

McKinney's Indian Law § 46

McKinney's Consolidated Laws of New York Annotated [Currentness](#)

Indian Law ([Refs & Annos](#))

Chapter 26. Of the Consolidated Laws

Article 4. The Seneca Indians

§ 46. Peacemakers' courts

The peacemakers for each of the three reservations, the Allegany, the Cattaraugus and the Tonawanda reservations, shall respectively constitute the peacemakers' courts thereof, and the eldest peacemaker of each of such courts shall be the presiding officer thereof. Any two of the peacemakers of any reservation shall be competent to perform any of the duties or exercise any of the powers assigned to the peacemakers of such reservation. The peacemakers' court of each such reservation shall have authority to hear and determine all matters, disputes and controversies between any Indians residing upon such reservation, whether arising upon contracts or for wrongs, and particularly for any encroachments or trespass on any land cultivated or occupied by any one of them, and which shall have been entered and described in the clerk's books of records; but they shall not take cognizance of any claim founded upon any debt or demand originally contracted with a non-Indian. And said peacemakers shall have power to make all needful rules and by-laws for notifying and bringing the parties to such matters, disputes and controversies as may arise under the provisions of this section before them, and for the regulation of all proceedings thereon, and for the hearing and determination thereof, and for the enforcing obedience to such rules and by-laws. They shall publicly hear the proofs and allegations of the parties to such matter, dispute or controversy, and shall publicly declare and make known their determination therein within four days after such matter, dispute or controversy shall be finally submitted to them by the parties. They shall have power to enforce obedience to such rules and by-laws, and shall have power to issue and enforce the observance of orders or notices for the appearance and attendance of witnesses before them to testify and give evidence in any such matter, dispute or controversy so pending before them, and may compel the appearance before them of such witness by attachment or by fine, for not appearing, in the same manner as is now provided by law for compelling the attendance of witnesses in courts of justices of the peace in this state. They may administer oaths to witnesses produced by the parties on any such hearing, and cause them to be examined on oath, and may examine any party to any such matter, dispute or controversy so pending before them, on oath as a witness, when such examination shall be required by an adverse party. A peacemakers' court of the Allegany or Cattaraugus reservation shall also have jurisdiction to grant divorces between Indians residing on such reservation and to hear and determine all questions and actions between individual Indians residing thereon involving the title to real estate on such reservation. If either of the parties to a controversy of which a peacemakers' court has jurisdiction resides on the Allegany reservation and either of the other parties resides on the Cattaraugus reservation, the peacemakers' court of either reservation has jurisdiction thereof.

CREDIT(S)

(L.1909, c. 31; amended L.1915, c. 560, eff. May 10, 1915; L.1953, c. 672, eff. July 1, 1953; L.1981, c. 171, § 1.)