



DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

BAND COUNCIL RESOLUTION

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| Chronological No. 573/3-6-4 Resolution #26/66-67 |
| H.Q. Reference |

NOTE: The words "From our Band Funds" must appear in all resolutions requesting expenditures from Band Funds.

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|----------------|---------------|-------|---------------------------|
| COUNCIL OF THE | Peguis | BAND | FOR HEADQUARTERS USE ONLY |
| AGENCY | Fisher River | | |
| PROVINCE | Manitoba | | |
| PLACE | Agency Office | | |
| DATE | sixth | March | |
| | DAY | MONTH | YEAR |

DO HEREBY RESOLVE:

The Council of the Peguis Band of Indians at a meeting held March 6, 1967, makes the following by-law pursuant to paragraph (e) and (R) of Section 80 of the Indian Act.

By-law No. 1

A by-law to provide for the protection against and prevention of trespass by cattle and other domestic animals, the establishment of pounds, the appointment of pound-keepers, the regulation of their duties and the provision for fees and charges for their services as outlined in the attached appendix A.

- Any person who violates any of the provisions of this by-law shall be guilty of an offence and shall be liable to pay fines and penalties as imposed on the attached appendix A.

RECOMMENDED
REGIONAL DIRECTOR
OF INDIAN AFFAIRS
MANITOBA

| | | |
|-----------------------|---|-----------------------|
| (Councillor) | <i>[Signature]</i> (Chief) | (Councillor) |
| (Councillor) | <i>[Signature]</i> (Councillor) | (Councillor) |
| (Councillor) | <i>[Signature]</i> (Councillor) | (Councillor) |
| (Councillor) | <i>[Signature]</i> (Councillor) | (Councillor) |

| FOR HEADQUARTERS USE ONLY | | | | | |
|---------------------------|---------------------|------------|--|---------------------------------|---|
| 1. TRUST ACCT | 2. CURRENT BALANCES | | 3. Expenditure | 4. Authority Indian Act Sec. | 5. Source of Funds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue |
| | A. Capital | B. Revenue | | | |
| \$ | \$ | \$ | | | |
| 6. Recommended | | | 7. Approved | | |
| Date | | | Date | | |
| Authorized Officer | | | Assistant Deputy Minister, Indian Affairs | | |

BY-LAW NO. 1

APPENDIX "A "

HERD AND POUND

BY-LAW BEING

BY-LAW No. 1

OF THE PEGUIS INDIAN RESERVE

Being the Herd and Pound Laws of the Peguis Indian Reserve.

WHEREAS in the opinion of the Chief and Council of the Peguis Indian Reserve, it is expedient to make a Herd and Pound Laws for the said Peguis Indian Reserve.

NOW THEREFORE, the Chief and Council of the Peguis Reserve in session assembled, enact as follows:

1. That it shall not be lawful to allow any cattle, horses, sheep, swine, goats, geese or poultry of any description or age to run at large at any time of year within the limits of the Peguis Indian Reserve.
2. That any animal or fowl found trespassing upon any land or premises shall be liable to be impounded and such animal or fowl may be sold under the Band Council Resolution, unless the damage caused by such animal or fowl so trespassing be sooner paid.
3. Nothing in this By-Law shall prevent any person sustaining damages by reason of any breach of this By-Law from recovering compensation in any Court of competent jurisdiction from any person owning or having the custody of any animal through which such damage has been caused.
4. Any animal or fowl found at large contrary to the provisions of this By-Law or any other Band Council Resolution shall be liable to be impounded and sold according to the provisions of the Band Council Resolution, unless the lawful pound fees and damages if any are sooner paid.
5. There shall be established as many pounds in the Peguis Indian Reserve as the Chief and Council and Agriculture Committee shall from time to time deem necessary, and such Pounds shall be situated upon the premises of the respective pound-keepers appointed to carry out the provisions of this By-Law.
6. The pound-keepers shall have pounds of sufficient extent and sufficiently enclosed and fenced to prevent the escape of impounded animals or fowl, and the pound-keepers shall be liable for the escaping of any animal or fowl from the Pound and for the expenses in connection therewith.
7. The pound-keeper shall maintain and keep the said pounds out of the fees and charges hereinafter mentioned and the said Pounds shall not be made a charge upon the Reserve for the maintenance, support and keeping of the same in any manner whatsoever.

8. I. Where animals or fowl are impounded, the pound-keeper shall immediately after the impounding and before the sale thereof, cause to be posted, a notice describing the animals or fowl impounded, the age as nearly as possible, sex and color, with brand or any mark of identification, which notice may be as follows:

Reserve Pound No. on section in
Range No. (or as case may be) Impounded on day
of 19 (Kind of animal or fowl and number of same),
Color Age (Brand or mark of identification).
Found - keeper (Signature)

II.. Impounded animals or fowl, when not claimed, shall, before being sold, remain in pound for fifteen days or for such longer period as the resolution provides.

III. Where animals or fowl impounded are sold by reason of not being claimed the proceeds after deducting expenses, shall be handed to Agricultural Committee to be retained by them in a special account for one year when, if not claimed, they shall go to the general funds of the Agricultural Committee. If the proceeds are not sufficient to pay all expenses the balance thereof, may be recovered with costs as a debt due to the Agricultural Committee from the owner of such animals or fowl, in which case the production of a statement of the amount of such proceeds, the amount of such expenses and the balance owing purporting to be certified by the Agricultural Committee shall be evidence of the debt.

8. III The Agricultural Committee shall pay to the pound-keeper any balance of expenses that have been personally incurred by him, and for which he has not been reimbursed from the proceeds of the sale or otherwise.
9. No pound-keeper shall directly or indirectly become the purchaser of any animals or fowl sold by authority of this By-Law.
10. No pound-keeper shall in order to make a sale of any impound animals be required to take out any Auctioneer's license or other license.
11. It shall be the duty of the pound-keepers on demand and upon a statement that such animals as are not permitted to run at large were found straying running at large or trespassing in contravention of this By-Law is to receive and impound such animals or fowl.
12. The pound-keeper shall notify the owner or keeper or bailee of any animals impounded within 24 hours, if such be known, and if not known, the pound-keeper shall immediately put up notices at the Pound Gates and at the local Post Offices within 24 hours giving description of animals as near as may be.
13. Upon the receipt of the pound-keeper's fee the Pound-keeper shall forthwith release the impounded animals provided no damages are claimed. If damages are claimed, the pound-keeper shall in addition to his own fees receive either a cash deposit or an approval joint promissory note for the amount claimed for damages and reasonable costs of dispute before he releases the impounded animals.
14. If the amount of the damages cannot be agreed upon between the parties, the dispute shall be dealt with by arbitration. The owner or keeper of the impounded animals shall appoint one arbitrator and the owner or keeper of the property claimed to be damaged shall appoint one arbitrator and the Agricultural Committee or the Councillor of the area in which the Pound is situated shall appoint a third arbitrator.
15. The three arbitrators thus appointed shall forthwith appraise the damage and make an award in writing with such terms and conditions as to costs as they shall think proper signed by at least two of them and the said award shall be delivered to the pound-keeper. If the disputing parties previously agreed in writing to abide by the decision of the arbitrators there shall be no appeal from such award, and the pound-keeper shall then forthwith after having received the written award pay the amount of such award to the person entitled thereto, from the monies deposited with him, or if only a promissory note has been made and deposited with the pound-keeper the same may be assigned to the person entitled to the award. The pound-keeper shall in no case be responsible to anyone for any greater sum of money or for any security other than that deposited with him in this behalf.
16. Each arbitrator shall be entitled to be paid for his services a fee of one dollar for the award and the certificate thereof duly delivered to the pound-keeper, and ten cents for every mile necessarily travelled by him in making the award.
17. Every arbitrator must be a disinterested party living within a radius of five miles of the Pound in which the animals in respect of which he proposed to arbitrate, are impounded.
18. No person shall be entitled to a fee for delivering any animal or animals to a pound-keeper.
19. It shall be the duty of the pound-keeper to care for and properly feed all animals impounded and to suitably segregate all stallions, boars, bulls and rams. If milk cows are impounded the pound-keeper shall milk the same twice a day and shall be entitled for so doing to keep the milk for his own use.

20. Any person who leaves open any gate or lets down any bars or makes any gap in any fence for the purpose of permitting any animals to trespass or otherwise cause any animal to trespass shall be guilty of an infraction of this By-Law.

21. In the event of a pound-keeper failing to discharge his duties hereunder, he shall be guilty of an infraction of this By-Law.

22. The pound-keeper shall enter in a book, kept for the purpose, the number and description of every animal impounded by him with the name of the person who delivered the same the day and the hour in which the same was received, redeemed or sold, and the amount of damages, costs and fees paid by the party redeeming same, or the proceeds of the sale (if made) and he shall make all entries therein as soon as possible after doing each thing required by this By-Law. Such pound book and a copy of this By-Law which the pound-keeper is hereby required to keep, shall at all reasonable times be open for inspection of any person free of charge.

23. The Pound-keeper shall make returns to the Secretary-Treasurer of the Municipality in writing of the number and description of all animals received by him, with the names of the persons taking the same to the Pound, the day in which received by him, redeemed or sold, and the amount received for damages, costs and fees. Such return shall be made once per annum or oftener as required by the Council.

24. The charges and fees to be taken and kept by the pound-keepers for impounding and keeping animals shall be as follows: -

| | | |
|--|-----|--------|
| For each head of poultry per day | ... | \$.25 |
| For each horse, gelding, mare or mule per day | ... | \$2.00 |
| For each stallion per day | ... | \$4.00 |
| For each bull per day | ... | \$4.00 |
| For each hog per day | ... | \$2.00 |
| For each ram or other sheep per day | ... | \$.50 |
| For each goat per day | ... | \$.50 |
| For each cow or cow with calf per day | ... | \$1.00 |
| For each calf per day | ... | \$.50 |
| For all other cattle per day | ... | \$1.00 |
| For each notice to owner or keeper of impounded animals, including verbal notice | ... | \$1.00 |
| For each mile necessarily travelled to serve such notice | ... | \$.20 |
| For each advertisement of sale and conduct of sale | ... | \$2.00 |

25. That amendments can be made from time to time at the discretion of the Chief and Council on advice of the Agricultural Committee in respect to making this By-Law more beneficial and effective.

Band Council Resolution passed by Chief and Council of the Peguis Reserve on this Sixth day of March 1967.

A. E. Thompson
Chief

Councillors:

John A. ...
Walter ...
Le ...