



points being served by him at the date of hearing (November 10, 1933), being one theater at Huntington Park and one at Hawthorne. He testified that he is employed by each to transport films on a monthly salary; that he does not solicit additional business and would refuse it if offered. Prior to the earthquake of March, 1933, he admitted he served theaters at Maywood, Bellflower and Compton and in unincorporated territory served by complainant. Frances Mellinger, Manager of the Egyptian Theater at Maywood, and L. E. Funk, theater owner at Bellflower, testified that defendant had solicited their business after March, 1933. Other witnesses testified that he had served theaters at Lynwood, Compton, Huntington Park, Maywood and Bellflower and theaters not in incorporated territory.

The record establishes the fact that defendant has long operated a film transportation business. By Decision No. 25493, dated December 27, 1932, on Application No. 18271, this Commission held that such transportation service as a common carrier, requires a certificate of public convenience and necessity. Defendant has not sought to acquire such status before the law and hence his operations are in violation of the law, not being confined to the limits of one municipality.

A cease and desist order should issue.

An order of this Commission finding an operation to be unlawful and directing that it be discontinued is in its effect not unlike an injunction issued by a court. 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. C.C.P. Sec. 1218; Motor Freight Terminal

Co. v. Bray, 37 C.R.C. 224; re Ball and Hayes, 37 C.R.C. 407; Wermuth v. Stamper, 36 C.R.C. 453; Pioneer Express Company v. Keller, 33 C.R.C. 571.

It should also be noted that under Section 8 of the Auto Truck Act (Statutes 1917, Chapter 213, as amended), a person who violates an order of the Commission is guilty of a misdemeanor and is punishable by a fine not exceeding \$1000.00, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. Likewise a shipper or other person who aids or abets in the violation of an order of the Commission is guilty of a misdemeanor and is punishable in the same manner.

#### O R D E R

IT IS HEREBY FOUND THAT C. E. Slocum is operating as a transportation company, as defined in Section 1, Subdivision (c) of the Auto Truck Act (Chapter 213, Statutes 1917, as amended), with common carrier status between Los Angeles and Huntington Park and Hawthorne and without a certificate of public convenience and necessity or prior right authorizing such operations.

Based upon the finding herein and the opinion,

IT IS HEREBY ORDERED that C. E. Slocum shall cease and desist directly or indirectly or by any subterfuge or device from continuing such operations.

IT IS HEREBY FURTHER ORDERED that the Secretary of this Commission shall cause a certified copy of this decision to be personally served upon C.E.Slocum; that he cause certified copies thereof to be mailed to the District Attorney of Los Angeles county, 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.

The effective date of this order shall be twenty (20) days after the date of service upon defendant.

Dated at San Francisco, California, this 25<sup>th</sup> day of November, 1933.

C. C. Leary  
Leon Whisell  
W. J. Lee  
W. H. Brown  
COMMISSIONERS.