

Superior Court (Carl Evans) to P. & S. Ry. Co.

In the Superior Court of the State of Washington for the County of Skamania.

Portland and Seattle Railway Company, Petitioner

Order and Decree

vs.

of condemnation and
appropriation.

Carl Evans and J. Zimmerman, Claimants.

This cause came on regularly to be heard before the Court on the third day of May, 1906, the petitioner appearing by R. H. Geo. T. Reid, its attorney, and the claimant Carl Evans appearing by R. H. Wright, his duly appointed guardian ad litem, and the claimant J. Zimmerman not appearing either in person or by attorney; And it appearing to the Court from an investigation of the records and files of this proceeding that each of the claimants were duly and regularly served with notice herein in the manner provided by law and thus being the time and place fixed in said notice for the prosecution of the petition herein. And it appearing to the Court that the claimant Carl Evans is a minor having no regular appointed guardian, and it further appearing to the Court that R. H. Wright is an attorney of the bar of this Court in good standing and is a suitable person to be appointed to represent said minor in this proceeding and protect his interests.

And it appearing to the satisfaction of the Court by competent proof that the Portland and Seattle Railway Company, petitioner in this cause, 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 of and having full power and authority to construct, maintain and operate railroads in the State of Washington and elsewhere, and among other places from the city of Spokane, Washington to the city of Portland, Oregon. And it appearing to the satisfaction of the Court by competent proof that the contemplated use for which the land real estate and premises sought to be appropriated by this proceeding is for the purpose of constructing thereover a railroad, said railroad 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 Portland, Oregon, and that said contemplated use is really a public use and that the public interests require the prosecution of such enterprise, and that the land, real estate and premises sought to be appropriated are required and necessary for the purposes 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 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 purposes of such enterprise. And each of the parties to this proceeding consenting in the manner provided by law that a jury be waived, the Court proceeded with the trial of this case without 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 of its corporate purposes the claimant Carl Evans will be damaged in the sum of Two Hundred Dollars.