

McS

Decision No. 12161

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)	
NELL HOXSIE, as an individual and as	:	
administratrix of the estate of Neri T.	:	
Hoxsie, deceased, and Pickwick Stages,)	
Inc., a corporation, for an order of the	:	Application Number
Commission permitting the sale and transfer	:	9064.
by the former and the purchase and operation	:	
by the latter of that certain automobile)	
operative right for the transportation of	:	
passengers and express matter between Escondido	:	
and Oceanside via San Marcos and Vista, and	:	
all intermediate points.)	

BY THE COMMISSION,

ORDER

Nell Hoxsie as an individual and as administratrix of the Estate of Neri T. Hoxsie, deceased, has filed a joint application with the Pickwick Stages, Inc., a corporation, in which they apply for an order authorizing the transfer of a certain automobile stage line.

The operative right herein proposed to be transferred was originally obtained by Neri T. Hoxsie, deceased, under Decision No. 5872 in Application No. 3634, dated October 28, 1918, and authorizes the operation of an automotive stage service as a common carrier of passengers, baggage and packages between Escondido and Oceanside, San Diego County, California.

Filed as Exhibit "A" with the application herein is a copy of the Court order appointing Nell Hoxsie administratrix of the Estate of Neri T. Hoxsie, deceased, and filed as

Exhibit "D" a copy of the Court order transferring title to the Estate of Neri T. Hoxsie, deceased, to said Nell Hoxsie.

The agreement of sale entered into between Nell Hoxsie and officials of the Pickwick Stages, Inc., a corporation, provides for the transfer of the operative right herein together with two Pierce Arrow automobiles and the parts of a third Pierce Arrow automobile now in the possession of the seller for a total purchase price of \$5,250.00.

The proposed purchaser, Pickwick Stages, Inc., a corporation, further asks for an order authorizing the operation under the certificate herein proposed to be purchased, in connection with and as a part of the existing operation now being carried on by said Pickwick Stages, Inc., a corporation. This portion of the application will be denied without prejudice to whatever further order the Commission may make in connection with the joining up of the various individual operative rights secured by this applicant.

We are of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted.

IT IS HEREBY ORDERED that the application to transfer be, and the same hereby is granted, subject to the following conditions:

1. The consideration to be paid for the property herein authorized to be transferred shall never be urged before this Commission or any other rate fixing body as a measure of value of said property for rate fixing, or any purpose other than the transfer herein authorized.
2. Applicant Nell Hoxsie, as an individual and as administratrix of the Estate of Neri T. Hoxsie, deceased, shall immediately cancel all tariff of rates and time schedules on file with the Commission covering service certificate for which is herein authorized to be transferred.
3. Applicant Pickwick Stages, Inc., a corporation, shall immediately file, in duplicate, tariff of rates and time schedules, or adopt as its own the tariff of rates and time schedules covering service, certificate for which is herein authorized to be transferred, as filed by Neri T. Hoxsie, deceased. All rates and time schedules to be

identical with those as filed by Nori T. Hoxsie, deceased.

4. The rights and privileges herein authorized to be transferred may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

5. No vehicle may be operated by Pickwick Stages, Inc., a corporation, unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

IT IS HEREBY FURTHER ORDERED that the above entitled application in all other respects be, and the same hereby is denied.

Dated at San Francisco, California, this 1st day of June, 1923.

C. Seavey

Dwight Martin

F. Whittney
Commissioners