

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the sale of the)	
SIERRA VALLEYS RAILWAY by Cora)	
Healy to Nevada-California-Oregon)	Application 1797.
Railway, a corporation.)	
.....)	

James Glynn, for applicant.

GORDON, Commissioner,

O P I N I O N.

This application was filed with the Commission on July 23, 1915, and a public hearing was held on July 29, 1915. Cora Healy, from whom the property has been transferred to the Nevada-California-Oregon Railway, was not represented as her address is unknown at the present time.

The following quotation from this application shows the history of the transaction, approval of which by the Commission is sought herein:

"That the Nevada-California-Oregon Railway, a corporation, is now the successor in interest to the said line of railway; that prior to the 12th day of April, 1912, the said Sierra Valleys Railway entered into a certain contract, in writing, with one Cora Healy, for the benefit of said Cora Healy and her children, named Cora Chambers and Gladys Chambers, in which it was agreed that the said Sierra Valleys Railway should pay, in various installments to said Cora Healy, the sum of three thousand (\$3,000) dollars, in full satisfaction for the death of her husband, an engineer on said railway, who was killed by the overturning of an engine thereon; which said contract, under the Constitution of California and the decisions of the Supreme Court therein, became an obligation against said railway and the property thereof, which could not be avoided by any transfer of its property or franchise; that thereafter, and after the acquirement by the Nevada-California-Oregon Railway of said Sierra Valleys Railway, an action was brought upon said contract in the Superior Court of Plumas County by said Cora Healy and in behalf of her children, Cora Chambers and Gladys Chambers, as plaintiffs, against the said Sierra Valleys Railway and the Nevada-California-Oregon Railway, as defendants, in which action all parties thereto appeared.

"That in said action the said Cora Healy, for herself and children, Cora Chambers and Gladys Chambers, procured judgment against the said defendants. An execution was levied by the sheriff of said Plumas County upon the whole of said Sierra Valleys Railway, and thereafter sale of the same was duly made under said execution, the same being sold to said Cora Healy, and thereafter a deed to said property

was made, executed and delivered to her by the said sheriff of Plumas County; that thereafter, on the 12th day of April, 1912, the said Cora Healy, (who was sometimes known as Cora Chambers, and also sometimes known as Cora Chambers Pool) Elva Chambers and Cora Healy, formerly Cora Chambers, as guardian of the person and estate of Gladys Chambers, a minor, made, executed and delivered to the Nevada-California-Oregon Railway their quitclaim deed to the said Sierra Valleys Railway, a copy of which deed is hereto attached."

The deed mentioned in the quotation above describes the property transferred as follows:-

"That certain Railroad known as and called the Sierra Valleys Railway, extending from Plumas Junction in Lassen County, thence in a westerly direction through Sierra Valley to the town of Clio in Plumas County, California."

It appears from the quotation from the application, and was brought out further at the hearing, that the Nevada-California-Oregon Railway is now in actual possession of the physical properties of the Sierra Valleys Railway and has been for some three years.

There seems to be no reason why the Commission should not approve the sale which has been made by Cora Healy to the Nevada-California-Oregon Railway, and I recommend the following form of order:-

O R D E R

NEVADA-CALIFORNIA-OREGON RAILWAY, a corporation, having applied to the Commission for its approval of the sale of the Sierra Valleys Railway to that Company from Cora Healy, acting for herself and her children, and a public hearing having been held, and there appearing to be no reason why the Commission should not approve the sale,

IT IS HEREBY ORDERED, that the sale of the Sierra Valleys Railway to the Nevada-California-Oregon Railway by Cora Healy, acting for herself and her children, be and the same is hereby approved, provided that the property shall pass to Nevada-California-Oregon Railway subject to all existing causes

of action and rights in law and in equity in favor of any person or corporation, and without prejudice to the Railroad Commission's present jurisdiction over the property and operations of Sierra Valleys Railway.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 3rd day of August, 1915.

Max Thelen

W. H. Woodland

W. H. Gordon

Frank R. DeWine

Commissioners.