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The **Legal** Genealogist

2022-2023 Lecture List

GENEALOGY AND THE LAW

“An Act for the Relief of Gregory Thomas and Others” – The Private Laws of the Federal and State Governments

Few researchers realize that many early federal and state laws were private laws - specifically for the benefit of individuals or families. The records can be fabulous for genealogists. Learn how to find these genealogical gems in federal and state collections.

“Deemed a Runaway” – Black Laws of the North

Slavery’s force was felt far north of the Mason-Dixon Line, and the Black Laws of northern states created valuable records for tracing African-American families. Learn how understanding this law and its records can be uniquely rewarding for descendants of the enslaved and the enslavers alike, and of those who were their neighbors and friends. [For all states, see *“From 1619 to Juneteenth - Slavery and the Law Before the Civil War.”*]

“Don’t Forget the Ladies” – A Genealogist’s Guide to Women and the Law

In early America, women were all too often the people who just weren’t there: not in the records, not in the censuses, not on juries, not in the voting booth. The common law relegated women to “protected” – second-class – status, and understanding how they were treated under the law provides clues to finding their identities today.

Finding the Law

Time and time again, we’re told as genealogists that we need to look at records in the context of the law at the time and in the place where the records were created. Easier said than done! With 50 states and the federal government all passing laws, how do we find the laws we need?

From Blackstone to the Statutes at Large – How Knowing the Law Makes Us Better Genealogists

To understand our ancestors’ lives - why they did what they did, we need to understand the law that governed their lives in so many ways. Learn how knowing the law our ancestors lived by helps us make sense of the records they left and find clues to more and different records.

From 1619 to Juneteenth – Slavery and the Law Before the Civil War

No issue more bitterly impacted early America than slavery. Defended by some, decried by others, slavery left its mark on the laws of the nation and all the states, enslaved or free. The records created by those laws provide critical clues for genealogists, whether descended from enslaved or enslaver. [For northern states only, see “*Deemed a Runaway.*”]

How Old Did He Have To Be...?

Is *this* man John the father or John the son? Could *that* man be my ancestor who married in 1802? Knowing a person’s age is often the key to distinguishing between two people of the same name. But if no record gives a birthdate, how do you know how old someone was? The law can often give the answer.

Laws of the Indies: Spanish Colonial laws and the records they produced

From town planning to native relations, “Las Leyes de Las Indias” (Laws of the Indies) governed Spanish colonies of North America and beyond, and created unique records for research for anyone with ancestral ties to Spanish America. [*Can be tailored to a territory, state or region*]

Living with Legal Lingo

The language of the law is part Greek, part French, part Latin, even part Saxon - and all confusing. Every family’s records are chock full of legal lingo that can appear utterly baffling to even an experienced genealogist. But whether it’s for a family as famous as Daniel Boone’s, or one as ordinary as yours or mine, understanding the legal lingo in the records is a critical part of understanding the records themselves.

Mr. Blackstone’s Common Law

William Blackstone’s *Commentaries on the Law of England* reflect what became the legal structure of much of the English-speaking world. Its influence on legal development in Canada, Australia and New Zealand, and the United States, as well as within England itself, was far-reaching, making Mr. Blackstone’s common law a reference work all historical and genealogical researchers often need to consult.

Revelers, Hogkillers and Disobedient Children: Early State Laws

The laws our ancestors lived by tell their own story of life in earlier times, and early state laws from every part of the nation tell the stories of Blue Laws, wild animals, and children needing humbling. [*Can be tailored to a specific state.*]

Through the Golden Door: Immigration After the Civil War

America’s doors were open to all before the Civil War, with few restrictions. Afterwards, the laws began tightening, with exclusions, quotas, even required visas. How did the immigration laws affect your ancestors who immigrated after the Civil War? What hoops did they have to jump through to enter America’s “golden door”?

What’s in a Name: Name Changes and the Law

Names weren’t changed at Ellis Island, but in courts, legislatures and elsewhere. Learn about the law of name changes and how to find new names. [*only after 1 June 2022*]

GENEALOGY AND LEGAL RECORDS

Advertising the Law: The Gems in the Legal Notices

So many statutes required notice that someone wanted something done, and the legal notices in newspapers can be priceless sources of genealogical clues.

Breaker Boys and Spinner Girls: Child Labor Laws and their Records

Understanding the labor laws lets us trace the lives and the records of lives of child laborers in mills, mines, farms and more.

“Death by Undue Means” – Coroner’s Records

From colonial times to today, death not attributable to natural causes required investigation. Elected or appointed coroners worked with local juries to determine more about what caused each death. Learn more about coroner's records and how to use them in genealogy.

“Disabled or Deceased in the Line of Duty”–Military Pensions and the Civil War

Union blue or Confederate gray, Civil War veterans sought pensions in record numbers, and the laws of both federal and state governments granted them. The war even impacted benefits for service in earlier wars. Learn who was eligible and what can be found in pensions records created during and after the Civil War. [Also available in versions solely as to Union pensions and solely as to Confederate pensions]

Doing Time – Prison Records as Genealogy Resources

The brickwalls of a family tree are no match for prison walls. From intake photo to receipts for cash and clothes when they were released, prisoners in jails and prisons were recorded and documented, often in stunning detail. Learn what records may exist – and where – about your family’s black sheep.

Dower and Dowry: Women, Property, & Legal Records

Bringing property into marriage or trying to take it out, our female ancestors were governed by laws that generated valuable records. Learn about the common law dower and the civil law dowry, how they differed, and how to find the stories the records tell.

Dowered or Bound Out: Records of Widows and Orphans

Widows and orphans have always had a special place in the law. But it’s not always the place that 21st century researchers might expect. An orphan in the early days wasn’t a child whose parents had died, but rather a child whose father had died. The law didn’t care much about the mother. She was just the widow, entitled to her dower rights and generally not much more. Learn more of the way the law treated widows and orphans, and what the records may tell us about them.

From the 18th to the 21st: The Records of Prohibition

The 18th amendment took effect in January 1920 and ushered in more than a decade of Prohibition until repealed by the 21st amendment in December 1933. In those few years, so many records were created of juice joints and bootleggers, revenuers and Untouchables-and a gold mine for researchers.

Inventing America – Records of the U.S. Patent Office

Americans have always been tinkerers and inventors. Records of the U.S. Patent Office can enrich any family's history. Where can those records be found today, and what can they tell us about our families?

Lincoln's Laws and the Records of War

President Lincoln's General Order 100 – "Instructions for the Government of Armies ... in the Field" – revolutionized the laws of war. Learn more about the way war changed – and about the new records that were created for genealogists to research.

Making a Federal Case Out of It

Even genealogists who have a good background in court records often overlook the wealth of detail available in the records of the federal courts: the District Court, the Circuit Court, the modern Circuit Court of Appeals, and even the Supreme Court. From bankruptcies to copyrights to patents to cases in admiralty and more, federal court records merit a close look.

Martha Benschura – Enemy Alien

Not all our ancestors were naturalized. The ones who didn't suddenly became suspect when war divided their native countries from their new residences, creating the kinds of records genealogists love.

NARA Mythbusters: Your Family IS in the Archives

"All the military records were burned in the fire." "There isn't any birth, marriage or death information in federal records." "There aren't any details about ordinary families at the National Archives." These kinds of myth-statements stop genealogists from breaking down all kinds of brick walls using the wealth of information in NARA records. Join the mythbusters with the treasures the National Archives holds for your family.

"No Person Shall ... Gallop Horses In the Streets" – Using Court Records to tell the Story of our Ancestors' Lives

Early court records give color and meaning to the lives and times of our ancestors. County courts often functioned as both judiciary and legislature, and appeals courts published fact-filled opinions. While the records often establish relationships to help build a family tree, they offer so much richness and depth to help tell a family's story.

Of Delinquents and Common Scolds: Women, Children and Criminal Justice

The crimes only women could commit. The things that landed kids in jail. All creating records for genealogists to use in our family histories.

Pardon me, sir! – The "Get Out of Jail Free" Card

Not every criminal was sent to jail and served out a sentence. Some received a "get out of jail free" card – a pardon. Pardons could prevent charges from being filed, shorten sentences, or give convicts back their civil rights if they'd already served time. And the records can be goldmines.

Polls, Personalty and Property – Making Sense of Tax Lists

Somebody had to pay government's bills, and they did it through the law by imposing taxes on polls, personal property and real property. The records of those taxes offer some of the best clues available to our ancestors, their families and their neighborhoods.

Property Rights and Wrongs – African-Americans at the Courthouse

From being treated as property to having their children and their property stolen by those who used the law against the freedmen, African Americans' experience at the courthouse had only one bright spot: it created records for the genealogist-descendants of enslaved and enslavers alike.

Putting Those Records to Work

Every document we locate in genealogical research has its clear use: a census record will help us identify family members and trace them over time; a court record will tell us what was happening with that person at that time; a will or probate record will help recreate a family at a specific point in time. But every document we locate can be mined—directly or in combination with other records—for more: a deeper richer context for our family members and their place and time.

Quarantined! – Genealogy, the Law and Public Health

From the Plague to tuberculosis, the law worked to protect the public from epidemics. Learn how public health records can add to any family's history.

Rogues, Rascals and Rapsallions: The Family Black Sheep

Playing detective in court records can unmask those black sheep every family has – and it's fun! Learn to understand the criminal process in both federal and state courts and how to find the records to put meat on the bones of the skeletons in your family's closet.

That First Trip to the Courthouse

If there is one home truth in genealogy research, it's this: not everything is available online. Sooner or later, every genealogist has got to make that first trip to the courthouse to check out the original records available there. How to prepare for that trip, the rules of the road, what to expect, what to ask for, and how to be sure you'll be welcomed back the next time are explored in this lecture.

The Fair Court – Records of Chancery Courts

Only one court has ever had doing what's fair as part of its official mission: the chancery court. With different names in different states (and countries), it was often the go-to court for cases of great genealogical value, including divorces, guardianships, real property partition and more.

The Gentlemen Judges: Justices of the Peace

Landowners but legal laymen, America's early justices of the peace served up ground-level justice and local governance, creating records unparalleled for genealogists.

The Ties that Bond

From marriage bonds to officials' bonds, sureties given in a wide variety of circumstances can offer clues to our family members and their friends, associates and neighbors.

“To the Honorable, General Assembly”–The Treasure Trove in Legislative Petitions

As colonists and as citizens of the new United States, Americans were fiercely protective of their right to petition their government. Whether the issue was forming new counties, building bridges and highways, or some matter of public concern, our ancestors made their voices heard in legislative petitions that are a treasure trove for genealogists.

“Twelve Good and Lawful Men”: Jury Lists in Genealogy

One of the most common experiences of our ancestors with the courts was the requirement of jury service. Learn to understand who could and couldn't serve, how jurors were called, and how to use jury lists in family research.

Where There Is – or Isn't – a Will

Where there's a will, there's a probate. And often when there isn't a will, there's still a probate. Understanding the process and finding the records created when our ancestors died can help break through those brick walls.

Who, What, Why, When, Where and How of American Divorce

Our ancestors' marriages lasted so much longer than our own. One reason: it was so hard to get a divorce. But it still happened, and the records created in the process tell us much about our ancestors, their lives and the laws they lived by.

Writ in Stone – Cemeteries and Genealogy

Cemeteries and the stories they tell for our families are of crucial importance to genealogists, especially when it comes to the graves of those who lived and died before birth and death recordation became standard. How can we best get access to the land, access to the records, and photograph the gravestones to capture these stories writ in stone for our families? [Also available as a two-hour workshop]

GENEALOGY METHODOLOGY

After the Courthouse Burns: Rekindling Family History through DNA

Catastrophic records loss due to fires and disasters at courthouses is a fact of life for genealogists. When a disaster takes out birth, marriage, death, court, land and probate records all in one fell swoop, it may still be possible to light our family's research fires – to rekindle our interest in our ancestral roots – using DNA evidence.

A Matter of Standards: DNA and the Genealogical Proof Standard

As a type of genealogical evidence, DNA is both unique and very mainstream. Despite its differences, we also need to apply tried and true genealogical criteria to the use of DNA test results in genealogy in order to meet the Genealogical Proof Standard. This begins with reasonably exhaustive research and incorporates good citation practices, thorough analysis and correlation of data, and resolution of conflicts, all of which are essential if we are to reach a sound conclusion.

DNA and the Hidden Half of the Family

As 21st century genealogists, we have a tool for identifying and confirming relationships not available to earlier generations: DNA testing. Its use in identifying male family members, through YDNA testing, is fairly well understood. The use of mitochondrial and autosomal DNA to identify women and link children to parents is not as well understood. Yet these are powerful tools particularly when used in a targeted fashion to test particular theories.

Linking the Generations with Court and Land Records

It's the single biggest issue genealogists face: how do we connect one generation to the next with evidence we can rely on? Vital records are excellent documentation, but they often don't exist for the time and place we're researching. That's when we have to find workarounds to make sure we're not simply putting people into family lines because they share the same names. Using court and land records, we can often find the evidence we need to link the generations accurately. [*only after 1 June 2022*]

More Than Just Names: Advanced US Census Research

Those every-10-years U.S. censuses are goldmines of names, ages and birthplaces for members of our families. But there's so much more in the census records if we know where to look: everything from socioeconomic status to crops grown or products made, from school attendance to marriage dates, from physical disabilities to causes of death, from military service to clues that lead us to other sources. Learn how an advanced search of the U.S. census records can add to your family history.

No, no, Nanette! What negative evidence is ... and isn't

Negative evidence is the hardest type of evidence to understand or use in genealogical research. Negative evidence arises “from an absence of a situation or information in extant records where that information might be expected,” and so it is, as the fictional detective Sherlock Holmes told us in the short story “Silver Blaze,” the “curious incident . . . in the night-time”—the thing we would expect to see or hear but that just isn't there. Learn more about what negative evidence is—and what it isn't—and how to use it.

No Vitals? No Problem! – Building a Family through Circumstantial Evidence

When there's no birth, marriage or death record, what's a genealogist to do? Learn how to use circumstantial evidence to build a family.

Three versions:

1. *Bringing Josias Home* (tracing a man who died in Texas in 1870 back to his North Carolina parents);
2. *A Family for Isabella* (tracing a woman married before the 1850 census);
3. *Who in the World was Paul Knop?* (tracing an unknown relative named by 20th century German immigrants). [Also available as a two-hour workshop]

Shootout at the Rhododendron Lodge: Reconstructing Life-Changing Events

A 1929 shootout left the Bath County, Virginia, sheriff dead. Learn to follow the trail through all the records to reconstruct a life-changing event, and understand its unique challenges, both in terms of resources and in terms of ethics.

That Scoundrel George

Tracking a black sheep ancestor through the records can be great fun – and a great challenge. When every record he ever left appears to be a lie, where is the truth to be found?

The Discriminating Genealogist: Telling Good Evidence from Bad

The “best evidence” rule in law requires the presentation in court of an original rather than a copy, and a copy won’t even be admitted if the original is available. In genealogy, our rules require us to do the same: to discriminate, choose in favor of, prefer certain types of evidence to others, certain bits of information to others, certain sources to others.

The Law and the Reasonably Exhaustive (Re)Search

They’re the building blocks of any genealogy: wills, deeds, vital records. Once we’ve gathered records from all areas where our ancestors lived, we tick off that GPS—what once was called the “reasonably exhaustive search.” We have, we believed, examined “a wide range of high quality sources” and therefore minimized “the probability that undiscovered evidence will overturn a too-hasty conclusion.” Or have we?

When Worlds Collide: Resolving Conflicts in Genealogical Records

The Genealogical Proof Standard says to resolve conflicts in data... but like so many things that sound good, it’s easier said than done. What exactly are we supposed to do when we encounter conflicting evidence? What are the basic types of evidence conflicts and the methods – and tips and tricks – we can use to resolve them? [Also available as a workshop]

COPYRIGHT

Copyrights and Copywrongs: The Law for Genealogists

With many aspects in common through international agreements yet key aspects of differences by national laws, copyright law crosses national borders and impacts all genealogical researchers. Understanding the basics-what we have in common, where the laws differ and where we all go wrong-can keep us all on the straight and narrow path of copyright and help us avoid copywrongs.

Copyright Mythconceptions

What we don’t know about copyright law can hurt us – right in the pocketbook! Here’s a guide to the most common mistakes and misunderstandings about copyright and what we can and can’t do with materials created by others in our family research.

Facts, Photos and Fair Use: Copyright Law for Genealogists

Understanding what is and isn't copyrighted and what genealogists can and can't use is the key to staying out of trouble and to protecting our own work. Learn about what copyright is, and what it isn't.

Picture This! Images We Can Freely Use

Copyright. Licensed. Public Domain. The difference between an image that's covered by one of these terms rather than another can be the difference between getting sued for using an image in your genealogy report or book or blog or website – and having no problems at all. Here's how to find images we can freely use.

ETHICS, RECORDS ACCESS AND PRIVACY

DNA and the Golden Rule: The Law and Ethics of Genetic Genealogy

Whose permission is needed to test a child or an adult unable to consent? Who owns our DNA? What can we disclose about a cousin who has tested? The rules of the road for the ethical challenges facing genealogists interested in using DNA evidence as part of their family history research. Learn how applying the Golden Rule can guide us through many if not most of the situations in which we as genetic genealogists find ourselves.

Informed Consent: DNA's Essential Ethical Underpinning

Whether testing ourselves or others, or disclosing results, informed consent to DNA testing is essential, requiring knowledge and understanding of the risks and a voluntary acceptance. Learn more about this key ingredient for ethical DNA testing.

Roadblocks, Red Lights and Detours: Records Access for Genealogists

This was supposed to be the Age of the Information Superhighway. Instead, even as so many records are coming online, doors are being slammed shut on so many more – often records that aren't and won't be online, now and perhaps ever. As a community and as individuals, learn what we can do to protect records access.

Share and Share Alike: The Rules of Genealogical Privacy

Doing family research doesn't mean giving up all personal privacy. Researchers need to follow the rules, both legal and ethical, when we share genealogical information.

Staying Out of Trouble—The Rights and Responsibilities of Today's Genealogists

As genealogists and researchers, we must understand today's laws as much as yesterday's. Modern law impacts our rights as researchers—rights of access to vital records, to information, and to places where information can be found. And it impacts our responsibilities, as well, particularly the need to respect another's copyright.

“Terms and Conditions May Apply”: Contract Law on the Internet

Websites have fine print too. And it's those “fine print” terms and conditions that answer questions like: Why can I use this newspaper clipping from this service, and not that clipping from that service? What happens if I allow someone else to use my account on that website? If I get into a dispute with a genealogical service provider, can I sue them? Understanding contract law on the internet can keep us out of trouble.

The Ethical Genealogist

Genealogists deal with sensitive issues all the time: how to handle family secrets, what to say about living people, crediting the work of others. Learn more about the ethical challenges of trying to solve family history mysteries in the 21st century.

WORKSHOPS [Two Hours Minimum]

No Vitals? No Problem! - Building a Family through Circumstantial Evidence

When there's no birth, marriage or death record, what's a genealogist to do? Learn how to use circumstantial evidence to build a family. [Also available in several varieties as a single hour lecture]

Order in the Court – Hands-On with Court Records

Workshop on understanding and making the most of court records of all types from minutes and dockets to reported court decisions.

When Worlds Collide: Resolving Conflicts in Genealogical Records

The Genealogical Proof Standard says to resolve conflicts in data... but like so many things that sound good, it's easier said than done. What exactly are we supposed to do when we encounter conflicting evidence? What are the basic types of evidence conflicts and the methods – and tips and tricks – we can use to resolve them? [Also available as a one-hour lecture]

SUITABLE FOR BANQUETS, LUNCHEONS AND THE LIKE:

Alphabet Soup: DNA, GPS & YOU

Remember the old commercial where the kid kept bugging the mother asking, “Is it soup yet?” For even our real-life non-celebrity ordinary families, the answer today is yes: with DNA, the GPS and YOU, we can all use DNA effectively to answer some of our most perplexing family history mysteries.

Blackguards and Black Sheep – The Lighter Side of the Law

No, actually, our ancestors *didn't* behave any better back then than we do today, and the records they left behind documenting their missteps and misdeeds are among the priceless – and hilarious – gems for genealogists to find.

Just Three Generations

Our oral family history can be completely lost in just three generations. Following genealogy's best practices can help us keep those losses from happening in our own families – and with our own stories.

Old World to New: Memories through Time

Honoring our ancestors means honoring both what they brought with them as immigrants to a new and challenging land. Many of our cherished traditions today have their roots in that immigrant experience. But it also means recognizing and honoring them for what they left behind.

The Rest of the Story

Going beyond the record to tell the rest of the story: how to find it, when to tell it, and when to keep it to ourselves.

The Seanachie: Linking Life and Law through Storytelling

As genealogists, letting ourselves ramble through the statute books and other legal records can help us tell the stories of our families with rich detail that won't be forgotten.

Suffer the Little Children

They were victims. They were heroes. They were lost. And they were found. Some lived, and became our ancestors. Some died. Some are remembered vividly. And some are known to no-one alive today. They are the littlest members of our family. They are the children. And from the mundane to the amazing, they all have stories we — as our families' genealogists — must tell.