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VIRGINIA: IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY

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

44  
3  
132

V.

CLIFTON AYLOR, AND OTHERS, AND THIRTY-SEVEN THOUSAND,  
FOUR HUNDRED (37,400) ACRES OF LAND, MORE OR LESS,  
IN RAPPAHANNOCK COUNTY, - - - - - DEFENDANTS.

This day came the Petitioner by Counsel and exhibited to the Judge of this Court the record of the above styled proceedings, including the several exceptions, objections and motions with respect to the findings set forth in the Report of the Board of Appraisal Commissioners, the answer of Petitioner thereto, and the accompanying supporting affidavits:- which several exceptions, objections, and motions were filed by (A) G. Tyler Miller and Mrs. E. T. Miller, (represented by Harrison and Harrison) Attorneys, (B) Mrs. Evelyn Tyler Miller (C. B. Miller, George Tyler Miller, Julia M. Settle) and William Arthur Miller, (C) Henry T. Miller, B. F. Miller and N. M. Booth, represented by Harrison & Harrison, Attorneys. (D) H. M. DeJarnette and E. H. DeJarnette, Jr., represented by E. H. DeJarnette, Attorney. (E) E. G. Brumback, represented by S. L. Walton, Counsel. (F) E. G. Brumback and J. F. Brumback, represented by S. L. Walton, Counsel. (G) James A. Estes. (H) D. H. Kendall, W. O. Kendall, J. K. Kendall, and Mrs. M. H. Abbott, represented by S. L. Walton, Counsel. (I) Britton L. Atkins. (J) H. C. Atkins, represented by W. F. Moffett, Counsel. (K) J. A. Williams, Paul Taylor, R. L. Cheatham and A. M. Priest. (L) Addie Frank Clark. (M) Jeremiah Atkins. (N) J. W. Atkins (O) L. F. Swindler. (P) Frank H. Cox, represented by Andrew J. Ellis, Counsel. (Q) Jeremiah Atkins and Caroline Atkins. (R) W. P. Slaughter and Mary D. Slaughter, represented by E. W. Chelf and George W. Settle, Counsel. (S) Edith M. Harper, represented by E. W. Chelf and George W. Settle, Counsel. (T) J. Walton Wood, represented by W. F. Moffett, Counsel. (U) Irene B. Putney. (V) Frank Compton, represented by W. F. Moffett, Counsel. (W) Maurice Clark, represented by W. F. Moffett, Counsel. (X) Judith Carter, represented by W. F. Moffett, Counsel. (Y) Oklahoma Bowen, represented by E. W. Chelf, Counsel. (Z) A. Harrison Jenkins, represented by B. Strother, Counsel. (AA) Alfred Iles, represented by William D. Medley and Arthur E. Cook, Attorneys.

Copy mailed Mrs. Steinmetz - Adm - Washington, Pa.

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

Whereupon it is ordered that this proceeding be, and the same is hereby set for hearing on the said several exceptions, objections and motions, and the answer thereto, and the accompanying affidavits, on the 8th day of August, 1933, at ten o'clock A.M.

And said respective objectors, exceptants, and movants

are granted fifteen days from the date of the entry of this order within which they may file with the record such additional affidavits as they may be advised; and said Petitioner is granted fifteen days after the expiration of said period, within which it may file with the record, such additional affidavits as it may be advised.

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

The Clerk of the Circuit Court of Rappahannock County Virginia will enter the foregoing upon the Common Law Order Book of his Court as a Vacation order.

Given under my hand in Vacation at Leesburg, Virginia, this July 1st, 1933.

J. R. H. Alexander  
Judge of the Circuit Court  
of Rappahannock County  
Virginia.

A true copy of an order entered by the undersigned on July 3, 1933, in accord with its terms.

---

CLERK

The Clerk of this Court shall forthwith mail a copy of this order to each of the said objectors, exceptants, and respondents whose post office address is filed with the record, under provisions of Section V of the Public Law Commission Act, and to their respective attorneys of record at the post office address of said attorneys, as shown by the record of respective names in the Clerk's office. The Clerk shall also mail a copy of this order to the Clerk of the District Court of the County of Loudoun, Virginia.

The Clerk of the District Court of Loudoun County, Virginia will enter the foregoing upon the Common Law Order Book of his Court as a Vacation Order.

Given under my hand in Vacation of Loudoun County, Virginia, this 14th day of June, 1933.

J. H. ...  
Clerk of the District Court  
of Loudoun County  
Virginia

Frank Miller -  
Box 4874 -  
Clarendon, Va.

Hannie W. Booth -  
Quarters 59a -  
Fort Des Moines, Iowa -

VIRGINIA: IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY

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

V.

CLIFTON AYLOR, AND OTHERS, AND THIRTY-SEVEN THOUSAND,  
FOUR HUNDRED (37,400) ACRES OF LAND, MORE OR LESS,  
IN RAPPAHANNOCK COUNTY, - - - - - DEFENDANTS.

This day came the Petitioner by Counsel and exhibited to the Judge of this Court the record of the above styled proceedings, including the several exceptions, objections and motions with respect to the findings set forth in the Report of the Board of Appraisal Commissioners, the answer of Petitioner thereto, and the accompanying supporting affidavits:- which several exceptions, objections, and motions were filed by (A) G. Tyler Miller and Mrs. E. T. Miller, represented by Harrison and Harrison, Attorneys. (B) Mrs. Evelyn Tyler Miller, C. B. Miller, George Tyler Miller, Julia M. Settle and William Arthur Miller. (C) Henry T. Miller, B. F. Miller and N. M. Booth, represented by Harrison & Harrison, Attorneys. (D) H. M. DeJarnette and E. H. DeJarnette, Jr., represented by E. H. DeJarnette, Attorney. (E) E. G. Brumback, represented by S. L. Walton, Counsel. (F) E. G. Brumback and J. F. Brumback, represented by S. L. Walton, Counsel. (G) James A. Estes. (H) D. H. Kendall, W. O. Kendall, J. K. Kendall, and Mrs. M. H. Abbott, represented by S. L. Walton, Counsel. (I) Britton L. Atkins. (J) H. C. Atkins, represented by W. F. Moffett, Counsel. (K) J. A. Williams, Paul Taylor, R. L. Cheatham and A. M. Priest. (L) Addie Frank Clark. (M) Jeremiah Atkins. (N) J. W. Atkins (O) L. F. Swindler. (P) Frank H. Cox, represented by Andrew J. Ellis, Counsel. (Q) Jeremiah Atkins and Caroline Atkins. (R) W. P. Slaughter and Mary D. Slaughter, represented by E. W. Chelf and George W. Settle, Counsel. (S) Edith M. Harper, represented by E. W. Chelf and George W. Settle, Counsel. (T) J. Walton Wood, represented by W. F. Moffett, Counsel. (U) Irene B. Putney. (V) Frank Compton, represented by W. F. Moffett, Counsel. (W) Maurice Clark, represented by W. F. Moffett, Counsel. (X) Judith Carter, represented by W. F. Moffett, Counsel. (Y) Oklahoma Bowen, represented by E. W. Chelf, Counsel. (Z) A. Harrison Jenkins, represented by B. Strother, Counsel. (AA) Alfred Iles, represented by William D. Medley and Arthur E. Cook, Attorneys.

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

Whereupon it is ordered that this proceeding be, and the same is hereby set for hearing on the said several exceptions, objections and motions, and the answer thereto, and the accompanying affidavits, on the 8th day of August, 1933, at ten o'clock A.M.

And said respective objectors, exceptants, and movants

are granted fifteen days from the date of the entry of this order within which they may file with the record such additional affidavits as they may be advised; and said Petitioner is granted fifteen days after the expiration of said period, within which it may file with the record, such additional affidavits as it may be advised.

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

The Clerk of the Circuit Court of Rappahannock County Virginia will enter the foregoing upon the Common Law Order Book of his Court as a Vacation order.

Given under my hand in Vacation at Leesburg, Virginia, this July 1st, 1933.

J. R. H. Alexander  
Judge of the Circuit Court  
of Rappahannock County  
Virginia.

A true copy of an order entered by the undersigned on July 3, 1933, in accord with its terms.

*Jas. M. Seute, Clerk*  
CLERK

VIRGINIA: IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY.

To the Hon. J R H Alexander, Judge of said Court.

Pursuant to an order of your Honor's court entered on July 3, 1933, in the condemnation proceeding under the style of The State Commission on Conservation & Development of the State of Virginia, Petitioner, V Clifton Aylor, and others, and Thirty-Seven Thousand, Four Hundred (37,400) acres of land, more or less, in Rappahannock County, Defendants, your undersigned Clerk of the Circuit Court of said County, begs leave to report;

That on July 5th, 1933, a duly certified copy of said order, entered as aforesaid on July 3, 1933, was mailed to each of the exceptants, objectors and movants named in said order, and to their respective attorneys as shown by the record, to their respective post office addresses, as shown by the record, or otherwise known to your undersigned. A copy of the said order is hereto attached and made a part of this my report.

Respectfully submitted,

July 5, 1933.

*Filed with the  
record July 5, 1933.*

*Jas. M. Settle*  
Clerk of the Circuit Court of  
Rappahannock County, Virginia.

IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY, VIRGINIA.

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

vs: Report of Jas.M.Settle, Clerk.

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

To the Honorable J R H Alexander, Judge of said Court.

Pursuant to an order of your Honor's Court entered in the  
above styled proceeding on May 21st, 1932, your undersigned, Clerk  
of the Circuit Court of said County, respectfully submits the  
following report as called for in said order:

That he did on July 7th, 1932, mail a copy of the Blue Ridge  
Guide, the newspaper in which a copy of said order was published,  
to all claimants and respondents who had filed claims and answers  
with the record in my office in the above styled proceeding, to  
their respective Post Office addresses as shown by the record.

Attached hereto and made a part of this report is a list  
of names and addresses of all parties to whom said notice, con-  
tained in said newspaper, was mailed on July 7th, 1932. A copy  
of said newspaper being mailed to each of said parties named and  
listed in the attached list.

Respectfully submitted,

Jas. M. Settle, Clerk.

State Commission on Conservation & Development  
of the State of Virginia.

vs: Taxation of costs from Oct. 18, 1930 to Sept. 8, 1932.

Clifton Aylor, et als, etc.

1/14/32	To two Court orders at 50c each .....	\$ 1.00
1/18/32	" 1 " " .....	1.00
2/16/32	" 1 " " .....	1.50
5/17/32	" 1 " " .....	1.00
5/21/32	" 1 " " .....	1.00
1/15/32	" 1 " " .....	1.00
7/18/32	" 1 " " .....	.50
8/30/32	" 1 " " .....	2.00
7/18/32	" Filing notice .....	.20
1/26/32	" Acknowledgement to ans. of E.W.Chelf, g.a.l. ....	.50
1/26/32	" Filing answer of g/a/l. ....	.20
2/16/32	" Copy order to Editor Blue Ridge Guide .....	1.50
6/15/32	" Filing Petition & Court Order & copy bond .....	.40
7/7/32	" Mailing 203 Copies of newspaper containing notices as per court order at 25¢ .....	50.75
	" Postage on above .....	8.12
	" Wrappers for above .....	2.03
	" J.M.Settle, Clerk- Report on above as ordered .....	4.00
9/1/32	" Mailing 42 copies of Court Order to Objectors as per court order \$1.50 each .....	63.00
	" Postage on same .....	2.52
	" Entering order in Order Book, Indexing, etc.....	2.00
	" J.M.Settle, Clerk- report on above as ordered .....	1.25
	" Filing all papers of Appraisal Commissioners .....	1.00
	" Taxing costs and copy 50¢; filing all papers 25¢....	.75
		<u>\$147.22</u>

copy sent S.H. Marsh. 10/12/32

Nov. 8<sup>th</sup> 1932. By Clerk R. A. Gilman, Jr

147.22

State Commission on Conservation & Development  
of the State of Virginia.  
as: Taxation of costs from Oct. 18, 1930 to Sept. 8, 1932.  
Clifton Aylor, et als, etc.

1.00	To two Court orders at 50c each	1/14/32
1.00	" " " "	1/18/32
1.50	" " " "	1/18/32
1.00	" " " "	1/18/32
1.00	" " " "	1/18/32
1.00	" " " "	1/18/32
1.00	" " " "	1/18/32
.50	" " " "	1/18/32
2.00	" " " "	1/18/32
.20	Filing notice	1/18/32
.50	Acknowledgment to ans. of E.W. Ghell, G.S.I.	1/18/32
.20	Filing answer of G.S.I.	1/18/32
1.50	Copy order to Editor Blue Ridge Guide	1/18/32
.40	Filing Petition & Court Order & copy bond	1/18/32
	Mailing 203 copies of newspaper containing notices	1/18/32
50.75	as per court order at 25c	1/18/32
8.12	Postage on above	1/18/32
2.03	Wrappers for above	1/18/32
4.00	J.M. Settle, Clerk- Report on above as ordered	1/18/32
	Mailing 42 copies of Court Order to Objectors	1/18/32
63.00	as per court order \$1.50 each	1/18/32
2.52	Postage on same	1/18/32
2.00	Entering order in Order Book, Indexing, etc.	1/18/32
1.25	J.M. Settle, Clerk- report on above as ordered	1/18/32
1.00	Filing all papers of Appraisal Commissioners	1/18/32
.75	Taxing costs and copy 50c; filing all papers 25c	1/18/32
<u>\$147.22</u>		

*Costs found from  
Oct. 18, 1930 to Sept. 8, 1932.*

9/1/32

*Nov 8 1932. By Clerk R.A. Robinson Jr.*

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

v. Statement of costs in Rappahannock County from April 7th  
to Oct. 18, 1930.

Clifton Aylor, et als., and 37,400 acres of land in  
Rappahannock County, Virginia.

4/7/30

To filing petition 20c; affidavit 25c; filing same 15c--	.60
" Docketing 25c; vacation order \$1.25 -----	1.50
Order for publication \$3.00; copy same 1.00 -----	4.00
H.F.Keyser, sheriff, posting notice -----	.75
To mailing 255 copies of newspaper containing notices at 25c per copy-----	63.75
To postage for mailing notices-----	5.10
" filing 170 claims at 15c -----	25.50
" recording 4 court orders at 1.00 each -----	4.00
" " Court order- dates set for hearings-----	2.50
" Orders- qualification of commissioners-----	3.00
" Taxing costs and copy 50c; filing papers 25c -----	.75

\$111.45  
111.45

*Nov - 6 - 1930 - By check*

7/7/32

*To Postage + Wrappers.*

*\$ 6.09*



to said tract of land;

(2) Who are the true and lawful owners of said tract of land No. 199-III, which is reported in the names of both the said James W. Huffman and Charles N. Spitler and C. J. Miller, Jr., Louise Miller Price and the heirs of W. L. Taylor, deceased, or who is invested with a superior or better right or claim of title in and to said tract of land; and

(3) To ascertain and state the liens binding said real estate, including delinquent taxes, if any, according to their respective priorities; and

(4) To ascertain and state by whom the costs of this reference should be paid, and in what proportion.

But before said Commissioner shall proceed to execute the requirements of this order, he shall give ten days' personal notice to the said W. M. Varner, J. A. Varner, Charles N. Varner, John H. Varner, James W. Huffman, Charles N. Spitler, C. J. Miller, Jr., and Louise Miller Price, and give notice to the said unknown heirs of Julia C. Overall, deceased, the unknown heirs of W. L. Taylor, deceased, any and all creditors asserting a lien against either of the aforesaid tracts or parcels of land, and any and all other parties in interest by publication of the time and place of executing this order once a week for four successive weeks in a newspaper published in Rappahannock County, which publication shall be in lieu of personal service.

STATE CONSERVATION COMMISSION

publication shall be in lieu of personal service.

weekly in a newspaper published in Hampshire County, which  
and place of executing this order once a week for four successive  
any and all other parties in interest by publication of the time  
against either of the aforesaid tracts or parcels of land, and  
W. F. Taylor, deceased, any and all creditors asserting a lien  
unknown heirs of Julia C. Overall, deceased, the unknown heirs of  
Miller, Jr., and Louisa Miller Price, and give notice to the said  
John H. Varner, James W. Huffman, Charles M. Spiller, C. J.  
notice to the said W. M. Varner, J. A. Varner, Charles M. Varner,  
the requirements of this order, he shall give ten days' personal

reference should be paid, and in what proportion.

VS. ) ( ORDER OF REFERENCE  
CLIFTON AYLOE, & C.

*Recorded in New Order Book  
page 181*

*Enter  
Alex?*

of land No. 139-III, which is reported in the names of both the  
(3) Who are the true and lawful owners of said tract  
to said tract of land;

# STATE COMMISSION ON CONSERVATION AND DEVELOPMENT

WILLIAM E. CARSON, CHAIRMAN, RIVERTON  
COLEMAN WORTHAM, VICE CHAIRMAN, RICHMOND  
JUNIOUS P. FISHBURN, ROANOKE  
E. GRIFFITH DODSON, NORFOLK  
RUFUS G. ROBERTS, CULPEPER  
THOMAS L. FARRAR, CHARLOTTESVILLE  
LEE LONG, DANTE

R. A. GILLIAM  
EXECUTIVE SECRETARY AND TREASURER

RICHMOND, VA.



## Shenandoah National Park Division

S. H. MARSH, SUPERVISOR  
PHONE 84, FRONT ROYAL

BUREAUS OF THE COMMISSION

GEOLOGICAL SURVEY  
WATER RESOURCES AND POWER  
FOREST SERVICE  
PARKS AND LANDSCAPE ENGINEERING  
ARCHAEOLOGY AND HISTORY  
STATE PUBLICITY

ADDRESS YOUR REPLY TO  
FRONT ROYAL, VA.

March 13, 1934

Mr. James M. Settle  
Clerk of the Circuit Court of Rappahannock County  
Washington, Virginia

Dear Sir:

Be good enough to furnish us, at the earliest possible moment, statement of all fees, costs, allowances and charges of every kind arising out of the Shenandoah National Park Condemnation proceeding pending in your County, for the payment of which, to your good self or to your office, the State Commission on Conservation and Development is properly chargeable, down to the fifteenth day of March, 1934.

We request that the statement be sent to us before being submitted to the Court for approval, as by so doing, we can probably avoid the need for a hearing on the various items to be included in your statement.

As it will be to your own interest to have all fees, costs and expenses paid in full before we begin depositing the amounts of the awards for the lands we seek to acquire, it is of the utmost importance that this statement should be made up and forwarded to us at the earliest practicable moment.

Mail your statement to Mrs. Emma K. Stokes, Secretary, Shenandoah National Park Division, Front Royal, Virginia.

Yours very truly,

STATE COMMISSION ON CONSERVA-  
TION AND DEVELOPMENT

BY

A. C. Carson

*accts. mailed  
F.R. office.  
3/19/34  
Jas. M. Settle, clerk.*

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

TO- JAS.M.SETTLE, CLERK OF RAPPAHANNOCK COUNTY

To personal services rendered to employees of the  
State Commission on Conservation and Develop-  
ment of the State of Virginia, from the time  
of institution of Condemnation proceedings to  
March 17, 1934, in assisting said employees in  
searching records, etc. of the tracts of land  
under condemnation ----- \$50.00

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

VS: TAXATION OF COSTS FROM OCT. 11, 1932 to MARCH 17, 1934.

CLIFTON AYLOR, AND OTHERS &C.

9/13/33	To Filing withdrawal of objections-	Irene Putney Est.	.25
"	same	Jeremiah Atkins et al	.25
"	same	Frank Compton	.25
10/5/33	To	Mary D.Slaughter	.25
9/13/32	To filing statement & affidavit-	Mary D.Slaughter	.25
"	same	Edith Harper	.25
"	same	Oklahoma Bowen	.25
"	same	Frank H.Cox	.25
9/14/32	same	Frank Compton	.25
"	same	Addie Frank Clark	.25
"	same	H.C.Atkins	.25
"	same	Britton L.Atkins	.25
11/1/32	same	J.J.Miller heirs	.25
5/8/33	To filing Exceptions-	Alfred B.Iles	.25
11/2/33	same	S.M.Hudson	.25
11/6/33	same	C.C.Broy	.25
			<hr/>
8/26/33	Time employed IN RE- Statements &C	$\frac{1}{2}$ day -----	1.50
8/28/33	" " " " "	1 dayk -----	3.00
8/20/33	Stampsp mailing Registered statements, envelopes &c	as per Instructions of Arbitrators -----	3.12
9/1/33	Stamps- mailing Registered Statement-	E.G.Brumback ---	.48
9/9/33	To filing 22 statements of State Conservation Comr.	25¢	5.50
10/10/33	" Recoding Park Order of 10/7/33	-----	6.00
"	" Postage due Paid on order	-----	.06
Aug. 1933	To Fees before Arbitration Board- RE:	Britton L.Atkins	1.50
"	same	J.W.Atkins	1.50
"	same	Harrison Jenkins	1.50
"	same	Frank H.Cox	1.50
"	same	Panorama Resort	4.00
"	same	O.B.Swindler	1.50
"	same	Maurice Clark	1.50
"	same	Oklahoma Bowen	3.75
"	same	J.Walton Wood	4.00
"	same	Jas.A.Estes	4.00
"	same	E.H. & H.M.DeJarnette	2.90
"	same	Judith Carter	4.00
"	same	Frank Compton	4.00
"	same	J.W.Kendall Heirs	1.50
"	same	Addie Frank Clark	1.50
"	same	H.C.Atkins	4.00
"	same	E.G.Brumback	1.50
"	same	J.B.Brumback Est.	1.98
"	same	E.T. & G.Tyler Miller	4.00
"	same	J.J.Miller Est.	5.00
10/11/32	To Court Order entered for Park Comr.	-----	1.00
11/3/32	same		1.00
5/8/33	same		.50
7/3/33	same		1.50
7/3/33	same		1.50
7/10/33	same		.50
7/17/33	same		.25
7/20/33	same		.25
10/12/33	same		8.00
11/13/33	same		7.00
11/22/33	same		.25
11/22/33	same		1.00
1/8/34	same		.50
1/9/34	same		3.50
1/26/34	same		6.00
2/23/34	same		.25
3/12/34	same		1.00
3/12/34	same		.25
3/14/34	same		2.50

\$ 115.54

3/14/33	To Court Order entered for Park Commission -----	115.54 4.50
2/19/34	" filing affidavits- RE. Notices	.50
12/20/33	" " Claims of Commission -----	.20
	" " Park Claim against B.M.Willis Tracts -----	.20
	" " " " J.T.Kelly Tracts -----	.20
3/14/34	" Endorsements as per Court Order entered 3/14/34 ----	1.00
	TOTAL	\$ 122.04

Clerk's Note- Court Orders IN RE- payment of awards to landowners not included in above statement. No charges made against State Conservation Commission since entry of Judgment in rem, excepting such orders as have been entered on behalf of the Commission.  
 Jas.M.Settle, Clerk.

*Park Proceeding  
 to  
 State Conservation Commission  
 Oct 11 - 1932 to 3/17/34*

STATE COMMISSION ON CONSERVATION AND DEVELOPMENT OF THE STATE OF VIRGINIA

TO JAS.M.SETTLE, CLERK OF RAPPAHANNOCK COUNTY, VA.

Costs in connection with Park proceeding from October 11, 1932 to March 17, 1934 ----- \$ 122.04

Park House  
vs. Costs taxed from  
Oct. 11-1932 to 3/17/34  
Whiston C. Oylor

THE COMMISSIONER OF THE REVENUE OF VIRGINIA  
VS. WHISTON C. OYLOR

Whiston C. Oylor, Plaintiff  
vs.  
The Commissioner of the Revenue of Virginia, Defendant

1932  
1933  
1934

Year	Amount
1932	1.00
1933	0.50
1934	0.50
Total	2.00

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

VS.

CLIFTON AYLOR, &C.,

*James W. Ramey*  
*one of the*  
*defendants*

It appearing to the Court that James W. Ramey, one of the defendants in the above entitled matter, by an assignment bearing date on the 27th day of May, 1933, for value received, has assigned, transferred and set over unto the Page Valley National Bank of Luray, Virginia, out of the money or moneys which have been awarded to him by the Board of Appraisal Commissioners and Special Investigators heretofore appointed in the above entitled condemnation proceedings as compensation and damages for his lands sought to be taken and condemned in said proceedings, such sum or sums of money as shall be necessary and sufficient to fully pay and discharge seven certain negotiable notes now held by the said Page Valley National Bank of Luray and as fully described in said assignment, and on motion of the said Page Valley National Bank of Luray, by counsel, leave is hereby granted it to file said assignment in the condemnation proceedings aforesaid, which is herewith accordingly done.



VIRGINIA. IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY.

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

v.

AT LAW NO. 149

Clifton Aylor, and others, and  
thirty-seven thousand, four hundred  
(37,400) acres, of land, more  
or less, Defendants.

ORDER.

ON THIS 14<sup>th</sup> day of July, 1930, the Court considered the petition, the notices which have been published and posted in accordance with the order heretofore entered, the claims, answers and other pleadings filed by the parties to the proposed condemnation, and no objections having been filed, or offered on behalf of either the petitioner, or any of said claimants, or any other party and the Court being satisfied upon such consideration that the petitioner is entitled to the relief demanded or sought in its petition, and that notice has been given as provided by law doth direct that this case be and the same is hereby set for hearing on the 15<sup>th</sup> day of July 1930, same being one of the days of the July term, 1930, of this Court.



VIRGINIA. IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY.

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

v.

Clifton Ayler and others, and thirty-seven thousand,  
four hundred (37,400) acres of land more or less, in  
Rappahannock County, Va. Defendants.

(111)

This day came the petitioner by counsel and exhibited to the Court the record of the above styled proceeding; from which it appears that H. E. Boyer, E. H. DeJarnette, H. M. DeJarnette, E. G. Brumback, J. F. Brunnack, D. H. Kendall, W. O. Kendall, J. K. Kendall, Mrs. M. H. Abbott, J. A. Williams, Paul Taylor, R. L. Cheatham, A. M. Priest, and A. Harrison Jenkins, have failed to obey the order of this Court entered herein on the 30<sup>th</sup> day of August, 1932, whereby they and each of them were ordered within fifteen days from the entry of the said order, to file in the Clerk's Office of this Court with the record of this proceeding, a written statement, as follows:

1. Setting forth whether or not the several tracts or parcels of land within the area sought to be condemned, ownership of which is claimed by them or in which they claim an interest, and with reference to which they have severally filed their objections are the same tracts or parcels which were found by the Appraisal Commissioners to be the lands severally owned by them or in which they claim or appear to have an interest, as shown and delineated on said map read together with said report and exhibit sheets; and,
2. If not, showing by reference to said map, the boundary lines of the tracts or parcels severally claimed by said objectors or in which they severally claim an interest, and setting forth in detail by reference to said map and the numbered tracts or subdivisions shown thereon, the precise location of the tracts or parcels of land severally claimed by them, or in which they severally claim an interest;

And it likewise appearing that no one of said named parties have offered any reasonable explanation for such failure;

Upon motion of petitioner, it is now ordered that unless said named parties, either in person or by attorney do on or before November 14th, 1932, comply with the said order, or file in writing with the record of this proceeding in the Clerk's Office, a reasonable explanation for failure so to do, thenceforth this case will be proceeded with ~~in~~ ex parte as to any of said named parties failing so to do.

The Clerk of The Circuit Court of Rappahannock County is directed to record this Order in the Current Common Law Order Book of his Office and shall mail to each of the above named defendants a copy thereof.

Given under my hand in vacation at Leesburg, Virginia, this November 1, 1932.

J. H. Alexander, Judge.

VIRGINIA:

Clerk's Office of Rappahannock Circuit Court, Nov. 3rd, 1932.

The foregoing vacation order was this day received in the said office and entered as therein directed.

Teste: Jas. M. Settle, Clerk.

The State Commission on Conserva-  
tion & Development of the State of  
Virginia, Petitioner,

v.

Clifton Ayler, et als, etc.

Order.

Enter:

\_\_\_\_\_

Judge.

*Entered Nov. 3, 1932.*

*Letting us to go, therefore this case will be proceeded with as on facts  
of this proceeding in the Clerk's Office, a reasonable explanation for  
said, 1932, comply with the said order, or file in writing with the record  
said, named parties, either in person or by attorney, do on or before November  
Upon motion of petitioner, it is now ordered that unless*

*Handwritten notes in cursive script, including the date 'Nov. 3, 1932' and other illegible text.*

office and entered as therein directed.  
The foregoing vacation order was this day received in the said  
Clerk's Office of the Shenandoah Circuit Court, Nov. 3rd, 1932.  
VIRGINIA:

Treas: James M. Ayler, Clerk.

VIRGINIA: IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY.

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

V. AT LAW NO. 149

Clifton Aylor and others and Thirty-Seven Thousand Four Hundred (37,400) Acres of land, More or Less, - - Defendants.

This day came the State Commission on Conservation and Development of the State of Virginia, the above named Petitioner, by counsel, and exhibited the record of the above styled proceeding, and announced its purpose and intention to move and pray the Court on the 23rd day of February, 1934, to enter Judgment in rem, in substantially the form, words and figures shown in a proposed draft thereof hereinafter set forth at length, (but with such modifications as to the amounts of "value" and "incidental damages" shown in the table included in said draft as may have been ordered at the date of entry of said judgment, under authority of Section 36 of the Public Park Condemnation Act) condemning to the use of the Petitioner each of the several tracts of land within the area described in the petition which are severally designated in the table included in said proposed draft of said judgment by the respective numbers thereof as shown, designated and delineated on the County Ownership Map filed with the report of the Board of Appraisal Commissioners appointed herein; and also to move for such other and further relief as Petitioner may be advised, including orders for the dismissal of this proceeding in respect of any or all the various tracts of land shown and delineated on said Map which Petitioner may decide not to acquire as authorized under Section 22 of the Public Park Condemnation Act; and thereupon Petitioner moved the entry of an order setting this proceeding for hearing on said date, and directing any and all the parties of record in this proceeding, if they desire to oppose the entry of said judgment in rem, to show cause, if any such cause there be, in writing filed with the record of this proceeding not later than five days prior to the said date, why the said judgment in rem should not be entered on the motion and prayer of the Petitioner.

It appearing from the said record that the respective values of the fee simple estate in each and all of the said tracts of land as to which Petitioner purposes to pray for judgment in rem, and the respective amounts of incidental damages which will result from the proposed condemnation thereof have been determined, ascertained and set forth in the report filed by the Board of Appraisal Commissioners heretofore appointed in this proceeding; and it appearing from the report of the said Board of Appraisal Commissioners and of the Special Investigators heretofore appointed in this proceeding that guardians ad litem have

been appointed and have appeared in this proceeding on behalf of all infants, insane persons, and persons under other legal disabilities who, after diligent search, were found and reported by said Special Investigators or otherwise shown to have any real claim of right, title, estate or interest in or to any of the lands described in the petition filed herein; and upon the motion of the Petitioner, by counsel, it is ordered that this proceeding be set for hearing on the said day and date, at 11:00 A. M. and that any or all of the parties of record in this proceeding, who purpose or desire to oppose the entry of the said judgment in rem, show cause, if any such cause there be, in writing filed with the record of this proceeding not later than five days prior to the said date, why the said judgment in rem should not be entered on the motion and prayer of the Petitioner.

It is further ordered that the Petitioner shall forthwith mail or cause to be mailed a copy of this order to all parties of record in the proceeding who have or appear to have any claim of right, title, estate or interest in or to any of said tracts of land, as set forth in said report filed by the Special Investigators and the Board of Appraisal Commissioners appointed herein, or who have excepted to the findings in said report with relation to said tracts of land, whose post office addresses have been filed with the record, as provided in Section 7 of the Public Park Condemnation Act, to their several post office addresses thus filed with the record; and to the guardians ad litem, appointed herein for all infants, insane persons, or persons under other legal disability who have or appear to have any claim of right, title, estate, or interest in or to any of the said tracts of lands or to the proceeds arising out of the condemnation thereof or to incidental damages arising from such condemnation, as set forth in the report filed by the Special Investigators and the Board of Appraisal Commissioners appointed herein, to the post office addresses of said guardians ad litem as shown by the record or otherwise known to the Petitioner; and further to the attorneys of record representing any of the parties of record in these proceedings or any of the said guardians ad litem, or any of said infants, insane persons, or persons under other legal disability, to their respective addresses as shown in the record or otherwise known to the Petitioner; and the Petitioner is further ordered to file with the record of this proceeding, a verified statement in writing showing the mailing of such copies of this order, to whom mailed and the date of said mailing.

The following is the proposed draft of the judgment in rem which the Petitioner purposes and intends to move and pray the Court to enter as aforesaid:

-----  
 "This day came the State Commission on Conservation and Development of the State of Virginia, the above named Petitioner, by counsel, and exhibited to the Court the record of the above styled proceeding, and showed to the Court:

"(1) That this proceeding has been conducted under the provisions of the Public Park Condemnation Act (Acts of the General Assembly of Virginia of 1928, page 1036: Code of 1930, Section 4388, et seq.)

"(2) That there was incorporated in the notice for publication herein, provided in Section 9 of the said Public Park Condemnation Act, the notice and warning touching incidental

damages set out in Section No. 20 of said Act;

"(3) That this proceeding was had upon newspaper publication of notice, warning 'all persons whomsoever' as provided in Section No. 12 of said Act;

"(4) That the report of the Special Investigators and the Board of Appraisal Commissioners heretofore appointed in this proceeding, filed herein discloses a final and conclusive ascertainment and determination of the value of the fee simple estate in each of the numbered tracts of land shown in the table herein-after set out and for which judgment of award condemning the same to the use of the Petitioner is moved and prayed by Petitioner; and of the amount of incidental damages which will result from the condemnation of each of the said tracts for the use of Petitioner, on account of which any person who has appeared and is entitled to be heard, has submitted claims, or on account of which it appears from the said report of Special Investigators and the Board of Appraisal Commissioners, filed as aforesaid, any infant, insane person, or person under legal disability, or any person not entitled to be heard at the hearing provided in Section No. 12 of said Act, has a real and well founded claim, or on account of which it has been made to appear that any infant, insane person or person under other legal disability has any real and well founded claim;

"(5) That the record discloses an ascertainment and determination of said Board of Appraisal Commissioners, as shown by the said report filed as aforesaid, of the fact or facts of value of all, or substantially all, claims of right, title, estate, or interest by such owners or claimants, in or to each of the said respective tracts, and amount of any real claim which any of such persons, or any other person, or persons, who have appeared and are entitled to be heard, may have in the proceeds of each of said respective tracts;

"(6) That a longer period than six months has elapsed since the 'day certain' fixed by the order of the Court entered herein on or before which all interested persons were warned to appear and answer or plead as provided in Section No. 9 of said Act;

"(7) That a longer period than sixty days has elapsed since said report of Special Investigators and Board of Appraisal Commissioners was filed in the Clerk's Office of this Court;

"(8) That neither Petitioner, nor any other person has filed, or presented any motion praying this Court or the Judge thereof to decline to accept or to disapprove any of the findings of facts of value and incidental damages so ascertained and determined by said Board of Appraisal Commissioners as shown by their said report with reference to any of said tracts; or if any such motion or exception has been filed or presented with respect to said tracts or any of them, such motion or exception has been unconditionally overruled or dismissed, or withdrawn, or has been overruled, or dismissed, or withdrawn in so far as such motion or exception relates to the findings of value and incidental damages set forth in said report after amendment of such findings by consent of the Petitioner and the exceptant or movant, under the provisions of Section 36 of the Public Park Condemnation Act.

"(9) That each of said tracts is located wholly within

the boundary lines of the lands sought to be condemned and set forth and described in the petition filed herein, and is separately shown, delineated and designated by number on the County Ownership Map, and described in the above mentioned report of the Special Investigators and Board of Appraisal Commissioners, with which said County Ownership Map was filed and of which it forms a part;

"(10) That diligent inquiry and search was made by the Special Investigators appointed herein as to the existence of any land, or parcels or tracts of land, or right or title or interest or estate therein, within the boundary line set forth in the petition, or of any real claim in or to the proceeds of any such land, or right, or title, or estate, or interest in the event of its condemnation, owned by any infant, insane person, or person under other legal disability, or any property or properties owned by such person or persons which will be damaged by the taking of land within the boundary line set forth in the petition, beyond the peculiar benefits that will accrue to such property or properties of such persons from the acquisition of the land, or estate, or interest therein, sought to be condemned and the use of the same for a public park or for public park purposes; and the names of all such persons found by the said Special Investigators or otherwise known to the Board of Appraisal Commissioners, were reported in the said report of the Special Investigators and the Board of Appraisal Commissioners appointed herein; and guardians ad litem were appointed in this proceeding for each and all of such persons;

"(11) That Petitioner, in compliance with the order setting this proceeding for hearing on its motion and prayer for a judgment in rem condemning the hereinafter mentioned tracts of land to its use, and forthwith upon the entry of said order, mailed a copy thereof to all parties of record in this proceeding who appear to have any claim of right, title, estate or interest in or to any of the said numbered tracts of land, as set forth in said report filed by the Special Investigators, and the Board of Appraisal Commissioners appointed herein, or who have excepted to the findings in said report with relation to said tracts, whose post office addresses have been filed with the record, as provided in Section 7 of the Public Park Condemnation Act, to their several post office addresses thus filed with the record; and to the guardians ad litem appointed herein for all infants, insane persons, and persons under other legal disability, who appear to have any claim of right, title, estate, or interest in or to any of the said tracts of land, or to the proceeds arising out of the condemnation thereof or to incidental damages arising from such condemnation, as set forth in the said report filed by the Special Investigators and the Board of Appraisal Commissioners appointed herein after diligent search made for such persons as set out in said report, to the post office addresses of said guardians ad litem as shown by the record or otherwise known to the Petitioner; and further to the attorneys of record representing any of the parties of record in these proceedings or any of said guardians ad litem or any of said infants, insane persons or person under other legal disability, to their respective addresses as shown in the record or otherwise known to the Petitioner; and thereafter Petitioner filed with the record a verified statement in writing showing the mailing of such copies of said order, to whom mailed and the date of mailing.

"(12) That all the provisions and requirements of said Public Park Condemnation Act, and specifically the provisions of Section 11 and Section 38 thereof, have been complied with and the facts shown and disclosed by the record entitle the Petitioner to the judgment in rem condemning each of the said tracts to the use of Petitioner as moved and prayed by Petitioner.

"It is, accordingly, adjudged and ordered, upon the motion and prayer of the Petitioner, by counsel, that the fee simple estate in each of the several tracts described in the report of the Special Investigators and Board of Appraisal Commissioners filed with the record of this proceeding and numbered, shown and delineated on the County Ownership Map filed with and made a part of said report, the County Ownership Map number of which is set forth in the following table, is hereby condemned to the use of the Petitioner upon the Petitioner paying into the custody of this Court, for the use and benefit of the person or persons entitled thereto, the sum ascertained and determined, and shown and disclosed in the report of the Special Investigators and the Board of Appraisal Commissioners appointed herein as filed herein, or as modified under the provisions of Section 36 of the Public Park Condemnation Act, to be the value of the fee simple estate in said tract together with the amount of the incidental damages resulting from the condemnation thereof ascertained and determined by said Board of Appraisal Commissioners, which sum and amount of incidental damages are as shown and separately set out in the following table, which table constitutes an integral part of this judgment, and are here expressly stated as constituting the award for each of the said tracts herein contained, and upon the payment into the custody of this Court by Petitioner of the amount thus stated as constituting the award for any such tract the fee simple estate therein shall vest in the Petitioner as provided in Sections 13 and 38 of said Public Park Condemnation Act.

"But nothing herein contained shall be construed as requiring or obligating Petitioner to pay the said awards or any of them into the custody of the Court or to acquire all or any of said tracts, and Petitioner may at its election acquire any one or more of said tracts by payment into the custody of the Court of the amount stated herein as the award therefor.

"The following table sets forth in columns under appropriate explanatory headings:- First, under the heading 'Tract No.', the numbers of the several tracts designated by number and shown and delineated on the above mentioned County Ownership Map and described in the said report of the Special Investigators and the Board of Appraisal Commissioners filed with the record of this proceeding, each of which is condemned herein to the use of the Petitioner; Second, under the heading 'Value', the value of the fee simple estate in each of the said tracts as ascertained and determined by the said Board of Appraisal Commissioners; Third, under the heading 'Incidental Damages', the amount of the incidental damages ascertained and determined by said Board of Appraisal Commissioners which will result from condemnation hereunder of the numbered tract in the corresponding column of the table; Fourth, under the heading 'Aggregate', the aggregate of the value and of the amount of incidental damages ascertained and determined by the said Board of Appraisal Commissioners with reference to the numbered tract in the corresponding column of the table, which

aggregate amount as shown in the table is stated and set out herein as constituting the award for the said tract upon its condemnation to the use of the Petitioner. But in any instance wherein the original findings of said Board as to value or damages set forth in said report have been modified in arbitration proceedings, or by stipulation or otherwise, under authority of Section 36 of the Public Park Condemnation Act, this table shows under the respective headings of "value" and "incidental damages" and "aggregate" the original findings of said Board stricken out by a line running through such findings and aggregate and the modified findings and aggregate have been inserted in the table in lieu of the original findings and aggregate thus stricken from the table.

(A) The foregoing notwithstanding, it is further adjudged and ordered that the fee simple estate which may or shall be acquired by the Petitioner, hereunder, in any or all of the said tracts of land is and shall be subject nevertheless to such easement of passage and right of way therein or thereover as have heretofore been acquired or are now claimed by the United States of America, which easement and right of way is described in said report of the Board of Appraisal Commissioners, in Exception 1 of the body of said report as an easement of passage and right of way on or over a strip of land one hundred feet wide running through the tracts mentioned in said Exception 1 of said report, the value of which easement of passage and right of way was not ascertained or determined by the said Board of Appraisal Commissioners; and it further appearing from the said report that the said United States of America owns or claims the fee simple estate in said strip of land and that the value of the said fee simple estate in the said strip of land owned or claimed by the United States subject to said easement of passage and right of way thereon or thereover, has been ascertained and determined by the said Board to be one dollar, U. S. currency, the fee simple estate in said strip of land is hereby condemned to the use of the Petitioner subject to said easement of passage and right of way, upon the payment of the said amount of one dollar into the custody of the Court for the use and benefit of the person or persons entitled thereto, which said amount is hereby stated and set out as constituting the award for the fee simple estate in said strip of land subject to the said easement of passage and right of way.

(B) The foregoing notwithstanding, it is further adjudged and ordered that the fee simple estate which may or shall be acquired hereunder by the Petitioner in any or all of said tracts of land, is subject nevertheless to such rights of way and easements in, on or over such tracts or any of them for the erection, maintenance, repair, replacement and operation of poles and wires or other appliances or means for the transmission of electricity as have heretofore been acquired therein by the South East Public Service Corporation, to which reference is made in Exception 2 in body of said Report of the Board of Appraisal Commissioners; and by the Page Power Company of Virginia Incorporated, to which reference is made in Exception 3 in the body of said Report.

TRACT NO.	VALUE	INCIDENTAL DAMAGES	AGGREGATE
24	\$5974.30	None	\$5974.30
54	14276.00	None	14276.00
54-I	260.00	None	260.00
54-II	8.00	None	8.00
57	1186.50	None	1186.50
59-IV	8.00	None	8.00
70-I	1095.00	None	1095.00
71-I	1110.00	None	1110.00
103-a	224.00	None	224.00
106-I	60.00	None	60.00
106-II	2135.00	None	2135.00
142	1855.00	None	1855.00
142-a	395.29	None	395.29
148	1502.50	None	1502.50
151	16500.00	None	16500.00
151-a	307.75	None	307.75
152	1310.00	None	1310.00
164	2993.00	None	2993.00
164-a	1000.00	None	1000.00
164-b	150.00	None	150.00
166	825.00	None	825.00
167	115.50	None	115.50
169	853.00	None	853.00
173	2107.34	None	2107.34

See Exception numbered One in the body of the report filed by the Board of Appraisal Commissioners with reference to the above set out values of tracts numbered 151-a, 164, 166 and 167.



VIRGINIA. IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY.

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

v.

Clifton Aylor, and others, and thirty-seven  
thousand, four hundred (37,400) acres of land,  
more or less, defendants.

Upon motion of petitioner, the Board of  
Appraisal Commissioners are ordered to submit forthwith to the Judge of this  
Court, their report of findings of the fact, or facts of value of the lands  
sought to be acquired and of the various tracts thereof, as well as their  
findings of incidental damages, in accordance with the provisions of Section  
4388 (31) of the Code of Virginia, 1930; and if there be any tract, or  
parcels of land within the area sought to be acquired as to which no conclusion  
of fact of value, or as to incidental damages has been reached by the Board,  
any and all such tracts shall be so reported, or so designated in said report.



VIRGINIA. IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY.

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

v.

Clifton Ayler and others, and thirty-seven thousand  
four hundred (37,400) acres, of land, more or less, Defendants.

It being made to appear to the Court that within  
the area sought to be condemned there are the hereinafter described  
respective tracts of land in which the hereinafter named respective  
infants and insane persons have interests, to-wit:

A tract of 124 acres, owned by Lula W. Keyser,  
an insane person;

A tract of about 200 acres, commonly called the  
Jeff T. Frazier land, in which Russell Bailey, Melvin Bailey, Elmer  
Bailey, infants own a one-fourth interest;

A tract of 100 acres, belonging to Elizabeth Yancey,  
an insane person;

A tract of 140 acres, commonly called the John S.  
Dodson tract, in which the children of Fred Dodson of Front Royal, Va.,  
namely, James Dodson, Paul Dodson and Margaret Dodson, have an interest;

A tract of 252 acres, commonly known as the Flora  
Lela Dodson land, in which K. Monroe Dodson, infant son of Brook Dodson,  
deceased, has an interest;

A tract of 22 acres, belonging to Amos. J. Weakley,  
an insane person;

A tract of  $52\frac{1}{2}$  acres and 31 acres respectively  
known as the lands of J. F. Dodson, deceased, which tract belongs to  
his infant children, namely, Virgil Dodson, Hensel Dodson, Bessie Dodson,  
Bernard Dodson and Mamie Atkins, subject to the dower right therein of their  
mother;

A tract of 23 acres, known as the Alice Nicholson tract, in which the following infants have an interest; Roscoe Burke, Theo. Burke, Curtis Burke, Bertha Burke, Reid Burke, Mary Burke, Juanita Burke, James Burke; said infants owning the whole tract, subject to the dower of their mother.

Upon consideration whereof E. W. Chelf, a discreet and competent attorney at law practicing at the Bar of this Court is assigned as Guardian ad Litem for said respective infants and insane persons, in this proceeding; and said Guardian ad Litem is directed to do all acts, take all necessary steps to the end that the interests and rights of said infants and insane persons may be properly protected.

The Clerk of this Court is directed to mail a copy of this order to said Guardian ad Litem.

#149

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

v.

Clifton Ayler and others, etc.  
Defendants.

Order.

Enter:

J. P. Alexander

Judge

Jan 18<sup>th</sup>  
entered

in which the following interests have an interest; George Burke, James  
Burke, Betty Burke, Nell Burke, Mary Burke, Thelma Burke, James  
A. Brock et al. et al., known as the Alice Nicholson trust.

VIRGINIA. IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY.

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

v.

Clifton Aylor, and others, and thirty-seven  
thousand, four hundred (37,400) acres of land,  
more or less, defendants.

The Board of Appraisal Commissioners having submitted to the Judge of this Court, their report in accordance with his order entered herein on the 14 day of January, 1932, the Petitioner, by counsel, this day appeared and moved that he be allowed to inspect said report for the purpose of ascertainigg such facts therefrom as may be useful and necessary to enable him to prepare a motion for the dismissal of these proceedings for the condemnation of such of the lands described in the petition, as he may decide not to acquire in accordance with the right given him under Section 4388 (22); which motion is granted but with the provision that such inspection of said report shall be made by petitioner, his counsel, agents, or employees, under the supervision and control of the Judge of this Court.



State Commission on Conservat on & Developement of Virginia.

Vs.

Clifton Aylor, &c., 37,400 acres of land, &c.

This day came the claimant, H. H. Hudson, by counsel, and likewise came the State Commission on Conservation & Development of the State of Virginia, by counsel, and the said claimant filed his motion to set aside the finding of findings of fact or facts of the Board of Appraisal Commissioners in relation to the value of the 300 acres, more or less, of the claimant embraced within the above entitled condemnation proceedings, together with the grounds of his said motion in writing, said motion being this day filed by agreement of parties by counsel, together with the leave of Court for good cause shown.

State Commission on Conservation & Development of Virginia.

vs.

Clifton Taylor, &c., 37,400 acres of land, &c.

This day came the claimant, H. R. Hudson, by counsel,  
and likewise came the State Commission on Conservation & Devel-  
opment of the State of Virginia, by counsel, and the said claim-  
ant filed his motion to set aside the finding or findings of fact  
or facts of the Board of Appraisal Commissioners in relation to  
the value of the 300 acres, more or less, of the claimant embraced  
within the above entitled condemnation proceedings. *Order*  
the grounds of his said motion in writing, said motion being this  
day filed by agreement of parties by counsel, together with the  
leave of Court for good cause shown. *Order*

OK

*Order*  
*Order*

*Wm. V. Hancock*  
*J. P. ...*

*John V. ...*

91

VIRGINIA: IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY

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

V. AT LAW NO. 149

Clifton Aylor and others and Thirty-Seven Thousand Four  
Hundred (37,400) Acres of Land, More or Less - - - - -  
- - - - - Defendants.

On the 12th day of March, 1934, came the petitioner in the above styled proceeding, by counsel, and exhibited to the Court the record thereof, including the report of the Board of Appraisal Commissioners and the judgment in rem, entered on the 13th day of November, 1933, condemning Tract No. 147 to the use of the petitioner upon payment, to the person or persons entitled thereto, of the amount set forth in the said judgment as the award for the taking of said tract.

Thereupon, petitioner showed to the Court that under a stipulation entered into in open Court at the hearing of this proceeding on November 13, 1933, petitioner obligated itself to pay into the custody of the court the amount ascertained to be the value of certain improvements alleged to have been placed upon the said tract by Mrs. S. M. Hudson, claiming to be the owner thereof, since the date of the filing of the said report, for the use and benefit of the person or persons entitled under the said judgment, to receive the award set forth therein for the taking of said Tract No. 147, the said amount to be determined by mutual agreement or by arbitration.

Petitioner further showed to the Court that thereafter the petitioner and the said S. M. Hudson, expressly agreed in pursuance of said stipulation, that the value of the said improvements placed upon the said tract since the date of the filing of the report of the Board of Appraisal

Commissioners, should be taken to be the sum of \$100.00; and petitioner prayed leave of Court to pay into the custody of the Court the said sum of \$100.00, for the use and benefit of the person or persons entitled thereto under the above mentioned stipulation.

Upon consideration whereof it is adjudged and ordered that leave should be and is granted the petitioner to pay into the custody of the Court the sum of \$100.00, for the use and benefit of the person or persons who were entitled to receive the amount set forth in the judgment in rem, entered herein on the 13th day of November, as the award for the taking of Tract No. 147 described and numbered in the report of the Board of Appraisal Commissioners herein; and that payment of the said sum into the custody of this Court may and should be made by payment of the said sum of \$100.00 to the Clerk of this Court under authority of this order.

3/12/34

Order

Re Tract-  
147

Euler  
Alex

Shyle

On this 23 day of Feb, 1934 ~~came the~~  
~~petition~~ the above Shyle proceeding was  
called in open court, in pursuance of  
order entered on January 26 - 1934  
setting this ~~or~~ proceeding for hearing  
upon the motion of ~~petitioner~~ <sup>whereupon</sup>  
on the motion of ~~petitioner~~ <sup>the hearing</sup>  
~~set for this date is~~ it is adjudged  
and ordered that the hearing set for  
this date be and the same is  
unlawfully continued and set for ~~being~~  
the first day of the next term  
of this court, to wit Monday  
March 12 - 1934 at eleven  
o'clock A.M.

order of continuance

Euler  
Alex:

Entered 2/23/34-  
# 196.

VIRGINIA: IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY

The State Commission on Conservation and Development of  
the State of Virginia - - - - -petitioner.

V. AT LAW NO. 149

Clifton Aylor and others and Thirty-Seven Thousand Four  
Hundred (37,400) Acres of land, more or less, Defendants.

STATE OF VIRGINIA            )  
                                  (   SS.  
COUNTY OF WARREN            )

I do solemnly swear that on the 27th day of January,  
1934, I mailed to each of the hereinafter named persons, to  
the post office address set opposite the name of each, a true  
copy of the order of the Circuit Court of Rappahannock County,  
Virginia, entered on the 26th day of January, 1934, in the  
above styled proceeding.

NAMEPOST OFFICE ADDRESS

Miller, G. Tyler	Front Royal, Va.
Miller, Mrs. John J.	Washington, Va.
Miller, W. A. - Agent	Washington, Va.
Settle, Julia M.	Washington, Va.
Iles, Alfred B.	Conard Apartments, Washington, D.C.
Grannis, William	Room 402 - 110 East Lexington St. Baltimore, Md.
Larkin, William T. Attorney	1316 Continental Trust Building Baltimore, Md.
Manuel, R. E.	Washington, Va.
DeJarnette, H. M.	Orange, Va.
DeJarnette, E. H. - Jr.	Orange, Va.
Kelly, J. T.	Culpeper, Va. - R. F. D. 4
Brumback, E. G.	Luray, Va.
Brumback, J. F. - Executor	Luray, Va.
Estes, James A.	Sperryville, Va.
Kendall, D. H.	Front Royal, Va.
Hoffman, Walter W. - Attorney	% Hoffman Stg., Co., Ridgewood, N.J.
Jackson, E. Hilton	Woodward Building, Washington, D.C.
Atkins, Britton L.	Sperryville, Va.
Menefee, B. W. - Agent	Sperryville, Va.
Williams, J. A.	Luray, Va.
Taylor, Paul	Luray, Va.
Priest, A. M.	4419 P. Street, N.W., Washington, D.C.
Cheatham, R. L.	Luray, Va.
Clark, Addie Frank	Beahm, Va.
Atkins, J. W.	Beahm, Va.
Blue Ridge Land Corporation	% R. W. Keyser, President Luray, Va.
Swindler, O. B.	Sperryville, Va.
Cox, Frank H.	Ashland, Va.
Brumback, Mrs. Madge	Luray, Va.
Oliver, Mrs. W. T.	Fairfax, Va.
Houser, Mrs. W. J.	Los. Angeles, Calif.
Baggarly, Mrs. Gertrude	Portland, Oregon

Given under my hand this 6th day of February, 1934.

Emma K. Stokes

STATE OF VIRGINIA )  
                          ( TO-WIT:  
COUNTY OF WARREN )

On this the 6th day of February, 1934, before me, a Notary Public in and for said County and State, personally appeared Emma K. Stokes who, being first duly sworn, made oath that she is the Secretary to S. H. Marsh, Supervisor of Parks of the State Commission on Conservation and Development of the State of Virginia, and that as such secretary she has charge of the office of said Commission in the town of Front Royal, Virginia, and of the records and files of said office; and that the matters and things set forth in the foregoing statement are true.

Given under my hand this 6th day of February, 1934.

Wayne Bell Trush  
NOTARY PUBLIC

MY COMMISSION EXPIRES ON THE 25<sup>th</sup> DAY OF March, 1934.



IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY.

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

VS. ) ( ORDER OF REFERENCE.

CLIFTON AYLOR, &C.

This cause came on to be heard again this 17<sup>th</sup> day of January, 1934, upon the petition of W. M. Varner, J. A. Varner, Charles N. Spitler, and John H. Varner, asserting their ownership of and claim for Tract No. 104-II which the petitioner in the above entitled condemnation proceedings has reported as a lap on the lands belonging to the heirs of Julia C. Overall, deceased, and the petition of James W. Huffman and Charles N. Spitler asserting their ownership of and claim for Tract No. 199-III, which the petitioner in the above entitled condemnation proceedings has reported as a lap on the lands belonging jointly to C. J. Miller, Jr., Louise Miller Price, and the heirs of W. L. Taylor, deceased, and it appearing to the Court that the heirs of the said Julia C. Overall are unknown and also non-residents of the State of Virginia, and that the heirs of the said W. L. Taylor are unknown and are likewise non-residents of the State of Virginia, and on consideration thereof the Court doth adjudge and order that this cause be referred to one of the Commissioners in chancery of the Rappahannock Circuit Court, who shall ascertain, state and report to the Court as follows:

(1). Who are the true and lawful owners of said Tract of land No. 104-II, which is reported in the names of both the said W. M. Varner, J. A. Varner, Charles N. Spitler and John H. Varner and the heirs of Julia C. Overall, deceased, or who is invested with a superior or better right or claim of title in and

VIRGINIA: IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY

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

V.

CLIFTON AYLOR, AND OTHERS, AND THIRTY-SEVEN THOUSAND,  
FOUR HUNDRED (37,400) ACRES OF LAND, MORE OR LESS,  
IN RAPPAHANNOCK COUNTY, - - - - - DEFENDANTS.

*Judge of this*  
This day came the Petitioner by Counsel and exhibited to the Court the record of the above styled proceedings, including the several exceptions, objections and motions with respect to the findings set forth in the Report of the Board of Appraisal Commissioners, the answer of Petitioner thereto, and the accompanying supporting affidavits:- which several exceptions, objections, and motions were filed by (A) G. Tyler Miller and Mrs. E. T. Miller, represented by Harrison and Harrison, Attorneys. (B) Mrs. Evelyn Tyler Miller, C. B. Miller, George Tyler Miller, Julia M. Settle and William Arthur Miller. (C) Henry T. Miller, B. F. Miller and N. M. Booth, represented by Harrison & Harrison, Attorneys. (D) H. M. DeJarnette and E. H. DeJarnette, Jr., represented by E. H. DeJarnette, Attorney. (E) E. G. Brumback, represented by S. L. Walton, Counsel. (F) E. G. Brumback and J. F. Brumback, represented by S. L. Walton, Counsel. (G) James A. Estes. (H) D. H. Kendall, W. O. Kendall, J. K. Kendall, and Mrs. M. H. Abbott, represented by S. L. Walton, Counsel. (I) Britton L. Atkins. (J) H. C. Atkins, represented by W. F. Moffett, Counsel. (K) J. A. Williams, Paul Taylor, R. L. Cheatham and A. M. Priest. (L) Addie Frank Clark. (M) Jeremiah Atkins. (N) J. W. Atkins. (O) L. F. Swindler. (P) Frank H. Cox, represented by Andrew J. Ellis, Counsel. (Q) Jeremiah Atkins and Caroline Atkins. (R) W. P. Slaughter and Mary D. Slaughter, represented by E. W. Chelf and George W. Settle, Counsel. (S) Edith M. Harper, represented by E. W. Chelf and George W. Settle, Counsel. (T) J.

are granted fifteen days from the date of the entry of this order within which they may file with the record such additional affidavits as they may be advised; and said Petitioner is granted fifteen days after the expiration of said period, within which it may file with the record, such additional affidavits as it may be advised.

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

The Clerk of the Circuit Court of Rappahannock County Virginia will enter the foregoing upon the Common Law Order Book of his Court as a Vacation order.

Given under my hand in Vacation at Leesburg, Virginia, this July 1st, 1933.

J. R. H. Alexander  
Judge of the Circuit Court  
of Rappahannock County  
Virginia.

A true copy of an order entered by the undersigned on July 3, 1933, in accord with its terms.

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CLERK

The Clerk of this Court shall forthwith mail a copy of this order to each of the said objectors, exceptants, and respondents whose post office address is filed with the record, under provisions of Section V of the Public Law Commission Act, and to their respective attorneys of record at the post office address of said attorneys, as shown by the record of respective names in the Clerk's office. The Clerk shall also mail a copy of this order to the Clerk of the District Court of the County of Loudoun, Virginia, to be entered upon the records of said Court as a vacation order.

The Clerk of this Court shall forthwith mail a copy of this order to each of the said objectors, exceptants, and respondents whose post office address is filed with the record, under provisions of Section V of the Public Law Commission Act, and to their respective attorneys of record at the post office address of said attorneys, as shown by the record of respective names in the Clerk's office. The Clerk shall also mail a copy of this order to the Clerk of the District Court of the County of Loudoun, Virginia, to be entered upon the records of said Court as a vacation order.

The Clerk of this Court shall forthwith mail a copy of this order to each of the said objectors, exceptants, and respondents whose post office address is filed with the record, under provisions of Section V of the Public Law Commission Act, and to their respective attorneys of record at the post office address of said attorneys, as shown by the record of respective names in the Clerk's office. The Clerk shall also mail a copy of this order to the Clerk of the District Court of the County of Loudoun, Virginia, to be entered upon the records of said Court as a vacation order.

The Clerk of this Court shall forthwith mail a copy of this order to each of the said objectors, exceptants, and respondents whose post office address is filed with the record, under provisions of Section V of the Public Law Commission Act, and to their respective attorneys of record at the post office address of said attorneys, as shown by the record of respective names in the Clerk's office. The Clerk shall also mail a copy of this order to the Clerk of the District Court of the County of Loudoun, Virginia, to be entered upon the records of said Court as a vacation order.

W. H. ...  
Clerk of the District Court  
of Loudoun County  
Virginia

Frank Miller -  
Box 4874 -  
Clarendon, Va.

Hannie W. Booth -  
Quarters 59a -  
Fort Des Moines, Iowa -

VIRGINIA: IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY

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

V.

CLIFTON AYLOR, AND OTHERS, AND THIRTY-SEVEN THOUSAND,  
FOUR HUNDRED (37,400) ACRES OF LAND, MORE OR LESS,  
IN RAPPAHANNOCK COUNTY, - - - - - DEFENDANTS.

This day came the Petitioner by Counsel and exhibited to the Judge of this Court the record of the above styled proceedings, including the several exceptions, objections and motions with respect to the findings set forth in the Report of the Board of Appraisal Commissioners, the answer of Petitioner thereto, and the accompanying supporting affidavits:- which several exceptions, objections, and motions were filed by (A) G. Tyler Miller and Mrs. E. T. Miller, represented by Harrison and Harrison, Attorneys. (B) Mrs. Evelyn Tyler Miller, C. B. Miller, George Tyler Miller, Julia M. Settle and William Arthur Miller. (C) Henry T. Miller, B. F. Miller and N. M. Booth, represented by Harrison & Harrison, Attorneys. (D) H. M. DeJarnette and E. H. DeJarnette, Jr., represented by E. H. DeJarnette, Attorney. (E) E. G. Brumback, represented by S. L. Walton, Counsel. (F) E. G. Brumback and J. F. Brumback, represented by S. L. Walton, Counsel. (G) James A. Estes. (H) D. H. Kendall, W. O. Kendall, J. K. Kendall, and Mrs. M. H. Abbott, represented by S. L. Walton, Counsel. (I) Britton L. Atkins. (J) H. C. Atkins, represented by W. F. Moffett, Counsel. (K) J. A. Williams, Paul Taylor, R. L. Cheatham and A. M. Priest. (L) Addie Frank Clark. (M) Jeremiah Atkins. (N) J. W. Atkins (O) L. F. Swindler. (P) Frank H. Cox, represented by Andrew J. Ellis, Counsel. (Q) Jeremiah Atkins and Caroline Atkins. (R) W. P. Slaughter and Mary D. Slaughter, represented by E. W. Chelf and George W. Settle, Counsel. (S) Edith M. Harper, represented by E. W. Chelf and George W. Settle, Counsel. (T) J. Walton Wood, represented by W. F. Moffett, Counsel. (U) Irene B. Putney. (V) Frank Compton, represented by W. F. Moffett, Counsel. (W) Maurice Clark, represented by W. F. Moffett, Counsel. (X) Judith Carter, represented by W. F. Moffett, Counsel. (Y) Oklahoma Bowen, represented by E. W. Chelf, Counsel. (Z) A. Harrison Jenkins, represented by B. Strother, Counsel. (AA) Alfred Iles, represented by William D. Medley and Arthur E. Cook, Attorneys.

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

Whereupon it is ordered that this proceeding be, and the same is hereby set for hearing on the said several exceptions, objections and motions, and the answer thereto, and the accompanying affidavits, on the 8th day of August, 1933, at ten o'clock A.M.

And said respective objectors, exceptants, and movants

are granted fifteen days from the date of the entry of this order within which they may file with the record such additional affidavits as they may be advised; and said Petitioner is granted fifteen days after the expiration of said period, within which it may file with the record, such additional affidavits as it may be advised.

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

The Clerk of the Circuit Court of Rappahannock County Virginia will enter the foregoing upon the Common Law Order Book of his Court as a Vacation order.

Given under my hand in Vacation at Leesburg, Virginia, this July 1st, 1933.

J. R. H. Alexander  
Judge of the Circuit Court  
of Rappahannock County  
Virginia.

A true copy of an order entered by the undersigned on July 3, 1933, in accord with its terms.

*Jas. M. Seute, Clerk*  
CLERK

VIRGINIA: IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY.

To the Hon. J R H Alexander, Judge of said Court.

Pursuant to an order of your Honor's court entered on July 3, 1933, in the condemnation proceeding under the style of The State Commission on Conservation & Development of the State of Virginia, Petitioner, V Clifton Aylor, and others, and Thirty-Seven Thousand, Four Hundred (37,400) acres of land, more or less, in Rappahannock County, Defendants, your undersigned Clerk of the Circuit Court of said County, begs leave to report;

That on July 5th, 1933, a duly certified copy of said order, entered as aforesaid on July 3, 1933, was mailed to each of the exceptants, objectors and movants named in said order, and to their respective attorneys as shown by the record, to their respective post office addresses, as shown by the record, or otherwise known to your undersigned. A copy of the said order is hereto attached and made a part of this my report.

Respectfully submitted,

July 5, 1933.

*Filed with the  
record July 5, 1933.*

*Jas. M. Settle*  
Clerk of the Circuit Court of  
Rappahannock County, Virginia.

IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY, VIRGINIA.

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

vs: Report of Jas.M.Settle, Clerk.

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

To the Honorable J R H Alexander, Judge of said Court.

Pursuant to an order of your Honor's Court entered in the  
above styled proceeding on May 21st, 1932, your undersigned, Clerk  
of the Circuit Court of said County, respectfully submits the  
following report as called for in said order:

That he did on July 7th, 1932, mail a copy of the Blue Ridge  
Guide, the newspaper in which a copy of said order was published,  
to all claimants and respondents who had filed claims and answers  
with the record in my office in the above styled proceeding, to  
their respective Post Office addresses as shown by the record.

Attached hereto and made a part of this report is a list  
of names and addresses of all parties to whom said notice, con-  
tained in said newspaper, was mailed on July 7th, 1932. A copy  
of said newspaper being mailed to each of said parties named and  
listed in the attached list.

Respectfully submitted,

Jas. M. Settle, Clerk.

State Commission on Conservation & Development  
of the State of Virginia.

vs: Taxation of costs from Oct. 18, 1930 to Sept. 8, 1932.

Clifton Aylor, et als, etc.

1/14/32	To two Court orders at 50c each .....	\$ 1.00
1/18/32	" 1 " " .....	1.00
2/16/32	" 1 " " .....	1.50
5/17/32	" 1 " " .....	1.00
5/21/32	" 1 " " .....	1.00
1/15/32	" 1 " " .....	1.00
7/18/32	" 1 " " .....	.50
8/30/32	" 1 " " .....	2.00
7/18/32	" Filing notice .....	.20
1/26/32	" Acknowledgement to ans. of E.W.Chelf, g.a.l. ....	.50
1/26/32	" Filing answer of g/a/l. ....	.20
2/16/32	" Copy order to Editor Blue Ridge Guide .....	1.50
6/15/32	" Filing Petition & Court Order & copy bond .....	.40
7/7/32	" Mailing 203 Copies of newspaper containing notices as per court order at 25¢ .....	50.75
	" Postage on above .....	8.12
	" Wrappers for above .....	2.03
	" J.M.Settle, Clerk- Report on above as ordered .....	4.00
9/1/32	" Mailing 42 copies of Court Order to Objectors as per court order \$1.50 each .....	63.00
	" Postage on same .....	2.52
	" Entering order in Order Book, Indexing, etc.....	2.00
	" J.M.Settle, Clerk- report on above as ordered .....	1.25
	" Filing all papers of Appraisal Commissioners .....	1.00
	" Taxing costs and copy 50¢; filing all papers 25¢....	.75
		<u>\$147.22</u>

copy sent S.H. Marsh. 10/12/32

Nov. 8<sup>th</sup> 1932. By Clerk R. A. Gilman, Jr

147.22

State Commission on Conservation & Development  
of the State of Virginia.  
as: Taxation of costs from Oct. 18, 1930 to Sept. 8, 1932.  
Clifton Aylor, et als, etc.

1.00	To two Court orders at 50c each	1/14/32
1.00	" " " "	1/18/32
1.50	" " " "	1/18/32
1.00	" " " "	1/18/32
1.00	" " " "	1/18/32
1.00	" " " "	1/18/32
1.00	" " " "	1/18/32
.50	" " " "	1/18/32
2.00	" " " "	1/18/32
.20	Filing notice	1/18/32
.50	Acknowledgment to ans. of E.W. Ghell, G.S.I.	1/18/32
.20	Filing answer of G.S.I.	1/18/32
1.50	Copy order to Editor Blue Ridge Guide	1/18/32
.40	Filing Petition & Court Order & copy bond	1/18/32
	Mailing 203 copies of newspaper containing notices	1/18/32
50.75	as per court order at 25c	1/18/32
8.12	Postage on above	1/18/32
2.03	Wrappers for above	1/18/32
4.00	J.M. Settle, Clerk- Report on above as ordered	1/18/32
	Mailing 42 copies of Court Order to Objectors	1/18/32
63.00	as per court order \$1.50 each	1/18/32
2.52	Postage on same	1/18/32
2.00	Entering order in Order Book, Indexing, etc.	1/18/32
1.25	J.M. Settle, Clerk- report on above as ordered	1/18/32
1.00	Filing all papers of Appraisal Commissioners	1/18/32
.75	Taxing costs and copy 50c; filing all papers 25c	1/18/32
<u>\$147.22</u>		

Costs taxed from  
 Oct. 18, 1930 to Sept. 8, 1932.

9/1/32

Nov 8 1932. By Clerk R.A. Robinson.

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

v. Statement of costs in Rappahannock County from April 7th  
to Oct. 18, 1930.

Clifton Aylor, et als., and 37,400 acres of land in  
Rappahannock County, Virginia.

4/7/30

To filing petition 20c; affidavit 25c; filing same 15c--	.60
" Docketing 25c; vacation order \$1.25 -----	1.50
Order for publication \$3.00; copy same 1.00 -----	4.00
H.F.Keyser, sheriff, posting notice -----	.75
To mailing 255 copies of newspaper containing notices at 25c per copy-----	63.75
To postage for mailing notices-----	5.10
" filing 170 claims at 15c -----	25.50
" recording 4 court orders at 1.00 each -----	4.00
" " Court order- dates set for hearings-----	2.50
" Orders- qualification of commissioners-----	3.00
" Taxing costs and copy 50c; filing papers 25c -----	.75

\$111.45  
111.45

*Nov - 6 - 1930 - By check*

7/7/32

*To Postage + Wrappers.*

*\$ 6.09*



to said tract of land;

(2) Who are the true and lawful owners of said tract of land No. 199-III, which is reported in the names of both the said James W. Huffman and Charles N. Spitler and C. J. Miller, Jr., Louise Miller Price and the heirs of W. L. Taylor, deceased, or who is invested with a superior or better right or claim of title in and to said tract of land; and

(3) To ascertain and state the liens binding said real estate, including delinquent taxes, if any, according to their respective priorities; and

(4) To ascertain and state by whom the costs of this reference should be paid, and in what proportion.

But before said Commissioner shall proceed to execute the requirements of this order, he shall give ten days' personal notice to the said W. M. Varner, J. A. Varner, Charles N. Varner, John H. Varner, James W. Huffman, Charles N. Spitler, C. J. Miller, Jr., and Louise Miller Price, and give notice to the said unknown heirs of Julia C. Overall, deceased, the unknown heirs of W. L. Taylor, deceased, any and all creditors asserting a lien against either of the aforesaid tracts or parcels of land, and any and all other parties in interest by publication of the time and place of executing this order once a week for four successive weeks in a newspaper published in Rappahannock County, which publication shall be in lieu of personal service.

STATE CONSERVATION COMMISSION

publication shall be in lieu of personal service.

weekly in a newspaper published in Hampshire County, which  
and place of executing this order once a week for four successive  
any and all other parties in interest by publication of the time  
against either of the aforesaid tracts or parcels of land, and  
W. F. Taylor, deceased, any and all creditors asserting a lien  
unknown heirs of Julia C. Overall, deceased, the unknown heirs of  
Miller, Jr., and Louisa Miller Price, and give notice to the said  
John H. Varner, James W. Huffman, Charles M. Spiller, C. J.  
notice to the said W. M. Varner, J. A. Varner, Charles M. Varner,  
the requirements of this order, he shall give ten days' personal

reference should be paid, and in what proportion.

VS. ) ( ORDER OF REFERENCE  
CLIFTON AYLOE, & C.

*Recorded in New Order Book  
page 181*

*Enter  
Alex?*

of land No. 139-III, which is reported in the names of both the  
(3) Who are the true and lawful owners of said tract  
to said tract of land;

# STATE COMMISSION ON CONSERVATION AND DEVELOPMENT

WILLIAM E. CARSON, CHAIRMAN, RIVERTON  
COLEMAN WORTHAM, VICE CHAIRMAN, RICHMOND  
JUNIOUS P. FISHBURN, ROANOKE  
E. GRIFFITH DODSON, NORFOLK  
RUFUS G. ROBERTS, CULPEPER  
THOMAS L. FARRAR, CHARLOTTESVILLE  
LEE LONG, DANTE

R. A. GILLIAM  
EXECUTIVE SECRETARY AND TREASURER

RICHMOND, VA.



## Shenandoah National Park Division

S. H. MARSH, SUPERVISOR  
PHONE 84, FRONT ROYAL

BUREAUS OF THE COMMISSION

GEOLOGICAL SURVEY  
WATER RESOURCES AND POWER  
FOREST SERVICE  
PARKS AND LANDSCAPE ENGINEERING  
ARCHAEOLOGY AND HISTORY  
STATE PUBLICITY

ADDRESS YOUR REPLY TO  
FRONT ROYAL, VA.

March 13, 1934

Mr. James M. Settle  
Clerk of the Circuit Court of Rappahannock County  
Washington, Virginia

Dear Sir:

Be good enough to furnish us, at the earliest possible moment, statement of all fees, costs, allowances and charges of every kind arising out of the Shenandoah National Park Condemnation proceeding pending in your County, for the payment of which, to your good self or to your office, the State Commission on Conservation and Development is properly chargeable, down to the fifteenth day of March, 1934.

We request that the statement be sent to us before being submitted to the Court for approval, as by so doing, we can probably avoid the need for a hearing on the various items to be included in your statement.

As it will be to your own interest to have all fees, costs and expenses paid in full before we begin depositing the amounts of the awards for the lands we seek to acquire, it is of the utmost importance that this statement should be made up and forwarded to us at the earliest practicable moment.

Mail your statement to Mrs. Emma K. Stokes,  
Secretary, Shenandoah National Park Division, Front  
Royal, Virginia.

Yours very truly,

STATE COMMISSION ON CONSERVA-  
TION AND DEVELOPMENT

BY

A. C. Carson

*accts. mailed  
F.R. office.  
3/19/34  
Jas. M. Settle, clerk.*

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

TO- JAS.M.SETTLE, CLERK OF RAPPAHANNOCK COUNTY

To personal services rendered to employees of the  
State Commission on Conservation and Develop-  
ment of the State of Virginia, from the time  
of institution of Condemnation proceedings to  
March 17, 1934, in assisting said employees in  
searching records, etc. of the tracts of land  
under condemnation ----- \$50.00

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

VS: TAXATION OF COSTS FROM OCT. 11, 1932 to MARCH 17, 1934.

CLIFTON AYLOR, AND OTHERS &C.

9/13/33	To Filing withdrawal of objections-	Irene Putney Est.	.25
"	same	Jeremiah Atkins et al	.25
"	same	Frank Compton	.25
10/5/33	To	Mary D.Slaughter	.25
9/13/32	To filing statement & affidavit-	Mary D.Slaughter	.25
"	same	Edith Harper	.25
"	same	Oklahoma Bowen	.25
"	same	Frank H.Cox	.25
9/14/32	same	Frank Compton	.25
"	same	Addie Frank Clark	.25
"	same	H.C.Atkins	.25
"	same	Britton L.Atkins	.25
11/1/32	same	J.J.Miller heirs	.25
5/8/33	To filing Exceptions-	Alfred B.Iles	.25
11/2/33	same	S.M.Hudson	.25
11/6/33	same	C.C.Broy	.25
			<hr/>
8/26/33	Time employed IN RE- Statements &C	$\frac{1}{2}$ day -----	1.50
8/28/33	" " " " "	1 day -----	3.00
8/20/33	Stampsp mailing Registered statements, envelopes &c	as per Instructions of Arbitrators -----	3.12
9/1/33	Stamps- mailing Registered Statement-	E.G.Brumback ---	.48
9/9/33	To filing 22 statements of State Conservation Comr.	25¢	5.50
10/10/33	" Recoding Park Order of 10/7/33	-----	6.00
"	" Postage due Paid on order	-----	.06
Aug. 1933	To Fees before Arbitration Board- RE:	Britton L.Atkins	1.50
"	same	J.W.Atkins	1.50
"	same	Harrison Jenkins	1.50
"	same	Frank H.Cox	1.50
"	same	Panorama Resort	4.00
"	same	O.B.Swindler	1.50
"	same	Maurice Clark	1.50
"	same	Oklahoma Bowen	3.75
"	same	J.Walton Wood	4.00
"	same	Jas.A.Estes	4.00
"	same	E.H. & H.M.DeJarnette	2.90
"	same	Judith Carter	4.00
"	same	Frank Compton	4.00
"	same	J.W.Kendall Heirs	1.50
"	same	Addie Frank Clark	1.50
"	same	H.C.Atkins	4.00
"	same	E.G.Brumback	1.50
"	same	J.B.Brumback Est.	1.98
"	same	E.T. & G.Tyler Miller	4.00
"	same	J.J.Miller Est.	5.00
10/11/32	To Court Order entered for Park Comr.	-----	1.00
11/3/32	same		1.00
5/8/33	same		.50
7/3/33	same		1.50
7/3/33	same		1.50
7/10/33	same		.50
7/17/33	same		.25
7/20/33	same		.25
10/12/33	same		8.00
11/13/33	same		7.00
11/22/33	same		.25
11/22/33	same		1.00
1/8/34	same		.50
1/9/34	same		3.50
1/26/34	same		6.00
2/23/34	same		.25
3/12/34	same		1.00
3/12/34	same		.25
3/14/34	same		2.50

\$ 115.54

3/14/33	To Court Order entered for Park Commission -----	115.54 4.50
2/19/34	" filing affidavits- RE. Notices	.50
12/20/33	" " Claims of Commission -----	.20
	" " Park Claim against B.M.Willis Tracts -----	.20
	" " " " J.T.Kelly Tracts -----	.20
3/14/34	" Endorsements as per Court Order entered 3/14/34 ----	1.00
	TOTAL	\$ 122.04

Clerk's Note- Court Orders IN RE- payment of awards to landowners not included in above statement. No charges made against State Conservation Commission since entry of Judgment in rem, excepting such orders as have been entered on behalf of the Commission.  
 Jas.M.Settle, Clerk.

*Park Proceeding  
 to Court Order  
 Oct 11 - 1932 to 3/17/34*

STATE COMMISSION ON CONSERVATION AND DEVELOPMENT OF THE STATE OF VIRGINIA

TO JAS.M.SETTLE, CLERK OF RAPPAHANNOCK COUNTY, VA.

Costs in connection with Park proceeding from October 11, 1932 to March 17, 1934 ----- \$ 122.04

Park House  
vs. Costs taxed from  
Oct. 11-1932 to 3/17/34  
Whiston C. Oylor

THE COMMISSIONER OF INTERNAL REVENUE  
WASHINGTON, D. C.

ORDER OF PAYMENT

10/11/32  
11/17/32  
12/15/32  
1/13/33  
2/10/33  
3/10/33

DATE	AMOUNT
10/11/32	1.00
11/17/32	1.00
12/15/32	1.00
1/13/33	1.00
2/10/33	1.00
3/10/33	1.00
<b>TOTAL</b>	<b>6.00</b>

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

VS.

CLIFTON AYLOR, &C.,

*James W. Ramey*  
*one of the*  
*defendants*

It appearing to the Court that James W. Ramey, one of the defendants in the above entitled matter, by an assignment bearing date on the 27th day of May, 1933, for value received, has assigned, transferred and set over unto the Page Valley National Bank of Luray, Virginia, out of the money or moneys which have been awarded to him by the Board of Appraisal Commissioners and Special Investigators heretofore appointed in the above entitled condemnation proceedings as compensation and damages for his lands sought to be taken and condemned in said proceedings, such sum or sums of money as shall be necessary and sufficient to fully pay and discharge seven certain negotiable notes now held by the said Page Valley National Bank of Luray and as fully described in said assignment, and on motion of the said Page Valley National Bank of Luray, by counsel, leave is hereby granted it to file said assignment in the condemnation proceedings aforesaid, which is herewith accordingly done.



VIRGINIA. IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY.

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

v.

AT LAW NO. 149

Clifton Aylor, and others, and  
thirty-seven thousand, four hundred  
(37,400) acres, of land, more  
or less, Defendants.

ORDER.

ON THIS 14<sup>th</sup> day of July, 1930, the Court considered the petition, the notices which have been published and posted in accordance with the order heretofore entered, the claims, answers and other pleadings filed by the parties to the proposed condemnation, and no objections having been filed, or offered on behalf of either the petitioner, or any of said claimants, or any other party and the Court being satisfied upon such consideration that the petitioner is entitled to the relief demanded or sought in its petition, and that notice has been given as provided by law doth direct that this case be and the same is hereby set for hearing on the 15<sup>th</sup> day of July 1930, same being one of the days of the July term, 1930, of this Court.



VIRGINIA. IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY.

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

v.

Clifton Ayler and others, and thirty-seven thousand,  
four hundred (37,400) acres of land more or less, in  
Rappahannock County, Va. Defendants.

(111)

This day came the petitioner by counsel and exhibited to the Court the record of the above styled proceeding; from which it appears that H. E. Boyer, E. H. DeJarnette, H. M. DeJarnette, E. G. Brumback, J. F. Brunnack, D. H. Kendall, W. O. Kendall, J. K. Kendall, Mrs. M. H. Abbott, J. A. Williams, Paul Taylor, R. L. Cheatham, A. M. Priest, and A. Harrison Jenkins, have failed to obey the order of this Court entered herein on the 30<sup>th</sup> day of August, 1932, whereby they and each of them were ordered within fifteen days from the entry of the said order, to file in the Clerk's Office of this Court with the record of this proceeding, a written statement, as follows:

1. Setting forth whether or not the several tracts or parcels of land within the area sought to be condemned, ownership of which is claimed by them or in which they claim an interest, and with reference to which they have severally filed their objections are the same tracts or parcels which were found by the Appraisal Commissioners to be the lands severally owned by them or in which they claim or appear to have an interest, as shown and delineated on said map read together with said report and exhibit sheets; and,
2. If not, showing by reference to said map, the boundary lines of the tracts or parcels severally claimed by said objectors or in which they severally claim an interest, and setting forth in detail by reference to said map and the numbered tracts or subdivisions shown thereon, the precise location of the tracts or parcels of land severally claimed by them, or in which they severally claim an interest;

And it likewise appearing that no one of said named parties have offered any reasonable explanation for such failure;

Upon motion of petitioner, it is now ordered that unless said named parties, either in person or by attorney do on or before November 14th, 1932, comply with the said order, or file in writing with the record of this proceeding in the Clerk's Office, a reasonable explanation for failure so to do, thenceforth this case will be proceeded with ~~in~~ ex parte as to any of said named parties failing so to do.

The Clerk of The Circuit Court of Rappahannock County is directed to record this Order in the Current Common Law Order Book of his Office and shall mail to each of the above named defendants a copy thereof.

Given under my hand in vacation at Leesburg, Virginia, this November 1, 1932.

J. H. Alexander, Judge.

VIRGINIA:

Clerk's Office of Rappahannock Circuit Court, Nov. 3rd, 1932.

The foregoing vacation order was this day received in the said office and entered as therein directed.

Teste: Jas. M. Settle, Clerk.



VIRGINIA: IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY.

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

V. AT LAW NO. 149

Clifton Aylor and others and Thirty-Seven Thousand Four Hundred (37,400) Acres of land, More or Less, - -Defendants.

This day came the State Commission on Conservation and Development of the State of Virginia, the above named Petitioner, by counsel, and exhibited the record of the above styled proceeding, and announced its purpose and intention to move and pray the Court on the 23rd day of February, 1934, to enter Judgment in rem, in substantially the form, words and figures shown in a proposed draft thereof hereinafter set forth at length, (but with such modifications as to the amounts of "value" and "incidental damages" shown in the table included in said draft as may have been ordered at the date of entry of said judgment, under authority of Section 36 of the Public Park Condemnation Act) condemning to the use of the Petitioner each of the several tracts of land within the area described in the petition which are severally designated in the table included in said proposed draft of said judgment by the respective numbers thereof as shown, designated and delineated on the County Ownership Map filed with the report of the Board of Appraisal Commissioners appointed herein; and also to move for such other and further relief as Petitioner may be advised, including orders for the dismissal of this proceeding in respect of any or all the various tracts of land shown and delineated on said Map which Petitioner may decide not to acquire as authorized under Section 22 of the Public Park Condemnation Act; and thereupon Petitioner moved the entry of an order setting this proceeding for hearing on said date, and directing any and all the parties of record in this proceeding, if they desire to oppose the entry of said judgment in rem, to show cause, if any such cause there be, in writing filed with the record of this proceeding not later than five days prior to the said date, why the said judgment in rem should not be entered on the motion and prayer of the Petitioner.

It appearing from the said record that the respective values of the fee simple estate in each and all of the said tracts of land as to which Petitioner purposes to pray for judgment in rem, and the respective amounts of incidental damages which will result from the proposed condemnation thereof have been determined, ascertained and set forth in the report filed by the Board of Appraisal Commissioners heretofore appointed in this proceeding; and it appearing from the report of the said Board of Appraisal Commissioners and of the Special Investigators heretofore appointed in this proceeding that guardians ad litem have

been appointed and have appeared in this proceeding on behalf of all infants, insane persons, and persons under other legal disabilities who, after diligent search, were found and reported by said Special Investigators or otherwise shown to have any real claim of right, title, estate or interest in or to any of the lands described in the petition filed herein; and upon the motion of the Petitioner, by counsel, it is ordered that this proceeding be set for hearing on the said day and date, at 11:00 A. M. and that any or all of the parties of record in this proceeding, who purpose or desire to oppose the entry of the said judgment in rem, show cause, if any such cause there be, in writing filed with the record of this proceeding not later than five days prior to the said date, why the said judgment in rem should not be entered on the motion and prayer of the Petitioner.

It is further ordered that the Petitioner shall forthwith mail or cause to be mailed a copy of this order to all parties of record in the proceeding who have or appear to have any claim of right, title, estate or interest in or to any of said tracts of land, as set forth in said report filed by the Special Investigators and the Board of Appraisal Commissioners appointed herein, or who have excepted to the findings in said report with relation to said tracts of land, whose post office addresses have been filed with the record, as provided in Section 7 of the Public Park Condemnation Act, to their several post office addresses thus filed with the record; and to the guardians ad litem, appointed herein for all infants, insane persons, or persons under other legal disability who have or appear to have any claim of right, title, estate, or interest in or to any of the said tracts of lands or to the proceeds arising out of the condemnation thereof or to incidental damages arising from such condemnation, as set forth in the report filed by the Special Investigators and the Board of Appraisal Commissioners appointed herein, to the post office addresses of said guardians ad litem as shown by the record or otherwise known to the Petitioner; and further to the attorneys of record representing any of the parties of record in these proceedings or any of the said guardians ad litem, or any of said infants, insane persons, or persons under other legal disability, to their respective addresses as shown in the record or otherwise known to the Petitioner; and the Petitioner is further ordered to file with the record of this proceeding, a verified statement in writing showing the mailing of such copies of this order, to whom mailed and the date of said mailing.

The following is the proposed draft of the judgment in rem which the Petitioner purposes and intends to move and pray the Court to enter as aforesaid:

-----  
 "This day came the State Commission on Conservation and Development of the State of Virginia, the above named Petitioner, by counsel, and exhibited to the Court the record of the above styled proceeding, and showed to the Court:

"(1) That this proceeding has been conducted under the provisions of the Public Park Condemnation Act (Acts of the General Assembly of Virginia of 1928, page 1036: Code of 1930, Section 4388, et seq.)

"(2) That there was incorporated in the notice for publication herein, provided in Section 9 of the said Public Park Condemnation Act, the notice and warning touching incidental

damages set out in Section No. 20 of said Act;

"(3) That this proceeding was had upon newspaper publication of notice, warning 'all persons whomsoever' as provided in Section No. 12 of said Act;

"(4) That the report of the Special Investigators and the Board of Appraisal Commissioners heretofore appointed in this proceeding, filed herein discloses a final and conclusive ascertainment and determination of the value of the fee simple estate in each of the numbered tracts of land shown in the table herein-after set out and for which judgment of award condemning the same to the use of the Petitioner is moved and prayed by Petitioner; and of the amount of incidental damages which will result from the condemnation of each of the said tracts for the use of Petitioner, on account of which any person who has appeared and is entitled to be heard, has submitted claims, or on account of which it appears from the said report of Special Investigators and the Board of Appraisal Commissioners, filed as aforesaid, any infant, insane person, or person under legal disability, or any person not entitled to be heard at the hearing provided in Section No. 12 of said Act, has a real and well founded claim, or on account of which it has been made to appear that any infant, insane person or person under other legal disability has any real and well founded claim;

"(5) That the record discloses an ascertainment and determination of said Board of Appraisal Commissioners, as shown by the said report filed as aforesaid, of the fact or facts of value of all, or substantially all, claims of right, title, estate, or interest by such owners or claimants, in or to each of the said respective tracts, and amount of any real claim which any of such persons, or any other person, or persons, who have appeared and are entitled to be heard, may have in the proceeds of each of said respective tracts;

"(6) That a longer period than six months has elapsed since the 'day certain' fixed by the order of the Court entered herein on or before which all interested persons were warned to appear and answer or plead as provided in Section No. 9 of said Act;

"(7) That a longer period than sixty days has elapsed since said report of Special Investigators and Board of Appraisal Commissioners was filed in the Clerk's Office of this Court;

"(8) That neither Petitioner, nor any other person has filed, or presented any motion praying this Court or the Judge thereof to decline to accept or to disapprove any of the findings of facts of value and incidental damages so ascertained and determined by said Board of Appraisal Commissioners as shown by their said report with reference to any of said tracts; or if any such motion or exception has been filed or presented with respect to said tracts or any of them, such motion or exception has been unconditionally overruled or dismissed, or withdrawn, or has been overruled, or dismissed, or withdrawn in so far as such motion or exception relates to the findings of value and incidental damages set forth in said report after amendment of such findings by consent of the Petitioner and the exceptant or movant, under the provisions of Section 36 of the Public Park Condemnation Act.

"(9) That each of said tracts is located wholly within

the boundary lines of the lands sought to be condemned and set forth and described in the petition filed herein, and is separately shown, delineated and designated by number on the County Ownership Map, and described in the above mentioned report of the Special Investigators and Board of Appraisal Commissioners, with which said County Ownership Map was filed and of which it forms a part;

"(10) That diligent inquiry and search was made by the Special Investigators appointed herein as to the existence of any land, or parcels or tracts of land, or right or title or interest or estate therein, within the boundary line set forth in the petition, or of any real claim in or to the proceeds of any such land, or right, or title, or estate, or interest in the event of its condemnation, owned by any infant, insane person, or person under other legal disability, or any property or properties owned by such person or persons which will be damaged by the taking of land within the boundary line set forth in the petition, beyond the peculiar benefits that will accrue to such property or properties of such persons from the acquisition of the land, or estate, or interest therein, sought to be condemned and the use of the same for a public park or for public park purposes; and the names of all such persons found by the said Special Investigators or otherwise known to the Board of Appraisal Commissioners, were reported in the said report of the Special Investigators and the Board of Appraisal Commissioners appointed herein; and guardians ad litem were appointed in this proceeding for each and all of such persons;

"(11) That Petitioner, in compliance with the order setting this proceeding for hearing on its motion and prayer for a judgment in rem condemning the hereinafter mentioned tracts of land to its use, and forthwith upon the entry of said order, mailed a copy thereof to all parties of record in this proceeding who appear to have any claim of right, title, estate or interest in or to any of the said numbered tracts of land, as set forth in said report filed by the Special Investigators, and the Board of Appraisal Commissioners appointed herein, or who have excepted to the findings in said report with relation to said tracts, whose post office addresses have been filed with the record, as provided in Section 7 of the Public Park Condemnation Act, to their several post office addresses thus filed with the record; and to the guardians ad litem appointed herein for all infants, insane persons, and persons under other legal disability, who appear to have any claim of right, title, estate, or interest in or to any of the said tracts of land, or to the proceeds arising out of the condemnation thereof or to incidental damages arising from such condemnation, as set forth in the said report filed by the Special Investigators and the Board of Appraisal Commissioners appointed herein after diligent search made for such persons as set out in said report, to the post office addresses of said guardians ad litem as shown by the record or otherwise known to the Petitioner; and further to the attorneys of record representing any of the parties of record in these proceedings or any of said guardians ad litem or any of said infants, insane persons or person under other legal disability, to their respective addresses as shown in the record or otherwise known to the Petitioner; and thereafter Petitioner filed with the record a verified statement in writing showing the mailing of such copies of said order, to whom mailed and the date of mailing.

"(12) That all the provisions and requirements of said Public Park Condemnation Act, and specifically the provisions of Section 11 and Section 38 thereof, have been complied with and the facts shown and disclosed by the record entitle the Petitioner to the judgment in rem condemning each of the said tracts to the use of Petitioner as moved and prayed by Petitioner.

"It is, accordingly, adjudged and ordered, upon the motion and prayer of the Petitioner, by counsel, that the fee simple estate in each of the several tracts described in the report of the Special Investigators and Board of Appraisal Commissioners filed with the record of this proceeding and numbered, shown and delineated on the County Ownership Map filed with and made a part of said report, the County Ownership Map number of which is set forth in the following table, is hereby condemned to the use of the Petitioner upon the Petitioner paying into the custody of this Court, for the use and benefit of the person or persons entitled thereto, the sum ascertained and determined, and shown and disclosed in the report of the Special Investigators and the Board of Appraisal Commissioners appointed herein as filed herein, or as modified under the provisions of Section 36 of the Public Park Condemnation Act, to be the value of the fee simple estate in said tract together with the amount of the incidental damages resulting from the condemnation thereof ascertained and determined by said Board of Appraisal Commissioners, which sum and amount of incidental damages are as shown and separately set out in the following table, which table constitutes an integral part of this judgment, and are here expressly stated as constituting the award for each of the said tracts herein contained, and upon the payment into the custody of this Court by Petitioner of the amount thus stated as constituting the award for any such tract the fee simple estate therein shall vest in the Petitioner as provided in Sections 13 and 38 of said Public Park Condemnation Act.

"But nothing herein contained shall be construed as requiring or obligating Petitioner to pay the said awards or any of them into the custody of the Court or to acquire all or any of said tracts, and Petitioner may at its election acquire any one or more of said tracts by payment into the custody of the Court of the amount stated herein as the award therefor.

"The following table sets forth in columns under appropriate explanatory headings:- First, under the heading 'Tract No.', the numbers of the several tracts designated by number and shown and delineated on the above mentioned County Ownership Map and described in the said report of the Special Investigators and the Board of Appraisal Commissioners filed with the record of this proceeding, each of which is condemned herein to the use of the Petitioner; Second, under the heading 'Value', the value of the fee simple estate in each of the said tracts as ascertained and determined by the said Board of Appraisal Commissioners; Third, under the heading 'Incidental Damages', the amount of the incidental damages ascertained and determined by said Board of Appraisal Commissioners which will result from condemnation hereunder of the numbered tract in the corresponding column of the table; Fourth, under the heading 'Aggregate', the aggregate of the value and of the amount of incidental damages ascertained and determined by the said Board of Appraisal Commissioners with reference to the numbered tract in the corresponding column of the table, which

aggregate amount as shown in the table is stated and set out herein as constituting the award for the said tract upon its condemnation to the use of the Petitioner. But in any instance wherein the original findings of said Board as to value or damages set forth in said report have been modified in arbitration proceedings, or by stipulation or otherwise, under authority of Section 36 of the Public Park Condemnation Act, this table shows under the respective headings of "value" and "incidental damages" and "aggregate" the original findings of said Board stricken out by a line running through such findings and aggregate and the modified findings and aggregate have been inserted in the table in lieu of the original findings and aggregate thus stricken from the table.

(A) The foregoing notwithstanding, it is further adjudged and ordered that the fee simple estate which may or shall be acquired by the Petitioner, hereunder, in any or all of the said tracts of land is and shall be subject nevertheless to such easement of passage and right of way therein or thereover as have heretofore been acquired or are now claimed by the United States of America, which easement and right of way is described in said report of the Board of Appraisal Commissioners, in Exception 1 of the body of said report as an easement of passage and right of way on or over a strip of land one hundred feet wide running through the tracts mentioned in said Exception 1 of said report, the value of which easement of passage and right of way was not ascertained or determined by the said Board of Appraisal Commissioners; and it further appearing from the said report that the said United States of America owns or claims the fee simple estate in said strip of land and that the value of the said fee simple estate in the said strip of land owned or claimed by the United States subject to said easement of passage and right of way thereon or thereover, has been ascertained and determined by the said Board to be one dollar, U. S. currency, the fee simple estate in said strip of land is hereby condemned to the use of the Petitioner subject to said easement of passage and right of way, upon the payment of the said amount of one dollar into the custody of the Court for the use and benefit of the person or persons entitled thereto, which said amount is hereby stated and set out as constituting the award for the fee simple estate in said strip of land subject to the said easement of passage and right of way.

(B) The foregoing notwithstanding, it is further adjudged and ordered that the fee simple estate which may or shall be acquired hereunder by the Petitioner in any or all of said tracts of land, is subject nevertheless to such rights of way and easements in, on or over such tracts or any of them for the erection, maintenance, repair, replacement and operation of poles and wires or other appliances or means for the transmission of electricity as have heretofore been acquired therein by the South East Public Service Corporation, to which reference is made in Exception 2 in body of said Report of the Board of Appraisal Commissioners; and by the Page Power Company of Virginia Incorporated, to which reference is made in Exception 3 in the body of said Report.

TRACT NO.	VALUE	INCIDENTAL DAMAGES	AGGREGATE
24	\$5974.30	None	\$5974.30
54	14276.00	None	14276.00
54-I	260.00	None	260.00
54-II	8.00	None	8.00
57	1186.50	None	1186.50
59-IV	8.00	None	8.00
70-I	1095.00	None	1095.00
71-I	1110.00	None	1110.00
103-a	224.00	None	224.00
106-I	60.00	None	60.00
106-II	2135.00	None	2135.00
142	1855.00	None	1855.00
142-a	395.29	None	395.29
148	1502.50	None	1502.50
151	16500.00	None	16500.00
151-a	307.75	None	307.75
152	1310.00	None	1310.00
164	2993.00	None	2993.00
164-a	1000.00	None	1000.00
164-b	150.00	None	150.00
166	825.00	None	825.00
167	115.50	None	115.50
169	853.00	None	853.00
173	2107.34	None	2107.34

See Exception numbered One in the body of the report filed by the Board of Appraisal Commissioners with reference to the above set out values of tracts numbered 151-a, 164, 166 and 167.



VIRGINIA. IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY.

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

v.

Clifton Aylor, and others, and thirty-seven  
thousand, four hundred (37,400) acres of land,  
more or less, defendants.

Upon motion of petitioner, the Board of  
Appraisal Commissioners are ordered to submit forthwith to the Judge of this  
Court, their report of findings of the fact, or facts of value of the lands  
sought to be acquired and of the various tracts thereof, as well as their  
findings of incidental damages, in accordance with the provisions of Section  
4388 (31) of the Code of Virginia, 1930; and if there be any tract, or  
parcels of land within the area sought to be acquired as to which no conclusion  
of fact of value, or as to incidental damages has been reached by the Board,  
any and all such tracts shall be so reported, or so designated in said report.



VIRGINIA. IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY.

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

v.

Clifton Ayler and others, and thirty-seven thousand  
four hundred (37,400) acres, of land, more or less, Defendants.

It being made to appear to the Court that within  
the area sought to be condemned there are the hereinafter described  
respective tracts of land in which the hereinafter named respective  
infants and insane persons have interests, to-wit:

A tract of 124 acres, owned by Lula W. Keyser,  
an insane person;

A tract of about 200 acres, commonly called the  
Jeff T. Frazier land, in which Russell Bailey, Melvin Bailey, Elmer  
Bailey, infants own a one-fourth interest;

A tract of 100 acres, belonging to Elizabeth Yancey,  
an insane person;

A tract of 140 acres, commonly called the John S.  
Dodson tract, in which the children of Fred Dodson of Front Royal, Va.,  
namely, James Dodson, Paul Dodson and Margaret Dodson, have an interest;

A tract of 252 acres, commonly known as the Flora  
Lela Dodson land, in which K. Monroe Dodson, infant son of Brook Dodson,  
deceased, has an interest;

A tract of 22 acres, belonging to Amos. J. Weakley,  
an insane person;

A tract of  $52\frac{1}{2}$  acres and 31 acres respectively  
known as the lands of J. F. Dodson, deceased, which tract belongs to  
his infant children, namely, Virgil Dodson, Hensel Dodson, Bessie Dodson,  
Bernard Dodson and Mamie Atkins, subject to the dower right therein of their  
mother;

A tract of 23 acres, known as the Alice Nicholson tract, in which the following infants have an interest; Roscoe Burke, Theo. Burke, Curtis Burke, Bertha Burke, Reid Burke, Mary Burke, Juanita Burke, James Burke; said infants owning the whole tract, subject to the dower of their mother.

Upon consideration whereof E. W. Chelf, a discreet and competent attorney at law practicing at the Bar of this Court is assigned as Guardian ad Litem for said respective infants and insane persons, in this proceeding; and said Guardian ad Litem is directed to do all acts, take all necessary steps to the end that the interests and rights of said infants and insane persons may be properly protected.

The Clerk of this Court is directed to mail a copy of this order to said Guardian ad Litem.

#149

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

v.

Clifton Ayler and others, etc.  
Defendants.

Order.

Enter:

J. P. Alexander

Judge

Jan 18<sup>th</sup>  
entered

in which the following interests have an interest; George Burke, James  
Burke, Harry Burke, John Burke, Thelma Burke, James  
Burke, Theo. Burke,  
A tract of 52 acres, known as the Alice Nicholson tract,

VIRGINIA. IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY.

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

v.

Clifton Aylor, and others, and thirty-seven  
thousand, four hundred (37,400) acres of land,  
more or less, defendants.

The Board of Appraisal Commissioners having submitted  
to the Judge of this Court, their report in accordance with his order entered  
herein on the 14 day of January, 1932, the Petitioner, by counsel, this day  
appeared and moved that he be allowed to inspect said report for the purpose  
of ascertainigg such facts therefrom as may be useful and necessary to enable  
him to prepare a motion for the dismissal of these proceedings for the condem-  
nation of such of the lands described in the petition, as he may decide not to  
acquire in accordance with the right given him under Section 4388 (22); which  
motion is granted but with the provision that such inspection of said report  
shall be made by petitioner, his counsel, agents, or employees, under the  
supervision and control of the Judge of this Court.



State Commission on Conservation & Development of Virginia.

Vs.

Clifton Aylor, &c., 37,400 acres of land, &c.

This day came the claimant, H. H. Hudson, by counsel, and likewise came the State Commission on Conservation & Development of the State of Virginia, by counsel, and the said claimant filed his motion to set aside the finding of findings of fact or facts of the Board of Appraisal Commissioners in relation to the value of the 300 acres, more or less, of the claimant embraced within the above entitled condemnation proceedings, together with the grounds of his said motion in writing, said motion being this day filed by agreement of parties by counsel, together with the leave of Court for good cause shown.

State Commission on Conservation & Development of Virginia.

vs.

Clifton Aylor, &c., 37,400 acres of land, &c.

This day came the claimant, H. R. Hudson, by counsel,  
and likewise came the State Commission on Conservation & Devel-  
opment of the State of Virginia, by counsel, and the said claim-  
ant filed his motion to set aside the finding or findings of fact  
or facts of the Board of Appraisal Commissioners in relation to  
the value of the 300 acres, more or less, of the claimant embraced  
within the above entitled condemnation proceedings. *Order*  
the grounds of his said motion in writing, said motion being this  
day filed by agreement of parties by counsel, together with the  
leave of Court for good cause shown. *Order*

OK

*Order*  
*Order*

*Wm. V. Hancock*  
*J. P. ...*

*John V. ...*

91

VIRGINIA: IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY

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

V. AT LAW NO. 149

Clifton Aylor and others and Thirty-Seven Thousand Four  
Hundred (37,400) Acres of Land, More or Less - - - - -  
- - - - - Defendants.

On the 12th day of March, 1934, came the petitioner in the above styled proceeding, by counsel, and exhibited to the Court the record thereof, including the report of the Board of Appraisal Commissioners and the judgment in rem, entered on the 13th day of November, 1933, condemning Tract No. 147 to the use of the petitioner upon payment, to the person or persons entitled thereto, of the amount set forth in the said judgment as the award for the taking of said tract.

Thereupon, petitioner showed to the Court that under a stipulation entered into in open Court at the hearing of this proceeding on November 13, 1933, petitioner obligated itself to pay into the custody of the court the amount ascertained to be the value of certain improvements alleged to have been placed upon the said tract by Mrs. S. M. Hudson, claiming to be the owner thereof, since the date of the filing of the said report, for the use and benefit of the person or persons entitled under the said judgment, to receive the award set forth therein for the taking of said Tract No. 147, the said amount to be determined by mutual agreement or by arbitration.

Petitioner further showed to the Court that thereafter the petitioner and the said S. M. Hudson, expressly agreed in pursuance of said stipulation, that the value of the said improvements placed upon the said tract since the date of the filing of the report of the Board of Appraisal

Commissioners, should be taken to be the sum of \$100.00; and petitioner prayed leave of Court to pay into the custody of the Court the said sum of \$100.00, for the use and benefit of the person or persons entitled thereto under the above mentioned stipulation.

Upon consideration whereof it is adjudged and ordered that leave should be and is granted the petitioner to pay into the custody of the Court the sum of \$100.00, for the use and benefit of the person or persons who were entitled to receive the amount set forth in the judgment in rem, entered herein on the 13th day of November, as the award for the taking of Tract No. 147 described and numbered in the report of the Board of Appraisal Commissioners herein; and that payment of the said sum into the custody of this Court may and should be made by payment of the said sum of \$100.00 to the Clerk of this Court under authority of this order.

3/12/34

Order

Re Tract-  
147

Euler  
Alex

Shyle

On this 23 day of Feb, 1934 ~~came the~~  
~~petition~~ the above Shyle proceeding was  
called in open court, in pursuance of  
order entered on January 26 - 1934  
setting this ~~or~~ proceeding for hearing  
upon the motion of ~~petitioner~~ <sup>whereupon</sup>  
on the motion of ~~petitioner~~ <sup>the hearing</sup>  
~~set for this date is~~ it is adjudged  
and ordered that the hearing set for  
this date be and the same is  
unlawfully continued and set for ~~being~~  
the first day of the next term  
of this court, to wit Monday  
March 12 - 1934 at eleven  
o'clock A.M.

order of continuance

Euler  
Alex:

Entered 2/23/34-  
# 196.

VIRGINIA: IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY

The State Commission on Conservation and Development of  
the State of Virginia - - - - -petitioner.

V. AT LAW NO. 149

Clifton Aylor and others and Thirty-Seven Thousand Four  
Hundred (37,400) Acres of land, more or less, Defendants.

STATE OF VIRGINIA            )  
                                  (   SS.  
COUNTY OF WARREN            )

I do solemnly swear that on the 27th day of January,  
1934, I mailed to each of the hereinafter named persons, to  
the post office address set opposite the name of each, a true  
copy of the order of the Circuit Court of Rappahannock County,  
Virginia, entered on the 26th day of January, 1934, in the  
above styled proceeding.

NAMEPOST OFFICE ADDRESS

Miller, G. Tyler	Front Royal, Va.
Miller, Mrs. John J.	Washington, Va.
Miller, W. A. - Agent	Washington, Va.
Settle, Julia M.	Washington, Va.
Iles, Alfred B.	Conard Apartments, Washington, D.C.
Grannis, William	Room 402 - 110 East Lexington St. Baltimore, Md.
Larkin, William T. Attorney	1316 Continental Trust Building Baltimore, Md.
Manuel, R. E.	Washington, Va.
DeJarnette, H. M.	Orange, Va.
DeJarnette, E. H. - Jr.	Orange, Va.
Kelly, J. T.	Culpeper, Va. - R. F. D. 4
Brumback, E. G.	Luray, Va.
Brumback, J. F. - Executor	Luray, Va.
Estes, James A.	Sperryville, Va.
Kendall, D. H.	Front Royal, Va.
Hoffman, Walter W. - Attorney	% Hoffman Stg., Co., Ridgewood, N.J.
Jackson, E. Hilton	Woodward Building, Washington, D.C.
Atkins, Britton L.	Sperryville, Va.
Menefee, B. W. - Agent	Sperryville, Va.
Williams, J. A.	Luray, Va.
Taylor, Paul	Luray, Va.
Priest, A. M.	4419 P. Street, N.W., Washington, D.C.
Cheatham, R. L.	Luray, Va.
Clark, Addie Frank	Beahm, Va.
Atkins, J. W.	Beahm, Va.
Blue Ridge Land Corporation	% R. W. Keyser, President Luray, Va.
Swindler, O. B.	Sperryville, Va.
Cox, Frank H.	Ashland, Va.
Brumback, Mrs. Madge	Luray, Va.
Oliver, Mrs. W. T.	Fairfax, Va.
Houser, Mrs. W. J.	Los. Angeles, Calif.
Baggarly, Mrs. Gertrude	Portland, Oregon

Given under my hand this 6th day of February, 1934.

Emma K. Stokes

STATE OF VIRGINIA )  
                          ( TO-WIT:  
COUNTY OF WARREN )

On this the 6th day of February, 1934, before me, a Notary Public in and for said County and State, personally appeared Emma K. Stokes who, being first duly sworn, made oath that she is the Secretary to S. H. Marsh, Supervisor of Parks of the State Commission on Conservation and Development of the State of Virginia, and that as such secretary she has charge of the office of said Commission in the town of Front Royal, Virginia, and of the records and files of said office; and that the matters and things set forth in the foregoing statement are true.

Given under my hand this 6th day of February, 1934.

Wayne Bell Trush  
NOTARY PUBLIC

MY COMMISSION EXPIRES ON THE 25<sup>th</sup> DAY OF March, 1934.

Given under my hand this 14th day of January, 1934.

*James M. Scoble*

STATE OF VIRGINIA

COUNTY OF SPOTSYLDEN

NO. 111

That the within and foregoing set forth  
at the office of said Commission in the  
State of Virginia, and that as such  
of the State Commission of Conservation  
showing that H. H. Hester and being  
on this the 14th day of January, 1934

FILED IN  
CLERK'S OFFICE  
RAPPAHANNOCK COUNTY

*July 19<sup>th</sup> 1934*

Teste: *James M. Scoble*, Clerk

ATTEST: My hand and seal of office this 19th day of January, 1934.

*James M. Scoble*

IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY.

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

VS. ) ( ORDER OF REFERENCE.

CLIFTON AYLOR, &C.

This cause came on to be heard again this 17<sup>th</sup> day of January, 1934, upon the petition of W. M. Varner, J. A. Varner, Charles N. Spitler, and John H. Varner, asserting their ownership of and claim for Tract No. 104-II which the petitioner in the above entitled condemnation proceedings has reported as a lap on the lands belonging to the heirs of Julia C. Overall, deceased, and the petition of James W. Huffman and Charles N. Spitler asserting their ownership of and claim for Tract No. 199-III, which the petitioner in the above entitled condemnation proceedings has reported as a lap on the lands belonging jointly to C. J. Miller, Jr., Louise Miller Price, and the heirs of W. L. Taylor, deceased, and it appearing to the Court that the heirs of the said Julia C. Overall are unknown and also non-residents of the State of Virginia, and that the heirs of the said W. L. Taylor are unknown and are likewise non-residents of the State of Virginia, and on consideration thereof the Court doth adjudge and order that this cause be referred to one of the Commissioners in chancery of the Rappahannock Circuit Court, who shall ascertain, state and report to the Court as follows:

(1). Who are the true and lawful owners of said Tract of land No. 104-II, which is reported in the names of both the said W. M. Varner, J. A. Varner, Charles N. Spitler and John H. Varner and the heirs of Julia C. Overall, deceased, or who is invested with a superior or better right or claim of title in and