

Decision No. ~~21335~~

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

MOTOR FREIGHT TERMINAL COMPANY, a corporation, and SAN JOAQUIN VALLEY TRANSPORTATION COMPANY, a corporation,

Complainants,

vs.

C. S. TABER; C. R. TABER; W. J. TABER;  
C. S. TABER, C. R. TABER and W. J. TABER,  
as co-partners doing business under the  
firm name and style of TABER BROS.,

Defendants.

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) Case No. 2881  
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BY THE COMMISSION:

ORDER DISMISSING ORDER TO SHOW CAUSE  
FOR LACK OF JURISDICTION

On July 18, 1931 an "Application for Order to Show Cause and Affidavit of Service" was filed with the Commission, asking that C. S. Taber, C. R. Taber, and W. J. Taber be ordered to show cause why they should not be punished for contempt for violation of our Decision No. 23327, directing the cessation of certain common carrier trucking operations. Such order to show cause was issued on August 11, 1931. By their answer defendants allege that the "Application for Order to Show Cause and Affidavit of Service" is insufficient to give the Commission any jurisdiction to issue any judgment or order of contempt upon the ground, among others, that the allegations relating to the alleged violations of the order by defendants are conclusions of law and not statements of fact.

The Commission being of the opinion that the "Application for Order to Show Cause and Affidavit of Service" upon which the above order to show cause was based is insufficient upon its face to confer jurisdiction to issue said order to show cause in that evidentiary facts are not therein alleged, and expressing no opinion and not passing upon the merits of the contempt alleged,

IT IS HEREBY ORDERED that said order to show cause issued on August 11, 1931, is hereby dismissed solely for the reason of lack of jurisdiction.

Dated at San Francisco, California, this 16<sup>th</sup> day of January, 1932.

C. S. Seamy  
W. J. Carr  
Fred G. Stewart.  
Commissioners