

**Fish and Game—Game—Damages.**

A person whose fruit trees or garden truck have been damaged by deer has no legal recourse against the state for damages.

June 9, 1928.

C. E. Pierce & Sons,  
Bigfork, Montana.

Gentlemen:

You have requested my opinion as to whom you should apply for payment for damages caused to your fruit trees and garden truck by deer.

In my opinion you have no legal recourse against anyone for such damages, and your only possible source of reimbursement would be through a special act of the legislature. While this may appear unjust to you, it is but one instance of the difficulty of making any law of universal application without occasionally working a hardship on an individual.

The state protects its wild game, including deer. Under such conditions it is inevitable that occasional loss will be suffered through deprecations of deer, elk, and other protected game animals. This, however, is a matter that must rest with the state to give or withhold such damages to its citizens as it may see fit.

Very truly yours,

L. A. FOOT,  
Attorney General.