

Rappahannock County
 NAME OF CLAIMANT

#115 - Dwyer, Alfred - Estate

Number of Acres: 63

Location: On headwaters of North Fork of Thornton River.

Roads: Twenty four miles to Luray, nearest shipping point over seven miles of rough country road and seventeen miles over Lee Highway.

Soil: Sandy clay loam of medium depth and fertility.

History of Tract and condition of timber: There is an open stand of small trees on twenty-one acres estimated to contain red oak 11 M., hickory 3 M., and white pine 2 M., a total of 16 M. There is also seven cords of locust.

Improvements: One dwelling: Frame, 6 rooms, 16x22x14', 2 story, with 14x22x8', addition, 1 story partly ceiled.
One dwelling: Frame,
One barn: Log, 16x18x12', shed on two sides, shingle roof.
Corn crib: Log, 10x12x8', board roof.
Corn crib: Log, 8x10x6', board roof.
Corn crib: Log, 8x12x6', board roof.
Spring house: Frame, 8x10x6', board roof.
Barn: Frame, 14x16x12', shingled roof.

Acreage and value of types:

Types	Acreage		Value per acre	Total Value
Ridge:				
Slope:	8	@	\$3.00	\$24.00
Cove:				
Grazing Land:	30	@	12.50	375.00
Fields Restocking:	25	@	7.00	175.00
Cultivated Land:				\$574.00
Orchard:				
Minerals:				
Value of Land:	\$574.00			270.00
Value of Improvements:	\$270.00			\$844.00
Value of Orchard:	\$			
Value of Minerals:	\$			
Value of Fruit:	\$			
Value of Timber:	\$			
Value of Wood:	\$			
Value per acre for tract:	\$ 11.81			

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

Geo. H. Pen CLERK.

County: Rappahannock
 District: Piedmont

#115 - Dwyer, Alfred - Estate

X
Acreage Claimed: Assessed: 115 Deed: 115½
Value Claimed: Assessed: \$330.00 Deed: --
Area: 70 Acres.

Location: On headwaters of North Fork of Thornton River.

Incumbrances, counter claims or laps: Twelve acres of this tract lies within that part of the Overall Survey which was assigned to Julia C. Overall for which a separate report has been prepared.

Soil: Sandy clay loam of medium depth and fertility.

Roads: Twenty four miles to Luray, nearest shipping point, over seven miles of rough country road and seventeen miles over Lee Highway.

History of tract and condition of timber: There is an open stand of small trees on twenty-one acres estimated to contain red oak 11 M., hickory 3 M., and white pine 2 M., a total of 16 M., valued at \$3.00 per M. There is also seven cords of locust valued at \$1.00 per cord, a total value of \$55.00.

Improvements:

1 dwelling: Frame, 6 rooms, 16x22x14', 2 story, with 14x22x8', addition, 1 story partly ceiled --	\$75.00
1 dwelling: Frame --	75.00
1 barn: Log, 16x18x12', shed on two sides, shingle roof ----	50.00
Corn crib: Log, 10x12x8', board roof -	15.00
Corn crib: Log, 8x10x6', -board roof --	5.00
Corn crib: Log, 8x12x6', board roof --	5.00
Spring house: Frame, 8x10x6', board roof --	10.00
Barn: Frame, 14x16x12', shingled roof --	35.00
	<u>\$270.00</u>

Value of land by types:

Type	Acreage	Value per acre	Total Value
Fg	30	\$10.00	\$300.00
Fr	25	3.00	75.00
Slope	15	2.50	37.50
	<u>70</u>		<u>\$412.50</u>

(continued)

#115 - Dwyer, Alfred - Estate

Total value of land	\$412.50
Total value of improvements	270.00
Total value oftimber	<u>55.00</u>
Total value of tract	\$737.50
Average value per acre	\$10.53

X -- Includes the area of #115-I.

Note: The combined area by examination is 82 acres. This is the residue of the larger tract, the remainder of which was sold to Ambrose Bailey, but the acreage sold was not transferred on the land book for Rappahannock County.

IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY, VIRGINIA.

STATE COMMISSION ON CONSERVATION
AND DEVELOPMENT OF THE STATE OF
VIRGINIA

VS.) (PETITION OF HEIRS OF ALFRED H. DWYER,
DECEASED, FOR AN ORDER OF DISTRIBUTION.

CLIFTON AYLOR, &C.

TO THE HONORABLE J. R. H. ALEXANDER, JUDGE OF THE CIRCUIT
COURT OF RAPPAHANNOCK COUNTY, VIRGINIA.

Your petitioners, the heirs of Alfred H. Dwyer, deceased,
respectfully represent unto Your Honor as follows:

That the heirs of Alfred H. Dwyer, deceased, as aforesaid,
are the joint owners in fee simple of those certain two tracts or
parcels of land, lying and being situate in Rappahannock County,
Virginia, and within the bounds of the proposed Shenandoah
National Park, which are respectively known and designated upon
the Rappahannock County Ownership map filed in the above entitled
proceedings as Tract No. 115, containing 63 acres, and Tract No.
115-I, containing 12 acres; and

That the Special Investigators and Board of Appraisal
Commissioners heretofore appointed in these proceedings awarded
your petitioners the sum of Eight Hundred and Forty-Four (\$844.00)
Dollars for Tract No. 115, and the sum of One Hundred and Fifty
(\$150.00) Dollars for Tract No. 115-I, aggregating the sum of
Nine Hundred and Ninety-Four (\$994.00) Dollars as compensation and
damages for the taking of the aforesaid two tracts of land, as
will more fully appear from their report filed in these proceedings
which said report has been duly confirmed as to the tracts of land
aforesaid, and the award for the condemnation thereof ordered to
be paid into the custody of the Court, pursuant to an order here-

tofore entered in this cause on the 13th day of November, 1933;
and

That the petition for condemnation in this cause states that your petitioners are the apparent fee simple owners of said tract No. 115, and that the record in this suit does not disclose any denial or dispute of such statement or charge contained in the petition; but that said petition states that the other said tract No. 115-I is a lap on the Julia C. Overall lands.

Your petitioners allege and aver that notwithstanding the lap reported as aforesaid that they are the fee simple owners of said Tract No. 115-I, and that not only have they been in actual possession of said land for many times the statutory period but that their chain of title is derived from an older and senior patent.

Your petitioners further allege and aver that there are no liens nor encumbrances of any kind whatsoever binding the aforesaid two tracts or parcels of land, nor there any taxes due or exigible thereon.

Your petitioners further allege and aver that the said Alfred H. Dwyer died leaving as his next of kin and heirs at law the following named children and grandchildren, (1) Samuel Jacob Dwyer (2) T. P. Jefferson Dwyer (3) Herbert E. Dwyer, (4) David M. Dwyer (5) Lucy Dwyer Cornell (6) Augusta E. Dwyer Jenkins (7) Mary Ellen Dwyer, all children, (8) Clarence Baker, John Robert Baker, Blanch Baker Richard, David E. Baker, children of Birthena Dwyer Baker, a deceased daughter, (9) Oscar L. Payne, Alice Payne Cave, Harry W. Payne and Lester F. Payne, children of Texanna Dwyer Payne, a deceased daughter, (10) Walter M. Seal, Verlie Seal Walters, Iva Seal Derflinger, Mattie Seal and Edgar L. Seal, children of Flora Dwyer Seal, a deceased daughter, (11) Ora I.

Dwyer, Lurye L. Dwyer, Gertrude Dwyer Claxton, Pearl Dwyer Estes, Hattie Dwyer Roberts, Sadie C. Dwyer and Leone E. Dwyer, children of John W. Dwyer, a deceased son.

Wherefore, your petitioners pray that the Court may order and decree that they have the best claim to the tracts or parcels of land aforesaid, and that an order be entered in this cause directing that the aforesaid sum or sums of money shall be forthwith paid over to them as the true and lawful owners of the said tracts or parcels of land.

Alfred H. Dwyer's Heirs
By Counsel
J. W. Keyser p.g.

have disclaimed any claim to said Tract No. 115-I and / or to the proceeds derived from the condemnation thereof, and that the record in this cause does not disclose any denial or dispute by any other party or persons in interest as to the title to said Tract No. 115-I; and it further appearing to the Court that all taxes due or exigible upon said Tracts Nos. 115 and 115-I have been paid, upon consideration whereof, it is considered and ordered by the Court that the said sum of \$994.00, the aggregate amount paid into Court by petitioner as just compensation for said Tracts No. 115 and 115-I be paid to the said heirs of Alfred H. Dwyer, deceased, and that the Clerk of this Court be, and he is hereby directed to transmit a certified copy of this order to the Treasurer of Virginia, who shall pay unto Ford & Keyser, Luray, Virginia, attorneys of record for the said heirs of Alfred H. Dwyer, deceased, the aggregate sum of \$994.00, and certify such payment to the Clerk of this Court for appropriate entry thereof, as required by law.

The Clerk of the Circuit Court of Rappahannock County is directed to spread this order on the records of his office as a Recess Order.

Given under my hand this October, 30, 1934.

-----*J. B. Alexander*-----?Judge

VIRGINIA:

Clerk's Office of Rappahannock Circuit Court, Oct. 31, 1934.

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

Teste: *Jas. M. Settle*, Clerk.

STATE CONSERVATION COMMISSION

entered as therein directed.

The foregoing order was this day received in the said office and
Clerk's Office of Rappahannock Circuit Court, Oct. 27, 1934.
VIRGINIA:

Teste: *J. M. Smith*, Clerk.

Given under my hand this 30th day of October, 30, 1934.
Resess Order.

The Clerk of the Circuit Court of Rappahannock County is
required by law.

to the Clerk of this Court for appropriate entry thereof, as
deceased, the aggregate sum of \$934.00, and certify such payment
attorney of record for the said heirs of Alfred H. Dwyer,

VS.) (ORDER OF DISTRIBUTION
TO HEIRS OF ALFRED H.
DWYER, DECEASED.

CLIFTON AYLOR, &C.

ENTER THIS:

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In this case does not disclose any denial or dispute by any other
proceeds derived from the condemnation thereof, and that the records
have disclosed any claim to said Tract No. 115-1 and / or to the

IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY, VIRGINIA.

STATE COMMISSION ON CONSERVATION
AND DEVELOPMENT OF THE STATE OF
VIRGINIA

VS.

) (

ORDER OF DISTRIBUTION TO HEIRS OF
ALFRED H. DWYER, DEC'D.

CLIFTON AYLOR, &C.

On this, the 30th day of October, 1934, came the heirs of Alfred H. Dwyer, deceased, joint owners, and on their motion leave is hereby given them to file their application, in recess of Court, for the payment of the sum of Eight Hundred and Forty-Four (\$844.00) Dollars, the amount of the award set out in the judgment of condemnation for Tract No. 115, and the sum of One Hundred and Fifty (\$150.00) Dollars, the amount of the award set out in the judgment of condemnation for Tract No. 115-I, making the aggregate award for said two tracts the sum of \$994.00, which said awards have heretofore been paid into Court.

And it appearing from the report of the Board of Appraisal Commissioners heretofore filed in this cause, and in the petition for judgment and condemnation entered herein on the 13th day of November, 1933, that in the opinion of petitioner the said heirs of Alfred H. Dwyer, deceased, are invested with a superior or better right or claim of title in and to the said tract of land No. 115, and that the record in this cause does not disclose any denial or dispute by any party or persons in interest as to the title to said tract No. 115; and it further appearing from the report of the Board of Appraisal Commissioners aforesaid that in the said petition for judgment and condemnation entered herein on the 13th day of November, 1933, that said Tract No. 115-I is a lap on the lands of Julia C. Overall's heirs, but that said heirs

the record in this cause does not disclose any denial or dispute by any other party or persons in interest as to the titles to said Tracts Nos. 72-I and 72-II; and it further appearing to the Court that all taxes due or exigible upon said Tracts No. 72-I and 72-II have been paid, upon consideration, whereof, it is considered and ordered by the court that the said sum of Three Hundred Forty (\$340.00) Dollars, the aggregate amount paid into Court by petitioner as just compensation for said Tracts Nos. 72-I and 72-II, be paid to the said R. M. Dwyer, and that the Clerk of this Court be, and is hereby, directed to transmit a certified copy of this order to the Treasurer of Virginia, who shall pay unto Ford & Keyser, Luray, Virginia, attorneys of record for the said R. M. Dwyer, the aggregate sum of \$340.00, and certify such payment to the Clerk of this Court for appropriate entry thereof as required by law.

The Clerk of the Circuit Court of Rappahannock County is directed to spread this ~~decrees~~ order on the records of his office as a Recess Order.

Given under my hand this October 30th, 1934.

J. P. Alexander, Judge.

Received in Rappahannock County Clerk's office on Oct. 31st 1934, and entered as directed -
Teste: Jas. M. Settle, Clerk.

STATE CONSERVATION COMMIS-
SION

VS.) (PETITION OF HEIRS OF
ALFRED H. DWYER, DEC'D.
FOR AN ORDER OF
DISTRIBUTION.

CLIFTON AYLOR, &C.

FORD & KEYSER
ATTORNEYS AND COUNSELLORS AT LAW
LURAY, VIRGINIA

Filed 10/30/37