

# Legal Q&A: What if my horse busts out?

Question: My horse recently escaped from my pasture, and was discovered several hours later by a neighbor. I was able to rush home and return him to the pasture, but it worried me to think what the consequences would be should he have been hit by a car. What are the legal ramifications of that situation?



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While most horse owners are diligent in maintaining their fence lines and paddocks, many owners are less than vigilant in keeping their horses from wandering off their property. Oftentimes, there is little more than annoyance associated with a horse briefly wandering onto the neighbor's property, but we all know of cases where horses have been struck by cars after wandering onto a near-by road with fatal results to the horse and car occupants. Not only are these situations tragic, but the horse owner - or other person boarding the horse - might be

subject to three times the actual damages caused by the trespassing horse under Minnesota law.

Minnesota law specifically addresses incidents involving trespassing horses. For example, one Minnesota statute provides as follows:

The herding of any animal of the species of cattle, horse, ass, mule, sheep, swine, or goat upon any land over the protest and against the will of the owner shall be deemed a running at large.

It shall be unlawful for any owner or any person having the control of any such animal to permit the same to run at large in the state.

Any person who shall knowingly permit the running

at large of any such domestic animal shall be liable to the person aggrieved for treble damages sustained by the aggrieved person, to be recovered in a civil action brought for that purpose.

Similarly, another Minnesota statute provides that "in case the owner or occupant of lands shall not restrain the animals or fowls doing damage as provided herein, then any person who shall knowingly permit the running at large or trespass of any such domestic animal or fowl within any city, shall be liable to the person aggrieved for treble the damages sustained, to be recovered in a civil action."

In short, a horse escaping as a result of an open pasture gate or inadequate fence which is ultimately struck by a car is particularly problematic. Not only is the horse likely to be seriously injured or killed, but the owner or other person keeping the horse may subject to three times the actual damage caused to the car and its occupants. While the driver may ultimately be responsible for causing such an accident depending on the circumstances, this is cold comfort to the owner of the horse struck by the vehicle.

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