

**KAHNAWÁ:KE PROTECTION, PRESERVATION &
MANAGEMENT OF FUR-BEARING ANIMALS, FISH & GAME
LAW**

K.R.L. c. P-4

This Law was originally two separate Laws, one pertained to Mohawk Territory of Kahnawá:ke and the other pertained to the Mohawk Territory of Doncaster. The basic provisions of the Laws were essentially identical. To simplify matters, the two Laws were amalgamated into a single Law enacted on 1 *Kenténha*/October, 1964. The legislative history for each of the former Laws is set out below:

[Enacted by Kahnawá:ke Law
[Enacted on 1 *Kenténha*/October 1, 1964]

Doncaster Law
[Enacted on 3 *Kenténhkó:wa*/November 3, 1964]
[Repealed & Replaced on 2 *Ohiarihkó:wa*/July 2, 1969]
[Amended on 31 *Kenténha*/October 31, 1983]
[Amended by MCR #18/2000-2001 on 12 *Ohiari:ha*/June 12, 2000]]

"Preamble"

WHEREAS this is a Law for the protection, preservation and management of fur-bearing animals, fish and game on the Mohawk Territory of Kahnawá:ke and Mohawk Territory of Doncaster ; and,

SECTION I

"Application &
Prohibition"

1. **APPLICATION AND PROHIBITION**
 - 1.1 No person, other than Kahnawá:ke Community Members, or Aboriginal Peoples from other First Nations accompanied by Kahnawá:ke Community Members shall trap, fish, or hunt within the boundaries of the Mohawk Territory of Kahnawá:ke.
 - 1.2 No person, other than Kahnawá:ke Community Members, Kahnehsá:take Community Members or Aboriginal Peoples from other First Nations accompanied by Kahnawá:ke Community members or Kahnehsá:take Community Members shall trap, fish, or hunt within the boundaries of the Mohawk Territory of Doncaster.

"Enforcement"

2. **ENFORCEMENT**

2.1 The Mohawk Council of Kahnawá:ke, Conservation Officers, Peacekeepers, and any other person or persons named by the Mohawk Council of Kahnawá:ke shall be ex-officio officers for the enforcement of this Law.

2.2 Any officer authorized to enforce this Law shall forthwith seize all game or fish protected by this Law along with any equipment by which such game or fish were procured and shall make charge against violators before a Justice of the Peace of the Court of Kahnawá:ke, when:

(a) Such game and/or fish are found in the possession of any person other than a member of the Kahnawá:ke or Kahnehsá:take Bands.

(b) Such game and/or fish are found in the possession of any Indian who is not a member of the Kahnawá:ke or Kahnehsá:take and who at the time of encounter is not in the company of a member of either the Kahnawá:ke or Kahnehsá:take Bands.

(c) It is suspected that such game and/or fish have been taken through a violation of this Law.

2.3 Any officer authorized to enforce the Law is empowered to remove from the Territory any person who is not a member of the Mohawks of Kahnawá:ke according to the Membership Law in force at the time who is charged with or suspected of committing an offence under this Law.

SECTION II

"Penalties"

3. **PENALTIES**

3.1 Any person who contravenes any provision of this Law shall be guilty of an offence and shall be liable on summary conviction to a fine of not less than Fifty Dollars (\$50.00) and not more than Two Thousand Dollars (\$2000.00) or to imprisonment for a term not exceeding Six (6) Months, or both.

3.2 Where a person is convicted under this Law for a violation that occurred within Mohawk Territory of Kahnawá:ke, the Justice of the Peace may order that the game and fish, in addition to any penalty imposed, are forfeited for the benefit of the Kahnawá:ke Community Members provided however that the game or fish so forfeited shall be delivered to a charitable institution designated by the Mohawk Council of Kahnawá:ke.

- 3.3 Where a person is convicted under this Law for a violation that occurred within Mohawk Territory of Doncaster the Justice of the Peace may order that the game and fish, in addition to any penalty imposed, are forfeited for the benefit of either to Kahnawá:ke Community Members or Kahnehsá:take Community Members, or both, provided however that the game or fish so forfeited shall be delivered to a charitable institution designated by either the Mohawk Council of Kahnawá:ke or Kahnehsá:take or both.

SECTION III

4. COMING INTO FORCE: MOHAWK TERRITORY OF DONCASTER

- 4.1 This Law as it relates to Mohawk Territory of Doncaster was also enacted by the Mohawk Council of Kahnehsá:take on 3 *Onerahtohkó:wa*/May 1983. Any amendments to this Law that relate to Mohawk Territory of Doncaster will only be effective from the date that such amendments are enacted by both the Mohawk Council of Kahnawá:ke and Mohawk Council of Kahnehsá:take.

*"Coming into
Force: Mohawk
Territory of
Doncaster"*