

Railroad Companies, Undercharge by. Classification, Charges by Railroad Should Conform to.

Where a railroad company, through error, makes a charge for shipment less than the advertised rates, a bill against the shipper for the difference is proper and should be enforced.

Helena, Montana, January 26, 1909.

The Railroad Commission of Montana, Helena, Montana.

Gentlemen:

I am in receipt of your letter of January 18, 1909, in which you ask me for an opinion as to the right of the Northern Pacific Railroad Company to bill upon Mr. J. S. Hodge, of Victor, Montana, for the balance due on freight charges, which, through error, were charged at a lower rate than the classification calls for.

I advise you that the railway company not only has the right to bill for the difference shown by the correspondence submitted with your letter, but it is its duty to do so, for the reason that the lower rate does not correspond with its published tariffs and would, therefore, be an unlawful discrimination in favor of this particular shipper.

I herewith return, as requested, the correspondence relating hereto.

Very truly yours,

ALBERT J. GALEN,

Attorney General.