



rights of B. P. McConnaha and others. Among the rights sought to be transferred were prescriptive rights for the transportation of freight between Eureka and Orleans and Eureka and Crescent City, and such operations are cited in the opinion preceding the order as proposed for transfer. The opinion contained this paragraph:

"As noted from the description of the individual rights, as above enumerated, while all of such rights carry permission to transport passengers, they do not all have authority to transport freight or express, and the blanket certificate as applied for by the corporation will provide solely for the transportation of passengers and for the transportation of such express matter as can be conveniently handled upon passenger cars, no single shipment to exceed 100 pounds in weight, with the exception of Eureka-Red Bluff route."

The order was likewise silent as to the two rights heretofore mentioned. It is the contention that the omission was an inadvertence in the preparation of both the opinion and order, and should be corrected.

In support of this contention, Burr P. McConnaha, now Regional Manager of Applicant at Eureka, testified that the operations for freight had been established by him in 1902 with horse-drawn vehicles serving termini and all intermediates, and that such service continued until 1914, when automotive trucks were substituted. In 1917 he filed rates with this Commission, and such rates have been on file ever since and the service has been continued without interruption ever since. There is now on file with this Commission Pickwick Stages System C.R.C. No. 5 for its class and commodity rates between the points involved, and this applicant is conducting service now under the belief that the rights so to do held by its predecessor, West Coast Transit Company and B. P. McConnaha had been included in the group of rights authorized to be transferred by Decision No. 13,435. McConnaha testi-

fied that as soon as the omission was discovered the instant application was filed.

The context of the opinion indicates no intention to disapprove the transfer of these services other than the paragraph quoted. In view of the fact that the transfers were not opposed at the original hearing, and further, that the rights now before us were, and now are, non-competitive and have been long established, there appears no good reason for their omission, except inadvertence in listing.

It is our opinion that applicant is properly in possession of these rights and that they should have been included in the original order in Decision No. 13,435, transferring all other rights involved, and that an order correcting this order should be entered.

#### ORDER

IT IS HEREBY ORDERED that the order in Decision No. 13,435, dated April 18, 1924, on Application No. 9807, be amended by adding to paragraph two (2) the following:

"and between Eureka and Crescent City and intermediates, via Orick, and between Orick and Orleans, via Weitchpec and intermediates."

For all other purposes the effective date of this order shall be twenty (20) days from date hereof.

Dated at San Francisco, California, this 9<sup>th</sup> day of May, 1929.

Thos. L. Lott

C. S. Lanning

Frank J. ...

Leon ...