THE CLF NEWSLETTER

Vol. XIII

November 1999

No. 4

A report from the CLF Nominating Committee



The Clayton Library Friends nominating committee proposes the individuals named below as candidates for CLF executive board positions in 2000. These candidates—and any others nominated from the floor—will be voted upon at the November 13th general membership meeting.

President	Donald E. Pusch
1st VP	Elizabeth Nitschke Hicks
2nd VP	Mary Smith Fay
Secretary	Patricia Palmer Metcalfe
Treasurer	Jose O. Guerra, Jr.
Director	Alfred Davis IV
Director	Charles L. Chambers
Director	Patricia Marburger

Don Pusch, nominee for CLF President, is a former CLF director and, for the past eight years, has served as editor of *The CLF Newsletter*. Other CLF posts include volunteers chairman (1992-93), NGS computer learning center coordinator (1994), and CLF web page curator (1995-99). In 1997, Don was selected

as the CLF Volunteer of the Year. He is a native Texan and a graduate of Texas A&M University. Now involved in writing and research full-time, his past professional life included twenty years in the U.S. Air Force and ten years in the aerospace industry. He holds a graduate degree in electrical engineering.

Liz Hicks, nominee for CLF First Vice President, is currently chairman of the CLF "Angels" program, which she started in 1994 and which has helped Clayton sustain its fine collection of subscription publications. Liz previously served on the CLF board as second vice president (1997-98), membership chairman (1997-98), and volunteers chairman (1997). She is contributing editor of *Tree Talk* (Cherokee County Genealogical Society) and has written articles for the *The CLF Newsletter*.

Mary Fay, nominee for CLF Second Vice President, is a charter member of CLF and a former president of the Houston Genealogical Forum. She is a Certified Genealogist and served on the Board for Certification from 1983 to 1995. She is a Fellow of the American Society of Genealogists and Texas State Genealogical Society and is the author of two books and numerous articles related to genealogy and family history. This year, Mary will complete her third year as a member of the Houston Public Library Board, where she has served as chairman of the building committee.

(Continued on page 3)

Membership Renewals

Sometime in December, current CLF members will receive a renewal notice. Dues will remain the same at \$10 (\$15 for two people at the same address). Please support Clayton Library Friends by "re-upping" for the year 2000. Our membership currently stands at 1,402, and we have set a very tough goal for next year:

"2000 in 2000"

If the date "1999" appears above your name on the address label of this newsletter, your dues have been paid through the end of this year. If you are among those few who have already paid their dues for next year, the date

(Continued on page 3)

NEXT MEETING

Saturday

November 13th, 10:00 a.m.

Bayland Community Center

6400 Bissonnet

(between Hillcroft and Beechnut)

SPEAKER

Charlene Wilson, Clayton Library

TOPIC

Oklahoma Resources

at Clayton Library

CLAYTON LIBRARY FRIENDS

P. O. Box 271078 Houston, Texas 77277-1078 Established 1987

Clayton Library Friends is a taxexempt, non-profit organization under IRS Code 501(c)(3). The sole purpose of CLF is to enrich the resources and facilities of the Clayton Library Center for Genealogical Research.

OFFICERS

FIRST TERM DIRECTORS

John Dorroh Kim Allen Morton Gayle Sandstedt Workman

SECOND TERM DIRECTORS

C. Kipp Ferns Suzanne Sandlin Gay Phyllis Gough Huffington

CLF NEWSLETTER STAFF

Donald E. Pusch, editor Pat Metcalfe, John Dorroh, and Suzanne Gay, assistant editors

Annual Membership Dues

Individual	\$10.00
Two people (same address)	\$15.00

Special Friends

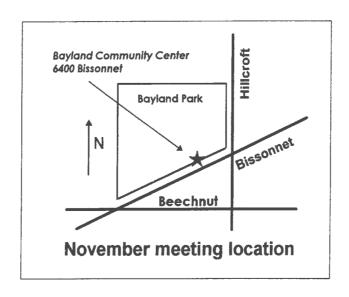
Special Literas		
Contributor	\$1 to \$49	
Donor	\$50 to \$99	
Patron	\$100 to \$249	
Sponsor	\$250 to \$499	
Benefactor	\$500 and above	

Clayton Library Friends Financial Report

July 1 through September 30, 1999

CHECKING ACCOUNT—Wells Fargo Bank
Starting Balance \$40,985
Unrestricted Funds
Restricted Funds:
Binding698
Endowment0-
Other16,681
CLF Operating Funds 16,732
Prepaid Dues0 -
Deposits, total5,397
Unrestricted Funds
Restricted Funds:
Binding 0 - Endowment 0 -
Other
CLF Operating Funds
Prepaid Dues10
Withdrawals, total514
Unrestricted Funds 0 -
Restricted Funds:
Binding0 -
Endowment - 0 -
Other305
CLF Operating Funds209
Prepaid Dues0 -
Ending Balance
Unrestricted Funds 7,493
Restricted Funds:
Binding698
Endowment - 0-
Other
CLF Operating Funds
Prepaid Dues
rrepaid Dues
ENDOWMENT FUND-Univ. Bank
Certificate of deposit #1
Savings account 3,576

Elois Gibbs, Treasurer



The Candidates (Continued from page 1)

Pat Metcalfe, nominee for CLF Secretary, is currently serving as CLF president and is an assistant editor of The CLF Newsletter. She served as first vice president in 1997. As a member of the Houston Genealogical Forum, Pat is currently serving as co-librarian of that organization's portable library of exchange journals and audio tapes and as editor of the Forum's newsletter. She also finds time to work as a genealogy merit badge counselor for the Boy Scouts. Her educational background includes a degree in education and advanced degrees in textiles research and counseling and guidance.

Jose Guerra, nominee for CLF Treasurer, is a native Texan and a graduate of Texas A&M University, from which he holds a degree in business administration. Jose is vice president of Olsen and Guerra Lumber Company in Houston and has been active in Rotary Club chapters in both Houston and Corpus Christi. He is a member of the Hispanic Genealogical Society of Houston, where he is currently serving as president. For the past two years he has served as that organization's journal editor and for the past three years as web page curator. His avocations include genealogy and family history, computers, and tennis.

Alfred Davis IV, nominee for CLF Director, is currently State Programs Director for Senator Kay Bailey Hutchison. He served six years on the Texas Historical Commission (1989-95), is currently Chairman of the Harris County Historical Commission, and serves on the San Jacinto Historical Advisory Board and the executive board of the Greater Houston Preservation Alliance. Al is a long-term Texas resident and a graduate of the University of Texas at Austin, from which he holds undergraduate and graduate degrees in political science and history. He is Vice President of the Paul Carrington Chapter of the Sons of the American Revolution and a member of the Sons of the Republic of Texas.

Chuck Chambers, nominee for CLF Director, is retired from a major oil company, having served as worldwide manager for analysis and planning and coordinator of acquisitions and dispositions. He has held offices in various professional organizations and continues to consult in areas involving industrial development. Chuck is a graduate of the University of Texas at Austin, from which he holds B.A. and M.A. degrees in humanities and management, respectively. He served six years on the Llano County Library Board, including four years as board chairman. Interests include genealogy, reading, travel, and local history.

Pat Marburger, nominee for CLF Director, is a member of several lineage and patriotic societies including Daughters of the American Revolution, Daughters of the Republic of Texas (7th Generation), and United Daughters of the Confederacy. She is an avid genealogist, a lifetime member and past president of the Harris County Genealogical Society, a member of the Houston Museum of Fine Arts, and a member of Urban Harvest. Pat is employed as secretary and personal assistant to a prominent physician in Houston and has assisted him in publishing eleven books. Pat uses her computer skills on the job and in her genealogy research. She has authored two books on San Jacinto County, Texas, and is presently working on two other genealogy related books.

The term of office for CLF directors is two years. John Dorroh, Kim Morton, and Gayle Workman, all currently serving in the first year of their term, will remain on the CLF executive board in 2000.

Salt Lake City trip scheduled



CLF trip coordinator, Dr. Art Alee, will conduct a research trip to Salt Lake City, Utah, January 11-18, 2000. This trip will be similar to those conducted in the past. Cost for the ground package is \$750 per person, single, or \$415 per person, double occupancy. The round-trip air fare between Houston's Bush Intercontinental and Salt Lake City is \$370 per person. The trip will include transfers to and from the City Salt Lake airport, accommodations at the Best Western Plaza Hotel on Temple Square, and a Saturday evening dinner at the Devereaux House. An optional trip to Park City and lunch at the Robert Redford is available for \$40 per person. As usual, the focus of the trip will be family history research at the library of the Church of Jesus Christ of Latter-Day Saints, which is just across the street from the hotel. Sign-up deadline for this trip is December Those interested 1st. participating should contact Art at (713) 748-3473.

Renewals (Continued from page 1)

"2000" will appear there. If you think this is in error, please contact the CLF membership database administrator, Dr. Jim Younglove, (713) 747-6403.

On the renewal notice is a list of areas in which we need volunteers, committee members, or simply "willing hands" to support CLF activities. If you would like to help in any of these areas, please let us know by marking the form.

Please also consider making an additional donation to CLF for the purchase of library materials.

■ WHAT'S IN THE LIBRARY

Acquiring Land in "Penn's Woods" Pennsylvania Land Records on Microfilm

by Joseph P. Wolfe

This article was prepared with the assistance of Mr. Jonathan Stayer, head of reference at the Pennsylvania State Archives.

King Charles II had a problem—one of the same problems that has beset national leaders throughout history. He owed money to many individuals in his own country as well as abroad. One of his debts was to Admiral Penn, the sea captain and father of William Penn the Quaker leader and inheritor of his father's estates in England and Ireland. To satisfy this debt, the king issued a proprietary charter to the younger Penn for a forty-five thousand square mile parcel of land between his brother the Duke of York's proprietorship of New York and Lord Baltimore's colony of Maryland. Since the countryside was densely forested and to honor the memory of the Admiral, King Charles named the new colony "Penn's Woods" or, using the Latin substantive, Pennsylvania.

William Penn saw in this a great opportunity to found a settlement not only as a religious haven for the persecuted Quakers but also a government to guarantee the traditional liberties of the English people. Along with these two powerful motives for settlement was an even more appealing third impetus for settlement to Englishmen: the opportunity for inexpensive land in a new country. So to Penn, his deputies, and successors fell the tasks of distributing the land equitably among the many settlers and, finally, most important to the family researcher, recording the purchase process in official documents.

Clayton Library owns sets of different land records and indexes for Pennsylvania records of original title, located in the second floor microfilm area in cabinet 43, drawer 10, along with the other Pennsylvania state microfilm. The purpose of this article is to briefly describe the different sets of records owned by the library and to give recommendations for their use.

An excellent book on this subject is found in the Pennsylvania section on the first floor. Donna Bingham Munger, the last chief of the Division of Land Records, has written a lengthy description of the land records housed at the state archives in Harrisburg, including many of the microfilmed materials as well as descriptions of unfilmed books of records, loose papers, and various other reference materials. The book *Pennsylvania Land Records: A History and Guide for Research* (CLA GEN 974.8 M966 PA) is certainly the definitive treatment of this subject and should be consulted before any research is undertaken. This article is meant only as a springboard to the more comprehensive work.

Clayton Library owns the following series of land records: the Warrant Registers, which are the master indexes for land warrants issued by the colony and later the state, the Old Rights Register, the New Purchase Register, the East Side/West Side Application Registers, the Last Purchase Register, the Donation and Depreciation Lands Registers, the Lien Dockets, the Master Register of Deeds of the Commonwealth, the Patent Indexes, and the Tract Name Indexes.

PENNSYLVANIA WARRANT REGISTERS

These five rolls of microfilm are probably the best place for a researcher to begin. The records are arranged by county and, within the county listings, grouped alphabetically by the last name of the warrantee and thereunder chronologically by the date of the warrant. This means that warrants for Wolfe, Wineland, and Wherry will all be found in the particular county under "W" but not in strict alphabetical order. Even though referred to as the master index for all warrants, surveys, and patents, these registers begin with the records for the year 1733.

Eleven columns of information are spread out over a large field on these books of records. Information given is the warrant number, the name of the warrantee, the type of warrant, the quantity or number of acres, the warrant location, the date of the warrant, the date of the return of the survey, the number of acres described in the return of survey, the name of the patentee, the reference where the patent is recorded, and the book where the survey was copied.

Many of these terms regarding warrants are self-explanatory, but I always find it easiest to find my own ancestor's listing and use it as an illustration. My own interest in this research fuels my drive to determine exactly what the information is telling me.

In the registers for Northampton County, Jacob Wolf is found as acquiring land on warrant #343, by survey, for 75 acres of land, the location given as Delaware (the township in Northampton County), dated February 1793. The survey was returned to the officials in 1797, and the amount of acreage surveyed came to 77 acres, a little more than originally applied for. Fortunately for me, Jacob Wolf's warrant entry contains no exceptions. He is named again, this time as the patentee, and the volume and page numbers are cited for locating the patent and the copy of the survey.

Now, in the same register, I found John Nicholas Wineland. The first part of the entry is easy enough to follow, being the same general information that I found in Jacob Wolf's entry. But the exception comes in the name of the patentee, Ludwig Knause being the name of the individual who is recorded as the final owner of the land in the patenting process. This directs a researcher to investigate just why John Nicholas Wineland did not complete the patent process and also to determine who this Ludwig Knause was and why he is the final owner of the land.

Before leaving the master warrant register, I want to point out one further step that can greatly assist your research. With the references given as to book and page where the documents are to be found on the microfilm, copies of the originals can be ordered from the Pennsylvania State Archives in Harrisburg. Upon obtaining Jacob Wolf's warrant, I learned that the land he applied for was "situated in the forks of Big and Little Bushkill, Delaware Township." Using a detailed map of the area, a researcher can almost pinpoint the location of an ancestor's land. Besides assisting in reconstructing a neighborhood, it can also be fun to see just what is located in that area in the present. (Please note that the exact location of the warrant tract is not always possible to determine from the survey or the patent.)

In Pennsylvania, there were five steps in the land patent process. The first step was the *application* by the potential settler for land to be granted by the proprietors or state government. After the application was made, the land officer issued a *warrant*, simply an order given to survey the desired land. Next, the deputy surveyor made a *survey* of the land applied for. This survey was a graphic representation of the land to be purchased drawn to

approximate scale with names of owners of adjacent property or any waterways or other natural landmarks that would define the boundaries of the property. Then the land office made an official return of survey, which was a reiteration of the warrant and survey order and a statement of confirmation of payment of fees, etc. The last step in the process was the issuance of the patent, the official deed transferring land from the proprietor (or state government) to the individual.

OLD RIGHTS REGISTER

The original three counties of Pennsylvania—Philadelphia, Bucks, and Chester—were established in 1682. Many more counties soon took shape. The Old Rights Register is the warrant register for the earliest settlement of land in Pennsylvania and covers the period from 1682 to the early 1700s (some entries postdate 1733), at which point the master warrant register takes over. But researchers must keep in mind that these are two separate indexes and must be used separately. Unfortunately, Jacob Wolf arrived too late to have any record in the Old Rights Register.

The Old Rights registers are handwritten and are arranged first by the three original counties, then grouped alphabetically by surname and thereunder by entry or document number. The column headings are number, name of purchaser, kind of paper (warrant, deed, etc.), acres, date of warrant, date of survey, and reference information for where the survey was copied.

NEW PURCHASE REGISTER

At the close of the French and Indian War, a treaty was signed with the Indians for purchase of more land. The majority of this land was in a band stretching from southwest Pennsylvania to the northeastern corner of the state. Many of the settlers who applied for the land moved on to new regions of the country, such as the Ohio Valley, and did not complete the patent process. The New Purchase Register provides access for researchers to these applications. If a survey or warrant was completed, the researcher is directed to the master warrant register.

The good news here is that this register is typed. The first section of the filmed record is a listing of captains, lieutenants, and ensigns who applied for land. Then follows the actual register with the following column headings: date of application (frequently April 3, 1769), no. of application, name, acres, description of the location, and finally, survey book reference. At the end of the register listings is an alphabetical list of the applicants with the corresponding number, so that the researcher can easily find his ancestor in the preceding pages.

LAST PURCHASE REGISTER

This series of records is the result of yet another treaty with the Indians, this time in 1784 at the close of the Revolutionary War. The treaty was signed with the Six Nations of the Iroquois Confederation, who surrendered their rights to remaining land within Pennsylvania for \$5,000. Upon examining this register, the researcher will find that many speculators purchased or obtained warrants to land in this large section of land west of the Allegheny River. Three pages of individual warrants exist for Robert Gilmore.

This series of records is also typed. The register is alphabetical by the first letter of the surname. Column headings are no. of tract, warrant number, name of warrantee, quantity, date of warrant, date of return, name of patentee, where recorded (by volume and page), and where the survey was copied (by survey book number and page).

Two of the sections of the land in the Last Purchase Register were known as the Donation and Depreciation lands. They were included in the land ceded in the treaty of 1784 but are listed in a separate set of their own in the microfilm records.

DONATION AND DEPRECIATION LANDS

An act of the General Assembly granted parcels of land to individuals who served in the Continental Line. Very few actually took advantage of the assembly's offer, but in order to apply, the veteran was required to submit proof of service. The Donation Land claim files, consisting of about six rolls of film, read like pension applications with relevant family and service information. Unfortunately, Clayton Library does not currently own the claim files on microfilm.

The Donation claims are listed by district and within the district, listings by number of the lot. The microfilm is a little more dim and harder to read than some of the other land records but contains some very important information for genealogists. At the beginning of the records of Donation lands is a list of contents of the series. There are some sixty pages of the lists granted to officers and soldiers. Then there are several other indexes such as the list of tracts granted, the land drawn but when surveyed was found to be within the state of New York, and a list of widows and children of Revolutionary War soldiers who qualified for the grant of land.

The column headings for the Donation lands records book are the district number, the patent number, the name of claimant, his rank (very important for a researcher in establishing his ancestor's Revolutionary War service), the acreage, the date of return, the recording of the patent, and the reference to the recording of the survey.

The Depreciation lands were lots set aside in western Pennsylvania for which Depreciation certificates could be redeemed. Such certificates were given to veterans of Pennsylvania's Continental units to compensate for the loss of actual pay due to the depreciation of the Continental currency during the Revolutionary War, and they could be redeemed for money or land after the war.

The column headings for the listing of Depreciation lands are number of warrant, name of purchase, acres, date of patent, patentee, and recordings references for the patent and for the survey. The Depreciation lands are grouped by geographic district. An alphabetical listing by first letter of the surname is at the end of the filmed book with references to the warrantee's district number, lot number, and page.

EAST SIDE - WEST SIDE APPLICATIONS

Although they sound like echoes of a 1920s Tammany Hall campaign song, these applications were actually attempts by Pennsylvania to initiate the warrant process on lands claimed by unauthorized settlers. Many of these settlers (or squatters) had farmed these lands and made structural improvements. So it behooved the state to devise new methods which would encourage the settlers to begin the warrant application process.

The name of these applications came from location of the land. Seven counties on the east side of the Susquehanna River comprised the East Side Applications. Counties on the west side of that river became the West Side Applications. These records are only applications for warrants. If the process was completed, they will be found in the master warrant register.

The listings are arranged numerically by the application number. The column headings are date, application number, name of applicant, acres, where the survey was copied, and a description. Under the date column, the township and county have been printed in at a different time in different writing than the rest of the register. At the end of the register is an index arranged alphabetically by the first letter of the surname, directing the researcher to the corresponding application number.

An example from this register is that on June 1, 1767, in application number 5510, John Micksker applied for 300 acres "on the west side of Juniata seven miles below the mouth of Yellow Creek joining William Sparke in Colebury Township, Cumberland County."

LIEN DOCKETS

This category of land entries reflects an interesting attempt by the state of Pennsylvania to raise revenue on some long overdue debts. Many settlers were ignorant of the entire land patenting process and felt that ownership of land had been awarded to them (or their ancestors) with the

issuance of only a warrant. No patent was ever issued, and the patent process was never completed.

Near the end of the Civil War, the state decided to try to collect on these old accounts and made dockets of land on which patents were not issued and, thus, titles not perfected by 1864. These four volumes list such land by region and then by county. Besides the standard information of warrant number, date, location, etc., these records also list the quantity of land remaining unpatented, where in the government records the account was found, the total amount paid on the account up to the date of its listing in the docket, the remaining amount due including any additional fees, and a very important column titled "Remarks" which sometimes could yield important information about the length of time the land occupier had held the land.

PATENT INDEX

The patent index is a supplemental schedule listing all the patentees to land from 1684 to 1960. One major difference between these schedules and the others is that the arrangement is by time period, not by county. The patentees are grouped alphabetically within certain time periods.

The column listings for this index are patent date, name of patentee, number of acres, warrantee, warrant date, and then county. The problem with using the patent index by itself is that it does not give warrant reference numbers or survey recording data.

Two other indexes deserve mentioning: the Luzerne Certified Townships Index and the Master Register of Commonwealth Deeds. The Luzerne Index is the record from the Pennsylvania land office to settle claims for land on lands which had been granted by the state of Connecticut. An act identified settlers on these lands as qualified claimants and permitted a re-survey and a patent which would be based on a new valuation to be awarded by the state of Pennsylvania. The Master Register of Commonwealth Deeds is a directory of purchases by the state of Pennsylvania for reacquisition of land for government and social institutions such as prisons, schools, bridges, state highways, and state recreational locations.

TRACT NAME INDEX

The tract name index is a supplemental index to the patent indexes which lists tracts alphabetically by the name given to the tract by the purchaser. The practice of naming a tract of land was much more widespread in the colony of Maryland, but interesting names in Pennsylvania can be found such as "Pine Hill," "Dead and Alive," and my personal favorite "Lydia's Bottom."

After the name of the tract, the column listings are patent volume number, book number, page number, date of patent, name of patentee, number of acres, warrantee, warrant date, and county.

In summary, the process for application and patenting of land in Pennsylvania did not differ greatly from that of other colonies. Pennsylvania does have several unique recording procedures that correlate to its individual history, such as the New Purchase Register, the Last Purchase Register, and the Donation Land registers. Careful study of each of these indexes and how to use them is a necessary preparation for successful research. Descendants of Pennsylvania landowners can be grateful that all the land records are intact and have been so well organized. Pennsylvania landowner descendants living in Houston, Texas, can be grateful that Clayton Library owns the microfilm indexes to these land records and that they are so accessible for our use.

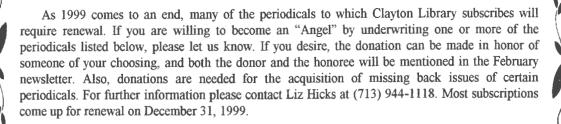
Joseph P. Wolfe is a member of the SAR, Sigma Delta Chi journalism fraternity, the East Toledo Historical Society, and Clayton Library Friends. His article on the Wolfe family appeared in the recently published *History and Families of Seneca County, Ohio*.



Beginners Seminar set for December 11th

Clayton Library Friends and the Houston Public Library will host a seminar on December 11th in the Concourse Room at the main library. Focus of this seminar will be on the basics of using Clayton Library for genealogical research. Featured presenters will be Marje Harris, manager of the Clayton Library, and Margaret Tufts, assistant manager. The seminar will touch on a wide range of topics including the layout of the library, time savers and tips, and how to use the electronic catalog system. The seminar is open to all CLF members at no charge. To register for the seminar, please complete the registration form that accompanies this newsletter.

Angels Report





Alabama Genealogical Society Magazine, \$15.00

American Genealogy Magazine, \$22.50

Annals of Wyoming, \$20.00

Appalachian Roots (West Virginia), \$18.00

Appleland Bulletin (Washington), \$15.00

Area Footprints (Colorado), \$17.00

Blackhawk Genealogical Society Quarterly (Illinois), \$10.00

Blue Grass Roots (Kentucky), \$15.00

Central Alabama Genealogical Society Biannual, \$20.00

Central Georgia Genealogical Society Quarterly, \$20.00

Chicago Genealogist, \$18.00

Connecticut Maple Leaf, \$20.00

English Researcher, \$12.00

Family History Capers (Washtenaw County, Michigan), \$14.00

Family Puzzlers: The Next Generation, \$50.00

Family Tree (British Isles), \$42.00

Flint Genealogical Quarterly (Michigan), \$17.00

Florida Historical Quarterly, \$45.00

Foothills Inquirer (Colorado), \$15.00

Gems of Genealogy (Wisconsin), \$10.00

Genealogical Society of Vermont Quarterly, \$20.00

Genealogy Bulletin (Heritage Quest), \$18.00

Genealogy Club of Albuquerque, \$10.00

Georgia Genealogical Society Quarterly, \$25.00

Journal of the Polish Genealogical Society of America, \$20.00

Le Raconteur (Louisiana), \$15.00

Lifelines (northern New York), \$25.00

Middle Tennessee Journal of Genealogy and History, \$20.00

Montgomery Genealogical Society Quarterly (Alabama), \$15.00

Northeast Mississippi Historical & Genealogical Society Quarterly, \$15.00

Nugget and CGS Newsletter (California), \$30.00 (for both)

Ross County Genealogy Society Newsletter (Ohio), \$12.00

Rowan County Register (North Carolina), \$25.00

Seneca Searchers (Ohio), \$10.00

Tap Roots (Alabama) \$20.00

Tennessee Genealogy and History (mid-Atlantic states), \$20.00

The Dakota Homestead (North Dakota), \$8.00

Topeka Genealogical Society Quarterly (Kansas), \$15.00

Upper South Carolina Genealogical & Historical Society Quarterly., \$20.00

The Statutes at Large of Virginia

by Emily Croom

"No other state in the Union possesses so excellent a work on its legislative history." — George Bancroft¹

During the first 175 years of Virginia lawmaking, no official effort was made to preserve the laws that the General Assembly passed. In the early years, manuscript copies were read at the beginning of monthly court sessions, and legislators spread information on new laws among constituents by word of mouth. A few collections of Virginia laws were printed in London before 1733, when the first printing of laws took place in Virginia.

After more than 150 years of lawmaking, it became obvious that courts and lawyers were not always uniform in their application of laws relating to property and other historical issues, such as Indian servitude, because there was no master collection of the "ancient" laws for precedents. Some manuscript copies remained in the hands of the families of former magistrates and some lay rotting in county courthouses.

Thus, in 1795, the General Assembly authorized the publication of laws passed since the beginning of settlement and relating to land and inheritance of property. Thomas Jefferson, who had made a large and important personal collection of Virginia laws dating from 1734, recommended publishing all the old laws that could be found and offered to supervise the work of copying them. He estimated it would take a clerk a year or more to copy them all and felt that three people could work about a day a week collating the manuscripts.²

Not until 1808 did the General Assembly decide to tackle the project, with William Waller Hening in charge. Hening's thirteen volumes were published in the early 1820s, covering all the laws that could be found in manuscript or printed form, dating from 1619 (the date of the first General Assembly) to 1792. The effort was indebted to Jefferson's collection and preservation of many of the early laws.

In addition to statutes, Hening chose to include in the first volume other historically significant documents, such as the Declaration of Independence, the Articles of Confederation, the Constitution, Virginia's Declaration of Rights, the Constitution of Virginia, and the royal charters for settlement. Historians, therefore, have easy one-stop access to these documents.

In 1971, the Library of Virginia published a supplemental volume of laws dating from 1700 to 1750, mostly from records found in the Public Record Office in London and not included in Hening's volumes.³ This supplement, which is indexed, should be used with Hening's volumes 3-6. The laws deal with such subjects as the creation and boundaries of a number of counties, parishes, and towns, the sale or transfer of entailed property, tobacco, taxes, slaves, Indians, and roads and bridges.

The General Assembly, in 1835, directed that three additional volumes be published to include laws passed between 1792 and 1806, as a continuation of Hening. Similarly, these are known by the name of the editor, Samuel Shepherd.⁴ At Clayton Library, Hening's *Statutes*, the 1700-1750 supplement, and Shepherd's *Statutes* are all located in the general section of the Virginia stacks under the call number 975.5 V817.

Out of necessity, a genealogist named Joseph J. Casey in 1896 indexed the sixteen volumes of laws in *Personal Names in Hening's Statutes at Large of Virginia and Shepherd's Continuation*. At Clayton Library, copies of this index may be found in the general Virginia section under the call number 975.5 C338. As Casey stated in his preface, he had found, as many genealogists today find, Hening's to be "a most indispensable adjunct in my researches."

Hening's volumes are also indexed in the massive *Virginia Historical Index*, popularly called the Swem index, after the editor, Earl Gregg Swem.⁵ In this work, references to Hening's include personal names, place names, and subjects, such as mills, militia, tobacco, navigation of rivers, taxes, and marriages. In studying ancestors from a particular county or town in Virginia, look up the family name and the place name in the Swem index and note the entries with the letter *H* for Hening's, as in 8H179 (Volume 8 of Hening's, beginning on page 179).

Why do genealogists need these books of laws? The first reason is history, specifically how certain issues were to be handled at different periods. Some laws were loosely applied and adherence to them varied from county to county. Studying county records and history can help a

researcher determine whether or to what extent the county government followed the assembly's instructions.

The early laws dealt primarily with the culture of tobacco and other staple commodities, church government, defense against the Indians, and other concerns of a frontier society. Laws eventually also addressed such matters as the administration of justice, the organization of government, requirements for suffrage, the creation of towns and counties, property and inheritance, slaves, marriage, imports and trade, and the established church. The subject of religion in this colony with an established church also led to laws requiring non-conformists to leave the colony, fining anyone who brought in or aided Quakers, and barring "popish recusants" (Catholics) from holding office.

The laws help us as family historians to understand the society and legal framework in which our ancestors lived. For example, the American Revolution did not change a number of the legal practices that had been in place during the colonial period. One law of 1785 renewed a 1748 law to continue a long-standing practice in the probate of wills. It provided that no will could be entered for probate within fourteen days after the testator's death. In other words, the probate process could not begin until at least fourteen days after the decease of the testator. For genealogy, this law would imply that we could not estimate a death date within two weeks prior to the first probate date. By the same token, we could not know from the probate date alone whether the death had occurred two, six, or more weeks prior to probate.

Another set of laws of historical and genealogical interest dealt with the raising of militia companies. In 1775 as the American Revolution was beginning, the counties were instructed to raise militia companies for enlistments of one year. My ancestral counties of Cumberland and Amelia, along with Chesterfield, comprised one militia district, which was to recruit and train men for twenty days, housing six men to a tent. Each month thereafter, except December, January, and February, the militia was to muster for four days. Each May 10 and October 24, the Cumberland, Amelia, and Chesterfield battalions were to exercise for twenty days. Pay for privates was to be one shilling, four pence per day.

By May of 1777, all free males between the ages of 16 and 50, with a few occupational exceptions, were required to be enrolled in the militia. Muster was to be held monthly except January and February. All privates and noncommissioned officers were to arm themselves with rifle and tomahawk, or a good firelock and bayonet, pouch and horn, or cartouch and cartridge box, and three charges of powder. They were instructed to keep on hand at least one pound of powder and four pounds of balls to be produced whenever called for by the county.⁸

A second reason for using the laws is that in

genealogy, we often need a knowledge of the law in order to interpret properly the records we find or do not find. For example, another 1748 law set a long-standing precedent on marriage rules. Part of this law stated that the marriage license was to be issued by the clerk of court in the county where the female usually resided. Also, if either bride or groom was younger than twenty-one and not previously married, consent for the marriage had to be given by the father or guardian.

A 1785 law spelled out the post-Revolution requirements for suffrage, to go into effect 1 January 1787. Every male citizen, other than free Negroes, of or over the age of twenty-one, with at least twenty-five acres of land with a house at least twelve-feet square and a plantation thereon, or with fifty acres of unimproved land, or with a town lot and house, would be eligible to vote in the county where the land was, or in the case of land in several counties, in the county where the house was. Polling would take place at the court house. ¹⁰ Some of these polling lists can be found in the county deed books (no secret ballot then).

Laws pertaining to property are also of interest to genealogists. Consider these examples from just after the American Revolution.

- (1) Any person under twenty-one who owned land could execute a deed (to sell the land) through the guardian. This law tells us that persons younger thar twenty-one could own land, as by inheritance or gift, but could not sell it without the participation of the guardian.
- (2) Every person of the age of twenty-one or more who was of sound mind and not a married woman could write a will and devise property with two or more credible witnesses. ¹² This meant, of course, that married women could not write wills.
- (3) No person under the age of eighteen could write a will to dispose of his chattels (primarily livestock, slaves, tools, farming implements, and other movable, tangible property; not land). This implies, then, that persons younger than eighteen could own such property but only those eighteen or older could write a will that would be recognized by the court. Likewise, finding a will of a single young man, an ancestor's brother, for example, would lead a genealogist to estimate that he was at least eighteen. He may have been older but was not younger.
- (4) When Virginia began collecting taxes in 1782, just after the end of the Revolution, the General Assembly spelled out procedures. (As we use the microfilmed Virginia tax records at Clayton Library, it can be helpful to keep up with changes in the tax law.) Each county court was to divide its county into precincts or districts for tax collection purposes. Annually before March 10, the county court was to appoint a justice for each precinct to make a list of enumerated (taxable) articles therein. The justice wa

to give public notice of when and where he intended to ceive the lists from the taxpayers and was to deliver the sts and vouchers for payment on or before April 20 to the clerk of the county court. The justice was to make a "fair alphabetical list" of the names of all free males over twenty-one residing in his precinct, the names of all slaves and to whom they belonged, and the lists of other taxable property reported by the taxpayers.

For his part, every head of household or his agent was to deliver to the justice in his precinct, between March 10 and April 10 annually, a list of the names of all free males in the household over twenty-one, names and numbers of slaves belonging to his family as of March 9, and numbers of cattle, horses, wheels on wagons and carriages of all kinds, billiard tables, and other taxable property. A fine of 500 pounds of tobacco was to be assessed for concealing tax information from the county court. 14 These instructions imply that the taxpayers went to the tax collector and not vice versa. It is possible, however, that some justices may have gone to their taxpayers or, logically, may have been in a given neighborhood on a given date to receive the tax lists. Thus, using the date given on some of the tax lists beside each taxpayer's name, a researcher may still be able to identify potential neighbors based on those who paid their taxes on the same day.

A third reason for genealogical use of the statutes is that many individual ancestors are named in them. For xample, a 1791 act dissolved the marriage of Robert Turnbull and Sarah Buchanan. Other individuals were named as trustees of schools and academies that the legislature chartered or were the subject of private relief acts.

Two good examples appear in Shepherd's Statutes, the continuation of Hening's effort. First, in January 1808, an act stated that David Black, son of Dr. David Black, late of Blandford (part of Petersburg), had died, leaving about seventy-two acres of land in Blandford. By act of the assembly, the land was now to belong to James Sample and his wife, Joanna, the said Joanna being the nearest of kin in the United States to the said David Black, the younger, at the time of his death. ¹⁶ The genealogical implications of this document are obvious. If the genealogist did not already know this connection, the find is marvelous and the next steps in research are clear: marriage record for James and Joanna, probate records of both David Blacks, land records of Petersburg, etc.

Secondly, also in January 1808, the assembly authorized William Faulkner, coroner of Halifax County, to deliver over to Jacob Faulkner, as trustee, for the use and benefit of Patsey Oliver, wife of Achilles Oliver, and her children, until the death of Achilles or until he was taken or surrendered himself to justice, all the real and personal state of Achilles Oliver which William Faulkner was

holding in consequence of Achilles absconding and refusing to surrender himself on his having been found guilty of murdering Joseph Gholston, by the inquest of William Faulkner, coroner.¹⁷ This kind of record can open the proverbial can of worms but may help answer other nagging questions of the diligent genealogist.

Virginia researchers are indeed fortunate to have at their fingertips at Clayton Library such valuable resources as Hening's *Statutes*, Shepherd's *Statutes*, the *Laws of Virginia* supplement, Casey's index, and the Swem index. Laws passed after 1808 can be accessed at university and law libraries that have collections of the session laws from the various states.

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Notes

1. George Bancroft (1800-1891), historian, quoted in Prefatory Note to 1969 reprint of Vol. 1, The Statutes at Large; Being a Collection of all the Laws of Virginia, from the First Session of the Legislature, in the year 1619, (Continued on page 12)

The WebPAC Electronic Catalog System: A new tool for library research

By Robert de Berardinis, OMPL

The Houston Public Library's new web-based library catalog, Millenium WebPAC, by Innovative Interfaces, Inc., will give Clayton patrons a faster, more efficient means for searching library holdings-from home or from the library. The new catalog interface includes some dynamic new tools that will allow researchers to better understand the nature of the holdings of not only the Houston Public Library but also eight other area libraries that are part of the Houston Area Library Automated Network (HALAN): Beaumont Public Library, Bellaire Public Library, Hebert Public Library (Port Neches), Hughes Public Library (Nederland), Lee Community College (Baytown), Pasadena Public Library, Port Arthur Public Library, and Sterling Public Library (Baytown). This will allow patrons at home to more rapidly check the catalog before going to the library, make a list of the materials they wish to see, and e-mail the list for retrieval at one of Clayton's Internet connected computers.

Although the prospect of "learning" a new computer "program" may seem daunting at first, telephone assistance for WebPAC is available at (713) 236-1313 (staffed Monday through Friday, 9 a.m. to 9 p.m., Saturday, 9 a.m. to 6 p.m., and Sunday, 2 p.m. to 6 p.m.). The learning

curve is also made easier with the two-page brochure, "HPL's Millenium WebPAC Search Tips," available at all Houston Public Library branches, including Clayton. Also, each of the two search windows has a single-click (hot) link to on-line search tips. In addition, the Clayton Library staff members have been trained in the new interface and are available to answer questions.

WebPAC can be accessed from a home computer using any standard Internet browser, e.g., Internet Explorer, Netscape Navigator. This is done by entering the URL (Internet address) of the Houston Public Library Home page, http://www.hpl.lib.tx.us. When the HPL page appears, follow these steps: (Screen buttons and computer keys are shown in ALL CAPS ARIAL BOLD in the examples that follow. Screen links are shown in quotations.)

 Single click the left mouse button on either the LIBRARY CATALOG button (selected from the list of green buttons on the left side) or scroll down the screen to the title, "Explore the world of the electronic library," and single click on the link "Houston Public Library Catalog."

Statutes at Large of Virginia (Continued from page 11)

William Waller Hening, ed. (1820-1823; reprint, Charlottesville, VA: University Press of Virginia, 1969); hereafter cited as Hening's Statutes.

- 2. Ibid., Preface, p. x, letter from Jefferson to original publication committee.
- 3. Waverly K. Winfree, comp., *The Laws of Virginia; Being a Supplement to Hening's The Statutes at Large, 1700-1750* (Richmond: Virginia State Library, 1971).
- 4. Samuel Shepherd, ed., The Statutes at Large of Virginia, from October session 1792, to December session 1806 [i.e. 1807] inclusive, in three volumes, being a continuation of Hening (1835; reprint, New York: AMS Press, 1970); hereafter cited as Shepherd's Statutes. Note: includes acts passed at the session of 1807-1808.

- 5. See article on Swem index by Emily Croom in *The CLF Newsletter X* (November 1996): 14-15.
 - 6. Hening's Statutes, 5:457 (1748), 12:143 (1785).
 - 7. Ibid., 9:16 (1775).
 - 8. Ibid., 9:267 (1777).
 - 9. Ibid., 6:82 (1748).
 - 10. Ibid., 12:120 (1785).
 - 11. Ibid., 12:193 (1785).
 - 12. Ibid., 12:141 (1785).
 - 13. Ibid.
 - 14. Ibid., 11:113-115 (1782).
 - 15. Ibid., 13:301-302 (1791).
 - 16. Shepherd's Statutes, 3:417 (1808).
 - 17. Ibid., 3:411 (1808).

- Either method will bring the user to a new screen. Scroll down to "Search our Electronic Resources Now" and single click on the link "Houston Public Library Catalog."
- 3. This will bring up the new interface for the library catalog. There are four single-click buttons at the top of the screen: HELP, KEYWORD SEARCH, BROWSE SEARCH, and EXIT. (See Fig. 1, page 14.) The HELP and EXIT buttons are self-explanatory. The KEYWORD SEARCH and BROWSE SEARCH buttons are there to switch the screen to that particular type of search. One can also scroll down the screen to accomplish the same effect. What is being searched determines which search feature, KEYWORD or BROWSE, would be best to use.

KEYWORD SEARCH is a more general purpose search method. Single click the cursor arrow anywhere within the data entry screen (the empty white window) under "Type the WORD or PHRASE you want." Then type either the title, author, series, or subject in the window and single click SUBMIT YOUR SEARCH. It is important to note that the articles the, a, and an (or their foreign language equivalents if searching in a foreign language) should not be used in the KEYWORD SEARCH window. At the time of this writing, KEYWORD SEARCH would only allow access to Houston Public Library holdings, but it will include all HALAN holdings by the end of the year. There are five other choices on the KEYWORD SEARCH screen that help narrow or limit the search to the holding in which the researcher is interested. They are HOUSTON PUBLIC LIBRARY. LANGUAGE, MATERIAL TYPE. LOCATION, and SEARCH AND SORT. To the immediate right of these windows is a downward pointing arrowhead. The drop-down menus are accessed with a single click to the downward pointing arrowhead, then cursor selection (cursor selection means moving the cursor with the mouse and lighting up the appropriate choice on the drop-down menu) with a single click on the appropriate choice on the drop-down menu. To the immediate right of the data entry screen is the HOUSTON PUBLIC LIBRARY box that contains the option for all HALAN libraries. LANGUAGE allows foreign-language-only searching in a variety of languages. MATERIAL TYPE allows the user to specify any one of ten different types of library holdings. LOCATION allows for searching by individual branch libraries. SEARCH AND SORT will cause the catalog responses to be sorted by either date, alphabetical listing, or (percentage) relevance to the search terms provided.

In addition, there are three data entry window search

delimiters (symbols that limit what the computer will look for) that should prove useful in either **KEYWORD** or **BROWSE** searches. They are as follows: "a:" for when the author's name is exactly known, "t:" for when the title is exactly known (when using this feature, the articles *the*, a, and an must be used), and "d:" for when the Library of Congress subject heading is known.

Keeping in mind the above instructions, consider the three following examples of doing **KEYWORD** searches. Suppose the researcher wants to know if a specific title or work by a specific author is available at Clayton. The example will use the book Southwest Louisiana Families in 1785: The Spanish census of the posts of Attakapas and Opelousas by Winston De Ville, F.A.S.G

- Move the cursor inside the data entry screen (empty white window) under "Type the WORD or PHRASE you want," and single click.
- Then type (omit all punctuation) "southwest louisiana families in 1785" and single click SUBMIT YOUR SEARCH or hit the ENTER key. A new page opens to the bibliographic citation of the work and tells the researcher that the book is at Clayton.

The next two examples concern the researcher wanting to know what materials are available on Opelousas from this screen.

- 1. Single click on the ANOTHER SEARCH button (NEVER use the BACK button on the browser!) to return to the KEYWORD SEARCH screen. From our previous display under "Subject," there were four subjects under which this book was classified, "Louisiana—Genealogy—Sources," "Opelousas Post (La.)," "Saint Landry Parish (La.)," and "Opelousas Parish (La.)."
- 2. In the new keyword search data entry window, cursor select and type, "opelousas."
- 3. Then single click on SUBMIT YOUR SEARCH.
- 4. The new screen opens to 13 items, which include sound recordings of Cajun music. (See Fig. 2, page 14.) At this point, to find the books on this subject, single click on the MODIFY SEARCH button at the top of the page.
- The researcher is returned to the KEYWORD SEARCH screen. Single click on the MATERIAL TYPES arrowhead.
- 6. Then cursor select and single click on **BOOK**.
- 7. Then single click on SUBMIT YOUR SEARCH.
- A new screen opens to show eight books. Single clicking on the EXTENDED DISPLAY button will show the location of these eight books, which are all at Clayton.

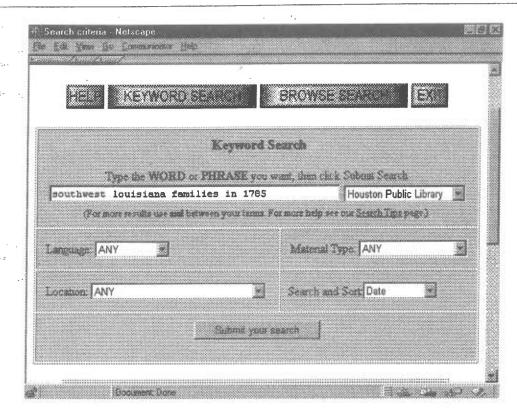


Fig. 1. Keyword Search Screen

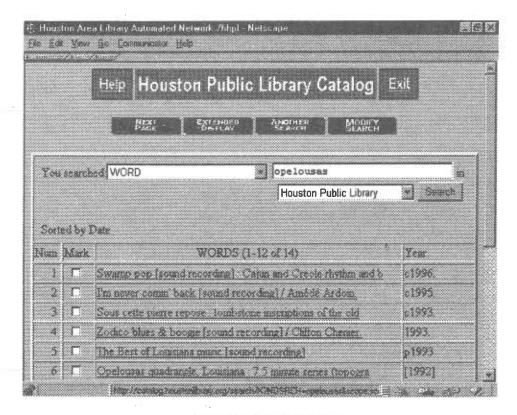


Fig. 2. Search Results Screen

By single clicking on any of the book titles (links) listed, the researcher will get the bibliographic citation of that book.

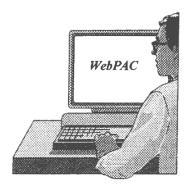
After perusing the preceding list of eight titles, the researcher decides to mark (for later researching at Clayton), items 2, 3, and 6.

- 1. This is then done by single clicking in the white box in the MARK column.
- Then single click on SAVE MARKED RECORDS at the bottom of the page.
- A new screen appears with all the selections seemingly erased, but there are two additional single-click buttons on the top row, EXPORT SAVED LIST and CLEAR SAVED RECORDS. The latter button is self-explanatory.
- 4. The researcher then clicks on EXPORT SAVED LIST. A new screen opens with three boxed categories, FORMAT OF LIST, SEND LIST TO, and YOUR LIST OF SAVED RECORDS. The radio buttons under FORMAT OF LIST are self explanatory, except for MARC, which is an exceptionally detailed citation.
- 5. The researcher will want to select, with a single click, the **FULL DISPLAY** radio button.
- 6. Under SEND LIST TO are also three radio buttons, E-MAIL, SCREEN, and LOCAL DISK, and a data entry window. E-MAIL is for e-mailing the list to an address the researcher inputs into the data entry screen. SCREEN sends the saved list to a new screen (for a keyboard PRINT SCREEN function). LOCAL DISK is for exporting the list to any disk drive on the researcher's own home system (or, if at the library, exporting to that machine's floppy drive).

The BROWSE SEARCH button on the main catalog page is analogous to using the old card catalog file. This is especially helpful in cases where the titles and authors are known but the exact spellings are uncertain. It is also useful if the researcher wishes to see an alphabetical listing of the catalog. In the BROWSE search window there is a data entry window under ENTER SEARCH TERMS and two drop-down menu selection windows, CHOOSE SEARCH TYPE and CHOOSE COLLECTION, as well as the SUBMIT YOUR SEARCH button for browse searches. The CHOOSE COLLECTION drop-down menu offers a choice of either Houston Public Library or HALAN holdings. The CHOOSE SEARCH TYPE drop-down menu offers ten types of searches, but for most purposes, researchers will only care about NAME, TITLE, SUBJECT, and SERIES. The following example demonstrates the nature of the BROWSE SEARCH.

- The researcher has decided to see what books by Winston De Ville are in all of the immediate libraries. Under CHOOSE COLLECTION, the researcher selects ALL LIBRARIES.
- The data entry window under ENTER SEARCH TERMS is cursor selected and (all punctuation omitted) "de ville" is typed.
- Then the SUBMIT YOUR SEARCH button is single clicked.
- 4. A new screen opens with three choices (all links): "De Ville Kenneth Allen 1955," "De Ville Winston," and "De Villneuve Justin." Then, single click on the link, "De Ville Winston."
- 5. A new screen opens which has five single-click buttons at the top: NEXT PAGE, EXTENDED DISPLAY, RETURN TO BROWSE, ANOTHER SEARCH, and LIMIT THIS SEARCH. In addition, the researcher discovers that there are 46 titles by Winston De Ville to browse.
- The researcher decides to see what De Ville has written on Acadians. Single click on the LIMIT THIS SEARCH button.
- A new screen opens. At the bottom left of this screen is another drop-down menu with WORDS IN THE TITLE in it and a data entry screen beside it.
- Single click on the downward pointing arrowhead, then cursor select and click on WORDS IN THE SUBJECT.
- 9. Then cursor select the data entry screen beside it and type "acadia."
- 10. A new screen opens with three titles. This screen allows the researcher to save the titles as in the above **BROWSE** search for export or to return to the previous list of 46 titles (via the **RETURN TO BROWSE**, etc.).

With this faster, user-friendly interface for the library catalog, Clayton patrons should find their research efforts made easier and more efficient.



President's Message

As the November meeting draws near, it's time to elect a new set of officers for the year 2000 and to look back over the progress we have made.

I hope that we've rubbed shoulders with some potential new members, kept the 'regulars' happy and inspired, and that the ones whose membership has lapsed have done so because of other immediate needs and that they will return to us soon.

Our members continue to be generous. One member donated the funds for a motorized microfilm reader. It has arrived, and it seems to always be in use. Another generous individual donation was for the purchase of 1920 Soundex for Hawaii. At the October 20th board meeting, we discussed the need to update the list of Soundex films needed. Since donors are constantly filling in the gaps, the list just never seems to be current. And, members are always on the look out for

new items and collections that they'd like to help purchase.

As usual, this issue of the newsletter has some good articles on current Clayton references. And, I'll personally be carrying a copy around the library, using both the Virginia and Pennsylvania information to see what I've been missing in my research in these areas.

We hope to see you November 13th, perhaps at the December seminar, and hope that you will watch the mail for your dues notice for the year 2000—and respond promptly.

As president these last two years, it has been fun, challenging, educational, and I often felt like a ringmaster with at least three rings going at once. But, I wouldn't trade the experiences of working with the members, the board, and the library staff for anything. Please keep up your support for our incoming board. Thanks.

Pat Metcalfe

The editor wishes to thank John Dorroh, Susie Gay, and Pat Metcalfe for their outstanding support as assistant editors during the past year. Thanks are also extended to Margaret Mottley and Jim Younglove for their support in generating the mailing list and for interfacing with the printer/mailer. The newsletter is a team effort that succeeds only because these people work behind the scenes to support the production process. We have also been fortunate this past year in having the support of several very talented authors who have contributed original material to the newsletter or who took on special assignments to bring to print interesting information about Clayton Library. Sincere thanks to all of you.

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