

## CHAPTER 347

## DOGS

**347.01 OWNER'S LIABILITY.**

**HISTORY.** 1873 c. 21 s. 1; G.S. 1878 c. 95 s. 79; 1885 c. 126 s. 2; G.S. 1894 s. 6882; R.L. 1905 s. 2786; G.S. 1913 s. 6052; 1915 c. 344 s. 1; G.S. 1923 s. 7284; M.S. 1927 s. 7284.

This section does not change the common-law rule that where several dogs kill sheep and do other damage jointly, the owner of each dog is liable only for damage done by his dog, and a joint action will not lie against the owners of the dogs. *Nohre v Wright*, 98 M 477, 108 NW 865.

In order to make one who harbors a dog liable in damages to one who is bitten by it, the evidence must show that the dog is vicious, and that such person has knowledge thereof. *Maron v Marciniak*, 165 M 156, 205 NW 394.

Our statutory law does not help the plaintiff. The owner is liable without scienter only where his dog kills, wounds, or worries domestic animals. There is no such statute applicable to harm done to human beings. The common-law rule has been modified only to the extent that statutes have so provided. *Olson v Pederson*, 206 M 415, 288 NW 856.

The provisions of Laws 1931, Chapter 295, authorizing a county board of any county by a majority vote to adopt the statute, is in the nature of local option. *Olson v Pederson*, 206 M 415, 288 NW 856.

A complaint in an action against the owner to recover for personal injuries inflicted by his dog while trespassing on plaintiff's land, must allege that the dog was vicious or of vicious propensity to cause the harm alleged, otherwise, the complaint is insufficient in common law. *Olson v Pederson*, 206 M 415, 288 NW 856.

Liability of owners or keepers of animals. 22 MLR 1042.

**347.02 KEEPING AFTER NOTICE; PENALTY.**

**HISTORY.** 1873 c. 21 s. 2; 1874 c. 51 s. 1; G.S. 1878 c. 95 s. 80; 1885 c. 126 s. 2; G.S. 1894 s. 6883; R.L. 1905 s. 2787; G.S. 1913 s. 6053; G.S. 1923 s. 7285; M.S. 1927 s. 7285.

The seeing of the forbidden act or information from any person, oral or written, is sufficient notice to the owner of the dog. OAG Oct. 30, 1929.

Being a criminal statute, this section may be enforced in the justice court. OAG Dec. 9, 1936 (146f).

**347.03 DOGS MAY BE KILLED.**

**HISTORY.** 1867 c. 35 s. 1; G.S. 1878 c. 95 s. 81; 1885 c. 126 s. 3; G.S. 1894 s. 6884; R.L. 1905 s. 2788; G.S. 1913 s. 6054; G.S. 1923 s. 7286; 1927 c. 217 s. 1; M.S. 1927 s. 7286.

Under the common law one may kill a dog in defense of his property; but the killing must be a fair act of prudence and under circumstances creating a reasonable belief that such killing is necessary to prevent injury. This rule was not abrogated by this statute. *O'Leary v Wangensteen*, 175 M 368, 221 NW 430.

**347.04 PUBLIC NUISANCE, WHEN; PROCEDURE.**

**HISTORY.** 1899 c. 286 ss. 1, 2, 3; R.L. 1905 s. 2789; G.S. 1913 s. 6055; G.S. 1923 s. 7287; M.S. 1927 s. 7287.

Dogs may be killed under statutory authority when they are nuisances, or when they menace live stock or poultry. *O'Leary v Wangensteen*, 175 M 368, 221 NW 430.

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## **347.05 OWNER NOT KNOWN.**

HISTORY. 1899 c. 286 s. 4; R.L. 1905 s. 2790; G.S. 1913 s. 6056; G.S. 1923 s. 7288; M.S. 1927 s. 7288.

## **347.06 HEARING; JUDGMENT; EXECUTION.**

HISTORY. 1899 c. 286 s. 5; R.L. 1905 s. 2791; G.S. 1913 s. 6057; G.S. 1923 s. 7289; M.S. 1927 s. 7289.

## **347.07 COSTS.**

HISTORY. 1899 c. 286 s. 6; R.L. 1905 s. 2792; G.S. 1913 s. 6058; G.S. 1923 s. 7290; M.S. 1927 s. 7290.

## **347.08 COUNTY BOARD MAY ESTABLISH SYSTEM OF LICENSING.**

HISTORY. 1931 c. 295 s. 1; 1939 c. 410 s. 1; M. Supp. s. 7297-41; 1943 c. 294 s. 1.

There are two systems of licensing dogs. One is by petition of 25 per cent of livestock and poultry raisers in which the action by the board is mandatory, and the board licensing dogs on its own motion in which case the action is discretionary. The county board may provide for licensing of dogs without establishing an indemnity fund. OAG June 12, 1939 (146d-2).

Claims against the livestock indemnity fund are payable only when the damage occurred in the county which adopted such law. 1942 OAG 128, Oct. 30, 1941 (293B-14).

Where a county has not adopted the law, Laws 1939, Chapter 410, do not apply. OAG May 1, 1944 (146d-4).

## **347.09 LICENSES.**

HISTORY. 1931 c. 295 ss. 2 to 8, 10; 1939 c. 410 s. 2; M. Supp. s. 7297-42; 1943 c. 294 s. 2.

## **347.10 OWNERS OF DOGS AND KENNELS LISTED BY ASSESSORS; INDEX CARDS TO BE KEPT; LICENSES.**

HISTORY. 1931 c. 295 s. 16; 1939 c. 410 s. 3; M. Supp. s. 7297-43.

## **347.11 DOG COLLARS TO BE TAGGED.**

HISTORY. 1931 c. 295 ss. 8, 9, 15; 1939 c. 410 s. 4; M. Supp. s. 7297-44.

## **347.12 FEES PAID TO COUNTY TREASURER MONTHLY.**

HISTORY. 1939 c. 410 s. 5; M. Supp. s. 7297-45.

## **347.13 FEES TO CONSTITUTE DOG LICENSE FUND; DISPOSAL AND ACCOUNTING.**

HISTORY. 1931 c. 295 s. 35; 1939 c. 410 s. 6; M. Supp. s. 7297-46.

A system having been established, it may be discontinued only by the same action, and the same power, and the same procedure by which it was originally established. OAG June 16, 1939 (146d-2).

## **347.14 UNLICENSED DOGS.**

HISTORY. 1939 c. 410 s. 7; M. Supp. s. 7297-47; 1943 c. 294 s. 3.

## **347.15 PERSONS DAMAGED MAY FILE CLAIMS.**

HISTORY. 1931 c. 295 ss. 29 to 32; 1939 c. 410 s. 8; M. Supp. s. 7297-48.

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See annotations under section 347.08.

## **347.16 CLAIMS, HEARINGS, NOTICE.**

HISTORY. 1931 c. 295 s. 33; 1939 c. 410 s. 10; M. Supp. s. 7297-50.

## **347.17 ANY PERSON MAY KILL DOGS IN CERTAIN CASES.**

HISTORY. 1931 c. 295 s. 27; 1939 c. 410 s. 9; M. Supp. s. 7297-49.

## **347.18 TAGS; RESTRICTIONS AND PROHIBITIONS.**

HISTORY. 1939 c. 410 s. 11; M. Supp. s. 7297-51.

## **347.19 FAILURE TO OBTAIN LICENSE.**

HISTORY. 1939 c. 410 s. 11; M. Supp. s. 7297-51.

## **347.20 EXEMPTION**

HISTORY. 1939 c. 410 s. 12; M. Supp. s. 7297-52.

## **347.21 INTERPRETATION.**

HISTORY. 1939 c. 410 s. 16; M. Supp. s. 7297-56.