

## NAME OF CLAIMANT

#1 - Hensley, Victoria

Number of Acres: 28

Location: Near Maple Springs School.

Roads: Seven miles fair dirt road to Elkton.

Soil: Sandy clay, fair depth and fertility, somewhat rocky in wooded portion, steep to moderate slopes, southwest exposure.

History of Tract and condition of timber: Large portion of tract cleared many years ago, grazed and cultivated since. Wooded area cut over repeatedly in past. Present stand consists of mixed oaks and some poplar and hemlocks along the stream. Tract is estimated to cut 1 M. bd. ft. per acre. (Page Co.) 28 M. bd. ft. (Rockingham County)

Improvements: None.

## Acreage and value of types:

Types	Acreage		Value per acre	Total Value
Ridge:				
Slope:	27	@	\$3.00	\$81.00
Cove:	1	@	5.00	<u>5.00</u>
				\$86.00

Grazing Land:

Fields Restocking:

Cultivated Land:

Orchard:

Minerals:

Value of Land: \$ 86.00

Value of Improvements: \$

Value of Orchard: \$

Value of Minerals: \$

Value of Fruit: \$

Value of Timber: \$

Value of Wood: \$

Value per acre for tract: \$ 3.07

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



County: Page  
District: Shenandoah Iron Works

County: Rockingham  
District: Stonewall

#1 (Rockingham County)  
#643 (Page County) Hensley, Mrs. Victoria

Acreage Claimed: Assessed 150 A. Deed 150 A.

Value Claimed: " \$225.00

Location: Near Maple Springs school.

Incumbrances, counter claims or laps: None known.

Soil: Sandy clay, fair depth and fertility, somewhat rocky in wooded portion, steep to moderate slopes, southwest exposure.

Roads: Seven miles fair dirt road to Elkton.

History of tract and condition of timber: Large portion of tract cleared many years ago, grazed and cultivated since. Wooded area cut over repeatedly in past. Present stand consists of mixed oaks and some poplar and hemlocks along the stream. Tract is estimated to cut 1 M bd. ft. per acre valued at \$2.10 per M (177 M bd. ft.) (Page County) \$371.70  
28 M bd. ft. valued at \$2.10 (Rockingham County) - - 58.80

Improvements: (Page County)

Dwelling: 16x21', log and frame, porch 8x21', 6 rooms, brick flue, fair condition, occupied by tenant, spring water supply. - \$400.00  
Barn: Log, 24x45x12', shingled roof, fair condition. - 250.00  
Granary: Frame, 10x14x10', metal roof, good condition. - 60.00  
Tool house: Log, 10x14x8', shingled roof, poor condition. 10.00  
Hen house: Frame, 10x10x8', metal roof, good condition. 30.00  
Abandoned old house: 16x18x12', shingled roof, poor condition. 50.00

25 apple trees forty years old in fair condition valued at \$60.00 per acre ( $\frac{1}{4}$  acre). - - -

30.00  
\$830.00

Acreage and value of land by types: (Page County)

Type	Acreage	Value per A.	Total Value
Cove	4	4.00	16.00
Slope	173	3.00	519.00
F G	21	10.00	210.00
F C	15	20.00	300.00
F R	2	5.00	10.00
	<u>215</u>		<u>\$1055.00</u>

Value of land - - - - \$1,055.00 (Page County)  
Value of improvements 830.00 " "  
Value of timber - - - 371.70 " "  
Value of tract - - - \$2,256.70 " "  
Value per acre - - - \$10.50 " "



County: Page  
District: Shenandoah Iron Works

County: Rockingham  
District: Stonewall

-2-

#1 (Rockingham County)  
#643 (Page County) Hensley, Mrs. Victoria

Cont'd.

Acres and value of land by types: (Rockingham County)

Type	Acres	Value per A.	Total Value
Cove	1	4.00	4.00
Slope	27	3.00	81.00
	<u>28</u>		<u>85.00</u>

Value of land - - -	\$85.00	(Rockingham County)
" " timber - - -	58.80	" "
" " tract - - -	143.80	" "
" per acre - - -	5.14	" "

SUMMARY

Page and Rockingham counties

Total number of acres 243 A.

Total value of tract \$2,400.50

Average value per acre - 9.88.



IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

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

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

SEP 29 1932

*Robert L. Smith* Clerk

TO THE HON. H.W.BERTRAM, JUDGE OF SAID COURT.

The motion of John A. Hensley and of Layton W. Hensley, the latter objecting on behalf of himself and the other heirs at law of Virginia V. Hensley, praying said Court to disapprove and to decline to accept the finding of the Board of Appraisal Commissioners, heretofore appointed by said Court in the above matter, wherein said Board reported, under No. 56 of its findings, as filed in the Clerk's Office of said Court, that the movants are only entitled to 89 acres of land when they should have found that the movants are entitled to at least 100 acres of land, and wherein the said Appraisal Board valued said land at only \$12.42 per acre which <sup>per</sup> it should have been valued at \$25.00 per acre.

The grounds of said motion are as follows:

- (1) That the price per acre allowed for said lands is manifestly inadequate and confiscatory, because said lands are worth at least \$25.00 per acre, as is shown by the affidavits attached hereto.
- (2) That the finding of said Board was based upon a mistake of law as to the nature and effect of the evidence produced before said Board by the above named parties.
- (3) That the finding of said Board is, apparently, from the statements contained in its report, based upon the physical character of the land alone, without taking into consideration, or at least without giving any effect in its final decision to, the



income-producing capacity of the land or to the fact that all such grazing lands on the Blue Ridge Mountains are being taken under these condemnation proceedings, and that like grazing lands cannot be purchased for any such amount as allowed to the said movants, all of which will more readily appear from the affidavits attached hereto.

(4) That the said Appraisal Board did not take into consideration, in making its allowance for compensation for the taking of said lands, the value of the minerals, especially the gold, found to be upon said lands from an assay made by the Treasury Department of a sample of the earth sent them, the report of the assay being presented to the Appraisal Board at their hearing, which report is now with the papers in this cause. Said report and the affidavits attached hereto are asked to be read in support of the above exceptions.

These grazing lands are needed by movants in connection with their farming operations, and the State Commission on Conservation and Development is hereby asked to exclude same from the Park area.

*John N. Hensley  
Layton M. Hensley &  
other heirs of V. I. Hensley*  
By Counsel.

*GEO. S. HARNBERGER*  
Counsel.



IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

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

The affidavit of John A. Hensley, to be read in connection with the motion filed by him and Layton W. Hensley to have the finding of the Board of Appraisal Commissioners disapproved in connection with its finding No. 56.

State of Virginia,

City of Harrisonburg, to-wit:

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

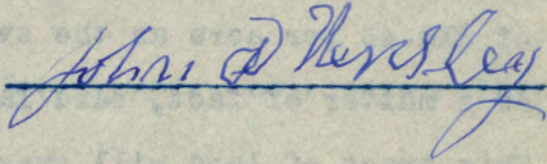
I am the owner, along with Layton W. Hensley and the other heirs at law of Virginia V. Hensley, of a tract of land situate about five miles east of Elkton, on the western side of the Blue Ridge Mountains, in the contemplated Park area, which the Appraisal Board has reported as only 89 acres of land, while, as a matter of fact, there is at least 100 acres, and probably more, within the area. The said Appraisal Board only allowed the sum of \$12.42 per acre as the average price for said 89 acres, while, as a matter of fact, said land is worth at least \$25.00 per acre. This tract of land will graze at least 40 head of cattle for six months each and every year, which, at \$1.00 per head per month, would make a total income of \$240.00 per year, or the interest on \$4,000.00. Affiant is only asking the sum of \$2,500.00, because that is the price that he has been offered on several occasions for the property, and what he believes he could get to-day.

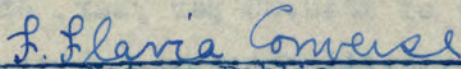


Affiant is the owner of a farm situate in Rockingham County, Virginia, and must have for use in connection therewith grazing lands where stock can be kept during the summer so that he will have stock to consume the roughness on his farm during the winter. If this grazing land is taken under this condemnation proceeding, and all like grazing lands <sup>on the Blue Ridge mountains</sup> are also taken, as contemplated in these proceedings, then it will be impossible for your affiant to replace said grazing land at the price allowed by the Appraisal Board, or even at the price affiant is now asking.

Several years ago, your affiant, together with certain other parties, sent to the assaying office of the Treasury Department a sample of certain minerals taken from the lands which are now being considered, and the assaying office sent a report showing that the sample sent them contained gold. This report was submitted, along with the other evidence, to the Appraisal Board, but the Board has not allowed any compensation therefor. It was explained to the Board at the time of the presentation of the evidence before them that this sample was taken largely from the surface of the land, without making any special effort at prospecting, and your affiant has reason to believe that gold exists on said land in a quantity that would justify commercial development.

Your affiant asks that this land be excluded from the Park area in order that the same may be retained by him.

  
Subscribed and sworn to  
before me this <sup>29th</sup> ~~27th~~ day of September,  
1932.

  
Notary Public.



IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

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

The affidavit of Taylor H. Hensley, to be read  
in connection with the motion filed by John A. Hensley and Layton  
W. Hensley to have the finding of the Board of Appraisal Com-  
missioners disapproved in connection with its finding No. 56.

State of Virginia,

City of Harrisonburg, to-wit:

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

I am well acquainted with the mountain grazing farm owned  
by the said John A. Hensley and others, situate about five miles  
east of Elkton, on the western slope of the Blue Ridge Mountains,  
in the Park area. I have been upon the land a number of times,  
and have seen the cattle thereon and the condition of the same  
when they were taken therefrom. I am of the opinion that at  
least 40 head of cattle can be advantageously grazed upon said land  
during six months of each and every year of average rainfall.  
Pasture on the average is at least worth \$1.00 per head, which  
would make an income of \$240.00 per year to be received from said  
land, to say nothing of the locust posts that can be obtained  
therefrom, either for use on the other lands of the owners or for  
sale. I consider the average price of \$12.42 per acre allowed  
by the Appraisal Board to be absolutely an inadequate price for



said land, and believe that said land is worth at least \$25.00 per acre. That if all of the grazing lands upon the Blue Ridge Mountains are taken, as is contemplated by these condemnation proceedings, I do not believe that such grazing lands can be replaced for \$25.00 per acre, and certainly not for the sum allowed by said Appraisal Board. I would consider the price of \$12.42 per acre for said land as entirely too cheap for the same, and not in any sense the fair market value of said land under any normal condition.

Layton, W. Hersley

Subscribed and sworn to before

me this 29th day of September,  
1932.

L. Flavia Converse,  
Notary Public.



IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

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

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

NOV 4 1932

*J. Robert Lutz* Clerk

Statement made by *John H. Kinsley* and  
*Layton H. Kinsley*, pursuant to a decree  
entered in the above entitled cause on October 25, 1932, in re-  
sponse to Item No. 1 of the inquiry made in said decree.

Your respondents say that the acreage listed in the re-  
port of the Appraisal Board, under its No. *56*, is believed  
to be approximately correct, and that they do not desire to make  
any objection to the acreage as there given, *as Geo. Waples*  
*was formerly taken there to.*

Your respondents further say that it <sup>*is*</sup> ~~is~~ not the number  
of acres allowed them to which exception <sup>*(is given)*</sup> ~~was~~ taken, but that the  
*now included on all*  
exceptions ~~heretofore~~ <sup>*now included on all*</sup> filed by them were to the amount allowed  
your respondents per acre.

*John H. Kinsley*  
*Layton H. Kinsley*  
By Counsel.

*Geo. S. Harnsberger*  
Counsel.



In the Circuit Court of Rockingham County, Virginia

THE STATE COMMISSIONER OF CONSERVATION  
AND DEVELOPMENT OF VIRGINIA

Petitioner

v.

At Law Number 1

CASSANDRA LAWSON ATKINS and others

Defendants

On this 9 <sup>March</sup> day of ~~February~~, 1934, came VICTORIA MEADOWS HENSLEY, and on her motion leave is given her to file her application for disbursement of the sum of EIGHTY-SIX DOLLARS (\$86.00) the amount of the award set out in the judgment of condemnation for tract Number 1 and heretofore paid into court.

And it appearing to the court that VICTORIA MEADOWS HENSLEY is invested with a superior or better right or claim of title in and to said tract of land Number 1 than any other person or persons, and that the records of this cause do not disclose any denial or dispute, by any party or person in interest as to the title to said tract Number 1 or to the proceeds arising from the condemnation of said tract Number 1;

And it further appearing to the court that all taxes due on said tract Number 1 have been paid.

Upon consideration whereof, it is considered and ordered by the court that the said sum of EIGHTY-SIX DOLLARS (\$86.00) paid into court by petitioner as just compensation for tract Number 1 be disbursed to VICTORIA MEADOWS HENSLEY.

And the Clerk of the Court is directed to transmit a certified copy of this <sup>order</sup> to the Treasurer of Virginia who shall disburse said sum of EIGHTY-SIX DOLLARS (\$86.00) by paying the same to W. W. Wharton, attorney, taking a receipt of the amount paid and certify such payment to the Clerk of this court for appropriate entry thereof as required by law.

*Recd  
HWP*

*20  
135 3/9/34*



**LAW OFFICES**  
**W. W. WHARTON**  
**HARRISONBURG, VIRGINIA**



Virginia: In the Circuit Court of Rockingham County

THE STATE COMMISSIONER ON CONSERVATION  
AND DEVELOPMENT of the STATE OF VIRGINIA

Petitioner

V. At Law Number 1

CASSANDRA LAWSON ATKINS and others,  
and FIFTY-TWO THOUSAND, FIVE HUNDRED AND  
SIXTY-ONE ( 52,561 ) acres of land, more  
or less.

Defendants

To The Honorable H. W. Bertram, Judge of said Court

Your petitioner, VICTORIA MEADOWS HENSLEY, Represents

That a judgment in rem has heretofore been entered in this proceeding condemning to the use of the petitioner the fee simple estate in a tract of land formerly the property of your petitioner, situated in the Blue Ridge Mountain in Stonewall District, Rockingham County, Virginia, said tract is described in the report of the Board of Appraisal Commissioners appointed herein, and shown, numbered, and delineated on the county ownership map filed herewith as tract Number 1 at the price of EIGHTY-SIX DOLLARS ( \$86.00 ).

Your petitioner further shows to the Court that said tract of land is a part of a larger tract of land situated in Page County, Virginia, and that all taxes against said property to and including the year 1933, against said property have been paid in Page County, and certificates to that effect from the Treasurer of Page County, and Clerk of the Circuit Court of Page County, to that effect are filed herewith marked "Exhibit Certificate No. 1" and "Exhibit Certificate Number 2" also "Exhibit Number 3" a certificate from CHARLES E. ESTEP, Commissioner of Revenue of Rockingham County to the effect that said tract of <sup>LAND</sup> ~~land~~ has not been assessed for taxes in Rockingham County Virginia, all of said exhibits are prayed to be read as a part hereof.

Your petitioner further shows to the Court that there are no liens on this property of any character.

That no other person or persons than your petitioner is entitled to share



in the distribution of said award;

Wherefore your petitioner prays that she may be made a party herein and be allowed to file her petition in these proceedings; that an order may be entered in this proceeding for the distribution of said award, and that your petitioner may have such other and further relief as the nature of its case may require, and will ever pray, etc.

Witness  
W. H. Wright  
Victoria Meadows Hensley  
Hensley  
Meadows

STATE OF VIRGINIA,

COUNTY OF ROCKINGHAM, To-wit:

This day VICTORIA MEADOWS HENSELY, the petitioner, in the above entitled matter, personally appeared before me, W. H. Wright, a Notary Public in and for the County and State aforesaid, in my County aforesaid, and being duly sworn, deposes and says:

I am the petitioner in the above entitled matter. I am acquainted with the contents of the above petition, and do hereby state that the matters of fact therein set forth are true, to the best of my knowledge and belief.

Witness  
W. H. Wright  
Victoria Meadows Hensley  
Hensley  
Meadows

Subscribed and sworn to before me this 10<sup>th</sup> day of February, 1934.

W. H. Wright  
Notary Public



"  
Exhibit No 1"

To Whom It May Concern:

I hereby certify that the records of my office show that Victoria Meadows Hensley has paid the taxes for the year 1932 and 1933 on her tract of 159 acres of land situated in Shenandoah Precinct District of Page County, Virginia. Also, she has paid the taxes for the year 1932 and 1933 on 28 acres of an adjoining tract situated in Stonewall District, Rockingham County, Virginia. Said taxes on said 28 acres have been assessed by Page County and paid in said County. All taxes prior to that time if any be unpaid are matter of record in the Clerk's office of said County. Tract No 643.

Given under my hand this 17 day of February, 1934.

E. M. Hershberger  
Treasurer of Page County



"Exhibit No 2"

This is to certify that there are No delinquent taxes of record in my office to the amount of \$ None against the tract of land owned by Victoria Hemby Meadow

\_\_\_\_\_ which is designated as Tract No 643 ; Tract No. — ; Tract No. —

on the County Ownership Map filed in my Office in the action at Law pending in the name and style of the Commission on Conservation &c., vs Ada Abbott, and others. Containing 150 a.

Given under my hand this 17 day of Feby, 193 4

James Miller Clerk  
Circuit Court, Page County, Virginia

By Robert Smith Deputy  
Clerk



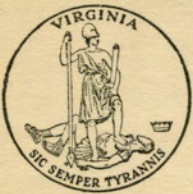
"Exhibit No 3"

To Whom It May Concern:

I certify that the records of my office show that no taxes have been assessed against a tract of land of TWENTY-EIGHT (28) acres in Stone-wall District, Rockingham County, Virginia, known as tract Number One, *owned by Victoria Meadows Hensley.*  
Given under my hand this 22<sup>nd</sup> day of February, 1934.

*Hattie B. Miller, Dep't Comm*  
Commissioner of Revenue of Rockingham  
County, Virginia.





JOHN M. PURCELL  
TREASURER OF VIRGINIA

# Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

March 16, 1934.

This is to certify that I, J. M. Purcell, Treasurer  
of Virginia have this 16th day of March in accordance  
with an order of the circuit court of Rockingham  
dated 3/9/34 in the cause of the State Commission  
on Conservation and Development of the State of Virginia  
vs. Cassandra Lawson Atkins et als  
paid to W. W. Wharton, Attorney.  
\$ 86.00 being in full settlement of tract # 1  
in the above mentioned cause.

*John M. Purcell*  
Treasurer of Virginia.  
*By W. L. Young*  
DEPUTY TREASURER OF VIRGINIA





JOHN M. PURCELL  
TREASURER OF VIRGINIA

# Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

March 16, 1934.

W. W. Wharton, Attorney,

Received of J. M. Purcell, Treasurer of Virginia, the sum of \$ 86.00, in accordance with an order of the Circuit Court of the county of Rockingham entered on the 9th day of March 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 # 1.

*W. W. Wharton, attorney*

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