

STATE COMMISSION ON CONSERVATION AND DEVELOPMENT

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LEE LONG, DANTE

R. A. GILLIAM
EXECUTIVE SECRETARY AND TREASURER

RICHMOND, VA.



Shenandoah National Park Division

S. H. MARSH, SUPERVISOR
PHONE 84, FRONT ROYAL

BUREAUS OF THE COMMISSION

GEOLOGICAL SURVEY
WATER RESOURCES AND POWER
FOREST SERVICE
PARKS AND LANDSCAPE ENGINEERING
ARCHAEOLOGY AND HISTORY
STATE PUBLICITY

ADDRESS YOUR REPLY TO
FRONT ROYAL, VA.

August 10, 1933

TO THE CLERK OF THE CIRCUIT COURT OF ROCKINGHAM COUNTY.

Dear Sir:

We are handing you for file in the Shenandoah National Park Condemnation Proceedings pending in your court, affidavits as listed below:

Affidavit of S. H. Marsh, Dated July 1, 1933, Re. Rockingham County Exceptions.
Supplemental Affidavit of George H. Levi, Dated August 5, 1933, Re. General.
Affidavit of M. A. Price, Dated April 1st, 1933. Re. General Rockingham County
Supplemental Affidavit of Miller A. Price, Dated August 5, 1933, Re. General
Affidavit of W. L. Green, Dated March 31, 1933. Re. General. Rockingham County
Supplemental Affidavit of W. L. Green, Dated August 5, 1933 Re. General.

Very truly yours,

Weaver & Armstrong

STATE OF VIRGINIA

COUNTY OF ROCKINGHAM, to-wit:

This is to certify that I have this day received of Elliott Marshall, the following affidavits:

Affidavit of S. H. Marsh, dated July 1, 1933, Re. Rockingham County Exceptions.

Supplemental Affidavit of George H. Levi, dated August 5, 1933, Re. General.

Affidavit of M. A. Price, dated April 1, 1933, Re. General Rockingham County

Supplemental Affidavit of Miller A. Price, dated August 5, 1933, Re. General

Affidavit of W. L. Green, Dated March 31, 1933. Re. General. Rockingham County

Supplemental Affidavit of W. L. Green, dated August 5, 1933 Re. General.

I further certify that I have marked all of the said papers as filed in the Circuit Court of Rockingham County, Virginia, among the papers of the Shenandoah National Park Condm. proceedings as of August 15, 1933 at 4:30 P. M.

Teste: J. R. M. Austin, Clerk
of the Circuit Court of Rockingham County,
Virginia.

AUG 15 1933 4:30

J. Robert Lutz P. M.
Clerk

SUPPLEMENTAL AFFIDAVIT OF GEORGE H. LEVI, DATED AUG. 5, 1933. RE. GENERAL.

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

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

My name is George H. Levi. My post office address is Berryville, Virginia. I am a farmer by occupation, and from time to time in the last twenty years I have owned, operated, managed, bought, sold and leased farm lands including grazing lands, orchards, vegetable and fruit gardens and the like.

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

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

The members of the Appraisal Boards of which I was a member were in most cases able to agree on our findings as to the market value of the different tracts, and the amount of incidental damages to be allowed, though in many cases prolonged and repeated discussions were necessary to enable us to unite in our findings; and in a few cases we adopted as our findings of value the figures upon which only two of our number were fully agreed if we found it impossible to come to a unanimous vote, or if the third member was not entirely satisfied with the figures agreed upon by the other two, after full discussion. But in all cases at least two of the members were in agreement as to the fair market value and the damages before the figures as reported were finally adopted.

While it sometimes happened that one or other of the members, and in some cases all of the members changed or modified their views as a result of discussion and argument among ourselves, such changes of view were wholly the result of mutual discussion and concessions to the weight of the opinion of the other members, and sometimes of additional inspections of the tracts themselves; and we had no agreement or understanding by which we bound ourselves to accept the average of our individual figures, whatever they might be.

The members of each and all the Boards of Appraisal Commissioners of which I was a member were all of opinion and agreed with each other that, having adopted the practice of hearing the witnesses and taking all the evidence at public hearings when we all three sat together, (except as indicated in my affidavit captioned "Affidavit of George H. Levi, dated March 23, 1933, Re. General) we should go together to make our "views or personal inspections" of the lands sought to be condemned, and we did in fact go together and viewed and inspected together the various tracts, the values of which are set out in our reports; and to the best of my knowledge and belief, none of the members visited any of these tracts separately from the other members of the Board in the County in which the tract was located; and this was the procedure agreed upon and adopted in making our views and inspections of all the separate tracts, the value of which was shown in our reports.

The several Boards of which I was a member, made findings of value and incidental damages in some cases greater, in some cases less, than the values placed on the various tracts in the appraisal

sheets submitted by the witnesses for the Petitioner, and in many cases we found the values and damages to be the amount shown on these appraisal sheets after full consideration of all the evidence. So also, we found the facts as to the location of the land, its acreage, the nature of the improvements, and of other elements of value as set forth in the said appraisal sheets, in many, if not in most cases to be notably accurate and correct, and in such cases we frequently adopted the relation of facts set forth in these appraisal sheets in filling out our own sheets, where the evidence and the results of our own inspection and view of the land satisfied us as to the accuracy and correctness of these appraisal sheets, and of the values set forth therein. But in cases in which the evidence, considered together with our own view of the lands in question, disclosed other, or different or additional facts than those set out in these appraisal sheets, we set out the facts and the values as we found them in our own work sheets.

While an examination of our work sheets will show many such changes, necessitated by a consideration of the evidence submitted by owners and claimants, all the members of the several Boards of which I was a member were much impressed with the manifest evidences of the care and skill with which each of these appraisal sheets had been prepared and the substantial accuracy and correctness with which they set out the various elements of value of each tract.

We based our findings of value of the fee simple estate in the various tracts mentioned in our reports on the fair market value which (as was repeatedly submitted to us from the outset by Counsel for the Petitioner, and by the attorneys for various claimants who

appeared before us) we understood to be the amount for which the tract might be sold if without being obligated to do so, the owner desired to sell and there were buyers who desired to buy the particular tract whose market value was to be ascertained by us.

Counsel for the Petitioner from the outset, and other attorneys who appeared before us also expressed their opinions that we should not take into consideration assessed valuations of the tracts in question or of other similar tracts, or prices paid at forced sales, and that in considering prices paid for other similar tracts we should not give consideration to sales made at too remote a time prior to the date when we made our findings as to prices paid for lands so remote or distant from the tract in question that differences in time or location or of local conditions might affect the value of the lands differently, and these contentions appearing to be well founded, we were careful to act upon them in every case. All of the members were fully informed by their own experience and observation as to the fact that in Virginia, assessed values are in most cases far below the real value of the lands assessed, and in making our findings as to values and damages we wholly disregarded any evidence as to assessed acreage and value and gave it no consideration except as evidence as to a claim of ownership by the person in whose name any particular lands were assessed and who paid taxes as assessed.

Counsel for the Petitioner, from the outset, and on various occasions stated in discussion of questions of value to be determined by us, that while it was our duty to ascertain the fair market value of the lands, neither too much nor too little, never-

theless the courts always recognized and approved liberal but not excessive findings of value in condemnation proceedings in which the owners were being deprived of their lands for the benefit of the public whether they themselves were or were not willing to part with them for the price awarded. And while we endeavored in each instance to find the fair market value, we tried always to see to it that if we erred at all we erred on the side of liberality rather than on the side of niggardliness.

No member of any of the Boards of which I was a member, so far as I know, had any interest, either direct or indirect in the establishment of the Park, beyond that which any intelligent citizen of the State of Virginia may be supposed to have in the establishment of a National Public Park within the state. And in finding the facts of value and the amount of incidental damages in each case, we were careful not to give any weight to any consideration of the possibility of the need for low findings of value to enable the State to acquire the tract. We clearly understood that the laws and the Constitution of the State protect each private owner in his right to just compensation for his lands if they are taken for public uses. Counsel for the Petitioner as well as the attorneys for different claimants repeatedly called our attention to these constitutional provisions protecting the rights of the private citizen and of private ownership.

My attention has been directed to an affidavit of G. L. Wilkinson, executed on the 19th day of May, 1933, an affidavit of Mr. Tyler Miller, Superintendent of Schools, an affidavit of John A. Keyser, executed on May 19, 1933, in which they say that they frequently saw the members of the Boards of Appraisal Commissioners in

the Park Office in Front Royal, and saw Mr. Marsh and Mr. Stoneburner and the attorneys and other employees of the Petitioner in the offices of the various Boards of Appraisal Commissioners, and that they saw papers and records being carried to and fro between the offices.

It is true that in the performance of their duties the various Boards of Appraisal Commissioners of which I was a member, sometimes visited the offices of the Conservation and Development Commission, and that the attorneys for the Petitioner and Mr. Marsh and Mr. Stoneburner and other employees and witnesses for the Petitioner frequently went to and stayed for several hours at a time in the offices of the Board of Appraisal Commissioners, and that on more than one occasion, indeed, on a number of occasions, papers and documents were carried to and fro between the offices.

For a considerable time and at more or less irregular intervals, the Board of Appraisal Commissioners of Warren County held public hearings in their offices which were continued from time to time and the attorneys for the Petitioner and Mr. Marsh and other witnesses for the Petitioner regularly attended these hearings and frequently carried papers and documents and other records to and fro in connection with these hearings. It is true, also, that the members of the different Boards on which I served, sometimes stopped in at the Park Offices in Front Royal, but in doing so, in practically all instances, they had some business in connection with the proceedings pending before them. I cannot say that I, myself, nor any member of the Commission never entered the Park offices in Front Royal without having express business there. We sometimes called if only to ask how many witnesses the Petitioner expected to call at Sperryville

or Washington or Luray, and whether the hearings set for that day would be likely to take up much time. But I can say that in most cases we went to these offices on business of one kind or another, connected with our duties; for example, we not infrequently stopped there to get directions and to find out the best route to take on our trips of inspection, to the various tracts shown on the County Ownership Map, and to get information as to the precise location of these tracts.

Although the attorneys and agents for the Petitioner did not attend very many such inspections and views made by us, nevertheless, we always notified them as to the time and place of such inspections and gave them an opportunity to attend.

Then too, we sometimes found on our personal inspections and views that there was either error or confusion in the names of the owners of the various tracts shown on the County Ownership Maps, and that where some of these maps showed two adjoining tracts claimed by different persons, that were in fact claimed by a single person, or that some other person was the real owner, or that there were laps on some of these tracts, and in order that our Maps as filed might show our findings, we not infrequently discussed the location of the tracts shown on the Map with Mr. Marsh or Mr. Stoneburner, and had corrections made on the maps correspondingly. Then too, at the different times when each of the Boards of which I was a member prepared its report, the Boards and sometimes the Chairman and secretary called, on more than one occasion, at the Park Offices to see Judge Carson, one of Counsel for the Petitioner, who prepared the draft of the report, and, on those occasions, we sometimes brought a part of our

papers with us so as to enable us to give him the facts as to our findings, but in all such cases, there was no discussion whatever as to our findings of value and in fact, the findings as to value were left blank in these reports to be filled in under our direction. We did, however, inform Judge Carson as to the general nature of our findings as to the various tracts substantially as set out in our reports. I do not doubt and do not question the fact that the members of the different Boards were seen on more than one occasion discussing some of these matters, and discussing Judge Carson's draft of their report with him in the Park Office, though, as a matter of fact, the visits for this purpose were neither frequent nor prolonged. Aside from these occasions, I myself rarely saw either Judge Carson or Mr. W. E. Carson in the course of the condemnation proceedings, though I did meet them on occasions, and responded to general inquiries as to how we were progressing, and the length of time it would probably take us to complete the work and similar matters in connection with the condemnation proceedings, but on no occasion did we discuss the evidence or the values of any of the tracts sought to be condemned with these gentlemen, or with anyone else. Indeed, we were so careful in this regard that when anyone came into our offices while we were consulting together, we would invariably stop until they had left us.

There is no ground whatever for any charge that because of our occasional contacts with Mr. Marsh and Mr. Stoneburner, and the attorneys of the Commission outside of the formal hearings had before us, any of the members of the Boards of which I was a member, were subjected to any undue influence or could have been subjected to undue

influences, or that any attempt was made on the part of any officer or employee or attorney of the State Commission on Conservation and Development, to exercise undue influence over us in the forming of our judgments as to our values and damages or that we or any of us favored one party more than another in making our findings.

It is true, also, that on a few occasions, we dined at the same hotels or boarding houses, sometimes in the same room with the attorneys and agents of the Petitioner, in Sperryville, and at other points, in the public dining rooms, but we always paid for our own meals and our bills were regularly audited and approved by the different Courts in the different counties where we were engaged in our work.

In the small towns and country places where we, as well as the officers and employees of the Commission were engaged in our work, such contacts were practically unavoidable, and we neither encouraged or discouraged them, but neither I, myself, nor any of the Boards of which I was a member, so far as I know, ever discussed the evidence or the values of the tract which we appraised on the occasion of any such meetings.

Witness my signature this 7 day of August, 1933.

Geo. H. Levi.
George H. Levi.

STATE OF VIRGINIA)
(SS.
COUNTY OF WARREN)

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

Witness my signature and Notarial Seal this 7th
day of Aug. 1933.

Emma N. Stokes (SEAL)

AUG 15 1933 4:30 p.m.

J. Robert Switzel Clerk

AFFIDAVIT OF M. A. PRICE, DATED APRIL 1st, 1933. RE. GENERAL.
ROCKINGHAM COUNTY.

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

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

My name is Miller A. Price. My post office address is New Market, Virginia.

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

I have read the separate affidavits of George H. Levi captioned as follows: "Affidavit of George H. Levi, dated March 23, 1933, Re General, Warren County;" "Affidavit of George H. Levi, dated March 23, 1933, Re General, Rappahannock County;" "Affidavit of George H. Levi, dated March 23, 1933, Re General, Page County," and "Affidavit of George H. Levi, dated March 23, 1933, Re General, Rockingham County," and the matters and things set out therein are true to the best of my knowledge and belief.

Witness my signature this First day of April, 1933.

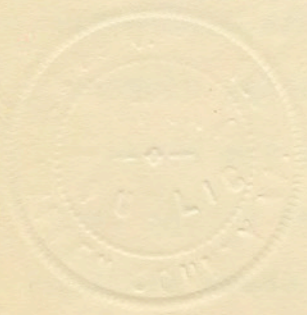
Miller A. Price
Miller A. Price.

STATE OF VIRGINIA)
 (SS.
COUNTY OF WARREN)

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

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

Emma K. Stokes (SEAL)



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

AUG 15 1933 4:30 p.m.

J. Robert Switzer Clerk
RE

SUPPLEMENTAL AFFIDAVIT OF MILLER A. PRICE, DATED AUGUST 5, 1933. GENERAL.

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

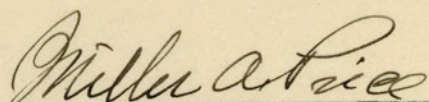
It is my understanding, purpose and intention in making this sworn statement, that the said Commission may, in its discretion, file and submit the same in support of its prayers, motions, answers and contentions submitted in the course of all or any of the above mentioned condemnation proceedings, including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

My name is Miller A. Price. My post office address is New Market, Virginia.

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

I have read the affidavit of George H. Levi, captioned "Supplemental Affidavit of George H. Levi, dated 5", August 1933, Re. General," and the matters and things set out therein are true to the best of my knowledge and belief.

Witness my signature this 5 day of August 1933.


Miller A. Price

STATE OF VIRGINIA)
(SS.
COUNTY OF WARREN)

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

Witness my signature and Notarial Seal this 5 day of

Aug., 1933.

Emmura K. Stokes (SEAL)

AUG 15 1933 4:30 p.m.

AFFIDAVIT OF W. L. GREEN, DATED MARCH 31, 1933.

RE. *Robert L. Switzer* Clerk
ROCKINGHAM COUNTY.

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

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

My name is W. L. Green. My post office address is Strasburg, Virginia.

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

I have read the separate affidavits of George H. Levi captioned as follows: "Affidavit of George H. Levi, dated March 23, 1933, Re General, Page County," and "Affidavit of George H. Levi, dated March 23, 1933, Re General, Rockingham County," and the matters and things set out therein are true to the best of my knowledge and belief.

Witness my signature this 31st day of March, 1933.

W. L. Green
W. L. Green.

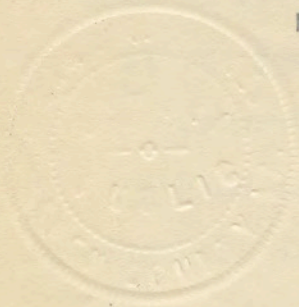
STATE OF VIRGINIA)
(SS.
COUNTY OF WARREN)

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

Witness my signature and Notarial Seal this 31st day of March, 1933.

My Commission Expires December 3rd, 1933

Emma H. Stokes (SEAL)



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

AUG 15 1933 4:30 p.m.

J. Robert Switzer Clerk

SUPPLEMENTAL AFFIDAVIT OF W. L. GREEN, DATED AUGUST 5, 1933. RE. GENERAL.

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

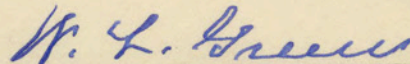
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My name is W. L. Green. My post office is Strasburg,
Virginia.

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

I have read the affidavit of George H. Levi, captioned
"Supplemental Affidavit of George H. Levi, dated 5th, August
1933, Re. General," and the matters and things set out therein are
true to the best of my knowledge and belief.

Witness my signature this 5th day of August, 1933.



W. L. Green

STATE OF VIRGINIA)
 (SS.
COUNTY OF WARREN)

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

Witness my signature and Notarial Seal this 5th day of Aug, 1933.

Emma H. Stokes (SEAL)

Rockingham Co.

copy

Rockingham Co.

AUG 15 1933 4:30 p.m.

AFFIDAVIT OF S. H. MARSH, DATED

July 1, 1933,

RE *J. Robert Lutz* Clerk
ROCKINGHAM COUNTY
EXCEPTIONS.

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

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

I have before me copies of each and all of said motions and exceptions filed in the proceeding pending in the Circuit Court of Rockingham County, furnished me by counsel for the Petitioner, and in this affidavit I shall deal with each of said motions and exceptions separately and in the following order:

(A) Motion or exception filed by Sallie A. Kite, represented by Geo. S. Harnsberger, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners and the record of the proceedings, appear to be Tracts No. 3 and 372-I, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(B) Motion or exception filed by J. T. Heard, represented by George S. Harnsberger, and David A. Conrad, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners and the record of the proceedings, appear to be Tract No. 41-a, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(C) Motion or exception filed by Vernon W. Foltz, represented by Robert W. Keyser, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners and the record of the proceedings, appear to be Tract No. 48, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(D) Motion or exception filed by Wesley A. Dean, represented by D. W. Earman, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners and the record of the proceedings, appear to be Tract No. 50, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(E) Motion or exception filed by W. F. Dean, Jr., represented by Geo. S. Harnsberger, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners and the record of the proceedings, appear to be Tracts No. 53 and 53-a, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(F) Motion or exception filed by Annie Laura Baugher, represented by Ralph H. Bader, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners and the record of the proceedings, appear to be Tracts No. 70 and 70-I, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(G) Motion or exception filed by John K. Haney, represented by D. W. Earman, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners and the record of

the proceedings, appear to be Tract No. 76, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(H) Motion or exception filed by E. C. and E. E. Lam, represented by E. D. Ott, Counsel.

The lands sought to be condemned in which these exceptants have any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners and the record of the proceedings, appear to be Tract No. 81, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(I) Motion or exception filed by Maude M. Shipp, represented by Chas. A. Hammer, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners and the record of the proceedings, appear to be Tract No. 84, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(J) Motion or exception filed by A. L. and J. F. Moubray, represented by Charles A. Hammer, Counsel.

The lands sought to be condemned in which these exceptants have any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners and the record of the proceedings, appear to be Tract No. 166, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(K) Motion or exception filed by Annie R. Begoon, represented by Geo. S. Harnsberger, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the

report of the Board of Appraisal Commissioners and the record of the proceedings, appear to be Tract No. 242, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(L) Motion or exception filed by J. W. Hinkle, represented by Geo. S. Harnsberger, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners and the record of the proceedings, appear to be Tracts No. 244 and 326-III, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(M) Motion or exception filed by John J. Mace, James G. Mace, Elizabeth Mace Via, R. H. Mace, Julia Mace Spitzer, Charles M. Mace, and heirs at law of Ben F. Mace, represented by Geo. S. Harnsberger, Counsel.

The lands sought to be condemned in which these exceptants have any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record of the proceedings, appear to be Tracts No. 312, 312-a, and 312-b, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(N) Motion or exception filed by Robert T. Miller, represented by Hamilton Haas, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record of the proceedings, appear to be Tract No. 325, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(O) Motion or exception filed by Herbert G. Patterson, represented by George S. Harnsberger, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners and the record of the proceedings, appear to be Tract No. 335, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(P) Motion or exception filed by Herbert G., Howard H., and David H. Patterson, represented by George S. Harnsberger, Counsel.

The lands sought to be condemned in which these exceptants have any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners and the record of the proceedings, appear to be Tract No. 337, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(Q) Motion or exception filed by Elijah Catterton, represented by Geo. S. Harnsberger, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners and the record of the proceedings, appear to be Tract No. 357, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(R) Motion or exception filed by E. C. Lam, represented by E. D. Ott, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners and the record

of the proceedings, appear to be Tract No. 368, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(S) Motion or exception filed by Margaret Mundy, represented by D. W. Earman, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners and the record of the proceedings, appear to be Tract No. 371, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(T) Motion or exception filed by G. Luther Kite, represented by C. A. Hammer, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record of the proceedings, appear to be Tracts No. 372 and 372-I, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(U) Motion or exception filed by R. O. Nizer, represented by George S. Harnsberger, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record of the proceedings, appear to be Tract No. 40, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(V) Motion or exception filed by C. G. Harnsberger, represented by George S. Harnsberger, Counsel.

The lands sought to be condemned in which this exceptant

has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record of the proceedings, appear to be Tracts No. 41 and 42, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(W) Motion or exception filed by John A. Hensley, Layton W. Hensley, and other heirs of Virginia V. Hensley, represented by George S. Harnsberger, Counsel.

The lands sought to be condemned in which these exceptants have any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record of the proceedings, appear to be Tract No. 56, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(X) Motion or exception filed by Luther J. Strickler, represented by George S. Harnsberger, Counsel.

The lands sought to be condemned in which this exceptent has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record of the proceedings, appear to be Tract No. 56, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(Y) Motion or exception filed by Cassie M. Naylor, represented by George S. Harnsberger, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record of the proceedings, appear to be Tract No. 62, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(Z) Motion or exception filed by J. O. Harnsberger, A. L.

Harnsberger, Nannie T. Harnsberger, Clinton T. Harnsberger, Kate W. Snapp, J. C. Bishop, A. C. Davis and A. Florence Forrer, represented by George S. Harnsberger, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record of the proceedings, appear to be Tract No. 70-I, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(AA) Motion or exception filed by Sarah L. Upp, represented by George S. Harnsberger, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record of the proceedings, appear to be Tract No. 71, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(BB) Motion or exception filed by Julia L. Comer, represented by Miss Ethel Irwin, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record of the proceedings, appear to be Tract No. 123, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(CC) Motion or exception filed by Edward Herring and W. T. Herring, represented by George S. Harnsberger, Counsel.

The lands sought to be condemned in which these exceptants have any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record of

the proceedings, appear to be Tract No. 145, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(DD) Motion or exception filed by M. H. Long, represented by Ralph H. Bader, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record of the proceedings, appear to be Tract No. 152, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(EE) Motion or exception filed by Hosea Shifflett, represented by Ralph H. Bader, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record of the proceedings, appear to be Tract No. 160, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(FF) Motion or exception filed by Thomas L. Yancey, Emma V. Gibbons, Hunter M. Gibbons, Mrs. Mary Gibbons Snapp, F. M. Yancey, Nettie I. Mauzy, Julia Estes, A. S. Yancey, and Frank W. Yancey, Represented by Chas. A. Hammer, Counsel.

The lands sought to be condemned in which these exceptants have any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record of the proceedings, appear to be Tract No. 163, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(GG) Motion or exception filed by Mrs. E. W. Harrison, represented by Ralph H. Bader, Counsel.

The lands sought to be condemned, in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record of the proceedings, appear to be Tracts No. 208 and 208-a, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(HH) Motion or exception filed by Jos. E. Carickhoff, represented by Ralph H. Bader, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record of the proceedings, appear to be Tract No. 210, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(II) Motion or exception filed by M. H. Harrison, represented by Ralph H. Bader, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record of the proceedings, appear to be Tract No. 212, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(JJ) Motion or exception filed by Thomas L. Yancey, represented by Chas. A. Hammer, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record of the proceedings, appear to be Tract No. 213, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(KK) Motion or exception filed by Annie E. Hedrick, represented by Ralph H. Bader, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record of the proceedings, appear to be Tract No. 248, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(LL) Motion or exception filed by J. H. Lewin, represented by George S. Harnsberger, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record of the proceedings, appear to be Tracts No. 256 and 256-a, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(MM) Motion or exception filed by A. S. Kemper, represented by Hamilton Haas, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record of the proceedings, appear to be Tract No. 276, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(NN) Motion or exception filed by D. M. Clark, represented by Hamilton Haas, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record

of the proceedings, appear to be Tract No. 277, as shown on the map filed with the report of the Board of Appraisal Commissioners.

(00) Motion or exception filed by John Roadcap, represented by Hamilton Haas, Counsel.

The lands sought to be condemned in which this exceptant has any claim of right, title, estate or interest as shown by the report of the Board of Appraisal Commissioners, and the record of the proceedings, appear to be Tract No. 307, as shown on the map filed with the report of the Board of Appraisal Commissioners.

I also have before me an affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," prepared by me for file and use in each and all of the condemnation proceedings mentioned in the opening paragraph of this affidavit, which sets forth in detail and at length, a history and report of the activities of myself and Mr. Stoneburner, and our assistants, in the preparation of the maps of the various tracts of diverse ownership within the proposed Park area, and in the examination, classification and ascertainment of the elements of value of the various tracts of land, ownership of which has been or is claimed by the various persons mentioned in the Board of Appraisal Commissioners' report filed with the record in these proceedings, which affidavit also includes a statement as to our special training, experience and qualifications for such work. I have reread that affidavit, and in order to avoid unnecessary repetition, I here refer to the said affidavit, and make the same an integral part of this affidavit.

Since the filing of said exceptions, or motions, I have

carefully examined the report of the Board of Appraisal Commissioners filed with the record of the above mentioned condemnation proceedings in Rockingham County and the tables and findings of values and incidental damages therein set out, and the "Work Sheets" filed with the report setting forth the elements upon which the Board of Appraisal Commissioners based its valuation of the fee simple estate in each of said tracts, and of the incidental damages arising out of the proposed condemnation, and together with my chief assistant Mr. W. H. Stoneburner, I have checked the various items of value and damages set out in the report of the Board of Appraisal Commissioners and their "Work Sheets" with the data and corresponding appraisals of value and damages proposed by Mr. Stoneburner and me, as set forth in my said affidavit dated March 1, 1933.

Referring specifically to the motions to disapprove or exceptions mentioned above under separate letters of the alphabet, and dealing more specifically with the matters set forth in these several motions to disapprove, or exceptions, I will deal with each under its proper alphabetical head, it being understood that what is said under each alphabetical head as to each of these specific motions to disapprove, or exceptions, should be read together with the general statements in this affidavit, and in my affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General."

(A) Motion to disapprove or exception filed by Sallie A. Kite, represented by George S. Harnsberger, Counsel.

The lands within the area described in the petition in Rockingham County, which were described in the claim filed by or in behalf of Sallie A. Kite, with the record in the Clerk's Office in response to the publication of notice of the filing of the petition, are the lands shown as Tract No. 3 and 372-I, on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the lands within the Park area in Rockingham County in which this party claims or appears to have an interest, are the said tracts No. 3 and 372-I, as shown on the said map.

From the answer of this exceptant to the amplification order of the court, directing her to file with the record, a statement showing whether or not the lands in which she now claims an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that she claimed or appeared to have an interest, it appears that the lands in which this exceptant now claims an interest are the lands in which the Board found that she claimed or appeared

to have an interest, as shown on the County Ownership Map filed with its report.

The mapping and examination was conducted by myself and Mr. Stoneburner, with our assistants, as set forth in my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General." These lands were located on the County Ownership Map as described in the general affidavit. They were plotted and checked and tied to the surrounding and adjoining lands, and to known property corners.

The maps and reports were worked up from the field data and were carefully checked on the ground before being submitted as evidence to the Appraisal Commissioners.

These two tracts or parcels of land are located in the extreme eastern part of Rockingham County and between Cucumber Spring, and Bear Wallow Spring, and comprise that portion of a larger tract purchased by Sallie A. Kite which lies on the west slope of the Blue Ridge. The residue of the tract lies on the opposite side of the Blue Ridge in Greene County.

Tract No. 372-I in which the report of the Board of Appraisal Commissioners shows that the exceptant appears to have an interest, is a part of the lands claimed by the exceptant, but a claim of ownership has been set up by others, and this tract was therefore shown on the map and reported as a lap. I express no opinion as to the ownership of this tract. This claimant was given an opportunity to be heard on the value of the lap in which she claims an interest, as well as on the value of the land as to which

there appear to be no contesting claimants.

Both tracts are very similar in character. The soil is a clay loam of medium depth and fertility. The slopes are gentle to moderately steep with patches of loose rocks on the surface.

Tract No. 3 contains 24 acres of which 14 acres is "Slope type" land. This may be described briefly as land which is capable of growing 1-3 log timber, or trees with a merchantable length of 16-48 feet. Eight acres is "Fields restocking" which is land that was at one time cleared, but which is now growing up to brush and has only a relatively low grazing value. Two acres is grazing land.

Tract No. 372-I, containing 60 acres, has 30 acres of "slope type" land; 27 acres, Field-restocking; and 3 acres of Grazing land.

The exceptant is apparently of the opinion that Tract No. 372-I was reported in the name of G. Luther Kite and that her claim to ownership thereof was disregarded. As previously stated, the report of the Board of Appraisal Commissioners shows that she appears to have an interest in this tract, but a claim of ownership having been set up by G. Luther Kite also, it was reported as a lap of the G. Luther Kite Tract on the Sallie A. Kite tract. A careful investigation on the ground and a comparison of the description contained in the deeds for the respective tracts, indicates clearly the existence of a lap. No opinion as to ownership of the lap is expressed.

There are no improvements on either of these tracts.

An attempt was made several years ago to develop this land for grazing purposes. After the removal of the merchantable timber the

remaining trees were either felled or girdled. Some blue grass sod was secured but failure to keep the brush cut off later has greatly reduced the grazing value of these lands.

I was unable to discover on these tracts any indications that they are capable of producing any substantial revenue at this time, or that they can be made a profitable property for many years to come and then only at a considerable expense.

It is my opinion that the values of \$112.00 for Tract #3 and \$270.00 for tract #372-I placed upon these tracts by the Appraisal Commissioners is considerably higher than the property would now bring on the open market; that it is not unfair or inadequate, and that no better price can or will be secured for these lands if the owners desire to sell, and no better price could have been secured for them at any time within the last five years.

(B) . . Motion to disapprove or exception filed by J. T. Heard, represented by George S. Harnsberger, and David A. Conrad, Counsel.

The lands within the area described in the petition in Rockingham County, which were described in the claim filed by or in behalf of J. T. Heard, with the record in the Clerk's Office in response to the publication of notice of the filing of the petition, are the lands shown as Tract #41-a on the County Ownership Map for Rockingham County, filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the Park area in Rockingham County in which this party claims or appears to have an interest, is the said tract No. 41-a, as shown on the said map.

From the answer of this exceptant to the amplification order of the Court directing him to file with the record a statement showing whether or not the lands in which he now claims an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that he claimed or appeared

to have an interest, it appears that the lands in which the exceptant now claims an interest are the lands in which the Board found that he claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

The mapping and examination was conducted by myself and Mr. Stoneburner, with our assistants, as set forth in my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General." These lands were located on the County Ownership Map as described in the general affidavit. They were plotted and checked and tied to the surrounding and adjoining lands, and to known property corners.

The maps and reports were worked up from the field data and were carefully checked on the ground before being submitted as evidence to the Appraisal Commissioners.

This tract lies in Cold Comfort Hollow, on either side of Cold Comfort Branch, on the west side of the public road leading from Beldor through Powells Gap to Bacon Hollow, about two miles east of the Beldor Post Office and about eight miles from Elkton.

The exceptant complains of the inadequate value placed on this tract.

The soil is a sandy clay loam of medium depth and fertility. The slopes throughout the wooded portion are for the most part steep and rocky. The smoother areas were cleared many years ago and are now in sod with some large boulders and small clumps of trees scattered throughout. Two hundred and twelve acres is "Slope type land", valued at \$5.00 per acre, which is higher

than the value ordinarily awarded for land of that type. Presumably the Board of Appraisal Commissioners considered that this wooded area had some grazing value because of the scattered patches of sod. Land of Slope type may be described briefly as land which is capable of growing 1-3 log timber, or trees with a merchantable length of 16-48 feet.

There are no improvements on this tract.

The wooded or timbered portion of the tract has been cut over repeatedly for various timber products. The last cutting, for stavewood, was being conducted at the time of our examination. This may account for the difference in the timber value found by the Board of Appraisal Commissioners, and the value found by me and my assistants. We found a value of \$190.80 for merchantable timber while the Board of Appraisal Commissioners valued the remaining stand of merchantable timber at \$100.00. At least six months having elapsed after the date of our examination of this tract and the date of inspection and view by the Board of Appraisal Commissioners, the operator would have had ample time to remove the total estimated stand of 63,600 board feet.

Chestnut oak and other hardwoods predominated in the original forest areas on the Blue Ridge Mountains in Rockingham and adjoining counties. The relatively large amount of chestnut oak timber to be found, the bark of which is used extensively for the tanning of leather, led to the establishment of tanneries at Luray, Elkton, Harrisonburg and other points in Northern Virginia. The Elkton Tannery was established about 1875 and was operated continuously until destroyed by fire about ten years ago.

Evidences of old bark peelings on this and adjoining tracts are easily distinguishable from the stumps and the peeled logs, some of which have not completely rotted, and by abandoned roads.

The "Bark peelings" were followed by sawmill operations which manufactured into lumber the accessible peeled chestnut oak timber, and the timber of other species. Sawmill seats on this and other tracts adjacent to this property show where these operations were conducted, and the condition of the present stand and stumps furnish ample evidence that practically all accessible timber has been cut. Within the last twenty years all chestnut trees on this and adjoining tracts were killed by the blight and as a result thereof there is no chestnut timber now on this tract of any value whatsoever.

With the development of commercial apple orchards in Rockingham and other Valley Counties there developed in this and adjacent territory an active demand for apple barrel staves. The owner of this tract has long been recognized as one of the large producers of slack cooperage stock. There is ample evidence on the tract to indicate that it was also cut over for stavewood.

Only 16 acres of the tract was reported by the Board of Appraisal Commissioners as grazing land. Owing to the relatively small amount of grazing land and the fact that only a very small additional area is considered suitable for development for this purpose, this cannot be regarded as a grazing or even a potential grazing proposition.

There are no evidences of successful explorations or

prospecting for minerals or mineral bodies on this tract, and there are no outcroppings of minerals or mineral bodies or deposits thereon which have any marketable or cash value, and the mineral rights in this tract add nothing to the market or cash value of the fee simple estate therein.

As already stated, no indications of substantial or successful prospecting or development of minerals or mineral rights are to be found and none was shown at the public hearings which would justify a finding of any mineral bodies or right in or under this tract in Rockingham County, and sustain a finding that ex-ceptants have any mineral rights of any value in these tracts; and the minerals and mineral rights in or under these tracts add nothing to their fee simple estate.

When the fact is taken into consideration that a substantial part of the tract is covered with a stand of young timber only and when the further fact is borne in mind that a long period of years will be required for a new crop of timber to reach maturity, the present timber growth, together with the land which supports it must be considered of very little value as a revenue producing property for many years to come. In fact, the only available market which has developed in this region of Virginia for cutover tracts of steep, rugged, rocky mountain land such as this, is the U. S. Forest Service for the National Forest purposes. The lands which have been acquired by the U. S. Forest Service have been purchased by negotiations with the owners and some half million acres have been acquired in this manner in northern Virginia, some of this National Forest land being not more than ten

miles distant from the tract under consideration. The average price of this National Forest land is very much lower than the value reported by the Appraisal Board for this tract.

It is my opinion that the Appraisal Commissioners appraised this tract at its full market value and that the value placed upon the fee simple estate by the Appraisal Commissioners is considerably higher than the property would bring on the open market; that \$1665.00 is as high or a higher price than it could have been sold for at any time during the past five years; and that the owner if he desired to sell, would not be able to dispose of this property at a higher price than that allowed by the Board of Appraisal Commissioners.

(C) Motion to disapprove or exception filed by Vernon W. Foltz, represented by Robert W. Keyser, Counsel.

The lands within the area described in the petition in Rockingham County, which were described in the claim filed by or in behalf of Vernon W. Foltz, with the record in the Clerk's Office in response to the publication of notice of the filing of the petition, are the lands shown as Tract No. 48 on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the Park area in Rockingham County in which this party claims or appears to have an interest, is the said tract No. 48, as shown on the said map.

From the answer of this exceptant to the amplification order of the court, directing him to file with the record, a statement showing whether or not the lands in which he now claims an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that he claimed or appeared to have an interest, it appears that the lands in which the exceptant now claims an interest are the lands in which the Board found that

he claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

The mapping and examination was conducted by myself and Mr. Stoneburner, with our assistants, as set forth in my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General." These lands were located on the County Ownership Map as described in the general affidavit. They were plotted and checked and tied to the surrounding and adjoining lands, and to known property corners.

The maps and reports were worked up from the field data and were carefully checked on the ground before being submitted as evidence to the Appraisal Commissioners.

This tract is located near the top of the Blue Ridge about three miles north of Swift Run Gap and is bounded on the East by the G. S. Lough Tract No. 49; on the North by the L. G. Meadows Tract No. 30; on the West by the J. B. Dean Tract No. 33, and the Dorsey J. Dean Tract No. 54, and on the South by the Wesley A. Dean Tract No. 50.

The soil is a sandy clay loam of good depth and fertility. Slopes are moderate and gently rolling with comparatively few loose rocks on the cleared area.

No exception is made by the claimant as to the identity or acreage reported for this tract. It contains 143 acres of which 98 acres, including 3 acres of orchard, is grazing land, and the remainder 45 acres is Slope type land. This may be described briefly as land which is capable of growing 1-3 log timber or trees with a merchantable length of 16-48 feet.

The claimant has made exception to the value placed on the tract by the Board of Appraisal Commissioners, and he cites the price paid by him in 1921, refers to the improvements in the form of clearing, grubbing and fencing done by himself since the date of purchase and new improvements added since the property was viewed and inspected by the Board of Appraisal Commissioners.

There was found on this tract at the time of inspection by the Board of Appraisal Commissioners the following improvements: A two room log dwelling, in a dilapidated condition; a frame dwelling occupied by a tenant; two old log barns; an old frame stable; and some small, miscellaneous outbuildings.

The total value placed on the above group of buildings was \$655.00. A recent inspection of this property disclosed the fact that there has been erected on it a filling station and a small frame building large enough to house a small family. Construction of these new improvements may have been started before the report of the Board of Appraisal Commissioners was filed with the Clerk of the Court, but the owner admits that they were erected after the Commissioners had been upon the land, and at a cost to him of \$2500.00. I have made no inspection of these improvements for the purpose of estimating or ascertaining their value, but I am convinced their value was not reported by the Board of Appraisal Commissioners.

This property is fairly representative of the numerous mountain farms which are to be found on the western slopes of the Blue Ridge in Rockingham County, and nearby on the drains of Naked

Creek in Page County except that it is one of the most isolated and inaccessible. The style of construction and condition of the dwelling, barn, and other farm buildings indicates that the property was used for general agricultural purposes many years ago, but like many similar properties in the locality above mentioned it apparently became less desirable as a farm for the production of crops and was finally acquired by the present owner. Although the owner claims he paid \$9,000.00 for this tract in 1921 at public sale after spirited bidding, and maintains it has increased in value since he owned it, nevertheless it is generally recognized that real estate values have depreciated generally, and in many instances as much as 50%.

After testimony tending to show the value claimed by the exceptant was presented at the public hearings held in this County, the Board of Appraisal Commissioners went upon this land and after a personal view and inspection, valued the grazing land at exactly the rate per acre as appraised by me. The exceptant complains that the compensation for his land, of all the lands embraced in the report of the Board, is the most grossly inadequate. There are, in the immediate locality, several tracts of grazing land very similar in character and comparable in size which were valued by the same Commissioners in these proceedings and in which in my opinion, are as valuable per acre, but apparently the owners were entirely satisfied with the award. At least these owners filed no exception to the awards.

In addition to the above the exceptant asserts that the members of the Board of Appraisal Commissioners were guilty of

such illegal and improper conduct as to render their report filed on the second day of August, 1932, wholly null and void and that they were unduly influenced by the agents, servants and employees of the State Commission on Conservation and Development. In this connection, reference is made to the affidavit of Geo. H. Levi, Secretary of the Board, which covers these objections of the exceptant.

The exceptant states that his revenue from this tract of land is \$540.00 to \$720.00 per year, based on a rental of the grazing rights at \$1.50 per head per month, (for a season of six months). The figures above mentioned appear to be the gross returns, however, and apparently no deduction has been made therefrom for interest on the investment, (which alone at 6%, would equal \$540.00), maintenance of fences, salting, herding, upkeep of buildings, and other miscellaneous expenses.

It is my opinion that the Commissioners appraised this tract at its full market value, and at a figure in line with other similar tracts within the Park area; that in allowing \$4880.00 therefor they were fair and generous; that this price is higher than the property would now bring on the open market; and that the owner, if he desired to sell, would not be able to dispose of this property at a higher price than that allowed by the Board of Appraisal Commissioners.

Although claimant testified as to the great value of this land for grazing purposes, the Commissioners, after a careful inspection, declined to accept this evidence at its face value and placed upon it a value much nearer the figure recom -

mended by me than that claimed by the exceptant, which, as I have already stated, I believe to be a fair value, considering the location and general character of this property.

(D) Motion to disapprove or exception filed by Wesley A. Dean, represented by D. W. Earman, Counsel.

The lands within the area described in the petition in Rockingham County, in which this exceptant appears to have an interest, but for which no claim was filed by the exceptant with the record in the Clerk's Office in response to the publication of notice of the filing of the petition, are the lands shown as Tract No. 50 on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the Park area in Rockingham County in which this party claims or appears to have an interest, is the said tract No. 50, as shown on the said map.

From the answer of this exceptant to the amplification order of the court, directing him to file with the record a statement showing whether or not the lands in which he now claims an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that he claimed or appeared to have an interest, it appears that the lands in which the ex-

ceptant now claims an interest are the lands in which the Board found that he claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

The mapping and examination was conducted by myself and Mr. Stoneburner, with our assistants, as set forth in my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General." These lands were located on the County Ownership Map as described in the general affidavit. They were plotted and checked and tied to the surrounding and adjoining lands, and to known property corners.

The maps and reports were worked up from the field data and were carefully checked on the ground before being submitted as evidence to the Appraisal Commissioners.

This tract is located in the extreme head of Hensley Hollow near the top of the Blue Ridge about 2-1/2 miles north of Swift Run Gap and is bounded on the East by the Thos. B. Hensley Tract No. 51; on the North by the Vernon Foltz Tract No. 48; on the West by the Dorsey J. Dean Tract No. 54, and on the South by Wm. F. Dean, Jr., Tract No. 53, and the Mrs. J. Knighting Tract No. 52.

This is an abandoned mountain farm. The soil is a sandy clay loam of good depth and medium fertility. The slopes are steep with northwest and southwest exposure. There were found on the tract the following improvements:

A four room log dwelling, abandoned and in poor condition; a log and frame barn in fair condition; a frame meat house and log corn house, both in poor condition.

The tract contains 75 acres of which 22 acres is grazing land, two acres of fields restocking and the remainder, 51 acres, is woodland classified as "Slope type" land. This may be described briefly as land which is capable of growing 1-3 log timber, or trees with a merchantable length of 16-48 feet. The wooded area has been cut over repeatedly. The total remaining stand was valued at \$30.00 which valuation was not raised by the Board of Appraisal Commissioners in their report. Thirty apple trees in fair condition were valued at \$60.00, independently of the soil.

The exceptant complains that the award is manifestly inadequate and refers specifically to the quality of the soil, the value of the growing timber and the excellent condition of the orchard which he says contains more than 100 trees.

As stated above, the entire wooded portion which is slightly more than two-thirds of the total area of the tract has been closely cut for all merchantable timber. What was appraised is in reality young immature timber ordinarily not considered merchantable because it is small and scattered.

At the time this tract was examined, a count showed that there were thirty fruit trees. This evidence was presented to the Board of Appraisal Commissioners at the public hearings held in the County. The owner was also given an opportunity to be heard. Later, the Commissioners went upon the land and apparently failed to find any more trees than were found by me and my assistants. Although the owner was given an opportunity to testify in detail as to the value of this property, nevertheless, the value placed upon it was very much nearer my appraisal value

than the amount claimed by the owner.

It is my opinion that in allowing \$920.00 for this tract the Appraisal Commissioners were fair and generous; that the value placed upon this tract is considerably higher than it would bring on the open market, that it is as high or higher than it could have been sold for at any time during the past five years and that the owner, if he desires to sell, would not be able to dispose of this property at a higher price than that allowed by the Board of Appraisal Commissioners.

(E) Motion to disapprove or exception filed by W. F. Dean, Jr., represented by Geo. S. Harnsberger, Counsel.

The lands within the area described in the petition in Rockingham County, which were described in the claim filed by or in behalf of W. F. Dean, Jr., with the record in the Clerk's Office in response to the publication of notice of the filing of the petition, are the lands shown as Tracts No. 53 and 53-a, on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the lands within the Park area in Rockingham County, in which this party claims or appears to have an interest, are the said tracts No. 53 and 53-a, as shown on the said map.

From the answer of this exceptant to the amplification order of the court, directing him to file with the record, a statement showing whether or not the lands in which he now claims an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that he claimed or appeared to have an interest, it appears that the lands in which

the exceptant now claims an interest are the lands in which the Board found that he claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

The mapping and examination was conducted by myself and Mr. Stoneburner, with our assistants, as set forth in my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General." These lands were located on the County Ownership Map as described in the general affidavit. They were plotted and checked and tied to the surrounding and adjoining lands and to known property corners.

The maps and reports were worked up from the field data and were carefully checked on the ground before being submitted as evidence to the Appraisal Commissioners.

Tract No. 53-a is located at Mt. Pleasant Church on both sides of the county road leading from Elkton to Hensley Hollow about four miles from Elkton.

Tract No. 53 is located near the head of Hensley Hollow about seven miles from Elkton and is bounded on the East by the Mrs. J. Knighting Tract No. 52; on the North by the Wesley Dean Tract No. 50, and the Dorsey Z. Dean Tract No. 54; on the West by the N. Lester Dean Tract No. 57; and on the South by the S. V. and B. B. Burke Tract No. 68.

This is an abandoned mountain farm now used almost exclusively for grazing purposes. There are on the tract an old barn and corn house, of log construction, and both in poor condition.

All the merchantable timber including stavewood has

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been removed.

The exceptant makes no exception to the award on this tract, but complains of a shortage of acreage, which he states is 60 acres. According to the supporting affidavit of P. B. F. Good, Surveyor of Rockingham County, the acreage is 58.2 A. A computation of the acreage was made from the description in the owner's deed when the County Ownership Map was being prepared, and the result, 48 acres, was reported to the Board of Appraisal Commissioners which was the acreage the Board used when making their award.

It appearing from information secured at a conference with the owner, his Counsel and the County Surveyor for Rockingham County, that the survey description was erroneous, it was decided to make a complete re-survey of the tract which was done by F. T. Amiss, County Surveyor for Page County, and W. H. Stoneburner, and the acreage then computed by latitudes and departures was found to be 59.82 acres. The survey description contained in the owner's deed was found to be incorrect in that the longest east and west line which was described as being 59 poles in length was, when carefully measured on the ground, found to be 80 poles long.

The claimant is therefore entitled to payment for an additional 11.82 A. of land, the value of which is, in my opinion, \$15.00 per acre.

Tract No. 53-a is a farm of average size and quality and fairly conveniently located as to markets, schools, and churches. The buildings are comfortable although rather old.

The owner was given an opportunity to testify as to the value of this tract at the public hearings held by the Board of Appraisal Commissioners in the County after which the Board went upon the land and fixed a value on the property which was nearer the value I placed upon it than the value claimed by the owner.

It is my opinion that the value placed upon these tracts by the Appraisal Commissioners, even without the addition of the 11.82 acres, is considerably higher than the property would now bring on the open market; that it is not unfair or inadequate, and that no better price can or will be secured for this land if the owners desire to sell, and no better price could have been secured for it at any time within the last five years.

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(F) Motion to disapprove or exception filed by Annie Laura Baugher, represented by Ralph H. Bader, Counsel.

The lands within the area described in the petition in Rockingham County, which were described in the claim filed by or in behalf of Annie Laura Baugher, with the record in the Clerk's Office in response to the publication of notice of the filing of the petition, are the lands shown as Tracts No. 70 and 70-I on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Mareh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the lands within the Park area in Rockingham County in which this party claims or appears to have an interest, are the said tracts No. 70 and 70-I, as shown on the said map.

From the answer of this exceptant to the amplification order of the court, directing her to file with the record, a statement showing whether or not the lands in which she now claims an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that she claimed or

appeared to have an interest, it appears that the lands in which the exceptant now claims an interest are the lands in which the Board found that she claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

The mapping and examination was conducted by myself and Mr. Stoneburner, with our assistants, as set forth in my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General." These lands were located on the County Ownership map as described in the general affidavit. They were plotted and checked and tied to the surrounding and adjoining lands, and to known property corners.

The "strip survey" method was used for making the soil valuations, and determining the other elements which go to make up the total valuations of the fee simple estate in these tracts.

The maps and reports were worked up from the field data and were carefully checked on the ground before being submitted as evidence to the Appraisal Commissioners.

These tracts are located on the west side of the Spottswood Trail on Hanse Mountain about two miles south of Elkton. They adjoin and are bounded on the East by the George W. Baugher Tract No. 151; on the South by the M. H. Long Tract No. 152; on the West by the Sarah L. Upp Tract No. 71 and on the North by the Frances R. Gratten Tract No. 106-a and several small tracts fronting on the Spottswood Trail.

The soil is a sandy loam of good depth and fertility except on the ridges where it is thin and rocky. There are some outcrops and considerable loose rock. On the north end there is

quite a large area with smooth and gentle slopes. The south and west sides are very rocky and steep with high cliffs.

Tract No. 70-I, in which the report of the Board of Appraisal Commissioners shows that the exceptant appears to have an interest, is a part of the lands claimed by the exceptant, but claims of ownership have been set up by others and this tract was therefore shown on the map and reported as a lap. I express no opinion as to the ownership of this tract. This claimant was given an opportunity to be heard on the value of the lap in which she claims an interest, as well as on the value of the land as to which there appear to be no contesting claimants.

There are no improvements on either of these tracts. They have never been used for agricultural purposes, and are distinctly not adapted to such use. No serious attempt was ever made, so far as my examination disclosed, to clear up or use any of these lands for grazing purposes. These lands, because of the sandy nature of the soil and the lack of water, and the dense brush and reproduction, have little or no value other than for the production of timber.

Tract No. 70 contains 821 acres of which approximately 75% is "Slope type" land and the remainder is "Ridge type" land. "Slope type" land may be described briefly as land capable of growing 1-3 log timber or trees with a merchantable length of 16-48 feet. "Ridge type" land is land of poorer quality which will produce timber with a merchantable length of one log, or less.

Tract No. 70-I contains 51 acres and is all "Slope type" land, but the quantity, size and quality of the timber is the

same as that on the larger tract.

The exceptant complains that the award placed on her land is inadequate and supports her exception with affidavits which purport to show that the stand of timber of this land was under-estimated and undervalued.

This tract has been closely cut over for all timber products.

Evidences of old bark peelings on this and adjoining tracts are easily distinguishable from the stumps and the peeled logs, some of which have not completely rotted, and numerous haul roads which are to be found in almost every part of the tract.

The "Bark peelings" were followed by sawmill operations which manufactured into lumber the accessible peeled chestnut oak timber and the timber of other species. Sawmill seats on this and other tracts adjacent to this property show where these operations were conducted, and the condition of the present stand and stumps furnish ample evidence that practically all accessible timber has been cut. Within the last twenty years all chestnut trees on this and adjoining tracts were killed by the blight, and as a result thereof there is no chestnut timber now on this tract of any value whatsoever.

There is evidence on many parts of these lands to indicate that they have been seriously burned in the past. The last fire occurred in the summer of 1927 when the entire tract was burned over. There are on the tract a few scattered patches of small pines suitable for staves, estimated to cut 75 cords of stavewood, and an estimated stand of 400 cords of fuelwood. It

is my opinion the above estimate covers all the timber on the tract which can be cut and removed profitably.

There are no evidences of successful exploratinnns or prospecting for minerals or mineral bodies on this tract, and there are no outcroppings of minerals or mineral bodies or deposits thereon which have any marketable or cash value, and the mineral rights in these tracts add nothing to the market or cash value of the fee simple estate therein.

As already stated, no indications of substantial or successful prospecting or development of minerals or mineral rights are to be found, and none was shown at the public hearings which would justify a finding of any mineral bodies or right in or under these tracts in Rockingham County, and sustain a finding that exceptants have any mineral rights of any value in these tracts; and the minerals and mineral rights in or under these tracts add nothing to their fee simple estate.

It is my opinion that the value placed upon these tracts by the Appraisal Commissioners is considerably higher than the property would now bring on the open market; that it is not unfair or inadequate, and that no better price can or will be secured for this land if the owner desires to sell, and no better price could have been secured for it at any time within the last five years.

(G) Motion to disapprove or exception filed by John K. Haney, represented by D. W. Earman, Counsel.

The lands within the area described in the petition in Rockingham County, which were described in the claim filed by or in behalf of John K. Haney, with the record in the Clerk's Office in response to the publication of notice of the filing of the petition, are the lands shown as Tract No. 76 on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the lands within the Park area in Rockingham County in which this party claims or appears to have an interest, is the said tract No. 76, as shown on the said map.

From the answer of this exceptant to the amplification order of the court, directing him to file with the record a statement showing whether or not the lands in which he now claims an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that he claimed or appeared to have an interest, it appears that the lands in which the

exceptant now claims an interest are the lands in which the Board found that he claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

The mapping and examination was conducted by myself and Mr. Stoneburner, with our assistants, as set forth in my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933. These lands were located on the County Ownership Map as described in the general affidavit. They were plotted and checked and tied to the surrounding and adjoining lands, and to known property corners.

The maps and reports were worked up from the field data and were carefully checked on the ground before being submitted as evidence to the Appraisal Commissioners.

This is a mountain farm located in Swift Run Gap on top of the Blue Ridge and on the south side of the Spottswood Trail. The entire tract contains 115 acres of which 74 acres is in Rockingham County and 41 acres in Greene County.

The soil is a sandy clay loam of good depth and fertility. The slopes are gentle to moderately steep, but somewhat rocky.

The improvements on this tract consist of a 6-room dwelling, a barn, store-house and miscellaneous outbuildings. There is an orchard of about five acres, three acres of which is in Rockingham County.

Of the 74 acres of this tract in Rockingham County all is cleared except 11 acres of woodland. The chief value of the woodland is for fuelwood which was estimated to cut a total of 66 cords worth 50¢ per cord on the stump. The cleared land

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has been used in recent years mostly for grazing rather than for cultivation.

The exceptant complains of the low valuation placed on his property by the Board of Appraisal Commissioners and attempts to show by supporting affidavits that the 76 acres of his land in Rockingham County is worth at least \$10,000.00. However, when he filed a claim in response to the published notice of these proceedings he claimed only a total value of \$6825.00 for the entire tract of 115 acres which is the total value awarded by the two Boards of Appraisal Commissioners. It may be that a part of the increase in value now claimed by him is for the new filling station which has been erected since the date of my examination, and which is not included in the list of improvements enumerated in the Work Sheet of the Appraisal Board for Rockingham County. I fail to see however, how these improvements can account for the difference of \$3175.00 between the original claim and the value the exceptant has set up in his exception.

It is my opinion that in allowing \$5065.00 for this tract, the Appraisal Commissioners were fair and generous; that the value placed upon it is considerably higher than it would bring on the open market; that it is a higher price than it could have been sold for at any time during the past 5 years; and that if the owner desired to sell, he would not be able to dispose of this property at a higher price than that allowed by the Board of Appraisal Commissioners, and that the value placed on this land by the Board is not less than the full and fair market value.

(H) Motion to disapprove or exception filed by E. C. and E. E. Lam, represented by E. D. Ott, Counsel.

The lands within the area described in the petition in Rockingham County, which were described in the claim filed by or in behalf of E. C. and E. E. Lam, with the record in the Clerk's Office in response to the publication of notice of the filing of the petition, are the lands shown as Tract No. 81 on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the lands within the Park area in Rockingham County in which this party claims or appears to have an interest, is the said tract No. 81, as shown on the said map.

From the answer of these exceptants to the amplification order of the court, directing them to file with the record a statement showing whether or not the lands in which they now claim an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that they claimed or appeared to have an interest, it appears that the lands in which the exceptants now claim an interest are the lands in which the

Board found that they claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

The mapping and examination was conducted by myself and Mr. Stoneburner, with our assistants, as set forth in my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General." These lands were located on the County Ownership Map as described in the general affidavit. They were plotted and checked and tied to the surrounding and adjoining lands, and to known property corners.

The maps and reports were worked up from the field data and were carefully checked on the ground before being submitted as evidence to the Appraisal Commissioners.

This tract is located about four miles east of Elkton on the north side of the Spottswood Trail near the Swift Run Post Office. It is a small lot containing according to the owners' deed, 2880 square feet. It adjoins the Swift Run Church lot on the north side, and fronts on the old public road but is separated from the present improved highway by another small lot on which there is a filling station.

The exceptants complain of the inadequate award placed on their property and with supporting affidavits declare that the value of the lot alone is \$500.00 instead of the \$100.00 valuation of the Board of Appraisal Commissioners;-that the improvements are worth \$2000.00 instead of \$1400.00 as valued by the Board; that the prices awarded by the Board of Appraisal Commissioners for the land and improvements are manifestly inadequate and confiscatory, and that they have not awarded the owners the present

fair market value of the same; that the price allowed for the property violates Article 5 of the Constitution of the United States; and that the finding of the said Board violates Section 58 of the Constitution of Virginia.

One of the owners of this property testified as to the value of this lot and the improvements thereon at the public hearings held in the County after which the Board of Appraisal Commissioners went upon the land, and after an inspection of the property, decided on a value of only \$200.00 in excess of what I thought it was worth.

This property is used as an automobile repair shop and one of the exceptants declares that by reason of the distance to the nearest similar shops this property is especially valuable. Ordinarily others engaged in similar work find it desirable to locate in or near some village, town or community where people assemble on business or for other reasons. The value placed on this lot by the Board of Appraisal Commissioners is at the rate of \$800.00 per acre which is comparable to the value of many lots in the town of Elkton.

In view of the fact that this lot does not front on the highway, and the further fact that the intervening lot has on it a building attached to the main building on this lot, is, in my opinion, a distinct disadvantage so long as the lots remain in separate ownership.

It is my opinion that the value of \$1500.00 placed upon this tract by the Appraisal Commissioners is considerably higher than the property would now bring on the open market; that it

is not unfair or inadequate, and that no better price can or will be secured for this land if the owners desire to sell, and no better price could have been secured for it at any time within the last five years.

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(I) Motion to disapprove or exception filed by Maude M. Shipp, represented by Charles A. Hammer, Counsel.

The lands within the area described in the petition in Rockingham County, which were described in the claim filed by or in behalf of Maude M. Shipp, with the record in the Clerk's Office in response to the publication of notice of the filing of the petition, are the lands shown as Tract No. 84, on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the lands within the Park area in Rockingham County in which this party claims or appears to have an interest, is the said tract No. 84, as shown on the said map.

From the answer of this exceptant to the amplification order of the court, directing her to file with the record, a statement showing whether or not the lands in which she now claims an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that she claimed or appeared to have an interest, it appears that the lands in which the exceptant now claims an interest are the lands in which the Board found that she claimed or appeared to have an interest, as shown on the County Ownership Map

filed with its report.

The mapping and examination was conducted by myself and Mr. Stoneburner, with our assistants, as set forth in my separate affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General." These lands were located on the County Ownership Map as described in the general affidavit. They were plotted and checked and tied to the surrounding and adjoining lands, and to known property corners.

The maps and reports were worked up from the field data and were carefully checked on the ground before being submitted as evidence to the Appraisal Commissioners.

This tract is located about three miles east of Elkton on either side of the Spottswood Trail at its junction with the Beldor road. It contains 20 acres all of which is tillable land and has on it a 3 room dwelling, a stable, garage and several outbuildings. The owner resides on the tract.

The soil is a clay loam of good depth and fertility. The surface is even and nearly level with some loose rocks.

The exceptant complains of the low value placed upon this land by the Board of Appraisal Commissioners as well as the low value of the improvements. The Board of Appraisal Commissioners heard the testimony of the owner as to the value of this property after which they went upon the land and after making their inspection they found a value much nearer the value found by Mr. Stoneburner and me than that claimed by the exceptant. They did consider the buildings and orchard worth \$186.00 more than I recommended.

It is my opinion that the value placed upon this tract by the Appraisal Commissioners is not unfair or inadequate, and

that no better price can or will be secured for this land if the owners desire to sell, and no better price could have been secured for it at any time within the last five years.

(J) Motion to disapprove or exception filed by A. L. and J. F. Moubray, represented by Charles A. Hammer, Counsel.

The lands within the area described in the petition in Rockingham County, which were described in the claim filed by or in behalf of A. L. and J. F. Moubray, with the record in the Clerk's Office in response to the publication of notice of the filing of the petition, are the lands shown as Tract No. 166, on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the lands within the Park area in Rockingham County in which this party claims or appears to have an interest, is the said Tract No. 166, as shown on the said map.

From the answer of these exceptants to the amplification order of the court, directing them to file with the record, a statement showing whether or not the lands in which they now claim an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that they claimed or appeared to have an interest, it appears that the lands in which the exceptants now claim an interest are the lands in which the Board found that they claimed or appeared to have an interest, as shown on the county

Ownership Map filed with its report.

The mapping and examination was conducted by myself and Mr. Stoneburner, with our assistants, as set forth in my separate affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General." These lands were located on the County Ownership Map as described in the general affidavit. They were plotted and checked and tied to the surrounding and adjoining lands, and to known property corners.

The maps and reports were worked up from the field data and were carefully checked on the ground before being submitted as evidence to the Appraisal Commissioners.

This tract is located about two miles east of Yancey on both sides of the public road and Gap Run. It is bounded on the south by the Jacob Yost Tract No. 165-a; on the East by the Mary E. Wyant Tract No. 167; on the north by the Ida Phelps Tract No. 165; and on the west by the Emma V. Gibbons Tract No. 163.

This tract contains 101 acres according to the metes and bounds description in the owner's deed although the deed calls for only 87 acres and the tract is assessed as only 87 acres. The soil is a poor rocky sandy loam. There is much small loose rock on the surface and some outcrops. At the time of my examination of this property I found on it an old dilapidated frame house, an incomplete log stable without a roof, and an old shed all of doubtful value but which I valued at \$40.00. Only five acres of this tract is cultivated land. 91 acres is "Slope type" and five acres is "Cove type" land. "Slope type" land may be described briefly as land which is capable of growing 1-3 log timber or trees with a merchantable length of

16-48 feet. "Cove type" land is relatively the best forest soil type and is capable of growing trees with three or more merchantable logs.

The exceptants complain of an inadequate valuation and award as made by the Board of Appraisal Commissioners and state that they paid \$500.00 for the tract and have since erected sundry buildings and otherwise improved the land.

If and such improvements have been added they were made since the tract was examined. The fertility of the cleared land has been almost completely exhausted by repeated attempts at cultivation.

The wooded area has been repeatedly cut over for all timber products. Much of the present stand of young timber is too small for fuelwood. Such chestnut oak trees as were large enough to peel were cut in 1930, the original stand of chestnut oak having been removed many years ago.

It is my opinion that the price of \$523.00 placed upon this tract by the Appraisal Commissioners is considerably higher than the property would now bring on the open market; that it is not unfair or inadequate, and that no better price can or will be secured for this land if the owners desire to sell, and no better price could have been secured for it at any time within the last five years.

(K) Motion to disapprove or exception filed by Annie R. Begoon, represented by George S. Harnsberger, Counsel.

The land within the area described in the petition in Rockingham County, which was described in the claim filed by or in behalf of Annie R. Begoon, with the record in the Clerk's Office in response to the publication of notice of the filing of the petition, is the land shown as Tract 242, on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the Park area in Rockingham County in which this party claims or appears to have an interest, is the said tract No. 242, as shown on the said map.

From the answer of this exceptant to the amplification order of the court, directing her to file with the record, a statement showing whether or not the land in which she now claims an interest is the same as the land in which the report of the Board of Appraisal Commissioners found that she claimed or appeared to have an interest, it appears that the land in which this exceptant now claims an interest is the land in which the Board found that she claimed or appeared to have an interest, as shown on the County

Ownership Map filed with its report.

The mapping and examination was conducted by myself and Mr. Stoneburner, with our assistants, as set forth in my separate affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General." These lands were located on the County Ownership Map as described in the general affidavit. They were plotted and checked and tied to the surrounding and adjoining lands, and to known property corners.

The "strip survey" method was used for making the soil valuations, and determining the other elements which go to make up the total valuations of the fee simple estate in this tract.

The maps and reports were worked up from the field data and were carefully checked on the ground before being submitted as evidence to the Appraisal Commissioners.

This tract lies on top of the Blue Ridge on the west side of the Simmons Gap Road about eight miles east of Yancey.

It contains about 120 acres and is a part of a larger tract or parcel of land containing 149 acres. The remaining portion of 29 acres lies in Greene County and was examined and valued by the Board of Appraisal Commissioners appointed for that County.

The soil is a sandy loam of fair depth and fertility. The woodland is very steep and rocky with some cliffs. A portion of the grass land is relatively smooth with moderate to gentle slopes, but the remainder is very steep and rocky with some shaley soil. Sixty seven acres of the tract is grazing land and the remainder, 53 acres is "Slope type" land. This may be described briefly as land which is capable of growing 1-3 log timber or trees with a merchantable length of 16-48 feet. None of the timber on the

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tract can be considered merchantable.

The exceptant complains that the price per acre allowed for this land by the Commissioners is manifestly inadequate and confiscatory, and that these lands instead of being worth \$24.00 per acre, as reported by the Commissioners, are worth \$66.00 per acre.

It is noted that the exceptant states in a supporting affidavit that her grazing lands will graze each and every year, 45 head of cattle for six months, and that these cattle will put on at least 250 pounds each, and that this gain, which she values at 6¢ per pound, makes a profit on the property of \$675.00.

The sum of \$675.00 is represented by the exceptant as the revenue from this grazing place, and she proceeds to capitalize this sum, entirely overlooking or ignoring the items of taxes on land and stock, supervision, maintenance of fences and improvements, salting, losses, herding and other expenses incidental to the business of stock raising. The capitalization of this sum produces the rather imposing amount of \$11,250.00.

As a matter of fact, however, this sum of \$11,250.00 represents not only the value of the grazing land, but also that part of the farm devoted to the wintering of the stock, and other items enumerated below.

The fallacy of this statement is apparent when there is taken into account the fact that the gross revenue has been credited to this grazing land, without deductions for taxes on land or stock, supervision, maintenance of fences and improvements, salting, losses, herding and other incidental expenses. Probably the greatest error in such a calculation is the failure to recognize the farm that is

behind this grazing place, where the stock is wintered usually on a maintenance ration, except where it is being topped off for market. According to the line of reasoning of the exceptant, that part of the farm which produces the crops that carry cattle through the winter, would be valueless because as a rule, no additional weight is put on during the winter. Among stockmen it is the general consensus of opinion that if they can hold what is put on during the summer on grass, they have brought their cattle through the winter in good shape.

As an example of the role which the farm behind the grazing land plays, it is common practice in some localities for a farm owner and an owner of grazing land to purchase stock in partnership with the understanding that the owner of the grazing land will carry the stock through the summer, and that the owner of the farm will winter feed it, and that the profits will be equally divided, and although no weight is expected to be added during the winter feeding, the fact that the farm behind the grazing land is of equal importance in holding the weight put on by grass, is recognized.

The exceptant has failed entirely in presenting her figures to show the relation of many of the elements which enter into the calculation of the value of this grazing property. A great deal of evidence was produced at the hearings and there is a great deal of information available showing the relation which the grazing land bears to the selling price of a beef animal, all of which appears to have been overlooked or ignored by the exceptant.

From the evidence as submitted at the hearings, and from men who have been engaged in the cattle business, and from data which

has been published on this matter, the following data has been gathered showing the relation which the grazing land bears to the total value of a beef animal:

Initial cost of animal	19%
Cost of grazing	29%
Cost of winter feeding	28%
Finishing (90 da)	24%
	<hr/>
	100%

In other words, if four men went into partnership in the cattle business, and one furnished the calf, and the second the place on which to graze it, the third winter fed it, and the fourth finished it off for market, each would be entitled to the percentage of the proceeds as indicated above. In fact, on Page 11 of the U. S. Department of Agriculture Circular #408,—"Wintering Beef Cattle in the Appalachian Region,"--the following statement will be found,—"The winter feed bill is the greatest problem facing cattlemen in every beef producing area. The winter feed costs generally constitute two-thirds of the yearly cost."

That part of the farm devoted to the raising of this feed that carries the stock through the winter plus the grazing land, is the unit which must be dealt with therefore, and the exceptant's method of arriving at the value of her grazing land is entirely erroneous, and misleading, and the results she secures thereby are not borne out by the sale prices of such lands.

It is my opinion that the Commissioners appraised this tract at its full market value; that in allowing \$2878.00 therefor, they were fair and generous; that this price is higher than the property would now bring on the open market, and that the owner, if she desires to sell, would not be able to dispose of this property at a higher price than that allowed by the Board of Appraisal Commissioners.

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(L) Motion to disapprove or exception filed by J. W. Hinkle, represented by George S. Harnsberger, Counsel.

The lands within the area described in the petition in Rockingham County, which were described in the claim filed by or in behalf of J. W. Hinkle, with the record in the Clerk's Office in response to the publication of notice of the filing of the petition, are the lands shown as Tracts No. 244 and 326-III, on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the lands within the Park area in Rockingham County in which this party claims or appears to have an interest, are the said tracts No. 244 and 326-III, as shown on the said map.

From the answer of this exceptant to the amplification order of the court, directing him to file with the record, a statement showing whether or not the lands in which he now claims an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that he claimed or appeared to have an interest, it appears that the lands in which this exceptant now claims an interest are the lands in which the Board found that he claimed or appeared

to have an interest, as shown on the county Ownership Map filed with its report.

The mapping and examination was conducted by myself and Mr. Stoneburner, with our assistants, as set forth in my separate affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General." These lands were located on the County Ownership Map as described in the general affidavit. They were plotted and checked and tied to the surrounding and adjoining lands, and to known property corners.

The "strip survey" method was used for making the soil valuations, and determining the other elements which go to make up the total valuations of the fee simple estate in this tract.

The maps and reports were worked up from the field data and were carefully checked on the ground before being submitted as evidence to the Appraisal Commissioners.

These are adjoining tracts and lie on top of the Blue Ridge about two miles south of Simmons Gap. Tract #244 contains five acres and Tract #326-III contains 71 acres. They are portions of a larger tract containing 141 acres, 65 acres of which lies in Greene county.

Tract #326-III in which the report of the Board of Appraisal Commissioners shows that this exceptant appears to have an interest is a part of the land claimed by the exceptant, but claims of ownership have been set up by others and this tract was therefore shown on the map and reported as a lap. I express no opinion as to the ownership of this tract.

This claimant was given an opportunity to be heard on the value of the lap in which he claims an interest, as well as on the value of the land as to which there appear to be no contesting claimants.

The soil is a sandy loam of fair depth and fertility on top of

the ridge, but the slopes are thin and poor. The surface along the top of the mountain is not especially steep or rocky but on the sides of the mountain the slopes are steep and rocky.

Tract No. 244 containing 5 acres is all "slope type" land and 55 acres of Tract No. 326-III is of the same type. This may be described briefly as land capable of growing 1-3 log timber, or trees with a merchantable length of 16-48 feet. The remainder, 16 acres, of Tract No. 326-III is grazing land.

There are no improvements of any kind on this tract.

The owner files exception to the award declaring it is extremely unfair and confiscatory and states that this tract is chiefly valuable for grazing purposes. He claims the entire tract of 141 acres will satisfactorily carry 35 head of cattle for six months during each and every year; that these 35 head of cattle will put on an average of at least 200 lbs., each during that period; that the aggregate number of pounds thus put on would be 7,000; that a very conservative average price would be 6¢ per lb., which would make the income from the grazing of this tract each year, \$420.00; and that this amount is equivalent to the income at 6% on \$7,000.00, and that the average value per acre would therefore be approximately \$49.00 as against an average of about \$8.00 allowed by the Commission on all the lands here involved.

The average price of \$8.00 of course includes a considerable acreage of rough, mountain land, which is not suitable for grazing, and on which there has never been any attempt to develop as a grazing proposition.

The exceptant further explains that owing to the fact that all the grazing land in the Blue Ridge is being acquired for National Park purposes, that no other grazing lands will be available in the vicinity

of this property.

The sum of \$420.00 is represented by the exceptant as the revenue from this grazing place, and he proceeds to capitalize this sum, entirely overlooking or ignoring the items of taxes on land and stock, supervision, maintenance of fences and improvements, salting, losses, herding and other expenses incidental to the business of stock raising. The capitalization of this sum produces the rather imposing amount of \$7,000.00.

As a matter of fact, however, this sum of \$7,000.00 represents not only the value of the grazing land, but also that part of the farm devoted to the wintering of the stock, and other items enumerated below.

The fallacy of this statement is apparent when there is taken into account the fact that the gross revenue has been credited to this grazing land, without deductions for taxes on land or stock, supervision, maintenance of fences, and improvements, salting, losses, herding and other incidental expenses. Probably the greatest error in such a calculation is the failure to recognize the farm that is behind this grazing place, where the stock is wintered usually on a maintenance ration, except where it is being topped off for market. According to the line of reasoning of the exceptant, that part of the farm which produces the crops that carry cattle through the winter, would be valueless because as a rule, no additional weight is put on during the winter. Among stockmen it is the general concensus of opinion that if they can hold what is put on during the summer on grass, they have brought their cattle through the winter in good shape.

As an example of the role which the farm behind the grazing land plays, it is common practice in some localities for a farm owner

and an owner of grazing land to purchase stock in partnership with the understanding that the owner of the grazing land will carry the stock through the summer, and that the owner of the farm will winter feed it, and that the profits will be equally divided, and although no weight is expected to be added during the winter feeding, the fact that the farm behind the grazing land is of equal importance in holding the weight put on by the grass, is recognized.

The exceptant has failed entirely in presenting his figures to show the relation of many of the elements which enter into the calculation of the value of this grazing property. A great deal of evidence was produced at the hearings and there is a great deal of information available showing the relation which the grazing land bears to the selling price of a beef animal, all of which appears to have been overlooked or ignored by the exceptant.

From the evidence as submitted at the hearings, and from men who have been engaged in the cattle business, and from data which has been published on this matter, the following data has been gathered showing the relation which the grazing land bears to the total value of a beef animal.

Initial cost of animal	19%
Cost of grazing	29%
Cost of winter feeding	28%
Finishing (90 da)	24%
	<u>100%</u>

In other words, if four men went into partnership in the cattle business, and one furnished the calf, and the second the place on which to graze it, the third winter fed it, and the fourth finished it off for market, each would be entitled to the percentage of the proceeds as indicated above. In fact, on Page 11, of the U. S. Department of Agriculture Circular #408, - "Wintering Beef Cattle in the Appalachian

Region,"-- the following statement will be found,--"The winter feed bill is the greatest problem facing cattlemen in every beef producing area. The winter feed costs generally constitute two-thirds of the yearly cost."

That part of the farm devoted to the raising of this feed that carries the stock through the winter plus the grazing land, is the unit which must be dealt with therefore, and the exceptants method of arriving at the value of his grazing land is entirely erroneous, and misleading, and the results he secured thereby are not borne out by the sale prices of such lands.

It is my opinion that the Commissioners appraised these tracts at their full market value; that in allowing \$15.00 for Tract No. 244, and \$645.00 for Tract No. 326-III, they were fair and generous; that this price is higher than the property would now bring on the open market, and that the owner, if he desires to sell, would not be able to dispose of this property at a higher price than that allowed by the Board of Appraisal Commissioners.

(M) Motion to disapprove or exception filed by John J. Mace, James G. Mace, Elizabeth Mace Via, R. H. Mace, Julia Mace Spitzer, Charles M. Mace, and heirs at law of Ben F. Mace, represented by George S. Harnsberger, Counsel.

The lands within the area described in the petition in Rockingham County, which were described in the claim filed by or in behalf of J. H. Mace's Estate, with the record in the Clerk's Office in response to the publication of notice of the filing of the petition, are the lands shown as Tracts #312, 312-a and 312-b, on the county Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the lands within the Park area in Rockingham County in which these parties claim or appear to have an interest, are the said Tracts No. 312, 312-a, and 312-b, as shown on the said map.

From the answer of these exceptants to the amplification order of the court, directing them to file with the record, a statement showing whether or not the lands in which they now claim an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that they claimed or appeared to have an interest, it appears that the lands in which these exceptants now claim an

interest are the lands in which the Board found that they claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

The mapping and examination was conducted by myself and Mr. Stoneburner, with our assistants, as set forth in my separate affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General." These lands were located on the County Ownership Map as described in the general affidavit. They were plotted and checked and tied to the surrounding and adjoining lands, and to known property corners.

The "strip survey" method was used for making the soil valuations, and determining the other elements which go to make up the total valuations of the fee simple estate in these tracts.

The maps and reports were worked up from the field data and were carefully checked on the ground before being submitted as evidence to the Appraisal Commissioners.

These three tracts of land are to be found in the southeastern part of Rockingham County. Tract #312 lies on the Brown's Gap road in Madison Run about 3 miles east of Grottoes. Tracts #312-a and #312-b are located on the drains of Madison Run. Tract #312-a lies on both sides of the Brown's Gap road about 6 miles east of Grottoes. Tract #312-b lies near the top of the Blue Ridge just south of Brown's Gap and about eight miles east of Grottoes. Both tracts lie entirely inside of the J. A. Alexander Tract #326.

Tract #312 of eight acres consists of 4 acres of "Cove type" land, 4 acres of old fields which are restocking to forest growth.

Tract #312-a of 297 acres consists of 44 acres of "Ridge type" land; 215 acres is "Slope type" land, and 38 acres is "Cove type"

land.

Tract #312-b of 84 acres, consists of 8 acres of "Ridge type" land, 63 acres of "Slope type" land and 13 acres of cultivated land.

"Slope type" land may be described briefly as land which is capable of growing 1-3 log timber, or trees with a merchantable length of 16-48 feet. "Ridge type" land may be described as land which will produce timber with a merchantable length of one log or less, and "Cove type" land is relatively the best forest type, and is capable of producing timber with three merchantable logs or better.

The old Mt. Vernon iron furnace was operated for many years on Madison Run about two miles from Tract #312-a, but discontinued operations more than 30 years ago. Charcoal was used exclusively as fuel for smelting the iron ore, which required for each ton of pig iron manufactured about 2-1/2 cords of wood. There are now numerous old charcoal hearths scattered over the Madison Run drainage area and even on the head of Big Run. It was not uncommon at that time for the old iron masters to haul charcoal a distance of 10 to 12 miles. The even aged stands of immature hardwood stands on Tract No. 312-a and on the adjoining Alexander tract is further evidence that the more accessible portions of these tracts were cut clean once at least for wood for charcoal.

There are no improvements on Tract #312. On the 4 acres of cove type the total stand of merchantable timber was estimated as 5 M. feet of sawtimber and 20 cords of fuelwood.

There are no improvements on Tract #312-a. As reported and outlined on the Ownership Map this tract contains 297 acres which was classified approximately as follows: 38 acres "cove type," 215 acres

"slope type" and 44 acres "ridge type." This tract has been closely cut over as will be shown later. The total stand of merchantable timber was estimated at 55 M. feet of sawtimber.

At the time of the examination there were found to be on Tract #312-b, a two room - one story log dwelling, in poor condition, occupied by a tenant; an old abandoned log house, a log smoke house in fair condition and a log hen house in poor condition.

Tract #312 is a small tract of 8 acres and lying on the east side of the Port Republic-Brown's Gap Road, about two miles south of Port Republic. The soil is a sandy loam of medium depth and fertility. One-half of it was at one time cleared and cultivated, but later allowed to revert to forest growth. This was reported as "Fields re-stocking." The remaining half was classified as "cove type" land, which is relatively the best grade of forest soil, capable of growing trees containing three or more merchantable 16' logs.

The soil on Tract #312-a is a sandy shaley loam-shallow on the upper slopes, medium over most of the area, deep, well watered and fertile at the lower elevations. The surface is full of fine shale and larger rock except in cove where rock content is moderate.

On Tract #312-b, the soil is a gravelly shaley loam of medium depth and fertility with rock outcrop on ridge. Approximately 25% of the surface is covered with rock. The slopes are moderate to steep.

The exceptants complain in a supporting affidavit signed by John J. Mace and P. B. F. Goode, Surveyor of Rockingham county, that the aggregate acreage of Tracts #312, 312-a and 312-b should be 512 instead of 389 acres allowed by the Board of Appraisal Commissioners. These statements have been investigated, and it has been discovered

since the exception was filed that one tract claimed by the exceptants was overlooked. This tract is known as the Harris 220 acre tract. It adjoins, and in fact, overlaps the tract shown on the Ownership Map and reported by the Appraisal Commissioners as #312-a. The amount of the overlap being 85 acres. This leaves on the outside of Tract #312-a and adjoining it an area of 137 acres which should be included with the acreage of the exceptants, which totals 526 acres instead of 512 acres claimed by the exceptants.

The exceptants complain further because the Commissioners failed to place a value upon a valuable spring upon this property. So far as I know, the Commissioners have placed no separate valuation on springs or waters on any property, unless there was a showing that such springs had outstanding medicinal or other peculiar values, otherwise, the value of the springs and other waters is included in the valuation of the property as a whole. The lack of water on a property such as this one might result in a lower valuation than was assigned by the Commissioners, but the market value of the property in most cases is predicated upon an adequate water supply.

The exceptants complain further that no value for grazing purposes was assigned to these lands. Aside from the areas indicated in the reports of the Commissioners as having been cleared, there are no indications that any substantial attempt has ever been made to clear up or use any considerable part of any of these tracts for grazing purposes. There are a few small, scattered patches of sod in the wooded area, but on account of the character of the land in general, the steep slopes and brush, and the timber growth, the development of the wooded portion of these tracts as a grazing proposition would be entirely impracticable, although of course the pea vine, which grows

in the woods, the leaves, and other browse furnish a considerable amount of forage for cattle when used in connection with sod lands.

The exceptants further complain that these tracts contain valuable deposits of manganese and iron ore. The Commissioners, however, did not report any value for these ores, and their failure to report such a value is sustained by the general statements as to the mineral deposits and mineral rights within the proposed Park area set forth in an affidavit captioned "Affidavit of Dr. Arthur Bevan, State Geologist, dated April 17, 1933, Re. General, Mineral Claims," and affidavit of William M. McGill, captioned "Affidavit of William Mahone McGill, dated April 22, 1933, Re. General, Mineral Claims."

It is my opinion that the Commissioners appraised these tracts at their full market value; that in allowing \$145.00 for Tract #312, \$1,172.00 for Tract #312-a, and \$730.00 for Tract #312-b they were fair and generous; that these prices are substantially higher than the property would now bring on the open market; that these are higher prices than they could have been sold for at any time during the past five years, and that the owners, if they desired to sell at this time, would not be able to dispose of these properties at higher prices than those allowed by the Board of Appraisal Commissioners.

(N) Motion to disapprove or exception filed by Robert T. Miller, represented by Hamilton Haas, Counsel.

The land within the area described in the petition in Rockingham County, which was described in the claim filed by or in behalf of Robert T. Miller, with the record in the Clerk's Office in response to the publication of notice of the filing of the petition, is the land shown as Tract No. 325, on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the lands within the Park area in Rockingham County in which this party claims or appears to have an interest, is the said tract No. 325, as shown on the said map.

From the answer of this exceptant to the amplification order of the court, directing him to file with the record, a statement showing whether or not the lands in which he now claims an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that he claimed or appeared to have an interest, it appears that the lands in which this exceptant now claims an interest are the lands in which the Board found that he

claimed or appeared to have an interest, as shown on the county Ownership Map filed with its report.

The mapping and examination was conducted by myself and Mr. Stoneburner, with our assistants, as set forth in my separate affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General." These lands were located on the County Ownership Map as described in the general affidavit. They were plotted and checked and tied to the surrounding and adjoining lands, and to known property corners.

The "strip survey" method was used for making the soil valuations, and determining the other elements which go to make up the total valuations of the fee simple estate in this tract.

The maps and reports were worked up from the field data and were carefully checked on the ground before being submitted as evidence to the Appraisal Commissioners.

This tract is located in the extreme southern corner of Rockingham County at the head of Paines Run between Trayfoot Mountain and the crest of the Blue Ridge. It is bounded on the North and West by the John A. Alexander Tract No. 326; on the South by the Black Rock Springs Company Tract in Augusta County and on the East by lands in Albemarle County. The entire tract claimed by R. T. Miller was found by examination to contain 566 acres of which 59 acres lie in Augusta County.

The soil is a poor, shallow, shaley loam. The surface is rather rocky with some rock slides and outcroppings in the higher elevations. The slopes are moderate to extremely steep.

This property was used some years ago as a health resort, and attained a reputation locally. It was patronized largely by the

people living in the northern part of Albemarle and Augusta Counties and the Southern part of Rockingham County. Most of the cottages were burned several years ago by a forest fire which swept over this tract of land. These have not been rebuilt and the property has now been abandoned as a resort.

The improvements on this tract consist of the following: an old hotel building, two story, with porch 25x62' with 12 bedrooms kitchen and pantry of cheap construction; an amusement hall 20x96' in which there are two bowling alleys, and a dance hall; one cottage 16x26', a cabin for help, 14x14', and some small miscellaneous out-buildings. The springs are on that part of the tract in Rockingham County. There are five springs on the property near the buildings. Two of these have been analyzed and are reported to contain minerals with medicinal properties and also an algae with "radio active properties." This water and the precipitate therefrom are claimed to possess valuable curative properties.

As stated above a portion of this tract lies in Augusta County. The area in Rockingham County is 507 acres of which approximately 75% is "slope type" land which may be described briefly as land which is capable of growing 1-3 log timber, or trees with a merchantable length of 16-48 feet. Twenty-five percent is "Ridge type" which is land capable of growing timber of only one merchantable 16' log or less.

This property has been neglected for a number of years and its use as a hotel or resort for the accommodation of transients was abandoned, many years ago.

There is evidence of repeated fires which have occurred since the removal of the bark and merchantable timber, which seriously

injured or destroyed much and in some cases all of the young growth. Within the last twenty years, all chestnut trees on these lands were killed by the blight and as a result there is no chestnut timber now on these tracts of any value whatsoever. One of these fires destroyed a number of cottages which have not been rebuilt. All have detracted seriously from the scenic beauty of the resort.

I was unable to discover on this property any indications that it is capable of producing any substantial revenue for resort purposes at this time, or that it can be made a profitable property for many years to come.

The timbered portion of the tract is typical of the cut-over areas of this region. Practically all the accessible timber of value has been cut. A few straggling trees or clumps of trees have been left in places from which it was impossible or impracticable to remove them. There are scattered over the area many old snags or "wolf trees" which are "stag headed," "hollow butted," "doty" and crooked, most of which are "fire scarred" and "cat faced" or otherwise defective. These trees with the fire-scarred young growth which has made an attempt to replace the original stand, are worse than worthless because they occupy the ground which should be producing a crop of timber. This "forest debris" appears to the inexperienced observer to be timber. As a matter of fact, it has only the form without the substance of what was or might have been merchantable timber. It is not an asset but a liability, and the land would be more valuable today without it.

After the chestnut timber became generally affected by the blight the injurious effects of the repeated forest fires was

more severe because of the increased amount of inflammable material on the area.

It is my opinion that the Commissioners appraised this tract at its full market value; that in allowing \$4744.00 for it they were fair and liberal; that this price is substantially higher than the property would now bring on the open market; that it is a higher price than it could have been sold for at any time during the past five years; and that the owner, if he desired to sell at this time, would not be able to dispose of this property at a higher price than that allowed by the Board of Appraisal Commissioners.

(0) Motion to disapprove or exception filed by Herbert G. Patterson, represented by George S. Harnsberger, Counsel.

The land within the area described in the petition in Rockingham County, which was described in the claim filed by or in behalf of Herbert G. Patterson, with the record in the Clerk's Office in response to the publication of notice of the filing of the petition, is the land shown as Tract No. 335, on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the Park area in Rockingham County in which this party claims or appears to have an interest, is the said tract No. 335, as shown on the said map.

From the answer of this exceptant to the amplification order of the court, directing him to file with the record, a statement showing whether or not the land in which he now claims an interest is the same as the land in which the report of the Board of Appraisal Commissioners found that he claimed or appeared to have an interest, it appears that the land in which this exceptant now claims an interest is the land in which the Board found that he claimed or appeared

to have an interest, as shown on the County Ownership Map filed with its report.

The mapping and examination was conducted by myself and Mr. Stoneburner, with our assistants, as set forth in my separate affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General." These lands were located on the County Ownership Map as described in the general affidavit. They were plotted and checked and tied to the surrounding and adjoining lands, and to known property corners.

The "strip survey" method was used for making the soil valuations, and determining the other elements which go to make up the total valuations of the fee simple estate in this tract.

The maps and reports were worked up from the field data and were carefully checked on the ground before being submitted as evidence to the Appraisal Commissioners.

This is one of several tracts along the crest of the Blue Ridge between Brown's Gap and Simmons Gap which this exceptant owns or in which he claims an interest. This particular tract is the Rockingham portion of a larger tract which lies in Rockingham and Albemarle Counties. It is located two miles North of Brown's Gap and is bounded on the south, east and north by other lands in which the exceptant claims an interest and on the west by the John A. Alexander Tract No. 326.

The entire tract contains 198 acres, of which 73 acres is in Rockingham County; 49 acres of the Rockingham portion is grazing land and 24 acres is woodland which was classified as "Slope type" land which may be described briefly as land which is capable of growing 1-3 timber or trees with a merchantable length of 16-48 feet.

The soil is mostly a fertile sandy loam of fair depth with some shaley spots. There are some cliffs and a fair amount of loose rocks. The slopes are moderate to steep.

The improvements consist of two old houses of no value.

The exceptant complains because of what he considered the low value assigned to this tract of land. He claims that this 73 acres of land will graze 20 cattle for seven months during each and every year, and that these twenty cattle will put on an average of at least 200 lbs., each during that period; that the aggregate number of pounds thus put on would be 4,000 lbs., per season. He states further that a conservative average price would be 7¢ per lb., which would make the income from this grazing tract each year \$280.00; and that this amount capitalized at 6% is \$4666.00, and that therefore the average price per acre of this 73 acres would be \$62.00, whereas the average value per acre found by the Commissioners was \$25.33.

It is noted that the exceptant states that the length of his grazing season is seven months, while the testimony of a number of owners of grazing lands within the Park area indicates that although cattle are sometimes left on the range for seven months, the usual season is from May 1, to November 1, a period of six months, and that after November 1, the weather conditions usually become so uncertain as to make grazing more or less hazardous except in unusual seasons.

The sum of \$280.00 is represented by the exceptant as the revenue from this grazing place, and he proceeds to capitalize this sum, entirely overlooking or ignoring the items of taxes on land and stock, supervision, maintenance of fences and improvements, salting, losses, herding and other expenses incidental to stock raising as well as to other enterprises. The capitalization of this sum produces the rather

imposing amount of \$4,666.00

As a matter of fact, however, this sum of \$4,666.00 represents not only the value of the grazing land, but also that part of the farm devoted to the wintering of the stock, and other items enumerated below.

The fallacy of this statement is apparent when there is taken into account the fact that the gross revenue has been credited to this grazing land, without deductions for taxes on land or stock, supervision, maintenance of fences, and improvements, salting, losses, herding and other incidental expenses. Probably the greatest error in such a calculation is the failure to recognize the farm that is behind this grazing place, where the stock is wintered usually on a maintenance ration, except where it is being topped off for market. According to the line of reasoning of the exceptant, that part of the farm which produces the crops that carry cattle through the winter, would be valueless because, as a rule, no additional weight is put on during the winter. Among stockmen, it is the general concensus of opinion that if they can hold what is put on during the summer on grass, they have brought their cattle through the winter in good shape.

As an example of the role which the farm behind the grazing land plays, it is common practice in some localities for a farm owner and an owner of grazing land to purchase stock in partnership with the understanding that the owner of the grazing land will carry the stock through the summer, and that the owner of the farm will winter feed it, and that the profits will be equally divided, and although no weight is expected to be added during the winter feeding, the fact that the farm behind the grazing land is of equal importance in holding the weight put on by grass, is recognized.

The exceptant has failed entirely in presenting his figures

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to show the relation of many of the elements which enter into the calculation of the value of this grazing property. A great deal of evidence was produced at the hearings and there is a great deal of information available showing the relation which the grazing land bears to the selling price of a beef animal, all of which appears to have been overlooked or ignored by the exceptant.

From the evidence as submitted at the hearings, and from men who have been engaged in the cattle business, and from data which has been published on this matter, the following data has been gathered showing the relation which the grazing land bears to the total value of a beef animal:

Initial cost of animal.....	19%
Cost of grazing	29%
Cost of winter feeding	28%
Finishing (90 da)	24%
	<u>100%</u>

In other words, if four men went into partnership in the cattle business, and one furnished the calf, and the second the place on which to graze it, the third winter fed it, and the fourth finished it off for market, each would be entitled to the percentage of the proceeds as indicated above. In fact, on Page 11 of the U. S. Department of Agriculture Circular #408, - "Wintering Beef Cattle in the Appalachian Region," -- the following statement will be found, - "The winter feed bill is the greatest problem facing cattlemen in every beef producing area. The winter feed costs generally constitute two-thirds of the yearly cost."

That part of the farm devoted to the raising of this feed that carries the stock through the winter plus the grazing land, is the unit which must be dealt with therefore, and the exceptant's method of arriving at the value of his grazing land is entirely erroneous, and mis-

leading, and the results he secures thereby are not borne out by the sale prices of such lands.

It is my opinion that the Commissioners appraised this tract at its full market value; that in allowing \$1849.00 therefor, they were fair and generous; that this price is higher than the property would now bring on the open market, and that the owner, if he desires to sell, would not be able to dispose of this property at a higher price than that allowed by the Board of Appraisal Commissioners.

(P) Motion to disapprove or exception filed by Herbert G. Patterson, et als, represented by George S. Harnsberger, Counsel.

The land within the area described in the petition in Rockingham County, which was described in the claim filed by or in behalf of H. G. Patterson, H. H. Patterson and D. H. Patterson, with the record in the Clerk's Office in response to the publication of notice of the filing of the petition, is the land shown as Tract No. 337, on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the Park area in Rockingham County in which these parties claim or appear to have an interest, is the said tract No. 337, as shown on the said map.

From the answer of these exceptants to the amplification order of the court, directing them to file with the record, a statement showing whether or not the land in which they now claim an interest is the same as the land in which the report of the Board of Appraisal Commissioners found that they claimed or appeared to have an interest, it appears that the land in which these exceptants now claim an interest is the land in which the Board found that they claimed or appeared

to have an interest, as shown on the County Ownership Map filed with its report.

The mapping and examination was conducted by myself and Mr. Stoneburner, with our assistants, as set forth in my separate affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933." These lands were located on the County Ownership Map as described in the general affidavit. They were plotted and checked and tied to the surrounding and adjoining lands, and to known property corners.

The "strip survey" method was used for making the soil valuations, and determining the other elements which go to make up the total valuations of the fee simple estate in this tract.

The maps and reports were worked up from the field data and were carefully checked on the ground before being submitted as evidence to the Appraisal Commissioners.

This is one of several tracts along the crest of the Blue Ridge between Browns Gap and Simmons Gap which the exceptants own or in which they claim an interest. This particular tract is the Rockingham portion of a larger tract which also lies partly in Albemarle and partly in Greene County. It is bounded on the north and south by other lands in which the exceptants claim an interest; on the west by the John A. Alexander Tract #326, and on the east by the Crawford and Fulton tract in Albemarle County.

The entire tract contains 1461.75 acres of which only 415 acres lies in Rockingham County.

The soil is a sandy loam of fair depth and fertility. There is only a small amount of loose rock on the cleared portion except on small areas, but several outcrops occur. The woodland is very rocky. Slopes are gentle to very steep and mostly moderate except in the

woods where they are steep.

The improvements consist of a two room, log, weatherboarded tenant house, 16x18' in fair condition; a log barn, 16x22' in poor condition; a chicken house, spring house, kitchen, and corn house, and an orchard consisting of 28 apple trees, 15 to 30 years old in a poor condition, and four cherry trees.

This property has been used for a number of years as a grazing farm. Slightly more than half of it is grazing land, and twelve acres was found to be under cultivation. Of the wooded area 15 acres was classified as "Cove type" land, and 164 acres as "Slope type" which classification of woodland may be described briefly as follows: Slope type is land which is capable of growing 1-3 log timber, or trees with a merchantable length of 16-48 feet. Ridge type is relatively the poorest soil type and is land capable of producing merchantable trees of only one 16' log, or shorter. Cove type land is relatively the best forest type, and is capable of producing timber with three merchantable logs or better.

The exceptants complain because of the low valuation placed upon this property by the Board of Appraisal Commissioners, and state in a supporting affidavit, that this tract of grazing land of 415 acres will graze 120 head of cattle for seven months, during each and every year, and that these 120 cattle will put on an average of at least 225 lbs., each during that period; that the aggregate number of pounds thus put on would be 2700 per season; that a conservative average value of this increase would be 7¢ per head, which would make the income from the grazing each year worth \$1890.00; that this amount is equivalent to an income at 6% on \$31,333.00, and that the average price per acre, therefore, would be approximately \$73.00.

It will be noted that the exceptants states that the length of their grazing season is seven months, while the testimony of a number of owners of grazing land within the Park area indicated that although cattle were sometimes left on the range for seven months, the usual season is from May 1, to November 1, a period of six months, and that after November 1, the weather conditions usually become so uncertain as to make grazing more or less hazardous except in unusual seasons.

The sum of \$1890.00 is represented by the exceptants as the revenue from this grazing place, and they proceed to capitalize this sum, entirely overlooking or ignoring the items of taxes on land and stock, supervision, maintenance of fences and improvements, salting, losses, herding and other expenses incidental to the business of stock raising. The capitalization of this sum produces the rather imposing amount of \$31,333.00.

As a matter of fact, however, this sum of \$31,333.00 represents not only the value of the grazing land, but also that part of the farm devoted to the wintering of the stock, and other items enumerated below.

The fallacy of this statement is apparent when there is taken into account the fact that the gross revenue has been credited to this grazing land, without deductions for taxes on land or stock, supervision, maintenance of fences, and improvements, salting, losses, herding and other incidental expenses. Probably the greatest error in such a calculation is the failure to recognize the farm that is behind this grazing place, where the stock is wintered usually on a maintenance ration, except where it is being topped off for market. According to the line of reasoning of the exceptants, that part of the farm which produces the crops that carry cattle through the winter, would be valueless because as a rule, no additional weight is put on during

the winter. Among stockmen it is the general concensus of opinion that if they can hold what is put on during the summer on grass, they have brought their cattle through the winter in good shape.

As an example of the role which the farm behind the grazing land plays, it is common practice in some localities for a farm owner and an owner of grazing land to purchase stock in partnership with the understanding that the owner of the grazing land will carry the stock through the summer, and that the owner of the farm will winter feed it, and that the profits will be equally divided, and although no weight is expected to be added during the winter feeding, the fact that the farm behind the grazing land is of equal importance in holding the weight put on by grass, is recognized.

The exceptants have failed entirely in presenting their figures, to show the relation of many of the elements which enter into the calculation of the value of this grazing property. A great deal of evidence was produced at the hearings and there is a great deal of information available showing the relation which the grazing land bears to the selling price of a beef animal, all of which appears to have been overlooked or ignored by the exceptant.

From the evidence as submitted at the hearings, and from men who have been engaged in the cattle business, and from data which has been published on this matter, the following data has been gathered showing the relation which the grazing land bears to the total value of a beef animal:

Initial cost of animal	19%
Cost of grazing	29%
Cost of winter feeding	28%
Finishing (90 da)	24%
	<u>100%</u>

In other words, if four men went into partnership in the

cattle business, and one furnished the calf, and the second the place on which to graze it, the third winter fed it, and the fourth finished it off for market, each would be entitled to the percentage of the proceeds as indicated above. In fact, on Page 11, of the U. S. Department of Agriculture Circular #408,- "Wintering Beef Cattle in the Appalachian Region," -- the following statement will be found,- "The winter feed bill is the greatest problem facing cattlemen in every beef producing area. The winter feed costs generally constitute two-thirds of the yearly cost."

That part of the farm devoted to the raising of this feed that carries the stock through the winter plus the grazing land, is the unit which must be dealt with therefore, and the exceptants' method of arriving at the value of their grazing land is entirely erroneous, and misleading, and the results they secure thereby are not borne out by the sale prices of such lands.

It is my opinion that the Commissioners appraised this tract at its full market value; that in allowing \$9,675.00 therefor, they were fair and generous; that this price is higher than the property would now bring on the open market, and that the owners, if they desire to sell, would not be able to dispose of this property at a higher price than that allowed by the Board of Appraisal Commissioners.

(Q) Motion to disapprove or exception filed by Elijah Catterton, represented by George S. Harnsberger, Counsel.

The land within the area described in the petition in Rockingham County, in which this exceptant appears to have an interest, but for which no claim was filed by the exceptant, with the record in the Clerk's Office in response to the publication of notice of the filing of the petition, is the land shown as Tract #357, on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the Park area in Rockingham County in which this party claims or appears to have an interest, is the said tract No. 357, as shown on the said map.

From the answer of this exceptant to the amplification order of the court, directing him to file with the record, a statement showing whether or not the land in which he now claims an interest is the same as the land in which the report of the Board of Appraisal Commissioners found that he claimed or appeared to have an interest, it appears that the land in which this exceptant now claims an interest is the land in which the Board found that

he claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

The mapping and examination was conducted by myself and Mr. Stoneburner, with our assistants, as set forth in my separate affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General." These lands were located on the County Ownership Map as described in the general affidavit. They were plotted and checked and tied to the surrounding and adjoining lands, and to known property corners.

The "strip survey" method was used for making the soil valuations, and determining the other elements which go to make up the total valuations of the fee simple estate in this tract.

The maps and reports were worked up from the field data and were carefully checked on the ground before being submitted as evidence to the Appraisal Commissioners.

This tract is the Rockingham portion of a larger tract which is located on both sides of the top of the Blue Ridge about _____ miles north of Simmons Gap. It is bounded on the West by the W. W. and E. B. Sellers Tract #179; on the north by the Webster and Shover Tract #356, and on the South and East by lands in Greene County.

The soil is a sandy clay loam of good depth and fertility over most of the tract. The slopes are gentle to moderate with few outcrops. This tract is entirely cleared and in sod except for limited areas on the slopes where the bare mineral soil is exposed.

There are no improvements on this tract.

The exceptant complains because of the low valuation which has been assigned to his grazing lands by the Board of Appraisal Com-

missioners. He states that his tract of 140 acres, 60 acres of which is in Greene County, will graze 60 head of cattle, and that they will put on an average of at least 250 lbs., each during the grazing season; that the aggregate number of pounds thus put on would be 15,000 lbs., per season; that a very conservative average price would be 5¢ per lb., which would make the income from the grazing each year \$750.00; that this amount is equivalent to the income at 6% on \$12,500; that the average worth per acre would therefore be approximately \$89.00 per acre as against the average price of \$45.00 per acre allowed by the Board.

The sum of \$750.00 is represented by the exceptant as the revenue from this grazing place, and he proceeds to capitalize this sum, entirely overlooking or ignoring the items of taxes on land and stock, supervision, maintenance of fences and improvements, salting, losses, herding and other expenses incidental to the business of stock raising. The capitalization of this sum produces the rather imposing amount of \$12,500.00.

As a matter of fact, however, this sum of \$12,500.00 represents not only the value of the grazing land, but also that part of the farm devoted to the wintering of the stock, and other items enumerated below.

The fallacy of this statement is apparent when there is taken into account the fact that the gross revenue has been credited to this grazing land, without deductions for taxes on land or stock, supervision, maintenance of fences, and improvements, salting, losses, herding and other incidental expenses. Probably the greatest error in such a calculation is the failure to recognize the farm that is behind this grazing place, where the stock is wintered usually on a

maintenance ration, except where it is being topped off for market. According to the line of reasoning of the exceptant, that part of the farm which produces the crops that carry cattle through the winter, would be valueless because, as a rule, no additional weight is put on during the winter. Among stockmen it is the general concensus of opinion that if they can hold what is put on during the summer on grass, they have brought their cattle through the winter in good shape.

As an example of the role which the farm behind the grazing land plays, it is common practice in some localities for a farm owner and an owner of grazing land to purchase stock in partnership with the understanding that the owner of the grazing land will carry the stock through the summer, and that the owner of the farm will winter-feed it, and that the profits will be equally divided, and although no weight is expected to be added during the winter feeding, the fact that the farm behind the grazing land is of equal importance in holding the weight put on by grass, is recognized.

The exceptant has failed entirely in presenting his figures to show the relation of many of the elements which enter into the calculation of the value of this grazing property. A great deal of evidence was produced at the hearings and there is a great deal of information available showing the relation which the grazing land bears to the selling price of a beef animal, all of which appears to have been overlooked or ignored by the exceptant.

From the evidence as submitted at the hearings, and from men who have been engaged in the cattle business, and from data which has been published on this matter, the following data has been gathered showing the relation which the grazing land bears to the total value of a beef animal:

Initial cost of animal	19%
Cost of grazing	29%
Cost of winter feeding	28%
Finishing (90 da)	24%
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	100%

In other words, if four men went into partnership in the cattle business, and one furnished the calf, and the second the place on which to graze it, the third winter fed it, and the fourth finished it off for market, each would be entitled to the percentage of the proceeds as indicated above. In fact, on Page 11 of the U. S. Department of Agriculture Circular #408, -"Wintering Beef Cattle in the Appalachian Region,"- the following statement will be found, -"The winter feed bill is the greatest problem facing cattlemen in every beef producing area. The winter feed costs generally constitute two-thirds of the yearly cost."

That part of the farm devoted to the raising of this feed that carries the stock through the winter plus the grazing land, is the unit which must be dealt with therefore, and the exceptant's method of arriving at the value of his grazing land is entirely erroneous, misleading and fictitious, and the results he secures thereby are not borne out by the sale prices of such lands.

It is my opinion that the Commissioners appraised this tract at its full market value; that in allowing \$2,700.00 therefor, they were fair and generous; that this price is higher than the property would now bring on the open market, and that the owner, if he desires to sell, would not be able to dispose of this property at a higher price than that allowed by the Board of Appraisal Commissioners.

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(R) Motion to disapprove or exception filed by E. C. Lam, represented by E. D. Ott, Counsel.

The land within the area described in the petition in Rockingham County, in which this exceptant appears to have an interest, but for which no claim was filed by the exceptant with the record in the Clerk's Office in response to the publication of notice of the filing of the petition, is the land shown as Tract No. 368, on the county ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the Park area in Rockingham County in which this party claims or appears to have an interest, is the said tract No. 368, as shown on the said map.

From the answer of this exceptant to the amplification order of the court, directing him to file with the record, a statement showing whether or not the land in which he now claims an interest is the same as the land in which the report of the Board of Appraisal Commissioners found that he claimed or appeared to have an interest, it appears that the land in which this exceptant now claims an interest is the land in which the Board found that he claimed or appeared to have an interest,

as shown on the County Ownership Map filed with its report.

The mapping and examination was conducted by myself and Mr. Stoneburner, with our assistants, as set forth in my separate affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General." This land was located on the County Ownership Map as described in the general affidavit. It was plotted and checked and tied to the surrounding and adjoining lands, and to known property corners.

The maps and reports were worked up from the field data and were carefully checked on the ground before being submitted as evidence to the Appraisal Commissioners.

This tract is a small lot containing approximately 1.10 of an acre located on the north side of and abutting on the Spottswood Trail near Swift Run and about four miles east of Elkton.

The exceptant complains that the prices awarded by the Board of Appraisal Commissioners for the land and improvements are manifestly inadequate and confiscatory, and that they have not awarded the owner the present fair market value of the same; that the price allowed for the property violates Article 5 of the Constitution of the United States; and that the finding of the said Board violates Section 58 of the Constitution of Virginia.

He states further that he has received for this property an offer of \$5,000.00 and he estimates that the lowest estimate of the value should be \$3,000.00.

It will be noted from the supporting affidavit of A. M. Gooden that the value of the lot is \$1,000.00 and that the building could not be replaced today for less than \$1073.39. It will be noted also from the affidavit of L. A. Hensley, that he values the lot at \$1,000.00 and the replacement value of the buildings at \$1127.00. It will be noted

by reference to the report of the Board of Appraisal Commissioners that their valuation of the building is slightly higher than the estimate furnished by both Messrs. Godden and Hensley, or \$1200.00. The main difference therefore is in the valuation of the lot which at the figure of the Commissioners is valued at the rate of \$1,000.00 per acre. According to the valuation of the exceptant, this lot would be valued on the basis of \$10,000, per acre.

It is my opinion that the Commissioners appraised this tract at its full market value; that in allowing \$1300.00 therefor, they were fair and generous; that this price is higher than the property would now bring on the open market, and that the owner, if he desires to sell, would not be able to dispose of this property at a higher price than that allowed by the Board of Appraisal Commissioners.

(S) Motion to disapprove or exception filed by Margaret Mundy, represented by D. W. Earman, Counsel.

The land within the area described in the petition in Rockingham County, which were described in the claim filed by or in behalf of Margaret Mundy, with the record in the Clerk's office in response to the publication of notice of the filing of the petition, is the land shown as Tract No. 371, on the County Ownership for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the Park area in Rockingham County in which this party claims or appears to have an interest, is the said tract No. 371, as shown on the said map.

From the answer of this exceptant to the amplification order of the court, directing her to file with the record, a statement showing whether or not the land in which she now claims an interest is the same as the land in which the report of the Board of Appraisal Commissioners found that she claimed or appeared to have an interest, it appears that the land in which this exceptant now claims an interest is the land in which the Board found that

she claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

The mapping and examination was conducted by myself and Mr. Stoneburner, with our assistants, as set forth in my separate affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General." These lands were located on the County Ownership Map as described in the general affidavit. They were plotted and checked and tied to the surrounding and adjoining lands, and to known property corners.

The maps and reports were worked up from the field data and were carefully checked on the ground before being submitted as evidence to the Appraisal Commissioners.

This is a small tract of three acres located on the Spottswood Trail in Swift Run Gap about 100 yards west of the Rockingham-Greene County line.

It was acquired by the exceptant after the Rockingham County lands within the proposed Park area were examined by representatives of the State Commission on Conservation and Development, and the land was bought and the buildings thereon were constructed by the owner with the full knowledge that the land was within the Park area, and that steps were being taken to purchase it for National Park purposes. Judging from the statements of Marvin Mundy, husband of the exceptant in his supporting affidavit it appears that this place was developed as a resort in order to take advantage of the trade which it was anticipated would develop from the opening of the Skyline Drive, which was being constructed about the time this tract of land was purchased by the exceptant.

There are on this tract of land the following improvements, all of which were constructed by the exceptant; a fifteen room hotel building of cement block construction, and two cottages, all of which were valued by the Commissioners, according to their work-sheets, at \$4,500. The land was valued at \$200. per acre, or \$600.00.

Although the exceptant claims a value of \$25,000.00 for this tract and the improvements thereon, and has produced witnesses who testified as to the great value of this property, the Commissioners, after a careful inspection of the land, declined to accept this evidence at its face value, and placed upon it a value much nearer that set upon it by Mr. Stoneburner and me than that claimed by the exceptant. This I believe was a fair and liberal valuation considering the general character of the property and the conditions under which it was acquired and developed.

It is my opinion that the Commissioners appraised this tract at its fair market value; that in allowing \$5100.00 for it they were fair and liberal; that this price is substantially higher than the property would now bring on the open market; and that if the exceptant desired to sell at this time, she would not be able to dispose of this property at a higher price than that allowed by the Board of Appraisal Commissioners.

(T) Motion to disapprove or exception filed by G. Luther Kite, represented by C. A. Hammer, Counsel.

The lands within the area described in the petition in Rockingham County, in which this exceptant appears to have an interest, but for which no claim was filed by the exceptant with the record in the Clerk's Office in response to the publication of notice of the filing of the petition, are the lands shown as Tracts No. 372 and 372-I on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the lands within the Park area in Rockingham County in which this party claims or appears to have an interest, are the said tracts No. 372 and 372-I, as shown on the said map.

From the answer of this exceptant to the amplification order of the court, directing him to file with the record, a statement showing whether or not the lands in which he now claims an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that he claimed or ap-

peared to have an interest, it appears that the lands in which the exceptant now claims an interest are the lands in which the Board found that he claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

The mapping and examination was conducted by myself and Mr. Stoneburner, with our assistants, as set forth in my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General." These lands were located on the County Ownership Map as described in the general affidavit. They were plotted and checked and tied to the surrounding and adjoining lands, and to known property corners.

The "strip survey" method was used for making the soil valuations, and determining the other elements which go to make up the total valuations of the fee simple estate in this tract.

The maps and reports were worked up from the field data and were carefully checked on the ground before being submitted as evidence to the Appraisal Commissioners.

These tracts are located in the extreme eastern corner of Rockingham County on the west slopes of the Blue Ridge.

Tract No. 372-I in which the report of the Board of Appraisal Commissioners shows that the exceptant appears to have an interest is a part of the lands claimed by the exceptant, but claims of ownership have been set up by others, and this tract was therefore shown on the map and reported as a lap; I express no opinion as to the ownership of this lap.

This claimant was given an opportunity to be heard on the value of the lap in which he claims an interest as well as on the

value of the land as to which there appear to be no contesting claimants.

Tract No. 372-I contains 60 acres and was classified as follows: 3 acres of "Grazing land," 27 acres of "Fields Restocking" and 30 acres of "Slope type" land.

Tract No. 372 contains 264 acres which, with the exception of one acre around the buildings is all Slope type land, which may be described briefly as land which is capable of growing 1-3 log timber, or trees with a merchantable length of 16-48 feet.

The improvements consist of a two room frame dwelling without flues, or chimney in very poor condition, and an old dilapidated concrete stable, which was formerly used in connection with a stave operation.

Exceptant complains about the land value placed on this property by the Board of Appraisal Commissioners, but makes no exception to the value assigned the timber and buildings and compares the value placed on his land with the value assigned Victoria Meadows Hensley's tract.

By reference to the Work Sheets of the Commissioners, it will be noted that the values assigned by the Board are comparable to those assigned to the Victoria M. Hensley tract, and furthermore, they are in line with the values assigned to lands of similar character and location throughout the County.

It is my opinion that the prices placed upon these tracts of \$1439.00 for Tract No. 372, and \$270.00 for Tract No. 372-I are considerably higher than these properties would now bring on the open market; that they are not unfair or inadequate; that

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no better price can or will be secured for this land if the owner desires to sell; and no better price could have been secured for it at any time within the last five years.

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(U) Motion to disapprove or exception filed by R. O. Nizer, represented by George S. Harnsberger, Counsel.

The land within the area described in the petition in Rockingham County, which was described in the claim filed by or in behalf of this party with the record in the Clerk's Office in response to the publication of notice of the filing of the petition is the land shown as Tract No. 40 on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the Park area in Rockingham County in which this party claims or appears to have an interest is the said Tract No. 40 as shown on the said map.

From the answer of this exceptant to the amplification order of the Court, directing him to file with the record a statement showing whether or not the lands in which he now claims an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that he claimed or appeared to have an interest, it appears that the lands in which this exceptant now claims an interest are the lands in which the Board found that

he claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

As the Petitioner, the State Commission on Conservation and Development, is at this time considering the advisability or the necessity of dismissing the condemnation proceedings in respect of the above mentioned tract, I limit my statement at this time with reference thereto, to the expression of my opinion that the value thereof as found by the Board is certainly not inadequate or less than its fair market value.

(V) Motion to disapprove or exception filed by C. G. Harnsberger, represented by George S. Harnsberger, Counsel.

The lands within the area described in the petition in Rockingham County, which were described in the claim filed by or in behalf of this party with the record in the Clerk's Office in response to the publication of notice of the filing of the petition are the lands shown as Tracts No. 41 and 42, on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the lands within the Park area in Rockingham County in which this party claims or appears to have an interest are the said tracts No. 41 and 42 as shown on the said map.

From the answer of this exceptant to the amplification order of the Court, directing him to file with the record a statement showing whether or not the lands in which he now claims an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that he claimed or appeared to have an interest, it appears that the lands in which this ex-

ceptant now claims an interest are the lands in which the Board found that he claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

As the Petitioner, the State Commission on Conservation and Development, is at this time considering the advisability or the necessity of dismissing the condemnation proceeding in respect of the above mentioned tracts, I limit my statement at this time with reference thereto, to the expression of my opinion that the value thereof as found by the Board is certainly not inadequate or less than its fair market value.

(W) Motion to disapprove or exception filed by John A. Hensley, Layton W. Hensley, and other heirs of Virginia V. Hensley, represented by George S. Harnsberger, Counsel.

(X) Motion to disapprove or exception filed by Luther J. Strickler, represented by George S. Harnsberger, Counsel.

These two motions (W and X) refer to the same tract, separate exceptions filed by two different parties.

The land within the area described in the petition in Rockingham County, which was described in the claim filed by or in behalf of these parties with the record in the Clerk's Office in response to the publication of notice of the filing of the petition is the land shown as Tract No. 56 on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S.H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the Park area in Rockingham County in which these parties claim or appear to have an interest is the said tract No. 56 as shown on the said map.

From the answer of these exceptants to the amplification order of the Court, directing them to file with the record a state-

ment showing whether or not the lands in which they now claim an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that they claimed or appeared to have an interest, it appears that the lands in which these exceptants now claim an interest are the lands in which the Board found that they claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

As the Petitioner, the State Commission on Conservation and Development, is at this time considering the advisability or the necessity of dismissing the condemnation proceedings in respect to the above mentioned tract, I limit my statement at this time with reference thereto, to the expression of my opinion that the value thereof as found by the Board is certainly not inadequate or less than its fair market value.

(Y) Motion to disapprove or exception filed by Cassie M. Naylor, represented by George S. Harnsberger, Counsel.

The land within the area described in the petition in Rockingham County, which was described in the claim filed by or in behalf of this party with the record in the Clerk's Office in response to the publication of Notice of the filing of the petition is the land shown as Tract No. 62 on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the Park area in Rockingham County in which this party claims or appears to have an interest is the said Tract No. 62 as shown on the said map.

From the answer of this exceptant to the amplification order of the Court, directing her to file with the record a statement showing whether or not the lands in which she now claims an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that she claimed or appeared to have an interest, it appears that the lands in which this exceptant now claims an interest are the lands in which the Board found that

she claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

As the Petitioner, the State Commission on Conservation and Development, is at this time considering the advisability or the necessity of dismissing the condemnation proceeding in respect of the above mentioned tract, I limit my statement at this time with reference thereto, to the expression of my opinion that the value thereof as found by the Board is certainly not inadequate or less than its fair market value.

(Z) Motion to disapprove or exception filed by J. O. Harnsberger, A. L. Harnsberger, Nannie T. Harnsberger, Clinton T. Harnsberger, Jate W. Snapp, J. C. Bishop, A. C. Davis, and A. Florence Forrer, represented by George S. Harnsberger, Counsel.

The land within the area described in the petition in Rockingham County, which was described in the claim filed by or in behalf of these parties with the record in the Clerk's Office in response to the publication of notice of the filing of the petition is the land shown as Tract No. 70-I, on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection, and view, that the land within the Park area in Rockingham County in which these parties claim or appear to have an interest is the said Tract No. 70-I as shown on the said map.

These exceptants have filed no answer to the amplification order of the Court, directing them to file with the record a statement showing whether or not the lands in which they now claim an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that they claimed or ap-

peared to have an interest, and it is assumed that they accept the findings of the Commissioners as to the identity of the lands claimed by them.

As the Petitioner, the State Commission on Conservation and Development, is at this time considering the advisability or the necessity of dismissing the condemnation proceeding in respect of the above mentioned tract, I limit my statement at this time with reference thereto, to the expression of my opinion that the values thereof as found by the Board is certainly not inadequate or less than its fair market value.

(AA) Motion to disapprove or exception filed by Sarah L. Upp, represented by George S. Harnsberger, Counsel.

The land within the area described in the petition in Rockingham County, which was described in the claim filed by or in behalf of this party with the record in the Clerk's Office in response to the publication of notice of the filing of the petition is the land shown as Tract No. 71 on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the Park area in Rockingham County in which this party claims or appears to have an interest is the said Tract No. 71 as shown on the said map.

From the answer of this exceptant to the amplification order of the Court, directing her to file with the record a statement showing whether or not the lands in which she now claims an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that she claimed or appeared to have an interest, it appears that the lands in which this exceptant now claims an interest are the lands in which the Board found that

she claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

As the Petitioner, the State Commission on Conservation and Development, is at this time considering the advisability or the necessity of dismissing the condemnation proceeding in respect of the above mentioned tract, I limit my statement at this time with reference thereto, to the expression of my opinion that the value thereof as found by the Board is certainly not inadequate or less than its fair market value.

(BB) Motion to disapprove or exception filed by Julia L. Comer, represented by Miss Ethel Irwin, Counsel.

The land within the area described in the petition in Rockingham County, which was described in the claim filed by or in behalf of this party with the record in the Clerk's Office in response to the publication of notice of the filing of the petition is the land shown as Tract No. 123 on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the Park area in Rockingham County in which this party claims or appears to have an interest is the said Tract No. 123 as shown on the said map.

From the answer of this exceptant to the amplification order of the Court, directing her to file with the record a statement showing whether or not the lands in which she now claims an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that she claimed or appeared to have an interest, it appears that the lands in which this exceptant now claims an interest are the lands in which the Board found that

she claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

As the Petitioner, the State Commission on Conservation and Development, is at this time considering the advisability or the necessity of dismissing the condemnation proceeding in respect of the above mentioned tract, I limit my statement at this time with reference thereto, to the expression of my opinion that the value thereof as found by the Board is certainly not inadequate or less than its fair market value.

(CC) Motion to disapprove or exception filed by Edward Herring and W. T. Herring, represented by George S. Harnsberger, Counsel.

The land within the area described in the petition in Rockingham County, which was described in the claim filed by or in behalf of these parties with the record in the Clerk's Office in response to the publication of notice of the filing of the petition is the land shown as Tract No. 145 on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the Park area in Rockingham County in which these parties claim or appear to have an interest is the said Tract No. 145 as shown on the said map.

From the answer of these exceptants to the amplification order of the Court, directing them to file with the record a statement showing whether or not the lands in which they now claim an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that they claimed or appeared to have an interest, it appears that the lands in which these ex-

ceptants now claim an interest are the lands in which the Board found that they claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

As the Petitioner, the State Commission on Conservation and Development, is at this time considering the advisability or the necessity of dismissing the condemnation proceeding in respect of the above mentioned tract, I limit my statement at this time with reference thereto, to the expression of my opinion that the value thereof as found by the Board is certainly not inadequate or less than its fair market value.

(DD) Motion to disapprove or exception filed by M.H. Long, represented by Ralph H. Bader, Counsel.

The land within the area described in the petition in Rockingham County, which was described in the claim filed by or in behalf of this party with the record in the Clerk's Office in response to the publication of notice of the filing of the petition is the land shown as Tract No. 152 on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the Park area in Rockingham County in which this party claims or appears to have an interest is the said tract No. 152 as shown on the said map.

From the answer of this exceptant to the amplification order of the Court, directing him to file with the record a statement showing whether or not the lands in which he now claims an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that he claimed or appeared to have an interest, it appears that the lands in which this exceptant now claims an interest are the lands in which the Board found that

he claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

As the Petitioner, the State Commission on Conservation and Development, is at this time considering the advisability or the necessity of dismissing the condemnation proceeding in respect of the above mentioned tract, I limit my statement at this time with reference thereto, to the expression of my opinion that the value thereof as found by the Board is certainly not inadequate or less than its fair market value.

(EE) Motion to disapprove or exception filed by Hosea Shifflett, represented by Ralph H. Bader, Counsel.

The land within the area described in the petition in Rockingham County, which was described in the claim filed by or in behalf of this party with the record in the Clerk's Office in response to the publication of notice of the filing of the petition is the land shown as Tract No. 160 on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the Park area in Rockingham County in which this party claims or appears to have an interest is the said tract No. 160 as shown on the said map.

From the answer of this exceptant to the amplification order of the Court, directing him to file with the record a statement showing whether or not the lands in which he now claims an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that he claimed or appeared to have an interest, it appears that the lands in which this exceptant now claims an interest are the lands in which the Board found that

he claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

As the Petitioner, the State Commission on Conservation and Development, is at this time considering the advisability or the necessity of dismissing the condemnation proceeding in respect of the above mentioned tract, I limit my statement at this time with reference thereto, to the expression of my opinion that the value thereof as found by the Board is certainly not inadequate or less than its fair market value.

(FF) Motion to disapprove or exception filed by Thomas L. Yancey, Emma V. Gibbons, Hunter M. Gibbons, Mrs. Mary Gibbons Snapp, F. M. Yancey, Nettie I. Mauzy, Julia Estes, A. S. Yancey, and Frank W. Yancey, represented by Charles A. Hammer, Counsel.

The land within the area described in the petition in Rockingham County, which was described in the claim filed by or in behalf of these parties with the record in the Clerk's Office in response to the publication of notice of the filing of the petition is the land shown as Tract No. 163 on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the Park area in Rockingham County in which these parties claim or appear to have an interest is the said tract No. 163 as shown on the said map.

From the answer of these exceptants to the amplification order of the Court, directing them to file with the record a statement showing whether or not the lands in which they now claim an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that they claimed or appeared to have an interest, it appears that the lands in which these ex-

ceptants now claim an interest are the lands in which the Board found that they claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

As the Petitioner, the State Commission on Conservation and Development, is at this time considering the advisability or the necessity of dismissing the condemnation proceeding in respect of the above mentioned tract, I limit my statement at this time with reference thereto, to the expression of my opinion that the value thereof as found by the Board is certainly not inadequate or less than its fair market value.

(GG) Motion to disapprove or exception filed by Mrs. E. W. Harrison, represented by Ralph H. Bader, Counsel.

The lands within the area described in the petition in Rockingham County, which were described in the claim filed by or in behalf of this party with the record in the Clerk's Office in response to the publication of notice of the filing of the petition are the lands shown as Tracts No. 208 and 208-a on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the lands within the Park area in Rockingham County in which this party claims or appears to have an interest is the said Tracts No. 208 and 208-a as shown on the said Map.

From the answer of this exceptant to the amplification order of the Court, directing her to file with the record a statement showing whether or not the lands in which she now claims an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that she claimed or appeared to have an interest, it appears that the lands in which this exceptant

now claims an interest are the lands in which the Board found that she claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

As the Petitioner, the State Commission on Conservation and Development, is at this time considering the advisability or the necessity of dismissing the condemnation proceeding in respect of the above mentioned tract, I limit my statement at this time with reference thereto, to the expression of my opinion that the value thereof as found by the Board is certainly not inadequate or less than its fair market value.

(HH) Motion to disapprove or exception filed by Joseph E. Carickhoff, represented by Ralph H. Bader, Counsel.

The land within the area described in the petition in Rockingham County, which was described in the claim filed by or in behalf of this party with the record in the Clerk's Office in response to the publication of notice of the filing of the petition is the land shown as Tract No. 210 on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the Park area in Rockingham County in which this party claims or appears to have an interest is the said Tract No. 210 as shown on the said map.

From the answer of this exceptant to the amplification order of the Court, directing him to file with the record a statement showing whether or not the lands in which he now claims an interest are the same as the lands in which the Report of the Board of Appraisal Commissioners found that he claimed or appeared to have an interest, it appears that the lands in which this exceptant now claims an interest are the lands in which the Board found that

he claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

As the Petitioner, the State Commission on Conservation and Development, is at this time considering the advisability or the necessity of dismissing the condemnation proceeding in respect of the above mentioned tract, I limit my statement at this time with reference thereto, to the expression of my opinion that the value thereof as found by the Board is certainly not inadequate or less than its fair market value.

(II) Motion to disapprove or exception filed by M. H. Harrison, represented by Ralph H. Bader, Counsel.

The land within the area described in the petition in Rockingham County, which was described in the claim filed by or in behalf of this party with the record in the Clerk's Office in response to the publication of notice of the filing of the petition is the land shown as Tract No. 212 on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the park area in Rockingham County in which this party claims or appears to have an interest is the said Tract No. 212 as shown on the said map.

From the answer of this exceptant to the amplification order of the Court, directing him to file with the record a statement showing whether or not the lands in which he now claims an interest are the same as the lands in which the Report of the Board of Appraisal Commissioners found that he claimed or appeared to have an interest, it appears that the lands in which this exceptant now claims an interest are the lands in which the Board found that

he claimed or appeared to have an interest, as shown on the county Ownership Map filed with its report.

As the Petitioner, the State Commission on Conservation and Development, is at this time considering the advisability of the necessity of dismissing the condemnation proceeding in respect of the above mentioned tract, I limit my statement at this time with reference thereto, to the expression of my opinion that the value thereof as found by the Board is certainly not inadequate or less than its fair market value.

(JJ) Motion to disapprove or exception filed by Thomas L. Yancey, represented by Charles A. Hammer, Counsel.

The land within the area described in the petition in Rockingham County, which was described in the claim filed by or in behalf of this party with the record in the Clerk's office in response to the publication of notice of the filing of the petition is the land shown as Tract No. 213 on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, refernece is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the Park area in Rockingham County in which this party claims or appears to have an interest is the said Tract No. 213 as shown on the said map.

From the answer of this exceptant to the amplification order of the Court, directing him to file with with the record a statement showing whether or not the lands in which he now claims an interest are the same as the lands in which the Report of the Board of Appraisal Commissioners found that he claimed or appeared to have an interest, it appears that the lands in which this exceptant now claims an interest are the lands in which the Board found that

he claimed or appeared to have an interest, as shown on the county Ownership Map filed with its report.

As the Petitioner, the State Commission on Conservation and Development, is at this time considering the advisability or the necessity of dismissing the condemnation proceeding in respect of the above mentioned tract, I limit my statement at this time with reference thereto, to the expression of my opinion that the value thereof as found by the Board is certainly not inadequate or less than its fair market value.

(KK) Motion to disapprove or exception filed by Annie E. Hedrick, represented by Ralph H. Bader, Counsel.

The land within the area described in the petition in Rockingham County, which was described in the claim filed by or in behalf of this party with the record in the Clerk's office in response to the publication of notice of the filing of the petition is the land shown as Tract No. 248 on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the park area in Rockingham County in which this party claims or appears to have an interest is the said Tract No. 248 as shown on the said map.

From the answer of this exceptant to the amplification order of the Court, directing her to file with the record a statement showing whether or not the lands in which she now claims an interest are the same as the lands in which the Report of the Board of Appraisal Commissioners found that she claimed or appeared to have an interest, it appears that the lands in which this exceptant now claims an interest are the lands in which the Board found that

he claimed or appeared to have an interest, as shown on the county Ownership Map filed with its report.

As the Petitioner, the State Commission on Conservation and Development, is at this time considering the advisability or the necessity of dismissing the condemnation proceeding in respect of the above mentioned tract, I limit my statement at this time with reference thereto, to the expression of my opinion that the value thereof as found by the Board is certainly not inadequate or less than its fair market value.

(LL) Motion to disapprove or exception filed by J. H. Lewin, represented by George S. Harnsberger, Counsel.

The lands within the area described in the petition in Rockingham County, which were described in the claim filed by or in behalf of this party with the record in the Clerk's Office in response to the publication of notice of the filing of the petition are the lands shown as Tracts No. 256 and 256-a, on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the lands within the Park area in Rockingham County in which this party claims or appears to have an interest are the said Tracts No. 256 and 256-a as shown on the said map.

From the answer of this exceptant to the amplification order of the Court, directing him to file with the record a statement showing whether or not the lands in which he now claims an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that he claimed or appeared to have an interest, it appears that the lands in which this ex-

ceptant now claims an interest are the lands in which the Board found that he claimed or appeared to have an interest, as shown on the County Ownership Map filed with its report.

As the Petitioner, the State Commission on Conservation and Development, is at this time considering the advisability or the necessity of dismissing the condemnation proceeding in respect of the above mentioned tracts, I limit my statement at this time with reference thereto, to the expression of my opinion that the value thereof as found by the Board is certainly not inadequate or less than its fair market value.

(MM) Motion to disapprove or exception filed by A. S. Kemper, represented by Hamilton Haas, Counsel.

The land within the area described in the petition in Rockingham County, which was described in the claim filed by or in behalf of this party with the record in the Clerk's Office in response to the publication of notice of the filing of the petition is the land shown as Tract No. 276 on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavot of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the Park area in Rockingham County in which this party claims or appears to have an interest is the said Tract No. 276 as shown on the said map.

This exceptant has filed no answer to the amplification order of the court, directing him to file with the record a statement showing whether or not the lands in which he now claims an interest are the same as the lands in which the report of the Board of Appraisal Commissioners found that he claimed or appeared to have an interest, and it is assumed that he accepts the findings of the Commissioners as to the identity of the lands claimed by him.

As the Petitioner, the State Commission on Conservation and Development, is at this time considering the advisability or the necessity of dismissing the condemnation proceeding in respect of the above mentioned tract, I limit my statement at this time with reference thereto, to the expression of my opinion that the value thereof as found by the Board is certainly not inadequate or less than its fair market value.

(NN) Motion to disapprove or exception filed by D. M. Clark, represented by Hamilton Haas, Counsel.

The land within the area described in the petition in Rockingham County in which this exceptant appears to have an interest, but for which no claim was filed by the exceptant with the record in the Clerk's Office in response to the publication of notice of the filing of the petition, is the land shown as Tract No. 277 on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the Park area in Rockingham County in which this party claims or appears to have an interest is the said Tract No. 277 as shown on the said map.

This exceptant has filed no answer to the amplification order of the Court, directing him to file with the record a statement showing whether or not the land in which he now claims an interest is the same as the land in which the report of the Board of Appraisal Commissioners found that he claimed or appeared to have an interest, and it is assumed that he accepts the findings of the Commissioners as to the identity of the land claimed by him.

As the Petitioner, the State Commission on Conservation and Development, is at this time considering the advisability or the necessity of dismissing the condemnation proceeding in respect of the above mentioned tract, I limit my statement at this time with reference thereto, to the expression of my opinion that the value thereof as found by the Board is certainly not inadequate or less than its fair market value.

(00) Motion to disapprove or exception filed by John Roadcap, represented by Hamilton Haas, Counsel.

The land within the area described in the petition in Rockingham County, which was described in the claim filed by or in behalf of this party with the record in the Clerk's Office in response to the publication of notice of the filing of the petition is the land shown as Tract No. 307 on the County Ownership Map for Rockingham County filed by the Board of Appraisal Commissioners with its report.

In my separate affidavit, captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," I have set forth the measures adopted by Mr. Stoneburner and myself in the preparation of this map and in the location thereon of the various tracts of diverse ownership within the proposed Park area, and to avoid repetition, reference is made to that affidavit.

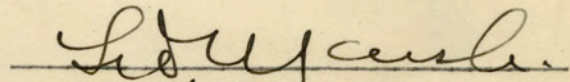
As shown by their report, the Board of Appraisal Commissioners found from the evidence submitted, and from their own personal inspection and view, that the land within the Park area in Rockingham County in which this party claims or appears to have an interest is the said Tract No. 307 as shown on the said map.

This exceptant has filed no answer to the amplification order of the Court, directing him to file with the record a statement showing whether or not the land in which he now claims an interest is the same as the land in which the report of the Board of Appraisal Commissioners found that he claimed or appeared to have an interest, and it is assumed that he accepts the findings of the Commissioners as to the identity of the land claimed by him.

As the Petitioner, the State Commission on Conservation and Development, is at this time considering the advisability or the necessity of dismissing the condemnation proceeding in respect of the above mentioned tract, I limit my statement at this time with reference thereto, to the expression of my opinion that the value thereof as found by the Board is certainly not inadequate or less than its fair market value.

The foregoing statements dealing with the several objections, exceptions, and motions set out above, should be read together with my affidavit captioned "Affidavit of S. H. Marsh, dated March 1, 1933, Re. General," to which reference is made to avoid repetition.

Witness my signature this 15 day of August, 1933.

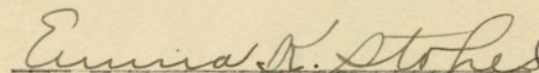

S. H. Marsh.

STATE OF VIRGINIA)
(SS.
COUNTY OF WARREN)

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

Witness my signature and Notarial Seal this 15 day of August, 1933.

My Commission Expires December 3rd, 1933

 (SEAL)