

Decree

In the Superior Court for the State of Washington For the County of Skamania
 Portland & Seattle Railway Company, a Corporation, Petitioner

vs.

Decree of Appropriation.

J. O. Widy, Claimant

This cause coming on regularly for hearing this Tenth day of January, 1906, at the court house of the above named court at Stevens, Skamania County, Washington, upon the petition filed herein by the Portland and Seattle Railway Company, a corporation, as petitioner and upon notice duly served upon the claimant, the petitioner appearing by its attorney, A. S. Avery, A. L. Miller and the claimant appearing by its attorney George S. Shepherd, whereupon the court proceeded to examine the files and the proceedings in the above entitled proceedings and the proof submitted. And it appearing to the court that the petitioner herein at all the times recited in the said petition is and was a corporation duly organized and existing under and by virtue of the laws of the State of Washington and among other things organized for the construction of and having full power and authority to construct railroads in the State of Washington, and elsewhere, and among other places from the city of Spokane, in the State of Washington to the city of Portland, in the State of Oregon, and that said petitioner has surveyed and located and is now engaged in the construction of a line of railroad on the north bank of the Columbia River, from Kennewick, Washington, to Vancouver, Washington, which Railroad it proposes to build and operate as a common carrier of freight and passengers and that for the construction and operation of said railroad it is necessary that petitioner secure for its use a right of way the following described strip of land situated in the County of Skamania and State of Washington, to-wit: A strip of land one hundred feet wide being fifty feet wide on each side of the center line of the railroad of said petitioner as the same is now located and staked out over and across Lot One of Section Sixteen, Township one north, range five east, Willamette Meridian. And it appearing that said lot one is school land owned by the State of Washington and that the petitioner herein has acquired a right of way thereover from the State of Washington and that the interest of the claimant therein is by virtue of a lease to him from the State of Washington for said lot one and that the property sought to be appropriated in these proceedings is the interest of said claimant in the said strip hereinbefore described on account of said lease, and that said petitioner is the owner of said right of way subject to the interest of said claimant, and is entitled to condemn and appropriate the interest of said claimant in such right of way and that claimant is the only person interested therein so far as can be ascertained from the public records. And the court being satisfied that all the parties interested in the land, real estate and premises sought to be appropriated in these proceedings have been duly served with notice as prescribed by law and have appeared herein and being satisfied that the contemplated use for which said land, real estate and premises are sought to be appropriated is really a public use and that the public interest requires the prosecution of such enterprise and the construction and operation of said railroad across said premises and that the said land, real estate and premises so sought to be appropriated are required and necessary for the ^{prosecution} construction of such enterprise and the construction and operation of said railroad across said premises, and that the land