

**State Board of Health, Liability for Damages. Damages,  
Liability of State for. Disinfection, Damages Resulting From.**

The State is not liable for damages resulting from disinfection by County Health Officer.

Helena, Montana, December 5, 1908.

Hon. Thomas D. Tuttle, Secretary State Board of Health, Helena, Mont.

Dear Sir:

I am in receipt of your favor of the 4th ult., submitting for the consideration of this office the statement and question following:

“On October 7, 1908, a private dwelling house was disinfected for diphtheria by Doctor L. C. Bruning, County Health Officer of Custer County, resulting in an explosion and fire, causing considerable damage of the property. Is the State liable for such damage?”

Under the state of facts submitted, you are advised that the State is not liable; that the liability, if any, for damage, rests with the county and not with the State. There is no law making the State liable for such claim, and no method is provided for adjusting any such, nor is any money appropriated to meet any such demands, and no relief could be obtained from the State except by a direct Act of the Legislature.

Very respectfully yours,

ALBERT J. GALEN,  
Attorney General.