



Marriage Laws and Customs in Germany

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Marriage laws and customs, along with the respective records, differed widely throughout the German Empire, both by region and time period. Many of the resulting documents provide valuable details for the family historian.

GENERAL MARRIAGE REQUIREMENTS

- Permission from parents, a guardian, or the county court was generally required for the first marriage, regardless of age.
- Age requirement varied by state and time period.
- Marriage intentions or engagements may have been required to be recorded in separate books. These were civil, not religious documents that may even pre-date local church records. The intention to marry was recorded in the presence of the couple, their parents or guardians, several witnesses, and sometimes the local pastor.
- The upcoming marriage was announced publicly two or three times in each person's town of residence to allow for possible objections. Under certain circumstances [i.e. pregnancy, already parents, emigration] one or more proclamations may have been waived.
- Dispensations or special permissions were required for consanguinity up the 4th degree or marrying someone of a different faith. This usually involved paying extra fees. Canon law prohibited marriage between siblings, half-siblings, uncle and niece, aunt and nephew, and first cousins.
- Traditionally couples were married in the bride's home town, but there were exceptions.
- Pre-nuptial agreements and detailed property inventories may have been required if children from previous marriages were involved, or to demonstrate that the couple had the financial means to support a growing family.
- The groom may have been required to present proof that he had fulfilled his military obligations. This could be a discharge paper or an official letter from the recruitment office. Discharge papers may include a personal description and state if and where the individual had served.

SPECIAL REQUIREMENTS

- In case either spouse was "*leibeigen*" (personally unfree), the lord of the land had to give his consent to the marriage.
- Journeymen must have completed their "*Wanderschaft*", a period of time where they travelled around and worked for different masters to increase their knowledge of the trade, before being allowed to marry. It is not uncommon for them to marry a girl from a town where they had worked during their journey. As long as local trades were controlled by guilds, the guild leadership may also have had the right to approve or forbid the marriage of a guild member.
- Soldiers usually needed special permission from their commanding officer to marry. This

may involve posting a large bond to be used to support the widow and children if the soldier was severely injured or killed. Many rulers did not have provisions for the support of war orphans and widows. Where soldiers were not allowed to marry at all, common-law marriage was frequently practiced. Such couples lived together openly, generally accepted by the community, and had children together. Once the soldier had been discharged, the couple was officially married.

- If one partner was divorced, special permission to marry again was often required. Divorces were granted by the local county court or a special marriage court. They may also be recorded in the local parish register.

MARRIAGE RECORDS

Civil registration since 1876

Country-wide civil registration in Germany began on 1 January 1876. Standardized forms make these records easier to use. See https://familysearch.org/wiki/en/Germany_Civil_Registration#Marriages for details on the information the records contain.

Earlier civil marriage records

In Alsace-Lorraine and the Rhineland civil marriage records were kept since 1792 and 1798 respectively. The records for Alsace-Lorraine can be accessed online on the respective departmental archive website (See <http://www.archivesdefrance.culture.gouv.fr/ressources/en-ligne/>). In other areas civil marriage records began around 1808. Some of the earlier records are written in French. Available records may include

- Marriage intentions
- Marriage proclamations
- Marriage supplements (“*Heiratsbelege*”, required documentation to be submitted to the civil registrar)
- Marriage permissions

Heiratsbelege

- Birth/baptism certificates for both spouses
- Affidavits and permission slips
- Death records for parents, previous spouses, possibly grandparents
- Certificate showing completed military obligation
- Various other papers, such as name change documentations

In some areas, notably the Pfalz [Palatinate], these records were only filed for spouses who came from another town. If both partners were citizens of the town where they were married, the supplements may not include any papers at all.

If a birth/baptism record could not be found, a number of witnesses were summoned to swear out an affidavit that documented the individual’s date- and place of birth and parents.

EXAMPLES OF MARRIAGE-RELATED RECORDS

Collections for the poor at marriages

Ledgers that contain the amounts collected for the poor at marriage festivities provide one way to document marriages in the city of Bremen prior to 1750. After the wedding the locked box was brought to the town clerk, who opened it and recorded the collected amount in the book under the

name of the person who had delivered it, usually the groom. An online index to this records is found at <http://www.die-maus-bremen.de/datensammlung/trauungskollekten-ab-1658/> . Further research can then be conducted in the microfilmed church records.

Prison Taxes (“*Zuchthaussteuer*”)

In some areas couples who applied for marriage were required to pay an additional tax slated to fund building and maintenance of prisons. The tax lists, often found in state archives, can serve as indexes to the marriages. This tax was mainly in effect during the 18th and early 19th Centuries. For example, in Kurhessen it was in effect from 1734 until 1822.

Marriage Letters (“*Ehebriefe*”)

Marriage letters were often prepared when one or both partners had been married previously. They usually document an intention to marry, but also may concern current marriages. Often family members are mentioned, such as children or siblings. A marriage contract or a property inventory may be attached.

MARRIAGE PERMISSION LAWS

Marriage permission laws were enacted in several German states In an effort to control population growth among the poor. These laws required the prospective couple to submit proof of sufficient income and property to guarantee that they could support a growing family. The restrictive laws in Hessen-Nassau and Bavaria town councils and county courts to decide who could marry. Increased illegitimacy and emigration rates were the result.

The couple was required to submit numerous documents, including, but not limited to, affidavits of “good reputation”, school report cards, parental permissions, birth/baptism certificates, and military discharge papers. Marriage contracts and contracts with parents and other family members were often set up to show that the couple would be financially viable. If permission to marry was denied, the process could be repeated. Some couples filed several appeals on the town- and county levels.

Resulting records

FamilySearch has microfilmed several collections of marriage permission papers, especially for localities in Bavaria and Hessen-Nassau. They are often catalogued under the town where the Amtsgericht (county court) was located. Titles vary, including: “Eheverkündigungen”, “*Heiratsbelege*” and “*Ansässigmachungs- und Verehelichungsakten*”, Subject headings may vary; for example: “public records”, “court records”, “civil registration”, or “population”. In Bavaria the court jurisdictions were revised in 1862, so it may be advantageous to check the FamilySearch Catalog for several localities in the vicinity of the ancestral town. Many of these films are at the Granite Mountain Vault and need to be ordered to the Family History Library or a local family history center.

Arrangement of records and indexes vary greatly, depending on the collection. An index may be catalogued under “public records” and the corresponding records under “civil registration” or vice versa. Some record sets are chronological, some alphabetical; some seem to have no logical organization. Yet they can be a proverbial gold mine for family historians, especially if poverty or a prospective “foreign” spouse make the proposed marriage questionable. These records are well worth the extra effort.

EXAMPLES OF MARRIAGE LEGISLATION

Wuerttemberg

In 1534 the first marriage laws were published by the Duke of Wuerttemberg along with creation of a special marriage court (Ehegericht). Most importantly, no one was to marry without a parent or guardian's permission. Marriages contracted without permission were to be declared invalid, and both parties severely punished, even with time in prison.

In addition, the "*Heiratsordnung*" of 1722 stipulated that the bride had to be at least 22, the groom 25 years old at the time of marriage. Later laws also included minimum property requirements before a marriage could be allowed.

Duchy of Nassau

Beginning in the late 1700's prospective spouses had to apply to the town council for marriage permission. Pastors were forbidden to marry anyone who did not have the official paper. Among those hardest hit were musicians, enlisted military men, and landless workers.

An 1822 Ducal decree contained additional regulations regarding marriage, including minimum ages (groom 22 years, bride 18 years) with exceptions for "extreme circumstance [pregnancy?]. The mourning period, during which remarriage was prohibited, was 6 months for widowers and one year for widows. Exceptions were granted, but resulted in additional fees.

Widows who wished to become guardians of their minor children had to promise that they would NOT remarry until their children were of age, so that no property was "lost" to the new husband.

Duchy of Hanau

In the former Duchy of Hanau, which later became part of Hessen-Nassau, a 1744 law required public recording of marriage intentions. The law was passed to counteract the flood of court actions dealing with "breach of promise to marry." It specified that, unless the marriage intention had been made a matter of public record, cases involving broken marriage promises would not be heard by any court. These records included the bride and groom's ages, religion, birth places, parents' names, and any family relationship. In the FamilySearch Catalog they are cataloged under the respective court district, followed by "(Hanau)".

Bavaria

The first marriage law was issued in 1578 to avoid "frivolous marrying". From then on marriages could only be performed with local government permission. Successive laws became increasingly restrictive. Increased poverty resulted in severe standards for marriage eligibility from 1834 to 1868. At that point the *Heimatgesetz* recognized marriage as a "natural right".

For more information about Bavarian marriage laws see

https://familysearch.org/learn/wiki/en/Bavarian_Marriage_Customs,_Laws,_and_Trends_of_Illegitimacy#Effects_of_the_laws .

In order to circumvent the marriage laws, many couples living close to the Czech border were married in Bohemian parishes, even under the threat of losing their Bavarian citizenship.

SOME MARRIAGE CUSTOMS

Social standing

Especially before the later 19th Century it seemed important to protect the common people from living above their means. Detailed regulations dictated the number of guests allowed, musical instruments used during the festivities, and the type of food served at the engagement party and the wedding dinner. Watchers were assigned to ensure that the number of guests stayed within the limits. Dancing was also subject to approval from the local town leadership.

Dress

Most often the bride was married in her best black dress, and the husband in his Sunday best suit. Sometimes they may be married in traditional colored garb. After 1850, brides from well-to-do families may be married in white, but that was the exception. Sometimes the bride wore a colorful crown to signify that she was a virgin, while pregnant brides were made to wear an ugly cap.

Music

A church wedding may include congregational singing, organ playing, and/or other instruments, or it may be “still (“quiet”), without any music. The common people were often forbidden to use the local organ in the ceremony. Other options for instruments included the violin, Dudelsack (bag pipes, drum, or fifes. The musicians had to be paid extra, so music was often not affordable. Dancing required extra permission. The music had to stop at an assigned time, often by 9 or 10 pm. Disregard for any of the many rules could result in hefty fines.

Food

Most wedding regulations included detailed instructions regarding the delicacies that could be served. For example, wedding regulations in Greifswald from 1623 forbade Marzipan and confections, and one could serve “no more than three roasts in one bowl”. The families may be required to purchase certain amounts of wine and spirits (“*Weinkauf*”) from the local innkeeper for the feast.