

NORTH CAROLINA PARK COMMISSION

ABSTRACT OF DEED OR GRANT

Grantees

In Preamble	As Signed	As Acknowledged
W. E. Queen	W. E. Queen Alice Queen	
H. K. Goss, J. R. Kimsey, M. C. Ayers, Deacons of Lufty Baptist Church		

1. Kind of Conveyance Full Warranty Deed
3. Is it properly executed Yes
5. Before what Officer acknowledged N. P.
7. If irregular, copy in full on back
9. Date of acknowledgment 5-10-06
11. Did officer affix Seal Yes
13. Does conveyance contain covenants—
 - (a) of seizin Yes
 - (b) power to convey Yes
 - (c) against encumbrances Yes
 - (d) against claims of all others Yes
2. Date of Conveyance 2-26-06
4. Date of Entry and No.
6. Acknowledgments, regular Yes
8. Did all grantors acknowledge Yes
10. Was privy examination of wife taken Yes
12. Was order or probate correct Yes
14. Date of filing for record 6-15-06
15. Book 27 Page 513
for Swain County.
16. Does deed contain any special limitations, provisions or restrictions No
17. Habendum clause (Quote fully) TO HAVE AND TO HOLD the aforesaid tract and all privileges and appurtenances thereto

Exact Description of Property

THIS DEED made this Feb. 26, 1906, by W. E. Queen of Swain County and State of N. C. of the first part and H. K. Goss, J. R. Kimsey, and M. C. Ayers, Deacons of the Lufty Baptist Church and their successors as deacons of Swain County, N. C. of the second part, WITNESSETH:

Said W. E. Queen in consideration of the love and affection he has for the Lufty Baptist Church and other valuable considerations to him paid by the said deacons, the receipt of which is hereby acknowledged, have bargained and sold and by these presents doth bargain, sell and convey to the said deacons of the Lufty Baptist Church and their successors in office a certain piece or parcel of land in Swain County and in Ocona Lufty Township.

BEGINNING on a poplar above the road 5 poles and 15 links from Beck line, and runs N 29 W 10 poles and 8 links to a beech on the side of the public road, thence S 85 W 19 poles to a sassafras, thence S 15 E 8 Poles and 8 links to a chestnut. Thence N 89 W 16 poles to the BEGINNING, containing one acre more or less.

TO HAVE AND TO HOLD the aforesaid tract and all privileges and appurtenances thereto, and the said W. E. Queen further give to the deacons of the Baptist Church a privilege to cut fire wood for the use of the Baptist Church, but they are not to cut any board trees or other valuable timber. The firewood for the Church to be cut on the ridge next to the Beck line.

Peta, N. C.
June 18, 1931

Mr. W. H. Woodbury,

Dear Sir:

Since I saw you I have been thinking over how I could approach those folks at Smoke Mountain about buying the Church Property. Naturally they will wonder why I am interested in it and who sent me. I think you said not to mention your name to them for reasons you stated to me.

Now here is what I think the best thing to do to liberate me and give me a good approach to them. Have Mr. Weaver write me a letter over his signature asking me to go and see what can be done toward closing the deal.

I shall be pleased if you will have him do this at once as I intend to go there next week if something unforeseen does not prevent.

Fraternally Yours,
S. H. Denty

307 City Building,
P. O. Box 1232,
Asheville, N. C.

June 20, 1931.

Rev. T. F. Deitz,
Beta, N. C.

Dear Sir:

We are very anxious to acquire the Smokemont Church Property, so as to clear up all of the necessary purchases on Oconalufty. We have now gotten them all except the Ravensford Lumber Company, which is under condemnation.

It has occurred to me that you could present this matter to the Baptist Church authorities at Smokemont in such a way that they would agree to execute a conveyance at a price to be agreed upon.

The Park Commission does not, of course, desire to enter into condemnation proceedings against property of this kind, and I myself do not wish to do so, and hope very much that it can be avoided.

It will be very helpful to the Park in concluding its matters out there, and, of course, the people could use the church as they are now doing. The Secretary of the Interior has stated to us in a communication that it was necessary to secure title in fee simple to all church and school properties within the National Park area, but it would be their policy to lease for nominal sums such property for the same uses for which it had been theretofore employed. Under this I feel sure that there will be no disturbance in the use by the Smokemont congregation of this church property, and as we are required to secure fee simple title to all property in the Park, I feel sure that the church authorities will understand the situation, and, I hope, cooperate with us in the matter.

Due to your acquaintance and high standing in the church, we would appreciate very much if you would confer with them about it.

Very sincerely yours,

Zebulon Weaver,
Title Attorney.

Beta, N.C.
July 11, 1951

Mr. W. H. Woodberry
Asheville, N.C.

Dear Sir:

I got me a taxi and motored to
Snodgrass and had an interview
with some of the leading members
of the church. It was not very
encouraging. I found the sentiment
against selling the church very
intense and extreme.

I mentioned calling them
together for a conference, I was
advised it would not be best
since they had a meeting recently
for that purpose. Many folks
came out and the feeling was
so intense they adjourned with-

to mentioning the matter. So the
advice that I got was to the
effect that it would be best to
condemn the property rather than
try to get an agreement, for
that seems impossible now.

There might be some hope of
readjustment if the matter could
just be dropped for a while,
until they have time to cool
off and see the inevitable.

If there is anything else
that I can do I shall be glad
to try it.

Yours fraternally,

Rev. F. F. Deitz

307 City Building,
P. O. Box 1232,
Asheville, N. C.

July 2, 1931

Rev. T. F. Deitz,
Beta, N. C.

Dear Mr. Deitz:

Yours of the 1st received, and I
am very sorry that you were unsuccessful at
Smokemont.

I believe I asked you to get us
as many names of the congregation as you could
while you were up there, and if you have done
this, will you kindly pass this information on
to us?

As soon as we can get our Treasurer
and Vice-Chairman to sign a voucher for the
\$10.00 I told you we would send you, it will be
forwarded to you.

Again thanking you, I am,

Yours very truly,

W. H. Woodbury

WHD:H

7/8-31
J. S. CONNER

SHOES, DRY GOODS, NOTIONS AND
FANCY GROCERIES

SMOKEMONT, N. CAR.

Mr H C Wilburn

Dear Friend I will write as I promised to do
the Deacons are J W Wilson and G L Mathis
the Clerk is J H Wilson the leading members
are J W Wilson and wife J H Wilson + wife
C A Ayers + wife Fred Rolland and wife Jess Lambert
and wife Joe Beck and wife Bas Queen and wife
Dan Honeyette and wife C A Moler + wife
Will D. Watson pastor.

Yours Very Truly -
J. S. Conner

MR. H. C. WILBURN

We are listing below names of those opposed to selling Church Property at Smokemont, N. C., as Follows:

Florence Lambert
Lula Rolland
Ollie Bradley
J. S. Bradley
Rectenner Lambert
Orville Maney
Lillie Mathis
Mary Beck
Mary Treadway
Macie Queen
Gaddis Beck
Sallie Maney
Lizzie Beck
Winnte Mathis
Susie Mathis
Carrie Lambert
Lessie Conner
Ollie Wilson
Mamie Lambert
Ada Lambert
Levi Mathis
y J. H. Wilson
C. F. Ayers
Seab Mathis
L. A. Treadaway
Hettie Carver
Mary Queen
R. M. Conner
James Hensley
Arnold Beck
x Bass Queen.

Below are the names of those in favor of the selling of the Church Property at Smokemont, N. C., as follows:

x C. A. Moles
Mrs. C. A. Moles
Mrs. J. S. Conner
~~J. S. Conner~~
Mrs. John Rolland.

John Rolland

Election held Saturday Night, Sept. 26, 1931.

SEPT. 28, 1931

Yours Truly
C. A. Moles

307 City Building,
P. O. Box 1232,
Asheville, N. C.

November 2, 1931.

Ranger in Charge,
Great Smoky Mountains National Park,
Bryson City, N. C.

Dear Sir:

Mr. Needham sent us the names of the church members of the Smokemont Baptist Church some time ago, but they have been mislaid, and we understand he kept a copy for his own use. If you can find this copy, please give us a list of all the names as early as you can, as we expect to start condemnation proceedings without further delay.

Yours truly,

NORTH CAROLINA PARK COMMISSION

By

W. H. Woodbury.

NORTH CAROLINA PARK COMMISSION

COMMISSION ON THE PART OF NORTH CAROLINA FOR THE PURPOSE OF
PRESENTING THE CLAIMS OF NORTH CAROLINA FOR A NATIONAL PARK

EUGENE C. BROOKS, RALEIGH
O. M. DUCK, SALEM MOUNTAIN
JOHN G. DAWSON, RINNSTON
PLATO (BBS), ASHEVILLE
R. T. FOUNTAIN, ROCKY MOUNT

MARK SQUIRES, CHAIRMAN, LENOIR
EUGENE C. BROOKS, SECRETARY, RALEIGH

J. A. HARDISON, WADESBORO
FRANK LINNEY, BOONE
J. ELMER LONG, DURHAM
HARRY NETTLES, BILTHORE
E. S. PARKER, JR., GREENSBORO
MARK SQUIRES, LENOIR

307 City Building
P. O. Box 1232
Asheville, N. C.

November 25, 1931

Mr. Jehu Connor,
Smokemont, N. C.

Dear Mr. Connor:

We regret very much that it is going to be necessary to condemn the Smokemont Church, and we wish that in some way it could be avoided, although, as far as we know, we have done everything that is possible to avoid the issue.

We have just received a letter from the Department of the Interior, in Washington, explaining their attitude in regard to the cemetery and churches, and this letter has enabled us to secure the cemeteries, and it does look to us that the proposition that they make is reasonable, and should enable us to secure such properties without resorting to extreme measures. We will enclose a copy of this letter, above referred to, for your information, and would be glad to have you save it, as it might be needed in the future.

Anything that you could do to ease the situation would be greatly appreciated.

Yours very truly,

NORTH CAROLINA PARK COMMISSION

By



W. H. Woodbury

WHW:H
Encl

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

NOV 23 1931

Mr. W. H. Woodbury,
Executive Secretary, North Carolina Park Commission,
P. O. Box 1232, Asheville, North Carolina.

Dear Mr. Woodbury:

Superintendent Eakin has turned over to this office direct for reply your letter of inquiry of November 12, concerning certain commitments you desire to have laid down regarding the handling of cemeteries in the park area, both with respect to the three cemeteries in the Cataloochee territory, which you are mentioning specifically, and all the others inside the park area. In this connection you may say on behalf of the Park Service that we will do everything within our power to keep the cemeteries intact and that the parties who have bodies buried there may go to and from the cemeteries with all freedom of action and have the right to keep the brush and briars cleaned off. In addition, they will also not only have the right of interment of any bodies now living within the park area and who have been interested in the cemetery and wish to be buried there, but we feel there may be some who have moved out whose family burial plots are in these cemeteries and who therefore may wish to be buried in the same cemetery with their kin-folks. These we will also accord the privilege of burial in the old family burial ground. Furthermore, we will assume it as an obligation of the National Park Service to assist in keeping these cemeteries as cleaned up as possible after we have taken them over as part of the park.

I should like to advert to another matter which refers to the acquisition of one of the church properties in the Smokemont area. As I understand it, the elders of this church are unwilling to arrange for the deeding over of the church property for a reasonable consideration because of some misgivings they have as to the correctness of such a stand. I have not been advised definitely of the reasons for their hesitation, but it would seem to me that if they will sell this church property to your Commission for a reasonable price and accept in return an agreement that the National Park Service will lease back the property to them for periods of two years each, they would be in an excellent position to apply the money they get from the sale of their property to

the tidying up of the church. The rent under the lease could be made as low as a dollar a year, just a nominal sum, and the other details of the lease would be no different from those exacted in any of the other cases, such as good behavior, keeping the premises neat and tidy, etc.

Your inquiry in regard to the cemeteries applies to those owned by the Caldwell heirs, another owned by the Hannah heirs, and another known as the Hopkins cemetery. I am therefore attaching three extra copies of this letter so that you may have them to turn over to the owners of these tracts.

Sincerely yours,

(SGD.) HORACE M. ALBRIGHT

Director.

Inclosure
72883

ABC:MMH

CC 3 extra to Mr. Woodbury
Supt. Eakin

307 City Building
P. O. Box 1232
Asheville, N. C.

November 25, 1931

Mr. Jehu Connor,
Smokemont, N. C.

Dear Mr. Connor:

We regret very much that it is going to be necessary to condemn the Smokemont Church, and we wish that in some way it could be avoided, although, as far as we know, we have done everything that is possible to avoid the issue.

We have just received a letter from the Department of the Interior, in Washington, explaining their attitude in regard to the cemetery and churches, and this letter has enabled us to secure the cemeteries, and it does look to us that the proposition that they make is reasonable, and should enable us to secure such properties without resorting to extreme measures. We will enclose a copy of this letter, above referred to, for your information, and would be glad to have you save it, as it might be needed in the future.

Anything that you could do to ease the situation would be greatly appreciated.

Yours very truly,

NORTH CAROLINA PARK COMMISSION

By

W. H. Woodbury

WHW:H
Encl

307 City Building
P. O. Box 1232
Asheville, N. C.

November 25, 1931

Mr. Horace M. Albright, Director
National Park Service,
Department of the Interior,
Washington, D. C.

Dear Mr. Albright:

I have your letter of the 23d in regard to the cemeteries, and thank you very much for the full way in which you have expressed the matter, and I believe it will enable us to close some of the cemetery deals.

In regard to the second paragraph of your letter, relative to the Smokemont Church, parties up there are being misled by a man who is not one of their members, but who is disgruntled at some of our purchases, and a leader in the neighborhood, and in spite of everything that we have been able to do or say, (although we have heretofore mentioned the subject matter which your letter contains) it looks as if we will have to start condemnation proceedings.

Sincerely yours,

W. H. Woodbury.

WHW:H

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

GREAT SMOKY MOUNTAINS NATIONAL PARK,
BRYSON CITY, N. C.

Dec. 4, 1931

W.H. Woodbury,
N.C. Park Comm.
Ashville, N.C.

Dear Sir;

As per request of a list of names of members of
the Smokemont Baptist church, I herewith submit the following
according to a list here at this office.

Members opposed to selling church:-

14 Florence Lambert
29 Lula Rolland
7 Ollie Bradley
6 J.S. Bradley
16 Rectenner Lambert
17 Orville Maney
20 Lillie Mathis
5 Mary Beck
3 Mary Treadway
27 Macie Queen
3 Gaddis Beck
18 Sallie Maney
4 Lizzie Beck
23 Winnie Mathis
22 Susie Mathis
13 Carrie Lambert

7 Lessie Connor
35 Ollie Wilson
15 Mamie Lambert
12 Ada Lambert
19 Levi Mathis
34 J.H. Wilson
1 C.F. Ayers
24 Seab Mathis
33 L.A. Treadaway
8 Hettie Carver
28 Mary Queen
10 R.M. Connor
11 James Hensley
2 Arnold Beck
26 Bass Queen

*Wm. Ayers
J.H. Wilson*

Members favoring sale of church:

24 C. A. Moles
25 Mrs. C.A. Moles
8 Mrs J.S. Connor
30 John Rolland
31 Mrs. John Rolland

Very truly yours,

A.K. Wogensen

A.K. Wogensen
Park Ranger.

307 City Building,
P. O. Box 1232,
Asheville, N. C.

February 3, 1932.

Sheriff of Swain County,
Bryson City, N. C.

Dear Sheriff:

We are enclosing you summonses for several parties in regard to the Smokemont Baptist Church and a copy for each party to be served.

We would appreciate a quick return on this matter and notification as to those parties you cannot find so that we can proceed with as little delay as possible.

Will send you check promptly for the services you make.

Please make your return on the back of the original summons, showing the parties served and the parties not found in Swain County, and return to us in the enclosed self-addressed envelope.

Thanking you for handling this matter as quickly as you can, we are

Very truly yours,

NORTH CAROLINA PARK COMMISSION

By

W. H. Woodbury.

WHW:S

Encls.

NORTH CAROLINA,
 Buncombe County. } In the Superior Court.

STATE OF NORTH CAROLINA, Petitioner

Against

J. M. AYERS, J. H. WILSON and
 LEVI MATHIS, Trustees of LUFTY
 BAPTIST CHURCH (commonly called
 SMOKEMONT BAPTIST CHURCH), to-
 gether with any and all other
 Trustees and Deacons; and C. F.
 AYers, Arnold Beck, Gaddis Beck,
 et al.,

SUMMONS FOR RELIEF.
 Before the Clerk

Respondents.

The State of North Carolina,

To the Sheriff of SWAIN County—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON

- | | |
|------------------------|------------------------|
| 1. J. M. Ayers, | 19. Rectenner Lambert, |
| 2. J. H. Wilson, & | 20. Orville Maney, |
| 3. Levi Mathis, | 21. Sallie Maney, |
| Trustees of Lufty | 22. Levi Mathis, |
| Baptist Church. | 23. Lillie Mathis, |
| 4. C. F. Ayers, | 24. Seab Mathis, |
| 5. Arnold Beck, | 25. Susie Mathis, |
| 6. Gaddis Beck, | 26. Winnie Mathis, |
| 7. Lizzie Beck, | 27. C. A. Moles, |
| 8. Mary Beck, | 28. Mrs. C. A. Moles, |
| 9. J. S. Bradley, | 29. Bass Queen, |
| 10. Ollie Bradley, | 30. Macie Queen, |
| 11. Mrs. J. S. Connor, | 31. Mary Queen, |
| 12. Lessie Connor, | 32. Lula Rolland, |
| 13. R. M. Connor, | 33. John Rolland, |
| 14. James Hensley, | 34. Mrs. John Rolland, |
| 15. Ada Lambert, | 35. Mary Treadway, |
| 16. Carrie Lambert, | 36. L. A. Treadaway, |
| 17. Florence Lambert, | 37. J. H. Wilson, and |
| 18. Mamie Lambert, | 38. Ollie Wilson, |

the respondent, or some of the respondents, above named, if found within your county, to appear at the office of the Clerk of the Superior Court for the County of Buncombe, and answer the petition deposited as provided by Chapter 237, Public Laws of 1929, in the office of the Clerk of the Superior Court of said county within ten days from the date of service of this summons, and let the above named respondents take notice that if they fail to answer the said petition within that time, petitioner will apply to the Court for the relief demanded in the petition.

Herein fail not, and of this summons make due return.

Given under my hand and official seal this 3rd day of February, 1932.

(SIGNED) J. B. CAIN

Clerk of the Superior Court of Buncombe County.

J. W. HAYES

Per D. C.

(SEAL)

Filed February 13, 1932.

NORTH CAROLINA, : IN THE SUPERIOR COURT
: :
BUNCOMBE COUNTY. : BEFORE THE CLERK.

STATE OF NORTH CAROLINA, :
: Petitioner, :
: :

-vs-

P E T I T I O N

J. M. AYERS, J. H. WILSON and
LEVI MATHIS, Trustees of LUFTY
BAPTIST CHURCH (commonly called
SMOKEMONT BAPTIST CHURCH), to-
gether with any and all other
Trustees and Deacons; and C. F.
AYERS, ARNOLD BECK, GADDIS BECK,
LIZZIE BECK, MARY BECK, J. S.
BRADLEY, OLLIE BRADLEY, MRS. J.
S. CONNOR, LESSIE CONNOR, R. M.
CONNOR, JAMES HENSLEY, ADA LAM-
BERT, CARRIE LAMBERT, FLORENCE
LAMBERT, MAMIE LAMBERT, RECTOR-
NER LAMBERT, ORVILLE MANEY, SAL-
LIE MANEY, LEVI MATHIS, LILLIE
MATHIS, SEAB MATHIS, SUSIE
MATHIS, WINNIE MATHIS, C. A.
MOLES, MRS. C. A. MOLES, BASS
QUEEN, MACIE QUEEN, MARY QUEEN,
LULA ROLLAND, JOHN ROLLAND, MRS.
JOHN ROLLAND, MARY TREADWAY, L.
A. TREADAWAY, J. H. WILSON and
OLLIE WILSON, members of said
LUFTY BAPTIST CHURCH (commonly
called SMOKEMONT BAPTIST CHURCH),
and any and all other members or
persons claiming any interest in
and to the lands claimed and held
by said church,

Respondents. :

The State of North Carolina, by this, its petition,
against the above named respondents, would respectfully show unto
the Court:

I.

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.

307 City Building,
P. O. Box 1232,
Asheville, N. C.

February 9, 1932.

The Bryson City Times,
Bryson City, N. C.

Gentlemen:

We are enclosing herewith copy of a notice in the case of State of North Carolina vs. Lufty Baptist Church.

Please publish this notice in your paper once a week, for four successive weeks, beginning with this week's issue. If you cannot begin it this week, please change the return date set out in the notice from March 14 to March 21....

After publication is completed, make your affidavit in the usual form and send it to us, along with a statement of your bill.

Very truly yours,

NORTH CAROLINA PARK COMMISSION

By

H. K. Sanders.

307 City Building,
P. O. Box 1232,
Asheville, N.C.

February 15, 1932.

Mr. Jehu Connor,
Smokemont, N. C.

Dear Sir:

You will recall that last November we sent you a letter from the Department of Interior relative to cemeteries and churches, requesting you to save it.

Will you kindly return us this letter, as we would like to have it on hand? Enclosed find stamped envelope for same.

Thanking you, I am

Very truly yours,

NORTH CAROLINA PARK COMMISSION

By

W. H. Woodbury.

WHW:S
Encl.

STATE OF NORTH CAROLINA,

Petitioner,

-vs-

REPORT OF COMMISSIONERS

J. M. AYERS, J.H. WILSON and
LEVI MATHIS, Trustees of LUFTY
BAPTIST CHURCH (commonly called
SMOKEMONT BAPTIST CHURCH), to-
gether with any and all other
Trustees and Deacons; and C. F.
AYERS, ARNOLD BECK, GADDIS BECK,
et al.,

Respondents.

TO THE CLERK OF THE SUPERIOR COURT
OF BUNCOMBE COUNTY, NORTH CAROLINA:-

We, T. TROY WYCHE, JAMES L. BROWN and ERIC M. RAWLS,
Commissioners appointed by the Court to appraise those certain
lands lying in Swain County, North Carolina, described in the
petition in this cause, and which the petitioner proposes to
condemn, acquire and appropriate in fee simple, for the purposes
set out in said petition, and to ascertain and determine the com-
pensation which ought justly to be made by the petitioner to the
party or parties owning or interested in said lands, do hereby
certify that we met at the office of the Clerk of the Superior
Court of Buncombe County, on the 16th day of March, 1932, by ap-
pointment of the Court, and, having been first duly sworn, we
visited the said lands, the premises of the owners, on the 17th
day of March, 1932, and thereafter, pursuant to adjournment duly
had, we again met in the office of the Clerk of the Superior Court
of Buncombe County, on the 28th day of March, 1932, and, after
taking into full consideration the quality and quantity of the
lands aforesaid, the additional fencing likely to be occasioned
by the condemnation and appropriation of said lands by the peti-
tioner, and all other inconveniences likely to result to the

owners, we have appraised and estimated, and do assess the damages aforesaid, and have ascertained and determined the compensation which ought justly to be made by the petitioner to the party or parties owning or interested in the lands and real estate so appraised by us at the sum of Eleven
Hundred ⁷⁰/₁₀₀ DOLLARS (\$1100.00).

We have also considered special benefits to said lands on account of this condemnation, and we find NO SPECIAL BENEFITS against said lands herein referred to.

We herewith submit this report to the Clerk of the Superior Court of Buncombe County, North Carolina, as required by law.

Given under our hands, this the 28 day of March, 1932.

James L. Brown
E. W. Rawls
Commissioners.

Smoke Mountain, N.C.

March 25. 1932

Mr. W. H. Woodberry.

Dear Sir:

I served those notices,
and they tell me that
none of them is going
to appear at the
hearing at Asheville.

I would have wrote
you sooner, but one of
the Deacons was away
from home and I did not
get to see him until
the 24th.

Yours Very Truly,

C. A. Miles.

307 City Building,
P. O. Box 1232,
Asheville, N. C.

March 18, 1932.

Mr. Arthur C. Moles,
Smokemont, N. C.

Dear Mr. Moles:

The commissioners think it best to set the case against the Smokemont Church for the 28th, and we will appreciate it very much if you will deliver a copy of this notice to the Preacher and to the two resident deacons, and advise us promptly when this is done.

Yours very truly,

NORTH CAROLINA PARK COMMISSION

By

W. H. Woodbury.

T. TROY WYCHE
Public Accountant
Asheville, N. C.

Waynesville, N.C.
February 20th, 1932

Mr. W.H. Woodbury,
North Carolina Park Commssion,
Asheville, N.C.

Dear Mr Woodbury:

Your letter of 19th inst at hand.
I will return to Asheville within next few days. I
don't think it will be later than Thursday, and
will get in touch with you on arrival.

If are in Waynesville before then you can get in
touch with me by calling Alexanders Drug Store, and
they will be able to tell you where I am.

With kindest regards

Cordially yours



307 City Building,
P. O. Box 1232,
Asheville, N. C.

April 5, 1932.

Hon. Mark Squires,
Lenoir, N. C.

Dear Mr. Squires:

We are enclosing you order of the Clerk of the Superior Court, setting a price due the commissioners for the appraising of the Smokemont Baptist Church, and we think the charge is reasonable, and we would be glad to have you take this matter up with the Attorney General for his approval, in order that the bill may be settled promptly.

Very truly yours,

W. H. Woodbury.

WHW:S

Encl.

307 City Building,
P. O. Box 1232,
Asheville, N. C.

April 7, 1932.

Hon. Dennis G. Brummitt,
Attorney General,
Raleigh, N. C.

Dear Sir:

On December 14, 1931, you were addressed by Mr. P. D. Ebbs, Treasurer of the Commission, with respect to certain disbursements, which letter was replied to by your under date of December 21, last year.

I note that you state that it is unnecessary to submit bills for court costs as fixed by statute to your office, but suggest that if they are not in compliance with the statute, the same be submitted to you for settlement.

Mr. Woodbury has written me a letter with respect to payment of certain commissioners appointed to appraise lands in Swain County. The amount assessed by the appraisers is \$1,100.00, and Mr. Woodbury understands that there will be no appeal. The commissioners have submitted bills for four days' services, two of which days are for actual services and one for going and returning to the place of duty. He states that the office has been in the habit of paying for such services \$12.50 a day. The Clerk has made an order in the cause, fixing their fees at \$50.00 each. I have been unable to find any statute fixing a specific compensation for commissioners appointed to appraise lands in eminent domain, so, therefore, the letter of Mr. Woodbury, with a copy of the Clerk's order, is submitted to you for handling, the Clerk's order being treated as a bill. As this is perhaps the last one we will have to deal with in the whole Park area, I recommend its payment.

The amount per day is higher than I have been used to paying, but I am so delighted to get out of Swain County that I will approve almost anything, to have that happy and blissful thought.

Very truly yours,

Mark Squires,
Chairman

Lenoir, N. C.
April 12, 1932.

Hon. Dennis G. Brummitt
Attorney General
Maleigh, N. C.

Dear Sir:

Your letter of April 11, replying to my letter of April 7 regarding commissioner's fees in the case of G. M. Ayres, Trustee, is received.

I immediately called up Mr. Woodbury, and he says the facts are that the commissioners went to the Clerk's office and filed their bills with him. The Clerk made an order predicated upon the bills as filed. He says that no responsible person connected with the Park Commission ever approved the bills at all, and Mr. Ebbs declined to sign the bills for payment. It appears that Mr. Ebbs was right, and if the bill was not submitted to our attorneys it would occur to me that we would not be bound.

My letter to you on the subject is in Asheville and I do not distinctly recollect what I said. Perhaps the bill could be withdrawn. However that may be, the bill was never seen by me until a signed copy was shown and I was given to understand that the Clerk had approved it.

I shall let the whole matter rest until I have an interview with you. Mr. Woodbury asked me to call your attention, however, to the fact that these commissioners appraised a church at \$1,100.00 which the Commission had offered \$1,500.00 in explanation of his position.

Very truly,

MARK SQUIRES

307 City Building,
P. O. Box 1232,
Asheville, N. C.

April 13, 1932.

Hon. Mark Squires,
Lenoir, N. C.

Dear Mr. Squires:

I am in receipt of a copy of your letter of the 12th to the Attorney General, relative to commissioners' fees on the Smokemont Church. I overlooked telling you over the telephone yesterday that Mr. Rhoades approved the bill, but of course it was not approved by any member of the Executive Committee, and you are correct in stating that Mr. Ebbs refused to sign the check in view of the position taken by the Attorney General as to these matters.

However, I would like to call your attention to the fact that we have never paid any commissioners less than \$10.00 a day for their services in our condemnation proceedings, and the people who performed these services knew that and, of course, they made their bill accordingly. I would like further to say that if we are expected to engage commissioners of intelligence and get what we can consider a reasonably fair verdict, we cannot expect to get men for any less than this. If it were left to the Clerk of the Court to appoint anyone not suggested by us, the verdict would likely be completely out of line.

Also, in regard to our expert witnesses, we have never paid any of them less than \$10.00 per day for their services on up to \$40.00, and if we are expected to get intelligent men and men who will assist us to win our suits, we will have to continue to pay this price, and it would seem to me that now, on the wind-up of our business, it would be very detrimental to us to have to change our policy which has been in force heretofore.

Page 2.
Mr. Squires,
April 13, 1932.

Of course, any witnesses within the jurisdiction of the Court can be compelled to come here and testify for the legal fees, but they would be unwilling witnesses if they knew that we were determined to make them testify on such a basis, and it would not be very beneficial for our cases. As to those witnesses out of the State, we have no way of compelling them to come.

I only want to call your attention to the fact that what we are doing now is what has been going on all the time, and it would be impossible for us to arrange to conduct our trials with any expectation of success without continuing the policy that has been carried out heretofore.

The Heilman Case will come up on May 2nd, and we would like to know if our witnesses are going to be paid for their past services and what steps we shall take in regard to getting them here for future services.

We would appreciate your taking this up with the Attorney General, and let us know definitely just where we stand.

Yours very truly,

W. H. Woodbury.

WHW:S

Copy to:

Mr. Verne Rhoades,
Asheville, N. C.

NORTH CAROLINA,
BUNCOMBE COUNTY.

IN THE SUPERIOR COURT
BEFORE THE CLERK.

STATE OF NORTH CAROLINA,

Petitioner,

-vs-

J. M. AYERS, J. H. WILSON and
LEVI MATHIS, Trustees of LUFTY
BAPTIST CHURCH (commonly called
SMOKEMONT BAPTIST CHURCH), to-
gether with any and all other
Trustees and Deacons; and C. F.
AYERS, ARNOLD BECK, GADDIS BECK,
et al.,

Respondents.

O R D E R

It is considered and ordered by the Court that the Commissioners appointed by the Court to appraise the lands sought to be condemned in this proceeding be, and they are hereby allowed in full of their compensation and expenses as such the following amounts, to-wit:-

T. Troy Wyche	4 days	\$50.00
James L. Brown	4 days	\$50.00
Eric M. Rawls	4 days	\$50.00

The foregoing allowances and all other costs lawfully incurred by any of the parties hereto, to be taxed by the Clerk, are adjudged and directed to be paid by the Petitioner, as provided by law.

This 28th day of March, 1932.

(SIGNED) I. B. CAIN
Clerk Superior Court,
Buncombe County, North Carolina.

NORTH CAROLINA,
BUNCOMBE COUNTY.

IN THE SUPERIOR COURT
BEFORE THE CLERK.

STATE OF NORTH CAROLINA,

Petitioner,

-vs-

FINAL JUDGMENT

J. M. AYERS, J. H. WILSON and
LEVI MATHIS, Trustees of LUFTY
BAPTIST CHURCH (commonly called
SMOKEMONT BAPTIST CHURCH), to-
gether with any and all other
Trustees and Deacons; and C. F.
AYERS, ARNOLD BECK, CADDIS BECK,
LIZZIE BECK, MARY BECK, J. S.
BRADLEY, OLLIE BRADLEY, MRS. J.
S. CONNOR, LESSIE CONNOR, R. M.
CONNOR, JAMES HENSLEY, ADA LAN-
BERT, CARRIE LAMBERT, FLORENCE
LAMBERT, MAMIE LAMBERT, RECTEN-
NER LAMBERT, ORVILLE MANNY, SAL-
LIE MANNY, LEVI MATHIS, LILLIE
MATHIS, SEAB MATHIS, SUSIE
MATHIS, WINNIE MATHIS, C. A.
MOLES, MRS. C. A. MOLES, BASS
QUEEN, MAGIE QUEEN, MARY QUEEN,
LULA ROLLAND, JOHN ROLLAND, MRS.
JOHN ROLLAND, MARY THREADWAY, L.
A. THREADAWAY, J. H. WILSON and
OLLIE WILSON, members of said
LUFTY BAPTIST CHURCH (commonly
called SMOKEMONT BAPTIST CHURCH),
and any and all other members or
persons claiming any interest in
and to the lands claimed and held
by said church,

Respondents.

This cause coming on to be heard before the under-
signed Clerk of the Superior Court of Buncombe County, North
Carolina, on the 19th day of April, 1932, and being heard, and
the Court having found, and hereby finding, the facts as fol-
lows, to-wit:

1. That this action and proceeding is duly constituted
in this Court, that is to say, that summons herein was duly issued
on the 3rd day of February, 1932, and that the duly verified peti-
tion of the State of North Carolina was on said date duly filed in

this Court, and that said summons and said duly verified petition herein have been duly served upon the respondents herein, and every of them, in all respects as required by law, and that the notice required by Chapter 48, Section 19, of the Public Laws of North Carolina, Session of 1927, has been duly given and published, in all respects as therein required, whereby all persons whom it may concern and all persons having or claiming any estate or interest in the lands and premises sought to be condemned in this proceeding have been duly notified and required to appear in this proceeding at the time and place therein mentioned, and to make such answer, defense or plea as they may be advised; and that certain of said respondents shown in said summons to be non-residents of the State of North Carolina have been duly served by publication, as required by law; that none of the respondents herein has filed an answer in this cause; all of which will more particularly appear by the records and files of the Court in this cause; and the Court hereby finds as a fact that no other person, firm or corporation whomsoever has appeared herein or has, in any manner, asserted any interest or claim in the subject matter of this action and proceeding.

2. That heretofore, to wit, on the 15th day of March, 1932, (the time for answering having fully elapsed and expired as to all and every of the respondents summoned herein and of all other persons whom it may concern notified by the above recited publication and notice herein), the undersigned Clerk of the Superior Court of Buncombe County, North Carolina, duly made and entered an interlocutory judgment and order in this cause, whereby it was duly ordered and adjudged, inter alia, that T. TROY WYCHE, JAMES L. BROWN and ERIC M. RAWLS be, and they were, duly appointed commissioners by the Court, and they were required fairly and impartially to appraise the lands mentioned in the petition herein, and to ascertain and determine the compensation which ought justly to be made by the petitioner to the party or parties owning or

interested in the real estate so appraised by them, and to make a report to the Court therein, according to law, and said commissioners were required, before entering upon their duties, to take and subscribe an oath, in form of law, that they would fairly and impartially assess and award the compensation aforesaid, as required by law, all of which will more fully appear by reference to said order, and all and singular the requirements thereof, as the same appears upon the records and files in this cause, and the said commissioners proceeded, having first been duly sworn, conformably to the provisions and requirements of said order, to duly appraise the same, as required by said order, and thereafter, to wit, on the 28th day of March, 1932, the said commissioners made written report of their said proceedings and returned the same to the Court, together with the evidence taken by them, as required by law and the order aforesaid, all of which will more particularly appear by the records of the proceedings in this cause, which are hereby particularly referred to.

3. That said commissioners and appraisers, by their report in the last preceding paragraph hereof mentioned, appraised, ascertained and determined the compensation which ought justly to be made by the petitioner to the party or parties owning or interested in the lands and premises described in the petition and so appraised by them at the sum of ELEVEN HUNDRED and 00/100 DOLLARS (\$1100.00).

That said commissioners found that NO SPECIAL BENEFITS were assessable against any of said lands.

4. That none of said respondents has filed any exceptions or appeals to said report within the time allowed by law.

5. That the lands described in the petition lie wholly within the boundaries of the proposed Great Smoky Mountains National Park as defined and delimited in the Act of the General Assembly of North Carolina, entitled "An Act to Provide for the Acquisition

of Parks and Recreational Facilities in the Great Smoky Mountains of North Carolina," ratified on the 23th day of February, 1927, the same being Chapter 48 of the Public Laws of North Carolina, Session of 1927, and particularly in Section 4 of said act, and that all of said lands are embraced within the area of 214,000 acres of land situate in the State of North Carolina designated by the Secretary of the Interior of the United States, under authority of the Act of Congress mentioned in the statute aforementioned, namely, Chapter 48, Public Laws of North Carolina, Session of 1927, as properly constituting a portion of the said Great Smoky Mountains National Park, all of which will more particularly appear by reference to said Act of Congress and to said Chapter 48, Public Laws of North Carolina, Session of 1927, aforementioned.

6. That the right of eminent domain appertains to and resides in the petitioner as a sovereign state, and that the petitioner has those other and further rights and powers to condemn and appropriate the lands described in the petition for the purposes in said petition mentioned and enumerated under and by virtue of the statute aforementioned.

7. That it is both lawful and necessary for the petitioner to condemn the lands described in the petition for the purposes therein expressed and declared, and that the petitioner is entitled to the relief demanded in the petition:

NOW, THEREFORE, IN THE PREMISES AFORESAID AND UPON MOTION OF COUNSEL FOR THE PETITIONER, IT IS CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT, as follows:-

I.

That the interlocutory judgment and order appointing commissioners in this cause, of date the 15th day of March, 1932, hereinbefore referred to, be, and the same hereby is, in all

respects, approved, ratified and confirmed.

II.

That the aforementioned report of said commissioners and appraisers, as the same appears in the records and files of this cause, be, and the same hereby is, in all respects, approved, ratified and confirmed.

III.

That the petitioner forthwith pay into the registry of this Court, in full of the compensation which ought justly to be made by the petitioner to the party or parties owning or interested in the lands described in the petition and so appraised by said commissioners, and conformable to the report of said commissioners, the sum of ELEVEN HUNDRED and 00/100 DOLLARS (\$1100.00).

IV.

That upon the payment into Court by the petitioner of the amount of money aforesaid, as particularly set forth in the last preceding section hereto, as hereinbefore and hereby required, the title to all and singular the lands, premises and real estate described in the petition and hereinafter more particularly described, shall, eo instanti, pass to and vest in the petitioner, the State of North Carolina, in fee simple, for the uses and purposes expressed and declared in said petition and in Chapter 48, Public Laws of North Carolina, Session of 1927, free and discharged of and from all adverse claims, liens and encumbrances whatsoever, and the respondents and all other persons whomsoever, as well such person or persons not parties to this proceeding, if any, as the parties hereto, are forever barred from claiming or asserting any manner of estate or interest in said lands, either legal or equitable, whatsoever, the person or persons not parties hereto, having or claiming such estate or interest, do hereby waive and release

by the petitioner, and to follow said moneys, or any part thereof, into the hands of any person or persons having the same without good right thereto, as provided by law.

V.

That the lands described in the petition, the title to which, through and by virtue of the proceedings had in this cause, becomes vested in the petitioner, the State of North Carolina, are more fully and particularly described as follows:-

LUFFY BAPTIST CHURCH (commonly called
SMOKEMOUNT BAPTIST CHURCH) LOT, LYING
AND BEING ON THE OCONALUFFY RIVER WATER-
SHED, IN SWAIN COUNTY, NORTH CAROLINA,
AND BEING TRACT NO. 105 (EXCEPTION NO. 1
OF THE W. E. QUEEN TRACT NO. 11) OF THE
SURVEY MADE BY H. C. PARK COMMISSIONER.

BEGINNING at Corner 1, an iron stake on the upper bank of the road, about 2.00 chains above the bridge across Ocona Luffy River. Thence, North 82 degrees 55 minutes East, 3.60 chains, Corner 2, a chestnut stump; thence, North 8 degrees 30 minutes West, 1.40 chains, Corner 3, a sassafras marked as corner; thence, North 81 degrees 42 minutes West, 4.39 chains, Corner 4, a point in the road; thence, South 22 degrees East, 2.67 chains, the place of BEGINNING, containing .77 acres.

VI.

IT IS FURTHER CONSIDERED, ADJUDGED AND DECREED BY THE COURT that all the costs of this proceeding properly incurred by both the petitioner and respondents, up to and including the costs of this judgment, to be taxed by the Clerk, shall be paid by the petitioner. This shall be deemed the final judgment in this cause in respect to the rights, claims, interests and obligations of the petitioner, the State of North Carolina, and in respect of the title acquired by said petitioner in and to the lands and premises above described, but this cause is retained for the purpose of adjudication of any and all claims that have been or may hereafter be asserted in, to or against the money to be paid into court by the petitioner, pursuant to the provisions of this judgment, and for no other purpose whatsoever.

This the 19th day of April, 1932.

(SIGNED) J. B. CAIN
Clerk Superior Court,
Buncombe County, North Carolina.

Asheville, N.C. April 21, 1932

Mr. T. Troy Wyche,
Waynesville, N.C.,

Dear Troy;-

We have this day deposited into the Clerk's Office, funds covering your bill as Commissioner in the Smokemont Church case. All you have to do is to call on him for it.

The Park Commission appreciates your services in this matter and thinks the verdict a fair one.

Yours truly,
North Carolina Park Commission,
by

W.H. Woodbury.

Asheville, N.C. April 23, 1932

Mr. Arthur C. Moles,
Smokemont, N.C.,

Dear Mr. Moles;-

Will you kindly notify the proper parties that the Commissioners of the Court awarded the sum of \$1100.00 for the Smokemont Baptist Church, and that the money is paid into the Clerks Office, which automatically gives title to the State of North Carolina.

You can assure the Church people that they can continue its use free of charge until delivered to the U.S. Government. And we are sure the U.S. will be glad to allow the continued use of the building.

Yours truly,

North Carolina Park Commission.

By

W.H. Woodbury.