126 Okla. 227
Supreme Court of Oklahoma.

BARBOUR et al.
v.
WALKER et al.

No. 17218.
|
Sept. 13, 1927.

Syllabus by the Court.

Chapter 113, S. L. 1923, providing for the regulation of the use of the public highways of the state by motor carriers for hire through the limitation of that use by the rule of public convenience and necessity, is a valid and constitutional exercise of the police power of the state to promote the public good, to preserve the public peace, and to protect the public welfare, and said act is not in contravention of any rights of the citizen guaranteed to him by the Fourteenth Amendment to the Constitution of the United States, nor by section 7 of article 2 of the Constitution of Oklahoma.

A private motor carrier operating over the public highways of the state, though without regular or fixed time schedules, between fixed points in the transportation of commodities for hire under separate contracts with several principal business concerns located and doing business in one of such points, is a "motor carrier," within the meaning of chapter 113, S. L. 1923, and is subject to control and regulation by the provisions of law therein provided.

Synopsis
Commissioners' Opinion, Division No. 1.

Appeal from District Court, Pottawatomie County; Hal Johnson, Judge.

Action by Ben Barbour and another, against A. T. Walker and another for an injunction. From an order granting a temporary injunction, defendants appeal. Affirmed.

West Headnotes (2)

[1] **Automobiles**
Power to Control and Regulate
Carriers
Companies, Persons, or Instrumentalities Affected by Regulations

48A Automobiles
48AIII Public Service Vehicles
48AIII(A) Control and Regulation in General
48Ak59 Power to Control and Regulate
70 Carriers
70I Control and Regulation of Common Carriers
70I(A) In General
70k5 Companies, Persons, or Instrumentalities Affected by Regulations

Private motor carrier operating on public highways, without fixed time schedules, between fixed points, is "motor carrier" subject to regulatory statute. Laws 1923, c. 113.

5 Cases that cite this headnote

[2] **Automobiles**
Constitutional and Statutory Provisions
Carriers
Constitutional and Statutory Provisions
Constitutional Law
Motor Carriers; Trucking

48A Automobiles
48AIII Public Service Vehicles
48AIII(A) Control and Regulation in General
48Ak60 Constitutional and Statutory Provisions
70 Carriers
70I Control and Regulation of Common Carriers

70I(A) In General
70k2 Constitutional and Statutory Provisions
92 Constitutional Law
92XXVII Due Process
92XXVII(G) Particular Issues and Applications
92XXVII(G)17 Carriers and Public Utilities
92k4364 Motor Carriers; Trucking (Formerly 92k297)

Statute providing for regulating use of public highways by motor carriers for hire held valid exercise of police power. Laws 1923, c. 113; Const.U.S.Amend. 14; Const.Okl. art. 2, § 7.

3 Cases that cite this headnote

Attorneys and Law Firms

***552** John E. Luttrell, of Norman, for plaintiffs in error.

F. H. Reily, of Shawnee, for defendants in error.

Opinion

TEEHEE, C.

On February 3, 1926, plaintiffs secured a temporary injunction against the defendants upon a petition wherein plaintiffs, in substance, alleged that they were motor carriers for hire, engaged in transporting commodities between the cities of Oklahoma City and Shawnee over state highway No. 3, for which purpose they had secured a proper certificate of public convenience and necessity from the State Corporation Commission, and ***553** had paid the proper license fee, and had otherwise complied with the provisions of chapter 113, S. L. 1923, regulating the use of motor carriers for hire upon the highways of the state; that defendants were likewise operating motor carriers between said points and over the same route without having secured from the State Corporation Commission a certificate of public convenience and necessity, and were otherwise operating without compliance with the provisions of said chapter 113, and that thus they were operating in competition with plaintiffs and depriving them of revenue of which they were justly entitled by virtue of their compliance with said chapter 113; that defendants' operations of their motor carriers constituted a public nuisance, and a menace to the common users of said highway, and an imposition on the just and lawful rights of plaintiffs, by reason whereof plaintiffs' business suffered irreparable damage and injury, for the redress of which, by reason of defendants' insolvency, plaintiffs were without an adequate remedy at law. Wherefore they prayed a permanent injunction against said defendants.

Defendants by answer admitted the allegations of plaintiffs' petition, but denied infraction of the law as alleged. They further answered that they were associated in the transportation of freight and merchandise between the points mentioned under separate contracts with five individuals and firms in Oklahoma City; that they did not hold themselves out to the public as common carriers, nor did they intend to solicit other business from other persons; that such freight and merchandise was transported to the city of Shawnee for their employers, either for storage in storage plants furnished by said defendants for redelivery when sold, or originally to purchasers of said commodities doing business in the City of Shawnee, and that they were so operating without any regular or fixed time schedules; that being operators, as private carriers, they were not subject to the provisions of said chapter 113. Wherefore they prayed denial of plaintiffs' petition. Upon demurrer that part of their answer relating to storage of commodities was stricken.

Upon hearing, both parties introduced evidence in substantiation of their respective pleas. It further developed that the concerns with which the defendants held contracts were of the principal business houses engaged in their respective line of commodities in Oklahoma City.

The court found the issues for the plaintiffs and adjudged that they were entitled to a temporary injunction pending the further order of the court, to which judgment defendants excepted, and upon superseding said judgment brought the cause here for review.

In the trial of the case plaintiffs contended that, as holders of certificates of public convenience and

necessity, they were entitled to injunctive relief; that chapter 113 was broad enough to and did include all persons operating motor trucks for hire in the manner alleged, whether such persons were engaged as common carriers or as private carriers. Defendants contended that the act does not regulate private carriers not engaged as common carriers. The judgment of the court in granting the temporary injunction was, in effect, a determination that defendants were in fact motor carriers, within the meaning of chapter 113, and were thus subject to control and regulation thereby.

[1] In this court defendants, for reversal of the judgment, contend, first that they are private carriers, and that as such they are not within the purview of chapter 113, S. L. 1923; and, second, that if said chapter 113 is operative as to them the said act is unconstitutional and void as in violation of their rights under the Fourteenth Amendment to the Constitution of the United States, and under section 7 of article 2 of the state Constitution.

We will consider these contentions together as they may be properly resolved into the one general proposition; namely, that defendants have the right as private motor carriers to the use of the public highways of the state for private enterprise and profit, without let, hinderance, or interference from the public authorities of the state.

The constitutionality of chapter 113 has heretofore received consideration by this court in the case of Ex parte Tindall, 102 Okl. 192, 229 P. 125. The law was there challenged on the identical grounds here relied on. Upon a thorough analysis of the act which need not here be reiterated, its validity was sustained.

In addition to what was there said as to the purpose and necessity of the law, we may here well observe that, prior to the advent of automotive power, regulation of the use of the public highways was not essentially required as no phase of the public welfare was either inconvenienced or exposed to danger as now, though they were used for both common travel and private gain, particularly between points where there were no railroad facilities. Construction and maintenance of the highways then were left to county and township organizations, with the financial means therefor raised largely, if not altogether, by local taxation. Public use thereof was not as marked then as now, for the traveling public found it convenient to pass to their destinations by means of travel by rail rather than by the horse power vehicle. With the advent of the automobile, our mode of travel was transformed in less than a decade. This transformation required a change in our system of highway construction from that of the ordinary improvised dirt roads to that of highly improved and hard-surfaced roads. This accelerated the establishment of our ***554** state highway department whereunder we are now expending millions of dollars annually to meet the requirements of the traveling public. Speed laws were found to be necessary to maintain order and to minimize danger in the use of the highways. In addition to the primary purposes, that of accommodation of the traveling public in the common acceptation of the term, utilization of our highways, constructed and maintained at large public expense, by transportation thereover of both passengers and property for private gain developed even between points where railroad facilities were available, and on that scale where regulation of the use of our highways for private enterprise became a necessary function of government, for, if not so regulated, appropriation thereof for private purposes would eventually place the public in the position of furnishing the highways for private enterprise rather than for the public purposes for which they were established.

To obviate this condition, rapidly materializing, the Legislature in its wisdom, in protection of the public welfare, enacted chapter 113 and other provisions of law not here necessary to notice. The law is based upon the theory that the individual citizen has no vested right to use the highways of the state for private enterprise to the detriment of the general public, and that where the individual interest conflicts with the public interest, as must be the necessary result in the use of the public highways for private purposes without regulation, the government is never impotent to protect the public welfare.

The principle applied in the regulation of the use of the highways for private enterprise rests upon public convenience and public necessity, a principle recognized and in a large degree applied by the national government in placing the control and regulation of the railroads of the country in the hands of the Interstate

Commerce Commission. Title 49, "Transportation," c. 1, § 1, p. 1649, U. S. C. 1926.

It was upon this theory and the application of this principle that this court in Ex parte Tindall, 102 Okl. 192, 229 P. 125, held that the state was within the rightful exercise of its police power in the regulation of the use of the highways in sustaining the constitutionality of the law here again challenged, and denied that it in any wise was in contravention of either the Fourteenth Amendment to the federal Constitution as in abridgment of any right or privilege of the citizen, or in deprivation of property without due process of law, or in denial to the citizen of the equal protection of the law, or of section 7, art. 2, of the state Constitution on the same subject. It was there also held that the real purpose of the act was "to regulate the use of public highways by transportation companies" through "the regulation and control of motor vehicles, operating as common carriers for hire and profit over the public highways," and that:

> "The operation of motor vehicles, for the purpose of carrying passengers and freight, for hire and profit over the public highways as a transportation roadbed, is a 'public service enterprise' within the constitutional definition of such an enterprise, and as such, subject to regulation and control by the state."

In addressing itself to the administration of the law through the State Corporation Commission charged therewith, of which it was also complained was the lodgment of arbitrary power with the commission, the court used this language:

> "It would be impossible for the commission, acting under such act, to grant a special privilege detrimental to the interests of the public or to create a monopoly with like effect. The public has a voice in the enforcement of this act and the right to speak whenever its interests are not subserved. It has a right to say that no person or corporation shall use its public highways as a 'transportation line' for hire; it has a right to say that any one who may be permitted to operate over such lines in such manner must have a license to do so, and has a voice as to whether its necessities and convenience require that one, two, or three shall be licensed to render the required service, or that none is required. It might be a material benefit to the public to have one transportation line over a given highway, and a substantial detriment to have more than one, hence the limit to the number is determined by the public needs. It is not that the petitioner or any other private concern has a vested right or any right to appropriate the public highways to its own free use and benefit for profit, but that the public, from the standpoint of its convenience and necessities, as well as from the standpoint of property rights in the public highways, may demand a 'public service' if it needs it, or reject it if it is not needed, and a voice as to how much of such service it needs and the conditions under which it may be rendered, and no private rights are paramount to the public good."

In Ex parte Dickey, 76 W. Va. 576, 85 S. E. 781, L. R. A. 1915F, 840, we find this apt expression of the court: "The right of a citizen to travel upon the highway and transport his property thereon, in the ordinary course of life and business, differs radically and obviously from that of one who makes the highway his place of business and uses it for private gain, in the running

of a stage coach or omnibus. The former is the usual and ordinary right of a citizen, a common right, a right common to all, while the latter is special, unusual and extraordinary. As to the former, the extent of legislative power is that of regulation; but, as to the latter, its power is broader, the right may be wholly denied, or it may be permitted to some and denied to others, because of its extraordinary nature. This distinction, elementary and fundamental in character, is recognized by all the authorities:

'A distinction must be made between the general use, which all of the public are permitted to make of the street for ordinary purposes, ***555** and the special and peculiar use, which is made by classes of persons in the pursuit of their occupation or business, such as hackmen, drivers of express wagons, omnibusses, etc. Tiedeman on Municipal Corporations, § 229.

The rule must be considered settled that no person can acquire the right to make a special or exceptional use of a public highway, not common to all citizens of the state, except by grant from the sovereign power.' Jersey City Gas Co. v. Dewight, 29 N. J. Eq. 242; McQuillen, Municipal Corporations, § 1620."

This principle has been applied many times. Liberty Highway Co. v. Michigan Public Utilities Commission (D. C.) 294 F. 703, and many other cases there cited, including Ex parte Dickey, supra.

In Kane v. New Jersey, 242 U. S. 160, 37 S. Ct. 30, 61 L. Ed. 222, we find this language:

> "The power of a state to regulate the use of motor vehicles on its highways has been recently considered by this court and broadly sustained. It extends to nonresidents as well as to residents. It includes the right to exact reasonable compensation for special facilities afforded as well as reasonable provisions to insure safety."

While in that case neither the right of private use nor the principle of public convenience and necessity as the measure of such use were present, yet, under the reasoning of the court, there would seem to be no good ground, where private use would tend to be inimical to the public good as would be inevitable without regulation, to deny the power of the state to measure the extent of that use by the convenience of the public and the necessity for transportation facilities. In the law involved, the state in its sovereign capacity was dealing with a subject over which it appears to us, in every view of the case, it had control. In the construction and maintenance of the highways now available to the traveling public, the state has expended millions of dollars, and is still continuing to cobweb the state with hard-surfaced highways for the accommodation and convenience of her citizens and all those who find it convenient to pass her way. In the enactment of this legislation no rights of any of her citizens have been contravened, for the law does not restrict the common right of the citizen to use the public highways for purposes of travel, and it does not comport with reason to say that the use of them for private gain may be exercised alike by all as it is certain that such a situation will never arise. Our view of the right of the state to enact this legislation and of the relation of the citizen thereto is best expressed by the Supreme Court of the United States in Davis v. Commonwealth of Mass., 167 U. S. 43, 17 S. Ct. 731, 42 L. Ed. 71, wherein was involved the right of the citizen to the undisturbed use of Boston Commons, when the court said that:

> "The Fourteenth Amendment to the Constitution of the United States does not destroy the power of the states to enact police regulations as to the subjects within their control (Barbier v. Connolly, 113 U. S. 27, 31, 5 S. Ct. 357 [28 L. Ed. 923]; Railway Co. v. Beckwith, 129 U. S. 26, 29, 9 S. Ct. 207 [32 L. Ed. 585]; Giozza v. Tiernan, 148 U. S. 657, 13 S. Ct. 721 [37 L. Ed. 599]; Jones v. Brim, 165 U. S. 182, 17 S. Ct. 282 [41 L. Ed. 677]), and does not have the effect of creating a particular and personal right in the citizen to

> use public property in defiance of the Constitution and laws of the state."

We therefore regard the case of Ex parte Tindall as conclusive upon the propositions here involved, unless, as defendants contend, that by virtue of their being private motor carriers and having never held themselves out to the public as common carriers, the case of Frost v. Railroad Commission, 271 U. S. 583, 46 S. Ct. 605, 70 L. Ed. 1101, 47 A. L. R. 457, is controlling. That case involved the constitutionality of the law of the state of California, similar in many of its provisions to chapter 113. The state case is reported in 197 Cal. 230, 240 P. 26.

Briefly, the facts in that case were that Frost & Frost Trucking Company had a single contract to transport citrus commodities for the Redland Orange Growers' Association from Redlands to Los Angeles. The Railroad Commission of California, corresponding generally in duties to that of our State Corporation Commission, was charged as here with the administration of the law there involved. Complaint was made before it that the transporting company was operating without a certificate of public convenience and necessity, whereupon it was cited to show cause why an order should not be issued requiring it to desist in its operations in violation of law. The law classified motor carriers as common carriers, subject to regulation as such. The company contended, as here, that it was engaged in a private enterprise and was without the purview of the statute, and that if it was held to be within the provisions of the law, then the law, as to it, was invalid as in contravention of the Fourteenth Amendment to the federal Constitution and like provisions of the state Constitution. Upon hearing, the commission denied these contentions and rendered judgment accordingly.

The company appealed to the state Supreme Court and there renewed its contentions. The state court sustained the commission and declared the act to be constitutional. The company, by appropriate proceeding, brought the case to the Supreme Court of the United States for review.

In the state court it was the theory that the law was not in fact a regulation of the use of the highways, but a regulation of the business of transportation companies, it being said that:

***556** The "Auto Stage and Truck Transportation Act [St. 1917, p. 330, as amended by St. 1919, p. 457], regulating transportation companies, including private carriers, is not in fact a regulation of the use of the highways, nor does it take private property for public use without compensation in violation of Const. Cal. art. 1, par. 13, and Const. U. S. Amend. 14, nor does it violate the due process clause; but what the act does, in effect, is to make a conditional offer of a special privilege."

The national court, in passing upon the validity of the law, held that this view and construction of the act by the state court was binding upon it, and thus the question of the regulation of the use of public highways for private gain was not squarely presented to the high court.

The effect of the state's construction of the law was that a private motor carrier operating under a single contract was converted into a common carrier by legislative fiat, and this the national court denied as being in contravention of the due process clause of the Fourteenth Amendment. And following up the state's theory, the court further held that it was not within the power of the state to grant a privilege which required the relinquishment of a constitutional right.

Thus the distinction between the California case and Ex parte Tindall, the case here controlling, is clear, in that the California law was held to be a regulation of the business of a private carrier, whereas the law in this state is a regulation of the use of the highways by motor carriers. Moreover, a further distinction appears between the California case and the one now in hand, as in that case the transportation company was operating as a private carrier under a single contract with a single concern, while in the case at bar the defendants were operating under five separate contracts with as many different firms dealing in different classes of commodities on a large scale.

In concluding the opinion, the national court made this observation:

> "The court below seemed to think that, if the state may not subject the plaintiffs in error to the provisions of the act in respect of common carriers, it will be within the power of any carrier, by the simple device of making private contracts to an unlimited number, to secure all the privileges afforded common carriers without assuming any of their duties or obligations. It is enough to say that no such case is presented here; and we are not to be understood as challenging the power of the state, or of the Railroad Commission under the present statute, whenever it shall appear that a carrier, posing as a private carrier, is in substance and reality a common carrier, to so declare and regulate his or its operations accordingly."

[2] This language of the court is pertinent here, and indeed is most persuasive to support the conclusion reached by the trial court, that, since the defendants were operating under five separate distinct contracts with as many principal concerns of Oklahoma City, they had in effect resolved themselves from the character and status of private motor carriers not subject to regulation, if such in fact was the case, to that of public motor carriers, and thus by their own conduct of their enterprise had completely brought themselves within the provisions of law regulating the use of the public highways for private gain.

In view of the dissimilarity of the theory of that case with the Tindall Case and likewise in the facts with the case at bar, as above pointed out, it is our judgment that the principles laid down by the Supreme Court of the United States in Frost v. Railroad Commission are not here controlling. For these reasons, therefore, we conclude that the judgment of the district court was right, and it is accordingly affirmed.

BENNETT, P. C., and REID, LEACH, and FOSTER, CC., concur.

PER CURIAM.

Adopted in whole.

All Citations

126 Okla. 227, 259 P. 552, 56 A.L.R. 1049, 1927 OK 253

End of Document

Negative Treatment

Negative Citing References (2)

The KeyCited document has been negatively referenced by the following events or decisions in other litigation or proceedings:

Treatment	Title	Date	Type	Depth	Headnote(s)
Not Followed on State Law Grounds	1. Weaver v. Public Service Commission of Wyoming MOST NEGATIVE 278 P. 542 , Wyo. Appeal from District Court, Laramie County; Clyde M. Watts, Judge. Proceedings by W. H. Weaver against the Public Service Commission of Wyoming. Judgment for defendant, and...	June 18, 1929	Case		—
Distinguished by	2. Forsyth v. San Joaquin Light & Power Corp. 281 P. 620 , Cal. In Bank. Action by Ross Forsyth, doing business under and by the fictitious name of the Kings River Transportation Company, against the San Joaquin Light & Power Corporation. From...	Oct. 22, 1929	Case		—

Citing References (27)

Treatment	Title	Date	Type	Depth	Headnote(s)
Distinguished by NEGATIVE	**1.** Forsyth v. San Joaquin Light & Power Corp. 281 P. 620, 624+ , Cal. In Bank. Action by Ross Forsyth, doing business under and by the fictitious name of the Kings River Transportation Company, against the San Joaquin Light & Power Corporation. From...	Oct. 22, 1929	Case		—
Cited by	**2.** Georgia Public Service Commission v. Saye & Davis Transfer Co. 154 S.E. 439, 442+ , Ga. Error from Superior Court, Fulton County; E. D. Thomas, Judge. Petition for injunction by the Saye & Davis Transfer Company against the Georgia Public Service Commission and...	July 26, 1930	Case		—
Cited by	**3.** Barney v. Board of Railroad Com'rs 17 P.2d 82, 86+ , Mont. Appeal from District Court, Fergus County; John C. Huntoon, Judge. Suit by Maynard N. Barney against the Board of Railroad Commissioners of the State of Montana and others....	Dec. 19, 1932	Case		—
Cited by	**4.** Northern Pac. Ry. Co. v. Bennett 272 P. 987, 990 , Mont. Appeal from District Court, Missoula County; Theodore Lentz, Judge. Suit by the Northern Pacific Railway Company against E. W. Bennett for an injunction. From a judgment for...	Dec. 27, 1928	Case		—
Cited by	**5.** People v. Schuster 374 N.Y.S.2d 951, 957 , N.Y.City Crim.Ct. Defendant was charged with three violations of New York City traffic regulations forbidding the operation of unfranchised buses on city streets by reason of defendant's operation...	Oct. 14, 1975	Case		—
Cited by	**6.** Honorable J. Bruce Burns Wash. AGO 1959-60 NO. 88, 1959-60 NO. 88 A law enforcement officer has no authority, either statutory or common law, to stop a motorist for the sole purpose of determining whether the motorist has a valid operator's...	Dec. 10, 1959	Administrative Decision		—
Not Followed on State Law Grounds NEGATIVE	**7.** Weaver v. Public Service Commission of Wyoming 278 P. 542, 550 , Wyo. Appeal from District Court, Laramie County; Clyde M. Watts, Judge. Proceedings by W. H. Weaver against the Public Service Commission of Wyoming. Judgment for defendant, and...	June 18, 1929	Case		—
Mentioned by	**8.** New State Ice Co. v. Liebmann 52 S.Ct. 371, 382 , U.S.Okla. Mr. Justices BRANDEIS and STONE dissenting. Appeal from the United States Circuit Court of Appeals for the Tenth Circuit. Suit by the New State Ice Company against Ernest A....	Mar. 21, 1932	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	**9.** **Pure Oil Co. v. Oklahoma Tax Commission** 66 P.2d 1097, 1101 , Okla. Original action for a writ of prohibition by the Pure Oil Company against the Oklahoma Tax Commission. Writ denied. BAYLESS, V. C. J., WELCH and GIBSON, JJ., dissenting.	Sep. 15, 1936	Case		—
Mentioned by	**10.** **Collins-Dietz-Morris Co. v. State Corp. Com'n** 7 P.2d 123, 130 , Okla. Agreed case between the Collins-Dietz-Morris Company and the State Corporation Commission, submitted as an original proceeding. Judgment in accordance with opinion. RILEY, J.,...	June 02, 1931	Case		—
Mentioned by	**11.** **Hartl v. Chicago, M., St. P. & P.R. Co.** 73 F.2d 875, 876 , C.C.A.7 (Ill.) Appeal from the District Court of the United States for the Northern District of Illinois, Eastern Division. Action by Isabel A. Hartl, administratrix of the estate of Adolph...	Dec. 11, 1934	Case		—
Mentioned by	**12.** **Stephenson v. Binford** 53 F.2d 509, 512+ , S.D.Tex. KENNERLY, District Judge, dissenting in part. In Equity. Suit by J. H. Stephenson against T. Binford and others, in which W. S. Finnegan and others intervened. Temporary injunction...	Oct. 26, 1931	Case		—
Mentioned by	**13.** **Arneson v. Denny** 25 F.2d 988, 991 , W.D.Wash. In Equity. Suit by E. A. Arneson against John C. Denny and others, as the Department of Public Works of the State of Washington. On defendants' motion to dismiss the bill. ...	Apr. 18, 1928	Case		—
Mentioned by	**14.** **McIntyre v. Harrison** 157 S.E. 499, 512 , Ga. Error from Superior Court, Fulton County; Virlyn B. Moore, Judge. Suit by R. L. McIntyre and others against W. B. Harrison, Comptroller General, and others. Judgment for...	Feb. 10, 1931	Case		—
Mentioned by	**15.** **Michigan Public Utilities Commission v. Krol** 222 N.W. 718, 718 , Mich. Appeal from Circuit Court, Chippewa County, in Chancery; John G. Stone, Judge. Suit by the Michigan Public Utilities Commission against Joseph Krol. Decree for defendant, and...	Jan. 07, 1929	Case		—
Mentioned by	**16.** **Family Finance Corp. v. Gaffney** 95 A.2d 407, 412 , N.J. Application for license to engage in small loan business in community was denied by Commissioner of Banking and Insurance, applicant appealed to Superior Court, Appellate Division,...	Mar. 02, 1953	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	**17. Hertz Drivurself Stations v. Siggins** 58 A.2d 464, 476 , Pa. Appeal No. 7, May term, 1948, from Decree of the Court of Common Pleas of Dauphin County at No. 1664 Equity Docket, No. 595 Commonwealth Docket, 1943; J. Paul Rupp, Judge. Bill in...	Mar. 26, 1948	Case		—
Mentioned by	**18. Independent Truck Co. v. Wright** 275 P. 726, 728 , Wash. Department 1. Appeal from Superior Court, Whatcom County; Ed E. Hardin, Judge. Suit by the Independent Truck Company against C. C. Wright and another, doing business under the firm...	Mar. 27, 1929	Case		—
—	**19. Right to enjoin business competitor from unlicensed or otherwise illegal acts or practices** 90 A.L.R.2d 7 This annotation supersedes the ones in 52 A.L.R. 79 (Right to enjoin rival or competitor from illegal acts or practices amounting to a crime) and 94 A.L.R. 775 (Right of railroad...	1963	ALR	—	—
—	**20. Validity and applicability of statutes relating to use of highway by private motor carriers and contract motor carriers for hire** 109 A.L.R. 550 This annotation supersedes those in 56 A.L.R. 1056; 81 A.L.R. 1415; and 87 A.L.R. 735. Legislation relating to motor transportation of persons and property upon the public highways...	1937	ALR	—	—
—	**21. Jurisdiction of public service commission over carriers transporting by motor trucks or busses** 103 A.L.R. 268 (Supplementing annotation in 51 A.L.R. 820.) In the earliest annotation upon this subject, when motor transportation was in its infancy, the question generally was whether the...	1936	ALR	—	—
—	**22. Person or corporation transporting goods on the public highways as a common carrier, or private or contract carrier, as regards liability for loss of or damage to goods** 112 A.L.R. 89 The question whether a person or corporation engaged in the transportation of goods on a highway is a common carrier may arise in relation to different problems, such as the...	1938	ALR	—	—
—	**23. Callmann on Unfair Compet., TMs, & Monopolies s 16:4, § 16:4. Violations of public laws—The competitor's right to sue—Government franchises and licenses** The courts have often considered cases in which one of the parties engaged in a business or profession without having complied with certain statutory requirements, the so-called...	2019	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	**24. Am. Jur. 2d Highways, Streets, and Bridges s 152, § 152. Regulation and control of highways, generally** Am. Jur. 2d Highways, Streets, and Bridges The management and control of highways and streets involve the exercise of legislative and administrative functions, which courts will not assume. The legislature, as...	2019	Other Secondary Source	—	—
—	**25. REGULATION OF THE CONTRACT MOTOR CARRIER UNDER THE CONSTITUTION** 44 Harv. L. Rev. 530 , 567+ THE history of civilization is in large measure a story of the development of transportation. So far as land communication is concerned, the fundamental agency, throughout this...	1931	Law Review	—	—
—	**26. WHITHER THE PUBLIC FORUM DOCTRINE: HAS THIS CREATURE OF THE COURTS OUTLIVED ITS USEFULNESS?** 44 Real Prop. Tr. & Est. L.J. 637 , 743 Editors' Synopsis: Tracing both the development of the Public Forum Doctrine and the history of the property rights it affects, in this Article the Author argues that the doctrine...	2010	Law Review	—	—
—	**27. TRANSPORTATION: A LEGAL HISTORY** 30 Transp. L.J. 235 , 366+ "What do I care about the law? Hain't I got the power?" -- Cornelius Vanderbilt Shipping and Railroad Baron I. Introduction. 237 II. Origins of Common Carrier Regulation. 241...	2003	Law Review	—	—

Table of Authorities (12)

Treatment	Referenced Title	Type	Depth	Quoted	Page Number
Cited	**1.** **Barbier v. Connolly** 5 S.Ct. 357, U.S.Cal., 1884 In Error to the Superior Court of the City and County of San Francisco, State of California.	Case			555
Cited	**2.** **Davis v. Com. of Massachusetts** 17 S.Ct. 731, U.S.Mass., 1897 In Error to the Superior Court of the County of Suffolk, State of Massachusetts.	Case		”	555
Cited	**3.** **Ex parte Dickey** 85 S.E. 781, W.Va., 1915 Original proceedings for habeas corpus by M. T. Dickey against Sam Davis, Chief of Police. Writ refused.	Case		”	554+
Cited	**4.** **Ex parte Tindall** 229 P. 125, Okla., 1924 Habeas corpus by A. L. Tindall for release from custody. Writ denied. Nicholson, J., dissenting	Case			553+
Cited	**5.** **Frost v. Railroad Commission of Cal.** 240 P. 26, Cal., 1925 In Bank. Application by Marion L. Frost and Wesley H. Frost, copartners doing business under the name and style of Frost & Frost Trucking Company, for a writ of certiorari to...	Case			555
Distinguished	**6.** **Frost v. Railroad Commission of State of Cal.** 46 S.Ct. 605, U.S.Cal., 1926 Mr. Justice Holmes, Mr. Justice Brandeis, and Mr. Justice McReynolds dissenting. In Error to the Supreme Court of the State of California. Application by Marion L. Frost and Wesley...	Case			555+
Mentioned	**7.** **Giozza v. Tiernan** 13 S.Ct. 721, U.S.Tex., 1893 Appeal from the circuit court of the United States for the eastern district of Texas. Application by Francois Giozza for a writ of habeas corpus to release him from the custody of...	Case			555
Cited	**8.** **Jersey City Gas Co. v. Dwight** 29 N.J. Eq. 242, N.J.Ch., 1878 1. Corporate life cannot be acquired under the general law authorizing the formation of gas companies, until one-half of the entire capital stock is subscribed in good faith and...	Case			555

Treatment	Referenced Title	Type	Depth	Quoted	Page Number
Mentioned	**9.** **Jones v. Brim** 17 S.Ct. 282, U.S.Utah, 1897 In Error to the Supreme Court of the State of Utah.	Case			555
Cited	**10.** **Kane v. New Jersey** 37 S.Ct. 30, U.S.N.J., 1916 IN ERROR to the Court of Errors and Appeals of the State of New Jersey to review a judgment which affirmed a judgment of the Supreme Court of that state, affirming a conviction in...	Case			555
Cited	**11.** **Liberty Highway Co. v. Michigan Public Utilities Commission** 294 F. 703, E.D.Mich., 1923 In Equity. Suit by the Liberty Highway Company, an Ohio corporation, and Edward Kabel, a citizen of Ohio, against the Michigan Public Utilities Commission, the five members of...	Case			555
Mentioned	**12.** **Minneapolis & St. L. Ry. Co. v. Beckwith** 9 S.Ct. 207, U.S.Iowa, 1889 In Error to the Circuit Court of Kossuth County, State of Iowa.	Case			555

History

There are no History results for this citation.

Filings

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