

MINNESOTA STATUTES 1953 ANNOTATIONS

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ESTRAYS; ANIMALS DOING DAMAGE, AT LARGE 346.16

CHAPTER 345

UNCLAIMED PROPERTY

345.01 DUTY OF CONSIGNEE OR BAILEE

Finders are entitled to possession and use of lost or abandoned intoxicating liquors. Sale of such liquor is not authorized by law. OAG Oct. 25, 1949 (218).

Where a lost or abandoned car is found on the city streets, it may be condemned under a legal ordinance and sold by public officer who will deliver a certificate of sale to the purchaser which the purchaser may present in order to obtain registration of the vehicle. OAG July 31, 1950 (652-E-29).

345.02 UNCLAIMED PROPERTY MAY BE SOLD UPON NOTICE; SUMMARY SALE

Finding of lost or abandoned goods; rights of finder and owner of locus in quo. 32 MLR 192.

345.11 SALE; NOTICE

HISTORY. 1885 c 202 s 3; GS 1878 Vol 2 (1888 Supp) c 19 s 27c; GS 1894 s 2109; 1895 c 80; RL 1905 s 2807; GS 1913 s 6077; GS 1923 s 7309; MS 1927 s 7309.

CHAPTER 346

ESTRAYS; ANIMALS DOING DAMAGE, AT LARGE

346.02 FINDER TO GIVE NOTICE; PENALTY

Good faith as a defense to application of a statute awarding double damages. 36 MLR 277.

ANIMALS DOING DAMAGE

346.09 ANIMALS DOING DAMAGE

HISTORY. 1865 c 50 s 1, 3; GS 1866 c 19 s 29, 31; 1874 c 53 s 1; GS 1878 c 19 s 28, 30; 1879 c 12 s 1; 1885 c 106, 120; GS 1894 s 2113, 2115; RL 1905 s 2777; GS 1913 s 6043; GS 1923 s 7275; MS 1927 s 7275; 1953 c 8 s 1.

ANIMALS AT LARGE

346.16 RUNNING AT LARGE; DEFINED; PROHIBITED; TREBLE DAMAGES

An owner who allows his cattle to run at large is liable in treble damages and is also liable for criminal prosecution. OAG May 26, 1952 (228-D).

Sections 613.19 and 613.78 designate the penalty the state may inflict for the wrongful offense against the state. Section 346.16 is enacted for the benefit of the

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person aggrieved in event of the institution of a severe action and is not a penalty as such. OAG June 2, 1952 (228-D).

346.19 CERTAIN MALE ANIMALS OR BREACHY CATTLE

The gist of an action for the recovery of damages for injuries or damages caused by a domestic animal is the neglect of the owner or keeper to restrain an animal known to be vicious and liable to attack persons or animals. Where defendant's saddle horse seriously injured plaintiff's cow, the evidence supports the conclusion that the defendant had knowledge of the animal's vicious nature and propensity and failed to restrain it. *Van Euden v Kreuzer*, 231 M 290, 42 NW(2d) 814.

CHAPTER 347

DOGS

347.04 PUBLIC NUISANCE

There is no statutory or ordinance authority for the summary killing of dogs. Power to do so does not exist unless the circumstances are such to make it imperative that the dog be killed at once. Dogs are personal property and they can be destroyed as provided by the state law or by a village or city ordinance. OAG Dec. 6, 1948 (146-C).

The provision for the abatement of a public nuisance where a dog is said to be a nuisance under provisions of sections 347.04 and 347.06, is not an adversary proceeding. The procedure is purely statutory. The complaint should be subscribed by any person who knows the facts and upon its filing the justice will issue a summons directed to the owner, commanding him to appear at the time and place stated to answer the complaint. OAG Sept. 11, 1953 (146).

347.06 HEARING; JUDGMENT; EXECUTION

The provision for the abatement of a public nuisance where a dog is said to be a nuisance under provisions of sections 347.04 and 347.06, is not an adversary proceeding. The procedure is purely statutory. The complaint should be subscribed by any person who knows the facts and upon its filing the justice will issue a summons directed to the owner, commanding him to appear at the time and place stated to answer the complaint. OAG Sept. 11, 1953 (146).

347.10 OWNERS OF DOGS AND KENNELS LISTED BY ASSESSORS, LICENSES

A license is not required for a small animal hospital unless it can be classified as a kennel in which event the provisions of section 347.10 apply. OAG Sept. 17, 1947 (228).

347.12 FEES PAID TO COUNTY TREASURER MONTHLY

HISTORY. 1931 c 295 s 4; 1939 c 410 s 5.

347.14 UNLICENSED DOGS

HISTORY. 1931 c 295 s 18, 19; 1939 c 410 s 7; 1943 c 294 s 3.

347.15 PERSONS DAMAGED, CLAIMS FILED

HISTORY. 1931 c 295 s 30, 33; 1939 c 410 s 8.