

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

JUL 20 1933 9:30 a.m.

J. Robert Shultz
Clerk

AFFIDAVIT OF A. C. CARSON, DATED MAY 23rd, 1933. RE. GENERAL.

This affidavit is made at the request of the State Commission on Conservation and Development of the State of Virginia for file with the record in all or any of the following Public Park Condemnation proceedings pending in the Circuit Courts of the Counties of Virginia in which said Commission is Petitioner and in which the defendants are as follows: Virginia Atwood, et als, etc., in the Circuit Court of Warren County; Ada Abbott and others, etc., in the Circuit Court of Page County; Clifton Aylor and others, etc., in the Circuit Court of Rappahannock County; Armentrout, C. E. and others, etc., in the Circuit Court of Greene County; Archer, A. W., and others, etc., in the Circuit Court of Augusta County; Cassandra Lawson Atkins, et als, etc., in the Circuit Court of Rockingham County; W. L. Arey and others, etc., in the Circuit Court of Albemarle County; D. F. Anderson, et als, etc., in the Circuit Court of Madison County.

It is my understanding, purpose and intention in making this sworn statement, that the said Commission may, in its discretion, file and submit the same in support of its prayers, motions, answers and contentions submitted in the course of all or any of the above mentioned condemnation proceedings, including its answers to the several motions by claimants and landowners in the several above mentioned condemnation proceedings, praying the respective courts to decline to accept or to disapprove the respective reports and findings of Special Investigators and Boards of Appraisal Commissioners appointed in the course of the said condemnation proceedings:

My name is A. C. Carson. My postoffice address is Riverton, Virginia. I am a brother of William E. Carson, the Chairman of the State Commission on Conservation and Development. I am an attorney licensed to practice in the Courts of Virginia, and one of Counsel for the Petitioner in the above mentioned condemnation proceedings.

Due in part to the ill health and inability of Mr. Armstrong to give the matter his personal attention, I personally drafted each and every affidavit which has been executed to date at the request of the Petitioner for use in connection with the various exceptions filed to the reports of the various Boards of Appraisal Commissioners in these proceedings except only the affidavit prepared by Mr. William C. Armstrong, who is the Attorney of record for the Petitioner.

The statements set forth in these affidavits are statements which the persons who executed these affidavits informed me personally they could and would make under oath, with reference to the matters mentioned in the affidavits, these statements being set forth as precisely and succinctly as the time and conditions under which they were made would permit.

Referring specifically to the affidavits made by the several secretaries of the various Boards, these affidavits were drafted by me with no aid or intervention or any person whatever except the respective secretaries and the stenographers who typed the affidavits.

When these affidavits were prepared, I had only a very slight personal acquaintance with any of these several secretaries.

Two of them I had met, but only knew them very slightly when they came in to make their affidavits. The third I knew rather better, but I had only seen him on a few occasions. Mr. Levi, I knew better, having attended for a short time two or three hearings of the Warren County Board, and having met him on several occasions both before and after his appointment on the Warren County Board. But my acquaintance with him has never been extensive. I have never had any business or any other relations with him whatever, beyond those that have arisen out of his connection with these proceedings and my occasional contacts with him since the date of his appointment, which were infrequent. I did not know any of the members of these Boards before they were appointed, and I have met none of them except perhaps Mr. Levi, more than half a dozen times since that date, several years ago.

They came to the Park Offices in Front Royal, by invitation of counsel for the Petitioner to make affidavits as to the proceedings had before them, in connection with the answers Counsels expected to file to the exceptions to their reports, and their statements were made to me and to me alone and by me drafted without aid, suggestion or intervention of anyone, and set out in form of the affidavits executed by them.

I had attended altogether, not more than half a dozen of the hearings conducted by the various Boards and at the time I drafted their affidavits I had had neither personal or official relations with any of them which might have made it possible for me to exercise any undue influence over them or any of them had I desired so to do.

Certain it is that I had no desire to influence them or any of them to make any false statement, or to make any statement of fact not in exact accord with their own recollection of the facts as they knew them.

My acquaintance and relations with the members of the four different sets of Appraisal Commissioners was practically limited to the quite formal occasions on which, in pursuance of a suggestion of Judge Williams to the Warren County Board that the Commissioners might or should require counsel for the petitioners to draft their reports, I undertook to do so and necessarily discussed their findings with them, but only to the extent necessary to ascertain what findings they had made and set them out in my draft, leaving blanks in my draft for the entry of the findings as to value of the various tracts and of incidental damages which the different Boards were careful not to disclose to me, and which in fact, I did not desire to know until they themselves had had these figures inserted.

Although I took no active part in the hearings had before the various Boards and attended only a very few of those held in Warren County I acted as Counsel for the Chairman of the Commission on Conservation and Development throughout the whole course of these proceedings.

From the beginning I impressed upon him the vital necessity of having all the proceedings conducted with the fullest recognition of the rights of the owners and claimants of the lands in the Park area.

I joined him in advice to Counsel in active charge of the proceedings that no attempt to take advantage of any of the claimants or owners should be made by the presentation of techni-

cal objections to the evidence on the ground of incompetence, immateriality or irrelevance. I urged upon Counsel that in the course of the proceedings, they should take pains to submit at the public hearings to the various Boards, the correct rules or procedure and correct principles upon which condemnation proceedings and appraisals in condemnation proceedings should be made.

I pointed out that the whole success of the undertaking to condemn the National Park area depended upon the absolute fairness with which the Petitioner, his counsel, agents and attorneys should conduct their part of the proceedings.

I advised Mr. Carson that he should have all his agents and employees instructed to avoid discussions or references to the testimony or to any question of value of lands sought to be condemned outside the public hearings. I pointed out to Mr. Carson that the entire proceedings would be endangered by even the appearance of evil. I know that Mr. W. E. Carson was in entire sympathy with my position in this regard and that he instructed his attorneys, agents and employees along the lines suggested by me.

My attention was called to the fact that on occasions the attorneys, agents and employees of the Petitioner travelled in the same automobile and sometimes dined at the same hotels as did different members of the Boards while engaged in the performance of their duties. I expressed it as my opinion that, under all the circumstances, occasional instances of this kind could not vitiate the proceedings, but in such cases, the attorneys and agents and employees of the Commission should be instructed

to exercise extreme prudence in making any references whatever to the pending proceedings.

I, myself, however, had a personal experience which quite clearly indicated to me the practically unavoidable nature of such contacts. I accompanied Mr. Armstrong and Mr. Marsh to Stanardsville to the Court where Judge Smith was then sitting. We went there in connection with some instructions which Judge Smith had under consideration for the Board of Appraisal Commissioners in Greene County. At the luncheon hour, Judge Smith suspended the proceedings for half or three quarters of an hour, and the Commissioners in that County, Mr. Armstrong, Mr. Marsh and myself all repaired to the hotel where we dined in the same hall, and as it chanced at the same table with Judge Smith at which there also were seated one or two of the Commissioners.

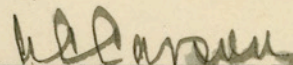
It would have been necessary for either the Commissioners or the attorneys or the Judge to have gone without their meal that day had they not repaired practically together to the hotel and dined at such vacant seats at the dining tables as they could find.

Neither Mr. W. E. Carson nor I had or have offices in Front Royal, although, of course the office of the Supervisor of Parks is the office of the subordinate of Mr. W. E. Carson who is Chairman of the State Commission on Conservation and Development. Our offices and our business are located at Riverton, Virginia. However, both of us not infrequently went to the Park Office and the office of Messrs. Weaver and Armstrong, Attorneys for the Petitioner, for the purpose of following the con-

demnation proceedings, and in that way we kept in quite close touch with the course of these proceedings.

Witness my signature this 23rd day of May, 1933.

A. C.



A. C. Carson

STATE OF VIRGINIA)
(SS.
COUNTY OF WARREN)

Personally appeared before me, the undersigned Notary Public in my said State and County, A. C. Carson, whose name is signed to the foregoing statement, and who being duly sworn, made oath that the matters and things set forth therein are true to the best of his knowledge and belief.

Witness my signature and Notarial Seal this 23rd
day of May, 1933.

Emma K. Stokes (SEAL)

My Commission Expires December 3rd, 1933

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

JUL 20 1933 9:30 a. m.

Robert H. Smith Clerk
AFFIDAVIT OF Wm. E. CARSON, DATED APRIL 24, 1933. RE. GENERAL.

This affidavit is made at the request of the State Commission on Conservation and Development of the State of Virginia for file with the record in all or any of the following Public Park Condemnation proceedings pending in the Circuit Courts of the Counties of Virginia in which said Commission is Petitioner and in which the defendants are as follows: Virginia Atwood, et als, etc., in the Circuit Court of Warren County; Ada Abbott and others, etc., in the Circuit Court of Page County; Clifton Aylor and others, etc., in the Circuit Court of Rappahannock County; Armentrout, C. E. and others, etc., in the Circuit Court of Greene County; Archer, A.W. and others, etc., in the Circuit Court of Augusta County; Cassandra Lawson Atkins, et als, etc., in the Circuit Court of Rockingham County; W. L. Arey and others, etc., in the Circuit Court of Albemarle County; D. F. Anderson, et als, etc., in the Circuit Court of Madison County.

It is my understanding, purpose and intention in making this sworn statement, that the said Commission may, in its discretion, file and submit the same in support of its prayers, motions, answers and contentions submitted in the course of all or any of the above mentioned condemnation proceedings, including its answers to the several motions by claimants and landowners in the several above mentioned condemnation proceedings, praying the respective courts to decline to accept or to disapprove the respective reports and findings of Special Investigators and Boards of Appraisal Commissioners appointed in the course of the said condemnation proceedings:

My name is Wm. E. Carson. My post office address is Riverton, Virginia. I am Chairman of the State Commission on Conservation and Development of Virginia, the Petitioner in the above mentioned condemnation proceedings, and the "representative, agent, and attorney" of the Petitioner in these proceedings, duly designated and approved under authority of the provisions of Section 24 of the Public Park Condemnation Act.

As such agent and representative of the Petitioner, I instituted and have since maintained the above mentioned condemnation proceedings on behalf of the State Commission on Conservation and Development.

I placed Mr. S. H. Marsh (Director of Public Parks of the State of Virginia) in direct charge of the activities of the Petitioner looking to the condemnation and acquirement by the Commission of the lands described in the petitions filed in the above mentioned condemnation proceedings for use as a public park or for public park purposes.

Before instructing him with this highly responsible duty, I carefully inquired into his character, education, training experience, general reputation, and qualifications, and satisfied myself that he is a man of excellent moral character, and eminently fitted by reason of his education, training and professional qualifications for the performance of the duties thus imposed upon him, and I am today well satisfied that no better selection could have been made.

I advised Mr. Marsh that it was the desire of the Commission that he should employ as assistants none but men of known

honesty and integrity, of good moral character, and fully equipped by education and experience for the work which would be required of them; that with his assistants it would be necessary for him to make an intensive study of the area we proposed to acquire in condemnation proceedings; to map and to classify and appraise the various tracts of land of diverse ownership within the area; to ascertain the acreage within each of such tracts, and to ascertain and tabulate the various types of soil in each such tract; the acreage and value of the timber and grazing lands, agricultural lands, buildings and other improvements, and of the mineral bodies and mineral rights, in such tracts, and of all the elements of value making up the total market value of the fee simple estate in each of such tracts.

I personally instructed Mr. Marsh and his principal assistants, (and I directed Mr. Marsh to instruct all his assistants) to the effect that in preparing and assembling such data and tables of value, and in appraising all elements of value, and in testifying thereto before the several Boards of Appraisal Commissioners absolute fairness and justice to the land owners and claimants should always be the prime consideration controlling their activities; that no unfair advantage should be taken of any owner or claimant, and that on the contrary every facility should be extended to all owners and claimants to assist them and to enable them to secure a full and fair hearing upon their claims; that no evidence or testimony should be submitted by the agents, representatives, employees, or witnesses for the Petitioner except such as would tend to develop the fair and honest values of the lands sought to be condemned; and that the Commission, being an agency of the State, would prefer

that if any error should be made in submitting evidence as to values, or in the findings of the Boards of Appraisal Commissioners and the Courts as to such values, such error should be on the side of liberality to the claimants and owners rather than that any owner or claimant should be deprived of his lands without full, fair, adequate and just compensation.

I know of no case in which these instructions were disregarded or disobeyed, and I believe that the appraisals of values made by Mr. Marsh and his assistants carried out the spirit and intention of these instructions, to the best of their skilled knowledge and understanding in the performance of their duty in this regard.

In like manner, I made it clear to counsel for the Petitioner, that it was the policy and purpose of the Commission that no technical or legal advantage should be taken of any claimant or owner, and that, on the contrary, counsel should at all times cooperate with the owners and claimants and the various Boards of Appraisal Commissioners to the end that the fair, just and adequate value of all the lands within the Park area might be duly ascertained and determined, and reported.

In giving instructions to Counsel and other agents or representatives or employees of the Petitioner, I took pains to emphasize the fact that the Conservation Commission is an agency of the State and that the proposed condemnation proceedings were being maintained for and on behalf of the State and that there was therefore a moral obligation and a clear duty on the Petitioner and all its agents and representatives as well

as upon the Courts, the Boards of Appraisal Commissioners, and other officers of the Courts, to recognize and protect the rights of all owners and claimants of lands within the area sought to be condemned to have the lands owned or claimed by them justly and fairly valued; and that whether these owners or claimants appeared in the proceedings or not, it was the duty of the Petitioner and its Counsel and its other agents and representatives to procure and submit all available evidence necessary to establish the fair market value of such lands, whether this evidence tended to raise or to lower their own estimates of the values of these lands. I especially emphasized the duty on the Petitioner and its Counsel and its agents and representatives to be fair and just in appraising and submitting evidence as to lands for which no owner or claimant appeared in the proceedings, and lands whose owners, by reason of poverty or ignorance, might not be able to procure and submit all the available evidence in support of their claims. I insisted that in all such cases, it was the clear duty of the Conservation Commission and its Counsel and other agents and representatives just as it was the duty of the Courts and their officers, including the Board of Appraisal Commissioners, to do everything in their power to prevent injustice being done, and to aid such poor or ignorant owners in establishing their claims to just compensation. There were a considerable number of claimants and owners who did not file their claims in the time allowed by the orders of the respective courts, and in every county there are some owners and claimants who, through ignorance or indifference, never have filed claims or appeared at the

public hearings to testify as to the value of the lands in which they own or claim some right, title, estate or interest. I was advised in the course of the proceedings that in a limited number of cases where the owners did file claims and appeared at the public hearings, the testimony and the evidence submitted by them was so vague, or indefinite or unsatisfactory as not to be sufficient to sustain specific findings of values as high as Counsel for the Petitioner was ready to admit, or to which they were clearly entitled on a mere inspection of the lands claimed by them, and upon learning that such was the case, I reiterated the above set out instructions, and directed Counsel, and Mr. Marsh, who was in charge of the proceedings, to do everything in their power to make certain that the Appraisal Commissioners were advised as to all the facts as to the value of the lands claimed by such persons, when submitting evidence on behalf of the Petitioner.

I know of no instance in which any person or persons have sought to use or have used any undue influence in an effort to induce the Boards of Appraisal Commissioners or their respective members, or any of them to bring in findings of less than full and adequate values and damages; and I know of no person or persons who have or have had either the means or desire or motive or purpose so to influence or affect the findings of the various Boards.

As an officer and part owner of the Riverton Lime Company, Riverton, Virginia, and its predecessor in interest,

the Carson and Sons Lime Company, for many years one of the largest consumers of forest products for fuel and manufacture into staves and straps, in Northern Virginia, I have had wide experience in buying lumber and other forest products, and in buying, leasing and cutting wood and forest lands in, and in the vicinity of the Northern section of the proposed Park area, and similar lands in Northern Virginia.

As Chairman of the State Commission on Conservation and Development which includes the Forestry Division, I have made extensive examination and study of the Forestry resources of the State of Virginia, and of the economic values of the forest lands in the Blue Ridge Mountains, including most of the lands within the Park area, and of the standing timber and the possibility of the future development of the timber on these lands.

I have also had a quite extensive experience in Warren County, Virginia, in the construction and leasing of houses and tenements for myself and for the Riverton Lime Company; the planting, development and management of a commercial apple and peach orchard; the grazing and fattening of cattle in, and in the vicinity of the Park area in Warren and Rappahannock Counties.

I believe therefore that I have a sound and relatively extensive experience in handling lands and improvements thereon similarly located and in every respect similar to those within the area sought to be condemned in the above mentioned proceedings. I have followed quite closely the course of these proceedings and I am quite fully and accurately informed as to the measures taken by the agents of the Petitioner in mapping and appraising the var-

ious tracts within the Park area in the several counties.

I am convinced that the appraisal values placed on these lands and the improvements thereon by Mr. Marsh and his assistants were and are uniformly liberal and generous and in most instances substantially higher than the actual cash market value as of today, or as of any time within the last three years, or as of any time within the future which can reasonably be anticipated. I am, and have been of opinion that in making these relatively high appraisals of values for submission in evidence to the various Boards, Mr. Marsh and his assistants, who had wide experience in the Federal Forest Service were uniformly disposed to appraise these lands at more than their actual cash market value, by reason partly of my insistence that they should be liberal rather than niggardly in their appraisals; and partly by reason of their long experience in the federal service in buying lands for the U. S. Forest Reserves, by direct negotiations with the owners and claimants. As I understand it the prices demanded and paid for the U. S. Forest Reserves were made with the knowledge that vast sums had been appropriated for the purchase of these lands in the sections in which the U. S. Forests were to be established and elsewhere; whereas there has not been and there is no indication that the United States has contemplated or would contemplate the purchase of the lands within the proposed Park area; and in the absence of such a prospective buyer, the actual market value of the lands in the Park area is in my opinion much less than the market value for similar lands in the areas in Northern Virginia and elsewhere sought to be acquired for U. S. Forest Reserves.

The lands within the Park area are more or less removed from the centers of trade, and the demands for such lands is sharply and definitely limited by reason of their location.

Only in a limited number of cases did any of the Boards find values or damages less in amount than those set upon the lands by Mr. Marsh and his assistants; and in the great majority of cases their findings of value were more or less substantially higher than the uniformly liberal estimates of Mr. Marsh and his assistants.

I am satisfied that the uniform tendence of all the Boards of Appraisal Commissioners was to make extremely liberal and even generous findings as to values and damages, and that in many cases their findings are substantially in excess of the actual cash market value of the lands in question.

Some of the exceptants to the values found by the various Boards indulge in vague intimations or allegations to the effect that these Boards were unduly influenced by the Petitioner, or by their own desire to see the proposed Public Park established, to bring in low and inadequate findings of value in order that the funds appropriated by the state and available for the purchase of these lands might be sufficient to enable the Petitioner to acquire the necessary lands for the Park.

The entire lack of foundation for such intimations and allegations is clearly shown by the fact that the total amount reported by all the Boards as the value of all the lands appraised by them was \$3,838,722.55, whereas the value set upon these lands by the expert appraisers employed by the Petitioner was only \$3,042,351.76 and this as I have already indicated was in itself a liberal and in many cases a very generous appraisal.

So largely did the total values placed on the lands within the original Park area by the various Boards of Appraisal Commissioners exceed the preliminary estimates of the values of these lands and the liberal values as estimated and appraised by the experts employed by the Petitioner for that purpose, and the values placed on these lands by the Witnesses called by the Petitioner, that it became necessary to procure the passage of an Act of Congress reducing the original acreage of 326,000 acres prescribed as the minimum for the proposed National Park to 160,000 acres, so that the funds appropriated and available for Park purposes might be sufficient to acquire the prescribed minimum at the values ascertained and determined by the various Boards of Appraisal Commissioners as shown by their respective work sheets submitted to the Courts in the several counties in the course of the proceedings.

The lands originally sought to be condemned for the Shenandoah National Park are the lands described in the Shenandoah National Park Act containing approximately 326,000 acres, located in part in each of the eight above mentioned counties in which condemnation proceedings are pending and more particularly described in the respective petitions filed in these proceedings.

It is the purpose of the Petitioner to secure awards of not less than 160,000 acres of these lands as and when their fair market value has been finally ascertained and determined, and to dismiss the proceedings as to the various tracts within the area originally sought to be condemned for which condemnation

awards may not be desired, because of the lack of available funds for which to purchase them.

Witness my signature this 24th day of April, 1933.

William E. Carson

William E. Carson.

STATE OF VIRGINIA)
(SS.
COUNTY OF WARREN)

Personally appeared before me, the undersigned Notary Public in my said State and County, Wm. E. Carson, whose name is signed to the foregoing statement, and who being duly sworn, made oath that the matters and things set forth therein are true to the best of his knowledge and belief.

Witness my signature and Notarial Seal this 24th
day of April 1933.

My Commission Expires December 3rd, 1933

Emma K. Stokes (SEAL)

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

JUL 20 1933 9:30
a.m.

Robert S. Suits Clerk
RE. GENERAL

AFFIDAVIT OF S. H. MARSH,, DATED MARCH 1, 1933.

This affidavit is made at the request of the State Commission on Conservation and Development of the State of Virginia for file with the record in all or any of the following Public Park Condemnation proceedings pending in the Circuit Courts of the Counties of Virginia in which said Commission is petitioner and in which the defendants are as follows: Virginia Atwood, et als, etc., in the Circuit Court of Warren County; Ada Abbott and others, etc., in the Circuit Court of Page County; Clifton Aylor and others, etc., in the Circuit Court of Rappahannock County; Armentrout, C. E. and others, etc., in the Circuit Court of Greene County; Archer, A. W., and others, etc., in the Circuit Court of Augusta County; Cassandra Lawson Atkins, et als, etc., in the Circuit Court of Rockingham County; W. L. Arey and others, etc., in the Circuit Court of Albemarle County; D. F. Anderson, et als, etc., in the Circuit Court of Madison County.

It is my understanding, purpose and intention in making this sworn statement, that the said Commission may, in its discretion, file and submit the same in support of its prayers, motions, answers and contentions submitted in the course of all or any of the above mentioned condemnation proceedings, including its answers to the several motions by claimants and landowners in the several above mentioned condemnation proceedings, praying the respective courts to decline to accept or to disapprove the respective reports and findings of Special Investigators and Boards of Appraisal Commissioners appointed in the course of the said condemnation proceedings:

TRAINING AND EXPERIENCE:

My name is S. H. Marsh. I am forty-seven years of age,

and reside in Rockingham County, Virginia. I was educated at Berea College, Kentucky, and at Yale University and am a graduate of the Yale School of Forestry.

Following my graduation, I was employed by the United States Forest Service, Department of Agriculture, for a period of eighteen years, between the years of 1911 and 1929 inclusive. My first assignment with the U. S. Forest Service was with the Division of Acquisition and I was engaged in the examination of lands in North Carolina, South Carolina and Georgia, in the Savannah Purchase area, now included in the Nantahala and Pisgah National Forests.

My duties consisted of appraising the value of properties offered for sale to the U. S. Forest Service and included; the classification of the soil by types and the valuation thereof; an estimation by species of the quantity of the standing timber and the calculation of a fair stumpage value of the same after a calculation of the logging, milling and operating costs, and the deduction thereof from the sale price of the various grades of lumber and other forest products into which it was capable of being manufactured; the valuation of any improvements on the various properties examined; the preparation of maps showing the topography, area and extent of the various soil types and the location of the timbered portions of the tracts examined; the location of the improvements; the preparation of detailed reports in which were itemized the various elements of value, and carried my recommendations as to the price which the U. S. should pay for these properties; the negotiations with the land owners

for the purchase of the properties examined upon the approval of my reports by the National Forest Reservation Commission which was composed of the Secretary of Agriculture, the Secretary of War, the Secretary of the Interior, two United States Senators, and two United States representatives.

Approximately 150,000 acres were examined by myself and my associate employed on this work in the area mentioned, during my connection with the project.

The character of the land examined and the types of soil and species of timber were very similar to that now sought to be acquired for Shenandoah National Park. There were numerous farms, small orchards and improvements, such as buildings, etc., tracts of grazing land, and small tracts of woodland, attached to the farm lands, as well as large timbered areas, one particular tract containing 75,000 acres.

In 1912, I was transferred to Virginia, by the United States Forest Service, to take charge of the work of acquiring the area to be included in the Shenandoah National Forest now known as the George Washington National Forest. These lands lie in the Shenandoah and Great North Mountains in Virginia and West Virginia; during the succeeding five years my duties consisted largely of examination, valuation and purchase of lands within this area.

These lands were for the most part acquired by negotiation with the owners, and purchased at prices agreed upon, and consisted of tracts ranging in size from a few acres to as large as 60,000 acres, and included lands and improvements of all classes, such as farms, orchards, dwellings, outhouses and other improvements, grazing lands, timber lands, cut over areas, virgin timber, and lands in or on

which it was claimed bodies of minerals of various kinds could be found.

My duties with respect to the acquisition of these lands were similar to those set out above in the acquisition of the lands within the Savannah Purchase area.

In 1917, the Shenandoah, Massanutten and Potomac Purchase areas in Virginia and West Virginia were consolidated and by Presidential Proclamation given the name of the Shenandoah National Forest, and I was made Forest Supervisor, which position I held until 1927. My duties as such Forest Supervisor, among others consisted of the purchase of land within the Forest area; the examination and valuation of such lands, timber and improvements. The purchases in the three combined areas under my supervision in 1927 aggregated approximately 450,000 acres, all of which was examined under my direct supervision, except about 150,000 acres, which was added at the time of the consolidation.

In 1927, I was transferred to Washington, D. C., as an Inspector and assigned to duty in the Southeastern group of states, including Virginia, West Virginia, North Carolina, South Carolina, Georgia and Florida, and was engaged as such for a period of about two years, during which I was actively engaged in duties in connection with the administration of the States Relations work in the Federal Forest Service throughout this territory.

On February 15, 1930, I was offered and accepted a position with the State Commission on Conservation and Development of the State of Virginia, as Supervisor of Parks, and took immediate charge of the examination, classification and appraisal of the lands with-

in the proposed Shenandoah National Park area, preparatory to the proposed condemnation and acquisition of these lands by the Commission.

I succeeded as such Supervisor, Mr. Alexander Stuart, who died suddenly in December, 1929.

U. S. GEOLOGICAL SURVEY MAPS FILED WITH CONDEMNATION PROCEEDINGS:

The Engineers and Surveyors of the U. S. Geological Survey prepared the maps of the original proposed Shenandoah National Park area in each of the above mentioned counties which were later filed with the petitions in the several condemnation proceedings.

The boundary lines indicated on these maps were run from the description of the proposed area set out in the "Shenandoah National Park Act." They were run with extreme accuracy, and the lines were blazed or marked on the ground.

Stations were established at intervals along the line. These stations were definitely described in the survey description prepared as a result of survey of the periphery of the Park area by the U. S. Geological Survey, and the maps and descriptive data gave the metes and bounds, which were thereafter set forth in the petition filed in the respective counties.

These maps set out the location and ownership of lands on either side of the boundary line, and with these maps and the metes and bounds description set forth in the petition in the respective counties, and the boundary line located and blazed on the ground, it was and is possible for owners and claimants of lands within and without the proposed area to identify with ease and with accuracy, the location of the said boundary lines of the proposed Park area.

In or about 1886, the U. S. Geological Survey established numerous accurately located bench marks throughout the Blue Ridge Mountains, a number of which were established in Virginia in the region in which the proposed Park area is located. The survey of the periphery of the Park area was tied in to these bench marks.

The survey of the periphery of the Park area was carefully and accurately made by the U. S. Geological Survey in 1927 and 1928. Several well organized parties under capable and experienced engineers conducted the field work under the direction of Col. Glenn Smith, Division Engineer in charge of the Atlantic Division. The making of the Survey and the preparation of the map required about a year.

The survey of the boundary line having been completed, the U. S. Geological Survey sent additional surveying parties into the Park area to make an accurate topographic survey and map of the entire area. By this survey, the mountain tops, the streams and other topographic features were accurately located and tied in to established bench marks. Roads, trails, houses, churches, buildings and other improvements and landmarks were accurately located and tied into topographic features, so that they can be located with exceptional accuracy from the topographic map. In addition, the boundary line of the proposed Shenandoah National Park was shown on this map.

Aerial photographic surveys of large sections of the Park area were made by the United States Army at the time when the engineers of the U. S. Geological Survey were running the boundary line. These serial photographic surveys, as well as the topographic maps, and the boundary survey data and maps prepared by the U. S. Geological

Survey, were turned over to the Petitioner, the State Commission on Conservation and Development of Virginia, and used by me and my associates in connection with the survey and preparation of our "County Ownership Maps", and the mapping, survey, and examination of the individual tracts of diverse ownership, plats of which were used in compiling the ownership maps of the County, which plats and "County Ownership Maps" were submitted to the Board of Appraisal Commissioners as a part of the evidence submitted by the petitioner.

ASSEMBLAGE OF PARK AREA DATA:

As and when these U. S. Geological Survey Maps of the proposed Park area in each county were completed, it became my duty as Supervisor of Parks in charge of the proposed condemnation proceedings, to assemble all available data in each county as to the land within the proposed Park area, its division into tracts of diverse ownership, the extent of, and the various claims of ownership to or in each of such tracts, and such other information as it was believed might serve a useful purpose in the course of the contemplated court proceedings for the condemnation of these lands.

My predecessor, Mr. Alexander Stuart, deceased, was engaged in preliminary work of this kind at the time of his death, and I have been charged with this work since the date of my appointment as Supervisor of Parks in February, 1930; and under the joint direction of myself and Mr. Stoneburner, my principal assistant, "County Ownership Maps" were prepared showing all the tracts or parcels of land of diverse ownership within the proposed Park area, numbered consecutively, and plats of each of these numbered tracts

were prepared showing the location, adjoining owners, topographic features and the general character of each of such tracts as to location, soil, timber, orchards, buildings, and other improvements constituting the different elements from which each tract derives its value. The fair market value of the fee simple estate in each of these tracts was estimated and appraised by Mr. Stoneburner and myself. Some of the consecutive numbers identifying the tracts of diverse ownership on the County Ownership Map filed by the various Boards, are missing, due to the fact that since the numbers were first assigned to the various tracts, it was found that these tracts should properly be included with other adjoining tracts, it not appearing that there was any real claim of diverse ownership with regard thereto.

All this work was done by and under the joint and immediate direction of myself and Mr. Stoneburner, aided by competent and reliable foresters, surveyors, engineers, realtors, timber estimators and operators, geologists, and experts in the various matters as to which we asked for their assistance and advice; the values thus ascertained were determined and decided in each instance jointly by Mr. Stoneburner and myself from our own judgment of the values of these various tracts or parcels of land, formulated as herein indicated, after consultation with the experts employed by us to assist us as above set forth in the survey and appraisal of the various tracts of diverse ownership within the area.

We devoted more than twenty months to the field work and took every precaution and exercised the utmost care in an effort to insure the accuracy of the County Ownership Maps and Plats of the

tracts of diverse ownership prepared by us, and in the tabulation and appraisal of the elements of value entering into the total value of the fee simple estate in each tract of diverse ownership shown on the County Ownership Map.

PREPARATION OF COUNTY OWNERSHIP MAP:

We, that is, Mr. Stoneburner and myself, prepared ownership maps of that portion of each County lying within the proposed Shenandoah National Park area, on which we showed the topographic features, such as mountain tops, streams, principal roads and trails, making use for this purpose of the data furnished by the topographic maps furnished by the U. S. Geological Survey, and adding to the topographic features upon that map such additional topographic features as we ourselves had located and deemed useful or necessary.

We ran base lines and traverses along the principal roads and streams and mountain tops for the purpose of tying in property lines and corners with reference to stations on these base lines, and to the exterior boundary lines as set out on the U. S. Geological Survey Map, which lines are located and blazed on the ground. We made plats of each individual tract of diverse ownership and located these plats on the map with respect to known topographic features and base line stations.

In the preparation of these plats showing the various tracts owned or claimed by diverse owners, we sought and obtained all available information from the owners or claimants themselves, and from the county records and the descriptions and surveys set out in deeds to or from claimants or owners, and in cases where the re-

corded surveys were incomplete or inadequate, as occurred in many instances, we made such additional partial or complete surveys as were necessary in the proper location and delineation of the land thus surveyed on the County Ownership Maps. Two survey parties were engaged in this work almost exclusively during the period devoted to the preparation of these maps.

Every tract lying within the proposed Park area in each county claimed by diverse owners, was thus platted and fitted into the map, properly located and tied in to other adjoining properties, and numbered consecutively and checked and verified by reference to the answers of the claimants and owners to the petition as and when their claims were filed with the record.

In many instances we found that the claim of different owners or claimants lapped, especially where no well defined fences or natural boundary lines divided the different properties. In all such cases we showed such overlapping claims as separate and specially numbered tracts on the proper County Ownership Map which are referred to as "laps" in our descriptive data and tables. These laps were shown on our maps (and they are also shown on the maps filed by the various Boards of Appraisal Commissioners) usually under the number given to the larger tract claimed by one of the parties, followed by the Roman numerals I, if there was only one lap on the tract claimed by him, or the Roman numerals, II, III, IV, etc., if there were several laps on such tract. Where a single individual appears to own or claim an interest in more than one non-contiguous tract, one of these tracts was given a number, and the others were

identified with the same number, followed by a letter of the alphabet, a, b, c, d, etc.

PREPARATION OF PLATS OF INDIVIDUAL TRACTS, SHOWN ON COUNTY OWNERSHIP MAPS:

Upon the completion of the rough draft of the County Ownership Map we began making a detailed examination of each of the individual tracts shown thereon.

In examining these lands, we followed the standard procedure used by the U. S. Forest Service in its acquisition of land for the National Forests in this section of Virginia and throughout the eastern part of the United States.

The system generally employed particularly on tracts of any size and on which a variety of soil and timber types occur is commonly known as the "Strip Survey System". It is so named on account of the fact that compass lines or strips are run across the property at regular intervals, and close enough together so that practically all of the land can be seen and accurately mapped. In running these strips across a property a crew of two or more men is used, one of whom runs the compass line and carries the chain. He is accompanied by the land examiner and timber estimator, who stops at the end of each chain run, maps the area covered, and if the strip is being run through timber, he tallies the timber by species for a distance of one-half to one chain on either side of the line. In heavy brush it is generally impracticable for the examiner to see and estimate the timber accurately for a distance of more than one-half chain on either side of the center line so that the strip of timber estimated is only one chain in width. Where the forest is

open and the visibility good, a strip one chain in width on either side of the center line or two chains wide is used.

The wooded area encountered on this strip was classified and mapped in three general soil types, "cove", "slope", and "ridge". The condition and the character of the growth on these various types was also indicated on the plats, i.e., "timbered", "cut over", "brush", and "burned". If a stand of merchantable timber was found a known percentage of the quantity of this was estimated by the examiner, as he progressed along his strip. The location of the strips was so planned that depending upon the size of the tract and the quality of the timber, the estimate of the timber included an actual view and count of from 10 to 30% on the trees on the timbered area.

We also covered the open or tillable land by the "Strip Survey" and these types were classified according to cover, condition and quality. Orchards were located on the map and their condition examined and noted. The grazing lands were very carefully examined and when such areas were extensive, we classified them according to quality sites, I, II, and III, based on their carrying capacity. The field data secured by these detailed examinations was worked up in the office immediately after the examination of each tract, under the immediate direction of Mr. Stoneburner and myself, and with the aid of the assistants who were engaged on the work under our direction.

During the course of this field examination we carefully checked the rough draft of the ownership map for any errors or discrepancies that might have been made in compiling the ownership data. Discoveries of errors in the location or extent of the individual

tracts frequently resulted in the making of a partial or complete survey.

TABULATION OF DATA AS TO INDIVIDUAL TRACTS:

From the data collected in the field we prepared reports and corrected when necessary, the boundary lines of the tracts shown on the ownership maps, and tabulated pertinent data such as; the acreage of the various types of soil, and the values we assigned thereto; The extent of timbered area, cut over area, brush land; estimates of the quantity and quality of standing timber and the value per one thousand feet on the stump; the estimated value of any improvements on the tract in question; and a summary of all the elements of value entering into our appraisal of the fee simple estate in each tract.

Each of the maps or plats and reports prepared in the field was carefully checked in the office, and rechecked on the ground wherever that seemed advisable, in order to avoid any errors in our appraisal of the property. Wherever there appeared to be any discrepancy in the data secured in the field, or in the appraisals and estimates of the value, or amount of timber, detailed check estimates were made under our direction by expert timber estimators and foresters who carefully checked over the work in any case where question or doubt arose as to the accuracy and correctness of the data assembled in the first instance.

In arriving at our appraisals of values we took into consideration the nature and character of the soil, its adaptability to the growth of crops of all kinds and fruit trees and timber; its value for grazing purposes; the revenue which the land is capable of producing for its owner; its location and relative accessibility

to nearby markets; the supply of available water; the value of minerals and mineral rights claimed or appearing in or under the surface, and any and all elements entering into the market valuation which should be placed upon it, including its adaptability for use for residential or business purposes. We also had in mind the going prices of lands of similar character and of the improvements thereon which in recent years had changed hands within and in the vicinity of the Park area.

And also, the average prices demanded, and accepted by owners of lands of similar character purchased by negotiation with the owners by the U. S. Forest Service for inclusion in the National Forests in Northern Virginia, some of which is located within from five to ten miles distance from the proposed Park area, and a large part of which is strikingly similar to the lands sought to be condemned in the above mentioned proceedings. We secured from the County records of each County lists of all transfers of land within and adjacent to the National Park area covering a five year period preceding the date of our appraisal of the value of the lands of the Park area. The soil values and other elements of value were finally decided upon by Mr. Stoneburner and me, only after careful comparison with the prices at which in recent years, similar lands had been acquired by direct purchase for the National Forests in Northern Virginia, and local sales, leases, and transfers of properties, both large and small, had been made within or in the immediate vicinity of the Park area. In making these appraisal of values we based our estimates and figures on the estimated average market values of the lands sought to be condemned and the prices paid for similar lands for a period of from

three to five years prior to the date of our appraisals.

In estimating the value of the standing timber or stumpage value of the different species, we took into consideration the value of the manufactured product, such as lumber, locust posts, stave-wood, and cordwood, having in mind the usual or standard deductions which should be made therein for the cost of manufacture. These valuations were carefully checked with prices which had been paid for stumpage in the immediate locality insofar as we were able to ascertain them, during a period of some three years prior to the date of our appraisal.

As an illustration of the "Strip Survey Method", or its modifications, used by us in examining and appraising these lands, I will describe the procedure adopted by us in examining what is known as one of the so-called Overall tracts in Page County:

Under our direction, one of the land examiners located himself at Station 6, a point on the base line extending up the Dry Run Road. At this point he ran a compass line and chained the distance across the tract in a northerly direction until he intersected the northern boundary of the tract. Upon reaching the northern boundary of the tract, an offset was made to the east, and a line run across the tract on a south course, and parallel with the line previously run, to the southern boundary of the tract. This procedure was continued and parallel lines run back and forth across the tract at regular intervals until the entire tracts was covered.

The purpose of running these lines at regular or known intervals across the tract, was to enable the land examiners, under our direction, to classify and to map the various soil types encount-

ered on the tract under examination, and to make careful estimates of timber wherever it occurred on strips of one to two chains in width along the compass line.

HEARINGS BY THE BOARDS OF APPRAISAL COMMISSIONERS:

The County Ownership Maps and the plats prepared and the data acquired as above set out, were submitted in evidence to the various Boards of Appraisal Commissioners at the public hearings by myself and Mr. Stoneburner in connection with our evidence as to the location and values of the tracts shown on the County Ownership Map in the respective Counties; and some or all of the individual experts, appraisers and surveyors who had assisted under our direction in the preparation of these maps, and in the assembling of the data as to the various elements of value as above set out, were also called as witnesses for the Petitioner.

These County Ownership Maps were corrected from time to time under the direction of the respective Boards of Appraisal Commissioners, as and when they found it necessary to make such corrections, as a result of their findings from the evidence submitted at the hearings and in the course of the personal inspection and views of each tract.

In preparing these maps and tables and in submitting our evidence we continually kept in mind the necessity for the filing of reports by the Commissioners as required by law, which would be responsive to the orders appointing them, and set forth the necessary findings upon which judgment of award might be entered as contemplated under the provisions of the Public Park Condemnation Law.

The Board of Appraisal Commissioners in Warren County having been the first to complete its work, we prepared, under the advice of counsel a form of report in which the specific findings as to values and incidental damages were left blank, and after this form had been submitted to and approved by the Hon. Philip Williams, Judge of the Circuit Court of Warren County, it was submitted to the Warren County Board and used by that Board in preparing and submitting its report.

Similar report forms were prepared in each of the other counties and used by the Boards in the different counties, in preparing and submitting their reports:- all of these reports being substantially uniform except as to the findings of values and damages and other matters peculiar to the respective areas in the respective counties.

TIMBER AND TIMBER RIGHTS:

In appraising the fee simple value of the various tracts of diverse ownership, it was the practice of myself and my associates to treat the standing timber on each tract as a separate element of value, and to report it as such to the Board of Appraisal Commissioners. If such standing timber could be fairly considered merchantable, i.e., of sufficient quantity and quality to justify a manufacturing operation, it was estimated and valued. Where the stand was composed of scattered trees or clumps of trees even of merchantable size, but insufficient in amount to justify an operation, or where such a stand was composed of young or immature timber, the value of such timber was included in the land value and not reported as a separate element of value in the fee simple estate.

An examination of the "Work Sheets" of the various Boards clearly indicates that the several Boards adopted a similar practice in appraising and determining the value of the fee simple estate in the various tracts of diverse ownership within the Park area.

The original stand of timber on the lands within the Park area consisted of approximately 40% chestnut on the eastern, and approximately 30% on the western slopes of the Blue Ridge. In many places and over extensive areas, chestnut occurred in almost pure stands.

About twenty years ago the chestnut blight attacked the chestnut timber, and the destruction of practically all the chestnut timber within the Park area followed. The ravages of this disease are more easily distinguishable on the eastern than on the western slope of the Blue Ridge because of the fact that the stand of chestnut was heavier on the eastern slope, and also because available markets for the dying and dead chestnut on the eastern slope were largely lacking. On the eastern slope of the Blue Ridge, because of the lack of accessible extract plants, and the distance from railroads and lack of good roads, it was impracticable and unprofitable to cut and remove the chestnut timber before, and still more so since the blight has killed it. On the western slope, due to the proximity to extract plants which utilized practically all chestnut not suitable for other purposes, most of the blighted chestnut has been cut and removed, and in fact most of it was cut before it was attacked by the blight.

On the eastern side of the Blue Ridge there are now many thousands of large chestnut trees standing within the area, stripped

of their bark, and bleached white by the action of the elements. Some of these trees might still be used for extract wood, but the cost of operation and transportation seems to have barred the use of this dead timber for extract and other merchantable use in the sections where it is still standing. There are a few scattered trees which have withstood the blight more successfully than the others, and which have retained a few green branches, but their time is limited, and in the course of a few years, they too will be bleached. The chestnut blighthas spared none of this species. Viewed from vantage points along the top of the Blue Ridge, some of the forest lands at various points on the eastern slope have the appearance of gigantic boneyards.

Except in a few cases in which there was a market for some of this dead chestnut for extract wood at nearby shipping poings, wē made no attempt to appraise the quantity of this blighted chestnut, because it is considered of no value whatsoever. Some of the blighted chestnut trees, although they may have been dead for many years, may still contain sufficient tannic acid for use as extract wood, but in most cases such blighted chestnut timber is so located with relation to the railroads, roads, markets and extract plants as to deprive them of any real value.

The value of the fee simple estate in all the timbered lands within the Park area on which there is a stand of merchantable timber, has been adversely affected by the ravages of the chestnut blight, not only by the loss of chestnut, but a reduction of from 30-40% in the amount of stumpage, and a consequent reduction in footage on which to prorate more or less fixed operating costs.

MINERALS: AND MINERAL RIGHTS:

In the performance of my duties as above set out, in connection with the appraisal and purchase of extensive areas of mountain lands in Virginia and other eastern and southern states for inclusion in the National Forests, I was frequently called upon to consider and to appraise the value of tracts and parcels of mountain lands on which the owners claimed or asserted the existence of valuable bodies of minerals or valuable mineral rights.

We were confronted with many similar claims by owners and claimants in the Shenandoah National Park area, and by persons claiming mineral rights in various tracts within the area.

I have therefore given very especial attention during the past three years to a study of the question of values of minerals and mineral rights claimed or asserted in the lands within the proposed Shenandoah National Park area, and described in the several petitions filed in the above mentioned condemnation proceedings; and in this connection I consulted at length with and proceeded largely under the advice of the State Geologist of Virginia, and the Assistant State Geologist of Virginia who were requested by the State Commission on Conservation and Development to make a very thorough study of the geology of the entire Park area, and of the existence of deposits of minerals and mineral rights therein, and were called as witnesses at the public hearings by the several Boards in the above mentioned condemnation proceedings.

My inquiries soon developed the fact that outcroppings throughout a considerable section of this area have given evidences of the occurrence of iron, copper, manganese and other minerals at various

points throughout the area.

It is common knowledge throughout the area, confirmed by written records and official and semi-official reports and bulletings, that the existence at various points throughout the proposed Park area, and in the Piedmont and Northern sections of Virginia, of iron and copper bearing ore has been known and exploited for more than seventy years, of manganese ores for more than fifty years, and that many attempts to explore and develop outcroppings carrying indications of these and other minerals have been made in the course of the last fifty years, especially during the closing years of the last century, and to some extent during the early years of the present century.

During, and for some time after the world war, when war-time prices prevailed for manganese, iron, copper and other minerals, great activity was shown by owners of lands in this area and others in an effort to explore and develop the possibilities for the commercial exploitation of land supposed to contain deposits of these minerals in the northern section of Virginia, and in the proposed Park area.

Speculators secured options or purchased mineral rights on royalty bases and similar terms, and undertook to float stock in mining companies for their exploitation, which in some instances, were capitalized at large and imposing figures, running up into the millions of dollars. In many instances, selected samples of ore were submitted to different chemists and laboratories, and bold claims based on these analyses stirred up further activities throughout the area wherever the outcroppings disclosed any traces of evidence of

such mineral ores. Many crude and some more skilled attempts were made at different points within the proposed Park area to explore and to "prove" the existence of bodies of ore of sufficient extent to justify the expenditure of time and money in continued and further exploitation and development.

But despite the high prices to which these various minerals rose during the war, and the relatively higher prices than normal which have prevailed from time to time during the long period of years during which the existence of indications of the presence of mineral ores in this area has been known and exploited, there is no record or evidence of any successful explorations or developments of mineral bodies or mineral rights within the area described in the petition; and in every case where exploration work has been undertaken, such work has failed to "prove" the existence of a commercially valuable body of ore, or has conclusively negated the existence of any ore or mineral deposits in such quantity or of sufficiently high grade to justify its commercial development.

The complete failure of useful or profitable results accruing from the widespread activities and attempts to exploit and develop the minerals and mineral rights within the proposed Park area during the last fifty years, and especially while prices of minerals were soaring during and after the war, put an end to all such attempts since war-time prices began to recede some years after the armistice, and there is no evidence or indication of any serious attempts to exploit or develop these minerals and mineral rights since prices returned to normal and finally receded to the present low level within the last eight or ten years. Furthermore, the widespread, general, and common knowledge throughout the Northern Virginia of the total

failure of all such attempts at exploitation and development has deprived all claims of mineral deposits and mineral rights on land within the Park area of any market or even speculative value.

Official and published reports of the Geological Survey of Virginia, and opinions rendered by the State Geologist, and the Assistant State Geologist, and the repeated and uniform adverse history of all such attempts at exploitation and development, disclose that the geological formation of the lands within the proposed Park area is such as to negative any claims of the existence of mineral deposits of any market value in any of these lands, so that in the absence of explorations or developments disclosing the existence of ore bodies of sufficient extent and of a grade which would justify some expenditure of time and money in their commercial development, claims of the existence of valuable mineral deposits and of mineral rights in or on lands within the Park area add nothing to the mineral value of the fee simple estate in such lands.

Together with my associates I made careful inquiry and search for indications or evidences of all explorations and attempts at development of mineral deposits on any of the lands sought to be condemned, and especially on any of these lands in which the owners or others set up any claim as to the existence of valuable minerals or mineral rights, and while we located many points within the Park area at which explorations and prospecting work had been conducted, and some instances of abandoned attempts at more extended development, we discovered nothing to indicate that such attempts had proven profitable in the past or that they might be expected to be profitable in the future; and no evidence was submitted at the hearings before the

Appraisal Boards which would justify or sustain any finding that claims as to the existence of mineral deposits and mineral rights based upon the results of such explorations, prospecting work, or attempts at development add anything to the fair market value of any of the lands within the several areas described in the petitions filed in the above mentioned condemnation proceedings. The evidence submitted to the different Boards of Appraisal Commissioners in support of claims of valuable mineral deposits or mineral rights was limited in most cases to vague, indefinite and wholly unsupported assertions or expressions of the owners belief that copper, iron, manganese, gold or other valuable minerals might be found on the lands of the claimants; and, in some cases, that analyses of outcroppings on or near the land of the claimant had disclosed the presence of one or other of these minerals in samples taken from these outcroppings.

In a very limited number of cases, reports to owners and other interested parties, were submitted at the hearings, some of these reports purporting to be submitted by mining experts, in which the writers gave expression to favorable opinions as to the possibility of commercial exploration of different properties within the Park area. All of these reports, however, were based on the supposition or the possibility that large bodies of ore might or would be found of a grade and mineral content approximating samples of outcroppings found by or submitted to the writers of the reports.

Most of these reports were prepared during or long prior to the period of the World War and high prices, and the further study of the geology of the lands to which they refer, and subsequent explorations and developments of the areas in which these lands are located have demonstrated the entire lack of grounds for belief that

valuable mineral deposits exist or can be developed in the properties reported upon.

In no case was evidence submitted which would sustain a finding of the existence of minerals or mineral deposits or mineral rights of any market value, without the assumption of unproved facts as to the possibility or probability of the existence of deposits beneath the surface of the ground, and such assumptions of facts were in every case wholly speculative, and in direct conflict with the universal experience of prospectors and explorers within the same district, and with the reports and opinions of disinterested geologists, and experts who have carefully studied the geology of the area.

GENERAL COMMENT:

I have carefully examined the reports and the findings as to values filed by the different Boards of Appraisal Commissioners and from my knowledge of the values of the lands within the entire area, I am of opinion that the general tendency of all of these Boards was to be over generous and liberal in assessing values and damages in favor of the owners and claimants; and that in many instances, their findings are substantially greater than the fair market value of the lands to which they refer.

In most cases the different Boards more or less substantially increased the values as estimated by Mr. Stoneburner and me, although if we erred in appraising the elements of value and damages I believe that our error was always on the side of liberality in our estimates, in line with the instructions received from the Chairman of the State Commission on Conservation and Development, the Petitioner in these proceedings.

In a very limited number of cases the Board found values somewhat lower than our estimates.

Upon the advice of counsel, I instructed all my assistants and the various experts and other persons in our employ to refrain from any expression of opinion, and to submit no testimony or evidence to the various Boards of Appraisal Commissioners or their members, as to the value of any of the various tracts of land sought to be condemned; except when called as witnesses at the public hearings.

The market value of lands similar to those in the proposed Park area, and of the lands within the Park area has fallen substantially in the United States and Virginia and within the area sought to be condemned in these proceedings since Mr. Stoneburner and myself made our appraisal of these lands, and since the respective dates of the ascertainment of their value by the Boards of Appraisal Commissioners and of the filing of their reports in each County. So also the price of lumber, cordwood, ties, apples, and fruits of all kinds, as well as hay, corn, cattle and farm products generally and the values of minerals such as copper, iron, manganese and similar ores, and the rental values of farm and grazing lands have been declining more or less steadily in recent years, and especially since the date of the filing of the reports of the various Boards of Appraisal Commissioners.

Upon entering upon the duties of my office, I was informed by Mr. W. E. Carson, Chairman of the State Commission on Conservation and Development of the State of Virginia, that it was the wish and desire of the Commission that all claimants and land owners should be treated fairly and justly and that no advantage, technical or otherwise, should be taken of any of them; that all elements of value, as well as the incidental damages resulting from the taking of these lands should be

carefully considered, and a fair, just and adquate allowance for such value and damages should be ascertained by me and my assistants in a uniform and scientific manner and submitted to the Boards of Appraisal Commissioners by competent and trained expert witnesses; and that land owners and claimants whether represented by counsel or not, should be allowed every opportunity to present evidence in support of their respective claims, and that our records should be open at all times for their inspection for the purpose of aiding them in ascertaining the location and area of the respective tracts within the area sought to be acquired and any other information which might aid them in presenting their claims. Mr. Carson also emphasized the fact that the Petitioner is an agency of the state and that while it desired to acquire these lands at their fair market value, it would prefer that the findings as to value ascertained and determined by the Boards of Appraisal Commissioners should err on the side of liberality rather than that any owner should have well founded ground for complaint that his property had been taken without just compensation. Under advice of Counsel when appraising these lands, and in presenting our evidence as to values to the various Boards, we always undertook to establish as the fair market value, the price which would be paid under normal conditions if the owner desired to sell, and the purchaser desired to buy the tract in question.

I charged each employee whose services were engaged by me, and every other person engaged for the purpose of preparing estimates and maps, and collecting and reporting data, and testifying before the respective Boards of Appraisal Commissioners as to the lands and improvements thereon within the Park area, to be fair, just and impartial;

and, looking back over the proceedings I am satisfied that my instructions were faithfully and conscientiously carried out. I know of no person whether connected with or employed by the Petitioner or not, who had any purpose, motive, or desire to induce the various County Boards, or any of them, to bring in findings of value lower than the fair market value of the lands appraised by these Boards; and I do not believe that any person whatever had either the desire or the means to do so.

ASSISTANTS, EXPERTS AND WITNESSES CALLED BY THE PETITIONER AND THEIR QUALIFICATIONS:

The following information as to the assistants, examiners, appraisers, geologists, and other experts employed by the Petitioner under my direction in the course of the preparation of the above described maps, and the assembly of data with regard to the values of the various tracts of diverse ownership within the area, was procured by me after careful investigations, and I believe is correct. I endeavored to employ only competent, and experienced, reputable and wholly disinterested persons in connection with the work done by me and my assistant, Mr. Stoneburner, in appraising the lands within the Park area, and preparing the evidence with regard thereto which we submitted to the various Boards of Appraisal Commissioners.

W. H. Stoneburner, soon after my induction into office, I employed as my Chief Assistant, Mr. W. H. Stoneburner. Mr. Stoneburner is a man of about forty-seven years of age. I had known Mr. Stoneburner personally and worked with him for many years prior to engaging his services, and knew of his qualifications for the duties that would devolve upon him.

As my principal assistant and adviser, Mr. Stoneburner joined with me in the supervision and direction of all the work done by me in the entire Park area in the eight counties in Virginia in which it is located, and in the preparation of all maps, and the assembling of all data, and in the determination of all elements of value of the various tracts of diverse ownership within the area treated and appraised within the Park area.

Between the years 1907 and 1913, he had been engaged in buying and selling, loading and shipping lumber, railroad ties and tan bark from points in the Shenandoah Valley. During the ensuing fourteen years he was employed by the Forest Service U. S. Department of Agriculture, first as Forest Ranger and later as Deputy Forest Supervisor of the Shenandoah National Forest of which I was Supervisor and later was made Supervisor of the Unaka National Forest by the Forest Service of the U. S. Department of Agriculture, and in the course of such employment much of his time was devoted to the examination and appraisal of tracts of timber and mountain lands offered for sale to the Government for National Forest purposes. This required cruising of the timber and appraising the value of the same, classifying the soil and appraising the value of the same, and the valuation of the buildings and improvements on the land; the scaling and measuring of logs, poles, posts, ties, fuel wood, stave wood, and other forest and timber products. Between April 1, 1926 and March 15, 1930, he was employed by the State Commission on Conservation and Development of the State of Virginia, as District Forester for the Northern District of Virginia, and engaged in the work incident to this employment until March 15, 1930.

It was of especial importance to ascertain correctly the amount of timber growing on many of the tracts within the area sought to be acquired, and for this purpose it became necessary to make a careful estimate of the quantity of timber, by species and the value per thousand feet on the stump of the same. To assist us in estimating the timber within the area I employed the best qualified available men that I could find.

I was of course cognizant of the fact that upon the soundness and accuracy of our appraisals depended our ability to present to the Commissioners appointed by the Court, a true and dependable picture of the properties included within the Park area. I realized that there were great numbers and various kinds of tracts, that some were unimproved, rough mountain land supporting stands ranging from cut over to heavily timbered. That there were great numbers and various kinds of improved lands ranging from the small worn-out mountain farms to highly improved properties in a high state of cultivation. I appreciated the fact that the examination and valuation of these properties would be a difficult one, demanding skill, and specialized knowledge, and in selecting my personnel I employed the best qualified and most experienced men I could find.

Below are the names of the principal members of our field parties, with a brief history of each showing his experience along the lines for which he was employed, and his qualifications:

Clarence H. Burrage: Mr. Burrage is thirty-six years of age, and is a resident of the State of Georgia. He is a graduate of the School of Forestry of the University of Georgia, having

graduated in 1915, with the degree of B. S. From September 1916 to April 1922, he was in the employ of the Forest Service of the U. S. Department of Agriculture as an examiner of lands and as a timber cruiser, in connection with the acquisition of lands on the Alabama, Nantahala, Pisgah, Shenandoah and Alleghany National Forests. His duties required an examination and appraisal of the lands being acquired for national forest purposes.

During the years 1919-1920, he had general charge of all the acquisition work on the Nantahala Forest in North Carolina; during 1921 and 1922, he had charge of the acquisition work on the Shenandoah National Forest and he was required in the discharge of those duties, to examine lands prior to the acquisition thereof by the government, which examination required the estimating the kinds and amounts of standing timber, the working out of the costs of logging and manufacturing timber into lumber and placing the same on the market; the classification of soil into types both forest and open or agricultural lands and to acquire information with regard to the value of said lands. In the year 1922 he was employed by the State of North Carolina as District Forester for the Western District of that State, including the entire mountainous section of the State. During the year 1923, he resigned and accepted a position with James D. Lacey & Company, timber land factors, with whom he worked until 1924, cruising timber, assisting in sales of timber lands, reporting on logging conditions, timber, types of soil, the values of lands contemplated for purchase by this company. In 1924, he became a Forester for the University of Kentucky and was on the staff of the Robinson Agricultural Experiment Station, engaged in work for the State of Kentucky similar to that

described above. Mr. Burrage was in my employ nineteen and one-half months.

Wingate I. Stevens: Mr. Stevens is a man about thirty-two years old. He is a graduate of the University of Maine, having received his degree of Bachelor of Science in 1920. He entered the Harvard Forestry School of Harvard University and received from that institution the degree of Master of Forestry in 1922.

He was employed at intervals as a timber estimator and engineer by the International Paper Company, Oxford Paper Company and the New England Box Company.

In 1923, he was appointed as forest assistant in the U. S. Forest Service, and assigned to the examination and appraisal of lands in connection with the acquisition program on the National Forests under the direction of the Forest Service, U.S. Department of Agriculture.

Mr. Stevens' assignments included the examination and appraisal of lands and timber on the Monongahela National Forest in Pennsylvania; on the Alleghany National Forest in West Virginia, and on the Pisgah and Nantahala National Forests in North Carolina, and the Cherokee National Forest in Tennessee and Georgia.

His duties in connection with the examination and appraisal of lands for the U. S. Forest Service included the estimating of the kinds and quantities of standing timber; the estimating of the costs of manufacturing the timber into lumber, and other marketable products; the classification of the soil into types, both forest and open land, including grazing land, tillable land, and land restocking to young timber growth, and the valuation of improvements such as buildings, orchards, etc.

In compliance with my request to the U. S. Forest Service for an experienced land examiner, Mr. Stevens was loaned to me for a short period to assist in the examination, and appraisal of the lands within the proposed Park area.

James L. Eaton: Mr. Eaton is thirty-five years old. He lived on a farm until he was twenty years of age and is the owner and operator of a farm. He is a graduate of the School of Forestry of the University of Georgia, received the degree of B. S. in 1926. From June 1926 to September 1926, he was employed by the Forest Service, U. S. Department of Agriculture, as an examiner of lands and as a timber cruiser, on the Cherokee National Forests in Georgia, Tennessee, and North Carolina. As such he was engaged in the examination and appraisal of lands offered for sale and included in said national forests, and his duties in that connection required estimating the kinds and quantities of standing timber, the estimating of costs of cutting that timber into lumber and putting it on the market; the classification of soil into types, both forest and open land including grazing land, tillable land and land restocking to young timber growth, the valuation of improvements such as buildings, orchards, etc; from September 1926 to March 1928, he was employed by the United States Forest Service in the acquisition of lands for Ozark National Forest in Arkansas, and the Cherokee National Forest in Tennessee and Georgia, dividing his time about equally between the two projects.

From March 1928 to January 1930, he was employed by the Tennessee Park Commission in exactly the same kind of work for the acquisition of lands within the Great Smoky National Park area in Tennessee.

His work under me was identical with the work that he had done on the other projects above named. Mr. Eaton was in my employ for a period of twenty and one-half months.

T. R. Jones: Mr. Jones is twenty-eight years of age, a resident of Trucksville, Pennsylvania, and a graduate of the School of Forestry of Pennsylvania State College, receiving the degree of B. S. in 1927. In 1928, he attended the School of Forestry at Yale University; he was employed five months in the Mining Engineering Department of the Lehigh & Wilkesbarre Coal Company as an engineer in their mines; then for three months as a timber cruiser on the lands of the Superior Pine Products Company, at Fargo, Georgia, where his work consisted of cruising timber, preparation of the estimates by logging units, soil classifications and timber type maps.

He was a timber cruiser of the Forestry Department of the State of Connecticut, where his duties were practically the same as when he was with the last named company; he next took a position with James D. Lacy and Company, a firm of timber factors, and cruised timber in the State of Maine, and later worked for the Suncrest Lumber Company in the Smoky Mountains of North Carolina, doing the same class of work. Mr. Jones was in my employ for twenty months.

Oscar O. Witt: Mr. Witt is forty-eight years of age, a resident of Tennessee, was raised on a farm, and worked on a farm and on logging operations until 1924.

In March 1924, he entered the U. S. Forest Service and was assigned to acquisition work on the Cherokee National Forest in Tennessee. Later he was assigned to the same type of work on the Pisgah National Forest in North Carolina, and on these two assignments was employed until March 1928, or a period of approximately four years.

From March 1928 until August 1928 he was loaned by the U. S. Forest Service to the Tennessee Park Commission to assist in the examination of lands within the proposed Great Smoky National Park area. At the end of this assignment he returned to the U. S. Forest Service and was assigned to work on the Unaka National Forest in Southwest Virginia, and the Natural Bridge and the Shenandoah National Forests.

During his connection with the U. S. Forest Service and with the Tennessee Park Commission he was engaged in the estimating of timber and the appraisal of stumpage on the lands examined. His other duties were to make an examination and classification of the various types of soil and place a valuation thereon, together with the preparation of detailed maps and reports describing the properties examined.

On November 26, 1930, I arranged with the U. S. Forest Service to loan Mr. Witt to our organization until we completed the examination of the Park area. I desired to secure the services of Mr. Witt on account of the experience he had in the U. S. Forest Service in this line of work and on account of his general knowledge of timber and stumpage values, as well as land values. Mr. Witt was in my employ for twelve months.

Mr. J. A. Shifflett: Mr. Shifflett is fifty-nine years of age, and a resident of Dayton, Rockingham County, Virginia, and had been engaged in the business of buying and selling timber and timber lands, manufacturing and selling timber on the market, superintending large timber operations; he had been in some form of the lumber industry for practically thirty-nine years, except for about two years

from 1901 to 1903. Between the years 1893 and 1900 he had been employed in West Virginia by the J. L. Rumberger Company; The Wilson Lumber Company, and the Black Water Lumber Company, all of the State of West Virginia, and was engaged in cutting, logging and general woods work for these companies.

From 1904 to 1911 inclusive, he was employed as Woods Superintendent for the Stiegel Lumber Corporation and the Houck Tannery Company of Stokesville, Virginia, while these companies were engaged in operations on a tract of timber land of about 100,000 acres in Augusta and Rockingham Counties. His duties consisted of running a band mill with a daily capacity of 50,000 feet, and of supplying an extract plant with an annual capacity of 10,000 cords of extract wood; his duties required among other things (1), the planning of all woods operations; (2), the supervision of construction of railroads into the woods for the removal of the timber; (3), the cruising and estimating of the timber on the lands of the said companies and the planning of all woods operations in order that the properties might be profitably and economically handled; (4), the supervision of contractors who were operating on the lands of said companies; and (5), the estimating and cruising of timber on tracts of land being purchased by the companies. In 1912-1913, he was Wood Superintendent for the Virginia Lumber and Extract Company of Arcadia, in Botetourt County. As such he was required to oversee the entire woods operations of the company on about 22,000 acres, consisting of logging of a 50,000 foot capacity band mill, supervising and directing the work of logging contractors. In 1913, he entered the United States Forest Service as a forest ranger and continued in such capacity until 1917.

He was assigned to the North River District, Shenandoah National Forests (now the George Washington National Forest) and had full charge of all operations on an area of approximately 200,000 acres. His duties as such required him to cruise, or otherwise to estimate the standing timber on tracts of land, ascertain the costs of manufacturing timber into lumber and lumber products such as ties, tan bark, extract wood, poles, posts, etc; to estimate the value of the land and young growth, as well as the improvements on the land; to assist in making sales of stumpage to purchasers of same; to build roads, trails, telephone lines, look-out stations; to handle fire control activities in his district; to determine the capacity of various areas for grazing purposes; to investigate and ascertain the rental value of farm properties acquired by the Government and to secure suitable tenants therefor.

In 1917, he accepted a position with the Augusta Wood Products Corporation of Deerfield, Virginia, which owned a tract of 47000 acres of woodland in Augusta County. He was Woods Superintendent with this Company until 1922 and his duties were very similar to the duties required of him when he was in the employ of the other operating companies above referred to. Between the years 1922 and 1930, he was in business for himself, being engaged in the manufacture of lumber for market, operating saw mills of his own and buying and selling the output of other mills in Highland, Augusta and Bath Counties, Virginia.

I knew of no man who had had greater experience in the handling of forest properties in this region than Mr. Shifflett and further knew him to be a man of marked business capacity and intelligence. Mr. Shifflett was in my employ for about twenty months.

J. C. Smith: Mr. Smith is thirty years old, a resident of Tennessee, was raised on a farm and lived and worked on a farm until he was twenty-two years old.

From January 1924 until March 1925 he was employed by the Thomas Hall Lumber Company as assistant engineer and timber cruiser. His duties in this connection were the location of a logging railroad, the estimating of timber and logging costs, the scaling of logs, and work on an engineering party.

From April 1928 to December 1930, he was employed by the States of North Carolina and Tennessee in estimating timber on land being acquired for the Great Smoky Mountain Park. His duties consisted of estimating timber, classification of land, mapping and the preparation of reports covering the lands examined. The work was similar in all respects to the work he subsequently performed on the proposed Shenandoah National Park area in Virginia. He was in my employ for eleven and one-half months.

W. N. Sloan: To assist in the preparation of the maps above referred to, I employed Mr. W. N. Sloan as Chief Engineer. Mr. Sloan graduated from the University of North Carolina in 1911, went into the service of the Forest Service of the U. S. Department of Agriculture, as an engineer and was so employed until 1927; he then resigned and went into private work on his own account and so continued until accepting a position with the State Park Commission of the State of North Carolina as Chief Engineer and was engaged as such when he accepted a position with the Virginia State Commission on Conservation and Development, in connection with the engineering work for the acquisition of the Shenandoah National Park area. Mr. Sloan was in my employ for twenty months.

E. R. Conrad: Mr. Conrad is a resident of West Virginia, and was employed by the U. S. Forest Service about 1915 as a land surveyor in connection with the acquisition program of the U. S. Forest Service, which included the purchase of land in the eastern part of the United States for National Forest purposes.

Mr. Conrad has had a wide and varied experience as an engineer. Before entering the Forest Service he was a consulting engineer in West Virginia. Since entering the Forest Service he has been assigned to the survey of lands on practically every National Forest in the eastern region of the United States, including the White Mountain National Forest in New Hampshire; the Alleghany National Forest in Pennsylvania; the George Washington, Natural Bridge, and Unaka National Forests in Virginia; the Monongahela National Forest in West Virginia; the Cherokee National Forest in Tennessee and Georgia; the Pisgah and Nantahala National Forests in North Carolina.

Mr. Conrad has also had a wide experience in the compilation of data for the preparation of grant and ownership maps which have been made for practically all of the National Forests on which he has been employed in survey work.

A man with this specialized training was urgently needed in the early stages of the work on the proposed Shenandoah National Park, and at my request, Mr. Conrad was detailed for a short period to assist me in this work within the Park area.

F. T. Amiss: Mr. Amiss was likewise employed to assist in making the maps referred to above. Mr. Amiss was a graduate of the Virginia Military Institute, receiving the degree of B. S. in the School of Engineering in 1886, and had been actively engaged in the

practice of his profession for a period of thirty-five years, within which period he had occupied the position of County Surveyor of Page County for a period of twenty-seven years. Mr. Amiss was in my employ for twenty months.

M. M. Van Doren: Mr. Van Doren is a resident of Charlottesville, Virginia. He is fifty-four years of age; was educated in the public schools of the City of Richmond, and is a graduate of the Richmond High School.

In 1897, he joined a Survey party of the Southern Railway Company in Alabama, acting in the capacity of rodman, and was engaged by this Company from 1897 to 1901, and held the position successively of rodman, level-man, draftsman, topographer and transitman. While engaged by this Company his work consisted of the making of preliminary and location surveys and of the supervision of railroad construction. In September 1901, he resigned and took charge of his father's farm in Albemarle County, on which he remained until 1912. In 1908, he was appointed Deputy County Surveyor of Albemarle County, which position he held for a period of four years. In 1912, he was appointed County Surveyor of Albemarle County, together with H. F. Sims, and held this position until 1920. During the years 1921-1922, he was employed as assistant engineer of Albemarle County on road construction. This work consisted of surveying, setting slope stakes, computing the quantities of material to be moved by contractors, making estimates, and supervision of construction.

In 1923, he acquired an interest in a contracting firm and executed contracts with the Virginia State Highway Department from 1923 to 1927.

In September 1927, he accepted a position with the A. H. Callegar Construction Company of Cincinnati, Ohio, as Assistant Superintendent, and remained with that Company until December 1929, on the construction of approaches of a railroad bridge across the Ohio River. He has also been engaged in engineering and construction work for the City of Richmond, being connected with the firm of Van Doren Brothers.

He is a certified land surveyor in the State of Virginia, and during the course of his work during past years which has taken him into much of the area included within the proposed Shenandoah National Park, and on account of his familiarity with the mountain surveys and a knowledge of the region in general, he was selected by me as an engineer for the State Conservation and Development Commission within the proposed Shenandoah National Park area. He was appointed to this position in November, 1930, and continued with me until November 1931, a period of about a year. He has, since that time, been employed by me from time to time in checking up on disputed boundary lines of property owners within the proposed Shenandoah National Park area.

R. R. Brown: Mr. Brown is about fifty-three years old, and a resident of Harrisonburg, Virginia, who conducted a real estate business in Harrisonburg from 1912 to 1927. Part of this time he operated as a member of the firm of Garber, Masters and Brown, then as a member of the firm of Masters and Brown, and later conducted the business in his own name. During this period he had a very wide experience as a real estate broker in handling properties through the Shenandoah Valley and adjoining State. Many of the properties which he handled during his experience as a real estate

broker were either included within the proposed Shenandoah National Park area, or were adjacent to it. I employed him on account of his ability as a judge of real estate values, and on account of his familiarity with the values of properties in the vicinity of the area which was being examined. Mr. Brown was employed by me for a period of two months.

We secured the services of Mr. Wilbur E. Cather, a resident of Winchester, Virginia, an experienced orchardist, to aid us in estimating and appraising the value of a number of the commercial orchards within the Park area, and his testimony was submitted in a number of cases where values of such orchards were submitted to the Boards of Appraisal Commissioners for ascertainment and determination.

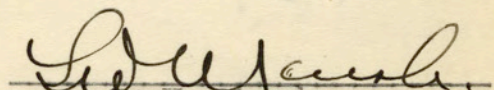
We secured the services of the State Geologist, Mr. Arthur W. Bevan, and the Assistant State Geologist, Mr. Wm. M. McGill to aid us with their expert advice in estimating and appraising the value of mineral bodies or mineral rights in lands within the Park area, and the testimony of either or both of these scientists was submitted in cases where claims of mineral bodies, rights or values were filed with the record or set up at the public hearings.

Among the assistants employed by my predecessor and myself, in preparing the maps and assembling information as to the location of the various tracts of diverse ownership within the Park area more especially in searching the records and preparing the lists of deeds of transfer of property within the Park area were J. E. Sutphin, County Surveyor of Rappahannock County, Virginia, Fred T. Amiss, County Surveyor and Ex-County Treasurer of Page County, Virginia, T. W. Avery, Civil Engineer, and Engineer for the Town of Elkton,

Virginia, Bradley T. Johnson, Civil Engineer, Charlottesville,
Virginia, W. C. Williams, Attorney at Law, Charlottesville, Virginia,
Lynn Lucas, Attorney at law, Luray, Virginia, N. G. Payne, Attorney
at law, Madison, Virginia, W. C. Armstrong, Jr., Attorney at law,
Front Royal, Virginia and K. C. Moore, Attorney at law, Harrisonburg,
Virginia.

The services of these surveyors and attorneys were directed more especially to the securing of the descriptions and the identifying of the tracts of diverse ownership within the proposed Park area, from the various county records and other information with relation thereto furnished by the owners and claimants which after being checked by Mr. Stoneburner and myself, was used by us in connection with the other material secured by us in the preparation and assembling of the data from which we prepared our maps and made our appraisals.

Witness my signature this first day of March, 1933.


S. H. Marsh.

STATE OF VIRGINIA)
 (SS.
COUNTY OF WARREN)

Personally appeared before me, the undersigned Notary Public in my said State and County, S. H. Marsh whose name is signed to the foregoing statement, and who being duly sworn, made oath that the matters and things set forth therein are true to the best of his knowledge and belief.

Witness my signature and Notarial Seal this 24th day of April, 1933.

Emma A. Stokes (SEAL)

My Commission Expires December 3rd, 1933

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

State Commission on Conservation and
Development of the State of Virginia

vs.

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

Filed in the Clerk's Office
Rockingham County, Va.
JUL 1933

The answer of the Petitioner, the State Commission on Conservation and Development of the State of Virginia, to the several objections and exceptions to the Report of the Board of Appraisal Commissioners filed herein, and to the several motions filed in contemplation or in pursuance of the provisions of the last paragraph of Section 33 of the Public Park Condemnation Act, praying the Court to "decline to accept" or to "disapprove" the findings of fact as to values and incidental damages set forth in said report, which objections, exceptions and motions have been made and filed by the following named persons: (A) Sallie A. Kite, represented by George S. Harnsberger, (B) J. T. Heard, represented by George S. Harnsberger and David A. Conrad, Counsel. (C) Vernon W. Foltz, represented by Robert W. Keyser, Counsel. (D) Wesley A. Dean, represented by S. W. Earman, Counsel. (E) W. F. Dean, Jr., represented by George S. Harnsberger, Counsel. (F) Annie Laurie Baugher, represented by Ralph H. Bader, Counsel. (G) John K. Haney, represented by D.W. Earman, Counsel. (H) E. C. Lam and E. E. Lam, represented by E. D. Ott, Counsel. (I) Maude M. Shipp, represented by Chas. A. Hammer, Counsel. (J) A. L. Moubray and J. F. Moubray, represented by Chas. A. Hammer, Counsel. (K) Annie R. Begoon, represented by Geo. S. Harnsberger, Counsel. (L) J. W. Hinkle, represented by George S. Harnsberger, Counsel. (M) John J. Mace, James G. Mace, Elizabeth Mace Via, R. H. Mace, Julia Mace Spitzer, Charles M. Mace, represented by George S. Harnsberger, Counsel. (N) Robert T. Miller, represented by Hamilton Haas,

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

JUL 20 1933 9:30 a.m.

Robert W. Keyser
Clerk

Counsel. (O) Herbert G. Patterson, represented by George S. Harnsberger, Counsel. (P) H. G. Patterson, H. H. Patterson, and D. H. Patterson, represented by George S. Harnsberger, Counsel. (Q) Elijah Catterton, represented by George S. Harnsberger, Counsel. (R) E. C. Lam, represented by E. D. Ott, Counsel. (S) Margaret Mundy, represented by D. W. Earman, Counsel. (T) G. Luther Kite, represented by C. A. Hammer, Counsel. (U) R. O. Nizer, represented by George S. Harnsberger, Counsel. (V) C. G. Harnsberger, represented by George S. Harnsberger, Counsel. (W) W. F. Dean, Jr., represented by George S. Harnsberger, Counsel. (X) John A. Hensley, and Layton W. Hensley, represented by George S. Harnsberger, Counsel. Luther J. Strickler, represented by George S. Harnsberger, Counsel. (Y) Cassie M. Naylor, represented by George S. Harnsberger, Counsel. (Z) J. O. Harnsberger, A. L. Harnsberger, Nannie T. Harnsberger, Clinton T. Harnsberger, Kate W. Snapp, J. C. Bishop, A. C. Davis and A. Florence Forrer, represented by Counsel. (AA) Sarah L. Upp, represented by George S. Harnsberger, Counsel. (BB) Julia L. Comer, represented by Ethel Irwin, Counsel. (CC) Edward Herring, W. T. Herring, represented by George S. Harnsberger, Counsel. (DD) M. H. Long, represented by Ralph H. Bader, Counsel. (EE) Hosea Shifflett, represented by Ralph H. Bader, Counsel. (FF) Thomas L. Yancey, Emma V. Gibbons, F. M. Yancey, Nettie I. Mauzy, Julia Estes, A. S. Yancey, and Frank W. Yancey, represented by Counsel, Hunter M. Gibbons, Mary Gibbons Snapp. (GG) Mary E. Wyant, represented by Ralph H. Bader, Counsel. (HH) Mrs. E. W. Harrison, represented by Ralph H. Bader, Counsel. (II) Mrs. E. W. Harrison, represented by Ralph H. Bader, Counsel. (JJ) Jos. E. Carickhoff, represented by Ralph H. Bader, Counsel. (KK) M. H. Harrison, represented by Ralph H. Bader, Counsel. (LL) Thos. L. Yancey, represented by Counsel. (MM) Annie E. Hedrick, represented by Ralph H. Bader, Counsel. (NN) J. H.

Lewin, represented by George S. Harnsberger, Counsel. (OO)
A. S. Kemper, represented by Hamilton Haas, Attorney. (PP)
D. M. Clark, represented by Hamilton Haas, Attorney. (QQ)
John Roadcap, represented by Hamilton Haas, Attorney. (RR)
T. L. Yancey, represented by C. A. Hammer.

Petitioner avers that all the steps taken in the prosecution of the above styled proceeding, have been taken in strict conformity with the several provisions of the Public Park Condemnation Act; that all landowners, claimants, and other parties in any wise interested in the lands sought to be condemned, or in the proceeds arising from the condemnation thereof, or in damages resulting from such condemnation, have been afforded ample and adequate opportunity to be heard, and all such as responded to the opportunity so offered, were heard; and all testimony and other evidence offered by such claimants, owners, or other interested persons, was heard and considered by said Board of Appraisal Commissioners; that no claimant, owner, or other person interested, was denied a hearing or an opportunity to be heard; that the rights of no person have been violated, but on the contrary they have been fully and amply protected; and that the claim of every such person, together with all the evidence submitted with respect thereto, has received proper and fair consideration.

Petitioner, in fulfillment of its duty in this regard, employed experienced, competent and qualified men who went upon the lands set out in the petition, and made an intensive and comprehensive study of the same with reference to the location and topography of the various tracts therein of diverse ownership, and the various elements of value of the same, including the various types of soil, the acreage of such types, the timber growing thereon, the adaptability of the lands for grazing, for cultivation, the improvements on same, includ-

ing buildings, fruit trees, commercial orchards, and indications of mineral deposits; thereby ascertaining by the application of scientific, systematic, and approved methods, what was thought to be a fair and just compensation upon the condemnation of said respective tracts, and the amount of the incidental damages that would arise out of the taking thereof.

Petitioner caused these experienced men to lay before the Board of Appraisal Commissioners, their appraisal of the values of said lands, and of the amount of such incidental damages, and to testify with respect thereto, at the public hearings held by said Board at times and places designated, as provided for by said Act and the orders of the Court, at which times and places all the said respective claimants, owners and other persons had been fully notified to attend:

Petitioner further avers that the said Board of Appraisal Commissioners, in the strict performance of its duty, and in the pursuance of the directions of this Honorable Court, and in accord with the law, and specifically with the provisions of the Public Park Condemnation Act, ascertained and determined and set out in its report, its findings as to the value of the fee simple estate of each of the several tracts of diverse ownership within the area described in the petition, in which the said movants or exceptants have any claim of right, title, estate or interest, and as to the amount of the alleged incidental damages to which the said movants or exceptants or any of them have any claim by reason of the proposed condemnation of the lands described in the petition herein:

Petitioner further avers that the above mentioned movants and exceptants were given full, fair and ample opportunity to be heard as to the value of any of the lands described in the petition, in which they have any claim of right, title, estate or interest, and as to the amount of incidental damages

claimed by them or any of them; and, Petitioner denies each and every allegation to the contrary set forth in their several exceptions, objections and motions.

Petitioner further avers that the findings in the said report of the said Board as to the location, description, and acreage of the various tracts of diverse ownership in which these exceptants and movants, or any of them, set up any claim of right, title, estate or interest in their answers to the petition filed herein, and at the public hearings by the said Board, are fair, correct, and accurate; and, Petitioner denies each and every allegation to the contrary set forth in the said exceptions, objections, or motions.

Petitioner further avers that the findings in the said report as to the value of each and every tract of diverse ownership within the area described in the petition, in which these exceptants and movants have any right, title, estate or interest, are in each instance not less in amount than the fair market value thereof; and that the amount of incidental damages to which these exceptants or movants, or any of them would be entitled by reason of the proposed condemnation of the lands described in the petition, is not greater than the amount found by the said Board and set forth in its report; and, Petitioner denies each and every allegation to the contrary set forth in the said objections, exceptions, and motions, or any of them.

Petitioner further avers that in some of the cases referred to in the said objections, exceptions and motions, the values reported by the Board of Appraisal Commissioners are in excess of the fair market value of the tracts to which they refer; but Petitioner admits that it was afforded ample opportunity to be heard as to such values; that it was afforded a fair hearing; that a careful and thorough consideration of its evidence was made by the Board; and that the findings of the

Board were based on a careful and thorough consideration of all the evidence, both of the Petitioner and of the claimants, and owners, examined together with an intensive and comprehensive inspection or view of the lands in question.

Petitioner denies that the said movants or exceptants are entitled to a trial by jury in this proceeding for the determination of the value of the lands claimed by them or any of them, or of the amount of incidental damages claimed by them or any of them; or that they or any of them have shown any ground for the granting of such a trial by jury in their respective exceptions and motions, or in any affidavit or affidavits in support thereof.

Petitioner further denies that the provisions of the Public Park Condemnation Act, under which this proceeding has been instituted and is being maintained, or any of them, are invalid, or have the effect or have had the effect of denying due process of law, or any right, under the Constitution of the United States, or the Constitution of the State of Virginia, to these exceptants, or movants, or any of them.

Petitioner further denies that any evidence was improperly or unlawfully taken, heard, procured or considered by the Board in ascertaining and determining the value of any of the lands as to which these exceptants and movants, or any of them, have any claim of right, title, estate or interest.

Petitioner further denies that these exceptants and movants, or any of them, have been prejudiced by any improper taking, hearing, procuring or consideration by the Board of any information or evidence of any kind whatsoever.

Petitioner further denies that the findings of the Board of Appraisal Commissioners as to the value of any of the tracts within the area described in the petition in which these exceptants and movants, or any of them, have any claim of right,

title, estate or interest, or as to the amount of incidental damages which will result from their condemnation, were in any wise affected or influenced by fraud, corruption, partiality, or mistake of fact or of law.

Petitioner neither avers nor denies the correctness of any findings of the Board as to the ownership or apparent ownership of the various tracts shown on the County Ownership Map filed with its report, whose value is ascertained and determined in the report; but Petitioner does aver that the report of the Board of Appraisal Commissioners sets forth correctly, the various tracts of diverse ownership within the area described in the petition, as to which these exceptants and movants respectively set up any claim of right, title, estate or interest in their answers to the petition filed with the record in this proceeding, and at the public hearings and views by the Board of the lands claimed by them, and, Petitioner denies each and every allegation to the contrary set forth in the said exceptions and motions, or any of them.

Petitioner shows to the Court that the exceptants and movants have not been prejudiced by any of the matters alleged in their respective motions and exceptions, and supported by the accompanying affidavits, read together with the record, this answer, and the accompanying affidavits; and, that in the absence of prejudicial error in the proceedings, their respective motions and exceptions should be dismissed.

Petitioner further shows to the Court that the said exceptions and motions are not supported by accompanying affidavits, which, read together with the record, this answer, and the affidavits in support thereof, are sufficient to sustain a ruling granting the said motions, or to establish any of the grounds for the granting of such motions or sustaining such exceptions under the provisions of Section 35 of the Public Park

Condemnation Act.

Petitioner further shows to the Court that under the provisions of Sections 33 and 35 of the Public Park Condemnation Act, these exceptions and objections and motions have been improvidently submitted insofar as they, or any of them, seek the disapproval of any of the findings of the Board as to the right, title, estate, or interest of these exceptants or movants in or to the lands described in the petition, or the disapproval of any finding set forth in the said report as to any matter other than the ascertainment and determination of the value of the fee simple estate in the numbered tracts of land shown on the County Ownership Map filed with the report, and the amount of incidental damages which will result from the condemnation thereof; and Petitioner prays that said exceptions, objections, and motions be denied or overruled to the extent in which they have been thus improvidently submitted, but without prejudice to the right of the exceptants and movants to renew the same or to seek such other and further relief as they may be advised, after this Court shall have ruled upon the various motions praying the Court to decline to accept or to disapprove the findings of the Board as to said values and the amount of said incidental damages.

Petitioner prays that the several exceptions, objections and motions mentioned in the first paragraph hereof, be heard on the respective exceptions, objections, and motions, and this answer thereto, and the accompanying supporting affidavits, and thereafter overruled and dismissed.

Petitioner herewith submits and asks to be read in support of this answer, the following affidavits, captioned as follows: "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General;" "Affidavit of William E. Carson, dated April 24, 1933,

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

JUL 20 1933 9:30 a. m.

Robert Switzer Clerk

AFFIDAVIT OF WM. C. ARMSTRONG, ATTORNEY, DATED APRIL 24, 1933. GENERAL. RE:

This affidavit is made at the request of the State Commission on Conservation and Development of the State of Virginia for file with the record in all or any of the following Public Park Condemnation proceedings pending in the Circuit Courts of the Counties of Virginia in which said Commission is petitioner and in which the defendants are as follows: Virginia Atwood, et als, etc., in the Circuit Court of Warren County; Ada Abbott and others, etc., in the Circuit Court of Page County; Clifton Aylor and others, etc., in the Circuit Court of Rappahannock County; Armentrout, C. E. and others, etc., in the Circuit Court of Greene County; Archer, A. W., and others, etc., in the Circuit Court of Augusta County; Cassandra Lawson Atkins, et als, etc., in the Circuit Court of Rockingham County; W. L. Arey and others, etc., in the Circuit Court of Albemarle County; D. F. Anderson, et als, etc., in the Circuit Court of Madison County.

It is my understanding, purpose and intention in making this sworn statement, that the said Commission may, in its discretion, file and submit the same in support of its prayers, motions, answers, and contentions submitted in the course of all or any of the above mentioned condemnation proceedings, including its answers to the several motions by claimants and landowners in the several above mentioned condemnation proceedings, praying the respective courts to decline to accept or to disapprove the respective reports and findings of Special Investigators and Boards of Appraisal Commissioners appointed in the course of the said condemnation proceedings:

My name is W. C. Armstrong. I am fifty-four years of age, and by profession an attorney at law. I am a member of the firm of Weaver & Armstrong, Attorneys, Front Royal, Virginia, Counsel for the State Commission on Conservation and Development in the matter of the proposed condemnation of the lands described in the petition in each of the above mentioned proceedings for use as a public park, to be known as the Shenandoah National Park.

In this capacity I attended a large number of the hearings of the various Boards of Appraisal Commissioners appointed in the said proceedings, wherein testimony and evidence was submitted in behalf of the petitioner and claimants and owners, as to the value of the various tracts sought to be acquired and damages resulting from the taking thereof.

With the approval of our client, the said State Commission on Conservation and Development, I employed other attorneys, Wm. C. Armstrong, Jr., of Front Royal, and Curry C. Carter of Staunton, Virginia, to appear at the hearings of these various Boards which I was unable to attend.

When employed, we were informed by the Hon. Wm. E. Carson, Chairman of the State Commission on Conservation and Development, that it was the desire and purpose of said Commission, to acquire the lands in the Park Area at their fair cash market value; but that Petitioner being an agency of the State, it was not its desire to acquire any land at less than its true value, and that if any mistake or error should be made by the Boards of Appraisal Commissioners it would be the desire of the Petitioner that they should err on the side of liberality, rather than that any owner should be deprived of his

lands without just compensation. Mr. Carson further advised us that it was the desire of the Commission that the owners and claimants should be given the fullest and most ample opportunity to present their claims and their evidence in support thereof, and that no technical or legal or other obstacles should be thrown in the way of any owner or claimant in the presentation of his claims whether represented by Counsel or not, whereby such claimant or owner might suffer or be hindered in securing a full, fair and impartial hearing on his claims, and his evidence in support thereof.

In a statement made by Mr. Carson, he correctly set forth certain further instructions given by him to me as Counsel, in the following language:-

"In giving instructions to Counsel and other agents or representatives or employees of the Petitioner, I took pains to emphasize the fact that the Conservation Commission is an agency of the State and that the proposed condemnation proceedings were being maintained for and on behalf of the State and that there was therefore a moral obligation and a clear duty on the Petitioner and all its agents and representatives as well as upon the Courts, the Boards of Appraisal Commissioners and other officers of the Courts, to recognize and protect the rights of all owners and claimants of lands within the area sought to be condemned to have the lands owned or claimed by them justly and fairly valued; and that whether these owners or claimants appeared in the proceedings or not, it was the duty of the petitioner and its Counsel and its other agents and representatives to procure and submit all available evidence necessary to establish the fair market value of such lands, whether this evidence tended to raise or to lower their own estimates of the values of these lands. I especially emphasized

the duty on the Petitioner and its Counsel and its agents and representatives to be fair and just in appraising and submitting evidence as to lands for which no owner or claimant appeared in the proceedings, and lands whose owners, by reason of poverty or ignorance, might not be able to procure and submit all the available evidence in support of their claims. I insisted that in all such cases, it was the clear duty of the Conservation Commission and its Counsel and other agents and representatives just as it was the duty of the Courts and their officers, including the Boards of Appraisal Commissioners, to do everything in their power to prevent injustice being done, and to aid such poor or ignorant owners in establishing their claims to just compensation. There were a considerable number of claimants and owners who did not file their claims in the time allowed by the orders of the respective courts, and in every county there are some owners and claimants, who, through ignorance or indifference, never have filed claims or appeared at the public hearings to testify as to the value of the lands in which they own or claim some right, title, estate or interest. I was advised in the course of the proceedings that in a limited number of cases where the owners did file claims and appeared at the public hearings, the testimony and the evidence submitted by them was so vague, or indefinite or unsatisfactory as not to be sufficient to sustain specific findings of values as high as Counsel for the Petitioner was ready to admit, or to which they were clearly entitled on a mere inspection of the lands claimed by them, and upon learning that such was the case, I reiterated the above set out instructions, and directed Counsel, and Mr. Marsh, who was in charge of the proceedings, to do everything

in their power to make certain that the Appraisal Commissioners were advised as to all the facts as to the value of the lands claimed by such persons, when submitting evidence on behalf of the Petitioner."

In pursuance of these instructions, we advised the various Boards in the various Counties as to the attitude thus taken and announced by the Petitioner, and no technical objections were interposed to the testimony and other evidence submitted by any claimant or owner on the grounds of incompetence, irrelevance, immateriality, or the like, and every effort was made by counsel for the petitioner to give all owners and claimants full, free and ample opportunity to submit their testimony and evidence freely and without any attempt by the Petitioner to exclude or to prevent the submission by owners or claimants of any matters which they deemed advantageous to themselves, or useful in the presentation of their claims before the several Boards of Appraisal Commissioners.

Counsel for the Petitioner further advised the several Boards that in pursuance of the above mentioned policy of the petitioner, no objections would be interposed by the Petitioner to requests by claimants or owners for continuances or adjournments of the hearings and the proceedings generally before the various Boards to such times or places as might best suit the convenience of the claimants and owners.

Counsel further advised the various Boards that while Petitioner did not purpose to attend, and would not make it a practice to be present by Counsel or by its other agents or representatives at the inspections or views of the lands in question by the several Boards, nevertheless, no objection would be made by or on behalf of the Petitioner to the attendance at these inspections or views of the claimants or owners, or to the submission of testimony and other evidence by such owners and claimants in the course of such inspections or views, and in the absence of the Petitioner, as to the location, extent, and the different elements of value of the lands in which they claimed an interest:- and this whether or not such claimant or owners had theretofore filed their respective claims with the record, but with the understanding that where no such claims had been filed, the claimant or owner would forthwith submit such claims in the form and manner prescribed by law.

But while Petitioner and its Counsel did not make it a practice to attend the said inspections or views, nevertheless, Counsel never offered any objection and uniformly acceded to any suggestion at the public hearings, either of the Boards themselves, or of the owners or claimants to the adjournment or continuance of the hearings to the land itself, and in such cases, Counsel and the agents and witnesses of the Petitioner attended the adjourned hearing, when practicable, at the time and place to which it had been adjourned, and as above indicated, waived its right to object to the taking of the testimony and evidence of the claimants or owner in the absence of the Petitioner, if for any reason Counsel or the agents or witnesses to the Petitioner were unable to attend at the time and place fixed for the adjourned hearing.

Although there is respectable precedent and authority in condemnation cases for the taking of testimony and evidence as to the value of the land sought to be condemned, and for the adoption of the appraisal measures set forth in Section 29 of the Public Park Condemnation Act, by Appraisal Commissioners, in the absence of the parties to the proceedings or of either of them, when authorized or when not expressly prohibited by the statutes:- nevertheless, I was of opinion from the outset of these proceedings that the Courts of Virginia might construe the proviso set forth in the said Section 29 of the Act, securing the opportunity and the right to be heard after due notice, as to values and damages, to all owners and claimants who had filed their claims with the record as provided in Section 7 of the Act, as an express grant of the right to such owners and claimants, not merely to present their own evidence as to values and damages, but also to be present and to hear any other testimony and evidence taken or considered by the Board as to such values and damages, and to cross examine the witnesses by whom such testimony and evidence is submitted, and to offer evidence in rebuttal, or explanation of such evidence.

Accordingly, and as a matter of sound precaution, I advised my associate counsel and the various Boards of Appraisal Commissioners in these proceedings, that in any case in which any claimant or owner had filed his claim with the record, and appeared at the public hearings in response to the published order setting the date for such hearing, the Petitioner would submit no testimony or evidence other than the testimony and evidence submitted at such public hearings or adjournments, or continuances thereof, with due notice

to such owners and claimants. At the same time I expressed the opinion that while we had no power to control the action of the various Boards, they should not take or consider or procure any evidence, or take any of the measures set out in the said Section 29 of the Act, without giving such owners or claimants an opportunity to be present and to cross-examine the witnesses and to offer evidence in rebuttal.

My understanding is that the various Boards adopted this view in most cases, though they considered that under authority of the said Section 29 of the Act, they could and should take the measures and hear and procure the testimony and evidence in the form and manner therein set out, if that seemed necessary "in the interest of justice" and for the protection of poor and ignorant owners and claimants who had not been able to submit evidence which would sustain a finding of values or damages as high as they themselves would set on the lands in question in their own personal inspection or view, and without considering any of the evidence submitted by the Petitioner and such owners or claimants.

So important did I and my associate counsel, regard these hearings and the protection of the right of owners and claimants who had filed their claims with the record, to have the testimony and evidence as to their claims submitted after due notice at public hearings, that with the approval of the various Boards, to whom we explained our views in this regard, we sought and secured from the respective Courts in the various Counties above mentioned, orders providing for additional public hearings at which owners and claimants, whether or not they had appeared at the former hearings,

could appear and submit testimony and evidence as to their claims, and any additional testimony or evidence to that already submitted, in cases where they had appeared at the former public hearings.

The Public Park Condemnation Act does not prescribe or require the holding of such additional hearings, but it was our view that in order to correct or supply and failure or omission by any owner or claimant, to appear and submit his testimony or evidence at the various hearings, or to secure the attendance of all his witnesses, or to offer evidence in rebuttal or in explanation of any evidence, documentary or oral that might have been introduced at the former hearing or at the various inspections or views of the lands in question, it would be advisable and expedient that new and additional hearings should be had by order of the Court, upon newspaper publication as to the time and place of such hearings, and personal notice mailed to all owners or claimants who had filed their claims with the record.

These new and additional hearings were had after the respective Boards had completed their inspections and views of the lands sought to be condemned, and notwithstanding the fact that the Petitioner and the owners and claimants had been afforded full opportunity to be heard at the former hearings, for the purpose of giving all owners and claimants an additional opportunity, before the reports of the respective Boards as to values and damages were finally submitted, to appear and assert and defend their rights and to correct any failure on their part to take full advantage of the opportunity so to do, afforded them at the former hearings, without considering whether such failure could or could not properly be attributed

From my observation and knowledge of the proceedings had before the respective Boards, I am entirely satisfied that the claims of every claimant and land owner within the proposed Park area were given full and careful consideration by the respective Boards to which they were submitted; and I know of no case in which any objector or exceptant to the findings of the various Boards filed his claim with the record and appeared at the public hearings in response to the published notices thereof and submitted testimony or evidence in support of his claims; and in which such testimony and evidence was sufficient in itself to sustain a specific finding of values or incidental damages as large as or larger than that actually found by the Board to whom it was submitted; in which such objector or exceptant was not in fact granted a hearing by such Board, at which he had full and ample opportunity not merely to submit his own testimony and evidence as to such values and damages, but to hear and rebuttal other testimony, evidence, or information in that regard heard or considered by such Board. And so far as my knowledge or information enables me to speak in this connection, no testimony or evidence was submitted, taken, heard, or considered by the Board in such cases other than the testimony and evidence submitted by the Petitioner and the claimant or owner at the public hearings and by the claimant or owner in the course of the inspection or view of the lands in question by the Board charged with the ascertainment and determination of such values, considered together with the opinions formed by such Board as a result of its own inspection or view.

A considerable number of owners or claimants of lands or interest in lands, within the area sought to be condemned,

failed, or neglected, or declined to file with the record their claims or answers to the petition under the provisions of Section 7 of the Public Park Condemnation Act, and although many of these owners or claimants have since filed their answers or claims (without objection by the Petitioner in all cases wherein such claims were filed at the hearings or views by the several Boards of Appraisal Commissioners, or prior to the filing of the reports of the said Boards), nevertheless, a substantial number of such owners or claimants have not yet submitted or filed their claims as owners, or asserted their respective rights to be heard as to the value of the lands owned or claimed by them, although full and ample opportunity so to do has been extended to them and each of them, after due notice as prescribed by the said Act.

In all such cases the Petitioner submitted evidence as to the value of the lands in which such owners or claimants appeared to have an interest, and offered no objection to the taking of such additional evidence or the adoption of such further measures as the respective Boards of Appraisal Commissioners deemed proper in ascertaining, determining and making findings as to the facts of value of any tract of land within the area, and the amount of incidental damages which would result from its condemnation, with reference to which no owner or claimant had asserted his right to be heard in the course of the public hearings by the Board of Appraisal Commissioners in the county in which such land is located.

All of the witnesses, agents, and employees of the Petitioner were instructed by counsel not to submit to any of the said Boards or the members thereof, any evidence as to values or damages nor

to discuss or express any opinion in that regard with any of said Boards except when called as witnesses at the public hearings, and so far as I am informed or advised, these instructions were scrupulously and faithfully carried out. I know of no instance in which any person or persons attempted to exercise, or did in fact exercise any undue or improper influence over any of the said Boards or any members thereof; and I know of no person or persons who had either the means or the desire so to do, in an attempt to induce the said Boards or any of them or any of the members thereof, to make findings of value or of incidental damages less in amount than it was their respective duty to find in the performance of the duties imposed upon them.

As Clerk of the Court of Rappahannock County for a number of years, and as an attorney in active practice in Virginia and especially in the various Counties in which the lands sought to be condemned in these several proceedings, I have acquired a wide and I believe a fair knowledge of land value generally throughout the area sought to be condemned for the Shenandoah National Park, and I am of the opinion that the uniform tendency of all of the said Boards was to be extremely liberal in making their findings as to the value of the lands within the area and of the improvements thereon, and that in many instances, their findings were substantially in excess of the cash market value thereof; I am of opinion, nevertheless, that the Petitioner and its Counsel were given full and ample opportunity to be heard in this regard

and that testimony and evidence submitted by the Petitioner as well as that submitted by the claimants and owners was given full and careful consideration by the respective Boards, and the Petitioner, under my advice, has accepted the findings of the various Boards as to such values and damages, without interposing any objection or exception thereto.

Witness my signature this 24th day of April, 1933.

W. C. Armstrong
.....

STATE OF VIRGINIA)
 (SS.
COUNTY OF WARREN)

Personally appeared before me, the undersigned Notary Public in my said State and County, W. C. Armstrong, whose name is signed to the foregoing statement, and who being duly sworn, made oath that the matters and things set forth therein are true to the best of his knowledge and belief.

Witness my signature and Notarial Seal this 24th day of April 1933.

Emmanuel Stokes (SEAL)

My Commission Expires December 3rd, 1933



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

JUL 20 1933 9:30 a.m.

Robert Hunt Clerk

AFFIDAVIT OF DR. ARTHUR DEVAN, DATED APRIL 17, 1933. RE. GENERAL.

This affidavit is made at the request of the State Commission on Conservation and Development of the State of Virginia for file with the record in all or any of the following Public Park Condemnation proceedings pending in the Circuit Courts of the Counties of Virginia in which said Commission is petitioner and in which the defendants are as follows: Virginia Atwood, et als, etc., in the Circuit Court of Warren County; Ada Abbott and others, etc., in the Circuit Court of Page County; Clifton Aylor and others, etc., in the Circuit Court of Rappahannock County; Armentrout, C. E. and others, etc., in the Circuit Court of Greene County; Archer, A. W., and others in the Circuit Court of Augusta County; Cassandra Lawson Atkins et als, etc., in the Circuit Court of Rockingham County; W. L. Arey and others, etc., in the Circuit Court of Albemarle County; D. F. Anderson et als, etc., in the Circuit Court of Madison County.

It is my understanding, purpose and intention in making this sworn statement, that the said Commission may, in its discretion, file and submit the same in support of its prayers, motions, answers, and contentions submitted in the course of all or any of the above mentioned condemnation proceedings, including its answers to the several motions by claimants and landowners in the several above mentioned condemnation proceedings, praying the respective courts to decline to accept or to disapprove the respective reports and findings of Special Investigators and Boards of Appraisal Commissioners appointed in the course of the said condemnation proceedings:

My name is Arthur Bevan. My post office address is University, Virginia.

EDUCATION AND SCIENTIFIC QUALIFICATIONS AND EQUIPMENT:

I am the State Geologist of Virginia. I took my Bachelor of Science degree at Ohio Wesleyan University, specializing in geology, and received the degree of Ph. D., magna cum laude, in geology from the University of Chicago. I was employed as a geologist in the capacities of teacher, research investigator and field geologist by the Ohio Wesleyan University, the Ohio State University, the University of Montana, the University of Chicago, the University of Illinois, the United States Geological Survey, the Ohio Geological Survey, the Montana Bureau of Mines, and the Illinois State Geological Survey, at various times between the years 1913 and 1929, inclusive. I have done more or less geological work in thirty-five states in the Union, and I have carried on extensive geological investigations in some of them.

I was appointed State Geologist of Virginia as of June 1, 1929, and since that time I have been engaged in work more especially directed to the study of the geology and the mineral resources of Virginia. In this work I have been in direct consultation with, and have had the assistance of, a group of expertly trained geologists who have been and are critically investigating the geology and mineral resources and allied resources of economic value in the State of Virginia, some of this work being under my immediate and direct supervision.

I am a member of the following professional and technical organizations, in which membership is based upon scientific

attainments and technical qualifications: American Ceramic Society, American Institute of Mining and Metallurgical Engineers, Association of American State Geologists, Geological Society of America, Geological Society of Washington, Sigma Xi, Society of Economic Geologists, and Washington Academy of Sciences.

Together with Mr. William M. McGill, Assistant State Geologist of Virginia, I have given special attention and study for the last three years to the geology of the proposed Shenandoah National Park area, and we have made a careful and thorough study of the formations throughout that area, having especially in mind the reported claims, by various landowners, of valuable mineral deposits and rights in or on lands in that area. This area includes parts of the Blue Ridge lying in the counties of Albemarle, Greene, Madison, Rappahannock, Warren, Page, Rockingham and Augusta, as shown on the various maps prepared by the United States Geological Survey, filed in each of the above mentioned counties with the petition in the above mentioned condemnation proceedings. This area is the same as that shown on the preliminary sheets of the topographic map of the proposed Shenandoah National Park, also prepared by the U. S. Geological Survey.

6 The geologic conditions in this area are set forth on the "Geological Map of Virginia," published in 1928 by the Geological Survey Division of the Virginia State Commission on Conservation and Development. The Virginia Geological Survey has also published Bulletin 17, "Manganese Deposits of the West Foot of the Blue Ridge, Virginia," which describes and discusses manganese deposits along and near the western border of the proposed Park area,

the field work on which was done during and soon after the World War, at a time when, because of advanced prices, interest both commercial and scientific, was sharply aroused in manganese and other mineral deposits in Northern Virginia.

The formations and mineral deposits of the Park area and adjoining territory in Northern Virginia, have been extensively investigated by scientists, economic geologists and mining men, and a substantial number of papers and treatises have been published dealing with the economic aspects of these deposits, including among others, publications discussing the manganese, iron, copper, clay, and limestone deposits and resources.

Some of these technical reports have been prepared and published by the U. S. Geological Survey, and deal with formations and deposits along the eastern side of the Shenandoah Valley, at the foot of the Blue Ridge, which adjoins the proposed Park area on the west. The showings of mineral deposits in the northern Blue Ridge in Virginia have also been discussed at length in publications by former State Geologist, Dr. Thomas L. Watson, and others.

It is common knowledge, supported by records and official and technical reports, that the existence of copper, iron, manganese, limestone and clays resembling kaolin, in the northern section of Virginia, and in the vicinity of the National Park area, has been quite generally known for the greater part of a century; and there are numerous indications of explorations and efforts to develop mineral deposits at various points within and without the Park area in Northern Virginia. During and for some time after the World War, while war-time prices prevailed for the above mentioned minerals,

there was great activity in these attempts to exploit and develop all lands supposed to contain deposits of manganese and copper in the Park area, and in the adjoining territory in Northern Virginia.

Substantial deposits of valuable manganese ores are to be found and have been developed commercially in the limestone area along the eastern side of the Shenandoah Valley at the foot of the west slope of the Blue Ridge Park area. One of the most productive of these is located at Grimora in Augusta County, a very short distance outside of the Park Boundary in that section of Augusta County.

So, also, substantial and valuable developments of iron ore have been made at various points in the limestone belt on the eastern side of the Shenandoah Valley, and approaching the western boundary of the Park area in the Blue Ridge; but no evidences of substantial or valuable deposits of iron or manganese ore have been discovered within the Park area itself.

The line of demarkation between the limestone belt, carrying more or less extensive and valuable deposits of these minerals, in the lowlands outside the Park area, and at the foot and west of the Blue Ridge, and the sandstone and crystalline rocks in the elevated section of the Blue Ridge included within the Park area, is clear and distinct, and can be traced with reasonable ease and certainty.

No evidences of the existence of substantial bodies of iron, manganese or copper or other ore are to be found within the Park area, and the explorations and development made within the Park area disclose either that all the deposits of iron, manganese, and copper within this area are so low in grade and value, or in such limited extent, as not to justify any further attempt at commercial development.

In recent years metallurgical processes for the winning of copper from its ores have been developed whereby deposits of copper of relatively low-grade have been mined and treated at a profit, but such commercial operations have been possible on a profitable scale only where deposits of low-grade ore have been found in enormous bodies of virtually unlimited tonnage, which justify mining operations on a very large scale to produce ore concentrates of constant value. In such operations the ore deposits must be located at points accessible to convenient water, fuel, railroad transportation and markets.

All the known copper deposits in the Blue Ridge Park area occur in narrow stringers, thin veins, and small pockets which together constitute only a very small fraction of the rock mass, a fraction so small as to prohibit any possibility of their being developed and concentrated and shipped at a profit. Furthermore, all known evidences indicate that these stringers, veins and pockets are limited to the upper part of the exposed rock and do not extend to any considerable depth.

It should be clearly understood and emphasized that the occurrence, distribution, amounts, and tenors of any and all known and accessible mineral deposits in the northern Blue Ridge in Virginia and in the adjacent Shenandoah Valley on the west, and the adjacent Piedmont region on the east are intimately dependent upon the geologic conditions in those areas, particularly as to the kinds of rock formations present, the structure or attitude of those formations, and the erosional history of those regions whereby the rocks have become exposed and the present surface of the land has

been developed. These facts explain decisively why deposits of clay, manganese, iron and other materials of commercial value in the past have been mined and quarried in the eastern part of the Shenandoah Valley. They likewise demonstrate the absence of important mineral deposits of any kind in the adjacent Blue Ridge, and explain the lack of any successful commercial mineral developments in the Park area in northern part of the Blue Ridge in Virginia, even in times of great demand, and therefore times of development of all known deposits which gave promise of being workable at a profit. They likewise explain why the copper deposits in the Blue Ridge Park area, unlike those found in the Piedmont Region of Virginia, have not been found to have any commercial value.

I have done extensive geological work over the length and breadth of the Park area, and I have examined the Blue Ridge in every county. Mr. McGill, Assistant State Geologist and I, separately or together have visited all properties within the area on which any substantial attempt at exploration or development are known to have been made. In not one of these instances have we found evidences of any mineral deposits in such quantity or of such grade as would justify commercial development even under the stimulus of the highest known prices for the respective minerals which have existed in the last century, or which may be expected to prevail at any reasonable time in the future.

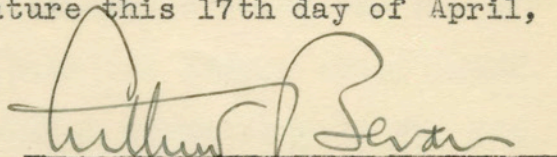
Because of the existence of valuable deposits of manganese and iron in the lowlands in the mineralized limestone belt not far distant from the Park area, and because here and there throughout the Park area there are showings of manganese, copper

and iron in the outcropping rock within the area, owners of lands within the area have laid claim at various times to the existence of valuable ores and mineral rights in their lands within the area, but the complete failure of all the many attempts to exploit such claims, even when the highest prices prevailed for these minerals, and the absence of any evidences of proven bodies of commercial value within the area, and the known and established fact that geologic conditions within the Park area are such that I can and I do assert that there is no reasonable ground to anticipate the existence of such mineral deposits of commercial value within the Park area. Indeed I do not hesitate to express my matured opinion and conclusion that no mineral rights in any of the lands within the Park area have or could have any market value, and that there are no mineral deposits in any of these lands which add to their market value.

I can and do further express my matured opinion and conclusion that in view of what is set out above, no claim of mineral rights in or to any of the lands within the Park area can or does add anything to the market value of any lands within the Park area as to which such claims are made, in the absence of a proven body of mineral ore sufficient to justify either further

exploration or attempt at commercial development, and that there are no evidences of the existence of any such proven bodies of ore within the Park area.

Witness my signature this 17th day of April, 1933.



Arthur Bevan

STATE OF VIRGINIA)
(SS.
COUNTY OF WARREN)

Personally appeared before me, the undersigned Notary Public in my said State and County, Dr. Arthur Bevan, whose name is signed to the foregoing statement, and who being duly sworn, made oath that the matters and things set forth therein are true to the best of his knowledge and belief.

Witness my signature and Notarial Seal this 12
day of April 1933.

My Commission Expires December 3rd, 1933

Emma K. Stiles (SEAL)

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

JUL 20 1933 9:30 a.m.

Robert Switzer Clerk

AFFIDAVIT OF WILLIAM MAHONEY MCGILL, DATED APRIL 22, 1933. Re. GENERAL
MINERAL CLAIMS.

This affidavit is made at the request of the State Commission on Conservation and Development of the State of Virginia for file with the record in all or any of the following Public Park Condemnation proceedings pending in the Circuit Courts of the Counties of Virginia in which said Commission is petitioner and in which the defendants are as follows: Virginia Atwood, et als, etc., in the Circuit Court of Warren County; Ada Abbott and other, etc., in the Circuit Court of Page County; Clifton Aylor and others, etc., in the Circuit Court of Rappahannock County; Armentrout, C. E. and others, etc., in the Circuit Court of Greene County; Archer, A. W., and others, etc., in the Circuit Court of Augusta County; Cassandra Lawson Atkins, et als, etc., in the Circuit Court of Rockingham County; W. L. Arey and others, etc., in the Circuit Court of Albemarle County; D. F. Anderson, et als, etc., in the Circuit Court of Madison County.

It is my understanding, Purpose and intention in making this sworn statement, that the said Commission may, in its discretion, file and submit the same in support of its prayers, motions, answers, and contentions submitted in the course of all or any of the above mentioned condemnation proceedings, including its answers to the several motions by claimants and landowners in the several above mentioned condemnation proceedings, praying the respective courts to decline to accept or to disapprove the respective reports and findings of Special Investigators and Boards of Appraisal Commissioners appointed in the course of the said condemnation proceedings:

My name is William Mahone ^McGill, and my post office address is University, Virginia.

The following is a summary statement of my education, experience and qualifications as a geologist and mining engineer:

1914-1917: Virginia Military Institute, Lexington, Virginia. Graduate in Civil Engineering, 1918. 1917-1919: First Lieutenant, United States Army (Infantry and Adjutant Generals Department.) Company Officer, Company Commander. Battalion, Regimental and Camp Headquarters, Staff Officer. 1920-1922: Colorado School of Mines, Golden Colorado. E. M. in Mining Engineering and Geology 1922. 1922-1924: Fellow, Instructor and Assistant Professor, and also post graduate student, Colorado School of Mines. 1924-1928: Field investigations and professional consulting (mining and oil) work in California, Colorado, New Mexico, Oklahoma, Texas, Utah, Virginia, Wyoming and Ontario, Canada (Canada, Virginia, and 7 other states). 1929-to date: Assistant State Geologist, Virginia Geological Survey. Author of "Gold and Silver Mining in Ontario, Canada," "Explorations for Oil and Gas in Southwestern Virginia," "Caverns of Virginia," "Natural Wonders of Virginia" (in preparation), short articles and reviews, and many private (unpublished) reports. Member American Association of Petroleum Geologists, American Institute of Mining and Metallurgical Engineers, Virginia Academy of Science.

Since my appointment as Assistant State Geologist of Virginia in 1929, I have made a careful study of the geology, and of the possibilities of commercial development of minerals and mineral deposits in the area known as the proposed Shenandoah

National Park, being the lands described in the petitions in the above mentioned condemnation proceedings.

LOCATION AND TOPOGRAPHY OF AREA:

The proposed Shenandoah National Park comprises a relatively narrow elongate strip, roughly eighty miles in length and from one to ten miles in width, extending northeasterly along the Blue Ridge mountains from the vicinity of Waynesboro in Augusta County to Front Royal in Warren County. The greater part of the land within the proposed boundaries (practically the entire area) is mountain land, lying mainly along the crest of the Blue Ridge and extending down the slopes of the main central ridge and numerous short spur ridges, extending out from it on the southeast and northwest sides, to the base of the spur ridges. The surface is rough, rocky and hilly, the topography being largely that of mountainous country. Some of the land is quite heavily timbered. Elevations range from about 1,000 feet above sea-level along the southeastern boundary (eastern base of the Blue Ridge) to 2,500-3,000 feet along the crest of the central (main) ridges.

A few flattish areas of relatively small extent occur locally along the peneplained tops of the Blue Ridge which may be classed as (considered) grazing or farm land and similar small tillable areas occur along the lower courses of the streams which drain the area, mainly along the flanks of the ridges along or just outside the proposed Park boundary.

GEOLOGY:

Throughout its northeastward extent across the proposed Park area the core or backbone of the Blue Ridge is composed of

crystalline or igneous rocks, principally dense and dark basaltic rocks (granite, granite-gneiss and greenstone) flanked by relatively narrow belts of greenstone-schist, sericitic-schist and similar altered crystalline rocks. The east slope of the Blue Ridge is composed of crystalline rocks varying from weathered gray metamorphosed schist (Catoctin Schist) to dense dark basaltic (massive) igneous rocks. Syenite, Granite and other igneous rocks flank the metamorphosed and basaltic types. The more massive basaltic and schist have been, in places, changed into epidote and chlorite-schists. Belts of folded sedimentary rocks, mainly sandstone, slate and quartzite, which rest against or overlie the crystalline rocks along the west slope of the Blue Ridge. The foothill ridges which roughly parallel the main mountain mass and many of the spur ridges on the west side of the Blue Ridge are composed of the hard sandstone and quartzite formations. These formations are known as (1) Unicoi sandstone, (2) Hampton shale (slate) and (3) Erwin quartzite. The sandstone and quartzite beds in places form cliffs or ledges. Overlying and west of the quartzite along the western base of the foothills on the east side of the Valley are the Shady dolomite (limestone) and Watauga shale formations.

The character and extent of the known and reported occurrences of mineral along the northern part of the Blue Ridge are definitely related to the geology - the kind, character extent and structure of the rocks - of the region. The geology of the northern part of the Blue Ridge region, particularly in the area in which it is proposed to establish the Shenandoah National Park, as herein indicated and as described in several bulletins of the United States and Virginia Geological Surveys, is not con-

sidered favorable to the occurrence of commercial quantities of mineral. Scattered occurrences of iron, manganese, and copper are known to occur and others have been reported locally throughout the general region. But there are no proved deposits within the proposed Park area which are commercially workable, the known deposits being very limited in extent and of low grade.

MINERAL DEPOSITS:

The crystalline rocks along the backbone and east slope of the Blue Ridge have been fractured or broken and contain numerous fissures and fractured zones. The fissured and fractured zones in the epidote area contain small lenses and veinlets of quartz which carry small amounts of copper. The copper occurs as small irregular lenses in the quartz and as scattered grains in the epidote. The copper occurs as native copper, cuprite or copper oxide, bornite and chalcopyrite or copper sulphides, and rarely as malachite or green copper carbonate and azurite or blue copper carbonate. Slight and scattered showings of iron, chiefly as iron oxide, also occur. Copper has been known to occur along the east slope of the Blue Ridge for more than fifty years and much prospecting has been done but there are no indications of the existence of deposits within the area of any commercial value.

The sandstone, quartzite and limestone formations which formerly covered the west slope of the Blue Ridge even above its present summit have through the ages past been subjected to weathering and erosion. They have gradually been broken, worn down and carried away by streams leaving the present mountains and ridges composed of underlying harder rocks (greenstone, granite, schist, sandstone and quartzite) and forming valleys in

areas underlain by limestones and shales of the weaker rocks.

The limestone (Shady dolomite) and the upper part of the quartzite (Erwin quartzite) formations have decayed and disintegrated into clay and sandstone. The clay and sandstone have been washed down the mountain slopes and accumulated in valley or trough-like areas between the foothill ridges and along the outer flanks of the ridges forming residual clay and gravel (sand) deposits, many occurring as terraces or benches.

Accumulations of brown iron ore (iron oxides) and deposits of manganese (manganese oxide), of variable size but usually of limited extent and impure in quality, were formed locally in a relatively narrow belt along the western base of the Blue Ridge in Virginia, (but outside the Park area) between the Potomac on the north and Roanoke on the south. These deposits occur chiefly as pockets and lenses in the residual clays in a zone about 500-700 feet thick ranging from the upper part of the Erwin quartzite through the Shady dolomite to the lower part of the overlying (westward) Watauga shale. The majority of the deposits, however, occur in a zone of weathered (residual) clay in the lower 300 feet of the Shady dolomite. Rarely manganese occurs as vein-like fillings in fissures in sandstone and quartzite beds. Such fissure fillings are very impure, containing variable amounts of silica. Many local areas have been prospected within the past 60 years or more and some slight production of iron and manganese has been obtained in the past from a few of the more favorably located deposits in the above described belt, but there are no indications of successful commercial development of iron or manganese or copper ore within the Park area.

There are no developed mines within the proposed Park area at this time nor is there available any record of the commercial production of any minerals within this area. The largest mine which has been developed in this part of the Blue Ridge region is the Crimora (manganese) mine, located about 2-1/2 miles east of Crimora in Augusta County, and in the above mentioned mineralized belt along the western base of the Blue Ridge and outside the Park area. This property is outside of the proposed Park boundary and is the largest proved and developed property in this general region. On page 83 of Bulletin 17 of the Virginia Geological Survey, prepared and published in 1919 under the direction of the late Dr. Thomas L. Watson, former State Geologist of Virginia, the following statement concerning the Crimora mine is made by Dr. D. F. Hewett, geologist of the United States Geological Survey, one of the authors. "The Crimora mine has long attracted unusual interest because it has the distinction of having yielded more manganese ore than any other mine in the United States. It was discovered before the need for manganese alloys in modern steel-making practice was fully realized, and for several years it contributed a large part of the ore required by the domestic steel industry. Since about 1895, however, the domestic needs have been supplied largely from rich deposits in Russia, India, and Brazil, and, like many other domestic deposits whose product had to be concentrated to yield a marketable material, it has been unable to successfully compete for the market at prevailing prices and has been operated intermittently only. As the war brought a period of high prices for manganese ore, an attempt was recently made to reopen the mine on a larger scale than ever before".

Despite its history, and high state of development this property is not now in operation and available records do not show production from it for the past twelve years or more.

FINDINGS:

A. Eastern slope of the Blue Ridge. (Copper).

(1). The copper found in this general area is in lean and shallow deposits, generally not over 30 to 50 feet in depth.

(2). It occurs in fissures and as irregular lenses in sheared or fractured zones in the chlorite schist and epidote rocks.

(3). The deposits are irregular and not continuous. Few, if any, true veins occur.

(4). The history of prospecting and attempted operations in this area has not been encouraging. No deposits of commercial importance at the present time have been proved.

There are no prospecting or development operations in progress at this time and as far as known none have been attempted within the past several years.

(5). There is no showing (or proved deposit) of sufficient importance in any of the tracts investigated to warrant the expenditure of any additional time or money in further prospecting.

B. Western slope of the Blue Ridge. (Iron and manganese.)

(1). The brown iron ore in the clay was mined for limited local demand several decades ago.

There are no indications that these occurrences have any commercial value.

(2). Manganese was extensively prospected and mined along the west foot of the Blue Ridge during the World War in the mineral belt above mentioned, and outside the Park area. Under the stimulation of abnormally high prices all known deposits of commercial value probably were mined to some extent. There are no indications of the discovery or development of commercial deposits of manganese within the present boundary of the Shenandoah National Park.

(3). The scattered fragmental material found along the hillsides and valley slopes does not indicate the presence of any occurrences of any probable value. Such fragments are transported or float material derived from the decay and breakdown of rocks higher on the mountain slopes.

(4). There are no indications that the portion of the Blue Ridge and the foothill ridges embraced within the boundaries of the proposed Shenandoah National Park contains deposits of iron which would prove of commercial value even within the remote future. Unless deposits of iron are of large extent and of relatively high grade, they can not be considered as reserves of probable future value in view of the enormous tonnages available in the Lake Superior and Birmingham districts. The fact that mining of iron has never been attempted in the northern Blue Ridge, exclusive of the deposits mentioned in (1) above, even under the stimulus of favorable markets, also suggests strongly that these deposits are not commercially important.

CONCLUSIONS:-

I am, personally, familiar with the proposed Shenandoah National Park area in the Blue Ridge region of Virginia, both from a study of available literature on the geology and history of attempted mineral development of the area and from personal examination of numerous properties within or situated near the proposed Park boundaries. From my personal knowledge of the area and the results of detailed studies throughout the same, I do not believe that, under prevailing economic conditions, any of the known deposits of iron, manganese, or copper occurring within the present boundaries of the proposed Shenandoah National Park are of commercial development value, or will be of any commercial value even under greatly improved market (and economic) conditions, or within the reasonably remote future.

Among the publications bearing on the geology, geological history and history of mining explorations of this area, are: Rogers, W. B., Geology of the Virginias; D. Appleton & Company, New York, 1884; Watson, T. L., Mineral Resources of Virginia; Virginia Jamestown Exposition Commission, 1907, pp. 235-259 and 491-518, especially pp. 235-238 and 244-253, and pp. 491-492 and 503-511; Weed, W. H., Copper Deposits of the Appalachian States: U. S. Geological Survey Bulletin, 455, 1911, pp. 9-16, and 65-121, especially pp. 93-115; Stose, G. W., et als.; Manganese Deposits of the West Front of the Blue Ridge, Virginia, 1919, 166 pp., especially pp. 27-34, 41-46, 48-56, 57-112; Harder, E. C., Manganese Deposits of the United States;

U. S. Geological Survey Bulletin, 427, 1910; The Iron Ores of the Appalachian region in Virginia: U. S. Geological Survey Bulletin 380-e, 1908; Manganese Deposits of the United States: U. S. Geological Survey Bulletin 380-4, 1908; Hewett, D. F., et als.; Possibilities for Manganese Ore on Certain Undeveloped Tracts in Shenandoah Valley, Virginia, U. S. Geological Survey Bulletin 660-j, 1918, pp. 271-296, especially pp. 271-282.

In response to a direct question as to whether in my opinion the mineral ores and deposits, or the mineral rights in any of the various tracts included in the area described in the several petitions in the above mentioned condemnation proceedings, have any commercial or market value, I give it as my matured opinion, based on my study of the geology and upon my personal observation and study of practically all the known prospects and explorations within the area, that there are no mineral deposits of any commercial or market value within the area; and that no claim or claims to mineral rights in any of such tracts have, or could have, any cash market value in the absence of an exploration or development demonstrating proved bodies of ore of sufficient extent and purity, and of high enough grade, to justify either further explorations or an attempt at commercial development.

I also give it as my matured opinion that the geology and the history of former explorations or attempts at development of any of the lands within the Park area clearly and definitely indicate that there is no sound or sufficient reason

to anticipate the discovery of any bodies of mineral ore which would justify commercial development of any of the tracts within the Park area.

It is further my matured opinion that no unproved mineral claim or claim of mineral rights in or to any of the lands within the Park boundary, adds anything to the market value of such lands, and that there are no indications of the existence of any such proved bodies of mineral or mineral ore of sufficient extent or quality as to be of any market value, within the Park area.

Witness my signature this 22nd day of April, 1933.

William M. Gill

STATE OF VIRGINIA)
 (SS.
COUNTY OF WARREN)

Personally appeared before me, the undersigned Notary Public in my said State and County, William M. McGill whose name is signed to the foregoing statement, and who being duly sworn, made oath that the matters and things set forth therein are true to the best of his knowledge and belief.

Witness my signature and Notarial Seal this 22nd day of April, 1933.

Emma R. Stokes (SEAL)

Commission Expires December 3rd, 1933

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

JUL 20 1933 9:30 a. m.

J. Robert Switzer Clerk
AFFIDAVIT OF W. H. STONEBURNER, DATED APRIL 24, 1933. RE. GENERAL

This affidavit is made at the request of the State Commission on Conservation and Development of the State of Virginia for file with the record in all or any of the following Public Park Condemnation proceedings pending in the Circuit Courts of the Counties of Virginia in which said Commission is Petitioner and in which the defendants are as follows: Virginia Atwood, et als, etc., in the Circuit Court of Warren County; Ada Abbott and others, etc., in the Circuit Court of Page County; Clifton Aylor and others, etc., in the Circuit Court of Rappahannock County; Armentrout, C.E., and others, etc., in the Circuit Court of Greene County; Archer, A. W., and others, etc., in the Circuit Court of Augusta County; Cassandra Lawson Atkins, et als, etc., in the Circuit Court of Rockingham County; W. L. Arey and others, etc., in the Circuit Court of Albemarle County; D. F. Anderson, et als, etc., in the Circuit Court of Madison County.

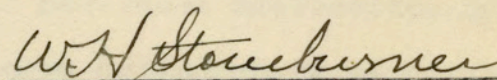
It is my understanding, purpose and intention in making this sworn statement, that the said Commission may, in its discretion, file and submit the same in support of its prayers, motions, answers and contentions submitted in the course of all or any of the above mentioned condemnation proceedings, including its answers to the several motions by claimants and landowners in the several above mentioned condemnation proceedings, praying the respective courts to decline to accept or to disapprove the respective reports and findings of Special Investigators and Boards of Appraisal Commissioners appointed in the course of the said condemnation proceedings:

My name is W. H. Stoneburner. My post office address is Charlottesville, Virginia.

A statement as to my training, and experience as a forester and as an expert appraiser of lands and improvements similar to those described in the several petitions in the above mentioned proceedings is set out correctly and at length in an affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," to which reference is made to avoid repetition.

Since March 15, 1930, I have been Mr. Marsh's principal assistant in the performance of the duties imposed upon him by the State Commission on Conservation and Development in connection with the proposed condemnation of the Shenandoah National Park area, as set forth in the above mentioned affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General."

Witness my signature this 24 day of April 1933.


W. H. Stoneburner

STATE OF VIRGINIA)
 (SS.
COUNTY OF WARREN)

Personally appeared before me, the undersigned Notary Public in my said State and County, W. H. Stoneburner, whose name is signed to the foregoing statement, and who being duly sworn, made oath that the matters and things set forth therein are true to the best of his knowledge and belief.

Witness my signature and Notarial Seal this 24th day of April 1933.

My Commission Expires December 3rd, 1933

Emma K. Stokes (SEA L)

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

JUL 20 1933 9:30 a.m.

Robert Shultz Clerk

AFFIDAVIT OF GEORGE H. LEVI, DATED March 23, 1933. Re. General.
ROCKINGHAM COUNTY

This affidavit is made at the request of the State Commission on Conservation and Development of the State of Virginia for file with the record in all or any of the following Public Park Condemnation proceedings pending in the Circuit Courts of the Counties of Virginia in which said Commission is petitioner and in which the defendants are as follows: Virginia Atwood, et als, etc., in the Circuit Court of Warren County; Ada Abbott and others, etc., in the Circuit Court of Page County; Clifton Aylor and others, etc., in the Circuit Court of Rappahannock County; Armentrout, C. E. and others, etc., in the Circuit Court of Greene County; Archer, A. W., and others, etc., in the Circuit Court of Augusta County; Cassandra Lawson Atkins, et als, etc., in the Circuit Court of Rockingham County; W. L. Arey and others, etc., in the Circuit Court of Albemarle County; D. F. Anderson et als, etc., in the Circuit Court of Madison County.

It is my understanding, purpose and intention in making this sworn statement, that the said Commission may, in its discretion, file and submit the same in support of its prayers, motions, answers, and contentions submitted in the course of all or any of the above mentioned condemnation proceedings, including its answers to the several motions by claimants and landowners in the several above mentioned condemnation proceedings, praying the respective courts to decline to accept or to disapprove the respective reports and findings of Special Investigators and Boards of Appraisal Commissioners appointed in the course of the said condemnation proceedings:

My name is George H. Levi. My post office address is Berryville, Virginia. I am a farmer by occupation, and from time

to time in the last twenty years I have owned, operated, managed, bought, sold and leased farm lands including grazing lands, orchards, vegetable and fruit gardens and the like.

I was appointed a Special Investigator and a member of the different Boards of Appraisal Commissioners appointed in the course of the above mentioned Shenandoah National Park Condemnation proceedings in the counties of Warren, Rappahannock, Page and Rockingham, and as such I joined in the preparation of the respective reports of said Boards filed with the record in the above mentioned condemnation proceedings in the respective Clerks' offices.

I was elected as Secretary of each of the said Boards, and acted as such Secretary in the preparation and filing of their reports.

GENERAL PROCEDURE:

The general procedure adopted by each of the said Boards of Appraisal Commissioners in these counties was substantially as follows:-

Promptly after our appointment in each county we made frequent visits to the proposed park area therein, as set forth in the petitions and the maps prepared by the U. S. Geological Survey filed therewith in the respective Clerks' offices, for the purpose of acquainting ourselves generally with the location and boundary lines of this area; the general character of the lands and improvements within the area; the claimants and owners of these lands who filed with the record their claims for the value thereof or for damages arising out of the proposed condemnation thereof; the

claimants and owners of lands within the area who had failed or neglected or wilfully declined to file claims in the record; the lands in which infants and other incompetent persons appeared to have an interest; and the location, general topography and character of the various tracts, and the improvements thereon, within the area, claimed by different owners, or in which different persons appeared to have any right, title, estate or interest.

Thereafter at the time and places named in the various orders of the respective Courts we conducted public hearings and took the testimony and evidence submitted by the petitioner and the claimants and owners who appeared in response to said orders, as to the value of the lands sought to be condemned and incidental damages claimed by reason of their condemnation, having first satisfied ourselves that notices of said orders had been duly published in the local newspapers, posted at the door of the courthouse in each county, and mailed to all addresses of claimants and owners filed with the record in the manner and form prescribed in the Public Park Condemnation Act.

These hearings were adjourned from time to time to suit the convenience of the various claimants and owners, and ample opportunity was allowed all and every claimant to procure and submit the testimony of himself and his witnesses and such other evidence as he desired to submit; and in no case was any claimant or owner denied an opportunity to submit his claims and his testimony and other evidence at these hearings.

At the outset of these public hearings in each county, the attorneys appearing for the Petitioner, announced that they were instructed to advise the members of the various Boards of Appraisal

Commissioners that the Petitioner desired that the fullest and most ample opportunity should be given every claimant of any right, title, estate or interest in any lands within the area, or of incidental damages arising out of the condemnation of such lands, to submit testimony and other evidence in support of his claims; and that no attempt would be made to offer technical objections to such testimony or evidence on the ground of incompetence, immateriality or inadmissibility or the like; or on the ground of any failure of any owner or claimant to file his claim of record within the time prescribed by the statute and the order of publication of the petition; or to any request for adjournment to another time or place to suit the convenience of any owner or claimant or to enable him to procure and present his evidence and his witnesses.

Counsel for Petitioner further advised the respective Boards that if in the course of our personal inspections or views of the various tracts of lands of diverse ownership within the Park area after the termination of the public hearings, any person claiming an interest in any of said lands should desire to make any statement or to offer evidence as to the location or values of the lands claimed by him, and whether or not such person had theretofore filed his claim of record, or appeared at the hearings, no objection would be submitted to the receiving of such evidence on the ground of the absence of the Petitioner, it being understood however that all such claimants would there and then submit their claims for file with the record in the manner and form prescribed in the Public Park Condemnation Act, if they had not done so theretofore.

As soon as practicable after the public hearings in pursuance of the respective orders of the courts in each county had been

concluded, and in cases in which the public hearings were not concluded but adjourned, with notice to both parties, to be continued on the particular tract in question, we made intensive and careful inspections or views of each and every tract of land within the Park area in the county in which such hearings were had, as to which evidence was submitted by the owners or claimants at the public hearings, the value of which is set forth in the findings in our reports.

We also intensively examined, inspected and viewed all the various tracts as to which no evidence had been submitted at the hearings, other than that submitted by the Petitioner, or as to which no claims in writing had been filed with the record of the proceedings in the Clerks' office, the value of which is set forth in our reports; and as to such tracts we sought and gained such information from outside sources, including the statements and testimony of adjoining landowners, court records, deeds, etc., as we deemed useful or necessary in arriving at a fair and just conclusion as to their value, in any case wherein we deemed such information necessary or useful in connection with the evidence submitted by the Petitioner and our own personal view and inspection of the tract in question.

During and after the period occupied in making these inspections or views of the various tracts of diverse ownership sought to be condemned, we, the members of the said Boards, regularly met together, discussed at length the evidence and the information developed at these inspections and views, and the various elements entering into the value of these lands, and after full consideration and discussion filled out the "work sheets" which were later filed with our reports in each county.

In a number of instances, including all cases in which doubt or question arose in our minds as to all or any of the various items or elements of value of the various tracts or as to any matter arising out of our personal inspections and views thereof, we returned to the tracts in question and made such further and additional personal inspections or views as we deemed necessary or useful.

Although our understanding was that in making these personal inspections and views of the different tracts of diverse ownership it was not a legal requisite that either the Petitioner or claimants should be present and take part therein; nevertheless we advised the Petitioner and all owners or claimants who appeared at the public hearings that if they so desired they might attend the said inspections and views, at the same time advising them as to the time when we proposed to make such inspections and views of the lands in which they claimed an interest.

Only in a very limited number of instances was the Petitioner or its counsel, or its witnesses in attendance at any of these inspections or views; but in most cases the owners or claimants who had filed claims in the record were present in person, or by their counsel or agents, at some time or other in the course of our inspections or views of the lands in which they claimed an interest.

After we had completed all or substantially all of these personal inspections or views of the lands sought to be condemned in each county, and on motion of the Petitioner, a second order was entered by the court in each County directing that after publication in a local newspaper and posting and mailing of notices as prescribed in the order, additional and further public hearings should be granted all persons owning or claiming an interest in the lands sought to be

condemned in each county (whether or not they had appeared at the former hearings) at which additional hearings all such owners or claimants would be given a further opportunity to submit evidence in support of their claims, and to submit such further evidence in addition to any evidence they might have submitted at the former hearings as they might desire to present. Public hearings were held in each county in pursuance of these orders in substantially the same manner as at the former or original hearings.

At these additional public hearings, held after we had inspected or viewed the various tracts in the park area of diverse ownership in each county, and after we had taken and heard all the evidence claimants or owners desired to submit in the course of our personal inspection or views of the lands claimed by them, all owners and claimants had ample opportunity to examine and review any written evidence theretofore submitted, to submit any additional evidence they might desire to submit, and to offer objections to, or amplify, modify, meet or rebut any statement or other evidence theretofore submitted with reference to the lands in which they owned or claimed an interest. No evidence was submitted, taken, or heard thereafter as to the value of any land with reference to which any owner or claimant had appeared at the public hearings or at our personal inspections or views, and at the conclusion of these additional public hearings we proceeded to check and complete our Work Sheets on the evidence theretofore submitted, considered together with the opinions we had formed as to values as a result of our personal inspections or views of the various tracts claimed by such owners or claimants.

After we had completed the hearings, inspections and views in each county, and filled out our work sheets, we prepared and

submitted our reports to the Judges of the Circuit Courts by whom we were directed and instructed to file these reports with the record of the proceedings in each county in the manner and form endorsed on the various reports, and these reports were filed in accord with the instructions endorsed thereon.

PUBLIC HEARINGS, EVIDENCE, AND VIEWS:

At the outset of the public hearings in each county, Counsel for the Petitioner submitted in evidence a "County Ownership Map", purporting to show all the tracts of diverse ownership within the area sought to be condemned in that county, numbered consecutively, and inserted upon a duplicate of the large map of that area prepared by the U. S. Geological Survey and filed with the petition in the condemnation proceedings in that county, accompanied by separate plats of each of said numbered tracts setting forth the names of the owners and claimants and of the adjoining landowners, and indicating the topographical features and improvements thereof and the various classes of land contained therein, all in such form and detail as to render practicable and certain the identification and location thereof.

These "County Ownership Maps" are the same "County Ownership Maps" filed with our reports in each county, but with such corrections and modifications of the boundary lines and location of the various tracts of diverse ownership made thereon under the direction of the different County Boards, as were necessary to bring them into accord with the findings of the respective Boards, after hearing the evidence and personally inspecting and viewing the various tracts of diverse ownership found or claimed by diverse owners within the respective counties.

Counsel for the Petitioner advised the various Boards that although the Public Park Condemnation Act appeared to give us notably

wide powers in hearing and taking evidence upon which to base our findings as to values and incidental damages, nevertheless, since the Act also expressly provides that all owners and claimants of lands within the area sought to be condemned were entitled to an opportunity to be heard as to the value of their lands and the amount of incidental damages claimed by them: - neither the petitioner nor its counsel, agents or representatives desired to submit or would submit any evidence as to the value of any of the tracts of lands of diverse ownership within the area or as to alleged incidental damages arising from the proposed condemnation thereof, except at the public hearings at the time and place designated by order of the court, or at the time and place to which any of such hearings might be adjourned and continued, in any case in which the owner or claimant had filed his claim with the record, and thus established his right to an opportunity to be heard, and had appeared in response to the order of the court at the public hearings and asserted his right to be heard; and throughout the course of the proceedings in each county in which I was appointed a member of the County Board, neither the Petitioner, nor its counsel, its agents, representatives, or witnesses, did in fact submit any such evidence as to values or incidental damages relating to any tract the owner or claimant of which has filed his claim in the record and appeared and asserted his right to be heard in response to the publication of notice of the order for such hearings, except at the public hearings or continuances thereof.

Counsel for the petitioner further expressed their opinion that in such cases no evidence should be taken, heard or considered in the absence of such owners or claimants, though counsel expressly waived any right they might have to be present at the taking of any

evidence in the course of our inspections or views of the lands.

Having in mind the waiver of objections by the Petitioner and its Counsel, the various Boards of which I was a member, freely extended to all owners and claimants who attended our inspections or views of the lands claimed by them, an opportunity to identify the lands claimed by them and to point out the elements of value thereof, and to submit evidence, and if they so desired, to call on adjoining landowners and neighbors and other witnesses to testify as to the location, identity, and value of the lands claimed by them, and the amount of incidental damages claimed by reason of its proposed condemnation.

The Petitioner and all claimants and owners who attended the public hearings held in response to the orders of the Court, were personally advised by us as to the time at which we expected to make our personal inspections or views of the lands in which they claimed an interest, and nearly all such owners or claimants were in fact present in person or by their agents or representatives, at some time or other during those inspections or views, and took advantage of the opportunity given them to point out the location and boundary lines of the lands in which they claimed an interest, and to call witnesses including adjoining landowners and neighbors, and to submit other evidence in support of their claims in this regard. Furthermore, we made diligent, and in most instances, successful efforts prior to and in the course of these inspections and views, to procure the presence of all the owners or claimants of all the tracts shown on the respective County Ownership Maps inspected or viewed by us, whether or not they had theretofore filed their claims with the record or appeared at the public hearings, in order that they also

might have an opportunity to point out the lands claimed by them and the elements of value entering into the total value of the fee simple estate therein.

Notwithstanding the position taken by the Petitioner and its Counsel, under which no evidence as to the value of any tract within the park area or the amount of incidental damages arising out of the condemnation thereof, was submitted by or on behalf of the Petitioner except at the public hearings and continuances thereof, in any case in which any owner or claimant had filed his claim with the record and appeared at the public hearings to assert his right to be heard:- all of the Boards of Appraisal Commissioners of which I was a member were of the opinion that in ascertaining and determining the value of the lands sought to be condemned, and the amount of damages arising out of their condemnation, we had in some cases not only the right but the duty, under authority of Section 29 of the Public Park Condemnation Act to hear, take, examine, and procure evidence and to take the measures authorized under Section 29 of the Act whether the petitioner and the owner or claimant thereof, or either of them, were or were not present when such measures were taken or such evidence heard, taken, examined, or procured.

We adopted this course in ascertaining and determining the values of some of the tracts and the improvements thereon as to which the owners or claimants filed no claims with the record in the clerks offices, or as to which having filed such claims the owners or claimants failed to appear at the public hearings and submit evidence as to values or damages; and, wherein we were of opinion that the consideration of no evidence other than that submitted by the petitioner at the public hearings and that arising out of our personal inspections and views of the tract in question, might result in

findings as to values other than the facts would justify and require, if all the facts had been developed which might have been developed had the owner or claimant appeared and offered evidence as to such facts.

Only a limited number of owners or claimants who filed their claims with the record were represented by counsel, and some of them were poor and ignorant persons who did not seem to be able to take the necessary measures to procure and submit all the available evidence in support of their claims.

On the other hand the Petitioner was represented in every case by Counsel and skilled and experienced agents, real estate experts, engineers and surveyors.

We did not therefore consider that any duty or obligation rested upon us to "help out" the Petitioner or its Counsel, in the presentation of its evidence by taking any measures to procure or to bring before us, or to hear, examine, or consider any evidence other than that submitted by the Petitioner at the public hearings, in an effort to supply or to correct possible omissions or failures by the petitioner to submit all the evidence it could have submitted which, if submitted, might tend to support its contentions opposing findings of values or damages higher than those set by the petitioner and its witnesses.

But in a limited number of cases in which the evidence submitted by owners or claimants was so vague, indefinite, uncertain, inconclusive, or incredible that, considered by itself, this evidence would not justify or sustain specific findings as to values or damages as high in amount as those which would be allowed if we considered only the results of our own personal inspections or views of

the tract or tracts in question without considering any of the evidence submitted by either party; we deemed it our duty to hear, examine, and if necessary to call for or procure additional evidence, and to take any or all the measures authorized under Section 29 of the Act, whether in or beyond the presence of the petitioner, and the owner or claimant, as the circumstances in each case made necessary in order to "help out" the owner or claimant by developing any available facts which the claimant or owner appeared to have inadvertently failed or neglected to submit in support of the higher values or damages claimed by him.

But we did not consider that any such duty or obligation rested upon us to "help out" owners or claimants in this way, whether represented by counsel or not, who were able to submit their claims and their evidence in such form and with such effect that considered by itself it would sustain and justify a specific finding of values as high or higher than that which we ourselves would place on the lands claimed by them, upon our own personal inspection or view of these lands and without considering any of the evidence submitted by either party.

In some cases also in which questions arose at the Public Hearings as to the precise location or acreage of lands in which owners or claimants asserted an interest, we directed the petitioner, or the owner or claimant, or both, to secure and submit surveys of the land in question prepared by competent surveyors, or other documentary evidence in support of their claims or contentions, and in such cases we received these surveys as and when submitted after the original Public Hearings had been concluded. But in all such cases the parties had an opportunity at the later hearings if they so desired, to examine such surveys or documentary evidence and to be heard as to their correctness, and to call such witnesses and to submit such

evidence with reference thereto as they might desire.

In most cases, however, in which the owners or claimants filed their claims with the record and appeared in person or were represented by Counsel or other agents or representatives at the public hearings, our findings as to the value of the various tracts in question were based wholly upon the evidence submitted by the petitioner and the owners or claimants at the public hearings, and the evidence submitted by the owners or claimants at our personal inspections or views of their respective tracts, considered together with the opinions formed by us as a result of our personal inspections or views of the tracts in question.

I have before me copies of the motions filed with the record in the different counties, praying the court to disapprove the findings of the different Boards of which I was a member, and a list of the various tracts to which they refer, as shown on the County Ownership Maps filed with our reports.

With few exceptions the owners or claimants of these tracts appeared in person or by Counsel or by their agents or representatives at the public hearings and in the course of our personal inspections or views of these tracts, and made vigorous efforts to establish the values claimed by them, with the result that we had before us in such cases, full and ample evidence submitted by the respective parties at the public hearings and by the owners or claimants in the course of our personal inspections and views, when considered together with the results of our personal inspections and views, to enable us to make our findings as to values and incidental damages, without hearing, examining or considering any other evidence and without taking any other measures to procure additional evidence or information with

regard thereto.

With reference specifically to the following list of some of the numbered tracts shown on the Rockingham County Ownership Map filed with our report as to which motions to disapprove, or exceptions to, our findings as to values or incidental damages have been filed with the record, no evidence as to values or incidental damages was taken or considered by the Rockingham County Board or the members thereof, other than the evidence submitted by the Petitioner and its witnesses at the Public Hearings or the continuances thereof, and the evidence submitted by the owners or claimants at the public hearings or in the course of our personal inspections or views of the particular tract or tracts in question.

ROCKINGHAM COUNTY: Tracts Number 3 and 372-I, (Exceptant, Sallie A. Kite, by George S. Harnsberger, Counsel) Tract Number 41-a, (Exceptant, J. T. Heard, by George S. Harnsberger, and David A. Conrad, Counsel) Tract Number 48, (Exceptant, Vernon W. Foltz, by Robert W. Keyser, Counsel) Tract Number 53, (Exceptant, W. F. Dean, Jr., by George S. Harnsberger, Counsel) Tract Number 70, (Exceptant, Annie Laurie Baugher, by Ralph H. Bader, Counsel) Tract Number 76, (Exceptant, John K. Haney, by D. W. Earman, Counsel) Tract Number 81, (Exceptants, E. C. Lam and E. E. Lam, by E. D. Ott, Counsel) Tract Number 84, (Exceptant, Maude M. Shipp) Tract Number 166, (Exceptants, A. L. Moubrey and J. F. Moubrey) Tract Number 242, (Exceptant, Annie R. Begoon, by George S. Harnsberger, Counsel) Tracts Number 244 and 326-III, (Exceptant, J. W. Hinkle, by George S. Harnsberger, Counsel) Tracts Number 312-a and 312-b, (Exceptants, John J. Mace, James G. Mace, Elizabeth Mace Via, R. H. Mace, Julia Mace Spitzer, Charles M. Mace, and for the heirs at law of Ben F. Mace, by George S. Harnsberger, Counsel) Tract Number 325, (Exceptant, R. T.

Miller, by Hamilton Haas, Counsel) Tract Number 335 (Exceptant, Herbert G. Patterson, by George S. Harnsberger, Counsel) Tract Number 337 (Exceptants, Herbert G. Patterson, Howard H. Patterson, David H. Patterson, by George S. Harnsberger, Counsel) Tract Number 371 (Exceptant, Margaret Mundy, by D. W. Earman, Attorney.)

WORK SHEETS AND REPORTS:

At the outset of the Public Hearings in each County, the Petitioner through its Counsel and witnesses, explained to the respective County Boards the procedure by which it had assembled its data as to the values of the various tracts sought to be condemned, and advised us that it had adopted the methods in general use by the U. S. Forest Service in ascertaining and determining the values of the extensive areas of mountain, forest, marginal and improved lands which have been acquired for use as National Forests by the Federal Government in recent years in Virginia and other southern and eastern states. Petitioner also advised us that it would adhere as far as practicable to this method in offering evidence as to the various elements of value constituting the total value of the various tracts in question, and furnished us with printed forms containing blank spaces for the entry of notes and records of facts and figures showing the various elements of value entering into the sum total of the value of the various tracts of land it sought to condemn.

Counsel further advised us that these blank forms had been submitted to and received the approval of the Judge of the Circuit Court of Warren County in which the Park Condemnation Proceedings had been first instituted; and requested the adoption and use of these forms in all counties in the proposed park area in order to secure uniformity

in the proceedings in the entire park area.

Upon consideration we were favorably impressed with the practicability and utility of the general procedure thus outlined by the Petitioner, and we adopted these printed blank forms, or type-written modifications thereof, as convenient and efficient "work sheets" upon which we entered our findings as to the elements of value making up the total value of the various tracts of land of diverse ownership under consideration in each county. These "work sheets" were filed and will be found with our reports in each county.

After our work sheets had been completed in each county, the Petitioner submitted a form of report, setting forth in carefully summarized and detailed form, the uncontroverted facts established and disclosed at the hearings and in the course of the proceedings before us, with blank spaces left therein for the insertion of controverted facts, including values and amounts of incidental damages, as to which evidence had been submitted by the Petitioner, and the owners or claimants of the lands sought to be condemned.

Counsel for Petitioner advised the various Boards of which I was a member that this form of report had also been submitted to the Judge of the Circuit Court of Warren, and subject to objection by any interested party, had received his approval. The Petitioner and its Counsel urged the adoption as far as practicable of this form of report in each county, in order to maintain as much uniformity as practicable in the procedure in the various counties, and as it met with our approval and appeared to furnish a concise and comprehensive form in which our reports might be submitted, we adopted the form thus outlined, and had the blank spaces filled in under our directions to con-

form with the preliminary findings in our work sheets and other findings as to the various matters submitted to us for ascertainment and determination.

GENERAL COMMENT:

From the date of their appointment to the date of the filing of their reports, the various Boards of Appraisal Commissioners of which I was a member, devoted to this work approximately seventy-five days in Warren County; one hundred and ten days in Rappahannock County; two hundred and sixty days in Page County; one hundred and eighty days in Rockingham County.

The greater part of this time was spent in the intensive and thorough inspection or view of the various tracts and the improvements thereon, the values of which were set forth in our reports, and we visited each and every such tract on foot, and made a careful, thorough, and detailed inspection of every element of value entering into the total fee simple value thereof and of all improvements thereon.

Although the proceedings had by and before us were long and in some cases arduous and difficult, we encountered no insurmountable difficulties in the performance of our duties, and in my judgment the procedure prescribed in the Public Park Condemnation Act for the ascertainment and determination of the values of lands, such as those sought to be condemned in the above named counties by Boards of Appraisal Commissioners, was entirely practicable and workable, so that the Boards in these counties were able to ascertain, determine and report the fact or facts of value of the various tracts of diverse ownership sought to be condemned, and the amount of incidental damages which would arise therefrom with entire accuracy, after giving the

petitioner and each and every owner or claimant of any right, title, estate or interest in the lands sought to be condemned, full opportunity to be heard in support of his contentions and claims as to the value of these lands and the amount of incidental damages which would arise from their condemnation.

In the normal and natural course of events, the members of the different Boards of Appraisal Commissioners not infrequently met and conversed with Counsel for the Petitioner, its agents and employees. Occasionally some of the individual members of these Boards dined or put up at the same hotels, or travelled with one or other of these agents or representatives in the same automobile, or invited them to join us in our own automobiles. Being engaged in the performance of our duties as we were for so many months in the mountains and forests of the Park Area and the nearby towns and villages, and farms, in which not infrequently the agents and representatives of the Petitioner were also at work, such contacts with them as well as like contacts with some of the owners and claimants, were natural and to be expected.

As liberal provision was made under the Public Park Condemnation Act for payment under the direction of the Court of all our travel and subsistence expenses while engaged in the performance of our duties, and as we were advised that all the agents, representatives and expert appraisers and surveyors employed by, or called as witnesses for the Petitioner, had been instructed not to discuss or submit any evidence as to values of any of the lands within the Park area, or of incidental damages, on any occasion upon which they were thus brought into casual or temporary contact with the members of the Board, we did not deem it necessary to take any special measures to avoid or prevent such casual contacts. I know of no occasion upon which any such agent or representative of the Petitioner attempted to take advantage of such casual or

temporary contacts for the purpose of discussing or submitting any evidence as to the value of any tract within the Park area, or as to the amount of incidental damages arising out of its condemnation.

Under authority of the Public Park Condemnation Act we employed guides who appeared to be well acquainted with the lands in the area sought to be condemned in each county, and with many of the owners and claimants of these lands. We also employed such clerical and other assistance and rented such temporary offices as we found necessary or convenient in the proper performance of our duties. Payment for all such services were made by order and with the approval of the Court, upon the submission of proper vouchers therefor, and neither the Petitioner nor its agents or representatives had any authority or power over any of the persons thus employed by us, though the Petitioner was required, under the provisions of the Public Park Condemnation Act, to pay over to the Clerks of the respective Courts, the amounts evidenced by such vouchers as and when the same were approved by the Judge.

I know of no occasion throughout the course of these proceedings upon which the Petitioner or its Counsel, its agents, or representatives attempted to use any undue influence or to offer any improper inducement for any purpose whatever to any of the Boards of which I was a member, or any of the members thereof. On the contrary, the position taken by the Petitioner and its Counsel, and agents, throughout the proceedings, was that Petitioner represented the State, and had no purpose or desire to secure any of the private lands in the Park Area without paying the owners just compensation therefor; that the Petitioner had no other purpose or desire than to

have a just and fair value set upon the various tracts of land within the area it sought to condemn; and that if any error should be committed in the ascertainment and determination of the value of any tract within the area, the Petitioner would prefer that we should err on the side of liberality in our findings, rather than that any owner or claimant should have well founded ground of complaint that he had been deprived of his lands without just compensation.

Witness my signature this 23rd day of March, 1933.

Geo. H. Levi
George H. Levi

STATE OF VIRGINIA)
(SS.
COUNTY OF WARREN)

Personally appeared before me, the undersigned Notary Public in my said State and County, George H. Levi whose name is signed to the foregoing statement, and who being duly sworn, made oath that the matters and things set forth therein are true to the best of his knowledge and belief.

Witness my signature and Notarial Seal this 23 day of March, 1933.

Emmilia N. Stokes (SEAL)

Commission Expires December 3rd, 1933