

BY-LAW CONTROLLING THE PRESENCE  
AND CONSUMPTION OF INTOXICANTS  
ON THE STONEY INDIAN RESERVE

By-Law Number 2

Being a by-law to prohibit and/or regulate intoxicants on the Stoney Indian Reserve.

WHEREAS paragraphs (a), (b), (c) and (d) of Section 85.1 and Section 83 of the Indian Act, R.S.C. 1985, Chapter I-6, empowers the Council of a band to make by-laws to prohibit or regulate intoxicants on a Reserve and impose a penalty for violation thereof;

AND WHEREAS a majority of the electors of the Stoney Band who attended special meetings of the Stoney Indian Band Council held on March 11, 12 and 18, 1986, for the purpose of considering the contents of this by-law, and who voted on acceptance of this by-law on March 24, 1986, consented to the contents of this by-law;

AND WHEREAS the Stoney Indian Band Council considers special measures to be necessary and expedient for the continued welfare of the inhabitants of the Reserve(s) of the Stoney Indian Band as it relates to the regulation of intoxicants on the Reserve(s).

NOW THEREFORE it is hereby enacted pursuant to Section 85.1 of the Indian Act:

1. In this by-law:

(a) "Council" means the Band Council of the Stoney Indian Nation;

- (b) "Intoxicant" includes alcohol, alcoholic, spirituous, vinous, fermented malt or other intoxicating liquor or 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;
  
  - (c) "Reserve(s)" means the tract of land set apart by Her Majesty the Queen, within the definition of the Indian Act, for the use and benefit of the Stoney Indian Nation.
- 2.
- (a) Except as authorized by this by-law, no person shall sell, barter, supply, give, distribute, deliver, transport, send, or manufacture an intoxicant on the Reserve(s);
  
  - (b) Every person who violates Subsection (1) is guilty of an offence punishable on summary conviction and is liable:

    - (i) upon conviction for a first offence to a fine of not more than one hundred dollars;

(ii) upon conviction for any subsequent offence to a fine of not more than one thousand dollars and not less than one hundred dollars or to imprisonment for a term not exceeding six (6) months or to both a fine and a term of imprisonment.

3. (a) No person shall be in an intoxicated condition while on the Reserve(s);

(b) Except as authorized by this by-law, no person shall be in possession of an intoxicant while on the Reserve(s);

(c) Every person who violates Subsection (a) or (b) is guilty of an offence punishable on summary conviction and is liable:

(i) upon conviction for a first offence, to a fine of not more than fifty dollars;

(ii) upon conviction for any subsequent offence to a fine of not more than one hundred dollars or to imprisonment for a term not

exceeding three (3) months or to both a fine and a term of imprisonment.

4. (a) Notwithstanding Section 3(b), no offence is committed against this by-law:

(i) if such possession is for medicinal purposes;

(ii) if the person in possession is transporting the intoxicant in an unopened state across the Reserve(s) to a destination beyond the Reserve(s) boundary;

(b) For the purpose of proceedings under Section 3(b) evidence that a person had possession of an intoxicant is, in the absence of any evidence to the contrary, proof that he had possession for other than medicinal purposes.

READ a first time this 11th day of March, A.D. 1986.

READ a second time this 12th day of March, A.D. 1986.

READ a third time and done and passed this 25th day of March,  
A.D. 1986.

Wm. Dredley  
CHIEF

J. H. Snow  
CHIEF

W. H. Snow  
CHIEF

COUNCILLORS

Alexis Pausette

July Cecil

Myron Baptiste

Valentine Fox

Frank Crane

Bruce Dyer

Walter Lefthand

Alvin Tawny

Stabel

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