

BY-LAW FOR THE PROTECTION AGAINST AND PREVENTION OF TREEPASS BY CATTLE AND OTHER DOMESTIC ANIMALS, THE ESTABLISHMENT OF A POUND, THE APPOINTMENT OF A POUNDKEEPER, THE REGULATIONS OF HIS DUTIES AND THE PROVISION FOR FEES AND CHARGES FOR HIS SERVICES MADE BY THE COUNCIL OF THE MOHWKS, BAY OF QUINTE BAND OF INDIANS, TYENDINAGA INDIAN RESERVE, IN THE PROVINCE OF ONTARIO, PURSUANT TO THE AUTHORITY OF PARAGRAPH (e) OF SECTION 80 OF THE INDIAN ACT.

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1. (a) No person shall permit any ass, boar, bull, bullock, calf, cow, colt, ewe, filly, gelding, goat, heifer, jackass, lamb, mare, mule, ox, pig, ram, sheep, sow, stallion, or steer owned by him or reputed to be in his care or possession, to run at large on any part of the Tyendinaga Indian Reserve in the Province of Ontario, and any such animal so found at large on the said Reserve shall be liable to be impounded as hereinafter provided.  
  
(b) All bulls over the age of six months, and all stallions over the age of two years, shall be confined by a tether at all times.  
  
(c) When animals are taken into pasture at so much per head, then the owner of the pasture field shall be deemed, for the purpose of this by-law, to be in charge or have in his care, the said animals. However, when the owner of the animals leases a certain portion of land, it shall be fully understood that the lessee assumes full responsibility for the care of his animals.
2. (a) A holder of a Certificate of Possession, a Certificate of Occupation, and any lessee, shall be deemed a temporary poundkeeper for the reserve, and such poundkeepers are empowered to detain any animal found at large on the property under his care, and such poundkeepers shall supply sufficient feed and water to any animal impounded as provided by section 4.  
  
(b) After holding an animal for forty-eight hours, temporary poundkeepers shall deliver such animal to a permanent poundkeeper appointed by the Council of the Band.
3. The poundkeeper shall keep a record of all animals impounded, with a description of such animals and any other pertinent information, the date of impounding, damage claimed (if any), date redeemed or sold, and disposal of the proceeds. This record is to be forwarded to the Superintendent of the reserve as expeditiously as may be.
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 to his own pound or the permanent pound, shall be entitled to remuneration for each delivery as follows:  

Each bull or stallion .....	\$2.00
Each gelding, mare, colt or filly .....	.50
Each cow, steer, heifer, or calf .....	.50
Each boar .....	.50
Each sow or pig .....	.40
Each ram .....	1.00
Each ewe, lamb or sheep .....	.40
Each other animal .....	.50
5. Temporary poundkeepers shall within twenty-four hours after impounding any animal, notify in writing the owner or person reputed to have charge of the animal or animals impounded. If the owner of the animal or animals is not known, and if the owner being known, does not redeem the impounded animals within forty-eight hours, the temporary poundkeeper shall deliver the impounded animals to the permanent poundkeeper. The

permanent poundkeeper shall, within two days after impounding of any animal, post a notice 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 or animals 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 providing proof of ownership to the poundkeeper and 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:
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|---|--------|
| (a) for receiving into pound each stallion, jackass or bull .....   | \$3.00 |
| (b) for receiving into pound each other animal .....  | \$2.00 |
| but not more than \$10.00 for any one impoundment.  |        |
| (c) for the maintenance of each stallion, jackass or bull, per day .....  | .75    |
| (d) for the maintenance of each other animal, per day ..  | .50    |
| (e) for notifying the owner or person reputed to have charge of the animal or animals impounded . . . . .                                 | .50    |
| (f) for advertising - actual cost.  |        |
| (g) for posting notices of animals impounded, each notice to include all animals impounded at one distress or seizure .....               | 1.00   |
| (h) for posting notices of sale, each notice to include all animals impounded at one distress or seizure . . .                            | 1.00   |
| (i) for each mile necessarily travelled in performance of his duties . . . . .  | .09    |
| (j) for selling impounded animals - 3% of the amount realized.  |        |
| (k) for damage done by an animal at large - the amount of the actual damage assessed, which shall be paid to the person entitled thereto. |        |
8. When an animal has not been redeemed from the pound within 10 days, for any cattle or horse, and 4 days for pigs, 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 person chosen by him, shall be auctioneer, and such sale shall be held at the pound and shall commence at two o'clock in the afternoon Standard Time. The animal or animals shall be sold to the highest cash bidder.

When there is a dispute over the amount of damages, the final decision shall be rendered by three fenceviewers chosen from a panel of five to be appointed by the Band Council. Selection of these shall be: one to be named by the owner of the animal, one by the person distraining or claiming damages, and the third by the poundkeeper. Payment of the fenceviewers shall be at the rate of 9¢ per mile and on the basis of the current daily wage paid on the reserve, to be assessed against either or both parties, by the fenceviewers.

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 Sections 4, 7 and 8, be paid to the owner, or if not claimed at the time of such sale, shall be paid forthwith to the Indian Superintendent of the Agency of Tyendinaga Reserve, 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 three months from

the date of sale; otherwise such proceeds shall be placed by the Superintendent to the credit of the Mohawks, Bay of Quinte Sand Fund.

10. Fowl shall not be impounded by complainant. The complainant shall call one of the fenceviewers to view the trespassing birds and assess damages as provided in section 8.
11. Animals found at large on road allowances or band property may be impounded by the Reserve Constable or other Peace Officer.

Approved :  
34/18-25 (Sec)  
27 Sept. /52  
21 Oct. /52

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30 Dec. /65