

Decision No. 21532.

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )

G. W. HUME COMPANY,  
a corporation, )

Application No. 15883.

For approval of the renewal of a  
wharf franchise. )

BY THE COMMISSION:

ORDER APPROVING WHARF FRANCHISE

G. W. Hume Company, a California corporation, by this application prays an order of this Commission approving the action of the Board of Trustees of the City of Benicia in granting to it for the term of twenty years a renewal of a wharf franchise on an arm of the sea situated in the City of Benicia, County of Solano, State of California, and more particularly described as contained and being within the following described boundaries, to-wit:

"Beginning at a point on the Southerly line of 'B' Street distant Westerly 150 feet from the South West corner of said 'B' and East Third Streets; running thence Southerly at a right angle with said 'B' Street 125 feet; thence at a right angle Easterly 75 feet; thence at a right angle Southerly, 145 feet to the Northerly line of 'I' Street; thence Easterly and along the Northerly line of said 'A' Street; 75 feet to the Westerly line of said East Third Street; thence Southerly and along the Westerly line of said East Third Street, 60 feet to the Southerly line of 'A' Street; thence at a right angle Westerly and along said last line, 75 feet;

thence Westerly 234 feet, more or less, to a point on the Westerly line of Lot 6 in Block 2 of said City of Benicia, distant Southerly 63 feet from the North West corner of said Lot 6; thence Northerly and along the Westerly line of said Lot 6, continued Northerly, 248 feet to the North West corner of Lot 11 in Block 2; thence due North, 80 feet more or less, to the Southerly line of the right of way of the Southern Pacific Railroad; thence Easterly and along said last line, 157 feet more or less, to the Southerly line of said 'B' Street; thence Easterly and along said last line, 38 feet more or less, to the point of beginning; description as per official map of said City of Benicia on file and of record in the office of the County Recorder of said Solano County."

From the allegations of the application it appears that the G. W. Hume Company is a corporation organized under the laws of the State of California; that on March 3, 1908, the Board of Trustees of the City of Benicia under Ordinance No. 87 granted to the Carquinez Packing Company, which Carquinez Packing Company was the predecessor of the G. W. Hume Company, and that the G. W. Hume Company has acquired all of the property and interest of said Carquinez Packing Company; that the franchise heretofore granted applicant the right to erect and maintain wharves for the use and benefit of said applicant in the operation of its cannery business in the said City of Benicia, and that by Ordinance No. 190 duly and regularly passed on the 7th day of May, 1929, the G. W. Hume Company was granted a renewal for a period of 20 years. It was represented by the G. W. Hume Company that the wharf in question has been used exclusively for its own private purposes.

In so far as any approval of this Commission may be necessary under the provisions of Section 2906 et seq. of the Political Code, of the right to erect, construct and maintain a wharf exclusively for private purposes without the

collection of any tolls for use thereof by others, such approval is hereby granted. The Commission desires to point out, however, that the use of said wharf by the public and the collection of tolls for such use would result in the G. W. Hume Company transacting a public utility (i.e., wharfinger) business in this state. Such a result would require this applicant to file tariffs in conformity with the provisions of the Public Utilities Act.

Dated at San Francisco, California, this 11<sup>th</sup>  
day of September, 1929.

Thos D. Lott

Ed. Scamper

Leon Whitely

M. J. Carr  
Commissioners.