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ORIGINAL

Decision No. 12774.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of )  
 EMIL J. KLEINSMITH to sell and transfer )  
 and THOS. E. CHENEY to purchase and :  
 operate auto stage lines between Santa Application No. 9484  
 Monica, Topanga, Outside Inn, Las Flores )  
 Canyon and intermediate points. :  
 )

BY THE COMMISSION,

O R D E R

Emil J. Kleinsmith has filed a joint application with  
 Thos. E. Cheney in which they apply for an order authorizing  
 Kleinsmith to sell and Cheney to purchase and operate a certain  
 automobile stage line as more specifically hereinafter set out.

The operative right herein proposed to be transferred  
 is one granted to Thos. E. Cheney under Decision No. 11171  
 in Application No. 8126, dated October 27, 1922 and authorizes  
 the operation of automobile passenger and freight stage service  
 over and along certain streets between Santa Monica to Topanga  
 Canyon Inn. This operative right was transferred to Emil J.  
 Kleinsmith under Decision No. 11553 in Application No. 8595,  
 dated January 24, 1923. Under Decision No. 11864 in Application  
 No. 8450, Kleinsmith was granted permission to extend such opera-  
 tion from Topanga Canyon to Las Flores Canyon.

The consideration to be paid for the property herein  
 proposed to be transferred is given as the sum of \$201.00, of which  
 amount \$200.00 represents the claimed value of one Ford stage

proposed to be transferred and \$1.00 the value of the operative right.

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. The consideration to be paid for the property herein proposed 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 Kleinsmith shall immediately cancel tariff of rates and time schedules on file with the Commission covering service, certificate for which is herein authorized to be transferred. Such cancellation to be in accordance with the provisions of General Order No. 51.

3. Applicant Cheney 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 applicant Kleinsmith for said service. All tariff of rates and time schedules to be identical with those as filed by applicant Kleinsmith.

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 applicant Cheney unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 14 day of November, 1923

C. S. ...  
H. B. ...  
James Martin  
Edward Shore  
J. T. Whittney  
Commissioners