

By-Law # 2
Oct. 19, 1960



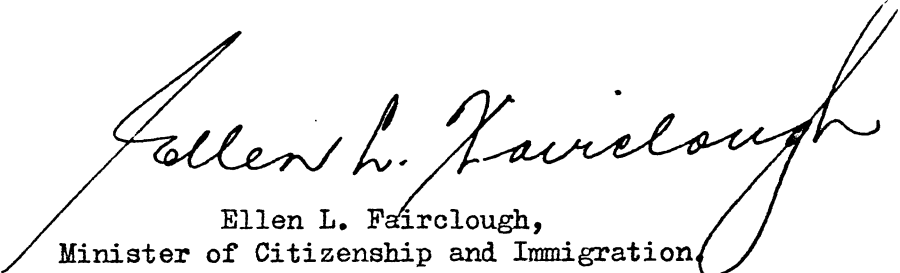
CANADA

MINISTER OF CITIZENSHIP AND IMMIGRATION

I HEREBY declare the following by-law made by the Council of the Cold Lake Band of Indians in the Province of Alberta, at a meeting held October 19, 1960, to be in force:

By-law No. 2 - 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 Cold Lake Indian Reserves Nos. 149, 149A and 149B, in the Province of Alberta.

Dated at Ottawa this 3rd day of November, 1960.


Ellen L. Fairclough,
Minister of Citizenship and Immigration.

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The Council of the Cold Lake Band of Indians at a meeting held this nineteenth day of October 1960, makes the following by-law pursuant to paragraphs (e) and (r) of Section 80 of the Indian Act.

By-law No. 2

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 poundkeepers, the regulation of their duties and the provision for fees and charges for their services on Cold Lake Indian Reserves Nos. 149, 149A and 149B, in the Province of Alberta.

1. This by-law may be cited as the Pound By-law.
2. In this by-law
 - (a) "animal" means any pig, cattle, goat, horse, ass, mule, sheep, stallion, bull, ram or boar;
 - (b) "band" means the Cold Lake Band of Indians;
 - (c) "council" means the Council of the Band;
 - (d) "owner" means a person owning an animal or the representative of such person;
 - (e) "pound" means any enclosure kept on the reserve for the purposes of this by-law;
 - (f) "poundkeeper" means any person appointed by the council for the purposes of this by-law;
 - (g) "prescribed" means prescribed by the council;
 - (h) "reserve" means Cold Lake Indian Reserves Nos. 149, 149A and 149B or any part thereof;
 - (i) "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;
 - (j) words importing male persons included female persons; and
 - (k) words in the singular include the plural, and words in the plural include the singular.
3. (1) Subject to subsection 2, the running at large of any animal on the reserve is prohibited.
- (2) Where the owner of an animal is a member of the band he may allow such animal to run at large on the reserve at any time during the period commencing the first day of November and ending the thirtieth day of April.

4. (1) The council may appoint one or more poundkeepers for the reserve who shall hold office during the pleasure of the council.
(2) Every poundkeeper 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 damages claimed, if any, the date and time the animals were redeemed or sold, a record of all fees, charges and damages collected, and the name and address of the person to whom any animals were sold.
5. A poundkeeper 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.
6. (1) A poundkeeper, 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 poundkeeper 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.
7. (1) Any person may
 - (a) capture an animal running at large on the reserve contrary to the provisions of this by-law, and
 - (b) drive, lead, take or convey such animal to the nearest accessible pound.(2) A poundkeeper shall not himself capture and impound any animal except an animal found upon his own premises.
8. (1) At any time before an animal is actually delivered to a poundkeeper, the owner of the captured animal is entitled to require the animal to be delivered up to him forthwith upon paying the amount claimed by way of damages to the person in possession of the animal.
(2) If the owner and the impounder fail to agree as to the amount payable, the animal shall be delivered forthwith to a poundkeeper who shall impound the animal.

9. (1) The person impounding an animal shall provide the poundkeeper at the time of the impoundment with
 - (a) a description of the animal,
 - (b) the name of the owner of the animal, if known,
 - (c) the description of the location where the animal was found, and
 - (d) the amount of damages claimed, if any.(2) Before releasing the animal to the owner, the poundkeeper may demand and is entitled to receive
 - (a) all lawful fees and charges provided in the attached schedule for the keep of the animal,
 - (b) all lawful fees and charges provided in the attached schedule that may be due to the impounder, and
 - (c) the moneys claimed for damages caused by the animal.(3) The poundkeeper shall upon receipt remit the moneys referred to in paragraphs (b) and (c) of subsection (2) to the person entitled thereto.
10. Where the owner of the animal and the impounder of the animal are unable to agree on the amount of the damages caused by the animal on or to the premises of the impounder, the matter shall be referred by the owner or impounder, or both, to the council who shall determine the question forthwith.
11. Notwithstanding anything to the contrary in this by-law the maximum amount of money that an impounder may claim and recover under this by-law from an owner for damages caused by the animals of such owner on or to the premises of the impounder is one hundred dollars.
12. (1) A poundkeeper shall retain any animal lodged in his pound until the damages for which it is impounded, the pound fees and charges and all lawful fees and charges due to the impounder are paid.
 - (2) Where an owner has one or more animals impounded at the same time, he shall pay the pound fees and charges, the fees and charges due to the impounder and the damage claims in respect of all the impounded animals before he may have any animal released from the pound.
13. (1) If the owner of an impounded animal is known to the poundkeeper, the poundkeeper shall cause a notice of impoundment in the form prescribed 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 poundkeeper, the poundkeeper, within two days after the impounding of the animal shall
 - (a) post a pound notice in the form prescribed 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.
14. (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 poundkeeper.
 - (2) The time of sale of impounded animals shall be set up in all notices of sale.
15. (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 poundkeeper shall post a notice of sale in the prescribed form in three conspicuous places on or adjoining the reserve.
 - (2) On the day the notices are posted, the poundkeeper 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 poundkeeper shall sell the impounded animal by public auction in accordance with the provisions of this by-law.
16. (1) Where
 - (a) the owner of an impounded animal is not known and the poundkeeper 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 notice of impoundment,the poundkeeper shall sell the animal by public auction at the time and place mentioned in the advertisement and in the notice of impoundment as posted.
 - (2) No such animal shall be sold at a date earlier than fourteen days from the time of posting the notices of impoundment.
17. (1) The poundkeeper shall be the auctioneer at all sales of impounded animals.
 - (2) The poundkeeper shall be entitled to receive a fee of $2\frac{1}{2}$ per cent of the amount realized from the sale of an animal or the amount set out in the attached schedule in respect of the sale of the animal, whichever is the greater.

18. (1) The poundkeeper shall sell only such animals as are necessary to realize sufficient moneys to satisfy the claims for damages, together with the fees and charges according to this by-law, and the owner is thereupon entitled to have the remaining unsold animals released to him by the poundkeeper.
- (2) If the owner is unknown, the poundkeeper shall sell all the animals impounded.
19. (1) The poundkeeper may place on any animal a reserve bid not exceeding the total amount of the fees and charges lawfully due under this by-law, exclusive of any damage claim.
- (2) If no bidder presents himself at the sale within one hour from the time set for its commencement, or if no bids are received, the poundkeeper becomes the owner of the animal.
- (3) Notwithstanding anything in this by-law, where the poundkeeper becomes the owner of any animal pursuant to subsection (2) the finder of the animal shall not be entitled under this by-law to any remuneration, fees or charges with respect to such animal.
20. (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, and
 - (b) secondly, in payment of the damage claim, if any.
- (2) The balance of the proceeds of the sale, if any, shall be paid forthwith
 - (a) to the owner of the animal, if known, or
 - (b) to the Superintendent of the reserve, if the owner of the animal is not known.
- (3) Upon application being made to the Superintendent of the reserve by the owner of the animal within one month from the date of the sale and upon production of satisfactory evidence of title to the animal, any moneys forwarded to the Superintendent of the reserve from the sale of the animal shall be paid to the owner of the animal.
- (4) If within one month of the date of the sale no claim is made for the money sent to the Superintendent of the reserve, the moneys shall thereupon be deposited to the funds of the band and no claim shall thereafter be recognized.
21. Any person who,
 - (a) destroys or damages or attempts to destroy or damage a pound,
 - (b) interferes or attempts to interfere with a poundkeeper in the performance of his duties,

(c) wilfully causes any animal to trespass on cultivated land, any stack of hay, feed or grain, 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.

22. A poundkeeper 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.

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

24. Except where otherwise stated, nothing contained in this by-law shall be deemed to deprive a person of any action, right or remedy that he may otherwise have according to law.

25. The council may prescribe such forms as are required for the purposes of this by-law.

26. A by-law providing for the protection against and prevention of trespass by cattle and other domestic animals on Cold Lake Indian Reserves Nos. 149, 149A and 149B in the Province of Alberta, made by the Council of the Cold Lake Band of Indians at a meeting held the 6th January, 1955, pursuant to paragraphs (e) and (r) of Section 80 of the Indian Act is hereby revoked.

Chief: Pierre Metchewain

(Also X marks)
Dominic J. Jago
Councillor

Councillor

Moise Jannin
Councillor

Councillor

LEO CHARLAND

Councillor

Frank Piche
Councillor

SCHEDULE

FEES

The following and no other fees shall be charged:

1. To the impounder:
 - (1) For impounding each stallion, bull, ram, male goat or boar - \$5.00
 - (2) For impounding each other animal - 1.00
2. To the poundkeeper:
 - (1) To provide care and sustenance for each animal for each day or fraction of a day such animal is impounded:
 - (a) for each stallion, bull, ram, male goat or boar - 1.00
 - (b) for each other animal - .50
 - (2) For notifying the owner of the impoundment where the owner is known - .50
 - (3) For posting notices of impoundment where the owner is unknown - .70
 - (4) For advertising - the amount actually expended by him -
 - (5) For posting notices of sale - .70
 - (6) For postage, exchange and money-order charges or transmission of the proceeds of the sale - the amount actually expended -
 - (7) For each mile necessarily travelled in the performance of his duties - .10
 - (8) For the sale of each
 - (a) -
 - (b) -
 - (c) -
 - (d) -
 - (e) -
3. A poundkeeper 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.

NOTICE OF IMPOUNDMENT

(where owner is known)

Post Office _____

Date _____ 19 .

TO: _____ Address _____
(name of owner)

Notice is hereby given under subsection (1) of section 13 of the Pound By-law that a

Class of animal,
Colour,
Brief general description,
giving marks,
probable age, and brand (if any)

was impounded in the pound kept by the undersigned on Cold Lake

Indian Reserve No. _____ on the _____ day of _____ 19 .

(Signature of Poundkeeper)

(Prescribed by the Council of the Cold Lake Band of Indians.)

POUND NOTICE

(where owner is unknown)

TO WHOM IT MAY CONCERN

Notice is hereby given under subsection (3) of section 13 of the Pound By-law that

Class of animal
Colour
Brief description,
giving marks,
Probable age, and brand (if any)

was impounded in the pound kept by the undersigned on Cold Lake Indian Reserve No. _____ on the _____ day of _____ 19 , and will be sold at the pound at _____ on the _____ day of _____ 19 , if not redeemed.
(time)

(Signature of Poundkeeper)

(Prescribed by the Council of the Cold Lake Band of Indians.)

POUND SALE NOTICE

Notice is hereby given under section 15 of the Pound By-law that

Class of animal
Colour
Brief general description,
giving marks,
Probable age, and brand (if any)

was impounded in the pound kept by the undersigned on Cold Lake
Indian Reserve No. _____ on the _____ day of _____ 19 ,
and will be sold at the pound at _____ on the _____ day
(time)
of _____ 19 , if not redeemed.

(Signature of Poundkeeper)

(Prescribed by the Council of the Cold Lake Band of Indians.)



DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
 INDIAN AFFAIRS BRANCH
 BAND COUNCIL RESOLUTION

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

The Council of the..... Cold Lake Band of Indians,
 (Name of Band)
 in the..... Saddle Lake Indian Agency,
 (Name of Agency)
 in the Province of..... Alberta at a meeting, held at Agency Office
 (Name of Province in full) (Name of Place)
 this..... nineteenth day of..... October A.D. 19 60....
 (In Full) (Month)

Do HEREBY RESOLVE: that by-law No. 1 be cancelled as it is being replaced
 by the new pound by-law, No. 2

Pierre Metohewais
 (Chief)

.....
 (Councillor)

Mais Jarrin
 (Councillor)

.....
 (Councillor)

.....
 (Councillor)

Frank Piche
 (Councillor)

.....
 (Councillor)

.....
 (Councillor)

LEO CHAND
 (Councillor)

.....
 (Councillor)

.....
 (Councillor)

H. J. Dominic Jallo
 (Councillor)

.....
 (Councillor)

FOR HEADQUARTERS USE ONLY						
1. TRUST ACCT	2. CURRENT BALANCES		3. Expenditure \$	4. Authority Indian Act Sec.	5. Source of Funds	
	A. Capital \$	B. Revenue \$			<input type="checkbox"/> Capital	<input type="checkbox"/> Revenue
6. Recommended			7. Approved			
Date			Date			
Superintendent, Reserves and Trusts			Director, Indian Affairs			