

THE BUFFALO RIVER BAND OF INDIANS
By-law 85.1 Intoxicants 1:1986

SO R/86-281
dated Feb 28/86

Being a by-law to provide prohibition of the
use of intoxicants on the Buffalo River 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 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 Buffalo River Band of Indians is desirous of preserving the treaty right of maintaining peace and good order between each other, including the prohibition of the use of intoxicants on the reserve;

THE BUFFALO RIVER BAND OF INDIANS
By-law 85.1 Intoxicants 1:1986

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 Buffalo River Band of Indians hereby enacts as a by-law thereof as follows:

1. In this by-law
 - (a) "Intoxicants" includes alcohol, alcoholic, 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 induced 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 Buffalo River Band of Indians and known as the Peter Pond Reserve;
2. No person shall sell, barter, supply or manufacture intoxicants on this reserve of the Buffalo River Band, and every person who, in contravention of any provision of this by-law sells, barter, supplies or manufacturers intoxicants on this reserve of the Buffalo River 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.
3. No person shall be in a state of intoxication or have intoxicants

THE BUFFALO RIVER BAND OF INDIANS
By-law 85.1 Intoxicants 1.1986

in his possession on this reserve of the Buffalo River Band, and every person who, in contravention of any provision of this by-law is in a state of intoxication or has intoxicants in his possession on this reserve of the Buffalo River 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 the Electorate of the Buffalo River Band of Indians this 6th day of January, 1986.

MOVED BY: Philip Sylvestre #107 IN FAVOUR: Sixty (60)

SECONDED BY: Monique Sylvestre #93 OPPOSED: Nil

Be it known that this by-law entitled Buffalo River Band By-law 85.1 intoxicants is hereby enacted as by-law No. 1:1986 by the Council of the Buffalo River Band of Indians at a duly convened meeting of the said Council held on the 6th day of January, 1986.

MOVED BY: CELINE CATARAT #35 IN FAVOUR: FIVE(5)

SECONDED BY: LOUIS SYLVESTRE #100 OPPOSED: NIL

GORDON BILLETTE	DOREEN PICHE
Chief	Witness

LOUIS SYLVESTRE	DOREEN PICHE
Councillor	Witness

CELINE CATARAT	DOREEN PICHE
Councillor	Witness

FREDDY BILLETTE	DOREEN PICHE
Councillor	Witness

MATHIAS BILLETTE	DOREEN PICHE
Councillor	Witness

