

THE GIBSON BAND OF INDIANS

BY-LAW NO: 2.77

THE COUNCIL of the Gibson Band of Indians at a meeting held August 4, 1977 makes the following by-law pursuant to paragraphs (o) and (r) of Section 81 of the Indian Act.

A BY-LAW for the protection, preservation and management of fur bearing animals, fish and game on the Gibson Indian Reserve #31, in the Province of Ontario.

NOW THEREFORE the Council of the Gibson Band of Indians hereby enacts as a by-law thereof the following:

1. No person, other than a member of the Gibson Band of Indians shall trap, fish or hunt within the boundaries of the above mentioned Indian Reserve without a special permit from the Council of the Band or other persons named by Council to issue such permit.
2. No member of the Gibson Band of Indians shall invite or accompany any person who is not a member of the above mentioned band onto the Gibson Reserve for the purpose of trapping, fishing or hunting unless that person has first obtained a written permit to do so from the person authorized by Council to grant such permission.

Boundary Description:

Lots 1 to 16, Concession 5,

Lots 1 to 15 and parts of 16, Concessions 3 and 4,

Lots 1 to 17, Concession 6, Parts of lots 17, 18 and 19 and

Lots 1 to 15 and parts of 16, Concession 7,

Lots 1 to 15 in Concessions 8 to 12 inclusive,

and the islands A and B in Black Lake, all in the Township of Gibson.

Fishing:

3. Permits may be obtained only on production of a valid and subsisting Ontario Provincial Licence, if required, to fish in provincial waters contiguous to the reserve.
4. Holders of permits to fish must be accompanied by a member of the Gibson Band duly licensed to act as a guide.
5. Such permit shall authorize the permittee to fish by angling only and may be subject to a fee established from time to time by resolution of the Council of the Band.
6. Persons using such permits, shall be subject to existing Ontario Provincial Regulations regarding catch limits and size limits.

7. The definition of angling, open and close season, coarse fish, game fish, resident and all other matters not specifically mentioned in this by-law shall be as provided in the Ontario Fishery Regulations for the Province of Ontario.

Hunting:

8. Permits to hunt may be obtained only on production of a valid and subsisting Ontario Provincial Licence, and in respect to Migratory Game Birds, a Migratory Game Bird Hunting Permit.
9. Holders of permits to hunt migratory birds or big game must be accompanied by a member of the Gibson Band duly licensed to act as a guide.
10. Open seasons, bag limits, possession limits and all other matters with respect to hunting not provided for in this by-law shall be, with respect to Migratory Game Birds as set out in the regulations for the Province of Ontario made under authority of the Migratory Birds Convention Act and, with respect to other game, as provided in the regulations made under the Ontario Game Act for contiguous provincial lands.

Guides:

11. All band members before being permitted to act as guides must register with the Council of the Band, who will issue free of charge to each member who will issue free of charge to each member who registers a licence to guide on the reserve.
12. Every guide licensed under the preceding section is required to abide by any rules and regulations set down by the Council for the instructions of guides and failure to do so will result in the revoking of the licence to guide.

Enforcement:

13. The Chief and Councillors of the Band, Indian Constables and any other person or persons named by Council shall be ex-officio officers for the enforcement of this by-law.
14. Any officer for the enforcement of this by-law, shall seize all game and fish taken in contravention of this by-law, which:
 - (a) is found by him in possession of any person, other than a member of the band, who is not in possession of a permit under Section 3 or 8 of this by-law; or
 - (b) appears to have taken by some unlawful means; and the fish or game so seized shall be photographed for evidence and immediately delivered to the Band Council. The officer may also seize any fishing equipment of guns to be held and used as evidence.
15. Where a person is convicted of an offence under this by-law, the convicting court or judge shall order that the fine imposed be forfeited to the Band Council.

16. By-law No. 1 – A by-law to provide for the protection, preservation and management of fur bearing animals, fish and game on the Gibson Indian Reserve in the Province of Ontario, enacted on the 14th day of December 1960 is hereby repealed.

Penalties:

17. Any person who violates any of the provisions of this by-law shall on summary conviction be liable to a fine not exceeding one hundred dollars or imprisonment for a term not exceeding thirty days or both fine and imprisonment.

18. Any band member who violates section 2 of this by-law shall on summary conviction be liable to a fine not exceeding one hundred dollars or imprisonment for a term not exceeding thirty days or both fine and imprisonment.

Approved and passed at a duly convened meeting of the Council of the Gibson Band of Indians this 4th day of August 1977.

Signed Ken Commandant

Chief Ken Commandant

Signed Dianne Rennie

Councillor Dianne Rennie

Signed Mitchell Franks

Councillor Mitchell Franks

I, Chief Ken Commandant of the Gibson Band of Indians do hereby certify that a true copy of the foregoing by-law no. 2.77 was forwarded to the Minister of Indian Affairs and Northern Development pursuant of section 82 (1) of the Indian Act, this 5th day of August 1977.

Signed Linda Commandant

Witness

Signed Ken Commandant

Chief Ken Commandant