

Marriage Records are an Invaluable Resource for Family History Researchers

by Dee Gibson-Roles

Marriage records have been kept in North Carolina and most other states in the eastern US since colonial days. From the very early days of our state through 1868, marriage bonds were issued. The groom-to-be was required to post a bond with the state which guaranteed that there were no legal obstacles to the marriage. If for any reason the marriage did not occur or if the groom was found to be ineligible, the bond was forfeited. The groom usually had a relative or friend who posted at least part of bond for him (many grooms were young and had little money). The groom-to-be, the bondsman, the bride-to-be, sometimes the father of the bride or groom, and the county official receiving the bond were listed on the bond. Often a paper is attached on which the official performing the ceremony certified that he had performed the marriage and the date on which he did so. In 1850, a law was passed requiring each county to keep a register of all marriages performed within that county. This register can be a very valuable resource to researchers, especially when some or all of the marriage bonds for the county are missing for whatever reason. The register is considered the official marriage record for each county. The NC State Archives holds on microfiche a master list of all marriage bonds existing in the state. These are listed alphabetically with separate lists for grooms and for brides. Some libraries and genealogical societies hold copies of this fiche for the use of its patrons. (OBCGS holds a copy.)

It should also be noted that if “banns” were read in the local church, it was not necessary to obtain a bond – the banns were sufficient. Banns are described as the official announcement or proclamation of a coming marriage. Both bonds and banns served the same purpose – to assure that there was no impediment to the marriage. An impediment could be a previous marriage not dissolved by divorce or annulment, lack of consent in the case where one or both of the parties were under age, the couple being too closely related, or a previous vow of celibacy.

In 1868 the court and county government system was revamped. Instead of bonds, marriage licenses were now issued by the Clerk of Court or the Register of Deeds. The General Assembly made these a requirement in 1872. Beginning in 1868 there followed a period of confusion in which some counties kept licenses, some still used bonds, and some were lax (to say the least) in issuing and recording the licenses. During this time period from 1868 until around 1874 – 1875, sometimes a marriage bond can be found, sometimes a handwritten license, sometimes a formal license, and sometimes nothing except possibly the recording of the marriage in the county marriage register. Sometimes a bond form was used with the additional required information (such as parents' names) handwritten somewhere on the bond form. (One must remember that this was the period of reconstruction in the South, and there was much unease and confusion in the record keeping.) Around 1874, most counties began to consistently issue the required licenses. These have continued until the present day, with minor changes. Licenses contained the name of the person applying for the license, the name, age, place of residence of the bride and groom, their parents and, for a period of time, whether the parents were living or dead, and the issuer of the license. There was a section for the parents to give permission if the either party was under legal age and a section for the official performing the ceremony to complete with the place and date of marriage and the signatures of the official and the witnesses (usually two or three witnesses.) For counties whose licenses have survived, these represent a real research treasure.

We sometimes find marriage records which state that the couple was married “in the public road.” On more than one occasion the couple procured a license and happened to meet the minister of other official on the way home and the ceremony was performed on the spot. Most often the marriage took place at the home of the bride or groom and this is usually stated. Sometimes the ceremony was performed at the official's residence.

A brief note about witnesses – any witness to the marriage should be noted as they were most often relatives or at least close friends of one or both of the parties. These names can provide valuable clues to the researcher as to possible relatives and/or relationships.

North Carolina researchers are fortunate in that marriage records have been kept since colonial days and these records have survived in one form or another (the bond, license, and/or register). The surviving bonds of almost all counties reside in the NC State Archives, but in many counties the microfilm containing the images of that county's bonds can be found in the public library. It is wise to check with the county in question as there has been some loss of records due to fires, floods, etc. Early marriage licenses (pre- 1940) may be found in the county, the state archives or both. It is essential to check both the county and the holdings in the archives for the record.

The availability of marriage records in other states varies from state to state. For example, South Carolina did not require that marriage records be kept until the twentieth century. The researcher needs to research the availability of these records when beginning research in any state. In the case of some states in which the records are sparse or nonexistent, there are published works of "implied" marriage records in other documents. An example would be a will in which a daughter and her husband are mentioned. This "implied" marriage may be the only existing documentation of the marriage and the bride's maiden name. Brent Holcombe has published some of these records for South Carolina.

On the other side of the coin, we must consider divorce records, another boon for the researcher. Again, the requirements for a divorce and the records kept of them vary from state to state and the researcher must investigate the laws regarding the obtaining of a divorce and the availability of the records on a state by state basis.

We will discuss divorce in early North Carolina here. In the very early years of the country, divorces in NC were granted by the General Assembly. We must hasten to state that a divorce was very rare (and usually considered a disgrace) and extremely hard obtain. It was almost impossible for a woman to be granted a divorce, although we do find some in the records. There were two forms of divorce: an absolute divorce and a divorce from bed and board. In the first instance, the bonds of marriage were completely severed and the parties were free to remarry. It was usually granted for adultery and sometimes for cruelty and/or desertion. The marriage was rendered nonexistent in this type of divorce. The second type kept the marriage intact and contract of the bond in force but granted separate "bed and board" for each party. The wife was usually granted alimony except in the case of her infidelity. Some of the grounds for this type of divorce were habitual drunkenness, physical or mental cruelty, abandonment or turning one of the parties out of the home.

Although divorces were supposedly handled by the General Assembly in the early years of the country, sometimes a divorce can be found in the local court records. Such is the case in Buncombe County in the divorce case of John and Ruth Edwards in the 1790s. John received all the land they jointly owned (which was a considerable amount) and Ruth received a roan mare and a feather bed. It is advisable to check both the county court records and the General Assembly divorce records for a divorce.

Interestingly, there is a record of a divorce granted to a woman in what is now Jackson County in the early 1800s. Elizabeth Cockerham Starnes sought a divorce from her husband John Starnes on the grounds of extreme cruelty. From the records, John appears to have been insanely jealous and suspicious of any action on Elizabeth's part, accusing her of inappropriate actions with any male with whom she came in contact. The petition for the divorce that was sent to the General Assembly contained the signatures of almost all of the prominent men in the area at the time. In addition, Elizabeth's father was a man of considerable influence in the community. She was granted the divorce. (Note: the name "Cockerham" was shortened over time to "Cochram" or "Cochran.")

The North Carolina Genealogical Society published a list of all the divorces granted by the General Assembly. This list covered several issues. Volunteers at OBCGS had abstracted the names of the parties involved and date of the issue which contained their divorce details and placed this list on the library shelves for researchers.

Some counties have a record of the maiden names of divorced women. These are usually housed in the archives and may be found in the original volumes and/or on microfilm. Researchers should consult the list of records on an individual county basis to determine which form, if any, is available for the county in question. (A quick perusal of the county records shows that about 75% of NC counties have these records in the archives, either in microform or in volumes.)

Between 1814 and 1835 the NC General Assembly moved toward keeping the divorces in the county courts, so a divorce during this time may be in either source. After 1835, all divorces were handled by the county courts.

One interesting note: There was an inordinately large number of divorces immediately following the Civil War. Most of these involved the accusation by the husband of infidelity on the part of the wife, usually while he was away during the war. (These make for rather sensational reading!) While many of these accusations were undoubtedly true, it appears to us that for some couples, this was simply a way to end a marriage that one or both parties wanted terminated. We must also consider the fact that many of these men had experienced trauma during the war that changed their lives (and in some cases, mental health) forever, and realize that this could also be a contributing factor.