

Title

KAHNAWÀ:KE “THE COMMON” LAW

K.R.L. c. T-2

[Passed by the Indians in Council on June 5, 1901, and approved by the Deputy Superintendent General of Indian Affairs on behalf of the Superintendent General in accordance with the provisions of Section 10 of the Indian Advancement Act on June 12, 1901]

[Amended by MCR # 2/2025-2026 on 9 Ohiaríha/June 2025]

Preamble

WHEREAS This by-law shall come into force upon the date of its approval by the Superintendent General and shall be known and may be cited as the “The Common By-Law”; and

SECTION I

“The Common &
The Grand Park”

1. THE COMMON & THE GRAND PARK

- 1.1 There are hereby set apart for common use of the members of the band and all those two several pieces of land commonly known as the “The Common” and “The Grand Park” situate upon and being part of the Caughnawaga Indian reserve, as the said several pieces of land are shown upon a plan of the said reserve in the Department of Indian Affairs made by W. McLea Walbank, dated August 29, 1889, to the end and intent that the said parcels of land shall be used and enjoyed by the members of the said band, in common, subject to the conditions and restrictions hereby imposed for the purpose of pasturing thereon cattle, sheep, swine, horses, mules and other domestic animals belonging to the members of the said band, and for purposes of recreation by the members of the band, but for no other purpose whatever.

“Exceptions”

2. EXCEPTIONS

- 2.1 There are hereby excepted and reserved from the land set aside for common use in accordance with the last preceding paragraph all lands forming, and known, as the village of Caughnawaga or part thereof, and all lands now held for any public, religious or educational purpose, and also all roads, bridges and ditches upon or passing through the lands so set apart.
- 2.2 There is also hereby excepted and reserved from the land so set aside for common use, all land on April 1, 1901, in the occupation of any member of the band who had effected improvements thereon, provided always that this last mentioned exception may at any time be removed by the order of the Superintendent General upon payment to such member, from the funds of the band, of compensation for such improvements at a valuation approved by the Superintendent General.

SECTION II

*"Granting of
Land"*

3. GRANTING OF LAND

- 3.1 Notwithstanding the provisions of this by-law the Council of the band, with the approval of the Superintendent General, may, out of the lands set apart for common use as aforesaid, grant to any of the members of the band who do not hold or occupy land upon the reserve, suitable locations not exceeding one quarter of an acre in area for each member the separate use of such member as a site for a dwelling house and garden; and thereupon the lands so granted shall cease to form part of the land hereby set aside for the common use of the members of the band.

"Prohibitions"

4. PROHIBITIONS

- 4.1 No member of the band shall fence, inclose or encroach upon or in any manner take or hold for his own separate use the lands hereby set aside for common use or any part thereof; and no member of the band shall cause or procure the same to be fenced, inclosed or encroached upon, or shall attempt to so fence, inclose or encroach upon the said lands or to cause or to procure the same to be done. Any member of the band who so fences, incloses, encroaches upon or takes or holds for his own separate use the said lands or any part thereof shall be deemed to be illegally in possession of land in the reserve within the meaning of Section 22 of the Indian Act.
- 4.2 No member of the band shall pasture upon the lands hereby set apart for the common use more than two heads of cattle, two horses or mules, in all of such animals belonging to him.
- 4.3 No member of the band shall cause permit to pasture or to run at large or to stay upon the lands hereby set apart for common use any entire horse, ram or boar, belonging to him or in his possession or custody.

SECTION III

"Penalties"

5. PENALTIES

- 5.1 Every member of the band who shall commit any breach or violation of any of the provisions of this by-law or who shall disobey or fail to observe any of such provisions shall for each offence be liable for summary conviction to a fine not exceeding \$30 or to imprisonment not exceeding 30 days in the discretion of the convicting justice. Such fine, penalty or imprisonment shall be in addition to any other penalty or liability of the member of the band so convicted.

"Court"

6. COURT

6.1 The Court of Kahnawà:ke has jurisdiction over all matters related to this law.