

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

Portland and Seattle Railway Company, a corporation, Petitioner

vs.

Louis Gerlinger and Sophia Gerlinger, his wife; E.M. Rands and	Judgment and decree
Margaret C. Rands, his wife, and Columbia Valley Railroad Company	of Appropriation
a corporation, et al., Claimants	

This cause came on regularly to be heard before the Court on the 17th day of July 1906, petitioner appearing by its attorneys James B. Kerr and Geo. T. Reid and the Claimants Louis Gerlinger, Sophia Gerlinger E.M. Rands, Margaret C. Rands, and Columbia Valley Railroad Company, a corporation, appearing by George W. Stapleton, their attorney.

And the said parties by their respective counsel having waived a jury in the manner provided by law and having agreed by stipulation in writing filed herein upon the amount of damages for the taking and appropriating of the land, real estate and premises described in the order of condemnation in this proceeding, in the sum of \$13,500. And the Court having heretofore made and caused to be entered an order finding and adjudging that the contemplated use for which the land real estate and premises sought to be appropriated is for the purpose of constructing thereover a railroad and that such use is really a public use and that the public interest requires the prosecution of such enterprise and that said land, real estate and premises is required and necessary for the prosecution of such enterprise. And the Court having considered the stipulation as to the damages resulting to the claimants by reason of the taking and appropriation of the land real estate and premises irrespective of any benefits from any improvements proposed by said petitioner Portland & Seattle Railway Company, and Council for the Claimants having admitted in open Court that the Columbia Valley Railroad Company is the beneficial owner of all of the premises hereinafter described and that all damages awarded for the taking and appropriating of said land by petitioner should be awarded to the claimant Columbia Valley Railroad Company, and the Court, being fully advised in the premises, does find, that by reason of the appropriation and use of the land real estate and premises hereinafter described by petitioner for any and all of its corporate purposes, the Claimant Columbia Valley Railroad Company will be damaged in the sum of Thirteen Thousand Five Hundred Dollars, irrespective of any benefit from any improvement proposed by said petitioner, Portland and Seattle Railway Company. Whereof it is Ordered, Adjudged and Decreed that the Columbia Valley Railway Company a corporation have and recover of and from the petitioner, Portland and Seattle Railway Company the sum of Thirteen Thousand Five Hundred Dollars. And, it further appearing to the Court that said petitioner Portland and Seattle Railway Company has paid into Court for the benefit of said Claimant the full amount of damages, it is

Ordered, Adjudged and Decreed that the following described strips of land in Skamania County Washington be and the same are hereby appropriated to the use of the Portland and Seattle Railway Company and the legal title thereto is hereby vested in said corporation Portland and Seattle Railway Company for any and all of its corporate purposes, subject however to the right of the Columbia Valley Railroad Company to use without cost to it, for a railway on the south side of petitioners railway, within one year after the construction of petitioners railway from Kennewick to Vancouver, such portion of said premises heretofore owned by the Columbia Valley Railroad Company as shall not be necessary for the maintenance and operation of petitioners railway, the location and extent thereof to be determined by the Court in an appropriate proceeding, the institution of which proceeding and its diligent prosecution within one year shall preserve the right hereby reserved. The following is a description of the land,