

The Council of the PABINEAU Band of Indians at a meeting held this 5 day of FEB 1928 make the following by-law pursuant to paragraphs (e) and (r) of Section 80 of the Indian Act.

BY-LAW NO. 1

*Revoked March 16, 1970*

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 on PABINEAU Indian Reserve No. 11 in the Province of NEW BRUNSWICK

1. This by-law may be cited as the Pound By-Law.
2. In this by-law
  - (a) "animal" means a domestic animal and includes any ass, boar, bull, bullock, calf, cow, goat, heifer, horse, jackass, lamb, mule, ox, pig, ram, sheep, sow or stallion;
  - (b) "band" means the PABINEAU Band of Indians;
  - (c) "council" means the Council of the Band;
  - (d) "pound" means any enclosure kept on the reserve for the purpose of this by-law;
  - (e) "pound-keeper" means any person appointed by the council for the purpose of this by-law;
  - (f) "reserve" means PABINEAU Reserve No. 11;
  - (g) "run at large" or "running at large" means an animal that is off the premises of its owner and is not under the immediate continuous and effective control of some person;
  - (h) "Superintendent" means the Superintendent of the ~~Alamouchi~~ Indian Agency Chatham N.B.

- (i) Words importing male persons include female persons; and
  - (j) words in the singular include the plural, and words in the plural include the singular.
3. (1) The Council may appoint one or more pound-keepers for the reserve who shall hold office during the pleasure of the council.
- (2) Every pound-keeper shall keep a pound book which shall at all times be open to inspection of the council or any member thereof.
- (3) A pound book shall contain entries showing a description of all animals impounded, the date and time of impoundment, the name and address of the impounder, the date and time the animals were redeemed or sold, a record of all fees and charges collected, and the name and address of the person to whom any animals were sold.
4. A pound-keeper shall, upon his removal from office or upon the acceptance of his resignation, deliver forthwith the pound book to the council or any member thereof.
5. (1) A pound-keeper, at his own expense, shall
- (a) maintain a clean pound in good repair, and
  - (b) supply the impounded animal with sufficient and wholesome sustenance.
- (2) No pound-keeper is liable for milking or allowing to be milked any cow or female goat while such cow or female goat is impounded, or for disposing of the milk as he sees fit.
6. No person shall permit any animal owned by him to run at large on the reserve.
7. Any person may
- (a) capture an animal running at large on the reserve, and
  - (b) drive, lead, take or convey such animal to the nearest accessible pound.

8. (1) The person impounding an animal shall provide the pound-keeper at the time of the impoundment with
  - (a) a description of the animal,
  - (b) the name of the owner of the animal, if known, and
  - (c) the description of the location where the animal was found.
- (2) Before releasing the animal to the owner, the pound-keeper may demand and is entitled to receive
  - (a) all lawful fees and charges provided in the attached schedule for the keep of the animal, and
  - (b) all lawful fees and charges provided in the attached schedule that may be due to the impounder.
- (3) The pound-keeper shall upon receipt remit the moneys referred to in paragraph (b) of subsection (2) to the person entitled thereto.
9. (1) If the owner of an impounded animal is known to the pound-keeper, the pound-keeper shall cause a notice of impoundment in the form set out in the attached schedule to be delivered forthwith to the owner at his place of residence.
- (2) If the residence of the owner is situated more than ten miles from the pound or is for any reason not readily accessible, the notice may be sent by mail.
- (3) If the owner of the animal impounded is not known to the pound-keeper, the pound-keeper, within two days after the impounding of the animal shall
  - (a) post a pound notice in the form set out in the attached schedule in at least three conspicuous places on or adjoining the reserve, and
  - (b) place in two successive issues of a local newspaper, if any, an advertisement which shall contain a correct description of the animal and shall give the place and time of sale of the animal if not redeemed.

10. (1) If the known owner of an impounded animal does not redeem it
    - (a) within three days after the delivering of the notice of impoundment or
    - (b) within ten days after the mailing of the notice of impoundment, the pound-keeper shall post a notice of sale in the form set out in the attached schedule in three conspicuous places on or adjoining the reserve.
  - (2) On the day the notices are posted, the pound-keeper shall send by registered mail, to the owner of the impounded animal a copy of the notice of sale.
  - (3) After the notices of sale have been posted for six days, the pound-keeper shall sell the impounded animal by public auction in accordance with the provisions of this by-law.
11. (1) Where
    - (a) the owner of an impounded animal is not known and the pound-keeper has taken the necessary steps prescribed by this by-law to locate the owner, or
    - (b) the name of the owner is subsequently made known but the impounded animal is not redeemed in accordance with the pound notice,

the pound-keeper shall sell the animal by public auction at the time and place mentioned in the advertisement and in the pound notice as posted.
  - (2) No such animal shall be sold at a date earlier than fourteen days from the time of posting the pound notices.
12. (1) The sale of impounded animals shall take place between the hours of 9 o'clock in the forenoon and 3 o'clock in the afternoon, as may be determined by the pound-keeper.
  - (2) The time of sale of impounded animals shall be set up in all notices of sale.
13. (1) The pound-keeper shall be the auctioneer at all sales of impounded animals.
  - (2) The pound-keeper shall be entitled to receive a fee of  $2\frac{1}{2}$  percent of the amount realized from the sale of each animal.

14. (1) The proceeds from the sale of an impounded animal sold under the provisions of this by-law shall be applied
    - (a) firstly, in payment of all lawful fees and charges due to the pound-keeper, and
    - (b) secondly, in payment of all lawful fees and charges due to the impounder.
  - (2) The balance of the proceeds of the sale shall be paid forthwith
    - (a) to the owner of the animal, if known, or
    - (b) to the Superintendent, if the owner of the animal is not known.
  - (3) If the person who was the owner of the animal immediately prior to the sale makes application to the Superintendent within one month from the date of the sale and produces evidence of title to the animal which, in the opinion of the Superintendent, is satisfactory, any moneys forwarded to the Superintendent from the sale of the animal shall be paid to such person.
  - (4) If within one month of the date of the sale no claim is made for the money sent to the Superintendent, the money shall thereupon be deposited to the funds of the band and no claim shall thereafter be recognized.
15. Any person who,
- (a) destroys or damages or attempts to destroy or damage a pound,
  - (b) interferes or attempts to interfere with a pound-keeper in the performance of his duties,
  - (c) wilfully causes any animal to run at large on the reserve, or
  - (d) rescues or attempts to rescue an animal from an impounder or from the pound,
- is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding thirty days or to both fine and imprisonment.
16. A pound-keeper who
- (a) omits or neglects to keep books and make entries as required by this by-law or makes any incorrect or untrue entry in such books,
  - (b) fails to give any notice required by this act,
  - (c) neglects to give a description to the best of his ability of an impounded animal in any notices as required, or
  - (d) fails to supply an impounded animal with sufficient and wholesome sustenance,

is guilty of an offence and liable on summary conviction to a fine not exceeding thirty dollars or to imprisonment for a term not exceeding ten days or to both fine and imprisonment.

- 17. No action lies against a pound-keeper where the pound-keeper has exercised the duties and rights imposed upon him by this by-law.

Chief: Gilbert Sewell Spokesman

Councillors:

<u>Norman Luke Paul</u>	<u>Yvonne Prisk</u>
<u>Peta Sewell</u>	<u>Rebecca Prisk</u>
<u>Mrs Gilbert Sewell</u>	<u>Elizabeth Prisk</u>
<u>Ernie Jean Sewell</u>	<u>Joseph Prisk</u>
<u>Hector Prisk</u>	<u>Wm. John Paul</u>
<u>John L. Paul</u>	<u>Daniel Sewell</u>

SCHEDULE

FEES

The following and no other fees shall be charged:

1. To the impounder:
  - (1) For impounding each stallion, jackass or bull \$10.00
  - (2) For impounding each other animal .50
2. To the pound-keeper:
  - (1) For receiving into pound each animal .50
  - (2) To provide care and sustenance for each animal for each day or fraction of a day such animal is impounded
    - (a) for each stallion, jackass or bull .75
    - (b) for each other animal .30
  - (3) For notifying the owner of the impoundment where the owner is known .10
  - (4) For posting pound notices where the owner is unknown 1.00
  - (5) For advertising - the amount actually expended by him
  - (6) For posting notices of sale 1.00
  - (7) For postage, exchange and money-order charges or transmission of the proceeds of the sale - the amount actually expended
  - (8) For each mile necessarily travelled in the performance of his duties .10
3. A pound-keeper is entitled to remuneration for the care and sustenance of any animal for a period not exceeding twenty days which remuneration shall not exceed the allowable charges for that class of animal set out in this schedule.