

**Insurance Companies, Character of Property Insured by.  
Fire Insurance Companies, May Not Insure Livestock. Live-  
stock, Fire Insurance Company Cannot Insure.**

Fire insurance companies doing business in this state may not engage in the business of writing insurance on livestock.

April 28, 1914.

Hon. William Keating,  
State Auditor,  
Helena, Montana.

Dear Sir:

I have your request for an opinion as follows:

"Will you kindly advise me if a company organized in another state, licensed as a fire insurance company, would be permitted to write livestock insurance also?"

Section 4050, Revised Codes of Montana, as amended by Chapter 114, Session Laws of the 12th Legislative Assembly, provides among other things that a fire insurance company doing business in this state, is authorized to insure houses, buildings and all other kinds of property against loss or damage by fire or other casualty. It is a rule of construction that general words in a statute should receive a general construction, but they must be understood as used in reference to the subject matter in the minds of the legislature, and strictly limited to it, and should also be so limited in their application, as not to lead to injustice, oppression or an absurd consequence. 36 Cyc. 1118.

In the section of the law referred to, we find use made of two specific kinds of property, viz., houses and buildings, and there is the general clause "all other kinds of property." The fourth paragraph of the section makes specific provisions for the insurance of horses, cattle and other stock against loss or damage by accident, theft or any unknown or contingent event whatever, which may be the subject of legal insurance. The same section provides that combinations may be permitted of the different classes, provided for under one incorporation, except that fire insurance companies may not transact any other character of business than that designated in the first paragraph of the section. Were it not for the provisions of the fourth paragraph of the section, which specifically provide for insurance on horses, cattle and other stock, I am of the opinion that the phrase "all other kinds of property," as contained in the first paragraph, would be sufficiently comprehensive in meaning to embrace livestock insurance, but since the phrase is used in connection with the specific terms, "houses and buildings," the general and specific words of the first paragraph become capable of analogous meaning, and being associated together take color from each other, so that the general term must be given a sense of meaning analogous to the specific terms.

Monsch vs. Russell (Ill.), 12 L. R. A. 125.

Since the legislature by the enactment of the provisions contained in the fourth paragraph, made specific provision for the insurance of horses, cattle and other stock, and specially restricted fire insurance companies to do only such business as falls within the first paragraph, I am of the opinion that fire insurance companies doing business in this state are not permitted to write insurance on livestock.

36 Cyc. 1122.

Yours very truly,

D. M. KELLY,  
Attorney General.