

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR THE COUNTY OF SKAMANIA.

Portland and Seattle Railway Company,
Petitioner,

vs.

Order and Decree
of Appropriation.

Anna Josephine Swanson; and Charles Swanson and
Roy Swanson, minors,
Claimants.

This cause coming on regularly for hearing on this 21st day of February, 1906, upon the written stipulation of the parties, the Portland and Seattle Railway Company, appearing by A.G. Avery and Geo. T. Reid, its attorneys, and the claimant, Anna Josephine Swanson appearing by A.L. Miller, her attorney, and the minor claimants, Charles Swanson and Roy Swanson appearing by A.L. Miller, their duly appointed guardian ad litem.

And the court being satisfied by due proof that all of the parties interested in the real estate described in the petition herein, have been duly served with the notice provided by law. And the court being further satisfied by competent proof that the contemplated use for which the real estate sought to be appropriated by this proceeding is for the construction and operation of a line of railroad across said premises, said railroad to form a part of a line of railroad to be constructed and operated by said petitioner down the north bank of the Columbia river, from a point opposite Pasco, Washington, or thereabouts to Vancouver, Washington, and that such contemplated use is really a public use, and that the public interest requires the prosecution of such enterprise; and that said real estate sought to be appropriated is required and necessary for the purposes of such enterprise.

It is Ordered, Adjudged and Decreed by the court, that the contemplated use for which the real estate sought to be appropriated by this proceeding is really a public use, and that the public interest requires the prosecution of such enterprise, and that the real estate sought to be appropriated in this proceeding is required and necessary for the purposes of such enterprise. And it appearing to the court that the parties to this proceeding have duly waived a jury in the manner prescribed by law, the court proceeded to hear the testimony offered as to the damages which shall result to said claimants by reason of the appropriation and use of such real estate by said petitioner for any and all corporate purposes, and from such testimony the court finds, ascertains, determines and awards that by the taking and injuriously affecting said real estate for the purpose of such enterprise, irrespective of any benefit from any improvement proposed by said Portland and Seattle Railway Company, the claimant, Anna Josephine Swanson, will be damaged in the sum of four hundred dollars; that the claimant, Charles Swanson, will be damaged in the sum of two hundred dollars, and that the claimant, Roy Swanson, will be damaged in the sum of two hundred dollars.

And from the foregoing facts the court derives the following conclusions of law.

I.

That the claimant Anna Josephine Swanson is entitled to have and recover of and from the Portland and Seattle Railway Company, the sum of \$400.

II.

That the claimant Charles Swanson is entitled to have and recover of and from the Portland and Seattle Railway Company, the sum of \$200.

III.

That the claimant Roy Swanson is entitled to have and recover of and from the Portland and Seattle Railway Company, the sum of \$200.