

Decision No. 12715

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

**ORIGINAL**

In the Matter of the Application of  
 PACKARD STAGE LINE, a corporation,  
 for an order authorizing issuance of  
 Stock.

Application No. 9275

Nolan, Rohe & Freston, by Clifford  
 A. Rohe, for Applicant.

BY THE COMMISSION:

OPINION

In this proceeding, as amended, the Railroad Commission is asked to make an order authorizing K. F. Beyerle, C. A. Sansome, L. J. Austin, R. R. Wilson, T. E. Hutson and W. H. Powell to transfer their operative rights and properties to Packard Stage Line, a corporation, and authorizing Packard Stage Line to acquire such properties and to issue \$6,000.00 of its common capital stock.

A public hearing was held before Examiner Williams in Los Angeles.

The record shows that K. F. Beyerle, C. A. Sansome, L. J. Austin, R. R. Wilson, T. E. Hutson and W. H. Powell, as co-partners under the firm name and style of Packard Stage Line, have been, since November 15th, 1921, engaged in transporting passengers by auto stages between Los Angeles and Bakersfield, via Mojave, Tehachapi and other intermediate points, excepting locally between Los Angeles and Lancaster and between Bakersfield and Caliente. They are operating under the authority granted by the Commission in Decision Number 9635, dated October 26th, 1921.

It appears that the co-partnership does not own any equipment, operating solely with cars leased from members of the co-partnership. It is reported that the partners have concluded that the business can be operated more economically and efficiently by a

corporation, than by a co-partnership, and for that reason have caused the organization of Packard Stage Line, a corporation.

The Articles of Incorporation of Packard Stage Line show that it was incorporated on or about April 10, 1923, with an authorized capital stock of \$50,000.00 divided into 500 shares of the par value of \$100 each, all shares being common. The corporation asks permission to issue 60 shares of stock of the aggregate par value of \$6,000.00. The stock will be issued in proportionate amounts to the members of the co-partnership in full payment of their operative right and of 6 - 9 passenger Packard Stages. These stages are being used at present by the co-partnership and are reported to be in good and serviceable condition. The price to be paid, according to the testimony of W. H. Powell, represents the estimated present value of the cars. The properties will be acquired free and clear of all indebtedness.

#### ORDER

Application having been made to the Railroad Commission by K. F. Beyerle, C. A. Sansome, L. J. Austin, R. R. Wilson, T. E. Hutson and W. H. Powell and Packard Stage Line, for an order authorizing the transfer of properties and operative rights and the issue of \$6,000.00 of stock, a public hearing having been held and the Railroad Commission being of the opinion that the application should be granted, as herein provided;

IT IS HEREBY ORDERED that K. F. Beyerle, C. A. Sansome, L. J. Austin, R. R. Wilson, T. E. Hutson and W. H. Powell be, and they are hereby, authorized to transfer and assign the operative rights and properties referred to in the foregoing opinion to Packard Stage Line, free and clear of all indebtedness and Packard Stage Line be, and it is hereby, authorized to acquire such rights and properties.

IT IS HEREBY FURTHER ORDERED that Packard Stage Line be, and it is hereby, authorized to issue \$6,000.00 of its common capital

stock in full payment for the rights, the six 9 passenger stages and properties described in this application, such rights, stages and property to be transferred free and clear of all indebtedness.

The authority herein granted is subject to the following conditions :-

1. K. F. Beyerle, C. A. Sansome, L. J. Austin, R. R. Wilson, T. E. Hutson and W. E. Powell shall cancel immediately all time schedules, tariffs, rates and classifications at present on file with the Railroad Commission and Packard Stage Line shall file immediately new time schedules, rates, tariffs and classifications, or adopt as its own the time schedules, tariffs, rates and classifications heretofore filed with this Commission by K. F. Beyerle, C. A. Sansome, L. J. Austin, R. R. Wilson, T. E. Hutson and W. E. Powell, all such new time schedules, tariffs, rates and classifications to be identical with those heretofore filed with the Commission, such cancellations and filings to be in accordance with the provisions of General Order No. 51 and other regulations of the Railroad Commission.
2. The rights and privileges, the transfer of which is herein authorized, may not again be transferred, assigned, leased, sold, hypothecated or operations thereunder discontinued unless the written consent of the Railroad Commission to such transfer, assignment, lease, sale, hypothecation or discontinuance shall have first been secured.
3. No vehicle may be operated by Packard Stage Line, a corporation, under the authority contained in this decision unless such vehicle is owned by said company or leased by it under a contract or agreement on a basis satisfactory to 3 the Railroad Commission.

4. The price at which Packard Stage Line is herein authorized to acquire properties shall never be urged before this Commission, or other court or public body having jurisdiction, as a measure of value of said properties for the purpose of fixing rates, or for any purpose other than the transfer herein authorized.
5. The transfer of operative rights hereinabove authorized and the required cancellation and filing of tariffs and schedules shall be made not later than ninety days from the date of the order in this proceeding, unless the time for accomplishing the authorized transfers, the cancellation and filing of tariffs shall be extended by the further order of this Commission.
6. Within thirty days after the issue and delivery of the stock herein authorized Packard Stage Line shall file with the Commission a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.
7. The authority herein granted to transfer operative rights and properties and to issue stock will become effective upon the date hereof and will continue for a period of ninety days after the date of this order.

DATED at San Francisco, California, this 14 day of October, 1923.

W. H. Sawyer  
W. H. B. ...  
Dwight Martin

J. F. Whitting  
Commissioners