight inches? A Yes sir.

Q Now, the kinds of pine that you found on Two Mile Run, as to marketable values, what kind?

A What they call a mountain pine, I think.

Q Is that considered a good pine for merchantable lumber?

A I think it would be, and there is white pine.

Q Would you mind giving approximately the thousand feet of each?

A No sir, I didn't think I would be called on.

Q Going across there and spending that time, you wouldn't be able to tell this Commission the approximate number of feet?

A No sir, I didn't look at it that way.

Q Well, we found fifteen per cent. of oaks? A Yes sir.

Q Well, there is a hundred per cent. of some kinds, isn't there?

A Yes sir.

Q Will you work that out and allocate it to the different varieties?

A I couldn't do that.

Q You say you have worked for Mr. Buracker a good many years?

A Yes sir. On every job he was on, I went with him.

Q Did he go broke? A No sir. As fine a man as ever.

Q A good many fine men go broke, don't they? A Yes sir, but he didn't.

Witness dismissed.

Mr. John J. Mace, another witness, being first duly sworn, testified.

Direct examination was conducted by Mr. Tavenner.

Q Mr. Mace, please state your age, residence, and occupation.

A Age, fifty-two.

Q Place of residence? A Grottoes, Virginia, two miles east.

Q Mr. Mace, have you been cutting and manufacturing and selling lumber in the general vicinity of the Mount Vernon tract of real estate? A Yes sir.

Q Are you familiar with it in a general way?

A Know it pretty well from Big Mile Run to Augusta County.

Q You are now living in a dwelling-house on the Mount Vernon tract? A Yes sir, I was born in that house.

Q Have you spent most of your life there?

A Yes sir, the biggest portion of it.

Q You are familiar, then, with where the timber is located?

A From Big Run on down toward Elkton, I know very little. I believe I was down at One Mile Run once. Big Run, I have been over Big Run, most of Big Run.

Q In your opinion, what is the value of the timber in this tract with which you are familiar, on the stump?

Witness: You mean Big Run?

Mr. Tavenner: Yes sir.

A One hollow in Big Run I never was in.

Q I am not asking you about the number of feet, or anything of that sort.

Q I have been over the other balance of it. In fact, I went in there once to look about buying it for myself and for another party. And I looked that piece of timber over pretty well. We had figured that would be five dollars a thousand for the grade of timber that I saw.

Mr. Armstrong: When was that?

A About three years ago, I reckon. Three years ago, just before I bought another tract.

Q According to the State's testimony, they seem to admit that twenty-two dollars a thousand on board cars near a shipping point is a reasonable price now.

A Very reasonable. I think at Big Run forty dollars would be a reasonable price.

Q Have you made any recent sales yourself? A Yes sir, here in the immediate community. I haven't shipped any, to amount to anything. I find home markets.

Q Have you the invoices?

A Yes sir, a s to some hickory here.

Q You have turned over to me the following credit memorandums showing sales at the following named dates and for the following named prices to The Virginia Craftsman, Incorporated. October 22, 1931, hickory, \$30.00 (thirty-dollars) a thousand. October 24, 1931, hickory, \$30.00 a thousand. November 5, 1931, hickory, \$30.00 a thousand. November 6, 1931, species of wood unnamed, \$30.00 a thousand. November 10, 1931, hickory, \$30.00 a thousand. November 14, hickory, \$30.00 a thousand, and ash \$25.00 a thousand.

A That was the low grade.

Q Have you made other sales of ash recently? A Yes sir.

Mr. Armstrong: Objection is made to the introduction of the sales sheets above referred to, because there is no evidence that there is any hickory or ash of appreciable quantity on the tract of land under consideration.

Q I also have invoices of November 27, 1931, No. 1 common ash at \$40.00 a thousand, No. 2 common ash \$25.00 a thousand, No. 3 common ash \$18.00 a thousand.

Mr. Armstrong: Same objection.

Q Are those invoices correct? Yes sir; I got the money for them, too.

Q Mr. Mace, judging from the prices obtained by you, under present subnormal conditions for this ash and hickory, what would you say was the value of the timber, as you know it, on this Mount Vernon tract, - I mean, the average value on the stump?

Mr. Armstrong: What kind of timber are you referring to on the stump?

Mr. Tavenner: I said the average timber on the stump as he knows it.

Mr. Armstrong: Question is objected to, as calling for a conclusion as to prices and worth of variety and species of lumber of different kinds than the kinds on which prices were quoted, and therefore not showing that this witness or any other witness would be able to determine the value of the kinds of timber testified to be on the Mount Vernon tract, from the prices of hickory and ash timber obtained by this witness.

Witness: Did you ask me as to the hickory and ash, or the whole of it?

Mr. Tavenner: I say the whole of the timber on the Mount Vernon tract, as an average.

A It is worth \$5.00 a thousand, as an average.

Q Have you, yourself, sold any pine or oak since December 18, 1930, when this condemnation proceeding was instituted?

A Yes sir, I sold some oak to the -- I ain't got the statements with me. I think I got them at home, -- to the mining company, the Old Dominion. I sold them some ~~three~~ ^{three} common oak, 8x8, and 10x10, for \$45.00 a thousand. I mean, heart of the locusts. I taken all the good boards around and left the heart in and throwed it in this. I just want to explain to you and these gentlemen here as to the grade of the lumber. Here's a piece of plank right here that you couldn't class as 3 common board. They have got to be a good tree to take this plank out. The man who sawed that couldn't saw it directly through the heart and get this. All the best timber is from the saps. We

torn this log, and we sawed this good stuff away, then we put the 3 common into railroad ties or into this stuff that I told you.

You take Big Run. Big Run has got timber that would cut anywhere from ten to twelve, fourteen, sixteen. And that lumber brings money. It don't take grade to sell that lumber, -- the length and the size. If you want to put a girder through this building, you couldn't do it out of eight foot stuff. This big timber is always of value and always on the market.

Q Now, what is the expense of cutting timber on the stump and getting it to the nearest railroad station, if you know?

A Well, now, around \$15.00.

Q You have cut and delivered timber yourself from this neighborhood to the railroad?

A I have cut it and laid it on the yard. I have cut it for nine dollars. But fifteen dollars -- I would be willing to take the timber out of Big Run for \$15.00.

Q You would be willing to contract to take the timber out of there for \$15.00? A Yes sir.

Q Did you see Mr. Campbell, or do you know Mr. Campbell who has been one of the cruisers for the Government?

A Yes sir. Yes sir, I have met him down there.

Q Did you see him cruising any of that?

A Yes sir, I was along one day with my brother-in-law. They went into a hollow. I seen him cruise, that day.

Q How did he make his estimates?

A Well, we went into a hollow. We went up on what you would call a dividing ridge, and he had spy-glasses. He got on this ridge, and he looked down into the hollows.

Q He estimated that by use of field glasses?

Mr. Armstrong: Question is objected to, because the evidence doesn't support the conclusion expressed.

Mr. Tavenner: Well, let's see if it doesn't support it.

Mr. Armstrong: That is not a matter for argument, Frank.

Q Will you state to the Commission whether the only estimate he made was the estimate that he made after viewing it through the glasses?

A Yes sir, the only that he could see without his glasses was the part in the hollow; going up the hollow, where it was very narrow, he could see. Then he got up on a ridge, and made the balance of his estimate with his glasses.

Q If there isn't any name for that type of cruising, I am going to give it one right now, --binocular. So he made that estimate by binocular vision?

Mr. Armstrong: Same objection.

Q The house in which you are living, Mr. Mace, is right at the edge of a large tract at the toe of a mountain?

A Yes sir.

Q Upon which there is a considerable growth of pine?

A Yes sir. It is a yellow pine, it is a good pine, it is nearly all heart. It if had edge, it would be a very fine pine. It is soft, and nearly all heart. With the exception of right in swamps, there is some pine that has a very small heart. But the balance of it is very good pine. It would make good weather-boarding.

Q Is that land upon which that pine is located adapted for agricultural purposes?

A Yes sir, it is very fine.

Q What, in your opinion, is the value of that land?

A I am not well acquainted with the price of land. The one thing I could be governed by would be the sale of land right about it. The Richland Heights sold the land adjoining this tract for \$50.00 an acre.

Q Do you know whether Mr. Coleman, up at the upper end of this tract, in Augusta County, has a very valuable farm? A Yes sir.

Q Do you know the value of that land? A No sir. I know he

has made a good deal of money. I know he has made all that he has made right there on it.

Q I think you and the claimants in this case were involved in quite a good deal of litigation over this land? A Yes sir.

Q And that you claimed title by virtue of an old patent?

A Yes sir.

Q And that matter was fought out in the Circuit Court of Rockingham over a long period of time?

A Yes sir, that is how I come to know you.

Q Now, as you claimed ownership of that land, yourself, what valuation would you put on it? All this level tract at the toe of the mountain.

A It is all level ^{flat,} land, except a little.

Q You were claiming 588 acres of the 2,000 acre tract?

Mr. Armstrong: Question is objected to, for the reason that what value the witness might have put on it is immaterial. He might have been actuated by motives other than what would be a fair market value of the land. The only question before this Board of Appraisal Commissioners is what is a fair market value of the land. The witness may not have been willing to have sold the land at any price.

Mr. Tavenner: I will change the form of the question, sir.

Q (Mr. Tavenner continuing). You were in a peculiar position because of your claim of ownership in that. You were born on that property, and have known it all your life? I say you were in a position to know its value probably as well as any other person. If you do know its value, will you state, in your opinion, what that value is?

A Well, I will just tell you about this thing. When we were having this suit, our counsel wanted some value for this land. They wanted to set more value as to the value of the property. I said fifty dollars an acre. Some of the other heirs said thirty-five. We

put it in, I think, at thirty-five. My opinion was \$50.00.

Q Then the \$35.00 an acre represents the opinion of a large number of heirs in your family? A Yes sir.

Q How much cleared land is there on the Mount Vernon tract?

A Well now, I don't know. It would ^{be} hard for me to tell you what would be on the whole Mount Vernon tract. I don't know. That would be right hard to say. I understand that part of it in the head of Big Run belongs to the Big Survey. I don't know whether that is a fact, or not. I don't know the facts. But where I live, the particular place that I live, five and two is seven, and I would say around between nine and ten acres there.

Q Of land that is cleared? A Clear, yes sir.

Q This is in Rockingham County? A Yes sir.

Q These pine trees that are located on this 2,000 acres at the toe of the mountain, are they well disbursed over that tract?

A Yes sir.

Q Can that tract be used there for grazing now? A Yes sir, yes sir. All of that land is naturally adapted to grazing. There has never been any farming done there, to amount to anything. That land will lay, and it will sod. It will take a blue grass sod, and naturally it will sod itself to a blue grass.

Q That land then has a value for grazing purposes? A Yes sir.

Q Can it be used for grazing right now? A Yes sir. Cattle will do fine out there.

Q At the proper season of the year, cattle can be put on that,-- will do well there? A Yes sir.

Q How many acres do you think could be used for grazing purposes at the proper season of the year?

A Well, practically all of it. There might be a few places where some rocky knolls would come up. But there is a vine that grows on that land that looks like a pea-vine; in fact, it is a wild pea. And they graze on it, and they just do fine.

Q What is the value of wood at the place where you live?

A Well, I don't know. My father had a piece there. He concluded that we would step off an acre. Seventy steps square, supposed to be an acre. And he sold it to some parties at Port. Twenty-one loads, and he sold it at one dollar a load.

Q What are people paying for wood on the stump, do you know?

A A dollar a load for a two horse load.

Q When you speak of this particular load, you mean a dollar on the stump? A Yes sir.

Cross-examination of witness was conducted by Mr. Armstrong.

XQ How many days were you with Mr. Campbell?

A A piece of one.

XQ Do you know how many days he was, in estimating the timber in the particular locality where you saw him?

A I don't know how many days he worked over the whole thing.

XQ The only time you saw him was at the time when he was looking through his spy-glasses in -- Witness: At Lewis' Lower Run.

XQ How long were you with him? A Three or four hours.

XQ What were you doing?

A My brother-in-law was working, and he just happened to ask me to go along. I didn't happen to have any business that day. I was at home that day.

XQ You don't know whether he was there before that time, or came back any other time? A He said he was through with that hollow when he went out.

XQ Where did he say he was going next?

A To Lewis' upper hollow.

XQ Could you tell us the day? A No sir.

XQ It must have been in the time of his cruising?

A Oh, it was.

XQ Do you know whether it was in the morning or evening? A It was

When did you purchase your farm? A In 1800.

morning when we went in. We ate dinner. It was raining.

XQ You must have known it would be called in question. Did you express great surprise to him? A No sir.

XQ You were surprised?

A It never surprised me a bit. It wasn't any of my business.

If I had been buying it for my own self, I would have been surprised.

I would have went over and looked at it.

XQ Well, wasn't he looking at it? A Through the spy-glasses.

XQ Did you see him take his spy-glasses and look in a particular direction and take out his note-book and set down what he saw?

A Yes sir.

XQ Did you ask him what he had seen?

A No sir, that is one thing I don't do. I don't meddle in another man's business.

Witness dismissed.

Mr. George A. Roadcap, another witness introduced on same behalf, being first duly sworn, testified.

Direct examination was conducted by Mr. Tavenner.

Q Will you please state your age? A Fifty-two.

Q Place of residence? A Two miles east of Grottoes.

Q Your occupation? A Common laborer, farming, most anything.

Q You own a farm that is just adjacent to what we have been terming here the toe of the mountain? A Yes, it is off The Big Survey.

Q In fact, your farm was taken off of this same tract?

A Yes sir.

Q Is the quality of the soil on this 2,000 acre tract apparently the same as that of yours? A Pretty much the same. A little more sandy soil.

Q As a whole, your tract and the Mount Vernon tract are the same type of soil? A Yes sir.

Q When did you purchase your farm? A In 1906.

Q What did you pay for it at that time, an acre?

A I paid four dollars an acre with the mineral right reserved. They reserved the mineral rights.

Q Then you cleared it off, yourself? A Yes sir.

Q Did you later sell off a part of it? A Yes sir.

Q What did you get for it? A Ten dollars an acre.

Q How long ago was that? A I guess it has been fifteen years since I sold that off at ten dollars an acre.

A member of the Commission: I wish you would state to whom you sold that?

Witness: I first sold it to a fellow named Mundy. It belongs to my daughter, now, Mrs. Morris. I first sold it to a Mundy at ten dollars an acre. He hadn't really got a title to it at that time, and then I let my daughter have it. My daughter paid this money, three hundred dollars, back of it.

Mr. Armstrong: How many acres?

Witness: Nearly six acres.

Q (Mr. Tavenner continuing). Do you have a small orchard on your tract of land?

A Yes sir, that is in Augusta County.

Q Is it a productive tract of land? A Yes sir.

Q Is the soil well adapted to fruit growing? A Yes sir.

Mr. Armstrong: Question objected to, because the witness has stated that it is in a different part of the country.

Q (Mr. Tavenner continuing). The tract in Augusta County ad-joins the Mount Vernon tract?

A Yes sir, on three sides of it.

Q You have found that the soil is of a nature that it produces good fruit?

A It certainly does, of the best.

Q Is it not a fact that there is more moisture than in the aver-

age land? A I think that has something to do with it.

Q Doesn't that condition exist over your home tract, your orchard tract, and those 2,000 acres of slope land?

A Well, it certainly must do it, because in dry times west of the river in the clay country they have to come over to get their vegetables along the mountains.

Q You mean to state that in an exceedingly dry season you have crops on this land adjoining the Mount Vernon tract, when out in the Valley the crops are burned out?

A Yes sir, this must be true, because the cannery man at Grottoes can show you where he gets his tomatoes.

Q Are there a large number of tomatoes raised in this section for the cannery? A Yes sir.

Q And what is the quality? A Fine.

Q Would you state that this land at the toe of the mountain is well adapted to agricultural purposes? A I would certainly say so.

Q In these unusually dry seasons that we have had recently, how have the corn crops on your land and other lands adjoining the Mount Vernon tract compared with the corn out in the Valley?

A Well, where we got our best land, we can generally have the corn, ~~if~~ if anybody raised it. Last year, it was too dry for anybody.

Q You mean in 1930? A Yes sir.

Q What would you say, Mr. Roadcap, is the value per acre of this land that adjoins you, that we have called the slope land of the Mount Vernon survey? A I don't know that I could answer it. At the present time, it looks like it is hard for me to say. I know there is a good growth of young pine on it.

Q What do you consider to be the value of your farm? A Well, twenty-five dollars an acre wont buy the land that I paid four for. It is in bushes yet.

Q It has never been cleared? A It has never been cleared.

Q Well, the claimants here are asking ten dollars an acre for that land, not counting the timber that is on it. Do you think that is a fair price to all parties concerned?

Mr. Armstrong: This question is objected to, because this witness has specifically stated that he didn't know the value of the land in question, and said that he would not express an opinion as to its value.

Mr. Tavenner: If the witness means that he could not express an opinion of value, I don't want him to answer the question.

Mr. Armstrong: Did you say you would be unwilling to express an opinion on it?

Witness: As far as me setting a price, I wouldn't like to say.

A Commissioner: You say when you bought that tract was there any merchantable timber on it? A No sir. There might have been some young small pine on it at the time, twenty-six years ago. Since that time, I have built a stable and an ell to my house.

Commissioner: You paid four dollars for it?

Witness: Four dollars an acre.

Q (Mr. Tavenner continuing). The stuff on that land at the time you bought it couldn't compare at all with the timber on it now?

A No sir.

Q You place a value now of \$25.00 an acre, on that land that has never been cleared off?

A I wouldn't take twenty-five dollars an acre.

Q You were the warden or man in charge of this Mount Vernon tract of land for quite a few years, were you not?

A Yes sir.

Q And you were selected, I believe, as a guide for Mr. Campbell?

A Yes sir, I was with Mr. Campbell.

Q How many days did you spend with Mr. Campbell, in the survey of that property? A Some ten or twelve days, I just don't remember.

Q You have heard the testimony in regard to the use of his field glasses? A Yes sir.

Q Will you tell this Commission whether Mr. Campbell used those glasses in part in his estimate of this timber?

A He did, in part. I went through the timber until I would get next to the head of the mountain, and there would be a little hill, and he would go up on the side of the hill and use his glasses. He would go up on the side of the mountain and look at places that he couldn't see. It looked like he did all he could.

Q Could a man make an actual estimate of timber by the use of field glasses? A I don't know that he could.

Cross-examination of witness was conducted by Mr. Armstrong.

XQ The method used by Mr. Campbell impressed you as being a fair and accurate method? A I thought it was. I thought he was aiming to do what he thought was best.

XQ And it looked to you like he was doing a good, fair job?

A That is the way it looked to me.

Witness dismissed.

Mr. Tavenner: It is stipulated by counsel that the said Mount Vernon tract of real estate is shown by deed as having been conveyed on the 17th day of May, 1913, by Jacob Yost, Trustee, in pursuance of the terms of a certain option, to A.E. Johnson, Trustee, for the consideration of \$75,000.00, payable as follows: \$10,000.00 cash, the residue of \$65,000.00 in five installments; \$5,000.00 on or before August 1, 1912, \$10,000.00 on or before the first day of September, 1913, \$16,666.67 on or before the 17th day of May, 1914, \$16,666.67 on or before the 17th day of May, 1915, and \$16,666.67 on or before the 17th day of May, 1916, the said deferred installments of

purchase money being secured by deed of trust bearing even date therewith, conveying the said real estate to Charles Catlett, Trustee. It is further stipulated that on the 22d day of August, 1914, the said A.E. Johnson, Trustee, and his wife, conveyed the said real estate to J.A. Alexander for the sum of \$70,000.00, of which sum \$10,000.00 was payable on the 22d day of September, 1914, \$15,000.00 on the 22d day of November, 1914, \$22,500.00 on the 22d day of August, 1915, \$22,500.00 on the 22d day of August, 1916, the said deferred installments of purchase money being secured by deed of trust of even date therewith to G.C. Osborne, Trustee. The aforesaid deed from Jacob Yost, Trustee, to A.E. Johnson, Trustee, conveyed 23,800 acres, in fee, and the mineral rights in 1,500 acres additional. A.E. Johnson, Trustee, before the re-sale to J.A. Alexander, sold off 1,100 acres of the said tract to various purchasers, and, in the litigation that followed, Alexander was allowed a credit for the 1,100 acres sold off by Johnson to an amount of between six and ten thousand dollars.

 This page, and the twenty-six pages immediately preceding it, were taken in shorthand by the Public Stenographer, Harrisonburg, Virginia, and transcribed by her.

DEPOSITIONS

STATE COMMISSION ON CONSERVATION AND DEVELOPMENT

vs.

CASSANDRA, LAWSON, ATKINS AND OTHERS and 52,561
ACRES, MORE OR LESS, OF LAND IN ROCKINGHAM COUNTY,
VIRGINIA, DEFENDANTS.

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THE STATE COMMISSION ON CONSERVATION AND DEVELOPMENT

vs.

CASSANDRA, LAWSON, ATKINS AND OTHERS, AND 52,561 ACRES,
MORE OR LESS, OF LAND IN ROCKINGHAM COUNTY, VIRGINIA,
Defendants.

...oOo...

TESTIMONY TAKEN AT HARRISONBURG, VIRGINIA, NOVEMBER 18
AND NOVEMBER 19, 1931.

...oOo...

THE STATE COMMISSION ON CONSERVATION
AND DEVELOPMENT

v.

CASSANDRA, LAWSON, ATKINS and Others, and
52,561 acres, more or less, of land in
Rockingham County, Virginia, defendants.

...oOo...

Testimony taken in the Council Chamber of the City Council, at Harrisonburg, Virginia, on November 18, 1931, at a hearing had by the Board of Appraisal Commissioners for Rockingham County upon the matter of the claim of John A. Alexander, the lienors of the Kanawha National Bank, of Charleston, West Virginia, the estate of E. W. Feustenberger, the Home Building and Loan Association, of Staunton, Virginia, the State Planters Bank and Trust Company, of Richmond, Virginia, Wallace C. Saunders.

PRESENT: Weaver and Armstrong, attorneys for petitioner,
F.S. Tavener, Jr., attorney for Kanawha National Bank,
George E. Walker, attorney for the National Bank and Trust Company,
executor of E. W. Feustenberger, of Charlottesville,
Virginia,

Walter A. Williams, Jr., attorney for

George D. White, in behalf of himself as one of the Commissioners of
the Circuit Court of Rockingham County, Virginia.

NOTE (By Mr. White): I should like the record to show that George D. White, attorney for Wallace C. Saunders, having demanded a trial by jury, does not appear at this hearing on behalf of the lien claim of the said Wallace C. Saunders, and he, the said Wallace C. Saunders, through counsel, in addition to having demanded a jury hearing in the claim originally filed, put counsel for the petitioner on notice that he, Wallace C. Saunders, would not introduce any testimony at the hearing before the Board of Appraisal Commissioners.

MR. CLYDE SMITH, a witness of lawful age, being duly sworn according to law, deposes and says as follows:

Q. Will you state your full name, please?

A. Clyde Smith.

Q. What is your age, Mr. Smith?

A. Twenty-nine.

Q. What is your present occupation or employment?

A. I am a timber cruiser, employed by the Commonwealth of Virginia.

Q. Do you mean that you are employed by the State Commission on Conservation and Development of the State of Virginia?

A. Yes, that's right.

Q. How long have you been employed by it?

A. Since the fourth of December, 1930.

Q. Cruising what timber on what lands?

A. On the lands included in the Shenandoah National Park.

Q. In what counties of Virginia have you cruised lands for the petitioner in this case?

A. Rockingham, Madison, Albemarle, Green and a little in Augusta County.

Q. What experience have you had as a timber cruiser, and what preparation for such work?

A. I worked under and with a man who taught me the game, and I have had somewhere around five years experience.

Q. Well, please state, in detail, the knowledge and experience that you have had and acquired in timber cruising.

A. At different periods extending over a period of five years I worked with a technically trained man in different parts of Tennessee, and this made up about a year, and then I went to the Smokey Mountain National Park in North Carolina for two years and then in the State of Tennessee for four months and then I came up here.

Q. Do I understand from your testimony that you cruised timber for the State of North Carolina that was acquiring area for the Great Smokey Mountain National Park?

A. Yes.

Q. And the same for the State of Tennessee?

A. Yes.

Q. We now have under consideration the tract known as the John A. Alexander Tract, which lies in Rockingham, Augusta, Albemarle and Green Counties; we are considering, at present, that portion of the tract that lies in Rockingham County, claimed by the petitioner here to contain approximately 19,554 acres. Please state whether or not you cruised timber on this Rockingham area of the Alexander land on behalf of the petitioner.

A. I cruised the biggest part of it, yes.

- Q. Mr. Smith, won't you tell the Board of Appraisal Commissioners the method you pursued in cruising the timber on this property? Just give in detail how you located the tract and the land and how you proceeded to ascertain the quantity of timber on the tract.
- A. We had a survey off the tract, and we ran base lines along the streams or roads, set up base line stations, and then I laid off on the map strips to be run by me from these stations, and I would leave these stations and run the strip as nearly across the topography of the country as I could.
- Q. Is this what is known amongst timber cruisers as the strip method?
- A. Yes.
- Q. State whether or not you were accompanied by anyone on this work?
- A. Yes sir, I had a man to run a compass for me to keep on the line that I wanted to run.
- Q. Suppose you should strike an area of sparsely timbered, would you use the strip method on that, or not?
- A. I did in a few cases to keep the types of land, but I didn't run the strips so close together on the parts that had no timber on them.
- Q. Did your duties also require you to examine the soil over the area traversed by you, and did you examine that soil for the purpose of fixing a value per acre on the area examined?
- A. Yes sir.
- Q. As you would make your examinations, would you merely carry it in your head, or would you take any note of the quantity of timber and the types of soil?
- A. I kept a type map for the types of soil and I also had a tally sheet and tallied each merchantable tree under the column it should be tallied under.
- Q. What did you do with these tally sheets and maps that you made?
- A. I have them.
- Q. What would you do with them at the conclusion of the week's or day's work or at the conclusion of the work upon the tract?
- A. I filed them away each day.
- Q. Did you turn these maps in to Mr. Marsh's office?
- A. Yes sir.
- Q. I am speaking of Mr. S. H. Marsh, Park Supervisor?
- A. Yes sir.
- Q. Now, what timber did you take into consideration in your cruise; that is, as to varieties and size?
- A. I took into consideration all merchantable timber above ten inches in diameter.
- Q. How high from the ground?
- A. Breast high.
- Q. Did you take into consideration on this tract any fuel timber, or not?
- A. No sir.

Q. State why not, if you found any such.

BY MR. TAVENER: I object.

Question withdrawn by counsel for petitioner.

A. I was told not to consider it on this one tract.

Q. I hand you herewith a statement in writing, purporting to be a list of the quantities and values of the timber in Rockingham County on the land under consideration, and ask you whether or not this is your estimate of the timber found and your estimate of the value of the timber.

A. Yes sir, it is.

Q. Will you testify to the Commission now as to the quantities of timber you found and the value you estimated such timber to be worth.

A. Do you want me to read it off?

Q. Well, you may refer to that for your testimony if it is a copy of your memorandum, and for that purpose, you may read it, if you like.

A. On the Swamp Run Watershed - - - - -

Q. I hand you herewith what purports to be a map of the area of the Rockingham County lands embraced within the whole area of what is known as the Alexander land and ask you to look at this map and see if you can identify it as a map of the lands cruised by you?

A. Yes sir.

Witness herewith tenders the map and asks that it be filed as Exhibit No. 1 with his testimony.

Q. Now, you started to give the timbers you found in the different areas. I will ask you now to proceed with that.

A. On Swamp Run Watershed I found one hundred fifty thousand feet of merchantable timber, valued at \$1.50 a thousand, making \$225.00; on the Madison Run Watershed I found two hundred fifty thousand feet, valued at \$1.50, making \$375.00; on Deep Run I found sixty-five thousand feet, valued at \$1.50, making \$97.50; on Lewis Run I found four hundred eighty thousand feet, valued at \$1.50, making \$720.00; on Big Run I found twelve hundred seventy-five thousand feet at \$2.00, making a total of \$2550.00; on Mile Run I found fifty thousand feet, valued at \$1.50, making \$75.00. This makes a total of two million three hundred twenty thousand feet and a total value of \$4,117.50.

Q. Mr. Smith, I will ask you whether or not you actually made this map.

A. Yes sir, I did.

Q. Mr. Smith, what value did you give to the lands exclusive of the timber value that you have just given?

BY MR. TAVENER: We object to the testimony of this witness as to the value of lands on the ground that he is not qualified as an expert on land values.

BY MR. ARMSTRONG: Question withdrawn for the present.

Q. Mr. Smith, please state what, in your opinion, is the fair cash market

value of the timber on this tract.

A. I gave it in my report as I read it off there.

Q. You gave it in a certain way, but I am asking you what is your opinion?

A. Well, that is my opinion.

Q. I understand you then to say that, in your opinion, the fair, cash, market value of the timber standing on this tract is the sum of \$4,117.50?

A. Yes sir.

Q. Mr. Smith, in your work in North Carolina and in Tennessee, did you acquaint yourself with the value of lands which you cruised for the Park Commissions of those two states?

A. I did not.

BY MR. TAVENER: Objection is made to this question on the ground that the value of lands in North Carolina cannot be treated as a gauge for the value of lands in Virginia, and the value of lands in North Carolina is immaterial.

Q. Did you, in your work in Virginia since you have begun that work sometime in the year 1930, observe the lands over which you traversed in the cruising of timber for the purpose of estimating the fair, cash, market value of lands exclusive of timber?

A. Yes.

Q. Did you do that in all of the counties in which you have worked?

A. Yes sir.

Q. Now, what, in your opinion, is the fair, cash, market value of the lands in Rockingham County comprising the 19,554 acres covered by the claim now under consideration, and, in answering this question, you may describe the types of soil or the types of land that you discovered, and what values you found as to each.

BY MR. TAVENER: We make the same objection as before as to the answer by this witness of any matter in regard to land values, because the witness has not been qualified as an expert on land values, or that he knows anything of land values in the mountain area of Virginia.

BY MR. ARMSTRONG: Question withdrawn.

Q. Mr. Smith, in your work in North Carolina and Tennessee, for the purposes you have just stated, did you undertake to classify the lands which you traversed as to type?

A. Yes sir.

Q. In your work within the area sought to be acquired by the State Commission on Conservation and Development of the state of Virginia, within what is known as the Shenandoah National Park Area, did you likewise classify the land that you traversed as to types of land?

A. Yes sir.

Q. Now, tell the Board of Appraisal Commissioners what types of soil you found in this Alexander area in Rockingham County, and the acreage of each type.

A. Ridge type, where very little of anything is grown, does not produce merchantable timber, and in this particular case, very rocky in most places, and has been burned over repeatedly. I found 8806 acres; and slope type, unburn-

ed, I found 7,996 acres, and burned slope I found 2500 acres, cove type, 223 acres; grazing, two acres, tillable 25 acres, and woodland grazing, 2 acres, making a total of 19,554 acres.

Q. I call your attention to a tract of seventy-four acres, which appears to be a detached tract, listed on your map as 326-a, and ask you whether or not you cruised that tract.

A. Yes sir, I did.

Q. What merchantable saw timber did you find standing on that tract?

A. None whatever.

Q. What types of land did you find on that tract and the acreage of each?

A. Slope type, seventy-one acres and tillable, three acres, making a total of seventy-four acres.

Q. Mr. Smith, state whether or not you examined the land and the timber in Augusta County belonging to the Alexander Tract.

A. I helped to do it. I didn't do it all by myself.

Q. Did you make any independent calculation of your own as to the quantity of land there and the types of soil, or not?

A. No sir, I did not.

Q. Nor as to the quantity of standing timber on there?

A. No sir.

Q. You did not do so in either Albemarle or Green County, I believe?

A. No.

Q. In classifying the land as to types, did you follow any system, and if so, state what?

A. I followed the United States Forest Service System as to ascertaining the types.

Q. Now, is any of the land that you examined suitable for cultivation, with the exception of the two acres, I believe?

BY MR. TAVENER: I wish to object here to this witness's testimony in regard to the classifications of land and the types of land, because, from the witness's testimony, it does not appear that he knows anything of lands in this area, or to the uses to which lands are put in this area.

Q. Did you find any tillable soil within the area you traversed other than that to which you have already testified?

A. Very little.

Q. State whether or not you found any buildings on this tract of land, and if so, whether you made measurements of them or not.

A. Yes sir, I found a few; I don't just recall how many.

Q. Take this memorandum and look at it and see if you can identify any buildings from it as the ones that you examined.

A. Yes sir.

- Q. State what buildings you found and what size.
- A. There is an old log dwelling close to Madison Run where the Brown's Gap Run crosses Madison Run the first time - a log building 17x50, paper and board roof, two brick chimneys, two story, log walls, poor condition, pillar foundation, occupied by tenant; and a new frame barn 18-20 x16 feet, paper roof, good condition; frame hen house 10x14, paper roof, fair condition; frame hog pen, 6x10, paper roof, fair condition; new frame stable, 8x10, paper roof, good condition; log dwelling, 14x20, two rooms with frame kitchen 14x16, shingle and paper roof, one story, fair condition, occupied by tenant, water supply, well; log barn, 12x16, board roof, poor condition; frame meat house, 9x9, paper roof, good condition; two frame hen houses, 8x10 and 10x10, paper roof, fair condition; log corn house, 6x12, paper roof, poor condition.
- Q. Can you state, approximately, the length of time it took you to make your estimates of the timber growing on the land you traversed and inspected, and also to classify, by type, the soil?
- A. I began on the 11th of December and worked until about the 20th of January.

CROSS EXAMINATION BY MR. TAVENER:

- Q. Mr. Smith, what is your place of residence?
- A. Oneida, Tennessee.
- Q. Had you ever inspected timbered areas in the Blue Ridge Mountains of Virginia in the section of the Park Area prior to December, 1930?
- A. No sir.
- Q. You state that your experience consists of working under a technical man in North Carolina Smoky Mountains?
- A. No sir, I worked under him a year before I went there.
- Q. You have never had any experience in cutting timber?
- A. Yes sir.
- Q. In what part of the country?
- A. Tennessee and Kentucky.
- Q. What type of timber were you cutting there?
- A. All hardwoods and pines.
- Q. In what capacity were you working?
- A. Timber cutter - preparing it for the saw.
- Q. Well, in other words, that is the same type of work in going out and working for a lumber company and cutting timber?
- A. Yes sir.
- Q. You did not work at the mill?
- A. Yes, I worked some in the mill later, after that.
- Q. When was that?
- A. I can't just recall the date, somewhere prior to 1920 though.

Q. You were seventeen or eighteen years old then?

A. Yes sir.

Q. In other words, Mr. Smith, you have had no practical experience in cutting timber after you have made an estimate of that timber?

A. I have helped cruise some timber that has been cut since; I have cruised it.

Q. But you, yourself, have not engaged in any timber working following cruising done by you?

A. No sir.

Q. Now, the record shows that this condemnation proceeding was instituted on the 11th day of December, 1930. Can you tell this Commission what the value of the timber was at that time?

BY MR. ARMSTRONG: Counsel for petitioner calls attention of counsel for claim- and that this witness has not been introduced as an expert on the values of timber, either at that time or the present, and that, as to such questions, he makes the witness his own.

BY MR. TAVENER: In reply to that objection, counsel desires to state that the witness testified point-blank as to values of timbers on the various portions of this tract, and if he was not qualified as an expert, then I move the Court at this time that his testimony be struck out and not be considered by this Commission as to the value of timber.

BY MR. ARMSTRONG: In reply, counsel for petitioner states that this witness was introduced as an expert in the matter of ascertaining the quantity of timber on areas, and if any questions were asked him as to value, it was inadvertently so done, and counsel for petitioner agrees that so much of his testimony as relates to the value of the standing timber may be stricken out and not considered.

BY MR. TAVENER: Then, in order to clarify the record on that point, the testimony of the witness that the timber on Swamp Run was valued at \$1.50 per thousand; Madison Run, \$1.50 a thousand; Deep Run, \$1.50 per thousand, Lewis Run, \$1.50 per thousand, Big Run, \$2.00 per thousand; Mile Run, \$1.50 per thousand; Two Mile Run, \$1.50 per thousand, aggregating a total of \$4,117.50, be stricken from the record.

Q. What is the type of timber, Mr. Smith, that you found in Swamp Run?

A. Mostly pines, with some hardwoods.

Q. Will you point out to the Commission where the most of the timber that you found on Swamp Run is located, please, sir?

A. That map is on such a small scale that I cannot point out any definite point, but it is in the neighborhood of that run.

Q. Well, then, can you point out on the map that you prepared and introduced, where you found that timber?

Witness here indicates on map the location.

Q. Now, what type of timber did you find on Madison Run?

A. It's about the same thing; mostly pine with a few hardwoods along the stream.

- Q. Well, as I understand, you measured that pine and other timber as ten inches in diameter; how far above the ground?
A. Breast high to a man.
- Q. How many feet would that be?
A. In a ten inch tree?
- Q. How many feet above the ground did you measure the timber?
A. Approximately four feet -- somewhere around there.
- Q. If the timber would measure ten inches one foot above the ground, what difference in the number of board feet in the tree would that make?
A. All our tables are based on measurements made breast high.
- Q. You have been introduced as an expert witness here as to timber cruising. Will you state to this Commission what would be the difference in the number of board feet to a tree where the tree was measured ten inches at one foot above the ground instead of ten inches four feet above the ground?
A. There would be some difference in the different types of timber. I haven't my papers with me and I cannot say just how much difference.
- Q. It would make some difference?
A. Yes, some difference, but I can't tell just how much without the papers.
- Q. You did not attempt to take any record that was below ten inches and four feet above the ground?
A. No sir, nothing under ten inches in diameter, breast high, was not considered.
- Q. Are you familiar with the type of wood that is usually used for stave wood purposes?
A. I am with hardwood staves, but with pine, I have had very little experience.
- Q. But you have had experience in the stave wood business?
A. Yes sir, I have seen a lot of it worked up.
- Q. How low can you take timber a foot above the ground for stave wood purposes?
A. Hardwood?
- Q. Yes.
A. How much below a foot - - - -
- Q. What size timber, at a foot above the ground, can be used for stave wood purposes?
A. I never saw much used under eighteen inches; very little under that.
- Q. Don't you know, Mr. Smith, that you can use wood way below ten inches for stave wood?
A. It may be that it could be used.
- Q. Then, if there is any value in that wood for stave wood purposes, at dimensions below ten inches, at four feet above the ground, you have not considered it in your report?
A. No.

- Q. Have you considered the growth of other timber on that property that is below ten inches at four feet above the ground, such as saplings and four inch, six inch timber?
- A. We also notice that in typing the land; as for placing any value on ~~it~~, it, I did not.
- Q. Referring again to Madison Run, your figures show that you found two hundred fifty thousand feet of lumber in that area. Now, I would like you to examine the map previously presented to you, which I will now present in evidence as Defendants' Exhibit No. 1, known as the Survey of Mount Vernon Real Estate, by Jasper Hawes, and ask that you point out Madison Run to the Commission.
- Witness points out on Defendants' Exhibit No. 1 the location of Madison Run.
- Q. Describe to the Commission in what manner you cruised Madison Run.
- A. We ran a base line along this road from a position on the Park Survey line, and set stations up and then we ran our strips away from this road on each side of the road to the watershed or to the ridge.
- Q. Will you state definitely to the Commission, and point out on the map, the exact position where you ran your first strip to the southwest from Madison Run?
- A. I can't point out exactly where it was, but it was not far above the Park line; it was close to it, but I can't point out exactly.
- Q. Do you recall locating a dwelling 17x50, occupied by Mace, at the south of Madison Run?
- A. Yes sir, I recall that.
- Q. Can you state to the Commission whether that block appearing at the point indicated by my pencil on the map is the Mace house, or whether it is a block appearing further west on that road?
- A. I can show it to you on my map, but that one is --- I had it located right there; I can't say as to the exact location on that map, but I know this is the exact location on my map.
- Q. Will you mark that Mace house on your map?
- A. Witness here marks map.
- Q. Then, can you mark the location of the old Mount Vernon Iron Furnace along the Madison Road?
- A. It is somewhere right about here; I can't place it exactly, but it is right in there.
- Q. Is not the old Mount Vernon Furnace on Defendants' map represented by a block appearing at about the same location as you have pointed out on your map?
- A. It seems to be about the same location, yes.
- Q. Now, with the Mount Vernon Furnace as a reference point, will you please indicate to the Commission where you began to run your first strip toward the southwest?
- A. Somewhere along in here; I can't point out the exact place, but down below the Mace house; down in that flat.

- Q. Was that first strip that you took on the mountain or ridge?
 A. No sir, that was down in what I would call the flats, down off the mountain.
- Q. Do you know how many acres are in that flat land at the toe of the mountain?
 A. No sir, I don't.
- Q. Well, you prepared that map, Mr. Smith?
 A. I prepared that map, showing where the line of the timber line would come to.
- Q. I notice on your map, you have a line with the letter "R" inside of it; does that indicate ridge?
 A. Yes sir.
- Q. Now, do you tell this Commission that the timber that you found was embraced within those lines there?
 A. It was below this line here, yes.
- Q. Then, if there are two thousand acres of virtually level land at the toe of the mountain, you cruised over that land?
 A. There is not that much there. I couldn't say how much there is, but I don't think there is that much.
- Q. How much timber did you find on that level land at the toe of the mountain?
 A. I didn't separate what would be on the level land from what would be on the slope.
- Q. Have you your daily work sheets showing what you cruised and what you estimated on each strip and type of timber? If you have not that information in your own mind will you get that information to show to the Commission to show just how much timber you located on the level land at the toe of the mountain and produce your original work sheet showing that amount.
 A. Yes sir.
- Q. To your knowledge did anyone else cruise that two thousand acre strip at the base of the mountain - anyone else connected with the Government?
 A. Yes.
- Q. Before or after you made the cruise? A. After.
- Q. Now, Mr. Smith, didn't you go on that property and make an estimate of about twenty-five thousand feet of timber on that level land at the toe of the mountain, and then, later, they got another cruiser to go back on it, and he brought in an estimate of a hundred thousand?
 A. No sir.
- Q. Who went with you when you cruised that two thousand acre tract?
 A. I don't recall; I used several different fellows down in there as compass men, and I don't recall who was with me.
- Q. Who was the man who cruised that level land after you made your cruise?
 A. Two or three fellows cruised on that.
- Q. Who were they?
 A. J. A. Shifflet, Will Shifflet and Donald Campbell.
- Q. Do you know whether they raised your figures four times on that tract?

- A. I don't know what they did.
- Q. Do you know whether or not the figures you have presented here this morning in the form of a memorandum made up in the office, comprises your original figures or figures corrected by other cruisers?
- A. If they have been corrected, I don't know it.
- Q. Well, you don't know whether that memorandum represents your own individual work or your's and other people's combined?
- A. If this tract that I cruised is included in this, because there is some portions of this that I did not cruise.
- Q. Then you have given figures on statements that you are relying on others to testify to rather than your own personal knowledge?
- A. To some extent.
- Q. And you don't know whether or not the two hundred fifty thousand feet on Madison Run is your original estimate, or whether the land at the toe of the mountain was increased three or four times?
- A. I don't know whether the report has been changed or not. They seem to be my original figures.
- Q. Do you recall whether that check of the low land of your's was twenty-five thousand feet?
- A. No sir, I don't recall.
- Q. But you will produce your figures before the Commission?
- A. Yes sir.
- Q. When?
- A. Tomorrow.
- Q. Will you point out to the Commission where, along Madison Run, you found the most timber, and refer to Defendent's Exhibit No. 1?
- A. I found most of it right around in that way, and then this is known as White Oak Run, a tributary of Madison Run; there is timber on up there too.
- Q. You have stated and pointed out on the map that most of the timber found along Madison Run was on the tributary known as White Oak Run ----
- A. No, and down in here up to the foot of the mountain and these lines of interior holdings.
- Q. When you stated along the foot of the mountain, what do you mean?
- A. I mean off -- I mean below this timber line that I have drawn in here. This map shows where the timber is; it is marked S.T., which means Timber Slope.
- Q. Of the two hundred fifty thousand feet of timber on Madison Run, how much of it was along the tributary known as White Oak Run, in approximate figures?
- A. I wouldn't want to say because I didn't separate it in the report there, and I don't know what percentage would be there.
- Q. How many days did you spend on Madison Run examining that timber?
- A. Somewhere around two weeks.
- Q. And you can't give the Commission any idea as to whether half or a fourth of that timber was on White Oak Run?
- A. I would say between a fourth and a third.

- Q. What percentage of it is in the area to the left or northeast of the road as you enter the Gap there?
A. I'd say somewhere around one-fifth, on the left.
- Q. Now, you say that it took you two weeks to cruise two hundred fifty thousand feet of timber?
A. I spent that much time in there, yes, because there is a lot of the area that I went over which was not timber.
- Q. How much time did you spend in cruising work; I am not speaking of time you spent in making maps, or in surveying or camp work, but the time that you spent in cruising on this tract of land?
A. You mean if I hadn't done anything but just cruise timber?
- Q. How long did you work in the actual cruising of timber?
A. I can't tell exactly how much time I would spend in that in a day's work, because I would carry my strip through timber areas.
- Q. How many days were you engaged in timber cruising?
A. I only missed two or three days on account of the weather.
- Q. Over what period?
A. Eleventh of December to about the twentieth of January.
- Q. How much time did you spend in Swamp Run?
A. I can't recall exactly how much time.
- Q. Well, if you spent two weeks in Madison Run, did you spend a week or four or five days?
A. I can't recall.
- Q. Will you point out on Defendants' Exhibit No. 1 the location of Deep Run?
A. This must be it along here. (Witness points to Deep Run on map.)
- Q. Now, will you point out Lewis Run appearing on Defendants' Exhibit No. 1; Upper Lewis Run and Lewis Run?
A. Yes.
- Q. Which one did you ---
A. They were both combined in that estimate; the two Lewis Runs were combined.
- Q. Will you give the Commission how much timber you found on each of those Runs so that there can be no possibility of any mistake there as to whether you covered them or not?
A. Somewhere about half and half.
- Q. Now, on Big Run you stated that you found twelve hundred seventy-five thousand feet of timber. Will you point out to the Commission on the map Big Run and its tributaries?
A. This is Big Run. (Witness points to Big Run on map.)
- Q. That stream is the largest of all the streams in this area, is it not?
A. Well, yes, I would say so.

- Q. Will you tell the Commission whether you found approximately the same amount of timber on one side of the Run as on the other, or not?
- A. There is very little timber found in here (pointing to map); the most of the timber is up in the head of the Run and also on the tributaries that come in above that point there.
- Q. When you pointed to the map and said "found in here", you were pointing to the northeast of the stream?
- A. There is very little on either side of the stream down next to the line.
- Q. Well, as you ascended that stream to its head, did you find the timber on the southeast slopes and ridges and up the tributaries on the southwest side to be about the same as you find on the northeast?
- A. The best of the timber is on the right hand side of the stream as you go up toward its head.
- Q. The right hand side is the southwest side of the stream?
- A. Yes sir.
- Q. Now, you have reported finding, on Mile Run, fifty thousand feet and on Two Mile Run fifty thousand feet. Did you make your estimate on Big Run the same as you did on Mile Run and Two Mile Run?
- A. I didn't cruise the timber on Mile Run and Two Mile Run.
- Q. Well, you have testified that the figures here are correct.
- A. There is a portion in here that I didn't cruise, but the Cruiser's report was combined with mine on that.

By Counsel: In view of the fact that the witness is so indefinite as to what he knows and what he has actually cruised, I move that his testimony be stricken out.

- Q. Did you find in the examination of this land that there was about as much timber on the southwest side of the ridges as there was on the northeast?
- A. You mean on the slopes of the ridges?
- Q. On the ridges or slopes, either one. Without referring to your map, where your proper officials have drawn off the timber areas, say where the timber is.
- A. On the northeast slopes there is more timber.

And further this deponent saith not.

MR. JACK SHIFFLET, a witness of lawful age, being duly sworn, deposes and says as follows:

- Q. Your name is J. A. Shifflet, is it? A. Yes sir.
- Q. Do you mind stating your age, Mr. Shifflet? A. Fifty-eight.
- Q. Where do you live? A. Dayton, Virginia.
- Q. Is that in Rockingham County, A. Yes.
- Q. How long have you been living there?
A. Three years this last time; I have lived there for the past thirty-five years, off and on.
- Q. Mr. Shifflet, in what business are you now engaged?
A. Well, I ain't engaged in any business right now. I have been engaged with the Park Condemnation over there for the last sixteen months.
- Q. Mr. Shifflet, have you had any experience in the cruising of timber and the cutting, sawing and manufacturing of timber, and if so, tell the Commission what experience you have had, and running over about what years, and where?
A. Thirty-eight or forty years in timber and timber cruises, manufacturing lumber, buying and selling of lumber.
- Q. Did you ever cruise any? A. Yes sir, quite a bit.
- Q. Did you ever operate saw mills for yourself or for other people?
A. For others and for myself.
- Q. Will you give your experience in detail, stating for whom you worked and for how long, and what your duties were and what you did, say covering the last twenty-five or thirty years?
A. I spent seven years in the woods as a hand, cutting logs, road making, cutting logs and logging, and then I spent about six years as Woods Superintendent.
- Q. For whom, and where?
A. For Steigel Lumber Corporation, Stokesville, Virginia.
- Q. What were your duties and what did you do for them?
A. It was my duty then to get out and look over certain watersheds for estimates, figure on cost, railroad and logging out to the mill, and superintending work generally and all outside work.
- Q. For how many years?
A. Six years I was Superintendent there.
- Q. Where next?
A. With the Augusta Woods Products Corporation, of Deerfield. From 1917 to 1922 I was with them as Woods Superintendent.
- Q. What did you do, in a general way, as Woods Superintendent?
A. I had charge of all the outside operations of any and all kinds, mills and camps and cruises.

- Q. Where next?
A. Next; I left them in 1922 and went in business for myself and have been in business for myself since then.
- Q. What kind of business?
A. Saw mill, buying, selling and manufacturing.
- Q. Where next?
A. With the State Commission on Conservation and Development, with Mr. Marsh in the Park area.
- Q. What have you done as an employee of the State Commission on Conservation and Development in regard to the acquiring of lands for the Shenandoah National Park?
A. Mostly check estimating after the Cruisers; checking the amount found on the land and also on cost of the same - what it would cost to get out and manufacture and market, each and every tract separately.
- Q. Were you ever employed by the United States Government as Forest Ranger?
A. Yes sir.
- Q. For how long?
A. Four years, as Forest Ranger in the Shenandoah National Forest.
- Q. Was that area in northern Virginia or in the Valley of Virginia ?
A. In the western part of Rockingham, comprising five or six counties, part of it in West Virginia.
- Q. What were your duties and what did you do with regard to timber and timber lands?
A. Supervision of timber sales, estimates and scaling and all small and large sales in the way of scaling and supervision over them.
- Q. And did you do that? A. Yes.
- Q. You said you were Check Estimator, under Mr. Marsh, in the matter of the acquisition of lands for the Shenandoah National Park. What areas and what counties have you been upon and traversed over in discharge of those duties?
A. Well, the Park comprises part of eight counties, and I worked some in all eight counties from Front Royal clear through.
- Q. Have you ever been upon the tract of land now under consideration; namely, the John A. Alexander tract?
A. Yes.
- Q. In the capacity of Check Estimator? A. Yes.
- Q. What did you do? Tell the Commission in detail what you did on this tract; what you observed and how you discharged your duties.
A. Well, Mr. Will Shifflet and I were on that tract. We spent nine days in there. We had a map from which to work that would take in watersheds.
- Q. Was it a map like this map?
A. No, we had just a little sketch map made over that. We would take in watersheds, ridges, mountain tops, little hollows, which we didn't jot down the names of each and every little hollow, but we would consider the mer-

chantable timber found in each watershed.

- Q. Did you make an estimate of the quantity of merchantable standing timber growing on this tract?
A. Yes sir.
- Q. Have you that estimate with you?
A. It is a matter of record; it is filed in with the rest of the papers in this case; that is, the estimate that I made off of this tract, was filed in the office with Mr. Marsh.
- Q. I will ask you now whether or not such is your custom, to make an estimate and file it in the office?
A. Yes, in every tract.
- Q. And you followed that custom in this case?
A. Yes sir.
- Q. Do you know whether this property has been cruised by anyone else prior to this time?
A. The regular cruisers had been over it.
- Q. Do you, or did you know what there estimate was at the time you made your estimate, or not?
A. No sir, never do until after I make my report.
- Q. Never do until after you make your report?
A. No sir.
- Q. I will ask you how far do you reside from this tract?
A. I suppose about eighteen miles.
- Q. Had you ever been on the tract before you made this check estimate, or not?
A. I had been through it at different places through Powell's Gap way; I don't recall all of the names of the Gaps, but I have been over this tract several times through two roadways, through Powell's Gap and some other, I can't think of all the names.
- Q. Now, in your view of this tract, state where you found the timber, with regard to accessibility. State whether or not your view disclosed to you whether or not the tract had been previously cut over and to what extent, and where the timber that remained standing, if it had been cut over, in a general way.
A. I want to know that I am right ----- The Gap that goes back of Grottoes or the old furnace, Brown's Gap, that has been cut over I suppose seventy-five years ago for charcoal wood, lumber, cut close, possibly down to four inches. That country through there had been cut close at that time no doubt, and no doubt had been cut over since. There is quite a young growth there remaining, and the left hand side of it, the south slopes are pretty much coming back in pine, some of it ten, twelve and some fourteen inches in diameter, and very scattered over the entire area in that watershed. Then, in the smaller runs, facing northwest out toward Grottoes, is mostly pine, some hardwoods in the hollows, some on the higher slopes, chestnut oak, red oak and stuff like that. Most of the large timber is found in the cove or lower slope types.
- Q. Were you ever consulted by anyone in regard to a sale of this property or a sale of the timber on this property or any portion of this property; did anyone approach you submitting any proposition of purchase?

A. Yes, about three years ago ---

Q. Who?

A. Mr. Hogshead, from Staunton, with a mining engineer; three or four gentlemen was down at my house there one evening.

Q. Who did they claim to be representing?

A. Alexander Estate.

BY MR. TAVENER: Objection is made to anything that reported representatives of J. A. Alexander may have represented, because it is a recorded fact in the case now pending in the Circuit Court of Rockingham County that J. A. Alexander has practically no equity in the property and that the present claimants, who are lienors and determined by the Court, cannot be bound by anything that Mr. Hogshead may have said or attempted to do. The present claimants do not know Mr. Hogshead or in what capacity he may have attempted to act, and any testimony in connection with Mr. Hogshead would be immaterial, irrelevant and, at the least, hearsay testimony.

A. As a committee, or stockholders in that tract of land, the way they informed me. They asked me whether I would be interested in putting in a few mills on the Alexander tract; namely, in Big Run and several other smaller hollows there that they claimed there was a lot of timber on. They were very anxious to get a mill in there and they would like me to form a kind of stock company and let me operate it, and three of them furnish three-fourths of the capital and I was to furnish one-fourth and run the thing and share fifty-fifty in the proceeds. I had never looked over the timber on the tract, but I had several friends I knew who knew the tract, and I made a date with them to go over there, but, after learning, through these friends, about the tract, I cancelled the date and said I wasn't interested at all. From what little knowledge I had of the tract, I didn't think at the time that I would be interested because the timber was too scattered and too small and of cheap quality.

Q. After you actually went on the tract in your capacity as an employee of the State Commission on Conservation and Development, what knowledge did you gain with regard to whether or not the timber now standing on that tract; that is, merchantable standing timber, as to whether or not that timber could be cut, sawed and marketed at a profit?

A. Well, there is only one watershed on the whole tract that I consider worth gathering up, and that is Big Run. That has more than half the timber on the tract. It has had no road through it for years and years. The road construction out there would not be any great amount, and a man could take small mills in there and operate, under normal conditions, and possibly make a little profit, but in this day and time there ain't none of it would be profitable on the entire tract. I wouldn't go in there as an operator and gather it up under present market conditions and the grade of timber that is found on it, at gift.

BY MR. TAVENER: Objection is made to the answer of the witness in so far as what he may want to do is entirely immaterial to the question involved, and what he thinks he might get out of the timber is also immaterial.

REPLY BY COUNSEL FOR PETITIONER: It is insisted that the testimony of this witness is not only very material, but entitled to the highest consideration as coming from a man who has spent more than thirty-five years of his life, as testified to by him, in cutting, sawing, buying, selling and marketing timber.

- Q. What is the character of the soil as to fertility, as to being smooth or rocky, steep or otherwise?
- A. It is just like all mountain land through that whole section; some of it is fairly smooth, some of it that has a fair depth of soil, and some of the roughest in the entire Park area, mainly black rock, and the entrance in Big Run, for instance; that tract could haul rocks away indefinitely for years; some of it is cliff and some smooth ridge land.
- Q. Is any of this twenty-two thousand acres under fence, so far as you know?
- A. I didn't examine it close for tillable land or for the grazing; I only looked at it from the timber standpoint; therefore, I devoted all my time to the timbered area.
- Q. Are there many roads through this tract?
- A. Roads pretty much all over the tract. It shows by the old roads that there has been lumber wood, bark, charcoal wood and everything else taken out there for the past sixty or seventy-five years.
- Q. In making your examination and report that you testified you made and filed, did either embrace any standing timber under ten inches breast high?
- A. No sir; that is the standard rule on estimating timber from a lumber standpoint. When I look at it as a saw mill man, I don't consider anything under that unless I am looking for stave wood, and I never consider anything that would not make a cross-bar, and you cannot make a cross-bar under ten inches.
- Q. Then, that is a standing rule amongst lumbermen, measuring timber ten inches, breast high?
- A. Yes, in cruising timber.
- Q. Did you discover any stave timber, or not, on this tract?
- A. It just depends on what kind you are hunting.
- Q. Did you find any that you thought was valuable?
- A. No, there is plenty of stave timber on there that could be used for slack barrel stock. You see, they don't care whether they cut that with the grain or cross or any other way.
- Q. Was that timber that you consider might be valuable as slack stave wood timber accounted for in any manner in your estimate of the quantity of standing timber?
- A. Nothing under ten inches, no sir.
- Q. How about the fuel wood, anything there valuable as fuel wood?
- A. We estimated about six hundred cords there that lay out near the railroad that could be sold for about fifty cents a cord. From the track that would be accessible.
- Q. That was accounted for by you?
- A. Yes.
- Q. Did you find any tanbark?
- A. I don't recall whether we gave any tanbark or not. There were so many tracts, and I don't try to memorize those things. If there was any bark found on there, it was in that report.
- Q. I hand you a paper which purports to be a report, or rather two reports, signed by you and J. W. Shifflet, and ask you whether or not these were the reports that you made covering your cruise and estimate and inspection of these tracts

of land, and if so, I will ask you to read the same to the Board and file them as Exhibits A and B with your testimony. I will ask you if these are the reports you have testified to, and if not, what reports are they?

A. No sir, these are the original reports that I made off of the tract.

Q. Did you sign both names?

A. Yes sir, I was authorized to sign his name to the report. Mr. Shifflet lives in McGagheysville. He will speak for himself on that.

Q. Will you tell the Board what that report -- Read the report.

A. This covers an area of 19,344 acres in Rockingham County. The estimated cost of operation on that tract is twenty-one dollars, with an average sale price of twenty-two dollars and fifty cents, leaving a stumpage value of one dollar and a half. Do you want me to read this in detail?

Q. You found a dollar and a half per thousand feet board measure, standing, to be the value of the timber?

A. Yes.

Q. You arrived at that value by deducting the cost, which, in your opinion, it would amount to to cut, saw and place the timber on the market?

A. On board cars or on the open market, yes.

Q. Did you undertake to make out a different schedule covering different varieties, or was that an average of all varieties?

A. You mean of the different species of timber?

Q. Yes.

A. I gave it fifty percent of pine, thirty percent of mixed oak, ten percent of poplar and ten percent of others, such as maple, hickory and others that go to make up the stand on the whole area.

Q. Did you find any extract lumber on that tract, and did you give it any value, and if not, why not?

A. There is some extract wood on there - dead chestnut. No, we didn't estimate any dead chestnut on the whole area, because extract plants had given off buying it at all. I believe now they do take in small amounts on old contracts. By the time you cut, got out and loaded it on cars, it would not have had any value at all, no stumpage value left.

Q. Did you arrive at any conclusion as to the value of the land, exclusive of the timber?

A. No sir, no estimate, because I didn't go on that tract with that intention; I just went on to check the cost of operation on that tract.

Q. What, in your opinion, based upon your experience as a lumberman and upon your knowledge of the timber standing on this tract and the cost of marketing the same, and the prices of the class and species of timber now growing on this tract, is a fair, cash market value of the timber; that is, merchantable timber standing on the tract?

A. I wouldn't suppose it would figure more than twenty or twenty-five cents an acre. I didn't figure it out; that way I don't know what it would figure out.

Q. Do you have the price of that timber covered in your report there?

A. No, I haven't got it carried out; I haven't got it multiplied by the number of feet, the price per thousand. I could mighty soon tell you if you want it figured out.

- Q. That is what I want, for the sake of the record. What is the fair, cash market price of the merchantable timber standing on that tract?
A. It would figure out about two thousand nine hundred and forty dollars; that is less the wood, the wood would have to come in there. The wood and timber in there in Augusta County ---
- Q. Get a Rockingham stand, if you can.
A. Two thousand nine hundred and forty dollars.
- Q. I would like you to give me what, in your opinion, is the fair, cash market value of the tract of land of nineteen thousand five hundred fifty-four acres in Rockingham County exclusive of timber.
A. My judgment on it -- I don't know what they ever figured on it; I was never called on to figure on it from that standpoint, but I think two dollars an acre is a big price for it.
- Q. Did you see any buildings on this property?
A. No sir, I didn't pay any attention to cleared land or grazing land. I only took in the timbered area. We spent nine days on that, and I was pushed for other work and I didn't look over that part of it.
- Q. Did you see any cleared land?
A. By the Old Furnace.
- Q. About how many acres?
A. I wouldn't like to say.
- Q. Well, was it a large area or a small one?
A. A small area was cleared up there, to my knowledge.
- Q. Is the land valuable from any practical standpoint that you know of other than the timber that is growing on it?

BY MR. TAWENER: Question is objected to --

BY MR. ARMSTRONG: Question withdrawn.

- Q. Will you please read everything that you have on your report?
A. I will read this like I have it down here. Nineteen thousand three hundred forty-four acres of timbered area in Rockingham County; an estimate of one million, nine hundred sixty thousand board feet. The estimated cost of operation on this tract, cutting logs, two dollars a thousand, road construction fifty cents. Everything is per thousand. Skidding, four dollars; sawing, five dollars; hauling, average over tract, five dollars; carrying, one dollar; operator's profit, twenty percent on same, three dollars and fifty cents; total estimated cost, twenty-one dollars per thousand. The average sale price, I will leave it to any lumberman here today if this amount of two dollars and fifty cents isn't more than you could get for it today. Average sale price twenty-two dollars and fifty cents a thousand, leaving a stumpage value of a dollar and fifty cents per thousand board feet. Here is a little notation below here. "Owing to the scattered stand of timber and species and grades of what merchantable timber is standing on this tract, it could not be operated at a profit at all." Signed "J.W.Shifflet" and "J. A. Shifflet," check estimator.
- Q. Now, are you able to answer the question asked by the commission; how many feet of timber do you find on the tract?
A. One million, nine hundred sixty thousand board feet; average stumpage value of a dollar and fifty cents on all of it.

to do?

A. That's easy; Mr. Smith had a map, compass to work by ---

Q. I insist that you answer the question.

BY MR. ARMSTRONG: I insist that the witness be given a chance to explain why.

Q. I asked you if you did not make the same estimate in nine days that it took Mr. Smith from the 11th day of December to the 20th day of January to do, with the exception of four days.

A. I don't know how long it took Mr. Smith.

Q. You heard Mr. Smith testify that it took him from the 11th day of December to the 20th day of January, 1931, to cruise this property, excepting four days of bad weather?

A. Yes, I heard that.

Q. Now, you tell the Commission that you did the same work in nine days?

A. No sir, we did not do the same work.

Q. Will you describe the method in which you cruised that property?

A. I don't think it is necessary to tell the Commissioners ----

Q. This is not only a matter for the Commissioners, but a matter for the information of the Court, and I just ask that you answer the questions as nearly as you can.

A. I don't examine the land in the same manner that Mr. Smith does. He goes on there with a detailed map. He has to do all that measuring and counting trees; he's got to map in his different types and his timber, burned timber slopes and his unburned over slopes and all such things as that.

Q. Now, please tell us how you do it. Mr. Smith has already told us how he did it. How did you make your estimates of the amount of timber on this tract?

A. Just walking over the watersheds. I don't do any chain or any compass or any detailed work at all.

Q. Will you locate on your map Swamp Creek?

A. I didn't examine it with this kind of map. I just examined it with a sketch map.

Q. Now, you have stated that you had a map showing the outside boundaries. I now refer you, sir, to the map filed as Exhibit No. 1 for the petitioner, which shows the outside boundary lines of the Mount Vernon tract, which I am pointing out with the pencil, showing Rockingham County, Augusta line, Albemarle line and all outside boundaries. Now, will you state to the Commission where Swamp Run is?

A. This here is the Brown Gap neighborhood in here; Swamp Run, I believe, is right about in there (pointing to map). Mr. Shifflet, who was with me, knew all these hollows by name, distance and everything.

Q. You have pointed out as Swamp Run the first run to the northeast of Madison Run?

A. To the best of my knowledge, yes; I don't know the names.

Q. Will you point out Two Mile Run on the map, which you examined and found the timber on?

A. There were four or five runs in here would have more names than what this map shows; I wouldn't be positive from this map. If I had my map that we wrote

the names down on, then I would have it, but to stand up here and testify as to the names of these runs that are not named there and that I am not familiar with, I would not testify to that.

Q. You have known for quite a few months that you were going to be a witness in this case?

A. I supposed I would be.

Q. Now, as a matter of fact, the run that you pointed out as being Swamp Run is written on the map as being Deep Run, and, for your information, I will state to you that Swamp Run was testified by Mr. Smith to be right where he has drawn pencil marks to the southwest of Madison Run. So, as a matter of fact, Mr. Shifflet, you are not very familiar with the land, at all?

A. I never examined the land until I was called on to go in there and check the estimate in the middle of September, and these are the two watersheds I know by name. Brown's Gap and these other little hollows are of very little value and I never paid any attention to them, and just noted down in my book so much in each little watershed and noted it all up.

Q. The whole map of that area is pretty much of a haze in your mind?

A. Oh, no.

Q. You took a sort of bird's eye view of the whole thing in a very few days?

BY MR. ARMSTRONG: Question objected to because the witness has testified as to the exact number of days.

A. I might answer his question just this way; the large territory that the small amount was found on, it would only take a bird's eye view to find at all.

Q. Where did you know it would be found if you didn't talk to anyone else?

A. I was supposed to go in all the watersheds. It's natural to suppose that if there is any timber, it would be in the watersheds, not up on the top of the mountain.

Q. Did you have your field glasses on this trip?

A. No, I don't carry them.

Q. Did the other Mr. Shifflet have them?

A. No.

Q. Who guided you over the property?

A. Nobody. Mr. Shifflet is very familiar with the tract.

Q. Did anyone else go with you?

A. No sir; there was another man in there, but I never seen him at all.

Q. How far up Big Run did you go?

A. As far as you can see any timber there in all them there hollows up the upper left hand fork and up in those small hollows up in here there is good timber. The best of the timber is found in there.

Q. Is that good timber?

A. Yes sir, good white pine.

Q. Isn't it excellent timber?

A. No sir.

Q. Did you leave a mark up there along that trail?

A. Yes sir.

- Q. Was that the point that you stopped? A. No sir.
- Q. Which way did you go? A. Kept up the main draft.
- Q. The left hand draft from there? A. Yes sir.
- Q. Did you go in all this territory to the southeast of Big Run?
A. No sir, not all of it; there's nothing in there to go for. We went in far enough to determine that there was nothing there to go for. It is natural to believe when this cutting stopped and you found no timber above the cutting line and know no timber was on the high slopes or mountain top, it was useless to cruise out between those two points for merchantable timber.
- Q. So you made no cruise to the southeast of Big Run because, in your opinion, it was natural to think that there was no timber there?
A. We investigated far enough to know that there was no merchantable timber above there.
- Q. Did you hear Mr. Smith testify that there was just as much timber to the southwest of Big Run as there was to the northeast?
A. I heard you ask him the question; I don't recall just what his answer was; but I know what his answer should have been.
- Q. Then you found one million two hundred seventy-five thousand feet of timber on the northeast side of that run where Mr. Smith said there was as much on one side as the other?
A. I don't know what Mr. Smith found. I found about four hundred thousand more feet on the entire area than Mr. Smith and Mr. Witt found.
- Q. How many days did you spend in Swamp Run?
A. Didn't spend a day. We spent very little time in Swamp Run.
- Q. How much time in Madison Run?
A. That is Powell's Gap?
- Q. No, Brown's Gap. A. We spent two days in there.
- Q. How many days did you spend in Deep Run?
A. In Deep Run -- I don't recall. We spent five days in the small hollows and two days in Big Run and two days in Brown's Gap Watershed.
- Q. Now, you made this cruise in August and September? A. Yes.
- Q. It is true, isn't it, that you can cruise about twice the amount of timber when the leaves are off than you can when they are on the trees?
A. I would much rather cruise at a time like this. I can get a better cruise with a heap less walking.
- Q. You can be more accurate, can you not?
A. I don't know as you could, if you examine an acre and multiply it by the number of acres covered in the area, after cruising through it enough to be certain that your cruise is a fair estimate of it.
A.
- Q. Then you figured out an acre and multiplied the number of feet on that acre by the number of acres that you thought were in the tract?
A. Well now, sometimes --- No sir, we did not do that.
- Q. How did you cruise this tract?

A. By an ocular estimate; going over the watersheds and putting down in figures what we found in each and every hollow and adding it up for the whole watersheds.

Q. Did you figure the acres in these watersheds?

A. Yes.

Q. How many in Big Run?

A. I don't recall. I said there was so many thousand feet in Big Run, and so many in Deep Run, and so on.

Q. Now, Mr. Shifflet, you are surmising and guessing in your deposition; we want to know what you did and how it was done.

A. I told you as plain as I could.

Q. Do you have available the acreage of these tracts?

A. Of the whole area?

Q. Yes.

A. Yes.

Q. Did you not leave the impression on this Commission that you were figuring the acreage in timber along each one of these runs?

A. No sir, I didn't say that.

Q. Will you describe, in detail, how you made this ocular estimation in the various runs; say, for instance, a hundred and fifty thousand feet in Swamp Run?

A. I have answered that I think three times.

Q. But you have answered it in a way that there could be two or three interpretations on it; I want that cleared up so that the record is clear.

A. I will state again, plainly, that the estimate was placed in watersheds or hollows in each and every hollow that we went in regardless of acreage of that hollow or the entire tract; then we added that up and made a total of one million, nine hundred sixty thousand board feet, distributed over the nineteen thousand three hundred forty-four acres, or whatever it is.

Q. Now, you have stated that you had your mind on other things and that you did not examine this land carefully enough to see if there was any cleared land or not; that was the statement made by you in your examination in chief. If that statement is correct, how can you be accurate as to the amount or number of feet on that area, from your own knowledge, if you did not look at the area carefully enough?

A. I only went there to check the timber, and my time was spent entirely on the timbered area, and my estimate was based on what I found in the watersheds and figured out so much per acre on the entire area.

Q. How much timber did you find at the toe of the mountain, down by Big Run, which we claim is pretty nearly two thousand acres of flat land - how much timber?

A. About fifty thousand board feet and six hundred cords of fuel wood.

Q. Now, I notice that you have placed a value of fifty cents a cord on that wood. Do you not know that the people in that locality are now paying a dollar a cord for that wood on the stump, for wood right at the edge of the Mount Vernon tract of real estate?

A. I don't know what they are paying. If they have no other place to get it, they would pay whatever the property owner would request, that's logical.

By Counsel: That is up to the Commission to determine what is logical to them. We

will never get through with this case at this rate. I am asking you for facts.

- Q. You were a ranger for how many years? A. Four.
- Q. And you sold timber for the government? A. Yes.
- Q. What price did you get, on the stump, for that timber?
A. In briar patches or swamps to go through, twenty-five cents a cord.
- Q. Did you ever sell wood for stave wood? A. No.
- Q. Don't you know the standard government price is one dollar a cord on the stump?
A. No sir, I don't know that.
- Q. You have stated that it took fourteen inch pine for oil barrel staves, but you have said nothing about apple barrels and lime barrel staves. It is a fact that that is the chief barrel business in this section, is it not?
A. When there is any market for anything at all it is for apple and lime.
- Q. I am not asking you if or when or anything like that. Do you not know that the chief stave business in this section is for apple barrels and lime barrels?
A. Yes sir.
- Q. How low in size twelve inches above the ground can timber be used for apple barrels or lime barrels?
A. I have seen them cut it down to four or five inch stuff.
- Q. And you have not measured anything below ten inches, breast high?
A. No.
- Q. There are roads running in and out through a great part of this property. They make practically all of this timber accessable to market, the standing timber over the whole place?
A. Sure, it illiminates the cost of making roads, but you take such a road today that has been used thirty-five or forty years ago, it will almost cost as much to repair it as it would to build it.
- Q. I noticed you put down "Operator's profit, \$3.50" in your estimate in getting out this wood.
A. That is twenty percent; no operator will get it out for less.
- Q. If you would illiminate this twenty percent profit, then the value of this timber on the stump would be five dollars an acre instead of a dollar and a half?
A. Yes, I guess so, a thousand.
- Q. Now, according to your report, the number of feet amounts to one million nine hundred sixty thousand; then, at five dollars a thousand, that would make that timber worth nine thousand eight hundred dollars, would it not?
A. No sir, how can you figure three dollars and fifty cents if you do not operate it. It wouldn't be worth any more to a man after he operated it.
- Q. Taking your own report, Mr. Shifflet, in which you put a stumpage value of a dollar and a half on the timber and then charged up against the owners this three dollars and a half profit to someone operating it; put these two figures together and it will make five dollars a thousand value on the stump, will it not?
A. I will answer that question this way; if you was the owner ---

Q. We don't want ifs now, we want facts.

BY MR. ARMSTRONG: This witness is trying to explain in his own way, and I insist that he has a right to do so.

A. As an operator, a man furnishing money and equipment going into an operation of that kind, is entitled to, or would be bound to figure on an operator's profit. If he don't operate it, he is not entitled to the profit; if he does operate, he is entitled to it on that twenty percent basis. If I am the owner and I operate it, I have that much out of it; if I don't operate it myself, the man that does operate it is entitled to it; therefore, the land owner, if he operates it, why, in a sense, he gets profit and stumpage; if he don't operate, he only gets the stumpage value. That is my explanation.

Q. If the owners of the Mount Vernon tract of real estate wanted to deliver that timber to the railroad station, according to your own statement, it would cost seventeen dollars and fifty cents, would it not?

A. Yes, plus the operator's profit there, I suppose.

Q. Mr. Shifflet, if we deliver that timber to the station there would be no operating profit to ourselves, but it would have three dollars and fifty cents more value on the stump, would it not?

A. In that case you call it "stumpage value", where we call it "operator's and stumpage value".

Q. According to your statement, the timber can be delivered, on an average through this whole property, to the railroad station for seventeen dollars and fifty cents, by ourselves?

A. I don't know just what it figures out there; twenty-one dollars I believe is the total. Alright, seventeen - fifty, if that is what it figures out.

Q. Now, this suit was instituted on December 11, 1930. Do you not know that the value of timber at that time, on board cars, varied between twenty-two dollars and fifty cents and thirty dollars a thousand, according to the grade of timber, is that correct?

A. December 11th, 1930 -- No sir, that is not correct. That ain't the average on it. I shipped switch ties before and after that time, a large percentage of which was mixed oak, and they brought eighteen and nineteen a thousand F.O.B. cars.

Q. Have not you stated here twenty-two dollars and fifty cents?

A. I allowed two dollars and fifty cents more per thousand than you could get today on that class of lumber. We tried not to take today's prices for everything.

Q. Do you not know that the standard government price of staves is one dollar a cord on the stump?

A. No sir, I don't know that. I do know that that class of lumber is worth fifteen cents in Harrisonburg today - scrub pine.

By Counsel: I object to your testimony as to what this lumber may be worth today.

Q. Now, you said that long years ago there was some cutting of timber over this property, is that correct?

A. I said for the last seventy-five years it has been cut over from time to time.

- Q. Would you tell the Commission that there has been any material cutting there in the last seventeen years?
A. No, I believe Hosiash Shifflet told me that he was the last operator in Big Run about twenty years ago.
- Q. A great deal of the timber on this property is timber that is in condition to grow and increase in value, is it not?
A. Oh yes, there is some nice young reproduction there.
- Q. And for the past seventeen years it has been growing and increasing in value, hasn't it?
A. In the last five years it has lost more than it has gained in the last twenty.
- Q. Mr. Shifflet, over a period of seventeen years, wouldn't the natural growth of timber cause that timber to increase in value?
Well, it hasn't reached the point in size yet where it would increase in value to the owner.
- Q. Of course, you mean some of it hasn't, where, on the other hand, some of it has?
A. Well, the majority hasn't.
- Q. But the million nine hundred thousand feet has been increasing in value for the past fifteen or twenty years?
A. It has decreased in value for the last four or five years.
- Q. If we are able to show, Mr. Shifflet, a timber value of \$22.50, which you have admitted by your statement somewhere near what is just and right, wouldn't you say that that timber has increased in value since 1913 or 1914?
A. No sir, it has decreased. In 1913 and 1914 I could have gotten for most of that stuff twenty-five dollars a thousand; today you can only get fifteen and twenty.
- Q. It may be that the price per thousand feet may be less today than in 1913, but there is more timber there, isn't there?
A. How much more.
- Q. Well now, if you are a timber man, how much, under ordinary conditions, does timber increase in value per acre?
A. In white pine thirty-five or forty years gives you a fair cutting.
- Q. What is the standard rule for increase per acre?
A. Well, very small, very small.
- Q. Well, do you know, or don't you know?
A. I wouldn't attempt to put it down to the fraction of an inch; the different species have different growths. The white pine and chestnut and poplar grow very rapidly.
- Q. There is no more difficulty in getting the wood out over these various roads that you have described than there is the timber, is there?
A. You mean fuel wood?
- Q. Yes.
A. No, there is not.

for an answer as to its value for park purposes.

BY MR. ARMSTRONG: This witness does not know what lands are valuable for park purposes, or the value of lands for park purposes. The witness is not qualified to answer any such question.

BY MR. WHITE: The witness has been introduced by the petitioner and he has been asked a question as to the value of the land as a whole, and the witness put a valuation on the land as a whole at two dollars an acre, and, having been introduced and question on the value of the land as a whole, we submit the question is proper and ask the witness to answer it as man to man.

A. Well, that depends upon the view point from which you would take it into consideration. That rough land, in my judgment, I wouldn't think of any value to anybody for any purpose.

Q. I am asking you for park purposes.

A. Well, not being just familiar with parks -- I never visited very many parks, and not being familiar with just what they want and try to have, and which is the most valuable and so forth, my estimate on this land I have just described to you, I would think would be very high to any body other than the government for park purposes or to fill up a hole in the ground at fifty cents an acre.

Q. For park purposes is it as valuable as any land in the park area?

BY MR. ARMSTRONG: Question is further objected to on the ground that it has not been shown as to what constitutes value for park purposes, even if the question were admissible.

A. Well, I will have to answer just about like I did before. From a park standpoint, or a view standpoint, or a recreational standpoint, it is just a matter of a cluster of rocks there, it would be just about as valuable as the timber below, if the timber would never be cut off it, but commercially it would not be worth fifty cents an acre.

Q. Is this land just as valuable as any other land in the area for park purposes?

A. I don't know. I am not just familiar with what they want.

Q. You have been working for them, and don't know what they want?

A. I know if they run a line around, they are compelled to take the land.

Q. Do you not know the object of acquiring this land?

A. For park purposes, of course.

Q. That rough land, you know, is for park purposes?

A. There is a very small percent of the people who visit a park who are going to risk their lives climbing around over cliffs and rocky bars.

Q. Are the trees on this land as valuable for park purposes as for cutting and marketing?

BY MR. ARMSTRONG: Same objection.

A. I had considered them more valuable in a growing condition standing there than by being removed, because there is a value allowed for them in the report.

- Q. And these trees, standing there, are more valuable than for manufacturing?
A. Sure, or we wouldn't show any value.

RE-DIRECT EXAMINATION BY MR. ARMSTRONG:

- Q. Did you discover any evidence in any portions of this tract of having been burned over recently?
A. In the Big Run area, badly burned.
- Q. Did you discover any evidence of any of the timber having died on account of the dry weather or drought?
A. Well, outside the pine; the fire didn't seem to kill the pine, but outside the pine, there is hardly any young timber on it.

RE-CROSS EXAMINATION BY MR. TAVENER:

- Q. They are up in the ridges, are they not?
A. On the slopes, yes.
- Q. They are not down where the bulk of this timber is found?
A. Yes sir, there is quite a bit of pine in this estimate that was in this burned area.
- Q. Will you tell me, specifically, where there has been any timber of any value destroyed by fire other than on those ridges which have really not been included in these estimates?
A. There is timber in this estimate that has been burned over.
- Q. How much?
A. Twenty-five to forty thousand feet.
- Q. But you have returned that in your estimate?
A. That is counted in there.
- Q. Then, there has been nothing destroyed to speak of by fire at any time recently, because you have allowed twenty-five to forty thousand feet in the burned area?
A. Yes sir.
- Q. And that burned area is on the ridges?
A. Yes, it covers the whole south slope on the left hand side of Big Run.
- Q. As a Ranger in the western part of Rockingham County, how much was paid by the government for that land per acre?
A. That varied from a dollar and sixty cents, I believe to possibly five dollars an acre.
- Q. Isn't there plenty of land of equal value to this that the government has been and is now paying four dollars an acre for?
A. I don't know what they are paying for it. I think the area in the National Forest was three dollars a thousand, and there is millions and millions of feet in there. It is about fifteen miles from the railroad.
- Q. And a lot of the area is quite inaccessible?
A. It could all be gotten out.
- Q. In examination-in-chief you mentioned the fact that some gentlemen approached you three or four years ago in reference to putting up some capital with which

to manufacture timber on the Mount Vernon tract of land - Mr. Hogshead, I believe you said. Did they say they were prepared to put up fifty thousand dollars?

A. No, they wanted to organize four of us in a company, and I was to put in fifteen thousand dollars and they would have put up three-fourths.

Q. And they would have put in thirty-five thousand dollars to handle timber, according to your present estimate?

A. They had been misled by somebody saying there was lots and lots of timber in there. They mentioned millions of feet in Big Run.

Q. Have you ever heard of anyone misleading Mr. Hogshead on a timber proposition?

A. I don't know much about Mr. Hogshead.

Q. The fact remains that Mr. Hogshead was willing to put up thirty-five thousand dollars?

A. No, the three of them.

Q. Well, those gentlemen were willing to put up thirty-five thousand dollars?

A. I don't think they were willing to put up anything at all. When it came to putting up cash, I was to put up fifteen thousand cash and they were going to issue stock for the rest of it. I didn't want to mention that part of it, but they figured fifteen thousand would start it off, and they understood that I had about fifteen thousand that I wanted to put into timber.

Q. But, the fact remains that those gentlemen were willing to put up thirty-five thousand dollars if you put up fifteen thousand dollars?

A. It was to be a fifty thousand dollar corporation.

Q. What Mr. Hogshead was that?

A. I don't know.

And further this deponent saith not.

MR. S. H. MARSH, a witness of lawful age, being duly sworn, deposes and says as follows:

- Q. Your age, please sir? A. Forty-three.
- Q. And your name? A. S. H. Marsh.
- Q. What official position do you hold as employee of the State Commission on Conservation and Development?
A. Supervisor of the Shenandoah National Park Division of the State Commission on Conservation and Development.
- Q. Mr. Marsh, heretofore today, we have had under consideration the value of a tract of land in Rockingham County, owned by John A. Alexander, containing approximately nineteen thousand five hundred forty-four acres. Do the records of your office show that John A. Alexander owns any land in Green County, Virginia, within the contemplated Shenandoah National Park area, and, if so, how many acres?
A. Yes sir, the description of the tract which we had, and which we have used, indicates that there is some land in Green and Albemarle Counties on the east side of the ridge.
- Q. How much do you ascertain is in Green County?
A. Six hundred forty-four acres in Green County.
- Q. Does that adjoin the Rockingham County tract?
A. That adjoins the Rockingham County tract on top of the Blue Ridge mountain and extends across on the eastern slope of the Blue Ridge.
- Q. Have you ever been upon the Green County Tract? A. Yes.
- Q. For the purpose of ascertaining it's fair, cash market value? A. Yes.
- Q. What, in your opinion, is the fair, cash market value of that tract?
A. Six hundred eighty-one dollars.
- Q. What did you consider as making up that value?
A. Part of the tract in Green County is very badly burned, there is no timber on it; it is barren mountain slope, classified as follows:
641 acres, slope type at one dollar an acre, which is badly burned, 2 acres of grazing land at fifteen dollars an acre, and 1 acre of cultivated land valued at ten dollars per acre, making a total of six hundred eighty one dollars.
- Q. No buildings on the property? A. No sir.
- Q. You found no merchantable standing timber there? A. No sir.
- Q. Do you know of any other person who has been upon this property to ascertain its fair, market value; that is, for purposes of testifying here?
A. I don't know whether Mr. Stoneburner has been on the land, or not.
- Q. Is the land smooth or rough? A. Rough.
- Q. About how far from the nearest public place such as post office or school house?

A. Well, it is about, I should say, three miles south to Simmon's Gap. There is a store there and a mission on top of the mountain. It is right along the top of the mountain, I should say three or possibly four miles from the Gap.

Q. And how far is the nearest traveled public road?

A. That is the Simmon's Gap road.

BY MR. WALKER:

Q. Mr. Marsh, are there not some additional lands on the east side of the Blue Ridge in Green County, which are included in the exterior boundary of what is known as the Haws Survey or the Hotchkiss Survey based upon the Haws Survey?

A. There are a number of grazing farms included.

Q. Can you give any of the names of the owners of these farms that are included?

A. A part of the J. W. Hinkle tract, Ella F. Hickle, H. R. Eiler tract, C. L. and J. C. Hedrick, W. P. R. Weaver, L. R. McFadden, Charles A. Hammer, Q. G. Kaylor, John W. Breedon, Minnie E. Moore, G. W. Shifflet.

And further this deponent saith not.

MR. DONALD CAMPBELL, a witness of lawful age, being duly sworn, deposes and says as follows:

Q. Your name is Donald Campbell, is it? A. Yes.

Q. Do you mind stating your age, Mr. Campbell?

A. Fifty-one coming February 20th.

Q. In what business have you been engaged during the past year we will say?

A. The fore part of the past year I was engaged in winding up a lumber company business in North Carolina.

Q. Have you been engaged in the business of the State Commission on Conservation and Development in the matter of examining lands within the proposed Shenandoah National Park area?

A. I have since August 22nd.

Q. This year? A. 1931, yes.

Q. What has been the nature of the work that you have done since that date?

A. Cruising and appraising the property of the John A. Alexander tract of approximately twenty-two thousand acres.

BY MR. TAVENER: Do you mean property or timber?

A. I have reference to the timber land only, not inclusive of any farms or buildings on the property.

Direct examination continued:

Q. Mr. Campbell, what experience have you had in cruising timber, buying and

selling timber either for yourself or as agent for others, and what knowledge have you of timber and timber values, and, in general, state briefly your experience and means of obtaining knowledge.

A. I was the son of the largest lumber operator in the State of Pennsylvania, the eldest son, and as such, was his bookkeeper and office manager almost from the age of twelve, which gave me a very wide experience early in life. At the age of sixteen I was able to run large lumber camps. From that, we went into the contracting business in the south together.

Q. Do you mean lumber contracting?

A. Logging and band mill operations. From that I took a band mill operation by contract to log, mill, railroad it, log the logs to the railroad, load them on the cars, saw them and put them on sticks for twenty dollars a thousand, and did the work for \$9.16, which is the low record of hard wood operation cost for band mill operation and mountain operation. Other times I have been engaged in having charge of other companies operations, notably the past seven years I have been general manager of the Meadowfield Lumber Company and the North Carolina and Virginia Railroad Company, which is just a band mill logging operation. Prior to that I was Superintendent of woods for the largest hard wood operation east of the Mississippi River, possibly in the United States; had five band mills. They consumed eighty-five carloads of logs a day.

Q. I particularly desire to know your experience in cruising and estimating the number of board feet in standing timber.

A. To make a specific statement of the amount of that would cover quite a lot. As a logging contractor you cruise and estimate every foot of lumber, and our family has had thirty or forty years of contracting that has covered Pennsylvania, North Carolina, Tennessee and part of Virginia.

Q. Did you cruise the timber on the tract known as the John A. Alexander tract, now under consideration here?

A. I did.

Q. State how and when.

A. I cruised it by zones. I never divided my estimates in portions of over one day as I like to record my day's impressions no later than that evening. I record them as I go out of the hollow if it is possible to do so.

Q. Will you give the dates of your field work on the Alexander tract?

A. Yes sir.

BY MR. TAVENER: Object to any testimony from this witness in regard to the values of timber on the ground that the witness has not been qualified as an expert, either as to cruising or as to values. The mere fact that his family owned thousands of acres of timber land or timber rights over Pennsylvania, North Carolina, Tennessee, Virginia and West Virginia does not, of itself, qualify him as a cruising expert. The witness has not stated that he has personally cruised.

Q. For the sake of the record, Mr. Campbell, I will ask you whether or not you have cruised timber lands, and, if so, to what extent you yourself have cruised timber lands for the purpose of ascertaining the stand of timber, the species and the value?

A. I believe the gentlemen did not understand me when I stated that I had been cruising more or less for the past forty years, and to give a description of each one particular item would overload the record, but I can give it to you.

Q. I do not wish you to encumber the record with a statement in detail, but I will ask you to state generally over how long a period your experience covers as a

timber cruiser, and in what localities?

A. My first specific experience as a cruiser was for the United States Leather Company in 1901 on Tim Gray's Run for the United States Leather Company, who are large tanners. If I am not mistaken, there was sixteen thousand acres in that tract.

Q. Do I understand that you cruised the whole tract?

A. Yes, we cruised the tract, my father and I together. He was with me, and we not only cruised it, but we laid it off in tracts, cut it up in sub-divisions and set the price, and the property was handled from the figures that we established. That was customary for us to do that, but that was the first time I was called from Potter County to do that work.

Q. I will ask you whether or not your duties in connection with the other lumber operations which you have heretofore stated you were connected with, required you to cruise and estimate the stand and value of the timber, and whether or not you did cruise and estimate the value and stand of such timber?

A. After the 1901 incident, the next property that we personally cruised was sixty thousand acres in North Carolina for William Whitmer, at Mt. Sterling, North Carolina, in 1911. The next tract was the one in Tennessee, six or eight thousand acres, I just don't remember exactly. The next tract in Forneys Creek, North Carolina, sixteen thousand acres. The next tract was at Rossman, North Carolina, twenty thousand acres, and, by the way, I passed one, another one in 1911, twenty-two thousand acres in Mitchell County, North Carolina. The next was sixty-eight thousand acres in the Vanderbilt Estate. The next was two hundred fifty thousand acres in the Vanderbilt Estate, which virtually comprised the sixty-eight thousand acres, that is, included the sixty-eight thousand. The next was the Jellicoe River property of about eight thousand acres in Tennessee; the next was the Jellicoe property of Kentucky River Lumber Company, at Jellicoe, Tennessee; the next was twenty thousand acres for -- I can't think of the name -- it was in Kentucky and was half of a forty thousand acre tract that the Hydelsburg Lumber Company is on the other side of. I cruised the twenty thousand acres and put the value on it.

Q. It is not my purpose to require you to give from recollection each and every tract that you have cruised timber upon. I have no objection to your stating them --

A. I might get closer to home then and terminate it, but coming to the State of Virginia, I cruised and appraised ten thousand acres in Patrick County, Virginia and Buffalo Mountain, six thousand acres; that was for the Meadowfield Lumber Company at Mount Ariel, North Carolina, and about ten years ago I cruised and appraised this Ward-Rue tract up here that is in litigation at the present time, for the West Virginia Timber Company.

Q. Are you referring to the properties of the Ward-Rue Lumber Company in Madison and Green Counties, Virginia?

A. Yes sir. I might add that they wanted me to go to New Mexico to cruise a billion feet, and I agreed to do it, but became engaged at that time and my wife wouldn't let me go. I was to operate the tract on a sliding scale, and it would have been the largest operating contract that had ever been given in the world. I already did have the largest operating contract that has ever been given in the world.

Q. I will ask you the dates on which you cruised the timber on the Alexander tract?

BY MR. WHITE: I notice the witness has to refer to his book. I would like to know whether, before he refers to his memorandum, whether he has an independent knowledge of the facts called for. Otherwise, we will be compelled to object to his using his memorandum.

By the witness: Yes sir, I can give you an independent one, if you wish. I might miss it a little, but I can.

Direct examination continued:

Q. Do you remember the dates on which you did the field work of cruising the Alexander tract?

A. I think I do. I started on August 24th in the field.

Q. Of what year? A. 1931. I cruised that week; the next week we had a rainy day, I think it was Tuesday, and didn't cruise on Sunday; the next week I cruised all week and Sunday, and I cruised, I think, Monday and Tuesday and Wednesday after that following Sunday, making a total of sixteen actual cruising days on the property, I think.

Q. Do you have a book memorandum showing the days on which you were doing the work you just testified about?

A. I do.

Q. Will you please refer to the book and see how that book compares with your recollection.

A. The book shows that I cruised on August 24, 25, 26, 27, 28, 29, September 1, 2; September 3 it was raining; September 4, 5, 6, 7, 8, 9, 10 and 11. I just casually ran through this book here and I counted sixteen days I had actually worked; I may possibly have made an error.

Q. I want to ask a question that I omitted to ask heretofore; state whether or not, in any cruising operations you have testified to as having been done by yourself, you were called upon to estimate the value of the lands exclusive of timber.

A. As a rule that entered into a good many propositions, especially where they were considering buying the property. If it was an operating cruise for myself, then the value of the land would not enter into the matter, although in the Kentucky property I did, and we were making some arrangements whereby I was going to buy the land from them as a logging proposition.

Q. Were the lands which you cruised over in Patrick County, Virginia and adjoining county or counties, in the Blue Ridge Mountain area, or not?

A. Yes, immediately on this same mountain chain.

Q. Did you have occasion to make estimates of the land values, exclusive of the timber values there, or not?

A. Oh, yes.

Q. At the time you made the cruise of the timber on the Alexander tract, did you have before you a statement of the amount of timber found on there by any other cruiser?

A. No sir.

- Q. Did you have a statement of the value of the timber that had been fixed on there by anyone else?
- A. No sir, and if anyone had offered to give it to me, I would have refused it.
- Q. Now, Mr. Campbell, I hand you a statement, in type, signed by you, purporting to be a statement of the quantity and species of timber found upon the John A. Alexander tract in Rockingham County and Augusta County respectively, and I will ask you whether or not this table is your estimate of the quantity and species of timber you found by your cruise of this property, and if this is the quantity and species of timber found by you on the Alexander tract in the two counties, state to whom you made such a report, for whom you did the field work, for whom you made the itemized statement and to whom you delivered the itemized statement?
- A. This paper that you have handed me is my detailed sub-divided report of the various species of timber in each section of the John A. Alexander tract that I cruised for the State Conservation and Development Department of Virginia.
- Q. State what amount of timber of all kinds, in detail, you found on this tract, giving the quantities in Rockingham County and Augusta County respectively.
- A. I found the total cruise of the timber in Rockingham County to be one million nine hundred sixty-eight thousand four hundred feet, and the total cruise in Augusta County to be two hundred and ten thousand feet, or a total cruise of both counties amounts to Two Million, one hundred seventy-eight thousand four hundred feet.
- Q. Will you file that paper with the stenographer and request that it be marked Exhibit No. 1 with your testimony?
- A. I will.
- Q. What instructions, if any, were given you as to what to include in your report of timber, and who gave you such instructions?
- A. Mr. S. H. Marsh, Supervisor of the Shenandoah National Park, which is under the State Commission on Conservation and Development, personally instructed me to cruise and appraise the John A. Alexander tract, omitting two pieces of land that had no timber on in Albemarle County, I believe, and told me not to appraise it as of today, but as of any time in the past five years, and to give it a fair and square conscientious valuation as between man and man, irrespective of the fact that I was working for him, which I consider to be the whitest and most generous instructions that I have ever heard from anyone on a measure of that kind, and I made my appraisal accordingly.

BY MR. TAVENER: Answer objected to --

BY MR. ARMSTRONG: I will admit that what the witness stated as to what he felt as to Mr. Marsh's directions were not admissible as evidence, and may be stricken from the record.

BY MR. TAVENER: Further objection to the statement of the witness on the ground that it is pure hearsay, self serving hearsay on the part of the party in litigation, and that the answer should be stricken out.

BY MR. WHITE: These objections are made on behalf of the fee simple owner and all claimants save Wallace C. Saunders, the said Wallace C. Saunders, as heretofore stated, taking no part in these proceedings.

- Q. I hand you herewith a statement in detail, signed by you, purporting to be a statement in detail of the board feet of timber found in the various sections of the

Alexander tract and a value per thousand feet assigned to such timber, together with a total of the feet and a total of the values, and I will ask you whether or not this is your statement, whether you made it up and whether it represents your estimate of the quantity and value of such timber?

BY MR. TAVENER: Objection is made to testimony by this witness of values of lumber on the stump, because he has not been qualified as an expert on that.

A. Yes, this is my statement; I made it up, types it and signed it and gave it to Mr. Marsh.

Q. Will you state the totals of the board feet and the totals of the values as shown by that statement in Rockingham County and August County respectively?

A. My report shows that there are 1,968,000 feet of timber in Rockingham County, with a stumpage valuation of \$4,822.60; and in Augusta County 210,000 feet, with a stumpage value of \$420.00, or a total valuation of stumpage on the John A. Alexander tract in the two counties of \$5,242.60.

Q. State whether or not the various estimates of stumpage value per thousand feet on the various sections of the tract are the estimates that you personally placed upon such timber, or not?

A. They are, and they vary according to the conditions and the quality of the timber. Some are as low as two dollars and some is as high as five. Five dollars is the highest known valuation of wild land timber that I have heard of in all my experience.

Q. I will ask you to file that statement and ask the stenographer to mark it Exhibit No. 2 with your testimony.

A. I will file it.

Q. I hand you herewith a statement signed by you, which appears to be a summary of classified timber, showing how much virgin timber, how much cut over timber and how much second growth timber, and ask you whether or not this is a statement made by you, and if this statement was made by you, what did you do with it?

A. In answering that question, may I explain to the Court why I made that form of statement, as otherwise it would be meaningless. This is my statement; I made it, compiled the field data for it and turned it in to Mr. Marsh, and I presume that no one here has ever seen a statement of this kind. I have not taken the timber from a basis of the name of the timber, as to whether it is poplar or oak, but timber boundaries from the wild land standpoint, or in various classes. There is virgin timber land, there is cut over timber land and there is second growth timber land, and this tract is of such a nature that if this was not forcibly brought to the attention of the Court, they would be apt to think that the Alexander tract was a genuine tract of timber, but, I am sorry to say that it is not. I would far rather have went in there and found millions of feet, as I did expect to find, but I was so disappointed and surprised that I decided I had better make a sheet to show the kind of timber. No tract of timber is considered a commercial operative bandmill proposition unless it contains three thousand feet to the acre; three thousand feet is the smallest amount it should have on it. If the John A. Alexander tract was a commercial bandmill proposition, which its size indicates - twenty-two thousand acres, it should have at least sixty-six million feet on it, or it would be well to have a hundred and ten million, five thousand feet to the acre, as many tracts in the country do have. It has to measure between the sixty-six million and the hundred million to be classified as a timber property, but when it has only two million one hundred eighty-eight thousand feet, it does not cut in the category of the large

timber tract, and I have so estimated the timber in the three classes. There is no genuine virgin operating timber on the tract today; that has been absolutely illiminated years ago. There is 776,400 feet of timber that is the remains of where the good timber was taken out. It is cut over timber. Then, there is the third grade called the second growth timber, which comprises the largest portion of it, which does not permit property to be considered a timber property at all. The acreage which comprises timber is only about one-fifth or one-sixth of the property. Three-fourths of the property does not have any timber on it at all, and, therefore, while I regret to say it and to give the evidence, but this Court is naturally being misled, owing to the fact that this has not been brought out.

BY MR. TAVENER: I object to the witness arfguing the case for the Commonwealth, although he may be employed as a witness by the Commonwealth; I farther object to the testimony of the witness that the Court is being misled when the only testimony which has been given has been given on the part of the Commonwealth. I object particularly to the witness arguing the case and ask that he confine his statements to facts.

A. (cont'd.) I therefore file my report in substantiation of what I have just said, as Exhibit No. 3 with my deposition.

Q. I hand you herewith a statement signed by you, which bears the caption "Land Valuation of the John A. Alexander tract of 21,600 acres", and which shows or purports to show the number of acres classed respectively as tillable and grazing, flat woods, cove land, hillside, ridge top, and has a valuation per acre opposite the entry of the various classes as well as a total valuation of the various classes and an aggregate valuation of all classes. This statement appears to include the land in Rockingham County and in Augusta County respectively, together with a total in both counties. I will ask you whether or not you prepared this statement and whether or not you assigned the values appearing on the statement.

BY MR. TAVENER: Objection is made to the introduction of any testimony by this witness in regard to valuations of land, because the witness has shown from his own testimony that he cannot be qualified as an expert on land valuations in this section of Virginia, and his experience in Pennsylvania and Tennessee does not qualify him as an expert on land values on the Mount Vernon tract of real estate.

A. Yes, this is my statement that I personally prepared, established the values myself, typed the statement and turned it in to Mr. Marsh. I prepared this form of statement the first time in my life I did such a thing, as I have never been on a tract of twenty-two thousand acres that is of such a pronounced vacancy you might say, and, in order to show the actual status of the land, it was necessary to make this form of a description, which I had never seen done before and to my surprise ---

BY MR. TAVENER: I object to the witnesses answer, being not responsive to the question and being in argument of the government's case and failure to confine himself to facts.

A. (cont'd.) I further prepared this form of report to show the large amount

of land that is vacant. In Rockingham County, as it virtually comprises the larger amount of it, to be exact, the total acreage is nineteen thousand six hundred twenty-eight acres, while there is seven thousand six hundred seventy-three acres that don't even have a sprig of grass on it. There is nine thousand nine hundred seventy acres that is mostly in small jack oak, waist high, although that includes some few acres of bottom land, possibly about one thousand acres, but the total of low grade worthless in the nineteen thousand six hundred twenty-eight acres is seventeen thousand six hundred forty-three acres, which leaves a very small amount of the timber to go on, and when on top of the Blue Ridge mountain, next the Albemarle line, looking across the John Alexander tract - I had field glasses - will not detect any timber of any consequence, as it is all below the hillside and is so deep in the valley that you cannot see it, although the Blue Ridge is several hundred feet higher than the other hills, and I was of the impression that one-half the Alexander tract had nothing at all, but upon entering those hollows, I found there was a nominal growth down deep in the hollows.

- Q. I will ask you to file that statement as Exhibit No. 4 with your testimony.
A. I herewith file the statement as Exhibit No. 4.
- Q. State whether or not you have in your possession any map showing the location of this Alexander land.
A. I had.
- Q. Where did you get that map?
A. Mr. Marsh gave it to me the day he gave me the instructions to cruise and appraise the property.
- Q. I will ask you to produce that map and file it as Exhibit No. 5 with your testimony.
A. I hereby produce the map and file it as Exhibit No. 5 with my testimony.
- Q. I see on this map a number of pencil notations. Were these notations made by you in the course of your work, or not?
A. Yes, all the pencil notations on there were made by me in the field.
- Q. State who, if anyone, accompanied you whilst you were making your field observations.
A. Mr. George A. Roadcap, of Grottoes, Virginia, accompanied me when I was working around Grottoes, most of the time; also, Melitus Garrison, of Brown's Gap, was with us a few days, also Andrew Garrison and John Garrison, and on the Elkton end of the property, I was accompanied by Elmer Munger.
- Q. Why were you accompanied by these men, if you know?
A. It apparently is the custom here for the Park officials to send a man along with the cruiser to aid him in getting through the country conveniently, otherwise you would lose more or less time finding the pathways, and so forth; and, furthermore, it is business prudence to not attempt working in the mountains alone. It is better to have company, especially someone who knows the country, that they may find the pathways for you leading to the various places that you wish to go.
- Q. Where did you find the timber on this Alexander tract, that is, with reference to the topography of the country?
A. It laid down in the bottoms, hollows, as a rule; nothing at all on the top with very little exception.

Q. State whether or not, in the course of your examinations, you found any evidence of timber blight, particularly with reference to pine timber.

A. Yes.

Q. To what extent?

A. I found that the pine had suffered a blight, as well as the chestnut. It is generally known that the chestnut blight swept the chestnut from the country, and the Alexander tract was no exception, and the bark was already falling off the trees that remained, but I wondered why there was not some large pine, and I found that there was a pine blight forty years ago that swept every living pine the same as the chestnut blight has at the present time, although I think I found three or four that I thought must have survived that blight; they seemed to be older than forty years.

BY MR. TAVENER: I object to the witness saying what he heard from any one else. It is a matter of hearsay, and should be stricken from the record.

By the witness: That is a matter of history.

Q. State whether or not you found any evidence of the property, or portions of it, having been burned over, and if you found any evidence of any portion of it having been burned over, what affect had it on the stand of timber?

A. The property has been burned over the worst of any property I know of, and not only burned over once, but, apparently, there has been fire after fire in that country until the forest is diminishing in value. In other words, forests naturally, just like men do, when they reach a certain age they start backwards as a whole. There may be some second growth, but when disease breaks forth in a forest, one tree will disease hundreds around it, and this forest has seen its maturity, must have, years ago, and has become what lumbermen would term "past maturity", and now, having the fires ravaging it besides, it is depreciating very rapidly, and I consider the John A. Alexander tract today, to be not nearly as good a tract as it was ten years ago.

BY MR. TAVENER: The witness's comparative value of the tract now and ten years ago is objected to for the reason that he has not shown that he was on this tract of land before he was employed in August, 1931, by the petitioner in this case.

By the witness: One does not have to be on the tract to read the signs of demarkation and destruction; a dying tree indicates that it was alive a few years back.

BY MR. TAVENER: Counsel especially calls the attention of the Commission to the witness's answer made after the objection, which answer shows, we submit, that he is so biased as to be unqualified to give a fair, honest and sincere valuation in any respect to this property.

BY MR. ARMSTRONG: Counsel for petitioner, in reply to this objection, states that, not only is it perfectly proper, but, in addition, it is highly commendable for the witness to undertake to state how he arrived at his conclusions as to why this land and timber is worth less now than ten years ago, when his statement was challenged on the ground that he had not been actually on the property within the past ten years except for the work that he has done in cruising the timber in August and September, 1931.

Q. Mr. Campbell, I will now ask you what, in your opinion, is the fair, cash, market value for the portions of the Alexander tract respectively in Augusta and Rockingham counties, for all purposes for which it is adapted?

BY MR. TAVENER: Same objection to question and answer thereto, on the grounds of the witness not being qualified on land values.

A. Shall I go into detail?

Q. No sir, just take it and add up the values as you have found them and give the answer so that it will appear at one place in the record.

A. I have determined, by my inspection of the property, that the land valuation of the Alexander tract in Rockingham County is \$27,626.00, and that the land valuation in Augusta County is \$2462.50, or a total valuation in the two counties of \$30,089.00. The total valuation of my findings for the Alexander tract, including timber and land is \$35,331.60; of which, Rockingham County is \$32,448.60, and the total valuation for Augusta County for land and timber is \$2,882.30.

Q. Now then, do I understand, from your answer, that these values which you have just given, represent, in your opinion, the fair, cash, market value for the lands and the timber growing thereon?

A. Yes.

Q. They do not include any value for any minerals thereon, if, in fact, there by any such, do they; anything else other than land and timber?

A. No, nothing but land and timber. Land, in fee simple title is what my figures are based on.

CROSS EXAMINATION BY MR. TAVENER:

Q. You were engaged for four years in winding up a North Carolina milling property before you came here?

A. Yes.

Q. What was the name of that concern?

A. Meadowfield Lumber Company.

Q. Where?

A. Mount Ariel, North Carolina.

Q. Was it under a receivership?

A. I was eventually made temporary receiver, then it went over to a permanent receiver, but it was not under a receivership until several years later.

Q. You had operated it before it went into a receivership?

A. Yes sir. As a matter of fact, it never did operate, -- I was in charge of it.

Q. In the estimation of the number of board feet on this tract, in what manner did you make your measurements?

A. May I interject in regards to the receivership. The inference would naturally be made that I was not a competent manager. This firm never had the money to complete their operations so that it could function. They needed fifty thousand dollars more. So, I have a mill, a standard gauge railroad, locomotive, railroad cars and a general all around equipment for a band mill operation laying there about two-thirds completed, and owing to the lack of funds of the firm who had

employed me, I was unable to complete it. It went into a receivership, not due to any fault of mine.

- Q. Down to what size timber do you make your estimation?
A. The practical operating size, which is approximately ten inches.
- Q. At what height above the ground? A. Stump height.
- Q. What height above the ground is that?
A. Some you cut high and some low, where it is practical to cut it off; sometimes little and sometimes high.
- Q. You made no estimate at all of timber there under ten inches; in your value of timber, as you have outlined in detail, have you included any item of timber under ten inches at the stump?
A. No sir, because it is not presumed in any kind of timber proposition -- all timber less than ten inches is not of a commercial nature.
- Q. Then you take the position before this Commission that no matter how many millions or thousands of feet of timber there may be below ten inches, that it is of no commercial value?
A. You may find a tree now and then, but, the world at large does not accept timber under ten inches as having a commercial value. When you are taking millions of feet, it has no value under ten inches.
- Q. I ask you again to please answer the question I asked you. I am not interested in what the world may know, I am interested in what you know, as an expert in this case. Do you assign any value to timber under ten inches?
A. Not on the Alexander tract. There is none there worth giving anything more. If you buy the merchantable timber that you can saw, that gives value to that that you can't saw.

BY MR. WHITE: The question involved in this case is not the value of this timber sold off the tract; the issue involved in this case is the value of the property for all purposes that it may have value for.

- A. There is no other purpose that this property can be of value for. I assume, from your previous questions, that you wish me to state that it has a stave value, but it has not. Stave mills have got to have thousands of feet at their command, and there is not enough there to run a stave factory, that is impractical. I might further add that when I say in buying the virgin timber, which is the mature timber and the large timber, that it gives value to the lesser diameters, ten inches and under, I mean by that that you have paid for that, and the man has sold the ten inch with that.
- Q. You mean that if I buy timber from a man ten inches and up, that I am therefore buying the stuff below ten inches?
A. No sir, if you were buying ten inches and up, you would be buying that one grade, you would be picking out the better class, but if you buy all - you don't want the other because it is of no value - but, if you buy all, then you consider paying for the other and it is paid for, but you only take off the better grade of it, but you have bought it all. That is the general practice in the lumber world, dear friend.
- Q. I think you will find, Mr. Campbell, that there are some of us who have had lumber experience that you have not had experience in.
A. Oh, I know there are all kinds of small things made out of timber; but this

is twenty-two thousand acres, but you can go down eight or nine miles back to get a load in the mountain - to get a load or small quantity to try to assemble to a distant point, and that is not commercially practical. There is timber scattered virtually over a wide area of the twenty-two thousand acres, but it is so small that it is hardly practical to operate the small quantity, let alone assembling a large area of it to one location; the cost of assembling will not permit. Therefore, there is no possibility of any small wood manufacturing enterprise making a success on the Alexander tract, let it be staves, spokes, handles, or whatever it may be.

Q. Now, in judging the amount of this timber, you used field glasses to a considerable extent?

A. Yes.

Q. So, you estimate acreage and feet of timber by field glasses?

A. I use them to assist me. Let me add that field glasses are a very material asset to any cruiser, and I know, looking over mountains, you will think, at times, when you are at the bottom, looking up, or otherwise, that the timber is smaller, and by using the glasses, you get the full benefit of it. I have had as good eyes as anyone, but experience has told me that, in order to give the territory full consideration, if you don't have your glasses to look up the side of a hill, you will figure the timber is smaller than it is, but with the glasses, it will give you the full value of the timber, which is really to the benefit of the land people. It aids very materially too.

Q. Mr. Campbell, by whom are you employed now?

A. By the State I presume, not presume, I know, but, gentlemen, please don't misunderstand me as being biased against this tract. You may have been led to believe so because of the fact that it was camouflaged to you and money was loaned on it, because you were made to believe that it has more value than it has, and the Court naturally assumes, if I don't give this testimony, that there is value down there in view of the thousands of dollars that have been loaned on it. It is what the lumber world generally considers a white elephant. I am not biased against the property. My gracious, I am a better friend of the property than you are. You would not do for it what I have done; so you must not take the attitude that I am biased against the property. I am only trying to bring out the true facts for your information.

Q. Are you through?

A. Yes.

Q. Why did you consider it necessary to make that answer because a simple question was asked you for whom you were now working?

A. Because you asked it with an air that because I was working for the government, I had a biased attitude, but I do not. I will not investigate any property without coming out and giving the facts even if it hurts me.

Q. Then you assume that the Commission and the Court would think that you are a biased witness because you are now working for the State?

A. Well, you were rather insinuating that by your attitude, or intimating it.

Q. Did you take my question as intimating that you were biased and unqualified as a witness, and if so, what part of my question?

A. I think you and your honorable contemporary have stated that in plain words a few minutes ago. I am not taking any personal offense at this matter, and I am not assuming that you are, but it is just an aspect of the case.

- Q. Are you through? A. Yes.
- Q. Mr. Campbell, did you examine any records of the Circuit Court of Rockingham County as to the values of any land adjoining the Mount Vernon tract in ascertaining your value of this property?
A. No sir.
- Q. Did you ascertain the values of any of the adjoining land from any of the owners thereof?
A. I may have inquired of valuations from one or two.
- Q. Do you mean to say you inquired of valuations of lands adjoining this property or inquired of valuations of this land?
A. The party I inquired of I think adjoins the property.
- Q. What value did he put on his land, this party to whom you refer?
A. The party was Mrs. Steer, of Grottoes, with whom I boarded. I asked her what they paid for their farm; she said ten dollars an acre -- if she didn't pay ten dollars for that, it was generally sold for ten. I think she paid forty for her's, but it was generally being sold for ten.
- Q. That was the only information you sought and got as to the valuation of land itself?
A. That's the only one I recollect, although I may have asked some others, but I did not ask them to confirm my general knowledge.
- Q. If you did, say so, and if you did not, say so.
A. I may have and I may not; who can tell what all is in your conversation.
- Q. Did you make any other inquiry to ascertain the value of land?
A. It wasn't necessary, but it may casually have come up, and the only one I know to come up was this one with these people, Steers, because I lived there with them for about ten days.
- Q. Is there any question that I could ask you that would illicit from you an answer that would in any way be favorable to this tract of land?
A. Why, if you intelligently know the land -- you don't know the land.
- Q. What, in your opinion, is this land, for any purpose, good for?

BY MR. ARMSTRONG: Objected to as the witness has answered this question in his examination in chief, stating in detail what the land was worth and how he arrived at his valuations.

- Q. You having stated if I had known my subject, that there are some things that you could say in behalf of this tract of land?
A. Yes, there are some, I presume, but, in order to try to answer your question, if you first take Big Run and sell that to some country club some place who would develop it, it would have made one of the finest hunting, fishing and game preserves in this country, but it has got to be developed, of course.
- Q. How much land in this tract do you consider very fine for hunting and fishing and game preserve?

BY MR. ARMSTRONG: Counsel for petitioner here informs counsel for claimants that on this question they make the witness their own, and he shall so contend before the Board of Appraisal Commissioners and the Court.

BY MR. WHITE: The witness is on cross examination, not only that, he has shown himself to be biased.

BY MR. ARMSTRONG: Question is objected to on cross examination as not being responsive on any matters brought out in examination in chief.

Q. Now, would you mind stating how much of this tract is the best land in the country for the purposes which you have just stated?

A. It could be made by proper development ---

Q. How many acres in this tract is especially valuable for this purpose?

A. There must be forty-five acres of it in the Big Run section, but, bear in mind that it would require an enormous amount of money to develop it, and it is in an undeveloped state at this time.

Q. I assume that you know values of fruit land, don't you?

A. No, I don't.

Q. Then, are you in a position to state whether some of this land is valuable for fruit growing purposes?

A. Well, I wouldn't say, what little I do know of the fruit world, there is not enough soil on the side of the hills for fruit to grow properly. It is void of actual ground.

Q. Please state whether you know, or not, if any of this land is valuable for fruit growing purposes.

A. There may be one, two or three acres, but there is very little of it. There are a thousand acres there that are bare, absolutely pure glean rock standing out. That rock zone is mostly in the fruit zone and the fruit zone is in the thermol zone, not too high and not too low.

Q. Then you are an expert on fruit growing?

A. Well, I don't say I am an expert, but I know something of fruit growing.

Q. Did you examine any of this property for the purpose of ascertaining whether it has any value for fruit growing purposes, did you or did you not?

A. I did not. I was not sent in there for that specific purpose.

Q. In view of the fact that you have stated that nineteen thousand and some hundred acres have no value at all and seven thousand acres not a sprig of grass will grow on, can you state for what purposes this land is being sought?

BY MR. ARMSTRONG: Question is objected to as the condemnation proceedings now pending, byvirtue of which this hearing and taking of testimony is being had, specifically states the object of the proceeding and the purposes for which the land is being sought to be condemned.

Q. You know, do you not, that the State has filed these proceedings for the purpose of condemning this land for park purposes?

A. Yes.

Q. Is this land, rugged and rough as you have described it, especially valuable

for park purposes by any firm, corporation, partnership or association interested in establishing parks?

A. No, not especially valuable, as you say. As a matter of fact, it surprised me very much that the Virginia people were able to interest the government in making a park in this zone, and if it had not been for the fact that the caves of the country are so famous, I don't believe they could have secured a park in the Shenandoah Valley, as the mountain zone just south of the park area is so far more attractive, more interesting and more naturally designed for park purposes, that they naturally would have selected the zone most adapted for it.

Q. Then, knowing as much as you have put in the record, you think the State has made a mistake in proceeding against this property for park purposes?

BY MR. ARMSTRONG: Question objected to as it calls for an answer upon an entirely immaterial matter.

A. Well, I can't say that the government is making a mistake, as it wasn't the government primarily. It started with you local people, and as I view the situation, you are to be congratulated that you had the enthusiasm to induce the government to buy this section and make a park site of it.

Q. Then you think that whoever started the park project likewise were camouflaged, as you think the lienors on the Mount Vernon tract were camouflaged, as stated by you?

A. No, I don't think it was necessary for them to camouflage the situation. I had been in this section ten or twelve years ago, and I learned that there was a vast amount of vacant land through here, and where there was such a large area that had lost its commercial value as a timber property, it was a very wise idea to develop it for purposes that might make use of this mountain zone.

Q. Did you not just state that this tract of land had no value for park purposes?
A. No.

Q. Has this land any value for park purposes?

A. If it has any value at all, that would be all the value of any consequence it has.

Q. Has this land any value for park purposes?

A. Yes, it does, owing to the fact of its location. If this tract was segregated from the park, you wouldn't want it. There is nothing particularly attractive about it on account of the barren rock that people cannot walk over, but since it is in the park, then it has some value.

Q. In your estimate of the value of this property, have you placed any valuation on it for its value for park purposes?

A. You will note, by reference to the valuation that I have placed on the land, what I consider it to be. Irrespective of what it was for, that is a very high valuation for the entire thing.

Q. Will you please answer the question?

A. Please repeat the question.

Q. You don't even know what the question is, do you?

A. I consider that valuation as applying for park or any other purposes that the government may wish to do with it. If it was for a lumbering enterprise, the valuation would be very materially reduced.

- Q. Mr. Campbell, you have filed four exhibits in detail, setting out what you found and the valuations. Is any value, in any one of these four statements, placed on this land for park purposes, and, if so, please state the statement and point out whereon you have placed any value on this land for park purposes?
- A. You misunderstood me in saying that I placed a valuation on it for park purposes; I said I placed a valuation on it for the government for park or whatever purpose they may want.
- Q. Is there any item on any one of your four statements, filed by you, showing any valuation on this land for park purposes?
- A. No sir.
- Q. Did you find a considerable amount of dead chestnut on this property?
- A. There was, in one fork, quite a little of it.
- Q. You treated that as being worthless, according to your statement?
- A. It is at present, although I included a large portion of it in the stumpage. Dead chestnut that will only make extract wood in that location is worthless, as it will cost more to get it to market than you can get for it.
- Q. You have stated that you made those estimates entirely independent of the other cruiser's estimates?
- A. Yes, I am glad you asked me that question. You gentlemen are cognizant of the fact that the government now has and has had a number of cruisers employed, and you naturally assume that we all domicile and fraternize with one another, but Mr. Marsh surrounded me with conditions that prevented me from meeting or coming in contact with the other cruisers until the work was completed and the reports turned in. He assigned me to live at a private house with no other boarders, and I did not meet another government employee with the exception of Mr. Marsh and my field man who accompanied me, until I had finished my work and turned in my report, and had no means whatever of securing any data to assist me or aid me, and I was very glad of it, as I didn't want it - had no occasion for the use of it.
- Q. Will you look at your memorandum book and see if you were in Big Run on September sixth?
- A. Yes, I was in Big Run on September sixth.
- Q. Do you recall writing your name on a rock?
- A. Yes sir.
- Q. On that same rock appears the name of J. W. Shifflet and the other Shifflet, do they not?
- A. It did not at the time, but Mr. Shifflet afterward informed me that he had been to where my name was, and he had written his name on it, and, if I remember rightly, there was some other name on it, but it wasn't Jack's.
- Q. Give the names of the two Mr. Shifflets who were cruisers for the government.
- A. I am informed and believe, though I have seen neither one cruising, that Jack Shifflet is check cruiser for the government, and I am informed that Will Shifflet has done some cruising for the government.
- Q. Do you not recall that it was the names of yourself, Mr. Will Shifflet and Mr. Jack Shifflet that was on that rock, dated September sixth?
- A. No, all I recall is that I wrote my name and that Jack told me he had found the place and wrote his. The reason I wrote mine was because I found someone

else's and I wrote mine. It is a custom among woodsmen and does not indicate anything beyond that you have passed that way.

BY MR. WALKER:

- Q. Mr. Campbell, in reaching your conclusions as to the value of that mountain land, did you take into consideration its sale value, that is, considering local conditions and prospective purchasers of that character of land?
- A. Yes, I did. You gentlemen will hardly believe it, but if the same acreage was further down the line, you would consider it nothing, but here I gave it this value on account of its proximity to the park.
- Q. Did you give it this value on its sale value to people -- to that class of people who buy land up on the mountain and make their homes there?
- A. Absolutely not.
- Q. You were not a prospective purchaser of a home up there?
- A. No sir, although I have lived about half my life in those conditions.
- Q. If that class of people who buy small homes there in the mountains are willing to pay a good price for those homes, that creates a sale value in that particular locality?
- A. I didn't interview anyone living in the mountains -- didn't need to, as I have been in the mountains forty years myself.
- Q. Then, if you did not need to interview any of the mountain people who live in that section and have homes in that section, then you know nothing whatever as to its sale price?
- A. Yes I do, absolutely.
- Q. Please tell me how?
- A. I can show you a hundred and forty options taken on just such mountain land as that, that I took only two years ago, and right on the Blue Ridge just a few miles south.
- Q. I am not asking about options taken on any mountains; I am asking you, and you are telling me that you didn't interview those mountain people and have not taken into consideration the sale price of those mountain lands locally.
- A. I did, but in so doing I didn't need to interview those folks living there.
- Q. Then, if you did not think it necessary to understand local conditions, the habits of the local people, the types of homes they had, where they decided to live and what they were willing to pay, how can you arrive at any sale value of those properties?
- A. I already knew it before I came there. Values do not fluctuate within a few miles, and I had examined the same zone just north of it.
- Q. And to have all that information before you came there, what prophetic vision you have.
- A. My dear sir, the Blue Ridge mountains do not change of any consequence from north to south.
- Q. Did you meet many of the Shifflets?
- A. No, not until after my work was done.
- Q. Did you offer any of them two dollars an acre for their land and get out of there alive?

A. No sir, I attempted to negotiate with no one for the land.

Q. Then the only local people that you interviewed with reference to the sale value was Mrs. Steer, who keeps a boarding house down in Grottoes and who came from the North and has been here only about ten years?

A. Yes.

BY MR. LEVI: If a man cruised a million feet, how close do they cut out?

A. They cut out pretty close, as a rule.

By the witness: Permit me to state to Mr. Walker that, in regards to getting valuations from the local land owners, that it is impossible to get any information that would pertain to the valuation of a large acreage, as they are wholly unfamiliar with that, and their small farms that are in a state of cultivation bear little relation to the large wild timber land, and my judgment has been based on the sale of other properties along this particular line.

BY MR. WALKER:

A. Then, do I understand from your explanation, that a large area, around twenty thousand acres, which the government is to secure for park purposes, is of less value than land containing a small acreage in cultivation?

A. Yes, it is of less value per acre. The small farm will have more value per acre than the same number of acres will have in the wild land.

Q. But, in view of the fact that the government is acquiring a large area for park purposes, which is necessary for park purposes, does not that increase the value of that area for park purposes?

A. Possibly it would, and I gave it that consideration, in a sense, in placing the valuation on it. As I said, if I had not taken that into consideration, I would not have given it the valuation I did.

Q. Assuming, Mr. Campbell, that the Shenandoah National Park would strike its southern boundary at the Spottswood Trail, and not go further south, would not this large area of land, if not taken into the park, be of considerably more value by reason of its proximity to the park?

BY MR. ARMSTRONG: Question objected to because the value of the land must be ascertained as of the time of the taking, without regard to future developments.

A. Only portions of it would be; such portions as might happen to interest some people who would like to live or be near the Shenandoah National Park, but, in the history of the land business that I have had, and they give me credit of knowing more of wild land east of the Mississippi River than any one else, I don't believe you will be able to sell that land to anyone as a whole if it is not sold to the government; yet, portions of it may sell, like you might sell a portion to some club. So, as a matter of fact, as a whole, you don't enhance in value by the park.

Q. You have given that answer from a theoretical standpoint, and not from any practical understanding of the Mount Vernon tract?

A. Yes, it is. I don't think you have anyone that has been connected with the Mount Vernon tract that has it analyzed as well as I have.

Q. Would your same conclusion hold good for the past five years as it will for the future with reference to securing a purchaser?

A. Mr. Alexander tried to sell that tract to me a number of years ago.

Q. Do you recall what the price was?

A. No, I don't remember - He spoke of a tract, and it corresponded very much

to this.

- Q. Then you would be surprised to learn that there was a purchaser for that property at seventy-five thousand dollars within the past five years?
A. Well, not to contradict what you say, but no man who knows what he is doing, would pay that in the past twenty years even.

BY MR. WHITE:

- Q. Mr. Campbell, the options you spoke of for land in the Blue Ridge Mountains -- have you those options?
A. I have them in my effects at Elkton.
- Q. Would you submit those options to the counsel?
A. I would be glad to.
- Q. When will you do that?
A. By the way, I think I have them there.
- Q. If you haven't got them, who would have them?
A. They are in my effects someplace. I have just had a moving, and I have twelve hundred pounds of baggage scattered around.
- Q. Will you please ascertain if you have those options at Elkton, and notify Mr. Tavener if you can find them, or not?
A. Yes.
- Q. You stated in your answers "I can show you a hundred and forty options taken on just such mountain land as that that I took only two years ago on the Blue Ridge just a few miles south." Will you please state in whose possession those options are?
A. They are in my possession, in my effects somewhere.
- Q. Will you please examine your effects and notify Mr. Frank S. Tavener, Jr., whether you have been able to find those options?
A. It will be impossible to examine all my effects as some are in Clarksburg, West Virginia and some are in North Carolina. I presume they are among those boxed up materials, as I have with me only such equipment and clothes as I need for this work here.
- Q. Please state in which box in which state those options are, in your effects.
A. Well now, I couldn't tell you which box it is in as there are several boxes filled with clothing, papers and books, but if there is any information you wish to have which I can give you mentally, I will.
- Q. Are those options in Virginia, North Carolina, West Virginia or Mississippi?
A. I couldn't tell you.
- Q. In what year did you get those options?
A. In the neighborhood of two years ago.
- Q. From whom did you get them?
A. I took them for the Meadowfield Lumber Company at the instigation of a prospective buyer.

- Q. In what county was the land situated on which you secured options?
A. Mostly in Patrick County.
- Q. How far is Patrick County from this tract of land?
A. It is the most southermost county on the line adjoining North Carolina.
- Q. Do you know how many miles?
A. No, I don't.
- Q. Will you please examine your effects that you have in this state and see if you can locate those options?
A. I will be glad to do so.
- Q. Will you please report to Mr. Frank S. Tavener, Jr., whether or not you have found them?
A. I will. It will be a pleasure for me to show you those options, but I would not care to make them a part of the record, as they are of value to me yet.

BY MR. ARMSTRONG:

- Q. Mr. Campbell, the record shows that, in your testimony about those options, in answer to a question by opposing counsel, you stated that you took options on properties just a few miles distant, or within a short distance of this Alexander tract. It now appears that you were referring to options on land in Patrick County, Virginia, which county is several hundred miles from the lands of the Alexander tract. Now, were you referring to the same options, and, if so, what explanation have you to make as to your first statement?
A. In using the words "a few miles", I did not consider that the distance from here to Patrick County was so great, and possibly did speak of it in a light manner, as if it was closer than it actually is, but us lumbermen have gotten in the habit of doing so, but I live in Murphy, Georgia, to up in Pennsylvania, and we do not consider a hundred or so miles a great distance.

BY MR. WHITE:

- Q. Mr. Campbell, you know that the object of your testimony is to enlighten the Commission and the Court on what would be a fair value of the property?
A. Yes.
- Q. Why did you make the mistake of saying that you had taken options on land within a few miles of this property, when you had in mind and knew that the Commission is trying to ascertain from testimony given in this case what is a fair value of the property?
A. I don't consider that it is a mistake.
- Q. You don't consider that the difference between a few miles and a hundred and fifty miles is a mistake?
A. No, I don't. I consider anything in the same state on the same range of mountains is virtually in the same locality in the lumber world.

BY MR. WALKER:

Q. Mr. Campbell, you have spoken of conditions being the same, and that is what I was talking about with reference to the sale value of the land. Don't you know that this land in Patrick County is from fifty to seventy-five miles from the railroad, whereas the land on the Mount Vernon tract is only some few miles?

A. Yes, and yet that land in Patrick County is worth more than this.

NOTE: It is agreed by counsel for the petitioner and counsel for claimants that the buildings on the land under consideration are worth eight hundred and fifty dollars, and that no testimony need be taken for or against this agreed value.

And further this deponent saith not.

MR. OSCAR O. WITT, a witness of lawful age, being duly sworn, deposes and says as follows:

Q. Will you state your name and age, please?

A. Oscar O. Witt; forty-six years old.

Q. Mr. Witt, what is your present occupation or business?

A. My present occupation is cruising timber and valuing land for the proposed Shenandoah National Park.

Q. Are you employed by the State Commission on Conservation and Development of the State of Virginia?

A. Yes.

Q. How long have you been in the employe of the State Commission on Conservation and Development of the State of Virginia; and engaged in the work of cruising timber and valuing lands for the Shenandoah National Park?

A. Since December first, 1930.

Q. Mr. Witt, prior to your beginning work for the State Commission on Conservation and Development, what has been your education and experience in the matter of judging or cruising timber and estimating stands of timber and estimating values of timbered lands?

A. Well, my experience has been greater than my education. I started in March 15th, 1924, with the Cherokee National Forest, with headquarters at Athens, Tennessee, and I worked with them up until April, 1928. At that time, I went with the Smokey Mountain Park Commission and worked with them until the 15th of August, the same year; then I went back with the Forest Service and have been with them since that time up until I started with the Park.

Q. Did your work, during the time testified to by you and at the places where you worked, require the valuation of lands as well as timber?

A. Yes sir.

Q. And you did value lands as well as timber?

A. Yes.

- Q. You did this work for the State of North Carolina in the matter of the acquisition of lands in North Carolina for the Smokey Mountain National Park?
A. For the State of Tennessee.
- Q. Oh, for the State of Tennessee? A. Yes.
- Q. What counties in Virginia have you worked in for the Virginia Commission?
A. In Rockingham, Madison, Green and Albemarle, I believe.
- Q. Have you worked upon the Alexander tract now under consideration here?
A. Yes sir, on a small part of it.
- Q. State which portions of the Alexander tract you went over.
A. I worked the entire watershed of the lower Lewis Run, and part, possibly half or a little more, of upper Lewis Run, and helped work the other half. I have been over both watersheds.
- Q. You made estimates and reports on those estimates to Mr. Marsh, Park Director, on which portions?
A. The parts that I just mentioned, lower Lewis Run and part of upper Lewis Run.
- Q. How did you cruise the parts that you did cruise?
A. By the strip method.
- Q. You heard Mr. Smith testify as to the strip method? A. Yes.
- Q. And that is the same method that you used? A. Yes.
- Q. Will you tell the Commissioners the quantity of merchantable timber growing or standing upon the portions that you cruised, and, if you cannot state this from recollection, if you have a memorandum in your possession which you made at the time, you may refer to that memorandum for the purpose of refreshing your recollection.
A. On lower Lewis Run I found two hundred sixty-one thousand feet; Smith's estimate and mine combined on upper Lewis Run was two hundred nineteen feet.
- Q. Did you consider in that estimate of growing timber anything under ten inches across the stump, breast high?
A. No sir, I did not.
- Q. Did you classify the land over which you traversed with regard to slope land, ridge land, cove land, burned over and not burned over?
A. Yes.
- Q. And did you make a memorandum of that; did you put that in the form of field notes?
A. I did, but I don't have that memorandum with me. I put it on the map from the notes.
- Q. What memorandum or notation, if any, have you on the memorandum which I notice in your possession, showing anything with regard to such classification?
A. On these little map sheets, I have the topography and the type of lands and each type labeled.
- Q. That does not show the acreage? A. No.

- Q. But that comprises the lands on which you estimated the timber? A. Yes.
- Q. And you turned that in to the park office for the purpose of making up the data map covering the whole area?
A. Yes sir.

And further this deponent saith not.

MR. W. H. STONEBURNER, a witness of lawful age, being duly sworn, deposes and says as follows:

- Q. Mr. Stoneburner, will you state your name and age, please sir?
A. W. H. Stoneburner; forty-six.
- Q. What is your present occupation, and how long have you been engaged in the same?
A. I have been employed by the State Commission on Conservation and Development for approximately five years; the last year and a half being with the Shenandoah Park division of that Commission.
- Q. What have been your duties since you have been assigned to serving in the matter of the acquisition of the Shenandoah National Park area?
A. To assist with the examination and valuation of lands in the area.
- Q. Now, Mr. Stoneburner, what experience have you had, before beginning work in this Shenandoah National Park area, in the matter of examining lands, cruising timber, valuing timber, and so on?
A. From 1913 to 1926 I was an employee of the United States Forest Service in various capacities in the acquisition and administration of forest lands in Virginia, West Virginia and Tennessee.
- Q. What portions of Virginia did you cover under that employment?
A. The entire Shenandoah National Forest, extending from Strasburg to Goshen and three counties in southwest Virginia.
- Q. State briefly, in a general way, what were your duties in connection with that section of the National Forest in Virginia, I believe it is called the Shenandoah National Forest, is it?
A. Part of the time I was engaged in the examination of lands for purchase, and the rest of the time in the administration of lands, after they had been purchased.
- Q. Do I understand that you made an inspection of the lands and a cruise of the timber on the lands for the purpose of ascertaining the value that the government would be willing to buy them at?
A. Yes sir.

- Q. Were those areas in which you made inspections of land and classification thereof and timber cruises, similar and comparable to the lands of John A. Alexander, now under consideration here, or not?
A. Some of them were, very similar.
- Q. Have you personally been over the Alexander tract?
A. I have seen about three-fourths of it.
- Q. Were your visits for the purpose of examining the land for soil classification or not?
A. Some for that purpose, and some while I was engaged under the State Forest Service.
- Q. Do you know if fire ever swept over this Alexander tract?
A. Not over the entire tract at any one time, but considerable portions of it were burned over it while I was working under the State Forester.
- Q. You helped to fight it? A. Yes.
- Q. On several occasions? A. Yes.
- Q. In recent years? A. Since 1926.
- Q. Look on the memorandum which I hand you, which purports to be a memorandum showing the division of the lands of the Alexander tract into types; it also has opposite the number of acres shown to belong to each type a valuation per acre. State, from your knowledge of this particular tract gained from personal examination and from your knowledge of similar types of land which you have testified you have examined in similar localities, as to whether or not the values given are fair market values for such types of land in this neighborhood?

BY MR. WHITE: The question and any answer thereto are objected to; first, for the reason that the witness has already stated that he has not been over all the tract; second, for the reason that this witness should place his own valuations upon the land rather than confirm the valuations of some other person.

BY MR. ARMSTRONG: In deference to the exception, I will ask, state what, in your opinion, is a fair valuation of the different types of land on this tract.

BY MR. WHITE: The question and any answer thereto are objected to for the reason stated, that the witness has not been over the entire tract; further, for the reason that the witness has not qualified as an expert as to the value of this land for all purposes for which it may be used. His testimony shows that he is only qualified from the standpoint of a forester and cruiser.

BY MR. ARMSTRONG: Refer to the memorandum I have handed you for your convenience in testifying, if necessary.

BY MR. WHITE: The witness was asked the question to state what, in his opinion, was the valuation of the land. It is improper for him to refer to the valuation placed thereon by some other person, as his independent valuation will necessarily be influenced by the valuation stated in the memorandum prepared by some other person, which person we do not know and the evidence does not disclose is competent to have put the valuations in the statement contained.

- Q. Influenced, competent or incompetent, please answer the question.
A. Independent of any merchantable timber on the Alexander tract, I consider a large portion of it without value, approximately one-third of it without value, approximately one-third of it worth fifty cents an acre, and approximately one-third of it with a value of a dollar and a half an acre.
- Q. How would that be influenced or affected as to cove type, slope type or ridge type, burned or unburned?
A. The one-third that I consider of no value is the portion severely burned, without regard to cruisers' figures; the other third is an area that has not been so severely burned in recent years, and the other third is what is classed as cove type and some of the better slope type, burned over perhaps within the last ten years, but not so severely as to kill young timber more than four inches in diameter, breast high.
- Q. You have stated that, in the course of the discharge of your duties in connection with the acquisition of the Shenandoah National Forest, you had placed prices upon lands. State whether or not you know whether the government later acquired, by purchase, those lands at the prices you placed on them.
A. At the prices I recommended, yes sir.
- Q. Explain.
A. The procedure in the purchase of land for the Federal Government for forestry purposes is that the tracts are approved for purchase by the National Park Conservation Commission at Washington. The employees in the field merely recommend values. The tracts were approved for purchase by this Commission.
- Q. Now, were such areas comparable with the area comprised within the Alexander tract?
A. In many respects.
- Q. Compare prices for the Shenandoah Forest lands referred to, with prices shown on the sheet I have just mentioned to you for the Alexander lands.

BY MR. WHITE: We object to the question and any answer thereto for the reason that the witness has not stated what prices he recommended to buy the land at.

BY MR. ARMSTRONG: That is true, but the question I have asked him will compel him to state what such prices were when I call for a comparison.

A. I can only remember the scale of prices for the different types of land. I can't recall any particular tract.

BY MR. WHITE: The witness having stated he does not recall at what price he recommended to the government and at what price the government purchased it, we object to the question and answer, and for the further reason that the deeds and contracts would be the best evidence.

And further this deponent saith not.

NOTE (By Mr. Armstrong): Counsel for petitioner here produces memorandum and tally sheets of the witness, Smith, who testified on yesterday, and asks that the same be filed and marked Exhibit X with the testimony of Mr. Smith.

A. The Allegheny Ore and Iron Company sold it to the United States of America.

Q. That tract, I take it, is in the Shenandoah National Forest? A. Yes.

Q. Name some more tracts.

A. Kauffman and Prince tract of approximately 700 acres, lying on both sides of the Lee Highway near the New Market Gap in Page County, sold by the widow of Henry Kauffman and Mrs. Ida Prince for two dollars per acre, to the United States of America.

Q. For the Shenandoah National Forest? A. Yes.

Q. Give the approximate dates of the sales you have referred to.

A. The deed of the Allegheny Ore and Iron Company was recorded in 1915, and the Kauffman and Prince tracts are to be condemned to secure the title. That was confirmed in 1922.

Q. You mean the report of the commissioners fixing the valuation of them?

A. Yes.

BY COUNSEL: I will have to admit that that is not proper evidence because it is not a plain price agreed upon.

A. (cont'd) Yes it was. There was a contract between the parties. I negotiated the sale. I examined the tract and reported on it.

Q. Well, if you have in mind any other tracts that you can name and describe and give the names of the seller and purchaser and the price, I would be glad if you would do so.

A. I examined a tract of five hundred acres near Edinburgh on the Massanutten, and negotiated with Mr. E. D. Clark, at \$2.50 an acre. That was better timbered than the other tracts I had examined.

BY MR. TAVENER: That was condemned also?

A. That was direct purchase.

Q. Didn't that case come up to the Attorney General?

A. I think not. It had been delinquent for taxes at one time.

Q. That was the first case I had; I remember it well --

A. It is recorded in Deed Book 91 in Shenandoah County, I have forgotten the page.

BY MR. ARMSTRONG (Direct Examination continued)

Q. From your knowledge of the tracts that you have just referred to as having been purchased by the United States government as compared with the Alexander tract under consideration, how did these tracts compare with the Alexander tract as to elements of value, such as timber, such as adaptability of land for farming, grazing or any other purpose for which these tracts are reasonably adaptable?

A. All three of the tracts that I have described were essentially timber land tracts; small areas might be farmed, but not farmed at a profit, in my estimation. The slopes in some instances were gentle and could be farmed if the person had to farm them.

Q. Is the character of the soil of the Alexander tract and the lay of the land and the quality of the timber better or worse than that three tracts you have mentioned?

A. The topography is very similar; the character of the timber I would say is a little sounder in each case, just slightly better quality. The trees have not been cut over quite so closely. To make it clear, the Allegheny Ore and Iron Company tract had a considerable acreage that had been cut close for charcoal purposes thirty or forty years before, and were almost fully restocked with stands of hardwood with promise.

Q. Mr. Stoneburner, if you know, will you tell these gentlemen of the Commission the various values of the types of land placed by the United States Government in the matter of the acquisition of the Shenandoah National Forest?

A. There is a graduated scale of prices, or was in use when I was employed looking over the lands mentioned, ranging from fifty cents to fivedollars an acre, according to the soil types. There were four general soil types, and in each case there was a variation of about fifty cents -- they varied from fifty cents to five dollars for the best quality of cove type.

Q. Did I ask you any questions on your former examination as to whether or not this tract showed signs of ever having been burned over or not?

A. I think you did.

CROSS EXAMINATION BY MR. TAVENER:

Q. Mr. Stoneburner, you stated, I think, in your examination a few days ago that you fixed these prices for the government on these various tracts of land acquired by the National Forest?

A. That was a part of my duty on certain tracts, not on all that were acquired, but for a number of years that was a part of my work, to recommend values to the Commission in Washington.

Q. When that price was not satisfactory to the land owner, he would usually contest the matter in a condemnation proceeding before the Federal Court at Lynchburg?

A. No, ordinarily there was no sale. Those proceedings in Lynchburg were to clear the title to certain parts of the tract.

Q. Did you not frequently attempt to buy land at a dollar an acre and the owner would not agree to sell at that?

A. One owner would always agree. The government would not attempt to buy the land unless one of the claimants had agreed to a stipulated price.

Q. Do you not recall that the Walter Fravel land on the slope of the Massanutten Mountain, east of Woodstock, was acquired by the government by condemnation proceedings, and that the price that the government fixed on that property was either a dollar or a dollar and a half an acre, but that, as a result of the condemnation proceedings the government was required to pay four dollars an acre for that land?

A. I was a witness in that case and my understanding was that the government did not accept the judge's verdict; that is my understanding. One of the claimants signed the purchase agreement, Mr. M. H. Hull. He had signed an agreement of purchase, and Mr. Fravel contested and it was tried before a jury, and it was rejected by the government.

A. Some of it had been developed as an orchard, and a claim was made for an orchard value on that land.

Q. That was a few acres, was it not?

A. A few had been actually planted, but a claim was made that some forty or fifty acres was adapted to it.

Q. The bulk of it was on the face of that mountain that could not be used other than for the growing of timber?

A. Mountain land, mountain timber land, yes.

Q. Do you recall what price the government paid, by contract, for the Lenning Estate property consisting of sixty thousand acres and located in the Shenandoah Mountain?

A. I don't recall.

Q. It is at the head of the North Fork of the Shenandoah River and in Rockingham County; you are familiar with that tract, aren't you?

A. I know the location. I did not help to examine that tract. I know approximately the price paid, it was something like three or four dollars; it might have been as much as four dollars. Title for that was acquired after I was transferred to Tennessee. It was in the process of acquisition when I was on this forest.

Q. Do you not also recall that some portions of that land were sought to be condemned and the appraisers fixed the valuation at five to six dollars an acre on it, but the government did not finally purchase that part of it because of the price?

A. That was after I had moved from the valley.

Q. Do you not know that to be a fact?

A. No, I had not heard.

Q. Are you familiar with that large tract of land in Bath County that was acquired by the National Forest, for which they paid four dollars an acre?

A. There were several large tracts, if I had the names.

Q. Do you recall the names of any of those large tracts?

A. I was in touch with the acquisition or the work of acquiring the Augusta Woods Products tract in Augusta, near the Bath County line, the tract that was not more than half cut over; it had a lot of virgin timber on it. There were stave mills there. The company, after the war, discontinued their operations and sold the land to the government.

Q. Do you recall whether they paid five dollars?

A. Not as much as five dollars.

BY COUNSEL: That is not the land I have in mind; I will have to find out the name. I shall probably want to call you to the stand, Mr. Stoneburner, and ask you about other condemnation proceedings in which four or five dollars an acre was paid, but I haven't the names of those tracts right at the moment, but may have them before the day is over.

Q. Now, in the fixing of these various prices for land for the National Forest, doesn't the government outline a scale of prices which they are willing to

pay for land?

A. They do.

Q. And if they cannot get it for that price, then they just don't buy the land?
A. That is true.

Q. Is it not the policy of the Forestry Department to encourage farmers to grow and save the timber on their farms?

A. I believe there is some extension work being done by the Department of Agriculture in that direction, in --

Q. In encouraging the public, particularly the farm owners to save their timber; doesn't your department claim that that timber will increase in value at the rate of approximately a dollar an acre per year by the additional growth of timber?

A. I don't think any such claim as that is made. I have never used it myself, and have never heard anyone make that claim for the best of land, especially on what is termed marginal and sub-marginal land.

Q. I will ask you this question; where timber is developed to the point where it is merchantable and on the average type of soil that produces good timber, what does your department claim -- I am speaking of the National Forest, under which you have been working for a number of years, in other words, the Reforestation Department of the Federal Department of Agriculture-- how much do they claim that that timber will increase in a year in value by its normal growth?

A. To be frank, I have never seen any definite statement. There is such a wide range in the quality of the soil and the species of timber in this region that it is very difficult to arrive at any figures. I happen to know that the Experimental Station at Ashville have been conducting a certain experiment, but they have never published any figures to be exact for any given type of land even. Market conditions and all that are so variable that it is problematical what the increase in value will be.

Q. Now, you have heard the testimony of the State's witnesses here as to some parts of the timber on the Alexander tract being excellent timber, and you have stated that you have been over a part of the tract yourself --

A. Since the other hearing, I have spent four days on the tract.

Q. Now, would you not state to this Commission that the normal increase in growth of that timber, per year, would be of considerable value?

A. I can't say that it would. From having made some ~~work~~ studies of the trees, cut off some of them and determined the rate of growth, it is my opinion that a large part of the Alexander tract is what is termed as marginal or sub-marginal land, land claimed by the Department of Agriculture or the United States Forest officials to be land that should be in government ownership; that it is not profitable for an individual to make an investment in and pay the taxes and expect to reap a profit. There is some of that land that will grow merchantable saw timber in a course of time.

Q. Isn't the pine on that tract of land at the toe of the mountain at the southeastern edge of this property of rapid growth?

A. On the contrary, it has been my observation that it is hardly average growth.

Q. Well, timber that makes about the average growth would increase in value each year?

A. That is the particular area that I had in mind when I said some of it

would grow merchantable timber in a course of time.

Q. Is it not a fact that that tract of five hundred eighty nine acres that you stated was purchased from Mr. Clark was a tract that was sandwiched in between a number of other tracts, and not even a right of way out from it, and on the side of the Massanutten Mountain?

A. It was just like practically every tract there; the question of right of way did not enter into the value of it.

Q. Isn't this the tract that was left there because of overlaps in other tracts that were adjoining it?

A. It was not. The tract was acquired by direct purchase, as evidenced by the deed. It was adjoining the John M. Solomon tract. That tract was purchased for taxes by Mr. Clark. It had not been assessed for thirty or forty years.

Q. And that case involving the condemnation of that land went up to the Assistant Attorney General twice before the government finally bought the tract?

A. I am convinced there was no effort made to condemn it. There is a straight out and out deed, signed by Mr. and Mrs. Clark.

RE-DIRECT EXAMINATION BY MR. ARMSTRONG:

Q. Did I understand you to say that, since you last testified, you have visited the Alexander tract?

A. Yes, and spent about four days on it.

Q. Did you remove any samples of the timber on that tract?

A. I did.

Q. Have you any such with you?

A. Yes sir, I have five of them.

Q. Where are they?

A. I have them here.

Q. Now, Mr. Stoneburner, will you exhibit the samples which you have there before you to the Commissioners and tell them from what type of soil on the Alexander tract you took the same, and explain to the Commission whether or not that timber has made a quick growth, or average growth or below average growth?

A. I aimed to take and did select dominant trees in the stand, trees that were of equal height or the best trees in the stand, and I did not get any suppressed trees in the specimens taken, and I can identify the spot on the map on Big Run and Deep Run, not more than five or six rods from the stream in any place on the floor of the valleys and in the hollows.

Q. Then I take it, the samples were taken from trees growing on cove type?

A. It was not classified as cove type because of the poor quality; it was classified on the map as lower slope, not cove, but it was the best soil in those two hollows.

Q. Now, explain those samples to the Commission, if you please.

A. This pine tree, marked No. 2, was not quite $8\frac{3}{4}$ inches in diameter; inside the bark it was about 8.67 and outside it was 9.87, and seventy-six years old. I have a record as to the total usable length in the trees. This specimen of pitch pine was $8\frac{1}{2}$ inches in diameter outside the bark $4\frac{1}{2}$ feet from the ground, and measured at a point 6 inches in diameter outside the bark it was sixteen feet from the stump up to that point; that is number 6.

Q. Is that breast high?

A. The diameter of eight inches was $4\frac{1}{2}$ feet from the ground. A chestnut oak, labeled No. 4, is forty-three years old, $7\frac{1}{2}$ inches in diameter outside the bark at a point $4\frac{1}{2}$ feet from the ground, and was twenty feet long up to a point 6 inches in diameter outside the bark. Specimen No. 5 is chestnut oak $8\frac{1}{2}$ inches in diameter outside the bark at a point $4\frac{1}{2}$ feet from the ground and was twenty feet long up to a point 6 inches in diameter outside the bark. Specimen No. 1, scarlet oak, is nine inches in diameter $4\frac{1}{2}$ feet from the ground and was 22 feet up to a point 6 inches in diameter; it is between seventy and eighty years old.

- Q. Mr. Stoneburner, I hear you say that these sections which you have identified, about which you have testified, are forty to eighty years old. To the eye of an inexperienced man they do not look like much more than good sized saplings. How do you account for that?
- A. Poor soil and repeated fires.

RE-CROSS EXAMINATION BY MR. TAVENER:

- Q. Do you have a chestnut oak there? A. Yes.
- Q. What is the age of that exhibit? A. Fifty-four years.
- Q. That is a fully matured oak, is it not, that you took that sample from?
A. No, I would not say; I would say it was an immature tree.
- Q. In what way?
A. That it showed no evidence of decay due to old age; that there was still a chance for it to grow.
- Q. Well, when I speak of a mature tree, I do not mean where it has reached the point where it is ready to decline; I mean a tree that has reached a stage of growth where it can be utilized as merchantable timber. In that sense of the word maturity, you would call that a mature tree?
A. Not unless you would expect to use the bark. The rest I would not consider merchantable, of merchantable size.
- Q. What is the diameter of that tree, breast high?
A. Eight and a quarter inches outside the bark.
- Q. Then you mean to state to this Commission that all the timber on that tract that is $8\frac{1}{2}$ inches in diameter, breast high, is of no merchantable value to us?
A. Of that species, of chestnut oak, I would say has no merchantable value for saw timber.
- Q. Well, what about stave wood?
A. I have never seen any chestnut oak being used for staves; I know of none being used so, chestnut oak of that size.
- Q. Do you not know that the best size for stave wood timber is between six and nine inches?
A. Of the species that are in demand for staves, I will grant you that.

- Q. What is the age at which a chestnut oak is mature enough to be merchantable?
 A. Ordinarily a chestnut oak stand must have reached the age of seventy-five years before it is large enough for saw timber.
- Q. Now, Mr. Stoneburner, isn't it usually considered that chestnut oak forty years of age is old enough for ties and wood of that sort?
 A. I failed to find any stands that would have made that growth, and I have seen quite a few in the Blue Ridge.
- Q. Now if this particular exhibit, No. 5, is now only fifty-four years old, and you say it requires a tree seventy-five years old to be merchantable timber, then this particular exhibit cannot be far below what it should be at fifty-four years of age?
 A. At seventy-five years of age, a stand of chestnut oak is not of the best; it is just entering the merchantable stage, in my experience.
- Q. Well then, one of the greater differences between the State and the claimants in this case is as to what is merchantable timber and what is not. If your contention is correct that timber is of no value until it is seventy-five years of age, or at least is not merchantable until seventy-five years of age, and your witnesses have shown approximately two millions of feet of timber on there, they are speaking then of timber that is considerably advanced in age?
 A. They are speaking of all the trees from ten inches in diameter up.
- Q. Well, when this chestnut oak is seventy-five years of age, what would you say its diameter would be, breast high?

BY MR. ARMSTRONG: Question objected to because, manifestly, no person could say what would be the size of any particular tree in a good number of years. It is bound to depend on any number of circumstances and conditions that the question does not include; namely, quality of soil, whether watered sufficiently to induce growth, exposure and type of soil, whether of rich slope or cove type, and perhaps many other circumstances.

BY MR. TAVENER: In reply to that objection, counsel states that the witness has testified that he knows exactly where he got this exhibit, he knows the nature of the soil; that he is an expert on trees and tree values; that he has made a study of these particular trees, and if any witness could be qualified to answer a question of that type, certainly this witness has qualified himself as an expert on that matter, and could certainly be expected to answer what, under normal conditions, would be the diameter of that tree when it is seventy-five years old.

BY MR. ARMSTRONG: If counsel for claimant means by his question to refer to the particular tree from which the exhibit was taken, and not to trees generally, then the objection is withdrawn.

BY MR. TAVENER: The question referred only to Exhibit No. 5.

A. At the same rate of growth made in the last twenty-five years, this tree could be expected to attain a diameter of $11\frac{3}{4}$ inches at the age of seventy-five years.

- Q. Now, Mr. Stoneburner, on how many other tracts in Shenandoah National Park have you cut the trees and made an investigation of this exact type, if any?
 A. I recall one tract on the Massanutten Mountain --

- Q. In the Shenandoah National Park?
A. In the Shenandoah National Forest.
- Q. In the Shenandoah National Park was my question.
A. I would have to say none, because I know of no other tract where the soil is quite as bad except one. There is one other tract that has virtually no chestnut oak or any timber of that size on it. I have examined the timber on a number of tracts where the soil is better quality on the other side of the Blue Ridge, of the same species, and found that the trees had made a better rate of growth.
- Q. But you cannot compare this tract with any other tract in the Shenandoah National Park as to the growth of trees, because you have not made that examination on any other tract?
A. I have examined them without making any record of the figures, because I have looked into it to get some idea about the rate of growth.
- Q. But if you did not do it with the idea of preserving figures on it, you would not be able to make any accurate comparison of this tract and any other tract in the Shenandoah National Park?
A. Only in a general way.

BY MR. WALKER:

- Q. I believe you brought here, Mr. Stoneburner, five exhibits of samples of trees, numbers 1, 2, 3, 4 and 5; is that correct?
A. Number 1, 2, 4, 5 and 6. I spoiled No. 3 in getting it shaped up.
- Q. Are any of those exhibits over ten inches in diameter, breast high?
A. None.
- Q. None over ten inches?
A. No.
- Q. You have heard all the testimony in this case, I believe, have you not, Mr. Stoneburner?
A. Practically all.
- Q. Then the two million feet of timber which has been appraised on the Mount Vernon tract of land by the government appraisers is in excess of ten inches, breast high?
A. Ten inches and up, yes sir.
- Q. Then the government appraisers have absolutely given no value to timber, or some of the timber from which these samples that you have brought here have been cut?
A. I cannot say that that is the case.
- Q. That must be the case now.
A. It is the general practice to value young growth under ten inches in diameter with the soil.
- Q. Now, Mr. Stoneburner, we have had the government appraisers on this stand and all of them have testified that they placed no value upon any timber under ten inches, breast high. Are the government appraisers right in that statement or are they wrong, and all have testified to it?

- A. I will have to answer that this way; I testified at the beginning that I had not prepared the examination report. I assisted in the preparation of that report to the extent of a consultation on the type values; I was consulted to that extent, and I know, of my own knowledge, that all young growth not considered merchantable size was counted with the soil, and that the absence or presence of young growth determined in a large measure the price per acre fixed for the soil, the cove and the slope types appearing in the report.
- Q. Now, without arguing the case, Mr. Stoneburner, isn't it a fact that every appraiser for the government who has testified in this case, and I will not call names because it is not necessary, have testified that they did not take into consideration for timber value any timber less than ten inches in diameter, breast high?
- A. I think you are correct to that extent; they were not included in the estimate of timber, that was my understanding of the answers.
- Q. Then, that being true, the government appraisers have absolutely fixed no value on timber similar to Exhibits Nos. 1, 2, 4, 5 and 6 which you have brought here before the Commissioners?
- A. I can't say that that is the case. The report shows six hundred cords of wood that is made up of that species, pitch pine.
- Q. Well, in other words, the government appraisers have absolutely fixed no value on timber under ten inches in diameter, breast high, similar to the exhibits brought here, as merchantable timber?
- A. They did consider all the pine on a given area down to five or six inches. That was for comb wood. My understanding was that it was an estimate of wood for whatever purposes it might be used.
- Q. Don't let us ~~drag~~ the issue again; I am talking about what you term merchantable timber, and I will ask you again if you placed any value on the timber similar to the exhibits you have brought here as merchantable timber?
- A. Yes sir.
- Q. What value have you placed on timber similar to the exhibits you brought here, as merchantable timber?
- A. Fifty cents per cord for pitch pine of 128 cubic feet, where it occurred in sufficient quantity to be considered merchantable.
- Q. Well, is this particular value that you have just mentioned restricted to pine?
- A. Yes.
- Q. What are the exhibits that did not include pine; just the numbers, please?
- A. Numbers 5, 4 and 1; there are two chestnut oaks and a scarlet oak.
- Q. Then timber similar to Exhibits Nos. 5, 4 and 1 under ten inches in diameter, breast high, has not been considered of any value at all by the government appraisers?
- A. It was considered with the soil. It was not estimated as saw timber or not estimated for any specific product.
- Q. Then you have estimated the value of timber similar to Exhibits 1, 4 and 5 as of the soil, and then you have not placed any soil at more than one dollar an acre, have you?
- A. Some of it is two dollars and a quarter and two and a half.
- Q. An almost infinitesimally small amount you have placed at two dollars and a quarter and two and a half?

A. The greater portion is less than that.

Q. Then if any of that land is well timbered with timber similar to Exhibits 1, 4 and 5, you have not valued it at more than two dollars an acre?

A. Whatever the highest price is.

BY MR. ARMSTRONG:

Q. Mr. Stoneburner, I believe you have stated that you assigned values to the various types of soil on this Alexander tract, did you not?

A. I assisted, yes.

Q. You expressed your opinion as to the value? A. Yes.

Q. I had you herewith a typewritten memorandum showing 19,554 acres of land on the Alexander tract in Rockingham County, classified as to type, with a per acre value set opposite each type, and ask you whether or not you had anything to do with the fixing of those values?

A. Yes, I did; these are my valuations. This memorandum reads as follows:

"Rockingham County value of land by types.

Ridge (burned) 8806 acres, at a value of 50¢ per acre, making	\$4403.00
Slope type, 7996 acres, value per acre, \$2.25, total	17991.00
Slope type (burned) 2500 acres, value per acre \$1.25, total	3125.00
Cove type, 223 acres, valued at \$4.50 per acre, total	1004.00
Grazing type, 2 acres, valued at \$18.00 per acre, total	36.00
Tillable type, 25 acres, valued at \$15.00 per acre, total	375.00
Woodland grazing type, 2 acres, at \$8.00 per acre, total	16.00
Total acreage 19,554 acres, total value	\$ 26,950.00 "

Q. I understand this value to be exclusive of growing merchantable timber; that is, exclusive of all growing merchantable timber that will measure ten inches across the butt, breast high; am I correct in that?

A. You are, with the exception of the pine; that was counted as another product, that was below ten inches. This table excludes all merchantable timber under ten inches except young pine.

Q. In arriving at the value of the various types and in fixing this value, what did you consider; what entered into the value?

BY MR. WALKER: This question excepted to for the reason that the witness has heretofore stated that he has not cruised over all of the Alexander tract of land. He has only been over about three-fourths of it.

Q. If it be true that you have been over three-fourths of the Alexander tract, state how you arrived at the various values of types on the three-fourths that you were over?

A. The character of the soil, depth of soil, the roughness of the slopes or surfaces and the condition of the immature timber was all considered. It is a matter of judgment largely, and by comparison with lands that have been sold.

Q. So, if there was timber growing on the soil, though not, in your judgment, marketable as merchantable saw timber, you nevertheless gave it some value, did you not?

A. Yes.

Q. And it is included in the values which you have assigned to the various types of soil?

A. Yes sir.

Q. Then, do I understand that everything of any value, present or reasonably prospective, in the way of timber has been taken into consideration and assigned a value?

A. Yes sir.

BY MR. WALKER:

Q. Mr. Stoneburner, I note that on this typewritten paper, presumably the result of work of several government employees, you find that out of an acreage of 19,554 acres, there are only two acres put down as grazing, twenty-five acres put down as tillable and two acres put down as woodland grazing. Don't you think that is a little far fetched?

A. I think not.

Q. Those who made up such a statement as that out of an acreage of 19,554 acres; don't you think they were romancing somewhat?

A. I don't think so.

Q. Did you go near the Superintendent's house, where Mace lives?

A. A number of times.

Q. Aren't there more than two acres of grazing land right there?

A. I think that was all classified as cultivated land. I think there is some grazing land in Mile Run.

Q. I don't see any land here classified at all as cultivated land.

A. Sometimes that term is used indiscriminately where it is used to indicate the more valuable land, the cleared land.

Q. Did you not use a good many things here indiscriminately in order to reduce the value of this property?

A. I think that is a fair value of that land.

Q. Don't you know that where John Mace lives there is more than two acres of woodland grazing?

A. That depends somewhat on what is classed as woodland grazing. I know we have used that classification where there is some grass mixed through a scattered stand of timber, in forest land that may be used to range cattle on.

Q. Are you familiar with the grazing farm of J. C. Armstrong?

A. I think I am fairly well acquainted with it.

Q. That of C. L. and J. C. Hedrick?

A. Yes sir, I have been on it.

Q. That of J. W. Hinkle?

A. I have not been on that tract, but I know where it is located.

Q. That of Ella F. Hickle?

A. I wasn't on that tract.

Q. That of W. P. R. Weaver?

A. Yes sir.

- Q. That of E. R. McFadden? A. Yes sir.
- Q. That of I. G. Kaylor, adjoining the Weaver tract?
A. I know where that is, yes sir.
- Q. Isn't it a fact that all of the land owners that I have mentioned have fairly valuable grazing farms and worth from fifty to a hundred dollars an acre?
A. I wouldn't say it was so valuable.
- Q. Well, it is considered valuable to them, anyway?
A. It is considerably more valuable as cleared land.
- Q. Aren't those farms recognized as good grazing lands, and those farmers place a high value on them, and those farms have been selling in recent years from fifty to a hundred dollars an acre?
A. I don't think at that price.
- Q. Are all of those farms within what was known as the exterior boundary of the Mount Vernon tract, as shown by the old map?
A. Several.
- Q. All adjoining the Mount Vernon tract?
A. Taken as a group, they are.
- Q. Yet, adjoining this Mount Vernon tract of land and within its exterior boundary, as shown by the old survey, I believe the Hotchkiss Survey, there are several thousand acres of good grazing land, and yet, on an acreage of 19,000 acres of land, adjoining these grazing farms, you report that there are only two acres of grazing land. Now, isn't that, on the face of it, absurd?
A. No, I think not. I think our examination men have shown every acre of cleared land that is there.
- Q. In other words, Mr. Stoneburner, there is a tract of over ~~nineteen~~ nineteen thousand acres of land adjoining several thousand acres of splendid grazing land, yet on these nineteen thousand acres of land, which was included in the original Mount Vernon Survey, there is only left two acres of grazing land?
A. I think that classification is correct, as to cleared land.
- Q. Can you, with any reasonable degree of common sense see how on a survey of twenty thousand acres you can cut five thousand acres which turns out to be splendid grazing land, and leave only two acres in an area of nineteen thousand acres?
A. Because it was not developed and cleared for grazing land.
- Q. Well, if that land were cleared, it would be just as valuable for grazing land as that which has been cleared?
A. Only a small part of it.
- Q. Well, how about that land on the various runs, on Deep Run?
A. It is too rocky and sandy.
- Q. How much of that land upon which you were kind enough to give us two million feet of timber?
A. That is comparatively rough, in mountain gorges, ravines, whereas the five thousand acres of grazing land of Weaver and McFadden is on the smooth side of the mountain, different soil formation, different slope.

Q. There is only a dividing line dividing these grazing farms and the Mount Vernon Survey?

A. There is a distinct demarkation in the soil.

Q. There is such a distinct demarkation in the soil that you can cut off grazing farms of several thousand acres of great value, and leave nineteen thousand acres in which there is only two acres of grazing land?

A. Yes sir.

BY MR. TAVENER:

Q. The dividing of that land up into slope, cove and wood land was done by Mr. Smith, who was the first witness in this case, was it not?

A. Mr. Smith and Mr. Witt.

Q. Mr. Witt has already testified?

A. Yes.

Q. I think he testified that he was only in two runs, but Mr. Smith did the rest of the work?

A. Yes.

Q. You took their estimates on the slopes and the woodland and based your figures according to that?

A. After checking it on the ground, yes.

Q. You made no measurement at all of the amount of timber that was, say, six inches one foot above the ground up to ten inches, breast high, did you?

A. No actual measurement with a rule; an ocular estimate.

Q. Well, what are your estimates, then, of timber in these various runs from six inches one foot above the ground up to ten inches, breast high?

A. The only place where we considered the six inch material was in the pine region.

Q. Then you did not make any estimate of that except in the pine tract?

A. The hardwoods six inches up to ten inches was considered with the other young growth in the soil value. I didn't make any estimate of how much timber there was of that size.

Q. Then your calculation of the value is absolutely problematical, isn't it?

A. No, it is a case of judgment, comparing the young growth on the sides with the young growth on the ridges and bearing in mind what, on similar land, they sold for.

Q. Now, Mr. Stoneburner, didn't you just take those estimates that the surveyor had made and fix what you thought was a fair price, without going into detail as to how much timber there was six to ten inches, or how much timber there was on these various sub-divisions of land?

A. We used no mathematical formula, but they were considered; they were examined before an estimate was made as to the total value of the tract. The value per acre for the different classifications was not put down hastily or at random; it was after the cruisers had been on it, and inspected by Mr. Marsh and myself at different times.

Q. Now, at the time you prepared this estimate on the value of these different

types of land, you had not been over more than three-fourths of the land, according to your statement here the other day; that is correct, isn't it?

A. I had been over about three-fourths of it at that time.

Q. How can you give an estimate of the amount of small timber, or timber under ten inches, breast high, on these various sub-divisions or classifications of land, when you had not been over them all?

A. They are so uniform; the young growth is of such a uniform character.

Q. That is what I am getting at; you just made a general estimate on this without making an estimate of the timber under ten inches, breast high, and took it on an average, and, of course, I know you did it according to your best judgment

Q. Now, you have been asked questions about there being only two acres of grazing land and you have stated that there was very little land there that could be cut over and used for grazing land; don't you recall, Mr. Stoneburner, that there is a tract of somewhere near two thousand acres of land that is nearly level, extending from the toe of the mountain, the southeastern corner of this property, and extending clear down almost to Grottoes, and possibly some little of it extending beyond the Norfolk and Western Railroad; you are familiar with that, aren't you?

A. Yes.

Q. Do you not know that there have been tracts sold off of that that are now owned by people operating farms there; for instance, Mr. George Roadcap; do you not know that?

A. Yes.

Q. Do you not know that Mr. Coleman, at the eastern end, has a very valuable farm, and has grazing land that you could not buy for less than a hundred dollars an acre?

BY MR. ARMSTRONG: Question objected to as to what you could buy the land for.

A. I did not know what he was holding the place for. I would not consider it worth that per acre.

Q. Do you not know that there are a number of other tracts that were sold in 1917 and 1918 for fifty dollars an acre, known as the Richland Heights?

A. I have talked with one or two of the owners, who told me that they paid that, but they considered they paid too much; one man told me that about a month ago.

Q. Isn't all that land there used for grazing purposes?

A. It is not good grazing land.

Q. Now, wouldn't all this tract of land, virtually all of it, from the house in which Mace lives, at the toe of the mountain, on down almost to Grottoes, be land that could be utilized for grazing purposes?

A. I think any man would make a mistake to develop it for grazing purposes; I do, honestly.

Q. You mean that, in your opinion, it would be a mistake, yet you must admit that it could be used for that purpose?

A. It could be cleared up and a certain number of head of sheep or cattle run on it.

- Q. How many acres would you say are in that tract that could be utilized in that way?
A. I made a calculation the other day -- less than a thousand acres of a gentle slope there in this county.
- Q. Do you know how many acres of this are in Augusta County?
A. A couple of hundred across over on the other line there.
- Q. You made no actual survey?
A. I took the map and scaled it. I did not compute the acreage. I scaled it one day last week when I was up there. It is nearly divided in two parts, that is why I remember it.
- Q. Do you not know that Mr. George Roadcap has a nice little farm there that came off this same tract?
A. I was on it the other day. I didn't know that it had been owned by the Alexander people.
- Q. Would you say that that land of his there is worth fifty dollars an acre, and I don't imagine that he would accept that for it?
A. I would think that would be high for it.
- Q. That is the same type of soil exactly as the rest of this twelve or fifteen hundred acres, is it not?
A. Perhaps a little smoother than this other. This is a little inclined to be swampy in this fifteen hundred acres.
- Q. Now, Mr. Stoneburner, after refreshing your mind about this large tract at the base of the mountain and these adjoining tracts that are used for grazing purposes and some of which were taken off the Alexander tract, do you still say there are only two acres of grazing land on that property?
A. I was speaking a while ago of actually cleared land. There is a certain area that might be cleared up and put to some other use. In that sense, two acres isn't the extent of the grazing land, but what we classed as grazing land has been cleared land.
- Q. Couldn't practically all of that whole tract in there be used for grazing, now?
A. If you recall, pine is about the only timber on that lower tract. It isn't the type of land that is ordinarily devoted to grazing or developed for grazing.
- Q. But, isn't land of that type frequently used for grazing purposes?
A. There is some of that land in Rockingham County between the mountain and the river that has been cleared, but the farmers have testified that they have had to have the land on top for grass, but the land at the foot of the mountain was not good grass land; it wouldn't hold the sod.

BY MR. WALKER:

- Q. In other words, Mr. Stoneburner, when you refer to grazing land, that classification means that it must be cleared and grass growing on it?
A. It had to be cleared before we classified it that way.
- Q. And what you classify as tillable, you mean land cleared and in cultivation?
A. Yes.
- Q. What is this land?
A. A scattered stand of trees with some grass around between the trees.

Q. So then, under that classification, if there are a thousand acres up there that can be made into grazing land, tillable land or woodland grazing, you did not attach any value to that at all.

A. That was not considered in the report.

Q. In other words, if there is an acre of soil that we could find there which can be cleared and used for cultivation, for grazing, you don't attach any value to it as to tillable soil or grazing soil?

A. Not unless it was an area large enough to justify the trouble.

Q. Well, if there are areas there large enough to justify the trouble, you did not give that any value?

A. If there are five thousand acres--

Q. If there are five thousand acres, that would justify the trouble, and you don't attach any value at all to that potentiality?

A. No, we didn't in this case.

Q. So, in the appraisalment that you made, there is absolutely no value attached whatever to potential values?

A. We didn't think that that land had values for any other use other than growing timber.

Q. I asked if you gave any value to potential values, as to what the land might be used for?

A. We did not.

BY MR. ARMSTRONG:

Q. I would like to now ask you a question for the sake of the record. What, in your opinion, is the fair, cash, market value of the tract of 19,554 acres, known as the Alexander tract now under consideration in Rockingham County, excluding the standing merchantable timber of ten inches across the butt, breast high, and excluding the pine six inches across the butt, breast high, as to which you have testified; excluding those, what is the fair, cash, market value of the tract for all other purposes, to the best of your judgment?

A. Exclusive of buildings also?

Q. I will say for your benefit that the value of the buildings have been agreed upon as eight hundred and fifty dollars.

A. The total value of the tract, exclusive of timber and buildings, is \$26,950.00.

Q. You mean the fair, cash, market price of the tract?

A. Yes.

BY MR. WALKER:

Q. If you knew that there was a reliable prospective purchaser at that price which you have just named, would you increase the price?

A. I would not.

Q. Would you think the purchaser would be getting stuck?

A. I couldn't see how he could get a return on that investment.

Q. Do you take into consideration the value that Mr. Campbell placed on a five thousand acre tract as being the best hunting and fishing preserve that he knew of anywhere?

A. Yes, considering that also.

Q. Did you take into consideration the value of any minerals on the property?
A. No, I didn't.

Q. But, you took in every other value that you could possibly think of and fixed it at twenty-six thousand dollars?
A. Not including the timber.

BY MR. ARMSTRONG:

Q. Mr. Stoneburner, I hand you herewith what purports to be a certified copy made by the Clerk of the Circuit Court of Shenandoah County, Virginia, of a deed of record in his office, dated July 10, 1922, made by Ernest D. Clark and Bertha B. Clark, his wife, to the United States of America, conveying a tract of land therein described, in Shenandoah County, containing 589.51 acres, for the named consideration of \$1473.70, cash. Was this copy obtained by you from the County Clerk of Shenandoah County, Virginia?
A. It was.

Q. Will you file it with your testimony taken here today and ask the stenographer to mark it Exhibit X.
A. I will.

And further this deponent saith not.

MR. S. H. MARSH a witness of lawful age, being duly sworn, deposes and says as follows:

Q. Please state your name. A. S. H. Marsh.

Q. Age? A. Forty-five.

Q. What is your occupation or relationship with the Virginia State Commission on Conservation and Development?
A. My title is Park Supervisor, and I have charge of the examination work in connection with the purchase of the Shenandoah National Park.

Q. You mean of the acquiring of lands for the Shenandoah National Park?
A. Yes.

Q. How long have you been employed by the Commission in this capacity?
Since February 15, 1930.

Q. Where were you educated? A. Yale University.

Q. Any other college?
A. Yes, but that is where I took my technical work.

- Q. Are you not also a graduate of Berea College? A. Yes.
- Q. Did I understand you to say that you took a technical course at Yale?
A. Yes.
- Q. What? A. Forestry Course.
- Q. Covering what period of time? A. Two years.
- Q. After you came out of Yale, what did you do?
A. I went with the United States Forest Service as timber cruiser in North Carolina, South Carolina and Georgia, and worked with the United States Forest Service as a cruiser for about a year and was transferred to Virginia in charge of the examination of the proposed Shenandoah National Forest area. It was not a national forest at that time, but had been laid out as a national forest, and I was sent here to take charge of the work of examining this area preparatory to purchase. That was in 1912, and we continued to examine the land from 1912 until 1917. There was about five years in there when we were examining the land continuously, and during which time examination work was the principal part of the work done.
- Q. What do you mean by "examining land"?
A. Cruising the timber and making a map showing the types of land and making land valuations and timber valuations preparatory to negotiating with the owners for those tracts of land.
- Q. Estimating the acreage of the different types also?
A. Oh, yes.
- Q. Placing values on different types in different localities?
A. That's right.
- Q. Placing values on different species of timber and grading it as to quality and so forth?
A. Yes.
- Q. After 1917 what did you do?
A. In 1917 a sufficient amount of land had been acquired to make a national forest, and I was made Superintendent in 1917 of that forest. We continued, then, to examine lands within this area. The lands were examined even after it became a national forest, and that formed a considerable part of the work we had to do from that time on. Also, we sold timber, leased grazing rights, leased farms, and, of course, fire protection was quite a considerable portion, and I had charge of the work until 1927, and then I was transferred to the Washington office as an Inspector, and worked for two years before coming with the State in the states of Virginia and West Virginia, North Carolina and South Carolina, Georgia and Florida.
- Q. You mean you worked in the states you have just named as an employee of the Federal Government?
A. That's right.
- Q. And thereafter you accepted the position of Park Supervisor with the Virginia State Commission on Conservation and Development beginning about the 15th of February, 1930?
A. Yes.

- Q. And have you been engaged in this last mentioned work continuously from that time to the present?
A. I have.
- Q. In your capacity as employee of the United States Government in its forestry work, what counties in Virginia, if any, did you work in?
A. Parts of thirteen counties included in the Shenandoah National Forest; two or three of these counties lying in West Virginia. The counties of Bath, Rock, Bridge, Highland, Augusta, Pendleton, Shenandoah, Frederick, Rockingham, Warren and Page, and Hardy and Hempstead counties in West Virginia. I reckon there are thirteen.
- Q. You worked personally in each of these counties you have named?
A. Yes.
- Q. In the mountains, of course? A. Yes.
- Q. What mountain ranges, what were they known as?
A. You mean in the Shenandoah National Forest?
- Q. Yes.
A. The range was known as the Shenandoah or Great North Range. In the northern part it is known as the Great North Mountain, in the southern part as the Shenandoah.
- Q. Did you work over what is known as the Massanutten Mountains in Rockingham and Shenandoah Counties?
A. Yes sir.
- Q. In what is known as The Fort in Shenandoah and Warren, or not?
A. Yes. The Massanutten was one division of the Shenandoah National Forest. The thirteen counties included Massanutten and the other two divisions which lie over on the west side of the valley.
- Q. Now, in your capacity as Park Director, please state whether or not your duties required you to visit and familiarize yourself with the Blue Ridge Mountain, particularly in the counties of Warren, Rappahannock, Page, Madison, Green, Albemarle, Rockingham and Augusta?
A. They have.
- Q. Have you been upon the lands in those counties for the purpose of ascertaining the fair, cash, market value of the land thereon?
A. I have.
- Q. Coming now to the tract under consideration; namely, the Alexander tract, and to the acres of the same in Rockingham County, namely some 19,554 acres, I will ask you if you are personally familiar with this tract?
A. I am.
- Q. Pardon me, Mr. Marsh, I desire to go back now once more to the organization of your office and to ascertain how you and your subordinates discharge your duties. Tell the Board of Appraisal Commissioners just how your office is run, the duties of your various employees, with respect to ascertaining the values of lands and timber, and, for that matter, all purposes for which lands within the Shenandoah National Park area are reasonably adapted.
A. Well, the first thing to do is make a map of the county in which we are working. We have to work out an ownership map; having worked out this ownership map, we take each tract and go through it very carefully, making a type map of the property. That consists of running ~~stra~~ through the property at regular inter-

vals. The crew which is running strips through the property examine the land and map it as they go through. When they get to the end of the strip, they offset and go back on a parallel line, also mapping timber types and soil types and making a cruise of the timber. Each strip is run back parallel with the strip preceding it; the mapping continues, and after the whole tract has been stripped, then we have what we consider an accurate map of the property by types; and also we get from these strips an estimate of the timber. In this Alexander case we had very little but timber types to work with. It was a case of differentiating between the cove type down in the hollows, the slope type on the sides of the ridges, and the ridge type which occurs along the tops of the ridges. There was very little agricultural or grazing land or land of other character than timber land in this tract.

Q. But, I would like to understand a little more fully the workings of your organization. As I understand, after the map that you referred to has been prepared, you send out skilled men to find and report what there is of value on the land, and they make such reports to you, do they not?

A. They do. In this particular case, the men who were assigned to this job were men who had a considerable amount of experience in this line of work on the Great Smokey Range when the proposed Smokey Mountain National Park was in the process of acquisition, and in this country before going on this tract; that is, in Virginia within the Park area, before going on this tract. I took those men out, we went over the ground and studied the lay of the land and decided where the strips would be located and the directions in which they would run, and worked all that out very carefully on the map and by a preliminary survey on the ground before they ever started the work. Then I was with them on several occasions while the work was progressing. I had been on the tract before and had worked over it, and have been on the tract since and have checked up with them on the ground at the time they were making the survey.

Q. When these employees would make a report to you of what they had found, say, for instance so many thousand feet of standing timber of certain varieties, would they estimate, or place an estimate of value on the different species of timber found, or not?

A. No, they did not. They made an estimate, which estimate was checked. I did not accept their estimate, that is, without further check. We had a man, Mr. Jack Shifflet, who has testified, whom we used as a check estimator. I sent Mr. Shifflet over this tract after the regular cruisers had cruised it, and I got Mr. Will Shifflet, who is here, to go with him over the tract. Mr. Will Shifflet knew the lay of the land better than Mr. J. A. Shifflet, and I wanted Will Shifflet to be with him as a guide and also I wanted his judgment on the timber, and those men knew nothing whatever about the amount of timber which was found by the cruisers. The estimates had been worked up, but those men knew nothing whatever about the estimates of the cruisers when they went on the property. That is the custom we followed throughout. There is no use in having a check estimator if the check estimator knows what the other men found/ The value is to get the check estimates on the original estimates of the value of the timber. In this particular case I was not satisfied, but I got another check estimator, Mr. Campbell, and put him on the tract, and he knew nothing of the estimates of the two Shifflets or the estimates of the cruisers. He didn't know any of the cruisers. I shipped him in here and put him in a different boarding place and nobody knew he was in the country at all until he had been here about a week, and then he had no opportunity to talk with any of the cruisers until after his estimates had been filed. I knew it was a large tract of land and it might be difficult to convince a Commission or anyone else that there was so little timber on it as I knew there was.

A. (cont'd.) I might add -- I did not get quite to the end of the story, -- Those check estimates having been submitted and out other estimates having been submitted, a report was written on this tract by me, which embodied my ideas as to the value, in consultation, of course, with Mr. Stoneburner, who was my assistant.

Q. What report are you speaking of?

A. A report ---

Q. Do you have it?

A. Yes.

Q. Let me see it,

Witness hands counsel report.

Q. That report, you say, was made up by you and your assistant, Mr. Stoneburner?

A. Yes.

Q. After consultation with Mr. Stoneburner, Mr. Witt, Mr. Smith, the two Mr. Shifflets; all of them were consulted?

A. No, not all of them; Mr. Will Shifflet was not. The report was written before he came into the picture.

Q. Well, had you been on the land before that report was written up?

A. I had, and also afterward.

Q. Did you make a pretty complete inspection of the land?

A. Yes.

Q. And of the timber growing on the land?

A. Yes.

Q. And did you, in your own mind, make an estimate of the acres of slope type and of ridge type and of cove type on the nineteen thousand acre tract?

A. I did.

Q. And of the values of the different types per acre, and of the values of the standing timber in accordance with the species and the location thereof?

A. Yes sir, I did.

Q. And all of that is embodied in this memorandum?

A. Yes sir.

Q. Now, Mr. Marsh, I will ask you to tell the Commission, based upon your knowledge, your personal knowledge of the land and everything that goes to make up its value, and based upon your information gained and obtained as you have testified; I say, tell the Commission the fair, cash, market value of this tract of 19,554 acres in Rockingham County, and tell the Commission what makes up that aggregate value; that is, the various values in detail and every element that goes to make up the value.

A. Referring to the memorandum, in the Rockingham portion of the tract, the land value is estimated at \$26,950.00; timber valued at \$4,117.50, the improvements valued at \$585.00, which, of course, there is an understanding about, or a total of \$31,652.50.

Q. Mr. Marsh, I will ask you whether or not that memorandum that you now have before you and from which you have testified is or is not the identical memorandum and the identical figures that were had before this Commission at the time of the taking of testimony of former witnesses in this case?

A. It is.

because it had timber on it smaller than ten inches across the stump, breast high?

A. Certainly. If the land had no timber on it, instead of being placed as two dollar land or a dollar and a half land or four dollar land, it would be placed as fifty cent land. If all the timber was gone, of course, the land value would be much lower than the value assigned.

Q. I see you have there only two acres of grazing land. Counsel for claimants in their examination of the preceding witness, Mr. Stoneburner, indicated that there must be some mistake. Have you any explanation to make of this?

A. No, that is all there is. Of course, the fact he was trying to bring out was as to its potential grazing value. The reason no potential value has been fixed is because it is a poor grade of grazing land and it was not considered worth the time and trouble it would take to enclose it.

CROSS EXAMINATION BY MR. WALKER:

Q. Mr. Marsh, with reference to that last answer you gave with reference to the value of this land that had some timber on it, which you said was put at \$1.50 for the reason that it had timber thereon under ten inches in diameter, waist high -- Is that what I understood you to say?

A. That has an affect on the value assigned to that type of land. If you have slope type of land with a normal growth of young stuff on it, it would class as land worth \$2.50. If it had no young stuff, it might be reduced to \$2.00 or \$1.50 or lower.

Q. If there is some young timber on it and it is classed as \$1.50 land, isn't that land suitable for grazing land?

A. No; an old steer could probably keep from starving to death in there, but it is not a grazing proposition.

Q. What would be necessary to make a grazing proposition out of it?

A. You have got to get the timber off and then fight to keep the brush down, and aside from that, the land is so rocky; it is the rockiest piece of land of that size I have seen in the State of Virginia. A goat might make a living there but it would take a good goat at that; but, as far as a potential grazing proposition is concerned, it is not there. There may be a very little of it that, if cleared up and properly cared for for a number of years would produce a sod, but, on the other hand, where you find an acre of that, you find hundreds of acres of nothing but rock.

Q. Does your reference that a good goat might make a living on it apply to this land down near Grottoes and adjoining the land owned by Mr. Roadcap and other people down there who have bought land from the Mount Vernon Survey?

A. It can be seen off there. If there was any other land down there capable of making good farms, it would probably have been sold off too. You have a residue of land there not good for agricultural purposes; land adjoining this land on top of the mountain in Green County.

Q. Were they not of the same character?

A. No sir, you have up there on that land a broad flat top with a good soil, capable of producing a good sod, and there is a good sod on those tracts, but over on the west side of the mountain you have rocks and cliffs and an entirely different proposition.

- Q. But doesn't this land extend on the east side of the mountain?
A. Yes, it does, but it was not similar at all; it was steep land, and that is the reason it had not been fenced off. Those people would have done that too if it had been good for anything. That is the only reason it is still in the Alexander tract.
- Q. Well, isn't the land there in the various runs, the one called Deep Run, isn't that land valuable in that locality?
A. For what?
- Q. To be cultivated.
A. No sir. It could be cleared and cultivated, of course, but look at those people who are trying to farm up there now -- look what they are up against. If they would try to make a living up there on those farms on which they are living and which have come out of the Alexander tract and other tracts up there, they would get pretty hungry before the winter is over. Most of them have other outside work to do. They live there and get part of their living from the place.
- Q. There are hundreds of people living there who have lived there for many years.
A. And a good many have moved out because they can't make a living, and if you can find anyone up there that can make a living from their land, you can do better than I can. The only reason they are living there is because they can't accumulate enough to get away from there. They realize they got skinned and are going to get out as soon as they can, and some of them have gotten out, abandoned their houses and everything else.

BY MR. TAVENER: I object to the witness's statements in so far as they refer to his surmises as to why people may leave their homes or what they may be expected to do, as it calls for a mere matter of opinion by him concerning matters of which he has not qualified as an expert, and concerning which he is not in a position to testify in this case.

- Q. You say that a great many of those mountain people all feel that they paid too much for their land and are moving out?
A. I am speaking of that development around Grottoes, and they are moving out of the mountains too, as far as that is concerned.
- Q. I was speaking of those people up on the mountains particularly.
A. A great many more people have lived in the mountains than do today. A great many are neglecting their homes and farms and moving away. They have been doing it for twenty years.
- Q. And it has become rather precipitous during the past two or three years?
A. No sir, that condition has been going on for the past twenty years.
- Q. How do you know?
A. Because I have been working in the Blue Ridge for that length of time.
- Q. Since you have been telling about what you have heard --
A. I was telling what I have seen.
- Q. But you did mention something you have heard.
A. I don't recall that I did.
- Q. Haven't you heard that a great many were not going to improve their homes because the State was going to take them from them?
A. They have not been improving them for the past twenty years.

Q. Isn't it a fact that they are not making any improvements to their homes and are trying to establish their homes elsewhere because they have an idea that the State of Virginia is going to go up and take their homes for nothing?

BY MR. ARMSTRONG: Question objected to as no answer could be given thereto to assist the Board of Appraisal Commissioners in ascertaining the fair, cash, market value of the tract of land under consideration.

BY MR. WALKER: Counsel, in reply to this, states that the witness has endeavored to impress the Commission with the idea that those mountain people were leaving their homes for the reason that they found it hard to make a living due to the condition of the land and surroundings. Having gone into this voluntarily, we think we have a right to show other reasons for their leaving their homes, and I think this Commission is entitled to know all the reasons that are being given, if any one is to be given.

BY MR. ARMSTRONG: In reply it can only be said that it would side track from the issue, namely, the fair, cash, market value of the land under consideration. If we are to take testimony and ascertain why people are leaving their homes, we will be here until the middle of next April.

BY MR. WALKER: In reply to that, it is only fair to say that we ought to stay until the middle of next April rather than deprive people of their homes and their property without extending to them their inalienable and constitutional rights; that the Commissioners, as fair minded men, have undertaken this duty, and are not restricted as to the length of time in which they may perform, so the counsel interjecting the amount of time here has nothing to do with the question.

BY MR. ARMSTRONG: Counsel here asks Counsel for claimant if it is to be considered that the objection just interposed to the testimony of the witness in this respect shall be further considered or if it is decided to question him further, regardless of the objection.

BY MR. WALKER: Counsel states that if the witness attempts to give his personal reasons as to why people are leaving their mountain homes, then we have a right to show that they are leaving them for other reasons than those given by him.

Q. Mr. Marsh, have you made any inquiry as to the sale value of the land in the mountain adjacent to and adjoining the Mount Vernon tract?
A. Yes.

Q. What did those people generally ask per acre for their land?
A. I thought you were talking about the sale value. Do you mean the asking value or the sale value?

Q. The value placed upon it by the owner.
A. You mean the price at which property changed hands or the value of the property?

Q. What did those mountain people ask for their property?
A. Anywhere from forty, fifty, thirty, seventy-five, a hundred; any price you might name would get some of them.

Q. Are you talking about farms or mountain lands?
A. I am talking about mountain lands.

- Q. Have you gone far enough as to find out what that land has been sold for, as between individuals?
 A. We went into that very carefully; in fact, get every sale made in the county for the past five years in that particular neighborhood before we began work.
- Q. Tell me as nearly as you can as to sales made there within the past five years; what was paid.
 A. I can't just tell you those things, but we have done that in every county we have worked in, and we have that record.
- Q. Will you file that record?
 A. I think we have it available so that we can file it; I would be very glad to do it.
- Q. Would you file that record during this meeting of the Commissioners?
 A. Our records are in Front Royal, and I don't expect to be there for several days.

BY MR. ARMSTRONG: I can file that record before this Commission presents its report.

BY MR. WALKER: Would you mind presenting it to Counsel for claimants before filing it?

BY MR. ARMSTRONG: I will undertake the responsibility for that.

And further this deponent saith not.

MR. WILLIAM SHIFFLET, a witness of lawful age, being duly sworn, deposes and says as follows:

- Q. What is your name?
 A. J. W. Shifflet.
- Q. Where do you live?
 A. McGaheysville, East Rockingham County.
- Q. What is your age?
 A. Fifty-four.
- Q. How far do you live from the Alexander tract of land now under consideration?
 A. About four or five miles.
- Q. Have you ever been over that tract, and if so, about how many times?
 A. I couldn't tell you how many times; I have taken care of it for fire; I have hunted over it, and I have been on it in different ways, and I wouldn't like to say how many times.
- Q. I understand you to say you have been on it a great many times?
 A. Yes sir.
- Q. Did you go upon it in the company of Mr. Jack Shifflet, as an employee of the State Commission on Conservation and Development, for the purpose of ascertaining any value it had?

- A. I went on it with Mr. Jack Shifflet as a line guide to estimate the kind of timber on there.
- Q. Did anyone ask you to go? A. Mr. Marsh.
- Q. Were you paid for doing it? A. Yes.
- Q. You are talking about Mr. S. H. Marsh, who is Park Supervisor?
A. Yes.
- Q. What did you find on that tract, and what value did you assign to what you found?
A. As to the value, right now I don't believe a man could handle it at any value.
- Q. What are you talking about, land or timber?
A. Timber I was talking about.
- Q. What do you know about timber, anyway?
A. Well, I worked for different people up until 1910, and in 1910 I went to work for myself in staves, bark and lumber until 1924. In 1924 I quit. I have cruised quite a lot of timber since 1924; seventeen thousand acres for the Roller heirs in 1925, and I cruised 2800 acres for Mr. Thomas, the C. & W. Railroad Superintendent, in Massanutten Mountain.
- Q. You say you have cruised timber; in what years do you refer to?
A. In 1925 a big tract over here in West Rockingham, and in 1930 I cruised that down here for Mr. Thomas, and it was in this year that I did the work for Mr. Marsh.
- Q. Did you ever cut timber and haul the same to saw mills to be manufactured?
A. Yes.
- Q. For yourself or for others, or for both?
A. Both.
- Q. Then you know something about what it costs to cut timber and haul it to mills?
A. Yes.
- Q. In what mountains? A. Mostly in Massanutten Mountain.
- Q. How far from the Alexander tract?
A. Something like eight or ten miles.
- Q. Did you ever purchase standing timber and have it sawed and placed on the market and sold?
A. I have.
- Q. Then you are familiar with what it costs to cut timber and put it on the market, are you not?
A. Yes.
- Q. Are you familiar with the market prices now or within the past six months for different classes of timber?
A. No, I have not been in since 1924, and I have not kept up with the prices. They tell me what they are buying for, that is the only way.

BY MR. TAVENER: The witness, by his own statement, has shown that he is not qualified to testify on prices, as he admits that since 1924 he has been out of the business, so objection is made to any further testimony by this witness on the prices of timber.

BY MR. ARMSTRONG: In reply, a man may have never been in the business and may have never seen a stick of timber, and yet may know the prices.

BY MR. TAVENER: In answer thereto, the witness has stated that he did not know. If he does not know, he is not called upon to conjecture upon what prices are.

Q. Do you know the range of prices of the character of timber growing on the Alexander tract?

A. Mr. Funkhouser bought good white pine at \$1.50 a thousand, and they offered it to him in Grottoes at \$1.50.

BY MR. TAVENER: Do you know that of your own personal knowledge?

A. Yes.

Q. Do I understand that the gentleman referred to did not buy at that price?

A. He did.

Q. At Grottoes, for that price?

A. No, from a fellow from Brandywine, West Virginia, for \$1.50.

Q. What kinds of timber and how many thousands of feet did you estimate there to be on the Alexander tract of land in Rockingham County, as a result of your cruise of such timber?

A. Most of that timber is pine, some hardwood, but most of it is pine, and I made it in Two Mile Run fifty thousand; in One Mile Run, fifty thousand; in Big Run, one million two hundred thousand; in Lewis Lower Run around the base of the mountain, seventy-five thousand; in Lewis Upper Run, seventy-five thousand; in Deep Run, forty-thousand; Brown's Gap, two hundred fifty thousand; Miller Run or Swamp Run, seventy thousand. If I did not make any mistake, in all one million eight hundred eighty thousand.

Q. Did you attempt to classify that number of feet as to species?

A. No sir, I did not; the most of it, I would say, is pine.

Q. How much of the whole would you say, according to your best idea, is pine?

A. Well, I would think three-fourths of it is pine.

Q. What is the smallest sized tree you took into consideration?

A. I think you would have to cut about all of it to make anything. The hardwood, you could cut ten inches and up, and the pine you would have to get about all of it to make anything.

Q. So you took into consideration practically all of the pine that could be used?

A. Most of it, big enough to make anything.

Q. Down to six inches across the butt?

A. About that.

Q. As to the other species, what was the minimum sized tree you took into consideration?

A. Well, ten inches.

- Q. Ten inches across the butt? A. Yes.
- Q. Did you give any stumpage value to this one million eight hundred eighty thousand feet, or not?
A. Yes sir, I did. The best of it is in Big Run. I don't think a man could hardly work it now, but a man might, and I put that at two dollars, and the other at a dollar and a half on the stump, together with Swamp Run and around up there, take six hundred cords of wood that could be made into pine staves.

CROSS EXAMINATION BY MR. TAVENER:

- Q. Mr. Shifflet, when did you purchase any timber and work it yourself?
A. From 1912 to 1920.
- Q. Where --
A. Two tracts I worked myself, one tract I worked the extract off myself; one tract we made staves out of, Mr. Hurd and I, and another tract I sawed it off in timber myself.
- Q. You say there were two tracts that you purchased between 1912 and 1920?
A. Yes.
- Q. From whom?
A. G. T. Hopkins, and the other from --
- Q. Just a minute; how many acres?
A. A hundred and fifty acres in the Greenbriar tract, and the other a little over four hundred.
- Q. From whom was that purchased?
A. J. L. Hopkins.
- Q. That has been the extent of your experience?
A. I purchased some from C. L. Hedrick.
- Q. When was that? A. In 1910.
- Q. When you purchased that, how did you purchase it?
A. By the boundary; looked over it and bought just what was on it.
- Q. You have had no recent experience in buying and cutting?
A. Not since 1920; that was the last I bought myself.
- Q. What did you pay, on the hundred and fifty acre tract, for that timber on the stump?
A. Six hundred dollars.
- Q. Well, did you buy it according to the number of thousand feet?
A. I tried to, yes, but I didn't get quite as much as I expected to.
- Q. How much were you paying a thousand?
A. I aimed to pay \$2.50 a thousand, and it cost me about \$3.25.
- Q. Because you misjudged the amount of timber?
A. A little.

- Q. In 1920, what did you pay for that a thousand?
A. I bought that the same way, but I didn't lose anything on that. It cost me \$2.90 a thousand.
- Q. What was the total you paid on that five hundred acres?
A. I don't just remember how much that was.
- Q. Did you buy it by the thousand feet on the stump?
A. \$2.90 a thousand.
- Q. That is what you were paying for it in all these cases?
A. No, in one I paid six hundred dollars for, that cost me \$2.75.
- Q. In one case of the hundred and fifty acres, you cruised that timber and paid a lump sum for it; in the other two cases, you bought it by the thousand feet?
A. Yes.
- Q. You made a miscalculation on your first effort and you never tried it afterward?
A. Well, sir, I wasn't afraid to; there wasn't any more to try for.
- Q. On this Roller tract that you cruised, I think there was quite a difference between your estimate on that timber and the estimate by the people?
A. I think so, yes sir, a good bit.
- Q. So they took an average tract and cut it off to see just how much it would make?
A. I don't think so.
- Q. And your estimate was just one-half of the amount of timber on there?
A. No, I don't think that is right. I don't know just how much the gentleman cut off; I couldn't say that because I didn't measure it, but I do know the gentleman went with us to help cruise it a day and a half, but how much he cut off, I don't know, but I know close to what his estimate was. There was quite a bit of difference between his estimate and our's.
- Q. I understand that you went with Mr. Jack Shifflet in cruising on this property?
A. Yes.
- Q. And I understand that when he made up his report, he called you on the telephone and got your O.K. to that report?
A. Certainly, there ain't nothing to that.
- Q. Do you not recall Mr. Jack Shifflet testifying that he signed your name to the report and that he called you over the telephone-----
A. As to its being alright to sign my name to the report, that is a different thing; you said didn't I take Mr. Jack Shifflet's report over the telephone, and I did not.
- Q. Did you make your report separate and distinct from Mr. Jack Shifflet's?
A. We worked together.
- Q. You also heard Mr. Smith testifying as to the number of thousand feet on these various tracts. Did you know what those amounts were before you reduced your figures to writing?
A. Absolutely I did not know.

A. (cont'd.) I couldn't tell you today, because I was sick that day and didn't hear but very little.

- Q. I would like you to explain to the Commission why your estimate happened to be the same to the exact foot on five of the eight tracts as that made by Mr. Smith.
- A. I can't do that. I can't tell what Mr. Smith's was like, so I can only testify as to what I seen myself. I never knew what Mr. Smith's estimate was.
- Q. Mr. Jack Shifflet testified, according to my recollection, that he made his calculations on the basis of ten inches in diameter?
- A. Possibly he did.
- Q. And you have arrived at exactly the same figures, and you said you measured down to six inches in diameter?
- A. I said I would have to cut it to six inches to get that amount of lumber out of it, expecially this six hundred cords up here, I think I cut it down to six inches and maybe below six inches.
- Q. Then your original statement signed by Mr. Jack Shifflet and signed on your behalf, is wrong?
- A. I don't think so.
- Q. Well now, you are stating that it is necessary to go to six inches to get it; one or the other is wrong.
- A. I think you would have to go to six inches on that pine to get six hundred cords of wood on Swamp Run.
- Q. You just went in there, and, according to your eye, estimated what you thought was the amount of timber there?
- A. Yes, sir, I didn't strip any of it.
- Q. You did it by the same method that you looked over the hundred and fifty acre tract back in 1912?
- A. Yes, but that tract was a little different than this.
- Q. You did it the same way you did the Roller tract?
- A. Yes sir.
- Q. Do you think you are any more nearly correct on this than on those two?
- A. I think I was pretty nearly correct on the Roller tract. The jury must have thought so; they gave a verdict of three thousand dollars, and that compared with our estimate.

RE-DIRECT EXAMINATION BY MR. ARMSTRONG:

- Q. Mr. Shifflet, counsel for claimants have insinuated that you made a tremendous mistake in cruising what is known as the Roller tract. I would be glad if you would tell us all about it here; what is it? Did you cruise a tract known as the Roller tract and make a report on it?
- A. Yes.
- Q. Was it cruised by anyone else?
- A. By Mr. A. M. Turner and, I think, Mr. Zack Turner and different people; Mr. Lynn, possibly, and I couldn't tell you just who was on it.
- Q. Who did you cruise for?
- A. The Roller people.
- Q. And Mr. Turner?
- A. Mr. Anderson. The Anderson people were being sued for negotiating a sale

to Mr. Ingle.

Q. Was there any final determination of the case as to whose cruise was nearest correct?

A. The jury must have taken our estimate as being nearly correct, because they did give a verdict of three thousand.

Q. Now, regardless of what the verdict might have been, wasn't a tract cut off there and an estimate taken from that?

A. I just said I don't know at all; I haven't been on the tract since that. I don't know.

Q. If you don't know the details of that, don't you recall that the way it turned out, there was just twice the amount of timber on the tract as what you cruised and estimated?

A. I don't know that, no sir.

Q. Didn't Mr. Turner, right here, cruise that timber for Mr. Roller instead of Mr. Anderson?

A. He cruised a day and a half with us, and he said he would come back, but he didn't come back to work with us. Who he cruised it for, I don't know.

BY MR. ARMSTRONG:

Q. Mr. Shifflet, as a matter of fact, when your own interest was involved when you bought the hundred and fifty acre tract and cruised it yourself, if you made any mistake at all it was against your interest, was it not?

A. It was a little against my interest, yes sir.

And further this deponent saith not.

MR. C. L. GAYNOR, a witness of lawful age, being duly sworn, deposes and says as follows:

- Q. What are your initials? A. C. L. Gaynor.
- Q. Mr. Gaynor, where do you reside? A. Elkton, Rockingham County, Virginia.
- Q. Do you mind stating your age, sir? A. Fifty-seven.
- Q. What is your business or occupation?
A. Making staves; manufacturing staves.
- Q. How long have you been so engaged?
A. Well, around thirty years, with the exception of a year or two.
- Q. Where have you been so engaged within that period?
A. First in Loudon County, near Harpers Ferry and Leesburg, a place called

Round Hill. I was working there in 1899 or 1898 I reckon. I will say 1899. From that time on at various places in Virginia. I worked there around four and a half years.

Q. Well, to shorten the examination as much as I can, how long have you been engaged in the manufacturing of staves for yourself?

A. About nine years.

Q. What kind of staves have you made and do you make?

A. Apple barrel staves; nothing else but apple and lime barrel staves.

Q. Have you been employed by Mr. Marsh, the Park Supervisor, to go upon the tract of land now under consideration, commonly called the Alexander tract, and ascertain the value of the stave wood on that tract?

A. Yes sir, I was asked to estimate some of the timber on this tract by Mr. Marsh.

Q. He said he would ^{you} pay/for it ?

A. Yes.

Q. Did you go? A. Yes.

Q. Tell the Commission what you found?

A. Well, the first day we went up --

Q. When you say "we", who do you refer to?

A. Mr. Marsh, Mr. Will Shifflet and Mr. Stoneburner. We went up to the top of the mountain last Saturday and came back, and, of course, there is some pine up there, but it was scattered and I didn't estimate that at all. There was no stave job in there. We came on back and went up black rock by that old hotel; we were there a while and came back and went through this piece of pine and looked over it. Of course, I couldn't estimate it without going through it, and on Monday I got in it, and I got full of it too, but we walked in there nearly all day, from about nine until about three or four. When I walked out, I said, "About a million staves"; that is what I think; I don't know, but that is what I think.

Q. In the bunch of pines that you went through?

A. Yes sir. Now listen, that million staves, it would take some of that stuff over ten inches. All that was in there, we measured down to six inches.

Q. And your estimate was that there was one million staves?

A. Yes; something like eight hundred cords; maybe a little more or a little less.

Q. Now state whether or not that particular section that you went through where you found those pines was the section known as the section at the toe of the mountain, frequently referred to by my friend, Mr. Tavener, here; kind of flat land?

A. That was the place, yes sir.

Q. Did you find any other stave propositions up there?

A. No, I didn't see any other place to set up a mill. I forget the names of the different places; that was the first time I was in there. I was up Big Run too, and we came down and looked in One Mile Run I think it was.

Q. But you didn't find any stave propositions up there?

A. No.

Q. Are you familiar with what it costs to cut timber and haul it to a stave mill and manufacture it into staves?

A. Well, the last I went to work over at Hopkins Springs -- the first that I made for myself - that has been nine or ten years ago. When I first went there, I agreed to make staves on shares, you understand. When we worked that way, Mr. Shifflet cut the wood. We worked that way a year or two and Mr. Hoffman wanted to drop out. I asked him what he wanted a thousand for it, and he said a dollar a thousand for it. I got that timber cut then, and I think it cost me \$2.25 to cut it and mill it a thousand. Well now, that is about as near as I can come to it; you see that is by the thousand. You see it would take about thirteen hundred of that to make a cord of wood. I paid a dollar a thousand and \$2.25 to get it to mill.

Q. What would be your idea as to what it would cost to cut and saw and move off the land to Elkton this body of pines that you have testified to on this Alexander tract?

BY MR. TAVENER: I object to any testimony about moving any of this timber from the Mount Vernon tract to Elkton.

A. I wouldn't move it to Elkton.

Q. Where is the nearest place it could be moved to to be sawed up into staves?

A. They would have to take it to the river, as dry as it is up in that hollow now.

Q. What river, and how far from the place?

A. I don't know.

Q. Have you got any idea in the world of the value of these million staves standing on the stump?

A. I can tell you this; for better timber, I am paying \$4.16 at Elkton.

Q. What, in your opinion, if you are able to give an opinion, is the fair, cash, market value of the body of pine which you have just testified to, standing on the stump, for stave purposes?

BY MR. TAVENER: I object to the question because the witness has plainly indicated that he knows very little of the value in this particular section; and, if the witness states that he does know the value, he is entitled to answer the question, and if he does not know, he should not answer. The witness is not called upon to make a mere guess as to what these values are.

By the witness: He kept talking about hauling this timber to Elkton. Noone would haul it to Elkton.

BY MR. ARMSTRONG: I withdraw all questions about Elkton.

A. You couldn't give it to me until next year, because I couldn't move it until next year. No man could work it this coming year.

Q. You mean the value of staves is so low?

A. Yes sir, that is what I mean, and I have six boys to run my mill too.

Q. What, in your opinion, is the fair, cash, market value of the one million staves standing in these pine trees?

A. I will say fifty cents; I put it at eight hundred cords; that is my opinion.

Q. From six inches on up?

A. Yes sir.

- Q. And eight hundred cords, in your opinion, would be worth fifty cents a cord on the stump?
A. Yes.
- Q. A value of four hundred dollars? A. Yes.
- Q. And that, in your opinion, would be a fair, cash, market value? A. Yes.
- Q. You stated that you purchased staves at a dollar a thousand, and you stated that there were thirteen hundred staves to a cord. Do you not know that the standard price from the government for stave wood on the stump is a dollar a cord?
A. No, I don't know it; some days it is worth two dollars a cord on the stump, and some days not worth fifty cents.
- Q. If it is close to a railroad, it is worth more than if it is back fourteen or fifteen miles from the railroad?
A. Yes sir.
- Q. Do you not know that stave wood men are now buying stave wood out of North Mountain in Shenandoah County, fourteen miles from the railroad, for a dollar a cord on the stump?
A. I do know.
- Q. If that is correct, then wouldn't you alter your figures?
A. It ain't a good stave proposition up there. This stuff up here isn't fit for staves.
- Q. What sort of pine do you use?
A. About the same as this, fox tail, rattlesnake pine.
- Q. Then you put on the unsuspecting fruit man stuff that isn't worth anything?
A. What do you mean?
- Q. You said some of the same as that up there?
A. Some of them.
- Q. How long did you spend in there?
A. I was in there six or seven hours altogether. The first evening I was up the road, and I got out and walked up the road a little way.
- Q. How much time did you spend cruising around in that Mount Vernon tract?
A. About six hours, once.
- Q. How much time altogether? A. I don't know.
- Q. How much time, altogether, did you spend cruising around in the woods?
A. I imagine about eighteen or twenty hours; I don't know.
- Q. Did you go up Big Run as much as a mile?
A. We went up seven or eight miles from where the car broke down on us down at the foot of the mountain. It wouldn't go any further.
- Q. This stave wood at the toe of the mountain that you have described as being a million staves, is just about two miles from Grottoes, is it not?

- A. I don't know; I didn't pay much attention to that; I wouldn't like to say.
- Q. The eight hundred cords that you estimated, I want to be certain I understand you, is the pine from six inches up to ten inches?
A. All that is there.
- Q. All that is there? A. Yes.
- Q. Is there anything there over ten inches? A. Yes; some stuff there thirteen inches and fourteen inches.
- Q. That is pretty nice pine, is it?
A. Some people might call it nice pine; I would call it old burr pine.
- Q. You stated it is fair pine? A. Part of it.
- Q. How many staves are there to a thousand feet of lumber?
A. Well, I had that kind of figured out, but I have forgotten.

And further this deponent saith not.

MR. STONEBURNER recalled.

CROSS EXAMINATION BY MR. TAVENER:

- Q. You were testifying, in your examination in chief, about the values of several tracts of land that were bought for the Shenandoah National Forest. Do you not recall that the state attempted to buy land in which Mr. Luther Brill was interested, and made him an offer of two or three dollars an acre, and in the condemnation proceedings which resulted, the jury brought in a verdict of thirty dollars an acre, those lands being located in the mountain section of Shenandoah County?

BY MR. ARMSTRONG: Question objected to because it is irrelevant and it does not state what elements of damage or of value were handed to the jury or to the appraisal commissioners or whoever ascertained the thirty dollar value claimed, and it is conceded that as much as a thousand dollars an acre has been awarded certain land owners in certain condemnation proceedings, and even more.

BY MR. TAVENER: Of course, the question will be qualified to the extent that it refers to mountain lands that were being condemned for national forest purposes, and in further answer to the objection, I desire to state that the mere fact that a man is willing to let his forest land go for a value that the Forestry Department may fix on it is not always a true standard of value for that land because of the fact that a condemnation proceeding is an expensive and troublesome matter, and where a man refuses to accept what the government thinks, from their standpoint, is an advantageous price, and then, when the matter is set for judicial determination as to the value of the land, then the result of that condemnation proceeding is the best evidence of the value of that land; and, inasmuch as the state has seen fit to ask witnesses on several different occasions about the purchase of lands generally for national forest purposes, we feel that this question is not only admissible but one of importance, and one from which this Commission is entitled to the information.

BY MR. ARMSTRONG: It is universally conceded that the purchase price agreed upon between a willing seller, who wants to sell, and a willing buyer, who wants to buy, of a tract of land is about the best evidence obtainable as to its value, and so far as the evidence which has been introduced on behalf of the petitioner here today as to purchases of land in the neighborhood of the land under consideration, conforming generally to the type and class of land under consideration, it is insisted that it should have a persuasive influence with the Board of Appraisal Commissioners as to the value of the Alexander land. If the land of Brill is of the same type or approximately the same type as the Alexander land, then it is perfectly proper evidence to introduce testimony as to what it brought. However, the value fixed by a Board of Appraisal Commissioners or by a jury on a tract of land of a man who is unwilling to sell can never be considered competent evidence to be introduced as to the value of some other tract of land sought to be condemned. And, certainly, when the land is described merely as Mr. Brill's land in Frederick County, without giving its location, desirability, for what purposes reasonably adapted, and saying that the Commissioners valued it at thirty dollars, cannot be evidence that would in any wise enable this Board of Appraisal Commissioners to arrive at a fair valuation of the Alexander property.

BY MR. TAVENER: In further reply to the objection raised, counsel desires to state that this witness has testified that he has set the valuation on these various lands in the National Forest area according to a scale, and the additional purpose of this question is to show that when his valuations were under fire by due process of law, they have, at least on these occasions, been greatly increased in value from that which he gave. The valuation placed on the Luther Brill tract was not far in excess of that fixed on the Mount Vernon tract, and if this witness's honest valuation, which he gave on the Luther Brill tract was found to be erroneous and increased under due process of law, then it is very material evidence that the witness may be in error as to the valuation which he placed on this tract.

A. I was not a witness in that condemnation case; neither did I examine the Brill tract. I am familiar with its location, but had nothing to do with its valuation originally.

Q. Is it not a fact that the valuation placed according to the scale of the Forestry Department of two or three dollars was raised in the condemnation proceedings to thirty dollars?

BY MR. ARMSTRONG: Question objected to because even if this witness were able to state, the evidence is immaterial.

A. I have no personal knowledge of that.

Q. I will ask you if you are familiar with a tract of land, the exact name of which I do not have at the moment, and which the government sought to condemn at a price of a dollar and a half to two dollars an acre, which valuation was contested in the condemnation proceedings and upon which a verdict of between five and six dollars was rendered, this land being located in the back end of Shenandoah County or at the edge of Frederick County in the Cedar Creek section, possibly ten miles from the railroad?

BY MR. ARMSTRONG: Question objected to because incompetent for reasons stated in the objection states to foregoing questions.

A. I was a witness and went on a tract of approximately one thousand acres in that immediate locality, for which there were two claimants. One agreed to sell for two dollars an acre, the other objected; a commission was appointed; the case was heard at Lynchburg, and the timber and soil value was not contested. Evidence on minerals only was introduced and the jury awarded a verdict of

three dollars. That is near the county line. Your father was attorney in the case.

BY MR. ARMSTRONG: Answer excepted to for the foregoing reasons and asked to be stricken out.

A. (cont'd.) I can't say that that is the same tract or not; I think the Bear-
pone Lumber Company was the claimant.

By Mr. Tavener: That is not the same.

By the Witness: That is the only case in Cedar Creek upon which I was a witness.

By Mr. Tavener: I am going to ask Mr. Marsh to furnish me with a statement of the condemnation proceedings by the Forestry Department; that is, a statement of the names and the amounts which were awarded. Can you do that from the files here in Harrisonburg?

BY MR. ARMSTRONG: Objection will be made to the introduction -----

BY MR. TAVENER: I am not asking him to introduce them; I am merely asking him if he can furnish them. Can you do that, Mr. Marsh?

By Mr. Marsh: I couldn't say. I think you could get them as easily as I could, because I have no more connection with them now than anyone else.

BY MR. ARMSTRONG: Do you know how many acres there are in the Shenandoah National Forest, or how many acres were acquired by the United States Government in the Shenandoah National Forest?

A. Approximately half a million acres in the Shenandoah National Forest.

Q. And what did it cost?

A. All the land approved for purchase was \$3.66, an average, and that actually acquired was \$3.66.

BY MR. TAVENER:

Q. Mr. Stoneburner, any tracts that the government sought to purchase for \$1.50 or \$2.00 an acre and which were contested as to amounts in the condemnation proceedings in which there was a return of five, six or even more dollars, and which were not actually taken because of the price, would not be included in that?

A. That area is very small.

Q. But, the point is that those matters are not included in the average of \$3.66 an acre?

A. They are not.

And further this deponent saith not.

MR. A. M. TURNER, a witness of lawful age, being duly sworn, deposes and says as follows:

DIRECT EXAMINATION BY MR. TAVENER:

- Q. What is your full name, Mr. Turner? A. A. M. Turner.
- Q. Where do you reside?
A. About three miles northwest of Broadway, Rockingham County.
- Q. What is your age? A. Seventy-two, past.
- Q. What is your occupation, Mr. Turner?
A. It has been principally that of lumbering, farming and grazing.
- Q. What positions of a public nature have you held in Rockingham County, Mr. Turner?
A. Well, my first public service that I have held was I was a school teacher, and I was a member of the Board of Supervisors of Rockingham County for Plains District, and then I was appointed to the lands in Plains District and I held that office until it was legislated out, for two successive terms, and I have, on two occasions, valued timber in which the government was the purchaser.
- Q. When was that, Mr. Turner, and where was the land located, that you assessed or appraised for the United States Government?
A. In the Massanutten range of mountains and in the spurs of the Shenandoah Mountain.
- Q. When did you first begin your work in lumber?
A. Well, I have been in the timber and lumber business from the time I was twelve years old. I commenced it about twenty-seven years ago for myself.
- Q. When you began as a small boy, in what way were you working?
A. I was working for my father, cleaning up grazing land, making rails and so on.
- Q. And from that time on you have been identified with the lumber and timber industry?
A. Buying mountain land and cleaning up grazing land for myself, when I was about twenty years old.
- Q. Have you owned large tracts of timber land yourself?
A. Yes sir, along with my brothers, thirty-two hundred acres in the spurs of the Shenandoah Mountain within the limits of Brock's Gap, and then on the Shenandoah Mountain, I owned about sixteen hundred acres in different tracts adjoining each other, maybe seventeen hundred, which I own some of it yet, but have the options to the government now.
- Q. What use did you make of those lands?
A. Principally for grazing, I also raised some hardy crops such as buckwheat, potatoes and so forth.
- Q. Have you cut the timber from any of those tracts?
A. Yes sir, I cut the timber off the thirty-two hundred acre tract of land.
- Q. Now, in addition to your ownership of timber lands in those two large tracts that you have described, have you been engaged in buying up timber lands over the northern part of Virginia in different counties, and if you have, in what counties?

A. Well, I have been buying quite a number of tracts during these twenty-seven years in Rockingham County, some in Augusta County, some in Shenandoah County and Fairfax County and Albemarle County.

Q. When you would buy this timber, tell the Commission in what way you would handle it.

A. Well, about a year ago I began to buy some by the thousand on the stump, but before that I would go into a tract of timber and I would take an ocular observation of it and estimate it in my mind how many thousand feet of lumber was there; some of it I would get by strips, in which I would include a saw mill; how many thousand feet I thought was there, then I would move my equipment in there, saw mill engines, teams and so on, and cut it off.

Q. So your experience in ocular observation of timber has been made up by going in and seeing that timber and sawing what you estimated?

A. Yes sir, I would estimate a piece of timber and buy it, cut it off and market it, and go back and buy another piece the same way.

Q. Now, that business has been extended even to the purchase of farms in which you would buy the farm to get the timber and then resell the farm?

A. Yes sir, we buy the farm, which would cost as much as five or six thousand dollars and then get the timber off and then sell the farm. I did that in Shenandoah County, Fairfax County and Albemarle County. In Albemarle County I didn't manufacture it, but I cut it off.

Q. Mr. Turner, is it not a fact that the best experience that a man can get in timber is to estimate a piece of timber, buy it, then cut it, all on his own account?

A. The best experience that a man can get is to estimate the timber, buy it and pay for it, take his machinery in there, cut it and market it.

Q. Now, over these twenty-seven years that you have been conducting your business in that manner, have you acquired the ability to make an accurate and reasonable estimation of the number of feet of lumber on a tract that you propose to buy or investigate?

A. I would think so, sir. I remember some cases I estimated in Fairfax County on two hundred and fifty acres of land in about four hours that there was eleven hundred thousand feet of timber on it, and I cut it off and it made nearly twelve hundred thousand. Sometimes it runs a little short and sometimes a little more.

Q. You operate your own mills in that business?

A. Yes sir.

Q. How many mills would you operate at a time, ordinarily?

A. About two mills in which I was the owner, and then sometimes in what I was in partnership with my brothers.

Q. Do you mean by that that you would have as many as four mills under your supervision?

A. Not at all times, but sometimes more than that.

Q. Then you have lumbered from Fairfax County through to West Virginia?

A. Yes sir.

Q. Now, in addition to the very vital experience that you had in manufacturing after your own estimate of lumber, have you had experience in estimating lumber for other people?

A. Yes.

- Q. Are you in a position to testify in definite terms about the amount of timber that you did see on this tract?
A. Yes sir.
- Q. The fact that you were not able, in twelve days, even in November, to cover all the timber in this tract necessitates our pointing out on the map and describing a little in detail just where you went, so that it will be possible to supplement your figures with the figures of other witnesses or even the figures of the state as to places where you did not go. Before proceeding with that, however, will you tell the Commission what method you used in estimating this timber.
A. I used an ocular method and what you might call a strip method. I would go in a location where there was saw timber. I would lay off enough for a saw mill seat that would be profitable to bring in, and then I would estimate how much was there, and then I would go on to the next point where there was saw timber and estimate how much would be in that place, and so on.
- Q. That is practically the same as a strip method?
A. Well, you might call it that, whilst I didn't take in territory that was barren or practically barren; I would take the most densely timbered places and then I would fetch in this sparsely timbered territory.
- Q. Is that the same method of estimating timber that you have used successfully in your own business for twenty-seven years?
A. Exactly.
- Q. And it is a type of estimation that you have become experienced in because of your past experience; that is, you have become expert in that type of estimation?
A. That is what I used all the time and I wouldn't use any other, because it would be more accurate with me.
- Q. In measuring this timber, tell the Commission how you measured it.
A. Ten inches, twelve inches from the ground are the size of the trees I took.
- Q. The government witnesses have stated that they made their estimates on a measurement ten inches in diameter, breast high, which is four and a half feet from the ground.
A. Yes sir.
- Q. There would naturally be some difference between their figures and your's because of the different method of making those measurements?
A. Yes sir, I would get more trees than they would.
- Q. As a matter of fact, are there a large number of trees on this tract that would be ten inches in diameter one foot above the ground and which would not be ten inches in diameter four and a half feet from the ground?
A. Oh yes, quite a lot. It is second growth timber, whilst there is some virgin timber there yet. You would call it a cut over territory, and a growth of timber there that has been growing for perhaps seventy-five years. You will find more trees below ten inches than above ten inches.
- Q. Therefore, the system the state has used is unfair to the property owner in this particular case because of the size of those trees?
A. No, they wouldn't get all the thousand feet that was there.
- Q. Now, where did you begin your work in estimating the timber on this tract?

A. I commenced in Two Mile Run.

Q. Will you tell the Commission how much timber you found in Two Mile Run?

A. I found two hundred thousand feet.

Q. Two hundred thousand feet?

A. Yes sir.

Q. Now, it was called to your attention, after you had made your estimate on Two Mile Run that the Hill tract of five thousand acres, cut across the lower part of this Run, and you were asked then to revise your figures on that Run to show how much was in the Hill tract and deduct that from your estimate?

A. Yes.

Q. What deduction have you made for the timber that you found on the Hill tract?

A. You would have to take off about forty thousand feet.

Q. That would leave then a hundred and sixty thousand feet in Two Mile Run?

A. Yes.

Q. How many day's work, or how much time did you spend in Two Mile Run?

A. One day.

Q. Now, Two Mile Run is approximately how long?

A. Well, it is some four or five miles; I didn't measure it.

Q. Approximately how many acres of land are there in the territory drained by that stream?

A. If I have the boundaries right, which I think I have, it would be about twenty-five hundred acres.

Q. What sort of stream is Two Mile Run?

A. Well, it is a stream that has got lasting water in it. It has trout in it and the soil is of a sandy nature.

Q. It is a stream that can be always depended upon to furnish water for saw mill seats?

A. I would judge it would be. I am not acquainted with it more than I see the trout in the stream, and that is a sure sign of lasting water; but, nevertheless, we can saw today about as cheap or perhaps cheaper with motor power than with steam power. You can take a tractor in and saw and you don't have to have much water.

Q. Speaking of this tract as a whole, are there roads in to these various tracts of timber which would make it accessible to market?

A. There have been roads there and used a great deal in the past, which would take but little work to get in shape to get the products out right now.

Q. Now, Mr. Shifflet, in his testimony, stated that it would be necessary to spend fifty cents per thousand feet of timber in order to construct roads with which to get the timber out of this area, saw timber -- Now, I am going to anticipate your evidence here and state that if there is approximately four million feet of lumber on this property, and you would charge fifty cents a thousand to construct roads, that would amount to two thousand dollars. Will you tell the Commission whether any such sum as that would be necessary in order to get the timber from off this Mount Vernon tract?

A. It wouldn't for me.

- Q. In your opinion, how could the timber from this tract of land be gotten out?
A. Well, it is reasonably accessible on account of the roads, on account of the grades and the nearness to the railroad.
- Q. Where would your saw mill seats be located with reference to the roads?
A. On the roads.
- Q. Then practically all of the timber could be dragged to the saw mill seats and then from the seats hauled out to market?
A. Yes sir, the roads are practically all in the hollows and the timber is mostly in the hollows or along against the sides not so far up, and you would have to have the saw mill seats in the hollows and there are the roads. You drag your logs in there, and there would be the roads.
- Q. What would you consider to be a fair cost, regardless of the number of feet of timber on the Mount Vernon tract, that would be required to build roads to get this timber to market?
A. It would be to clean up the roads there, and there is one place in Big Run would have to be bridged, but the way we would bridge that stream would be a rough way; we would just take logs and use them as sills and put two inch lumber across it. It might cost two hundred dollars. We would cut out brush, fill in old holes, but we would stay on the old road bed, and the cost of it in all the different Runs, it might reach a thousand dollars, but I believe eight hundred would be nearer it.
- Q. Now, what is the sort of timber that you found, what species, in Two Mile Run?
A. Well, it is different species there. It is pine principally and oak of different kinds, mixed oak and young white oak; mixed oak is red oak, black oak--
- Q. But you say most of it is pine? A. Yes.
- Q. That is in Two Mile Run? A. Yes.
- Q. What is the condition of the soil there? A. Sandy loam.
- Q. Is it soil suitable for the production of timber?
A. Yes sir; it has been once heavily timbered in the hollows and some on the sides too.
- Q. Is Two Mile Run especially accessible to the railroads?
A. Yes; the railroad runs all along the river there, and the river runs parallel with the mountain. In some places, of course, the station would not be quite as close.
- Q. You have stated that there is a considerable growth of timber on this property below ten inches in size, one foot above the ground. Now, we propose to show by another witness that the type of timber for stave wood purposes is timber that is second growth and is from four to nine or ten inches in diameter one foot above the ground. Now, have you estimated the number of cords of timber of that type; that is, between from four inches to ten inches, one foot above the ground, on Two Mile Run?
A. Yes.
- Q. What is that?
A. That is about three hundred cords. I think it would be suitable for stave timber, but there would be more than that there. I have had some experience with the cutting of stave timber and selling it, but not in sawing it out, but I have sold stave timber, and I think there would be about three hundred thousand feet in

there that would sell for stave wood.

- Q. Proceeding to One Mile Run, what is the approximate length of that stream?
A. Well, about four miles.
- Q. The memorandum you have in your hand was prepared by whom? A. By me.
- Q. From notes taken by you in the field? A. Yes sir.
- Q. Approximately how many acres in there on One Mile Run?
A. About two thousand acres.
- Q. What is the natural flow of that stream?
A. You mean the direction?
- Q. I mean is it a stream that can be depended upon for saw mill seats?
A. I think so, sir.
- Q. For running saw mills? A. I think so.
- Q. Is the timber on this run accessible to the railroad?
A. Yes, about the same as the rest.
- Q. What is the chief type of timber you found on One Mile Run?
A. About the same as the other.
- Q. What is your estimate of the number of feet?
A. Saw timber, about one hundred thousand feet.
- Q. What is your estimate of the number of cords of stave wood?
A. About two hundred cords.

BY THE COMMISSION:

- Q. What species do you include in stave wood?
A. Well, soft wood, pines of the different kinds, poplar or bass wood.
- Q. You spent about how much time in estimating there?
A. About a day.

BY MR. TAVENER:

- Q. Now, let us go to Big Run; about what is the length of that stream?
A. I never was clear around the head of Big Run; I wasn't to the head of the streams, all of them. There is quite a little territory in there that I didn't cover.
- Q. Can you estimate the length of the streams that you did observe?
A. From the south gorge to where I was, it must have been six miles or more.
- Q. What about the soil conditions in Big Run for development of timber?
A. Well, it is good; there has been a heavy growth of timber there one day, and the timber is growing thrifty that is there.
- Q. The fact that the timber that is now there is thrifty and that there has been a heavy stock of virgin timber shows that the soil condition must be right for the growth of timber?
A. Yes.

- Q. Did you find any unusually good timber in Big Run?
A. Yes sir, good white pine in there, and I found a good second growth of oak and some poplar.
- Q. What was the diameter of some of those pines?
A. I found white pine and poplar in there that will measure thirty-six inches; I measured them, showing that they are virgin timber from two to three hundred years old.
- Q. Now, the stream in Big Run is the best stream, is it, on this property?
A. It is the heaviest stream; the most water comes through. There are two runs below, both stocked with trout, and Big Run is the same.
- Q. Do you recall whether, at the base of Big Run there is a side track of the Norfolk and Western Railroad known as the Cement Siding?
A. That isn't far, a couple miles. While I am not well acquainted with the distance to the railroad there, I would judge it would not be more than three miles. The timber is accessible there; when you get the bridge across, you would have no trouble getting in with trucks.
- Q. How does that stream compare with other streams that you know of as a trout stream?
A. The best I know of anywhere. It shows up a solid bottom most of the places, and not so steep and rugged.
- Q. Now, it is going to be necessary for you to point out on the map just what courses you followed on Big Run. First of all, will you state what is the number of feet of lumber that you found on that run?
A. It is one million nine hundred eighty-five thousand, I think is my notes there.
- Q. And how many days did you spend in Big Run?
A. Well, I must have spent about four or five days in there. I came up this run to the first left hand branch of any size. The next day I came up and finished the balance of it up on this branch of that run.
- Q. You are indicating a branch to the left or northeast of the main run?
A. Yes sir.
- Q. Do you recall whether you went entirely to the source or the top of the mountain?
A. I didn't go to the top of the mountain. I went up about as far as the old road extended and seen further too.
- Q. Could you see that there was timber on beyond you that you didn't include in your estimate?
A. Yes sir, climbing the sides I could see over on the other side and see further ahead. There is more timber up there, but it got smaller and less.
- Q. Will you indicate by a cross mark on the map the places where you went on that stream?
Witness here takes map and indicates as far as he went by cross marks.
- Q. Coming back to the gorge near the entrance to this property, did you cruise and estimate the tributaries to that stream on the southwest thereof?
A. No sir, not until I got up here (pointing to map). Then I went up this stream on up here. I didn't get up to those hollows here.

- Q. You are referring now to Big Run?
to what I seen in Big Run.
- A. Yes; I am testifying now
- Q. On Lewis Lower Run, you spent what length of time in estimating?
A. About a day.
- Q. What is the approximate length of that stream?
A. About three miles.
- Q. What is the amount of your estimate?
A. About fifteen hundred acres.
- Q. How many feet of timber did you find on this tract?
A. About a hundred and seventy-five thousand feet.
- Q. And what was your estimate of the cords of stave wood?
A. About two hundred.
- Q. Is the timber in this tract as accessable to the railroads?
A. Yes sir. In Deep Run there is a little more road work there than in some of the rest of the runs. There has been roads in there this summer.
- Q. How much time did you spend on Lewis Upper Run?
A. About the same amount; about a day.

BY THE COMMISSION:

- Q. What kind of timber was on this?
A. It was soft wood and oak, about the same as the other runs.
- Q. You found it about the same all the way through?
A. Some places it will vary a little, but not much until you get to the flat land, then you find more pine there, but in these hollows they are practically the same species of timber, the same growth. The heads of the hollows have the virgin timber, some, and the hollows down lower, a young growth. It looks like it might have been cut sixty or seventy-five years ago.

BY MR. TAVENER:

- Q. What is the number of feet of timber on Lewis Upper Run?
A. Two hundred thousand.
- Q. Now, let us proceed to Deep Run. How much time did you spend on that stream?
A. A day.
- Q. What is the length of that stream, approximately?
A. About four miles; that is Deep Run.
- Q. What is the variety or species of trees that you found there, chiefly?
A. Pine, oak and poplar and some hickory there, right small hickory, but I didn't take no estimate of the hickory, and gum and some bass wood.
- Q. What is the amount of timber that you found on that tract?
A. A hundred and seventy-five thousand, I think; it is blurred some -- a hundred and fifty thousand feet.

- Q. About how many acres are there in that watershed?
A. About fifteen hundred acres.
- Q. Now, go to Brown's Gap, at Miller's Run.
A. Well, the next day I went into Brown's Gap. That's cut up right smart with claimants in there, but the territory that I looked over was about a thousand acres, and had about three hundred and twenty-five thousand feet of saw timber and about six hundred cords of wood.
- Q. I believe I omitted to ask the number of cords of wood for staves in Deep Run?
A. Two Hundred.
- Q. Now, I will ask you to proceed to the smooth or level stretch of land at the toe of the mountain and the slope against the mountain referred to here as Swamp Run and Miller's Run.
A. I spent about a day and a half on that.
- Q. What type of timber did you find on that?
A. I found a young growth of yellow pine. I estimated that different from the rest, not fifteen inches twelve inches from the ground, but from about six inches up to twenty inches, the size of the trees that are there. It seems that it has been cut over later than the other hollows. It has a fine growth of young yellow pine there.
- Q. How would you describe that growth of yellow pine and the condition of it?
A. It is a thrifty growth of yellow pine, showing that at one time it was well covered with yellow pine, and the trees there now have a long slim growth and thrifty, making two to three logs, and that they are of the yellow pine type and not of the hard pine type. The genuine yellow pine is in the flats and the hard mountain pine up in the ridges. Down in the road that leads from Grottoes to Brown's Gap we found a three cornered strip of land in there that has approximately forty thousand feet of lumber. That lays northeast. It is a good quality land as well as the rest of this land; it is good quality and smooth, well adapted to the hardy crops. I saw orchards there within the boundary of this; I think it was on the Roadcap land. There was orchards there, and they were shucking corn there, good fine corn. They had been growing vegetables on this land. I seen it down below here on the Furnace land, where the old Furnace house is, and good thrifty tomato vines there and some fodder. They had been growing some corn there, and at one time there had been an old mine operated on this flat land, and I included my estimate from a point a little to the east of the old Furnace house up to Swamp Run and above.
- Q. About how many acres in this tract ~~that~~ you estimated there?
A. Approximately, there might be two/thousand acres there.
- Q. How much yellow pine did you find on that tract?
A. About three hundred thousand feet of yellow pine.
- Q. When you say that was approximately two ~~hundred~~ thousand acres, and you estimated three hundred thousand feet of timber, do you mean to tell the Commission that you saw three hundred thousand feet of timber there, regardless of the acreage?
A. Yes sir.
- Q. If it turns out that it was fifteen thousand acres, that doesn't change the number of feet that you saw?
A. Not a bit.

- Q. How does that tract of yellow pine compare with other pine generally found in the whole area?
A. It is a better quality of pine than the mountain pine.
- Q. How does it compare with pine on other tracts in that area?
A. It is a better grade.
- Q. Is that very accessible to market there?
A. Yes sir; it is close to the settlement and to the railroad.
- Q. You stated that that was a second growth of pine? A. Yes.
- Q. Is there considerable yellow pine there in this tract that is above four inches in diameter and below ten inches in diameter a foot above the ground?
A. Yes sir.
- Q. What is your judgment as to the cords of stave wood that there would be on that particular tract?
A. About fifteen hundred, including the strip below the road that leads to Grottoes.
- Q. You have testified about the crops that you saw on the Roadcap land and other land adjoining. Is this two thousand acre tract here substantially like the Roadcap land in quality of soil?
A. A good deal of it is, and some of it might be better -- just as good, that strip below the road.
- Q. Now, you have given your estimate here of a number of feet of timber, which, adding up after you, amounts to 3,395,000 feet, and to that is to be added at least 637,500 feet, according to the estimate of Mr. Smith, the State's witness, as to the amount of timber on the southwest side of Big Run, which makes a total of 4,032,500 feet of timber. Now, excepting that territory testified to by Mr. Smith, will you tell this Commission whether or not you saw the amount of timber that you have testified to here, totalling 3,395,000 feet?
A. Yes, I have seen all the timber that I have testified to.
- Q. Now, I want to ask you a few questions about the value of timber on the stump. In your opinion, what is the average value of this timber on the stump?
A. Well, it is about five dollars or between five and six dollars.
- Q. Mr. Shifflet has prepared a statement here in which he attempts to prove that it is worth only a dollar and a half on the stump.
A. I can't help what he has done.
- Q. This suit was instituted on December 18, 1930. Since that time have you sold lumber of this same general type that is on this tract?
A. Yes sir.
- Q. For the hardwoods, what is the general price that you have been getting?
A. From twenty-two to thirty dollars.
- Q. What is the price that you have been getting for pine?
A. Well, along about from twenty to thirty dollars.
- Q. Mr. Shifflet has placed an average price of twenty-two dollars and a half. Is that plenty low enough?
A. Yes sir, that is plenty low enough for that pine.

- Q. What would be the cost of cutting and getting that timber to the saw mill seat?
A. Well, sometimes it will cost more, when labor goes up and in bad country, but we have been averaging about ten dollars; five for cutting it and getting it to the mill and five for sawing it.
- Q. Do you think it can be done for that price on this property?
A. That is what we have been counting the whole way through.
- Q. When you cut and saw it and get it to the saw mill for ten dollars, does that allow you a profit for your work?
A. Certainly.
- Q. You mean five dollars for cutting it and getting it to the saw mill, then five dollars for sawing it?
A. Yes sir.
- Q. Now, you have already testified as to the roads on this property and the fact that there would be comparatively little cost in getting your timber from your saw mills to market because of the accessibility of this property to the railroad. What is your opinion as to what it would cost to get this timber, when sawed, from the saw mill seats to the nearest railroad station?
A. Well, after you would get the bridge across above the gorge, a man could make good money at five dollars a thousand, and hauling it to the railroad station and putting it on the car; and then, if you deliver to the country around there, you wouldn't have to put it on the car; it would be about the same thing.
- Q. Well now, in counting the cost of your roads, that would amount to fifteen dollars would it not?
A. I didn't figure it, but I suppose you are right -- yes, it would. You wouldn't need to add any extra cost for the roads, except the bridge.
- Q. Now, these figures go to prove that five dollars is a very reasonable price for that timber on the stump, does it not?
A. Well, it is; five dollars it could be hauled for and make good money. I could make three or four trips and haul out about fifteen hundred feet each trip.
- Q. Then if the total cost of cutting, sawing and hauling is fifteen dollars, then that would leave seven dollars and a half there as to the value of that timber on the stump, not counting what is spent on roads?
A. Yes sir.
- Q. Now, you have stated yesterday when we were qualifying you as an expert here, that you had spent many of the earlier years of your life in cleaning up timber and pasture and grazing cattle on timber lands?
A. Yes sir.
- Q. I will ask you if you saw any good grazing land adjoining this property at any place.
A. Yes sir; I went up, the last day that I was on the land, up Simmon's Gap road, and I went up over the mountain through several grazing farms, Hinkle's was the last; I think a man by the name of Armstrong owned some there, perhaps Taylor and someone else. It was, they say, within the boundary of this survey, and I seen some fat cattle there, in good shape. The last was the Hinkle land, which extended up to the land at the top of the mountain.
- Q. The Hinkle land is a tract of about three hundred acres, a part of this property?
A. Hinkle told me it was his land.

Q. What is the value of that grazing land of Hinkle's that is a part of this property, or adjacent to it?

A. I wasn't looking at Hinkle's land, and had no interest in it whatever. The land that I seen, the most of it, of the Hinkle land that was there, was worth twenty-five or thirty dollars an acre.

Q. Now, is there any of the Mount Vernon land there that could be utilized for the same purpose?

A. Yes sir, along the top of the mountain, south of the Hinkle land, there is a strip there, narrow in places, and other places it widens out there for some two miles or better that would go into blue grass sod after cutting off the brush and stocking it pretty heavy for cattle or sheep. It is of a nature that the cattle and sheep would eat down and kill out the brush.

BY THE COMMISSION:

Q. Isn't most of that in Green County?

A. Most of it is in Rockingham, I think. It is on the west side watershed of the Blue Ridge.

BY MR. TAVENER:

Q. About what acreage is there in that?

(No answer given)

BY THE COMMISSION:

Q. The line goes at right angles up on the Hinkle place and then back?

A. No sir; I went up through the Eyler and Armstrong land and then through the Hinkle land.

Q. And this was to the right?

A. Yes. Some little of it was on the left of the watershed, but most of it on the right, and it will make good grazing land if cleaned up. The fire has burned over that land not long ago, and the brush that is coming up there is a good deal sassafras, locust and chestnut, but the chestnut is principally dead. There is some hickory there that would be hard to kill, but not much.

BY MR. TAVENER:

Q. About how many acres?

A. About three hundred acres, as near as I can tell.

Q. What valuation would you place on that three hundred acres for grazing purposes?

A. About ten dollars an acre.

Q. Now, have you had experience with the grazing of sheep in territory of this sort?

A. Yes.

Q. Will you explain to the Commission in what way this property could be used, particularly Big Run, for sheep grazing?

A. It could be used as a sheep ranch better than a cattle ranch.

Q. Mr. Marsh contended here that it would take an awfully good goat to make a living in Big Run there.

A. Well, I expect there is some that couldn't make anything at all, where there is others that could make money there; that would depend upon what he had been

doing during his lifetime. I find no sign of any animal in there that would interrupt sheep. There's no bears, wild cats or anything like that in there. We have bears on our ranch here, but they wouldn't have that trouble.

BY THE COMMISSION:

Q. What would it cost to clear this land up, Mr. Turner, and make it a grazing property, this three hundred acres?

A. Well, when I cleaned up my land, I had it principally with cattle and sheep. I cut off the brush and burned it and then I stocked it heavily; and when there was some they didn't kill, I cut it off, maple and hickory is hard to kill. On this mountain it was mostly chestnut, some sassafras. I think it would take about ten dollars an acre to get this cleared, but it would take perhaps ten years to get it all cleaned up, but the cattle would be getting pasture there all the time. If I wanted a quick blue grass sod, I would sow it, but that would cost a little more; but I think about ten dollars an acre would get it into good shape that would make it worth about twenty dollars an acre.

BY MR. TAVENER:

Q. In other words, that land ought to be worth ten dollars an acre at the present time?

A. Oh yes, I think so.

Q. You have stated that you have spent practically all your life in the mountains in the timber business; you have been employed by the United States Government and many individuals and you have worked for yourself?

A. Yes.

Q. Assuming that we are allowed ten dollars an acre for that three hundred acres, and leaving that out of consideration, what would be a fair price, in your opinion, for the rest of that land?

A. Well, that is hard to come at; I would take it from sales of land which I have made to the government and to other people.

Q. Sales, after cutting the timber, you mean?

A. Yes sir. The only land of this kind in large tracts that I know of being sold recently is sold to the government. I have a tract optioned now at three dollars an acre, twenty miles from the railroad, from which you couldn't consider the timber on it as we couldn't now get it out. This tract, being nearer to the railroad than mine, I would think would be worth three dollars and fifty cents an acre.

Q. You mean three dollars and fifty cents after taking off the timber?

A. Yes sir, after taking off the timber.

BY THE COMMISSION:

Q. Taking this Alexander tract as a whole, would you compare it of equal soil value as the land that you have reference to that you have optioned to the government?

A. Yes sir, I would.

Q. It has been stated here by the state that the average price that they paid for the National Forest's half million acres of land in West Virginia, as well as in the Massanutten range of mountains, was three dollars and sixty-six cents an acre. Don't you think that this land, including the timber and all, is of equal value?

A. I am not prepared to say; I don't know enough about what they have sold; but, compared with the land I have optioned and sold, it would be worth more on account of its nearness to the railroad.

Q. Now, I am going to ask you, Mr. Turner, to make a compiled statement of your various estimates and values, and file that as a part of your deposition, and mark it Turner Exhibit No. 1.

A. I will do that.

BY THE COMMISSION:

Q. That two thousand acres that you spoke of at the toe of the mountain the soil part of that, the price per acre for that, as if all the timber were off?

A. I don't know that I have got any estimate of that. With the timber on, about \$12.40 - the land that I looked at there.

Q. What would you consider it now; are you in a position to make a statement ---- What would you consider the soil value after the timber was taken off?

A. Well, there's some of it would be worth more than other. Some of it is better suited, especially that north road leading to Grottoes and that close to the road along there, part of it ought to be worth anyhow ten dollars or twelve dollars an acre for farming purposes and orchard.

Q. Did you go over the Augusta County portion?

A. I don't think so; I wasn't up farther than Swamp Run.

BY MR. TAVENER: The line runs through there somewhere.

BY THE COMMISSION:

Q. Did you go along that road that goes up to Black Rock Spring?

A. No sir.

Q. Were you to the right hand side of the road, Mr. Turner, that leads from Grottoes toward Black Rock; that is on south?

A. Yes, I was on the left hand side, and down next to the old Furnace house I was on a three cornered piece of timber there that they told me belonged to it. I wasn't up any further than that Roadcap land. I went up through that land there. Another man lives up there, and I went through the orchards there and then came down below where the old furnace was.

CROSS EXAMINATION BY MR. ARMSTRONG:

Q. Mr. Turner, the testimony on behalf of the petitioner, which is the state, shows that the area of the Alexander tract in Rockingham County is approximately nineteen thousand five hundred fifty-four acres. How much of this nineteen thousand five hundred fifty-four acres did you see; how many acres would you say?

A. I have it approximately estimated here.

Q. You need not call out the number of acres. If you can refer to that and add up the number of acres that you think you saw, that will satisfy me for the present, but I am going to ask you the different acreages later. Did you see three-fourths of it?

A. That is a question I am hardly able to answer as I wasn't clear around the boundary of this land.

Q. Well, you could tell approximately?

A. Yes sir; they are getting it there. About twenty thousand, but that is just a guess.

- Q. Well, were you guessing at the number of acres you didn't go over?
- A. Well, sir, it might be a fourth that I didn't go over. That west side of Big Run there is a pretty big territory, getting an ocular observation of it from the top of the Blue Ridge mountains.
- Q. You went over three-fourths of the area in Rockingham County according to your best idea?
- A. Yes.
- Q. What, in your opinion, is the fair, cash, market value of the three-fourths of the tract that you did go over for all purposes for which it is reasonably adapted?
- A. Taking the timber away from it?
- Q. No, the fair, cash, market value of the land and whatever is on it and for all purposes for which it is reasonably adapted.
- A. I can compile that statement. You take it there - you can see.
- Q. Well, use your memorandum and what your counsel has here.
- A. The timber is about five on the stump, as of the number of feet there.
- Q. Now, the question is, the lands which you saw, which you estimated to be three-fourths of the tract. You said the lands that you saw would cover approximately twenty thousand acres, and you estimated that there was at least one-fourth of the land that you did not see. Now, then, the lands that you saw, referring to your memorandum and your notes, will you tell us what, in your opinion, is the fair, cash, market value of the portion of the tract that you saw for all purposes which, in your opinion, it is reasonably adapted?
- A. \$16,975.00 for the timber. There is some grazing land there, about three hundred acres of grazing land. That is hard for me to get at because I don't know the number of acres that are in that flat land.
- Q. I understood your counsel to propound a question to you about the land at the toe of the mountain in which the number of acres, as I recall, you stated to be about two thousand?
- A. Yes sir, approximately that, and I have the timber and land valued at \$12.40 per acre.

BY MR. TAVENER, RE-DIRECT EXAMINATION:

- Q. Have you sold stave wood by the cord on the stump?
- A. Yes, I have; I got a dollar a cord for it.

BY MR. ARMSTRONG:

- Q. Now, will you answer my question -- In order that we may understand each other, Mr. Turner, I desire to know from you what, in your opinion, is the fair, cash, market value of so much of the Alexander tract in Rockingham County as you saw; I mean the fair, cash, market value for all purposes for which this Rockingham area that you testified you saw, is reasonably adaptable; for all purposes, including value of the land and the value of the timber growing thereon. I understand, from your former answers, that you saw about three-fourths of the area in Rockingham County.
- A. Well, I am not including any value that might be there for anything that I am not qualified to answer. Now, what I think that I am qualified to answer, it is worth \$89,075.00.

- Q. That is for the three-fourths of the tract?
A. Yes, accounting for fifteen thousand acres; that is three-fourths of twenty thousand. It figures up at \$3.50 for the land, \$52,600; for the stave wood, \$12,300.00; for the saw timber, \$16,675.00; for grazing purposes, \$5,000.00, and for fire wood, \$2,500.00.
- Q. I understood you to say, whilst testifying in chief, that you saw a good portion of the land that you did not go over.
A. An ocular observation of it; seen the outside boundaries, that is at a distance from the top of the Blue Ridge mountains.
- Q. Was there any portion of the tract that you saw that was barren, or would be classed as barren land?
A. Yes.
- Q. About how many acres?
A. Well, that is hard for me to get at, being far away from it, and not knowing the exact boundary line; it would be hard for me to get at what I didn't cruise or see.
- Q. You didn't cruise or inspect, for purposes of testifying as to value, any of this barren land?
A. I went over some of it, and seen over the rest of it.
- Q. About how many acres did you go over and see over according to your best idea?
A. It might possibly be one-half of it that there is no timber on of any consequence. There would be some value there as a sheep ranch.
- Q. Do I understand you to say that of the acreage you went over, there might be one-half of that acreage that would be classed as barren land, or land that had little value?
A. As anything other than a sheep ranch, and possibly some little value as timber, but not much.
- Q. Is there as many as two thousand acres of that barren land?
A. Yes sir, that would not be valued as timber while taking it from a government standpoint. It would be valued for the price you could get for it. If you can sell that land, it has the value for you at just what you can get for it.
- Q. What can you get for barren land in the Blue Ridge mountains in Rockingham County?
A. I can only arrive at a price from the lands that I have sold in the Shenandoah Mountain similar to the Blue Ridge Mountain.
- Q. What is the price for barren lands in the Shenandoah Mountain?
A. I have optioned there and have sold -- It has some timber on, but is not accessible, there would be no stumpage value on it after it would be got to market. The land I have optioned at \$3.00 per acre; the government has offered me that for it.
- Q. The government has offered three dollars an acre for absolutely barren land?
A. It is not barren, but the timber isn't worth anything today; the distance is too great and the roads too bad to get it out.
- Q. Will there ever be any timber on barren land?
A. Well, this I would have to class as barren land. There would be a possibility there of this timber getting a better price later on, as the lumber market may come back again. It would grow timber and grow some grass.

- Q. How long would it take this barren land on this Alexander tract of approximately two thousand acres, let us say, to grow a tree that would cut ten inches across the butt twelve inches from the ground?
- A. Possibly never.
- Q. Highly probably never, isn't it?
- A. Well, the fire has run over that land; it is on the southwest side where the wind blows strong, and it is dry, and the fire has been running over that part of the land for a number of years and it don't let any timber grow there. I think the land would be productive enough if the fire could be kept out of it; but there is three things that are essential to growing timber; there is good soil and moisture and shelter from high winds. These lands, being on the southwest side where the winds blow more and keep the lands dry and being unsheltered; that is what, in my opinion, has kept the timber down. On the northeast side where it is not so dry and the wind don't blow to it, and the leaves lay on the ground, and it is sheltered from the southwest winds and where it is damper, the timber grows there. It would never benearly as productive down there as it would lack moisture.
- Q. Would you be willing to place any estimate of value on that portion of the Alexander tract in Rockingham County that you did not actually go upon, but which you saw?
- A. I would place it, exclusive of the timber, at \$3.50 per acre, just what the government gives for such land as that. Three dollars is what they offered me and this being nearer the railroad, it would be worth more.
- Q. You estimate the value to be \$3.50 per acre for the land that you didn't go upon, including this two thousand acres, more or less, of barren land?
- A. Judging from the price of government land-- what they are paying; but you have to take it for what you can get for it. I can only arrive at that price by what I got for my land similar to this.
- Q. And the land that you have and about which you have testified that the government has taken an option, or that you have priced to the government at three dollars per acre, is similar in quality to the two thousand acres of barren land that we have spoken about on the Alexander tract?
- A. No sir. I said that we could consider the timber on it today as not being worth anything because it is too far from market. Therefore, I am pricing it as if the timber was off the land, and with the timber off, it would be worth, and I expect to get three dollars an acre.
- Q. With the timber off your land, how does your land compare with the two thousand acres of barren land on the Alexander tract?
- A. It would be better than the two thousand acres.
- Q. And yet you are placing this two thousand acres of barren land at actually fifty cents more an acre than your own land, which you say is better?
- A. I am pricing the whole Blue Ridge mountain, the productive land that is there along with the two thousand acres, at \$3.50.
- Q. Assign some value to the two thousand acres of barren land independent of any other portion.
- A. I can only come at that by what they have offered me for land that has no timber on it.
- Q. Now then, you do not express any opinion as to the actual value, for any purpose, of the two thousand acres of barren land, but only say that it ought to be worth

\$3.50 per acre because the government will give that; is that right?
A. That's right.

Q. And you base that upon the fact that you have contracted to sell to the government, at three dollars an acre, a tract of land that is of better quality than this two thousand acres of barren land?

A. Well, taking it as a productive value that might come on, a possibility, why I have.

Q. In your testimony in chief, when you were speaking about visiting the various portions of the Alexander tract, you used the word "we". Who visited it with you?

A. I had a man along with me there that went with me over the land.

Q. Who? A. Welden Fulk.

Q. Did he cruise?

A. He went along, and, of course, we talked over the matter of this land. He is fairly good in timber; but he merely went along with me. He drove my car, and then he walked with me, and he was only along with me.

Q. Your judgment was independent, and was not influenced by Mr. Fulk, was it?

A. No, and nobody else.

Q. I will ask you to refer to your memorandum which you have before you and which you have used in testifying, and state, one after the other, the footage of lumber in the various areas or sections of the Alexander tract, and the total.

A. That I have seen?

Q.

Q. Yes, of course.

A. There is one of those runs, Two Mile Run, that we totalled forty thousand feet. In Two Mile Run, my first estimate was two hundred thousand feet, but I had included about forty thousand feet that belonged to another man, making 160,000 feet, the value five dollars a thousand, equalling \$800.00; and in One Mile Run, 100,000 feet at \$5.00 a thousand, making \$500.00; In Big Run, 1,985,000 feet, at \$5.00, totalling \$9,925.00; Lewis Lower Run, 175,000 feet, at \$5.00, total \$875.00; Lewis Upper Run, 200,000 feet, at \$5.00, total \$1,000.00; Deep Run, 150,000 feet, at \$5.00, total \$50.00; Brown's Gap, 325,000 feet, at \$5.00, total \$1,625.00; the rest of the tract then from Brown's Gap to Swamp Run, 300,000 feet, at \$5.00, total \$1500.00.

Q. Is this last tract which you have mentioned, the same that has been referred to by Mr. Tavener in his questions, as the land situated at the toe of the mountain?

A. Yes sir.

Q. Now, Mr. Turner, that 3,395,000 feet represents board feet of lumber?

A. Yes sir.

Q. And, in addition to that, you found stave wood? A. Yes sir.

Q. How much?

A. 12,300 cords, valuing that at the government price of one dollar a cord, or a total of \$12,300.00.

Q. Then, that would give a total of timber or wood values, of \$29,275.00, would it not?

A. I think so; I haven't got it added; I think that is what it would make.

Q. Now, I believe you said you made all your estimates by ocular method?

A. Yes sir.

- Q. You didn't count the trees in any given acreage or locality, did you?
A. I did not.
- Q. You made your estimates with reference to saw mill sites? A. Yes sir.
- Q. You mapped out, in your mind's eye, where would be a good place for a saw mill site and then the number of thousand feet of lumber that could be hauled to that saw mill?
A. Yes, that could be gotten there and sawed up there.
- Q. Who pointed out to you the boundaries of this tract?
A. I took a map along.
- Q. Whose land was it that you got on through mistake?
A. It was on a tract of land that was cut off; a five thousand acre tract was cut off the lower end of this tract of land, and it runs through a portion of the hollow that I was estimating, and I estimated the whole thing. They showed me where the line went through diagonally, and afterward I found out a small part of that land didnot belong to it, and I estimated it would be forty thousand feet of timber on it approximately.
- Q. When did you discover that you had been on the wrong piece of land?
A. I discovered that there was a line went through there, and it was a question then whether it belonged to it or not, but, at that time, I had taken a rude estimate as to what was inside the boundary, inside that line, and I thought it would be about forty thousand.
- Q. When did you make that deduction; after you made your report to your employers?
A. No.
- Q. That was pretty much of a guess?
A. It was an ocular examination.
- Q. On how many acres of land do you estimate that you had made a mistake?
A. At that time I hadn't got it into my mind how many acres it was, as I was only estimating the feet of timber. I never claimed to be an expert in guessing at the number of acres.
- Q. You are a much better guesser at the amount of lumber than you are at the number of acres?
A. Well, the number of acres never concerned me very much; it was the number of feet of timber that was on it.
- Q. Now, let us get back once more to your method of work. Let us take the Two Mile Run on which you found 160,000 feet of merchantable standing timber, I believe you said. What kinds of timber were there there?
A. It was a variety of timber in which the soft wood was about half of it.
- Q. Give the varieties of it, please; the different kinds of timber that you found there.
A. It was principally mountain pine, hard pine.
- Q. About how many thousand feet did you find on Two Mile Run?
A. I estimated that with the soft pine and with whatever other pine was there; I estimated it together; some white pine, some little yellow pine, some slate pine, mountain pine in the majority.

- Q. Now, by your ocular estimate, about how many thousand feet of each of these pine varieties, did you find?
A. Oh, I couldn't tell you that.
- Q. Couldn't even guess?
A. I would think the hard pine was perhaps fifty percent of it.
- Q. You will have to be a little more specific for me, please, Mr. Turner, I have listed what you gave, but I don't know which is hard pine.
A. It is a pine that is a species of yellow pine, and some people say if a tree stands long enough it will be a yellow pine, but I never thought so.
- Q. You found 160,000 feet altogether, one-half of which, 80,000 feet, was divided among these four classes of pine, and one-half, or forty-thousand feet, would be the yellow hard pine, which is a particularly desirable kind of pine?
A. Not so much so as yellow pine.
- Q. Now, could we divide the white pine, the yellow pine and the mountain pine equally about one-third, or not?
A. There is more white pine than there is of the other.
- Q. What would be the number of feet of white pine there?
A. It would be fifty percent of the remainder; fifty percent of the slate pine and white pine, possibly a little more. That is a thing I wasn't sent there to estimate and I didn't take any particular notice of the amount of that; I did of the size of the trees.
- Q. I would like to get your best idea as to the quantity of the different species.
A. You shall have it.
- Q. Now then, after deducting forty thousand of the eighty thousand feet, would leave forty thousand feet, and about twenty thousand of that would go as white pine?
A. Yes sir, I think so.
- Q. And that would leave twenty thousand feet more to be divided amongst mountain pine and slate pine?
A. You have mountain pine in there twice. That would go yellow pine and slate pine; slate pine and a small amount of yellow pine.
- Q. How much mountain pine?
A. It is fifty percent of the soft wood that is there, eighty thousand feet, and forty thousand would be the mountain pine, if you care to call it that; and then twenty thousand feet of white pine and twenty thousand feet of true yellow pine and slate pine.
- Q. Well, your testimony has been that there were eighty thousand feet of the different varieties of pine, of which twenty thousand would be white pine, forty thousand feet of yellow pine --
A. No, mountain pine.
- Q. Alright, forty thousand feet of mountain pine and twenty thousand feet of yellow pine and slate pine. Which of these bring the best price on the market for lumber?
A. Well, genuine yellow pine.

- Q. Now, have we got any genuine yellow pine?
A. A few trees there.
- Q. Practically negligible quantity?
A. Yes.
- Q. Then, white pine; of this twenty thousand feet of white pine, what does that bring on the market?
A. More than the hard pine. We have sold it as high as sixty a thousand. Along in 1930 it would have brought twenty-five. We sold it in 1931 for about the same.
- Q. What has been its worth from July 1, 1931, to the present time, say, on an average?
A. I can't give it to you.
- Q. Less than it was in 1930?
A. It could be. If you found a buyer that wanted a certain class of white pine, you could get about the same price, but when you come to dumping it all on the market, the market was so small they didn't want it at all, and that would cut it down. There is no demand for it, but when there is a demand, it will bring a fair price. Now and then you will find a little demand for it, but we are afraid to sell it.
- Q. You are speaking of local demand?
A. Yes, principally, but it has a shipping value too when there is a demand.
- Q. What was the shipping value when there was a demand?
A. The last was about twenty-five.
- Q. In 1930?
A. Yes.
- Q. We have accounted for about one-half of the timber in Two Mile Run as being various classes of pine. There are still left eighty thousand feet; what are those?
A. Oak and some poplar and some gum, hardwoods, and there is hickory there.
- Q. How would you divide this eighty thousand feet as to oak, poplar and gum?
A. Mixed oak is ahead, it predominates; more of that than white oak.
- Q. I should be glad if you would give the footage.
A. I would think there would be fifty percent of mixed oak.
- Q. That would be forty thousand feet?
A. Yes.
- Q. And how about poplar?
A. Very small percentage of the poplar of the one-half.
- Q. Of the forty thousand feet remaining, how many would be poplar?
A. Well, there might be ten.
- Q. And that would leave thirty thousand feet of gum?
A. No, there is ~~white~~ ^{white} oak there.
- Q. Alright, sir, would you mind stating the white oak and gum, in feet?
A. No more than ten percent of that is of gum.

- Q. Well, eight thousand feet of gum, you mean?
 A. Yes, and the rest is white oak. There is some bass wood, but it is not worth talking about.
- Q. Well, you did not include anything in your estimate not worth talking about?
 A. Well, that goes in with the soft wood; anything similar, it goes in with that.
- Q. That would leave about twenty-two thousand feet of white oak?
 A. Yes sir.
- Q. Well now, of the mixed oak and the poplar and the white oak, which is the most valuable?
 A. The mixed oak, the white oak and the poplar and the gum --- well, in that particular boundary, the white oak is.
- Q. What size trees are the white oak in that particular boundary?
 A. They run what I have estimated, from ten inches twelve inches from the ground up; some would run eighteen inches and some a good deal more.
- Q. What would you cut those white oak trees up into?
 A. Whatever I could get the best price for.
- Q. Supposing it was now or twelve months ago even, what would you cut them up into and put them on the market for?
 A. I would have graded it and sold it for different purposes; I would have cut it into one common and better, all I could get.
- Q. How much of it would have run one common?
 A. Not so much.
- Q. Could you give it to us in feet?
 A. About ten percent of twenty-two thousand.
- Q. You think there would be 2100 feet of number 1 White Oak? A. Yes sir.
- Q. Then, you would have divided into No. 1, 2, 3 and 4 common?
 A. I would have divided into one common and better, number two would have been three and number four and so on.
- Q. Only ten percent of it one common?
 A. Yes, and some is much better. One common has so many knots in a board, and better has less knots and it is a wider board and a longer board.
- Q. Then you would have sawed all this timber up into boards, would you?
 A. No sir, I would not; it would just depend upon what the man wanted it for.
- Q. From your experience, knowledge and success as a lumberman, you must know standing timber when you see it; and what it is best adapted for when manufactured. What I desire to know is what is the quality of this white oak timber, from what you say of it and what you know of timber, what would it have been best adapted to for manufacturing purposes?
 A. For the coal and iron people at Pottsville, Pennsylvania, railroad stock.
- Q. Then you would have sawed this lumber into railroad stock?
 A. I would have taken my side off; that would have made my one common and better. If I would have some more one common and better on there, I would have cut it up into boards.

- Q. How, in your opinion, could this three hundred thousand feet of strictly yellow pine be best utilized?
A. Well, if it was mine and I didn't just need the money, I would let it grow; I believe it would be worth more in twenty-five or fifteen years from now. It would grow in feet as well as value.
- Q. Well, value, of course, would be very problematical, because we cannot tell what uses timber will be put to twenty-five years from now.
A. It would be a leap in the dark, but it would grow in size, and if it would stay, it would be worth more money because it would be older and larger.
- Q. Now, its present value; that is what it is the duty of the Board of Appraisal Commissioners to find out. In order to get the best worth of it now, how would you handle it?
A. I would cut it up into 2x4, 6, 8 and 10, if there was any, 18 and 20 feet long.
- Q. What would you get for that per thousand, f.o.b.?
A. It would depend on how much you would get for the wider size and the long lengths; it would depend on what orders you would get.
- Q. Can you give us an idea?
A. I believe you can sell it for \$22.50.
- Q. Do you know anyone who is paying that?
A. If you could find a buyer who wanted a house or barn built, you could sell it for that.
- Q. Is there a steady market at that price, f.o.b. for that?
A. No sir, not today.

BY MR. WALKER: Objected to because the value is not measured by whether the market is steady or not.

- Q. Is there an unsteady market for this class of lumber at \$22.50 today?
A. I don't know of any.
- Q. So there is no steady or unsteady market?
A. I can't tell you what it is today or what it is in the future. We have always been able to sell our output until late this summer.
- Q. Practically all of this Alexander tract has been cut over and culled from time to time?
A. It has been cut over. The original white pine is standing up in the hollows where they cut the rest of the timber; why, I don't know, but they are there, old trees.
- Q. How long has it been since any timber of any quantity has been cut in that area that you looked over, so far as you were able to determine?
A. There has been but very little timber cut. I seen about two places where a little bark had been peeled and gotten out about two years ago, and I seen where a few locust posts had been gotten out, and I seen a few condemned posts laying there where they had been hauling them out.
- Q. How long has it been since any considerable quantity of timber has been cut up there, would you say?
A. I would think it has been twenty or twenty-five years.

- Q. There are very few roads on that tract?
A. There are roads every where.
- Q. What were those roads for?
A. I can't tell you what for; I suppose for getting out the timber.
- Q. Apparently there would be no other reason?
A. There is no farms or mines up there; I wouldn't see any other reason.
- Q. Now, roads cut through land twenty years ago and used practically none since, would they be in good shape now for getting out timber?
A. They would be of the very best, except where it has been washed away. It would be a solid bed, an old road, that is what we hunt for.
- Q. You would have to use horses and wagons or mules and wagons up there when you could not use trucks?
A. I could use trucks for practically all of the saw mill sites, but I would have to drag the logs down to the saw mill seats, and I could haul out up to fifteen hundred feet at a truck load.
- Q. Would you use any of this timber in ties?
A. Very little, very little. We never put into railroad ties unless it is a stock that won't make anything else. We cut some switch ties.
- Q. Could you cut any of this into switch ties or railroad ties at a profit today?
A. At the price I sold at last in July and August I could.
- Q. 1931? A. Yes.
- Q. What did you get?
A. From twenty-two to twenty-eight dollars for switch ties.
- Q. Who did you sell to?
A. To the Southern Railroad.
- Q. Where did you deliver them?
A. Timberville, Virginia.
- Q. How many?
A. I think about thirty thousand feet, and the last was shipped about August.
- Q. From what timber? A. White oak.
- Q. How far did you haul them?
A. Six or seven miles.
- Q. In estimating this timber, would you or not, in looking over an area, reach the conclusion that there was a certain number of acres in that area and an average of so much per acre?
A. No sir. I have often stepped off acres and we have measured them with a chain and then cut them off.
- Q. I hold in my hand a typewritten paper, which you have referred to continually during the progress of your examination in chief as well as cross examination. May I look at it?
A. Certainly.

- Q. What is this?
A. That is a copy of the estimate of my cruise of timber in the Blue Ridge mountains
- Q. This estimate may be of value to the Board of Appraisal Commissioners for the purpose of ascertaining the value of the land and timber.
A. I would think so.
- Q. Will you file it with your deposition? A. I will.
- Q. I have also noticed that you refer to a certain black bound book.
A. Yes.
- Q. What is that? A. My field memorandum.
- Q. And you have based your testimony in part on reference to your memorandum?
A. Partly. I want to look to make sure I am right about it.
- Q. Then I suggest that that might be of even more value to the Board. Would you file that?
A. I wouldn't like to; I have other matters in there -- I have other matters in it.
- Q. Is there any difference between that book and this?
A. Not at all, only a few of the figures in there look dim, and I made it plainer in here.
- Q. This typewritten memorandum seems to be a carbon copy; where is the original?
A. It is here somewhere.
- Q. Then you prefer not to give the book?
A. I don't want to give it, but it can be copied.
- Q. Would you let the Board of Appraisal Commissioners inspect it and hand it back to you?
A. Yes.
- Q. I am talking about when they are going upon the land.
A. They ought to have a copy then.
- Q. Will you let them have a copy then, if they see fit to have it?
A. Yes sir.
- Q. When you made your ocular inspection of this timber, you made memorandums at the same time?
A. Yes sir.
- Q. Does your memorandum show your estimate of the varieties of timber as you went along?
A. Yes, I think some places it does.
- Q. To what extent does it show?
A. It shows, I think, the variety of timber, but I don't think it shows the percent.
- Q. It does not show the quantity?
A. No sir, not of each separately.

- Q. Why was it you didn't do that?
A. I was sent in to estimate the number of feet there.
- Q. If you were buying it wouldn't you like to know the number of feet of the different varieties?
A. I could soon get that. When going into a tract, I would see how much white pine is here and all other kinds the same, and get that all looked over, and how many feet then over here, so many feet here; then, what is it worth; then, what is the price, and so on.
- Q. But you did not do that?
A. Well, practically the same thing. I went over it just about as if I were going to buy that timber.
- Q. Did you not think the Board would be interested in knowing the number of feet of the different varieties?
A. I think I have it there sufficient that they can get it.
- Q. Will you read from your book the number of varieties and the footage?
A. I will. I have given you the number of feet.
- Q. You have given me that, as a guess, not from your book.
A. I will give it to you just as it is in the book here.
- Q. What I want to know is whether or not, in the course of your cruise, you set down in your book at the time of making the cruise, or during the progress of the cruise, the approximate number of thousand feet of the different varieties of timber on the different sections you cruised?
A. I did not.
- Q. Then reference to your book will not help me?
A. It will to the amount of feet there and the description of the timber and so forth, it will. The carbon copy might have got dimmer so that I couldn't tell a three from a five, and here, I go back here and it is plain in here.
- Q. Now then, Mr. Turner, take your book and go through your book and state, from recollection, aided by reference to your book and typewritten memorandum, the number of thousand feet of the different varieties of timber that you found in the different sections which you cruised, which sections you have named as Two Mile Run, One Mile Run, Big Run, Lewis Lower Run, Lewis Upper Run, Deep Run, Brown's Gap and Brown's Gap to Swamp Run.
A. In Two Mile Run I found approximately two hundred thousand feet of timber, a fine growth of young timber, oak, pine and some poplar, dead chestnut, a good stream of water well stocked with trout.
- Q. Pardon me, Mr. Turner, but we do not want to take up unnecessary time. Give in detail the number of thousand feet of the different varieties of timber that you found.
A. Two hundred thousand feet in Deep Run, about fifty percent of it pine; that is the way I recollect it. The other I have given you.
- Q. Yes, that was the Two Mile Run section,
A. It runs practically the same. Here is One Mile Run, one hundred thousand feet of saw timber. That runs about the same. It is the next run to it, and the soil don't change, and the first growth as well as the second growth I don't think changed by the look of the stumps. It is all practically the same throughout the whole survey, throughout the different runs I was in. There is some virgin timber.

- Q. I am asking the number of thousand feet of the different kinds of timber.
A. I think it is about fifty percent of soft wood of the different kinds of pine and the other hardwoods.

BY THE COMMISSION:

- Q. In getting this stave wood together for stave wood purposes, how many cords of wood do you put down for stave purposes?
A. I don't know anything about that.
- Q. Would you give five dollars an acre for this timber land?
A. Under normal conditions; not at present prices. I wouldn't buy it at all at the present time. It might be a splendid good time to buy timber, and it might be a bad time; we can't tell where we are at.

(Witness arrives at the fuel wood by stating that it is worth fifty cents per cord on the stump.)

- Q. You had a great deal of experience in fire wood?
A. Yes. I find that the western end of this land, along the western side near the settlement there, the firewood would be of value.
- Q. Do you know whether those people living there near Grottoes are buying that wood now for a dollar a cord on the stump?
A. I don't know, but they say that they are selling it and can sell it and have a good market for it; but I don't know further than that.

BY MR. ARMSTRONG:

- Q. You included in your estimate here all the timber and wood that you saw?
A. Well, there is a great deal more fire wood there than there is in my estimate, but I don't know if it would be of value or not.
- Q. Did you see any saw timber that you thought would cost more to get it than it it would be worth, that is inaccessible?
A. Well, where I saw it was up against the steep side and had many rocks. I took but little account of it.
- Q. So that really the lands that you saw and went over contained more timber than you have estimated?
A. Well, on the barren side and on the side where there was some little shelter; there was a few trees in the sheltered side.
- Q. Did you find any trees damaged by fire within the areas you were through?
A. Yes, in the northeast end and up at the top of the mountain.
- Q. What deduction did you make for that?
A. I didn't estimate that timber at all that I thought was damaged.
- Q. Did you actually walk through areas that had been burned over?
A. Yes.
- Q. How many thousand feet of timber would you guess had been injured by fire?
A. There wasn't so very much saw timber up where the fire was. It came down in places to where there was timber, it wasn't so much. On the top of the mountain is about where it was burned.

- Q. Mr. Turner, I am interested in getting your idea in the cost of cutting, sawing, manufacturing and loading timber or lumber. What do you estimate it would cost to cut or fell that timber on the Alexander tract per thousand feet?
A. Do you include the whole manufacturing of it?
- Q. I mean what it would cost per thousand feet to cut it down?
A. Two dollars and fifty cents is what we counted; some places a little more and some less.
- Q. That is what it would average on this?
A. Yes, something like that. We have always counted it that way.
- Q. I believe you have testified you thought from eight hundred to a thousand dollars would cover the costs of putting the roads in proper shape?
A. Yes sir.
- Q. That would be about twenty cents per thousand feet of the amount of timber you found there?
A. That is what you say, yes.
- Q. Now, what is your estimate of what is commonly known as skidding; that is, getting the logs from the place where they were cut to the mill for the purposes of sawing?
A. Two dollars and a half.
- Q. Two dollars and a half per thousand feet? A. Yes sir.
- Q. What would it cost to saw it per thousand feet? A. Five dollars.
- Q. Hauling from the place where manufactured f.o.b. to the railroad?
A. For this particular tract?
- Q. Yes, on an average?
A. Five dollars for hauling and loading it on the car.
- Q. Is it the custom for lumbermen, in estimating expense for putting lumber on the market, to include what is known as an operator's profit?
A. Well, the operator's profit -- I can go in there and cut this timber and saw it and deliver it on the car for fifteen dollars and have a good profit left, which would be the operator's profit -- my profit.

BY MR. WALKER:

- Q. In other words, the operator's profit is included in those prices you name?
A. I have my profit out of the fifteen dollars; I have made a profit there; perhaps two dollars and fifty cents a thousand.

BY THE COMMISSION:

- Q. Would that include the purchase of the timber on the stump? If you would furnish the money and buy and sell the timber and do all the work, isn't there an expense there in doing that?
A. Well, I would have a profit in that fifteen dollars. I could go to you and say, "I will cut your timber and put it on the car for fifteen dollars"; that would cover expenses and profit.
- Q. Would it not take time and expense to sell it?
A. Yes, but I would have enough from my cutting and delivering and all. I'd have enough. I have done that a many a time.

BY MR. WALKER:

- Q. The fifteen dollars that we have been referring to does not include stumpage, does it?
- A. That is a question I have never heard raised until in this case; that we would have an operator's profit after we would have cut and delivered the timber for so much on board the cars. That we should have an extra profit there I never heard of.

BY THE COMMISSION:

- Q. When you go and buy a piece, you figure that if you get two dollars and a half, you are getting enough?
- A. Yes sir, I do. I never heard of that extra profit until this case.

BY MR. ARMSTRONG:

- Q. Well, we will leave out all questions of operator's profit. What, in your opinion, would be a fair average price f.o.b. railroad per thousand feet of all classes and kinds of the various species of timber that would be sawed up from this tract?

BY MR. TAVENER: Question objected to because the elements of damage here is not the value of the lumber f.o.b. at the station; it is the value of the lumber on the stump in the tract.

BY MR. ARMSTRONG: It is not obvious to this counsel how you may arrive at the value on the stump without knowing what you will get for it on the market.

BY MR. TAVENER: It is an entirely different matter as to how he may arrive at the value of the lumber on the stump and testifying as to what all this lumber on the Mount Vernon tract might be worth delivered at the railroad. The witness has stated that he valued the lumber at five dollars a thousand on the stump, and he has given his method of determining his valuation. I think as far as the state can go is to question him as to his method of determining, but not making it an element of this case as to what that lumber would be worth f.o.b. shipping point, because that is not a part of the damages in this case, nor an element of this case.

BY MR. ARMSTRONG: Counsel replies that he does not still understand how a man can fix a value without knowing what he will get for it when sold.

By the witness: There is no man can tell what that timber would fetch on board the car now, and I have stated \$22.00 and \$22.50 would be a fair price on board the car. That is what the other man arrived at, and I didn't dispute it; I think it would be fair. There is no man can tell just what it is worth. When you have your orders and your contracts signed up as to what you are to get, then you will know.

- Q. And the various items of cost of getting it to the car, according to your estimate, would be \$15.25 per thousand?
- A. Where did you get the twenty-five cents?
- Q. Well, you said twenty-five cents for roads.
- A. Oh no, I didn't say that.
- Q. Well, what did you say?
- A. I said fifteen dollars for taking it there and loading it, manufacturing it and getting it on the car; I said fifteen dollars.
- Q. But you said it would take about eight hundred or a thousand dollars to make

the roads; that would be about twenty-five cents.

A. That is what somebody else said.

Q. You don't believe it would take eight hundred dollars then?

A. I don't know, but that would be my outside estimate of the cost of it, but I hardly believe it would cost that much.

Q. Why was it you didn't go into and cruise the timber that Mr. Smith testified he cruised?

A. I just didn't get to it; if I had kept on a while, I reckon I would have.

Q. When did you quit cruising?

A. I quit November 13, 1931.

Q. Why didn't you continue cruising all the timber on the tract?

A. They hadn't told me to go any further.

Q. What were your directions to start with?

A. To go in Two Mile Run, One Mile Run and follow the runs out up to the flat woods, and I didn't get through Big Run until they told me they wanted me to go in the woods above.

Q. They you didn't go into the rest because noone told you to. Did you report to the gentlemen who employed you that there was more timber on the area than your report showed?

A. Yes sir, I did.

BY MR. TAVENER:

Q. You were asked the question why you didn't continue further in your examination of this land. Do you recall that you did examine this land up to within just a few days of the time set for the hearing of this case?

A. I did.

Q. Do you recall my meeting you a day or two after you had completed your work and had decided there was not sufficient time left before the hearing to do any more work?

A. Yes sir.

Q. Do you recall whether we attempted to get still another witness living in the mountain to go over that territory that you did not go over; do you know that yourself, of your own knowledge?

A. Yes sir, you talked of that.

Q. There was no reason on your part for not going over it other than the question of the time for getting it done?

A. That is the way I understood it.

Q. It wasn't due to any doubt on your part that there was not as much timber on that as the rest of the tract?

A. No sir, not a bit.

BY THE COMMISSION:

Q. The witness said he located saw mill seats and cruised that seat. Why didn't you cruise both sides of the run as well as the one side?

A. The Big Run -- the opposite side is the branches that lead off. I cruised up the Big Run along the flats and up against the hill, but where these tributaries extended back into the mountain, I didn't go into that.

BY MR. ARMSTRONG:

Q. Mr. Turner, did you make a notation of the number of mill sites that came into your mind as you cruised through the different locations?

A. No sir.

Q. You didn't make a note of it?

A. No sir.

Q. And you haven't gotten any note of the number of feet that would go to any particular mill site?

A. I didn't estimate anything that was below thirty or forty thousand feet.

Q. So you couldn't state the number of mill sites or seats on the ---

A. On some of the runs I could.

BY MR. TAVENER:

Q. Mr. Campbell testified at great length in this case, and in his testimony he spoke continuously of band mills - of operating band mills. Will you tell the Commission whether it is customary to operate band mills in this section of the country?

A. After having been in the timber business perhaps five or six years, then I went to milling to see if we could run a band mill in our territory that we then owned, comprising three thousand acres and others that I later bought of eighteen hundred acres, and whether or not it would be profitable to run a band mill there on a large scale, and I found that we couldn't do it; it couldn't be done. You take a small saw mill and an eighteen horse stock engine, capable of cutting four or eight thousand feet a day was the only way you could get timber out of our mountains at a profit.

Q. Mr. Campbell was testifying about band mills --

A. I concluded that he didn't know anything about timber in these mountains.

Q. The type of timber work he had done must have been entirely different?

A. Yes sir.

Q. He is also one of the chief cruisers for the government, and made an estimate here, and it has been admitted that he used field glasses in estimating the timber. Can a man estimate the number of thousand feet of timber in a tract where he sees it at a distance looking through field glasses, and particularly, when the leaves are on the branches of the trees?

A. I couldn't, not accurately.

Q. You have testified that there was a considerable amount of dead chestnut at one portion of this tract?

A. Over a good deal of it.

Q. You further testified that you did not include that in your estimate?

A. No sir.

Q. It may be that we can show by a stove man that dead chestnut is of value. I don't state that positively, but the man will be here to speak for himself, but I think we should have in the record now a statement from you as to the approximate number of cords of dead chestnut that is sound that would be on this property.

BY THE COMMISSION (Mr. Green): I understood he included that in cord wood.

By the Witness: I didn't include that in anything. The chestnut seemed to be far back in the mountains. I didn't include that in anything.

BY MR. TAVENER:

Q. Would you say there is a considerable amount of dead chestnut? A. Yes sir, but it is back in the mountain. Out this way, it seems to have been all cut out.

Q. Can you give any idea as to the cordage?
A. Well, not intelligently.

Q. Now, in referring to this yellow pine that is at the toe of the mountain, that solid tract of pine, would you state that that pine is now at a growth where it would greatly increase in value in a relatively short period of time?
A. Well, after the market would get back.

Q. I am speaking as to the growth of the tree, not as to the price per thousand.
A. Yes sir, it would grow fast; it is thrifty, growing in the yellow pine flat there that just suits such pine as that. It is the best distributed piece of young pine timber that I ever seen.

Q. Now, what is the number of feet, per tree, that you would say would be in some of the pines on this property; describe the size of some of the trees.
A. Some of them would make two hundred and fifty feet, seventy-five feet, a hundred feet and some two hundred and fifty feet.

Q. I expect it was the white pine up in the mountain that was larger?
A. Yes. There is some white pine there that, if it is solid, which it shows on the outside that it is, will make two thousand feet.

Q. Mr. Turner, on these ridges that divide these stream beds, did you attempt to estimate every tree that was dotted about over those ridges?
A. I did not; I just took it from saw mill seats -- where I thought approximately so many feet could be brought in there.

Q. In other words, if there was a good tree or several good trees ---
A. Well, if they were good trees, they were included. We could have gone a little further and gotten them, but ---

Q. But in this estimate you did not endeavor to get every stick of wood that could be gotten over that area of land?
A. No sir, I did not. I went in there to estimate in my way the number of thousand feet that would be profitable to take out.

BY MR. ARMSTRONG:

Q. Did you miss any? A. Oh yes, I guess, some.

BY THE COMMISSION:

Q. You made out the saw mill seat where you thought it would be profitable to get it out?
A. Yes sir. If there was any good timber you can fetch it in when your mill is down and everything ready, you might go a long ways further for a tree that is good.

BY MR. TAVENER:

- Q. Can you take an acre of that land near the Rockingham County line and give the Commission an idea of how much pine there would be on that acre, taking an average acre along the Rockingham County line?

BY MR. ARMSTRONG: Question objected to because the witness has disqualified himself as to how much timber, by ocular estimate, would be in an acre.

A. Well, I have measured acres and cut the timber off; one acre at a time, and as much as ten acres, and I therefore ascertain how much it averages per acre, and how much on a certain acre, and I have found it averages from twenty-five hundred feet up to thirty thousand. That sounds big on a piece of timber, but I have it now standing. There is some acres there that might cut two thousand feet of this young yellow pine, and there is some there that would not cut practically anything.

And further this deponent saith not.

DR. A. S. KEMPER, a witness of lawful age, being duly sworn, deposes and says as follows:

- Q. Dr. Kemper, will you state your age? A. Sixty-five.
- Q. Your name? A. Dr. A. S. Kemper.
- Q. Your place of residence? A. Lynwood, Virginia.
- Q. How long have you been a resident of Rockingham County?
A. All my life.
- Q. I refer to you as Dr. Kemper. Are you a medical doctor? A. I am.
- Q. Where did you receive your medical training?
A. University College of Medicine, Richmond, and I went to a medical college too.
- Q. Were you in hospital training also at Richmond?
A. As interne before and after my graduation -- student interne.
- Q. When did you return to Rockingham County?
A. I returned to Rockingham County, I think, to live, in '96, but I had been several places and practiced medicine before returning.
- Q. Since your return to Rockingham County, have you lived in that part of the county which is close to this Mount Vernon tract?
A. I lived in Port Republic up until twenty-three years ago, and then I moved down the Shenandoah River.

- Q. Your home on the Shenandoah River is virtually opposite this Mount Vernon tract?
A. Yes, you can see practically all of it.
- Q. In your professional work, has it been necessary for you to be in close contact with the people of this mountain section?
A. I have been at every house from Payne's Run to Hann's Run.
- Q. Your duties as a country doctor required you to be all over this mountain area?
A. It did.
- Q. Are you familiar with the real estate there as well as familiar with the people in the section where the Mount Vernon tract is located?
A. I think so.
- Q. Dr. Kemper, have you frequently been called upon by the Circuit Court of Rockingham County to act as appraiser in partition suits of real estate in this county?
A. Very often. Maybe I had better state here that for the last twenty-three years I really haven't been in active practice. I devoted a great deal of my time to other things. I still do some.
- Q. What was the nature of the appraisements that you would be called upon to make as an appointee of the Circuit Court of this county?
A. We would place values on the pieces that were to be cut off for the various heirs; sometimes appraise the estate as a whole -- frequently do that.
- Q. When you are speaking of estates, you are referring to real estate?
A. Yes.
- Q. Has this type of work required you to appraise mountain lands, and, if so, where were those mountain lands located?
A. Not very much mountain land except in this North Mountain, but not very much in the Blue Ridge.
- Q. Are you familiar with the Mount Vernon tract of land?
A. I have been all over it except some in the north end there. I have been around that too, but I haven't been on it.
- Q. Are you familiar with sales of real estate lying virtually adjacent to this tract of land?
A. I am.
- Q. Will you tell the Commission what you know about the sale of land adjoining this tract, and the purchase price of the same?
A. You gentlemen have been on the top of the Blue Ridge at Brown's Gap. The road runs east there, and the mountain runs a little east to north, and there is a triangle there of seventy-eight acres that sold for seven hundred dollars. This piece of property had no water on it; it did have about six or seven acres of sod, and the other was brush; no timber on it. This man had a water right, but he had to drive his cattle across the road to water. That was sold for seven hundred dollars, before John A. Alexander got this tract.
- Q. Of this seventy-eight acres, only six or eight was cleared land?
A. Six or eight.
- Q. No water on it? A. No.

- Q. No fence? A. No, no fence.
- Q. At seven hundred dollars for the tract, that would be a little better than ten dollars an acre for that land?
A. Yes.
- Q. Would you state whether the general character of the soil on that tract is similar to a considerable acreage of the land on the Mount Vernon tract?
A. Very much the same. It is a little rougher than much of the Mount Vernon tract.

BY THE COMMISSION:

- Q. What tract is that?
A. Mr. John Haunsberger sold that tract to George McAllister.
- Q. Is it in Green County? A. No, in Albemarle. George McAllister, I believe, lives up toward Cave Station.
- Q. In the sale of that tract, the purchaser that bought it didn't have a certain amount of money in it; did he have to take the tract in to save himself?
A. Oh no, Mr. Haunsberger doesn't owe anybody.

BY MR. TAVENER:

- Q. You stated that he bought it as a grazing property? A. Yes.
- Q. Did he have any grazing land adjoining that?
A. No sir, I think not.
- Q. Proceed to any other tract that you may know of.
A. You are all acquainted with this Richland Heights property. In my opinion, they sold that land for much more than it was worth, but the Norfolk and Western Railroad advertised that property in pamphlets all over the country, and they got as high as fifty dollars an acre, and some say acres were sold for twenty and thirty dollars.
- Q. And the type of people who purchased there were people who didn't know how to handle this type of land?
A. They were city people, and they hadn't been used to digging up grubs, and they didn't know anything about that property. Some of them stayed though.
- Q. Are you familiar with what is known as the Lancaster tract?
A. Yes, that was sold by a man by the name of Johnson. He had purchased this property before Alexander.
- Q. He paid, according to the records, seventy-five thousand dollars for the entire Mount Vernon tract?
A. I don't know what he paid. He sold about a thousand acres of it to a man by the name of Lancaster, who cleared it and put in an orchard. He sold also to -- I don't know just who -- Fink and Burrows. They bought about five hundred acres there which they attempted to develop, and did sell it from twenty, thirty-five and forty dollars an acre. That was sold to people from away from here too.
- Q. What did Lancaster pay for it?
A. Ten dollars an acre; I think that is what his son told me.

Q. Has he resold any of that property?

A. I don't think R. V. Lancaster has sold any of his tract, but the Jackson tract, north of it, was sold to Fink and Burrows. That was part of the tract purchased from Jackson. A part of that was resold at twenty-five and thirty dollars an acre.

BY THE COMMISSION:

Q. Do you know of any land at the toe of the mountain, close to that little village where you live, that has sold in the last three years as low as three dollars an acre?

A. I don't know of any that has sold as low as three dollars. How far does the toe of the mountain come; how far to the west boundary of the park area?

By the Commission - In behind John Mace there.

A. Oh, up in there; I thought possibly you meant any of it that came down there. That is back of Grottoes. I misunderstood you.

Q. Do you know of any of that land being sold as low as three dollars an acre?

A. No, I don't. I know of a tract right there that, I suppose thirty years ago, sold for twelve thousand dollars, without a house on it, but it has an orchard on it.

BY MR. TAVENER:

Q. Whose orchard is that?

A. A man by the name of Schultz.

Q. Is that close to the Mount Vernon tract of land?

A. I don't know for certain whether that touches any of it or not. --- That is on the Jack Miller tract; it cuts up into the Mount Vernon tract; it was part of the Mount Vernon tract.

Q. Is the general character of the soil on this slope of land at the toe of the mountain substantially the same as the orchard that you described, do you know?

A. That orchard land is possibly a little better grade. There is portions of that land with a good sub-soil. That, of course, makes a better land than the sandy land. The sandy land is better adapted to the growing of small fruits and vegetables.

Q. I believe Mr. Lancaster made a failure of his fruit venture on that property?

A. He did.

Q. Will you tell the Commission whether he went about the growing of those young fruit trees in the proper manner, or not?

A. They cut the stumps as low as they could cut them, within three or four inches of the ground, and laid it off. I did the transit work for him; and he dug the holes and set the trees, and attempted to cross the land with a disk harrow.

Q. Then, after that, he just let it go, did he?

A. Mr. Johnson was a partner, I think. He seemed to hold the money bags for the crowd. Mr. Johnson was thrown by a horse in West Virginia and killed, and the war came on, and the money gave out, and it grew up in bushes; not a tree on it, I think.

Q. So, then, it was abandoned shortly after it was planted?

A. Yes.

Q. At the top of the mountain, over in Albemarle County, did you have an occasion to look into a tract there as a grazing proposition?

A. I did.

Q. Will you describe that to the Commissioners?

A. This tract of land, I judge, is a mile and a half from the top of Brown's Gap, a little south to east. It is known as Cedar Mountain; a tract of ten hundred acres; some smooth and some very rough. The property was sold to settle up the estate, the Sam Garrison Estate. I went with R. B. Walker and James Lee to Charlottesville for the purpose of purchasing this piece of land, but when we got there, we found that there was a timber right on it, and we didn't bid on it; but it was sold, and some man in Charlottesville, a colored man, he ran that property to forty-five or forty-six hundred dollars, notwithstanding the fact that it had this timber right on it.

Q. You mean a reservation to cut the timber?

A. Yes.

Q. How many acres?

A. About a thousand; supposed to be that.

Q. Then, that tract, free of timber, sold for virtually four or four-fifty an acre?

A. Something like that, but that tract had a house on it, a mountain house.

BY THE COMMISSION:

Q. What was the amount he paid?

A. I think about forty-five hundred dollars.

BY MR. TAVENER:

Q. That timber right was absolutely uncertain as to the time of removal, was it not?

A. Yes. We wouldn't touch it at all; we wouldn't give him a thousand dollars for it, and we would have given him possibly six thousand dollars for it, if it had not been for the timber right. The attorney that sold the property said that he wouldn't have more than a reasonable time to get it off, but we didn't know what the "reasonable time" would be.

Q. What year was that?

A. About 1912 or 1913, possibly as late as 1914.

BY THE COMMISSION:

Q. Did you think this fellow paid too much for it?

A. It was more than I would pay for it. I told Mr. Walker that I wasn't in on it; I told Mr. Walker that. Those people in the mountain, you have to handle them with gloves. They can do you lots of damage, you know.

BY MR. TAVENER:

Q. You said you may have bought the property for six thousand dollars but for the timber right?

A. Yes sir. That right might have run for a year or for ten or fifteen years.

Q. How did the general character of that land compare with the Mount Vernon tract for grazing purposes?

A. A good deal of that land had been farmed, and it would take some time to get that in grazing land. It isn't such an easy matter to get grass after farming, but the other was rough and had timber on it. I don't think there is very much difference.

Q. While Mr. Jacob Yost was the owner of this Mount Vernon tract of land, and Mr. Perkins was taking care of it for him, did you have any negotiations with either or both of them for the purchase of a part of this tract for grazing purposes?

A. With Perkins. The same people, Mr. Lee and Mr. Walker and I, went up to look at this land on the east or north fork of Big Run, up at the top of the mountain. There is a narrow strip there, and he asked us ten dollars an acre for that. There is a little of it cleared, and a little in corn when we went there. That land required fencing and clearing; some of it had been cleared. But there was a woman there claimed a piece of the land, Texaun Garrison. Well, we wouldn't consider that property then, somebody claiming a piece of the land. I don't know that she had any right, but we didn't want it.

Q. How many acres was she claiming?

A. As I remember, forty; I am not positive.

Q. Did you consider that the price that was being asked by Mr. Perkins was too great a price for the property, if the title could have been straightened out as to the forty acres?

A. I thought it was high enough for the land, due to the fact that it was going to require a whole lot of fencing, and it had bushes on it too.

Q. How much acreage was there in that tract?

A. Two hundred and fifty to three hundred acres is what he thought he had there to sell.

Q. Did you hear Mr. Turner testify as to a tract of about three hundred acres, suitable for grazing purposes at the top of the mountain?

A. I did.

Q. Is this the same?

A. The same land, yes.

Q. At the head of Big Run?

A. Yes.

Q. Now, do you know of any other sales in the immediate vicinity of this property yourself?

A. About four years ago J. F. Latell purchased, I think, about seventy-five acres of land from Annie Austin; that is at the furnace. I don't know what he paid for it; he said he paid fifteen hundred, and the deed, I think, shows fifteen hundred, but whether he paid that or not, I don't know; about seventy-five or seventy-eight acres. Latell is in the real estate business; that is his business, and I don't know that he has any other business. He purchased this land, he told me, to resell and make some money on it.

Q. Are you familiar with the Tom Harris tract?

A. I don't know Tom Harris.

Q. Do you recall a tract over in Albemarle County which Mr. Hammer sold at public auction, about four hundred acres?

A. No, I don't remember anything about that.

Q. Seven miles west of White Hall?

A. No, I don't know the tract at all.

- Q. Do you know a tract of land which Mr. Charlie Winfield, of Broadway, is interested in, on North Mountain, of seven hundred acres?
A. Yes.
- Q. Do you know whether he has received an offer from the government to purchase that land?
A. He told me they wanted to buy it at \$3.50, but he wouldn't sell it at that.
- Q. Is there any timber on that seven hundred acre tract?
A. He says not.
- Q. Now, I would like for you to tell this Commission what sort of streams there are on this tract, with regard to fishing; trout streams?
A. I reckon that would consist of Payne's Run as one stream; that is not a very good fishing stream. The next little stream, Stull's Run, that is not a fishing proposition. The next run is Madison Run, I think they have been calling it Miller Run all the time, that is not a fishing proposition. The next one north is Deep Run; that is not a fishing proposition. The next one is Lewis Upper Run; that is not a fishing proposition. The next one is Lewis Lower Run; that is a good fishing proposition. Then there is a little stream, Hangman's Run; there are no fish in that. Big Run has been a wonderful fishing stream ever since I can remember. The next one is Mile Run; it does fairly well to fish in. Two Mile Run is a good fishing stream. They haven't any further streams down there that amount to anything. The streams north of that don't amount to anything.
- Q. Are those streams used by the public a great deal for trout fishing?
A. Yes, especially Big Run and Two Mile Run.
- Q. How would you compare those two runs with other trout fishing streams that you know of in the state?
A. I don't know of any in the state that have been as good as Big Run. I've fished a good many streams back in these mountains here, and they don't have as fine fishing as Big Run.

BY THE COMMISSION:

- Q. Better than the Rapidan?
A. I guess they put fish enough in there to make that an A-1 stream.

BY MR. TAVENER:

- Q. I have asked you, Dr. Kemper, to go upon this Mount Vernon tract and make what you consider a fair appraisal as to it's value. Will you tell the Commission what divisions of land you have made and what values you have reached and how you have reached them?
A. Mr. Good came to see me and asked me to go on this property with him, and he said we would have only a short time in which to make the appraisal. That meant that we could not go classifying it as we had been classifying. We took very little account of the timber; but the first day out we went up and viewed this piece known as the two thousand acres south of the old furnace up there, running up to Payne's Run. I had been on that property often; there used to be some house on it, but I hunted over it too -- hunted pheasants and quail. We talked the matter over and decided we would put that in one classification, which we did. I appraised that piece of property at eight dollars an acre.

BY THE COMMISSION:

- Q. Is that the tract at the toe of the mountain?

A. Yes, south of the furnace and running up to Payne's Run.

Q. Did you include the timber in your valuation?

A. Yes.

BY MR. TAVENER:

Q. What other classification did you make of the Mount Vernon tract?

A. There is one piece of grazing land, the one just spoken of here, that I appraised as two hundred and fifty acres, at five dollars an acre.

BY THE COMMISSION:

Q. North of the furnace?

A. No sir; that is the grazing piece up on top of the mountain.

Q. What did you put that at?

A. Five dollars.

A. (cont'd.) The watersheds, from the map we took it there might be about nine thousand acres, Two Mile, Big Run and Lewis Upper Run, all three, about nine thousand acres, which I valued at five dollars an acre. Then, the ridge land, the land that has no streams on it to amount to anything, but still some water on it, about eleven thousand acres; I put that at three dollars an acre.

BY THE COMMISSION:

Q. How many acres was that?

A. I think about eleven thousand or eleven thousand two hundred and fifty; something like that.

BY MR. TAVENER:

Q. In other words, the total acreage there would be nine thousand in watershed and eleven thousand in ridge land?

A. I think maybe there is a couple hundred acres more than that.

Q. Well, approximately, and two thousand in land at the toe of the mountain?

A. And two hundred and fifty acres of grass land.

Q. That is twenty-two thousand two hundred and fifty acres. Now, you were including there the land in Augusta, Green and Albemarle, as well as the land in Rockingham County?

A. Yes, the whole tract; that is the whole tract, I think. The difference there would be in the number of acres in what is known as the ridge land. It would not affect the two thousand acres or the two hundred and fifty acres or the nine thousand acres.

Q. Now, the Augusta County line runs through a part of that two thousand acre tract?

A. Yes.

Q. Now, the estimate of eight dollars an acre that you put on that tract there does not apply to the Augusta County as well as the ---

A. The whole thing, estimated at two thousand acres. I thought possibly there would be a little bit more; the maps looked as though two thousand acres would be about right.

- Q. Do you recall what the total value placed on that property is, according to your estimate?
 A. No, just figure it out; I think about ninety-six thousand dollars.
- Q. Ordinarily, Doctor, the cattle grazing in the mountains that way cannot do well later than about August?
 A. That's right.
- Q. Is there anything about this particular tract that makes grazing cattle profitable later than that date?
 A. A lot of this land will keep cattle well up until October. They will fatten off the bushes. I have had cattle on the Eyler place down there and the Bagoon place and the Sellers place down in Simmon's Gap and up here on the Kraun place, but they fatten better on the range than at any of these places.
- Q. Do you know whether a large number of cattle have been grazed on this Mount Vernon tract?
 A. Some years ago; there was a little piece of land in Big Run owned by Frank Sipe, sixty or seventy acres, and he would frequently take three or four hundred cattle in there.
- Q. Did they do well?
 A. Yes; they took them back. I have had my cattle in what is known as Dundore Hollow; that is the Brown's Gap hollow, it is known as that now, Deep Run; I have had cattle in there too. These runs are not very far apart. They have done well, better, in fact, than in any enclosed pasture.

BY THE COMMISSION:

- Q. Do you know whether the owner received any revenue for this grazing?
 A. I don't suppose so. That has been free property so far as I have known.
- Q. There was something said here that the laurel poisoned the cattle.
 A. No, it wouldn't poison the cattle. Sometimes, in taking the cattle across the mountain, if they have been on dry feed, they will bite off that laurel, and it will make them sick, but it won't likely kill. It has the same affect that bella donna would have on a human; but after a day or so, the cattle will not touch laurel.

BY MR. TAVENER:

- Q. You never had any bad affects from pasturing your cattle on that section?
 A. Oh, no.
- Q. Doctor, are you familiar with any portion of this property on which there is located a large amount of rock; in fact, it was testified here by the state that there was a section up in the mountain on which there was a great deal of rock at one place. Now, if you are familiar with that, I wish you would tell the Commission of it, and of what use that rock can be put to.
 A. In practically all of these streams you have a few to a good many acres of loose rock ranging from small rock, but they can be put to crushing with a steam shovel; you don't have to blast them or clean any dirt off. The state has been paying from five to ten cents for rock; they get the dirt off and so on. Now, I think the state is paying for stone out here \$1.35 a yard, the other man to deliver. In building roads, most any modern road would need from eight to ten feet of stone; and if they do, and they will build a road across Brown's Gap sometime, and I would

- Q. You stated that he bought it as a grazing property, and there wasn't any grass on it. Why?
A. There were six or eight acres there, and he could clear more of it.
- Q. He paid seven hundred dollars for it? A. Yes.
- Q. This other land that the three of you were figuring on buying over in Albemarle County, how did that compare as to fertility, with the Mount Vernon tract?
A. It may have been a little better, but there was a good deal of that smoother land that had been farmed for a long time. It's right hard to get grass after land has been worn down.
- Q. You say you were willing to give only one thousand dollars for this one thousand acres of land, because of the fact that the timber right had been sold on it?
A. I wouldn't have given anything for it then.
- Q. You didn't think the soil was worth anything?
A. We would have given as much as six thousand dollars for it.
- Q. But, just for the soil, you were willing to give only one thousand dollars?
A. I wouldn't give anything for a diamond ring if there was a rattlesnake down there where I had to get it.
- Q. The thousand acres which you refused to buy in Albemarle County, how much would you give for it today?
A. I don't know.
- Q. What would you have given for it at the time?
A. Six and possibly a little more than six.
- Q. An acre? A. Yes.
- Q. The Latell land which you spoke of as being sold for fifteen hundred dollars, wasn't that land mostly cleared?
A. Well, no, not mostly cleared; if I was right in the amount, and I think I was close to it, there was about twenty acres.
- Q. Was it on the road? A. Yes, right on the road.
- Q. You spoke of having grazed cattle on this tract. When was that; how long ago?
A. Twelve or fourteen years, and seven or eight years before that.
- Q. Does anyone graze cattle on this property now?
A. Yes, some do every year, but Mr. Shover had some in there last year.
- Q. What do you pay per month for pasture in this mountain land?
A. About a dollar and fifty cents a head a season; a dollar twenty-five and a dollar seventy-five, something like that. I never heard of it being less than a dollar though for taking care --
- Q. Didn't a good deal of that represent the labor in looking after the cattle?
A. Maybe you started out thinking you were paying for some labor, but you never got any.
- Q. You stated that cattle did very well there. Why is it you don't graze cattle in there now?
A. I have quit grazing cattle.

BY THE COMMISSION:

- Q. About that Latell property; when did it come into his possession?
A. Possibly four years ago, I think.
- Q. Was the house abandoned then?
A. No, Ann Austin was living there.
- Q. It was in better condition then?
A. No, it hasn't been in better condition for thirty years. It is about like that Mace house up there.
- Q. Was that sixty-eight acres of land, bringing seven hundred dollars, fenced?
A. No sir, no fence and no water.

BY MR. TAVENER:

- Q. Any timber?
A. No. There was a little piece of grazing land. There is a little road up east by north, and up on there there is about six or eight acres; it might be twenty or twenty-five now.

BY THE COMMISSION:

- Q. That wood tract you have out there, did that come off this Mount Vernon tract?
A. No, that was known as the Raynors tract.
- Q. We have no testimony as to what you paid for that. Possibly, it might be well to get it in this record.
A. No sir, you have not, because I don't know what I paid for it. The Conrad Realty Company sold it. Mr. Good laid that off. This was a detached piece of land of the property of D. P. Schuler. They wold all the other property, and this piece was put up and a man by the name of Ralston purchased it at, I think, three dollars an acre, and took all the money he had to make the down payment. He was a boot-legger, I reckon. He came in the field the next day and asked me if I would let him have some money to go to the fair; that he would let me have part of this land. So, I became the purchaser of half the land. I think in about thirty days the payment came due and he had no money, so I had to make that payment. Mr. Good said he would make the deed and give me half of it; just to wait and I would get all of it. In November, he came to me and wanted to sell me the land, and I paid him fifty dollars and about a year and a half house rent and some feed and some corn. That is what I paid. I assumed the obligation, paid him fifty dollars, gave him his house rent and some feed and what not.

BY MR. ARMSTRONG:

- Q. In regard to this eleven thousand acres that you put three dollars an acre value on; I believe it has been testified that there is no timber on this. How could you get your money back on that; what revenue could you get to even pay your taxes?
A. The interest on that would be eighteen cents. You could get it out of it grazing cattle, picking huckleberries, and off the locust posts. That land grows locusts. Locust does not grow on real poor land; it takes pretty good land. If the land is poor, the locust will make it good.

RE-DIRECT EXAMINATION BY MR. TAVENER:

- Q. Your testimony with regard to your own tract recalled one matter which I have heard

you speak of. Did you not make an offer to purchase a tract of land close to this Mount Vernon property at twenty dollars an acre, and the owner refused to sell at that price?

A. Yes, I did.

Q. Will you name the party and where the land is located?

A. I don't know whether you are familiar with the property owned by John Shifflet, right up Lewis Upper Run. The upper end of it has been cut over a little more than the other. I offered John C. Wheat twenty dollars an acre for that land, and he refused twenty dollars for it. That was about 1913, 1914 or 1915. I wanted it as a wood proposition.

BY MR. ARMSTRONG:

Q. How does that land compare with the Mount Vernon tract?

A. No buildings on it; some timber that has been cut over; ten or fifteen and maybe twenty cords of wood on it.

Q. Is it better than the Mount Vernon tract?

A. Some as good and some not as good. There is a lot of good land on the Mount Vernon tract. It is a big tract of land. It will take a man a day or so to walk over it unless he is a powerful good walker. I was buying this land as a wood property and not as a farming property.

BY THE COMMISSION:

Q. In your statement about the rock material for road building, you only considered a value that the state, in building a road, would pay for the rocks?

A. Yes, the state. I did not consider the Federal Government at all in this. I don't think they would want it, because they can get it up somewhere else. They must open up someplace up there.

BY MR. TAVENER:

Q. You mean to state that that stone, as it is there today, has a commercial value?

A. It has. If they had a hard road in there, it could be hauled out. They are trucking stone anywhere from a half mile to twenty miles.

Q. Are you familiar with the J. W. Hinkle land of about three hundred acres of grazing land?

A. I have been on it, but only a very small portion of it. I must say that I am not familiar with it.

Q. That does border the Mount Vernon tract of land, does it not?

A. It borders this piece that we have been talking about.

Q. It is adjacent to the two hundred and fifty acre tract?

A. Yes.

Q. That tract is being claimed by both J. W. Hinkle and the claimants in this suit?

A. No, I thought that had all be thrashed out. I know that was supposed to have been, at one time, a portion of the Mount Vernon tract.

And further this deponent saith not.

MR. P. B. T. GOOD, a witness of lawful age, being duly sworn, deposes and says as follows:

- Q. Will you state your full name, please? A. P. B. T. Good.
- Q. Your age? A. Sixty-five.
- Q. Your place of residence? A. McGaheysville, Virginia.
- Q. In Rockingham County? A. Yes.
- Q. Your occupation? A. Surveyor, Rockingham County.
- Q. Mr. Good, you have served, I believe, in the House of Delegates, as a representative of Rockingham for three successive terms, have you not?
A. I have.
- Q. I believe you have been County Surveyor for Rockingham County for a period of fifteen years?
A. I have.
- Q. How long have you been a surveyor?
A. Thirty or thirty-five years.
- Q. How long have you been a resident of McGaheysville, in Rockingham County?
A. I lived in Stonewall District, the district in which McGaheysville is located, about forty-five years.
- Q. As a resident of that district, and as a surveyor, have you had occasion to be on what is known as the Mount Vernon tract of land?
A. I have been on the Mount Vernon tract very many times in making surveys within and without the boundaries.
- Q. Will you state to the Commission some of the surveys that you have made within the boundaries of the Mount Vernon tract?
A. I surveyed about five hundred acres within the Mount Vernon tract for John A. Alexander in about 1918. I surveyed a tract of eight hundred acres for A. J. Downs. Those are the most recent surveys that I have made.
- Q. In addition to that, did you not also survey over the old McCall tract?
A. Yes sir. I more recently surveyed the three hundred acre patent of Henry Mace, land belonging to the John A. Alexander creditors, and the two hundred forty-eight acres. That has been about two or three years ago.
- Q. That last survey is right in what we have called the toe of the mountain, where the two thousand acre tract lies?
A. It is, up on Brown's Gap road, on the northeast side of the two thousand acre tract. Just a few years ago I was called upon, or sent by the Court, to survey all the lands of John W. Palmer, owned in fee simple, and mineral rights, and report back to the Court so that they could make some settlement of the Palmer Estate, and all of his land lies in the Payne's Run section, on the southern part of this two thousand acre tract, about which we speak.

- Q. We have referred several times in the taking of this testimony to a tract of land on the northeastern corner of the Mount Vernon tract, now claimed by J.W.Hinkle, and containing about three hundred acres. Is that adjacent to what was formerly termed the Moton Shifflet tract?
- A. It is.
- Q. Will you point out on the Haws Survey the location of the Moton Shifflet land?
- A. It lies near the top of the Blue Ridge Mountains, about a mile and a half southwest from the top of the mountain at Simmon's Gap. It is indicated here by a pencil mark around it.
- Q. This map indicates that the Moton Shifflet land, at one time, was within the boundaries of the Mount Vernon Survey?
- A. It does.
- Q. Was it, at one time, within the boundaries of this survey?
- A. I think it was always within the boundary of the Mount Vernon Survey, but it was, evidently, excluded by Mr. Haws when he made this survey about 1888.
- Q. Has that tract then, owned by Moton Shifflet and now claimed by J. W. Hinkle, been extended further over into the Mount Vernon Survey?
- A. It has.
- Q. Approximately how many acres of land, in addition to what on the map appears to be Moton Shifflet's land, is now claimed by J. W. Hinkle?
- A. I think that Mr. Hinkle's title papers indicate that he has something over two hundred acres; but how much over, I am not able to say. The records will show, and from the map, I take it that the Moton Shifflet land excluded from the survey, can't be more than ninety or a hundred acres.
- Q. Now, about how much more land is J. W. Hinkle claiming now than is covered in this tract, shown on the map as being in the name of Moton Shifflet?
- A. I couldn't be very definite in my answer to that question, neither do I know the amount of land he claims or the amount that his deed calls for, which is a matter of record here in the Clerk's office.
- Q. Did you make a survey for Moton Shifflet when he attempted to take up a part of this Mount Vernon land?
- A. I did not. From what I have been told, that was done many years ago.
- Q. Did you make any survey about the Moton Shifflet tract?
- A. I did.
- Q. Will you tell the Commission what that was?
- A. Some years later, when Mr. Hinkle bought this tract of land from Bernard Shifflet, who had formerly acquired it from Sellers and others, I made a survey on this mountain top in connection with the old home place of Moton Shifflet, quite a considerable parcel of land. It was just located on that mountain top, according to the directions of the people who claimed they owned and possessed this mountain top.
- Q. What was the acreage of that survey?
- A. I would have to refer to the deed, and I think the deed from Bernard Shifflet to J. W. Hinkle will indicate the acreage.
- Q. Will you look up that deed and report back to the Commission, after you leave the stand?
- A. I will.

- Q. In other words, the tract that you are now speaking of, whatever acreage the deed may show, is now claimed by the claimants in this suit, and also by J. W. Hinkle?
A. Yes.
- Q. Now, I asked you about these surveys within the Mount Vernon tract of real estate. Have you made a number of surveys in the Blue Ridge Mountains close to the Mount Vernon Survey?
A. I believe I have surveyed practically all of the land on the northwestern boundary of this Mount Vernon tract, from Payne's Run to Elkton, in the last twelve or fifteen years. I don't know of any that has escaped me, at the present time. If you want the names of those tracts, I can enumerate them.
- Q. All I desire to show is that you are familiar with the lands generally in the Blue Ridge mountains about the Mount Vernon tract. Now, I have asked you, Mr. Good, to go upon what we have referred to here as the land at the toe of the mountain, and make an estimate of the acreage of land there that is available for agricultural or grazing purposes, and to make an estimate of the acreage and also to estimate the value of that portion of the Mount Vernon tract. Have you done that?
A. I have. As I stated a while ago, I am somewhat familiar with most of this two thousand acre tract of land. The Mace Patent covered a good bit of this tract. Then, I made some surveys in Augusta County on the south end of this tract, joining up and on to this two thousand acre tract. This two thousand acres is only approximated by me; I think there is that quantity of land there.
- Q. Now, what valuation did you place on that tract?
A. Am I permitted to refer to my notes; I would likely be more accurate. I also have in my notebook and transcribed ---
- Q. Will you just describe to the Commission the classifications of land that you made, and describe each tract and state the value that you placed on the different classifications of land?
A. We classified the land at the toe of the mountain on the southwest side of Madison Gap and designated as the Mount Vernon Furnace tract, of two thousand acres; then, the second classification was watershed class. That includes the watersheds, Two Mile Run, Mile Run, Big Run and Lewis Lower Run, and we estimated, in these four watersheds, nine thousand acres; and the third class, we put in a ridge class, along with several watersheds, which includes the watershed of Lewis Upper Run, Deep Run, Brown's Gap to Dundore's Hollow, as it is sometimes called, Miller's Run, Swamp Run, the upper waters; the lower parts are covered by this two thousand acre tract, and Payne's Run. Those watersheds are included with the ridge land of eleven thousand five hundred acres. We determine the acreage by what is assessed to John A. Alexander in Rockingham County. The assessment books show that he is assessed 22,700 acres in Rockingham County. I take it that includes the entire boundary survey of the John A. Alexander land. I don't know that any of his lands are assessed in Green or Albemarle County. The greater part of it lying in Rockingham County, I took it that it was all assessed in Rockingham County. It is usually assessed where the greater part of the tract is located.

(By Mr. Tavener to Mr. Stoneburner:- I will ask Mr. Stoneburner whether or not any part of the Mount Vernon tract is assessed for taxation in any of the counties in which it lies other than in Rockingham County.

Reply by Mr. Stoneburner:- It is all assessed in Rockingham County.)

By the Witness:- I have indicated my classification in answer to your question.

There is one I omitted; that is the grazing land. I estimated two hundred acres of grazing land in the Mount Vernon tract, and this grazing land is located on top of the Blue Ridge Mountain at or near the head waters of Big Run.

Q. Your estimate of two hundred acres of grazing land at the top of the mountain does not include the land claimed by J. W. Hinkle, does it?

A. Yes sir, it includes a part of that land. I am not able to say how much; and the reason I included, within the twenty-two hundred acres, part of that tract is because I am very certain that the southern end of that mountain ridge has no connection with the Moton Shifflet tract that was recognized as an exclusion from the Mount Vernon Survey in 1888.

BY THE COMMISSION:

Q. You couldn't approximate that, could you, Mr. Good?

A. By referring to that deed I could make a fairly good guess.

BY MR. TAVENER:

Q. After you examine that deed, will you report again and see if you can testify on that point?

A. In reaching a conclusion in my mind, I would say around a hundred acres of it.

Q. Will you verify that by examining the deed?

A. I will as far as I can, because it will depend upon approximation largely. The valuations I have placed on these classifications are, the two thousand acres at Mount Vernon Furnace, \$8.50 per acre, total \$17,000.00. This tract has quite a thick growth of young timber on it, and all land about this tract in clearing and in cropping is splendid crop yielding land of practically all kinds, fine corn and wheat land. It is reasonably smooth except for a few places, and because of its close proximity to market and to the Norfolk and Western Railroad, only two miles from this tract, and to the town of Grottoes, making it an easy place to market any timber that may be on it, and then, it has roads to it that people travel today and formerly traveled when they were going over this land. It is a near way from the Brown's Gap road through the middle of this tract in order to get on the Payne's Run road leading out of Grottoes; and because of the character of the land and its proximity, \$8.50 would be a reasonable valuation on it.

Q. Will you proceed to your next classification?

A. The second class is nine thousand acres in watershed. As I stated a while ago, I determined that somewhat from the area indicated on the map that is drained by the streams, as well as my familiarity with the streams. For the last thirty years I have been going into those mountains for the trout fishing that these streams furnish, and I have classified these nine thousand acres of watershed, which include Two Mile, Mile, Big and Lewis Lower Run, and my valuation on those watersheds is \$5.00 per acre.

BY THE COMMISSION:

Q. Exclusive of timber?

A. Yes. Being a fisherman, I would naturally hate to see that timber taken out. All fishing streams are valuable when they are well wooded.

- Q. In making up your estimate of the nine thousand acres on these watersheds, did you go to the top of the mountain?
A. Yes, where the water flows into these streams is included. I believe I have stated my valuation of that area.

BY MR. TAVENER:

- Q. This act of the legislature looking toward the condemnation of these lands does not allow the Commission to take into consideration the value for national park purposes, but the questions I have asked you in regard to park and recreational purposes does not necessarily mean national park purposes, and I want that point to be plain in your testimony, that you are referring to recreational purposes generally, regardless of whether the park is ever established or not. I mean that if the present owners of that area saw fit to take advantage of it, it could be made valuable as a recreational ground to them.

A. I don't think a park would be complete without the opportunities that these watersheds would furnish.

- Q. Alright now, proceed with your valuation?

A. I believe I stated a while ago that I estimated two hundred acres of grazing land on top of the Blue Ridge Mountain, at or near the head waters of Big Run. Now, that land on top of that mountain is the best quality soil that I know for blue grass, and on the western side for some distance the soil is also good for blue grass, and I estimated that in this two hundred acres there is good soil, as you will note if you go back over this ridge; that classes the same as on the Bagoon farm, the Eyer farm and the Patterson farm. By explanation a few minutes ago, I explained how we arrived at the two hundred acres. I valued that at \$10.00 per acre, which totals \$2,000.00.

BY THE COMMISSION:

- Q. You stated that a hundred acres of it might be the Hinkle land?
A. About a hundred acres outside.

- Q. Supposing that to be the case, what is the hundred acres that is outside, regardless of what belongs to Hinkle, worth?
A. I would cut that valuation half in two.

BY MR. TAVENER:

- Q. That would be five dollars then?

A. Yes, five dollars. That leaves this 11,500 acres that I classed as ridge land, including several watersheds, at the price of \$2.50 per acre.

- Q. You have placed a value of five dollars an acre on what we now think is a hundred acres of grazing land that lies without the J. W. Hinkle claim. Now, can you give a value, that you consider fair, on that part of the grazing land now claimed by Hinkle and also claimed by the claimants in this suit; namely, approximately one hundred acres? In other words, can you now fix a separate value for that part of the J. W. Hinkle land which lies without the original Moton Shifflet tract?

A. I cut a hundred acres that lies without to five dollars an acre, and, as a matter of fact, you would have to increase the value of the land that is in the Hinkle boundary sufficient to make it aggregate two thousand dollars. That's just what I would do.

- Q. In other words, fifteen dollars an acre? A. Yes, fifteen dollars an acre.

- Q. Then, the figure that you would place per acre would be fifteen dollars?
A. Yes.
- Q. Are you familiar with the rock that is on this property, and whether or not there is rock of a commercial quality and quantity there?
A. There is a very valuable rock there for various purposes, and it is found in great quantities.
- Q. Is the rock located at points that are accessible to the public roads and the railroad?
A. It is only a few miles away from the railroad, and those granite slides are right near the present public roads in this area. It could be made valuable for road building, road repairing and for railroad uses as ballast.
- Q. On which classification of land is the rock to which you refer located?
A. You will find it in all of these watersheds. The greatest quantity is found near the gorge of Big Run where it flows out of the mountain. You will find great quantities of it, though, in all these watersheds.
- Q. What is the total valuation of these different classifications of land, as you have arrived at them?
A. \$92,750.00.
- Q. The prices fixed by you for the various classifications is what?
A. \$92,750.00.
- Q. You have heard the testimony of Mr. Turner and Mr. Doffmier in regard to their cruising this land for timber?
A. I did.
- Q. Will you tell the Commission to whom they made their reports on the cruising of that timber, and whether you made known to one or the other what results each had arrived at?
A. Mr. Turner and Mr. Doffmier made their reports to me, Mr. Tavener, along with other associates, Mr. Walker, Mr. White and Mr. Williams. They asked me to select some good timber cruisers to cruise this timber. I sent Mr. Turner in those runs, and I outlined a method by which it was to be done. He made his report to me. I then got Mr. Doffmier to follow in several runs that Mr. Turner had gone over, and he made his estimates to me. Neither one knew what the other fellow had estimated until the day the report was made up, and after I had it all typed from their notebooks, what they had done, I reported to them what they had done in comparison with each other. They had no connection with each other during the time the cruising was being done.
- Q. Mr. Doffmier said he had not seen Mr. Turner at all until after the reports were prepared?
A. No, he didn't see him. I didn't think it was right for them to know. I wanted an independent opinion from those men.
- Q. What is Mr. Turner's reputation as a lumberman?
A. If he hadn't been a good one, I wouldn't have selected him.
- Q. What is his reputation, generally, as being a good timber man?
A. He is considered one of the best qualified men in the county as a cruiser of timber. He has been, in his day, a successful sawmill man. He has owned a good deal of it himself

Q. I notice that the state has compiled, through Mr. Marsh, an itemized statement of the various estimates placed upon timber and land values and classifications in a very compact form, so that it is very easy to get at their testimony and to see what they claim and contend. You have performed practically the same function for the claimants here that Mr. Marsh has for the state, and I am going to ask you if you will file a composite statement tomorrow morning in just the same manner and form as that filed by the state. Will you do that? That is, make a summary of the result of all the work done in this area?

A. Yes.

Q. You may not be able to finish it by tomorrow morning, but so that it may be filed with the Commissioners?

A. I don't know that I have the necessary data by which I can do that. I made several typewritten copies of the report -- If you will put those in my possession, I will do it and have it ready in the morning.

CROSS EXAMINATION BY MR. ARMSTRONG:

Q. Mr. Good, there seems to be a great difference as to how grazing land is classified, as to what is grazing land, in the evidence of the petitioner and the evidence of the claimant. What do you mean by grazing land, as to this two hundred acres; is that all cleared land, or with bushes growing on it?

A. There are bushes on it.

Q. It is not absolutely clear? A. No.

Q. How many acres of this two hundred acres is absolutely clear, or is any of it?

A. Well, I stated a while ago that this land lying without the Hinkle enclosure is possibly a hundred acres.

BY THE COMMISSION:

Q. How about what Hinkle has enclosed; is that in brush?

A. Possibly on the east and west side of the mountain may be in brush, but on top of the mountain it is in clearing.

BY MR. ARMSTRONG:

Q. This cleared land that you speak of, of Mr. Hinkle's, is that on the south portion?

A. The better land that Mr. Hinkle has enclosed and in use is right on top of the mountain.

Q. Do you think that is as good as the Armstrong land?

A. Yes, that land that has recently been cleared. Some on the northern edge of the mountain top he put into blue grass. Some that had formerly been cultivated -- that might not be so good.

Q. You would not think it is as good as the Eyer land?

A. On top of the mountain, it is as good as any of it.

Q. Mr. Good, I believe you stated that this land was noted for its recreational value and had the best trout fishing streams on it, better or as good as any in this section of the state, did you not?

A. I did say that.

- Q. Do you know of any other streams or places in the mountains that are as good for trout fishing, or of the same recreational value as this property?
A. With my own personal knowledge, I do not, and through my intimate contact with fishermen through the valley, I have been informed that they have no place as promising as this is.
- Q. What about fishing and recreational value on Love's Run in Augusta County?
A. I have always understood that there is a run flowing out of the Blue Ridge, I cannot recall the name, but it may be the same that you refer to, said to be a very fine trout stream, but it is very difficult to get to and fish. I don't know that that applies to the run you mention.
- Q. How about Stuart's Draft?
A. I only know those streams by what I hear said about them. The stream I mentioned a while ago is said to be fine, but it is very difficult to get to, but I don't know that it applies to that place or not, but people from Waynesboro and other places have been coming and camping on this stream, and if they had such an excellent stream near them, they would go there instead of this one.
- Q. I will mention three or four others and ask you if you have heard of them; Schuller Hollow in Albemarle; White Oak Canyon, in Madison County; Naked Creek, in Page County.
A. I know Naked Creek in Page County.
- Q. Do you think they are as good ---
A. I have no information about these streams except Naked Creek. It doesn't compare to any of these four streams that I have mentioned.
- Q. However, you do admit that there are other fishing streams near the Mount Vernon tract, with possibly as good fishing as on the Mount Vernon tract, and the same recreational value?
A. No, I don't admit that without having knowledge of the fact that they are.
- Q. Do you know that quite a few people go out on what is known as the main Shenandoah Mountain and camp and fish there?
A. I do not. I do know this, that a great many people all over the country are looking for recreational grounds of that type; they go everywhere. Knowing the character of these mountains and their convenience to the railroads and public roads, it could be made into one of the best recreational grounds that I know of in the whole country.

BY MR. TAVENER:

- Q. Are you familiar with the Patterson land?
A. I am, somewhat. I can't say that I am so much except with what is known as the Fretrell tract.
- Q. What is the value of that land?
A. I have it here in my notebook on what I testified on the Patterson land at White Hall some months ago.
- Q. You state that you have, in a memorandum book, a notation that you have previously estimated or appraised the value of that land. Will you state, on referring to your memorandum, what that value is?
A. I have my estimate now on the Patterson land. This doesn't represent entirely my individual judgment about this. I believe, as I stated in White Hall, I re-

BY MR. ARMSTRONG:

- Q. Mr. Good, you do not mean to say that any acre in the park area, and any particular acreage would be six dollars an acre?
A. That was the average price; that acre was not located.
- Q. You do not mean to say that every acre in the Shenandoah National Park would be worth six dollars?
A. No.

BY MR. TAVENER:

- Q. You have placed a valuation of \$8.50 on the land at the toe of the mountain, comprising, by estimate, two thousand acres. You will recall that the Augusta County line divides that tract?
A. It does.
- Q. And I want to be certain whether, in your testimony, you were including the land that lies within Augusta County in that estimate of \$8.50.
A. I included all the land that lies in Augusta, as well as in Rockingham.
- Q. There is one question there that needs clearing up. As I understand it, there are nine hundred and some acres in Augusta County, a part of which lies at the toe of the mountain, but a part of which may extend up Payne's Run or Swamp Run--
A. It lies in the head waters of Payne's Run.
- Q. Would you make any division, in your own mind, as to the value of that land in Augusta County, and if you have not thought over that matter, I will ask you to take out the map and take your time toward making an estimate of the amount in Augusta, upon which you would place a valuation of \$8.50.
A. I only considered the land at the toe of the mountain in Augusta County in that valuation of \$8.50.
- Q. Can you fix, approximately, the acreage at the toe of the mountain in Augusta County?
A. I figure two hundred acres would be a fair approximation.
- Q. According to this statement it appears that it is four hundred and nine acres in Augusta County that is at the toe of the mountain.
A. My estimate is approximate, and Mr. Turner has reached his conclusion by some measured calculation.
- Q. Then, your estimate of the low land in Augusta County is \$8.50 on four hundred and nine acres?
A. I would put the same valuation on that land as that lying between the Black Rock road and the Grottoes road.
- Q. According to the government statement, there are three hundred ninety-three acres of land that is on the upper tract, meaning back of Roadcap's land or orchard; now, have you included that in your estimate of 11,500 acres, designated as ridge land?
A. That part of this two thousand acres extending, in Rockingham County, from the Black Rock road to the Grottoes furnace road, there is part of this tract between the Grottoes furnace road and the Port Republic furnace road included.

- Q. Describe to the Commission the necessity for land with proper air drainage, in order to have a profitable orchard property.
- A. Well, in this particular case, this land has the proper elevation, and it doesn't have any frost pockets, where frost could get in and hang. It lays up where the air can drain off from it and not have any frost pockets.
- Q. Is that not one of the most essential requirements for an orchard?
- A. Yes sir, most essential.
- Q. Having an orchard properly situated with reference to air drainage, you reduce to a minimum killing by frost?
- A. Yes.
- Q. You have an instrument there that is termed an altimeter. Will you describe to the Commission just how you used it in locating the elevation of this tract for the purpose of ascertaining whether it had proper air drainage?
- A. When we crossed the bridge, before entering Grottoes, I took the instrument and went down to the water level under the bridge and set my instrument at zero. Then we went due east until we came to Mr. Mace's property, and there I checked the instrument, and we found an elevation of two hundred and twenty feet. Then, from Mr. Mace's we walked about a mile in a southerly direction, and there is a possibility that it may have been a little southeast, but I think it was south, and in that mile the topography had changed from two hundred and twenty feet to five hundred and seventy feet, where I checked the instrument again. Then we walked three hundred yards further and the instrument had risen to six hundred and sixty feet, and from there, approximately another hundred ~~feet~~ yards, we came on to a run, which Mr. Mace called Miller's Run. There the elevation was seven hundred and ten feet above the level under the bridge.
- Q. You had that elevation then, from the river up to the point where you took those measurements?
- A. Yes sir.
- Q. From your study and experience, is that a well balanced air drainage for a productive orchard?
- A. Yes, it is far above the average.
- Q. Would you state, then, whether or not this tract is just about the average for an orchard property, as far as air drainage is concerned, or whether it is an unusually good location?
- A. From a standpoint of air drainage and elevation, I think it is a little above the average; certainly above the average of an orchard in the flat lands and the valleys, because the chances of getting a frost there, you wouldn't probably have a frost damage once in ten years.
- Q. Did you examine the soil there? A. Yes.
- Q. Tell the Commission what your opinion is of the soil condition.
- A. The soil in this tract of land compares very favorably with the soil in my orchard in Edinburg, Virginia; also with an orchard at Mount Jackson, Virginia, owned by Ripley Walker. They both lie in the foothills right off the Massanutten Mountain, and the soil is kind of a mountain sandy loam, very good for fruit; as a matter of fact, it is excellent.

- Q. You noticed there on the border of this property, shafts that had been sunk for iron ore, and if it hasn't already been shown, it will be shown that there are considerable quantities of iron ore and manganese running along the base of the Blue Ridge. What value, if any, has the mineral content of the soil for the growing of fruit?
- A. It has never been definitely proven from the standpoint of chemical analysis, but it is generally accepted that these mountain soils that are high in iron content are good for the coloring up of fruit. They color early and they have a greater percentage of color in the fruit.
- Q. Did you bring any specimens of the fruit that you found on orchards adjoining this tract?
- A. In Mr. Roadcap's orchard I picked up these apples, which I judge to be a fair sample. They were covered up with corn fodder. These York apples are practically a hundred percent color, and we just can't grow them that way out in the valley.
- Q. These are York apples, and in this particular apple here the deepness of the color is almost that of a winesap variety, isn't it?
- A. Yes.
- Q. Would you say that apples of that description could be grown on soil that was not well adapted to fruit growing?
- A. No sir, it could not.
- Q. What about the sub soil?
- A. We looked in a couple of places alongside the bank, and we looked at the old mine shaft, and we found about an eighteen inch soil, and we found under that a kind of a clay subsoil; not a stone clay subsoil we find here in the valley, but a hardy clay subsoil.
- Q. Would you state that from the nature of the soil itself, including the mineral content, that this land is well adapted for fruit growing?
- A. Yes.
- Q. What did you find in regard to water?
- A. Well, the highest point that we walked to was about one and a fourth miles from Mace's house, and it was the highest elevation that I recorded, seven hundred and ten feet, where, at that point, water would flow by gravity over any part of the tract that we walked over, and it seemed to have sufficient water for spraying purposes to accomodate this orchard, if it were planted over the entire tract, because there was a nice quantity of water there during this dry time.
- Q. There is sufficient water there, then, for the operation of an orchard property?
- A. I think so.
- Q. Would it be necessary to pump that water?
- A. No sir, it would be gravity.
- Q. Is that very important in the matter of the location of an orchard, the question of being able to get water at various points by gravity?
- A. It is a question of expense. It is absolutely necessary, and if you can get it there by gravity, without cost, you are just that much better off. Otherwise, it would be a very expensive proposition.

- Q. And you covered this two thousand acres you went over, all of it, and got the height and elevation and so forth in four or five hours?
A. Just a general view.
- Q. But you covered about two thousand acres while you were there?
A. I only ran this one general elevation, see; took from the river, see, up to Mace's house, and from there up to the run.
- Q. What would you say it would cost to cut off and clean up one thousand acres of this land which you say would be excellent for an orchard; how much per acre or for the whole thousand acres to get it in shape to plant an orchard?
A. I am not very familiar with cleaning up mountain land, but I would say twenty dollars an acre would clean it up suitable for an orchard; that is, really clean it up. You might be able to do it a little cheaper under the present wage scale.
- Q. Mr. Bowman, what is the range and the elevation on this thousand acre tract from the lowest point to the highest point, what would you say?
A. I am not familiar enough with the tract to say that. I imagine the lowest point, though, would be somewhere -- I am just guessing at this, see -- but it would probably be between two hundred and fifty and three hundred feet.
- Q. How did you arrive at the acreage; could it as easily be seven hundred or five hundred acres?
A. I just approximated it.
- Q. It could be seven hundred acres of good orchard land?
A. Yes, I think it is seven hundred and some more.
- Q. Is there much difference in the elevation of the Brown's Gap road and the Miller Run section?
A. I am not acquainted with the --- Is that the old furnace road? -- Let's see, the point I stopped on that road, the elevation was two hundred and twenty feet above the water level under the river bridge; that is as far up that road as I went.
- Q. What was the elevation on Miller Run?
A. Seven hundred and ten feet; that is, where I took my reading on the run.

BY THE COMMISSION:

- Q. Did you take a reading at the Roadcap orchard?
A. Yes, five hundred feet at the top side of the Roadcap orchard.

And further this deponent saith not.

MR. CHARLES C. BOWMAN, a witness of lawful age, being duly sworn, deposes and says as follows:

- Q. State your full name. A. Charles C. Bowman.
- Q. What is your age? A. Fifty-six.
- Q. Your place of residence? A. Mount Jackson.
- Q. What is your occupation? A. Fruit growing and farming.
- Q. How long have you been engaged in fruit growing?
A. Oh, I don't know, possibly thirty years.
- Q. In what acreage of orchard are you and your sons interested?
A. Around five hundred.
- Q. Mr. Tissinger here is also called as a witness in this case. Do you know whether or not Mr. Tissinger is looked upon as a fruit grower of experience and ability?
A. Yes.
- Q. Mr. Bowman, I have asked you to go upon this property with the idea of making a report here as to what findings you have made as to the adaptability of the land lying at the toe of the mountain for fruit growing purposes, and I am going to take the time to ask you a lot of questions. I will ask you to tell the Commission, in your own words, how well adapted, if at all, this tract at the toe of the mountain, which we describe as a two thousand acre tract, is for fruit growing purposes.
A. I would consider it a good location for planting an orchard.
- Q. State your reasons to the Commission.
A. First, the condition of the soil; that kind raises good fruit. The air drainage is good. It is a gradual slope from the mountain down to the river, and there is plenty of air drainage. If we have pockets in the orchard, the air will stand there, and it is more likely to freeze the bloom.
- Q. How is this tract located with reference to possible air pockets?
A. I couldn't say that I discovered any air pockets. There are a few places lower than the others, but not to amount to anything.
- Q. Would the slope of this orchard be gradual in such a way as to carry off the cold air in the proper way?
A. Yes, it is a gradual slope, and there is plenty of room below this land for the air to pass away.
- Q. What other reasons, if any, led you to believe that that land is well adapted for fruit growing?
A. Well there is only two things about it; one is air drainage and the slope, and the fact that the mines are there. We know from experience that the land that has that mineral content that that has, raises a good quality of fruit, with fine finish.
- Q. What about the water being available for usual fruit growing operations?

A. I should say it was ideal. A man could put a gravity system in there and run the water over the land, practically everywhere I could see. There is a few places you could not get, but you could locate your spray stations for that.

Q. It has been testified by people living in that community that in exceedingly dry seasons they were still able to produce good crops there on the slope of the mountain, and the reason assigned by them was that the water was closer to the top soil. Is that a material factor in raising fruit?

A. It is very important, especially in dry seasons such as we have had the last year or two.

Q. Did you see the Roadcap orchard?

A. Yes.

Q. I don't know anything about the care that orchard has received in the past, but, from an examination of those trees, could you tell whether the land was well adapted for fruit growing?

A. I should say that it was, when we saw the apples laying there, at this time of year, some on the ground and some covered up by fodder there. I noticed, at home, that the apples laying on the ground today are practically gone, and I was able to pick up apples there in good condition.

Q. That was an indication of what?

A. That the location of that land was suitable for fruit growing, because, when you pick apples in the fall and are not able to clean up as you go, you don't have as much waste in your dropped apples.

Q. It also shows that the air drainage is unusually good, does it not?

A. Yes, it does.

Q. Mr. Bowman, what valuation would you put on that tract of land for orchard purposes, assuming that the pine timber is being cut off by other persons?

A. I would put it at about fifteen dollars an acre.

Q. Mr. Bowman, did you notice an orchard on the east side of the Brown's Gap road, going up near this thousand acre tract that you have spoken of as a good orchard site?

A. You mean between a little town there and this land?

Q. Yes.

A. Yes, I did.

Q. What were the condition of those trees, as to whether they were thrifty or not?

A. They looked to have had ordinary care and are in reasonably good condition.

Q. Doing well, and thrifty?

A. Reasonably so for the care they have had. If an orchard receives good care, it will be more thrifty.

Q. If there was an orchard on this particular thousand acre tract of land, would it not require more fertilizer or nitrate of soda than your orchard, which is known as the Edinburg Orchard or the Maphis?

A. The Edinburg is very similar, and the Maphis is heavier. East of the pike, it is somewhat similar soil to this, but not as near it as the orchard near Edinburg.

- Q. You did not answer the question. Would it not require more fertilizer or nitrate of soda?
A. Yes, it would.

BY MR. TAVENER:

- Q. Are you familiar with the Ripley Walker orchard? A. Yes.
- Q. Is the soil of that orchard similar to this soil that you have just been over?
A. I would consider it so, yes.
- Q. Has the Lemon Orchard and the Ripley Walker Orchard been known as profitable orchards?
A. The Lemon Orchard was taken care of very badly until we got it. It has been raising well since we got it; in fact, last year it was heavily loaded.
- Q. Is the color of the apples there better than in your valley orchard?
A. Yes, far superior.
- Q. At this time of strong competition with the western fruit growers isn't the color of the fruit one of the main points in the marketing of apples?
A. Yes.
- Q. Mr. Bowman, do you know why there aren't any good commercial orchards in this particular neighborhood, for the thousand acres of land of which you have been speaking, it being such good orchard land?
A. No, I don't.

And further this deponent saith not.

MR. W. H. TISSINGER, a witness of lawful age, being duly sworn, deposes and says as follows:

- Q. Will you state your full name? A. Mr. W. H. Tissinger.
- Q. Your age? A. Forty-eight.
- Q. Your place of residence? A. Mount Jackson.
- Q. What is your occupation? A. Orchard business.
- Q. For how many years have you been engaged in fruit growing?
A. About twenty years.

- Q. At the present time, I believe, you have been appointed by the Circuit Court of Shenandoah County as Special Receiver for the large orchard known as Belle Grav-
ia, at Mount Jackson?
A. Yes.
- Q. Managing that orchard under court supervision? A. Yes.
- Q. Will you give this Commission the benefit of your judgment on this tract of land at the toe of the mountain as to its adaptability for fruit growing?
A. I think the lower half of the property is what we went over; we went around, and then cut across and landed down at the road below Mr. Mace's house, came through those pines there, and the lower half is an ideal location for an orchard. The air drainage is very good, and the water is above it, which would make a gravity system, which is very important; I know that very well, because I was out of water last year and I know what it means. The upper half would be expensive, getting out the logs and all, but the lower half would be profitable.
- Q. Where is your orchard located?
A. On the ridge, back of Mount Jackson.
- Q. You cleared off a good part of that orchard yourself, I think?
A. About a hundred and thirty acres; in worse shape than this to clean off.
- Q. You have had quite a bit of experience in cleaning up new ground for orchard purposes?
A. Yes sir, ever since I have been raising apples.
- Q. In view of the entire situation there, you state that this is an ideal location, at least the lower part, for orchard business?
A. Yes.
- Q. You have stated as reasons, on account of air drainage and on account of the water. What can you say as to the soil?
A. About eighteen inches down you strike a sand and clay mixture. When you get in toward the mine section, there is more of a sandy sub-soil mixed up with some white sand of some kind, and there around on the Augusta side, we struck right smart red clay there twelve or fourteen inches down. Right on this side of Road-cap's, you strike into a red sub-soil there.
- Q. Is that soil similar in nature to any other soil upon which you know a profitable orchard is being operated?
A. It is the same as the west side of our orchard there. Dr. Foley has an orchard there that is profitable.
- Q. How about the orchard at New Market?
A. That is a little better soil than this other.
- Q. Do you consider those York apples there as being well developed, well colored fruit?
A. Yes sir.
- Q. Is it possible to raise fruit of that color in a season such as we have had this year in our valley orchards?
A. Not on the low orchards; higher orchards will do it, but not on the lower orchards.

- Q. This land is in close proximity to the railroad, is it not?
A. Two miles and a half to three and a half.
- Q. Down grade haul?
A. Yes, all the way down hill.
- Q. What would you say, Mr. Tissinger, as to the value of that land for orchard purposes, not taking into account the timber; in other words, if someone else would remove the yellow pine timber that is there, what would you consider the value of that land as orchard land?
A. Well, there is a good many ways of arriving at that. If they put an orchard there, the price of the land would double immediately; that has been our experience on the ridge back of Mount Jackson. We bought our land in 1912 and 1914 when land was low, at eight and ten dollars an acre, and you can't buy it today at fifty dollars an acre. In other words, they don't want to sell it now. Without any orchard around there, I would consider the orchard end of it from twelve to twenty dollars an acre. It has a little slope, but it is gentle. A man could get over it easily with a sprayer and get back to the water without any trouble.
- Q. What would you place as a value upon the upper part, which you say is not quite as good as the lower for orchard purposes?
A. From eight to ten dollars an acre. We didn't go clean up against the cliff; we went along the bottom of the cliff; we went along the toe of the mountain.
- Q. Mr. Tissinger, you say you have had experience in cleaning up orchards ever since you have been in the orchard business. Will you give the Commission an idea of what it would cost an acre to clean up this land, assuming that the pine trees are cut off and removed by other parties?
A. We have had various expenses. Of course, it depends mostly upon the price of labor. I believe fifteen to eighteen dollars an acre would clean it up.

CROSS EXAMINATION BY MR. ARMSTRONG:

- Q. Mr. Tissinger, how many acres would you put in the classification "lower half of the property"?
A. We would have to take another party's word for the amount there, and we thought we were going over half of it.
- Q. How many acres would be in the lower part?
A. Eight or ten hundred acres on the one side. There is more on the north side of the run than on the other side. I would think eight hundred or a thousand acres.
- Q. You consider it would cost fifteen to eighteen dollars an acre to clean up the lower half. How much to clean up the upper portion?
A. There would be more rocks up there; that would make it more expensive. That would put it up about fifty percent. We just looked at the lower half from an orchard standpoint.
- Q. You don't think it would be practical to put in an orchard in the upper half?
A. Not as long as there is as much available below that point.

- Q. So, as a matter of fact, you don't think there would be more than eight hundred acres of land that could be put into an orchard, in order to make a profit?
- A. When it comes to the number of acres, I am just taking another party's word there for the amount of it. We thought we were going over half of it. We got above those mine sinkings there. A man wouldn't have his water up in there.

BY MR. TAVENER:

- Q. Did you see any peach trees in the section where you were?
- A. At George Roadcap's.
- Q. A peach is more susceptible to injury from frost and freezes than the apple, is it not?
- A. Yes sir.
- Q. Did you inquire about the damage to those peach trees from frost and freezes from Mr. Roadcap?
- A. I asked him the age of those trees, and he said about twenty years. I asked him how many crops he had missed, and he said he had never missed a crop of peaches, although some years the crop was shorter than others. That is natural, of course.

And further this deponent saith not.

MR. CHARLES BOWMAN recalled, and deposes as follows:

Direct examination by Mr. Tavener:

- Q. This land appears to produce unusually fine York apples, in quality, as well as in size. Will you state to the Commission whether or not the York apple is really the moneyed apple in this section of Virginia?
- A. It is the most profitable commercial variety that I know of, in my experience.

MR. A. M. TURNER, recalled, and deposes as follows:

Examination by Mr. Tavener:

- Q. You have already been sworn. I have asked you to go back on the section of land that lies in Augusta County, at the toe of the mountain, and to cruise that timber. I don't know what your results are, but I will ask you to tell the Commission what you have done and your results?
- A. I went back there this morning, and took a map along, furnished by the gentleman there. The southeast portion of it runs up into the mountain, up a long hollow, I expect two and a half miles long. I went up that hollow to the Rockingham line and back to the lower end of the tract, and I estimated the timber, in board feet, that I seen there, and we would have to cut it into three saw mill seats, and it would make about a hundred and seventy-five thousand

feet of lumber, of a better grade of lumber than that on the northern part of the survey that I was on. It is the mountain red oak in that hollow, a more valuable timber; some virgin timber there, right smart white pine and mountain pine. Down further it is the second growth timber, probably been growing fifty years; white oak and mixed oak in the hollows and on the side, some pine; perhaps forty percent pine and the rest white and mixed oak.

Q. Then, your original estimates of the timber are to be increased to the amount of one hundred and seventy-five thousand feet?

A. At that point, so far.

Q. This is the upper tract?

A. Yes, up the hollow.

Q. Alright now, proceed.

A. Then there is another tract north of this and a little to the left of the road as you go down, up on a flat, and a portion of it lays perhaps four to six feet lower than the other half, and that is covered with a growth of principally white oak and mixed oak of a young growth, ranging from ten inches, twelve inches from the ground up to twenty inches, twelve inches from the ground, a young growth of timber, a small amount of pine only. I estimated that at something over seventy-five thousand feet.

Q. Then, you are increasing your original estimates, after going over this territory that you had not been over, better than two hundred and fifty thousand feet?

A. Yes.

BY THE COMMISSION:

Q. What about the pine on that lower tract?

A. A very small amount, not over ten percent.

And further this deponent saith not.

(By Mr. Tavener:- You will recall that I said I would have a witness here to show where the ore crops out on the land. For that purpose, I introduce Mr. John Shifflet.)

MR. JOHN SHIFFLET, a witness of lawful age, being duly sworn, deposes and says as follows:

Q. What is your name, Mr. Shifflet?

A. John Shifflet.

Q. Your age?

A. Sixty-four; will be in February.

Q. Where do you live?

A. I live at Lynnwood.

Q. What opportunity have you had to be familiar with the minerals on the Mount Vernon Tract?

A. I have been working in mines all my life until I got too old.

Q. I want you to give a description to the Commission of what mines were worked, and where they were worked on the Mount Vernon tract.

A. I done a lot of prospecting there at the Weaver Mine; it is right at the south of Lewis Lower Run.

- Q. That is the Weaver Mine? A. Yes.
- Q. I am going to make a circle, in ink, on this map, indicating the Weaver Mine. Now, when did you work in that mine?
A. It has been seventeen or eighteen years ago, I reckon, when Rumbarger and Company took an option on it.
- Q. Is the ore visible at that place now?
A. No sir, we dropped a tunnel in there and it fell in; the timber has given 'way and the tunnel fell in. It could be opened up in a little bit.
- Q. Where else did you make prospects and find ore?
A. At the Hangman's Run.
- Q. What sort of ore was being mined at the Weaver Mine?
A. Brown Hametite Iron.
- Q. What type of minerals were mined at the Hangman's Run mine?
A. We mined magniferous ores there. I don't think it was over four feet in the ground. There was a ridge of it sticking up there, and I reckon we knocked off a small car of it from the ledge.
- Q. At what other places there did you do any prospecting or mining?
A. On over there at the manganese mine on the east side of Big Run.
- Q. Called the Upper Sipe Iron Ore Mine?
A. Yes, on further than that yet.
- Q. Of course, you mined manganese at that place? A. Yes.
- Q. Now, what about the Upper Sipe Iron Ore Mine?
A. There is plenty of ore there; it is sticking out of the top of the ground.
- Q. Now, Lower Sipe Iron Ore Mine, are you familiar with that?
A. I never done any work at that mine, but it looks like it is pretty good ore there.
- Q. You can see the ore by going there and looking? A. Yes sir.
- Q. Now, I see here the Reins Iron Ore Mine.
A. That lies on that thousand acre tract, the Finks tract.
- Q. That is not on this tract? A. No.
- Q. What about the Doubt Iron Ore Mine?
A. That is an old mine lays there on top of Mine Hill.
- Q. Is that within the present boundaries of the Mount Vernon tract?
A. Yes sir, I think the line runs pretty close to that; I don't know exactly where the line runs.
- Q. Is the iron ore visible there now? A. Yes sir.

- Q. Manganese is ferro dioxide, which is a combination of iron oxygen and water?
A. Yes sir.
- Q. Are you familiar with that large tract of Mount Vernon land lying at the toe of the mountain, which we have described here as a two thousand acre tract, lying southwest of Madison or Brown's Gap road?
A. Yes sir, I know it.
- Q. I think I was up there and met you in the road, and we looked at that property?
A. Yes sir; I have been over it many times.
- Q. What would you consider to be a fair value of that land that lies at the toe of the mountain?
A. Well, sir, if I had it, I wouldn't take fifteen dollars an acre for it.

BY MR. ARMSTRONG:

- Q. Mr. Shifflet, how long has it been since there has been any prospecting or sinking of shafts on this property?
A. I done the last work there during the war, here at the manganese mine for an old fellow by the name of Block.
- Q. How long has it been since the last iron ore was used on this property?
A. That must be fifty years, I guess. I know it has been a long time.
- Q. Was there ever any manganese shipped from there?
A. I shipped two carloads from there; I shipped it for an old fellow by the name of Block.

And further this deponent saith not.

MR. P. B. T. GOOD, recalled; and deposes as follows:

Examination by Mr. Tavener:-

- Q. I omitted to ask you, in your examination in chief, as to what this land is assessed at, the Mount Vernon land, in Rockingham County, per acre?
A. My recollection is that it is assessed at seventy-five an acre, seventy-five cents.
- Q. What is the adjoining tract, known as the Hill Tract, assessed at?
A. Fifty cents an acre.
- Q. Is it not correct that a lot of that mountain land, other than the Mount Vernon tract, is assessed at fifty cents an acre, whereas the Mount Vernon tract is twenty-five cents higher?
A. It is.

Q. That is an indication that the assessor looked upon the Mount Vernon tract as being more valuable than the other tracts in that area?
A. That is a natural conclusion.

Q. You have handed me, here, a diagram in regard to a question as to the Hinkle land --

A. I didn't complete that diagram. I started to make it to show the form of this tract of land. I find in Deed Book 97, page 46, a deed from Bernard Shifflet and others to J. W. Hinkle was recorded, with the description by metes and bounds in that deed, calling for a hundred and forty-one acres, and I also notice on the assessment book that Mr. Hinkle was only assessed with a hundred and forty-one acres in the Blue Ridge Mountains.

BY MR. ARMSTRONG:

Q. In regard to the assessment of this land, Mr. Good, do you know of any other land assessed lower than seventy-five cents an acre?

A. I do not recall any. Do you mean in the Blue Ridge or outside of the Blue Ridge?

Q. No, in this county?

A. I think some land in the Massanutten area is assessed lower than that. The Craphagen, Roller and the Folley lands, I think, are assessed lower than that. The Folley land now belongs to the Chesapeake and Western Railway.

And further this deponent saith not.

BY MR. TAVENER

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The Kanawha National Bank, of Charlestown, West Virginia, is the holder of a bond of John A. Alexander, bearing date the 22nd day of August, 1914, payable to A. D. Johnson, Trustee, November 22nd, 1914, in the sum of fifteen thousand dollars. This bond was assigned to the Kanawha National Bank as collateral security for three classifications of debts. These debts were for money advanced by the Kanawha National Bank for the purchase and development of the Mount Vernon tract of real estate.

The first classification of debt was a loan made by the Kanawha National Bank to A. D. Johnson for ten thousand dollars, for the cash purchase money for the Mount Vernon tract of land. This debt was evidenced by the note of A. D. Johnson, in the sum of ten thousand dollars, and endorsed by E. N. Jackson.

It was alleged by the Kanawha National Bank, in the litigation, that this note was paid off by the endorser, E. N. Jackson, and that E. N. Jackson was entitled to recover out of the Fifteen Thousand Dollar Alexander bond such amount as he could prove that he paid as endorser for Johnson.

E. N. Jackson committed suicide two days before the time set for the taking of his deposition, and, by reason of that fact, the only proof that he paid any part of the ten thousand dollar bond or note that could be presented as legal evidence, was a check for \$2,308.45, which represented a judgment that the Kanawha National Bank obtained against Jackson. In other words, on this first classification of debt, the estate of E. N. Jackson was entitled to be reimbursed out of the proceeds of the fifteen thousand dollar bond of Alexander to the extent of \$2,308.45, with interest from 1917.

The second classification of debt, for which the fifteen thousand dollar bond was assigned as collateral security was composed of two loans made by the Kanawha National Bank to S. M. Austin, John B. Harris and A. C. Scherr, in the sum of \$750.00 and \$4,460.00 respectively, which sums were used by the last mentioned individuals in the purchase of the Mount Vernon tract from Jacob Yost; A. E. Johnson being trustee for himself and the said Harris, Scherr and Austin. These notes were reduced to judgment by the Kanawha National Bank against Harris, Scherr and Austin, but no part of the same has been paid. Any portion collected on the original fifteen thousand dollar bond of J. A. Alexander will, under the proceeding in the case of Kanawha National Bank against Alexander, be applied in the litigation and payment of that judgment against Harris, Scherr and Austin.

The third classification of debt is the individual indebtedness of A. C. Scherr to the amount of \$8,542.81. That sum representing loans made by the Kanawha National Bank to A. C. Scherr for investment in the development of the Mount Vernon tract of real estate, and several small notes, aggregating not more than \$700.00, for life insurance premiums, which had nothing to do with the Mount Vernon tract of land. A. C. Scherr died, insane, and the proceeds of his life insurance policy was credited to his account, which reduced the principal of his account, for which the Alexander bond was pledged as collateral, to \$3,904.12.

The three classifications, therefore, of debts for which the said Alexander bond, of fifteen thousand dollars, is pledged as collateral security, with interest to March 15, 1928, as reported by Master Commissioner, Laird L. Conrad, in the said suit of Kanawha National Bank against John A. Alexander, are as follows:

The Johnson - Jackson debt.....	\$ 3,572.46
The Harris, Scherr and Austin joint indebtedness.....	9,078.42
The A. C. Scherr individual indebtedness.....	<u>7,619.63</u>
Total.....	\$20,270.51

In the same report of said Master Commissioner, all other lien debts against the said Mount Vernon tract are audited, showing a total, principal and interest, as of March 15, 1928, of \$84,348.62.

The liens reported by the said Master Commissioner which are prior in point of payment to those of the present claimants, and by the present claimants I mean the Kanawha National Bank, as pledgee of the fifteen thousand dollar bond, the estate of E. W. Feustenberger, the late E. W. Feustenberger being of Charlottesville, Virginia, the State and City Bank of Richmond, Virginia, and Wallace C. Saunders, of Richmond, Virginia, amounts to between twenty-five and thirty thousand dollars, including the costs of litigation in said suit in the Circuit Court of Rockingham County and before the Supreme Court of Appeals of the State of Virginia.

The debts represented by the claimants, other than the Kanawha National Bank, represent investments in the various deferred purchase money bonds in the sale from A. D. Johnson, Trustee, to J. A. Alexander.

An agreement has been reached between the various claimants by which, to all practical purposes, they share pro rata as to a portion of their claims, and with priority to a portion of their claim. In order for any one claim to be paid in full, it would be necessary for the property to bring \$84,000.00, with interest from March 15, 1928.

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MR. STONEBURNER, State's witness, called by the state in rebuttal, deposes as follows:

Q. Mr. Stoneburner, it has been testified here in this case by Mr. A. M. Turner that, on a part of this tract of about eight hundred and fifty acres, I believe, there is a stand of genuine yellow pine. I will now ask you if you have noted this particular eight hundred and fifty acres and the kind of pine that is growing on this tract, and what, in your opinion, is the type of pine there.

A. I paid particular attention to it the two days I was through the flat land up there, and I find there is just a very, very few scattered genuine yellow pine trees, not more than one percent. The other ninety-nine percent of the stand is what is called pitch pine. It has various local names, but the character of the wood is nearly all sap. It has very small heart until it reaches maturity, and then the heart is sometimes not more than four inches in diameter.

Q. What difference is there in the value of what you class as pitch pine and genuine yellow pine for lumber purposes or any other?

A. The difference in value varies according to the location of the timber; sometimes as much as a difference of a dollar and a half per thousand feet in favor of the genuine yellow pine.

BY THE COMMISSION:

Q. Those samples that you produced here; did any of those come from that tract that you speak of?

A. No, but they are the same species.

BY MR. ARMSTRONG:

Q. Mr. Stoneburner, will you state to the Commission just what this pitch pine is, what the characteristics of it are, as to what it will do after being made into staves as to bulging and twisting and so on.

A. Some of it will twist and warp rather badly; some of it will make very good staves, if properly stacked. It is not as good as yellow pine.

Q. Mr. Stoneburner, in going out and looking for stave timber, would anyone consider buying this pitch pine to be used in the making of staves, where they had to sell it on a market which required good stave timber; I will say on a market which demands first class stave timber?

A. It might be possible to find an operator who would buy that class of pine, depending on the supply of other species of stave lumber in that particular region. I'd have to say that they are not as desirable, staves cut entirely from a stand of pitch pine. They are not as desirable as chestnut, poplar or even scrub pine or the genuine yellow.

CROSS EXAMINATION BY MR. TAVENER:

Q. You state that staves cut from a pitch pine are not as desirable as staves cut from a genuine yellow pine. As a matter of fact, Mr. Stoneburner, did you ever hear or know of anyone cutting up genuine yellow pine for stave purposes. Isn't that classified as a higher type of timber and used for timber purposes and not for staves?

A. That is true in the valley where genuine yellow pine is scarce, but in the Piedmont region, where the genuine yellow pine is very common in immature stands, I have known it to be cut for staves.

Q. Is this pitch pine a long leaf pine?

A. It has a longer leaf or needle than the Virginia scrub.

BY THE COMMISSION:

Q. Mr. Stoneburner, which would pay the best, as to size, cutting into lumber or staves eight or ten inch timber?

A. Where there is very few trees larger than ten inches, or, I will say, where the average diameter of the timber is from eight to ten inches, under normal market conditions, I would consider it more profitable to cut it into staves, depending upon the demand for staves and the demand for lumber. There might be a section where framing material would be much more in demand than apple barrels. In that event, it would be more profitable for the operator to cut it into framing material.

BY MR. TAVENER:

Q. This section of the valley of Virginia is known as the fruit section?
A. Yes.

Q. Is it not a fact that the stave people have cut out a great deal of the accessible stave wood material in northern Virginia?

A. In the valley west of the Blue Ridge stave timber is getting scarce. It is now necessary to come almost back into West Virginia to get profitable stave wood material, and I understand some western staves are being shipped in.

Q. Then there is a demand for proper stave wood material?

A. I can't say that it is more active than the demand for lumber for building purposes, because they are shipping more apples each year in baskets and smaller containers.

Q. Mr. Stoneburner, do you not know the standard container for fruit in this section is the barrel, and the basket fruit shipped out is almost infinitesimally small?

A. I must say that my observation has been that there is an increase in the demand for baskets.

Q. But is that not almost insignificant as compared to the amount of fruit shipped out in barrels?

A. I don't have the exact figures on that, but just my judgment on the matter.

And further this deponent saith not.

MR. JACK SHIFFLET, State's witness, called in rebuttal, deposes as follows:

Q. Mr. Shifflet, it has been testified here by Mr. A. M. Turner that on a particular eight hundred and fifty acres of land in question here, that there is a good stand of genuine yellow pine. Will you state to the Commission what kind of pine, if any, you found on this particular eight hundred and fifty acre tract?

A. Well, it is a fairly good stand of what I call scrub or sap pine. There is very little yellow pine anywhere on the entire area. You will find the yellow pine on the higher land. In this particular area that has been described here, I would never have classed it as yellow pine. I don't say that Mr. Turner don't know yellow pine and that I do, but I have been cutting timber for the last thirty-eight or forty years, and I never have run into that class of pine that I placed in the yellow pine family at all, and this same pine on this tract; in fact, pretty nearly all of the pine found in that Blue Ridge Mountain and the lower land there is of that sap pine, and it is very poor for lumber, and poorer yet for staves. Outside of being for lime barrel use, they don't use pine staves for apple barrels; and I have been informed, while I am not stating this from my own knowledge ---

BY MR. TAVENER: I object to any testimony by this witness as to what he may have been informed of by other people, and matters that are not his own knowledge.

A. (cont'd.) I will say that pine staves are not used for apple barrel purposes at all. They are used, however, in apple barrel headings. From a lumber standpoint -- I will say this from my own personal knowledge -- that it makes a very poor quality of lumber, especially in its young stage. If you want to manufacture any lumber at all out of it, you will have to put it in frames; it will warp, and in 2x4s it will do the same, unless you edge it and glue it together, and it is a class that brings from five to eight dollars a thousand less than the white pine lumber.

Q. You say it brings from five to eight dollars a thousand less than the white pine?
A. Yes.

Q. How much less than the yellow pine?
A. That rates right along with the white pine. There is very little difference.

Q. Mr. A. M. Turner has also testified here as to the prices of cross ties and boards and all kinds of lumber; that is, the market price during the last five or six years. You heard that testimony, I believe. What would you say as to prices of board and lumber during the years 1930 and 1931 or any years previous to that?

A. I think I have a sale book here in my pocket ----

Q. Have you made any sales during the years 1930 and 1931 of cross ties or any other lumber?

A. Yes sir, about half a million feet during that period.

Q. Do you keep in close contact with the market and keep up with the prices as to different kinds of lumber?

A. I try to, and if I have any railroad stock of any kind to offer, it is natural that I would seek the very best market, and in doing this, in the past five years I have sold pretty near all my boards to one man and practically all the railroad stock to one man, and practically all the export stock to one man, and the prices for 1930 and 1931 range from eighteen or nineteen dollars. I didn't sell any at eighteen, but they tried to buy them for that, but the last switch ties I shipped I got nineteen dollars for in 1931. The sales there represent about thirteen or fourteen carloads, I believe, sold to the Comstock Lumber Company, of Rome, New York. I will state in the beginning that I asked the Chesapeake and Ohio Railroad Company and the Norfolk and Western Railroad Company for prices on this stock before selling to the Comstock Lumber Company, and the prices that I got for the same was about two dollars per thousand feet more than I was offered by the Chesapeake and Ohio or the Norfolk and Western Railroad Company. In 1930 this stock averaged about twenty-two dollars per thousand feet. Sales made to the same company in 1931 was nineteen dollars per thousand feet f.o.b. cars. I also have some recent sales here on boards, seventy-one thousand feet sold in September, 1931, sold to the Kentucky Flooring Company, of Orange, Virginia; prices on the same f.o.b. Orange, Virginia, one common and better, thirty dollars per thousand feet, No. 2 common, twenty dollars per thousand, No. 3 common, fifteen dollars per thousand. This seventy-one thousand feet of oak boards, when delivered at Orange, Virginia, afterpaying freight on the same, averaged me about fifteen dollars and fifty cents per thousand feet. White and other pines sold in 1930 and 1931 on contract price, to the A. Erskine Miller Lumber Yard, at Staunton, Virginia, for twenty-five dollars per thousand feet, delivered. I delivered that by truck. This contract of sale with A. Erskine Miller Lumber Company, of Staunton, Virginia, aggregated a sale of approximately seventy-five thousand board feet in the two years. Mr. Miller, in the last settlement with me on the same, stated that he wouldn't make any more contracts with me for frames and boards.

BY MR. TAVENER: I object to statements that someone else may have made to the witness.

Q. Mr. Shifflet, how does the lumber which you have just testified as to selling, compare in quality with the lumber on the land which is now in question on the Mount Vernon tract?

A. There is nothing on the Mount Vernon tract that will compare with the timber that I cut and delivered this stock from, with the exception of the white pine. The white pine on the Mount Vernon tract is just as good as that.

BY MR. TAVENER: Objection is here made to all statements of this witness in regard to prices obtained by him for lumber during 1931 for the following reasons: first, that the date of the institution of the condemnation proceedings for the taking of this land is the date upon which the value should be determined; and, second, the witness has heretofore testified in this case and filed his exhibit, in his own handwriting, stating that the average value of the timber on this tract is \$22.50 a thousand, and that the witness cannot now be heard to contradict or impeach himself.

(By the witness) I said when I made that out that it was \$2.50 more than the average price.

CROSS EXAMINATION BY MR. TAVENER:

- Q. Mr. Shifflet, I understood you to say that the price of this pine, per thousand feet, at the toe of the mountain, is ordinarily about eight dollars less than the yellow pine, per thousand feet.
- A. I said from five to eight dollars.
- Q. Then Mr. Stoneburner was wrong when he said \$1.50 is a fair difference between that pine?
- A. I don't know what he had in mind. I don't know that he has ever manufactured and sold very much lumber.
- Q. Then, if that pine is worth eight dollars more than that, then the yellow pine there is, according to your original testimony, worth thirty or fifty dollars more?
- A. I said it was not worth more than the white pine.. The class of pine there that I was classing from five to eight dollars less in value -- if you take time to stop in Harrisonburg, there is a man wants about half a million feet of that stuff now for frames, and you will find he will offer from fifteen to eighteen dollars for it delivered here f.o.b. his yard.

By Counsel:- Objection is here made to the voluntary statement of the witness as being not responsive to the question.

- Q. In the manufacturing of staves, do you use the white oak timber?
- A. Oh yes, for oil barrel or different classes of staves.
- Q. I am speaking of apple and lime barrels.
- A. I have manufactured a lot of staves. During the war we had nine stave mills going, but we were working on oil barrels.
- Q. You have not, then, had any experience in the manufacturing of apple barrels?
- A. None.

And further this deponent saith not.

I propose to show by Mr. Oliver Van, who has been unavoidably detained, in substance, the following:

FIRST, that he has been extensively engaged in the manufacturing of apple barrel staves; that he has manufactured hundreds of cords of dead chestnut into staves;

SECOND, that he has purchased that dead chestnut from the government in Trout Run, sixteen miles from the railroad, at seventy-five cents a cord on the stump;

THIRD, that he, at the present time, has a contract with private parties for stave wood timber, east of Trout Run, and twelve or thirteen miles from the railroad, a one dollar a cord on the stump;

FOURTH, that the government, represented by Mr. Stoneburner, has conducted experiments at his mill, lasting over periods of a month or more at a time, in compiling figures as to the number of staves per cord of wood that can be cut, and that, from these figures, under ordinary conditions, three cords of stave wood is equivalent to one thousand feet of lumber.

The government has been selling, in the Trout Run Section, sixteen miles from the railroad, dead chestnut timber, not stave wood, for three dollars a thousand on the stump, and live timber, which, I think, is principally white oak, at six dollars a thousand on the stump.

I propose, further, to show by this witness that land that has been burned over or cut over thirty or forty years ago, and is known as second growth timber, is better adapted for stave wood purposes than other classes of timber; that stave wood people prefer to have a second growth class of timber for staves; that anything over ten inches in diameter almost invariably has to be split in order to be cut advantageously for staves, and for that reason and the additional reason that it requires change or turning of the log on the rack frequently for large timber, timber below eight or nine inches is the best adapted for stave material.

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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 and others, and fifty-two thousand, five
hundred and sixty one acres of land, more or less, Defendants.

Written or printed evidence submitted by the Petitioner and the
respective claimants in the course of the hearings, and taken
into the possession of the Board of Appraisal Commissioners, together
with transcripts of the stenographic notes of so much of the oral
testimony as was reduced to writing for the record, and separate
maps of each of the tracts or parcels of diverse ownership in area
sought to be condemned, which separate maps were submitted by the
petitioner as a part of its evidence as to the nature, character,
and elements of value to be taken into consideration in ascertaining
the value of said tracts or parcels of diverse ownership within the
area described in the petition.

Submitted with and in pursuance of the report filed by the Special
Investigators and members of the Board of Appraisal Commissioners
appointed in the above styled proceedings, and dated the 24 day
of Aug 1932.

Signature of the Secretary of the
Board of Appraisal Commissioners
hereto attached to identify the
enclosed.

Geo. H. Levi

George H. Levi, Secretary, Board
of Appraisal Commissioners.