

Decision No. 6738

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

SALINAS VALLEY ICE COMPANY, )  
(a corporation), )  
Complainant. )

vs. )

CASE NO. 1249.

SOUTHERN PACIFIC COMPANY, )  
(a corporation), )  
Defendant. )

BY THE COMMISSION:

ORDER OF DISMISSAL.

This complaint is directed against the rate maintained by defendant on ice, carloads, from Salinas to Monterey.

The answer denies jurisdiction of the Commission, owing to the federal government having, on December 28, 1918, assumed control of defendant's properties and the enactment by Congress March 21, 1918 of a law under which the various States were deprived of the right to exercise jurisdiction over the rates of such carriers, which was declared to rest solely with the federal government.

In view of the recent decision of the U.S. Supreme Court in Northern Pacific Railway Company, et al. vs. the State of North Dakota, et al., upholding the sovereignty of the federal government in such cases, this Commission is without jurisdiction over this case and it will, therefore, be dismissed.

C O R D E R

The Commission being without jurisdiction in the above entitled proceeding.

IT IS HEREBY ORDERED that the same be and it is hereby dismissed.

Dated at San Francisco, California, this 2nd day of October, 1919.

Edwin A. Edgerton  
H. D. Hayward  
Frank P. Denton

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Commissioners.