

ORIGINAL

Decision No. 24141

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of WEYL-ZUCKERMAN & CO. to sell, and MERCHANTS TRANSPORTATION COMPANY to purchase a transportation line operated between points on the inland waters of the State of California.

Application No. 24140

In the Matter of the Application of MERCHANTS TRANSPORTATION COMPANY for an Order Authorizing the Issue of Stock.

Application No. 24141

BY THE COMMISSION:

O P I N I O N

In these two applications the Railroad Commission is asked to make its orders authorizing Weyl-Zuckerman & Co., a corporation, to transfer to Merchants Transportation Company, a corporation, certain operating rights and equipment used in the business of transporting freight by vessels between points on the inland waters of the State, and authorizing Merchants Transportation Company to issue 10 shares of its capital stock without par value.

Weyl-Zuckerman & Co. is engaged in the mercantile business and as a grower of farm products. Incidentally thereto it has acquired certain vessels by means of which it conducts an "on call" common carrier service for the transportation of property from, to and between points on the San Joaquin and Sacramento Rivers and their tributaries. Its operating authority, as

of January 16, 1936, was defined in Decision No. 29778, dated May 24, 1937. (40 CRC 493-519.)

Application No. 24140 now shows that Weyl-Zuckerman & Co. proposes to divest itself of its common carrier operations and properties and to that end, on April 14, 1941, entered into an agreement with Merchants Transportation Company, a recently organized corporation, whereby it agreed to transfer and deliver to Merchants Transportation Company all its right, title and interest in and to the boats it has been using in said operations, namely, the "Robert B." and the "Crescent III," its operating rights and the sum of \$1,000 in cash, in exchange for 10 shares of stock of Merchants Transportation Company. Application No. 24141 shows that the latter company proposes to use the \$1,000 it will receive in this transaction for working capital.

The order herein will authorize Weyl-Zuckerman & Co. to transfer such interest as it may have in these properties, and such operating rights as it may now possess, upon the understanding that Merchants Transportation Company will assume all the common carrier duties and obligations of the transferrer and will adopt as its own the rates, rules and regulations now on file with the Commission in the name of Weyl-Zuckerman & Co.

O R D E R

Applications having been filed with the Railroad Commission for orders authorizing the transfer of properties and the issue of stock, and the Commission being of the opinion that these are not matters on which public hearings are necessary, that the requests of applicants should be granted, as herein provided, that the money, property or labor to be procured or

paid for through the issue of the stock herein authorized is reasonably required for the purpose specified herein, which purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income.

IT IS HEREBY ORDERED as follows:

1. Weyl-Zuckerman & Co., after the effective date hereof and on or before July 31, 1941, may transfer to Merchants Transportation Company such interest as it may have in the boats "Robert B." and "Crescent III," and such operating rights as it may now possess, such transfer to be in accordance with the terms of the agreement dated April 14, 1941, filed as Exhibit "A" in Application No. 24140.
2. Applicants herein, within twenty (20) days after the effective date of this order, shall join in a common supplement, to be filed in triplicate, to the tariffs now on file with the Commission covering service given under the operating rights herein authorized to be transferred, Weyl-Zuckerman & Co. on the one hand withdrawing and Merchants Transportation Company on the other hand adopting and establishing as its own, said tariffs and all effective supplements thereto.
3. Merchants Transportation Company, after the effective date hereof and on or before July 31, 1941, may issue not exceeding 10 shares of its capital stock, without par value, to Weyl-Zuckerman & Co. in exchange for \$1,000 in cash and the interest in the operating rights and properties herein authorized to be transferred to it. The \$1,000 in cash may be used for working capital.
4. Merchants Transportation Company shall file with the Commission a report of the stock issued as required by the

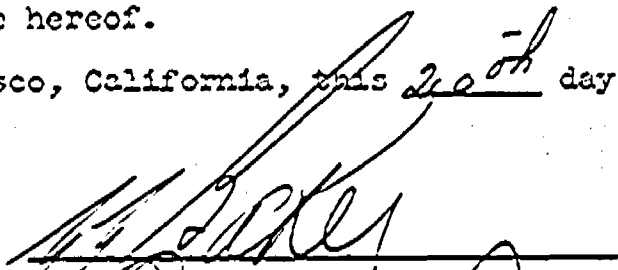
Railroad Commission's General Order No. 24-A, said report to be filed within twenty (20) days after such issue.

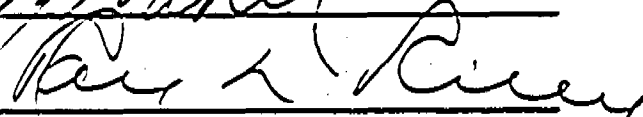
5. The rights herein authorized to be transferred may not hereafter be sold, transferred, leased nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission has first been secured.

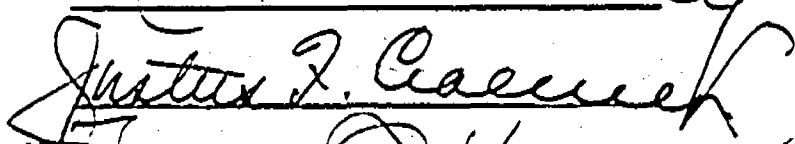
6. The authority herein granted shall lapse and be void if the parties hereto shall not have complied with all the conditions within the periods of time fixed herein unless, for good cause shown, the time shall be extended by further order of the Commission.


7. The authority herein granted will become effective twenty (20) days from the date hereof.

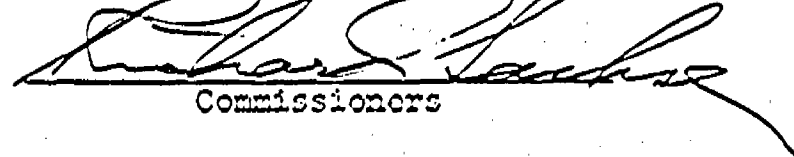
Dated at San Francisco, California, this 20th day of May, 1941.











Commissioners