

INDIAN LAW

Laws 1909, Chap. 31.

AN ACT in relation to Indians, constituting chapter twenty-six of the consolidated laws.

Became a law February 17, 1909, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

CHAPTER 26 OF THE CONSOLIDATED LAWS

INDIAN LAW

- Article 1. Short title (§ 1.)
2. General provisions (§§ 2-19).
 3. The Onondaga tribe (§§ 20-28).
 4. The Seneca Indians (§§ 40-60).
 5. The Seneca Indians on the Allegany and Cattaraugus reservations (§§ 70-79).
 6. The Seneca Indians on the Tonawanda Reservation (§§ 80-90).
 7. The Tuscarora nation (§§ 95-98).
 8. The Saint Regis tribe (§§ 100-114).
 9. The Shinnecock tribe (§§ 120-122).
 10. The Poospatuck (Unkechaug) Indian Nation (§§ 150-153).
 15. Laws repealed; when to take effect (§§ 200-201).

ARTICLE 1

Short Title

Section 1. Short title.

§ 1. Short title. This chapter shall be known as the "Indian Law."

ARTICLE 2

General Provisions

- Section 2. New York state Indian nations and tribes.
3. Power to contract.
 4. Marriage and divorce.

5. Actions in state courts.
- 5-a. Surrender of tribal records.
6. Exemption of reservation lands from taxation.
7. Partition of tribal lands.
- 7-a. Purchase of lands of Indians.
8. Intrusion on tribal lands.
9. Residence of other Indians on tribal lands.
10. Licenses to reside upon tribal lands.
11. Trespasses on tribal lands.
- 11-a. Recovering possession of reservation land.
12. Highways on tribal lands.
- 12-a. Indian cemetery or burial grounds.
13. Powers of departments of charities and education in relation to Indians.
- 13-a. Payments for Indians.
14. Trust funds for Indians.
15. Freedom from toll and ferriage.
16. Indian settlement agreements.
17. (Enacted without section heading).
18. Fire corporations.
19. Fire Protection Contracts.

§ 2. New York state Indian nations and tribes. The term "Indian nation or tribe" means one of the following New York state Indian nations or tribes: Cayuga Nation, Oneida Nation of New York, Onondaga Nation, Poospatuck or Unkechauge Nation, Saint Regis Mohawk Tribe, Seneca Nation of Indians, Shinnecock Indian Nation, Tonawanda Band of Seneca and Tuscarora Nation.

§ 3. Power to contract. An Indian shall be liable on his contracts not prohibited by law. An Indian may take, hold and convey real property the same as other citizens, but no land owned or occupied as the common property of any nation, tribe or band of Indians shall be conveyed otherwise than as provided in section seven. Upon becoming a freeholder to the value of one hundred dollars an Indian shall be subject to

taxation.

§ 4. Marriage and divorce. The laws of the state relating to the capacity to contract marriage, the solemnization of marriage, the annulment of the marriage contract, and divorce, are applicable to Indians; and subject to the jurisdiction of the peacemakers' courts of the Seneca nation to grant divorces, the same courts shall have jurisdiction of actions arising thereunder. But Indians who have heretofore contracted marriage according to the Indian custom or usage, and shall cohabit as husband and wife, shall be deemed lawfully married. As provided by subdivision three-a of section eleven of the domestic relations law, marriages may be solemnized by a judge or peacemaker judge of any Indian tribal court, a chief, a headman, or any member of any tribal council or other governing body of any nation, tribe or band of Indians in this state duly designated by such body for that purpose, or any other persons duly designated by such body, in keeping with the culture and traditions of any such nation, tribe or band of Indians in this state, to officiate at marriages.

§ 5. Actions in state courts. Any action or special proceeding between Indians or between one or more Indians and any other person or persons may be prosecuted and enforced in any court of the state to the same extent as provided by law for other actions and special proceedings.

§ 5-a. Surrender of tribal records. 1. At the end of the term of office of each officer, trustee, chief or headman of any nation, tribe or band of Indians, all books, records and papers of such body entrusted to or in the custody of such officer, trustee, chief or headman shall be immediately surrendered to the president, head chief or presiding trustee, if any, of such body, elected in accordance with this chapter and in the case of any nation, tribe or band the election of whose officers, chiefs or trustees is not provided for in this chapter, surrender shall be made to the senior head chief chosen according to the

custom of such nation, tribe or band.

2. All persons having in their possession or under their control any book, record or paper belonging to any nation, tribe or band of Indians shall upon demand of the president, head chief or presiding trustee, if any, of such body, elected in accordance with this chapter, surrender the same to such officer, and in the case of any nation, tribe or band the election of whose officers, chiefs or trustees is not provided for in this chapter, upon demand of the senior head chief chosen according to the custom of such nation, tribe or band, surrender shall be made to such officer.

3. A violation of this section shall constitute a misdemeanor and upon conviction of such violation the offender shall be punishable by imprisonment in the county jail for a period not exceeding one year or by a fine not exceeding five hundred dollars, or both, in the discretion of the court.

§ 6. Exemption of reservation lands from taxation. No taxes shall be assessed, for any purpose whatever, upon any Indian reservation in this state, so long as the land of such reservation shall remain the property of the nation, tribe or band occupying the same.

§ 7. Partition of tribal lands. Any nation, tribe or band of Indians which owns and occupies land in this state as the common property of such nation, tribe or band may, by the act of its Indian government, divide such lands into lots, and distribute and partition the same, quantity and quality relatively considered, among the individuals and families of such nation, tribe or band, so that the same may be held in severalty and in fee simple, according to the laws of this state. No lands occupied and improved by any Indian according to the laws, usages or customs of the nation, tribe or band shall be set off to any person other than the occupant or his family. The officers, agents or commissioners to execute the deeds to effect such partition shall be appointed by the nation, tribe or band, whose lands are to be

distributed, subject to the approval of the commissioner of general services. They shall go before the county judge of the county in which such lands are situated, and prove to his satisfaction that they are authorized to effect such transfers, and shall acknowledge before him the deeds necessary therefor. The county judge shall examine such deeds, and his indorsement thereon that he has examined the same, and that they are executed in pursuance of authority duly conferred, shall authorize the county clerk to record such deeds.

Lands partitioned or distributed in pursuance of this section shall not be subject to any lien or incumbrance, by way of mortgage, judgment or otherwise, or be alienable by the grantee or his heirs, for twenty years after the recording of the deed effecting the partition; but may be partitioned among the heirs of a grantee who dies.

§ 7-a. Purchase of lands of Indians. No purchase or contract for the sale of lands of Indians in this state, shall be valid unless made under the authority, and with the consent of the legislature.

§ 8. Intrusion on tribal lands. 1. a. Except as otherwise provided by law, no person shall enter, remain, settle or reside, conduct a business, operate a junkyard, or establish or contribute to an automobile graveyard or dump of any kind, upon any lands owned or occupied by any nation, tribe or band of Indians, except the citizens or members of such nation, tribe or band or their authorized guests or lessees.

b. For purposes of this subdivision, a person shall not be deemed to have entered the lands owned or occupied by any nation, tribe, or band of Indians if such person is temporarily and continuously passing through such lands on highways, roads, trails, or other thoroughfares.

2. Without the permission of the council or other similar authority of any Indian reservation, no person shall hereafter establish, conduct and operate, or contribute to the establishment, conduct and operation of

any junkyard, automobile graveyard or dump on any land within the limits of an Indian reservation. Any lease, contract or agreement in violation of this section shall be void.

3. The district attorney of any county in which reservation lands are situated, upon the written application of such person or entity designated by the laws of the nation, tribe or band to make such application on behalf of the nation, tribe or band owning and occupying such lands, shall make complaint of any intrusions on such lands, and cause the intruders to be removed.

4. The county judge of the county in which such lands are situated, upon complaint made to such judge, of a violation of this section shall, if such judge thinks there is reasonable ground therefor, issue a notice directed to the person against whom complaint is made, requiring such person to appear before such judge at a time and place therein specified, to answer the complaint. Such judge shall attend at the time and place mentioned in the notice, and upon proof of the personal service of such notice, shall take proof of the facts alleged in the complaint, and shall determine whether such person is an intruder upon the lands of such reservation. If such judge shall determine that such person is an intruder, such judge shall issue a warrant to the sheriff of the county commanding such sheriff, within ten days after the receipt thereof, to remove such person from such lands. If such judge shall determine that such person has been removed from such lands on a previous occasion, such judge shall issue such judge's warrant commanding the sheriff, within ten days from the receipt thereof, to remove such person and, notwithstanding any other provisions of law, commit such person to the county jail for the space of ninety days, without being entitled to the limits or the liberties of such jail; and such judge shall cause such conviction to be drawn up and filed in the office of the county clerk, which conviction shall be final. In the execution of either of such warrants the sheriff shall have the same powers as in the execution of criminal process, and shall be paid by the state such compensation as the comptroller shall certify as reasonable.

5. If a person, conducting a business, engaging in drug trafficking,

operating a junkyard, or having established or contributed to an automobile graveyard or dump, shall have been determined to be an intruder under this section, such judge may, in addition to any other penalty prescribed by this section, order the confiscation or removal of such business, drug trafficking materials or equipment, junkyard, automobile graveyard or dump within a reasonable time subject to the consent of the affected nation, tribe or band.

6. Except as set forth in paragraph b of subdivision one of this section, a determination or designation by the nation, tribe or band of a person as an intruder upon the lands of such nation, tribe or band shall be dispositive of the matter.

§ 9. Residence of other Indians on tribal lands. The chiefs, head men or councilors of any nation, tribe or band of Indians other than the Seneca nation, in council assembled, may, by a majority vote, grant a written permit to any Indian not a member of such nation, tribe or band, to reside upon the tribal lands thereof, and may limit the time and regulate the terms upon which any Indians, not members of such nation, tribe or band, may settle or reside upon such tribal lands. The permit shall describe the boundaries of the land permitted to be occupied, the length of time and the terms upon which such Indian may reside upon such land, and shall be signed by the presiding officer and the secretary or clerk of the council. The council of the Seneca nation may admit an Indian of any other nation, tribe or band, to become an inhabitant of their reservations and to enjoy the same privileges with them. All leases, contracts and agreements, not authorized by this chapter, whereby any Indians not members of such nation, tribe or band, shall be permitted to reside on the tribal lands of such nation, tribe or band shall be void; and the Indians illegally occupying such lands shall be liable to removal as intruders.

§ 10. Licenses to reside upon tribal lands. A county judge of a county in which lands of any nation, tribe or band of Indians are situated, may, upon the request of such nation, tribe or band, grant a

written license to a schoolmaster, teacher or family of teachers, or minister of the gospel and his family, or priest, to reside upon such lands, and for that purpose to occupy not to exceed fifty acres thereof, or may grant a written license to a person to reside upon such lands for the purpose of instructing the Indians in agriculture or the mechanic arts, or assisting them in erecting or in keeping in repair a mill or other machinery, or in the manufacture of salt. Such judge may revoke such license, and shall revoke it whenever it shall appear that the licensee has sold or given away to any Indian spirituous liquor or intoxicating drink. Upon the revocation of any such license, the licensee may be removed as an intruder.

§ 11. Trespasses on tribal lands. An action may be brought, in the name of the people of the state, against any person other than an Indian, trespassing upon tribal lands, by the district attorney of the county in which such lands are situated, upon security for the payment of the costs of such action being given to his satisfaction, or in the name of the nation, tribe or band, by any three of the chiefs, head men or councilors thereof, upon security being given to the satisfaction of the county judge of the county in which such lands are situated, for the payment of the costs of such action. The security for the payment of costs, as provided by this section, shall be filed, if the action is before a justice of the peace, with him, and otherwise, in the office of the county clerk. The damages recovered, after paying expenses, shall be distributed among the Indians occupying such lands.

§ 11-a. Recovering possession of reservation land. In addition to any other remedy provided by this chapter or by any other law, the council, chiefs, trustees or headmen constituting the governing body of any nation, tribe or band of Indians may in the name and on behalf of such nation, tribe or band, maintain any action or proceeding to recover the possession of lands of such nation, tribe or band unlawfully occupied by others and for damages resulting from such occupation.

§ 12. Highways on tribal lands. Commissioners of highways of towns in which an Indian reservation is wholly or partly situated shall have the same power and jurisdiction over the portion of the reservation in their respective towns, to improve highways already laid out therein, as is conferred upon such commissioners by the highway law, except that the written decision of the commissioners shall be served upon the agent, attorney or some other officer of the nation, tribe or band occupying such reservation; from which decision, such Indians may, within sixty days after the service thereof, appeal to the county judge of the county in which such lands are situated, whose decision shall be final. Such commissioners of highways may, with the consent of the tribal or national authorities of the nation, tribe or band occupying such reservation, lay out and establish as provided by law, highways on or across such reservation, and the highway commissioners of the town shall thereafter be charged with the maintenance of such road and the bridges thereon. This section shall not authorize the taxation of an Indian who is not a citizen.

§ 12-a. Indian cemetery or burial grounds. The office of parks and recreation shall have the power to designate any Indian cemetery or burial ground as a place of historic interest pursuant to subdivision one of section 3.09 of the parks and recreation law provided, however, that such cemetery or burial ground is not located upon any Indian reservation located wholly or partly within the state. No person shall destroy, alter, convert, or in any way impair any such cemetery or burial ground which has been so designated as a place of historic interest or any artifact or other object thereon which is or may be of relevance to the historic interest thereof without the prior express written permission of the office of parks and recreation.

The attorney general, at the request of the office of parks and recreation, is hereby authorized to institute an action in supreme court in the judicial district wherein such cemetery or burial ground is located to enjoin violations or threatened violations of this section.

§ 13. Powers of departments of charities and education in relation to Indians. The department of charities shall hear and determine all questions which may arise in relation to moneys under the control of the state, belonging to any nation, tribe or band of Indians, or any individual Indian or his descendants, except moneys under the control of the state for the promotion of education among the Indians, and all questions which may arise between the various parties of such tribe or nation in relation to any of their lands, or the avails thereof; and shall make such treaties, contracts and arrangements with any such nation, tribe or band, or individuals, who have any claim upon any land in this state, or any money belonging to them under the control of the state, or for the purchase of any portion of such lands, as they may deem just and proper, or in relation to the expense of laying out and keeping in repair any public road passing through any lands occupied by Indians. The department of education shall hear and determine all questions which arise in relation to moneys under the control of the state, belonging to any nation, tribe or band of Indians, for the promotion of education among the Indians. This section shall not apply to Seneca or Tonawanda nations.

§ 13-a. Payments for Indians. Whenever it shall appear that any person whose name shall be certified for payment of an annuity or other fund by the state is incapable of receiving it because of incompetency or infancy said payment shall be made to the attorney or agent of the tribe of which said incompetent or infant is a member, as trustee, who shall disburse it for the benefit of said incompetent or infant in such manner as will best promote his or her general welfare, except when such payment is certified to be made to a member of the Cayuga tribe incapable of receiving it in which event said payment shall be made to the state department of social welfare for the purposes hereinbefore described.

§ 14. Trust funds for Indians. The departments of education and charities, respectively, for the purposes hereinafter specified, shall receive from any nation, tribe or band of Indians residing in the state,

any sums of money which such Indians may wish to put in trust with the state of New York, upon condition that the interest or income thereof shall be paid over and applied, under the direction and in the discretion of the department of education, for the promotion of education among the Indians, and under the direction and in the discretion of the department of charities, for the encouragement of religion among the Indians, or for any other purpose of public interest, use and benefit, which is a proper subject of taxation. Such money shall be in the custody and under the immediate charge of the head of the division of finance in the department of taxation and finance and, under the direction of the department by which it was received as provided in this section, invested by the comptroller in safe securities or in bonds of the state bearing interest at the rate of five per centum, to be created and issued therefor, and called "The Indian loans."

§ 15. Freedom from toll and ferriage. The Indians of the Six Nations may pass and repass free of toll and ferriage, at all seasonable times of the day, on any turnpike road, which shall have been established since April sixth, eighteen hundred and three, or which shall hereafter be established, leading from or through the town of Canandaigua to Buffalo creek or its vicinity, and over any toll bridge between those places, and at the ferry across the Niagara river at or near Black Rock, or at such place or places in its vicinity where any ferry shall have been established since such time, or shall hereafter be established.

§ 16. Indian settlement agreements. Notwithstanding any other provision of law, the provisions of the Oneida Settlement Agreement referenced in section eleven of the executive law shall be deemed to supersede any inconsistent laws and regulations.

§ 17. Notwithstanding the provisions of any other provision of this chapter limiting to members of the male sex the right to vote in elections and meetings of any nation, tribe or band of Indians, no member of the feminine sex being a member of such nation, tribe or band

shall be disqualified by sex from voting in elections and meetings of such nation, band or tribe after the qualified voters of such Indian group shall have recognized the right of women to vote in elections or meetings of such group.

§ 18. Fire corporations. Notwithstanding any other provisions of law, the members of the Seneca Nation of Indians may establish fire corporations to provide fire protection and related services upon the Seneca Indian reservations, or any part thereof, subject to the approval of the Council of the Seneca Nation of Indians. Such corporations shall be formed pursuant to the applicable provisions of the Membership Corporation Law, provided, however, that the consent of such Seneca Council shall constitute the consent required by section 11.4 thereof. Any such fire corporation shall have powers equivalent to those provided by law with respect to like fire corporations or departments operating outside such Seneca reservations, including without limitation, the right to enter into contracts for the provision of fire protection services outside the Seneca reservation, and its members and employees shall be entitled to all of the benefits afforded under New York Law for persons engaged in providing fire protection services.

§ 19. Fire Protection Contracts. Notwithstanding any other provisions of law, the Seneca Nation of Indians and any city, town, village, fire district or incorporated fire company may enter into a contract or contracts whereby such city, town, village, fire district or incorporated fire company for a stated consideration, agrees to provide fire protection upon all or any part of the lands of the Seneca Nation of Indians.

ARTICLE 3

The Onondaga Tribe

Section 20. Appointment, term of office and qualifications of the agent of the Onondaga Indians.

21. Duties of agent.

- 22. Cutting and removing timber.
- 23. Consent of agent to certain contracts.
- 24. Leases.
- 26. Plank-road on reservation.
- 28. Keeping or pasturing of cattle; damages; penalty.

§ 20. Appointment, term of office and qualifications of the agent of the Onondaga Indians. The offices of agent of the Onondaga Indians residing on the Onondaga reservation, and of agent of the Onondaga Indians residing on the Allegany, Cattaraugus, Tuscarora and Tonawanda reservations, are combined effective July one, nineteen hundred sixty-one, and commencing on that date there shall be a single office of agent of the Onondaga Indians. Such agent shall be appointed by the state commissioner of social welfare and shall exercise and perform his power and duties under the supervision, direction and control of the department of social welfare. The term of office of such agent shall be five years. The compensation of such agent shall be paid by the state and shall be an annual salary of twelve hundred dollars. Such agent shall not be further reimbursed for his expenses. Such agent shall reside in Onondaga county, near the Onondaga reservation.

§ 21. Duties of agent. Such agent shall annually, on or before the first Monday of June, prepare and transmit to the department of social welfare a correct enumeration of such of the Indians of whom he is agent, as are entitled to receive annuity moneys from the state. The department of social welfare shall, upon receipt of such enumeration and undertaking, certify to the comptroller such enumeration and its approval of such undertaking and send to such agent the annuity moneys payable by the state to the Indians of whom he is agent for which purpose such moneys shall be paid to the department of social welfare from the treasury on the audit and warrant of the comptroller upon requisitions approved by the department of social welfare. Such agent shall thereupon distribute such moneys to the Indians of whom he is agent who are entitled thereto, paying the same to heads of families and individuals so far as practicable, and shall forthwith report such

distribution to the department of social welfare, which shall certify such report to the comptroller. Such agent shall protect the rights and interests of the tribe of which he is agent, and perform such other duties in relation to them as may be required by the department of social welfare.

§ 22. Cutting and removing timber. No person other than an Onondaga Indian shall cut or remove from the Onondaga reservation any tree, timber, wood, bark or poles; and no Indian shall cut any tree, timber, wood, bark or poles for the purpose of sale or removal from such reservation, nor shall sell, remove, cause to be removed or aid in the removal from such reservation of any trees, timber, wood, bark or poles, except upon the written permission of a majority of the chiefs of the Onondaga tribe, particularly specifying the quantity and kind of trees, timber, wood, bark or poles to be cut or removed.

§ 23. Consent of agent to certain contracts. Every contract which shall be made without the written consent of the agent of the Onondaga Indians, by any person other than an Indian, with any Indian of the Onondaga tribe, or with any Indian of any other nation or tribe residing or living with such Indians, for or concerning any stone, or any wood, timber or bark on the tribal lands of such nation, or that has been taken or removed from such lands, shall be void; and any person who, without such consent, shall receive from any such Indian or other person, any such stone, wood, timber or bark, on such reservation, or removed therefrom, knowing the same to have been taken or removed therefrom, shall be liable to a penalty of five times the value of such property, recoverable by the agent of such tribe, in the name of the people of the state, and payable upon recovery, after he has deducted his fees and the reasonable costs and expenses of collection, to the chiefs of such tribe for the benefit of the tribe.

§ 24. Leases. An Indian residing on the Onondaga reservation and a member of the Onondaga tribe, owning or possessed of improved lands

therein, may lease such lands to white persons, for a term not to exceed ten years; but no individual Indian shall have the right to lease any lands to be used as a stone quarry or for commercial purposes. A majority of the chiefs of such tribe may, by a written contract drawn under the direction of the agent of such tribe and approved by his indorsement thereon, lease lands to be used as stone quarries, lands to be used for commercial purposes and national lands of the tribe to white persons, the expense of such contracts to be paid by the persons to whom the lands shall be leased. Any such contract without the consent of the agent shall be void.

All moneys due upon leases of lands to be used as stone quarries or of lands to be used for commercial purposes, shall be paid to the agent to be distributed by him as follows: One-third to the Onondaga Nation of Indians and two-thirds to the individual owner of such lands, and each such lease, hereafter made, shall contain such requirement for the payment and disbursement of lease moneys.

As used in this section "commercial purposes" shall mean and include any purpose, except agricultural purposes, for which the land may be used to derive a profit.

§ 26. Plank-road on reservation. All Indians residing on the Onondaga reservation, or belonging to the Onondaga tribe, shall, as to the portion of the Syracuse and Tully plank-road constructed upon such reservation, and as to all gates erected within the bounds thereof, pass free of any charge or toll.

§ 28. Keeping or pasturing of cattle; damages; penalty. Any person who keeps, pastures, has in his possession, or under his control, any horses, cattle, or other animals, on lands contained in the Onondaga Indian reservation, unless the same are kept, pastured, or possessed, as provided in section twenty-four of this article, shall be guilty of a misdemeanor, and shall be liable for treble damages for any injury done by such cattle, horses, or other animals while on said reservation. Any

person who shall keep, pasture, have in his possession, or under his control, any cattle, horses or other animals, on lands contained within the Onondaga Indian reservation and leased under the provisions of section twenty-four of this article, shall be liable to the person damaged for any injury done by such cattle, horses, or other animals, through trespass or otherwise; and the fact that the person damaged, or any other person, has failed to erect any fences, or has failed to keep any fences in repair, shall be no defense in an action brought under this section, for injury done by such cattle, horses or other animals.

ARTICLE 4

The Seneca Indians

Section 40. Use of terms.

41. Enumeration of officers.
42. Time and place of annual election.
43. Qualifications of voters and eligibility to office.
44. The treasurer.
45. The clerk.
46. Peacemakers' courts.
47. Record of peacemakers.
48. Costs and fees.
49. Incompetency of peacemakers.
50. Appeals to council of Seneca nation.
51. Appeals from peacemakers' court of Tonawanda nation.
52. Enforcement of judgments.
53. The marshal.
54. Prosecution of actions and disposition of recovery.
55. Allotment of lands.
56. Trees and timber on reservations.
57. Offering or giving bribes prohibited.
58. Acceptance of bribes prohibited.
59. Conveying bribes prohibited.
60. Offenders competent witnesses; witnesses' immunity.

§ 40. Use of terms. In this chapter the Seneca Indians residing on

the Allegany and Cattaraugus reservations are designated the Seneca nation, and the Seneca Indians residing on the Tonawanda reservation are designated the Tonawanda nation. For the purposes of voting and holding office, the Seneca Indians residing on the Corn-planter reservation in the New York Indian agency shall be treated as residents of the Allegany reservation. The councilors of the Seneca nation, and the chiefs of the Tonawanda nation, in council assembled, are designated, in this chapter, the council of each of such nations, respectively.

§ 41. Enumeration of officers. The government of the Seneca nation by chiefs is abolished. Each nation shall have as officers a clerk and a treasurer. The Tonawanda nation shall have a marshal and three peacemakers. The Seneca nation shall have a marshal, three peacemakers, and eight councilors for each of its reservations, and a president. Each officer of each nation now in office shall continue in office until the expiration of the term for which he was chosen and until his successor shall be chosen.

§ 42. Time and place of annual election. There shall be a biennial election in the Seneca nation on the first Tuesday of November in each even numbered year. The voters residing on the Allegany reservation shall on each election day assemble at the council-house near Coldspring, and the voters residing on the Cattaraugus reservation shall assemble at the court house near Versailles, and by ballot choose successors to the officers of such nation whose terms expire with such election and fill vacancies in any offices, which have not been filled by a special election. The peacemakers of each reservation shall preside and constitute the board of inspectors of such election for their respective reservations. If any of such peacemakers are absent or refuse to serve, the electors present shall choose a person qualified to vote at such election to fill such vacancy. Before entering upon the discharge of their duties, such inspectors shall each take an oath, administered by one of the peacemakers, to support the constitution of the Seneca nation and to faithfully discharge the duties of their office according to the best of their ability. Each of such board of inspectors

shall appoint a competent person as clerk, who shall keep a poll-list, containing the name of each person voting at such election and minutes of the proceedings and of the result of the election. The president of the nation shall provide for each of the Cattaraugus and Allegany reservations, a ballot-box with a lock and an opening in the top sufficient to admit of the insertion of a folded ballot. Such box shall be locked upon the opening of the polls and remain locked until the close of such election. Each ballot received by the inspectors of election shall be deposited in such box through the opening of the top thereof. Such inspectors shall see that such election is conducted with order and regularity. The polls of such election shall be opened at nine o'clock in the forenoon and shall be kept open until five o'clock in the afternoon, when each of such boards of inspectors shall immediately proceed publicly and before adjourning to count the votes cast, publicly announce the result thereof, and make and sign duplicate certificates containing a statement of the whole number of votes cast, and the number cast for each candidate. Each of such boards, within two days of such election, shall cause one of such duplicate certificates to be delivered to the clerk of the nation, who shall immediately record the same in the records of the nation. Such boards of inspectors and the president and clerk of the nation shall constitute the board of national canvassers; and, on the Tuesday following such election, shall meet at the court house on the Cattaraugus reservation at ten o'clock in the forenoon, examine such certificates, ascertain the results of such election, and declare such persons elected as have received the highest number of votes; and such board of national canvassers, or a majority of them, shall before adjournment, execute a certificate containing a statement of the whole number of votes cast for each candidate and the name of each candidate declared to be elected to any office; such certificate shall be attested by the clerk of the nation who shall immediately record the same in the records of the nation, and such certificate shall be evidence of the result of such election. The term of office of each officer elected at such election shall, unless elected to fill a vacancy, be two years, and shall commence on the completion of the canvass of the votes by the board of national canvassers. There shall be an annual election in the Tonawanda nation on the first Tuesday in June. At such election, successors shall be elected to the officers of such

nation whose terms shall expire with such election, or during the calendar month next thereafter. The oldest peacemaker present at such election and the clerk of such nation shall be the president and clerk of the meeting, and shall keep minutes of the proceedings and results of such election. If either of such officers are absent from the meeting, the qualified voters present thereat shall choose a qualified voter to act in his stead. The officers elected at such meeting shall be chosen, upon the nomination of an elector, by ballot, or by the ayes and noes, as the meeting shall determine; and a plurality of votes shall be necessary to elect. The presiding officer and clerk of such meeting shall count the votes cast thereat and announce the result thereof. The result of such election shall be entered and certified by the president and clerk thereof in a book provided by such nation, called the register of election, which book shall be evidence of the result of elections entered therein. The terms of office of the officers elected shall be one year, and shall commence on the first Tuesday of July next after the election.

§ 43. Qualifications of voters and eligibility to office. Every male Seneca Indian of full age residing on the Allegany, Cattaraugus or Tonawanda reservations, whose name shall appear on the last preceding census taken for the purpose of distributing the annuities due to the said Indians, shall be a qualified voter at all elections or meetings of the electors of his nation; and shall be eligible to any office filled thereat, except that the marshals, peacemakers and councilors of the Seneca nation shall be residents of the reservation for which they were chosen, and the peacemakers of the Tonawanda nation shall be chosen from among the chiefs thereof. If any person offering to vote at any such election shall be challenged as unqualified, the presiding officer shall determine by an inspection of such last preceding census, upon his right to vote; and if he is challenged on the ground of not being twenty-one years of age, such officer shall ascertain the fact by the oath of the person offering his vote, or of any other Indian, which oath he is authorized to administer.

§ 44. The treasurer. Within thirty days after his election and before performing any of the duties or exercising any of the powers of his office, the treasurer of each nation shall give a bond to such nation, with such sureties and in such amount as the state comptroller shall approve, conditioned for the faithful performance of the duties of his office. For any breach of the conditions of such bond, an action may be maintained for the benefit of such nation, by their attorney, in the manner provided by law for the breach of an official bond given by a county treasurer. If such bond is not given within the time provided, the office shall be deemed vacant. The treasurer of the Seneca nation shall receive all moneys belonging to the nation, including the annuities paid by the government of the United States or the state of New York. The treasurer of the Tonawanda nation shall receive all moneys belonging to such band, which shall be deposited with him pursuant to any resolution of the council of such nation. The treasurer of each nation shall pay out moneys only upon a warrant, certified by the presiding officer and clerk of the council, to the effect that the amount to be paid by such warrant was appropriated by a resolution passed by a majority vote of the council, which warrant the treasurer shall retain as a voucher. The treasurer shall receive such compensation as the council shall determine. At least five days before the annual election, he shall report to the peacemakers an account of all moneys received and expended by him, with the vouchers for such expenditures, which account shall be settled by the peacemakers and read by the presiding officer at the next annual election.

§ 45. The clerk. The clerk of each nation shall act as clerk at every annual or special meeting thereof, and in the meetings of the council of the nation. He shall have the custody of all the books, papers and records belonging to such nation. The council of each nation shall furnish the clerk thereof with a book, at the expense of the nation, in which he shall enter all proceedings and the results of all elections at every annual or special meeting of such nation; and all orders, rules, regulations and certificates made or granted by the council of the nation, and if of the Tonawanda nation, the names of the chiefs thereof. Every certificate, order or other matter certified by the clerk to be a

true extract from his minutes shall be evidence thereof. The clerk shall receive an annual salary of not exceeding fifty dollars, to be determined by the council. The clerk of the Tonawanda nation shall also act as clerk at all hearings before the peacemakers' courts, or any other tribunal established by law on their reservation, and shall enter in the record book of the peacemakers' courts all entries required to be made therein.

§ 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.

§ 47. Record of peacemakers. The peacemakers of each reservation shall be furnished by the council of the nation, with a record book, in which they shall cause an entry to be made by the clerk, of all matters heard and determined by them. Each such entry shall state the names of the parties to the action or proceeding, a brief statement of the subject thereof, the finding and determination of the peacemakers in reference thereto, the amount of the award, the amount of costs and to whom allowed, the time within which the decision is to be complied with, and the date of such decision.

§ 48. Costs and fees. The fees of surrogates, peacemakers and marshals shall be fixed and determined by the council. In every controversy before the peacemakers they shall award the costs to be paid by the party against whom their determination shall be made; the costs allowed shall be ascertained and specified by them in their determination.

§ 49. Incompetency of peacemakers. A peacemaker shall not act in any case where he shall be related to either of the parties within the fourth degree by the common law, or has any interest in the action or proceeding. If two members of a peacemakers' court shall be incompetent to act, the remaining peacemaker shall associate with himself any two members of the council residing on the reservation not disqualified by such relationship or interest, for the hearing and determination of the action or proceeding, and such peacemaker and members of the council or any two of them shall have all the power and authority conferred upon peacemakers in relation to such action or proceeding.

§ 50. Appeals to council of Seneca nation. Within twenty days after the decision of a peacemakers' court of the Seneca nation, an appeal may be taken to the council of such nation, by serving upon the adverse party and upon the peacemakers before whom the action or proceeding was heard a notice of such appeal. The peacemakers shall certify the evidence taken before them to the council. The appeal shall be heard by at least a quorum of the council, and shall be decided upon the evidence taken in the peacemakers' court, and such additional evidence as the council may determine to hear. Upon the hearing any party shall have the right to appear either in person or by counsel and argue the merits of the case. The decision of the council shall be conclusive.

§ 51. Appeals from peacemakers' court of Tonawanda nation. An appeal may be taken from the decision of a peacemakers' court of the Tonawanda nation, or of a tribunal of such nation consisting of a peacemaker and one or more associate chiefs, to a court consisting of six chiefs of such nation, selected as follows: The party appealing shall give security, approved by the tribunal before which the action or proceeding was tried, for the payment of the amount awarded by such appellate court. Upon such security being given, such trial court shall direct the marshal to summon twelve chiefs, designated by such trial tribunal, to appear at a time and place specified, not more than ten days thereafter. At such time the names of such chiefs shall be drawn by lot, and the

first six whose names are drawn, and who are not disqualified because of interest or relationship, shall constitute a court for the hearing and determination of such appeal. Such court shall hear the appeal, and examine the witnesses and parties under oath in the same manner as the peacemakers in a determination before them. Upon such hearing, the chiefs constituting the court shall be entitled to receive twenty-five cents each for their services, to be paid in the first instance by the party appealing. In their final decision, they shall determine which party shall pay the costs and expenses of the suit and of the appeal.

§ 52. Enforcement of judgments. If any party shall fail to comply with, or fulfil the directions or finding of the peacemakers in any matter heard or determined by them in pursuance of law, within the time fixed by such determination, the party in whose favor such determination may be, shall be entitled to recover the amount awarded to him, by such determination with costs, in an action in justice's court before any justice of the peace of the county in which such reservation or a part thereof is situated, in which action, a copy of the record of such determination, certified to by said clerk, shall be conclusive evidence of the right of recovery, and of the amount of such recovery, and executions shall be awarded to enforce the collection of the judgment obtained thereon in the same manner and with the like effect as against white persons, and the property and person of the defendant in such action shall be liable to seizure and sale or imprisonment, as in like cases against white persons. In case the action or proceeding is one not within the jurisdiction of justice's courts, the application may be made to a court having jurisdiction of actions of the same nature.

§ 53. The marshal. The marshal shall execute all orders, summons and process issued or given to him by the peacemakers or any tribunal created according to the provisions of this chapter, and shall be entitled to receive for his services the same fees as are allowed by law to constables in courts held by justices of the peace.

§ 54. Prosecution of actions and disposition of recovery. The Seneca nation may prosecute by the name of "The Seneca Nation of Indians," actions and proceedings to protect their rights and interests to the Allegany, Cattaraugus and "oil spring reservations," and may maintain an action to recover the possession of any part of such reservations unlawfully withheld from them, and an action for injury to the soil of such reservations, or for cutting down or removing or converting timber or wood growing or being thereon, or an action of replevin for timber or wood removed therefrom, and for the recovery of damage for injury to the common property or rights of such Indians, or for the recovery of money, property or effects, due or to become due, or belonging, or in any way appertaining to such Indians in common, or to the Seneca nation; and in every such suit, action or proceeding in relation to lands or real estate, situated within the said reservations, the Seneca nation may allege a seisin in fee; and every recovery in such action shall be as and for, and in reference to a fee; but neither such recovery nor anything herein contained shall enlarge or in any way affect the rights, title or interest of the Seneca nation, or of such Indians in and to such reservations, as between them and the grantees or assignees of the pre-emption right of such reservations under the grants of the state of Massachusetts. And no such action shall be defeated or barred on the ground that any land in relation to which such action is brought, or from which any timber or wood, logs or other property may have been removed or taken, and which may be the subject of any such suit, was in the possession of any individual Indian, but the occupancy of any part of the said reservations by any individual Indian, shall be deemed to have been and to be the possession of the Seneca nation; nor shall any license, consent, lease, agreement or any interest whatever, made or given by any individual Indian or Indians, be received in evidence in any such action in bar, defense or mitigation of damages, and when it shall be necessary to bring any such action before a justice of the peace, the same may be brought and maintained before any such justice, residing in the county where the defendant may be found, whether the cause of action arose in such county or not. Actions or proceedings may be prosecuted by the Tonawanda nation by the name of "The Tonawanda Nation of Indians." If a bond or undertaking shall be necessary for the prosecution or defense of an action or proceeding, the attorney of

either of such nations may execute a bond or undertaking in the name and in behalf of the nation, which nation shall be liable thereon. If any costs shall be recovered against either of such nations in any action prosecuted or defended by the attorney thereof, no execution shall be issued therefor, but such costs shall be paid by the treasurer of the state, out of any annuity or interest money payable by the state to such nation, upon producing to the comptroller a certificate of the attorney of such recovery, and a certified copy of the judgment awarding such costs. All sums recovered in any action brought by the attorney thereof for the benefit of either of such nations, after deducting such costs and expense as shall be certified to by the judge before whom the case was tried, shall be paid to the treasurer of the nation.

§ 55. Allotment of lands. All lands on either the Allegany, Cattaraugus or Tonawanda reservations, except such as have been allotted by the national council, or lands on the Allegany and Cattaraugus reservations, appropriated, cultivated and improved by an Indian or Indian family or the heirs thereof, in accordance with the laws and usages of the Seneca nation, or lands on the Tonawanda reservation, to which the possessors have become entitled in pursuance of law without an allotment, shall be held in common by the Seneca and Tonawanda nations, respectively, and be subject to the control of the council thereof. The common land shall not be appropriated by any Indian to his own use without the consent of the council, who shall, on application, allot to any Indian or Indian family, so much of the common lands as they shall deem reasonable and an equitable proportion in reference to the whole number not possessing land. A description of the land desired shall be submitted to the council. Upon the approval of the council, certified by the presiding officer and clerk thereof, such description may be recorded in the clerk's book of records. A description of lands on the Tonawanda reservation, appropriated, cultivated and improved by any Indian or Indian family or the heirs thereof, after November fifteenth, eighteen hundred and forty-seven, may be recorded at any time in the clerk's book of records. The possessors of lands on the Allegany, Cattaraugus and Tonawanda reservations, descriptions of which are recorded, shall, from the time of recording only, be entitled to

maintain suits for encroachment or trespass thereon.

§ 56. Trees and timber on reservations. Except as provided by this section, no person shall cut, remove, cause to be removed or assist in removing from the Allegany, Cattaraugus or Tonawanda reservations any wood, trees or timber thereon, nor shall any Indian sell or dispose of any timber or trees on such reservations, or any manufacture therefrom; and every such sale or disposition shall be void. Except as provided in this section, any person who shall cut, remove or cause to be removed from any such reservations, or any Indian who shall sell or dispose of any trees or timber thereon, or any manufacture therefrom, shall be liable to a penalty of twice the value of such property, recoverable for the benefit of the nation occupying the reservation. An Indian residing on the Allegany or Cattaraugus reservation, may sell or dispose of, for his own benefit, any trees or timber, or the manufacture thereof, on any wild lands allotted to or entered by him; and, upon obtaining a permit from the council, signed by the presiding officer and clerk thereof, may manufacture shingles or staves from any trees or timber on any wild lands of the nation not allotted to or entered by any other Indian, and may dispose of the same for his own benefit. Any member of the Allegany or Cattaraugus reservation may sell logs from land to which he holds title. The council of the Seneca nation may sell or dispose of any trees or timber on the wild lands of the Allegany or Cattaraugus reservation, and the proceeds of such sale or disposition shall be for the benefit of such nation.

(a) Any member of the Tonawanda nation may cut timber on any land on the Tonawanda reservation to which he holds title by allotment solely for the purposes of manufacture of shingles, lumber and boards for the construction, erection and repair of buildings which such member owns situate upon said reservation and for firewood for himself and his family, and, upon obtaining a written permit, from the council of chiefs of said nation, granted only by resolution thereof, signed by the presiding officer and clerk thereof, may cut timber only on such part of the common unallotted land of the Tonawanda reservation and in such quantity as shall be specifically designated by such council of chiefs by such resolution and described in said permit, solely for the purposes

of manufacture of shingles, lumber and boards for the construction, erection and repair of buildings which such member owns situate upon such reservation, and for firewood for himself and his family. No person not a member of the Tonawanda nation shall be employed by any Indian in cutting any timber on the Tonawanda reservation.

§ 57. Offering or giving bribes prohibited. Every person who shall promise, offer or give, or cause, or aid, or abet in causing to be promised, offered or given, or furnish, or agree to furnish, in whole or in part, to the president or to any councilor, peacemaker, or other officer of the Seneca nation of Indians, any money, goods, right in action, or other property or any thing of value, or any pecuniary or other individual advantage, present or prospective, with intent to influence his vote, opinions, judgment or action, upon any question, matter, cause or proceeding which may be pending, or may be brought before him in his official capacity, shall, upon such conviction, be imprisoned in the state prison not exceeding five years, or shall be fined not exceeding one thousand dollars, or both, in the discretion of the court.

§ 58. Acceptance of bribes prohibited. Every officer enumerated in the last section, who shall accept any such gift, thing of value or any promise to make the same, under any agreement that his vote, opinion, judgment or action, shall be influenced thereby, or shall be given in any particular manner, or upon any particular side of any question, matter, cause or proceeding then pending, or which may be brought before him in his official capacity, shall, upon conviction, be forever disqualified from holding any office, trust or appointment under the constitution or laws of the Seneca nation of Indians, and shall forfeit his office and shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding two hundred dollars, or both, in the discretion of the court.

§ 59. Conveying bribes prohibited. Every person who shall knowingly

bear or convey any such gift, gratuity or proposal, or shall in any manner negotiate between any other persons for any act in violation of the provisions of the two preceding sections shall, upon conviction, be punished in like manner and to the same extent as the principal offender, respectively, would be liable to be punished under the provisions of this article.

§ 60. Offenders competent witnesses; witnesses' immunity. 1. Every person offending against any of the provisions of the three preceding sections shall be a competent witness against any other person so offending, and may be compelled to appear and give evidence before any magistrate or grand jury or in any court in the same manner as other persons.

2. In any criminal proceeding before any court or grand jury for a violation of any of the provisions of the three preceding sections, the court or grand jury may confer immunity in accordance with the provisions of section 50.20 or 190.40 of the criminal procedure law.

ARTICLE 5

The Seneca Indians on the Allegany and Cattaraugus Reservations

Section 70. Confirmation of nationality.

71. Exclusion of villages from reservations; lease of lands therein; certification of copies of leases granted by the Seneca nation of Indians and recording thereof.

72. The president.

73. General powers and duties of the council.

75. Vacancies in elective offices.

77. Police officers at annual fair.

78. Leases and rights of way.

79. Law enforcement agreements.

§ 70. Confirmation of nationality. The Seneca Indians residing on the Allegany and Cattaraugus reservations shall, subject to the limitations

provided by law, hold and possess such reservations as a distinct community.

§ 71. Exclusion of villages from reservations; lease of lands therein; certification of copies of leases granted by the Seneca nation of Indians and recording thereof. Those parts of the Allegany reservation included in the villages of Vandalia, Carrollton, Great Valley, Salamanca, West Salamanca and Red House, as surveyed, located and established pursuant to an act of congress approved February nineteenth, eighteen hundred and seventy-five, have been constituted parts of the several towns within which they are located, and all the general laws of the state are extended over and apply to the same; except that this section shall not authorize the taxation of any Indian or the property of any Indian, not a citizen of the United States. Lands in such villages held under lease from the Seneca nation of Indians shall be for all purposes considered a freehold estate, and the right of dower and tenancy by the courtesy shall attach thereto, and such lands, upon the intestacy of the holder, shall descend the same as a freehold of inheritance, except that solely for the purpose of taxation by the Salamanca Indian lease authority, the estate of a lessee shall be considered a chattel real. But the rights of the Indians in such leases shall descend as provided by the laws of the Seneca nation of Indians. When the original lease of any such lands already granted by the Seneca nation of Indians, pursuant to an act of Congress, and recorded in the books of Seneca national Indian leases kept by the clerk of said nation, or his successors or assigns in office, shall have been lost or destroyed without the same having been recorded in the office of the clerk of the county of Cattaraugus, the owner of such lease, or any person interested in the lands therein described, may apply to the clerk of said nation for a certified copy of such record of the same, and upon the payment of the fees therefor, it shall be the duty of said clerk to furnish such owner with a certified copy of said lease. Upon the presentation of a copy of any such lease, certified as aforesaid, to the clerk of Cattaraugus county, it shall be the duty of said clerk to record the same in the books provided in his office for the record of such Indian leases, upon the payment of the fees for recording the same.

Such copy of a lease certified as aforesaid shall be presumptive evidence of the facts set forth therein and shall be received in evidence on the trial of any action or proceeding in all the courts of this state. The record of such a copy of a lease certified as aforesaid in the office of the clerk of the county of Cattaraugus shall have the same force and effect as the record of the original lease, had it been recorded. The said clerk shall receive for certifying the same the sum of one dollar and for making a copy of said lease the sum of twenty-five cents per folio, which fees shall belong to the said clerk.

§ 72. The president. The president of the Seneca nation shall preside over the deliberations of the council and shall have only a casting vote therein. He shall from time to time give to the council information of the state of the nation, and recommend such measures as he shall judge necessary and expedient; and shall take care that the laws applicable to the nation be faithfully executed. He shall have power to convene the council in extra session as often as, in his judgment, the interests of the nation require, and to fill all vacancies that may occur therein until such vacancy be filled by election. In the absence of the president, the council shall choose from among their own number a presiding officer, pro tempore.

§ 73. General powers and duties of the council. The council of the Seneca nation shall meet annually on the first Tuesday of December, and in extra session whenever called by the president. Ten of the councilors shall be necessary to constitute a quorum for the transaction of business. The council shall have power,

1. To appropriate the moneys of the nation for the purpose of discharging the debts thereof, but all appropriations of public moneys shall be by an affirmative vote of at least ten of the councilors elected.

2. To fix the salaries of all officers of the nation whose salaries are not defined by law.

3. To determine on the laying out and working of roads and highways, and to make by-laws for the regulation of such work.

4. To pass by-laws and ordinances, not inconsistent with law, for the protection and improvement of the common land of the nation, for the regulation of fences, for the prevention of trespass of cattle and other animals; and may provide a penalty of not exceeding five dollars, for the violation of any by-law or ordinances, recoverable by any officer of the nation for the benefit of the nation, before the peacemakers' court of the reservation in which the offender resides or in which the offense is committed.

5. Notwithstanding any other provision of law to establish, manage and control a fire corporation for the fire protection of the common land of the nation and to enter into contracts necessary for providing such fire protection and to provide insurance for volunteer firefighters.

§ 75. Vacancies in elective offices. If a vacancy occur in the office of the president of the Seneca nation, such office shall be filled by the council by a majority vote thereof, and a meeting of the council for that purpose shall be called by the clerk of the nation upon a written petition presented to him, signed by at least ten electors of such nation. If a vacancy occur in any other office of such nation, such office shall be filled by appointment by the president of the nation, under his hand and the seal of the nation.

§ 77. Police officers at annual fair. The board of commissioners of the Niagara frontier police district may, upon the written request of at least five of the councilors of the Seneca nation, detail two or more police officers of such district to attend and preserve peace and good order at the annual fair of the Iroquois agricultural society on the Cattaraugus reservation; the reasonable expenses of such police officers to be defrayed by such nation.

§ 78. Leases and rights of way. 1. The Seneca nation of Indians, acting by and through the Seneca council, is authorized to lease, or grant rights of way over, tribal lands, including the tribal interest in lands possessed by individual Indians, within the Allegany, Cattaraugus and Oil Springs reservations for any purpose for such term and on such conditions as the Seneca council may determine.

2. Individual members of the Seneca nation of Indians are authorized to join in any such leases or rights of way executed or granted by the Seneca council with respect to whatever interest they may possess in the lands involved.

§ 79. Law enforcement agreements. 1. Notwithstanding any other provision of law, at the request of the Seneca nation, the superintendent of state police, a sheriff of a county that includes lands of the Seneca nation, or the chief of police of the city of Salamanca, may enter into an agreement with the Seneca nation detailing the activities that such law enforcement entity will undertake within the nation's federally-recognized Indian Country lands. These agreements shall not be construed to limit the powers, duties, and responsibilities to undertake activities on Indian lands, including lands of the Seneca nation, that have otherwise been conferred upon such law enforcement entities pursuant to law, rule, or regulation.

2. The agreements authorized in subdivision one of this section may include provisions related to the appointment of tribal members or nation employees as police officers pursuant to paragraphs (c) and (d) of subdivision thirty-four of section 1.20 of the criminal procedure law, extradition, and other related provisions that may be agreed upon by the parties. These agreements are not intended to and shall not be interpreted as adding, repealing, or otherwise amending any law, rule, or regulation.

ARTICLE 6

The Seneca Indians on the Tonawanda Reservation

Section 80. General powers and duties of council.

81. Attorney.

82. Vacancies in elective offices.

83. Leases for agricultural purposes.

84. Leases for the extraction of minerals, oil or natural gas.

86. Payment of annuity.

87. Indian trespasses on common land.

88. Encroachment by Indians on occupied lands.

89. Court of impeachment.

90. Poles and wires on reservation.

§ 80. General powers and duties of council. The council of the Tonawanda nation may determine upon the laying out and working of roads and highways, and may make by-laws for the regulation of such work; may pass by-laws and ordinances, not inconsistent with law, for the protection and improvement of the common land of the nation; for the regulation of fences; and for the prevention of trespasses by cattle and other domestic animals; and may provide a penalty of not exceeding five dollars, for the violation of any such by-law or ordinance, recoverable for the benefit of such nation by any chief or officer thereof, in any justice's court of the county of Genesee.

§ 81. Attorney. 1. The state department of social services shall appoint, with the advice and consent of the Tonawanda nation of Indians, an attorney and counsellor of the supreme court for at least three years to be the attorney for the Tonawanda nation of Indians, who shall be paid by the state an annual salary of five hundred dollars. He shall advise such Indians in relation to their affairs, and in relation to controversies among themselves or with any other person; shall prosecute such actions and proceedings for them, or any of them, as he may deem proper and necessary; provided however that any refusal to prosecute such actions and proceedings shall be reviewable by such department; and shall, on a written complaint of a majority of the chiefs of such nation, when any trespass has been committed on the lands of such

reservation, or any timber, wood or logs have been cut, carried away or converted by any person, not an Indian, to his own use, immediately commence the proper suit for recovery of such property or of damages for such injury.

2. The state department of social services may provide additional compensation to such attorney if it determines that the amount of service provided exceeds the value of the annual compensation. Additional compensation shall not exceed a total of one thousand dollars annually.

§ 82. Vacancies in elective offices. If a vacancy shall occur in any office of the Tonawanda nation, any chief of such nation may call a special meeting of the chiefs thereof residing on such reservation, to be held at one of their council houses, by a notice specifying the time and place thereof, served on such chiefs personally or left at their respective places of residence at least five days before the time of such meeting. At such meeting the chiefs present shall appoint a clerk, and by a majority vote shall elect a person to fill such vacancy for the remainder of the unexpired term. The clerk of such meeting shall enter and certify the result of such election in the register of elections.

§ 83. Leases for agricultural purposes. 1. Any Indian who is a member of the Tonawanda nation and who resided on the Tonawanda reservation may, with the approval of the council of the nation, lease land allotted to him to any person for agricultural purposes; the term of any such lease shall not exceed one year. Any lease entered into without the approval of the council, as evidenced by the endorsements thereon of the presiding officer and the clerk of the council, shall be void and unenforceable. Any person who enters upon or occupies any of the lands of the Tonawanda reservation under a void lease may be removed as an intruder pursuant to section eight of this chapter. All crops raised under an invalid lease shall become the property of the nation, and the council of the nation may cause the crops to be harvested and sold for the benefit of the nation. Any rents received pursuant to a void lease

shall also become the property of the nation, and the council shall have a cause of action to recover such rents from the person who received them. Common lands which have not been allotted to members of the nation may be leased by the council of such nation for agricultural purposes; the term of any such lease shall not exceed one year.

§ 84. Leases for the extraction of minerals, oil or natural gas. The council of the Tonawanda nation, with the approval of the attorney for the nation, may by lease give the right to explore land located upon the Tonawanda reservation and extract minerals, oil or natural gas therefrom by means other than those commonly known as surface, open pit, or strip mining. No lease shall be for a term in excess of twenty years. The council of the nation shall use the rents from any such lease for the common benefit of the nation as determined by the council, provided however, that any Indian residing on the Tonawanda reservation, who is deprived of substantial use or enjoyment of his allotted land because of mining operations conducted under any such lease, shall receive from the proceeds of the lease fair and equitable compensation for his loss.

§ 86. Payment of annuity. The proportionate share of such nation to the annuity of five hundred dollars, agreed to be paid by the state of New York under a treaty dated September twelfth, eighteen hundred and fifteen, shall be paid by the state to the treasurer of the Tonawanda nation. Their proportionate share shall be determined by the ratio that their numbers bear to the whole number of Senecas residing in other parts of the state, having an interest in such annuity.

§ 87. Indian trespasses on common land. If any Indian of the Tonawanda nation shall occupy any of the common lands of his nation without having obtained from the council an allotment thereof, as required by law, the council shall cause a notice to be served upon such Indian, signed by the presiding officer and clerk thereof, describing the lands so occupied, and requiring such Indian to remove therefrom, or within ten days after the personal service upon him of such notice, to

show cause at a time and place therein mentioned, before the council, why he should not be removed therefrom. If such Indian shall not remove from such lands as required by the notice, or shall not show sufficient cause to the council why he should not be removed therefrom, the council, upon due proof of the personal service of such notice on the person to whom it was directed, and that the lands occupied by such person are common lands of the nation not held by such person in pursuance of law, shall issue an order to the marshal, commanding him to forthwith remove such person, which order shall be signed by the presiding officer, and clerk of the council.

§ 88. Encroachment by Indians on occupied lands. Whenever complaint shall be made to the peacemakers of the Tonawanda reservation, by any Indians lawfully residing upon any cultivated lands of such reservation which shall have been entered and described in the clerk's books of records, that an encroachment is being made by other Indians on such lands, they shall issue a notice to the persons against whom complaint is made, stating the cause of complaint and requiring such persons to appear before them at a time and place therein specified to show cause why the complainant should not be put into full and peaceable possession of such lands; which notice shall be immediately served upon such persons. At the time and place mentioned in such notice the peacemakers, on proof of the personal service of such notice on the persons against whom complaint is made, shall hear the proofs of the parties, and shall forthwith determine whether an encroachment has been made and the extent thereof. If they shall determine that an encroachment has been made, they shall issue an order to the marshal of such reservation, commanding him to forthwith remove such encroachments and put the complainant into full possession of such lands.

§ 89. Court of impeachment. The court of impeachment, as provided by the constitution of the Seneca nation, shall be called together by the clerk of the nation, upon a written petition, presented to him, signed by at least twenty electors of said nation.

§ 90. Poles and wires on reservation. Any company may erect poles and wires, and other necessary fixtures thereto, across the lands of the Seneca Indians on the Tonawanda reservation, provided the company shall pay to the Indians to whom allotments have been made, and on whose premises telephone or telegraph poles for the purpose of supporting wires have been or may hereafter be erected, damages therefor, which in case of inability to agree thereon, shall be ascertained in the manner provided in the eminent domain procedure law. And in case the poles are erected on lands that have not been allotted to any Indian, then the said company shall pay a like sum to the district attorney of Genesee county, who shall distribute the same in accordance with the provisions of section eighty-six of this article. And in case any company may have already erected poles, or in case any company may hereafter erect poles without paying therefor in accordance therewith, then the said Indians are authorized to maintain actions of ejectment against the company therefor, in the same manner as citizens of this state, and as if they were owners in severalty of the lands so allotted to them. In case the lands are not allotted, then such an action may be prosecuted in the name of the Tonawanda band of Seneca Indians. The provisions of this article shall not apply to the existing lines of any such company, which has heretofore obtained the consent of said Seneca Indians to the erection of such existing lines and shall have paid a valuable consideration for the same, so far as such existing lines have been erected upon lands that have not been allotted.

ARTICLE 7

The Tuscarora Nation

Section 95. Allotment of lands.

96. Consent of chiefs to sales of timber.

97. Indian trespassers.

98. Illegal sales of timber and trees.

§ 95. Allotment of lands. The chiefs or head men of the Tuscarora nation of Indians in the county of Niagara, in council, shall allot and

set apart for any Indian or Indian family, making application and not possessing land, so much of the tribal lands as they shall deem reasonable and just; and no tribal lands shall be appropriated by any Indian to his own use, without such consent and allotment. Such chiefs, in council, may appoint a clerk, who shall enter in a book kept for that purpose, every allotment of tribal lands, set apart for any Indian or Indian family, and of the part thereof from which such Indian or family may sell timber and trees, and of the part he is permitted to clear for the purposes of cultivation.

§ 96. Consent of chiefs to sales of timber. Any Indian having tribal lands allotted to him by the chiefs, with the consent of such chiefs entered in the clerk's book, may sell for his own benefit any timber or trees on that portion of such lands which he shall actually and in good faith clear for the purpose of cultivation.

§ 97. Indian trespassers. Any Indian who shall cut or destroy timber or trees on any of the timbered lands of such nation, or without the consent of such chiefs, shall be liable to a penalty of twice the value of the timber so cut down or destroyed, recoverable by such chiefs, in the name of the nation.

§ 98. Illegal sales of timber and trees. Every sale or disposition without the consent of such chiefs, by any individual Indian or Indians, of any tree or timber on any of the tribal lands, or of any manufacture therefrom, shall be void. The chiefs may sell for the benefit of the nation any timber or trees on the wild lands of such nation, the proceeds of such sale to be paid to the chief whom the council shall appoint as treasurer. Such chiefs may bring an action against the person to whom such trees or timber are sold to recover the purchase price thereof, or against any person who shall have received any tree, timber or the manufacture therefrom, unlawfully sold, to recover the value thereof for the benefit of the nation. Any person who shall sell, take or carry from the lands of such nation any trees, lumber or articles

manufactured therefrom, without the consent of such chiefs, in any other case than is provided for in this section, shall be liable to a penalty of twice the value of such trees, timber or manufactured articles, recoverable by such chiefs.

ARTICLE 8

The Saint Regis Tribe

Section 100. Payment of annuity.

101. The clerk.

102. Allotment of lands.

103. Consent of chiefs to sale of timber.

104. Indian trespassers.

105. Illegal sales of timber, trees and stone.

106. Jurisdiction of council to determine disputes.

107. General powers of council.

108. Qualifications of voters.

109. Officers of tribes.

110. Election of officers.

111. Conduct of elections.

112. Canvass of votes.

113. Vacancies.

114. St. Regis Mohawk tribal police.

§ 100. Payment of annuity. The department of social welfare shall annually pay to the clerk of the Saint Regis tribe out of moneys appropriated therefor by the legislature, any amount due to such tribe pursuant to the terms of existing agreements between the state and such Indians. Before receiving any such money, such clerk shall execute a bond to the Saint Regis tribe in double the amount of the money payable to him. Such bond shall be approved as to form, amount and sufficiency of sureties by the county judge of Franklin county. The council of chiefs of the Saint Regis tribe may, in case of default, delinquency or misconduct of such clerk, maintain an action upon such bond. Before receiving any such money, the clerk shall also prepare under the direction of the chiefs an annual roll of the members of the Saint Regis

tribe who are eligible to receive annuity money, including therein the name and post-office address of each such member, and file copies of such roll in the offices of the department of social welfare and the county clerk of Franklin county. The department of social welfare shall not in any manner be charged with or be responsible for the distribution or expenditure of such annuity money by such tribe or any officials thereof.

§ 101. The clerk. 1. The clerk of the tribe shall receive all moneys belonging to such tribe, including moneys due from the state and due on any tribal lands leased by the tribe for its benefit. He shall pay out moneys only upon the warrant of a majority of the chiefs of the tribe, which warrant the clerk shall retain as a voucher. At least five days before the annual election, he shall report to the council an account of the moneys received and expended by him with the vouchers for such expenditures. He shall be entitled to receive for his services an amount to be fixed by the majority of the chiefs of the tribe, payable out of moneys disbursed by him.

2. The clerk, after setting aside sufficient funds for disbursements required to be made by law shall pay to individual members or heads of families of the tribe the per capita shares of tribal members in such annuity money unless, at a general meeting of the qualified voters of such tribe duly called and held during such year and prior to the distribution of such money, a majority of the qualified voters shall approve the expenditure of all or part of such moneys for one or more tribal projects, in which event the amount or amounts so approved for payment on account of such project or projects shall be paid in accordance with such vote and any balance of such annuity money remaining shall be added to the tribal funds.

§ 102. Allotment of lands. The chiefs or headmen of the Saint Regis nation of Indians in the county of Franklin, in council, shall allot and set apart for any Indian or Indian family making application and not possessing land, so much of the tribal lands as they shall deem

reasonable and just, and no tribal lands shall be appropriated by any Indian to his own use, without such consent and allotment. The clerk shall enter in a book, kept for that purpose, every allotment of tribal lands, set apart for any Indian or Indian family, and the part thereof from which such Indian or family may sell timber or trees or the part he is permitted to clear for the purposes of cultivation.

§ 103. Consent of chiefs to sale of timber. Any Indian having tribal lands allotted to him by the chiefs, if the consent of such chiefs is entered in the clerk's book, may sell for his own benefit any timber or trees on that portion of such lands which he shall actually and in good faith clear for the purposes of cultivation.

§ 104. Indian trespassers. Any Indian who shall cut or destroy timber or trees on any of the timbered lands of such nation, or without the consent of such chiefs, shall be liable to a penalty of twice the value of the timber so cut down or destroyed recoverable by such chiefs in the name of the nation.

§ 105. Illegal sales of timber, trees and stone. Every sale or disposition without the consent of such chiefs, by any individual Indian or Indians, of any tree, timber or stone on any of the tribal lands, or of any manufacture therefrom, shall be void. The chiefs may sell for the benefit of the tribe any timber, trees or stone on the wild lands of such tribe, the proceeds of such sale to be paid to the clerk. Such chiefs may bring an action in the name of the tribe against the person to whom such trees, timber or stone are sold to recover the value thereof, or against any person who shall have received any tree, timber or stone or the manufacture therefrom unlawfully sold, to recover the value thereof for the benefit of the tribe. Any person who shall sell, take or carry from the lands of such tribe, any trees, lumber, stone or article of manufacture therefrom, without the consent of such chiefs, in any other case than is provided for in this section, shall be liable to a penalty of twice the value of such trees, timber, stone or

manufactured articles, recoverable by such chiefs in the name of the tribe. The chiefs of such tribe, upon giving satisfactory security for costs, may sue in the name of the tribe for the amount of any recovery permitted under this section, and after paying the legal charges of such suit, shall pay over any remaining proceeds of such recovery to the clerk of the tribe.

§ 106. Jurisdiction of council to determine disputes. The chiefs of such tribe in council assembled may hear and determine charges of encroachment or trespass on lands cultivated or occupied by any Indian, entered or described in the clerk's book of records; and controversies involving the title to property between individual Indians residing on such reservation. A chief shall not act in any such case where he is related by blood to either of the parties within the fourth degree by the common law, or has any interest in the action or proceeding.

§ 107. General powers of council. The council of the Saint Regis nation may pass by-laws and ordinances not inconsistent with law, for the protection and improvement of the common land of the nation, for the regulation of fences and for the prevention of trespasses by cattle and other domestic animals, and may provide a penalty of not exceeding five dollars for the violation or disobedience of any such by-law or ordinance recoverable for the benefit of such nation, by any chief or officer thereof in the name of the nation in any justice's court of the county of Franklin.

§ 108. Qualifications of voters. All Indians of the Saint Regis tribe, who are eighteen years of age or upwards, who reside on the American side of the line dividing the United States from Canada, and who are entitled to draw the yearly annuity money, shall be entitled to vote for the chiefs or headmen, the subchiefs and clerk of the tribe at the elections of such tribe provided for by this article.

§ 109. Officers of tribes. The chiefs or headmen, the subchiefs and clerk of the Saint Regis tribe in office when this section takes effect shall continue in office until the expiration of the terms for which they were elected. Their successors shall be elected in the manner provided for by this article, and shall have all the powers conferred by this chapter upon such officers. A subchief shall have all the power and shall perform all the duties of the chief to whom he is elected as a subchief, in case of such chief's inability to act for any reason whatsoever.

§ 110. Election of officers. The election of the Saint Regis tribe of Indians shall be held annually on the first Saturday in June. At each election there shall be elected by a plurality of the votes cast by the qualified voters of such tribe, one chief and one subchief thereto, each of whom shall hold office for a term of three years.

At each third annual election dating from that held in the year eighteen hundred and ninety-eight, there shall be elected by a plurality of the votes cast by the qualified voters of said tribe, a clerk, who shall hold office for a term of three years.

A successor to such clerk shall be elected at the annual election occurring next prior to the expiration of his term of office. The terms of office of all officers of the Saint Regis tribe shall commence at twelve o'clock noon on the first day of July succeeding the election at which they are elected.

§ 111. Conduct of elections. The clerk of the tribe shall provide a sufficient number of ballot-boxes so that there shall be a separate ballot-box for each officer to be elected, the expense for which shall be paid from the moneys due to the tribe from the state. The county attorney or the sheriff of Franklin county and the members of the council who are not then candidates for election shall preside at the election, receive the ballots presented by the voters and deposit them in the respective ballot-boxes. Such council members and county attorney

or sheriff shall each be entitled to receive for such services the sum of twenty dollars per day for each day during which they are actually employed with such duties, to be paid out of the moneys due such tribe from the state. The polls of such election shall be open between the hours of nine o'clock in the morning and five o'clock in the afternoon. A voter voting at such election must, if challenged, before depositing his ballot, solemnly swear that he is at least eighteen years of age, that he resides on the American side of the line dividing the United States from Canada and that he is entitled to draw a share of the yearly annuity moneys, which oath shall be administered by the clerk of the tribe.

§ 112. Canvass of votes. Upon the closing of the polls at such election, such county attorney or sheriff and such council members not then candidates for election shall count the votes cast thereat and publicly declare the result of such election, specifying the number of votes cast for each person at such election, and the names of the persons elected. The clerk shall enter on the tribal book the names of each person voted for at such election, the number of votes cast for each such person, the names of the persons elected to office and the terms for which they are to serve.

§ 113. Vacancies. If a vacancy shall occur for any reason in the office of chief or headman, subchief or clerk of such tribe, the chiefs or headmen shall appoint a person to fill such vacancy, who shall hold office until the next succeeding annual election, at which a person shall be elected to such office to hold office until the expiration of the term for which his predecessor was elected.

§ 114. St. Regis Mohawk tribal police. 1. By notifying the superintendent of state police, the St. Regis Mohawk tribal council may establish a St. Regis Mohawk Tribe police department employing police officers appointed in accordance with this section.

a. At the time of the establishment of the tribal police department, and together with each application under subdivision two of this section, the tribal council must provide to the superintendent of state police, and at all times during the existence of such police department and during the tenure of any police officer appointed under subdivision two of this section, the tribal council must maintain in full force and effect, a waiver of sovereign immunity providing as follows: "The St. Regis Mohawk Tribe hereby waives its sovereign immunity from liability and action in New York state and federal courts, and hereby assumes liability and consents to have the same determined in accordance with the same rules of law as applied to actions against municipalities of the state of New York; provided that this waiver applies to liability for acts or omissions of officers appointed under subdivision two of this section and other police department employees occurring while the officer or employee was acting within the scope of his or her employment or duties, and to the provision of a defense for such officer or employee accused of such acts or omissions. This waiver shall apply to each such act or omission, whether or not legal action based on the act or omission is brought after a revocation of this waiver."

b. The St. Regis Mohawk Tribe shall provide for the defense of officers appointed under subdivision two of this section and other employees of the police department in any civil action or proceeding, state or federal, arising out of any alleged act or omission that occurred or allegedly occurred while the officer or employee was acting within the scope of his or her employment or duties. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or at the behest of the St. Regis Mohawk Tribe.

(i) The St. Regis Mohawk Tribe shall indemnify and save harmless officers appointed under subdivision two of this section and other police department employees in the amount of any judgment obtained against such officers or employees in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the officer or employee was acting within the scope of his or her employment or duties.

(ii) The duty to indemnify and save harmless prescribed by this

subdivision shall be conditioned upon the timely notification to the St. Regis Mohawk Tribe of the commencement of the action or proceeding and upon the full cooperation of the officer or employee in the defense of such action or proceeding and in defense of any action or proceeding against the St. Regis Mohawk Tribe based upon the same act or omission, and in the prosecution of any appeal.

(iii) At the time of the establishment of the tribal police department, and together with each application under subdivision two of this section, the tribal council must provide to the superintendent of state police evidence of procurement of, and at all times during the existence of such police department the tribal council and during the tenure of any police officer appointed under subdivision two of this section, must maintain in full force and effect at its own cost and expense, a liability insurance policy from any insurance company authorized by law to transact business in this state, against liability imposed by the provisions of this section. The minimum liability limits of such policy shall be five million dollars (\$5,000,000) for any one occurrence.

(iv) The St. Regis Mohawk Tribe shall indemnify and save harmless the state of New York and employees of the state of New York as defined in section seventeen of the public officers law in the amount of any judgment obtained against the state or such employees in a state or federal court, or in the amount of any settlement of a claim approved by the tribal council, provided that the act or omission from which such judgment or claim arose was committed by any police officer appointed under subdivision two of this section or other employee of the tribal police department and occurred while the officer or employee was acting within the scope of his or her employment or duties.

2. Upon the application of the St. Regis Mohawk tribal council, the superintendent of state police may appoint any person as a police officer with all powers provided for in the criminal procedure law for the preservation of order and of the public peace upon the St. Regis Mohawk tribal reservation and upon additional lands as set forth in subdivision eight-a of this section. The total number of appointments shall be determined by the superintendent in his or her discretion.

3. Such application shall be in writing, specifying the name, age, and address of each person for whom an appointment is sought.

4. The superintendent shall cause an investigation to be conducted of the character, qualifications and fitness of each proposed appointee and no person whom such investigation shows to be, in the opinion of the superintendent, other than of good moral character shall receive an appointment under this section.

5. The superintendent shall obtain two sets of the applicant's fingerprints for purposes of determining the criminal history of the applicant. One set of fingerprints shall be sent to the division of criminal justice services to identify the applicant and to conduct a criminal history records search of the division's New York state files to determine whether or not such applicant has a criminal history in this state. The other set of such applicant's fingerprints shall be forwarded to the federal bureau of investigation for the purpose of a nationwide criminal history record check to determine whether such applicant has a criminal history in any state or federal jurisdiction. The division of criminal justice services shall promptly transmit the reports of the New York state criminal record search to the superintendent. The federal bureau of investigation reports of nationwide criminal records searches shall be transmitted to the superintendent by the most direct means authorized by federal law, rules and regulations.

6. No person shall commence duties as a police officer under this section unless and until the St. Regis Mohawk tribal council shall certify to the superintendent of state police, and the superintendent is so satisfied, that the proposed appointee has met the minimum police training standards as determined by the superintendent.

7. The superintendent of state police shall file the certificate of appointment of any such person in the office of the department of state, and shall forthwith notify the person appointed, by mail, at the address specified in the application, that the certificate has been so filed. Each such person shall, within fifteen days after such certificate shall

have been filed, and before entering upon the duties of the office, take and subscribe the constitutional oath of office, and file it in the office of the department of state. The home address of the person appointed shall appear in the certificate of appointment, and whenever such address is changed the St. Regis Mohawk tribal council shall file with the superintendent of state police a statement of the new address.

8. The geographical area of employment of a police officer appointed under this section shall be within the county of Franklin, and within that county, only within the boundary of the St. Regis reservation, except that if the superintendent of state police has certified such officer with expanded jurisdiction within the county of Franklin, pursuant to subdivision eight-a of this section, the geographical area of employment of such police officer shall also include the area of expanded jurisdiction set forth in that subdivision. Notwithstanding any law to the contrary, police officers appointed pursuant to this section shall not serve under the command or authority of any other government agency or officer, and shall not serve as members of joint task forces with other law enforcement agencies, without the approval of the superintendent.

8-a. Upon the application of the St. Regis Mohawk tribal council, the superintendent is authorized to expand the jurisdiction of any person appointed a police officer under this section to the area within the county of Franklin, outside of the boundary of the St. Regis reservation, to the area known as the "Bombay triangle" in such manner that the southern boundary of the area of expanded jurisdiction shall be a straight line beginning at a point on the southern boundary in the southwest quadrant of the St. Regis reservation, 500 feet east of the St. Regis river at 44.9540N 74.6873W, continuing in an easterly direction to a point on the southern border in the south western quadrant of the reservation at 44.9526N 74.6132W. The area of expanded jurisdiction shall include all points north of this line described herein continuing to the southern-most border of the St. Regis reservation. Such expanded jurisdiction may be revoked or suspended by the superintendent at his or her discretion. Officers exercising police authority pursuant to this expanded jurisdiction shall be subject to all

of the provisions set forth in this section in the same manner as if they were operating within the state-recognized borders of the St. Regis reservation and all responsibilities set forth in this section with respect to the duties of the St. Regis Mohawk tribe, including the duty to indemnify and save harmless, shall apply to this area in the same manner as if it was within the state-recognized boundaries of the St. Regis reservation. A representative of the administration of the St. Regis Mohawk tribal police department shall keep the superintendent informed, on a monthly basis, of all crimes, accidents and requests for law enforcement services occurring within the area described in this subdivision in whatever manner and format the superintendent designates. Nothing in this section shall be interpreted in a manner to reduce or eliminate the existing jurisdiction of any other state or local police department within this area.

9. A person appointed a police officer under this section shall be an employee of the St. Regis Mohawk Tribe and shall not be an officer, agent, servant or employee of the state or any subdivision thereof. The compensation of every such police officer shall be such as may be agreed upon between the officer and the St. Regis Mohawk tribal council and shall be paid by the St. Regis Mohawk tribal council.

10. When the St. Regis Mohawk tribal council no longer employs a police officer appointed under this section it shall file notice to that effect with the superintendent of state police and in the office of the department of state, and thereupon such appointment shall be terminated.

11. The superintendent of state police may also at pleasure revoke or suspend the appointment of any such police officer by filing a notice of suspension or revocation thereof in the office of the department of state and mailing a notice of such filing to the St. Regis Mohawk tribal council, and also to the person whose appointment is suspended or revoked, at the officer's address as it appears in the certificate of appointment or the latest statement thereof on file. An appointment may be restored by the superintendent upon the filing of a restoration notice to the department of state, the person suspended, and the St. Regis Mohawk tribal council.

12. If such person thereafter, knowing of such revocation or having in any manner received notice thereof, exercises or attempts to exercise any of the powers of a police officer, under this section, such person shall be guilty of a misdemeanor. The filing and mailing of such notice, as above provided, shall be presumptive evidence that such person knew of the revocation.

13. The superintendent shall revoke the appointments of all such police officers, by the process provided in subdivision eleven of this section, if the tribal council fails to maintain in full force and effect the waiver of sovereign immunity and the policy of insurance specified in subdivision one of this section.

14. The superintendent is authorized to promulgate rules and regulations to effectuate the provisions of this section.

ARTICLE 9

The Shinnecock Tribe

Section 120. Election of trustees.

121. Powers of trustees.

122. Unlawful use of lands.

§ 120. Election of trustees. The adult male members belonging to the Shinnecock tribe of Indians in Suffolk county, who for the preceding six months shall have resided on the reservation of said tribe, may meet on the first Tuesday in April in each year, at the place of holding town meetings in the town of Southampton, and by plurality of votes elect three persons, belonging to such tribe, as trustees. The town clerk of said town shall attend and preside at such meetings and shall enter in a book kept by him for that purpose the names of the trustees chosen. He shall also enter in such book the proceedings of such trustees and of the justices of such town in reference to the allotment or leasing of Indian lands.

§ 121. Powers of trustees. Such trustees may allot the tribal lands to the individuals or families thereof; may direct on what part of such lands firewood and timber may be cut by such tribe; and, with the consent of three justices of the peace residing in or near the town of Southamptton, may lease so much of such lands as they may deem for the benefit of the tribe, for a term not longer than three years.

§ 122. Unlawful use of lands. Any person, not of such tribe, who shall hire, use or occupy any lands of such tribe, which have been allotted by the trustees thereof, or any person who shall occupy or use any of such lands without the consent of a majority of such trustees, and of at least two of such justices, obtained and entered in the book of the town clerk kept for such purpose, shall be liable to a penalty of twenty-five dollars for every acre hired, used or occupied. Any person belonging to such tribe, who shall cut any wood or timber on such lands, without the order and consent of such trustees and justices entered in such book, shall be liable to a penalty of ten dollars for each offense. One-half of any such penalty shall be for the use of the overseers of the poor of the town of Southamptton, and the other half shall go to any person who shall sue for the recovery thereof.

ARTICLE 10

THE POOSPATUCK (UNKECHAUGE) INDIAN NATION

Section 150. Leadership of Poospatuck Indian nation; elections; terms of office.

151. Qualifications of voters.

152. Qualifications for office.

153. Survey of tribal land of the Poospatuck tribe.

§ 150. Leadership of Poospatuck Indian nation; elections; terms of office. The Poospatuck Indian nation historically has had and shall continue to have a chief, three land trustees, a tribal secretary, a keeper of the records, and a keeper of the wampums. They shall be

elected by a majority vote by ballot of the blood right members of the tribe eligible to vote at the annual tribal meeting which shall be held annually on the first Tuesday in April. All officers shall hold office for a period of one year with the exception of the land trustees. The land trustees shall hold office for a period of three years, provided however, that one land trustee shall be elected each year so that continuity and experience will be maintained among the trustees.

§ 151. Qualifications of voters. No person shall vote at the election provided for in section one hundred fifty of this article unless such person is at least eighteen years of age; has been actually residing on the reservation for six months immediately preceding such election; and is certified as a blood right member of the Poospatuck Indian nation by the tribal council of such nation in accordance with the tribal rules, customs and regulations of the Poospatuck Indian nation.

§ 152. Qualifications for office. All officers shall qualify for office and perform their respective duties in accordance with the tribal rules, customs and regulations of the Poospatuck Indian nation and, in addition, shall have been actually residing on the reservation for six months immediately preceding election.

§ 153. Survey of tribal land of the Poospatuck tribe. The Poospatuck Indian tribe is hereby authorized to have an accurate survey and description made of its tribal lands for the purposes of determining its reservation boundaries. Such survey shall, however, not affect the claims of the tribe to other lands, nor shall such survey be made more than once every ten years.

ARTICLE 15

Laws Repealed; When to Take Effect

Section 200. Laws repealed.

201. When to take effect.

§ 200. Laws repealed. Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is hereby repealed.

§ 201. When to take effect. This chapter shall take effect immediately.