

RAILROADS MUST MAKE REPORTS

Law of 1885 Compels It and the Governor Will Enforce It

Under an almost forgotten law, Governor Chamberlain has taken steps which may precipitate a struggle with the railroads in Oregon.

A law was passed requiring every railroad in the state to file with the secretary of state an annual report showing the amount of business transacted, the value of its property, the receipts and expenditures, and the physical condition of the road, together with much other important information. This law, which is still in force, has been enforced for the past eight years. Governor Chamberlain now proposes to have the law enforced and he has requested Secretary of State Dunbar to notify every railroad in the state that unless the reports are filed the penalties prescribed by the law will be enforced.

Every failure on the part of a railroad to file the annual report of business the law provides a penalty of not less than \$5000 and not more than \$10,000. For every false statement by a railroad there is a fine of not less than \$5000 and not more than \$10,000, or imprisonment of the offending officials for two to five years.

Has Investigated Law.

Attention of Governor Chamberlain was called recently to this law and a careful investigation of the statute was made. The governor has satisfied himself that the law is still in effect, and that as the state's chief executive he is bound to enforce it to the letter. Such enforcement will have a beneficial effect on relations between the public and transportation companies. The principle is firmly set that common carriers are subject to control and regulation by the state, that charges must be reasonable and without discrimination and that the fixing of rates and fares is within the power of the legislature. The new interstate commerce law goes so far as to empower the commission to require that accounts of railroads shall be kept in a certain way so that the commission can know exactly what expenditures are for, and that statements shall not be juggled. This is, it is said, very important with the obtaining of the statements themselves, for when the items are known which make up the different accounts it will be difficult to arrive at the earning capacity of the road.

It is therefore necessary that the road be in the best condition, receipts and expenditures of railroads operating in this state be known, and from what source the revenues are derived, in order to fairly consider the matter of reasonableness of fare and rates. It has been claimed that some roads in Oregon are earning 20 to 30 per cent on the investment, besides paying all fixed charges, renewals and maintenance.

Governor Talks of Law.

In a recent conversation the governor said:

"Yes, I expect to enforce the law requiring the railroads to give annual statements of their business. Attention was called a few days ago to the fact that the railroads were not complying with the law and I once made an investigation. There is no question that the law is in force and that it is the duty of every railroad doing business in Oregon to make these annual reports to the secretary of state. This has been done."

"I have therefore written to Secretary of State Dunbar, calling his attention to the matter and requesting him to call upon the railroads to file the reports. In my letter I said that if the railroads failed or refused to comply with the law I would take steps to enforce the penalties prescribed. My letter was written Friday and probably has not yet reached Mr. Dunbar, as I understand he went to Astoria to spend the day."

Two years prior to the passage in 1885 of an act creating the Oregon railway commission, the legislature passed a law requiring all railroad companies operating in this state to make certain annual reports to the secretary of state. In the act creating the railway commission, section 20 gave the board of railway commissioners power to prescribe the form of the annual report, but did not otherwise af-

fect the act of 1885. The two statutes, while operating in harmony, were fundamentally separate and distinct.

Railroads Ceased to Report.

However, when in 1898 the act creating a railway commission was repealed, for some unexplained reason all the railroad corporations ceased filing annual reports to the secretary of state, evidently upon the presumption that the act requiring reports had also been repealed.

It seems clear that this was a mistaken presumption, for in the code prepared by the late C. B. Bellinger, United States judge for this district, and W. W. Cotton, general counsel in this state for the O. R. & N. company, they incorporated sections 5122 and 5124, inclusive, of the law requiring the filing of railroad reports. These sections are found in the second volume of Bellinger and Cotton's code, and it is apparent that in the opinion of these eminent lawyers the act is in effect.

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