

MINNESOTA STATUTES 1953 ANNOTATIONS

346.19 ESTRAYS; ANIMALS DOING DAMAGE, AT LARGE

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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.

347.17 ANY PERSON MAY KILL DOGS IN CERTAIN CASES

The city council has the power to adopt an ordinance to restrain the running at large of dogs and may do this to anticipate the danger of rabies before the disease becomes an actuality. OAG Jan. 30, 1952 (146).

Sections 347.01 to 347.07 are police regulations relating to dogs generally. Sections 347.08 to 347.21 permit counties to establish a system of licensing and regulating the running at large of dogs and creating a livestock indemnity fund based on the license fees. Section 347.07 is effective even though a county dog licensing system has not been established. OAG Feb. 28, 1941 (146-D-2).

347.21 INTERPRETATION

The city council has power under its charter to adopt an ordinance to restrain the running at large of dogs suspected of rabies. OAG Jan. 30, 1952 (146).

347.22 DAMAGES, OWNER LIABLE

HISTORY. 1951 c 315 s 1.

An action brought solely under the statute imposing strict liability in damages, irrespective of negligence, upon a dog owner for injuries which the dog without provocation inflicts upon a person who is peacefully and lawfully conducting himself while in an urban area, was not founded on negligence and did not survive the death of the defendant. *LaValle v Kaupp*, M, 61 NW(2d) 228.

CHAPTER 348**BOUNTIES, REWARDS**

348.06 Repealed, 1949 c 295 s 1.

348.07 Repealed, 1945 c 262 s 4.

348.071 BOUNTIES FOR WOLF, FOX, LYNX, OR BOBCAT

HISTORY. 1945 c 262 s 1-3; 1949 c 727 s 1, 2; 1951 c 133 s 1; 1951 c 658 s 1-4; 1953 c 334 s 1, 2.

A wolf killed in the state need not be killed in the county of payment of the bounty. OAG Feb. 11, 1948 (47-F).

It is not in the line of duty of a game warden to kill foxes and he is eligible for a payment of the reward. The county board may not limit payment of the reward to inhabitants of the county. A reward may be paid to a nonresident. OAG Dec. 27, 1948 (47-F).

The fact that the title of this section did not refer to a bobcat, though bobcat was mentioned in the section, did not constitute a violation of the constitutional provision that no law shall embrace more than one subject which shall be expressed in its title. OAG Oct. 31, 1949 (47-F).

The right of a person who has killed a wild wolf, lynx, or bobcat to a reward is determined by section 348.071, as amended by Laws 1951, Chapter 658. Upon compliance with section 348.071 the county auditor, under subdivision 7, must issue to claimant a warrant upon the county treasurer for the sum due. A county board is without authority to order the county auditor by resolution to discontinue such payments. OAG Aug. 9, 1951 (47-F).

There is no duty imposed upon a county to pay a bounty for lynx or bobcats. OAG Oct. 31, 1949 (47-F).