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Decision No. 9508

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of
E. E. DAVIS, doing business under the
fictitious name of Western Truck Line
to sell and V. L. HAYNES to purchase
a one-half interest in the operative
rights of H. E. Davis, authorizing
the operation of an automobile freight
line between Fresno and Hanford.

ORIGINAL

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) Application No. 7090
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BY THE COMMISSION,

O R D E R

In this proceeding E. E. Davis, doing business under the fictitious name of Western Truck Line, has made application to the Railroad Commission as an individual to transfer to V. L. Haynes as an individual a one-half interest in a part of an operative right heretofore granted him authorizing the operation of an automobile truck line as a common carrier of freight between Fresno and Hanford.

Under Decision No. 7760 in Application No. 5560, dated June 19, 1920, E. E. Davis, doing business under the fictitious name of Western Truck Line was granted a certificate of public convenience and necessity authorizing the operation of an automobile truck line as a common carrier of freight and express between Fresno and Lemoore serving as intermediate points Hardwick, Grangeville, Hanford and Armona and between Fresno and Hanford via Laton and intermediate points.

In the present application, applicants apply for permission to transfer a one-half interest in a part of the operative right granted under the above numbered decision, but do not specify as to that particular part which it is proposed to transfer one-half interest

in. Applicants also apply as individuals and not for permission to transfer from one individual to a co-partnership.

After full consideration of the above entitled application, it would appear to the Railroad Commission that if such application was granted as applied for, it would be, in effect, establishing an additional automobile freight line as a common carrier over a portion of the route, a certificate covering which was heretofore granted to E. E. Davis as an individual. Should applicant E. E. Davis desire to transfer a one-half interest in his operative rights to himself and V. L. Haynes as a co-partnership, there would be no objection on the part of the Railroad Commission thereto, but the transfer of a one-half interest in a portion of an operative right from one party as an individual to another party as an individual would be, in effect, dividing an intangible property right which is indivisible and the application should accordingly be denied.

IT IS HEREBY ORDERED that the above entitled application be, and the same hereby is denied.

Dated at San Francisco, California, this 14^d day of September, 1921.

H. C. ...

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Commissioners