

DESCRIPTION OF THE BOUNDARY

OF THE

W. E. QUEEN TRACT. (11)

SWAIN COUNTY, NORTH CAROLINA.

478.99

ACRES.

## NORTH CAROLINA PARK COMMISSION

ASHEVILLE NORTH CAROLINA

REPORT ON ALICE QUEEN'S DOWER RIGHT IN THEWILKS QUEENESTATE, ABOUT 17 acres SET APART

# //

FOR HER USE FOR LIFE.

Location: This tract is located just above Smokemont on the Oona Luffy River at a point where Bradley Fork flows into the river. It is a well kept small mountain farm.

Description: A small home place occupied by Mrs. Queen through which the Champion Fibre Company have a railroad right of way. About four acres of level land in a high state of cultivation and thirteen acres of cut over woodland.

Improvements: A three room framed house, ceiled and weather-boarded and in good condition excepting the roof. An eleven stall barn in good condition. Several out houses and a three room tenant house in good condition.

Valuation:	Three room box house	\$150.00
	Three room frame house	500.00
	Barn	500.00
	Outhouses	50.00
	Four acres of flat land	300.00
	Thirteen acres of woodland	150.00
		<u>\$1,650.00</u>

The appraisers are not certain that they are authorized to make a purchase of this kind and while an option has been taken for the sum of \$1,650.00, which is a fair price, your approval is desired before putting it to record. Mrs. Queen is fifty-two years old and the property has a tax value of \$1200.00. The Champion Fibre Company pay a rental of \$4.00 per month for the right of way through this property.

Gene R. Hesser  
S. F. Chapman  
W. H. Hesser  
 Appraisers.

# NORTH CAROLINA PARK COMMISSION

## ATTORNEY'S CERTIFICATE AND OPINION

### Tract No. 11.

IT IS HEREBY CERTIFIED: That the title to the within described land as disclosed in the attached abstract which contains a full, complete and correct abstract of all instruments and court proceedings of record affecting the same from and including the beginning entry there of has been carefully examined and noted, and that the following named owner.....:

W.E. Queen

..... seized in fee simple of a good and valid title to the same, subject only to any lien, charge or encumbrance shown in this abstract and listed hereon.

### ENCUMBRANCES

1. The grant of 150 acres to Andrew Welch dated December 11, 1804 should be obtained and registered in Swain County. This grant covers the western portion of tract No. 11.
2. There being a break in the title to the lands described in grant No. 1399, a quit claim deed should be obtained from the heirs at law of John Fergus for said grant.
3. The Special Proceedings authorizing J. R. Thomas, Admr. of W. H. Thomas to execute a deed to W. E. Queen for 38 acres of land should be shown. These proceedings are supposed to have been had in Jackson County.
4. There is no conveyance from Morris Bradley to Israel Carver for land embraced in grant No. 520 and a quit claim deed therefor should be obtained from the heirs at law of Morris Bradley.
5. We are of the opinion that the tax deed of J. V. Welch, Sheriff to I. J. Hughes for grant No. 520, is defective for the reason that it is not supported by the usual affidavit of the purchaser.
6. This land is burdened with rights of way for pipe lines in favor of the Champion Fibre Co. Pages 195 and 196 of Abstract.
7. The Champion Fibre Co. also acquired right of way from W. E. Queen over the lands conveyed by A. K. Bradley to J. L. Queen, Page 198 of Abstract.
8. On February 26, 1906, W.E. Queen conveyed to the Deacons of the Luffy Baptist Church an acre of land and also granted the Church the right to cut fire wood off the lands immediately adjoining. Page 197 of Abstract. This tract is shown on the plat as Exception No. 1 and a specific description thereof appears on page 144 of this abstract. It is known as tract 105. Notwithstanding the breaks in the several titles above referred to, we are of opinion that W. E. Queen has a good and indefeasible title to the whole of tract No. 11 (except the boundary shown on

the map within the broken red lines) by long, continuous, notorious and adverse possession of said lands under color of title. For affidavits as to possession see page 191 to 194 inclusive.

9. Taxes for the year 1928 amounting to \$365.54 are unpaid and outstanding.

10. As heretofore stated, W. E. Queen has no title of record for the lands shown on the map within the broken red lines, altho this land is claimed by him.

Analysis of Title

Tract No. 11.

Tract No. 11 is owned by W.E. Queen and is covered by the following grants, viz:

Grant No. 79 to J. L. Queen  
Grant No. 520 to Morris Bradley  
Grant No. 7381 to W.E. Queen  
Grant No. 1299 to John Fergus  
Grant No. 224 to William Cathcart  
Grant No.           to Andrew Welch

The foregoing grants cover all the lands claimed by W. E. Queen except the portions within the broken red lines as delineated on the plat. These grants will be considered in their order.

1. The grant to Andrew Welch is supposed to cover the western portion of tract No. 11. So far we have been unable to find this grant of record either in Haywood or Buncombe Counties, although the deed executed by Andrew Welch to Jesse Cornwell refers to this grant and also gives the date as of Dec. 11 1804. If this grant is later found it will be inserted in this abstract at the proper place.

2. On January 24, 1811, Andrew Welch conveyed the land described in the grant, aforesaid to Jesse Cornwell by deed duly executed and registered in Haywood County. There is excepted, however, therefrom so much of the land as is covered by the John Fergus two hundred acre grant, which seems to lap on the south eastern corner of the Welch grant. *Page 151*

3. Grant No. 1299 was issued to John Fergus and bears date of December 11, 1804. This grant covers the southern portion of tract No. 11, as will be seen by reference to the plat. Said grant is registered in Haywood County. Page 152 of Abstract.

4. We are unable to find any conveyance from John Fergus to John Tomlinson for this grant.

5. On February 25, 1807, John Tomlinson conveyed the lands described in grant No. 1299 to Jesse Cornwell by deed duly executed and registered in Haywood County. It will be seen, therefore that Jesse Cornwell is now the owner of both the Fergus and Welch grants aforesaid.

6. On March 24, 1811, Jesse Cornwell conveyed to John Hyde the lands embraced in the one hundred fifty acre grant to Andrew Welch, aforesaid and also the northern half of the lands embraced in grant no. 1299. The conditional referred to in

said deed is the most southern boundary line of the Queen tract. So that all lands within said grant lying north of this conditional line are conveyed to John Hyde. Page 154 of Abstract.

7. On April 12, 1841, John Hyde conveyed the same lands as described in the foregoing deed to Isaac Bradley by deed duly executed and registered in Haywood County. Page 155 of Abstract.

8. On May 29, 1848, Isaac Bradley conveyed to Israel Carver thirty-seven acres of land lying in the northern portion of the Andrew Welch one hundred fifty acre grant aforesaid. This deed is duly executed and registered in Jackson County. Page 156 of Abstract.

9. On June 22, 1861, Israel Carver conveyed to Thomas Bradley the same thirty-seven acres of land by deed duly executed and registered in Jackson County. Page 157 of Abstract.

10. On October 26, 1880, Thomas Bradley with the joinder of his wife conveyed to Achus Bradley (A. K. Bradley) said thirty-seven acres of land by deed duly executed and registered in Swain County. Page 158 of Abstract.

11. On October 28, 1881, A. K. Bradley with the joinder of his wife, Sarah conveyed to J. L. Queen, the said thirty-seven acre tract of land aforesaid, by deed duly executed and registered in Swain County. Page 159 of Abstract.

12. On May 29, 1848, Isaac Bradley conveyed to William Bradley 107 acres of land located partly on the Andrew Welch grant and principally on grant No. 1899. This deed, therefore conveys all of tract No. 11, which is covered by grant No. 1899 and also the portion of tract No. 11, covered by the Andrew Welch grant except a sixteen acre parcel in the northeast corner thereof and the thirty-seven acre tract heretofore described. This deed is duly executed and registered in Haywood County. Page 160 of Abstract.

13. On July 1, 1848, Isaac Bradley conveyed sixteen acres of land, same being located in the northeast corner of the Andrew Welch grant to Augustus Bradley by deed duly executed and registered in Haywood County. Page 161 of Abstract.

14. On February 26, 1855, Augustus Bradley conveyed to William Bradley said sixteen acre tract by deed duly executed and registered in Jackson County. Page 162 of Abstract.

15. On September 7, 1866, William Bradley with the joinder of his wife, Debby, conveyed to William H. Connor, a tract of land containing 122 acres which includes the 107 and the sixteen acre tract, aforesaid. This deed is duly executed and registered in Jackson County. Page 163 of Abstract.

16. On May 17, 1877, William H. Connor with the joinder of his wife, Rachel, conveyed the land described in the foregoing deed to James L. Queen by deed duly executed and registered in Swain County. Page 164 of Abstract.

17. On June 6, 1877, James L. Queen obtained a grant from the state of North Carolina for 100 acres of land, same being grant No. 79. This grant covers the extreme northeastern corner of tract No. 11. This grant is registered in Swain Co. Page 165 of Abstract.

18. On September 20, 1891, J. L. Queen with the joinder of his wife, Mary conveyed to W.E. Queen three tracts of land to-wit: The thirty-seven acre tract aforesaid, the 119 acre tract and grant No. 79, aforesaid. Page 166 of Abstract.

19. On December 8, 1885, W. E. Queen obtained a grant from the State of North Carolina for 99 acres of land, same being grant No. 7281, said grant is located as shown on the map and is registered in Swain County. Page 168 of Abstract.

20. On August 9, 1796, William Cathcart obtained a grant from the State of North Carolina for 23,208 acres of land, same being grant No. 224, by reference to the plat, it will be seen that this grant covers a thirty-eight acre tract located immediately east of grant No. 1299 and south of grant No. 7281. This grant is registered in Buncombe County. Page 169 of Abstract.

21. On April 29, 1798, William Cathcart conveyed to Robert Cathcart Latimer the land embraced within grant No. 224, aforesaid by deed duly executed and registered in Haywood County. Page 170 of Abstract.

22. On April 17, 1798, Robert Cathcart Latimer conveyed to William Cathcart, George Latimer, Richard Dale and Henry Latimer share and share alike as tenants in common, the lands embraced in grant No. 224, aforesaid. This deed is duly executed and registered in Haywood County. Page 171 of Abstract.

23. On September 17, 1805, William Cathcart executed his last will and testament which was duly probated on July 2, 1806. This Will was duly proven before the Register of Wills of the city of Philadelphia and both in its execution and probating, complies with the laws of the State of North Carolina. A duly exemplified and certified copy of said Will was admitted to record in Buncombe County on February 3, 1891. Under the terms of this Will, George Latimer, Esq. was named executor and was given full authority to sell and convey any or all of his real estate. Page 172 of Abstract.

24. On July 15, 1823, George Latimer executed his last Will and Testament, which was probated before the Register of Wills of the city of Philadelphia on April 21, 1829 and again before the Court of Pleas and Quarterly Session of Buncombe Co. on July 14, 1860. Under the terms of this Will all the property of the testator is devised to Margaret Latimer, his wife. Page 173 of Abstract.

25. On December 28, 1822 Richard Dale executed his last will and Testament which was admitted to probate of the city and county of Philadelphia on April 21, 1829, and again before the Court of Pleas and Quarter Session of Buncombe County on July 14, 1860. By the terms of this will the residue of his estate, real and personal was given to his wife, Dorothy Dale and to his four children, John Montgomery Dale, Edward C. Dale and Sarah B. Dale and Elizabeth Dale. Page 174 of Abstract.
26. On March 27, 1824, Ann Latimer, widow of Henry Latimer released all her rights of dower and other interests of land in North Carolina to Sarah R. Latimer, Mary R. Latimer, Henry Latimer and James Latimer Jr., heirs of the said Henry Latimer. This deed is duly executed and registered in Haywood County. Page 175 of Abstract.
27. On April 12, 1827, all the parties named in the next proceeding instrument executed a power of attorney to John Brown, giving him full power and authority to sell and convey their undivided one fourth interest in all the lands of Henry Latimer, located in North Carolina. This power of attorney is duly executed and is registered in Haywood County. Page 176 of Abstract.
28. On March 27, 1827, Margaret Latimer, widow of George Latimer and sole devisee under his will, executed to John Brown a power of attorney, giving him full power and authority to sell and dispose of all her lands or interest in lands in North Carolina. This power of attorney is duly executed and is registered in Haywood County. Page 178 of Abstract.
29. On March 29, 1827, Dorothy Dale, widow of Richard Dale, John Montgomery Dale, Edward C. Dale, Matilda Dale, Sarah B. Dale and Elizabeth Dale, being the devisees named in the will of Richard Dale, executed to John Brown a power of attorney, giving him full power and authority to sell and convey all their lands or interest in lands in North Carolina. Page 180 of Abstract.
30. On March 27, 1827, James Latimer, Margaret Latimer, widow, Elizabeth Latimer and Margaret Latimer, all executors of George Latimer, executed a power of attorney to John Brown, giving him full power and authority to sell and convey all lands or interest in lands owned by William Cathcart's estate. It will be observed by reference to the will of William Cathcart that George Latimer was named as his executor and was given full power and authority to sell any and all of his real estate. But before disposing of any real estate, the said George Latimer, himself, died, after having made and published his last will and Testament, naming his widow and children above named as his executors. The parties to this instrument, therefore, are acting as executors of the executor of the said William Cathcart. This power of attorney is duly executed and registered in Haywood County. Page 181 of Abstract.
31. On November 7, 1840, John Brown as agent and attorney in fact for the parties mentioned in the preceding powers of



attorneys, executed to William H. Thomas a warranty Deed for the lands embraced in grant No. 224, aforesaid. This grant is duly executed and is registered in Haywood County. Page 182 of Abstract.

32. On January 27, 1904, James R. Thomas, Commissioner and Administrator of W. H. Thomas, Sr. executed to W. E. Queen a Commissioner's Deed for thirty acres of land located east of grant No. 1399, aforesaid and being a part of tract No. 11, and within the lines of grant No. 224. So far we have been unable to obtain the records of the special proceedings authorizing the execution of this deed. As soon as this record is obtained same will be inserted in this abstract immediately proceeding this deed. Page 183 of Abstract.

33. Grant No. 520 was issued to Morris Bradley Sept. 24, 1852 and is located as shown on the map. This grant is registered in Haywood County. Page 184 of Abstract.

34. We are unable to find any deed or deeds from Morris Bradley to Israel Carver, who next appears in this title or to any other person for said grant.

35. On June 22, 1861, Israel Carver conveys the lands embraced in grant No. 520 to Thomas Bradley, by deed duly executed and registered in Jackson County. Page 185 of Abstract.

36. On August 16, 1874, Thomas Bradley with the joinder of his wife, Mary, conveyed the same land to William Wilson, by deed duly executed and registered in Swain County. Page 186 of Abstract.

37. On October 28, 1880, William Wilson and wife conveyed the same lands to Thomas Bradley, by deed duly executed and registered in Swain County. Page 187 of Abstract.

38. We are unable to trace the title out of Thomas Bradley. However, on June 16, 1893, J. V. Welch, Sheriff and Tax Collector of Swain County executed a tax deed for the land embraced in said grant to I. J. Hughes. This deed does not recite the name of the attorney's power, whose lands are being sold. Neither does the deed contain the usual affidavit of the purchaser. We are of opinion, therefore, that the deed does not constitute a valid conveyance but is color of title. Page 188 of Abstract.

39/ On March 12, 1894, I. J. Hughes with the joinder of his wife, conveyed the lands embraced in grant 520 to D. C. Mills by deed duly executed and registered in Swain County. Page 189 of Abstract.

40. On December 28, 1898, D. C. Mills and wife conveyed the lands embraced in grant No. 520 to W. E. Queen by deed duly executed and registered in Swain County. Page 190 of Abstract.

41. On August 22, 1917, W. E. Queen and wife granted to the

Champion Fibre Company the right to construct, maintain and keep in repair a pipe line over the lands of the grantor, reference being hereby made to the said grant for its terms. Page 195 of Abstract.

42. On March 5, 1920, W. E. Queen and wife granted to the Champion Fibre Company the right to construct, maintain and keep in repair a pipe line over their lands located on or near the Reagan Prong of Ocoona Luffy River. See page 196 of Abstract.

43. On February 26, 1906, W. E. Queen conveys to the deacons of the Luffy Baptist Church an acre of land, also the right to cut fire wood off the land immediately adjoining Church Lot. Page 197 of Abstract.

44. On March 15, 1917, W. E. Queen and wife conveys to the Champion Fibre Company a right of way over lands conveyed by A. K. Brackley to J. L. Queen. Page 198 of Abstract.

45. On January 16, 1917, W. E. Queen and wife conveys to the Champion Fibre Company, three acres of land located within the boundaries of grant No. 1299 to John Fergus. This deed is inserted in this Abstract merely for the purpose of showing the location of the lines of the lands of the said W. E. Queen. Page 199 of Abstract.

46. From the foregoing statement it appears that W. E. Queen has no title of record for the portions of tract No. 11 shown on the map within the broken red lines. We have been unable to find any grants or deeds to W. E. Queen or to any other person therefor. If such deeds or grants are hereafter found, they will be inserted in this Abstract as a supplement thereto.

47. Two affidavits of possession are attached to the Abstract on pages 191-194 hereto, showing long and continuous possession of the 119 acre tract and the 37 acre tract and on the lands embraced within the boundaries of grant No. 520. It is our opinion that this showing of possession is sufficient to ripen the title in W. E. Queen.

48. Taxes for the year 1928 amountain to \$365.54 are unpaid and outstanding. Page 200 of Abstract.

## NORTH CAROLINA PARK COMMISSION

## JUDICIAL PROCEEDINGS

1. Proceedings in all courts affecting the title of the lands abstracted must be set forth and attached hereto in chronological order, and in such detail as will show all jurisdictional facts averred in the proceedings, proper parties, sufficient service to bring all necessary parties into court, all orders and decrees up to and including confirmation of sale.

2. When minors, insane persons or any other persons for whom a guardian *ad litem*, committee and such like are required to be appointed, are interested, the appointment and acceptance must be shown; it must appear that all statutory requirements have been complied with. Give names of all plaintiffs and defendants.

STATE OF NORTH CAROLINA  
Petitioner

vs

HEIRS AT LAW OF W. E. QUEEN,  
viz: Alice Queen (widow),  
Mascombe Queen, and wife,

Mary Queen, Azalea Reagan and PROCEEDINGS  
husband, J. H. Reagan, H. S. Queen and wife,  
Lora Queen, Dora Sherrill and husband, Bert  
Sherrill, D. H. Queen and wife, Lora Queen,  
James R. Reagan, Meta Bradley, Paul Bradley  
(minor), Morris Bradley (minor), John C.  
Reagan and wife, Melinda Reagan, Melvin  
Reagan and wife, Minnie Reagan, George W.  
Beck and wife, Cordelia Beck, James Wilson  
and wife, Lizzie Wilson, M. W. Beck, and  
wife, Julia Beck, Heirs at Law of J. H.  
Connor, viz: Alice Ayers, L. S. Connor and  
wife, Minnie Connor, Avery Connor and wife,  
Connie Connor; Minyard Connor and wife,  
Lassie Connor, Emma Fisher and husband, Ben  
Fisher, Jervis Connor, Lee Connor, Joel  
Connor (minor), Ruby Connor (minor), J. D.  
Smith and wife, Emma Smith, R. L. Burgin,  
Oscar McDonald, Trustee for R. L. Burgin, Hipps  
& Burgin (a partnership), Oscar McDonald, Trustee  
for Hipps & Burgin, W. H. Duncan, Thurman Leather-  
wood, Trustee for W. H. Duncan, H. F. Hall, T. E.  
Smith, Bryson City Motor Company, C. A. Ayers,  
A. A. Hall, Dr. W. H. Tidmarsh, Dr. J. L. Reeves,  
and J. H. Reagan,

Respondents

PETITION

The State of North Carolina, by this its petition against the above named respondents and respondents whose names are set out in this petition, would respectfully show unto the Court:

1. It is one of the sovereign states of the United States of America, clothed with the right of eminent domain, subject to its Constitution and laws enacted in pursuance thereof.

2. That the residences of the respondents herein named are set out hereinafter in this petition as far as the petitioner has been able to obtain the same.

All cases and authorities relied upon to cure any defects in this instrument or proceedings thereon or to support any proposition of law must be cited, and short excerpts made therefrom.

3. An act was ratified in the General Assembly of North Carolina on February 25, 1927, entitled "An Act to Provide for the Consolidation of Parks and Recreational Facilities in the Great Smoky Mountains of North Carolina", the same being Chapter 48, Public Laws of North Carolina, Session of 1927. Among other things, said act vests the petitioner with the power of eminent domain to acquire in the name of and in behalf of the State of North Carolina, and to condemn for park purposes, land and other property, including dwelling houses, outbuildings, orchards, yards and gardens within the area in said act set out to be exercised under and in pursuance of the provisions of Chapter 33, of the Consolidated Statutes of North Carolina, without being subject to the limitations described by Section 1714 of the said chapter.

4. That the respondents are the owners of certain tracts of land situate in Swain County, North Carolina, hereinafter described and fully set forth in Exhibits "A", "B", "C", "D", "E", "F", "G", "H" and "I" attached to this petition and by reference made a part hereof, all of which are necessary to be condemned by petitioner for park purposes, as set out in said act and which are embraced within the boundary described in Section 4, of said act; said lands are likewise described in plats attached to each of said exhibits hereinbefore mentioned, and by reference made a part hereof.

5. That the following named persons, some of the respondents hereinbefore named, are the owners of a certain tract of land lying and being in Swain County, North Carolina, on the waters of Oconalufy River, and being Tract No. 11 of the survey made by the North Carolina Park Commission, and fully described in Exhibit "A" above mentioned, and the plat thereto attached.

Wife at law of W. E. Queen, viz:

Alice Queen (widow)	Swain County, N. C.
Bascombe Queen and wife,	
Mary Queen	Swain County, N. C.
Azalea Reagan and husband,	
J. H. Reagan	Jackson County, N. C.
H. S. Queen and wife,	
Dora Queen	Jackson County, N. C.
Dora Sherrill and husband,	
Bert Sherrill	Jackson County, N. C.
D. H. Queen and wife,	
Lora Queen	Haywood County, N. C.
James R. Reagan	New York, N. Y.
Meta Bradley	Knoxville, Tenn.
Paul Bradley (minor)	Knoxville, Tenn.
Morris Bradley (minor)	Knoxville, Tenn.

The residences of said respondents, insofar as the petitioner has been able to ascertain, have been set out opposite the name of each.

That the above named respondents, Paul Bradley and Morris Bradley, are minors, 19 years and 17 years of age respectively, and are without general or testamentary guardian, as your petitioner is informed and believes.

6. That John C. Reagan and wife, Melinda Reagan, two of the respondents hereinbefore named, are the owners of a certain tract of land lying and being in Swain County, North Carolina, on the waters of the Oconalufy River, and being Tract No. 24, of the survey made by the North Carolina Park Commission, and being fully described in

Exhibit "B" above mentioned, and the plat attached thereto.

That the said John C. Reagan and wife, Melinda Reagan, are residents of Swain County, North Carolina.

7. That Melvin Reagan and wife, Minnie Reagan, two of the respondents hereinbefore named, are the owners of a certain tract of land lying and being in Swain County, North Carolina, on the waters of Oconalufy River, and being part of Tract No. 25, of the survey made by the North Carolina Park Commission, and being fully described in Exhibit "C" above mentioned, and the plat attached thereto.

That the said Melvin Reagan and wife, Minnie Reagan, are residents of Swain County, North Carolina.

8. That George W. Beck and wife, Cordelia Beck, two of the respondents hereinbefore named, are the owners of certain tracts of land lying and being in Swain County, North Carolina, on the waters of Oconalufy River, and being Tracts Nos. 39 and 39A, of the survey made by the North Carolina Park Commission, and being fully described in Exhibit "D" above mentioned, and the plat attached thereto.

That the said George W. Beck and wife, Cordelia Beck, are residents of Swain County, North Carolina.

9. That James Wilson and wife, Lizzie Wilson, two of the respondents hereinbefore named, are the owners of a certain tract of land lying and being in Swain County, North Carolina, on the waters of Oconalufy River, and being Tract No. 40 of the survey made by the North Carolina Park Commission, and fully described in Exhibit "E" above mentioned, and the plat attached thereto.

That the said James Wilson and wife, Lizzie Wilson, are residents of Swain County, North Carolina.

10. That M. W. Beck and wife, Julia Beck, two of the respondents hereinbefore named, are the owners of a certain tract of land lying and being in Swain County, North Carolina, on the waters of Oconalufy River, and being Tract No. 41 of the survey made by the North Carolina Park Commission, and being fully described in Exhibit "F" above mentioned, and the plat thereto attached.

That the said M. W. Beck and wife, Julia Beck, are residents of Swain County, North Carolina.

11. That the following named persons, some of the respondents hereinbefore named, are the owners of a certain tract of land lying and being in Swain County, North Carolina, on the waters of Oconalufy River, and being Tract No. 50, of the survey made by the North Carolina Park Commission, and fully described in Exhibit "G" above mentioned, and the plat thereto attached:

Helds at Law of J. H. Connor, viz:

Alice Ayers  
L. S. Connor and wife,  
Minnie Connor  
Avery Connor and wife,  
Jonnie Connor  
Minyard Connor and wife,  
Lassie Connor

Swain County, N. C.

Swain County, N. C.

Tennessee

Swain County, N. C.

Emma Fisher and husband,  
Ben Fisher  
Jervie Connor,  
Lee Connor  
Joel Connor (minor)  
Ruby Connor (minor)

Swain County, N. C.  
Non-resident  
Ohio  
Swain County, N. C.  
Swain County, N. C.

The residences of said respondents, insofar as the petitioner has been able to ascertain, have been set opposite the name of each.

That the above named respondents, Joel Connor and Ruby Connor, are minors, 18 years and 15 years of age respectively, and are without general or testamentary guardian, as your petitioner is informed and believes.

12. That L. S. Connor and wife, Minnie Connor, two of the respondents hereinbefore named, are the owners of a certain tract of land lying and being in Swain County, North Carolina, on the waters of Beaufort River, being Tract No. 54, of the survey made by the North Carolina Park Commission, and being fully described in Exhibit "I" above mentioned, and the plat thereto attached.

That the said L. S. Connor and wife, Minnie Connor, are residents of Swain County, North Carolina.

13. That J. D. Smith and wife, Emma Smith, two of the respondents hereinbefore named, are the owners of two tracts of land lying and being in Swain County, North Carolina, on the watershed of Beaufort River, one of which is known as the "J.D.S. McMahan Tract" and being Tract No. 75, and the other known as the "Ravensford Church Tract", and being Tract No. 73, of the survey made by the North Carolina Park Commission, and being fully described in Exhibit "I" above mentioned, and the plats attached thereto.

That the said J. D. Smith and wife, Emma Smith, are residents of Swain County, North Carolina.

That the only other persons shown by the records of Swain County who claim to have any interest or estate in said land embraced and described in said Exhibit "I", and the plat attached thereto, and being the lands owned and claimed by the above named respondents, are as follows:

(a) R. L. Burgin and Oscar McDonald, Trustees for R. L. Burgin, who claim a lien under and by virtue of a deed of trust on the above mentioned land, filed in the office of the Register of Deeds of Swain County, North Carolina.

That both of the above named respondents are residents of Swain County, North Carolina.

(b) Hipps & Burgin and Oscar McDonald, Trustees for Hipps & Burgin, who claim a lien under and by virtue of a deed of trust on the above mentioned land, filed in the office of the Register of Deeds of Swain County, North Carolina.

That the respondents named in Section (b) are residents of Swain County, North Carolina.

(c) W. H. Duncan and Thurman Leatherwood, Trustees for W. H. Duncan, who claim a lien under and by virtue of a deed of trust

182

as the above mentioned land, filed in the office of the Register of  
Swain County, North Carolina.

That both of the above named respondents are residents of  
Swain County, North Carolina.

(d) R. F. Hall, who claims a lien under and by virtue of  
a judgment docketed in the office of the Clerk of the Superior Court  
of Swain County, North Carolina.

That the said R. F. Hall is a resident of Macon County,  
North Carolina.

(e) T. E. Smith, who claims a lien under and by virtue of  
a judgment docketed in the office of the Clerk of the Superior Court  
of Swain County, North Carolina.

That the said T. E. Smith is a resident of Swain County,  
North Carolina.

(f) Bryson City Motor Company, which claims a lien under  
and by virtue of a judgment docketed in the office of the Clerk of  
the Superior Court of Swain County, North Carolina.

That the said Bryson City Motor Company is a corporation  
organized and existing under and by virtue of the laws of the State  
of North Carolina, with its place of business located in the town of  
Bryson City, North Carolina.

(g) C. A. Ayers, who claims a lien under and by virtue of  
a judgment docketed in the office of the Clerk of the Superior Court  
of Swain County, North Carolina.

That the said C. A. Ayers is a resident of Swain County,  
North Carolina.

(h) N. A. Hall, who claims a lien under and by virtue of  
a judgment docketed in the office of the Clerk of the Superior Court  
of Swain County, North Carolina.

That the said N. A. Hall is a resident of Swain County,  
North Carolina.

(i) Dr. W. H. Tidmarsh, who claims a lien under and by  
virtue of a judgment docketed in the office of the Clerk of the  
Superior Court of Swain County, North Carolina.

That the said Dr. W. H. Tidmarsh, is a resident of Swain  
County, North Carolina.

(j) Dr. J. L. Reeves, who claims a lien under and by virtue  
of a judgment docketed in the office of the Clerk of the Superior  
Court of Swain County, North Carolina.

That the said Dr. J. L. Reeves is a resident of Haywood  
County, North Carolina.

(k) J. H. Reagan, who claims a lien under and by virtue  
of a judgment docketed in the office of the Clerk of the Superior  
Court of Swain County, North Carolina.

That the said J. H. Reagan is a resident of Jackson County, North Carolina.

14. That all of said lands and interests in land hereinbefore described and set out in Exhibits "A" to "I", inclusive, attached to this petition, together with plats attached to each of said exhibits, lie within the area described and set out in Section 4 of Chapter 48, of the Public Laws of North Carolina, Session of 1927, entitled "An act to provide for the Acquisition of Parks and Recreational Facilities in the Great Smoky Mountains of North Carolina", and are necessary to be condemned by the petitioner for park purposes, as set out in said act.

15. That certain of the respondents above named are non-residents of the State, as hereinabove stated, but have property in this State and this Court has jurisdiction of the subject of this action, the respondents having or claiming some estate or interest in the lands described in the petition, as petitioner is informed and believes. The respondents above enumerated as non-residents cannot, after due diligence, be found within the State of North Carolina; and, certain of said respondents are minors without general or testamentary guardians, as above set forth.

WHEREFORE, your petitioner prays that summons issue against all of said respondents named in said petition, and referred to therein as owning or claiming to own or having any right, title or interest in any of the said lands described in said petition, and that they be required to appear before the Clerk of the Superior Court of Buncombe County, North Carolina, at the time to be named in said summons, or any extension of the time which may be fixed by the Court, and show cause, if any they have, why the prayer of your petitioner should not be granted.

Petitioner further prays that upon hearing the Court shall enter a decree condemning the lands described in said petition for the purpose of said petitioner, as herein set out and as provided for by said Chapter 48, of the Public Laws of the State of North Carolina, Session 1927, and vesting title in fee simple in said lands in said petitioner for said purposes, and that the Court shall appoint at said hearing commissioners to assess and determine what compensation ought rightfully to be paid to said respondents for the condemnation of the lands hereinbefore described for the purpose mentioned in said petition.

Petitioner further prays an order of publication, together with notice, be issued, in conformity with the provision of Public Laws of North Carolina, Session of 1927.

Petitioner further prays an order of the Court appointing some suitable and competent person as guardian ad litem for the infant respondents hereinabove named.

Petitioner further prays for such other and further orders and relief as may be necessary and consistent with law and with right and with justice.

STATE OF NORTH CAROLINA  
By T. R. Carter, Assistant  
Attorney General



North Carolina  
Swain County

F. D. Ebbs, being first duly sworn, deposes and says:

That he is a member of the NORTH CAROLINA PARK COMMISSION and an executive officer thereof, to-wit, the Treasurer of said Commission, and, as he is informed, advised and believes, has full authority to make this verification; that he has read the foregoing petition and knows the contents thereof, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and as to such matters, he believes it to be true.

Plato D. Ebbs

Sworn to and subscribed before me this 31st day of May, 1930.

H. K. Sanders,  
Notary Public

My commission expires  
January 12, 1931  
(Notarial Seal)

EXHIBIT "A"

DESCRIPTION OF THE BOUNDARY OF THE W. E. QUEEN TRACT  
(11), SWAIN COUNTY, NORTH CAROLINA  
478.99 ACRES

W. E. Queen Tract  
(11)

NOTE: All bearings in this description were turned from the true meridian, and all distances are expressed in chains of 66 feet.

Lying on the waters of Ocona Luffy River, at the mouth of Bradley Fork. BEGINNING at Corner 1, which is corner 3 of the A. A. Carver Tract (8), a maple stump on East bank of Bradley Fork. Set a locust post scribed C. A 6" locust, blazed and scribed B.T.-C, bears E. 18-00 E. .22 chain distant; thence with five lines of the A. A. Carver tract S. 80-04 E. 5.69, Corner 2, a 6" white oak with corner marks, a 6" chestnut bears E. 61-00 E. .50 chain distant. N. 5-23 E. 2.71 chains, Corner 3, a chestnut stump shown by A. A. Carver as his corner; a 6" white oak, blazed and scribed B.T.-C, bears S. 71-00 E. .30 chain distant. N. 65-58 E. 10.39 chains, Stream flows N.W.; 12.68 chains, Corner 4, a point with witnesses. Set a chestnut post scribed C-5. A 14" Spanish Oak, blazed and scribed B.T.-C-5, bears S. 80-00 E. N. 27-41 E. 4.11 chains, Corner 5, a point with witnesses. Set a post scribed C-4. An 8" black gum, blazed and scribed B.T.-C-4, bears East .05 chain distant. N. 34-40 E. 11.68 chains, stream flows N.W.; 12.68 chains, stream flows S. 25-00 W., 22.30 chains, Corner 6, which is corner 3 of the James A. Martin Tract (2), a point with witnesses. Set a post scribed C-3. A 12" locust, blazed and scribed B.T. C-3, bears S. 61-00 E. .32 chain distant; a 16" black oak, blazed and scribed B.T.-C-3, bears S. 29-00 E. .40 chain distant; thence with eight lines of the James A. Martin Tract (2), N. 46-34 E. .9.75 chains, Corner 7, a point at intersection of marked lines, set a post in a mound of stones, a 20" poplar bears N. 10-00 E. .20 chain distant N. 4-43 E. 4.05 chains, stream flows west; 13.95 chains, Corner 8, a spanish oak stump, with wit-

measures, on a ridge, set a post in a mound of stones, a 16" spanish oak bears S. 15-00 E., .30 chain distant; N. 12-45 E., 17.26 chains, Corner 9, a small white oak sapling with marks and witnesses, on steep west slope, a 5" black oak bears S. 30-00 E. .10 chain distant; a 4" Hickory bears N. 50-00 E. .05 chain distant, S. 71-03 E., 28.41 chains, Corner 10, a small dead chestnut, with marks and witnesses, in a flat, set a chestnut post, a 20" white oak bears N. 20-00 E. .40 chain distant, S. 39-11 W., 50.97 chains, Corner 11, a 26" scarlet oak with old marks and witnesses, a 30" chestnut bears S. 35-00 E. .40 chain distant, S. 33-44 E., 10.57 chains, Corner 12, a rock with witnesses, on ridge bearing South; a 30" white oak bears S. 60-00 W. .20 chain distant; a 20" white oak bears N. 10-00 E. .27 chain distant; S. 49-46 W. 25.14 chains; Corner 13, set a chestnut post an 8" chestnut bears S. 30-00 W. .50 chain distant, S. 0-58 W., 7.28 chains, Corner 14, a point at intersection with the marked Cathcart line; thence S. 49-36 W., with the marked Cathcart line, 22-66 chains, Corner 16, an old locust post in a mound of stones, corner of the Indian Land. a 6" Red Oak blazed and scribed B.T.-Q 4, bears S. 71-00 W. .25 chain distant; thence S. 40-53 E., with the Indian Line, as marked with very old marks, 16.06 chains, Corner 16, a planted stone with witnesses, a corner of the L. A. W. Maney Tract, a 6" chestnut oak, blazed and scribed B.T.Q-3, bears E. .30 chain distant; thence with two lines of the L. A. W. Maney tract, S. 40-47 W., 28.91 chains, Corner 17, a planted stone at intersection of marked lines, near top of spur ridge, a 12" white oak, blazed and scribed B.T.Q-2, bears N. 50-00 W. .35 chain distant, N. 26-25 W., 13.17 chains, Corner 18, a point at center of Oconalufy River, .20 chain above center of bridge, being corner 12 of the Champion Fibre Company Tract (1d); thence with five lines of the Champion Fibre Co. Tract (1-d) N. 7-14 E., 5.76 chains, Corner 19, a point in center of river; N. 88-40 E. leaving river, 1.03 chains, Corner 20, a point on east bank of road, with which oak and maple witnesses, N. 2-48 E., 6.17 chains, Corner 21, a post with witnesses; N. 89-08 W., 11.00 chains, Corner 22, a sycamore stump on east bank of river, just below the R. R. Trestle, N. 85-10 W., 3.19 chains, Corner 23, which is corner 1 of the Champion Fibre. Co. Tract (1-d), a point at the junction of Bradley Fork with the left fork of Oconalufy River; thence with the meanders of Bradley Fork, N. 14-46 W., 13.40 chains, a point; N. 19-05 W., 4.33 chains, a point; N. 26-40 W., 5.83 chains, a point; N. 39-43 E., 2.34 chains, a point; N. 2-05 E., 4.45 chains, a point; N. 36-13 W., 4.43 chains, a point; N. 60-52 W., 2.15 chains, Corner 24, a forked chestnut with old marks, on west bank of river, blazed and scribed W. 2-Cor. 2, a 15" white oak, blazed and scribed B.T.W 2-Cor. 2, bears S. 47-00 W. .22 chain distant; thence N. 87-08 W., with a line of the Bradley Land; 14.77 chains, Corner 25, a locust stake on a ridge with a sourwood witness; thence up the ridge, with its meanders, N. 24-27 W., 1.63 chains, a chestnut stake, a corner of the John C. Reagan tract, N. 22-00 W., 3.47 chains, a point; N. 36-40 W., 1.23 chains, a point; N. 12-38 W., 2.47 chains, a point; N. 3-32 E., 1.13 chains, Corner 26, which is corner 5, of the James A. Martin Tract (2-b) an 18" pine with old marks, a corner common to John C. Reagan; thence with two lines of the James A. Martin Tract (2-b) N. 56-54 E., 6.91 chains, Corner 27, a 20" white oak with witnesses, a 12" white oak, blazed and scribed B.T. bears S. 83-00 W. .40 chain distant; Corner 28, which is corner 3 of the Julius Carver Tract (9) a locust stump with witnesses, on a ridge, blazed and scribed C1-5, a 16" black oak, blazed and scribed B.T.-C 1-5, bears S. 50-00 W., .10 chain distant; thence down the ridge with its meanders, a line of the Julius Carver Tract, S. 89-49 E., 3.10 chains, a point; S. 81-40 E., 4.69 chains, a point; S. 49-55 E. 3.68 chains, a point;

486

S. 65-33 E., 8.92 chains, a point; S. 43-46 E., 6.24 chains, Corner 29,  
a point at intersection with the center line of Bradley Fork, and at  
the center of a small diversion dam; thence up Bradley Fork with its  
meanders, N. 46-24 W., 2.16 chains, a point; N. 24-55 W. 5.73 chains,  
the place of BEGINNING, containing 478.99 acres, exclusive of Exception 1.

TRACT No. 11

Exception No. 1

Being the Smokemont Church lot. BEGINNING at Corner 1, an  
iron stake on the upper bank of the road, about 2.00 chains above the  
bridge across Oconalufty River; thence N. 82-55 E., 3.60 chains, Corner 2,  
a chestnut stump; thence N. 8-30 W., 1.40 chains, Corner 3, a sassafras  
marked as corner; thence N. 81-42 W., 4.39 chains, Corner 4, a point in  
the road; thence S. 22-00 E., 2.67 chains, the place of BEGINNING,  
containing .77 acres.