

ROSS, S. W.

CITIZENS BY INTERMARRIAGE.

1889  
317

ROSS, S. W.

INTERVIEW

12809

Elizabeth Ross,  
Investigator,  
January 26, 1938.

An Interview with Mr. S. W. Ross,  
Park Hill, Oklahoma.

Citizens by Intermarriage.

As early as 1819 the Cherokee National Council, in session at New Echota, Cherokee Nation, in Georgia, passed a resolution to the effect that any white man who should thereafter marry a Cherokee woman should be required to be married legally by a minister of the Gospel, or if not married by a minister, by some other legally authorized person. The person desiring to marry was also required to procure a license from the National Clerk.

There had been marriages long before 1819 between Cherokees and whites, but that was before the keeping of written records was begun. The resolution of November 12, 1819, was approved by John Ross who was then President of the National Committee or Senate; by Major Ridge, Speaker of the Council; and by Pathkiller, Principal Chief; and by Charles R. Hicks, Assistant Principal Chief.

At a later date, in the Cherokee Nation in the Indian Territory, at Tahlequah which was the capital, a law

-2-

concerning intermarriage was passed on the 28th day of September, 1839. This law authorized clerks of courts, judges, and ministers of the Gospel to perform marriage ceremonies. The clerks were required to register all marriage licenses.

Four years later, or in 1843, the law of 1839 was repealed, that is, in the matter of the clerks of courts issuing licenses. Provision was made that application should be made to the National Council, the clerk of which was authorized and directed to issue marriage licenses.

A number of years later, in 1875, the law provided that each applicant for a marriage license should make oath on application that he had no living wife from whom he had not been divorced. The same law applied to white women in so far as having a living husband was concerned, and it was also required that applicants present a written certificate of good moral character. These citizens must have known the applicant for a period of six months or longer. All applicants were required to pay the sum of \$5.00 as a fee for the license and to subscribe to

ROSS, S. W.

INTERVIEW

12809

-3-

an oath to submit to and uphold the laws of the Cherokee Nation.

In the event of the death of the Cherokee wife of a white man the latter continued as a citizen of the Cherokee Nation, and the white woman whose Indian husband had died remained a Cherokee citizen. That is, unless in case of remarriage a white man or white woman was selected by the widow or widower. Inasmuch as neither possessed Cherokee blood neither of them could adopt a person of white blood as a Cherokee citizen. Only the National Council had authority to adopt white persons into the Cherokee Tribe and the number thus adopted was not large.

The clerks of the nine districts of the Cherokee Nation were furnished books in which to register the names of applicants for marriage licenses, the numbers of the licenses and the race or nationality of the applicant.

At the present day, in 1938, there are old citizens who recall having called upon Cherokee friends and acquaintances for the purpose of securing signers for applications for marriage licenses.

These marriage laws are referred to in acts and laws

ROSS, S. W.

INTERVIEW

12809

~~-4-~~

passed by the Cherokee National Council at various dates.  
They are included in a compilation of laws made from 1808  
down to 1852, as well as in later laws down to 1875.