

ed for each of said contempts by a separate fine of Five Hundred Dollars, in default of payment to be committed to the County Jail of Los Angeles County until each of said fines be paid or satisfied in the proportion of one day's imprisonment for each Five Dollars remaining unpaid, such imprisonment to be cumulative and not concurrent. Rehearing was denied and on October 8, 1934 the California Supreme Court denied petition for writ of certiorari. (Ball v. Railroad Commission, L. A. No. 14962.)

On August 13, 1934, no part of any of the above fines having been paid, the Commission issued and forwarded to the Sheriff of Los Angeles County its order for attachment of the body of respondent, directing that he be committed and detained until said five separate fines be paid or satisfied, imprisonment not to exceed one day for each Five Dollars that should remain unpaid and to be cumulative and not concurrent. Thereafter seven unsuccessful habeas corpus proceedings were instituted by respondent. (1)

(1) The Superior Court, Los Angeles County, issued writ of habeas corpus on November 2, 1934. On November 7, 1934 this writ was discharged and petitioner remanded to custody. (Re E. R. Ball on Habeas Corpus, No. 6778.)

The District Court of Appeal, Second District, on November 9, 1934 issued writ of habeas corpus and petitioner was released on bail. The matter was heard on November 16, 1934 and on December 4, 1934 that Court discharged the writ and remanded petitioner. (Re E. R. Ball on Habeas Corpus, Crim. No. 2640, 79 Cal. App. Decs. 939.)

On December 24, 1934 the United States District Court, Southern District of California, denied petition for writ of habeas corpus without prejudice to renewal of petition upon notice.

On January 10, 1935 the California Supreme Court denied petition for writ of habeas corpus. (Re E. R. Ball on Habeas Corpus, Crim No. 3855.)

On January 22, 1935 the California District Court of Appeal, Second District, denied petition for writ of habeas corpus. (Re E. R. Ball on Habeas Corpus, Crim No. 2680.)

On January 31, 1935 the California Supreme Court denied petition for writ of habeas corpus. (Re E. R. Ball on Habeas Corpus, Crim No. 3862.)

On February 7, 1935 the United States District Court, Southern District of California, Central Division, issued order to show cause why writ of habeas corpus should not issue. On February 14, 1935 that Court denied the petition for a writ. (Re E. R. Ball on Habeas Corpus, No. 12289 - Crim.)

Counsel for respondent has now requested the Commission to modify its Decision No. 27099 so as to limit the period of confinement to the county jail to not exceeding one year, and refers to section 19a of the Penal Code. The Commission having considered the request for modification, and good cause appearing, IT IS ORDERED that the second paragraph of the judgment contained in Decision No. 27099 (dated May 28, 1934) is hereby amended to read as follows:

"IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that for each of his said five separate and distinct contempts of the Railroad Commission and its order, said E. R. Ball be punished by a separate fine of Three Hundred Sixty Dollars (\$360.00), said fines (totaling \$1800.00) and each of them to be paid to the Secretary of the Railroad Commission within ten (10) days after the effective date of this opinion, findings, and judgment; and that in default of payment of the aforesaid fines, or any of them, said E. R. Ball be committed to the county jail of the County of Los Angeles, State of California, until such fines, and each of them, be paid or satisfied in the proportion of one day's imprisonment for each five dollars (\$5.00) thereof that shall so remain unpaid, such imprisonment to be cumulative and not concurrent."

IT IS FURTHER ORDERED that the Secretary of the Railroad Commission prepare, sign, and issue in the name of the Railroad Commission of the State of California an Amended Order for the Attachment of the Body of E. R. Ball directed to the Sheriff of the County of Los Angeles, modifying in accordance herewith the prior commitment order issued and directed to said Sheriff and dated August 13, 1934, and to attach to said Amended Order for the Attachment of the Body of E. R. Ball a certified copy of this order, which shall be made a part thereof.

In all other respects said Decision 27099 shall remain in full force and effect.

Dated at San Francisco, California, this 8th day of April, 1935.

Leon ...
M. B. ...
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Commissioners