

Rappahannock County

NAME OF CLAIMANT

#70-I - Brumback, E. G.  
Lap on Julia C. Overall Heirs.

Number of Acres: 84

**Location:** East of Elk Wallow Gap on the headwaters of North Branch of Thornton River, partly in Page County and partly in Rappahannock County.

**Roads:** ----- Poor trail, seven miles to Lee Highway near Sperryville; thence seventeen miles to Luray.

**Soil:** Sandy clay loam of fair depth and fertility; good grazing land. Soil in timbered portion is fairly good; comparatively free of surface rock.

**History of Tract and condition of timber:** Tan bark removed about thirty years ago. Other timber products removed at various times since. Fields have been grazed since being cleared several decades ago. Timbered portion will cut about 265 bd. ft. or 21,000 bd. ft. for the tract.

**Improvements:** None.

Acreage and value of types:

Types	Acreage		Value per acre	Total Value
Ridge:				
Slope:	57	@	\$5.00	\$285.00
Cove:				
Grazing Land:	27	@	30.00	810.00
				<u>\$1095.00</u>

Fields Restocking:

Cultivated Land:

Orchard:

Minerals:

Value of Land: \$ 1095.00

Value of Improvements: \$

Value of Orchard: \$

Value of Minerals: \$

Value of Fruit: \$

Value of Timber: \$

Value of Wood: \$

Value per acre for tract: \$ 13.03

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

Part in Page County

Geo. S. Pen CLERK.

Claim of E. G. Brumback  
In the Circuit Court of Appomattox County, Virginia, No. 149, At Law.  
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. Clifton M. Sparks and

37,400 acres more or less  
more or less, of land in Appomattox County, Virginia, Defendants.

The undersigned, in answer to the petition of the State Commission on Conservation and Development of the State of Virginia, and in response to the notice of condemnation awarded upon the filing of said petition and published in accordance with the order of the Circuit Court of Appomattox County, Virginia, asks leave of the Court to file this as his answer to said petition and to said notice.

My name is E. G. Brumback

My Post Office Address is Suray, Va

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 100 acres, on which there are the following buildings and improvements: This tract consists of all sod land. Very fine blue grass.

This land is located about 16 miles from Nashington Virginia, in the Pedernault Magisterial District of said County.

I claim the following right, title, estate or interest in the tract or parcel of land described above: (In this space claimant should say whether he is sole owner or joint owner, and if joint owner give names of the joint owners. If claimant is not sole or joint owner, he should set out exactly what right, title, estate or interest he has in or to the tract or parcel of land described above).

Sole owner

The land owners adjacent to the above described tract or parcel of land are as follows:

- North J. B. Brumback, Estate
- South Dendall & Shickley Land
- East Hudson & Dendall & Brum
- West Joe Shickley & Miller, J. M. Estate

I acquired my right, title, estate or interest to this property about the year 1915 in the following manner:

Bought of G. H. Sedwick

I claim that the total value of this tract or parcel of land with the improvements thereon is \$40.00 per acre. I claim that the total value of my right, title, estate or interest, in and to this tract or parcel of land with the improvements thereon is \$ 4000.00

I am the owner of 0 acres of land adjoining the above described tract or parcel of land but lying outside the Park area, which I claim will be damaged by the proposed condemnation of lands within the Park area, to the extent of \$ 0

(In the space below should be set out any additional statements or information as to this claim which claimant desires to make; and if practicable he should also insert here a description of the tract or parcel of land by metes and bounds).

Remarks: I Paid \$2500 for this Land & I have since fenced it all with American Wire Fence & sowed some grass seed, and cleaned up some of it

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 18th day of August, 1930.

STATE OF VIRGINIA, COUNTY OF Appomattox, To-wit:

The undersigned hereby certifies that E. G. Brumback the above named claimant personally appeared before him and made oath that the matters and things appearing in his above answer are true to the best of his knowledge and belief, this 18th day of August, 1930.

Clifton M. Sparks  
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

Claim of \_\_\_\_\_  
In the Circuit Court of \_\_\_\_\_ County, Virginia, No. \_\_\_\_\_ At Law  
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs  
\_\_\_\_\_ Defendant  
more or less of land in \_\_\_\_\_ County, Virginia, Defendants  
The undersigned, in answer to the petition of the State Commission on Conservation and Development of the State of Virginia, and in response to the notice of condemnation awarded upon the filing of said petition and published in accordance with the order of the Circuit Court of \_\_\_\_\_ County, Virginia, asks leave of the Court to file this as his answer to said petition and to said notice.

My name is \_\_\_\_\_  
My Post Office Address is \_\_\_\_\_

I claim a right title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about \_\_\_\_\_ acres, on which there are the following buildings and \_\_\_\_\_  
\_\_\_\_\_

This land is located about \_\_\_\_\_ miles from \_\_\_\_\_ Virginia, in the \_\_\_\_\_ District of said County.  
I claim the right title, estate or interest in the tract or parcel of land described above \_\_\_\_\_ space claimant should say whether he is sole owner or joint owner, and if joint owner, names of the joint owners. If claimant is not sole or joint owner, he should set out exactly what right title, estate or interest he has in or to the tract or parcel of land described above.

The land owners adjacent to the above described tract or parcel of land are as follows:  
North \_\_\_\_\_  
South \_\_\_\_\_  
East \_\_\_\_\_  
West \_\_\_\_\_

I acquired my right title, estate or interest in this property about the year \_\_\_\_\_ in the following manner:  
\_\_\_\_\_

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ \_\_\_\_\_ I claim that the total value of my right title, estate or interest in and to this tract or parcel of land with the improvements thereon is \$ \_\_\_\_\_  
I am the owner of \_\_\_\_\_ acres of land adjoining the above described tract or parcel of land but lying outside the Park area, which I claim will be damaged by the proposed condemnation of lands within the Park area, to the extent of \$ \_\_\_\_\_  
(In the space below should be set out any additional statements or information as to this claim which claimant desires to make; and if practicable he should also insert here a description of the tract or parcel of land by metes and bounds.)

Remarks: \_\_\_\_\_  
\_\_\_\_\_

Witness my signature (or my name and mark attached hereto) this \_\_\_\_\_ day of \_\_\_\_\_ 1930  
STATE OF VIRGINIA, COUNTY OF \_\_\_\_\_ To-wit: \_\_\_\_\_  
The undersigned hereby certifies that \_\_\_\_\_ the above named claimant personally appeared before him and made oath that the matters and things appearing in his above answer are true to the best of his knowledge and belief.  
this \_\_\_\_\_ day of \_\_\_\_\_ 1930  
\_\_\_\_\_  
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace

CLERK OF THE CIRCUIT COURT  
E. G. BROWN JR.  
TESTER  
E. G. BROWN JR.  
CLERK

E. G. Brown Jr.  
Clerk of the Circuit Court

The State Commission on  
Conservation and Development  
of the State of Virginia,  
Petitioner,  
vs. ( At Law No. 149,  
Clifton Aylor and others  
and 37,400 acres, Defendants.

Answer of E. G. Brumback,  
No. 70-1,

Filed in the Clerk's Office  
of the Circuit Court of  
Rappahannock County, Virginia,  
this 14<sup>th</sup> day of November,  
1932.

Teste: \_\_\_\_\_

*Jas. M. Settle*  
Clerk.

County: Rappahannock  
District:

#70-I -- Brumback, E. G.  
Lap on  
Julia C. Overall's Heirs.

Acreage Claimed: Assessed: Deed:

Value Claimed: Assessed: Deed:

Location: East of Elk Wallow Gap on the headwaters of North Branch of Thornton River, partly in Page County and partly in Rappahannock County.

Incumbrances, counter claims or laps: This tract lies entirely within that portion of the Overall Survey which was formerly known as share #3 and which was assigned to Julia C. Overall in the division of that property. It is understood that E. G. Brumback acquired title to this land from another source, and that this report shows a considerable portion of the land is improved grazing land.

There is no record of any suit having been instituted in the Circuit Court of Rappahannock County, or in the Circuit Court of Page County to contest the title of either Mr. Brumback's or that of the Overall Heirs.

Soil: Sandy clay loam of fair depth and fertility; good grazing land. Soil in timbered portion is fairly good; comparatively free of surface rock.

Roads: Poor trail, seven miles to Lee Highway near Sperryville; thence seventeen miles to Luray.

History of tract and condition of timber: Tan bark removed about thirty years ago. Other timber products removed at various times since. Fields have been grazed since being cleared several decades ago. Timbered portion will cut about 265 bd. ft. per acre, or 21,000 Bd. ft. for the tract. 21 M. @ \$3.00 -- \$63.00

Improvements: None.

Value of land by types:

Type	Acreage	Value per acre	Total Value
Slope	78	\$2.50	\$195.00
Fg	27	20.00	540.00
	105		<u>\$735.00</u>

(cont'd)

#70-I -- Brumback, E. G.  
Lap on  
Julia C. Overall's Heirs.

Total value of land .....	\$735.00
Total value of timber .....	63.00
Total value of tract .....	<u>\$798.00</u>

Average value per acre ..... \$7.60

In The Circuit Court of Rappahannock County, Virginia.

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

vs. ) At Law No. 149.

Clifton Aylor and others, and 37,400 acres of land, more or less,  
( E. G. Brumback No. 70-1.) Defendants.

E. G. Brumback, Luray, Virginia, ~~Virginia~~ one of the defendants in  
the above entitled condemnation proceedings, files the following  
exceptions/<sup>and answer</sup>to the report of the Appraisal Commissioners, which was filed  
in the Clerk's Office of the Circuit Court of Rappahannock County, Va.,  
on May 18, 1932:

- (1) That the amount of compensation allowed him by said Appraisal  
Commissioners for his land is not a just compensation for his land  
proposed to be taken in these proceedings, that said compensation  
is not a fair value for his land, and that said amount of compensation  
is grossly inadequate;
- (2) That the Appraisal Commissioners ascertain/<sup>ed</sup>his acreage to be only  
84 acres of land, when his deed calls for 93 acres, more or less,  
and that they have estimated his holdings at less acreage than he  
owns in this tract, which is within the proposed park area within  
the County of Rappahannock, Virginia;
- (3) That his said mountain land is a grazing farm and is a valuable  
grazing farm, and maintains a number of cattle, and has good grass  
on it; that practically every acre of it is grazing land; that the  
said Appraisal Commissioners classed 57 acres of the 84 acres they  
determined his acreage to be as "Slope" and only allowed him \$5.00  
per acre for same, and that they classed only 27 acres of said 84  
acres as "grazing land" and allowed him \$30.00 per acre for same;  
and that they should have allowed him about \$50.00 per acre for his  
entire said tract of 93 acres, more or less;

No. 2. E. G. Brumback, Luray, Va. Exceptions.

(4) That the Appraisal Commissioners viewed his said tract of 93 acres of land, more or less, at a very inopportune time, during the summer of 1930, or the fall of 1930, when this county and section of the State of Virginia had experienced a very severe drought and they could not view this said mountain grazing tract of land to any advantage and get an idea of its true value and worth;

By way of answer your said defendant says that in 1917 he paid the sum of \$2500.00, cash, for said tract of mountain grazing land, which was a fair price for same; that said tract of land is now and was in 1930 worth at least \$2500.00, <sup>to \$4,000.</sup> that he claims title to all of said tract of 93 acres, more or less, that his title is older than and superior to any title or claim of title of the heirs of Julia C. Overall; that he and his predecessors in title have had ~~had~~ <sup>exercised</sup> ~~exercised~~ <sup>actual</sup>, adverse, notorious, continuous and exclusive possession of said tract or parcel of 93 acres, more or less, of said mountain grazing land, for over 100 years; and that there is no lap on same as to said Julia C. Overall Heirs or any one else, and that he owns the entire tract and all the proceeds derived from the condemnation thereof.

Your defendant prays for the appointment of commissioners to view his said tract of land and make report to the Court, as provided for in the condemnation law, Acts of Assembly, 1928, for such cases.

All of which is respectfully submitted this 14th day of July, 1932.

S. L. Walton,

Counsel.

E. G. Brumback

Defendant. By Counsel.



The State Commission on  
Conservation & Development of  
the State of Virginia,  
vs. ( At Law No. 149.  
Clifton Aylor and others, and  
37,400 acres of land, more or less.

Exceptions and answer of E. G.  
Brumback, Luray, Va., to report  
of Appraisal Commissioners.

Filed July 15, 1932, in the  
Clerk's Office of the Circuit  
Court of Rappahannock County, Va.

Teste: *[Signature]*  
Clerk.

**WALTON & BROTHER**  
ATTORNEYS AT LAW  
LURAY, VIRGINIA

In the Circuit Court of Rappahannock County, Virginia:  
The State Commission on Conservation and Development of the State  
of Virginia, Petitioner,  
vs. ( At Law No. 149,  
Clifton Aylor and others, and 37,400 acres of land, Defendants.  
No. 70-1, E. G. Brumback.

In compliance with an order entered by the Judge of the above Court, in Vacation, on the 1st. day of November, 1932, your respondent, E. G. Brumback, respondent, by Counsel, comes and says that on the 14th day of September, 1932, he filed his amended answer in the Clerk's Office of the Circuit Court of Rappahannock County, Virginia, in pursuance of the order entered by the said Court on the 30th day of August, 1932, but through the inadvertence of the representatives of your petitioner, the said The State Commission on Conservation and Development of the State of Virginia, the said amended answer of your said respondent was overlooked, and your said respondent says that he is advised that he has fully complied with the said order entered on the said 30th day of August, 1932.

Respectfully,

E. G. Brumback,

Respondent, By Counsel,

S. L. Walton,

Counsel.

In The Circuit Court of Rappahannock County, Virginia.

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

vs. ~~(ANSWER)~~ At Law No. 149.

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

No. 70-1, E. G. Brumback, Luray, Virginia.

The answer of Dr. E. G. Brumback, Luray, Virginia, to the  
petition filed against him and others in the Circuit Court of Rappahannock  
County, Virginia, by The State Commission on Conservation and Development  
of the State of Virginia, as above entitled, complainant.

This respondent reserving to himself the benefit of all just  
exceptions to the said petition and proceedings for condemnation, for  
answer thereto, or to so much thereof as he is advised that it is  
material he should answer, answers and says:

That he owns a tract or parcel of land, containing approximately  
one hundred acres, lying partly within the County of Rappahannock and  
partly within the County of Page, about eighty four acres of which said  
~~one-hundred-acre~~ tract are within the boundry lines set out in the  
petition in the said County of Rappahannock, and the other sixteen acres  
of said one hundred acre tract are within the boundary lines of Page  
County and are set out in the petition filed in Page County for the  
condemnation of park land in that county;

That he claims ~~the~~ proceeds thereof upon its condemnation;

Said one hundred acres tract or parcel of land, eighty-four acres  
of which being within the boundary lines set out in the petition filed  
in the Clerk's Office of the Circuit Court of Rappahannock County, Va.,  
is described as follows, in the deed of <sup>partition</sup> ~~(partition and sale)~~ between J. B.  
Brumback and wife, parties of the first part, and R. T. Brumback, party  
of the second part, which said deed is dated March 23, 1904, and is  
recorded in the Clerk's Office of the Circuit Court of Rappahannock

County, Virginia, in Deed Book No.        page        , as follows, to-wit:

"Beginning at a stone in an old chestnut stump, formerly a chestnut tree, near the Great Elk Waller, and a corner of the entire tract; thence N 84° E 83 poles to two dogwood saplings; thence the division line S 16° E 198 poles to a stone pile on a hill side in a line of the entire tract, also a line of William Bowen's heirs; thence S 75° W 72 poles to the corner of a fence on a hill, also a corner to the entire tract, formerly two chestnut oak trees; thence with a line of the entire tract and John Kendall's line N 17° W 186 poles to the beginning, containing ninety-seven acres, more or less"

And said tract is described in the deed from G. W. Sedwick and wife to said E. G. Brumback, which said deed is dated April 6, 1917, and is recorded in the Clerk's Office of the Circuit Court of Rappahannock County, Virginia, in Deed Book        , page        , as follows:

All that certain tract or parcel of land lying and being situate in the County of Rappahannock, Va., containing 100 acres, more or less, and known as the mountain farm which formerly belonged to R. T. Brumback, and also known as the "Elk Wallow" or "Bowen Farm" and being the same tract or parcel of land which was conveyed to the said Geo. W. Sedwick and Mollie E. Sedwick by R. T. Brumback by deed dated August 15, 1913, and recorded in the Clerk's Office of Page Circuit Court in Deed Book 69, page 22 and 23, and also recorded in the Clerk's Office of the Circuit Court of Rappahannock County, Virginia, in Deed Book 27, page 100; That the above described tract or parcel of land is a part of the same land which was conveyed by Willis Browning and wife to William Bowen, Sr., by deed dated the 8th day of February, 1854, and of record in the Clerk's Office in the County of Rappahannock, Virginia, in Deed Book "I" page 470, and that the said E. G. Brumback and his predecessors in title have had and took actual, adverse, notorious, continuous, and exclusive possession and control of the whole of the said tract or parcel of land as conveyed to him, and that since that time he has

continued to exercise such possession and control of said tract or parcel conveyed to him;

That the heirs of Julia C. Overall have no right, title claim or interest in this said tract of land or the proceeds thereof upon its condemnation;

That the above mentioned tract of land and the tract of land now owned by the heirs of J. B. Brumback, deceased, were formerly owned by J. B. Brumback and R. T. Brumback jointly, and they divided said tract into two separate tracts and each conveyed to the other his undivided one-half interest in the same, so that they could hold their land in severalty, and the said R. T. Brumback, after the division line was run dividing said tract into two tracts, took his pick, and his tract is now owned by said E. G. Brumback, and is valued for the eighty-four acres within the park boundary in Rappahannock County, Va., fifty-seven acres as slope land at \$5.00 per acre, \$285.00, and twenty-seven acres as grazing land at \$30.00 per acre, or a total value on said eighty four acres of \$1095.00, and said Appraisal Commissioners allowed him \$30.00 per acre for sixteen acres as grazing land in Page County park area, or \$480.00, which makes a grand total of \$1575.00 for his entire one hundred acre tract, while said Appraisal Commissioners allowed to J. B. Brumback estate, No. 71-1, in Rappahannock County, Virginia, for forty-four acres of land, which is a part of the one hundred acre tract or parcel of land, in which R. T. Brumback and wife conveyed to said J. B. Brumback, his one-half undivided interest by deed dated March 22, 1904, which is recorded in both Rappahannock and Page County, thirty acres at \$30.00 per acre as grazing land, \$900.00, and 14 acres at \$15.00 per acre as fields restocking, \$210.00, or a total of \$1110.00, and they allowed said J. B. Brumback's Estate for fifty-six acres of said 100 acre tract, which is within the park boundary in the County of Page, nineteen acres at \$5.00 per acre, as slope, \$95.00, and 37 acres at \$30.00 per

acre as grazing land, \$1110.00, or \$1205.00 for said land in Page County, and a total of \$2315.00 for said 100 acre tract in Page and Rappahannock Counties, within the proposed park boundary,

That the said E. G. Brumback tract of land is as valuable, if not more valuable than the said J. B. Brumback Estate tract;

That the said tract of land of the said E. G. Brumback is a valuable grazing farm and that he grazes a number of cattle on said farm each year; that said cattle do well on said tract of land;

That the amount of compensation allowed said E. G. Brumback for the said 84 acres, of said 100 acre tract, which are within the proposed park boundary lines set out in the petition in the Circuit Court of Rappahannock County, Virginia, ~~xxx~~<sup>is</sup>/grossly inadequate, is not a just compensation for his said 84 acres of land and that said amount of compensation allowed him by said Appraisal Commissioners is not a fair value for his said land;

That it would be inequitable and unconscionable not to allow him \$1,000.00, to \$2,000. more compensation for his said tract of land;

That he has a substantial and material defense to make in this proceeding;

That he prays that he may be allowed a jury trial, and also asks for the appointment of commissioners by the Court, as provided by law, and for general relief;

That his name and address are as follows: Dr. E. G. Brumback, Luray, Page County, Virginia.

That said tract of eighty-four acres of land within the area sought to be condemned, ownership of which is claimed by the said E. G. Brumback, and with reference to which he has filed his objections, is the same tract or parcel of land which was <sup>valued and</sup> found by the Appraisal Commissioners to be the land owned by him, as shown and delineated on said map, read together with said report and exhibit sheets.

Respectfully submitted,

E. G. Brumback,

Respondent,

S. L. Walton,

Counsel.

State of Virginia,

County of Page, to-wit:

E. G. Brumback, the respondent named in the foregoing answer being duly sworn, says that the facts and allegations therein contained are true, except so far as they are therein stated to be on information, and that so far as they are therein stated to be upon information he believes them to be true.

E. G. Brumback,

Respondent.

Taken, sworn to and subscribed before me, S. L. Walton, a commissioner in chancery in and for the Circuit Court for the County aforesaid, in the State of Virginia. in my county aforesaid, this 13th day of September, 1932.

S. L. Walton,

Commissioner in Chancery.

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

Vs. ( At Law No. 149.

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

Answer of E. G. Brumback,  
No. 70-1.

FILED IN  
CLERK'S OFFICE  
RAPPAHANNOCK COUNTY

*Sept-14-* 19 *32*

Teste: *Jas. M. Settle*, Clerk

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WALTON & BROTHER  
ATTORNEYS AT LAW  
LURAY, VIRGINIA

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In the Circuit Court of Rappahannock County, Virginia.

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

vs. ( At Law No. 149.

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

No. 70-1, E. G. Brumback, Luray, Virginia.

State of Virginia,

County of Page, to-wit:

This day T. W. Brumback, of Rileyville, Page County, Virginia,  
personally appeared before me, the undersigned Commissioner in Chancery  
for the Circuit Court for the said County of Page, in the State of  
Virginia, and made oath before me that he is personally acquainted with  
the one hundred acre tract of land, now owned by said E. G. Brumback,  
lying partly within the County of Rappahannock and partly within the  
County of Page, Virginia, about eighty-four acres of which said tract are  
within the boundary lines of the proposed park in said County of  
Rappahannock County, and the balance of said tract is within the boundary  
lines of said park, <sup>in Page County,</sup> as shown on the plat or map of said park and as  
indicated in the Park Appraisal Commissioners' report, filed with the  
papers in this proceedings; that he has personally known this tract of  
land for about thirty years, and also the <sup>100 acre</sup> tract now owned by the J. B.  
Brumback estate, which is adjacent to this said 100 acre tract of said  
E. G. Brumback, that his father, R. T. Brumback owned the E. G. Brumback  
tract, after it was partitioned and divided, and before that time it  
was jointly owned by J. B. Brumback and R. T. Brumback, together with the  
said 100 acre tract now owned by said J. B. Brumback estate, that the said  
E. G. Brumback ~~owns~~ 100 acre tract of land, being the land hereinabove  
mentioned, is a very valuable mountain grazing farm and is now worth and

was worth in 1930, and at the time that said Park Appraisal Commissioners appraised said tract of land at the very least the sum of \$2,500.00, that in his judgment and opinion the sum of \$1575.00, which said Commissioners allowed the said E. G. Brumback for the entire tract, situate in Rappahannock and Page Counties, is grossly inadequate and not a fair and just consideration for said mountain grazing farm; that said E. G. Brumback 100 acre tract of land is as valuable and as good a mountain grazing farm as the 100 acre tract of land, now owned by J. B. Brumback estate, lying partly within the County of Rappahannock and partly within the County of Page, Virginia, being within the proposed boundary of said proposed park, and for which said J. B. Brumback estate tract of land the said Commissioners allowed the sum of \$2315.00, that as stated above these two 100 acre tracts of said E. G. Brumback and J. B. Brumback Estate were all in one tract at one time and were partitioned and divided so that the said J. B. Brumback and R. T. Brumback should hold their land as an entire separate tract, and same were divided up equally according to quality and quantity and R. T. Brumback took his pick, which is the tract now owned by the said E. G. Brumback, that one of these tracts is just as good a mountain grazing farm as the other and one will pasture as many cattle or other live stock as the other and the stock will do as well on the one tract as on the other, and that the said E. G. Brumback and J. B. Brumback Estate and their predecessors in title have had and took actual, adverse, notorious, continuous, and exclusive possession and control of the whole of said two tracts of land, and of said tract of 200 acres of land, before it was partitioned and divided between them, Feb. 26th, 1878, when Wm. F. Bowen and Lucy M. Bowen, his wife, sold and conveyed said tract of land to R. T., D. H., and J. B. Brumback, by their deed, which is of record in the clerk's office of Rappahannock County, Virginia, in Deed Book "C", page 381.

Given under my hand this 26th day of July, 1933.

S. L. Walton,  
Commissioner in Chancery.

Thos W Brumback,

Taken, sworn to and subscribed before me, S. L. Walton, a  
Commissioner in Chancery in and for the Circuit Court of Page County,  
Virginia, by said T. W. Brumback, in my county aforesaid this 26th  
day of July, 1933.

S. L. Walton,  
Commissioner in Chancery.

In the Circuit Court of Rappahannock County, Virginia.

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

vs. (At Law No. 149.

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

No. 70-1, E. G. Brumback, Luray, Virginia.

State of Virginia,

County of Page, to-wit:

This day E. G. Brumback, <sup>Jr.</sup> of Luray, Page County, Virginia, personally appeared before me, the undersigned Commissioner in Chancery for the Circuit Court of Page County, Virginia, and made oath before me in my said county that he is personally acquainted with the one hundred acre tract of land, now owned by E. G. Brumback, lying partly within the County of Rappahannock and partly within the county of Page, Virginia, within the proposed National park area, as set out in the above mentioned proceedings, and designated in these proceedings as indicated above, about eighty-four acres of which said tract are within the boundary lines of said proposed park in said County of Rappahannock and the balance of said tract of 100 acres is within the boundary lines of said proposed park in Page County, Virginia, as shown on the plat or map of said park and as indicated in the Park Appraisal Commissioners' report, filed with the papers in this proceeding; that he has personally known this tract of 100 acres of land of said E. G. Brumback, and also the 100 acre tract of land now owned by the J. B. Brumback estate, which is adjacent to this said E. G. Brumback 100 acre tract, ~~that~~ for about fourteen-- years, that his father, E. G. Brumback, has owned this 100 acre tract since 1917, and that his father paid the sum of \$2500.00 for said 100 acre tract of land, that some years ago both

of these said ~~one~~ hundred acre tracts of land were sold and conveyed by Wm. F. Bowen and Lucy M. Bowen, his wife, to R. T., D. H., and J. B. Brumback, by their deed dated Feb. 26th, 1878, which said deed was duly recorded in the clerk's office of the Circuit Court of Rappahannock County, Virginia, in Deed Book "C2, page 381, that D. H. Brumback later sold his undivided interest to J. B. Brumback, and that J. B. Brumback and R. T. Brumback then owned the said 200 acre tract as a whole, that they then divided same, so as to hold their interests in severalty, and divided same equally as to quality and quantity and value, and that R. T. Brumback took his pich, and later sold and conveyed same to his daughter, Mollie Sedwick, and said Mollie Sedwick and husband sold and conveyed said tract of 100 acres to said E. G. Brumback, for \$2500.00, in 1917, and the other 100 acre tract is owned now by the J. B. Brumback estate, that he has worked for his father for years and has often been on and over the said E. G. Brumback and the said J. B. Brumback estate 100 acre tracts, that the said E. G. Brumback 100 acre tract of land, being the land hereinabove mentioned, is a very valuable mountain grazing farm and is now worth and was worth in 1930, and at the time that the said Park Appraisal Commissioners appraised said tract of land, at the very least the sum of \$2,500.00, that in his judgment and opinion the sum of \$1,095.00 allowed him for the said 84 acres of said 100 acres tract, situated in Rappahannock County, Virginia, and the sum of \$480.00, for 16 acres of said 100 acres tract of land situated in Page County, Virginia, aggregating him the sum of \$1,575.00 for his entire tract of 100 acres, which said Board of Appraisal Commissioners allowed the said E. G. Brumback for his entire 100 acre tract, is grossly inadequate and not the fair and just compensation for said mountain grazing farm; that said E. G. Brumback 100 acre tract of land is as valuable and as good a mountain grazing farm as the 100 acre tract of land, now owned by said J. B. Brumback estate, lying

~~partly~~ partly within the proposed park area/in Page County and partly within Rappahannock County, Virginia, 44 acres of said J. B. Brumback being in Rappahannock County, Virginia, and having been allowed the sum of \$1110.00 for same, and 56 acres being in Page County, Virginia, and the same Park Appraisal Commissioners haveing allowed \$1,205.00 for said 54 acres, making a total for said J. B. Brumback 100 acre tract, lying in both of said Counties, in part, and being in said proposed park area, the total sum of \$2,315.00, said 44 acres of said J. B. Brumback estate tract in Rappahannock County, Virginia, being designated in said plat or map and in said Report of said Board of Appraisal Commissioners as "71-1", "Brumback, J. B. Estate.", that said Board of Appraisal Commissioners allowed the said E. G. Brumback for his said 84 acres in said Rappahannock County, Virginia, the average price of \$13.03 per acre, while they allowed the said J. B. Brumback estate the average price of \$25.23 per acer for the 44 acres of said J. B. Brumback estate tract in said Rappahannock County, Virginia; that the said E. G. Brumback 100 acre tract of land, and the part of said tract in Rappahannock County, is as good as the J. B. Brumback part of said 100 acre tract in said Rappahannock County and will graze as many cattle or other live stock; that said Board of Appraisal Commissioners should have classed all of said E. G. Brumback's 84 acres of said 100 acre tract of land in Rappahannock County as grazing land, and not have only classed 27 acres of said 84 acres as grazing land and the balance of said 84 acres, to-wit, 57 acres of said land as "Slope", at a cheaper rate than grazing land; that the said E. G. Brumback and his predecessors in title have had and took actual, adverse, notorious, continuous, and exclusive possession and control of the whole of said 100 acre tract of said J. B. Brumback, and J. B. Brumback's estate and their predecessors in title have had like title to said J. B. Brumback estate, since two said 100 acre tracts were divided between J. B. Brumback and R. T. page 3.

Brumback, since the deed from Wm. F. Bowen and Lucy M. Bowen, his wife, to R. T., D. H., and J. B. Brumback, bearing date on Feb. 26, 1878, which said deed was duly recorded in Rappahannock County, Va., in Deed Book "C", page, 381.

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

E. G. Brumback Jr.

S. L. Walton,  
Commissioner in Chancery.

In the Circuit Court of Rappahannock County, Virginia.  
The State Commission on Conservation and Development of the  
State of Virginia, Petitioner,

vs. ( At Law No. 149.

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

No. 70-1, E. G. Brumback, Luray, Va.

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

This day O. O. Baker, of Luray, Virginia, personally appeared before me, the undersigned Commissioner in Chancery for the Circuit Court of Page County, Virginia, and made oath before me in my said county that he is personally acquainted with the 100 acre tract of mountain land, now owned by E. G. Brumback, lying partly within the County of Rappahannock and partly within the County of Page, Virginia, and within the proposed National Park area, as set out in the above proceedings in Rappahannock County, Virginia, and the 84 acre of said 100 acre tract in Rappahannock County, Virginia, is designated on the map or plat of said proposed park and also in the report of said Board of Appraisal Commissioners filed in said proceedings as "70-1, E. G. Brumback, Luray, Va.", and the balance of said 100 acres is in Page County, Virginia, and that he has known this land ~~for the past four years~~ <sup>twenty-five</sup> years, (and grazed it for the past four years, ~~for the past four years~~ and has been on and over it, and that he also knows the J. B. Brumback estate 100 acre tract of land which is adjacent to this 100 acre E. G. Brumback tract of land, that the said E. G. Brumback's 84 acres of said 100 acre tract, which are in Rappahannock County and the 16 acres of said 100 acre tract, which are in Page County, Virginia, in the proposed park area, are just as valuable and are worth just as much and will pasture as many cattle or other live stock as the J. B. Brumback 100 acre tract of land, 44 acres of which are located in Rappahannock County, Virginia, and 56 acres of



which said 100 acre tract of J. B. Brumback are in Page County, Virginia; that all of said <sup>100 acre tract</sup> E. G. Brumback land should have been classed as "grazing land" by said Board of Appraisal Commissioners, and they should have classed all of said 100 acres of J. B. Brumback estate land as "grazing land"; that in his judgment and opinion the said E. G. Brumback 100 acre tract of land was in 1930, is now, and was at the time the Board of Appraisal Commissioners appraised it worth at the very least the sum of \$2500.00, which said E. G. Brumback paid for same in 1917; that the sum of \$1095.00 the said Commissioners allowed to the said E. G. Brumback for the 84 acres in Rappahannock County, Va., and the sum of \$480.00 they allowed him for the 16 acres of land in Page County, aggregating the sum of \$1575.00 for said E. G. Brumback entire 100 acre tract, is not a fair and just compensation therefor, and is a grossly inadequate price for said land, and as compared with the \$1110.00 allowed by said Commissioners for 44 acre of said J. B. Brumback estate of 100 tract in Rappahannock County and \$1205.00 allowed by said Commissioners to said J. B. Brumback estate for 56 acres of said 100 acre tract of land in Page County, Virginia, or \$2315.00 for said J. B. Brumback entire 100 acre tract in both of said counties, is very inequitable; that said E. G. Brumback and his predecessors in title have had and took actual, adverse, notorious, continuous, and exclusive possession and control of the whole of said 100 acre tract of land, and have had same for over thirty years, and that the said E. G. Brumback is entitled to the whole of the proceeds derived from the condemnation of said 100 acre of land.

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

J. L. Walton,  
Commissioner in Chancery.

O. O. Baker

In the Circuit Court of  
Rappahannock County, Virginia.

The State Commission on  
Conservation & Development of the  
State of Virginia, Petitioner,  
vs. ( At Law No. 149.

Clifton Aylor and others and  
37,400 acres of land, Defendants.

No. 70-1, E. G. Brumback,  
Luray, Virginia.

AFFIDAVITS.

FILED IN  
CLERK'S OFFICE  
RAPPAHANNOCK COUNTY

July 27 - 1933 -  
Teste: *Jan. M. Settle* Clerk

WALTON & BROTHER  
ATTORNEYS AT LAW  
LURAY, VIRGINIA

It is further adjudged and ordered that the above-mentioned report of arbitrators be filed with the record of this proceeding:- to-wit, a report bearing date February 21, 1934, and signed by J. R. H. Alexander, H. W. Bertram and Philip Williams; and suppelemental report bearing date February 27, 1934, and signed by J. R. H. Alexander, H. W. Bertram and Philip Williams; and amended report bearing date March 1, 1934, and signed by J. R. H. Alexander, H. W. Bertram and Philip Williams.

(1)

Wednesday

Enter

Alex

Mich. 14, 1934 -

Entered H. 217 -

(12)

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 <sup>14th</sup>~~12th~~ day of March, 1934, came the petitioner in the above styled proceeding, and exhibited the record in said proceeding, including the report of the Board of Appraisal Commissioners therein, Table II and III thereof, and the county Ownership Map filed therewith; and including also the several exceptions and objections to said report and motions to disapprove and decline to accept the same filed with the record, and the several motions of petitioner praying the dismissal of the said exceptions, objections and motions, under authority of Section 35 of the Public Park Condemnation Act, on the said exceptions, objections and motions, the several answers thereto, and the supporting affidavits filed with the record; and including also the order of this Court, setting this proceeding for hearing on the 23rd day of February, 1934, and the affidavits filed in the record, showing the form and manner in which, in compliance with the terms of the said order, copies thereof were furnished to the several exceptants, objectors and movants mentioned in the table hereinafter set out, and to their counsel of record; and including also the order of this Court continuing the said hearing, and setting this proceeding for hearing on this the <sup>14th</sup>~~12th~~ day of March, 1934.

Petitioner further exhibited to the court report of the findings of arbitrators as to certain matters submitted to them under arbitration agreements hereinafter mentioned, which report petitioner moved the Court to order filed with the record.

And thereupon petitioner showed to the Court that arbitration agreements had been entered into by and between the petitioner and a number of the exceptants to the report of the Board of Appraisal Commissioners herein; that under authority and in pursuance of the said arbitration agreements, arbitrators were duly appointed, arbitration hearings were duly had, and that the above mentioned arbitrators' report set forth the findings of the said arbitrators acting under authority of the said arbitration agreements.

Petitioner further showed to the Court that, inter alia, questions as to the value of the fee simple estate in the numbered tracts of land within the area described in the petition herein, shown in the following table, and described under their respective numbers in the said report of the Board of Appraisal Commissioners herein, and as to incidental damages which will arise upon the condemnation thereof, were duly submitted to the said arbitrators, in pursuance of the said agreements, by the petitioner and some or all of the respective exceptants, objectors and movants whose names are set out after each of the said numbered tracts in the said table, which table is as follows:

Thereupon petitioner, by counsel moved the court to amend the findings as to value and damages set forth in Tables II and III of the said report of the Board of Appraisal Commissioners to conform with the findings of the said arbitrators; and, thereafter, to overrule and dismiss the several motions to disapprove the findings of the said Board of Appraisal Commissioners and the several objections and exceptions thereto, submitted by the several exceptants, objectors and movants whose names are set out in the above table, on their several exceptions, objections and motions, the answers thereto, and the supporting affidavits filed with the record, whether or not they or any of them are not lawfully bound by the findings of the said arbitrators, by reason of their omission or failure in fact to execute and enter into the above mentioned arbitration agreement, or by reason of any defect in form or of substance in the execution of said arbitration agreement, or by reason of any lack of power to execute the said arbitration agreement.

Upon consideration of all which it is adjudged and ordered that the findings as to value and incidental damages as shown in Table II. and Table III of the said report of the Board of Appraisal Commissioners as to the numbered tracts set forth in the above set out table should be and are amended in so far as that may be necessary to make the said findings conform with the findings set forth in the said report of findings by the said arbitrators; and the said amendments having been made, it is further adjudged and ordered, that the several motions to disapprove the findings of the Board of Appraisal Commissioners, and the several exceptions and objections thereto, filed by the several exceptants, objectors and movants mentioned in the above set out table should be and are overruled and dismissed, on their several exceptions, objections and motions, the answers thereto, and the supporting affidavits filed with

TABLE II

For amendments in amounts of value of tracts 24, 54, 70-I, 142, 148, 151, 151-a, 152, 164, 164-a, 173, see order entered herein March ~~7~~<sup>14</sup>, 1934.

TRACT  
NUMBER

24	\$ 6374.00
54	22349.00
70-I	1200.00
142	2004.71
148	3337.77
151	20023.00
151-a	315.85
152	1650.00
164	3040.00
164-a	1500.00
173	2607.00

TABLE III

No findings as to incidental damages by Arbitrators, except as to Tract #151, as follows: Incidental damages to removable furnishings \$662.00. See order entered herein March ~~7~~<sup>14</sup>, 1934.



the record, whether they did or did not, in fact, severally execute and enter into the above mentioned arbitration agreements with the petitioner in such form and with such effect that they were and are lawfully bound by its terms and conditions.

It is further adjudged and ordered that the above mentioned amendments in the amounts of value and incidental damages set forth in Tables II and III of the report of the Board of Appraisal Commissioners herein, be made to appear by the Clerk of this Court, on the face of the said tables, accompanied with appropriate references to the date of entry of this order, by inserting the amended amounts of value in Table II of said report in red ink by the side of the numbered tract to which they relate, and by inserting with red ink in Table III of said report a note setting forth whether or not any findings as to the amount of incidental damages was made by the said arbitrators, and if the amount of any such incidental damages was found by the said arbitrators, the amount thereof and the numbered tract out of the condemnation of which such incidental damages were found to arise; all in substantially the form and manner and in the exact amounts as shown below: