

Decision No. 17819

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of ISAAC JONES, executor of the estate of WELLINGTON ARTHUR FREEMIRE, also known as W. A. FREEMIRE, deceased, to sell and HAMILTON WALLACE & BRYANT, doing business under the firm name and style of Ontario Bean Warehouse, to purchase a lease of a bean warehouse and equipment located therein, which bean warehouse is located on property of the Southern Pacific Railway Company, near Plum Avenue in the City of Ontario, County of San Bernardino, State of California, heretofore operated by W. A. Freemire, since deceased.

ORIGINAL

Application No. 17819

BY THE COMMISSION:

OPINION AND ORDER

This is an application by Isaac Jones, executor of the estate of Wellington Arthur Freemire, also known as W. A. Freemire, deceased, to transfer certain warehouse properties in the City of Ontario to Hamilton, Wallace & Bryant, doing business under the firm name and style of Ontario Bean Warehouse.

Wellington Arthur Freemire, heretofore operated a bean warehouse in the City of Ontario in premises leased from the Southern Pacific Company and located on that company's right-of-way near Plum Avenue. It appears that the executor of his estate now desires to dispose of the business and accordingly has entered into an agreement, with the consent of the Superior Court, to assign the lease and to transfer the warehouse equipment to the firm of Hamilton, Wallace & Bryant. The consideration to be paid is the sum of \$1,500.00, payable one-third cash, one-third in six months and the balance one year from date of sale. The deferred payments

totaling \$1,000.00 will be secured by a chattel mortgage on the warehouse equipment.

The warehouse will be operated under the same rates, rules and regulations shown in tariff C.R.C. No. 3 of W. A. Freemire.

The Commission is of the opinion that the transfer as herein authorized is in the public interest and should be approved. It does not appear that this is a matter in which a public hearing is necessary, therefore

IT IS HEREBY ORDERED that Isaac Jones, executor of the estate of Wellington Arthur Freemire, also known as W. A. Freemire, deceased, be and he hereby is authorized to assign the lease and to transfer the warehouse equipment referred to herein to Hamilton, Wallace and Bryant, doing business under the firm name and style of Ontario Bean Warehouse.

IT IS HEREBY FURTHER ORDERED that Hamilton, Wallace and Bryant, doing business under the firm name and style of Ontario Bean Warehouse, be and they hereby are authorized to execute a chattel mortgage in the same form as that filed with the Commission on December 21, 1931, to secure the payment of the two \$500.00 notes referred to herein.

The authority herein granted is subject to the following conditions:

1. The authority herein granted to execute a chattel mortgage is for the purpose of this proceeding only and is granted in so far as this Commission has jurisdiction under the terms of the Public Utilities Act, and is not intended as an approval of said chattel mortgage as to such other legal requirements to which it may be subject.

2. Isaac Jones, as executor of the estate of Wellington Arthur Freemire, also known as W. A. Freemire, deceased, and Hamilton, Wallace and Bryant shall join in common supplement to the tariffs now on file with the Commission in the name of Wellington Arthur Freemire, Isaac Jones on the one hand withdrawing and Hamilton, Wallace and Bryant on the other hand

adopting such tariffs and all effective supplements thereto.

3. The rights and privileges herein authorized to be transferred may not be sold, leased, transferred or assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to the sale, lease, transfer or discontinuance has first been secured.

4. The authority herein granted will become effective upon the date hereof.

Dated at San Francisco, California, this 28th day
of December, 1931.

Ed Stenny
Leon Whitely
W. J. Conroy
W. B. Harris
Fred G. Stewart
COMMISSIONERS.