

Express Rates, Cancellation of. Rates, Cancellation of Express. Tariffs, Cancellation of Express.

Where an express company operating over a railroad in the state of Montana desires to discontinue its business as a common carrier of express matter, the railroad commission may certify to the cancellation of all rates, tariffs and schedules under which such express company was operating. This does not tend to relieve the express company of obligations incurred prior to the filing of the certificate of cancellation.

Helena, Montana, May 11, 1909.

The Railroad Commission of the State of Montana,
Helena, Montana.

Gentlemen:

I am in receipt of your letter of May 7, enclosing copy of your letter dated April 29, 1909, wherein you ask my advice as to the cancellation of the rates, schedules and tariffs heretofore certified by your commission and in effect on the Continental Express Company.

As I understand the facts, the Continental Express Company was organized for the purpose of doing an express business over the line of the Chicago, Milwaukee & St. Paul Railroad of Montana, and that since the organization of the Chicago, Milwaukee & Puget Sound Railway a contract has been entered into between that company and Wells Fargo Company, whereby the latter corporation will operate an express service on all lines covered by the Milwaukee system, and that the Wells Fargo Company have not, either by absorption or purchase, succeeded to the business of the Continental Express Company; and, in fact, have had no relations with such company.

I see no objection to the commission certifying to the circular of the Continental Express Company permitting them to cease operations under the tariffs, rules and regulations now on file with your commission. Any claims for overcharge, or otherwise, which might exist prior to this certification could not, in my judgment, be affected in any way by your action, and I do not see any benefit that could accrue to the public, or to the commission, in withholding this certification.

I therefore give it to you as my opinion that you may safely certify to the abrogation of the Continental tariffs and adopt the Wells Fargo schedule, subject to correction, if necessary, upon examination by your rate department.

Yours very truly,

ALBERT J. GALEN,
Attorney General.