

ORIGINAL

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA

WILLIAM FARR,
G. ROY FARR,

Complainants,

-vs-

SOUTHERN PACIFIC COMPANY,

Defendant.

Case No. 1248.

LOVELAND, Commissioner:

OPINION

Complainants allege that defendant has over-
charged them on 30 carloads of feeder cattle shipped to
Brawley, California, some from Porterville, California,
and others from Coalinga, California, and complainants
ask for reparation. The basis of the complaint is that
the rate from Porterville and Coalinga to Brawley, Califor-
nia, is greater than the rate to a more distant point, name-
ly, Yuma, Arizona, and it is claimed that the local Califor-
nia rate is in violation of section 21, Article XII of the
Constitution of California, providing that--

"It shall be unlawful for any railroad or
other transportation company to charge or re-
ceive any greater compensation in the aggregate
for the transportation of passengers or of like
kind of property for a shorter than for a long-
er distance over the same line or route in the
same direction, the shorter being included with-
in the longer distance."

The answer of the defendant claims that the Commission does not have jurisdiction to grant the relief requested for the reason, among others, that the above quoted long and short haul provision of the Constitution contemplates that the rate for the shorter distance and the rate for the longer distance must each be an intrastate rate, and that a comparison cannot be made between a state rate and an interstate rate for a longer haul.

This very question has already been passed upon by the Supreme Court of the United States in Louisville & Nashville Railroad Co. v. Eubank, 184 U. S. 27. That case involved the applicability of the long and short haul provision of the Constitution of Kentucky to a comparison between an intrastate rate between points within Kentucky and a rate for a longer distance from a point of origin in Tennessee. The Supreme Court held that the Constitution of Kentucky could apply only to intrastate rates, and that an unconstitutional interference with interstate commerce resulted from applying the long and short haul provision of the State Constitution to a comparison between an intrastate rate and an interstate rate from ^amore distant point.

Under the authority of this decision, I am satisfied that the Railroad Commission has no jurisdiction to grant the relief prayed, and that the complaint must, accordingly, be dismissed.

ORDER

For the reasons hereinbefore given,--

IT IS HEREBY ORDERED that the complaint herein
be, and the same is hereby dismissed.

The foregoing Opinion and Order are hereby
approved and ordered filed as the Opinion and Order of
the Railroad Commission of the State of California.

Dated at San Francisco, California, this 14th
day of May, 1919.

Edwin O. Edgerton
H. D. Leland
Frank D. W. W.
Hot B. B. B.

Commissioners.