

Lloyd DeWitt

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The National Genealogical Society

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*Celebrating Eighty-five Years of Service
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T-27

But How Do I Prove This is the SAME Man?

Speaker:

Helen F. M. Leary

Helen F. M. Leary, C.G., is past president of the North Carolina Genealogical Society, which she previously served as secretary, first vice president, and program chairman. She has been a trustee of the Board for Certification of Genealogists since 1981. The coeditor of, and contributing author to, *North Carolina Research: Genealogy and Local History* published by the North Carolina Genealogical Society, she has also contributed articles to several genealogical periodicals. She is a member of the adjunct faculty of the Institute of Genealogy and Historical Research at Samford University. She received her B.A. from Manhattanville College. She has been a member of NGS since 1978 and received the NGS Award of Merit in 1987. She is chairman of the Research Methodology Program Subcommittee for the 1988 NGS Conference in the States.

BUT HOW DO I PROVE THIS IS THE SAME MAN [OR WOMAN]

Helen F.M. Leary, C.G.
Thursday, 28 April 1988, 9:30 AM

THE PROBLEM: The following characteristics are usually sought to solve identity problems; failure to prove identity is most often associated with problems in these areas.

1. Name:
 - a. Distinguishing between two or more men of the same name in the same place at the same time;
 - b. Proving the man who appears in one place is the man of the same name who disappears from another.
 - c. Name-change problems: spelling (especially in move to a new place), use of given name vs. initials, use of middle name as given name, illegitimate child legitimized, "Jr." and "Sr." designations;
 - d. The ancestor's name may be the characteristic being sought.
2. Age/Birth date:
 - a. Lack of early Birth Certificates or vital records;
 - b. Census ages often unreliable;
 - c. Men of same name may be same general age (e.g., 1st cousins).
3. Spouse:
 - a. Wives often more difficult to identify than their husbands.
 - b. Nicknames (e.g., Mary=Polly, Ann or Agnes=Nancy, etc.);
 - c. Much duplication of female given names (e.g., Mary, Elizabeth, Sarah, Ann) and good chance two men of same common name (e.g. William Johnson) both married to Marys.
 - d. Men often married more than once.
4. Death date:
 - a. Lack of early Death Certificates or vital registration;
 - b. Owned at death nothing requiring court-ordered distribution;
 - c. Moved out of the area before death.
5. Place - County and state (or colony):
 - a. Commonest problems are with the researcher:
 - 1). Failure to search records (especially deeds) thoroughly;
 - 2). Inexact knowledge of area records, laws, history, geography.
 - b. Boundary changes, changes in jurisdiction;
 - c. Missing records (the "burned courthouse" syndrome).
6. Parentage - usually the reason identification is sought.
7. Offspring - rarely investigated thoroughly enough.

THE SOLUTION:

THE BEST POSSIBLE PERSON TO ASK FOR THE SOLUTION TO AN IDENTITY PROBLEM IS:
THE ANCESTOR HIMSELF

THE METHOD:

A. Preliminary Concepts:

1. Seek a person, not a name.
2. Attempting to identify an individual without reference to the historical, social, ethnic, religious, and psychological context in which he lived is futile. Ancestors can help identify themselves accurately only if they are allowed to retain their friends, extended families, and religious, social, and historical support groups.

3. Attempting to identify an individual in a strictly genealogical or intellectual frame of mind is also futile. Referring to one's own accumulated knowledge and life experience, augmented by a study of general human psychology, is more likely to bring success.
4. Reducing an individual to a series of date-place slots on paper (or diskette) is a proven technique for arriving at mistaken identities and eventual blocks to further research. Encouraging the past to resume its original three-dimensional characteristic is essential.
5. Records can speak of past events only if they are allowed to do so. Hurried, heedless, overly-abstracted research silences their voices and is another proven technique for failure.
6. Records as well as people must be kept in context. Finding the record is only half the battle; interpreting it correctly requires a sound knowledge of the applicable laws, customs (social, ethnic, religious, economic), and record-keeping practices.

B. What to look for:

1. Name:

a. Accept variant spellings gracefully, and look for others:

- 1). Phonetic variants (e.g., Raleigh, Roleigh, Rawley, Rolly, Wrauley);
- 2). Copying variants (e.g., Larson/Sarson, Twitty/Twilly, Hunt/Hart);
- 3). Record-keeper's variants (e.g., McGlauchlahn in NC, McGlocklin in AL; Broadhurst, John on one census and Hurst, John B[road] on next).

b. Expand search to include EVERYBODY of that surname in the area;

c. "Sr.," "Jr.," and "3rd" usually referred to relative age; when "Sr." died, everybody moved up a notch;

d. Keep an open mind; looking for the "right" spelling is block-headed.

2. Birth Date - approximate it from ancestor's activities:

a. Probable age at first marriage (girls, ca. 17-19; boys, ca. 18-21 - local statutes for earliest marriagable age varied);

- 1). Farm or rural people (may marry younger)
- 2). Ethnic groups (Irish and Scots may marry later; Germans earlier)
- 3). Wealthy, educated (usually married later)
- 4). Special circumstances (e.g., apprenticed girls, not until 18; boys not until 21; indentured servants not until indenture completed)

b. Evidence of age in:

- 1). Poll tax lists (generally 16 and up for males in Colonial period; 21 and up afterwards - upper ages varied)
- 2). Military records (enlistment, rank, time period - colonial militia age was generally 16-60)
- 3). Legal records (e.g., selling land, executing wills, voting, etc.) - legal ages fairly well established at 21 by end of colonial period; check local variations for earlier records;
- 4). Childbearing years (this is IMPORTANT);
- 5). General activities (e.g., youth builds up estate, middle age consolidates it, old age begins dispersal).

c. Review approximations often and adjust when proved inaccurate - but first view ALL the evidence (e.g., military service at age 12?; child-bearing spouse aged 60-70?).

3. Spouse:

a. As wife:

- 1). "Wife of ..." in her father's will, estate settlement, mother's will, childless uncle's, etc. (she may be mentioned only by implication as mother of testator's grandchildren - look for her or her husband as guardian).
- 2). Dower release (Beware of mother-son deeds);

- 3). May have been a widow at time of marriage - check for settlement of 1st husband's estate by 2nd husband.
 - 4). Private records: obituaries, church and cemetery registers, newspapers (ads for heirs; social notes; etc.)
 - 5). Divorce records.
 - b. As widow: (remember widow may not have been mother of his children):
 - 1). Husband's will or property division;
 - 2). Petitions for or paying tax on "dower tract";
 - 3). Deeds and bills of sale.
 - 4). Tax payments on estate during settlement or minority of children.
 - c. As her father's daughter:
 - 1). Landed inheritance - devised by husband; sold (e.g., "et al" deeds);
 - 2). Slave inheritance - bills of sale, husband's inventory, census statistics, bequests.
 - d. As somebody else's in-law (e.g., sisters'/daughters' husbands' records).
4. Place:
- a. County and state/colony too broadly defined - seek residential tract:
 - 1). Described in his will;
 - 2). Deeds - especially sale of land "and dwelling house";
 - 3). The dower tract included the last dwelling house of deceased;
 - 4). Tax list descriptions;
 - 5). Deduced from: names of neighbors on unalphabetized census and tax lists; fellow road workers, jurymen; witness tickets charging for travel to court; general deed activity (e.g., the tract he held the longest or while buying and selling other tracts);
 - b. Keep primogeniture and entail in mind for the colonial period.
 - c. Consider: the closest and/or easiest-to-reach courthouse although not the "right" one; contrary prevailing winds for coastal areas; adjoining counties across state/colony borders; county formation dates.
 - d. If individual moved: check transportation routes; economics of new and old place; family reasons (son/dau./sibling/parent already in new area, death of patriarch/matriarch in the old); social or religious reason (e.g., persecution, discrimination).
5. Parentage:
- a). Comparison of slave and/or land ownership;
 - b). Comparison of occupation or trade training; lifestyle (e.g., John Doe, illiterate blacksmith, probably not the Governor's son); legal habits; religious and ethnic background;
 - c). Records of possible siblings and brothers-in-law;
 - d). Records of possible uncles, aunts, cousins, grandparents;
 - e). Records of neighbors, friends, associates of possible parents.
6. Offspring:
- a). ALL children's records - even after their parent's death (e.g., 1880 census; later sale of land/slaves; marriage and/or death records;
 - b). Identify their spouses whenever possible (may be relatives).
7. The Crucial "Peripheral Information":
- a. Lifestyle (wealthy or poor; highly educated, literate, or illiterate; slave owner or small farmer; slave or free black [or both]; townsman or countryman; professional person, tradesman, or merchant; sailor, tailor, blacksmith, or farmer, [or a combination]; comfortable with or confused by the ways of power - political, economic, or religious);
 - 1). Self-assigned designations (e.g., "I John Doe, tailor" - Beware: sometimes written "I John Doe Taylor");
 - 2). Bequests (e.g., "to son John my coopers tools");

- 3). Inventories of belongings after death, for homestead exemptions, tax reports (e.g., tax on billiard table points to John Doe, innkeeper, as opposed to John Doe, sailor);
 - 4). Census schedules of manufactures, agriculture, slaves (NEVER omit this step);
 - 5). Records of public figures (e.g., John Doe, Magistrate, was literate and wealthy and not the man who signed "X" on deeds).
- b. Neighbors, friends, and associates:
- 1). In state land states, neighbors mentioned in deeds and grants; in federal land states, check tract books; see also "Place, #a.5);
 - 2). Friends and associates - witnesses, bondsmen, church brethren, etc.
 - 3). ALWAYS keep track of the neighbors, friends, etc.
 - a). Groups travelled together or settled together, later arrivals settled near earlier ones.
 - b). They may include parents, siblings, future wives, present and future in-laws, other relatives.
 - c). Their records often provide ancestral information (e.g., "adjoining the heirs of John Doe, deceased" in neighbor's deed; "adjoining Henry Doe's corner with William Doe" in later sale of that tract).
 - d). Especially important for migrations (e.g., witness on John Doe's first deed was Henry Roe, whose earliest deed says "I Henry Roe of Virginia...."
- d. Political and religious affiliations and activities (e.g., GA John Doe more likely father of Jefferson Davis Doe than W.VA John Doe);
- e. Ethnic background:
- 1). Family artifacts and traditions (especially for holidays); architecture and building materials; farming practices; etc.
 - 2). Earliest spelling of the name (e.g., Mikel Andrus vs. Michael Andrews)
 - 3). Background of neighbors, friends, associates, etc.;
 - 4). Distinctive religious affiliations.
- C. Time period to include in the search:
1. ALWAYS extend the search beyond the time frame of supposed marriage, death, or move [i.e., physical bodies cannot be in two places at once; dead men don't marry or sell land];
 2. Check subsequent sales by purchasers of ancestor's residence (often provides additional information about tract or ancestor);
 3. Check records of previous owner of ancestor's residence (especially if ancestor's purchase was for a nominal amount, deed mentions "originally granted to..."; or he bought it from multiple grantors).
- D. When all else fails:
1. Go back to square one and:
 - a. RE-EVALUATE ALL SOURCES (the compiled genealogy or great-grandmother's letter may be wrong).
 - b. RE-EXAMINE ALL ASSUMPTIONS (the 1786 John Doe-Mary Roe marriage may have been grandpa's final fling; the man who "died" in SC may be alive and well and begetting children in KY).
 - c. RE-CHECK ALL RESEARCH NOTES (was an important clue overlooked?; were all the Doe wills thoroughly abstracted?; adjoining areas checked?)
 - d. Patiently, meticulously ASSEMBLE THE WHOLE FAMILY AND/OR NEIGHBORHOOD.
 2. Find out EXACTLY what "preponderance of the evidence" proof is - if research has been done thoroughly and accurately, the weight of the evidence (NOT the number of records) may identify the ancestor. A preponderance of the evidence proof cannot be used unless the quality and extent of the research on which it is based justifies it.