

and order to show cause was made upon respondents on September
3, 1932. (2)

D. W. Cole, on September 2, 1932, went to the office of Pacific Blue Lines, at 5976 Mission Street, inquired as to transportation to Los Angeles, and was informed that a car would leave at 10:30 a.m. Witness paid \$11.00 for a round trip to Los Angeles, and left at 11:50 a.m. in a seven passenger Buick sedan (1927, registered owner Mr. Saunders) carrying seven passengers and the driver. The witness observed the other passengers paying money at the office. The witness drove the car from Ventura to Los Angeles. Later the witness went to the Hotel Mercer, 1347 South Hill Street, Los Angeles, stated that he had a return ticket to San Francisco, and was taken to the rear of the hotel, where a number of people were waiting. Eleven automobiles were filled with passengers and left the hotel. Due to inability to procure additional cars, many passengers were left waiting. The return ticket was taken up and witness placed in a Cadillac limousine, License 6 H 2933, containing six passengers and the driver. The return trip was made via the inland route in 8½ hours, on the road, the car traveling over the Ridge at 40 and 45 miles per hour, and later at 70 and 75 miles per hour. One passenger, alighting at Fresno, paid \$4.00 for transportation. The others

(2) Personal service was made upon the following;
Maxwell C. Martin; Harold Hamann, served as First Doe;
John R. Davis; Pacific Blue Lines of California, Ltd.,
by service upon John R. Davis; Mrs. Dorothy Davis;
Stephen Baciotto, served as Second Doe; Mrs. Theresa
Baciotto, served as Jane Doe; Mrs. Marie Martin.

were brought to the Tynan Hotel in San Francisco.

On July 29, 1932, A. V. Brusco, accompanied by Mrs. Marion H. Forsee, went to the Hotel Tynan, asked for Maxwell Martin, requested and purchased from him transportation to Los Angeles, paid \$2.00 each as deposit (Receipts, Exhibits 4 and 5), and were told to pay the balance of \$4.00 each to the driver. (3) These witnesses were instructed to wait in the lobby and were later taken to a "parking" lot on Taylor Street near the hotel, where they were assigned seats in a car and rode to a point south of San Jose. This car contained 5 passengers and the driver.

F. C. Cisneros registered at the Hotel Tynan on the evening of September 1, 1932 and testified regarding signs in the lobby and upon Mr. Martin's desk referring to the "Travel Bureau", one of which read "Sedan service to Los Angeles twice daily, Charter cars for hire." (4)

(3) Ex. No. 3 is a card given to Witness Brusco by Mr. Martin bearing in part the name "Max's Travel Bureau", giving the name "Max Martin, Prop.", bearing the legend "Bonded Sedans to All Cities - LOS ANGELES DAILY" and stating the address as "62 Turk Street, Hotel Tynan, San Francisco", and the phone number as "Prospect 0660".

(4) This witness observed the following cars leaving the hotel on September 2, 1932;

Buick sedan, license number PC F 7794, registered owner John A. Saunders, legal owner Railey Wiles, left hotel about 11 a.m., containing 3 passengers.

Car bearing license number 7 M 956 left about 4 p.m. with 4 passengers.

Jordan sedan bearing Indiana license number 707059 left about 4:40 p.m. with 4 passengers (Witness Cole observed this car two days later in the rear of the Mercer Hotel at Los Angeles leaving for Portland with 5 passengers.)

Cadillac sedan bearing license number 6 H 2933 left at 5:00 p.m. with 6 passengers. (Witness Cole returned from Los Angeles to San Francisco in a Cadillac car bearing this license number)

Edward H. Wayda, on September 2, 1932, went to the Hotel Seneca, 34 Sixth Street, San Francisco, to a travel bureau located in a small room adjoining the lobby and inquired for transportation to Los Angeles, Portland and Seattle. He was informed by the young lady at the desk that he could ride to Los Angeles for \$5.00 in a "bonded" automobile and for \$3.50 in a "registered" car, but that the "bonded" car service was the best. At 5:30 p.m. this witness observed a Buick sedan bearing license number 7 N 596 leaving the Hotel Seneca with 5 passengers.

Harold Hamann, served as First Doe herein and testifying in his own behalf, stated that for the past thirty days he has been the agent for Grove Transportation Company at the Hotel Seneca. (5) Buick sedan, license number 7 N 596 is used by the witness as a "pick-up" car for passengers.

On July 2, 1932 John R. Davis, representing that Pacific Blue Lines of California, Ltd., was a corporation and had a permit to operate, requested witness Floyd F. Benedict and Mrs. Benedict to transfer an automobile belonging to Mrs. Benedict to Pacific Blue Lines in consideration of the issuance of shares of capital stock and permanent employment for Mr. Benedict. Mrs. Benedict signed the "pink" registration slip and gave it to Mr. Davis. Exhibit No. 12 is a blank copy of the form of agreement for the transfer of the automobile. Mr. Benedict transported eight passengers to Los Angeles and was instructed to go to the Lamm Hotel, 715 Sixth Street,

(5) By ex parte Decision No. 25112 in Application No. 12358, August 29, 1932, E. D. Grove, doing business as Grove Transportation Co., and operating via Pacific Highway between California and Oregon, was granted a license to act as a "motor carrier transportation agent", with his main office at 34 Sixth Street (Hotel Seneca), San Francisco.

Los Angeles. A Mr. Straley, soliciting for Pacific Blue Lines at the Lamm Hotel, procured one passenger for Mr. Benedict's return trip. The witness received \$4.50 per passenger southbound and \$4.00 for the passenger returning, Mr. Straley retaining \$6.00.

Upon Mr. Benedict's return to San Francisco it was decided that his car would be used to pick up passengers and that he would be employed on a weekly salary. The witness started such work on July 7 and continued until approximately one week prior to the hearing. He was employed at the Hotel Tynan, subject to respondent Martin's direction, although Mr. Davis was at the hotel from time to time. The witness, a carpenter by trade, remodeled the office at 5976 Mission Street, and assisted for a time at that place in loading passengers, Mr. Davis receiving all moncoys paid for transportation. The witness estimates that between July 7 and August 7, 1932, some 465 passengers were booked out of the Hotel Tynan for Los Angeles. Mr. Benedict stated that Mr. Davis was president and Mr. Martin secretary-treasurer of Pacific Blue Lines, and that he was informed by Martin a few days prior to the hearing that Martin had turned the business over to Davis and was to receive \$1.00 per passenger transported.

Witness F. A. Savage, on September 3, 1932, while waiting at the Hotel Tynan to serve Mrs. Martin, was present at a conversation in which Mr. Martin informed two people who inquired as to transportation to Los Angeles that they could go in an "expense sharing car" for \$3.50 and in a "bonded car" for \$5.00.

Exhibit No. 11 and 13 contain newspaper advertisements from the San Francisco "Chronicle" and "Examiner". The latter exhibit consists in part of an advertisement from the "Chronicle" of September 6, 1932 (the date of the hearing) advertising "Pacific Blue Lines" service between San Francisco and Los Angeles.

Section 2½ of the Public Utilities Act, defining the term "passenger stage corporation", includes every corporation or person "engaged as a common carrier, for compensation, in the ownership, control, operation or management of any passenger stage over any public highway in this state between fixed termini or over a regular route * * *." Under section 50½ it is unlawful to operate as a "passenger stage corporation" without first obtaining a certificate of public convenience and necessity.

Section 1 of Statutes 1931, chapter 638, defines a "motor carrier transportation agent" as "a person, firm or corporation who, for compensation, sells or offers for sale, or negotiates for, and/or holds himself out as one who sells, furnishes or provides as principal or agent, transportation for persons over the public highways of this state * * *."

The record shows that Pacific Blue Lines of California, Ltd., a corporation, Maxwell C. Martin, and John R. Davis have been operating as "passenger stage corporations" and as "motor carrier transportation agents".

An order of this Commission finding an operation to be unlawful and directing it to be discontinued is in its effect not unlike an injunction. A violation of such order constitutes a contempt of the Commission. The California Constitution and the Public Utilities Act vest the Commission with power and authority to punish for contempt in the same manner and to the same extent as courts of record. In the event a party is adjudged guilty of contempt, a fine may be imposed in the amount of \$500.00, or he may be imprisoned for five (5) days, or both.

Motor Freight Terminal Co. vs. Bray, 37 C.R.C. 224; Ball & Hayes, 37 C.R.C. 487; Wermuth vs. Stamper, 36 C.R.C. 458; Pioneer Express Co. vs. Keller, 33 C.R.C. 571.

It should also be noted that under section 79 of the Public Utilities Act a person who violates an order of this Commission or who procures, aids or abets any utility in its violation of the act, or in its failure to comply with any order of the Commission, is guilty of a misdemeanor and is punishable by a fine not exceeding \$1,000.00, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

Section 15 of the Motor Carrier Transportation Agent Act (Statutes 1931, chapter 638) provides that any person, firm, or corporation acting as an agent without a license, shall, upon conviction thereof, if a person, be punished by a fine not exceeding \$1,000.00, or by imprisonment in the county jail, or state prison, for a term not to exceed one year, or by both such fine and imprisonment; or if a corporation, may be punished by a fine of not to exceed \$2,500.00.

O R D E R

Public hearing having been had and the matter submitted,

IT IS HEREBY FOUND AS A FACT that Pacific Blue Lines of California, Ltd., a corporation, Maxwell C. Martin, and John R. Davis are engaged as passenger stage corporations, and as common carriers of passengers, for compensation, over the public highways, between San Francisco and Los Angeles, without first having obtained a certificate of public convenience and necessity therefor, as required by the Public Utilities Act (Statutes 1915, p. 115, as amended, section 50 $\frac{1}{2}$); and

IT IS HEREBY FURTHER FOUND AS A FACT that Pacific Blue Lines of California, Ltd., a corporation, Maxwell C. Martin, and John R. Davis have been acting as motor carrier transportation agents within the meaning of Statutes 1931, chapter 638, section 1, without first obtaining licenses therefor.

IT IS HEREBY ORDERED that the above named respondents shall immediately cease and desist such operations as passenger stage corporations and as motor carrier transportation agents, unless and until proper certificates of public convenience and necessity and licenses shall have been obtained, and notice is hereby given that such operations shall not be conducted by the above named respondents either directly or indirectly or by their agents, employees, representatives or assignees.

IT IS HEREBY FURTHER ORDERED that the Secretary of this Commission cause personal service of a certified copy of this opinion and order to be made upon Pacific Blue Lines of California, Ltd., a corporation, upon Maxwell C. Martin, and upon John R. Davis, and that copies hereof be mailed to the District Attorney of the City and County of San Francisco, to the District Attorneys of the Counties of Los Angeles, Kern, Kings, Fresno, Madera, Merced, Stanislaus, Contra Costa, Ventura, Santa Barbara, San Luis Obispo, Monterey, San Benito, and Santa Clara, to the Board of Public Utilities and Transportation of the City of Los Angeles, and to the Department of Public Works, Division of Highways at Sacramento.

IT IS HEREBY FURTHER ORDERED that this investigation is hereby dismissed as to Harold Hamann, served as First Doe; Mrs. Dorothy Davis; Stephen Baciotto, served as Second Doe; Mrs. Theresa Baciotto, served as Jane Doe; and Mrs. Marie Martin.

This order shall become effective twenty (20) days after personal service as hereinabove directed.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Com-

mission of the State of California.

Dated at San Francisco, California, this 8th day
of September, 1932.

C. J. Scamney

M. J. Case

M. B. Harris

Paul G. Beckwith

Commissioners