

PROPERTY OF  
**THE NAVAJO TRIBE**

RESOLUTION OF THE  
NAVAJO TRIBAL COUNCIL

Husband and wife, Cases on Property and Contract Rights brought  
before the Navajo Courts of Indian Offenses.

WHEREAS:

1. Cases brought before Navajo Courts of Indian Offenses involving property and contract rights of husband and wife have increased considerably and present indications show they will continue to increase in the future,
2. The increase of this type of cases has resulted in the need for uniform and well defined laws to maintain consistency in decisions rendered throughout Navajo Courts of Indian Offenses.
3. A study has been made to formulate a set of laws which would be most beneficial and appropriate in line with the present needs of the Navajo people, and wherever possible, consistent with their customs.

NOW THEREFORE BE IT RESOLVED THAT:

1. The following regulations based on the law of Arizona are hereby adopted as laws of the Navajo Tribe and shall be applied in all cases involving property and contract rights of husband and wife coming before Navajo Courts of Indian Offenses:

I. ANTE-NUPTIAL CONTRACTS

1. Ante-nuptial contracts; limitations; execution by minor
  - A. Parties intending to marry may enter into agreements not contrary to good morals of law. They shall not enter into an agreement or make a renunciation the object of which is to alter the law of descent of property either with respect to themselves or inheritance by their children or posterity which either may have by other person, or with respect to their common children.

3. A matrimonial agreement must be acknowledged before an officer authorized to acknowledge deeds.

C. A minor capable of contracting matrimony may enter into an agreement authorized by this section with the written consent of both parents if both are living, and if not, with the consent of the survivor. If both parents are dead the minor may enter such agreements with the written consent of his guardian.

D. No matrimonial agreement shall be altered after solemnization of the marriage.

## II. PROPERTY RIGHTS AND CONTRACT POWERS

1. Property acquired during marriage as community property; exceptions; disposition of personal property.

A. All property acquired by either husband or wife during the marriage, except that which is acquired by gift, devise or descent, or earned by the wife and her minor children while she lives separate and apart from her husband, is the community property of the husband and wife.

B. During coverture, personal property may be disposed of by the husband only.

2. Capacity of married persons under age of majority to deal with community property; effect of dissolution of marriage

A. Lawfully married men and women eighteen years of age or over shall not be under legal disability by reason of their minority with regard to any transaction affecting their real or personal community property, and they shall as to such property possess all the rights and liabilities in estates and property usually attached to and assumed by persons of the age of twenty-one years and over.

B. A dissolution of marriage shall not deprive either party who is eighteen years of age or over at the time of dissolution of authority to enter into transactions affecting the community property acquired during coverture and which may be vested in either or both of them as the result of dissolution of the marriage.

3. Separate property defined

A. All property, real and personal, of the husband, owned or claimed by him before marriage, and that acquired afterward

by gift, devise or descent, and also the increase, rents issues and profits thereof, is his separate property.

B. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise or descent, and also the increase, rents, issues and profits thereof, is her separate property.

C. The earnings and accumulations of the wife and the minor children in her custody while she lives separate and apart from her husband are the separate property of the wife.

4. Legal capacity of married women generally; control of separate property

A. Married women of the age of twenty-one years and upwards have the same legal rights and are subject to the same legal liabilities as men of the age of twenty-one years and upwards except the right to make contracts binding the common property of the husband and wife.

B. Married women have the sole and exclusive control of their separate property. The separate property of a married woman is not liable for debts or obligations of the husband, and it may be sold, mortgaged, conveyed or bequeathed by the woman who owns it as if she were not married.

5. Power of wife to contract debts for necessaries; judgment; order of execution

The wife may contract debts for necessaries for herself and children upon the credit of her husband. In an action to collect such a debt the wife and her husband shall be sued jointly and the court shall decree that execution be levied first upon the common property, second upon the separate property of the husband and third upon the separate property of the wife.

6. Liability of community property and separate property for community and prenuptial debts

A. The separate property of the husband or wife is not liable for the debts of the other contracted before marriage.

B. The community property of the husband and wife is lia-


ble for the community debts contracted by the husband during marriage unless specially excepted by law.

7. Ownership of property acquired after moving into Navajo Indian Country

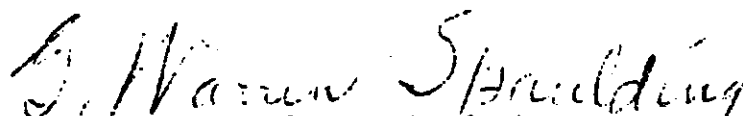
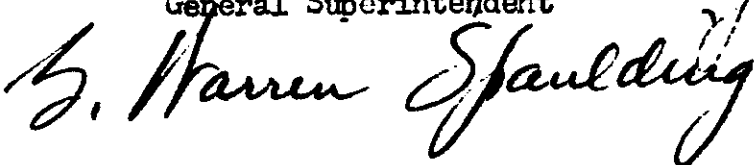
Marital rights in property which is acquired in Navajo Indian Country during marriage by Navajo Indians married without such country who move into such country shall be controlled by the laws of the Navajo Tribe.

C E R T I F I C A T I O N

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Arizona, at which a quorum was present and that same was approved by a vote of 54 in favor, and 12 opposed, this 18th day of July, 1956.

  
SCOTT PRESTON, Acting Chairman  
Navajo Tribal Council

APPROVED: July 24, 1956

  
General Superintendent  


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