

notice provided by law and said parties by their respective attorneys having stipulated in writing that this cause might come on for hearing at this time;

and it further appearing to the satisfaction of the court by competent proof that the Portland and Seattle Railway Company is and at all times mentioned in its petition 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 and operation and having full power and authority to construct, maintain and operate railways 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 it further appearing to the satisfaction of the court by competent proof that the contemplated use for which said the land, real estate and premises sought to be ~~seized~~ appropriated by this proceeding is for the purpose of constructing thereover a railroad, said railroad to form a part of a line of railroad which said petitioner is now building from Kennewick, Washington, down the north bank of the Columbia River to Kenosha, Washington, and thence across the Columbia river to Portland, Oregon, and that said contemplated use is really a public use and that public interest requires the prosecution of such enterprise and that the land, real estate and premises so sought to be appropriated are required and necessary for the purpose of such enterprise;

It Is Ordered, Adjudged and Found by the Court that the contemplated use for which the land, real estate and premises sought to be appropriated by this proceeding and hereinafter described is really a public use and that the public interests requires the prosecution of such enterprise and that the land, real estate and premises so sought to be appropriated are required and necessary for the purpose of such enterprise and each of the parties to this proceeding consenting to in the manner provided by law that a jury be waived, the Court proceeded with the trial of this cause without the intervention of a jury;

and the court having heard all the testimony offered finds as follows:

That by reason of the appropriation and use of the land, real estate and premises hereinafter described by the Portland and Seattle Railway Company for any and all its corporate purposes the claimant, the State of Washington, will be damaged in the sum of Three Hundred twenty-three & 50/100 dollars;

The Court does therefore hereby ascertain, Determine and