

**Water Sources, Prosecution for Pollution of. Pollution of  
Water Supply.**

It is the duty of the County Attorney to prosecute for violations of the law against the pollution of water supplies.

Helena, Montana, August 16, 1909.

Hon. B. B. Law,  
County Attorney,  
Bozeman, Montana.

Dear Sir:

I am in receipt of your letter of August 14, making inquiry as to whether it is the duty of the county attorney to prosecute persons who cause the pollution of water sources, under section 1564 revised codes

It seems to me that it is clearly the duty of the county attorney, under a proper state of facts, to prosecute for violations of this section. A violation of section 1564 constitutes a public offense, under section 1572 of the same act, and under section 3052, revised codes, the county attorney is made the public prosecutor and must prosecute on behalf of the state all public offenses committed within the limits of his county, and as section 1564 is a state law, made for the preservation of the public health, it seems to be within the authority and the duty of a county attorney to prosecute violations thereof occurring within his county.

Yours very truly,

ALBERT J. GALEN,  
Attorney General.