

Jenkins?

A. No sir.

Q. He used timber off of this land in making what improvements he did make did he not?

A. Yes sir.

Q. Do you think he is entitled to any allowance for his improvements?

A. No sir I do not, no more than a child's part.

Questions by Commissioner---

Q. Do you know how many of acres of land Buzz Jenkins owned during his life time up there?

A. No sir.

Q. Was there any timber on this land that was enclosed by a fence?

A. Part of it was and part was not.

Q. You say that Elliott Jenkins sold timber and bark to the value of improvements put on the place? Is it a fact that this is the Cristadoro land?

A. I don't know what land it is.

Q. Do you know whether or not Elliott Jenkins was sued or not for timber taken off the Cristadoro land?

A. No I do not know.

Q. If Elliott Jenkins paid for timber which he was sued for here in Court do you know anything about it?

A. No sir I do not.

Q. This timber and bark you spoke of that Elliott Jenkins removed from the premises and sold could have been the same timber he paid the Cristadoro people for could it not?

A. I did not know about it.

Q. How much timber and bark did Elliott Jenkins remove from the place?

A. I believe it was about \$200 or \$300 worth that he cut. I do not know exactly.

Q. Are you positive that this timber you spoke of was removed from the 29 acres of land involved in this suit?

A. I could not tell you but I know a good bit was on this land.

Q. How do you account for the timber which Elliott Jenkins paid the Cristadoro people for?

A. I did not know anything about that.

Q. Is it possible that the timber you speak of was the timber coming from the Cristadoro tract?

A. I do not know about that but I know a part of it came off this tract.

Q. Your wife testified in this cause that this property involved was vacant about 15 years before Elliott Jenkins took possession? Is that correct?

A. Yes.

Q. Do you authorize the stenographer to sign your name to your depositions?

A. Yes.

And further this deponent saith not.

Charles Seal

Depositions of Mr. George W. Dyer being duly sworn deposes as follows:

Q. Please state your age and residence?

A. 61 years old and live at Old Rag Post Office, Va.

Q. Do you live near and know the property that Buzz Jenkins lived on?

A. Yes, I have been knowing it for sometime. When I first knew him Buzz Jenkins father lived on it which was 50 years ago and I understand he lived there a good while before that. After he lived there his son Buzz Jenkins then lived there for a number of years, perhaps 20 or 25, I do not know just how long.

Q. Did Buzz Jenkins and his father claim this land as their land?

A. I think they did.

Q. Did they have it fenced in?

A. Yes sir.

Q. Was as much fenced in when you first remember it, and cleared up, as the park people reported as being there now, which is the amount of 29 acres?

A. I think there was as much as 29 acres cleared up and fenced when I first knew it. I believe Elliott Jenkins, Buzz Jenkins son, had more than 29 acres cleared up at one time.

Q. Was this land regarded in that neighborhood as the Jenkins land?

A. Yes that is all I ever heard, that it was the Jenkins land.

Q. After Buzz Jenkins died do you know who lived there then?

A. Elliott Jenkins lived there after Buzz died.

Q. How long has Elliott Jenkins been away from the land and who lives there now?

A. I guess he has been away about three or four years and has had two different Corbins living in the house since he has been away.

Question by Commissioner-----

Q. How long has Elliott occupied this land?

A. I would say 15 years I guess.

Q. Do you remember whether or not this tract of land was ever vacant and no one lived on it?

A. Someone has been living on it all the time as well as I remember.

Q. I wish you would enumerate the different parties that have lived on this land to your recollection?

A. Adam Jenkins first, then his son Buzz Jenkins, then a Mr. Fletcher, then Elliott Jenkins, then Harrison Corbin, and Odie Corbin lives there now. The last two being put there by Elliott Jenkins.

Q. Has this property been enclosed by a fence since Elliott has had it?

A. Yes it was fenced and perhaps was brushed.

Q. Do you know about the present improvements on the property?

A. No I do not know.

Q. Have you ever heard of the Cristadoros' claiming this land as theirs?

A. No I have never heard them claim it.

Q. Have you ever heard of them bothering anyone living there?

A. No sir.

Q. Do you authorize the stenographer to sign your name to your depositions?

A. Yes.

And further this deponent saith not.

George W. Dyer

Depositions of Mr. J. H. Lillard who being duly sworn deposes as follows:

Questions by Commissioner

Q. Please state your age and residence?

A. Age 79 years and lives at Nethers, Va.

Q. Are you acquainted with the land in question?

A. Yes sir.

Q. How long have you known this land?

A. I expect about 50 years.

Q. Who has lived on this property since you have known it?

A. First Adam Jenkins, his son Buzz Jenkins next, Elliott Jenkins next, then a Mr. Fletcher as well as I can remember.

Q. How long has it been since Buzz Jenkins died?

A. I do not recollect.

Q. Who owns this property do you think?

A. I think Elliott Jenkins owns it as he has been there for 23 years.

Q. Does he have this property fenced in and how many acres?

A. I suppose some 15 or 20 acres or maybe more.

Q. How long has he had this land fenced in?

A. He has had it fenced in ever since he lived there; and fenced it in as he cleaned it up.

Q. Do you know whether anyone else claims this property besides Elliott Jenkins?

A. Elliotts pretended to sell her interest to Mr. Jim Nethers and ~~Jimmy~~ Willie Dodson, they paid something on it but it did not go any further.

Q. Who put the buildings up on this property?

A. Elliott put up one and the others are too old for me to tell you.

Q. Do you think that the buildings on this property were put up by Elliott Jenkins or Buzz Jenkins?

A. I know Elliott had one put up but I don't know about the other buildings.

Q. How long has it been since you have seen this property?

A. About 24 years.

Questions by William A. Cooke.

Q. Mr. Lillard do you remember this property when Buzz Jenkins owned it?

A. I remember it when he lived there, yes sir.

- Q. Didn't Buzz Jenkins live there and claim it for a number of years?
- A. Yes he lived there for a right good while but I don't know how long.
- Q. He had the place cleared up and fenced in when he lived did he not?
- A. Yes, some of it, but not much.
- Q. Elliott Jenkins is just one of a number of children of Buzz Jenkins is he not?
- A. Yes.
- Q. If his father owned this land when he was living, Elliott would only be entitled to a child's part wouldn't he?
- A. If Elliott went there and did all the work and put the buildings there I don't see how the others could claim anything.
- Q. The improvements put on this land were put on by Elliott Jenkins using timber that came off this land?
- A. Yes of course it was.
- Q. Don't you know that Elliott Jenkins sold timber and bark that came off of this place?
- A. Well I suppose he did, he peeled it and sold it off the place where he lived.
- Q. Elliott Jenkins is not living on this land now is he?
- A. No sir.
- Q. He has been gone for a number of years has he not?
- A. I suppose he has been gone about 4 or 5 years I don't know.
- Q. Have you ever heard of the Cristadoros claiming this land or bothering anyone about it?
- A. Yes I have heard it belonged to the Cristadoros but I don't know anything about it.
- Q. Do the people up there call it the Jenkins or the Cristadoro land?
- A. Ever since Elliott has been there they call it his place.
- Q. Before he lived there it was called Buzz Jenkins place was it not?
- A. It was called Adam Jenkins place, then Puzs Jenkins place and then Elliott Jenkins place.
- Q. Do you authorize the stenographer to sign your depositions?
- A. Yes.
- And further this deponent saith not.

J. H. Lillard

Depositions of Rev. H. J. Berry who being duly sworn deposes as follows:

Questions by Commissioner:

Q. Mr. Berry are acquainted with these two tracts of land 59 and 59-A?

A. Yes sir I have been knowing this land for about 20 or 25 yrs.

Q. Who was living on this land when you first knew it?

A. The first man I knew living there was a Mr. Fletcher. I was just a boy then and he is the first man I remember. I don't think he lived there but just a short while tho'.

Q. Who was the next man who lived there after Fletcher?

A. The next man was Elliott Jenkins that I know of.

Q. How long has it been since you first knew of Elliott Jenkins living on this property?

A. It has been all of 20 years or more since I knew of Elliott living there.

Q. Who do the people up there consider owns the property?

A. All of the people seem to consider it the property of Elliott Jenkins.

Q. Do you know the no. of acres of land in these two tracts?

A. I would think about 25 or 30 acres under fence.

Q. Is this 25 or 30 acres under fence?

A. Yes I think so.

Q. Has it been under fence ever since you first knew the property?

A. Yes I think it has, except when the fire would burn it out but they would put it back.

Q. Are there any improvements on these two tracts of land?

A. Yes sir, dwelling house and other outbuildings.

Q. Do you know who put these dwellings up and if so who?

A. Yes sir Elliott Jenkins put them up.

Q. It is reported in the Commissioners report some fruit trees do you know who set them out?

A. Elliott Jenkins was living there at the time so I am sure he set them out.

Question by William A. Cooke.

Q. Mr. Berry do you know how Elliott Jenkins got this land?

A. No I do not know, I always heard the land belonged to the Cristadoros and that he just settled there.

Q. Don't you know that his father lived on this land and claimed it as his long before Elliott?

A. Yes I have been told so but do not know anything about it.

- Q. Don 't you know that Elliott just happens to be the only child that stays at the old home place and took care of it?
- A. Really I don't know anything about it Mr. Cooke. That was before my time.
- Q. Who got you to come out and testify in this case?
- A. Mr. Jenkins (Monroe) asked me if I knew who put the improvements on the place and if I would testify.
- Q. Mr. Monroe Jenkins asked you to come out and testify?
- A. Yes he asked me to state about the improvements being put there by Elliott Jenkins.
- Q. Don't you know he used timber off this land in making the improvements on this land?
- A. I don't think he used the timber from the 25 or 30 acres but I think he used some off the Cristadoro land.
- Q. What sort of buildings are on this land?
- A. I think the stable and barn is a logg building but I could not tell you about the house.
- Q. You don't think that Elliott Jenkins had to buy these logs in order to put up these buildings do you?
- A. Well I don't know where he got the logs but I know he did not get them off the cleared land but I suppose close around that.
- Q. You then do not know whether or not the logs came off of land he claimed do you?
- A. Well if he only claims that under fence they did not come off of that.
- Q. But if he claims the woods surrounding this land it did come off of that did it not?
- A. If he claims outside of the cleared land it perhaps came off of that, but I don't know whether he claims that or not.
- Q. About how old is Elliott Jenkins?
- A. I think he is about 53 years old?
- Questions by Mr. N. G. Payne.
- Q. How far do you live from this land?
- A. About 1½ miles I would say.
- Q. When is the last time you were on this land?
- A. I could not say exactly but I think about 6 months ago.
- Q. How do you know that this land is fenced?
- A. Well I remember opening a gate when I was in there and as I went on I noticed the fence around it.
- Q. As a matter of fact you only saw the fence in two places.
- A. I never payed very much attention to the fence except in these two places.
- Q. Do you authorize the stenographer to sign your name to your depositions?
- A. Yes.

And further this deponant saith not.

H. J. Berry

Depositions of Mr. James W. Dodson who being duly sworn deposes as follows:

Let it appear that Mr. Dodson has been offered as a witness By Mr. J.M. Jenkins\*\*

Questions by Mr. Payne--

Q. Please state your age residence and occupation?

A. Age 72 and am a farmer and live in Madison County, Va.

Q. How far do you live from thisland in question?

A. About 2½ miles.

Q. When was the last time you were on this land?

A. Last year I was on it.

Q. How long were you on it?

A. About ½ day I guess.

Q. Why were you there?

A. I went to see Harry Jenkins.

Q. Do you know if this land is under fence or not?

A. Yes sir it is under fence, not extra good fence but will turn stock such as Elliott has.

Q. How long has it been under fence?

A. I could not tell you that. There might have been some old fence there before Elliott went there, but Elliott fenced up since he went there.

Q. How do you know he fenced it up?

A. I passed thru there and saw him at it.

Q. When was that?

A. About 5 years ago or more.

Q. Do you know how long Elliott Jenkins has lived on this land?

A. I reckon about 21 or 22 years.

Q. You do not know to whom this land belongs do you?

A. Elliott told me it belonged to him and I heard no claim from the others and Elliott has put the improvements there.

WILLIAM A. COOKE  
ATTORNEY AT LAW  
LOUISA AND  
MADISON, VA.

Counsel for Folsom & Brown asks that the foregoing answer be stricken out because the witness attempts ~~xxxxxx~~ to recite what Elliott Jenkins told him and it is the same as a self-serving declaration.



IN THE CIRCUIT COURT OF THE COUNTY OF MADISON, VIRGINIA:

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

Vs. Depositions--

D. F. Anderson etc.

Depositions taken with reference to tracts No. 59 and 59-A:

The depositions of Necie Dodson, and others, taken on the 4th day of April, 1934, before E. A. Carpenter, Special Master Commissioner of Madison Circuit Court in compliance with an order of reference entered by the Circuit Court of Madison County in the above styled cause which order is recorded in Law Order Book 9, at page 184, after due notice in accordance with the order heretofore entered, as will appear by a certificate of the publication herewith filed and made a part of these depositions.

Present-- William A. Cooke, Attorney for the complainants.

E. A. Carpenter, Special Master Commissioner.

The witness Necie Dodson being duly sworn deposes as follows:

Q. You are Mrs. Necie Dodson

A. Yes sir.

Q. How old are you?

A. I am 38 years old.

Q. You are one of the children of Buzz Jenkins.

A. Yes sir.

Q. Buzz Jenkins and James Adam Jenkins was the name used for the same person wasn't it?

A. Yes, James Adam was his name but Buzz was his nick-name.

Q. When did Buzz Jenkins die?

A. About 38 years ago.

Q. How many children did he leave?

A. He left eight children, Elliott, Albert, Nancy Nichols, Mary Kite, Lucy Dodson, Bettie Fletcher, Lizzie Seal, and myself.

Q. Are all these children living?

A. Yes.

Q. Do you know how long your father lived on this place.



Q. Have any of the other children given you their interest in this land?

A. Yes sir, Lucy Dodson has. I file with my depositions her letter giving me her part.

Q. Do you authorize the stenographer to sign your depositions?

A. Yes sir.

And further this deponent saith not.

Necie Dodson

Depositions of Mr. John Weakley who being duly sworn deposes as follows:

Q. Please state your age and residence?

A. I am 62 and live near Syria in Madison County.

Q. Do you know the property where Buzz Jenkins used to live and on which Elliott Jenkins has lived since his death?

A. Yes sir, I have been there since Elliott lived there several times.

Q. Do you remember Buzz Jenkins living there?

A. Yes sir I remember it.

Q. Do you know whether he claims this land as his?

A. I don't know about that.

Q. Do you have any idea how long Buzz Jenkins lived there before his death?

A. I think he lived there a pretty good while and remember him moving away one time for a year and then moving back.

Q. Do you remember what kind of a house was on this property when Buzz Jenkins lived there?

A. Two very good little log house buildings.

Q. Do you authorize the stenographer to sign your depositions?

A. Yes indeed.

And further this deponent saith not.

John Weakley

Depositions of Mr. Silas Nicholson who being duly sworn deposes as follows:

Q. Mr. Nicholson please state your age and residence?

A. I am 58 years old and live near Syria in Madison County.

Q. Do you know the land that is involved in this case we have today?

A. Yes sir.

Q. Do you remember Buzz Jenkins living there?

A. Yes sir.

Q. Do you have any idea how long he lived on it?

A. When I first remember about 50 years ago he was living there but I don't know how long he lived there before that.

Q. Do you know whether he claims this place as his?

A. I don't know but I suppose he did.

Q. Do you know the children that Buzz Jenkins left?

A. Part of them.

Q. Did Necie Dodson give his children correctly in testifying?

A. Yes.

Q. Did you ever hear of the Cristodoro people claiming this land where Buzz Jenkins used to live?

A/ I can't say I did tho' the Cristodoros claim about 10,000 acres which covers a lot of deeded land, and after that was taken out he only had about 4,000.

Q. The Cristodoras claimed almost all the land up there didn't they?

A. Yes sir that is right, they claimed everything between Hughs river and the White Oak.

Q. Do you know whether this land has been fenced in for anumber of years?

A. I am sure a portion of it has been fenced for a good while but do not know whether all has been fenced.

Q. Do you know whether as much as 20 acres has been fenced in?

A. I am sure that 20 acres has been fenced in.

Q. Could you state how long that has been fenced in?

A. No I could not say as to that. It was fenced at various times and mountain fires would burn up the fence and then more fence would be put back.

Q. Do you know what sort of house was on the land when Buzz Jenkins died?

A. There was a log house with I think two rooms.

Q. Is this house still standing?

- A. No I don't think it is, but there is another house now on the land that was put up by some of his children.
- Q. Do you know how long this land has been held by the Jenkins family?
- A. No I don't know exactly but I am sure it has been held for 50 years.
- Q. Are you sure it has been fenced in for 50 years except when it was burned by fires?
- A. I can't say for sure but I feel that it has.
- Q. It has always been claimed since you remember by the Jenkins family has it not?
- A. Oh yes.
- Q. Has it been regarded in that neighborhood as belonging to the Jenkins family?
- A. Yes it has.
- Q. Do you authorize the stenographer to sign your name to your depositions?
- A. Yes.
- And further this deponent saith not.

Silas Nicholson

Depositions of Bud Dodson who being duly sworn deposes as follows:

- Q. Please state your age and residence.
- A. 44 years of age and live at Syria.
- Q. Do you remember the house that ~~was~~ was on the Jenkins land when Buzz Jenkins died? If so tell the kind of house it was.
- A. I don't know. When I first remember there ~~was~~ were two log houses; one with two rooms and the other with one room, each were a short distance apart. I lived in one of the houses for awhile since I was married about 20 years ago, for about a year.
- Q. What became of these log houses?
- A. I don't know what became of them except that I think they were thrown down. Elliott Jenkins pulled one down and put a garden there.
- Q. What kind of buildings are on the place now?
- A. A log bodied house with two stories and a kitchen shed on it.
- Q. Who built this?
- A. Charlie Seal built it but Elliott paid for it I reckon. The lumber came off the place with which it was built.
- Q. Is there a barn there too.
- A. A log stable is there.

Q. Who built this stable?

A. Elliott did I guess with timber off the place.

Q. Has this land been regarded as the Jenkins land in the neighborhood there?

A. Ever since I can remember.

Q. Do you know whether the land has been fenced in or not?

A. It has been under fence ever since I can remember.

Q. Do you consider as much as 20 acres under fence?

A. Yes all of 20 if not more.

Q. Do you authorize the stenographer to sign your name to your deposition?

A. Yes sir.

And further this deponent saith not.

Bud Polson

Deposition of William A. Cooke who being duly sworn deposes as follows:

There is a statement filed in the park papers in writing by Elliott Jenkins which states as follows:

" I acquired my right, title, estate or interest to this property about the year 1900 in the following manner:  
Inherited from my father Buzz Jenkins"

This statement is incorporated in his claim filed with the Park Commission as a claimant of this land and is signed by him and I am practically certain it is also acknowledged.

It is suggested by Counsel for Complainant that the records are the best evidence of this statement and should be used to verify the same.

And further this deponent saith not.

William A. Cooke

Depositions of Mr. Monroe Jenkins who being duly sworn deposes as follows:

Questions by Commissioner--

Q. Please state your age and residence?

A. I am 54 years old and live at Nethers in Madison County, Va.

Q. Do you know the two tracts of land involved in this transaction? No 59 and 59-A reported by the Park Commission.

A. I know these tracts.

Q. How long have you known these tracts?

A. Ever since I was a boy.

Q. Do you know who owns this land?

A. Elliott Jenkins is supposed to own it. He is a squatter on the Cristaforo land and he and his father both are squatters on this land. Elliott succeeded his father.

Q. How long has Elliott and his father owned this tract of land between them?

A. I don't know how long his father owned it but he has been dead 40 or 45 years. Elliott's mother stayed there awhile and raised her children and Elliott after he got married was about 21 years of age went there and lived and has made some improvements on it.

Q. Please state what kind of improvements he put on it?

A. He made all the present improvements/

Q. Please enumerate these improvements?

A. He has a couple dwelling houses and a few small out buildings.

Q. Who owns and operates this property at this time?

A. Elliott Jenkins is the owner and Otie Corbin is living on it.

Q. How long has Elliott Jenkins owned and occupied this property?

A. I would say about 25 years.

Q. Do you know when Elliott took possession of the place?

A. I don't know that I do but I would say about 25 years.

Q. Was there anyone living on the place when Elliott took possession?

A. I don't know.

Q. Mr. Jenkins you say Elliott owns this place, why do you say he owns it?

A. He is the only one that stayed on the place and he improved the place and stayed on it so I suppose he would be the owner.

Q. Do you know whether or not this property is fenced in?

A. At one time it was, but I don't know how it is now.

Q. When was this fenced in according to your own knowledge?

A. About twelve or thirteen years ago it was fenced in.  
I don't know as before that.

Q. About how many acres was fenced in?

A. About 35 or 40 acres fenced in I would say.

Q. Who do the people in the Community consider owns this land?

A. They consider Elliott Jenkins owns it.

Q. Who was considered owner of the land before Elliott Jenkins took possession?

A. Buzz Jenkins, Elliotts father was considered the owner.

Q. Do you know how long Buzz Jenkins lived on this land before Elliott took possession?

A. I do not know.

Questions by William A. Cooke--

Q. Mr. Jenkins you have a deed of trust against Elliott Jenkins have you not.

A. Yes I have.

Q. How much is that deed of trust for or how much is due at this time on it?

A. Principal and interest would be around \$400.00.

Q. This deed of trust covers Elliott's interest in these tracts 59 and 59-A. Is that right?

A. Yes.

Q. Then if Elliott does not own this place in fee simple, you will lose a good deal on your deed of trust will you not?

A. It looks that way.

Q. Don't you know that Elliott Jenkins only claims this land as being inherited from his father, and he therefore will be only entitled to a child's part?

A. I did not know this.

Q. This land did belong to Elliott Jenkins father and even before that to Elliott Jenkins grandfather did it not?

A. I do not know as to that.

Q. You do know that Buzz Jenkins lived on this tract of land for a long time before he died don't you?

A. Yes I do.

Q. And after his death his widow and family lived on the land for awhile did they not?

A. I believe so, I am not positive.

Q. And it was only after Elliott Jenkins got married that he moved in to the house on that land and lived there and improved the place?



A. Yes sir.

Q. The improvements that Elliott Jenkins has put on this land and to which you have testified, was with timber that came off of this land was it not?

A. Yes it was.

Q. He built a log house and log outbuildings did he not?

A. Yes.

Q. These logs came off of this land did they not?

A. Yes sir. In the last house he built I sawed up some logs from this tract for him to have weather boarding and other saw timber to use in the building of the house, and the barn. The barn was all frame.

Q. Do you authorize the stenographer to sign your name to your depositions?

A. Yes.

And further this deponent saith not.

Harry Jenkins

Depositions of Mr. Harry Jenkins who being duly sworn deposes as follows:

Questions by Commissioner--

Q. State your age and residence?

A. 29 years old and live at Nethers, in Madison County, Va.

Q. Do you know the two tracts of land No. 59 and 59-A involved in this proceeding?

A. Yes.

Q. Who owns these two tracts of land?

A. Father owns them.

Q. Do you know how long he has owned them?

A. Ever since I can remember anything. I was raised on the place.

Q. Do you know who put the improvements on the place?

A. Father ( Elliott Jenkins )

Q. What do these improvements consist of?

A. Two houses, corn house, barn and chicken houses.

Q. Is this property enclosed by a fence?

A. No sir the fire burnt the fence up.

Q. When did the fire burn the fence up?

A. About three years ago.

Q. Were these tracts fenced in before the fire?

A. Yes sir.

Q. Do you know how long these tracts have been fenced in before the fire?

A. Ever since I can remember.

Q. How old were you when you can first remember?

A. I was about ten years old before I could remember.

Q. How many acres were fenced on these two tracts?

A. About 30 or 35 acres.

Q. From your own knowledge this property has been fenced in for about 20 years by your father?

A. Yes sir.

Question by William A. Cooke-----

Q. You know don't you that your grandfather lived on this land and claimed it before your father?

A. Yes sir I have heard my people say he lived there before my father did.

Q. The improvements that you and your father have put on this land were made by using timber that came off of this land were they not?

A. Yes sir.

Q. You and your father have never paid the other children of Buzz Jenkins any share of the crops you have made or any rent for the use of this land have you?

A. No sir.

Q. Have you or your father ever paid any taxes on this land?

A. I don't know if my father ever paid any or not, I have not.

Q. Neither you nor your father are living on this land at this time are you?

A. No sir.

Q. How long has it been since your father lived on it?

A. About five or six years. My father has been away five or six years, I don't know exactly.

Q. Where is he living now?

A. He lives at Gayloid, Va.

Q. Do you authorize the stenographer sign your name to your depositions?

A. Yes sir.

And further this deponent saith not.

Harry Jenkins

Depositions of Mrs. Lizzie Seal who being duly sworn deposes as ~~xxx~~ follows:

- Q. Please state your age and residence?
- A. I am 58 years old and live near Old Rag Post Office.
- Q. Are you a daughter of Buzz Jenkins?
- A. Yes sir.
- Q. Do you know this land that we are taking evidence as to to-day?
- A. Yes sir.
- Q. Were you born and raised on it?
- A. Yes sir.
- Q. Do you know which member of your family first owned and claimed this land.
- A. It was my grandfather who first owned and claimed this land, his name was Benjamin Adam Jenkins
- Q. After he died who claimed it?
- A. My father Buzz Jenkins.
- Q. Do you/about how long your father Buzz Jenkins lived on this land and claimed it as his?
- A. He lived there 30 or 35 years after his father died and before he died.
- Q. Did he live on this land and cultivate it and claim it as his?
- A. Yes sir it was all under fence when he died. And he had it sowed in grain when he died.
- Q. At that time did you ever hear of anyone else claiming this land?
- A. No.
- Q. You never heard of the Cristadoros claiming it?
- A. I never did hear tell about it.
- Q. I don't suppose you know how long it had been fenced before Buzz Jenkins died do you?
- A. No, I guess it had been fenced a good while as his father lived there.
- Q. When he died what buildings were there?
- A. When he died there were three houses there, two on the upper tract and one on the lower tract.
- Q. About how much land is in these two tracts?
- A. As well as I can remember there is about 29 or 30 acres.
- Q. After Buzz Jenkins died who lived there then?
- A. I think a Mr. Fletcher who married one of my sisters lived there for about a year.

Q. Did Buzz Jenkins leave a will?

A. No.

Q. Who lived there after Fletcher moved away?

A. No one lived there for a long time after Fletcher moved away. Then Elliott married and lived there.

Q. Was this land regarded in that neighborhood as belonging to your father Buzz Jenkins?

A. Yes sir.

Questions by Commissioner-----

Q. Do you know how long it has been since your father died?

A. About 45 or 48 years.

Q. You said it was a long time between periods when Mr. Fletcher lived on the place and the time Mr. Elliott Jenkins took possession? How many years between those periods?

A. About 15 years.

Q. Do you consider that the rest of the children of Buzz Jenkins leaving and abandoning it after your father's death?

A. No.

Q. Do you know how long Mr. Elliott Jenkins was in possession of this property?

A. I do not know.

Q. Do you know about what time Elliott moved on the place?

A. It was about 15 years after Fletcher left.

Q. What year did Fletcher live on your father's place?

A. I could not tell you.

Q. How many years was it after your father died that Fletcher lived on your father's place.

A. About 15 years, I guess.

Q. How old were you when your father died?

A. Twelve years old going on thirteen.

Q. Would you state why you and the rest of the heirs have not claimed an interest in this property before?

A. I just neglected it and did not do it.

Question by William A. Cooke-----

Q. Do you claim an interest now as a child of Buzz Jenkins?

A. Yes I do if it is right for me to have it.

Q. Has this place been kept pretty much under fence up to this time?

A. Not exactly, the fences have not been kept up all the time but have gone down and been replaced several times.

Q. Do the people in the neighborhood up there regard this as the Jenkins land or Cristadoro land?

A. Jenkins land I guess.

Q. None of the Cristadoros or any agent of theirs have ever bothered anyone about living on this land have they?

A. No sir.

Q. No rent has ever been paid for this land has it?

A. No sir.

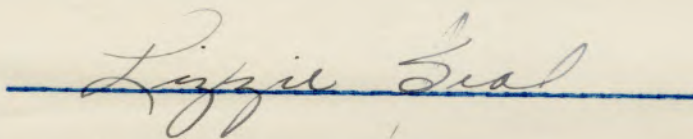
Q. Do you know if this land is regarded as Elliott Jenkins land or his sisters and brothers?

A. The people in that neighborhood regard it as belonging to all of us.

Q. Do you authorize the stenographer to sign your name to your depositions?

A. Yes.

And further this deponent saith not.



Depositions of Charles E. Seal who being duly sworn deposes as follows:

Q. Please state your age and residence.

A. 62 years old and live at old Rag P.O.

Q. Do you know this land in controversy?

A. Yes sir.

Q. Do you know about how long ago Elliott Jenkins moved on this land?

A. He lived on this land about 12 or 15 years and it has been about five years since he left it.

Q. Do you know whether or not he cut or sold any timber from this place?

A. Yes sir.

Q. About how much timber do you estimate that he sold?

A. I know he cut a lot of saw logs and hauled them off and peeled a lot of bark and hauled that off.

Q. In your opinion did he cut and haul off as much timber and bark in value as improvements he put on the place are worth.

A. Yes sir.

Q. Have any of the other children as far as you know, gotten any pay for the timber or bark hauled off of this land by Elliott

Q. You do not know who pays the taxes on this land do you?

A. I do not know. I have always heard that it was the Cristadoro land but I do not know whose it is.

Questions by William A. Cooke--

Q. Is this land in question regarded in that neighborhood there as the Cristadoro land or the Jenkins land?

A. I don't know, some say it belongs to Cristadoro and some say to Jenkins.

Q. Do you know how long this land has been in possession of the Jenkins family?

A. I don't know old man Adam Jenkins lived there first that I know of and than Buzz Jenkins lived there.

Q. Adam Jenkins lived there about 50 or more years ago did he not?

A. Yes sir I reckon it was or more.

Q. The Cristadoros have not had this land in their possession and under cultivation for more than 50 years have they?

A. No sir.

Q. Do you remember when Buzz Jenkins lived on this land?

A. Yes I remember that.

Q. When he died did his family live on this land for awhile?

A. No they were not living there when he died.

Q. Didn't Buzz Jenkins wife claim this land and try to sell it to Mr. Dodson and Mr. Nethers?

A. I don't know I never heard it.

Q. Do you authorize the stenographer to sign your name to your depositions?

A. Yes sir.

And further this deponent saith not.

James W. Dodson

The witness Mr. M. C. Dodson who being duly sworn deposes as follows:

Questions by N. G. Payne Counsel for Cristadoro land owners.

Q. Please state your age residence and occupation?

A. I am 55 years old live at Nethers Mill and farm a little.

Q. Do you know the two tracts of land number 59 and 59-A in the Park area claimed by J. Elliott Jenkins?

A. Yes sir I do.

Q. Whose land is this?

A. The Cristadoros', Elliott Jenkins never paid any taxes on this land in his life.

Q. Please state whether or not this land is fenced?

A. No fence. Not as much as a fence around the garden.

Q. Do you know Buzz Jenkins?

A. Yes sir.

Q. Did he ever live on this land?

A. Yes sir something <sup>could</sup> around 35 years ago. He sold it to my father and he found out he/get no deed to it so he let it go.

Q. Please state whether or not Buzz Jenkins moved away from this land about 35 years ago?

A. Yes he did.

Q. Did your father ever move on this land?

A. No indeed it was nothing but mountains.

Q. How long has Elliott Jenkins been living on this land?

A. He moved there about 12 or 15 years ago.

Q. When did Elliott Jenkins build on this land?

A. I do not know exactly.

Q. Please state as nearly as you can?

A. I <sup>not</sup> could say, but he put up these buildings when Mr. Strother had a saw mill up there about 9 or 10 years ago.

Q. How long did Elliott Jenkins live on this land?

A. He did not stay there so long he got in some trouble making some liquor and they brought him out here and he skipped to West Virginia.

Q. Please state whether or not Mr. Baily Nicholson ever looked after this land for the Cristadoros?

A. Yes he did.

Q. Please tell whether or not Elliott Jenkins was ever stopped from cutting timber and peeling bark on this land ~~xxxxxx~~.

A. Yes he was and he was made to pay for it.

Q. How long has it been since Elliott Jenkins moved away from this land?

A. I really do not know but when he went away his boy moved on the land and stayed there about a year and then he got in trouble and left.

Q. Is there anyone living on their property now?

A. Yes there is a boy living there and I told him to stay there until I told him to get out, that I was looking after the land for the Cristadoros.

Q. How long has this boy been staying there?

A. I expect something over a year.

Cross examination by William A. Cooke---

Q. Mr. Dodson you are an employee of the Cristadoro land owners are you not?

A. Yes sir.

Q. You are here to-day testifying in their behalf.

A. Yes sir.

Q. You stated a few moments ago that there was not five acres of cleared land in these two tracts?

A. I don't think there is that much, but I would say not over five.

Q. Don't you know that the park commission reported 19 acres of this land as cleared land?

A. I'll tell you its not there.

Q. Don't you know that they reported 12 acres of this land as in cultivated?

A. It is not there.

Q. When you speak of Elliott Jenkins getting some timber and bark on Cristadoro land you are speaking of his getting some on some land of the Cristadoros surrounding this tract are you not?

A. Yes right around this tract.

Q. This particular land of approximately 29 acres has been in the Jenkins family for nearly 100 years has it not?

A. That is before I can recollect .

Q. Hasn't this land been in charge of the Jenkins since you can first recollect?

A. Yes sir, but they moved away.

Q. Diden't they always come back after they moved away?

A. Some of the family did.

Q. They have never left this land permanently have they?



- A. Sure they left it. Elliott left it and is out in West Va.
- Q. You don't believe anyone can own land unless they have a deed to it?
- A. If he don't pay taxes on it and don't have a deed it don't belong to him but belongs to the man who pays the taxes.
- Q. Did you ever know of the Cristadoro heirs or owners bothering anyone that lived on this 29 acres of land so long as they did not go out in the land surrounding it.
- A. They did not bother anyone as long as they did not go out and cut timber, they wanted them to live on it and if they build on it it made no difference to them.
- Q. The Cristadoros did not put any improvements or apple trees on this land did they?
- A. No sir there are none on there that I know of.
- Q. No rent for this land has ever been collected as far as you know?
- A. None was asked so far as I know.
- Q. You do not know whether there was a fence around it up until it burned down by a fire a few years ago do you?
- A. There never was a fence entirely it they would put up a few rails. I have known this place since I was 10 years old.
- Q. You think that the Jenkins should be paid for the improvements?
- A. It looks like they should have something for the house but they should not have anything for the land.
- Q. How long have you been working for the Cristadoro owners and looking after land in that section?
- A. Six years the 10th of March.

Question by Mr. N. G. Payne---

- Q. Please state whether or not Bailey Nicholson stopped Elliott Jenkins from cutting timber and peeling bark on any part of this 29 acres of land in question?
- A. He cut some of the finest poplar in the edge of the field and took it to the saw mill and sold it to Monroe Jenkins and Bailey Nicholson never reported this, I think it was one hundred thousand feet and no pay was gotten for this, by the Cristadoros, and on account of Bailey Nicholson not reporting the cutting of this timber he lost his job.
- Q. You mean by this that the Cristadoros claim this land?
- A. Yes it is their land.
- Q. Do you authorize the stenographer to sign your name to your deposition?
- A. Yes.
- And further this deponent saith not.

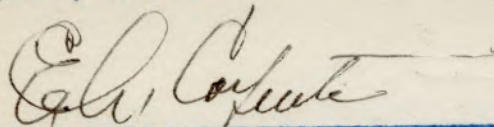
M. C. Dodson

State of Virginia

County of Madison, to-wit:

I, E. A. Carpenter, Special Master Commissioner in this cause do hereby certify that the foregoing depositions were duly taken, reduced to writing, and signed, respectively, before me, at the place and time therein mentioned, pursuant to the annexed notice.

In witness whereof I have hereunto set my hand at Madison aforesaid, this 27th day of April, 1934.



Special Master Commissioner--

Stenographers fee- \$5.00  
due Louise Wayland--  
Publication of  
notice----- 6.00  
due Madison County  
Eagle

Total----- \$11.00

*Commissioner fee 10<sup>00</sup>*  
\$21.00