

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
ELIZABETH MERIAN and A. T. MERIAN,  
her husband, to purchase the automobile  
freight and passenger line operated be -  
tween Oroville and Woodleaf, California.

)  
)  
) Application  
) No.13122  
)

BY THE COMMISSION -

**ORIGINAL**

OPINION and ORDER

Edwin A. Boehme has petitioned the Railroad Commission for an order approving the sale and transfer by him to Elizabeth Merian and A. T. Merian, her husband, of an operating right for an automobile service for the transportation of passengers, baggage and freight between Oroville and Woodleaf and the intermediate points of Hurlston and Forbestown, and Elizabeth Merian and A. T. Merian have applied for authority to purchase and acquire said operating right and to hereafter operate thereunder, the sale and transfer to be in accordance with an agreement marked Exhibit "A", which exhibit is attached to the application herein and made a part thereof.

The consideration to be paid for the property herein proposed to be transferred is given as \$500, all of which sum is said to be the value of the operating right.

The operating right involved was originally established by C. N. Pauly who filed with the Railroad Commission tariffs and time schedules showing operating prior to May 1, 1917. On December 22, 1922, Pauly, with the approval of the Railroad Commission, as shown in its Decision No. 11374, issued on Application No. 8343, transferred the right to Applicant Boehme.

Mrs. Merian is the successful bidder for the contract to transport U. S. mail heretofore held by Boehme.

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 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 Edwin A. Boehme shall immediately withdraw tariff of rates and time schedules on file with the Commission covering service, certificate for which is herein authorized to be transferred. Such withdrawal to be in accordance with the provisions of General Order No.51.
- 2- Applicants Elizabeth Merian and A. T. Merian shall immediately file, in duplicate, in their own names tariff of rates and time schedules covering service heretofore given by applicant Boehme, which rates and time schedules shall be identical with the rates and time schedules now on file with the Railroad Commission in the name of applicant Boehme, or rates and schedules satisfactory in form and substance to the Railroad Commission.
- 3- The rights and privileges herein authorized may not be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been secured.
- 4- No vehicle may be operated by applicants Elizabeth Merian and A.T.Merian unless such vehicle is owned by said applicants, or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 21<sup>st</sup> day of September, 1926.

H. B. ...  
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Leon. O'Connell  
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COMMISSIONERS