

SAN RAMON VALLEY

GENEALOGICAL

SOCIETY



NEWSLETTER

P.O. Box 305
Diablo, CA 94528-0305

President: Frances Lloyd
Editor: Dorothy Stanton

Meetings: 10 a.m.
3rd Tuesday of month
(except August & December)
Danville Women's Club House
242 W. Linda Mesa Avenue
Danville, CA 94526

Volume VIII No. 7

FEBRUARY 1993

● NEXT MEETING: FEBRUARY 16, 1993

JUDY SVOBODA, a University of Illinois graduate, will present "Migration Patterns to the Mississippi before 1850". She has been a genealogy lecturer and teacher in the San Francisco Bay Area for more than ten years. Judy is currently president of the Santa Clara County Historical and Genealogical Society.

Her interest in family history was nurtured at an early age by a father who loved history and a mother who loved books. She is in the process of compiling a descendency of the children of Arthur and Lucy (Harmon) Johnson, her ancestors -- an enormous task which, she hopes, will be completed soon!

-- From Sandy Aberer and Bette Kot, Program

● LAST MONTH

by Christine Scott

At the January meeting GRACE SCHMITT, a founder of the Cambria Genealogical Club, displayed and discussed over twenty three forms she uses in her research. Her experience as a volunteer in the Santa Clara Public Library and Santa Clara Co Historical & Genealogical Society enabled her to design forms which are very useful in recording information. She also aids beginners in using the Prodigy program. In addition to the forms Grace created she included those from LDS Church and Dollarhide in the discussion.

She talked about the Family Group Record, the Colonial Ancestor Research Form, the Source Review, Sources Log, Things to Look Up, Will/Probate Extraction, Census Preparation, Census Reminder Form, Questions and Hints, Husband/Wife Form, and Personal Data Form. Looking High and Low, a three page form divided into type of information, where to look for it, and what to look for is a good reference list for research.

To prepare for a visit to the National Archives, obtain catalogs of the films for the

census schedules from 1790 to 1920*. Look at the Guide to Genealogical Research in the National Archives which includes information about population and immigration records on films, military records on films, specific groups records on films and other useful records.

In addition to the Family Group Record LDS developed forms for IGI Extraction and the Social Security Number Area Designation with directions for its use. Dollarhide Systems has created a Reference Family Data Sheet and Extraction Form for the Census.

Grace recommended a researcher take graph paper when visiting a library or archives to copy any form available or design a form for a specific need. A history of major events which indicates the need for filing specific forms is a useful tool. Never take the original document on a research trip.

Packets of the forms Grace Schmitt discussed will be made available. Contact Dorothy Richardson for more information.

*[For information on ordering National Archives publications see page 55.]



MARK YOUR CALENDAR

FEBRUARY

- * 9 - **Tuesday** 10AM Southern Interest Group [see p 53]; 7:30PM Livermore-Amador GS Meeting at Congregation Beth Emek, 1886 College Av, Livermore. Bring old photos to have photographic negatives made. Call Jolene Abrahams 447-9386.
- 10 - **Wednesday** 10AM Irish Interest Group [see p 53]; 10AM East Bay GS at Mormon Center, 4780 Lincoln Av Oakland. A representative of the Family History Center in Oakland will speak about the center's new facilities and give an overview of the collections.
- 11 - **Thursday** 7:30PM Contra Costa Co GS Meeting. Wayne Korsinen presents "John Hay's Eyewitness Account of Lincoln at Gettysburg"
- * 16 - **Tuesday** 10AM SRVGS Meeting; 12:30PM ROOTS III Meeting [see p 53]
- * 17 - **Wednesday** 10AM German Interest Group [see p 53]
- * 23 - **Tuesday** SRVGS Library Trip [see p 55]
- * 24 - **Wednesday** 10AM Publishing Interest Group [see p 53]
- 26 - **Friday** 9AM-1PM San Bruno National Archives Basic Workshop by Rose Mary Kennedy, staff. Call 415/876-9009; cost \$10, 1000 Commodore Dr, San Bruno, CA 94066.
- 27 - **Saturday** 9AM One-day ANGUS BAXTER Seminar at Modesto Centre Plaza, Pistache-Ginkgo Room, 1000 "K" St, Modesto. Fee: \$15. For more information call Gen Soc of Stanislaus Co, Don Wilson 209/869-3966.
- 28 to March 7 Genealogical Research Tour to Salt Lake (call Frances Becker for info)

MARCH

- * 2 - **Tuesday** 10AM SRVGS Board Meeting at Frances Lloyd's. ALL MEMBERS WELCOME!
- * 9 - **Tuesday** 10AM Southern Interest Group [see p 53]; 7:30PM Livermore-Amador GS at Cong Beth Emek, 1886 College Av, Livermore. Program: High Tech and Genealogy. For more info: Jolene Abrahams 447-9386.
- * 10 - **Wednesday** 10AM Irish Interest Group [see p 53]; 10AM East Bay GS at the Mormon Center, 4780 Lincoln Av, Oakland. For info contact Josef Schmitt 510/532-5947 or June Lindquist 510/524-6685
- 13 - **Saturday** 9am-4pm GERMAN RESEARCH SEMINAR by Friedrich Wollmershauser, researcher at Univ of Munich, at Ampex Cafeteria, 411 Broadway, Redwood City; \$17 indiv/\$30 spousal (pre-reg before Mar 3), \$20 at door. Make check payable to San Mateo Co Gen Soc (SMCGS), PO Box 5083, San Mateo, CA 94402.
- * 16 - **Tuesday** 10AM SRVGS General Meeting Speaker to be announced.
- 20-21 **Saturday & Sunday** California Genealogical Society 8th Annual FAMILY HISTORY FAIR at Concourse Exhibition Center, 8th & Brannan Sts. San Francisco. Schedule and Registration Information available at SRVGS meeting.
- * 30 - **Tuesday** SRVGS special one-time Scandinavian Interest Group



PLANNING AHEAD

April 17 - WENDY ELLIOTT Seminar co-sponsored by SRVGS & Contra Costa Co GS. Location: Danville Theater. Details will be announced.

April 24 - Livermore-Amador GS & LDS Church co-sponsor a one-day genealogy seminar at Livermore Stake Building, 1501 Hillcrest Av, Livermore. For info call David or Jolene Abrahams 510/447-9386

April 24-25 **Saturday & Sunday** 10AM to 5PM Amador Valley Quilters' bi-annual show: "Quilted Treasures V" at Alameda Co Fairgrounds Bernal Av & 1680, Pleasanton. Donation: \$4/Adults; \$3/Seniors & Students; Children under 12/Free. Featured: Folk-Art Design "Peaceable Kingdom" Quilt & Kristina Becker's 12 handmade authentic Swedish immigrant dolls.

OFFICERS to Contact

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 Family \$20
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 month except August & December.

SPECIAL INTEREST STUDY GROUPS

CALIFORNIA - Contact Carol Glover 829-7207.

GERMAN - The group will meet 10AM each 3rd Wednesday (only if it follows the general meeting) at Shirley Terry's, 301 Almond Ct., San Ramon (829-7787). Next meeting: February 17. Call Shirley to confirm.

IRISH - Meets 10AM each second Wednesday of the month at Carol Glover's, 333 Goshen Ct., San Ramon (829-7207). Next meetings: February 10 and March 10.

PUBLISHING - Meets on the last Wednesday 10AM. Next meeting: February 24 at Dorothy Stanton's, 501 El Capitan Dr, Danville. Contact Jane Steiner 283-0867.

ROOTS III - Meets 12:30PM on third Tuesdays at Montair School Room 301. Bring a "brown-bag" lunch. Please do not park in the school parking lot. Next meeting: February 16. Contact Cindy Wheeler 743-1322. This group is now an "OFFICIAL" ROOTS III USERS' GROUP. To be put on the mailing list, please contact John Powers (838-2341) or send SASE to him at 651 Doral, Danville 94526 for cost.

SOUTHERN - Meets 10AM each second Tuesday. Next meetings: February 9 at Maryhelen Ewing's; March 9 at Dotti Richardson's. The topic will be general problem-solving in southern states' research. Contact Bea O'Rand 837-1760.

SPECIAL SCANDINAVIAN INTEREST GROUP - One-time meeting on Tuesday, March 30. Details in March Newsletter or contact Carol Glover 829-7207.

RESEARCH TIPS & TIDBITS

● TIPS FROM MEMBERS

FROM THE SOUTHERN INTEREST GROUP: HELP FROM MANUSCRIPT SOURCES: When looking for information about early families in an area where there are few county or census records, look for diaries of any of the neighbors or prominent persons who lived nearby or who traveled through the area. It's possible they may have mentioned your ancestor. Check for social histories in your area of interest for the bibliographies of sources used. For example: *Within the Plantation Household - Black and White Women of the Old South* by Elizabeth Fox-Genovese (U of NC Press, Chapel Hill, 1988) has a comprehensive list of manuscript sources and where they can be found. [Contributed by BARBARA IRWIN & BEA O'RAND]

[EDITOR'S NOTE: See Library & Archives page 55 for information on how to find more manuscript sources using NUCMC]



WHEN WAS

● GEORGE WASHINGTON'S BIRTHDAY?

George Washington's birthday could be written 11/22 February 1731/32 to cover both the Julian and Gregorian calendars in use at the time he was born. The Julian calendar (Old Style) used in Rome and introduced into the Christian world in 325 AD was not quite synchronized with the sun's natural calendar so that, by 1582, the vernal equinox fell on March 11 instead of March 21. The church's calculations for Easter were off, so Pope Gregory XIII revised the calendar. He "made up for lost time" by adding ten days after March 4, 1582; the next day became March 15. And to keep the calendar more accurate, he decreed that leap years would occur only in century years divisible by 4, e.g. 2000 but not 1900.

He made another change that affects genealogists. He

changed New Year's Day to January 1 instead of March 25. So March 24, 1582 was followed by March 25, 1583. To confuse matters more, only Spain, Portugal and parts of Italy made the change in 1582. April 15 in Rome was April 5 in London. France and Catholic Germany soon followed but for over 100 years, the rest of Europe and their territories in the New World, used two different calendars.

Most of Europe changed by 1700 -- a leap year under the Julian but not under the Gregorian system, making the difference 11 days by then. Britain and its colonies held out for another half century; they didn't want the Pope telling them what to do or, as some thought, stealing days from them.

To further complicate matters, some British colonists adopted the Gregorian calendar on their own. Sometimes (but not always) the date would be written 5/16 June 1710. A date written with a double year February 1731/32 indicates (only for the months of January, February or March)

the year is 1731 Julian (Old Style) or 1732 Gregorian (New Style).

Finally, in 1750, British Parliament made the official change to the Gregorian Calendar: after September 2, 1752 would be September 14 and the New Year would begin on January 1 instead of March 25. -- So, if some of your date calculations don't seem to be coming out right, now you know why!

[From information contained in *Unpuzzling Your Past* by Emily Anne Croom, Whitehall VA: Betterway Publications, 1989; ISBN# 1-55870-111-7 \$9.95. Chapter 14 contains much more on using dates to solve research problems.]



LINCOLN'S

BIRTHDAY SPECIAL:

● CIVIL WAR RECORDS
1890 CW VETERAN'S CENSUS- The special 1890 census of Union veterans and their widows is available for the District of Columbia and states (alphabetically) after Kentucky. The others were lost in the fire which destroyed most of the rest of the 1890 census.

● GEORGIA SALT BOOKS - If your ancestor lived in GA during the Civil War, they may be listed on the Salt Books at the GA State Archives on microfilm #73/4. Families who were supplied the scarce commodity of salt are listed by county. Salt could be used in lieu of money for barter. The state intervened in the distribution of salt in order to assure equal access to all. [from Twin Rivers GS 6/91 via CSGA N/L 7/91]

● CW GRAVE LOCATION PROJECT - The US Dept. of Veterans Affairs is working on a project to list the grave locations of all soldiers, persons (male & female) who served the Government of the Confederacy and also the supporting organizations of the Confederacy during the Civil War. Several organizations are collecting the information:

Send information about Confederate Veterans buried outside of Oklahoma to Confederate Grave Location Project, c/o Ricky Snider, P.O. Box 450, Bradford, NY 14815.

Send information about Confederate Veterans buried in Oklahoma to: Oklahoma Confederate Grave Location Project, c/o of Sons of Confederate Veterans, Col. Daniel N. McIntosh Camp #1378, , PO Box 35851, Tulsa, OK 74135.

Send information on Union Veterans buried in Oklahoma to Oklahoma Union Veterans Grave Project, c/o N. Dale Talkington, 2011 Iowa St., Norman, OK 73069 [from Chicago Gen Soc & Middle TN GS Fall 91.]

● CW MEDALS - The Dept of Culture and History of West VA holds Civil War Medals of Honor for soldiers from other states who fought in WV regiments. These unclaimed medals are still stored in the small cardboard boxes in which they arrived from NY in 1866. The Dept. will award the medals to heirs who can provide documentation establishing a line of descent from the Union Army veteran. The list of veterans, as well as further details, appears in WV History vol 45. Contact Dept of Culture and History, Cultural Center, Capitol Complex, Charleston, WV 253305. [San Diego GS N/L] SRVGS members Jim and Irma Dotson obtained one of the medals awarded to an ancestor]

● TENNESSEE CIVIL WAR - Coffee Co, TN Historical Society is collecting information on Civil War participants either Union or Confederate for those who served from Coffee Co. Data sheets are available from the society at PO Box 523, Manchester, TN 37355.

The Cleveland Public Library Staff and volunteers has compiled and plans to publish, *Tennessee's Confederate Widows and Their Families*. There are abstracts from 11,200 Confederate Widow's Application files from the TN State Library & Archives. Over 46,000 names are included along with vital information. Order from "Confederate Widows," PO Box 595, Cleveland, TN 37364. Pre-publication cost is \$45. [CSGA N/L 10:11 Dec 1992]



FROM OUR MAILBOX

[Check the Bulletin Board at our next meeting to see these items for yourself]

FROM:

Raymond Hartnoll Ober, 2287 El Capitan Dr, Riverside, CA 92506 offers to do beautiful calligraphic charts (with photos) to enhance your family history publication or to create a beautiful keepsake to frame. Call 714/682-4084 or write for further info.

National Historical Publishing Co, 209 Greeson Hollow Rd, PO Box 539, Waynesboro TN 38483, offers indexes to military pension files, including a 4-vol Genealogical Abstracts of RW Pension Files. American/Schleswig-Holstein Heritage Soc, PO Box 313, Davenport LA 52805-0313 offers 2 genealogy tours to Germany June 10-24 & July 29-Aug 12.

S. Deveaux, 5643 Paradise Dr #2B, Corte Madera CA 94925 offers a handbook on Care and Preservation of Valuable Family Photographs. (\$12.50 + 2.50 p&h).



LIBRARIES & ARCHIVES

● FEBRUARY LIBRARY TRIP

FROM CINDY WHEELER: The February Library trip will be to the National Archives in San Bruno. Members can meet to carpool at 8AM in back of Lucky's on Diablo Rd in Danville on Tuesday, February 23rd. Those living north of Danville may call Mary Jo Hosteny (932-2244) for an alternate meeting place. In Danville please call Cindy Wheeler at 743-1322 to join us or to cancel carpooling.

- LAST MONTH - Although only four members were able to make the trip to Santa Clara in January, all came away with new "finds" (I even found a lead to my "Charles Brown problem"). Success was due in large part to Judy Svoboda's excellent introduction to the holdings of the Santa Clara Historical & Genealogical Society housed at the Santa Clara Public Library. If you missed the trip, plan a visit on your own sometime.

- Dorothy Stanton

● LIBRARY OF CONGRESS

NUCMC - *The National Union Catalog of Manuscript Collections*, known as "nuc-muck", is the by-product of an ongoing project that catalogs manuscript holdings. More than two dozen volumes to date, describing fifty thousand or so collections held by some thirteen hundred institutions, is a finding aid available in the reference departments of college and university libraries and in larger public libraries. New entries are being added at the rate of two thousand or so per year.

Each volume contains descriptions of collections reported to the Library of Congress by participating

repositories. It is not a comprehensive listing of all archival material. Three criteria determine whether resources will be included: (1) federal libraries such as National Archives, Library of Congress, and presidential libraries are not included; (2) official archives in each state are selectively included to catalog only collections which you would not usually find in their official records; (3) manuscript collections held by the institutions which created them are omitted, e.g. court records housed in the local county are excluded, but a court record located in an unexpected place is included.

Three types of indexes exist for NUCMC to help the user find the material they need: a geographical guide, a repository index, and a subject index.

For a more detailed description of the NUCMC indexes, their uses and limitations, see *National Genealogical Society Quarterly* Vol 77 No 3 Sept 1989. Other manuscript finding aids, NIDS and RLIN, will be described in future SRVGS newsletters.

● NATIONAL ARCHIVES

To order National Archives publications, send \$2 plus \$3 p&h each to National Archives Trust Fund, Publications Services, iW-i, National Archives, Washington DC 20408. Census catalogs are available for 1790-1890; 1900 Census; 1910 Census; and 1920 Census. Also available: the second edition of the "Immigrant and Passenger Arrivals" catalog. The catalog follows the same format as the census catalogs in listing roll-by-roll contents of the schedules and the Soundex for each state and

territory enumerated. Records from the ports of Detroit, Galveston, San Francisco, Seattle, and St. Albans, VT are new listings.

[Other catalogs available are American Indians, Black Studies, Diplomatic Records, Genealogical and Biographical Research, Military Service Records]

To PURCHASE MICROFILM, call National Archives Publication Sales 202/501 5240. To order, you need to know the "Micro-code" number and the roll number in that series. NA film can also be purchased from Scholarly Resources 800/772-8937 [same price as Archives but probably faster] and AGLL [35% less], PO Box 244, Bountiful UT 84010.

● FAMILY HISTORY

LIBRARY AMNESTY RECORDS

FHL has microfilmed records of 14,000 Confederate army troops requesting amnesty. Included are information on birth date, residence, other miscellaneous information.

CONFEDERATE BURIALS IN NY

Check LDS Film #0896803 item 3 "List of Confederate Soldiers buried in Woodlawn Cemetery at Elmira NY". In 1861 Elmira was a training and marshalling center for Union soldiers. As the barracks emptied it was turned into a prison camp. Between July 1864 and Aug 1865 about 12,000 men were confined; about 2950 died. An escaped slave John Jones was Sexton and kept a record of burials. In 1907 the Fed'l Government erected markers at each grave [Decatur IL GS J/F '92]

GERMAN PASSPORT and visa records covering the period 1845 to 1920 have been filmed by the FHL. The film number is 1,125,018. [Zichron Note, XII:4]



● OAKLAND ARCHIVES

Archivist Randy Jones, at the office of the Oakland City Clerk, announced that the City of Oakland received a significant grant from the National Historical Publications and Records Commission (NHPRC) to implement a records management and archives program during a 18-month period that will be continued by the City of Oakland afterwards. Two of the goals of the program will be increased and centralized access to the City's historical records and better preservation of these records for the next generation's use.

Mr. Jones envisions a private, non-profit "Friends of the Archives" group. Further details can be requested from the City Clerk's Office (510/238-3611), City Hall, One City Hall Plaza, Oakland, 94612. [East Bay GS N/L]

● KENTUCKY STATE ARCHIVES

The latest Nat'l Archives microfilm release to KY is Correspondence from KY to the federal Justice Dept. 1872-94. The letters cover such topics as appointments & resignations of local officials, matters related to CW pension applications from Union veterans or their widows. The film is open to visitors in the research room of the Archives in Frankfort. [From Bulletin of KY Hist Soc Apr 91, contrib. by NANCY WILLIAMS]

● VIRGINIA STATE ARCHIVES

Researchers unable to find persons who served in the Revolution on Federal Pension records might check the VA State Pension Records. The VA pension was higher than the Federal, so 465 former RW soldiers and/or their widows chose the VA pension. [Danawha WV GS 8:90 via CSGA N/L Feb 1993]

GOING TO SAN BRUNO?

● WHEN YOU CAN'T FIND HIM IN THE CENSUS!!!

It's frustrating when you're sure they should be there. This article, though long, gives a few hints that might help find your person's name -- assuming the census taker didn't just get too tired to trudge up that long road. [From Ohio Genealogical Society Newsletter Vol XIV No 1 via EBGs N/L Vol X No 3. No author was credited. [Comments in brackets are from SRVGS editor.]]

The most obvious step to take if you can't find your family in an index to a particular census is, of course, go through the census itself, name by name by name. Indexes are made by human beings, and are apt to skip over names, misread them, or put in the name twice. [If more than one index is available, check them all] If you do have an index, and can't find your ancestor, it also helps to read the introduction to make sure that your ancestor would have been indexed in the first place.

A prime example is the 1880 Soundex, which many people assume includes all families. However, the 1880 Soundex includes ONLY those families which had a child aged 10 or younger.

Another way to combat the problem is to "play around" with the supposed surname. We have all heard that surnames can be spelled in different ways, but it is often hard to think of different ways to spell the surname you are interested in. If you can't think of alternate spellings, ask other genealogical friends, or your neighbors. Ask them to spell the name you are interested in - and you'll be surprised at the range of answers you will get. [Try asking a child to spell it!]

If the surname you are researching starts with a vowel, that gives you another possible "door". If, for instance, the name you are working on is Owens, take the last letter (or clear sound) of the Christian name, and "tack it on" the front of Owens. Thus, if your ancestor's name was Richard Owens, look under Dowens and other spelling variations. John Owens could have been misunderstood as John Nowens.

Conversely, the surname of Owens could have ended up as Wens - and the "O" might have migrated to the end of the Christian name, or gotten lost altogether.

There are, of course, many letters which got "switched" somewhere between the census taker and the family. The "S" and "Z" are examples, as are "P" and "B", "V" and "W", "C" and "K", or "C" and "S". If you just listen to a name, you can come up with all kinds of switches that might have been used.

If you are actually looking at the census records, and can't find your people, begin to play around, visually, with the capital letters, especially if the census taker liked to use initials rather than full names. The "W" and the "H" often look very much alike, as do the "L" and "S". If you are having difficulty reading something, look up and down at other names to see if you can match the letter you are trying to figure out. The "I" and "J" are occasionally impossible to tell apart, by the way, because some census takers did not bring the "J" down below the line, thus these two capital letters would end up exactly alike. Also, watch out for the similarity between the "F" and "T".

If you think you have found the family you are looking for, but your particular ancestor isn't listed with the family, make sure that your ancestor wasn't listed under their middle name. If a boy was named Frank Thomas Johnson, he could have appeared on the census as Frank Johnson, as Frank T. Johnson, as Thomas Johnson, or as Thomas Frank Johnson.

This particular problem points up the absolute necessity of always writing down the full name of each of your ancestors; for all you know, the names could have gotten switched around, either by accident, or by design.

For that matter, a last name can get indexed as the first name, and vice versa. So you should check under the first name in an index if you can't find the person you are after. And if that doesn't work, break down the surname you are working on into syllables and try that way, especially if you are looking for a long surname - maybe the census taker didn't hear part of the name - or maybe the family "swallowed" it!

Any way you look at it, there are all kinds of tricks you can use to find that ancestor who was "temporarily misplaced" - good luck!



BOOK REVIEW

by Mary Jo Hosteny

TRACING YOUR ANCESTORS IN THE PUBLIC RECORD OFFICE by Jane Cox and Timothy Padfield. Pub London, Her Majesty's Stationery Office, 3rd ed., 1985, soft cover, 114 pages.

The Public Record Office in England houses one of the most complete archives

in Europe, comprising the records of the central government and law courts from Domesday Book to the present century. The main collections of birth, marriage and death records are held elsewhere, so you should discover as much as possible about your family in advance to speed up your research in the PRO.

The PRO has 3 repositories; Modern Departmental records in Kew, Richmond, Surrey; Medieval and Early Modern records and all legal records in Chancery Lane, London, and Census Returns only at the Census Room of the PRO in the Land Registry Building in London.

In general, the genealogist wants to search the public records for the following purposes: to consult the census returns, to trace non-conformist birth, marriage and death records before 1837, to trace ancestors who may have had some connection with the crown, to find wills of wealthy ancestors before 1858, to find 18th century London marriages not recorded elsewhere; to find ancestors leaving or entering the country; to trace criminals or bankrupts, and to search parish registers before the 16th century.

Service records of the British Army are in the PRO, mainly covering the years 1660-1913. Comprehensive details are given for tracing the record of any British servicemen.

As to emigration, passenger lists are very rare before 1800 and there was no series kept until 1890. Many emigrants had assistance with their passage from the parish under the provisions of the 1834 Poor Laws. The records are arranged by counties and Poor Law Unions.

These and various other search aids are described in detail in this excellent little book for anyone planning to research in the PRO. Bibliographies are extensive and should be of considerable help for before-going research. The Appendix has a Question and Answer aid for the potential researcher, and a useful list of addresses for possible help. Highly Recommended.

* * * * *



MEMBERSHIP NEWS

● WELCOME TO NEW MEMBERS:

BOLINGER, MYRA POTTER, 3354 Stagecoach Dr, Lafayette 94549-1820 (946-9332). Researching POTTER, NY 1700's; MOORE, VT 1700's.

BRECHTEL, SHARON, 58 Wood Ranch Cir, Danville 94506 (736-8791). Researching LENOX, NY; MANNING, NY & PA.

☞ CONDOLENCES ☞

SRVGS wishes to express its sincere sympathy

to FRANCES BECKER in the death of her husband, Bernard, in January;

to the family of CHARLES GRAVES, former SRVGS member, who died in November 1992.



CONGRESS BROADENS FAIR USE LAW

Congress passed and the president has signed into law H.R. 4412, a bill to clarify the application of the "fair use" doctrine to unpublished materials.

Section 106 of title 17, US Code, was amended by adding the following sentence: "*The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the factors set forth in paragraphs (1) through (4).*" Paragraphs 1 through 4 provide four factors that the courts are instructed to consider in making "fair use" judgments: the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes; the nature of

copyrighted material (whether published or unpublished); the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and the effect of the use upon the potential market for or value of the copyrighted work.

The amendment was enacted in response to recent court decisions holding that there can be no fair use of unpublished materials in ordinary circumstances and that unpublished primary source materials "normally enjoy complete protection" from any fair use quotations. The effect of these decisions was to deter historians, biographers, and family historians from using any direct quotations from diaries, letters, and other unpublished materials.

The National Coordinating Committee for the Promotion of History reports that there were differences in interpretation of the effect of the amendment between the House and Senate sponsors. Since the House Report seemed to endorse a narrow view, several Senators made a joint floor statement at the time the Senate passed the House bill to emphasize their legislative intent. The statement made clear that the purpose of HR 4412 was to "undo the harm caused by the overly restrictive standards...and to clearly and indisputably reject the view that the unpublished nature of the work triggers a virtual per se ruling against a finding of fair use.

[National Genealogical Society Newsletter 18:6 Nov-Dec 1992]

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FIRST CLASS MAIL