

Decision No. 6741

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

HOLTON INTERURBAN RAILWAY COMPANY, )  
    (a corporation), )  
                                  Complainant, )  
                                  vs )  
SOUTHERN PACIFIC COMPANY, )  
    (a corporation), )  
                                  Defendant. )

ORIGINAL

CASE No. 1165.

BY THE COMMISSION:

ORDER OF DISMISSAL

In this complaint the Commission is asked to establish a general line of joint class and commodity rates between points on the Holton Interurban Railway Company and the Southern Pacific Company's lines in California and to determine upon the division of such rates in the event the transportation companies are unable to arrive at a satisfactory agreement. The case was heard and submitted, but before decision could be rendered the federal government, by virtue of the presidential proclamation, effective December 28, 1917, took possession and control of the defendant, Southern Pacific Company, for war purposes. The sovereignty of the federal government and the absence of jurisdiction on the part of State Commissions to supervise and regulate the rates of federal controlled carriers has been passed upon by the U.S. Supreme Court in Northern Pacific Railway Company, et al. vs The State of North Dakota, et al.

As the Commission is without jurisdiction over such carrier during the period of federal control, this case will be dismissed.

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 29 day of October, 1919.

Edwin O. Egger  
H. D. Loveland  
Frank R. Nelson

\_\_\_\_\_  
Commissioners.