

NAME OF CLAIMANT

#173- Cox, Frank

Number of Acres: 102.6

Location: West of Beech Spring, along Lee Highway.

Roads: 13 miles over Lee Highway to Luray, nearest shipping point.

Soil: Wooded portion- sandy clay, fair depth and fertility. Loose surface rock. Eastern portion steep slope, south and east exposure. Fields: sandy clay of good depth and fertility, some loose surface rock.

History of Tract and condition of timber: Fields cleared many years ago. Portions have been cultivated since being cleared. Some of the fields have been neglected and are now growing up to brush; sassafras, dogwood, locust, red and chestnut oaks. Wooded portion: Tan bark removed about 30 years ago. Other timber products removed since. This past year the remainder of the tan bark and merchantable timber was removed.

Improvements: House, log-1 $\frac{1}{2}$ story, 4 rooms, with shed room, weatherboarded, front porch, shingled, basement; adjoining buildings log, planked, 1 $\frac{1}{2}$ story, 2 rooms, shingled, 3 rock chimneys, unfinished inside-Fair. Corn house, log, shed, shingled; Meat house, log, planked, shingled; hen house, frame, shingled, fair--Barn, log, with shed, paper and shingle roof; Acreage and value of types: spring house-stone and frame, shingled

Types	Acreage		Value per acre	Total Value
Slope:	44.6	@	\$3.00	\$133.80
Cove:				
Grazing Land:	45	@	20.63	928.35
Cultivated Land:	13	@	24.63	320.19
	<u>102.6</u>			<u>\$1382.34</u>

Orchard:

Minerals:

Value of Land: \$ 1382.04

Value of Improvements: \$ 725.00

725.00

Value of Orchard: \$

\$2107.34

Value of Minerals: \$

Value of Timber: \$

Value of Wood: \$

Value per acre for tract: \$ 20.52

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

Geo. N. Penz CLERK

#173 - Cox, Frank

Acreage Claimed: 102.6 A Assessed 102.6 A Deed 102.6 A.
Value Claimed: \$5000.00 " \$354.00 \$ \$4000.00
Location: West of Beech Spring along Lee Highway.
Incumbrances, counter claims, laps, etc.: None known.
Roads: 13 miles over Lee Highway to Luray, nearest ship-
 ping point.

Soil: Wooded Portion-Sandy Clay, fair depth and fertility,
 Loose surface rock. Eastern portion steep slope, south
 and east exposure. Fields: Sandy clay of good depth
 and fertility, some loose surface rock.

History of tract and condition of timber: Fields cleared many years
 ago. Portions have been cultivated since being cleared
 Some of the fields have been neglected and are now grow-
 ing up to brush, Sassafras, dogwood, locust, red and
 chestnut oaks. Wooded Portion: Tan bark removed about
 30 years ago. Other timber products removed since. This
 past year the remainder of the tan bark and merchantable
 timber was removed.

Improvements: House--log, weatherboarded, 24 x 30, 1½ story,
 4 rooms, shed room, 10 x 12, front porch 10 x 12
 shingled, basement 12 x 16; adjoining building--
 log, planked, 16 x 18, 1½ story, 2 rooms, shingled
 3 rock chimneys, unfinished inside. Fair----- \$600.
 Corn house--log, 15 x 21 x 12, shed 12 x 21,
 shingled----- - - - - - 100.
 Meat house--log, planked 12 x 14 x 10, shingl-
 ed- - - - - 35.
 Hen house--frame, 8 x 12 x 10, shingled, fair- 20.
 Barn--log, 18 x 18 x 12, paper & shingle roof-
 shed 10 x 12- - - - - 50.
 Spring house--stone and frame, shingled 9 x 27
 x 7- - - - - 50.
 75 apple trees 30-40 years old, fair---- 150.
 TOTAL VALUE OF IMPROVEMENTS- - - \$1005.

Value of land by types:

Type	Acreage	Value per acre	Total Value
Slope	54	\$3.00	\$162.00
Fr	21	6.00	126.00
Fg	24	15.00	360.00
Fc	13	15.00	390.00
	<u>112</u>		<u>\$1038.00</u>

Total value of land \$1038.00
 Total value of improvements 1005.00
 Total value of tract \$2043.00

Average value per acre \$15.60

Virginia,

In the Circuit Court of Rappahannock County:

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

Petitioner,

vs.

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

Defendants.

At Law, No. 149.

Your respondent, Frank H. Cox, excepts to the report of M. L. Price, M. Lehr Capper and George H. Levi, who were appointed special investigators and members of the board of appraisal commissioners by an order heretofore entered in these proceedings, dated May 17, 1932, and filed in this cause on May 18, 1932, insofar as the findings therein set forth affect or concern your respondent's tract of land containing 102.6 acres, more or less, which is designated as tract No. 173 in the said report, and here states his grounds of exceptions as follows:

1st. That the said special investigators and members of the board of appraisal commissioners have reported the value of respondent's said tract of land, or compensation therefor, as being only \$2, 107.34 when respondent purchased the said property on the 8th day of February 1927, in good faith and at that time actually paid therefor the sum of \$4,000.00 in cash, as will more fully appear from the claim of your respondent and the exhibits filed therewith which were filed in these proceedings on the 29th day of may, 1930;

2nd. That the said valuation of the said property, or the compensation to be paid respondent therefor, as set out in the

said report is grossly unfair and inadequate and is not just compensation for the said property;

3rd. That the said special investigators and members of the board of appraisal commission in fixing the said valuation of \$2,107.34 were affected or influenced by partiality, by error and misapprehension of the facts, and by improper argument of counsel to the effect that it was necessary for them to fix the values low for otherwise the petitioner would not have sufficient money to acquire the same;

4th. That the said special investigators and members of the board of appraisal commissioners, in making their said report and reaching their conclusions with reference to the value of respondent's said land, labored under a misapprehension of the principles of law applicable thereto, a misconception of their duties in the premises and a mistake of law as to the nature and effect of the evidence with reference to which such findings were made;

5th. That the said special investigators and members of the board of appraisal commissioners made a mistake of fact in failing to place any value at all upon the valuable springs and water and water rights upon respondent's said land;

6th. That there is an error and mistake of fact contained in the said report in that the valuation placed upon the improvements on the said property is only \$725.00, while in the work sheets of the said special investigators and members of the board of appraisal commissioners, which are attached to and made a part of the said report, the said improvements are valued at \$1,005.00;

7th. That the said special investigators and members of the board of appraisal commissioners were appointed and acted in pursuance of the provisions of Chapter 410 of the Acts of the General Assembly of 1928 and in so doing this respondent has not been

given a day in Court and there has not been, and cannot be any judicial determination of the value of respondent's said land and that to confirm the said report would be to take respondent's said property without just compensation in violation of Section 6 of Article 1 of the Constitution of Virginia and to deprive him of his property without due process of law in violation of Section 11 of Article 1 of the Constitution of Virginia; and

8th. That the said Chapter 410 of the Acts of the General Assembly of 1928 and especially the provisions thereof with reference to the powers and duties of the said special investigators and members of the board of appraisal commissioners and the effect of their said report deprives this respondent of his property without due process of law contrary to the Fourteenth Amendment of the Constitution of the United States.

Wherefore, your respondent prays that the Court decline to accept the report and disapprove the findings of fact therein set forth; that the said report be set aside and be declared null and void with respect to the valuation placed upon your respondent's said property; that the Court summon a jury to hear and determine your respondent's claim, and he will ever pray, etc.

Charles J. Allen p. d.

Frank H. Cox

State of Virginia,

County of Hanover, to-wit,

I, A. Elizabeth Gordon, a Notary Public in and for the County ~~and state~~ in the state of Virginia, aforesaid, do certify that Frank H. Cox, whose name

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is signed to the foregoing writing, this day personally appeared before me in my County aforesaid and made oath that the matters and things therein stated are true to the best of his knowledge, information and belief.

Given under my hand this 15th day of July, 1932.

*My commission
expires July 6, 1935.*

A. Elizabeth Gordon
Notary Public.

IN THE CIRCUIT COURT OF
RAPPAHANNOCK COUNTY:

The State Commission on Con-
servatiõn and development of
the State of Virginia,

vs.

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

At Law No. 149

The Exceptions of Frank H. Cox
to the report of the special
investigators and members of
the board of appraisal, and
~~action to decline to appraise the~~
same and to disapprove the
findings thereof,

FILED IN
CLERK'S OFFICE
RAPPAHANNOCK COUNTY

July 16 1932
Clifton Aylor

ANDREW J. ELLIS
ATTORNEY AND COUNSELLOR AT LAW
502-504 LAW BUILDING
RICHMOND, VA.

VIRGINIA:
IN THE CIRCUIT COURT OF
RAPPAHANNOCK COUNTY

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

vs.

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

At Law, No. 149

*Statement of Frank H. Cox
as to ownership etc
of tract of 102.6 acres*

FILED IN
CLERK'S OFFICE
RAPPAHANNOCK COUNTY

Sept. 13th 19 *32*

Teste: *Jan M. Little* Clerk

ANDREW J. ELLIS
ATTORNEY AND COUNSELLOR AT LAW
502-504 LAW BUILDING
RICHMOND, VA.

Claim of Frank H. Cox

173

In the Circuit Court of Rappahannock County, Virginia, No. 149, At Law.
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. Clifton Ayles & others & 37,400 acres of land,

~~more or less, in Rappahannock County, Va.~~

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

My name is Frank H. Cox

My Post Office Address is Ashland, Virginia

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 102.61 acres, on which there are the following buildings and improvements: dwelling house and ordinary farm buildings

This land is located about 1 1/2 miles from Sperryville Virginia, in the Piedmont Magisterial District of said County.

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

Sole owner in fee simple

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

North _____

South Lee Highway

East Omega Swindler

West Jacob Dodson

I acquired my right, title, estate or interest to this property ~~about the year~~ in February, 1927 in the following manner:

By purchase from Rappahannock County Realty Company, Incorporated, for the sum of \$4,000.00 cash

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 5,000.00. I claim that the total value of my right, title, estate or interest, in and to this tract or parcel of land with the improvements thereon is \$ 5,000.00

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

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

Remarks: See certified copy of the deed from Rappahannock County Realty Company, Incorporated, to me dated February 25, 1927, and recorded in D. B. 24, page 25, hereto attached, and see also supplemental statement hereto attached.

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 24th day of May, 1930.

Frank H. Cox

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

The undersigned hereby certifies that Frank H. Cox the above named claimant personally appeared before him and made oath that the matters and things appearing in his above answer are true to the best of his knowledge and belief, this 24th day of May, 1930.

A. Elizabeth Gordon
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

My commission expires July 13, 1931.

This Deed, made and entered into this the 25th day of February 1927, between the Rappahannock County Realty Company, Incorporated a corporation duly organized under the laws of the State of Virginia, party of the first part, and Frank Hallowell Cox, party of the second part;

Witnesseth: That for and in consideration of the sum of Four Thousand (\$4000.00), cash in hand paid to the party of the first part by the party of the second part, the receipt whereof being hereby acknowledged the Rappahannock County Realty Company, Incorporated, a corporation as aforesaid, hereby, grants, bargains, sells, and conveys with General Warranty of title unto the said Frank Hallowell Cox the following described real estate, to-wit; All that certain tract or parcel of land lying and being situate in Piedmont Magisterial District, in the County of Rappahannock State of Virginia, containing 102.6¹/₂ acres, more or less, and being Lot B (Pullen Tract) of the subdivision of lands of A.W. Clark deceased, recorded in Deed Book 32, at page 267, and being bounded and described as follows:

"Beginning at figure 14, a locust in a stony place, a corner to "Home Place" and in the line of Jeremiah Atkins; thence with the line of "Home Place" soth 24¹/₂ degrees West 2409 feet to A, a large chestnut; thence south 29 degrees West 1256 feet to a point in the Pike at B; thence with the line of the Pike North 53 degrees West 568 feet to C, North 51 degrees West 1004 feet to D, North 50 degrees West 200 feet to figure 6, a point in the Pike, a corner to Lot No. 1A; thence with the line of Lot No. 1 A North 31¹/₂ degrees East 98¹/₂ feet to a locust stump at figure 5, a corner to Jeremiah Atkins; thence with his lines North 23.1 degrees East 313.5 feet to a stake on a branch at figure 6, thence up the branch with its meanders North 37 degrees East 280.5 feet to figure 7, North 55¹/₂ degrees East 346 feet to figure 8, North 61³/₄ degrees East 346 feet to figure 9, North 48 degrees East 297 feet to figure 10, North 57 degrees East 231 feet to figure 11, N 32¹/₂ E 561 feet to figure 12, North 61 degrees East 267 feet to figure 13, a large chestnut, a n old corner with ancient marks; thence south 57³/₄ East 806.5 feet to the beginning

containing 102.61 acres;

This being the same tract of land conveyed to the Rappahannock County Realty Company, Incorporated by M.J. Menefee and wife, and C.O. Buracker and wife, by deed bearing date on the 30th day of September, 1926, and of record in the Clerk's Office of the Circuit Court of Rappahannock County, Virginia, in Deed Book No. 33, at page 469; reference being had to said deed for a more particular description of land hereby conveyed;

It is understood and agreed that all saw timber rights and the slabs accruing therefrom are reserved from this conveyance, and with the right to go in, over and upon said land to cut, saw and remove all timber and slabs for the period of twelve months from June the 28th 1926 and no longer;

The Grantor covenants that it has the right to convey said land; that no act has been done to encumber the same; that the same is free from encumbrances; that the grantee shall have quiet and peaceable possession of said land at all times, and that it will execute such further assurance of said land as may be at any time requisite

This deed is executed in pursuance of a resolution duly passed by the Stockholders of said Rappahannock County Realty Company, Incorporated and spread upon the Minute Book of said Corporation, on the 27th day of December, 1926, all of said Stockholders being present at said meeting and all of said Stockholders unanimously voting to authorize instruct and empower the Directors of said Rappahannock County Realty Company, Incorporated, to convey to said Grantee, Frank Hallowell Cox, the real estate in this deed mentioned and described, and is also executed in pursuance of a resolution of the Board of Directors of the said Rappahannock County Realty Company, Incorporated, duly made and spread upon the Minute Book of said Corporation on the 17th day of December, 1926, all of said board of Directors being present and unanimously voting to authorize, instruct and empower Clarence J. Miller, President of said Corporation, and R.L. Massie Secretary of said Corporation, to sign, seal and acknowledge and deliver this deed to the said Frank Hallowell Cox on behalf of said Rappahannock

County Realty Company, Incorporated;

In testimony whereof, the said Rappahannock County Realty Company, Incorporated, has hereunto cause its Corporate Seal to be hereto affixed, and this deed to be signed and acknowledged by Clarence J. Miller, its President, and attested by R.L. Massie, its Secretary, this the 25th day of February, 1927.

Rappahannock County Realty Co. Inc.
By Clarence J. Miller, President.

(Corporate Seal)
Attest; R.L. Massie, Secretary.

State of Virginia, County of Rappahannock, to-wit; I, D.D. Miller, a Notary Public in and for the County of Rappahannock, in the State of Virginia, do certify that Clarence J. Miller, whose name as president of the Rappahannock County Realty Company, Incorporated is signed to the foregoing writing, bearing date on the 25th day of February, 1927 and R.L. Massie whose name as Secretary of the Rappahannock County Realty Company, Incorporated, is signed to the foregoing writing, bearing date as aforesaid, personally appeared before me this day in my said county and in the name and on behalf of the said Rappahannock County Realty Company, Incorporated, acknowledged the said writing as the act and deed of the said Rappahannock County Realty Company, Incorporated and made oath that they are respectively the President and Secretary of the said Corporation, and that the seal affixed to said writing is the true corporate seal of said Corporation, and that it has been affixed thereto by due authority given by the Stockholders of said Corporation at a duly convened meeting and by the Board of Directors of the said Corporation at a duly convened meeting. My commission expires on the 15th day of April 1929.

Given under my hand this 25th day of February, 1927.

D.D. Miller, Notary Public.

Virginia: Clerk's Office of Rappahannock Circuit Court, Feb. 25, 1927.
This Deed of Bargain and Sale was this day received in the said office and together with the annexed certificate admitted to record at 3 o'clock P.M.

Teste: Elizabeth H. DEBergh, Deputy Clerk.

A-Copy; Teste:

Jas. M. Settle, Clerk.

SUPPLEMENTAL STATEMENT OF FRANK H. COX, REFERRED
TO IN THE FOREGOING PROOF OF CLAIM AND FORMING A
PART THEREOF.

A more accurate description of the property owned by me and referred to in the attached claim is fully set forth in the foregoing certified copy of the deed.

While I claim that the actual value of this tract or parcel of land, with the improvements thereon, is \$5,000.00, I am willing to accept, either in the condemnation proceedings or in a sale, for Government park purposes only, an amount equal to the actual cost of the said property to me, which is \$4,096.56, with interest thereon from June 8, 1930, until paid, as shown by the following statement:

102 Acres Rappahannock County, Va.

Property bought February 8, 1927, cost cash - - - - -	-\$4,000.00
Title and survey - - - - -	63.76
Repairs, including chimney - - - - -	150.75
Taxes - - - - -	14.64
Insurance - - - - -	24.88
Interest at 6% on \$4,000. - 2/8/27 to 6/8/30 - - - - -	800.00
Attorney for condemnation (High Power Line) - - - - -	175.00
	\$5,229.03

Less Receipts:

Rent and crops - - - - -	\$ 546.47
Right of Way Road - - - - -	86.00
Right of Way Power Line - - - - -	500.00
Total cost - - - - -	1,132.47
	\$4,096.56

Respectfully submitted as a part of my aforesaid claim
this 24 day of May, 1930.

Frank H. Cox

ESTABLISHED 1901

FRANK H. COX

INSURANCE—REAL ESTATE BROKER—LOANS

LICENSED BY THE VIRGINIA REAL ESTATE COMMISSION

ASHLAND, HANOVER CO., VA.

May 12, 1930.

173

Clerk of Circuit Court of Rappahannock Co.,
Washington, Virginia.

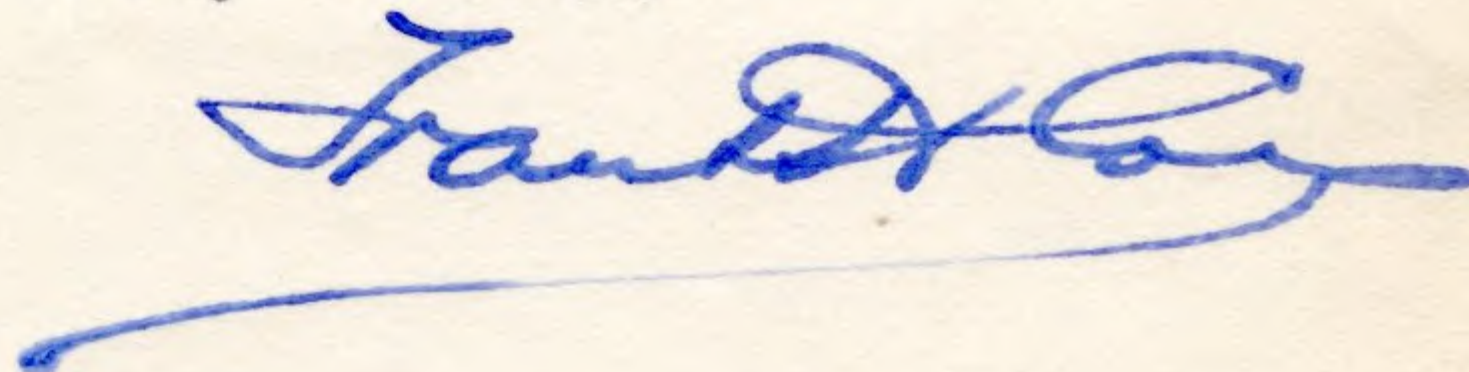
Dear Sir:

In response to the notice published in the Blue Ridge Guide, April 24, 1930, at Washington, Va., I respectfully submit that I am willing to accept for my property of approximately 102 acres, located on the Lee Highway, about one and one-half miles west of Sperryville, the sum of \$4,096.56. This figure is the actual cost of the property to me to June 8, 1930, exclusive of any allowance for the various trips which I personally have made, and any allowance for the profits which I figure will accrue to me by the purchase and ownership of this property.

This proposition is submitted with the understanding that if the same is accepted by the Commission and the property is settled for within sixty days, I will accept this proposition. If, however, it is necessary for me to go into condemnation proceedings I shall expect this figure and such profits as I am entitled to and such further expenses as I may have or will incur, including allowances for my time. If, on the other hand, this figure is accepted and settlement is not made within sixty days I shall expect interest on this amount from June 8, 1930, to date of settlement.

Copy of detailed cost of property to me attached.

Yours very truly,



FARMS—HOMES—HIGHWAY INVESTMENTS
IN VIRGINIA
BETWEEN RICHMOND AND WASHINGTON

FARMS BETWEEN RICHMOND AND WASHINGTON IN VIRGINIA

FRANK H. COX
ASHLAND, VA.

102 Acres Rappahannock County, Va.

Bought February 8, 1927, cost cash - - - - -	\$4,000.00
Title and survey - - - - -	63.76
Repairs including chimney- - - - -	150.75
Taxes - - - - -	14.64
Insurance - - - - -	24.88
Interest at 6% on \$4,000.-2/8/27 to 6/8/30- - - - -	800.00
Attorney for condemnation (High Power Line) - - - - -	<u>175.00</u>
	\$5,229.03

Less Receipts:

Rent and crops - - - - -	\$ 546.47	
Right of Way Road- - - - -	86.00	
Right of Way Power Line- - - - -	<u>500.00</u>	<u>1,132.47</u>
Total cost- - - - -		\$4,096.56

Handwritten notes:
 2/8/27
 6/8/30
 1/10/27

Frank N. Cox

Ashland, Va

Total cost - \$4,086.28

Right of Way Power Line - 200.00 1,133.41

Right of Way Road - 82.00

Paint and crops - \$248.41

Less Receipts:

\$2,333.02

Attorney for condemnation (High Power Line) - 112.00

Interest at 6% on \$4,000 - 5/8/31 to 8/8/30 - 800.00

Insurance - 34.88

Taxes - 14.84

Repairs including chimney - 120.12

Title and survey - 82.78

Bought February 8, 1931, cost cash - \$4,000.00

103 Acres Rappahannock County, Va.

VIRGINIA:
IN THE CIRCUIT COURT OF
RAPPAHANNOCK COUNTY

The State Commission on
Conservation and Development

vs.

No 149

*Clifton Aylor & others &
37,400 acres of land, more
or less in Rappahannock
County, Va.*

Claim of Frank H. Cox, one of
the defendants.

FILED IN
CLERK'S OFFICE
RAPPAHANNOCK COUNTY

May 29 19 30

Teste:

Jas M. Seale (Clerk)

ANDREW J. ELLIS
ATTORNEY AND COUNSELLOR AT LAW
502-504 LAW BUILDING
RICHMOND, VA.

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

(1)

Wednesday

It is further explained and ordered that the above-mentioned reports of Philip Williams be filed with the records of this proceeding. - W. H. Alexander, U. S. District Judge.

U. S. District Judge, U. S. District Court, District of Columbia.
U. S. District Judge, U. S. District Court, District of Columbia.
U. S. District Judge, U. S. District Court, District of Columbia.

Enter
Alex

Mich, 14, 1934 -
Entered - H. 217 -

(12)

VIRGINIA: IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY

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

V. AT LAW NO. 149

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

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

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

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

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

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

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

TABLE II

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

TRACT
NUMBER

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

TABLE III

No findings as to incidental damages by Arbitrators, except as to Tract #151, as follows: Incidental damages to re-movable furnishings \$662.00. See order entered herein March ~~7~~¹⁴, 1934.

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

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