



Bylaw respecting trespass by
horses, cattle, etc.,
and respecting
pounds and poundkeepers

Passed May 1, 1952

THE SIX NATIONS INDIANS OF THE GRAND RIVER

Cattle

Respecting trespass by horses, cattle etc.,
and respecting pounds and poundkeepers.

WHEREAS it is deemed expedient to pass a by-law respecting
trespass by horses, cattle, etc., and respecting pounds and poundkeepers.

NOW THEREFORE THE COUNCIL OF THE SIX NATIONS INDIANS OF THE
GRAND RIVER HEREBY ENACTS AS FOLLOWS:

1. It shall be unlawful for horses, cattle, sheep, pigs or other animals to run or be at large, on the Reserve.
2. The owner of pigs shall have a pig proof enclosure on his own property.
3. Any animal or animals found running at large may be distrained by any resident of the Reserve and impounded, and the owner of said animal or animals so found and impounded shall be liable for all fees and damages.
4. In case any animal or animals is or are distrained by any resident of the Six Nations Reserve for straying within his or her premises such person may retain the same in his or her possession, and such person shall duly give notice as hereinafter required, that is to say:
 5. If the owner is known, notice shall be forthwith given to such owner, of having taken up such animal or animals, setting forth the nature and extent of his or her demand against the owner, and if the owner is not known, then within forty-eight hours from the taking up of the same, such person shall post up or affix in at least three public places in the neighbourhood and one on the door of the Six Nations Council House, Ohsweken, written notices announcing such taking up and retention and containing a description of the colour, apparent age and natural or artificial marks of such animal or animals as near as may be, and such person shall during such retention provide such animal or animals with sufficient food, water and shelter, for which he shall receive the following remuneration, that is to say:
 6. For every horse, mare, filly or colt, \$1.00 per head and .50¢ for every twelve hours after the first twelve hours for each horse, colt, mare or filly.

7. For every bull, ox, steer, cow or heifer the sum of \$1.00 per head and .50¢ per head for every twelve hours after the first twelve hours.
8. For every hog, and sheep the sum of .50¢ per head and .25¢ per head for every twelve hours after the first twelve hours.
9. That if the owner of the animal or animals so impounded, shall within twenty-four hours next after the delivery of the notice required by section 4, dispute the amount of damages so claimed, or the lawfulness of the fence within which the damage was done, the person retaining the said animal or animals shall forthwith call in the Fence-viewers of the Reserve to determine the matter in dispute, and they shall within twenty-four hours after being so called in, deliver to such person retaining such animal or animals, a statement in writing containing their award in the matter so referred to them, and for each of their services, shall receive the sum of \$5.00 and any such fence-viewer refusing or neglecting to attend or perform his duty when so called on shall incur and be liable to a fine or penalty of \$5.00.
10. That in all cases where the damage so claimed shall exceed the sum of \$5.00 and no objection is made thereto by reason of the owner being unknown and not being aware of such retention, it shall be the duty of the person retaining such animal or animals to cause such damages to be ascertained and in the same manner as provided in the preceding sections; that in all cases where the owner is known, it shall be the duty of the person retaining such animal or animals to notify him forthwith of the said retention.
11. If the award of the fence-viewers, or any part thereof remains unpaid for seven days then the party in whose favour the award of the fence-viewers has been made may take civil action to recover judgment for the amount of the Judgment owing by the party liable in any court of competent jurisdiction having jurisdiction on the Indian Reserve and the amount of the Judgment may be recoverable from the real estate or personal property of the party liable and the Six Nations' Bailiff shall have the authority to seize and sell any portion of above mentioned property that shall be necessary to satisfy the full amount of judgment or any portion that is not paid.

12. In addition to any other conditions contained in this by-law the owner of any animal or animals found running at large shall be subject to a fine or penalty of not less than \$5.00 and costs for each animal so allowed to run at large.

13. That the expiration of three days after the retention or impounding of any animal or animals the same shall have not been redeemed or replevied, written or printed notices for the public sale thereof shall be given and put up by the person retaining such animal or animals in at least three of the most public places in the neighbourhood of where the animals are retained, and also one on the door of the Council House, Ohsweken, and in all cases where the owner or owners are unknown, and the value of the animal or animals to be sold shall in the Judgment of the Fence-viewers exceed in value the sum of \$20.00 such notice shall be published at least six days before such sale, in a newspaper published nearest the person retaining or impounding such animal or animals, such notice to specify the time and place of sale, if such animal or animals are not sooner redeemed or replevied as herein before provided, provided always that no such sale shall take place until after the expiration of six days from the time of or putting up and publication (as the case may be) of such notice of such sale.

14. That at the time and place of such sale a person appointed by the Six Nations Council shall publicly sell such animal or animals (unless redeemed or replevied as aforesaid) to the highest bidder, and after deducting from the amount realized therefrom all damages fees and charges against the same, shall pay the surplus to the Superintendent of the Six Nations, to be by him transmitted to the Indian Affairs Branch, and held for the uses of the Six Nations, unless claimed by the owner or owners of the animal or animals sold, within twelve months of the time of sale.

15. The person appointed for conducting such sale shall be allowed the prevailing rate of fee.

16. That every person impounding, shall daily at proper times, furnish all animals impounded with good and sufficient food, water, and shelter, during the period that any such animal shall be impounded, and in default thereof shall upon summary conviction before a magistrate having jurisdiction in the Reserve, be liable to a fine or penalty of not less than \$5.00 and costs and not more than \$10.00 and costs.

17. That in the case of stock having done damage to crops and being proved before the owner of the crops has discovered the damage, and which can be proved as having been done by the said stock, the owner of the crop may, if the owner of the stock refuses to acknowledge the damage, call in the fence-viewers to determine the matter in dispute, and they shall within twenty-four hours after having been called, deliver a statement in writing to the owner of the crop, containing their award in the matter referred to them; and for each of their services shall receive the sum of \$5.00 and any such fence-viewer refusing or neglecting to attend or perform his duties when so called on, shall be liable to a fine or penalty of \$5.00.

18. If the award of the fence-viewers, or any part thereof remains unpaid for seven days then the party in whose favour the award of the Fence-viewers has been made may take civil action to recover Judgment for the amount of the Judgment owing by the party liable in any court of competent jurisdiction having jurisdiction on the Indian Reserve and the amount of the Judgment may be recoverable from the real estate or personal property of the party liable and the Six Nations' Bailiff shall have the authority to seize and sell any portion of above mentioned property that shall be necessary to satisfy the full amount of Judgment or any portion thereof that is not paid.

19. That if any person or persons shall be guilty of any pound breach, by the removal without lawful authority, from any pound, of any animal or animals therein impounded, or shall in any other manner interfere with or obstruct any poundkeeper in the discharge of his duties hereby imposed on him, such person or persons so offending shall be liable to a fine or penalty of not less than \$10.00 nor more than \$50.00 and costs, to be recovered on the complaint of such pound-keeper in the manner herein provided, and it shall be lawful for such pound-keeper, and he is authorized and required to retake, repossess and impound, in furtherance of this by-law, all such animal or animals as may, by any such pound breach, be so unlawfully removed and taken therefrom. And all the provisions therein contained shall apply and extend to any persons who shall be guilty of rescuing from any person or persons any animal or animals on their way to any pound, or who shall in any manner obstruct or interfere with any such person or persons while engaged in the

taking and conveying of any such animal or animals thereto, and such person or persons shall have the same remedy against any such offender or offenders as is herein provided in the case of poundkeepers.

PASSED IN GENERAL COUNCIL at Onswaken on the First day of
May, A.D. 1952.

J. S. Poulos.....
Chief

.....*V. J. ...*.....
Superintendent

.....*J. William Hill*.....
Secretary