

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

Portland and Seattle Railway Company, a corporation, Petitioner
vs.
Turner F. Levens and Minnie M. Levens, his wife, et al. Claimants.

Decree
of
Appropriation.

This cause came on regularly for trial before the court sitting with a jury, on the 17th day of July 1906, the petitioner appearing by its attorneys, James B. Kerr and George T. Reid, and the claimants Turner F. Levens and Minnie M. Levens appearing by their attorneys, Dufur & Riddel and Alfred S. Bennett. The Columbia Contract Company by its attorney, Wirt Minor, Esq. disclaimed in court all interest in any sum that might be awarded as damages for the taking or injuriously affecting any portion of the premises hereinafter described. And this court having heretofore made and caused to be entered an order adjudging and finding that the land real estate and premises sought to be appropriated in this proceeding is for 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 the jurors summoned to try this cause being present in court, and the respective parties and their attorneys being also present and being ready for trial, and the jury being duly impaneled and sworn, the trial of this cause proceeded before the court and jury. And the parties having duly submitted all their testimony and the attorneys for the parties having addressed the jury, and the court having charged the jury upon the law, the jury retired to consider of their verdict, and having thereafter agreed upon a verdict, returned the same into court. And said jury having by their verdict made an assessment of damages which shall result to the claimants Turner F. Levens and Minnie M. Levens, his wife, by reason of the appropriation and use of the land real estate and premises of said claimants for any and all of its corporate purposes of petitioners and having ascertained, determined and awarded the amount of damages to be paid to said claimants for the taking and injuriously affecting said land real estate and premises, irrespective of any benefits thereto from any improvement proposed by said petitioner, Portland and Seattle Railway Company; And said verdict having been in the sum of Six Thousand Five Hundred Dollars: It is therefore Ordered, Adjudged and Decreed by the Court that, in conformity with said verdict, the claimants Turner F. Levens and Minnie M. Levens, his wife, have and recover of and from the petitioner, Portland and Seattle Railway Company, the sum of Six Thousand Five Hundred Dollars (\$6500) together with their costs herein, in the sum of two hundred twenty three and 10/100 dollars (\$223.10) for the taking and injuriously affecting the land, real estate and premises hereinafter described. And it appearing to the court that said petitioner Portland and Seattle Railway Company has paid into court for the benefit of said claimants the full amount of said judgment and cost;

It is Ordered, Adjudged and Decreed by the Court that the following described strip of land in Skamania County, Washington, be and the same is 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: A strip of land two hundred feet wide, being one hundred feet wide, on each side of the center line of petitioners railway as the same is located and staked out over and across Lot numbered five of section twenty five, of township 2 north range 6 east of the Willamette Meridian,