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The Council of the Blackfoot Band of Indians at a meeting held this 17th day of February 1975, make the following by-law pursuant to paragraphs (e) and (r) Section 81 of the Indian Act.

BY-LAW NO. 5

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 Blackfoot Indian Reserve No. 146 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 a domestic animal and includes any ass, boar, bull, bullock, calf, cow, goat, heifer, horse, jackass, lamb, mule, ox, pig, ram, sheep, sow, stallion or steer;
 - (b) "band" means the Blackfoot 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 Blackfoot Reserve No. 146;
 - (g) "Band Manager" means the Band Manager of the Blackfoot Indian Reserve No. 146.
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 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 Blackfoot Tribal Administration Office.
5.
 - (1) The Band, at its 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.

- (3) A pound-keeper may, in his sole discretion, authorise veterinary care of any animal in his care, in which case the fees of such veterinarian or the cost of any treatment prescribed by him shall be paid by the Band and the Band shall be entitled to receive same if the animal is reclaimed or sold.
 - (4) Neither any pound-keeper nor the Band shall be liable by reason of any matter connected with the provision or failure to provide veterinary care or treatment to any animal.
- 6.
- (1) No person shall permit any animal owned by him to run at large on any part of the reserve unless such animal is within any area designated in an agreement in force between the Band and such person whereby such person is permitted to keep animals within such designated area.
 - (2) Any animal described in the above paragraph of this by-law is hereinafter referred to as an animal "running at large" or like expression.
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.
- Such person is in this by-law called the "impounder".
- 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 or Band.
 - (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 and is deemed to be received by the owner two days after the mailing thereof.

- (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 or 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 2½ per cent 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 Band, if veterinary fees and costs were incurred and
 - (b) secondly, in payment of all lawful fees and charges due to the pound-keeper, and
 - (c) thirdly, 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 to the Band's Tribal Administration Office.
- (3) If the person who was the owner of the animal immediately prior to the sale makes application to the Tribal Administration Office within one month from the date of the sale and produces evidence of title to the animal satisfactory to the Blackfoot Cattle Committee, any moneys held by the Tribal Administration Office from the sale of the animal shall be paid to such person.
- (4) If the moneys held by the Tribal Administration Office are Not paid out pursuant to clause 16 (3) of this by-law, the money shall become the property of the Band and shall not be subject to any further claims or demands.

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, 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 by-law,
- (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 (\$30.00) or to imprisonment for a term not exceeding ten days or both fine and imprisonment.

- 17. (a) Word importing male persons include female persons, and
- (b) Words in the singular include the plural, and words in the plural include the singular.
- 18. (a) A pound-keeper shall keep a record of all the Blackfoot Reserve Brands registered in the Blackfoot Tribal Administration Office.
- (b) A pound-keeper shall impound any animals not branded so that such brand is recognizable on sight.
- (c) No animal impounded pursuant to paragraph 18(b) of this by-law shall be released except on payment of the fees stipulated and in the manner directed in this by-law.
- 19. Approved and passed at a duly convened meeting of the Council of the Blackfoot Band of Indians this^{17th} day of^{February}, 1975.

CHIEF: Leo Pretty Youngman Sr.
 Leo Pretty Youngman Sr.

COUNCILLORS: Adam Solway
 Adam Solway

Francis Big Tobacco
 Francis Big Tobacco

Barbara Drunken Chief
 Barbara Drunken Chief

Margaret Waterchief
 Margaret Waterchief

Fred Right Hand
 Fred Right Hand

Matthew Many Guns
 Matthew Many Guns

Gordon Big Snake
 Gordon Big Snake

Floyd Royal

Levi Many Heads
 Levi Many Heads

Clement Doore
 Clement Doore

Arthur A Youngman Sr.
 Arthur A Youngman Sr.

Charles Smith
 Charles Smith

I, LEO PRETTY YOUNGMAN SR., Chief of the BLACKFOOT Band of Indians,
DO HEREBY CERTIFY that a true copy of the foregoing by-laws was
forwarded to the Minister of Indian Affairs and Northern Development
pursuant to Section 82, 55 (1) of the Indian Act this 17th day of
February...., 1975.

Paul Kelpin
Witness

Leo Pretty Youngman
Chief

SCHEDULE

FEES

The following fees or costs or actual cost to the pound whichever are the greater are recoverable from the owner or agent of the owner.

1. To the impounder:
 - (1) For impounding each stallion, jackass or bull \$10.00
 - (2) For impounding each other animal 8.00

2. To the pound-keeper:
 - (1) For receiving into pound each animal 3.00
 - (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 3.00
 - (b) for each boar, ram, goat, pig or sheep 3.00
 - (3) For notifying the owner of the impoundment where the owner is known - actual cost 2.00
 - (4) For posting pound notices where the owner is unknown actual cost 1.50
 - (5) For advertising - the amount actually expended by actual cost
 - (6) For posting notices of sale - actual cost 1.50
 - (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 (.16)

3. A pound-keeper is entitled to remuneration for the care and sustenance of any animal for a period not exceeding twenty (20) 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 _____

Notice is hereby given under subsection (1) of Section 9 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
Reserve No. _____ on the _____ day of _____, 19____.

Signature of Pound-keeper

POUND NOTICE

(where owner is unknown)

TO WHOM IT MAY CONCERN

Notice is hereby given under subsection (3) of Section 9 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 _____
Reserve No. _____ on the _____ day of _____, 19____, and will
be sold at the pound at _____ on the _____ day of _____,
_____ (time),
19____, if not redeemed.

Signature of Pound-keeper

POUND SALE NOTICE

Notice is hereby given under section 10 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 _____

Reserve No. _____ on the _____ day of _____, 19____, and will

be sold at the pound at _____ on the _____ day of _____,
(time)

19____, if not redeemed.

Signature of Pound-keeper