

Subject Matter: Divorce - Procedure for when Tribal Marriage
Page: June 1940 Meeting: Res. No. CJ-3-40
Passed: June 4, 1940
Vote: 46 for - 0 against.

RESOLUTION NO. CJ-3-40

To define a procedure for divorce where the marriage has been consummated by Tribal Custom Ceremony

WHEREAS, there has been no action by the Tribal Council to establish a legal way for securing a divorce of marriage by Tribal Custom;

THEREFORE, BE IT RESOLVED that the Court of Tribal Offenses is hereby authorized to grant divorces, for cause, for all marriages consummated by Tribal Custom Ceremony; that all such divorces must be recorded in the agency office, and that a certificate of divorce shall be issued by the Tribal Courts;

BE IT FURTHER RESOLVED that each divorce decree shall provide for fair and just settlement of property rights between the parties, and also for the custody and the proper care of the minor children;

BE IT FURTHER RESOLVED that no person, married by Tribal Custom, who claims to have been divorced shall be free to remarry until a Certificate of Divorce has been issued by the Tribal Courts;

BE IT FURTHER RESOLVED that to enforce the above procedure, the following section shall be added to the Code of Tribal Offenses: "Any Navajo Indian who is married and who shall remarry without first having been properly divorced by Tribal or other appropriate court, shall be deemed guilty of an offense against the tribe and upon conviction thereof shall be sentenced to labor for a period of not to exceed one month, or fined \$30.00, or both."

CERTIFICATION

I hereby certify that the foregoing resolution was considered and duly approved by a 46 to 0 vote of the Navajo Tribal Council at a regularly called meeting held at Window Rock, Arizona, at which a quorum was present, this 4th day of June, 1940.

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J. C. MORGAN (Sgd)
Chairman, Navajo Tribal Council

WITNESSED:

HOWARD GORMAN (Sgd)
Vice-Chairman, Navajo Tribal Council

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COPY

February 21, 1956

Mr. Miles A. Davis
District Manager, Social Security Administration
144 N. Montezuma Street
Prescott, Arizona

Dear Mr. Davis:

Enclosed is a copy of the Tribal Resolution No. CJ-3-40 which should reflect to you the fact that prior to that date the Tribal Courts had no authority to grant divorces. I have no material to substantiate my statement but from everything I have been told Tribal custom divorces were quite simple in form. The wife placed the husband's gear outside the home, he got it and left and that constituted a divorce. I have been told this by a number of Navajo people whose word I have no cause to doubt.

If I can be of further help please let me know.

Respectfully,

Mark C. Reno
Legal Advisor

Enclosure

cc: Secretary-Treasurer

MCReno:mll

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ARCHIVE COPY