

Decision No. 10383

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of SAM ARONSON and JOSEPH PALACE, partners in business operating a stage line under the fictitious name of "Golden Eagle-Barker Stage" between Roseville and Lincoln and Roseville and Sacramento, and intermediate points, to sell and transfer one-half the rights, title and interest therein to H. E. BOSWELL; and application of H. E. BOSWELL for an order granting permission to purchase one-half interest in the above mentioned stage line and to be permitted to hereafter operate as a partnership consisting of Sam Aronson and H. E. Boswell under the fictitious name of "Golden Eagle-Barker Stage" between the above mentioned points.

ORIGINAL

Application No. 7746.

Sam Aronson for Applicants.

BY THE COMMISSION.

OPINION

A public hearing was held by Examiner Westover at Sacramento upon the above application for authority to transfer to H. E. Boswell an undivided half interest in the passenger stage line being operated between Sacramento, Roseville and Lincoln, and intermediate points, under the fictitious name of Golden Eagle-Barker Stage.

The present partnership consists of Sam Aronson and Joseph Palace, the latter of whom wishes to leave California permanently and enter business in or near New York. It is proposed to dissolve the present partnership and organize a

new one, consisting of Mr. Aronson and Mr. Boswell.

Mr. Palace roughly estimates the cost of the equipment of the partnership as \$28,890.00, and Mr. Boswell estimates it to be of the present worth of \$26,000.00. It is proposed to pay \$14,000.00 for an undivided half interest in the equipment and operating rights, \$5,000.00 of which is to be borrowed against the half interest transferred, Mr. Aronson approving the loan. It appears from the application that \$1,000.00 is the agreed value of a half interest in the single, indivisible operative right. It appears also that the parties understand that the Commission cannot allow as part of any rate base in any rate proceeding a greater value for operative rights than the actual cost of originally obtaining the rights.

Mr. Boswell has had several years' experience in the stage business, having driven stages on the line in question and having sold to Mr. Aronson in 1917 his stage line between Sacramento and Roseville.

ORDER

A public hearing having been held upon the above entitled application, the matter being submitted and ready for decision,

IT IS HEREBY ORDERED that Joseph Palace be and he is hereby authorized and empowered to transfer to H. E. Boswell his undivided half interest in and to all of the assets and equipment of the partnership heretofore existing between Sam Aronson and Joseph Palace, used in connection with the operation of a stage line between Sacramento and Roseville and Roseville and Lincoln, under the fictitious name of Golden Eagle-Barker Stage, and an undivided half interest in the present rights of said partnership to operate said stage lines.

Nothing herein contained shall be construed as enlarging or increasing or dividing the operative rights above referred to, it being distinctly understood that said rights are indivisible.

1. The amount paid for the purchase of said rights transferred shall not be considered as a measure of value thereof in any proceeding before this Commission.
2. Said Aronson and Palace shall immediately cancel all tariffs and time schedules relating to said route, which are on file with the Railroad Commission, and the new firm of Aronson and Boswell shall immediately file tariffs and time schedules in its own name. Such filing, cancellation or adoption shall be in conformity with the provisions of General Order No. 51 and other regulations of the Railroad Commission, which, so far as applicable, are made a part hereof.
3. The rights and privileges hereby authorized to be transferred shall not again be sold, leased, transferred, or assigned, nor shall operation thereunder be discontinued without the previous written consent of the Railroad Commission.
4. No vehicle may be operated in the service hereinabove described unless such vehicle is owned by the owners of said operative rights, or is leased by such owners for a specified amount for a trip or a specific term. The leasing of equipment shall not include the services of a driver or operator. All employment of drivers or oper-

ators of leased cars shall be under contract
by which the driver or operator shall bear
the relation of an employe to the transporta-
tion company.

Dated at San Francisco, California, this 29th
day of April, 1922.

W. B. Bunker

Charles H. Koonce
W. B. Benedict

Commissioners.