

BY LAW # 9

BY-LAW FOR THE REMOVAL AND PUNISHMENT OF TRESPASSERS
ON THE GARDEN RIVER INDIAN RESERVE

1. The Council of the Garden River Band of Ojibway
Indians, at its meeting of the tenth day of June,
1976, hereby makes the following by-law pursuant
to paragraphs (c), (n), (o), (p), (q) and (r) of
Section 81 of the Indian Act, R.S. , Chapter 1-6.
This by-law shall be known as " A by-law for the
removal and punishment of trespassers on the Garden
Indian Reserve".

2. In this by-law,

" Band" shall mean the Garden River Band of Ojibway
Indians.

"Council" shall mean the Council of the Garden River
of Ojibway Indians

"Member" shall mean a member of the Garden River Band
of Ojibway Indians.

"Constable " shall mean a person appointed by the
Council of the Garden River Band of Ojibway Indians
to enforce the terms of this by-law.

"Trespasser, Class One" shall mean a person who
enters the Garden River Indian Reserve without right
or authorization and without limiting the generality
of the foregoing shall include any person who enters
the reserve without being invited to do so by a
member of the band.

"Trespasser, Class Two" means any person who lives on or resides on or has established a habitation on the Garden River Indian reserve without the express permission of the Council to do so.

"Trespasser, Class Three" means any person who is declared by a resolution of the Council of the Garden River Band of Ojibway Indians to be a trespasser, Class Three.

"Reserve" means that tract of land set aside by the Garden River Band of Indians in the Robinson-Huron Treaty of September, 1850, except for those portions of that tract validly surrendered or expropriated since that time.

3. The provisions of the by-law shall not apply to members of the Garden River Band of Ojibway Indians, and shall not be applied to members of other bands of Indians unless a resolution of the Council of the Garden River Band of Indians is made applying the terms of this by-law to a named individual or named individuals.
4. The Council shall appoint a Constable by resolution whose duty it shall be to enforce the terms of this by-law and generally to keep the peace on the Reserve by removing trespassers.

5. Where the Constable finds a person trespassing on the Reserve, he may warn the person that he is a trespasser, and, if the warning is not heeded, the constable may charge the person pursuant to the terms of this by-law or pursuant to the terms of Section 30 of the Indian Act.
6. If, in opinion of the Constable, the person is a Trespasser, Class Two, he shall report such person to the Council. The Council may, after inquiring into the matter, direct the Constable to deliver to the person a notice that he is a Trespasser, Class Two, and that he must leave the Reserve at Once.
7. If, within two weeks after the delivery to a trespasser, Class Two, of such notice, the person continues to be present on the Reserve, the Constable may charge such person pursuant to terms of this by-law or pursuant to the terms of Section 30 of the Indian Act.
8. The Constable may charge any Trespasser, Class Three, under the terms of this by-law or under the terms of Section 30 of the Indian Act
9. A person who is present on the Reserve under a valid permit from the Minister of Indian and Northern Affairs, or under a valid lease, or under a valid contract or while fulfilling a valid contractual obligation in connection with the Band, a member of the band, or a lessee of Band land, shall not be considered a trespasser under this by-law.

10. A person who is a Trespasser, Class One, is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding one month, or to both fine and imprisonment.
11. A person who is a Trespasser, Class Two, is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars and not less than twenty-five dollars, or to imprisonment for a term not exceeding one month, or to both fine and imprisonment.
12. On a second or subsequent conviction as a Trespasser, Class Two, a person shall receive a fine of one hundred dollars.
13. A person who is a Trespasser, Class Three, is guilty of an offence and is liable on summary conviction to a fine of one hundred dollars or to imprisonment for a term of not less than fourteen days, or to both fine and imprisonment.
14. In the above sections 10, 11 and 13, the words "a person who is a trespasser" mean a person who at any time trespasses on the Reserve in the manner described in the appropriate part of Section 2 of this by-law.

- 15. The Constable may use reasonable force to remove trespassers from the Reserve and may call upon other members of the Band to assist him.
- 16. A person who resists or wilfully obstructs the Constable in the execution of his duty or any person acting in aid of the Trespasser is guilty of an offence and is liable on summary conviction to a fine of not more than one hundred dollars or to imprisonment for a term not exceeding thirty days or to both fine and imprisonment.
- 17. The Constable may, in the enforcement of this by-law, seize any automobile, boat, firearm or other thing that is being used in the commission of an offence under this by-law.
- 18. A trespasser who hunts on the reserve is guilty, in addition to any charges that may be laid under other sections of this by-law, of an offence and is liable on summary conviction to a fine of not more than one hundred dollars.
- 19. All fines under this by-law shall be payable to the Garden River Band of Ojibways.

Chief Ronald Boissoneau Ron Boissoneau

Councillor Thomas Nolan

James Belleau

Daniel L. Pine
