

Decision No. 26911.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
P. F. HERINGER and A. F. SCOTT, co-  
partners, doing business under the  
name and style of HERINGER AND SCOTT,  
to transfer operative rights and prop-  
erty to copartnership consisting of  
HOWARD HERINGER and A. F. SCOTT. )  
Application No. 19364.

BY THE COMMISSION:

**ORIGINAL**

OPINION AND ORDER

In this application the Railroad Commission is asked to make its order authorizing the transfer of an operative right and equipment used in the transportation of property by vessels upon the inland waters of the State of California to Howard Heringer and A. F. Scott, copartners. The record indicates that P. F. Heringer and A. F. Scott, copartners operating under the fictitious name of Heringer and Scott prior to August 17, 1923, the effective date of Section 50(d) of the Public Utilities Act, and subsequent thereto, were engaged in the business of transporting property by vessel. The transfer represents a gift from P. F. Heringer of his portion of the operative right and equipment to his son, no monetary consideration being involved, and is by mutual consent of all parties. Howard Heringer and A. F. Scott, copartners, will continue the operation as common carriers under rates, rules and regulations shown in Local Freight Tariff No. 3-A, C.R.C. No. 8, effective January 15, 1934, applicable between points on the inland waters, and Demurrage Tariff No. 1, C.R.C. No. 7, naming rates, rules and regulations for the

detention of vessels.

The proposed transfer will not result in curtailment of service.

We are of the opinion that this is a matter not requiring a formal hearing and that the application should be granted as herein provided. In granting this application we are not passing on the validity of the operative right of Heringer and Scott. That can be questioned after the transfer in the same manner as though no transfer of the same had taken place. Neither are we passing on the validity of the transfer of equipment.

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

1. P. F. Heringer and A. F. Scott, copartners, and Howard Heringer and A. F. Scott, copartners, shall join in common supplement to the tariffs on file in the Railroad Commission in the name of Heringer and Scott, the former on the one hand withdrawing and the latter on the other hand accepting and adopting such tariffs and all effective supplements thereto.
2. 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 such sale, lease, transfer or discontinuance has first been secured.

Dated at San Francisco, California, this 2<sup>d</sup> day  
*April*  
of ~~April~~, 1934.

C. C. Cleary  
Leon C. Whaley  
W. A. C. C.  
M. B. Lewis  
W. H. C. C.  
COMMISSIONERS.