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# Kettle Point beach claimed by natives

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Don Vale

By NEIL BOWEN  
of The Observer

**KETTLE POINT** — Angry Chipewewa natives ripped up fence posts Wednesday which blocked access to the beach they say they own.

"We have shared (the beach) and we are done with letting people take our land," said band Chief Tom Bressette as a front-end loader pulled up the posts.

Chief Bressette represents the Kettle Point and Stony Point natives.

The beach, about two kilometres (1.25 miles) long, runs between Ipperwash Beach and Kettle Point. There are private landowners behind the beach which is posted as a public beach.

The clash of ownership has been a regular problem for many years.

Wednesday morning, the natives posted the beach as being closed and parked cars to prevent people from driving on the beach. Then, they moved in heavy equipment from the reserve's road department to grade the beach and remove the posts.

The posts created small sections of backyard beach for the handful of cottage owners who had erected them. Other owners are content to let a small hill separate their property from the beach.

The beach was opened to traffic at 4 p.m. Throughout the day cottage owners and natives used the beach.

"We're sorry we had to take this action but we're establishing ownership," said Chief Bressette.

Cottage owners and OPP officers watched as the work was done.

"We had ongoing conversations. Emotions are high but it has just been words," said band councillor Steve Wolfe.

OPP officers took photographs and notes. There will be discussions with Lambton Crown attorney Don Vale to decide if criminal charges are laid, said Staff-Sgt. Garnet Starr, of the Chatham district OPP headquarters. Staff-Sgt. Starr was on the beach along with three officers.

"It all depends on the facts," said Mr. Vale, contacted following events at the beach.

He would have to examine ownership documents as well as review the exact happenings on the beach to decide if charges are warranted. Trespassing or mischief charges, relating to damage to the posts, could be laid.

Deeds could grant a portion of the beach to private landowners but natives could have a treaty document which gives the beach to them, he said.

"Somebody will have to decide (ownership) but that's not for us," said Staff-Sgt. Starr.

In a criminal proceeding, if there was reasonable doubt established about ownership of the beach property in question, charges would be dismissed, according to Mr. Vale.

A cottage owner, who wished not to be identified, said the beach is considered as a public beach.

Cottage owner Lingia Szela, of Strathroy, said owners have discussed the beach and they believe their property extends onto the beach.

The owners, who have erected posts, have not put them to the water's edge.

"Some people want to own everything. They're blocking off sections of the beach. We want to give access to all, natives and non-natives," said Chief Bressette.

Chief Bressette is ready to go to court on the issue although he dislikes the prospect of having to prove ownership.

"Why do we have to prove it? We were here first."

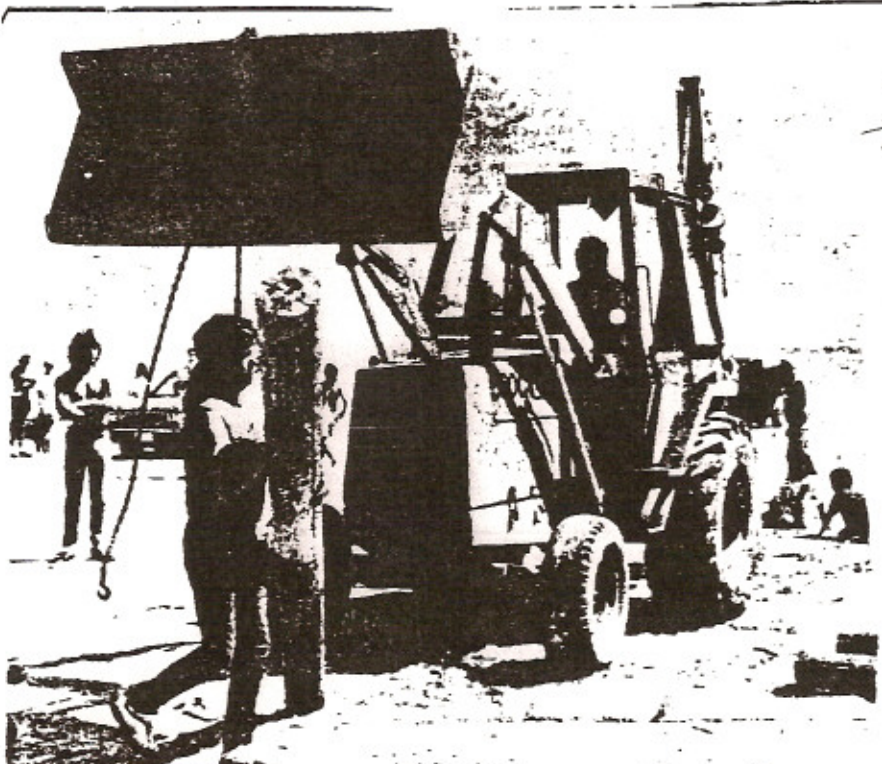
Although concerned by the action of the natives and the potential for future conflict over ownership, the cottage owners appear to have the greatest problem with weekend visitors.

Ms Szela said owners attempt to block off a section of the beach with posts or sometimes temporary barriers like trailers and trucks to ensure they have a spot on the beach.

Chief Bressette said the natives will continue to remove any posts erected and close the beach for one day annually as an indication of ownership.

Coun. Wolfe said there are no plans to exclude people from the beach at this time.

"We depend on tourism. We want to encourage tourism. We would be cutting our own throats. (to restrict access)," he said.



BEACH FENCE POSTS are removed by members of the Kettle Point and Stony Point band Wednesday. The natives claim the beach between Ipperwash Beach and the reserve belongs to them. The posts had been erected

by cottage owners. The OPP observed the event but took no action.

Observer Photo by Neil Bowen