

BY - LAW

LOWER KOOTENAY BAND

The Council of the Lower Kootenay Band of Indians at a meeting held at . . .Creston, .B. C.. on the . . . 19. . . . day of .December. 19. 69.

make the following By-law pursuant to Paragraph (o) of Section 80 of the Indian Act.

BY-LAW Number 1

- 1. A by-law to provide for the preservation, protection and management of game, game birds and water fowl on the Lower Kootenay Indian Reserves No. 1A, No. 1B, No. 1C, No. 2, No. 3, No. 4, and Wynndell No. 5 in the Province of British Columbia.
2. No person shall be permitted to hunt or carry hunting equipment in the above reserves without first obtaining a written permit to so do from the person or persons authorized by the Council of the Band to grant such permission.
3. Permits to hunt may be obtained only on production of a valid and subsisting British Columbia Hunting License and a Migratory Game Bird Hunting Permit where applicable.
4. Such permit to hunt shall be subject to a fee established from time to time by resolution of the Council of the Band.
5. Open seasons, bag limits, possession limits and all other matters with respect to hunting not provided for in this by-law shall be, with respect to migratory birds, as set out in the regulations for the Province of British Columbia, made under the authority of the Migratory Birds Convention Act, and with respect to other game, as provided in the regulations made under the British Columbia Game Act for the contiguous provincial lands.

6. The Chief and Councillors of the Band, the Band Manager, Indian constables, the Royal Canadian Mounted Police, a Conversation Officer for the Province of British Columbia and any other persons named by the Council of the Band shall be ex-officio officers for the enforcement of this by-law.

7. Any officer for the enforcement of this by-law shall forthwith seize all game which

(a) is found by him in possession of any person who is not in possession of a permit issued under Section 2 .

(b) appears to have been taken by some unlawful means; and shall bring such game before a police magistrate, stipendary magistrate, or person appointed by the Governor in Council to be a justice of the peace for offences under the Indian Act.

8. Where a person is convicted of an offence under this by-law the convicting Court or Judge may order that the game in addition to any penalty imposed, are forfeited to Her Majesty the Queen for the benefit of the Band.

9. Any person who violates the provisions of this by-law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred dollars or imprisonment for a term not exceeding thirty days, or both fine and imprisonment.

* * * * *

Signed in the presence of:

Josée Basil
Chief Councillor

Mary Basil
Councillor

Stanley White
Councillor

1. No person shall permit any livestock such as, ass, boar, bull, bullock, calf, goat, heifer, horse, jackass, lamb, mule, ox, pig, ram, sheep, sow, or stallion owned by him or reputed to be in his care or possession to run at large on any part of the Lower Kootenay Indian Reserve, in the Province of British Columbia shall be liable to be impounded as hereinafter provided.
2. The Chief or some other person duly appointed by the Council of the Band shall be Poundkeeper for the Reserve, and such Poundkeeper shall supply sufficient feed and water to any animal impounded as provided by section 4.
3. The Poundkeeper shall keep a book in which he shall record a description of all animals impounded with date of impounding, damage claimed (if any). Date issued or sold, and disposal of proceeds.
4. Anyone finding any animal running at large on the Reserve, contrary to the provisions of section 1, may deliver the same to the pound whether the name and address of the owner or reputed owner of such animal shall be known or not, and for so delivering same shall be entitled to remuneration as follows.
 - (A) For the delivering of each stallion, jackass, or bull(\$5.00)
 - (B) For the delivery of each other animal (\$3.00) but not more than (\$25.00) for one impoundment.
5. The Poundkeeper shall within two days after the impounding of any animal, post a notice of same in at least three conspicuous places on or adjoining the Reserve, and may advertise the same in two successive issues of the local newspaper (if any) If the owner or person reputed to have charge of the animal is known, the Poundkeeper shall notify such owner or person in writing.
6. The owner or any person having any animal in his care and possession may redeem any impounded animal by the payment of fees and damages as provided in section 7.
7. The following fees and damages (if any) shall be recovered by the Poundkeeper, together with the remuneration mentioned in section 4 before releasing the impounded animal from the pound.
 - (A) for REceiving into pound each stallion, jackass, or bull, (\$5.00)
 - (B) For receiving into pound each other animal (\$3.00) but not more than (\$25.00) for one impoundment.
 - (C) For the Maintenance of each stallion, jackass or bull, (2.50) per day.
 - (D) For the maintenance of each other animal (1.50) a day.
 - (E) For notifying the owner or person reputed to have charge of the animal or animals impounded (1.00).
 - (F) For advertising - actual cost.
 - (G) For posting notices of animals impounded, each notice to include all animals impounded at one distress or seizure (\$2.00).
 - (H) For posting notices of sale, each notice to include all animals impounded at one distress or seizure (\$2.00).

- (I) For each mile necessarily travelled in performance of his duties (\$.15) per mile.
- (J) For selling impounded animals- 3% of the amount realized.
- (K) For damages done by an animal at large - the amount of the actual damage assessed, which shall be paid to the person intitled hereto.

8. When an animal has not been redeemed from the pound within twelve days after notice of impoundment has been given as provided for in section 5, the said animal shall be sold by public auction after the notice of such sale has been posted for fourteen days in three conspicuous places within reasonable distance of the said pound, and at such sale the Poundkeeper or an auctioneer chosen by him shall be auctioneer and such sale shall be held at the pound and shall commence at 2 o'clock in the afternoon standard time.

9. The proceeds of any impounded animal sold as provided by section 8. shall, after deducting fees, charges and damages assessed (if any) as provided by section 4 and 7, be paid to the owner, or if not claimed at the time of such sale, shall be paid forth with to the Indian superintendent of the agency in which the Reserve is situated, and any money so paid shall be returned to the owner of the animal sold on satisfactory evidence being furnished as to ownership and application therefore being made to the superintendent within two months from the date of sale, otherwise such proceeds shall be placed to the credit of the funds of the Band.