

SOR/98-461
effective June 10/78

By-Law #2
A BY-LAW FOR THE REMOVAL AND PUNISHMENT
OF TRESPASSERS ON THE GOLDEN LAKE INDIAN RESERVE

1. The Council of the Golden Lake Band of Algonquin Indians, at its meeting of the 1st. day of May, 1978, 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 I-6. This by-law shall be known as "A by-law for the removal and punishment of trespassers on the Golden Lake Indian Reserve".

2. In this by-law,

"Band" shall mean the Golden Lake Band of Algonquin Indians.

"Council" shall mean the Council of the Golden Lake Band of Algonquin Indians.

"Member" shall mean a member of the Golden Lake Band of Algonquin Indians.

"Constable" shall mean a person appointed by the Council of the Golden Lake Band of Algonquin Indians to enforce the terms of this by-law.

"Trespasser, Class One" shall mean a person who enters the Golden Lake 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 Golden Lake 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 Golden Lake Band of Algonquin Indians to be a trespasser, Class Three.

"Reserve" means that tract of land set aside by order-in-Council for the Golden Lake Band of Indians, except for those portions of that tract validly surrendered or expropriated since that time.

3. The provisions of this by-law shall not apply to members of the Golden Lake Band of Algonquin Indians, and shall not be applied to members of other bands of Indians unless a resolution of the Council of the Golden Lake 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 of 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 the 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 the 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 to exceed 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, or imprisonment for a term not exceeding one month, or to both fine and imprisonment.
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" means 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 Constable 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.



BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

NOTE: The words "From our Band Funds" "Capital" or "Revenue", which ever is the case, must appear in all resolutions requesting expenditures from Band Funds
 NOTA: Les mots "des fonds de notre bande" "Capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à faire les fonds des bandes

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	GOLDEN LAKE BAND	Current Capital Balance Solde de capital	\$ _____
AGENCY		Committed - Engagé	\$ _____
DISTRICT	Peterborough	Current Revenue balance Solde de revenu	\$ _____
PROVINCE	Ontario	Committed - Engagé	\$ _____
PLACE NOM DE L'ENDROIT	Golden Lake		
DATE	<u>1</u> <u>May</u> AD 19 <u>78</u>		
	DAY - JOUR MONTH - MOIS YEAR - ANNÉE		

DO HEREBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

THAT our By-law number two (2), entitled "A By-law for the Removal and Punishment of Trespassers on the Golden Lake Indian Reserve, be declared to be in force as quickly as possible by the Honourable J. Hugh Faulkner, since it is imperative that an effective by-law be in force in order that the problem of certain trespassers on our reserve be remedied.

A quorum for this Bande
Pour cette bande le quorum est

consists of
fixé à

Council Members
Membres du Conseil

Don Tennascon
(Chief - Chef)

Shirley Kohoko
(Councillor - conseiller)

Lionel D. Baptiste
(Councillor - conseiller)

Stanley Sarazin
(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE

1. Band Fund Code Code du compte de bande	2. COMPUTER BALANCES - SOLDES D'ORDINATEUR		3. Expenditure Dépenses	4. Authority - Autorité Indian Act Sec Art. de la Loi sur les Indiens	5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenu
	A. Capital \$	B. Revenue - Revenu \$			
6. Recommended - Recommandable			Approved - Approuvable		

Recommending Officer - Recommandé par