

PROVING Your Ancestors in Darke County, Ohio [or Anywhere!]

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PREPONDERANCE OF EVIDENCE

INTRODUCTION

Why is Preponderance of Evidence Method important? Because if you research very long, all the *easy* ancestors are done. All that are left are the old *so-and-so* who require massive amounts of research to unearth. Many of these families will be *in-progress* for years and years. My granny was easy; I interviewed her, and she told me everything about everybody she could remember. I've spent the subsequent 25 years working on everybody she couldn't remember.

We work based on what others have done before us. Whether it is a deed, a family Bible, a local history, a newspaper. . . we depend on the accuracy of someone we can't talk to. Think about it. How much of your family history can you personally vouch for? The births of your children. The marriages of your siblings. Well, mom said that so and so but how did mom know?

We have major seminars twice a year by the Houston Gene. Forum. They have proved so popular, that mini-seminars are held at other times during the year, too. I don't go to every one, but I do go regularly. Some of the speakers I've heard, include William H. Schoeffler, a Washington D.C. lawyer who brings a special perspective to proof; James L. Hanson, head of the State Historical Library of Wisconsin where the Draper Manuscripts are housed; Mary McCampbell Bell, researcher at the D.A.R. library in Washington; Marsha Hoffman Rising who is researching EVERY pre-1850 settler of Missouri. . . and others . . .

But by all means, the cream of the crop is Elizabeth Shown Mills. She is editor of the National Gene. Society Quarterly, and the single best speaker I ever heard! I don't know why I signed up for that seminar. It was in Victoria, Texas. And I didn't realize till the date was near, that I would have to drive 90

miles alone. I went into it expecting her to tell me some magical, overlooked source. Instead she kept talking about census, and tax lists, and pension records . . . all this stuff I already knew about. But, she worked in the method of Preponderance of Evidence as she talked. And all of a sudden, I realized : I can prove ANYBODY!

She taught us to look at the same records, but with new eyes. And when you do, there is so much more information in the same old thing. I went to that seminar with a very long list of ancestors I considered absolutely impossible, including a couple out of wedlock. After her seminar, I came home, and looked up all the census, on all my ancestors. Again. It took over a year. But I found so many things I'd never seen before! That was the first step, and I've been going like gangbusters ever since.

I will try to sum up what I've learned, both in seminars, and in practical usage. It takes persistence, but when you reach the end of the case, WOW does it feel good to know you really KNOW about that ancestor !

Basically the Preponderance of Evidence has to do with evaluating evidence. It gives us new eyes, and we see more.

A couple of sources :

Anything published by National Gene. Society Quarterly, especially volumes 72 & 75.

"The American Genealogist", quarterly, Volume 38:189-190.

"Applied Genealogy", by Eugene A. Stratton, pub. 1988.

Elizabeth Shown Mills : An expert is someone who makes his mistakes in private.

PREPONDERANCE OF EVIDENCE METHOD ANALYZING GENEALOGICAL INFO.

PRIMARY & SECONDARY SOURCES

This method of genealogical research is based on the fact that No Man is an Island. And neither are the women! In fact, the women were less likely to be Islands, than the men were.

In this method, you acknowledge that in many cases Primary Sources do NOT exist. Some researchers will accept nothing less, but we have to be realistic. Preponderance requires building up a body of evidence, some Primary, some Secondary, and analyzing it for logical conclusions.

PROOF is not a document. PROOF is the argument you create, using the evidence you collect. How good is your argument?

This is not simple. It is not easy. But when you have built your case, no one can dispute it, because you have literally found every bit of evidence that ever existed about your ancestor, and you don't have to worry about a stray bit of contradictory evidence coming to light at a later date.

There is a difference between researching everything you can, and researching everything you can find quickly. Pretend you are Perry Mason, Paul Drake, and Hamilton Burger. Play all three roles. The case ends when you send it to the jury, which is publication. But in this case, the jury provides feedback in the form of corrections and additions. Your goal is to have as few of them as possible. Don't go to any jury,

till you are sure you can convict the man in question of being your ancestor!

A standard rule is that you **PROVE** ancestors by use of Primary Sources. Secondary sources are interesting, but not very useful. Primary Sources are defined as a contemporary, legal document. Samples would be birth certificates, marriage licenses, deeds, wills, etc. In short, anything that was generated by a government body, and kept on file in a courthouse. Baptismal records in a church where the records are well-kept, and well- documented, could also be a primary source. *Contemporary* is the key word here. Records reconstructed after a fire, or written into a Bible published many years later, would not be considered proof.

Secondary sources include County Histories, Grandma's reminiscences, the tombstone which was placed on the grave 50 years after the fact, etc. Newspapers can be a good source of information, because they were writing contemporary to the events. But you must beware, because the editor often took great licence with the facts. His editorial view affected who got into the paper, and how they were portrayed. This was especially true in the Southern states, both before and after the Civil War. Newspapers did not become common till after the Civil War, and did not include much local information till that time. As people went west, the railroads would carry news back and forth and it would be printed in the local paper. Papers published in a county seat might cover a wider area. Local papers could cover a unique local area, not defined by county boundaries. Church newspapers gave more family news, especially the German newspapers. They would often print a whole biography, including the location of birth in Germany. Church newspapers covered a large geographical area, to keep people in touch. Look in a community where a family used to live for an obituary.

Primary sources are not always Primary. A birth certificate proves that a child was born. Did the clerk get complete information? Did he care? Was this a late filing? Who was the informant? What if the person had a reason to give a wrong answer? Was a widow trying to get benefits?

One source, located 3 times, is still only one source. Who was compiling this source? The I.G.I. for England was compiled from Parish Registers. The I.G.I. for the U.S. was compiled from Family Group Sheets. The L.D.S. wants to get their ancestors baptised into their church. A matron may have a deep desire to prove she has a Rev. War soldier in her lineage. Or, the hobby researcher may be entertained by the idea of having a horse thief, and not expunge that ancestor. Massachusetts town clerks sometimes canvassed the town, collecting births and marriages after the fact, and then recording them in the official town book! This could include people born in other places.

Look for changes in handwriting and terminology. In Frederick Co., Md., they had the same Co. clerk recording the deeds for decades. He knew everyone. When spelling of a family name changed, there was probably a new clerk (or pastor). Mr. and Mrs. were terms of respect, not of marital status. In-law also meant step-child. Look at the deeds before and after yours. Did the clerk forget to write the new year (as we all do on our checks every year)? Never add Jr. or Sr. to an original name that did not have it. Peter Light Sr. of Washington Co., Md., and Peter Light Jr., of same, were only 8 years apart in age, and were cousins! John Friend Jr. of Bedford Co., Penna. used *Jr.* for 40 years after his father died! When Sr. & Jr. stop being used, the older man may have died, and there is no longer any need to differentiate them in records. . . unless Jr. had a son of the same name, and when he comes of age, Jr. becomes Sr., and III becomes Jr. . . you have to identify all these men, or you have identified none.

"When Was Joel Chandler Harris Born", article published in "Southern Literary Journal", gives seven different evidences, all of which are good evidence, and all of which disagree. And they all discredit Harris' own statement about his birth, made as an adult. (Fall 1984 issue)

Don't look for what is already known. Seek answers to the question, *What don't I know about him, his relatives, his neighbors?* But, seek those answers where you already know he was. Don't search with binoculars; search with a magnifying glass. Your ancestor DID leave clues, right there where he was at.

PREPONDERANCE OF EVIDENCE METHOD ANALYZING GENEALOGICAL INFO.

LAND RECORDS

How do you take notes? If you copy something wrong only once in 100 times, but if that item is the ONE thing you need, you are still 100 % wrong. Never ignore any record that exists. You don't know what you are skipping. It isn't till you begin to lay out all the puzzle pieces, that you know which one will be missing.

Buyers record deeds, based on information that the seller provided about the land. Probate records are what the clerk decided to write out. Probate packets contain original documents. You say that no probate exists - - did the clerk index it by the deceased, by the administrator, or by the names of beneficiaries? Virginia and Maryland had the law of Primogeniture, where property passed from generation to generation without any documentation; except it changed in Maryland, between 1783 and 1787 (implemented county by county) and after that all heirs had a claim. Look at court dockets. If someone fought the other heirs, much documentation will be generated, but not in probate or land records.

In the Colonial Era, it was not unusual to spend 20 years settling an estate. If there were debts or assets in England, or long term investments, or legacies they had trouble collecting from previous ancestors . . . when they get around to settling it years later the widow has remarried, more grandchildren have been born . . . Keep looking! Your ancestor may be dead, and the widow dead or remarried to an unknown man, but if you know names of sons-in-law, look for them to find records that may include your ancestor. Follow all named people through their entire lives, including second marriages.

See if the guy who purchased land from your ancestor, also made purchases from others in the area around that time. He may be buying up shares of an estate. In that case, everyone he purchased from, could be in-laws of your ancestor.

Every ancestor presents a different set of facts that need to be linked together. Connecting the links makes it a chain, instead of a pile of links. Typing a list of names next to each other, does not make it a line of descent. The chain is made up of people, events, and behavior. Don't treat any detail in isolation. Re-analyze after every new tidbit comes in, and sometimes when nothing new has come to light. Start at the back of your notebook, and read through. And overlooked item may leap out at you. The ability to find clues, leads to the answers.

Always verify a date from another source. In the 1769 inventory of the estate of William Norris who died sometime in 1767, it mentions interest from 7 March 1767. I believe this is his actual date of death, but, without some other source showing that date, I don't know if the widow borrowed money that date, or what.

Many different records can be used to prove your ancestor's existence and movements. Read through town meetings, court minutes, vestry meetings. A young man will be registering ear marks, working on the roads, serving in the local militia (even if for a few days). And older man may be paying a poll tax, or

running for local office. An older man may make a deed to his daughter and son-in-law for his household goods, or be found in the poor house.

PREPONDERANCE OF EVIDENCE METHOD ANALYZING GENEALOGICAL INFO.

KNOW YOUR NEIGHBORHOOD

I can't emphasize this enough! It doesn't mean you have to investigate every shirt-tail cousin. It means you have to know everyone your ancestor knew.

In the lunchroom of my genealogy library, I often hear people say : My ancestor was not born, he was hatched. He just dropped out of the sky a fully-formed person.

Or did he? Who did he witness deeds for? Deeds may be lost for your ancestor. But his neighbors deeds may refer to his land as their boundaries. Or, the neighbors deeds may say something like : Adjoining land my father purchased from Charles FRIEND, father of the present Jacob FRIEND, 30 years hence. . . (See TAG 52:145) Why would he witness a deed for someone, unless that person was a friend or relative? Nobody crossed the mountains and rivers alone. They came with neighbors, fellow church members, or relatives. And as time passed, it is from those neighbors and church members that more relatives came.

Who was the neighborhood doctor? Seek the doctor's probate packets. His records may include billings for births of babies, and attending to grandma in her final illness. Who was it billed to? If your ancestor died before the bill was paid, was a guardian mentioned for remaining minor children?

Elizabeth Shown Mills says : Genius consists not in making great discoveries, but in seeing the connections between small ones.

The past is a foreign country. Learn about that country before you try to visit. Get maps. Read the history books. Find out when there were epidemics. Before 1850, most places had few people who actually owned land. Squatters and tenants were common. But their neighbors will tell you about them. They charged accounts with merchants, took out mortgages, borrowed money, leased slaves. Who could write in that county? The doctors, lawyers, ministers, merchants, tavern keepers, the Justice of the Peace – these are the unofficial clerks of the county. Their records would not be found in the court house though.

In many cases, the person would not tell the census taker if he owned land, or how much. Agricultural census schedules will tell who owned, and who leased.

The neighbors are the donut, and your ancestor is the hole. Learn what fits in that hole, by studying the neighbors. Think in terms of clusters of names. And also look at the culture. If he had German neighbors, maybe Mr. Black was actually Mr. Schwartz. It is my experience that German names were spelled uniformly in Penna. pre-1800. There were so many Germans, they could all read and write in German, and didn't make mistakes. When you move to other states, especially Ohio, the names get messed up. The clerks were the local English people who had been there for years. They couldn't understand the German accent. Several wills indexed in Montgomery Co., Ohio, say *German will* with no attempt to record the wording!

I'm seeking a brother-in-law in western Maryland named Hugh McNamee. There were a lot of Germans

there, but this guy was Irish. He is spelled Maghamee, Magness, Maghee, etc. If he had been a few miles north, in Adams Co., Penna., he would have had lots of Irish neighbors, and no problems with spelling.

Read through the records of surveyors. At the end of each survey, it will tell who the chain carriers were. These were usually teen aged boys living in the area being surveyed. The surveyor traveled from job to job, and didn't bring a crew. Chain carriers were supplied by the land owners. This is a clue, which gives you some place to go.

Read through personal and property tax lists. I was working on a John NORRIS of Hampshire Co., Va., hoping to prove whether he was or was not my ancestor. (It was common for men in western Md. to speculate in land in Va.) I read through a dozen years of records, before coming across one that had noted next to his name : mulatto. Many times the tax record will say, William son of Thomas, or , William of the Mountain. These notations don't always get copied when records are published.

Many people abandoned their federal land grants, hence there is no deed record. Look at the Land Entry Files, or Applications for land warrants.

In 1903 a lawyer in Washington had himself declared the administrator of estates of outstanding bounty land warrants (thousands of them). Many of your ancestors warrants were taken up at that time, and mostly in Wisconsin.

Psychoanalyze your ancestor. I have a couple of ancestors in the 1800's who were a carpenter, and a stone mason. They moved around a lot. It was the nature of their occupations. But, when they did roost, for even a little while, it was where relatives lived. One of my ancestors left his wife and kids with her parents for four years while he was serving in the Civil War. He came home for one furlough, as per his military records, and nine months later she gave birth. I'm quite sure I've matched the soldier to the right family. Even nomads had patterns to their lives, and that is how you put his chain together.

To move a line forward, we often need to go sideways. Your ancestors' siblings had the same parents. A restless brother may have found his way to a frontier fort. Here his name appears when he received credit at the post store, when the local preacher married him, or when he got into a fight. Unmarried siblings left estates that went to siblings, neices and nephews, and other relatives. Sometimes much later, a sibling will learn of a death and go back to court, creating a new list of heirs.

Many clues were left behind. Check all of them. A good list is : Death records, beneficiaries, executors, bounty land and pension applications (including rejected ones), land purchases at the federal, state, and local level, church records (including minutes of meetings), marks and brands, business partners or suppliers, service as guardian, administrator, or bondsman, roadwork, reporting of strays, petitions, taxes : personal, property, or delinquent, neighbors from census or land, receipts, fellow soldiers, power of attorney, baptismal sponsors.

PREPONDERANCE OF EVIDENCE METHOD ANALYZING GENEALOGICAL INFO.

WIDOWS

Research Dower Rights in effect: Women in Ct. had dower rights only to what their husband owned at his time of death. Many Ct. men made deeds in Mass.; Mass. didn't recognize second marriages in Ct.,

and vice versa. In Maryland a woman had a dower right in all real property at any time during the marriage. In other words, he couldn't sell anything without her signature, either on the deed, or on a separate release filed after the deed. The only exception I've seen is when a man is acting as his father's administrator, and is selling land of the father's estate, as directed by will. Then, the wife had no dower right. In Virginia, a woman may sign a release of dower as a widow of the seller's father., not as wife of the seller. In Maryland, slaves were personal property. In Virginia they were real property. After probate, look for a widow to sell her dower share, and use the capital to move west. That's how all those women and children got west without a man.

Even after she remarries, she still has dower rights. That's how I proved one NORRIS family in Maryland, 26 years after my ancestor's death, and during the second wife's third marriage. The widow has the right to have a will set aside, just by saying so. She usually does this if there are many creditors. Dower takes precedence over debts. She wanted to be paid before the creditors closed in. Wills were often probated close to the date of death, because creditors pressured them to do so. One half of nothing forever, is less than 1/3 of something for life. Many times no division or settlement (or even probate) of a man's estate is made till the widow dies. If suddenly his property is sold 20 years after his death, the widow probably died then. The list of heirs would be current as of her death, not his.

Best Friend or *Second Friend* was a legal term for a man who represented a woman's interests in court. She might not go to court herself, but would trust her brother.

The son who moves west may leave a power of attorney for his brother-in-law to sell his share of the land whenever the widow dies. When you see a man being made guardian of his own children, it usually means his wife has died, and her father has left something to the grand- children. He's not automatically in charge of those children's inheritance, unless the grandfather's executor allows it. When a man dies, and the mother is being made guardian, the bondsmen are almost always her father or brothers (or her bro-in-law). She's in a tough spot, and she turns to her family for help. Would you put up bond money for someone you weren't related to?

If a son or daughter gets a token amount in a will, look back around the time of marriage. Did they receive land by deed? Did a grandfather leave them plenty in earlier years? If all you have is a will, you have missed many clues to the family.

Elizabeth Shown Mills: Genealogy is a study of people, not the gathering of names. People had friends & associates and interests; all are factors which will connect the pieces into a family.

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