

**Workman's Compensation Law, Payment Under. Injured
Employee, Blood Poison. Employer, Liability of. Liability, of
Employer. Moot Questions.**

The question as to whether a laborer would have any right to compensation, if while working, he should contract blood poisoning from causes received while actually engaged in work presents a moot question, and will not be decided in the absence of a statement of the facts.

May 19, 1915.

Hon. A. E. Spriggs,
Chairman Industrial Accident Board,
Helena, Montana.

Dear Sir:

I am in receipt of your letter of the 17th instant, setting forth that you have received a communication from one James McClelland, propounding the inquiry:

"Would a laborer have any right to expect compensation, if while working for a corporation in Montana, he should contract blood poisoning from causes received while actually engaged in the work?"

and requesting that I render an official opinion thereon.

You are advised this department cannot undertake to render opinions upon moot questions, respecting imaginary cases which may arise after the compensation law becomes effective. The law itself defines "injury" and "injured," and sets forth that if an employee shall die from some other cause than the injury, there shall be no liability for compensation after his death. Under the law it is possible to conceive of a case where if a person died of blood poisoning proximately resulting from an accident occurring during the regular course of his employment, there would be liability for compensation after his death, and it is likewise possible to conceive of cases where no such liability would attach. The most this department can do at the present is to advise that each case as it arises must be decided upon the merits after ascertaining all of the facts and circumstances attending and surrounding the injury, for the reason that it is impossible to apply the law to any given case until all the facts are at hand.

Yours very truly,

D. M. KELLY,

Attorney General.