

THE JOSEPH BIGHEAD BAND OF INDIANS
By-law 85.1 Intoxicants 1:1995

**Being a by-law to provide prohibition of the
use of intoxicants on the Joseph Bighead Reserve**

WHEREAS Section 85.1 of the Indian Act empowers the council of a Band of Indians to make a by-law respecting the prohibition of the use of intoxicants on its reserve;

WHEREAS in the negotiations entered into prior to the signing of the treaties, both the Commissioners respecting Her Majesty the Queen, and the Chiefs representing the Indian nations, as evidenced by oral history and the Commissioners reports, it was understood that the use of intoxicants would be prohibited on the reserves being set aside for the use and the benefit of the Indian people;

WHEREAS according to the terms of the treaties, the Chiefs representing the Indian people agreed to maintain peace and good order between each other;

WHEREAS by Section 25 of the Constitution Act, 1982, the guarantees in the Charter of Rights and Freedom shall not be construed so as to abrogate or derogate from any aboriginal treaty or other rights or freedoms that pertain to the aboriginal people of Canada;

WHEREAS the Council of the Joseph Bighead Band of Indians is desirous of preserving the treaty rights of maintaining peace and good order between each other, including the prohibition of the use of intoxicants on the reserve;

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AND WHEREAS it is deemed to be expedient to prohibit the use of intoxicants on this reserve for the safety and welfare of the members;

NOW THEREFORE the Council of the Joseph Bighead Band of Indians hereby enacts as a by-law thereof as follows:

1. In this by-law
 - (a) "Intoxicants" includes alcohol, spirituous, vinous, fermented malt, or other intoxicating liquor, or a combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise intoxicating, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption that are intoxicating;
 - (b) Intoxication means the state of being intoxicated by intoxicants, that is drunkenness or inebriety, or the mental and physical condition inducted by drinking excessive quantities of alcoholic liquors;
 - (c) "reserve" means all those tracts of land, the legal title of which is vested in Her Majesty, that has been set apart for the use and benefit of the Joseph Bighead Band of Indians and known as the Joseph Bighead Reserve;
2. No person shall, sell, barter, supply or manufacture intoxicants on this reserve of the Joseph Bighead Band, and every person who, in contravention of any provision of this by-law sells, barter, supplies or manufactures intoxicants on this reserve of the Joseph Bighead Band is guilty of an offence and liable on summary conviction to a fine of not more than One Thousand Dollars or to imprisonment for a term not exceeding six months or to both.

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3. No person shall have intoxicants in his possession on this reserve of the Joseph Bighead Band, and every person who, in contravention of any provision of this by-law has intoxicants in his possession on this reserve of the Joseph Bighead Band is guilty of an offence and liable on summary conviction to a fine of not more than One Hundred Dollars or to imprisonment for a term not exceeding three months or to both.

Approved at a special meeting of Electorate of the Joseph Bighead Band of Indians this first day of March, 1995.

MOVED: Ross Ochuschayoo

SECONDED BY: Doris Singer

IN FAVOUR: All in Favor- 19-

OPPOSED: none

Be it known that this by-law entitled: Joseph Bighead Band by-law 85.1 intoxicants is hereby enacted as: by-law No. 1:1995 by the Council of the Joseph Bighead Band of Indians at a duly convened meeting of the said Council held on the first day of March, 1995.

MOVED: Dolly Bear

SECONDED BY: Jim Kahpenapit

IN FAVOUR: All in Favor

OPPOSED: none

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Paul Anderson
Chief

Dois Singer
Witness

Wally Bear
Councillor

Dois Singer
Witness

David H. [unclear]
Councillor

Dois Singer
Witness

Councillor

Witness

Councillor

Witness