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Law & Order.
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Indian marriage
and divorce customs.

Mr. Charles H. Dickson,
Supt. Laupp School.

Sir:

FILED BY C. P. F.

A copy of Office letter of even date to Dine Yazzi and others is inclosed herewith for your information.

One of the most distressing conditions which the Government has to contend with on the Navajo Reservation is the moral laxity of the Indians regarding marriage and divorce, especially cases such as the Williams Case on which you have recently reported. These plural marriages and those with young girls are matters of deepest concern and, while the Office and the Department recognize these marriages made according to Indian custom, where the contracting parties are noncitizens, in so far as they affect the distribution of the estates of Indians, yet they are extremely detrimental to the best interests of the Indians. The difficulty of correcting them is fully recognized here, but these very difficulties should spur you on to renewed efforts for finally discontinuing child marriages and having other marriages performed in accordance with the laws of the land. On reservations such

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as yours there may be some trouble experienced in procuring the services of those lawfully authorized by the laws to perform the marriage ceremony and in such cases there would be no objection to your recognition of any common law marriage made in good faith, and not only in this case but in all other cases of marriages among your Indians a record as complete as practicable should be made at the Agency office. You should comply with the terms of Office Circular issued on April 5, 1901.

While polygamous marriages are vicious yet they are not so much so as the revolting custom of child marriages and the Office intends to use all its power to break up these among the Indians. As Superintendent of the reservation you should not in any manner recognize any marriage of an Indian child fourteen years of age or under, but see that such child is promptly taken away and the Indian contracting such is properly punished.

While Indian custom marriages are recognized by the Department, they should be discouraged in every way possible, and the ceremony prescribed in the Circular referred to carried out whenever practicable. A full record of all Indian custom marriages should be kept.

Divorces even by Indian custom, except in the most flagrant instances of derelictions upon the part of either one

of the union, should be strongly discouraged and the Indians given to understand that they must obey these instructions.

Respectfully,

10-CHC-11

Acting Commissioner.