

ROCKINGHAM COUNTY

NAME OF ~~OWNER~~ CLAIMANT

#242 - Begoon, Annie R.

Number of Acres: 120

Location: On top of the Blue Ridge at Simmons' Gap, lying in both Rockingham and Greene Counties, and entirely within the Park area.

Roads: Eight miles over good dirt road to Yancey, the nearest shipping point.

Soil: (See reverse side for Soil information)

History of Tract and condition of timber: The woodland has been cut over and there is no merchantable timber. There is a fair stand of hardwood and some white pine. A number of the trees are under 8" DBH and occasional trees up to 14" DBH. There is plenty of firewood, but it is very inconvenient to the house.

Improvements: NONE.

Acreage and value of types:

Types	Acreage		Value per acre	Total Value
Ridge:				
Slope:	53	@	\$5.00	\$265.00
Cove:				
Grazing Land:	67	@	39.00	2613.00
	120			<u>\$2878.00</u>

Fields Restocking:

Cultivated Land:

Orchard:

Minerals:

Value of Land: \$2878.00

Value of Improvements: \$

Value of Orchard: \$

Value of Minerals: \$

Value of Fruit: \$

Value of Timber: \$

Value of Wood: \$

Value per acre for tract: \$24.00

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

Geo. N. Pen CLERK.

SOIL:

Sandy loam of fair depth and fertility. The woodland is very steep and rocky with some cliffs. The first class grazing land has a moderate slope and a good rich soil with a small amount of rock and a fine blue grass turf, a few weeds and no brush. The second class is steep with more rock, little brush and a thin turf. The third class is very steep and rocky with some shaley soil. The blue grass is found only in patches. The tract is exceptionally well watered.

History of tract and condition of timber. The woodland has been cut over and there is no merchantable timber. There is a fair stand of brush and some white pine. The number of trees is small. The tract is very fertile and is well watered. The soil is sandy loam of fair depth and fertility.

Type	Average	Value per acre	Total Value
Cover			
Slope			
Ridge			
Cultivated Land			
Fields Restocking			
Grazing Land			
Orchard			
Minerals			
Value of Land			
Value of Improvements			
Value of Orchard			
Value of Minerals			
Value of Fruit			
Value of Timber			
Value of Wood			
Value per acre for water			

Incidental damages arising from the taking of this tract \$2000.

37/2

*Samuel K. Begoon*

Claim of ~~Chas. H. Harris~~ *Chas. J. Begoon*  
In the Circuit Court of *Rockingham* County, Virginia, No. \_\_\_\_\_, At Law.  
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. \_\_\_\_\_

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

My name is *Chas. J. Begoon*  
My post office address is *Beem Land*

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about *149 1/2* acres, on which there are the following buildings and improvements: \_\_\_\_\_

This land is located about *13* miles from *Elkton* Virginia, in the *Honewall* Magisterial District of said County.

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

The land owners adjacent to the above described tract or parcel of land are as follows:  
North \_\_\_\_\_  
South \_\_\_\_\_  
East \_\_\_\_\_  
West \_\_\_\_\_

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

I claim that the total value of this tract or parcel of land with the improvements thereon is \$*10,000.* I claim that the total value of my right, title, estate or interest, in and to this tract or parcel of land with the improvements thereon is \$*10,000.*

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

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

Remarks: *Lies on Linnemans Gap road*

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this \_\_\_\_\_ day of \_\_\_\_\_, 193\_\_\_\_\_.

STATE OF VIRGINIA, COUNTY OF \_\_\_\_\_ *Chas. J. Begoon* For wit.

The undersigned hereby certifies that \_\_\_\_\_ the above named claimant personally appeared before him and made oath that the matters and things appearing in his above answer are true to the best of his knowledge and belief, this *24* day of *Sept.*, 1931.

*Geo. N. Pen.*  
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.



Claim of Samuel B. Bygones  
In the Circuit Court of Roanoke County, Virginia, No. \_\_\_\_\_, At Law.  
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. \_\_\_\_\_

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

My name is Chas. J. Bygones  
My post office address is Passer Laird

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 149 1/2 acres, on which there are the following buildings and improvements: \_\_\_\_\_

This land is located about 1.3 miles from Elkton Virginia, in the Harrison Magisterial District of said County.

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

The land owners adjacent to the above described tract or parcel of land are as follows:  
North \_\_\_\_\_  
South \_\_\_\_\_  
East \_\_\_\_\_  
West \_\_\_\_\_

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

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 10,000.00. I claim that the total value of my right, title, estate or interest, in and to this tract or parcel of land with the improvements thereon is \$ 10,000.00.

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

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

Remarks: There are improvements on the road.

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this \_\_\_\_\_ day of \_\_\_\_\_, 1930. (Signed) Samuel B. Bygones by C. J. Bygones  
STATE OF VIRGINIA, COUNTY OF \_\_\_\_\_, To-wit:

The undersigned hereby certifies that Samuel B. Bygones by C. J. Bygones the above named claimant personally appeared before him and made oath that the matters and things appearing in his above answer are true to the best of his knowledge and belief, this 24th day of September, 1930.

(Signed) Geo. H. Levi  
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

Revised report

*Answers*

County: Rockingham  
District: Stonewall

County: Greene  
District: Monroe

#242 - Begoon, Annie R. - Rockingham Co.

#153 - Begoon, Annie R. - Greene County.

Acreage Claimed: Assessed: 145 $\frac{3}{4}$  Deed: 148.9<sup>x</sup>  
Value Claimed: Assessed: \$1488.00 Deed: \$2500.00 (1906)

Location: On top of the Blue Ridge at Simmons' Gap, lying in both Rockingham and Greene counties, and entirely within the Park area.

Incumbrances, counter claims or laps: None known.

Soil: Sandy loam of fair depth and fertility. The woodland is very steep and rocky with some cliffs. The first class grazing land has a moderate slope and a good rich soil with a small amount of rock and a fine blue grass turf, a few weeds and no brush. The second class is steep with more rock, little brush and a thin turf. The third class is very steep and rocky with some shaley soil. The blue grass is found only in patches. The tract is exceptionally well watered.

Roads: Eight miles over good dirt road to Yancey, the nearest shipping point.

History of tract and condition of timber: The woodland has been cut over and there is no merchantable timber. There is a fair stand of hardwood and some white pine. A number of the trees are under 8" DBH and occasional trees up to 14" DBH. There is plenty of firewood, but it is very inconvenient to the house.

Improvements:

<u>Tenant house:</u> Log and stone, weatherboarded - 21x21', L 12x21', 5 rooms, 2 $\frac{1}{2}$ story, shingle roof, solid foundation, concrete floor, good condition ---	\$500.00
<u>Barn:</u> Log, 17x23', with shed 9x17', shingle roof, poor condition --	75.00
<u>Spring house:</u> Frame, 8x15', metal roof, concrete trough, and floor, good condition	50.00
<u>Hen house:</u> Frame, 10x12', paper roof, fair condition.	20.00
<u>Hog pen:</u> Log 8x18', poor condition .	5.00
<u>Orchard:</u> 75 apple trees with a few other fruit trees 20 years old, good condition - 2 acres at \$80.00 per acre ----	160.00
	\$810.00

Value of land by types: Rockingham County

<u>Type</u>	<u>Acreage</u>	<u>Value per acre</u>	<u>Total Value</u>
Slope	22	\$2.50	\$55.00
Fg I	19	60.00	1140.00
Fg I-a	6	35.00	210.00
Fg II	22	18.00	396.00
Fg III	20	12.00	240.00
	89		\$2041.00

County: Rockingham  
District: Stonewall

County: Greene  
District: Monroe

#242 - Begoon, Annie R. - Rockingham Co.  
#153 - Begoon, Annie R. - Greene County.

Rockingham Co.  
Total value of land \$2041.00  
Total value of tract \$2041.00  
Average value per acre 22.93

Value of land by types:		Greene County	Value	Total
Type	Acreage		per acre	Value
Fg I	23		\$40.00	\$920.00
Fg II	4		16.00	64.00
Orchard	2		80.00	--
	<u>29</u>			<u>\$984.00</u>

Total value of land \$984.00  
Total value of improvem'ts 810.00  
Total value of tract 1794.00  
Average value per acre \$61.86

SUMMARY

Rockingham and Greene Counties

Total number of acres 118  
Total value of land \$3025.00  
Total value of improvements 810.00  
Total value of tract \$3835.00  
Average value per acre \$32.50

x -- This tract and the Howard Eiler tract are subdivisions of a larger tract. Lines A-E were surveyed and corner F was tied in by our survey of the adjoining Eiler tract. The steepness of the ground may account for the error of the older surveys.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY VIRGINIA.

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

vs.

Cassandra Lawson Atkins and others  
and 52,501 acres of land  
in Rockingham County.

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

OCT / 1932

*Robert L. Smithey* Clerk

TO THE HON. H.W. BERTRAM, JUDGE OF SAID COURT.

The motion of Annie R. Begoon, praying said Court to disapprove and to decline to accept the finding of the Board of Appraisal Commissioners, heretofore appointed by said Court in the above matter, wherein said Board reported, under No. 242 of its findings, as filed in the Clerk's Office of said Court, that the movant was only entitled to the sum of \$2,878.00 for 120 acres of her land, which is an average of approximately \$24.00 per acre.

The grounds of said motion are as follows:

- (1) That the price per acre allowed for said land is manifestly inadequate and confiscatory, because said lands are worth at least \$66.00 per acre, as is shown by the affidavits attached hereto.
- (2) That the finding of said Board was based upon a mistake of law as to the nature and effect of the evidence produced before said Board by the above named party.
- (3) That the finding of said Board is, apparently, from the statements contained in its report, based upon the physical character of the land alone, without taking into consideration, or at least without giving any effect in its final decision to, the income-producing capacity of said land or to the fact that all such grazing lands in the Blue Ridge Mountains are being taken under these condemnation proceedings, and that like grazing lands



IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

Cassandra Lawson Atkins and others  
and 52,501 acres of land  
in Rockingham County.

~~TO THE HON. H. W. BERTRAM, JUDGE OF SAID COURT.~~

The affidavit of C. J. Begoon, to be read in connection with the motion filed by Annie R. Begoon to have the finding of the Board of Appraisal Commissioners disapproved in connection with its finding No. 242.

State of Virginia,

City of Harrisonburg, to-wit:

This day C. J. Begoon personally appeared before me, F. Flavia Converse, a Notary Public in and for the City aforesaid, in the State of Virginia, in my City aforesaid, and, being duly sworn, deposes and says:

I am the husband of Annie R. Begoon, who is the owner of 149 acres of land situate on the top of the Blue Ridge Mountains, at Simmons' Gap, 120 acres lying in Rockingham County, and 29 acres in Greene. ~~The land in the one County is of about the same value as the land in the other.~~ This land lies on a public road, and all of this land is used together as a grazing farm. The whole tract is exceptionally well watered and well fenced, and has a clean blue grass sod on the greater part thereof, and is generally considered as one of the very best grazing farms upon the mountain.

This tract of land will graze at least 45 head of cattle for six months in each and every year, and said cattle will put on at least 250 pounds apiece during that period. Their total gain

cannot be purchased for any such amount as allowed to the movant.

The affidavits attached hereto are asked to be read in support of these exceptions. The claim filed by movant before the Appraisal Board is also asked to be read in connection herewith.

Amos B. Bygson  
By Counsel

GEO. S. HARNSBERGER  
Counsel.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

Cassandra Lawson Atkins and others  
and 52,501 acres of land  
in Rockingham County.

~~TO THE HON. H. W. BERTRAM, JUDGE OF SAID COURT.~~

The affidavit of P. B. F. Good, to be  
read in connection with the motion filed by Annie R. Begoon to have  
the finding of the Board of Appraisal Commissioners disapproved  
in connection with its finding No. 242.

State of Virginia,

City of Harrisonburg, to-wit:

This day P. B. F. Good personally appeared  
before me, ~~F. Flavia Converse, a Notary Public in and for the~~  
~~said Court~~ Geo. S. Harnsberger, a Notary in City of  
City aforesaid, in the State of Virginia, in my City aforesaid,  
and, being duly sworn, deposes and says:

I am well acquainted with the 149 acres of land owned by  
Annie R. Begoon situate on the top of the Blue Ridge Mountains,  
on the Simmons Gap Road, in Rockingham and Greene Counties.

I have been upon <sup>and surveyed</sup> the property, have seen the cattle  
grazed thereon, and, from my experience with <sup>the valuation of</sup> grazing lands and  
the handling of cattle, I believe that ~~45 head of cattle can be~~  
~~grazed thereon for six months during the year, and that they will~~  
~~take on at least 240 pounds each. I believe that a fair average~~  
~~price would be six cents per pound when the cattle are taken from~~  
the grazing land, and, at this price, <sup>I believe said</sup> land should be worth  
~~at least \$50.00 to \$70.00 per acre.~~ <sup>at least \$50.00 per acre.</sup> As this land is well watered,  
well fenced, and has a splendid blue grass sod upon the greater  
portion thereof, I do not believe that the same can be replaced

would thus be 11,250 pounds, which, at an average price of six cents per pound, would make a profit of \$675.00, which would be the interest on \$11,250.00. The Appraisal Board has only allowed an average value for said land of \$24.00 per acre, which is not half of its worth, nor is it in accordance with the valuation which said Board has placed upon some other lands which are not any better and will not graze any more cattle, or put on any more pounds per steer. Said lands could not be replaced, even if no Park were contemplated, for the amount which has been allowed by the Appraisal Board. Since all of the grazing lands on the Blue Ridge Mountains are being taken under the Park condemnation proceeding, it will be impossible to replace such grazing land as is owned by said Annie R. Begoon anywhere in the Valley of Virginia for less than ~~\$75.00~~ to ~~\$80.00~~ per acre.

*Annie R. Begoon*

Subscribed and sworn to before me

this 1st day of September, 1932.

*L. Flavia Converse*,  
Notary Public.

for less than the amount above specified, certainly not if all of the grazing lands in the Blue Ridge Mountains are taken in the Park condemnation proceedings. Independent of the establishment of the contemplated Park, I do not believe that such land as is now being considered could anywhere be acquired for the sum of \$24.00 per acre, the amount allowed by the Appraisal Board, for any person owning such land would not be willing to sell the same at any such figure as the Appraisal Board has allowed. I, therefore, do not consider that the amount allowed by the Appraisal Board is anything like the fair value of the property, and to compel the owner to take such a price would be practically confiscating her property.

*[Handwritten signature]*  
 \_\_\_\_\_

Subscribed and sworn to before  
 me this 1st day of Oct.  
 1932.

*[Handwritten signature: Geo. S. Harnsberger]*  
 \_\_\_\_\_  
 Notary Public.

Originals.

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*Law Office of  
Geo. S. Harnsberger  
Harrisonburg, Va.*

In re Arbitration Agreement submitted to the Governor, arising in or out of the condemnation proceedings pending in the Circuit Courts of Virginia under authority of the Shenandoah National Park Act.

State Commission on Conservation and Development of the State of Virginia

vs.

Cassandra Lawson Atkins and others and 52,501 acres of land in Rockingham County.

Filed in the Clerk's Office  
Rockingham County, Va.  
AUG 28 1933

*Robert S. Smith* Clerk

In re exceptions of Annie R. Begoon.

To the Hon. Philip Williams, Chairman of the Park Land Arbitration Board.

In reply to the rules issued by said Arbitration Board on August 16, 1933, and in reply to your call therein made, the undersigned begs to say:

- (a) The number of the tract ~~ix~~ owned by exceptant, as shown on the map filed in this proceeding, is 242.
- (b) The acreage claimed is 120.
- (c) Value of land, etc.

All of this tract of land except about 10 acres is what might be generally termed slope land, but, with the exception aforesaid, is all covered by a fine stand of blue grass, and is all properly rated as grazing land.

Slope grazing land, 110 acres, @ \$50.00 per acre,	\$5,500.00
About 10 acres of timber land, which land, separate and distinct from the timber, is worth \$10.00 per acre,	100.00
The timber upon this land is worth \$5.00 per acre,	50.00
	<u>5,650.00</u>

The Appraisal Board erred in reporting that 53 acres of said 110 acres was simply slope land, which they valued at only

after the land is taken as she is now.

Annie R. Begoon

State of Virginia,

City of Harrisonburg, to-wit:

This day Annie R. Begoon personally appeared before me, F. Flavia Converse, a Notary Public in and for the City aforesaid, in the State of Virginia, in my City aforesaid, and, being duly affirmed, deposes and says:

I have read the above statement, and believe the statements of facts contained therein to be true.

Annie R. Begoon

Subscribed and affirmed to before me this 28th day of August, 1933.

F. Flavia Converse  
Notary Public.



BEGOON, ANNIE  
242  
ROCKINGHAM COUNTY

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

SEP 9 1933

*J. Robert Shultz* Clerk

IN RE. ARBITRATION AGREEMENTS submitted to the Governor arising in or out of Condemnation Proceedings pending in the Circuit Court of Virginia under authority of the Shenandoah National Park Act.

SUMMARY STATEMENT OF PETITIONER:

EXCEPTANT: Begoon, Annie

ORIGINAL CLAIM: Acreage 149½: Value \$10,000: Inc. Damages, None.

VALUE PLACED ON TRACT BY PETITIONER'S APPRAISERS:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
242	\$2041.00	None

BOARD OF APPRAISAL COMMISSIONERS FINDINGS:

MAP NUMBER OF TRACT: 242

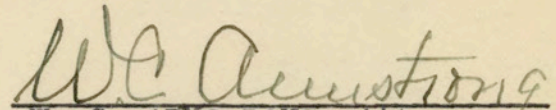
VALUE OF TRACT:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
242	\$2878.00	None

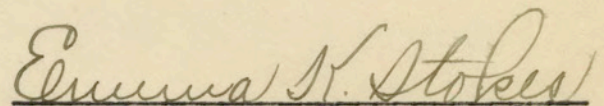
The basic differences between Petitioner and this exceptant are as to the classification and value of the land and timber values.

Although we believe the values reported by the Petitioner's appraisers were very liberal and that the findings of the Board of Appraisal Commissioners as to values are substantially too high, we have accepted and will not seek a lower valuation than their findings as shown on the above tables in this case.

As to the classification of the land and the other elements of value we submit that these matters are correctly set forth in the Work Sheet of the Board with reference to this case, and not as set forth in exceptant's statements. This Work Sheet is filed with the record and a copy of this Work Sheet is submitted with copy of the record tendered herewith, and additional copies of the Work Sheet in this case will be furnished if desired.

  
W. C. ARMSTRONG, Attorney  
for Petitioner.

Subscribed to and verified before me this the 8<sup>th</sup> day of  
September 1933.

  
Emma K. Stokes, Notary Public.

BEGOON, ANNIE  
#153  
GREENE COUNTY

IN RE. ARBITRATION AGREEMENTS submitted to the Governor arising in or out of Condemnation Proceedings pending in the Circuit Court of Virginia under authority of the Shenandoah National Park Act.

SUMMARY STATEMENT OF PETITIONER:

EXCEPTANT: Begoon, Annie

ORIGINAL CLAIM: Acreage 155 : Value \$10,000 : Inc.Damages, None

VALUE PLACED ON TRACT BY PETITIONER'S APPRAISERS:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
153	\$1794.00	None

BOARD OF APPRAISAL COMMISSIONERS FINDINGS:

MAP NUMBER OF TRACT: 153

VALUE OF TRACT:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
153	\$2045.00	None

Copies of this statement are attached to the statement of Petitioner filed in the County in which the major portion of the land lies and in which this exceptant has filed her statement.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

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

NOV 4 1932

VS.

Cassandra Lawson Atkins and others  
and 52,561 acres, more or less,  
in Rockingham County, Virginia.

*J. Robert Santos* Clerk

Statement made by *Archie B. Beggs* and  

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pursuant to a decree en-  
tered in the above entitled cause on October 25, 1932, in response  
to Item No. 1 of the inquiry made in said decree.

Your respondents say that the acreage listed in the re-  
port of the Appraisal Board, under its No. 242, is believed  
to be approximately correct, and that they do not desire to make  
any objection to the acreage as there given.

Your respondents further say that it was not the number of  
acres allowed them to which exception was taken, but that the  
exceptions heretofore filed by them were to the amount allowed  
your respondents per acre.

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*Archie B. Beggs*

By Counsel.

*Geo. S. Harnsberger*  
Counsel.

No. 242

RETURN IN FIVE DAYS TO  
**J. ROBERT SWITZER, CLERK**  
Circuit Court of Rockingham County  
HARRISONBURG · VIRGINIA

STATEMENT

OF

)

Geo. S. Harnsberger, p.q.

ANNIE R. BEGOON

*Filed 8/28/33*

STATEMENT OF COSTS, POSTAGE, ETC.:

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

Cassandra Lawson Atkins and  
others, and 52,501 acres of  
land in Rockingham County.

In re exceptions of

Annie B. Beeson

To the Hon. Philip Williams, Chairman of the  
Park Land Arbitration Board.

In reply to your letter and call of August 8, 1933, beg  
to say that copies of the papers heretofore filed in the above  
matter are herewith handed you, and a like copy has been delivered  
to the State Commission on Conservation and Development, with the  
exception of a copy of the claim which Mr. Marsh of the Commission  
said they did not need.

Further answering your calls in their order:

(1) The grounds of exception are fully set forth in the ex-  
ceptions filed. Suffice it to say here that the basis of the ex-  
ception is the extremely inadequate and confiscatory value placed  
upon the lands of exceptant; these lands are not property segre-  
gated as to quality or value. The amount allowed per acre for ex-  
ceptant's land is not only not the fair value of said land under  
normal conditions, under which conditions said land must be valued,  
but is grossly inadequate and confiscatory in view of the fact that  
it is the purpose of the Conservation Commission to take all such  
grazing lands upon the Blue Ridge Mountain.

(2) The number of this claim on the county ownership map filed  
in these proceedings is 242

(3) The authority of counsel to act in these proceedings is  
attached hereto.

Respectfully submitted,

GEO. S. HARNBERGER  
11/24.

*Law Office of*  
*Geo. S. Harnsberger*  
*Harrisonburg, Va.*

Aug. 12, 1933.

To the Hon. Phillip Williams, Chairman of the  
Park Land Arbitration Board;

This is to certify that I, Annie R. Begoon, have employed  
Geo. S. Harnsberger, Attorney, of Harrisonburg, Virginia, to represent  
me in all condemnation proceedings in connection with my lands in  
the Shenandoah National Park area.

Annie R. Begoon

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

Cassandra Lawson Atkins and others  
and 52,501 acres of land  
in Rockingham County.

TO THE HON. H. W. BERTRAM, JUDGE OF SAID COURT.

The motion of Annie R. Begoon, praying said Court to disapprove and to decline to accept the finding of the Board of Appraisal Commissioners, heretofore appointed by said Court in the above matter, wherein said Board reported, under No. 242 of its findings, as filed in the Clerk's Office of said Court, that the movant was only entitled to the sum of \$2,878.00 for 120 acres of her land, which is an average of approximately \$24.00 per acre.

The grounds of said motion are as follows:

- (1) That the price per acre allowed for said land is manifestly inadequate and confiscatory, because said lands are worth at least \$66.00 per acre, as is shown by the affidavits attached hereto.
- (2) That the finding of said Board was based upon a mistake of law as to the nature and effect of the evidence produced before said Board by the above named party.
- (3) That the finding of said Board is, apparently, from the statements contained in its report, based upon the physical character of the land alone, without taking into consideration, or at least without giving any effect in its final decision to, the income-producing capacity of said land or to the fact that all such grazing lands in the Blue Ridge Mountains are being taken under these condemnation proceedings, and that like grazing lands



cannot be purchased for any such amount as allowed to the movant.

The affidavits attached hereto are asked to be read in support of these exceptions. The claim filed by movant before the Appraisal Board is also asked to be read in connection herewith.

Edward - Jennie B. Byrd,  
By Counsel.

Edward - Geo. S. Harnsberger  
Counsel.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

vs.

Cassandra Lawson Atkins and others  
and 52,501 acres of land  
in Rockingham County.

TO THE HON. H. W. BERTRAM, JUDGE OF SAID COURT.

The affidavit of C. J. Begoon, to be read in connection with the motion filed by Annie R. Begoon to have the finding of the Board of Appraisal Commissioners disapproved in connection with its finding No. 242.

State of Virginia,

City of Harrisonburg, to-wit:

This day C. J. Begoon personally appeared before me, F. Flavia Converse, a Notary Public in and for the City aforesaid, in the State of Virginia, in my City aforesaid, and, being duly sworn, deposes and says:

I am the husband of Annie R. Begoon, who is the owner of 149 acres of land situate on the top of the Blue Ridge Mountains, at Simmons' Gap, 120 acres lying in Rockingham County, and 29 acres in Greene. The land in the one County is of about the same value as the land in the other. This land lies on a public road, and all of this land is used together as a grazing farm. The whole tract is exceptionally well watered and well fenced, and has a clean blue grass sod on the greater part thereof, and is generally considered as one of the very best grazing farms upon the mountain.

This tract of land will graze at least 45 head of cattle for six months in each and every year, and said cattle will put on

at least 250 pounds apiece during that period. Their total gain would thus be 11,250 pounds, which, at an average price of six cents per pound, would make a profit of \$675.00, which would be the interest on \$11,250.00. The Appraisal Board has only allowed an average value for said land of \$24.00 per acre, which is not half of its worth, nor is it in accordance with the valuation which said Board has placed upon some other lands which are not any better and will not graze any more cattle, or put on any more pounds per steer. Said lands could not be replaced, even if No Park were contemplated, for the amount which has been allowed by the Appraisal Board. Since all of the grazing lands on the Blue Ridge Mountains are being taken under the Park condemnation proceeding, it will be impossible to replace such grazing land as is owned by said Annie R. Begoon anywhere in the Valley of Virginia for less than \$80.00 to \$100.00 per acre.

Signed C. J. Begoon

Subscribed and sworn to before me

this 19 day of September, 1932.

Signed F. F. Lewis  
Notary Public.

COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY, GREETING:

You are hereby commanded to summon J. N. Swank, Dave Carpenter, Will Henkle, Lynn Yates, Wilbur Meyerhoeffer, John Herbert G. Patterson Sipe, /to appear before the Board of Arbitrators in the case of State Commission on Conservation and Development of the State of Virginia v. Annie R. Begoon, at the Court House of Rockingham County on the 2d day of November, 1933, at 10 a. m., to testify and the truth to say on behalf of Defendant.

And have then and there this writ.

WITNESS, J. Robert Switzer, Clerk of the Circuit Court of Rockingham County, Virginia, at the Court House thereof, this 27th day of October, 1933, and in the 158th year of the Commonwealth.

J. Robert Switzer, Clerk.  
By Margie Rowens, D.C.

executed Oct 28 - 1933 by delivering a true Copy of the

within Summons to J. N. Swank, Dave Carpenter, Will Henkle, Lynn Yates, John Sipe, Wilbur Meyerhoeffer, Herbert G. Patterson  
in person

St. Newman Deputy for  
C. R. Pawley S. R. 2

STATE OF VIRGINIA  
COMMISSION ON CONSERVATION AND DEVELOPMENT OF THE STATE  
ANNIE R. BEGOON

November 8:  
1933

1822

THE COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF ROCKINGHAM COUNTY, GREETING:

You are hereby commanded to summon Charles M. Sellers to appear before the Board of Arbitrators, at the Court House of Rockingham County, Virginia, on Thursday, the 2d day of November, 1933, at 10 a. m., to testify and the truth to say on behalf of the Defendant in the condemnation proceedings of State Commission Conservation and Development of the State of Virginia v. Annie R. Begoon.

And have then and there this writ.

IN WITNESS WHEREOF, I hereunto set my hand, as the Clerk of the Circuit Court of Rockingham County, Virginia, at the Court House thereof, this, the 30th day of October, 1933, and in the 158th year of the Commonwealth.

J. Robert Switzer, Clerk.  
By Margie Bonner, D.C.

STATES A TRUSTEE  
FOR THE DEVELOPMENT OF THE  
STATE COMMISSION ON CONSERVATION  
ANNE R. BEGOON

NOV 5 1933

ANNIE R. BEGOON  
ADS.  
STATE COMMISSION ON CONSERVA-  
TION AND DEVELOPMENT OF THE  
STATE OF VIRGINIA

*of the County of...*  
*...*

and in the first year of the Commonwealth  
the Court House thereof, this, the 20th day of October, 1933,  
Clerk of the Circuit Court of Rockingham County, Virginia, at  
IN WITNESS WHEREOF, I hereunto set my hand, as the  
and made then and there this writ.

of Virginia A. Vante B. Begoon,  
of State Commission Conservation and Development of the State  
say on behalf of the Defendant in the condemnation proceedings  
November, 1932, at 10 a. m. to testify and the jury to  
of Rockingham County, Virginia, on Thursday, the 23 day of  
to appear before the Board of Arbitrators, at the Court House  
You are hereby commanded to summon Charles M. Sellers

1933

Nov. 2:

TO THE SHERIFF OF ROCKINGHAM COUNTY, VIRGINIA:

THE COMMONWEALTH OF VIRGINIA:

executed Oct. 31, 1933 by delivering a true copy of the  
within Summons to Charles M. Sellers  
in person C. B. Hawley S. R. C.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

PETITIONER,

vs. At Law, No. 1829.

Cassandra Lawson Atkins and others,

DEFENDANTS.

TO THE HON. H. W. BERTRAM, JUDGE OF SAID COURT.

Your respondent respectfully represents that a notice has been given him by The State Commission on Conservation and Development of the State of Virginia that it will move the Circuit Court of Rockingham County on the 28th day of February, 1934, for the entry of a judgment in rem, condemning, among others, the tract of land therein listed as Tr. 242, the property of your respondent, and directing any and all parties of record in this proceeding, if they desire to oppose the entry of said judgment in rem, to show cause, if any they have, in writing, filed with the record of this proceeding not later than five days prior to the 28th day of February, 1934, why the said judgment in rem should not be entered.

That your respondent has no objection to the condemnation of said Tract Tr. 242, but that he does object to the value found therefor by the Board of Appraisal Commissioners.

That he has heretofore submitted to arbitration, pursuant to the arbitration agreement proposed by the Governor of Virginia on July 18, 1933, all questions as to damages and value of the land and the improvements sought to be condemned by the State Commission on Conservation and Development of the State of Virginia, and he now prays that the value of said land and improvements, as ascertained by said arbitration, be allowed and entered in said judgment in rem in the place of the amount found by the Appraisal Board.

Francis B. Beaman  
Counsel.

GEO. S. HARNSBERGER  
Counsel.

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

FEB 7 1934

Robert Swartz Clerk

**M. H. HARRISON**  
**TREASURER OF ROCKINGHAM COUNTY**  
**HARRISONBURG, VIRGINIA**

TO WHOM IT MAY CONCERN:

I hereby certify that there has been no assessment on real estate in this County in the name of Annie R. Begoon for tax purposes.

I am advised that the land located in the Park Area in Rockingham County together with the adjacent land located in Green County is assessed in the last named County.

Given under my hand this 7th  
day of May 1934.

*M. H. Harrison*

Treasurer.



IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

Petitioner,

vs.

Cassandra Lawson Atkins and others,

Defendants.

TO THE HON. H. W. BERTRAM, JUDGE OF SAID COURT.

Your petitioner, Annie R. Begoon, respectfully represents:

That a judgment in rem has heretofore been entered in this proceeding condemning to the use of The State Commission on Conservation and Development of the State of Virginia the fee simple estate in a tract of land formerly the property of your petitioner, which tract is described in the report of the Board of Appraisal Commissioners, appointed herein, and shown, numbered, and delineated on the County Ownership Map, filed therewith, as Tract No. 242. That the award allowed by the Board of Appraisal Commissioners for Tract No. 242 was \$2,878.00, which amount was increased by the Board of Arbitrators to the sum of \$3,280.00. That the said State Commission on Conservation and Development has paid into the custody of the Court the said amount hereinabove set out as constituting the award for the fee simple estate in said tract of land. That your petitioner, on the date of said judgment in rem condemning said tract of land, was the owner of said land in fee simple, and that no other person or persons than the undersigned is entitled to share in the distribution of said award.

Your petitioner further show to the Court that there are no taxes assessed in Rockingham County against said land, but that said tract of land is assessed along with another tract, which lies in Greene County, and the taxes on all of said lands have been paid to the Treasurer of Greene County. A certificate of the Treasurer of Rockingham County is herewith filed, showing that

that portion of your petitioner's lands lying in Rockingham County was not assessed in said County. Said certificate is herewith filed, marked "Ex.Certificate No. 1," and prayed to be read as part hereof.

Wherefore, your petitioner prays that she may be made a party herein, and be allowed to file her petition in this suit; and that an order may be entered in this cause for the distribution of said fund, and that your petitioner may have such other and further relief as the nature of the case may require.

Annie R. Begoon  
By Counsel.

Geo. S. Harnsberger,  
Counsel.

State of Virginia,  
City of Harrisonburg, to-wit:

This day Annie R. Begoon personally appeared before me, F. Flavia Converse, a Notary Public in and for the City aforesaid, in the State of Virginia, in my City aforesaid, and, being duly affirmed, ~~sworn~~ deposes and says:

I have read the above petition, and state that the matters of fact contained therein are true, to the best of my knowledge and belief.

Annie R. Begoon

Subscribed and ~~sworn~~<sup>affirmed</sup> to before me this 23d day of May, 1934.

F. Flavia Converse, N.P.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

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

Petitioner,

vs.

Cassandra Lawson Atkins  
and others,

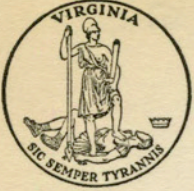
Defendants.

On this, the 25 day of May, 1934, came Annie R. Begoon, by counsel, and, on her motion, leave is given her to file her application for the payment to her of the sum of \$3,280.00, the amount awarded her by the Board of Arbitrators, as set out in the judgment of condemnation for Tract No. 242, which tract formerly stood in her name, the amount of said award having been heretofore paid into Court.

And it appearing to the Court from the report of the Board of Appraisal Commissioners, heretofore filed in this cause, and in the petition for judgment of condemnation, heretofore entered herein, that, in the opinion of the petitioner, the said Annie R. Begoon was invested with a better right or claim of title in and to said tract No. 242 than any other party or person, and that the record in this cause does not disclose any denial or dispute by any party or person in interest as to the title to said tract of land or to the proceeds arising from the condemnation thereof, and that the said Annie R. Begoon is entitled to receive the proceeds arising from the condemnation of said tract of land;

And it further appearing to the Court that all taxes against said tract have been paid:

Upon consideration whereof, it is considered and ordered by the Court that the said sum of \$3,280.00, the same being the amount of the award for said tract No. 242, paid into Court by



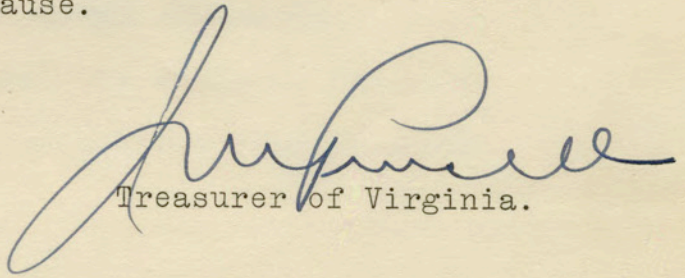
JOHN M. PURCELL  
TREASURER OF VIRGINIA

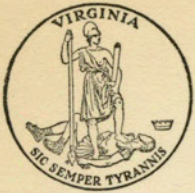
# Commonwealth of Virginia

TREASURER'S OFFICE  
RICHMOND, VA.

May 28, 1934

This is to certify that I, J. M. Purcell, Treasurer of Virginia have this 28 day of May in accordance with an order of the circuit court of Rockingham County dated 5/25/34 in the cause of the State Commission on Conservation and Development of the State of Virginia vs. Cassandra Lawson Atkins and others paid to Geo. S. Harnsberger, Attorney for said Annie B. Begoon  
Harrisonburg, Virginia  
\$ 3,280.00 being in full settlement of tract # 3 242 in the above mentioned cause.

  
Treasurer of Virginia.



JOHN M. PURCELL  
TREASURER OF VIRGINIA

# Commonwealth of Virginia

TREASURER'S OFFICE

RICHMOND, VA.

May 28, 1934

Geo. S. Harnsberger, Attorney for said Annie R. Begoon  
Harrisonburg, Virginia

Received of J. M. Purcell, Treasurer of Virginia, the sum of \$ 3,280.00, in accordance with an order of the Circuit Court of the county of Rockingham entered on the 25th day of May 1934, in the matter of the State Commission on Conservation and Development v \_\_\_\_\_  
Cassandra Lawson Atkins and others, being full and complete settlement for the tract of land known in said proceeding as # 242.

*Geo. S. Harnsberger  
Att'y for said Annie  
R. Begoon.*

Sign original and duplicate  
and return to the Treasurer  
of Virginia.