

113

Claim of W. H. Hudson  
In the Circuit Court of Rappahannock County, Virginia, No. \_\_\_\_\_, At Law.  
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. 300 acres

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 W. H. Hudson

My Post Office Address is Luray 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 300 acres, on which there are the following buildings and improvements: 4 Room dwelling - Kitchen & dining room

6 Room tenant house, Apple storage Barn - 1 apple  
House, 1 Horse & cattle Barn.

This land is located about 7 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).

W. H. Hudson Sole owner

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

North Tanner & Spitzer

South Gross & Spitzer

East Wearner & Hudson & Gunn & Spitzer

West Wearner & Hudson & Herchbarger Bros

I acquired my right, title, estate or interest to this property about the year 1917 in the following manner:

By conveyance of Eirs of W. H. Hudson, dead

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 20,000. 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 \$ 20,000.

I am the owner of 300 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: 25 to 30 acres of this land is in cypress  
archard trees about 30 years old -  
100 acres grazing land cleared - 150 to 175 acres  
partly cleared & timber.

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 6 day of June, 1930.

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

The undersigned hereby certifies that W. H. Hudson 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 6th day of June, 1930.

Margaret Strickler  
Clerk of the Court, or Special Investigator or  
Notary Public, or Justice of the Peace.



this 12 day of June 1830

and things appearing in his above answer are true to the best of his knowledge and belief, the above named claimant personally appeared before him and made oath that the matters

The undersigned hereby certifies that

STATE OF VIRGINIA, COUNTY OF RAPPAHANNOCK To-wit:

of June 1830

Witness my signature (or my name and mark attached hereto) this 12 day

(Continue remarks if necessary on the back).

Remarks: 20 to 30 acres of land in the Park area, which I claim will be damaged by the proposed condemnation of lands within the Park area, to the extent of \$2000.00. I am the owner of 30 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 \$2000.00. I claim that the total value of this tract or parcel of land with the improvements thereon is \$2000.00. I claim that the total value of my right, title, estate or interest on is \$2000.00.

description of the tract or parcel of land by metes and bounds).

(In the space below should be set out any additional statements or information as to posed condemnation of lands within the Park area, to the extent of \$

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 \$2000.00. I am the owner of 30 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 \$2000.00. I claim that the total value of this tract or parcel of land with the improvements thereon is \$2000.00. I claim that the total value of my right, title, estate or interest on is \$2000.00.

I claim that the total value of this tract or parcel of land with the improvements thereon is \$2000.00. I claim that the total value of my right, title, estate or interest on is \$2000.00.

following manner:

I acquired my right, title, estate or interest to this property about the year 1817 in the

West  
East  
South  
North

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

parcel of land described above).

he should set out exactly what and if joint owner give names of joint owners. If claimant is not sole or joint owner, described above: (In this space should be set out any additional statements or information as to posed condemnation of lands within the Park area, to the extent of \$

I claim the following right, title, estate or interest in the tract or parcel of land described above:

the Magister of Rappahannock County, Virginia, in

This land is located about

buildings and improvements:

to be condemned, containing

I claim a right, title, estate or interest in a tract or parcel of land within the area sought

My Post Office Address is

My name is

as his answer to said petition and to said notice.

Court of Rappahannock County, Virginia, asks leave of the Court to file this upon the filing of said petition and published in accordance with the order of the Circuit velopment of the State of Virginia, and in response to the notice of condemnation awarded The undersigned, in answer to the petition of the State Commission on Conservation and Development of the State of Virginia, No. 113, asks leave of the Court to file this more or less of land in Rappahannock County, Virginia, Defendants.

tioner, vs

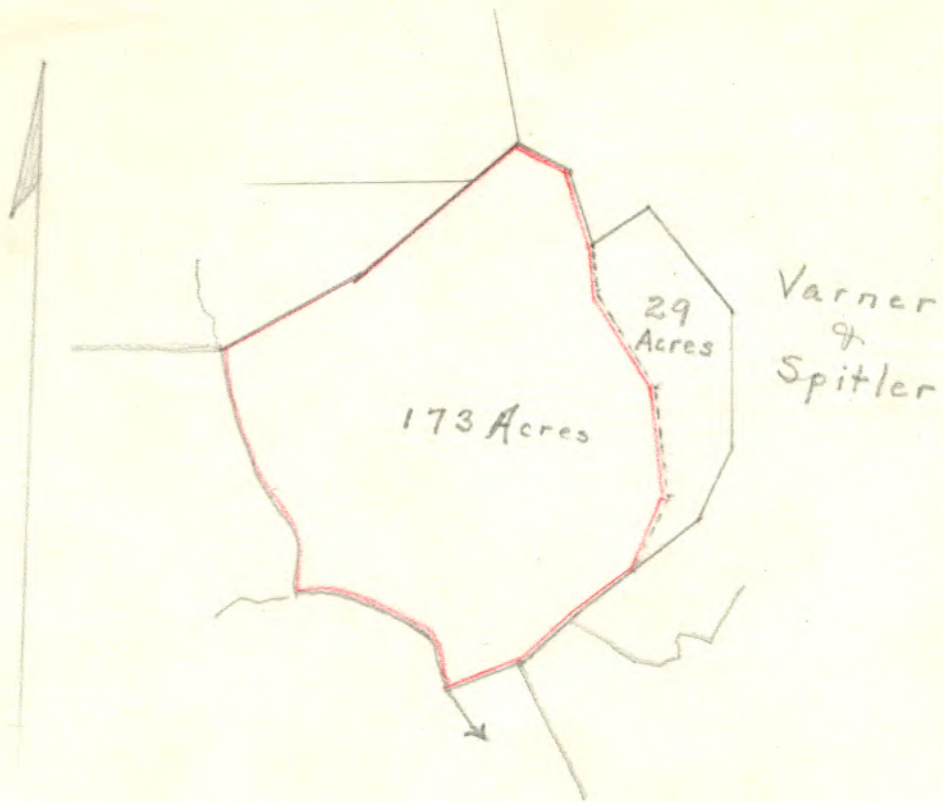
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs

In the Circuit Court of Rappahannock County, Virginia, No. 113. At Law.

Claim of State of Virginia



H. H. Hudson #113



IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY, VIRGINIA.

THE STATE COMMISSION ON  
CONSERVATION AND DEVELOPMENT OF  
THE STATE OF VIRGINIA

VS.

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MOTION OF H. H. HUDSON, CLAIM-  
ANT TO 300 ACRES OF LAND EM-  
BRACED WITHIN THE ABOVE  
ENTITLED PETITION, TO SET  
ASIDE THE FINDINGS OF FACT IN  
RELATION TO THE VALUE THEREOF.

CLIFTON AYLOR, &C., & 37,400 ACRES  
OF LAND IN RAPPAHANNOCK, COUNTY,  
MORE OR LESS.

WHEREAS, the Board of Appraisal Commissioners and Special  
Investigators heretofore appointed in the above entitled  
condemnation proceedings for Rappahannock County, Virginia, was  
filed with the records of this case in the Clerk's Office of the  
Circuit Court of Rappahannock County on the 18th day of May,  
1932; and

WHEREAS, there was embraced in the said petition filed by  
the State Commission on Conservation and Development of the State  
of Virginia, and sought to be condemned by said Commission for  
the purpose of establishing the Shenandoah National Park, a  
tract or parcel of land owned in fee simple by H. H. Hudson,  
which said tract or parcel of land contains 300 acres, more or  
less, and lies entirely within the County of Rappahannock, and on  
the North branch of Thornton's River and Greasy Run; and

WHEREAS, by an order heretofore entered by the Circuit  
Court of Rappahannock County at its now pending Term the said H.  
H. Hudson was granted an extension of time within which to file  
his motion to review and exceptions to the report of said Board  
of Appraisal Commissioners in so far as said report relates to  
his lands as aforesaid:

NOW, COMES THE SAID CLAIMANT, H. H. Hudson, by counsel, and  
moves the said court to decline to accept and to disapprove any  
and all finding or findings of fact or facts, in relation to the



said 300 acres of land claimed by him, or the value thereof, and without waiving any other grounds of exception which may be taken and adduced at the hearing to be had on this motion, sets out and states that the grounds upon which he relies in making the foregoing motion are as follows:

(1). That the finding or findings of fact contained in the report of the said Board of Appraisal Commissioners in reference to your claimant's land as aforesaid are so manifestly inadequate, when considered together with all the evidence before the Court, that it is apparent in making such finding or findings of fact the Board of Appraisal Commissioners were affected or influenced by some error, mistake, or misapprehension of facts as to the identity of the land with reference to which such finding or findings of fact was being made;

(2). That the finding or findings of facts contained in the said report in reference to the 300 acres of land of your said claimant shows on its face that said Board did not take into consideration the entire acreage claimed by the said H. H. Hudson;

(3). That one or more tracts of real estate claimed and owned by your claimant in fee simple was not considered at all by said Board of Park Appraisal Commissioners and was entirely left out of the report aforesaid;

(4). That the said Board of Appraisal Commissioners did not view and did not take into consideration all of the land owned by your claimant;

(5). That on account of the said omissions of certain lands owned by your claimant, the finding or findings of fact in reference to the said lands of your claimant is so confused and uncertain that such findings serve no needful or useful purpose in ascertaining and determining the true value of said lands;



(6). That the finding or findings of fact in reference to the lands of your claimant as aforesaid, on account of the aforesaid omission and confusion of identity are not responsive to the question of value of said lands, or to the issues in this case, and can serve no needful or useful purpose in ascertaining its true value;

(7). That on account of said omissions and confusion of the identity of the said land, the finding or findings in question are so manifestly inadequate, undertain, and indefinite, when considered together with all the other evidence before your Honor's Court, that the facts so found by the Board of Appraisal Commissioners cannot and will not serve any useful or needful purpose in the adjudication of any question which it is necessary to adjudicate and determine for the full, complete, and final disposition of the condemnation of said land of your claimant.

WHEREFORE, your said claimant, the said H. H. Hudson, for the reasons hereinbefore specified and set out prays the Court to decline to accept the report of said Board of Appraisal Commissioners and to disapprove any and all finding or findings of fact or facts therein in so far as said report and findings of fact relate to the real estate owned by your said claimant, and further that the Court resubmit any and all fact or facts in relation to the value of his real estate aforesaid to another Board of Appraisal Commissioners in order to accomplish a full and final determination of the fact or facts in reference to the value of his said real estate.

*H. H. Hudson*

*W. V. Ford*  
*Counsel*



STATE OF VIRGINIA,

COUNTY OF PAGE, TO-WIT:

This day, H. H. Hudson, the claimant named in the foregoing motion, being first duly sworn, says that the facts and allegations therein contained are true, except so far as they are therein stated to be on information, and that so far as they are therein stated to be upon information, he believes them to be true.

H. H. Hudson  
Claimant

Taken, sworn to and subscribed before me this 16th day of July, 1932.

Margaret Strickler  
Notary Public

My commission expires  
February 8, 1933.



THE STATE COMMISSION ON  
CONSERVATION & DEVELOPMENT  
OF THE STATE OF VIRGINIA

VS.

MOTION OF H. H. HUDSON,  
CLAIMANT TO 300 ACRES OF LAND  
EMBRACED WITHIN THE ABOVE  
ENTITLED PETITION, TO SET  
ASIDE THE FINDINGS OF FACT  
IN RELATION TO THE VALUE  
THEREOF.

CLIFTON AYLOR, &C., &  
37,400 ACRES OF LAND IN  
RAPPAHANNOCK COUNTY, MORE OR  
LESS.

LAW OFFICES  
WILLIAM V. FORD  
LURAY, VA.



IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY, VIRGINIA.

THE STATE COMMISSION ON  
CONSERVATION AND DEVELOPMENT OF  
THE STATE OF VIRGINIA

VS.

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CLIFTON AYLOR, &C., & 37,400 ACRES  
OF LAND IN RAPPAHANNOCK, COUNTY,  
MORE OR LESS.

MOTION OF H. H. HUDSON, CLAIM-  
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WHEREAS, the Board of Appraisal Commissioners and Special  
Investigators heretofore appointed in the above entitled  
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filed with the records of this case in the Clerk's Office of the  
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WHEREAS, there was embraced in the said petition filed by  
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the North branch of Thornton's River and Greasy Run; and

WHEREAS, by an order heretofore entered by the Circuit  
Court of Rappahannock County at its now pending Term the said H.  
H. Hudson was granted an extension of time within which to file  
his motion to review and exceptions to the report of said Board  
of Appraisal Commissioners in so far as said report relates to  
his lands as aforesaid:

NOW, COMES THE SAID CLAIMANT, H. H. Hudson, by counsel, and  
moves the said court to decline to accept and to disapprove any  
and all finding or findings of fact or facts, in relation to the



REPORT ON THE ACREAGE  
OF THE  
H. H. HUDSON TRACT #113.

This tract is made up of two parcels. One of them, outlined in red on the attached sketch, was conveyed to H. H. Hudson by a deed containing an excellent description, by bearings and distances. These bearings, and distances, when platted, close very closely. The deed calls for this tract to contain 166 acres. My computation of the acreage, however, gives 173 acres. For the remainder of the tract, lying between the 173 acres and the Varner & Spitler Tract, we can find no description. However, this tract is entirely surrounded by lines of the 173 acre tract and the Varner & Spitler Tract, which also closes well. A computation of the acreage by the calls of the 173 acre tract and the Varner & Spitler Tract, gives ~~129~~<sup>29</sup> acres. This added to the 173 acres gives a total of 202 acres for the H. H. Hudson Tract #113.

The State's report calls for 188 acres. The difference between 202 and 188 is accounted for by the difference in horizontal and surface measurement.

*W.N. Sloan*  
W.N. Sloan,

Chief Engineer, Park Service.



said 300 acres of land claimed by him, or the value thereof, and without waiving any other grounds of exception which may be taken and adduced at the hearing to be had on this motion, sets out and states that the grounds upon which he relies in making the foregoing motion are as follows:

(1). That the finding or findings of fact contained in the report of the said Board of Appraisal Commissioners in reference to your claimant's land as aforesaid are so manifestly inadequate, when considered together with all the evidence before the Court, that it is apparent in making such finding or findings of fact the Board of Appraisal Commissioners were affected or influenced by some error, mistake, or misapprehension of facts as to the identity of the land with reference to which such finding or findings of fact was being made;

(2). That the finding or findings of facts contained in the said report in reference to the 300 acres of land of your said claimant shows on its face that said Board did not take into consideration the entire acreage claimed by the said H. H. Hudson;

(3). That one or more tracts of real estate claimed and owned by your claimant in fee simple was not considered at all by said Board of Park Appraisal Commissioners and was entirely left out of the report aforesaid;

(4). That the said Board of Appraisal Commissioners did not view and did not take into consideration all of the land owned by your claimant;

(5). That on account of the said omissions of certain lands owned by your claimant, the finding or findings of fact in reference to the said lands of your claimant is so confused and uncertain that such findings serve no needful or useful purpose in ascertaining and determining the true value of said lands;



(6). That the finding or findings of fact in reference to the lands of your claimant as aforesaid, on account of the aforesaid omission and confusion of identity are not responsive to the question of value of said lands, or to the issues in this case, and can serve no needful or useful purpose in ascertaining its true value;

(7). That on account of said omissions and confusion of the identity of the said land, the finding or findings in question are so manifestly inadequate, undertain, and indefinite, when considered together with all the other evidence before your Honor's Court, that the facts so found by the Board of Appraisal Commissioners cannot and will not serve any useful or needful purpose in the adjudication of any question which it is necessary to adjudicate and determine for the full, complete, and final disposition of the condemnation of said land of your claimant.

WHEREFORE, your said claimant, the said H. H. Hudson, for the reasons hereinbefore specified and set out prays the Court to decline to accept the report of said Board of Appraisal Commissioners and to disapprove any and all finding or findings of fact or facts therein in so far as said report and findings of fact relate to the real estate owned by your said claimant, and further that the Court resubmit any and all fact or facts in relation to the value of his real estate aforesaid to another Board of Appraisal Commissioners in order to accomplish a full and final determination of the fact or facts in reference to the value of his said real estate.

*H. H. Hudson*

*W. V. Ford*  
*Counsel,*



STATE OF VIRGINIA,

COUNTY OF PAGE, TO-WIT:

This day, H. H. Hudson, the claimant named in the foregoing motion, being first duly sworn, says that the facts and allegations therein contained are true, except so far as they are therein stated to be on information, and that so far as they are therein stated to be upon information, he believes them to be true.

H. H. Hudson  
Claimant

Taken, sworn to and subscribed before me this 16th day of July, 1932.

Margaret Strickler  
Notary Public

My commission expires  
February 8, 1933.



THE STATE COMMISSION ON  
CONSERVATION & DEVELOPMENT  
OF THE STATE OF VIRGINIA

VS.

MOTION OF H. H. HUDSON,  
CLAIMANT TO 300 ACRES OF LAND  
EMBRACED WITHIN THE ABOVE  
ENTITLED PETITION, TO SET  
ASIDE THE FINDINGS OF FACT  
IN RELATION TO THE VALUE  
THEREOF.

CLIFTON AYLOR, &C., &  
37,400 ACRES OF LAND IN  
RAPPAHANNOCK COUNTY, MORE OR  
LESS.

LAW OFFICES  
WILLIAM V. FORD  
LURAY, VA.



IN THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY

State Commission on Conservation  
and Development,

v.

N. M. Booth Mrs. Evelyn Tyler Miller, Julia M.  
Settle, N. M. Booth, C. B. Miller,  
George Tyler Miller, Henry T. Miller,  
William Arthur Miller, B. F. Miller.

TO THE CIRCUIT COURT OF RAPPAHANNOCK COUNTY:

The above named petitioners represent:

1st: Mrs. Evelyn Tyler Miller is the widow of John J. Miller, deceased, and your other petitioners are his heirs at law and as such hold in common and undivided right a tract of land lying in Warren and Rappahannock Counties, consisting of six thousand one hundred and sixty three acres, of which two thousand five hundred and twenty three acres lie in Warren County and three thousand six hundred and forty acres lie in Rappahannock. The land, however, is one tract and in proceedings in Rappahannock for the partition of the John J. Miller Estate was by the order of the court held in common and undivisible as necessary to protect the best interests of said successor in title.

2nd: By proceedings had in this court alleged to be under the authority of chapter 410, Acts 1928, the State Commission on Conservation and Development is seeking to take by condemnation that portion of said tract as is in the County of <sup>Rappahannock</sup> ~~Warren~~. By orders of this court M. Lohr Capper, M. L. Price and George H. Levi are appointed special investigators and a board of appraisal commissioners to ascertain all facts pertinent to said tract and the compensation to be paid to your petitioners.

3rd: Under Section 8 and Section 29 said special investigators and boards of appraisal, acting individually or as a board, may resort to any source of information which they may deem proper and "hear any statement or expression of opinion made under oath or not under oath, by any person, whether such person is or is not interested in the fact or facts they are seeking to ascertain and determine."



Notwithstanding the courts of Virginia have condemned such methods this statute sets such decisions at naught and denies to your petitioners in the protection of their property rights the equal protection of the law and the guaranties of the Bill of Rights of Virginia and of the 14th Amendment of the Constitution of the United States.

4th: The said special investigators and special appraisers have made their report in which contrary to any otherwise legal evidence before them they have grossly misdescribed said tract and have undertaken to ascertain the compensation to which petitioners are entitled so grossly inadequate as to show that said board or some of them were influenced by partiality or gross mistake of law as to the nature and effect of the evidence with reference to which such finding or findings were made. Your petitioners charge that such findings were based on hearsay statement, rumors and exaggerations from unknown parties authorized by this statute and not upon legal evidence such as judicial boards can only act upon.

5th: The tract of land is valuable for its timber, for its mineral deposits and in addition thereto much of the tract is fine blue grass grazing land.

6th: William H. Grammer, who owes petitioners approximately \$46,000 with interest from the 3rd day of May, 1922 for the timber rights alone is now prosecuting in the United States District Court for the Western District his claim to the timber rights.

7th: Petitioners have filed their claim in the record, which fairly states the amount they are entitled to recover as compensation for their property.

8th: Petitioners pray that this court will wholly disregard said report of said special investigators and special appraisers,

(1) Insofar as the statute prescribes the weight to be attached thereto it is an invasion by the legislature of the province of the court;



(2) That petitioners are not afforded a day in court for the proper consideration of their rights, when before the special investigators or boards of appraisers the statute authorizes and directs the consideration of wholly improper and prejudicial evidence, and, when they come into this court, the statute binds the court by the weight it directs to be attached to the report of such a board;

(3) The compensation to petitioners is confiscatory as fixed by these special investigators and appraisers;

(4) Petitioners rely upon the guaranties of the Bill of Rights of Virginia Constitution, and of the 14th Amendment of the Constitution of the United States;

(5) Petitioners pray that the court will summon a jury to ascertain the compensation due petitioners.

Henry A. Miller

H. A. Miller

H. M. Booth

Harrison & Harrison

Attorneys



District of Columbia, to wit:

I William S. Jones a Notary Public  
in and for the District of Columbia aforesaid.  
Hereby certify that Henry T. Miller and  
B. F. Miller who personally known to me  
who executed the foregoing, personally  
appeared before me in the said District and  
acknowledged to be their act and deed  
after being sworn according to law.  
Given under my hand and seal  
this 2<sup>nd</sup> day of July 1932.

William S. Jones  
Notary Public

My Commission expires  
Oct. 24, 1934.

STATE OF IOWA            )  
                                  )"   SS  
COUNTY OF POLK        )

Subscribed and sworn to before me this fifth day of July, 1932 by N. M. Booth, known  
to be the person who signed the foregoing instrument.

James F. Hart  
Notary Public in and for Polk County.

Notary Public in and for Polk County, Iowa  
My Commission Expires July 4, 1933



*Petition & Exceptions*  
*John J. Miller Heirs*

STATE COMMISSION ON CONSER-  
VATION & DEVELOPMENT OF THE  
STATE OF VIRGINIA

VS.) No. 149.

CLIFTON AYLOR, ET AL

FILED IN  
CLERK'S OFFICE  
RAPPAHANNOCK COUNTY

*July 9 - 1932*  
Teste: *Jas. M. Smith*, Clerk

LAW OFFICES  
HARRISON & HARRISON  
WINCHESTER, VIRGINIA