

Railroad Company, Duty to Report Trains. Reporting of Trains, Duty of Railroad Company. Trains, Duty of Railroad Company to Report. Post, Railroad Company Must, Arrival of Trains.

Chapter 145, laws of 1909, requires railroad companies operating within the state of Montana to report the time of arrival of all passenger trains at all stations within Montana at least four hours before their arrival. Stations within four hours of the first open telegraph station cannot receive this report.

Helena, Montana, April 28, 1909.

The Railroad Commission of Montana, Helena, Montana.

Gentlemen:

Replying to your letter of April 26, which also referred to your letter of April 9, concerning the significance and effect of the provisions of Chapter 145, Laws of 1909, I advise you that, in my opinion, the general intent of the law is clear and can be easily understood and followed in most instances. It is true that the wording of the first section is cumbersome and might easily be susceptible of several constructions. Of course, in one instance the law is incapable of being complied with, as it is impossible to report the time at which trains will arrive "at least four hours before their arrival" to stations within four hours run of the "first open telegraph or telephone station." However, I believe the courts will sustain the law making it the duty of every railroad to report the time of arrival of its trains at every station in advance of said train in the State of Montana, a least four hours before its arrival.

The second section of Chapter 145 extends the time to five hours, where trains have been longer delayed or have made up time. In the latter event it might be impossible to report the gain in time at least five hours before the arrival of the train at some of the nearer stations. However, it is my opinion that the railroad commission should enforce this law, so that it may be tested and an interpretation thereof given by the Supreme Court, which would, of course, settle the matter for all future time.

Very truly yours,

ALBERT J. GALEN,

Attorney General.