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## Resolving a Modern Genealogical Problem: What was Rainey Nelson's Birth Name?

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*Vital records disclosure restrictions may hamper solving a modern genealogical problem. Even so, indirect evidence placed in cultural context may support a conclusion.*

**R**ainey Nelson Sr. died in 2008 leaving numerous descendants.<sup>1</sup> Although his progeny have made the Nelson surname their own since at least 1940, oral tradition says Rainey's birth name was John Nesbit Jr.<sup>2</sup> Conflicting sources suggest he was born in 1915, 1917, and 1918.<sup>3</sup> If a birth certificate was issued for John Nesbit Jr., researchers might not have access to it before 2020.<sup>4</sup> Nevertheless, indirect evidence points to Rainey's birth name—particularly considering the unique community in which he lived.

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1. South Carolina Department of Health, death certificate no. 139-08-026448 (2008), Rainey Nelson; Bureau of Vital Statistics, Columbia; certified copy, author's files. Rainey's death certificate does not specify his race, but other documents consistently describe him in terms descriptive of African Americans. Also, Octavia Smith, Rainey Nelson Sr. funeral program, 13 September 2008; author's files.

2. 1940 U.S. census, Georgetown Co., S.C., population schedule, Township 7, Murrels Inlet and Waverly Mills (Waccamaw), Arcadia Estate, enumeration district (ED) 22-15, sheet 23-A, household 402, Rainey Nelson; microfilm publication T627, roll 3810, National Archives and Records Administration (NARA). Also, Paul Nelson Sr., Herbert Nelson Sr., Glenwood Nelson, Edith Point, and Thomas Nelson Sr. (three of Rainey's sons, a daughter, and a grandson, respectively), interviews by author, April, May, July, and August 2014; notes in author's files.

3. Rainey's death certificate reports a birth date of 30 January 1915. His Social Security application says 1917. See Rainey Nelson, SS no. 249-30-5681, 8 April 1942, Application for Account Number (Form SS-5); Social Security Administration, Baltimore, Md. Rainey's 1940 U.S. census enumeration says he was twenty-two, indicating birth in 1917–18.

4. The state's birth records become public "when one hundred years have elapsed after the date of birth." See *South Carolina Legislature* ([www.scstatehouse.gov/code/statmast.php](http://www.scstatehouse.gov/code/statmast.php)), "South Carolina Code of Laws," Title 44, Chap. 63, § 44-63-80.

## UNAVAILABLE BIRTH RECORDS

South Carolina mandated statewide birth registration on 1 January 1915.<sup>5</sup> Except for decedents' immediate family members, the state bans for a hundred years the release of birth certificates.<sup>6</sup> The state health department could find no birth certificate for "Rainey Nelson."<sup>7</sup>

Perhaps Rainey's birth was not registered, especially if he was born in January 1915, when the law took effect.<sup>8</sup> Also, if his birth was recorded under another name, Rainey's descendants would not qualify for the exception allowing them to obtain the certificate.

## BACKGROUND

No direct evidence provides Rainey Nelson's birth name. Family members say his contemporaries sometimes called him "John Rainey." Similarly, an index of public records lists John R. Nelson as an alternate name for Rainey Nelson of Georgetown, South Carolina.<sup>9</sup> He first appears as "Rainey Nelson" in 1940.<sup>10</sup> Family lore says Rainey assumed the surname of his stepfather, Cupid Nelson, because of "trouble" with white community members.<sup>11</sup> An incident reportedly resulted in Rainey's father's death, but no relevant arrest record or death certificate for John Nesbit in Georgetown County has been found for 1915–40.<sup>12</sup>

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5. *Acts and Joint Resolutions of the General Assembly of the State of South Carolina Passed at the Extraordinary Session of 1914* (Columbia: State Printers, 1914), 29–30, "An Act to Provide for the Registration of All Births and Deaths in the State of South Carolina."

6. See "Who can obtain a certified copy of a birth certificate?" *South Carolina Department of Health and Environmental Control* ([scdhec.gov/VitalRecords/BirthCertificates/](http://scdhec.gov/VitalRecords/BirthCertificates/)).

7. The author accompanied Rainey's son (Paul Nelson Sr.) to the Georgetown County office of the South Carolina Department of Health, Bureau of Vital Statistics on 20 August 2012. Communicating the results orally, the clerk provided no written report of a negative search for the name "Rainey Nelson."

8. Discussing a woman who was born in 1916 on neighboring Hobcaw Barony, Roegner observed that "similar to most blacks born on Waccamaw Neck by way of a midwife and living outside the effective jurisdiction of Georgetown, she never had a birth certificate." See Harry R. Roegner, *Minnie of Hobcaw* (e-book: Xlibris, 2007), 54.

9. Paul Nelson Sr., interview by author, May 2014. Also, "United States Public Records, 1970–2009," index, *FamilySearch* (<https://familysearch.org/pal:MM9.1.1/KB7V-J4T>), Rainey Nelson. The records "were generated from telephone directories, property tax assessments, credit applications, and other records available to the public." Paul Neal Nelson Sr. identified the telephone number in this source as his late father's.

10. 1940 U.S. census, Georgetown Co., S.C., pop. sch., Twp. 7, Murrels Inlet, Arcadia Estate, ED 22-15, sheet 23-A, household 402, Rainey Nelson.

11. Glenwood Nelson, interview by author, 25 April 2014; and Herbert Nelson Sr., interview by author, 26 April 2014; and Edith Point, 1 May 2014; notes in author's files.

12. Herbert Nelson Sr., interview, 26 April 2014. Also, Georgetown Co., S.C., General Sessions Court, "Arrest Ledger, April 1933 thru June 1949"; Clerk of Court, Georgetown. It shows no entries for John Nesbit. No John Nesbit born after 1896 appears in "South Carolina, Death Records, 1821–1961," *Ancestry* (<http://search.ancestry.com/search/db.aspx?dbid=8741>).

Rainey's oldest grandchild, Octavia Smith, gave information for his death certificate and funeral program.<sup>13</sup> She identified his parents as Quebert Nelson and "Dorcas Grate." Two of Rainey's sons say they first encountered the name Quebert on that program.<sup>14</sup> They recall him as "Cupid" or "Cubit," consistent with sources created in Cupid's lifetime and at his 1931 death.<sup>15</sup> Octavia, born decades after Cupid died, may have misheard, misspoken, or misremembered.

Octavia provided Rainey's birth date as 30 January 1915.<sup>16</sup> She reported he married Lillian Young on 30 November 1935 and lived his entire life on Arcadia Plantation, in the Waccamaw Neck area of Georgetown County.<sup>17</sup>

#### INDIRECT EVIDENCE

The Georgetown marriage register shows only one Lillian or Lily Young under "Colored" brides for a Lillian or Lily Young. Lily married "John Nesbit" on 30 November 1935.<sup>18</sup> Octavia provided that date for Rainey's funeral program. Together with the marriage record it shows indirectly that Rainey married as John Nesbit in 1935.

Rainey's wife's identity and other parallels—interpreted in light of the social and racial environment where he lived—help reveal Rainey Nelson's birth name.

#### ROOTS IN ARCADIA

##### *Arcadia Plantation*

Beginning in 1906 Isaac Emerson, who invented Bromo-Seltzer, purchased adjoining rice plantations and named the combined acreage Arcadia.<sup>19</sup>

13. South Carolina death certificate no. 139-08-026448 (2008), Rainey Nelson. Also, Paul Nelson Sr., interview, May 2014.

14. Paul Nelson Sr., interview, May 2014; and Herbert Nelson Sr., interview, 26 April 2014.

15. South Carolina State Board of Health, death certificate no. SC03597796 (1931), Cupid Nelson. "Dorcas Grate" is named as his wife. Also, 1930 U.S. census, Georgetown Co., S.C., pop. sch., Twp. 7, Murrels Inlet and Waverly Mills, Arcadia Plantation, ED 22-12, sheet 17-B, dwell. 380, fam. 383, "Darcus" Nelson; NARA microfilm T626, roll 2197.

16. South Carolina death certificate no. 139-08-026448 (2008), Rainey Nelson. Also, Octavia Smith, program for Rainey Nelson Sr. funeral, 13 September 2008.

17. Octavia Smith, program for Rainey Nelson Sr. funeral, 13 September 2008. Also Georgetown Co., S.C., birth certificate no. 139-2106-46 (1943), Paul Nelson; Bureau of Vital Statistics, Georgetown; certified copy held by Paul Nelson Sr. The document gives Paul Nelson's mother's maiden name as "Lilly Young" and his father's name as "Rainey Nelson." Also, Connecticut State Department of Health, death certificate no. 011402 (1974), "Lilly Y. Nelson"; Registrar of Vital Records, Hartford. The informant, Rainey's son Herbert Nelson, gave decedent's spouse as "Raine Nelson" and her mother's name as "Annie Young." The father's name space was blank.

18. Georgetown Co., S.C., Marriage Register, Colored 1925–1942, file no. 5852, Young–Nesbitt, 1935; Probate Court, Georgetown.

19. Neal Cox, *Neal Cox of Arcadia Plantation: Memoirs of a Renaissance Man* (Georgetown, S.C.: A. C. Harrelson, 2003), 31. Also, Susan Hoffer McMillan, *Georgetown and the Waccamaw Neck in Vintage Postcards* (Charleston, S.C.: Arcadia, 2003), 78.

Emerson's grandson, George Vanderbilt, inherited Arcadia in 1931. He added a tract—Fairfield plantation—in 1936.<sup>20</sup>

The National Register of Historic Places lists Arcadia, with a plantation house built about 1794 which President James Monroe visited in 1819.<sup>21</sup> A sketch of its buildings and landmarks shows the location of Rainey's last residence—one of seven "tenant houses" and the closest one to St. Ann's Church. Behind the church is the "Negro Cemetery" where Rainey was interred.<sup>22</sup>

### *Lifelong Employment and Ancestral Ties*

Rainey's work at Arcadia "was spent maintaining and beautifying the grounds."<sup>23</sup> Likely beginning work there during the 1930s, he followed his maternal ancestors who lived on the Waccamaw Neck immediately after the Civil War, enumerated there in the first federal census to name formerly enslaved people.<sup>24</sup> By 1850 slavery had existed in Georgetown County for more

20. Cox, *Neal Cox of Arcadia Plantation*, 69 and 155.

21. *Ibid.*, 149 and 158. Also, McMillan, *Georgetown and the Waccamaw Neck in Vintage Postcards*, 78. Also, Alberta Morel Lachicotte, *Georgetown Rice Plantations* (Columbia, S.C.: State Printing Co., 1955), 19.

22. The author visited Rainey in this residence. His son Paul Nelson Sr. reported the family had lived there since the 1950s. Also, "National Register of Historic Properties in South Carolina: Arcadia Plantation, Georgetown County (off U.S. Hwy. 17, Waccamaw Neck)," *South Carolina Department of Archives and History* ([www.nationalregister.sc.gov/georgetown/S10817722012/](http://www.nationalregister.sc.gov/georgetown/S10817722012/)), for "National Register of Historic Places Inventory—Nomination Form," PDF, p. 9. Also, Smith, Rainey Nelson Sr. funeral program, 13 September 2008.

23. Smith, Rainey Nelson Sr. funeral program, 13 September 2008.

24. Cox, *Neal Cox of Arcadia Plantation*, 72. Cox spent seventy years on Arcadia. His memoir notes that Rainey Nelson worked there. Also, Lucille Vanderbilt Pate (Arcadia's owner), interview by author, 14 October 2014; notes in author's files. Also, South Carolina death certificate no. SC03913092 (1975), Darcus Nelson. Her father's name is given as "Ransom Grate." Also, 1880 U.S. census, Georgetown Co., S.C., pop. sch., Lower Waccamaw, No. 7 Twp., p. 30, ED 55, dwell. 326, fam. 299, Ransome Grate; NARA microfilm T9, roll 1230. Four-year-old "Dorcas" Grate appears with her father, Ransome Grate and his wife, Sue. Also, 1870 U.S. census, Georgetown Co., S.C., pop. sch., Waccamaw Twp., p. 405, dwell. 1018, fam. 1094, Ransom Grate; NARA microfilm M593, roll 1497. This enumerator provided the town and state of birth; a majority of residents in Waccamaw were born there. Also, *Records of the Field Offices for the State of South Carolina, Bureau of Refugees, Freedmen, and Abandoned Lands, 1865–1872*, microfilm publication M1910, 106 rolls (Washington, D.C., NARA, 2005), roll 76, Georgetown (Subassistant Commissioner), unbound labor contracts May 1865–March 1867, for "Charles Alston Sr. and the Freedpeople of Bellefield & Fairfield," contract, 1 January 1866. Ransome Grate and his mother were parties to an 1866 labor contract that required "freed men & women" to "perform their usual daily tasks . . . the same as heretofore on . . . [Fairfield and Bellefield] plantations." See *ibid.*, roll 77, Labor Contracts, April 1867–March 1868, for "Charles Alston Sr. and the Freedpeople of Bellefield & Fairfield," contract, 1 January 1867. In 1867 "Ransom (boy)" immediately follows Frederick and Harriet "Great."

than a century as “virtually a closed system, because during that century there had been almost no infusion of outside slaves, and few departures.”<sup>25</sup>

Generally, “few black families from elsewhere sought residence in South Carolina . . . at the time of emancipation.”<sup>26</sup> Roots of many African Americans at Arcadia in 1870, therefore, went back to the eighteenth century. So, absent any known pre-emancipation free person of color, Rainey's maternal ancestors likely belonged to the isolated Waccamaw Neck slave society.<sup>27</sup>

Significantly, “continuity of plantation ownership [there] discouraged buying and selling of slaves,” leading to a “form of stable family life.”<sup>28</sup> Rainey's wife Lily also hailed from Arcadia, and the couple returned to their close-knit community after marrying.<sup>29</sup> Lily's family included prominent Arcadia house servants: her mother was the Vanderbilt's cook; her brother George, a butler, supervised a staff of twenty-five in George Vanderbilt's house.<sup>30</sup>

After the 1929 stock market crash “about 90 percent of the working people in Georgetown were out of jobs. . . . Had it not been for plantations like Arcadia, Georgetown would have become a ghost town.”<sup>31</sup> The Waccamaw “economy was still in a sad state” in 1936, just a year after Rainey and Lily married. African American residents of Arcadia remained part of an economically dependent closed community.<sup>32</sup>

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25. Sherman L. Ricards and George M. Blackburn, “A Demographic History of Slavery: Georgetown County, South Carolina, 1850,” *The South Carolina Historical Magazine* 76 (October 1975): 215.

26. Janis Walker Gilmore, *Research in South Carolina*, NGS Research in the States Series (Arlington, Va.: National Genealogical Society, 2011), 19.

27. Ricards and Blackburn, “A Demographic History of Slavery,” 215. Another distinctive feature of slavery on the Waccamaw Neck was that “manumission had been little practiced.” Also, “There developed a slave society that more nearly resembled Caribbean than other mainland societies,” sharing “distinctive social, economic, and physical characteristics.” See Charles Joyner, *Down by the Riverside: A South Carolina Slave Community* (Urbana: University of Illinois Press, 1985), 13 and 37. One purpose of this book was to “reconstruct life in one slave community—All Saints Parish, Georgetown District [also known as the Waccamaw Neck].” See *ibid.*, xvi.

28. Ricards and Blackburn, “A Demographic History of Slavery,” 215–22.

29. 1930 U.S. census, Georgetown Co., S.C., pop. sch., Twp. 7, Murrels Inlet and Waverly Mills, Arcadia Plantation, ED 22-12, sheet 17-A, dwell. 378, fam. 381, Thomas Young. “Lillie” is a daughter to Thomas Young and wife Annie. Also, Connecticut State Department of Health, death certificate no. 011402 (1974), “Lilly Y. Nelson.” Annie Young was Lilly's mother. Also, 1940 U.S. census, Georgetown Co., S.C., pop. sch., Twp. 7, Murrels Inlet, Arcadia Estate, ED 22-15, sheet 23-A, household 402, Rainey Nelson. Rainey and “Lillie” Nelson had lived in the same place in 1935.

30. Nancy Rhyne, “The Man of the House of Vanderbilt,” *Plantation Tales* (Orangeburg, S.C.: Sandlapper, 1989), 69. Also, 1930 U.S. census, Georgetown Co., S.C., pop. sch., ED 22-12, sheet 17-A, dwell. 378, fam. 381, George Young.

31. Cox, *Neal Cox of Arcadia Plantation*, 75–76.

32. *Ibid.*, 74–85 and 87. In 1939 “all . . . employees and their families who lived on the plantation, in addition to wages earned, were furnished housing, firewood, water, fresh milk [and other rations]. In addition, . . . doctor and medical bills were paid by Mr. Vanderbilt.”

*The Racial Climate in 1935*

South Carolina's racial climate in 1940 may explain family members' reticence to discuss details. Lynchings were endemic in South Carolina before World War II.<sup>33</sup> In 1935 proponents of federal anti-lynching legislation suffered successive defeats, and black Americans in Georgetown County continued to suffer racial intimidation.<sup>34</sup> The South Carolina governor called out the National Guard to prevent a lynching in Georgetown as recently as December 1940.<sup>35</sup>

John Nesbit might have been lynched. No newspaper account of such an event is known, but incidents of the sort were not always documented or in the press. Families did not speak of it, either. In the words of a well-known black journalist, "Race relations in 1934 had not changed greatly from what they were in the early 1900's."<sup>36</sup> This assessment held true for black people on Arcadia Plantation; in 1939 their employment terms were virtually identical to the labor contracts available soon after the Civil War.<sup>37</sup> Moreover, in 1935 black people lived under a system termed a state of "civil inferiority" in the seminal work of W. E. B. DuBois.<sup>38</sup>

Without a strong motive, Rainey—possibly as young as seventeen—would not have risked incurring official disapproval and perhaps jeopardizing his livelihood by knowingly using a false name. The social isolation and economic dependence of African Americans on the plantation where he lived out his life argues, instead, that he publicly used a name he could prove was his.

33. Kerstyn M. Haram, "The Palmetto Leader's Mission to End Lynching in South Carolina: Black Agency and the Black Press in Columbia, 1925–1940," *The South Carolina Historical Magazine* 107 (October 2006): 310–33. Haram cites the 1882–1937 period.

34. John Hope Franklin and Alfred A. Moss Jr., "Democracy Escapes," *From Slavery to Freedom: A History of African Americans*, 8th ed. (New York: Knopf, 2009), 393. Numerous anti-lynching bills were defeated, including the "Costigan-Wagner bill of 1935." Also, "Serving Georgetown," *Index-Journal* (Greenwood, S.C.), 18 December 1940, page 4, col. 2.

35. The author searched for "John Nesbit" and "lynching" on three newspaper databases. See "Georgetown County Newspapers–20th Century," *Georgetown County Digital Library* (gcdigital.org). Also, "Chronicling America," through 1922, *Library of Congress* (<http://chroniclingamerica.loc.gov>). Also, *Newspapers.com* (<http://newspapers.com>). Also, "Serving Georgetown," *Index-Journal*, 18 December 1940, page 4, col. 2. Also, *Index-Journal*, 14 January 1941, p. 4, col. 2. The latter article makes clear that "negroes" were the intended lynching victims.

36. P. L. Prattis, "Race Relations and the Negro Press," *Phylon* 14, no. 4 (1953), 373–83, at 373.

37. Freedmen's Bureau labor contracts generally provided that freedmen would be paid wages and given housing, rations, medical care, fuel, or a share in crops. See U.S. National Archives, *Records of the Field Offices for the State of South Carolina, Bureau of Refugees, Freedmen, and Abandoned Lands, 1865–1872*, Descriptive Pamphlet M1910 (Washington, D.C.: NARA, 2005), 4–5. In 1939 employees and their families on Arcadia were given substantially similar terms. See Cox, *Neal Cox of Arcadia Plantation*, 87.

38. W. E. B. DuBois, *The Souls of Black Folk: Essays and Sketches*, 3rd ed. (Chicago: McClurg, 1903), 51.

## NO CONFLICTING RECORDS

*Census Records for Rainey and His Mother*

In April 1940 twenty-two-year-old Rainey lived and worked at Arcadia. His household included his nineteen-year-old wife, "Lillian," his sixty-year-old mother, "Darcus" Nelson, and a twenty-year-old sister Louise "Boen." The enumerator did not identify the informant, despite census instructions.<sup>39</sup>

In 1930 Rainey's mother was the wife in eighty-one-year-old "Cubit" Nelson's household.<sup>40</sup> Dorcas was seventy-six, decades older than Rainey's "mother" should have been.<sup>41</sup> Cubit's home included two Nelson grandsons, fourteen-year-old "Sonnie" and ten-year-old James. If Rainey's 1915 birth year is correct, Sonny's age is close. If Sonny was Rainey, no other use of that name is known.

Dorcas and Rainey were not in Georgetown County in 1920.<sup>42</sup> That year John Nesbit, a brick mason, forty-three, headed a household with wife Lula and son John Nesbit Jr., born about 1915.<sup>43</sup> John Jr. was not Rainey, because John and Rainey appear in separate households in 1940, and John remained with his father and Lula in 1930 and 1940.<sup>44</sup>

Dorcas and Rainey are not the only ones missing from the 1920 Georgetown County census. Although Arcadia's owner, Isaac E. Emerson, lived on Kings Road in Waverly Mills that year, he did not reside at Arcadia, his winter home.<sup>45</sup> Only a few of twenty-one 1930 Arcadia households are in the 1920 census of Georgetown County.<sup>46</sup>

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39. Bureau of the Census, *Instructions To Enumerators, Population And Agriculture 1940* (Washington, D.C.: Department of Commerce, 1940), 42.

40. 1930 U.S. census, Georgetown Co., S.C., pop. sch., Twp. 7, Murrels Inlet, ED 22-12, sheet 17-B, dwell. 380, fam. 383, Cubit Nelson.

41. 1880 U.S. census, Georgetown Co., S.C., pop. sch., Lower Waccamaw, No. 7 Twp., p. 30, ED 55, dwell. 326, fam. 299, Ransome Grate. Four-year-old "Dorcas" was enumerated as a daughter.

42. A Soundex search did not yield Rainey Nelson, John Nesbit (other than the one described below), Rainey Grate, or Dorcas Grate. 1920 U.S. census Soundex, South Carolina, N-425; NARA microfilm 1586, rolls 74-75. Ibid, G-630, NARA microfilm 1586, roll 40.

43. 1920 U.S. census, Georgetown Co., S.C., pop. sch., Georgetown, No. 3 Twp., ED 69, sheet 6-A, dwell. 119, fam. 145, John Nesbit; NARA microfilm T625, roll 1696. Also, 1930 U.S. census, Georgetown Co., S.C., pop. sch., Georgetown, ED 22-3, sheet 16-A, dwell. 358, fam. 418, John S. Nesbit.

44. 1940 U.S. census, Georgetown Co., S.C., pop. sch., Georgetown, No. 3 Twp., ED 22-3, sheet 19-B, household 434, John S. Nesbit Jr.

45. 1920 U.S. census, Georgetown Co., S.C., pop. sch., Twp. 7, Waverly Mills, ED 77, sheet 1-A, dwell./fam. 14, Isaac E. Emerson household.

46. These plantations in Township 7 on the Waccamaw Neck were "Prospect Hill," "Forlorn Hope," "George Hill," "Clifton," "Rose Hill," "Oak Hill," and "Bannockburn." "Fairfield" plantation was annexed in 1936. See Cox, *Neal Cox of Arcadia Plantation*, 31 and 155. The author conducted a page-by-page search for these families culled from the 1930 Georgetown census. Their surnames were compared to results in 1910, 1920, and 1930, and included Alston, Biggs, Dingle, Ford, Fraser, Grate, Hamilton, Jenkins, King, Logen, Nelson, Small, Thomas, Young, and Washington. The author is conducting a further study of this situation.

In earlier federal censuses, Dorcas was enumerated with her maiden name, Grate. In 1900 and 1910 she was in her mother's household, single and the mother of three living children, possibly the household's three grandchildren:

- Eloise, age five
- Ransome (named after Dorcas's father), three
- James, one year and ten months<sup>47</sup>

#### *No Evidence of a Formal Name Change*

Between 1935 and 1940 South Carolina required people wanting a name change to file a petition to the circuit court.<sup>48</sup> Rainey apparently did not. The Georgetown County Clerk of Court "was unable to locate any information in reference to . . . a name change for John Nesbit or John Rainey Nelson."<sup>49</sup>

#### MARRIAGE RECORDS

Lily Young and John Nesbit's marriage license shows that Rainey believed he was "John Nesbit" in 1935. The entry was not a clerical error because Lily's groom signed as "John Nesbit."<sup>50</sup> The couple's youngest child confirmed the bride's signature.<sup>51</sup>

In 1935 "John Nesbit" gave his age as twenty. South Carolina law, however, provided a reason for the couple to pretend they were older. Lily was possibly only fourteen when she applied for a marriage license, and state law required parental consent if either party was under eighteen and resided with a parent or guardian.<sup>52</sup> The couple, apparently wanting a valid marriage, likely misrepresented their ages to circumvent the parental consent requirement. Lily remained married to Rainey until her death, and he never remarried.<sup>53</sup>

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47. 1900 U.S. census, Georgetown Co., S.C., pop. sch., Waccamaw, No. 7Twp., ED 54, sheet 6-A, dwell. 139, fam. 140, Sue Great; NARA microfilm T623, roll 1528. Dorcas had at least one younger sister who could have been mother to children in 1910.

48. *Code of Laws of South Carolina 1942 in Five Volumes* (Clinton, S.C., Jacobs, 1942), 4:1076, § 8674, "Change of Names."

49. Alfreda Johnson (Georgetown Clerk of Court), e-mail to [hidden], 24 March 2015, "Name change application from the 1935–1940 period"; Paul Nelson file, Rainey Nelson Project; author's files.

50. Georgetown Co., S.C., Marriage License, file no. 5852, Nesbit-Young, 1935; Clerk, Probate Court, Georgetown.

51. Glenwood Nelson, interview, 25 April 2014.

52. 1930 U.S. census, Georgetown Co., S.C., pop. sch., Twp. 7, Murrels Inlet, ED 22-12, sheet 17-A, dwell. 378, fam. 381, Lillie Young. Also, 1940 U.S. census, Georgetown Co., S.C., pop. sch., Twp. 7, Murrels Inlet, Arcadia Estate, ED 22-15, sheet 23-A, household 402, Rainey Nelson. In April 1940 "Lillian" was enumerated as nineteen. Also, *Code of Laws of South Carolina 1942 in Five Volumes*, 4:1030–31, § 8558, "Probate judge issue license—fee—qualifications—issuance by clerk of court."

53. Also, Connecticut State Department of Health, death certificate no. 011402 (1974), "Lilly Y. Nelson." The decedent's spouse is noted as "Raine Nelson." Also, Smith, Rainey Nelson Sr. funeral program, 13 September 2008.



Parental common-law marriage could explain why Rainey believed his surname was Nesbit.<sup>54</sup> Dorcas's only recorded marriage likely was with Cupid Nelson, where she is called, correctly or incorrectly, "Dorcas Hopkins."<sup>55</sup> She could, however, have entered into an earlier common-law marriage with a Nesbit. South Carolina did not provide for divorce before Dorcas's marriage to Cupid. She could have been widowed.<sup>56</sup> Alternatively, a divorce would have been unnecessary if neither party asserted a common-law marriage's validity. A common-law marriage was an issue only if raised in court.<sup>57</sup>

Dorcas could have married John Nesbit after 1910, when she was reportedly single and before South Carolina required marriage records. By 1930 she was Cupid Nelson's wife.

#### SIMILAR SIGNATURES

John Nesbit's signature on his marriage license and Rainey Nelson's signature on his application for a Social Security number (form SS-5) appear to be written by the same person. Anyone's handwriting can vary in a document, but similar characteristics distinguish one writer from others.<sup>58</sup> Figure 1 shows four signatures sharing similar characteristics: they are legible; letters are written on the signature line; and letters are equally spaced.

#### SUMMARY

People remembered Rainey as a Nesbit, as a Nelson, and sometimes as John. Something happened between his 1935 marriage and the 1940 census that caused John Nesbit to call himself Rainey Nelson, and for authorities to accept the change without demur. Documentation agrees:

- Rainey was known as John Rainey, the same first name as John Nesbit.<sup>59</sup>
- The economic environment, racial climate, and Rainey's deep roots in the community argue he would use only his legal name on his marriage record.

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54. *South Carolina Legislature*, "South Carolina Code of Laws," Title 20, Chap. 1, § 20-1-360 (1976). Also, Henry Campbell Black, *Black's Law Dictionary*, rev. 4th ed. (St. Paul, Minn.: West, 1968), s.v. "common-law marriage."

55. Georgetown Co., Marriage License, file no. 3822, Hopkins-Nelson, 1926; Clerk, County Probate Court, Georgetown. On 23 March 1926 "Cubit" Nelson and "Dorcas Hopkins," both of Waccamaw, obtained a marriage license. Handwritten annotations correct Cupid's age but give a different incorrect age for Dorcas. Each signed with an "X."

56. *Code of Laws of South Carolina 1942 in Five Volumes*, 1:604, *Constitution of the State of South Carolina*, 1895, Article 17, § 3, "Divorces." The article, which remained in effect until 1950, provided that "divorces from the bond of matrimony shall not be allowed in this State."

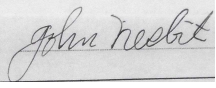


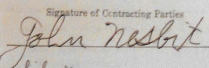
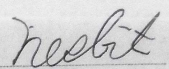
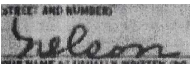

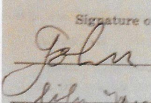
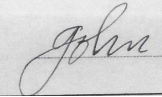
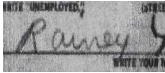

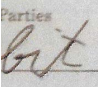
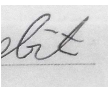
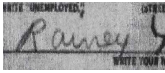
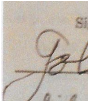
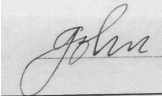
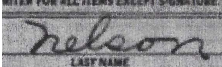
57. Göran Lind, *Common Law Marriage: A Legal Institution For Cohabitation* (New York: Oxford University Press, 2008), 6.

58. Julia Layton, "How Handwriting Analysis Works," *How Stuff Works: Science* (<http://science.howstuffworks.com/handwriting-analysis1.html>).

59. "United States Public Records, 1970–2009," index, *FamilySearch*.

Figure 1

Handwriting Comparison

SIMILARITIES	MARRIAGE LICENSE <sup>a</sup>	SIGNATURE LINE ON SS-5 <sup>a</sup>	FIRST LINE OF SS-5 <sup>b</sup>
Letters slant to the right Short end-strokes Same style "N"			
"N" connects to following "E" "Tent-like" "s" connects to letters before and after	 		
Same style "n" in John and Rainey	 		
Same style "i" dotted high and to the right	 		
Closed "o"	 		

a. Georgetown County, South Carolina, Marriage License, file no. 5852, Nesbit-Young, 1935; Clerk Probate Court, Georgetown.

b. Rainey Nelson, SS no. 249-30-5681, 8 April 1942, Application for Account Number (Form SS-5), Social Security Administration, Baltimore, Md.

- No conflicting records appear before 1935 when Rainey called himself John Nesbit, or after he was enumerated as Rainey Nelson in 1940.
- A comparison of John Nesbit's signature on the marriage license and Rainey Nelson's signature on his Social Security application suggests the same person signed both documents.

#### CONCLUSION

Although the name "Rainey Nelson" appears on multiple documents, an original marriage record predates all "Rainey Nelson" sources. It provides the most reliable, albeit indirect, evidence that Rainey's birth name was John Nesbit. Social and economic considerations make it unlikely he used a name he did not believe was his own. Moreover, a comparative analysis of handwriting on John Nesbit's marriage license affidavit and Rainey Nelson's SS-5 form supports concluding that one person signed both records. Rainey used the name John Nesbit on his earliest known official record; it likely was the name he used from birth.