

File No. 406 L/C

2nd Indorsement

FMC/bw

War Department Board of Appraisers, Purchase, Storage & Traffic Division,  
General Staff, Munitions Bldg., Washington, D. C. January 7, 1920.  
To the Director of Finance (Through the Director of Real Estate Service.)

1. The attached claim is being forwarded for the action of the Director of Finance, in compliance with Paragraph 3, General Orders No. 102, War Department, 1919.
2. The report of the Board of Appraisers and the records in the claim are herewith inclosed.
3. The report of the Board of Appraisers recommends that an award in the sum of \$396.00 issue in favor of the claimant, Newton E. Lockhart, Landrum, S.C., in full settlement for all claims for loss or damage of the said claimant arising under said claim.

WAR DEPARTMENT BOARD OF APPRAISERS,

By

F. M. CALDWELL,  
Colonel, Cavalry,  
Chairman.

Incls.

WASHINGTON, D. C.  
MUNITIONS BLDG., 16TH & B STS.  
WAR DEPARTMENT BOARD OF APPRAISERS

WAR DEPARTMENT BOARD OF APPRAISERS,  
 Munitions Bldg., 19th & B Sts.,  
 WASHINGTON, D. C.

File No. 405 1/0.  
 Case under G.O. 102, W.D. 1919.

December 29, 1919.

In the matter of the claim of )  
 Newton E. Lockhart, Landrum, ) R E P O R T.  
 S. C., for damages to property.)

This is a claim of Newton E. Lockhart in the amount of \$396.00, on account of damages claimed by him as follows:

\$141.00 for buildings destroyed and damaged,  
 50.00 damage to ground,  
 5.00 damage to timber,  
 200.00 previously allowed by Board of Officers, which item

of \$200.00 included less of 50 bundles of fodder confiscated, 500 feet of poplar and chestnut lumber confiscated, 3 cords of chestnut wood confiscated and 5 bee hives destroyed, all of which damage is alleged by this claimant as on a 160 acre tract, more or less, leased by him to the Chamber of Commerce, Spartanburg, S. C., and leased by the said Chamber of Commerce to the United States, beginning November 27th, 1917, for purposes of an Artillery and Small Arms Target Range, and which land is more particularly described as being in Glassy Mountain Township, Greenville County, S. C., the first tract adjoining lands of William Morgan on the North, Warren A. Fisher on the East, J. A. Waldrof on the South and Border State Lumber Company on the West; the second tract adjoining lands of R. G. Lockhart on the North, James McClure on the East, F. M. Gessnell on the South and George W. Flinnley and others on the West, excepting lessor's house and 20 acres outside the Artillery Range reservation.

The claim for damages in the amount of \$200.00, referred to above, was considered by a Board of Officers convened pursuant to Special Orders No. 105, Camp Watworth, S. C., series not given.

The proceedings of this Board state that claimant's land is within the reservation; that Artillery troops camping there used about 1 mile of rail fence; that they confiscated and used 50 bundles of corn fodder, 500 feet of poplar and chestnut lumber; that two sets of farm buildings, two houses, stables and sheds occupied these premises and 2 of the said buildings were more or less damaged; that 3 log stables were torn down completely, and logs removed and destroyed; that 2 window lights were broken, 3 cords of chestnut wood taken, 3 bee hives destroyed, floors and ceilings torn from buildings, and this Board recommended settlement in the sum of \$396.00, reporting under date of May 22, 1918.

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This is an extremely reasonable settlement in the standpoint of the Government, for considering only the item of one mile of rail fence, taking posts at 18' in the ground, a mile of 4 strand wire fence would cost not less than \$193.00.

Claimant has never been paid the \$200.00 recommended by this first Board, as evidenced by his affidavit furnished the writer under date of December 5th, 1919, attached to the papers in this case.

This claim was considered by a final damage Board at Camp Wadsworth, which Board was appointed as per paragraph 9, Special Orders No. 22, Headquarters, Camp Wadsworth, January 22nd, 1919.

This Board made physical examination of claimant's land and ascertained that it had been used as part of an Artillery Camp of the 27th Division, and subsequently as part of a Machine Gun Battalion Camp pertaining to the 5th Division. The camp site was in close proximity to two sets of buildings belonging to claimant. The final Board considered this claim de novo.

Referring to the certificate of Major E. G. Johnson, President of the final Board, it appears that, from Major Johnson's recollection, the damage to dwelling house was to a building two stories high with a two story ell, the building being 14 x 22, the ell 12 x 14, with a one story ell 10 x 12; that the floors in this building were torn up inside, ceiling gone, porch torn down, all window sash and doors removed.

Damages were recommended in the amount of \$158.00, itemized as follows:

1100 feet flooring,	@ \$30.	\$33.00
1500 feet ceiling,	@ 30.	45.00
16 sash at	" 2. a pair	32.00
6 doors	@ 2.	12.00
Nails,		1.00
Hinges & Locks		2.00
2 Carpenters at \$3.50 per day for 3 days,		<u>21.00</u>
		\$158.00

2 Smoke Houses destroyed; the evidence showed these to be 10 x 10. Captain Acherson, who was constructing; quartermaster and builder by trade, estimated restoration at \$0.70 per square foot, or \$100.00 for the two.

2 frame cribs, 8 x 14, similarly estimated by Captain Acherson at 27.50, to be restored for \$70.00.

1 log crib, entirely destroyed, to be restored for \$71.00, as follows:

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Material value of Logs from inquiry,	\$11.00
Labor to rebuild, 2 men 2 days @ 3.50,	14.00
To replace by frame would cost approximately,	35.00
Damage to two frame barns:	
1 Mason 24 x 30, 720 feet flooring left at \$25,	18.00
1200 feet siding at \$3.50,	30.00
and stall timbers.	
2 Carpenters 5 days at \$5.50,	21.00
Nails,	<u>2.00</u>
	\$71.00

2 barns; these were about 20 x 32. The restoration was estimated at \$174.00 as follows, for each:

One barn 27 x 32	
640 feet flooring loft,	\$16.00
200 feet flooring Main,	5.00
1800 feet siding and timbers for stalls,	45.00
2 carpenters 3 days at \$3.50,	<u>21.00</u>
	\$67.00

Compromised on \$150.00 for the two.

The first Board had recommended damages in the amount of \$200.00. This was for damage to buildings and for other damages; the other damages being estimated as follows:

50 bundles of fodder,	\$ 5.00
500 feet of poplar and chestnut lumber,	15.00
2 cords chestnut wood,	8.00
5 bee hives,	<u>12.00</u>
Total,	\$40.00

Deducting this from the original \$200.00, leaves \$160.00 which appears to have been the amount of damage done to buildings, in the opinion of the first board. The additional damage claimed by Lockhart, to buildings, is \$141.00. Adding this to the \$160.00, we arrive at the amount of his damage claim, as respects buildings only, \$301.00, but the final board considered that claimant had been damaged in the amount of \$443.00 for buildings only. In other words, claimant had understated his damage to buildings in the sum of \$142.00, and therefore recommended that his damage claim, as to buildings, be allowed in full.

The final Board recommended an award of \$25.00 on account of trenches on the land, and \$25.00 for trampling. This is for the restoration of about 600 feet of machine gun trenches, and for the restoration of terraces destroyed, requiring the labor of 2 men and team, 6 days for the trenches, and 2 men, 10 days, to restore terraces.

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The Board estimated that 10 cords of claimant's timber had been cut, for which he is entitled, under the terms of his lease, to be reimbursed at 50¢ per cord.

The Board therefore recommended that claimant be awarded damages, as follows:

\$200.00	previously allowed,
141.00	additional damage to buildings,
50.00	damage to ground,
<u>5.00</u>	damage to timber,
<b>\$396.00</b>	<b>total.</b>

Claimant has agreed in writing to accept the sum of \$396.00 in full of all damages.

It is the opinion of the writer that claimant's buildings were destroyed or damaged by troops, in order to obtain logs and lumber for use in the Artillery and Infantry Camps nearby; that his fodder was confiscated and fed to Government animals; that his lumber and cord wood were taken for use in camp, and that his bee hives were destroyed by troops.

In view of the above, it is recommended that an award issue in favor of this claimant in the amount of \$396.00, in full and complete satisfaction of his claim.

WVV/twf.

W. S. VALENZUELA,  
Colonel, Cavalry,  
Member.

Adopted December 31, 1919.

WAR DEPARTMENT BOARD OF APPRAISERS.

By

F. M. GALEWELL,  
Colonel, Cavalry,  
Chairman.

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Camp Wadsworth SC, Lockhart Newton