

question of damages; and the jury having been duly summoned and being in attendance and the parties being present and ready for trial, the trial in this cause, insofar as it affects the property and rights of the claimants Charles E. Ladd and Sarah H. Ladd, his wife, and the intervenor, Columbia Contract Company, was proceeded with before the court and jury.

At the time the cause was called for trial, the Columbia Contract Company was allowed to intervene in this proceeding, setting up its rights in the property described in the order of condemnation, and certain other contiguous property, and said intervenor and said Charles E. Ladd and Sarah H. Ladd were allowed at said trial to introduce testimony tending to support the allegations of said petition in intervention. The trial of said cause proceeded from day to day until the seventeenth day of July 1906, when, said jury having heard all the testimony offered and the argument of counsel, and the court having instructed 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, which said verdict was in the words and figures following, to-wit:

"We the jury in the above entitled cause do find that by reason of the appropriation and use of the land sought to be appropriated by this proceeding, the claimants Charles E. Ladd and Sarah H. Ladd and Columbia Contract Company will be damaged in the sum of \$5000 no/100, which sum is assessed as damages in a lump by agreement of counsel."

It is therefore Ordered, Adjudged and Decreed by the Court, that, in conformity with said verdict, the Claimants Charles E. Ladd and Sarah H. Ladd and the intervenor, Columbia Contract Company, have and recover of and from petitioner, Portland and Seattle Railway Company, the sum of Five Thousand Dollars, together with their costs herein in the sum of \$67.80 for the taking of said strip of land and for the injuriously affecting the land of said claimants and said intervenor not taken. And it appearing to the court that said petitioner, ~~Portland and~~ Portland and Seattle Railway Company, has paid into court, for the benefit of said claimants and said intervenor, the full amount of said judgment and costs:

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 one hundred feet in width, being fifty feet in width on each side of the center line of petitioners railroad as the same is located and staked out over and across lot eight and a portion of the Elizabeth Snooks Donation Land Claim No. 37, in Section twenty-five, township two north, of range 6 east of the Willamette Meridian; said center line so located and staked out being further described as follows, to-wit:

Beginning at a point, sixty seven feet south of corner to sections twenty five, twenty six, thirty five and thirty six, township two north range 6 east of the Willamette Meridian, thence to the northeasterly on a curve to the left, with a radius of one thousand nine hundred and ten feet (the tangent to which curve intersects the section line between said sections thirty five and thirty six at a point two hundred sixty seven and five tenths feet south of the corner to said sections twenty five and twenty six, thirty five and thirty six, making an angle in the northeast of seventy three degrees and thirty minutes, and at a distance of eight hundred sixty nine and seven tenths feet east from the point of spiral of said curve) seven hundred and forty three feet; thence along spiral to said curve of radius of one thousand nine hundred and ten feet, two hundred and twenty eight feet to point of tangent of said curve; thence on tangent to curve five hundred and forty nine feet; thence along a spiral to a curve, with a radius of one thousand nine hundred and ten feet, to the right, two hundred and twenty eight feet; thence along a curve, with radius of one thousand nine hundred and ten feet, to the right, three hundred and thirty feet, more or less, to a line two chains east of and parallel with the east line of said lot eight, in section twenty five,