

BEFORE THE RAILROAD COMMISSION  
OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of  
W. J. CAVITT, W. W. MONK and H. J.  
ELKINS for permission of W. J. Cav-  
itt to sell, and W.W. Monk and H.J.  
Elkins to purchase, the interest of  
said W. J. Cavitt in and to the op-  
erative rights, privileges, franchis-  
es and permits of said W. W. Monk,  
W. J. Cavitt and J. H. Elkins, co-  
partners doing business under the  
name and style of Los Gatos-San Jose  
Bus Line, between San Jose, Campbell  
and Los Gatos, California.

Application No. 6213.

BY THE COMMISSION:

ORDER

W. J. CAVITT, W. W. MONK and H. J. ELKINS, copartners,  
doing business under the name and style of Los Gatos-San Jose  
Bus Line, have made application to the Railroad Commission, po-  
titioning for authority to sell and transfer certain operative  
rights for the conduct of an automobile passenger service be-  
tween San Jose-Campbell and Los Gatos, and intermediate points,  
the applicant, W. J. Cavitt, desiring to sell, and applicants,  
W. W. Monk and H. J. Elkins, desiring to purchase and acquire  
and hereafter operate the service.

The operative rights herein sought to be transferred are  
those acquired by applicants, W. J. Cavitt, W. W. Monk and J.E.  
Elkins, copartners, in the Railroad Commission's Decision No.  
7627, rendered July 9, 1920, on Application No. 5854. The  
transfer of the rights and privileges is to be made upon an  
agreement set forth in the application in this proceeding.

The Commission is of the opinion that this is a matter in which a public hearing is not necessary and that this application should be granted.

IT IS HEREBY ORDERED, that this application be, and the same is hereby granted, subject to the following conditions:

1- That the amount paid for the purchase of this property shall not be considered as a measure of value of said properties before this Commission for rate fixing or any other purpose other than the transfer herein referred to.

2- That the applicants, W. J. Cavitt, W. W. Monk and J.H. Elkins shall immediately file with the Railroad Commission the original or a certified copy of the bill of sale.

3- That the applicants, W. J. Cavitt, W. W. Monk and J.H. Elkins, copartners operating under the name and style of Los Gatos-San Jose Bus Line, will be required to cancel their tariff of fares and charges and time schedule on file with the Railroad Commission, in accordance with General Order No.51 and other regulations of the Railroad Commission.

4- That the applicants, W. W. Monk and J. E. Elkins, copartners, will be required to immediately file with the Railroad Commission tariff of fares and charges and time schedule, or adopt as their own the tariff and time schedule heretofore filed by applicants, W. J. Cavitt, W. W. Monk and J. E. Elkins, such fares and charges to be identical with those heretofore filed by the above applicants.

5- The rights and privileges of transfer hereby authorized may not again be sold, transferred, discontinued, leased nor assigned unless the written consent of the Railroad Commission to such sale, transfer, discontinuance, lease or assignment has first been secured.

6.- No vehicle may be operated by the applicants, W. W. Monk and H. J. Atkins, unless such vehicle is owned by them or is leased by them for a specific amount on a trip or term basis, the leasing of equipment not to include the services of a driver or operator. All employment of drivers or operators of leased cars shall be made on the basis of a contract by which the driver or operator shall bear the relation of an employee to the transportation company by whom such driver or operator is engaged.

Dated at San Francisco, California, this 5<sup>th</sup> day of November, 1920.

Edwin O. Edgerton  
A. J. Swanson  
Frank K. Miller  
H. B. Bondage  
Commissioners.