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Decision No. 12498.

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of )  
 C. C. NEWTON and W. D. AYERS, co- )  
 partners, doing business under the )  
 fictitious name and style of Valley )  
 Truck Line, to sell and transfer to ) Application No. 9288  
 R. W. LAVERTY and R. W. LAVERTY to )  
 operate an automobile freight line )  
 between San Jose and Hollister, )  
 California. )

BY THE COMMISSION,

ORDER

C. C. Newton and W. D. Ayers, co-partners doing business under the fictitious name and style of Valley Truck Line, have filed a joint application with R. W. Lavery in which they apply for permission, the co-partnership to sell and Lavery to purchase and operate a certain automobile truck line.

The operative right herein proposed to be transferred was originally issued to one E. C. Heskett under Decision No. 7539 in Application No. 5461, dated May 3, 1920. Heskett was later authorized to transfer said right to one William E. Bledsoe under Decision No. 7762 in Application No. 5790, dated June 19, 1920. Under Decision No. 10550 in Application No. 7806, dated June 8, 1922, Bledsoe was authorized to transfer to Newton and Ayers, the present applicants.

A nominal consideration of \$1.00 is the only monetary amount involved in the proposed transfer, the purchaser being at the present time engaged in local trucking work at Hollister and having ample equipment to continue operation of the service proposed to be acquired.

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 above entitled application be, and the same hereby is granted, subject to the following conditions:

1. Applicants Newton and Ayers, co-partners doing business under the fictitious name and style of Valley Truck Line, shall immediately cancel tariff of rates and time schedules covering service, certificate for which is hereby authorized to be transferred. Such cancellation to be in accordance with the provisions of General Order No. 51 of the Railroad Commission.

2. Applicant R. W. Lavery shall immediately file, in duplicate, tariff of rates and time schedules or adopt as his own the tariff of rates and time schedules as filed by Newton and Ayers, co-partners, for the service, certificate for which is herein authorized to be transferred. All tariff of rates and time schedules to be identical with those as filed by the co-partnership, Newton and Syers.

3. 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.

4. No vehicle may be operated by applicant Lavery unless such vehicle is owned by said applicant or is leased by said applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 17<sup>th</sup> day of August, 1923.

C. Lavery

Darius Masters  
George Shaw

J. T. Whitlsey  
Commissioners