

December 1, 1966

Honorable E. H. Quigg
Executive Secretary
Missouri Boat Commission
P. O. Box 603
Jefferson City, Missouri



Dear Mr. Quigg:

This letter is in response to your request for advice. You state that a water patrolman in the course of his duties recovered property from floodwaters of the Little Platte River in the vicinity of Smithville, Missouri. You indicate the property may have a value in excess of ten dollars. You inquire as to the proper legal method of disposition of this property.

Chapter 420, RSMo 1959, contains the laws relevant to the disposition of property lost upon any river.

Section 420.090 sets forth the duties of the finder where the property exceeds the value of ten dollars. This section provides as follows:

"Whenever any such property shall be taken up and secured, if the same exceed the value of ten dollars, the taker-up shall forthwith go before some magistrate of the county and make oath that the property was wrecked or lost, without the consent of the owner as he believes, and was in a perishable condition, and that he was not directly or indirectly instrumental in causing the property to be wrecked, lost, set adrift, or placed in a perishable condition, and shall also state, upon oath, an exact account of the quantity and quality of such property, and the time that such property was taken up, and that he has not secreted or disposed of, directly or indirectly, any part thereof."

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Section 420.130 provides that where the property is valued at more than ten dollars but less than one hundred dollars the magistrate shall direct the sheriff to sell it.

Section 420.170 provides that if no complainant appears within six months, the money from the sale shall be paid into the county treasury.

If there should be doubt as to the value of the property, we call your attention to Section 420.260, which provides the method for ascertaining the value of the property found.

If it should be found that the property has a value less than ten dollars, then it may be disposed of under the provisions of Section 420.070, which are as follows:

"When any person shall take up and secure any such property of less value than ten dollars he may retain and dispose of the same to his own use, if the owner shall not claim the same within one year after the taking up."

The aforementioned statutes are the laws covering the disposition of lost property found upon a river of the state.

Yours very truly,

NORMAN H. ANDERSON
Attorney General