

Railroad Commission, Authority to Fix Rates—Rates of Transportation on Flathead Lake—Regulation of Transportation On.

It is within the power of the Board of Railroad Commissioners to regulate and fix intrastate rates to be charged by transportation companies doing business on Flathead Lake.

February 26, 1917.

Hon. Board of Railroad Commissioners,
Helena, Montana.

Gentlemen:

RE. JURISDICTION OVER STEAMBOATS.

In reply to your inquiries found in your favor of recent date relative to the above subject:

I beg to advise you that our law confers upon the Railroad Commission the power to regulate, establish and fix rates or charges for transportation by railroads and other transportation companies.

Section 4375, Revised Codes of Montana of 1907.

In Section 4374 of the Revised Codes of Montana of 1907, it is provided that the term "Railroad" whenever used in this Act shall be held to mean and include railroad companies, car companies, sleeping car companies, freight and freight line companies, and all common carriers.

In Section 4373 of the Revised Codes of Montana of 1907, it is provided that the term "Transportation" shall include all instrumentalities of shipment or carriage.

In Section 5332 of the Revised Codes of Montana of 1907, it is provided that "Every one who offers to the public to carry persons, property or messages, excepting only telegraphic or telephonic messages, is a common carrier of whatever he offers to carry."

It is my opinion that these provisions confer jurisdiction upon the Railroad Commission in the matter of regulating and fixing the intrastate rates to be charged by transportation companies doing business on Flathead Lake.

I trust that the foregoing will sufficiently advise you.

Respectfully,

S. C. FORD,
Attorney General.