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Genealogy Pointers (10-13-09)

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"Marriages are Made in Heaven--But Where Are They Recorded? Part Three: Marriage Laws," by Robert Barnes

The first part of this article, which appeared in the August 12 issue of "Genealogy Pointers," focused on Direct Records of Marriage, such as marriage bonds, parish registers, etc. You may access the article at this link:

http://www.genealogical.com/newsletters/genealogy_pointers_8-12-08.pdf

Part Two, which appeared in the October 28 issue of "Genealogy Pointers," treated Indirect Records of Marriage, such as probate records, newspaper entries, and so forth. You may access the article at this link:

http://www.genealogical.com/newsletters/genealogy_pointers_10-28-08.pdf

This concluding segment of my essay on researching marriage records explains why it is important for researchers to familiarize themselves with the specific marriage laws of the state or country they are exploring. For instance, in England, in 1653, under the Cromwell Protectorate, marriage was a civil contract performed by a Justice of the Peace. With the Restoration of Charles II in 1660, marriage was once more a sacrament of the Church. The only legal marriages were those performed in parish churches, and the only burials were in parish churchyards, so many Catholics had their marriages recorded in Church of England church records.

In Maryland, with whose marriage statutes I am most familiar, there were a number of laws pertaining to marriage and the recording of marriages.

In October 1640 the Assembly of Maryland enacted a law stating that no one could be married unless the banns had been published three days earlier in a chapel or some other public place (Archives of Maryland [hereafter ARMD] 1:97).

In the 1650s the General Assembly of Maryland passed several laws requiring the clerks

of the various county courts to keep registers of births, marriages, and deaths. Only a few of these registers--from Charles, Kent, Talbot, and Somerset counties--have come down to us.

In April 1658 the Lord Proprietary ordered, "by and with the consent of this present General Assembly," that the clerks of each county court were to keep a register of all persons born, married, or died, and any person who waited more than two months to register such an event should be fined 20 pounds of tobacco. The act was to continue in effect for three years. Another act of the same session said that any persons desiring to be married should publish their intentions at any session of court, church, chapel, or meeting house at a time when the meeting was full (ARMD 1:373, 374). At the session ending May 1666 the Assembly described the form the marriage ceremony should take (ARMD 2:148).

At a meeting of the Council held in September 1685, it was ordered that "anyone, magistrate, priest, or minister, qualified to marry or join in matrimony should not perform such a ceremony to any persons, strangers from Virginia or elsewhere, without a license or certificate from some Magistrate or other person within this Province thereunto legally authorized and empowered of having past due Examination, and that the parties desiring the same may lawfully be joined together" (ARMD 17:399).

At the session ending June 1692 it was enacted that all persons intending to marry could apply to a minister, pastor, or magistrate. Clerks were to keep a register of births, marriages, and burials in a fair and legible hand (ARMD 13:450, 530).

On a more somber note at that session, the Assembly enacted a law directing that if "any freeborn English or white woman should marry with any Negro or other Slave or any free Negro she should lose her freedom and become a servant during the term of seven years to the use and benefit of the Ministry or the Poor of the same Parish at the discretion of the Vestry men of the Parish to which the said Woman at the time of Marriage did belong, and if the man was a free Negro, he should forfeit his freedom and become a Servant to the use aforesaid during his natural life" (ARMD 13:547).

On 12 June 1694 Thomas Lawrence, Secretary of the Province, announcing an Act of Assembly "to keep records of all births, marriages and deaths," wrote the following to Mr. John West, Clerk of Somerset County, to be read in Court June next:

"Whereas according to an Act of Assembly of this Province entitled an Act for the Registering of Births, Marriages & Burials, it is enacted that within two months after the birth of any Child, person married or the death of any person within this Province, that the Birth of the Child born by the Parents & the time of the marriage of any Person married, & the time of the death of any person dying by the Extr or Admnr be entered upon Record by the Clerk of the County Court. And whereas the inhabitants of the several & respective Counties are very slack & negligent in entering the same according to the tenour of sd act these are to will and require the inhabitants of the several and respective Counties to bring in a just & true account of the Children born, the persons

marrýed and the persons deceased and to enter the same upon record with the Clerk of the County Court in which they doe inhabit & dwell & for the future to enter the same within the time limited as by the sd act is required whereof they are not to fail under the penalty in the sd Act mentioned & for default to be prosecuted accordingly whereof every person by their Ma'ties Special Command are to take notice. Given under [my?] hand this eleventh day of May Anno Domini 1694" (SOJU LD:97).

In July 1696 it was enacted by the "Authority aforesaid by and with the Advice and Consent aforesaid That if any Minister priest or Magistrate shall join in Marriage any persons Contrary to the Table of Marriages by this Act appointed to be Set up in every parish Church within this Province he or they shall forfeit the sum of five Thousand pounds of tobacco" (ARMD 19:430).

By May 1704 the registrars of the parish were to keep a register of all births, marriages, and burials within the parish (ARMD 24:268).

Again, in Maryland until well into the 20th century, marriages had to be performed by an ordained clergyman. Nowadays, clerks of the county courts may perform civil marriages. [END]

Editor's Note: Robert Barnes is one of Maryland's leading genealogists and an expert on marriage records. He is the author of a three-volume series on Maryland marriage records spanning the period 1634 to 1820.

His most recent publications include:

[Maryland Marriage Evidences, 1634-1718](#)

[Colonial Families of Maryland: Bound and Determined to Succeed](#)

[Missing Relatives and Lost Friends](#)

24-Hour Reductions on Key Marriage Books

(The following sale prices are in effect until 11:59 tonight, October 13, 2009)

[Marriages of Central and Western North Carolina, by Brent Holcomb \(CD\)](#)

This CD-ROM publication contains marriage records ranging in date from the 1750s to 1868. Based on eleven volumes compiled by Brent Holcomb and published by the Genealogical Publishing Company, it contains abstracts of all the marriage bonds issued in the various counties until 1868. Entries include the names of the brides and grooms and names of ministers, witnesses, and bondsmen. Altogether, 175,000 individuals are named. The marriage collections previously published in book form and imaged for this new CD are: Bute and Warren Counties, 1764-1868; Chatham County, 1772-1868; Granville County, 1753-1868; Johnston County, 1762-1868; Mecklenburg County, 1783-

1868; Orange County, 1779-1868; Rowan County, 1753-1868; Rutherford County, 1779-1868; Surry County, 1779-1868; Wake County, 1770-1868; and Wilkes County, 1778-1868.

Was \$39.99 Now \$24.99

[Kentucky Marriage Records from *The Register of the Kentucky Historical Society*](#)

Except for a series of newspaper abstracts by G. Glenn Clift ([Kentucky Marriages, 1797-1865](#)), this volume contains every list of marriages known to have been published in *The Register of the Kentucky Historical Society* since 1903. The following nineteen of Kentucky's oldest counties are represented, some of which, either in whole or in part, spawned a great many later counties: Barren, Bourbon, Christian, Floyd, Franklin, Grant, Greenup, Hardin, Lawrence, Lincoln, Madison, Mercer, Montgomery, Muhlenberg, Nelson, Pike, Shelby, Union, and Woodford. Based on courthouse records--primarily marriage bonds, licenses, ministers' returns, and marriage registers--the combined lists, which are fully indexed, contain references to approximately 50,000 persons!

Was \$75.00 Now \$44.95

[Marriage Records of Washington County, Tennessee, 1787-1840](#)

These marriage records are arranged chronologically from September 19, 1787, to December 31, 1840, and name about 4,500 men and women. Additional information includes the exact date of the bond and the name of the bondsman. All names--brides, grooms, and bondsmen--are listed in alphabetical order in the index for quick and easy reference.

Was \$15.00 Now \$8.99

[Virginia Marriage Records from *The Virginia Magazine of History and Biography*, the *William and Mary College Quarterly*, and *Tyler's Quarterly*](#)

This collection of marriage records is extracted from the three leading Virginia magazines of genealogy: *The Virginia Magazine of History and Biography*, the *William and Mary College Quarterly*, and *Tyler's Quarterly*. The book contains almost every list of marriages published in these esteemed periodicals. The combined lists--fully indexed--include some 20,000 marriage records, most of which derive from bonds, ministers' returns, licenses, registers, ministerial records, and newspapers. In the aggregate, they form the largest collection of Virginia marriage records ever published.

Was \$57.50 Now \$35.95

[Early Connecticut Marriages as Found on Ancient Church Records Prior to 1800](#)

This extensive work is based on original records, mainly of the Congregational and Episcopal churches of the period 1651 to 1800. About 30,000 marriages are recorded, arranged by town and thereunder by church, giving the full names of the brides and grooms and the marriage dates. Published as seven volumes in one, each of the component volumes is indexed.

Was \$69.95 Now \$41.95

[Early Massachusetts Marriages Prior to 1800. With "Plymouth County Marriages, 1692-1746," Edited by Lucy Hall Greenlaw](#)

This is the most complete collection of early Massachusetts marriages ever published, containing more than 20,000 entries for the period 1643 to 1800. The marriages derive from records kept by the various county, city, and court clerks in compliance with Massachusetts law and give the full name of the bride and groom and date and place of marriage. The book is divided into four sections, and each section of the book is separately paginated and indexed, except for the last, which is arranged in chronological order.

\$55.00 Now \$35.95

[Maryland Marriage Evidences, 1634-1718](#)

A companion volume to Robert Barnes's 1975 work *Maryland Marriages, 1634-1777*, this is a collection of 6,500 marriage records found in sources other than church records, closing the gap in the historical record and providing a clear alternative to traditional genealogical sources. The records in this new work are based on both direct and indirect references. With a bibliography and a full-name index of brides and others mentioned in the text, this work completes the tableau of sources available to the researcher in the area of colonial Maryland genealogy.

Was \$40.00 Now \$22.95

[Marriages of Isle of Wight County, Virginia, 1628-1800](#)

The marriages in this work are based on the records of the ancient shire of Isle of Wight. The records include marriages from the area of present-day Southampton County, erected from Isle of Wight in 1749. They derive chiefly from inferential sources, in particular will books, deed books, and order books, though marriage bonds, ministers' returns, and Quaker records also figure significantly in the list of sources. The work identifies some 6,300 persons, every one of whom is cited in the index.

Was \$19.50 Now \$12.00

[Caswell County, NC Marriage Bonds, 1778-1868](#)

This is a collection of all 5,700 extant marriage bonds for Caswell County from 1778 to 1868. Each entry identifies the bride and groom, date of the bond, and name of the bondsman or witness.

Was \$21.50 Now \$12.95

[Marriages of Wilkes County, NC, 1778-1868](#)

This work contains abstracts of all marriage bonds issued in Wilkes County from shortly after it was erected from Surry County to 1868. The 5,000 marriage records abstracted here refer in total to some 15,000 persons, including bondsmen. As is the convention, the data are arranged throughout in alphabetical order by the surname of the groom, and each entry contains the name of the bride, the date of the bond, and the name of the bondsman.

Was \$28.50 Now \$18.59

[Washington County, Ohio Marriages, 1789-1840](#)

The marriages in this book consist of a complete list of 3,600 brides and grooms, with places of residence, marriage dates, names of officiating ministers, and page references to the original record books for the period 1789 to 1840.

Was \$18.50 Now \$10.95

More Print on Demand Titles Now Available

As we have stated in previous newsletters, although we continue to manufacture some of our books via conventional offset lithography and inventory them in our warehouse, many titles that have been long out of print in our catalog are now available print on demand (POD). In fact, we just made almost 400 more books available to you print on demand. Here are ten of the titles you can now order without further delay.

[The Welsh Lineage of John Lewis \(1592-1657\), Emigrant to Gloucester County, Virginia](#)

The Lewis family of Warner Hall was perhaps the most influential family in Gloucester County, Virginia, during the colonial period. Since the original publication of Sorley's "Lewis of Warner Hall," a debate has raged over the identity of the family's immigrant ancestor, whom Sorley presumed to be one Robert Lewis of Wales. It was left to Mrs. Grace Moses, in this work, to show conclusively that Sorley was wrong and that the true immigrant ancestor of the Lewises of Warner Hall was John Lewis, who settled at Totopotomys Creek in Gloucester County, Virginia, on July 1, 1653.

[Early Western Augusta Pioneers. Including the Families of Cleek, Gwin, Lightner and Warwick and Related Families of Bratton, Campbell, Carlile, Craig, Crawford, Dyer, Gay, Givens, Graham, Harper, Henderson, Hull, Keister, Lockridge, McFarland, and Moore](#)

When Augusta County, Virginia, was established in 1745, it extended from the Alleghenies to the Mississippi River and from the northern part of Tennessee to the Great Lakes. This work contains detailed genealogies of the twenty such families mentioned in the title of the work who settled in that region of "old western Augusta" during the mid-18th century. The author also provides introductory chapters on the history of German and Scotch-Irish settlement to the region, a table of family members who fought in the colonial, Revolutionary, and Civil wars, a bibliography of more than 100 sources, and a full-name index with approximately 10,000 entries.

[Wills of Richmond County, VA, 1699-1800](#)

Richmond County wills are extant only from 1699, but the compiler of this useful work has bridged the gap by substituting information from Order Books, 1692-1699, thereby extending the possibilities for genealogical enquiry. The entries, which consist mainly of abstracts of wills and inventories and refer to about 8,000 persons, are arranged in chronological order.

[The Georgians](#)

This is a collection of 283 genealogies that Mrs. Jeannette Austin compiled over a period of twenty years as a professional genealogist. Taken as a whole, it represents a cross-section of pioneer Georgia families. Although the earliest Georgia settlers were brought in by General Oglethorpe in 1733, the majority of the settlers--from Connecticut,

Maryland, Virginia, and the Carolinas--arrived after the Revolution, taking up bounty grants, joining in the land lotteries, and settling lands surrendered in the Indian treaties. While this work deals with some of Oglethorpe's settlers, the vast majority of the genealogies deal with Georgians who descend from settlers from other states.

[The Natchez Court Records, 1767-1805. Abstracts of Early Records](#)

In 1781, two years after Spain took the Natchez District from the British, the Spanish commandant began to record all matters involving the mainly British inhabitants that would normally come before a tribunal--records of sureties, bills of sale for land and slaves, inventories, appraisals, wills, etc. These proceedings comprise Part One of this work; the second part, Land Claims, 1767-1805, deals with British land grants in the Natchez District and is based on abstracts of land titles submitted to the U.S. for confirmation of land ownership.

[The Colonial Clergy of Virginia, North Carolina and South Carolina](#)

This annotated list of about 1,000 southern colonial clergymen gives such useful information as place and date of birth and death; names of parents; college of matriculation; date of ordination; religious denomination; names of parishes, with dates in which livings were held; and a variety of similar matter.

[Bergen \[NJ\] Records](#)

This is a one-volume consolidation of the printed records of the Dutch Church of Bergen, now Jersey City, and consists of three main parts: baptisms, marriages, and burials. Also included in this authoritative work are histories of early New Jersey Dutch families and a history of Bergen.

[German New River Settlement: Virginia](#)

This work surveys the history of the German New River Settlement and succeeds in identifying all, or nearly all, German New River settlers in chapters devoted to pioneer families, baptisms, marriage records, and court records.

[Marriages of Mobile County, Alabama, 1813-1855](#)

Based on official records, this is an alphabetical list of nearly 12,000 men and women who married in Mobile County, Alabama, between 1813, when the county was formed, and 1855. Brides and grooms are listed in a single alphabetical sequence, with the date of the marriage and a citation to the original source of the information given in tabular format.

[New Facts and Old Families, from the Records of Frederick County, Maryland](#)

This is a compilation of excerpts from the Judgment Records of Frederick County, Maryland, 1748-1765. As such, the book is full of materials relating to the inhabitants of some of the early towns of Frederick County, Maryland. Chapters are devoted to the founding and establishment of the towns of Jefferson, Middletown, and Walkersville, as well as the lost towns of Hamburg, Trammelstown, and Monocacy, while sub-sections deal with the history of some of the founding families and provide lists of the original owners of land. Based on original land records, this work provides the only authoritative

account of the actual layout, plan, and development of many of the towns and villages of the county.

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Clearfield Company Bargain Books for October (Sale prices expire 10/29/09)

[The Roll of Battle Abbey](#)

The Roll of Battle Abbey contains the names of several hundred of the noble companions of William the Conqueror. The work in hand, a compilation by John Bernard Burke, is a heavily annotated list of the companions of the Conqueror, the annotations providing an account of the origins of each companion and his relationship to William, a description of his baronies and estates, an assessment of his position in the feudal hierarchy, and a concise history of his life and times.

Was \$20.00 Now \$14.95

[Baltimore County Families, 1659-1759](#)

Here for the first time is a book that provides comprehensive genealogical data on the hundreds of families and thousands of individuals who settled in Baltimore County during the first hundred years of its existence. Family histories have been constructed from a series of family groups starting with the earliest known progenitor, followed by his children, his grandchildren, and, in some cases, his great-grandchildren.

Was \$52.50 Now \$38.50

[Roster of Civil War Soldiers from Washington County, Maryland. Second Edition](#)

This second edition features more than 300 sketches not included in the original edition--fully 25% more. Many of the newly added soldiers served in units outside of Maryland (notably Pennsylvania and Virginia) but could be identified as residents of Washington County at the time of the 1890 "Special Census." Some of the new soldiers are believed to have been from states like New York and Ohio who served in the vicinity of Washington County and located there after the war.

Was \$26.50 Now \$19.50

[Early Ohio Settlers. Purchasers of Land in Southeastern Ohio, 1800-1840](#)

[Early Ohio Settlers. Purchasers of Land in East and E. Central Ohio, 1800-1840](#)

[Early Ohio Settlers. Purchasers of Land in Southwestern Ohio, 1800-1840](#)

Under an ordinance passed in 1785, the lands of the Northwest Territory were offered for sale to the public. In due course, four land offices were established in Ohio for the auction and private sale of public lands. The books referred to here concern sales from three of those land offices: the Marietta Land Office, covering 12 present-day southeastern Ohio counties; the Zanesville Land Office, with jurisdiction over eastern and east central Ohio; and the Cincinnati Land Office, with jurisdiction over southwestern Ohio and eastern Indiana.

In an easy-to-use tabular format, the southeastern volume presents a complete list of the 7,500 persons who bought land in the Marietta Land Office between 1800 and 1840. Information includes the names of the purchasers (in alphabetical order), date of

purchase, place of residence at the time of purchase, and the range, township, and section of the purchased land. The information is a distillation of 30 volumes of unindexed land records.

The east and east central volume covers the same period for the Zanesville Land Office and includes the same arrangement and kinds of information as the Marietta volume. The Zanesville Land Office included some tracts originally reserved for the Marietta and Steubenville offices and, more importantly, parts of the U.S. Military District, reserved for veterans of the Revolutionary War. Those land sales form the basis of this book. In addition, this volume also includes records from the Steubenville office for the period 1820 to 1840.

The final volume is a complete list of the 25,000 persons who bought land in southwestern Ohio and eastern Indiana through the Cincinnati Land Office between 1800 and 1840.

[Southeastern:](#) **Available print on demand for \$19.50**

[East and East Central:](#) **Was \$31.50 Now \$22.95**

[Southwestern:](#) **Was \$34.50 Now \$25.50**

[Births, Deaths, and Sponsors, 1717-1778, From the Albemarle Parish Register of Surry and Sussex Counties, Virginia](#)

This register is unique in that it is the only existing complete parish register for the section of Virginia south of the James River extending from Brunswick to Princess Anne counties. It is alphabetically arranged by family name and includes names, dates of births, and less frequently, deaths, names of parents, and the names of all sponsors at christenings (those who were godparents, usually being relatives). There is a separate index to sponsors, which, when calculated with the main entries in the text, pushes the total number of persons named to approximately 11,000.

Was \$25.00 Now \$18.50

[Virginia Historical Genealogies](#)

This work, naming 4,000 related individuals, contains the lineages of about fifty families, the main branches of which were located in Virginia, Maryland, and North and South Carolina.

Was \$37.50 Now \$27.95

[The Census Tables for the French Colony of Louisiana from 1699 Through 1732](#)

This is a compilation of the 28 earliest census records of Louisiana, covering, at one period or another, Biloxi, Fort Maurepas, Mobile, Natchez, New Orleans, and other locations. The records are both civilian and military, mainly the former, and they extend from 1699 through 1732. Besides census records, the work includes lists of 1,704 marriageable girls, a 1726 list of persons requesting slaves, landowner lists, and a list of persons massacred at Fort Rosalie in 1729.

Was \$23.50 Now \$17.50

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Blog: Italian Research for the Non-Italian

For many of us, contemplating research in a non-English-speaking country can be daunting and some background research will be in order. If you had ancestors who came from Italy two or more generations ago, you will appreciate Carolyn Barkley's updated article concerning this kind of research, and the principles in Carolyn's articles apply to any non-English-speaking country. You can read her article today, for free, at our blog, www.genealogyandfamilyhistory.com.

Note: This newsletter includes time-sensitive special offers previously announced only to e-mail subscribers of Genealogical.com's Genealogy Pointers. To sign up for this free weekly newsletter, [click here](#).

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3. Call toll-free to our sales department at 1-800-296-6687