

**Board of Health, County, Towns Under. Incorporated
Towns, Liability of Under Sanitary Law.**

An incorporated city or town which places itself under the jurisdiction of the county board of health is liable for expenses incurred in enforcing the sanitary laws within its corporate limits.

Helena, Montana, Sept. 17, 1907.

Hon. D. M. Kelley,
County Attorney,
Boulder, Montana.

Dear Sir:—

I am in receipt of your letter of the 7th inst., in which you submit for the consideration of this office the following question:

“The incorporated town of Whitehall by notice as provided in section 11, Chapter 110, Acts of 1907, placed itself under the care of the County Board of Health. Certain expenses were incurred by the county board of health in enforcing the sanitary laws with respect to contagious diseases within the corporate limits of said town. Is said town liable for such expenses?”

Under the provisions of said section 11 there can be no doubt as to the liability of the town for the payment of necessary and proper expenses incurred by the county board of health in enforcing the sanitary laws within the corporate limits of such town. The section itself distinctly provides “that such incorporated town shall pay all expenses incurred in enforcing sanitary measures and quarantines within its corporate limits”.

We enclose herewith a copy of an opinion recently given to the county attorney of Cascade County discussing this question.

Very truly yours,

ALBERT J. GALEN,
Attorney General.