

Transportation, Facilities for. Railroads, Proper Transportation Facilities to Be Furnished by.

Railroad companies should furnish cars in such condition so that the same may be loaded to their capacity. When it is necessary to supply additional facilities the common carrier should bear the expense thereof.

Helena, Montana, January 5, 1910.

The Railroad Commission of Montana,

Helena, Montana.

Gentlemen:

I am in receipt of your letter of December 29, 1909, in which you state that several operators of coal mines in the Bear Creek Field have made formal complaint against the M. W. & S. R. R. Co., praying that order may be made requiring the company to reimburse the shippers for expenses incurred in installing grain doors on coal cars delivered by the company at the mines.

As you suggest, under date of October 4, 1909, I advised you that it was the duty of the railway company to furnish properly equipped cars for the transportation of coal, and that it was within the province of the board to issue an order requiring the railroad company to do so.

However, it seems that in this particular instance it would be necessary, before the board could make a proper order, to ascertain the exact amount due in each particular case, and also whether the doors were put in at a reasonable price, and whether they were necessary. This would involve considerable investigation, and necessitate a hearing of the matter on the part of the commission, before it could be sure that its order covered the particular amounts involved; and as from the tenor of your letter I judge these claims to have been for past services performed by the coal operations, it would seem that the proper course would be for them to present their claims to the railroad company and adjust the same by a private settlement between the parties.

While it is the function of the board, and by law made its duty, to prevent discrimination by common carriers in this state, it seems to me that the law hardly contemplates that the commission should lend itself to the collection of accounts which, if just, can more easily be settled or litigated by the parties themselves.

Yours very truly,

ALBERT J. GALEN,

Attorney General.