

**CHAPTER 346**

**ESTRAYS AND ANIMALS AT LARGE OR DOING DAMAGE**

**346.04 CHARGES FOR KEEPING.**

At the time the cows in question were distrained by plaintiff, defendant tendered plaintiff the sum of five dollars to cover damages. Plaintiff refused to accept the tender and kept the cows for two days. As the detention of the cows was wrongful, plaintiff was under duty to exercise care of the cows and dispose of the milk received from the cows, and account to defendant for the proceeds. *Fleetham v Therres*, 92 M 500, 100 NW 377.

**346.16 RUNNING AT LARGE; DEFINED; PROHIBITED; TREBLE DAMAGES.**

While crossing a public highway traversing a farm, horses going from an enclosure on one side of the road to the barnyard on the other side are not running at large, although no one was in charge of them while upon the road. *Lackey v Peterson*, 161 M 315, 201 NW 428.

Where plaintiff was injured at night by driving his automobile against the carcass of a horse which had just been killed in a collision with a truck, the jury might well find that the negligent permitting of the horse at large in the vicinity of the highway was a proximate cause of the injury to plaintiff. *Wedel v Johnson*, 196 M 170, 264 NW 689; *Serr v Biwabik Concrete Co.* 202 M 165, 278 NW 355.

**346.19 CERTAIN MALE ANIMALS OR BREACHY CATTLE.**

Subd. 1, amended by L. 1947 c. 448 s. 1.