

Vital Records

A Beginner's Guide from the Heritage Research Center

COURTESY OF THE HIGH POINT PUBLIC LIBRARY

WHAT YOU'LL FIND WITHIN:

- Overview
- Access issues
- Birth certificates in brief
- Marriage bonds
- Marriage licenses
- Divorces
- Death certificates
- Substitutes for vital records

HERITAGE RESEARCH CENTER

High Point Public Library

901 N. Main Street

P. O. Box 2530

High Point, N.C. 27261

(336) 883-3637

ncroom@highpointnc.gov

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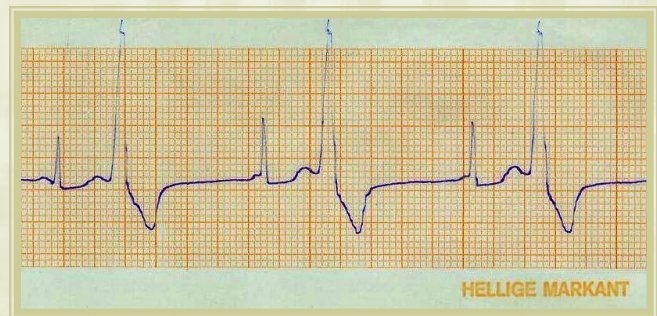
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VITAL SIGNS: DOCUMENTING THREE CRUCIAL LIFE EVENTS

Family historians always want to discover the dates and places of birth, marriage, and death for each of their ancestors. It is not that these facts are so interesting in and of themselves. A list of names, dates and places can seem pretty dry, actually. They are only a means to an end, in that they help us build a structure upon which to layer further details about the lives and personalities of our forebears.

For instance, if we did not know when and where our ancestors lived, we wouldn't know what major historical events affected them or where to look for the records that might flesh



out their lives. We'd also have little hope of being able to connect them to their parents and grandparents.

Public vital records are among the easiest sources to obtain and use when one needs to establish these crucial facts. They usually contain detailed and precise information taken directly from family

members. Birth, marriage and death records are always considered vital records—but records of divorce are also frequently classed with them. They may be kept on the state, county or municipal levels. The amount of detail varies and one must not expect to find them in quantity before the last one hundred years for most locations.

LOCAL LAW AND ACCESS ISSUES

Vital records often contain very sensitive information, like an individual's cause of death, the circumstances leading up to a divorce, or allusions to the illegitimacy of a child. While individuals may feel uncomfortable about the public nature of these documents, the state sometimes has even more compelling reasons for restricting access to them.

Birth certificates, in particular, can enable criminals to assume false identities

and obtain credit or other privileges on false premises. In recent years, there has been a strong movement by legislatures to limit just who can see and obtain copies of this material. Death certificates and even indexes to vital records are also sometimes restricted.

Before you begin your research, make sure that you know what the privacy law is for the location involved. You will find that some records are restricted

for a certain period of time (often 50 to 100 years) after they are created. Only the individual listed on the record or his or her immediate family member may obtain a copy, after proving their identity. Official (or **certified**) copies may be restricted while unofficial (or **uncertified**) copies might not be.

Also, older records may have been placed in the custody of a state level archive, while the newer ones could remain in a county office.

BIRTH CERTIFICATES: A BRIEF OVERVIEW

Birth certificates have been required in North Carolina only since 1913. Some larger cities may have kept some records a few years prior to this date. In this regard, North Carolina is relatively typical of the United States as a whole. Because of this, birth certificates are generally not much help for 19th century questions. There are some jurisdictions that kept earlier records of birth, marriage and death, but these are relatively rare and compliance can be spotty. Examples are the birth, death and marriage

registers of late 19th century Virginia and Kentucky and the township vital statistics books kept throughout New England from the 17th century.

The older the birth certificate, the less information it is likely to give. But eventually, certificates may include the name, race, and age of each parent and of the child, the residence of the family, the occupation and educational level of the parents, length and weight of the child at birth, date and time of birth, whether born dead or alive, whether the child was premature or full term, the name and place of residence of the person who gave the information, etc.

There may even be a footprint or handprint for the child and a thumb print for the mother.

Older registers of births contain far less detail but minimally give the date of birth, name of the child and of the parents (though perhaps not the mother's maiden name) and the race of the child.

Birth certificates are often the most protected form of vital record. And remember that many people failed to comply with the law in the early days, particularly when a child was born at home without a doctor.

In those cases, look for a **delayed birth certificate**.

These are filed and indexed separately and were obtained by an adult (sometimes born even before birth certificates were required) in order to prove his/her citizenship or date of birth for social security eligibility, passports, or other legal purposes.

In North Carolina, vital statistics of all kinds are housed in the county register of deeds office and a copy is filed with the Vital Records Section of the NC Department of Health and Human Services. It is usually easier to obtain copies through the county. In the case of a birth, one may find a certificate in more than one place, if the birth occurred in one county and the parents resided in another.

Myth busters:

In the earliest days, many marriages, perhaps a majority, went unrecorded in North Carolina. The fees involved dissuaded many couples from going to the courthouse. Marriages did not have to be recorded to be legal until 1868.

TYING THE KNOT I: THE MARRIAGE BOND

Questions of property ownership and inheritance have always been concerns of the state. Marriage rights play an important role in these legal realms. But records of marriage have not always been carefully kept. In some places, such as Pennsylvania or South Carolina, no civil registration of marriage was required before the 20th century. In New England, on the hand, marriage records extend back to the earliest days of settlement. For slaves, marriage was illegal until freedom came. Only then were couples allowed to register their prior relationships as marriages in **cohabitation** documents.

When it comes to North Carolina records, the earliest marriage documents are called "**marriage bonds**." They were made by the groom and a se-



curity (called a bondsman) to the governor, swearing that there was no impediment to the marriage. If an impediment later arose (such as bigamy), the groom would be required to pay the penal sum to the state. The number of marriage bonds varies widely from county to county. Many have been lost or destroyed over time and some were stolen from courthouses before they could be brought in to the Archives. Some remained among the papers of various justices of the peace and were never filed with the clerk or registrar.

In other cases (perhaps a majority), couples never filed a bond at all, because of the fees involved. Instead, couples often elected to declare their intention to marry in their local church on three successive Sundays. This gave anyone knowing of an impediment time to object (called "**declaring the banns**.") Such marriages were equally valid. Others, like the Quakers, avoided bonds because of religious beliefs. The bond itself is no guarantee that a marriage took place, only that one was intended. And the date of the bond is not the date the marriage. However, the bride's maiden name and the groom's name are given. The bondsman is often a relative of one or the other. It is rare to find a marriage bond before the 1780s. The last bonds were executed in the mid 1860's.

TYING THE KNOT 2: LICENSES

Beginning in 1868, North Carolina moved to a system of issuing **licenses** for all marriages. No legal marriage could take place without one. This system continues to the present day.

The groom or his representative came to the clerk, paid a license fee, and obtained a written permission that any minister or justice of the peace could use to validate a ceremony. The minister filled out the bottom portion of the license with the details of the marriage and then returned it to the clerk who filed it. The clerk also recorded summary information from the license in the county's **marriage register** (a

bound volume), which acted as a kind of index. The most complete information about the marriage, however, is to be found on the loose sheet of paper called the license, not in the register. Most counties, since the 1950's, have allowed the State Archives to accession or copy their licenses and marriage registers to microfilm. But, unfortunately, some counties have disposed of their older licenses or lost them, leaving only the marriage register as a reference.

Licenses are a great resource for family research because they include the race, name, residence, and age of each party to the marriage, the name and signature of the

person applying for the license, the names of the parents of the bride and groom and their residence, also whether they were living or dead. The bottom portion of the license, completed at the wedding, contains the date and place of the wedding and the signatures of the minister or JP and witnesses. The register on the other hand, includes only a summary.

Licenses and marriage registers are often indexed by bride and/or groom and can be viewed in the local courthouse in the Register of Deeds office or at the State Archives. Marriages of people of color were kept separate from white marriages. Some licenses have been abstracted in book form by genealogy societies and have been acquired by the HRC.

BREAKING UP IS HARD TO DO

In days gone by, divorce was a very difficult and desperate proposition. Not only were people considering divorce shamed by their community, but they found that the laws were set up to impede their efforts. A woman was particularly disadvantaged—even when she produced evidence that her husband had cheated on her, did not support her, was wasting the family's wherewithal or was physically abusing her. After all, it was in the hands of other men to decide whether or not a divorce should be granted, and few had imagination enough to sympathize with the plight of women.

The earliest divorce requests were usually considered by state legislatures. They had to be presented as a petition or bill by the injured party (whether husband or wife) and deliberat-

ed and voted on in both houses. Most petitions never made it out of committee. Even fewer managed to obtain the consent of one or both houses. When divorce was granted, it was often only a sanctioned separation allowing legal and financial autonomy for the wife, not absolute divorce. The records are preserved among the legislative papers in the state of interest. They most often include the petition of the injured partner, the answer of the offending party, and affidavits and petitions by witnesses for each.

In North Carolina, no divorces are known to have been granted in the colonial period. Those considered in the early stages of independence are located in the General Assembly session rec-

ords, separated by session of the legislature in the files for private bills or petitions. All of the surviving legislative papers relating to divorce have been abstracted and indexed in the *North Carolina Genealogical Society Journal*.

From 1814 to 1835, the legislature gradually passed responsibility for divorce to the Superior Courts in each county. These papers are classed under each county's divorce series at the State Archives and are filed together by case (designated by surname and date), usually up through the early 20th century. More recent divorce records may remain in the Superior Court's archive.

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The Last Station

Death certificates, like birth certificates, begin in most locations, only in the early twentieth century. In North Carolina, they start in 1913, but compliance, once again, was not widespread until after World War II. For those who died at home or without a doctor present, it was very common that no certificate would ever be filed. However, when they are located, they can be of enormous benefit to the researcher.

Death certificates provide information about the deceased person's date of birth or age at death, marital status, date of death, cause of death, attending physician, if any, length of illness, place of birth, names of parents (including the maiden name of the mother) and their places of birth, place of burial, and **informant's** name (the name of the person who provided the information.) Although they don't begin until the early 20th century, they can still be informative about persons who were born as early as the 1830's or 1840's. They can tell us about where a person is buried even if that person's grave marker never existed or has since disappeared. They can give us the maiden name of his mother, even if his parents did not have a surviving marriage record. They can also inform us about family medical history or alert us to crimes or catastrophes. It is important, however, to realize that they may be inaccurate if the person giving the information was poorly informed or was in a deep state of grief or shock. Many of the bits of information they contain may be garbled by faulty memory or incomplete knowledge. So it is best to cross-check them against other records.

In North Carolina, the Register of Deeds in each county maintains the death certificates. Copies were filed with the Department of Health and Human Services in Raleigh, but it usually easier to work through the county. *Ancestry.com* currently provides searchable access to images of original North Carolina death certificates through 1975 and an index only through 2004. *Ancestry* and *FamilySearch.org*, among other on-line sources, provide access to indexes of deaths or images of death records for many localities including Chicago, Philadelphia, Alabama, South Carolina, Florida, Louisiana, Texas, Arizona, Georgia, Michigan, West Virginia, Ohio and many others.



SUBSTITUTES NEEDED...

Before the twentieth century, records of birth, marriage, and death are spotty, if they are available at all. What can you do to find approximate or exact dates for these key life events in that era? There are many resources available. The following are only a few, select examples:

- (1) **Probate records:** Wills and estate files can give at least approximate dates of death and sometimes, in the case of estates, exact dates. Inheritance records can reveal the maiden names of wives for whom there is no civil record of marriage.
- (2) **Church records:** Christenings, baptisms, confirmations, marriage, death and burial records were kept by churches long before the state required it. However, Quakers, Anglicans and Catholics are far more likely to track these than any of the other sects.
- (3) **Newspapers:** These often contain notices of marriage and death in the 19th century, but only more prominent people usually figure in them and the notices are often very brief.
- (4) **Cemetery records:** Readings of cemeteries provide dates of birth and death. They are usually only widely available for people who died in the mid to late 1800's and after.
- (5) **Census records:** They give easy access to a rough estimate of the years of birth and marriage for many people. Death dates can be deduced to a ten year time window.
- (6) **Family Bible records:** No explanation needed.