

state. It is common knowledge that the feeding of uncooked garbage is not only unsanitary but it also is an effective method of carrying disease to certain animals, including fowl, the meat of which is used widely for human consumption.

An "animal" is defined in Black's Law Dictionary as any animate being which is endowed with the power of voluntary motion, exclusive of human beings. The courts generally have held that the word "animal" includes fowls unless specifically defined and limited to quadrupeds. *Huber vs. Mahn*, 37 N.J. Eq. 432; *State vs. Bruner*, 12 N.E. 103, 11 Ind. 98, *Holcomb vs. Van Zylen*, 174 Mich. 274, 140 N.W. 521.

Therefore it is my opinion that the phrase "swine and other animals" as contained in Section 46-2601, R.C.M., 1947, et seq., includes chicken and other fowls.

Very truly yours,
ARNOLD H. OLSEN,
Attorney General

Opinion No. 37

**Uncooked Garbage — Chicken —
Fowls**

HELD: The prohibition of feeding uncooked garbage contained in Section 46-2601, R.C.M., 1947, applies to chicken and other fowls.

September 26, 1955

Mr. Edward J. Ober, Jr.
County Attorney
Hill County
Havre, Montana
Dear Mr. Ober:

You have requested my opinion as to whether the prohibition of feeding uncooked garbage to swine or other animals as contained in Section 46-2601, R.C.M., 1947, et seq., includes within the term, chicken and other fowl.

It is apparent that the intent of the Legislature was to protect the general welfare and the enactment was within the police powers of the