

THE KAMLOOPS BAND OF INDIANS

BY-LAW # 1974 - 1

Being a By-Law Respecting the Removal and
Punishment of persons Trespassing upon the
Reserve or Frequenting the Reserve for
Prescribed Purposes.

The Council of The Kamloops Band of Indians, pursuant to Sections 81 (p) and (r) of the Indian Act, enacts as a by-law thereof as follows:

1. This By-Law may be cited as Kamloops Band Trespass By-Law.
2. In this By-Law
 - (a) "Band" means the Kamloops Band of Indians;
 - (b) "Band Council" means the Council of the Kamloops Band of Indians;
 - (c) "reserve" means the Kamloops Indian Reserves Nos. 1, 2, 3, 4, and 5.
3. Where any person, not being a member of the band, has been convicted of trespassing on the reserve under Section 30 of the Indian Act the Band Council may, by resolution, order that person to vacate the reserve and to remain off the reserve.
4. The Band Council may, upon the application in writing of a person against whom an order has been made pursuant to Section 3, by resolution, authorize that person to enter the reserve for such purposes, at such times, and subject to such conditions as the Band Council may prescribe

in that resolution, but no such authorization shall be deemed to give to that person any right to use, occupy, enter, or possess any land or building in the reserve in the lawful possession of any other person, not to confer any right to the possession or occupation of lands in the reserve.

5. The Band Council may, by resolution, revoke any order made pursuant to Section 3 or any authorization made pursuant to Section 4.
6. All resolutions made pursuant to this by-law shall be consented to by a majority of the Band Council present at a meeting of the Band Council duly convened.
7. (1) Notice in writing of an order made pursuant to Section 3 shall be served on the person against whom the order is made and such notice may be in Form A of the schedule.

(2) Service of the notice required by this Section may be effected upon a person against whom an order is made pursuant to Section 3 by serving a copy of that notice with any adult person residing or working on land or at a building in the reserve used, possessed, occupied, or frequented by the person against whom the order has been made or by posting a copy of that notice in a conspicuous place on any land or building in the reserve used, possessed, occupied, or frequented by that person.

(3) A person effecting service of the notice required by this Section upon a person against whom an order has been made pursuant to Section 3 shall complete and swear an affidavit of service and such affidavit may be in Form B of the schedule.
8. (1) Every person, not being a member of the Band, against whom an order has been made pursuant to Section 3 who, without lawful excuse or

authority, remains on, returns to, or frequents the reserve during any day or part thereof after the expiry of ten days from the date of the service of the notice upon him required by Section 7 is guilty of an offense and is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment not exceeding thirty days or to both such fine and imprisonment.

(2) Where an accused person is convicted of an offense under subsection (1) the court may authorize Kamloops Band Council to apprehend such person and forthwith take him and his goods to the boundary of the reserve.

Approved and passed at a duly convened meeting of the Council of the Kamloops Band of Indians this 22nd day of May, 1974

George Leonard
Chief

Richard Jules
Councilor.

Richard Seymour
Councilor.

Mary Leonard
Councilor.

THE KAMLOOPS BAND OF INDIANS
SCHEDULE TO BY-LAW # 1974 - 1

FORM A

NOTICE OF AN ORDER TO VACATE THE RESERVE AND TO REMAIN OFF THE RESERVE
TO:

GREETING:

TAKE NOTICE that the Band Council of the Kamloops Band of Indians, did, by resolution dated the _____ day of _____, 19____, consented to by a majority of the Band Council duly convened, order you, the said _____, not being a member of the Band, to vacate the _____ reserve and to remain off the said reserve.

AND FURTHER TAKE NOTICE if you the said _____, not being a member of the Band, without lawful excuse or authority, remain, return, return and remain, or frequent the reserve during any day or part thereof after the expiry of ten days from the date of the service upon you of a copy of this notice that you will be liable, for each such day or part thereof that you remain, return, return and remain, or frequent the reserve, on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding thirty days or to both fine and imprisonment.

THE BAND COUNCIL OF THE
KAMLOOPS BAND OF INDIANS

per: _____
A Band Councilor of the
Kamloops Band of Indians.

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FORM B

AFFIDAVIT OF SERVICE

I, _____ of _____
_____, in the Province of _____
(_____), make oath and say as follows:

1. THAT I did serve a true copy of the Notice of an Order to Vacate the Reserve and to Remain off the Reserve, a true copy whereof is now produced and shown to me and marked Exhibit "A" to this my affidavit upon _____, the person named in the said Notice as the person ordered to vacate the reserve and to remain off the reserve by order of the Band Council of the Kamloops Band of Indians, made by resolution of the Band Council dated the 22nd day of May, 1974.
2. THAT I did effect service of a true copy of the said Notice upon the said _____
by

(a) serving a true copy of the said Notice personally upon the said _____;

OR

(b) leaving a true copy of the said Notice with _____,
an adult person residing or working on land or at a building in the reserve used, possessed, occupied, or frequented by the said _____;

OR

(c) posting a true copy of the said Notice in a conspicuous place on land or at a building in the reserve used, possessed, occupied, or frequented by the said _____.

3. THAT I did effect service of a true copy of the said Notice upon the said _____, as aforesaid, on the _____ day of _____, 19 ____, at the hour of _____ o'clock in the _____ noon.

SWORN BEFORE ME this

_____ day of _____

19 ____, at _____

in the Province of British Columbia

A Commissioner for taking Affidavits
in and for the Province of British
Columbia.



BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

Chronological No. - Numéro consécutif

976/350-21

File Reference - N° de réf. du dossier

976/3-10-5

976/18-12

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 même les fonds des bandes

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE KAMLOOPS INDIAN BAND.
AGENCY THOMPSON RIVER DISTRICT.
PROVINCE BRITISH COLUMBIA.
PLACE KAMLOOPS.
DATE 22 MAY 1974

Table with financial data: Current Capital Balance, Committed - Engagé, Current Revenue balance, Committed - Engagé

DO HEREBY RESOLVE: DÉCIDE, PAR LES PRÉSENTES:

AND AGREE that there is a definite need for a BY-LAW respecting the removal and punishment of persons trespassing upon the Reserve or frequenting the Reserve for prescribed purposes.

BE IT therefore known that the Council of The Kamloops Indian Band does hereby adopt, as of this date, the attached BY-LAW, being Appendix 1, for such purpose. in accordance with Sections 81 (p) & (r) of the Indian Act.

A quorum for this Bande Pour cette bande le quorum est consists of fixé à Council Members Membres du Conseil

George Leonard (Chief - Chef)
Richard Dale (Councillor - conseiller)
Richard Seymour (Councillor - conseiller)
May Leonard (Councillor - conseiller)

(Councillor - conseiller)
(Councillor - conseiller)
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(Councillor - conseiller)
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(Councillor - conseiller)
(Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE
1. Band Fund Code
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
6. Recommended - Recommandable
Approved - Approuvable