

### Abandonment and Divorce in the Cherokee Nation

In his *Cherokee Lineages*, James R. Hicks Jr. explains that Lucy Dial and a man named Riley had Minnie Viola Riley (born in November 1879) and Rebecca Elnora Riley (born in January 1883). Lucy then started a new family with Burt Cole, and their first child was born in December 1887. Evidence of the Riley partnership comes from the children's surname and Lucy's appearance on the 1880 Cherokee Nation Census as Lucy Riley.<sup>1</sup>

In September 1883 Lucy found herself in a predicament, considering her husband had abandoned her and had two other wives from whom he had not obtained legal divorces. "Miss Lucy Dial" wrote to Dennis Bushyhead, Principal Chief of the Cherokee Nation, to clarify whether she needed to obtain a divorce from her first husband (Riley) before marrying another man (likely Cole).<sup>2</sup> The collection contains no other papers pertaining to this situation.

Maysville,<sub>|</sub> Benton Co<sub>|</sub>  
Ark<sub>|</sub>  
Sep 24 1883

Mr. Bushead

Sir I was requested

To ask you this question | If a cherokee  
Girl marries a non citizen having two wives  
living and [he has] no divorce from them<sub>|</sub> has  
she got to have a divorce before marrying  
eny more<sub>|</sub> does the law require a divorce  
or not[?] I want to know<sub>|</sub> that is<sub>|</sub> if the man  
leaves the Girl without a cause<sub>|</sub> please  
answer me rite rite [sic] a way [as] soon as [you have] received  
this and Oblige me

Miss Lucy Dial  
of [?]attie prairie C[h]erokee  
Nation

—Contributed by Paul K. Graham, AG, CG

1. James R. Hicks Jr., "Descendants of A-ma-do-ya Moytoy," *Cherokee Lineages* (<http://familytreemaker.genealogy.com/users/h/i/c/James-R-Hicks-VA/BOOK-0001/0021-0506.html#IND14587REF0>: accessed 23 August 2015), entry for Lucy Dial, no. 2107.

2. Miss Lucy Dial to [Chief] Bushyhead, letter, 24 September 1883, Divorce Records, undated and 1847–1909 (Acts for Divorce by the National Council, Petitions for Divorce, Miscellaneous Inquiries), Cherokee National Records; microfilm CHN 75, Oklahoma Historical Society, Oklahoma City; also microfilm 1,666,197, Family History Library, Salt Lake City.