

Evolution
of Research
Terminology
for Genealogy

by Elaine Steere

**What did Thomas Jefferson mean
when he used the phrase**

**“Life, Liberty and The
Pursuit of Happiness”**

**in the Declaration of Independence
back in 1776?**

What did Jefferson mean by Life, Liberty and the Pursuit of Happiness? We have to look at his time and its meaning.

1693 John Locke said “Promoting the well-being of our fellow humans is essential to the pursuit of our own happiness”

1776: June 12 Virginia’s Declaration of Rights written by George Mason says

“That all men are by Nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot by any compact, devise or divest their posterity namely the enjoyment of life and liberty with the means of acquiring and possessing property and pursuing and obtaining happiness and safety.”

1776: July 4 Franklin and Jefferson downplayed the protection of property as a goal of Government., replacing the idea with “Happiness”. Franklin believed *property* should be taxed as a way to finance civil society.

Jefferson says: “We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the Pursuit of Happiness.” Jefferson had nothing vague or private in mind. He meant a public happiness which is measurable, indeed the test and justification of any Government.

Adam Ferguson wrote “If in reality courage and a heart devoted to the good of mankind are the constituents of human *felicity*, the kindness which is done infers a happiness in the person from whom it proceeds not in whom it is bestowed. The greatest good which man possessed of fortitude and generosity can procure to their fellow creatures is a participation of this happy character.”

Felicity means: Happiness, Bliss, Ecstatic Joy, Heavenly Contentment, Delight and Paradise.

History of our Courts in Georgia

Prior to 1752, under English Law, we had Inferior, County and Superior Courts.

Inferior had jurisdiction over Common Law Matters except those punishable by death or outlawry.

County was composed of 5 JP's sitting monthly with jurisdiction over one county. It had the same jurisdiction for County and Inferior in items heard.

1752: Name was changed to *Inferior Court of Common Pleas* and combined Inferior and County Courts.

Georgia established a Constitution in 1798 and had the following Courts

1798: JP Court was provided in each community to try minor civil cases. It became the Magistrate Court in 1983.

Inferior Court made up of 5 JP's for a County, est to try any case except those involving title to land. This court had jurisdiction over County Business matters, such as care of the poor, maintenance of the Jails, building roads, keeping a Register of Wills.

1851: A court of Ordinary was created for Register of Wills, granting letters of administration for estates and issuing marriage license. The "Ordinary" was given the responsibility of managing County business and he became the Chief Administrating Officer for the County Government.(He was the power in Douglas Co until 1901)

1868: The Inferior Court was abolished and all of their powers were given to the Court of Ordinary.

1983: Ordinary was abolished and now called Probate Court doing the same things.

Superior Court was the highest court in GA, the final jurisdiction for each County. The state was divided into districts and Judges “rode circuit” holding court in each county at least 2x a year.

When Douglas County was formed , 1870, we were in the Coweta Circuit. In 1895, the Stone Mountain Judicial Circuit was formed and Douglas became part of it. Judge Richard H Clark was the 1st Judge to preside and use JSCSMC Judge [of] Superior Court Stone Mountain Circuit.

SUPREME COURT

The Supreme Court's first session was held at Talbotton, Georgia, on January 26, 1846. The first three judges chosen by the General Assembly to serve on the Court were Joseph Henry Lumpkin of Athens, Eugenius A. Nisbet of Macon, and Hiram Warner of Greenville. Their salaries were set at \$2500.00 per year.

At the time of the creation of the Supreme Court, Georgia's population stood at approximately 800,000. The state was divided into eleven superior court circuits, and the Judges of the Supreme Court traveled the state, holding court in nine different localities during the course of the year. Travel, at each judge's own expense, amounted to over 1,000 miles per year, only 300 of which were covered by railroad. Cases were decided at the term submitted; decisions were handed down from the bench orally and only later reduced to writing. The hardships involved in riding the circuit lasted until shortly after the Civil War when the Constitution of 1865 provided that the Court would sit at the seat of government.

The Constitution was amended in 1896 to provide for the addition of three justices to the Court and to provide that justices and the chief justice would be elected by the people. A seventh justice was added by the Constitution of 1945 and since that time the composition of the Court has remained the same.

Marriage in Georgia

Banns, Licenses, Certificates, Bonds 1789 –1979

Banns

By announcing your intention to marry, before the entire congregation of a church or house of worship, for 3 consecutive Sundays (3 monthly in the early days or as often as they met). Any JP or MG could perform the ceremony. No license was required. In 1863, the one performing was required to register the marriage.

Bonds

Until the 1840's, to protect the court from liability of authorizing an unlawful marriage, the Groom swears that he has no lawful impediment to the marriage and he usually has a bondsman (friend or relative) who agrees to pay if anything is amiss. It contained date, names of Bride, Groom and Bondsman, the amount of the Bond and the conditions of obligation

Certificate

It confirms a marriage and is signed by the person who performed the ceremony. As of 1805, the law required the JP or MG to return to the County and enter the information in the Marriage Record Book.

License

Issued from the proper court in the County of the Bride's residence and returned after the wedding to be recorded by the person performing the ceremony.

JP is Justice of the Peace. MG is Minister of the Gospel

Who Could Marry?

Only persons of the right age and kinship, with mental capacity and race could marry. Once issued, it allows any authorized person to perform the ceremony. It has names of the couple, date issued and name of County Official issuing.

Parental Consent

Was required if either one was under age 21.

1846 Males 14-20 and females 12-20 required consent

1863 Males 17-20 “ 14-20 “ “

Pre-Nups: “Marriage Settlements”

A legal agreement written prior to marriage that allowed the title to certain property to be ‘settled’ to one party. For example, land given to a daughter or widow to pass to her children only. It names a 3rd party Trustee who holds the title to be used by her. Such agreement had to be filed within 3 months of the marriage in Superior Court in the County where the husband resides. If he does not record it, she can petition the Superior Court Judge to do so.

Other Georgia Marriage Laws

1785 A 500 English lbs penalty for anyone performing a Marriage without Bann or License.

1789 A MG or JP were authorized to perform if relationship not listed in Levitus Ch 18. The Inferior Court could charge 4 shillings and 8 pence (about 17.00 today) for the License.

1799 Now any Judge and Justice of the Inferior Court plus JP and MG could perform a ceremony and fine was changed from lbs to \$\$\$, still 500.00

1817 Prohibits Bigamy and Incest

Prohibits cohabitation of an unmarried man and woman living “together in an open state of adultery and/or fornication” OR in circumstances that raise the presumption of cohabitation.

1833 Anyone marrying idiots, lunatics or any other disability that would render the marriage improper or void would be fined \$100-500.

1850 Allows Jewish Ministers to perform ceremonies between Jews according to their own practice.

1863 (During the War) Prohibits marriage between Whites and Blacks or Mulatos. Allows marriage between FREE persons of color with out a Bann or License.

Legal age 21, under this all persons are called minors or infants and are under the control of the father who loses this control when he consents to the marriage of his child, For M 17-20, F 14-20.

A husband has a right of action against another for abducting and harboring his wife. Adultery by the wife gives this right BUT furnishing food and shelter to a wife driven from her home by cruel treatment is an act of humanity and gives no right to the husband.

The seduction of an unmarried daughter living with her parents, gives a right of action to the parents.

Persons who contract marriage must be of sound mind (M 17+ and F 14+), not have a previous marriage undissolved, not be related by blood too closely(Not a step-parent, In law, Uncle's widow or Aunt's widower, step child or step grand child, and do so without fraud or contrivance(including impotency). These marriages would be invalid, but any issue are legimate.

1865 Any persons of color living together as husb and wife are declared legally married, unless either has two spouses. Then they must choose one and with their consent a ceremony must be performed.

Marriages between 1st Cousins since Dec 11, 1863 are legalized.

Marriages made in good faith during the War are legalized and declared valid and binding

1875 The State Board of Health tried to start a statewide system of registering Birth, Marriage and Death. It lasted for only 1 year. Only 10 counties did it and Carroll is one of the 10.

1924 (Good for Genealogist if you can find them) Applications to Marry were filled out under oath as to name, residence, age, relationship, race, if divorced (when, where & by what grounds) date and place of contemplated marriage and parents residence and nationality. The Ordinary was to post this notice in his office for 5 days and no license was to be issued earlier than 5 days later unless extreme circumstances. In 1927 it was amended to just require minors(-21) to bring a birth certificate or affidavit from 2 persons showing ages of both. Posting of this was not necessary when a Parent/GDN came before the Ordinary and gave consent in writing.

1949 Required Blood Tests of all applicants.

1958 Provided for a 3 day waiting period following Application of a Marriage License unless both parties are over 21 or proof by an affidavit to the fact that the bride is pregnant.

**1972 LEGAL AGE OF MAJORITY LOWERED TO 18
Out-of-state- students are considered residents of the state where their parents live and that individual would still be considered a minor and incapable of proving his emancipation.**

1979 To Contract Marriage

Be of Sound Mind

Be at least 16 years of age

Have any previous marriage dissolved

Not be a close relative

If either under age 18, parental consent is required

If both are under 18, they must submit evidence that the female is pregnant OR that they both are parents of a living child born out of wedlock.

When all these conditions are met, a license will be issued.

Also in 1979, GA repealed all mention of Race.

Divorce Laws in Georgia

Two kinds: Vinculo Matrimonii was Total. Both free to remarry

Mensa & Thoro (Bed and Board) No remarriage till either dies

1802 Only Legislature could finally grant a divorce and only then after the parties had a fair trial before the Superior Court with local juries recommending a divorce.

The Petition to Superior Court had to plainly and fully describe the cause of application. This court is still in charge of Divorce.

By 1832, the Legislature gave full power to the Superior Court to have the final verdict with NO APPEAL (before the Supreme Court created inGA)

1849 Grounds for Divorce

Marriage by persons within the Levitical degree of kinship(Family not cousins)

Mental Capacity at time of marriage

Impotency

Force, menaces or duress in getting the marriage

Pregnancy of wife without knowledge of the husband at time of marriage

Adultery by either party after marriage

Willful and continued desertion by either party for 3 years

Conviction of either party of an offense involving moral turpitude under which they go to jail for 2 or more years.

In case of cruel treatment by either, or habitual drunkenness, the jury may decide whether the divorce be from the Bonds of Matrimony (Total) or from Bed and Board.

If the adultery, desertion, cruel treatment or drunkenness was collusion by the parties done solely to get a divorce, OR if the party complaining consented to it OR if both are guilty of like conduct; NO Divorce will be granted.

Final Divorce CAN NOT be obtained for any reason that arose before the marriage.

1881 Total Divorce requires two juries to agree. Bed and Board only requires one jury to rule.

2018 Total is usual decree and Bed and Board is called a Legal Separation.

The following are some of the terms I have found in researching old records that may not be used today.

“in room of ” means instead of OR in place of

JIC : Justice of Inferior Court

Nee: Maiden Name

CSCCC: Clerk of Superior Court Coweta Circuit

&C: earlier version of et cetera “etc” It meant and more OR and so on.

Et Seq: and following

Relicit: Widow. Very rarely used for widower.

Et Uxor = et ux =and wife

Et Vir = and husband

Consort: Living Husband or Wife, especially of a Monarch. Companion, Partner.

JSCSMC: Judge Superior Court Stone Mountain Circuit

Ordinary: Replaced Inferior Court 1868 and lasted until 1983 when Probate Court replaced the Ordinary Court.

Et al : and others OR and all

Pursuit of Happiness:

Richard Cumberland a seventeenth-century English philosopher wrote that *promoting the well-being of our fellow humans is essential to the "pursuit of our own happiness."*

When Jefferson spoke of pursuing happiness, he had nothing vague or private in mind. He meant a public happiness which is measurable; which is, indeed, the test and justification of any government. But to understand why he considered the pursuit of that happiness an unalienable right, we must look to another aspect of Enlightenment thought - to the science of morality. Within its original rich context, it supplies us with the ground of human right and the goal of human virtue. If, in reality, *courage and a heart devoted to the good of mankind are the constituents of human felicity [extreme Happiness], the kindness which is done infers a happiness in the person from whom it proceeds, not in him on whom it is bestowed; and the greatest good which men possessed of fortitude and generosity can procure to their*

fellow creatures is a participation of this happy character.

The Saga of the Leading “f”

The leading F was very popular in the 1800’s, but not in use in the 1900’s after the Typewriter was in common use. It was used to identify the “double SS” by writing it this way. I am a member of the *class* of 1870, becomes the *clafs* of 1870.

I was sure I was wrong, but a pattern emerged.

Afsert [assert] , *accefs* , [access] *afsign* , [assign]
dismifs [dismiss] , *paafs* , [pass] *ifsue* , [issue] *mifs* ,
[miss] *preffs* , [press] *mefsfage* , [message] *miftrefsf* ,
[mistress] *paafsenger* [passenger] , *paafsion* , [passion]
uefsel , [vessel] *lefs* , [less] *afsfure* , [assure]
happinefs , [happiness] *succefs* , [success] *happinefs*
[happiness] and any others with a double ss became an fs,
Our names are even more interesting. I saw *Jefsey* [*Jessey*] or
Jefsie [*Jessie*] , *Jefsie* , [*Jessie*] *Befsie* [*Bessie*] *Mafsey*
[*Massey*] , etc.

Change one letter and it looks odd, but you will see this in legal documents in the 1800’s. It was this word that made me realize that all those other words were not misspelled.

Mississippi if you spell it Mississippi.