

Governor Harry H. Woodring, Correspondence Files, Box 19

Section 22, Pages 631 - 660

These folders contain correspondence subject files with Governor Harry Woodring. Subjects covered are financial aid requests, foreign affairs, governor's messages, and interstate commerce.

Creator: Kansas. Governor (1931-1933 : Woodring)

Date: 1931

Callnumber: Governor's Office, Governor Henry H. Woodring, Correspondence, Subject Files, Box 19

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Governor Harry H. Woodring, Correspondence Files, Box 19

Interstate Commerce Commission
Washington

50-B

March 19, 1931.
Finance Docket No. 8715

To His Excellency,
The Governor of Kansas,
Topeka, Kansas.

Dear Sir:

You are respectfully notified that an application has been received by this Commission from THE HUTCHINSON AND NORTHERN RAILWAY COMPANY for a certificate of public convenience and necessity authorizing the construction by it of certain tracks in Hutchinson, Reno County, Kansas. The total mileage of the new tracks which have been constructed and those proposed will be approximately 2½ miles.

A copy of said application is enclosed herewith for filing in your office.

The Railroad Commission, Public Service or Utilities Commission or other appropriate authorities of your State have the right to make before this Commission such representations as they may deem just and proper for preserving and conserving the rights and interests of the State and its people.

In order that this Commission may without delay proceed to carry out the provisions and intent of the law relating to the application above referred to, you are respectfully requested to acknowledge receipt of this notice and of the enclosed copy of application, using the accompanying blank form for that purpose and also to notify this Commission, or have it notified by other appropriate authority of your State, whether any representations will be made in the premises on behalf of the State or its people. It is particularly requested that this Commission be promptly advised whether a formal hearing is desired.

If within 10 days from the date hereof no response is received with respect to representations or hearing it will be assumed that no hearing is desired and that no representations will be made and this Commission will accordingly proceed with the consideration of the said application.

Very truly yours,

D. H. Meyer

Commissioner.

Cc: 2 enclosures.
Public Service Commission,
Topeka, Kansas.

Governor Harry H. Woodring, Correspondence Files, Box 19

THE STATE OF KANSAS
Office of the Governor

....., 1931.

Interstate Commerce Commission
Bureau of Finance
Finance Docket No. 8715

To the Interstate Commerce Commission,
Washington, D. C.

Receipt is hereby acknowledged of a copy of an application filed with the Interstate Commerce Commission by

THE HUTCHINSON AND NORTHERN RAILWAY COMPANY
for a certificate of public convenience and necessity authorizing the construction by it of certain tracks in Hutchinson, Reno County, Kansas. The total mileage of the new tracks which have been constructed and those proposed will be approximately $2\frac{1}{2}$ miles.

accompanied by the Commission's letter dated March 19, 1931, giving notice of such application and requesting advice as to the desires of the State with respect to representations and formal hearing in connection therewith.

.....
Governor of the State of
Kansas

Per.....



Governor Harry H. Woodring, Correspondence Files, Box 19

Before the
Interstate Commerce Commission

8715

FINANCE DOCKET NO. _____

FILED MAR 18 1931

INTERSTATE COMMERCE COMMISSION

Finance Docket No. _____

In the Matter of the Application of)
The Hutchinson and Northern Railway Company)
for Certificate of Public Convenience and)
Necessity Authorizing it to Construct)
Additional Tracks in and near Hutchinson,)
Kansas, and to Operate Recently Constructed,)
as well as Proposed Additional Tracks, under)
Paragraphs 18 to 21, Inclusive, of Section 1)
of the Interstate Commerce Act.)

Application of The Hutchinson and Northern Railway Company.

The application of The Hutchinson and Northern Railway Company respectfully shows:

(a) The exact corporate name of the applicant is The Hutchinson and Northern Railway Company.

(b) Applicant is a carrier by railroad, subject to the interstate commerce act.

(c) It is proposed:

(1) To connect two partially constructed tracks west of our present connection with the Chicago, Rock Island & Pacific Railway in the city of Hutchinson with the present line of The Hutchinson and Northern Railway lying east of the Chicago, Rock Island & Pacific Railway, and to extend such tracks approximately four-fifths of a mile in a westerly direction to a point near Main and Avenue B, as an industrial and team track to serve

Governor Harry H. Woodring, Correspondence Files, Box 19

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existing industries and a number of prospective industries, with necessary wyes, and spurs to connect with industries.

(2) To connect track referred to in paragraph (1) hereof with the tracks of the Missouri Pacific Railroad Company located between Main and Maple Streets for the purpose of facilitating the interchange of carload traffic between the two companies.

(3) To relocate track now situated immediately south of the Wm. Kelly Milling Company's mill and elevator by moving present track about 200 feet south.

(4) To connect newly constructed track in east Hutchinson with our tracks near the salt mine, crossing the tracks of The Arkansas Valley Interurban Railway Company at or near the point where our tracks now connect with The Arkansas Valley Interurban Railway Company's tracks.

(5) To maintain and operate the tracks now partially constructed, as well as the proposed additional tracks, as a part of applicant's terminal railway.

(d) Applicant has the necessary funds to finance the building of the proposed tracks without the issuance of bonds or other securities.

(e) Applicant does not desire to retain excess earnings that may be derived from the construction and operation of the proposed new tracks.

(f) Public convenience and necessity require the construction and operation of the proposed tracks for the following reasons:

(1) To develop an industrial district in the central section of Hutchinson.

(2) To provide switching facilities for new industries desiring close-in locations.



Governor Harry H. Woodring, Correspondence Files, Box 19

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(3) To furnish more efficient and satisfactory service for industries now located in the central portion of Hutchinson.

(4) To afford better team track facilities for loading and unloading carload freight in the central section of Hutchinson.

(5) To provide additional facilities for handling carload and trap-car freight between all points on The Arkansas Valley Interurban Railway and all connections, industry and team tracks of the lines entering Hutchinson under contract entered into with The Arkansas Valley Interurban Railway Company on the first day of July, 1925, providing that The Hutchinson and Northern Railway Company shall serve as an intermediate carrier for a period of 20 years.

(6) To give industries on applicant's rails in East Hutchinson direct connection with the central business section of Hutchinson.

(7) To encourage the location of new manufacturing enterprises in Hutchinson and to further develop the existing electric terminal railway so as to better serve shippers and carriers.

(8) To facilitate the handling of freight between industries and all rail connections in Hutchinson.

(9) To meet public demand at Hutchinson for enlarged switching service.

(10) To comply with grant made on the 12th day of December, 1930, authorizing the use of certain streets and alleys for the construction of certain tracks in the city of Hutchinson, Kana.

(g) Correspondence in regard to this application should be addressed to E. H. Hogueland, Attorney, Board of Trade Building, Kansas City, Mo.

(h) The Hutchinson and Northern Railway Company was incorporated as an electric railway on March 21, 1912, under the laws of the State of Kansas.

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(i) Construction of the proposed tracks was authorized by the Board of Directors at a meeting held in Hutchinson, Kans., on the 15th day of August, 1930.

Applicant was authorized to make and file this application by action of the Board of Directors at a meeting held in Hutchinson, Kans., on the 7th day of March, 1931.

(j) Proposed new tracks and facilities will be situated in Reno County, Kans.

(k) (1) Under authority of grant by the city of Hutchinson on the 12th day of December, 1930, applicant has constructed a track about three-fifths of a mile long, extending from a point just east of Brown Street to a point midway between Severance and Pershing Streets, which track it is proposed to construct in a westerly direction about four-fifths of a mile to a point immediately east of the intersection of Main Street and Avenue B to serve as an industrial and team track for present and prospective industries in the city of Hutchinson, Kans. Before this track can be connected up with the present tracks of The Hutchinson and Northern Railway Company it will be necessary to cross the tracks of the Chicago, Rock Island & Pacific Railway Company to the east, where connection will be made.

(2) It is proposed to make a connection with the Missouri Pacific tracks between Maple and Main Streets for the purpose of facilitating the interchange of carload traffic between the two companies.

(3) The track now located immediately south of the Wm. Kelly Milling Company's mill and elevator is to be moved about 200 feet south.

(4) Applicant has already constructed approximately 4800 feet of track in an easterly direction from a point about 300 feet east of

Governor Harry H. Woodring, Correspondence Files, Box 19

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where the present line of The Hutchinson and Northern Railway Company crosses the half section line of section 17 to a point approximately 100 feet west of a line drawn north and south through the center of section 16. It will be necessary to cross the tracks of The Arkansas Valley Interurban Railway Company at or near the point where the present tracks of The Hutchinson and Northern Railway Company connect with the tracks of The Arkansas Valley Interurban Railway Company near the salt mine, so that the eastern and western lines of The Hutchinson and Northern Railway Company may be connected.

(l) The total number of miles of new tracks which have been constructed recently, and those proposed, will approximate $2\frac{1}{2}$ miles.

(m) Applicant desires a hearing in connection with Finance Docket No. 8692, filed by The Arkansas Valley Interurban Railway Company for authority to build tracks in Hutchinson, Kans., which would parallel applicant's proposed tracks.

(n) Exhibit "A" attached hereto and made a part hereof is a map showing the location of applicant's present tracks in and adjacent to Hutchinson, the tracks now partially constructed, and the additional tracks referred to herein.

Applicant further shows that the spur, industrial, team, switching, and side tracks referred to herein will be located wholly within Reno County, State of Kansas, and are within the exemption of paragraph (22) of section 1 of the interstate commerce act providing that the authority of the Commission shall not extend to the construction or abandonment of spur, industrial, team, switching, or side tracks, located or to be located wholly within one state.

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WHEREFORE, applicant prays that the Interstate Commerce Commission will issue a certificate of public convenience and necessity authorizing it to construct and operate the additional tracks and terminal facilities referred to in the foregoing application.

THE HUTCHINSON AND NORTHERN RAILWAY COMPANY,

By H. J. Carey,
President.

State of Kansas))
Reno County) SS

H. J. Carey, being first duly sworn, deposes and says that he is president of The Hutchinson and Northern Railway Company; that he is the executive officer duly designated by said company to make, verify and file this application; that he has read the foregoing application and knows the contents thereof, and that the same are true to the best of his knowledge, information and belief.

H. J. Carey

Subscribed and sworn to before me this 13th day of March, 1931.

SEAL

Mrs. D. E. Wiebe,
Notary Public.

My commission expires October 12, 1931.

Governor Harry H. Woodring, Correspondence Files, Box 19

KANSAS STATE HISTORICAL SOCIETY
DEPARTMENT OF ARCHIVES
SEPARATION SHEET

Instructions:

1. Complete in duplicate.
2. File one copy where items originally located.
3. File duplicate with the items separated or give to department receiving items transferred.

Description of item or items:

SKETCH SHOWING TRACK AND CONNECTIONS
OF
HUTCHINSON AND NORTHERN RAILWAY CO.

Originally filed in (name of record group, series, box no., folder title, etc):

RECORDS OF THE GOVERNOR (ADMINISTRATION OF HARRY H.
WOODRING) CORRESPONDENCE: SUBJECT FILE. INTERSTATE
COMMERCE MARCH 1931. Box 24. 19 FOLDER 7

Department and/or location to which transferred:

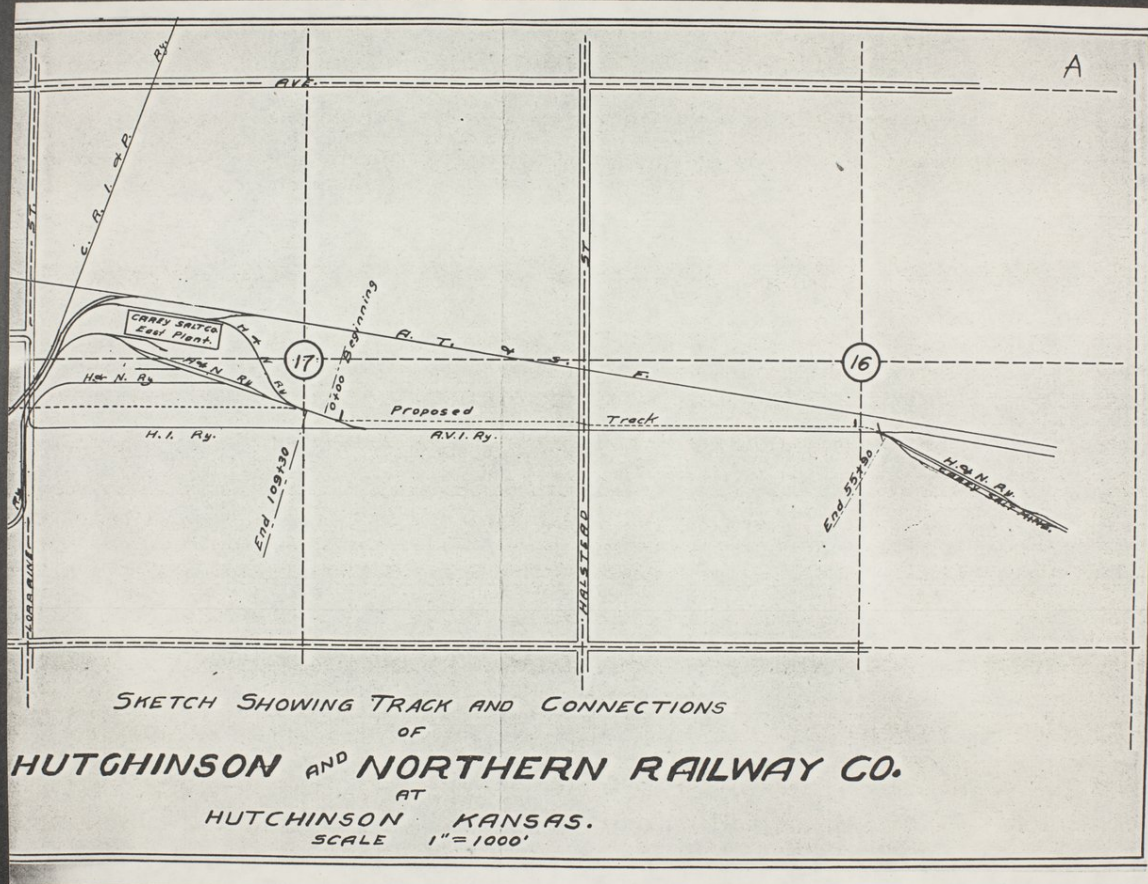
OVERSIZE Box 8 FOLDER 3

Separation date: 2/12/93

Separated by (person): R. A. McINNES

Received by (person): _____

Governor Harry H. Woodring, Correspondence Files, Box 19





Governor Harry H. Woodring, Correspondence Files, Box 19

ORDER

At a General Session of the INTERSTATE COMMERCE COMMISSION,
held at its office in Washington, D. C., on the 30th
day of March, A. D. 1931

No. 13535 et al. 50-B

CONSOLIDATED SOUTHWESTERN CASES

SUPPLEMENTAL FOURTH SECTION ORDER NO. 9500

SUPPLEMENTAL FOURTH SECTION ORDER NO. 9600

RATES FROM, TO, AND BETWEEN POINTS IN SOUTHWESTERN TERRITORY

Upon further consideration of the records in the above-entitled proceedings in No. 13535 et al., being the proceedings, except Nos. 15217 and 15231, listed in the first paragraph in the margin of the first page of the report of the Commission made and filed in said proceedings on April 5, 1927, as said report is published and appears in volume 123 of the Interstate Commerce Commission Reports at page 203 et seq., and upon consideration of a telegraphic petition, dated March 14, 1931, filed in said proceedings by southwestern carriers defendants therein, and good cause therefor appearing:

It is ordered, That the orders heretofore entered in said proceedings, including the above-designated supplemental fourth-section orders Nos. 9500 and 9600, which by their present terms will become effective on May 9, 1931, in so far as they require or pertain to establishment of rates for application to the transportation of the commodities below named from points in the Southwest, in Texas and Oklahoma differential territories, and in Kansas-Missouri territory to the southwestern gateways, Missouri River cities, and points in defined territories, as said territories, gateways, and cities are defined in said proceedings, be, and they are hereby, further amended so that as to said rates they shall become effective on June 8, 1931, instead; said commodities being as follows:

Cotton fabrics (in the original piece, but not finished articles ready for immediate use, in burlapped bales or in boxes); back bands (cotton fabric, padded or not padded, in bags or boxes); cotton waste, in bags; cotton yarn; window hollands and shade cloth, plain, uncut and undecorated; cotton knit fabrics; hosiery; rayon, rayon yarn and dry goods as described under that heading in Consolidated Classification No. 6 at pages 180-181; any quantity.

By the Commission.

(SEAL)

GEORGE B. MCGINTY,

Secretary.

Governor Harry H. Woodring, Correspondence Files, Box 19

File

Interstate Commerce Commission

Washington

April 4, 1931.

Finance Docket No. 8761

To His Excellency,
The Governor of Kansas,
Topeka, Kansas.

50-B

Dear Sir:

You are respectfully notified that an application has been received by this Commission from THE KANSAS & OKLAHOMA RAILROAD COMPANY for a certificate of public convenience and necessity authorizing (a) the acquisition and operation by it of a line of railroad extending from a point about three miles south-east of Liberal in a general northwesterly direction to Woods, a distance of about 17 miles, and (b) the construction by it of an extension of said railroad from Woods in a general westerly direction to Hugoton, a distance of approximately 14 miles, all in Seward and Stevens Counties, Kansas.

The Railroad Commission, Public Service or Utilities Commission or other appropriate authorities of your State have the right to make before this Commission such representations as they may deem just and proper for preserving and conserving the rights and interests of the State and its people. A copy of said application is enclosed herewith for filing in your office.

In order that this Commission may without delay proceed to carry out the provisions and intent of the law relating to the application above referred to, you are respectfully requested to acknowledge receipt of this notice and of the enclosed copy of application, using the accompanying blank form for that purpose and also to notify this Commission, or have it notified by other appropriate authority of your State, whether any representations will be made in the premises on behalf of the State or its people. It is particularly requested that this Commission be promptly advised whether a formal hearing is desired.

If within 10 days from the date hereof no response is received with respect to representations or hearing it will be assumed that no hearing is desired and that no representations will be made and this Commission will accordingly proceed with the consideration of the said application.

Very truly yours,

E. A. Meyer

Commissioner.

Cc: 2 enclosures.
Public Service Commission,
Topeka, Kansas.



Governor Harry H. Woodring, Correspondence Files, Box 19

50-13

FINANCE DOCKET NO.

8761

BEFORE THE
INTERSTATE COMMERCE COMMISSION

FILED APR - 4 1931

FINANCE DOCKET NO. _____

INTERSTATE COMMERCE COMMISSION

In the matter of the application under paragraph (18) of Section 1, of the Interstate Commerce Act, of C. M. Light and Associates for a certificate that the present or future public convenience and necessity require or will require the operation in interstate commerce by them of the line of railway of The Kansas & Oklahoma Railway Company, now being operated by a Receiver, and the construction and operation in interstate commerce of an extension of said line of railroad from Woods, Stevens County, Kansas, to a point of connection with the railway of the Atchison, Topeka & Santa Fe Railway Company at or near Hugoton, Stevens County, Kansas, a distance of about fourteen miles, more or less.

AMENDMENT TO ORIGINAL APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Comes now the Kansas and Oklahoma Railroad Company, a Corporation, created and organized by the applicants herein, and for its Amendment to the Original Application for a Certificate of Public Convenience and Necessity, heretofore filed by C. M. Light and Associates, states and shows to this Honorable Commission that, due to subsequent incorporation by the former applicants, the Original Application should be, and hereby is, amended in the following particulars; to-wit:

(a) Paragraph (a) of the Original Application be amended to read as follows: "The exact corporate name of this applicant is "The Kansas and Oklahoma Railroad Company, a Corporation".

(b) Paragraph (b) of the Original Application be amended to read as follows: "This Applicant is a Corporation, organized to construct and operate a railroad and desires to

Governor Harry H. Woodring, Correspondence Files, Box 19

Sheet #2

~~construct and operate a railroad and desires to~~ become
subject to the Interstate Commerce Act".

(c) Paragraph (c) of the Original Application is
hereby adopted, with the following addition thereto:

"This Applicant desires to secure the approval of the
Commission to its acquisition of said line of railroad
and the continued and uninterrupted operation thereof.
That through its proper officer this applicant is filing
with the Honorable Commission Adoption Notice covering
Concurrences, Powers of Attorney, etc., and Adoption
Supplements to Tariffs, as heretofore filed and used
by the Receiver in operating the said line and hereby
adopt the same for the present continued operation of
said line, pending the granting of the Certificate of
Convenience and Necessity to this Applicant; That a
failure to continue the operation of the present exist-
ing railroad would result in substantial depreciation of
said property, great loss to its present owners and a
failure to serve the public now depending upon its
operation".

(d) Paragraph (d) of the Original Application is
hereby adopted.

(e) Paragraph (e) of the Original Application is
hereby adopted.

(f) Paragraph (f) of the Original Application is
hereby adopted, with the following amendment thereto:

"The volume of business upon this line of railroad in
its present condition is approximately 450 cars of freight
per year; No passenger business; The extension of said

Governor Harry H. Woodring, Correspondence Files, Box 19

line as herein prayed will furnish a connection with two trunk line railways and it is estimated will increase the volume of business of this applicant's railway to approximately 2000 cars per year. The principal part of said increased business will originate from the industrial plant and additional elevator sites upon this applicant's proposed right-of-way".

(g) Paragraph (g) of the Original Application is hereby adopted.

(h) Paragraph (h) of the Original Application be amended to read as follows: "This Applicant was incorporated under the laws of the State of Kansas, on the 23rd day of March, 1931.

"This Applicant is not incorporated, nor authorized to operate, in any other state".

(i) Paragraph (i) of the Original Application be amended to read as follows: "The Original Application of C. M. Light and Associates was adopted, and the filing of this amendment thereto was duly authorized at a meeting of all the stockholders and directors held at Liberal, Seward County, Kansas, on the 16th day of March, 1931, at which time Articles of Incorporation were duly adopted and officers of said Corporation elected, as follows:

C. M. Light	President
N. Bert Smith	Vice President
Joe E. Smith.	2nd Vice President
W. E. Bush.	Secretary
W. E. Bush	Treasurer;

other directors being C. J. Turpin and G. L. Light. The capital stock of the Corporation was fixed at \$200,000.00. At this meeting, and after the organization was completed,

Governor Harry H. Woodring, Correspondence Files, Box 19

Sheet #4

the following resolution was unanimously adopted: 'That the Application and proceedings for securing Certificate of Public Convenience and Necessity, heretofore filed with the Interstate Commerce Commission in the name of C. M. Light and his Associates, be ratified and that the future proceedings in connection therewith be authorized to proceed in the name of this Corporation, and that the said C. M. Light, President, is hereby authorized and empowered to sign and execute any and all necessary papers for and on behalf of this Company in the future proceedings before the Interstate Commerce Commission or the Public Utilities Commission in the further prosecution of the pending Application for Certificate of Public Convenience and Necessity'".

(j) Paragraph (j) of the Original Application is hereby adopted.

(k) Paragraph (k) of the Original Application is hereby adopted.

(l) Paragraph (l) of the Original Application is hereby adopted.

(m) Paragraph (m) of the Original Application is hereby adopted.

(n) Paragraph (n) of the Original Application be amended to read as follows:

"Wherefore, Premises considered, this Applicant prays that it be substituted for the original Applicants C. M. Light and his Associates.



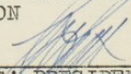
Governor Harry H. Woodring, Correspondence Files, Box 19

Sheet 10

"This applicant further respectfully prays that this Commission issue its Certificate under Paragraph (18) of Section 1, of the Interstate Commerce Act, that the present and future public convenience and necessity requires the acquisition, continued and uninterrupted operation in interstate commerce by The Kansas and Oklahoma Railroad Company of the present line of railway formerly owned by The Kansas and Oklahoma Railway Company, a defunct corporation.

"Your Applicant further respectfully prays that this Commission issue its Certificate under Paragraph (18) of Section 1, of the Interstate Commerce Act, that the present and future public convenience and necessity require the construction and operation in interstate commerce by The Kansas and Oklahoma Railroad Company, of a line of railway, commencing at the present western terminus of the line of railway formerly owned by The Kansas and Oklahoma Railway Company at Woods, Kansas, and extending thence to a point of connection with the line of railway of The Atchison, Topeka and Santa Fe Railway Company at Hugoton, Kansas, a distance of fourteen miles, more or less; said newly constructed line to be operated as a part and extension of the present existing line of railway, by this Applicant under its present corporate name".

THE KANSAS & OKLAHOMA RAILROAD COMPANY
A CORPORATION

BY 
ITS PRESIDENT

Governor Harry H. Woodring, Correspondence Files, Box 19


STATE OF KANSAS

SEWARD COUNTY, SS.

C. M. LIGHT, being duly sworn on oath, states:

That he is President of The Kansas and Oklahoma Railroad Company, a Corporation; that he has read the above and foregoing Amendment to his Original Application in this proceeding; that he knows and understands the contents thereof and that the statements therein contained are true; and that he is duly authorized by said applicant to verify and file this Amendment for and on behalf of said Corporation.

Subscribed and sworn to in my presence this 1st day of April, 1931.



NOTARY PUBLIC

MY COMMISSION EXPIRES

Sept 9 1932



Governor Harry H. Woodring, Correspondence Files, Box 19

8761

BEFORE THE
INTERSTATE COMMERCE COMMISSION

FINANCE DOCKET NO. _____

FINANCE DOCKET NO. _____

FILED APR - 4 1931

INTERSTATE COMMERCE COMMISSION

In the matter of the application under paragraph (18) of Section 1, of the Interstate Commerce Act, of C. M. Light and Associates for a certificate that the present or future public convenience and necessity require or will require the operation in interstate commerce by them of the line of railway of the Kansas & Oklahoma Railway Company, now being operated by a Receiver, and the construction and operation in interstate commerce of an extension of said line of railroad from Woods, Stevens County, Kansas, to a point of connection with the railway of the Atchison, Topeka & Santa Fe Railway Company at or near Hugoton, Stevens County, Kansas, a distance of about fourteen miles, more or less.

Now come C. M. Light, of Liberal, Kansas, and his Associates, namely: B. A. Hardy, of Shreveport, Louisiana, W. S. Key and N. Bert Smith, both of Amarillo, Texas, and respectfully state and show unto this Honorable Commission, as follows:

(a) Applicants are not carriers by railroad, subject to the Interstate Commerce Act, but are individuals who have purchased the line of railway and other properties of the Kansas & Oklahoma Railway Company from H. J. Duvall, Receiver, who is now operating said line of railway in interstate commerce. Said line was sold by said Receiver, pursuant to a Decree of the District Court of Reno County, Kansas, sitting at the City of Hutchinson, and entered on the 5th day of January, 1931, in a cause pending in said Court styled The First National Bank of Bloomington, Illinois, Vs. The Kansas & Oklahoma Railway Company, a Corporation, being Case No. 14646, as evidenced by contract of said sale, dated January 24th, 1931, which is hereto attached, and marked "Exhibit A", said sale and contract

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thereafter being confirmed and approved by said Court in said cause, on the ____ day of January, 1931, as evidenced by copy of the Order of said Court confirming said sale, which is hereto attached and marked "Exhibit B". Said contract of purchase is made in the name of C. M. Light, of Liberal, Kansas, for and on behalf of himself and his said Associates, who are the applicants herein.

(b) Applicants are not carriers by railroad, subject to the Interstate Commerce Act at this time but under their contract of purchase of the said Kansas & Oklahoma Railway Company properties, they are required to accept delivery thereof on March 1st, 1931, and they are desirous of continuing the operation of said railway under the name of The Kansas & Oklahoma Railroad Company, and desire authority to construct an extension thereto as hereinafter described.

(c) It is proposed to secure the approval of the Commission for the continued operation in interstate commerce of said line of railway now being operated by said Receiver and for the construction and operation by applicants of an extension of said line of railway beginning at its present western terminus at or near the Station of Woods, Stevens County, Kansas; thence continuing in a westerly direction to a point of connection with the Atchison, Topeka and Santa Fe Railway Company, at, or near Hugoton, Stevens County, Kansas.

(d) The general plan of financing the proposed extension is private financing by applicants, with such local assistance as may be voluntarily rendered by the community served. Applicants desire to issue Bonds at a

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later date, provided due authority be granted by the Commission. Applicants have no relation, traffic or financial, with any operating or non-operating railroad corporation, or corporations, other than such traffic contracts and relations as now exist between H. J. Duvall, Receiver, and The Chicago, Rock Island & Pacific Railway, which may pass to these applicants from said Receiver.

(e) Permission is desired under paragraph 18 of Section 15-A of the Interstate Commerce Act to retain the excess earnings received from such line of railway and extension.

(f) Your applicants further state that the present or future public convenience and necessity require or will require the operation in interstate commerce of the present line of railway and the construction and operation of the proposed extension. Briefly stated, the reasons in support of the proposed construction of the extension are that it will enable applicants to serve a territory in which the agricultural and commercial developments have been very rapid during the past several years, more especially during the past two years and at the present time, and which is not now served by any railroad connection between the Chicago, Rock Island & Pacific Railway Company at Liberal, Kansas, and the Atchison, Topeka & Santa Fe Railway Company, at Hugoton, Kansas; two trunk line railroads.

The present line of the Kansas & Oklahoma Railway Company connects with the Chicago, Rock Island & Pacific Railway at Liberal, Kansas, and from there extends in a northwesterly direction to Woods, Kansas, about seventeen miles, and in a southeasterly direction from Liberal, about three miles to

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the Kansas and Oklahoma state line, making no connection with any other railroad, center of population, or industrial plant, therefore being of little value to the territory, and less profitable than it otherwise would be. (The territory through which it now extends has aided it in the sum of \$145,000.00 in bonds, now being paid.)

That Hugoton, Stevens County, Kansas, is the center and head-quarters of a large gas producing area, which has been developed within the past two years; that there is now being constructed by gas companies operating in said field, a large plant for the purpose of refining by-products from the gas produced in said territory. Said proposed plant will represent an expenditure or investment of approximately \$750,000.00 and is located three miles east of the City of Hugoton, upon, or very near, applicant's proposed line of extension. The construction of said plant and the products therefrom, after its completion, will furnish a large amount of tonnage, all of which will move over applicants' line to either the Atchison, Topeka & Santa Fe Railway, at Hugoton, Stevens County, Kansas, or the Chicago, Rock Island & Pacific Railway, at Liberal, Seward County, Kansas.

The country which said proposed extension will serve is also a very rich and largely productive agricultural district, produces a large amount of freight from these products, such as wheat, corn, broom corn, and other sorghum grains, all of said territory being at this time in a highly developed stage, the extension herein prayed for giving a direct connection to two trunk line railway

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systems, instead of one as at the present time.

(g) All correspondence pertaining to this application should be addressed to G. L. Light, or W. E. Bush, both of Liberal, Seward County, Kansas.

(h) Applicants are not an incorporated company, but propose to incorporate under the laws of the State of Kansas.

(i) The making of this application is duly authorized by all parties interested, at a meeting of applicants held in the office of B. A. Hardy, in Hugoton, Stevens County, Kansas, on Saturday, the 31st day of January, 1931.

(j) The proposed extension, and entire railroad, after the extension is completed, will be situated wholly within the State of Kansas and wholly within the Counties of Seward and Stevens, all of said extension being in Stevens County.

(k) The route of said proposed extension will be from Woods, Stevens County, Kansas, in a westerly direction a distance of approximately fourteen miles to a connection with the Atchison, Topeka & Santa Fe Railway, at, or near, the City of Hugoton, Stevens County, Kansas. The proposed extension will not pass through any incorporated city or village. The route extends across level land, no lakes, rivers, parks, reservations or hills.

(l) The total number of miles of main track of the proposed extension of railroad is about fourteen miles.

(m) Applicants do not desire a hearing upon this application.

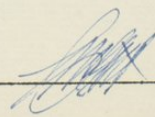


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6.

(n) Wherefore, premises considered, applicants respectfully pray that this Commission issue its Certificate under paragraph 18 of Section 1, of the Interstate Commerce Act, that the present and future public convenience and necessity require the operation in interstate commerce, by C. M. Light, B. A. Hardy, W. S. Key and N. Bert Smith, applicants, under the name of The Kansas & Oklahoma Railroad Company, of the line of railway formerly owned by The Kansas & Oklahoma Railway Company, now being operated by H. J. Duvall, Receiver, and described in this application.

Applicants further respectfully pray that this Commission issue it's Certificate under paragraph 18 of Section 1, of the Interstate Commerce Act, that the present and future public convenience and necessity require the construction and operation in interstate commerce by C. M. Light, B. A. Hardy, W. S. Key and N. Bert Smith, of a line of railroad, commencing at the present western terminus of the line of railway formerly owned by The Kansas & Oklahoma Railway Company, at Woods, Kansas, and extending thence to a point of connection with the line of railway of The Atchison, Topeka & Santa Fe, at Hugoton, Kansas a distance of fourteen miles, more or less, said newly constructed line to be operated as a part of, and under the name of The Kansas & Oklahoma Railroad Company.

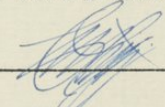


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STATE OF KANSAS
SEWARD COUNTY, SS.

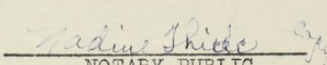
C. M. Light, being first duly sworn,
Deposes and Says:

That he is one of the applicants herein,
in whose name the properties have been purchased and
that he has personal knowledge of the matters and things
set forth in the foregoing application; that the state-
ments contained therein are true, and that this affiant
is duly authorized by his associates named in said
application to verify and file this application, for
and on behalf of himself and his said Associates.


Subscribed and sworn to before me this

27 day of Feb, 1931.

My Commission Expires:


NOTARY PUBLIC

Sept. 7 - 1932

(202)

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C O P Y

C O N T R A C T

"EXHIBIT A."

IT IS HEREBY AGREED by and between H. J. Duvall, Receiver of the assets of the Kansas and Oklahoma Railway Company, first party, and C. M. Light, of Liberal, Kansas, second party, that the assets ordered to be sold by the District Court of Reno County, Kansas, and more specifically described in the copy of notice of sale hereto attached and made a part hereof, has been sold to second party in conformity with the order of court and said notice, for the sum of Thirty Four Thousand (\$34,000.00) Dollars; that second party has this day deposited with the Receiver his certified check for \$5000.00 as a part payment of said purchase price; and that the balance of said price, to wit, \$29,000.00, will be paid to first party at the time of the delivery of the possession of said properties to second party, to wit, March 1st, 1931.

IT IS FURTHER AGREED between the parties hereto that second party shall have the right to make any alterations, improvements or repairs to the properties hereby sold at any time prior to said March 1st, 1931, and to make any extensions to or connections with the present line or right of way, provided only that such operations shall not interfere with the operation of the road by the Receiver.

First party agrees to deliver possession of said properties hereby sold, upon the payment of said consideration on March 1st, 1931.

Dated this 24th day of January, 1931.

(Signed) H. J. Duvall
RECEIVER FOR KANSAS & OKLAHOMA
RAILWAY COMPANY
(First Party)

(Signed) C. M. Light
(Second Party)



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"EXHIBIT B."

IN THE DISTRICT COURT OF RENO COUNTY KANSAS

THE FIRST NATIONAL BANK
OF BLOOMINGTON, ILL.

vs.

PLAINTIFF,

No. 14646

THE KANSAS AND OKLAHOMA
RAILWAY COMPANY, ET AL,

DEFENDANTS.

ORDER CONFIRMING SALE

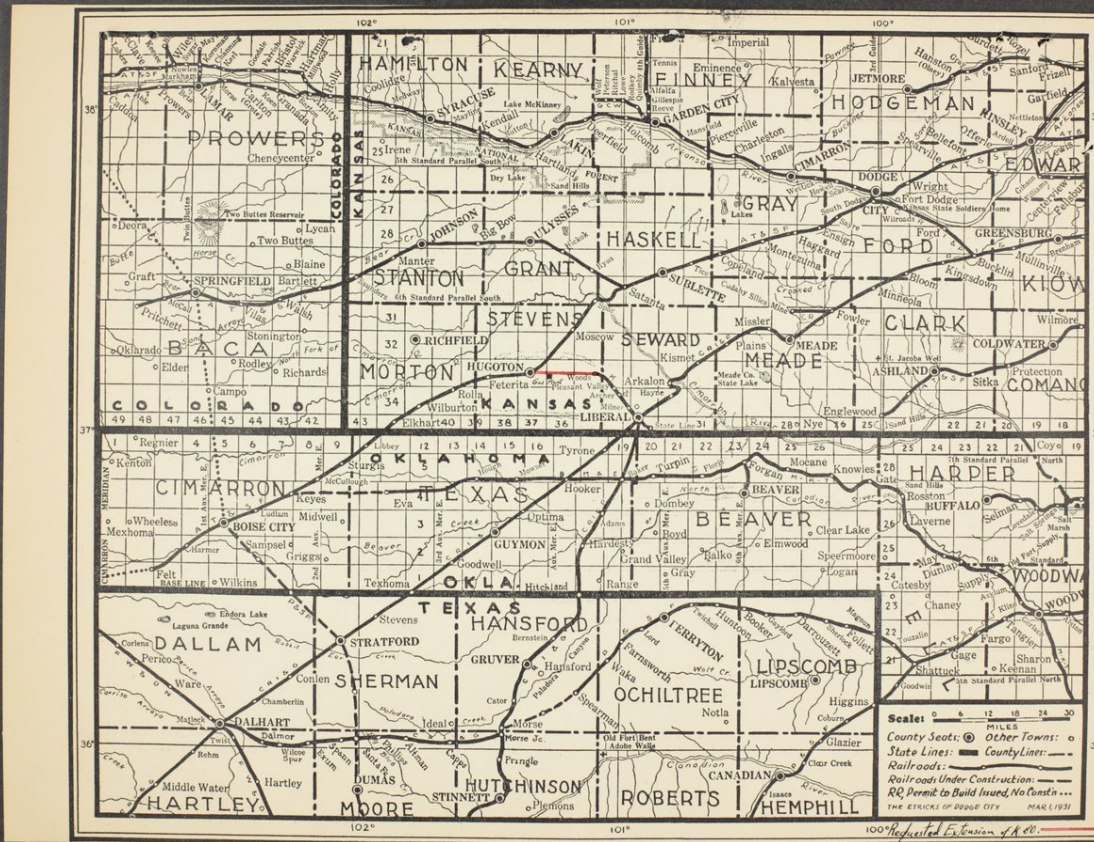
ON THIS ____ day of January 1931 this matter comes on for hearing upon the Receiver's Report of Sale and his Application to confirm the same and the Court being advised in the premises finds that the notices of said sale and the publication thereof were duly and regularly made and had in accordance with the former Order of this Court; that said sale was conducted in accordance with said former Order of this Court and in accordance with said Notices, in all respects; that at said sale C. M. Light, Liberal, Kansas was the highest and best bidder, the amount of the bid of the said C. M. Light being in the sum of \$34,000.00. That said sale of said property described in said Order and Notice should be confirmed and approved; and that the Contract executed between the said C. M. Light and the Receiver, copy of which is attached to the Receiver's Motion and Application should be approved.

IT IS THEREFORE ordered and adjudged that said sale of said property and assets to the said C. M. Light for said sum of \$34,000.00, and said Contract executed in conformity therewith, be and the same are hereby confirmed are approved; and that the Receiver be and he is hereby authorized and directed to deliver said property to the said C. M. Light on March 1st, 1931 and to receive the consideration therefor.

J U D G E

ATTORNEYS FOR RECEIVER

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50-B

INTERSTATE COMMERCE COMMISSION

FINANCE DOCKET NO. 8584

ELDORADO & SANTA FE RAILWAY COMPANY BOND

Submitted April 4, 1931.

Decided April 11, 1931

Authority granted to issue a registered first-mortgage 6 per cent gold bond, series B, for \$1,100,000, to be delivered to the Atchison, Topeka & Santa Fe Railway Company in satisfaction of a like amount of indebtedness to that company for advances for capital purposes.

S. T. Bledsoe for applicant.

REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS MEYER, EASTMAN, AND MAHAFFIE

BY DIVISION 4:

The Eldorado and Santa Fe Railway Company, a corporation organized for the purpose of engaging in transportation by railroad subject to the interstate commerce act, has by its application as amended duly applied for authority under section 20a of that act to issue a registered first-mortgage 6 per cent gold bond, series B, for \$1,100,000. No objection to the granting of the application has been presented to us.

The applicant is controlled through stock ownership by The Atchison, Topeka & Santa Fe Railway Company, hereinafter called the Santa Fe, and its properties are operated by that company under a lease dated January 1, 1924. Construction by Eldorado & Santa Fe, 72 I.C.C. 222.

The applicant shows that since December 31, 1923, the Santa Fe has advanced to it more than \$1,200,000 for additions and betterments. A statement was submitted with the application showing that during the period January 1, 1924, to September 30, 1930, there was expended for additions and betterments to applicant's properties \$1,142,770.76, which, added to \$377,186.28 of uncapitalized expenditures shown in a previous application, makes \$1,519,957.04 of expenditures offered in support of the proposed bond. From our examination of these expenditures it appears that there have been included therein the following items that are not acceptable as a basis for the issue of the proposed bond: Land for other than transportation purposes \$18,709.60, land donations \$1,353.60, rental and repair to ballast cars where train haul was charged \$12,457.43, total \$32,520.63. Deducting this amount from \$1,519,957.04 leaves \$1,487,436.41 of expenditures as support for the bond. The applicant's general balance sheet as of September 30, 1930, shows its investment in road and equipment to be \$5,089,957.04, against which there will be outstanding after the issue of the proposed bond \$50,000 of capital stock and \$4,600,000 of funded debt, a total capitalization of \$4,650,000.

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Finance Docket No. 8584 - Sheet 2.

The proposed bond will be issued under and pursuant to the first mortgage dated July 1, 1924, made by the applicant to the Guaranty Trust Company of New York, trustee. The mortgage provides that bonds may be issued thereunder in series as authorized by the board of directors and that registered bonds may be issued in the denomination of \$1,000, or in multiples thereof. Pursuant to these provisions the board of directors has authorized to be executed a registered bond in the denomination of \$1,200,000, or such other amount as we may authorize, to be designated as series B. This bond will be dated July 1, 1930, will be redeemable at par on any interest date after the expiration of 10 years, will bear interest from date at the rate of 6 per cent per annum, payable semiannually on January 1 and July 1, and will mature July 1, 1953. The proposed bond is to be delivered to the Santa Fe at par in satisfaction of a like amount of the applicant's indebtedness to that company for advances.

We find that the proposed issue of a registered first-mortgage 6 per cent gold bond, series B, for \$1,100,000 by The Eldorado and Santa Fe Railway Company as aforesaid (a) is for a lawful object within its corporate purposes, and compatible with the public interest, which is necessary and appropriate for and consistent with the proper performance by it of service to the public as a common carrier, and which will not impair its ability to perform that service, and (b) is reasonably necessary and appropriate for such purpose.

An appropriate order will be entered.

COMMISSIONER EASTMAN dissents.