

The Council of the Blood Band of Indians at a meeting held on the 1st day of June, 1958, makes the following by-law pursuant to paragraphs (f) and (r) of Section 80 of the Indian Act.

By-Law No. 3

A by-law to provide for the construction and maintenance of line fences in the Blood Indian Reserve, in the Province of Alberta.

1. (1) Indians of the Blood Indian Reserve using or occupying land allocated to them for their use by the Blood Band Council, shall make, keep up and repair the fencing of their allotments, and shall also maintain a just proportion of the fence which marks the boundary between them, or if said fence is along a highway right-of-way for which they must accept the responsibility.

(2) A Blood Indian having been allocated unoccupied land by the Council which adjoins occupied land shall be liable to keep up and repair such proportion, and in that respect shall be in the same position as if his land had been occupied at the time of the original fencing, and shall be liable to the compulsory proceedings hereinafter mentioned.
2. Where an Indian allocated land by the Council desires fence viewers to view and arbitrate as to what portion of such fence he shall make, keep up and repair, or as to the condition of an existing line fence and as to repairs being done to the same
 - (a) He may notify (form 1) the adjoining locatee that he will, on a day named, not less than one week from the service of such notice, cause three fence viewers of the reserve to arbitrate in the premises;
 - (b) The Indian locatee so notifying shall also notify (form 2) the fence viewers not less than one week before their services are required;
 - (c) the notices in both cases shall be in writing signed by the person notifying, and shall specify the time and place of meeting for the arbitration, and the said notices may be served by leaving the same at the place of abode of the Indian locatee with some grown-up person residing thereat, or, in case of the land being untenanted, by leaving the notice with any agent of such locatee.
3. An occupant, who is not the Indian allocated the land by Council shall immediately notify the proper locatee and if he neglects so to do shall be liable for all damage caused to the allocatee of such land.
4. The fence viewers shall examine the premises, and if required by either party shall hear evidence, and may examine the parties and their witnesses on oath.
5. (1) The fence viewers shall make an award (form 3) signed by any two of them respecting the matters in dispute and the award shall specify the locality, quantity, description and the lowest price of the fence awarded to be made and the time within which the work shall be done, and shall state by which of the parties or in what proportion the costs of the proceedings shall be paid.

(2) In making the award the fence viewers shall have regard to the nature of the fences in use in the locality, the pecuniary circumstances of the parties and the suitability of the fence to the wants of each of them

(3) Where, from the formation of the ground by reason of streams or other causes, it is, in the opinion of the fence viewers, impracticable to locate the fence upon the line between the lands of the parties, they may locate it either wholly or partly on the land of either of the parties where it seems to be most convenient, but such location shall not in any way affect the rights of the parties in the land.

(4) The fence viewers may have the locality described by metes and bounds.

6. The award shall be deposited in the office of the Superintendent and may be proved by a copy certified by the Superintendent, and notice in writing of its being made shall be given by the Superintendent to all parties interested.
7. (1) The party desiring to enforce the award shall serve upon the locatee of the adjoining land a notice in writing requiring him to obey the award (form 4), and if it is not obeyed within two weeks after service of the notice may do the work which the award directs.

(2) The party entitled to enforce the award may obtain a certificate from the Superintendent of the amount due with costs in respect of such award and shall lodge the same with the Council and if the amount due with costs is not paid within thirty days, such amount shall be a charge against the land liable for the payment thereof.
8. (1) Any person dissatisfied with the award may appeal therefrom to the Council.

(2) The person appealing shall within one week from the time when he was notified of the award, serve upon the fence viewers and all interested parties a notice in writing of his intention to appeal and the notice may be served as other notices mentioned in this by-law.

(3) The person appealing shall also deliver a copy of the notice to the Superintendent who shall immediately notify the Council of such appeal and the Council shall fix a time and place for the hearing of the appeal, and if the Council thinks fit may order such sum of money to be paid by the person appealing to the Blood Indian Agency Trust Account as will be a sufficient indemnity against the costs of the appeal.

(4) The Superintendent shall notify the fence viewers and all parties interested of the time and place of the hearing in the manner hereinbefore provided for the service of other notices under this by-law.

(5) The Council shall hear and determine the appeal and may set aside, alter or affirm the award or correct any error therein, and may examine the parties and their witnesses on oath, and may inspect the premises and may order payment of the costs by either party and fix the amount of such costs.

(6) The decision of the Council shall be final and the award, as altered or affirmed, shall be dealt with in all respects as it would have been if it had not been appealed from.
9. (1) Each fence viewer shall be entitled to the current rate of wage paid road labourers on the reserve for every day's work under this by-law, and a witness shall be entitled to the same compensation.

(2) The Council shall, at the expiration of the time for appeal or after appeal as the case may be, by resolution recommend the payment to the fence viewers for their fees and shall, unless the same be forthwith repaid by the person adjudged to pay the same, place the same as a charge against the property liable for the payment thereof.
10. Any agreement in writing by an Indian locatee respecting a line fence may be filed with the Council of the Band and enforced as if it was an award of the fence viewers.
11. The owner of whole or part of a line fence which forms part of the fence enclosing the occupied or improved land of another person shall not take down or remove any part of such fence,

- (a) without giving at least six months' previous notice of his intention to the Indian locatee of such adjacent enclosure unless such last mentioned locatee, after demand made upon him in writing by the owner of such fence, refuses to pay therefor the sum determined as provided by section 5, or
 - (b) if such Indian locatee will pay to the owner of such fence or part thereof such sum as the fence viewers may award to be paid therefor under section 5.
12. (1) If any tree is thrown down by accident or otherwise across a line fence or in any way in and upon the land adjoining that upon which such tree stood, causing damage to the crop upon such land or to such fence, the Indian locatee on which said tree stood shall remove the same forthwith, and also forthwith repair the fence and otherwise make good any damage caused by the falling of the tree.
- (2) On his neglect or refusal so to do for forty-eight hours after notice in writing to remove the tree the injured person may remove the same in the most convenient and inexpensive manner, and may make good the fence so damaged and may retain such tree to remunerate him for such removal and may also recover any further amount of damages beyond the value of such tree from the person liable to pay it as provided in subsection (2) of Section 7.
- (3) For the purpose of such removal the owner of the tree may enter into and upon such adjoining land doing no unnecessary spoil or waste.
- (4) All questions arising under this section shall be adjusted by three fence viewers of the reserve, the decision of any two of whom shall be binding upon the parties.
13. 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.

Jim Shot on Both Sides
CHIEF

Albert Many Fingers
COUNCILLOR

Harry Big Throat
COUNCILLOR

Pat Eagle Child
COUNCILLOR

Mike Eagle Speaker
COUNCILLOR

Stephen Fox Jr.
COUNCILLOR

Jack Hind Bull
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Jim White Bull
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Fred T. Feathers
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George Fox
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Frank Red Crow
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Alex. G. E. Wolf
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Morris Many Fingers
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