

**EXAMPLES USING PROOF ARGUMENTS IN A LINEAGE
(IN ACCORDANCE WITH SDUSMP GENEALOGY COMMITTEE POLICIES)**

Proving a parent-child relationship between a proven ancestor (“X”) and his or her parent (“Y”) where the relationship was created before *slavery was abolished* and no direct evidence* is available:

- 1870 census indicates that X was born in the same area where he or she was enumerated in 1870: For example, both persons were born in Waccamaw, SC, and enumerated in Waccamaw Township, Georgetown County, SC.
- X appears in the same 1870 census household as Y, and the ages of both subjects are consistent with a parent-child relationship: For example, Y ‘s age was given as 39 and X’s as 15.
- No other person with the same given name as X appears in the 1870 census for the same area.
- X and Y appear in an apparent family group on a pre-1870 record: For example—
 - A Freedmen’s Bureau labor contract records Y and a spouse with a boy or girl by the name of X; or
 - A Will or other record in a probate file groups X and Y together without identifying their relationship.
- No evidence was discovered to suggest that X’s ancestors were free before the Civil War.
- Any other background information relevant to the determination regarding the relationship between X and Y: For example, commentators have noted that “Few black families from elsewhere sought residence in South Carolina . . . at the time of emancipation.¹” Thus, making it reasonable here to proceed on the premise that X’s ancestors lived on the Waccamaw Neck during slavery.

An example of an ancestor who was born in a Northern state when a law for gradual emancipation was in effect and no direct evidence of enslavement was discovered:

- New Jersey law required County clerks to “record slave manumissions (freedom papers) beginning in 1786, and the "Act for the Gradual Abolition of Slavery" in 1804 required the recording of births of children of slave mothers. The State Archives' holdings of

* Direct Evidence would include but is not limited to vital records such as a birth or death certificate, or a statement in an enslaver’s probate file.

¹ Janis Walker Gilmore, NGS Research in the States Series: South Carolina, (Arlington: National Genealogical Society 2011), 19.

slave-related filings vary depending on the county. Additional records may be available in county clerks' offices.”²

- The 1820 “Act for the gradual abolition of slavery . . .,” provided—
That every child born of a slave within this state, since the fourth day of July, one thousand eight hundred and four, or which shall hereafter be born as aforesaid, shall be free, but shall remain the servant of the owner of his or her mother, and the executors, administrators, or assigns of such owners, in the same manner as if such child had been bound to service by the trustees or overseers of the poor, and shall continue in such service, if a male, until the age of twenty-five years, and if a female, until the age of twenty-one years.³

In view of the applicable law, a 27-year-old man who was enumerated as a Free person in New Jersey in the 1850 federal census was approved as an Honored Ancestor, where:

- The census records indicates that he was born in New Jersey;
- The statute continues *de facto* enslavement (for example, as here, requires the child to “*remain the servant of the owner of his mother*”) for a prescribed period;
- His age is consistent with the presumption that he was born after 1804 into slavery but has reached the age when freedom is granted: here, the subject was born in 1823 and is older than the prescribed age of 25;
- He did not appear on a free schedule in a federal census record before 1850; and
- No evidence was located that is inconsistent with the conclusion that the subject was born to an enslaved mother. (Other evidence would include surviving documents in State Archive holdings regarding slave manumissions.)

An example where a parent child-relationship was NOT proved but an application could still be approved based on a later generation:

- Y is identified as the enslaved father of X who was also enslaved, but no source cites Y as the father’s given name.
- The application cites a source with a different given name (Z) and a middle initial that is the same as the first letter of Y’s name.
- No oral history regarding Y’s use of Z as a given name is asserted.
- The *only* evidence offered in support of merging the identity of Y and Z is—
 - A descendant was named Z with a middle initial that matched Y’s name; and
 - After slavery, a person with the given name X lived next door to a fourth person with the same surname (W):
 - W was named as an enslaved person in a same-named slaveholder’s probate file; and
 - A person named Z (not Y) appeared in the same lot as A.

In such a case, the application would be approved based on X’s status as an Honored Ancestor (rather than Y’s).

² *State of New Jersey Department of State*, “Records Relating to Slaves and Children of Slaves” (<http://www.nj.gov/state/archives/catsuslaves.html> ; accessed 12 April 2017).

³ *The New Jersey Digital Library* “The Law of Slavery in New Jersey” (<http://njlegallib.rutgers.edu/slavery/acts/A87.html> : accessed 12 April 2017).