

AKWESASNE LEGISLATIVE DEFINITIONS

“Abstention” means neither a yes nor no in a vote. (*MCA Procedure Regulations*)

“Acting” means the temporary appointment of a District Chief for an identified period of time to perform the duties of the Grand chief with the exception when signing authority is required, unless the acting Chief currently has signing authority. (*Working Conditions Regulations for the Chiefs of the Mohawk Council*)

“Adopted Child” means a child of native ancestry adopted by the traditional laws and customs of the Mohawk Territory in Akwesasne or by the laws of the province or other governments. (*Akwesasne Membership Code*)

“Advance Poll” means the process and place identified to accept votes prior to the date on which a Referendum is to be held. (*Akwesasne Election Law*)

“Affidavit” a voluntarily made written statement of facts which the person who makes the statement signs and swears is true in front of a commissioner of oaths. Lawyers and some designated departmental officials are Commissioners of Oaths. (*OVS Estate Administration*)

“Agreement” means this Agreement-in-principle. (*Governance & Relationship Negotiations*)

“Akwesasne Law Enactment Process” means the Law Enactment Process adopted by Council on September 26th 1996 by Resolution MCR1996/97-274 or any successor resolution. (*Akwesasne Business Licensing Law*)

“Appeal Tribunal” means the Akwesasne Appeal Tribunal, the body of community members appointed by Mohawk Council Resolution, for the purposes of hearing appeals of a decision, order, ruling or matter as permitted under Akwesasne Law, Code, or Regulation. (*Akwesasne Appeal Tribunal*)

“Akwesasne Business Registration” means a business operating within the Mohawk Council of Akwesasne jurisdiction is required to register their business with the Department of Economic Development. (*Akwesasne Business Licensing Law*)

“Akwesasne Conservation Authority” means that group of persons appointed by the Mohawk Council to administer and enforce this law and other applicable laws governing conservation. (*Wildlife Conservation Law*)

“Akwasasne Election Appeal Board” means that body appointed by the Executive Director to ensure that all provisions set forth in the Akwasasne Election law are adhered to and also hear appeals in relation to election process. (*Akwasasne Election law*)

“Akwasasne Law” means a law or code enacted by the Mohawks of Akwasasne in accordance with Jurisdictions described in the Final Agreement or in a Sectoral Agreement and in pursuant to the Akwasasne Law Enforcement Process. (Governance & Relationship Negotiations)

“Akwasasne Membership Code” is the by-law ratified by INAC that exercises the inherent right of the Mohawk Community in Akwasasne to determine its own membership. (*Akwasasne Residency Law*)

“Akwasasne Mohawk Business” means a sole proprietor, partnership, corporation, or other Business structure that qualifies for designation under the Akwasasne Mohawk Business Designation. (Akwasasne Business Licensing Law)

“Akwasasne Mohawk Court” means the institution that administers justice in the Mohawk Territory of Akwasasne under the authority of a Mohawk Justice, arbitrator, umpire, commissioner or other office or person having by law or by consent of the parties authority to hear, receive and examine evidence. (Opinion from Prosecutor)

“Akwasasronon” means a Member. (*Akwasasne Business Licensing Law*)

“All Terrain Vehicle” also known as an ATV means any vehicle propelled or driven otherwise than by muscular power or wind and designed to travel on two or more wheels in contact with the ground and includes:

- A mini bike, and
- An All Terrain Vehicle;

But does not include

- A golf cart,
- A snowmobile, or
- Any vehicle that is required to be registered pursuant to any duly recognized Motor Vehicle Department (*All Terrain Vehicle Law*).

“Alternative Measures or Diversions” programs provide community based pre charge measures, outside of the formal judicial proceedings, where an Aboriginal young person can be adequately held accountable for their actions. (Akwasasne Community Justice Program)

“Angling” means taking or attempting to take fish by means of a hook and line, and includes casting and trolling, provided the person is tending the line. (*Wildlife Conservation Law*)

“Animal Control Officer” means a Peacemaker appointed by the Mohawk Council of Akwesasne including the Akwesasne Mohawk Police and the Akwesasne Conservation officer. (*By-Law Respecting Control of Dogs Amendment*)

“Applicant” means one who requests something. (*Akwesasne Appeal Tribunal*)

“Appointed Observer” means a person, designated in writing by the candidate, to observe the voting and counting procedures at a polling station. (*Akwesasne Election Law*)

Arbitration” means a process of dispute resolution that the two parties to a case agree to have their case reviewed by an Arbitrator and who have accepted in advance the Arbitrator’s decision. (*Akwesasne Tribunal land Division*)

“Authorized Adult” means any person eighteen (18) years of age or older being authorized by a parent to have temporary custody or care of said parent’s child. (*Akwesasne Curfew Law*)

“Automatic Weapon” means any firearm that is capable of firing bullets in rapid succession during one pressure of the trigger. (*Wildlife Conservation Law*)

“Bag Limit” means the maximum number a hunter or fisherman may take legally in one day of an individual species or a group of species. (*Wildlife Conservation Law*)

“Bait” means any food or some substance used as a lure in fishing, hunting and trapping. (*Wildlife Conservation Law*)

“Bait-fish” means the mud minnow family, the sucker family, and the stickleback family, the genus *Leucichthys* of the whitefish family, the darter subfamily and any member of the minnow family except carp or goldfish. (*Wildlife Conservation Law*)

“Bait Station Area” means an area established by the Akwesasne Conservation Authority where bait is deposited for the purpose of luring migratory birds from un-harvested crops. (*Wildlife Conservation Law*)

“Banishment or *Ahonwanakerakwaht*” means expulsion from the Community, the loss of the right to enter the Territory and, in the case of Members of Akwesasne, the loss of all membership rights as defined in the Membership Code. (*Akwesasne Banishment Law*)

“Banishment Proceedings” means proceedings pursuant to the Akwesasne Banishment Law. (*Akwesasne Drug Law*)

“Big Game” means moose, deer, bear and any other animal defined as such by the Akwesasne Conservation Authority. (*Wildlife Conservation Law*)

“Board Member” means a community member elected as a representative to a board that is under the jurisdiction of the Mohawk Council of Akwesasne. (*Akwesasne Residency Law*)

“Board of Directors” means the governing body of a corporation, elected by the shareholders to establish corporate policy, appoint executive officers and make major business and financial decisions. (*Mohawk Licensing Commission*)

“Business” means a commercial enterprise carried on for profit that is a sole proprietorship, partnership, corporation or joint venture. (*Ethical Conduct Law*)

“Business Interest” means any financial involvement in a business. (*Mohawk Licensing Commission*)

“Candidate” means a person duly nominated under this Election Law to run for the position of Grand Chief or District Chief and may include any qualified person in any election conducted. (*Akwesasne Election Law*)

“Carry on Business” means maintenance of Premises or a head office on the Territory of Akwesasne for a Business purpose. (*Akwesasne Business Licensing Law*)

“Certificate of Possession” means the ministry may issue to an Indian who is lawfully in possession of land in a reserve, a certificate to be called a Certificate of Possession. (*Indian Act*)

“CEO” means the Chief Electoral Officer who is the person appointed by the Executive Director of the Mohawk Council of Akwesasne to ensure that all provisions set forth in this Election Law are adhered to. (*Akwesasne Election Law*)

“Chairperson” means a person who presides at meetings; also used universally in other documents not specific to membership. (Regulations for Election and By-Election of the Akwesasne Membership Board)

“Charitable Event” means those occasions when items are made available for sale to the public with proceeds from there pre-designated for a Person or group that is in need of financial assistance. (*Mohawk Licensing Commission*)

“Charter” means Charter of the Mohawk Licensing Commission adopted by Council. (Regulations for Election and By-Election of the Akwesasne Membership Board)

“Chief Justice” means a presiding justice of Akwesasne Appeals Tribunal. (Draft 2009 Akwesasne Mohawk Court Law)

“Chief Referendum Officer” means “CRO” or the person appointed by the Executive Director and holds the responsibility of administering a Referendum under the General Referendum Regulations. (General Referendum Regulation)

“Child” section 2 of the Act says a child includes a child born in or out of wedlock, a legally adopted child and a child adopted in accordance with Indian custom. (*Indian Act*)

“Code” means rules enacted through a referendum by the members of Akwesasne. (Akwesasne Appeal Tribunal)

“Commission of Oaths” means a person authorized by statute to administer affirmations of oaths. (*Indian Act*)

“Common-Law Partner” means two people cohabitating together in a conjugal relationship for a continuous 12 month period. (*Indian Act*)

“Community Law” means legislation approved and accepted by Eligible Voters and enacted by the Mohawk Council of Akwesasne. (Law Enactment Process)

“Community Member” means a person registered on the Akwesasne Membership Rolls in accordance with the Akwesasne Membership Code. (*Mohawk Licensing Commission*)

“Community Organization” means a non-profit group of Akwesasne members that is known as a reputable organization by Council. (*Mohawk Licensing Commission*)

“Community Social Event” means a wedding, organized sports event, private event, religious celebration or any other gathering of people in Akwesasne, and is recognized as such by the community. (*Mohawk Licensing Commission*)

“Compensatory Time” means an exchange of time-off with regular pay for excess hours worked with supervisory approval. The employee may elect to take one-and-one half times the number of hours worked in excess of the standard as time off from work or to be paid overtime as set out within the policy. (*General Personnel Policy*)

“Competent” means having the ability to understand and to act reasonably. .
(OVS doc. Estate Administration)

“Complaint” means the person filing a complaint. (OVS doc. Estate Administration)

“Compliance Officer” means the person hired by the Akwesasne Justice Department to make reports, carry out investigations and conduct other duties to assist the Licensing Commission in administering their duties and responsibilities. (*Mohawk Licensing Commission*)

“Consent” is an agreement, approval, or permission as to some act, given voluntarily by a competent person. (OVS doc. Estate Administration)

“Conservation Officer” means an Akwesasne Conservation Officer appointed by the Akwesasne Conservation Authority to enforce this law, and all ex-officio officers appointed pursuant to part II, Section (9). (*Wildlife Conservation Law*)

“Conspire” means to form an agreement with one or more persons with the intent to commit an illegal act. (*Akwesasne Drug law*)

“Consultant” means an organization or self-employed person(s) or services not to exceed 1 year less 1 day and persons providing such services are not to be considered as employees Consultants are fully responsible for payment of their own benefits (i.e. Employment Insurance, Pension, Leave, and Worker’s Compensation). No employer-employee relationship is established. (*General personnel Policy*)

“Council” means the Mohawk Council of Akwesasne [consisting of the candidates] duly elected pursuant to the Akwesasne Election Law or any successor law thereto. (*Akwesasne Election Law*)

“Council Decision” means the Mohawk Council of Akwesasne Grand Chief and District Chiefs making a determination after consideration of the facts and Laws, Regulations and policies. (*Ethical Conduct Law*)

Council of Elders” means the group of Elders within Akwesasne that have been appointed to a committee to act carefully when considering issues and options before making a decision or taking some action when hearing an appeal. (*Ethical Conduct Law*)

“Court” means the Akwesasne Mohawk Court, established by the Mohawk Council of Akwesasne pursuant to inherent right, exercising jurisdiction within the Territory of Akwesasne. (*Akwesasne Banishment Law*)

“Court Clerk” means the administrative officer of the Akwesasne Mohawk Court who issues process, enters orders and performs other duties as established by Akwesasne Law or Regulations. (Opinion from Prosecutor)

“Crop” means an un-harvested agricultural crop, whether standing or cut, but does not include stubble fields or other fields from which the crop has been removed. (*Wildlife Conservation Law*)

“Cultivated lands” means lands tilled for the production of crops other than grass or hay. (*Wildlife Conservation Law*)

“DBA” means doing business as and is an abbreviation that usually precedes a person’s or businesses assumed name. (*Mohawk Licensing Commission*)

“Day” means working day, unless otherwise specified. (Akwesasne Policing Agreement)

“Delegation of Authority” means where one person gives another person the power to make a decision in the place of the first person. (OVS doc. Estate Administration)

“Department” means the department(s) established under the Mohawk Council of Akwesasne for the purpose of administering programs and services. (*Indian Act*)

“Department of Economic Development” means the designated department within Mohawk Council of Akwesasne that will help to assist with the development and growth of small, medium and large-scale businesses within the Territory of Akwesasne. (*Mohawk Licensing Commission*)

“Dependent Child” means a person of native ancestry under the age of 18 years of age or is over the age of 18 who as a result of mental or physical disability is unable to care for himself. (*Akwesasne Membership Code*)

“Deputy Referendum Officer” means the “DRO” or a person appointed by the Executive Director to assist the CRO in the application of a regulation. (*Akwesasne Election Law*)

“DEO” means the Deputy Electoral Officer who is the person appointed by the Chief Electoral Officer for the purpose of assisting him/her in the duties as stated herein. (*Akwesasne Election Law*)

“Designated Area” means those areas on the Territory of Akwesasne identified by a Resolution of council as being available for residency through a Lease Agreement. (*Akwesasne Residency Law*)

“Designated Lands” means a tract of land or any interest therein the legal title to which remains vested in Her Majesty and in which the band for whose use and benefit it was set apart as a reserve has, otherwise than absolutely, released or surrendered its rights or interests, whether before or after the coming into force of this definition. (*Indian Act*)

“Designated Voting Premises” means a specific area, identified by the Chief Electoral Officer as a defined security zone that abuts a polling station. (*Akwesasne Election Law*)

“Director” means one who manages, guides, or orders. (*Mohawk Licensing Commission*)

“District” is any of the following areas:

- ✓ Kawehnoke (Cornwall Island) and any island within the Territory of Akwesasne in Ontario; or
- ✓ Kanatakon (St. Regis Village) and Enskatsitkahwenote (St. Regis Island); or
- ✓ TsiSnaihne (Chenail/Snye) and any other island within the Territory of Akwesasne in Quebec save and except Enskatsitkahwenote (St. Regis Island). (*MCA Procedure Regulations*)

“District Chief” means the candidate elected in one of the three Districts of Akwesasne, (Kanatakon, Kawehnoke or Tsi Snaihne), pursuant to the Akwesasne Election Law, or its successor law, whose terms of references are contained in the Working Conditions Regulations of Council. (*Akwesasne Election Law*)

“District Meeting” means a monthly meeting for the purpose of information and dialogue on issues concerning that District or all Districts. (*MCA Procedure Regulations*)

“Drugs” means the controlled substances listed in Schedule I, II, III, IV of the Controlled Drugs and Substance Act, Statutes of Canada. 1996 c.19 (and amendments), or any substance that contains such drugs, or anything used to produce such drugs, or found in their synthetic or natural forms. (*Akwesasne Drug Law*)

“Election” means the selection process of the Grand Chief and District Chiefs in the General Election and any By-Election, pursuant to the Akwesasne Election Law. (*Akwesasne Election Law*)

“Elector” see definition for voter in the (*Akwesasne Election Law*).

“Electoral Officer” means the Chief Electoral Officer or Deputy Electoral Officer who are the official agents to administer a General Election or By-Election. (*Akwesasne Election Law*).

“Eligible Voter” means a person eligible to vote pursuant to the Akwesasne Election Law or its successor. (*Akwesasne Banishment Law*)

“Emergency” means an unforeseen circumstance that calls for immediate action by Council. (*MCA Procedure Regulations*)

“Emergency Equipment” includes siren horn vehicular hazard warning signal lamps commonly known as four-way flashers that produces intermittent flashes of red light, spot lamp, or a lamp that automatically produces intermittent flashes of blue light, to be activated on Emergency vehicles only. (*All Terrain Vehicle Law*)

Emergency Meeting” means a meeting called due to an unforeseen circumstance that calls for immediate action because it may affect the health, safety and well-being of the community. (*MCA Procedure Regulations*)

“Emergency Vehicle” means a vehicle of the Akwesasne Fire Department or other fire department, while responding to a fire, but not returning from a fire alarm or other emergency call; a vehicle while used by a person in the lawful performance of his duties as a Mohawk Police Officer or other Peace Officer; and an ambulance of other public emergency vehicle while responding to an emergency call or being used to transport a patient or injured person in an emergency situation. (*All Terrain Vehicle Law*)

“Employee” is a person who works for the Mohawk Council of Akwesasne under an expressed or implied contract for hire, for an exchange of money for services rendered. (*General Personnel Policy*)

“Estate” means the real and personal property and any interest in land. (OVS doc. Estate Administration)

“Executive Director” previously the Chief Administrative Officer is the person who applies and is successful through the job application process to hold the principal, non-political management position for the Mohawk Council of Akwesasne. (*Procedure Regulation*)

“Family” includes spouse or common-law spouse, children and siblings that are 18 years of age or older, parents and grandparents. (*Drug Law*)

“Firearm” means any gun, rifle, shotgun, revolver or pistol including an air or pellet gun and a long bow and crossbow. (*Wildlife Conservation Law*)

“Fireworks” means a device designed to be lighted to produce a display of light, noise or smoke such as: fuses, caps, cherry bombs and every substance made, manufactured or used with a view to produce a violent effect by explosion or pyrotechnic effect. (*Fireworks By-Law*)

“Fish Habitat” means spawning area and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes. (*Wildlife Conservation Law*)

“Fishery” includes the area, locality, place or situation in or on which a pound, seine, net weir or other fishing appliance is used, set, placed or located, and the area, tract or stretch of water in or from which fish may be taken from the said pound, seine, net, weir or other fishing appliance used in connection therewith. (*Wildlife Conservation Law*)

“Fishing preserve” means an artificial or man-made body of water lying wholly in Akwesasne, containing water from surface run-off, natural springs, ground water or water diverted or pumped from a stream, lake or river but not being composed of natural streams, ponds or lakes or water impounded by damming of natural streams and in which fish propagated under a permit or fish taken under a commercial fishing permit are released for angling purposes. (*Wildlife Conservation Law*)

“Flora” means all plants, including bushes, trees, and ground cover that grow specific to a region. (*Wildlife Conservation Law*)

“Focus Meeting” means a meeting between Members and Council held for information and discussion on a specific subject matter. (*MCA Procedure Regulation*)

“General Election” means the election that occurs at a regular interval of time for the determination of the positions of the Grand Chief and District Chiefs in accordance to Akwesasne Law. (*Akwesasne Election Law*)

“Grand Chief” means the person elected to Council as Grand Chief pursuant to the Akwesasne Election and Voting Regulations in the capacity of team political leader for the District Chiefs. Terms of reference are defined under the Ethical Conduct Law. (*Akwesasne Election Law*)

“Holiday” means the twenty-four (24) hour period commencing at 00:01 hours of the day designated as a paid holiday in the Management Employment Agreement or in the General Personnel Policy. (*General Personnel Policy*)

“Hunt” means to chase, pursue, worry, follow after or on the trail of, stalk or lie in wait for the purpose of taking any animal or bird, and any molesting, trapping, attempt to trap, shoot or shooting at any animal or bird, whether or not the animal or bird is then or subsequently captured, killed or injured. (*Wildlife Conservation Law*)

“Identified Community Group” means members within the Territory of Akwesasne who are associated as a group because of a common factor. (*MCA Procedure Regulation*)

“Immediate Family” means spouse, parent, parent-in-law, grandparent, brother, sister, child (including adopted children or those living with you as your child) or grandchildren, or any spouse of the immediate family. (*General Personnel Policy*)

“Indian Register” means the register of persons that is maintained under section 5. (*Indian Act*)

“Justice of the Peace” means appointments made by Mohawk Council of Akwesasne and pursuant to section 107 of the Indian Act. (*Wildlife Conservation Law*)

“Justice Department” means the Akwesasne Justice Department and is an administrative body under the Mohawk Council of Akwesasne. (*Akwesasne Drug Law*)

“Land Owner” means a person holding a valid Certificate of Possession with respect to any land situated within the Mohawk territory of Akwesasne. (Interpretation Law Draft)

“Law” means all the rules of conduct established within Community Laws formally adopted by Mohawk Council of Akwesasne through the Law Enactment Process. (Interpretation Law Draft)

“Law Enactment Process” means the process ratified by Mohawk Council Resolution, which sets out the steps required for proposed legislation to become a Community Law. (Interpretation Law Draft)

“Liabilities” means debts or a legal obligation. (OVS doc. Estate Administration)

“License” means the document issued by the Mohawk Licensing Commission that authorizes a business to be established within the Territory of Akwesasne. (Mohawk Licensing Commission)

“Licensee” means the person that has applied and received a license from the Mohawk Licensing Commission. (Mohawk Licensing Commission)

“Mediation” is the reconciliation of a dispute through third party facilitation (the third party does not make the decision). (Akwesasne Tribunal land Division)

“Member” means a person who is enrolled as a member of Akwesasne pursuant to the Akwesasne Membership Code (does not include probationary members). (*Akwesasne Membership Code*)

“Member ex-officio” means an individual who serves (on a Board or Committee or Commission) by virtue of being on Council, and whose privileges are determined by the Board or Commission or Committee that they have a seat on. (*Mohawk Licensing Commission*)

“Member of Council” means the Grand Chief or any District Chief of the Mohawk Council of Akwesasne. (*Ethical Conduct Law*)

“Membership Board” is a body of community Members created by the Akwesasne Membership Code and for the purposes of the Residency Law must have a quorum of not less than five (5) Members. (*Election and By-Election of the Akwesasne Membership Board*)

“Membership Clerk” means that person designated by a Resolution of Council to receive applications for Residency Permits. (*Akwesasne Residency Law*)

“Mentally Incompetent Indian” means an Indian who, pursuant to the laws of the province in which he resides, has been found to be mentally defective or incompetent for the purposes of any laws of that province providing for the administration of estates of mentally defective or incompetent persons. (*Indian Act*)

“Migratory Birds” means Migratory game birds, Migratory insectivorous birds and migratory non-game birds that pass usually periodical from one region or climate to another for feeding and breeding and includes any such birds raised in captivity that cannot readily be distinguished from wild migratory birds by their size, shape or color, and any part of such birds. (*Wildlife Conservation Law*)

“Migratory Insectivorous Birds” means birds that pass usually periodical from one region or climate to another for feeding and breeding and includes bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, hummingbirds, kinglets, martins, meadowlarks, nighthawks or bull bats, nuthatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, waxwings, whippoorwills, woodpeckers, and wrens, and all other perching birds which feed entirely or chiefly on insects. (*Wildlife Conservation Law*)

“Migratory non-game birds” means birds that pass usually periodical from one region or climate to another for feeding and breeding and includes bitterns, fulmars, gannets, grebes, gulls, herons, jaegers, loons, murre, petrels, shearwaters, and terns. (*Wildlife Conservation Law*)

“Minister” means a person acting under another’s authority or an agent such as the Minister of Indian and Northern Affairs Canada. (*Waste Disposal Regulation*)

“Mohawk” is the equivalent of being Kanienkehaka. (*Akwesasne Mohawk Citizenship Law*)

“Mohawk Council” means the Mohawk Council of Akwesasne. (*Interpretation Law Draft*)

“Mohawk Council of Akwesasne” means Council [consisting of the Chiefs-elect] duly elected pursuant to the Akwesasne Election Law or any successor law thereto and also known as Council. (*Interpretation Law Draft*)

“Mohawk Council Resolution” means a Council Resolution formally adopted by the Mohawk Council of Akwesasne in pursuance of its governing authority. (*Interpretation Law*)

“Mohawk Justice” means a Judge, appointed by Mohawk Council of Akwesasne to sit in the Akwesasne Court having equivalent authority as a Justice of the Peace appointed pursuant to section 107 of the *Indian Act* (Canada).

“Mohawk Licensing Commission” means the Licensing Commission. (*Akwesasne Licensing Law Draft*)

“Native Person” means a person of native ancestry, whether or not they are registered under the Indian Act. (*Akwesasne Licensing Law Draft*)

“Neh Kanikonirio Council” is a community judicial body within the Akwesasne Justice Department, Akwesasne Community Justice Program that determines alternative sentencing. (*Community Justice Department*)

“Nest” means the nest of a migratory bird or any portion thereof. (*Wildlife Conservation Law*)

“Next of Kin” blood (or adopted) relatives. (OVS doc. Estate Administration)

“Non-Member” means a person who is not recognized as a member pursuant to the Akwesasne Membership Code. (*Akwesasne Residency Law*)

“Non-Mohawk” is a person without Mohawk (Kanienkehaka) ancestry. (*Akwesasne Mohawk Citizenship Law*)

“Notice of Denial” means a legal notification written to an applicant indicating that their application has been denied. (*Akwesasne Residency Law*)

“Notice of Revocation” means a legal notification written to a non-member residing in Akwesasne indicating that their privilege to reside in the community has been revoked under the Akwesasne Residency Law. (*Akwesasne Residency Law*)

“Nuisance” is any activity that disrupts the peace and comfort of any person, causes physical injury to any person or endangers the lives, safety or health or the general public or member thereof. (*By-Law Respecting Control of Dogs Amendment*)

“Occupancy License” means restricted permission from an Authority to reside on the Territory of Akwesasne. (*Residency Law*)

“Occupier” includes:

- A person who is the lawful owner of the premises, or
- A person who is in physical possession of the premises, or
- A person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises.

Notwithstanding that there is more than one occupier of the same premises. (*All Terrain Vehicle Law*)

“Onkwehonwe” means for the purpose of legislative definitions is a person whose (biological) mother and/or father are of native ancestry. (*Akwesasne Election Law*)

“Onus of Proof” is the legal duty of proving. (OVS doc. Estate Administration)

“Open season” means with respect to any species or group of species of wildlife, the period during which it is lawful, pursuant to this law, to hunt or take such species or group of species. (*Wildlife Conservation Law*)

“Order” means a written direction or command delivered by the court or judge. (*Banishment Law*)

“Ordinarily Resident” a person is “ordinarily resident” on a reserve when he/she habitually makes his/her home there. (OVS doc. Estate Administration)

“Parent” means a father, mother, guardian or person having the custody or care in law, or in fact of a child. (*All Terrain Vehicle Law*)

“Party(ies)” means one who takes part in a transaction. (OVS doc. Estate Administration)

“Peace Bond” an order by a Justice of the Peace issued to an individual who has breached or threatened to breach the peace. (*MCR 1987/1988 – 579*)

“Peace Keeper” means a civil officer appointed to maintain public tranquility and order. (*Peace Keeper By-Law*)

“Pelt” means the untanned skin of a fur-bearing animal. (*Wildlife Conservation Law*)

“Permit” means to consent to formally or to allow or admit pursuant to Akwesasne Laws. (*All Terrain Vehicle Law, Wildlife Conservation Law*)

“Permit holder” means consent has been given formally or to allow or allow pursuant to Akwesasne Laws. (*Wildlife Conservation Law*)

“Person” means, in addition to its ordinary meaning, includes any association, corporation, partnership, sole proprietorship or party, whether acting by themselves or by a servant, agent or employee, and the successors, assigns and personal or other legal representatives of such Person to whom the context can apply according to Akwesasne Law. (*Ethical Conduct Law*)

“Personal Property” property that is movable (as opposed to real property-land and attached buildings or structures) personal property (also called chattels) includes everything owned by the deceased that is not an interest in land or permanent improvements- for example, money, bonds, vehicles, equipment, furniture. In Quebec, personal property is called “immovable’s”. (OVS doc. Estate Administration)

“Petition” means a formal written request. (*Akwesasne Election Law*)

“Petitioner” means a Person who presents a petition to a court or other official body when seeking relief on appeal. (*Akwesasne Residency Law*)

“Pheasant” means any of the species of Phasianus Colchicus Linnaeus. (*Wildlife Conservation Law*)

“Pleasure Craft” means a vessel being used for pleasure and includes a vessel chartered or hired by or on behalf of the persons carried therein. This definition includes racing type vessels, pontoons, sea-doos, air boats, barges, canoes, row-boats, paddle- boats, etc. (*Small Vessel Act*)

“Police” means the body known as the Akwesasne Mohawk Police Services or a member of AMPS thereof. (*Akwesasne Drug Law*)

“Police Officer” means an officer of the Akwesasne Mohawk Police Department, or other person employed for the preservation and maintenance of the public peace or for the service or execution of civil process or any other officer appointed for enforcing or carrying out the provisions of this law. (*All Terrain Vehicle Law*)

“Polling Station” means premises administered by Electoral Officers for the taking of votes on an election or voting day, or at the advance poll. (*Akwesasne Election Law*)

“Portfolio” means the Department, Program or Project which has been identified as requiring both a direct liaison with Council through specific representation and a formal method of bringing community issues to the manager of that Department, Program or Project. (*Working Conditions Regulations*)

“Portfolio Holder” means the District Chief who has accepted responsibility for the particular Portfolio in order to provide the political direction to managers and those persons serving as liaison between managers and community members to Council, particularly when Council debates various issues. (*Working Conditions Regulations*)

“Portfolio Meeting” means a meeting of Council members assigned to a particular Portfolio and invited persons held for the purpose of dealing with Portfolio business. (*MCA Procedures Regulations*)

“Possession Limit” means the maximum quantity of individuals of a species or group of species that a person is entitled to have in his possession during a specified period of time and within a specified area. (*Wildlife Conservation Law*)

“Possessory Interest” means the right to possess property. (OVS doc. Estate Administration)

“Power Boat” means any boat, canoe or yacht equipped with an electric, gasoline, oil or steam motor as a means of propulsion. (*Wildlife Conservation Law*)

“Power Turn” means to maneuver a vehicle in such a manner causing the rear of the vehicle to depart from its ordinary line of progress by the sudden use of acceleration or braking, said maneuver often referred to as a “Doughnut.” (*All Terrain Vehicle Law*)

“Pre-disposition Report” means a report prepared by the Akwesasne Probation Services or other appropriate department of Council or an agency designated by Council to provide reports to the Court. (*Akwesasne Banishment Law*)

“Premises” means lands and structures, or either of them, and includes:

- Structures on water;
- Ships and vessels;
- Trailers and portable structures designed or used for residence, business or shelter;
- Motor vehicle. (Trespass to Property By-Law Draft)

“Primitive Weapons” means archery weapons and flintlock or percussion cap muzzle-loading guns. (*Wildlife Conservation Law*)

“Priority” (among creditors, or priority of payment) means the right to be paid before others. (OVS doc. Estate Administration)

“Procedural Guidelines” means the processes adopted by a regulating body and guide day to day business in accordance with Akwesasne law. (*Mohawk Licensing Commission*)

“Pro Rata Distribution” means if there are not enough estate assets to pay all creditors, each creditor will receive the same proportion of what is owed to his as the other creditors of the same class or rank. (OVS doc. Estate Administration)

“Probationary Member” means a person who has been granted probationary membership pursuant to the provisions of the Akwesasne Membership Code. (*MCA Procedures Regulations*)

“Prohibition Hours” means that period of time between the hours of eleven o’clock (11:00 p.m. to 11 a.m.) in the morning of the following day, unless otherwise established by resolution of Council. (*Akwesasne Curfew Law*)

“Prosecutor” means the official retained by Mohawk Council of Akwesasne to prosecute offenses under this Law, and includes the Office of the Prosecutor. (*Akwesasne Drug Law*)

“Public Roadway” means the part of the road that is improved by pavement, designed or ordinarily used for vehicular traffic, but does not include the shoulder. (*All Terrain Vehicle Law*)

“Quasi-Judicial” means an act or decision that is essential similar to the type of decision made by a judge. (OVS doc. Estate Administration)

“Quit Claim” a statement signed by person in which he gives up his right to claim an interest in a piece of land or other asset to someone else in exchange for money or valuable consideration. (OVS doc. Estate Administration)

“Quorum” means the minimum number of members who must be present to transact business legally. (*MCA Procedures Regulations*)

“Referendum” means the process of taking a community vote, on an important issue(s) for approval or rejection of a specific question(s) being asked on the ballot. (*Akwesasne Election Law*)

“Registered” means registered as an Indian in the Indian Register. (*Indian Act*)

“Registered Member” shall mean an individual registered as a Member on the Akwesasne Membership List. (*Akwesasne Election Law*)

“Registrar” shall mean an individual with the authority to register Akwesasne Laws under the Mohawk Council of Akwesasne per the Mohawk Council of Akwesasne Registry Law Procedural Guidelines. (*Indian Act*)

“Regulations” means the document, duly passed by Resolution of Council that contains the provisions to administer a law. (*Mohawk Licensing Commission*)

“Release” (noun) means a signed statement in which a person gives up his right to sue someone or to make a legal claim for something. (OVS doc. Estate Administration)

“Relinquish” to forsake or give up a right or privilege (see also renounce, releases, waive). (OVS doc. Estate Administration)

“Renounce” means (office) to give up the right to perform the functions of that position (such as acting as personal representative of the estate). (OVS doc. Estate Administration)

“Rescind” means the canceling or lifting of an order, or law. (*Akwesasne Banishment Law*)

“Reserve”

- a) means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band, and
- b) except in subsection 18(2), sections 20 to 25, 28, 36 to 38, 42, 44, 46, 48 to 51, 58 to 60 and the regulations made under any of those provisions, includes designated lands. (*Indian Act*)

“Reside” means to be a Resident. (*Akwesasne Residency Law*)

“Residence” means the main place where in the settled routine of that person’s life the person normally lives. (*Akwesasne Residency Law*)

“Residency Permit” means that written permit given by the Membership Board authorizing an Applicant to reside on the Territory of Akwesasne. (*Akwesasne Residency Law*)

“Resident” means a person whom;

- has made any of the Districts of the Territory of Akwesasne his/her residence for the six (6) consecutive months immediately preceding the election or by-election; or
- during the same time (six months) returns to Akwesasne on a regular basis from his/her place of employment, training or schooling and can provide evidence during the same time (six months) that he/she has been in the process of making Akwesasne his/her primary residence within the immediate future. (*Akwesasne Election Law*)

“Resolution” means a formal motion moved and seconded by members of Council, and passed by majority of those present and entitled to vote at the meeting. (*MCA Procedures Regulations*)

“Respondent” means a person, agency, corporation against whom a petition is made. (Akwesasne Mohawk Tribunal Land Division)

“Road” includes any roadway, driveway, street, lane, or other place open to the public for the passage of vehicles. (*Akwesasne Traffic Law*)

“Security Officer” means a person appointed by the CEO or DEO for the purpose of providing security and maintaining the peace at any polling station during the election or by-election. (Election and by-election of the Akwesasne Membership board)

“Seize” (assets) to take possession (of assets) under legal process. (OVS doc. Estate Administration)

“Service Connection” means the service pipes, fittings and valves laid, constructed or installed or that may be laid, constructed or installed by the water commissioner to the lot line of the applicant pursuant to an application for water services under this by-law and includes any replacement or extension thereof made at any time or from time to time. (*Waterworks Systems By-Law*)

“Short Blast” means a blast of about one second. (*Wildlife Conservation Law*)

“Significant Interest” means 25% or more ownership, shareholder, control, or other financial involvement. (*Ethical Conduct Law*)

“Snare” means a device for the taking of animals whereby they are caught in a noose, and “snaring” has a corresponding meaning. (*Wildlife Conservation Law*)

“Special Event” means a Pow-wow, show, exhibition, carnival, athletic event, concert or production. (*Mohawk Licensing Commission*)

“Special Events Vendors License” means a License issued by the Licensing Commission authorizing a Community Organization to grant permission to Persons to sell, exhibit or offer goods or services at a Special Event within the Territory of Akwesasne. (*Mohawk Licensing Commission*)

“Special General Meeting” means a meeting of Members and Council held to consider a specific issue or subject matter. (*MCA Procedures Regulations*)

“Special Meeting” means a meeting of Council held to consider administrative, business or community matters. (*MCA Procedures Regulations*)

“Sporting Fishing” means fishing by any person who is not a community member, by angling, for reasons of sport or for any other means. (*Wildlife Conservation Law*)

“Spouse” includes:

- A person considered to be a spouse according to the traditional laws of the Mohawk Community of Akwesasne
- A person married under the laws of the province or other government.
- A person in a common-law relationship with a member of Akwesasne. (*Ethical Conduct Law*)

“Status Indians” means a person who is accordingly defined by the Indian Act and registered with the Department of Indian and Northern Affairs Canada. (*Indian Act*)

“Statutory Declaration” a written statement of facts that the person making the statement signs and swears to be true before a commissioner of oaths (one formally appointed- generally as a function of his office to take oaths and statutory declarations). (OVS doc. Estate Administration)

“Stray Dog” means a dog that is unlawfully running at large. (*Akwesasne Dog Control Law*)

“Substitute Justice” means a person named by Resolution of Council to replace one of the regular Justices of the Tribunal. (OVS doc. Estate Administration)

“Sureties” means assets that have been pledged to guaranty of the estate. (OVS doc. Estate Administration)

“Surety” means a person who agrees to pay money or perform an obligation if another person (in estates, the administration) fails to pay money or perform an obligation. Another name for surety is “guarantor”. (OVS doc. Estate Administration)

“Surrendered Lands” means a reserve part of a reserve or any interest herein, the legal title to which remains vested in Her Majesty that has been released or surrendered by the band for whose use and benefit it was set apart. (*Indian Act*)

“Taxidermist” means any person who engages in the business of preservation or mounting of fauna. (*Wildlife Conservation Law*)

“Tenancy in Common” (see also Joint Tenancy) a type of ownership of land or other asset where two or more persons are entitled to the whole of the asset in common with other (as opposed to being entitled to exclusive possession of a defined part of the land). On the death of a tenant in common, the share of the deceased passes to his heirs or beneficiaries who then become tenants in common with the surviving co-owners. Land owned by a person as a tenant in common is included in his estate. Land held as a joint tenant automatically passes to the surviving joint tenants and does not become part of the estate. (OVS doc. Estate Administration)

“Territorial Clerk” means that person designated by a Resolution of Council to receive applications for Permission to Lease Permits. (*Akwesasne Residency Law*)

“Territory of Akwesasne” means the geographic area over which the Mohawk Council of Akwesasne has jurisdiction. (*Mohawk Licensing Commission*)

“Traffic” means the act of, or the attempt to, cultivate, sell, give, administer, transport, send, deliver, distribute, trade or manufacture drugs, encourage young people to use drugs, recruit people to sell or convey drugs or being in possession of a quantity of drugs deemed to be greater than would be needed for that person’s own immediate use. (*Akwesasne Drug Law*)

“Transaction” means an arrangement under which:

- The Council and another person agree to exchange value or services,
- The Council confers a benefit on another person, or

- The Council receives a benefit from another person. *Ethical Conduct Law*

“Transfer of Jurisdiction” means the transfer under the Act of the Minister’s power to oversee the administration of Indian estates. The power is transferred to a court that would normally handle the estate matters of non-Indians. Subsection 44(1) of the Act gives the Minister the authority to transfer jurisdiction. *(Indian Act)*

“Trap” means a spring trap, gin, deadfall, snare, box or net used to capture game, and “trapping has a corresponding meaning. *(Wildlife Conservation Law)*

“Tribunal” means the Akwesasne Mohawk Land Tribunal. *(Akwesasne Mohawk Tribunal Land Division)*

“Under Oath” means a statement is made “under oath” when it is sworn before a commissioner for taking oaths or judicial officer. (OVS doc. Estate Administration)

“Uniformed Security Personnel” (U.S.P.) means a person appointed by the C.E.O. or any D.E.O. for the purpose of providing security and maintaining the peace at any polling station during a General Election or By-Election. *(Akwesasne Election Law)*

“U-turn” means the turning of a vehicle so as to cause it to proceed in the opposite direction from which it was proceeding immediately prior to the commencement of such turn. *(All Terrain Vehicle Law)*

“Vehicle” includes an automobile, motorcycle, motor assisted bicycle, all-terrain vehicle and any other vehicle propelled or driven otherwise than by muscular power, unless otherwise indicated in specific laws adopted by the Mohawk Council of Akwesasne. (Indian Reserve Traffic Regulation)

“Vessel” means a boat or ship, and includes a skiff, canoe, punt and raft. *(Wildlife Conservation Law)*

“Void” means invalid. (OVS doc. Estate Administration)

“Voter” means a person who is entitled under this Election Law to vote at a General Election or By-Election. *(Akwesasne Election Law)*

“Voters’ List” means the current official written record, in alphabetical order, of Eligible Voters listed by District. *(Akwesasne Election Law)*

“Waive” means to disclaim a benefit or right to which one might be entitled. A document showing a disclaimer of right is called a waiver. (OVS doc. Estate Administration)

“Waste” includes garbage, liquid and semi-liquid substances, landfill and scrap of all kinds and any combination of any of the foregoing. (Indian Reserve Waste Disposal Regulation)

“Water Commissioner” means the water distribution and pump system laid, constructed and installed within the Territory of Akwesasne any time or from time to time and includes all service connections. (*Work works System By-Law*)

“Wildlife Conservation” means pursuant of the optimum natural productivity of all living resources and the protection of the ecological system of the territory so as to protect endangered species and to ensure primarily the continuance of the traditional pursuits of the community members, and secondarily the satisfaction of the needs of non-members for sport hunting and fishing. (*Wildlife Conservation Law*)

“Wildlife Sanctuary” means a location set aside by the Akwesasne Conservation Authority to preserve such area in its natural state, to set aside such area for scientific research, for educational purposes, to safeguard animal and plant species threatened with disappearance or extinction; also, any area of land, air or water with a particular kind of environment set aside by the Akwesasne Conservation Authority for temporary or permanent protection of certain species of animals. (*Wildlife Conservation Law*)

“Wolf” means any of the species *Canis Lupus L.* or *Canis Latrans.* (*Wildlife Conservation Law*)

“Written Instrument” means a typed or hand-written document. (OVS doc. Estate Administration)